

Agenda



ORDINARY MEETING OF COUNCIL

SUPPLEMENTARY AGENDA

16 NOVEMBER 2022

TABLE OF CONTENTS

Item	Subject	Page No.
12.	Community & Regional Prosperity Reports	3
12.3	Application for Development Permit for Material Change of Use for Local Utility (emergency purposes signage) at Warrego Highway, Withcott	3

12. COMMUNITY & REGIONAL PROSPERITY REPORTS

12.3 Application for Development Permit for Material Change of Use for Local Utility (emergency purposes signage) at Warrego Highway, Withcott

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Responsible Officer: Amanda Pugh, Group Manager Community & Regional Prosperity

Purpose:

The purpose of this report is to consider an application for a Development Permit for Material Change of Use for Local Utility (emergency purposes signage) on Lot 232 CC3419 at Warrego Highway, Withcott.

The application has been assessed in accordance with the requirements of the *Planning Act 2016* and it is recommended that the application be approved subject to conditions.

Officer's Recommendation:

THAT the application OW2022/0042 for a Development Permit for Material Change of Use for Local Utility (emergency purposes signage) on Lot 232 CC3419 at Warrego Highway, Withcott be approved subject to the following conditions:

APPROVED PLANS

The following plans are Approved Plans for the development:

Approved Plans

Plan No.	Rev.	Plan Name	Date
10648-MA-105	A	8x3 Full Colour Tactical VMS Withcott Site Layout Sheet 1 of 2, prepared by J1 LED	04/11/22
10648-MA-105	A	8x3 Full Colour Tactical VMS Withcott Site Layout Sheet 2 of 2, prepared by J1 LED	04/11/22

FURTHER PERMITS REQUIRED

Building Works – Development Permit

ASSESSMENT MANAGER CONDITIONS

NO.	CONDITION	TIMING
GENERAL		
1.	Undertake the development generally in accordance with the approved plans. These plans will form part of the approval, unless otherwise amended by conditions of this approval.	At all times.
ALTERATIONS AND/OR RELOCATIONS		
2.	Any alteration or relocation in connection with or arising from the development to any service, installation, plant, equipment or other item belonging to or under the control of the telecommunications authority, electricity authority or Council or other person engaged in the provision of public utility services is to be carried out with the	At all times.

	development and at no cost to Council.	
3.	Replace existing Council infrastructure (including but not limited to any street trees and footpaths) to a standard which is consistent with Council's standards should this infrastructure be damaged as a result of construction works.	At all times.
FLOOD HAZARD		
4.	<p>(a) Submit a Flood Impact Assessment (FIA) prepared by a suitably qualified person with experience in flood engineering that considers the sign and the proposed earthworks and demonstrates the development does not create an actionable nuisance off the premises.</p> <p>(b) Where the FIA requires works on the premises, carry out the works in accordance with the FIA.</p> <p>(c) Provide confirmation from a suitably qualified person with experience in flood engineering that the development has been carried out in accordance with the FIA.</p>	Prior to commencement of the use.
5.	Submit certification to the building certifier that the sign has been structurally designed to withstand the hydraulic flood hazard likely to be experienced during a 1% AEP Flood Event (including an allowance for climate change).	At the time of building works approval.

ADVISORY NOTES

(i) All works associated with this approval may not start until all subsequent approvals have been obtained, and its conditions complied with.

(ii) Any additions or modifications to the approved use (not covered in this approval) may be subject to further application for development approval.

(iii) Fire ants

Biosecurity Queensland should be notified on 13 25 23 of proposed development(s) occurring in the fire ant biosecurity zone before operational works commence. It should be noted that works involving fire ant carrier materials may be subject to movement controls and failure to obtain necessary approvals from Biosecurity Queensland is an offence.

It is a legal obligation to report any sighting or suspicion of fire ants within 24 hours to Biosecurity Queensland on 13 25 23.

The Fire Ant Restricted Area as well as general information can be viewed on the [DAF website](#).

(iv) Biosecurity

Ensure all invasive pest weed species under the *Biosecurity Act 2014* are removed appropriately prior to removing trees on site.

Everyone is obligated under the *Biosecurity Act 2014* to take all reasonable and practical steps to minimise the risks associated with invasive plants under their control. More information on restricted and invasive plants as well as your general biosecurity obligation (GBO) can be viewed on the [Business Queensland website](#).

(v) **Cultural heritage**

The *Aboriginal Cultural Heritage Act 2003* requires anyone who carries out a land use activity to exercise a duty of care. Further information on cultural heritage duty of care is available on the [Department of Aboriginal and Torres Strait Islander Partnerships](#) (DATSIP) website.

The DATSIP has established a [register and database](#) of recorded cultural heritage matters, which is also available on the Department's website.

Should any aboriginal, archaeological or historic sites, items or places be identified, located or exposed during construction or operation of the development, the *Aboriginal Cultural Heritage Act 2003* requires all activities to cease. Please contact DATSIP for further information.

Executive Summary

This report considers a development application for a Development Permit for Material Change of Use for Local Utility (emergency purposes signage) on Lot 232 CC3419 at Warrego Highway, Withcott. The following table summarises the application details.

APPLICATION SUMMARY	
Applicant:	Lockyer Valley Regional Council
Landowner:	Lockyer Valley Regional Council
Proposal:	Development Permit for Material Change of Use for Local Utility (emergency purposes signage)
Properly Made Date:	25 August 2022
Street Address:	Warrego Highway, Withcott
RP Description:	Lot 232 CC3419
Assessment Type:	Code Assessment
Number of Submissions:	Nil
State Referral Agencies:	Nil
Referred Internal Specialists:	Development Engineer
Information Request:	15 September 2022
Decision Due Date:	16 December 2022

The application has been assessed in accordance with the requirements of the *Planning Act 2016*. The development complies with the applicable assessment benchmarks, subject to reasonable and relevant conditions. The application is only assessable development due to the *Temporary Local Planning Instrument 2022 (Flood Regulation)*, as the use of Local Utility on land included in the Open Space and Recreation Zone is Accepted development under the planning scheme.

Site Details

SITE AND LOCALITY DESCRIPTION	
Land Area:	3,340m ²
Existing Use of Land:	Reserve for Park and Recreation

Road Frontage:	Toowoomba Connection Road: 97m Roches Road: 54m
Significant Site Features:	Adjoins Gatton Creek to the north-east
Topography:	Cross-block slope from 277m AHD at Roches Road to 275.75m at eastern boundary (2% slope)
Surrounding Land Uses:	Industrial activities to the north. Residential dwellings to the south across the highway. Nearest dwelling is 100m to the south.



Figure 1: Site Aerial

Proposal

The applicant proposes to construct a LED sign on the premises which will serve the purpose of being activated to notify community of flooded road conditions. It may also be utilised for other important community messages.

The sign is to be fixed to a 5m x 8m maintenance pad close to the road boundary but wholly within the property. The sign has an overall height of approximately 6.72m above natural ground level which includes approximately 1m of the maintenance pad (which is battered up from natural ground), a 5.67m sign, and 0.923m of solar panels on top. Refer proposal plans below.

