



SCENIC RIM REGIONAL COUNCIL

Planning & Development Committee

Report

Meeting held in the Council Chambers

82 Brisbane Street

Beaudesert

Tuesday, 17 February 2015

Commenced at 9.48 am

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

REPORT

CHIEF EXECUTIVE OFFICER

I advise that the Committee met on **Tuesday, 17 February 2015**. Councillors present:

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

ATTENDANCE

Executive Officers

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

APOLOGIES

Nil.

DECLARATIONS OF INTEREST BY MEMBERS

Nil.

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

S Turner, Manager Planning (Items 3.1 - 3.5)

Reception of Deputations by Appointment / Visitors

Nil.

PLANNING & DEVELOPMENT COMMITTEE

REPORT

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

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

1. EXECUTIVE

Nil.

2. CHIEF FINANCE OFFICER

Nil.

3. REGIONAL SERVICES**3.1 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****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

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.

Committee Recommendation

That the Director Regional Services recommendation be adopted.

Moved: Cr Stanfield
Seconded: Cr Brent

Carried

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.

Attachment 1 - Dekho/Aerial Map of Locality



Attachment 4 - Site Plan



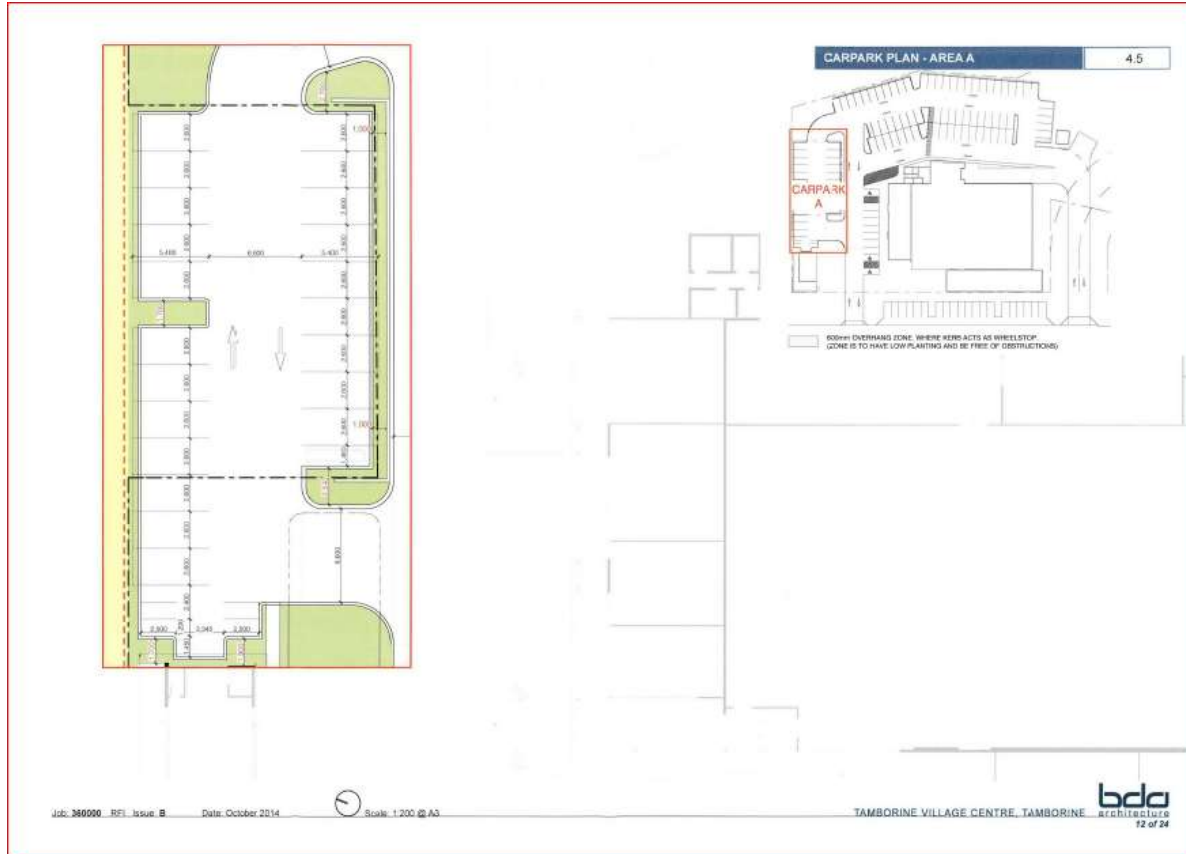
Attachment 5 - Access and Movement Plan

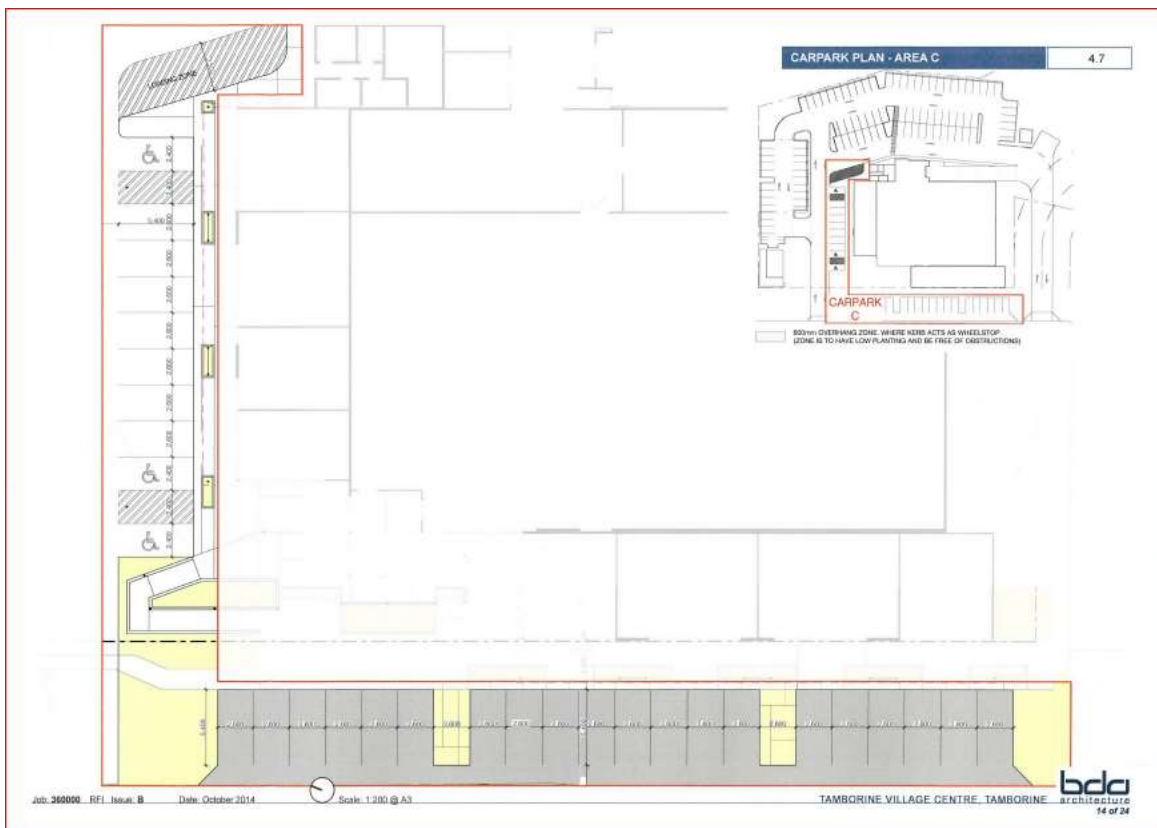
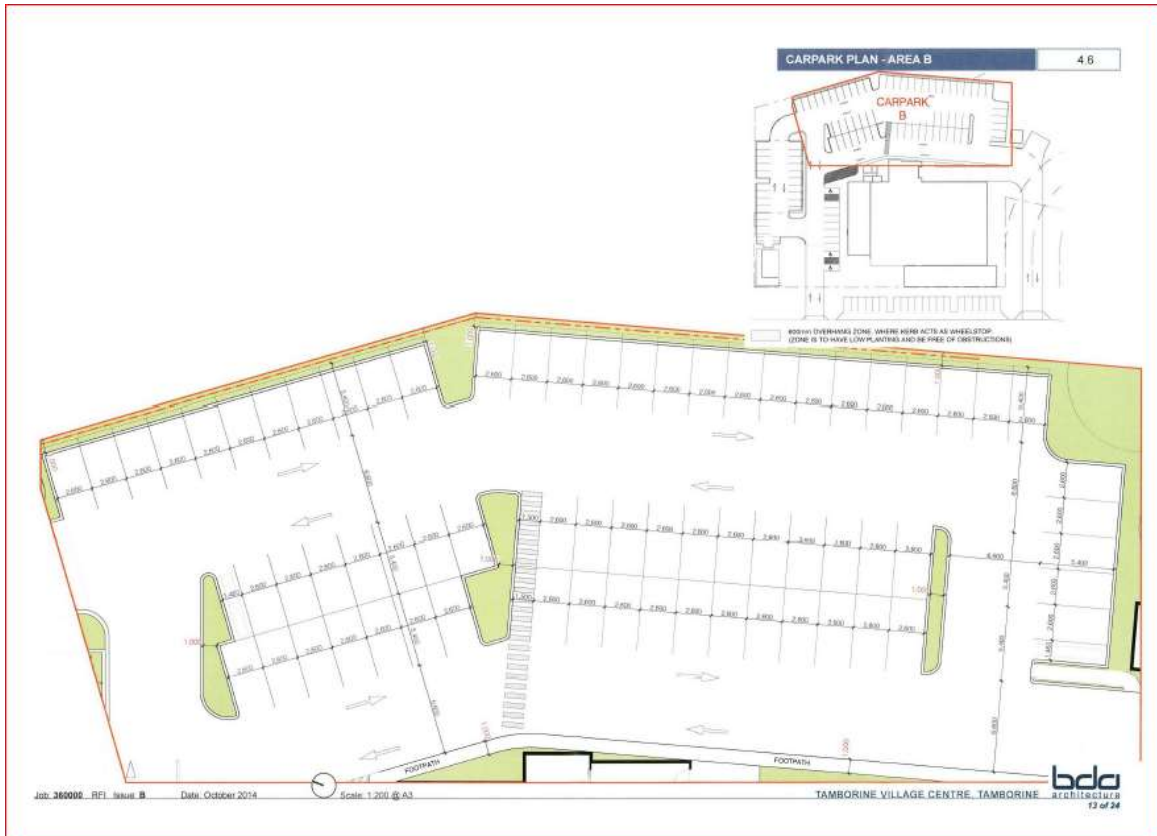


