



**SCENIC RIM REGIONAL COUNCIL**

**Planning & Development Committee**

# Report

Meeting held in the Council Chambers

82 Brisbane Street

Beaudesert

Tuesday, 20 January 2015

Commenced at 10.48 am

All correspondence to  
Be addressed to the  
Chief Executive Officer

Scenic Rim Regional Council  
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**SCENIC RIM REGIONAL COUNCIL**  
**PLANNING & DEVELOPMENT COMMITTEE**  
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# PLANNING & DEVELOPMENT COMMITTEE

## REPORT

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Moved Cr West, seconded Cr Stanfield, that Cr Waistell be appointed to chair the meeting in the absence of Cr Sanders.

Carried

### CHIEF EXECUTIVE OFFICER

I advise that the Committee met on **Tuesday, 20 January 2015**. Councillors present:

Cr N J Waistell, Chairperson  
Cr N O'Carroll  
Cr V A West, Deputy Mayor  
Cr R J Stanfield  
Cr D A McInnes

### ATTENDANCE

#### Executive Officers

C R Barke, Chief Executive Officer  
P A Murphy, Director Infrastructure Services  
R Deans, Acting Director Regional Services  
K Stidworthy, Chief Finance Officer

### APOLOGIES

Cr J C Brent, Mayor  
Cr J J Sanders

### DECLARATIONS OF INTEREST BY MEMBERS

Nil

**The following Officer attended the meeting and joined discussions on the items listed.**

S Turner, Manager Planning (Items 3.1 - 3.5)

### Reception of Deputations by Appointment / Visitors

Nil

## PLANNING & DEVELOPMENT COMMITTEE

### REPORT

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**Please note:** The Committee resolved to go into closed session in accordance with the provisions of s.275 of the Local Government Regulation 2012 to discuss the items of business indicated as closed in the Committee Report.

At the conclusion of these items, the Committee resolved to resume in open session. The Committee's recommendation on each item, discussed in closed session, is as detailed at the end of each item in the Report.

**1. EXECUTIVE**

Nil.

**2. CHIEF FINANCE OFFICER**

Nil.

**3. REGIONAL SERVICES****3.1 Resolution to Commence Review of Interim Local Government Infrastructure Plan**

**Executive Officer: Director Regional Services**

**File Reference: 19/03/004**

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**Director's Recommendation**

That Council resolve to make a Local Government Infrastructure Plan for the Scenic Rim Planning Scheme in accordance with Stage 1, Step 1 of Section 2.4B.1 of the Statutory Guideline 04/14 - *Making and amending local planning instruments*.

**Committee Recommendation**

That the Director Regional Services' recommendation be adopted.

Moved: Cr Stanfield

Seconded: Cr West

Carried

**Attachments**

Nil.

### 3.2 MCBd14/031 Development Application Andre Jaworski Lot 1 RP196436 Tourist Facility (Tourist Use) Wedding Chapel

**Executive Officer:** Director Regional Services

**File Reference:** MCBd14/031

<b>Applicable Planning Scheme</b>	MCU – Beaudesert Shire Planning Scheme 2007
<b>Applicant</b>	Michel Group Services
<b>Owner(s)</b>	Mr A Jaworski
<b>Site Address</b>	154-172 Main Western Road TAMBORINE MOUNTAIN QLD 4272
<b>Real Property Description</b>	Lot 1 RP 196436
<b>Site Area</b>	2.084 Ha
<b>Relevant Zone and Precinct</b>	Tamborine Mountain Zone Countryside Precinct
<b>Proposal</b>	A Request for a Negotiated Decision Notice pursuant to section 361 of the <i>Sustainable Planning Act 2009</i> to negotiate 3 conditions of the stated approval for MCBd14/031
<b>Assessment Level</b>	Impact Assessment
<b>Approval Type</b>	Development Permit - Tourist Facility (Tourist Use) Wedding Chapel
<b>Date Application Received:</b>	20 November 2014

#### Director's Recommendation

1. That Council resolve to approve the development in respect to the following property:

**RPD:** Lot 1 RP196436  
**Address of property:** 154-172 Main Western Road  
TAMBORINE MOUNTAIN QLD 4272  
**Site area:** 2.084 Ha  
**Proposal:** A Request for a Negotiated Decision Notice pursuant to section 361 of the *Sustainable Planning Act 2009* to Negotiate 3 conditions of the Development Approval for MCBd14/031

#### Further development permits required:

- a) A Building Works approval is required for all building works associated with the proposed development, prior to undertaking any building work on the subject property.
- b) A Plumbing and Drainage approval is required for all / any plumbing and drainage works associated with the proposed development, prior to undertaking any plumbing and drainage works on the subject property.

## 1. Conditions of Approval:

### Approved Plans

- 1. USE IN ACCORDANCE WITH THE APPLICATION - MATERIAL CHANGE OF USE -** Development being undertaken generally in accordance with the revised Staging Plan referenced in the table below and received by Council on 20 November 2014 and accompanying documentation except insofar as it is modified by the conditions of this approval. Any minor changes may be requested by the Applicant in accordance the *Sustainable Planning Act 2009* without the need for a further Development Application for a Material Change of Use.

Plan/Drawing	Prepared by	Plan/Dwg No.	Date
Site Plan WD1	Cameron Design Logic	CDL-12.2009-1 Plan 001	Plan mark up by Michel Group Services 17/11/2014
Floor Plan WD1	Cameron Design Logic	CDL-12.2009-1 Plan 002	Plan mark up by Michel Group Services 17/11/2014

### General

- 2. WORKS - APPLICANT'S EXPENSE -** All works, services, facilities and/or public utility alterations required by this approval or stated condition/s, whether carried out by the Council or otherwise, shall be at the Applicant's expense unless otherwise specified.
- 3. MAXIMUM NUMBER OF PERSONS -** The maximum number of persons attending the site for wedding functions at any one time shall not exceed fifty-five (55) persons, including staff and celebrant.
- 4. EXISTING USES –** The applicant/owner must obtain the relevant building and plumbing and drainage approvals as required for all proposed and existing structures or the existing structures must be removed with the relevant demolition approvals prior to the commencement of use.
- 5. FOOD PREMISES -** The approved Food Premises must only cater for the guests of the proposed wedding venue during the wedding ceremonies.
- 6. LANDSCAPING – GENERAL -** The land shall be landscaped with suitable trees and shrubs together with grass or other ground cover in accordance with the provisions of Council's Planning Scheme. Such trees and shrubs shall be native Australian varieties particularly those indigenous to the locality, where possible, and be maintained in a sturdy and healthy condition with dead or diseased trees replaced as soon as practicable. Any landscaping required to be removed as a result of construction shall also be replaced with suitable plantings approved prior to its removal.
- 7. LANDSCAPING/FENCING – SPECIFIC-** A minimum of 5m wide screened landscaping and a fencing of a minimum height of 1.5m must be provided along the sites northern, eastern and southern boundaries to ensure that the approved uses are appropriately landscaped when viewed from the nearest residences in the north and south.



Screening and fencing treatments mentioned above may be achieved by:

- (i) the planting and maintenance of trees and shrubs; and
- (ii) the establishment and maintenance of grassed and vegetated earth mounds; and
- (iii) the erection of screen fences; or
- (iv) any combination of these.

- 8. **SITE MAINTENANCE** - The site shall be maintained in a clean and orderly state at all times.
- 9. **OPERATING HOURS** - The approved use must not start before 8.00am and must not continue after 10 pm on any given day.
- 10. **LIGHT EMISSIONS** - Light sources at the premises must be positioned and shielded to prevent light spillage outside the boundaries of the premises.
- 11. **NOISE DISTURBANCE** - The activity must be carried out by such practicable means necessary to prevent or minimise the emission of noise likely to cause environmental nuisance at any noise sensitive or commercial place.
- 12. **ENVIRONMENTAL HARM** - Environmental harm is not authorised by this Approval except to the extent that the harm is expressly authorised by a condition of this Approval.
- 13. **NOISE EMISSION LIMITS**- The emission of noise from the premises must not exceed the levels prescribed by Table 1 (below).

**Table 1**

<b>Time Period</b>	<b>At dwelling or other Noise sensitive place</b>	<b>At commercial premises</b>
Daytime (7:00am-10:00pm)	Background +5dB(A)	Background +10dB(A)
Night time (10:00pm-7:00am)	Background +3dB(A)	Background +8dB(A)
	Background=LA <sub>90</sub>	Background=LA <sub>90</sub>

The compliance levels are measured at a noise sensitive place as the average of the maximum A-weighted sound levels adjusted for noise character measured over a 15-minute time interval. These provisions apply except where specific emission limits are provided in the *Environmental Protection Act 1994*.

- 14. **NOISE COMPLIANCE REPORT** - Where noise levels exceed noise emission limits, the operator is to provide a noise emission compliance assessment, carried out by a suitably qualified professional, and a report on the assessment submitted to Council. The assessment must demonstrate if noise emissions comply with the conditions of this approval. If noise emissions do not comply, the report must identify additional noise control measures that will enable compliance, and these must be implemented within six (6) months of the commencement of use.
- 15. **CAR PARKING NUMBERS** - The developer is to provide twenty-six (26) car parking spaces including two (2) spaces for people with disabilities. The car parking spaces shall be established prior to the commencement of the approved use.

16. **CAR PARKING & DRIVEWAYS – CONCRETE / FLEXIBLE PAVEMENT** - All car parking areas, driveways and manoeuvring areas are to be designed and constructed in accordance with AS 2890.1 - 2004, AS 2890.2 – 2002. The car parking areas and circulation aisles will be provided with adequate signage.

All pavements will be designed to suit the proposed vehicle loadings with the individual pavements constructed as either a rigid pavement (reinforced concrete pavement) or alternatively as a flexible pavement with asphalt concrete surfacing. The completed works are to be certified by a Registered Professional Engineer of Queensland (RPEQ) as having been constructed in accordance with good engineering practice.

The internal car parking layout is to be generally in accordance with the Site Plan prepared by Cameron Design Logic with drawing number: CDL-12.2009-1 dated 1 May 2014.

These car parking provisions must be available prior to the commencement of the use and will be undertaken generally in accordance with the approved plans. All parking and driveways areas will be maintained in good condition for the lifetime of the proposed use.

17. **CAR PARKING ON-SITE** - All vehicles under the control of the party(ies) charged with the overall responsibility for the operation of the facility and any ancillary staff will be parked wholly within the curtilage of the site. All vehicle movements to and from the site, inclusive of service vehicles, are to be conducted in forward gear. The requirements of this condition are to be adhered to for the lifetime of the approved use.
18. **ADVERSE DRAINAGE IMPACT - GENERAL** - Drainage from the development works / building works shall not adversely impact upon adjacent properties. No ponding, concentration or redirection of stormwater shall occur onto adjoining land.
19. **STORMWATER DISCHARGE AND DISPOSAL** - The Developer is to make provision for the discharge of stormwater drainage flows to a legal point of discharge. The Developer shall provide all necessary stormwater drainage; such drainage works shall be designed and constructed in accordance with the *Queensland Urban Drainage Manual (QUDM)*.
20. **EROSION & SEDIMENT CONTROL** - The Applicant is responsible for implementation of erosion control measures designed to minimise soil movement and to minimise silt loads entering drainage lines and watercourses as a result of either the development works / building works.
21. **ADEQUATE WATER SUPPLY –** The Applicant is to make provision for the establishment of an adequate water supply system capable of servicing the development. Details on the proposed method of providing an adequate water supply are to be submitted as part of a Development Application for *Plumbing and Drainage Works*. The requirements of this condition are to be completed prior to the commencement of the approved use.

- 22. WASTEWATER DISPOSAL - GENERAL** - The Applicant is to make provision for the design and construction of an adequate wastewater disposal system capable of servicing the proposed development so as to adequately provide for the treatment and disposal of wastewater on-site.

The wastewater disposal system is to conform with the provisions of the Department of Infrastructure and Planning "Queensland Development Code", the "Queensland Plumbing and Wastewater (QPW) Code" and AS1547-2000. Details on the proposed method of treatment and disposal of wastewater are to be submitted as part of a Development Application for *Plumbing and Drainage Works*. The works required by this condition are to be completed prior to the commencement of the approved use.

- 23. ON-SITE AND WASTEWATER EVALUATION REPORT** - The applicant to provide a detailed On-Site and Wastewater Evaluation Report to determine and conform if ERA 63 approval is triggered. If the report determines that the daily wastewater flow does exceed the 4000L per day, the applicant will be required to obtain the ERA 63 approval from the relevant authority. The works required by this condition are to be completed prior to the commencement of the approved use.

**2. Approval Conditions (Referral Agency):**

The State Assessment and Referral Agency (Concurrence) Response dated 7 May 2014.

**3. That the Applicant be further advised of the following:**

- a) APPROVAL LAPSES AT COMPLETION OF RELEVANT PERIOD** - This Development Approval will lapse if the Material Change of Use does not happen before the end of the relevant period. The relevant period is four (4) years from the date the approval takes effect. The relevant period may be extended at the discretion of Council under section 341 of the *Sustainable Planning Act 2009*. Before the Development Approval lapses, a written request to extend the relevant period may be made to Council under section 383 of the *Sustainable Planning Act 2009*. Please note that Council will not automatically remind Applicants/Occupiers when the relevant period is about to lapse.
- b) DEVELOPMENT APPROVAL CONDITIONS ATTACH TO LAND** – Development Approvals which include conditions and any modifications attach to the land and are binding on the owner, the owner's successors in title and any occupier of the land pursuant to section 245 of the *Sustainable Planning Act 2009*.
- c) VEGETATION MANAGEMENT ACT 1999 AND THE CULTURAL HERITAGE ACT 2003** - This approval in no way restricts or inhibits the provisions of neither the *Vegetation Management Act 1999* nor the *Aboriginal Cultural Heritage Act 2003*. The Applicant(s) will need to satisfy himself/herself/themselves that in undertaking the proposed development works that his/her/their actions will not contravene the provisions of the aforementioned Acts.

- d) **WHEN DEVELOPMENT APPROVAL TAKES EFFECT** - Pursuant to section 339 of the *Sustainable Planning Act 2009*, this Development Approval takes effect:
- (i) from the date the Decision Notice/Negotiated Decision Notice (as the case may be) is given to the Applicant, if there are no Submitters and the Applicant does not appeal the decision to the Court; or
  - (ii) from the end of the Submitter's appeal period if there is a Submitter and the Applicant does not appeal the decision to the Court; or
  - (iii) subject to the decision of the Court when the appeal is finally decided if an appeal is made to the Court by any party; as the case may be. Development may start when a Development Permit takes effect (subject to any conditions specifying commencement).
- e) **FOOD LICENSING** - If food is prepared and served at the premises, the food preparation facilities may require to be licensed and approved by Council in accordance with the *Food Act 2006*. Further information and the relevant application forms can be obtained by calling Council's Health & Environment area on 07 5540 5444.
- g) **ADVERTISING SIGNS** – The majority of advertising devices require a licence in accordance with Council's Local Laws. Further information and the relevant application forms can be obtained by contacting Council's Health & Environment area on 07 5540 5444.

**4. That the Submitter/s be advised of the following:**

**SUBMITTER ADVICE - APPROVAL** - Council has considered all matters relevant to this application, including your submission, and has resolved to approve the application subject to the listed conditions. Council is of the view that the development is competent and takes a satisfactory approach in its layout and design commensurate with the stated conditions of approval.

**6. Administrative Action:**

That a Negotiated Decision Notices be issued in accordance with s.335 of the *Sustainable Planning Act 2009* to the Applicant, submitters and referral agencies.

**Committee Recommendation**

That the Director Regional Services' recommendation be adopted.

Moved: Cr Stanfield


Seconded: Cr O'Carroll

Carried

**Attachments**

1. Applicant's Request for Negotiated Decision Notice dated 18 November 2014, including Site and Floor plan showing Stages 1 & 2.

**Attachment 1 - Applicant's Request for Negotiated Decision Notice dated 18 November 2014, including Site and Floor plan showing Stages 1 & 2**



**MICHEL**  
GROUP SERVICES

MEMBERSHIPS:

- Spatial Industries Business Association
- Urban Development Institute of Australia

DIRECTORS:

- Geoff Thomson  
B.App.Sc.(Surv),  
Cadastral Surveyor Qld,  
Reg. Surv. NSW.
- Tony Cullane  
B.Surv,  
Cadastral Surveyor Qld,  
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Ass. Exp. App. Sc. (Arch)  
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Senior Surveyor

CONSULTANT:

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Cadastral Surveyor Qld.

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18 November 2014 Our Ref. 14139

Chief Executive Officer  
Scenic Rim Regional Council  
PO Box 25  
BEAUDESERT QLD 4285

Attn: Narendra Singh – Council Ref.: MCBd14/031.

Dear Narendra,

**RE: APPLICATION FOR A NEGOTIATED DECISION NOTICE:  
MATERIAL CHANGE OF USE (DEVELOPMENT PERMIT) FOR A TOURIST FACILITY (TOURIST USE – WEDDING CHAPEL).  
154-172 MAIN WESTERN ROAD, TAMBORINE.  
LOT 1 RP196436.**

Reference is made to the approval granted by Council for the above development on 25 September 2014, as well as our subsequent discussions and e-mail correspondence related to the specific conditions of concern. This correspondence is seeking Council approval for a Negotiated Decision Notice (NDN).

**BACKGROUND**

We note that the application is still within the Applicant's appeal period as follows:

- Approval issued 25 September 2014.
- Applicant's appeal period suspended 16 October 2014 (12 business days of the original appeal period had lapsed).
- Suspended appeal period expired 12 November 2014 leaving the balance 8 business days.
- Balance of the Applicant's appeal period expires 24 November 2014 and this request has been lodged prior to that date.

**FEES**

Council's fee schedule identifies a base fee of \$863 + \$181 per condition/issue and amended drawing. In this case three main issues are addressed being the staging/approved plan which directly relates to the infrastructure charges and also hours of operation. Fee payable is therefore \$1,406 being \$863 + (\$181 x 3 issues).

