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**TOOWOOMBA  
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## **SLEBA FARMS**

## **DEVELOPMENT APPLICATION FOR WAREHOUSE AT KINGSTHORPE**

### **ASSESSMENT REPORT**

20 October 2017

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## **1 APPLICATION OVERVIEW**

Address:	128 Kingsthorpe-Haden Road, Kingsthorpe 4400
RPD:	Lot 181 on AG881 (121 560m <sup>2</sup> ); 128 Kingsthorpe-Haden Road, Kingsthorpe Lot 182 on AG881 (5375m <sup>2</sup> ); 128 Kingsthorpe-Haden Road, Kingsthorpe Lot 50 on AG497 (4047m <sup>2</sup> ); Kingsthorpe-Haden Road, Kingsthorpe Lot 69 on AG2572 (343 220m <sup>2</sup> ); 11154 Warrego Highway, Kingsthorpe
Site Area:	47.42 hectares
Current Use:	Grain farm (including grain storage facility and house)
Property Owner:	Lots 181 & 182: Marie Lynette Sleba & Mervyn John Sleba Lot 50: MJ & RA Sleba Pty Ltd Lot 69: Mervyn John Sleba & Rodney Arthur Sleba
Applicant:	Marie Lynette Sleba & Mervyn John Sleba, MJ & RA Sleba Pty Ltd & Mervyn John Sleba & Rodney Arthur Sleba
Zone:	Rural
Local Plan:	None
Overlays:	Agricultural land
Proposal:	Warehouse (partial use of existing grain silos for storing grain from other properties)
Level of assessment:	Impact assessable
Applicable Codes (Primary):	Strategic Framework Rural zone code Industry uses code Rural uses code
Applicable Codes (Secondary):	Transport, access and parking code
Applicable Codes (Overlay):	Agricultural land overlay code
State interests mapping:	Water resource planning area (not significant) Flood hazard area (local government) Regulated vegetation (category X) Strategic cropping area Priority agricultural area
Referral Agencies:	None
Supporting Reports:	Traffic impact assessment – TTM Consulting

## 2 INTRODUCTION

This application seeks Council's approval of a development permit for a material change of use permitting the partial use of existing grain storage facilities at 128 Kingsthorpe-Haden Road, Kingsthorpe for storing grain produced on other properties.

This report provides details of the proposal addresses the relevant town planning issues associated with them. The single proposal plan is –

DRAWING NO.	ISSUE	TITLE	DATE
2202 A02	PREL	Site plan	
2202 A01	PREL	Overall site, locality	

## 3 SITE AND LOCALITY

### 3.1 SITE & HISTORY

The site comprises 4 allotments (as shown in the aerial photograph below) and includes a broadacre grain farm (that extends beyond the 4 lots), a series of grain silos, farm sheds and a house. It has a total area of 47.42 hectares and an 800 metre frontage to Kingsthorpe-Haden Road, from which it also obtains access via 3 driveways.



The applicants have owned the property for decades and have stored its produce in silos ever since. A number of the existing silos were established in the early 1970s and that number has been augmented a number of times, with the most recent established in about 2014. At present, there are 107 silos with a combined capacity of about 30 00 tonnes.

Severely affected by a series of droughts, the applicants increased the number of silos – and installed a computer-controlled humidity system in most of them – to provide sufficient, climate-controlled capacity to store produce for extended periods. This enables its sale over longer periods to even out an otherwise inconsistent and often unpredictable income stream.

Since about 1998, some of that capacity has been occasionally used by other property owners to store produce. The proportion of produce from the subject property to that from other properties varies seasonally, mainly on account of the amount of storage used by the applicants. It is that off-site storage that is the subject of this application.

There are no earlier approvals or applications over the subject property.

### **3.2 SURROUNDING USE AND CHARACTER**

The site and its general locality is rural, comprising a number of mainly broadacre farming properties. It is –

- 1km south of the town of Kingsthorpe and the Western railway line.
- 18km south-west of the Toowoomba city centre.
- 250 metres south of Gowrie Creek, where it passes under Kingsthorpe-Haden Road.
- 650 metres north of the Warrego Highway.

Kingsthorpe-Haden Road is a sub-arterial road connecting the Warrego Highway to Kingsthorpe, Goombungee and towns further north. Between the highway and Kingsthorpe it is a 2.3 km long straight section of road, with 80 and 100 km/hr limits, that provides access to a relatively small number of rural properties.

### **3.3 SERVICES**

The site has limited urban infrastructure, such as a reticulated water supply, sewerage or formal stormwater drainage.

## **4 THE PROPOSAL**

### **4.1 DESCRIPTION OF PROPOSAL**

As mentioned, the premises has substantial grain storage capacity in 107 silos. Since about 1998, some of that capacity has been occasionally used by other property owners to store produce. The proportion of produce from the subject property to that from other properties varies seasonally, mainly on account of the amount of storage used by the applicants.

The silos are well established, so the application does not propose any building work. Activities are therefore limited to truck movements in and out of the property and loading activities transferring grain between silos and trucks. Trucks range from rigid vehicles to B-doubles. Trucks enter and leave via the northern-most driveway, may park temporarily near the silos and manoeuvre as required to reach the silo to or from which grain is to be transferred.

### **4.2 TYPE OF APPLICATION**

In the planning scheme, the silos per se are defined as part of the use of the agriculture use – cropping –

Cropping	<b>cropping</b> means the use of premises for— (a) growing and harvesting plants, or plant material, that are cultivated in soil, for commercial purposes; or (b) harvesting, storing or packing plants or plant material grown on the premises, if the use is ancillary to the use in paragraph (a); or (c) repairing and servicing machinery used on the premises, if the use is ancillary to the use in paragraph (a).	Forestry for wood production, fodder and pasture production, producing fruit, nuts, vegetables and grains, plant fibre production, sugar cane growing, vineyard	Permanent plantations, intensive horticulture, rural industry
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Product stored on a site that is grown elsewhere is not covered, nor is it covered by other rural definitions, such as rural industry (which allows for storing product from a site or adjoining premises). The best fit definition is warehouse, defined as –

Warehouse	<b>warehouse</b> means the use of premises for- (a) storing or distributing goods, whether or not carried out in a building; or (b) the wholesale of goods, if the use is ancillary to the use in paragraph (a).	Self-storage facility, storage yard	Hardware and trade supplies, outdoor sales, showroom, shop
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Under the current planning scheme then, the use for which approval is sought is warehouse.

Having said that, because most of the silos were established – and the commencement of their use by other parties commenced – many years ago, we have also looked at earlier planning schemes, in order to establish if they envisaged the activity for which approval is sought.

The earlier schemes are –

- 1993 Jondaryan Shire planning scheme
- 2005 Jondaryan Shire planning scheme

By the time the 2005 scheme commenced, it is understood that all but the group of 18 silos in “group 1” (as referenced in the proposal plan) had been established and a significant proportion of their capacity was being used to store produce from other properties. Until then, the 1993 Jondaryan Shire planning scheme was in place. Under it, the land was in the Rural A zone and agriculture was defined as –

**Agriculture - A use of premises for the growing of crops, fruit, vegetables, flowers, pastures, and the like comprising a total cultivated area of 500m<sup>2</sup> or more. The term includes horticulture, viticulture, forestry and the repair and servicing of machinery and activities normally undertaken in regard to agricultural activities the term does not include plant nursery.**

It does not specifically mention storage of products grown on the site, so we’re left to contemplate what is reasonably expected in terms of silo storage associated with a sizeable crop farm. Because the silos were established to store produce from the subject property, they are reasonably required by the on-site activity – they are an almost universal element of any grain farm – so are covered by the definition. In that scheme’s 2 Rural zones, agriculture was a column 3A use (purposes for which premises may be used or developed without the consent of Council – permitted development), so the silos did not require development approval.

With respect to making the storage available to other farmers, it is my view that this was an “ancillary use”. As I understand the situation, the silos have been used by the applicants alone, in a good harvest year, but that in other years a certain amount of storage was made available to other properties, with the proportion varying with the season. In a similar way that many grazing property owners make their properties available for adjusting cattle, this is a minor or subservient part of the primary use and so was ancillary to it. That is, the silos were not built for use by other properties; that use was an occasional one and one, I understand, occupying a relatively small proportion of the overall capacity of the silos.



It is my view therefore, that before 2005, the silos were part of the permitted cropping use and their use by other parties was ancillary to that primary use.

Since 2005, by which time all but a few of the silos had been established, the 2005 Jondaryan Shire planning scheme was in force. Under it, the land was in the Rural zone and its primary use was defined as "agriculture" –

**Agriculture**

the growing and harvesting of crops, pastures, flowers, fruit, vegetables or any plants or trees, other than for domestic purposes, including the storage, packing and sale of produce grown on the same site.

The term includes horticulture and viticulture and the repair and servicing of machinery and activities normally undertaken in regard to agriculture.

The term does not include Private Forestry, Plant Nursery or Rural Industry.

The definition specifically includes storage of produce grown on site, so compared to the scheme it superseded, it removed any doubt as to whether the silos are part of the agriculture use. In the table of assessment, agriculture was self-assessable development, so the silos and their use for storing produce grown on site would not have required development approval.

It did not clarify a position on the storage of produce from other properties, so that activity could have been an ancillary use or one otherwise defined. If the latter, it was, as with the current scheme, probably defined as "warehouse".

**Warehouse**

any premises used for the storage of goods, merchandise or materials in large stocks pending their distribution or sale for the purposes of resale only.

Applying caution, it is in my view reasonable to say that –

- All of the silos were established lawfully and do not require development approval now.
- Their use for storing grain produced on the site is similarly lawful and does not require approval.
- Until 2005, the use of the silos established by that time for storing grain produced on other sites was lawfully established as ancillary to the primary purpose of storing grain produced on the site.
- Since 2005, any increase in the use of the silos for storing grain produced on other sites is a warehouse.

This proposal is accordingly one for a warehouse in the Rural zone, requiring an impact assessable development application. The assessment tables for the overlays do not prescribe any higher level of assessment beyond this.

## **5 STATE AND REGIONAL PLANNING CONTEXT**

### **5.1 OVERVIEW**

This section of the report describes the state and regional planning context relevant to the assessment of this application, accounting for –

- State Planning Policy;
- Referral Agencies;
- Regional Plan; and
- State Planning Regulatory Provisions.

### **5.2 STATE PLANNING POLICY**

All State Planning Policies are contained in the State Planning Policy July 2017, which was introduced with the Planning Act.

Part E nominates the State's interests in development applications, though they do not apply where the local planning scheme otherwise appropriately accounts for them. The following table identifies and addresses the potentially applicable provisions –