Attachment 6 - Site Setback Plan

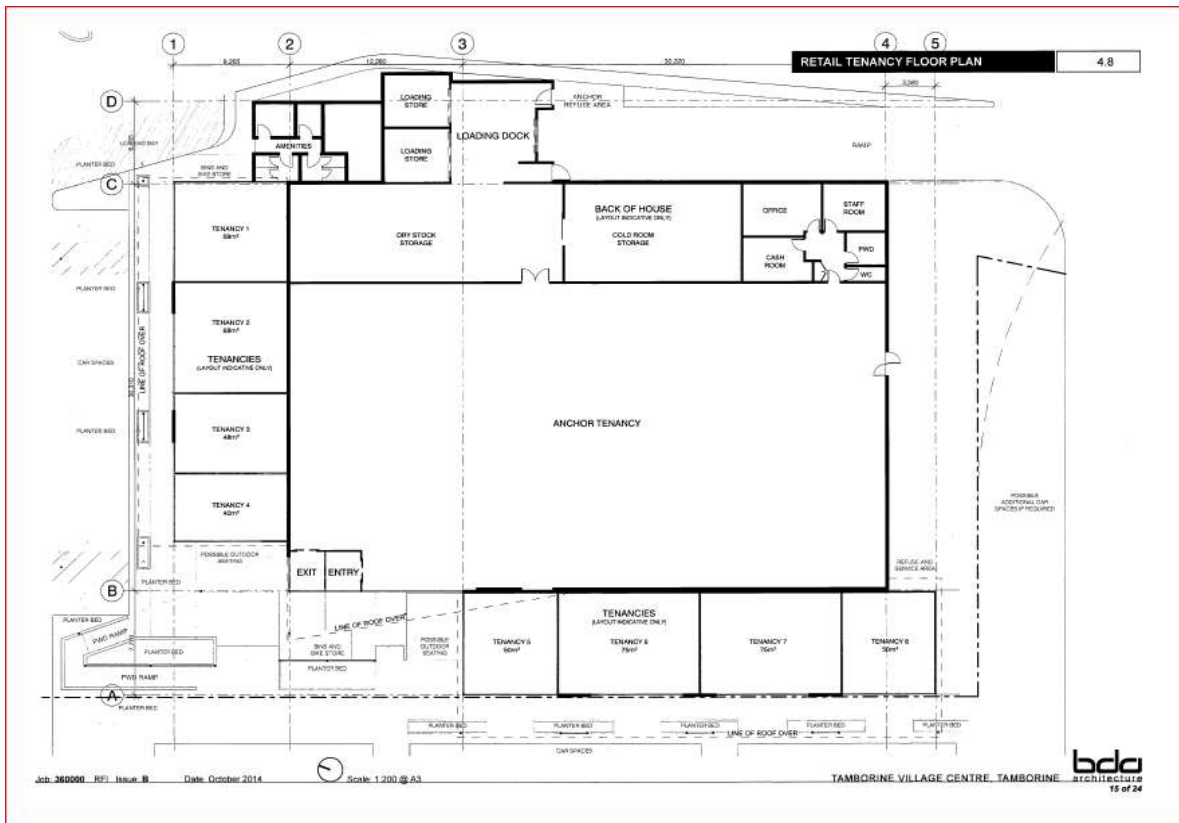


Attachment 7 - Car Park Plan Area

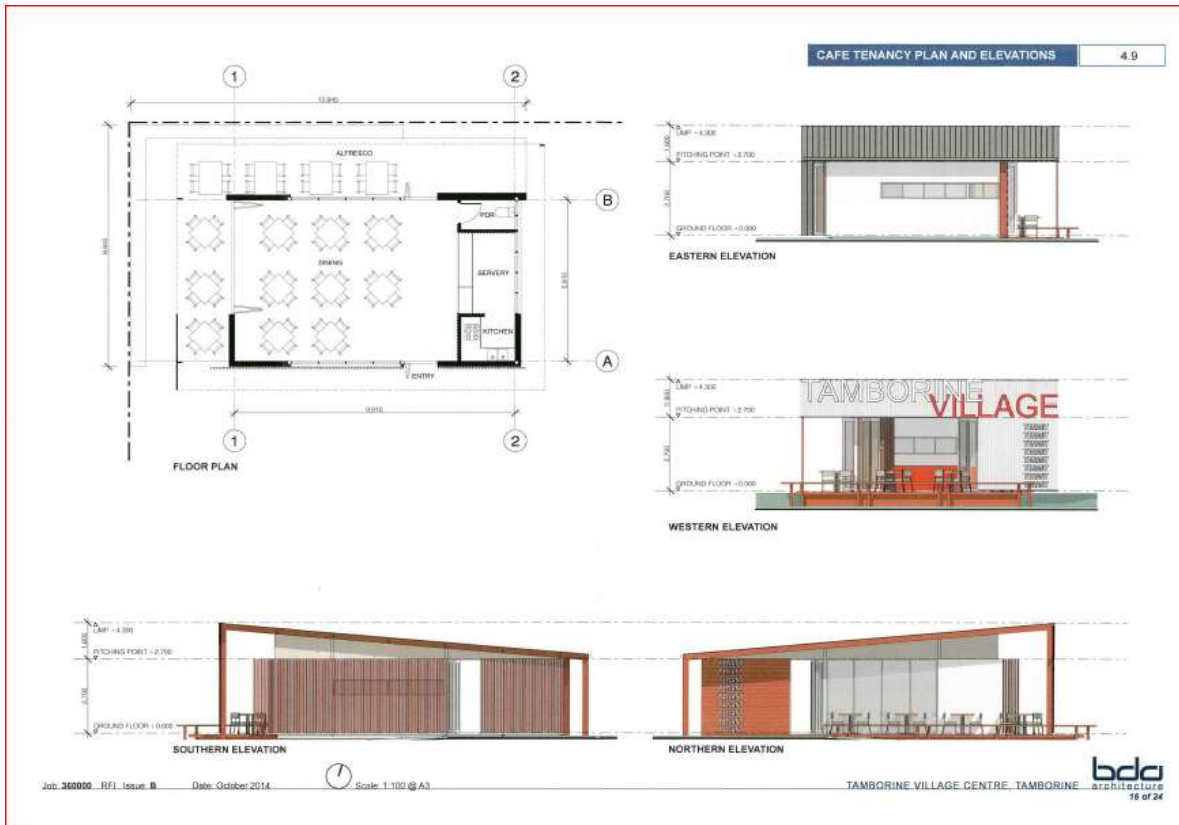




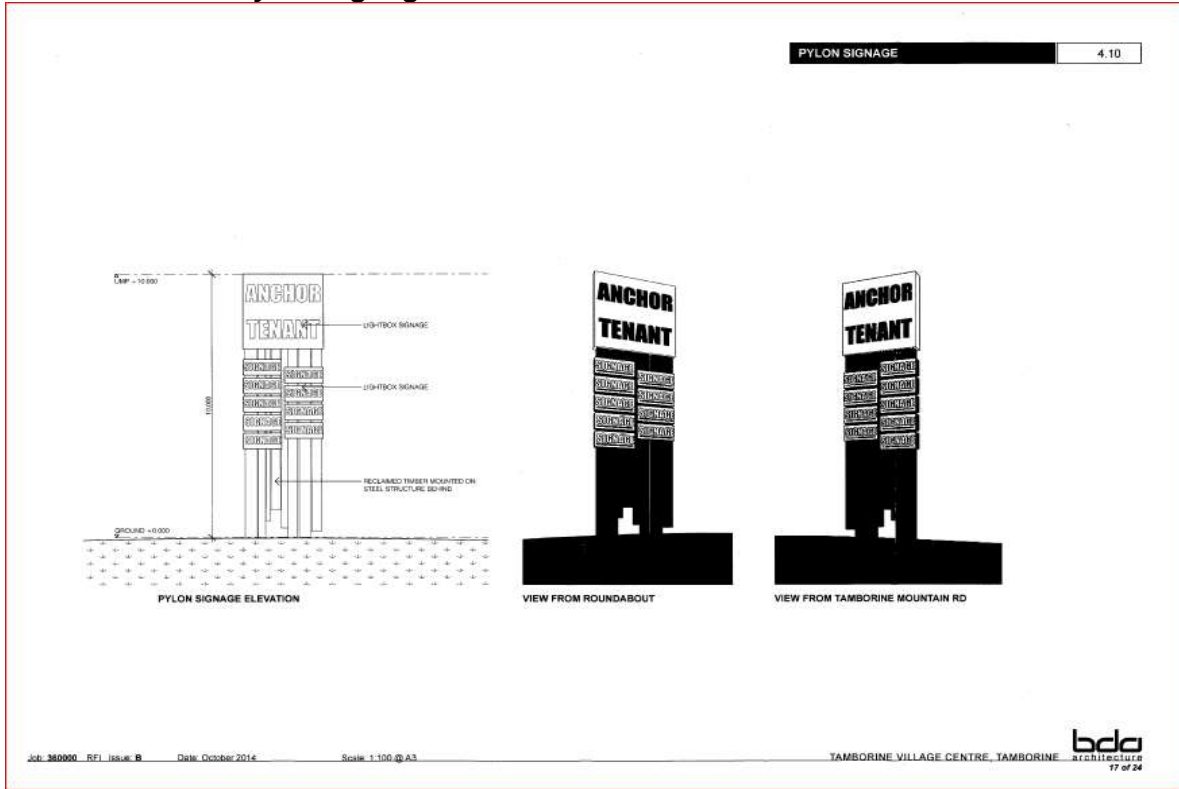
Attachment 8 - Retail Tenancy Floor Plan



Attachment 9 - Café Tenancy Plan



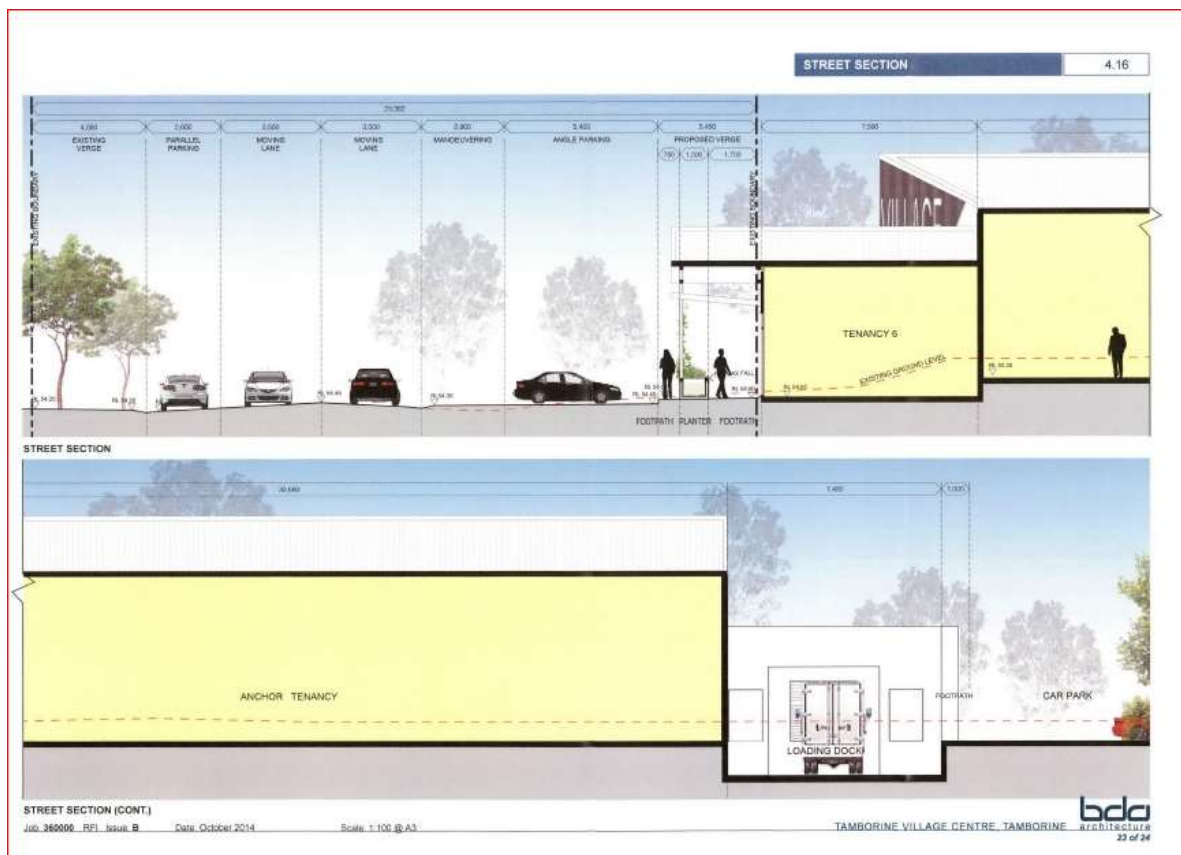
Attachment 10 - Pylon Signage

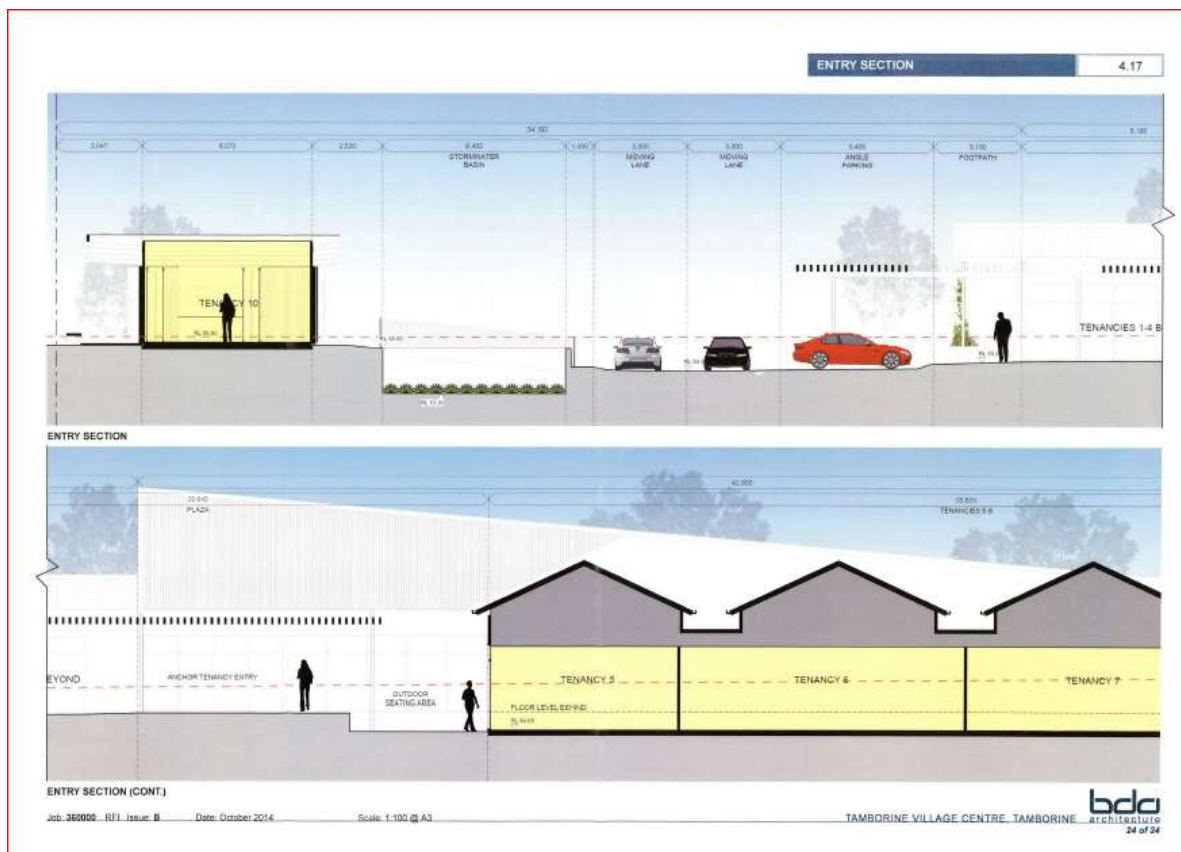


Attachment 11 - Elevations Plans

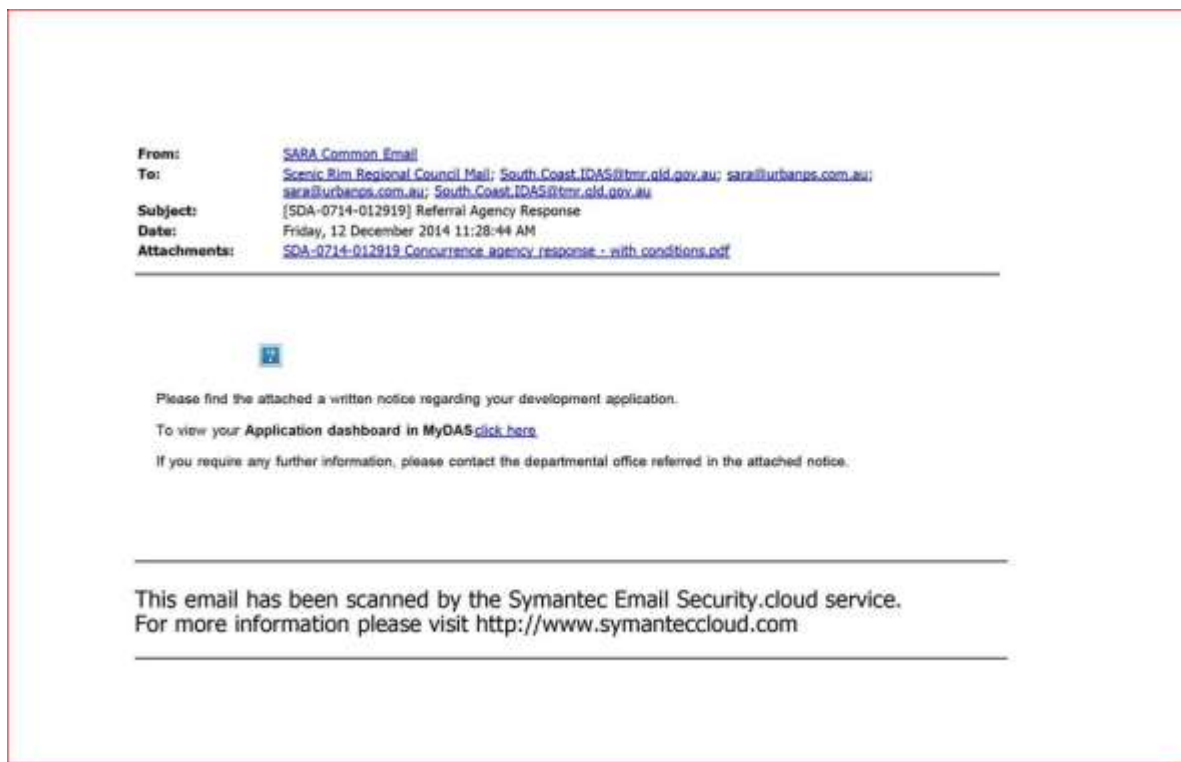








Attachment 12 - Referral agency response



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 lpswichSARA@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

