

SCENIC RIM REGIONAL COUNCIL

Planning & Development Committee

Report

Meeting held in the Council Chambers 82 Brisbane Street

Tuesday, 21 April 2015

Beaudesert

Commenced at 10.25 am

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PLANNING & DEVELOPMENT COMMITTEE

AGENDA

ATTENDANCE

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

APOLOGIES

Nil

DECLARATIONS OF INTEREST BY MEMBERS

Nil

It was moved Cr West, seconded Cr McInnes that Item 3.6 be discussed in open session.

Cr Stanfield informed the Committee that he intended to table correspondence between Council and representatives of the applicant, and raise relevant points from that correspondence for discussion. Accordingly, he urged the Committee to consider Item 3.6 in closed session.

In consideration of Cr Stanfield's request, it was moved that Item 3.6 would be considered in open session, however the Committee would reserve the right to resolve into closed session during discussion of the item.

CARRIED

Reception of Deputations by Appointment / Visitors

Nil

Please note: Agenda Items where Subject Headings are followed by [CLOSED] are to be discussed in

closed session in accordance with Section 275(1) of the Local Government Regulation

2012.

Section 275(1) A local government or committee may resolve that a meeting be closed to the public if its

councillors or members consider it necessary to close the meeting to discuss-

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

1. EXECUTIVE

Nil.

2. CHIEF FINANCE OFFICER

Nil.

3. REGIONAL SERVICES

3.1 30002837.01 Development Application - Planit Consulting Pty Ltd Lot 22 SP148278 - Request to Change a Development Approval for Warehouse/Storage Facility - Industrial Use (Original application was Impact Assessable)

Executive Officer: Director Regional Services

File Reference: 30002837.01

Applicable Planning Scheme	Beaudesert Planning Scheme 2007
Applicant	Franor Holdings Pty Ltd, C/- Mortons Urban
PP 33	Solutions
Owner(s)	Mrs S McConachy, Mr R J McConachy,
	Franor Holdings Pty Ltd,
Site Address	108-114 Main Western Road TAMBORINE
	MOUNTAIN QLD 4272
Real Property Description	Lot 22 on SP148278
Site Area	8,011m ²
Relevant Zone and Precinct	Tamborine Mountain Zone - Cottage Tourist
	Facility Precinct
Proposal	Request to Change an Existing Development
	Approval - Development Permit for Material
	Change of Use to establish a
	Warehouse/Storage Facility (Maximum 125
	self-storage units, storage shed and outdoor
	storage area)
Assessment Level	Request to Change Conditions of Approval
	(Original Application was Impact Assessable)
Approval Type	Change to Development Approval
Date Application Received:	14 November 2014

Director's Recommendation

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

Real Property Description: Lot 22 on SP148278

Address of property: 108-114 Main Western Road TAMBORINE

MOUNTAIN QLD 4272

Site area: 8,011m²

Proposal: Request to Change an Existing

Development Approval - Development Permit for Material Change of Use to establish a Warehouse/Storage Facility (Maximum 125 self-storage units, storage

shed and outdoor storage area)

Further development permits required:

 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.

- **2.** The changes to relevant conditions are as follows:
 - 1) USE IN ACCORDANCE WITH THE APPLICATION MATERIAL CHANGE OF USE Development being undertaken generally in accordance with Plan/s No/s. referenced in the below table and received by Council on 14 November 2014 and accompanying documentation, except insofar as it is modified by the conditions of this approval. Any minor changes may be requested in accordance with Section 3.5.24 of the *Integrated Planning Act 1997* without the need for a further Development Application for a Material Change of Use.

Plan/Drawing	Prepared by		Plan/Dwg No.	Date
Concept Plan	Mortons	Urban	17299-030P01	10 September 2014
	Solutions			
Building Layout	Sheds n Homes	3	JSP1313 10039	19 October 2013

- **4) BUILDING MATERIALS USED -** The approved shed shall be constructed of colourbond painted prefabricated material or other similar type approved construction in natural colours, e.g. greens and browns, such that the development does not detract from the visual amenity of the locality.
- **5) OPERATING HOURS -** The use so approved shall be restricted to the hours of:
 - (i) ACCESS TO STORAGE CONTAINERS: Access to the storage containers shall be restricted to the hours of 7.00 am to 6.00 pm to ensure potential conflicts with nearby residential premises are minimised.
 - (ii) DELIVERY OF STORAGE CONTAINERS AND SHED MATERIALS: The delivery of storage containers and materials associated with the shed construction shall be restricted to the hours of 7.00 am to 6.00 pm Monday to Friday to limit the potential for conflict with tourist traffic on the weekends and to protect the importance of Main Western Road as a key tourist route (this is an interim condition).

- 7) OPEN STORAGE SCREENING Open storage area/s containing goods or materials associated with the approved use shall be screened from Main Western Road, the eastern and northern boundaries of the site by way of appropriate fencing treatments.
- 11) DELETED
- 13) DELETED
- **14) CAR PARKING NUMBERS -** Provision of a minimum ten (10) on-site car parking spaces, including seven (7) visitor spaces, one (1) space for the Caretaker's Residence, one (1) space for staff and one (1) space for service vehicle Medium Rigid Vehicle MRV.

Note:

The total number of car parking spaces shall be available prior to the commencement of the approved use.

- 19) DELETED
- 20) DELETED
- **21) STORMWATER MANAGEMENT** The Applicant is to make provision for the collection and disposal of stormwater drainage flows as outlined in the approved *Site Based Stormwater Management Plan*, dated 18 February 2015, prepared by DNBS Consulting Engineers
- 3. Approval Conditions (Referral Agency):

Department of Transport and Main Roads (DTMR) Concurrence Agency Response dated 30 July 2009 reference no. 207/205/22SP148278.DA1 cjs-cjs.381.

- 4. That the Applicant be further advised of the following:
 - a) DEVELOPMENT APPROVAL CONDITIONS ATTACH TO LAND Development Approvals which include conditions and any modifications attach to the land and are binding on the owner/s, the owner's successors in title and any occupier of the land pursuant to Section 3.5.28 of the Integrated Planning Act 1997.
 - b) VEGETATION MANAGEMENT ACT 1999 AND THE CULTURAL HERITAGE ACT 2003 This approval in no way 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 Section 3.5.19 (a) of the Integrated Planning Act 1997, 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 3.5.22 of the Integrated Planning Act 1997. Before the Development Approval lapses, a written request to extend the relevant period may be made to Council under Section 3.5.22 of the *Integrated Planning Act* 1997. 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.
- f) CPTED PRINCIPLES The Applicant is encouraged to incorporate Crime Prevention Through Environmental Design (CPTED) Principles into the development and in particular any/all landscape design elements proposed for the development site.
- g) PREVIOUS APPROVALS The Applicant is advised that nothing in the above approval alleviates the need for the development to comply with the balance of the conditions that have not been superseded by this approval (or already complied with) and incorporated within the original Development Approval (DA 400478), which was approved by Council at its Ordinary Meeting of the 17 February, 2004 and the change to an existing approval request (DA 020-030-002079) approved by Council at its Ordinary Meeting of 17 June, 2008.

5. Further approvals are required for:

 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.

6. Administrative Action:

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

Committee Recommendation

That the Director Regional Services' recommendation be adopted.

Moved: Cr Brent

Seconded: Cr Stanfield

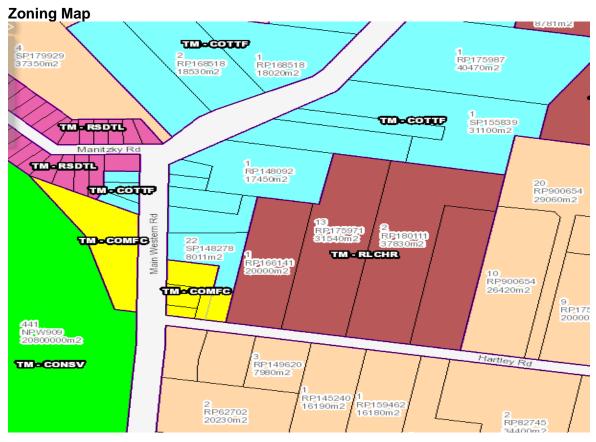
Carried

Attachments

- 1. Dekho Mapping of subject site.
- 2. Amended site plan.
- **3.** SARA Referral Agency Response dated 1 December 2014.
- **4.** Original Department of Transport and Main Roads Concurrence Agency Response dated 30 July 2009 reference no. 207/205/22SP148278.DA1 cjs-cjs.381.

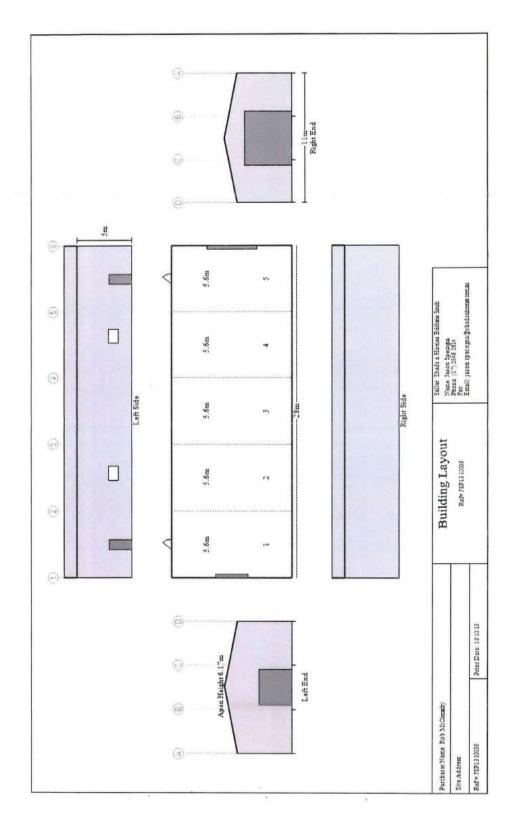
Attachment 1 - Dekho Mapping of subject site





Attachment 2 - Amended site plan





Supplying premium quality 100% Australian steel buildings locally and throughout the world.

Attachment 3 - SARA Referral Agency Response dated 1 December 2014



Our reference: SPD-1114-012909 Council reference: 020-030-00002873

Date: 1 December 2014

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

Attn: John Creagan

Dear Mr Creagan

Notice about request for permissible change-relevant entity

108-114 Main Western Drive, Tamborine Mountain (Given under section 373(1) of the Sustainable Planning Act 2009)

The Department of State Development, Infrastructure and Planning received a copy of the request for a permissible change under section 372(1) of the Sustainable Planning Act 2009 on 20 November 2014 advising the department, as a relevant entity, of the request for a permissible change made to the responsible entity under section 369 of the Sustainable Planning Act 2009.

The department understands that the proposed changes are as follows:

- The number of storage units will increase from 100 units to 125 units
- The configuration of storage units will be amended, with 2 level storage units configured towards the eastern end of the site
- . A 11 m x 28 m storage shed is proposed to the east of the site
- A hardstand area is proposed in the south east of the site for the storage of caravans, boats, vehicular and machinery.

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

Page 1

SEQ West Region Level 4,117 Brisbane Street PO Box 129 Ipswich QLD 4305 If you require any further information, please contact Angela Cleary, Senior Planning Officer, on (07) 3432 2410, or via email lpswichSARA@dsdip.qld.gov.au who will be able to assist.

Yours sincerely

Nathan Rule

Manager - Planning

cc: Department of Transport and Main Roads, <u>South.Coast.IDAS@tmr.qld.gov.au</u> Mortons Urban Solutions, <u>gavinj@urbansolutions.net.au</u> From: **IpswichSARA**

To: Scenic Rim Regional Council Mail

Cc:

South.Coast.IDAS: gavinj@urbansolutions.net.au SPD-1114-012909 - SARA response - 108-114 Main Western Drive, Tamborine Mountain Monday, 1 December 2014 1:00:38 PM Subject: Date: SPD-1114-012909 - Permissible Change - 108-114 Main Western Drive Tamborine Mtn.pdf Attachments:

Dear Council,

Please see attached the SARA relevant entity response to the above application.

Kind regards,

Angela Cleary

Senior Planner

Regional Services | SEQ West | Ipswich (Ipswich, Lockyer, Scenic Rim & Somerset LGAs)

Department of State Development, Infrastructure and Planning

Queensland Government

phone: 3432 2410

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visit Level 4, Icon Tower, 117 Brisbane St, Ipswich

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

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Attachment 4 - Original Department of Transport and Main Roads Concurrence Agency Response dated 30 July 2009 reference no. 207/205/22SP148278.DA1 cjs-cjs.381

Queensland Government

30 July 2009

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

Attention: Mr David Mak

Dear Sir

SCENIC RIM REGIONAL COUNCIL
File No: 000 000 000 83.7

-3 AUG 2009

Doc. Set No: Pocas
Resp. Officer: DA Admin

REFERRAL AGENCY'S RESPONSE

Scenic Rim Regional Council: Tamborine Mountain Road
Proposed Material Change of Use Application: Warehouse/Storage Facility under the
Beaudesert Shire Planning Scheme 2007
Application No. 020-030-002837
Lot 22 on SP148278
Situated at 108 - 114 Main Western Road, North Tamborine

We refer to an application received by this department on 22 June 2009 from Planit Consulting for the above proposal.

Document Reference	Revision	Title	Date	Author
Drawing No: 048739-3	-	Proposed Storage Units	February 2009	Tamborine Mountain Building Design

The Department of Transport and Main Roads, as a Concurrence Agency has carried out an assessment of the application and is satisfied that the proposed development will not have a significant impact on the State-controlled road network. Accordingly, the Department of Transport and Main Roads has no requirements in regards to the proposal.

The department requires a copy of Council's decision notice for this application within five (5) business days after the decision is made.

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

Yours sincerely

for Andrew Cramp

Regional Director (South Coast Region)

Roads Business Group/Regions South Coast Region/Gold Coast District Office PO Box 442 Nersing Qid 4211 ABN 57 836 727 711

Our ref: 207/205/22SP148278.DA1 cjs-cjs.381 9896 Your ref: 020-030-002837 Enquiries: Carly Stebbing Telephone +61 7 5596 9500 Facsimile +61 7 5596 9511 Website www.mainroads.gld.gov.au 3.2 COMBd14/004 TJ Kelly Surveys Pty Ltd Development Permit for Material Change of Use and Reconfiguring a Lot to establish a Community Title Subdivision and a Tourist Cabin, 135-139 Eagle Heights Road, Tamborine Mountain Lot 2 WD1730

Executive Officer: Director Regional Services

File Reference: COMBd14/004

Applicable Planning Scheme	Beaudesert Planning Scheme 2007
Applicant	TJ Kelly Surveys Pty Ltd
Owner(s)	Sanders Close Pty Ltd
Site Address	135-139 Eagle Heights Road TAMBORINE
	MOUNTAIN QLD 4272
Real Property Description	Lot 2 on WD1730
Site Area	9.202 hectares
Relevant Zone and Precinct	Tamborine Mountain - Park Living Precinct
Proposal	Development Permit for Reconfiguring of a
	Lot 1 into 4 Lots via a Community Title
	Subdivision and a Material Change of Use to
	establish a Tourist Cabin.
Assessment Level	Impact Assessment
Approval Type	Development Permit
Public Notification:	13 March 2015
Submissions Received	Nil
Is a Notation to the Planning Scheme	N/A
required?	
Date Application Received:	19 December 2014

Director's Recommendation

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

RPD: Lot 2 on WD1730

Address of property: 135-139 Eagle Heights Road TAMBORINE

MOUNTAIN QLD 4272

Site area: 9.202 hectares

Proposal: Development Permit for Reconfiguring of a Lot

and Material Change of Use – Beaudesert Shire Planning Scheme 2007 – Impact Assessable to establish a Community Title Subdivision 1 into 4 Lots and a Tourist Cabin.

Further development permits required:

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

2. Conditions of Approval:

Stage 1 - Reconfiguring a Lot Component (1 into 4 Lot - Community Title Subdivision)

General

1) FINAL PLAN OF SURVEY- Subdivision of the site occurs generally in accordance with the proposal plan prepared by TJ Kelly Surveys Pty Ltd with reference No. 3196-02 Revision A dated 3 February 2015. The Developer shall submit a final plan of survey that conforms to this approved plan and showing any service easements arising from the approved reconfiguration.

Car parking and Access

- 2) ACCESS TO COUNCIL ROAD An application for Property Access Location Approval for lots accessing a Council controlled road is to be lodged for approval of any existing and/or any proposed accesses and submitted to Council to evaluate the safety of the location. Any construction or upgrading of accesses conditioned by this approval will be assessed upon inspection and are to comply with current Council standards or to the satisfaction of Councils Director Infrastructure Services, or equivalent, acting reasonably. The access provisions shall be maintained in good condition for its lifetime.
- 3) Works Within Existing Road Reserves A Property Access Permit and Road Corridor Use Permit Applications are to be lodged with Council prior to undertake any access/road construction works.
- 4) ACCESS DRIVEWAY SEALED COMMON PROPERTY An access driveway no less than three (3) metres wide and the manoeuvring areas as shown in the approved plans shall be designed and constructed to a sealed standard or approved equivalent standard to the satisfaction of Council's Director Infrastructure Services, or equivalent, acing reasonably. The driveway must be maintained in good condition for the lifetime of the approved use. A vehicle turnaround area is to be provided at the end of the access road within the common property, that is suitable for a large truck to be able to turn.

Stormwater Drainage

5) ADVERSE DRAINAGE IMPACT - GENERAL - Drainage from the development is not to adversely impact upon downstream owners. No ponding, concentration or redirection of stormwater shall occur onto adjoining land.

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

On-Site Water Storage

7) ON-SITE WATER STORAGE - The applicant is to make provision of a minimum 45,000 litres of on-site water storage for domestic purposes on each lot forming part of the subdivision. The provision of suitable on-site water storage on the lots is to occur at the time of the construction of a dwelling house on the vacant allotments. However, this requirement has to be in place on the lots containing habitable buildings (either permanent or temporary accommodation) prior to the survey plan being endorsed by Council. Sales literature is to contain details of these requirements, indicative costs of installation and maintenance.

Wastewater Disposal

8) On-Site Sewage Facility - The treatment and disposal of wastewater is to be designed and constructed in accordance with the "Queensland Plumbing & Wastewater Code", QPW and AS/NZS 1547:2012. Detailed design of any upgrading / new system must be undertaken by a suitably qualified person and is to be submitted as part of a Development Application for Plumbing and Drainage Works. Sales literature is to contain details of these requirements, indicative costs of installation and maintenance.

Earthworks Design and Management

9) EARTHWORKS AND ALLOTMENT FILLING – All earthworks and allotment filling are to be undertaken in accordance with Section 3.4 of Council's *Design and Construction Manual*, to Council's satisfaction.

Electrical Works

10) ELECTRICITY - The Developer shall be responsible for the provision of electricity supply from the State electricity grid through the State authorised supplier (Energex) to all proposed lots within the development. The developer must submit to Council, prior to the endorsement of survey plans, a written evidence in the form of a Certificate of Supply from Energex indicating that satisfactory arrangements had been made for the supply of electricity to all the proposed lots. Consumer power lines not contained wholly within the proposed allotment serviced by the line are to be either relocated accordingly or incorporated within a service easement to be registered on the final plan of survey for the reconfiguration.

Miscellaneous

11) COMMUNITY TITLES SCHEME – The development shall contain a Community Management Statement that incorporates all the recommendations of any specialist report prepared in support of the approved development.

- **12) SURVEYOR TO CERTIFY -** The surveyor is to certify that all lots retaining habitable buildings have provision of a minimum 45,000 litres of on-site water storage for domestic purposes. The surveyor is also to certify that the existing structures do not straddle new boundaries and comply with current statutory setbacks.
- 13) BUILDING ENVELOPES A suitable building envelope is to be identified on each individual approved lot generally in accordance with the approved plans. All buildings, services and other improvements shall be located entirely within the designated building envelope, except for access driveways and reticulated services. All building envelopes are to be pegged prior to plan sealing.
- **14) BUILDING ENVELOPES PLAN OF SURVEY** The developer is to provide a copy of the Final Plan(s) of Survey, on which the designated building envelopes have been drawn to scale with dimensioned ties to the property boundaries sufficient for use by a third party.
- **15) EASEMENT ARRANGEMENTS –** The applicant will facilitate all necessary documentation for the implementation or amendments to the proposed easements arising from this reconfiguration at his expense.

Administrative Provisions

16) PAYMENT RATES AND CHARGES - Payment of all rates, charges or expenses which are in arrears or remain a charge over the land under the provisions of the *Local Government Act 2009*, the *Sustainable Planning Act 2009* (in particular Section 815) or any other relevant Act.

Stage 2 - Material Change of Use Component (Tourist Cabin) Approved Plans

17) USE IN ACCORDANCE WITH THE APPLICATION - MATERIAL CHANGE OF USE - Development being undertaken generally in accordance with Plans referenced in the table below and received by Council with the application material on 19 December 2014 and on 17 February 2014 in response to Council's Information Request and 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 350 of the Sustainable Planning Act 2009 without the need for a further Development Application for a Material Change of Use.

Plan/Drav	wing	Prepared by		Plan/Dwg No.	Date	
Proposal	plan	TJ Kelly S	urveys F	Pty Ltd	3196-02 Rev.A	03/02/15
Existing	Cottage	Hamilton	Hayes	Henderson	da-07	05/10
Floor plan		Architects				
Existing	Cottage	Hamilton	Hayes	Henderson	da-08	05/10
Floor	plan	Architects				
elevations	3					

General

18) DEFINITION COMPLIANCE AND EXCLUSIONS - The approved use and associated ancillary activities shall at all times comply with the definition of a Tourist Cabin as defined under Schedule 1 – Defined Uses and Chapter 5, Part 2, Section 5.2.35 of the *Beaudesert Shire Planning Scheme 2007*.

- **19) COMMENCEMENT OF USE -** Prior to the use commencing, the Applicant shall advise the Planning Department Development Assessment Section in writing, of the proposed commencement date.
- **20) LICENSING** The Applicant must make the necessary arrangements with Council's Health, Building and Environment Section to obtain the relevant Licensing in accordance with Council's Local Laws.
- **21) SITE MAINTENANCE -** The site shall be maintained in a clean and orderly state at all times.
- **22) SIGNS FORMAT AND OPERATION -** Signs shall be of a format and appearance that is in accordance with the existing character of the built and natural environments. Signs shall have regard for local amenity and not be illuminated, flashing, moving or rotating.
- **23) ADVERTISING DEVICES -** The development shall erect no more than two (2) freestanding advertising devices and in accordance with the relevant provisions of the Advertising Devices Code of the *Beaudesert Shire Planning Scheme* 2007.

