

SPECIAL MEETING OF COUNCIL

AGENDA

4 FEBRUARY 2025



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1. MEETING OPENED

1.1 Acknowledgement of Country

The traditional owners of the land on which the meeting is held to be acknowledged.

2. LEAVE OF ABSENCE

No Leave Of Absence.

3. DECLARATION OF ANY PRESCRIBED CONFLICT OF INTERESTS/DECLARABLE CONFLICTS OF INTEREST BY COUNCILLORS

3.1 Declaration of Prescribed Conflict of Interest on any Item of Business

Pursuant to Chapter 5B, Part 2 of the *Local Government Act 2009*, a councillor who has a prescribed conflict of interest in an issue to be considered at a meeting of a local government, or any of its committees must:

- (a) inform the meeting of the prescribed conflict of interest in the matter, including the following about the interest
 - i. if it arises because of a gift, loan or contract, the value of the gift, loan or contract
 - ii. if it arises because of an application or submission, the subject of the application or submission
 - iii. the name of any entity other than the councillor that has an interest in the matter
 - iv. the nature of the councillor's relationship with the entity that has an interest in a matter
 - v. details of the councillor's and any other entity's interest in the matter; and
- (b) leave the meeting room, including any area set aside for the public, and stay out of the meeting room while the matter is being discussed and voted on unless the subject councillor has written notice from the Minister to participate in the matter.

3.2 Declaration of Declarable Conflict of Interest on any Item of Business

Pursuant to Chapter 5B, Part 3 of the *Local Government Act 2009*, a councillor who has a declarable conflict of interest in a matter to be considered at a meeting of the local government or any of its committees must inform the meeting about the personal interest in the matter, including the following particulars about the interests:

- (a) the nature of the interests
- (b) if it arises because of the councillor's relationship with a related party:
 - i. the name of the related party to the councillor
 - ii. the nature of the relationship of the related party to the councillor
 - iii. the nature of the related party's interest in the matter
- (c) if it arises because of a gift or loan from another person to the councillor or a related party:
 - i. the name of the other person
 - ii. the nature of the relationship of the other person to the councillor or related party
 - iii. the nature of the other person's interest in the matter
 - iv. the value of the gift or loan and the date the gift or loan was made.
- (d) how the councillor intends to handle the matter i.e. leave the meeting or proposes to stay in a meeting.

4. EXECUTIVE OFFICE REPORTS

No Executive Office Reports.

5. PEOPLE, CUSTOMER & CORPORATE SERVICES REPORTS

No People, Customer and Corporate Services Reports.

6. COMMUNITY & REGIONAL PROSPERITY REPORTS

6.1	MC2017/0050.02 Change Application for Material Change of Use for Educational Establishment - 124 & 142 Twidales Road, Helidon Spa
Author:	Tammee Van Bael, Planning Officer

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

Purpose:

The purpose of this report is to consider a change (other) application (MC2017/0050.02) for a Development Permit for Material Change of Use for Educational Establishment on Lots 1-3 SP256663 at 124 & 142 Twidales Road, Helidon Spa.

This 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 change (other) application (MC2017/0050.02) for a Development Permit for Material Change of Use for Education Establishment on Lots 1-3 SP256663 at 124 and 142 Twidales Road, Helidon Spa, be approved subject to the following conditions:

No.	Condition		Timing				
APPRO	PROVED PLANS AND DOCUMENTS						
1.	. APPROVED PLANS & DOCUMENTS Undertake the approved development generally in accordance with the approved plans and documents, including any amendments where in red on the approved plans:						
	Title	Plan No.	Revision/ Amended	Date	Prepared By		
	Site Plan	01	6	07/11/24	Lockhart Drafting & Design		
	Proposed Camping Grounds	02	7	07/11/24	Lockhart Drafting & Design		
	Building Layout	BFIPS2407085- 2	-	07/08/24	The Shed Company Ipswich		
	Site Details 1	2015-33 2	С	27/04/17	Eco Blueprints		
	Site Details 2	2015-33 3	С	27/04/17	Eco Blueprints		
	Site Details	2017-20 2	P2	-	Eco Blueprints		

							i I
	Accommodation	2017-20 3	P2	-	Ec	co Blueprints	
	Unit Type 1 Details						
	Existing Context	MP.02	1	28/09/2	20 Lo	ockhart Drafting &	
	0 0 0 0	-		-,,		esign	
	Site Plan	MP.04	4	28/09/2		ockhart Drafting &	
						esign	
	Proposed Floor Plan	A.01	4	28/09/2		ockhart Drafting &	
	Proposed	A.02	4	28/09/2		esign ockhart Drafting &	
	Elevations	71.02		20,00,2		esign	
	Proposed Floor	B.01	4	28/09/2		ockhart Drafting &	
	Plan					esign	
	Proposed	B.02	4	28/09/2		ockhart Drafting &	
	Elevations Proposed Floor	C.01	4	28/09/2		esign ockhart Drafting &	
	Plan	C.01	4	20/09/2		esign	
		Document	Revision /	_	_		
	Title	No.	Amended	Date	Prep	ared By	
	Bushfire Advice	J002161	-	07/11/24	Rang	ge Environmental	
	Letter for 124 &						
	142 Twidales Road, Helidon						
	Spa						
2.	CONDITIONS OF A		ND APPRO	/ED PLANS			At all times.
	Where there is a c	onflict betwe	en the con	ditions of th	is app	proval and the details	
	shown on the app	proved plans	and docum	ents, the c	onditi	ons of approval take	
	precedence.						
GENER	AL						
3.	COMPLIANCE WIT						At all times.
	•	•		• •		th this development	
	•••		the approv	al by an em	ploye	e, agent, contractor,	
	or invitee of the a	• •	с г				
4.	WORKS – APPLICA			dovolonmo	nt and	d construction of the	At all times.
				•		ic utility alterations	
	•	-				ility provider, unless	
	otherwise stated i					.,	
5.	INFRASTRUCTURE						At all times.
				n this dev	elopm	ent approval about	
	infrastructure und	der Chapter	4 of the <i>Pla</i>	anning Act	2016	(the Act), should be	
	read as being non-	-trunk infrast	ructure con	ditioned ur	nder se	ection 145 of the Act,	
	unless otherwise s	stated.					
6.	WORKS – DEVELO						At all times.
			-	-		ucture (e.g. drainage	
		•				ertaken as part of the	
		-		to create a	hazai	rd to the community,	
7	must be repaired	•					
7.	WORKS – DESIGN			uct ho d-	cian -	A constructed and	At all times.
					-	d, constructed, and	
	standards.	cordance wit	in the relev		ii pol	icies, guidelines and	
	stanuarus.						