Payment will be made direct to Council post lodgement.

**SCENIC RIM REGIONAL COUNCIL**

File No: MCBd14/031.....

20 NOV 2014

Doc. Set No:.....

Resp. Officer: DA Admin.....

CREAT

>ref.  
LI RP196436

LAND, ENGINEERING, GPS & HYDROGRAPHIC SURVEYING - TOWN PLANNING SERVICES



#### PROPOSED CHANGES

The following points summarise the changes sought by the Applicant in the NDN:

##### **Condition 1 – Staging/Approved Plans:**

We note that it was the Applicant's intention to construct the proposed chapel in two stages, Stage 1 being a 133m<sup>2</sup> section at the southern end of the building and Stage 2 a 170m<sup>2</sup> section at the northern end of the building (refer to the attached marked up plans).

Recognition of this staged approach will require amendment to condition 1 being the reference to the approved plan. The condition should be amended to refer to the marked up plans attached including the site plan and floor plan.

##### **Condition 9 – Hours of Operation:**

This condition as currently worded deals with approved hours of operation and states that the approved use must not start before 8.00am and must not continue after 7pm on any given day.

As per the DA material the chapel is associated with the existing restaurant use on the site (i.e. ceremony in the chapel and reception in the restaurant). The Applicant is concerned with potential for confusion between hours of operation for these two interrelated uses. For example, wedding guests would be on the site beyond 7pm however they would be attending a reception function in the restaurant which has different hours of operation.

It is therefore requested that the condition be re-worded to either state that hours of operation are to align with the existing restaurant approval and associated liquor licence (the Applicant's preferred outcome) or simply to add wording that clarifies that the condition relates to use of the chapel for wedding ceremonies only.

We can provide updated condition wording if required once Council's preferred option is known.

##### **Adopted Infrastructure Charges Notice:**

As indicated above it is intended to update the approval package to reflect the staged construction of the chapel and the AICN therefore requires updating to reflect separate charges for each stage as follows:

- Charges for Stage 1 should be \$19,950 (133m<sup>2</sup> @ \$150/m<sup>2</sup>).
- Charges for Stage 2 should be \$25,500 (170m<sup>2</sup> @ \$150/m<sup>2</sup>).

We note that Council can either issue a separate AICN for each stage or an updated AICN reflecting the two stages and individual payments for same.



It is argued that the requested changes are appropriate and we will await the NDN in due course. Should you have any questions or require additional information, please do not hesitate to contact us.

Yours Faithfully  
Michel Group Services Pty Ltd

A handwritten signature in black ink, appearing to read 'Tim Riches', is written over a light blue horizontal line.

Tim Riches

Cc.: Bavarian Grill Haus

Plan mark up by Michel Group Services 17/11/2014.



**CAMERON DESIGN LOGIC**  
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**CDL CAMERON DESIGN LOGIC**

**Andrius Jaworski**  
 Bayesian Grid House  
 154-172 Main Western Rd  
 North Tamborine

**McGreenSmart PROFESSIONALS**

**MUNICIPALITY**  
 2015-2  
 0300 1 545 6200  
 Proposed Building Work  
 at Beveran Hill House  
 Lot 1 on RP1964/06  
 on 11 February 2014  
 at 9:55 AM PM  
 Name: JAWORSKI.med

PLAN 001  
 Scale: 1:1000  
 COL-12 2009-1 4





**3.3 MCBd14/048 Negotiated Decision Notice request for Development Permit for a Poultry Farm (extension to existing Farm - Rural Use) and Managers/Workers Residence (Residential Use) Jamil Kuar Singh c/- TJ Kelly Surveys Pty Ltd Lot 2 RP838523**

**Executive Officer: Director Regional Services**

**File Reference: MCBd14/048**

**AT THE ORDINARY MEETING OF COUNCIL HELD ON 27 JANUARY 2015, it was moved Cr Waistell, seconded Cr Stanfield, that Condition 25 in Item 3.3 of the Planning & Development Committee Report dated 20 January 2015 be amended to read as follows:**

**"ODOUR TESTING**

- 25) ODOUR TESTING - A maximum K factor of 2.2 is to be achieved at all times. In addition the applicant must carry out on-site odour testing for the first three (3) batches at peak load and submit the results to Council to verify satisfactory management practices have been established for the operation of the farm."**

**CARRIED**

<b>Applicable Planning Scheme</b>	MCU –Beaudesert Shire Planning Scheme 2007
<b>Applicant</b>	Singh Enterprises Pty Ltd c/- TJ Kelly Surveys Pty Ltd
<b>Owner(s)</b>	M/- T Singh, M/- J K Singh
<b>Site Address</b>	11 Markwell Creek Road JOSEPHVILLE QLD 4285
<b>Real Property Description</b>	Lot 2 RP838523
<b>Site Area</b>	193.0990ha
<b>Relevant Zone and Precinct</b>	Rural Zone - Countryside Precinct
<b>Proposal</b>	A Request for a Negotiated Decision Notice pursuant to Section 361 of the <i>Sustainable Planning Act 2009</i> to negotiate three conditions of the stated approval for MCBd14/048
<b>Assessment Level</b>	Impact Assessment Poultry Farm (Rural Use) and Managers/Workers House (Residential Use)
<b>Approval Type</b>	Development Permit for a Material Change of Use - <i>Extension to Existing Poultry Farm (Rural Use) and Managers/Workers Residence (Residential Use)</i>
<b>Public Notification:</b>	The proposal was advertised from 2 July 2014 to 28 July 2014.
<b>Submissions Received</b>	5 - Four (4) Properly Made Submissions and 1 not properly made - all against the use
<b>Is a Notation to the Planning Scheme required?</b>	No
<b>Date Application Received:</b>	4 December 2014

**Director's Recommendation**

1. That Council resolve to approve in part, the requested Negotiated Decision Notice for the development in respect to the following property:

<b>RPD:</b>	Lot 2 RP838523
<b>Address of property:</b>	11 Markwell Creek Road Josephville Qld 4285
<b>Site area:</b>	193.0990Ha
<b>Proposal:</b>	A Request for a Negotiated Decision Notice pursuant to Section 361 of the <i>Sustainable Planning Act 2009</i> to negotiate three conditions of the stated approval for MCBd14/048 for a Development Permit for a Material Change of Use and Environmentally Relevant Activity (ERA 4) – Beaudesert Shire Planning Scheme 2007 – Impact Assessment Expansion to existing Poultry Farm (four (4) new sheds totalling 200,000 additional birds) (Rural Use). Poultry Farm ERA 4(2) (> 200,000 birds) and Manager's/Workers House (Residential Use)

**Further development permits required:**

- a. A Building Works approval is required for all building works associated with the proposed development, prior to undertaking and building work on the subject property.
  - b. A Plumbing and Drainage approval is required for all / any plumbing and drainage works associated with the proposed development, prior to undertaking any plumbing and drainage works on the subject property if applicable.
2. **Conditions of Approval:**

**Approved Plans**

- 1) **USE IN ACCORDANCE WITH THE APPLICATION - MATERIAL CHANGE OF USE -** Development being undertaken generally in accordance with Plans and the submitted material referenced in the tables below and received by Council, except insofar as it is modified by the conditions of this approval. Any minor changes may be requested by the Applicant in accordance with the *Sustainable Planning Act 2009* without the need for a further Development Application for a Material Change of Use.

Table 1: Approved Plans for Poultry Farm and Mangers/Workers House

Plan/Drawing	Plan/Dwg No.	Date	Prepared by
Proposal Plan	3417-01 Revision A	3.3.2014	TJ Kelly Surveys Pty Ltd
Proposed Poultry Shed Design	3417-02	3.04.2014	TJ Kelly Surveys Pty Ltd
Proposed Floor Plan	50964 AR3802	undated	Dixon Homes
Proposed Elevations	50964 AR3802	Undated	Dixon Homes

Table 2: Submitted Materials

Title	Reference	Date	Prepared by
Stormwater Management Plan	Site Based Management Plan - Figure 18	24.04.14	FSA Consulting
Traffic Engineering Report	BO3.019.14RC H.BAH	29.03.14	Holland Traffic Consulting Pty Ltd

### General

- 2) **DEFINITION COMPLIANCE AND EXCLUSIONS** - The approved use and associated ancillary activities shall at all times comply with the definition of Poultry Farm as identified under Schedule 1 – Defined Uses and Chapter 5, Part 2, Division 21 of the *Beaudesert Shire Planning Scheme 2007*.
- 3) **COMMENCEMENT OF USE** - Prior to the use commencing, the Applicant shall advise Council's Planning Department in writing, of the proposed commencement date.
- 4) **WORKS - APPLICANT'S EXPENSE** - All works, services, facilities and/or public utility alterations required by this approval or stated condition/s, whether carried out by the Council or otherwise, shall be at the Applicant's expense unless otherwise specified.
- 5) **COMPOST** - Any composting material or the like that is produced on site as a result of the approved development is to be used only on the subject site identified within this approval.

### Completion Date / Currency Period

#### Landscaping

- 6) **LANDSCAPING PLAN – GENERAL** – Prior to the lodgement of any future applications, the Applicant is to submit a Landscaping Plan, prepared by a suitably qualified person and to the satisfaction of Council, in accordance with the provisions of Landscaping Code and Planning Scheme Policy No.6 of Council's *Beaudesert Shire Planning Scheme 2007*.

The Landscaping Plan must identify:

- a) Vegetation to be cleared;
- b) Area to be allocated as the vegetative buffer;
- c) Area to be allocated as the vegetative buffer for stormwater runoff into the holding dam; and
- d) The proposed areas to be revegetated as part of the new development including species selection.
- e) A minimum 5 metre wide landscaping must be provided to screen and minimise the bulk of the approved buildings as viewed from the Mt Lindesay Highway.
- f) Location and dimensions of an earth mound surrounding the poultry sheds to facilitate tree planting for visual buffering when viewed from the north.

Landscaping of the site is to occur prior to the commencement of use.

- 7) **EXISTING VEGETATION - PRESERVATION** - The landscaping of the site and/or landscaping plan shall incorporate the preservation of existing vegetation, where not required to be cleared for the purpose of this approval. Any significant vegetation that is removed or damaged must be replaced with mature vegetation.

#### **Amenity**

- 8) **SITE MAINTENANCE** - The site shall be maintained in a clean and orderly state at all times.
- 9) **LIMITS ON BIRD NUMBERS** – A maximum of 440,000 birds shall be permitted on site at any one time.

#### **Advertising Devices**

- 10) **SIGNS - FORMAT AND OPERATION** - Signs shall comply with the relevant provisions under the Advertising Devices Code in the Beaudesert Shire Planning Scheme 2007 and shall be of a format and appearance that is in accordance with the existing character of the built and natural environments. Signs shall have regard for local amenity and not be illuminated, flashing, moving or rotating.

#### **Car parking and Access**

- 11) **ACCESS TO COUNCIL ROAD** - The Applicant shall use the existing access from Markwell Creek Road in its current configuration. The Applicant is to incorporate an appropriate passing bay immediately inside the front boundary. Detailed design will be submitted as part of an application for Operational Works with Council. The works required by this condition are to be completed prior to the commencement of the use.

The access provisions shall be maintained in good condition for the lifetime of the proposed use.

An application for Property Access Location Approval for lots accessing a Council controlled road is to be lodged for approval of any existing and/or any proposed accesses and submitted to Council to evaluate the safety of the location. Any construction or upgrading of accesses conditioned by this approval will be assessed upon inspection and are to comply with current Council standards or to the satisfaction of Councils Director Infrastructure Services. The works required by this condition are to be completed prior to the commencement of use. The access provisions shall be maintained in good condition for the lifetime of the proposed use.

- 12) UPGRADING OF MARKWELL CREEK ROAD** - The Applicant shall be responsible for the design and construction of all necessary upgrading road works within Markwell Creek Road 20 metres from its intersection with Mount Lindesay Highway to 10 metres past the property access. The design and construction of the road works shall include all necessary pavement works, drainage works and all necessary traffic signage and guardrails as and where required, with the works being undertaken in accordance with Council's current standards and Austroads "*Guide to Road Design*" Parts 1-8. The road will be upgraded to a Class 5A Standard. The applicant is to undertake the works at their own expense including all the necessary surveying work so as to guarantee that the road formation is fully contained within the road reserve.

Detailed design will be submitted as part of an application for Constructing or interfering with a road or its operation with Council.

- 13) WORKS WITHIN EXISTING ROAD RESERVES** - A Works in Road Reserve approval is required for any access construction work. At least seven (7) days' notice will be given to Council of any work proposed within an existing road reserves under Council jurisdiction. This notice is to be in the form of written correspondence, said correspondence including full details of the proposed work to be undertaken within the road reserve. Details of temporary warning signs to be installed in association with these works will also be submitted for Council's examination prior to the work being carried out. Any damage to Council or other service providers property including water mains, sewers, services, roads, footpaths, underground drainage, etc., will be made good or paid for in full by the Applicant(s) before the development works will be accepted 'On Maintenance' and / or the commencement of the approved use.

- 14) CAR PARKING & DRIVEWAYS – GRAVEL** - All parking areas, internal roadways and manoeuvring areas are to be designed and constructed in accordance with AS 2890.1 - 2004 and AS 2890.2 – 2002 and Council's Design & Construction Manual. The completed works will be certified by a Registered Professional Engineer of Queensland (RPEQ) as having been constructed in accordance with good engineering practice to a standard reasonable for commercial purposes. These car parking provisions must be available prior to the commencement of the use and will be undertaken generally in accordance with the approved plans.

The internal driveway will be constructed to a gravel standard. The internal driveway will be constructed to a gravel standard with a grade not to exceed 16% (1 in 6) and minimum 3 metres wide.

The works required by this condition are to be completed prior to the commencement of the use.

- 15) CAR PARKING NUMBERS** - The developer is to make provision for the establishment of adequate car parking on site to serve the approved use and for day visitors to the site. The car parking spaces shall be established prior to the commencement of the approved use.

- 16) CAR PARKING ON-SITE** - All vehicles under the control of the party(ies) charged with the overall responsibility for the operation of the facility and any ancillary staff will be parked wholly within the curtilage of the site. All vehicle movements to and from the site, inclusive of service vehicles, are to be conducted in forward gear. The requirements of this condition are to be adhered to for the lifetime of the approved use.
- 17) VEHICLE LOADING / UNLOADING** - All loading and unloading of vehicles associated with the approved uses, including the pick-up and/or delivery of goods and materials, will be conducted at all times from within the curtilage of the site. The requirements of this condition are to be adhered to for the lifetime of the approved use.

### Stormwater Drainage

- 18) ADVERSE DRAINAGE IMPACT - GENERAL** - Drainage from the development works / building works shall not adversely impact upon adjacent properties. No ponding, concentration or redirection of stormwater shall occur onto adjoining land.
- 19) STORMWATER DISCHARGE AND DISPOSAL** - The Developer is to make provision for the discharge of stormwater drainage flows to a legal point of discharge. The Developer shall provide all necessary stormwater drainage; such drainage works shall be designed and constructed in accordance with the *Queensland Urban Drainage Manual (QUDM)*.

The completed works are to be certified by a Registered Professional Engineer of Queensland (RPEQ) as having been constructed in accordance with good engineering practice. The works required by this condition are to be completed prior to the commencement of the use.

The works required by this condition are to be completed prior to the commencement of the use.

- 20) SEDIMENT AND EROSION CONTROL MANAGEMENT PLAN (SECMP)** - The Applicant is to prepare and implement a comprehensive Erosion and Sediment Control Program. The report is to comply with "*Soil Erosion and Sediment Control: Engineering Guidelines for Queensland Construction Sites, Institute of Engineers, Australia 1996*".

### Water

- 21) ADEQUATE WATER SUPPLY** – The Applicant is to make provision for the establishment of an adequate water supply system capable of servicing the development. Details on the proposed method of providing an adequate water supply are to be submitted as part of a Development Application for *Plumbing and Drainage Works*. The requirements of this condition are to be completed prior to the commencement of the approved use.

### Wastewater

- 22) WASTEWATER DISPOSAL - GENERAL** - The Applicant is to make provision for the design and construction of an adequate wastewater disposal system capable of servicing the proposed development so as to adequately provide for the treatment and disposal of wastewater on-site.

The wastewater disposal system is to conform with the provisions of the Department of Infrastructure and Planning "Queensland Development Code", the "Queensland Plumbing and Wastewater (QPW) Code" and AS1547-2000. Details on the proposed method of treatment and disposal of wastewater are to be submitted as part of a Development Application for *Plumbing and Drainage Works*. The works required by this condition are to be completed prior to the commencement of the approved use.

### Earthworks Design and Management

- 23) EARTHWORKS OPERATIONS (CAR PARKING AREAS, ACCESS DRIVEWAY AND ALLOTMENT FILLING)** – All earthworks associated with the car-parking areas, access driveway(s) and the building works will be undertaken in accordance with Section 3.4 of Council's Design and Construction Manual.

### Electrical Works

- 24) ELECTRICITY** - Provision of electricity supply from the State electricity grid through the State authorised supplier (Energex) to service the proposed development or production of evidence of satisfactory arrangements for such supply having been made, such supply to be on normal supply tariffs. Easements are to be provided where necessary and to be shown in the final plan of survey. The works required by this condition are to be completed prior to the commencement of the use.

### Odour Testing

- 25) ODOUR TESTING** - The Applicant must carry out on-site odour testing for every batch at peak load during the year to advise what K factor is being achieved. The results are to be supplied to Council quarterly, unless a result outside a maximum K factor of 2.2 is achieved, than Council is to be contacted with 3 business days.

### 3. Approval Conditions (Referral Agency):

The State Assessment Referral Agency (Concurrence) Response dated 23 June 2014.



**4. That the Applicant be further advised of the following:**

- a) **DEVELOPMENT APPROVAL CONDITIONS ATTACH TO LAND** - Development Approvals which include conditions and any modifications, attach to the land and are binding on the owner, the owner's successors in title and any occupier of the land pursuant to Section 245 of the *Sustainable Planning Act 2009*.
- b) **VEGETATION MANAGEMENT ACT 1999 AND THE CULTURAL HERITAGE ACT 2003** - This approval in no way restricts or inhibits the provisions of neither the *Vegetation Management Act 1999* nor the *Aboriginal Cultural Heritage Act 2003*. The Applicant(s) will need to satisfy himself/herself/themselves that in undertaking the proposed development works that his/her/their actions will not contravene the provisions of the aforementioned Acts.
- c) **WHEN DEVELOPMENT APPROVAL TAKES EFFECT** - Pursuant to *Sustainable Planning Act 2009*, this Development Approval takes effect:
  - (i) from the date the Decision Notice/Negotiated Decision Notice (as the case may be) is given to the Applicant, if there are no Submitters and the Applicant does not appeal the decision to the Court; or
  - (ii) from the end of the Submitter's appeal period if there is a Submitter and the Applicant does not appeal the decision to the Court; or
  - (iii) subject to the decision of the Court when the appeal is finally decided if an appeal is made to the Court by any party; as the case may be. Development may start when a Development Permit takes effect (subject to any conditions specifying commencement).
- d) **APPROVAL LAPSES AT COMPLETION OF RELEVANT PERIOD** - This Development Approval will lapse if the Material Change of Use does not happen before the end of the relevant period. The relevant period is four (4) years from the date the approval takes effect. The relevant period may be extended at the discretion of Council under Section 341 of the *Sustainable Planning Act 2009*. Before the Development Approval lapses, a written request to extend the relevant period may be made to Council under Section 383 of the *Sustainable Planning Act 2009*. Please note that Council will not automatically remind Applicants/Occupiers when the relevant period is about to lapse.
- e) **ADVERTISING SIGNS** - The majority of advertising devices require a licence in accordance with Council's Local Laws. Further information and the relevant application forms can be obtained by contacting Council's Health & Environment area on 07 5540 5444.

**5. Further approvals are required for:**

- a. A Building Works approval is required for all building works associated with the proposed development, prior to undertaking and building work on the subject property.
- b. A Plumbing and Drainage approval is required for all / any plumbing and drainage works associated with the proposed development, prior to undertaking any plumbing and drainage works on the subject property.

**6. That the Submitter/s be advised of the following:**

**SUBMITTER ADVICE - APPROVAL** - Council has considered all matters relevant to this application, including your submission, and has resolved to approve the application subject to the listed conditions. Council is of the view that the development is competent and takes a satisfactory approach in its layout and design commensurate with the stated conditions of approval.

**7. Administrative Action:**

That Decision Notices be issued in accordance with Section 335 of the *Sustainable Planning Act 2009* to the Applicant, submitter/s and referral agencies.

**8. Monitored land uses**

That, following completion of the statutory appeal periods, Council's Corporate Services Department, GIS Section be advised as follows:-

At the Ordinary Meeting held on 22 October 2014, Council approved the establishment of an expansion to an existing Poultry Farm, located at 11 Markwell Creek Road, Josepheville on land described as Lot 2 RP838523.

**Committee Recommendation**

That the Director Regional Services' recommendation be adopted.

Moved: Cr West

Seconded: Cr Stanfield

Carried

**Attachments**

1. Applicant's Request for Negotiated Decision Notice dated 4 December 2014.
2. Approved Elevations.
3. Approved Site Plans.
4. State Assessment Referral Agency Response.
5. Dekho Map.
6. Comparison between Council and State's Odour Criteria - prepared by Pacific Environment Limited.
7. Submitter's Details.
8. Applicant's Response to Peer Review Query.
9. Katestone Environmental Pty Ltd Peer Review.

## Attachment 1 - Applicants Request for Negotiated Decision Notice dated 4 December 2014

T J Kelly Surveys Pty Ltd  
A.B.N. 95 825 241 937  
A.C.N. 058 752 417

# T J KELLY SURVEYS <sup>PTY.</sup> LTD.

CONSULTING SURVEYORS & TOWN PLANNERS

4 December 2014

Our ref: 3417

The Chief Executive Officer  
Scenic Rim Regional Council  
PO Box 25  
BEAUDESERT QLD 4285



Attn: Mr John Creagan (Your Ref. MCBn14/048)

Dear John,

**RE: Request for a Negotiated Decision Notice – s361 of SPA  
Material Change of Use – Poultry Farm Expansion & Manager's  
Residence  
11 Markwell Creek Road, Josephville.  
Lot 2 on RP838523.**

We act on behalf of the Applicant, Mr Teja Singh of Singh Enterprises Pty Ltd.

Reference is made to the Decision Notice for the above described development application dated 29 October, 2014.

Our Client has instructed us to make written representation to Council concerning conditions 11, 12 and 25, for the purpose of obtaining a Negotiated Decision Notice. The conditions are addressed hereunder.

**Condition 11 Access to Council Road**

This condition requires the construction of the access crossovers to Council standards with sufficient capacity to cater for two lane movements. As Council Officers will have noted from their site inspection, the farm is serviced by a single crossover and has a grid installed at the entrance to the property. The presence of same does not permit two lanes of vehicles access. Notwithstanding this issue with the grid, the geometry of the access to Markwell Creek Road does not lend itself to two lane movement of vehicles, particularly B doubles.

It is proposed that the access from Markwell Creek Road be retained in its current configuration. To satisfy the intent of this condition, our Client is prepared to incorporate an appropriate passing bay immediately inside the front boundary. This provides a superior engineering outcome and will ensure the safe movements of all vehicles to and from the farm. Whilst details of the passing bay will be incorporated in the civil design drawings to follow as part of the operational works application, we enclose a concept sketch prepared by Ryacon Engineers illustrating this alternative solution.

Refer Drawing No. 130902-01 by Ryacon Engineers dated December 2014.

The condition also refers to crossovers, being plural, and stipulates the Applicant will decommission any redundant access point. There is only the one (1) access to the farm; there are no redundant access points. For purposes of clarity it is proposed that this requirement be deleted from the condition.

Office:  
109 Brisbane Street  
Beaudesert, Qld

Postal Address:  
P.O. Box 221  
Beaudesert, Qld 4285

Telephone: (07) 5541 4722  
Facsimile: (07) 5541 4723  
Email:  
admin@kellynet.com.au  
Web: www.kellynet.com.au

TJ Kelly Surveys Pty Ltd  
A.B.N. 95 825 241 937  
A.C.N. 058 752 417

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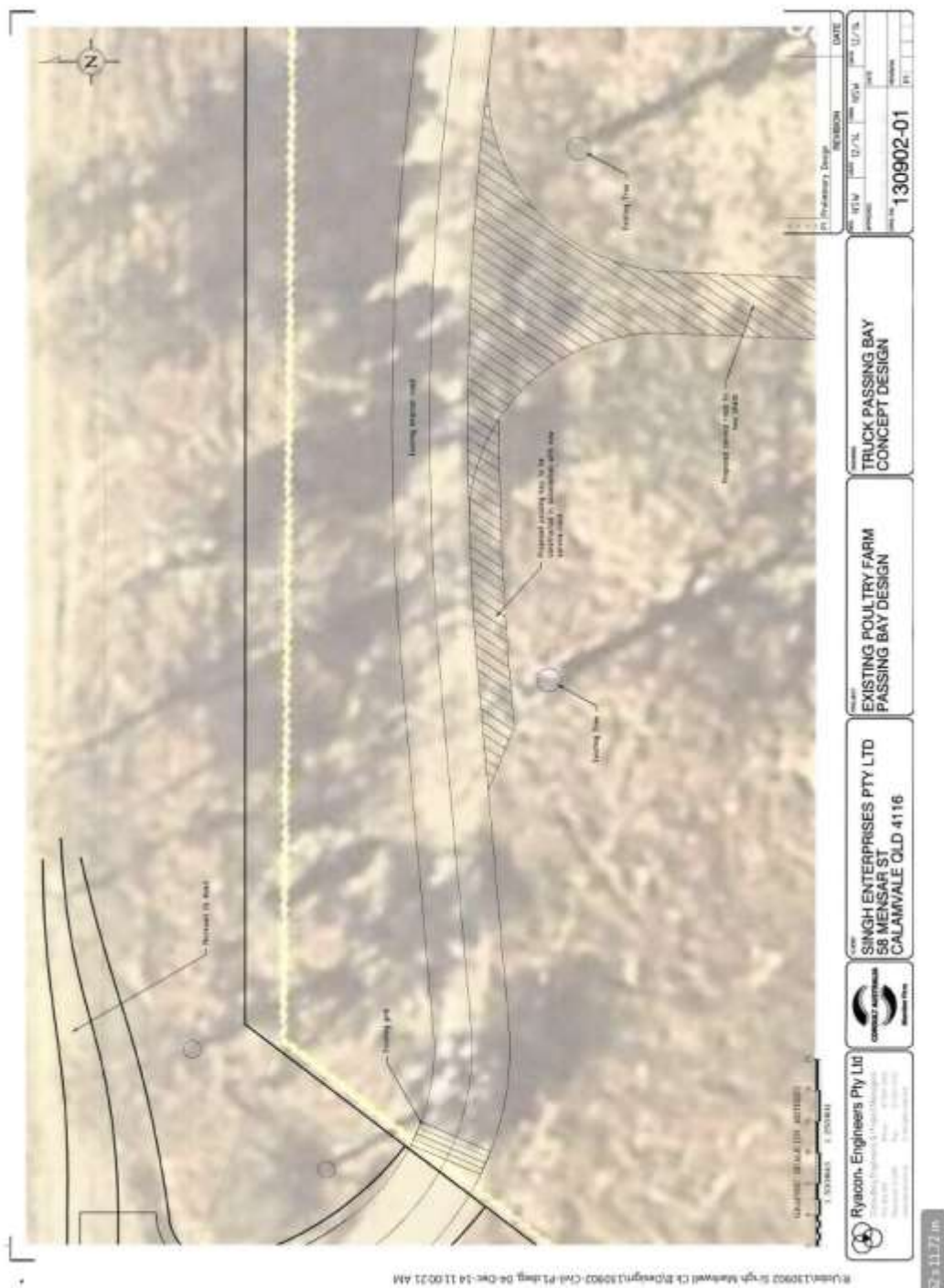
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**Email:**  
admin@kellynet.com.au  
Web: www.kellynet.com.au





Consulting • Technologies • Monitoring • Toxicology

24 November 2014

Mr Mark Toombs  
TJ Kelly Surveys  
by email: [mark@kellynet.com.au](mailto:mark@kellynet.com.au)  
cc: [fej1945@hotmail.com](mailto:fej1945@hotmail.com)

Dear Mark:

**RE: MCBd14/048 – Attachment 1 – Conditions of Approval – 29 October 2014**

I refer to the Development Application Decision Notice dated 29 October 2014 (MDBd14048) and condition 25) Odour testing.

The condition is as follows:

*The applicant must carry out on-site odour testing for every batch at peak load during the year to advise what K Factor is being achieved. The results are to be supplied to Council quarterly, unless a result outside a maximum K factor of 2.2 is achieved, then the Council is to be contacted within three (3) business days.*

We note that the farm previously had similar condition imposed by the Planning and Environment Court in judgement BD969/2008, by his Honour, Judge Wilson SC.

During the course of the mediations for the 2008 appeal, there was considerable debate around what an appropriate sampling condition was.

At the time, it was agreed that annual sampling would occur in three sheds (one from each stage of the existing development) for three years. If no complaint was received, and the K factor (K=2.4) was not exceeded the requirement for sampling would cease.

With regard to complaints, to avoid potentially vexatious complaints, complaint was specifically defined as:

*Complaint means a reasonably based complaint made by a person that has been verified by an authorised person upon inspection of the poultry farm (in the presence of the farm manger) and that is caused by the management of the farm.*

*(Summarised from BD 969 of 2008, Judge Wilson, 4 July 2008).*

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ADELAIDE	BRISBANE	MELBOURNE	PERTH	SYDNEY
Pacific Environment Operations Pty Ltd PO Box 3306, South Brisbane Qld 4101 Level 1, 59A Melbourne St, South Brisbane Qld 4101				(ASX: PEH) ABN: 86 127 101 642 <a href="http://www.pacific-environment.com">www.pacific-environment.com</a> Ph: +61 7 3004 6400

We understand that there were no complaints over the sampling period, and the K factor of 2.4 was not exceeded.

The modelling for the expansion of the farm was performed using a K factor of 2.2, and showed that the predicted odour concentration was  $C_{99.5, 1hr} \sim 1.5ou$  at the nearest receptors. Therefore, the proposed farm expansion is likely to comply with a K factor of above 3. However we recognise that a well managed farm would have a K factor of approximately 2 and that setting a K factor of around 3 may not be appropriate.

However, we agree that sampling would be beneficial in demonstrating to Council that the farm is run in line with industry standards, and its emissions are consistent with what was modelled (K factor).

Based on the previous judgment, and having read the proposed Council conditions, we recommend the sampling condition be reworded as follows:

*Odour sampling will occur during the second and fifth batches after the commencement of use of the new sheds. Sampling will occur in one (1) of the existing sheds, and one (1) of the new sheds just prior to first thin out of each batch.*

*If during the sampling period, no complaint is received, and average K factor of 2.4 is not exceeded, further sampling will not be required.*

*If a complaint is received, or if the conditioned K factor is exceeded during the sampling period, odour sampling will continue to be performed until there has been a 12 month period of compliance where the average K factor does not exceed 2.4 and complaint is received.*

*Complaint means a reasonably based complaint made by a person that has been verified by an authorised person upon inspection of the poultry farm (in the presence of the farm manager) and that is caused by the management of the farm.*

Yours Sincerely,



Geordie Galvin  
B.Eng (Env Eng) M.Eng (Env) A.AirQual  
Principal Environmental Engineer

Attachment 2 - Approved Elevations

**SCENIC RIM REGIONAL COUNCIL PRELIMINARY PLAN**  
**APPROVED / REFUSED**  
 COUNCIL MEETING: 23 October 2014  
 CHECKED: [Signature]

**ELEVATION 1**  
 1.40m  
 1.40m  
 4.50m

**ELEVATION 2**

**ELEVATION 3**

**ELEVATION 4**

**SCENIC RIM REGIONAL COUNCIL**  
 1300 NIXON HOMES  
 1300 10 10 10  
 1300 10 10 10  
 1300 10 10 10

**NOT TO BE USED WITHOUT WRITTEN AUTHORITY**  
**T SINGH**  
 Architect  
 2/11 Marwood Creek Road  
 JOSEPHVILLE QLD 4285  
 PH: 47782373 FAX: 47782373  
 MAP REF: UR0 BNE 31A 8002

**FOR DEVELOPER'S USE ONLY**  
 NOT TO BE USED WITHOUT WRITTEN AUTHORITY  
 NOT TO BE USED FOR ANY OTHER PURPOSE  
 NOT TO BE USED FOR ANY OTHER PURPOSE  
 NOT TO BE USED FOR ANY OTHER PURPOSE






Attachment 4 - The State Assessment Referral Agency Response

**SCENIC RIM REGIONAL COUNCIL**  
 File No: MCod14/048  
 23 JUN 2014  
 Doc. Set No: REA  
 Resp. Officer: DA ADMIN  
 2. CREAT 3  
 xref

SDA-0514-010289



Department of  
**State Development,  
 Infrastructure and Planning**

Our reference: SDA-0514-010289  
 Your reference: MCod14/048

Date: 23 June 2014

The Chief Executive Officer  
 Scenic Rim Regional Council  
 PO Box 25  
 BEAUDESERT QLD 4285  
 mail@scenicrim.qld.gov.au

Attn: John Creagan

Dear John,

**Concurrence agency response—with conditions**  
 11 Markwell Creek Road, Josephville  
 (Given under section 285 of the Sustainable Planning Act 2009)

The referral agency material for the development application described below was received by the Department of State Development, Infrastructure and Planning under section 272 of the Sustainable Planning Act 2009 on 19 May 2014.

**Applicant details**

---

Applicant name: Singh Enterprises Pty Ltd C/- T.J Kelly Surveys  
 Applicant contact details: PO Box 221, Beaudesert QLD 4285

**Site details**

---

Street address: 11 Markwell Creek Road, Josephville QLD 4285  
 Real property description: Lot 2 RP838523  
 Local government area: Scenic Rim Regional Council

**Application details**

---

Proposed development: Development Permit for a Material Change of Use for Poultry Farm; Environmentally Relevant Activity 4 (2) Poultry Farming (>200,000 birds); and Manager's/Worker's House

Department of State Development, Infrastructure and Planning
Page 1

DCA-0514-010289

**Referral triggers**

The development application was referred to the department under the following provisions of the Sustainable Planning Regulation 2009:

Referral trigger            Schedule 7, Table 2, Item 1 – Environmentally relevant activities  
   Schedule 7, Table 3, Item 1 – State-controlled road  
   Schedule 7, Table 3, Item 2 – Development impacting on State transport infrastructure

**Conditions**

Under section 287(1)(a) of the Sustainable Planning Act 2009, the department requires that the conditions set out in Attachment 1 attach to any development approval.

**Reasons for decision to impose conditions**

Under section 289(1) of the Sustainable Planning Act 2009, the department is required to set out the reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

**Further advice**

Under section 287(6) of the Sustainable Planning Act 2009, the department offers advice about the application to the assessment manager—see Attachment 3.

A copy of this response has been sent to the applicant for their information.

If you require any further information, please contact Danae Johnston, Planning Officer, on (07) 3432 2420 or via [jpswrichSARA@dtcdtp.qld.gov.au](mailto:jpswrichSARA@dtcdtp.qld.gov.au) who will be pleased to assist.