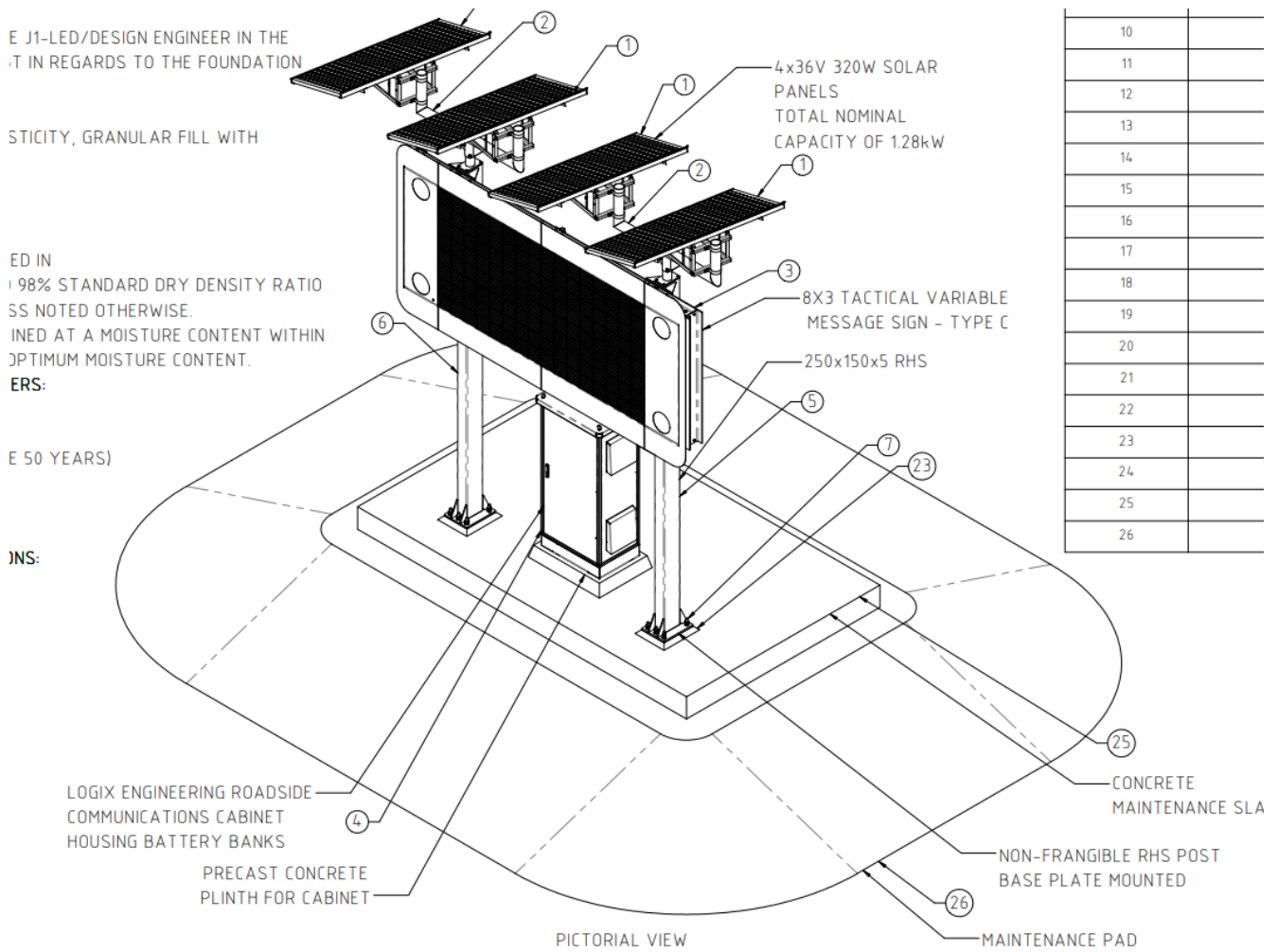


Figure 2: Perspective View of Sign

Under the *Gatton Shire Planning Scheme 2007*, a **Local utility** means the use of premises, reserves and easements for any public utility undertakings by Council, or other agency or organisation providing community infrastructure.

ASSESSMENT:

Framework for Assessment

Categorising Instruments for Statutory Assessment

For the *Planning Act 2016*, the following Categorising Instruments may contain Assessment Benchmarks applicable to development applications:

- the *Planning Regulation 2017*;
- the Planning Scheme for the local government area;
- any Temporary Local Planning Instrument; and
- any Variation Approval.

Of these, the planning instruments relevant to this application are discussed in this report.

Assessment Benchmarks Pertaining to the *Planning Regulation 2017*

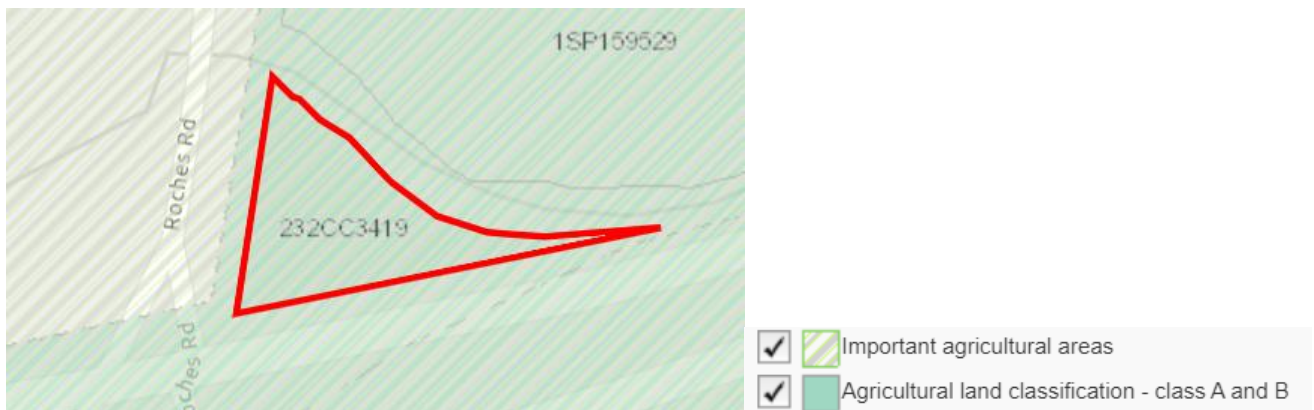
The following Assessment Benchmarks from the *Planning Regulation 2017* are applicable to this application:

PLANNING REGULATION 2017 DETAILS	
Assessment Benchmarks:	State Planning Policy (Agriculture, Water Quality, Natural Hazards, Risk and Resilience)
South East Queensland Regional Plan 2017 (ShapingSEQ) Designation:	Urban Footprint

State Planning Policy

Agriculture

The subject land is within the Agricultural land classification – Class A and B and an important agricultural area. The site is not suitable for agricultural purposes being only approximately 3,000m², and adjoining urban development. Given the existing limitations of the Agricultural land classification – Class A and B land, there is no greater impact to agricultural land as a result of the development.



Water Quality

The development is for a sign for community messages. The size of the allotments is sufficient for the structure that there will be no adverse impacts to water quality as a result of the development. The development is consistent with the State Interest.

Natural Hazards, Risk and Resilience

The subject site is located within the Flood hazard area – Local Government flood mapping area. Refer to discussion under ‘Assessment Benchmarks Pertaining to a Temporary Local Planning Instrument’ as to how the development complies with the State Interest for flooding.

South East Queensland Regional Plan

The development for a Local Utility, being a disaster management sign, is consistent with the regulatory requirements of the Urban Footprint designation.

Assessment Benchmarks Pertaining to the Planning Scheme

The applicable planning scheme for the application is *Gatton Shire Planning Scheme 2007*. The following sections relate to the provisions of the Planning Scheme.

Planning Scheme:	<i>Gatton Shire Planning Scheme 2007</i>
Zone:	Open Space and Recreation
Overlay/s:	Temporary Local Planning Instrument – High Flood Hazard
Assessment Benchmarks:	Temporary Local Planning Instrument 2022 (Flood Regulation)

Assessment Benchmarks – Planning Scheme Codes

The application requires Code Assessment and must only be assessed against the assessment benchmarks. The following assessment benchmarks apply to this development:

- Temporary Local Planning Instrument 2022 (Flood Regulation)

The application has been assessed against the applicable code and found to be compliant or can be conditioned to comply. The pertinent issues arising out of assessment against the code are discussed below:

Temporary Local Planning Instrument 2022 (Flood Regulation)

Council’s updated flood modelling identifies the location of the sign could be affected by water depths of up to 1m in a 1% AEP event (including climate change). Refer to mapping below.

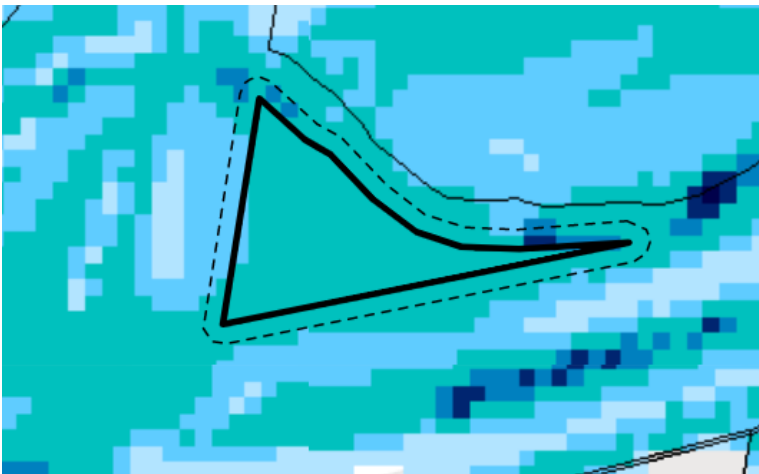


Figure 3: Council flood mapping

The development proposes some earthworks to establish a maintenance pad for the sign and ensure the sign remains visible during a flood event (to notify of important community messages). It will be necessary for the applicant to demonstrate that the earthworks do not create actionable nuisance on adjacent properties. This is recommended to be included as a condition. In addition, to ensure the sign is structurally built to withstand the likely hydraulic hazard, a Registered Professional Engineer of Queensland (RPEQ) is recommended to certify the sign is structurally sound.

Through these conditions of approval, the development will adequately demonstrate compliance with the requirements of the Temporary Local Planning Instrument 2022 (Flood Regulation).

Public Notification

The application was Code Assessable and did not require public notification.

Adopted Infrastructure Charges Resolution

The application does not propose any gross floor area meaning no infrastructure charges are payable.

Options

Option A: Approve the development subject to reasonable and relevant conditions

Option B: Approve the development in part subject to reasonable and relevant conditions

Option C: Refuse the development

Critical Dates

A decision on the application must be made by Council by 16 December 2022.

Strategic Implications

Corporate Plan

Lockyer Planned – A development assessment process that delivers quality development that is consistent with legislation, best practice and community expectations.

Finance and Resource

Should the decision be contested in the Planning and Environment Court financial implications may occur.

Legislation and Policy

The application has been assessed in accordance with the requirements of the *Planning Act 2016*. Legal implications arising from the recommendation provided in this report is that the applicant may appeal the decision to the Planning and Environment Court.

Risk Management

The application has been assessed in accordance with the *Planning Act 2016*. Any risks have been mitigated through the appropriate assessment of the application in accordance with legislative requirements and the recommendation of reasonable and relevant conditions.

Consultation

Public notification was not required for this development application.

Attachments

1 [↓](#) OW2022.0042 Proposal Plans 2 Pages