Landscaping

- 24) LANDSCAPING GENERAL The land shall be landscaped with suitable trees and shrubs together with grass or other ground cover in accordance with the provisions of Council's Town Planning Scheme. Such trees and shrubs shall be native Australian varieties particularly those indigenous to the locality, where possible, and be maintained in a sturdy and healthy condition with dead or diseased trees replaced as soon as practicable. Any landscaping required to be removed as a result of construction shall also be replaced with suitable plantings approved prior to its removal.
- 25) LANDSCAPING SPECIFIC The land adjoining the cabins facing towards road frontage shall be landscaped with suitable trees. The landscaping should aim to soften the visual impact of the proposed development. All site landscaping is to comply with the requirements of Planning Scheme Policy No 6 Landscape Species. The works required by this condition are to be completed prior to the commencement of the approved use.

Car parking and Access

- 26) CAR PARKING NUMBERS The Applicant(s) is / are to ensure provision exists for the establishment of two (2) visitor car parking spaces in association with the approved tourist cabin. These car parking provisions are exclusive of any car parking requirement for any other uses undertaken upon the land. The car parking spaces must be available prior to the commencement of the use. The requirements of this condition are to be adhered to for the lifetime of the approved use.
- **27) CAR PARKING ON-SITE** All vehicles under the control of the occupier are to be parked wholly within the curtilage of the site. The requirements of this condition are to be adhered to for the lifetime of the approved use.

28) 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. Service vehicles are to operate outside business hours. The requirements of this condition are to be adhered to for the lifetime of the approved use.

Health & Environment Conditions

- **29) 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.
- **30) LIGHT EMISSIONS --** Light sources at the premises must be positioned and shielded to prevent light spillage outside the boundaries of the premises.
- **31) 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.
- **32) 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-10:00p	m) Background +5dB(A)	Background +10dB(A)
Night time (10:00pm-7:00	Dam) Background +3dB(A)	Background +8dB(A)
	Background=LA ₉₀	Background=LA ₉₀

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

- **33) 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.
- **34) 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.
- **35) WASTE -** Waste is not to be stockpiled so as to cause environmental nuisance or attract flies.
- **36) 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.

- **37) 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.
- **38) 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.
- **39) 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. 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 modification attach to the land and are binding on the owner/s, the owner/s successors in title and any occupier of the land pursuant to Section 245 of the Sustainable Planning Act 2009.
- c) VEGETATION MANAGEMENT ACT 1999 AND THE CULTURAL HERITAGE ACT 2003 This approval in no way restricts or inhibits the provisions of the Vegetation Management Act 1999 nor the Aboriginal Cultural Heritage Act 2003. The Applicant will need to satisfy himself/herself that in undertaking the proposed development works that their actions will not contravene the provisions of the aforementioned Acts.
- **d)** WHEN DEVELOPMENT APPROVAL TAKES EFFECT Pursuant to Section 339 of the Sustainable Planning Act 2009, this Development Approval takes effect:
 - (i) from the date the Decision Notice/Negotiated Decision Notice (as the case may be) is given to the Applicant, if there are no Submitters and the Applicant does not appeal the decision to the Court; or
 - (ii) from the end of the Submitter's appeal period if there is a Submitter and the Applicant does not appeal the decision to the Court; or
 - (iii) subject to the decision of the Court when the appeal is finally decided if an appeal is made to the Court by any party; as the case may be. Development may start when a Development Permit takes effect (subject to any conditions specifying commencement).

- e) FINAL PLAN OF SURVEY All conditions are to be complied with before or at the time the Applicant lodging an application for the signing of the Final Plan of Survey unless otherwise stated herein.
- **f) BUILDING/PLUMBING LIMITATION** A new building must not be erected on any of the approved lots prior to the registration of the final plan of survey. Similarly, plumbing works to service the new dwellings are not to commence prior to the registration of the final plan of survey.
- **g)** FOOD LICENSING If food is prepared and served at the premises, the food preparation facilities are required to be licensed and approved by Council in accordance with the *Food Act 2006*. Further information and the relevant application forms can be obtained by calling Council's Health & Environment section on 07 5540 5111.

4. Further approvals are required for:

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

5. Administrative Action:

That a Decision Notice be issued in accordance with Section 334 of the *Sustainable Planning Act 2009* to the applicant.

Committee Recommendation

That the Director Regional Services' recommendation be adopted.

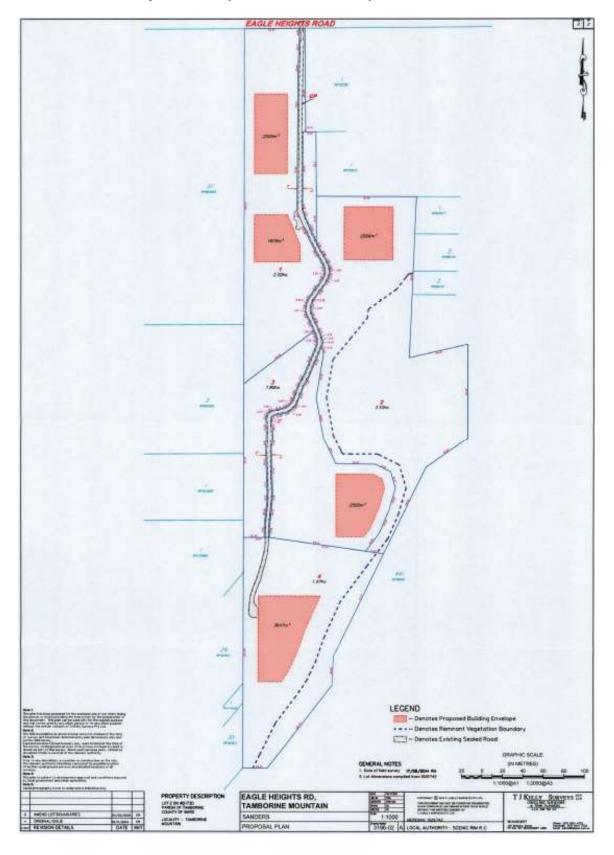
Moved: Cr Waistell Seconded: Cr O'Carroll

Carried

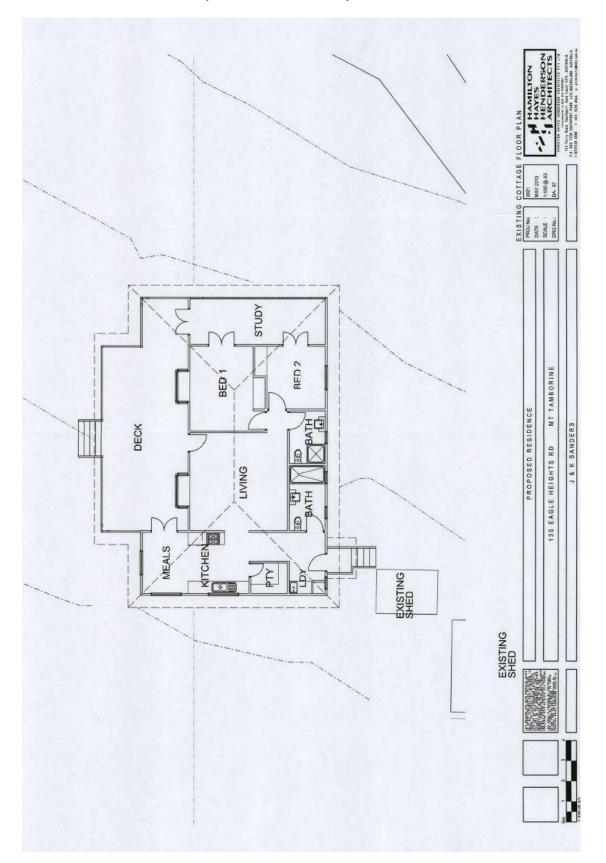
Attachments

- 1. Proposal Plan (undetermined scale).
- **2.** Floor Plan (undetermined scale).
- **3.** Elevations (undetermined scale).
- 4. Locality Map (undetermined scale).

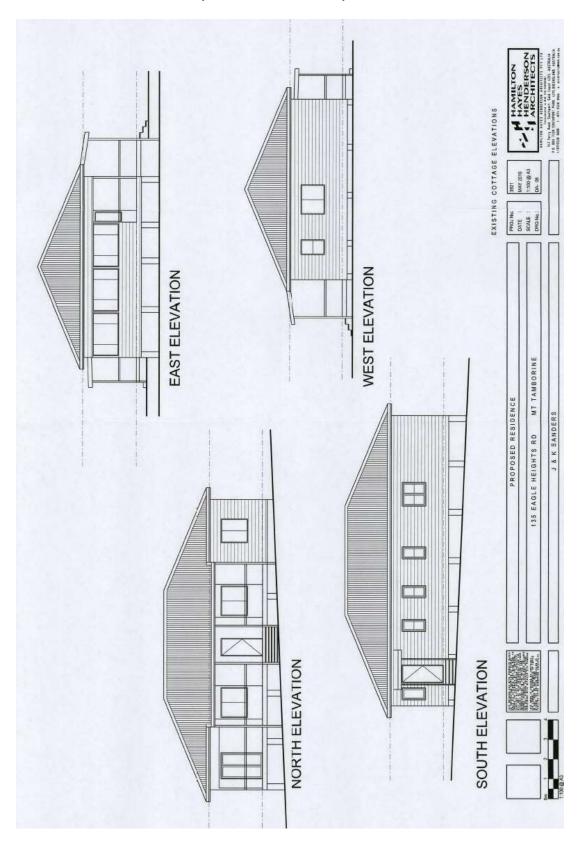
Attachment 1 - Proposal Plan (undetermined scale)



Attachment 2 - Floor Plan (undetermined scale)



Attachment 3 - Elevations (undetermined scale)



Attachment 4 - Locality Map (undetermined scale)



3.3 MCBd15/015 Request for a permissible change pursuant to s.369 Sustainable Planning Act 2009 Industry (Low Impact Service Industry) (Milk Processing Facility) & ERA 26 (Milk Processing) Scenic Rim 4 Real Milk Pty Ltd c/- TJ Kelly Surveys Lot 1 RP67444

Executive Officer: Director Regional Services

File Reference: MCBd15/015

Applicable Planning Scheme	Regularent Shire Planning Scheme 2007	
••	Beaudesert Shire Planning Scheme 2007	
Applicant	Scenic Rim 4 Real Milk Pty Ltd	
	c/- TJ Kelly Surveys	
Owner(s)	Mr R J F Dennis, Mr D T Dennis	
Site Address	Tamrook 9023 Mt Lindesay Highway	
	TAMROOKUM	
Real Property Description	Lot 1 RP67444	
Site Area	52.09 Ha	
Relevant Zone and Precinct	Rural Zone- Countryside Precinct	
Proposal	Request to Change Conditions of an Existing	
	Approval	
Assessment Level	Impact Assessment	
Approval Type	Changed Development Approval	
Date Application Received:	6 March 2015	

Director's Recommendation

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

Real Property Description: Lot 1 on RP 67444

Address of property: Tamrook 9023 Mt Lindesay Highway

TAMROOKUM

Site area: 52.09 Ha

Proposal: Request to Change a condition of an

existing approval pursuant to s.369 of the

Sustainable Planning Act 2009

Planning Scheme: Beaudesert Shire Planning Scheme 2007

- **2.** The changes to relevant conditions are as follows:
 - 7) EMPLOYEES/STAFF The approved use shall have no more than fifteen (15) employees/staff working from the site at any one time without the prior approval of Council.
 - 8) EXTERNAL PROCESSING Milk or dairy products sourced externally from the dairy farm must be subsidiary to the existing dairy farm operations, and is to be processed in the approved milk processing facility. The combined total amount of milk processed on site from milk sourced internally and externally shall be limited to an average of 10,000 litres per day.

Committee Recommendation

That the Director Regional Services' recommendation be adopted.

Moved: Cr West

Seconded: Cr Stanfield

Carried

Attachments

1. SARA Response.

Attachment 1 - SARA response



Department of State Development, Infrastructure and Planning

Our reference: SPD-0315-015854 Your reference: MC.Bd15/015

31 March 2015

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

Attn: Ms Judy Sandmann

Dear Ms Sandmann

Notice about request for permissible change-relevant entity

9023 Mount Lindesay Highway, Tamrookum (Given under section 373(1) of the Sustainable Planning Act 2009)

The Department of State Development, Infrastructure and Planning received a copy of the request for a permissible change under section 372(1) of the Sustainable Planning Act 2009 on 6 March 2015 advising the department, as a relevant entity, of the request for a permissible change made to the responsible entity under section 369 of the Sustainable Planning Act 2009.

The department understands that the proposed changes to the assessment manager's conditions are as follows:

- Deletion of condition 7 regulating employee and staff numbers;
- Deletion of condition 8 restricting the processing of external milk and dairy products.

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

Page 1

SEQ West Region Level 4,117 Brisbane Street PO Box 129 Ipswich QLD 4305 If you require any further information, please contact Kieran Hanna, Principal Planning Officer, on (07) 3432 2404, or via email lpswichSARA@dsdip.qld.gov.au who will be able to assist.

Yours sincerely

Nathan Rule

Manager - Planning

cc: Scenic Rim 4 Real Milk Pty Ltd c/- TJ Kelly Surveys, admin@kellynet.com.au
Department of Environment and Heritage Protection, sara@ehp.qld.gov.au
Department of Transport and Main Roads, scriand@tmr.qld.gov.au

3.4 MCBd15/010 Development Permit for a Material Change of Use - Request to Change an Existing Approval Winery/Distillery (Tourist Use) Latitude Town Planning Services Pty Ltd Lot 1 SP210103

Executive Officer: Director Regional Services

File Reference: MCBd15/010

Applicable Planning Scheme	g Scheme MCU –Beaudesert Planning Scheme 2007	
Applicant	Latitude Town Planning Services Pty Ltd	
Owner(s)	Mr J N Penglis, Ms B F Penglis	
Site Address	89-123 Hartley Road TAMBORINE	
	MOUNTAIN	
Real Property Description	Lot 1 SP 210103	
Site Area	7.191 Ha	
Relevant Zone and Precinct	Tamborine Mountain Zone Countryside	
	Precinct	
Proposal	Development Permit for a Material Change of	
	Use – Request to Change Approval	
Assessment Level	Impact Assessment	
Approval Type	Development Permit	
Date Application Received:	18 February 2015	

Director's Recommendation

1. That, pursuant to the Sustainable Planning Act 2009, Council resolve to refuse the request to amend *Condition 10. Access to Council Road* for the development application for Material Change of Use.

2. The Reasons for Refusal

- a) No "traffic study" was submitted from a qualified and suitably experienced traffic engineer with this request in support of the original application or the current request for the change of Condition 10. The vehicular access was to be designed in accordance with Scenic Rim Regional Council's Standard Drawing R-07 Access (Single & Dual) Piped where it does not conflict with Austroads' Guide to Road Design - Part 4A: Unsignalised & Signalised Intersections.
- b) The proposed access arrangement is on a left-in /left-out basis which was not the intent of the original conditions of approval. The developer was required to construct the vehicular access to incorporate a rural basic right and rural basic left turn treatment in accordance with Austroads' Guide to Road Design - Part 4A: Unsignalised and Signalised Intersections, to cater for the largest anticipated vehicle.
- c) The turning template (access) indicates that the turning vehicle will encroach onto the opposite lane thus adversely impacting the movements of the through traffic. This is contrary to the requirements of the Austroads' Guide to Road Design Part 4A: Unsignalised and Signalised Intersections.

3. Administrative Action:

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

Committee Recommendation

That the Director Regional Services' recommendation be adopted.

Moved: Cr Waistell Seconded: Cr West

Carried

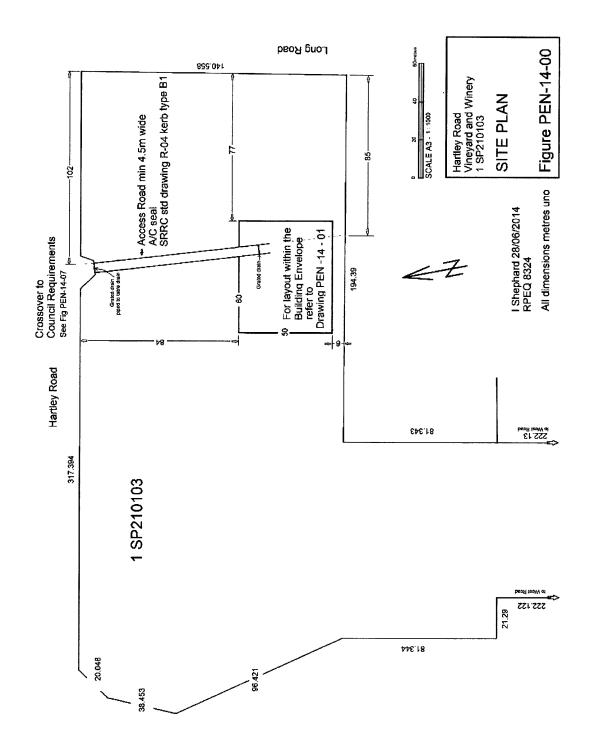
Attachments

- 1. Dekho Map/Aerial Photo.
- 2. Site Plan.
- 3. Proposed HRV Access and CROSS-OVER.

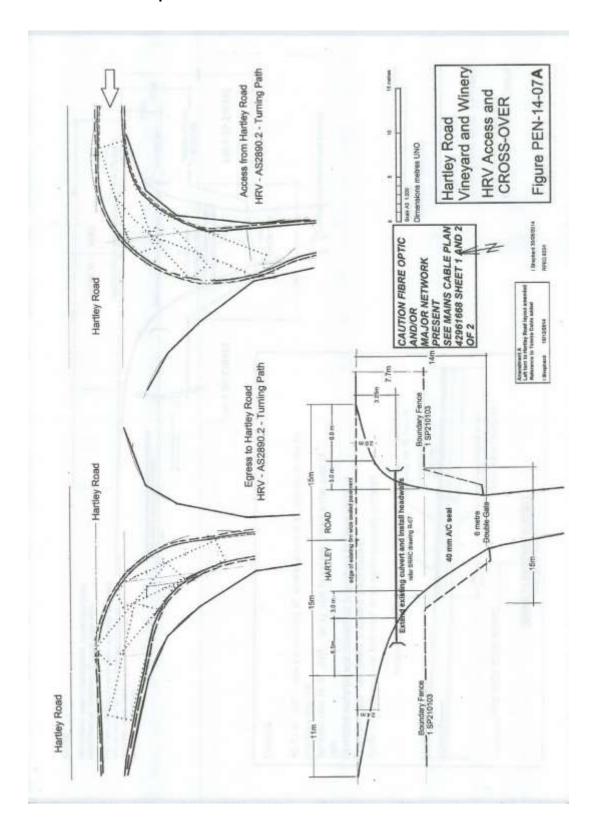
Attachment 1 - Dekho Map/Aerial Photo

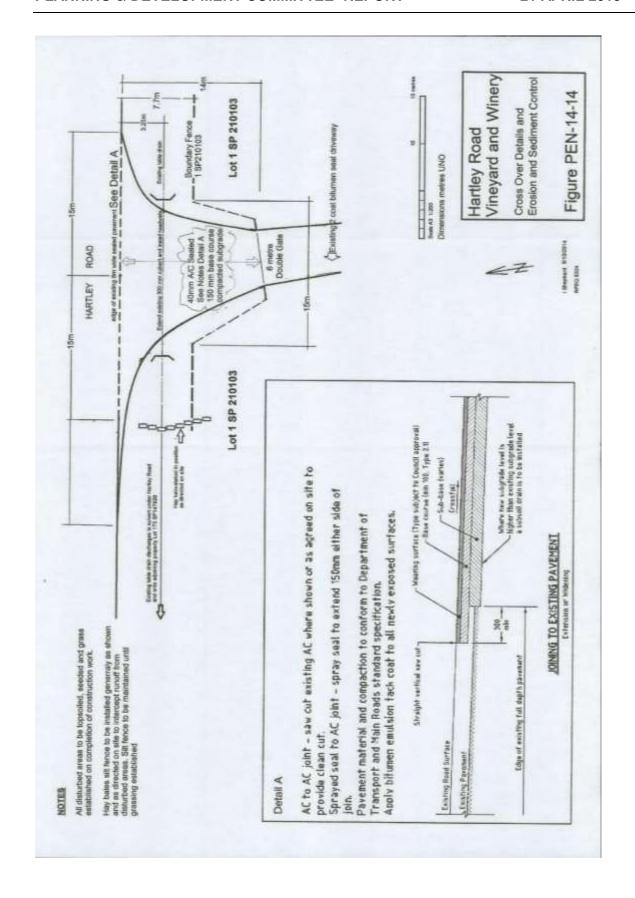


Attachment 2 - Site Plan



Attachment 3 - Proposed HRV Access and CROSS-OVER





3.5 MCBd14/093 Development Permit for a Material Change of Use for a House and Undefined Land Use (Function Facility and Short-Term Accommodation) in three stages, Donna Lee Leigh-Smith Lot 23 SP210103

Executive Officer: Director Regional Services

File Reference: MCBd14/093

Applicable Planning Scheme	Beaudesert Shire Planning Scheme 2007		
Applicant	Mr G R Leigh-Smith, Ms D L Leigh-Smith C/-		
	Latitude Town Planning Services Pty Ltd		
Owner(s)	Donna Lee Leigh-Smith		
Site Address	379-385 Long Road TAMBORINE		
	MOUNTAIN QId 4272		
Real Property Description	Lot 23 on SP 210103		
Site Area	15,810m²		
Relevant Zone and Precinct	Tamborine Mountain Zone - Countryside		
	Precinct		
Proposal	Material Change of Use - Tourist Facility and		
	House (House, Function Facility and Short-		
	Term Accommodation) -		
	Three Stages		
Assessment Level	Impact (Inconsistent) Assessment		
Public Notification:	23 January 2015 - 20 February 2015		
Submissions Received	Two (2) - (Both submissions have since been		
	withdrawn)		
Date Application Received:	28 October 2014		

Director's Recommendation

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

Real Property Description: Lot 23 on SP 210103

Address of property: **TAMBORINE** 379-385 Long Road

MOUNTAIN Qld 4272

Site area: 15,810m²

Proposal: A Development Permit for Material Change

of Use for a House and Undefined Land use

for a Function Facility and Short-Term

Accommodation in three stages

Planning Scheme: Beaudesert Shire Planning Scheme 2007

Further development permits required:

- A Building Works approval is required for all building works associated with the proposed development, prior to undertaking any building work on the subject property.
- **b)** A Plumbing and Drainage approval is required for all / any plumbing and drainage works associated with the proposed development, prior to undertaking any plumbing and drainage works on the subject property.
- c) A Property Access Location Approval and Works in Road Reserve Approval are required prior to the construction of a proposed access point.

2. Conditions of Approval:

Approved Plans

1) USE IN ACCORDANCE WITH THE APPLICATION - MATERIAL CHANGE OF USE - Development being undertaken generally in accordance with the Approval Plans, and accompanying documentation, except insofar as it is modified by the conditions of this approval. Any minor changes may be requested by the Applicant in accordance with the Sustainable Planning Act 2009 without the need for a further Development Application for a Material Change of Use. The Approved Plans are limited to the following drawings:

Plan/Drawing	Plan/Drawi ng No.	Date	Prepared By
Site Plan 1:750	1457270 Sheet 3 of 14	24/6/14	ReziCAD Design and Drafting
Site Plan 1:500	1457270 Sheet 4 of 14	24/6/14	ReziCAD Design and Drafting
House Elevations	1457270 Sheet 6 of 14	24/6/14	ReziCAD Design and Drafting
Room Elevations	1457270 Sheet 8 of 14	24/6/14	ReziCAD Design and Drafting
Cottage Elevations 1 Bed	1457270 Sheet 10 of 14	24/6/14	ReziCAD Design and Drafting
Cottage Elevations 2 Bed	1457270 Sheet 12 of 14	24/6/14	ReziCAD Design and Drafting
Common Building Elevations	1457270 Sheet 14 of 14	24/6/14	ReziCAD Design and Drafting
Proposed Development Landscape Intent	Issue A	September 2014	Byrns Lardnar Landscape Architect & Environmental
Staging Plan	-	-	Byrns Lardnar Landscape Architect & Environmental

General

2) DEFINITION COMPLIANCE AND EXCLUSIONS - The approved use and associated ancillary activities shall at all times comply with the definition of a House as defined under Schedule 1 – Defined Uses and Chapter 5, Part 2, Section 5.2.35 of the Beaudesert Shire Planning Scheme 2007 and in accordance with the definitions of Function Facility and Short-Term Accommodation under the Queensland Planning Provisions Version 3.1.

Landscaping

3) LANDSCAPING - GENERAL - The landscaping is to be undertaken generally in accordance with the approved development landscape intent plan cited in Condition 1. The subject land shall be landscaped with suitable trees, palms, ferns, shrubs and groundcover in accordance with the provisions of *Planning Scheme Policy No. 6* of Council's *Beaudesert Shire Planning Scheme 2007*. Landscaping of the site is to occur prior to commencement of each Stage of the development.

Car parking and Access

- 4) ACCESS TO COUNCIL ROAD The Applicant shall undertake the construction of the access Crossovers to Council Standards with the appropriate signage and sufficient capacity to cater for two lane movements. The access provisions shall be maintained in good condition for the lifetime of the proposed use. A Property Access Permit and Road Corridor Use Permit Applications are to be lodged with Council. A Road Corridor Use approval is required for any access construction work. The works required by this condition are to be completed prior to the commencement of the use.
- CAR PARKING NUMBERS The developer is to make provision for the establishment of fourteen (14) car parking spaces including one (1) space for people with disabilities (PWD) in association with Stage 2 of the development. Additionally the applicant is to provide one (1) space for a Small Rigid Vehicle -SRV in Stage 2. For Stage 3 the developer will need to provide six (6) additional car parking spaces. These requirements exclude any car parking requirement for the residential use approved on the site. The car parking spaces shall be established prior to the commencement of the approved use as per the staging of the development.
- 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. All parking and driveways areas will be maintained in good condition for the lifetime of the proposed use.

- 7) 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.
- 8) 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

- 9) 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.
- **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.
- 11) 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.

Water

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

Wastewater

14) Wastewater disposal - General - The Applicant is to make provision for the design and construction of an adequate wastewater disposal system capable of servicing the proposed development so as to adequately provide for the treatment and disposal of wastewater on-site. The wastewater disposal system is to conform with the provisions of the Department of Infrastructure and Planning "Queensland Development Code", the "Queensland Plumbing and Wastewater (QPW) Code" and AS1547-2000. Details on the proposed method of treatment and disposal of wastewater are to be submitted as part of a Development Application for Plumbing and Drainage Works. The works required by this condition are to be completed prior to the commencement of the approved use.

Earthworks Design and Management

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

Conditions Applicable to the Operation of the Function Facility

- **16) 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.
- **17) LIGHT EMISSIONS -** Light sources at the premises must be positioned and shielded to prevent light spillage outside the boundaries of the premises.
- **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.
- **19) 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	At commercial
	Noise sensitive place	premises
Daytime (7:00am-10:00pm)	Background +5dB(A)	Background +10dB(A)
Night time (10:00pm-7:00am)	Background +3dB(A)	Background +8dB(A)
	Background=LA ₉₀	Background=LA ₉₀

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

- **20)** 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.
- 21) 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.
- **22) 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.
- **23) 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.
- **24) 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.

Electrical Works

ELECTRICITY - The Developer shall be responsible for the provision of electricity supply from the State electricity grid through the State authorised supplier (Energex) to the buildings / structures associated with the approved use 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.

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 are binding on the owner/s, the owner's successors in title and any occupier of the land pursuant to the Sustainable Planning Act 2009.
- b) VEGETATION MANAGEMENT ACT 1999 AND THE CULTURAL HERITAGE ACT This approval in no way restricts or inhibits the provisions of neither the Vegetation Management Act 1999 nor the Aboriginal Cultural Heritage Act 2003. The Applicant(s) will need to satisfy himself/herself/themselves that in undertaking the proposed development works that his/her/their actions will not contravene the provisions of the aforementioned Acts.
- **C)** WHEN DEVELOPMENT APPROVAL TAKES EFFECT Pursuant to the Sustainable Planning Act 2009, this Development Approval takes effect:
 - (i) From the date the Decision Notice/Negotiated Decision Notice (as the case may be) is given to the Applicant, if there are no Submitters and the Applicant does not appeal the decision to the Court; or

- (ii) From the end of the Submitter's appeal period if there is a Submitter and the Applicant does not appeal the decision to the Court; or
- (iii) Subject to the decision of the Court when the appeal is finally decided if an appeal is made to the Court by any party; as the case may be. Development may start when a Development Permit takes effect (subject to any conditions specifying commencement).
- d) APPROVAL LAPSES AT COMPLETION OF RELEVANT PERIOD This Development Approval will lapse if the Material Change of Use does not happen before the end of the relevant period. The relevant period is four (4) years from the date the approval takes effect. The relevant period may be extended at the discretion of Council under the Sustainable Planning Act 2009. Before the Development Approval lapses, a written request to extend the relevant period may be made to Council under the Sustainable Planning Act 2009. Please note that Council will not automatically remind Applicants/Occupiers when the relevant period is about to lapse.
- **e) FOOD LICENSING -** If food is prepared and served at the premises, the food preparation facilities may require to be licensed and approved by Council in accordance with the *Food Act 2006*. Further information and the relevant application forms can be obtained by calling Council's Health & Environment area on 07 5540 5444.
- f) ADVERTISING SIGNS Advertising signs may require an approval in accordance with Council's Local Laws. Further information and the relevant application forms can be obtained by contacting Council's Health & Environment area on 07 5540 5444.

4. Further approvals are required for:

- a) A Building Works approval is required for all building works associated with the proposed development, prior to undertaking any building work on the subject property.
- b) A Plumbing and Drainage approval is required for all / any plumbing and drainage works associated with the proposed development, prior to undertaking any plumbing and drainage works on the subject property.
- c) A Property Access Location Approval and Works in Road Reserve Approval are required prior to the construction of a proposed access point.

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.

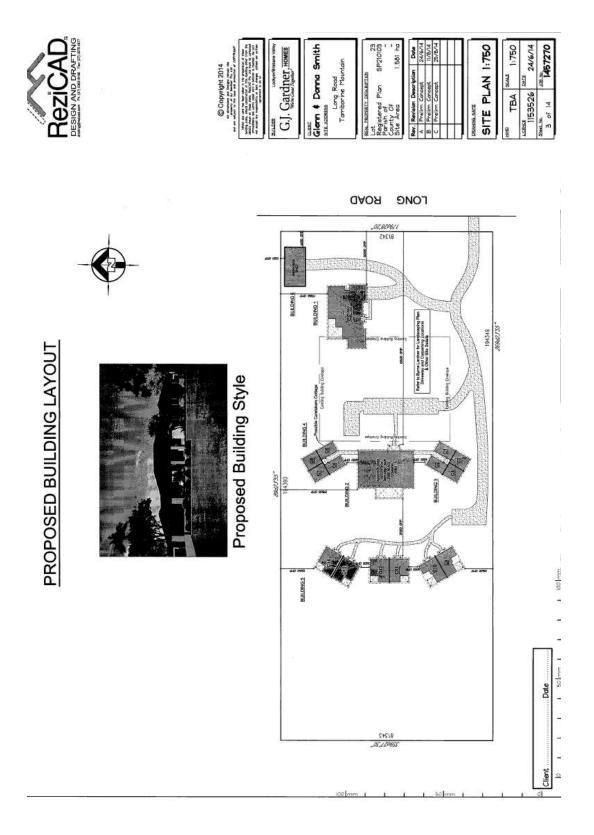
Moved: Cr Brent Seconded: Cr Waistell

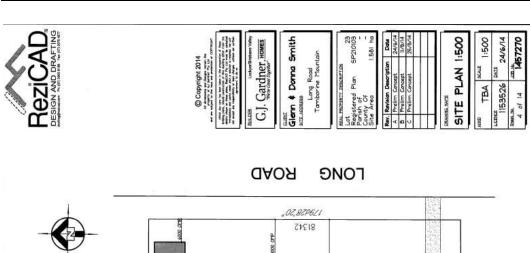
Carried

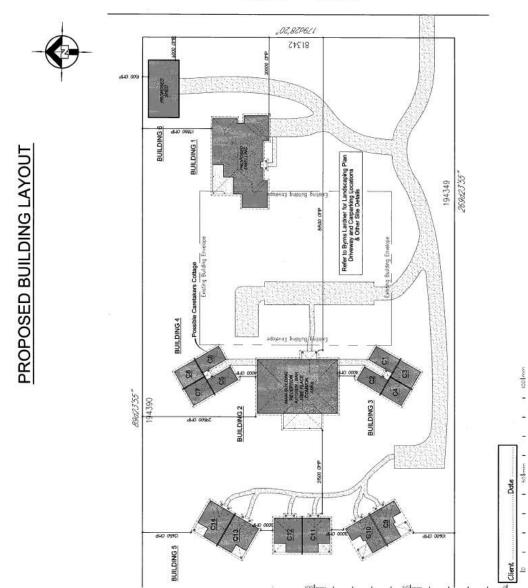
Attachments

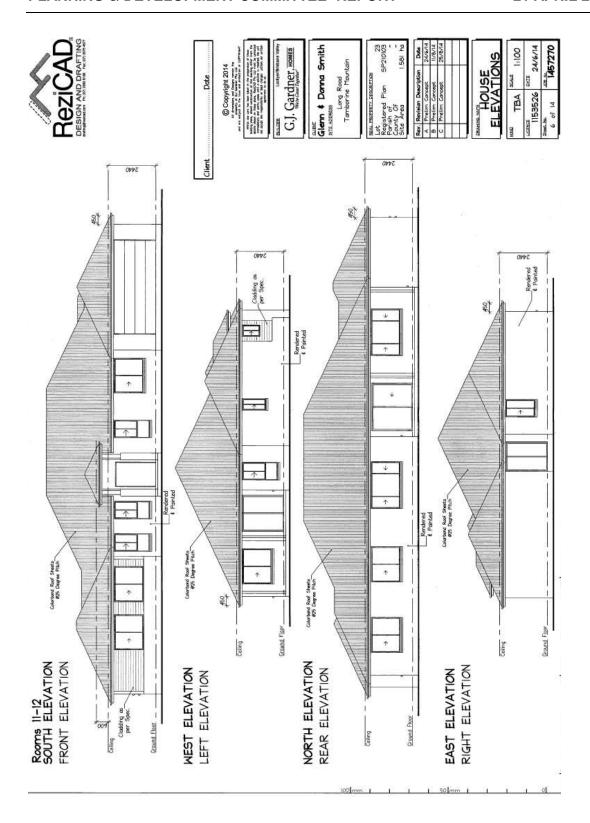
1. Proposal Plans.

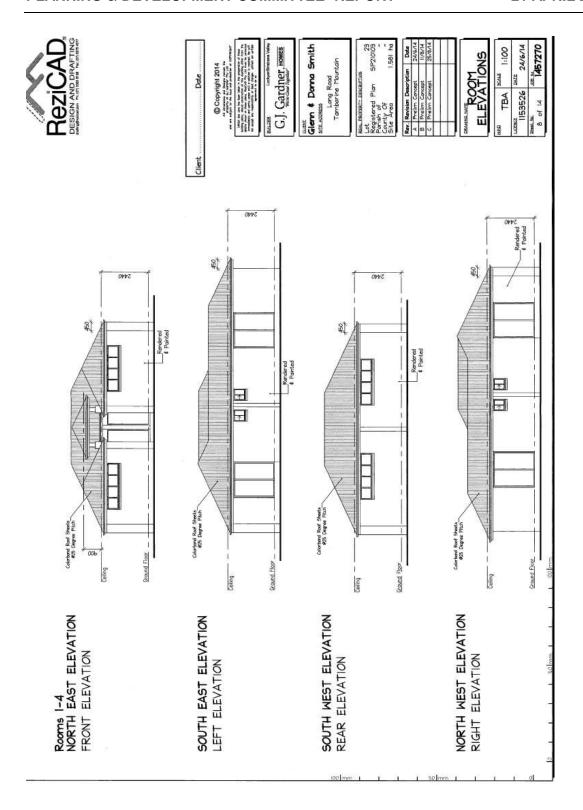
Attachment 1 - Proposal Plans

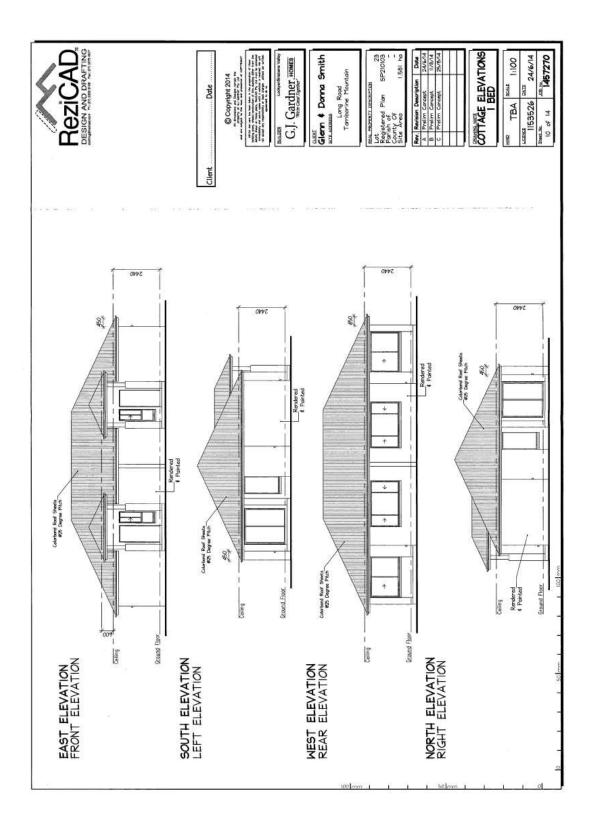


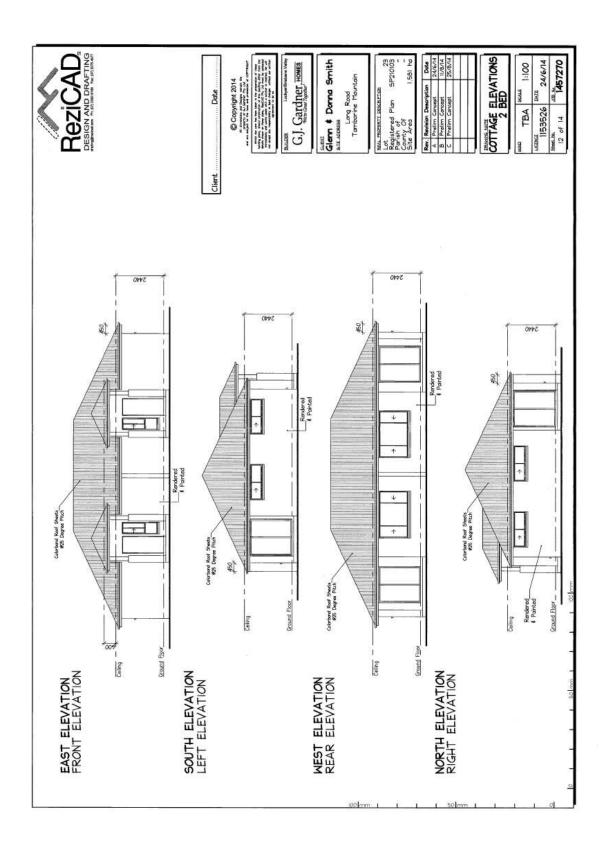


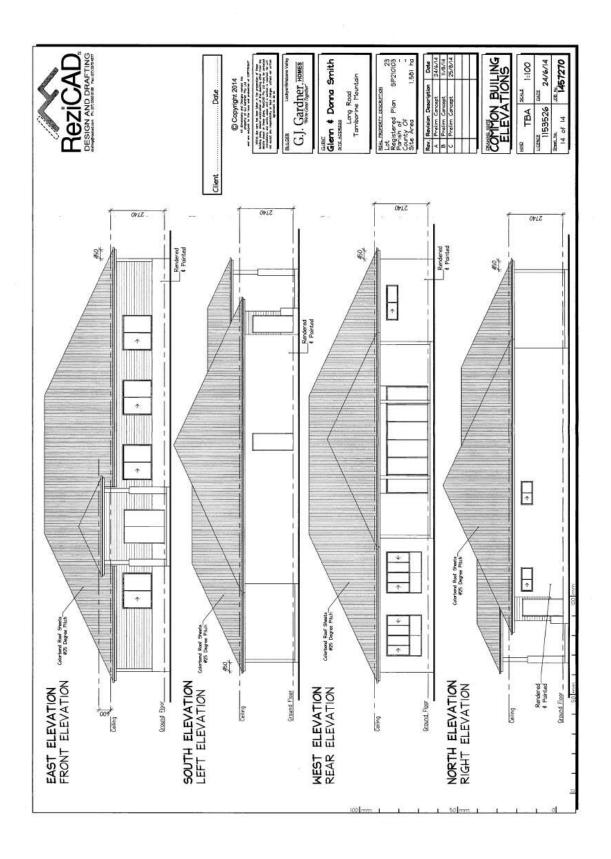












PROPOSED DEVELOPMENT LANDSCAPE INTENT LOT 23 LONG ROAD, MOUNT TAMBORINE, QLD



LANDSCAPE STATEMENT OF INTENT

LANDSCAPE INTENT

The intention of the Landscape Design for the proposed development structed at Lot 23 Long Road MT Tamborine is to create a little plece of garden paradise on the Mountain. A landscape that supplies and enjoy. One that compliments the proposed Achitecture and surrounding rural landscape setting. The design is also in keeping with the native rainforest systems and sincolous colour which together make up the worderful andscape ispessty that is MT Tamborine.

Landscape Elements of proposed design areas include the following:

-ong Road Frontage -

Located at the Eastern boundary of the site adjacent to Long Road, the site frontage shall be planted out as a tiered visual buffer providing an attractive leafy green frontage to the full extent of the base. Planting shall consist of lower hedging strubs to the boundary fence such as Vibirrum species, with larger Syzigium strubs and deciduous colour trees behind such as Liquidamber or Maple

Vechicular Site Entry -

The sites vehicular entry will be located in the south-eastern corner of the site via a gated entry and colocured concrete driveway. Upon entry to the site, the visitor is greeted by southburst earth mounding with visual attention focussed on an Entry Water Feature. The focal point water feature is enhanced through screening of the southern adjacent property with a native vegetation buffer and adjacent front boundary buffer.

Private Dwelling -

Located within the north-eastern area of the site, the Private Dwelling will be home to the owners/managers of the development and consist of private entry gardens and formal lawn areas with views across the adjacent vineyard to the north. A native buffer will be planted to the west of the Private Dwelling to create visual seperation to the Cottages Development.

The main caparking area of the proposed development will feature colountal shade trees and understory shrubs and groundcovers to its surrounds to help soften the pavement within the

surrounding landscape

The primary pedestrian pathway leads the guests from the Central Carpark to the Main Reception Building via directional pavement treatments. The journey is enhanced by a scented arbour above with featuring flowering climbing plants. An adjacent Linear Water Feature provides visual interest and cooling qualities to the entry experience.

Pedestrian Entry Pathway / Scented Arbour -

Formal Lawn / Function Space Zone-

The Formal Lawn area is centrally licitated within the site at the front of the Main Reception Building adjacent to the Peestran Entry Path. Within easy access of the Central Carpark, it provides a large usable lawn area for the development to use, for functions and passive/active recreation. Planting to the perimeter will feature shade trees within lush garden bads.

Village Green Zone -

The Village Green features a central circular lawn open space and adjacent lawn areas for function and passive recreational uses by guests. A concrete pedestrian pathway links the carparking area through the village green to all buildings. Feature trees will be planted to provide shade and colour with informal garden bed areas. Scented Arbours will also be installed to provide further vertical shade elements within the tadacape. A paved terrace to the Reception Building increases the function space of the zone.