Aspect	State Interest Policies (paraphrased)	Application
Planning for liveable communities & housing – housing supply & diversity.	<ol style="list-style-type: none"> <li>1. Land available for housing in appropriate locations.</li> <li>2. Land accommodates housing for all groups.</li> <li>3. Facilitate a diverse, affordable &amp; comprehensive range of housing options.</li> <li>4. Provide &amp; encourage best practice, innovative &amp; adaptable housing.</li> <li>5. Provide sufficient land to house large-scale projects.</li> </ol>	Managed by planning scheme & in any case, the proposal is not for residential purposes; not applicable.
Planning for liveable communities & housing – liveable communities.	<ol style="list-style-type: none"> <li>1. Facilitate &amp; promote high quality urban design &amp; place-making outcomes.</li> <li>2. Facilitate vibrant places &amp; spaces and diverse communities.</li> <li>3. Development is designed to complement the natural environment.</li> <li>4. Facilitate connected transport networks.</li> <li>5. Ensure appropriate location of community facilities.</li> <li>6. Provide for connection to fibre-optics.</li> <li>7. Provide for fire hydrant access in common private title developments.</li> </ol>	Managed by planning scheme; not applicable.
Planning for economic growth	<ol style="list-style-type: none"> <li>1. Promotion of agricultural development opportunities.</li> <li>2. Protection of good quality agricultural land.</li> <li>3. Protection of fisheries resources.</li> <li>4. Facilitate growth in agricultural production.</li> </ol>	Managed by planning scheme & the assessment of applications under it; not applicable.
Development & construction	<ol style="list-style-type: none"> <li>1. Identify a sufficient supply of land for residential, retail, commercial, industrial and mixed use development.</li> <li>2. Plan and provide for appropriate infrastructure.</li> <li>3. Zone for mixed use development.</li> <li>4. Provide for an appropriate mix of lots sizes for residential, retail, commercial, industrial and mixed use development.</li> <li>5. Adopt the lowest possible level of development assessment.</li> <li>6. Land uses are consistent with the purpose of the zone.</li> <li>7. State development areas are identified &amp; supported.</li> <li>8. Appropriately zone State land.</li> </ol>	Managed by planning scheme; not applicable.
Mining & extractive resources	<ol style="list-style-type: none"> <li>1. Identify key resource areas (KRAs).</li> <li>2. Protect KRAs.</li> <li>3. Consider the importance of areas identified as having valuable minerals, coal, petroleum &amp; gas resources.</li> <li>4. Facilitate opportunities for mutually beneficial co-existence.</li> <li>5. Consider the location of specified petroleum infrastructure.</li> </ol>	Managed by planning scheme & in any case, the land is not in a KRA & does not have resource value; not applicable.
Tourism	<ol style="list-style-type: none"> <li>1. Reflect State tourism studies.</li> <li>2. Identify &amp; protect tourism opportunities, etc.</li> <li>3. Facilitate delivery of sustainable tourism development.</li> <li>4. Plan for appropriate infrastructure.</li> </ol>	Managed by planning scheme; not applicable.



Aspect	State Interest Policies (paraphrased)	Application
Environment & heritage – Biodiversity	<ol style="list-style-type: none"> <li>1. Locate development to avoid significant impacts on matters of national environmental significance.</li> <li>2. Locate development to avoid significant impacts on matters of State environmental significance.</li> <li>3. Locate development to avoid significant impacts on matters of local environmental significance.</li> <li>4. Maintain/enhance ecological processes &amp; connectivity.</li> <li>5. Conserve/enhance koala habitat extent &amp; condition.</li> </ol>	The site is not in the vicinity of, & does not pose impacts on, environments of national or state significance; not applicable.
Environment & heritage – Coastal environment	<ol style="list-style-type: none"> <li>1. Protect coastal processes &amp; resources.</li> <li>2. Canals, marinas, etc avoid adverse impacts on coastal processes &amp; resources.</li> <li>3. Avoid land reclamation.</li> <li>4. Facilitate coastal-dependent development in areas adjoining tidal water in preference to other development forms.</li> <li>5. Maintain/enhance public access to &amp; along state coastal land.</li> </ol>	Managed by planning scheme & in any case there are no coastal management issues in the application.
Cultural heritage	<ol style="list-style-type: none"> <li>1. Conserve/consider matters of Aboriginal &amp; Torres Strait Islander cultural heritage.</li> <li>2. Avoid impacts on world heritage properties &amp; national heritage places.</li> <li>3. Avoid impacts on state heritage properties.</li> <li>4. Avoid impacts on local heritage places &amp; areas.</li> <li>5. Do not compromise the cultural heritage of local heritage places &amp; areas.</li> <li>6. Facilitate conservation &amp; adaptive reuse of local heritage places &amp; areas.</li> </ol>	The site does not contain & does not impact on national, State or local heritage places; not applicable.
Water quality	<ol style="list-style-type: none"> <li>1. Facilitate the protection/enhancement of water quality objectives.</li> <li>2. Zoning avoids disturbance to resources with high environmental values.</li> <li>3. Avoid adverse impacts on receiving waters.</li> <li>4. Achieve stormwater design objectives in construction.</li> <li>5. Achieve stormwater design objectives in operation.</li> <li>6. Avoid adverse impacts where in water resource catchments &amp; water supply buffer areas.</li> </ol>	Managed by planning scheme; not applicable.
Emissions & hazardous activities	<ol style="list-style-type: none"> <li>1. Industry, infrastructure &amp; sport &amp; recreation avoid impacts on sensitive land uses &amp; the natural environment.</li> <li>2. Locate/manage hazardous activities to minimise health &amp; safety risks.</li> <li>3. Where in a flood hazard area, appropriately locate hazardous chemicals.</li> <li>4. Protect sensitive land uses from impacts of previous activities.</li> <li>5. Protect industry, major sport facilities, etc from urban encroachment.</li> <li>6. Locate industry, major sport facilities, etc</li> </ol>	Managed by planning scheme. While assessment must take account of proximity to sensitive uses & flooding, those matters are properly addressed in the scheme; not applicable.

Aspect	State Interest Policies (paraphrased)	Application
	to avoid adverse environmental impacts. 7. Protect the natural & built environments from the impacts of acid sulfate soils.	
Natural hazards, risk & resilience	<ol style="list-style-type: none"> <li>1. Identify natural hazards.</li> <li>2. Risk assessment in natural hazard areas.</li> <li>3. Land in erosion prone areas not to be used for urban purposes unless in a designated urban area.</li> <li>4. Management of development in erosion prone areas.</li> <li>5. Management of development in natural hazard areas.</li> <li>6. Infrastructure designed to cope after a natural hazard event.</li> <li>7. Coastal protection work in an erosion prone area is undertaken as a last resort.</li> <li>8. Development in a coastal management district should be avoided except in nominated circumstances.</li> <li>9. Development in 8 mitigates risks to people &amp; property.</li> </ol>	Flooding issues are identified & managed by the planning scheme; not applicable.
Planning for infrastructure – Energy & water supply	<ol style="list-style-type: none"> <li>1. Protect existing &amp; future major infrastructure locations &amp; corridors.</li> <li>2. Protect major electricity &amp; bulk water supply infrastructure from encroachment.</li> <li>3. Impacts of major electricity &amp; bulk water supply infrastructure are minimised.</li> <li>4. Enable the development &amp; supply of renewable energy in appropriate locations.</li> </ol>	Managed by planning scheme & in any case, the site is not affected by infrastructure installations or corridors; not applicable.
Planning for infrastructure – infrastructure integration	<ol style="list-style-type: none"> <li>1. Reflect significant infrastructure plans &amp; initiatives.</li> <li>2. Development achieves a high level of integration with infrastructure planning.</li> <li>3. Development occurs in serviced areas &amp; in a logical sequence.</li> <li>4. Protect existing &amp; planned infrastructure from development that would compromise safe &amp; efficient operation.</li> </ol>	Managed by planning scheme & in any case, the site is not affected by infrastructure installations or corridors; not applicable.
Planning for infrastructure – transport infrastructure	<ol style="list-style-type: none"> <li>1. Reflect existing &amp; future transport corridors.</li> <li>2. Develop in areas serviced by transport infrastructure.</li> <li>3. Development to achieve a high level of integration with transport infrastructure and supports public passenger transport and active transport as attractive alternatives to private transport.</li> <li>4. Minimise impacts from emissions generated by transport infrastructure.</li> <li>5. Identify a road hierarchy.</li> <li>6. Development around state transport infrastructure to be compatible with it.</li> <li>7. Protect the safety &amp; efficiency of state transport infrastructure.</li> </ol>	Managed by planning scheme & in any case, the site is serviced by suitable transport infrastructure; not applicable.

Aspect	State Interest Policies (paraphrased)	Application
Planning for infrastructure – Strategic airports & aviation facilities	<ol style="list-style-type: none"> <li>1. Identify strategic airports &amp; associated constraints.</li> <li>2. Protect their safety &amp; operational integrity.</li> <li>3. Development complements strategic airports.</li> <li>4. Aviation facilities are protected by avoiding inappropriate development.</li> <li>5. Key transport corridors are identified &amp; protected.</li> </ol>	Managed by planning scheme & in any case, the site is not affected by airports or associated constraints; not applicable.
Planning for infrastructure – Strategic ports	<ol style="list-style-type: none"> <li>1. Identify strategic ports &amp; associated land.</li> <li>2. Development complements the port's strategic role.</li> <li>3. Protect their safety &amp; operational integrity.</li> <li>4. Locate development to mitigate adverse impacts on port operations.</li> <li>5. Key transport corridors are identified &amp; protected.</li> <li>6. Consider port land use plans.</li> <li>7. For priority ports, development is consistent with port master plans.</li> </ol>	Managed by planning scheme & in any case, the site is not affected by ports or associated constraints; not applicable.

### 5.3 REFERRAL AGENCIES

There are no referral agencies.

In the SARA mapping and Planning Act Regulation, the site is nominated under the following overlays / definitions –

- Water resource planning area
- Flood hazard area (local government)
- Regulated vegetation (category X)
- Strategic cropping area
- Priority agricultural area

With respect to these overlays –

- Water resource – There are no instances where referral is required.
- Flood – An application is only referable where proposed floor levels are below the Council's defined floor level and/or the application states a maximum flow velocity of water that is lower than a maximum flow velocity of water declared by the local government under the Building Regulation, section 13 for the part of the flood hazard area where the premises are. Neither situation arises here, so the application is not referable.
- Vegetation – Clearing of category X vegetation is "exempt clearing", so a DA involving same is not referable.
- Strategic cropping & priority agricultural area – The Planning Regulation does not require referral for either overlay.

### 5.4 REGIONAL PLANS

The site is not covered by a current Regional Plan.

### 5.5 STATE PLANNING REGULATORY PROVISIONS

There are no applicable regulatory provisions.

## 6 PLANNING SCHEME

## 6.1 OVERVIEW

The site is covered by the Rural zone and affected by the following overlays –

- Agricultural land
- Flood hazard (though not affecting the development site)

The application is to be assessed against the –

Strategic Framework

Applicable Codes (Primary): Rural zone code  
Industry uses code  
Rural uses code

Applicable Codes (Secondary): Transport, access and parking code

Applicable Codes (Overlay): Agricultural land overlay code  
Flood hazard overlay code

## 6.2 STRATEGIC FRAMEWORK

The relevant sections are those related to –

- Strategic intent
- Sustainable production
- Road network
- Rural community identity
- Economic growth

The relevant issues are itemised and addressed below. Impacts on the road network are addressed in the traffic impact assessment by TTM Consulting.

ISSUE / SPECIFIC OUTCOME	COMMENTS
<b>Strategic Intent</b>	
Our valued scenic landscapes and regional greenspaces are protected and our natural areas and resources are well managed by landholders and community. Our diversified primary and secondary production is undertaken in an efficient and sustainable manner that is adaptive to technological advances and increased climate variability.	The proposal is consistent with the intent because – <ul style="list-style-type: none"><li>• It does not add any buildings or structures, so does not create any change to the landscape.</li><li>• The availability of grain storage – for the applicants &amp; other rural property owners – promotes efficiency &amp; sustainability by minimising product loss &amp; permitting storage in times of excess production or high rainfall.</li></ul>
Development within the rural landscape does not compromise primary production, and considers cultural, heritage, environmental biodiversity and water network values. Development avoids areas of ecological significance, areas with development constraints and areas exposed to natural hazards. Impacts arising from the development or intensification of incompatible activities are avoided.	The proposal is consistent with the intent because – <ul style="list-style-type: none"><li>• It assists rather than compromises primary production.</li><li>• Although it occupies land that could be used for grain production per se, its contribution to efficient production is greater than the alternative.</li><li>• It avoids areas of ecological significance &amp; otherwise constrained land.</li><li>• Because it does not add physical structures, it would not compromise the heritage values of the adjoining house at 11050 Warrego Highway, which is on the local heritage register.</li><li>• The intensification envisaged by this application is the use of existing silos by other property owners. In this context, it doesn't introduce new activities, though would be responsible for additional loading activities on the site &amp;</li></ul>

	additional large vehicle movements. The latter is addressed by TTM Consulting in its traffic impact assessment. On-site activity increases are within the reasonable expectations of general farming activity on a large rural holding.
<b>3.6.4 Sustainable Production</b>	
(1) Diversified rural production and natural resource uses are undertaken in an efficient and sustainable manner that is adaptive to technological advances and increased climate variability.	Consistent – As above, the availability of grain storage – for the applicants & other rural property owners – promotes efficiency & sustainability by minimising product loss & permitting storage in times of excess production or high rainfall.
(2) Ensure agricultural land is protected from development that leads to its alienation or diminished productivity.	Consistent – As above, although it occupies land that could be used for grain production per se, its contribution to efficient production is greater than the alternative.
(3) Ensure climate change impacts and opportunities are considered in land use planning and land management.	Consistent – The proposed use of existing silos for off-site grain storage does not have climate change impacts.
<b>3.5.2 Rural community identity</b>	
(1) The Region's diverse rural communities have a strong sense of place linked to individual local character and identity.	Not applicable – The proposal has not implications for local character or identity.
(2) Places of local cultural heritage significance are conserved and enhanced.	Consistent – The proposal has not implications for places of local cultural heritage significance.
(3) Industrial and enterprise activities that are associated with and subsidiary to principal rural land uses are supported where these activities broaden the economic base of the locality and the Toowoomba Regional Council area provided that the rural production of the locality and the amenity of adjoining property owners are not compromised.	<p>Consistent –</p> <ul style="list-style-type: none"> <li>• The proposal is an enterprise activity associated with, and subsidiary to, the principal rural land use of grain production.</li> <li>• For above-mentioned reasons, it would not compromise rural production.</li> <li>• As above, it doesn't introduce new activities, though would be responsible for additional loading activities on the site &amp; additional large vehicle movements. The latter is addressed by TTM Consulting in its traffic impact assessment. On-site activity increases are within the reasonable expectations of general farming activity on a large rural holding.</li> <li>• Although there are potential amenity issues associated with additional heavy vehicle movements, they are within expectations of the Kingsthorpe-Haden Road because it is a major road that carries significant heavy vehicle traffic at present.</li> </ul>
(4) Non-residential and enterprise activities that locate within or adjacent to rural towns are supported where these activities broaden the economic base of the town, provided that the amenity of adjoining property owners is not compromised.	Not applicable – The site is not in or adjacent to a rural town.
<b>3.9.2 Economic Growth</b>	
(1) Expansion of the services sector and growth of specialised technology-based manufacturing is supported with supportive locations and infrastructure.	Not applicable, other than in a general sense, in which the proposal is consistent with the specific outcome by enabling expansion of the local agriculture sector.
(2) Local plans are produced to facilitate the establishment and ensure the sustainability of significant employment hubs and accommodate business and industry activities that capitalise on the strategic location and competitive	Not applicable.

strengths of specific localities in the Toowoomba Regional Council area.	
(3) The Charlton Wellcamp Enterprise Area covering a development area of 2,000 hectares, has the potential to provide employment for between 12,000 – 15,000 people and increase the Toowoomba area's Gross Regional Product by about 30%.	Not applicable.
(4) Council has developed the Charlton Wellcamp Enterprise Area local plan in order to respond to the domestic and regional industrial needs of the Toowoomba Regional Council area as well as the anticipated industrial infrastructure needs that are generated through the energy sector evolving out of the Surat Basin.	Not applicable.
<p>(5) The Charlton Wellcamp Enterprise Area local plan identifies and addresses the opportunities and constraints presented by provision of intermodal facilities, transport and warehousing, general industry, extractive and heavy industry, commercial centres, the protection of conservation areas and the establishment of recreation areas, in a financially responsible manner that achieves the efficient sequencing of serviced industrial land on what is effectively a greenfield site. The following apply to this area:</p> <ul style="list-style-type: none"> <li>(a) Uses considered incompatible with and activities that could compromise the long term viability and continuity of the Charlton Wellcamp Enterprise Area are not supported and where appropriate are avoided;</li> <li>(b) The activities of one sector or use within the local plan area does not adversely impact on the amenity or viability of the other activities within the Charlton Wellcamp Enterprise Area local plan area;</li> <li>(c) Social infrastructure including appropriate retail, commercial, educational, and child care facilities are provided for in a manner that services the needs of employees without compromising the amenity or viability of the other activities within the Charlton Wellcamp Enterprise Area local plan area;</li> <li>(d) The local plan provides facilitates intergovernmental and cross sectoral interests to ensure that development does not compromise or negatively impact the current or future operation of the Warrego Highway, Western Railway, or the Proposed Toowoomba Bypass or Moree to Toowoomba section of the Melbourne to Brisbane inland rail line;</li> <li>(e) Environmental values are identified and protected; and</li> <li>(f) Land suitable for employee recreation activities and linear parkland adjacent riparian features are identified and utilised for relaxation and recreation purposes.</li> </ul>	Not applicable.

In summary, the proposal is consistent with the Strategic Framework's intent and relevant specific outcomes, mainly because it provides an opportunity, within existing grain silos, for local grain producers to store their produce locally and without degradation until such time as markets are more receptive or climate conditions dictate stronger demand.

### **6.3 RURAL ZONE CODE**

The assessment in Appendix A demonstrates that the proposal is consistent with all of the code's applicable performance outcomes and/or acceptable outcomes.

### **6.4 INDUSTRY USES CODE**

This code is addressed because the activity for which approval is sought is defined as a warehouse, which is an industry. Nevertheless, the assessment in Appendix A demonstrates full compliance with the applicable outcomes.

### **6.5 RURAL USES CODE**

The assessment in Appendix A demonstrates that the proposal is consistent with all of the code's applicable specific outcomes.

### **6.6 TRANSPORT, ACCESS AND PARKING CODE**

The relevant aspects of this code are addressed in the Transport Impact Assessment by TTM Consulting, the salient elements of which are –

- Conservative estimates are that the use would generate no more than 3 Aves per hour.
- The existing access arrangements can accommodate those movements.
- The northern, primary, access should be repaired and sealed from to carriageway to the property boundary.

### **6.7 AGRICULTURAL LAND OVERLAY CODE**

The assessment in Appendix A demonstrates that the proposal is consistent with all of the code's applicable outcomes.

## **7 INFRASTRUCTURE CHARGES**

Infrastructure charges are payable with respect to all additional gross floor area. As the proposal does not involve same, charges are not applicable.

## **8 COMMUNITY CONSULTATION**

The development application is impact assessable, so public notification is required.

## **9 SUPPORTING DOCUMENTS**

A traffic impact assessment by TTM Consulting is submitted.

## **10 SUMMARY & CONCLUSIONS**

The application seeks approval of a material change of use associated with the use by other property owners of some of the capacity of existing grain silos on the site at 128 Kingsthorpe-Haden Road, Kingsthorpe.

It is an impact assessable application assessed against the –

- Strategic framework



- Rural zone code
- Industry uses code
- Rural uses code
- Transport, access and parking code
- Agricultural land overlay code

This assessment has demonstrated that the proposal is consistent with all of the applicable outcomes in the Strategic framework and each of these codes.

On this basis, the proposal is considered appropriate for the site and should be supported.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Steve Craven', written in a cursive style.

Steve Craven

**CRAVEN TOWN PLANNING**

# **APPENDIX A**

## **ASSESSMENT AGAINST CODES**

## RURAL ZONE CODE

Performance Outcomes	Acceptable Outcomes	Responses
<b>General</b>		
PO <sub>1</sub> Setbacks are provided to: (a) avoid potential nuisance to neighbours; (b) protect residential amenity; and (c) maintain the local landscape character.	AO <sub>1.1</sub> Non-residential buildings, animal enclosures, storage facilities and waste disposal areas are setback the following distances from any: (a) dwelling on adjoining land in the Rural Zone - 50m; (b) land included in the low Density Residential, Low-medium Density Residential, Township, Emerging Community or the Rural Residential Zones - 100m.	<b>Proposal is consistent</b> – Although the silos have been established lawfully, setbacks, from the nearest silos, are –  (a) 490m from the adjoining dwelling to the south & although not adjoining, 200m from the house on the opposite side of Kingsthorpe-Haden Road. (b) The nearest land in a residential or township zone is 1km north, in Kingsthorpe.
PO <sub>2</sub> Development does not adversely impact on the character of the locality, having regard to the scale and visibility of buildings.	AO <sub>2.1</sub> Building height (other than for silos, windmills and similar farming infrastructure) does not exceed two (2) storeys or 10.5m in height above natural ground level.	<b>Not applicable</b> – Height does not apply to silos.
<b>Roadside Stalls and Shops</b>		<b>Not applicable</b> – The proposal does not include a roadside stall or shop.
<b>Dwelling House</b>		<b>Not applicable</b> – The proposal does not include a dwelling house.
<b>Caretaker's Accommodation</b>		<b>Not applicable</b> – The proposal does not include caretaker's accommodation.
<b>Noise Amenity</b>		
PO <sub>9</sub> The use does not adversely impact on the amenity of the surrounding residential land uses and/or residential streetscape character.	AO <sub>9.1</sub> New building plant or air-conditioning equipment is located central to the building and screened from view of the street or nearby residential uses.	<b>Not applicable</b> – There is no new building plant or air conditioning equipment.
<b>Outdoor Lighting</b>		
PO <sub>10</sub> Outdoor lighting maintains the amenity of the surrounding area and does not adversely impact the safety for vehicles or pedestrians on the adjoining street as a result of light emissions, either directly or by reflection.	AO <sub>10.1</sub> Outdoor lighting is restricted to low level security lighting only. AO <sub>10.2</sub> Outdoor lighting is designed, installed and maintained in accordance with the parameters and requirements of <i>AS4282</i> –	<b>Not applicable / proposal is consistent</b> – No additional lighting is proposed, though existing security lighting is of a low level type.

	<i>Control of the Obtrusive Effects of Outdoor Lighting.</i>	
<b>Building Work (not associated with a material change of use)</b>		<b>Not applicable</b> – The proposal does not involve building work.
<b>Cropping being Forestry</b>		<b>Not applicable</b> – The proposal does not involve forestry.
<b>Rural Character</b>		
PO <sub>7</sub> Buildings have a low rise, rural character.	AO <sub>7.1</sub> Building height (other than for silos, windmills and similar farming infrastructure) does not exceed two (2) storeys or 10.5m in height above natural ground level.	<b>Not applicable</b> – Height does not apply to silos.
PO <sub>8</sub> Development does not unduly impact on the rural amenity and character of the locality, having regard to: (a) the scale, siting and design of buildings and structures; (b) visibility from roads and other public view points, screening vegetation and landscaping; and (c) the natural landform and avoidance of visual scarring; (d) noise, odour and other emissions.	No acceptable outcome is nominated.	<b>Proposal is consistent</b> – As indicated by AO <sub>7.1</sub> , the height of silos is not limited (correctly so) & the number & scale of silos associated with cropping is not limited by the table of assessment for the Rural zone. Accordingly, the use of some of their capacity by other property owners is consistent with the outcome's expectations of rural amenity & character.
<b>Rural Viability and Managing Conflicts</b>		
PO <sub>10</sub> Development does not restrict the ongoing operation or viability of nearby rural uses.	No acceptable outcome is nominated.	<b>Proposal is consistent</b> – The proposal does not involve any activity that would restrict the on-going operation or viability of nearby rural uses. In fact, it could enhance them by offering quality grain storage.
PO <sub>11</sub> Development that may be sensitive to the spray drift, odour, noise, dust, smoke and ash potentially associated with agricultural activities is adequately separated or buffered to avoid significant conflict. <sup>1</sup>	No acceptable outcome is nominated.	<b>Proposal is consistent</b> – The proposal's only potential impact is associated with transferring grain between silo & truck. To that end, the grain transfer system is a state of the art sealed system designed to minimise grain & dust loss. Moreover, as addressed in the response to AO <sub>1.1</sub> , the nearest any of the silos comes to residential neighbours is 200m.
<b>Site Layout</b>		

<sup>1</sup> To demonstrate compliance with this performance outcome, applicants should have regard to the SPP 1/92 Planning Guidelines: Separating Agricultural and Residential Land Uses.

<p>PO<sub>12</sub> The site layout responds sensitively to on-site and surrounding topography, drainage patterns, utility services, access, vegetation and adjoining land use, such that:</p> <ul style="list-style-type: none"> <li>(a) any hazards to people or property are avoided;</li> <li>(b) any earthworks are minimised;</li> <li>(c) the retention of natural drainage lines is maximised;</li> <li>(d) the retention of existing vegetation and biodiversity values is maximised;</li> <li>(e) damage or disruption to sewer, stormwater and water infrastructure is avoided; and</li> <li>(f) there is adequate buffering, screening or separation to adjoining development.</li> </ul>	<p>No acceptable outcome is nominated.</p>	<p><b>Proposal is consistent –</b></p> <ul style="list-style-type: none"> <li>• The site is largely flat – notwithstanding a mild westerly fall – not affected by natural and other hazards, including flooding, subsidence, bush fires &amp; aircraft operations.</li> <li>• There are no proposed earthworks.</li> <li>• There is no need for any vegetation clearing.</li> <li>• There is no water, sewerage or formal stormwater infrastructure.</li> <li>• With at least 200m buffer &amp; separation from any silo to the nearest residence &amp; silos being a normal part of a grain farm, there is no need for screening.</li> </ul>
<p><b>Precincts</b></p>		
<p>PO<sub>13</sub> Development in the 100/200ha Precinct:</p> <ul style="list-style-type: none"> <li>(a) does not involve the creation of additional lots smaller than 100/200ha;</li> <li>(b) maintains the productive capacity of the land; and</li> <li>(c) maintains the natural and scenic landscape values of the land.</li> </ul>	<p>No acceptable outcome is nominated.</p>	<p><b>Proposal is consistent –</b></p> <ul style="list-style-type: none"> <li>• There is no proposed subdivision.</li> <li>• As discussed earlier, the proposal maintains &amp; potentially enhances the productive capacity of the land.</li> <li>• Because it does not involve structures, it does not change the natural &amp; scenic landscape values of the land.</li> </ul>

## INDUSTRY USES CODE

Performance Outcome	Acceptable Outcome	Responses
<b>Location</b>		
PO <sub>1</sub> Industry activities are located where they are compatible with the local character and where the impacts from industries on sensitive land uses and other public places, community or recreational facilities can be appropriately managed.	No acceptable outcome is nominated.	<b>Proposal is consistent</b> – The proposal utilises existing structures that support the use of most of the site for agriculture, so to that extent, the activity is entirely compatible with the local rural character. Moreover, the site is well separated from sensitive land uses & other public places, etc. That the storage of grain by other property owners is an “industry” by planning scheme definition is more a quirk of the scheme than a directive that this form of development be located in an industrial area.
<b>Building Design and Site Layout</b>		<b>Not applicable</b> – The proposal does not involve new buildings.
<b>Amenity</b>		
PO <sub>7</sub> Development minimises potential conflicts with, or impacts on, other uses having regard to vibration, odour <sup>2</sup> , dust or other emissions to air.	<p>AO<sub>7.1</sub> Development achieves the air quality design objectives set out in the <i>Environmental Protection (Air) Policy 2008</i>.</p> <p>AO<sub>7.2</sub> Any industry that involves the storage of materials on site that are capable of generating air contaminants either by wind or when disturbed are managed by:</p> <ul style="list-style-type: none"> <li>(a) being wholly enclosed in storage bins; or</li> <li>(b) a watering program so material cannot become airborne.</li> </ul>	<b>Proposal is consistent</b> – As covered in the response to PO <sub>11</sub> in the Rural zone code, the proposal’s only potential amenity impact is associated with transferring grain between silo & truck. To that end, the grain transfer system is a state of the art sealed system designed to minimise grain & dust loss. Moreover, as addressed in the response to AO <sub>1.1</sub> of that code, the nearest any of the silos comes to residential neighbours is 200m.
PO <sub>8</sub> Development prevents or minimises the generation of any noise so that: <ul style="list-style-type: none"> <li>(a) nuisance is not caused to adjoining premises or other nearby sensitive land uses; and</li> <li>(b) desired ambient noise levels in residential areas are not exceeded.</li> </ul>	AO <sub>8.1</sub> Development achieves the noise generation levels set out in the <i>Environmental Protection (Noise) Policy 2008</i> .	<b>Proposal is consistent</b> – The distance of the site from sensitive land uses is more than sufficient to ensure that there would be no noise nuisance.

<sup>2</sup> Odour reports, when required, address the draft Environmental Protection Agency guideline ‘A procedure to assess the risk of odour nuisance from proposed developments’.

Performance Outcome	Acceptable Outcome	Responses
PO <sub>9</sub> Outdoor lighting does not adversely affect the amenity of adjoining properties or create a traffic hazard on adjacent roads.	<p>AO<sub>9.1</sub> Light emanating from any source complies with <i>Australian Standard AS4282 Control of the Obtrusive Effects of Outdoor Lighting</i>.</p> <p>AO<sub>9.2</sub> Outdoor lighting is provided in accordance with <i>Australian Standard AS 1158.1.1 – Road Lighting – Vehicular Traffic (Category V) Lighting – Performance and Installation Design Requirements</i>.</p>	<b>Proposal is consistent</b> – As covered in the response to PO10 in the Rural zone code, no additional lighting is proposed, though existing security lighting is of a low level type.
PO <sub>10</sub> Development provides for the collection, treatment and disposal of liquid wastes or sources of contamination such that off-site releases of contaminants do not occur. <sup>3</sup>	<p>AO<sub>10.1</sub> Areas where potentially contaminating substances are stored or used, are:</p> <ul style="list-style-type: none"> <li>(a) roofed and sealed with concrete, asphalt or similar impervious substance and bunded; and</li> <li>(b) located in a flood free area of a 1 in 100 year flood event.</li> </ul> <p>AO<sub>10.2</sub> Provision is made for spills to be bunded and retained on site for removal and disposal by an approved means.</p> <p>AO<sub>10.3</sub> Roof water is piped away from areas of potential contamination.</p>	<b>Not applicable</b> – There are no potentially contaminating substances involved in the grain storage or grain transfer activities.
PO <sub>11</sub> Development is designed and managed so that it provides appropriate protection for community safety and health and avoids unacceptable risk to life and property.	No acceptable outcome is nominated.	<b>Proposal is consistent</b> – This outcome is written for industrial activities more generally. In this case, there are no community safety or health issues & therefore no unacceptable risk to life and property.

<sup>3</sup> Applicants should also have regard to the Works Code, the Integrated Water Management Code and other relevant legislative, industry and licensing requirements.



## RURAL USES CODE

Performance Outcome	Acceptable Outcome	Responses
<b>General</b>		
PO <sub>1</sub> Ecological values, habitat corridors and soil and water quality are protected, having regard to: (a) maximisation of vegetation retention and protection of vegetation from the impacts of development; (b) avoidance of potential for erosion and minimisation of earthworks; (c) retention and protection of natural drainage lines and hydrological regimes; and (d) avoidance of leaching by nutrients, pesticides or other contaminants, or potential for salinity.	No acceptable outcome is nominated.	<b>Proposal is consistent</b> – The proposal –  (a) Does not involve any vegetation clearing. (b) Does not involve earthworks & the site is sufficiently level that other elements – such as vehicle manoeuvring areas – are unlikely to create erosion. (c) Maintains original levels, so maintains original drainage lines & hydrological regimes. (d) Does not involve contaminants.
PO <sub>2</sub> Development is designed and managed so that it provides appropriate protection for community safety and health, and avoids unacceptable risk to life and property.	No acceptable outcome is nominated.	<b>Proposal is consistent</b> – As covered in response to PO11 of the Industry uses code, there are no community safety or health issues & therefore no unacceptable risk to life and property.
PO <sub>3</sub> Effective separation distances are provided to minimise potential conflicts with or impacts on other uses having regard to vibration, odour, dust, spray drift and noise emissions.	No acceptable outcome is nominated.	<b>Proposal is consistent</b> – As covered in the response to PO11 in the Rural zone code, the proposal's only potential impact is associated with transferring grain between silo & truck. To that end, the grain transfer system is a state of the art sealed system designed to minimise grain & dust loss, such that any impacts are minimal compared to other potential impacts from the broadacre farming in the locality.
PO <sub>4</sub> Provision is made for effluent treatment and disposal which ensures impacts on the natural environment are avoided and odour is minimised.	No acceptable outcome is nominated.	<b>Not applicable</b> – The proposal does not necessitate effluent treatment.
PO <sub>5</sub> An adequate water supply is available to the proposed use.	No acceptable outcome is nominated.	<b>Not applicable</b> – The proposal does not necessitate a water supply.
<b>Intensive Animal Industries and Aquaculture</b>		<b>Not applicable</b> – The proposal does not involve Intensive Animal Industries or Aquaculture.
<b>Animal Keeping being Kennels and Catteries</b>		<b>Not applicable</b> – The proposal does not involve Kennels or Catteries.

## OVERLAY CODES

### AGRICULTURAL LAND OVERLAY CODE

Performance outcomes	Acceptable outcomes	Response
PO <sub>1</sub> Development does not reduce the productive capacity of the land or result in conflict with nearby rural uses.	No acceptable outcome is nominated.	<p><b>Proposal is consistent</b> – As noted in the response to the Rural Intent section of the Strategic Framework, the proposal –</p> <ul style="list-style-type: none"> <li>Assists rather than compromises primary production.</li> <li>Although occupying land that could be used for grain production per se, its contribution to efficient production is greater than the alternative.</li> <li>Avoids areas of ecological significance &amp; otherwise constrained land.</li> <li>The intensification envisaged by this application is the use of existing silos by other property owners. In this context, it doesn't introduce new activities, though would be responsible for additional loading activities on the site &amp; additional large vehicle movements. The latter is addressed by TTM Consulting in its traffic impact assessment. On-site activity increases are within the reasonable expectations of general farming activity on a large rural holding.</li> </ul>
PO <sub>2</sub> Non-rural uses, and rural uses which are not dependent on the agricultural quality of the land, do not compromise the long term productive capacity of agricultural land.	<p>AO2.1 Non-rural uses, and rural uses which are not dependent on the agricultural quality of the land, are not located on agricultural land.</p> <p>OR</p> <p>AO2.2 Development is compatible with agricultural production and is designed and located in a way that does not inhibit or prevent normal farming practices in the future</p> <p><i>Note: examples of development that achieve this outcome may include a golf course, plant nursery</i></p>	<p><b>Response as above.</b> That the storage of grain by other property owners is an "industry" by planning scheme definition is more a quirk of the scheme than a directive that this form of development be located in an industrial area.</p>

Performance outcomes	Acceptable outcomes	Response
	<i>or sports field</i>	
PO <sub>3</sub> Reconfiguring lots on agricultural land does not result in allotment sizes that result in: (a) fragmentation of rural lands and loss of land to viable rural production; (b) conflict between farming and residential uses; or (c) loss of farming flexibility.	AO <sub>3.1</sub> The minimum lot size in the Rural Zone is in accordance with Table 9.3.3:2 of Part 9.3.3, Reconfiguring a Lot Code. OR AO <sub>3.2</sub> The proposed lot is smaller than that nominated in Table 9.3.3:2 of Part 9.3.3, Reconfiguring a Lot Code and the reconfiguration is a boundary realignment that would not create any additional lots and would provide for the implementation of improved land management practices or productive utilisation of the land.	<b>Not applicable</b> – The proposal does not involve reconfiguration.
PO <sub>4</sub> Residential development in close proximity to agricultural land is located and designed in a manner that avoids its alienation.	No acceptable outcome is nominated.	<b>Not applicable</b> – The proposal does not involve residential development or any other form of development that might alienate agricultural land.