Yours sincerely



Nathan Rule  
**Manager - Planning**

enc: Attachment 1—Conditions to be imposed  
Attachment 2—Reasons for decision to impose conditions  
Attachment 3—Further advice  
Copy of the environmental authority issued by the Department of Agriculture, Fisheries and Forestry

cc: Singh Enterprises Pty Ltd. [admin@septynet.com.au](mailto:admin@septynet.com.au)  
Department of Transport and Main Roads. [SouthCoastIDAS@trm.qld.gov.au](mailto:SouthCoastIDAS@trm.qld.gov.au)  
Department of Agriculture, Fisheries and Forestry. [LivestockRegulator@daf.qld.gov.au](mailto:LivestockRegulator@daf.qld.gov.au)

SDA-0514-010289

Our reference: SDA-0514-010289  
 Your reference: MC0d14/048

**Attachment 1—Conditions to be imposed**

No.	Conditions	Condition timing
<b>Development Permit – Material Change of Use (Expansion to existing Poultry Farm)</b>		
State-controlled road—Pursuant to section 255D of the Sustainable Planning Act 2009, the chief executive administering the Sustainable Planning Act 2009 nominates the Director-General of the Department of Transport and Main Roads to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	Development must be carried out generally in accordance with the following plan, except as modified by these conditions: <ul style="list-style-type: none"> <li>• Proposed Plan, drawing no. 3417-01, Version A, prepared by T.J Kelly Surveys Pty Ltd, dated 28 March 2014.</li> </ul>	Prior to the commencement of use and to be maintained at all times
2.	<p>(a) The left-turn entry movement from Mount Lindesay Highway to Markwell Creek Road intersection must be upgraded to include a 35m shoulder widening from the tangent point and widening to 6m from the centre line, sealed with bitumen.</p> <p>(b) The intersection shoulder widening must be designed and constructed in accordance with the Department of Transport and Main Roads Road Planning and Design Manual including the Interim Guide to Road Planning and Design Practice Figure 13.80 Basic Left Turn Treatment (BAL) on a Rural Road where side road annual average daily traffic (AADT) is greater than 50 or specifically for Articulated Vehicles.</p> <p>(c) The intersection works and all adjustments and/or relocations to existing services within the state-controlled road as a result of the development must be provided by the applicant at no cost to the Department of Transport and Main Roads.</p>	(a) – (c) Prior to the commencement of use

SDA-2014-010289

Our reference: SDA-2014-010289  
Your reference: MCod14-048

**Attachment 2—Reasons for decision to impose conditions**

The reasons for this decision are:

- Condition 1 – the development application material demonstrates that the proposal, as detailed within the referenced proposal plans and engineering reports, will have no adverse impacts upon the Mount Lindesay Highway.
- Condition 2 – the shoulder and widening is required as a result of the development and its associated traffic impacts which have been conditioned to ensure the safety and efficiency of the State-controlled road network.

**Findings on material questions of fact**

- The subject site is located adjacent to the Mount Lindesay Highway, a State-controlled road.
- Vehicular access to the proposed use will occur from the local road network.
- The development application material demonstrates that the proposal, as detailed within the referenced town planning report and proposal plans, will have no adverse impacts upon the State-controlled road.
- The requirements of the State Development Assessment Provisions are either inherently satisfied, or can be satisfied by imposition of conditions.

**Evidence or other material on which the findings were based**

- Transport Infrastructure Act 1994
- State Development Assessment Provisions Modules 18 and 19
- Sustainable Planning Act 2009
- Sustainable Planning Regulation 2009
- Department of Transport and Main Roads' Road Planning and Design Manual

SDA-0514-010289

Our reference: SDA-0514-010289  
Your reference: MC0014/048

**Attachment 3—Further advice**

<b>Further development permits, compliance permits or compliance certificates</b>	
1.	<p>In accordance with Section 33 of the <i>Transport Infrastructure Act 1994</i> (TIA), written approval to carry out road works, including road access works on a state-controlled road is required. These development conditions do not constitute such approval. Please contact the Department of Transport and Main Roads on (07) 5563 6600 to make an application for approval under section 33 of the TIA to carry out road works.</p> <p>The Department of Transport and Main Roads' technical standards and publications can be accessed online at <a href="http://www.tmr.qld.gov.au/Business-Industry/Technical-standards-publications.aspx">http://www.tmr.qld.gov.au/Business-Industry/Technical-standards-publications.aspx</a>.</p> <p>Where services within the state-controlled road reserve will be impacted by the development, the applicant will need to contact the relevant service provider.</p>

Department of Agriculture, Fisheries and Forestry

**Notice**  
*Environmental Protection Act 1994*

**Decision about an application for an environmental authority**

*This notice is issued by the administering authority<sup>1</sup>, pursuant to Chapter 5 of the Environmental Protection Act 1994.*

To:  
Singh Enterprises Pty Ltd  
58 Mensar St  
CALAMVALE, QLD 4116

Attention: Mr Teja Singh

Our reference: QABD9068

**Decision about an application for an environmental authority**

- Application details**

The application for an environmental authority, made by Singh Enterprises Pty Ltd was received by the administering authority on 19 May 2014.

The application reference number is: QABD9068


Land description: Lot 2 Registered Plan 838523  
11 Mackwell Creek Road  
JOSEPHVILLE Queensland
- Decision**

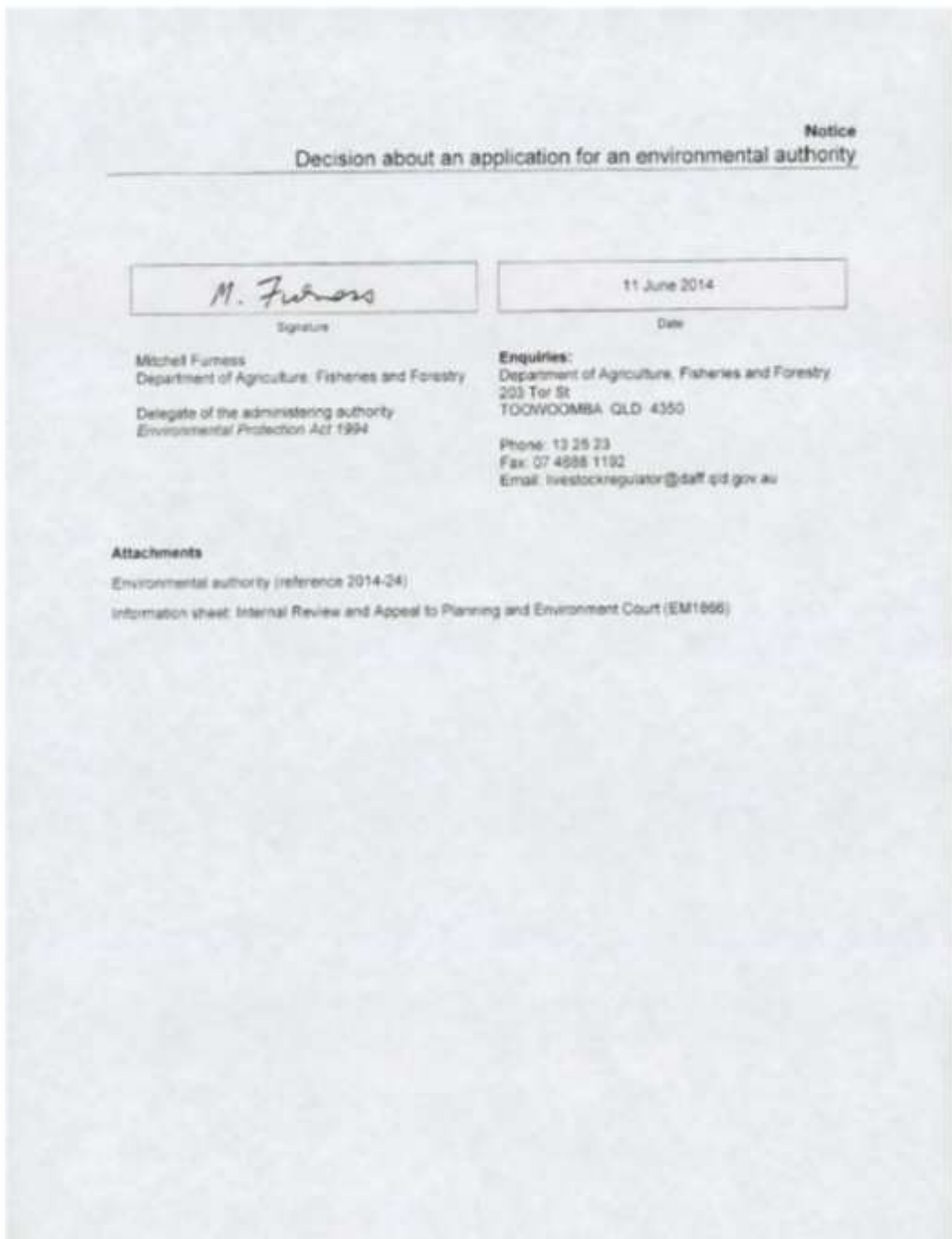
The administering authority has decided to approve the application with conditions that the applicant has not agreed to in writing.
- Review and appeal rights**

You may apply to the administering authority for a review of this decision within 10 business days after receiving this notice. You may also appeal against this decision to the Planning and Environment Court. Information about your review and appeal rights is attached to this notice. This information is guidance only and you may have other legal rights and obligations.

<sup>1</sup> The Department of Environment and Heritage Protection is the administering authority under the Environmental Protection Act 1994.

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www.daff.qld.gov.au 1828 95 034 348 199

 **Queensland  
Government**





**Department of Agriculture, Fisheries and Forestry**

**Permit<sup>1</sup>**  
**Environmental Protection Act 1994**  
**Environmental authority**

*This environmental authority is issued by the delegate of the administering authority under Chapter 5 of the Environmental Protection Act 1994.*

---

**Permit<sup>1</sup> number: 2014-24**

**Environmental authority takes effect when your related development application is approved**

The first annual fee is payable within 20 business days of the effective date.

The anniversary date of this environmental authority is the same day each year as the effective date. Payment of the annual fee will be due each year on this day.

**Environmental authority holder(s)**

Name and Suitable Operator Reference	Registered address
Singh Enterprises Pty Ltd Suitable operator reference: 703542	58 Menser St CALAMVALE QLD 4116

**Environmentally relevant activity and location details**

Environmentally relevant activity	Location
ERA 4 — Poultry farming (2) — farming more than 200000 birds	Lot 2 Registered Plan 838523 11 Markwell Creek Road JOSEPHVILLE QLD

**Additional information for holders of environmental authorities**

**Environmentally relevant activities**

The description of any environmentally relevant activity (ERA) for which an environmental authority is issued is a restatement of the ERA as defined by legislation at the time the approval is issued. Where there is any inconsistency between that description of an ERA and the conditions stated by an environmental authority as to the scale, intensity or manner of carrying out an ERA, then the conditions prevail to the extent of the inconsistency.

An environmental authority authorises the carrying out of an ERA and does not authorise any environmental harm unless a condition stated by the authority specifically authorises environmental harm.

A person carrying out an ERA must also be a registered suitable operator under the Environmental Protection Act 1994 (the Act).

<sup>1</sup> Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent under as required by legislation.

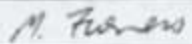
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Environmental authority

Contaminated land

It is a requirement of the Act that if an owner or occupier of land becomes aware that a notifiable activity (as defined in Schedule 3 and Schedule 4) is being carried out on the land, or that the land has been, or is being, contaminated by a hazardous contaminant, the owner or occupier must, within 22 business days after becoming so aware, give written notice to the chief executive.



Signature

11 June 2014

Date

Mitchell Furness  
 Department of Agriculture, Fisheries and Forestry

Delegate of the administering authority  
 Environmental Protection Act 1994

**Enquiries**  
 Department of Agriculture, Fisheries and Forestry  
 203 Tor St  
 TOOWOOMBA, QLD 4350

Phone: 13 25 23  
 Fax: 07 4666 1192  
 Email: [ivestockregulator@daf.qld.gov.au](mailto:ivestockregulator@daf.qld.gov.au)

Environmental authority

Department of Agriculture, Fisheries and Forestry

Obligations under the Environmental Protection Act 1994

In addition to the requirements found in the conditions of this environmental authority, the holder must also meet their obligations under the Act, and the regulations made under the Act. For example, the holder must comply with the following provisions of the Act:

- general environmental duty (section 310)
- duty to notify environmental harm (section 320-320G)
- offence of causing serious or material environmental harm (sections 437-439)
- offence of causing environmental nuisance (section 440)
- offence of depositing prescribed water contaminants in waters and related matters (section 440ZG)
- offence to place contaminant where environmental harm or nuisance may be caused (section 443)

Conditions of environmental authority

The environmentally relevant activity conducted at the location as described above must be conducted in accordance with the following site specific conditions of approval:

Agency interest: General	
Condition number	Condition
G1	Any breach of a condition of this environmental authority must be reported to the <b>delegate of the administering authority</b> within 24 hours of becoming aware of the breach and record full details of the breach and any subsequent actions.
G2	This environmental authority authorises <b>you</b> to conduct the <b>activity</b> listed above at the level specified.
G3	All reasonable and practicable <b>measures</b> must be taken to minimise the likelihood of environmental harm being caused.
G4	The <b>activity</b> must be undertaken in accordance with written procedures that <ul style="list-style-type: none"> <li>• identify potential risks to the environment from the <b>activity</b> during routine operations and emergencies</li> <li>• establish and maintain control measures that minimise the potential for environmental harm</li> <li>• ensure plant, equipment and measures are maintained in a proper and effective condition</li> <li>• ensure plant, equipment and measures are operated in a proper and effective manner</li> <li>• ensure that staff are trained and aware of their obligations under the Environmental Protection Act 1994</li> <li>• ensure that reviews of environmental performance are undertaken at least annually</li> </ul>
G5	All information and records that are required by the conditions of this environmental authority must be kept for a period of at least 5 years.

*P. Sullivan*

Environmental authority

G6	Storage of chemicals and fuels in bulk or in containers of greater than 15 litres must be within a secondary containment system and <b>releases</b> from the containment system controlled in a manner that prevents environmental harm.
G7	If you become aware of any adverse impact on an <b>environmental value</b> likely to have been caused by the operation of the <b>activity</b> , you must notify the <b>delegate of the administering authority</b> in writing of the full details of the adverse impact within 24 hours of becoming aware of the impact.
<b>Agency interest: Air</b>	
<b>Condition number</b>	<b>Condition</b>
A1	Odours or airborne contaminants which are <b>noxious</b> or <b>offensive</b> or otherwise unreasonably disruptive to public amenity or safety must not cause nuisance to any nuisance <b>sensitive place</b> or <b>commercial place</b> .
<b>Agency interest: Water</b>	
<b>Condition number</b>	<b>Condition</b>
WT1	Other than as permitted within this authority, contaminants must not be <b>released</b> from the site to any <b>waters</b> or the bed and banks of any <b>waters</b> .
WT2	Contaminants must not be <b>released</b> to groundwater.
WT3	Contaminants must not be <b>released</b> to surface waters.



Environmental authority

Agency interest: Noise						
Condition number	Condition					
N1	Noise from the activity must not exceed the levels identified in Table 3 – Noise limits and the associated requirements at any nuisance sensitive place or commercial place.					
Table 3 – Noise limits						
Noise level measured in dB(A)	Monday to Saturday			Sunday and Public Holidays		
	7am-6pm	6pm-10pm	10pm-7am	9am-6pm	6pm-10pm	10pm-9am
Noise measured at a nuisance sensitive place						
$L_{Aeq,1h}^T$	Background +5	Background +3	Background +3	Background +5	Background +3	Background +3
$Max_{LA,T}$	Background +10	Background +8	Background +5	Background +10	Background +8	Background +5
Noise measured at a commercial place						
$L_{Aeq,1h}^T$	Background +10	Background +8	Background +5	Background +10	Background +8	Background +5
$Max_{LA,T}$	Background +15	Background +13	Background +10	Background +15	Background +13	Background +10
Agency interest: Land						
Condition number	Condition					
L1	Any release of contaminants generated by the activity to land must not cause environmental harm.					
L2	Before surrendering this environmental authority the site must be rehabilitated to achieve a safe, stable, non-polluting landform.					
Agency interest: Waste						
Condition number	Condition					
WS1	Waste must only be removed from the site by a transporter lawfully able to transport it to a place lawfully able to receive it.					
WS2	Any release or utilisation of waste products generated by the activity must not cause environmental harm.					

END OF PERMIT

*[Handwritten signature]*

Environmental authority

**Attachments**

NIL

**Definitions**

Key terms and/or phrases used in this document are defined in this section and **bolded** throughout this document. Applicants should note that where a term is not defined, the definition in the Environmental Protection Act 1994 (the Act), its regulations or environmental protection policies must be used. If a word remains undefined it has its ordinary meaning.

**activity** means the environmentally relevant activities, whether resource activities or prescribed activities, to which the environmental authority relates.

**administering authority** means the Department of Environment and Heritage Protection or its successor or predecessors.

**background** means noise, measured in the absence of the noise under investigation, as  $L_{max,T}$  being the A-weighted sound pressure level exceeded for 90 percent of the time period of not less than 15 minutes, using Fast response.

**commercial place** means a place used as a workplace, an office or for business or commercial purposes and includes a place within the curtilage of such a place reasonably used by persons at that place.

**delegate of the administering authority** means an officer of the Department of Agriculture, Fisheries and Forestry (DAFF) or its successor as cited by the administering authority.

**environmental nuisance** (the Act) is unreasonable interference or likely interference with an **environmental value** caused by—

- a) aerosols, fumes, light, noise, odour, particles or smoke; or
- b) an unhealthy, **offensive** or unsightly condition because of contamination, or
- c) another way prescribed by regulator.

**environmental value** (the Act) is—

- a) a quality or physical characteristic of the environment that is conducive to ecological health or public amenity or safety; or
- b) another quality of the environment identified and declared to be an **environmental value** under an environmental protection policy or regulation.

**$L_{max,T}$**  means the adjusted A-weighted equivalent continuous sound pressure level measured on fast response, adjusted for tonality and impulsiveness, during the time period T, where T is measured for a period no less than 15 minutes when the activity is causing a steady state noise, and no shorter than one hour when the approved activity is causing an intermittent noise.

**$Max_{max,T}$**  means the maximum A-weighted sound pressure level measured over a time period T of not less than 15 minutes, using Fast response.

**measures** has the broadest interpretation and includes plant, equipment, physical objects, monitoring, procedures, actions, directions and competency.

**noxious** means harmful or injurious to health or physical well-being.

**offensive** means causing offence or displeasure; is unreasonably disagreeable to the sense; disgusting, nauseous or repulsive.

**prescribed contaminants** means contaminants listed within Schedule 9 of the Environmental Protection Regulation 2008.

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**Environmental authority**

**release** of a contaminant into the environment includes:

1. to deposit, discharge, emit or disturb the contaminant; and
2. to cause or allow the contaminant to be deposited, discharged, emitted or disturbed; and
3. to fail to prevent the contaminant from being deposited, discharged, emitted or disturbed; and
4. to allow the contaminant to escape; and
5. to fail to prevent the contaminant from escaping.

**sensitive place** includes the following and includes a place within the outlage of such a place reasonably used by persons at that place:

- a) a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises; or
- b) a motel, hotel or hostel; or
- c) a kindergarten, school, university or other educational institution; or
- d) a medical centre or hospital; or
- e) a protected area under the Nature Conservator Act 1992, the Marine Parks Act 1992 or a World Heritage Area; or
- f) for noise, a place defined as a sensitive receptor for the purposes of the Environmental Protection (Noise) Policy 2008.

**you** means the holder of the environmental authority.

## Information sheet

*Environmental Protection Act 1994*

### Internal review and appeal to Planning and Environment Court

*This information sheet forms part of an information notice under the Environmental Protection Act 1994. It gives a summary of the process for review and appeal to the Planning and Environment Court under the Environmental Protection Act 1994 (EP Act) and subordinate legislation. Refer to ss. 519-520 and Schedule 2 of the Environmental Protection Act for complete information about the process for internal review and appeal to the Planning and Environment Court.*

#### Introduction

The EP Act provides for a right of internal review and appeal against certain decisions made under the EP Act. Decisions that can be reviewed or appealed are listed in Schedule 2 of the EP Act and within certain sections of the regulations and subordinate legislation<sup>1</sup> made under the EP Act. The EP Act also provides that a dissatisfied person for a review decision, other than those listed in Part 1 of Schedule 2 of the EP Act<sup>2</sup>, may appeal the decision to the Planning and Environment Court (the Court).

#### Summary of the process for internal review and appeal to the Court

##### Chapter 11, Part 3 of the EP Act

##### Division 1 — Interpretation

##### Section 519 Original decisions

- 1) A decision mentioned in Schedule 2 is an 'original decision'.
- 2) A decision under an environmental protection policy or regulation that the policy or regulation declares to be a decision to which this part applies is also an 'original decision'.

##### Section 520 Dissatisfied person

This section nominates the dissatisfied person for an original or review decision.

##### Division 2 — Internal review of decisions

##### Section 521 Procedure for review

- 1) A dissatisfied person may apply for a review of an original decision.
- 2) The application must—
  - a) be made in the approved form to the administering authority within—
    - i) 10 business days<sup>3</sup> after the day on which the person receives notice of the original decision or the administering authority is taken to have made the decision (the 'review date'), or
    - ii) the longer period the authority in special circumstances allows; and
  - b) be supported by enough information to enable the authority to decide the application.





Information sheet

Internal review and appeal to Planning and Environment Court

- 3) On or before making the application, the applicant must send the following documents to the other persons who were given notice of the original decision—
  - a) notice of the application (the 'review notice');
  - b) a copy of the application and supporting documents.
- 4) The review notice must inform the recipient that submission on the application may be made to the administering authority within five business days (the submission period) after the application is made to the authority.
- 5) If the administering authority is satisfied the applicant has complied with subsection (2) and (3), the authority must, within the decision period—
  - a) review the original decision;
  - b) consider any submissions properly made by a recipient of the review notice; and
  - c) make a decision (the 'review decision') to—
    - i) confirm or revoke the original decision; or
    - ii) vary the original decision in a way the administering authority considers appropriate.
- 6) The application does not stay (i.e. suspend or stop) the original decision.
- 7) The application must not be dealt with by—
  - a) the person who made the original decision; or
  - b) a person in a less senior office than the person who made the original decision.
- 8) Within 10 business days after making the review decision, the administering authority must give written notice of the decision to the applicant and persons who were given notice of the original decision.
- 9) The notice must—
  - a) include the reasons for the review decision; and
  - b) inform the persons of their right of appeal against the decision.
- 10) If the administering authority does not comply with subsections (5) or (8), the authority is taken to have made a decision confirming the original decision.
- 11) Subsection (7) applies despite the Acts Interpretation Act 1954, section 27A.
- 12) This section does not apply to an original decision made by—
  - a) for a matter, the administration and enforcement of which has been devolved to a local government, the local government itself or the chief executive officer of the local government personally; or
  - b) for another matter — the chief executive personally.
- 13) Also, this section does not apply to an original decision to issue a clean-up notice.
- 14) In this section—

'decision period' means—

  - a) if a submission is received within the submission period—15 business days after the administering authority receives the application; or

Information sheet

Internal review and appeal to Planning and Environment Court

- bi) if no submissions are received within the submission period—10 business days after the administering authority receives the application

**Section 522 Stay of operation of particular original decisions**

- 1) If an application is made for review of an original decision mentioned in Schedule 2, Part 1 or 2, the applicant may immediately apply for a stay of the decision to—
  - ai) for an original decision mentioned in Schedule 2, Part 1—the Land Court, or
  - bi) for an original decision mentioned in Schedule 2, Part 2—the Court.
- 2) The Land Court or the Court may stay the decision to secure the effectiveness of the review and any later appeal to the Land Court or the Court.
- 3) A stay may be given on conditions the Land Court or the Court considers appropriate and has effect for the period stated by the Land Court or the Court.
- 4) The period of a stay must not extend past the time when the administering authority reviews the decision and any later period the Land Court or the Court allows the applicant to enable the applicant to appeal against the review decision.

**Division 4 — Appeals to Court**

**Section 531 Who may appeal**

- 1) A dissatisfied person who is dissatisfied with a review decision may appeal against the decision to the Court.
- 2) However, the following review decisions cannot be appealed against to the Court—
  - ai) a review decision to which subdivision 1<sup>a</sup> applies;
  - bi) a review decision that relates to an original decision mentioned in Schedule 2, Part 3<sup>a</sup>.
- 3) The chief executive may appeal against another administering authority's decision (whether an original or review decision) to the Court.
- 4) A dissatisfied person who is dissatisfied with an original decision to which s. 521 does not apply may appeal against the decision to the Court.

**Section 532 How to start appeal**

- 1) An appeal is started by—
  - ai) filing written notice of appeal with the registrar of the Court, and
  - bi) complying with rules of court applicable to the appeal.
- 2) The notice of appeal must be filed—
  - ai) if the appellant is the chief executive—within 33 business days after the decision is made or taken to have been made, or
  - bi) if the appellant is not the chief executive—within 22 business days after the day the appellant receives notice of the decision or the decision is taken to have been made.
- 3) The Court may at any time extend the period for filing the notice of appeal.
- 4) The notice of appeal must state fully the grounds of the appeal and the facts relied on.

Information sheet

Internal review and appeal to Planning and Environment Court

**Section 532 Appellant to give notice of appeal to other parties**

- 1) Within 8 business days after filing the notice of appeal, the appellant must serve notice of the appeal on—
  - a) if the appellant is the chief executive—all persons who were given notice of the original decision; or
  - b) if the appellant is not the chief executive—the other persons who were given notice of the original decision.
- 2) The notice must inform the persons that, within 10 business days after service of the notice of appeal, they may elect to become a respondent to the appeal by filing in the Court a notice of election under rules of court.

**Section 534 Persons may elect to become respondents to appeal**

A person who properly files in the Court a notice of election becomes a respondent to the appeal.

**Section 535 Stay of operation of decisions**

- 1) The Court may grant a stay of a decision appealed against to secure the effectiveness of the appeal.
- 2) A stay may be granted on conditions the Court considers appropriate and has effect for the period stated by the Court.
- 3) The period of a stay must not extend past the time when the Court decides the appeal.
- 4) An appeal against a decision does not affect the operation or carrying out of the decision unless the decision is stayed.

**Section 535A Stay of decision to issue a clean-up notice**

- 5) This section applies to an application under section 535 for a stay of a decision to issue a clean-up notice.
- 6) In deciding the application, the Court must have regard to—
  - a) the quantity and quality of contamination of the environment that is likely to be caused if the stay is granted; and
  - b) the proximity of the place at or from which the contamination incident is happening or happened to a place with environmental values that may be adversely affected by the contamination.

**Section 536 Hearing procedures**

- 1) The procedure for an appeal is to be in accordance with the rules of court applicable to the appeal or, if the rules make no provision or insufficient provision, in accordance with directions of the judge.
- 2) An appeal is by way of rehearing, unaffected by the administering authority's decision.

**Section 537 Assessors**

If the judge hearing an appeal is satisfied the appeal involves a question of special knowledge and skill, the judge may appoint one or more assessors to help the judge in deciding the appeal.

**Section 538 Appeals may be heard with planning appeals**

- 1) This section applies if—
  - a) a person appeals against an administering authority's decision (whether an original or review decision)—

## Information sheet

Internal review and appeal to Planning and Environment Court

- i) to refuse to accredit an environmental risk management plan (ERMP); or
  - ii) about an application for an environmental authority for a prescribed ERA; and
  - b) a person appeals against the assessment manager's decision under the Sustainable Planning Act 2009 about a planning or development matter for the premises to which the ERMP or the application for the authority relates.
- 2) The Court may order—
- a) the appeals to be heard together or one immediately after the other; or
  - b) one appeal to be stayed until the other has been decided.
- 3) This section applies even though the parties, or all of the parties, to the appeals are not the same.

**Section 528 Powers of Court on appeal**

- 1) In deciding an appeal, the Court may—
  - a) confirm the decision appealed against; or
  - b) vary the decision appealed against; or
  - c) set aside the decision appealed against and make a decision in substitution for the decision set aside.
- 2) If on appeal the Court acts under subsection (1)(b) or (c), the decision is taken, for this Act (other than this part), to be that of the administering authority.

<sup>1</sup> The original decisions under the subordinate legislation are subject to change. As at 31 March 2013 they are listed in:

- Regulation 110 of the Environmental Protection Regulation 2000; and
- Regulation 66C of the Environmental Protection (Waste Management) Regulation 2000.

<sup>2</sup> An appeal may be made to the Land Court for original decisions in Part 1 of Schedule 2.

<sup>3</sup> Under the Environmental Protection Act 1994 "business days does not include a business day that occurs during the period starting on 20 December in a year and ending on 5 January in the following year".

<sup>4</sup> Subdivision 1 is about appeals to the Land Court.

<sup>5</sup> Original decisions mentioned in Schedule 2, Part 3 are original decisions for internal review only.

Attachment 5 - Dekho Map



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Scenic Rim Regional Council



TAKE NOTICE that Scenic Rim Regional Council and the Department of Natural Resources and Mines do not guarantee the reliability of the information contained herein nor of it being suitable for any particular purpose and disclaims liability for any loss that may arise from the use of or reliance upon such information.



Attachment 6 - Comparison between Council and State's Odour Criteria - prepared by Pacific Environment Limited

5 RESULTS

The results of the modelling are shown below. The model results are presented as follows

- Figure 5-1 - Odour - Existing Sheds – State Criteria
- Figure 5-2 – Odour - Existing and Proposed Sheds – State Criteria
- Figure 5-3 – Odour - Existing Sheds – Council Criteria
- Figure 5-4 – Odour - Existing and Proposed Sheds – Council Criteria
- Figure 5-5 – Odour - Existing and Proposed Sheds – Council and State Criteria
- Figure 5-6 - Particulate Matter (PM<sub>10</sub>) – Existing and Proposed Sheds

The x and y axis in the Figures are Easting and Northing Values (UTM Zone 56J) in kilometres.

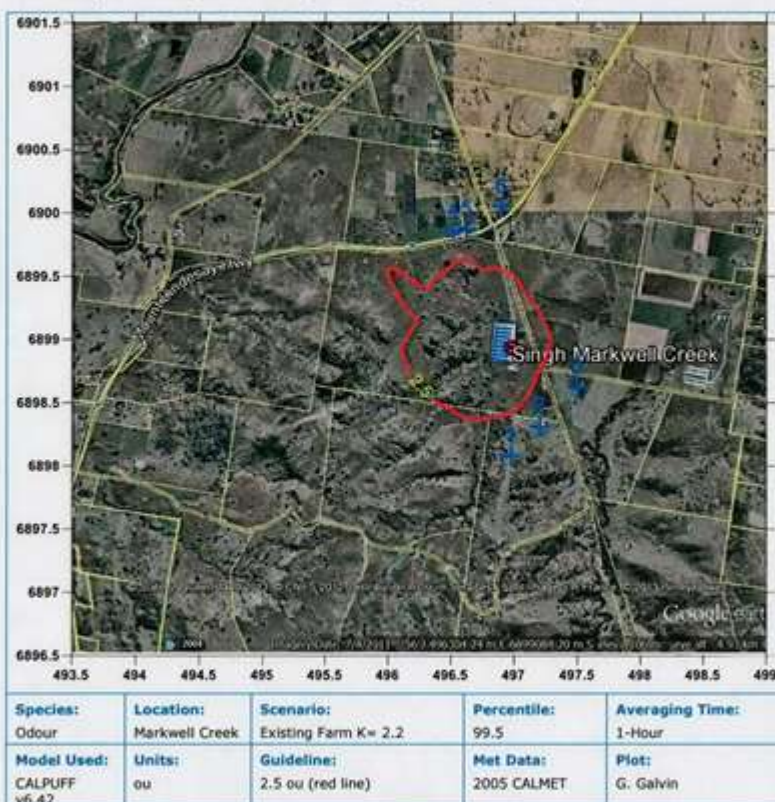


Figure 5-1: Model Results – Existing Sheds – State Criteria

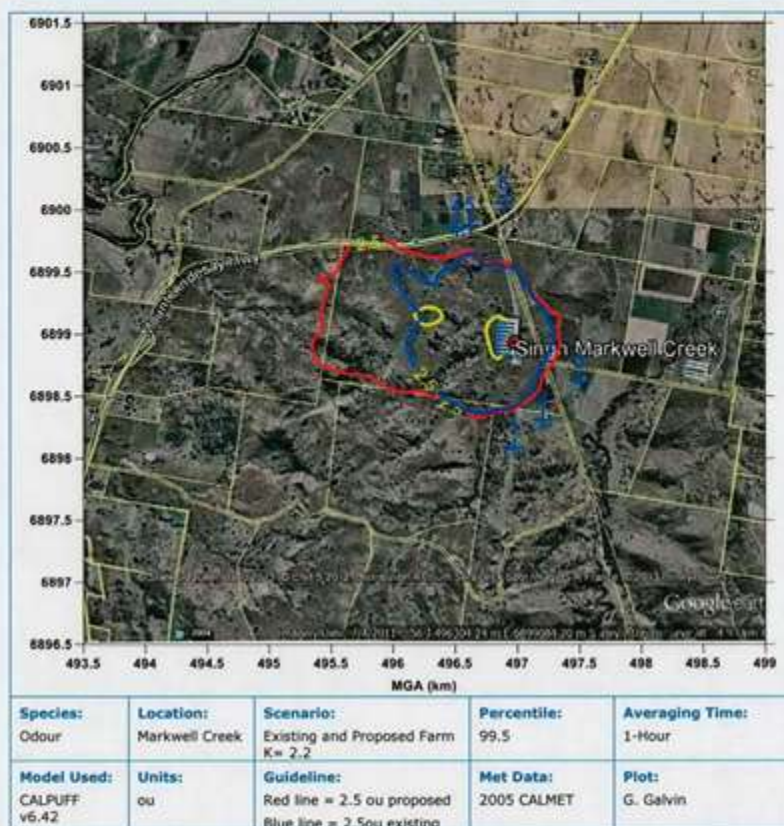


Figure 5-2: Model Results – Existing and Proposed – State Criteria

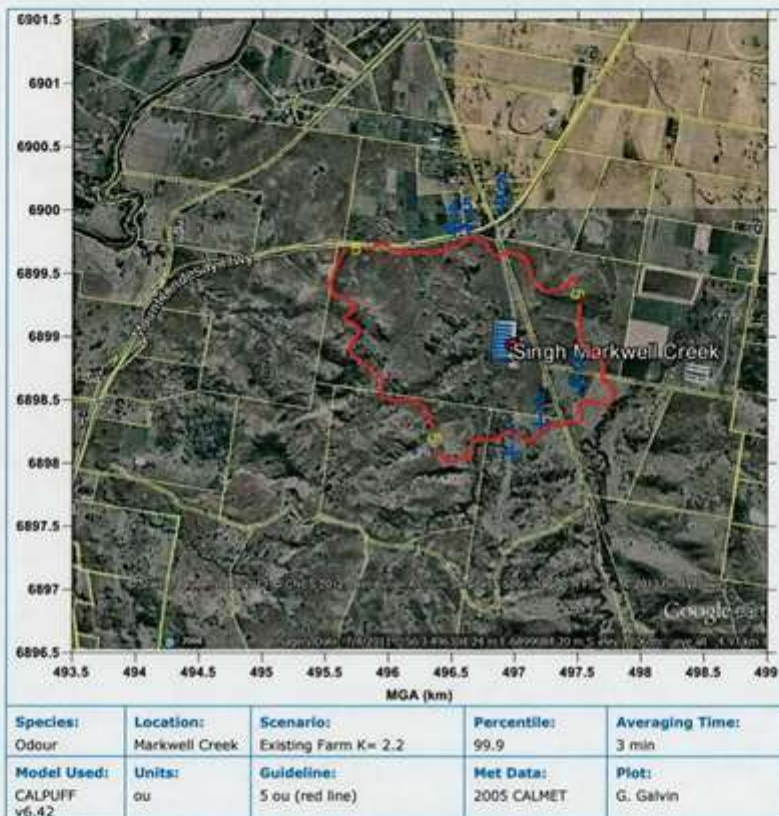


Figure 5-3: Model Results – Existing Farm – Council Criteria



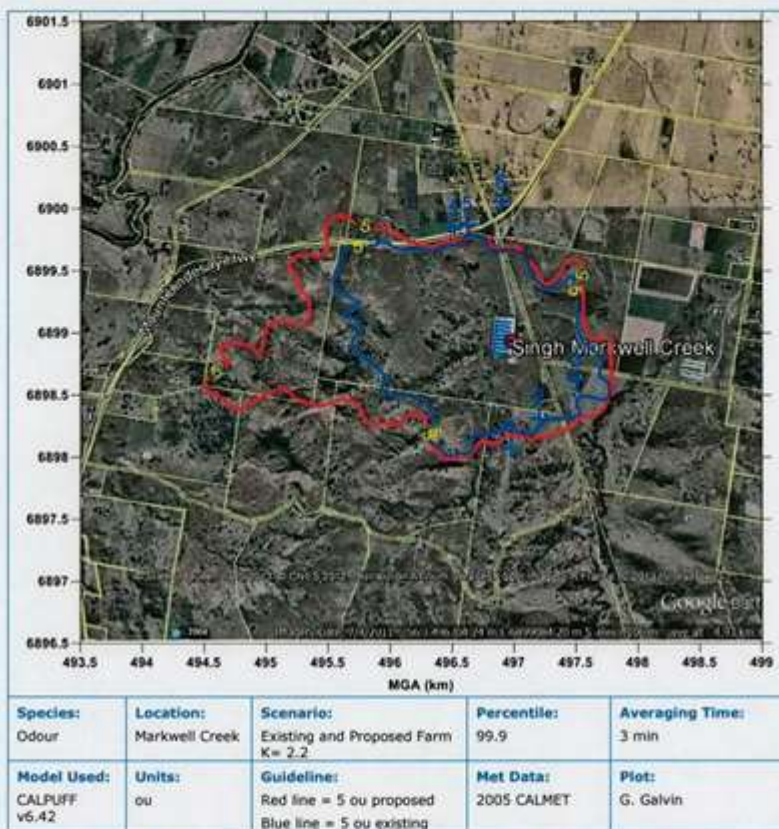


Figure 5-4: Model Results – Existing and Proposed Farm – Council Criteria

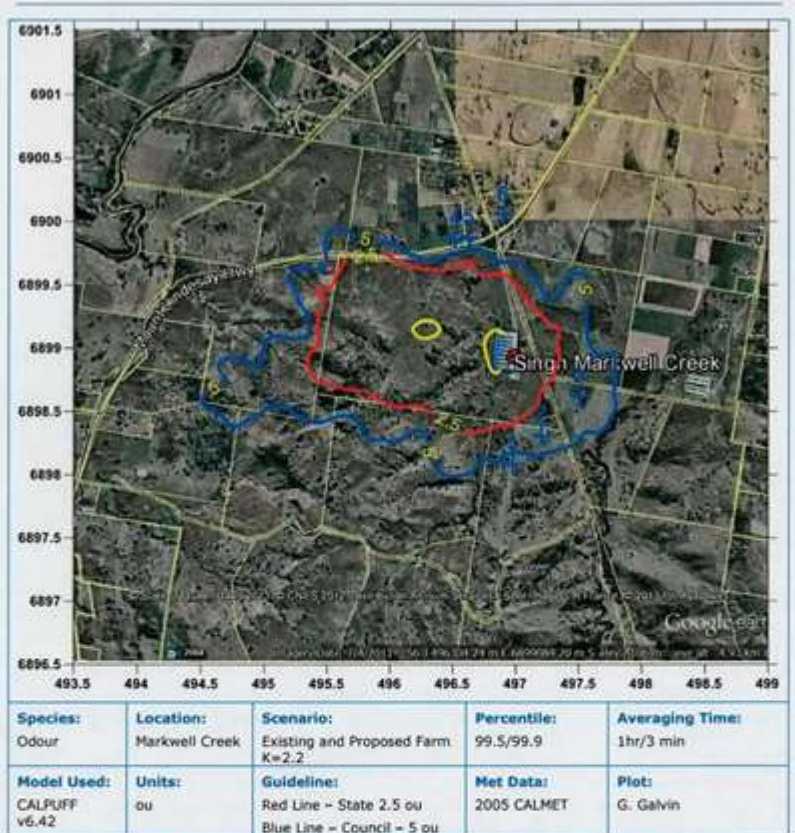


Figure 5-5: Model Results – Existing and Proposed Farm – State and Council Criteria

The comparison of criteria in showing in Figure 5-5 highlights the significant differences between the criteria. As noted in Section 3.2, this was expected.

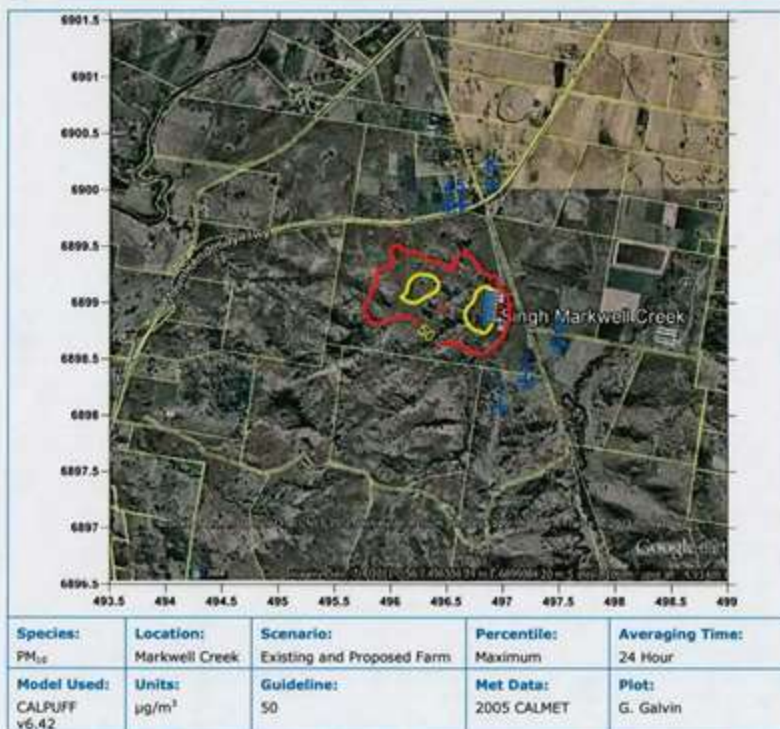


Figure 5-6: Modelled Maximum 24 hour PM<sub>10</sub> Concentrations Including background

Attachment 7 - Submitter's Details

**SCENIC RIM REGIONAL COUNCIL**  
**Planning- Submitters List for Application No. MCBd14/048**

*(Produced 20-Aug-2014 By TANZIH-A)*

Submitter Name	Submitter Address	Association Description	Submitter Notes	Submission Date
Mr Ian D. Oakes	7780 Mt Lindesay Highway Killearn JOSEPHVILLE QLD 4285	Property Made Submitter	Property Made Submission	16/07/2014
Mr John J Brennan	8000 Mt Lindesay Highway JOSEPHVILLE QLD 4285	Property Made Submitter	Property Made Submitter	17/07/2014
Lindsay McNight	48 River Road BEAUDESERT QLD 4285	Property Made Submitter	Property Made	22/07/2014
Sharyn Chirmside	48 River Road BEAUDESERT QLD 4285	Property Made Submitter	Prop made	22/07/2014

### Submissions

Five (5) submissions were received in total. Four (4) submissions were properly made against the application, and one (1) submission was received that was not properly made and against the application (refer to figure 3 below for the approximate locations of the property made submitters).



Figure 3 - Approximate Location of submitters in relation to subject property

**Attachment 7** provides a summary of the all the submissions made. The Applicant was afforded the ability to provide a response the submissions and the Applicant's did reply with reference to the Odour report and additional information about bird densities being reduced due to RSPCA requirements. Please refer to **Attachment 8**.

The issues raised by the submitters against the proposal are provided below and are all accompanied by an appropriate Officer comment.

#### Submitter concerns

- 1) *The existing poultry farm odour has affected my health. From 5pm, the smell is so bad I have to shut the house up. During summer no wind and the smell is putrid all evening and hours of the morning. Where we purchased our property, the smell was there and we put up with it but its increased now to an unbearable smell. We wonder about our rain water and how much of the dust goes into the tank.*
- 2) *The odour contour line comes into my property on both sides of the Mt Lindesay Highway. Various maps identified different odour contour lines and suggest larger areas of my property would be impacted.*
- 3) *Having lived on this property for over 5 years I raise the point that the direction of wind is not predictable, and at any given time can come from any point on the compass.*

- 4) *Farming 200,000 birds I can smell the cleanout of what birds they have there now. It stinks. I oppose anymore birds to be farmed from this area.*
- 5) *I live across the Mt Lindesay Highway to this proposed 200,000 bird expansion. With whatever amount of birds they have there. It stinks. They clean them out weekly and for 2 days a week, the stench is terrible. Plus the stench is always there when wind blows out direction.*

Officer comments

In relation to the increase in odour, it is noted that the whilst the proposed development does not comply with Council's requirements, the applicant has demonstrated that the proposed development complies with the State Odour guidelines and as such, are considered to be within acceptable limits. In terms of any existing concerns or comments with regards to the odour from the existing sheds this is a matter to be raised with the governing agency of the ERA approval to investigate.

- 6) *My property on both sides of the Mt Lindesay Highway would be devalued considerably if the expansion is approved. I also believe some 'building envelopes' would be limited should the poultry farm be expanded.*
- 7) *I have multiple titles which I am considering for re-alignment and do not wish to be affected by a doubling of the existing poultry farm capacity.*

Officer comments

These concerns are not planning issues and do not warrant grounds for refusal. The applicant has submitted a risk assessment prepared by Pacific Environment Limited shows that the lots into this area highlighted that the farm would not prevent the construction of dwellings on these lots in the future. With regards to the lots closets to the existing farm, these are in part already pre-constrained by the existing farm or already have dwellings on them.

Attachment 8 - Applicant's Response to Peer Review Query

T J Kelly Surveys Pty Ltd  
A.B.N. 95 823 241 537  
A.C.N. 098 752 417

**T J KELLY SURVEYS** PTY. LTD.  
CONSULTING SURVEYORS & TOWN PLANNERS

4 September 2014

COPY

Our ref: 3417

The Chief Executive Officer  
Scenic Rim Regional Council  
PO Box 25  
BEAUDESERT QLD 4285

RECEIVED  
05 SEP 2014  
SCENIC RIM REGIONAL COUNCIL

Attention: Mr John Creagan (Your Ref. MCBn14/048)

Dear John,

**RE: Pacific Environment Limited Advice**  
**Material Change of Use – Poultry Farm Expansion & Manager’s Residence**  
**11 Markwell Creek Road, Josephville**  
**Lot 2 on RP838523**

Attached is correspondence dated 3 September, 2014 from Pacific Environment Limited (PEL). It is a response to a recent request from Scenic Rim Regional Council.

Council have requested on-site odour measurement. Due to the current age of the birds in the existing sheds, it is not appropriate to assess odour outputs. Previous data collected in 2009 and 2010 has been presented by PEL. Note that Council will have this reference material on file.

It is important to note that a reduction in bird density of 14% has occurred since the 2009/2010 modeling. Additional litter management practices have also been introduced which is assumed to further improve outcomes.

Your early attention to the Pacific Environment Limited response would be appreciated. Should you have any questions, please do not hesitate to contact us.

Yours faithfully  
T J Kelly Surveys Pty Ltd

*Tim Kelly*

Tim Kelly  
Director

C.c Singh Enterprises Pty Ltd

SCENIC RIM REGIONAL COUNCIL  
File No: MCBn14/048  
- 5 SEP 2014  
Doc. Set No: *Peer*  
Resp. Officer: DA Admin  
2. *CLGAS* 3

xref

Office:  
109 Brisbane Street  
Beaudesert, Qld  
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Beaudesert, Qld 4285  
Telephone: (07) 5541 4722  
Facsimile: (07) 5541 4725  
Email:  
admin@tkellynet.com.au  
Web: www.kellynet.com.au

**Pacific Environment Limited**

Consulting • Technologies • Monitoring • Toxicology

3 September 2014

Mr Mark Toombs  
 TJ Kelly Surveys  
 by email: [mark@kellynef.com.au](mailto:mark@kellynef.com.au)  
 cc: [teja1945@hotmail.com](mailto:teja1945@hotmail.com)

Dear Mark

**RE: MCBd14/046 Further Issues Letter – 1 September 2014**

I refer to the letter from John Creagan of Scenic Rim Regional Council to Singh Enterprises dated 1 September 2014.

Mr Creagan has requested information to demonstrate via an site odour testing what the K factor for the existing sheds is.

It is recognised that maximum emissions occur around week five of the batch, immediately prior to first thinout (when the birds are at maximum density). As the birds at the Markwell Creek farm are currently quite young, sampling is unlikely to provide useful data at this point in time.

However, data previously collected at the farm can be used to give an indication of the K factor for the farm. Reports prepared for Singh Enterprises by Engineering Air Science in 2009 and 2010 contain K factor data for the farm.

The data is summarised in Table 1. Full details on the testing can be found in the aforementioned reports.

ADELAIDE	BRISBANE	MELBOURNE	PERTH	SYDNEY
Pacific Environment Operations Pty Ltd PO Box 3306, South Brisbane Qld 4101 Level 1, 59A Melbourne St, South Brisbane Qld 4101				(ASX: PEH) ABN: 86 127 101 642 www.pacific-environment.com Ph: +61 7 3004 6400



Table 1: Summary of K Factor Sampling

Shed	Date Sampled	Odour Concentration <sup>1</sup> (ou)	K Factor
4	06.02.09	272	2.3
7	06.02.09	225	1.8
8	06.02.09	297	2.5
4	19.08.10	321	2.1
7	19.08.10	379	2.6
8	19.08.10	268	1.5
Average K Factor			2.1

The data in Table 1 shows that on average the K factor for the farm was 2.1. This data is similar to that collected at the Tramway Road farm, also operated by Singh Enterprises.

It is important to note that over the last few years bird stocking densities have been reduced from up to 19.5 birds/m<sup>2</sup> down to the current 18.5 birds/m<sup>2</sup>. This is based on RSPCA requirements. More recently, a number of farms, including one run by Singh Enterprises, has reduced stocking density to 16.75 birds/m<sup>2</sup>. In addition to the decrease in stocking density there have also been changes to the way in which farms are managed for RSPCA accreditation. The most relevant with regard to odour is that the litter in the sheds is filled if the litter begins to cake. This means that the litter in sheds should remain at optimum moisture levels, rather than developing caked (moist) areas. The decrease in stocking density and the tillage of the litter is expected to result in lower overall odour emissions. However at this time, no supporting data has been collected. All farms that we know have converted to RSPCA and have had no need to collect samples.

Overall the data at hand supports the proposed K factor.

Yours Sincerely,



Geordie Galvin  
 B.Eng (Env Eng) M.Eng (Env) A. AirQual  
 Principal Environmental Engineer

<sup>1</sup> Based on the average of two samples

## Attachment 9 - Katestone Environmental Pty Ltd Peer Review



15 August 2014  
Attn: John Creagan

Scenic Rim Regional Council  
PO Box 25  
82 Brisbane Street,  
Beaudesert Qld 4265

Email: John.c@scenicrim.qld.gov.au

Re: Review – Odour Assessment of Poultry Farm Expansion (D13062-2)

Dear John,

Katestone Environmental Pty Ltd (Katestone) was commissioned by Scenic Rim Regional Council to conduct a technical peer review of an odour assessment of a proposed poultry farm expansion that was prepared by Pacific Environment Limited (PEL). The proposal is to expand an existing meat chicken farm at Markwell Creek, south of Beaudesert by adding four sheds each with capacity of 50,000 birds, which would essentially double the capacity of the poultry farm.

Katestone provided the outcomes of its technical review to Scenic Rim Region Council in a letter to John Creagan dated 20 June 2014. Amongst other things, Katestone's review identified two aspects of the odour study that supported the development application that appeared to be in error. Those issues are summarised below along with Katestone's recommendations:

- The four new sheds were characterised differently to the eight existing sheds in the dispersion model. The four new sheds were modelled without building wake affects, whereas, the eight existing sheds were modelled with building wake effects. The assessment should be revised to include building wake affects for the four new sheds
- The meteorological information provided in the PEL report, including; wind roses diagrams (Figures 4-1 to 4-5) are inconsistent with the meteorological data that was supplied separately to Katestone (as a csv file) by PEL. The meteorological assessment should be reviewed

In response to Katestone's technical review, PEL provided modelling results for the existing sheds (with and without building wakes), a revised meteorological output file and a revised odour assessment report. Katestone has now reviewed this additional information and the outcomes of the review are detailed below.

In relation to building wake affects, the information provided by PEL demonstrates to Katestone's satisfaction that the predicted ground-level concentrations of odour are not significantly changed by the inclusion of building wake affects. Whilst PEL has adopted a non-standard practice that sees essentially equivalent emission sources characterised differently in the model, the outcome of the assessment in this instance is not sensitive to the inclusion of building wakes.

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PO Box 2217, Milton, QLD. 4064, Australia  
ABN 92 097 270 276

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Fax +61 7 3369 1966

Geordie Galvin from PEL, confirmed that the wind rose information provided in the initial report and the meteorological datafile provided to Katestone on 4 June 2014 (calmet\_extract.csv) were not consistent with the meteorological data that was actually used in the odour dispersion modelling study. On 8 July 2014 PEL provided a second meteorological datafile (CORRECT\_CALMET3\_extract.csv) and subsequently reissued the odour assessment report with revised meteorological information.

Katestone has reviewed the additional meteorological information and is now satisfied that:

- The revised meteorological data is consistent with Katestone's expectations for the site and the Beaudesert area in general
- The revised meteorological data is consistent with the meteorological data that was used in the odour dispersion modelling that was conducted by PEL
- The issues raised by Katestone in relation to meteorological data inconsistencies are resolved

Based on the revised PEL report and assuming that its inherent assumptions are valid, the potential impacts due to the proposed expansion are as follows:

- **Potential for impacts to the north of the poultry farm:** the revised PEL report indicates that the EHP and Council odour guidelines will be complied with at residences to the north. This suggests that odour may be evident, but should not cause nuisance to residents living to the north of the expanded poultry farm.
- **Potential for impacts to the east of the poultry farm:** The revised PEL report indicates that:
  - Lot 1 RP58890 (currently not developed) would be subject to odour levels above the EHP and Council odour guidelines
  - Lot 1 RP106758 (currently has a residence) would be subject to odour levels above Council's odour guideline (for existing sheds as well as existing and proposed new shed). However, EHP's odour guideline is not exceeded at the residence for the existing or the existing and proposed new sheds
- **Temperature inversions:** Given the location of the proposed new sheds and the terrain, it is likely that drainage flows will disperse the odour from the new sheds to the north. In the event of an inversion the odour may become trapped and elevated concentrations may be experienced. Katestone notes that whilst odour complaints were received in 2005 and 2006, there does not appear to have been any complaints received in recent years. Notwithstanding this, the proposed new sheds will result in a doubling of the odour emissions from the farm. Whilst this will not necessarily result in a doubling of odour concentrations in the vicinity of the farm, it is expected that odour concentrations will increase.

As acknowledged in Katestone's technical review to Scenic Rim Regional Council (letter to John Creagan, dated 20 June 2014), PEL adopted a conventional approach to quantifying odour emissions from the poultry sheds. That approach assumes that the odour emission rate from the existing and proposed sheds is at the lower end of the possible range, consistent with the application of best practice design and management. PEL did not provide measurements of odour emissions from the existing poultry sheds to support the assumption. The outcome of the odour assessment study is critically dependent on that assumption. If the existing or proposed sheds are not operated to achieve the best practice odour emission rates, adverse odour impacts may occur in the community.

Katestone recommends that Council requests the proponent to provide evidence to support the assumptions made in relation to odour emission rates from the existing poultry sheds. Where available, the proponent should provide:

- Results of all odour sampling and analysis conducted in the existing sheds
- The K factor derived from the odour sampling and analysis

Katestone acknowledges that in the last month Council has received four submissions in relation to the proposed expansion of the poultry farm from residences living to the north of the farm. Three of the submissions have identified that odour occurs from the existing farm and the submitters are concerned that the odour will increase with the expansion.

Please contact the undersigned on (07) 3369 3699 if you would like to discuss the review.

Yours sincerely,

Simon Welchman – Director

Hi John,

We have reviewed the information supplied regarding monitoring of the existing sheds.

The data indicates that for the three sheds sampled, the k factor can range from 1.5 to 2.6. The information does not demonstrate that a k factor of 2 can be achieved (average of 2.2 for the first lot of sampling, and 2.1 for the second lot of sampling), which is the basis of the current assessment. The sampling only provides comfort that a k factor of 3 can easily be achieved.

We note that the information has indicated a reduced stocking density and changes to management practices; however, the resulting odour and k factor has not adequately been demonstrated. Given that the sampling occurred four to five years ago, it is recommended that sampling is conducted to determine the k factor for each shed as it is operating now.

Should sampling demonstrate k factor greater than 2, then information on how this will be managed to achieve 2 should be provided.

If you wish to discuss further please do not hesitate to contact Simon Weichman or myself.

Kind regards,  
Natalie

Natalie Shaw  
PRINCIPAL CONSULTANT  
AIR QUALITY

E: [natalie.shaw@katestone.com.au](mailto:natalie.shaw@katestone.com.au) T:+61 7 3369 3699 M:+61 487 654 522  
GROUND FLOOR | 16 MARIE STREET | MILTON QLD 4064 | AUSTRALIA

**3.4 MCBd14/106 Change of Conditions Report for Beaudesert Cutting & Western Performance Club Incorporated - Development Permit for Material Change of Use (Equestrian Activity) Lot 65 CP816517 and Lot 67 SP140503**

**Executive Officer: Director Regional Services**

**File Reference: MCBd14/106**

<b>Applicable Planning Scheme</b>	<i>Beaudesert Planning Scheme 2007</i>
<b>Applicant</b>	Beaudesert Cutting & Western Performance Club Incorporated
<b>Owner(s)</b>	Scenic Rim Regional Council
<b>Site Address</b>	22 Josephville Road JOSEPHVILLE QLD 4285
<b>Real Property Description</b>	Lot 65 CP816517 and Lot 67 SP140503
<b>Site Area</b>	11.54ha
<b>Relevant Zone and Precinct</b>	Rural Zone - Passive Recreation Precinct
<b>Proposal</b>	Request to Change an Existing Approval - Development Permit for Material Change of Use (Equestrian Activity)
<b>Assessment Level</b>	Code Assessment - Request to Change Conditions of Approval
<b>Approval Type</b>	Changed development approval
<b>Date Application Received:</b>	25 September 2014
<b>Date Application Properly Made:</b>	25 November 2014

**Director's Recommendation**

1. That Council resolve to approve the request to change conditions of an existing approval in accordance with Section 369 of the *Sustainable Planning Act 2009* in respect to the following property:

**Real Property Description:** Lot 65 CP816517 and Lot 67 SP140503  
**Address of property:** 22 Josephville Road JOSEPHVILLE QLD 4285  
**Site area:** 11.54ha  
**Proposal:** Request to Change an Existing Approval - Development Permit for Material Change of Use (Equestrian Activity)

**Further development permits required:**

- a. A Building Works approval is required for all building works associated with the proposed development, prior to undertaking and building work on the subject property.
- b. A Plumbing and Drainage approval is required for all / any plumbing and drainage works associated with the proposed development, prior to undertaking any plumbing and drainage works on the subject property.

- c. An Operational Works approval is required for the Civil and Electrical Engineering Works and the Landscaping Works associated with the proposed development.

2. The changes to relevant conditions are as follows:

- 1) **USE IN ACCORDANCE WITH THE APPLICATION - MATERIAL CHANGE OF USE -** Development being undertaken generally in accordance with Plans referenced in the table below and received by Council on 17 October 2013 and accompanying documentation, except insofar as it is modified by the conditions of this approval. Any minor changes may be requested by the Applicant in accordance with Section the *Sustainable Planning Act 2009* without the need for a further Development Application for a Material Change of Use.

Plan/Drawing title	Prepared by	Plan/Dwg No.	Date
No Title (Indoor Arena Elevations)	ABC Sheds	Plan no.328 Sheet 3/3	06/2013
No Title (Indoor Arena Elevations)	ABC Sheds	Plan no.328 Sheet 1/3	06/2013
No Title (Indoor Arena Floor Plan)	ABC Sheds	Plan no.328 Sheet 2/3	06/2013
Josephville Rd Roadworks	Ryacon Engineers Pty Ltd	090207-SK2 (rev. P2)	08/14

- 23) **ACCESS TO COUNCIL ROAD -** The developer shall construct the access to incorporate a Rural Basic Right (BAR) as designed in the "Guide to Road Design – Part 4a: Unsignalised and Signalised Intersections (Austroads)", and a Rural Basic Left (BAL) as designed in the "Department of Main Roads Road Planning and Design Manual Appendix 13E", to cater for a passenger vehicle and dual axle float to use the access during its design life.

The Developer shall design and construct the access to include but not limited to pavement depth to be designed by an RPEQ, surface to be sealed with asphalt to gate set back, gate set back to cater for largest design vehicle etc.

The access shall be located generally in accordance with Ryacon Engineer's Drawing Number 090207-SK2-P2, and so that sight distances achieved are in accordance with the "Guide to Road Design – Part 4a: Unsignalised and Signalised Intersections (Austroads)"

The works required by this condition will be undertaken as part of an application for a Constructing or Interfering with a Road and its Operation prior to the commencement of the use.

**Condition 28 remains unchanged.**

**Condition 35 to be deleted.**

- 3. For ease of reference only, a consolidated set of the conditions, incorporating the above changes, of the development approval dated 4 March 2013, for Development Permit for Material Change of Use (Equestrian Activity) is set out below.

**Approved Plans**

- 1) **USE IN ACCORDANCE WITH THE APPLICATION - MATERIAL CHANGE OF USE -** Development being undertaken generally in accordance with Plans referenced in the table below and received by Council on 17 October 2013 and accompanying documentation, except insofar as it is modified by the conditions of this approval. Any minor changes may be requested by the Applicant in accordance with Section the *Sustainable Planning Act 2009* without the need for a further Development Application for a Material Change of Use.

<b>Plan/Drawing title</b>	<b>Prepared by</b>	<b>Plan/Dwg No.</b>	<b>Date</b>
No Title (Indoor Arena Elevations)	ABC Sheds	Plan no.328 Sheet 3/3	06/2013
No Title (Indoor Arena Elevations)	ABC Sheds	Plan no.328 Sheet 1/3	06/2013
No Title (Indoor Arena Floor Plan)	ABC Sheds	Plan no.328 Sheet 2/3	06/2013
Josephville Rd Roadworks	Ryacon Engineers Pty Ltd	090207-SK2 (rev. P2)	08/14

**General**

- 2) **DEFINITION COMPLIANCE AND EXCLUSIONS -** The approved use and associated ancillary activities shall at all times comply with the definition of an Equestrian Activity as defined under Schedule 1 – Defined Uses and Chapter 5, Part 2, Section 5.2.35 of the Beaudesert Shire Planning Scheme 2007.
- 3) **AMENDED SITE PLAN –** The Applicant must submit an amended site plan prior to the commencement of use and to the satisfaction of the Director Regional Services, drawn to scale and dimensioned. The amended site plan must be submitted prior to obtaining building and plumbing and drainage approvals.

The amended plan must depict the following:

- a. A minimum landscaping buffer width of five (5) metres along the entirety of the site’s Eastern and Southern boundaries of Lot 65 on CP816517 and part of the Northern boundary of Lot 65 on CP816517, where landscaping is to commence from the north eastern corner of lot 65 on CP816517 and connect to a point no closer than 109m to the northern boundary of Lot 65 on CP816517.
- b. Suitable dimensions of the nominated car park area (including informal car parking areas) and access provisions layout.
- c. The applicant must depict a gravel float turn around area.

In support of this, the Applicant must provide amended turning templates to a suitable scale demonstrating that the safe and efficient traffic movements of the horse floats and all other vehicles utilising the site can be conducted without unduly interfering with the provision of the car parking spaces and the circulation aisle.



- 4) **EXISTING STRUCTURES** – All existing structures on the site are to obtain the necessary building approvals prior to the issuing of any Building and/or Plumbing approvals for this approved use.
- 5) **NO VETERINARY ACTIVITIES CONDUCTED ON SITE**– No operations or activities consistent with the definition of veterinary activities as defined under the Beaudesert Shire Planning Scheme 2007 may be undertaken on site without prior approval from Council other than for short term treatment of sick or injured animals prior to removal off site.
- 6) **ELECTRICITY** - Provision of electricity supply from the State electricity grid through the State authorised supplier (Energex) to service the proposed development or production of evidence of satisfactory arrangements for such supply having been made, such supply to be on normal supply tariffs. The works required by this condition are to be completed prior to the commencement of the use. Detailed design will be submitted as part of an application for Operational Works with Council.

### Landscaping

- 7) **LANDSCAPING - GENERAL** - The land shall be landscaped with suitable trees and shrubs together with grass or other ground cover in accordance with the provisions of Planning Scheme Policy No.6 of Council's Beaudesert Shire Planning Scheme 2007. Such trees and shrubs shall be native Australian varieties particularly those indigenous to the locality, where possible, and be maintained in a sturdy and healthy condition with dead or diseased trees replaced as soon as practicable. Landscaping of the site is to occur prior to commencement of the use.

**LANDSCAPING – SPECIFIC** - The developer is to landscape the site in accordance with a landscape plan prepared by a suitably qualified person to be lodged with operational works and accepted by Council. The developer must provide Screen Landscaping with a minimum width of 5 metres along the entirety of the Eastern and Southern boundaries of Lot 65 on CP816517 and part of the Northern boundary of Lot 65 on CP816517, for a minimum distance of 109m.

The Landscaping of the site and/or landscaping plan must incorporate the preservation of existing vegetation wherever possible.

- 8) **VEGETATION CLEARANCE – PROHIBITED** - The clearance of native vegetation is prohibited upon the lots subject to this approval.

### Amenity

- 9) **SITE MAINTENANCE** - The site shall be maintained in a clean and orderly state at all times.
- 10) **AIR CONTAMINANTS** - A noxious or offensive odour must not be emitted beyond the boundaries of the premises. No particulate matter or visible contaminant, including dust, smoke, fumes and aerosols likely to cause environmental harm is to emanate beyond the boundaries of the premises.
- 11) **LIGHT EMISSIONS** -- Light sources at the premises must be positioned and shielded to prevent light spillage outside the boundaries of the premises.

- 12) **NOISE EMISSION LIMITS-** If a complaint (other than a frivolous or vexatious complaint) is made to the administering authority, the emission of noise from the premises must not exceed the levels prescribed by Table 1 (below).

**Table 1**

Time Period	At dwelling or other Noise sensitive place	At commercial premises
Daytime (7:00am-10:00pm)	Background +5dB(A) Background +3dB(A)	Background +10dB(A) Background +8dB(A)
Night time (10:00pm-7:00am)	Background=LA <sub>90</sub>	Background=LA <sub>90</sub>

The compliance levels are measured as the average of the maximum A-weighted sound levels adjusted for noise character measured over a 15-minute time interval. These provisions apply except where specific emission limits are provided in the *Environmental Protection Act 1994*.

- 13) **NOISE ASSESSMENT REPORT – COMPLIANCE** - All acoustic controls identified in the *Environmental Noise Impact Assessment* (the Noise Assessment Report) prepared by CRG and dated 13 September 2011 must be implemented at the site with exception to the acoustic screens as detailed in Part 6.0 - Recommended Acoustic Treatments and Sketch 1 in Appendix A of the Noise Assessment Report. The acoustic screens as referenced above shall only be required to be erected in the event of a noise complaint, other than a frivolous or vexatious complaint.
- 14) **EROSION & SEDIMENT CONTROL** - Appropriate erosion and sediment control measures must be installed and maintained as required to prevent or minimise the release of sand, silt or mud from the premises to any stormwater drainage system or any natural waterway.
- 15) **RELEASES TO WATER** - Releases to water must not cause any visible oil slick or other visible evidence of oil or grease, nor contain visible, grease, scum, litter or floating oil.
- 16) **WASTE** - Waste is not to be stockpiled so as to cause environmental nuisance or attract flies.
- 17) **WASTE STORAGE** - All waste produced at the site must be stored in appropriate containers/receptacles of a sufficient number to receive all waste generated at the site. Waste containers/receptacles must be maintained in full working order and lids are to remain closed at all times except when receiving or disposing of waste.
- 18) **WASTE REMOVAL** - All wastes must be removed to an approved disposal facility by a transporter holding all necessary government approvals. Waste must be removed at a frequency and in a manner that prevents nuisance from the waste at neighbouring premises.
- 19) **PESTS & VERMIN** -Organic substances likely to provide a food source for vermin must be stored in a sealed and airtight storage container to exclude access by pests or vermin.

- 20) **POTABLE WATER** - All water provided for personal hygiene, human consumption and to food preparation facilities is of a potable standard and meets the requirements of the National Health and Medical Research Council (NHMRC) Australian Drinking Water Quality Guidelines.

#### **Advertising Devices**

- 21) **SIGNS - FORMAT AND OPERATION** - Signs shall be of a format and appearance that is in accordance with the existing character of the built and natural environments. Signs shall have regard for local amenity and not be illuminated, flashing, moving or rotating.

#### **Bushfire Management**

- 22) **BUSHFIRE RISK ASSESSMENT AND MITIGATION PLAN (BRAMP)** - The Applicant is to provide a Bushfire Risk Assessment of the subject property. In the event the Bushfire Risk Assessment determines the bushfire hazard risk to be greater than low, the Applicant is to submit a Bushfire Management Plan prepared in accordance with the provisions of SPP 1/03 *Mitigating the Adverse Impacts of Flood, Bushfire and Landslide* and AS3959-2009 *Construction of Buildings in Bushfire-prone Areas*. The report(s) is (are) to be provided prior to the commencement of the approved use.

#### **Car parking and Access**

- 23) **ACCESS TO COUNCIL ROAD** - The developer shall construct the access to incorporate a Rural Basic Right (BAR) as designed in the "Guide to Road Design – Part 4a: Unsignalised and Signalised Intersections (Austroads)", and a Rural Basic Left (BAL) as designed in the "Department of Main Roads Road Planning and Design Manual Appendix 13E", to cater for a passenger vehicle and dual axle float to use the access during its design life.

The Developer shall design and construct the access to include but not limited to pavement depth to be designed by an RPEQ, surface to be sealed with asphalt to gate set back, gate set back to cater for largest design vehicle etc.

The access shall be located generally in accordance with Ryacon Engineer's Drawing Number 090207-SK2-P2, and so that sight distances achieved are in accordance with the "Guide to Road Design – Part 4a: Unsignalised and Signalised Intersections (Austroads)"

The works required by this condition will be undertaken as part of an application for a Constructing or Interfering with a Road and its Operation prior to the commencement of the use.

- 24) **CAR PARKING NUMBERS** - The developer is to make provision for the establishment of twenty one (21) total car parking spaces including provision for three (3) spaces for people with disabilities and two (2) motorcycle spaces. In addition to this the development will provide a service vehicle manoeuvring area, loading/unloading area. The total number of car parking spaces shall be constructed prior to the commencement of the approved use.

- 25) **CAR PARKING, DRIVEWAYS AND TURNAROUND AREAS– GRAVEL** - All parking areas, internal roadways and manoeuvring areas are to be designed and constructed in accordance with AS 2890.1 - 2004 and AS 2890.2 – 2002 and Council's Design & Construction Manual. The completed works will be certified by a Registered Professional Engineer of Queensland (RPEQ) as having been constructed in accordance with good engineering practice to a standard reasonable for commercial purposes. These car parking provisions must be available prior to the commencement of the use and will be undertaken generally in accordance with the approved plans.

Dust suppression measures are to be put in place at event times.

All parking and driveways areas will be maintained in good condition for the lifetime of the proposed use.

- 26) **CAR PARKING ON-SITE** - All vehicles under the control of the party(ies) charged with the overall responsibility for the operation of the facility and any ancillary staff will be parked wholly within the curtilage of the site. All vehicle movements to and from the site, inclusive of service vehicles, are to be conducted in forward gear. The requirements of this condition are to be adhered to for the lifetime of the approved use.
- 27) **VEHICLE LOADING / UNLOADING** - All loading and unloading of vehicles associated with the approved uses, including the pick-up and/or delivery of goods and materials, will be conducted at all times from within the curtilage of the site. The requirements of this condition are to be adhered to for the lifetime of the approved use.
- 28) **CAR – PARK LIGHTING & SECURITY GENERAL** - The developer in the initial instance and thereafter the property owner(s) and any subsequent owner(s) in title will be responsible for the provision and the ongoing maintenance of adequate lighting to the open area car-parking facilities, access driveway(s) and all pedestrian walkways to the requirements of the relevant Australian Standards within AS1158 – Lighting for Roads and Public Spaces and AS4282 – Control of the Obtrusive Effects of Outdoor Lighting. The lighting to the aforementioned areas will be maintained in good condition for the lifetime of the proposed use.

### **Stormwater Drainage**

- 29) **ADVERSE DRAINAGE IMPACT - GENERAL** - Drainage from the development works / building works shall not adversely impact upon adjacent properties. No ponding, concentration or redirection of stormwater shall occur onto adjoining land.
- 30) **STORMWATER DISCHARGE AND DISPOSAL** - The Developer is to make provision for the discharge of stormwater drainage flows to a legal point of discharge. The Developer shall provide all necessary stormwater drainage; such drainage works shall be designed and constructed in accordance with the *Queensland Urban Drainage Manual* (QUDM).

The design and construction of these works are to be the subject of an application for Operational Works and are to be undertaken prior to the commencement of the use.

- 31) SEDIMENT AND EROSION CONTROL MANAGEMENT PLAN (SECMP)** - The Applicant is to submit to Council for approval, a properly prepared comprehensive Erosion and Sediment Control Program as part of the Operational Works Application. The report is to comply with "*Soil Erosion and Sediment Control: Engineering Guidelines for Queensland Construction Sites, Institute of Engineers, Australia 1996*".

#### **Water**

- 32) ADEQUATE WATER SUPPLY** - The Applicant is to maintain and adequate water supply system capable of servicing the development for its lifetime. Details on the proposed method of providing an adequate water supply are to be submitted as part of a Development Application for Plumbing and Drainage Works. The works required by this condition are to be completed prior to the commencement of the approved use.
- 33) MINIMUM WATER STORAGE** – The Applicant is to make provision for the on-site water storage of 45,000 litres minimum plus additional on-site water storage of 36,000 litres to cater for fire fighting purposes.

The requirements of this condition are to be completed prior to the commencement of the approved use.

- 34) WASTEWATER DISPOSAL – GENERAL** - The Applicant is to make provision for the design and construction of an adequate wastewater disposal system capable of servicing the proposed development so as to adequately provide for the treatment and disposal of wastewater on-site.

The wastewater disposal system is to conform with the provisions of the Department of Infrastructure and Planning "Queensland Development Code", the "Queensland Plumbing and Wastewater (QPW) Code" and AS1547-2000. Details on the proposed method of treatment and disposal of wastewater are to be submitted as part of a Development Application for Plumbing and Drainage Works. The works required by this condition are to be completed prior to the commencement of the approved use.

#### **Access and Roads**

- 35) DELETED**

#### **Earthworks Design and Management**

- 36) EARTHWORKS OPERATIONS (CAR PARKING AREAS, ACCESS DRIVEWAY AND ALLOTMENT FILLING)** – All earthworks associated with the car-parking areas, access driveway(s) and the building works will be undertaken in accordance with Section 3.4 of Council's Design and Construction Manual. The applicant is required to obtain Operation Works approval prior to undertaking any civil engineering works on the site.

**4. Approval Conditions (Referral Agency):**

The Department of Transport and Main Roads (Concurrence) Agency response dated 24 November 2011.

The Department of Natural Resources and Mines (Concurrence) Agency Response dated 4 December 2012 and emailed on 17 December 2012

**5. That the Applicant be further advised of the following:**

- a) DEVELOPMENT APPROVAL CONDITIONS ATTACH TO LAND** - Development Approvals which include conditions and any modifications attach to the land and are binding on the owner, the owner's successors in title and any occupier of the land pursuant to Section 245 of the *Sustainable Planning Act 2009*.
- b) VEGETATION MANAGEMENT ACT 1999 AND THE CULTURAL HERITAGE ACT 2003** - This approval in no way restricts or inhibits the provisions of neither the *Vegetation Management Act 1999* nor the *Aboriginal Cultural Heritage Act 2003*. The Applicant(s) will need to satisfy himself/herself/themselves that in undertaking the proposed development works that his/her/their actions will not contravene the provisions of the aforementioned Acts.
- c) WHEN DEVELOPMENT APPROVAL TAKES EFFECT** - Pursuant to *Sustainable Planning Act 2009*, this Development Approval takes effect:
  - (i) from the date the Decision Notice/Negotiated Decision Notice (as the case may be) is given to the Applicant, if there are no Submitters and the Applicant does not appeal the decision to the Court; or
  - (ii) from the end of the Submitter's appeal period if there is a Submitter and the Applicant does not appeal the decision to the Court; or
  - (iii) subject to the decision of the Court when the appeal is finally decided if an appeal is made to the Court by any party; as the case may be. Development may start when a Development Permit takes effect (subject to any conditions specifying commencement).
- d) APPROVAL LAPSES AT COMPLETION OF RELEVANT PERIOD** - This Development Approval will lapse if the Material Change of Use does not happen before the end of the relevant period. The relevant period is four (4) years from the date the approval takes effect. The relevant period may be extended at the discretion of Council under Section 341 of the *Sustainable Planning Act 2009*. Before the Development Approval lapses, a written request to extend the relevant period may be made to Council under Section 383 of the *Sustainable Planning Act 2009*. Please note that Council will not automatically remind Applicants/Occupiers when the relevant period is about to lapse.
- e) ELECTRICITY** - Provision of electricity supply from the State electricity grid through the State authorised supplier (Energex) to service the proposed development or production of evidence of satisfactory arrangements for such supply having been made, such supply to be on normal supply tariffs. The works required by this condition are to be completed prior to the commencement of the use. Detailed design will be submitted as part of an application for Operational Works with Council.

- f) **BUSHFIRE MANAGEMENT** – The Applicant at the time of making the application for Building Works must take into consideration the *Australian Standard AS3959-1991 (Construction of Buildings in bushfire-prone areas)*.
- g) **LIQUOR LICENSING APPROVALS** – The business is to obtain and comply with any necessary approvals required by The Office of Liquor and Gaming Regulation.
- h) **NATURAL AND BUILT SHADE** – The development should have regard to the publication “Creating Shade for Public Facilities Policy and Guidelines for Local Government.”
- i) **FLOODING** - Any future development within flood prone areas is to comply with the Beaudesert Planning Scheme 2007. Flooding information can be sourced from the Queensland Reconstruction Authority and/or as approved by Council.
- j) **ENVIRONMENTALLY RELEVANT ACTIVITIES** – Applications for Environmentally Relevant Activities may need to be lodged with the Department of Environment and Resource Management for an ERA 63-2a (*operating sewage treatment works, other than release works with a total daily capacity of 21EP, but less than 100EP*) should it be determined that such an application is required at the time of making application for Plumbing and Drainage Permits with Council.
- k) **FIRE ANTS** - fire ants are dangerous imported pests that could spread to large areas of Australia, severely damaging the environment, our outdoor lifestyle and the agriculture and tourism industries. Under Queensland legislation, Fire Ants are a notifiable pest and suspected sightings must be reported to QPIF. You are required to ascertain if your development works are affected by this Legislation. Maps of the affected areas and further information can be obtained from the Queensland Government at: [http://www.dpi.qld.gov.au/4790\\_4538.htm](http://www.dpi.qld.gov.au/4790_4538.htm)
- l) **ENVIRONMENTAL LEGISLATION** - This approval does not represent approval or exemption to clear, harm, poison, destroy or damage native flora or fauna for which another approval may apply. Such as the Nature Conservation Act, the Vegetation Management Act, Environmental Protection and Biodiversity Conservation Act. It is recommended that the applicant check with the relevant State and Commonwealth authorities PRIOR to works.

### Committee Recommendation

That the Director Regional Services' recommendation be adopted.

Moved: Cr Stanfield


Seconded: Cr West

Carried

### Attachments

1. Aerial view
2. Proposed site layout - not recommended for approval.
3. DSDIP Referral Agency Response.

Attachment 1 - Aerial view



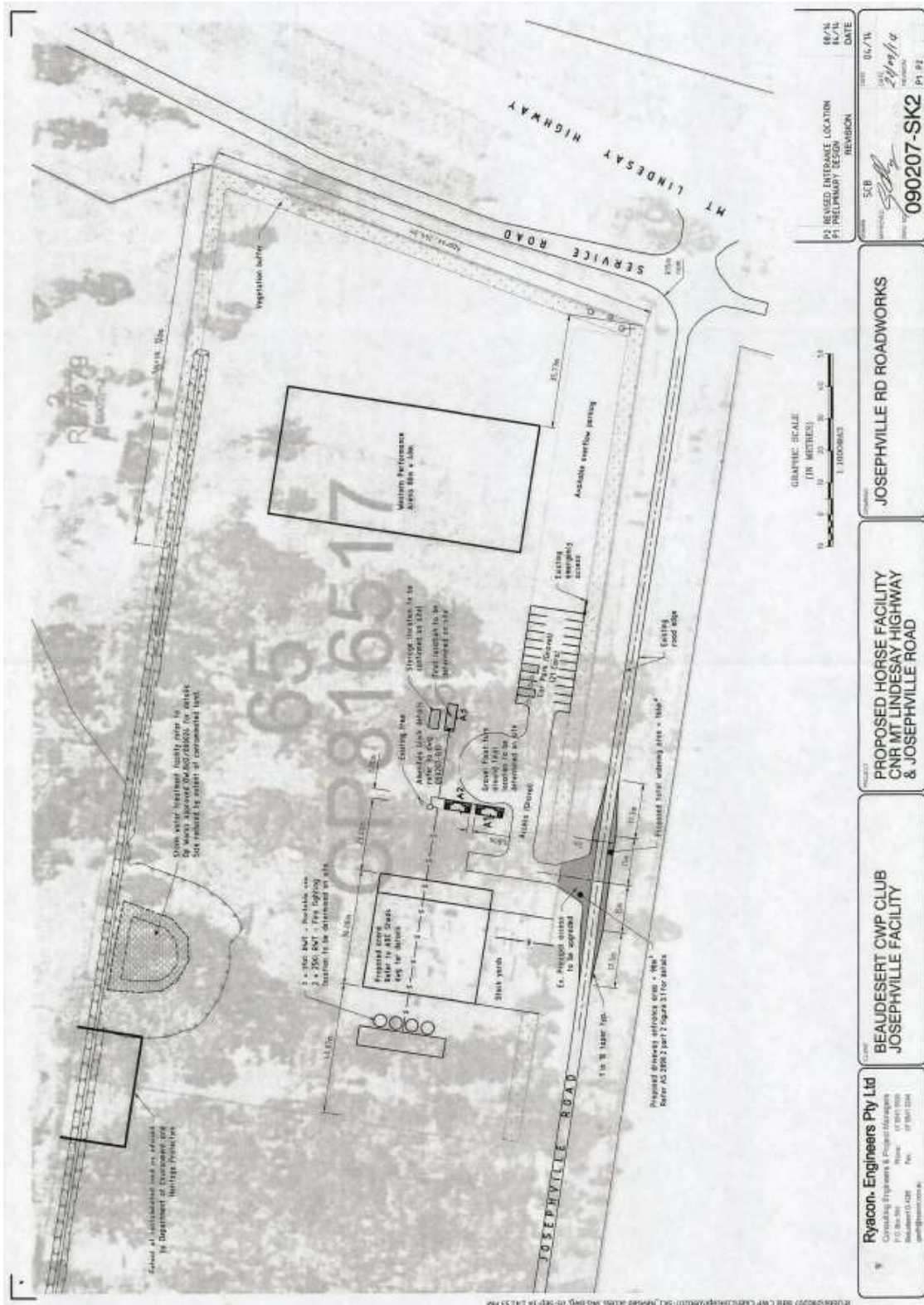
Copyright 2013 Scenic Rim Regional Council

0 30 60 120 180 240 Meters

TAKE NOTICE that Scenic Rim Regional Council and the Department of Natural Resources and Mines do not guarantee the reliability of the information contained herein nor of it being suitable for any particular purpose and disclaims liability for any loss that may arise from the use of or reliance upon such information.



Attachment 2 - Amended site plan



Attachment 3 - Referral Agency Response



Department of  
State Development,  
Infrastructure and Planning

Our reference: SPD-0813-001248  
Your reference: 211/00015

18 September 2013

Chief Executive Officer  
Scenic Rim Regional Council  
PO Box 25  
Beaudesert QLD 4285  
mail@scenicrim.qld.gov.au

Attn: Tanzih Ahmed

Dear Tanzih

**Notice about request for permissible change—relevant entity  
22 Josephville Road, Josephville**

(Given under section 373(1) of the *Sustainable Planning Act 2009*)

The Department of State Development, Infrastructure and Planning received a copy of the request for a permissible change under section 372(1) of the *Sustainable Planning Act 2009* on 28 August 2013 advising the department, as a relevant entity, of the request for a permissible change made to the responsible entity under section 369 of the *Sustainable Planning Act 2009*.

The department understands that the proposed changes are as follows:

- # Change to landscaping internal to the site;
- # Revised parking layout; and
- # Change to a Council imposed acoustic condition.

The department has considered the proposed changes to the development approval and advises that it has no objection to the change being made.

<b>SCENIC RIM REGIONAL COUNCIL</b>	
File No:	M.C. Bd 211/00015
18 SEP 2013	
Doc. Set No:	PRAT
Resp. Officer:	DA ADMIN
2.	CRGAT.3

L 67 SP140503  
L 65 CP816517

SPD-0013-001248

If you require any further information, please contact Michael Simmons, Principal Planner, on (07) 3381 7461, or via email [jpswichSARA@dsdip.qld.gov.au](mailto:jpswichSARA@dsdip.qld.gov.au) who will be able to assist.

Yours sincerely



Nathan Rule  
**Manager - Planning**

cc: [south.coast.IDAS@tmr.qld.gov.au](mailto:south.coast.IDAS@tmr.qld.gov.au)  
[vegsouthregion@dnrm.qld.gov.au](mailto:vegsouthregion@dnrm.qld.gov.au)

**3.5 Adoption of Fair Value Charges Resolution (version no.1) [Closed s.275(1)(g)]****Executive Officer: Director Regional Services****File Reference: 19/03/004**

Council resolved into closed session in accordance with the provisions of Section 275(1) of the Local Government Regulation 2012 and Council's Meetings and Other Forums Policy relating to closed session meetings to discuss this item.

Moved Cr McInnes  
Seconded Cr O'Carroll

CARRIED

Following discussion in closed session of this item, Council resumed in open session for the proposal of Committee recommendations.

Moved Cr Stanfield  
Seconded Cr West

CARRIED

**AT THE ORDINARY MEETING OF COUNCIL HELD ON 27 JANUARY 2015, it was moved Cr Waistell, seconded Cr McInnes, that paragraph 1 of the Recommendation in Item 3.5 of the Planning & Development Committee Report dated 20 January 2015 be amended to read as follows:**

- "1. Under Section 630 of the *Sustainable Planning Act 2009*, Council resolve to adopt the Fair Value Charges Resolution (version no.1), including the amended percentage breakdown of charges between Scenic Rim Regional Council and Queensland Urban Utilities, to levy infrastructure charges in the local government area of the Scenic Rim Regional Council;"

CARRIED

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**Director's Recommendation****That:**

1. Under Section 630 of the *Sustainable Planning Act 2009*, Council resolve to adopt the Fair Value Charges Resolution (version no.1) to levy infrastructure charges in the local government area of the Scenic Rim Regional Council;
2. Under section 257(1)(b) of the *Local Government Act*, Council resolve to delegate authority to the Chief Executive Officer to establish the commencement date of Fair Value Charges Resolution (version no.1). This delegation is conditional upon an agreement being entered into under the Priority Development Infrastructure (PDI) Co-investment Program;

3. Council resolve to delete Section 3A 'Adopted Infrastructure Charges' of the Planning Fees and Charges section of Council's Schedule of Fees and Charges 2014-15 upon commencement of Fair Value Charges Resolution (version no.1) and amend Section 1M 'Adopted Infrastructure Charges' to read as follows:

*"Council has resolved under Section 630 of the Sustainable Planning Act 2009 to levy infrastructure charges for development in the local government area in accordance with an Adopted Infrastructure Charges Resolution. The current infrastructure charges applicable to development in the local government area are outlined in Council's Adopted Infrastructure Charges Resolution, which can be viewed on Council's website."*

### **Committee Recommendation**

That the Director Regional Services' recommendation be adopted.

Moved: Cr Stanfield

Seconded: Cr West

Carried

### **Attachments**

Nil.

**4. INFRASTRUCTURE SERVICES**

Nil.

.....  
Cr N J Waistell  
**CHAIRPERSON**  
**PLANNING AND DEVELOPMENT COMMITTEE**