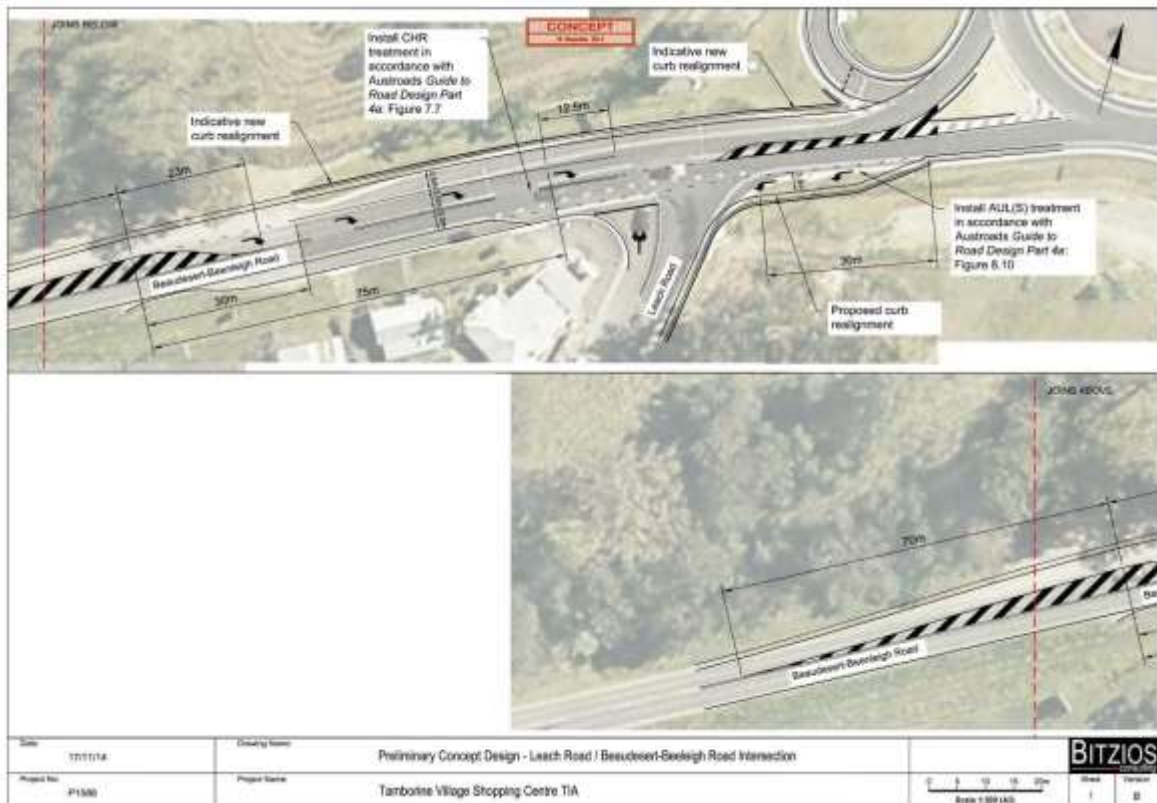
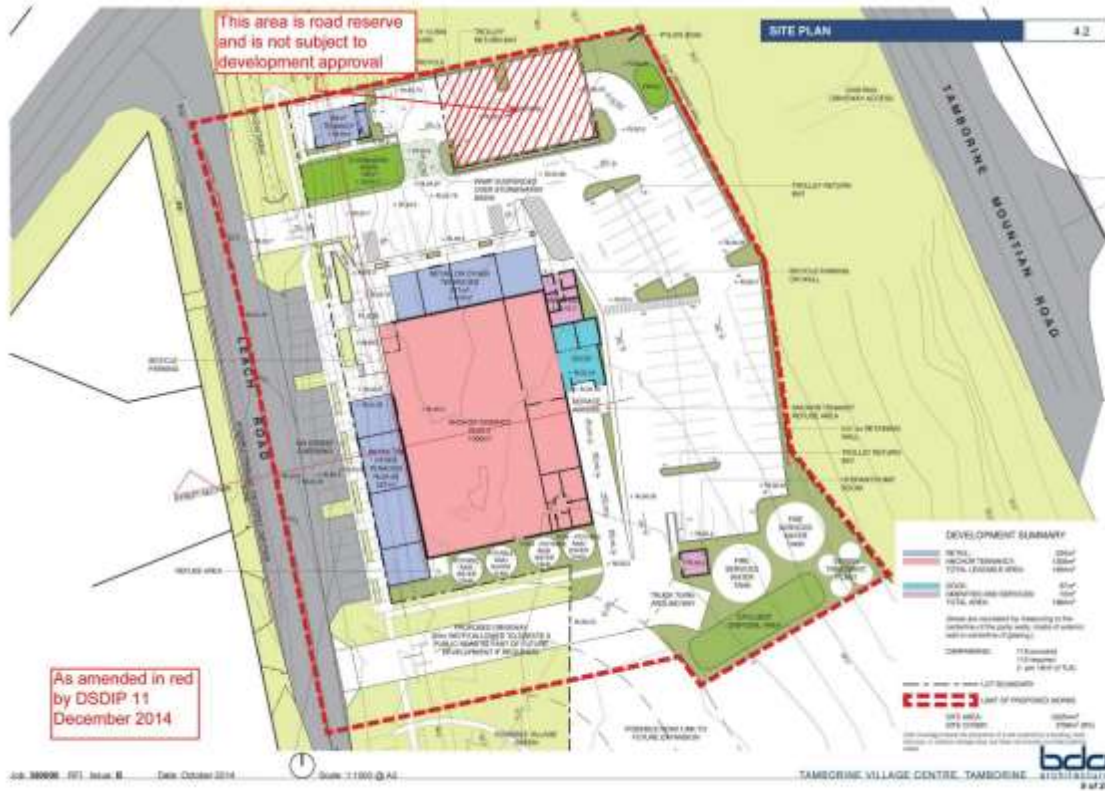
The reasons for this decision are:

- 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



Attachment 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 17 November 2014 – 02 December 2014 (10am-5pm) (Business Days)
- During this time the Tamborine Village Centre received two (2) 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.
- Two (2) 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, Araratville, Oxleyville, Bayland, Birnam, North Tamborine and Buccoo)
- Many of the submitters also signed the petition

#	SUBMITTOR	DATE	DATE RECEIVED BY NCCC	EMAIL / POST	TYPE	ADDRESS	ADJOINING LANDOWNER	SHARED BOUNDARY WITH THE SITE	WITHIN 50M	WITHIN DIVISION 2 (I.E. NADIA O'CARROLL)	ISSUES	PROPERLY MADE	COMMENTS
UNIQUE AND TEMPLATE SUBMISSIONS													
A.	Cor. Maahy	18/12/2014	18/12/2014	Email	Template	30-153 Tamborine Mountain Road TAMBORINE	✓	✓	✓	✓	<ul style="list-style-type: none"> Objection 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.	Cor. Mat	18/12/2014	18/12/2014	Post	Unique	ALABONE	✓	✓	✓	✓	<ul style="list-style-type: none"> Objection Size and density of the development Business need Parking Landscaping / Recreation area DDO Character 	✓	SECOND SUBMISSION FROM THE SUBMITTER SECOND SUBMISSION FROM THE SUBMITTER FIRST SUBMISSION WAS NOT PROPERLY MADE
C.	Sublin, Para	18/12/2014	NA	Email	Template	1-35 Hagan Road, TAMBORINE	✗	✗	✗	✓	<ul style="list-style-type: none"> Objection 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.	Sublin, ND	18/12/2014	17/12/2014	Email	Template	ALABONE	✗	✗	✗	✓	<ul style="list-style-type: none"> Objection Impact of local businesses Impact on native wildlife 	✓	SECOND SUBMISSION FROM THE ADDRESS

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#	SUBMITTOR	DATE	DATE RECEIVED BY NCCC	EMAIL / POST	TYPE	ADDRESS	ADJOINING LANDOWNER	SHARED BOUNDARY WITH THE SITE	WITHIN 50M	WITHIN DIVISION 2 (I.E. NADIA O'CARROLL)	ISSUES	PROPERLY MADE	COMMENTS
E.	Novacrest, Rps	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, Am	18/12/2014	18/12/2014	Email	Unique	275 Tamborine Mountain Road, TAMBORINE	✗	✗	✗	✓	<ul style="list-style-type: none"> Objection Impact on roads Traffic Loss of "village" lifestyle Native wildlife Increased noise Security issues Worried about a change in character (road to urban) Desired to have public notice in Tamborine Times 	✓	
G.	Connelly, B.J	18/12/2014	18/12/2014	Post	Template	24 Neuenberg Road, TAMBORINE	✗	✗	✗	✓	<ul style="list-style-type: none"> Objection 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 	✓	

PETITIONS/S

1.	Novacrest, Rps	NA	18/12/2014	Post	Petition	1-3 Leach Road, TAMBORINE	✓	✗	✓	✓	The Petition Objections are as follows:	✓	SECOND SUBMISSION FROM THE SUBMITTER
2.	Varga, A	NA	18/12/2014	Post	Petition	1 Leach Rd, TAMBORINE	✓	✗	✓	✓	<ul style="list-style-type: none"> Native wildlife Increased traffic Lack of infrastructure to adequately support the proposed development 	✓	
3.	Varga, Andrea	NA	18/12/2014	Post	Petition	1-15 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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#	SUBMITTER	DATE	DATE RECEIVED BY SCC	EMAIL FILED	TYPE	ADDRESS	ADJORNED LANDOWNER	MARKED BOUNDARY WITH THE SITE	WITHIN 50M	WITHIN 100M OR 2 (C.R. NAZIN O'CARROLL)	GROUPS	PRIORITY WAIVE	COMMENTS
4.	Daly, N	NA	18/12/2014	Post	Petition	2485 Beaulieu Street Beaulieu Road	X	X	X	✓	<ul style="list-style-type: none"> Worked note Security issues 	✓	
5.	Sevelen, M	NA	18/12/2014	Post	Petition	18-22 Devon Dr Tamborine	X			✓		✓	
8.	Sutton, P	NA	18/12/2014	Post	Petition	1 Hazel Road TAMBORINE	X	X	X	X		✓	THIRD SUBMISSION FROM THIS ADDRESS SECOND SUBMISSION FROM THIS SUBMITTER
7.	Allen, Geoff	NA	18/12/2014	Post	Petition	2180 Beaulieu- Beaulieu Rd	X	X	X	✓		✓	
8.	Jackson, R	NA	18/12/2014	Post	Petition	241-249 Palomira Rd	X	X	X	✓		✓	
9.	Wright, S	NA	18/12/2014	Post	Petition	35 Hazel Rd TAMBORINE	X	X	X	✓		✓	
10.	Finch, C	NA	18/12/2014	Post	Petition	101 Leach Rd	X	X	✓	✓		✓	NAME MAY BE INCORRECTLY OPENED DUE TO MISINTERPRETATION OF HANDWRITING
11.	Mine, R	NA	18/12/2014	Post	Petition	71 Hazel Rd TAMBORINE	X	X	X	✓		✓	
12.	Morris, C	NA	18/12/2014	Post	Petition	30 Plantershouse PL TAMBORINE	X	X	X	✓		✓	
13.	Moore, L	NA	18/12/2014	Post	Petition	21 Donald Cr TAMBORINE	X	X	X	✓		✓	
14.	Mackay, M	NA	18/12/2014	Post	Petition	209 Palomira Rd TAMBORINE	X	X	X	✓		✓	
15.	McIntosh, J	NA	18/12/2014	Post	Petition	26 Curio Cr TAMBORINE	X	X	X	✓		✓	
16.	Whitten, R	NA	18/12/2014	Post	Petition	40 Parkes Court	X	X	X	✓		✓	
17.	Lille, M	NA	18/12/2014	Post	Petition	29 Caffe Cr	X	X	X	✓		✓	
18.	Alkham, S	NA	18/12/2014	Post	Petition	2181 Beaulieu- Beaulieu Rd	X	X	✓	✓		✓	

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#	SUBMITTER	DATE	DATE RECEIVED BY SCC	EMAIL FILED	TYPE	ADDRESS	ADJORNED LANDOWNER	MARKED BOUNDARY WITH THE SITE	WITHIN 50M	WITHIN 100M OR 2 (C.R. NAZIN O'CARROLL)	GROUPS	PRIORITY WAIVE	COMMENTS
19.	Austin, G	NA	18/12/2014	Post	Petition	118 Palomira Rd	X	X	X	✓		✓	
20.	Forsyth, G	NA	18/12/2014	Post	Petition	252 Palomira Rd	X	X	X	✓		✓	
21.	Thomson, David	NA	18/12/2014	Post	Petition	40-50 Verbena Rd TAMBORINE	X	X	X	✓		✓	
22.	Leffler, G	NA	18/12/2014	Post	Petition	49 Old Coach Rd	X	X	X	✓		✓	
22.	Barnes, J	NA	18/12/2014	Post	Petition	45 Jersey Road	X	X	X	✓		✓	
24.	Marshall, Luke	NA	18/12/2014	Post	Petition	1 Somerville Dr	X	X	X	✓		✓	
25.	Innes, Neil	NA	18/12/2014	Post	Petition	106 Leach Rd TAMBORINE	X	X	✓	✓		✓	
26.	Wesley, Karl	NA	18/12/2014	Post	Petition	18 Walnut Rd	X	X	X	✓		✓	
27.	Morris, Dave	NA	18/12/2014	Post	Petition	81 Donald Cr TAMBORINE	X	X	X	✓		✓	
28.	Johnson, Michael	NA	18/12/2014	Post	Petition	31 Jersey Road	X	X	X	✓		✓	
29.	Dick, T	NA	18/12/2014	Post	Petition	30 Jersey Rd TAMBORINE	X	X	X	✓		✓	
30.	Brigt, R	NA	18/12/2014	Post	Petition	228 Leach Rd TAMBORINE	X	X	X	✓		✓	
31.	Connelly, Matthew	NA	18/12/2014	Post	Petition	24 Newenburg Place	X	X	X	✓		✓	SECOND SUBMISSION FROM THIS ADDRESS
32.	Connelly, Paul	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)

