



NOTICE ABOUT DECISION – STATEMENT OF REASONS

The following information is provided in accordance with Section 63(4) & (5) of the Planning Act 2016

SITE DETAILS	
Street Address:	88 Brooklands Pimpimbudgee South Road, Maidenwell
RP Description	Lot 12 on RP28694
Site Area	29.40ha

PROPOSED DEVELOPMENT	
Name of Applicant	P & D Henry C/ ONF Surveyors
Type of Application	Material Change of Use – Development Permit
Proposed Development	Food and drink outlet and Function facility
Level of Assessment	Impact Assessable
Area of Development	150sqm
Impervious Area	N/A
Site Cover	Refer area of development
Car Parking Spaces	Five (5) spaces
Service Vehicle Provision	Nil
Submissions Received	0 received
Decision	Approved in full, with conditions
Decision Date	31 January 2019

2. Assessment Benchmarks

The proposed development was assessed against the following assessment benchmarks:

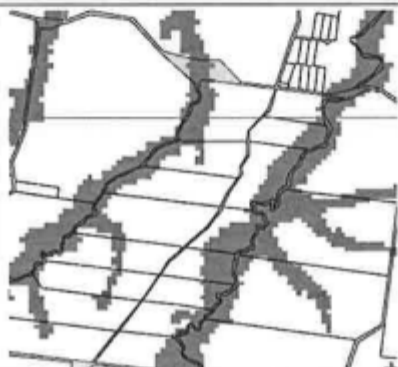
South Burnett Regional Council Planning Scheme 2017



- Rural Zone Code;
- Overlays; and
- Services and Works Code.

3. Compliance with Benchmarks

ASSESSMENT MATTERS		
Relevant Matters	The proposed development was assessed against the following relevant matter/s: - Nil.	
Reasons for Decision	The development was assessed against all of the Assessment Benchmarks listed above and complies with all of these with the exception listed below.	
	Assessment Benchmark	Reasons for the Approval Despite Non-compliance with Benchmark
	RURAL ZONE CODE:	
Overall Outcomes		
Land that is essential to the economic viability of productive Agricultural Land Classification Class A or Class B and rural land uses within the region is	Semi-Compliant	This proposed development is not

conserved.	essential to the economic viability of productive land however is located outside of good quality agricultural land.
Development comprises a wide range of existing and new rural pursuits, including cropping, intensive horticulture and animal industries, animal husbandry and keeping and other compatible primary production uses.	Semi-Compliant The development introduces visitors to the land without compromising any current or future rural pursuits.
On farm value adding in the form of small scale agri-tourism is supported where associated with the rural use of the site.	Semi-Compliant The introduction of a Food and drink outlet and function centre may provide additional support of the rural use of the site by encouraging visitors to enjoy the rural surrounds.
Infrastructure is provided at a standard normally expected in rural locations.	Semi-Compliant Brooklands Pimpimbudgee Road is of bitumen construction. Services including electricity and telecommunication is available to the existing dwelling. Water supply is supplied from rainwater tanks on site including a bore at the front of the property. There are 9 x 5,000 gallon tanks in total connected to the existing buildings as well as 2 x 2,000 gallon tanks for the bore. Potable water will be required to operate the Function facility and Food and drink outlet and will form part of the conditions of approval.
The viability of existing and future rural uses and activities are protected from the intrusion of incompatible uses.	Semi-Compliant The location of the proposed use area is between the existing shed (to be used for second kitchen) and dwelling house. An Environmental Noise Assessment has been prepared by Alpha Acoustics. This assessment recommends a trial of three (3) months
Uses that require isolation from urban areas as a consequence of their impacts such as noise or odour may be appropriate where land use conflicts are minimised.	Refer above.
Development embraces sustainable land management practices and contributes to the rural amenity and landscape of the area.	Semi-Compliant Part of the development will include stage with a 3m high barrier for music events associated with the Function facility. The recommendations from the

	Environmental Noise Assessment assists in maintaining the surrounding rural amenity. No additional buildings are proposed as a result of this development.
Development is reflective of and responsive to the surrounding character of the area, natural hazards and the environmental constraints of the land.	Refer above.
Non-rural development is appropriate only where directly associated with the rural use of the zone and does not compromise the rural use of the land.	<p>Non-Compliant</p> <p>The use is considered minor and the applicant has provided strict operating hours being Friday, Saturday, Sunday & Public Holidays from 8am to 8pm and submitted an Environmental Noise Assessment however, the proposed development is not located within a rural productive area.</p> <p>A condition of approval will be imposed referencing the Environmental Noise Assessment and its recommendations including the music venue operation of approximately 3 months to determine if noise complaints are received.</p>
Natural features such as creeks, gullies, waterways, wetlands and bushland are retained, managed, enhanced and buffered from adjacent development.	<p>Semi-Compliant</p> <p>While the development is located outside and at a distance from watercourses and drainage, the application will subject to relevant site and soil evaluation reports.</p> <p>Any oils associated with fryers within the kitchens are to be either collected by an external contractor. Excess oils not to be disposed of through the effluent disposal system.</p>
Water supply catchments are protected from activities that may endanger water quality.	Refer above.
OVERLAYS	
OM3 - Flood Hazard Overlay	

	<p>Little Wengen Creek runs along the western property boundary. As stated previously the proposed development is located towards the road frontage and located outside the flood hazard overlay and does not trigger assessment against the code.</p> <p>On-site waste disposal systems have been designed for maximum capacity with proposed grease trap to cater for the second kitchen and van. Excess oils will be disposed of off-site.</p>
OM5 - Biodiversity Areas Overlay	 <p>Refer above.</p>
OM8 - Agricultural Overlay	 <p>The proposed development will be located in an area identified in the agricultural land overlay. Notwithstanding, no productive land will be affected as the development is located on cleared land adjacent to the dwelling house and farm shed.</p>
SERVICES AND WORKS CODE:	
Performance Outcomes	

PO1 The development is planned and designed considering the land use constraints of the site for achieving stormwater design objectives	Semi-Compliant Any constructive activities relating to the proposed development have been conditioned that does not alter the characteristics of existing overland flows on other properties or that create an increase in flood damage on other properties.
PO2 Development does not discharge wastewater to a waterway or off-site unless demonstrated to be best practice environmental management for that site.	Refer above.
PO3 Constructive activities avoid or minimise adverse impact on stormwater quality.	Refer above.
PO6 Vehicle parking and access is provided to meet the needs of occupants, employees, visitors and other users.	Semi-Compliant The applicant proposed to provide five (5) parking spaces in accordance with the Planning Scheme. There is ample room to accommodate additional parking if required.
PO9 Development results in ground levels that retain: (e) Access to natural light; (f) Aesthetic amenity; (g) Privacy; and (h) Safety.	Refer above.

The development was assessed against all of the assessment benchmarks listed above and complies with all of these or can be conditioned to comply.

Note: Each application submitted to Council is assessed individually on its own merit.