

# SCENIC RIM REGIONAL COUNCIL

# **Planning & Development Committee**

# Report

Meeting held in the Council Chambers 82 Brisbane Street

Beaudesert

Tuesday, 17 March 2015

Commenced at 11.08 am

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# PLANNING & DEVELOPMENT COMMITTEE

# **REPORT**

#### **CHIEF EXECUTIVE OFFICER**

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

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

# **ATTENDANCE**

# **Executive Officers**

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

#### **APOLOGIES**

Nil

# **DECLARATIONS OF INTEREST BY MEMBERS**

Nil

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

S Turner, Manager Planning (Items 3.1 - 3.4)

# Reception of Deputations by Appointment / Visitors

Nil

# PLANNING & DEVELOPMENT COMMITTEE REPORT

#### Please note:

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

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

# 1. EXECUTIVE

Nil.

# 2. CHIEF FINANCE OFFICER

Nil.

# 3. REGIONAL SERVICES

3.1 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** 

File Reference: 30002879.01

Applicable Planning Scheme	Beaudesert Planning Scheme 2007		
Applicant	TJ Kelly Surveys Pty Ltd		
Owner(s)	Novmet Pty Ltd ATF Stream Trust		
Site Address	39 Main Street TAMBORINE MOUNTAIN		
Site Address	QLD 4272		
Real Property Description	Lot 2 on RP848024		
Site Area	2057m²		
Relevant Zone and Precinct	Tamborine Mountain Zone – Business		
	Precinct		
Proposal	Material Change of Use - Beaudesert		
	Planning Scheme 2007		
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	Beaudesert Planning Scheme 2007		
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	No		
required?			
Date Application Received:	4 November 2014		

# **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: 2057m<sup>2</sup>

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

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.

# **Committee Recommendation**

That the Director Regional Services' recommendation be adopted.

Moved: Cr Waistell Seconded: Cr West

Carried

#### **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

	LLY SURVEYS LT
60	File No:30002879.01
November 2014	4 NOV 2014 Our ref: 3231
Chief Executive Officer Scenic Rim Regional Coun	Doc. Set No: RSA
PO Box25 BEAUDESERT QLD 4285	2CREAT3.

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 –
 Tuesday & Thursday
 Saturday
 Sunday
 Sunday
 Sunday
 Si00am to 9:30pm
 6:30am to 7:30pm
 7:30am to 4:00pm
 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 Brishane 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

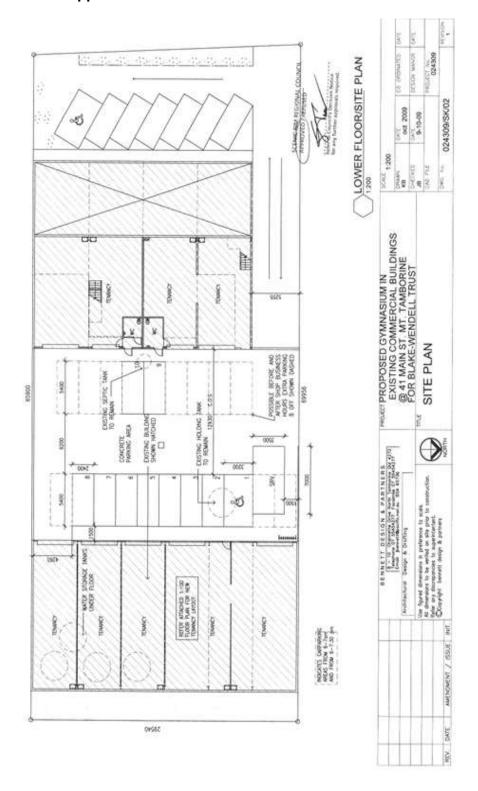
ll Ll

Mark Toombs Principal Planner

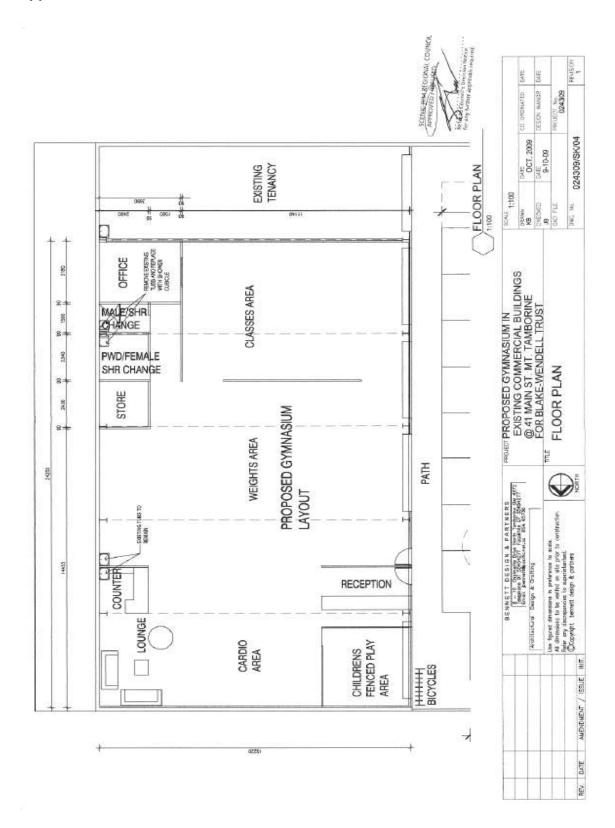
C.c Novmet Pty Ltd

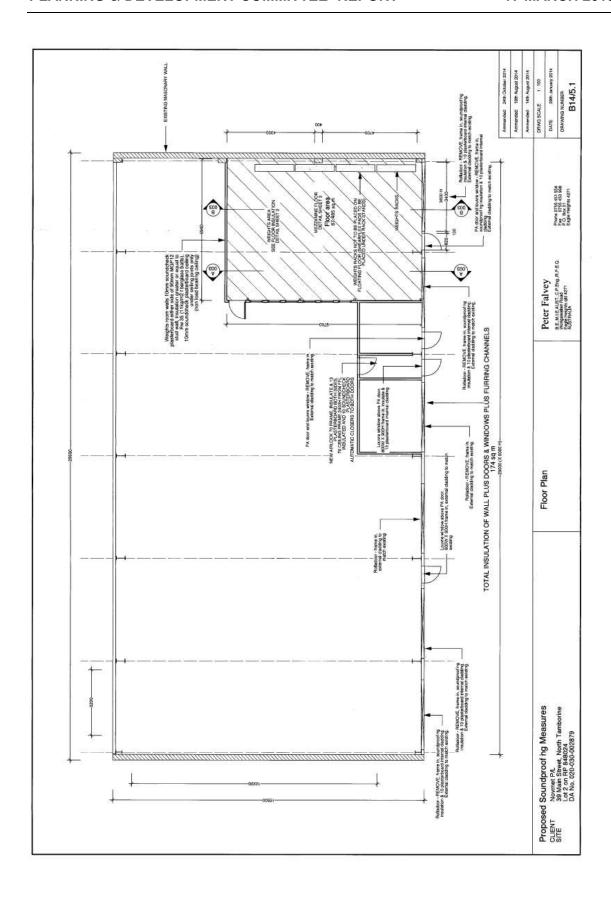
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# Attachment 2 - Approved Site Plan - Annotated



# **Approved Floor Plan**





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

**CRG**ACOUSTICS

Suite 3, 2454 Gold Coast Highway Mermaid Beach Qld 4218 Fosfal PO Box 441 Mermaid Beach Qld 4218 Telephone 07 5527 7333 Facsimile 07 5527 7555 Email joy@cra.net.au www.crg.net.au CRG Acoustics Pty Lld ACN 151 847 255 A8N 11 708 556 182

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 ergref: 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) LA90
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<sub>A90</sub> 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—

- 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		uality object at the recep	Environmental value		
		L <sub>Aeq,adj,1hr</sub>	L <sub>A10,adj,1hr</sub>	L <sub>A1,adj,1hr</sub>	0.740000	
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:

	Noise Level, SPL dB(A)			
Activity/Noise Source	L <sub>Asq the</sub>	LA10 the	Lanthe	
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 dB correction for impulsiveness in accordance with AS1055. \*\* Denotes + 5 dB correction for totality in accordance with AS1055.

Table 4: Noise source levels associated with a gym.

With regards to the  $L_{A10~\mathrm{Hr}}$  and  $L_{A01~\mathrm{Hr}}$  levels, in many cases, noise events such as car door closures may not register as  $L_{A10}$  or  $L_{A01~\mathrm{levels}}$  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.

	Predicted Noise Impact, SPL dB(A)					
Fluctuating Noise Source	Outdoors Nearest Façade			Inside Windows Open		
CONTROL CONTROL TO BE AND CONTROL OF STATE OF ST	Lequir	L <sub>10 1hr</sub>	Let the	Lequir	Lante	Lor m
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		27	7.5	100		Ü
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			25.5011			5-000
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		A	coustic Qual	lity Objectiv	es	
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

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# 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.

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

The compliance levels are measured as the average of the maximum Aweighted sound levels adjusted for noise character measured over a 15-minute time interval.

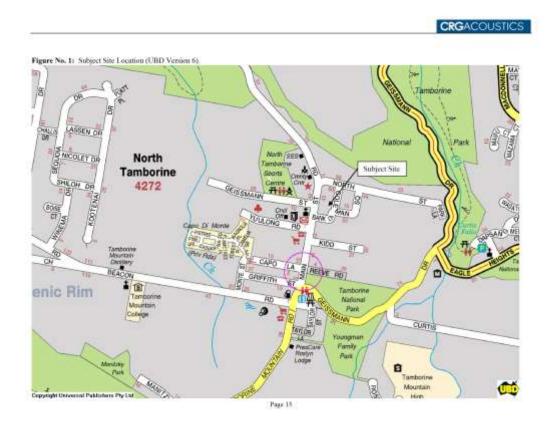
The Acoustics report must be submitted to and approved by Council prior to the use commencing operations in accordance with the extended gym operating hours.

- Council may consider an alternative standard such as EP(Noise) Policy Acoustic Quality Objectives.
- 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.
  - 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:
  - 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.
  - Only undertaking costly works where there is a realistic chance of compliance with noise standards.
  - This approach may require a progressive assessment of noise levels.
- A proposed plan of assessment (with time frames) should be supplied to Council prior to commencement.

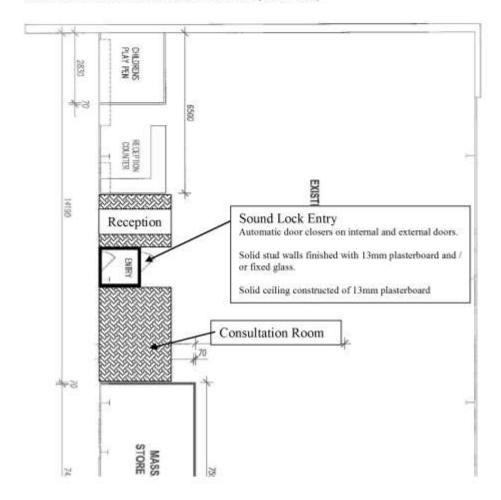
Attachment 2: Current typical weekly fitness activities at the gym.







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



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

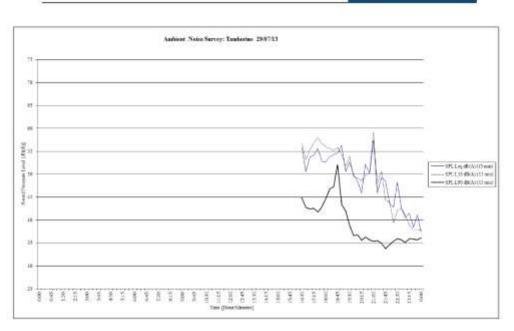


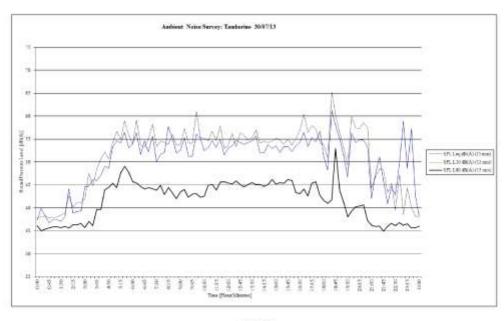


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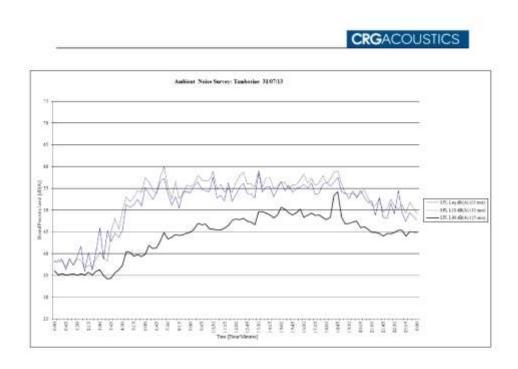
# APPENDIX C

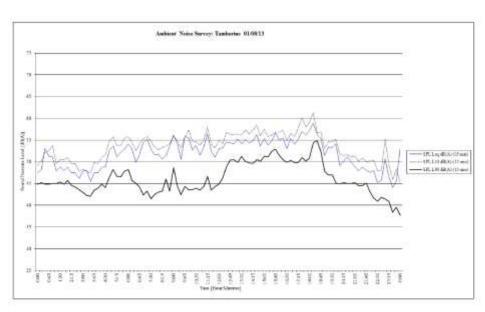
Measurement Results and Model Calculations / Prediction



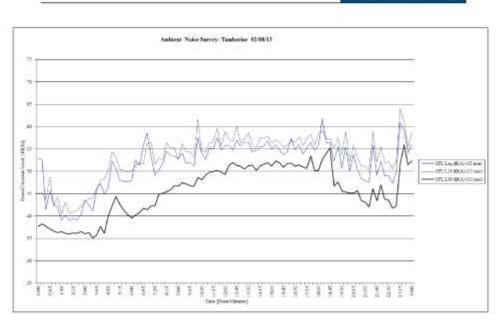


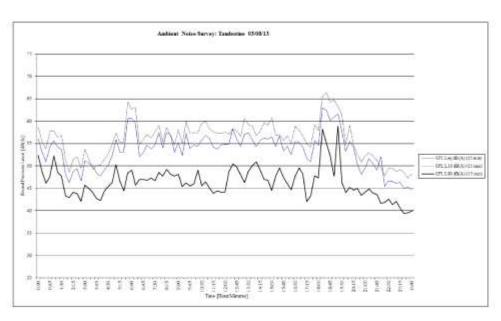
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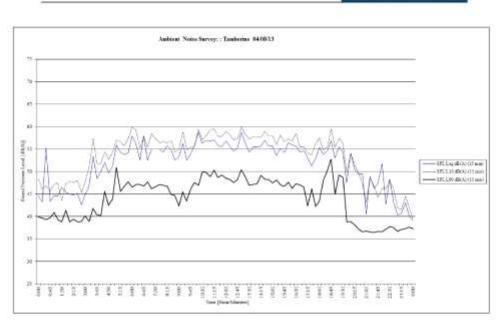


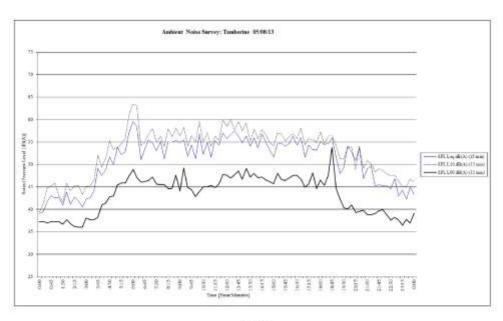
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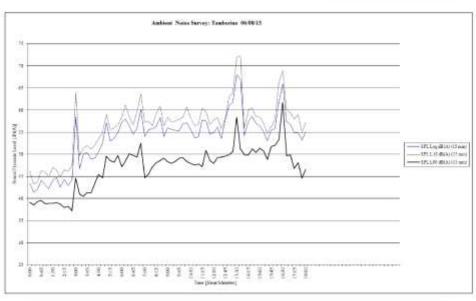
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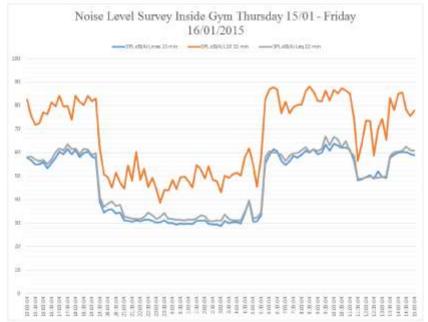




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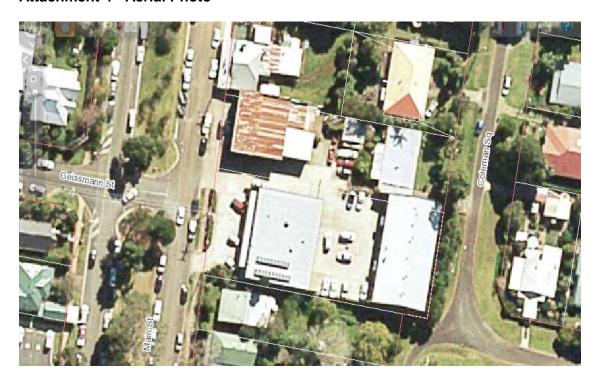


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# **Attachment 4 - Aerial Photo**



# **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** 

File Reference: MCBd14/072

Applicable Planning Scheme	Beaudesert Planning Scheme 2007		
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			

#### **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	Plan/Document Name	Prepared By	Received by Council
Number			
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).
- **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

· ubio ·		
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 <sub>90</sub>	Background=LA <sub>90</sub>

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

- **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 onsite 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 <u>provision for</u> 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.

#### 5. 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.

## **Committee Recommendation**

That the Director Regional Services' recommendation be adopted.

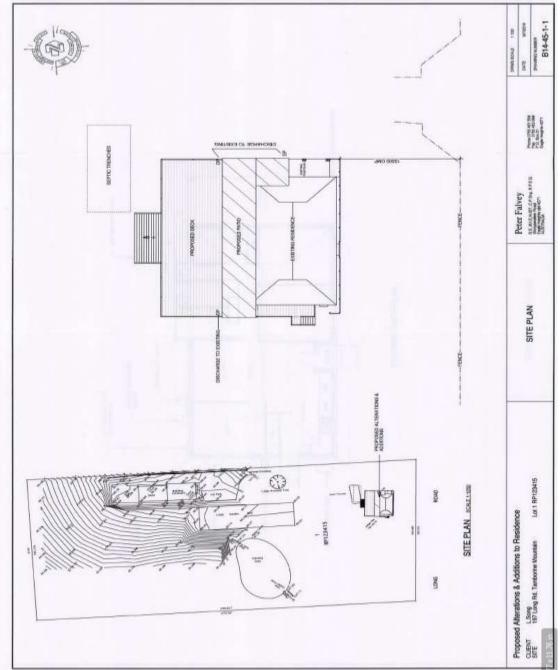
Moved: Cr Brent

Seconded: Cr Stanfield

Carried

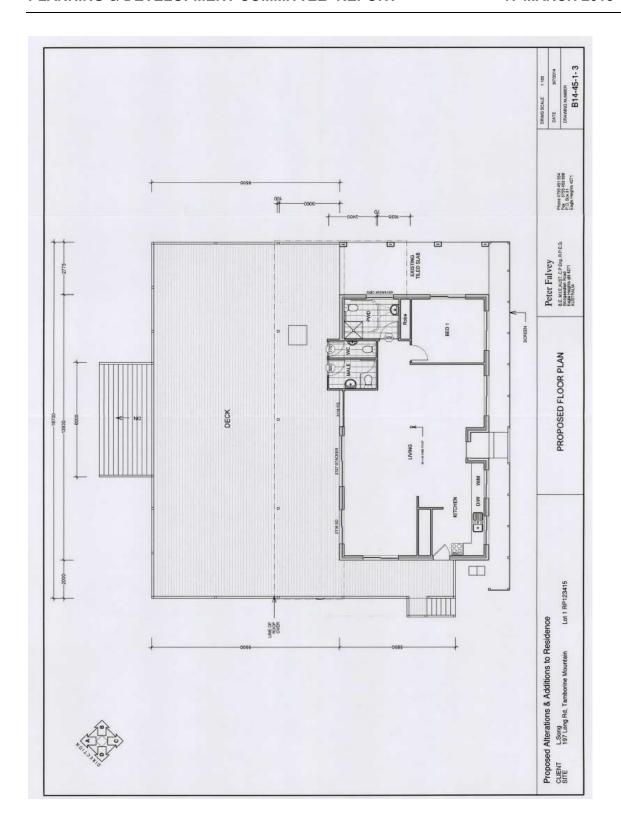
#### **Attachments**

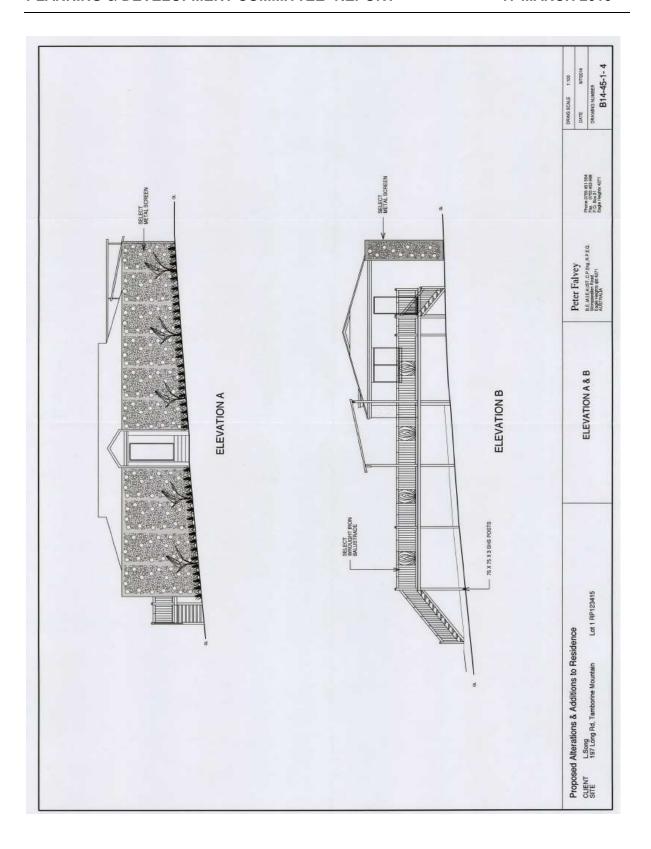
- 1. Floor Plans and Elevations for Repurposed Cottage.
- 2. Site Concept Plan.
- **3.** Existing Processing and Storage Building.
- 4. Revised Tourist Facility processing and Storage Building.
- 5. Dekho map aerial photo.
- **6.** Dekho map zoning.
- **7.** Applicants Information Response.
- **8.**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

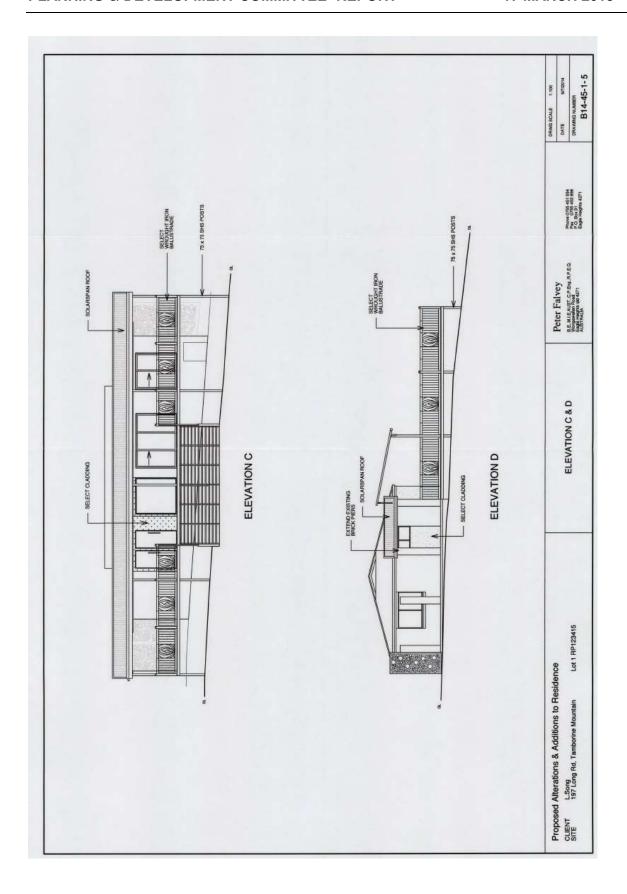


**Attachment 1 - Floor Plans and Elevations for Repurposed Cottage** 





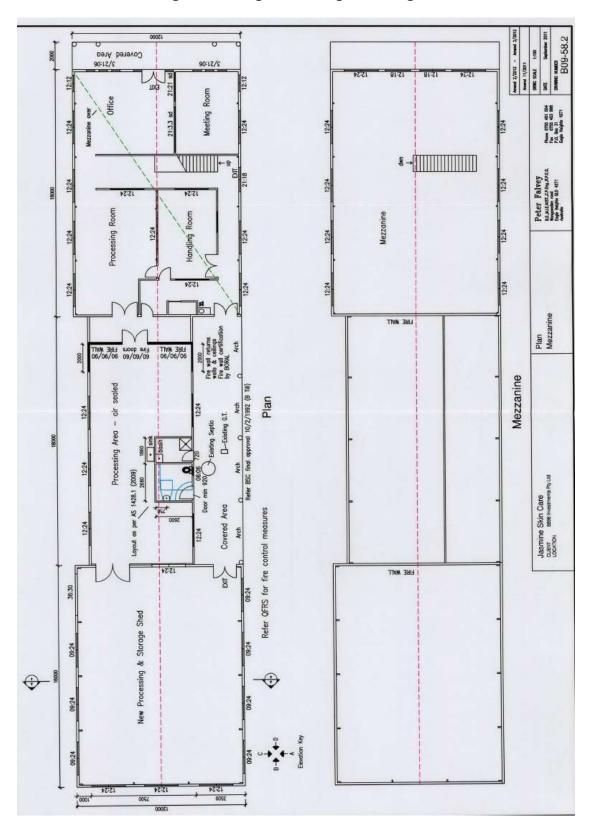




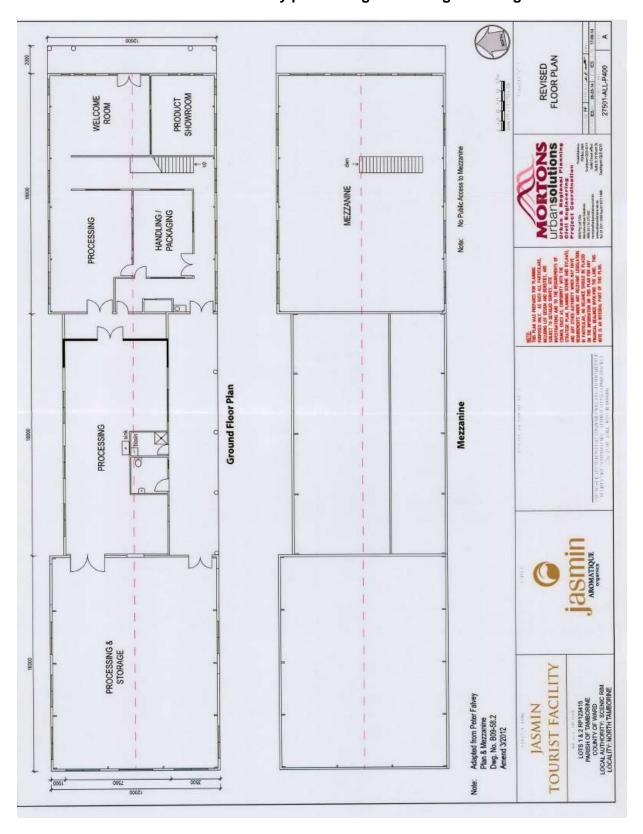
**Attachment 2 - Site Concept Plan** 



**Attachment 3 - Existing Processing and Storage Building** 



Attachment 4 - Revised Tourist Facility processing and Storage Building



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.

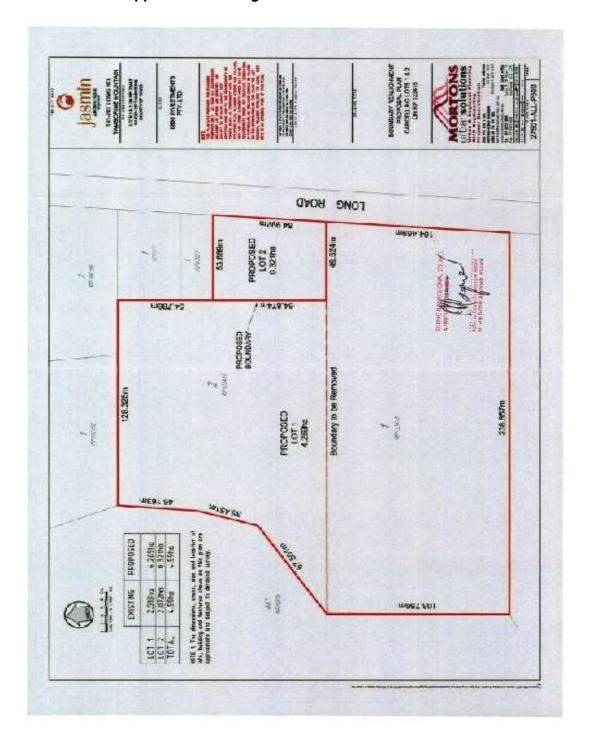
A maximum tour group size will be established to ensure that tour groups are of a manageable size for the staff member in charge of the tour. Limiting the group size will provide all participants of the tour with the best opportunity to experience and learn about Jasmin Organics.

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.

# **Attachment 8 - Approved Reconfiguration of a Lot Plan**



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** 

File Reference: MC.Bn13/00010

Applicable Planning Scheme	Boonah Planning Scheme 2006		
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		

#### **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 Councils 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 <sub>90</sub>	Background=LA <sub>90</sub>

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

- **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.

#### **Committee Recommendation**

That the Director Regional Services' recommendation be adopted.

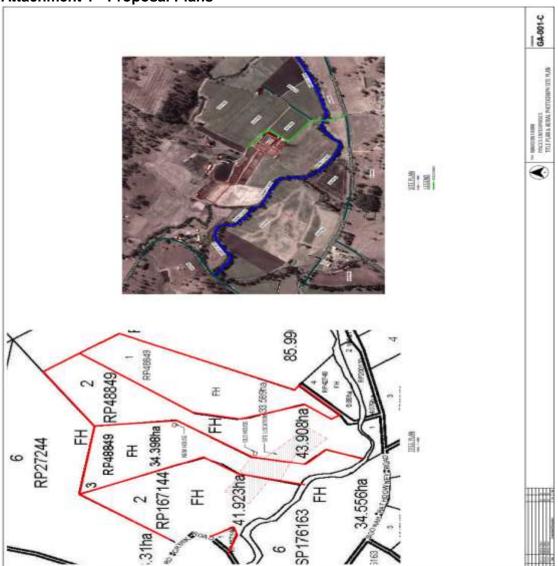
Moved: Cr Stanfield Seconded: Cr Brent

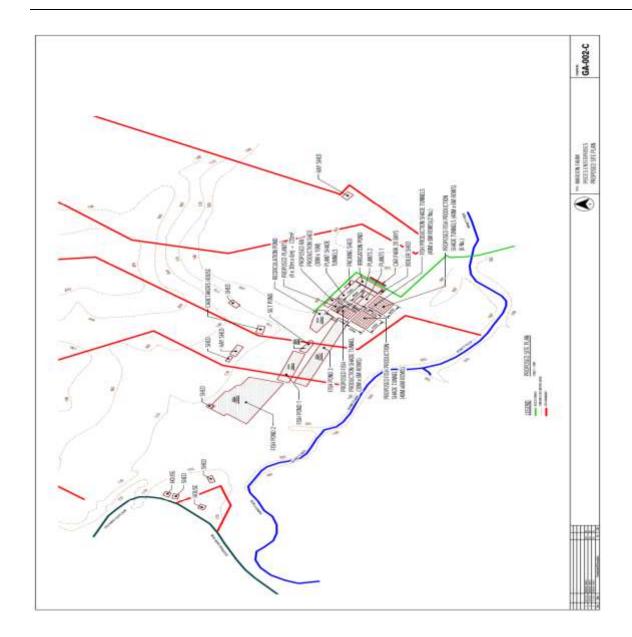
Carried

#### **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.

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Attachment 3 - Dekho Map (Zoom in)



# 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

Page 1

SEQ West Region Level 4, 117 Brisbane Street

PO Box 129 lpswich QLD 4305

#### 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 plans)

#### Aspects of development and type of approval being sought

Nature of	Approval	Brief Description of Proposal	Level of
Development	Type		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 S

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: Ma	terial 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.

Department of State Development, Infrastructure and Planning

Page

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
	opment Permit – Material Change o al Industry (other animals – laborato		
admini of Agri this de	ulture—Pursuant to section 255D of the istering the Sustainable Planning Act culture, Fisheries and Forestry to be to evelopment approval relates for the ad- lowing condition(s):	2009 nominates the Director-Ge he assessing authority for the d	neral of the Department evelopment to which
1.	The operator is authorised to condithe following approved species:	uct aquaculture on and harvest	At all times
	Common Name	Scientific Name	
	African mono	Monodactylus sebae	
	Angelfish	Pterophyllum spp.	
	Archer fish	Toxotes jaculatrix	
	Argentine bloodfin (tetra)	Aphyocharax anisitsi	
	Armoured catfish	Corydoras spp.	
	Asoka barb	Puntius asoka	
	Auratus	Melanochromis auratus	
	Banded barb	Puntius pentazona (Barbodes pentozona)	
	Banded leporinus	Leporinus fasciatus	
	Betta	Betta spp.	
	Big-spot rasbora	Rasbora kalochroma	
	Bitterling	Rhodeus amarus	
	Bitterling	Rhodeus sericeus	
	Black ghost knife fish	Apteronotus albifrons	
	Black line silver hatchet fish	Gasteropelecus spp.	
	Black phantom tetra	Hyphessobrycon megalopterus (Megalamphodus megalopterus)	
	Black ruby barb	Puntius nigrofasciatus	
	Black shark	Labeo chrysophekadion (Morulius chrysophekadion)	
	Black spotted upsidedown catfish	Synodontis nigriventris	

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

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

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

lo.	Conditions		Condition timing
	Moonlight gourami	Trichogaster microlepis	
	Moori	Tropheus moorii	
	Multi-banded leporinus	Leporinus multifasciatus	
	Myers hillstream loach	Pseudogastromyzon myersi	
	Neon tetra	Paracheirodon innesi	
	Orange-finned rasbora	Rasbora vaterifloris	
	Ornate pimelodus	Pimelodus omatus	
	Oscar	Astronotus ocellatus	
	Panchax	Aplocheilus spp.	
	Panchax	Epiplatys spp	
	Paradise fish	Macropodus opercularis	
	Pearl danio	Brachydanio albolineatus	
	Pearl gourami	Trichogaster leeri	
	Pencilfish	Nannostomus spp.	
	Pencilfish	Poecilobrycon spp.	
	Penguin fish	Thayeria spp.	
	Platy	Xiphophorus maculatus	
	Platy variatus	Xiphophorus variatus	
	Poormans glass catfish	Kryptopterus macrocephalus	
	Pristella	Pristella maxillaris	
	Pygmy gourami	Trichopsis pumilus	
	Rainbow shark	Epalzeorhynchos munense (Labeo erythrurus)	
	Rainbowfish	Chilatherina spp	
	Rainbowfish	Glossolepis spp	
	Rainbowfish	Melanotaenia spp.	
	Red striped barb	Puntius bimaculatus	
	Red-finned black shark	Epalzeorhynchos bicolor (Labeo bicolor)	
	Red-finned shark	Epalzeorhynchos frenatus (Labeo frenatus)	
	Red-line rasbora	Rasbora pauciperforata	
	Rosy barb	Puntius conchonius	
	Saddled hillstream loach	Homaloptera orthogoniata	

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

No.	Conditions			Condition timing
	Tricolor shark		Balantiocheilos melanopterus	
	Twig catfish		Farlowella acus	
	Variegated shark		Labeo variegatus	
	Whiptail catfish		Loricaria filamentosa	
	White cloud mount	ain minnow	Tanichthys albonubes	
	Yellow tail rasbora		Rasbora dusonensis	
	Yucatan molly		Poecilia velifera	
	Zebra danio		Danio rerio (Brachydanio rerio)	
2.	Aquaculture authori following:	sed under this	s approval is limited by the	At all times
	Proposal Details:	Aquacultur	quaculture on an approved re Area of 1.82 hectares n area) on a total land area of ctares.	
	Location;	Within Lots on RP167	s 1, 2 & 3 on RP48849 and Lot 2 144	
	Address:	2561 Boor	nah Rathdowney Road	
		100 miles	ard Creek Road	
		27.12.101240001	Road, Maroon	
3.	for Aquaculture v	vithin an ap	orises Material Change of Use oproved Aquaculture Area of scribed on drawings:	At all times
	Photograpi	Site Plan, r	Enterprises Title Plan & Aerial eference GA-001-C Revision C, erprises and dated 4 November	
	reference	GA-002-C R	Enterprises Proposed Site Plan' evision C, prepared by Pisces November 2013.	
4.	accordance with th	e approved p the application	ist be carried out generally in plans and any aquaculture area on or as subsequently amended	At all times
5.	idassfc@daff.qld.go	v.au of any	ust be informed via changes to the personal contact oval within 28 working days.	At all times
6.	approved form to t Forestry (DAFF), Fi 31 July each year	he Departme sheries Quee for the term ging a nil	arn must be submitted in the nt of Agriculture, Fisheries and ensland, by close of business on of this development approval. return when no aquaculture	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.  Note: 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 Acts Interpretation Act 1954).	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.  Note: 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) 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	At all times

No.	Conditions	Condition timing
	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  (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.	
16.	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.	At all times
	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.	
17.	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.	At all times
18.	This development approval does <u>not</u> permit the collection of broodstock from the wild.	At all times
19.	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.	At all times
20.	For the purposes of section 145 (c) (ii) of the Fisheries Act 1994, 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.	At all times
	All records relating to the aquaculture activity must be made available for inspection by an inspector under the <i>Fisheries Act</i> 1994.	

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

## Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

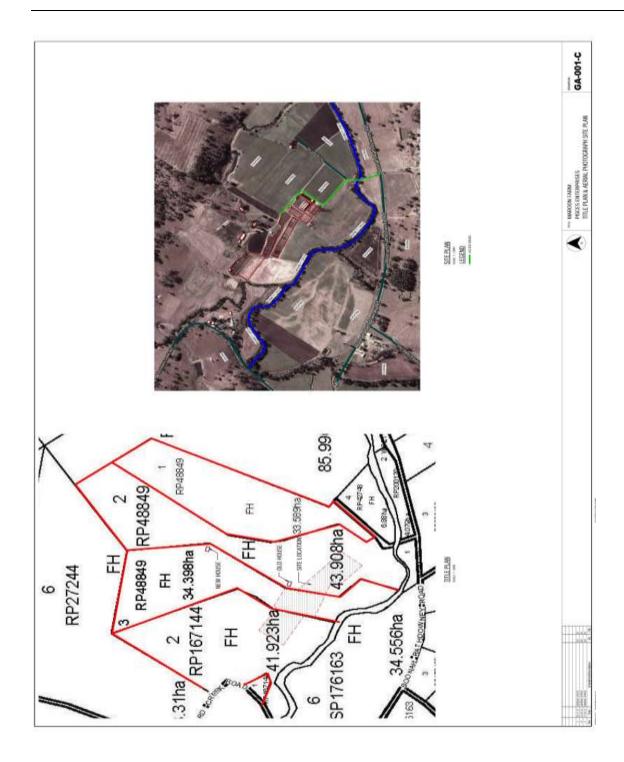
- To ensure that the aquaculture facility is designed, constructed, managed and maintained appropriately.
- To ensure the aquaculture facility minimises its impacts upon the natural environment.
- To ensure that ponds are designed, constructed, managed and maintained to avoid adverse impacts.
- To ensure 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.

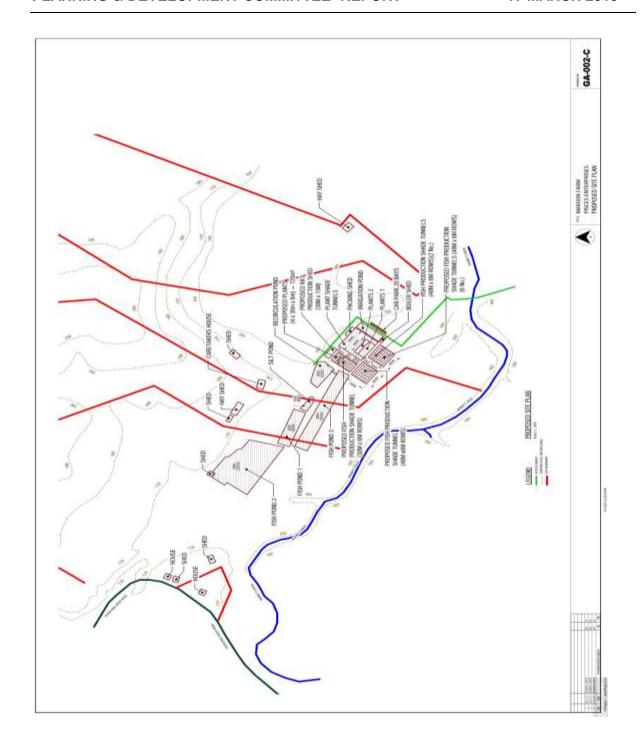
Our reference: SDA-1213-006943 Your reference: MC.Bn13/00010

Attachment 3—Approved plans and specifications

Department of State Development, Infrastructure and Planning

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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** 

File Reference: 30002774

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

Moved Cr McInnes Seconded Cr Brent

**CARRIED** 

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

Moved Cr Brent Seconded Cr McInnes

**CARRIED** 

## **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.

### **Director's Recommendation**

That Council resolve not to pursue the outstanding interest on Infrastructure Charges of \$1,320.00 for development application 30002774 - Development Permit for a Veterinary Surgery / Hospital on Lot 12 RP892409, Kargorum Road, Beaudesert.

# **Committee Recommendation**

That the Director Regional Services' recommendation be adopted.

Moved: Cr Stanfield Seconded: Cr O'Carroll

Carried

# **Attachments**

Nil.

4.	INFRASTRUCTURE SERVICE	S
7.		~

Nil.

Cr J.J. Sanders
CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE