



SCENIC RIM REGIONAL COUNCIL

Planning & Development Committee

Agenda

Meeting to be held in the Council Chambers

82 Brisbane Street

Beaudesert

Tuesday, 17 February 2015

Commencing at the conclusion of the
Corporate & Community Services Committee Meeting

All correspondence to
Be addressed to the
Chief Executive Officer

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SCENIC RIM REGIONAL COUNCIL
PLANNING & DEVELOPMENT COMMITTEE
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PLANNING & DEVELOPMENT COMMITTEE

AGENDA

ATTENDANCE

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

APOLOGIES

DECLARATIONS OF INTEREST BY MEMBERS

Reception of Deputations by Appointment / Visitors

Nil.

Please note: Agenda Items where Subject Headings are followed by [CLOSED] are to be discussed in closed session in accordance with Section 275(1) of the Local Government Regulation 2012.

Section 275(1) A local government or committee may resolve that a meeting be closed to the public if its councillors or members consider it necessary to close the meeting to discuss-

- (a) the appointment, dismissal or discipline of employees; or
- (b) industrial matters, affecting employees; or
- (c) the local government's budget; or
- (d) rating concessions; or
- (e) contracts proposed to be made by it; or
- (f) starting or defending legal proceedings involving it; or
- (g) any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act; or
- (h) other business for which public discussion would be likely to prejudice the interests of local government or someone else, or enable a person to gain financial advantage.

1. EXECUTIVE

Nil.

2. CHIEF FINANCE OFFICER

Nil.

3. REGIONAL SERVICES**3.1 MCBd14/061 Development Permit for a Material Change of Use for Shopping Centre (Business Use) Urban Planning Services Pty Ltd 1-33 Tamborine Mountain Road, Tamborine L1 SP 268147****Executive Officer:** Director Regional Services**Item Author:** Manager Planning**File Reference:** MCBd14/061

Applicable Planning Scheme	MCU –Beaudesert Planning Scheme 2007
Applicant	Urban Planning Services Pty Ltd
Owner(s)	Beaudesert Project Pty Ltd ATF Beaudesert Project Unit Trust
Site Address	1-33 Tamborine Mountain Road TAMBORINE QLD 4270
Real Property Description	Lot 1 on SP 268147
Site Area	3.224 ha
Relevant Zone and Precinct	Rural Zone Village Precinct
Proposal	MCU – Shopping Centre (Business Use)
Assessment Level	Impact Assessment
Approval Type	Development Permit
Public Notification:	26 November 2014
Submissions Received	9 (1 being a petition with 71 names)
Date Application Received:	22 July 2014

Purpose of Report

The purpose of this report is to provide the facts and circumstances to Council surrounding a proposed development, which seeks an approval for a Development Permit under the Sustainable Planning Act 2009 for a Material Change of Use to establish a Shopping Centre as defined in the Beaudesert Shire Planning Scheme 2007 (the 'Planning Scheme'), on land located at 1-33 Tamborine Mountain Road TAMBORINE and described as Lot 1 SP 268147.

Brief Summary

Council is in receipt of an application seeking an approval for a Development Permit for a Material Change of Use (Impact Assessable) to establish a Shopping Centre (Business Use). The proposed development triggered Impact Assessment due to being located in the Tamborine Village and with the GFA exceeding 1000m².

The State Assessment and Referral Agency (SARA) in their role as a Concurrence Agency has assessed the proposed development and the potential impacts upon the State transport infrastructure (assessing authority for administration and enforcement of conditions - Department of Transport and Main Roads) and with consideration to the South East Queensland Regional Plan 2009-2031 (assessing authority for administration and enforcement of conditions - Department of State Development, Infrastructure and Planning) advising Council that there are no objections, subject to the inclusion of their conditions (refer to **Attachment 12**).

The application was publicly notified for a period no less than 15 business days in accordance with the requirements under the Sustainable Planning Act 2009, whereby Council received nine (9) submissions and a petition with seventy one (71) signatures.

The proposed development has demonstrated general compliance with the relevant Codes of the Planning Scheme through the submitted material within the application. Furthermore, the applicant has provided sufficient grounds to justify the proposed development. Accordingly, pursuant to s.326 of the Sustainable Planning Act 2009, the assessment manager is satisfied that if the proposed development were to be approved, it will not conflict with a relevant instrument, being the Planning Scheme.

Accordingly, it is recommended that Council resolves to approve the proposed development for the establishment of a Shopping Centre subject to reasonable and relevant conditions.

Background

On 21 February 2006, Council approved a material Change of Use Application for a Shopping Centre and Retail Nursery (File reference: 020-030-001839) on the abovementioned site subject to conditions. The approved Gross Floor Area for the development was as follows:

1. Shopping Centre stage 1 - 800m² of Shops
2. Shopping Centre Stage 2 - 800m² of Shops
3. Retail Plant nursery - 150m² shop.

The relevant period for the above approval was extended by Council until 19 May 2015.

A permanent road closure application was lodged to the Department of Environment and Resource Management on 12 November 2010 for road closure and purchase of a portion of unused Leach Road to facilitate the proposed development. The road closure was approved on 7 September 2011 by DNRM and the Governor in Council signed the Deed of Grant creating Lot 1 on SP268147 on 20 March 2014.

The Planning Scheme amendment package No 8 that came into effect from 20 December 2013 changed the zoning of the subject land from Rural Zone Countryside Precinct to Rural Zone Village Precinct in which the Land Use 'Shopping Centre' changed from being Impact Assessable (inconsistent) to Impact Assessable consistent.

Proposal

The Applicant's proposal involves establishing a 'Shopping Centre' that proposes two buildings, comprising a Main Building and a Small Building. The details of each building are as follows:

Building 1 - Main Building

The main building includes a **1300m²** anchor tenancy intended to be used as supermarket. In addition to the anchor tenancy, eight (8) speciality shops are proposed. The combined speciality tenancy floor area is **474m²**. Refer to **Attachment 8** for the Retail Tenancy Floor Plans.

The applicant advised that the internal area of each tenancy may change depending on the needs of the tenant provided that the combined speciality floor area does not exceed 474m².

Building 2 - Small Building

A small building is located in the north western corner and has been designed to accommodate a Food Establishment/Recreation Centre. The proposed floor area of the building is **60m²**.

A master plan for the proposed development has been prepared by *bda architecture* consultants and is included in **Attachment 3**.

Specific details relating to the proposed development is outlined further below.

Building Plans

The applicant has submitted building floor and elevation plans as shown under **Attachments 8, 9 & 11**. The **combined GFA of the proposed development is 1994m²**. This includes **87m²** of Dock area and **73m²** of Amenities area in the main building.

Access, car parking, loading and services

Access to the site occurs from Leach Road via a northern and southern entrance to the development. Loading and services have been located at the eastern side of the building towards the eastern car parking areas. Access to the loading bays is via the northern driveway while vehicles delivering to the loading dock at the rear of the anchor tenancy can exit and enter via the southern driveway limiting disruption to pedestrians, shoppers and traffic.

The proposed development provides 116 parking bays comprising of 96 bays as on-site parking and 20 bays as on-street parking. The car parking code requires 115 parking spaces in accordance with Parking and Servicing Code. The parking provisions are made up of:

- 1 SRV space
- 1 HRV space
- 116 Parking space
- 3 Disabled bay
- 5 Motor cycle spaces

In addition to 116 parking spaces, 3 disabled bays, 5 motor cycle bays plus 1 Single Rigid Vehicle (SRV) space and 1 Heavy Rigid Vehicle (HRV) space are provided in compliance with the Parking and Servicing Code.

The State Assessment and Referral Agency (SARA) have provided a condition that prohibits the use of the road reserve under the jurisdiction of the Department of Transport and Main Roads as car parking areas for the proposal. Therefore, the applicant will have to modify the parking layout plan to cater for the loss of equivalent number of car parking areas elsewhere on site to comply with the Parking and Servicing Code requirements. A condition has been imposed to reflect these changes.

On-site Water

The applicant has proposed to service the development by the harvesting of rainwater from all building roofs discharging into rainwater tanks. The applicant advised that the proposed rainwater tanks on site has a total capacity of approximately 120 Kilolitres (KL), of which a minimum of 60 KL of rainwater storage is proposed to be used as potable water from 2 tanks each containing 30 KL.

Should tank levels drop below a certain supply level, the applicant will have to replenish these tanks from other sources. This has not been addressed in the submitted reports and it is anticipated that this will be addressed later at Plumbing and Drainage application stage.

On-site Effluent Disposal

It is proposed to install a sewage treatment plant with a sub-surface drip irrigation land application area method to service the proposal. The applicant has advised that the sewer treatment plant will not require an ERA 63 - Sewage Plant approval from the Department of Environment and Heritage Protection.

However, it is the officer's view that given the unknown varied nature of tenancies proposed and the capacity approaching towards the maximum allowable of 4,000 litres/day, this treatment plant may require an ERA 63 - Sewage Plant approval in future when the peak design capacity exceeds 20 equivalent persons (>4,000 litres per day).

Appropriate conditions have been imposed to ensure that the required approval has been obtained where the capacity exceeds 4KL/day.

Stormwater

A Stormwater Management Plan, prepared by Sedgman Yeats, was submitted in support of the application. Accordingly, the plan proposes one (1) on-site bio-retention/detention basin which will collect and detain overland stormwater flows. Flows from the Basin will be piped directly to the lawful point of discharge, being an existing culvert along Leach Road. Overland flows from the Leach Road catchment will be conveyed via kerb and channel to the same existing culvert point along Leach Road.

Landscaping

The applicant proposes to establish landscaping along the eastern boundary of the car park and along the southern side of the proposed shops and at other areas throughout the proposed development as per the submitted master plan. Conditions have been imposed to ensure appropriate landscaping is provided for the proposed development.

Proposal Plans

The applicant has submitted the following plans that form part of the Proposal Plans:

Plan/Drawing	Plan/Dwg No.	Date	Prepared by
Local Context Plan 3.1	Sheet 5 of 24 - Issue B	October 2014	Bda architecture
Existing Site Analysis - 3.2	Sheet 6 of 24 - Issue B	October 2014	Bda architecture
Site Survey - 3.3	Sheet 7 of 24 - Issue B	October 2014	Bda architecture
Master Plan - 4.1	Sheet 8 of 24 - Issue B	October 2014	Bda architecture
Site Plan - 4.2	Sheet 9 of 24 - Issue B	October 2014	Bda architecture
Access and Movement - 4.3	Sheet 10 of 24 - Issue B	October 2014	Bda architecture
Site Setback Plan - 4.4	Sheet 11 of 24 - Issue B	October 2014	Bda architecture
Car Park Plan - Area A - 4.5	Sheet 12 of 24 - Issue B	October 2014	Bda architecture
Car Park Plan - Area B - 4.6	Sheet 13 of 24 - Issue B	October 2014	Bda architecture
Car Park Plan - Area C - 4.7	Sheet 14 of 24 - Issue B	October 2014	Bda architecture
Retail Tenancy Floor - Plan 4.8	Sheet 15 of 24 - Issue B	October 2014	Bda architecture
Café Tenancy Plan and Elevations - 4.9	Sheet 16 of 24 - Issue B	October 2014	Bda architecture
Pylon Signage - 4.10	Sheet 17 of 24 - Issue B	October 2014	Bda architecture
Elevations 1 - 4.12	Sheet 19 of 24 - Issue B	October 2014	Bda architecture
Elevations 2 - 4.13	Sheet 20 of 24 - Issue B	October 2014	Bda architecture
Elevations 3 - 4.14	Sheet 21 of 24 - Issue B	October 2014	Bda architecture
Elevations 4 - 4.15	Sheet 22 of 24 - Issue B	October 2014	Bda architecture
Street Section - 4.16	Sheet 23 of 24 - Issue B	October 2014	Bda architecture
Entry Section - 4.17	Sheet 24 of 24 - Issue B	October 2014	Bda architecture

The relevant Plans are shown as **Attachments**.

Supporting Reports

To support the development application, the following reports have been submitted which now form part of the development.

Title	Prepared by	Date
Tamborine Village Shopping Centre Site Based Stormwater Management Plan - Neighbourhood Shopping Centre - revision 02	Sedgman Yeats	11/09/2014
O2 Ecology Environmental Management Assistance	O2 Ecology Pty Ltd	22/10/2014
Tamborine Village Shopping Centre -Traffic Impact Assessment	Bitzios Consulting	16/7/2014
YC0482 - Tamborine Village Shopping Centre - Engineering Services Report Management Plan - Neighbourhood Shopping Centre - revision 02	Sedgman Yeats	16/07/2014
Tamborine Village Centre - Town Planning Report -	Urban Planning Services	July 2014

These reports have been assessed and some form part of the approval package.

Site and Environment

Characteristics of Site & Surrounding Environment

The subject site is located at 1-33 Tamborine Mountain Road TAMBORINE described as Lot 1 SP 268147. The subject site is 3.224 ha and is not burdened by any easements. The site is irregular in shape with the northern boundary of the site adjacent to a road reserve containing the roundabout.

The site is currently unimproved (refer to Aerial photograph in **Figure 1** below). The majority of Lot 1 has scattered vegetation (large trees) except on the western boundary towards Leach Road that is densely vegetated with tall trees.

The topography of the site is predominately flat, with a slight fall from south towards the northern and eastern boundary.

The subject site is located within the Rural Zone Village Precinct. The site is also affected by a number of Overlays including:

- Infrastructure Overlay;
- Catchment Management, Wetlands and Waterways Overlay (Medium Catchment).



Figure 1 - Aerial Photograph

The locality is characterised by a mix of uses including residential, commercial, rural residential and recreational uses. They include Tamborine Motor Works, Bearded Dragon Boutique Hotel, Shell Service Station, Tamborine Centre, Cosy Corner General Store and Middle Park.

The subject land is not serviced by reticulated water and sewerage system. However, both electricity and telephone services are available in the locality.

Advertising

Under the Planning Scheme, the proposed development triggered Impact Assessment. Accordingly, the application is required to be publicly notified pursuant to section 297 of the Sustainable Planning Act 2009 (the "Act").

On 27 November 2014, a Notice of Commencement was received from T J Kelly Surveys Pty Ltd acting on behalf of the applicant. This notice stated that the appropriate actions under the Act were undertaken and public notification would commence on 27 November 2014 and conclude on 18 December 2014, being a total of 15 business days.

On 19 December 2014, the applicant subsequently submitted the statutory Notice of Compliance stating the following:

- A Notice was published in the Beaudesert Times on 26 November 2014;
- A notice was placed on the land on 26 November 2014 and was maintained for more than 15 business days, being removed after 18 December 2014.
- Notices were issued to all adjoining land owners on 25 November 2014.

These actions demonstrate compliance with the requirements pursuant to Chapter 6, Part 4 of the Sustainable Planning Act 2009.

Submissions

During the statutory notification period, Council received nine properly made submissions and one petition containing seventy one (71) signatures.

List of Submitters are as follows:

1. M/- Raja Navaneethan
6 Valencia Street
SUNNYBANK QLD 4109
2. Matilda Tummarello
307 Amber Crescent
JIMBOOMBA QLD 4280
3. Mr Bradley J Connelly
24 Nieuwenburg Place
TAMBORINE QLD 4270
4. Mr Matt Corr
PO Box 35
TAMBORINE QLD 4270
5. Mr Richard W Wright
209 Leach Road
TAMBORINE QLD 4270
6. Ms Ann V Deegan
278-286 Tamborine Mountain Road
TAMBORINE QLD 4270

7. Ms Nereida D Sutton
1-35 Hazel Road
TAMBORINE QLD 4270
8. Ms Pania D Sutton
PO Box 164
CANUNGRA QLD 4275
9. Muchborough Pty Ltd
35-153 Tamborine Mountain Road
TAMBORINE QLD 4270

Details of the petitions received are listed in the **Attachment 13** that has been included as part of the applicants analysis and response to the submissions.

The submitter's concerns are generally summarised as follows:

1. **On site car parking** - A submitter stated that *"The developer does not meet the numbers objective for on-site parking as required in the planning scheme for the GFA he wants. The various reports are inconsistent in the numbers quoted, in one case adding in the off-site parking (19 or 38 depending on which report) and adding it in to the on-site parking numbers. The plan shows too few parking spaces on-site, and nearly a third of spaces are off-site if you include both sides of the road"*.

Applicant's comments -

- *Car parking can be a condition and plans amended post approval to accommodate additional car parking spaces if warranted by Council.*

Officer's comments - The submitters' concern is reasonable, however, the proposal has provided adequate number of parking areas to comply with the Beaudesert Shire Planning Scheme 2007 car parking requirements. Suitable conditions have been imposed within the approval conditions to ensure that sufficient on-site car parking requirements are met as the DTMR area proposed for parking is no longer available as advised by SARA (concurrence agency DTMR). Refer to Attachment 12.

2. **The Turning into parking objective is not met** - A submitter stated that *"the developer also doesn't meet the turning into parking objective of 18m to allow three cars; he only plans for 1 - 6m. Safety would require that this objective be met."*

Applicant's comments -

- *Refer to Bitzios Consulting Traffic Assessment concludes that: the provisions for a queuing length of 1 vehicle (6 metres) to the property boundary are deemed to be appropriate and sufficient. This matter has been certified by a REPQ and therefore is deemed safe and acceptable.*

Officer's comments - Submitters concern regarding this issue is unclear, however, all turning, manoeuvring and circulation areas are to be designed to comply with the relevant Australian Standards. This should allay the fears regarding parking queuing and widths.

3. **The plan doesn't meet the advertising devices code** - A submitter stated that *"the argument that when seen from the road signs will appear smaller so that should allow the developer to put larger one's up should carry no weight. It would set a very poor precedent. The requirement is clear and larger signs would certainly detract from the streetscape of the area. So will more than the allowable number of signs. Even acknowledging that there are already signs in the Village, this does not provide an argument for adding further inappropriate signs and spoiling the streetscape"*.

Applicant's comments -

- *Disagree. The Applicant has demonstrated compliance with SO3 of the Advertising Devices Code (refer to section 9.2.1 of the UPS Planning Report) and therefore the proposed signage face area is complementary to the surrounding area.*

Officer's comments - This is a genuine concern from the submitter and Council is also not supportive of the proposed height and size of the advertising device submitted in the proposal. A condition has been imposed on the development approval to ensure compliance with the advertising devices code.

4. **Landscaping** - A submitter states that *"the developer acknowledges that the development site will be cleared of trees, but although landscaping is spoken of in terms of compliance with Council conditions. There is no Landscape Plan to confirm how landscaping will be dealt with to ensure that the development will not detract from the area."*

Applicant's comments -

- *Disagree. The clearing of trees and offset planting is detailed in the O2 ecology information and request response.*

Officer's comments - A condition has been imposed on the development approval to ensure the applicant addresses the landscaping requirements to comply with the Landscaping code.

5. **Impact on local businesses** - A submitter raised concerns regarding the viability of his existing business. He stated that *"the proposed shopping centre will take away my business completely. I have a small shop selling grocery, fuel and hot food. I fear that the proposed shopping centre will take away my business completely. As it is we have very stiff competition in this small community, the proposed big shopping centre can affect us adversely. So, kindly stop that shopping centre from being built"*.

Applicant's comments -

- Navaneethan, Raja owns the Tamborine Central Service Station and convenience shop on the corner of Leach Road and Beaudesert Beenleigh Road. The existing competition referred to relates to existing shops that offer the same or similar services as Tamborine Central does (i.e. Cosy Corner or the Shell Service Station). The proposed shopping centre is intended to provide services that are not already available and therefore not in direct competition with existing businesses such as Tamborine Central, Cosy Corner or the Shell Service Station.

Officer's comments - As this application complies with the requirements of the planning scheme, and the development is considered a consistent development under the Rural Zone Village Precinct, the proposal can be approved subject to conditions. Council does not enter into commercial viability of any business as it is not a planning matter.

- 6. Impact on native wildlife** - This proposal will have an impact on native wildlife, e.g. Koala, Wallabies, Native Birds.

Applicant's comments -

- The impact on native wildlife is likely to be minimal. The site is generally cleared of undergrowth vegetation but contains some tall mature trees. The trees are concentrated along the western boundary adjacent to the road but are more openly spread throughout the rest of the site. Due to the extent of the works, the development footprint will require clearing of all trees present within the development site. It should be noted that the site is not identified as having any significant vegetation on the site at a state or local level.

During the removal of vegetation a spotter catcher will be present to relocate any native fauna outside the impact area. As a result of the removed vegetation, rehabilitation will occur within the regional ecosystem in the south-eastern corner of the site to encourage wildlife away from the busy roundabout where there is an increased risk of injury to wildlife due to the intensity of traffic. The removal of the vegetation within the development area will also discourage wildlife to travel into existing semi-urbanised and unsafe area where there are dogs, cats, vehicles, fences, poisons (such as rat bait) which put the fauna into an increased risk of injury or death.

Officer's comments - A supporting report has been submitted by the applicant advising that the proposal has minimum impact on the native wildlife.

- 7. Loss of "village" lifestyle** - A submitter stated that *"Leach Road is busy at the majority of times whilst the businesses on this road are open. Large trucks bring a multitude of hay, grain, and other products to the Produce and Hardware Store. The Post Office located within the General Store "Cosy Corner" (around the corner, I call it), is buzzing all the time with parcel despatch and pickup and its private mail boxes. *With approx. 1800 people residing in Tamborine, a semi-rural area, such a proposal will turn it into urban reality. I moved to Tamborine, for a 'tree change', not to be close to a supermarket. The so called 'new local' want the rural lifestyle, not participate in community events, and yet want to turn Tamborine into urban reality that they escaped from"*.

Applicant's comments -

The applicant has been working with Council Officers since August 2010 where a design workshop was completed with Deicke Richards after the current landowner purchased the site. Key outcomes from that workshop were as follows:

- Strengthen the existing Tamborine Village centre to respond to the needs of this growing community.
- Establish a compact pedestrian based Main Street environment along Leach Road with on street parking and reduced road reserve width to strengthen existing and proposed retailing activities.

- Provide a new active frontage to the existing open space on the main cross road intersection and enable it to contribute to the place making of this centre.
- Provide a built form outcome that responds to the unique character of the Tamborine Village.

For the last 4 years that Applicant has been working with Council Officers using the above outcomes to achieve a commercial outcome on the subject site including:

- Ongoing meetings with Council Officers since 2010.
- Maintaining the currency of the existing approval for Shopping Centre.
- Working with Council in amending the planning scheme to reflect the approved shopping centre and future intent for the site including meeting with Community Stakeholders.
- Preparing and lodging a permanent road closure application to create the Leach Road Main Street, which was seen by all parties as necessary to create a safe pedestrian friendly area with on-street parking, reduced road reserve width to strengthen existing and proposed retailing activities.
- Preparing and lodging this development application.

The recent upgrade of the Tamborine intersection to a roundabout has changed the safety and usability of the area as the roundabout encourages increased acceleration. It was identified early on that Leach Road with the existing commercial shops would form the ideal location for a main street.

It is the Applicants opinion that the village lifestyle will actually be enhanced, due to the creation of the main street, access to additional goods and service, as well as the enhancement of Leach Road and surrounding parks. It is envisioned that this development will act as a catalyst for many community embellishments to the surrounding area.

Officer's comments - Whilst the concern is understandable, the proposal however, is a consistent development under the Beaudesert Shire Planning Scheme 2007 and generally accords with Council's previously Adopted Local Planning Strategies for the Tamborine Village area.

8. Other issues - The submitters have raised other concerns that are listed below:

- Increased traffic to the area;
- Lack of infrastructure to adequately support the Proposed Development;
- Need for such a development;
- Increased noise;
- Create traffic issues on small country road; and
- Security issues - vandalism, wheel burnouts result in an increase in the number of people coming to the area which will in turn create security issues for the area.

Applicant's comments -

The applicant has addressed all of the submitter's concerns in detail. **Attachment 13** shows the applicant's response to all of the above mentioned issues.

Final comments

Whilst the shopping centre is a consistent development within this zone (i.e. a permissible development) and the proposal complies with the requirements of the code, nevertheless, the concerns of the submitters have been noted and suitable conditions have been imposed within the conditions of approval where possible to ensure that the issues raised are addressed adequately. These controls are considered generally adequate to allay any concerns of the submitters.

Development Assessment

Relationship to State Planning Policies and Regulations

This section identifies the relevant statutory planning provisions that require assessment for this development application.

State Planning Policy

There was none relevant State Interests identified for the proposed land use. Furthermore, no buildings or structures are proposed within any sensitive areas. Accordingly, the proposal is in accordance with the purpose of the SPP.

State Planning Regulatory Provisions

There were no relevant regulatory provisions applicable to the proposed development except for State Planning Regulatory Provisions (Adopted Charges) in which Council has accordingly adopted an Infrastructure Charges Schedule. Please refer to Adopted Infrastructure Charges section below.

South-East Queensland Regional Plan 2009-2031

The subject site is located in the Regional Landscape and Rural Production Area under the South East Queensland Regional Plan 2009-2031 (SEQRP). The State regulatory provisions do not apply to the proposed development under Section 1.5 of the South-East Queensland Regional Plan 2009-2031.

Referral Agencies

A review of the referral triggers outlined in Schedule 7 of the Sustainable Planning Regulations 2009 has been undertaken which has determined the following State Agencies involved in the assessment of this application:

Department of Transport and Main Road as a concurrence agency under the Development impacting on State Transport infrastructure jurisdiction. Schedule 7, Table 3, Item 1 - State controlled road.

- a) Is within 25m of a State-controlled road; or
- b) Is future State-controlled road; or
- c) Abuts a road that intersects with a State-controlled road within 100m of the land.

Consequently, the application was referred to the State Assessment and Referral Agency (SARA) for comment. Please refer to "**Referrals - External**" section of the report.

Relationship to Planning Scheme

Pursuant to the Beaudesert Shire Planning Scheme 2007, the proposed land uses are defined as a Shopping Centre under Schedule 1 - Defined Uses. The definition as prescribed under the planning scheme is as follows-

Shopping Centre means the use of premises for 2 or more shops which form a single integrated complex and which function as an integrated unit. The term includes the use of such premises for any one or more of the following-

- a) Commercial activity; and
- b) Convenience Restaurant; and
- c) Food establishment/reception centre; and
- d) Shop.

Note: The term does not include a complex comprised of only Convenience restaurants and /or Food Establishments/reception centres as defined herein.

Accordingly, the proposed development is consistent with the definition above.

Desired Environmental Outcomes

The Desired Environmental Outcomes as prescribed under the planning scheme does not have to be addressed for this proposal as this development is a 'consistent development' with the planning scheme.

Relevant Planning Scheme Codes – Summary

The development triggers assessment against the following codes:

Zone & Precinct Code	Overlay Code	Use / Works Code
Rural Zone Code Specific Criteria for the Village Precinct	Catchment Management, Waterways and Wetlands Overlay Code ; Infrastructure Overlay Code	Retailing and Commercial Activity Code; Food Premises Code Advertising Devices Code Construction and Infrastructure Code Landscaping Code Parking and Service Code

The development's assessment against these codes appears below.

It is advised that despite the inclusion of the subject site within the Catchment Management, Wetlands and Waterways Overlay, the proposed development does not trigger the assessment against these particular codes.

Relationship to the Rural Zone Code

The subject site is located in the Rural Zone.

The proposed Shopping Centre is identified under Chapter 3 – Assessment Provisions for Zones and Precincts, Part 3 – Rural Zone of the Planning Scheme as requiring Impact Assessment when located in the Tamborine Village and the gross floor area exceeds 1,000m².

As such, the proposal is consistent with Specific Outcome SO1 (Consistent Development) of the Rural Zone Code.

Compliance with the Overall Outcomes for Rural Zone Code

Section 3.3.10 of the planning scheme outlines the overall outcomes for the Rural Zone. An assessment against the relevant outcomes has not been undertaken as it is considered that the proposal is consistent with the overall outcomes for the Rural Zone.

Compliance with the Specific Outcomes for Rural Zone Code

The proposal complies with all of the Zone Code's Probable Solutions and, where applicable, Specific Outcomes. In particular, the proposed development provides and supports community services and does not compromise opportunities to establish new community service (Specific Outcome SO9, SO10 and SO11 respectively). Furthermore, the proposed development can be readily supported by appropriate infrastructure (Specific Outcome SO28-SO30) and will not impose any undue loading on the road network (Specific Outcome SO44-SO46).

Suitable conditions relating to landscaping (Specific Outcome SO31) and light spillage (Specific Outcome SO35) have been recommended.

Compliance with the Specific Assessment Criteria for the Village Precinct

The subject site is located in the Village Precinct. Pursuant to the Planning Scheme, the intent of this precinct is as follows-

OO41

Development within the **Village Precinct** provides for a range of village- type land uses serving the local community including a limited range of localised convenience shopping, specialty shopping, lower order professional offices and businesses, tourist facilities and urban residential type housing on unsewered allotments. Opportunities also exist for Industry-Low Impact/Services at Tamborine Village.

In this respect, the proposed development generally complies with the abovementioned intent as it seeks to establish a shopping centre. The proposed development does not compromise the character of the precinct nor the surrounding lands.

In addition, the proposal generally complies with the Code's Probable Solutions including providing a benefit to and satisfies a community, economic and social needs of residents (Specific Outcomes SO13-SO16) and integrates with existing community services functions (Specific Outcome SO8).

Compliance with the Development Constraints Overlay Code

The subject site is not impacted by Development Constraints Overlays. Therefore, it did not require addressing in the planning report.

Compliance with the Use Code

Assessment against the Retailing and Commercial Activity Code

The proposed Retailing and Commercial Activity generally complies with the provisions under the use code. Suitable conditions relating to lighting (Probable Solution S3.1 & 3.2) and landscaping have been recommended.

Compliance with the Relevant Works Code

Assessment against the Advertising Devices Code

The proposed development is generally inconsistent with provisions under the *Advertising Devices Code*. In particular the Pylon signage maximum permissible sign face area exceeds 20m².

The applicant has provided an alternative solution to address the SO36 stating that the Pylon Sign does not detract from the streetscape character. The alternative solution provided stated that the height and size of the pylon sign do not compromise the streetscape character and therefore generally complied with the Specific Outcome SO36.

It is considered by Council staff that the alternative solution does not adequately address the provisions of the Advertising Devices Code and subsequently suitable conditions have been included within the Director Recommendations.

Assessment against the Construction and Infrastructure Code

The proposed development is generally consistent with provisions under the Construction and Infrastructure Code. In particular, the new buildings will be appropriately serviced by infrastructure such as on-site water and sewerage, electricity and telecommunications, if applicable. Stormwater, erosion and sediment control measures, as outlined in the Stormwater Management Plan, will be appropriately applied. The design and construction of access, car parking and the service vehicle bays will also be in accordance with the code.

Suitable conditions have been included in the Director’s Recommendations, where applicable.

Assessment against the Landscaping Code

A Landscaping Plan was not submitted by the applicant for assessment. Accordingly, a suitable condition relating to landscaping has been included.

Assessment against the Parking and Service Code

The proposed development is generally consistent with the Parking and Service Code. In particular, the number of car parking spaces provided is listed below:

Criteria	Rate - Car Parking Spaces and Service Vehicle Parking Spaces	Requirements	Provided
Shopping Centre	<ul style="list-style-type: none"> 1 space per 16m² of TLA for the first 10,000m² ; and 	115 car parking spaces plus 1 SRV space 1 HRV space	119 car parking spaces (116 car parking and 3 Disable parking) 5 Motor cycle

Criteria	Rate - Car Parking Spaces and Service Vehicle Parking Spaces	Requirements	Provided
	<ul style="list-style-type: none"> 1 SRV space and 1HRV space where the GFA is 500m2 or more but less than 2,000m2. 		parking bays 1 SRV space 1 HRV space

Accordingly, suitable conditions relating to car parking have been recommended.

Assessment of Other Aspects of the Proposal

Adopted Infrastructure Charges

Effective as of the 1 July 2011, all development approvals granted within ‘Priority Infrastructure Areas’ (PIA) are required to be charged for infrastructure contributions in accordance with the State Planning Regulatory Provision (Adopted Charges).

It is noted that the proposal is outside a PIA. However, Council has endorsed a Council’s Adopted Infrastructure Charges Resolution (Version 4) as of October 2012 that allows for charging in non PIA area.

As such, a Local Government Charge has been applied to this proposed development, in accordance with the Adopted Infrastructure Charges Resolution (version No.4) and with the 2014/2015 Fees and Charges Schedule. The calculation has been outlined below.

Applicable Infrastructure Charge

In accordance with Adopted Infrastructure Charges for 2014/2015, the proposed use types equates to the following classes of development:

Planning Scheme Use Types	Classes of Development to which Adopted Infrastructure charges schedule apply
Shopping Centre (Business Use)	Commercial (Retail) per m2 GFA

It is noted that no Queensland Urban Utilities charge is applicable as the proposed development is not located within a reticulated area.

Furthermore, it is noted that the subject site receives a credit equivalent to a 3+ bedroom house outside the PIA.

Local Government Charge

The Local Government Charges applicable to the proposed development is outline below.

In this instance, a stormwater charge impervious area (all roofed and hardstand areas) is also applicable for proposed development.

Accordingly, the Infrastructure Charges have been calculated excluding the area for landscaping (remainder of the subject site).

Proposed Demand

Use	No of Units	Units of Measure	Charge Rate	Amount
Commercial (retail)	1994 m2	Per m2 of GFA	\$150	\$299,100.00
Stormwater Network - Impervious Area	7553m2 (6960m2 roofed area & car parking & DTMR car parking + 432m2 Leach road parking + 161m2 Driveways)	Per m2 of impervious area	\$10	\$75,530.00
Total				\$374,630.00

Existing Credit

Use	No of Units	Units of Measure	Charge Rate	Amount
Residential (3 or more bedrooms)	1	Per Dwelling Unit	\$14,000.00	\$14,000.00

Therefore, the Infrastructure Charge for Local Government is as follows:

$$\begin{aligned}
 &\text{Proposed Demand} - \text{Credit for Existing Use} \\
 &= \$374,630.00 - \$14,000.00 \\
 &= \mathbf{\$360,630.00}
 \end{aligned}$$

Referrals

Internal

Development Assessment Engineering

Council’s Development Assessment Engineering Section has assessed the application and advised that they have no objections subject to the implementation of reasonable conditions.

Land Use Planning Section

Council’s Strategic Planning Section has assessed the application and advised that they have no objections to the development.

Health, Building and Environment – Building & Plumbing

Council’s Building Section has assessed the application and advised that they have no objections subject to future Building Works and Plumbing & Drainage Works approval.

The Plumbing Section has advised that should the advanced secondary sewerage plant's peak design capacity exceeds 21 equivalent persons (>4,000 litres per day), an ERA 63 - Sewage Plant approval is required to be issued from the Department of Environment and Heritage Protection.

Health, Building and Environment – Environmental Health

Council’s Environmental Health Section has assessed the application and advised that they have no objections subject to conditions.

Infrastructure Services Section

Council's Infrastructure Services Section has assessed the application and advised that they have no objections subject to the implementation of the reasonable conditions.

External

The State Assessment and Referral Agency have advised on 12 December 2014, that they have no objection to the proposal, subject to conditions (refer to **Attachment 12**).

Conclusion

The Applicant is seeking approval for a Development Permit for a Material Change of Use (Impact Assessment) to establish a Shopping Centre as defined in the Beaudesert Shire Planning Scheme 2007 (the 'Planning Scheme'), on land located at 1-33 Tamborine Mountain Road TAMBORINE and described as Lot 1 SP 268147.

The proposed development triggered referral to State Assessment Referral Agency as a Concurrence Agency. Its response has been received as identified under **Attachment 12**. In addition, the internal referral agencies had no objections to the proposal, subject to reasonable conditions. Nine (9) submissions and a petition containing seventy-one (71) signatures were received during the public notification period.

The nature and scale of the development is considered appropriate for the locality especially as the proposal is for establishment of a Shopping Centre that is a consistent development within the precinct. It is also consistent with the Planning Scheme's Desired Environmental Outcomes and Broad Strategies in that an appropriate standard of community services are required to support the sustainability of the community.

As demonstrated within this assessment report, the proposed development is generally compliant with the stated provisions of the planning scheme and it is unlikely that the development will contribute negatively upon the existing locality or adversely impact upon the existing road networks through any adverse traffic movements that would not normally be expected from a development of this nature.

However, where there are conflicts, the applicant has provided sufficient grounds to justify the proposed development despite the conflict. Accordingly, pursuant to s326 of the Sustainable Planning Act 2009, the assessment manager does not consider that the decision conflicts with a relevant instrument and is therefore recommended for approval, subject to reasonable and relevant conditions.

Director's Recommendation

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

RPD:	Lot 1 on SP 268147
Address of property:	1-33 Tamborine Mountain Road TAMBORINE QLD 4270
Site area:	3.224 ha
Proposal:	Material Change of Use – Shopping Centre (Business 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.
- c) Constructing or Interfering with a Road or its Operation Approval and a Property Access Location Approval, from Council Infrastructure Services Directorate is required prior to lodgement of a Building or Plumbing Application.
- d) An Environmental Authority for an Environmentally Relevant Activity 63 - Sewage Plant is required to be obtained from the relevant authority from the Department of Environment and Heritage Protection should sewage treatment works on site have a total daily peak design capacity of at least 21 equivalent persons (>4,000 litres per day).

2. Conditions of Approval:**Approved Plans**

- 1) **USE IN ACCORDANCE WITH THE APPLICATION** - Material Change of Use - Development being undertaken generally in accordance with the Approval Plans as stated within this condition and Conditions 2 and 3, 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 of the Sustainable Planning Act 2009 without the need for a further Development Application for a Material Change of Use. The Approved Plans are limited to the following drawings:

Plan/Drawing	Plan/Dwg No.	Date	Prepared by
Local Context Plan 3.1	Sheet 5 of 24 - Issue B	October 2014	Bda architecture
Existing Site Analysis - 3.2	Sheet 6 of 24 - Issue B	October 2014	Bda architecture
Site Survey - 3.3	Sheet 7 of 24 - Issue B	October 2014	Bda architecture
Master Plan - 4.1	Sheet 8 of 24 - Issue B	October 2014	Bda architecture
Site Plan - 4.2	Sheet 9 of 24 - Issue B	October 2014	Bda architecture
Access and Movement - 4.3	Sheet 10 of 24 - Issue B	October 2014	Bda architecture
Site Setback Plan - 4.4	Sheet 11 of 24 - Issue B	October 2014	Bda architecture
Car Park Plan - Area A - 4.5	Sheet 12 of 24 - Issue B	October 2014	Bda architecture
Car Park Plan - Area B - 4.6	Sheet 13 of 24 - Issue B	October 2014	Bda architecture
Car Park Plan - Area C - 4.7	Sheet 14 of 24 - Issue B	October 2014	Bda architecture

Retail Tenancy Floor - Plan 4.8	Sheet 15 of 24 - Issue B	October 2014	Bda architecture
Café Tenancy Plan and Elevations - 4.9	Sheet 16 of 24 - Issue B	October 2014	Bda architecture
Pylon Signage - 4.10	Sheet 17 of 24 - Issue B	October 2014	Bda architecture
Elevations 1 - 4.12	Sheet 19 of 24 - Issue B	October 2014	Bda architecture
Elevations 2 - 4.13	Sheet 20 of 24 - Issue B	October 2014	Bda architecture
Elevations 3 - 4.14	Sheet 21 of 24 - Issue B	October 2014	Bda architecture
Elevations 4 - 4.15	Sheet 22 of 24 - Issue B	October 2014	Bda architecture
Street Section - 4.16	Sheet 23 of 24 - Issue B	October 2014	Bda architecture
Entry Section - 4.17	Sheet 24 of 24 - Issue B	October 2014	Bda architecture

General

- 2) **AMENDED CAR PARK PLAN** - The Applicant is to submit an amended Site Plan - 4.2, Car Park - Detailed Layout plans (Car Park Plan - Area A - 4.5, Area B - 4.6 and Area C - 4.7 prepared by Bda architecture, dated October 2014) to modify the proposed car parking layout area by deleting the DTMR road reserve car parking area and showing the equivalent number of car parking areas on the southern side of the development in accordance with Condition 17.

This amended plan must be lodged and approved by the Director of Regional Services or equivalent, acting reasonably, prior to seeking any further approvals.

- 3) **AMENDED PYLON SIGNAGE** - The Applicant is to submit an amended Pylon Signage Plan - 4.10, prepared by Bda architecture, dated October 2014, that incorporates a Pylon signage with the maximum sign face area does not exceed 20m² in total.

This amended plan must be lodged and approved by the Manager Planning, or equivalent, acting reasonably, prior to seeking any further approvals.

- 4) **DEFINITION COMPLIANCE AND EXCLUSIONS** - The approved use/s and associated ancillary activities shall at all times comply with the definition/s of a Shopping Centre uses of Schedule 1 – Dictionary, Part 1 – Defined Uses respectively, of the Beaudesert Shire Planning Scheme 2007.
- 5) **BUILDING ENCROACHMENTS** - The applicant must ensure that all buildings and structures, as defined under the Building Codes of Australia, are fully contained within the boundaries of the subject site.
- 6) **COMMENCEMENT OF USE** - Prior to the use commencing, the Applicant shall advise Council's Planning Department in writing, of the proposed commencement date.

- 7) **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.
- 8) **PREVIOUS APPROVAL** - This approval will override the Previous Approval 020-030-001839.
- 9) **OPERATING HOURS** – The use so approved shall operate in accordance with standard commercial and retail trading hours of operation.
- 10) **SITE MAINTENANCE** - The site shall be maintained in a clean and orderly state at all times.
- 11) **RELEASE OF CONTAMINANTS** - Contaminants must not be released to the environment where the release will or may cause environmental harm.
- 12) **FENCING** – Safety fencing is provided between the driveway and the water detention basin areas and any other areas where appropriate at a level to ensure that no danger or threat occurs to public.
- 13) **LANDSCAPING** – In accordance with the approved Master Plan showing the concept landscaping. The land shall be landscaped with suitable trees hedgerow plantings 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 the commencement of use.
- 14) **UPGRADING OF LEACH ROAD** - Upgrading works are required for the full road width of the full frontage of the development and any extent beyond the frontage so as to meld with the existing road and kerb and channel. These works are to be designed and constructed in accordance with all parts of the Austroads "Guide to Road Design" and Scenic Rim Regional Council Standards. The design and construction of the road works shall include road widening to allow for two (2) 3.5m lanes, 2.9m manoeuvring areas, 5.4m car parking and barrier kerb and channel on the development side of Leach Road, parallel parking on the opposite side of Leach Road including kerb and channel to meld with the existing roadway (for the length of the frontage of the development), footpath works on both sides of Leach Road for the full frontage of the development, pavement works, drainage works in accordance with the Queensland Urban Drainage Manual (QUDM), line-marking and all necessary traffic signage in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) as and where required. The works required by this condition are to be completed prior to the commencement of the approved use.

Detailed design will be submitted as part of an "Application for Constructing or Interfering with a Road or its Operation".

- 15) ACCESS TO COUNCIL ROAD** - Two new two-way accesses are to be constructed on the Western side of the development (Leach Road side) in accordance with Council standards. 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.

Detailed design will be submitted as part of an "Application for Constructing or Interfering with a Road or its Operation"

- 16) CAR PARKING** – concrete / flexible pavement with asphalt - All parking areas, driveways, circulation aisles 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. If conflict exists between the standards, advice is to be sort from Council before proceeding. All pavements will be designed to suit the proposed vehicle loadings with the individual pavements constructed as either a rigid pavement (reinforced concrete) or alternatively as a flexible pavement (unbound granular pavement with a primer seal and asphalt wearing course seal), from the property boundary to the satisfaction of the Director of Infrastructure Services or equivalent, acting reasonably. The car parking provisions must be available prior to the commencement of the use and must be maintained in good condition for the lifetime of the proposed use. The internal car parking layout is to be generally in accordance with the approved drawings.

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.

- 17) CAR PARKING NUMBERS** - The developer is to provide a minimum of one hundred and sixteen (116) car parking spaces including three (3) spaces for people with disabilities. Additionally, one (1) space for Small Rigid Vehicle (SRV) is to be provided. One (1) space for Heavy Rigid vehicle (HRV) will also be provided to cater for the proposed development. The minimum provided spaces are to comply with the rate provided in the Car Parking and Servicing Code of the Beaudesert Shire Planning Scheme 2007.
- 18) 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.
- 19) 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.
- 20) ADVERSE DRAINAGE IMPACT - GENERAL** - No ponding, concentration or redirection of stormwater shall occur onto adjoining land not forming part of the land the subject of the approved development.

- 21) STORMWATER DRAINAGE** - 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) and demonstrate "no worsening" downstream of the site in accordance with Council's Design and Construction Manual. The stormwater system is to manage stormwater runoff to avoid any increase in peak flow impacts to downstream properties.

Plans for stormwater conveyance and treatment systems to cater for the whole of the development site are to be prepared to the satisfaction of the Council's Director Infrastructure Services or equivalent, acting reasonably. The developer is to demonstrate that no worsening of peak flows for a 1% AEP storm event. This is to be addressed and submitted prior to the commencement of works associated with the proposal.

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.

- 22) STORMWATER TREATMENT FACILITIES** - The Developer is to design and construct any mitigation works and the treatment facilities required for the development in accordance with Site Based Stormwater Management Plan prepared by Sedgman Yeats dated 11/09/2014 rev. 02.
- 23) STORMWATER QUALITY MANAGEMENT PLAN** - The developer shall submit a Stormwater Quality Management Plan in accordance with the requirements of the Concept Design Guidelines for Water Sensitive Urban Design of Healthy Waterways prior to the commencement of any works on the site.
- 24) SEDIMENT AND EROSION CONTROL MANAGEMENT PLAN (SECMP)** - Prior to the commencement of any works on the site, the Applicant is to submit to Council, a properly prepared comprehensive Erosion and Sediment Control Program to the satisfaction of the Director of Infrastructure Services or equivalent, acting reasonably . The report is to comply with "Soil Erosion and Sediment Control: Engineering Guidelines for Queensland Construction Sites, Institute of Engineers, Australia 1996".
- 25) 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.
- 26) 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 and/or Environmentally Relevant Authority (ERA 63) if the equivalent persons exceeds 21. The works required by this condition are to be completed prior to the commencement of the approved use.

- 27) 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 Council's Design and Construction Manual.

- 28) ELECTRICITY** - The Applicant is to make provision of a suitable electricity supply from the State electricity grid through the State authorised supplier (Energex) to the shopping centre or production of evidence of satisfactory arrangements for such supply having been made.

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

- 29) CAR-PARK LIGHTING & SECURITY GENERAL** - The developer shall be responsible for the provision and ongoing maintenance of adequate lighting to the open area car-parking facilities and all pedestrian links 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.

The works required by this condition are to be completed prior to the commencement of the approved use. The lighting to the aforementioned areas will be maintained in good condition for the lifetime of the proposed use.

- 30) 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.

- 31) LIGHT EMISSIONS** - Light sources at the premises must be positioned and shielded to ensure light spillage outside the boundaries of the premises is in accordance with Australian Standard AS.4282 – Control of the Obtrusive effects of outdoor light.

- 32) 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.

- 33) 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) Night time (10:00pm-7:00am)	Background +5dB(A) Background +3dB(A) Background=LA ₉₀	Background +10dB(A) Background +8dB(A) Background=LA ₉₀

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*.

- 34) 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.
- 35) 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.
- 36) WASTE** - Waste is not to be stockpiled so as to cause environmental nuisance or attract flies.
- 37) 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.
- 38) 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.
- 39) 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.
- 40) 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.

3. Approval Conditions (Referral Agency):

The State Assessment and Referral Agency (Concurrence) Response dated 12 December 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/s, the owner's successors in title and any occupier of the land pursuant to Section 3.5.28 of the Integrated Planning Act 1997.
- b) **VEGETATION MANAGEMENT ACT 1999 AND THE CULTURAL HERITAGE ACT 2003** - This approval in no way restrict or inhibit 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) **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.
- f) **ADVERTISING SIGNS** - Advertising signs may require an approval 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, including demolition of existing structures, 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) Constructing or Interfering with a Road or its Operation Approval and a Property Access Location Approval, from Council Infrastructure Services Directorate is required prior to lodgement of a Building or Plumbing Application.
- d) An Environmental Authority for an Environmentally Relevant Activity 63 - Sewage Plant is required to be obtained from the relevant authority from the Department of Environment and Heritage Protection should sewage treatment works on site have a total daily peak design capacity of at least 21 equivalent persons (>4,000 litres per day).

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.

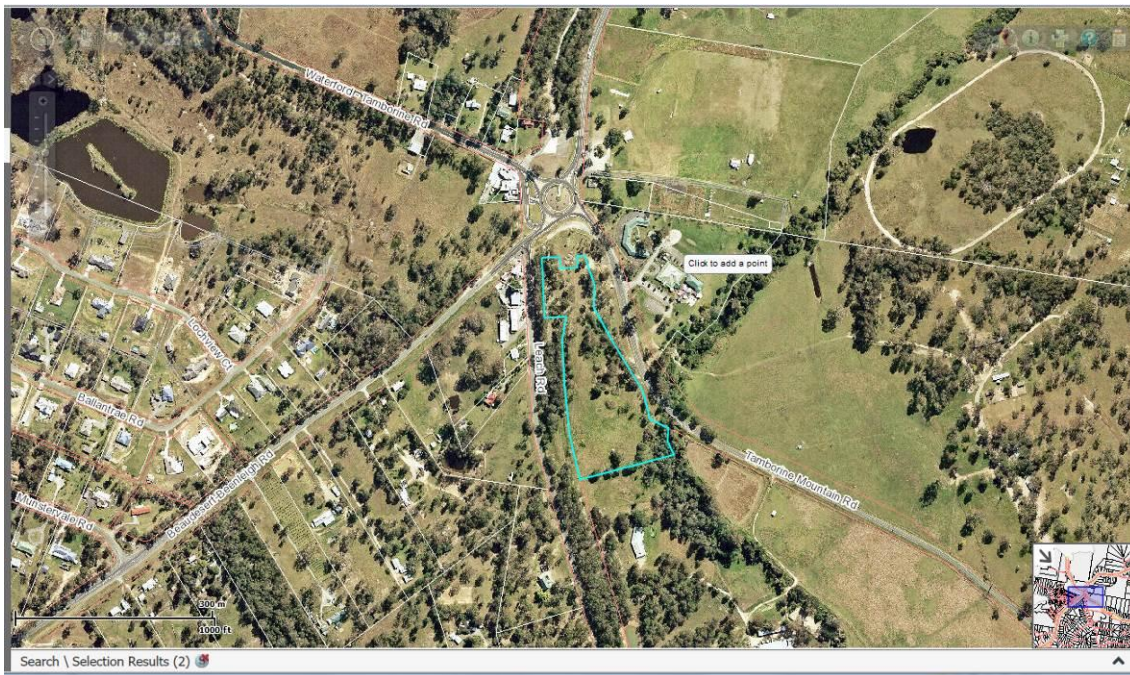
7. Administrative Action:

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

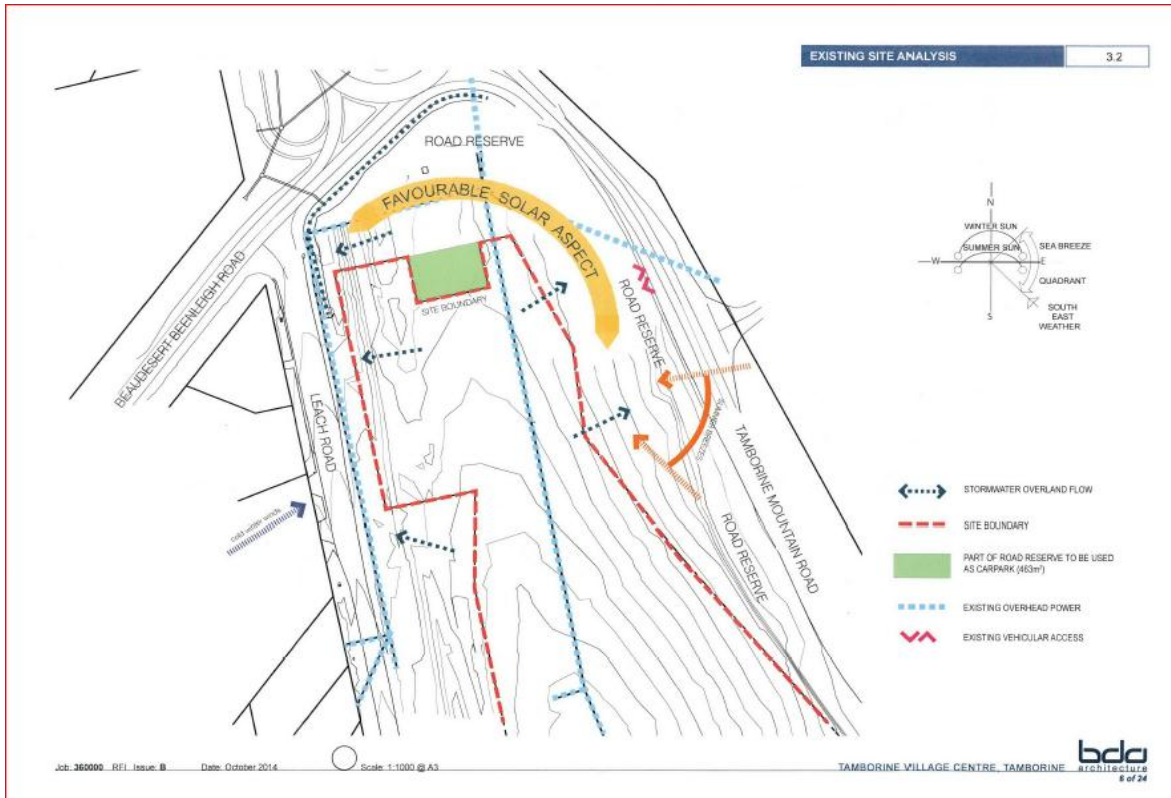
Attachments

1. Dekho/Aerial Map of Locality
2. Existing Site Analysis map
3. Master Plan
4. Site Plan
5. Access and Movement Plan
6. Site Setback Plan
7. Car Park Plan Area
8. Retail Tenancy Floor Plan
9. Café Tenancy Plan
10. Pylon Signage
11. Elevations Plans
12. Referral agency response
13. Applicants response to submissions

1. Dekho/Aerial Map of Locality



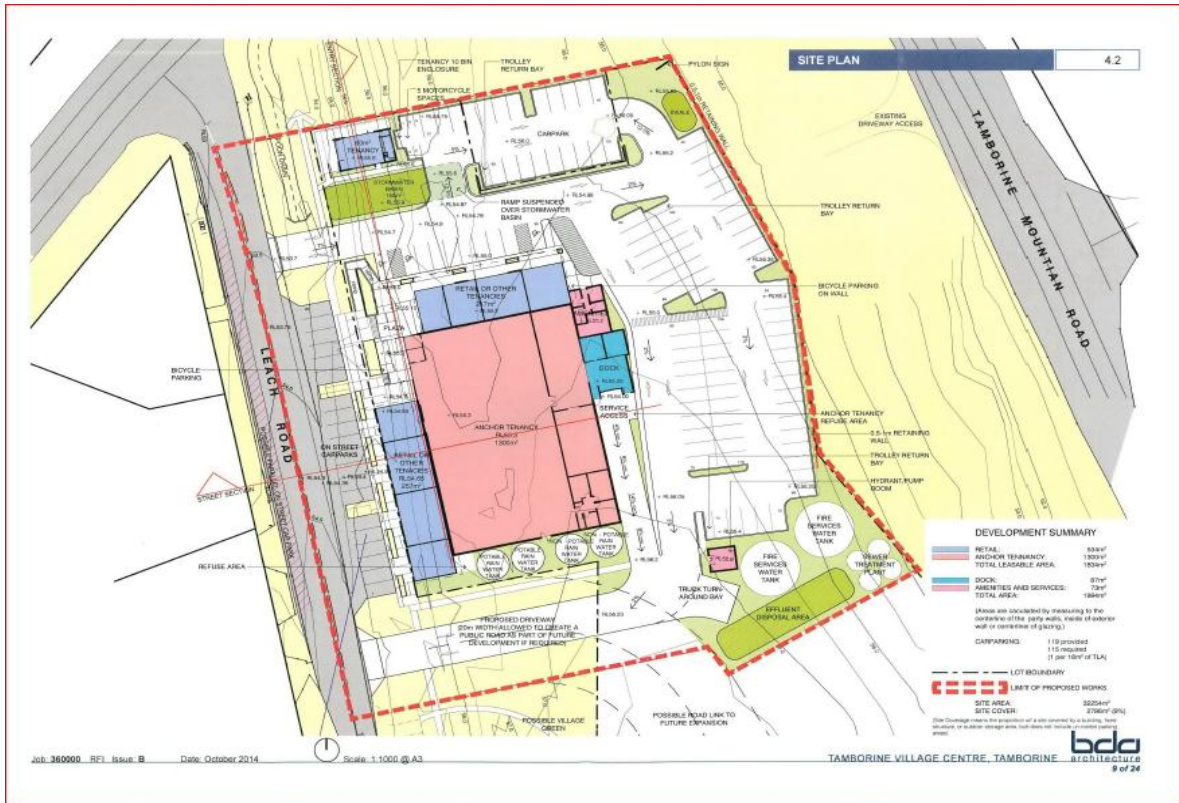
2. Existing Site Analysis map



3. Master Plan



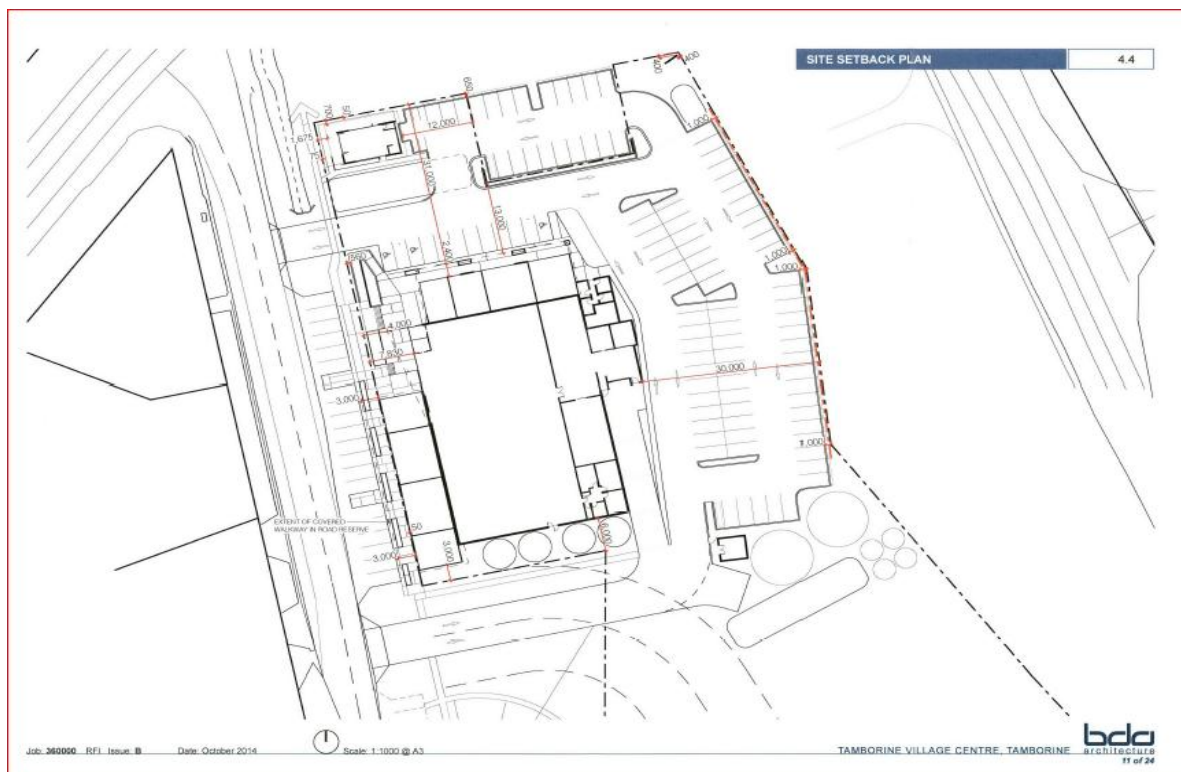
4. Site Plan



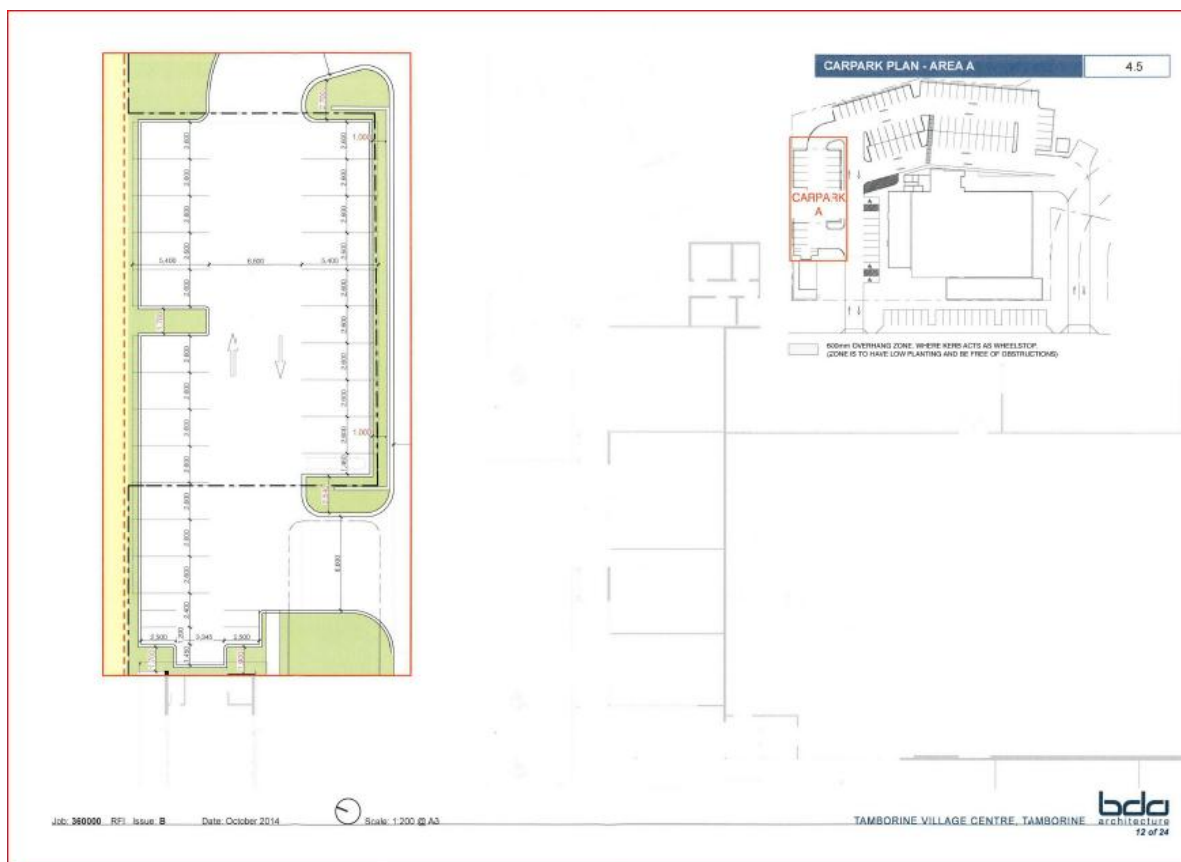
5. Access and Movement Plan

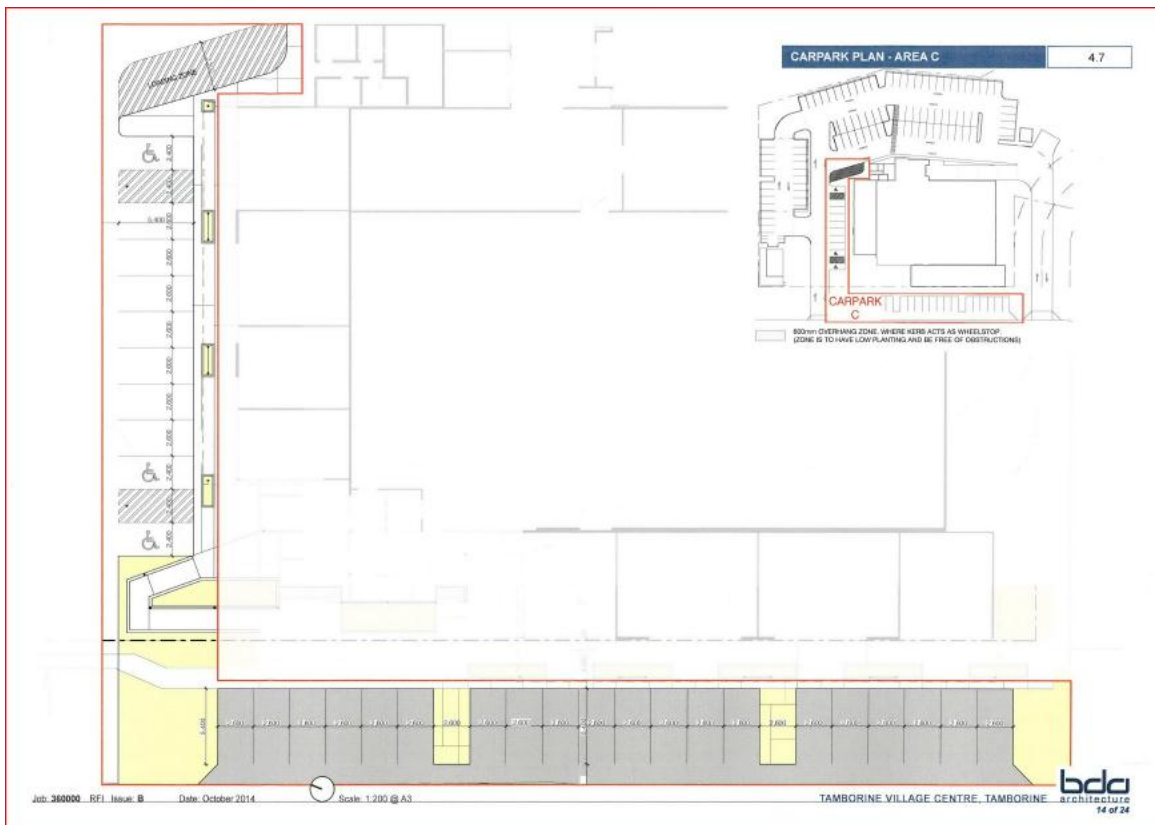
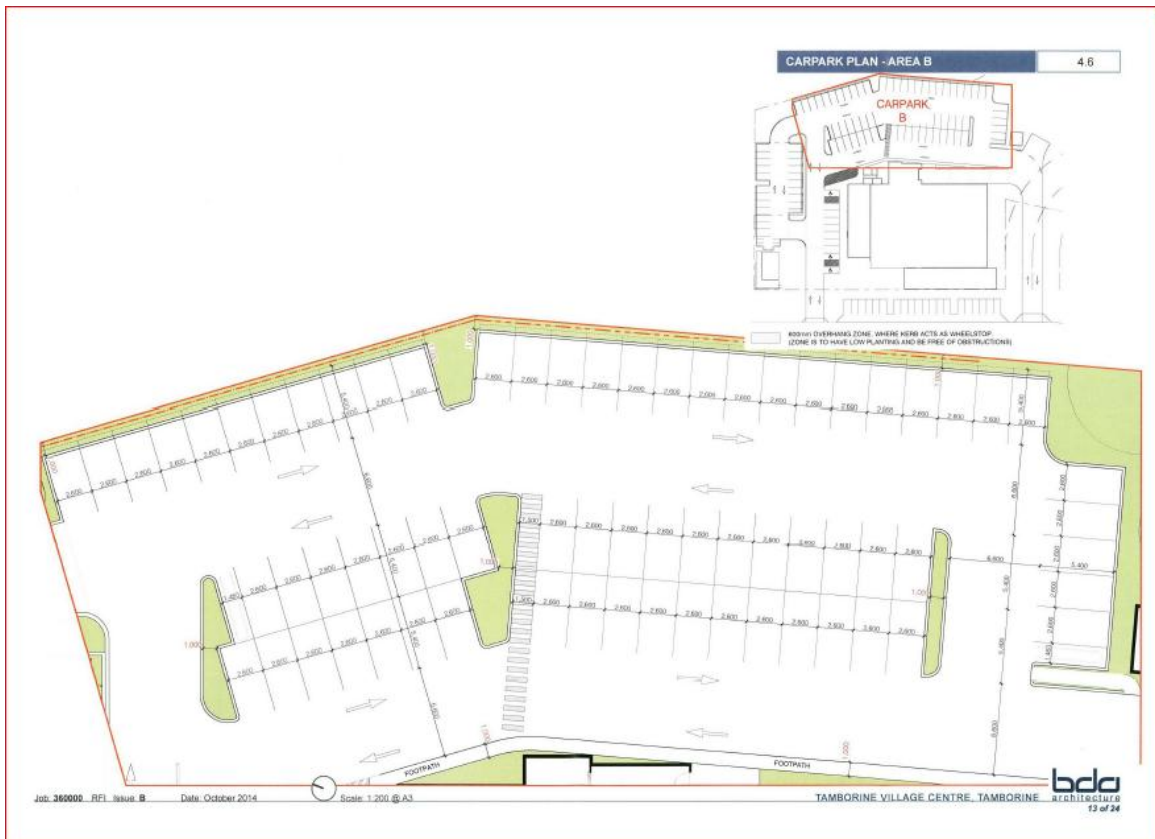


6. Site Setback Plan

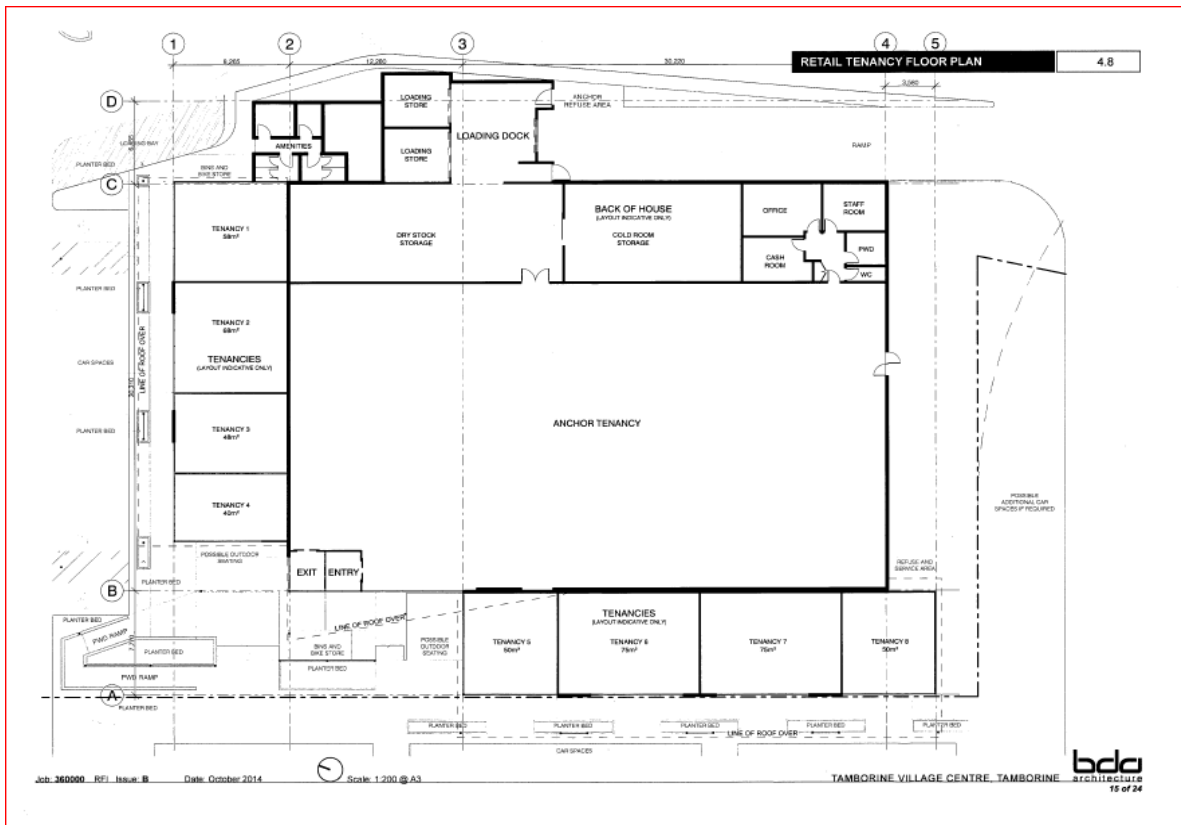


7. Car Park Plan Area

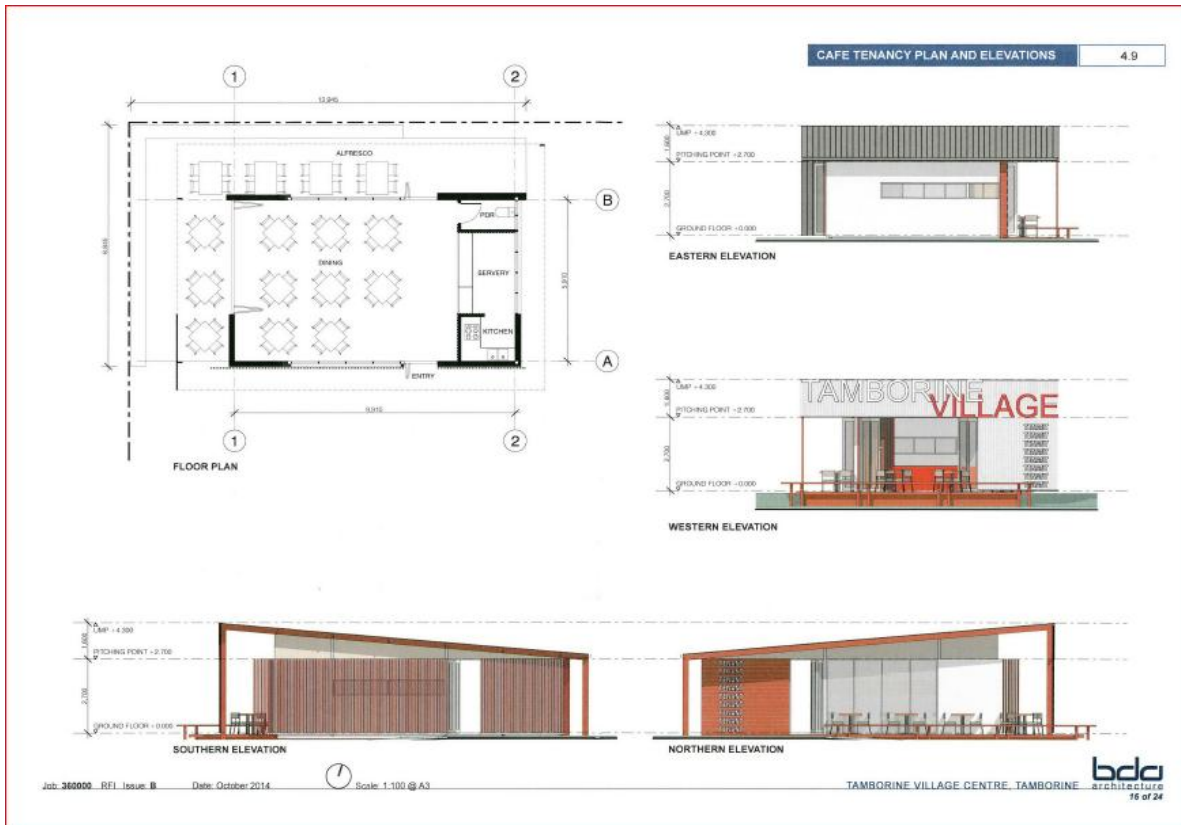




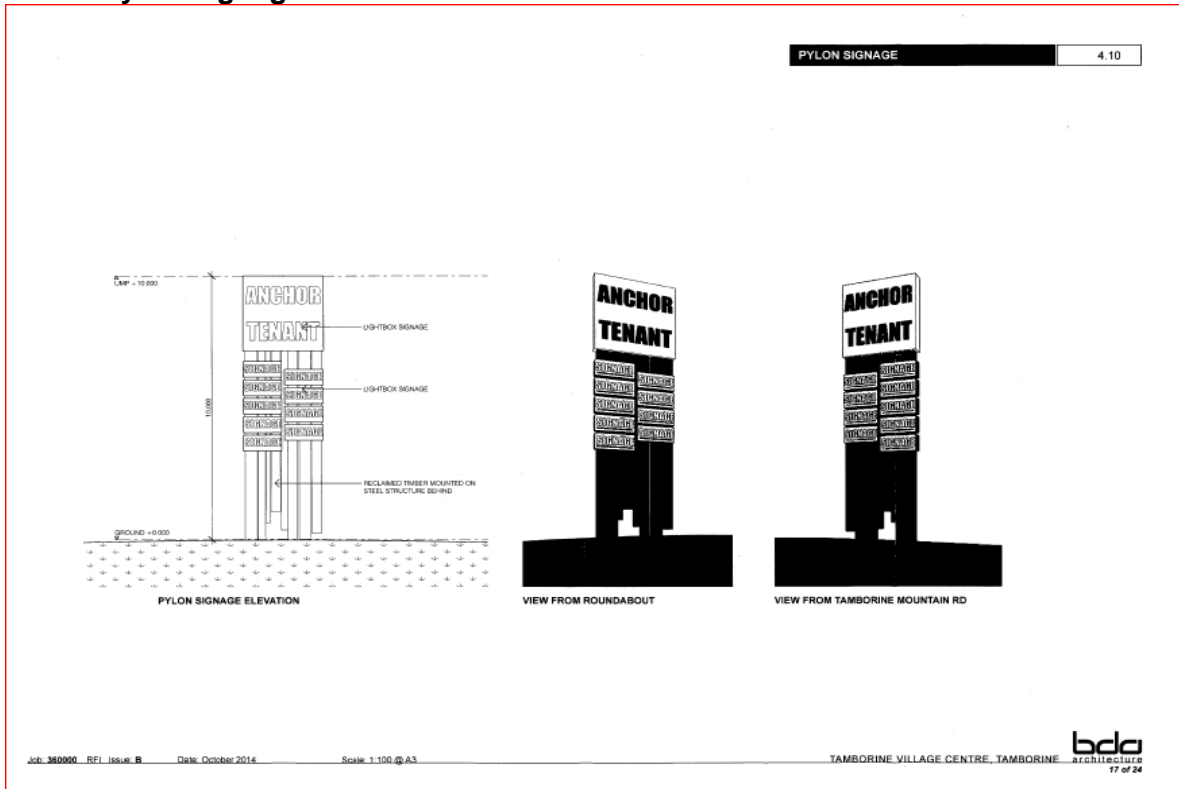
8. Retail Tenancy Floor Plan



9. Café Tenancy Plan



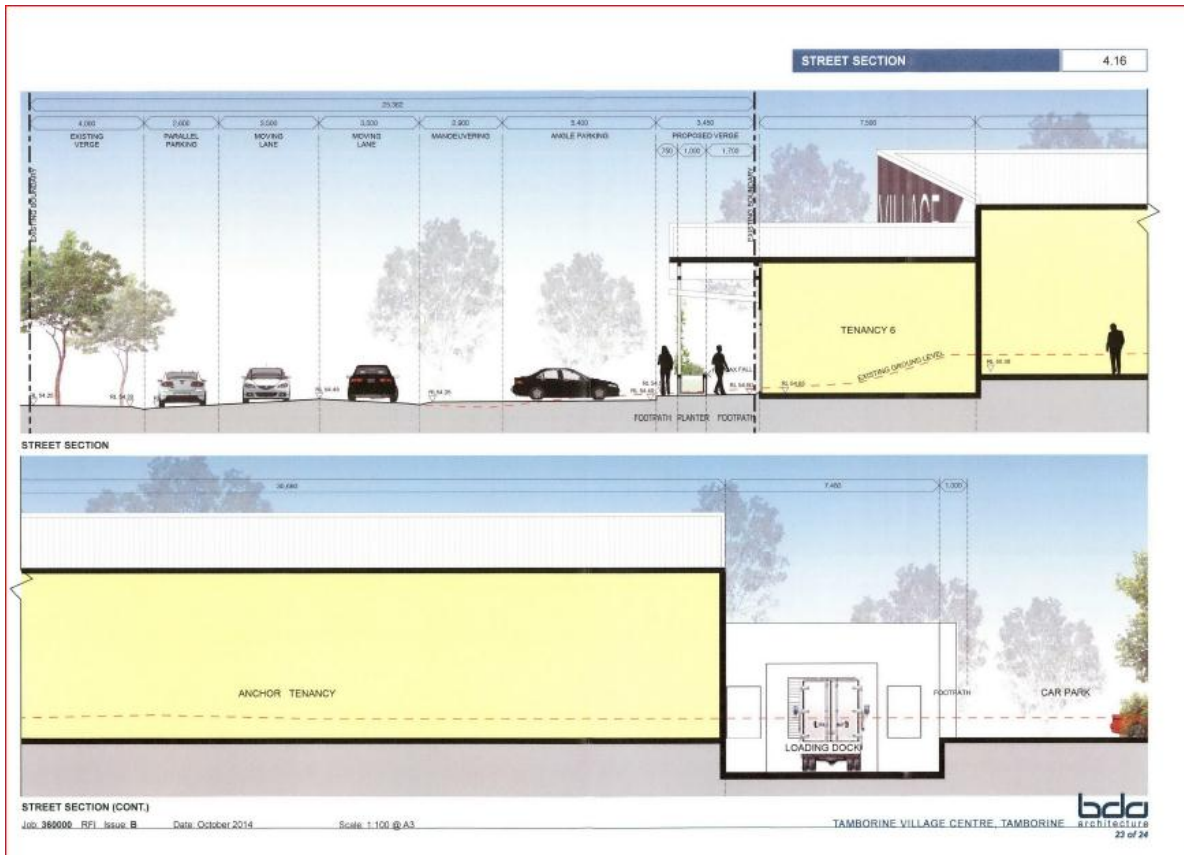
10. Pylon Signage

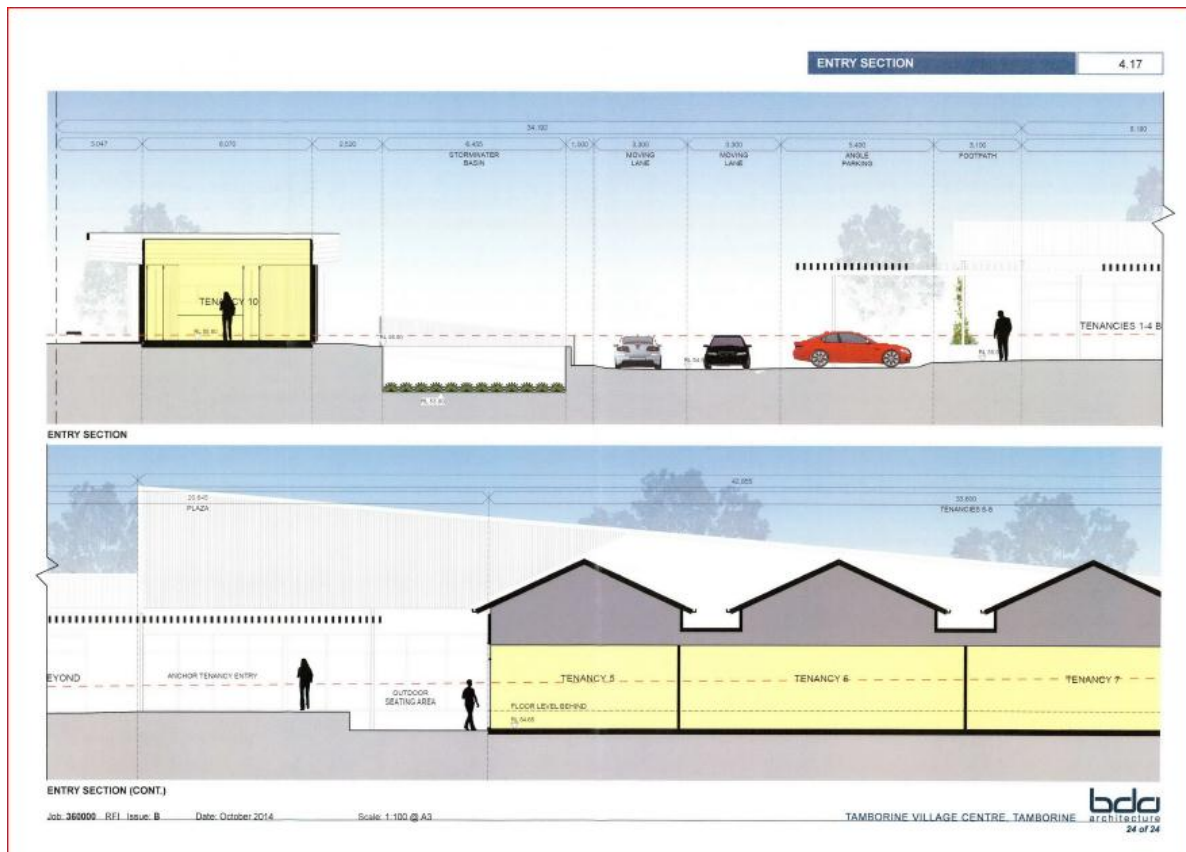


11. Elevations Plans









12. Referral agency response

From: [SARA Common Email](#)
To: [Scenic Rim Regional Council Mail](#); [South Coast IDAS@tmr.qld.gov.au](#); [sara@urbanps.com.au](#); [sara@urbanps.com.au](#); [South Coast IDAS@tmr.qld.gov.au](#)
Subject: [SDA-0714-012919] Referral Agency Response
Date: Friday, 12 December 2014 11:28:44 AM
Attachments: [SDA-0714-012919 Concurrence agency response - with conditions.pdf](#)



Please find the attached a written notice regarding your development application.

To view your **Application dashboard** in MyDAS [click here](#)

If you require any further information, please contact the departmental office referred in the attached notice.

This email has been scanned by the Symantec Email Security.cloud service.
 For more information please visit <http://www.symanteccloud.com>

Queensland
GovernmentDepartment of
**State Development,
Infrastructure and Planning**

Our reference: SDA-0714-012919
Your reference: MCBd14/061

12 December 2014

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

Attn: Narendra Singh

Dear Narendra,

Concurrence agency response—with conditions

1-33 Tamborine Mountain Road, Tamborine
(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 1 August 2014.

Applicant details

Applicant name: Beaudesert Project Pty Ltd ATF Beaudesert Project Unit Trust C/- Urban Planning Strategies Pty Ltd
Applicant contact details: PO Box 2091
SURFERS PARADISE QLD 4217
sara@urbanps.com.au

Site details

Street address: 1-33 Tamborine Mountain Road, Tamborine, QLD, 4207
Lot on plan: Lot 1 SP268147
Local government area: Scenic Rim Regional Council

Page1

SEQ West Region
Level 4,117 Brisbane Street
PO Box 129
Ipswich QLD 4305

SDA-0714-012919

Application details

Proposed development: Development Permit for Material Change of Use for a Shopping Centre (Business Use)

Aspects of development and type of approval being sought

Nature of Development	Approval Type	Brief Proposal of Description	Level of Assessment
Material Change of Use	Development permit	Tamborine Village Shopping Centre	Impact Assessment

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 3, Item 1—State-controlled roads

Conditions

Under section 287(1)(a) of the *Sustainable Planning Act 2009*, the conditions set out in Attachment 1 must be attached to any development approval.

Reasons for decision to impose conditions

Under section 289(1) of the *Sustainable Planning Act 2009*, the department must 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.

Approved plans and specifications

The department requires that the following plans and specifications set out below and in Attachment 4 must be attached to any development approval.

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
Aspect of development: Material Change of Use for a Shopping Centre (Business Use)				
Site Plan (as amended in red 11 December 2014)	BDA Architecture	October 2014	360000	B
Preliminary Concept Design – Leach Road/Beaudesert-Beenleigh Road Intersection	Bitzios Consulting	17 November 2014	P1588 – Sheet 1	B

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

SDA-0714-012919

For further information, please contact Danae Johnston, Planner, on (07) 3432 2420, or email jpswichSARA@dspdip.qld.gov.au who will be pleased to assist.

Yours sincerely



Nathan Rule
Manager - Planning

cc: Beaudesert Project Pty Ltd ATF Beaudesert Project Unit Trust c/- UPS, sara@urbanps.com.au
Department of Transport and Main Roads, South.Coast.IDAS@tmr.qld.gov.au

enc: Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Attachment 3—Further advice
Attachment 4—Approved Plans and Specifications

SDA-0714-012919

Our reference: SDA-0714-012919
 Your reference: MCBd14/061

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Development Permit for Material Change of Use Shopping Centre (Business Use)		
State-controlled road—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act 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.	The development must be carried out generally in accordance with the following plans as amended in red: <ul style="list-style-type: none"> • <i>Site Plan (as amended in red 11 December 2014)</i>, prepared by BDA Architecture, dated October 2014, Reference No. 360000, Issue B; • <i>Preliminary Concept Design – Leach Road/Beaudesert-Beenleigh Road Intersection</i>, prepared by Bitzios Consulting, dated 17 November 2014, Reference Number P1588, Sheet 1, Version B. 	At all times
2.	(a) Development must be carried out generally in accordance with the Site Based Stormwater Management Plan, prepared by Sedgman Yeats, dated 3 October 2014, Reference No. C0482, Revision 2. (b) Any works on the land must not: <ul style="list-style-type: none"> (i) create any new discharge points for stormwater runoff onto the state-controlled road; (ii) interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road; (iii) surcharge any existing culvert or drain on the state-controlled road; (iv) reduce the quality of stormwater discharge onto the state-controlled road. (c) RPEQ certification must be provided to the Department of Transport and Main Roads, confirming that the development has been designed and constructed in accordance with parts (a) and (b) of this condition.	(a) and (b) At all times (c) Prior to commencement of use
3.	Road works comprising a Channelised Right Turn (CHR) and Auxiliary Left Turn Treatment (AULs), for which approval under section 33 of the <i>Transport Infrastructure Act 1994</i> must be obtained, must be provided generally in accordance with <i>Preliminary Concept Design – Leach Road/ Beaudesert-Beenleigh Road Intersection</i> , prepared by Bitzios Consulting, 17 November 2014, Reference Number P1588, Sheet 1, Version B. The road works must be designed and constructed in accordance with the Road Planning and Design Manual (2nd Edition).	Prior to the commencement of use

SDA-0714-012919

Our reference: SDA-0714-012919

Your reference: MCBd14/061

Attachment 2—Reasons for decision to impose conditions

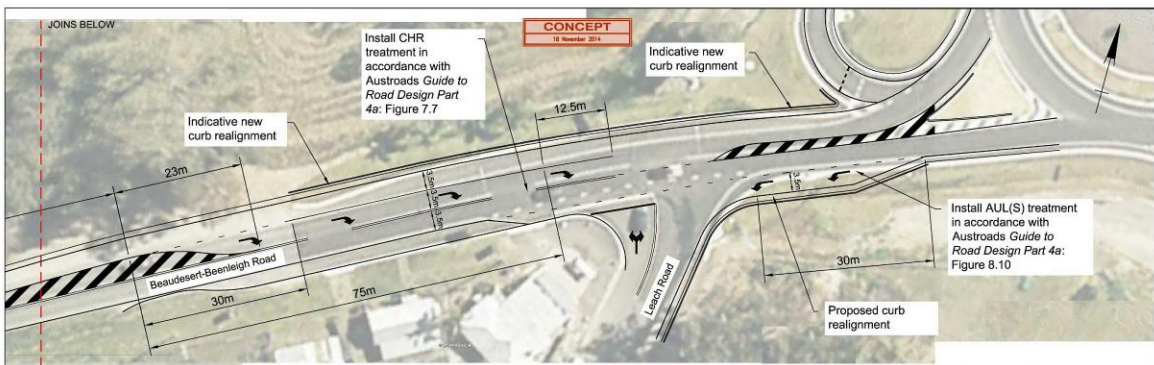
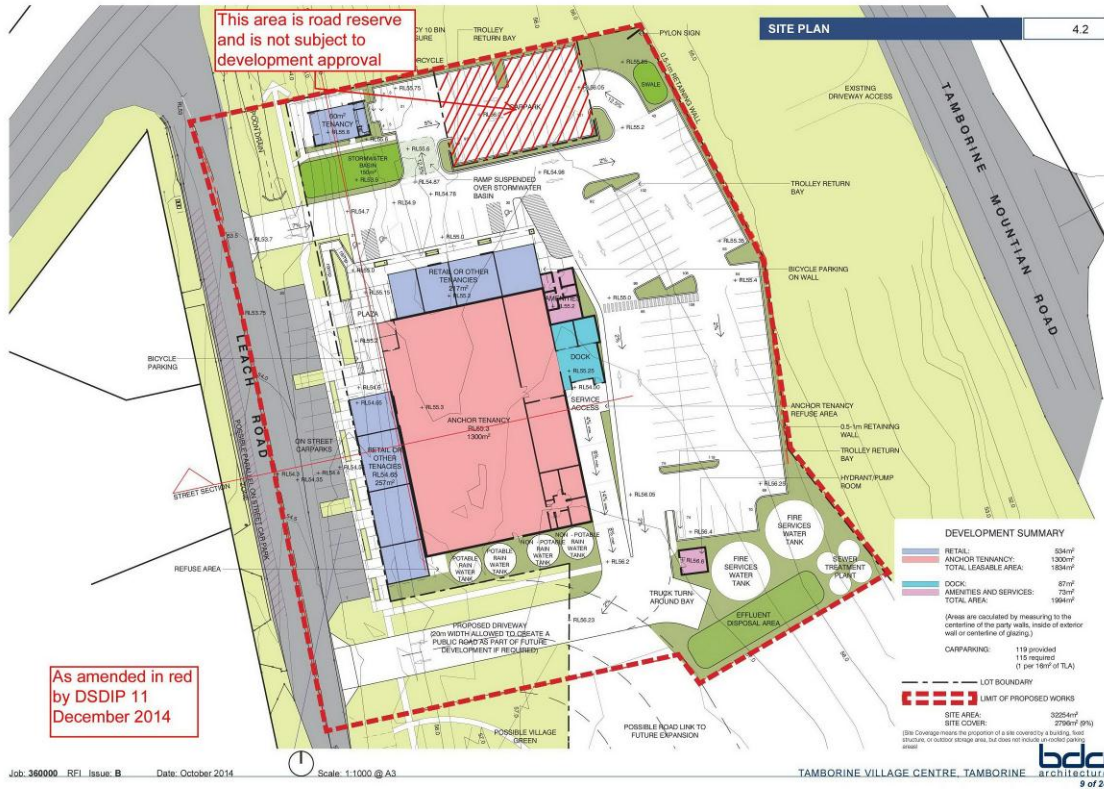
The reasons for this decision are:

- To ensure the development is carried out generally in accordance with the plans of development submitted with the application.
- To ensure that the impacts of stormwater events associated with development are minimised and managed to avoid creating any adverse impacts on the state transport corridor.
- To ensure the design of any road access maintains the safety and efficiency of the state-controlled road.

SDA-0714-012919

Our reference: SDA-0714-012919
Your reference: MCBd14/061

Attachment 4—Approved plans and specifications



Date: 17/11/14	Drawing Name: Preliminary Concept Design - Leach Road / Beadesert-Beeleigh Road Intersection	Scale 1:500 (A3)	BITZIOS CONSULTANTS Sheet: 1 Version: B
Project No: P1588	Project Name: Tambarine Village Shopping Centre TIA		

13. Applicants response to submissions

Submissions Analysis – Tamborine Village Centre
Reviewed and Updated on 20/01/2015 3:48 PM



SUMMARY

- The Public Notification period of Tamborine Village Centre occurred between 27 November 2014 – 18 December 2014 (sixteen (16) Business Days).
- During this time the Tamborine Village Centre received ten (10) Submissions objecting to the proposed shopping centre development.
- One (1) of the submissions was not properly made as the submission was not signed.
- Two (2) of the submissions were unique submissions.
- Five (5) of the submissions were based off the same template and essentially replicated the same information word for word.
- Three (3) of the submissions were petitions which contained a total of seventy-one (71) signatures. It should be noted that the petition items for objection replicated those within the template submissions referred to in the above dot point.
- Twenty-two (22) of the petition signatures were not properly made as they did not contain a complete address or contained hand writing that was not legible.
- The petition was signed by multiple persons living outside of Tamborine Village that are unlikely to be affected by the development (i.e. Cedar Creek, Jimboomba, Strathpine, Boyland, Birmam, North Tamborine and Buccan)
- Many of the submitters also signed the petition.

#	SUBMITTOR	DATE	DATE RECEIVED BY GCCC	EMAIL / POST	TYPE	ADDRESS	ADJOINING LANDOWNER	SHARED BOUNDARY WITH THE SITE	WITHIN 500M	WITHIN DIVISON 2 (CR. NADIA O'CARROLL)	GROUND'S	PROPERLY MADE	COMMENTS
UNIQUE AND TEMPLATE SUBMISSIONS													
A.	Corr, Malachy	15/12/2014	18/12/2014	Email	Template	35-153 Tamborine Mountain Road TAMBORINE	✓	✓	✓	✓	Objection: <ul style="list-style-type: none"> • Impact of local businesses • Impact on native wildlife • Increased traffic to the area • Lack of infrastructure to adequately support the proposed development • Loss of "village" lifestyle • Need for such a development? • Increased noise • Security issues 	✗	NOT PROPERLY MADE – SUBMISSION WAS NOT SIGNED
B.	Corr, Matt	15/12/2014	18/12/2014	Post	Unique	AS ABOVE	✓	✓	✓	✓	Objection: <ul style="list-style-type: none"> • Size and density of the development • Economic need • Parking • Landscaping / Recreation area • DEO • Character 	✓	SECOND SUBMISSION FROM THIS ADDRESS SECOND SUBMISSION FROM THIS SUBMITTER FIRST SUBMISSION WAS NOT PROPERLY MADE
C.	Sutton, Pania	15/12/2014	NA	Email	Template	1-35 Hazel Road, TAMBORINE	✗	✗	✗	✓	Objection: <ul style="list-style-type: none"> • Impact of local businesses • Impact on native wildlife • Increased traffic to the area • Lack of infrastructure to adequately support the proposed development • Loss of "village" lifestyle • Need for such a development? • Increased noise • Security issues 	✓	
D.	Sutton, N.D	15/12/2014	17/12/2014	Email	Template	AS ABOVE	✗	✗	✗	✓	Objection: <ul style="list-style-type: none"> • Impact of local businesses • Impact on native wildlife 	✓	SECOND SUBMISSION FROM THIS ADDRESS

Submissions Analysis – Tamborine Village Centre
Reviewed and Updated on 20/01/2015 3:48 PM



#	SUBMITTOR	DATE	DATE RECEIVED BY GCCC	EMAIL / POST	TYPE	ADDRESS	ADJOINING LANDOWNER	SHARED BOUNDARY WITH THE SITE	WITHIN 500M	WITHIN DIVISON 2 (CR. NADIA O'CARROLL)	GROUND'S	PROPERLY MADE	COMMENTS
E.	Navaneethan, Raja	18/12/2014	18/12/2014	Email	Unique	1-3 Leach Road Tamborine	✓	✗	✓	✓	<ul style="list-style-type: none"> • Increased traffic to the area • Lack of infrastructure to adequately support the proposed development • Loss of "village" lifestyle • Need for such a development? • Increased noise • Security issues 	✓	
F.	Deegan, Ann	18/12/2014	18/12/2014	Email	Unique	278 Tamborine Mountain Road, TAMBORINE	✗	✗	✗	✓	Objection: <ul style="list-style-type: none"> • Impact on roads • Traffic • Loss of "village" lifestyle • Native wildlife • Increased noise • Security issues • Worried about a change in character (rural to urban) • Request to have public notice in Tamborine Times 	✓	
G.	Connelly, B.J	15/12/2014	18/12/2014	Post	Template	24 Nieuwenburg Place, TAMBORINE	✗	✗	✗	✓	Objection: <ul style="list-style-type: none"> • Impact on local businesses • Native wildlife • Increased traffic • Lack of infrastructure to adequately support the proposed development • Loss of "village" lifestyle • Need for such a development? • Increased noise • Security issues 	✓	
PETITION/S													
1.	Navaneeth, Raja	NA	18/12/2014	Post	Petition	1-3 Leach Road, TAMBORINE	✓	✗	✓	✓	The Petition Objections are as follows: <ul style="list-style-type: none"> • Impact on local businesses • Native wildlife • Increased traffic • Lack of infrastructure to adequately support the proposed development • Loss of "village" lifestyle • Need for such a development? 	✓	SECOND SUBMISSION FROM THIS SUBMITTER
2.	Varga, A	NA	18/12/2014	Post	Petition	7 Leach Rd, TAMBORINE	✓	✗	✓	✓	<ul style="list-style-type: none"> • Increased traffic • Lack of infrastructure to adequately support the proposed development 	✓	
3.	Varga, Andrea	NA	18/12/2014	Post	Petition	7-15 Leach	✓	✗	✓	✓	<ul style="list-style-type: none"> • Loss of "village" lifestyle • Need for such a development? 	✗	NOT PROPERLY MADE - ALREADY SIGNED THE PETITION

Submissions Analysis – Tamborine Village Centre
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#	SUBMITTOR	DATE	DATE RECEIVED BY GCCC	EMAIL / POST	TYPE	ADDRESS	ADJOINING LANDOWNER	SHARED BOUNDARY WITH THE SITE	WITHIN 500M	WITHIN DIVISON 2 (CR. NADIA O'CARROLL)	GROUND	PROPERLY MADE	COMMENTS
4.	Daly, N	NA	18/12/2014	Post	Petition	2465 Beaudesert Beenleigh Road	X	X	X	✓	<ul style="list-style-type: none"> Increased noise Security issues 	✓	
5.	Seerden, M	NA	18/12/2014	Post	Petition	14-22 Devon Dr. Tamborine	X			✓		✓	
6.	Suton, P	NA	18/12/2014	Post	Petition	1 Hazel Road, TAMBORINE	X	X	X	X		✓	THIRD SUBMISSION FROM THIS ADDRESS.
7.	Allen, Geoff	NA	18/12/2014	Post	Petition	2180 Beenleigh-Beaudesert Rd	X	X	X	✓		✓	SECOND SUBMISSION FROM THIS SUBMITTER
8.	Jackson, K	NA	18/12/2014	Post	Petition	241-249 Palomino Rd	X	X	X	✓		✓	
9.	Wright, B	NA	18/12/2014	Post	Petition	95 Hazel Rd, TAMBORINE	X	X	X	✓		✓	
10.	Pand, C	NA	18/12/2014	Post	Petition	101 Leach Rd	X	X	✓	✓		✓	NAME MAY BE INCORRECTLY SPELLED DUE TO MISINTERPRETATION OF HANDWRITING
11.	Milne, N	NA	18/12/2014	Post	Petition	71 Hazel Rd, TAMBORINE	X	X	X	✓		✓	
12.	Monro, C	NA	18/12/2014	Post	Petition	30 Racecourse Pl, TAMBORINE	X	X	X	✓		✓	
13.	Moore, L	NA	18/12/2014	Post	Petition	21 Donald Ct, TAMBORINE	X	X	X	✓		✓	
14.	Mackney, M	NA	18/12/2014	Post	Petition	289 Palomino Rd, TAMBORINE	X	X	X	✓		✓	
15.	Nicholson, J	NA	18/12/2014	Post	Petition	26 Curio Ct, TAMBORINE	X	X	X	✓		✓	
16.	Whitten, R	NA	18/12/2014	Post	Petition	40 Parkes Court	X	X	X	✓		✓	
17.	Little, M	NA	18/12/2014	Post	Petition	29 Carlie Ct	X	X	X	✓		✓	
18.	Atkinson, S	NA	18/12/2014	Post	Petition	2181 Beaudesert – Beenleigh Rd	X	X	✓	✓		✓	

Submissions Analysis – Tamborine Village Centre
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19.	Ashin, G	NA	18/12/2014	Post	Petition	110 Palomino Rd	X	X	X	✓		✓	
20.	Foxover, O	NA	18/12/2014	Post	Petition	283 Palomino Rd	X	X	X	✓		✓	
21.	Thomson, Daniel	NA	18/12/2014	Post	Petition	40-80 Verbena Rd TAMBORINE	X	X	X	✓		✓	
22.	Lehfeldt, C	NA	18/12/2014	Post	Petition	45 Old Coach Rd	X	X	X	✓		✓	
23.	Barnes, J	NA	18/12/2014	Post	Petition	45 Jersey Road	X	X	X	✓		✓	
24.	Markham, Lorne	NA	18/12/2014	Post	Petition	1 Simmental Dr	X	X	X	✓		✓	
25.	Innes Nev	NA	18/12/2014	Post	Petition	109 Leach Rd TAMBORINE	X	X	✓	✓		✓	
26.	Veasey, Karl	NA	18/12/2014	Post	Petition	74 Walnut Rd	X	X	X	✓		✓	
27.	Munro, Dave	NA	18/12/2014	Post	Petition	61 Donald Ct, TAMBORINE	X	X	X	✓		✓	
28.	Jamieson, Michael	NA	18/12/2014	Post	Petition	31 Jersey Road	X	X	X	✓		✓	
29.	Davis, T	NA	18/12/2014	Post	Petition	39 Jersey Rd, TAMBORINE	X	X	X	✓		✓	
30.	Wright, R	NA	18/12/2014	Post	Petition	209 Leach Rd, TAMBORINE	X	X	X	✓		✓	
31.	Connelly, Matthew	NA	18/12/2014	Post	Petition	24 Nieuwenburg Place,	X	X	X	✓		✓	SECOND SUBMISSION FROM THIS ADDRESS
32.	Connelly, Paula	NA	18/12/2014	Post	Petition	SEE ABOVE	X	X	X	✓		✓	THIRD SUBMISSION FROM THIS ADDRESS
33.	Connelly, Brad	NA	18/12/2014	Post	Petition	SEE ABOVE	X	X	X	✓		✓	FOURTH SUBMISSION FROM THIS ADDRESS. SECOND SUBMISSION FROM THIS SUBMITTER. (FIRST WAS TEMPLATE)

Submissions Analysis – Tamborine Village Centre
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34.	Mackenzie, T	NA	18/12/2014	Post	Petition	SEE ABOVE	X	X	X	✓		✓	FIFTH SUBMISSION FROM THIS ADDRESS
35.	Lawler, Kyle	NA	18/12/2014	Post	Petition	9 Nieuwenberg Place	X	X	X	✓		✓	
36.	Lee?, Mev	NA	18/12/2014	Post	Petition	Campbell Lane	X	X	X	✓		X	NOT PROPERLY MADE - INCOMPLETE ADDRESS NAME MAY BE INCORRECTLY SPELT DUE TO MISINTERPRETATION OF HANDWRITING
37.	McLinnan, B	NA	18/12/2014	Post	Petition	Froid Rd Tamborine	X	X	X	✓		X	NOT PROPERLY MADE - INCOMPLETE ADDRESS NAME MAY BE INCORRECTLY SPELT DUE TO MISINTERPRETATION OF HANDWRITING
38.	Robinson, C	NA	18/12/2014	Post	Petition	Ballantrae Rd Tamborine	X	X	X	✓		X	NOT PROPERLY MADE - INCOMPLETE ADDRESS
39.	Munro, F	NA	18/12/2014	Post	Petition	PO Box 132 Beenleigh	X	X	X	X		X	NOT PROPERLY MADE - ADDRESS TYPE INVALID
40.	Lugio, Johny	NA	18/12/2014	Post	Petition	Hazel Rd	X	X	X	✓		X	NOT PROPERLY MADE - INCOMPLETE ADDRESS NAME MAY BE INCORRECTLY SPELT DUE TO MISINTERPRETATION OF HANDWRITING
41.	Pearson, L	NA	18/12/2014	Post	Petition	Madura of Tamborine North	X	X	X	✓		X	NOT PROPERLY MADE - INCOMPLETE ADDRESS
42.	Lamperd, Wayne	NA	18/12/2014	Post	Petition	PO Box 129 Tamborine	X	X	X	✓		X	NOT PROPERLY MADE - ADDRESS TYPE INVALID
43.	Keen Nichole	NA	18/12/2014	Post	Petition	Waterford-Tamborine Rd	X	X	X	✓		X	NOT PROPERLY MADE - INCOMPLETE ADDRESS
44.	Larkins, B	NA	18/12/2014	Post	Petition	Hazel Road	X	X	X	✓		X	NOT PROPERLY MADE - INCOMPLETE ADDRESS
45.	Morris, A	NA	18/12/2014	Post	Petition	Ballantrae Run	X	X	X	✓		X	NOT PROPERLY MADE - INCOMPLETE ADDRESS
46.	Clamp, N	NA	18/12/2014	Post	Petition	Ballantrae Rd	X	X	X	✓		X	NOT PROPERLY MADE - INCOMPLETE ADDRESS

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47.	Henderson, A	NA	18/12/2014	Post	Petition	Riemore	X	X	X	X		X	NOT PROPERLY MADE - INCOMPLETE ADDRESS
48.	Bardlannan, S	NA	18/12/2014	Post	Petition	R to R Tamborine	X	X	X	✓		X	NOT PROPERLY MADE - INCOMPLETE ADDRESS
49.	Fewthim, D	NA	18/12/2014	Post	Petition	C/O Bearded Dragon	X	X	X	✓		X	NOT PROPERLY MADE - INCOMPLETE ADDRESS
50.	Paudlannan, N	NA	18/12/2014	Post	Petition	Yore Road	X	X	X	✓		X	NOT PROPERLY MADE - INCOMPLETE ADDRESS NAME MAY BE INCORRECTLY SPELT DUE TO MISINTERPRETATION OF HANDWRITING
51.	McDonald, D	NA	18/12/2014	Post	Petition	Beaudesert-Beenleigh Rd	X	X	X	✓		X	NOT PROPERLY MADE - INCOMPLETE ADDRESS
52.	Grew, Carmel	NA	18/12/2014	Post	Petition	Leach Road, TAMBORINE	X	X	X	✓		X	NOT PROPERLY MADE - INCOMPLETE ADDRESS NAME MAY BE INCORRECTLY SPELT DUE TO MISINTERPRETATION OF HANDWRITING
53.	Johnson, Kristie	NA	18/12/2014	Post	Petition	Beaudesert-Beenleigh Rd, TAMBORINE	X	X	X	✓		X	NOT PROPERLY MADE - INCOMPLETE ADDRESS
54.	Keen Scott	NA	18/12/2014	Post	Petition	Waterford-Tamborine Rd	X	X	X	✓		X	NOT PROPERLY MADE - INCOMPLETE ADDRESS
55.	Sean	NA	18/12/2014	Post	Petition	Verben Road	X	X	X	✓		X	NOT PROPERLY MADE - INCOMPLETE ADDRESS NAME MAY BE INCORRECTLY SPELT DUE TO MISINTERPRETATION OF HANDWRITING
56.	Ross, M	NA	18/12/2014	Post	Petition	Beenleigh/Beaudesert	X	X	X	X		X	NOT PROPERLY MADE - INCOMPLETE ADDRESS
57.	Tummarille, Mat	NA	18/12/2014	Post	Petition	307 Amber Cres, JIMBOOMBA	X	X	X	X		✓	
58.	Joyce, J	NA	18/12/2014	Post	Petition	777 Waterford Road, BUCCAN	X	X	X	X		✓	
59.	Eisenstrager, D	NA	18/12/2014	Post	Petition	60 Killgrew Rd, TAMBORINE	X	X	X	✓		✓	

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Submissions Analysis – Tamborine Village Centre
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#	SUBMITTOR	DATE	DATE RECEIVED BY GCCC	EMAIL / POST	TYPE	ADDRESS	ADJOINING LANDOWNER	SHARED BOUNDARY WITH THE SITE	WITHIN 500M	WITHIN DIVISON 2 (C.R. NADIA O'CARROLL)	GROUPS	PROPERLY MADE	COMMENTS
60.	Cruze? N.J	NA	18/12/2014	Post	Petition	76 Fendennis Rd, TAMBORINE	X	X	X	✓		✓	NAME MAY BE INCORRECTLY SPELT DUE TO MISINTERPRETATION OF HANDWRITING
61.	Hauritz, D	NA	18/12/2014	Post	Petition	59 Saesey Court, TAMBORINE	X	X	X	✓		✓	
62.	Thurston, M	NA	18/12/2014	Post	Petition	313043 Beaudesert - Nerang	X	X	X	X		✓	
63.	Hamilton, S	NA	18/12/2014	Post	Petition	1 Tennyson St Strathpine	X	X	X	X		✓	
64.	Thomas, Timothy	NA	18/12/2014	Post	Petition	2157-2167 Waterford – Tamborine Rd	X	X	X	✓		✓	
65.	Atkison, J	NA	18/12/2014	Post	Petition	177 Davidson Rd, Jimboomba	X	X	X	X		✓	
66.	Marshall, B	NA	18/12/2014	Post	Petition	60 Benowa St, TAMBORINE MOUNTAIN	X	X	X	✓		✓	
67.	Keleher, John	NA	18/12/2014	Post	Petition	228 Boyland Rd, Boyland	X	X	X	✓		✓	
68.	Brennen Chloe	NA	18/12/2014	Post	Petition	116-128 Karen Cr, TAMBORINE	X	X	X	✓		✓	
69.	Winson, Jonathan	NA	18/12/2014	Post	Petition	3242 Beaudesert-Beenleigh Road BIRNAM	X	X	X	✓		✓	
70.	Hancock, Maddy	NA	18/12/2014	Post	Petition	27-41 Garden Road, CEDAR CREEK	X	X	X	X		✓	
71.	Gulodshand Anthony	NA	18/12/2014	Post	Petition	504 Waterford-Tamborine Rd Buccan	X	X	X	X		✓	NAME MAY BE INCORRECTLY SPELT DUE TO MISINTERPRETATION OF HANDWRITING

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1.0 Submission A - Corr, Malachy (Directors of Muchborough P/L)

CONCERNS	APPLICANT RESPONSE
<p>TOWN PLANNING</p> <ul style="list-style-type: none"> Impact on local businesses 	<p>Response</p> <p>The majority of local businesses are offering services that are different to the proposed shopping centre i.e. service station, mechanic, produce, tavern, hardware store, post office, church. The shopping centre is intended to offer potential services such as supermarket, bakery, restaurant, café, medical centre, bank, mobile phone/computer repair and etc., which do not currently exist within Tamborine. The Potential service conflicts include the real estate agent and local convenience shopping, but demand will determine if these additional services are duplicated within the shopping centre. It is therefore anticipated that the impact on local business will be minimal.</p> <p>There is also the potential that the proposed shopping centre will have a positive impact on local businesses such as service stations, hardware store, post office, tavern and etc. as residents can do more within the local community and as such multiple stops within the community are more likely and therefore there is less reliance on surrounding centres.</p> <p>The proposed shopping centre will also create more jobs for the local community and reduce the need for local people to travel for employment.</p>
<ul style="list-style-type: none"> Impact on native wildlife 	<p>Response</p> <p>The impact on native wildlife is likely to be minimal.</p> <p>The site is generally cleared of undergrowth vegetation but contains some tall mature trees. The trees are concentrated along the western boundary adjacent to the road but are more openly spread throughout the rest of the site. Due to the extent of works, the development footprint will require clearing of all trees present within the development site. It should be noted that the site is not identified as having any significant vegetation on the site at a state of local level.</p> <p>During the removal of vegetation a spotter catcher will be present to relocate any native fauna outside of the impact area.</p> <p>As a result of the removed vegetation, rehabilitation will occur within the regional ecosystem in the south-eastern corner of the site to encourage wildlife away from the busy roundabout where there is an increased risk of injury to wildlife due to the intensity of traffic. The removal of the vegetation within the development area will also discourage wildlife to travel into an existing semi-urbanised and unsafe area where there are dogs, cats, vehicles, fences, poisons (such as rat bait) which put the fauna into an increased risk of injury or death.</p>
<ul style="list-style-type: none"> Increased traffic to the area 	<p>Response</p> <p>A traffic impact assessment has been prepared by Bitizios Consulting which addressed any potential traffic impacts resulting from the proposed development. The Traffic Impact Assessment demonstrates:</p> <ul style="list-style-type: none"> a SIDRA analysis for the Leach Road/Beaudesert Beenleigh Road intersection has been undertaken and demonstrates that the proposed development will not impact on the safety and/or efficiency of the intersection; There are no significant traffic or transport impacts associated with the development to preclude its approval and relevant conditioning on transport planning grounds.
<ul style="list-style-type: none"> Lack of infrastructure to adequately support the Proposed Development 	<p>Response</p> <p>Disagree. As demonstrated within the development application package there is sufficient infrastructure to support the development.</p>
<ul style="list-style-type: none"> Loss of "village" lifestyle 	<p>Response</p> <p>The Applicant has been working with Council Officers since August 2010 where a design workshop was completed with Deicke Richards after the current landowner purchased the site. Key outcomes from that workshop were as follows:</p> <ul style="list-style-type: none"> Strengthen the existing Tamborine Village centre to respond to the needs of this growing community. Establish a compact pedestrian based Main Street environment along Leach Road with on street parking and reduced road reserve width to strengthen existing and proposed retailing activities. Provide a new active frontage to the existing open space on the main cross road intersection and enable it to contribute to the place making of this centre. Provide a built form outcome that responds to the unique character of the Tamborine Village. <p>For the last 4 years that Applicant has been working with Council Officers using the about outcomes to achieve a commercial outcome on the subject site, including:</p>

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CONCERNS	APPLICANT RESPONSE
	<ul style="list-style-type: none"> Ongoing meetings with Council Officers since 2010. Maintaining the currency of the existing approval for shopping centre. Working with Council in amending the planning scheme to reflect the approved shopping centre and future intent for the site including meeting with Community Stakeholders. Preparing and lodging a permanent road closure application to create the Leach Road Main Street. Which was seen by all parties as necessary to create a safe pedestrian friendly area with on street parking and reduced road reserve width to strengthen existing and proposed retailing activities. Preparing and lodging this development application. <p>The recent upgrade of the main Tamborine intersection to a roundabout has changed the safety and usability of the area as the roundabout encourages increased acceleration. It was identified early on that Leach Road with the existing commercial shops would form the ideal location for a main street.</p> <p>It is the Applicants opinion that the Village Lifestyle will actually be enhanced, due to the creation of the main street, access to additional goods and service, as well as the enhancement of Leach road and surrounding parks. It is envisioned that this development will act as a catalyst for many community embellishments to the surrounding area.</p>
• Need for such a development?	<p>Response The proposed shopping centre land use is encouraged by the Beaudesert Planning Scheme and after years of planning, the Beaudesert Planning Scheme was amended.</p> <p>There is an existing approval for shopping centre on the subject site.</p>
• Increased noise	<p>Response The submitters adjoin the site with the house approximately 330m from the proposed development. Notwithstanding this, the proposed shopping centre will operate within acceptable acoustic limits during trading hours and is unlikely to have a significant impact on the adjacent landowners.</p> <p>It should also be noted that the Beaudesert Planning Scheme Amendment Package No. 8 introduced a Land Use Plan for the site which encourages Low Impact/Service Industry land uses along the southern half of the site, pursuant to 513.3 of the rural Zone Code encouraged land uses are as follows:</p> <ul style="list-style-type: none"> a. Child Care Facility; or b. Industry – Low Impact/Service; or c. Markets; or d. Produce Stores; or e. Retail Showroom not exceeding 300m² of Gross Floor Area; or f. Warehouse/Storage Facility g. Retail Plant Nurseries; or h. Veterinary Surgery/Hospital. <p>It is considered that potential land uses consistent with those above are likely to have a much higher acoustic impact than the proposed shopping centre.</p>
• Security issues	<p>Response The proposed shopping centre will increase activity in the area which will in turn create more 'eyes on the street' in line with CPTED principles for longer periods in the day. Which will in turn discourage anti-social behaviour on the site and surrounding sites. The clearing of the understorey vegetation will create direct sightlines across the site which will increase passive surveillance. The proposed shopping centre will have appropriate lighting, security surveillance and enforcement in place to discourage anti-social behaviour on the site and surrounding sites.</p> <p>It should also be noted that he submitters adjoin the site with the house approximately 330m from the proposed development.</p>

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2.0 Submission B – Corr, Matt

CONCERNS	APPLICANT RESPONSE
<p>a) the size is disproportionate to the need of the community. It is an overdevelopment. Village Precinct objectives are outlined in the Council Town Planning scheme and should be respected. Please see the relevant section below.</p> <p><i>"S3 rural zone overall outcome commensurate with the size and density of the individual community"</i></p>	<p>Response Disagree. There is no 'S3 Rural Zone Overall Outcome' within the Rural Zone of the Beaudesert Planning Scheme. It is assumed that this submission relates to Overall Outcome O07 which is replicated below:</p> <p><i>Development supports a range of community services commensurate with the size and density of the individual community in which the development is proposed.</i></p> <p>Community Services is a defined use class of the Beaudesert Planning Scheme and is divided into 2 categories which are subdivided into defined uses and is replicated below:</p> <ol style="list-style-type: none"> 1. Recreation Uses <ul style="list-style-type: none"> • Public Park • Indoor Sports, Recreation and Entertainment • Outdoor Sports, Recreation and Entertainment • Camping Ground • Temporary Activity 2. Community Uses <ul style="list-style-type: none"> • Cemetery • Child Care Centre Facility • Community Care Centre • Corrective Institution • Educational Establishment • Hospital • Landfill Activities • Public Worship • Road • Telecommunication • Facilities • Utility – Local • Utility – Major <p>Refer to Schedule 1 – Dictionary, Part 2 – Defined Use Classes and Use Categories of the Beaudesert Planning Scheme for more detail.</p> <p>The basic intent behind this Overall Outcome is to ensure that there is a range of community services available to cater for the emerging density (i.e. population) that is proposed by a development. Given that the proposed development is for a shopping centre development and is not for residential density then this Overall Outcome is less relevant.</p>
<p>b) that nothing in the various Reports satisfactorily make the case for a development on that scale in Tamborine Village and that a smaller scale development is both appropriate and would also meet the rural zone code for Tamborine village precinct in gross floor area.</p>	<p>Response Disagree. The Applicant has addressed all relevant statutory requirements of the Beaudesert Planning Scheme and demonstrated compliance with the intent and higher order principles of the Rural Zone. The Applicant has addressed the proposed Gross Floor Area in detail and specific reference is made to S013 Specific Assessment Criteria for the Village Precinct which is addressed in detail in the UPS Town Planning Report on page 61. S013 is replicated below:</p> <p><i>Development at Tamborine Village is limited to a scale that services the convenience needs of existing and future local residents and seeks to maintain a village atmosphere.</i></p> <p>The proposed shopping centre is of a scale that will service the current and future needs of the Tamborine Village community.</p> <p>The design of the proposed shopping centre design and creation of a main street seeks to maintain a village atmosphere and enhance the character of the local area.</p>
<p>c) The developer makes an argument that the already existing Permit (from 2006) allowed 1600 m² GFA and that an extension to 2000m² is not significant. Actually that is a large increase and outside the existing Permit so this argument is unfounded. This is a</p>	<p>Response Disagree. The existing shopping centre approval for 1,600m² GFA (800m² stage 1 and 800m² stage 2) plus a retail nursery with a GFA of</p>

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CONCERNS	APPLICANT RESPONSE
changed application, under the village precinct zone eight years from the original Permit which the Developer failed to act on.	150m ² is a current planning approval and remains valid until 19 May 2015. The Applicant can act up on this approval at any time before it lapses and therefore it is relevant in the assessment of this application. The only reason that the Applicant failed to act on this approval is due to the fact that we were working with Council on a new application which would create a main street along Leach Road. The reasons this application took so long to lodge with Council was the road resumption process to purchase the land from the state, was a long process.
d) We do not believe the developer has succeeded in demonstrating why such a large footprint development is appropriate for Tamborine.	Response Disagree. The Applicant has demonstrated that the proposed GFA complies with the Beaudesert Planning Scheme and addressed all of the following sections of the planning scheme: <ul style="list-style-type: none"> Desired Environmental Outcomes (DEOs) Vision Statement Broad Strategies for the Shire Local Strategies for the Rural Zone Overall Outcomes for the Rural Zone Rural Zone Code (section 3.3.8) Advertising Devices Code (section 5.3.2) Construction and Infrastructure Code (section 5.3.6) Retailing and Commercial Activity Code (section 5.2.7) Parking and Servicing Code (section 5.3.13). Refer to comments below for more information.
e) There is no supporting evidence to say the development needs to be of this scale to attract a tenant.	Response Disagree. The landowner/developer has extensive retail experience and has been behind successful developments such as Urbia Burlington, Treetops Plaza Shopping Centre, Christine Corner Shopping Centre, City Farmers, Q Supercentre Shopping Centre and etc. They know what is required for a shopping centre to be successful and what types of land uses are needed. It is the landowners real concern that without the supermarket the shopping centre retailers won't survive and therefore the tenancies will overtime become vacant. This could lead to significant long term urban blight of the site and have negative social implications for the community such as vandalism, squatters, anti-social behaviour and etc. The landowners have no interest in developing the site with tenancies that will not be tenanted and therefore this sites best chance of long term survival is for a supermarket tenancy to form part of the Application Applicant has been in discussions with supermarkets operators and to attract a small supermarket such as IGA, SPAR or Aldi, the anchor tenancy of the shopping centre needs to be approximately 1,300m ² .
f) It is hearsay to suggest the local community wants such a development. In fact to be viable it will need to attract visitors from elsewhere in which case it will need more onsite parking.	Response Disagree. UPS and the landowner attended a Public Meeting 23 March 2011 regarding the Draft Tamborine Village Planning Study Discussion Paper Community Consultation - Workshop and gave a presentation regarding the proposed design of the shopping centre. Council invited residents to make comments on the proposed shopping centre which are in part summarised below: <ul style="list-style-type: none"> Love the village feeling of suggested shopping centre - we need baker, grocer hairdresser and café, medical services. Just Do It! 21 years - too long to plan No Tamborine Park - make into a carpark for shops Agree with Developers Plans Time Lines too far out There was overwhelming community support from residents for the proposed development at the Public Meeting dated 23 March 2011.
The developer does not meet the numbers objective for on-site parking as required in the planning scheme for the GFA he wants. The various reports are inconsistent in the numbers quoted, in one case adding in the off-site parking (19 or 38 depending on which report) and adding it in to the on-site parking numbers. The plan shows too few parking spaces on-site, and nearly a third of spaces are off-site if you include both sides of the road.	Response Car parking can be a condition and plans amended post approval to accommodate additional car parking spaces if warranted by Council.
The developer also doesn't meet the turning into parking objective of 18m to allow three cars, he only plans for 1 - 6m. Safety would require that this objective be met.	Response Refer to Bitzios Consulting Traffic Impact Assessment which concludes that:

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CONCERNS	APPLICANT RESPONSE
	The provisions for a queuing length of 1 vehicle (6 metres) to the property boundary are deemed to be appropriate and sufficient. This matter has been certified by a REPQ and therefore is deemed safe and acceptable.
The plan doesn't meet the advertising devices code. The argument that when seen from the road signs will appear smaller so that should allow the developer to put larger ones up should carry no weight. It would set a very poor precedent. The requirement is clear and larger signs would certainly detract from the streetscape of the area. So will more than the allowable number of signs. Even acknowledging that there are already signs in the village, this does not provide an argument for adding further inappropriate signs and spoiling the streetscape.	Response Disagree. The Applicant has demonstrated compliance with SO3 of the Advertising Devices Code (refer to section 9.2.1 of the UPS Planning Report) and therefore the proposed signage face area is complementary to the surrounding area.
Landscaping The developer acknowledges that the development site will be cleared of trees, but although landscaping is spoken of in terms of compliance with Council conditions. There is no Landscape Plan to confirm how landscaping will be dealt with to ensure that the development will not detract from the area. It should also include more detail of the Village Green and supply more detailed intent regarding the rail line (S016). These details should be provided as part of the application and be viewed by the community.	Response Disagree. The clearing of trees and offset planting is detailed in the O2 ecology information request response. The Village Green land area is not owned by the Applicant, and therefore embellishments of this public space are to be determined by Council and not the Applicant.
The Town Planning Report also appears to indicate that the 2006 Permit was issued for a development which was in fact, under the zoning, considered inappropriate and undesirable for that site at the time.	Response Noted. This is why the planning scheme was amended to ultimately reflect the approval.
Development provides that: <i>maintains and enhances the distinctive character of the Shire's rural townships and villages and is of a scale and intensity appropriate for the locality and is only developed at a greater scale, form and intensity where it can be demonstrated that there is both or overwhelming community need and an overwhelming economic need for the development</i>	Response Section 2.1.3 Desired Environmental Outcomes section 2, parts k and l of the Beaudesert Planning Scheme are replicated below: k. <i>maintains and enhances the distinctive character of the Shire's rural townships and villages and</i> l. <i>is of a scale and intensity appropriate for the locality and is only developed at a greater scale, form and intensity where it can be demonstrated that there is both or overwhelming community need and an overwhelming economic need for the development</i>
The developer alleges: <i>The proposed development will create a place for local residents to meet and recreate either in the existing and future parks or shopping together or catching up for a coffee or having a bite to eat. The development will act as an urban marker and meeting place for a variety of recreation pursuits to occur.</i>	The submitter has not accurately reflected the Applicants response to these DEOs. these are replicated below: k. <i>The proposed development will enhance the Tamborine Village character by creating a Main Street through leach road and using a built form consistent with those of surrounding buildings.</i> l. <i>The shopping centre has a relatively small GFA and is of a scale, form and intensity appropriate for the Tamborine locality. Therefore demonstrating overwhelming economic need for the development is not required.</i>
Our response: <i>A smaller scale development can bring the same outcome. Shops alone, without a supermarket can bring the same outcome. Recreation areas are outside the development site and detailed plans for any "future parks" are not included in the application before Council</i>	Response Refer to item above for more detail regarding the confusion around this matter. The Code Assessable Gross Floor Area for a shopping centre is 1,000m ² , Council have already approved a Gross Floor Area on the site for a Shopping Centre Development of 1,600m ² (1000m ² stage 1 and 600m ² stage 2) without demonstrating 'overwhelming community need and an overwhelming economic need'. The additional GFA does not result in the need to demonstrate overwhelming community and economic need. Through the information request process, Council did not identify the need for the Applicant to demonstrate that there is both/or an overwhelming community need and an overwhelming economic need for the development.
The developer alleges: <i>The shopping centre has a relatively small GFA and is of a scale, form and intensity appropriate for the Tamborine locality. Therefore demonstrating overwhelming economic need for the development is not required</i>	Response Refer to item above for more detail regarding the confusion around this matter. The Code Assessable Gross Floor Area for a shopping centre is 1,000m ² , Council have already approved a Gross Floor Area on the site for a Shopping Centre Development of 1,600m ² (1000m ² stage 1 and 600m ² stage 2) without demonstrating 'overwhelming community need and an overwhelming economic need'. The additional GFA does not result in the need to demonstrate overwhelming community and economic need. Through the information request process, Council did not identify the need for the Applicant to demonstrate that there is both/or an overwhelming community need and an overwhelming economic need for the development.
Our response: <i>It is required. It is fundamental. What is considered basically appropriate for Tamborine Village is a GFA not exceeding 1,000 m².</i>	Response Disagree. UPS and the landowner attended a Public Meeting 23 March 2011 regarding the Draft Tamborine Village Planning Study Discussion Paper Community Consultation - Workshop and gave a presentation regarding the proposed design of the shopping centre. Council invited residents to make comments on the proposed shopping centre which are in part summarised below: <ul style="list-style-type: none"> Love the village feeling of suggested shopping centre - we need baker, grocer hairdresser and café, medical services. Just Do It! 21 years - too long to plan No Tamborine Park - make into a carpark for shops Agree with Developers Plans Time Lines too far out
The vision for the Town Plan (Planning Scheme) <i>The vision is for the local government area to develop as a proud, vibrant and prosperous community - living, working and playing locally, celebrating our diversity, natural assets and talents.</i>	Response Disagree. UPS and the landowner attended a Public Meeting 23 March 2011 regarding the Draft Tamborine Village Planning Study Discussion Paper Community Consultation - Workshop and gave a presentation regarding the proposed design of the shopping centre. Council invited residents to make comments on the proposed shopping centre which are in part summarised below: <ul style="list-style-type: none"> Love the village feeling of suggested shopping centre - we need baker, grocer hairdresser and café, medical services. Just Do It! 21 years - too long to plan No Tamborine Park - make into a carpark for shops Agree with Developers Plans Time Lines too far out
Response to the above from developer: <i>The proposed shopping centre development seek to provide shopping services to local residents and visitors to the Tamborine area on a scale that the local community has been seeking for a long time. The proposed built form and layout of the proposed development facilitate the Tamborine area to develop as a proud vibrant and prosperous local community to ensure that residents have options to live, work, and play within their local area.</i>	
Our Response: <i>There is no evidence that this community has been seeking this type of proposed development. In fact there is evidence to</i>	

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CONCERNS	APPLICANT RESPONSE
<p><i>the contrary as per signatures on petition sent to council re Application No MCB0 141061</i></p>	<p>There was overwhelming community support from residents for the proposed development at the Public Meeting dated 23 March 2011. This meeting formed the basis for the amendments to the Beaudesert Planning Scheme to encourage a shopping centre development on the subject site.</p> <p>The petition represents the opinions of approximately 72 persons and many of those persons live outside Tamborine and are likely unaffected by the proposed development (i.e. those signatures from Cedar Creek, Jimboomba, Strathpine, Boyland, Birnam, North Tamborine and Buccan) and therefore it is not necessarily a correct representation of all the Tamborine community.</p>
<p>Broad Strategies for the Shire <i>The rural and semi rural lifestyle and character of the Shire is maintained and supported by a pattern of townships which is comprised of—</i> (a) <i>Beaudesert which is the principal rural centre of the Shire; and</i> (b) <i>Logan Village, Jimboomba, Canungra and Greenbank which provide local business, retail, industrial and community activity and</i> (c) <i>other smaller villages, which provide local convenience services; and</i> (d) <i>the existing residential pattern of development.</i></p> <p>The developer alleges: <i>Tamborine is considered to be an 'other small village' and the proposed shopping centre development provides local convenience services to the local residents and visitors.</i></p> <p>Our response: <i>The size of the proposed development goes way beyond the intent of the strategy, which seeks to keep the Village small scale and direct larger scale development to the regional centre of Beaudesert and Logan Village, Jimboomba, Canungra and Greenbank. Large scale development such as Reimore Downs, Jimboomba Woods and Tarabilba have been allowed to proceed without infrastructure therefore it is left to historical Tamborine Village to fill this void.</i></p>	<p>Response Disagree. In addition to Tamborine, the other smaller Villages within the Beaudesert Planning Scheme area include, Kooralbyn and Tamborine Mountain which have local convenience services similar to what is proposed. The proposed development does not change the pattern of the Tamborine township. Specific reference is made to O041 of the Rural Zone Code which is replicated below:</p> <p><i>Development within the Village Precinct provides for a range of village – type land uses serving the local community including a limited range of localised convenience shopping, specialty shopping, lower order professional offices and businesses, tourist facilities and urban residential type housing on unsewered allotments</i></p> <p>The proposed shopping centre is consistent with the intent for the Village Precinct and therefore is consistent with the intent of the Broad Strategies for the Shire.</p> <p>It should also be noted that Jimboomba has a Coles and a Woolworths to cater for their shopping needs, Jimboomba has a planned centre and Logan Village Woolworths is approximately 3km away. Reimore Downs forms part of Tamborine village and the proposed shopping centre will cater for the subdivisions needs.</p>

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3.0 Submission C - Sutton, Pania and Submission D - Sutton, N.D

The 2 Sutton submissions have been grouped together for response purposes as they are duplicate of a standard submission template.

CONCERNS	APPLICANT RESPONSE
Impact on local businesses	<p>Response The majority of local businesses are offering services that are different to the proposed shopping centre i.e. service station, mechanic, produce, tavern, hardware store, post office, church. The shopping centre is intended to offer potential services such as supermarket, bakery, restaurant, café, medical centre, bank, mobile phone/computer repair and etc., which do not currently exist within Tamborine. The Potential service conflicts include a real estate agent and local convenience shopping, but demand will determine if these additional services are duplicated within the shopping centre. It is therefore anticipated that the impact on local business will be minimal.</p> <p>There is also the potential that the proposed shopping centre will have a positive impact on local businesses such as service stations, hardware store, post office, tavern and etc., as residents can do more within the local community. As such multiple stops within the community are more likely and therefore there would be less reliance on surrounding centres.</p> <p>The proposed shopping centre will also create more jobs for the local community and reduce the need for local people to travel for employment.</p>
Impact on native wildlife	<p>The impact on native wildlife is likely to be minimal.</p> <p>The site is generally cleared of undergrowth vegetation but contains some tall mature trees. The trees are concentrated along the western boundary adjacent to the road but are more openly spread throughout the rest of the site. Due to the extent of works, the development footprint will require clearing of all trees present within the development site. It should be noted that the site is not identified as having any significant vegetation on the site at a state of local level.</p> <p>During the removal of vegetation a spotter catcher will be present to relocate any native fauna outside of the impact area.</p> <p>As a result of the removed vegetation, rehabilitation will occur within the regional ecosystem in the south-eastern corner of the site to encourage wildlife away from the busy roundabout where there is an increased risk of injury to wildlife due to the intensity of traffic. The removal of the vegetation within the development area will also discourage wildlife to travel into an existing semi-urbanised and unsafe area where there are dogs, cats, vehicles, fences, poisons (such as rat bait) which put the fauna into an increased risk of injury or death.</p>
Increased traffic to the area	<p>Response A traffic impact assessment has been prepared by Bitzies Consulting which addressed any potential traffic impacts resulting from the proposed development. The Traffic Impact Assessment demonstrates:</p> <ul style="list-style-type: none"> a SIDRA analysis for the Leach Road/Beaudesert Beenleigh Road intersection has been undertaken and demonstrates that the proposed development will not impact on the safety and/or efficiency of the intersection; There are no significant traffic or transport impacts associated with the development to preclude its approval and relevant conditioning on transport planning grounds.
Lack of infrastructure to adequately support the Proposed Development	<p>Response Disagree. As demonstrated within the development application package there is sufficient infrastructure to support the development.</p>
Loss of "village" lifestyle	<p>Response The Applicant has been working with Council Officers since August 2010 where a design workshop was completed with Deicke Richards after the current landowner purchased the site. Key outcomes from that workshop were as follows:</p> <ul style="list-style-type: none"> Strengthen the existing Tamborine Village centre to respond to the needs of this growing community. Establish a compact pedestrian based Main Street environment along Leach Road with on street parking and reduced road reserve width to strengthen existing and proposed retailing activities. Provide a new active frontage to the existing open space on the main cross road intersection and enable it to contribute to the place making of this centre. Provide a built form outcome that responds to the unique character of the Tamborine Village. <p>For the last 4 years that Applicant has been working with Council Officers using the about outcomes to achieve a commercial outcome</p>

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	<p>on the subject site, including:</p> <ul style="list-style-type: none"> Ongoing meetings with Council Officers since 2010. Maintaining the currency of the existing approval for shopping centre. Working with Council in amending the planning scheme to reflect the approved shopping centre and future intent for the site including meeting with Community Stakeholders. Preparing and lodging a permanent road closure application to create the Leach Road Main Street. Which was seen by all parties as necessary to create a safe pedestrian friendly area with on street parking and reduced road reserve width to strengthen existing and proposed retailing activities. Preparing and lodging this development application. <p>The recent upgrade of the main Tamborine intersection to a roundabout has changed the safety and usability of the area as the roundabout encourages increased acceleration. It was identified early on that Leach Road with the existing commercial shops would from the ideal location for a main street</p> <p>It is the Applicants opinion that the Village Lifestyle will actually be enhanced, due to the creation of the main street, access to additional goods and service, as well as the enhancement of Leach road and surrounding parks. It is envisioned that this development will act as a catalyst for many community embellishments to the surrounding area.</p>
Need for such a development?	<p>Response The proposed shopping centre land use is encouraged by the Beaudesert Planning Scheme and after years of planning, the Beaudesert Planning Scheme was amended.</p> <p>There is an existing approval for shopping centre on the subject site.</p>
Increased noise	<p>Response The submitters live approximately 1.7km from the proposed development and therefore it is difficult to understand why they have a concern about noise. Notwithstanding this, the proposed shopping centre will operate within acceptable acoustic limits during trading hours and is unlikely to have a significant impact on the adjacent landowners.</p> <p>It should also be noted that the Beaudesert Planning Scheme Amendment Package No. 8 introduced a Land Use Plan for the site which encourages Low Impact/Service Industry land uses along the southern half of the site, pursuant to S13.3 of the Rural Zone Code encouraged land uses are as follows:</p> <ol style="list-style-type: none"> Child Care Facility; or Industry – Low Impact/Service; or Markets; or Produce Stores; or Retail Showrooms not exceeding 300m² of Gross Floor Area; or Warehouse/Storage Facility Retail Plant Nurseries; or Veterinary Surgery/Hospital. <p>It is considered that potential land uses consistent with those above are likely to have a much higher acoustic impact than the proposed shopping centre.</p>
security issue	<p>Response The proposed shopping centre will increase activity in the area which will in turn create more 'eyes on the street' in line with CPTED principles for longer periods in the day. Which will in turn discourage anti-social behaviour on the site and surrounding sites. The clearing of the understorey vegetation will create direct sightlines across the site which will increase passive surveillance. The proposed shopping centre will have appropriate lighting, security surveillance and enforcement in place to discourage anti-social behaviour on the site and surrounding sites.</p> <p>It should also be noted that the submitters live approximately 1.7km from the proposed development and therefore it is difficult to understand why they have a concern about security.</p>

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4.0 Submission E - Navaneethan, Raja

CONCERNS	APPLICANT RESPONSE
<p>I have a small shop selling grocery, fuel and hot food. I fear that the proposed shopping center will take away my business completely, as it is we have very stiff competition in this small community, the proposed big shopping center can affect us adversely. so, kindly stop that shopping center from being built.</p>	<p>Response Navaneethan, Raja owns the Tamborine Central service station and convenience shop on the corner of Leach Road and Beaudesert Beenleigh Road. The existing competition referred to relates to existing shops that offer the same or similar services as Tamborine Central does (i.e. Cozy Corner or the Shell Service Station). The proposed shopping centre is intended to provide services that are not already available and therefore not in direct competition with existing businesses such as Tamborine Central, Cozy Corner or the Shell Service Station.</p>

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5.0 Submission F - Deegan, Ann

CONCERNS	APPLICANT RESPONSE
<p>*Leach Road is busy at the majority of times whilst the businesses on this road are open. Large trucks bring a multitude of hay, grain, and other products to the Produce and Hardware Store. The Post Office located within the General Store "Cosy Corner" (around the corner, I call it), is buzzing all the time with parcel despatch and pickup and its private mail boxes.</p> <p>*It will increase traffic to this area</p>	<p>Response Noted.</p> <p>Response A traffic impact assessment has been prepared by Bitizos Consulting which addressed any potential traffic impacts resulting from the proposed development. The Traffic Impact Assessment demonstrates:</p> <ul style="list-style-type: none"> • a SIDRA analysis for the Leach Road/Beaudesert Beenleigh Road intersection has been undertaken and demonstrates that the proposed development will not impact on the safety and/or efficiency of the intersection; • There are no significant traffic or transport impacts associated with the development to preclude its approval and relevant conditioning on transport planning grounds.
<p>*Loss of "village" lifestyle</p>	<p>Response 1 The Applicant has been working with Council Officers since August 2010 where a design workshop was completed with Deicke Richards after the current landowner purchased the site. Key outcomes from that workshop were as follows:</p> <ul style="list-style-type: none"> • Strengthen the existing Tamborine Village centre to respond to the needs of this growing community. • Establish a compact pedestrian based Main Street environment along Leach Road with on street parking and reduced road reserve width to strengthen existing and proposed retailing activities. • Provide a new active frontage to the existing open space on the main cross road intersection and enable it to contribute to the place making of this centre. • Provide a built form outcome that responds to the unique character of the Tamborine Village. <p>For the last 4 years that Applicant has been working with Council Officers using the about outcomes to achieve a commercial outcome on the subject site, including:</p> <ul style="list-style-type: none"> • Ongoing meetings with Council Officers since 2010. • Maintaining the currency of the existing approval for shopping centre. • Working with Council in amending the planning scheme to reflect the approved shopping centre and future intent for the site including meeting with Community Stakeholders. • Preparing and lodging a permanent road closure application to create the Leach Road Main Street. Which was seen by all parties as necessary to create a safe pedestrian friendly area with on street parking and reduced road reserve width to strengthen existing and proposed retailing activities. • Preparing and lodging this development application. <p>The recent upgrade of the main Tamborine intersection to a roundabout has changed the safety and usability of the area as the roundabout encourages increased acceleration. It was identified early on that Leach Road with the existing commercial shops would from the ideal location for a main street</p> <p>It is the Applicants opinion that the Village Lifestyle will actually be enhanced, due to the creation of the main street, access to additional goods and service, as well as the enhancement of Leach road and surrounding parks. It is envisioned that this development will act as a catalyst for many community embellishments to the surrounding area.</p>
<p>*This proposal will have an impact on native wildlife, eg. Koala, Wallabies, Native Birds.</p>	<p>Response The impact on native wildlife is likely to be minimal.</p> <p>The site is generally cleared of undergrowth vegetation but contains some tall mature trees. The trees are concentrated along the western boundary adjacent to the road but are more openly spread throughout the rest of the site. Due to the extent of works, the development footprint will require clearing of all trees present within the development site. It should be noted that the site is not identified as having any significant vegetation on the site at a state of local level.</p> <p>During the removal of vegetation a spotter catcher will be present to relocate any native fauna outside of the impact area.</p>

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CONCERNS	APPLICANT RESPONSE
<p>*Increased noise</p>	<p>As a result of the removed vegetation, rehabilitation will occur within the regional ecosystem in the south-eastern corner of the site to encourage wildlife away from the busy roundabout where there is an increased risk of injury to wildlife due to the intensity of traffic. The removal of the vegetation within the development area will also discourage wildlife to travel into an existing semi-urbanised and unsafe area where there are dogs, cats, vehicles, fences, poisons (such as rat bait) which put the fauna into an increased risk of injury or death.</p> <p>Response The submitters live approximately 2.2km from the proposed development and therefore it is difficult to understand why they have a concern about noise. Notwithstanding this, the proposed shopping centre will operate within acceptable acoustic limits during trading hours and is unlikely to have a significant impact on the adjacent landowners.</p> <p>It should also be noted that the Beaudesert Planning Scheme Amendment Package No. 8 introduced a Land Use Plan for the site which encourages Low Impact/Service Industry land uses along the southern half of the site, pursuant to 513.3 of the Rural Zone Code encouraged land uses are as follows:</p> <ol style="list-style-type: none"> Child Care Facility; or Industry – Low Impact/Service; or Markets; or Produce Stores; or Retail Showroom not exceeding 300m² of Gross Floor Area; or Warehouse/Storage Facility Retail Plant Nurseries; or Veterinary Surgery/Hospital. <p>It is considered that potential land uses consistent with those above are likely to have a much higher acoustic impact than the proposed shopping centre.</p>
<p>*Security issues – vandalism, wheel burnouts.</p>	<p>Response The proposed shopping centre will increase activity in the area which will in turn create more 'eyes on the street' in line with CPTED principles for longer periods in the day. Which will in turn discourage anti-social behaviour on the site and surrounding sites. The clearing of the understorey vegetation will create direct sightlines across the site which will increase passive surveillance. The proposed shopping centre will have appropriate lighting, security surveillance and enforcement in place to discourage anti-social behaviour on the site and surrounding sites.</p> <p>It should also be noted that the submitters live approximately 2.2km from the proposed development and therefore it is difficult to understand why they have a concern about security.</p>
<p>*With approx. 1800 people residing in Tamborine, a semi-rural area, such a proposal will turn it into urban reality. I moved to Tamborine, for a 'tree change', not to be close to a supermarket. The so called 'new local' want the rural lifestyle, not participate in community events, and yet want to turn Tamborine into urban reality that they escaped from.</p> <p>The Development Permit etc. was advertised in the Public Notices in Beaudesert Times. Not everyone in Tamborine would purchase this paper, but they do get a FREE Tamborine Times delivered into their letterboxes via Australia Post weekly. This Public Notice DID NOT appear in the Tamborine Times.</p>	<p>Response Noted.</p> <p>Response The Applicant fulfilled its Public Notification requirements in accordance with the Sustainable Planning Act 2009.</p>

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6.0 Submission G – Connelly, Bradley John

CONCERNS	APPLICANT RESPONSE
Impact on local businesses	<p>Response</p> <p>The majority of local businesses are offering services that are different to the proposed shopping centre i.e. service station, mechanic, produce, tavern, hardware store, post office, church. The shopping centre is intended to offer potential services such as supermarket, bakery, restaurant, café, medical centre, bank, mobile phone/computer repair and etc., which do not currently exist within Tamborine. The Potential service conflicts include a real estate agent and local convenience shopping, but demand will determine if these additional services are duplicated within the shopping centre. It is therefore anticipated that the impact on local business will be minimal.</p> <p>There is also the potential that the proposed shopping centre will have a positive impact on local businesses such as service stations, hardware store, post office, tavern and etc., as residents can do more within the local community. As such, multiple stops within the community are more likely and therefore there would be less reliance on surrounding centres.</p> <p>The proposed shopping centre will also create more jobs for the local community and reduce the need for local people to travel for employment.</p>
Impact on native wildlife	<p>Response</p> <p>The impact on native wildlife is likely to be minimal.</p> <p>The site is generally cleared of undergrowth vegetation but contains some tall mature trees. The trees are concentrated along the western boundary adjacent to the road but are more openly spread throughout the rest of the site. Due to the extent of works, the development footprint will require clearing of all trees present within the development site. It should be noted that the site is not identified as having any significant vegetation on the site at a state of local level.</p> <p>During the removal of vegetation a spotter catcher will be present to relocate any native fauna outside of the impact area.</p> <p>As a result of the removed vegetation, rehabilitation will occur within the regional ecosystem in the south-eastern corner of the site to encourage wildlife away from the busy roundabout where there is an increased risk of injury to wildlife due to the intensity of traffic. The removal of the vegetation within the development area will also discourage wildlife to travel into an existing semi-urbanised and unsafe area where there are dogs, cats, vehicles, fences, poisons (such as rat bait) which put the fauna into an increased risk of injury or death.</p>
Increased traffic to the area	<p>Response</p> <p>A traffic impact assessment has been prepared by Bitizos Consulting which addressed any potential traffic impacts resulting from the proposed development. The Traffic Impact Assessment demonstrates:</p> <ul style="list-style-type: none"> • a SIDRA analysis for the Leach Road/Beaudesert Beenleigh Road intersection has been undertaken and demonstrates that the proposed development will not impact on the safety and/or efficiency of the intersection; • There are no significant traffic or transport impacts associated with the development to preclude its approval and relevant conditioning on transport planning grounds.
Lack of infrastructure to adequately support the Proposed Development	<p>Response</p> <p>Disagree. As demonstrated within the development application package there is sufficient infrastructure to support the development.</p>
Loss of "village" lifestyle	<p>Response</p> <p>The Applicant has been working with Council Officers since August 2010 where a design workshop was completed with Deicke Richards after the current landowner purchased the site. Key outcomes from that workshop were as follows:</p> <ul style="list-style-type: none"> • Strengthen the existing Tamborine Village centre to respond to the needs of this growing community. • Establish a compact pedestrian based Main Street environment along Leach Road with on street parking and reduced road reserve width to strengthen existing and proposed retailing activities. • Provide a new active frontage to the existing open space on the main cross road intersection and enable it to contribute to the place making of this centre. • Provide a built form outcome that responds to the unique character of the Tamborine Village. <p>For the last 4 years that Applicant has been working with Council Officers using the about outcomes to achieve a commercial outcome on the subject site, including:</p>

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CONCERNS	APPLICANT RESPONSE
	<ul style="list-style-type: none"> • Ongoing meetings with Council Officers since 2010. • Maintaining the currency of the existing approval for shopping centre. • Working with Council in amending the planning scheme to reflect the approved shopping centre and future intent for the site including meeting with Community Stakeholders. • Preparing and lodging a permanent road closure application to create the Leach Road Main Street. Which was seen by all parties as necessary to create a safe pedestrian friendly area with on street parking and reduced road reserve width to strengthen existing and proposed retailing activities. • Preparing and lodging this development application. <p>The recent upgrade of the main Tamborine intersection to a roundabout has changed the safety and usability of the area as the roundabout encourages increased acceleration. It was identified early on that Leach Road with the existing commercial shops would from the ideal location for a main street</p> <p>It is the Applicants opinion that the Village Lifestyle will actually be enhanced, due to the creation of the main street, access to additional goods and service, as well as the enhancement of Leach road and surrounding parks. It is envisioned that this development will act as a catalyst for many community embellishments to the surrounding area.</p>
Need for such a development?	<p>Response</p> <p>The proposed shopping centre land use is encouraged by the Beaudesert Planning Scheme and after years of planning, the Beaudesert Planning Scheme was amended.</p> <p>There is an existing approval for shopping centre on the subject site.</p>
Increased noise	<p>Response</p> <p>The submitters live approximately 1.6km from the proposed development and therefore it is difficult to understand why they have a concern about noise. Notwithstanding this, the proposed shopping centre will operate within acceptable acoustic limits during trading hours and is unlikely to have a significant impact on the adjacent landowners.</p> <p>It should also be noted that the Beaudesert Planning Scheme Amendment Package No. 8 introduced a Land Use Plan for the site which encourages Low Impact/Service Industry land uses along the southern half of the site, pursuant to S13.3 of the Rural Zone Code encouraged land uses are as follows:</p> <ol style="list-style-type: none"> Child Care Facility; or Industry – Low Impact/Service; or Markets; or Produce Stores; or Retail Showroom not exceeding 300m² of Gross Floor Area; or Warehouse/Storage Facility Retail Plant Nurseries; or Veterinary Surgery/Hospital. <p>It is considered that potential land uses consistent with those above are likely to have a much higher acoustic impact than the proposed shopping centre.</p>
Security issues	<p>Response</p> <p>The proposed shopping centre will increase activity in the area which will in turn create more 'eyes on the street' in line with CPTED principles for longer periods in the day. Which will in turn discourage anti-social behaviour on the site and surrounding sites. The clearing of the understorey vegetation will create direct sightlines across the site which will increase passive surveillance. The proposed shopping centre will have appropriate lighting, security surveillance and enforcement in place to discourage anti-social behaviour on the site and surrounding sites.</p> <p>It should also be noted that the submitters live approximately 1.6km from the proposed development and therefore it is difficult to understand why they have a concern about security.</p>

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7.0 PETITION/S

CONCERNS	APPLICANT RESPONSE
Have a negative impact on existing businesses in the area	<p>Response</p> <p>The majority of local businesses are offering services that are different to the proposed shopping centre i.e. service station, mechanic, produce, tavern, hardware store, post office, church. The shopping centre is intended to offer potential services such as supermarket, bakery, restaurant, cafe, medical centre, bank, mobile phone/computer repair and etc., which do not currently exist within Tamborine. The Potential service conflicts include a real estate agent and local convenience shopping, but demand will determine if these additional services are duplicated within the shopping centre. It is therefore anticipated that the impact on local business will be minimal.</p> <p>There is also the potential that the proposed shopping centre will have a positive impact on local businesses such as service stations, hardware store, post office, tavern and etc., as residents can do more within the local community. As such, multiple stops within the community are more likely and therefore there would be less reliance on surrounding centres.</p> <p>The proposed shopping centre will also create more jobs for the local community and reduce the need for local people to travel for employment.</p>
Create traffic issues on small country roads	<p>Response</p> <p>A traffic impact assessment has been prepared by Blitz Consulting which addressed any potential traffic impacts resulting from the proposed development. The Traffic impact Assessment demonstrates:</p> <ul style="list-style-type: none"> • a SIDRA analysis for the Leach Road/Beaudesert Beenleigh Road intersection has been undertaken and demonstrates that the proposed development will not impact on the safety and/or efficiency of the intersection; • There are no significant traffic or transport impacts associated with the development to preclude its approval and relevant conditioning on transport planning grounds.
Create noise from increased traffic	<p>Response</p> <p>The intended people to use the shopping centre will be those which already live in the local area, therefore a large increase in traffic is considered unlikely. Other potential shoppers will be those already travelling past the site.</p> <p>There are no significant traffic or transport impacts associated with the development to preclude its approval and relevant conditioning on transport planning grounds.</p> <p>The proposed shopping centre will operate within acceptable acoustic limits during trading hours and is unlikely to have a significant impact on the adjacent landowners.</p>
Have a negative impact on the wildlife in the area	<p>Response</p> <p>The impact on native wildlife is likely to be minimal.</p> <p>The site is generally cleared of undergrowth vegetation but contains some tall mature trees. The trees are concentrated along the western boundary adjacent to the road but are more openly spread throughout the rest of the site. Due to the extent of works, the development footprint will require clearing of all trees present within the development site. It should be noted that the site is not identified as having any significant vegetation on the site at a state of local level. It should be noted that the site is not identified as having any significant vegetation on the site at a state of local level.</p> <p>During the removal of vegetation a spotter catcher will be present to relocate any native fauna outside of the impact area.</p> <p>As a result of the removed vegetation, rehabilitation will occur within the regional ecosystem in the south-eastern corner of the site to encourage wildlife away from the busy roundabout where there is an increased risk of injury to wildlife due to the intensity of traffic. The removal of the vegetation within the development area will also discourage wildlife to travel into an existing semi-urbanised and unsafe area where there are dogs, cats, vehicles, fences, poisons (such as rat bait) which put the fauna into an increased risk of injury or death.</p>
Result in an increase in the number of people coming to the area which will in turn create security issues for the area	<p>Response</p> <p>Disagree. An increase in people does not necessitate an increase in criminal activity. The proposed shopping centre will increase activity in the area which will in turn create more 'eyes on the street' in line with CPTED principles for longer periods in the day, which will in turn discourage anti-social behaviour on the site and surrounding sites. The clearing of the understorey vegetation will create</p>

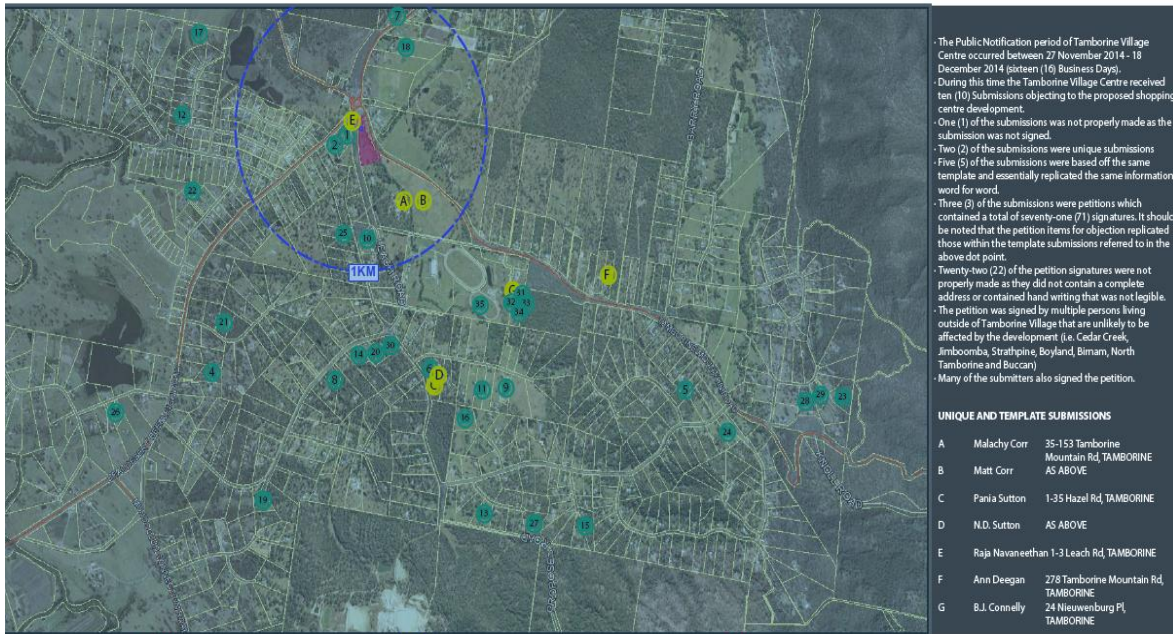
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CONCERNS	APPLICANT RESPONSE
Create a loss of the "village lifestyle" in the area	<p>direct sightlines across the site which will increase passive surveillance. The proposed shopping centre will have appropriate lighting, security surveillance and enforcement in place to discourage anti-social behaviour on the site and surrounding sites.</p> <p>Response</p> <p>The Applicant has been working with Council Officers since August 2010 where a design workshop was completed with Deicke Richards after the current landowner purchased the site. Key outcomes from that workshop were as follows:</p> <ul style="list-style-type: none"> • Strengthen the existing Tamborine Village centre to respond to the needs of this growing community. • Establish a compact pedestrian based Main Street environment along Leach Road with on street parking and reduced road reserve width to strengthen existing and proposed retailing activities. • Provide a new active frontage to the existing open space on the main cross road intersection and enable it to contribute to the place making of this centre. • Provide a built form outcome that responds to the unique character of the Tamborine Village. <p>For the last 4 years that Applicant has been working with Council Officers using the about outcomes to achieve a commercial outcome on the subject site, including:</p> <ul style="list-style-type: none"> • Ongoing meetings with Council Officers since 2010. • Maintaining the currency of the existing approval for shopping centre. • Working with Council in amending the planning scheme to reflect the approved shopping centre and future intent for the site including meeting with Community Stakeholders. • Preparing and lodging a permanent road closure application to create the Leach Road Main Street. Which was seen by all parties as necessary to create a safe pedestrian friendly area with on street parking and reduced road reserve width to strengthen existing and proposed retailing activities. • Preparing and lodging this development application. <p>The recent upgrade of the main Tamborine intersection to a roundabout has changed the safety and usability of the area as the roundabout encourages increased acceleration. It was identified early on that Leach Road with the existing commercial shops would from the ideal location for a main street</p> <p>It is the Applicants opinion that the Village Lifestyle will actually be enhanced, due to the creation of the main street, access to additional goods and service, as well as the enhancement of Leach road and surrounding parks. It is envisioned that this development will act as a catalyst for many community embellishments to the surrounding area.</p>

TAMBORINE VILLAGE CENTRE SUMMARY



- The Public Notification period of Tamborine Village Centre occurred between 27 November 2014 - 18 December 2014 (sixteen (16) Business Days).
- During this time the Tamborine Village Centre received ten (10) Submissions objecting to the proposed shopping centre development.
- One (1) of the submissions was not properly made as the submission was not signed.
- Two (2) of the submissions were unique submissions
- Five (5) of the submissions were based off the same template and essentially replicated the same information word for word.
- Three (3) of the submissions were petitions which contained a total of seventy-one (71) signatures. It should be noted that the petition items for objection replicated those within the template submissions referred to in the above dot point.
- Twenty-two (22) of the petition signatures were not properly made as they did not contain a complete address or contained hand writing that was not legible.
- The petition was signed by multiple persons living outside of Tamborine Village that are unlikely to be affected by the development (i.e. Cedar Creek, Jimboomba, Strathpine, Boyland, Birnam, North Tamborine and Buccan)
- Many of the submitters also signed the petition.

UNIQUE AND TEMPLATE SUBMISSIONS

A	Malachy Corr	35-153 Tamborine Mountain Rd, TAMBORINE
B	Matt Corr	AS ABOVE
C	Pan'a Sutton	1-35 Hazel Rd, TAMBORINE
D	N.D. Sutton	AS ABOVE
E	Raja Navaneethan	1-3 Leach Rd, TAMBORINE
F	Ann Deegan	278 Tamborine Mountain Rd, TAMBORINE
G	B.J. Connelly	24 Neuenburg Pl, TAMBORINE

■ Tamborine Village Property Boundary

● Unique/Template Objections/Location

● Petition Objections/Location

-Petition submissions 3 and 57-71 fall outside of the map area seen above.

3.2 MCBd14/097 Request for a permissible change pursuant to s369 of the Sustainable Planning Act 2009 TJ Kelly Surveys Pty Ltd Thunderbird Park Tamborine Mountain Road L2 RP884149

Executive Officer: Director Regional Services

Item Author: Manager Planning

File Reference: MCBd14/097

Applicable Planning Scheme	<i>Beaudesert Planning Scheme 2007</i>
Applicant	Fretwood Pty Ltd C/- Mark Toombs TJ Kelly Surveys Pty Ltd
Owner(s)	Fretwood Pty Ltd
Site Address	Thunderbird Park Tamborine Mountain Road TAMBORINE MOUNTAIN QLD 4272
Real Property Description	Lot 2 on RP 884149
Site Area	110.9914ha
Relevant Zone and Precinct	Tamborine Mountain Zone - Escarpment Protection Precinct
Proposal	Material Change of Use – <i>Beaudesert Planning Scheme 2007</i>
Assessment Level	Request to Change Conditions of Approval
Approval Type	Request for Permissible Change to Existing Development Permit (30001990) pursuant to <i>s369 Sustainable Planning Act 2009</i>
Date Application Received:	10 November 2014

Purpose of Report

The report has been prepared outlining the facts and circumstance for Council to make a determination on a request for a permissible Change to an existing Development Permit (30001990) pursuant to s369 *Sustainable Planning Act 2009* Specifically condition 9 (a) (1) approved plans on land located at Tamborine Mountain Road, Tamborine Mountain and described as L2 on RP 884149.

Brief Summary

Council is in receipt of an application for a permissible Change to an Existing Development Permit (30001990). The Applicant proposes to establish a larger area for the existing Ropes Course.

Background

An Impact Assessable Application to establish Sports and Recreation Facility - (Ropes Course - 30001990) was approved in full with conditions by Council dated 29 November 2006.

The subject site is home to the existing Thunderbird Park tourist development which includes the following uses:

- A restaurant and bar;
- Camping;
- The Thunder egg mine; and
- A variety of accommodation types including:
 - 10 luxury creek lodges that contain two (2) bedrooms and can sleep up to four (4) people.
 - An executive spa room able to sleep two (2) people.
 - Five (5) mountain view spa rooms able to sleep two (2) people.
 - Twenty Seven (27) motel style rooms which contain both single and double beds and can sleep up to four (4) people (Hillside Lodges).
 - A large family apartment (Lorikeet Lodge) that is fully self-contained and able to sleep six (6) people.
 - A four (4) bedroom house (Mill Lodge) which is fully self-contained.
 - Three (3) bush lodges (budget family accommodation) that are fully self-contained and capable of sleeping six (6) people.
 - A bunk house capable of sleeping one hundred and twenty two (122) people.

The park also caters for weddings, conferences and school camps. As a component of the sport and recreation approval (ropes course) involved the use of existing trees to create challenging courses throughout the natural bush setting. Each course is made up of a number of different activities, including flying foxes.

Proposal

The Applicant proposes to extend the area of the existing Ropes Course. The current approved plan is in Attachment 1 The approved and built ropes course is attached to the trees using specially designed devices to ensure that the trees remain undamaged. The applicant is seeking to change the approved proposal plan (2278-03 dated 7 November 2005) to include a flying fox course, constructed beyond the current mapped ropes course area. This revised site and proposal plan is number 3456-01 and is dated 17 September 2014, please refer to Attachment 2. An existing internal road will be used to access the head of the new flying fox course, which is situated on a small ridge and will then wind its way back to the administration building.

The applicant has designed the larger area for the existing Ropes Course, to avoid clearing of vegetation for the expansion of the flying fox and also that no operational works will be triggered.

Site and Environment

Characteristics of Site & Surrounding Environment

Access to the site is currently from Cedar Creek Falls Road via a sealed crossover and driveway. The proposed development including the administration building will not be visible from the road due to the topography of the site and the presence of existing vegetation. Car parking will be provided within the existing Thunderbird Park sealed parking area which is capable of accommodating approximately seventy (70) vehicles. It should be noted the existing car parking area only services the restaurant and other day use activities, as the accommodation uses (including the camping areas) are provided with their own parking areas.

The subject site is surrounded to the north and west by National Park, State Forest and Council Reserve, while to the east are rural zoned allotments.

Development Assessment

The requested permissible change is considered to be minor in nature and is generally consistent with the approved use. The original approved development triggered Impact Assessment and this request for a minor change is to be considered at a full planning and development committee for a decision.

Referrals and Requirements

Referral Agencies -SARA

As the initial Application required referral to both the Department of Main Roads and the Department of Natural Resources, Mines and Energy the Applicant was required to submit the request for permissible change to SARA for comment. SARA has provided a response dated 27 November 2014 indicating no objection to replacing the approved plan as requested (please refer to Attachment 3).

Condition 1 – Development is in accordance with the site plan

- ~~Development is in accordance with the site plan titled "Site plan Proposed Plan No. 2278-03", dated 7/11/05.~~ This shall now read " Development is in accordance with the Site Plan & Proposal Plan as amended No.3456-01 dated 17 September 2014 Drawn by TJ Kelly Surveys Pty Ltd.

Condition 2 – Clearing of Remnant Vegetation

- Any subsequent remnant vegetation clearing on the lot is applied for as operational works that is the clearing of native vegetation, unless exempt, under Schedule 8, part 1 table 4 of the Integrated Planning Act 1997

Conclusion

That Council resolve to approve the request for a permissible Change to an Existing Development Permit (30001990). The proposal is to establish a larger area for the existing Ropes Course.

SARA advised no objections to the proposal and the recommendation is for approval of the proposal.

Accordingly, it is recommended that Council resolves to approve the application for a permissible change to condition, for existing approval 020-030-001990 subject to Condition i) being amended.

Director's Recommendation

1. That Council resolve to approve the request to for a permissible Change to condition of existing approval (020-030-001990) be approved in respect to the following property:

Real Property Description: Lot 2 on RP 884149
Address of property: Thunderbird Park
 Tamborine Mountain Road
 TAMBORINE MOUNTAIN QLD 4272
Site area: 110.9914ha
Proposal: Request to change a condition of approval
 (020-030-001990) pursuant to s367 of the
Sustainable Planning Act 2009

2. Conditions of Approval:

Approved Plans

- i) **USE IN ACCORDANCE WITH THE APPLICATION** - Development is to be undertaken generally in accordance with the following plans (and **accompanying documentation**), **except insofar as it is modified by the** conditions of this approval.

Plan/Document Number	Plan/Document Name	Prepared By	Received by Council
2278/03	Site Plan	TJ Kelly Surveys Pty Ltd	15 March 2006
3456-01	Site Plan and Proposal Plan	TJ Kelly Surveys Pty Ltd	
2/2/06	Bushfire Management Plan	Eldon Bottcher Architect Pty. Ltd	15 March 2006
4175	Property Vegetation Management Plan	Saunders Havill Group	10 July 2006

It is advised All other conditions remain unchanged.

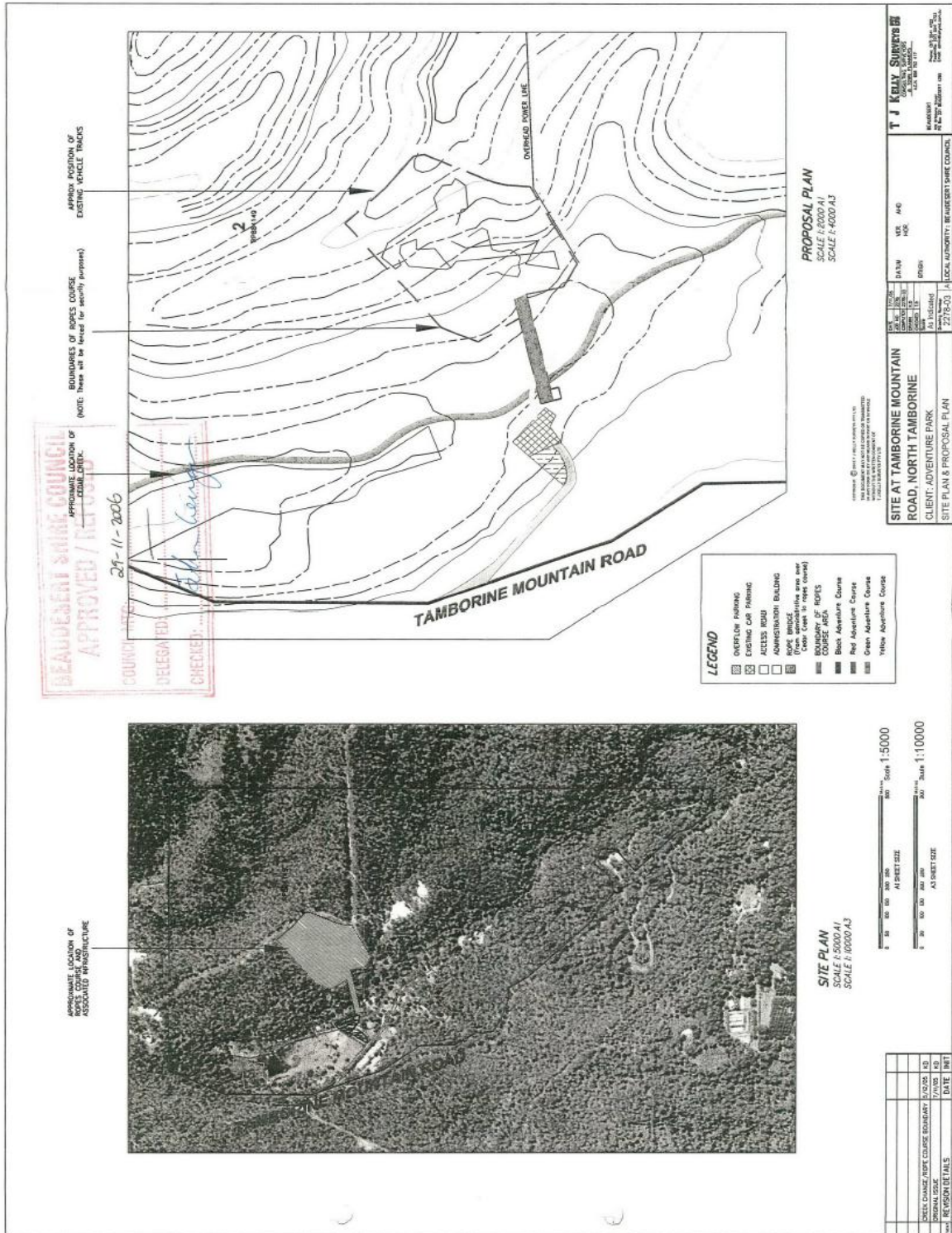
Attachments

Attachment 1 - Site Plan

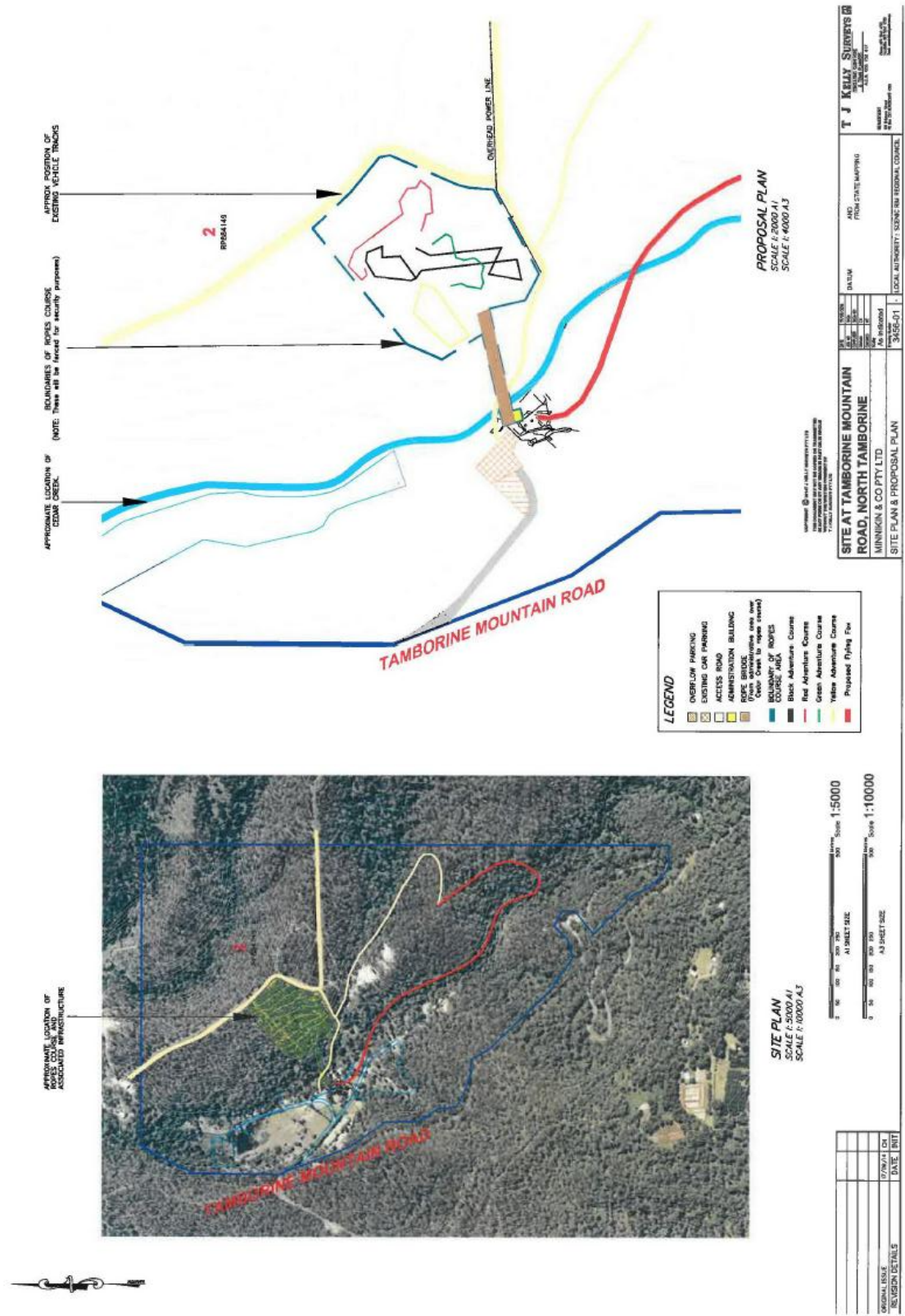
Attachment 2 - Site Plan & Proposal Plan

Attachment 3 - DSDIP approval dated 27 November 2014

Attachment 1 - Site Plan



Attachment 2 - Site Plan & Proposal Plan



Attachment 3 - DSDIP approval dated 27 November 2014

From: Danae Johnston <Danae.Johnston@dsdip.qld.gov.au>
Sent: Thursday, 27 November 2014 2:11 PM
To: TJ Kelly Admin
Cc: Scenic Rim Regional Council Mail; south.coast.idas@tmr.qld.gov.au; Planning Services South
Subject: SARA Notice of decision—changed approval (responsible entity) for Tamborine Mountain Road, Tamborine Mountain (SARA Ref: SPD-1114-012703)
Attachments: SPD-1114-012703 Notice of decision - changed approval (responsible entity).pdf

SARA Reference: SPD-1114-012703

Address: Tamborine Mountain Road, Tamborine Mountain

Good afternoon,

Please find attached the Department’s Notice of decision—changed approval (responsible entity) for Tamborine Mountain Road, Tamborine Mountain (SARA Ref: SPD-1114-012703).

If you require any further information, please contact me on 3432 2420 or via email ipswichSARA@dsdip.qld.gov.au and I will be able to assist.

Kind regards

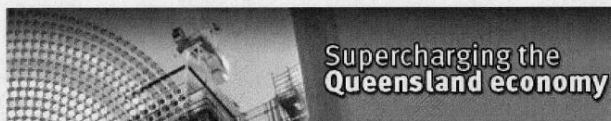
Danae

Danae Johnston
 Planner | SEQ West | Regional Services
Department of State Development, Infrastructure and Planning
Queensland Government
phone: (07) 3432 2420
post PO Box 129 Ipswich QLD 4305
visit Level 4, Icon Tower, 117 Brisbane St, Ipswich
email danae.johnston@dsdip.qld.gov.au

ipswichSARA@dsdip.qld.gov.au | www.dsdip.qld.gov.au

SCENIC RIM REGIONAL COUNCIL	
File No:	MCBd.14/097
27 NOV 2014	
Doc. Set No:	PUBA
Resp. Officer:	DA ADMIN
2. CREAT	3.

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

Our reference: SPD-1114-012703

27 November 2014

Fretwood Pty Ltd
C/- T J Kelly Surveys
PO Box 221
BEAUDESERT QLD 4285
admin@kellynet.com.au

Attn: Mark Toombs

Dear Mark,

Notice of decision—changed approval (responsible entity)

Tamborine Mountain Road, Tamborine Mountain
(Given under section 376 of the *Sustainable Planning Act 2009*)

The Department of State Development, Infrastructure and Planning received representations under section 369 of the *Sustainable Planning Act 2009* on 4 November 2014 for the original decision described below.

Applicant details

Applicant name: Fretwood Pty Ltd
C/- T J Kelly Surveys

Site details

Real property description: Lot 2 RP884149
Local government area: Scenic Rim Regional Council

Application details

Proposed development: Permissible Change to Development Permit for a Material Change of Use (Sport and Recreation Purposes – Ropes Course)

Page 1

SEQ West Region
Level 4,117 Brisbane Street
PO Box 129
Ipswich QLD 4305

SPD-1114-012703

Original decision

Date of original decision: 29 November 2006
Original decision details: Approved subject to conditions

A changed referral response for this request is attached.

Copies of the following documents are also attached:

- relevant appeal provisions in the *Sustainable Planning Act 2009*
- any plans and specifications approved in relation to the decision notice.

If you require any further information, please contact Danae Johnston, Planning Officer, on (07) 3432 2420 or IpswichSARA@dspdip.qld.gov.au who will be pleased to assist.

Yours sincerely



Nathan Rule
Manager - Planning

enc: Attachment 1—Changed Concurrence agency conditions
Attachment 2—SPA appeal provisions
Attachment 3—Approved plans and specifications

cc: Scenic Rim Regional Council, mail@scenicrim.qld.gov.au
Department of Transport and Main Roads, South.Coast.IDAS@tmr.qld.gov.au
Department of Natural Resources and Mines, PlanningServicesSouth@dnrm.qld.gov.au

SPD-1114-012703

Our reference: SPD-1114-012703

Attachment 1—Changed concurrence agency conditions

No.	Conditions of development approval	Condition timing
<p>Clearing vegetation—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i>, the chief executive administering the <i>Sustainable Planning Act 2009</i> nominates the Director-General of the Department of Natural Resources and Mines 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):</p>		
1.	<p>A Material Change of Use on Lot 2 on RP884149 is approved only where:</p> <ul style="list-style-type: none"> (a) Development is in accordance with the site plan plans titled "Site plan for Proposal Plan No. 2278-03", dated 7 November 2005 and "Site Plan & Proposal Plan" Reference No. 3456-01 prepared by TJ Kelly Surveys dated 17 September 2014. (b) Any subsequent remnant vegetation clearing on lots is applied for as operational works that is the clearing of native vegetation, unless exempt, under Schedule 8, part 1, table 4 of the <i>Integrated Planning Act 1997</i> under Schedule 3, Part 1, Table 4, Item 1 of the Sustainable Planning Regulation 2009. 	At all times

SPD-1114-012703

Our reference: SPD-1114-012703

Attachment 2—SPA Appeal Provisions**Sustainable Planning Act 2009—Representation and appeal provisions**

The following relevant appeal provisions are provided in accordance with s336(a) of the *Sustainable Planning Act 2009*.

Chapter 6 Integrated development assessment system (IDAS)**Part 8 Dealing with decision notices and approvals****Division 1 Changing decision notices and approvals during applicant's appeal period****360 Application of div 1**

This division applies only during the applicant's appeal period.

361 Applicant may make representations about decision

- (1) The applicant may make written representations to the assessment manager about—
 - (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
 - (b) the standard conditions applying to a deemed approval.
- (2) However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

362 Assessment manager to consider representations

The assessment manager must consider any representations made to the assessment manager under section 361.

363 Decision about representations

- (1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice (the *negotiated decision notice*) to—
 - (a) the applicant; and
 - (b) each principal submitter; and
 - (c) each referral agency; and
 - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
 - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
 - (b) must comply with section 335; and
 - (c) must state the nature of the changes; and
 - (d) replaces—
 - (i) the decision notice previously given; or

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- (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.
- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.

364 Giving new notice about charges for infrastructure

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of an infrastructure charge, regulated infrastructure charge or adopted infrastructure charge.
- (2) The local government may give the applicant a new infrastructure charges notice under section 633, regulated infrastructure charges notice under section 643 or adopted infrastructure charges notice under section 648F to replace the original notice.

366 Applicant may suspend applicant's appeal period

- (1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
- (4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—
 - (a) if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or
 - (b) if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or
 - (c) if the assessment manager gives the applicant a negotiated decision notice—the applicant's appeal.

Chapter 7 Appeals, offences and enforcement**Part 1 Planning and Environment Court****Division 8 Appeals to court relating to development applications and approvals****461 Appeals by applicants**

- (1) An applicant for a development application may appeal to the court against any of the following—
 - (a) the refusal, or the refusal in part, of the development application;
 - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a period mentioned in section 341;
 - (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—

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- (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
 - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

462 Appeals by submitters—general

- (1) A submitter for a development application may appeal to the court only against—
- (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
 - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
- (a) the giving of a development approval;
 - (b) any provision of the approval including—
 - (i) a condition of, or lack of condition for, the approval; or
 - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
- (a) withdraws the submission before the application is decided; or
 - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the **submitter's appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

463 Additional and extended appeal rights for submitters for particular development applications

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
- (a) development for an aquacultural ERA; or
 - (b) development that is—
 - (i) a material change of use of premises for aquaculture; or
 - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (3) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
- (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive;
 - (b) a referral agency's response mentioned in subsection (2).

464 Appeals by advice agency submitters

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
- (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
 - (b) any part of the approval relating to the assessment manager's decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

465 Appeals about decisions relating to extensions for approvals

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- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

466 Appeals about decisions relating to permissible changes

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
 - (a) if the responsible entity for making the change is the assessment manager for the application—
 - (i) the person who made the request; or
 - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
 - (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

Division 11 Making and appeal to Court**481 How appeals to the court are started**

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

482 Notice of appeal to other parties—development applications and approvals

- (1) An appellant under division 8 must give written notice of the appeal to—
 - (a) if the appellant is an applicant—
 - (i) the chief executive; and
 - (ii) the assessment manager; and
 - (iii) any concurrence agency; and
 - (iv) any principal submitter whose submission has not been withdrawn; and
 - (v) any advice agency treated as a submitter whose submission has not been withdrawn; or
 - (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—

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- (i) the chief executive; and
- (ii) the assessment manager; and
- (iii) any referral agency; and
- (iv) the applicant; or
- (c) if the appellant is a person to whom a notice mentioned in section 465(1) has been given—
 - (i) the chief executive; and
 - (ii) the assessment manager for the development application to which the notice relates; and
 - (iii) any entity that was a concurrence agency for the development application to which the notice relates; and
 - (iv) the person who made the request under section 383 to which the notice relates, if the person is not the appellant; or
- (d) if the appellant is a person mentioned in section 466(1)—
 - (i) the chief executive; and
 - (ii) the responsible entity for making the change to which the appeal relates; and
 - (iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and
 - (iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or
- (e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.
- (2) The notice must be given within—
 - (a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (3) The notice must state—
 - (a) the grounds of the appeal; and
 - (b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

485 Respondent and co-respondents for appeals under div 8

- (1) Subsections (2) to (8) apply for appeals under sections 461 to 464.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent for the appeal.
- (5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.
- (6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 482 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.
- (9) For an appeal under section 465—
 - (a) the assessment manager is the respondent; and
 - (b) if the appeal is started by a concurrence agency that gave the assessment manager a notice under section 385—the person asking for the extension the subject of the appeal is a co-respondent; and

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- (c) any other person given notice of the appeal may elect to become a co-respondent.
- (10) For an appeal under section 466—
 - (a) the responsible entity for making the change to which the appeal relates is the respondent; and
 - (b) if the responsible entity is the assessment manager—
 - (i) if the appeal is started by a person who gave a notice under section 373 or a pre-request response notice—the person who made the request for the change is a co-respondent; and
 - (ii) any other person given notice of the appeal may elect to become a co-respondent.
- (11) For an appeal under section 467, the respondent is the entity given notice of the appeal.

488 How an entity may elect to be a co-respondent

An entity that is entitled to elect to be a co-respondent to an appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

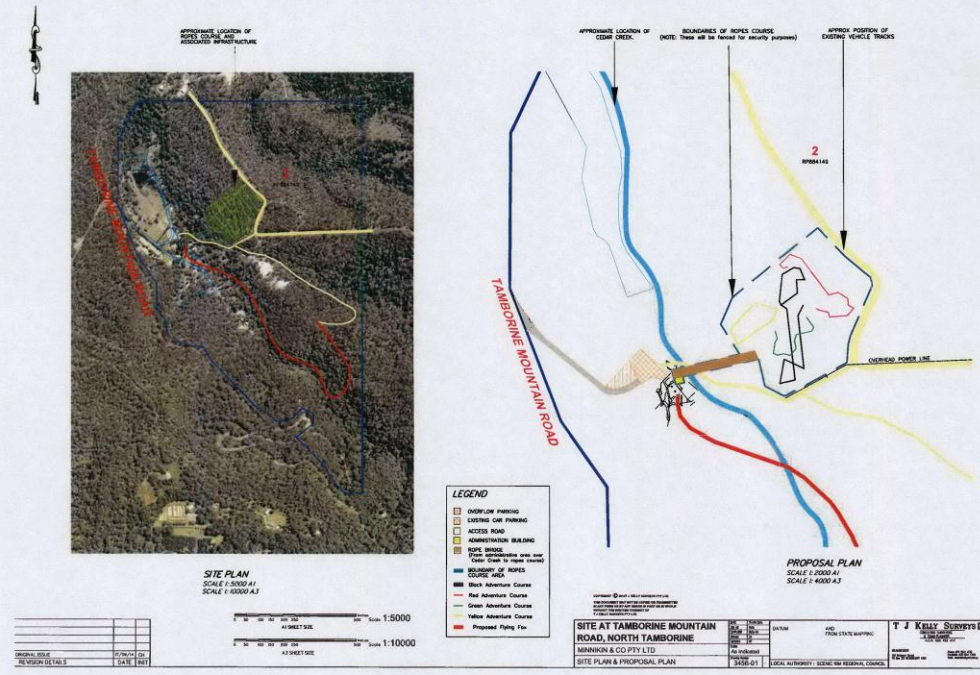
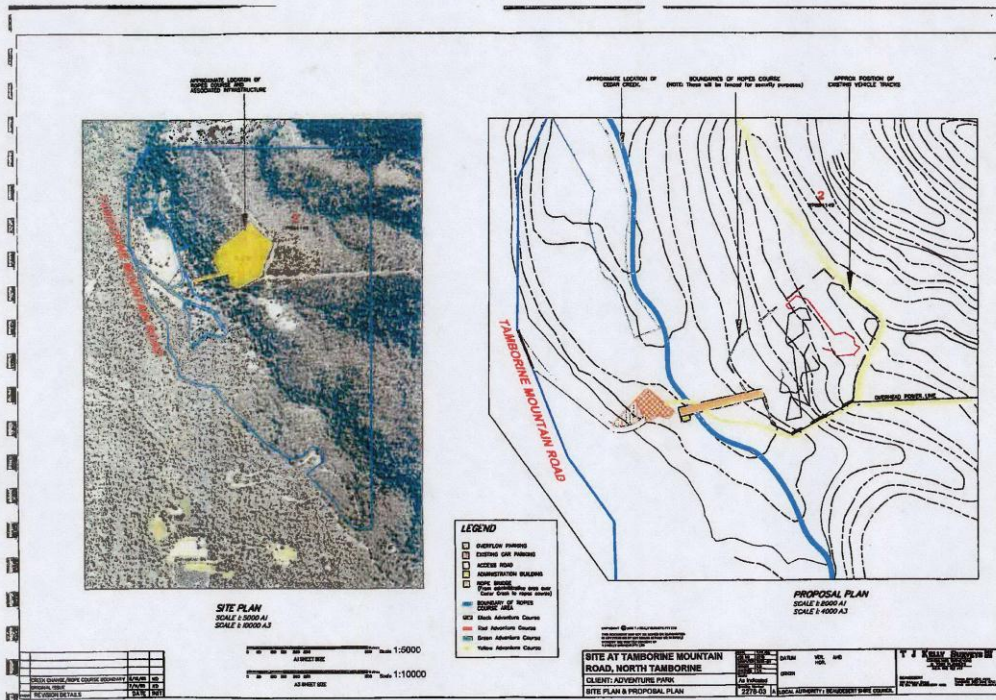
490 Lodging appeal stops particular actions

- (1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.
- (3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.

SPD-1114-012703

Our reference: SPD-1114-012703

Attachment 3—Approved plans and specifications



3.3 MCBn14/015 Request to Change a Development Permit Santoshi Development Consultants Pty Ltd Request to Change Condition for Reception Centre, Wedding Chapel (Undefined Land Use) Food Premises including Entertainment (Business Use) Lot 453 CH 312588

Executive Officer: Director Regional Services

Item Author: Manager Planning

File Reference: MCBn14/015 (Original Approval number MC.Bn13/00006)

Applicable Planning Scheme	Material Change of Use – Boonah Planning Scheme 2006
Applicant	Santoshi Development Consultants Pty Ltd
Owner(s)	Mr P C & Ms C Casey
Site Address	30 Muller Road FASSIFERN QLD 4309
Real Property Description	Lot 453 CH 312588
Site Area	2.0990Ha
Relevant Zone and Precinct	Rural Zone – Precinct 4 (Horticultural/Dairying Lands)
Proposal	Material Change of Use – Boonah Planning Scheme
Assessment Level	Code Assessment Request to Change Conditions of Approval - Condition 10 hours of operation and Infrastructure Charges reduction. The Original Application was Impact Assessable and approved with conditions.
Approval Type	Development Permit
Planning Scheme Details	Boonah Planning Scheme 2006
Public Notification:	A Public Notice was placed in the Fassifern Guardian on 9 October 2013
Submissions Received	Seven (7) properly made submissions
Is a Notation to the Planning Scheme required?	No
Date Application Received:	3 November 2014

Purpose of Report

The purpose of this report is to provide the facts and circumstances surrounding a proposed Change of Conditions Request for **Condition 10** - Operating Hours. The current approval is for a Development Permit for a Material Change of Use for a Wedding Chapel (Undefined Land Use), Food Premises Including Entertainment (Business Use) and Signage on land located at 30 Muller Road Fassifern QLD 4309 and described as Lot 453 on CH312588.

The applicant has also requested that the Infrastructure Charges be amended to reflect a revised site plan.

Brief Summary

Council is in receipt of an application seeking a Change of Condition request to Condition 10. The request seeks to extend the operating hours of the Wedding Chapel from 10am to dusk on any given day to 10am to 11pm on any given day. The applicant has also submitted a revised site plan which illustrates a reduction in the use area. Consequently the applicant is seeking a recalculation of the Infrastructure Charges.

The original application was publicly notified for a period of no less than fifteen (15) business days in accordance with the requirements under the *Sustainable Planning Act 2009*, whereby Council received seven (7) properly made submissions against the proposal. The principle concern of the submitters related to the noise impacts of the development when operating after dusk.

The proposed development had been approved with a limit on use hours from 10am to dusk only, so as not to contribute negatively upon the existing locality. The limitation of the use to dusk allowed the facility to operate beyond sunset but cease operations at nightfall. It was also acknowledged that during the warmer months that the use could operate later as a result of the longer days.

It is recommended that Council resolves to refuse the proposed Change of Conditions request for Hours of Operation beyond dusk for the existing Development Permit for a Wedding Chapel (Undefined Land Use), Food Premises Including Entertainment (Business Use) and Signage. The Infrastructure Charges can be reviewed based on the Applicant's revised proposal plan. Should Council be supportive of the revised site plan, Condition 1 will be required to be amended to reflect the latest proposal plan.

Proposal

The Applicant's proposal involves a Wedding Chapel, Food Establishment, including entertainment and signage over the subject site to allow for weddings and functions to occur at an average of two (2) per week, eight (8) times a month, and a maximum of one hundred (100) times per year. The venue will host up to a maximum of one hundred (100) guests including four (4) staff. The site has an existing shed constructed of brick walls and colour bond roof material together with a detached steel frame and colour bond roofed 'Chapel' area.

Food will be catered for by external caterers and at present, there is no intention to prepare food on the premises. Alcohol is proposed to be served on the subject site.

The total number of proposed parking spaces is nineteen (19), including two (2) spaces for disabled parking. A bus parking space and additional over flow parking has also been provided towards the front of the site.

The site contains extensive landscaping and the applicant does not propose additional landscaping treatments. Screening trees and hedges have however been planted along the north western boundary of the site, in the vicinity of the chapel for the purposes of screening the adjoining residence to the north. According to the applicant, these trees are currently in the growing stage and will become mature in the next 6-12 months.

The approval is comprised of the following:

- Proposed storage shed - 105m²
- Enclosed Area (Dining) - 130m²
- Covered Entertainment Patio - 98m²
- Kitchen
- 2 x Gents Toilets and Shower
- 6 x Ladies Toilets and Shower
- Existing Chapel - 165m²
- Aviary
- Proposed roads and paths
- Total Use Area approximately - 498m²
- 1.5m high Colourbond Fence
- Sign – sign face area 2m² and located less than 6m height from ground level.

The existing uses that do not form part of this application include the following:

- Two existing dwellings - 306m²
- Existing storage shed - 18m²
- Lean to shed (smoking area, no seating proposed)
- Existing Dam
- Existing Holding Yard

Maximum Number of Persons

The maximum number of persons at any given time will be one hundred (100) (including staff) with the maximum number of staff being four (4).

The maximum number of weddings proposed to operate from the site is an average of two (2) per week, eight (8) on a monthly basis and a maximum of one hundred (100) per year. Condition 4 of the original approval requires that the maximum number of wedding functions shall not exceed one hundred (100) functions per year.

Extension of Operating Hours

The applicant originally proposed operating hours to be from 10am-10pm Sunday to Thursday and 10am-11.30pm on Fridays and Saturdays. The applicant was limited by the Council approval to 10am to dusk and the Applicant has now applied for operating hours to 11pm on any given day. The request from the Applicant is on the basis that the limitation of hours of operation from 10am to dusk creates a degree of uncertainty in relation to the condition.

Infrastructure Charges

The applicant has now supplied an amended plan with different (reduced floor area) of the use area proposed - please refer to **Attachment 1**.

The applicant states that the proposed storage shed (105m²) which was included in the area charged as part of the original application is to be used for private residential storage purposes and as such is to be removed from the infrastructure charges for the application.

Site and Environment

Characteristics of Site & Surrounding Environment

The subject site has an area of approximately 2.1ha, is regular in shape and is zoned as Rural Zone, Precinct 4. The site has access from an existing crossover to Muller Road in the west, which is a two (2) lane bitumen seal local road.

The subject site has a road frontage width of approximately 87 metres. The site is improved by two single storey dwellings, various sheds, chapel, informal parking areas, covered structures with tables and chairs and various extensive landscaping.

Furthermore, there is an existing sign which is approximately 2m² in sign face area and less than 6m in height from natural ground level.

The site is constrained by flooding under the Queensland Reconstruction Mapping Authority and Good Quality Agricultural Land.

Surrounding properties comprise of residential dwellings, whilst the Kalbar Tip is located to the south of the subject site.

Submissions

Seven (7) properly made submissions were received in total that were all against the original proposal that was approved with reduced hours of 10am to dusk on any given day. As already mentioned, this application is for extension of hours from 10am to dusk to 10am to 11pm on any given day.

It is noted that all submissions were made from adjoining owners and the below diagram (figure 1) depicts the locations of all the submitters.

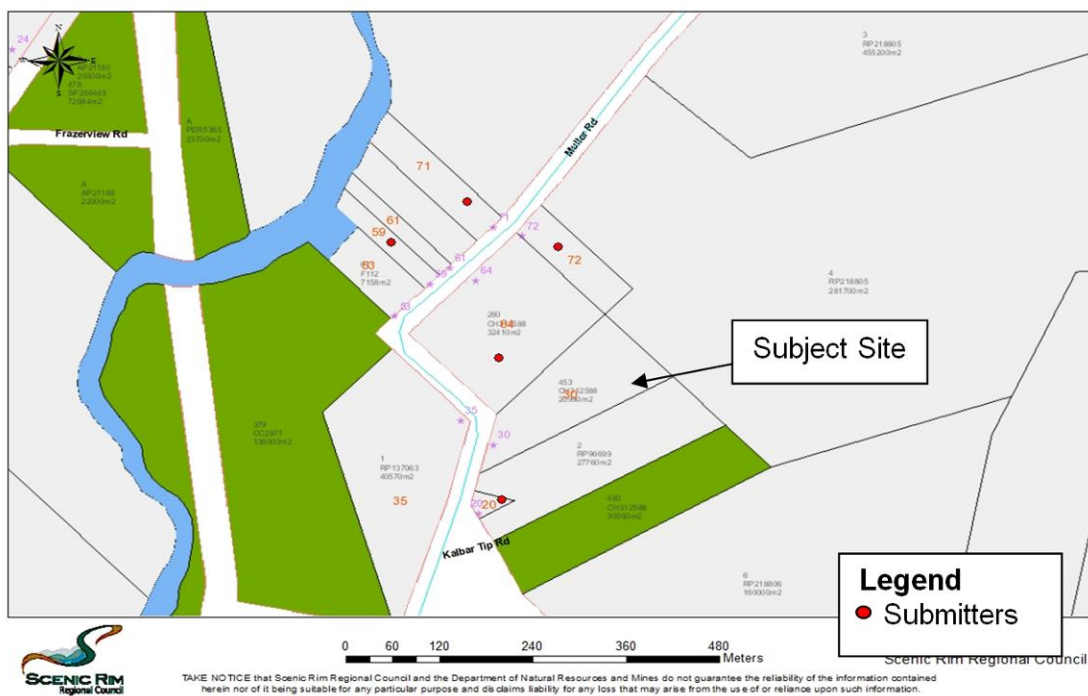


Figure 1: Location of Submitters in relation to subject site

Referrals

Internal

Health, Building and Environment – Building

Council's Building section have assessed the application and advised that they have no objection, subject to reasonable conditions.

Health, Building and Environment – Plumbing

Council's Plumbing section have assessed the application and advised that they have no objection, subject to reasonable conditions.

Health, Building and Environment – Health and Environment

Council's Health and Environment section has strong objection to the proposed changes as the matter was first brought to Council's attention as a noise complaint and illegal use. It is recommended that the existing approval conditions relating to hours of operation remain as stated for the proposed development. The submissions were all from adjoining affected residents and were based on Noise concerns. Consultants CRG submitted an Acoustic Report which details measures and management practices that are to be done by others such as patrons through self-control or staff limiting patron's noise. This could place staff in the difficult and unsafe position of telling the person paying for the function (say a birthday or wedding) to leave, limit noise from other guests or turn down the music. It is considered as a result of the assessment of the submitted acoustic report that the normal operation of a function (ie wedding) on site would require the implementation of measures to ensure mitigation and therefore compliance with the relevant noise requirements was unlikely to be achieved.

Infrastructure and Design – Technical Services

Council's Technical Services section have assessed the application and advised that they have no objections to this proposal, subject to reasonable and relevant conditions.

External

There are no external referral agencies identified.

Conclusion

Extension of operating hours

The proposed Change to Condition request has been assessed against the relevant provisions of the planning scheme, legislation, the current approval and the submitters concerns. It is recommended that the request for an extension of hours from 10am to dusk to 10am to 11pm on any given day be refused as it is considered that the development would contribute adversely on the existing environment, both natural and built. It is acknowledged that the development is an inconsistent land use, however it is considered that through the imposition of the existing reasonable conditions, impacts such as noise can be appropriately mitigated to dusk.

Infrastructure Charges

The Infrastructure Charges can be recalculated based on the revised plan submitted from the Applicant of the use and floor area. The amended charges are as follows:

Local Government Charge

The following Council Charges are applicable to the proposed development:

Proposed Demand

Use	No of Units	Units of Measure	Charge Rate	Amount
Commercial (Retail) (proposed dining, covered entertainment area)	228	Per m ² of GFA	\$150.00	\$34,200.00
Place of Assembly (Chapel)	165	Per m ² of GFA	\$55.00	\$9,075.00
Total				\$43,275.00

Council charge = \$43,275.00

Director's Recommendation

1. That Council resolve to refuse the request to change Condition 10 in respect to the following property:

RPD: Lot 453 on CH312588
Address of property: 30 Muller Road Fassifern QLD 4309
Site area: 2.0990Ha
Proposal: Change of Conditions request for Condition 10 and reduced Infrastructure Charges for Approved Development Permit for a Material Change of Use –Boonah Shire Planning Scheme 2006 – a Wedding Chapel (Undefined Land Use), Food Premises Including Entertainment (Business Use) and Signage

2. The reasons for refusal are:

- 1) The submitted acoustic assessment relies on means that are reliant on staff and patrons to self-manage noise emissions and attenuation.
- 2) The submitters to the original application are likely to complain about the increased traffic, noise and light beyond dusk and were comfortable with the approval to dusk.
- 3) The proposal does not comply with regards to acoustic impact on the surrounding area.
- 4) The proposal does not comply with regards to amenity impact for adjoining uses.
- 5) The proposal will result in more traffic on the roads around the site after dusk and traffic generation that is out of character for the area.

3. Approval Conditions (Referral Agency):

There are no referral agencies identified.

4. 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) **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).

5. That the Submitter/s be advised of the following:

SUBMITTER ADVICE - REFUSAL OF REQUEST TO CHANGE APPROVAL - Council has considered all matters relevant to this application, including your submission, and has resolved to refuse the request to change the conditions of approval for this 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. The Infrastructure Charges will be amended (reduced) as per the latest proposal plan.


6. Administrative Action:

That Decision Notices and an amended Infrastructure Charges Notice be issued in accordance with s.335 of the *Sustainable Planning Act 2009* to the Applicant and submitter/s.

Attachments

1. Applicant's request for a Change of Conditions
2. Approved Floor Plan/Site Plan - Annotated.
3. Dekho Map/Aerial Photo.

Attachment 1 - Applicant's request for a Change of Conditions



SANTOSHI
DEVELOPMENT CONSULTANTS
ABN 26 149 745 882

- Surveyors
- Planners
- Land Development Consultants
- Project Managers
- Environmental & Sustainability Consultants

SDC 1057
Your Ref: Mc.Bn13/00006
30 October 2014

SCENIC RIM REGIONAL COUNCIL
File No: McBn14/015
- 3 NOV 2014
Doc. Set No: PUBA1
Resp. Officer: DA Admin
2. CREAT 3.

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

Attention: Development Assessment

Dear Sir/Madam

RE: APPLICATION TO CHANGE AN EXISTING APPROVAL AND INFRASTRUCTURE CHARGES NOTICE
30 MULLER ROAD, FASSIFERN QLD 4309
LOT 453 CH312588

On behalf of our clients Peter and Chris Casey, we hereby apply to change Condition 10 of the development approval dated 3 February 2014, for the approval of a Wedding Chapel (undefined Use), Food Premises including Entertainment (Business Use) and Signage at the above property.

Furthermore we also apply to change the Infrastructure Charges Notice to reflect the correct use area and to reduce the rate of Commercial and Place of Assembly components of the charges.

Our submission is as follows:

A. Change to Condition 10 - Operating Hours


Council has approved the development and conditioned the use to be operated between the hours of 10am up to 'dusk' on any given day.

The Oxford dictionary defines the term 'dusk' as:

"the darker stage of twilight"

As is apparent from the above definition that the exact time is not mentioned and it is difficult to ascertain what time the proposed use needs to cease.

PAYMENT RECEIVED
O/R. 1209254 \$ 1320.00
3 NOV 2014
Deepak
BEAUDESERT CUSTOMER SERVICE CENTRE



SANTOSHI
Development Consultants
PO Box 986, North Lakes QLD 4509
38 Lochside Drive, North Lakes QLD 4509

RECEIVED
03 NOV 2014
SCENIC RIM REGIONAL COUNCIL

PH: 07 3886 5183 FAX: 07 3886 5183 MOB: Deepak Kumar 0403 629 381 Email: deepak@santoshi.com.au

Page 2 of 4

We have since commissioned an Acoustic Report to address the concerns that Council may have with regards to excessive noise emanating from the premises that could cause nuisance to receptors in the immediate vicinity. This could be the reason for Council not being able to prescribe an exact time for the use to cease.

CRG were commissioned to investigate and recommend if any improvements were required to the premises to ensure that there was no cause for nuisance up to the time that the premises ceased the proposed use on any particular day.

The Environmental Noise Impact Report prepared by CRG reported as follows:

6.0 RECOMMENDED ACOUSTIC TREATMENTS

We recommend that the following acoustic treatments and management principles be incorporated into the facility to mitigate onsite activity noise:

- Patrons must have vacated the site by 11pm. This involves shutting off music by 10.45pm.*
- Deliveries using trucks be limited to 7am to 6pm.*
- Waste collection be limited to 7am to 6pm. This includes keeping empty bottles in receptacles inside the venue, with waste bottle handing limited to daytime only.*
- Function room openings facing south-west and south-east be closed and locked off when music is being provided inside.*
- A solid wall extending from ground to underside of the roof over the enclosed eastern area be installed. This wall may be constructed of glass, 9mm fibrous cement sheet, or masonry. Refer to Sketch 1 in Appendix "A" of this report for detail.*
- Music for functions be restricted to inside the function space, with average maximum levels limited to less than 80 dB(A) at 1m from speakers. A sound level meter should be purchased and levels checked prior to commencement of a function and during the function.*
- Music systems be operated by one person only – it is not acceptable to allow patrons to operate the system. The sound system operator be instructed by venue staff that sound restrictions apply, and that once music sound levels are set prior to commencement of the function that they are not increased.*
- If music is found to exceed the criteria, Staff are required to instruct the sound system operator to adjust the music to within the acceptable range.*
- Large PA systems or live amplified entertainment are not allowed, with sound systems limited to portable systems and small DJ systems.*
- Background music in the wedding pergola be allowed at levels less than 80 dB(A) at 1m from speakers, and limited to daytime only.*
- Staff of the venue monitor patron behaviour and if patrons are behaving boisterously outside the building, be asked to come inside the building or leave the site.*
- Staff be present when patrons are leaving the venue to walk to the carpark, to ensure that patrons leave the venue quietly.*



SANTOSHI Development Consultants

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The conclusions in the report state that there is no need for building shell treatment as there is no live music, only small DJ equipment being allowed and to be operated by staff only. Furthermore that staff would accompany patrons leaving the venue after cessation of the function to ensure that they leave in a quiet manner.

The report also recommends extended operating hours up to 11pm with all music being switched off at 10.45pm and patrons vacated by 11pm.

In consideration of the recommendations of the report and the acoustic details presented in the report we kindly request Council to approve the extension of the operating hours to 11pm instead of 'dusk' which is an undefinable term and can lead to confusion and difficulty in explaining to patrons.

B. Infrastructure Charges

The proposed storage shed that is attached to the main enclosed / dining area is not for the purpose of the proposed use and is for storage of material belonging to the owners. A revised proposal plan SDC1057-212 is provided that correctly depicts the Use area for the approved use on the site.

The proposed use areas are as follows:

Reception Area:	228m ²
Chapel Area:	165m ²
Total Use Area:	393m ²

The use area for the Chapel has also been incorrectly allocated whereby the charges are allocated for 333m² instead of 165m².

Furthermore the rates being charged for both the Commercial component and the Place of Assembly component is excessive especially that the use is periodic and only utilised perhaps once or twice a week.

If the proposed use is being utilised twice a week then it is only 30% of the full use time and will equate to a 30% charge allocated to both components of the use.

Based on the above information our calculations are as follows:

1) Commercial Retail Council	228m ² @ \$ 45.00 per m ²	\$ 10,260.00
2) Places of Assembly Council	165m ² @ \$ 8.18 per m ²	\$ 1,349.70
	TOTAL	\$ 11,609.70

Council is now kindly requested to approve both of the above items as there is now sufficient justification forwarded to support the changes.



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We also attach the following documentation for your reference:

- 1) Form - Request to Change an Existing Approval
- 2) Environmental Noise Impact Report *prepared by CRG*
- 3) Proposed Development Plan showing GFA SDC1057-212
- 4) Owner's Consent
- 5) Cheque for an amount of \$ 1,320.00 being application for change of two (2) conditions.

Please do not hesitate to contact this office if you have any queries or require further information.

Thank you .

Yours faithfully
SANTOSHI DEVELOPMENT CONSULTANTS


DEEPAK KUMAR
Director



SANTOSHI Development Consultants



GOLD COAST
27 Paradise Ave Murrumbidgee Qld 4220
P: (07) 5527 7333 F: (07) 5527 7555
Postal: PO Box 441 Mermaid Beach Qld 4218

E: info@erg.net.au www.erg.net.au
CRG Acoustics Pty Ltd ACN 151 847 255
In association with CRG Traffic Pty Ltd

ACOUSTICAL CONSULTANTS

Proposed Extension to Hours of Operation,
Wedding Venue, 30 Muller Road, Fassifern
(Lot 453 CH 312588)

ENVIRONMENTAL NOISE IMPACT REPORT

Prepared for:

Mr. Peter & Mrs. Christine Casey

C/- Santoshi Development Consultants Pty Ltd

02 October 2014

crgref: 14021 report





1.0 INTRODUCTION

This report is in response to a request from Santoshi Development Consultants Pty Ltd on behalf of Christine and Peter Casey for an environmental noise impact assessment of a proposed extension to hours of operation at a wedding chapel, and to establish a carparking area towards the eastern end of the lot, with an internal driveway connecting to Muller Road. The facility was granted a Development Permit on 03/02/2014, which set the following conditions in regards to operating hours (re: Condition 10):

10. Operating Hours – The approved use must not start before 10.00am and must not continue after dusk on any given day.

In undertaking the above, noise logging of ambient noise conditions was conducted, and through modelling, predictions of onsite activity noise emissions were produced. Based upon the predicted noise impact levels, recommendations regarding acoustic treatment have been provided to facilitate an extension to hours of operation.

2.0 SITE & DEVELOPMENT DESCRIPTION

The subject site is described as Lot 453 CH 312588, 30 Muller Road, Fassifern. The site is bounded by rural residential lots to the south and north, and across Muller Road to the west. Land to the east is vacant farmland. For site location refer to Appendix A of this report.

The proposal is to extend hours of operation to 11pm, and establish a new carpark to the eastern end of the site to reduce noise at dwellings to the south and north-west.

The function space is a large metal shed, with sliding glass doors fitted facing to the east, and standard roller doors facing west. A covered area is located to the eastern side of the building, facing east. The venue will not hold a liquor license, and will provide low level amplified music for dancing. We are advised by the Operators that there is no intention to allow live amplified entertainment, or loud music in the venue.

3.0 AMBIENT NOISE SURVEY

3.1 Instrumentation

The following equipment was used to record ambient noise levels at the subject site locale.

- Rion NC 73 Calibrator;
- Rion NL 21 Sound level meter.

All instrumentation used in this assessment hold current calibration certificate from a certified NATA calibration laboratory.



3.2 Background Noise Measurement

A noise logger was located towards the western end of the site, approximately 45m from the edge of Muller Road, and 25m from the southern boundary of the site. Refer to Figure 2 of Appendix A for the monitoring location.

The logger was set to record noise statistics in 15 minute blocks continually between Friday 07/03/2014 and Friday 14/03/2014. All measurements were conducted generally in accordance with Australian Standard AS 1055:1997 - "*Acoustics-Description and measurement of environmental noise*".

The operation of the sound level equipment was field calibrated before and after the measurement session, with no significant drift from the reference signal recorded. From Bureau of Meteorology data from the Beaudesert weather station, weather conditions during the survey were generally fine but gusty, with a small amount of rain (3.2mm) recorded on Monday 10/03.

Table 1 below presents the calculated Rating Background Noise Levels (as per the methodology specified in the QLD EPA Guideline "Planning for noise control") based upon background noise levels recorded at the measurement location. Refer to Appendix C for logger level time traces.

Time Period	Background Noise Level, SPL dB(A) L _{A90}
Day (7am to 6pm)	36
Evening (6pm to 10pm)	34
Night (10pm to 7am)	29
Early Night (10pm to 11pm)	32

Table 1: Measured background noise levels at the logger measurement location.



4.0 NOISE CRITERION

Council noise limits are specified in the Decision Notice dated 30th August 2012 and are pursuant to the Environmental Protection Act 1994 (as amended) and the Environmental Protection (Noise) Policy 2008. Noise criteria may be assessed at the noise sensitive property boundary, and inside potentially affected dwellings.

Council typically require assessment of noise impacting at outdoor noise sensitive locations (i.e. residential facades) by comparing the average maximum noise level (L₁₀) of noise generated by the use, to the Rating Background Levels (RBL L₉₀), as follows.

Time Period	Noise Limit, SPL L _{A10} dB(A)
Evening (6pm to 10pm)	39 (Background level 34 + 5 dB)

Table 2: Noise limit criteria for the facility based upon measured ambient noise levels.

Further to the above, we submit it reasonable to assess noise intrusion inside dwellings after 10pm, and compare this impact to the typically accepted sleep disturbance criteria of 45 dB(A) L_{max}. This is based upon the document “Guidelines for Community Noise”, produced by the World Health Organisation (and cited in the QLD EPA Guideline “Planning for noise control”), which states that “for good quality sleep, it is believed that indoor sound pressure levels should not exceed approximately 45 dB L_{Amax} more than 10 – 15 times per night”.

In summary, we submit it reasonable to apply the following criteria:

- 6pm to 10pm: 39 dB(A) L₁₀ assessed at the most exposed façade of a dwelling;
- 10pm to 11pm: 45 dB(A) L_{max}. assessed inside a dwelling assuming open windows.

5.0 PREDICTED NOISE IMPACTS

All noise source levels used in the assessment have been collected from similar. The source noise levels have been corrected for impulsiveness or tonality as per Australian Standard AS 1055:1997 – “Acoustics-Description and measurement of environmental noise” as appropriate. The following noise sources are typically associated with wedding facility operations and have been assessed within this report:

Activity/Noise Source	Noise Source Level, SPL at 1m	
	L _{A10} dB(A)	L _{Amax} dB(A)
Car door closures	80* dB(A)	83 dB(A)
Car bypass	75 dB(A)	78 dB(A)
Music inside function space	80* dB(A)	85 dB(A)
Patrons talking outside	70 dB(A)	80 dB(A)

* Denotes + 5 dB correction for impulsiveness in accordance with AS1055.

Table 3: Noise source levels associated with the facility.



Based upon the location of the function room, eastern carpark and internal driveway in relation to the nearest noise sensitive receivers (at façades and inside rooms with windows open), we predict the following noise impact levels as presented in the Table 4 below.

Predicted impact levels assume that the acoustic treatments recommended in Section 6 have been incorporated into the development.

For point source calculations refer to Appendix C of this report.

Dwelling to the North 64 Muller Rd		
Noise Impact Level, SPL		
Activity/Noise Source	L_{A10} dB(A) Facade	L_{Amax} dB(A) Inside
Car door closures	36*	32
Car bypass	31	< 30
Music inside building	32*	< 30
Music in Wedding Chapel	37	35
Patrons talking covered east area	< 30	30
Dwelling to the South 20 Muller Rd		
Noise Impact Level, SPL		
Activity/Noise Source	L_{A10} dB(A) Facade	L_{Amax} dB(A) Inside
Car door closures	30*	31
Car bypass	38	34
Music inside building	38*	35
Music in Wedding Chapel	38	35
Patrons talking covered east area	32	34
Dwelling to the West 35 Muller Rd		
Noise Impact Level, SPL		
Activity/Noise Source	L_{A10} dB(A) Facade	L_{Amax} dB(A) Inside
Car door closures	< 30*	31
Car bypass	44	39
Music inside building	37*	35
Music in Wedding Chapel	35	36
Patrons talking covered east area	< 30	36

Table 4: Predicted noise impact levels at noise sensitive properties.



6.0 RECOMMENDED ACOUSTIC TREATMENTS

We recommend that the following acoustic treatments and management principles be incorporated into the facility to mitigate onsite activity noise:

- Patrons must have vacated the site by 11pm. This involves shutting off music by 10.45pm.
- Deliveries using trucks be limited to 7am to 6pm.
- Waste collection be limited to 7am to 6pm. This includes keeping empty bottles in receptacles inside the venue, with waste bottle handing limited to daytime only.
- Function room openings facing south-west and south-east be closed and locked off when music is being provided inside.
- A solid wall extending from ground to underside of the roof over the enclosed eastern area be installed. This wall may be constructed of glass, 9mm fibrous cement sheet, or masonry. Refer to Sketch 1 in Appendix "A" of this report for detail.
- Music for functions be restricted to inside the function space, with average maximum levels limited to less than 80 dB(A) at 1m from speakers. A sound level meter should be purchased and levels checked prior to commencement of a function and during the function.
- Music systems be operated by one person only – it is not acceptable to allow patrons to operate the system. The sound system operator be instructed by venue staff that sound restrictions apply, and that once music sound levels are set prior to commencement of the function that they are not increased.
- If music is found to exceed the criteria, Staff are required to instruct the sound system operator to adjust the music to within the acceptable range.
- Large PA systems or live amplified entertainment are not allowed, with sound systems limited to portable systems and small DJ systems.
- Background music in the wedding pagola be allowed at levels less than 80 dB(A) at 1m from speakers, and limited to daytime only.
- Staff of the venue monitor patron behaviour and if patrons are behaving boisterously outside the building, be asked to come inside the building or leave the site.
- Staff be present when patrons are leaving the venue to walk to the carpark, to ensure that patrons leave the venue quietly.



7.0 DISCUSSION & CONCLUSIONS

The venue holds an approval for operation during daylight periods only, and an application is being made to extend hours of operation until 11pm. The site is located in a rural-residential area, with nearest dwellings located within 90m of the function building. Ambient noise levels in the area are typical of a rural locale that has little local traffic. It is noted that the site is approximately 350m from the Cunningham Highway which carries a significant load of heavy vehicles throughout the day and night, in particular, at night during cropping seasons.

A carpark has been located to the eastern end of the site in order to maximise distance separation to dwellings, which will result in acceptable noise level impacts at the nearest dwellings.

We are advised that the venue will not allow live entertainment, but will provide lower level music for dancing following a bridal dinner. We have recommended limits for music inside the building, to avoid the need for building shell treatments to contain sound. In the event that there were noise complaints, it would be possible to improve the sound containment of the building through installation of internal plasterboard linings (walls and ceiling) and door treatments.

Overall, based upon the adopted noise limit criterion, the proposed activity can be operated to be generally within acceptable levels of Council's requirements, subject to the acoustic treatments and management principles recommended in Section 6 being integrated into the design, construction and operation of the venue.

Report Compiled By:

A handwritten signature in black ink, appearing to read 'JAY CARTER', is written over a horizontal line.

JAY CARTER BSc
Director



APPENDIX A

Subject Site, Logger Location and Acoustic Treatment Sketch



Figure No. 1: Subject Site Location (UBD Version 6).

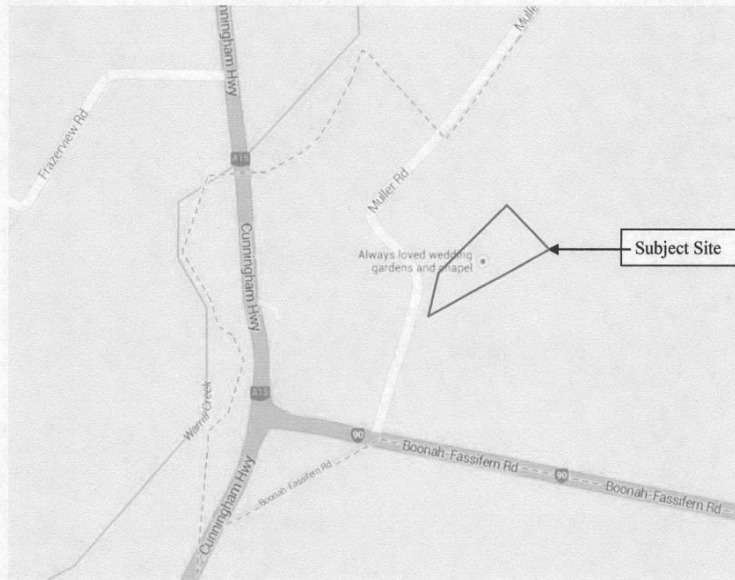
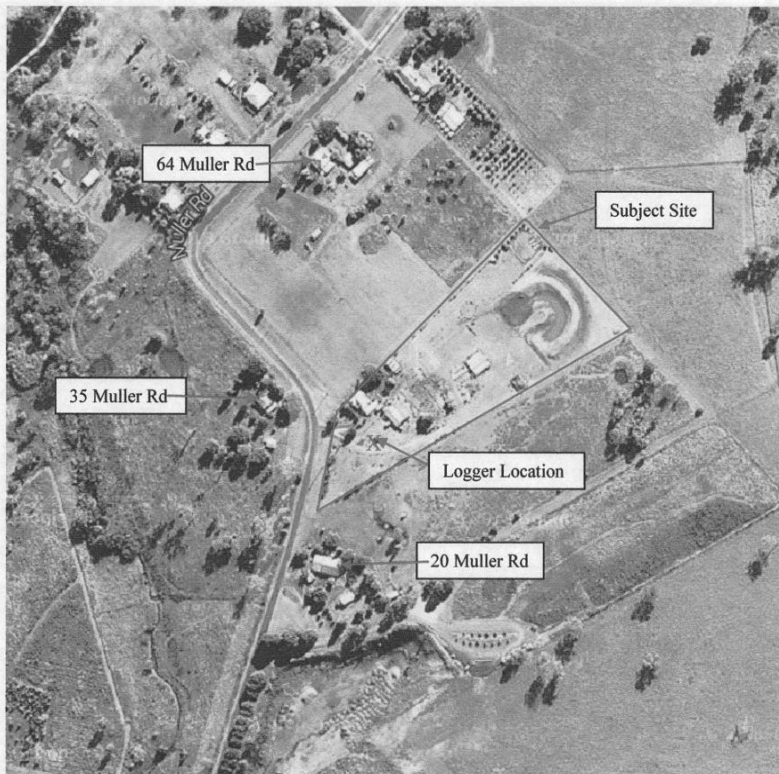


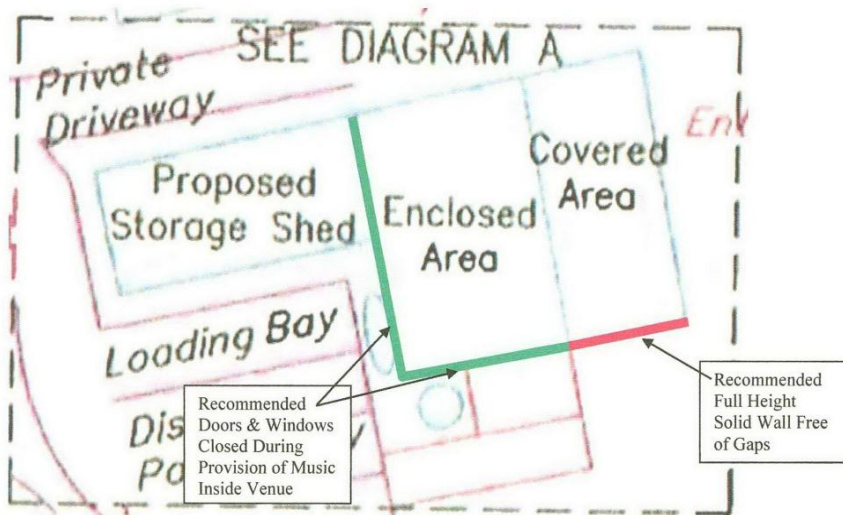


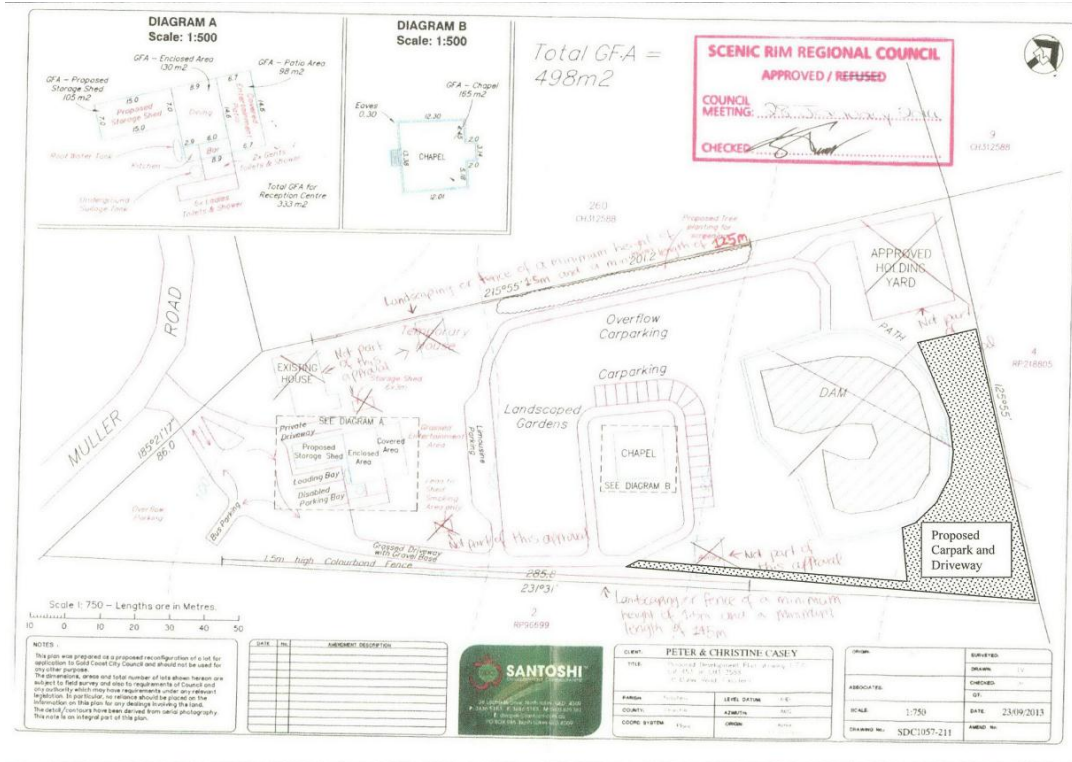
Figure No. 2: Subject Site, Noise Monitoring Location and Surrounding Environs (Google Earth with DNRM QLD GLOBE Data Base overlay).





Sketch No. 1: Recommended Acoustic Treatments (Not to Scale)

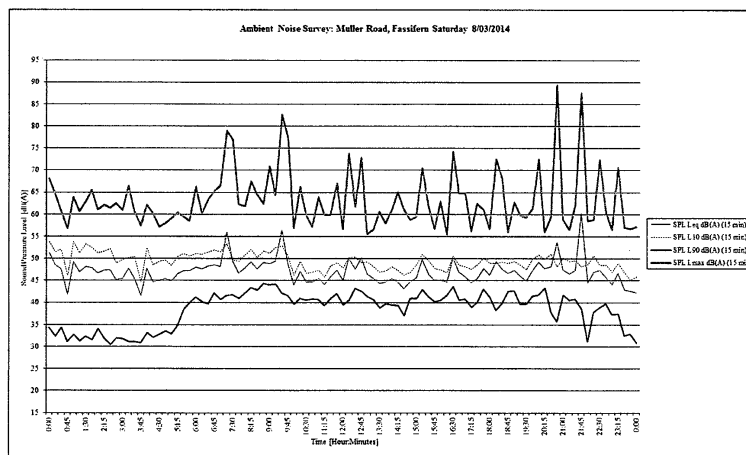
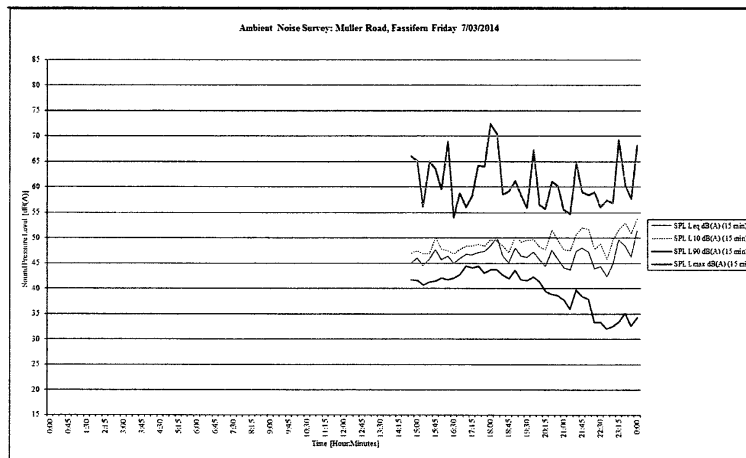


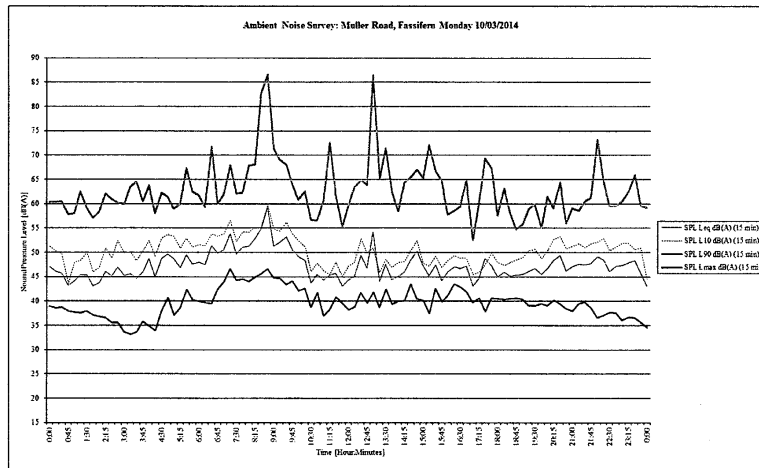
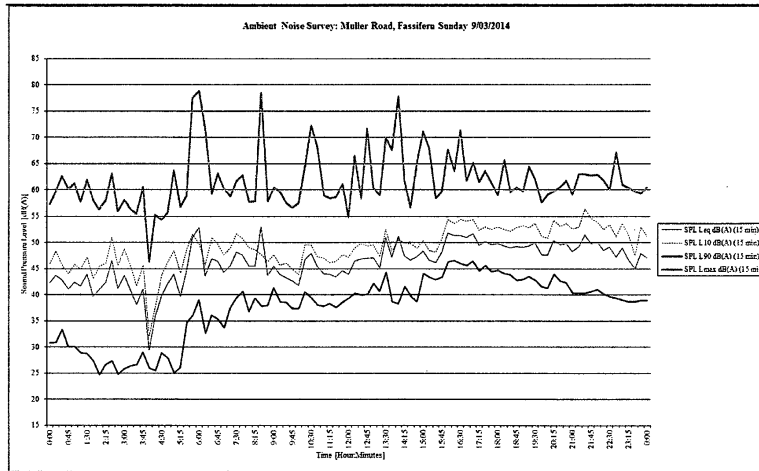


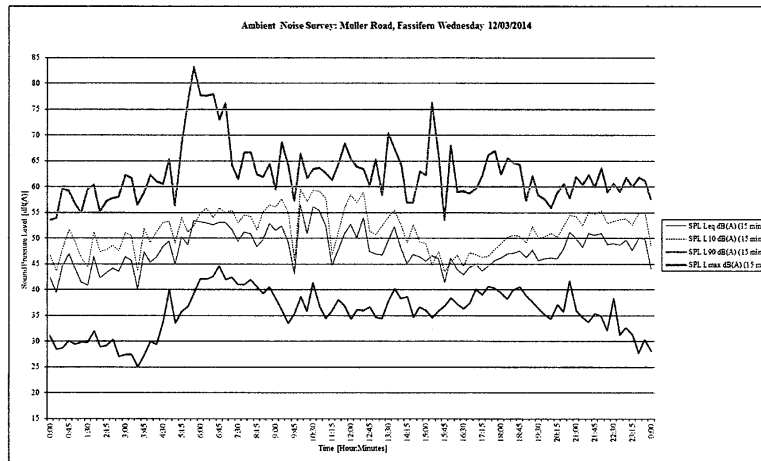
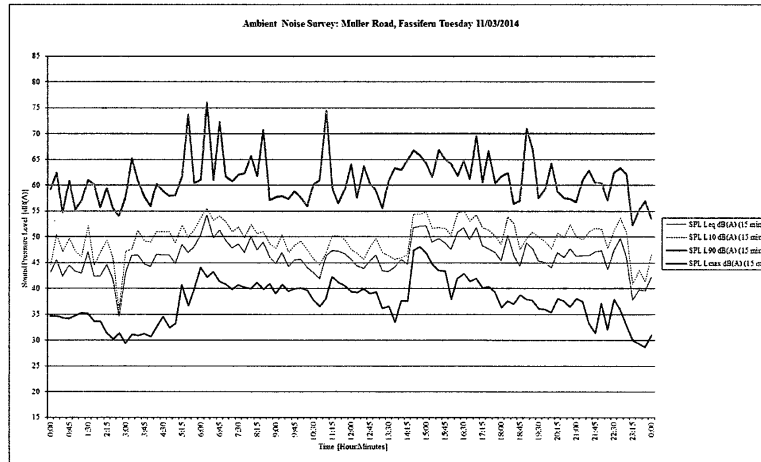


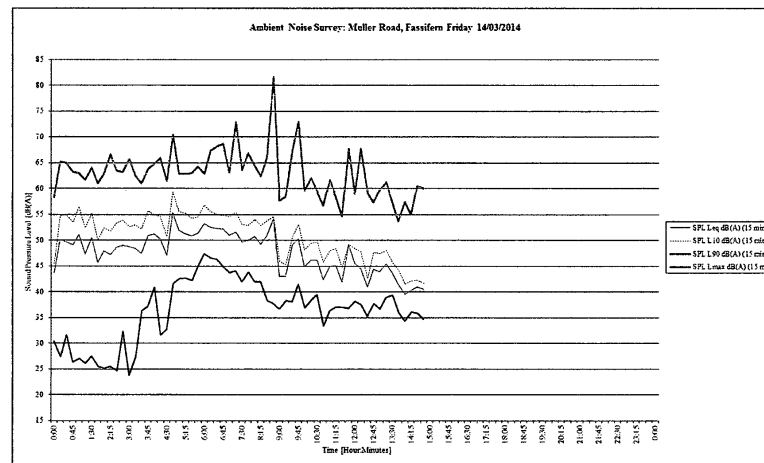
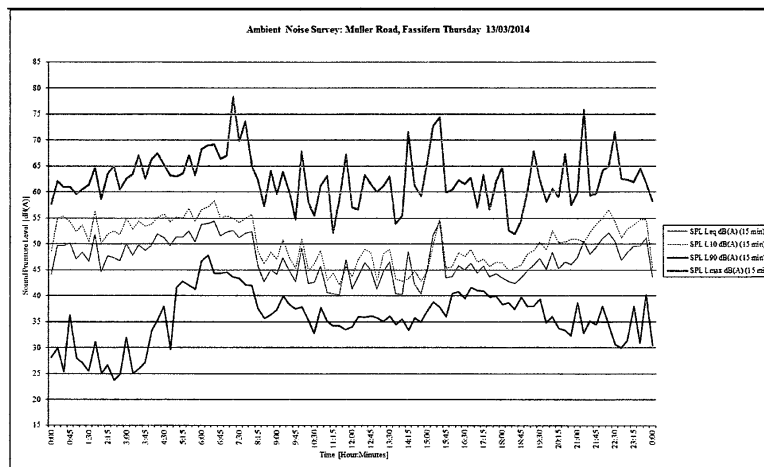
APPENDIX C

Measurement Results and Model Calculations / Prediction











Fassifern Wedding Facility Noise Prediction Calculations

Impact at 64 Muller Rd to North

Car door closure eastern carpark	80 dB(A) L10
Car door closure eastern carpark	83 dB(A) Lmax
Distance to dwelling	210m
Distance attenuation	-46.4 dB(A)
Obstructions	0 dB(A)
Facade reflection	2.5 dB(A)
Reduction through open window	-5 dB(A)
Impact at facade	36.1 dB(A) L10
Impact inside	31.6 dB(A) Lmax

Impact at 20 Muller Rd to South

Car door closure eastern carpark	80 dB(A) L10
Car door closure eastern carpark	83 dB(A) Lmax
Distance to dwelling	220m
Distance attenuation	-46.8 dB(A)
Obstructions topography	-6 dB(A)
Facade reflection	2.5 dB(A)
Reduction through open window	-5 dB(A)
Impact at facade	29.7 dB(A) L10
Impact inside	31.2 dB(A) Lmax

Impact at 35 Muller Rd to West

Car door closure eastern carpark	80 dB(A) L10
Car door closure eastern carpark	83 dB(A) Lmax
Distance to dwelling	225m
Distance attenuation	-47.0 dB(A)
Obstructions topography	-6 dB(A)
Facade reflection	2.5 dB(A)
Reduction through open window	-5 dB(A)
Impact at facade	29.5 dB(A) L10
Impact inside	31.0 dB(A) Lmax

Car bypass internal driveway	75 dB(A) L10
Car bypass internal driveway	78 dB(A) Lmax
Distance to dwelling	216m
Distance attenuation	-46.7 dB(A)
Obstructions	0 dB(A)
Facade reflection	2.5 dB(A)
Reduction through open window	-5 dB(A)
Impact at facade	30.8 dB(A) L10
Impact inside	26.3 dB(A) Lmax

Car bypass internal driveway	75 dB(A) L10
Car bypass internal driveway	78 dB(A) Lmax
Distance to dwelling	90m
Distance attenuation	-39.1 dB(A)
Obstructions	0 dB(A)
Facade reflection	2.5 dB(A)
Reduction through open window	-5 dB(A)
Impact at facade	38.4 dB(A) L10
Impact inside	33.9 dB(A) Lmax

Car bypass internal driveway	75 dB(A) L10
Car bypass internal driveway	78 dB(A) Lmax
Distance to dwelling	50m
Distance attenuation	-34.0 dB(A)
Obstructions	0 dB(A)
Facade reflection	2.5 dB(A)
Reduction through open window	-5 dB(A)
Impact at facade	43.5 dB(A) L10
Impact inside	39.0 dB(A) Lmax

Music inside building	80 dB(A) L10
Music inside building	85 dB(A) Lmax
Distance to dwelling	181m
Distance attenuation	-40.6 dB(A)
Inside to outside open doors	-10.0 dB(A)
Obstructions	0 dB(A)
Facade reflection	2.5 dB(A)
Reduction through open window	-5 dB(A)
Impact at facade	31.9 dB(A) L10
Impact inside	29.4 dB(A) Lmax

Music inside building	80 dB(A) L10
Music inside building	85 dB(A) Lmax
Distance to dwelling	111m
Distance attenuation	-36.8 dB(A)
Inside to outside CLOSED doors	-8.0 dB(A)
Obstructions	0 dB(A)
Facade reflection	2.5 dB(A)
Reduction through open window	-5 dB(A)
Impact at facade	37.7 dB(A) L10
Impact inside	35.2 dB(A) Lmax

Music inside building	80 dB(A) L10
Music inside building	85 dB(A) Lmax
Distance to dwelling	91m
Distance attenuation	-35.3 dB(A)
Inside to outside open doors	-10.0 dB(A)
Obstructions	0 dB(A)
Facade reflection	2.5 dB(A)
Reduction through open window	-5 dB(A)
Impact at facade	37.2 dB(A) L10
Impact inside	34.7 dB(A) Lmax

People talking in covered area	70 dB(A) L10
People talking in covered area	80 dB(A) Lmax
Distance to dwelling	181m
Distance attenuation	-45.2 dB(A)
Obstructions	0 dB(A)
Facade reflection	2.5 dB(A)
Reduction through open window	-5 dB(A)
Impact at facade	27.3 dB(A) L10
Impact inside	29.8 dB(A) Lmax

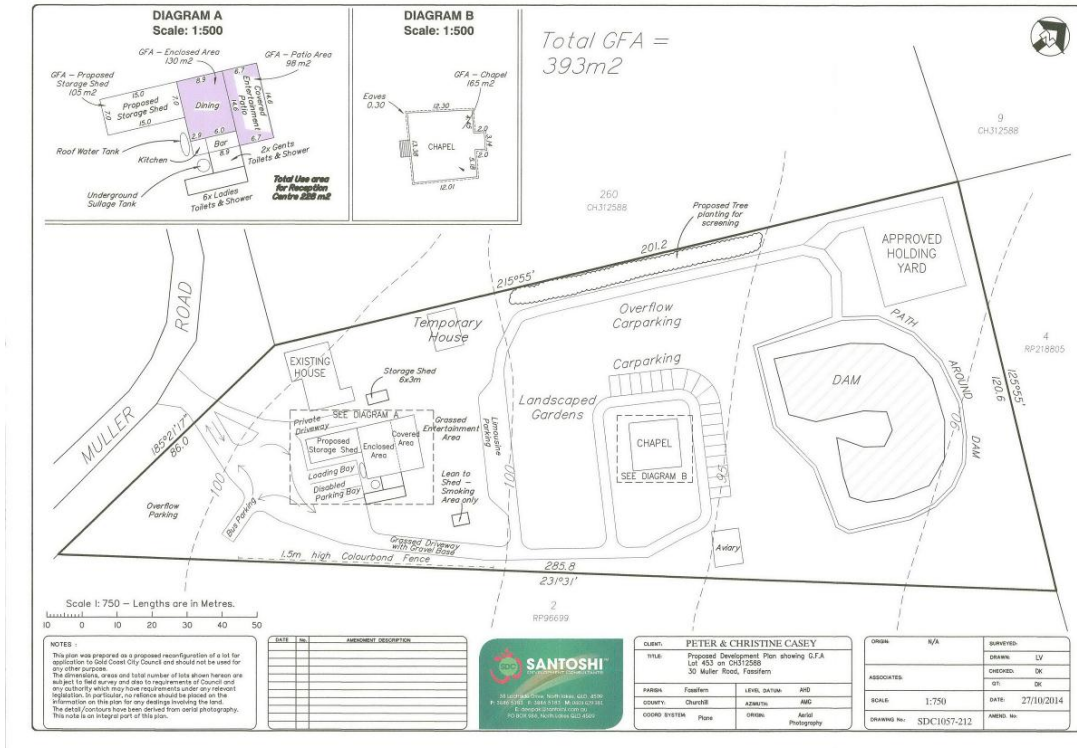
People talking in covered area	70 dB(A) L10
People talking in covered area	80 dB(A) Lmax
Distance to dwelling	111m
Distance attenuation	-40.9 dB(A)
Obstructions building	0 dB(A)
Facade reflection	2.5 dB(A)
Reduction through open window	-5 dB(A)
Impact at facade	31.6 dB(A) L10
Impact inside	34.1 dB(A) Lmax

People talking in covered area	70 dB(A) L10
People talking in covered area	80 dB(A) Lmax
Distance to dwelling	91m
Distance attenuation	-39.2 dB(A)
Obstructions building	-4 dB(A)
Facade reflection	2.5 dB(A)
Reduction through open window	-5 dB(A)
Impact at facade	29.3 dB(A) L10
Impact inside	35.8 dB(A) Lmax

Music wedding pagola	80 dB(A) L10
Music wedding pagola	85 dB(A) Lmax
Distance to dwelling	181m
Distance attenuation	-45.2 dB(A)
Obstructions	0 dB(A)
Facade reflection	2.5 dB(A)
Reduction through open window	-5 dB(A)
Impact at facade	37.3 dB(A) L10
Impact inside	34.8 dB(A) Lmax

Music wedding pagola	80 dB(A) L10
Music wedding pagola	85 dB(A) Lmax
Distance to dwelling	176m
Distance attenuation	-44.9 dB(A)
Obstructions	0 dB(A)
Facade reflection	2.5 dB(A)
Reduction through open window	-5 dB(A)
Impact at facade	37.6 dB(A) L10
Impact inside	35.1 dB(A) Lmax

Music wedding pagola	80 dB(A) L10
Music wedding pagola	85 dB(A) Lmax
Distance to dwelling	156m
Distance attenuation	-43.9 dB(A)
Obstructions topography	-4 dB(A)
Facade reflection	2.5 dB(A)
Reduction through open window	-5 dB(A)
Impact at facade	34.6 dB(A) L10
Impact inside	36.1 dB(A) Lmax




Christine & Peter Charles Casey
30 Muller Road
Fassifern QLD 4309

2 July 2013

TO WHOM IT MAY CONCERN

We, Christine & Peter Charles Casey, hereby authorise Mr. Deepak Kumar of S: ntoshi Developments Consultants Pty Ltd to lodge a Material Change of Use application over our property located at 30 Muller Road, Fassifern QLD 4309, to the Scenic-Rim Regional Council for consideration.

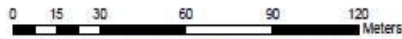
Your Truly,


.....
Christine Casey

.....
Peter Charles Casey

Peter Casey was away at the time of lodgement, however we have other instructions from Peter to lodge this application on his behalf.

Attachment 3 - Dekho Map/Aerial Photo.



Copyright 2013
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 declines liability for any loss that may arise from the use of or reliance upon such information.

3.4 D8678.01 Request to Change an Existing Approval Report for Material Change of Use (Light Industry) for Research & Process Facility and Kennel. Report for Plasvacc Pty Ltd - Development Permit for Material Change of Use (Light Industry) Lot 10 RP20973

Executive Officer: Director Regional Services

Item Author: Manager Planning

File Reference: D8678.01

Applicable Planning Scheme	<i>Boonah Shire Planning Scheme 2006</i>
Applicant	Plasvacc Pty Ltd
Owner(s)	Rigby Australia Pty Ltd
Site Address	Rigby 6066 Cunningham Highway KALBAR QLD 4309
Real Property Description	Lot 10 on RP20973
Site Area	135.14ha
Relevant Zone and Precinct	Rural Zone – Precinct 2 Grazing Lands
Proposal	Request to Change an Existing Approval for - Material Change of Use (Light Industry) for Research & Process Facility and Kennel
Original Assessment Level	Impact Assessment
Approval Type	Change to existing development approval
Date Application Received:	3 November 2014

Purpose of Report

This report has been compiled outlining the facts and circumstances for an application seeking a Request to Change an Existing Approval for a Material Change of Use (Light Industry) for Research & Process Facility and Kennel.

Brief Summary

On 23 September 2014, Council received a request for Permissible Change in accordance with section 369 of the *Sustainable Planning Act 2009* (SPA).

Pursuant to the *Boonah Shire Planning Scheme 2006* (Planning Scheme), the subject land is located within the Grazing Lands Precinct 2 of the Rural Zone.

The application essentially seeks to reduce the overall building footprint of the approved sheds to a more attainable standard over three (3) stages and amend the on-site wastewater system.

The subject application was referred to the Department of State Development, Infrastructure and Planning (DSDIP) as a Relevant Entity. Correspondence from DSDIP dated 14 November 2014 indicated that the department had no objection to the proposed changes.

Subsequent to an assessment against the previous approval and against the current Planning Scheme; the proposal is not considered to constitute a substantial change and is in general compliance with the SPA and the Planning Scheme. Based on the information submitted and the detailed assessment given within this report the proposal is recommended to be approved.

Background

On the 29 November 2007, Council issued a Negotiated Decision Notice approving a Development Permit for Material Change of Use (Light Industry) for Research & Process Facility and Kennel Extension. Council reference number: SK CK D8678.

On the 14 November 2011, Council issued an approval for Request to Extend Relevant Period in pursuant to Section 389 of SPA. The approval allowed the relevant period to be extended to 27 November 2012. Council reference number: D8678.

On the 19 November 2012, Council issued a successive approval for Request to Extend Relevant Period in pursuant to Section 389 of SPA. The approval allowed for a revised relevant period, due expiring on the 27 November 2014.

Proposal

Council is in receipt of a combined application for Permissible Change in accordance with section 369 of the *Sustainable Planning Act 2009* (SPA). The applicant has provided the following comments in support of the proposed changes:

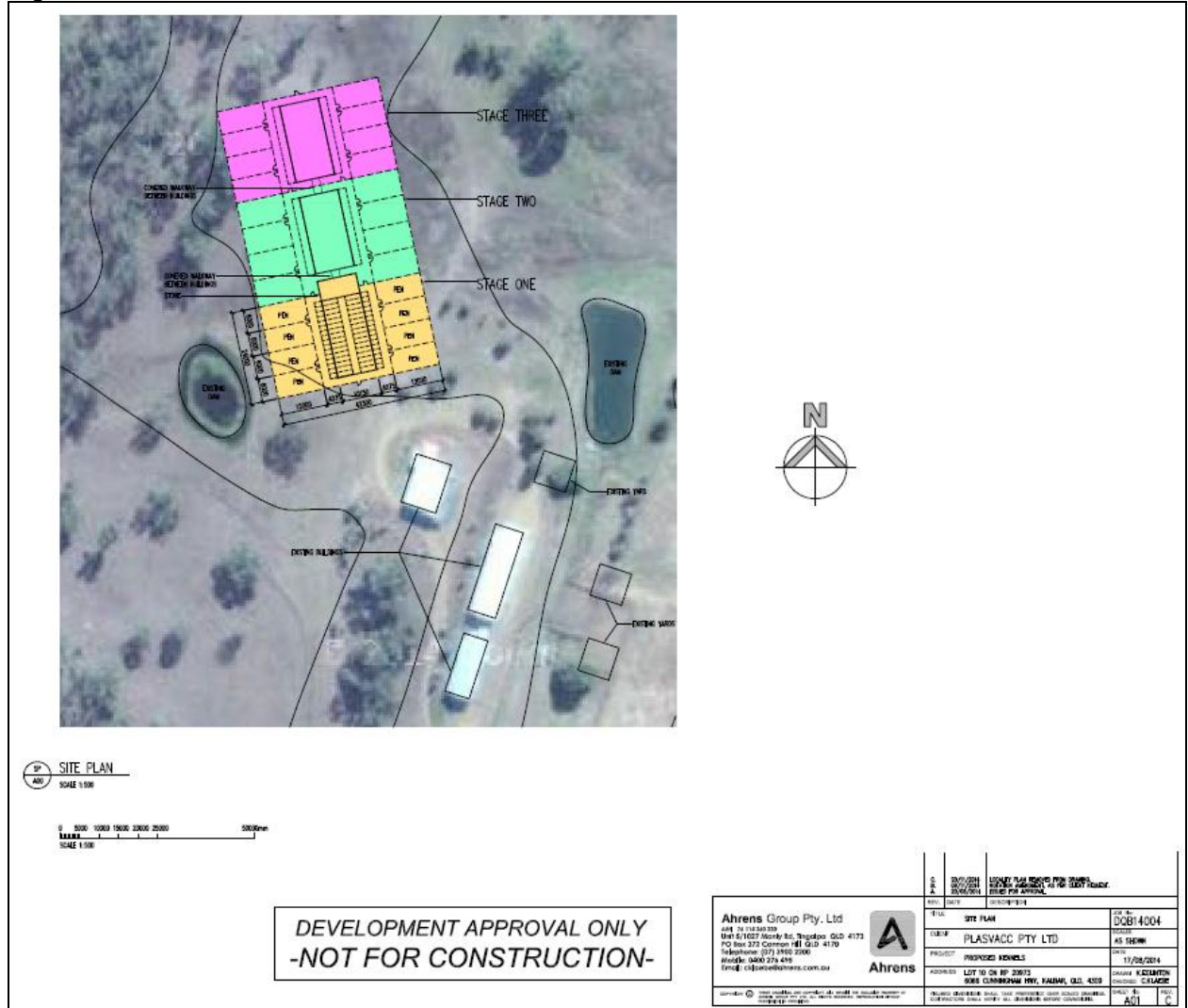
It is our intention to now build the structure and associated infrastructure in a 3 staged manner rather than in one build as originally proposed and approved under DA D8678. It is our desire to not change the integrity of the building, just to stage the build over 3 stages, reduce the size and lower the building profile. All this will enable the building to blend into the surrounds and be less conspicuous. The new 3 staged building will be constructed in the same location as the previous approved building - D8678.

SPA Section 367 for permissible change to change a development approval We request a permissible change under section 367 of SPA for our development approval D8678 as the changes we are seeking are not substantially different from the original approval, nor do they require referral to concurrence agencies or an impact assessment.

Permissible Change Request

Through the assessment process, the applicant has stated that the original approved development was of a scale and design which made it very difficult financially to construct. The applicant has now reduced the scale of the development and it will be constructed in a staged approach. The building will be located in the same location as originally approved and the overall building area will be reduced by 553m². It is also noted that all wastewater will now be managed through a septic tank system. As such, the proposed changes will affect Condition 1 (Approved Plans) and Condition 7 (Wastewater) only. All other conditions are not proposed to be amended. Figure 1 below shows the proposed site plan and respective stages.

Figure 1 - Site Plan



Site and Environment

The site is located at Kalbar approximately 3.5 kilometres from the Kalbar township and approximately 45 kilometres south-west of the Ipswich Central Business District. The site is on the western side of and directly adjoining the Cunningham Highway. A site location map is attached.

The site is currently accessed directly from the Cunningham Highway at a point approximately 2.5 kilometres north of its junction with the Boonah Fassifern Road. The site has an area of 135 hectares and is currently used for grazing. The site consists of open grassland at lower elevations and open forest/woodland above approximately 100m.

Development Assessment

Permissible Change – Section 369 Sustainable Planning Act 2009

Pursuant to the *Sustainable Planning Act 2009* (SPA), a person can request to change a development approval in accordance with section 369 of the SPA. The scope of section 369 is limited and only applies if a person wants to make a permissible change to the development approval. Section 367 of the *Sustainable Planning Act 2009* defines a 'Permissible Change' as follows:

“permissible change, for a development approval, is a change to the approval that would not—

- a) *result in a substantially different development; or*
- b) *if the application for the approval were remade including the change—*
 - (i) *require referral to additional concurrence agencies; or*
 - (ii) *for an approval for assessable development that previously did not require impact assessment—require impact assessment; or*
- c) *for an approval for assessable development that previously required impact assessment—be likely, in the responsible entity’s opinion, to cause a person to make a properly made submission objecting to the proposed change, if the circumstances allowed; or*
- d) *cause development to which the approval relates to include any prohibited development.”*

Having regard to the relevant SPA provisions above, the proposed changes are considered to be a permissible change for the following reasons:

- With respect to Section 367(a) of the SPA and determining what constitutes a substantially different form of development, it is appropriate to have regard to the guidelines made by the Chief Executive under Section 760 of the SPA (Statutory Guidelines 06/09), as follows:

“Although it will depend on the individual circumstances of the development, the following list identifies changes that may result in a substantially different development and would, therefore, not be a minor change or permissible change under the SPA. This list is intended as a guide to assist assessment managers and applicants to determine whether a change will result in a substantially different development and is not intended to be exhaustive.”

- An assessment of instances whereby a proposed change may result in a substantially different development is included in the table below.

Assessment of changes against the Sustainable Planning Act 2009	
Substantially different development criteria	Comment
Involves a new use with different or additional impacts.	No new uses are proposed.
Results in the application applying to a new parcel of land.	No new land is included.
Dramatically changes the built form in terms of scale, bulk and appearance.	No significant changes are proposed.
Changes the ability of the proposal to operate as intended. For example, reducing the size of a retail complex may reduce the capacity of the complex to service the intended catchment.	No changes are proposed to the ability of the development to operate as intended.
Removes a component that is integral to the operation of the development.	No integral components of the approved development are removed.
Significantly impacts on traffic flow and the transport network, such as increasing traffic to the site.	The proposal will result in a lesser developable footprint than originally approved. As such, there are no new impacts are perceived.

Introduces new impacts or increases the severity of known impacts.	No new impacts are introduced
Removes an incentive or offset component that would have balanced the negative impact of the development.	There were no incentives or offsets included in the original approval.
Impacts on infrastructure provision from a location or demand.	There are no perceived impacts on infrastructure provisions

- With respect to Section 367(b)(i) of SPA, the proposed change does not trigger any new concurrence agencies/triggers referral to additional concurrence agencies.
- In respect to Section 367(b)(ii) of SPA, the original development approval was subject to impact assessment, and as such section 367(b)(ii) of the SPA is not relevant.
- With respect to Section 367(c), the original application was an Impact Assessable application. Given the proposed changes seek to reduce the size of the built form and to undertake a staged approach to development, the proposal is not considered to cause a person to make a properly made submission against the proposal.
- With respect to Section 367(d), the proposed change does not include any prohibited development.

The proposal has been assessed and is considered to constitute a permissible change in accordance with Section 367 of the *Sustainable Planning Act 2009*. As demonstrated above, the proposed changes are considered minor in nature and satisfy the limitations on what is deemed to be 'permissible change' under SPA.

Assessment against *Boonah Shire Planning Scheme 2006*

The proposal seeks to introduce amended site plans showing a reduction in built form and introduce stages of development. The application also seeks to amend the wastewater management system to utilise a septic tanks system. The proposed changes are considered consistent with the original approval and will generally comply with the current Planning Scheme as a whole.

Amendments to conditions of Approved Development

Condition 1(a) currently reads:

1) General

a) *Development of the site occurs generally in accordance with the proposal plans listed in the following table or unless otherwise amended by the following conditions.*

Prepared by:	Drawing No.	Dated
Lloyd Bullock Design Pty. Ltd.	WD01	Issue 2, 26 September 2007
	WD02	Issue 2, 26 September 2007
	WD03	20 February 2007
	WD03A	20 February 2007
	WD03B	20 February 2007
	WD04	27 March 2007
	WD05	20 February 2007
	WD06	20 February 2007
	WD07	20 February 2007
	WD07A	20 February 2007
	WD08	20 February 2007
	WD08A	20 February 2007

AQUALOGICAL	H-000 A	26 April 2007
	H-001 C	24 October 2007
	H-101 A	26 April 2007
	H-102 A	26 April 2007
	H-103 B	10 May 2007
	H-104 A	26 April 2007
	H-201 A	26 April 2007
	H-202 A	26 April 2007
	H-203 A	26 April 2007

Applicant's Justification:

It is our intention to now build the structure and associated infrastructure in a 3 staged manner rather than in one build as originally proposed and approved under DA D8678. It is our desire to not change the integrity of the building, just to stage the build over 3 stages, reduce the size and lower the building profile. All this will enable the building to blend into the surrounds and be less conspicuous. The new 3 staged building will be constructed in the same location as the previous approved building - D8678.

Our new staged designed kennel building will be more in keeping with the landscape, more aesthetically pleasing, have a lessor carbon foot print and easier to manage. Stage 1 of the new building will accommodate all Plasvacc present canine donors currently housed at the leased facility at Red Bridge Road, Boonah. The reconfiguration has reduced the Gross Floor Area (GFA) by almost 50% from 1,222 square metres under roof to 669.

Officers' Recommendation:

As mentioned, the applicant seeks to amend Condition 1 (a) above to reference updated plans showing a revised building design and size, and the delineation between three (3) stages of development. The proposal does not seek to change to location of the buildings, nor does the applicant seek to increase any operational aspects of the approved land use. As such, officers recommend the subject condition be amended as per the applicants' request. The revised condition shall read as follows:

1) General

- a) Development of the site occurs generally in accordance with the proposal plans listed in the following table or unless otherwise amended by the following conditions.

Drawing No.	Plan Title	Dated	Prepared by:
A00 (rev. A)	Locality Plan	20/11/2014	Ahrens Group Pty. Ltd
A01 (rev. C)	Site Plan	17/08/2014	Ahrens Group Pty. Ltd
A02 (rev. C)	Floor Plan, Elevations & Section	17/08/2014	Ahrens Group Pty. Ltd

Condition 7 currently reads:

7) Wastewater

- a) Wastewater treatment facilities are to be constructed in accordance with the Hydraulic Services Report (Appendix D) which includes data and plans by AQUALOGICAL and A&A Worm Farm Waste Systems Pty Ltd.

Applicant's Justification:

The applicant seeks to manage the wastewater through a septic tank system.

Officers' Recommendation:

Through discussions with Council officers, the applicant now seeks to substitute the previous approved wastewater system with a new septic tank system. Council's internal Plumbing and Drainage section have assessed the proposed change and accepted the alternative arrangement. The above condition shall therefore be amended to read as follows:

7) Wastewater

- a) The development must install an on-site wastewater management system capable of treating and disposing of the resulting effluent to an approved disposal or land application area. The wastewater management system is to be designed in accordance with Australian Standards AS 1547:2000 and the *Queensland Plumbing and Wastewater Code* (Publish date 15/01/2015).

Internal Referrals*Health, Building and Environment – Building and Plumbing*

The subject application was referred to Council's Building and Plumbing section for comment who have responded as to having no concerns with the proposed changes.

Health, Building and Environment – Environmental Health

The subject application was referred to Council's internal Environmental Health section for comment. This section responded having no concerns with the proposed changes.

Development Assessment (Engineering)

The subject application was referred to Council's internal Environmental Health section for comment. This section responded having no concerns with staging the approved development.

External Referrals

The applicant sent a copy of the application to the Department of State Development, Infrastructure and Planning (DSDIP) as a Relevant Entity under SPA. Correspondence received from DSDIP on the 14 November 2014 advised Council that the department had no objections to the proposed changes.

Conclusion

On 23 September 2014, Council received a request for Permissible Change in accordance with section 369 of the *Sustainable Planning Act 2009* (SPA).

The application essentially seeks to reduce the overall building footprint of the approved sheds to a more attainable standard over three (3) stages and amend the wastewater management system.

Subsequent to an assessment against the previous approval and against the current Planning Scheme; the proposal is not considered to constitute a substantial change and is in general compliance with the SPA and the Planning Scheme. Based on the information submitted and the detailed assessment given within this report the proposal is recommended to be approved.

Director's Recommendation

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

RPD: Lot 10 on RP 20973
Address of property: Rigby 6066 Cunningham Highway KALBAR QLD 4309
Site area: 135.1ha
Proposal: Request to Change an Existing Approval for - Material Change of Use (Light Industry) for Research & Process Facility and Kennel
Planning Scheme: *Boonah Shire Planning Scheme 2006*

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 Works and the Landscaping Works associated with the proposed development.
2. The changes to relevant conditions are as follows:

1) General

- a) Development of the site occurs generally in accordance with the proposal plans listed in the following table or unless otherwise amended by the following conditions.

Drawing No.	Plan Title	Dated	Prepared by:
A00 (rev. A)	Locality Plan	20/11/2014	Ahrens Group Pty. Ltd
A01 (rev. C)	Site Plan	17/08/2014	Ahrens Group Pty. Ltd
A02 (rev. C)	Floor Plan, Elevations & Section	17/08/2014	Ahrens Group Pty. Ltd

- b) Maintain the approved development (including landscaping, parking, driveways and other external spaces) in accordance with the approved drawings and engineering conditions.
- c) No works to begin until Operational Works and Building Approval has been granted.
- d) The approval for the dog kennel only applies whilst it is ancillary to the proposed Light industrial Use (Research and Process facility). It is not approved as a breeding or boarding kennel.
- e) Any signage required as part of this development must be in accordance with the signage code of the Boonah Shire Planning Scheme and may require a separate development application.

- f) Animals are to be kept in enclosures or exercise areas at all times other than when being processed in the laboratory.
- g) A permanent supply of at least 5000 litres of water is to be available on site at all times for fire fighting purposes.
- h) A gravity fed water supply or standby operation is to be provided to ensure water is available if fire causes power failure.

7). Wastewater

- a) The development must install an on-site wastewater management system capable of treating and disposing of the resulting effluent to an approved disposal or land application area. The wastewater management system is to be designed in accordance with Australian Standards AS 1547:2000 and the Queensland Plumbing and Wastewater Code (Publish date 15/01/2015).

Concurrence Agency Conditions

Boonah Shire Council advised that the following Concurrence Agencies imposed conditions for this development:

Refer to correspondence at Attachment B Department of Natural Resources and Water as outlined in correspondence dated 10 October 2007 with reference number 2007/008879:356828.

Refer to correspondence at Attachment C Department of Main Roads as outlined in correspondence dated 26 June 2007 with reference number 58/17B/102 kct-kct.341 8663A

Attachments

- 1 ATTACHMENT B - Department of Main Roads conditions
- 2 ATTACHMENT C - Concurrence Agency Response
- 3. Department of State Development, Infrastructure and Planning response dated 14 November 2014

Attachment 1 - ATTACHMENT B

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128194



Queensland
Government

Author : Melissa Barton
File / Ref number : 2007/008879:356828
Recfind No: IPS/022422
Trackjob No: IC0907IPS0001
Unit : Vegetation Management Unit
Phone : 3884 5374

Department of
Natural Resources and Water

10/10/2007

Chief Executive Officer
Boonah Shire Council
P.O. Box 97
Boonah QLD 4310

Attention: Shane Kelly

Dear Sir or Madam

Application to Material Change of Use on Lot/s 10 RP20973 - Boonah Shire Council – Referral Agency Response

The Department of Natural Resources and Water (acting as a Concurrence Agency), has completed the assessment of the above application against the purposes of the Vegetation Management Act 1999 in accordance with the Concurrence Agency Policy for MCU (Concurrence-Single Issue).

The Referral Agency Response, prepared pursuant to section 3.3.16(1) of the *Integrated Planning Act 1997*, is **enclosed**. I look forward to receiving a copy of the decision notice for the application in due course.

Should you have any questions about the above, please contact Melissa Barton on telephone number 3884 5374, quoting the above reference number.

Yours sincerely

Melissa Barton
Vegetation Management Administration

Att.

BOONAH SHIRE COUNCIL
Received
11 OCT 2007
File No.
Letter No.
Meeting Date.....

NRW Ipswich
Floor 4, Hayden Centre
Cnr East & South Streets
PO Box 864
Ipswich QLD 4305
Telephone 07 3884 5300
Facsimile (07) 38845395
Website www.nrm.qld.gov.au
ABN 83 705 537 586

Referral Agency Response – Material Change of Use / Reconfiguring a Lot

s 3.3.16 Integrated Planning Act 1997

1. Application information

- 1.1. **Applicant's name:** Plasvacc Pty Ltd
- 1.2. **Property description:** 10 RP20973 - Boonah Shire Council
- 1.3. **Assessment Manager/Reference:** Boonah Shire Council/D8678
- 1.4. **Date application was referred to Department:** 6/09/07
- 1.5. **Departmental Reference:** eLVAS Case No: 2007/008879, File Ref. No: IPS/022422, Trackjob No: IC0907IPS0001
- 1.6. **Type/s of development sought by the application:**
 - Material Change of Use

2. Concurrence Agency response:

An assessment officer has considered the Common Material and other relevant information and on this basis concludes the proposal for MCU will not require any clearing of assessable vegetation.

Any subsequent amendment or alteration to the submission which is not consistent with this response must be re-submitted for consideration to the Department of Natural Resources and Water prior to the Decision Notice being issued; and

The Chief Executive of the Department of Natural Resources and Water directs that the **following conditions must be imposed** on any approval given by the Assessment Manager:

- 1.1. No clearing of remnant native vegetation is approved; and
- 1.2. Any subsequent remnant vegetation clearing on the lot is applied for as operational works that is the clearing of native vegetation, unless exempt, under Schedule 8, part 1, table 4 of the *Integrated Planning Act 1997*.

3. Decision and Reason:

The Ral is approved because:

- The application meets Criteria Table A of the *Concurrence Agency Policy for Material Change of Use, 23 August 2007* as clearing as a result of the MCU will not occur within assessable vegetation.
- The MCU is consistent with the purpose of the *Concurrence Agency Policy for Material Change of Use, 23 August 2007* that achieves the purpose of the *Vegetation Management Act 1999*.
- To ensure that a decision regarding the application is consistent with the Purpose of the *Vegetation Management Act 1999*, it is required that the above conditions be applied.

4. Additional comments or information:**Aboriginal Cultural Heritage**

Under section 23 of the *Aboriginal Cultural Heritage Act 2003* a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are \$750,000 for a corporation and \$75,000 for an individual.

Applicants will comply with the duty of care in relation to Aboriginal cultural heritage if they are acting in compliance with cultural heritage duty of care guidelines gazetted under the *Aboriginal Cultural Heritage Act 2003*, available on the Department's website, or in accordance with an agreement with the Aboriginal party for the area or a cultural heritage management plan approved under part 7 of the *Aboriginal Cultural Heritage Act 2003*.

Applicants should also undertake a search of the Aboriginal Cultural Heritage Database and the Aboriginal Cultural Heritage Register, administered by the Cultural Heritage Coordination Unit, Department of Natural Resources and Water. Application forms to undertake a free search of the Cultural Heritage Register and the Database may be obtained by contacting the Cultural Heritage Coordination Unit on (07) 323 83838 or on the Department's website www.nrm.qld.gov.au/cultural_heritage.

5. Authorised Officer Signature:

Daryl Baumgartner
Senior Vegetation Management Officer

10 October 2007

Attachment 2 - ATTACHMENT C

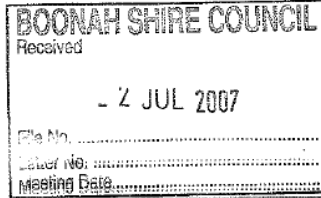
D8678
120586



Queensland
Government

26 June 2007

Chief Executive Officer
Boonah Shire Council
PO Box 97
Boonah Qld 4310



Department of Main Roads

Attention: Mr Shane Kelly

Dear Mr Kelly

REFERRAL AGENCY'S RESPONSE

Material Change of Use Application
Research and Process Facility and Kennel Extension
Lot 10 on RP20973
6066 Cunningham Highway
Kalbar

This letter replies to the following correspondence:

- Development Application dated 22 May 2007 from Goodwin Midson and Partners Pty Ltd.
- IDAS forms from Goodwin Midson and Partners Pty Ltd dated 29 May 2007.
- Goodwin Midson and Partners Pty Ltd email dated 18 June 2007.

Under the provisions of the *Integrated Planning Regulations 1998*, the Queensland Department of Main Roads is identified in this instance as a Concurrence Agency. We have assessed the subject application and now provide our 'Referral Agency' response under *Sections 3.3.16 & 3.3.18 of the Integrated Planning Act 1997 (IPA)*. The Department of Local Government, Planning, Sport and Recreation are required to include the following conditions in its decision notice.

Condition 1 – New Road Intersection

1.1 Access Location

Access to the Cunningham Highway is approved. The applicant shall locate the access between Lot 10 on SP20973 and the Cunningham Highway at the existing access location and in accordance with the submitted site plan number WD01(a) prepared by @Lloyd Bullock Design Pty Ltd and dated 20/02/07.

1.2 Access Standards

The access is to be designed and constructed in accordance with:

South East Region
South Coast Hinterland District
PO Box 442
Nerang Qld 4211
ABN 57 836 727 711

Our ref 58/17B/102 kct-kct.341 8663A
Your ref D8678
Enquiries Mr Kelvin Teo
Telephone +61 7 5596 9500
Facsimile +61 7 5596 9511
Website www.mainroads.qld.gov.au

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- 2 -

- *Main Roads Road Planning and Design Manual (RP&D) Rural Property Access Figure 13.95 and Main Roads District Standard Drawing DNI-3*
- and
- *Main Roads district document 'Conditions of Approval – Construction of Property Accesses onto State-Controlled Roads' (DC04W01).*

This is the minimum access standard that the department will accept.

1.3 Timing of Works

*The applicant shall apply to Main Roads (Nerang Office) for construction approval and obtain a 'Works Permit' for the developer works prior to commencing any work within the State-Controlled Road reserve. The applicant **must not** begin construction until they have a 'Works Permit'. A 'Works Permit' will only be issued to the applicant once all drawings and documentation requirements have been approved by the department.*

The applicant shall complete all works within the road reserve in accordance with the timelines specified in the submitted 'program of works'.

The reason for requiring the above condition is that the application is requesting access to a state-controlled road. Under *section 62 of the Transport Infrastructure Act 1994* Main Roads is responsible for the management of any access between individual properties and state-controlled roads. Main Roads has a duty of care to protect the safety and efficiency of the state-controlled road network and ensure that construction approval is obtained under *section 33 of the Transport Infrastructure Act 1994*.

Condition 2 - Setback:

The development shall incorporate the appropriate Local Government building setback from the future property boundary, as indicated on attached Main Roads' Plan No. 17B/TP02018. Main Roads will not accept any permanent structures in the land shown as required on the sketch.

The reason for requiring the above condition is that Main Roads planning indicates a future land requirement. Setback from this future land requirement will minimise both disruption to landowners and acquisition costs.

Condition 3 – Compliance:

The applicant shall provide Council with a letter from Queensland Department of Main Roads confirming compliance by the applicant with the requirements of the department prior to the intensification of an existing use.

- 3 -

The reason for requiring the above condition is that Main Roads has a statutory obligation to ensure that the department's conditions of development have been satisfactorily complied with.

Advice only – Aboriginal Cultural Heritage

The *Aboriginal Cultural Heritage Act 2003* commenced in Queensland on April 16, 2004. The Act is administered by the Department of Natural Resources, Mines and Water (DNRM&W). Under this Act, the views of the Aboriginal Party/s for an area are key in assessing Aboriginal cultural heritage.

The *Aboriginal Cultural Heritage Act 2003* establishes a "Duty of Care" for Aboriginal cultural heritage. The 'Duty of Care' lies with the person or entity carrying out an activity.

Penalty provisions apply for failing to fulfil the cultural heritage "Duty of Care".

Those proposing to undertake any activity need to be mindful of the 'Duty of Care' requirement. Details of how to fulfil the "Duty of Care" are outlined in the Duty of Care Guidelines gazetted with the Act.

Main Roads strongly advises that you contact DNRM&W's Cultural Heritage Coordination Unit on (07) 3238 3838 or visit the DNRM&W website at http://www.nrm.qld.gov.au/cultural_heritage/index.html to access the Duty of Care Guidelines and further information on the responsibilities of the person or entity carrying out an activity under the terms of the *Aboriginal Cultural Heritage Act 2003*.

It is also recommended that the Aboriginal Party/s for the area are consulted prior to carrying out the activity.

The reason for advising of the above requirement is that the applicant has a duty of care to ensure that the works proposed in this application does not disturb any cultural heritage items.

This department would appreciate, in due course, a copy of the decision notice regarding this application.

A copy of this letter has been sent to the Applicant.

Yours sincerely



for Jack Donaghey

A/District Director (South Coast-Hinterland)

Encl 4 - Main Roads TP Sketch Number 17B/TP02018, DC04W01, RP&D Figure 13.95 and Main Roads District Standard Drawing DN1-3

Attachment 3 -



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

Our reference: SPD-1114-012624

14 November 2014

The Chief Executive Officer
Scenic Rim Regional Council
PO Box 26
BEAUDESERT QLD 4285
mail@scenicrim.qld.gov.au

Dear Sir,

Notice about request for permissible change—relevant entity

6066 Cunningham Highway, Kalbar

(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 2 November 2014 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:

- Amendment to approval to allow for staging.

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

If you require any further information, please contact Danae Johnston, Planner, on (07) 3432 2420 or via email pswichSARA@dsdip.qld.gov.au who will be pleased to assist.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Nathan Rule".

Nathan Rule
Manager - Planning

cc: Plasvaoc Pty Ltd, amacarther@plasvaoc.com
Department of Transport and Main Roads, South.Coast.IDAS@tmr.qld.gov.au
Department of Natural Resources and Mines, PlanningServicesSouth@dnrm.qld.gov.au

3.5 MCBn14/018 Development Permit for a Material Change of Use Fassifern Horse & Pony Club Incorporated Community Facilities (Community Services Use) Lot 152 WD 1862

Executive Officer: Director Regional Services

Item Author: Manager Planning

File Reference: MCBn14/018

Applicable Planning Scheme	Material Change of Use – Boonah Planning Scheme 2006
Applicant	Fassifern Horse & Pony Club Incorporated
Owner(s)	Boonah Show Society Incorporated
Site Address	Cossart Street BOONAH QLD 4310
Real Property Description	Lot 152 on WD 1862
Site Area	48830m ²
Relevant Zone and Precinct	Town Zone - Community Use Precinct
Proposal	Material Change of Use – Boonah Shire Planning Scheme
Assessment Level	Impact Assessment Community Facilities (Community Services Use)
Approval Type	Development Permit
Public Notification:	18 December 2014 to 23 January 2015
Submissions Received	0
Date Application Received:	9 December 2014

Purpose of Report

The purpose of this report is to provide the facts and circumstances to Council for a proposed development, which seeks an approval for a Development Permit under the *Sustainable Planning Act 2009* for a Material Change of Use for Community Facilities (Community Services Use Building Extension Toilets (x2) and a Storeroom) as defined in the *Boonah Shire Planning Scheme 2006* (the 'Planning Scheme'), on land located at Cossart Street, Boonah and more formally described as Lot 152 on WD1862.

Brief Summary

Council is in receipt of an application seeking approval for a Development Permit for a Material Change of Use for Community Facilities (Community Services Use Building Extension 2 x Toilets and a Storeroom) at Cossart Street, Boonah described as Lot 152 on WD 1862.

Pursuant to the *Boonah Shire Planning Scheme 2006*, the proposed extension to the existing building is identified as being assessable development within the Town Zone – Community Use Precinct. The proposed extension triggers an Impact Assessment as it does not meet the assessment category for a Code assessment under the defined use for an 'outdoor recreation' within a Town Zone. Public Notification was required in which no submissions were received. The subject site triggers the following overlays:

- Good Quality Agriculture Land
- Local Heritage Register

Given the scale of the proposed development, further detail assessments against the above overlays are therefore not warranted as part of this development proposal.

As such, it is recommended that Council approve the proposed development for a Community Service Use – building extension toilets (x2) and a storeroom subject to reasonable and relevant conditions. It is to be noted that a building application has been lodged into Council for assessment.

Background

There is no development history of the site, relevant to the subject application.

Proposal

The proposed development involves the extension of an existing clubhouse for the Boonah Fassifern & Pony club. The club proposes to create two (2) additional toilets and a storeroom. The sizes of the proposed extension are as followings:

- Toilet 1: 2.4m x 1.42m
- Toilet 2: 2.0m x 2.4m (designed for people who are disabled)
- Storeroom: 3.51m x 3.34m (includes shelving)
- Verandah: 3.6mx 3.6m (to be matching to existing verandah)

The additional area of the proposed extension in total is approximately 34.92m² (27%). The proposed cladding and colour bond roofing will be matching to the existing building hence creates the impression of a single structure.

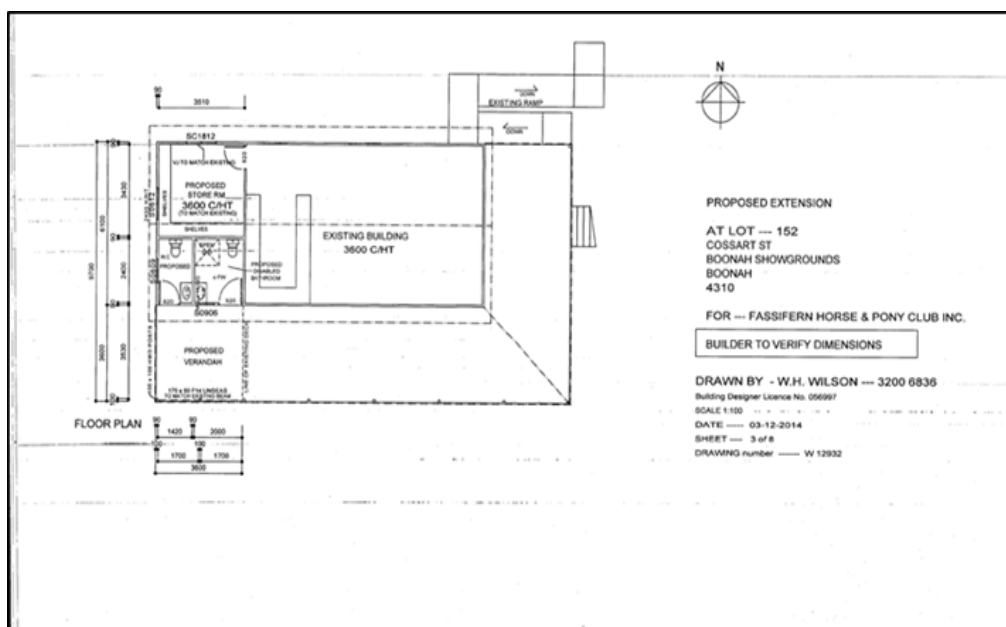


Figure 1: Proposed Floor plan

Site and Environment

Characteristics of Site & Surrounding Environment



Figure 2: Aerial photo of subject site

Advertising

The applicant has submitted a written notice stating that public notice of the proposal has been completed in accordance with the requirements of the *Sustainable Planning Act 2009*.

Submissions

No submissions were received.

Relationship to the Planning Scheme

The subject site is located in the Town Zone – Community Use Precinct of the *Boonah Shire Planning Scheme 2006*. The applicant is proposing to extend the existing clubhouse, which forms part of their pony club. Pursuant of the Planning Scheme, the existing use is defined as an ‘Outdoor Recreation’ as specified in Part 1- Defined Uses. The definition as prescribed under the planning scheme us as follows-

Outdoor Recreation means any sporting or recreational activity, or leisure pastime, which is conducted wholly of mainly outdoors. The term includes showgrounds (including provision for overnight stay travellers with livestock or show animals or those associated with a showgrounds event), outdoor public swimming pools, race tracks, golf courses and driving ranges, outdoor courts and sportsgrounds, shooting or archery ranges and the like. It also includes the provision of a clubhouse, amenities, storage facilities and car parking associated with the use. The term does not include outdoor motor racing or similar motor sports.

Accordingly, the proposed development is consistent with the above definition and is identified as a use envisaged in the Community Use Precinct within the Town Zone.

Development Assessment

Relevant Planning Scheme Codes – Summary

Zone & Precinct Code	Overlay Code	Use Code
Town Zone Code	Economic Resources Overlay – Map 1A: Good	None Applicable

Zone & Precinct Code	Overlay Code	Use Code
Specific assessment criteria for the Community Use Precinct	Quality Agricultural Land	

The proposal's compliance with these codes are discussed below:

Relationship to the Zone Code

The proposal complies with all the Zone Code's Acceptable Solutions and Specific Outcomes. In this respect, this proposed extension generally complies with the overall intent of the Boonah Town Zone and Community Use Precinct.

Compliance with the Relevant Overlay Code

The proposal complies with all of the Overlay Code's Acceptable Solutions and Specific Outcomes, except as follows:

Economic Resources Code			
5.10(A) Provisions Applicable Only to Code and Impact Assessable Development			
Specific outcomes	Acceptable Solution	Compliance with Acceptable Solution	Compliance With Specific Outcomes
SO1 Development does not reduce the utility productive capacity of good agricultural land in terms of: farm practices being protected from adjacent uses; adjacent uses not compromising agricultural operations; avoiding residential uses encroaching onto agricultural land; incorporating buffers to adjacent incompatible uses; defining a boundary between agricultural land and residential areas.	PS1.1 Development is not located on land identified as being of good agricultural land Overlay Map 1A. OR PS1.2 Development only occurs on land identified as good agricultural land that has the following characteristics: slope > 15%; or soil depth < 0.25m; or 50% rock (on surface or in surface horizon) PS1.3 Development does not result in the alienation of fragmentation of good quality land.	Does not comply with PS1.1 – Even though the subject site is identified as being good quality agricultural land, it is evident that the site has not been operating for agricultural purposes. The current use of the subject site is outdoor recreation hence no adverse impact is envisaged. PS1.2 – Not Applicable Proposal Complies with PS1.3 – the current use on the site is Outdoor Recreation. There is	Proposal Complies – The subject site triggers the good quality agricultural land overlay. An extension to an existing building consisting toilets (x2) and a storeroom is proposed. It is unlikely to reduce the utility productive capacity of good quality agricultural land. Please note that the subject site has not been operating for agricultural purposes hence no adverse impact is envisaged.

		<p>no evidence of any agricultural operating on site hence the proposed development does not result in the alienation of fragmentation of good quality land.</p>	
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Compliance with the Relevant Specific Use Code

No Specific Use Codes are triggered for this application.

Assessment of Other Aspects of the Proposal

Under the Queensland Reconstruction Authority data (see Figure 2 below) there is flooding overlay triggered on the subject site. The proposed development is not likely to cause adverse impact but the applicant is to comply with flooding requirements for building works.



Figure 2: Qld Reconstruction Authority Flooding data

Adopted Infrastructure Charges Resolution (Version No.5)

In accordance with the Adopted Infrastructure Charges Resolution (Version No. 5 – effective July, 2014), the proposed development does not trigger any additional infrastructures.

Relationship to Desired Environmental Outcomes

The proposed development does not conflict with the Desired Environmental Outcomes of the Planning Scheme.

Relationship to State Planning Policies and Regulations

This section identifies the relevant statutory planning provisions that required assessment for this application.

Referrals

Internal

Health, Building and Environment – Building and Plumbing

Council's Building and Plumbing department advised that the applicant has submitted a Building works application to Council for assessment.

Health, Building and Environment – Environmental Policy

Council's Environmental Planning department has stated that there are no concerns regarding this application.

Development Assessment (Engineering)

Council's Development Assessment Engineering section has provided flooding conditions applicable for this application.

- The applicant is to ensure that all floor levels of buildings are constructed above the Defined Flood Level (1% AEP Flood Level).
- Development ensures that the storage of Hazardous Material is not located below the 1% AEP Flood level.
- **Further Advice:** The applicant to be advised to ensure the proposed toilets is to be constructed above the flood level.

Infrastructure Services

Council's Infrastructure Services section has indicated no concerns with the proposed development subject to relevant conditions being imposed.

External

No external referrals applicable for this application.

Conclusion

A development application was received by Council seeking an approval for a Material Change Use (Impact Assessable) Community Facilities (Community Services Use – Toilets (x2) & Storeroom) on land located Cossart Street, Boonah and is more formally described as Lot 152 on WD1862.

The application triggered an Impact Assessment hence public notification, which has complied with the requirements of the *Sustainable Planning Act 2009 (SPA 2009)*. During public notification period no submissions were received.

The proposed development has demonstrated general compliance with the overall provisions of the *Boonah Shire Planning Scheme 2006*. As such, the proposal as a whole has demonstrated sufficient planning merit to warrant development approval subject to the imposition of reasonable and relevant conditions entailed within this report.

Director's Recommendation

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

Real Property Description:	Lot 152 on WD 1862
Address of property:	Cossart Street BOONAH QLD 4310
Site area:	48830m ²

Proposal: Material Change of Use – Community Facilities (Community Use- Toilets & Storeroom)
Planning Scheme: *Boonah Shire Planning Scheme 2006*

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.

2. Conditions of Approval:

Approved Plans

- 1. **USE IN ACCORDANCE WITH THE APPLICATION - MATERIAL CHANGE OF USE -** Development being undertaken generally in accordance with the Approval Plans, 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 the Sustainable Planning Act 2009 without the need for a further Development Application for a Material Change of Use. The Approved Plans are limited to the following drawings:

Plan/Dwg No.	Rev	Plan/Drawing title	Prepared by	Date
W12932		Site Plan (Sheet 2 of 8)	W.H Wilson	03-12-2014
W12932		Floor Plan (Sheet 3 of 8)	W.H Wilson	03-12-2014
W12932		Elevation & Section Plan (Sheet 4 of 8)	W.H Wilson	03-12-2014

General

- 2. **DEFINITION COMPLIANCE AND EXCLUSIONS -** The approved use and associated ancillary activities shall at all times comply with the definition of an Outdoor Recreation as defined under Schedule 1: Dictionary - Part 1 – Defined Uses of the *Boonah Shire Planning Scheme 2006*.
- 3. **COMPLIANCE WITH RELEVANT PROVISIONS UNDER ZONE –** The approved use and associated ancillary activities shall at all times comply relevant provisions prescribed under the Town Zone (Division 9 -4.25) and the Community Use Precinct under the *Boonah Shire Planning Scheme 2006*.
- 4. **SITE MAINTENANCE -** The site shall be maintained in a clean and orderly state at all times.

Access and Roads

5. **ACCESS TO COUNCIL ROADS** - 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, or equivalent, acting reasonably. 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.
6. **WORKS WITHIN EXISTING ROAD RESERVES** - A Property Access Permit and Road Corridor Use Permit Applications are to be lodged with Council. The works required by this condition are to be completed prior to the commencement of the use.
7. **FLOOR LEVEL** - The applicant shall ensure that all floor levels of buildings are constructed above the Defined Flood Level (1% AEP Flood Level).
8. **STORAGE OF HAZARDOUS MATERIAL** – Development ensures that the storage of Hazardous Material is not located below the 1% AEP Flood Level.

Further Advice:

The applicant be advised to ensure the proposed toilets be constructed above the flood level.

3. 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/s, the owner's successors in title and any occupier of the land pursuant to the Sustainable Planning Act 2009.
- b) **VEGETATION MANAGEMENT ACT 1999 AND THE CULTURAL HERITAGE ACT** - 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 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).

- 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 the *Sustainable Planning Act 2009*. Before the Development Approval lapses, a written request to extend the relevant period may be made to Council under the *Sustainable Planning Act 2009*. Please note that Council will not automatically remind Applicants/Occupiers when the relevant period is about to lapse.

4. Further approvals are required for:

- (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.

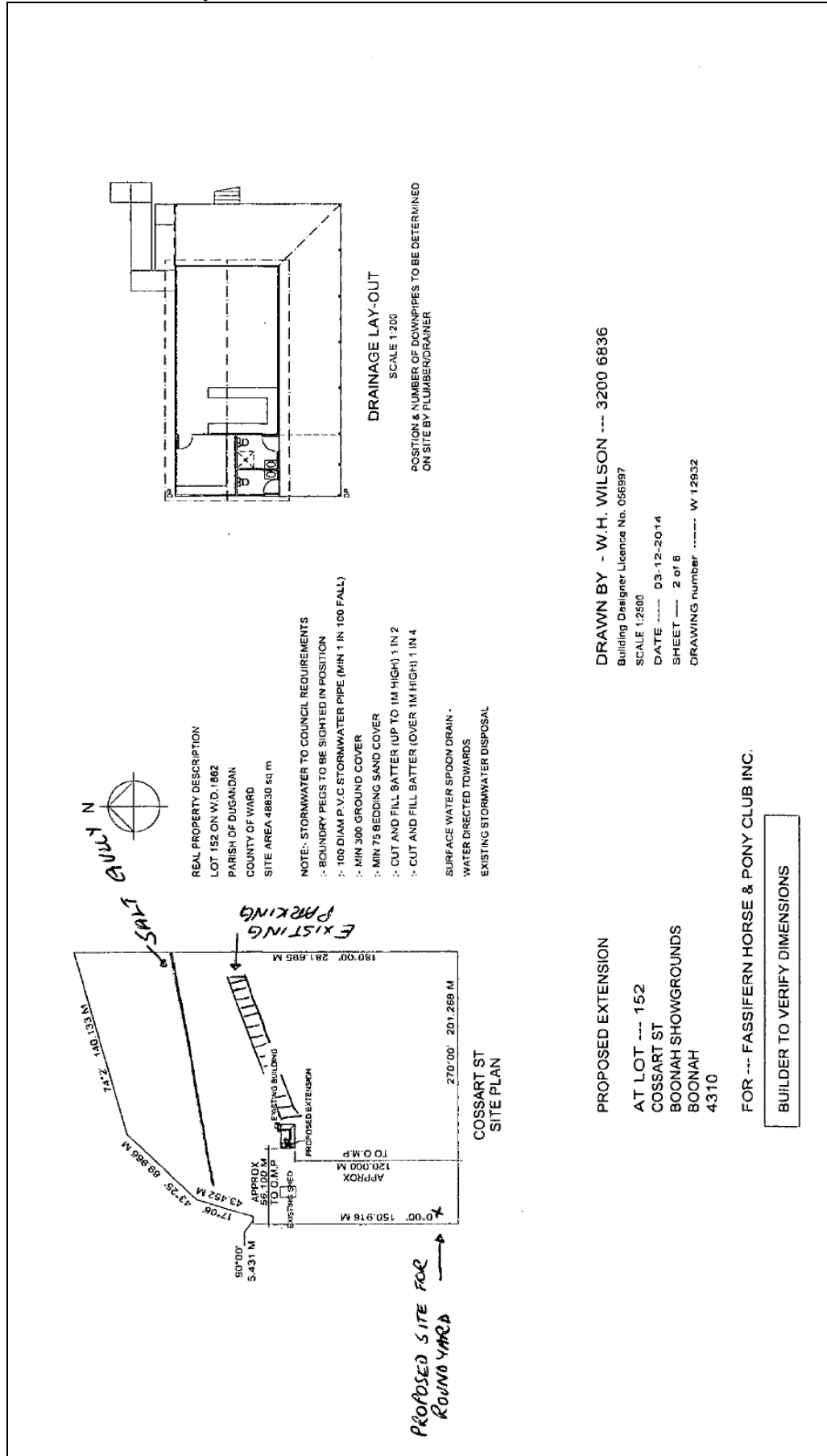
5. Administrative Action:

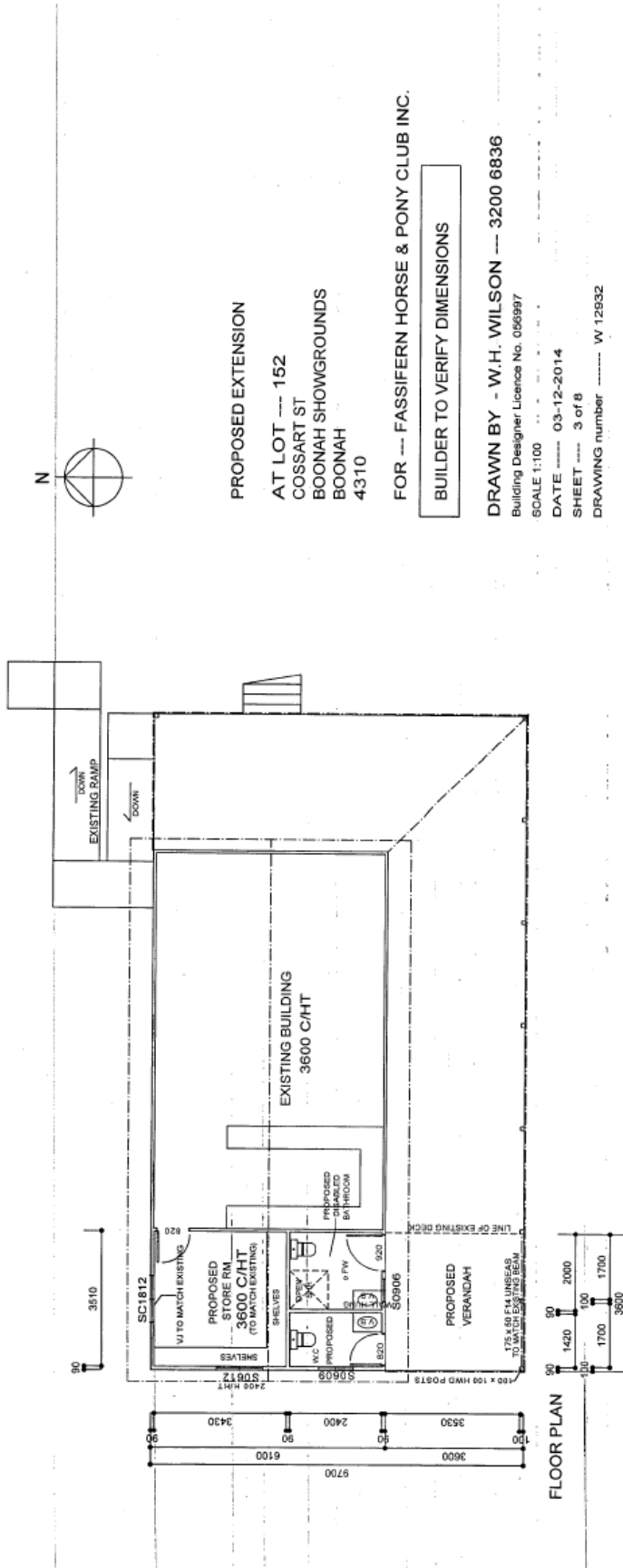
That Decision Notices be issued in accordance with s335 of the *Sustainable Planning Act 2009* to the Applicant and referral agencies.

Attachments

1. Proposal Plans

Attachment 1 Proposal Plans





PROPOSED EXTENSION

AT LOT --- 152
 COSSART ST
 BOONAH SHOWGROUNDS
 BOONAH
 4310

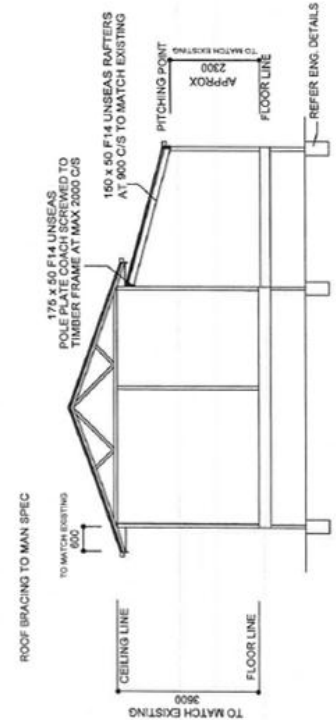
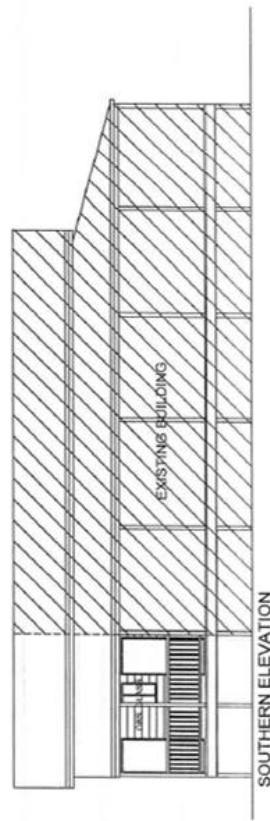
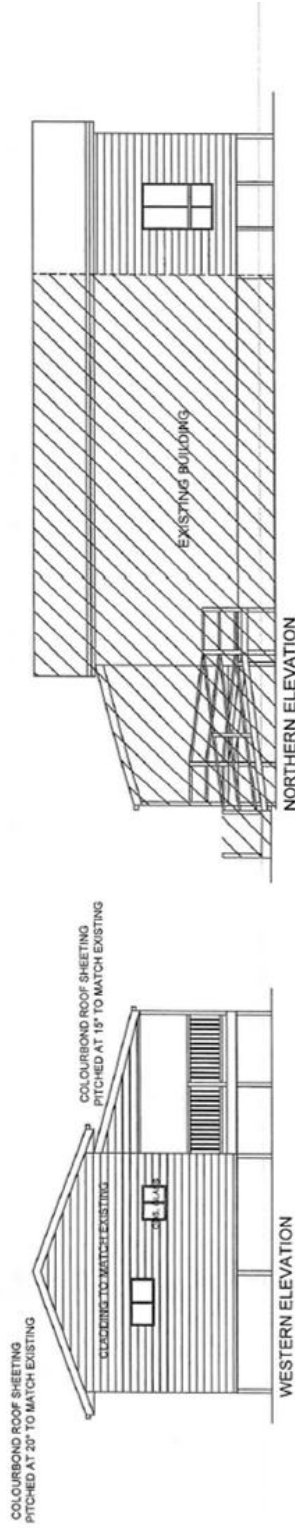
FOR --- FASSIFERN HORSE & PONY CLUB INC.

BUILDER TO VERIFY DIMENSIONS

DRAWN BY - W.H. WILSON --- 3200 6836
 Building Designer Licence No. 056997

SCALE 1:100
 DATE 03-12-2014
 SHEET 3 of 8
 DRAWING number W 12932

FLOOR PLAN



SECTION

DRU-TRUSS OR SIM GANGNAIL TRUSSES FIXED TO MAN SPEC AT 900 C/S
 I.C.J. TO MAN SPEC
 BINDERS AS PER MAN SPEC
 ca 274 F14 RAFTERS AT 900 C/S

PROPOSED EXTENSION

AT LOT --- 152
 COSSART ST
 BOONAH SHOWGROUNDS
 BOONAH
 4310

FOR --- FASSIFERN HORSE & PONY CLUB INC.

BUILDER TO VERIFY DIMENSIONS

DRAWN BY - W.H. WILSON --- 3200 6836
 Building Designer Licence No. 046997

SCALE 1:100
 DATE --- 03-12-2014
 SHEET --- 4 of 8
 DRAWING number --- W 12932

4. INFRASTRUCTURE SERVICES

Nil.