



SCENIC RIM REGIONAL COUNCIL

Planning & Development Committee

Agenda

Meeting to be held in the Council Chambers

82 Brisbane Street

Beaudesert

Tuesday, 17 March 2015

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

All correspondence to
Be addressed to the
Chief Executive Officer

Scenic Rim Regional Council
PO Box 25
BEAUDESERT QLD 4285
ABN: 45 596 234 931

Beaudesert Administration Centre P: 07 5540 5111 F: 07 5540 5103
Boonah Administration Centre P: 07 5463 3000 F: 07 5463 2650
mail@scenicrim.qld.gov.au
www.scenicrim.qld.gov.au

**SCENIC RIM REGIONAL COUNCIL
PLANNING & DEVELOPMENT COMMITTEE
AGENDA CONTENTS**

ITEM	SUBJECT	PAGE NO
ATTENDANCE		1
APOLOGIES		1
DECLARATIONS OF INTEREST BY MEMBERS		1
1. EXECUTIVE		2
2. CHIEF FINANCE OFFICER		2
3. REGIONAL SERVICES		2
3.1	30002879.01 Development Application - TJ Kelly Surveys Pty Ltd Lot 2 RP848024 Request to Change an Existing Approval - Impact Inconsistent for Indoor Sport/Recreation (Community Services Use)	2
3.2	MCBd14/072 Development Permit for a Material Change of Use Tourist Facility (Impact Assessment) Ian Elliot-Smith c/- Mortons Urban Solutions 197-207 Long Road Tamborine Mountain L1 & L2 RP123415	43
3.3	MC.Bn13/00010 Development Permit for Aquaculture - Agriculture (Rural Use), Intensive Animal Industry and Wholesale Nursery Maroon Homestead Pty Ltd Lot 2 RP48849 Lot 1 RP48849 Lot 3 RP48849 Lot 2 RP167144	67
3.4	Infrastructure Charges 30002774 Development Permit for Veterinary Surgery/Hospital Kargorum Road Beaudesert Lot 12 RP892409 [Closed s.275(1)(h)]	107
4. INFRASTRUCTURE SERVICES		108

PLANNING & DEVELOPMENT COMMITTEE

AGENDA

ATTENDANCE

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

APOLOGIES

DECLARATIONS OF INTEREST BY MEMBERS

Reception of Deputations by Appointment / Visitors

Nil

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

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

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

1. EXECUTIVE

Nil.

2. CHIEF FINANCE OFFICER

Nil.

3. REGIONAL SERVICES**3.1 30002879.01 Development Application - TJ Kelly Surveys Pty Ltd Lot 2 RP848024 Request to Change an Existing Approval - Impact Inconsistent for Indoor Sport/Recreation (Community Services Use)**

Executive Officer: Director Regional Services

Item Author: Manager Planning

File Reference: 30002879.01

Applicable Planning Scheme	<i>Beaudesert Planning Scheme 2007</i>
Applicant	TJ Kelly Surveys Pty Ltd
Owner(s)	Novmet Pty Ltd ATF Stream Trust
Site Address	39 Main Street TAMBORINE MOUNTAIN QLD 4272
Real Property Description	Lot 2 on RP848024
Site Area	2057m ²
Relevant Zone and Precinct	Tamborine Mountain Zone – Business Precinct
Proposal	Material Change of Use – <i>Beaudesert Planning Scheme 2007</i>
Assessment Level	Code Assessment Request to Change Conditions of Approval – Condition 5 Operating Hours and Condition 18 Infrastructure Agreement. The Original Application was Impact Inconsistent Assessable and approved with conditions.
Approval Type	Development Permit
Planning Scheme Details	<i>Beaudesert Planning Scheme 2007</i>
Public Notification:	A Public Notice was placed in the Beaudesert Times on 23 June 2010
Submissions Received	Six (6) properly made submissions
Is a Notation to the Planning Scheme required?	No
Date Application Received:	4 November 2014

Purpose of Report

The purpose of this report is to provide the facts and circumstances surrounding a proposed Change of Conditions Request for **Condition 5** - Operating Hours and **Condition 18** - Infrastructure Agreement. The current approval is for a Development Permit for a Material Change of Use for Indoor Sports/Recreation (Community Services Use) for a gymnasium (gym) on land located at 39 Main Street, Tamborine Mountain QLD 4272 and described as Lot 2 RP848024.

Brief Summary

Condition 5

Council is in receipt of an application seeking a Change of Condition request to Condition 5. The request seeks to extend the operating hours of the gym. The current approved hours of operation are:

- Monday/Wednesday/Friday – 5:00am to 9:30pm;
- Tuesday and Thursday – 6:30am to 7:30pm;
- Saturday – 7:30am to 4:00pm; and
- Sunday – 12:00pm to 4:00pm.

The applicant proposes to extend the hours of operation to be 24 hours a day seven (7) days a week (24/7 access). The development had been approved with a limit on use hours as noted above, so as not to contribute negatively upon the existing locality. The limitation of the use to certain hours allowed the facility to operate but cease operations at night time and reopen in the morning.

Condition 18

The request also seeks to replace Condition 18 with an amended condition. Condition 18 currently requires the applicant to pay to Council a monetary contribution towards the cost of six (6) car parking spaces which cannot be accommodated on site due to area constraints.

The applicant proposes to replace Condition 18 with a condition requiring that the six (6) car parking spaces be located on a nearby site over 46-48 Main Street, Tamborine Mountain (Lot 2 RP32120). The nearby site is located approximately 130m walking distance from the gym building and the proposed car parking spaces over Lot 2 RP32120 will be predominantly used to accommodate staff vehicles.

It is recommended that the request to allow the hours of operation for the gym to be 24 hours a day seven (7) days a week for an initial two year period and to allow the shortfall in on-site car parking to be met by providing six (6) off-site car parking spaces be approved.

Should Council be supportive of the revised site plan, Condition 1 will be required to be amended to reflect the latest proposal plan and Environmental Noise Impact Report.

Background

Original approval

The application was originally approved on 30 November 2010 (refer Development Application Number 30002879). The original application had a shortfall of 27 on-site car parking spaces which Council resolved to waive including the associated monetary contribution of \$10,662.00 per shortfall of car parking space.

The original application was publicly notified for a period of no less than fifteen (15) business days in accordance with the requirements under the *Sustainable Planning Act 2009*, whereby Council received six (6) properly made submissions against the proposal. The principle concerns of the submitters related to noise and car parking impacts of the development.

Change to conditions - 30 August 2012

Council approved a request to change conditions on 30 August 2012. The changes included extension of hours of operation and the increase in use area of the gym by 73.8m² Gross Floor Area (GFA). As a result of the increase in GFA six (6) additional car parking spaces were required to be provided by the proposal. As such, an additional condition (Condition 18 - Infrastructure Agreement) was added to the changed development approval. Condition 18 required the applicant pay to Council a monetary contribution towards the cost of the shortfall of six (6) on-site car parking spaces.

Proposal

Condition 5

For information purposes a copy of the current condition stipulating hours of operation is provided below:

Amenity

5) OPERATING HOURS - The use so approved shall be restricted to the hours of –

- Monday/Wednesday/Friday – 5:00am to 9:30pm;
- Tuesday and Thursday – 6:30am to 7:30pm;
- Saturday – 7:30am to 4:00pm; and
- Sunday – 12:00pm to 4:00pm.

No gym operations are to occur on public holidays without the prior approval of Council.

The applicant's proposal involves enabling 24 hours a day Seven (7) days a week access to the existing approved gym over the subject site. The applicant is requesting the changes so the gym can offer 24/7 access to members similar to other existing gyms in the region. The applicant has advised that the existing approved hours of operation are too restrictive and make it difficult for the business to compete with other gyms. The applicant has received complaints from members that they cannot go to the gym before or after work due to the restricted hours of operation.

The applicant has submitted a revised Environmental Noise Impact Report which has assessed the impact of the proposed extension of operating hours to 24 hours a day Seven (7) days a week. Council's Environmental Health Officer has reviewed the revised noise report and does not have any objections to the recommendations of the report. The key recommendations of the noise report are provided below:

- During evening and night, cars be prevented from parking at the car spaces adjacent to the gym building and be required to park in the car park closest to Main Street. This is to be a condition of membership to the gym;
- No congregation to occur outside the gym. This is to be a condition of membership;
- Signage to be erected onsite advising members about parking restrictions and the need to consider surrounding residents re noise i.e. not slamming car doors;
- Amplified music to cease after 7:30pm;
- The weights room floor be covered with a resilient rubber covering to reduce floor impact and ensure noise is not transferred through the walls;
- Windows and doors of the gym are to be kept closed during evening and night to minimise noise breakout; and
- Any new mechanical plants (i.e. external air-conditioning units) are to comply with noise criterion detailed in the report.

The applicant has also submitted a proposed amended floor plan in conjunction with the revised noise impact report. The proposed amended floor plan includes the following features to assist with attenuating noise generated by the gym:

- New airlock entry with automatic doors to minimise noise breakout; and
- New enclosed weights room with resilient rubber covering to reduce floor impact and ensure noise is not transferred through the walls.

It is acknowledged that the operation of a gym with limited hours places that business at a potential disadvantage to its competitors. It is also identified that Tamborine Mountain does not have businesses that operate 24/7 though a gym would lend itself to a wider range of clientele such as shift workers and the like. Council has received complaints in the past in relation to the operation of the gym, complaints that the owners have taken on board through their revised business operations.

As such it is recommended that while the revised Environmental Noise Impact Report be supported, that Council provide a 2 year approval for the gym to operate at 24/7. Such an approval be on the basis of compliance with the conditions identified in the Environmental Noise Impact Report prepared by CRG Acoustics and that subject the satisfactory operation the applicant resubmit to Council at no cost a further amendment permitting the ongoing 24/7 operations of the Gym.

Condition 18

For information purposes a copy of the current condition of approval requiring the infrastructure contribution in lieu of car parking spaces is provided below:

Contributions

- 18) INFRASTRUCTURE AGREEMENT** - The Developer (in this approval shall mean the applicant, landowner and operator of the **approved use**) shall enter into a single Infrastructure Agreement (IA) with Council to provide for the payment of a monetary contribution towards the shortfall of six (6) on-site car parking spaces:

- Payment of a contribution toward the shortfall of six (6) on-site car parking spaces in accordance with the rate identified under Council's Fees and Charges Schedule applicable at the time of making payment or as agreed by Council's Director of Infrastructure Services. The current rate applicable under Council's Fees and Charges Schedule 2012/2013 is \$12,000.00 per shortfall of carparks.

The Developer shall enter into the above Infrastructure Agreement with Council within thirty (30) business days of this approval being granted by Council. The value of the contributions payable under this Infrastructure Agreement at time of payment shall be indexed in accordance with the Consumer Price Index (CPI).

The payment required by this condition is to be paid prior to the commencement of the approved use or as specified in the final signed Infrastructure Agreement.

The applicant's request seeks to replace Condition 18 (above) with an amended condition. Condition 18 currently requires the applicant to pay to Council a monetary contribution towards the cost of six (6) car parking spaces which cannot be accommodated on site due to area constraints.

In lieu of paying to Council the monetary contribution the applicant proposes to provide the required six (6) car parking spaces on a nearby site at 46-48 Main Street, Tamborine Mountain QLD 4272 (Lot 2 RP32120). Lot 2 RP32120 is located approximately 130m walking distance from the gym building and the proposed car parking spaces over Lot 2 RP32120 will be predominantly used to accommodate staff vehicles. Staff will be required to walk in pairs back to the staff car park in the evening for safety reasons. An amended condition 18 has been prepared to enable the new proposed off-site car parking arrangement.

Amended condition 18 is provided below:

Off-site Car Parking

- 18) CAR PARKING NUMBERS** - The Applicant is to provide six (6) car parking spaces in association with the Gymnasium and exclusive of any other car parking requirement for any other uses undertaken upon the land over Lot 2 on RP32120. An application for Operational Works for the six (6) car parking spaces must be lodged with Council within six (6) months of the date of this decision notice. The six (6) car parking spaces must be fully constructed within 12 months of the date of this decision notice in accordance with all relevant subsequent approvals and permits to the satisfaction of the Director Infrastructure Services. The requirements of this condition are to be adhered to for the lifetime of the approved use.

The access, driveway, maneuvering and car parking areas required by this condition must be adequately maintained and be trafficable in all weather conditions. 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 to a standard reasonable for commercial purposes.

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

Site and Environment

Characteristics of Site & Surrounding Environment

The improved site is located at 39 Main Street, North Tamborine and forms part of a greater business precinct, involving a mix of uses including a tyre shop, a mower shop, a pumps and irrigation shop and a gym. The site contains an overall land area of 2,057m² and is regular in shape.

Access is obtained from two (2) separate access crossovers from Main Street and the development site currently provides for 18 on-site sealed car parking spaces. The site is bound by two (2) road reserves, namely Main Street to the west and Coleman Square to the east. Bank Lane located to the south of the subject site provides a link between these two (2) road reserves.

The subject site is currently serviced by both on-site water and sewerage provisions.

Advertising

The original application was publicly notified for a period of no less than fifteen (15) business days in accordance with the requirements under the *Sustainable Planning Act 2009*.

Submissions

Council received six (6) properly made submissions against the proposal. The principle concerns of the submitters related to noise and car parking impacts of the development.

Submitters details:

- | | |
|--|--|
| 1 Ms Louisa Van Rijn
33 Main Street
North Tamborine Qld 4272 | 4 S Evans
25A Coleman Square
North Tamborine Qld 4272 |
| 2 H & V Wyatt
33 Coleman Square
North Tamborine Qld 4272 | 5 P & R Cornell
25A Coleman Square
North Tamborine Qld 4272 |
| 3 Ms Michele McDougall
1/5 Coleman Square
North Tamborine Qld 4272 | 6 Ms Helene Wilson
10-12 Coleman Square
North Tamborine Qld 4272 |

Submitter's Issues/Concerns

As previously mentioned, Council received six (6) properly made submissions during the statutory public notification period. The issues raised by these submitter's have been provided below for Council's consideration and accompanied by an appropriate Officer comment.

Submitter Concerns

These operations have caused stress and sleep deprivation from loud music and associated noise pollution.

Officer comments:

The issue raised by this submission is valid and a suitable amended condition requiring the development to be changed to comply with the recommendations of a revised noise report and proposal plan has been imposed to alleviate any noise issues associated with the use.

Submitter Concerns

Car parking for the complex is totally inadequate and concerns are raised that Coleman Square will become utilised for the parking of vehicles.

Officer comments:

The current application for change to conditions to allow off-site provision of six (6) car parking spaces will meet car parking requirements for the development.

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

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

Health, Building and Environment – Environmental Health

Council's Environmental Health Officer has reviewed the revised noise report and does not have any objections to the recommendations of the report subject to the imposition of reasonable conditions. These conditions relate to compliance with the submitted Noise Assessment Report and potable water supply.

External

There are no external referral agencies identified.

Conclusion

The proposed Change to Condition request has been assessed against the relevant provisions of the planning scheme, legislation, the current approval and the submitters concerns. It is recommended that the request to allow the shortfall in on-site car parking to be met by providing six (6) off-site car parking spaces be approved.

It is also recommended that Council provide a 2 year approval for the gym to operate at 24 hours a day Seven (7) days a week. Such an approval be on the basis of compliance with the conditions identified in the Environmental Noise Impact Report prepared by CRG Acoustics and that subject the satisfactory operation the applicant resubmit to Council at no cost a further amendment permitting the ongoing 24/7 operations of the Gym. In addition other reasonable conditions have been sort to be imposed in relation to the ongoing and altered operations of the gym on the premises.

Director's Recommendation

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

RPD: Lot 2 on RP 848024
Address of property: 39 Main Street Tamborine Mountain QLD 4272
Site area: 2057m²
Proposal: Request to Change Conditions of Approval – Condition 5 Operating Hours and Condition 18 Infrastructure Agreement. The Original Application was Impact Inconsistent Assessable and approved with conditions - Beaudesert Planning Scheme 2007

- b) That Council advises the applicant that the required further amendment to be submitted to Council for the ongoing operation of the gym beyond the initial first two years shall be at no cost to the applicant.

2. **Conditions of Approval:**

Approved Plans

- 1) **USE IN ACCORDANCE WITH THE APPLICATION - MATERIAL CHANGE OF USE -** Development being undertaken generally in accordance with Plan Numbers 024309/SK/02 Rev1, 024309/SK/03 Rev1 prepared by Bennett Design and Partners and Floor Plan Dwg No B14/5.1 prepared by Peter Falvey and dated 29 January 2014 and Environmental Noise Impact Report Ref 13103a Rev 5 prepared by CRG Acoustics and dated 9 February 2015 and accompanying documentation, except insofar as it is modified by the conditions of this approval. Any minor changes may be requested by the Applicant in accordance with Section 369 of the Sustainable Planning Act 2009 without the need for a further Development Application for a Material Change of Use.

Amenity

- 5) **OPERATING HOURS -** The use so approved shall be able to operate 24 hours a day seven (7) days a week for an initial period of two years. Prior to the expiration of the initial two year period and subject to satisfactory compliance with the Environmental Noise Impact Report prepared by CRG Acoustics dated 24 February 2015 the Applicant shall provide a further amended application for the ongoing 24 hours a day seven (7) days a week operation.

Off-site Car Parking

- 18) **CAR PARKING NUMBERS -** The Applicant is to provide six (6) car parking spaces in association with the Gymnasium and exclusive of any other car parking requirement for any other uses undertaken upon the land over Lot 2 on RP32120. An application for Operational Works for the six (6) car parking spaces must be lodged with Council within six (6) months of the date of this decision notice. The six (6) car parking spaces must be fully constructed within 12 months of the date of this decision notice in accordance with all relevant subsequent approvals and permits to the satisfaction of the Director

Infrastructure Services. The requirements of this condition are to be adhered to for the lifetime of the approved use.

The access, driveway, maneuvering and car parking areas required by this condition must be adequately maintained and be trafficable in all weather conditions. 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 to a standard reasonable for commercial purposes.

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

- 19) **NOISE ASSESSMENT REPORT** - All acoustic controls identified in the *Environmental Noise Impact Report* prepared by *CRG Acoustics* and submitted to Council 24 February must be implemented at the site.
- 20) **NOISE ASSESSMENT REPORT – COMPLIANCE** - If a noise complaint (other than a frivolous or vexatious complaint) is made against the business, the administering authority may request an assessment of the acoustic qualities of the business be undertaken by a qualified professional. The report is to be submitted to Council within three (3) months of the complaint.
- 21) **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):

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

6. Administrative Action:

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

Attachments

1. Applicant's request for a Change of Conditions
2. Approved Floor Plan/Site Plan - Annotated.
3. Environmental Noise Impact Report Ref 13103a Rev 5 prepared by CRG Acoustics and dated 9 February 2015.
4. Dekho Map/Aerial Photo.

Attachment 1 - Applicant's request for Change of Conditions

T J Kelly Surveys Pty Ltd
A.B.N. 95 823 241 937
A.C.N. 058 752 417

T J KELLY SURVEYS PTY. LTD.

CONSULTING SCENIC RIM REGIONAL COUNCIL PLANNERS

File No: 30002879.01

4 November 2014

4 NOV 2014

Our ref: 3231

Chief Executive Officer

Doc. Set No: P/BA

Scenic Rim Regional Council

Resp. Officer: DA ADRIAN

PO Box 25

BEAUDESERT QLD 4285

2...CREAGAN...3...

Attn: Mr John Creagan (Your Reference: 020-030-002879)



Dear John,

RE: Change to an Approval - s369 of SPA

**39 Main Street, North Tamborine
Lot 2 on RP848024**

We act on behalf of Novmet Pty Ltd, owners of the subject land.

Pursuant to section 369 of the *Sustainable Planning Act 2009*, our Client has instructed us to seek a Change to the Approval in regards to the Material Change of Use development approval over the subject land for the purposes of a Gymnasium (Indoor Sports, Recreation and Entertainment).

1.0 Proposed Changes

There are two changes sought to the existing approval. The primary purpose of the Change to the Approval is to enable new opening hours of 24/7. The second change is in regards to the internal modifications required to the building to ensure it is appropriately sound proofed.

Condition 5 of the development approval stipulates the hours of operation as being:

- Monday/Wednesday/Friday – 5:00am to 9:30pm
- Tuesday & Thursday 6:30am to 7:30pm
- Saturday 7:30am to 4:00pm
- Sunday 12:00 noon to 4:00pm

Our Client seeks approval for a variation to this condition. Expanded trading hours are sought to provide the business with flexibility for Clients to attend the gym outside of standard work hours. It is common practice today to provide members 24 hour access to gyms. Whilst patronage outside standard hours is typically low compared to the peak times, providing members with flexibility and choice is critical for the viability of the gym.

In support of this proposal, our Client commissioned an Environmental Noise Impact Report by CRG Acoustic Consultants. This report includes several recommendations and strategies to mitigate potential noise sources. Modifications to the building is required and revised plans have been prepared in line with the recommended acoustic treatments.

Office:
109 Brisbane Street
Beaudesert, Qld

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

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

2.0 Conditions of Approval

To reflect the proposed trading hours, it is requested that Condition 5 of the development approval be amended to allow 24/7 access by members of the gym.

To implement the recommendations of the acoustic report, a revised plan has been prepared. It is requested that Condition 1 of the development be amended to reference the attached plan, Drawing No. B14/5.1 Floor Plan, Drawing No. B14/5.2 Floating Floor System, and Drawing No. B14/5.3 Mezzanine Floor & Weights Room dated 24 October 2014, prepared by Peter Falvey.

3.0 Permissible Change – *Sustainable Planning Act 2009*

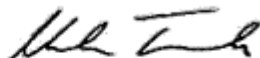
The proposed changes to the approval are considered permissible changes for a development approval as defined by section 367 of the *Sustainable Planning Act 2009*. It meets the prescribed tests, namely:

- the proposed Plan of Development does not result in a substantially different development;
- the proposed changes, had they been included in the original application would not trigger referral to additional concurrence agencies;
- the changes do not have any implications in regards to the level of assessment for the originating application as it was subjected to the prescribed impact assessment process;
- the changes are considered unlikely to cause a reasonable person to make a properly made submission objecting to the change; and
- the change does not cause the inclusion of any prohibited development.

A cheque is enclosed for the amount of **\$1,135.00**, being the prescribed fee for a Change to an Approval involving one issue.

Please do not hesitate to contact us should you wish to discuss this further.

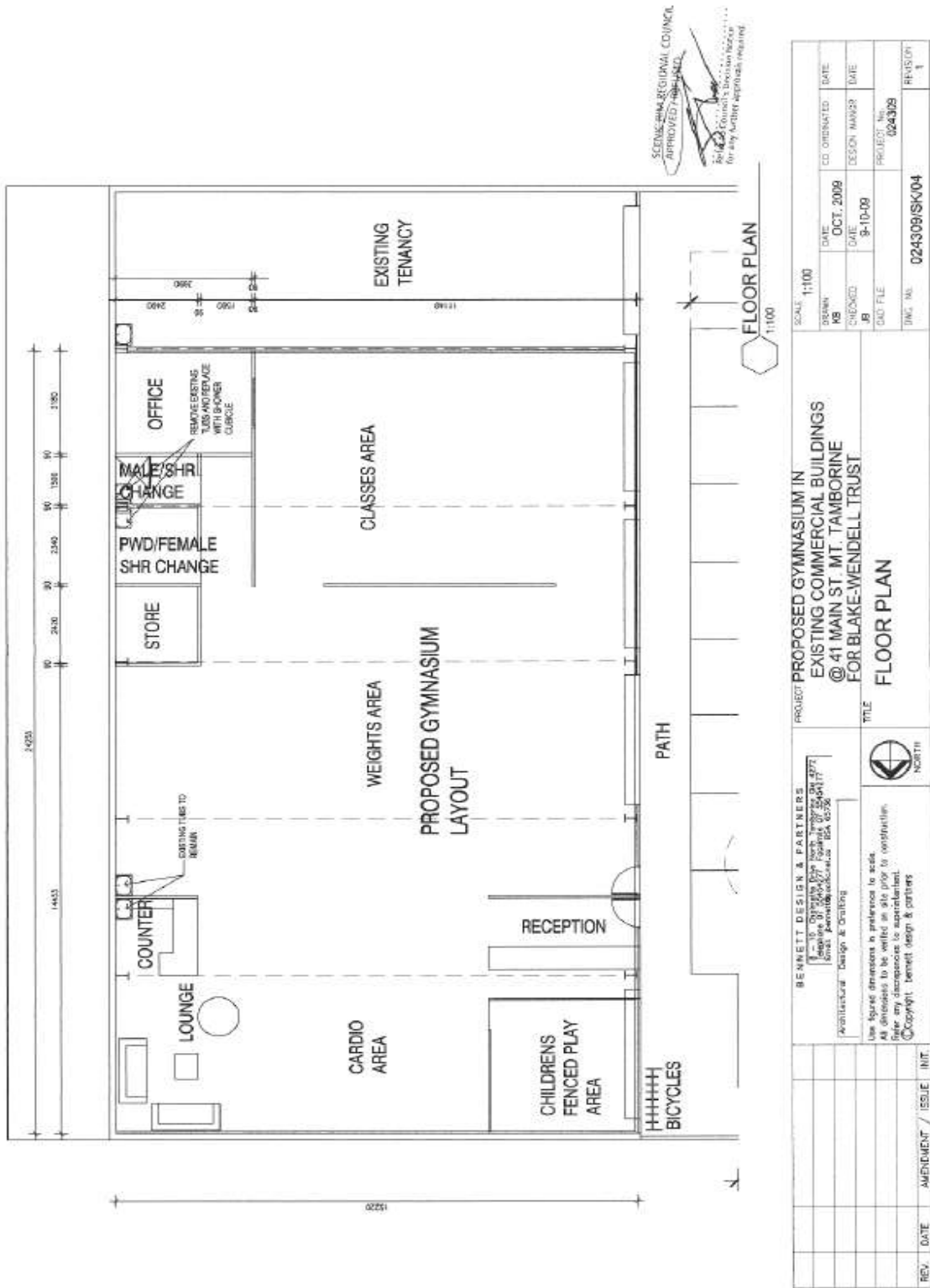
Yours faithfully
T J Kelly Surveys Pty Ltd



Mark Toombs
Principal Planner

C.c *Novmet Pty Ltd*

Approved Floor Plan

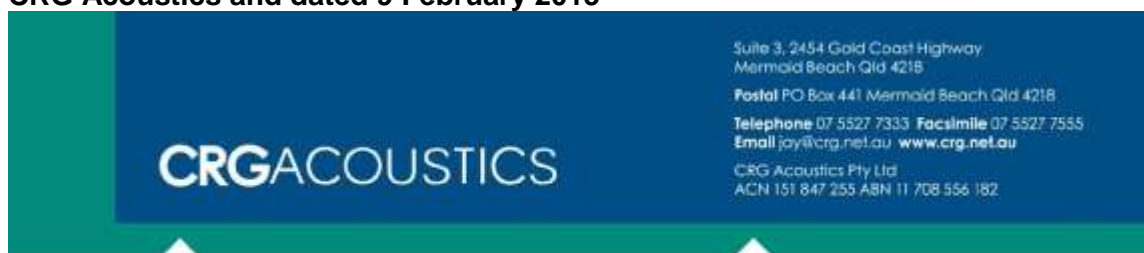


SCENIC/RM REGIONAL COUNCIL
 APPROVED 7/10/14
 Refer to Council Resolution No. 2014-02
 for any further approvals required

FLOOR PLAN
 1:100

<p>PROJECT: PROPOSED GYMNASIUM IN EXISTING COMMERCIAL BUILDINGS @ 41 MAIN ST. MT. TAMBORINE FOR BLAKE-WENDELL TRUST</p> <p>TITLE: FLOOR PLAN</p>		<p>SCALE: 1:100</p> <p>DRAWN: JB DATE: OCT. 2014</p> <p>CHECKED: JB DATE: 9-10-09</p> <p>DESIGN MANAGER: DATE:</p> <p>PROJECT No: 024309</p> <p>DWG. No: 024309/SK004</p>	
<p>BENNETT DESIGN & PARTNERS Unit 10, 101 Main Street, Tamborine NSW 4377 Email: ben@bennettdesign.com.au Phone: 6754 2556 Fax: 6754 2557</p> <p>Architectural Design & Drafting</p>		<p>Use figure dimensions in preference to scale. All dimensions to be verified on site prior to construction. Refer any discrepancies to superintendent. © copyright bennett design & partners</p>	
REV.	DATE	AMENDMENT /	ISSUE /
			INIT.

Attachment 3 - Environmental Noise Impact Report Ref 13103a Rev 5 prepared by CRG Acoustics and dated 9 February 2015



Proposed Gym Refurbishment
39 Main Street, North Tamborine
(Lot 2 RP848024)

ENVIRONMENTAL NOISE IMPACT REPORT

Prepared for:

Novmet Pty Ltd atf The Stream Trust

09 February 2015

crgref: 13103a report rev 5

1.0 INTRODUCTION

This report is in response to a request from Novmet Pty Ltd for a revised environmental noise impact assessment of a proposed gym refurbishment and an extension to hours of operation on Main Street at North Tamborine.

The report is further to the previous assessment dated 01/10/2014, and responds to comments from Council provided by email from Main Fitness that stated the following:

"Council may consider an alternative standard such as EP(Noise) Policy - Acoustic Quality Objectives", and

*"A Noise Management Plan may be necessary to ensure practices do not generate excessive noise
e.g.:*

- a. Music noise levels*
- b. Music shut off times*
- c. Vehicle access to rear parking*
- d. Member behaviour - talking outside gym etc*
- e. Liaison with neighbours*
- f. Signage"*

Refer to Attachment A in Appendix A for an extract of the Council comments.

In undertaking the above, noise logging inside the gym of gym activities was conducted over a full 24 hour period, and through modelling, predictions of onsite activity noise emissions were produced. Based upon the criteria of the EPP (Noise) predicted noise impact levels, revised recommendations regarding acoustic treatment have been provided.

2.0 SITE & DEVELOPMENT DESCRIPTION

The subject site is described as Lot 2 RP848024, 39 Main Street, North Tamborine. The site is bounded Main Street to the west, Colman Square to the east and residential properties to the north and south. For site location refer to Appendix A of this report.

Music is played within the fitness class room at the southwest corner of the building and weights are located at the northern end with rowers, treadmills, bikes etc through the centre of the gym area. A typical week of fitness classes are attached in Appendix A of this report (refer to Attachment B).

Gym activity such as use of the weights equipment, amplified music, patrons talking outside, vehicle activity and mechanical plant has been assessed to ensure that they do not impact adversely on the surroundings noise sensitive receivers. The nearest noise sensitive receivers include a single storey dwelling directly to the north of the site, a two storey dwelling directly to the south and residential dwellings across Coleman Square.

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; and
- Rion 29E Octave Band Sound Analyser.

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 south eastern site boundary along Colman Square. The microphone was within 3m of the building façade and was approximately 1.5m above ground. Refer to Figure 2 of Appendix A for the monitoring location. It is noted that noise from gym operations was not audible at the measurement location.

The logger was set to record noise statistics in 15 minute blocks continually between Monday 29/07/2013 and Tuesday 6/08/2013. 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. Weather conditions during the survey were generally fine but gusty, with a storm on the Tuesday late afternoon.

Table 1 below presents the measured ambient background noise levels recorded at the measurement location. Refer to Appendix C for logger level time traces.

Time Period	Background Noise Level, SPL dB(A) L _{A90}
Day (7am to 6pm)	44
Evening (6pm to 10pm)	41
Night (10pm to 7am)	36 (adjusted to 30)

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

The daytime and evening noise levels are typical of a built-up area, but it is noted that night-time ambient background L_{A90} levels have been adjusted down to 30 dB(A) to represent calm winter nights where there is little to no noise occurring, which would be typical of the North Tamborine area.

3.3 Gym Activity Noise Measurements

Twenty four hours of continuous logged noise level measurements inside the gym of typical activities were conducted between 2:45pm Thursday 15/01/15 to 3:00 pm Friday 16/01/15. For noise measurement results refer to Section 5 of this report. The logger was located above the amenities room, and had an unobstructed line of sight to all parts of the gym space. The Gym Management kept a log of the numbers of people using the facility, therefore we are able to provide a measure of noise level and number of users.

Measurements were conducted in 15 minute "A" Weight, "Fast" Response settings. 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. Weather conditions during the survey were fine and calm.



4.0 NOISE ASSESSMENT CRITERIA

Part 3, Section 7 of the Environmental Protection (Noise) Policy 2008 provides the following framework for environmental values to be enhanced or protected:

7 Environmental values for the acoustic environment

The environmental values to be enhanced or protected under this policy are—

- (a) the qualities of the acoustic environment that are conducive to protecting the health and biodiversity of ecosystems; and
- (b) the qualities of the acoustic environment that are conducive to human health and wellbeing, including by ensuring a suitable acoustic environment for individuals to do any of the following—
 - (i) sleep;
 - (ii) study or learn;
 - (iii) be involved in recreation, including relaxation and conversation; and
- (c) the qualities of the acoustic environment that are conducive to protecting the amenity of the community.

Schedule 1 of the Environmental Protection (Noise) Policy 2008 provides the following specific “Acoustic Quality Objectives” to ensure that the above is achieved:

Column 1	Column 2	Column 3			Column 4
Sensitive receptor	Time of day	Acoustic quality objectives (measured at the receptor) dB(A)			Environmental value
		L _{Aeq,adj,1hr}	L _{A10,adj,1hr}	L _{A1,adj,1hr}	
dwelling (for outdoors)	daytime and evening	50	55	65	health and wellbeing
dwelling (for indoors)	daytime and evening	35	40	45	health and wellbeing
	night-time	30	35	40	health and wellbeing, in relation to the ability to sleep

Table 3: Criterion from Schedule 1 of the Environmental Protection (Noise) Policy 2008.

We note that “It is intended that the acoustic quality objectives are to be progressively achieved as part of achieving the purpose of this policy over the long term” (Environmental Protection (Noise) Policy 2008).

5.0 PREDICTED NOISE IMPACTS

All noise source levels used in the assessment have been collected from onsite measurements or from similar investigations (vehicle activity and children playing). All noise levels have been corrected for impulsiveness or tonality as per Australian Standard AS 1055:1997 – “Acoustics-Description and measurement of environmental noise”. The following noise sources are typically associated with gym operations and have been assessed within this report:

Activity/Noise Source	Noise Level, SPL dB(A)		
	L _{Aeq} 1hr	L _{A01} 1hr	L _{A01} 1hr
Car door closure (20 events) @ 1m	43*	N/A	N/A
Car bypass (15 seconds per event, 20 events) @ 1m	60	N/A	77
Weights drop (50 events) @ 1m	38	N/A	72*
Fitness Class 19 people inside gym	60	61	85
Boxing Class 12 people inside gym	62*	66*	86*
Fitness Class 5 people inside gym	58	60	80
General gym activity 10 people inside gym	58	61	80
General gym activity 2 people inside gym	55	56	73

* Denotes + 5 dbi correction for impulsiveness in accordance with AS1055. ** Denotes + 5 db correction for tonality in accordance with AS1055

Table 4: Noise source levels associated with a gym.

With regards to the L_{A10} 1hr and L_{A01} 1hr levels, in many cases, noise events such as car door closures may not register as L_{A10} or L_{A01} levels if the events do not occur for 10% or 1% of the time period respectively. For example, a 1 second event would have to occur 360 times during a one hour period to register as an L_{A10}, and 36 times during a one hour period to register as an L_{A01} as these noise level descriptors are statistically defined. If the events do not occur for the minimum number of iterations (or time period) we have presented the results as “N/A” in Table 4.



Based upon the location of proposed gym activities in relation to the surrounding noise sensitive receivers (at façades and inside rooms with windows open), we predict the following noise impact levels as presented in the Table 3 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. Note that weight drop noise was tested at midday on 27/06/2014, using a rubber floor covering proposed to be used in the weights area, therefore we have a measure of the level of attenuation from inside the facility to outside.

Fluctuating Noise Source	Predicted Noise Impact, SPL dB(A)					
	Outdoors Nearest Façade			Inside Windows Open		
	L _{eq} 1hr	L ₁₀ 1hr	L ₅₀ 1hr	L _{eq} 1hr	L ₁₀ 1hr	L ₅₀ 1hr
Dwelling to the North						
Car door closures Gym Carpark	32	N/A	N/A	24	N/A	N/A
Car bypass Gym Carpark	43	N/A	60	35	N/A	52
Weight Drop	21	N/A	26	< 20	N/A	< 20
Fitness Class 19 people	25	26	50	< 20	< 20	42
Boxing Class 12 people	27	31	51	< 20	23	43
Fitness Class 5 people	23	25	45	< 20	< 20	37
General Gym Activity 10 People	23	26	45	< 20	< 20	37
General Gym Activity 2 People	20	21	38	< 20	< 20	30
Car door closure Main St Auto Clinic	< 20	N/A	N/A	< 20	N/A	N/A
Dwelling to the South						
Car door closures Gym Carpark	< 20	N/A	N/A	< 20	N/A	N/A
Car bypass Gym Carpark	35	N/A	52	27	N/A	44
Weight Drop	< 20	N/A	< 20	< 20	N/A	< 20
Fitness Class 19 people	< 20	< 20	37	< 20	< 20	30
Boxing Class 12 people	< 20	< 20	38	< 20	< 20	31
Fitness Class 5 people	< 20	< 20	32	< 20	< 20	25
General Gym Activity 10 People	< 20	< 20	32	< 20	< 20	25
General Gym Activity 2 People	< 20	< 20	25	< 20	< 20	< 20
Car door closure Main St Auto Clinic	< 20	N/A	N/A	< 20	N/A	N/A
Dwelling to the East						
Car door closures Gym Carpark	< 20	N/A	N/A	< 20	N/A	N/A
Car bypass Gym Carpark	< 20	N/A	< 20	< 20	N/A	< 20
Weight Drop	< 20	N/A	< 20	< 20	N/A	< 20
Fitness Class 19 people	< 20	< 20	39	< 20	< 20	31
Boxing Class 12 people	< 20	20	40	< 20	< 20	32
Fitness Class 5 people	< 20	< 20	34	< 20	< 20	26
General Gym Activity 10 People	< 20	< 20	34	< 20	< 20	26
General Gym Activity 2 People	< 20	< 20	27	< 20	< 20	< 20
Car door closure Main St Auto Clinic	< 20	N/A	N/A	< 20	N/A	N/A
Assessment Criterion	Acoustic Quality Objectives					
7am to 10pm	50	55	65	35	40	45
10pm to 7am	N/A	N/A	N/A	30	35	40

Table 5: 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:

- During evening and night, cars be prevented from parking at the car spaces adjacent but be parked up on Main Street, from the adjacent Car Clinic north. This should be made clear as part of membership of the gym.
- Members should also be required as a membership condition that they do not congregate outside the facility during the evening and night periods.
- Occupants of adjoining dwellings be provided with a telephone contact number that they can call if there is excessive noise being generated. The controller of this telephone should be available to visit the site quickly to determine the source of the noise and mitigate the noise.
- Signage should be erected onsite advising members about parking restrictions and the need to consider the surrounding residents with regards to noise emissions. Such elements should include not slamming car doors and not congregating outside the facility, particularly in the quieter hours.
- Music provided through the speaker system cease at 7.30pm. This should be undertaken by Staff at the defined time. Members may consider using personal music systems such as iPods with earphones.
- Music levels be limited to a maximum of 80 dB(A) at 1m from any speaker.
- Speakers be installed as close to the listener as possible, to minimise the sound level required to “throw” sound to be audible.
- The weights handling area floor be covered with a resilient rubber covering to reduce floor impact, but coverings should not touch or connect with the external walls of the building to ensure noise is not transferred through the walls. A picture of the rubber floor covering is presented in Appendix “A” of this report.
- Windows and doors of the gym are to be kept closed during evening and night to minimise noise breakout. The sound lock doors (both internal and external doors) are to have automatic door closers).
- A sound lock be installed at the main entry door to the gym as detailed in Sketch 1 of Appendix A.
- Any new mechanical plant (i.e. external air-conditioning units or ventilation fans) are to comply with the noise criterion detailed in Section 4 of this report.

7.0 DISCUSSION

It is understood that a Development Application was lodged for extension to hours of operation and a change to the internal layout for the gym at 39 Main Street, North Tamborine (Lot 2 RP848024). A requirement of Council in the Approval Conditions was a new noise impact assessment. From Council correspondence, we were advised that an alternative assessment criteria would be considered, hence this assessment is in accordance with the Environmental Protection (Noise) Policy 2008 "Acoustic Quality Objectives". This criteria takes into account the intensity of use of an activity whereas the "background +" criteria is less sensitive to this usage intensity.

Music is played within the fitness class room at the southwest corner of the building and weights are currently located at the northeastern end with rowers, treadmills, bikes etc through the centre of the gym area. It is proposed that no group fitness classes be held after 7pm.

Gym activity has been assessed to ensure that they do not impact adversely on the surroundings noise sensitive receivers, which include a single storey dwelling directly to the north, a two storey dwelling directly to the south and residential dwellings across Coleman Square.

Based upon the measured noise source levels (which are based upon onsite measurements and from similar projects) and the recommended acoustic treatments, predicted noise impacts from activity inside the facility assessed at the nearest offsite dwellings are within the Acoustic Quality Objectives under the EPP (Noise), with the exception of maximum noise levels from car bypass in the gym carpark in the night period. This impact should be balanced against the low number of noise events that are expected to occur in the sensitive later evening and night period, and the recommendation that visitors in the night period park on Main Street. The recommended acoustic treatments include the construction of a sound lock entry system and a resilient floor covering to the weights area to minimise noise transmission through the concrete floor and building structure (which is a typical cause of noise for many gyms). An attended test was undertaken with a covering with a level of 32 dB(A) recorded at the northern external wall.

Further to the above, we have also recommended management principles including during the night-time, cars be prevented from parking at the car spaces adjacent to the gym (but be parked up on Main Street); and patrons should not congregate outside the gym between during evening and night-time periods. These acoustic management controls can be implemented by appropriate signage and making it a condition as part of the gym membership. As the gym carpark area is quite reflective (concreted ground, and surrounded by metal clad buildings or concrete block), there is no opportunity to construct an effective acoustical barrier to screen the adjacent northern dwelling, hence our recommendation for parking on Main Street, as far from existing dwellings as is possible. Other management principles include a limitation of music levels inside the facility, and cessation of music at 7.30pm.

With regards to any new mechanical plant (i.e. air-conditioning or sealed mechanical ventilation), such equipment should comply with the noise criterion as normally applied by Council.

We are advised by the Operator that the early morning and later evening periods tend to be patronised by a limited number of people, and is not busy – the busiest hours are daytime.

8.0 CONCLUSIONS

This report is in response to a request from Mr. Robert Schoch for an environmental noise impact assessment of a proposed gym refurbishment along Main Street at North Tamborine.

We have recommended acoustic treatments be integrated into the design, construction and operation of the gym to manage noise impacts. If the treatments and management techniques are applied, noise from operation of the facility will generally be within the determined noise limit criteria for 24 hour operation.

Report Compiled By:



JAY CARTER BSc
Director



APPENDIX A

Attachments, Subject Site and Logger Location, Rubber Floor Covering and Acoustic Treatment Sketches



Attachment A: Extract from Scenic Rim Regional Council’s emailed advice to Robert Schoch.

1. The purpose of the report is to demonstrate compliance with noise limits imposed on the DA (see below). The recent change of condition required a noise assessment to demonstrate that the DA condition was being complied with prior to earlier hours commencing. The subsequent development application for 24 hour trading would also need to demonstrate this.

- 17) **ACOUSTICS REPORT** - An acoustics assessment and report of the proposal must be undertaken by a suitably qualified and experienced professional. The Noise Impact Assessment must clearly identify any acoustic treatments or attenuation measures required to satisfactorily mitigate emissions.

The Noise Impact Assessment must address any relevant design criteria and acceptable noise levels prescribed by recognised national Standard(s) and Council’s standard conditions as outlined below in Table 1:

Table 1

Time Period	At dwelling or other Noise sensitive place	At commercial premises
Daytime (7:00am-10:00pm)	Background +5dB(A)	Background +10dB(A)
Night time (10:00pm-7:00am)	Background +3dB(A) Background=LA ₅₀	Background +8dB(A) Background=LA ₅₀

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.

The Acoustics report must be submitted to and approved by Council prior to the use commencing operations in accordance with the extended gym operating hours.

2. Council may consider an alternative standard such as EP(Noise) Policy - Acoustic Quality Objectives.
3. A Noise Management Plan may be necessary to ensure practices do not generate excessive noise e.g.:
 - a. Music noise levels
 - b. Music shut off times
 - c. Vehicle access to rear parking
 - d. Member behaviour - talking outside gym etc
 - e. Liaison with neighbours
 - f. Signage

4. Noise Report queries;
 - a. 3.2 - Does the background recording include gym operations?
 - b. 4.0 - Noise readings for music in particular seems high. Is this a worst case or representative reading?
 - c. The sound mitigation for the weights area appears extreme compared to other similar noise emitting activities.
 - d. 4.0 - Predicted noise levels do not meet the DA condition in many cases.
 - e. 8.0 - The conclusions do not indicate that DA conditions will be complied or are likely to be complied with.
5. The following approach is provided for your consideration:
 - a. Council would prefer to see (manned) actual noise levels currently being generated and at key times, e.g. early morning, daytime and late night.
 - b. Identification of key noise sources and an individual management approach to each.
 - c. How much of this noise can be mitigated by appropriate management practices?
 - d. Trialling of management practices if appropriate.
 - e. Only undertaking costly works where there is a realistic chance of compliance with noise standards.
 - f. This approach may require a progressive assessment of noise levels.
6. A proposed plan of assessment (with time frames) should be supplied to Council prior to commencement.



Attachment 2: Current typical weekly fitness activities at the gym.

25 November 2012 - 01 December 2012	
Monday 22 November	<ul style="list-style-type: none"> 08:00am - 08:55am Indoor Bootcamp 09:30am - 10:25am Body Smash 05:15pm - 06:10pm Boxercise 06:15pm - 06:45pm HIIT (High Intensity Interval Training) 06:45pm - 07:15pm Stretch
Tuesday 26 November	<ul style="list-style-type: none"> 03:15pm - 04:00pm Junior Fitness (3-8 Years Old) 04:00pm - 04:45pm Junior Fitness (9-14 Years Old) 05:15pm - 06:10pm Indoor Bootcamp 06:15pm - 07:00pm Boxing Circuit
Wednesday 27 November	<ul style="list-style-type: none"> 08:00am - 08:55am Indoor Bootcamp 09:30am - 10:25am Circuit 05:00pm - 05:55pm Boxercise 06:00pm - 06:55pm Body Smash
Thursday 28 November	<ul style="list-style-type: none"> 01:45pm - 02:40pm Pilates 03:15pm - 04:00pm Junior Fitness (3-8 Years Old) 04:00pm - 04:45pm Junior Fitness (9-14 Years Old) 05:00pm - 05:55pm Circuit 06:00pm - 06:55pm Pilates
Friday 29 November	<ul style="list-style-type: none"> 08:00am - 08:55am Indoor Bootcamp 09:30am - 10:25am Boxercise 01:45pm - 02:40pm Boxercise 05:00pm - 05:55pm Circuit
Saturday 30 November	<ul style="list-style-type: none"> 08:30am - 09:45am Yoga with Adrian Lejeune
Sunday 01 December	

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

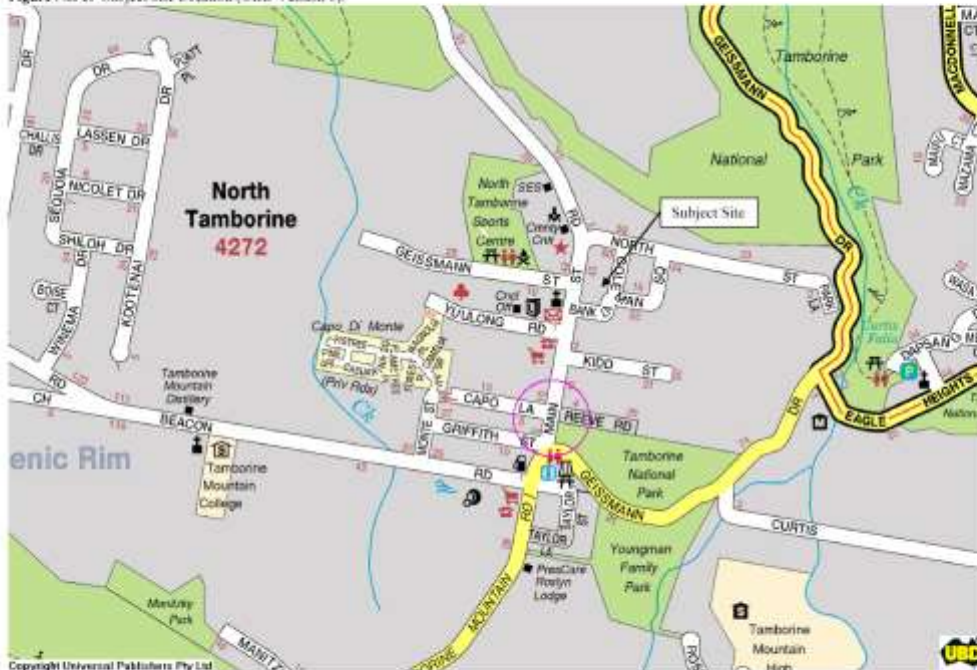
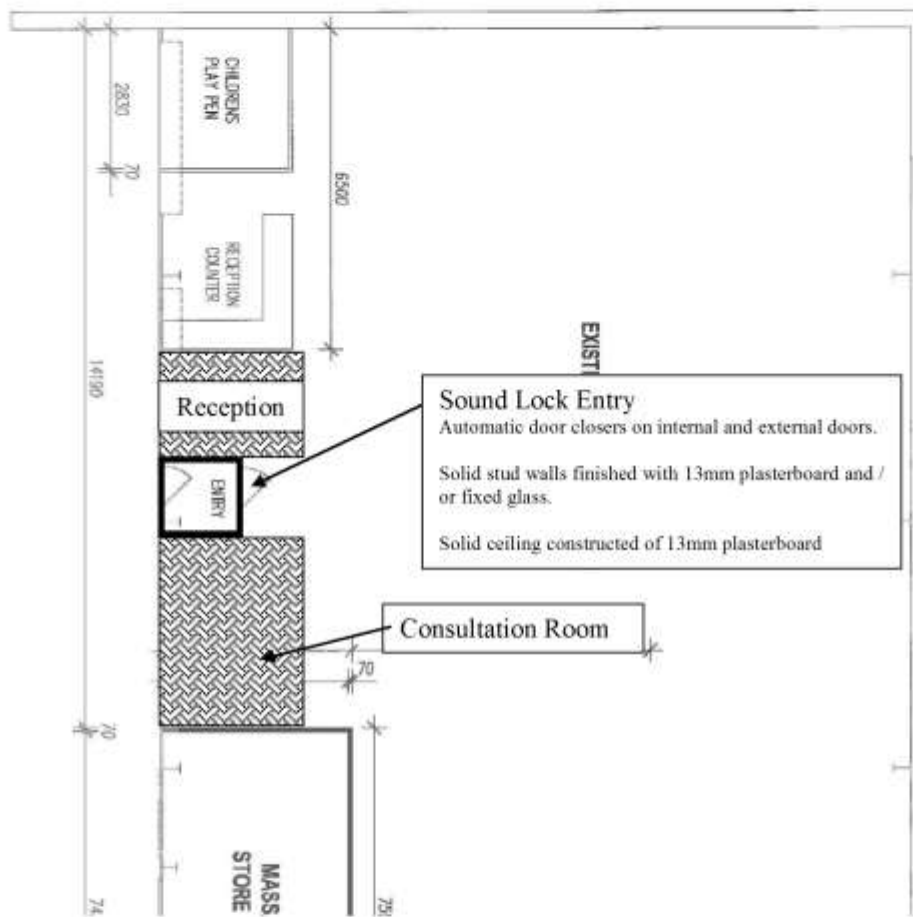


Figure No. 2: Subject Site, Noise Monitoring Location and Surrounding Environs (Google Earth with DNRM QLD GLOBE Data Base overlay)





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





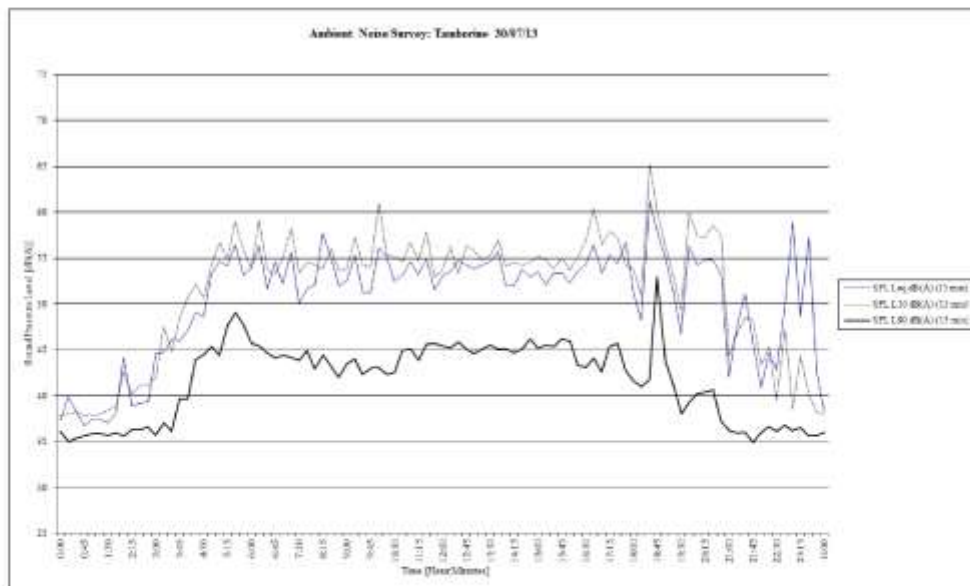
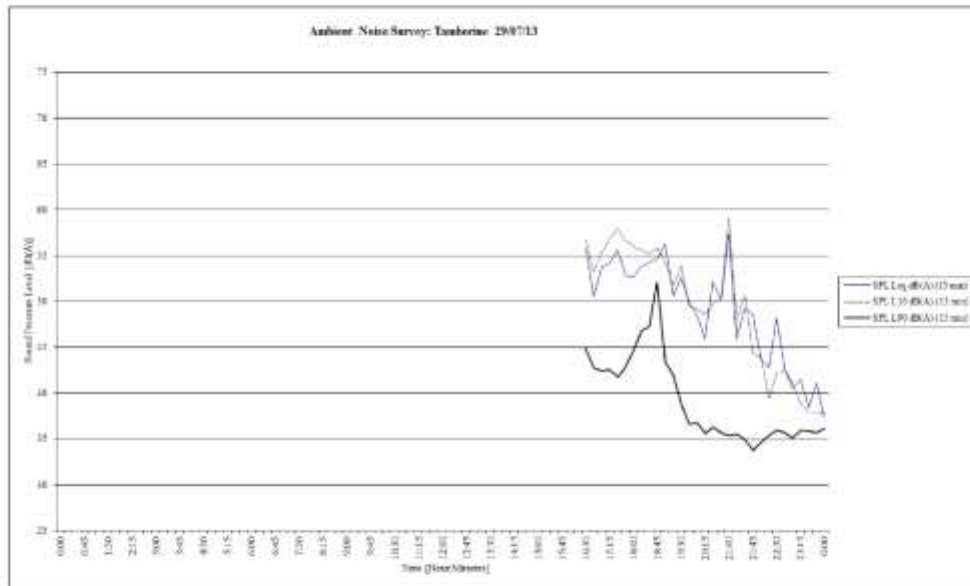
Photograph No. 1: Proposed Rubber Floor Covering for Weights Room

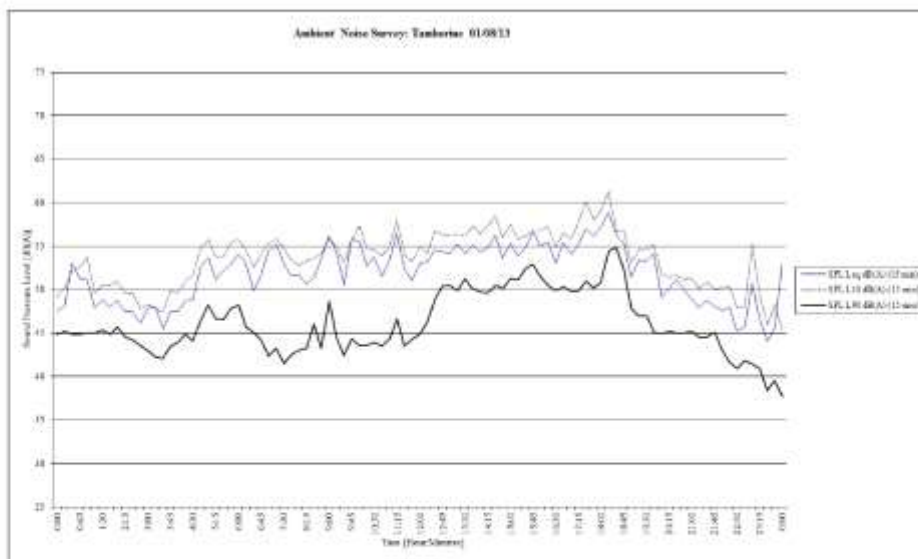
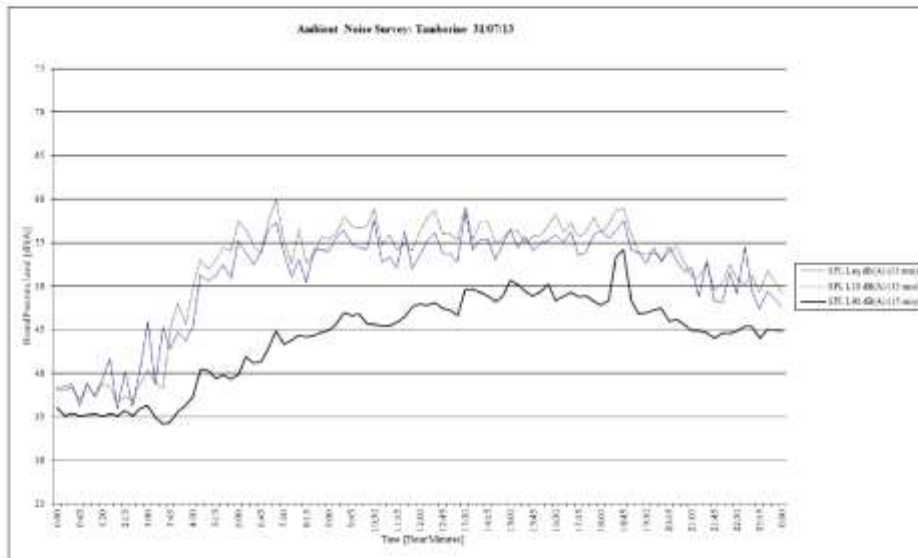


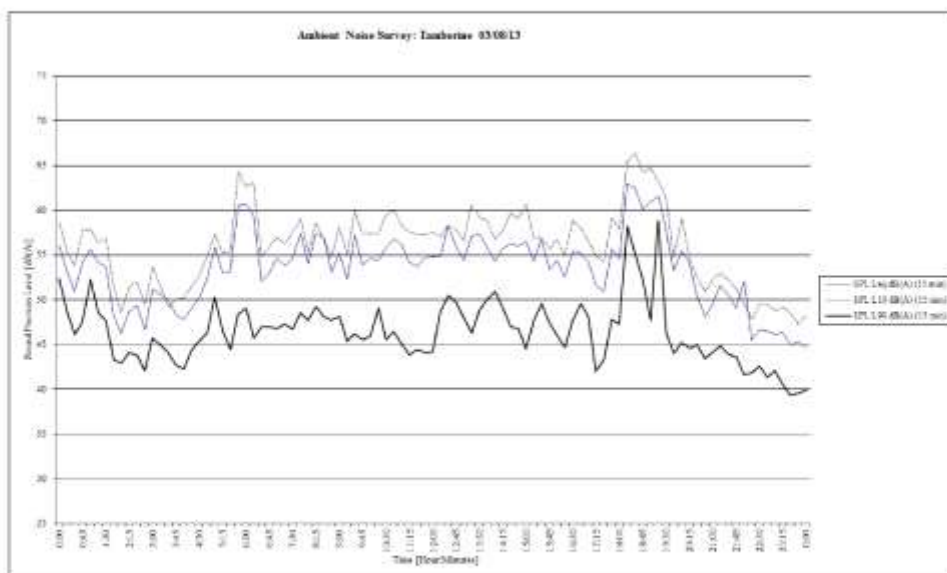
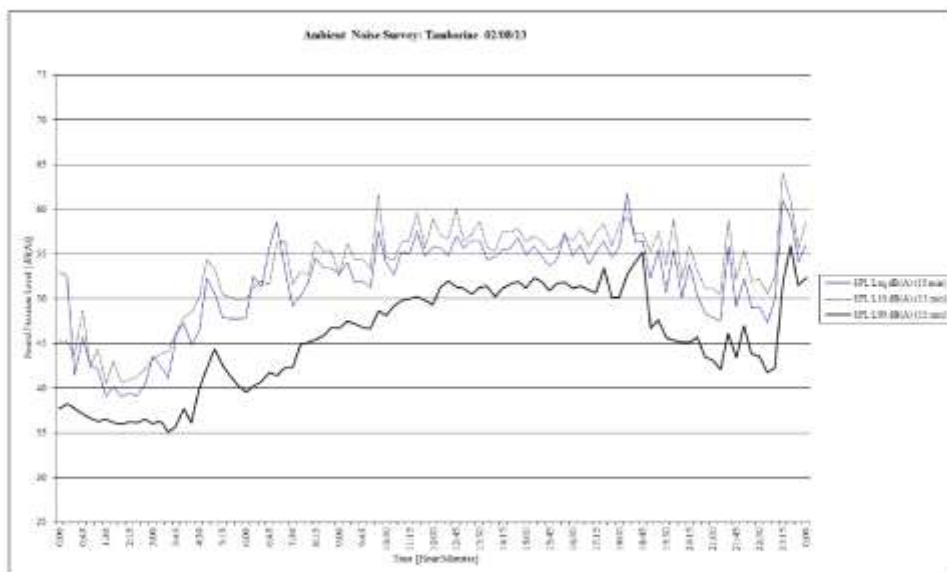


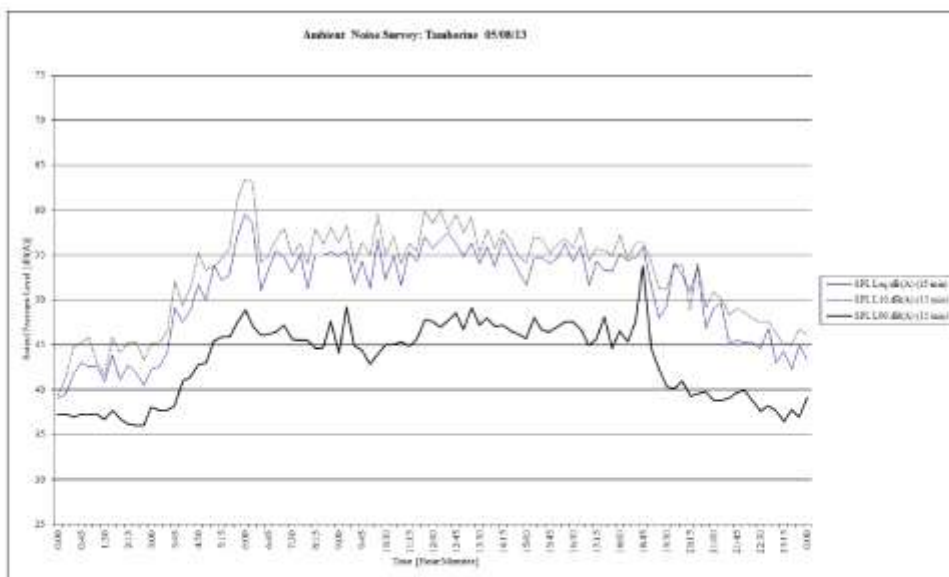
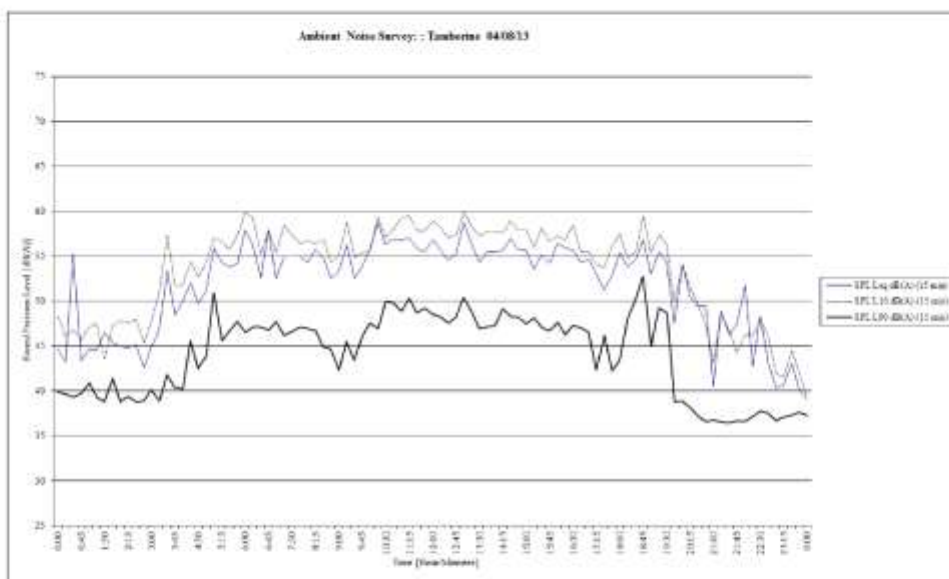
APPENDIX C

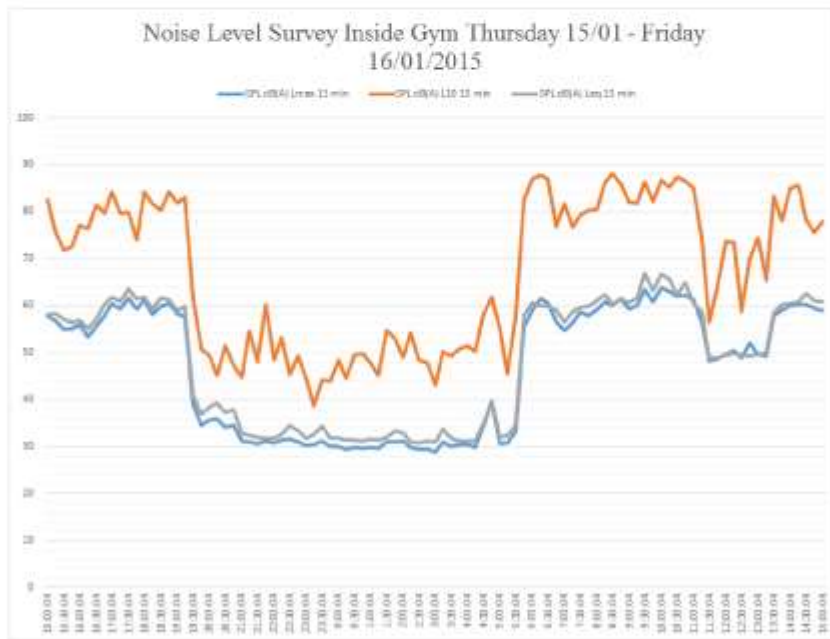
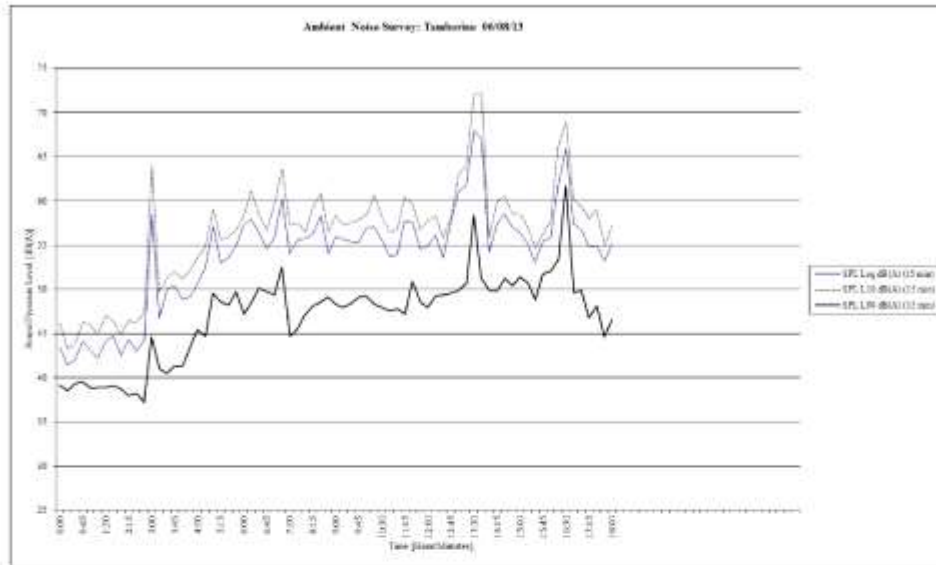
Measurement Results and Model Calculations / Prediction







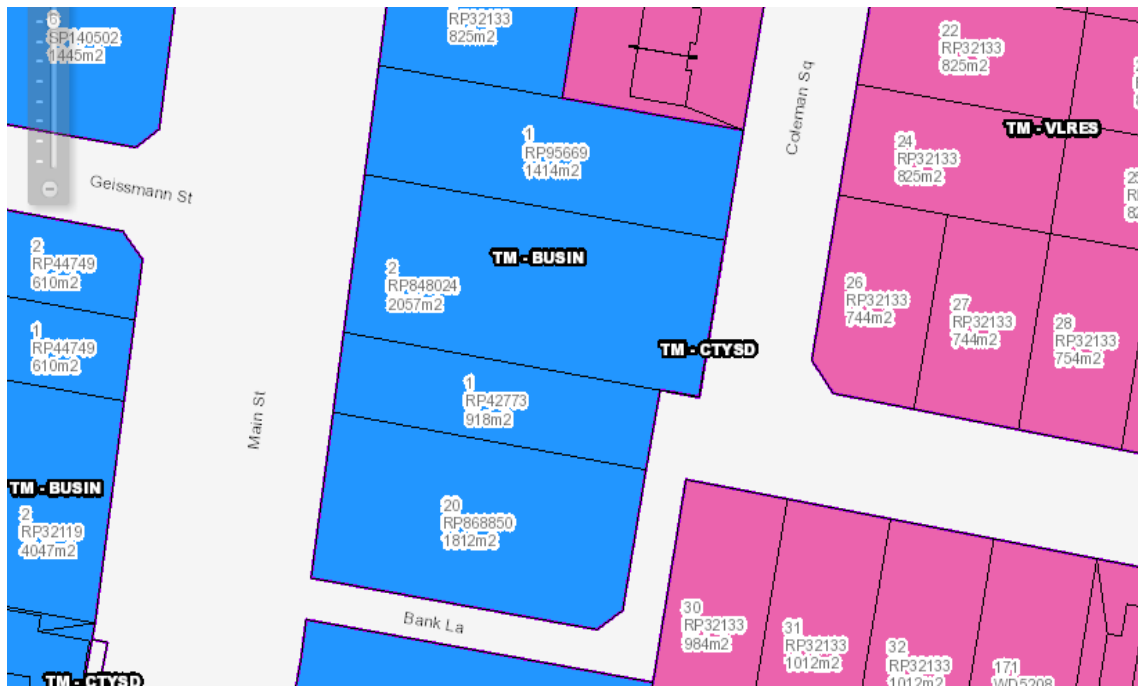




Attachment 4 - Aerial Photo



Dekho Map



3.2 MCBd14/072 Development Permit for a Material Change of Use Tourist Facility (Impact Assessment) Ian Elliot-Smith c/- Mortons Urban Solutions 197-207 Long Road Tamborine Mountain L1 & L2 RP123415

Executive Officer: Director Regional Services

Item Author: Manager Planning

File Reference: MCBd14/072

Applicable Planning Scheme	<i>Beaudesert Planning Scheme 2007</i>
Applicant	8898 Investments Pty Ltd c/-Mortons Urban Solutions , Gold Coast
Owner(s)	8898 Investments P/L ATF Lihua Family Trust
Site Address	197-207 Long Road TAMBORINE MOUNTAIN QLD 4272
Real Property Description	Lot 2 on RP 123415 & Lot 1 on RP 123415
Site Area	4.590 ha
Relevant Zone and Precinct	Tamborine Mountain Zone - Rural Character Precinct
Proposal	Tourist Facility (Tourist Use)
Assessment Level	Impact Assessment
Approval Type	Development Permit for a Material Change of Use Tourist Facility
Public Notification:	5 November 2014 to 28 November 2014
Submissions Received	Nil
Date Application Received:	25 August 2014

Purpose of Report

The report has been prepared outlining the facts and circumstance for Council to make a determination for a proposed development seeking an approval for a Material Change of Use (Impact Assessment) to establish a Tourist Facility use located on land described as Lots 1 & 2 RP123415 (197-207 Long Road).

Background

Council previously approved a Material Change of Use (Impact Assessment) for a Rural Industry, to facilitate the Manufacture of Organic Skin Care Products on 6 November 2007.

The subject site is located at 197-207 Long Road, Eagle Heights and is more fully described as Lot 1 on RP123415 and has an area of 2.518 hectares.

The proposal involved the manufacture of organic skin care products by Jasmin Organic Formulations Pty Ltd. The Applicant proposed to utilise the site as a marketing tool and a research and development facility. The Applicant also proposed to manufacture skin care products from produce grown on site. It was further noted that ingredients would also be sourced from off-site locations.

The approved Rural Industry is operated from the on-site shed (and approved extension). The development approval was for a total combined floor area of approximately 846m² including the front and side awnings and the mezzanine in the front shed. The approved proposed use of the three (3) sheds is summarised below.

The front shed houses an office, primarily used for bookkeeper, a meeting room, packing and process rooms, a staff kitchen, toilet and change room and a mezzanine floor to be used for storage;

The remainder of the existing shed houses the manufacturing plant and equipment including the essential oil extractor, the mixing machine and the water treatment plant as well as a laboratory and storage area. The awning to the southern side of this shed houses the electric compressor, the hot water machine and the water chilling machine. This shed also includes additional toilet and shower facilities.

The extension to the rear of the existing shed will be used primarily for storage of farm equipment and storage and processing.

The property showcases the Jasmine range of products, the manufacturing process and organic farming. The approved facility is not open directly to the public, but distributors and the like can attend the site to view manufacturing processes, sample products and arrange large orders to be filled.

Landscaping of the site required the retention of the existing avocado, macadamia and plum orchards as well as the establishment of formal gardens which incorporate a variety of the plants used in the manufacture of the on-site skin care product range. The existing landscaping also softens the built form of the development and contributes positively to the amenity of the locality.

Access to the site is from Long Road by way of a sealed access crossover constructed in accordance with Council requirements. The access driveway was approved to be constructed to a gravel standard to preserve the rural character and amenity of the locality.

The approval was for up to four (4) full time staff to be employed on the site, in addition to the owner/on-site manager including a gardener, a bookkeeper and staff to assist with the manufacturing side of the business as required.

Proposal

The Applicant proposes to establish a Tourist Facility on the subject site. The facility is proposed to operate as a complimentary activity to the existing Rural Industry use (described above) on the site being the manufacture of organic skin care products for the Jasmin Aromatic Group. Within the current *Beaudesert Shire Planning Scheme (2007)* a "Tourist Facility" is defined as.

"Any Premises used or intended for use for the recreation, attraction or entertainment of Tourists. The term includes a food establishment where operated in conjunction with and ancillary to the Tourist Facility."

The proposed use and ancillary activities carried out on the site are primarily for the specific enjoyment of tourists. The Applicant advises that initially it is proposed that a welcome area and product showroom is to be established on the ground level of the existing building housing the manufacturing and packaging operations. A modified floor plan has been submitted as part of the supporting material for the application - (refer to **Attachments 1, 2, 3 and 4**). It is noted that in the initial stages the proposal will be undertaken inside an area of 72m² of the existing structure.

It is envisaged that as part of the initial establishment of the Tourist Facility, site tours will be undertaken and made available for guests wishing to see the processes involved in the manufacture of the organic skin products. Such tours will involve guests being taken through sections of the building behind the welcome area and product showroom to view the processing laboratory, handling and packaging areas. This will allow guests to learn the details and manner with which these products are made and the equipment that is required.

It is envisaged that after the initial commencement of formal operations of the Tourist Facility and dependent upon visitor numbers, the small existing shed located towards the middle of Lot 2 will provide a showcase for the distillation process for essential oils manufactured from the various organic materials sourced on site.

It is also envisaged that the customer can wander throughout the extensive gardens on the property which provides the primary source of the ingredients for the creation of Jasmin Aromatique.

In addition to the above improvements - additional amenities for guests visiting the site will be established.

It is proposed that as a part of the ultimate development of the site the existing cottage on Lot 1 is to be converted to provide a dedicated welcome area and product showroom rather than having the facility within the manufacturing building - the cottage will be refurbished to provide light refreshments and additional amenities.

This development is intended to be staged; however, this will be dependent upon visitor numbers to the site.

The driveway and car park servicing the existing development is comprised of a compacted gravel base. This style of base will be used for the additional car parking at the rear of the building. At present the car parking area in front of the main building can accommodate up to 8 vehicles. As the development increases, an additional 11 car parking spaces will be made available (*refer to **Attachments 1,2, 3 and 4** - Proposal plans*)

Site and Environment

Characteristics of Site & Surrounding Environment

The subject site/s are located within the Tamborine Mountain Zone - Rural Character Precinct and has a combined area of approximately 5 hectares.

Advertising

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

- *An advertisement was placed in the Beaudesert Times dated 5 November 2014*
- *A notice was placed on the land from 5 November 2014 until 28 November 2014 and;*
- *All adjoining owners were notified by registered post 5 November 2014*

Submissions

No submissions have been received by Council pertaining to this application.

Assessment of Other Aspects of the Proposal

Adopted Infrastructure Charges Resolution (Version 5)

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

As such, a Local Government Charge has been applied to the proposed development, in accordance with the *Adopted Infrastructure Charges Resolution (Version No.5)* and with the 2014 / 2015 Fees and Charges Schedule. The calculation has been outlined below:
Infrastructure charges

Proposed credit

Use	No of Units	Units of Measure	Charge Rate	Amount
Dwelling	1	3 or more Bedrooms	\$14,000.00	\$14,000.00
			Total	\$14,000.00

Additional Demand

Use	No of Units	Units of Measure	Charge Rate	Amount
Dwelling	1	1-2 Bedrooms	\$10,000.00	\$10,000.00
Commercial (Retail) - Tourist Facility Shed Re-purpose (75m ²) and Cottage Re-purpose (70m ²)	145	Per square metre	\$150.00	\$21,750.00
			Total	\$31,750.00

Infrastructure Charges = Proposed Demand - Proposed Credit

Infrastructure Charges = \$31,750.00 - \$14,000.00

= \$17,750.00

Total \$17,750.00

South-East Queensland Regional Plan 2009-2031

The subject site is located in the Rural Living Area of the *South East Queensland Regional Plan 2009-2031* (SEQRP). The proposed development, being for Tourist Cabins is considered consistent with this designation and therefore consistent with the regulatory provisions of the *SEQ Regional Plan 2009-2031*.

State Planning Policies*SPP 1/03 – Mitigating the Adverse Impacts of Flood, Bushfire and Landslide*

Part of the subject site adjacent to the existing building and proposed extensions was identified to contain a medium landslide hazard classification, subsequently triggering State Planning Policy 1/03 – *Mitigating the Adverse Impacts of Flood, Bushfire and Landslide*.

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

Council's Building Section advised that they have no objections subject to reasonable conditions.

Health, Building and Environment – Plumbing

Council's Plumbing Section advised that they have no objections subject to reasonable conditions.

Health, Building and Environment – Health and Environment

Council's Health and Environment Section advised that they have no objections subject to reasonable conditions.

Infrastructure Services

Council's Infrastructure Services Section advised that they have no objections subject to reasonable conditions.

External

No external referral was required for this development

Conclusion

An Application for a Material Change of Use for a Development Permit to establish a Tourist Facility has been assessed and is considered that the development is generally consistent with the character and amenity of the surrounding area.

It is not considered that this development will incur any undue demand on Council Services, accordingly it is recommended that this application be approved in full, subject to conditions imposed.

Director's Recommendation

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

Real Property Description: Lot 2 RP 123415, Lot 1 RP 123415
Address of property: 197-207 Long Road TAMBORINE MOUNTAIN QLD 4272
Site area: Combined total area 5.9 hectares
Proposal: *Beaudesert Shire Planning Scheme 2007*

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.

2. **Conditions of Approval:**

That pursuant to the *Sustainable Planning Act 2009*, Council resolves to approve with conditions the Development Application involving a Material Change of Use to allow for a Tourist Facility at 197-207 Long Road, Eagle Heights on land described as Lot 1 on RP123415 and Lot 2 on RP123415 in accordance with the following.

- a) A Development Permit is given for a Tourist Facility under the *Beaudesert Shire Planning Scheme 2007*, subject to the following conditions:

Approved Plans

- 1) **USE IN ACCORDANCE WITH THE APPLICATION - MATERIAL CHANGE OF USE -**
 Development being undertaken generally in accordance with the plans detailed in the table below 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.

Plan/ Document Number	Plan/Document Name	Prepared By	Received by Council
B14-45-1-1	Site Plan	Peter Falvey	9/7/2014
B14-45-1-2	Existing Floor Plan	Peter Falvey	9/7/2014
B14-45-1-2	Proposed Floor Plan	Peter Falvey	9/7/2014
B14-45-1-4	Elevation A & B	Peter Falvey	9/7/2014
B14-45-1-5	Elevation C & D	Peter Falvey	9/7/2014
27501-ALL-P300	Site Concept Plan	Mortons Urban Solutions	28/7/14
B09-58.2	Existing Processing and Storage Building	Peter Falvey	September 2011
27501-ALL-P400	Revised Tourist Facility processing and Storage Building	Mortons Urban Solutions	17-06-14

General

- 2) **PRIOR APPROVAL** - All conditions imposed on the previous development approval number 020-030-002029 shall remain valid unless deleted or amended by the Director Regional Services, or equivalent acting reasonably acting on a request from the landowner at the time.
- 3) **BOUNDARY RE-ALIGNMENT** - The Plan of Survey for the approved Boundary Re-alignment application RLBd14/015 shall be registered before the approved use commences.
- 4) **COMMENCEMENT OF USE** – Prior to the use commencing, the Applicant shall advise Council's Planning Department in writing, of the proposed commencement date.
- 5) **SITE MAINTENANCE** – The site shall be maintained in a clean and orderly state at all times.
- 6) **LANDSCAPING - BUFFER** – A minimum 3m wide landscaping buffer shall be provided along the common boundary of the subject site (and proposed Lots 1 and 2) and Lot 1 on RP 45876(western boundary) and Lot 1 on RP47027(southern and western boundaries). The proposed species, pot size, mound height and maintenance requirements shall be submitted with the proposed Landscape Plan to Council for approval by the Director Regional Services prior to the commencement of use.
- 7) **DEFINITION COMPLIANCE AND EXCLUSIONS** - The approved use/s and associated ancillary activities shall at all times comply with the definitions of Tourist Facility as identified under Schedule 1 - Defined Uses and Chapter 5, Part 2, Division 33 of the *Beaudesert Shire Planning Scheme 2007*.
- 8) **RETAINING WALLS** – The design and construction of any retaining wall(s) greater than 1.0 metre in height is / are to be structurally certified by a Registered Professional Engineer Queensland. The design and construction of the retaining wall(s) will not only take into consideration the dead load(s) associated with the building structure and any associated earthworks, but also any live loadings (i.e. traffic).
I
- 9) **BUILDINGS** – No person or persons can live within the existing shed or any new proposed sheds.
- 10) **AIR CONTAMINANTS** - A noxious or offensive odour must not be emitted beyond the boundaries of the premises. No particulate matter or visible contaminant, including dust, smoke, fumes and aerosols likely to cause environmental harm is to emanate beyond the boundaries of the premises.
- 11) **LIGHT EMISSIONS** -- Light sources at the premises must be positioned and shielded to prevent light spillage outside the boundaries of the premises.

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

Table 1

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

- 14) **EROSION & SEDIMENT CONTROL** - Appropriate erosion and sediment control measures must be installed and maintained as required to prevent or minimise the release of sand, silt or mud from the premises to any stormwater drainage system or any natural waterway.
- 15) **RELEASES TO WATER** - Releases to water must not cause any visible oil slick or other visible evidence of oil or grease, nor contain visible, grease, scum, litter or floating oil.
- 16) **WASTE** - Waste is not to be stockpiled so as to cause environmental nuisance or attract flies.
- 17) **WASTE STORAGE** - All waste produced at the site must be stored in appropriate containers/receptacles of a sufficient number to receive all waste generated at the site. Waste containers/receptacles must be maintained in full working order and lids are to remain closed at all times except when receiving or disposing of waste.
- 18) **WASTE REMOVAL** - All wastes must be removed to an approved disposal facility by a transporter holding all necessary government approvals. Waste must be removed at a frequency and in a manner that prevents nuisance from the waste at neighbouring premises.
- 19) **PESTS & VERMIN** -Organic substances likely to provide a food source for vermin must be stored in a sealed and airtight storage container to exclude access by pests or vermin.
- 20) **POTABLE WATER - ALL WATER PROVIDED FOR PERSONAL HYGIENE, HUMAN CONSUMPTION AND TO FOOD** preparation facilities is of a potable standard and meets the requirements of the National Health and Medical Research Council (NHMRC) Australian Drinking Water Quality Guidelines.

Car parking and Access

21) CAR PARKING NUMBERS - The developer is to make provision for the establishment of eighteen (19) car parking spaces including one (1) space for people with disabilities (PWD). Additionally the applicant is to provide one (1) space for a Small Rigid Vehicle -SRV. A pick up/set down area will also be provided. This requirement excludes any car parking requirement for any other use being conducted upon the site. The car parking spaces shall be established prior to the commencement of the approved use.

22) CAR PARKING & DRIVEWAYS – GRAVEL - All parking areas, internal roadways and manoeuvring areas are to be designed and constructed in accordance with AS 2890.1 - 2004 and AS 2890.2 – 2002 and Council's Design & Construction Manual. The completed works will be certified by a Registered Professional Engineer of Queensland (RPEQ) as having been constructed in accordance with good engineering practice to a standard reasonable for commercial purposes.

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

23) 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.

24) VEHICLE LOADING / UNLOADING - All loading and unloading of vehicles associated with the approved uses, including the pick-up and/or delivery of goods and materials, will be conducted at all times from within the curtilage of the site. The requirements of this condition are to be adhered to for the lifetime of the approved use.

Stormwater Drainage

25) ADVERSE DRAINAGE IMPACT - GENERAL - Drainage from the development works / building works shall not adversely impact upon adjacent properties. No ponding, concentration or redirection of stormwater shall occur onto adjoining land.

26) STORMWATER DISCHARGE AND DISPOSAL - The Developer is to make provision for the discharge of stormwater drainage flows to a legal point of discharge. The Developer shall provide all necessary stormwater drainage; such drainage works shall be designed and constructed in accordance with the *Queensland Urban Drainage Manual* (QUDM).

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

- 27) **EROSION CONTROL** - The applicant is responsible for implementation of erosion control measures designed to minimise soil movement and to minimise silt loads entering drainage lines and watercourses as a result of either the development works / building works.

Earthworks Design and Management

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

Water

- 29) **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.
- 30) **MINIMUM WATER STORAGE** – The Applicant is to make provision for the on-site water storage of 45,000 litres of water plus in association with the approved use. The requirements of this condition are to be completed prior to the commencement of the approved use.

Wastewater

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

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

Approval Conditions (Referral Agency):

Not applicable.

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, the owner's successors in title and any occupier of the land pursuant to Section 245 of the *Sustainable Planning Act 2009*.

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

4. Further approvals are required for:

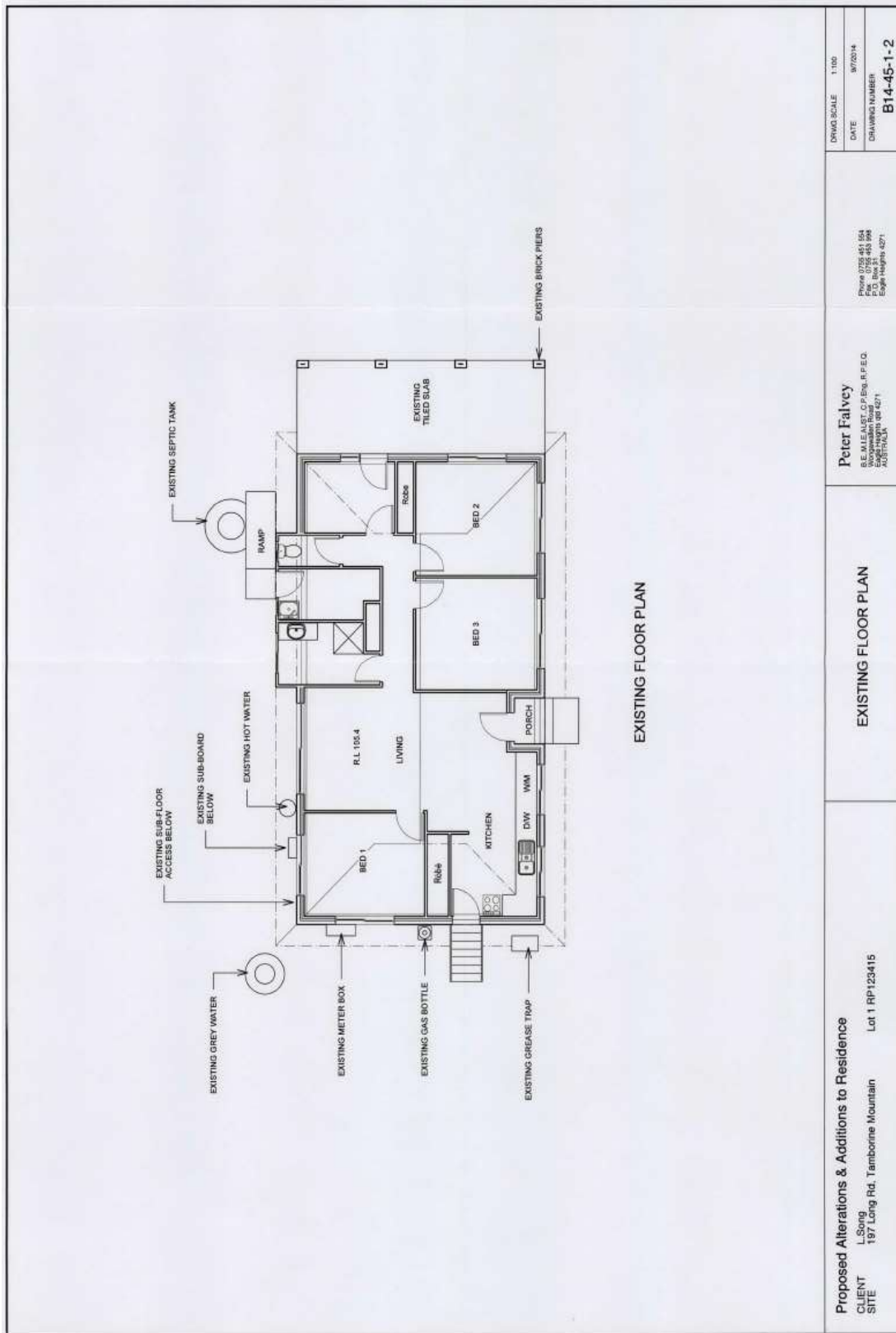
- a. A Building Works approval is required for all building works associated with the proposed development, prior to undertaking and building work on the subject property.
- b. A Plumbing and Drainage approval is required for all / any plumbing and drainage works associated with the proposed development,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

1. Administrative Action:

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

Attachments

1. Floor Plans and Elevations for Repurposed Cottage.
2. Site Concept Plan.
3. Existing Processing and Storage Building.
4. Revised Tourist Facility processing and Storage Building.
5. Dekho map - aerial photo.
6. Dekho map - zoning.
7. Applicants Information Response.
8. Approved Reconfiguration of a Lot Plan.



<p>Proposed Alterations & Additions to Residence CLIENT: L.Song SITE: 197 Long Rd, Tamborine Mountain Lot 1 RP123415</p>	<p>Peter Falvey S.E. M.A. (S.T. C.P. Eng., R.F.E.O.) 1000 Mountain Road AUSTRALIA (08 4271)</p>	<p>Phone: 0726 451 554 Fax: 0726 453 598 Email: peter@4271.com.au</p>	<p>DRWG. SCALE: 1:100 DATE: 9/7/2014 DRAWING NUMBER: B14-45-1-2</p>
--	--	---	---

ELEVATION A

ELEVATION B

SELECT METAL SCREEN

SELECT METAL SCREEN

SELECT LIGHT IRON BALLUSTRADE

75 X 75 X 3 SHS POSTS

<p>Proposed Alterations & Additions to Residence CLIENT L.Song SITE 197 Long Rd, Tamboorne Mountain Lot 1 RP123415</p>	<p>ELEVATION A & B</p>	<p>Peter Falvey B.L.M.L.AUST. C.P. Eng. B.P.E.O. 109 Waverley Road, AUSTRALIA 1570ET1</p>	<p>Phone 0725 451 104 Fax 0725 450 996 P.O. Box 31 Eagle Heights 4271</p>
		<p>DRWG SCALE 1:100 DATE 9/7/14 DRAWING NUMBER B14-45-1-4</p>	

ELEVATION C

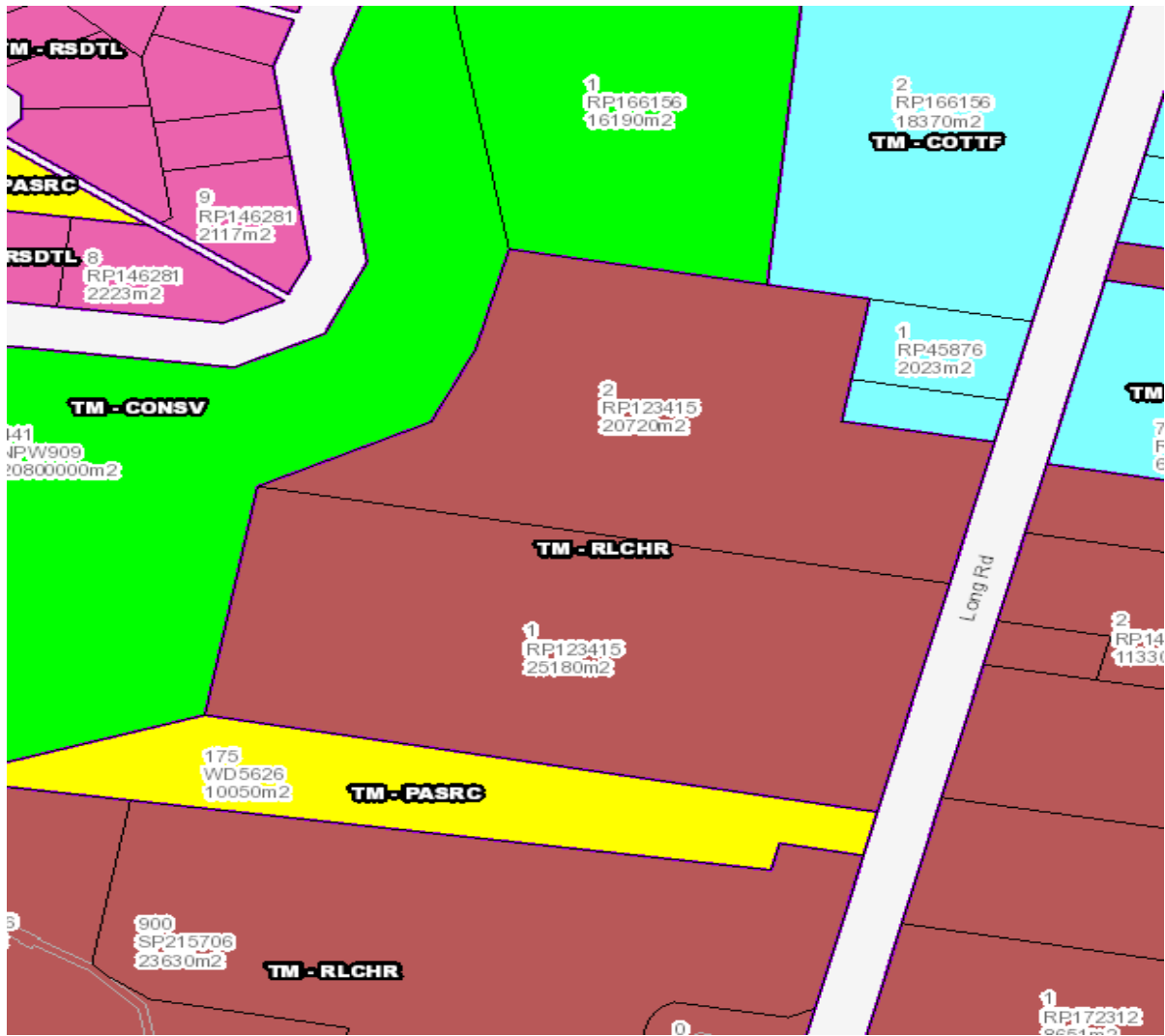
ELEVATION D

<p>Proposed Alterations & Additions to Residence CLIENT SITE L. Song 187 Long Rd, Tamborine Mountain Lot 1 RP122415</p>	<p>ELEVATION C & D</p>	<p>Peter Falvey ARCHITECT 285-287 P. St. E.O. MOUNTAIN VIEW TAMBORINE QLD 4271 Phone 0755 455 554 Fax 0755 455 599 Email peter@falvey.com.au Edge Height 4.571</p>
		<p>DRWG SCALE: 1:100 DATE: 30/03/14 DRAWING NUMBER: B14-45-1-5</p>

Attachment 5 - Dehko Map - Aerial Photo



Attachment 6 - Dekho Map - Zoning



Attachment 7- Applicants Information Response

Jasmin Organics – Tourist Facility
Operational Statement (Draft - October 2014)

Introduction:

Jasmin Organics is an international award winning cosmetics company specialising in the manufacture of organic skin care products for the domestic and international market. The Jasmin mission is to be *“the number one choice for those who want not only the most luxurious and best performing products, but who also want the safest and most truly natural”*.

In achieving this mission, it is important for existing and potential customers to be able to see what the products are sourced from, how the products are made and to be provided with information regarding the benefits of using such products. Sampling and testing of the products with the guidance of product experts is an essential component to the overall experience.

Context:

The Jasmin Organics estate is located on a large rural style property at 191 – 207 Long Road, North Tamborine and approximately 350m south of the Gallery Walk Tourist Precinct. Tamborine Mountain is located approximately a 45 minute drive from the Gold Coast and is easily accessed from the existing road network and estate entry statement.

Activities & Facilities:

Tours of the property will be held at set times so that bookings can be made in advance to attend the site. Bookings will be managed by staff on site and a staff member will accompany tour groups at all times whilst undertaking a formal guided tour of the property and manufacturing facilities.

Walk-in tourists that have not pre-booked will be welcome to take part in the formal tour where space is available. Where space is not available, walk-in tourists will be provided with information on the property such as areas they are allowed to visit i.e. flower gardens without being accompanied by a staff member. No tourists will be allowed within the manufacturing facility unaccompanied. All visitors to the property will have the opportunity to sample and purchase Jasmin Organics products.

Guided tours will be conducted between the hours of 8.30am to 5pm, 7 days per week and are expected to last for approximately 1 hour from start to finish. Upon completion of the formal tour, guests would be able to relax around certain areas of the property such as the flower gardens and the visitor centre near the entrance of the site when it becomes operational.

The guided tour of the site will cover all aspects of the manufacturing process, from the growing and collection of various raw materials through to packaging and distribution of the final products. The tour will include a behind the scenes tour of the manufacturing building and packaging area and an information session on the variety of materials that are used in the manufacturing process.

A maximum tour group size will be established to ensure that tour groups are of a manageable size for the staff member in charge of the tour. Limiting the group size will provide all participants of the tour with the best opportunity to experience and learn about Jasmin Organics.

Staff responsible for leading the tours will be able to be in contact with the operations team on the site and be made aware of any potential area of conflict i.e. if operational requirements result in the need to prevent access to a certain area of the site.

Staff working on the property will be aware that tourists will be accessing the property, sometimes in an informal manner i.e. walking around the flower gardens. Where operational requirements dictate, exclusion areas will be setup on the property to prohibit access by tourists visiting the site.

Toilet facilities will initially be provided within the main manufacturing building. Ultimately, toilet facilities will be provided within the distillation display shed located north of the main manufacturing building and also within the future welcome centre (repurposed cottage) near the eastern boundary of the site.

3.3 MC.Bn13/00010 Development Permit for Aquaculture - Agriculture (Rural Use), Intensive Animal Industry and Wholesale Nursery Maroon Homestead Pty Ltd Lot 2 RP48849 Lot 1 RP48849 Lot 3 RP48849 Lot 2 RP167144

Executive Officer: Director Regional Services

Item Author: Manager Planning

File Reference: MC.Bn13/00010

Applicable Planning Scheme	<i>Boonah Planning Scheme 2006</i>
Applicant	Maroon Homestead Pty Ltd C/- Planning Solutions
Owner(s)	Maroon Homestead Pty Ltd
Site Address	2561 Boonah-Rathdowney Road, 94 Stockyard Creek Road, and Jo Brown Road, MAROON QLD 4310
Real Property Description	Lot 1, 2, 3 on RP48849 and Lot 2 on RP167144
Site Area	153.8ha
Relevant Zone and Precinct	Rural Zone - Arable Lands Precinct 3
Proposal	Development Permit for a Material Change of Use to establish an Aquaculture, Intensive Animal Industry, Wholesale Nursery and a House
Assessment Level	Impact Assessment
Approval Type	Development Permit
Public Notification completed:	18 December 2014
Submissions Received	Two (2) properly made submissions were received.
Date Application Received:	2 December 2013

Purpose of Report

The purpose of this report is to provide the facts and circumstance to the Council for a proposed development seeking a Development Permit for a Material Change of Use to establish an Aquaculture, Intensive Animal Industry, Wholesale Nursery and House on land located at 2561 Boonah-Rathdowney Road, 94 Stockyard Creek Road, and Jo Brown Road, Maroon described as Lot 1, 2, 3 on RP48849 and Lot 2 on RP167144.

Brief Summary

Council is in receipt of an application seeking an approval for a Development Permit for a Material Change of Use to establish an Aquaculture (ornamental aquarium fish), Intensive Animal Industry (laboratory rats), Wholesale Nursery (aquatic plants) and House on the subject site.

The proposed development is identified under the *Boonah Planning Scheme 2006* (Planning Scheme) as requiring Impact Assessment in the Arable Lands Precinct of the Rural Zone.

The various components of the application are briefly described as follows:

- Aquaculture being the breeding and production of ornamental aquarium fish;
- Intensive Animal Industry being the keeping and breeding of laboratory rats;
- Wholesale Nursery being the growing of aquatic plants; and
- House for residential purposes.

The Department of State Development, Infrastructure and Planning (DSDIP) through the State Assessment Referral Agency (SARA) as concurrence agency have assessed the proposed development in relation to aquaculture matters. The department responded on the 23 January 2015 providing Council with conditions to be attached to any development approval.

The application was publicly notified for a period no less than 15 business days in accordance with the requirements under the *Sustainable Planning Act 2009* (SPA); whereby Council received two (2) properly made submissions. It is considered that the submissions received do not necessitate the refusal of the application and can be satisfactorily addressed via the imposition of conditions.

The applicant has demonstrated compliance with the Planning Scheme as a whole and therefore is recommended for approval subject to reasonable and relevant conditions entailed within the following report.

Background

The applicant has stated that the site was purchased in 2004 and has been operating since that time. An aerial photograph of the site shows the plant and fish production tunnels existing at the time of the photograph taken in September 2009 (Refer to Image 1 below). It is noted that the particulars of the land use in 2009, in terms of the scale or intensity cannot be verified. Furthermore, Council have no records of the previous land use being approved or validated.

Image 1 - Aerial image of site dated September 2009 from Council's Dekho mapping.



Proposal

The purpose of the application is to obtain a Development Permit for a Material Change of Use to establish an Aquaculture, Intensive Animal Industry, Wholesale Nursery and House. The applicant has provided below a brief description into the individual aspects of the proposal as follows:

Aquaculture

In this case, the activity of 'aquaculture' is for ornamental freshwater fish undertaken in both freshwater tanks with a surface area of more than 2,000m² (3,136m² is proposed) and ponds with a surface area of less than 5 ha (15,030m² is proposed), and is therefore defined as a use with 'significant impact', triggering Impact assessable development under the Boonah Planning Scheme. Operational matters are outlined in the Aquaculture Site Management Plan, dated 21 October 2013, prepared by Pisces Enterprises.

The application will require the referral to the Dept. of Agriculture, Fisheries and Forestry (DAFF), as a concurrence agency for 'aquaculture', via the State Assessment & Referral Agency (SARA).

The proposed species of ornamental freshwater fish are limited to only those classed as "F2" species as listed under Schedule 6 of the Fisheries Regulations 2008 "Nonindigenous Fisheries Resources".

Water is recycled thru the growing area and ultimately sent to the irrigation pond for settling and screening and then to irrigation on Lucerne crops. No water is discharged to creeks or waterways.

Live ornamental fish are distributed from the site by wholesale only.

Intensive Animal Industry

In this case, the use involves the breeding and keeping of laboratory rats in a controlled environment and confined area, only with introduced water and feeding (ie, no grazing), and is an Impact assessable use under the Boonah Planning Scheme.

The use is undertaken in an enclosed and air-conditioned structure of approximately 15m x 15m, containing 1500 breeding boxes with approx. 1500 to 3000 rats. Rats are bred to 3 weeks, when they are taken to other facilities for processing and packaging for distribution to the wholesale market and direct to zoos, wildlife parks.

The rat production building (15m x 15m) is covered by a 30m x 15m open sided roofed structure to minimise heat load onto the building and also for shelter, loading of service vehicles storage of equipment, as shown on GA-002 and GA-006.

Wholesale Nursery

In this case, the use involves the ongoing growing of aquatic freshwater plants for wholesale distribution which commenced prior to 2006, and is an Impact assessable use under the Boonah Planning Scheme. This activity is undertaken in tanks within shade tunnels, and an additional area of 720m² is nominated for aquatic Plant production under this application, in addition to that area lawfully established prior to 2006.

House

Through the assessment process it was identified that a proposed house located on Lot 3 on RP48849 did not have access to a constructed road. As such, the subject application was changed to include a proposal for a House.

In terms of odour emissions; the activities are essentially natural processes and do not produce any noticeable odour. It is noted that the activities are located centrally across on several large rural land parcels and are not in proximity to any houses on adjoining properties.

In relation to transport concerns, the proposed business is expected to generate low traffic levels with trips being mainly of staff and occasional service or supply vehicles. A traffic survey was conducted in October 2013 by the applicant for one (1) week recording the number of car trips and vehicle type. The results of that survey are as follows:

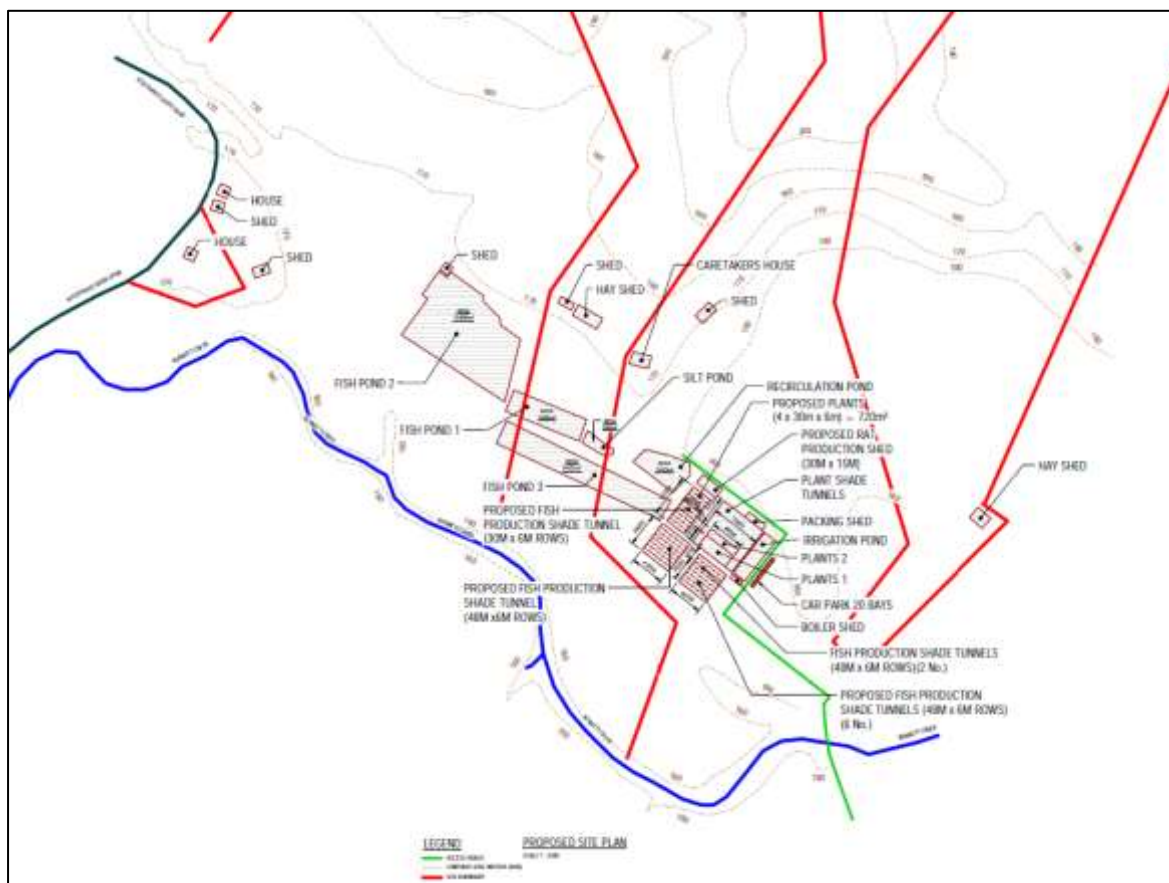
Day	Vehicle type and number of trips
Monday	11 car trips plus 1 light truck trip, being 24 vehicle movements per day both in and out. Total 24 trips.
Tuesday	Same vehicle movements as Monday. Total 24 trips.
Wednesday	Same vehicle movements as Monday, with an additional 1 medium truck (fuel delivery). Total 26 trips.
Thursday	Same vehicle movements as Monday. Total 24 trips.
Friday	9 car trips plus 1 refuse vehicle. Total 20 trips.
Saturday	1 car trip. Total 2 trips.

In respect to staff numbers and facilities, the site typically has staff numbers ranging from 15 to 17 staff members on a typical week day, which mainly consists of residents local to the area who share vehicle trips. Staff toilets are located nearby within the caretaker's house.

All operational procedures and chemicals used on site are managed through an Aquaculture Management Plan dated 21 October 2013 which has been included as part of the applicants' submission.

Figure 1 below illustrates the entire site plan showing both existing built structures and areas of current operations seeking to be approved.

Figure 1 - Aerial view of subject site and existing built structures as of September 2009.



Site and Environment

Characteristics of Site & Surrounding Environment

Topography

The topography of the site where the activity is located can be described as generally flat. The site slopes upwards to the rear where the land increases in height from a contour level of 165m to 225m at its highest point. Adjoining the site to the south is the Burnett Creek which is connected to the Maroon Dam located approximately four (4) kilometres to the west.

The site is located in the foot of a valley and is generally screened from view from Boonah Rathdowney by vegetation along Burnett Creek; and from properties to the north and east by the mountainous nature of the site.

Road Frontage and Access

Lots 1 and 2 on RP48849 have frontage to Jo Brown Road, while Lot 3 on RP48849 does not have road frontage. Primary access to the site is gained via Jo Brown Road which intersects with Boonah Rathdowney Road at a distance of approximately 120m. Boonah Rathdowney Road is a sealed State-controlled road while Jo Brown Road is an unsealed rural road under the jurisdiction of Scenic Rim Regional Council. Jo Brown Road crosses Burnett Creek via a low level single lane bridge. Minor and secondary access is available by Stockyard Creek Road to the west.

Surrounding Land Use

The local surrounding land uses consist of a mix of cropping on the lower level land along Burnett Creek, with the remainder of the area retained as pasture land with a scattered vegetation cover. The closest house is located to the west on Lot 1 on RP167144, on abutting land along Stockyard Creek Road.

An aerial view of the application site is shown in Figure 2 below and illustrates the locations of current activities and the surrounding environment.

Figure 2 - Aerial view of subject site and existing built structures as of September 2009.



0 87.5 175 350 525 700 Meters
 TAKE NOTICE that Scenic Rim Regional Council and the Department of Natural Resources and Mines do not guarantee the reliability of the information contained herein nor of it being suitable for any particular purpose and disclaims liability for any loss that may arise from the use of or reliance upon such information.

Copyright 2013
 Scenic Rim Regional Council

Advertising

The applicant has submitted a written notice stating that public notice of the proposal has been completed in accordance with the requirements of the *Sustainable Planning Act 2009* (SPA). During the Public Notification period, two (2) properly made submissions were received by Council.

Submissions

As mentioned previously, Council received two (2) submissions of which both were considered properly made. These submissions were received from:

1. Mrs Julianne F Moor
PO Box 25
RATHDOWNEY QLD 4287

2. Ms Margaret M Redmond
114 Zillman Road
HENDRA QLD 4011

It should be noted that one (1) submission was received having no objection to the current application, while the second submission was received objecting to the proposed development. The main points of the objection are listed below, followed by the Officer's comment.

Points of Objection	Officers' Comment
The proposed development will adversely impact on future development on adjoining rural land.	Lands adjoining the subject site are currently utilised for residential and agricultural rural activities. The proposed development seeks to formalise the existing agricultural and aquaculture development currently operating on-site. Officers' have included conditions to limit the scale and intensity of the development, taking into consideration the neighbouring agricultural and residential land uses. While officers are somewhat limited in assessing possible future development on adjoining lands; the current proposal has been assessed against the provisions of the Arable Lands Precinct 3 of the Rural Zone and is deemed to satisfactorily preserve the intent of the Rural Zone.
The use of Stockyard Creek Road will cause increased activity, loss of privacy and increase dust.	While the applicant has specified that main access is gained via Jo Brown Road with a minor secondary access via Stockyard Creek Road, a condition of approval has been included limiting vehicle trips associated with the commercial activity to be from Jo Brown Road only, and not via Stockyard Creek Road.
Restricted to no advertising or not obvious advertising is allowed.	No advertising devices have been proposed as part of the subject application. It should be noted that any future advertising devices would need to comply with Council's Planning Scheme requirements.

<p>Air pollution and other environmental mitigation devices are required.</p>	<p>The applicant has prepared an Environmental Management Plan (EMP) dated 30/05/2014 which entails management strategies to mitigate potential adverse environmental impacts from the development. The EMP has been included in conditions of approval. Furthermore, conditions have been included requiring the applicant to prepare and lodge an Air Quality Assessment Report to ensure air emissions do not cause environmental harm beyond the boundaries of the site.</p>
<p>An environmental management plan is required to ensure rodents do not escape.</p>	<p>The proposed breeding and keeping of laboratory rats is undertaken in a controlled and enclosed environment. The rodents are bred to three (3) weeks then frozen and taken off-site for processing. Coupled with the above EMP, the applicant is considered to have put in place measures that will ensure the rats bred on-site do not escape the confines of the breeding facility or the subject site to adjoining properties. A condition has also been included to this effect.</p>
<p>That the area used be restricted by covenant to the area proposed.</p>	<p>The applicant has provided a site plan identifying all areas in which the approved land uses are undertaken. Should the applicant seek to increase the scale or intensity of the approved use area, a new application will need to be lodged with Council seeking development approval.</p>

Development Assessment

Relevant Planning Scheme Codes – Summary

Zone & Precinct Code	Overlay Code	Use Code
<p>Rural Zone Code - Arable Lands Precinct 3</p>	<p>Economic Resources Overlay (OL 1A – Good Quality Agriculture Land) Natural Features Overlay (OL 2A – Natural Values) Bushfire Hazard Overlay Code (OL 3 – Bushfire) Major Transport Corridors & Energy Infrastructure Code (OL 4 – Major Transport Route)</p>	<p>Aquaculture Code Residential Development Code Intensive Animal Industry Code</p>

Relationship to the Rural Zone Code

In accordance with the Planning Scheme, the subject site is located within the Rural Zone. Pursuant to the Planning Scheme, the overall outcomes sought by the Rural Zone include:

- (a) Good quality, viable and productive agricultural and grazing land is protected from further fragmentation and the intrusion of incompatible uses, for the purpose of primary industry and rural pursuits in accordance with land type and land use suitability.
- (b) Existing rural activities are protected from encroachment by incompatible uses.
- (d) Buildings and structures are designed and sited to be compatible with the rural character of the surrounding area.
- (g) Industries related to the rural and agricultural activities of the Shire are diversified into rural related industries, value adding and niche market products (such as organic crops, farm forestry) and farm, rural and nature based recreation tourism opportunities.

The proposed development covers a small portion of the entire land holdings which largely remains used for traditional cropping and grazing activities. The proposed development involves animal industry, aquaculture and wholesale nursery which are inherent to rural type activities as they involve the primary production of plants and animals for wholesale. As such, the proposal is considered to satisfy the intent of the Rural Zone.

Compliance with the Precinct Code

The Rural Zone is divided into 4 precincts:

- Precinct 1 – Scenic Rim/Mountain Range Lands;
- Precinct 2 – Grazing Lands;
- Precinct 3 – Arable Lands; and
- Precinct 4 – Horticultural/Dairying Lands.

The above precincts have been developed to assist in identifying minimum lot sizes for future rural subdivision applications. There is no subdivisional aspect of the proposed development. Therefore, the proposal does not compromise the intent of the Arable Lands Precinct.

An assessment has been undertaken against the Rural Zone Code's Acceptable Solutions and Specific Outcomes and deemed to comply. Where relevant, conditions of approval have been included in the Director's recommendation to ensure compliance.

Compliance with the Relevant Overlay Code

The proposal has been assessed against the following Overlay Codes:

- Economic Resources Overlay (OL 1A – Good Quality Agriculture Land)
- Natural Features Overlay (OL 2A – Natural Values)
- Bushfire Hazard Overlay Code (OL 3 – Bushfire)
- Major Transport Corridors & Energy Infrastructure Code (OL 4 – Major Transport Route)

Through the assessment process, it has been determined that the proposal complies with all of the Overlay Code's Specific Outcomes and Probable Solutions.

Compliance with the Relevant Specific Use Code

The proposal has been assessed against the relevant Specific Use Codes; namely the Aquaculture Code, the Residential Development Code, and the Intensive Animal Industry Code. Through the assessment process, it has been determined that the proposal complies with all of the Use Code’s Specific Outcomes and Probable Solutions except as follows:

Residential Development Code			
Specific outcomes	Acceptable Solution	Compliance with Acceptable Solution	Compliance With Specific Outcomes
SO2 New houses are located having access to the Shire’s transport and access network.	PS2.1 A dwelling house has frontage to a constructed road.	No - refer below	Yes – refer below

Applicant's justification

Whilst the proposed house does not have frontage to a constructed road, vehicle access to the site is obtained via an unofficial shared access arrangement, comprising an existing unsealed road. This roadway traverses over Lot 2 RP48849 and intersects with Jo Brown Road, south of the site.

Officer's comments

As mentioned by the applicant, an unofficial access arrangement is in place to Jo Brown Road through Lot 2 RP48849. This arrangement will be required to be formalised through a condition of approval as part of this application. This will ensure the purpose of SO2 above is met and will be conditioned to comply.

Intensive Animal Industry Code			
Specific outcomes	Acceptable Solution	Compliance with Acceptable Solution	Compliance With Specific Outcomes
SO1 Buildings, pens, other structures and waste treatment and disposal areas are located, constructed and managed such that the maximum number of animals intended to be kept on the land are accommodated without creating significant adverse environmental and amenity impacts.	PS1.1 All proposals for new or expanding Intensive Animal Industries are to conform to the minimum separation distances and minimum site areas as nominated in Table 1 .	No - refer below	Yes – refer below

Applicant's justification

Note that standards have not been developed for the breeding & growing of laboratory rats, as the term is usually applied to the breeding of significantly larger animals such as pigs, cattle, sheep, goats or poultry. Nevertheless, the laboratory rat breeding facility is located in the middle section of the overall site and well away from the site boundaries. It is reasonably expected that no adverse environmental and amenity impacts will be caused by this small scale activity, which is essentially 15m x 15m = 225m².

Officer's comments

Essentially, there are no separation distances specified in the Planning Scheme (Table 1) in respect to laboratory rats; however the breeding facility is located towards the centre of the site and a well away from lot boundaries. No adverse environmental or amenity impacts are envisaged to be caused by the breeding facility which is an enclosed and controlled area of approximately 225m²(15m x 15m). As such, the proposal is considered to comply with the purpose of SO1 above.

Assessment of Other Aspects of the Proposal

Adopted Infrastructure Charges Resolution (Version 5)

The proposed development incorporates the following land uses; Aquaculture, Intensive Animal Industry, Wholesale Nursery and a House land use; however no charges have been raised against the House or the Wholesale Nursery component. As such, Infrastructure Charges have been raised over the Gross Floor Area (GFA) for the buildings associated with the new uses, in accordance with the *Adopted Infrastructure Charges Resolution (Version No.5)* and with the *2014/2015 Fees and Charges Schedule*.

In accordance with Appendix Two of the fees and charges, the proposed uses are the classes of development to which are as follows:

Planning Scheme Use Types	Classes of Development to which Adopted Infrastructure charges schedule apply
Aquaculture - Significant	High Impact Rural
Intensive Animal Industry	High Impact Rural

It is noted that Queensland Urban Utilities charges are no longer issued by Council as of the 1 July 2014. Council infrastructure charges for the proposed development are as follows:

Proposed Demand

Land use	Proposed GFA (m²)	Charge rate per m²	Charge amount
Aquaculture - Significant (Boiler Shed)	8m x 16m = 128m ²	\$20.00	\$2,560.00
Intensive Animal Industry (Rodent breeding Shed)	8m x 12m = 96m ²	\$20.00	\$1,920.00
Total			\$4,480.00

Changed Application under Section 351 of SPA

It is noted that the application has been changed twice in accordance with Section 351 of *Sustainable Planning Act 2009* (SPA) in relation to adding an Environmental Relevant Activity (ERA) component and a House to the subject application. The ERA component has now been removed while the House has now been included into the proposal.

Relationship to Desired Environmental Outcomes

Not applicable in this instance.

Relationship to State Planning Policies and Regulations*State Planning Policy (SPP)*

The subject site was identified as containing areas of State Interests, namely Agriculture, Biodiversity, Water Quality and Natural Hazards and Resilience (flooding and potential bushfire). The proposed development has been assessed against the relevant provisions of the SPP and is deemed to comply. Accordingly, the proposal is deemed to comply with the purpose of the SPP.

South-East Queensland Regional Plan 2009-2031

The subject site is located in the Regional Landscape and Rural Production Area pursuant to the *South East Queensland Regional Plan 2009-2031* (SEQRP). The proposed development, being for primary industry, is considered consistent with this designation and therefore consistent with the regulatory provisions of the *SEQ Regional Plan 2009-2031*.

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

Council's Building section has assessed the application and advised that they have no objections subject to a future Building Works and Plumbing application.

Health, Building and Environment – Environmental Policy

Council's Environment Policy section has assessed the application and has provided suitable conditions in respect to waterway protection, biosecurity matters and compliance with the *Environmental Protection (Water) Policy 2009*.

Health, Building and Environment – Environmental Health

Council's Environment Health section has assessed the application and has provided suitable conditions to be included in any development approval. The conditions relate to air quality, light and noise emissions, waterway protection, waste removal and storage, and pest and vermin protection.

Development Assessment - Engineering

Council's Development Assessment - Engineering section has assessed the application and advised that they have no objections to the proposal, subject to the implementation of conditions in relation to carparking and vehicle manoeuvring, stormwater drainage, water supply and wastewater disposal, earthworks management and electrical works.

Infrastructure Services

Council's Infrastructure Services section has assessed the application and advised that they have no objections to the proposal, subject to the implementation of reasonable conditions. Conditions have been included in relation to access to Council roads and works within road reserves.

External Referrals

State Assessment and Referral Agency (SARA)

The applicant referred a copy of the application to the State Assessment and Referral Agency in accordance with Section 273 of the *Sustainable Planning Act 2009*. Subsequently, SARA provided Council with correspondence dated 23 January 2015 having no objection to the proposed development, subject to conditions to be attached to Council's Decision Notice.

Conclusion

Council is in receipt of an application seeking an approval for a Development Permit for a Material Change of Use to establish an Aquaculture, Intensive Animal Industry, Wholesale Nursery and House on land located at 2561 Boonah-Rathdowney Road, 94 Stockyard Creek Road, and Jo Brown Road, Maroon described as Lot 1, 2, 3 on RP48849 and Lot 2 on RP167144.

An assessment of the application has concluded that the proposed development generally complies with the relevant provisions of the Planning Scheme, and is unlikely to adversely impact on the existing locality or surrounding area.

Therefore, it is recommended that Council resolve to approve the proposed development, subject to the inclusion of reasonable and relevant conditions.

Director's Recommendation

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

Real Property Description:	Lot 1, 2, 3 on RP48849 and Lot 2 on RP167144
Address of property:	2561 Boonah-Rathdowney Road, 94 Stockyard Creek Road, and Jo Brown Road, MAROON QLD 4310
Site area:	153.8ha
Proposal:	Development Permit for a Material Change of Use to establish an Aquaculture, Intensive Animal Industry, Wholesale Nursery and a House

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 site.

- 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 site.
- c. A Reconfiguring of a Lot (Access Easement) approval is required for the creation of an access easement associated with the proposed dwelling on Lot 2 RP48849, prior to occupation of the approved dwelling.

2. Conditions of Approval:

Approved Plans

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

Table 1: Approved Plans

Plan/Drawing	Plan Title	Date	Prepared by
GA-001-C (Rev. C)	Maroon Farm Pisces Enterprises Title Plan & Aerial Photograph Site Plan	04.11.13	Pisces Enterprises
GA-002-C (Rev. C)	Maroon Farm Pisces Enterprises Proposed Site Plan	04.11.13	Pisces Enterprises

General

- 2) **DEFINITION COMPLIANCE AND EXCLUSIONS -** The approved use and associated ancillary activities shall at all times comply with the (definitions of Aquaculture, Intensive Animal Industry, Wholesale Nursery and a House under Schedule 1 - Part 1: Defined Uses and Part 6, Divisions 1, 10 and 13 of the *Boonah Shire Planning Scheme 2006*.)
- 3) **COMMENCEMENT OF USE -** Prior to the use commencing, the Applicant shall advise Council's Planning Department in writing, of the proposed commencement date.
- 4) **WORKS - APPLICANT'S EXPENSE -** All works, services, facilities and/or public utility alterations required by this approval or stated condition/s, whether carried out by the Council or otherwise, shall be at the Applicant's expense unless otherwise specified.

Landscaping

- 5) **LANDSCAPING - GENERAL-** A landscape plan must be prepared and submitted to Council's Development Assessment section for approval showing a suitable landscaped area and tree planting to screen the production sheds when viewed from Jo Brown Road. The proposed landscape species shall be in accordance with the *Beaudesert Shire Planning Scheme Policy 6 - Landscape Species*. The subject landscape plan must be submitted within three (3) months of the date of this decision notice. Any approved landscape planting must be maintained in perpetuity to Council's satisfaction by the existing or future owners of the property.

Car parking and Access

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

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

- 7) **CAR PARKING NUMBERS** - The developer is to make provision for the establishment of a minimum of twenty (20) car parking spaces on site to serve the approved use. The car parking spaces shall be made available prior to the commencement of the approved use.
- 8) **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.
- 9) **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.

Easement

- 10) **ACCESS EASEMENT** – Prior to the occupation of the approved dwelling on Lot 2 RP48849, the applicant must submit an application for Reconfiguring a Lot to establish an access easement no less than 3.0 metres wide which will provide legal access to the house.

- 11) **ACCESS DRIVEWAY - GRAVEL** - The Applicant is to make provision for the establishment of an all-weather internal access driveway to the proposed dwelling house. The internal access driveway will be designed and constructed in accordance with Council's Design and Construction Manual to the satisfaction of Council's Director Works and Infrastructure Services. The driveway must be constructed with a maximum grade not to exceed 16.6% (1 in 6), should be trafficable in all weather conditions and maintained in good condition for its lifetime. The driveway is to be sealed for those sections where the grade is in excess of 1 in 6. 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 to a standard reasonable for a domestic driveway. The works required by this condition are to be completed prior to the occupation of the dwelling house.

Access and Roads

- 12) **TRAFFIC MOVEMENTS-** Commercial traffic movements generated from the approved use to and from the site are to be conducted along Jo Brown Road only at all times.
- 13) **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 Council's Director Infrastructure Services. The works required by this condition are to be completed prior to the occupation of the dwelling unit.
- 14) **WORKS WITHIN EXISTING ROAD RESERVES** - A Works in Road Reserve approval is required for any access construction work. At least seven (7) days notice will be given to Council of any work proposed within an existing road reserves under Council jurisdiction. This notice is to be in the form of written correspondence, said correspondence including full details of the proposed work to be undertaken within the road reserve. Details of temporary warning signs to be installed in association with these works will also be submitted for Council's examination prior to the work being carried out. Any damage to Council or other service providers property including water mains, sewers, services, roads, footpaths, underground drainage, etc., will be made good or paid for in full by the Applicant(s) before the development works will be accepted 'On Maintenance' and / or the commencement of the approved use.

Earthworks Design and Management

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

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

Stormwater Drainage

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

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

- 20) **EROSION CONTROL** - The Applicant is responsible for implementation of erosion control measures designed to minimise soil movement and to minimise silt loads entering drainage lines and watercourses as a result of either the development works / building works.

Environment

- 21) **WATERWAY PROTECTION** - The release of water or animals or plant matter as part of the aquaculture development, to waterways is prohibited.
- 22) **ENVIRONMENTAL MANAGEMENT** - The operator is to have approved by Council, prior to commencement of use, an amended Environmental Management Plan. The amendments to the Environmental management plan must include;
- Effective site closure procedures and site rehabilitation upon abandonment of use.
 - Monitoring actions including monitoring for changes in water quality, pest species (plant and animal) and biosecurity incidents.
 - Response actions in the event of an accidental release of water or animal or plant matter to a waterway.
 - The use of more definitive wording that commits the operator to a specific action

The operator is to comply with the amended Environmental Management Plan approved by Council.

- 23) **PLANT AND ANIMAL REGISTRY** - The applicant is to maintain a register of plant and animal species produced as part of the approval. The register is to be made available for Council viewing at all times.

Health

- 24) **AIR QUALITY ASSESSMENT REPORT** - Within one (1) year of the development approval, an air emission assessment is to be carried out by a suitably qualified professional and a report on the assessment submitted to Council. The assessment must demonstrate that air emissions comply with the conditions of this approval. If the emissions do not comply, the report must identify additional control measures that will enable compliance, and these must be implemented within six (6) months of the commencement of use.
- 25) **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.
- 26) **LIGHT EMISSIONS** - Light sources at the premises must be positioned and shielded to prevent light spillage outside the boundaries of the premises.
- 27) **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.
- 28) **NOISE EMISSION LIMITS** - If a complaint (other than a frivolous or vexatious complaint) is made to the administering authority, the emission of noise from the premises must not exceed the levels prescribed by Table 1 (below).

Table 1

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

- 29) **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.
- 30) **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.
- 31) **WASTE** - Waste is not to be stockpiled so as to cause environmental nuisance or attract flies.

- 32) 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.
- 33) 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.
- 34) 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.
- 35) SECUREMENT OF ANIMAL STOCK** - The approved development must ensure at all times, that animals and creatures which are bred or stored on site are secured to prevent release into the surrounding environment.
- 36) 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.

Water

- 37) 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.
- 38) MINIMUM WATER STORAGE** – Provision of a minimum of on-site water storage of 45,000 litres for the dwelling house.

Wastewater

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

3. Approval Conditions (Referral Agency):

The State Assessment and Referral Agency (Concurrence) Response dated 23 January 2015.

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 site.
- 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 site.
- c. A Reconfiguring of a Lot (Access Easement) approval is required for the creation of an access easement associated with the proposed dwelling on Lot 2 RP48849, prior to occupation of the approved dwelling.

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

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

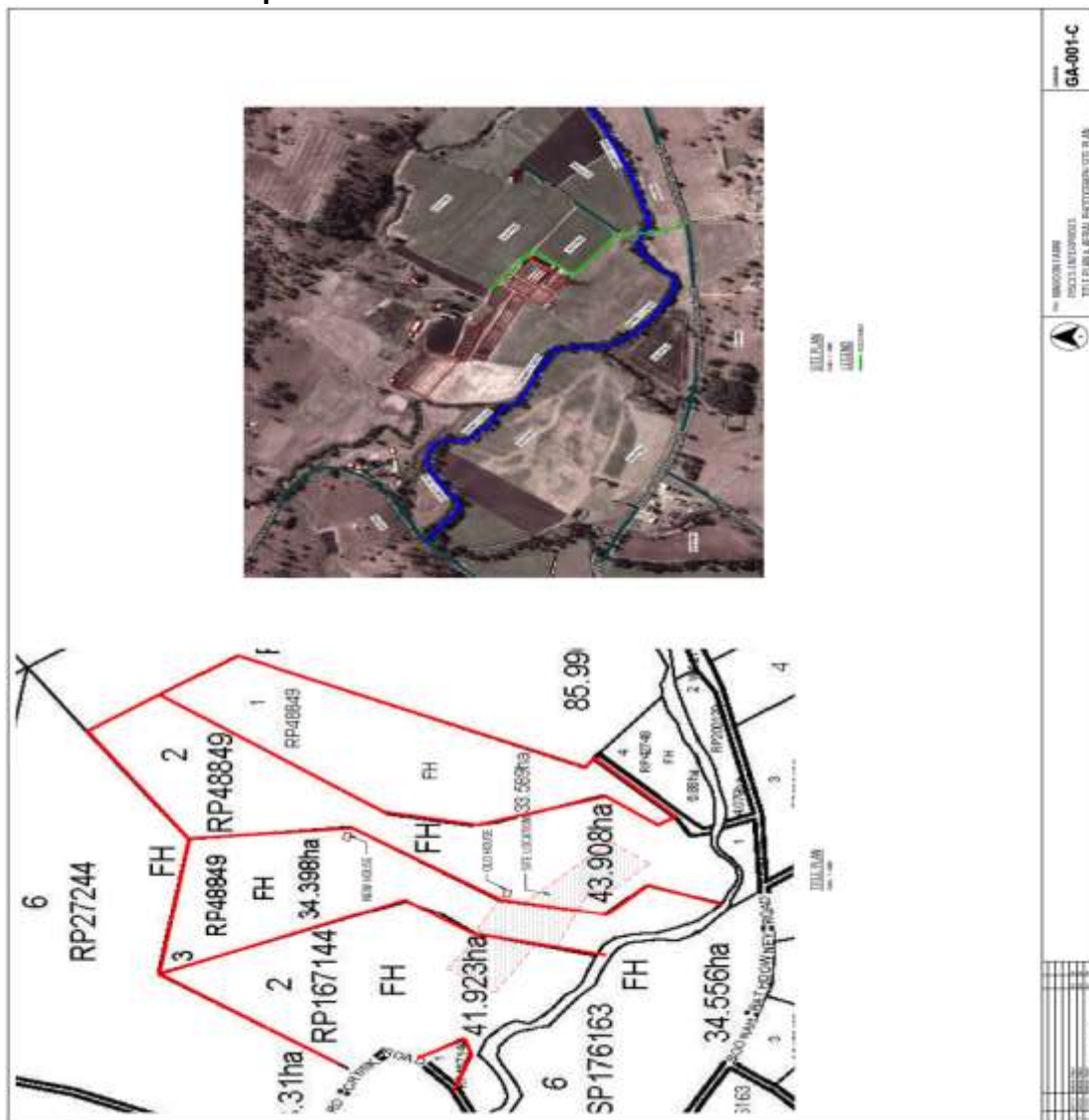
6. Administrative Action:

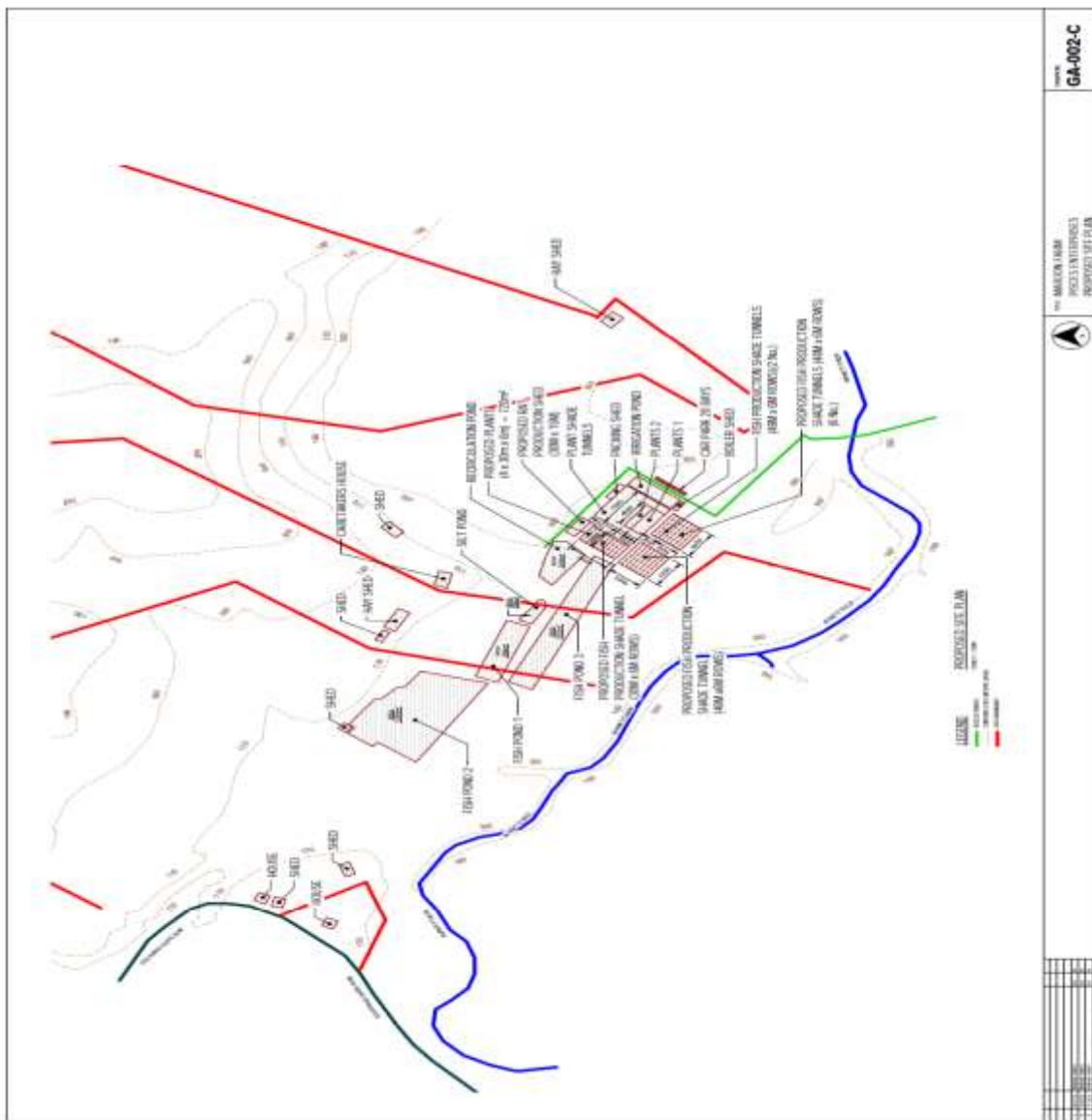
That Decision Notices be issued in accordance with s.335 of the *Sustainable Planning Act 2009* to the Applicant, submitter/s and referral agencies.

Attachments

1. Proposal Plans.
2. Dekho Map (Zoom out).
3. Dekho Map (Zoom in).
4. State Assessment and Referral Agency Response dated 23 January 2015.

Attachment 1 - Proposal Plans





Attachment 2 - Dekho Map (Zoom out)



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.



Attachment 3 - Dekho Map (Zoom in)



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.



Attachment 4 - State Assessment and Referral Agency Response dated 23 January 2015

Department of
State Development,
Infrastructure and Planning

Our reference: SDA-1213-006943
Your reference: MC.Bn13/00010

Date: 23 January 2015

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

Attn: Mr Thor Nelson

Dear Mr Nelson

Concurrence agency response—with conditions

2561 Boonah Rathdowney Road, 94 Stockyard Creek Road & Jo Brown Road, Maroon
(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 6 June 2014.

Applicant details

Applicant name:	Maroon Homestead Pty Ltd
Applicant contact details:	c/- Planning Solutions PO Box 355 The Gap QLD 4061

Site details

Street address:	2561 Boonah Rathdowney Road, 94 Stockyard Creek Road and Jo Brown Road, Maroon,
Real property description:	Lots 1-3 RP48849 and Lot 2 RP167144
Site area:	153.818 hectares
Local government area:	Scenic Rim Regional Council

Application details

Proposed development: Development Permit for a Material Change of Use for Aquaculture (freshwater fish), Intensive Animal Industry (other animals – laboratory rats) and Wholesale Nursery (freshwater plants)

Aspects of development and type of approval being sought

Nature of Development	Approval Type	Brief Description of Proposal	Level of Assessment
Material Change of Use	Development Permit	Aquaculture (freshwater fish), Intensive Animal Industry (laboratory rats) and Wholesale Nursery (freshwater plants)	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 2, Item 28 – Aquaculture

Conditions

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

Reasons for decision to impose conditions

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

Approved plans and specifications

The department requires that the following plans and specifications set out below and in Attachment 3 must be attached to any development approval.

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
Aspect of development: Material Change of Use				
Maroon Farm Pisces Enterprises Title Plan & Aerial Photograph Site Plan	Pisces Enterprises	4 November 2013	GA-001-C	Revision C
Maroon Farm Pisces Enterprises Proposed Site Plan	Pisces Enterprises	4 November 2013	GA-002-C	Revision C

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

If you require any further information, please contact Kieran Hanna, Principal Planning Officer, on (07) 3432 2404 who will be pleased to assist.

Yours sincerely



Nathan Rule
Manager - Planning

enc: Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Attachment 3—Approved plans and specifications

cc: Maroon Homestead c/- Planning Solutions, mail@plansolutions.com.au
Department of Agriculture, Fisheries and Forestry, planningassessment@daff.qld.gov.au

Our reference: SDA-1213-006943

Your reference: MC.Bn13/00010

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing																																								
Development Permit – Material Change of Use for Aquaculture (freshwater fish), Intensive Animal Industry (other animals – laboratory rats) and Wholesale Nursery (freshwater plans)																																										
Aquaculture—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 Agriculture, Fisheries and Forestry 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.	<p>The operator is authorised to conduct aquaculture on and harvest the following approved species:</p> <table border="0"> <thead> <tr> <th data-bbox="384 685 715 714"><u>Common Name</u></th> <th data-bbox="715 685 1027 714"><u>Scientific Name</u></th> </tr> </thead> <tbody> <tr><td data-bbox="384 725 715 754">African mono</td><td data-bbox="715 725 1027 754"><i>Monodactylus sebae</i></td></tr> <tr><td data-bbox="384 766 715 795">Angelfish</td><td data-bbox="715 766 1027 795"><i>Pterophyllum spp.</i></td></tr> <tr><td data-bbox="384 806 715 835">Archer fish</td><td data-bbox="715 806 1027 835"><i>Toxotes jaculatrix</i></td></tr> <tr><td data-bbox="384 846 715 875">Argentine bloodfin (tetra)</td><td data-bbox="715 846 1027 875"><i>Aphyocharax anisitsi</i></td></tr> <tr><td data-bbox="384 887 715 916">Armoured catfish</td><td data-bbox="715 887 1027 916"><i>Corydoras spp.</i></td></tr> <tr><td data-bbox="384 927 715 956">Asoka barb</td><td data-bbox="715 927 1027 956"><i>Puntius asoka</i></td></tr> <tr><td data-bbox="384 967 715 996">Auratus</td><td data-bbox="715 967 1027 996"><i>Melanochromis auratus</i></td></tr> <tr><td data-bbox="384 1008 715 1037">Banded barb</td><td data-bbox="715 1008 1027 1037"><i>Puntius pentazona</i> <i>(Barbodes pentozona)</i></td></tr> <tr><td data-bbox="384 1048 715 1077">Banded leporinus</td><td data-bbox="715 1048 1027 1077"><i>Leporinus fasciatus</i></td></tr> <tr><td data-bbox="384 1088 715 1117">Betta</td><td data-bbox="715 1088 1027 1117"><i>Betta spp.</i></td></tr> <tr><td data-bbox="384 1128 715 1158">Big-spot rasbora</td><td data-bbox="715 1128 1027 1158"><i>Rasbora kalochroma</i></td></tr> <tr><td data-bbox="384 1169 715 1198">Bitterling</td><td data-bbox="715 1169 1027 1198"><i>Rhodeus amarus</i></td></tr> <tr><td data-bbox="384 1209 715 1238">Bitterling</td><td data-bbox="715 1209 1027 1238"><i>Rhodeus sericeus</i></td></tr> <tr><td data-bbox="384 1249 715 1279">Black ghost knife fish</td><td data-bbox="715 1249 1027 1279"><i>Apteronotus albifrons</i></td></tr> <tr><td data-bbox="384 1290 715 1319">Black line silver hatchet fish</td><td data-bbox="715 1290 1027 1319"><i>Gasteropelecus spp.</i></td></tr> <tr><td data-bbox="384 1330 715 1359">Black phantom tetra</td><td data-bbox="715 1330 1027 1359"><i>Hyphessobrycon</i> <i>megalopterus</i> <i>(Megalamphodus</i> <i>megalopterus)</i></td></tr> <tr><td data-bbox="384 1370 715 1400">Black ruby barb</td><td data-bbox="715 1370 1027 1400"><i>Puntius nigrofasciatus</i></td></tr> <tr><td data-bbox="384 1411 715 1440">Black shark</td><td data-bbox="715 1411 1027 1440"><i>Labeo chrysophekadion</i> <i>(Morulius chrysophekadion)</i></td></tr> <tr><td data-bbox="384 1451 715 1480">Black spotted upsidedown catfish</td><td data-bbox="715 1451 1027 1480"><i>Synodontis nigriventris</i></td></tr> </tbody> </table>	<u>Common Name</u>	<u>Scientific Name</u>	African mono	<i>Monodactylus sebae</i>	Angelfish	<i>Pterophyllum spp.</i>	Archer fish	<i>Toxotes jaculatrix</i>	Argentine bloodfin (tetra)	<i>Aphyocharax anisitsi</i>	Armoured catfish	<i>Corydoras spp.</i>	Asoka barb	<i>Puntius asoka</i>	Auratus	<i>Melanochromis auratus</i>	Banded barb	<i>Puntius pentazona</i> <i>(Barbodes pentozona)</i>	Banded leporinus	<i>Leporinus fasciatus</i>	Betta	<i>Betta spp.</i>	Big-spot rasbora	<i>Rasbora kalochroma</i>	Bitterling	<i>Rhodeus amarus</i>	Bitterling	<i>Rhodeus sericeus</i>	Black ghost knife fish	<i>Apteronotus albifrons</i>	Black line silver hatchet fish	<i>Gasteropelecus spp.</i>	Black phantom tetra	<i>Hyphessobrycon</i> <i>megalopterus</i> <i>(Megalamphodus</i> <i>megalopterus)</i>	Black ruby barb	<i>Puntius nigrofasciatus</i>	Black shark	<i>Labeo chrysophekadion</i> <i>(Morulius chrysophekadion)</i>	Black spotted upsidedown catfish	<i>Synodontis nigriventris</i>	At all times
<u>Common Name</u>	<u>Scientific Name</u>																																									
African mono	<i>Monodactylus sebae</i>																																									
Angelfish	<i>Pterophyllum spp.</i>																																									
Archer fish	<i>Toxotes jaculatrix</i>																																									
Argentine bloodfin (tetra)	<i>Aphyocharax anisitsi</i>																																									
Armoured catfish	<i>Corydoras spp.</i>																																									
Asoka barb	<i>Puntius asoka</i>																																									
Auratus	<i>Melanochromis auratus</i>																																									
Banded barb	<i>Puntius pentazona</i> <i>(Barbodes pentozona)</i>																																									
Banded leporinus	<i>Leporinus fasciatus</i>																																									
Betta	<i>Betta spp.</i>																																									
Big-spot rasbora	<i>Rasbora kalochroma</i>																																									
Bitterling	<i>Rhodeus amarus</i>																																									
Bitterling	<i>Rhodeus sericeus</i>																																									
Black ghost knife fish	<i>Apteronotus albifrons</i>																																									
Black line silver hatchet fish	<i>Gasteropelecus spp.</i>																																									
Black phantom tetra	<i>Hyphessobrycon</i> <i>megalopterus</i> <i>(Megalamphodus</i> <i>megalopterus)</i>																																									
Black ruby barb	<i>Puntius nigrofasciatus</i>																																									
Black shark	<i>Labeo chrysophekadion</i> <i>(Morulius chrysophekadion)</i>																																									
Black spotted upsidedown catfish	<i>Synodontis nigriventris</i>																																									

No.	Conditions	Condition timing
	Black tetra	<i>Gymnocorymbus ternetzi</i>
	Black-banded headstander	<i>Chilodus punctatus</i>
	Black-banded osteochilus	<i>Osteochilus vittatus</i>
	Black-finned rummy-nose	<i>Petitella georgiae</i>
	Black-spot filament barb	<i>Puntius filamentosus</i>
	Blind cave tetra	<i>Astyanax mexicanus</i>
	Blue acara	<i>Aequidens pulcher</i>
	Blue gourami	<i>Trichogaster trichopterus</i>
	Blue line rasbora	<i>Rasbora taeniata</i>
	Blue rams	<i>Mikrogeophagus ramirezi</i> (<i>Microgeophagus ramirezi</i>)
	Brichardi	<i>Neolamprologus brichardi</i> (<i>Lamprologus brichardi</i>)
	Bumble bee	<i>Brachygobius spp.</i>
	Butterfly fish	<i>Pantodon buchholzi</i>
	Cardinal tetra	<i>Paracheirodon axelrodi</i>
	Celebes rainbow	<i>Merosatherina ladigesii</i> (<i>Telmatherina ladigesii</i>)
	Chalinochromis	<i>Chalinochromis spp.</i>
	Checkerboard bard	<i>Puntius oligolepis</i> (<i>Capoeta oligolepis</i>)
	Cherry barb	<i>Puntius titteya</i> (<i>Capoeta titteya</i>)
	Chinese algae eater	<i>Gyrinocheilus aymonieri</i>
	Chocolate gourami	<i>Sphaerichthys osphromenoides</i>
	Clown barb	<i>Puntius everetti</i> (<i>Barbodes everetti</i>)
	Clown loach	<i>Chromobotia macracanthus</i>
	Cochus blue tetra	<i>Boehlkea fredcochui</i>
	Common brochis	<i>Brochis splendens</i>
	Congo tetra	<i>Phenacogrammus interruptus</i> (<i>Micralestes</i>)
	Copper striped rasbora	<i>Rasbora leptosoma</i>
	Croaking gourami	<i>Trichopsis vittatus</i>

No.	Conditions	Condition timing
	Cummings barb	<i>Puntius cumingii</i>
	Discus	<i>Symphysodon spp.</i>
	Duboisii	<i>Tropheus duboisi</i>
	Dusky kribensis (krib)	<i>Pelvicachromis pulcher</i>
	Dwarf cichlid	<i>Apistogramma spp.</i>
	Dwarf flag cichlid	<i>Laetacara curviceps</i> <i>(Aequidens curviceps)</i>
	Dwarf gourami	<i>Colisa lalia</i>
	Dwarf lattice cichlid	<i>Nannacara spp.</i>
	Dwarf loach	<i>Botia sidthimunki</i>
	Elegant rasbora	<i>Rasbora elegans</i>
	Elephant nose	<i>Gnathonemus</i> <i>macrolepidatus</i>
	Elephantnose (Peters)	<i>Gnathonemus petersii</i>
	Emperor tetra	<i>Nematobrycon palmeri</i>
	False mapficant rasbora	<i>Rasbora borapetensis</i>
	Flag cichlid	<i>Mesonauta festivus</i> <i>(Cichlasoma festivum)</i>
	Flying fox	<i>Epalzeorhynchus kalopterus</i>
	Freshwater flounder	<i>Trinectes maculatus</i>
	Friderics leporinus	<i>Leporinus friderici</i>
	Giant danio	<i>Danio aequipinnatus</i>
	Glass barb	<i>Puntius puellus</i>
	Glass bloodfin	<i>Prionobrama filigera</i>
	Glass catfish	<i>Kryptopterus bicirrhis</i>
	Glassfish	<i>Chanda spp.</i>
	Gold-cheek krib	<i>Pelvicachromis subocellatus</i>
	Golden dwarf cichlid	<i>Nannacara anomala</i>
	Goldfish	<i>Carassius auratus</i>
	Gold-line rasbora	<i>Rasbora steineri</i>
	Guppy	<i>Poecilia reticulata</i>
	Hard lipped barb	<i>Osteochilus hasseltii</i>
	Harlequin rasbora	<i>Trigonostigma</i> <i>heteromorpha</i>

No.	Conditions	Condition timing
	Hatchetfish	<i>Carnegiella spp.</i>
	Hatchetfish	<i>Thoracocharax spp.</i>
	Headstander	<i>Abramites hypselonotus</i>
	Headstander	<i>Anostomus spp.</i>
	Hi-spot rasbora	<i>Rasbora dorsiozellata</i>
	Honey dwarf gourami	<i>Trichogaster chuna (Colisa chuna)</i>
	Indian hatchetfish	<i>Chela laubuca</i>
	Javanese rice fish	<i>Oryzias javanicus</i>
	Julie	<i>Julidochromis spp.</i>
	Kerrs danio	<i>Brachydanio kerri</i>
	Keyhole cichlid	<i>Cleithracara maroni (Aequidens maronii)</i>
	Killiefish	<i>Aphyosemion spp.</i>
	Kissing gourami	<i>Helostoma temminckii</i>
	Kooli barb	<i>Puntius vittatus</i>
	Kuhli loach	<i>Pangio kuhli (Acanthopthalmus kuhli)</i>
	Latticed cichlid	<i>Limnotilapia dardennii</i>
	Leopard danio	<i>Danio frankei (Brachydanio frankei)</i>
	Lipstick leporinus	<i>Leporinus arcus</i>
	Little giant gourami	<i>Colisa fasciatus (Colisa fasciata)</i>
	Long-band rasbora	<i>Rasbora einthovenii</i>
	Longfin barb	<i>Puntius arulius (Capoeta arulis)</i>
	Long-finned african tetra	<i>Brycinus longipinnis</i>
	Malayan flying barb	<i>Esomus malayensis</i>
	Malayan halfbeak	<i>Dermogenys pusillus</i>
	Medaka	<i>Oryzias latipes</i>
	Melanochromis	<i>Melanochromis similis</i>
	Microbrycon	<i>Boehlkea fredcochui (Microbrycon fredcochui)</i>
	Mono	<i>Monodactylus argenteus</i>

No.	Conditions	Condition timing
	Moonlight gourami	<i>Trichogaster microlepis</i>
	Moori	<i>Tropheus moorii</i>
	Multi-banded leporinus	<i>Leporinus multifasciatus</i>
	Myers hillstream loach	<i>Pseudogastromyzon myersi</i>
	Neon tetra	<i>Paracheirodon innesi</i>
	Orange-finned rasbora	<i>Rasbora vaterifloris</i>
	Ornate pimelodus	<i>Pimelodus omatus</i>
	Oscar	<i>Astronotus ocellatus</i>
	Panchax	<i>Aplocheilichthys spp.</i>
	Panchax	<i>Epiplatys spp</i>
	Paradise fish	<i>Macropodus opercularis</i>
	Pearl danio	<i>Brachydanio albolineatus</i>
	Pearl gourami	<i>Trichogaster leeri</i>
	Pencilfish	<i>Nannostomus spp.</i>
	Pencilfish	<i>Poecilibrycon spp.</i>
	Penguin fish	<i>Thayeria spp.</i>
	Platy	<i>Xiphophorus maculatus</i>
	Platy variatus	<i>Xiphophorus variatus</i>
	Poormans glass catfish	<i>Kryptopterus macrocephalus</i>
	Pristella	<i>Pristella maxillaris</i>
	Pygmy gourami	<i>Trichopsis pumilus</i>
	Rainbow shark	<i>Epalzeorhynchus munense</i> (<i>Labeo erythrurus</i>)
	Rainbowfish	<i>Chilatherina spp</i>
	Rainbowfish	<i>Glossolepis spp</i>
	Rainbowfish	<i>Melanotaenia spp.</i>
	Red striped barb	<i>Puntius bimaculatus</i>
	Red-finned black shark	<i>Epalzeorhynchus bicolor</i> (<i>Labeo bicolor</i>)
	Red-finned shark	<i>Epalzeorhynchus frenatus</i> (<i>Labeo frenatus</i>)
	Red-line rasbora	<i>Rasbora pauciperforata</i>
	Rosy barb	<i>Puntius conchoniis</i>
	Saddled hillstream loach	<i>Homaloptera orthogoniata</i>

No.	Conditions	Condition timing
	Sailfin molly	<i>Poecilia latipinna</i>
	Sarawak rasbora	<i>Rasbora sarawakensis</i>
	Scissor-tail rasbora	<i>Rasbora trilineata</i>
	Siamese flying fox	<i>Crossocheilus siamensis</i> (<i>Epalzeorhynchus siamensis</i>)
	Silver prochilodus	<i>Semaprochilodus insignis</i>
	Silver rasbora	<i>Rasbora argyrotaenia</i>
	Sphenops mollie	<i>Poecilia sphenops</i>
	Spiny eel	<i>Macrogathus aculeatus</i>
	Spot-tailed leporinus	<i>Leporinus melanopleura</i>
	Spot-tailed rasbora	<i>Rasbora caudimaculata</i>
	Spotted danio	<i>Danio nigrofasciatus</i> (<i>Brachydanio nigrofasciatus</i>)
	Spotted leporinus	<i>Leporinus maculatus</i>
	Spotted rasbora	<i>Boraras maculatus</i> (<i>Rasbora maculata</i>)
	Striped barb	<i>Puntius lineatus</i>
	Striped kribensis	<i>Pelvicachromis taeniatus</i>
	Striped leporinus	<i>Leporinus striatus</i>
	Sucker catfish	<i>Otocinclus flexilis</i> (<i>Otocinclus amoldi</i>)
	Swegles tetra	<i>Hyphessobrycon sweglesi</i> (<i>Megalampodus sweglesi</i>)
	Swordtail	<i>Xiphophorus helleri</i>
	Tetra	<i>Hemigrammus spp.</i>
	Tetra	<i>Hyphessobrycon spp.</i>
	Tetra	<i>Moenkhausia spp</i>
	Thick lipped gourami	<i>Trichogaster labiosus</i> (<i>Colisa labiosa</i>)
	Thin-banded barb	<i>Puntius semifasciolatus</i> (<i>Capoeta semifasciolatus</i>)
	Tic-tac-toe barb	<i>Puntius ticto</i>
	Tiger barb	<i>Puntius tetrazona</i> (<i>Capoeta tetrazona</i>)

No.	Conditions	Condition timing
	<p>Tricolor shark <i>Balantiocheilos melanopterus</i></p> <p>Twig catfish <i>Fartowella acus</i></p> <p>Variogated shark <i>Labeo variegatus</i></p> <p>Whiptail catfish <i>Loricaria filamentosa</i></p> <p>White cloud mountain minnow <i>Tanichthys albonubes</i></p> <p>Yellow tail rasbora <i>Rasbora dusonensis</i></p> <p>Yucatan molly <i>Poecilia velifera</i></p> <p>Zebra danio <i>Danio rerio (Brachydanio rerio)</i></p>	
2.	<p>Aquaculture authorised under this approval is limited by the following:</p> <p>Proposal Details: Conduct aquaculture on an approved Aquaculture Area of 1.82 hectares (production area) on a total land area of 153.82 hectares.</p> <p>Location: Within Lots 1, 2 & 3 on RP48849 and Lot 2 on RP167144</p> <p>Address: 2561 Boonah Rathdowney Road 94 Stockyard Creek Road Jo Brown Road, Maroon</p>	At all times
3.	<p>This development approval authorises Material Change of Use for Aquaculture within an approved Aquaculture Area of 1.82 hectares as defined and described on drawings:</p> <ul style="list-style-type: none"> • 'Maroon Farm Pisces Enterprises Title Plan & Aerial Photograph Site Plan, reference GA-001-C Revision C, prepared by Pisces Enterprises and dated 4 November 2013; and • 'Maroon Farm Pisces Enterprises Proposed Site Plan' reference GA-002-C Revision C, prepared by Pisces Enterprises and dated 4 November 2013. 	At all times
4.	<p>The proposed development must be carried out generally in accordance with the approved plans and any aquaculture area map as lodged with the application or as subsequently amended during the assessment process.</p>	At all times
5.	<p>Fisheries Queensland must be informed via iclassfc@daff.qld.gov.au of any changes to the personal contact details for this development approval within 28 working days.</p>	At all times
6.	<p>An aquaculture production return must be submitted in the approved form to the Department of Agriculture, Fisheries and Forestry (DAFF), Fisheries Queensland, by close of business on 31 July each year for the term of this development approval. This includes lodging a nil return when no aquaculture production has occurred.</p>	Annually for the life of the development/ structure

No.	Conditions	Condition timing
7.	The possession and use of "regulated fishing apparatus" under the Fisheries Regulation 2008, Chapter 4, Part 1, Division 4, Subdivision 1 (freshwater) are authorised at the approved Aquaculture Area.	At all times
8.	Where waters are introduced for the aquaculture of the approved species, the developer must implement all reasonable measures to ensure all waters are sufficiently screened to prevent the movement of any juvenile or adult wild fauna (excepting zooplankton) into the approved area. <i>Note:</i> At the time of application it is acknowledged that the aquaculture operations do not currently introduce Queensland waters to the facility. This condition would be relevant if a future water allocation is obtained for the purpose of aquaculture.	At all times
9.	No organisms originating from the aquaculture of exotic species is permitted to reach Queensland waters (as defined in the <i>Acts Interpretation Act 1954</i>).	At all times
10.	Filters or screens must be installed to ensure that all waters leaving containers used for the aquaculture of exotic species are treated to prevent the escape of eggs, juveniles or adults into Queensland waters.	At all times
11.	No water originating from the aquaculture of exotic species is permitted to reach Queensland waters with the exception of constructed storage dams located above Q100 limits and used for the purposes of water storage and reuse only.	At all times
12.	The control over the release of water from all ponds, tanks and drainage systems within the approved area must be maintained at all times.	At all times
13.	All containers used to aquaculture exotic species are to be screened to exclude vertebrate predators (e.g. birds).	At all times
14.	Containers used for the aquaculture of exotic species must be constructed on land that is situated above the highest known flood level. <i>Note:</i> At the time of application the highest known flood level at this location is RL 158.90m AHD.	At all times
15.	The species approved under this development approval must not be brought into Queensland for rearing without a health certificate or Pathology Report, issued by the exporting State or Territory's Fisheries or Veterinary authority certifying the animal's health, which must include a statement that the specimens originate from: (a) a hatchery, farm, aquaculture premises or region which is recognised as free from infection by the diseases on the Queensland Declared Disease List based on the requirements listed in the OIE Manual of Diagnostic Tests for Aquatic Animals, current edition (Fourth Edition 2003 or later) for recognition as free from infection; or (b) a hatchery, farm, aquaculture premises or region in which an appropriate targeted surveillance scheme over two years has been undertaken under the supervision of State or Territory Fisheries agencies or a State or Territory Fisheries approved Veterinary authority and where the requirements	At all times

No.	Conditions	Condition timing
	<p>for recognition as free from infection by diseases of concern for that species on the OIE Manual of Diagnostic Tests for Aquatic Animals, current edition (Fourth Edition 2003 or later) have been met; or</p> <p>(c) a single batch of gametes, larvae, fry, post-larvae, spat or early juvenile or adult of a species of finfish, crustaceans or molluscs, isolated from open waters, which has been tested using suitable techniques (refer to the appropriate DAFF Health Translocation Protocols for the approved species) to provide evidence that the batch is free from infection by diseases of concern on the Queensland Declared Disease List for that species.</p>	
16.	<p>The species to be farmed under this development approval identified in Condition 1 must not be brought into Queensland for rearing unless an "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form" (FDU1398) and Pathology Report has been completed and a DAFF officer has provided written acknowledgement and approval of the "Details of translocation form" and the Pathology Report.</p> <p>The "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form" and a signed copy of the Pathology Report (as detailed above) must be provided to the assessing authority (Fisheries Queensland, DAFF) a minimum of three (3) working days prior to all shipments into Queensland. It is a requirement that the pathology report/health certificate is dated no more than 14 days before shipment date. After arrival, any unusual clinical signs or mortalities in the stock must be reported immediately to the District Officer of the nearest Queensland Boating and Fisheries Patrol phone: 1800 017 116. If directed by a DAFF Officer, specimens must be forwarded to a veterinary laboratory as directed by the Officer.</p>	At all times
17.	<p>This development approval authorises the purchase of broodstock and/or culture stock from the holder of a commercial fishing boat licence, a Commercial Fisher, or holder of any other authority or permit that allows the sale of the approved species.</p>	At all times
18.	<p>This development approval does <u>not</u> permit the collection of broodstock from the wild.</p>	At all times
19.	<p>This development approval does <u>not</u> permit aquaculture fisheries resources to be sold, traded or given away for the purposes of using for bait. This includes the use of whole fish and any part of the fish.</p>	At all times
20.	<p>For the purposes of section 145 (c) (ii) of the <i>Fisheries Act 1994</i>, the approved Aquaculture Area and any associated areas which are used for activities related to the approved aquaculture operation (including processing), is a place required to be open for inspection.</p> <p>All records relating to the aquaculture activity must be made available for inspection by an inspector under the <i>Fisheries Act 1994</i>.</p>	At all times

Our reference: SDA-1213-006943
Your reference: MC.Bn13/00010

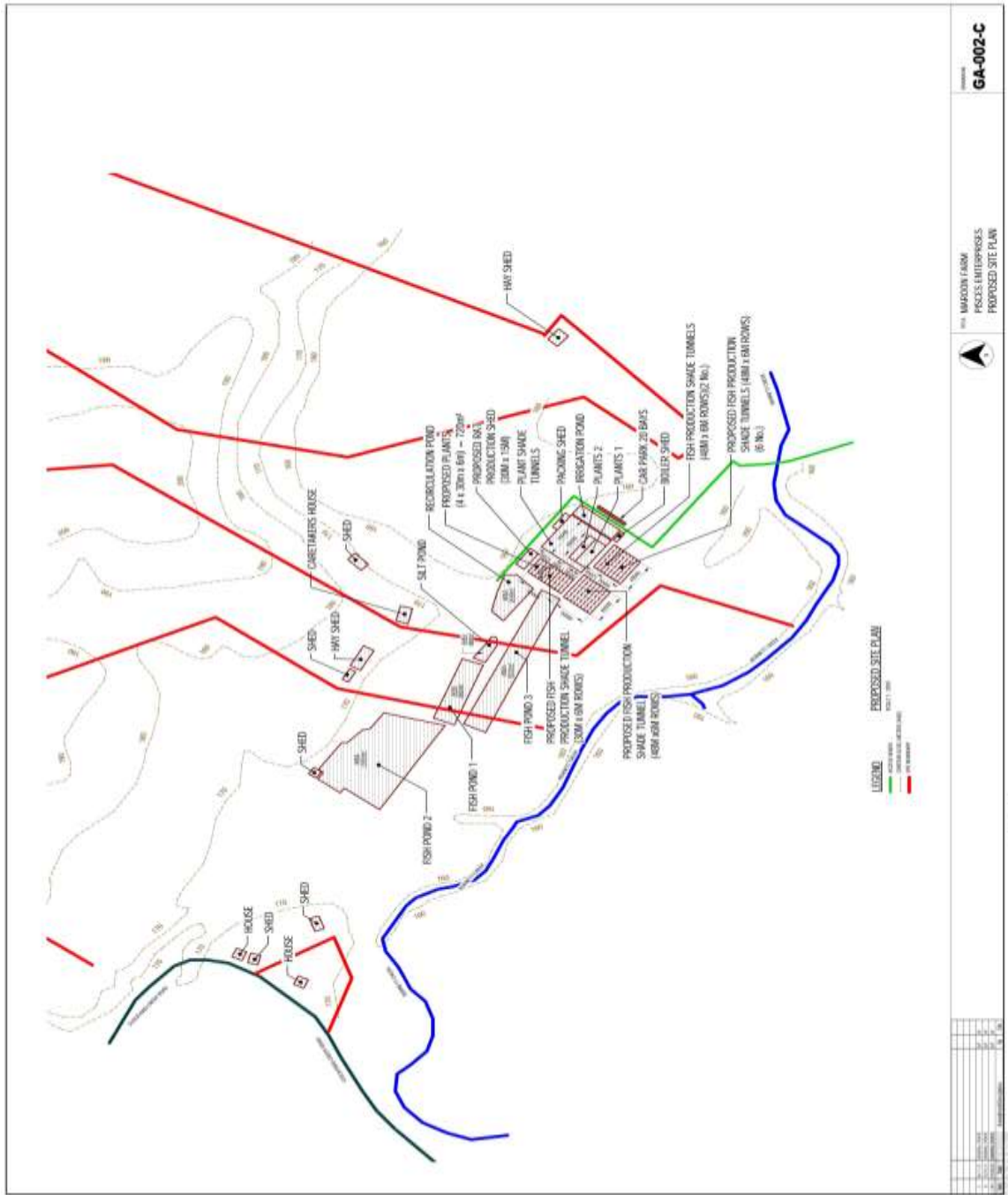
Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- To ensure that the aquaculture facility is designed, constructed, managed and maintained appropriately.
- To ensure the aquaculture facility minimises its impacts upon the natural environment.
- To ensure that ponds are designed, constructed, managed and maintained to avoid adverse impacts.
- To ensure that aquaculture infrastructure is designed, constructed, managed and maintained to avoid impacts to fisheries resources.
- To ensure the aquaculture facility is designed and managed to allow for management of disease.
- To ensure that development avoids adverse impacts on areas of environmental value.

Our reference: SDA-1213-006943
Your reference: MC.Bn13/00010

Attachment 3—Approved plans and specifications



3.4 Infrastructure Charges 30002774 Development Permit for Veterinary
Surgery/Hospital Kargorum Road Beaudesert Lot 12 RP892409
[Closed s.275(1)(h)]

Executive Officer: Director Regional Services

Item Author: Manager Planning

File Reference: 30002774

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 275(1)(h) of the Local Government Regulation 2012, which permits the meeting to be closed to the public for business relating to the following: -

- (h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

4. INFRASTRUCTURE SERVICES

Nil.