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#	SUBMITTOR	DATE	DATE RECEIVED BY SCC	EMAIL POST	TYPE	ADDRESS	ADJACENT LANDOWNER	SHARED BOUNDARY WITH THE SITE	WITHIN 50M	WITHIN DIVISION 2 (CR. NAHA (CARRIBELL))	ISSUES	PROPOSED MADE	COMMENTS
24	Mackenzie, T	NA	18/12/2014	Post	Petition	SELANOYE	X	X	X	✓		✓	WITH SUBMISSION FROM THIS ADDRESS
25	Lester, Kyle	NA	18/12/2014	Post	Petition	8 Neesenberg Place	X	X	X	✓		✓	
26	Levi, Max	NA	18/12/2014	Post	Petition	Camphal Lane	X	X	X	✓		X	NOT PROPERLY MADE - INCOMPLETE ADDRESS NAME MAY BE INCORRECTLY SPLIT DUE TO MISINTERPRETATION OF HANDWRITING
27	McCrean, B	NA	18/12/2014	Post	Petition	Froed Rd Tamborine	X	X	X	✓		X	NOT PROPERLY MADE - INCOMPLETE ADDRESS NAME MAY BE INCORRECTLY SPLIT DUE TO MISINTERPRETATION OF HANDWRITING
28	Robman, C	NA	18/12/2014	Post	Petition	Balfour Rd Tamborine	X	X	X	✓		X	NOT PROPERLY MADE - INCOMPLETE ADDRESS
30	Morr, F	NA	18/12/2014	Post	Petition	PO Box 132 Beemleigh	X	X	X	X		X	NOT PROPERLY MADE - ADDRESS TYPE INVALID
40	Lugo, Jehay	NA	18/12/2014	Post	Petition	Hazel Rd	X	X	X	✓		X	NOT PROPERLY MADE - INCOMPLETE ADDRESS NAME MAY BE INCORRECTLY SPLIT DUE TO MISINTERPRETATION OF HANDWRITING
41	Reagan, L	NA	18/12/2014	Post	Petition	Status of Tamborine North	X	X	X	✓		X	NOT PROPERLY MADE - INCOMPLETE ADDRESS
42	Largent, Wayne	NA	18/12/2014	Post	Petition	PO Box 139 Tamborine	X	X	X	✓		X	NOT PROPERLY MADE - ADDRESS TYPE INVALID
43	Kear Mahdie	NA	18/12/2014	Post	Petition	Waterford-Tamborine Rd	X	X	X	✓		X	NOT PROPERLY MADE - INCOMPLETE ADDRESS
44	Lakers, B	NA	18/12/2014	Post	Petition	Hazel Road	X	X	X	✓		X	NOT PROPERLY MADE - INCOMPLETE ADDRESS
45	Morr, A	NA	18/12/2014	Post	Petition	Balfour Rd	X	X	X	✓		X	NOT PROPERLY MADE - INCOMPLETE ADDRESS
46	Clamp, M	NA	18/12/2014	Post	Petition	Balfour Rd	X	X	X	✓		X	NOT PROPERLY MADE - INCOMPLETE ADDRESS

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#	SUBMITTOR	DATE	DATE RECEIVED BY SCC	EMAIL POST	TYPE	ADDRESS	ADJACENT LANDOWNER	SHARED BOUNDARY WITH THE SITE	WITHIN 50M	WITHIN DIVISION 2 (CR. NAHA (CARRIBELL))	ISSUES	PROPOSED MADE	COMMENTS
47	Henderson, A	NA	18/12/2014	Post	Petition	Quince	X	X	X	X		X	NOT PROPERLY MADE - INCOMPLETE ADDRESS
48	Barkham, S	NA	18/12/2014	Post	Petition	8 In R Tamborine	X	X	X	✓		X	NOT PROPERLY MADE - INCOMPLETE ADDRESS
49	Foster, D	NA	18/12/2014	Post	Petition	110 Seabird Oregon	X	X	X	✓		X	NOT PROPERLY MADE - INCOMPLETE ADDRESS NAME MAY BE INCORRECTLY SPLIT DUE TO MISINTERPRETATION OF HANDWRITING
50	Poullerton, M	NA	18/12/2014	Post	Petition	Vine Road	X	X	X	✓		X	NOT PROPERLY MADE - INCOMPLETE ADDRESS NAME MAY BE INCORRECTLY SPLIT DUE TO MISINTERPRETATION OF HANDWRITING
51	McDonald, D	NA	18/12/2014	Post	Petition	Seabrook Seemigh Rd	X	X	X	✓		X	NOT PROPERLY MADE - INCOMPLETE ADDRESS
52	Greig, Daniel	NA	18/12/2014	Post	Petition	Leach Road, TAMBORINE	X	X	X	✓		X	NOT PROPERLY MADE - INCOMPLETE ADDRESS NAME MAY BE INCORRECTLY SPLIT DUE TO MISINTERPRETATION OF HANDWRITING
53	Johnson, Hilda	NA	18/12/2014	Post	Petition	Seabrook Seemigh Rd, TAMBORINE	X	X	X	✓		X	NOT PROPERLY MADE - INCOMPLETE ADDRESS
54	Kear, Just	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	Violet Road	X	X	X	✓		X	NOT PROPERLY MADE - INCOMPLETE ADDRESS NAME MAY BE INCORRECTLY SPLIT DUE TO MISINTERPRETATION OF HANDWRITING
56	Ross, M	NA	18/12/2014	Post	Petition	Seemigh/Seabird rd	X	X	X	X		X	NOT PROPERLY MADE - INCOMPLETE ADDRESS
57	Tunnicliffe, Mal	NA	18/12/2014	Post	Petition	387 Ardler Crk, JMSOOMBA	X	X	X	X		✓	
58	Jones, J	NA	18/12/2014	Post	Petition	177 Waterford Road, BUCCUM	X	X	X	X		✓	
59	Vierhagen, D	NA	18/12/2014	Post	Petition	80 Kilgrew Rd, TAMBORINE	X	X	X	✓		✓	

Imported

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#	SUBMITTER	DATE	DATE RECEIVED BY CCCC	EMAIL POST	TYPE	ADDRESS	ALLOWED LANDOWNER	MARKED BOUNDARY WITH THE SITE	WITHIN 300M	WITHIN 500M/IN J.C.R. NAZIA (CARROLL)	DEFINIES	PROPERLY MADE	COMMENTS
88.	Cruze P/L	NA	18/12/2014	Post	Petition	70 Pendero Rd, TAMBORINE	X	X	X	✓		✓	NAME MAY BE INCORRECTLY SPELT DUE TO MISINTERPRETATION OF HANDWRITING
89.	Hearts, D	NA	18/12/2014	Post	Petition	92 Cooney Court, TAMBORINE	X	X	X	✓		✓	
90.	Thurston, M	NA	18/12/2014	Post	Petition	313843 Beaulahwell - Netong	X	X	X	X		✓	
91.	Hambler, S	NA	18/12/2014	Post	Petition	1 Tammyson St, Stratford	X	X	X	X		✓	
92.	Thomas, Timothy	NA	18/12/2014	Post	Petition	2187-2187 Waterford - Tamborine Rd	X	X	X	✓		✓	
93.	Alison, J	NA	18/12/2014	Post	Petition	177 Davidson Rd, Jimboomba	X	X	X	X		✓	
94.	Marshall, S	NA	18/12/2014	Post	Petition	80 Seneca St, TAMBORINE MOUNTAIN	X	X	X	✓		✓	
95.	Kaplan, John	NA	18/12/2014	Post	Petition	228 Bayland Rd, Ryland	X	X	X	✓		✓	
96.	Sheehan Olive	NA	18/12/2014	Post	Petition	116-128 Kavan Oh, TAMBORINE	X	X	X	✓		✓	
98.	Wright, Jonathan	NA	18/12/2014	Post	Petition	5242 Beaulahwell Beersleigh Road, Beersleigh	X	X	X	✓		✓	
99.	Hancock, Maddy	NA	18/12/2014	Post	Petition	37-41 Gordon Road, CUDDAH CREEK	X	X	X	X		✓	
101.	Duckham Anthony	NA	18/12/2014	Post	Petition	504 Waterford-Tamborine Rd Busan	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 stations, mechanics, printers, laundries, hardware stores, post office, church. The shopping centre is intended to offer potential services such as supermarket, bakery, restaurant, cafe, medical centre, hair, 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 decrease 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 stores, post office, laundries and etc. as residents can do more within the local community and as such multiple steps 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 sparsely 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 spotted catcatcher 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 road/corridor 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, cars, vehicles, horses, ponies (such as rat bats) 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 Mixis 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 Louch Road/Beaulahwell Beersleigh 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 Loss of 'village' lifestyle 	<p>Response</p> <p>Disregard. As demonstrated within the development application package there is sufficient infrastructure to support the development.</p> <p>Response</p> <p>The Applicant has been working with Council officers since August 2010 where a design workshop was completed with David 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 the growing community; establish a compact pedestrian based Main Street environment along Louch Road with on street parking and reduced road reserve width to strengthen existing and proposed retail activities; Provide a new active frontage to the existing open space on the main (top) road intersection and enable it to contribute to the sense 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 above outcomes to achieve a commercial outcome on the subject site, including:</p>

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CONCERN	APPLICANT RESPONSE
	<ul style="list-style-type: none"> Engaging meetings with Council Officers since 2013. Ascertain 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 need 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 then be 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 services, 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 enhancements 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 submissions align the site with the fence approximately 130m from the proposed development. Inwithstanding 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 S11.3 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. Market; or d. Petrol Station; or e. Retail (Showroom not exceeding 300m² of Gross Floor Area); or f. Showroom/Storage Facility; g. Retail Agent 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</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 crime prevention 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 submissions align the site with the fence approximately 130m from the proposed development.</p>

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2.0 Submission B – Corr, Matt

CONCERN	APPLICANT RESPONSE
<p>c) the site is disproportionate to the need of the community. It is an over-development. Village Project objectives are outlined in the Council Town Planning scheme and should be respected. Please see the relevant section below.</p> <p>"If rural zone overall outcome commensurate with the size and density of the individual community"</p>	<p>Response</p> <p>Diagnose: There is no '53 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>Development supports a range of community service commensurate with the size and density of the individual community in which the development is proposed.</p> <p>Community Services is a defined use class of the Beaudesert Planning Scheme and is divided into 3 categories which are subdivided into defined uses and is replicated below:</p> <ul 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 Workshop • Road • Telecommunication • Facilities • Utility – Local • Utility – Major <p>Refer to Schedule 2 – 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 (rural zone in good form area).</p>	<p>Response</p> <p>Diagnose: The applicant has addressed all relevant statutory requirements of the Beaudesert Planning Scheme and demonstrated compliance with the strict 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 S11.3 Specific Assessment Criteria for the Village Project which is addressed in detail in the UPS Town Planning report on page 61. S11.3 is replicated below:</p> <p>Development of 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.</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>1) The developer makes an argument that the already existing Permit (from 2006) allowed 2000 m² GFA and that an extension to 20000m² is not significant, actually that is a large increase and outside the existing Permit so this argument is unfounded. This is a concern.</p>	<p>Response</p> <p>Diagnose: The existing shopping centre approval for 2,600m² GFA (Stage 1 and Stage 2) plus a retail nursery with a GFA of 2,000m².</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 consent 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 to 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 as a new application which would create a main street along Leach Road. The reason this application took so long to lodge with Council was the road negotiation process to purchase the land from the state, not a long process.
if 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 Brand Strategies for the Shire Local Strategies for the Rural Zone Overall Outcomes for the Rural Zone Rural Zone Code (sections 2.3.8) Advertising Devices Code (sections 5.3.2) Construction and Infrastructure Code (section 5.3.6) Retailing and Commercial Activity Code (section 5.2.7a) Parking and Servicing Code (sections 5.3.15) Refer to comments below for more information.
if there is no supporting evidence to say the development needs to be of the scale to attract a tenant.	Response: Disagree. The landowner/Developer has extensive retail experience and has been behind successful developments such as Urban Serenity, Freedom Place Shopping Centre, Christine Corner Shopping Centre, City Farmers, 1 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 retail concern that without the supermarket the shopping centre retailers won't survive and therefore the tenancies will eventually 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 ALDI, SPAR or B&M), the anchor tenancy of the shopping centre needs to be approximately 1,300m ² .
if it is feasible to suggest the local community march with 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 better, greater addresses and signage, medical services. Just Do It! 23 years - too long to plan No Tamborine Park - make into a carpark for shops Agree with Developers Plans Time Limit 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 (10 or 30 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 10m to allow three cars, he only plans for 1 - 8m. Safety would require that this objective be met.	Response: Refer to letter to Counciling traffic impact assessment which concludes that:

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CONCERNS	APPLICANT RESPONSE
	The provisions for a parking length of 2 vehicle (8 meters) to the property boundary are deemed to be appropriate and sufficient.
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 signs up should carry no weight. It would not 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.	This matter has been certified by a DEPO and therefore is deemed safe and acceptable. Response: Disagree. The applicant has demonstrated compliance with both of the advertising devices code (refer to section 6.2.5 of the SPS Planning Support) and therefore the proposed signage has 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.	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 any encroachments of this public space are to be determined by Council and not the applicant.
It should also include more detail of the Village Green and supply more detailed interest regarding the rail line (2014). These details should be provided as part of the application and be checked by the community.	Response: Disagree. This is why the planning scheme was amended to ultimately reflect the approval.
The Town Planning Report also appears to indicate that the zone permit was issued for a development which was in fact, under the zoning, considered inappropriate and undesirable for that site at the time.	Response: Section 2.1.5 Desired Environmental Outcomes section 2, parts b and c of the Beaudesert Planning Scheme are replicated below:
Development provides that: strengthen and enhance 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 an overwhelming community need and an overwhelming economic need for the development.	a. multiplex and enhance the distinctive character of the shire's rural townships and villages and c. 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 an overwhelming community need and an overwhelming economic need for the development.
The developer alleges: 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 coming up for a coffee or having a bite to eat. The development will act as an urban market and meeting place for a variety of recreation pursuits to occur.	The submitted has not accurately reflected the Applicants response to these DEOs. These are replicated below:
Our response: 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.	1. 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. 1. 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.
The developer alleges: The shopping centre has a relatively small area and is of a scale, form and intensity appropriate for the Tamborine locality. Therefore demonstrating overwhelming economic need for the development is not required.	Response: Refer to main above for more detail regarding the confusion around this matter.
Our response: It is required, it is fundamental. What is considered locally appropriate for Tamborine Village is a GFA not exceeding 1,000 m ² .	The Code Accessible 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 1,000m ² (stage 1) and 500m 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 an overwhelming community need and an overwhelming economic need for the development.
The vision for the Town PDS (Planning Scheme)	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 better, greater addresses and signage, medical services. Just Do It! 23 years - too long to plan No Tamborine Park - make into a carpark for shops Agree with Developers Plans Time Limit too far out There was overwhelming community support from residents for the proposed development at the Public Meeting dated 23 March 2011.
Response to the above from developer: 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.	
Our Response: There is no evidence that the community has been seeking this type of proposed development, in fact there is evidence to	

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CONCERN	APPLICANT RESPONSE
<p>The convey to per signatures on petition sent to council re Application for AC/2014/002</p>	<p>There was overwhelming community support from residents for the proposed development of the Public Meeting dated 23 March 2014. This meeting formed the basis for the amendments to the Development Planning Scheme to encourage a shopping centre development on the subject site.</p> <p>The petition represents the opinions of approximately 70 persons and many of these persons live outside Tamborine and are likely unaffected by the proposed development (i.e. those signatories from Cedar Creek, Jimboomba, Stratford, Boyland, Birran, North Tamborine and Buccari) and therefore it is not necessarily a correct representation of all the Tamborine community.</p>
<p>Broad Strategies for the Shire The rural and semi-rural lifestyle and character of the Shire is maintained and supported by a pattern of townships which is comprised of— (A) Broadacre which is the principal rural centre of the shire; and (B) Urban Village, Imboombie, Canungle and Greenbank which provide local business, retail, industrial and community activity and (C) other smaller villages, which provide local convenience services; and (D) the existing residential pattern of development.</p> <p>The Developer alleges: 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.</p> <p>Our response: 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 Broadacre and Logan Village, Imboombie, Canungle and Greenbank. Large scale development such as Kilmorye Downs, Imboombie Marsh and Travellers have been allowed to proceed without infrastructure therefore it is left to historical Tamborine village to fit the need.</p>	<p>Response In addition to Tamborine, the other smaller villages within the Development Planning Scheme area include, Inwooden 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 clause 22.02 of the Rural Zone Code which is replicated below:</p> <p>Development within the village precinct provides for a range of village – type land uses serving the local community including a limited range of limited convenience shopping, specialty shopping, lower order professional offices and businesses, theatre facilities and urban residential type housing on environmental allotments.</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 Imboombie has a (Dole and a Woolworths) to cater for their shopping needs, Imboombie has a planned centre and Logan Village Woolworths is approximately 3km away. Kilmorye Downs forms part of Tamborine village and the proposed shopping centre will cater for the submissions 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 duplicates of a standard submission template.

CONCERN	APPLICANT RESPONSE
<p>Impact on local businesses</p>	<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, 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 stores, post office, tavern and etc., as residents can do more within the local community. As such multiple stores 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>
<p>Impact on native wildlife</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 sparsely 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 or local level.</p> <p>During the removal of vegetation a spotted catbird 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-western 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, horses, poisons (such as rat bait) which put the fauna into an increased risk of injury or death.</p>
<p>Increased traffic to the area</p>	<p>Response A traffic impact assessment has been prepared by KICSA 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 SIGA analysis for the Leach Road/Broadacre/Berleigh 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 consideration on transport planning grounds.
<p>Lack of infrastructure to adequately support the Proposed Development</p>	<p>Response As demonstrated within the development application package there is sufficient infrastructure to support the development.</p>
<p>Loss of "village" lifestyle</p>	<p>Response The Applicant has been working with Council Officers since August 2010 where a design workshop was completed with Derek 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 the 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 retail 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 above 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 retail activities. • Preparing and lodging the 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 interaction. 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 Applicant's opinion that the village lifestyle will actually be enhanced, due to the creation of the main street, access to additional goods and services, 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 establishments 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 submitter 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 DCL3 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/Hotel. <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 submitter 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 Beeswing Road. The existing competition referred to relates to existing shops that offer the same or similar services as Tamborine Central does (i.e. Coles 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, Coles Corner or the Shell service station.</p>

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3.0 Submission F - Deegan, Ann

CONCERN	APPLICANT RESPONSE
<p>*Each 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 "coy corner" (round the corner, 1.00.3) is busy 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 BEYER 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 TODA analysis for the Leach Road/Broadmead Berridge 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 Debbie HODGINS 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 friendly main street environment along Leach Road with on street parking and reduced road reserve width to strengthen existing and proposed retail activities. Provide a new active frontage to the existing open spaces on the main street 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 along the above outcomes to achieve a commercial outcome on the subject site, including:</p> <ul style="list-style-type: none"> Engaging meetings with Council Officers since 2010. Streamlining 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 retail activities. Preparing and lodging the development application. <p>The recent upgrade of the main Tamborine intersection to a roundabout has changed the safety and stability of the area as the roundabout encourages increased acceleration. It was identified early on that Leach Road with the existing commercial shops would have 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 services, as well as the enhancement of Leach road and surrounding parts. It is envisioned that the development will act as a catalyst for many community establishments to the surrounding area.</p>
<p>*This proposal will have an impact on native wildlife, eg. kang, 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 sparsely 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 riparian corridor will be present to relocate any native fauna outside of the impact area.</p>

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CONCERN	APPLICANT RESPONSE
<p>*Increased noise</p>	<p>As a result of the removed vegetation, revegetation 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-enclosed and unsafe area where there are dogs, cats, vehicles, fences, potholes (such as rat holes) which put the fauna into an increased risk of injury or death.</p> <p>Response The submitter 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 Broadmead Planning Scheme Amendment Package No. 3 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 303.1 of the Rural Zone Code encouraged land uses are as follows:</p> <ul style="list-style-type: none"> 3. Child Care Facility; or 4. Industry - low impact/service; or 5. Markets; or 6. Produce Stores; or 7. Retail Showroom not exceeding 300m² of Gross Floor Area; or 8. Warehouse/Storage Facility 9. Rural Plant Nurseries; or 10. 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 deterrence anti-social behaviour on the site and surrounding sites. The clearing of the extensive 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 submitter live approximately 2.2km from the proposed development and therefore it is difficult to understand why they have a concern about security.</p>
<p>*Each approx. 1200 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 just want to turn Tamborine into urban reality that they escaped from.</p> <p>The Development Permit #11, was advertised in the Public Notice in Broadmead Times. Not everyone in Tamborine would purchase this paper, but they do get a FREE Tamborine Times delivered into their letterbox six australis that weekly. The 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>

6.2 Submission G – Connelly, Bradley John

CONCERN	APPLICANT RESPONSE
Impact of local businesses	<p>Response The majority of local businesses are offering services that are different to the proposed shopping centre i.e. service stations, 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 shops 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 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 sparsely 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 spider 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 proximity 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, cars, vehicles, fences, ponds (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 Atkins 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 TEMS analysis for the coach road/roadwest 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 Detailed. 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 2000 where a design workshop was completed with Debra 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 town street environment along coach road with on street parking and reduced road reserve width to strengthen existing and proposed retail activities; • Provide a new active frontage to the existing open space on the main coach 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 above outcomes to achieve a commercial outcome on the subject site, including:</p>

CONCERN	APPLICANT RESPONSE
	<ul style="list-style-type: none"> • Engaging meetings with Council officers since 2000. • Maintaining the currency of the existing approval for shopping centres. • 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 coach road town 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 retail activities. • Preparing and lodging the development application. <p>The recent upgrade of the main Tamborine intersection to a roundabout has changed the safety and stability of the area as the roundabout encourages increased acceleration. It was identified early on that coach road with the existing commercial shops would have the ideal location for a main street.</p> <p>It is the applicant's opinion that the village lifestyle will actually be enhanced, due to the creation of the main street, access to additional goods and services, as well as the enhancement of coach 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 Resource Planning Scheme and after years of planning, the Resource Planning Scheme was amended.</p> <p>There is an existing approval for shopping centre on the subject site.</p>
Increased noise	<p>Response The submitted live approximately 1 km 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 Resource Planning Scheme Amendment Package No. 8 introduced a Land Use Plan for the site which encourages low impact/low noise residential land use along the southern half of the site, pursuant to 102.2 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 Mechanic; or Produce Store; or Retail Showroom not exceeding 2000m² of Gross Floor Area; or Workshop/Storage Facility; Remedial Services; 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 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 area. The clearing of the undergrowth 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 area.</p> <p>It should also be noted that the submitted live approximately 1 km from the proposed development and therefore it is difficult to understand why they have a concern about security.</p>

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



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 stations, mechanics, profane, 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 decrease 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 shops 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 which 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 traffic analysis for the Leach Road/Leichardt Street/High Road intersection has been undertaken and demonstrated 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 who already live in the local area, therefore a large increase in traffic is considered unlikely. Other potential shoppers will be those already traveling 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 levels 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 native 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 or local level.</p> <p>During the removal of vegetation a spatter catcher will be present to relocate any native fauna outside of the impact area.</p> <p>As a result of the removal 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-suburban and urban 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>Despite, 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>

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



CONCERNS	APPLICANT RESPONSE
Create a loss of the "village lifestyle" in the area	<p>Response</p> <p>The Applicant has been working with Council Officers since August 2010 where a design workshop was completed with Mick 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 the 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 above 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 the 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 Applicant's 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 establishments to the surrounding area.</p>

TAMBORINE VILLAGE CENTRE SUMMARY



The Public Notification period of Tamborine Village Centre occurred between 27 November 2014 - 13 December 2014 (seven (7) Business Days).
 During this time the Tamborine Village Centre revealed 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 days for objection replicated those within the template submissions referred to in the above table.
 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 illegible. 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, Jambourna, Stafford, Boyland, Berman, North Tamborine and Baring).
 Many of the submissions also signed the petition.

UNIQUE AND TEMPLATE SUBMISSIONS

A	Malchy Carr	25-153 Tamborine Mountain Rd, TAMBORINE
B	Mat Carr	AS ABOVE
C	Paula Totton	1-21 Hazel Rd, TAMBORINE
D	R.D. Totton	AS ABOVE
E	Paul Macnevelton	1-7 Lewis Rd, TAMBORINE
F	Ann Deegan	278 Tamborine Mountain Rd, TAMBORINE
G	R.J. Connelly	24 Hinesbrook 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

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

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.

Committee Recommendation

That the Director Regional Services recommendation be adopted.

Moved: Cr Stanfield

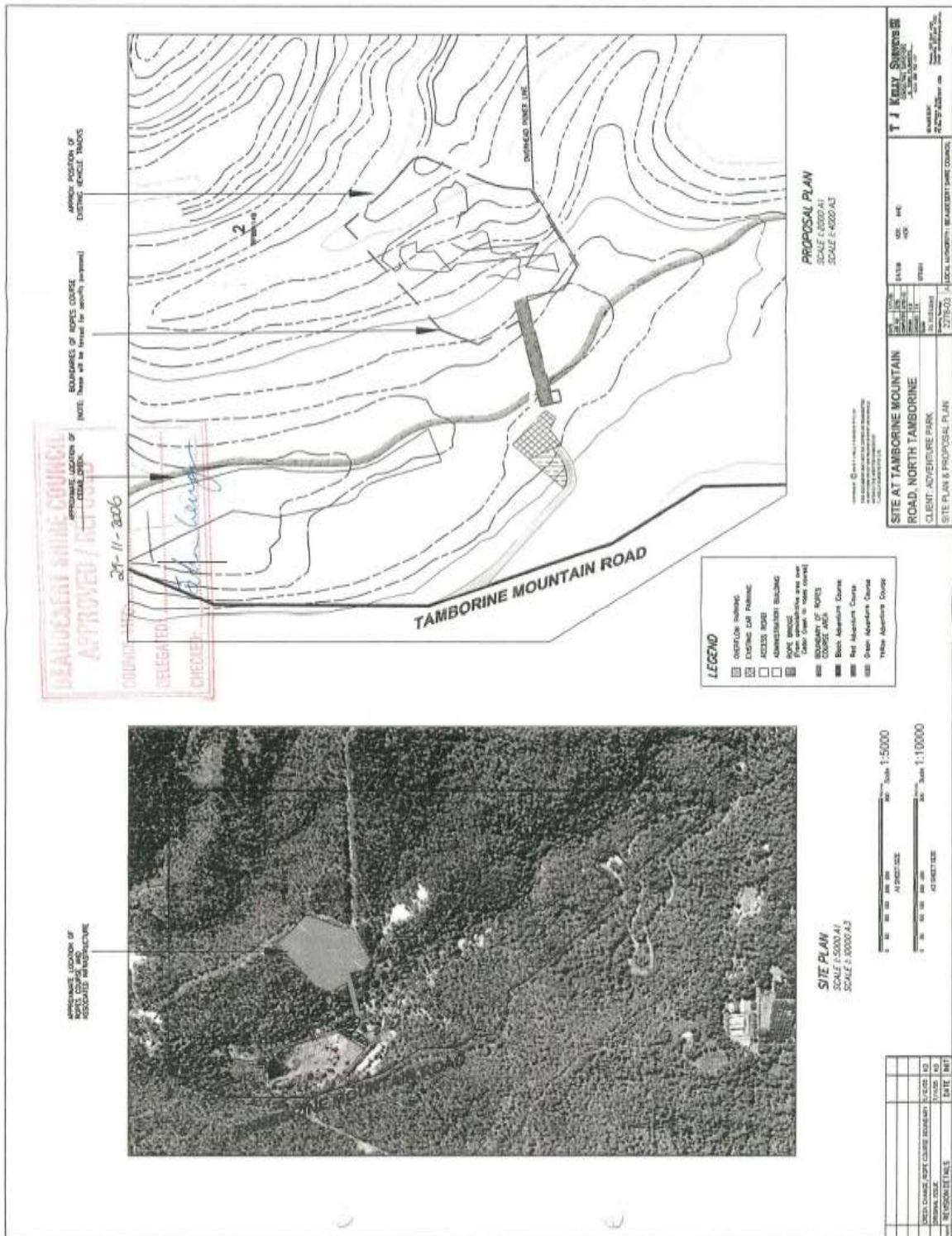
Seconded: Cr Waistell

Carried

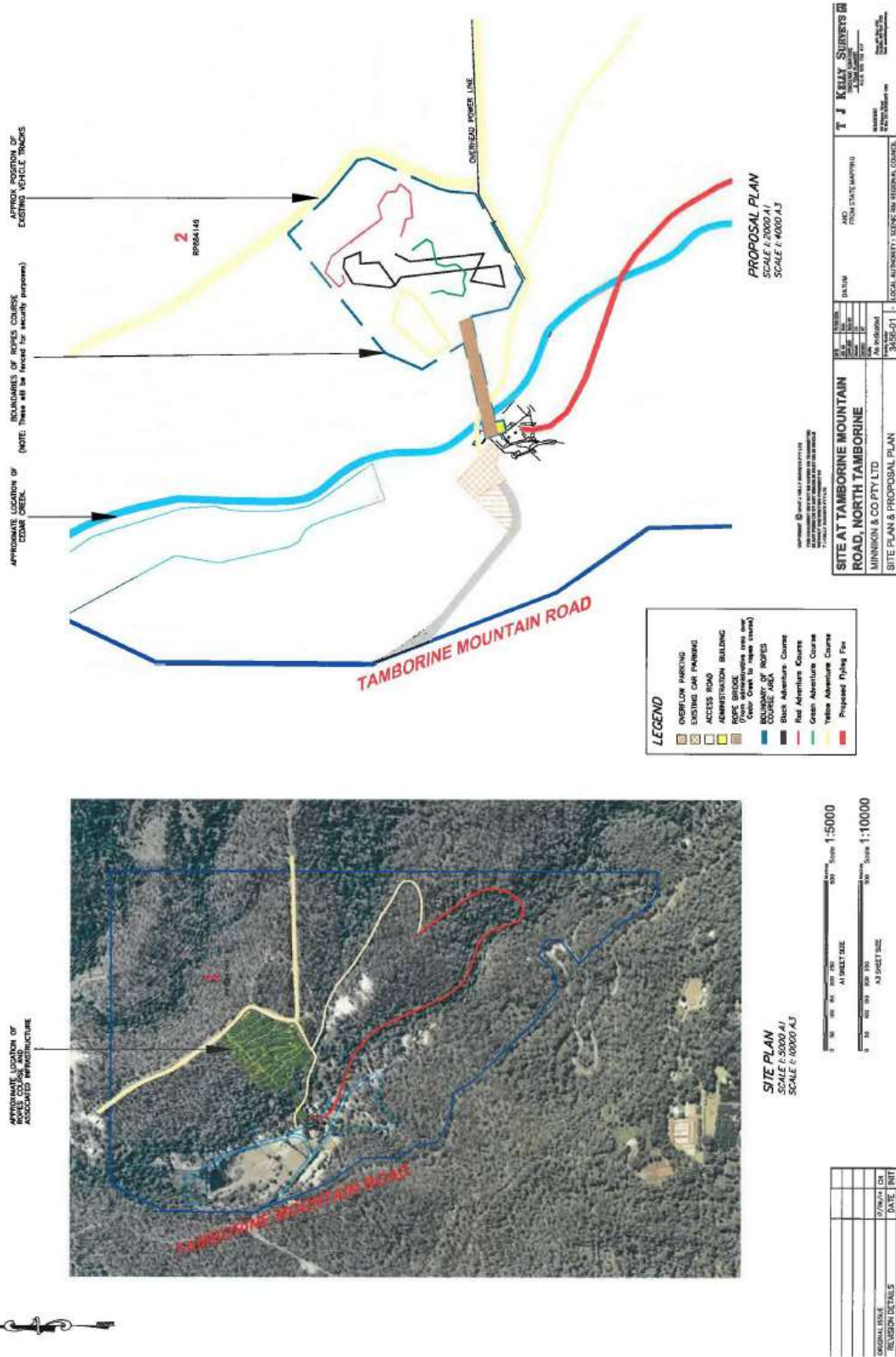
Attachments

1. Site Plan.
2. Site Plan & Proposal Plan.
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: RUA
Resp. Officer:	DA ADMIN
2.CREAJ 3.....

W RPB8449



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

Our reference: SPD-1114-012703

27 November 2014

Fretwood Pty Ltd
C/- TJ 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/- TJ 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 <u>only where:</u></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.

365 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—

SPD-1114-012703

- (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.

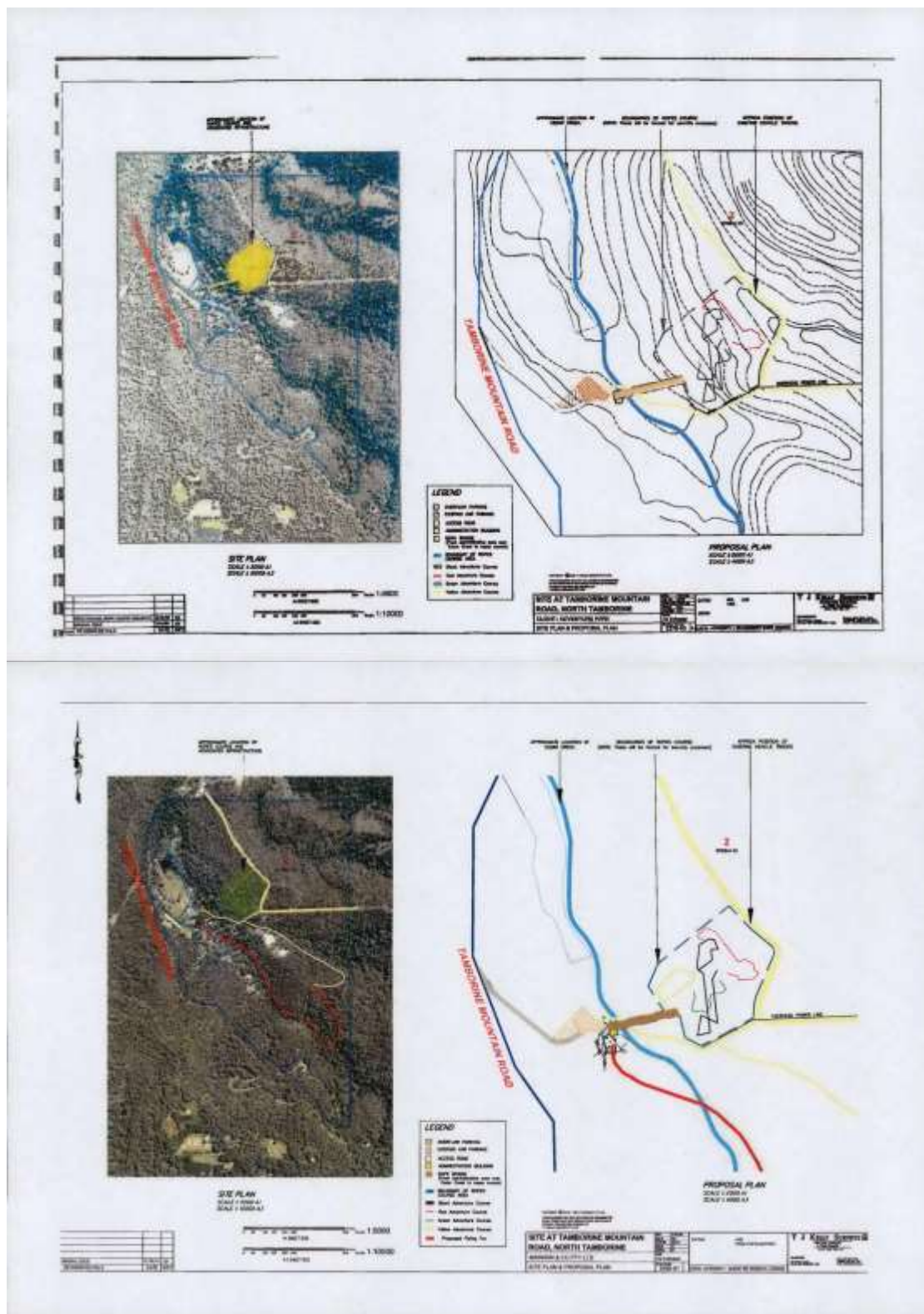
490 Lodging appeal stops particular actions

- (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

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

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.

Committee Recommendation

That the Director Regional Services recommendation be adopted.

Moved: Cr Stanfield


Seconded: Cr McInnes

Carried

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 26 149 745 862

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
CREAT 2 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
OVR. 1209254 \$ 1320.00
3 NOV 2014
Beaudesert
BEAUADESERT 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

PR: 07 3886 5183 FAX: 07 3886 5183 MOB: Deepak Kumar 0403 629 361 Email: deepak@santoshi.com.au

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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.*



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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



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2 Paradise Ave Albion QLD 4209
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Postal: PO Box 161 Mineral Road QLD 4209

ACOUSTICAL CONSULTANTS

Email: enquiries@www.crg.net.au
CRG is a member of the IANZ (ISO 9001:2008)
In Queensland CRG is a member of the IANZ (ISO 9001:2008)

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) LA90
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).

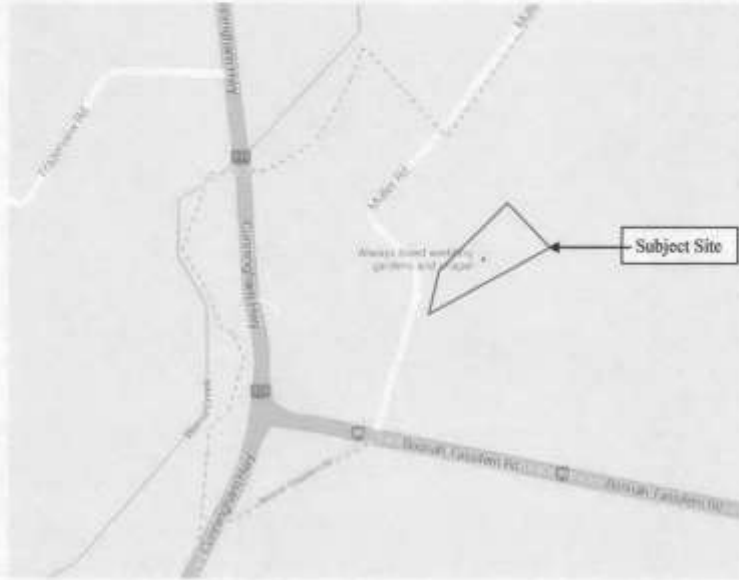
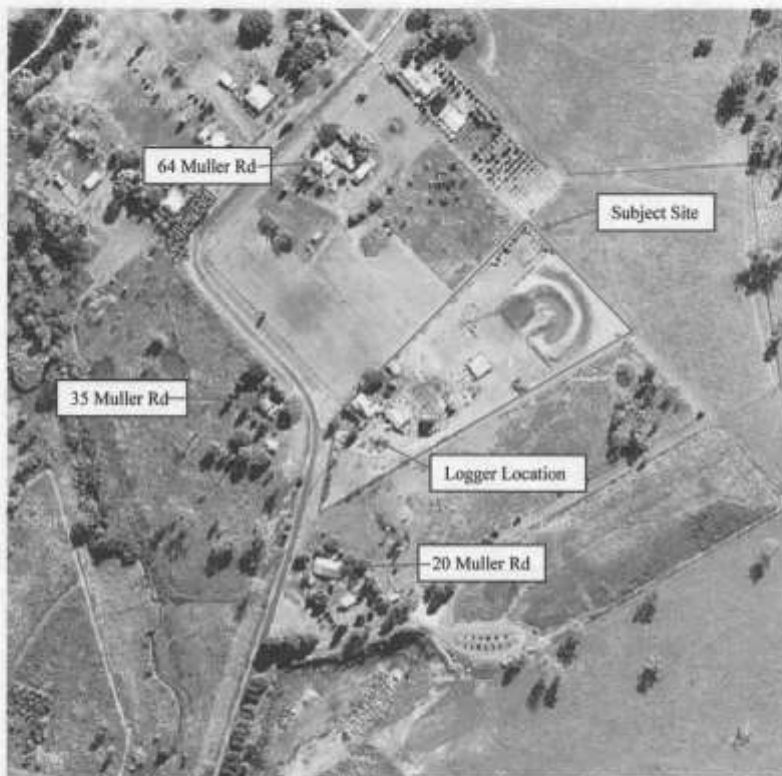


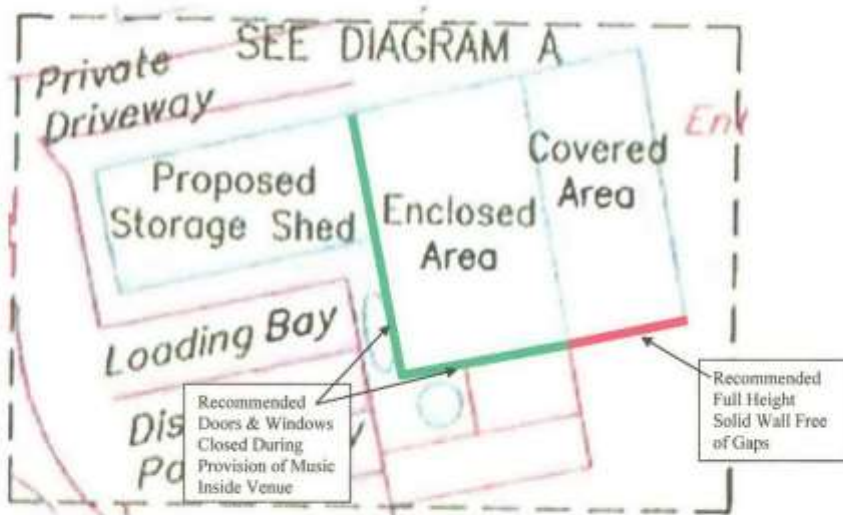


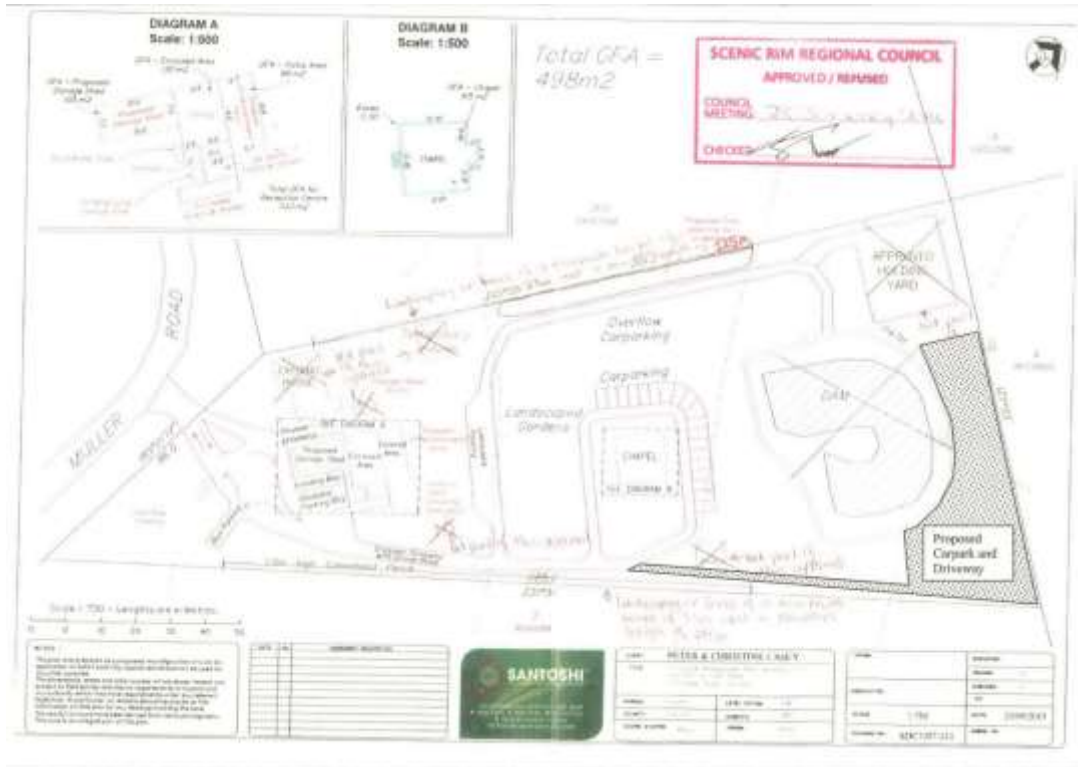
Figure No. 2: Subject Site, Noise Monitoring Location and Surrounding Environs (Google Earth with DNRM QLD GLOBE Data Base overlay).





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

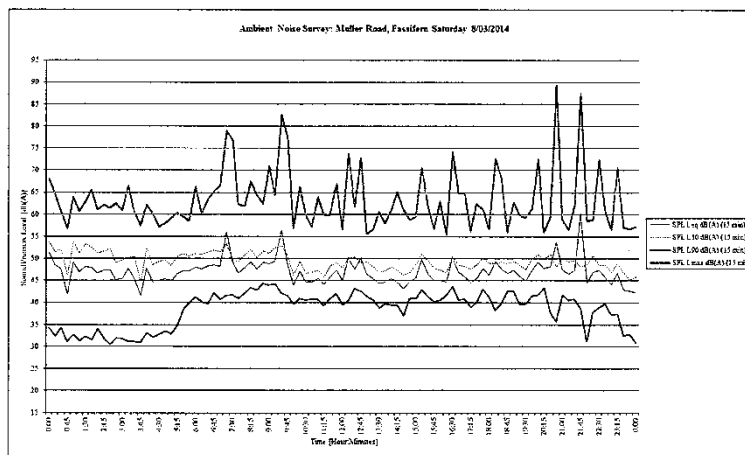
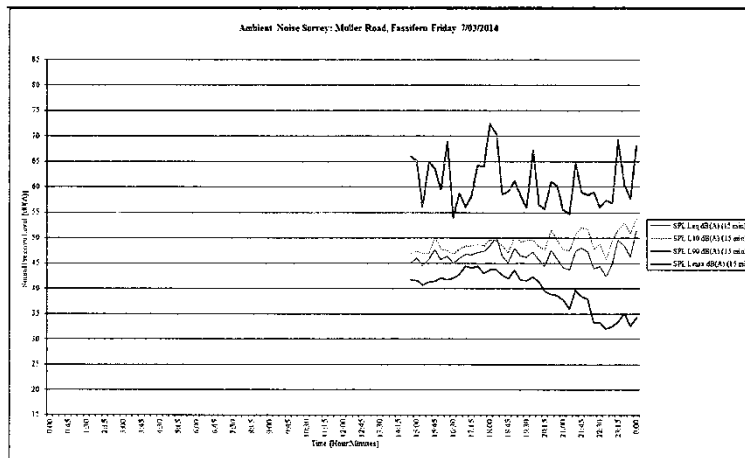


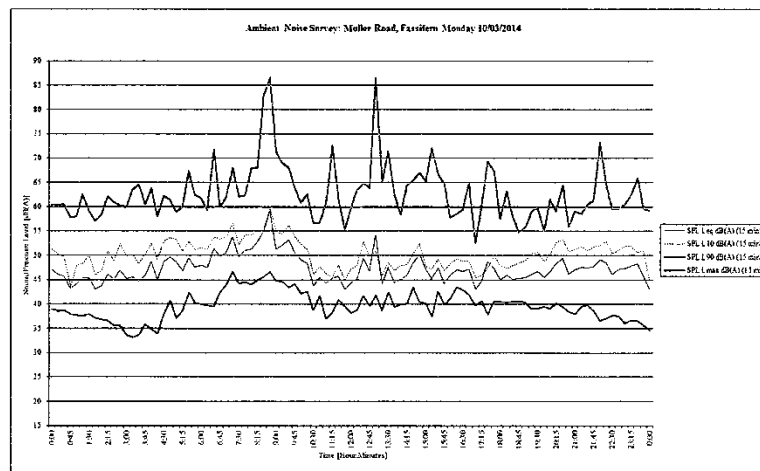
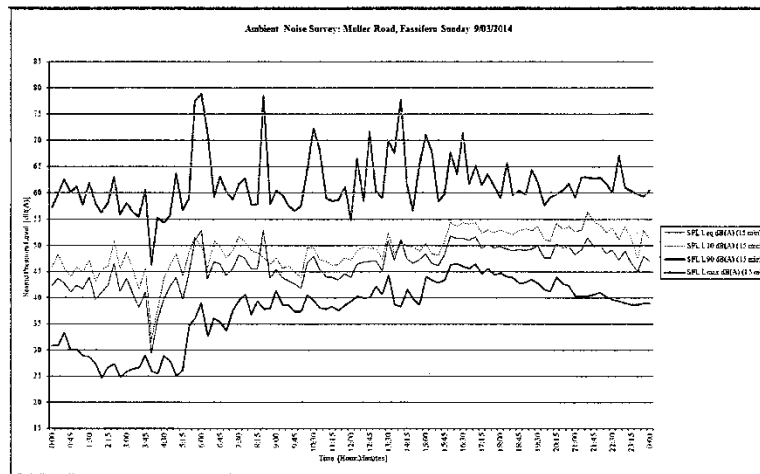


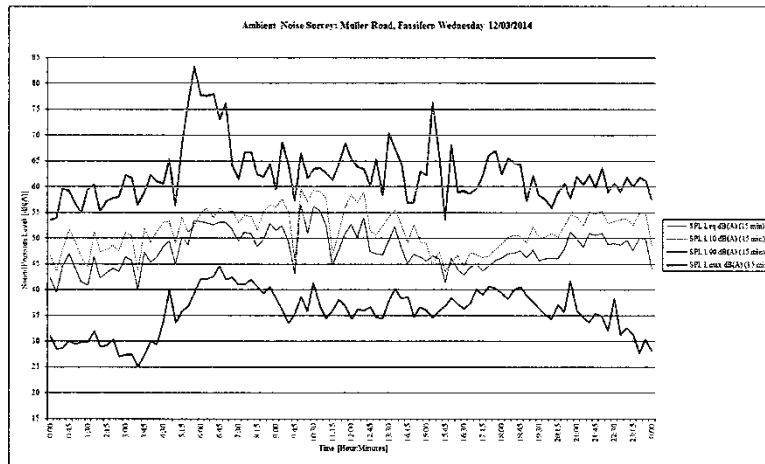
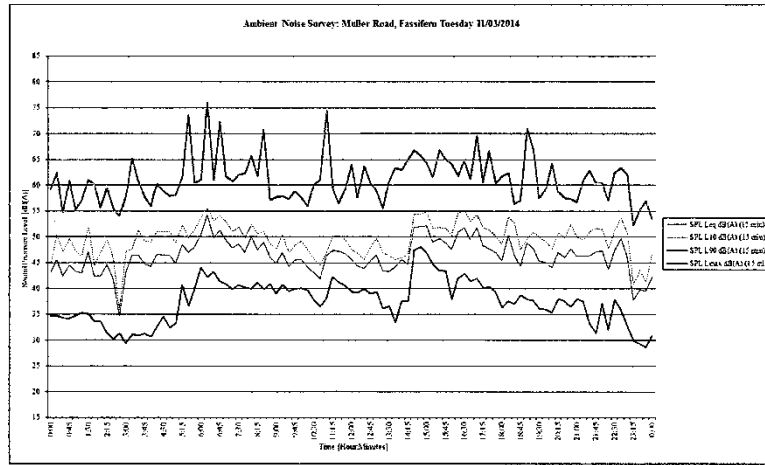


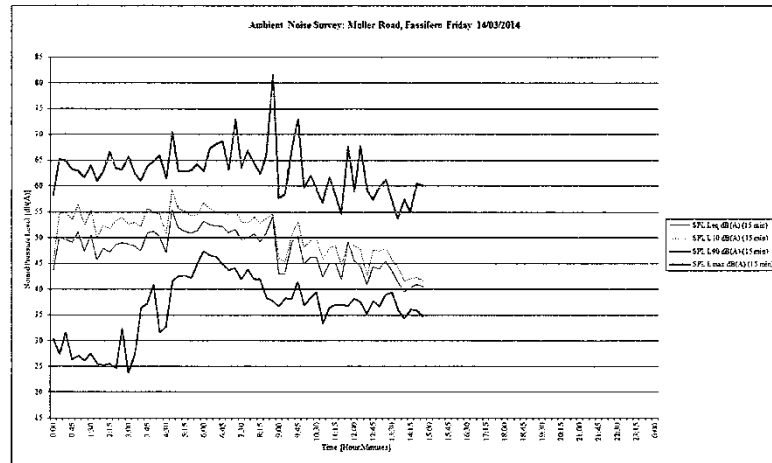
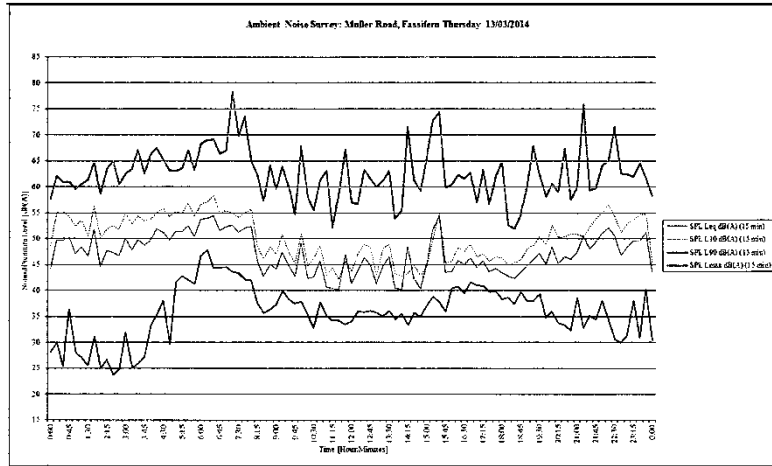
APPENDIX C

Measurement Results and Model Calculations / Prediction











Fussler 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	210 m
Distance attenuation	-46.4 dB(A)
Obstructions	0 dB(A)
Façade reflection	2.5 dB(A)
Reduction through open window	-5 dB(A)
Impact at façade	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	220 m
Distance attenuation	-46.8 dB(A)
Obstructions topography	-5 dB(A)
Façade reflection	2.5 dB(A)
Reduction through open window	-5 dB(A)
Impact at façade	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	225 m
Distance attenuation	-47.0 dB(A)
Obstructions topography	-4 dB(A)
Façade reflection	2.5 dB(A)
Reduction through open window	-5 dB(A)
Impact at façade	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	216 m
Distance attenuation	-46.7 dB(A)
Obstructions	0 dB(A)
Façade reflection	2.5 dB(A)
Reduction through open window	-5 dB(A)
Impact at façade	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	90 m
Distance attenuation	-39.1 dB(A)
Obstructions	0 dB(A)
Façade reflection	2.5 dB(A)
Reduction through open window	-5 dB(A)
Impact at façade	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	50 m
Distance attenuation	-34.0 dB(A)
Obstructions	0 dB(A)
Façade reflection	2.5 dB(A)
Reduction through open window	-5 dB(A)
Impact at façade	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	181 m
Distance attenuation	-48.6 dB(A)
Inside to outside open doors	-10.0 dB(A)
Obstructions	0 dB(A)
Façade reflection	2.5 dB(A)
Reduction through open window	-5 dB(A)
Impact at façade	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	111 m
Distance attenuation	-35.8 dB(A)
Inside to outside CLOSED doors	-8.0 dB(A)
Obstructions	0 dB(A)
Façade reflection	2.5 dB(A)
Reduction through open window	-5 dB(A)
Impact at façade	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	91 m
Distance attenuation	-35.3 dB(A)
Inside to outside open doors	-10.0 dB(A)
Obstructions	0 dB(A)
Façade reflection	2.5 dB(A)
Reduction through open window	-5 dB(A)
Impact at façade	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	181 m
Distance attenuation	-45.2 dB(A)
Obstructions	0 dB(A)
Façade reflection	2.5 dB(A)
Reduction through open window	-5 dB(A)
Impact at façade	27.3 dB(A) L10
Impact inside	29.8 dB(A) Lmax

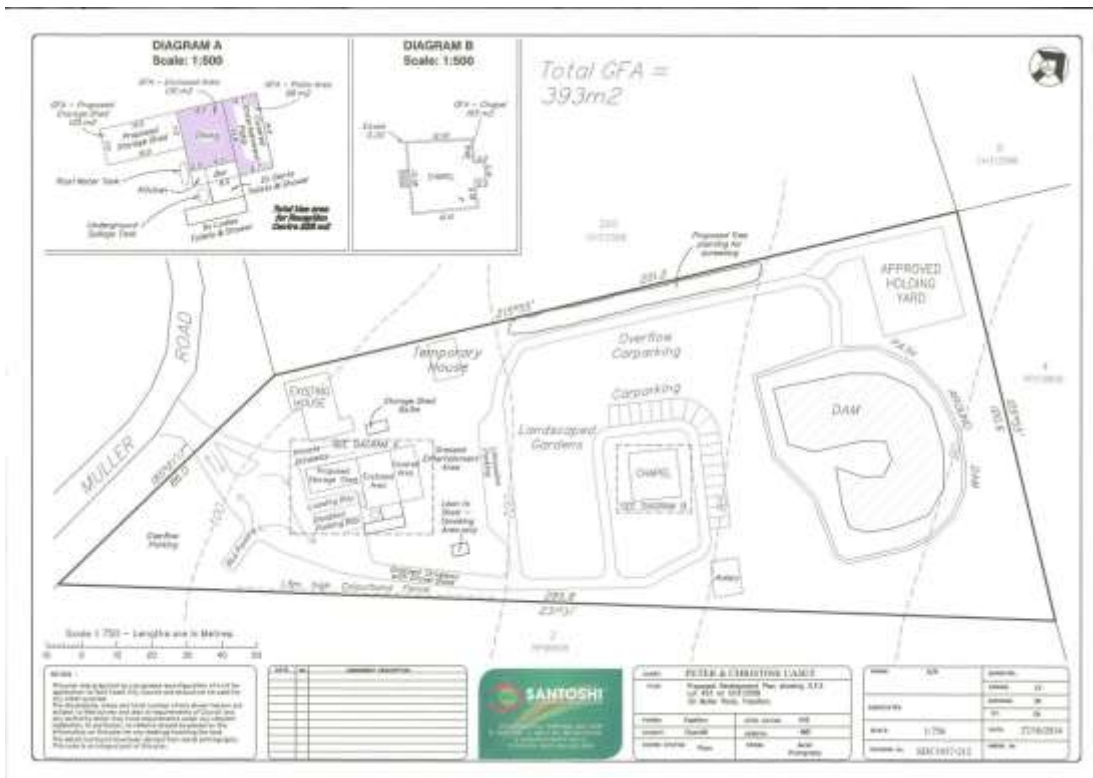
People talking in covered area	70 dB(A) L10
People talking in covered area	80 dB(A) Lmax
Distance to dwelling	111 m
Distance attenuation	-40.9 dB(A)
Obstructions building	0 dB(A)
Façade reflection	2.5 dB(A)
Reduction through open window	-5 dB(A)
Impact at façade	31.6 dB(A) L10
Impact inside	34.1 dB(A)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

People talking in covered area	70 dB(A) L10
People talking in covered area	80 dB(A) Lmax
Distance to dwelling	91 m
Distance attenuation	-39.2 dB(A)
Obstructions building	-4 dB(A)
Façade reflection	2.5 dB(A)
Reduction through open window	-5 dB(A)
Impact at façade	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	181 m
Distance attenuation	-45.2 dB(A)
Obstructions	0 dB(A)
Façade reflection	2.5 dB(A)
Reduction through open window	-5 dB(A)
Impact at façade	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	176 m
Distance attenuation	-44.9 dB(A)
Obstructions	0 dB(A)
Façade reflection	2.5 dB(A)
Reduction through open window	-5 dB(A)
Impact at façade	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	156 m
Distance attenuation	-43.9 dB(A)
Obstructions topography	-4 dB(A)
Façade reflection	2.5 dB(A)
Reduction through open window	-5 dB(A)
Impact at façade	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 Sentoshi 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.

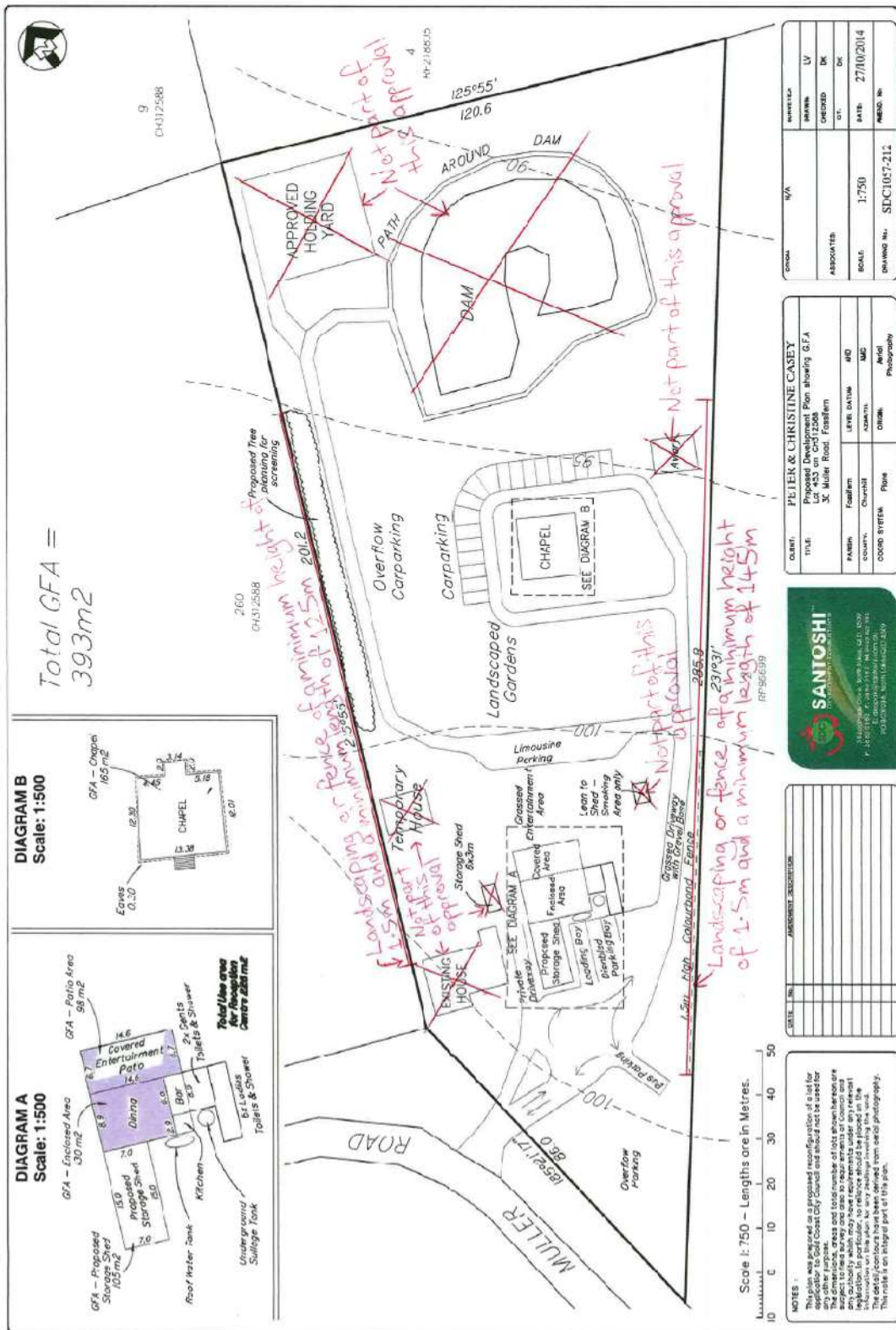
Your Truly,


.....
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 2 - Approved Floor Plan/Site Plan - Annotated



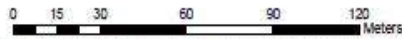
DATE	BY	FOR
27/10/2014	DK	DC
1:750	SCALE	
SDCI1057-211	PROJECT NO.	

CLIENT	PETER & CHRISTINE CASEY
TITLE	Proposed Development Plan showing GFA for 433 on CH312068
ADDRESS	31 Muller Road, Rossmore
PREPARED BY	LENE DAVIM
CHECKED BY	ASAM
DATE	
PROJECT NO.	SDCI1057-211



DATE	BY	FOR

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 disclaims 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

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

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.

Committee Recommendation

That the Director Regional Services recommendation be adopted.

Moved: Cr Stanfield

Seconded: Cr McInnes

Carried

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 - Department of Main Roads conditions

D 8678
128194



Author : Melissa Barton
File / Ref number : 2007/008879-356828
Reefind 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
Chr 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:** eLVA 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 - Concurrence Agency Response

D8678
120586

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
Narang 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

G:\TPCommon\TP team correspondence\KCT\3009\kct-kct.341.doc

- 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
response dated 14 November 2014**Queensland
GovernmentDepartment of
**State Development,
Infrastructure and Planning**

Our reference: SPD-1114-012824

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 lpwvichSARA@dvdip.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

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

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: 48830m²
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.

Committee Recommendation

That the Director Regional Services recommendation be adopted.

Moved: Cr West

Seconded: Cr O'Carroll

Carried Unanimously

Cr Brent declared that he is Patron of the Boonah Show Society.

Cr Stanfield declared he is a member of the Boonah Show Society.

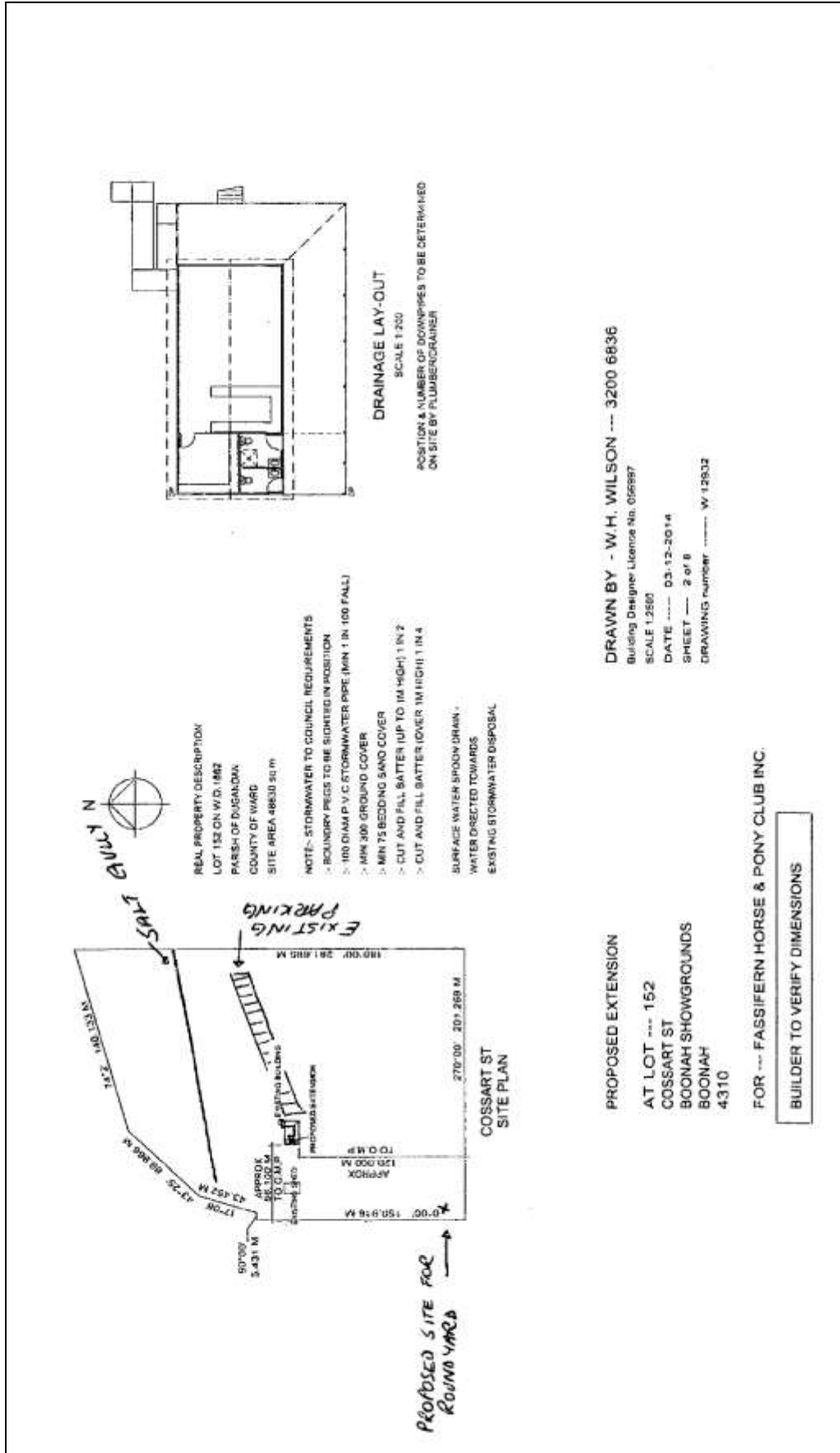
Cr McInnes declared he is a member of the Boonah Show Society.

All three Councillors did not consider there was a conflict of interest and accordingly, they took part in discussion and voting on the item.

Attachments

1. Proposal Plans.

Attachment 1 - Proposal Plans



4. INFRASTRUCTURE SERVICES

Nil.

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Cr J.J. Sanders
CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE