



ORDINARY MEETING OF COUNCIL

SUPPLEMENTARY AGENDA

16 DECEMBER 2015

**ORDINARY MEETING OF
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10. EXECUTIVE OFFICE REPORTS

10.1 Regulation of Temporary Signage

Date: 10 December 2015
Author: Stephen Hart, Manager Administration & Executive Operations
Responsible Officer: Ian Flint, Chief Executive Officer

Summary:

The purpose of this report is to update Council on the regulation of temporary corflute signs in the Lockyer Valley Regional Council area. Such regulation can be achieved through the local law framework following minor amendment to definitions within the existing planning schemes. The Parameters defined by Council at the 11 November 2015 including the need for an application, penalties and bond payments make the changes substantial. This will require the Local law process involving public consultation. To facilitate the regulation of temporary signage in the interim a draft policy is proposed for Council's consideration.

Officer's Recommendation:

THAT the Chief Executive Officer proceed with drafting the changes necessary to the Subordinate Local Law 1.4 (Installation of Advertising Devices) 2011 for further consideration by Council to ensure enhanced safety and amenity with respect to temporary signs;
and further;
THAT Council adopt the Placement of Temporary Signs Policy as an interim measure until such time as the amended Subordinate Local Law can be implemented.

Report

1. Introduction

Council have been seeking the optimal means of regulating the placement of temporary signs in the local government area. This regulation is to address safety and amenity issues that can arise with the proliferation of temporary signs relating to events in the Region.

The regulation of such signage can be achieved through amendment to Council's Subordinate Local Law No 1.4 (Installation of Advertising Devices) 2011. Unless amendments are insubstantial, amendment to such local laws follows a specified process.

2. Background

This matter was considered at previous Council meeting where Council expressed an interest in regulating the placement of temporary signage. A question raised at that time was whether or not the management of such signs was best carried out through the planning scheme, by policy/guideline or through the local law process.

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At the meeting of 11 November 2015 Council determined that this matter was best regulated through the local law process. Council defined a number of parameters that they were seeking to achieve with respect to the placement of temporary signs. These included that the local law was to:

- Apply to both public and privately held land
- Limit the size of temporary signs
- Limit the number of temporary signs
- Address the timeframes for the display of signs around particular events
- Require an application to be made to permit signs
- Require a bond payment , and
- Provide for penalties for the breach of the prescribed activity.

3. Report

Council previously resolved to draft changes to the Planning Schemes to make it clear that the planning schemes do not regulate temporary advertising signs. Those amendments will be made when the subordinate local law is drafted for adoption.

Subordinate Local Law 1.4 (Installation of Advertising Devices) supplements Local Law No.1 (Administration) which provides the regulatory framework for regulation, administration and enforcement of Local Laws. The Subordinate Local Law provides for the granting of approval for a range of advertising devices specifying those that require approval and those that are permitted and installed in accordance with prescribed criteria.

40 different types of advertising devices are defined. For each type there are also prescribed criteria that must be met for the sign to be installed. If a sign is one of those types and is outside the scope of the criteria provided, an application would be required for the advertising device. To date Council has not any administrative process in place to deal with such an application. There are no application forms and no policy or guideline as to how such applications would be assessed.

At present the Subordinate local law does deals specifically with real estate signs, community organisation signs and garage sale signs. However, it does not presently cover election signage.

In accordance with the *Local Government Act 2009*, Council is not able to prohibit the placement of election signage but is able to regulate the placement of election signage in certain circumstances.

Lockyer Valley Regional Council's Subordinate Local Law No 1.4 (Installation of Advertising Devices) 2011, provides a platform for Council to regulate the placement of election signage. As election signage is not currently included in Schedule 3 of that local law placement of election signage is not specifically regulated.

As previously resolved at Council the Subordinate Local Law will be amended to include temporary election signage and criteria for erection/placement will be included in Schedule 3.

Officers now have guidance on the parameters to be considered in the amendments.

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It is considered that these matters can be lawfully addressed by amendment to the Subordinate Local Law.

Council's Solicitor has advised that the addition to the Subordinate Local Law (as per the parameters defined by Council's resolution) of a further category for election signage, along with the requirement for a bond and for penalties (in the event of non-compliance) is a substantive change.

As a substantive change the process to amend the Local Law will need to be in accordance with the *Lockyer Valley Regional Council Local Law Making Process* previously approved by Council.

This Process is a 10 step process that involves periods of public consultation, state government referral and gazettal. These amendments will be prioritised for amendment in the next round following the car parking local law and the other high priority local law which relates to animal management. As such the implementation of the amended local law will take a period of time.

To enable the regulation of temporary signage in the interim a Policy has been drafted that seeks to deal with the Placement of Temporary signs. This Policy could be reviewed following implementation of the changes to the Local Law.

4. Policy and Legal Implications

As indicated above, the Council Solicitor has advised that the amendments to the Subordinate Local Law required by Council following the previous Resolution are substantial in nature. As such the process to be followed has been specified by recent Council resolution approving the *Lockyer Valley Regional Council Local Law Making Process*. This process involves periods of public consultation, state government referral and gazettal.

Section 36 of the *Local Government Act 2009* provides Councils cannot prohibit the placement of election signs or posters. However Council is able to regulate this activity.

It should be noted that Council is unable to regulate the placement of election signage on private land unless there is a bona fide safety issue or there is an overwhelming amenity impact.

As an interim measure Council can consider the adoption of the attached policy on Temporary signage. This will provide a framework for the regulation of election signage in the interim.

5. Financial and Resource Implications

Budget and resource implications will continue to be addressed through existing allocations. The content of the report does not alter current budgetary requirements. It should be noted that further regulating and enforcing the placement of temporary signage will impact on the staff resources of council.

6. Delegations/Authorisations

The CEO already has authority to draft changes to the Subordinate Local Law for Council consideration.

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7. Communication and Engagement

If a subordinate local law is required to be substantially amended, a resolution will be required to make that change. This will initiate a process including public consultation.

8. Conclusion

Council is able to regulate the placement of temporary signage. Amendments to definitions in the Planning Schemes will clarify the local law framework. The existing Subordinate Local Law regulates real estate, community, event, and garage sale signs but not election signage. That local law will be amended as per previous Council resolution. The changes are substantial so will be required to go through the existing Law Making Process. A Policy on Temporary signage will assist with the regulation of these signs in the interim period.

9. Action/s

Amendments to Subordinate local law 1.4 be developed to address temporary signage.

The Temporary signage policy be introduced and communicated.

Attachments

1 [View](#) Policy- Placement of Temporary Signs 2 Pages

Policy document

Strategic/Governance ##

Placement of Temporary Signs

Head of Power

Local Government Act 2009

Local Law No.1 (Administration) 2011

Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2011

Key Supporting Council Document

The policy also supports the Lockyer Valley Community Plan 2012 - 2022 strategic priority, to "uphold principles of good governance and transparency in decision making".

Definitions

Temporary Signs - are any freestanding device, including corflute signs, used for advertising or marketing purposes relating to events, elections or community functions.

Policy Objective

The objective of this policy is to outline Lockyer Valley Regional Council's approach to the use and management of temporary signage on, and visible from, local government controlled areas, facilities and roads.

Policy Statement

Council strives to provide for the safety of all road users within the region and also seeks to maintain the amenity of our road environs. The use of local government controlled areas, facilities and roads should also cater for community access and allow for appropriate use of temporary signs under certain conditions.

Signs generally are regulated by:

- The relevant Planning Scheme
- Local Law No.1 (Administration) 2011
- Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2011

Further to relevant legislation, this policy provides specific requirements relating to the regulation of temporary signs. This regulation will be applicable to local government controlled areas, facilities and roads as well as to temporary signs on private land where a significant impact on safety and amenity can be demonstrated.

Council may use its powers as a road authority, and as an occupier of other public places under Council control, to remove temporary signs of any kind that are placed on these areas without consent or approval.

Group: Governance & Performance
Unit: NA
Approved:
Date Approved:

Effective Date:
Version: 1 Last Updated: 1/12/2015
Review Date:
Superseded/Revoked: NA

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Policy document

Strategic/Governance ##

Placement of temporary signs on local government controlled areas, facilities or roads is prohibited where the signs cause a safety hazard, have the potential to distract road users or detrimentally affect the amenity of the area.

The placement of temporary signs may be approved by Council. Key assessment criteria, in addition to applicable requirements of Subordinate Local Law No.1.4 (Installation of Advertising Devices) 2011, are that temporary signs:

- Must be non-rotating and must not be illuminated or incorporate reflective or fluorescent materials
- Must be located as close as practicable to the property boundary and parallel to it;
- Must not distract motorists or restrict sight distances on approaches to intersections or otherwise impact on safety of road users including cyclists and pedestrians
- For a particular event, election or function must not number more than 25 in total for the local government area
- Must not have a face area in excess of 0.6 sq M

An applicant may apply to the Chief Executive Officer for approval to the placement of temporary signs under this policy.

Related Documents

Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2011

Subordinate Local Law No. 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2011

Queensland Government (Transport & Main Roads) Election signage in state-controlled road corridors.

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13. CORPORATE AND COMMUNITY SERVICES REPORTS

13.1 Management of Mobile Food Vans

Date: 14 December 2015

Author: Peter Driemel, Manager Health, Waste and Regulatory Services

Responsible Officer: David Lewis, Executive Manager Corporate & Community Services

Summary:

The purpose of this report is to assess the need for a Procedural Policy for Mobile Food Vans and to assess and amend current annual licence fees to ensure consistency for commercial operations on Council controlled areas and roads.

Additionally the reports seeks Council approval of an application for use of a Council area under Local Law Local Law 1 (Administration) 2011 and Subordinate Local Law 1.2 (Commercial Use of Local Government controlled areas and roads) 2011.

Officer's Recommendation:

That Council resolves to:

- a) Amend its 2015/2016 Fees & Charges for stationary roadside vending not associated with an adjoining commercial/rural operation from \$300 to \$1,560 and include a note indicating that the design assessment for Mobile Food Premises will be applicable if food is involved in the application for the commercial use of Local Government controlled areas and roads;**
- b) Approve the application for the commercial use of a Council area, namely Council Reserve 253 (Lot CP884760) (Lions Park carpark) in Vaux Street Laidley for the purpose of a mobile food van (Judy's Pie Van) with the issue of a twelve month permit, subject to the amended fees being paid and in accordance with the provisions of Local Law 1 (Administration) 2011 and Subordinate Local Law 1.2 (Commercial Use of Local Government controlled areas and roads) 2011; and**
- c) Maintain its current position in the use of the provisions of Local Law 1 (Administration) 2011 and Subordinate Local Law 1.2 (Commercial Use of Local Government controlled areas and roads) 2011 as well as its Fees and Charges to manage the commercial use of areas and roads under its control.**

Report

1. Introduction

Council is an elected body that is responsible for the good rule and local government of a part of Queensland. Thus Council is required to establish and enforce suitable Local Laws and

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subordinate Local Laws as promulgated under the provisions of the Local Government Regulation 2012 to manage commercial operations for areas and roads under its control.

2. Background

Prior to and during part of 2011, where a person sought to use Council roads and parks for commercial purposes, an application under Local Law 9 (Parks & Reserves) was required to be made seeking Council approval. In the latter half of 2011, a new model local law and subordinate local law was adopted by Council which then superseded Local Law 9 (Parks and Reserves). The new local law increased the criteria for considering an application for commercial use of Council's controlled areas and roads.

Local Law criteria now includes:

- *Must be a public demand for the activity*
- *Activity must suit the location*
- *Activity must not:*
 - *unduly interfere with proper use of Council area or road*
 - *cause nuisance, inconvenience or annoyance to neighbours, traffic or pedestrians*
 - *have detrimental effect on the amenity of the surrounding area*
- *IF the activity is mobile roadside vending or stationary roadside vending, then*
 - *whether the activity is competitive with business activities from fixed premises in the Council area.*
 - *whether the activities from fixed businesses are sufficient to meet public demand for the goods & services proposed to be sold by the proposed activity.*
 - *whether the approval will result in substantial competition with fixed premises.*
 - *whether the goods or services sold are available for sale from fixed premises near the location of the proposed activity.*

From a previous Council Resolution (No 2216) Council sought to have a policy presented for a future meeting of Council in regards to Mobile Food Vans in the region.

Annexure A – sets out Fees and Charges 2015/2016 appropriate for assessments and annual permits for a range of activities.

Annexure B – lists Local Governments and the status of a procedural policy for the management of mobile food vans.

3. Report

Council has received an application for use of a Mobile Food Van on Council Reserve 253 (Lot CP884760) (Lions Park) in Vaux Street Laidley under the provisions of Local Law 1 (Administration) 2011 and Subordinate Local Law 1.2 (Commercial Use of Local Government controlled areas and roads) 2011.

The location being sought for consideration by Council was previously approved by Council resolution on 14 September 2011 under a repealed Local Law. The owner of the business

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was granted a twelve month permit; however, they have since ceased operations and therefore use of the site.

The applicant holds a current Mobile Food Licence (issued by Ipswich City Council) and operates two mobile food vans. One business is operating in Ipswich and the other is attached to this application as detailed above.

Fees paid by the applicant are in accordance with Council's present Fees and Charges; however, these fees are much less than those for a Mobile Food Vendor.

A review of the current Fees and Charges 2015/2016 showed the relative fees are not consistent when considering the application fee for a "Stationary Roadside Vending not associated with an adjoining commercial/rural operation" compared to a "Mobile Roadside Vending Operation" – that is \$300 and \$1,560 respectively. Given that both mobile businesses use an area or road under Council's control, it is considered appropriate that the fees applicable align.

At a Council workshop on 9 December 2015, Council representatives indicated that generally fees for commercial use of its areas or roads should be comparative to commercial business rates and utility charges.

In relation to the need for a procedural policy, it is considered that the provisions of Local Law 1 (Administration) 2011 and Subordinate Local Law 1.2 (Commercial Use of Local Government controlled areas and roads) 2011 as well as Council Fees and Charges give sufficient direction to enable Council to manage the commercial use of areas and roads under its control. An assessment of other Local Governments revealed that the majority do not use a policy for mobile food vans.

4. Policy and Legal Implications

Policy and legal implications continue to be managed through Local Law 1 (Administration) 2011, Subordinate Local Law 1.2 (Commercial Use of Local Government controlled areas and roads) 2011 and the Local Government Regulation 2012.

5. Financial and Resource Implications

Budget and resources implications will continue to be addressed through existing budget allocations.

6. Delegations/Authorisations

No further delegations are required to manage the issues raised in this report. The Executive Manager Corporate and Community Services will manage the requirements in line with existing delegations.

7. Communication and Engagement

The matters arising from this report that require further communication will be addressed through existing communication channels.

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8. Conclusion

The report shows that there are some inconsistencies with the current Fees & Charges in respect to the commercial use of Council's areas and roads. As a result an amendment to the Fees and Charges for 2015/2016 should be considered as detailed in Annexure A.

The application for a mobile pie van to be sited on Council Reserve 253 (Lot CP884760) (Lions Park carpark) in Vaux Street Laidley be approved with the issue of a twelve month permit, subject to the amended fees being paid and in accordance with the provisions of Local Law 1 (Administration) 2011 and Subordinate Local Law 1.2 (Commercial Use of Local Government controlled areas and roads) 2011.

The current Administration Local Law and Subordinate Local Law 1.2 (Commercial Use of Local Government controlled areas and roads) 2011 are adequate for Council and its officers to manage the commercial use of areas and roads under its control without the need to develop a procedural policy.

9. Action/s

1. Update Council's Fees and Charges.
2. Advise the applicant of Council's decision in relation to their application for a mobile pie van.

Attachments

1 View	CART Commercial Use of Local Government controlled areas/roads - Mobile Food Van	3 Pages
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Annexure A:

Fees & Charges 2015/2016 set out the fees appropriate for assessments and annual permits for a range of activities.

LVRC Cost Recovery Fees and Charges 2015/2016		Suggested Amendment
3. Health and Regulatory Services	Fee 2015/2016	
3.1 Commercial Use of Local Government Controlled Areas & State/Local Roads (Subordinate Local Law 1.2)		
Application, plans & fees must be lodged, & plan approval given prior to any construction (& permit issued prior to any business operations). Pre-lodgement meetings are recommended.		
If the activity involves the selling of food then a separate Food Licence is also required. In addition, separate fees are required to be paid for such permit/licence.		However the Design Assessment for Mobile Food Premises will be applicable.
Design Assessment	\$200.00	Application (Design) Assessment
Permit Fee		
Stationary Roadside Vending not associated with an adjoining commercial/rural operation (e.g. pie/seafood/fruit & vege sales at specific location).	\$300.00	\$1,560.00
Stationary Roadside Vending associated with an adjoining commercial business (e.g. shop using footpath to display or sell goods/wares).	\$50.00	
Stationary Roadside Vending – Farmers associated with growing & selling fruit & vegetables produced solely from the land adjoining the roadside location. Such operations require an initial assessment approval & a permit.	Nil	
Mobile Roadside Vending (e.g. mobile ice-cream van)	\$1,560.00	
Footpath Dining	\$50.00	
Markets (with the main purpose to sell goods/services for profit/gain which can involve having a number of stalls/rides/displays, operated by either single or multiple operators).		
Per event in a 12 month period (e.g. weekly (52) or monthly (12))	\$10.00	

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	Markets/Fairs/Public activities with the main purpose to fund raise (not for profit) or promote, eg display of goods, street parade, ceremonies, fund raising, cake stalls, information booths, etc. includes when operated by a not for profit organisation having a number of stalls/rides/displays, operated by single or multiple operators as part of the event are administered under Subordinate Local Laws 1.14 or 1.12.	Refer to Clause 3.6 or 3.7	
3.8	Food Act 2006		
3.8.2	Mobile Food Premises		
	Design Assessment		Application/Design Assessment
	Application, plans & fees must be lodged, & plan approval given prior to any construction (& licence issued prior to any business operations). Pre-lodgement meetings are recommended.	\$360.00	NB: Mobile Roadside Vending Design Assessment Fee will be considered under 3.8.2 - Mobile Food Business.
	Licence Fees		
	New Application Fee/Renewal – Mobile Food Vehicle	\$500.00	
	New Application Fee/Renewal – Local Water Carrier	\$250.00	
3.8.3	Temporary Food Business		
	1 day event	\$60.00	
	2 – 9 days (consecutive)	\$115.00	
	Annual Licence (e.g. monthly markets at nominated locations)	\$195.00	

All fees are GST exempt.

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Annexure B: List of Local Governments and there status re a procedural policy.

Name of Council	Subordinate Local Law in use	Comments
Gold Coast City	Updated Subordinates (2)	No Policy
Ipswich City	Updated Subordinate	No Policy
Noosa	Updated Subordinate	No Policy
Scenic Rim Regional	Model Subordinate LL 1.2	No Policy
Somerset Regional	Model Subordinate LL 1.2	Draft Policy developed
South Burnett Regional	Model Subordinate LL 1.2	No Policy
Southern Downs Regional	Model Subordinate LL 1.2	No Policy
Sunshine Coast Regional	Updated Subordinate	No Policy
Toowoomba City	Model Subordinate LL 1.2	No Policy

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14. PLANNING AND DEVELOPMENT SERVICES REPORTS

14.1 Request to Name a New Street in Plainland

Date: 14 December 2015
Author: Kate Burns, Administration Officer
Responsible Officer: Dan McPherson, Executive Manager Organisational Development & Planning

Summary:

This report seeks Council's endorsement to name a street with a Plainland commercial subdivision.

Officer's Recommendation:

THAT Council approves the new street as Echidna Place.

Report

1. Introduction

This report refers to a request made by the developers of a commercial subdivision in Plainland to name a street.

2. Background

The request to name a new street in Plainland was received on 17 November 2015. The developers requested to name the street in honour of locally occurring native fauna or flora. The developer provided a number of preferences to name the street as follows:

1. Echidna Place	Mammal (monotreme)	Tachyglossus aculeatus
2. Lomandra Place	Plant	Lomandra laxa
3. Monarch Close	Bird	Symposiachrus trivirgatus

Source: Queensland Government, Wildlife Online Extract, species list for a specified point Lat -27.56 Lon 152.42

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3. Report

A search of online wildlife present in the area of Plainland from 1980 provided strong evidence of the presence of the listed plant and animal species.

4. Policy and Legal Implications

The suggested name provides a clear identification for the road and does not contravene either the Australian standard or Councils Road Naming Policies.

5. Financial and Resource Implications

Budget implications will continue to be addressed through existing allocations.

6. Delegations/Authorisations

Council officers do not have delegated authority to rename roads.

7. Communication

Council will notify the applicant of the outcome.

8. Conclusion

Council officers have assessed the request and believe it to be acceptable.

9. Action/s

That Council adopts the resolution set out in the officer's recommendation.

**14.2 Proposed Policy Document, Development Incentives -
Infrastructure Contributions**

Date: 14 December 2015
Author: Trevor Boheim, Manager Planning and Environment
Responsible Officer: Dan McPherson, Executive Manager Organisational Development & Planning

Summary:

A draft policy document has been prepared to operate as a short-term mechanism for providing discounts for infrastructure contributions. It will result in contributions being between 30% and 60% less than those able to be levied under State law and which are commonly levied in major urban centres across the State. The draft policy provides for different charges between the main centres of the Lockyer Valley and all other locations. It specifically provides for 60% discounts for accommodation for itinerant workers and industries that add value to agricultural production.

Officer's Recommendation:

THAT Council resolves to adopt the Policy Document, Development Incentives – Infrastructure Contributions.

Report

1. Introduction

The draft policy document, Development Incentives – Infrastructure Contributions, has been prepared to satisfy the request made at Council's workshop session of 9 December 2015.

2. Background

At its workshop session on 9 December 2015 it was indicated that a mechanism to provide for the discounting of Council infrastructure charges be prepared and presented for adoption at the Council Meeting on 16 December 2015. At the workshop Councillor's indicated a desire that the policy provide for:

- lower infrastructure charges across a range of development types and locations than those imposed in the larger urban centres of South East Queensland;
- lower infrastructure charges in smaller centres across the Lockyer Valley than in the larger centres of the Lockyer Valley;
- incentives in the form of lower infrastructure charges for the provision of accommodation for itinerant workers who are employed in the Lockyer Valley's agricultural sector; and
- incentives in the form of lower infrastructure charges for the development of industries that add value to the Lockyer Valley's agricultural production.

No specific information was provided at the workshop on the size of the discounts that would apply under any mechanism to reduce infrastructure charges.

3. Report

Prior to the workshop on 9 December 2015 officers of Council's Planning and Environment and Regional Development Units had undertaken some preliminary scoping work on an incentives policy that could operate without having to amend Council's Adopted

Infrastructure Charges Resolution. This work has not been discussed in any detail with Council.

The draft policy provided as an attachment to this report (with the working title of Development Incentives – Infrastructure Charges) has been prepared to reflect the outcomes sought by Council at the 9 December 2015 workshop and the preliminary scoping work that had already been completed.

One particular challenge in developing a policy of this nature is the need to be precise in terms of where within the Lockyer Valley different discount rates will apply and for what particular types of development discounts of different rates will be applicable. There are substantial benefits of being able to utilise existing mapping and classifications of development that have a statutory basis; however difficulties do arise because this mapping and classification systems that already exist have been developed for other purposes.

Another challenge is the determination of rates of discount that should apply for different types of development and different locations across the Lockyer Valley. At the time this policy was prepared no analysis of the likely impact on development had been undertaken for different discounting scenarios, nor had any benchmarking of incentives provided by other Councils been undertaken. The draft policy includes discount amounts set by percentage generally in accordance with the workshop discussion.

The draft policy provided with this report utilises the Charging Categories contained in Schedule 3 of Council's Lockyer Valley Adopted Infrastructure Charges Resolution (No.1) 2015 to classify development. While this has the benefit of precision as a result of being linked to the definitions in Council's planning schemes, it does not deal specifically with developments that provide accommodation for itinerant workers or industries that add value to agricultural production.

In terms of spatial definition, the zoning maps contained in the planning schemes are of no value in differentiating between the larger centres, the smaller centres and the rural areas to enable discount rates to vary between these locations. The best option would be to prepare specific cadastral based maps to define these areas but these would take time to both prepare and refine the boundaries. As a compromise the official localities defined under the *Place Names Act 1994* have been used as these at least allow the extent of the larger centres to be defined.

The draft policy has a range of opportunities for refinement by Council prior to its adoption, these being:

- whether the two-tier classification of Gatton, Laidley and Plainland in one discounting category and all other localities in another is appropriate or whether there should be additional tiers, such as one for specific rural localities;
- whether the classification, or classifications with lesser amounts of discounting should comprise just Gatton, Laidley and Plainland or a different combination of localities;
- whether the grouping of Charge Categories is appropriate or whether there should be a different combination of Charge Categories;
- whether the application of different discount rates for the specific uses of accommodation for itinerant workers and industries that add value to agricultural production is adequate or whether other specific uses should be identified; and
- whether the discount rates proposed for the combinations of locations and uses are appropriate or whether these need to be adjusted.

The effect of the discount rates set out in the draft policy on the charge rates that would apply under Council's Adopted Infrastructure Charges Resolution is provided in the following table.

Charge Category / Use	Gatton Laidley & Plainland		Other Localities	
	Current	Proposed	Current	Proposed
Residential and Long Term Non-Permanent Accommodation (1 or 2 bedrooms)	\$10,800.00	\$7,560.00	\$10,800.00	\$4,320.00
Residential and Long Term Non-Permanent Accommodation (3 or more bedrooms)	\$12,500.00	\$8,750.00	\$12,500.00	\$5,000.00
Short Term Non-Permanent Accommodation (1 or 2 bedrooms)	\$5,400.00	\$3,780.00	\$5,400.00	\$2,160.00
Short Term Non-Permanent Accommodation (3 or more bedrooms)	\$6,250.00	\$4,375.00	\$6,250.00	\$2,500.00
Short Term Non-Permanent Accommodation (Camping or caravan site)	\$5,400.00	\$3,780.00	\$5,400.00	\$2,160.00
Place of Assembly	\$51.00/m ²	\$35.70/m ²	\$51.00/m ²	\$20.40/m ²
Commercial (Bulk Goods)	\$79.00/m ²	\$55.30/m ²	\$79.00/m ²	\$31.60/m ²
Commercial (Retail)	\$79.00/m ²	\$55.30/m ²	\$79.00/m ²	\$31.60/m ²
Commercial (Office)	\$79.00/m ²	\$55.30/m ²	\$79.00/m ²	\$31.60/m ²
Education	\$79.00/m ²	\$55.30/m ²	\$79.00/m ²	\$31.60/m ²
Entertainment	\$110.00/m ²	\$77.00/m ²	\$110.00/m ²	\$44.00/m ²
Industry	\$31.00/m ²	\$21.70/m ²	\$31.00/m ²	\$12.40/m ²
High Impact Industry	\$37.00/m ²	\$25.90/m ²	\$37.00/m ²	\$14.80/m ²
High Impact Rural	\$10.00/m ²	\$7.00/m ²	\$10.00/m ²	\$4.00/m ²
Essential Services	\$121.00/m ²	\$84.70/m ²	\$121.00/m ²	\$48.40/m ²
Reconfiguring a Lot for any purpose	\$12,500.00 /lot	\$8,750.00 /lot	\$12,500.00 /lot	\$5,000.00 /lot
Accommodation for itinerant workers (1 or 2 bedroom unit)	\$5,400.00	\$2,160.00	\$5,400.00	\$2,160.00
Industries that add value to agricultural production (Industry)	\$31.00/m ²	\$12.40/m ²	\$31.00/m ²	\$12.40/m ²
Industries that add value to agricultural production (High Impact Industry)	\$37.00/m ²	\$14.80/m ²	\$37.00/m ²	\$14.80/m ²

4. Policy and Legal Implications

The wording of the draft policy has not been subject to any legal review. If adopted, the discounts provided by the draft policy will be required to be given to any development that meets the requirements of the policy. Existing approvals that have not been acted upon will be able to benefit if the use commences or the relevant plan is sealed during the time the policy is in force and effect.

5. Financial and Resource Implications

The financial implications for Council of providing discounts for infrastructure contributions have not been modelled; however it is recognised that revenue foregone by providing discounts would in time be compensated by increased rate revenue if additional development was to be stimulated.

6. Delegations/Authorisations

There are no implications for delegations or authorisations arising from the recommendation provided in this report.

7. Communication and Engagement

There are no implications for communication or engagement arising from the recommendation provided in this report.

8. Conclusion

The draft policy document provides discounts of between 30% and 60% for development based in its location and type. In identifying the location of development the official localities defined under the *Place Names Act 1994* have been used. In defining types of development, the Charging Categories contained in Schedule 3 of Council's Lockyer Valley Adopted Infrastructure Charges Resolution (No.1) 2015 have been used.

9. Action/s

That Council supports the Officers Recommendation.

Attachments

1 [View](#) Policy 3 Pages



Policy document

Strategic-Governance SG XX

Development Incentives – Infrastructure Charges

Head of Power

Local Government Act 2009

Key Supporting Council Document

Lockyer Valley Regional Council Corporate Plan 2012-2017 – Lockyer Business – Working together to enhance, attract and diversify business and tourism opportunities.

Definitions

Locality – an area that is defined as a locality and which has a place name and boundaries under the *Place Names Act 1994*.

Policy Objective

To provide guidance on the discounts provided by Council for infrastructure charges levied on development in recognition of the lower returns on investment in the Lockyer Valley relative to major urban centres and the availability of spare capacity in infrastructure networks.

Policy Statement

The Lockyer Valley Regional Council recognises the importance of a diversified commercial and industrial development base and a range of housing types to support the growth of the region. To support investment by the private sector, the Lockyer Valley Regional Council provides a discount for infrastructure charges levied through an infrastructure charges notice or infrastructure contribution condition for a development approval. The discounts provided in this policy recognise the lower returns on investment in the Lockyer Valley relative to major urban centres and the lesser demands on infrastructure resulting from development, particularly that which is located outside of the main centres of Gatton, Laidley and Plainland.

Application

This policy does not apply to headworks contributions levied under policies that were in place at any time prior to the commencement of the Adopted Infrastructure Charges Resolution of the Lockyer Valley in July 2011.

Group: Organisation Development & Planning
Unit: Planning & Environment Services
Approved: Ordinary Council Meeting (Resolution Number: XXXX)
Date Approved: XX/XX/2015
ECM:

Effective Date: XX/XX/2015
Version: 1.0 Last Updated: 14/012/2015
Review Date: 30/06/2016
Superseded/Revoked: NA

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Policy document

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This policy does not apply to any infrastructure contributions that are payable to Queensland Urban Utilities for water cycle infrastructure, being water supply infrastructure and wastewater infrastructure.

This policy only applies to contributions for material change of use that are made for development that commences and for which the payment of infrastructure contributions is made during the period within which the policy is effective.

This policy only applies to contributions for reconfiguring a lot that are made for the approval of a plan of survey is given by Council and for which the payment of infrastructure contributions is made during the period within which the policy is effective.

This policy only applies to development for which a development permit has been obtained and all conditions of that development permit have been satisfied.

Discounted Amount

The Discounted Amount which may be accepted by Council in satisfaction of an Adopted Infrastructure Charges Notice or Infrastructure Charges Notice or infrastructure contribution condition is calculated as follows:

1. For development within the localities of Gatton, Laidley or Plainland that is for the Charge Categories of Residential and Long Term Non-Permanent Accommodation or Short Term Non-Permanent Accommodation as provided in Schedule 3 of Lockyer Valley Adopted Infrastructure Charges Resolution No.1 2015 the discount amount is 30%.
2. For development within localities other than Gatton, Laidley or Plainland that is for the Charge Categories of Residential and Long Term Non-Permanent Accommodation or Short Term Non-Permanent Accommodation as provided in Schedule 3 of Lockyer Valley Adopted Infrastructure Charges Resolution (No.1) 2015 the discount amount is 60%.
3. For development within the localities of Gatton, Laidley or Plainland that is for the Charge Categories of Commercial (Bulk Goods) or Commercial (Retail) or Commercial (Office) as provided in Schedule 3 of Lockyer Valley Adopted Infrastructure Charges Resolution (No.1) 2015 the discount amount is 30%.
4. For development within localities other than Gatton, Laidley or Plainland that is for the Charge Categories of Commercial (Bulk Goods) or Commercial (Retail) or Commercial (Office) as provided in Schedule 3 of Lockyer Valley Adopted Infrastructure Charges Resolution (No.1) 2015 the discount amount is 60%.

Group: Organisation Development & Planning
Unit: Planning & Environment Services
Approved: Ordinary Council Meeting (Resolution Number: XXXX)
Date Approved: XX/XX/2015
ECM:

Effective Date: XX/XX/2015
Version: 1.0 Last Updated: 14/01/2015
Review Date: 30/06/2016
Superseded/Revoked: NA

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Policy document

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5. For development within the localities of Gatton, Laidley or Plainland that is for the Charge Category of Industry or High Impact Industry as provided in Schedule 3 of Lockyer Valley Adopted Infrastructure Charges Resolution (No.1) 2015 the discount amount is 30%.
6. For development within localities other than Gatton, Laidley or Plainland that is for the Charge Category of Industry or High Impact Industry as provided in Schedule 3 of Lockyer Valley Adopted Infrastructure Charges Resolution (No.1) 2015 the discount amount is 60%.
7. For development within the localities of Gatton, Laidley or Plainland that is for the Charge Categories of Place of Assembly or Education or Entertainment or Low Impact Rural or High Impact Rural or Essential Services as provided in Schedule 3 of Lockyer Valley Adopted Infrastructure Charges Resolution (No.1) 2015 the discount amount is 30%.
8. For development within the localities other than Gatton, Laidley or Plainland that is for the Charge Categories of Place of Assembly or Education or Entertainment or Low Impact Rural or High Impact Rural or Essential Services as provided in Schedule 3 of Lockyer Valley Adopted Infrastructure Charges Resolution (No.1) 2015 the discount amount is 60%.
9. For development within all localities that has its sole or primary function the provision of accommodation for itinerant workers engaged in the agricultural industry of the Lockyer Valley, irrespective of its Charge Category as provided in Schedule 3 of Lockyer Valley Adopted Infrastructure Charges Resolution (No.1) 2015, the discount amount is 60%.
10. For development within all localities that has its sole or primary function the carrying out of processes that add value to products produced by the agricultural sector of the Lockyer Valley, including but not limited to the packaging and processing of agricultural products, irrespective of its Charge Category as provided in Schedule 3 of Lockyer Valley Adopted Infrastructure Charges Resolution (No.1) 2015, the discount amount is 60%.
11. For development within all localities that is for the reconfiguring of a lot for residential purposes, the discount amount is 30%.
12. For development within all localities that is for the reconfiguring of a lot for other than residential purposes, the discount amount is 30%.

Related Documents

Lockyer Valley Adopted Infrastructure Charges Resolution (No.1) 2015

Group: Organisation Development & Planning
Unit: Planning & Environment Services
Approved: Ordinary Council Meeting (Resolution Number: XXXX)
Date Approved: XX/XX/2015
ECM:

Effective Date: XX/XX/2015
Version: 1.0 Last Updated: 14/012/2015
Review Date: 30/06/2016
Superseded/Revoked: NA

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14.3 Application for Development Permit for Reconfiguration of a Lot for Boundary Realignment (10 into 10 lots)

Date: 14 December 2015
Author: Garath Wilson, Coordinator Strategic Land Use Planning
Responsible Officer: Dan McPherson, Executive Manager Organisational Development & Planning

Summary:

The application has been assessed in accordance with the requirements of the *Sustainable Planning Act 2009* and is recommended for approval subject to the conditions stated in the Officer's Recommendation.

Officer's Recommendation:

THAT the application for Reconfiguring a Lot for Boundary Realignment (10 lots into 10 lots) on land described as Lot 2 RP 222104, Lot 2 RP 161069, Lot 1 RP 135140, Lot 2 RP 7817, Lot 5 RP 7817, Lot 2 RP 199340, Lot 4 RP 7817, Lot 3 RP 7817, Lot 1 RP 199340 and Lot 1 RP 161069 at 62 Gatton-Laidley Rd be approved subject to the following conditions which are to be satisfied prior to the sealing of the plan of subdivision:

- 1. Undertake the development in accordance with the approved plan - 'Amended-Drawing Number: 15003-1- Proposed Boundary Ten Lot Boundary Re-Alignment – Clarke – dated 21/01/2015 submitted with the application prepared by SML (Gatton) PTY LTD, subject to the conditions of this approval and any notations by Council on the plan.**
- 2. This approval of the Development Permit for Reconfiguring a Lot for a boundary realignment of 10 lots into 10 lots and does not approve any works on land the subject of this approval.**
- 3. Relocate any services (e.g. water, sewer, Energex, Telstra and roof water) that are not wholly located within the lots that are being serviced.**
- 4. Permanent survey marks shall be provided at the appropriate location if required.**
- 5. A 'Certificate of Supply' must be submitted to Council, verifying that a supply of electricity is available to all proposed allotments or that the applicant has entered into a suitable agreement with the relevant authority for the supply of electricity to the new lots.**
- 6. A 'Certificate of Supply' must be submitted to Council, verifying that telecommunications is available to all proposed allotments or that the applicant has entered into a suitable agreement with the relevant authority for the provision of telecommunications to the new.**

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- 7. Submit certification prior to plan sealing from a Licensed Surveyor that certifies:**
 - a. any services (water, effluent disposal, telecommunications or electricity) to a lot, existing building or a private property pole are wholly contained in the lot it serves;**
 - b. any services connections and infrastructure made redundant by the development is removed with the land reinstated;**
 - c. all existing structures are setback from the new boundaries in accordance with the Queensland Development Code; and**
 - d. any shared access from a public road is wholly contained within an appropriate easement.**
- 8. Vehicular access shall be provided to the proposed lots 1-4 fronting Railway St in accordance with Council's Property Access & Access Crossings: Design, Construction & Maintenance policy. A Permit to Undertake Work on a Road Reserve is required.**
- 9. Any vehicular access which traverses land other than the land it serves, not contained within an appropriate access easement, is to be removed.**
- 10. The new drainage channel which traverses proposed lots 5 and 6 is to be contained within an appropriate easement in favour of Lockyer Valley Regional Council. This easement shall;**
 - a. extend the full length and width plus three metres either side of the channel from the Railway St road reserve to its confluence with Sandy Creek;**
 - b. require the maintenance of the channel configuration and profile;**
 - c. permit vehicular access across the channel for owners of proposed lots 5 and 6;**
 - d. restrict any works, including the modification and or alteration of the post construction profile of the channel unless approved by the Council; and**
 - e. prevent the erection of any structure, obstruction or device on, over or through the channel unless approved by the Council.**
- 11. No ponding or redirection of stormwater shall occur onto adjoining land.**

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12. Any costs from repairs due to damage caused to Council assets as a result of proposed works undertaken shall be met by the applicant. Where pedestrian and vehicular traffic safety is exposed to hazards created from damage, the damage shall be repaired immediately upon associated works being completed.
13. All outstanding rates and charges for the existing lots are required to be paid in full.

Conditions to be satisfied as part of an operational works application

14. For designs prepared by a private consultant, a Design Checking Fee (approval of engineering drawings) based on Council's estimated cost for the works will be payable. The fee is to be paid prior to design approval being given. Refer to Lockyer Valley Regional Council current fees and charges for calculation of the fee.
15. Municipal works must be accepted on maintenance prior to commencement of use. A maintenance bond equal to 5% of the construction cost (minimum of \$1,000.00) will be retained by Council for a minimum period of twelve months, or until such time Council accepts the works as off maintenance.
16. Works associated with the development that are carried out by agencies other than Council, a satisfactory completion of works inspection must be carried out for acceptance of the works as "on maintenance." A 12 month "defect liability period" will apply. During this time, a security bond valued at 5% of the estimated construction costs of municipal works will be retained to ensure correction of any defects in the constructed works. The following securities against defects will apply for roads and drainage works.
17. Payment of this security is required prior to Council accepting the works as 'on maintenance'.
18. If any works associated with the development are carried out by agencies other than Council an Inspection Fee based on Council's estimated cost of the works will be payable. This fee is valid for six months from the date of this approval. Refer to Lockyer Valley Regional Council current Fees and Charges for calculation.
19. No on-site works must commence until approval for operational works has been obtained from Council.
20. Submit operational works documentation in the form of detailed plans, drawings and calculations for Council review for compliance with the approval conditions and Council's general requirements. Submission of operational works documentation will include but is not limited to:

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- a. Drawings showing full construction details, layout dimensions, finished surface levels and detail works to be completed. All drawings must be checked, approved and signed by a current RPEQ with their registration number;
 - b. A full set of the engineering drawings in A3 size; and
 - c. An erosion and sediment control plan.
21. Upgrade the existing gravel road formation of Railway Street to a six (6) metre wide formation extending to the eastern boundary of proposed Lot 6 and terminating into a turnaround area with a minimum diameter of 18m.
22. The upgraded road formation of Railway Street must be sealed with a four (4) metre wide two coat bitumen seal extending from the existing sealed section to the end of the road formation adjoining the eastern boundary of proposed Lot 6.
23. The turnaround area must be sealed with a two coat bitumen seal covering the full extents of the turnaround area.
24. Hazard markers and delineator posts must be installed in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) to define the extents of the turnaround area.
25. All road works must be designed and constructed in:
- a. accordance with Council's standards outlined in the Lockyer Valley Regional Council Road Hierarchy Table unless specifically detailed otherwise in other conditions of this approval; and
 - b. general compliance with the Laidley Shire Planning Scheme, Austroads publications and Institute of Public Works Engineering Association Queensland (IPWEAQ) standard drawings and guidelines.
26. Construction works must be undertaken in compliance with the AusSpec Construction - Roadways and Construction - Utilities standard specifications unless specifically conditioned otherwise.
27. All traffic signs and delineation must be installed in accordance with the Manual of Uniform Traffic Control Devices (MUTCD).
28. All works on or near traffic must be signed in accordance with Manual of Uniform Traffic Control Devices (MUTCD) Part 3 - Works on Roads. A traffic management plan must be submitted to Council prior to any works being

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undertaken.

29. Road pavement design details and test results must be submitted to Council. Pavement design must be undertaken in accordance with Austroads guidelines. The minimum pavement thickness must not be less than 300mm.
30. Existing driveways to existing dwellings that are removed as part of the road works to Railway Street must be re-instated and constructed in accordance with Council's Property Access and Access Crossings Design, Construction and Maintenance policy.
31. The maximum slope of batters, including table drain, stormwater drainage channel and road batters will be 1V:4H, unless otherwise approved. Such approval will only be considered due to site constraints.
32. Above and below ground services potentially affected by the proposed boundary re-alignment works must have alignment and level determined prior to any detailed design work or construction works being undertaken. Any conflicts associated with proposed and existing services must be forwarded to the appropriate controlling authority by the developer for decision.
33. Road crossing conduits must be provided where required.
34. Provide all necessary stormwater drainage including table drains along the upgraded section of Railway Street. The drainage works must be designed and constructed in accordance with Queensland Urban Drainage Manual 2013 (QUDM) and Laidley Shire Planning Scheme such that the overall drainage system caters for a storm event with a 1% AEP.
35. The developer will be responsible for obtaining approval and bearing all costs associated with registering in favour of Council all necessary stormwater drainage easements within and external to the subject land in order for drainage paths to reach a satisfactory point of legal discharge. The exception will be the drainage easement in Condition 10 whereby Council will bear reasonable costs towards registration.
36. Silt management facilities must be installed and maintained from the time of commencement of construction until the development has been released off maintenance by Council. All silt management facilities including diversion drains, sediment basins and energy dissipation structures as necessary must be designed, constructed and maintained in accordance with 'Best Practice Erosion and Sediment Control' published by International Erosion Control Association Australasia.

Advice to the Applicant

- (i) The development must not commence until all conditions of this approval are

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complied with. To ensure compliance with all the conditions, it is recommended that prior to starting the use, Council is requested to undertake a compliance inspection.

- (ii) All works associated with this approval may not start until any subsequent approvals have been obtained, and their conditions complied with.
- (iii) The construction of a dwelling house on the proposed lots may be subject to further planning assessment under Temporary Local Planning Instrument – TLPI01/2015 – Flood Inundation, or as amended. It is advisable to seek further advice from Council as to planning requirements prior to future development on the subject land.
- (iv) It is considered essential that any consultants engaged to prepare any subsequent reports, plans or applications, liaise with the relevant Council Officers to ensure they are prepared in accordance with the conditions of approval and all relevant standards.
- (v) Any additions or modifications to the approved use (not covered in this approval) may be subject to further application for development approval. To make this determination, please contact Council's Planning and Environment Section.
- (vi) The Relevant Period for this Development Permit is four (4) years. After the Relevant Period expires, your approval will no longer be current.
- (vii) Each further Development Permit (e.g. for Building Works) required as a result of this approval, must be made to a local government or private certifier within the relevant period.
- (viii) All proposed structures and works should be positioned clear of any Council services which traverse the subject land. To determine where existing services are located, please contact council's Engineering Services Department.
- (ix) In accordance with the Plant Protection Act 1989 and the Plant Protection Regulation 2002, a quarantine notice has been issued for the State of Queensland to prevent the spread of the Red Imported Fire Ant (ant species *Solenopsis invicta*) and to eradicate it from the State.

It is the legal obligation of the land owner or any consultant or contractor employed by the land owner to report the presence or suspicion of Fire Ants to the Queensland Department of Primary Industries on 13 25 23 within 24 hours of becoming aware of the presence or suspicion, and to advise in writing within seven days to:

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**Director General
Department of Primary Industries
GPO Box 46, Brisbane QLD 4001**

It should be noted that the movement of Fire Ants is prohibited, unless under the conditions of an Inspectors Approval. More information can be obtained from the Queensland Department of Primary Industries website www.dpi.qld.gov.au

Report

1. Introduction

The application, which was lodged on 4 June 2015, seeks Reconfiguration of a Lot approval for a boundary realignment from ten lots into ten lots.

2. Background

3.1 Subject Land

The subject land consists of ten (10) separate lots located on the property is located to the north of the Township of Forest Hill. The property holdings the subject of the application range in size from 2 000m² to 25.6Ha and are situated between Gatton-Laidley Rd, Railway St and Forest Hill- Fernvale Rd, Foresthill. All lots are zoned Rural Agricultural Land under the Laidley Shire Planning Scheme, 2003 and identified in the Regional Landscape and Rural Production Area (RLRPA) of the South East Queensland Regional Plan 2009-2031. All lots are affected to some degree by Temporary Local Planning Instrument (TLPI) – 01/2015 – Flood Inundation with varying hazard classifications across the subject land. Patches of Medium Risk Bushfire is identified on lots 1RP161069 and 2RP222104 despite there being no vegetation in these areas and Significant Vegetation limited to the Riparian zone of Sandy Creek which traverses the subject land. The property does not contain any easements and is not located on either the Environmental Management Register or Contaminated Land Register.

3.2 Proposed Development

The application seeks development approval to realign and reconfigure all ten of the existing allotments. Several iterations of this reconfiguration have been submitted by the applicant. Figure 1.0 - Site Plan provides the proposed layout.

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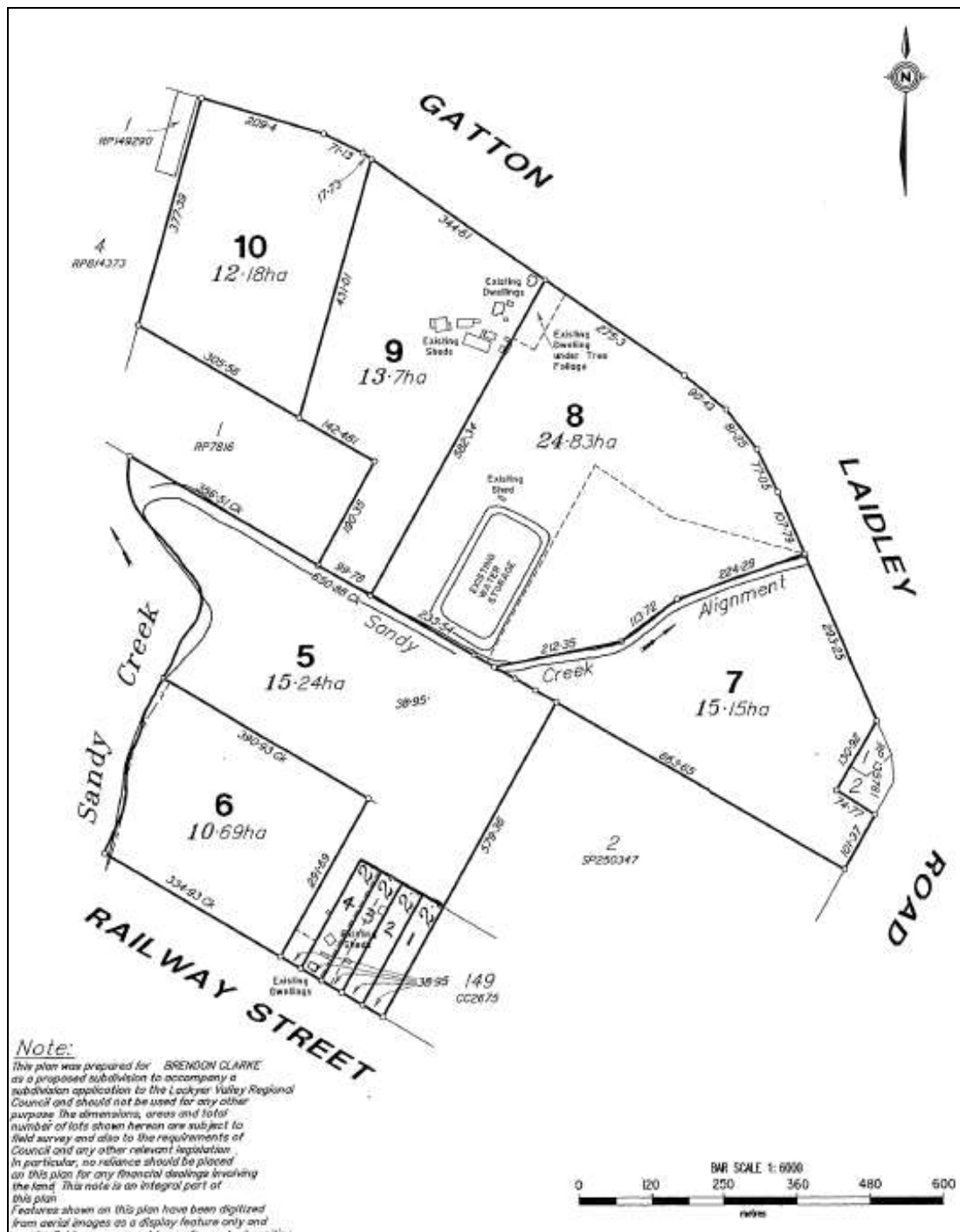


Figure 1.0 – Proposed Reconfiguration

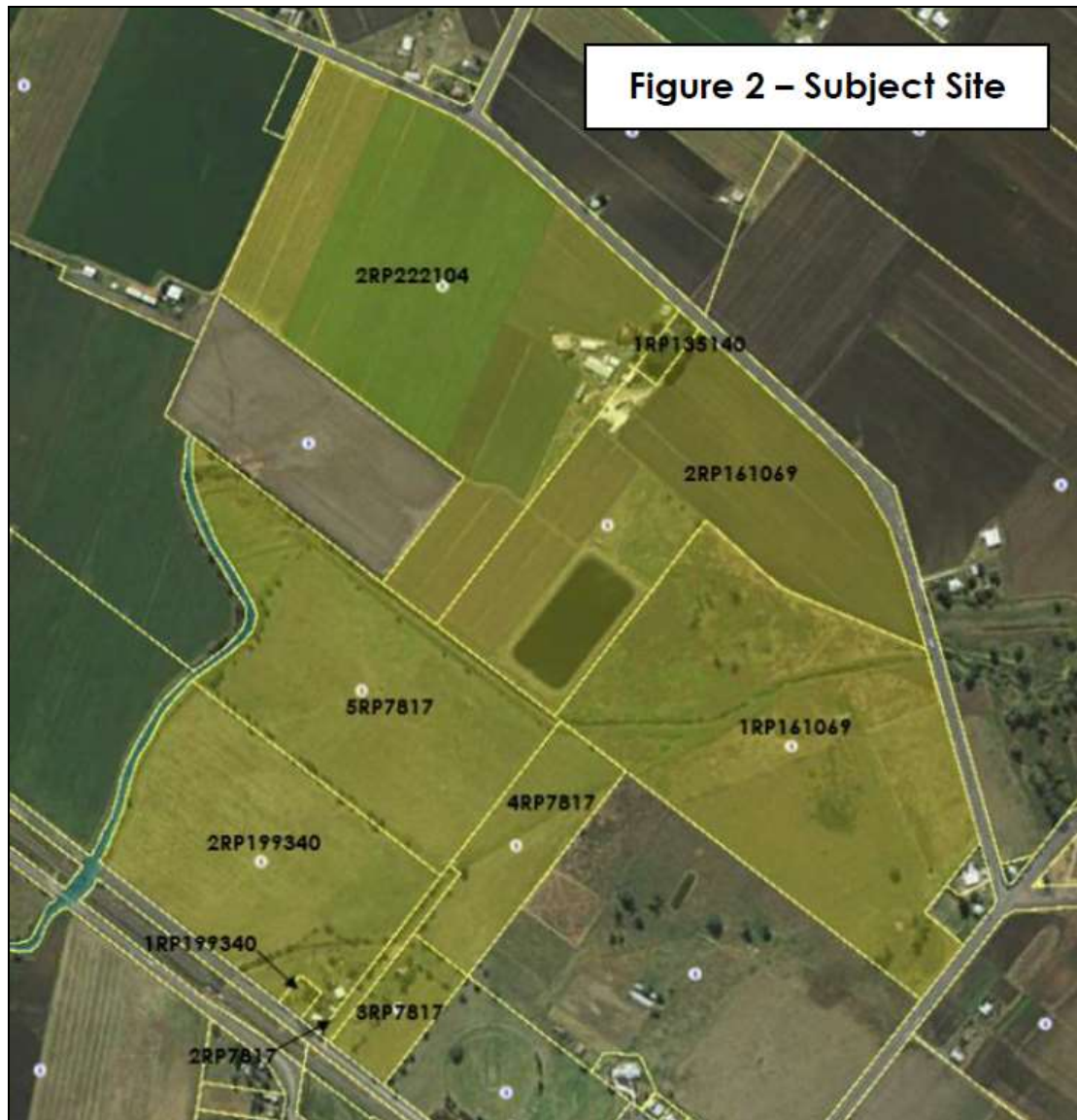


Figure 2.0 – Existing configuration and subject land

3.3 Assessment – Legislative Requirements

The application was lodged on 3 June 2015, and determined to be properly made on 5 June 2015. In accordance with the *Sustainable Planning Act, 2009* (SPA) and the *Laidley Shire Planning Scheme 2003*, a Reconfigure of a Lot application is assessable development. The application requires Code Assessment.

3.3.2 Rural Agricultural Land Zone Code

The subject site is situated in the Rural Agricultural Land Area Zone under the *Laidley Shire Planning Scheme 2003*.

- The proposed boundary realignment will facilitate further rural land uses removing much of the fragmented lot configuration which currently exists. The consolidation of dwelling entitlements into the proposed pseudo rural residential allotments along Railway St within the extent of the

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Forest Hill Township reduces the overall extent of fragmentation and increases the size of lots available for primary production.

- Overall access to the productive agricultural land is improved with inaccessible land proposed for inclusion into existing operations.
- The proposed reconfiguration reduces the level of fragmentation of Good Quality Agricultural Land and consolidates dwelling entitlements to the areas of least risk and least productivity within proximity of the Forest Hill Township.
- The recently constructed drainage channel (undertaken by Council) provides a buffer separating the most productive areas of agricultural land from future dwelling houses ameliorating possible future conflict.
- It has been determined that the proposal complies with the Overall Outcomes for the Rural Areas and achieves the Specific Outcomes for the Rural Agricultural Land Area.

3.3.3 Reconfiguring of a Lot Code

The proposal intends to subdivide land within the Rural Agricultural Land Area Zone which has a minimum lot size of 60Ha. No increase in lots is being proposed as part of this application.

The character, size and shape of allotments proposed along Railway St are consistent with the requirements of Table 7 of section 6.21 *Reconfiguring a Lot Code* with 38.95m frontages and a depth of 201m. This gives these 4 lots an average size of approximately 7700m² with a 5.1 to 1 depth to frontage ratio.

Access points and the internal driveway is currently shared between lots 2 RP222104, 1 RP135140 and 2 RP161069. Appropriate access easements will be required prior to plan sealing to ensure right of way across these lots. Alternatively, these accesses will be required to be removed. This will be conditioned.

Currently, multiple structures straddle or are in close proximity to the boundaries between lots 2 RP222104, 1 RP135140 and 2 RP161069. Prior to plan sealing evidence that these structures are setback in accordance with relevant Building Legislation is required or alternatively that have been removed will be required. This will be conditioned.

The remaining allotment sizes are otherwise consistent with expected small crop lot sizes ranging from 10-24Ha in size.

- No secondary rural dwellings are being excised from the parent lot
- Subdivision reduces further fragmentation of rural land and does not increase the number of lots or dwelling entitlements in the rural area.
- Road design is consistent with the surrounding locality and the minimum requirements for rural residential

3.3.4 Temporary Local Planning Instrument 01/2015 – Flood Regulation

All lots are affected to some degree by Temporary Local Planning Instrument (TLPI) – 01/2015 – Flood Inundation with varying hazard classifications across the subject land.

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Risk to life and property

To the greatest extent possible the proposed lots have been realigned to provide lots which are in no or low hazard flood inundation areas as these areas pose the lowest overall risk to future dwelling houses and residents. Additionally as most major access roads are cut in an event up to the DFE, the provision of access to and from the site in the event of an emergency for evacuation was also considered and assessed. It was determined through the assessment that the Forest Hill Recreation Ground was the identified evacuation point for the township which is adjacent to the subject land.

A02.7 of TLPI – Flood inundation overlay code requires that *development provides at least one road access to the service the development which is capable of remaining passable for the purpose of emergency evacuations at a level higher than the Defined Flood Level*. For this reason, the proposal clusters most remaining dwelling entitlements along Railway Street providing the lowest risk of flood hazard and isolation in the event of evacuation. To ensure that the road remains passable and to be consistent with the character of lots in the locality, additional works will be required to Railway St to Council standards. This will be conditioned.

Property access and emergency egress

The proposed realignment of boundaries improves the access to the majority of the existing lots and improves the level of access available to each during an emergency. Whilst existing lot 2 RP222104 contains the largest area of land outside of the DFE it is also the most productive area of agricultural land and wholly fronts a State Controlled Rd. Despite the lower risk of flooding, it is considered inappropriate for additional lots and access to be provided on this land as it is a higher order road and would further alienate this productive land.

Additionally, as the access arrangements to proposed lot 6 is not dissimilar or substantively changed from the current access arrangements, no further works or improvements to the access for this lot is required.

3.4 Internal Referrals

The application was referred to the following Council Units:

Engineering Department

Road Access – The extent of Council maintained asset is limited to only 150m along Railway St. Currently this is provided to a rural gravel access standard and serves only a single dwelling house (not currently inhabited). To ensure access to the proposed lots in accordance with Council standards, upgrade works will be required to Railway St to ensure the 4 proposed rural residential style lots are provided with appropriate access for this type of development and consistent with safe and effective access as per AO2.7 of the Flood inundation overlay code of the TLPI. These upgrades are considered relevant and reasonable due to the increase in the number of properties accessing Railway St, the existing flood hazard on this road and the need to mitigate this and provide access up to the DFE. The development standard should reflect the nature and character of the lots proposed and be consistent with the standard for this type of development provided elsewhere in the Forest Hill Township.

Flood improvement works – Council has recently undertaken works on Lot 2 RP199340 and 4 RP7817 to construct a drainage channel as part of Flood Mitigation works for the Forest Hill

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Township. As part of this development approval, an easement over this channel in favour of Council will be conditioned as a component of the plan sealing. Easement documentation will be prepared by Council and include conditions to protect the integrity of and Council access to the channel.

3.5 Further Approvals Required

Operational Works – External road works and property access

4. Policy and Legal Implications

There are no policy implications that arise from the recommendation provided in this report. The assessment and determination of this development application by Council are consistent with the *Laidley Shire Planning Scheme, 2003* and Councils standards for development.

5. Financial and Resource Implications

There are no financial and resource implications that arise from the recommendation provided in this report.

6. Delegations/Authorisations

There are no implications for either delegations or authorisations arising from the recommendation provided in this report.

7. Communication and Engagement

The decision of Council will be formally communicated to the applicant in accordance with the requirements of the *Sustainable Planning Act 2009*.

8. Conclusion

The proposed development is recommended for approval subject to the conditions provided in the Officer's Recommendation:

- The proposal reduces the level of risk to future dwelling houses through the consolidation and appropriate relocation of dwelling entitlements to the areas of least overall risk and most readily accessible in the event of an emergency;
- The proposed realignment reduces the level of fragmentation to highly productive rural agricultural land;
- The access to and useability of portions of currently alienated and inaccessible productive agricultural land is improved, greatly increasing its utility;
- The realignment improves the overall utility and generally increase the lot size and availability of high value agricultural land for agricultural production; and
- Infrastructure is provided which is to a standard and configuration which is consistent with the type of development proposed and overall long term asset management costs of Council.

9. Action/s

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That the application be approved subject to the conditions provided in the Officer's Recommendation.

Attachments

1 [View](#) Plan 1 Page

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