Sub-Tropical Building Surrounds -

Planting between the proposed buildings will consist of a sub-tropical inspired planting patette of patins, shade tolerant and colourful shrubs with fems and understorey groundcovers. This planting will extend out as 'fingers' into the open grass areas on the western side of the lower Cottages to help frame and enhance views cut to the surrounding rural landscape.

rese inspired Entry Gardens -

Planting to the southern boundary will consist of dense evergreen trees and strubs to provide a visual buffer between the proposed development and adjacent rural residential lot. Species shall

Entry Gardens to the Quest Cottages will include Japanese inspired gardens and water features. Entry parts, iawn areas, paved courts and gardens will combine to create visually pleasing and

Southern Boundary Buffer -

Planting to the Northern boundary will include native vegetation planted to provide strategic screening of adjacent building structures whilst also allowing clear views to the virteyard in other areas. Northern Boundary Planting Design -

Western Grass Zone -

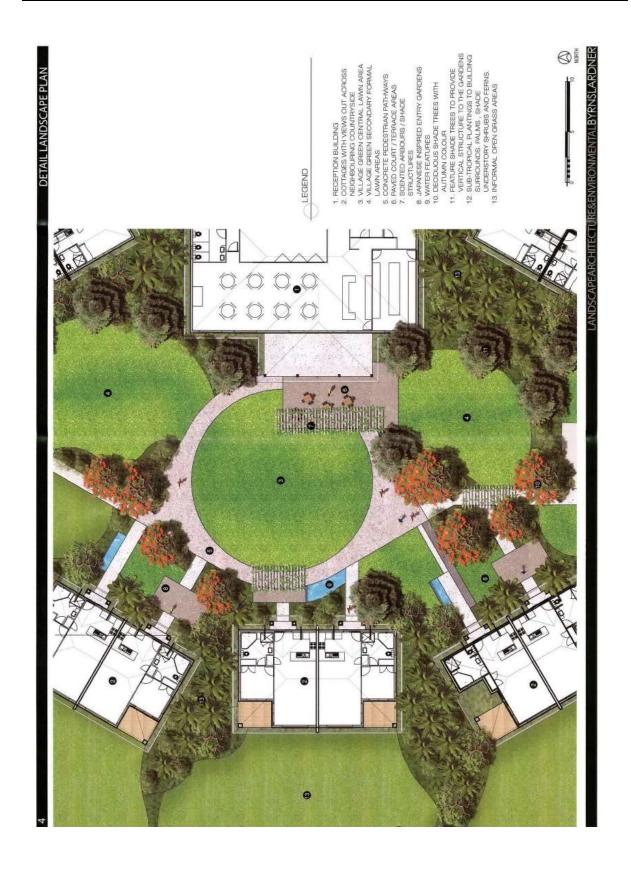
shall consist of Waterhousia, Syzigium, Eleocarpus, Xanthostemon etc.

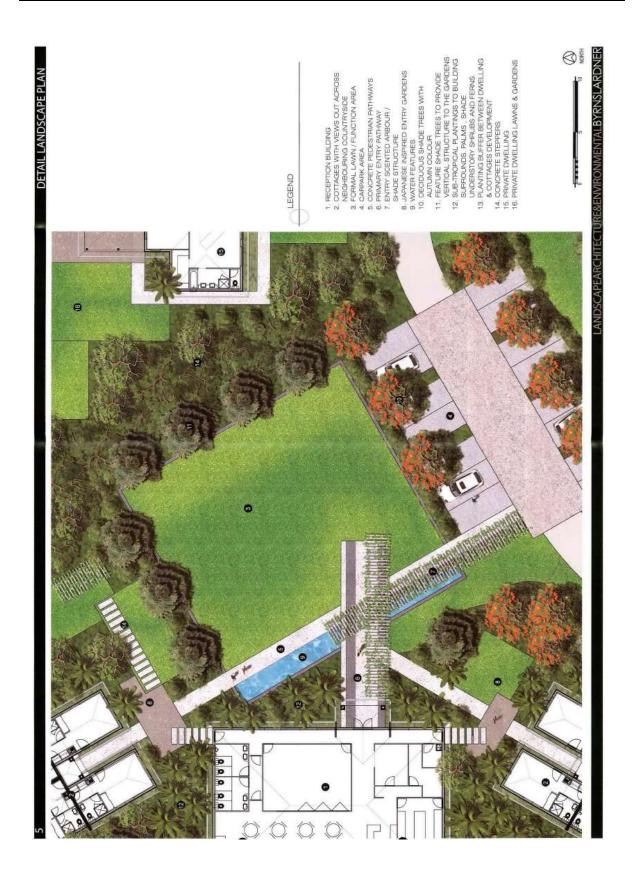
Located to the west of the lower cottages, the grass zone will include the sewerage treatment zone for the development and be maintained as ornamental grass

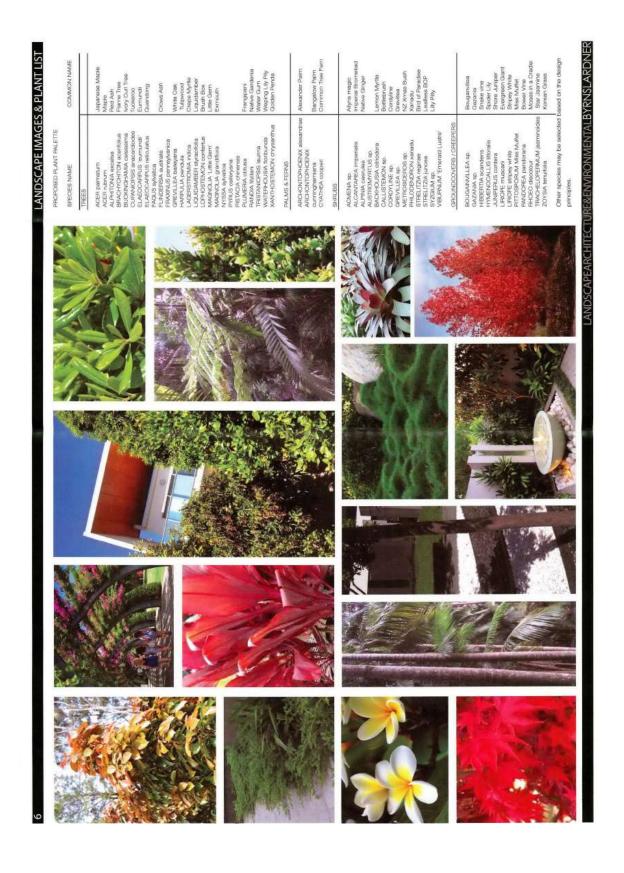
andscaping is recognised as of prime importance to the success of this development and as such will be implemented to a high standard to enhance the project and immediate surroundings.

LANDSCAPEARCHITECTURE&ENVIRONMENTALBYRNSLARDNER











3.6 COMBd14/002 Development Permit for a Material Change of Use Poultry Farm (Rural Use) and Creation of an Access Easement Ryacon Engineers Pty Ltd Lot 3 RP48275 Lot 3 RP58176 Lot 4 RP58176 (now described as Lot 4 on SP263574) [Closed s.275(1)(g)]

Executive Officer: Director Regional Services

File Reference: COMBd14/002

AT THE COMMENCEMENT OF THE MEETING, it was moved Cr West, seconded Cr McInnes that Item 3.6 be considered in open session, however the Committee would reserve the right to resolve into closed session during consideration of the item.

CARRIED

During consideration of this item, it was moved Cr Stanfield, seconded Cr Waistell, that the Committee resolve into closed session in accordance with the provisions of Section 275(1)(g) of the Local Government Regulation 2012 relating to closed session meetings, in order that Cr Stanfield could table correspondence between representatives of the applicant and Council, and raise relevant points from that correspondence for discussion.

CARRIED

Following discussion on Item 3.6 in closed session, the Committee resumed in open session for the proposal of Committee recommendations.

Moved Cr West Seconded Cr Brent

CARRIED

Applicable Planning Scheme	Combined MCU / Reconfiguration of Lot -
Applicable i lailling Scheme	
	Beaudesert Shire Planning Scheme 2007
Applicant	Ryacon Engineers Pty Ltd
Owner(s)	Nancy J Drynan, WA Drynan and
. ,	WR Drynan
Site Address	9508 Mt Lindesay Highway TAMROOKUM
	QLD 4285
Real Property Description	Lot 3 RP48275, Lot 4 RP58176 (now
	described as Lot 4 on SP263574),
	Lot 3 RP58176, Lot 1 WD3268 and
	Lot 4 WD3268
Site Area	107.565 Ha
Relevant Zone and Precinct	Rural Zone - Countryside Precinct
Proposal	Combined Material Change of Use -
	To Establish a Poultry Farm (Rural Use)
	(6 sheds with 360,000 birds) and
	,
	Reconfiguration of a Lot (access easement)

Assessment Level	Impact Assessment	
Approval Type	Development Permit	
Public Notification:	5 to 25 February 2015 (Public Notification was carried out twice as 1 st period 5 business days short over the Christmas - New Year period)	
Submissions Received	8	
Date Application Received:	1 August 2014	

Reason for Confidentiality

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

(g) any action to be taken by the local government under the *Planning Act*, including deciding applications made to it under the Act.

Director's Recommendation

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

RPD: Lot 3 RP 48275, Lot 4 RP 58176 (now described as

Lot 4 on SP263574), Lot 3 RP 58176

Lot 1 WD3268 and Lot 4 WD3268

Address of property: 9508 Mt Lindesay Highway TAMROOKUM QLD 4285

Site area: 107.565 Ha

Proposal: Combined MCU / Reconfiguration of Lot –

To Establish a Poultry Farm (Rural Use) (6 sheds with 360,000 birds) and Reconfiguration of a Lot (access

easement)

The Reasons for Refusal

- 1) The proposal does not comply with the Specific Outcome SO2 and the Probable Solution S2.1 of the Poultry Farm Code (Chapter 5, Part 2, and Div. 21) Table 5.2.64. Of the Beaudesert Shire Planning Scheme 2007. The Building setback distance from the boundary of the site of the proposed poultry farm is at a minimum distance of 55.89m contrary to the requirement of more than 800m minimum distance required where development comprises more than 320,000 birds. This has an adverse impact on the health of residents living in the surrounding areas being inflicted with odour and dust emissions (potential environmental harm).
- 2) The proposal does not comply with the Specific Outcome SO3 and the Probable Solution S3.3 of the Poultry Farm Code (Chapter 5, Part 2, Div. 21) Table 5.2.64. of the Beaudesert Shire Planning Scheme 2007. The maximum odour level is beyond the boundary of the Poultry farm and adversely impacts 6 existing dwelling houses within the vicinity of 800m radius. In addition to the above, a risk assessment undertaken to determine the ability of the surrounding vacant lots to locate sensitive receptors (residential dwellings) concluded that the proposed poultry farm will have an unfavourable impact on 5 vacant lots within the modelled contours on the ability to establish residential dwellings.

- 3) The proposal does not comply with the Specific Outcome SO4 and the Probable Solution S4.1 of the Poultry Farm Code (Chapter 5, Part 2, Div. 21) Table 5.2.64. Of the Beaudesert Shire Planning Scheme 2007. The proposed development does not provide a stormwater detention dam which can retain stormwater runoff from the site for a one in a ten year storm event (10% AEP) to treat water quality. This proposal has an impact on the water supply quality as it is located within the buffer area as defined by the Seqwater Development Guidelines for Water Quality Management in Drinking Water Catchments 2012.
- 4) The proposal does not comply with the Overall Outcomes 5.2.63 (a), (b) and (d) of the Poultry Farm Code. The proposal will impact on the existing and future rural landscape character and the natural environment of the surrounding area and furthermore, it does not protect the air and water quality and the future amenity of the surrounding area.
- The proposal will adversely impact on the Tourism based activity. The odour modelling results have indicated that Mount Lindesay will be impacted by odour nuisance for a distance of more than 2 km. This odour lingering along the State Road for such a long distance will no doubt give a very negative impression on the locality as well as adversely impact the tourist destination sites. Therefore, it is considered that the proposal does not comply with the Overall Outcomes 5.2.63 (e) of the Poultry Farm Code.
- 6) The odour impact assessment study indicates that the proposal in isolation and in conjunction with the Peacefield Poultry Farm would cause odour levels that are only marginally below the State Government's odour guideline on an occupied lot known as Lot 6 RP202466 that is not part of the Development Application.
- 7) The odour impact assessment study indicates that the proposal in isolation and in conjunction with the Peacefield Poultry Farm would cause odour levels that exceed the criterion for odour specified in the Beaudesert Shire Planning Scheme 2007 Poultry Farm Code on the following occupied lots that are not part of the Development Application:
 - Lot 6 RP202466
 - Lot 8 RP48275
 - Lot 2 RP81351
- 8) The odour impact assessment study indicates that the proposal in isolation and in conjunction with the Peacefield Poultry Farm would cause odour levels that exceed State Government's odour guideline on the following apparently vacant lots that are not part of the Development Application:
 - Lot 3 RP44275
 - Lot 8 RP51342
 - Lot 139 WD2174
 - Lot 113 WD2174
 - Lot 7 RP51342

- 9) The odour impact assessment study indicates that the proposal in isolation and in conjunction with the Peacefield Poultry Farm would cause odour levels that exceed the criterion for odour specified in the Beaudesert Shire Planning Scheme Poultry Farm Code on the following apparently vacant lots that are not part of the Development Application:
 - Lot3 RP44275
 - Lot 8 RP51342
 - Lot 139 WD2174
 - Lot 113 WD2174
 - Lot 7 RP51342
 - Lot 2 RP50685
 - Lot 1 RP50685
 - Lot 7 RP202466
 - Lot 7 RP48275
- 10) The Development Application and supporting odour impact assessment study rely upon the farm achieving best practice design and management for odour. If best practice design and management are not achieved in practice, odour impacts in the surrounding area are likely to be greater than anticipated in the Development Application.
- 11) The dust impact assessment study indicates that the proposal in conjunction with the Peacefield Poultry Farm would cause levels of **PM**₁₀ to exceed the Environmental Protection (Air) Policy 2008 objective for **PM**₁₀ on the following apparently vacant lots that are not part of the Development Application.
 - Lot 139 WD2174
 - Lot 113 WD2174

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

SUBMITTER ADVICE - REFUSAL - Council has considered all matters relevant to this application, including your submission, and has resolved to refuse the application for the reasons stated. Council is therefore of the view that the development is not suitable for the locality.

3. 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 West

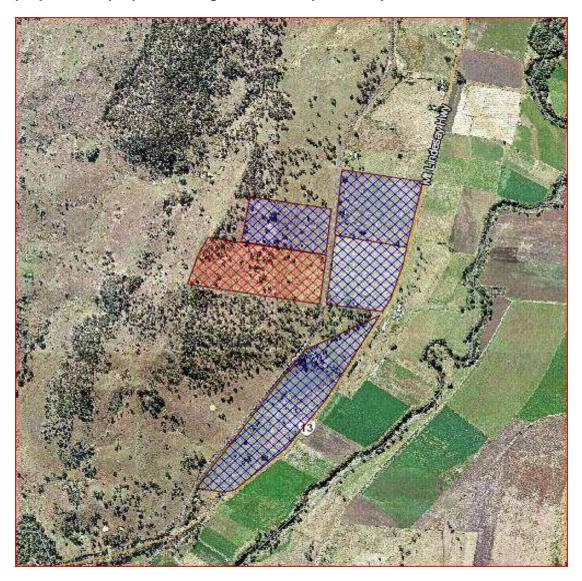
Seconded: Cr O'Carroll

Carried

Attachments

- 1. Dekho Map Showing Proposed Poultry Site Location in red hatching with associated DA included properties marked in blue hatching and affected properties in purple hatching separate map.
- 2. Concept Plan Locality.
- **3.** Shed Layout Plans.
- **4.** The State Assessment Referral Agency Response.
- **5.** Comparison between Council and State's Odour Criteria prepared by Pacific Environment Limited dated 25 June 2014.
- **6.** Copies of Submitter's letters.
- **7.** Applicant's response to submissions.
- 8. Lot size and description amendment registration for Lots 2 and 4 on RP58176.
- **9.** ERA Approval.

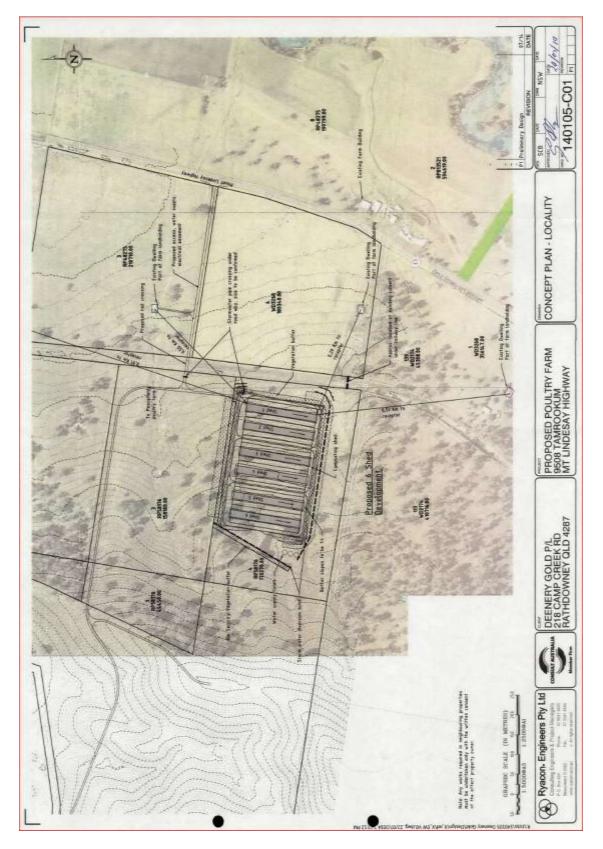
Attachment 1 - Dekho Map Showing Proposed Poultry Site Location in red hatching with associated DA included properties marked in blue hatching and affected properties in purple hatching shown on separate map below



Affected properties shown as purple hatching



Attachment 2 - Concept Plan Locality



Attachment 3 - Shed Layout Plans



Attachment 4 - The State Assessment Referral Agency Response

Scenic Rim Regional Council Mail

scriendiffirm old pov. wu. [westockregulator@deff.old.gov.eu; susans@nyacon.com.au Referral response - 9508 Mount Lindesay Highway, Tamrookum (CCMBd14/002 / SDA-0714-012992)

Friday, 16 January 2015 11:49:27 AM

image001.png SDA-0714-012992 response.pdf

Good morning.

Please find attached the department's referral response to Scenic Rim Regional Council regarding the proposed poultry farm at 9508 Mount Lindesay Highway, Tamrookum (council reference COMBd14/002).

If you have any queries regarding the response, please contact us.

Regards

Kieran Hanna

Principal Planner | SEQ (West) | Regional Services

Department of State Development, Infrastructure and Planning

Queensland Government

tel 07 3432 2404

post PO Box 129 Ipswich QLD 4305

visit Level 4, 117 Brisbane Street, Ipswich

kieran hanna@dsdip.qld.gov.au.

IpswichSARA@dsdip.qld.gov.au www.dsdip.qld.gov.au Mould gov.au Mould g

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Department of State Development, Infrastructure and Planning

Our reference: SDA-0714-012992 Your reference: COMBd14/002

Date: 16 January 2015

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

Attn: Mr John Creagan

Dear Mr Creagan

Concurrence agency response—with conditions

9508 Mount Lindesay Highway, Tamrookum (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 29 October 2014.

Applicant details

Applicant name: Ryacon Engineers Pty Ltd

Applicant contact details: PO Box 554, Beaudesert Qld 4285

Site details

Street address: 9508 Mount Lindesay Highway, Tamrookum

Lot on plan: Lot 3 RP48275, Lots 3 & 4 RP58176 and Lots 1 & 4

WD3268

Local government area: Scenic Rim Regional Council

Page 1

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

Application details

Proposed development:

- Development Permit for a Material Change of Use for a Rural Use (Poultry Farm)
- Development Permit for a Material Change of Use for Environmentally Relevant Activity 4(2) Poultry Farming
- Development Permit for Reconfiguring a Lot (Access Easement)

Aspects of development and type of approval being sought

Nature of development	Approval type	Brief proposal description	Level of assessment
Material Change of Use	Development Permit	Establishment of a poultry farm for 360,000 birds comprising six sheds	Impact assessment
Material Change of Use	Development Permit	Establishment of an environmentally relevant activity for poultry farming for 360,000 birds	Impact assessment
Reconfiguring a Lot	Development Permit	Creation of an access easement	Code assessment

Referral triggers

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

Referral trigger Schedule 7, Table 2, Item 1 – Environmentally relevant activity

Schedule 7, Table 2, Item 2 - State-controlled road

Schedule 7, Table 2, Item 34 - Railway

Schedule 7, Table 3, Item 1 - State-controlled road

Schedule 7, Table 3, Item 2 - State transport infrastructure

Schedule 7, Table 3, Item 15A - Railway

Conditions

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

Reasons for decision to impose conditions

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

Department of State Development, Infrastructure and Planning

Page 2

Approved plans and specifications

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

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue	
Aspect of development: N	Material Change of L	lse	10	- 100 - 100	
Concept Plan - Locality	Ryacon Engineers Pty Ltd	10 December 2014	140105-C01	Revision P4	
Poultry Shed Pads Site Concept Plan	Ryacon Engineers Pty Ltd	10 December 140105-C02 2014		Revision P2	
Sediment and Erosion Control Plan	Ryacon Engineers Pty Ltd	10 December 2014	140105-C05	Revision P2	
Stormwater Management Plan	Ryacon Engineers Pty Ltd	10 December 2014	140105-C08	Revision P1	
Stormwater Management Plan entitled Proposed Chicken Broiler Farm, 9508 Mount Lindsay Highway, Tamrookum	Ryacon Engineers Pty Ltd	25 November 2014	140105		
Aspect of development: F	Reconfiguring a Lot				
Combined Access Easement Plan and Lot Reconfiguration	Ryacon Engineers Pty Ltd	24 July 2014	140106-61	Revision A	

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

For further information, please contact Kieran Hanna, Principal Planning Officer, SARA SEQ West on (07) 3432 2404, or email IpswichSARA@dsdip.qld.gov.au who will be pleased to assist.

Yours sincerely

Nathan Rule

Manager - Planning

Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Attachment 3—Section 62 of the *Transport Infrastructure Act 1994* decision

Attachment 4—Approved Plans and Specifications

Ryacon Engineers Pty Ltd, <u>susans@ryacon.com.au</u>
Department of Agriculture, Fisheries and Forestry, <u>livestockregulator@daff.qld.gov.au</u>
Department of Transport and Main Roads, <u>scrland@tmr.qld.gov.au</u>

Department of State Development, Infrastructure and Planning

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Our reference: SDA-0714-012992 Your reference: COMBd14/002

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
	opment Permits – Material Change of Use for a Rural Use (Poultry onmentally Relevant Activity 4(2) Poultry Farming for 360,000 bird	
the chi Gener the de	nmentally relevant activity—Pursuant to section 255D of the Sustainat lef executive administering the Sustainable Planning Act 2009 nominal at of the Department of Agriculture, Fisheries and Forestry to be the as velopment to which this development approval relates for the administ matter relating to the following condition(s):	tes the Director- ssessing authority for
1.	Development authorised under this approval for Environmentally Relevant Activity 4(2) Poultry Farming is limited to the area shown on the following plans:	At all times
	 Concept Plan – Locality, Drawing No. 140105-C01 Revision P4, prepared by Ryacon Engineers Pty Ltd and dated 10 December 2014; 	
	 Poultry Shed Pads Site Concept Plan, Drawing No. 140105-C02 Revision P2, prepared by Ryacon Engineers Pty Ltd and dated 10 December 2014. 	
2009, Gener develo	controlled road and Railway—Pursuant to section 255D of the Sustainathe chief executive administering the Sustainable Planning Act 2009 notes of the Department of Transport and Main Roads to be the assessing spment to which this development approval relates for the administration after relating to the following condition(s):	ominates the Director- authority for the
2.	The development must be carried out generally in accordance with the following plan:	At all times
	 Poultry Shed Pads Site Concept Plan, Drawing No. 140105-C02 Revision P2, prepared by Ryacon Engineers Pty Ltd and dated 10 December 2014. 	
3.	The permitted road access location is to be located, designed and constructed in accordance with the section 62 approval dated 22 August 2014 (Attachment 2) granted by the Department of Transport and Main Roads under the Transport Infrastructure Act 1994.	At all times
4.	The applicant must provide evidence from the railway manager (Australian Rail Track Corporation Limited) to the Department of Transport and Main Roads that an occupational crossing licence has been obtained for the crossing of the NSW Border Line at 905.430km.	Prior to the commencement of use
5.	The applicant must provide evidence from the railway manager (Australian Rail Track Corporation Limited) to the Department of Transport and Main Roads that the existing occupational crossings of the NSW Border Line at 905.055km and 905.518km have been decommissioned and closed.	Prior to the commencement of use
6.	(a) The development must be in accordance with the Stormwater Management Plan entitled Proposed Chicken Broiler Farm, 9508 Mount Lindsay Highway, Tamrookum, Reference 140105, prepared by Ryacon Engineers Pty Ltd and dated	(a): Prior to the commencement of use and to be maintained at all

Department of State Development, Infrastructure and Planning

No.	Condit	tions	3	Condition timing
	25	Nov	ember 2014; in particular:	times
	•	CO	diment and Erosion Control Plan, Reference 140105- 5 Revision P2, prepared by Ryacon Engineers Pty Ltd d dated 10 December 2014.	(b): At all times
	•	Re	ermwater Management Plan, Reference 140105-C08 vision P1, prepared by Ryacon Engineers Pty Ltd and ed 10 December 2014.	
	(b) An	y wo	rks on the land must not:	
	· '	(i)	create any new discharge points for stormwater runoff onto the railway;	
	((ii)	interfere with and/or cause damage to the existing stormwater drainage on the railway;	
	((iii)	surcharge any existing culvert or drain on the railway; and	
		(iv)	reduce the quality of stormwater discharge onto the railway.	
7.	bad inv trai	ckfilli olvin nspo	sign and construction of any excavation, filling and ing, service provision, access and other works ig ground disturbance must not de-stabilise rail ort infrastructure or the land supporting this ucture.	Prior to the commencement of use and to be maintained at all times
			lowing works or structures associated with the oment must not encroach into the adjoining railway:	
	۱ ۱	(i)	retaining structures - necessary to stabilise any excavation or filling;	
	((ii)	storage of fill, spoil or any other material; and	
	((iii)	temporary structures or batters.	
8.	Assess Developersion Safety General Emission State P	ding fable pme of 1 di Que al tha ons a	pment must not store on-site dangerous goods the threshold quantities specified in Table 5.2 – Model & Development Triggers in the Model Planning Scheme ent Code for Hazardous Industries and Chemicals, atted June 2014 prepared by Workplace Health and ensland of the Department of Justice and Attorneyat supports the State Planning Policy: State Interest – and Hazardous Activities dated July 2014 and the hing Policy: State Interest Guideline – Emissions and Activities dated July 2014.	At all times
Develo	pment P	erm	it – Reconfiguring a Lot (Access Easement)	
2009, the General develop	e chief e of the D ment to	exec Depa whic	f and Railway—Pursuant to section 255D of the Sustaina utive administering the Sustainable Planning Act 2009 no rtment of Transport and Main Roads to be the assessing th this development approval relates for the administratio to the following condition(s):	ominates the Director- authority for the
9.	Develo followin		nt must be carried out generally in accordance with the an:	Prior to submitting the Plan of Survey to
	•	Re	mbined Access Easement Plan and Lot configuration, Drawing No. 140106-61 Revision A, pared by Ryacon Engineers Pty Ltd and dated 24 July 14.	the local government for approval and to be maintained at all times

Department of State Development, Infrastructure and Planning

No.	Conditions	Condition timing
10.	The permitted road access location is to be located, designed and constructed in accordance with the section 62 approval dated 22 August 2014 (Attachment 2) granted by the Department of Transport and Main Roads under the Transport Infrastructure Act 1994.	Prior to submitting the Plan of Survey to the local government for approval and to be maintained at all times
11.	(a) The design and construction of any excavation, filling and backfilling, service provision, access and other works involving ground disturbance must not de-stabilise rail transport infrastructure or the land supporting this infrastructure.	(a) and (b): Prior to submitting the Plan of Survey to the local government for approval and to be
	(b) The following works or structures associated with the development must not encroach into the adjoining railway:	maintained at all times
	 retaining structures - necessary to stabilise any excavation or filling; 	
	 storage of fill, spoil or any other material; and 	
	 temporary structures or batters. 	
12.	The applicant must provide evidence from the railway manager (Australian Rail Track Corporation Limited) to the Department of Transport and Main Roads that an occupational crossing licence has been obtained for the crossing of the NSW Border Line at 905.430km.	Prior to submitting the Plan of Survey to the local government for approval
13.	The applicant must provide evidence from the railway manager (Australian Rail Track Corporation Limited) to the Department of Transport and Main Roads that the existing occupational crossings of the NSW Border Line at 905.055km and 905.518km have been decommissioned and closed.	Prior to submitting the Plan of Survey to the local government for approval

Our reference: SDA-0714-012992 Your reference: COMBd14/002

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- · The poultry farm involves an environmentally relevant activity.
- To ensure that the development is carried out in the location and to the extent specified on the plans of development.
- The subject site adjoins a state-controlled road and railway corridor.
- To ensure that buildings, structures and activities do not adversely impact on the safety and operation of state transport corridors.
- To ensure that stormwater drainage and run-off does not adversely impact on statetransport corridors.
- To ensure that the access across the railway corridor and to the state-controlled road does not compromise the safety and efficiency of both state transport corridors.
- To ensure that the development is undertaken in accordance with the submitted plans and reports.

Department of State Development, Infrastructure and Planning

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Our reference: SDA-0714-012992 Your reference: COMBd14/002

Attachment 3— Section 62 of the Transport Infrastructure Act 1994 decision

Department of State Development, Infrastructure and Planning

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Our ref CM6220 - (500/00631) Your ref 140106/scb Dinesh Thilakasiri Enquiries

Department of Transport and Main Roads

22 August 2014

Mr Geoff Ryan Ryacon Engineers Pty Ltd PO Box 554 Beaudesert QLD 4285

Dear Sir

Access location and pre-construction approval (amended): CM6220 Lot 3 on RP48275 Mt Lindesay Highway (SCR25B), Tamrookum

I refer to your application received in our office on 22 July 2014 for construction of a new access from Mt Lindesay Highway to Lot 3 on RP48275.

The Department of Transport and Main Roads advises that your application has been approved. This approval does not authorise you to begin construction. For your reference, please find attached the following documents:

- 1. Decision Notice (Attachment 1);
- 2. Approval Conditions (Attachment 2);
- 3. Pre-construction Approval (Attachment 3):

Your next steps:

- a. Carefully read and follow the above information and attachments; this will avoid unnecessary delays to your construction works.
- b. Ensure you have all your documentation and, if required, any approvals from other agencies such as local council, the Department of Environment and Heritage Protection (DEHP), ready for construction. If any tree removal is required in the State-controlled road corridor, you may need to obtain an approval permit from DEHP.

Infrastructure Management & Delivery Program Delivery & Operations South Coast District / Gold Coast Office 36-38 Cotton Street, Nerang PO Box 442 Nerang Old 4211

Telephone +61 7 5553 6600 Facsimile +61 7 5563 6611 Website www.tmr.qld.gov.au
Email PDO.Regions.goldcoast@tmr.qld.gov.au

ABN 39 407 690 291

- c. Once you have attended to paragraph (b), arrange for your traffic management company (which must be registered with the department) to complete the Traffic Control Permit (TCP) application form, and submit it to the district's Corridor Management section for processing.
- Once the department has received all necessary documentation, it will assess and advise when your TCP is approved.
- After receiving your TCP, please contact Dinesh Thilakasiri on 5563 6584, to request
 a pre-start meeting. Please refer to the attached Construction Approval section 1
 (Attachment 3) for this process.
- A road corridor permit/works permit will be issued by the department's works inspector at the pre-start meeting.
- g. Construction will only be permitted once the road corridor permit/works permit is issued.

Any further enquiries about this approval should be made to Dinesh Thilakasiri on (07) 5563 6584. Please include our reference number **CM6220** in any future correspondence about this approval.

Yours sincerely

tor Jack Donaghey

A/District Director (South Coast)

Attachment 1

DECISION NOTICE

Section 67 Transport Infrastructure Act 1994 (TIA)

- The department approves the access between Lot 3 RP48275 and (SCR25B) subject to the conditions and restrictions contained in the Permitted Road Access Location Conditions (Attachment 2)
- · This notice is required under section 67 of the TIA.
- · Reasons for Decision:
 - You have submitted a completed Application for a Permitted Road Access Location received on 22 July 2014 providing numbers of vehicles will use this access and other details.
 - The permitted road access location/s satisfies the department's requirements with respect to safety and efficiency of the State-controlled road.
- Under section 70 of the TIA, you are bound by this decision. The text of section 70 is extracted below for your information.

Extracted text of Section 70 of the Transport Infrastructure Act 1994

70 Offences about road access locations and road access works, relating to decisions under s 62(1)

- (1) This section applies to-
- (a) a person who has been given notice under section 67 or 68 of a decision under section 62(1) about access between a State-controlled road and adjacent land; and
- (b) all present owners of that adjacent land if the decision was made in conjunction with a development approval under the Sustainable Planning Act 2009; and

Note-

For access to approval details, see the Sustainable Planning Act 2009, section 729 (Documents assessment manager must keep available for inspection and purchase—general).

- (c) all future owners of that adjacent land if-
- the decision was made in conjunction with a development approval under the Sustainable Planning Act 2009; and
- (ii) the approval does not indicate that the decision does not apply to future owners.
- (2) A person to whom this section applies must not-
- (a) obtain access between the land and the State-controlled road other than at a location at which access is permitted under the decision; or
- (b) obtain access using road access works to which the decision applies, if the works do not comply with the decision and the noncompliance was within the person's control; or
- (c) obtain any other access between the land and the road contrary to the decision; or
- (d) use a road access location or road access works contrary to the decision; or
- (e) contravene a condition stated in the decision; or
- (f) permit another person to do a thing mentioned in paragraphs (a) to (e); or
- (g) fail to remove road access works in accordance with the decision.

Maximum penalty-200 penalty units.

(3) However, subsection (2)(g) does not apply to a person who is bound by the decision because of section 68.

- Any person(s), whose interests are affected by this decision, may under part 5 of the Transport Planning and Coordination Act 1994, apply:
 - o for a review of this decision; and
 - o to the QCAT to have the original decision stayed.

Continuation of road access arrangements.

There is no guarantee of an indefinite continuation of road access arrangements as this
depends on future traffic safety and efficiency circumstances.

Attachment 2

PERMITTED ROAD ACCESS LOCATION CONDITIONS

- 1 Approved access location shall be in accordance with the submitted drawings 140106-50 to 140106-53.
- 2 This access servicing your property is approved for use of vehicles up to a 25m B-Double vehicle, and is to be designed / constructed in accordance with the geometric requirements of submitted drawings 140106-50 to 140106-53.
- 3 The access is approved for all entry and exit movements, with all vehicle movements between the property and the road to be made in the forward direction only.
- 4 In the event of further development of the site or change in the use of the access, you must apply to the department for new approval.
- 5 The department requires that you surface the access driveway to the property boundary, or 10m offset from the existing road edge, whichever is the lesser. This surface shall be sprayed bitumen seal, asphalt or concrete.
- 6 The design and construction of the access must ensure that no stormwater or debris is washed onto the State controlled road at the access point.
- 7 Road access works must be constructed and maintained to the satisfaction of the department at all times and at your cost.
- 8 You may be asked to close the existing access to your property permanently if the department is of the opinion that it is:
 - · creating a safety hazard for road users; or
 - · being used for an improper use.

Attachment 3

PRE-CONSTRUCTION APPROVAL

Road access works construction approval

Section 33, Transport Infrastructure Act 1994 (TIA)

Construction approval is granted subject to the following conditions:

- Prior to commencing construction
 - a. The management of all traffic through the work location (including pedestrians/cyclists) must comply with the department's Manual of Uniform Traffic Control Devices, in particular Part 3 'Works on Roads'. Failure to comply with this requirement may result in the immediate issue of an order to cease work within the State-controlled road reserve.
 - b. As traffic control measures need to be implemented on Mt Lindesay Highway during construction of the access, a Traffic Control Permit (TCP) will be required. Please be advised that in accordance with the Traffic Management Registration Scheme, regulatory signage / traffic control may only be implemented by a traffic management company registered with the department. Details of the scheme including a list of registered companies can be found on the department's website http://www.tmr.qld.gov.au/Business-and-Industry/Accreditations/Traffic-Management-Registration-Scheme.aspx.
 - c. The traffic control permit application must be completed by the registered traffic management company and include a copy of this approval. You must allow at least 7 working days for processing of the application, prior to the planned commencement of work.
 - The department will assess your application and advise when the TCP is approved.
 - e. After receiving the TCP (if required), please phone the nominated project officer on 5563 6584, quoting our reference number CM6220, to request a pre-start meeting with the department's works inspector. When calling to request the pre-start meeting, please allow five (5) working days notice.

2. During construction

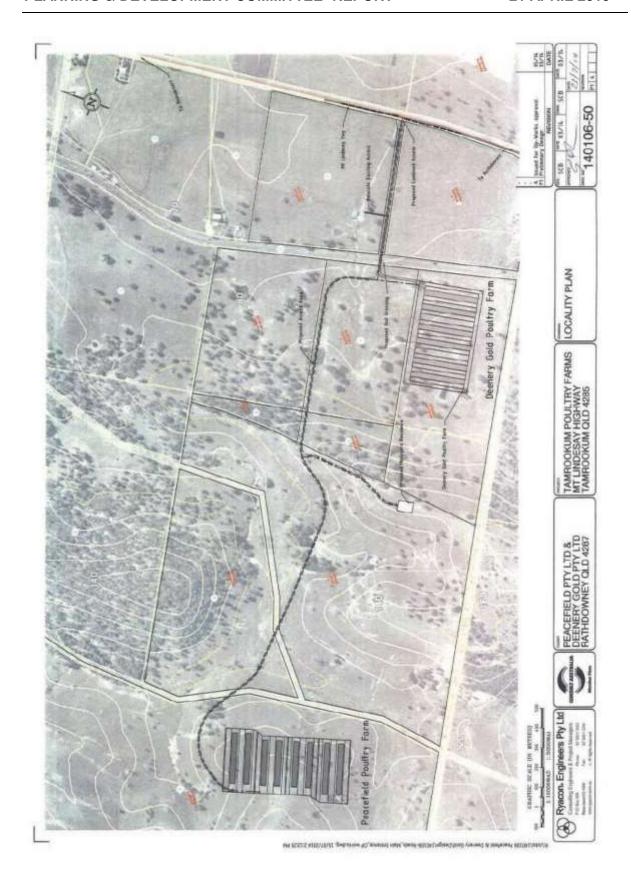
- a. The applicant, its principal contractor, its agents and employees is responsible for identifying the location of all existing underground services within the work area and ensuring they are not damaged during construction of the works in accordance with this approval.
- 3. On completion of construction
 - a. Any road infrastructure (road pavement/surfacing, roadside furniture, vegetation/landscaping, pedestrian facilities) damaged as a result of the access construction must be re-instated/repaired to its existing condition or better. Any damage which poses a safety threat to road users must be repaired as soon as practicable. All rectification works undertaken shall comply with the requirements of the current Main Roads' current standard specifications.

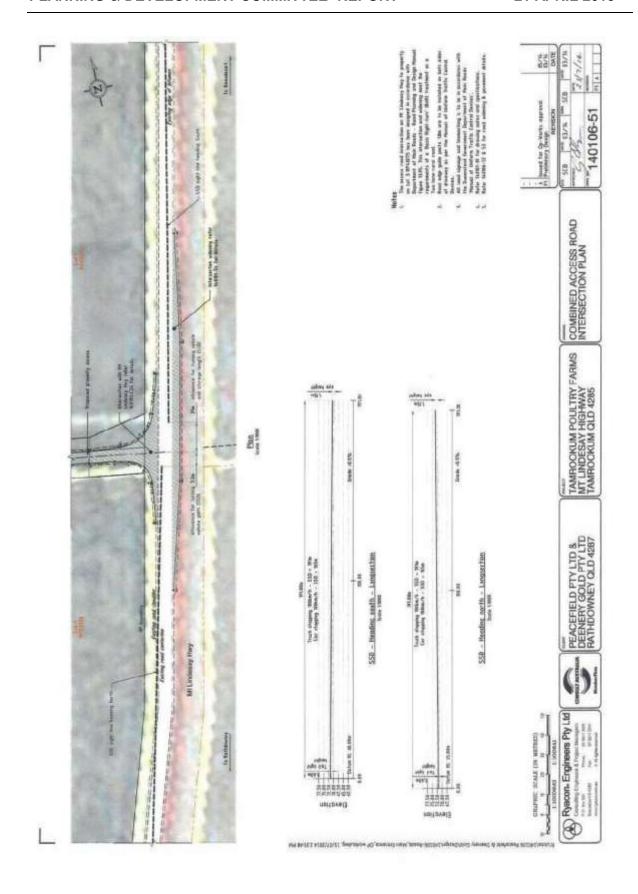
 You are required to notify the department's works inspector within 48 hours of completion of your access works to ensure compliance with the conditions.

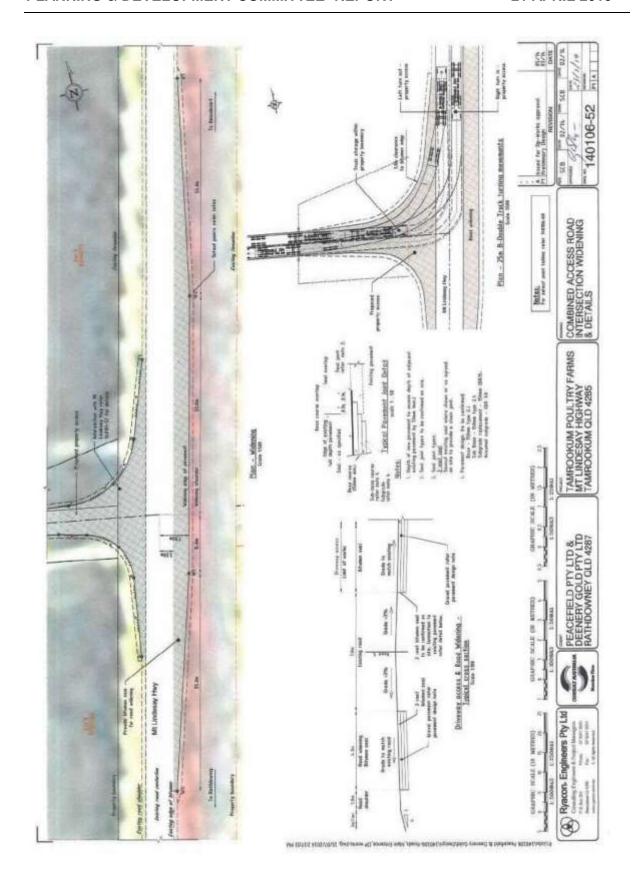
4. Indemnity

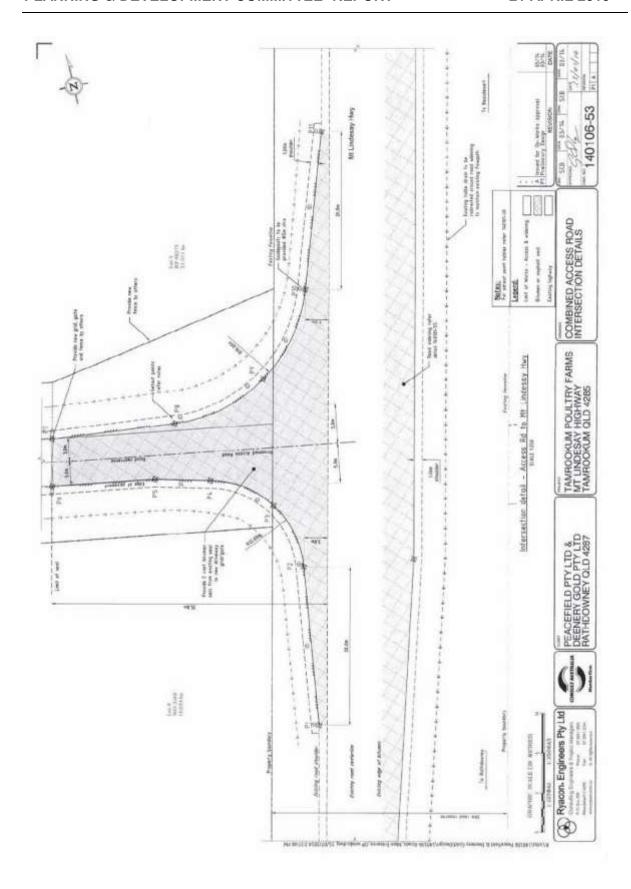
By commencing works at the site, you agree to indemnify or have the State of Queensland acting through the Department of Transport and Main Roads, their officers, employees and agents (the indemnified) indemnified against any or all Losses suffered or incurred (except to the extent that any Losses are caused through the negligent act or omission of the indemnified) in connection with the erection, existence or operation of the works or activities, the subject of this approval.

"Losses" include liabilities, losses, damages, expenses and costs (including legal costs on a full indemnity basis and whether incurred or awarded) of any kind or nature, whether arising in contract or tort (including, but not limited to, negligence) or under a statute; and also include loss of profits, loss of revenue, loss of anticipated savings, loss of opportunity, pure economic loss, loss of data, and any other consequential special or indirect loss or damage.







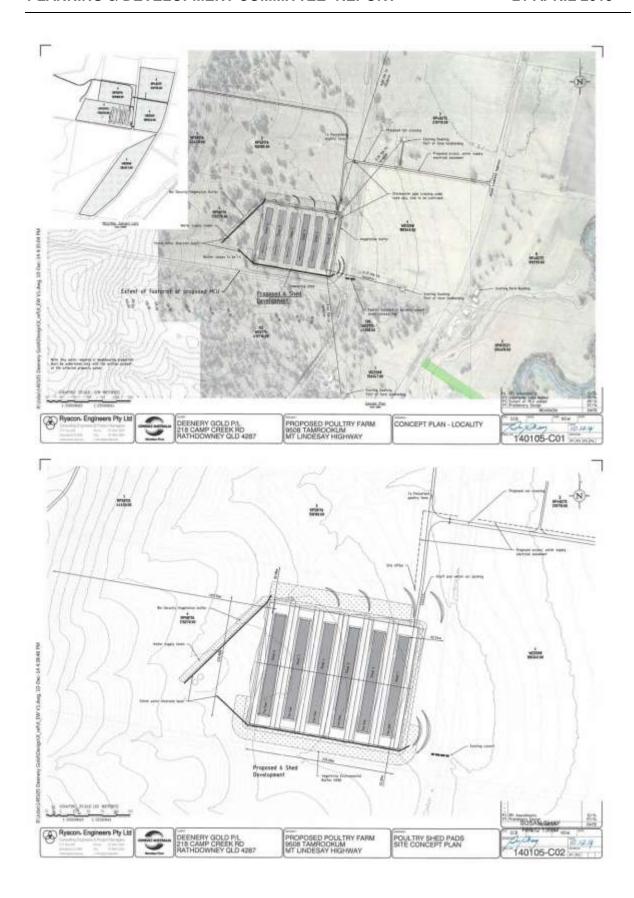


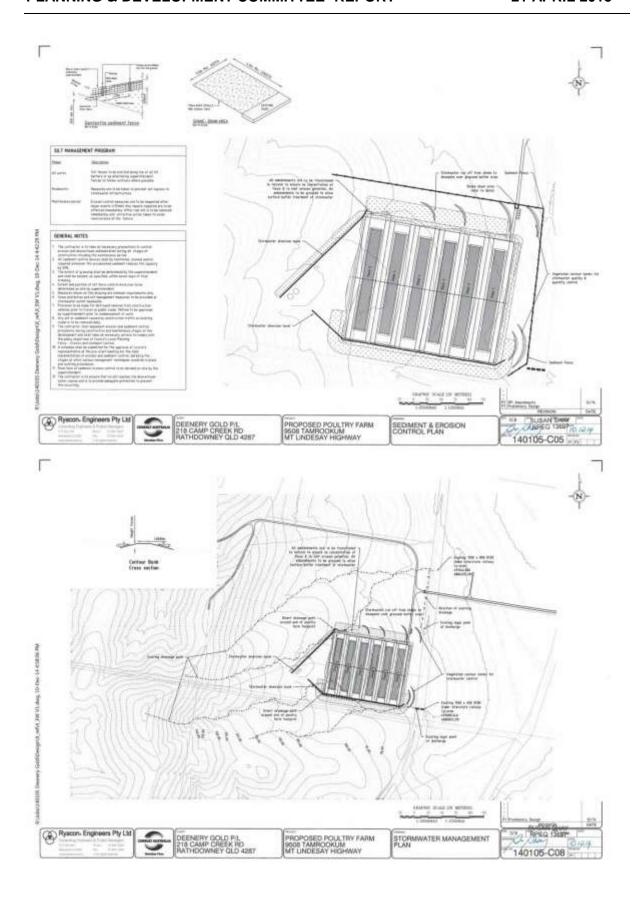
Our reference: SDA-0714-012992 Your reference: COMBd14/002

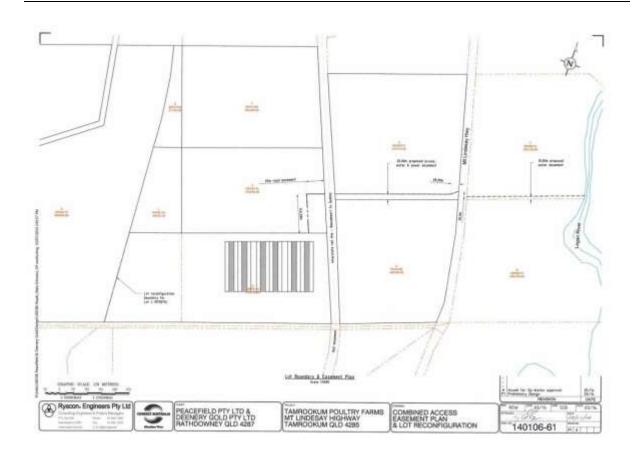
Attachment 4—Approved plans and specifications

Department of State Development, Infrastructure and Planning

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Proposed Chicken Broiler Farm

9508 Mount Lindesay Highway, Tamrookum L3 RP48275, Lot 3 and 4 RP58176, Lot 1 and 4 WD3268

STORMWATER MANAGEMENT PLAN

Revision A

Prepared For

Deenery Gold Pty Ltd

25 November 2014 Job: 140105

Deenery Gold Pty Ltd

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1 INTRODUCTION

A development application is to be submitted to Scenic Rim Regional Council for a Material Change of Use from agricultural to intensive animal industry for the property located at 9508 Mt Lindesay Highway, Tamrookum. The proposed development consists of the establishment of a chicken broiler farm, consisting of six sheds housing a maximum of 360,000 birds at any one time. See drawings 140105 - C01 and C02 for details of the proposed layout and associated infrastructure.

A site based stormwater assessment has been undertaken to determine the potential impacts of the development and the necessary mitigation works to ensure that there is no worsening of the stormwater discharges from the site into downstream properties. The general and specific requirements of the Beaudesert Shire Planning Scheme and the State Development Assessment Provisions have been considered as part of this assessment.

Ryacon Engineers has been engaged by the developer to:

- · Assess the pre and post-developed peak discharge flow rates from the site
- · Assess impacts of regional flooding on the development
- Develop suitable mitigation options to ensure no worsening of stormwater impacts on neighbouring properties, including the interstate railway
- Assess stormwater quality impacts from the proposed development
- · Develop a stormwater management plan

The following report details the modelling, results and recommendations of the stormwater assessment as well as the stormwater management requirements for the development.

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2 HYDROLOGY/HYDRAULIC ANALYSIS

2.1 HYDROLOGY - LOCAL CATCHMENT

2.1.1 Catchments

Stormwater flows discharging from the subject site are generated from within the subject property and from adjoining upstream properties. The catchment consists of steeper scrub land flattening to rolling open grassland. (Refer Plan 140105 - C01). Runoff generally flows via sheet flow with intermittent sections of flow concentration along the main drainage lines. The drainage lines concentrate at culverts under the interstate railway line, then flow via wide shallow drainage lines through downstream properties.

The proposed development will see a proportion of the subject site (Lot 4 RP58176) covered by chicken broiler growing sheds. These sheds will increase slightly the impervious percentage of the catchments.

Flood frequency estimates of the catchments that the development site forms part of, for both pre and post development, were calculated using the rational method. The rainfall characteristics for Beaudesert, as determined by the Bureau of Meteorology IFD calculator, were used for all calculations.

2.1.2 Input Data

The following catchment data is required to calculate the expected peak flows:

- Catchment area
- Catchment impervious fraction
- · Stream lengths
- Time of Concentration (TOC)
- IFD

The table below details the catchment information included in the pre and post developed calculations.

Scenario	Catchment	Catchment Area	Fraction Impervious	тос
Pre Developed	North	36.2ha	0%	30 min
Post Developed	North	36.2ha	2.7%	30 min
Pre Developed	South	27.2ha	0%	30 min
Post Developed	South	27.2ha	3.5%	30 min

2.1.3 PRE AND POST DEVELOPMENT RESULTS

The following table details the pre and post developed peak discharge flow rates from the site at the downstream property boundary on the west of the site.

Scenario	Northern Catchment Peak Discharge 100yr ARI	Southern Catchment Peak Discharge 100yr ARI		
Pre Developed	6.29m ³ /s	8.36m ³ /s		
Post Developed (Unmitigated)	6.42m ³ /s	8.53m ³ /s		

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The results indicate that there is a negligible increase in the peak discharge due to the proposed development. It is a requirement of QUDM that there be no worsening of the peak discharge rate, depth and concentration of stormwater from a site as a result of a new development. The proposed site works, discussed in Section 3, will ensure that the discharge requirements of QUDM are met.

2.2 FLOOD IMPACTS - REGIONAL FLOODING

The allotment on which the proposed poultry sheds will be established is not impacted by flooding from the nearby Logan River, nor are the legal points of discharge from this lot impacted by flooding.

3 MITIGATION OPTIONS

The chicken broiler sheds will be constructed on an earthworks pad as detailed on Drawings 140105 — C01 to C08. While there is expected to be only a negligible increase in peak discharge from the site as a result of the proposed development, this is unlikely to impact on flow depths from the property and subsequently reporting to the two railway culverts shown on the drawing 140105 — C08. Runoff flows from the earthworks pad and sheds will concentrate at the north east and south east corners of the earthworks pad.

In order to mitigate the concentration of flow that may occur from the site of the poultry sheds it is proposed to construct a number of contour banks immediately downstream of the north eastern and south eastern corners of the earthworks pad. The contour banks, detailed on drawings 140105 – C08, will slow the rate of discharge from the poultry farm area as well as disperse the flows back to pre developed flow patterns.

4 LAWFUL POINT OF DISCHARGE

The two point test outlined in QUDM Section 3.4, to determine whether a lawful point of discharge exists, has been applied to the site. There is not expected to be any worsening of the peak flows discharging the site. Dispersal of the flows downstream of the contour banks will ensure pre developed flow patterns are maintained. Downstream drainage easements will not be required and the lawful points of discharge will be the existing drainage lines where they cross the downstream boundary. This location is marked on drawing 140105 – C08

5 SEDIMENT AND EROSION CONTROL

5.1 POTENTIAL SEDIMENT GENERATION

Sediment will be generated as a result of the development works. While the potential exists for sediment to be generated during the construction phase, the potential sediment volume is dependent upon rainfall, site topography, the material type exposed, flow characteristics, and the construction practices and programme.

The potential sediment yield during construction will vary with the extent of site exposed during the construction programme. It is recommended that the following measures be adopted along with the sediment and erosion control plan detailed on drawing 140105 – C05 to ensure that the water quality of the receiving waters is not adversely impacted by the development works.

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5.2 CONSTRUCTION PHASE CONTROL MEASURES

The works proposed to control erosion are:

- a) Construct stabilised shake down area at the site access.
- b) Construct diversion drains as detailed on the preliminary engineering plans.
- Erect sediment fences as detailed on the preliminary engineering plans.
- d) Strip topsoil and stockpile within the controlled area on site. Remove from the site any material which is not required for rehabilitation of disturbed areas.
- e) Carry out bulk earthworks involving cut to fill.
- Exposed soils and stockpiles are to be watered, as required, to minimise soil losses as a result of wind.
- g) Finalised earthworks to be top soiled and seeded or landscaped as directed
- Maintain all sediment devices and other interim controls regularly.
- Remove sediment fences after the establishment of the landscaping and grass cover.

5.3 EROSION AND SEDIMENT CONTROL MANAGEMENT

The installation of erosion and sediment control devices requires maintenance of these devices to ensure their effectiveness in the control of potential environmental impact. Summary of the objectives and maintenance requirements for this project are detailed below.

5.3.1 Objectives

The objective of this erosion and sediment control plan is:

 To ensure that the water quality of the receiving waters is not worsened by the site development, minimise sediment transport in surface water runoff during the construction and operational stages.

5.3.2 Maintenance of Controls

The Owner is responsible for the installation and maintenance of the sediment and erosion control measures during the construction phase.

Maintenance responsibility for the establishment of vegetation, that is the requirement to irrigate the plants and grass used to generate ground cover, lies with the Owner.

Maintenance will require:

- a) Inspection of silt fences & diversion drains weekly during construction and after any rainfall event.
- b) Clean out sediment build-up following each event that causes deposits.
- c) Clean up soil and sediment deposits promptly as they occur.

5.3.3 Waste Control

Safe waste disposal practices of materials, such as paint, slime, acid, effluent, vegetation, sediment and garbage is required. Leakage, spillage or escape from the site of any of these materials is an offence. This document only deals with the sediment generated on site and the following waste practices should be applied:-

- 1) Silt Fences:
 - Sediment removed from the device is to be relocated to where further pollution to down slope levels and water ways cannot occur, or
 - Sediment is to be removed from site to an appropriate land fill location.

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5.3.4 Responses to Complaints

Complaints during this type of construction usually relate to noise and dust. Generally the complaint is made known to the Contractor, the Principal, the Superintendent and/or the Council.

The Contractor shall keep a record of all complaints identifying the nature of the complaint and any remedial action taken to address such complaint. The Contractor shall act as soon as possible to remedy the problem, if the complaint is considered valid and reasonable. A complaints record shall be made available by the contractor for regular inspection by the Superintendent. For the purpose of direction by others, the Contractor's details are to be supplied to Council prior to commencement of the works.

Complaints relating to dust shall require the Contractor to immediately water the exposed earth surfaces and any soil stockpile areas as well as haul roads to control dust. Such watering shall occur immediately the complaint is registered with the Contractor. Watering should continue periodically until conditions suit, or the works are completed to a state that prevents dust transport.

5.4 MONITORING

The installation of the erosion and sediment control measures as detailed in this plan will ameliorate potential impact to water quality in the receiving waters. A monitoring program is proposed to ensure that the control measures achieve the desired goals.

A visual monitoring program is proposed due to the small size of the development.

The construction phase monitoring is detailed in the Appendix 8.4.

6 STORMWATER QUALITY

The establishment of a free range poultry farm has the potential to impact downstream stormwater quality due to nutrient deposition in the range area. Limited research into the level of nutrient deposit in the free range area has been undertaken to date. For the purpose of this assessment it has been assumed that the proposed bird numbers of 360,000 would generate a similar nutrient deposit of a small beef cattle feedlot. Management of runoff through effluent dispersal is considered appropriate stormwater treatment for small feedlots.

6.1 STORMWATER QUALITY MANAGEMENT

The quality of stormwater discharging from the developed site is expected to remain the same as the pre development quality. All areas of the site, excluding the chicken sheds and associated driveway, will be vegetated to maintain feed for the free range chicken operation and for the existing cattle production. The improved kikuyu pasture and contour banks will act as a sediment and erosion control device as well as a primary water quality treatment device. Further primary treatment of stormwater will occur as the stormwater runoff flows via grassed (kikuyu) overland sheet flow to the property boundary.

6.2 MONITORING

The objective of the stormwater quality management plan is to provide management practices that reduce the reliance on the primary treatment devices. The maintenance plan is detailed in Appendix 8.4 of this report. The operational phase monitoring is detailed in Appendix 8.4.

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7 CONCLUSION

The preceding assessment has demonstrated the merits of the proposal in respect to the stormwater management requirements of the Beaudesert Shire Planning Scheme, QUDM and the State Development Assessment Provisions.

This Stormwater Management Plan Report has demonstrated that the potential stormwater impacts associated with the poultry farm are within acceptable and manageable limits. The proposed development is unlikely to have any adverse impacts on neighboring properties, including the adjoining railway corridor.

Should the development be granted approval and the findings of this stormwater management plan be implemented as part of the development works, it is considered that the requirements and intent of the Beaudesert Shire Planning Scheme, QUDM and the State Development Assessment Provisions can be achieved.

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8 APPENDICES

8.1 DRAWINGS

140105-C01 CONCEPT PLAN LOCALITY

140105-C02 SITE CONCEPT PLAN

140105-C03 SHEDS TYPICAL DETAIL

140105-C04 LANDSCAPING PLAN

140105-C05 SEDIMENT & EROSION CONTROL PLAN

140105-C06 EARTHWORKS PLAN

140105-C07 EARTHWORKS CROSS SECTION & TYPICAL LONGSECTION

140105-C08 STORMWATER MANAGEMENT PLAN

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8.2 RATIONAL METHOD CALCULATIONS - Southern Railway Culverts

Deenery Gold Pty Ltd 9508 Mt Lindesay Highway Tamrookum

Proposed Poultry Farm Southern Railway Culvert
Peak Flow Calculations IFD Curve Beaudesert

Pre Developed

Catchment Area	0.272	km
Main Stream Length	1.145	km
Average Slope	8	%
Velocity	0.9	m/s
Time of Concentration	29	min
Fraction Impervious	0.0	%
C ₁₀	0.51	

QUDM Table 4.6.6

QUDM Table 4.5.3

Interval	Years	1	2	5	10	20	50	100
Intensity for t _c	mm/hr	50.4	64.5	81.1	91	104	122	136
F _v		0.8	0.85	0.95	1	1.05	1.15	1.2
Runoff Coefficient (C ₁₀ x F _v)		0.41	0.43	0.48	0.51	0.54	0.59	0.61
Peak Discharge	m³/s	1.55	2.11	2.97	3.51	4.21	5.41	6.29

Post Developed

Catchment Area	0.272	km
Main Stream Length	1.145	km
Average Slope	8	%
Velocity	0.9	m/s
Time of Concentration	29	min
Fraction Impervious	3.5	%
C ₁₀	0.52	

QUDM Table 4.6.6

QUDM Table 4.5.3

Interval	Years	1	2	5	10	20	50	100
Intensity for t _c	mm/hr	50.4	64.5	81.1	91	104	122	136
F _v		0.8	0.85	0.95	1	1.05	1.15	1.2
Runoff Coefficient (C ₁₀ x								
F _v)		0.42	0.44	0.49	0.52	0.55	0.60	0.62
Peak Discharge	m³/s	1.59	2.16	3.03	3.58	4.29	5.52	6.42

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8.3 RATIONAL METHOD CALCULATIONS - Northern Railway Culverts

Deenery Gold Pty Ltd Proposed Poultry Farm 9508 Mt Lindesay Highway Tamrookum

Northern Railway Culvert **Peak Flow Calculations** IFD Curve Beaudesert

Pre Developed

Catchment Area	0.362	km
Main Stream Length	1.142	km
Average Slope	6	%
Velocity	0.9	m/s
Time of Concentration	29	min
Fraction Impervious	0.0	%
C+n	0.51	

QUDM Table 4.6.6

QUDM Table 4.5.3

Interval	Years	1	2	5	10	20	50	100
Intensity for t _c	mm/hr	50.4	64.5	81.1	91	104	122	136
F _v		0.8	0.85	0.95	1	1.05	1.15	1.2
Runoff Coefficient (C ₁₀ x F _v)		0.408	0.434	0.485	0.510	0.536	0.587	0.612
Peak Discharge	m³/s	2.07	2.81	3.95	4.66	5.60	7.19	8.36

Post Developed

Catchment Area	0.362	km
Main Stream Length	1.142	km
Average Slope	6	%
Velocity	0.9	m/s
Time of Concentration	29	min
Fraction Impervious	2.7	%
C ₁₀	0.52	

QUDM Table 4.6.6

QUDM Table 4.5.3

Interval	Years	1	2	5	10	20	50	100
Intensity for t _c	mm/hr	50.4	64.5	81.1	91	104	122	136
F _v		0.8	0.85	0.95	1	1.05	1.15	1.2
Runoff Coefficient (C ₁₀ x								
F _v)		0.416	0.442	0.494	0.52	0.546	0.598	0.624
Peak Discharge	m ³ /s	2.11	2.87	4.03	4.76	5.71	7.33	8.53

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8.4 STORMWATER MANAGEMENT PLAN

1. Water Quality Management - Construction Phase

Issue: Water Quality Ma	anagement - Construction Phase
Operational Policy:	To provide a set of guidelines to control the severity and extent of erosion and pollutant transport during firstly the earthworks stage, and the construction.
Performance Criteria:	Water discharges off the site are to ensure that no detrimental impacts on water quality and aquatic environment occur during the construction phase.
Responsibility:	The owner of the property or their appointed representative & the Construction Contractor. The owner will be responsible for the implementation of the SWMP during the course of all construction activity.
Implementation Strategy:	A detailed erosion & sediment control plan is to be prepared by the projects civil engineers & will incorporate the following: Sediment and erosion control in accordance with the Institution of Engineers Australia Soil Erosion and Sediment Control Guidelines will be adopted. Earthworks will be completed in stages with works restricted to the immediate areas. Subsequent stages of development should not commence if prior stages are affected by acid sulphate conditions &/or construction phase water quality objectives are not met. Silt fences will be placed along the downstream extents of all earthworks. Drains and bund walls will be topsoiled and vegetated with suitable vegetation as soon as possible. Clean-up of general site litter on a weekly basis and after significant rainfall events. (>25mm/24hours) Landscaping activities and revegetation will occur as soon as possible during/after the construction phase of the development. Only appropriate herbicides and fertilisers are to be used.