0		
8.	WORKS – SPECIFICATION & CONSTRUCTION	At all times.
	All engineering drawings/specifications, design and construction works must	
	comply with the requirements of the relevant Australian Standards and must be	
	approved, supervised, and certified by a Registered Professional Engineer of	
	Queensland (RPEQ).	
9.	MAINTAIN APPROVED DEVELOPMENT	At all times.
	The development is to be constructed and maintained in accordance with the	
10	approved drawing(s) and/or document, and any relevant approvals.	
10.	APPROVED USE	At all times.
	The approval is for an Educational Establishment (outdoor education facility) as	
	per the extent shown on the approved plans. The on-site accommodation approved by this development permit is only to be	
	used in conjunction with the use of the property as an Educational	
	Establishment and is not to be used to provide accommodation to the public in	
	the manner of a camping ground or caravan park.	
11.	NUMBER OF PERSONS	At all times.
11.	The maximum number of guests on site must not exceed 590 persons at any	At an times.
	time, with specific limits on certain parts of the development as follows:	
	a. Buildings 4-6, 10-16 as identified on Drawing No. 2015-33 2: 170 persons;	
	b. Adventure Camp 1.0 camping ground: 200 persons;	
	c. Stage 4 Cabin accommodation: 120 persons; and	
	d. Adventure Camp 2.0 camping ground 100 persons.	
12.	AMALGAMATION OF LOTS	Prior to
	The three lots, Lots 1-3 SP256663, are to be amalgamated into one (1) lot.	commencement
		of the use.
ENCOUNT		
ENGIN	EERING WORK – STORMWATER DRAINAGE WORKS	
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	STORMWATER DRAINAGE WORKS – LAWFUL POINT OF DISCHARGE Discharge all minor stormwater flows that fall or pass onto the site to the lawful point of discharge without causing annoyance or nuisance to any person or	At all times. At all times.
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18.	 (a) Water provided for human consumption, food preparation, food utensil washing or personal hygiene, including the supply of water for drinking water, showers, baths, hand basins and kitchen sinks, is a drinking (potable) water supply, in accordance with the <i>Plumbing Code of Australia</i> and the <i>Australian Drinking Water Quality Guidelines</i> produced by the National Health and Medical Research; and (b) If water is to be supplied for the development from a spring/bore/dam on the site, written advice must be supplied from the Department of Resources that water may be lawfully supplied from that source. A water supply is to be provided in accordance with the approved report. 	At all times.
	The development is to be provided with a dedicated, static on-site fire-fighting water supply with a minimum capacity of 22,500 litres (as per AS2304-2011).	
SEWER	AGE INFRASTRUCTURE	
19.	ON-SITE SEWERAGE TREATMENT & DISPOSAL Provide and maintain on-site sewerage treatment and disposal in accordance with the requirements of the <i>Plumbing and Drainage Act 2018,</i> including the Queensland Plumbing and Wastewater Code.	At all times.
ENGIN	EERING WORK – CARPARKING AND ACCESS	
20.	VEHICULAR ACCESS Maintain the approved vehicular access from Twidales Road, as per the approved plans. Access must accommodate a medium rigid vehicle (15 tonne fire appliance).	At all times.
21.	VEHICULAR ACCESS Vehicular access is only permitted from Twidales Road and only at the approved crossover locations as shown on the approved plans. Vehicles are not permitted to enter or exit the site in any other location.	At all times.
22.	INTERNAL DRIVEWAY & CAR PARKING Maintain the existing internal driveways, roads, manoeuvring and designated car parking areas. These areas must be maintained to provide a minimum gravel road base standard.	At all times.
SERVIC	ES	
23.	ELECTRICITY & TELECOMMUNICATIONS Connect the development to reticulated electricity supply and telecommunications to the standard of the relevant service provider.	Prior to commencement of the use and at all times thereafter.
	MANAGEMENT	
24.	 WASTE STORAGE Store all waste within a waste storage area (e.g. general waste, recyclable waste, pallets, empty drums, etc.). The waste storage area must be: a. Designed and located to not cause nuisance to neighbouring properties; b. Screened from any road frontage and adjoining property; c. Of a sufficient size to accommodate commercial type bins that will be serviced by a commercial contractor plus clearance around the bins for manoeuvring and cleaning; d. Provided with a tap and hose at the waste storage area, and washdown must be drained to the onsite effluent treatment system and fitted with an approved stormwater diversion valve arrangement in accordance with the provisions of a Trade Waste Permit and the <i>Plumbing and Drainage Act 2002</i>. 	At all times.

AMEN	TY - LIGHT	
25.	AMENITY - LIGHTING	At all times.
23.	Maintain outdoor lighting to comply with AS4282 - Control of the obtrusive	At an times.
	effects of outdoor lighting.	
26.	AMENITY - LIGHTING	At all times.
20.	Light sources at the premises must be positioned and shielded to prevent light	At an times.
	spillage outside the boundaries of the premises.	
	TY NOISE	
27.		At all times.
27.	All regulated devices, pumps, air-conditioning equipment and refrigeration	At all times.
	equipment (as defined by the <i>Environmental Protection Act 1994</i>) must be designed, installed, operated and maintained in order to comply with the noise	
	standards as specified within the <i>Environmental Protection Act 1994</i> and	
	Environmental Protection (Noise) Policy 2019.	
28.		At all times
28.	Noise generated by the Education facility must not exceed the following limits when measured at 4 metres from the nearest facade of a residential building	At all times.
	(on land other than the subject land): a. During night-time hours (10pm-7am) – LAMAX 50 dB(A), adjusted for tonality	
	 During night-time hours (10pm-7am) – L_{AMAX} 50 dB(A), adjusted for tonality and impulsiveness; and 	
	b. For plant and equipment $-L_{A90}$ 39 dB(A).	
29.	All mechanical plant and equipment, including but not limited to, air	At all times.
29.		At all times.
	conditioning/refrigeration plant and ventilation exhausts/extracts must be screened/shielded.	
	TY – BUILDING MATERIALS	
30.	AMENITY – BUILDING MATERIALS	At all times.
	Ensure all buildings and structures associated with the development are	
	constructed from materials and/or painted or similarly treated with paint or	
BUSHF	pigment of a low reflective level that does not cause excessive glare.	
		At all times.
31.	BUSHFIRE HAZARD ASSESSMENT AND MANAGEMENT PLAN	At all times.
	Carry out the approved development in accordance with the approved Bushfire	
	Advice Letter, unless otherwise varied by a condition of this development	
	AINTS MANAGEMENT PROCEDURE	(a) Drierte
32.	COMPLAINTS MANAGEMENT PROCEDURE	(a) Prior to
	a. A Complaints Management Procedure is to be prepared that includes:	commencement
	i. Contact details, including a mobile phone number, of the on-site	of use.
	manager/s who is available at all times. The on-site manager must be available at all times on the premises;	(b) Prior to
	ii. The requirement for any complaints received to be investigated within	(b) Prior to commencement
	1 hour, unless otherwise agreed with the complainants;	of use.
	iii. Information about the type of complaints that will prompt	or use.
	investigation. This is to include, at a minimum, noise, lighting, parking,	(c) At all times
	dust, traffic, trespass and dumping of waste;	(c) At all times.
	iv. The requirement for complainants to be provided a response in	(d) Prior to
	relation to the outcome of the investigation into their complaint;	commencement
	v. The maintenance of a Register of Complaints.	of use.
	b. The Complaints Management Procedure is to be submitted to Council. Any	or use.
	amendments required by Council are to be made and the revised Complaints	
	Management Procedure re-submitted to Council.	
	 c. The Complaints Management Procedure (or revised Complaints Management Procedures, if relevant) is to be implemented. 	

	d. A copy of the Complaints Management Procedure (or revised Complaints Management Procedures, if relevant) is to be provided to all adjoining landowners.	
33.	 REGISTER OF COMPLAINTS A Register of Complainants is to be maintained detailing all complaints received in relation to the operation of the use. The register is to include the following details for each complaint: a. the name and location of the complainant (if known); b. the nature of the complaint; and c. how and when the complaint was responded to or actioned. The Register of Complaints is to be made available to Council officers for inspection within two (2) business days upon written request 	At all times.

Executive Summary

Council has received a change application (MC2017/0050.02) for a Development Permit for Material Change of Use for an Educational Establishment on Lots 1-3 SP256663 at 124 & 142 Twidales Road, Helidon Spa. The application has been assessed in accordance with the requirements of the *Planning Act 2016*.

TABLE 1 - OVERVIEW				
APPLICATION DETAILS				
Application No:	MC2017/0050.02			
Applicant:	Emu Gully Adventure Education Group Inc			
Landowner:	Emu Gully Adventure Education Group Inc			
Site address:	124 & 142 Twidales Road, Helidon Spa			
Lot and Plan:	Lots 1-3 SP256663			
Proposed development:	Change Application (for a change other than a minor change) to Development Permit for a Material Change of Use for an Educational Establishment			
STATUTORY PLANNING DE	TAILS			
Planning Scheme:	Lockyer Valley Planning Scheme 2024			
Zone:	Rural zone			
Mapped State Planning	State Planning Policy (July 2017)			
Policy (SPP) matters:				
South East Queensland	Regional Landscape and Rural Production Area			
Regional Plan 2023				
(Shaping SEQ) regional				
land use category:				
Referral trigger/s under	SEQ regional landscape and rural production area – community activity			
the Planning Regulation				
2017:				
TLPI:	<i>Temporary Local Planning Instrument 2024 (Flood Regulation)</i> (effective 22 July 2024)			
	Flood hazard area under the Flood hazard overlay:			
	Investigation area			
	Overland flow path			
Overlays:	Agricultural land overlay			
	Biodiversity overlay			
	Bushfire hazard overlay			
	Scenic landscape overlay			
	Steep land overlay			
	Waterways and water resource catchment overlay			

	High risk soils overlay
	Road hierarchy overlay
Category of Assessment:	Change (other) to development approval (Impact assessable)
	The subject land is located within the Rural zone which identifies a Material
	Change of Use for Educational Establishment as Impact assessable development
	under Section 5.5.13, Table 5.514 of the Lockyer Valley Planning Scheme 2024.

DESCRIPTION OF THE SITE AND SURROUNDS

SITE AND LOCALITY DESCRIPTION		
Land area:	76.2Ha	
Existing use of land:	Educational Establishment (outdoor education facility)	
Road frontage:	Twidales Road: 278m	
	Unconstructed road reserve (to north): 1,495m	
	Unconstructed road reserve (to west): 20m	
Significant site features:	Vegetated, Monkey Water Holes Creek adjacent to development site, existing	
	buildings and facilities used in association with Educational establishment	
Topography:	Slopes from 201m AHD in northwest corner to 156m AHD in southeast corner	
Surrounding land uses:	Dwelling house to east, south and west; vacant land to north	



Figure 1. Locality of Subject Site (source LVRC Intramaps)

SITE HISTORY AND BACKGROUND

DEVELOPMENT APPROVAL	ASSESSMENT
MCU2015/0007	A Development Permit for Material Change of Use for Outdoor entertainment (Outdoor education facility) was issued on 12 April 2017. The approval was to formalise the existing use of the property and to further develop the site, carried out over four stages.
	The approval includes a range of recreational activities on the land, accommodation in cabins and tents throughout the site, communal facilities and amenities.
	 Stage 1: pre-April 2017 operations over the land including accommodation, amenities, recreational activities such as swimming, communal buildings; Stage 2: additional activity areas; Stage 3: new administration building and large undercover area; Stage 4: tent accommodation for 120 persons, amenities and cabin for up to 12 staff accommodation.
	 The approval was for a total of 490 persons with capacity at the various accommodation components as follows: Accommodation barracks/cabins/tents: 170 persons; Adventure camping site: maximum 200 persons; and Tent accommodation: maximum 120 persons.
MC2017/0050	A change application (for a minor change) to the Material Change of Use for Outdoor entertainment was approved on 8 December 2017. This involved a change to the approved plans only, which related to Stage 4 works changing from tent accommodation to nine (9) cabins, additional kitchen and dining marquee. The number of persons remained the same at 120 persons for Stage 4.
MC2017/0050.01	 A change application (for a minor change) to change the development permit for the Material Change of Use for Outdoor entertainment was approved on 9 November 2020. This involved a change to the approved plans only including: Relocation of the "Teachers Accommodation" and amenities buildings; Replacement of an existing tent structure with a new permanent shade structure; Construction of a new "Shed Shelter Carport"; Addition of two new 40ft storage containers and construction of a roof over some of the containers; New rainwater tank and effluent disposal; Construction of new shade structures and relocation of an existing shade structure.

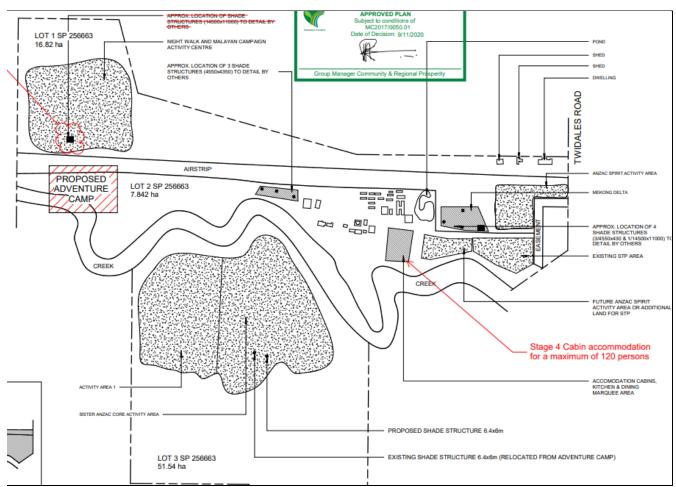


Figure 2. MC2017/0050.01 Approved site plan

PROPOSAL

The subject land is the site of the Emu Gully Adventure Park. This outdoor education facility caters predominantly to school groups.

The change application seeks to include an additional camping area in the northwestern corner of the site, referred to as 'Adventure Camp 2.0' and involves:

- Camping for up to 100 persons this would bring the total number of guests that could be accommodated on the site to 590 persons;
- New ablutions buildings (separate male, female and PWD) being buildings A (12m x 3.4m), B (12m x 3.4m) and C (4m x 3.4m);
- New teachers cabin with covered deck being buildings D (12m x 3.4m) and E (9m x 6m);
- 4 x new sheds:
 - Building F 18m x 7m;
 - Building G 12m x 12m;
 - Building H 12m x 12m; and
 - o Building I 13m x 6m; and
- New sewage treatment plant.

No new development is proposed south of the creek, and no vegetation clearing is proposed. All other components of the existing development will remain the same.

An additional 100 people will result in a total capacity at any one time of 590 persons, with the number of persons accommodated within various accommodation components as follows:

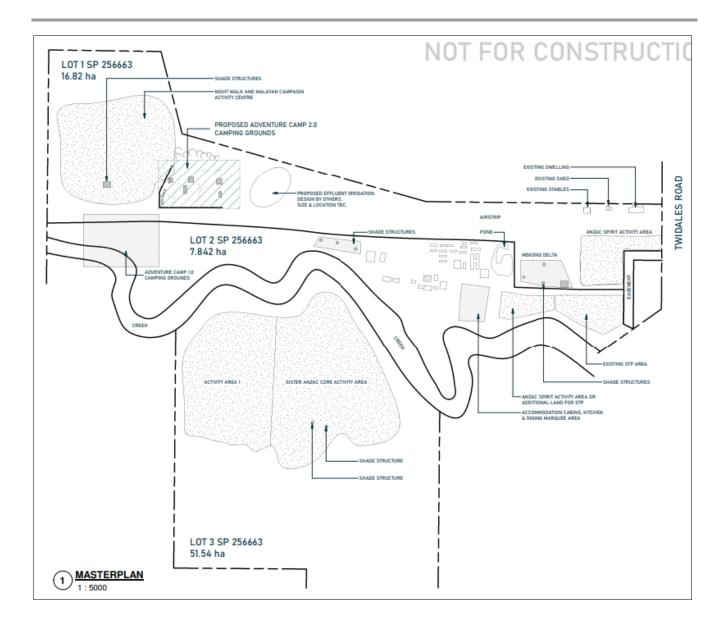
- Adventure Camp 1.0 camping ground: 200 persons;
- Stage 4 Cabin accommodation: 120 persons; and
- Adventure Camp 2.0 camping ground 100 persons.

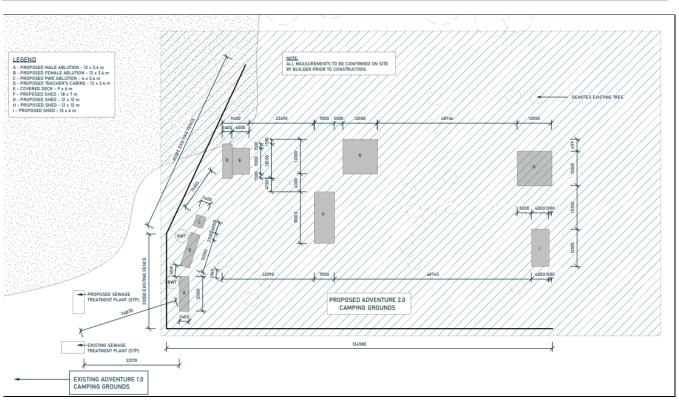
Several cabins and accommodation tents (shown as Buildings 4-6, 10-16 on Drawing No. 2015-33 2) provides accommodation for 170 persons that are located immediately to the west of the pond and to the north of the stage 4 cabin accommodation. A condition is recommended that limits the number of guests on site at any one time, with further limitation on the number of guests for the various accommodation components.

Access to the land is via Twidales Road. This road is bitumen sealed to a width of 6.5 metres. Advice from Council's engineer is that this road is suitable for the existing and proposed development as guests are transported to the site via bus.

There are currently no formal parking spaces provided, however area is provided adjacent to existing buildings and roads for car parking. No additional parking is proposed to be provided on site.

MATERIAL CHANGE OF USE	DEVELOPMENT PARAMETERS	
	Proposed	
Gross floor area	An additional 628m ²	
Building height / storeys	4.41m / 1 storey	
Setbacks	Front: 980m	
	Side/Rear: 72m (north), 146m (south) 254m (west)	
Site Cover	<0.01%	
Parking	No additional parking	





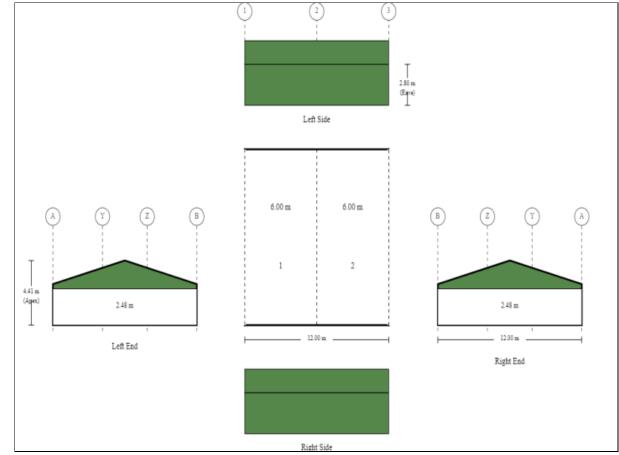


Figure 3. Proposed development plans

PLANNING ASSESSMENT

The following assessment is carried out in accordance with section 82 of the *Planning Act 2016*, which sets out the requirements for assessing and deciding change applications for other changes. Further, Section 82 of the *Planning Act 2016* allows Council to make any necessary changes to the approval and the power to impose and amend development conditions. The recommended conditions include changes to the current conditions of approval for the existing outdoor education facility to reflect current Planning Scheme requirements. Any duplicate conditions from the previous decision notice have been removed.

Lockyer Valley Planning Scheme 2024

The proposed development is identified as impact assessment under the Planning Scheme.

Assessment of the application must have regard to the Planning Scheme as a whole. The applicable assessment benchmarks for the proposed development include the following codes of the Planning Scheme:

- Strategic framework
- Rural zone code
- Community and recreation activities code
- Agricultural land overlay code
- Bushfire hazard overlay code
- Scenic landscape overlay code
- Waterways and water resources overlay code
- Building design code
- Environment and amenity code
- Infrastructure and services code
- Landscaping code
- Stormwater management code
- Transport, access and parking code

The proposal has been assessed against the assessment benchmarks in accordance with section 82(4) of the *Planning Act 2016*.

Strategic Framework

Under the Strategic Framework the land is identified as a Rural area under strategic framework maps SFM1 Growing communities, SFM2 Prosperous community, SFM3 Connecting infrastructure, and SFM5 Living in a great plan.

The Strategic frameworks states:

"Rural areas are protected to also fulfil a range of secondary roles, including providing for rural industries, quarrying, tourism, special uses, life sustaining services, cultural heritage and scenic landscape areas. Rural areas are to be retained for all of these purposes due to their economic, cultural, social and environmental values."

The land has historically been used as an outdoor education facility. The outdoor education facility is located in the Rural zone to take advantage of the rural landscape and environmental values of the land. The shape of the land and existing vegetation limits agricultural productive viability. It is considered that the use fulfils a secondary role and benefits from the cultural, social and environmental values of the rural landscape. It is therefore considered the proposal supports the achievement of the Strategic Framework.

Assessment against Planning Scheme Codes

Rural Zone Code

The Overall Outcomes of the Rural zone code include:

- w. Development that is not consistent with the purpose and outcomes of the Rural zone must demonstrate overriding community need as well as a planning justification as to why the use cannot be established in a more suitable zone.
- *X.* Uses not listed in Table 6.14-1 are inconsistent uses in the Rural zone. Inconsistent uses are not established in the zone.

An Educational establishment is not listed in Table 6.14-1, therefore is an inconsistent use in the zone. However, the proposed development can comply with the Strategic Framework and purpose of the Rural zone (discussed below).

- 1. The purpose of the Rural zone is to:
 - a. provide for rural uses and activities; and
 - b. provide for other uses and activities that are compatible with:
 i. existing and future rural uses and activities; and
 ii. the character and environmental features of the zone; and
 - c. maintain the capacity of land for rural uses and activities by protecting and managing significant natural resources and processes.

The development provides for an expansion of an existing activity on the land (not establishing a new use). The nature of the use being an outdoor education facility is located within a rural area to take advantage of the landscape and character of the area.

The development is located within an existing cleared area on the site and maintains existing vegetation of significance. The use involves several small scale buildings commensurate with the development. It is therefore considered that the development provides for other uses compatible with the character and environmental features of the zone.

The proposal therefore achieves the purpose of the Rural zone.

Agricultural Land Overlay Code

The Overall Outcomes of the Agricultural land overlay code include:

- a. protect and improve the productivity and potential of ALC Class A & B soils for sustainable rural uses particularly Cropping.
- b. ensure that development on, adjoining or near ALC Class A & B soils minimises the potential for land use conflict with other rural activities.
- c. ensure that development for sensitive land uses includes a landscaped separation buffer to ALC Class A & B soils to minimise reverse amenity impacts.
- d. provide opportunities for the continued growth of existing and new supporting agri-businesses and low impact Tourist activities in important agricultural areas, where the primacy of agricultural production is maintained.
- e. minimise the development of Intensive animal industry or Aquaculture on ALC Class A & B soils and Stock route parcels.

The majority of the subject land is located within the Agricultural land overlay (approximately 63 hectares). The current approved development occupies approximately 35 hectares of the mapped Agricultural land overlay. The proposed development is partially located within the Agricultural land overlay and will impact an additional 1.76ha of land in the overlay. The proposed development is located on the edge on the Agricultural land overlay.

Considered in isolation, the proposed development would not comply with the Agricultural Land Overlay Code. However, in the context established by the existing development approval, the impact on agricultural land is minimal. The proposed development is located at the northern edge of the overlay whereas the existing development is located within the substantive part of the overlay nearer Monkey Water Holes Creek. It is the existing development that prevents land in the Agricultural Land Overlay from being used for productive agricultural purposes. If the change application were refused on the grounds of impact to the agricultural land overlay, it is unlikely to protect this land for agricultural purposes given the existing development on the wider site.

The proposed development involves the expansion of an existing use. The activities of the outdoor Educational establishment rely on the rural landscape and environmental values of the land, and there are no suitable alternative sites that could accommodate the existing and proposed development without compromising agricultural land or environmental values. Given this land has been used for an Educational establishment for an extended period of time, the proposed extension to the use will not diminish agricultural production. Nor will the proposed development create fragmentation, and the use of the land for an Educational establishment will not preclude the future use of the land for agricultural purposes should the Education establishment cease to operate.

Acceptable Outcome	AO1.1 Development is:		
	a. located within 60m of the street frontage; and		
	b. accessed by a sealed driveway with a gradient of 12.5% or less that is consistent		
	with the design requirements set out at Table 8.4-5: Accepted driveway access		
	requirements;		
	c. positioned in the lowest hazard area of the site.		
Performance	PO1 Development achieves an acceptable or tolerable risk to people and property		
Outcome	through:		
	 a. providing asset protection zones; and 		
	b. providing a safe, convenient and accessible vehicle access for evacuation and		
	firefighting vehicles.		
Applicant's response:	The proposed development involves an expansion of an existing Educational		
	Establishment and will continue to operate in accordance with existing bushfire		
	management practices. Additionally, the proposed development has been designed to		
	ensure it does not increase the risk to the safety of people or property as a result of bushfire hazards.		
Officer's	The submitted Bushfire Advice Letter, prepared by Range Environmental Consultants,		
assessment:	determined that the buildings can be provided with an appropriate asset protection		
	zone in accordance with AS3959.		
	There is an existing internal access road which is safe, convenient and accessible for		
	evacuation and firefighting vehicles.		
	The proposal therefore mitigates the bushfire risk to persons and property to an acceptable level.		

Bushfire Hazard Overlay Code

Performance Outcome	 PO5 Vulnerable uses and difficult to evacuate uses are not established or intensified within a bushfire prone area unless: a. there is an overriding need in the public interest for the new or expanded service the development provides; b. there are no other suitable alternative locations; c. site planning can appropriately mitigate the risk such that exposure to a radiant heat flux level of 10kW/m² or less is achieved, measured at the outmost projection of the building or structure (this can be achieved for example, by locating ovals for an Educational establishment between the hazardous vegetation and structures).
Overall Outcomes	 a. Development that potentially increases the exposure of people and property to natural hazards: avoids areas of bushfire hazard or intolerable risk; or where areas of bushfire hazard cannot be avoided, development is designed, located and managed to ensure risk to the safety of people and damage to property is mitigated to an acceptable or tolerable level before, during and after a natural hazard event. b. Development avoids establishing or intensifying vulnerable uses, critical infrastructure and difficult to evacuate uses within or near areas that are subject to bushfire hazard; f. Development contributes to and does not unduly burden, effective and efficient disaster management response and recovery capabilities and ensures safe evacuation from bushfire can be facilitated.
Applicant's response:	The proposed development involves an expansion of an existing Educational Establishment and will continue to operate in accordance with existing bushfire management practices. Additionally, the proposed development has been designed to ensure it does not increase the risk to the safety of people or property as a result of bushfire hazards.
Officer's assessment:	A Bushfire Advice Letter, prepared by Range Environmental Consultants, was submitted with the application. The development proposal has been located in the area of lowest hazard (potential impact buffer) on the land. The Bushfire Advice Letter included recommendations to provide a minimum 10,000 litres of water for firefighting and providing a minimum 23m asset protection zone around the new buildings. The Bushfire Advice Letter included an evacuation plan for the development site which included:
	 nomination of emergency contact and assembly points; bushfire response plan including preparation before the bushfire season; and evacuation of the site if determined necessary and appropriate.
	The proposal therefore mitigates the bushfire risk to persons and property to an acceptable level. The proposal incorporates a plan to provide an appropriate disaster management response. The proposal complies with the relevant Overall Outcomes.

Waterways and water resources overlay code

Acceptable Outcome	AO1.1 Development is connected to:	
	a. a stormwater drainage network or other lawful point of discharge;	
	b. sewerage network.	
Performance	PO1 Development protects and improves physical integrity of the waterway and	
Outcome	water quality by avoiding locating within:	

	a. a mapped area on OM12A Waterways and water resource catchment -	
	Ecosystems overlay; or	
	b. within the 200m Bulk water supply storage buffer; or	
	c. the Water supply buffer area.	
Applicant's response:	The proposed development will not be located within:	
	a. a mapped area on OM12A Waterways and water resource catchment -	
	Ecosystems overlay; or	
	b. within the 200m Bulk water supply storage buffer; or	
	c. the Water supply buffer area.	
Officer's	The development complies as it is not located within OM12A, 200m Bulk water supply	
assessment:	storage buffer or Water supply buffer area.	

Acceptable Outcome	AO2.1 Water released to ground, or surface waters is consistent with the water	
	quality objectives and environmental values in Environmental Protection (Water and	
	Wetland Biodiversity) Policy, schedule 1 Document for Lockyer Creek.	
Performance	PO2 Development improves the quality of water entering ground or surface water	
Outcome	supply in the local receiving waters.	
Applicant's response:	Stormwater generated by the development will be appropriately discharged to the site	
	in accordance with the relevant requirements.	
Officer's	All wastewater generated by the development will be treated through an on-site	
assessment:	effluent treatment system prior to discharge. The proposed development results in	
	an increase in impervious area of 682m ² which is less than 0.01% of the development	
	site. Given the treatment of wastewater generated, it is considered the use will not	
	improve water quality.	

Stormwater Management Code

Acceptable Outcome	AO1.1 Stormwater is treated to achieve the stormwater management design			
	objectives in:			
	a. Table 9.4.7-2: Construction phase – stormwater management design objectives;			
	b. Table 9.4.7-3: Construction phase – stormwater management design objectives			
	for temporary drainage works;			
	c. Table 9.4.7-4: Construction phase – stormwater management design objectives			
	for emergency spillways on temporary sediment basins;			
	d. Table 9.4.7-5: Post construction phase – stormwater management design			
	objectives.			
Performance	PO1 Stormwater is treated before being discharged into a natural or non-tidal artificial			
Outcome	waterway.			
Applicant's response:	Construction activities will be undertaken in accordance with the relevant			
	requirements.			
Officer's	All wastewater generated by the development will be treated through an on-site			
assessment:	effluent treatment system prior to discharge. The proposed development results in			
	an increase in impervious area of 682m ² which is less than 0.01% of the development			
	site. Given the small increase in impervious area and setback from Monkey Water			
	Holes Creek, it is considered the use will not adversely impact water quality.			

STATE PLANNING REQUIREMENTS

South East Queensland Regional Plan 2023 (Shaping SEQ)

The site is located in the Regional Landscape and Rural Production Area. The application required referral to the State Assessment and Referral Agency (SARA) as the proposed development activity exceeds the relevant thresholds under the *Planning Regulation 2017*. Refer to the external referral section of this report below for information on SARA's assessment and response.

State Planning Policy (SPP)

The Planning Scheme integrates the current SPP, as identified in Section 2.1 of the Planning Scheme, therefore, an assessment of the proposal against the SPP is not required.

REFERRALS

Internal

The application was internally referred to Council's engineer and environmental officer. Relevant conditions have been included in the recommendations.

External

Planning Regulation 2017 Referrals

Referral status	Referral Agency	Referral trigger	Referral response
Concurrence	DSDIP (SARA)	Schedule 10, Part 16, Division 3, Subdivision 4, Table 1 of <i>Planning Regulation 2017</i> SEQ regional landscape and rural production area or SEQ Rural living area – assessable development – material change of use for community activity	22 November 2024 (Reference No. 2410-42897 SRA).

The application was referred under following triggers under the Planning Regulation:

SARA's referral response included a condition relating to bushfire which required all development to be located outside the medium and high potential bushfire risk areas.

INFRASTRUCTURE CHARGES

In accordance with section 13 of the *Lockyer Valley Adopted Infrastructure Charges Resolution (No. 8) 2024*, a levied charge is applicable to the development proposal and has been calculated as shown in the below table taking into consideration any applicable credits or offsets. An infrastructure charges notice is recommended to be issued.

Charge Type	Demand Unit	No. of Demand Units	Rate	TOTAL	
PROPOSED DE	PROPOSED DEMAND				
Charge	Educational facility – transport and land networks	628m ²	\$83.77	\$52,607.56	
-	Educational facility – stormwater network	682m ²	\$12.21	\$8,327.22	
TOTAL PROPOSED DEM/			SED DEMAND	\$60,934.78	
EXISTING DEMAND					

Credit	Nil		-		-
		TC	OTAL EXISTING DE	MAND CREDIT	-\$0.00
			TOTAL AMO	UNT PAYABLE	\$60,934.78

TRUNK INFRASTRUCTURE

The development is adequately serviced by trunk infrastructure and does not require any additional trunk infrastructure or upgrades of trunk infrastructure. Further, no trunk infrastructure upgrades are identified in Council's Local Government Infrastructure Plan (LGIP).

PUBLIC NOTIFICATION

The application was impact assessable and was publicly notified for a minimum 15 business days between 15 November 2024 and 6 December 2024. On 9 December 2024, Council received the notice of compliance confirming public notification has been carried out in accordance with the requirements of the *Planning Act 2016*. One (1) properly made submission regarding the proposed development was received.

Issues	Comments		
Lighting (bright spotlights) is already directed into neighbouring properties.	 Conditions are recommended requiring lighting: to comply with AS4282; and be positioned and or shielded to prevent light spillage outside the 		
Therefore, any new lighting must not directly impact	boundaries of the land.		
neighbouring properties.	These conditions are to ensure light does not cause a nuisance to neighbouring properties.		
The use will cause increased shooting/gun sounds (during the day and at night) which	The applicant does not propose to use guns as part of the Education facility.		
adversely impacts livestock on surrounding land.	The applicant has confirmed shooting of guns is limited to the landowner/site manager for pest management of wild animals, which will not change as a result of the development.		
Noise will increase during the night which will adversely impact neighbours.	The proposed additional camping area is setback approximately 500m from the nearest sensitive receptors on nearby land. The proposed camping area is setback further from nearby sensitive receptors than existing approved camping/accommodation areas on the land.		
	To mitigate any potential noise issues, a condition is recommended requiring a complaints management procedure which would include responding to complaint of noise nuisance.		

CONCLUSION

The proposal:

- provides for an expansion to an existing outdoor education facility;
- will not adversely impact upon agricultural production given the site has not been used for agricultural purposes for an extended period of time;
- is located to avoid adverse impact on matters of environmental significance;
- appropriately manages bushfire to an acceptable level; and
- achieves compliance with planning scheme and state planning requirements through the imposition of development conditions.

It is therefore recommended the development application be approved subject to conditions in accordance with section 60 of the *Planning Act 2016*.

Options

- 1. Approve the change application subject to reasonable and relevant conditions.
- 2. Approve the change application in part subject to reasonable and relevant conditions.
- 3. Refuse the change application.

Previous Council Resolutions

Ordinary Meeting 8 February 2017 (Resolution Number 16-20/0359)

Council approved the development application for a Development Permit for Material Change of Use for Outdoor Entertainment (Outdoor Education Facility).

Ordinary Meeting 12 April 2017 (Resolution Number 16-20/0448)

Council agreed to change representations in relation to the Development Permit, and two conditions were deleted.

Critical Dates

A decision on this application must be made by 6 February 2025 in accordance with the *Planning Act 2016* and *Development Assessment Rules*.

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

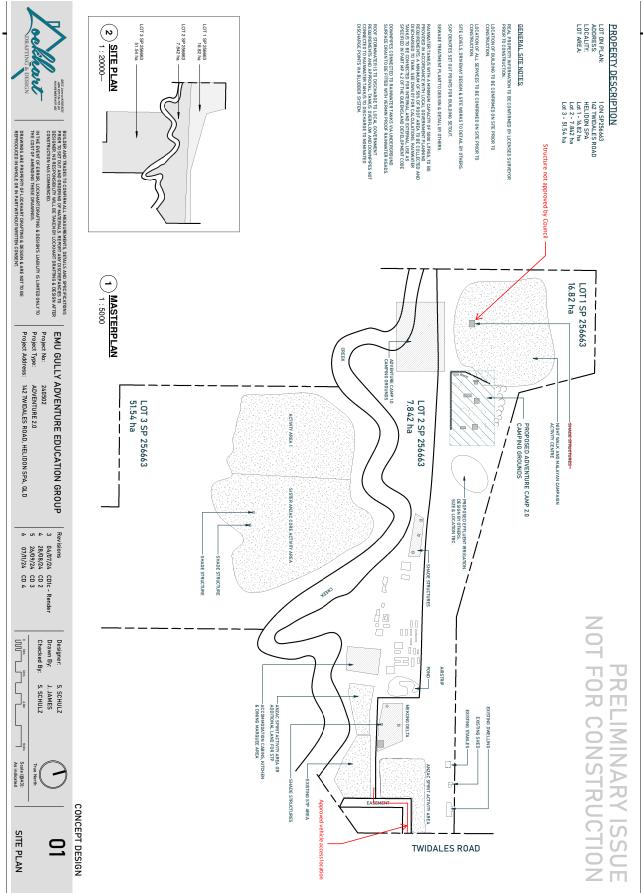
The application has been assessed in accordance with the requirements of the *Planning Act 2016*. Legal implications arising from the recommendation provided in this report are that the applicant and/or submitter may appeal the decision to the Planning and Environment Court.

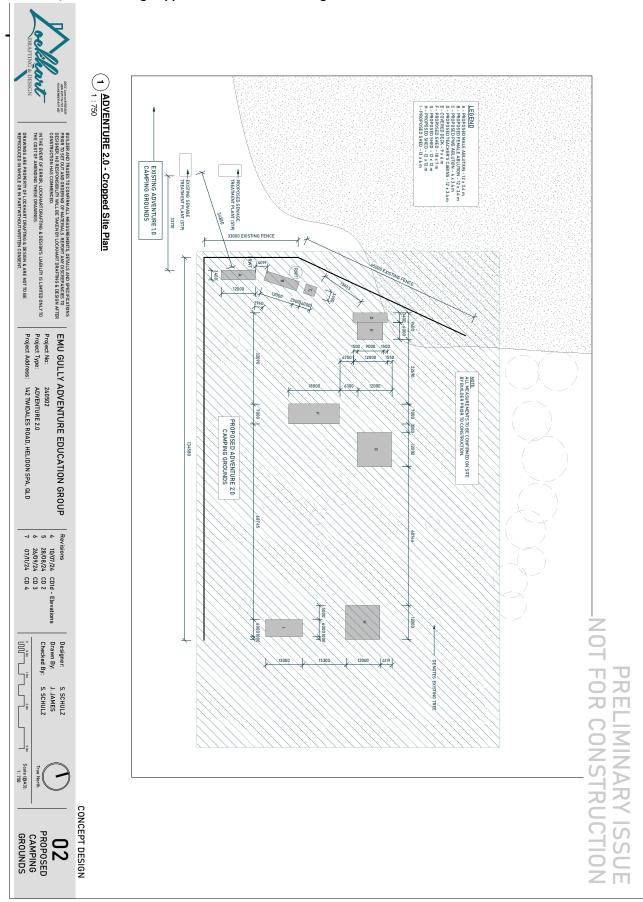
Risk Management

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

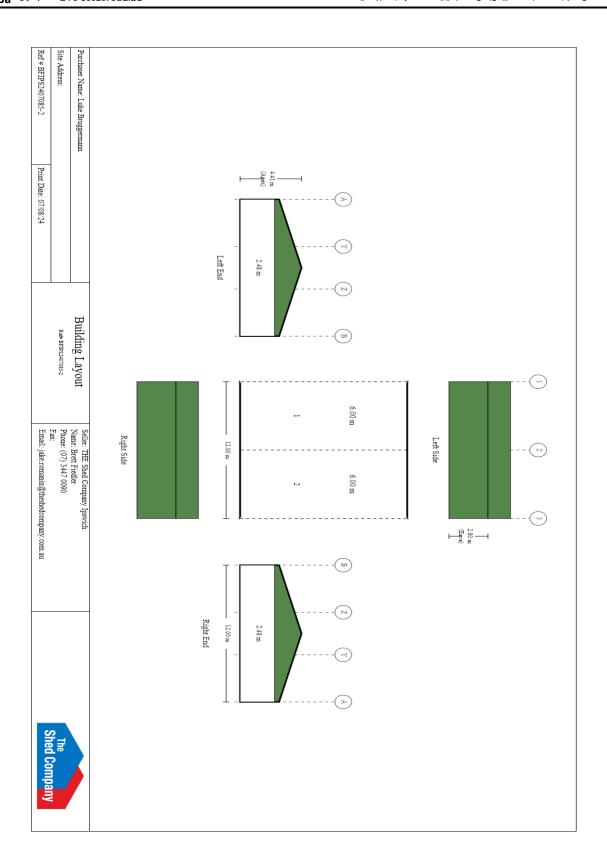
Attachments

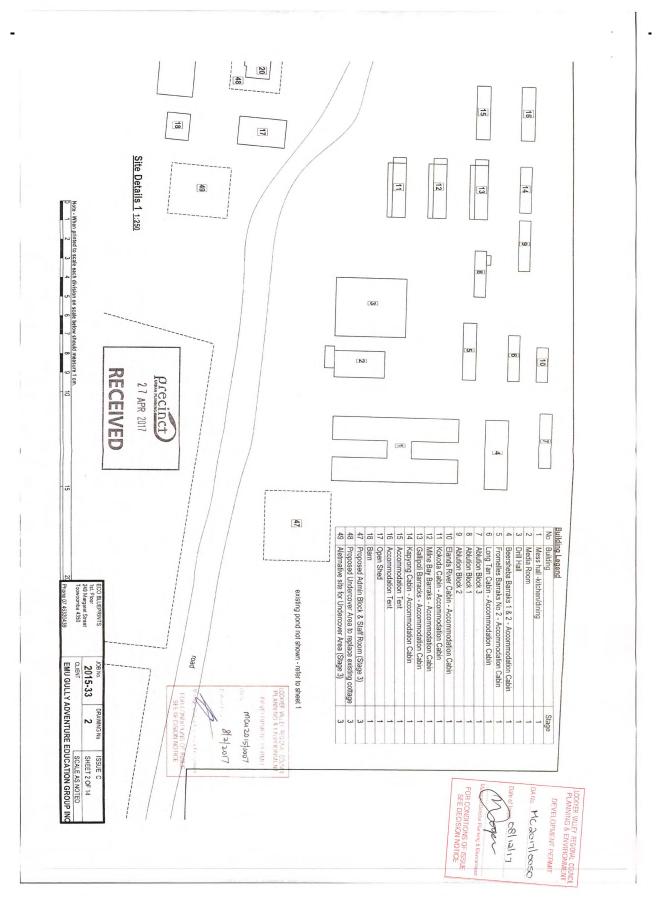
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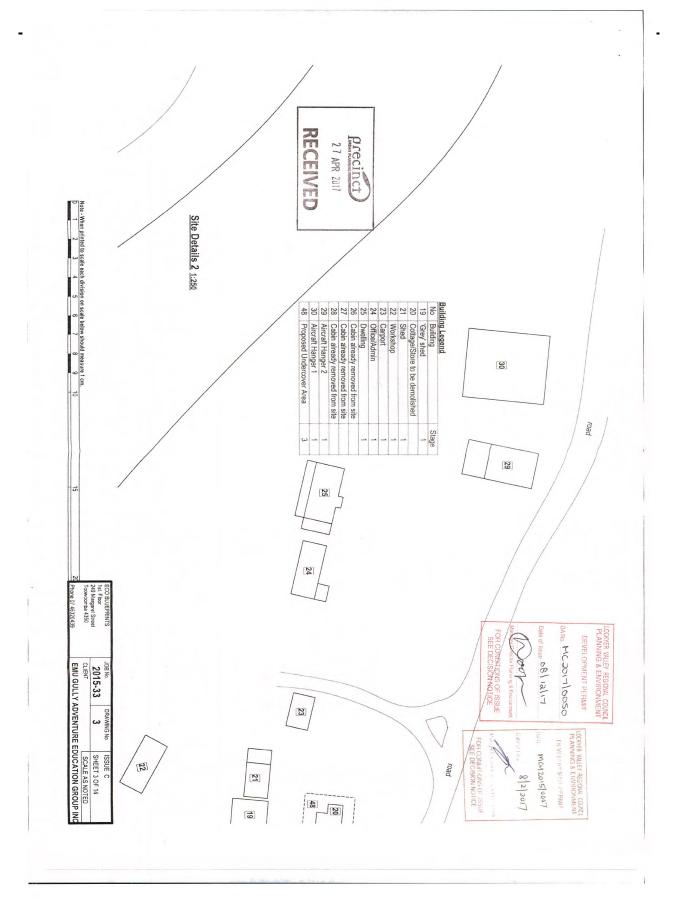




Supplying premium autity BlueScope buildings manufactured locally.



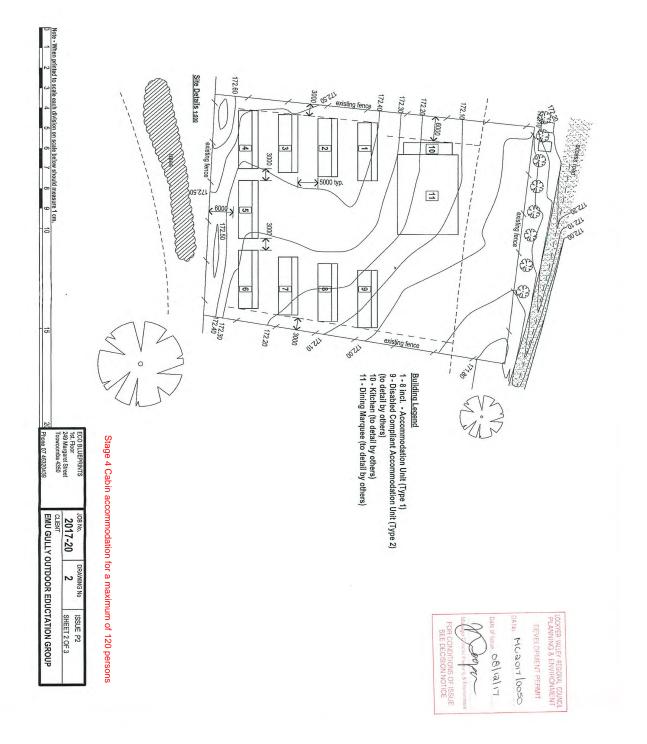




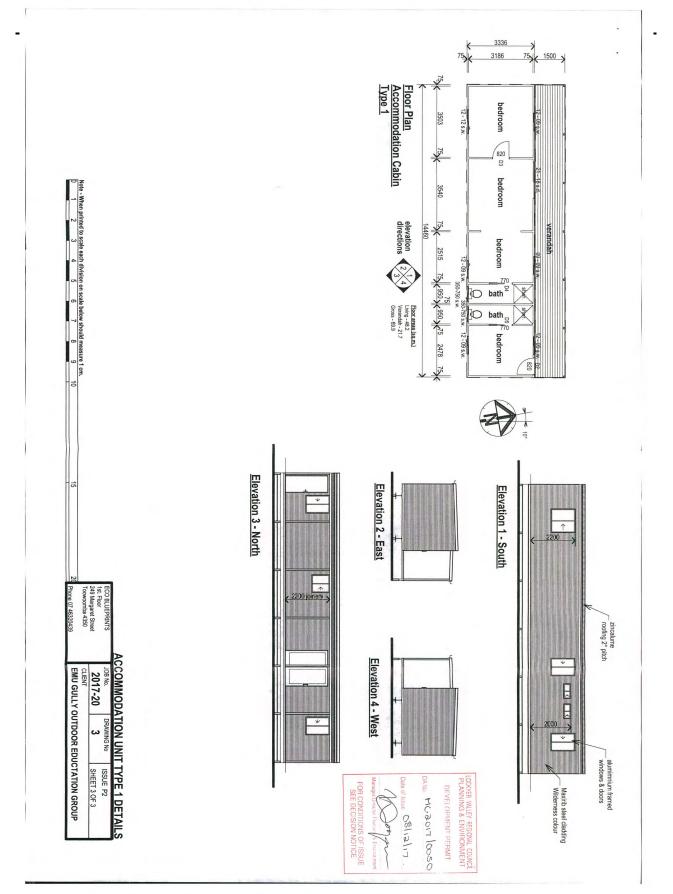
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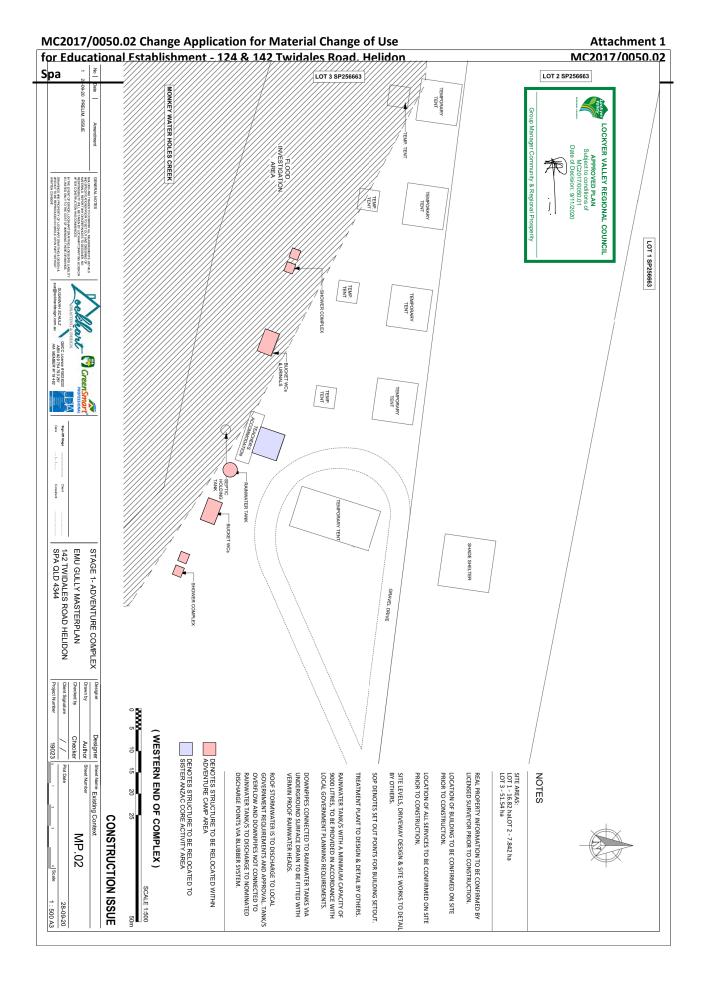
Attachment 1

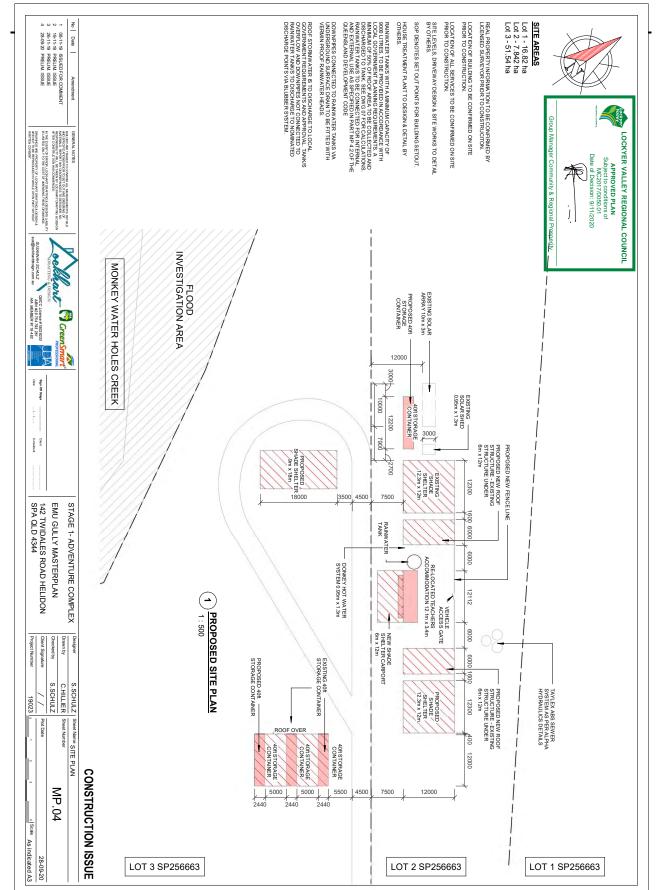
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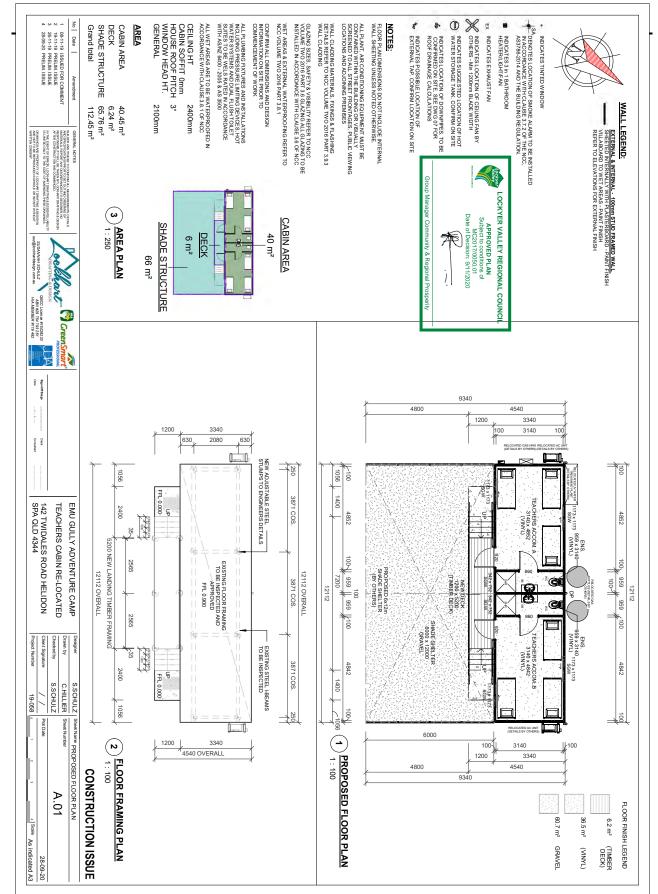


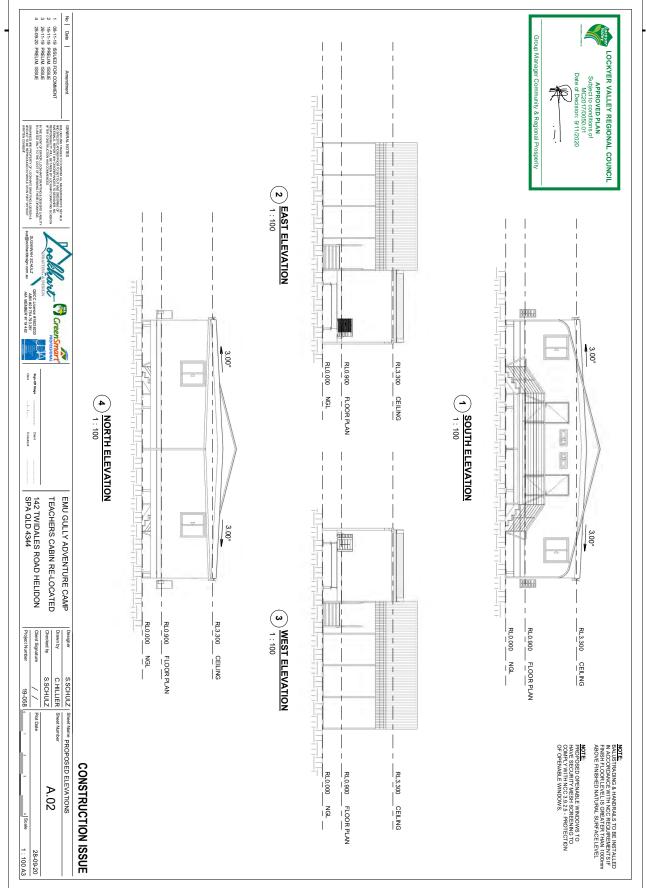
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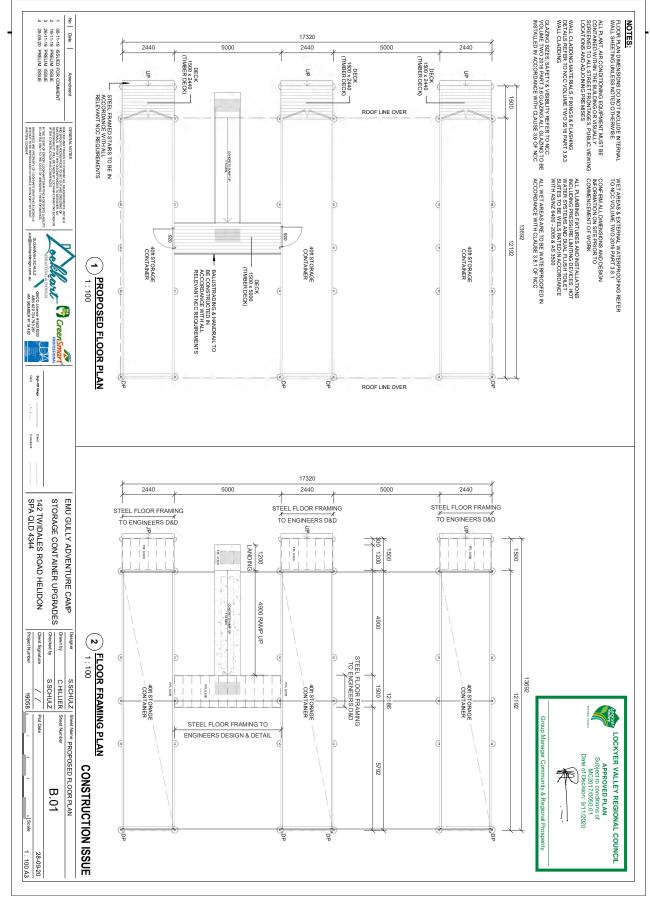


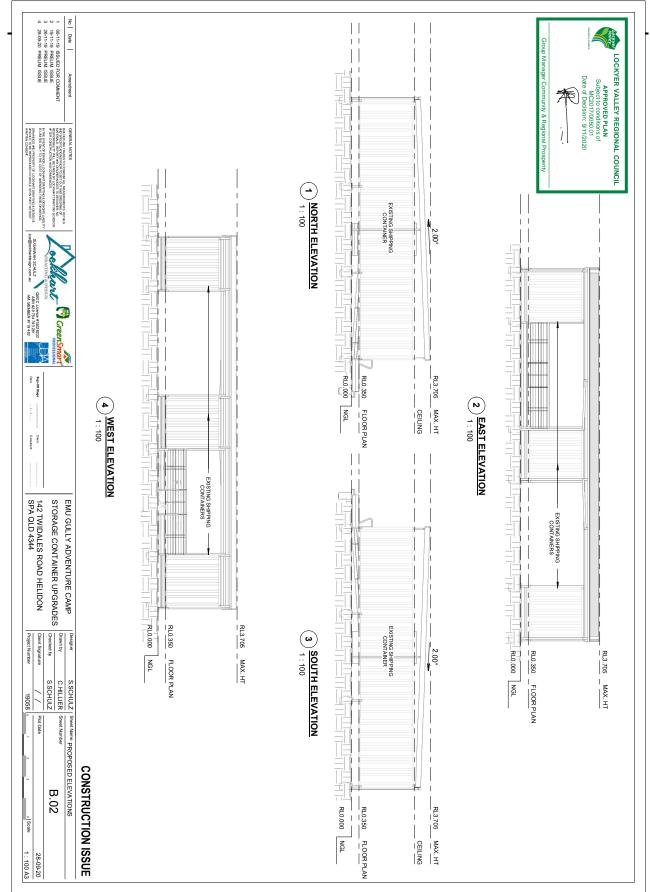


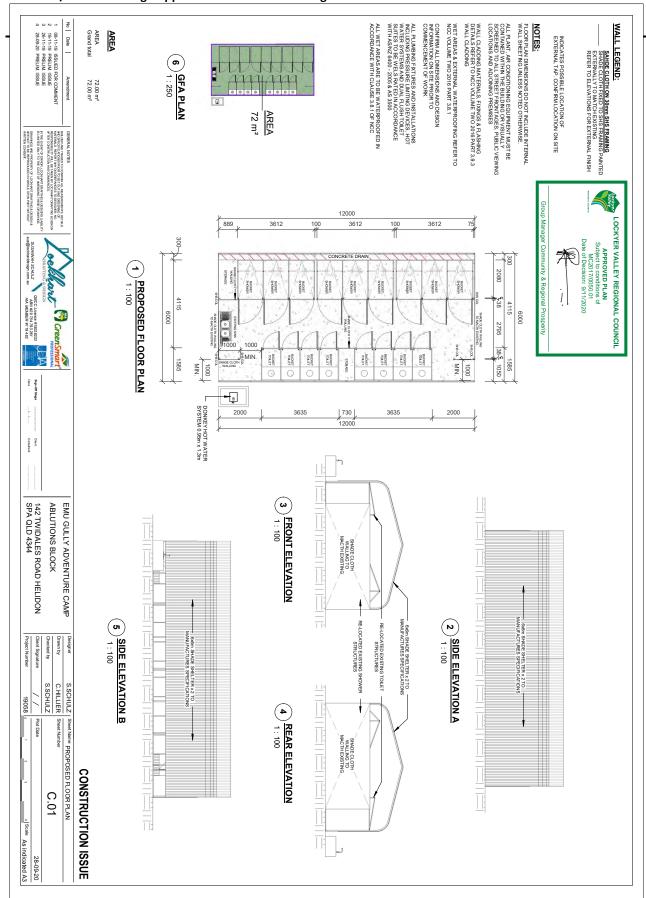














7. INFRASTRUCTURE REPORTS

No Infrastructure Reports.

8. ITEMS FOR INFORMATION

No Information Items.

9. CONFIDENTIAL ITEMS

No Confidential Items.

10. MEETING CLOSED