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Issue: Water Quality Management – Construction Phase			
Monitoring:	Sediment and erosion control measures will be inspected daily by the site manager during periods of rainfall. (>25mm/24hrs). Establishment and growth of vegetation – to be monitored monthly. No occurrence of excessive sediment deposit – to be monitored weekly or daily during periods of heavy rainfall (>25mm/24hrs). No release of construction material and silt from the site – to be monitored weekly or daily during periods of heavy rainfall (>25mm/24hrd). Vegetation established and growing prior to the rainy season. Erosion monitoring immediately following heavy rainfall. (>25mm)		
Auditing:	Inspection of silt fences following heavy rainfall. (>25mm/24hrs) Reviews are to be carried out on a monthly basis to assess the implementation strategy. A checklist is to be completed which assesses the strategies listed above.		
Identification of Incident or Failure:	Non compliance with agreed performance criteria will be identified by: 1. Visual inspections identifying:		
Corrective Action:	After any identification of incident or failure, the source is to be located immediately and the following measures implemented: If vegetation growth fails, new vegetation should be planted and established. Vegetation may require supplementary watering & replanting. If silt fences fail, replace and monitor more frequently. If erosion occurs, fill, vegetate and install velocity dissipation steps. If release of silt and other material off the site occurs, clean up, inspect all treatment techniques, revise designs and review different alternatives and install, otherwise reduce the rate of excavation.		

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2. Water Quality Management - Operational Phase

	WATER TO THE PROPERTY OF THE P			
Operational Policy:	To provide a concise plan to ensure that any water discharged from the site is of an acceptable quality.			
Performance Criteria:	Water discharges off the site should be of a quality, which ensures there is no detriment to the downstream environment.			
Responsibility:	The owner of the property or their appointed representative,			
Implementation Strategy:	A comprehensive conceptual stormwater runoff management system is proposed for the development comprising local runoff water quality control. Local catchment runoff water quality control is achieved by: Grassed overland flow and drainage paths These controls will: trap trash; trap coarse sediment and attached nutrients and heavy metals; remove nutrients; contain oil and greases, and contain surfactants Periodical monitoring of erosion or sediment deposition within treatment devices. Periodic maintenance of vegetation within the treatment devices.			
Monitoring:	Inspect flow paths to ensure that there are no signs of erosive activity or significant sediment deposits. Monitoring shall include inspection of all treatment devices to ensure they are operating efficiently.			
Auditing:	Reviews are to be carried out on a quarterly basis to assess the implementation strategy. A checklist is to be completed which assesses the strategy against each of the monitoring points above.			
Identification of Incident or Failure:	Non compliance with agreed performance criteria will be identified by: 1. Visual inspections identifying:			

Page 14 of 15 R:(Jobs\140105 Deenery Gold\Stormwater Management Plan.docx

RYACON® ENGINEERS PTY LTD CONSULTING ENGINEERS & PROJECT MANAGERS

Deenery Gold Pty Ltd

Corrective Action:	Harvesting of vegetation within the swales and re- establishment if vegetation is not healthy.
	If vegetation fails, new vegetation should be planted and established. Vegetation may require supplementary watering and replanting.

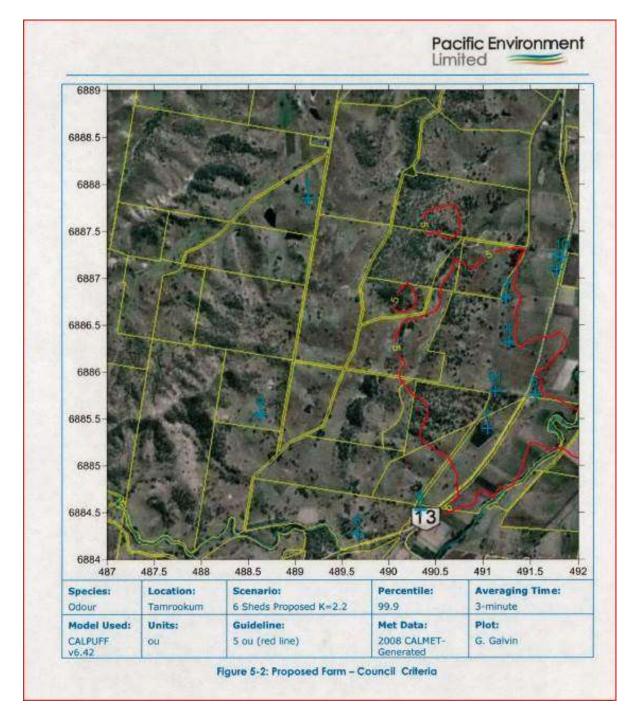
Water Quality Management - Operational Phase

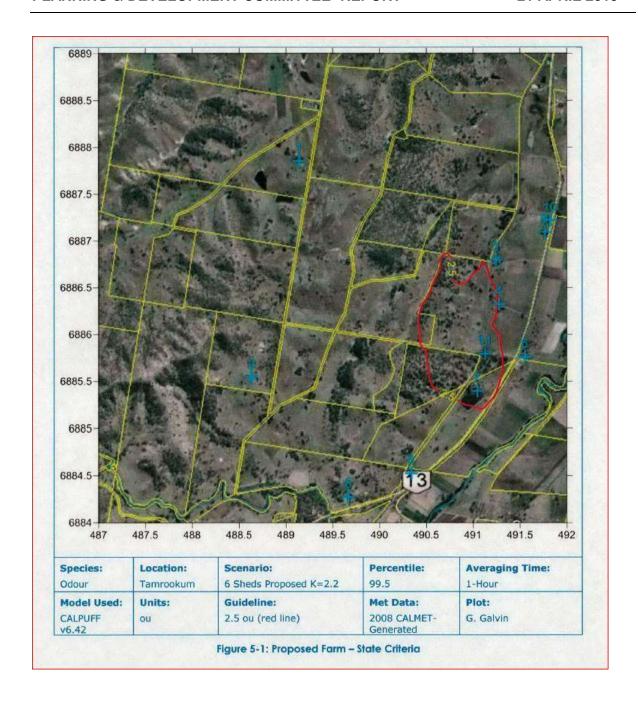
If erosion occurs, fill, vegetated and/or install velocity dissipation. To be in accordance with the Institute of Engineers Erosion and Sediment Control Guidelines.

If litter escapes from the site, clean up and rectify cause.

If poor water quality continues to occur, inspect all treatment techniques, revise designs and review different alternatives and install.

Attachment 5 - Comparison between Council and State's Odour Criteria - prepared by Pacific Environment Limited dated 25 June 2014





Attachment 6 - Copies of Submitter's letters

BEAUDESERT ELECTRICAL & REFRIGERATION SERVICES PTY LTD

108 BRISBANE STREET
P O BOX 273
BEAUDESERT 4285
0755 41 22 90
ABN. 45 011 049 960
LIC.7508 QLD [N.S.W. 77845C]
R/L L014104



SCENIC RIM REGIONAL COUNCIL

File No: ConBd 14/002

2 5 FEB 2015

L4WD 3268

Doc. Set No:....

L 3 RP 58176

x REF L3 RP48275

Resp. Officer DA SUBNISSION

2.2.15

REF: COMBd14/002"

THE ASSESSMENT MANAGER SCENIC RIM REGIONAL COUNCIL P O BOX 25 BEAUDESERT 4285

RE: THE WARREN DRYNAN POULTRY FRAM MT LINDESAY HWY INNISPLAINS BEAUDESERT 4285

RE: THE SUPPORT FOR NEW CHOOK SHEDS AT INNISPLAINS

TO WHOM IT MAY CONCERN,

I MICHAEL WILLIAM WILKIE SUPPORT THE DRYNAN FAMILY IN THERE ENDEAVOUR TO KEEP THE PRIMARY PRODUCERS ON THERE LAND IN QLD, AND TO KEEP LOCAL BUSINESS HOUSES WITH EMPOLYMENT AND JOBS, FOR THE RURAL COMPANYS IN BEAUDESERT AREA, AS A BUSINESS OWNER I CAN SEE THE LOCAL COMPANYS ARE RECEIVING GROWTH FROM THE FARMERS IN THERE NEW ENTERPRISES.

THE COMPANY OF BEAUDESERT ELECTRICAL AND REFRIGERATION SERVICES PTY LTD HAS KNOWN AND WORKED FOR THE DRYNAN FAMILY FOR OVER 35 YEARS, IN THIS TIME THE FAMILY HAVE SUPPORTED THE TOWN OF BEAUDESERT.

I SUPPORT THE NEW SHEDS AS THE COMMUNITY NEEDS THE EMPOLYMENT IN THIS TOWN NOW , NOT IN 20 YEARS. TIME.

SINCERELY, MMILLO

MICHAEL WILLIAM WILKIE

DIRECTOR

BEAUDESERT ELECTRICAL AND REFRIGERATION SERVICES P/L

184 Hodgson Road, Knapp Creek, 4285.

6-1-15

Planning Department, Scenic Rim Regional Council, PO Box 25, Beaudesert, Qld, 4285.

Dear Sir/Madam,

We have serious concerns regarding the proposed intensive poultry production at Tamrookum, near our property at Hodgson Road, Knapp Creek.

We would like someone to either visit/contact us to discuss/respond to these issues. Whilst we are not adjacent to the property where the facility is to be located, there are many potential issues that could effect our grazing business, ourselves and our neighbours. These include,

Water Contamination: How is this to be prevented from entering the catchment that runs through our property? How is their waste to be disposed of?

Water Supply: Where is the water supply coming from? Is our overland flow and underground supplies going to be affected?

Traffic: Is Hodgson Road, which is our access, going to be impacted in any way, as an alternative access? If so, this low level gravel access, will need to be substantially upgraded. Trucks on this road will be a serious problem.

We have already had an issue, when a low loader carrying an excavator, destined to the facility site, jack-knifed on Hodgson Road, causing the road to be blocked for several hours, residents having to detour over table drains and through the paddock, and leaving the road condition in a state of disrepair.

Noise: What future noise will be created from the proposed industry?

We are already dealing with noise from current construction on the site.

Light: Will we have light issues at night from the proposed facility, that we currently do not have?

Odour: From our experiences near other similar operations, this is a major issue. Prevailing winds from the South East, will direct odour from this operation in our direction. This will have a significant impact on our health and lifestyle.

Anticipating your response,

Regards,

David and Jane Thomas, 184 Hodgson Road, Knapp Creek, 4285. 07-55442134. Please find attached a letter of support from Dover and Sons for the above-mentioned development application.

Regards Sarah

Per Murray Dover

Sarah Connell

Dover & Sons

Administration PO Box 299 Beaudesert QLD 4285

Ph: 07 5540 1800 Fax: 07 5541 3215 Email: sarah@dovers.net.au



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REVOD PTY LTD T/A DOVER& SONS ABN 47 009 760 098

DOVER & SONS

BOONAH
High Street
Phone: (07) 5460 6600
Fax: (07) 5463 1546
PO Box 15, Boonah 4310

□ BOONAH Macquarie Street Phone: (07) 5463 3800 Fax: (07) 5463 1400 ☑ BEAUDESERT Telemon Road Phone: (07) 5540 1800 Fax: (07) 5541 3215 PO Box 299, Beaudesert 4285



Mr Craig Barke Chief Executive Officer Scenic Rim Regional Council Po Box 25 Beaudesert QLD 4285

Ref:

Application #COMBD14/002 9508 Mt Lindesay Highway

Tamrookum

Dear Mr Barke

Dover and Sons support the aforementioned development application.

Our future and our consideration to rebuild after the fire that devastated our premises is based around a viable agricultural industry in the Scenic Rim. In particular, the poultry industry has shown more promise than other industries recently.

This application and others like it are needed to make our business viable and support the engagement of our 62 staff members.

We recommend the application accordingly.

Ø

Yours sincerely

Murray Dover

Dealer Principal Dover & Sons Mr Barry Shonhan & Dr Rebecca Williams 176 Spring Creek Road Running Creek QLD 4287

15 January 2015

Assessment Officer Scenic Rim Council

Dear Sir

Application COMBd14/002 - Poultry Farm at I t 3 RP 482751 I t 3 RP 58176, I t 4 SP 263574, I t 1WD3268, IT 4 WD 3268, Mt Lindesay Hwy, Tamrookum, 4285.

We write in support of the proposed free-range poultry farm at 9508 Mount Lindesay Highway Tamrookum. The following are reasons for this:

- Enormous economic benefits to the local community involving substantial cash circulated throughout the local economy.
 - The construction of the proposed sheds will utilise numerous local trades people, including:
 - Earthmoving
 - Electrical
 - Irrigation / Plumbing
 - Water treatment
 - Engineering
 - Farm shed builders
 - Farm equipment suppliers
 - Fencing contractors
 - Fuel Distributors
 - Once operating, a farm this size will provide the following benefits
 - 1-3 full time jobs, as well as a number of ongoing casual jobs.
 - Substantial indirect employment throughout the district in local businesses that supply services to the poultry industry, such as electricians, plumbers, chemical suppliers, firms that remove chicken litter, shed cleaners and fuel distributors
- Visual amenity We do not believe that there is any negative impact from a farm such as this, but rather an improvement by way of replacing a less

productive piece of land with a working farm, as evidenced by the recently constructed green free range poultry farms within the district

- Production of clean, affordable, nutritious food for working families that complies with the latest animal welfare standards
- With advances in technology and improved farm management involving the introduction of turning litter each week odour is less of a problem than has been the case historically
- Enables a long-standing local family to continue an historic local farm as a viable working farm, in an area that is zoned rural. We believe that the site was once a working dairy that has been shut down along with a lot of local dairies. A transition to other farming industries such as this, for dairy farmers should be taken into account by council. Too many ex dairy farms have been split up and sold off as rural lifestyle properties. Council should also seek to maintain this area as one that contains financially viable working farms, which has historically been the backbone of the district.
- The site has excellent access to the Mt Lindesay Highway a major transport route, keeping truck movements away from minor local roads.

In summary, we express our full support for the proposed poultry farm at Tamrookum and believe it will provide enormous economic and social benefit to the local community.

Sincerely

Mr Barry Shonhan

Dr Rebecca Williams

RM William

Russell Brown 9396 Mt Lindesay Highway Tamrookum QLD 4285

15/01/2015

To the Assessment Manager Scenic Rim Regional Council,
I am writing to protest the proposed development of Pouitry
Farm at 9508 Mt Lindesay Highway Tamrookum application number COMBd14/002.

- The proposed development is inconsistent with the amenity of an area which is scenically attractive and largely consists of cropping, dairy farming, cattle farming, and small rural/residential holdings.
- 2. The original application for the Poultry Farm on this lot was rejected under one alias however after a name change they are reapplying. This 'new' application will also use the same access road and chicken disposal as per first application?
- 3. As per the plans for the Poultry farm that has been approved, can this infrastructure accommodate the excess wastage from the addition 6 sheds?
- The water runoff that will meet the Logan River catchment and nearby residents is also quite a large concern.
- The massive scale of the proposed construction (including requested extensions) is completely inconsistent with developments in the area.
- 6. The scale of the proposed development will have a major adverse visual impact
- 7. The increase in traffic densities and associated noise and dust is unacceptable
- 8. Noise from operations will impact nearby residents
- Odour is a fundamental concern which cannot be obviated by theoretical models or data representations from other areas with different topography and micro-climatic conditions.
- 10.Each stage of proposed expansion exacerbates the issues of visual impact, traffic density and noise, odour generation, including on-site composting, proximity to watercourses, proximity to other developments etc. Consideration of, and potential approval of, the total expanded proposal is therefore illogical and unacceptable.

SCENIC RIM REGIONAL COUNCIL

Thank You

Russell Brown

To the Scenic Rim Council,

10/1/2015

To whom it may Concern,

I am raising an objection to the proposed building of Meat Bird sheds nearby to our property at 9400 Mt Lindsay Highway, Tamrookum,

Our complaint is that the proposed meat bird sheds will have an effect on devaluing our property by its close proximity to our property, that a bird flu virus outbreak will have detrimental effect on our health & wellness and that of any livestock and local bird species.

There are a number of other contributing factors why these sheds should not be built in this area, this area is major tourism area where there is pristine countryside, with thousands of visitor annually. Also there are the issues relating to the environment ie: spills of toxic chemicals, odours (drifting smells) from the sites, waste management of bird carcases and faeces invading the waterways, this area is also prone to flooding and no doubt it will have effects on the current water systems and nearby rivers and creeks and wildlife.

Other major concerns are increased road traffic, workers & trucks coming and going all hours of the night, rodents, foxes, dust, visual effects including enormous sheds and machinery.

This area is not an acceptable location for such a development!

Property owner Patrick O'Dea

> SCENIC RIM REGIONAL COUNCIL Ma No Com Bel 14/002 15 JAN 2015 Dec. Set No:KA Resp. Officer: DA. SUBMISSION 2......3......

L3 RP48275 L3 RP58176 Kate O'Dea 9400 Mt Lindesay Highway Tamrookum 4285

12/01/2015

SCENIC RIM REGIONAL COUNCIL File No: Combd 14 002 15 JAN 2015 Doc. Set No:... ************* Resp. Officer: DA. SUBMISSION

To the Assessment Manager Scenic Rim Council, I am writing to you in protest at the proposed development of the Poultry farm at 9508 Mt Lindesay Highway application number COMBd14/002.

I believe the proposed development will impact the rural lifestyle we are accustomed in more ways then one.

- 1. Smell and pollution, is of a concern to myself and my neighbours, I do not believe that relevant testing has been done for this particular location. I have lived near Chicken sheds before and I know first hand no matter how much testing and research has been done you will always have a day or several days of a foul smell wafting over your property. This is will be unacceptable!
- 2. Visual impact, I currently have a wonderful scenic view of the rural properties surrounding me. To look out the window and see 6 sheds or more, trucks, loaders, and plant equipment will be an eyesore no matter how much of a buffer you propose to plant/build.
- 3. Waterways and flooding, As a resident of the area for 10 years I have seen many times the effects of heavy rain and seasonal flooding in this area. I know for a fact that most of this area floods and the flood water runs from the proposed site thru to my property several times a year. What pollution and or diseases will be sent my way into my dams for my livestock to drink? Not to mention the impact on the Logan River its catchments and wetlands. What
 - impact will this have on the wildlife when the river becomes polluted?
- 4. Noise and Traffic, The noise from the sheds will be no doubt be continuous with increased heavy traffic on Mt Lindesay Highway and truck and tractor movements around the property.

In closing I would like for you to take into consideration again the Odour and dust pollution, the acoustic pollution, the threat to the natural waterways of the Logan river and it's catchments.

If you were living in this area would you like to have this proposed development on your doorstep?

I think NOT!!

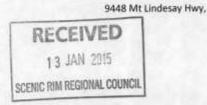
Regards Kate O'Dea

"Parkmoor"

12th January, 2015

The Assessment Manager Scenic Rim Regional Council P O Box 25, BEAUDESERT, QLD 4285.

Dear Sir,



Application COMBd14/002 – Poultry Farm at Lt 3 RP 48275, Lt 3 RP 58176, Lt 4 SP 263574, Lt 1 WD3268, LT 4 WD 3268, Mt Lindesay Hwy, Tamrookum, 4285.

As owners of the adjoining property we wish to lodge our strong objection to the proposed development of poultry sheds and the associated infrastructure, on the following grounds:

1. Proposed Access Road

The access road will pass along the border of our property creating dust and noise 24 hours a day, 7 days a week. This will directly effect our quality of life, in what is now a peaceful, private and clean environment. As we rely on tank water, poultry shed dust landing on our roof will go directly into our domestic water supply potentially affecting our health.

2. Odour

As our property lies to the south of the 6 proposed poultry sheds, our land would be in a direct line to receive all of the odour from the sheds on the southerly, prevailing winds. Should these sheds be approved we feel that, not only our land, but our home would be within the assessed Odour Affected Area.

3. Water Course

We are most concerned that effluent run-off from the sheds will follow the natural water course into our dams, adversely affecting our livestock.

4. Fencing

We are worried that our livestock will be put at risk from the trucks in the event they escape onto the adjoining proposed access road, and wonder who will be responsible for ensuring that the fencing will be adequate to protect livestock from the proposed road.

5. Property Value

We have had our property for sale for some time and are devastated to learn of the proposed developments which now appear to make it impossible to sell at any reasonable price given the uncertainty of major, neighbouring environmental hazards.

As rate-payers for many years, we seek Council's support in protecting our quality of life and our investment in what should be an area of great beauty, unpolluted water and clean, fresh air.

Jeffrey & Irene Blackburn

urs.faithfully.

L3 RP46275 L3 RP58176 L4 RP58176 SCENIC RIM REGIONAL COUNCIL
File No: Combally 1002

1 3 JAN 2015

Doc. Set No: LUBA
Resp. Officer: DA SUBMISSION
2.

Attachment 7 - Applicant's response to submissions

RESPONSE TO PUBLIC SUBMISSION

2rd March 2015

Your Ref: Our Ref:

COMBd14/002

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

140105/sjs

Attention: John Creagan

Dear Sir.

Re: COM Bd14/005 - Public Submission Response Application for Proposed MCU from Agricultural / Animal Husbandry to Poultry Farm and Reconfiguring a Lot - Access Easement 9508 Mt Lindesay Highway Tamrookum QLD 4285 Lot 3 RP 48275, Lot 3 RP 58176, Lot 4 RP 58176, Lot 1 WD 3268 and Lot 4 WD 3268

On behalf of Deenery Gold Pty Ltd, we provide the following responses to public submissions received by Scenic Rim Regional Council during the statutory public notification period.

Eight properly made submissions were received during the notification period.

This correspondence aims to respond directly to the issues raised by the submitters. It is requested that Council consider these responses in their assessment of the development application.

Where similar issues were raised by the submitters these have been grouped together and a single response provided.

1. Odour

ISSUE SUMMARY

The submissions assert that the proposed use will result in adverse odour impacts on surrounding sensitive uses.

RESPONSE

An odour assessment was undertaken by Pacific Environment Limited and the Odour Assessment Report was submitted with the original development application. The objective of the assessment was to determine odour impacts from the proposed operation on surrounding land uses in accordance with:

- Queensland Guidelines Meat Chicken Farms (DAFF, 2012)
- Guideline: Odour Impact Assessment from Developments (DEHP, 2013)
- Beaudesert Shire Planning Scheme (Beaudesert Shire Council, 2007)

The scope of works of the assessment to determine the potential odour impacts included:

- · estimating hourly varying odour emissions
- meteorological and plume dispersion modelling
- analysing model results and evaluating them against assessment criteria.

RECEIVED - 2 MAR 2015 SCENIC RIM REGIONAL COUNCIL

P.O. Box 554 1/46 Arms Street BEAUDESERT OLD 4286 ABN: 78 126 747 797

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Page 1 of 5

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This work was undertaken by way of:

- information and data review
- emissions estimation
- · meteorological data processing
- · dispersion modelling

The odour assessment found that the predicted odour emissions (K factor of 2.2) from the proposed farm (six sheds) indicates that odour levels associated with the farm at the nearest sensitive receptors will be within the Queensland EHP odour guideline criteria (C99.5 1-hr = 2.5 ou), even when combined with the predicted odour levels from the nearest poultry farm (currently under construction).

The Site Based Management Plan developed by FSA and submitted as part of the development application is intended to be used as the operational manual for the proposed poultry farm with respect to environmental impacts. The plan provides comprehensive best practice modern management strategies to minimise odour generation and therefore odour impacts at sensitive receptors.

The Department of Agriculture, Fisheries and Forestry have issued an Environmental Authority for the proposed poultry farm which requires compliance with specific environmental conditions, including that of odour.

This current application does not concern itself with any past or prospective future planning applications and seeks to be treated on its merits.

2. Noise

ISSUE SUMMARY

The submissions assert that the proposed use will result in adverse noise impacts on surrounding sensitive uses.

RESPONSE

The Site Based Management Plan developed by FSA and submitted as part of the development application is intended to be used as the operational manual for the proposed poultry farm with respect to environmental impacts. The plan provides comprehensive best practice management strategies to minimise noise generation and therefore noise impacts at sensitive receptors.

Access to the site will be via a shared access driveway off the Mount Lindesay Highway. A traffic impact assessment was undertaken for the proposed poultry farm by TTM, with the assessment report submitted with the development application. The report concluded that there would be negligible impact on the public road corridor network as result of the proposed development. Accordingly noise levels from traffic along the public road corridor network are unlikely to increase as a result of the proposed development. The report also indicates that vehicle numbers accessing the site and using the access driveway will range from 5 to 15 per day. While the farm will operate 24 hours per day, 7 days per week and vehicular traffic may occur at anytime there will not be a constant stream of traffic accessing the site.

The proposed access driveway is located some 430m from the nearest sensitive receptor outside the subject allotments. This receptor is a similar distance from the Mount Lindesay Highway.

The Department of Agriculture, Fisheries and Forestry have issued an Environmental Authority for the proposed poultry farm which requires compliance with specific environmental conditions, including that of noise emissions at receptors.



3. Dust

ISSUE SUMMARY

The submissions assert that the proposed use will result in adverse dust impacts on surrounding sensitive uses.

RESPONSE

A dust assessment was undertaken by Pacific Environment Limited with the results included in the Odour Assessment Report submitted with the original development application. The proposed development was assessed against the Environment Protection Policy (Air) (OQPC, 2012) criteria of 50 µg/m3 which is one third of the 150 µg/m3 criteria in the Beaudesert Shire Planning Scheme 2007.

The dust assessment found that the predicted dust emissions from the proposed farm (six sheds), including background concentrations, indicates that the dust criteria is held within the subject property boundary of the subject lots and does not impact nearby sensitive receptors.

Access to the site will be via a shared access driveway off the Mount Lindesay Highway. A traffic impact assessment was undertaken for the proposed poultry farm by TTM, with the assessment report submitted with the development application. The report concluded that there would be negligible impact on the public road corridor network as result of the proposed development. Accordingly dust levels from traffic along the public road corridor network are unlikely to increase as a result of the proposed development, particularly as the highway is sealed.

The report also indicates that vehicle numbers accessing the site and using the access driveway will range from 5 to 15 per day. Traffic along the proposed gravel access driveway will generate some localised dust as the vehicle moves along the access, however is unlikely to cause nuisance at nearby sensitive receptors.

The Site Based Management Plan developed by FSA and submitted as part of the development application is intended to be used as the operational manual for the proposed poultry farm with respect to environmental impacts. The plan provides comprehensive management strategies to minimise dust generation and therefore dust impacts at sensitive receptors.

The Department of Agriculture, Fisheries and Forestry have issued an Environmental Authority for the proposed poultry farm which requires compliance with specific environmental conditions, including that of dust emissions at receptors.



4. Water Quality

ISSUE SUMMARY

The submissions assert that the proposed use will result in adverse impacts on surface waters.

RESPONSE

The Site Based Management Plan developed by FSA and the Stormwater Management Plan developed by Ryacon Engineers submitted as part of the development application is intended to be used as the operational manual for the proposed poultry farm with respect to environmental impacts. The plan provides comprehensive management strategies to minimise impacts to surface waters from all potential sources. The proposed development design and operational procedures, including the use of high pressure low volume shed cleaning methods, will ensure that release of effluent from the development extents is extremely unlikely.

Stormwater runoff from the operational area of the poultry farm with be directed over grassed buffer strips and to grassed contour banks prior to discharge from the subject site. These stormwater management strategies will ensure that adverse impacts to surrounding natural water courses is unlikely.

5. Amenity

ISSUE SUMMARY

The submission asserts that the proposed use is inconsistent with the current rural landscape and rural uses, and will have deleterious impacts on some current rural industries in the vicinity.

RESPONSE

Poultry farming is consistent with development in a rural zone. The proposed poultry farm is considered to meet the overall outcomes for a poultry farm, including that other rural based activities, in particular non intensive rural based activities such as Tourism, Equestrian Activities, Wineries, Agriculture and Animal Husbandry are protected. The proposed poultry farm has been located such that it will not impact on other rural based activities as described.

Well managed poutry farms, like other rural enterprises in the Scenic Rim, are typically tidy and well presented in order to meet statutory requirements and community expectations of farming standards. Visually, the sheds will be obscured from the Mount Lindesay Highway and surrounding properties by proposed vegetation buffer screens.

The scale of the proposed development is considered to be consistent with current best practice in efficient livestock management.

6. Straying livestock damage

ISSUE SUMMARY

The submission asserts that the proposed use will mean that livestock potentially straying into the area of the proposed development will be in danger from truck movements.

RESPONSE

As in all rural areas, boundary fencing is considered to be a shared responsibility, and the responsibility for straying livestock rests with the owners of the livestock.

. Page 4 of 5

7. Impacts on property values

ISSUE SUMMARY

The submission asserts that the proposed use will reduce in value the submitters' property.

RESPONSE

This is not considered to be valid grounds for objection.

8. Impacts to domestic and native animals

ISSUE SUMMARY

The submission asserts that the proposed use will have a detrimental effect on surrounding livestock and local bird species.

RESPONSE

Poultry farms are operated under strict national biosecurity controls to ensure the health of the chickens and to limit the likelihood of disease outbreak. The proponents are committed to operating the poultry farm in accordance with these controls and to the highest animal welfare standards. This will ensure that the likelihood of negative impacts to the health of domestic and native animals on neighbouring properties is unlikely.

The subject property is considered a suitable site for a poultry farm, being located in an area typical for its rural enterprise, being close to transport routes, having a reliable water supply and being suitably separated from sensitive receptors.

As outlined in the supporting documents for the MCU application, the proposed poultry farm achieves the outcomes prescribed for development of this type in the rural zone. The proponent is committed to developing a rural enterprise that enhances the rural productivity of the landholding, is sensitive to surrounding land uses and the environment and provides economic benefit to the locality and broader region.

Should you require further information and advice, please do not hesitate to contact me.

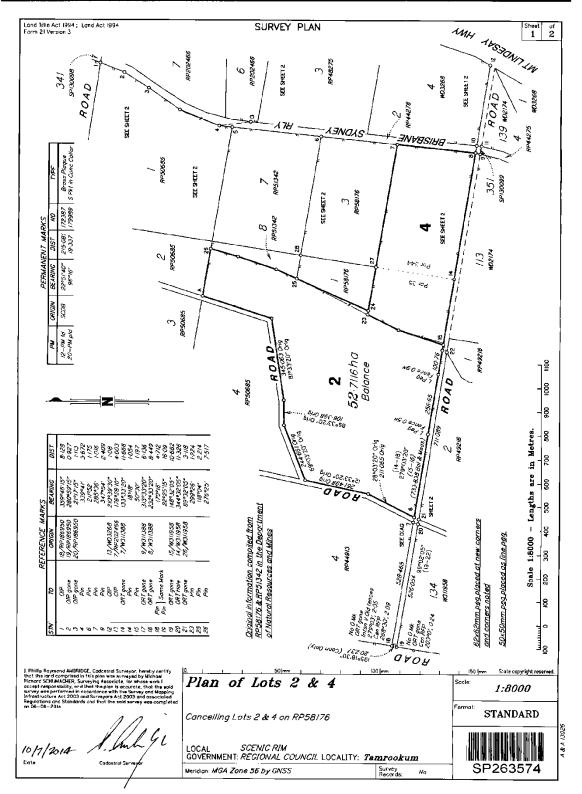
Yours faithfully,

Susan Shay RPEQ 13697

Page 5 of 5

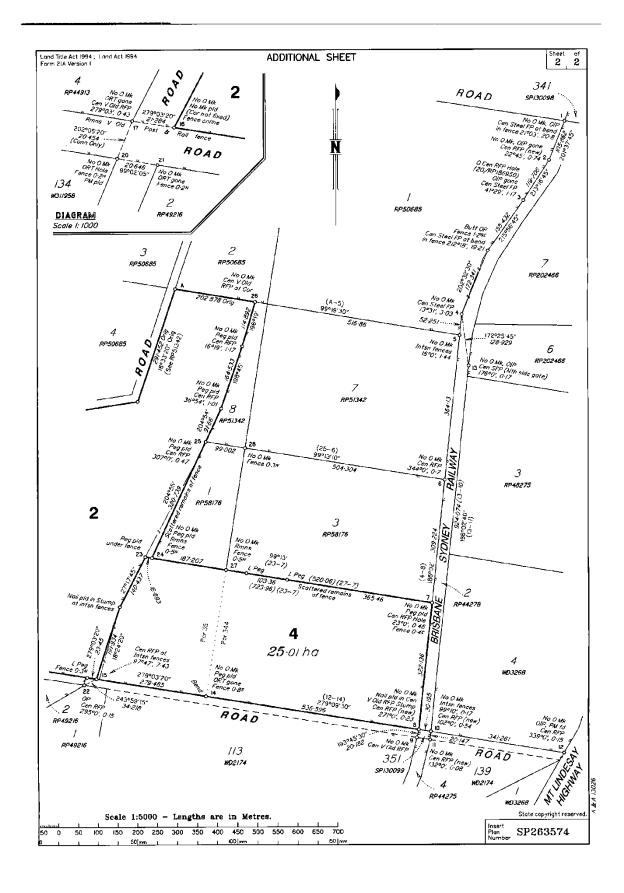
Attachment 8 - Lot size and description amendment registration for Lots 2 and 4 on RP58176

SP263574 V0 REGISTERED Recorded Date 29/08/2014 10:34 Page 1 of 3 Not To Scale



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hereby approves this plan in accordance with the :									
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# Insert designation of signatory or delegation		ii. Passed			MODINAC	Postoge		:	B
3. Plans with Community Management Statement : CMS Number :	References : Dept File :	By: Date:/0	Phillip 17/2014	Roymand A	11	TOTAL			494-70
Name:	Local Govt : RL .Bd2/00092	Signed :		1. Kul	290	14. Insert Plan	SP	2635	74
	Surveyor: A & A 13026	Designati	on : Gada	stral Surveya	"/	Number			_



Attachment 9 - ERA Approval



Department of Agriculture, Fisheries and Forestry

Reference QABD0581

Deenery Gold Pty Ltd "Glenapp" 218 Camp Creek Road RUNNING CREEK QLD 4287

Attention: Warren Drynan

Dear Mr Drynan

Application details

I refer to your application for an environmental authority, received by the administering authority on 22 September 2014.

Land description

Lot 3 Registered Plan 48275, Lot 3 and 4 Registered Plan 58176, Lot 1 and 4 WD3268.

9508 Mount Lindesay Highway, Tamrookum, Queensland

Decision

Your application has been considered by the administering authority and approved. The environmental authority (reference 2015-01) is attached for your reference. Should you have any further enquiries, please contact Mitchell Furness on telephone 4688 1374.

Signature

E-----

Mitchell Furness Manager, Environmental Regulation

Delegate of the administering authority Environmental Protection Act 1994 13 January 2015

Date

Enquiries:

Department of Agriculture, Fisheries and Forestry Animal Industries (J Block) 203 Tor St TOOWOOMBA QLD 4350

Phone: 13 25 23 Fax: 07 4688 1192

Email: livestockregulator@daff.qld.gov.au

Enclosed

Permit - Environmental Authority (reference 2015-01)

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Department of Agriculture, Fisheries and Forestry



Environmental Protection Act 1994

Environmental authority

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

Permit¹ number: 2015-01

Environmental authority takes effect when your related development application is approved

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

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

Environmental authority holder(s)

Name and Suitable Operator Reference	Registered address		
Deenery Gold Pty Ltd	"Glenapp" 218 Camp Creek Road		
Suitable operator reference: 727572	RUNNING CREEK QLD 4287		

Environmentally relevant activity and location details

Environmentally relevant activity	Location
ERA 4 — Poultry farming (2)— farming more than 200,000 birds	Lot 3 Registered Plan 48275, Lot 3 and 4 Registered Plan 58176, Lot 1 and 4 WD3268 9508 Mount Lindesay Highway TAMROOKUM QLD

Additional information for holders of environmental authorities

Environmentally relevant activities

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

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

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¹ Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation

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

Contaminated land

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

Signature

Mitchell Furness Manager, Environmental Regulation

Delegate of the administering authority Environmental Protection Act 1994 13 January 2015

Date

Enquiries

Department of Agriculture, Fisheries and Forestry Animal Industries (J Block) 203 Tor St TOOWOOMBA QLD 4350

Phone: 13 25 23 Fax: 07 4688 1192

Email: livestockregulator@daff.qld.gov.au

Attachments

Information sheet: Internal Review and Appeal to Planning and Environment Court (EM1866)

Department of Agriculture, Fisheries and Forestry

Obligations under the Environmental Protection Act 1994

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

- general environmental duty (section 319)
- · duty to notify environmental harm (section 320-320G)
- offence of causing serious or material environmental harm (sections 437-439)
- · offence of causing environmental nuisance (section 440)
- offence of depositing prescribed water contaminants in waters and related matters (section 440ZG)
- offence to place contaminant where environmental harm or nuisance may be caused (section 443)

Conditions of environmental authority

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

Agency int	erest: General
Condition number	Condition
G1	Any breach of a condition of this environmental authority must be reported to the delegate of the administering authority within 24 hours of becoming aware of the breach and record full details of the breach and any subsequent actions.
G2	This environmental authority authorises you to conduct the activity listed above at the level specified.
G3	All reasonable and practicable measures must be taken to minimise the likelihood of environmental harm being caused.
G4	The activity must be undertaken in accordance with written procedures that: identify potential risks to the environment from the activity during routine operations and emergencies establish and maintain control measures that minimise the potential for environmental harm ensure plant, equipment and measures are maintained in a proper and effective condition ensure plant, equipment and measures are operated in a proper and effective manner ensure that staff are trained and aware of their obligations under the Environmental Protection Act 1994 ensure that reviews of environmental performance are undertaken at least annually
G5	All information and records that are required by the conditions of this environmental authority must be kept for a period of at least 5 years.



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G6	Storage of chemicals and fuels in bulk or in containers of greater than 15 litres must be within a secondary containment system and releases from the containment system controlled in a manner that prevents environmental harm.
G7	If you become aware of any adverse impact on an environmental value likely to have been caused by the operation of the activity, you must notify the delegate of the administering authority in writing of the full details of the adverse impact within 24 hours of becoming aware of the impact.
Agency int	erest: Air
Condition number	Condition
A1	Odours or airborne contaminants which are noxious or offensive or otherwise unreasonably disruptive to public amenity or safety must not cause nuisance to any nuisance sensitive place or commercial place .
A2	Dust and particulate matter emissions must not exceed the following concentrations at any sensitive place or commercial place: a) dust deposition of 120 milligrams per square metre per day, when monitored in accordance with Australian Standard AS 3580.10.1 (or more recent editions), or
	 b) a concentration of particulate matter with an aerodynamic diameter of less than 10 micrometre (µm) (PM10) suspended in the atmosphere of 50 micrograms per cubic metre over a 24 hour averaging time, when monitored in accordance with Australian Standard AS 3580.9.6 (or more recent editions).
Agency int	erest: Water
Condition number	Condition
WT1	Other than as permitted within this authority, contaminants must not be released from the site to any waters or the bed and banks of any waters .
WT2	Contaminants must not be released to groundwater or at a location where they are likely to release to groundwater .
WT3	Contaminants must not be released to surface waters.



Condition	Condition								
number									
N1	Noise from the activity must not exceed the levels identified in Table 3 – Noise limits and the associated requirements at any nuisance sensitive place or commercial place.								
	Noise	oise limits Monday to Saturday			Sunday and Public Holidays				
	level measured	7am-6pm	6pm-10pm	10pm-7am	9ат-брт	6pm-10pm	10pm-9am		
	in dB(A)		Noise measured at a nuisance sensitive place						
	L _{Aeq adj,T}	Background +5	Background +3	Background +3	Background +5	Background + 3	Background + 3		
	MaxL _{pA,T}	Background	Background	Background	Background	Background	Background		
		+10	+8	+5	+10	+8	+5		
	L _{Aeq adj,T}	Noise measured at a commercial place							
		Background +10	Background +8	Background +5	Background +10	Background +8	Background +5		
	MaxL _{pA,T}	Background	Background	Background	Background	Background	Background		
		+15	+13	+10	+15	+13	+10		
Agency int	erest: Land			denni des			manufic.		
Condition number	Condition								
L1	Any release harm.	of contaminar	nts generated t	by the activity	to land must n	ot cause envir	onmental		
L2	Before surrendering this environmental authority the site must be rehabilitated to achieve a safe, stable, non-polluting landform.								
Agency int	erest: Waste		715			Half I	712		
Condition number	Condition								
WS1	Waste must only be removed from the site by a transporter lawfully able to transport it to a place lawfully able to receive it.								
WS2	Any release		f waste produ	cts generated l	by the activity	must not caus	e		

END OF PERMIT



Attachments

NIL

Definitions

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

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

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

background means noise, measured in the absence of the noise under investigation, as L ASO,T being the Aweighted sound pressure level exceeded for 90 percent of the time period of not less than 15 minutes, using Fast response.

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

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

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

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

environmental value (the Act) is-

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

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

MaxL_{pA,T} means the maximum A-weighted sound pressure level measured over a time period T of not less than 15 minutes, using Fast response:

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

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

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

prescribed contaminants means contaminants listed within Schedule 9 of the Environmental Protection Regulation 2008. 1.4

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release of a contaminant into the environment includes:

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

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

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

waters includes all or any part of a river, stream, lake, lagoon, pond, swamp, wetland, unconfined surface water, unconfined water in natural or artificial watercourses, bed and banks of a watercourse, dams, non-tidal or tidal waters (including the sea), stormwater channel, stormwater drain, roadside gutter, stormwater run-off, and groundwater.

you means the holder of the environmental authority.



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Information sheet

Environmental Protection Act 1994

Internal review and appeal to Planning and Environment Court

This information sheet forms part of an information notice under the Environmental Protection Act 1994. It gives a summary of the process for review and appeal to the Planning and Environment Court under the Environmental Protection Act 1994 (EP Act) and subordinate legislation. Refer to ss. 519-539 and Schedule 2 of the Environmental Protection Act for complete information about the process for internal review and appeal to the Planning and Environment Court.

Introduction

The EP Act provides for a right of internal review and appeal against certain decisions made under the EP Act. Decisions that can be reviewed or appealed are listed in Schedule 2 of the EP Act and within certain sections of the regulations and subordinate legislation¹ made under the EP Act. The EP Act also provides that a dissatisfied person for a review decision, other than those listed in Part 1 of Schedule 2 of the EP Act², may appeal the decision to the Planning and Environment Court (the Court).

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

Chapter 11, Part 3 of the EP Act

Division 1 — Interpretation

Section 519 Original decisions

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

Section 520 Dissatisfied person

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

Division 2 — Internal review of decisions

Section 521 Procedure for review

- 1) A dissatisfied person may apply for a review of an original decision.
- 2) The application must
 - a) be made in the approved form to the administering authority within-
 - 10 business days³ after the day on which the person receives notice of the original decision or the administering authority is taken to have made the decision (the 'review date'); or
 - ii) the longer period the authority in special circumstances allows; and
 - b) be supported by enough information to enable the authority to decide the application.

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Great state. Great opportunity

Information sheet Internal review and appeal to Planning and Environment Court

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

'decision period' means-

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

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Information sheet Internal review and appeal to Planning and Environment Court

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

Section 522 Stay of operation of particular original decisions

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

Division 4 - Appeals to Court

Section 531 Who may appeal

- A dissatisfied person who is dissatisfied with a review decision may appeal against the decision to the Court.
- 2) However, the following review decisions cannot be appealed against to the Court-
 - a) a review decision to which subdivision 1⁴ applies;
 - b) a review decision that relates to an original decision mentioned in Schedule 2, Part 3⁵.
- The chief executive may appeal against another administering authority's decision (whether an original
 or review decision) to the Court.
- A dissatisfied person who is dissatisfied with an original decision to which s. 521 does not apply may appeal against the decision to the Court.

Section 532 How to start appeal

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

Information sheet Internal review and appeal to Planning and Environment Court

Section 533 Appellant to give notice of appeal to other parties

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

Section 534 Persons may elect to become respondents to appeal

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

Section 535 Stay of operation of decisions

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

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

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

Section 536 Hearing procedures

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

Section 537 Assessors

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

Section 538 Appeals may be heard with planning appeals

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

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Information sheet Internal review and appeal to Planning and Environment Court

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

Section 539 Powers of Court on appeal

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

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

[.] Regulation 110 of the Environmental Protection Regulation 2008; and

Regulation 68C of the Environmental Protection (Waste Management) Regulation 2000.

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

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

⁴ Subdivision 1 is about appeals to the Land Court.

Original decisions mentioned in Schedule 2, Part 3 are original decisions for internal review only.

4. INI	FRAS	TRUC'	ΓURE	SERV	/ICES
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Nil.

Cr J.J. Sanders

CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE