



SCENIC RIM REGIONAL COUNCIL

Planning & Development Committee

Agenda

Meeting to be held in the Council Chambers

82 Brisbane Street

Beaudesert

Tuesday, 23 June 2015

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

All correspondence to
Be addressed to the
Chief Executive Officer

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

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

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

ITEM	SUBJECT	PAGE NO
ATTENDANCE		1
APOLOGIES		1
DECLARATIONS OF INTEREST BY MEMBERS		1
1. EXECUTIVE		2
2. CHIEF FINANCE OFFICER		2
3. REGIONAL SERVICES		2
3.1	Beaudesert Shire Planning Scheme 2007 Draft Amendment No. 6 (Beaudesert and Canungra) - Community Consultation Outcomes and Endorsement to Seek Minister's Approval to Adopt Amendment Package.....	2
3.2	MC.Bd212/00043 Development Permit for an Extractive Industry - Impact Assessment Reel Planning Pty Ltd Lot 1 RP32048 Lot 2 RP32047 Lot 2 RP32048 Lot 1 RP59599 Lot 2 RP59599 Lot 8 RP842318 Lot 16 RP842318 Lot 3 SP223751	10
3.3	MCBd15/013 Request to Change Conditions of Approval for a Preliminary Approval pursuant to section 242 of the Sustainable Planning Act 2009 and Development Permit for the creation of 54 Residential allotments RPS Australia East Pty Ltd Lot 180 WD5375.....	66
3.4	MCBd14/061 Request for a Negotiated Decision Notice pursuant to section 361 of the Sustainable Planning Act 2009 to negotiate 4 conditions of the stated approval for MCBd14/061 Shopping Centre (Business Use) Urban Planning Services Pty Ltd Lot 1 SP268147	174
3.5	RLBn14/014 Development Permit for Reconfiguring a Lot (1 into 22 Lots and New Road) Ms Sheridan R Deede, Lot 3 RP187384	183
3.6	MC.Bn13/00010 Negotiated Decision Application Maroon Homestead Pty Ltd Aquaculture - Agriculture (Rural Use) Intensive Animal Industry and Wholesale Nursery Impact Assessment Lot 2 RP48849 Lot 1 RP48849 Lot 3 RP48849 Lot 2 RP167144	205
3.7	D8757.01 SJ Grehan Surveys Pty Ltd Request to Change Conditions of Approval, Mount Alford Road, Mount Alford L35 W311291	233
4. INFRASTRUCTURE SERVICES		248

PLANNING & DEVELOPMENT COMMITTEE

AGENDA

ATTENDANCE

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

APOLOGIES

DECLARATIONS OF INTEREST BY MEMBERS

Reception of Deputations by Appointment / Visitors

Nil

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

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

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

1. EXECUTIVE

Nil.

2. CHIEF FINANCE OFFICER

Nil.

3. REGIONAL SERVICES**3.1 Beaudesert Shire Planning Scheme 2007 Draft Amendment No. 6 (Beaudesert and Canungra) - Community Consultation Outcomes and Endorsement to Seek Minister's Approval to Adopt Amendment Package**

Executive Officer: Director Regional Services

Item Author: Manager Planning

File Reference: 19/03/004

Executive Summary

The purpose of this report is to inform Council of the outcomes of the community consultation undertaken for *Beaudesert Shire Planning Scheme 2007 Draft Amendment No. 6* (Beaudesert and Canungra). Council's endorsement to make a formal request to the Minister for Local Government, Infrastructure and Planning (the Minister) to adopt the draft amendment package is also sought.

Previous Council Considerations / Resolutions

At the Ordinary Meeting held on 22 October 2014, Council resolved as follows:

"That Council endorse the public consultation of Beaudesert Shire Planning Scheme 2007 Draft Amendment No.6 (Beaudesert & Canungra), as attached, in accordance with Section 117(1) of the Sustainable Planning Act 2009 upon receipt of written approval from the Minister of State Development, Infrastructure and Planning to undertake this stage in the plan making process."

REPORT

Overview of Beaudesert Shire Planning Scheme 2007 Draft Amendment No. 6 (Beaudesert and Canungra)

A number of changes are proposed to the *Beaudesert Shire Planning Scheme 2007* (Planning Scheme) under draft Amendment No. 6. It will primarily seek to increase certainty about the intended form and timing of urban development in the Beaudesert and Canungra Urban Footprints.

The key changes proposed to the Planning Scheme under draft Amendment No. 6 are summarised below.

- Separation of Canungra from the existing 'Beaudesert and Canungra Townships Zone' to create a separate 'Beaudesert Township Zone' and a 'Canungra Township Zone' and associated provisions;
- Removal of land from the Emerging Community Precinct and its inclusion in an appropriate zone (predominantly residential) provided that the land is:
 - in the Priority Infrastructure Area of Council's Priority Infrastructure Plan at Beaudesert; and
 - in the Urban Footprint of the *South East Queensland Regional Plan 2009-2031* in Canungra.
- Revision of the assessment tables and associated code provisions for development in Beaudesert and Canungra in recognition of land use intents identified in the Canungra Local Planning Study and recent planning undertaken for Beaudesert, including the addition of a new Mixed Use Precinct, a Park Living Precinct and greater flexibility for certain uses such as Aged Persons Accommodation, Educational Establishments and Child Care Facilities;
- Inclusion of the requirement to undertake master planning for selected greenfield development sites as part of a Code Assessable Reconfiguration of a Lot application;
- Revision of minimum lot sizes at Canungra and Beaudesert to reflect the intended pattern of development identified in the planning studies including:
 - a minimum lot size at Beaudesert in the Residential Precinct (where land is identified as a master planned area) reduced from 600m² to 400m² and a maximum lot size of 1200m²;
 - a new average lot size at Canungra of 800m² with a minimum and maximum lot size of 600m² and 1200m² respectively for village residential development in the Residential Precinct (where land is identified in the Canungra Land Use Plan);
 - a new minimum lot size at Canungra of 2000m² for large lot residential development in the Residential Precinct (where land is identified in the Canungra Land Use Plan);
 - a minimum lot size of 5000m² in the new Park Living Precinct at Canungra; and
- Consequential amendments throughout the planning scheme as required, including the removal of several properties from the Character Places Overlay Map at Beaudesert where the buildings on site no longer reflect character values.

A further amendment is also proposed in this package to remove the former Laravale State School from the Community Facilities Precinct and include it within the Village Precinct of the Rural Zone. This amendment is in response to the disposal by Education Queensland of this public asset. This will recognise a wider range of uses as consistent development on the land when a new owner contemplates the re-use of the site.

Key Effects of Beaudesert Shire Planning Scheme 2007 Draft Amendment No. 6 (Beaudesert and Canungra)

The inclusion of greenfield land within respective urban zones (primarily residential) will allow for the assessment of applications against the Planning Scheme without the need to submit a Section 242 development application under the *Sustainable Planning Act 2009* to override the planning scheme. This will increase certainty about the intended form and timing of development in these areas and reduce the cost of submitting an application to Council.

Proposals for residential subdivisions on greenfield land will trigger the requirement to prepare a master plan to ensure that the proposed development will address housing needs and provide for a neighbourhood that is integrated with existing residential development and transport networks. These greenfield subdivisions will remain Code Assessable and not require public consultation. The land in the Beaudesert and Canungra localities proposed to be subject to the master planning mechanism is identified in specific land use maps within the zone codes of the draft Planning Scheme amendments.

Outcomes of Community Consultation Period

Draft Amendment No. 6 was publicly notified in accordance with Section 117 of the *Sustainable Planning Act 2009* and *Statutory Guideline 04/14 Making and Amending Local Planning Instruments* (Statutory Guideline) from 31 October 2014 to 11 December 2014 for a total of 30 business days. An extension was provided upon request to a number of parties to the end of January 2015 who experienced difficulties in preparing submissions during the statutory consultation period.

Activities undertaken during the consultation period included writing to land holders that may potentially be affected by the proposed Planning Scheme amendments (172 properties in total), the placement of public notices and advertisements in local newspapers, provision of a hard copy of the draft Amendment No. 6 at relevant Council offices and a presence on Council's website (i.e. Have your say section). In addition to receiving written submissions, Council officers also attended to a number of telephone enquiries and meetings regarding the draft amendments.

Council received 15 written submissions in response to the consultation of the proposed amendments. The matters raised in each submission, an assessment of the matters raised and the proposed recommendations including any changes to draft Amendment No. 6 are outlined in detailed in **Attachment No. 1**.

Overview of Proposed Changes to Beaudesert Shire Planning Scheme 2007 Draft Amendment No. 6 (Beaudesert and Canungra)

The review of the submissions received in response to the community consultation of the draft Planning Scheme amendments has resulted in the identification of a number of recommended changes to the amendment package. The recommended changes detailed in **Attachment No. 1** are summarised below.

- Proposed exclusion of land at 55 Geiger Road, Canungra from the Countryside Precinct of the Rural Zone to the Park Living Precinct of the Rural Zone is not recommended to be pursued under draft Amendment Package No. 6;
- Amendment to the Masterplan & Open Space Areas Map of the Beaudesert Township Zone to include areas of greenfield land of residential estates currently under development;
- Amendment to how the alignment of a Future Transport Route (i.e. Canungra bypass) is reflected in Infrastructure Overlay mapping;
- Clarification of the minimum lot size applicable to the Park Living Precinct in the Canungra Township Zone; and
- Clarification and reinforcement of the role and function of the Village Centre and Mixed Use Precincts of the Canungra Township Zone through the amendment of two Overall Outcomes (i.e. OO21 and OO45), a Specific Outcome of the Canungra Township Zone (i.e. SO24), a Specific Outcome of the Specific Assessment Criteria for the Mixed Use Precinct (i.e. SO4) and the Tables of Assessment and Consistent Development for Shops and Shopping Centres involving a supermarket in the Mixed Use Precinct.

Under Step 7 of the Statutory Guideline, Council is required to consider every properly made submission received in response to the consultation of the draft Planning Scheme amendments. After considering each submission, Council may make changes to the draft Planning Scheme amendments to either address the issues raised in the submission, amend a drafting error or address new or changed planning circumstances or information. Council is required to ensure that any changes proposed to be made continue to appropriately integrate the *South East Queensland Regional Plan 2009-2031* and the State interests expressed under the State Planning Policy.

Council is also required to be satisfied that the changes to the amendment package are not significantly different to the version of draft Planning Scheme amendments released for community consultation. The Editor's Note supporting the Statutory Guidelines provides further information on determining whether a change is considered to be significantly different in the context of requiring additional community consultation. It requires local government to consider the change in terms of its intent, extent and effect on both the land use outcomes as well as the assessment requirements on individuals. The Editor's Note requires local government to consider in making such a determination whether the change has affected or altered the following:

- "- *A material planning issue, such as a policy position;*
- *A significant proportion of the area or land owners covered by the proposed planning scheme;*
- *A matter which is of widespread public interest throughout the local government area and would be likely to generate multiple public submissions;*

- *The level of assessment, or*
- *The proposed planning scheme so that it is quite different to that which was released for public consultation."*

The Editor's Note also highlights that a change which affects any one person or a group of individuals' rights over land does not necessarily mean that the change is significant.

Each change proposed to the draft Planning Scheme amendments has been considered in the context of the above requirements of the Statutory Guideline. As detailed in **Attachment No. 1**, it is not considered that the recommended changes to the draft amendment package are significantly different to the version released for community consultation. Accordingly, additional consultation of the changes being proposed to the draft Planning Scheme amendments is not considered to be warranted in this instance.

Furthermore, the proposed changes continue to appropriately reflect the relevant State Planning Instruments as nominated by the Minister under Step 2.1 of the amendment process stipulated by the Statutory Guideline. A copy of the amendment package showing the changes being proposed as a result of the community consultation process is provided in **Attachment No. 2**.

Correspondence will be provided to each person who made a properly made submission regarding the draft Planning Scheme amendments, which outline how the matters raised in their submission has been considered and responded to.

Next Steps

The next stage in the statutory process for proceeding with *Beaudesert Shire Planning Scheme 2007 Amendment No. 6* (Beaudesert and Canungra) is to seek approval from the Minister to adopt the proposed Planning Scheme amendments. The Minister must also be provided with a summary of the community consultation outcomes and any changes proposed to the amendment package.

Once Council receives formal notification from the Minister that the draft Amendment Package may be adopted, Council will subsequently have the additional opportunity to resolve whether or not to proceed with the proposed Planning Scheme amendments and nominate a commencement date.

Strategic Implications

Community Plan

The draft amendments support the priorities of the Community Plan in relation to supporting the development of Scenic Rim's towns and villages:

Theme: Vibrant Towns and Villages

Outcomes:

- Towns and villages are appealing, welcoming and serve their communities;
- Rural villages are strengthened, retain their heritage character and provide a range of basic services.

Priorities:

- Actively encouraging and supporting development which strengthens and adds appeal to our towns and villages;
- Limiting development which detracts from our town and village centres and main streets;
- Creating attractive, pedestrian friendly and engaging places and spaces in town centres;
- Supporting modest growth in the region's rural villages to sustain and reinstate local businesses and services.

Corporate Plan / Operational Plan

The amendments contribute to the achievement (in part) of the following strategy relevant to the 'Relaxed Living and Rural Lifestyle' theme of the Corporate Plan:

"Develop a planning vision and supporting planning instruments for the region which promotes community aspirations and clearly articulates the unique qualities of our natural assets and the identity of our towns, villages and communities."

Budget Implications

There are no budget implications in relation to the resolution sought from Council seeking the progression of draft Amendment Package No. 6.

Legal / Statutory Implications

The public consultation of the Planning Scheme amendments was undertaken in accordance with section 117(1) of the *Sustainable Planning Act 2009 (SPA)* and the supporting statutory guideline. In accordance with the statutory guideline, the next stage of the process for amending planning schemes is for Council to make a request to the Minister to adopt the amendments.

*Risks*Strategic Risks

The following Level 1 and Level 2 (strategic) risks are relevant to the matters considered in this report:

CE4: Failure to manage growth resulting in increased pressure on Council and State infrastructure and social amenity;

CE3: Failure to adequately respond to international environmental issues (such as climate change or peak oil) through mitigation, adaptation and facilitation of broader community based initiatives.

Risk Assessment

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment of risks	Residual Risk Rating
Environmental Planning Scheme amendments applies a risk management framework to development inconsistent with Council and community expectations.	Moderate	Possible	Medium	Ongoing communication as planning policy and associated planning scheme amendments progresses through the statutory process.	Low
Environmental Proposed growth scenario contemplated under the Planning Scheme amendments has implications on Council's financial sustainability and is inconsistent with the vision of the region.	Moderate	Possible	Medium	Ongoing communication as planning policy and associated planning scheme amendments progresses through the statutory process. Undertaking financial sustainability of proposed development scenarios under the Local Government Infrastructure Plan.	Low

Conclusion

Community consultation of *Beautesert Shire Planning Scheme 2007* Draft Amendment Package No. 6 (Beautesert and Canungra) was undertaken in accordance with the requirements of the *Sustainable Planning Act 2009* during October to December 2014. A total of 15 submissions were received during the consultation period.

A minor number of changes are proposed to the draft Planning Scheme amendments in response to the matters raised during the consultation period. However, it is considered that the changes proposed to the draft Amendment Package No. 6 is not significantly different to the version released for consultation.

Council's endorsement to make a request to the Minister to proceed to adopt the draft amendment package (as modified in response to public consultation) is now sought.

Consultation

Consultation of the draft Planning Scheme amendments were undertaken in accordance with the requirements of the *Sustainable Planning Act 2009* and the supporting Statutory Guideline. Draft Amendment Package No. 6 was available for public consultation for 30 business days from 31 October 2014 to 11 December 2014. A public notice to inform the community of the consultation process was placed in the *Beaudesert Times*, *Fassifern Guardian* and *Tamborine Mountain News* on two separate occasions. The consultation material was made available on Council's 'Have your say' web page during the consultation period and copies of the notices and amendment packages were on display at relevant Council customer service centres. Correspondence was also issued to 172 land owners identified as being potentially affected by the draft Planning Scheme amendments.

Director's Recommendation

That:

1. Council resolve to endorse the proposed changes to *Beaudesert Shire Planning Scheme 2007* Draft Amendment No. 6; and
2. Council seek approval from the Minister for Local Government, Infrastructure and Planning to adopt the *Beaudesert Shire Planning Scheme 2007 Draft Amendment No.6* in accordance with Section 117(1) of the *Sustainable Planning Act 2009* and supporting *Statutory Guideline 04/14 Making and Amending Local Planning Instruments*.

Attachments

1. Assessment of Submissions Received in Response to Public Consultation of Beaudesert Shire Planning Scheme Draft Amendment No. 6 (attached separately).
2. Beaudesert Shire Planning Scheme Draft Amendment No. 6 – Post Consultation Version for Minister's Approval for Adoption (attached separately).

3.2 MC.Bd212/00043 Development Permit for an Extractive Industry - Impact Assessment Reel Planning Pty Ltd Lot 1 RP32048 Lot 2 RP32047 Lot 2 RP32048 Lot 1 RP59599 Lot 2 RP59599 Lot 8 RP842318 Lot 16 RP842318 Lot 3 SP223751

Executive Officer: Director Regional Services

Item Author: Manager Planning

File Reference: MC.Bd212/00043

Applicable Planning Scheme	MCU – Beaudesert Shire Planning Scheme 2007
Applicant	Reel Planning Pty Ltd
Owner(s)	Mr T J Yore
Site Address	1 Yore Road TAMBORINE
Real Property Description	Lot 2 RP 32047, Lot 2 RP32048, Lot 1 RP32048, Lot 1 RP59599, Lot 2 RP59599, Lot 8 RP842318, Lot 16 RP842318, Lot 3 SP223751
Site Area	189.66 hectares
Relevant Zone and Precinct	Rural Zone - Countryside Precinct (as of 20 December 2013)
Proposal	To establish an Extractive Industry (100,000 tonnes per year to 1,000,000 tonnes per year, Stage 1 – up to 100,000 t/a and Stage 2 – up to 300,000 t/a), an ERA 16 2(c) extracting between 100,000 t/a and 1,000,000 t/a, and an ERA 16 3(b) screening between 100,000 t/a and 1,000,000 t/a
Assessment Level	Impact Assessment Extractive Industry (Industrial Use)
Approval Type	Development Permit
Public Notification:	27 April 2015
Submissions Received	Forty five (45)
Date Application Received:	14 August 2012

Purpose of Report

This report has been compiled outlining the facts and circumstances for an application seeking a Development Permit for Material Change of Use to establish an Extractive Industry (100,000 tonnes per year to 1,000,000 tonnes per year, Stage 1 - up to 100,000 tonnes/annum and Stage 2 - up to 300,000 tonnes/annum, an ERA 16 2(c) extracting between 100,000 tonnes per annum and 1,000,000 tonnes per annum and an ERA 16 3(b) screening between 100,000 tonnes per annum and 1,000,000 tonnes per annum.

Risks

Strategic Risks

The following Level 1 and Level 2 (strategic) risks are relevant to the matters considered in this report:

- CF6 - Failure to comply with statutory obligations and responsibilities;
- CE2 - Failure to discharge regulatory responsibilities under legislation or local law;
- CE5 - Failure to ensure regulatory applications are managed, assessed and processed in accordance with legislative timeframes and protocols;
- PO2 - Political influence impacting on operational management of organisation.

Risk Assessment

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment of risks	Residual Risk Rating
Environmental Impacts on environment as a result of development activity	Moderate	Possible	Medium	- Environmental impacts considered and documented during assessment	Low
Legal Compliance and Liability Failure to ensure application is assessed in accordance with IDAS process	Minor	Possible	Medium	- Documented assessment process	Low
Legal Compliance and Liability Opportunity for applicant or third party appeal against Council decision	Minor	Possible	Medium	- Ensure reasonable and relevant test applicable to assessment processes - Model Litigant processes followed in court cases - Minimise opportunities for appeals	Low
Reputation Negative perception from community or development proponents	Minor	Unlikely	Low	- Transparent reporting of assessment - Communications	Low

Brief Summary

The applicant is seeking a Development Permit for the establishment of extractive industry activities (sand extraction) on a site on which quarry operations have taken place for over three decades on a property known as "Spiddal". The development is proposed to take place in two stages. However the staging relates to the extraction rates only, rather than how the site will operate or where extraction will take place.

The proposed development has been assessed against the *Planning Scheme*, the *South East Queensland Regional Plan 2009-2031*, and the Council's various engineering requirements that are considered relevant. Based on this assessment, it is recommended that Council approve the application, subject to the imposition of reasonable and relevant conditions outlined in the recommendation section of this report.

Background

In 1982, the applicant obtained approval from the Beaudesert Shire Council for Extractive Industry via an Interim Development Permit Number 246. The conditions of approval limited the extraction to certain areas of the site and only remained in force for two years.

Since the original permit was issued, the applicant regularly applied to Council for approval for additional extraction areas (as others were exhausted) and extension to the approval timeframe. The additional extraction areas and extensions of time were regularly approved between 1982 and 2010.

In 2010, Council extended the permit until 13 August 2012, however advised that no further extensions would be granted. The current application aims to achieve an approval that allows the ongoing extraction on the site.

Proposal

There are two stages proposed, however the staging relates to the extraction rates only, rather than how the site will operate or where extraction will take place. Stage 1 includes extraction up to 100,000 tonnes per annum (matching that allowed under the Development Permit) and Stage 2 proposes to increase the extraction up to 300,000 tonnes per year. The applicant has stated that it is intended to act upon Stage 1 in the short term, however Stage 2 is being applied for as part of this application to allow flexibility to increase extraction in case market conditions improve.

The proposed extraction pits are all located in existing gullies, which is consistent with historic extraction of the site. No clearing is proposed as part of the application and the extraction pits are located a minimum of 70 metres from areas of Remnant Vegetation.

The Yore sandstone deposit has been worked for sand, sandstone, soil and roadbase products for several decades. Large resources of decomposed sandstone (sand and clay), weak (friable) sandstone and lesser quantities of harder (indurated) sandstone remain. The materials are attractive as a construction material particular as a medium-coarse sand for use as a bedding media or as a fine aggregate in concrete products. Friable, weakly cemented sandstone is the dominant material type.

Quarrying is to be conducted generally by removal of topsoil and overburden and ripping the indurated sandstone with dozer. If hard sandstone is encountered at depth, then drill and blast techniques will be used to break the rock.

The conduct of extractive industry operations will be supported by site infrastructure and ancillary buildings and structures including:

- Site office and staff amenities facilities;
- Gravel site access road;
- Staff and visitor car park area;
- Truck parking area;
- Vehicle servicing area - routine maintenance;
- Fuel, oil and grease storage areas and stores;
- Internal roads;
- Processing/product stockpiling area;
- Amenity bund; and
- Clay silt (tailings) management from washing of sand; water storage dams.

Extraction is only proposed over the lower, flood prone portions of the site, leaving the elevated portions available for a future use when extractive operations cease. Please refer to the **Attachments 2 and 3** to this report (Site Layout and Working Platform Layout, respectively). The proposal plan shows six extraction areas over the three northern-most lots (Lots 8 & 16 on RP842318 and Lot 3 on SP223751). The southern lots have been included in the application to provide a buffer to surrounding land, while demonstrating the ongoing rural activities that are occurring on the wider land holding. The extraction areas will have the following extractive footprint areas:

Extraction Area 1	2.9385 ha
Extraction Area 2	1.1221 ha
Extraction Area 3	1.5319 ha
Extraction Area 4	1.5443 ha
Extraction Area 5	1.2473 ha
Extraction Area 6	8.1509 ha
Total	16.5350 ha

The proposed pit shells for Extraction Areas 1 to 6 occupy a total area of 16.535 ha. They contain an estimated volume of 4.4 million BCM (Bank Cubic Metres, i.e. solid and in-situ) of overburden, sand, clay and sandstone material, or 11 million tonnes (at 2.5 tonnes/BCM). Not all this material may be removed because of the need for access ramps into the pits, or if geotechnical conditions change. Furthermore the washing of sand and sandstone products during processing also removes clay and silt fines which are stored within the depleted voids, if unsuitable for recycling into soil products.

Under the applicant assumptions these contingencies account for 15% losses (in tonnes), then the recoverable resources are estimated at 9.35 million tonnes.

If the quarry produces at annual average sales of 200,000 tonnes per annum over its life, it has an estimated life of 47 years. If average annual production was maintained at the maximum of 300,000 tonnes per annum, the quarry should have a life of 31 years. The applicant estimates that the pit design has resources sufficient for between 30 to 50 years.

The reader is referred to the Activity Based Management Plan prepared by Ecoroc Pty Ltd and dated 25 February 2015 for the detailed operational activities that will take place during the life of the quarry.

Pit sequencing

Extraction Areas 1 to 6 represent the general progression over time of the works. Two extraction areas, at different levels of completion, may be worked at one time.

Hours of operation

The proposed spread of operating hours for the conduct of extractive industry operations is 6am to 6pm Monday to Saturday. There is to be no work on Sundays and public holidays.

Production Levels

The quarry proposes to produce and sell up to 300,000 tonnes of extractive materials per year. Annual levels of production are dependent on sales and market conditions. Production from the quarry is anticipated to increase to a typical rate up to 100,000 tonnes per annum (tpa) over the next 1 to 2 years and thereafter up to 300,000 tpa depending on demand.

Environmentally Relevant Activity (ERA)

The applicant holds a current ERA 16(2)(b) which allows for the extraction and screening of up to 100,000 tonnes of material per year. This aligns with proposed Stage 1 as well as the Interim Development Permit which allowed for up to 50,000 cubic metres of material. Recent soils tests suggest that 1 cubic meter of material equates to approximately 2 tonnes, which confirms the existing ERA adequately covered extraction from the site under the Permit.

A new ERA is sought as part of this application to allow the increase up to 300,000 tonnes per year proposed as part of Stage 2. Specifically an ERA (2)(c), Extracting and screening material between 100,000 tonnes and 1,000,000 tonnes, will be sought.

Water Storage and Supply

The water supply for extractive industry is used for dust control, sand / product washing (where the wash water is recycled and re-used), provision of moisture content in roadbase materials and for general site usage purposes.

During extractive operations stormwater or groundwater seepage is collected in a sump at the base of the pit and used as a source of water for extractive industry activities at the site. A bund wall embankment levee has been constructed around Pit 1 to provide flood immunity, to assist with containment of noise from extractive industry activities in the pit, and to act as a barrier to improve security and safety. This embankment is to be extended progressively over time to enable the quarry voids to be used (post extractive use) as future water storages for the "Spiddal" property.

Access and Haul Route

The present site entrance for extractive industry is via internal site road to the Waterford Tamborine Road. The sealed intersection is approximately 100m south of the Albert River bridge. The Department of Transport and Main Roads has advised that the site entrance is suitable for heavy vehicle (road truck) usage for annual sales up to 100,000 tpa. If sales (production sold) exceed 100,000 tpa then the site entrance for heavy vehicles is to be moved to an upgraded entrance at Yore Road approximately 600m to the south.

Technical reports

A number of reports have been provided in support of this application namely:

- Activity Based Management Plan
- Blast Management Plan & Control
- Noise and Dust Report
- Traffic Impact Assessment
- Flooding and Stormwater Assessment

Site and Environment

Characteristics of Site & Surrounding Environment

The site is situated on Yore Road, Tamborine and is comprised of 8 allotments. It is approximately 190 hectares in size and has frontage to Yore Road and Waterford Tamborine Road. The land is irregular in shape and is bordered to the north and west by the Albert River (please refer to **Attachment 1** to this report).

The site contains a number of different houses, including the main homestead which was transported to the site from another property. Three smaller houses exist on site and are used as guest accommodation or workers accommodation associated with the ongoing rural use of the site. The site is used for a combination of turf farming, extractive industry and grazing. The turf farming and extractive industry generally take place on the lower (flood prone) areas with the higher portions available for grazing. Dams have been created where extractive industry has taken place in the past and a large network of underground irrigation infrastructure exists for the turf farming operation. The site is currently predominantly clear of significant vegetation.

The site is undulating, generally rising to a central knoll, residential access is via Yore Road, with heavy vehicles access via a second crossover just south of the northern boundary.

The site is approximately 20kms north east of Beaudesert, 20kms west of Nerang and 20kms south west of Beenleigh. South of the site are primarily rural residential lots and west of the site (across the Albert River) are a number of rural lots. North of the site (across the river) is the Clutha Creek Sands quarrying operation. East of the site is the old Waterford Tamborine Road and other rural properties.

A few minor services including a service station are located approximately 1km south east of the site at the intersection of Beaudesert-Beenleigh Road and Tamborine Mountain Road. Higher order services are available approximately 12kms from the site at North Tamborine or 12kms north of the site at Logan Village.

Advertising

The applicant submitted a written notice of compliance dated 28 April 2015 stating that public notification of the proposal has been undertaken in accordance with the requirements of the *Sustainable Planning Act 2009*.

The actions by the Applicant were carried out generally in accordance with the following:

- A Notice was published in the Beaudesert Times on 8 April 2015;
- A Notice in the prescribed form was erected on the adjoining road frontages of the site on 1 April 2015 and was maintained for 15 business days up to and including 27 April 2015; and
- A notice in the prescribed form was sent to the adjoining land owners on 31 March 2015; and
- All of the required actions were undertaken within five business days from the date of the first action being taken.

During the statutory notification period, Council received forty-five (45) properly made submissions.

Submissions

Please refer to **Attachment 6** for the list of submitters.

The submitters concerns are summarised as follows:

1. Noise - Submitters have concerns with the level of noise that will originate from the development.

Applicant's comments - A detailed noise assessment was undertaken by Max Winders & Associates (MWA) Pty Ltd and submitted in response to Council's information request. The report addressed the potential noise from operations and traffic against the relevant criteria established by the State (the Environmental Protection (Noise) Policy 2008). Specifically it considered the noise impacts and concluded that if the recommended noise control measures are implemented, the proposal will meet the noise standards at the closest 16 residences for the proposed operating period (6am to 6pm). It follows that noise impacts at residences located a greater distance from the site will also meet the nominated standards. It is noted that the noise modelling did not consider further noise mitigation provided by the proposed bund wall around the northern and eastern perimeter of the extraction area, which will likely result in even greater noise mitigation.

Officer's comments - The submitters concerns are valid. It is considered that the applicant has addressed those concerns via the Noise & Dust Impact Assessment Report prepared by Max Winders & Associates (MWA) Pty Ltd.

2. Traffic - Submitters have concerns with the impacts of additional traffic that will originate from the development.

Applicant's comments - A detailed traffic report was prepared by Pekol Traffic Pty Ltd with an amended report prepared in response to an information request by the Department of Transport and Main Roads. The report concluded that approximately 0.6% increase in traffic numbers on Camp Cable Road and Beaudesert - Beenleigh Road as a result of heavy vehicles associated with Stage 1. Approximately 1.9%-2.0% increase in traffic numbers on both roads as a result of heavy vehicles associated with Stage 2.

There were generally three traffic concerns raised in the submissions. The first is that traffic would create a noise nuisance on adjoining properties. The traffic report indicated that there was likely between 120 and 135 heavy vehicles using Camp Cable and Beaudesert - Beenleigh Road, so it would be difficult to conclude with certainty that vehicles from this particular operation would have a measureable noise impact (beyond what currently exists) on the surrounding area. Moreover, the noise report prepared by MWA Pty Ltd considered the noise impact of trucks on the closest sensitive receivers and determined that any increase in noise levels as a result of the increase in traffic would be imperceptible.

The second traffic concern raised was safety. DTMR has approved the proposed use, subject to conditions which include upgrading of the site access (for Stage 2). There are already a large number of heavy vehicles using the surrounding roads so the addition of a small percentage more is not considered in itself to cause a traffic safety problem.

The third traffic issue raised was the effect that heavy vehicles would have on the surrounding road network and the need for ongoing maintenance. A condition of DTMR's approval is that the applicant contributes towards the ongoing maintenance of the road network.

Officer's comments - The submitters concerns are valid. It is considered that the applicant has addressed those concerns via the Traffic Report prepared by Pekol Pty Ltd and the Noise & Dust Impact Assessment Report prepared by Winders & Associates (MWA) Pty Ltd.

3. Dust - Submitters are concerned with the dust and silica leaving the site as a result of the quarrying operations.

Applicant's comments - While all silica can be in dust form, not all dust contains silica. MWA prepared a comprehensive assessment of the potential dust from the extraction and haul roads against the relevant criteria established by the State (the Environmental Protection (Air) Policy 2008). The assessment concluded that the proposal would meet the dust standards at the closest 16 residences. It follows that dust impacts at residences located a greater distance from the site will also meet the nominated standards. The applicant also highlights that while the dust modelling considered the maximum extraction rate (which may not occur) with the entire extraction area exposed (unlikely to occur) over a 7 day period (which is greater than that proposed). The dust modelling is therefore considered conservative.

Strict dust control measures are required to ensure workers at the quarry are not exposed to unacceptable levels of dust including silica dust from quarrying activities. These controls also protect neighbouring residences and other sensitive receptors. Detailed dust control measures are described in the Activity Based Management Plan (Dust Management Plan, Management Practices). These measures utilise water and water sprays as the primary means of dust suppression.

Officer's comments - The submitters concerns are valid. It is considered that the applicant has addressed those concerns via the Activity Based Management Plan (Dust Management Plan, Management Practices) prepared by Ecoroc Pty Ltd.

4. Natural Barrier / Screening - Submitters are concerned with the potential visual impact of the proposed extraction specifically that it would detract from the rural character of the locality.

Applicant's comments - Extraction activities form a normal part of the rural landscape (because they rarely occur in an urban setting), albeit one that is not as visually pleasing as agriculture or animal keeping. The same can be said for abattoirs, poultry farms and grain silos. In the case of the present application, extraction on the site has formed part of the visual landscape for over 30 years.

Notwithstanding the above, as indicated in the response to Council's information request, a vegetated buffer is proposed along the entire western side of Waterford Tamborine Road. The buffer is proposed to be 20m wide and planted with hardy, low maintenance, fast growing, dense screening, bank binding trees and shrubs. This buffer, when matured will mitigate the view of the extraction areas from the road which is the only point from which the proposed activities are likely to be visible.

It is further noted that existing rural activities on the balance of the land (currently turf farming and grazing) will continue. For this reason the view of the site from land surrounding the land to the south and west will remain largely unchanged.

Officer's comments - The submitters concerns are valid. However, it is considered that uses compatible with a rural setting have taken place on site over decades and what is being proposed by way of the development permit sought is not dissimilar in nature and scale to the historical activities on the site. Furthermore the provision of the buffer attenuates likely visual impacts.

5. Advertising requirements - Some submitters expressed that during the public notification period the public had been intentionally misled or that the applicant has intentionally tried to withhold information. Specifically, that the newspaper ad was not put in a local paper and that the notification signs were not erected in the correct locations.

Applicant's comments - The applicable legislation requires that the applicant put an advertisement in a paper circulating generally in the locality. The advertising contractor investigated newspapers circulating in the locality and found that the Gold Coast Bulletin met the criteria and was delivered to a wide area (compared to other papers). It was also confirmed that the Gold Coast Bulletin was carried by the nearest corner store located at Leach Road, Tamborine, located approximately 1km south east of the site. At this point, the applicant had fulfilled the obligations set by the legislation, however upon the request of the applicant and Council, an additional advertisement was also placed in the Beaudesert Times because it was felt that the Gold Coast Bulletin did not have sufficient coverage in the western part of the shire.

Similarly, the legislation requires that signs be placed on each road frontage of the land subject to the application. In this case a conservative approach was taken and 7 signs were placed at:

- The northern frontage to Yore Road;
- The western frontage to Yore Road;
- The southern frontage to Yore Road;
- The eastern frontage to Waterford Tamborine Road;
- The western frontage to Waterford Tamborine Road; and
- The frontage to Tandy Lane

Specifically, one sign was placed close to the entrance to the site along Waterford Tamborine Road where there was sufficient room to pull off the road to view the sign.

Officer's comments - The submitters concerns are not considered valid. It is considered that the public notification process was undertaken by the applicant in accordance with the relevant legislation.

6. Wildlife - Submitters are concerned with the impacts on wildlife and ecology resulting from the proposed development.

Applicant's comments - The response to Council's information request included an assessment of ecological matters prepared by 28 South Environmental. While this assessment is focussed on the relevant assessment criteria in the Planning Scheme, it nevertheless concludes that:

- The site has been cleared to its present extent since at least the 1950's;
- The proposed use will not result in further tree removal;
- The proposed rehabilitation, consisting of deep water filled voids, will provide open water habitat for a range of waterfowl and wetland birds.

Officer's comments - Whilst the submitters concerns are considered valid, it is considered that the application material has covered all the aspects of the Planning Scheme Policy 2 , Part 18 of the Beaudesert Shire Planning Scheme 2007 which relates to the information to be provided in applications involving extractive industry.

7. ERAs - Some of the submitters have indicated that there was some confusion regarding the Environmental Relevant Activities - ERAs that been applied for.

Applicant's comments - This seems to originate in a change to the *Environmental Protection Regulation* which describes the ERAs. At the time the application was lodged ERA16(2)(c) was for extraction of 100,000 tonnes to 1,000,000 tonnes (required for Stage 2 of the development). In the current version of the *Environmental Protection Regulation* ERA16(2)(c) relates to extraction over 1,000,000 tones. To confirm, the maximum extraction rate that the applicant has applied for is 300,000 tonnes per year (as Stage 2).

Officer's comments - The submitters concerns are considered valid. However the maximum amount of extraction will be clearly stated in a development permit if Council was of the view of approving the proposed development.

8. Flooding, Water Releases and Contamination - Some of the submissions raised the potential impact of flooding, water releases and contamination from the site.

Applicant's comments - A flooding and stormwater report was prepared by MWA and lodged in response to Council's information request. In respect of flooding it concluded that with the measures proposed, there would be no flood waters entering the extraction areas and any impacts on the river would be within acceptable limits. At its worst point there would be a 29mm increase directly opposite the extraction area, however a lesser impact at other points upstream and in some cases downstream, an improvement.

The report also nominated a stormwater management plan to ensure that water leaving the site would conform to State Government guideline prepared by the Department of Environment & Heritage Protection (DEHP). Similarly, areas containing contaminants will be bunded such that they would not escape the land in the event of a flood, leak or rain event.

Officer's comments - The submitters concerns are considered valid. However relevant conditions of approval in relation to flooding and the adequate management of stormwater discharge from the site will address these aspects of the proposed development.

9. Need and Property Values - Some of the submissions raised the issue of potential decrease in property values originating from amenity impacts (visual, dust and noise).

Applicant's comments - The applicant considers that through the submissions of the technical reports provided it has been demonstrated that there will be limited impacts on the surrounding environment. The applicant also highlights that the site has operated as a sand quarry for over 30 years under a separate approval. Over that time Council has been provided with records which note the amount of material removed from the site (to demonstrate compliance with the extraction limits). The continued operation and sale of material from the site over this timeframe is evidence of both supply and demand. Moreover, since lodgement of the application the site has been identified as a Key Resource Area (KRA) by the State, acknowledging both the existence of the resource and prioritising extraction for the benefit of the State.

Officer's comments - The submitters concerns are not considered valid. Quarrying activities have been undertaken on site for a considerable period of time even prior to the establishment of residential uses in the surrounding area. The use is consistent with the Rural Zone. The carrying out of quarrying operations demonstrates the need of the good and services provided by the proposed development.

10. Hours of operation - Several submissions questioned why the hours of operation proposed were different to those listed in the standard conditions for ERA16.

Applicant's comments - In this case, the applicant has applied for extended hours of operation, supported by technical reports demonstrating that impacts (such as noise) will not exceed those standards set by the Department of Environment and Heritage Protection - DEHP.

Officer's comments - A condition of approval will be recommended establishing that the operating hours for the conduct of extractive industry operations will be from 6am to 6pm Monday to Saturday. This arrangement is not dissimilar to other quarries operation throughout the Council area.

11. Exclusion Zone / Buffering - Several submissions raised an exclusion zone which extends over properties outside the site subject to the application and question whether this will limit the use of that land.

Applicant's comments - It is assumed that these submissions are referring to the buffer area associated with the KRA. While this buffer is primarily contained within the site, a small part extends to the north and east. The KRA and buffer are determined by the Department of Natural Resources and Mines (DNRM), so it is not a buffer sought as part of this application. A review of the State Planning Policy (which applies to the buffer area in circumstances where it is not reflected in the Planning Scheme) seeks to prevent incompatible uses being undertaken in the buffer area. We note however that there is no restriction on development for dwelling house, a home based business, caretakers accommodation, animal husbandry or cropping. Having regard to the underlying zoning and site specific constraints such as flooding, it is the applicant's view that the KRA buffer is unlikely to introduce any additional constraint on development of the land.

Officer's comments - The clarification provided by the applicant is pertinent.

12. DEHP Extension - Several submissions raised an extension to the DEHP assessment period that was issued during the public notification period. The submissions questioned whether public notification should have occurred prior to DEHP making a decision.

Applicant's comments - The *Sustainable Planning Act 2009* requires the applicant to start public notification shortly after responding to any information requests issued by Council or State Government Departments. In other words, the applicant was forced to start public notification before DEHP had made its decision. Once the applicant's response is received by the State Government Departments, their assessment periods begin (and run in parallel to the public notification). In this case DEHP did not make a decision within their first decision period and took the opportunity (afforded under the legislation) to extend its assessment period.

Officer's comments - The submitters concerns are not considered valid. The public notification and referral agencies assessment processes have been conducted in conformity with the relevant legislation.

Final comments

Whilst the extractive industry is a consistent development within this Countryside Precinct of the Rural Zone (i.e. a permissible development) and the proposal complies with the requirements of the code, nevertheless, the concerns of the submitters have been noted and suitable conditions have been imposed within the conditions of approval to ensure that the above matters are addressed adequately. Additionally, the Department of Environment and Heritage Protection (DEHP) undertakes monitoring to ensure compliance with the requirements of the ERA approvals. These controls are considered adequate to allay any concerns of the submitters.

Development Assessment

Relevant Planning Scheme Codes – Summary

Zone & Precinct Code	Overlay Code	Use Code
Rural Zone Code - Countryside Precinct	Infrastructure Nature Conservation Development Constraints Catchment Management, Waterways & Wetlands	Industry Code

Relationship to the Zone Code

It is to be noted that at the time this application was first lodged, the site was situated within the Mount Lindesay Corridor Zone, Countryside Precinct. Under this designation, an Extractive Industry was Consistent Use if located within the Countryside Precinct. As a result of *Amendment Package No. 8* to the Planning Scheme (commencement date 20 December 2013), the designation of the land has been revised to Rural Zone, Countryside Precinct. Again in this case, the Planning Scheme identifies Extractive Industry as a Consistent Use if located within the Countryside Precinct. In neither case, Extractive Industry is listed in the relevant assessment table to it defaults to Impact Assessment.

Defined Land Use

The Planning Scheme defines the use as follows:

Extractive Industry means the undertaking of dredging, excavating, quarrying or sluicing activity and any other mode of obtaining extractive materials, which is carried out within or on the land, including removal of same from a site, whether or not conducted on a commercial basis.

The term includes, as ancillary uses the storage, loading and cartage of extracted substances that are washed screened, crushed or have undergone other treatment processes or any work, administration or accounting in connection with such activity.

Note: The term does not include—

- (a) excavating solely to erect a building or structure on the land excavated, or solely to change the level of the ground in connection with the erection of a building or structure on the land extracted, or the removal of materials from the site in connection with such Excavation; or
- (b) any activity that relates solely to a regulated substance (as defined herein); or
- (c) the import of additional extractive materials to the site for the purpose of blending with extractive materials obtained from the site; or
- (d) the removal of materials authorised by the Local Government Act 1993, or mining within the meaning of the Mineral Resources Act 1989.

The proposed quarrying activities are considered to be generally consistent with the Extractive Industry land use definition above.

Compliance with the Precinct Code

As highlighted above, Extractive Industry is a Consistent Use if located within the Countryside Precinct.

Compliance with the Relevant Overlay Code

The relevant Overlay Codes identified for the subject sites were addressed within the reports. The proposal complies with all of the Relevant Overlay Codes Acceptable Solutions and Performance Criteria.

Compliance with the Relevant Specific Use Code

The proposal complies with all of the Industry Code's Acceptable Solutions and Performance Criteria.

Assessment of Other Aspects of the Proposal**Infrastructure Agreement / Infrastructure Charges**

The Fair Value Charges Resolution (version no. 1) became effective as of 29 May 2015. However, although this resolution identifies Extractive Industry as a "Specialised Use", an infrastructure charge is not specified for this use.

It is to be noted that operations from the site are likely to utilise the State Controlled Road network rather than local roads. In this regard, the Department of Transport and Main Roads, has imposed on the development a maintenance contribution for haulage activities.

The Department has also conditioned access to Stage 2 of this development to be facilitated either via upgrading works on Waterford Tamborine Road (channelised right treatments) or alternatively via the existing Yore Road intersection. Yore Road is a Council controlled road. If the situation eventuates where the quarry operator opts for including Yore Road as part of the hauling route, the applicant will be required to provide for upgrading works on the said road to a Rural class '5A' standard road with a 7m wide sealed pavement and make provision for annual maintenance works of that part of Yore Road at the Applicant's expense. The provision of the ongoing maintenance works would be subject to agreement with Council.

Relationship to Desired Environmental Outcomes

Extractive Industry is identified as being a consistent development within the Rural Zone, Countryside Precinct under the Planning Scheme. Therefore, the Desired Environmental Outcomes are not required to be addressed in this instance.

Relationship to State Planning Policies and Regulations

The application has demonstrated general compliance with the relevant State Planning Policies applicable to the application.

Under the *South-East Queensland Regional Plan 2009–2031*, the site is identified to be located within the Regional Landscape & Rural Production Area. Extractive Industry is included in the definition of Primary Industry which is consistent with the objectives of the Regional Plan and the application does not require referral to the Department of State Development, Infrastructure and Planning.

Referrals

Internal

Health, Building and Environment – Environmental Policy

The Health, Building and Environment (Environmental Policy) Section has assessed the proposed development and advised that there are no objections to the development subject to conditions.

Infrastructure Services

The Infrastructure Services Directorate has assessed the proposed development and advised that there are no objections to the development subject to conditions. The Directorate notes that Council does not maintain Yore Road, however it is identified in the application as a route to the properties. Requirements may therefore include upgrade of Yore Road to Council standards by the applicant.

External

Department of Transport & Main Roads

The Department of Transport & Main Roads was identified as being a concurrence agency for the application. The response has been included under ***Attachment 4***.

Department of Natural Resources and Mines

The Department of Natural Resources and Mines was identified as being a concurrence agency for the application due to Strategic Cropping Land issues (Schedule 7, Table 2, item 27 of the *Sustainable Planning Regulation 2009*). However, State legislation related to Strategic Cropping Land has since been repealed and this State interest is no longer relevant for the purposes of this application.

Department of Environment and Heritage Protection

The Department of Environment and Heritage Protection was identified as being a concurrence agency for the application under Schedule 7, Table 2, item 1 of the *Sustainable Planning Regulation 2009*. The response of this State's Agency has been included under ***Attachment 5***.

Conclusion

The applicant is seeking a Development Permit for the establishment of extractive industry activities (sand extraction) over a site on which quarry operations have taken place for over three decades. The development is proposed to take place in two stages.

There were forty-five (45) properly made submissions during the statutory notification period against the application.

All applicable referral agencies identified for the application have assessed the potential impacts by the proposed development and have advised Council through the attached correspondence under ***Attachments 4*** and ***5*** that there are no objections, subject to conditions

The application triggered assessment against a number of number of Codes namely, the Rural Zone Code, the Industry Code, and some Works and Overlay Codes. As previously discussed in this report, the application demonstrated general compliance with these Codes and therefore approval is supported. Based on this assessment, it is recommended that Council approve the application, subject to the imposition of reasonable and relevant conditions.

Director's Recommendation

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

RPD: Lot 2 RP32047, Lot 2 RP32048,
 Lot 1 RP32048, Lot 1 RP59599,
 Lot 2 RP59599, Lot 8 RP842318,
 Lot 16 RP842318, Lot 3 SP223751
Address of property: 1 Yore Road TAMBORINE
Site area: 189.66 Ha
 Material Change of Use – *Beaudesert Shire Planning Scheme 2007*

Further development permits required:

- a) A Building Works approval is required for any building works associated with the proposed development prior to undertaking any building work on the subject site.
- b) A Plumbing and Drainage Approval is required for all/any plumbing and drainage works associated with the proposed development prior to undertaking any building work on the subject site.
- c) An Operational Works approval is required for the Civil Works and the Landscaping Works associated with the proposed development.

2. Conditions of Approval:

- 1) **USE IN ACCORDANCE WITH THE APPLICATION - MATERIAL CHANGE OF USE -** Development being undertaken generally in accordance with Plan Nos. identified in the table below and received by Council on 11 March 2015 and accompanying documentation, except insofar as it is modified by the conditions of this approval. Any minor changes may be requested by the Applicant in accordance with the *Sustainable Planning Act 2009* without the need for a further Development Application for a Material Change of Use.

Approved Plans

Plan/Drawing	Prepared by	Plan/Dwg No.	Date
Figure 2A - Site Layout Plan	MWA Pty Ltd	T-ABMP-2A	10/02/15
Figure 2B - Working Platform Layout	MWA Pty Ltd	T-ABMP-2B	10/02/15

General

- 2) **DEFINITION - COMPLIANCE AND EXCLUSIONS** - The approved use shall at all times comply with the definition of Extractive Industry of the Beaudesert Shire Planning Scheme 2007 under Schedule 1 and Part 3, Division 2 – Assessment within the Rural Zone, Table1 – *Assessment Categories and Relevant Assessment Criteria for the Rural Zone – Making a Material Change of Use* for this Zone that identifies the use of an Extractive Industry as being consistent development.
- 3) **COMMENCEMENT OF USE** - Prior to the use commencing, the Applicant shall advise Council's Planning Department in writing, of the proposed commencement date.
- 4) **BLASTING** – Blasting shall be carried out by suitably experienced and qualified personal in accordance with the Blast Management Plan, and the environmental controls required by the Department of Environment and Heritage Protection.
- 5) **SITE MAINTENANCE** - The site shall be maintained in a clean and orderly state at all times.
- 6) **AMENITIES BLOCK** – the Applicant is required to provide on-site amenities building for the purposes of providing both male and female toilets, potable water supply and hand basins and at least one (1) shower (unisex) cubicle for the use by staff and visitors alike prior to the use commencing.
- 7) **OPERATING HOURS** - No operations in association with the quarry involving but not limited to the movement of equipment, loading of vehicles, movement of vehicles, the operation of screening equipment or blasting shall occur outside of the hours of 6.00am to 6.00pm Monday to Saturday with no operations to occur on Sundays or Public Holidays.
- 8) **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.
- 9) **MAXIMUM EXTRACTION RATE** – Once operating at full capacity, an ultimate maximum quantity of 100,000 tonnes of sand per annum may be extracted and hauled from the site for Stage 1, and an ultimate maximum quantity of 300,000 tonnes of sand per annum may be extracted and hauled from the site for Stage 2.
- 10) **KEEPING OF RECORDS** – The applicant to maintain records which document the total tonnage of material transported from the site by road. A yearly report shall be provided to the Council. The keeping of such records to be maintained at all times.
- 11) **VEHICLE ACCESS (INTERNAL)** - All internal roads must be maintained to provide all weather access to the operations and to minimise the release of dust to the environment. All internal roadways and car parking areas will be maintained in good condition for the lifetime of the proposed use.

- 12) INTERNAL ROADWAY, CAR PARKING AND MANOEUVRING AREAS GRAVEL** – The Applicant is to construct suitable internal roadways appropriate to facilitate two-way vehicle movements from the access point(s).

All vehicle access and car parking areas must be constructed to a bottom course gravel minimum standard or approved equivalent standard to the satisfaction of Council's Director Infrastructure Services, or equivalent, acting reasonably.

All parking areas internal roadways and manoeuvring areas are to be designed and constructed in accordance with AS 2890.1 - 2004, AS 2890.2 – 2002. All pavements will be designed to suit the proposed vehicle loadings with the individual pavements constructed to a gravel standard, from the property boundary.

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

The works required by this condition are to be completed within 6 months of the commencement of the use. Detailed design by a qualified RPEQ will be submitted prior to the construction and to the satisfaction of the Director Infrastructure Services, or equivalent, acting reasonably, as part of a pre-construction lodgement process with Council.

- 13) HAUL ROUTE** - Haulage of material from the subject site and return trips to the subject site shall be restricted to the connecting State-controlled road network in accordance with the conditions of the Department of Transport and Main Roads. Heavy vehicle traffic associated with the operation is required to use the designated haul routes as indicated in this approval. Should the situation eventuate where the quarry operator opts for including Yore Road as part of the hauling route for Stage 2, the applicant will be required to provide for upgrading works on the said road to a Rural class '5A' standard road with a 7m wide sealed pavement and make provision for maintenance works.
- 14) CAR PARKING NUMBERS** – Maintain the provision of adequate on-site car parking spaces necessary for the operation of the quarry to the satisfaction of Council's Director Infrastructure Services, or equivalent, acting reasonably.
- 15) EARTHWORKS OPERATIONS (CAR PARKING AREAS, ACCESS DRIVEWAY AND MANOEUVRING AREAS)** – All earthworks associated with the car-parking and manoeuvring areas and access driveway(s) will be undertaken in accordance with Section 3.4 of Council's Design and Construction Manual.
- 16) ADVERSE DRAINAGE IMPACT - GENERAL** - Drainage from the development must not adversely impact upon adjoining and or downstream properties. The Applicant may be required to submit details of adequate measures to the satisfaction of Council's Director Infrastructure Services, or equivalent, acting reasonably, to offset such impact if identified.
- 17) STORMWATER DISCHARGE AND DISPOSAL** - The applicant is responsible for the ongoing implementation and monitoring of the recommendations included in the "*Flooding and Stormwater Assessment*" report prepared by MWA Environmental Pty Ltd dated 20 February 2015, or as amended and approved by Council, with all requirements of the approved stormwater management plan being complied with at all times to the satisfaction of the Director Infrastructure Services, or equivalent, acting reasonably.

- 18) MAINTAIN THE FLOOD STORAGE CAPACITY** - The applicant is to ensure that no filling encroach below the 1% AEP (Q100) flood level within the floodplain unless undertaken on the compensatory earthworks basis (i.e. cut to fill balance within the floodplain) to maintain the flood storage capacity of the floodplain and demonstrate no adverse impacts to other properties. Alternatively, the applicant could re-locate the proposed bund above the 1% AEP Flood level contour to minimise / avoid filling in the floodplain.
- 19) HABITABLE FLOOR LEVEL** – The applicant shall ensure that all habitable floor levels of buildings are above the 1% AEP (Q100) Flood Level plus Freeboard (500mm). The Applicant is to submit a Surveyor's Certificate to Australian Height Datum (AHD) level confirming the floor level of the structure prior to the commencement of the said use.
- 20) SEDIMENT AND EROSION CONTROL MANAGEMENT PLAN (SECMP)** - The Applicant is to submit to Council for approval, a properly prepared comprehensive Erosion and Sediment Control Program. The report is to comply with "*Soil Erosion and Sediment Control: Engineering Guidelines for Queensland Construction Sites, Institute of Engineers, Australia 1996*". This is to be submitted at the time of lodging an Operational Works application with Council.
- 21) ADEQUATE WATER SUPPLY** - Provision must be made of an adequate water supply system to cater for the needs of the approved use. 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 works required by this condition are to be completed prior to the commencement of the approved use.
- 22) WASTEWATER DISPOSAL** - Provision must be made of an adequate wastewater collection, treatment and disposal system within the subject site to cater for the needs of the approved use. 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.
- 23) AMENITY** - Operations must not result in adverse impacts on properties located upstream and downstream of the property subject to approval. These impacts include reduction in water quality, loss of bank stability, erosion and head cuts associated with operations. Furthermore, Operators must take all reasonable steps to ensure impacts on water quality and bank stability in areas outside of the approval are prevented and if identified these impacts are monitored and remediated appropriately.
- 24) VEGETATED BUFFER** - The applicant is responsible for the provision of a 20 metre wide vegetated buffer along the eastern frontage with Waterford Tamborine Road. The buffer must be planted with hardy, low maintenance, fast growing, dense screening, bank binding trees and shrubs. 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.

- 25) **ENVIRONMENTAL PROTECTION ZONE** - The applicant is responsible for the provision of an Environmental Protection Zone around the Local Nature Conservation Area in accordance with the recommendations included in the Ecological Assessment produced by 28 South Environmental Pty Ltd.
- 26) **ACTIVITY BASED MANAGEMENT PLAN – COMPLIANCE** - The operator must ensure that all the activities conducted at the premises in relation with the approve use comply at all times with the "Activity Based Management Plan" prepared by Ecoroc Pty Ltd dated 25 February 2015.
- 27) **RECORD KEEPING** - All records and documents required to be kept by a condition of this Approval (including all records and documents required to be kept under the Activity Based Management Plan) at the premises for a period not less than 3 years and make the records and documents available for examination by an Authorised Officer immediately upon request.
- 28) **COMPLAINTS REGISTER** - A complaints register must be kept at the premises and all complaints received about the activity must be recorded in the register with the following details:
 - a) Time, date and nature of complaint;
 - b) Type of communication (telephone, letter, personal, etc.);
 - c) Name, contact address and contact phone number of the complainant (if the complainant does not wish to be identified then 'not identified' is to be recorded);
 - d) Response and investigation undertaken in response to the complaint;
 - e) Name of the person responsible for investigating the complaint; and
 - f) Action taken as a result of the complaint and the investigation and the confirmation signature of operator or an authorised representative of the operator.
- 29) **DUST EMISSIONS MONITORING & RECORDING** - The operator must conduct regular checks to monitor dust emission and record relevant information including date, time, location and staff member.
- 30) **AIR CONTAMINANTS** - A noxious or offensive odour must not be emitted beyond the boundaries of the premises. No particulate matter or visible contaminant, including dust, smoke, fumes and aerosols likely to cause environmental harm is to emanate beyond the boundaries of the premises.
- 31) **LIGHT EMISSIONS** -- Light sources at the premises must be positioned and shielded to prevent light spillage outside the boundaries of the premises.
- 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-10:00pm)	Background +5dB(A) Background +3dB(A)	Background +10dB(A) Background +8dB(A)
Night time (10:00pm-7:00am)	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) VEGETATION** - The clearing of native vegetation and the extraction of material must occur in accordance with a Detailed Rehabilitation Plan which to be approved by Council. Vegetation clearing must not occur outside of an area defined by a Detailed Rehabilitation Plan.
- 38) VEGETATION REMOVAL** - All vegetation removal and modification actions must comply with the Australian Standard for the Protection of Trees on Development (AS4970-2009) as amended.
- 39) REHABILITATION GENERALLY** - Areas where extraction has occurred must be rehabilitated to a stable land form generally in accordance with the Rehabilitation and Landscaping Plan (Drawing No. T-AMBP-11) of the Activity Based Management Plan.
- 40) PLANT CLOSURE AND REHABILITATION** – Should the plant cease to operate for whatever reason during the period of this approval or the development application not be renewed, the operator will remove the plant and equipment and restore the site in accordance with a Rehabilitation Plan to be submitted to Council for approval. Prior to carrying out rehabilitation works, a Landscape Works Plan and Specifications shall be submitted to Council for approval. For the purpose of this clause “cease to operate” shall mean no commercial production and sale of rock for a period of six (6) months. The removal of the plant and equipment and the final rehabilitation of the site are to be completed within a further 12 months to the satisfaction of the Director Infrastructure Services or equivalent, acting reasonably.

- 41) 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. Alternatively, the developer may use generator power ensuring that it does not cause any nuisance at any noise sensitive or commercial place. The works required by this condition are to be completed prior to the commencement of the approved use.
- 42) SELECTION OF PLANT AND EQUIPMENT** - The Applicant shall ensure that all equipment on site including the mobile plant required to transfer, extract and grade materials be maintained in good condition to minimise noise emissions.
- 43) WORKS APPLICANT'S EXPENSE** - All works, services, facilities, environmental performance monitoring and/or public utility alterations required by this approval, whether carried out by the Council or otherwise, must be at the Applicant's expense unless otherwise specified.

Additional Conditions Applicable to Stage 2

- 44) INTERNAL ROADWAY, CAR PARKING AND MANOEUVRING AREAS GRAVEL** – The Applicant is to construct suitable internal roadways appropriate to facilitate two-way vehicle movements from the access point(s).

All vehicle access and car parking areas must be constructed to a bottom course gravel minimum standard or approved equivalent standard to the satisfaction of Council's Director Infrastructure Services, or equivalent, acting reasonably.

All parking areas internal roadways and manoeuvring areas are to be designed and constructed in accordance with AS 2890.1 - 2004, AS 2890.2 – 2002. All pavements will be designed to suit the proposed vehicle loadings with the individual pavements constructed to a gravel standard, from the property boundary.

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

The works required by this condition are to be completed within 6 months of the commencement of the use. Detailed design by a qualified RPEQ will be submitted prior to the construction and to the satisfaction of the Director Infrastructure Services, or equivalent, acting reasonably, as part of a pre-construction lodgement process with Council.

Should the applicant opt for utilising Yore Road as means of gaining access to the site, the internal haul route is not to intersect Yore Road closer than 200m from the Waterford-Tamborine Road intersection or a minimum of 100m from the western elevation of the house on Lot 1 RP32047.

- 45) UPGRADING OF YORE ROAD** - Should the applicant opt for utilising Yore Road as means of gaining access to the site, the applicant will be required to provide for upgrading works on the said road to a Rural class '5A' standard road with a 7m wide sealed pavement and make provision for annual maintenance works of that part of Yore Road at the applicant's expense. The design and construction of the road works shall include all necessary pavement works, drainage works and all necessary traffic signage and guardrails as and where required. Signage is to comply with the Manual of Uniform Traffic Control Devices – MUTCD.

The works required by this condition are to be completed prior to the commencement of the use. Detailed design will be submitted as part of an application for "Constructing or Interfering with a Road or its Operation".

- 46) ACCESS TO COUNCIL ROAD** - The developer shall construct the access to cater for the largest vehicle that is anticipated to use the access during its design life. The access is to be designed as an intersection and as such meet all required criteria in the ARRB "Unsealed Roads Manual" including but not limited to approach grades (to allow for storage of a vehicle exiting the site), sight distance, approach angle etc.

The Developer shall design and construct the access to be generally in accordance with Scenic Rim Regional Council Standard Drawing R-07 (where it doesn't conflict with the ARRB requirements mentioned above and the specific requirements for the heavy vehicle use i.e.: including but not limited to pavement depth to be designed by an RPEQ, gate set back to cater for largest design vehicle.)

The works required by this condition are to be completed prior to the commencement of the use. Detailed design will be submitted as part of an application for Operational Works with Council.

- 47) VEHICLE SHAKEDOWN** - Access from the private haul road to Yore Road shall be via a shakedown device consisting of a shaker grid (metal bar cattle grid or crushed rock device approved by Council's Director Infrastructure Services, or equivalent, acting reasonably, to minimise accumulation of materials on the road. The shakedown device shall be a minimum of three (3) metres wide and ten (10) metres long.

3. Approval Conditions (Referral Agency):

Department of Transport and Main Roads – Concurrence Agency Response dated 10 October 2013.

Department of Environment and Heritage Protection – Concurrence Agency Response dated 19 May 2015.

4. That the Applicant be further advised of the following:

- a) **APPROVAL LAPSES AT COMPLETION OF RELEVANT PERIOD** - This Development Approval will lapse if the Material Change of Use does not happen before the end of the relevant period. The relevant period is four (4) years from the date the approval takes effect. The relevant period may be extended at the discretion of Council under Section 341 of the *Sustainable Planning Act 2009*. Before the Development Approval lapses, a written request to extend the relevant period may be made to Council under Section 383 of the *Sustainable Planning Act 2009*. Please note that Council will not automatically remind Applicants/Occupiers when the relevant period is about to lapse.
- b) **DEVELOPMENT APPROVAL CONDITIONS ATTACH TO LAND** – Development Approvals which include conditions and any modifications attach to the land and are binding on the owner, the owner's successors in title and any occupier of the land pursuant to Section 245 of the *Sustainable Planning Act 2009*.
- c) **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.
- 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).

5. Further approvals are required for:

- a) A Building Works approval is required for any building works associated with the proposed development prior to undertaking any building work on the subject site.
- b) A Plumbing and Drainage Approval is required for all/any plumbing and drainage works associated with the proposed development prior to undertaking any building work on the subject site.
- c) An Operational Works approval is required for the Civil Works and the Landscaping Works associated with the proposed development.

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

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

7. Administrative Action:

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

8. Monitored land uses

That, following completion of the statutory appeal periods, Council's Corporate Services Department, GIS Section be advised as follows:-

At the Ordinary Meeting held on 30 June 2015, Council approved the establishment of an Extractive Industry, located at 1 Yore Road TAMBORINE on land described as Lot 2 RP32047, Lot 2 RP32048, Lot 1 RP32048, Lot 1 RP59599, Lot 2 RP59599, Lot 8 RP842318, Lot 16 RP842318, and Lot 3 SP223751.

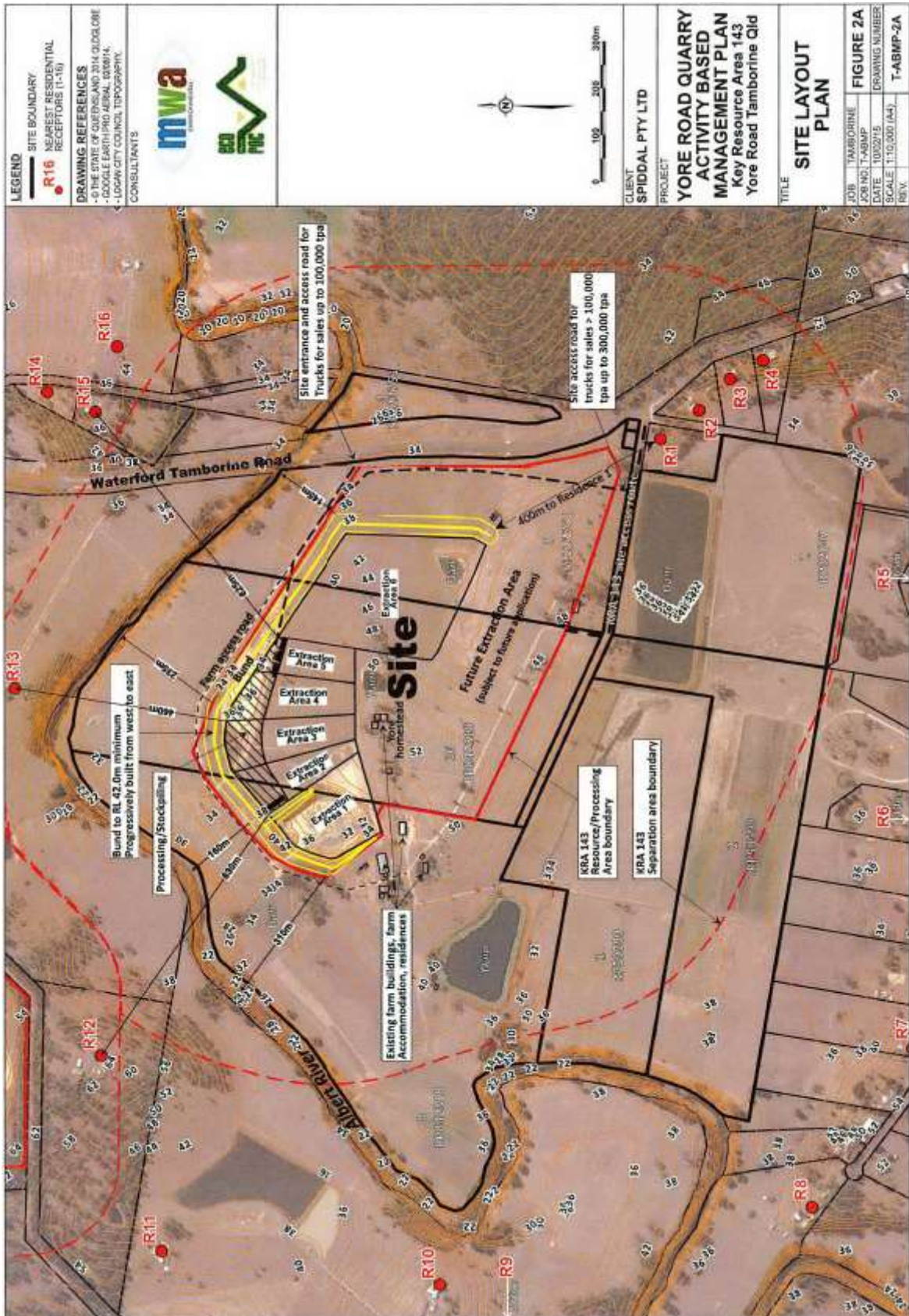
Attachments

1. Dekho Map.
2. Site Layout.
3. Working Platform Layout.
4. Department of Transport and Main Roads – Concurrence Agency Response dated 10 October 2013.
5. Department of Environment and Heritage Protection – Concurrence Agency Response dated 19 May 2015.
6. List of submitters.
7. Applicant's comments to Submissions.

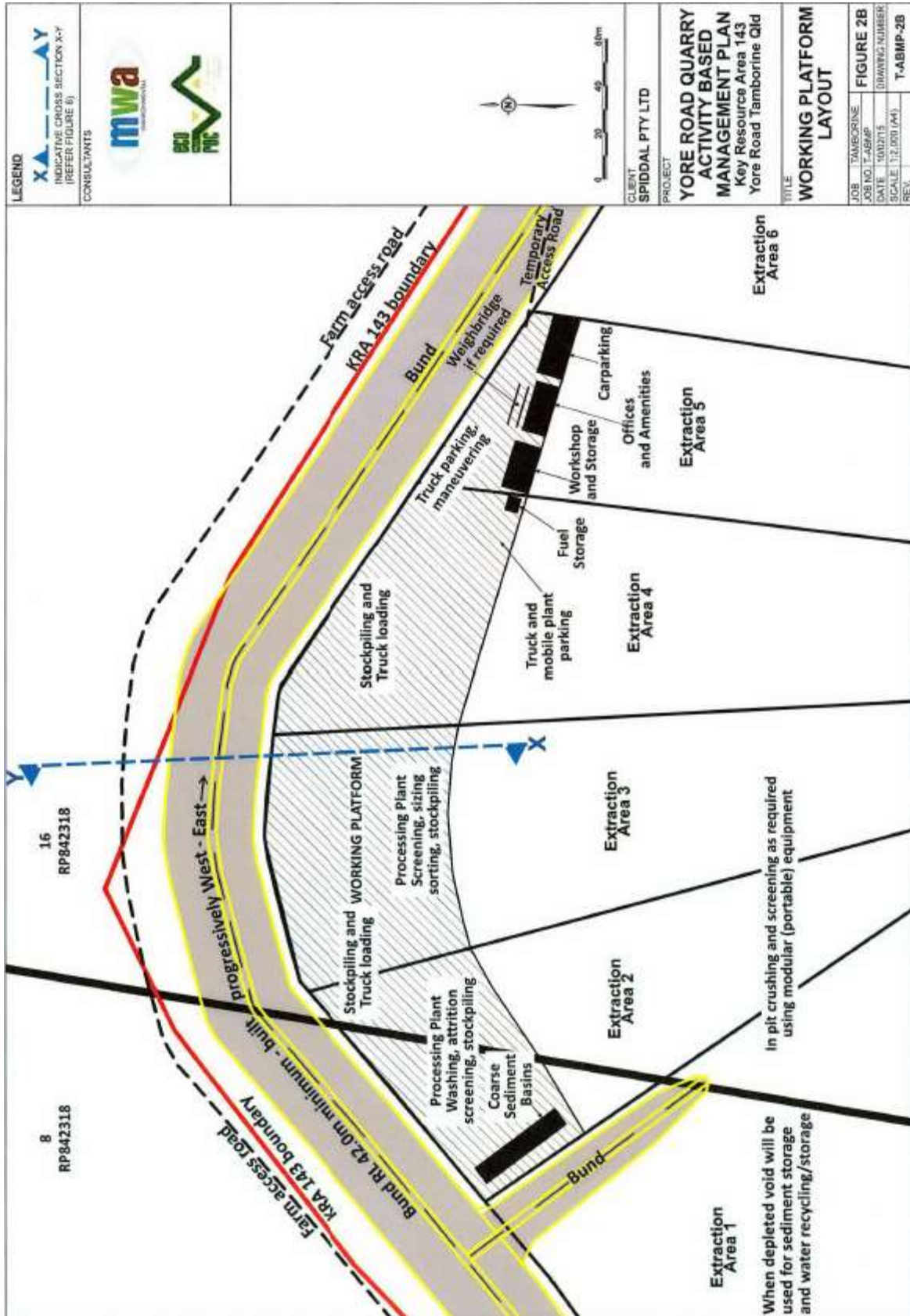
Attachment 1 - Dekho Map



Attachment 2 - Site layout



Attachment 3 - Working Platform Layout



LEGEND
 X Y
 INDICATIVE CROSS SECTION X-Y
 (REFER FIGURE 6)

CONSULTANTS

CLIENT
 SPIDAL PTY LTD

PROJECT
 YORE ROAD QUARRY
 ACTIVITY BASED
 MANAGEMENT PLAN
 Key Resource Area 143
 Yore Road Tamborine Qld

TITLE
 WORKING PLATFORM
 LAYOUT

JOB NO.	TAMBORINE	FIGURE 2B
DATE	10/02/15	DRAWING NUMBER
SCALE	1:2,000 (A4)	T-ABMP-2B
REV.		

Attachment 4 - Department of Transport and Main Roads – Concurrence Agency Response

SCENIC RIM REGIONAL COUNCIL	
File No: <u>MC.Bd212/00043</u>	
10 OCT 2013	
Doc. Set No:	
Resp. Officer: <u>DA Admin</u>	
<u>2</u> <u>3</u>	



Department of
Transport and Main Roads

Our ref TMR12-004615
Your ref MC.Bd212/00043
Enquiries Carly Stebbing

xref

10 October 2013

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

Attention: Development Control

Dear Sir/Madam

CONCURRENCE AGENCY RESPONSE – CONDITIONS

- Proposed Development:** Development Permit for a Combined Material Change of Use – Extractive Industry (100,000 tonnes per year to 1,000,000 tonnes per year) and Environmentally Relevant Activity 16 2(c) (Extracting between 100,000 t/a and 1,000,000 t/a) and 16 3(b) (Screening between 100,000 t/a and 1000,000 t/a)
- Real Property Description:** Lot 16 on RP742318, Lot 1 on RP32048, Lot 1 on RP59599, Lot 2 on RP32047, Lot 2 on RP32048, Lot 2 on RP59599, Lot 3 on SP223751 and Lot 8 on RP842318
- Street Address:** Yore Road, Tamborine QLD 4270
- Assessment Manager ref.:** MC.Bd212/00043
- Local Government Area:** Scenic Rim Regional Council

Reference is made to the referral agency material for the development application described above which was received by the Department of Transport and Main Roads (the department) under section 272 of the *Sustainable Planning Act 2009* (SPA) on 13 November 2012.

An assessment of the proposed development has been undertaken against the purposes of the *Transport Infrastructure Act 1994* for State-controlled roads. Based on this jurisdiction, the department provides this concurrence agency response under section 285 of the SPA.

Program Delivery and Operations
South Coast Region
36-38 Cotton Street Nerang Queensland 4211
PO Box 442 Nerang Queensland 4211

Telephone +61 7 5596 9558
Facsimile +61 7 5596 9511
Website www.tmr.qld.gov.au
Email Carly.J.Stebbing@tmr.qld.gov.au
ABN: 39 407 690 291

The department advises the assessment manager that it requires conditions to attach to any development approval for the application. The department would also like to provide advice about the application to the assessment manager under section 287(6) of the SPA.

Under section 325(1) of the SPA, the assessment manager must therefore attach this response, including the enclosed Department of Transport and Main Roads Concurrence Agency Conditions and Statement of Reasons, to any approval for the application.

The department may change its concurrence agency response in accordance with section 290(1)(b) of the SPA.

The department must be provided with a copy of the assessment manager's decision notice regarding the application within five (5) business days after the day the decision is made in accordance with section 334 of the SPA.

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

If you have any questions or wish to seek clarification about any of the details in this response, please contact Carly Stebbing on 07 5596 9500.

Yours sincerely



Nathan Bright
Principal Advisor (Land Management)

Encl Department of Transport and Main Roads Agency Conditions and Statement of Reasons

C/c Mr Tom Yore
C/- Craven Ovenden
PO Box 2088
Milton QLD 4064



Department of
Transport and Main Roads

Our ref TMR12-004615

C/c Mr Tom Yore
C/- Craven Ovenden
PO Box 2088
Milton QLD 4064

Attention: Mr Kieran Ryan

Please find attached correspondence for your information and action as required. Should you wish to discuss this correspondence, please contact Carly Stebbing on 07 5596 9500.

Yours sincerely

A handwritten signature in black ink that reads 'N. Bright'.

Nathan Bright
Principal Advisor (Land Management)

10 October 2013

Encl: Department of Transport and Main Roads Agency Conditions and Statement of Reasons



Department of Transport and Main Roads
Concurrence Agency Conditions and Statement of Reasons

Proposed Development: Development Permit for a Combined Material Change of Use – Extractive Industry (100,000 tonnes per year to 1,000,000 tonnes per year) and Environmentally Relevant Activity 16 2(c) (Extracting between 100,000 t/a and 1,000,000 t/a) and 16 3(b) (Screening between 100,000 t/a and 1000,000 t/a)

Real Property Description: Lot 16 on RP742318, Lot 1 on RP32048, Lot 1 on RP59599, Lot 2 on RP32047, Lot 2 on RP32048, Lot 2 on RP59599, Lot 3 on SP223751 and Lot 8 on RP842318

Street Address: Yore Road, Tamborine QLD 4270

Assessment Manager Ref: MC.Bd212/00043

Local Government Area: Scenic Rim Regional Council

No.	Conditions of Development	Condition Timing	Jurisdiction and Reasons
1	<p>Development Permit for a Combined Material Change of Use – Extractive Industry and Environmentally Relevant Activity 16 2(c) & 16 3(b)</p> <p>Plans and Reports</p> <p>1.1 Development must be carried out generally in accordance with the following plans and reports, except as modified by these concurrence agency conditions:</p> <ul style="list-style-type: none"> • 'Site Plan Existing + Proposed - E01' prepared by Craven Ovenden Town Planning dated 9 August 2012; • 'Document P:12012-13\13-066 YORE ROAD, TAMBORINE\REPORTS\13.066 RFILETTER FINAL_V2A.DOCX Extractive Industry – Yore Road Tamborine, Response to Information Request' prepared by Pekol Traffic & Transport dated 10 September 2013; & • 'Contour Plan over "Spiddal"' prepared by Goodwin Midson drawing no. 14060-M1 dated 12 October 2010. 	<p>Prior to the commencement of use and to be maintained at all times.</p>	<p>The purposes of the <i>Transport Infrastructure Act 1994</i>.</p> <p>The Department of Transport and Main Roads' assessment of the development application was undertaken on the basis of the cited plans and reports which depict how the proposed development will be carried out.</p>

Transport and Main Roads

No. Conditions of Development	Condition Timing	Jurisdiction and Reasons
<p>State-controlled road access</p> <p>2 2.1 Access The existing direct access between the development site and the State-controlled road (Waterford Tamborine Road) is approved for Stage 1 (up to 100,000 Tonnes/year) operations only. The access between the development site and Waterford Tamborine Road must be upgraded to include a CHR(S) treatment; or removed and access provided via the existing Yore Road intersection, prior to commencing Stage 2 (more than 100,000, and up to 300,000 Tonnes/year) operations.</p>	<p>Upon commencement of the use.</p> <p>Prior to the commencement of Stage 2 operations (transportation of material extracted from the site in excess of 100,000 Tonnes/year).</p>	<p>The purposes of the <i>Transport Infrastructure Act 1994</i> (TIA).</p> <p>The provision of access to the proposed development as detailed will ensure safety and efficiency of the State-controlled road network is maintained during the proposed operations.</p> <p>Access of this type and standard minimises impacts on the safety and efficiency of the State-controlled road network.</p> <p>In accordance with Section 62 of the TIA, you must have written approval to carry out road works, including road access works on a state-controlled road. These development conditions do not constitute such approval. You will need to contact the Department of Transport and Main Roads on 5596 9500 to make an application for approval under section 62 of the TIA to carry out road works.</p>
		<p>This approval must be obtained prior to commencing any works on the State-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ).</p>
		<p>The Department of Transport and Main Roads'</p>

Page 2 of 6



Transport and Main Roads

No.	Conditions of Development	Condition Timing	Jurisdiction and Reasons
2.2	Vehicles must enter and exit the subject site at the permitted State-controlled road access location in a forward direction.	At all times.	technical standards and publications can be accessed at http://www.tmr.qld.gov.au/Business-industry/Technical-standards-publications.aspx . The purposes of the <i>Transport Infrastructure Act 1994</i> .
2.3	Direct access is not permitted between the State-controlled road and the subject site at any location other than the permitted road access location.	At all times	These forward movements will minimise impacts on the safety and efficiency of the State-controlled road network. The purposes of the <i>Transport Infrastructure Act 1994</i> . Vehicular access at the permitted road access location minimises impacts on the safety and efficiency of the State-controlled road network.
3	Haulage - maintenance contributions for haulage activities		
3.1	Payment of Contribution The applicant must pay a monetary contribution to the Department of Transport and Main Roads for the maintenance and/or accelerated reduction in pavement life of the State-controlled road network to the amount of \$0.044 for each Tonne of material transported from the site by road.	Within 30 days of the end of each six monthly interval until the transportation of material extracted from the site by road under this approval ceases. If the transportation of material extracted from the site ceases before the end of a six monthly interval, within 30 days of ceasing to transport	The purposes of the <i>Transport Infrastructure Act 1994</i> . A monetary contribution is required as a result of the proposed development to ensure the safety and efficiency of the State-controlled road network.

Transport and Main Roads

No. Conditions of Development	Condition Timing	Jurisdiction and Reasons
<p>3.2 Calculation of Payment Unless otherwise agreed between the applicant and the department, contributions shall be calculated at six monthly intervals with the first six monthly interval commencing on the first day that material extracted under this approval is transported from the site by road.</p> <p>a) The contribution is to be calculated by multiplying the total tonnage of material transported from the site by road over each six monthly period by the contribution rate per tonne indexed as follows: \$ rate per tonne x C2/C1</p> <p>b) The contribution shall be paid to the department within 30 days after the expiry of each six monthly period until transportation by road of material extracted from the site under this approval ceases.</p> <p>c) If transportation of material extracted from the site under this approval ceases before the end of a six monthly interval, then the amount of the contribution: (i) is to be calculated at the rate referred to in 2.1 (a) for the relevant part of that six monthly period; and (ii) must be paid to DMR within 30 days of ceasing to transport the material.</p>	<p>Upon commencement of the use.</p> <p>Upon commencement of the use.</p>	<p>Comments or additional information Definitions: '\$ rate per tonne' is the rate per tonne for the previous 6 month period 'CER1' = Cost Escalation Road Input which replaces the discontinued Road Input Cost Index. 'C' = CER1 number for the Quarter ended immediately prior to the end of the six monthly period in respect of which the contribution is being calculated 'Quarter' = Each period of three months ending on 30 September, 31 December, 31 March and 30 June</p>
<p>3.3 Notify the Department of Transport and Main Roads when use commences or ceases The Department of Transport and Main Roads shall be notified in writing within 30 days that: a) The transport of material extracted from the site under this</p>	<p>Upon commencement or ceasing of the use.</p>	

Transport and Main Roads

No.	Conditions of Development	Condition Timing	Jurisdiction and Reasons
	<p>approval has commenced; and</p> <p>b) The transport of material extracted from the site under this approval has ceased.</p> <p>3.4 Maintaining Records A yearly report shall be provided to the department. Records which document the total tonnage of material transported from the site by road and summarise directional split.</p>		
	<p>Environmental nuisance</p> <p>4 4.1 No dust and / or debris from the subject site shall enter the State-controlled road network during the operation of the development.</p>	At all times.	Dust and debris from the site onto the State-controlled road has the potential to cause a safety hazard to road users.

N. Bright
 Nathan Bright
 Principal Advisor (Land Management)

10 October 2013

Transport and Main Roads

Advice for State controlled roads

In accordance with Section 62 of the TIA, you must have written approval to carry out road works, including road access works on a state-controlled road. These development conditions do not constitute such approval. You will need to contact the Department of Transport and Main Roads on 5596 9500 to make an application for approval under section 62 of the TIA to carry out road works.

This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ).

The Department of Transport and Main Roads' technical standards and publications can be accessed at <http://www.tmr.qld.gov.au/Business-industry/Technical-standards-publications.aspx>.



INFORMATION ATTACHMENT TO CONCURRENCE AGENCY RESPONSE**Representations on Referral Agency Response**

If the applicant intends to make a representation to the Department of Transport and Main Roads (the department) regarding the attached concurrence agency response, the applicant needs to do this before the assessment manager decides the application.

The applicant will need to give the assessment manager written notice under section 320(1) of the *Sustainable Planning Act 2009* (SPA) to stop the decision-making period to make a representation to the department and subsequently contact the department to make the representation. The decision making period cannot be stopped for more than 3 months.

Planning and Environment Court Appeals

If an appeal is lodged in the Planning and Environment Court in relation to this application, the appellant must give written notice of the appeal to the department under section 482(1) of the SPA. This notice should be given to:

Chief Executive Officer
Department of Transport and Main Roads
C/- Planning Law Team
Planning Management Branch
GPO Box 213
Brisbane QLD 4001

This notice should be given within 2 business days if the appeal is started by a submitter, or otherwise within 10 business days after the appeal is started.

Attachment 5 - Department of Environment and Heritage Protection - Concurrence Agency Response

Department of Environment and Heritage Protection

Sustainable Planning Act 2009

Notice

Concurrence agency response

This notice is issued by the chief executive pursuant to section 287 (concurrence agency response), of the Sustainable Planning Act 2009.

Scenic Rim Regional Council
PO Box 25
BEAUDESERT QLD 4285

Mr Tom Yore
'Spiddal'
Yore Road
TAMBORINE QLD 4270

Your reference: SPCE04979312
Our reference: 101/0014318

Re: Concurrence agency response.

Application details:

Applicant: Mr Tom Yore, Yore Road Quarry, Tamborine
Assessment manager ref: MC.Bd212/00043
Date application referred to the concurrence agency: 13 November 2012
Development approval applied for: development permit.

SCENIC RIM REGIONAL COUNCIL
File No: MC.Bd212/00043
21 MAY 2015
Doc. Ser: PUBA
Resp. Officer: DA ADAM
2. CREAS 3.
* Ref L & RP

Permit:	SPCE04979312
Date of decision:	19 th May 2015
Decision:	The concurrence agency has requirements relating to the application.
Relevant laws and policies:	<i>Sustainable Planning Act 2009 and Environmental Protection Act 1994</i>
Jurisdiction(s):	<i>Sustainable Planning Regulation 2009 – Schedule 7, table 2, item 1</i>

Development Description(s)

Property/Location		Development
Street address 2569 – 2633 Waterford Tamborine Road, Tamborine QLD 4270	Lot/Plan Lot 8 and 16 Plan RP842318, Lot 1 and 2 Plan RP59599, Lot 2 Plan RP32047, Lot 1 and 2 Plan	ERA 16(2b) – Extracting, other than dredging, in a year, the following quantity of material – more than 100,000t but not more than 1,000,000t ERA 16(3b) - Screening, in a year, the following quantity of material – more than 100,000t but not more than 1,000,000t

Page 1 of 2 • 130331 • Version 2

ABN 46 640 294 485

Great state. Great opportunity.

Notice

	RP32048, and Lot 3 Plan SP223751	
--	--	--

1. Concurrence jurisdiction

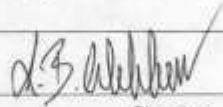
The concurrence agency response for the concurrence agency referral jurisdiction for the aspect of development involved with the application the subject of this Notice is to tell the assessment manager as follows:

- a. Conditions must attach to any development approval, and those conditions are attached to this notice as:
 - i) EHP permit number: SPCE05023312

2. General advice to assessment manager

Pursuant to section 334 and section 363 of the *Sustainable Planning Act 2009*, a copy of a decision notice or negotiated decision notice issued by the assessment manager must be forwarded to the referral agency for the relevant application. Please send a copy of the relevant notice to Department of Environment and Heritage Protection, 173 Hume Street Toowoomba QLD 4350 **and** an electronic copy to palm@ehp.qld.gov.au.

The state's Native Title Work Procedures provide that responsibility for assessment of native title issues for an IDAS application rests with the assessment manager.



Signature

19 MAY 2015

Date

Delegate

Lindsay Webber
Department of Environment and Heritage Protection
Delegate of the administering authority
Environmental Protection Act 1994

Enquiries:

Department of Environment and Heritage Protection
173 Hume Street Toowoomba QLD 4350
Phone: (07) 4699 4333
Fax: (07) 4699 4399

Department of Environment and Heritage Protection

Sustainable Planning Act 2009

EHP Permit ¹ number: SPCE04979312

Assessment manager reference:	SPCE04979312
Date application received:	19 November 2012
Permit type:	Concurrence agency response
Date of decision:	19 th May 2015
Decision:	For a concurrence agency response conditions that must attach to any development approval
Relevant laws and policies:	<i>Sustainable Planning Act 2009 and Environmental Protection Act 1994</i>
Jurisdiction(s):	<i>Sustainable Planning Regulation 2009 – Schedule 7, table 2, item 1</i>

Development Descriptions

Property/Location	Development
2569 – 2633 Waterford Tamborine Road, Tamborine QLD 4270	Lots 8 and 16 Plan RP842318, Lots 1 and 2 Plan RP59599, Lot 2 Plan RP32047, Lots 1 and 2 Plan RP32048 and Lot 3 Plan SP223751 ERA 16(2b) - Extracting, other than dredging, in a year, the following quantity of material – more than 100,000t but not more than 1,000,000t ERA 16(3b) - Screening, in a year, the following quantity of material – more than 100,000t but not more than 1,000,000t

Reasons for inclusion of conditions

In accordance with section 289 of the *Sustainable Planning Act 2009*, the reason(s) for inclusion of conditions stated in this permit required by the concurrence agency response for the application are as follows.

The conditions are included pursuant to sections 203 to 210 of the *Environmental Protection Act 1994*.


Signature

19 MAY 2015
Date

Delegate
Lindsay Webber
Department of Environment and Heritage Protection
Delegate of the administering authority
Environmental Protection Act 1994

Enquiries:
Industry and Development Assessment Department of Environment & Heritage Protection
PO Box 731
TOOWOOMBA QLD 4350
Phone: (07) 4699 4333
Fax: (07) 4699 4388

¹ Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Department of Environment and Heritage Protection.



EHP Permit number: SPCE04979312

Obligations under the Environmental Protection Act 1994

At all times **you** must meet your obligations under the Act. The following information is provided to help **you** understand some of the key environmental obligations under the Act which may relate to the operation of your **activity**. This is not an exhaustive list of all of the environmental obligations. Environmental obligations which **you** must comply with include:

- general environmental duty – section 319
- duty to notify environmental harm – sections 320-320G.

General environmental duty

A person must not carry out any **activity** that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable **measures** to prevent or minimise the harm. This is a person's general environmental duty.

Many of the conditions of an environmental authority can be met by meeting the general environmental duty. This guideline provides advice on how to comply with the conditions of your environmental authority and lists some of the actions which **you** may take to comply with the general environmental duty. These are not exhaustive lists and **you** have the responsibility to work out what **you** need to do to make sure that **you** manage your environmental risk and achieve the outcomes set out in your environmental authority.

Compliance with the general environmental duty is a defence against a charge of causing **environmental nuisance** or harm. Failure to comply with the general environmental duty is not, itself, an offence. An offence occurs if **environmental nuisance** or harm is caused and **you** cannot prove in your defence that **you** have complied with the general environmental duty.

Duty to notify of environmental harm

The duty to notify requires a person to give notice where serious or material environmental harm is caused or there is a risk of such harm and that harm is not authorised by the **administering authority**.

For resource activities, it may also include the situation where the **activity** has negatively impacted, or might negatively impact, on the water quality of an aquifer or if the **activity** has caused the connection of 2 or more aquifers. If either of these actions occurs unlawfully **you** must comply with the requirements under the Act relating to the duty to notify.

For more information on the duty to notify requirements, including who must be notified, how and when to notify, refer to the guideline The Duty to Notify of Environmental Harm (EM467).

Offences under the legislation

This section sets out some of the offences that **you** should be aware of as **you** are carrying out your **activity**. If **you** commit 1 of these offences, **you** could be fined, prosecuted, or required by the **administering authority** to take some action. This is not an exhaustive list of all of the environmental offences under the legislation.

If **you** do commit an offence while carrying out your **activity**, the **administering authority** will take enforcement action in accordance with its Enforcement Guidelines.

Contravention of a condition of an environmental authority

It is a legal requirement for **you** to comply with the conditions in your environmental authority. **You** must also ensure that anyone operating under the environmental authority also complies with the conditions. This might include contractors visiting the site temporarily or transport operators loading and unloading materials on site, and all staff employed at the site. Multiple people may be prosecuted if an offence is committed.

EHP Permit number: SPCE04979312

If **you** think that **you** have breached a condition of your environmental authority, it is your responsibility to fix the problem and bring yourself back into compliance with the condition. **You** should not wait for the **administering authority** to tell **you** what to do. **You** may be required to contact the **administering authority** by the conditions in your environmental authority and the duty to notify.

Penalties for a breach of a condition of an environmental authority vary from penalty infringement notices (PIN) for one-off offences that are easily rectified to the issuing of statutory notices such as an environmental evaluation, transitional environmental program or an environmental protection order. In serious cases the **administering authority** may initiate court proceedings to have a court order issued or may prosecute those responsible for the breach.

The maximum penalty for breaching a condition of your environmental authority is \$1.1 million for a company or \$220,000 or 2 years in prison for an individual.

Causing serious or material environmental harm

Material environmental harm is environmental harm that costs more than \$5,000 to clean up, or that causes more than \$5,000 worth of damage to property. Serious environmental harm is harm that is irreversible; has a high impact or widespread effects to the environment; is caused to an area of high conservation significance; or causes clean-up costs or property damage worth more than \$50,000. It excludes **environmental nuisance**.

The maximum penalty for causing serious environmental harm is \$2.29 million for a company or \$458,000 or 5 years in prison for an individual.

Causing environmental nuisance

Environmental nuisance is unreasonable interference with an **environmental value** caused by aerosols, fumes, light, noise, odour, particles or smoke. It may also include an unhealthy, **offensive** or unsightly condition because of contamination. For activities that need an environmental authority, the most common causes of **environmental nuisance** are dust, noise and odour.

The maximum penalty for causing an **environmental nuisance** is \$459,000 for a company or \$91,000 for an individual.

Depositing a prescribed contaminant in waters

Prescribed contaminants includes a wide variety of contaminants from the inert substances such as earth, clay, gravel and sediment to substances such as chemicals, contaminants with a high or low pH, construction and building waste, gas, oil and sewage. For a full list of **prescribed contaminants** see Schedule 9 of the Act.

It is your responsibility to ensure that **prescribed contaminants** are not left in a place where they could enter a waterway roadside gutter or stormwater drain and to make sure that they do not actually get into one of those places. This includes making sure that stormwater falling on or running across your site does not leave the site contaminated. Where stormwater contamination occurs **you** must ensure that it is treated to remove contaminants. **You** should also consider where and how **you** store material used in your processes onsite to reduce the chance of water contamination.

The maximum penalty for this offence is \$459,000 for a company or \$91,000 for an individual.

EHP Permit number: SPCE04979312

CONDITIONS

General

- G1 All reasonable and practicable **measures** must be taken to minimise the likelihood of environmental harm being caused.
- G2 Any breach of a condition of this environmental authority, must be reported to the **administering authority** as soon as practicable, or at most, within 24 hours of **you** becoming aware of the breach. Records must be kept including full details of the breach and any subsequent actions undertaken.
- G3 Other than as permitted by this environmental authority, the **release of a contaminant into the environment** must not occur.
- G4 All information and records that are required by the conditions of this environmental authority must be kept for a minimum of five (5) years. Environmental monitoring results must be kept until surrender of this environmental authority. All information and records required by the conditions of this environmental authority must be provided to the **administering authority** upon request.
- G5 An **appropriately qualified person(s)** must monitor, record and interpret all parameters that are required to be monitored by this environmental authority and in the manner specified by this environmental authority.
- G6 All analyses required under this environmental authority must be carried out by a laboratory that has **NATA** certification, or an equivalent certification, for such analyses.
- G7 When required by the **administering authority**, monitoring must be undertaken in the manner prescribed by the **administering authority**, to investigate a complaint that is not considered by the **administering authority** to be frivolous or vexatious, of environmental nuisance arising from the **activity**. The monitoring results must be provided to the **administering authority** upon request.
- G8 The **activity** must be undertaken in accordance with written procedures that:
1. identify potential risks to the environment from the **activity** during routine operations, closure and an emergency
 2. establish and maintain control **measures** that minimise the potential for environmental harm
 3. ensure plant, equipment and **measures** are maintained in a proper and effective condition
 4. ensure plant, equipment and **measures** are operated in a proper and effective manner
 5. ensure that staff are trained and aware of their obligations under the *Environmental Protection Act 1994*
 6. ensure that reviews of environmental performance are undertaken at least annually.
- G9 Chemicals and fuels in containers of greater than 15 litres must be stored within a **secondary containment system**.
- G10 A minimum buffer distance of 50m must be maintained between extraction areas and the high banks of any watercourse, lake or wetland.

Air

- 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 **sensitive place** or **commercial place**.



EHP Permit number: SPCE04979312

Noise

N1 Noise from the **activity** must not exceed the levels identified in *Table 1 - Noise limits* when measured in accordance with the associated monitoring requirements.

Table 1 – Noise limits

Noise Level dB(A) measured as	Monday to Sunday including public holidays			
	6am-7am	7am – 6pm	6pm – 10pm	10pm – 6am
	Noise measured at a sensitive place			
$L_{Aeq,adj,T}$	35	45	35	30

Associated monitoring requirements

1. All monitoring devices must be correctly calibrated and maintained.
2. Any monitoring must be in accordance with the most recent version of the **administering authority's** Noise Measurement Manual.
3. Any monitoring of noise emissions from the **activity** must be undertaken when the **activity** is in operation.

N2 When required by the **administering authority**, noise monitoring must be undertaken in accordance with the associated monitoring requirements of *Table 1—Noise Limits*, and the results notified within 14 days to the **administering authority**. Monitoring must include:

1. $L_{Aeq,adj,T}$
2. **Background** noise (Background) as $L_{A,90,adj,T}$
3. $MaxL_{pk,T}$
4. the level and frequency of occurrence of any impulsive or tonal noise
5. atmospheric conditions including wind speed and direction
6. effects due to extraneous factors such as traffic noise
7. location, date and time of recording.

N3 **Blasting** activities must not exceed the limits for peak particle velocity and air blast overpressure in *Table 2 - Blasting noise limits* when measured at any **sensitive place** or **commercial place** in accordance with the associated monitoring requirements.

Table 2 - Blasting noise limits

Blasting criteria	Blasting limits
Airblast overpressure	115 dB (Linear) Peak for 9 out of 10 consecutive blasts initiated and not greater than 120 dB (Linear) Peak at any time.
Ground vibration peak particle velocity	5mm/second peak particle velocity for 9 out of 10 consecutive blasts and not greater than 10 mm/second peak particle velocity at any time.

Associated monitoring requirements

1. Monitoring must be in accordance with the most recent editions of the **administering authority's** 'Noise and Vibration from Blasting' guideline and Noise Measurement Manual and any relevant Australian standard.
- All monitoring devices must be correctly calibrated and maintained.

N4 **Blasting** must be carried out in accordance with the current edition of the **administering authority's** 'Noise and vibration from blasting guideline' and with Australian Standard 2187.

Handwritten initials/signature

EHP Permit number: SPCE04979312

- N5 Unless prior approval is obtained from the **administering authority**:
1. **Blasting** is only permitted during the hours of 9am to 3pm Monday to Friday, and from 9am to 1pm on Saturdays.
 2. **Blasting** is not permitted at any time on Sundays or public holidays.
- N6 When required by the **administering authority**, a blast monitoring program must be developed and implemented to monitor compliance with *Table 2 – Blasting noise limits* at any **sensitive place** or **commercial place**.

Water

WT1 The only contaminants to be released to surface **waters**, are settled stormwater runoff waters, originating as a result of the **activities**, from areas of the site, to waters described as Albert River, in accordance with *Table 3 - Surface water release limits*, associated monitoring requirements.

Table 3 - Surface water release limits

Release Points Description	Quality characteristic (units)	Limit	Limit Type	Minimum Monitoring Frequency
WR1 & WR2	pH (pH units)	6.5-8.5	Range	Weekly when releasing. If no release occurs, no sampling is required.
	Dissolved Oxygen (mg/L)	6	Minimum	Weekly when releasing. If no release occurs, no sampling is required.
	Suspended Solids (mg/L)	50	Maximum	Weekly when releasing. If no release occurs, no sampling is required.

* Decimal degrees to be provided to a minimum of 4 decimal places.

Associated monitoring requirements

1. Release points/areas must be in accordance with plan *Schedule 1 – Water Release Points 1 (WT1) and 2 (WT2)* - Existing Hydrology map, Figure 4 – Appendix 3 – Flooding and Stormwater – Part 1, Drawing Number 14-112a-4, Date 20/02/15 attached.
2. Monitoring must be in accordance with the methods prescribed in the current edition of the Department of Environment and Heritage Protection *Water Quality Sampling Manual*.
3. Samples must be taken using representative samples.
4. All determinations must employ analytical practical quantification limits sufficiently low enough to enable comparisons to be made against water quality objectives/limits relevant to the particular water quality characteristic.
5. Monitoring must be undertaken during a release as per the frequency stated.
6. All monitoring devices must be correctly calibrated and maintained.

- WT2 Monitoring of contaminant releases to **waters** must be undertaken in accordance with condition WT1 and records of the results must be kept.
- WT3 In addition to WT1, the release to **waters** must not:
1. have any other properties at a concentration that is capable of causing environmental harm
 2. produce any slick or other visible evidence of oil or grease, nor contain visible floating oil, grease, scum, litter or other visually objectionable matter.
- WT4 The stormwater runoff from disturbed areas, generated by (up to and including) a **24 hour storm event with an average recurrence interval of 1 in 5 years** must be retained on site or managed to remove contaminants before release.
- WT5 Erosion and sediment control measures must be implemented and maintained to minimise erosion and the release of sediment.

EHP Permit number: SPCE04979312

Waste

WS1 All waste generated in carrying out the **activity** must be reused, recycled or removed to a facility that can lawfully accept the waste.

Land

- L1 Land that has been disturbed for activities conducted under this environmental authority must be rehabilitated in a manner such that:
1. suitable native species of vegetation for the location are established and sustained for earthen surfaces
 2. potential for erosion is minimised
 3. the quality of water, including seepage, released from the site does not cause environmental harm
 4. potential for environmental nuisance caused by dust is minimised
 5. the water quality of any residual water body does not have potential to cause environmental harm
 6. the final landform is stable and protects public safety.
- L2 Rehabilitation of disturbed areas required under condition L1, must take place progressively as works are staged and new areas of extraction are commenced.
- L3 Treatment and management of acid sulfate soils must comply with the current edition of the *Queensland Acid Sulfate Soil Technical Manual*.

DEFINITIONS

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.

Airblast overpressure is the energy transmitted from the blast site within the atmosphere in the form of pressure waves. As these waves pass a given position, the pressure of the air rises very rapidly then falls more slowly then returns to the ambient value after a number of oscillations. The pressure wave consists of both audible (noise) and inaudible (concussion) energy. The maximum excess pressure in this wave is known as the peak air overpressure, generally measured in decibels using the linear frequency-weighting.

Appropriately qualified person(s) means a person or persons who has professional qualifications, training, skills or experience relevant to the nominated subject matter and can give authoritative assessment, advice and analysis to performance relative to the subject matter using the relevant protocols, standards, methods or literature.

Background means noise, measured in the absence of the noise under investigation, as L A90,T being the A-weighted sound pressure level exceeded for 90 per cent of the time period of not less than 15 minutes, using Fast response.

Blasting is the use of explosives to fracture:

- rock, coal and other minerals for later recovery; or
- structural components or other items to facilitate removal from a site or for reuse.

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.

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.

Max_{LpA,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, bunding, containment systems, monitoring, procedures, actions, directions and competency.

EHP Permit number: SPCE04979312

NATA means National Association of Testing Authorities.

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.

Release of a contaminant into the environment means to:

- deposit, discharge, emit or disturb the contaminant
- cause or allow the contaminant to be deposited, discharged, emitted or disturbed
- fail to prevent the contaminant from being deposited, discharged emitted or disturbed
- allow the contaminant to escape
- fail to prevent the contaminant from escaping.

Secondary containment system means a system designed, installed and operated to prevent any release of contaminants from the system, or containers within the system, to land, groundwater, or surface waters.

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
- a motel, hotel or hostel; or
- a kindergarten, school, university or other educational institution; or
- 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
- a public thoroughfare, park or gardens; or
- for noise, a place defined as a sensitive receptor for the purposes of the Environmental Protection (Noise) Policy 2008.

24 hour storm event with an average recurrence interval of 1 in 5 years means the maximum rainfall depth from a 24 hour duration precipitation event with an average recurrence interval of once in 5 years. *For example, an Intensity-Frequency-Duration table for a 24 hour duration event with an average recurrence interval of 1 in 5 years, identifies a rainfall intensity of 7.09mm/hour. The rainfall depth for this event is therefore 24 hour x 7.09mm/hour = 170.16mm.*

Vibration is the oscillating or periodic motion of a particle, group of particles, or solid object about its equilibrium position.

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

You means the holder of the environmental authority.

Handwritten signature

EHP Permit number: SPCE04979312

Schedule 1 – Water Release Points 1 (WT1) and 2 (WT2) - Existing Hydrology map, Figure 4 – Appendix 3 – Flooding and Stormwater – Part 1, Drawing Number 14-112a-4, Date 20/02/15



END OF PERMIT

14/4/15

Sheet 2 of 2 - 15/02/15 - Revision 1

ARM 49 047 304 284

Attachment 6 - List of submitters

SCENIC RIM REGIONAL COUNCIL		
Planning- Submitters List for Application No. MC.Bd212/00043		
Submitter Name	Submitter Address	Association Description
Ms Tatiana Anikieff	39 Albert River Place TAMBORINE QLD 4270	Properly Made Submitter
Mr Bradley McCarty	39 Albert River Place TAMBORINE QLD 4270	Properly Made Submitter
Ms Frances H Munro	PO Box 132 BEENLEIGH QLD 4207	Properly Made Submitter
Ms Ann Beetham	308 Greensward Road TAMBORINE QLD 4270	Properly Made Submitter
Mr Eric Beetham	308 Greensward Road TAMBORINE QLD 4270	Properly Made Submitter
M/- Meg Hutton	Email	Properly Made Submitter
Mr Keith Wilmott	45 Cooneana Court TAMBORINE QLD 4270	Properly Made Submitter
Ms Deborah L Punch	33-37 Prosperity Drive BOYLAND QLD 4275	Properly Made Submitter
G S Anikieff	Kinghorn TAMBORINE QLD 4270	Properly Made Submitter
Mr Martyn Argyle	Email	Properly Made Submitter
Mr Raymond Walters	PO Box 138 TAMBORINE QLD 4270	Properly Made Submitter
M/- Chris Argyle	30-36 Cooneana Court TAMBORINE QLD 4270	Properly Made Submitter
Ms Sharna Snowball	1662 Beaudesert-Beenleigh Road TAMBORINE QLD 4270	Properly Made Submitter
Ms Kerrie-Ann M Ball	1662 Beaudesert-Beenleigh Road TAMBORINE QLD 4270	Properly Made Submitter
Ms Tiana-Lee Snowball	1662 Beaudesert-Beenleigh Road TAMBORINE QLD 4270	Properly Made Submitter
Ms Gail J Abbotts	2037 Beaudesert-Beenleigh Road TAMBORINE QLD 4270	Properly Made Submitter
Ms Dimity Brown	47-55 Karen Court TAMBORINE QLD 4270	Properly Made Submitter
Ms Nicole M Pardilanan	2-12 Yore Road TAMBORINE QLD 4270	Properly Made Submitter
Simon Cunado	22 Greensward Road TAMBORINE QLD 4270	Properly Made Submitter
Mr Steven E Kidner	127 Karen Court TAMBORINE QLD 4270	Properly Made Submitter
Mr Dumitru Gorincu	2169-2187 Waterford-Tamborine Road TAMBORINE QLD 4270	Properly Made Submitter
Ms Claretta Musumeci	Email	Properly Made Submitter
Mr Frank Jozsef	Email	Properly Made Submitter

Ms Nicole Mouat	PO Box 40 TAMBORINE QLD 4270	Properly Made Submitter
Mr Terry Kuss	112-206 Clutha Creek Road TAMBORINE QLD 4270	Properly Made Submitter
Mrs Elaine Hurst	33-43 Cooneana Court TAMBORINE QLD 4270	Properly Made Submitter
Mr Andrew W J Loomes	67-77 Kilmore Drive TAMBORINE QLD 4270	Properly Made Submitter
Ms Haeley Reeves	99-135 Pendennis Road TAMBORINE QLD 4270	Properly Made Submitter
Mr Scott W Campbell	31-35 Racecourse Place TAMBORINE QLD 4270	Properly Made Submitter
Mr Joshua R R Smith	592-596 Henri Robert Drive TAMBORINE MOUNTAIN QLD 4272	Properly Made Submitter
Mr David Henderson	66 Coomera Gorge Drive TAMBORINE MOUNTAIN QLD 4272	Properly Made Submitter
Mr Trent A Selkirk	149-151 Kilmore Drive TAMBORINE QLD 4270	Properly Made Submitter
Logan & Albert Conservation Association	PO Box 557 BEAUDESERT QLD 4285	Properly Made Submitter
Mr Keith Jones	112-206 Clutha Creek Road TAMBORINE QLD 4270	Properly Made Submitter
Ms Amanda J Hay	13-15 Chalmette Drive TAMBORINE MOUNTAIN QLD 4272	Properly Made Submitter
The Sand & Soil Company Pty Ltd	GPO Box 2414 BRISBANE QLD 4001	Properly Made Submitter
Mr Paul Bateman	Email	Properly Made Submitter
Colleen Hagarty	3 Pendennis Road TAMBORINE QLD 4270	Properly Made Submitter
Mr Peter Lewis	208-368 Clutha Creek Road TAMBORINE QLD 4270	Properly Made Submitter
Mr Daniel J Joslyn	2063 Beaudesert-Beenleigh Road TAMBORINE QLD 4270	Properly Made Submitter
Mr Ryan Chu	127-135 Murray Grey Drive TAMBORINE QLD 4270	Properly Made Submitter
Ms Yolanda Richards	146-152 Vonda Youngman Drive TAMBORINE QLD 4270	Properly Made Submitter
Mr Roy Harding	22-28 Cooneana Court TAMBORINE QLD 4270	Properly Made Submitter
Ms Patricia C Schmidt	21-27 Carlie Court TAMBORINE QLD 4270	Properly Made Submitter
Tamborine Mountain Progress Association Inc	PO Box 106 NORTH TAMBORINE QLD 4272	Properly Made Submitter

Attachment 7 - Applicant's comments to Submissions

12 May, 2015

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



Attention: Mr Jairo Cadena
Via email: jairo.c@scenicrim.qld.gov.au

Dear Sir

RESPONSE TO SUBMISSIONS - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR EXTRACTIVE INDUSTRY AND AN ENVIRONMENTALLY RELEVANT ACTIVITY AT YORE ROAD, TAMBORINE - COUNCIL REF: MC.Bd212/00043

I refer to the abovementioned development application and the submissions lodged during the public notification period. There were 49 submissions available on Council's DAP Online system and while not all appeared to meet the requirements to be considered a 'properly made submission', we have prepared this response on the basis that all were accepted as properly made.

Many of the submissions raise similar issues and it would appear that some have been used as a template for others. We have summarised the issues where possible and respond as follows:

1. Noise

Many of the submission raise noise as a ground of objection. A detailed noise assessment was undertaken by Max Winders & Associates (MWA) and submitted in response to Council's information request. That report assessed the potential noise from operations and traffic against the relevant criteria established by the State (the Environmental Protection (Noise) Policy 2008. Specifically it considered the noise impacts and concluded that if the recommended noise control measures are implemented, the proposal will meet the noise standards (set by the State Government) at the closest 16 residences for the proposed operating period (6am to 6pm). It follows that noise impacts at residences located a greater distance from the site will also meet the nominated standards. We also note that the noise modelling did not consider further noise mitigation provided by the proposed bund wall around the northern and eastern perimeter of the extraction area, which will likely result in even greater noise mitigation.

A couple of submissions raise a recent incident where heavy machinery was moved during the early hours of the morning. The applicant does not deny that this occurred, however confirms this was an isolated incident which resulted from a specific set of circumstances. The machinery in question was a 90 tonne excavator which the pit operator needed to move to another site. Due to the size of the equipment and trailer, by law, the equipment required a police escort which can only operate in the early hours of the morning. Machinery is never otherwise moved outside of operating hours. To minimise noise, the machinery was moved out of the pit and to the loading point during normal operational hours, then left until the early morning when the escort arrived. Moving equipment of this size onto and off the site happens very infrequently and the applicant will endeavour to better inform neighbours if and when it ever needs to occur again.

2. Traffic

Many of the submissions raise the impacts of additional traffic as a ground of objection. The additional traffic needs to be considered in context. A detailed traffic report was undertaken by Pekol Traffic & Transport in response to support the original lodgement of the application, with an amended report prepared in response to an information request prepared by the Department of Transport & Main Roads (DTMR). As part of this assessment a review of traffic movements on Camp Cable Road and Beaudesert Beenleigh Road was undertaken which determined that there would be a

- Approximately 0.6% increase in traffic numbers on both roads as a result of heavy vehicles associated with Stage 1

1/9 Camford St Milton Qld 4064
PO Box 2088 Milton Qld 4064

Ph: 07 3217 5771
Fax: 07 3217 6292

mail@reelplanning.com
ABN: 49 116 492 123

reelplanning.com
Reel Planning Pty Ltd

REEL PLANNING

PAGE 2

- Approximately 1.9% – 2.0% increase in traffic numbers on both roads as a result of heavy vehicles associated with stage 2

With traffic numbers having likely increased since the date of the traffic surveys, the percentage is likely to be less if the calculation was undertaken again today.

There were generally three traffic concerns raised in the submissions. The first is that traffic would create a noise nuisance on adjoining properties. The traffic report indicated that there was likely between 120 and 135 heavy vehicles using Camp Cable and Beaudesert Beenleigh Road, so it would be difficult to conclude with certainty that vehicles from this particular operation would have a measureable noise impact (beyond what currently exists) on the surrounding area. Moreover, the noise report prepared by MWA considered the noise impact of trucks on the closest sensitive receivers and determined that any increase in noise levels as a result of the increase in traffic would be imperceptible.

The second traffic concern raised was one of safety. DTMR has approved the proposed use, subject to conditions which include upgrading of the site access (for stage 2). As indicated earlier, there are already a large number of heavy vehicles using the surrounding roads so the addition of a small percentage more is not considered to in itself cause a traffic safety problem.

The third traffic issue raised was the effect that heavy vehicles would have on the surrounding road network and the need for ongoing maintenance. A condition of DTMR's approval is that the applicant contribute towards the ongoing maintenance of the road network.

3. Dust

Many of the submissions raised dust as a ground of objection, as well as a concern about silica leaving the site. While all silica can be in dust form, not all dust contains silica. MWA prepared a comprehensive assessment of the potential dust from the extraction and haul roads against the relevant criteria established by the State (the Environmental Protection (Air) Policy 2008). That assessment concluded that the proposal would meet the dust standards (set by the State Government) at the closest 16 residences. It follows that dust impacts at residences located a greater distance from the site will also meet the nominated standards. We also note that while the dust modelling considered the maximum extraction rate (which may not occur) with the entire extraction area exposed (unlikely to occur) over a 7 day period (which is greater than that proposed). For these reasons the dust modelling is considered conservative.

The sandstone rock contains between 45 to 55% crystalline silica according to petrographic analyses. Silica dust can be produced when fresh rock is broken (or cut, ripped, drilled or crushed) and without the use of water sprays for example, to suppress the dust. Strict dust control measures are therefore required to ensure workers at the quarry are not exposed to unacceptable levels of dust including silica dust from quarrying activities. These controls also protect neighbouring residences and other sensitive receptors.

The Qld Mining and Quarrying Safety and Health Act 1999 and Regulation which applies to the site requires mines and quarries to identify hazards and control risks including crystalline silica dust risks, when present. The current exposure standard from Safe Work Australia for crystalline silica is 0.1 mg/ m³. The dust control measures which must be implemented to protect workers at the quarry also ensure that there is no risk to neighbours and sensitive receptors external to the site.

For the Yore Rd site, sources of potential dust emissions are identified in the ABMP Table 2 Identification of Potential Environmental Impacts, 'Air Quality'. Site activities such as wet processing and washing of sands and gravels eliminate dusts. Activities such as drilling, ripping, cutting, crushing and dry screening have a moderate to high potential to generate dusts containing silica, if not controlled. Detailed dust control measures are described in the ABMP 6.1 Dust Management Plan, section 5 Management Practices. These dust control measures utilise water and water sprays as the primary means of dust suppression.

Under the risk management provisions of the Mining and Quarrying Safety and Health Act and Regulation, workers at the quarry will also be periodically tested using personal dust monitors to ensure their exposure to crystalline silica is below the 0.1mg/m³ standard. The dust control measures described in the ABMP will control dusts including silica dusts to below statutory thresholds thereby ensuring the health and safety of both workers at the site and the significantly more distant neighbouring residents are not impacted by dusts from the quarrying activities.

4. Natural Barrier/Screening

Some of the submissions raised the potential visual impact of the proposed extraction, specifically that it would detract from the rural character of the setting. In our view, extraction activities form a normal part of the rural landscape (because they rarely occur in an urban setting), albeit one that is not as visually pleasing as agriculture or animal keeping. The same can be said for abattoirs, poultry farms and grain silos. In this case, extraction on the site has formed part of the visual landscape for over 30 years.

Notwithstanding the above, as indicated in the response to Council's information request, a vegetated buffer is proposed along the entire western side of Waterford Tamborine Road. The buffer is proposed to be 20m wide and planted with hardy, low maintenance, fast growing, dense screening, bank binding trees and shrubs. This buffer, when matured will mitigate the view of the extraction areas from the road which is the only point from which the proposed activities are likely to be visible.

It is also worth noting that existing rural activities on the balance of the land (currently turf farming and grazing), will continue. For this reason the view of the land from land surrounding the site to the south and west will remain largely unchanged.

5. Advertising Requirements

Some of the submissions put forward the view that the public had been intentionally misled or that the applicant has intentionally tried to withhold information during the public notification period. Specifically, that the newspaper ad was not put in a local paper and that the notification signs were not erected in the correct locations. The applicable legislation requires that the applicant put an advertisement in a paper *circulating generally in the locality*. The advertising contractor investigated newspapers circulating in the locality and found that the Gold Coast Bulletin met the criteria and was delivered to a wide area (compared to other papers). It was also confirmed that the Gold Coast Bulletin was carried by the nearest corner store located at Leach Road, located approximately 1km south east of the site. At this point, the applicant had fulfilled the obligations set by the legislation, however upon the request of the applicant and Council, an additional ad was also placed in the Beaudesert Times because it was felt that the Gold Coast Bulletin did not have sufficient coverage in the western part of the shire. This was undertaken at additional expense specifically so that it could not be said that the public was misled.

Similarly, the legislation requires that signs be placed on each road frontage of the land subject to the application. In this case a conservative approach was taken and 7 signs were placed at:

- The northern frontage to Yore Road;
- The western frontage to Yore Road;
- The Southern Frontage to Yore Road;
- The eastern frontage to Waterford Tamborine Road;
- The western frontage to Waterford Tamborine Road; and
- The frontage to Tandy Lane.

Specifically, one sign was placed close to the entrance to the site along Waterford Tamborine Road where there was sufficient room to pull off the road to view the sign.

6. Wildlife

Some of the submissions raised the potential for impacts on wildlife and ecology as a ground of objection. The response to Council's information request included an assessment of ecological matters prepared by 28 South Environmental. While this assessment focussed on the relevant assessment criteria in the Planning Scheme, it nevertheless concludes that:

- the site has been cleared to its present extent since at least the 1950's;
- the proposed use will not result in further tree removal;
- the proposed rehabilitation, consisting of deep water filled voids, will provide open water habitat for a range of waterfowl and wetland birds.

7. ERAs

Some of the submissions indicated there was some confusion regarding the ERAs that had been applied for. This seems to originate in a change to the *Environmental Protection Regulation* which describes the ERAs. At the time the application was lodged ERA16(2)(c) was for extraction of 100,000 tonnes to 1,000,000 tonnes (required for stage 2 of the proposed development). In the current version of the *Environmental Protection Regulation* ERA16(2)(c) relates to extraction over 1,000,000 tonnes. To confirm, the maximum extraction rate that the applicant has applied for is 300,000 tonnes per year (as stage 2).

8. Flooding, Water Releases and Contamination

Some of the submissions raised the potential impact of flooding, water releases and contamination from the site. A flooding and stormwater report was prepared by MWA and lodged in response to Council's information request. In respect of flooding it concluded that with the measures proposed, there would be no flood waters entering the extraction areas and any impacts on the river would be within acceptable limits. At its worst point there would be a 29mm increase directly opposite the extraction area, however a lesser impact at other points upstream and in some cases downstream, an improvement.

The report also nominated a stormwater management plan to ensure that water leaving the site would conform with State Government guideline prepared by the Department of Environment & Heritage Protection (DEHP). Similarly, areas containing contaminants will be bunded such that they would not escape the land in the event of a flood, leak or rain event.

9. Need and property values

Some of the submissions raise the potential for a decrease in property values, however this appears to be premised on increased amenity impacts (visual, noise and dust) from the proposed quarry. As discussed elsewhere in this response, the applicant has demonstrated (through submission of comprehensive technical reports) that there will be limited impacts on the surrounding environment. For this reason it is our view there would be limited impacts on property values.

One of the submissions also raised a lack of need for the proposed quarry. As outlined in the town planning report and response to Council's information request, the site has operated as a sand quarry for over 30 years under a separate approval. Over that time Council has been provided with records which note the amount of material removed from site (to demonstrate compliance with the extraction limits). The continued operation and sale of material from the site over this timeframe is evidence of both supply and demand. Moreover, since lodge of the application the site has been identified as a Key Resource Area (KRA), acknowledging both the existence of the resource and prioritising extraction for the benefit of the State.

We note that when DNRM first approached the applicant with a draft KRA over the site, it covered a substantially larger area than was eventually adopted (approximately double what exists currently). The applicant of this application was the driver for having the KRA area reduced so that the long term farming viability of the land would be protected. Evidence of correspondence between the applicant and DNRM, seeking a reduction in the size of the KRA is available upon request.

10. Time Period – hours of operation

A few of the submissions questioned why the hours of operation proposed were different to those listed in the standard conditions for ERA16. In this case, the applicant has applied for extended hours of operation, supported by technical reports demonstrating that impacts (such as noise) will not exceed those standards set by DEHP.

11. Exclusion Zone/Buffering

A few of the submissions raise an exclusion zone which extends over properties outside the site subject to the application and question whether this will limit the use of that land. It is assumed that these submissions are referring to the buffer area associated with the KRA. While this buffer is primarily contained within the site, a small part extends to the north and east. The KRA and buffer is determined by the Department of Natural Resources and Mines (DNRM), so it not a buffer being sought as part of this application. Review of the State Planning Policy (which applies to the buffer area in circumstances where it is not reflected in the planning scheme) seeks to prevent incompatible uses being developed in the buffer area. We note however that there is no restriction on development for dwelling house, a home based business, caretakers accommodation, animal husbandry or cropping. Having regard to the underlying zoning and site specific constraints such as flooding, it is our view that the KRA buffer is unlikely to introduce any additional constraint on development of the land.

12. DEHP Extension

A few of the submissions raised an extension to the DEHP assessment period that was issued during the public notification period. The submissions questioned whether public notification should have occurred prior to DEHP making a decision. The *Sustainable Planning Act* requires that applicants start public notification shortly after responding to any information requests issued by Council or State Government Departments. In other words, the applicant was forced to start public notification before DEHP had make its

REEL PLANNINGPAGE 5

decision. Once the applicants response is received by State Government Departments, their assessment periods begin (and run in parallel to the public notification). In this case DEHP did not make a decision within their first decision period and took the opportunity (afforded under the legislation) to extend this period.

We trust these responses will assist the assessment manager during the Decision Making period and look forward to a favourable decision at your earliest convenience. In the meantime, if you wish to discuss this further, please do not hesitate to contact the author on (07) 3217 5771.

Yours sincerely



Kieran Ryan
REEL PLANNING

3.3 MCBd15/013 Request to Change Conditions of Approval for a Preliminary Approval pursuant to section 242 of the Sustainable Planning Act 2009 and Development Permit for the creation of 54 Residential allotments RPS Australia East Pty Ltd Lot 180 WD5375

Executive Officer: Director Regional Services

Item Author: Manager Planning

File Reference: MCBd15/013

Applicable Planning Scheme	<i>Beaudesert Planning Scheme 2007</i>
Applicant	Mr R A Hopkins c/- RPS Group
Owner(s)	Mr R A Hopkins
Site Address	Mt Lindesay Highway GLENEAGLE
Real Property Description	Lot 180 WD5375
Site Area	50.03ha
Relevant Zone and Precinct	Beaudesert and Canungra Townships Zone - Emerging Community Precinct
Proposal	Request for Permissible Change under Section 369 of the <i>Sustainable Planning Act 2009</i> (SPA) to amend an existing development approval.
Original Development Approval	<ul style="list-style-type: none"> Preliminary Approval pursuant to Section 242 of the <i>Sustainable Planning Act 2009</i> to vary the effect of the local planning instrument Development Permit for the creation of 54 Residential allotments, one (1) open space lot and a balance Emerging Communities Precinct lot.
Original Assessment Level	Impact Assessment
Date Application Received:	27 February 2015

Purpose of Report

This report has been compiled outlining the facts and circumstances for an application seeking a Request to Change an existing development approval; being a

- Preliminary Approval pursuant to Section 242 of the *Sustainable Planning Act 2009* to vary the effect of the local planning instrument
- Development Permit for the creation of 54 Residential allotments, one (1) open space lot and a balance Emerging Communities Precinct lot.

Risks

Strategic Risks

The following Level 1 and Level 2 (strategic) risks are relevant to the matters considered in this report:

- CF6 - Failure to comply with statutory obligations and responsibilities;
- CE2 - Failure to discharge regulatory responsibilities under legislation or local law;
- CE5 - Failure to ensure regulatory applications are managed, assessed and processed in accordance with legislative timeframes and protocols;
- PO2 - Political influence impacting on operational management of organisation.

Risk Assessment

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment of risks	Residual Risk Rating
Environmental Impacts on environment as a result of development activity	Moderate	Unlikely	Medium	-Environmental impacts considered and documented during assessment	Low
Legal Compliance and Liability Failure to ensure application is assessed in accordance with IDAS process	Minor	Possible	Medium	-Documented assessment process	Low
Legal Compliance and Liability Opportunity for applicant or third party appeal against Council decision	Minor	Possible	Medium	- Ensure reasonable and relevant test applicable to assessment processes - Model Litigant processes followed in court cases - Minimise opportunities for appeals	Low
Reputation Negative perception from community or development proponents	Minor	Unlikely	Low	- Transparent reporting of assessment - Communications	Low

Brief Summary

On 27 February 2015, Council received a Request for Permissible Change in accordance with section 369 of the *Sustainable Planning Act 2009* (SPA) to change conditions of an existing development approval.

Pursuant to the *Beaudesert Shire Planning Scheme 2007* (Planning Scheme), the subject land is located within the Emerging Community Precinct of the Beaudesert and Canungra Townships Zone.

As a matter of background, Council issued a Decision Notice dated 3 April 2013 for a combined Preliminary Approval to vary the effect of the local planning instrument and a Development Permit for the creation of 54 Residential allotments, one (1) open space lot and a balance Emerging Communities Precinct lot, being Stage 1.

The applicant now seeks to amend the aforementioned approval to allow for an alternative subdivisional layout and to simplify the functionality of the underlying preliminary approval. In brief, the proposed changes to each component of the original approval are as follows:

- Preliminary Residential Approval - The applicant seeks to simplify its function and to revert back to the standard requirements of the Planning Scheme as much as possible.
- Subdivision Approval - The applicant seeks to amend the subdivisional layout and internal road design, update technical reports, introduce sub-staging and create an additional 10 lots resulting in a total of 64 lots. It is noted that the underlying preliminary approval allowed for up to 70 dwellings in Stage 1.

A copy of the subject application was forwarded to the Department of State Development, Infrastructure and Planning (DSDIP) as a Relevant Entity. Correspondence received from DSDIP dated 26 March 2015 has stated that the department had no objection to the proposed changes.

A thorough assessment has been undertaken against the current Planning Scheme and the relevant provisions of the *Sustainable Planning Act 2009* (SPA). Subsequently, the proposal is not considered to constitute a *Substantially Different Development* and complies with the Planning Scheme and SPA. Based on the information submitted and the detailed assessment given within this report the proposed changes are recommended for approval.

Background

On 3 April 2013, Council issued a Preliminary Approval pursuant to section 242 of the *Sustainable Planning Act 2009* to vary the effect of the local planning instrument; and a Development Permit for the creation of 54 Residential allotments, one (1) open space lot and a balance Emerging Communities Precinct lot, being Stage 1 (MC.Bd211/00077 and RL.Bd2/00048).

The applicant subsequently lodged a request for Negotiated Decision; however on 23 April 2013 Council received a letter from the applicant withdrawing the request for Negotiated Decision and waiving the applicant's appeal rights. As such, the approval immediately took effect.

Proposal

The applicant has submitted to Council a Request Permissible Change under Section 367 of the *Sustainable Planning Act 2009* (SPA), to amend an existing development approval. The aforementioned approval was issued on 3 April 2013, most recently modified on 31 January 2014 for a Preliminary Approval pursuant to section 242 of the *Sustainable Planning Act 2009* to vary the effect of the local planning instrument; and Development Permit for the creation of 54 Residential allotments, one (1) open space lot and a balance Emerging Communities Precinct lot.

As mentioned the original development approval consists of two (2) components with respective conditions of approval. The applicant has provided the following justification and summary of the proposed changes in respect to the each aspect of the original development approval.

Preliminary Approval

The Preliminary Approval (PA) for the site currently facilitates residential development across the site, allowing a total of 70 dwellings through a mix of house, duplex and triplex product. The PA includes a Plan of Development, which overrides certain aspects of the Beaudesert Planning Scheme 2007 (Planning Scheme).

It is proposed to amend the PA to simplify its function and to revert back to the standard requirements of the Planning Scheme as much as possible. The details of each amendment are detailed in the table below.

Condition	Amendments
Plan of Development	Plan references throughout the approval been updated to include the reference to the new proposal plan - <i>Plan No. 123531-PP-lb prepared by RPS and dated 10 February.</i>
2.4 Precincts Intent	This item has been updated to clarify that the 'Residential Precinct' simply refers to the proposed residential lots, and that the 'Passive Recreation Precincts' simply refer to the Parks / Open Space.
5. Definitions	The relevance of this section of the PA is unclear as it appears to simply repeat the existing definitions in the Planning Scheme. This section has been simplified to clarify that the definitions under the Planning Scheme are relevant to the PA
Table 6.1 Assessment Table for MCU & View Corridor	Dual Occupancy <ul style="list-style-type: none"> • The assessment table has been updated to remove reference Corridor to the lot numbering relevant to the existing approval. • The assessment table has been amended to simplify the approach to dual occupancy, allowing these to be either self or code assessable on lots with appropriate characteristics. These lot characteristics include corner lots where equal to or greater than 600sqm, or lots equal to or greater than 900sqm. • Where complying with the relevant criteria, it is proposed that Dual Occupancy is subject to self-assessment, otherwise code assessment is triggered.

Condition	Amendments
	<ul style="list-style-type: none"> • Triggers for impact assessment have been removed as it is not necessary to conduct impact assessment for residential product that is otherwise generally consistent with the intent for the developed parcels. <p>House</p> <ul style="list-style-type: none"> • The assessment table has been updated to remove reference to the lot numbering relevant to the existing approval. • Reference (and controls throughout the codes) to the 'View Corridor' have been removed. This is an unnecessary control on lots intended for standard residential development, which includes two-storey houses. • A review of the proposed earthworks for the site at Appendix C details the proposed ground level for the site, as well as the fall of the land away from the Mt Lindesay Highway. In this regard, the construction of the subdivision will reduce the elevation of the site, and subsequently the future built form, that will in turn protect the views to the west. • Triggers for impact assessment have been removed as it is not necessary to conduct impact assessment for residential product that is otherwise generally consistent with the intent for the developed parcels. <p>Medium Density</p> <ul style="list-style-type: none"> • The reference to medium density has been removed from the assessment table as this product is not planned for the subdivision.
2.7 Assessment Table for Development that is not a Material Change of Use	The wording of this section has been amended to clarify that the Planning Scheme will apply for development that is not a Material not a Material Change of Use within the Residential / Passive Recreation of Use Precincts.
2.8 Consistent Development	<ul style="list-style-type: none"> • The specific reference to 'Dual Occupancy' as consistent development in the Townships Zone is not understood as it appears that the Planning Scheme already states this. As a result, the reference to Dual Occupancy has been removed as it is not considered necessary. • The reference to Medium Density Residential has been removed as it is not planned as part of the subdivision. - • Given the above, Table 8.1 is not considered necessary and has been removed.
9.1 Beaudesert and Canungra Township Zone Code	The amendments to item 25 of the code have been removed as they are no longer considered relevant. The existing wording of the code in the Planning Scheme is adequate.
9.1 Beaudesert and Canungra Township Zone Code - Residential Precinct - Table 9.1.2	<ul style="list-style-type: none"> • SO1 has been amended to remove reference to the existing approved plan. • Amendments to S3.1 have been removed where they are seeking to control height with regard to the View Corridor - as detailed above. • S3.3 has been amended so that building setbacks are controlled by the <i>Queensland Development Code (QDC)</i>.

Condition	Amendments
9.2 Assessment Provisions for Overlay	<ul style="list-style-type: none"> The approval currently provides for building envelopes - although the necessity of these is unclear given the characteristics of the site. Section 9.2. has been amended to remove reference to building envelopes, replacing this reference with residential lot' or 'park' for simplicity.
9.3.2 Variations to House Code	<ul style="list-style-type: none"> The variations to the House Code have been simplified to remove the controls relating to the view corridor (as explained above). Setbacks have also been amended so that they are controlled by the QDC.
9.3.3 Medium Density Residential	This table has been removed as this type of development is not planned in the subdivision.
Dual Occupancy Code	<ul style="list-style-type: none"> The Dual Occupancy Code has been amended to remove parts that appear to repeat what already exists in the Planning Scheme. The code has been simplified so that setbacks are controlled by the QDC and to make open space requirements clearer.

Proposed Subdivision

The Development Permit for Reconfiguring a Lot (RAL) currently provides for the creation of 54 lots (which when read in conjunction with the PA provides for up to 70 dwellings). It is proposed to amend the RAL in accordance with the Subdivision Proposal Plan provided at Appendix A.

The Subdivision Proposal Plan now provides for 64 residential allotments, which will predominantly provide for houses. When read in conjunction with the PA, there is also scope to provide for Dual Occupancy on lots with the appropriate characteristics. Despite the increase in the number of lots, the overall density of the proposal will not exceed the currently approved density of 70 dwellings.

Notably, it is also now proposed to deliver the development over two stages.

The details of the proposed amendments to the RAL approval are further detailed in the table below.

Condition	Amendments
Staging	The conditions package has been duplicated to facilitate the proposed construction of the development over two stages - Stage 1A & IB. The differences between the conditions for Stage 1A & IB simply relate to the timing of delivery of some aspects of the development (such as the park).
Stage 1A Condition 5	<ul style="list-style-type: none"> The plan reference has been updated to refer to Stage 1A on the Condition 5 updated proposal plan 123531-PP-1b. The reference to the Building Envelope Plan has been removed. The intent of this plan is not clear given the characteristics of the site. We note the proposed amendments to refer to residential lots' or 'park' throughout the revised PA as detailed above.

Condition	Amendments
Stage 1A Condition 8	'Align' has been replaced with 'line' to clarify the intent of the condition.
Stage 1A Condition 11	This condition has been removed as it is relevant to Stage 1B.
Stage 1A Condition 14	As discussed with Council prior to the submission of this request, the subdivision proposes road designs alternate to Council's standards. Accordingly, the condition has been updated to reference the <i>Mortons Urban Solutions Civil Engineering Report 19107-ALL revision 2 dated 25 February 2015</i> which provides the alternate road designs as agreed with Council.
Stage 1A Condition 19	Condition 19 has been amended to remove the requirement for 'cul-de-sacs' between stages of the development. 'Turn around areas' has been provided in its place, to allow for flexibility with the type of 'turn around areas' that are provided and temporary easements can also be provided where not wholly located in a dedicated road reserve.
Stage 1A Condition 21	As discussed with Council prior to the submission of this request, the subdivision proposes road designs alternate to Council's standards. Accordingly, the condition has been updated to reference the <i>Mortons Urban Solutions Civil Engineering Report 19107-ALL revision 2 dated 25 February 2015</i> which provides the alternate road designs as agreed with Council.
Stage 1A Condition 22	As discussed with Council prior to the submission of this request, the subdivision proposes road designs alternate to Council's standards. Accordingly, the condition has been updated to reference the <i>Mortons Urban Solutions Civil Engineering Report 19107-ALL revision 2 dated 25 February 2015</i> which provides the alternate road designs as agreed with Council.
Stage 1A Condition 29	This condition has been amended to reference the Stage 1A of the updated proposal plan.
Stage 1A Condition 32	This condition has been removed. Building envelopes are not necessary given the characteristics of the site and the intended construction of the subdivision. We also note the proposed amendments to refer to 'residential lots' or 'park' throughout the revised PA as detailed above.
Stage 1A Condition 61	This condition has been removed as it is relevant to Stage 1B.
Stage 1A Condition 62	This condition has been removed as it is relevant to Stage 1B.
Stage 1A Condition 63	This condition has been amended to update the reference to the new proposal plan.
Stage 1A Condition 65	This condition has been removed as it is relevant to Stage 1B.
Stage 1B	A separate set of conditions are now proposed to be relevant to Stage 1 B. The conditions reflect the amendments as outlined above for Stage 1A - but include those conditions which relate to the park. The conditions relating to the park have been updated to reference the updated proposal plan.

The applicant has provided amended plans shown in Figure 2 below which illustrates the changes to lot layout, internal road design and staging boundaries. The amended plan also identifies the mix of residential lot sizes for Stage 1 only.

Figure 1 - Proposed subdivisional plan for Stage 1 and balance lot



Site and Environment

The subject site is located on the northern outskirts of the Beaudesert Township, approximately 2.8 kilometres from the post office. The vacant land is irregular in shape and contains a total land area of 53.146 hectares. The site is predominantly cleared of vegetation and has been used for cattle grazing.

The subject site is bordered to the east and north by Mt Lindesay Highway (a State-controlled Road), a disused rail corridor to the west and Waters Creek to the south which is heavily vegetated.

The immediate area is characterised by rural development predominately in the form of single detached dwellings. However, to the east opposite the site, a residential estate known as Scenic Rise has recently been constructed creating residential land with an average land area of 600m². In addition, rural uses are present further west and existing industrial uses are located to the south of Waters Creek in the Enterprise Drive Industrial area.

From the aerial photography, it is clearly identifiable that the subject site provides connectivity between the rural residential development to the north (Gleneagle) and the residential development to the south (Beaudesert).

Development Assessment

Permissible change – *Sustainable Planning Act 2009*

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

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

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

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

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

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

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

Assessment of changes against the Sustainable Planning Act 2009	
Substantially different development criteria	Comment
Involves a new use with different or additional impacts.	The development as modified will result in no new use. The development will continue to be a residential subdivision.
Results in the application applying to a new parcel of land.	No new land parcels are incorporated as part of the proposed changes.
Dramatically changes the built form in terms of scale, bulk and appearance.	The proposal remains for a residential subdivision which is of a scale and appearance similar to the existing approval. The proposal also results in a decrease in number of dwellings from 70 to 64.
Changes the ability of the proposal to operate as intended. For example, reducing the size of a retail complex may reduce the capacity of the complex to service the intended catchment.	The proposal will remain as a residential subdivision with the ability to operate as intended.
Removes a component that is integral to the operation of the development.	No integral components such as public open space, stormwater detention or major road networks have been removed. While the lot configuration has changed, the areas identified as parkland has remained unchanged.
Significantly impacts on traffic flow and the transport network, such as increasing traffic to the site.	The proposed changes results in a less number of dwellings in Stage 1 and therefore reduces the number of traffic movements. The proposal remains consistent with the existing approval in respect to traffic flows.
Introduces new impacts or increases the severity of known impacts.	No new impacts are identified. Revised earthworks over the site are considered to lessen the impact of steep lots and retaining walls.

Removes an incentive or offset component that would have balanced the negative impact of the development.	No incentives or offset components were identified under the existing approval.
Impacts on infrastructure provision from a location or demand.	There is no increased demand on Council infrastructure resulting from the proposed modifications.

- With respect to Section 367(b)(i) of SPA, the proposed change does not trigger any new concurrence agencies or triggers referral to additional concurrence agencies.
- In respect to Section 367(b)(ii) of SPA, the original development approval was subject to impact assessment, and as such section 367(b)(ii) of the SPA is not relevant
- With respect to Section 367(c), the original application was an Impact Assessable application. The original development approval attracted submissions against the development in relation to monetary contributions towards the main intersection with Mt Lindesay Highway, conflicts with the strategic intent and the rural character of the area, the riparian buffer, stormwater detention and flooding, distance to industrial land use to the north, small lots and proposed sewer management systems. The proposal remains a residential subdivision with a decrease in residential dwellings than originally approved. The proposed changes are not considered to impact on any of the aforementioned submitter concerns. Given the aforementioned facts, the proposal is not considered to cause a person to make a properly made submission against the proposal.
- With respect to Section 367(d), the proposed change does not include any prohibited development.

The proposal has been assessed and is considered to constitute a permissible change in accordance with Section 367 of the *Sustainable Planning Act 2009*. The minor changes to subdivisional layout and the reduction in dwelling numbers for Stage 1 is considered minor in nature and does not impact upon any external parties.

Assessment against *Beaudesert Shire Planning Scheme 2007*

The proposal seeks to make minor changes to the underlying subdivisional layout and amend the preliminary approval conditions to improve the functionality of guiding future development. The proposal maintains the use and scale of the original approval which was assessed and deemed to comply with the *Beaudesert Shire Planning Scheme 2007* (Planning Scheme). As the Planning Scheme has not changed and the proposal is generally similar to the original development, the proposed changes are considered minor in nature and deemed to comply.

NOTE: For ease of reference amendments to conditions have been shaded to identify the proposed changes to the conditions

Amendments to conditions of Approved Development

Part a).2. Amended Plan of Development currently reads:

1. **AMENDED PLAN OF DEVELOPMENT** – *The Approval Plan of Development, being 'Avondale Waters – Stage 1 Development Code', has been amended as follows:*

Avondale Waters – Stage 1 Development Code**Assessment Provisions- Preliminary Approval Overriding Elements**

These provisions are to override the provisions of the Beaudesert Planning Scheme 2007 and Amendments where applicable.

The Avondale Waters - Stage 1 is shown on the accompanying plan SDC 1000-225 prepared by Santoshi Development Consultants dated 21 May 2012.

Applicant's justification

Plan references throughout the approval been updated to include the reference to the new proposal plan - Plan No. 123531-PP-lb prepared by RPS and dated 10 February.

Officer's comments:

The subject condition references an out of date plan of development dated 21 May 2012. As mentioned previously within this report, the proposed changes to the subdivisional layout and internal road network are considered minor in nature and acceptable in this instance. The above condition is recommended to be changed as per the applicant's request. Thus the condition shall be amended to read as follows:

1. **AMENDED PLAN OF DEVELOPMENT** – *The Approval Plan of Development, being 'Avondale Waters – Stage 1 Development Code', has been amended as follows:*

Avondale Waters – Stage 1 Development Code**Assessment Provisions- Preliminary Approval Overriding Elements**

These provisions are to override the provisions of the Beaudesert Planning Scheme 2007 and Amendments where applicable.

*The Avondale Waters - Stage 1 is shown on the accompanying plan number 123531-PP-lb, titled *Subdivision Proposal Plan Stage One Avondale*, prepared by RPS and dated 10 February 2015.*

Part a).2.4. Precinct Intent currently reads:

4. Precincts Intent

The precincts within the Avondale Waters – Stage 1 include the Residential Precinct and Passive Recreation Precincts as shown on the Avondale Waters Plan of Proposed Subdivision for Stage 1 (Drawing No. SDC 1000-225_prepared by Santoshi Development Consultants dated 21 May 2012.

Applicant's justification

This item has been updated to clarify that the 'Residential Precinct' simply refers to the proposed residential lots, and that the 'Passive Recreation Precincts' simply refer to the Parks / Open Space.

Officer's comments:

The subject condition again references an out of date subdivisional and precinct plan. The proposed change will provide clarity in defining which land is relevant to each precinct and reference the revised overall plan of development. The proposed change is considered acceptable and therefore shall be amended to read as follows:

4. Precincts Intent

The precincts within the Avondale Waters – Stage 1 include the Residential Precinct (residential lots) and Passive Recreation Precincts (parks / open space) as shown on the Avondale Waters Plan of Proposed Subdivision for Stage 1 (123531-PP-lb, titled *Plan Subdivision Proposal Plan Stage One Avondale*, prepared by RPS and dated 10 February 2015).

Part a).2.5 Definitions currently reads:

5. Definitions

All definitions in Schedule 1 - Dictionary, Part 1, Section 1.1 from the Beaudesert Planning Scheme 2007 and amendments have been adopted from the Beaudesert Planning Scheme 2007 and amendments with the addition of the following definition of "Dual Occupancy".

Dual Occupancy means premises containing two dwellings on one lot (whether or not attached) where the use is primarily residential.

Note: The term does not include House or Medium Density Residential Development as defined herein.

House means a dwelling unit, used for residential purposes, including the use of the premises for either long or short term accommodation. The term also includes the following—

The care of up to 7 non-resident children on the site; and

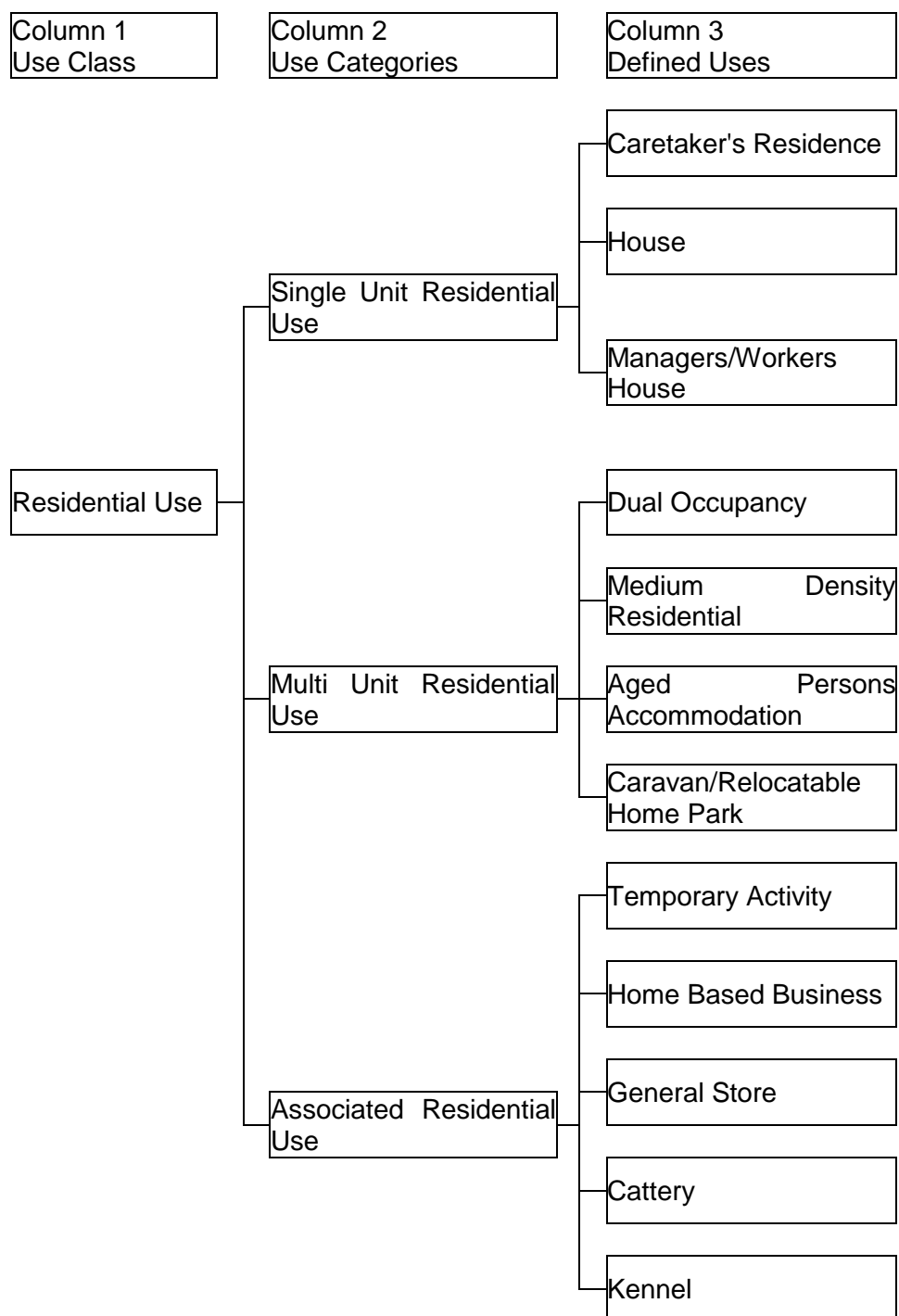
The cultivation of any plant for the interest or enjoyment of the residents therein; and

The keeping of domestic animals that are incidental to the house; and

The parking of 1 heavy vehicle on an allotment less than 2 hectares in size, or 2 heavy vehicles on an allotment equal to or greater than 2 hectares in size.

Note: The term does not include Dual Occupancy or Medium Density Residential Development as defined herein.

Furthermore, Figure 1.2B under Schedule 1 - Dictionary, Part 2 has been adopted with the addition of the definition 'Dual Occupancy' to the 'Multi-Unit Residential Use' category as shown below:



Applicant's justification

The relevance of this section of the PA is unclear as it appears to simply repeat the existing definitions in the Planning Scheme. This section has been simplified to clarify that the definitions under the Planning Scheme are relevant to the PA.

Officer's comments:

The proposed amendment of this condition is considered logical and appropriate in this instance. As such, the condition shall be amended to read as follows:

5. Definitions

All definitions in Schedule 1 - Dictionary, Part 1, Section 1.1 from the Beaudesert Planning Scheme 2007 and amendments have been adopted.

Part a).2.6. Assessment Table for Material Change of Use currently reads:

6. Assessment Table for Material Change of Use

The level of assessment and corresponding assessment criteria under Chapter 3, Part 6 Beaudesert and Canungra Townships Zone, Division 3: Table 3.6.4 "Assessment Table of Development for a Material Change of Use in the Beaudesert and Canungra Townships Zone" of the Beaudesert Shire Planning Scheme 2007 and Amendments will be applied to development for a Material Change of Use within the Residential Precinct and Passive Recreational Precinct under the Avondale Waters – Stage 1 Plan of Proposed Subdivision for Stage 1 (Drawing No. SDC 1000-225), where varied by Table 6.1 below.

Table 6.1 Assessment Table for Material Change of Use

<i>Column 1 Use</i>	<i>Column 2 Assessment Category</i>	<i>Column 3 Assessment Criteria</i>
<i>Dual Occupancy</i>	<i>Code-assessable if located on Lots 12, 13, 15, 18, 19, 29, 33, 34, 42 & 43 on Avondale Waters - Stage 1 Plan Stage 1 (Drawing No. SDC 1000-225 dated 21/05/12. Impact otherwise</i>	<i>Beaudesert and Canungra Townships Zone Code (Chapter 3, Part 6, Division 4) Avondale Waters Avondale Waters Dual Occupancy Code. Construction and Infrastructure Code (Chapter 5, Part 3, Division 3 or Section 3.5.6) Landscape Code (Chapter 5, Part 3, Division 4 or Section 5.3.10) Parking and Servicing Code (Chapter 5, Part 3, Division 5 or Section 5.3.13)</i>
<i>House (outside View Corridor)</i>	<i>Self-assessable, if - a) located in Lots 5 to 49 on Avondale Waters - Stage 1 Plan Stage 1 (Drawing No. SDC</i>	<i>If Self-assessable, Code-assessable or Impact-assessable - Solutions S3.1, S3.2 and S3.3 of section 3.6.16 of the Beaudesert and</i>

Column 1 Use	Column 2 Assessment Category	Column 3 Assessment Criteria
	<p>1000-225 dated 21/05/12; and</p> <p>b) access is via a constructed road.</p> <p>Code-assessable, if not Self-assessable and located in Lots 5 to 49.</p> <p>Impact-assessable, if not Self-assessable or Code-assessable.</p>	<p>Canungra Townships Zone Code and this Code, where Self-assessable.</p> <p>Beautesert and Canungra Townships Zone Code (Section 3.6.8) where assessable development.</p> <p>House Code (Chapter 5, Part 2, Division 12 or section 5.2.35)</p> <p>Construction and Infrastructure Code (Chapter 5, Part 3, Division 3 or section 5.3.6)</p> <p>Parking and Servicing Code (Chapter 5, Part 3, Division 5 or Section 5.3.13)</p>
<p>House (within the View Corridor)</p>	<p>Self-assessable, if -</p> <p>a) located in Lots 1 to 4 and 50 to 54 on Avondale Waters - Stage 1 Plan Stage 1 (Drawing No. SDC 1000-225 dated 21/05/12; and</p> <p>b) maximum height of buildings and structures is 5.0m above natural ground level; and</p> <p>c) access is via a constructed road.</p> <p>Code-assessable, if not Self-assessable, located in Lots 1 to 4 and 50 to 54 and maximum height of buildings and structures is 5.0m above natural ground level.</p>	<p>If Self-assessable, Code-assessable or Impact-assessable -</p> <p>Solutions S3.2, S3.3 and S3.4 of section 3.6.16 of the Beautesert and Canungra Townships Zone Code and this Code, where Self-assessable.</p> <p>Beautesert and Canungra Townships Zone Code (Section 3.6.8) where assessable development.</p> <p>House Code (Chapter 5, Part 2, Division 12 or section 5.2.35)</p> <p>Construction and Infrastructure Code (Chapter 5, Part 3, Division 3 or section 5.3.6)</p> <p>Parking and Servicing</p>

Column 1 Use	Column 2 Assessment Category	Column 3 Assessment Criteria
	<p><i>Impact-assessable, if not Self-assessable or Code-assessable.</i></p>	<p><i>Code (Chapter 5, Part 3, Division 5 or Section 5.3.13)</i></p>
<p><i>Medium Density Residential</i></p>	<p><i>Code Assessable if located on Lots 32, 35 & 39 on Avondale Waters - Stage 1 Plan Stage 1 (Drawing No. SDC 1000-225 dated 21/05/12.</i></p> <p><i>Impact-assessable, if not Code-assessable.</i></p>	<p><i>Beaudesert and Canungra Townships Zone Code (Chapter 3, Part 6, Division 4)</i></p> <p><i>Medium Density Residential Code (Chapter 5, Part 2, Division 18 or Section 5.2.53)</i></p> <p><i>Construction and Infrastructure Code (Chapter 5, Part 3, Division 3 or Section 3.5.6)</i></p> <p><i>Landscape Code (Chapter 5, Part 3, Division 4 or Section 5.3.10)</i></p> <p><i>Parking and Servicing Code (Chapter 5, Part 3, Division 5 or Section 5.3.13)</i></p>

Note: The above Assessment Criteria has been extracted from the Beaudesert and Canungra Planning Scheme 2007 and its amendments.

Applicant's justification

Dual Occupancy

- *The assessment table has been updated to remove reference to the lot numbering relevant to the existing approval.*
- *The assessment table has been amended to simplify the approach to dual occupancy, allowing these to be either self or code assessable on lots with appropriate characteristics. These lot characteristics include corner lots where equal to or greater than 600sqm, or lots equal to or greater than 900sqm.*
- *Where complying with the relevant criteria, it is proposed that Dual Occupancy is subject to self-assessment, otherwise code assessment is triggered.*

- *Triggers for impact assessment have been removed as it is not necessary to conduct impact assessment for residential product that is otherwise generally consistent with the intent for the developed parcels.*

House

- *The assessment table has been updated to remove reference to the lot numbering relevant to the existing approval.*
- *Reference (and controls throughout the codes) to the ‘View Corridor’ have been removed. This is an unnecessary control on lots intended for standard residential development, which includes two-storey houses.*
- *A review of the proposed earthworks for the site at Appendix C details the proposed ground level for the site, as well as the fall of the land away from the Mt Lindesay Highway. In this regard, the construction of the subdivision will reduce the elevation of the site, and subsequently the future built form, that will in turn protect the views to the west.*
- *Triggers for impact assessment have been removed as it is not necessary to conduct impact assessment for residential product that is otherwise generally consistent with the intent for the developed parcels.*

Medium Density

- *The reference to medium density has been removed from the assessment table as this product is not planned for the subdivision.*

Officer's comments:

The proposed changes do not remove any integral aspect of the underlying approval and support the functionality of the approval to facilitate residential development. The changes are also a logical consequence of the new lot sizes and overall lot layout. As such, the above condition shall be amended to read as follows:

6. Assessment Table for Material Change of Use

The level of assessment and corresponding assessment criteria under Chapter 3, Part 6 Beaudesert and Canungra Townships Zone, Division 3: Table 3.6.4 “Assessment Table of Development for a Material Change of Use in the Beaudesert and Canungra Townships Zone” of the Beaudesert Shire Planning Scheme 2007 and Amendments will be applied to development for a Material Change of Use within the Residential Precinct and Passive Recreational Precinct under the Avondale Waters – Stage 1 Plan of Proposed Subdivision for Stage 1 (Drawing No. 123531-pp-1b), where varied by Table 6.1 below.

Table 6.1 Assessment Table for Material Change of Use

Column 1 Use	Column 2 Assessment Category	Column 3 Assessment Criteria
Dual Occupancy	Self-assessable if located on a corner lot that has an area equal to or greater than 600sqm or any other lot that has an area equal to or greater than 900sqm	If Self-assessable or code assessable -Beaudesert and Canungra Townships Zone Code (Chapter 3, Part 6, Division 4) Avondale Waters Avondale Waters Dual Occupancy Code.

Column 1 Use	Column 2 Assessment Category	Column 3 Assessment Criteria
	Code assessable otherwise	<p>Construction and Infrastructure Code (Chapter 5, Part 3, Division 3 or Section 3.5.6)</p> <p>Landscape Code (Chapter 5, Part 3, Division 4 or Section 5.3.10)</p> <p>Parking and Servicing Code (Chapter 5, Part 3, Division 5 or Section 5.3.13)</p>
House	<p>Self-assessable</p> <p>Code-assessable, if not Self-assessable.</p>	<p>If Self-assessable– or code assessable</p> <p>Solutions S3.1, S3.2 and S3.3 of section 3.6.16 of the Beaudesert and Canungra Townships Zone Code and this Code, where Self-assessable.</p> <p>Beaudesert and Canungra Townships Zone Code (Section 3.6.8) where assessable development.</p> <p>House Code (Chapter 5, Part 2, Division 12 or section 5.2.35)</p> <p>Construction and Infrastructure Code (Chapter 5, Part 3, Division 3 or section 5.3.6)</p> <p>Parking and Servicing Code (Chapter 5, Part 3, Division 5 or Section 5.3.13)</p>

Note: The above Assessment Criteria has been extracted from the Beaudesert and Canungra Planning Scheme 2007 and its amendments.

Part a).2.7. Assessment Table for Development which is not for a Material Change of Use currently reads:

7. Assessment Table for Development which is not for a Material Change of Use.

The level of assessment and corresponding assessment criteria applied to development not for a Material Change of Use Chapter 3, Part 6 Beaudesert and Canungra Townships Zone, Division 3: Table 3.6.5 - Assessment Table of Development not for a Material Change of Use in the Beaudesert and Canungra Townships Zone of the Beaudesert Shire Planning Scheme 2007 and Amendments will be applied to development not for a Material Change of Use within the Residential Precinct and Passive Recreational Precinct under the Avondale Waters – Stage 1 Plan of Proposed Subdivision for Stage 1 (Drawing No. SDC 1000-225).

Applicant's justification

The wording of this section has been amended to clarify that the Planning Scheme will apply for development that is not a Material Change of Use within the Residential / Passive Recreation Precincts.

Officer's comments:

The proposed change is reasonable and does not fundamentally change the purpose of the condition. As such, the condition shall be amended to read as follows

7. Assessment Table for Development which is not for a Material Change of Use.

Chapter 3, Part 6 Beaudesert and Canungra Townships Zone, Division 3: Table 3.6.5 - Assessment Table of Development not for a Material Change of Use in the Beaudesert and Canungra Townships Zone of the Beaudesert Shire Planning Scheme 2007 and Amendments will be applied to development not for a Material Change of Use within the Residential Precinct and Passive Recreational Precinct under the Avondale Waters – Stage 1 Plan of Proposed Subdivision for Stage 1 (Drawing No. 123531-PP-1b).

Part a).2.8. Consistent Development currently reads:

8. Consistent Development

Development identified in Chapter 3, Part 6 Beaudesert and Canungra Townships Zone, Division 3: Table 3.6.7 - Consistent Development in the Beaudesert and Canungra Townships Zone is Consistent Development for all development in Avondale Waters – Stage 1 where varied by Table 7.1 to include provisions for the definition 'Dual Occupancy' and modify Medium Density Residential as shown below

Table 8.1 Consistent Development in the Avondale Water – Stage 1

Column 1 Development	Column 2 Consistent Development
Dual Occupancy	Where in the— (a) Residential Precinct and located on – i) Lots 12, 13, 15, 18, 19, 29, 33, 34, 42 & 43 on Avondale Waters - Stage 1 Plan Stage 1 (Drawing No. SDC 1000-225 dated 21/05/12).
Medium Density Residential	Where in the— (a) Residential Precinct and located on – i) Lots 32, 35 & 39 on Avondale Waters - Stage 1 Plan Stage 1 (Drawing No. SDC 1000-225 dated 21/05/12).

Applicant's justification

- *The specific reference to 'Dual Occupancy' as consistent development in the Townships Zone is not understood as it appears that the Planning Scheme already states this. As a result, the reference to Dual Occupancy has been removed as it is not considered necessary.*
- *The reference to Medium Density Residential has been removed as it is not planned as part of the subdivision.*
- *Given the above, Table 8.1 is not considered necessary and has been removed.*

Officer's comments:

The current Planning Scheme lists Dual Occupancy as consistent development which is agreed with the applicant's proposed change. Furthermore, the applicant does not seek Medium Density Residential development within the estate. As such, the applicants proposed change is accepted and the subject condition shall be amended to read as follows:

8. Consistent Development

Development identified in Chapter 3, Part 6 Beaudesert and Canungra Townships Zone, Division 3: Table 3.6.7 - Consistent Development in the Beaudesert and Canungra Townships Zone is Consistent Development for all development in Avondale Waters – Stage 1

Part a).2.9.1 Beaudesert and Canungra Township Zone Code currently reads:

9.1 Beaudesert and Canungra Township Zone Code

Development in Avondale Waters – Stage 1 complies with the Overall Outcome under section 3.6.10 for the Beaudesert and Canungra Townships Zone and the Specific Outcomes and Prescribed Solutions under section 3.6.11 for the Beaudesert and Canungra Townships Zone, excepted where varied as follows:

(a) Table 9.1.1 Variation to Table 3.6.11 Specific Outcomes and Prescribed Solutions for the Beaudesert and Canungra Townships Zone

Column 1 Specific Outcomes	Column 2 Acceptable Solutions – if Self-assessable Probable Solutions – if Code-assessable
SO25 Development provides for a diversity of housing forms and a variety of housing types to meet the housing needs of the community.	S25.1 Development provides for a variety of dwelling types including – (a) predominately houses in the Residential Precinct except where on the lots that have been identified for a higher density on Drawing No. SDC 1000-225 dated 21/05/12; and (b) Dual Occupancy and Medium Density Residential in the Residential Precinct with a maximum density of 1 dwelling unit per 300m ²
SO27 Development being a House and Dual Occupancy limits adverse impacts on	S27.1 No Solution is prescribed.

Column 1 Specific Outcomes	Column 2 Acceptable Solutions – if Self-assessable Probable Solutions – if Code-assessable
existing residential amenity and character and provides residential neighbourhoods with a strong and positive identity through— (a) providing a safe, efficient and legible road network; and the location and design of development; and integration with the surrounding development; and the protection and enhancement of personal health, safety and property; and achieving a sense of place.	
SO29 Development being a Dual Occupancy is consistent in building form and scale to existing residential uses and maintains the character and amenity of the Precinct.	S29.1 No Solution is prescribed.

Development in Avondale Waters – Stage 1 complies with the Specific Assessment Criteria for the Residential Precinct under section 3.6.16 and Specific Assessment Criteria for the Passive Recreation Precinct under section 3.6.22 for the Beaudesert and Canungra Townships Zone Code excepted where varied as follows -

Table 9.1.2 Variation to Table 3.6.16 Specific Outcomes and Prescribed Solutions for the Residential Precinct

Column 1 Specific Outcomes	Column 2 Acceptable Solutions – if Self-assessable Probable Solutions – if Code-assessable
SO1 Development provides for predominantly sewered, urban residential development characterised by- (a) a high level of amenity; and (b) typically single	SO1 No Solutions is prescribed.

Column 1 Specific Outcomes	Column 2 Acceptable Solutions – if Self-assessable Probable Solutions – if Code-assessable
dwellings on urban lots except where on lots that have been identified for a higher density on Drawing No. SDC 1000-225 dated 21/05/12	
SO3 Development ensures a building height, bulk and setback consistent with a country town character and space between buildings to the side boundaries.	S3.1 Development ensures that the maximum height of buildings and structures is- (a) 8.5 metres above natural ground level, or . (b) 5.0m above natural ground level if located in Lots 1 to 4 and 50 to 54 on Avondale Waters - Stage 1 Plan Stage 1 (Drawing No. SDC 1000-225 dated 21/05/12) and within the View Corridor.
	S3.3 Development ensures that buildings— (a) are set back a minimum of 6 metres from the primary street frontage which provides vehicular access to the development; and (b) are set back a minimum of 4.5 metres from a frontage which does not provide vehicular access to the development; and (c) are setback a minimum of 2.0 metres from a side and rear boundary to the outermost projection of the building.

Applicant's justification

9.1 Beaudesert and Canungra Township Zone Code

The amendments to item 25 of the code have been removed as they are no longer considered relevant. The existing wording of the code in the Planning Scheme is adequate.

9.1 Beaudesert and Canungra Township Zone Code – Residential Precinct – Table 9.1.2

- *SO1 has been amended to remove reference to the existing approved plan.*
- *Amendments to S3.1 have been removed where they are seeking to control height with regard to the View Corridor – as detailed above.*
- *S3.3 has been amended so that building setbacks are controlled by the Queensland Development Code (QDC) (Building Regulation 2006).*

Officer's comments:

A mix of housing types is enabled through the table of assessment allowing for single and dual occupancy dwellings. Furthermore, the *Queensland Development Code (QDC) (Building Regulation 2006)* is considered appropriate for stipulating building heights and building setback limits. The QDC gives a front setback of 6m and a side and rear setback of 1.5m for the first storey and 2m for the second storey. The building height is limited to two storeys or 8.5m. Also, the new changes to ground earthworks will result in a reduced elevation of the site from the Mt Lindesay Highway. Therefore the view corridor provisions are not considered necessary. As such, the applicant's has provided sufficient justification and therefore the subject condition shall be amended to read as follows:

9.1 Beaudesert and Canungra Township Zone Code

Development in Avondale Waters – Stage 1 complies with the Overall Outcome under section 3.6.10 for the Beaudesert and Canungra Townships Zone and the Specific Outcomes and Prescribed Solutions under section 3.6.11 for the Beaudesert and Canungra Townships Zone, except where varied as follows:

(b) Table 9.1.1 Variation to Table 3.6.11 Specific Outcomes and Prescribed Solutions for the Beaudesert and Canungra Townships Zone

Column 1 Specific Outcomes	Column 2 Acceptable Solutions – if Self-assessable Probable Solutions – if Code-assessable
<p>SO27 Development being a House and Dual Occupancy limits adverse impacts on existing residential amenity and character and provides residential neighbourhoods with a strong and positive identity through—</p> <p>(b) providing a safe, efficient and legible road network; and the location and design of development; and integration with the surrounding development; and the protection and enhancement of personal health, safety and property; and achieving a sense of place.</p>	<p>S27.1 No Solution is prescribed.</p>

Column 1 Specific Outcomes	Column 2 Acceptable Solutions – if Self-assessable Probable Solutions – if Code-assessable
SO29 Development being a Dual Occupancy is consistent in building form and scale to existing residential uses and maintains the character and amenity of the Precinct.	S29.1 No Solution is prescribed.

Development in Avondale Waters – Stage 1 complies with the Specific Assessment Criteria for the Residential Precinct under section 3.6.16 and Specific Assessment Criteria for the Passive Recreation Precinct under section 3.6.22 for the Beaudesert and Canungra Townships Zone Code excepted where varied as follows -

Table 9.1.2 Variation to Table 3.6.16 Specific Outcomes and Prescribed Solutions for the Residential Precinct

Column 1 Specific Outcomes	Column 2 Acceptable Solutions – if Self-assessable Probable Solutions – if Code-assessable
SO1 Development provides for predominantly sewerred, urban residential development characterised by- (a) a high level of amenity; and (b) typically single dwellings on urban lots	SO1 No Solutions is prescribed.
SO3 Development ensures a building height, bulk and setback consistent with a country town character and space between buildings to the side boundaries.	S3.3 Development provides a minimum setback distance from all site boundaries of the distance specified in the <i>Queensland Development Code MP1.2</i> .

Part a).2.9.2 Assessment Provisions for Overlay currently reads:

9.2 Assessment Provisions for Overlay

The Assessment Provisions for Overlays under Chapter 4 of the Beaudesert Shire Planning Scheme 2007 apply to all development outside an approved Building Envelope within Avondale Waters - Stage 1 as follows.

Table 9.2 Assessment Provision of Overlays Applicable to Avondale Waters – Stage 1

Column 1 - Overlay	Column 2 - Overlay Maps	Column 3 - Assessment Criteria
Chapter 4, Part 2 Infrastructure	OV Map 1.1A	The Assessment Provisions applicable to development outside an approved building envelope triggered by the OV Map in Column 2 of this table includes the Assessment Table for Infrastructure Overlay (Table 4.2.4) and the Infrastructure Code (Table 4.2.8).
Chapter 4, Part 4 Development Constraints	OV Maps 3.1A, 3.2A and 3.3A.	The Assessment Provisions applicable to development outside an approved building envelope triggered by the OV Map in Column 2 of this table includes the Assessment Table for Development Constraints Overlay (Table 4.4.4) and the Development Constraints Overlay Code (Table 4.4.8).
Chapter 4, Part 7 Catchment Management, Waterways and Wetlands Overlay	OV Map 6.1A	The Assessment Provisions applicable to development outside an approved building envelope triggered by the OV Map in Column 2 of this table includes the Assessment Table for Catchment Management, Waterways and Wetlands Overlay (Table 4.7.4) and the Catchment Management, Waterways and Wetlands Overlay Code (Table 4.5.8).

Applicant's justification

- *The approval currently provides for building envelopes – although the necessity of these is unclear given the characteristics of the site.*
- *Section 9.2. has been amended to remove reference to building envelopes, replacing this reference with 'residential lot' or 'park' for simplicity.*

Officer's comments:

The subject land is not currently mapped as being heavily constrained. The areas mapped as being affected by bushfire, flood or landslide are located in areas proposed as 'parkland'. It is noted that the northern portion of the site is mapped as view protection; however subsequent to earthworks the proposed subdivision will be at a lower level than Mt Lindesay Highway viewpoint. The areas mapped as being affected by Infrastructure buffer areas are within proposed park areas. As such, the removal of building envelopes is supported in this instance together with the revised wording of the subject condition. The above condition shall read as follows:

9.2 Assessment Provisions for Overlay

The Assessment Provisions for Overlays under Chapter 4 of the Beaudesert Shire Planning Scheme 2007 apply to all development outside an approved residential lot or park within Avondale Waters - Stage 1 as follows.

Table 9.2 Assessment Provision of Overlays Applicable to Avondale Waters – Stage 1

Column 1 - Overlay	Column 2 - Overlay Maps	Column 3 - Assessment Criteria
Chapter 4, Part 2 Infrastructure	OV Map 1.1A	The Assessment Provisions applicable to development outside an approved residential lot or park within the Avondale Waters Stage 1 triggered by the OV Map in Column 2 of this table includes the Assessment Table for Infrastructure Overlay (Table 4.2.4) and the Infrastructure Code (Table 4.2.8).
Chapter 4, Part 4 Development Constraints	OV Maps 3.1A, 3.2A and 3.3A.	The Assessment Provisions applicable to development outside an approved residential lot or park within the Avondale Waters Stage 1 triggered by the OV Map in Column 2 of this table includes the Assessment Table for Development Constraints Overlay (Table 4.4.4) and the Development Constraints Overlay Code (Table 4.4.8).
Chapter 4, Part 7 Catchment Management, Waterways and Wetlands Overlay	OV Map 6.1A	The Assessment Provisions applicable to development outside an approved residential lot or park within Avondale Waters Stage 1 triggered by the OV Map in Column 2 of this table

Column 1 - Overlay	Column 2 - Overlay Maps	Column 3 - Assessment Criteria
		includes the Assessment Table for Catchment Management, Waterways and Wetlands Overlay (Table 4.7.4) and the Catchment Management, Waterways and Wetlands Overlay Code (Table 4.5.8).

Part a).2.9.3 Codes for Development currently reads:

9.3 Codes for Development

The Codes for Development under Chapter 5 of the Beaudesert Shire Planning Scheme 2007, excepted where varied below, applies to all development of a state purpose or of a stated type within Avondale Waters – Stage 1 where applicable.

(a) Inclusion of Avondale Waters Dual Occupancy Code in Table 5.1.1

Table 9.3.1 Inclusion to Table 5.1.1 Codes for Development of a Stated Purpose or of a Stated Type

Column 1 Class of Codes	Column 2 Codes	Column 3 Section
Use Codes	Avondale Waters Dual Occupancy Code	-

(b) Variation to Table 5.2.37 Specific Outcomes and Prescribed Solutions for a House

Table 9.3.2: Variation to Table 5.2.37 Specific Outcomes and Prescribed Solutions for a House

Column 1 Specific Outcomes	Column 2 Acceptable Solutions – if Self-assessable Probable Solutions – if Code-assessable
SO2 Development is of a height and scale that is consistent with the amenity and character of the surrounding area and does not adversely impact on the amenity of adjoining premises.	S2.1 Development outside the View Corridor (being identified as Lots 5 to 49 as shown on Avondale Waters - Stage 1 Plan Stage 1 (Drawing No. SDC 1000-225 dated 21/05/12)) does not exceed 2 storeys and has a maximum height of 8.5 metres above natural ground level at any point. S2.2 Development within the View Corridor (being identified as Lots 1 to 4 and 50 to 54 on Avondale Waters - Stage 1 Plan Stage 1 (Drawing No. SDC 1000-225 dated 21/05/12)) have a maximum height of 5.0 metres above natural ground level at any point.

Column 1 Specific Outcomes	Column 2 Acceptable Solutions – if Self-assessable Probable Solutions – if Code-assessable
<p>SO3 Development is designed, sited and located to complement adjoining residences and contribute positively to the Streetscape.</p>	<p>S3.1 Development provides a minimum setback distance of 2.0 metres from side and rear boundaries to the outermost projection of the building.</p> <p>S3.2 Development provides a minimum Building setback distance of- (a) 6 metres from the primary street frontage; and (b) 4.5 metres from the secondary frontage.</p> <p>S3.3 Development in the Residential Precinct provides that car accommodation for a House (and including any Secondary Dwelling) does not occupy more than 40% of the street frontage.</p>
<p>SO4 <i>delete</i></p>	<p>SO4.1 <i>Delete</i></p> <p>SO4.2 <i>Delete</i></p> <p>SO4.3 <i>Delete</i></p> <p>SO4.4 <i>Delete</i></p>
<p>SO5 <i>delete</i></p>	<p>SO5.1 <i>delete</i></p>

(c) Inclusion to Table 5.2.55 Specific Outcomes and Prescribed Solutions for a Medium Density Residential

Table 9.3.3 Inclusion to Table 5.2.55 Specific Outcomes and Prescribed Solutions for a Medium Density Residential

Column 1 Specific Outcomes	Column 2 Acceptable Solutions – if Self-assessable Probable Solutions – if Code-assessable
<p>SO1 Development is compatible with the residential development in the street and contributes positively to the Streetscape and character of the area.</p>	<p>S1.1 Development provides that a Building— (a) is not more than- (i) 8.5 metres in height above natural ground level where located outside the View Corridor (being identified as Lots 5 to 49 as shown on Avondale Waters - Stage 1 Plan Stage 1 (Drawing No. SDC 1000-225 dated</p>

Column 1 Specific Outcomes	Column 2 Acceptable Solutions – if Self-assessable Probable Solutions – if Code-assessable
	<p>21/05/12)); or (ii) 5.0m in height above natural ground level where located within the View Corridor (being identified as Lots 1 to 4 and 50 to 54 on Avondale Waters - Stage 1 Plan Stage 1 (Drawing No. SDC 1000-225 dated 21/05/12)); and (b) is generally consistent with the existing Streetscape character; and (c) has a maximum site coverage of 35% where the Building is a single storey structure and 30% where the Building is a 2 storey structure.</p> <p>S1.10 Development in a Residential Precinct has a minimum setback to the side and rear boundaries to the outermost protection of the building equal to half the height of the Building facing the boundary, but not less than 3 metres.</p>
SO2 Development does not have an adverse effect on the visual and acoustic amenity and privacy of the surrounding area.	S2.8 Development for 'Triplex' are not located on lots less than 900m ² .

(d) Inclusion to Table 5.3.15A Car and Service Vehicle Parking

Table 9.3.4 Inclusion to Table 5.3.15A Car and Service Vehicle Parking

Column 1 Use	Column 2 Self-assessable and Assessable Development. Solution for Car Parking Spaces	Column 3 Self-assessable and Assessable Development. Solution for Service Vehicle Parking Spaces ¹	Column 4 Requirements for Assessable Development
Dual Occupancy	1 covered space per unit; and 1 visitor space per unit; and	Nil	—

Applicant's justification

- The variations to the House Code have been simplified to remove the controls relating to the view corridor (as explained above).
- Setbacks have also been amended so that they are controlled by the QDC (Building Regulation 2006).

Officer's comments

The proposed amendments will see the removal of controls in relation to view corridor protection and setback to be in accordance with the Queensland Development Code (QDC). As mentioned previously, the proposed change to ground level will result in the subject site being of a lower elevation from the highway and therefore limit any impact of view corridors. Also, the QDC nominates a front setback of 6m and side and rear setback of 1.5m which is generally consistent with suburban residential development. As such, the above condition is recommended to be changed as follows:

9.3 Codes for Development

The Codes for Development under Chapter 5 of the *Beaudesert Shire Planning Scheme 2007*, except where varied below, applies to all development of a state purpose or of a stated type within Avondale Waters – Stage 1 where applicable.

(a) Inclusion of Avondale Waters Dual Occupancy Code in Table 5.1.1

Table 9.3.1 Inclusion to Table 5.1.1 Codes for Development of a Stated Purpose or of a Stated Type

Column 1 Class of Codes	Column 2 Codes	Column 3 Section
Use Codes	Avondale Waters Dual Occupancy Code	-

(b) Variation to Table 5.2.37 Specific Outcomes and Prescribed Solutions for a House

Table 9.3.2: Variation to Table 5.2.37 Specific Outcomes and Prescribed Solutions for a House

Column 1 Specific Outcomes	Column 2 Acceptable Solutions – if Self-assessable Probable Solutions – if Code-assessable
SO3 Development is designed, sited and located to complement adjoining residences and contribute positively to the Streetscape.	<p>S3.1 Development provides a minimum setback distance from all site boundaries of the distance specified in the <i>Queensland Development Code MP1.2</i>.</p> <p>S3.2 Delete</p> <p>S3.3 Development in the Residential Precinct provides that car accommodation for a House (and including any Secondary Dwelling) does not occupy more than 40% of the street frontage.</p>

Column 1 Specific Outcomes	Column 2 Acceptable Solutions – if Self-assessable Probable Solutions – if Code-assessable
SO4 <i>delete</i>	SO4.1 <i>Delete</i> SO4.2 <i>Delete</i> SO4.3 <i>Delete</i> SO4.4 <i>Delete</i>
SO5 <i>delete</i>	SO5.1 <i>delete</i>

(d) Inclusion to Table 5.3.15A Car and Service Vehicle Parking

Table 9.3.4 Inclusion to Table 5.3.15A Car and Service Vehicle Parking

Column 1 Use	Column 2 Self-assessable and Assessable Development. Solution for Car Parking Spaces	Column 3 Self-assessable and Assessable Development. Solution for Service Vehicle Parking Spaces ¹	Column 4 Requirements for Assessable Development
Dual Occupancy	1 covered space per unit; and 1 visitor space per unit; and	Nil	—

Part a) 2.9.3. Approved Dual Occupancy Code currently reads:

Approved Dual Occupancy Code

- 3. APPROVED DUAL OCCUPANCY CODE – The Avondale Waters- Stage 1 Dual Occupancy Code, has been amended as follows.

Avondale Waters Dual Occupancy Code

Purpose of the Dual Occupancy Code.

The overall outcomes for a Dual Occupancy are the purpose of the Dual Occupancy Code.

Overall outcomes for a Dual Occupancy

- (a) A Dual Occupancy contributes to the provision of a greater range of housing types for the community

- (b) A Dual Occupancy is developed on a single allotment serviced with an appropriate standard of infrastructure.
- (c) A Dual Occupancy protects and enhances the residential amenity and character of adjoining and nearby lots.
- (d) A Dual Occupancy is consistent with the desired character of Avondale Waters – Stage 1 Development Code.

Specific Outcomes and Prescribed Solutions for a Dual Occupancy

Table 1 (Specific Outcomes and Prescribed Solutions for a Dual Occupancy) identifies in—

- (a) Column 1, the specific outcomes in respect of which assessable development is to be assessed; and
- (b) Column 2, the acceptable solutions in respect of which code-assessable and impact-assessable development is to be assessed and the probable solutions in respect of which assessable development is to be assessed.

Table 1 Specific Outcomes and Prescribed Solutions for a Dual Occupancy	
Column 1 Specific Outcomes	Column 2 Acceptable Solutions – if self-assessable Probable Solutions – if Code assessable
Site Area and Density	
SO1 The site must have sufficient area to accommodate the building and associated parking, landscape and setbacks.	S1.1 The “Dual Occupancy” sites nominated on the Avondale Waters Plan of Proposed Subdivision for Stage 1 (Drawing No. SDC 1000-225 prepared by Santoshi Development Consultants dated 21 May 2012) have a maximum of 2 dwellings per lot. S1.2 The minimum site area is 650m ² and minimum frontage is 18m.
Building Height	
SO2 Development is of a height and scale that is consistent with the amenity and character of the surrounding area and does not adversely affect the amenity of adjoining premises.	S2.1 Development ensures that the maximum height of buildings and structures is- (a) 8.5 metres above natural ground level; or (b) 5.0m above natural ground level if located in Lots 1 to 4 and 50 to 54 on Avondale Waters - Stage 1 Plan Stage 1 (Drawing No. SDC 1000-225 dated 21/05/12) and within the View Corridor.

Table 1 Specific Outcomes and Prescribed Solutions for a Dual Occupancy	
Column 1 Specific Outcomes	Column 2 Acceptable Solutions – if self-assessable Probable Solutions – if Code assessable
Building Setback and Site Coverage	
<p>SO3 Development is designed, sited and located so as to contribute to an aesthetically pleasing streetscape consistent with a country town where the built form is neither bulky nor visually intrusive.</p>	<p>S3.1 Development ensures that buildings— (a) are setback a minimum of 6 metres from the primary street frontage which provides vehicular access to the development; and (b) are setback a minimum of 4.5 metres from a frontage which does not provide vehicular access to the development; and (c) are setback a minimum of 2.0 metres from a side and rear boundary to the outermost projection of the building.</p> <p>S3.2 The maximum site coverage is 50%.</p>
Building Appearance	
<p>SO4 In order to achieve variation in Dual Occupancies, buildings must be designed to: (a) Add visual interest to the streetscape. (b) Avoid stark or austere appearance. (c) Provide differentiation between dwellings by means of articulation.</p>	<p>S4.1 Development is designed to— (c) provide visual interest through the use of varying building colour and materials, architectural design, landscape elements, pavement treatments, changes in roof form and pitch; (d) provide for roofed verandas or eaves; (e) ensure car ports and garages are visually compatible with, and subordinate to, the building form and appearance.</p> <p>S4.2 Building design of the development differs from other approved or existing Dual Occupancies in the same street or immediate area.</p> <p>S4.3 Building materials, patterns, textures and colours are complementary to those of adjoining dwellings.</p> <p>S4.4</p>

Table 1 Specific Outcomes and Prescribed Solutions for a Dual Occupancy	
Column 1 Specific Outcomes	Column 2 Acceptable Solutions – if self-assessable Probable Solutions – if Code assessable
	<p>Facades on corner lots shall not be blank and are to incorporate windows, balcony / verandah or doors, with a variation in colours and materials.</p> <p>S4.5 Visual relief is provided by driveway pavement treatments and landscape elements.</p> <p>S4.6 Where on an allotment containing two (2) frontages, the development must address each separate road frontage.</p> <p>S4.7 Development provides— (a) a communal driveway to the Dual Occupancy; or (b) a separate driveway to each dwelling unit where development is located on a corner lot and both dwelling units address different street frontages</p>
<p>SO5 The building design must incorporate articulation of roofs and building footprints to: (a) Add visual interest to the streetscape. (b) Provide differentiation between buildings by means of articulation. (c) Maximise the amenity of adjoining residences.</p>	<p>S5.1 The length of wall in any one place does not exceed 12 metres without being articulated.</p> <p>S5.2 A variety of building materials and colours are utilised so that development design does not incorporate a mirror image design</p>
<p>SO6 The building must be oriented to the street to facilitate casual surveillance of the street and provide visual interest.</p>	<p>S6.1 The building has windows and / or balconies facing the street.</p> <p>S6.2 The building has an entry visible from the street.</p>
<p>SO7 Development does not have an adverse effect on the visual and acoustic amenity and privacy of</p>	<p>S7.1 Development prevents overlooking of the main internal living areas of dwellings on nearby allotments through measures such</p>

Table 1 Specific Outcomes and Prescribed Solutions for a Dual Occupancy	
Column 1 Specific Outcomes	Column 2 Acceptable Solutions – if self-assessable Probable Solutions – if Code assessable
the surrounding area.	<p>as-</p> <ul style="list-style-type: none"> (a) offsetting the development from the adjacent dwelling by a distance sufficient to limit views into the adjacent windows; or (b) incorporating sill heights a minimum of 1.5m above floor level; or (c) utilising screening devices, such as fixed frosted or textured glazing, for any part of the window below 1.5m above floor level; or (d) providing fixed external screens. <p>S7.2 Development provides that an unscreened window is located a minimum distance from a side or rear boundary of 2 metres at ground level.</p> <p>S7.3 When there is a direct view into the private open space of an adjoining dwelling from windows, landing stairs, decks, balconies, this view is obscured or screened by</p> <ul style="list-style-type: none"> (a) providing screening devices; or (b) existing or new planted landscaping that will achieve a minimum of 2m or greater in height at maturity. <p>S7.4 Car accommodation does not occupy more than 40% of the street frontage.</p>
Private Open Space	
S05 All dwellings must be provided with sufficient reasonable outdoor private recreation space.	<p>S5.1 The private open space is-</p> <ul style="list-style-type: none"> (a) at least 15% of the site area or 50m², whichever is greater, for each dwelling unit; (b) is located at the side or rear of the development; and (c) is directly accessible from the living room. <p>S5.2</p>

Table 1 Specific Outcomes and Prescribed Solutions for a Dual Occupancy	
Column 1 Specific Outcomes	Column 2 Acceptable Solutions – if self-assessable Probable Solutions – if Code assessable
	<p>The private open space has a maximum gradient not exceeding one in ten.</p> <p>S5.3 Development ensures that sunlight to the ground-level private open space of an adjacent development is not reduced— (a) by more than 20%; or (b) to less than 4 hours between 9.00am and 3.00pm on 21 June.</p>
Fencing	
S012 Buildings and landscape treatments must be designed to assist in crime prevention.	<p>S12.1 All frontage fencing shall be a maximum of 1.2 metres in height. Fencing to the primary road frontage shall be a minimum of 50% transparent.</p> <p>S12.2 Lots with a secondary road frontage shall have fences set back 1 metre from the boundary to incorporate landscape indents of 1 metre width and length for every 3 metres of frontage and shall be 30% transparent.</p> <p>S12.3 All lots adjoining public open spaces shall have fencing of an open style with a minimum of 50% transparency and a minimum height of 1.2 metres and a maximum height of 1.8 metres.</p>
Services	
SO13 Services facilities are provided to meet the needs of residents and are sited and designed in an unobtrusive and convenient manner.	<p>S13.1 Service facilities include : (a) open air clothes drying facilities with a minimum of 10m² that is screened from view from the street and internal driveways; and (b) screens air conditioning equipment from view from— (i) the street; and (ii) neighbouring properties; and (iii) internal driveways; and</p>

Table 1 Specific Outcomes and Prescribed Solutions for a Dual Occupancy	
Column 1 Specific Outcomes	Column 2 Acceptable Solutions – if self-assessable Probable Solutions – if Code assessable
	(c) waste and recycling bin storage areas that are located for convenient use and collection and area completely screened from the public view; and (d) Any rainwater tanks are located between the building line.

Applicant's justification

- The Dual Occupancy Code has been amended to remove parts that appear to repeat what already exists in the Planning Scheme.
- The code has been simplified so that setbacks are controlled by the QDC (Building Regulation 2006) and to make open space requirements clearer.

Officer's comments:

The proposed changes are considered to simplify the requirements for dual occupancy dwellings to be located on a lot with sufficient area and appropriate site cover. The proposed change is considered acceptable and thus the condition shall be amended to read as follows:

Dual Occupancy Code

3. **DUAL OCCUPANCY CODE** – The Avondale Waters- Stage 1 Dual Occupancy Code, has been amended as follows.

Table 5.2.109 Specific Outcomes and Prescribed Solutions for a Dual Occupancy	
Column 1 Specific Outcomes	Column 2 Acceptable Solutions – if self-assessable Probable Solutions – if Code assessable
Site Area and Density	
SO1 The site must have sufficient area to accommodate the building and associated parking, landscape and setbacks.	S1.2 The minimum site area is 600sqm if located on a corner, otherwise 900sqm. Site coverage does not exceed 50%.

Table 5.2.109 Specific Outcomes and Prescribed Solutions for a Dual Occupancy	
Column 1 Specific Outcomes	Column 2 Acceptable Solutions – if self-assessable Probable Solutions – if Code assessable
Building Setback	
<p>SO3 Development is designed, sited and located so as to contribute to an aesthetically pleasing streetscape consistent with a country town where the built form is neither bulky nor visually intrusive.</p>	<p>S3.1 Development provides a minimum setback distance from all site boundaries of the distance specified in the <i>Queensland Development Code MP1.2</i>.</p>
Building Appearance	
<p>SO4 In order to achieve variation in Dual Occupancies, buildings must be designed to:</p> <ul style="list-style-type: none"> (d) Add visual interest to the streetscape. (e) Avoid stark or austere appearance. (f) Provide differentiation between dwellings by means of articulation. 	<p>S4.1 Development is designed to—</p> <ul style="list-style-type: none"> (f) provide visual interest through the use of varying building colour and materials, architectural design, landscape elements, pavement treatments, changes in roof form and pitch; (g) provide for roofed verandas or eaves; (h) ensure car ports and garages are visually compatible with, and subordinate to, the building form and appearance. <p>S4.2 Building design of the development differs from other approved or existing Dual Occupancies in the same street or immediate area.</p> <p>S4.3 Building materials, patterns, textures and colours are complementary to those of adjoining dwellings.</p> <p>S4.4 Facades on corner lots shall not be blank and are to incorporate windows, balcony / verandah or doors, with a variation in colours and materials.</p>

Table 5.2.109 Specific Outcomes and Prescribed Solutions for a Dual Occupancy	
Column 1 Specific Outcomes	Column 2 Acceptable Solutions – if self-assessable Probable Solutions – if Code assessable
	<p>S4.5 Visual relief is provided by driveway pavement treatments and landscape elements.</p> <p>S4.6 Where on an allotment containing two (2) frontages, the development must address each separate road frontage.</p> <p>S4.7 Development provides— (c) a communal driveway to the Dual Occupancy; or (d) a separate driveway to each dwelling unit where development is located on a corner lot and both dwelling units address different street frontages</p>
<p>SO5 The building design must incorporate articulation of roofs and building footprints to: (d) Add visual interest to the streetscape. (e) Provide differentiation between buildings by means of articulation. (f) Maximise the amenity of adjoining residences.</p>	<p>S5.1 The length of wall in any one place does not exceed 12 metres without being articulated.</p> <p>S5.2 A variety of building materials and colours are utilised so that development design does not incorporate a mirror image design</p>
<p>SO6 The building must be oriented to the street to facilitate casual surveillance of the street and provide visual interest.</p>	<p>S6.1 The building has windows and / or balconies facing the street.</p> <p>S6.2 The building has an entry visible from the street.</p>
<p>SO7 Development does not have an adverse effect on the visual and acoustic amenity and privacy of the surrounding area.</p>	<p>S7.1 Development prevents overlooking of the main internal living areas of dwellings on nearby allotments through measures such as- (a) offsetting the development from the adjacent dwelling by a distance sufficient to limit views into the adjacent windows; or</p>

Table 5.2.109 Specific Outcomes and Prescribed Solutions for a Dual Occupancy	
Column 1 Specific Outcomes	Column 2 Acceptable Solutions – if self-assessable Probable Solutions – if Code assessable
	<p>(b) incorporating sill heights a minimum of 1.5m above floor level; or</p> <p>(c) utilising screening devices, such as fixed frosted or textured glazing, for any part of the window below 1.5m above floor level; or</p> <p>(d) providing fixed external screens.</p> <p>S7.2 Development provides that an unscreened window is located a minimum distance from a side or rear boundary of 2 metres at ground level.</p> <p>S7.3 When there is a direct view into the private open space of an adjoining dwelling from windows, landing stairs, decks, balconies, this view is obscured or screened by</p> <p>(a) providing screening devices; or</p> <p>(b) existing or new planted landscaping that will achieve a minimum of 2m or greater in height at maturity.</p> <p>S7.4 Car accommodation does not occupy more than 40% of the street frontage.</p>
Private Open Space	
S05 All dwellings must be provided with sufficient reasonable outdoor private recreation space.	<p>S5.1 The private open space is-</p> <p>(d) at least 15% of the site area for each dwelling unit;</p> <p>(e) is located at the side or rear of the development; and</p> <p>(f) is directly accessible from the living room.</p> <p>S5.2 The private open space has a maximum gradient not exceeding one in ten.</p> <p>S5.3 Development ensures that sunlight to the ground-level private open space of an adjacent development is not reduced—</p>

Table 5.2.109 Specific Outcomes and Prescribed Solutions for a Dual Occupancy	
Column 1 Specific Outcomes	Column 2 Acceptable Solutions – if self-assessable Probable Solutions – if Code assessable
	(c) by more than 20%; or (d) to less than 4 hours between 9.00am and 3.00pm on 21 June.
Fencing	
S012 Buildings and landscape treatments must be designed to assist in crime prevention.	<p>S12.1 All frontage fencing shall be a maximum of 1.2 metres in height. Fencing to the primary road frontage shall be a minimum of 50% transparent.</p> <p>S12.2 Lots with a secondary road frontage shall have fences set back 1 metre from the boundary to incorporate landscape indents of 1 metre width and length for every 3 metres of frontage and shall be 30% transparent.</p> <p>S12.3 All lots adjoining public open spaces shall have fencing of an open style with a minimum of 50% transparency and a minimum height of 1.2 metres and a maximum height of 1.8 metres.</p>
Services	
SO13 Services facilities are provided to meet the needs of residents and are sited and designed in an unobtrusive and convenient manner.	<p>S13.1 Service facilities include :</p> <p>(e) open air clothes drying facilities with a minimum of 10m² that is screened from view from the street and internal driveways; and</p> <p>(f) screens air conditioning equipment from view from— (iv) the street; and (v) neighbouring properties; and (vi) internal driveways; and</p> <p>(g) waste and recycling bin storage areas that are located for convenient use and collection and area completely screened from the public view; and</p> <p>(h) Any rainwater tanks are located between the building line.</p>

Part b) 5. Approved Plans currently reads:

- 5. USE IN ACCORDANCE WITH THE APPLICATION – RECONFIGURING A LOT** - Development being undertaken generally in accordance with Plan Nos. referenced in the table below and accompanying documentation, except insofar as it is modified by the conditions of this approval. Any minor changes may be requested by the Applicant in accordance with Section 350 of the Sustainable Planning Act 2009 without the need for a further Development Application for a Reconfiguring a Lot.

Plan/Drawing	Prepared by	Plan/Dwg No.	Date
Proposal Plan of Subdivision	Santoshi Development Consultants	SDC 1000-225	21/05/12
Proposal Plan of Building Envelopes	Santoshi Development Consultants	SDC 1000-228	27/08/12

Applicant's justification

The conditions package has been duplicated to facilitate the proposed construction of the development over two stages - Stage 1A & 1B. The differences between the conditions for Stage 1A & 1B simply relate to the timing of delivery of some aspects of the development (such as the park).

Officer's comments:

The applicant seeks to sub-stage Stage 1 into stages 1A and 1B. Stage 1A will consist of the main entrance and internal roads and 36 standard residential lots; while Stage 1B will consist of 28 residential lots, internal roads and delivery of the public open space area (park). The applicant seeks to ensure the timing of the delivery of park will only occur in Stage 1B as shown in the proposal plan of subdivision. This is considered acceptable in that the parkland area will still be delivered in the overall Stage 1, and the change does not violate the overall approval. As such, the condition shall be amended to read as follows:

- 5. USE IN ACCORDANCE WITH THE APPLICATION – RECONFIGURING A LOT** - Development being undertaken generally in accordance with Plan Nos. referenced in the table below and accompanying documentation, except insofar as it is modified by the conditions of this approval. Any minor changes may be requested by the Applicant in accordance with Section 350 of the Sustainable Planning Act 2009 without the need for a further Development Application for a Reconfiguring a Lot.

Plan No.	Plan title	Date	Prepared by
123531-PP-1b	Subdivision Proposal Plan - Stage One Avondale	10/02/2015	RPS Australia East Pty Ltd

Part b) 8. Street Trees currently reads:

- 8. STREET TREES** – the applicant must align all internal road reserves with suitable street trees and in particular the main internal collector road and further reflected within the required to be submitted landscape plan/s as per the above condition.

Applicant's justification

'Align' has been replaced with 'line' to clarify the intent of the condition.

Officer's comments:

The proposed change is minor and logical in nature. As such, the subject condition shall be amended to read as follows:

- 8. STREET TREES** – the applicant must line all internal road reserves with suitable street trees and in particular the main internal collector road and further reflected within the required to be submitted landscape plan/s as per the above condition.

Part b) 11. Landscaping currently reads:

- 11. LANDSCAPING** -The applicant must design and construct a recreation /walking trail within the parkland. This shall be in general accordance with the trail shown within the Overall Concept Plan, Drawing Number SDC1000-225, dated 21/05/2012. Details of this recreation trail must be shown within the landscaping plan.

Applicant's justification

This condition has been removed as it is relevant to Stage 1B.

Officer's comments:

On the 8 May 2015 the applicant submitted further correspondence requesting the subject condition not be removed but rather amended to reference Stage 1B specifically. The amendment is generally in accordance with the underlying approval and considered acceptable in this instance. As such, the subject conditions shall be amended to read as follows:

- 11.** The applicant must design and construct a recreation / walking trail within the parkland in Stage 1B. Details of this recreation plan must be shown within the landscaping plan.

Part b) 14. Car parking and access currently reads:

- 14. ACCESS - COUNCIL ROAD** – Vehicular access to each allotment accessing a Council controlled road shall be constructed to Council's current standards. Separate applications for *Property Access Location Approval* and *Works Within A Road Reserve* are to be lodged with Council prior to undertaking any building works upon each lot by the individual future owners.

Applicant's justification

As discussed with Council prior to the submission of this request, the subdivision proposes road designs alternate to Council's standards. Accordingly, the condition has been updated to reference the Mortons Urban Solutions Civil Engineering Report 19107-ALL revision 2 dated 25 February 2015 which provides the alternate road designs as agreed with Council.

Officer's comments:

The applicant seeks Council's acceptance of alternative road designs standards. The request was referred to Council's internal Infrastructure Services section for assessment and comment. Infrastructure Services have advised that they do not support the proposed change to the subject condition and that the condition should remain unchanged. However, it should be noted that this application has prompted Infrastructure Services to review Council's current road design standards and amended drawings are in the process of being released. As such, the condition shall remain unchanged in this instance.

Part b) 19. Roadwork's currently reads:

- 19. ROADWORKS** – The Developer shall be responsible for the dedication, design and construction of the internal roadways servicing the approved stages of the development. These works shall include all necessary pavement works, asphalt surfacing, kerbing and channelling, drainage works, and truncations where needed, line-marking, all necessary traffic signage as and where required, in accordance with Council's current standards.

The design and construction of the proposed new roadways is to meet the specifications of Council's Standards, Complete Streets, Austroads Publications, QUDM or and other relevant and appropriate roadworks design standards and guidelines deemed appropriate by Council.

Cul-de-sacs are to be provided where a road links to future stages of the development with sufficient radius to allow a refuse truck to safely manoeuvre within the road formation. The head of cul-de-sacs will be fully contained within road reserves to be dedicated.

The works required by this condition will be subject to an application for Operational Works and are to be completed prior to the endorsement of the final plan of survey.

Applicant's justification

Condition 19 has been amended to remove the requirement for 'cul-de-sacs' between stages of the development. 'Turn around areas' has been provided in its place, to allow for flexibility with the type of 'turn around areas' that are provided and temporary easements can also be provided where not wholly located in a dedicated road reserve.

Officer's comments:

The request was referred to Council's internal Development Assessment Engineering section for assessment and comment. Correspondence was received having no objection to the proposed changes. As such, the subject condition shall be amended to read as follows:

- 19. ROADWORKS** – The Developer shall be responsible for the dedication, design and construction of the internal roadways servicing the approved stages of the development. These works shall include all necessary pavement works, asphalt surfacing, kerbing and channelling, drainage works, and truncations where needed, line-marking, all necessary traffic signage as and where required, in accordance with Council's current standards.

The design and construction of the proposed new roadways is to meet the specifications of Council's Standards, Complete Streets, Austroads Publications, QUDM or and other relevant and appropriate roadworks design standards and guidelines deemed appropriate by Council.

Turn-around areas are to be provided where a road links to future stages of the development with sufficient radius to allow a refuse truck to safely manoeuvre within the road formation.

The works required by this condition will be subject to an application for Operational Works and are to be completed prior to the endorsement of the final plan of survey.

Part b) 21. Road pavement currently reads:

- 21. ROAD PAVEMENT** – The road pavement widths and geometric layout shall be sufficient to make adequate provisions for Council's refuse collection vehicles and public transport movements. The kerb and channel is to be provided on both sides of the street and will be constructed in accordance with Council's Standard Drawings (Drive - Over Type M1).

Applicant's justification

As discussed with Council prior to the submission of this request, the subdivision proposes road designs alternate to Council's standards. Accordingly, the condition has been updated to reference the Mortons Urban Solutions Civil Engineering Report 19107-ALL revision 2 dated 25 February 2015 which provides the alternate road designs as agreed with Council.

Officer's comments:

The applicant seeks Council's acceptance of alternative road designs standards. The request was referred to Council's internal Infrastructure Services section for assessment and comment. Infrastructure Services have advised that they do not support the proposed change to the subject condition and that the condition should remain unchanged. However, it should be noted that this application has prompted Infrastructure Services to review Council's current road design standards and amended drawings are in the process of being released. As such, the condition shall remain unchanged in this instance.

Part b) 22. Footpath currently reads:

- 22. FOOTPATH** – The Developer shall be responsible for the construction of pedestrian pathways throughout the approved stage. The footpath network is to address the requirements of Complete Streets in terms of providing connections to other streets and places for pedestrian activity. The design of the pathways are to be in accordance with Austroads Part 6A: Pedestrian and Cyclist Paths, and shall be constructed generally in accordance with SRRRC Standard Drawing R-13 for Concrete Paths.

The works required by this condition will be subject to an application for Operational Works and are to be completed prior to the endorsement of the final plan of survey.

Applicant's justification

As discussed with Council prior to the submission of this request, the subdivision proposes road designs alternate to Council's standards. Accordingly, the condition has been updated to reference the Mortons Urban Solutions Civil Engineering Report 19107-ALL revision 2 dated 25 February 2015 which provides the alternate road designs as agreed with Council.

Officer's comments:

The applicant seeks Council's acceptance of alternative road designs standards. The request was referred to Council's internal Infrastructure Services section for assessment and comment. Infrastructure Services have advised that they do not support the proposed change to the subject condition and that the condition should remain unchanged. However, it should be noted that this application has prompted Infrastructure Services to review Council's current road design standards and amended drawings are in the process of being released. As such, the condition shall remain unchanged in this instance.

Part b) 29. Development currently reads:

- 29. FINAL PLAN OF SURVEY-** Subdivision of the site occurs generally in accordance with the proposal plan prepared by Santoshi Development Consultants with reference No. SDC 1000-225 dated 21/05/2012. 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.

Applicant's justification

This condition has been amended to reference the Stage 1A of the updated proposal plan.

Officer's comments:

The applicant seeks to introduce sub-stages 1A and 1B. The change will essentially delay the delivery of the parkland and residential lots to Stage 1B however will remain within the overall Stage 1. The proposed change does not fundamentally change any aspect of the approval and will allow the applicant to proceed with the development in a logical and sequential manner. Therefore, the subject condition shall be amended to read as follows:

- 29. FINAL PLAN OF SURVEY-** Subdivision of the site occurs generally in accordance with Stage 1A of the proposal plan prepared by RPS with reference number 123531-PP-1b dated 10 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.

Part b) 32. Development currently reads:

- 32. BUILDING ENVELOPES -** Building envelopes are to be identified suitable for dwelling construction on each allotment proposed for residential use. Such envelopes shall be determined by suitably qualified consultants on behalf of the Applicant to the satisfaction of the Council's Director Regional Services and have regard for factors such as but not limited to:
- Town Planning Issues: tree retention, access to prevailing breezes and light;
 - Engineering Issues: bushfire hazard risk, slope, slope stability, flooding, effluent disposal, localised stormwater runoff and vehicular access.

All buildings and other improvements (including pools, cut/fill batters, water storage tanks and/or dams, sewage treatment and disposal areas, etc) shall be located entirely within the designated building envelope, except for access driveways and services. The Building Envelope Plan shall be submitted to Council to the satisfaction of Council's Director Regional Services prior to signing and sealing of the Plan of Survey.

Applicant's justification

This condition has been removed. Building envelopes are not necessary given the characteristics of the site and the intended construction of the subdivision. We also note the proposed amendments to refer to 'residential lots' or 'park' throughout the revised PA as detailed above.

Officer's comments:

As mentioned previously within this report, the subject land is generally un-constrained by factors such as landslide, vegetation protection, flooding or bushfire mapping. Where land is affected by the aforementioned concerns, the land is not proposed for residential lots. In this instance, the requirement for building envelopes is not considered necessary. As such, the subject condition shall be deleted.

Part b) 61. Public Open Space (amended) currently reads:

- 61. PUBLIC OPEN SPACE (AMENDED)** - The applicant must provide park land to Council in accordance with the Proposal Plan of Subdivision, Drawing Number-SDC1000-225, dated 21/05/2012.

Applicant's justification

This condition has been removed as it is relevant to Stage 1B.

Officer's comments:

On the 8 May 2015 the applicant submitted further correspondence requesting the subject condition not be removed but rather amended to reference Stage 1B specifically. The amendment is generally in accordance with the underlying approval and considered acceptable in this instance. As such, the subject conditions shall be amended to read as follows:

- 61. PUBLIC OPEN SPACE (AMENDED)** - The applicant must provide park land to Council in accordance with the plan number 123531-PP-lb, titled *Subdivision Proposal Plan Stage One Avondale*, prepared by RPS and dated 10 February 2015.

Part b) 62. Public Open Space currently reads:

- 62. PUBLIC OPEN SPACE** -The parkland, landscaping and rehabilitation shall occur as part of stage 1.

Applicant's justification

This condition has been removed as it is relevant to Stage 1B.

Officer's comments:

On the 8 May 2015 the applicant submitted further correspondence requesting the subject condition not be removed but rather amended to reference Stage 1B specifically. The amendment is generally in accordance with the underlying approval and considered acceptable in this instance. As such, the subject conditions shall be amended to read as follows:

- 62. PUBLIC OPEN SPACE** -The parkland, landscaping and rehabilitation shall occur as part of stage 1B.

Part b) 63. Public Open Space currently reads:

- 63. PUBLIC OPEN SPACE** – No earthworks, road infrastructure or clearing of native vegetation is to occur within in the area shown as parkland within Overall Concept Plan.

Applicant's justification

This condition has been amended to update the reference to the new proposal plan.

Officer's comments:

The change to the subject condition is considered minor in nature and a logical consequence of the recommended changes to earlier conditions. As such, the subject condition shall be amended to read as follows:

- 63. PUBLIC OPEN SPACE** – No earthworks, road infrastructure or clearing of native vegetation is to occur within in the area shown as parkland within Proposal Plan.

Part b) 65. Waterways Rehabilitation currently reads:

- 65. WATERWAYS REHABILITATION** -The applicant shall undertake rehabilitation of the waterway and proposed park land with native vegetation. This work must be shown within and done in accordance with an approved Rehabilitation plan.

Applicant's justification

This condition has been removed as it is relevant to Stage 1B.

Officer's comments:

On the 8 May 2015 the applicant submitted further correspondence requesting the subject condition not be removed but rather amended to reference Stage 1B specifically. The amendment is generally in accordance with the underlying approval and considered acceptable in this instance. As such, the subject conditions shall be amended to read as follows:

- 65. WATERWAYS REHABILITATION** -The applicant shall undertake rehabilitation of the waterway and proposed park land with native vegetation as part of Stage 1B. This work must be shown within and done in accordance with an approved Rehabilitation plan.

New conditions proposed*Applicant's justification*

A separate set of conditions are now proposed to be relevant to Stage 1B. The conditions reflect the amendments as outlined above for Stage 1A – but include those conditions which relate to the park. The conditions relating to the park have been updated to reference the updated proposal plan.

Officer's comments:

The applicant essentially seeks to duplicate the suite of conditions for both stages Stage 1A and Stage 1B. While the general intent of the change is supported the duplication of all conditions is not considered necessary given that the main purpose is to delay the delivery of the park area. It is noted that on the 8 May 2015 the applicant submitted further correspondence requesting changes to specific conditions to reference Stage 1B specifically. As such, the amendment to introduce new conditions is not supported in this instance; however the intent of the change has been achieved through changes to specific conditions as mention earlier.

Assessment of Other Aspects of the Proposal*Adopted Infrastructure Charges Resolution (Version 5) (AICR)*

Infrastructure Charges have been calculated in accordance with the *Adopted Infrastructure Charges Resolution (Version No.5)* and with the *2014/2015 Fees and Charges Schedule*. The following charges have been calculated based on a total of 64 residential lots and have been separated into the respective sub-stages as follows:

Fair Value Charges Resolution (Version no. 1 May 2015)

In accordance with the Fair Values Charges Resolution the adopted infrastructure charge applicable for a Reconfiguration of a Lot for residential development is the 'Residential Category - 3 or more bedroom dwelling house' charge per allotment, in accordance with table 2 of the resolution.

Stage 1A - 36 Residential lots***Proposed Demand***

Number of lots	Charge rate	Charge amount
36	\$12,600.00	\$453,600.00
Total		\$453,600.00

Stage 1B - 28 Residential lots***Proposed Demand***

Number of lots	Charge rate	Charge amount
28	\$12,600.00	\$352,800.00
Total		\$352,800.00

It should be noted that Queensland Urban Utilities charges are no longer issued by Council as of the 1 July 2014.

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

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

Development Assessment (Engineering)

The subject application was referred to Council's Development Assessment (Engineering) section for comment. This section responded having no objection to the proposed changes.

Infrastructure Services

The subject application was referred to Council's Infrastructure Services section for review and assessment of the proposed changes. Correspondence received from Infrastructure Services stated that they do not support the proposed changes to road standards at this point in time; however it was noted that this application has prompted Infrastructure Services to review Council's current road design standards and amended drawings are in the process of being released.

External Referrals

Through the State Assessment Referral Agency (SARA), the applicant sent a copy of the application to SARA as a Relevant Entity under SPA. Correspondence received from SARA dated 26 March 2015 advised Council that the department had no objections to the changes being made.

Department of State Development Infrastructure & Planning	PO Box 129 IPSWICH QLD 4305
--	--------------------------------

Conclusion

On 27 February 2015, Council received a request for Permissible Change in accordance with section 369 of the *Sustainable Planning Act 2009* (SPA). The applicant seeks to amend the aforementioned approval to allow for an alternative subdivisional layout, to introduce sub-staging and to simplify the functionality of the underlying preliminary approval.

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

Director's Recommendation

1. That Council resolve to approve the applicant's request to amend an existing development approval in respect to the following property:

Registered Plan Description: Lot 180 WD5375
Address of property: Mt Lindesay Highway GLENEAGLE
Site area: 50.03ha
Proposal: Request for Permissible Change under Section 369 of the *Sustainable Planning Act 2009* (SPA) to amend an existing development approval.

Original Development Approval Preliminary Approval pursuant to section 242 of the Sustainable Planning Act 2009 to vary the effect of the local planning instrument
 Development Permit for the creation of 54 Residential allotments, one (1) open space lot and a balance Emerging Communities Precinct lot.

Further development permits required:

As identified within the approval Decision Notice dated 3 April 2013.

2. **The changes to relevant conditions are as follows:**

- 1) **AMENDED PLAN OF DEVELOPMENT** – The Approval Plan of Development, being 'Avondale Waters – Stage 1 Development Code', has been amended as follows:

Avondale Waters – Stage 1 Development Code**Assessment Provisions- Preliminary Approval Overriding Elements**

These provisions are to override the provisions of the *Beaudesert Planning Scheme 2007* and Amendments where applicable. The Avondale Waters - Stage 1 is shown on the accompanying plan number 123531-PP-lb, titled *Subdivision Proposal Plan Stage One Avondale*, prepared by RPS and dated 10 February 2015.

- 4) **Precincts Intent**

The precincts within the Avondale Waters – Stage 1 include the Residential Precinct (residential lots) and Passive Recreation Precincts (parks / open space) as shown on the Avondale Waters Plan of Proposed Subdivision for Stage 1 (123531-PP-lb, titled *Plan Subdivision Proposal Plan Stage One Avondale*, prepared by RPS and dated 10 February 2015).

- 5) **Definitions**

All definitions in Schedule 1 - Dictionary, Part 1, Section 1.1 from the Beaudesert Planning Scheme 2007 and amendments have been adopted.

6) Assessment Table for Material Change of Use

The level of assessment and corresponding assessment criteria under Chapter 3, Part 6 Beaudesert and Canungra Townships Zone, Division 3: Table 3.6.4 “Assessment Table of Development for a Material Change of Use in the Beaudesert and Canungra Townships Zone” of the Beaudesert Shire Planning Scheme 2007 and Amendments will be applied to development for a Material Change of Use within the Residential Precinct and Passive Recreational Precinct under the Avondale Waters – Stage 1 Plan of Proposed Subdivision for Stage 1 (Drawing No. 123531-pp-1b), where varied by Table 6.1 below.

Table 6.1 Assessment Table for Material Change of Use

Column 1 Use	Column 2 Assessment Category	Column 3 Assessment Criteria
Dual Occupancy	Self-assessable if located on a corner lot that has an area equal to or greater than 600sqm or any other lot that has an area equal to or greater than 900sqm Code assessable otherwise	If Self-assessable or code assessable -Beaudesert and Canungra Townships Zone Code (Chapter 3, Part 6, Division 4) Avondale Waters Avondale Waters Dual Occupancy Code. Construction and Infrastructure Code (Chapter 5, Part 3, Division 3 or Section 3.5.6) Landscape Code (Chapter 5, Part 3, Division 4 or Section 5.3.10) Parking and Servicing Code (Chapter 5, Part 3, Division 5 or Section 5.3.13)
House	Self-assessable Code-assessable, if not Self-assessable.	If Self-assessable– or code assessable Solutions S3.1, S3.2 and S3.3 of section 3.6.16 of the Beaudesert and Canungra Townships Zone Code and this Code, where Self-assessable. Beaudesert and Canungra Townships Zone Code (Section 3.6.8) where assessable development.

Column 1 Use	Column 2 Assessment Category	Column 3 Assessment Criteria
		House Code (Chapter 5, Part 2, Division 12 or section 5.2.35) Construction and Infrastructure Code (Chapter 5, Part 3, Division 3 or section 5.3.6) Parking and Servicing Code (Chapter 5, Part 3, Division 5 or Section 5.3.13)

Note: The above Assessment Criteria has been extracted from the Beaudesert and Canungra Planning Scheme 2007 and its amendments.

7) Assessment Table for Development which is not for a Material Change of Use.

Chapter 3, Part 6 Beaudesert and Canungra Townships Zone, Division 3: Table 3.6.5 - Assessment Table of Development not for a Material Change of Use in the Beaudesert and Canungra Townships Zone of the Beaudesert Shire Planning Scheme 2007 and Amendments will be applied to development not for a Material Change of Use within the Residential Precinct and Passive Recreational Precinct under the Avondale Waters – Stage 1 Plan of Proposed Subdivision for Stage 1 (Drawing No. 123531-PP-1b).

8) Consistent Development

Development identified in Chapter 3, Part 6 Beaudesert and Canungra Townships Zone, Division 3: Table 3.6.7 - Consistent Development in the Beaudesert and Canungra Townships Zone is Consistent Development for all development in Avondale Waters – Stage 1

9.1) Beaudesert and Canungra Township Zone Code

Development in Avondale Waters – Stage 1 complies with the Overall Outcome under section 3.6.10 for the Beaudesert and Canungra Townships Zone and the Specific Outcomes and Prescribed Solutions under section 3.6.11 for the Beaudesert and Canungra Townships Zone, except where varied as follows:

(i) Table 9.1.1 Variation to Table 3.6.11 Specific Outcomes and Prescribed Solutions for the Beaudesert and Canungra Townships Zone

Column 1 Specific Outcomes	Column 2 Acceptable Solutions – if Self-assessable Probable Solutions – if Code-assessable
SO27 Development being a House and Dual Occupancy limits adverse impacts on existing residential	S27.1 No Solution is prescribed.

Column 1 Specific Outcomes	Column 2 Acceptable Solutions – if Self-assessable Probable Solutions – if Code-assessable
amenity and character and provides residential neighbourhoods with a strong and positive identity through— (c) providing a safe, efficient and legible road network; and the location and design of development; and integration with the surrounding development; and the protection and enhancement of personal health, safety and property; and achieving a sense of place.	
SO29 Development being a Dual Occupancy is consistent in building form and scale to existing residential uses and maintains the character and amenity of the Precinct.	S29.1 No Solution is prescribed.

Development in Avondale Waters – Stage 1 complies with the Specific Assessment Criteria for the Residential Precinct under section 3.6.16 and Specific Assessment Criteria for the Passive Recreation Precinct under section 3.6.22 for the Beaudesert and Canungra Townships Zone Code excepted where varied as follows -

Table 9.1.2 Variation to Table 3.6.16 Specific Outcomes and Prescribed Solutions for the Residential Precinct

Column 1 Specific Outcomes	Column 2 Acceptable Solutions – if Self-assessable Probable Solutions – if Code-assessable
SO1 Development provides for predominantly sewered, urban residential development characterised by- (a) a high level of amenity; and (b) typically single dwellings on urban lots	SO1 No Solutions is prescribed.

Column 1 Specific Outcomes	Column 2 Acceptable Solutions – if Self-assessable Probable Solutions – if Code-assessable
SO3 Development ensures a building height, bulk and setback consistent with a country town character and space between buildings to the side boundaries.	S3.3 Development provides a minimum setback distance from all site boundaries of the distance specified in the <i>Queensland Development Code MP1.2</i> .

9.2) Assessment Provisions for Overlay

The Assessment Provisions for Overlays under Chapter 4 of the Beaudesert Shire Planning Scheme 2007 apply to all development outside an approved residential lot or park within Avondale Waters - Stage 1 as follows.

Table 9.2 Assessment Provision of Overlays Applicable to Avondale Waters – Stage 1

Column 1 - Overlay	Column 2 - Overlay Maps	Column 3 - Assessment Criteria
Chapter 4, Part 2 Infrastructure	OV Map 1.1A	The Assessment Provisions applicable to development outside an approved residential lot or park within the Avondale Waters Stage 1 triggered by the OV Map in Column 2 of this table includes the Assessment Table for Infrastructure Overlay (Table 4.2.4) and the Infrastructure Code (Table 4.2.8).
Chapter 4, Part 4 Development Constraints	OV Maps 3.1A, 3.2A and 3.3A.	The Assessment Provisions applicable to development outside an approved residential lot or park within the Avondale Waters Stage 1 triggered by the OV Map in Column 2 of this table includes the Assessment Table for Development Constraints Overlay (Table 4.4.4) and the Development Constraints Overlay Code (Table 4.4.8).

Column 1 - Overlay	Column 2 - Overlay Maps	Column 3 - Assessment Criteria
Chapter 4, Part 7 Catchment Management, Waterways and Wetlands Overlay	OV Map 6.1A	The Assessment Provisions applicable to development outside an approved residential lot or park within Avondale Waters Stage 1 triggered by the OV Map in Column 2 of this table includes the Assessment Table for Catchment Management, Waterways and Wetlands Overlay (Table 4.7.4) and the Catchment Management, Waterways and Wetlands Overlay Code (Table 4.5.8).

9.3) Codes for Development

The Codes for Development under Chapter 5 of the *Beaudesert Shire Planning Scheme 2007*, except where varied below, applies to all development of a state purpose or of a stated type within Avondale Waters – Stage 1 where applicable.

(a) Inclusion of Avondale Waters Dual Occupancy Code in Table 5.1.1

Table 9.3.1 Inclusion to Table 5.1.1 Codes for Development of a Stated Purpose or of a Stated Type

Column 1 Class of Codes	Column 2 Codes	Column 3 Section
Use Codes	Avondale Waters Dual Occupancy Code	-

(b) Variation to Table 5.2.37 Specific Outcomes and Prescribed Solutions for a House

Table 9.3.2: Variation to Table 5.2.37 Specific Outcomes and Prescribed Solutions for a House

Column 1 Specific Outcomes	Column 2 Acceptable Solutions – if Self-assessable Probable Solutions – if Code-assessable
SO3 Development is designed, sited and located to complement adjoining residences and contribute positively to the Streetscape.	S3.1 Development provides a minimum setback distance from all site boundaries of the distance specified in the <i>Queensland Development Code MP1.2</i> . S3.2 Delete

Column 1 Specific Outcomes	Column 2 Acceptable Solutions – if Self-assessable Probable Solutions – if Code-assessable
	S3.3 Development in the Residential Precinct provides that car accommodation for a House (and including any Secondary Dwelling) does not occupy more than 40% of the street frontage.
SO4 <i>delete</i>	SO4.1 <i>Delete</i> SO4.2 <i>Delete</i> SO4.3 <i>Delete</i> SO4.4 <i>Delete</i>
SO5 <i>delete</i>	SO5.1 <i>delete</i>

(d) Inclusion to Table 5.3.15A Car and Service Vehicle Parking

Table 9.3.4 Inclusion to Table 5.3.15A Car and Service Vehicle Parking

Column 1 Use	Column 2 Self-assessable and Assessable Development. Solution for Car Parking Spaces	Column 3 Self-assessable and Assessable Development. Solution for Service Vehicle Parking Spaces¹	Column 4 Requirements for Assessable Development
Dual Occupancy	1 covered space per unit; and 1 visitor space per unit; and	Nil	—

Dual Occupancy Code

- 3) **DUAL OCCUPANCY CODE** – The Avondale Waters- Stage 1 Dual Occupancy Code, has been amended as follows.

Table 5.2.109 Specific Outcomes and Prescribed Solutions for a Dual Occupancy	
Column 1 Specific Outcomes	Column 2 Acceptable Solutions – if self-assessable Probable Solutions – if Code assessable
Site Area and Density	
SO1 The site must have sufficient area to accommodate the building and associated parking, landscape and setbacks.	S1.2 The minimum site area is 600sqm if located on a corner, otherwise 900sqm. Site coverage does not exceed 50%.
Building Setback	
SO3 Development is designed, sited and located so as to contribute to an aesthetically pleasing streetscape consistent with a country town where the built form is neither bulky nor visually intrusive.	S3.1 Development provides a minimum setback distance from all site boundaries of the distance specified in the <i>Queensland Development Code MP1.2</i> .
Building Appearance	
SO4 In order to achieve variation in Dual Occupancies, buildings must be designed to: (g) Add visual interest to the streetscape. (h) Avoid stark or austere appearance. (i) Provide differentiation between dwellings by means of articulation.	S4.1 Development is designed to— (j) provide visual interest through the use of varying building colour and materials, architectural design, landscape elements, pavement treatments, changes in roof form and pitch; (k) provide for roofed verandas or eaves; (l) ensure car ports and garages are visually compatible with, and subordinate to, the building form and appearance. S4.2 Building design of the development differs from other approved or existing Dual Occupancies in the same street or immediate area.

Table 5.2.109 Specific Outcomes and Prescribed Solutions for a Dual Occupancy	
Column 1 Specific Outcomes	Column 2 Acceptable Solutions – if self-assessable Probable Solutions – if Code assessable
	<p>S4.3 Building materials, patterns, textures and colours are complementary to those of adjoining dwellings.</p> <p>S4.4 Facades on corner lots shall not be blank and are to incorporate windows, balcony / verandah or doors, with a variation in colours and materials.</p> <p>S4.5 Visual relief is provided by driveway pavement treatments and landscape elements.</p> <p>S4.6 Where on an allotment containing two (2) frontages, the development must address each separate road frontage.</p> <p>S4.7 Development provides— (e) a communal driveway to the Dual Occupancy; or (f) a separate driveway to each dwelling unit where development is located on a corner lot and both dwelling units address different street frontages</p>
<p>SO5 The building design must incorporate articulation of roofs and building footprints to: (g) Add visual interest to the streetscape. (h) Provide differentiation between buildings by means of articulation. (i) Maximise the amenity of adjoining residences.</p>	<p>S5.1 The length of wall in any one place does not exceed 12 metres without being articulated.</p> <p>S5.2 A variety of building materials and colours are utilised so that development design does not incorporate a mirror image design</p>
<p>SO6 The building must be oriented to the street to facilitate casual surveillance of the street and provide visual interest.</p>	<p>S6.1 The building has windows and / or balconies facing the street.</p>

Table 5.2.109 Specific Outcomes and Prescribed Solutions for a Dual Occupancy	
Column 1 Specific Outcomes	Column 2 Acceptable Solutions – if self-assessable Probable Solutions – if Code assessable
	S6.2 The building has an entry visible from the street.
S07 Development does not have an adverse effect on the visual and acoustic amenity and privacy of the surrounding area.	<p>S7.1 Development prevents overlooking of the main internal living areas of dwellings on nearby allotments through measures such as-</p> <ul style="list-style-type: none"> (e) offsetting the development from the adjacent dwelling by a distance sufficient to limit views into the adjacent windows; or (f) incorporating sill heights a minimum of 1.5m above floor level; or (g) utilising screening devices, such as fixed frosted or textured glazing, for any part of the window below 1.5m above floor level; or (h) providing fixed external screens. <p>S7.2 Development provides that an unscreened window is located a minimum distance from a side or rear boundary of 2 metres at ground level.</p> <p>S7.3 When there is a direct view into the private open space of an adjoining dwelling from windows, landing stairs, decks, balconies, this view is obscured or screened by</p> <ul style="list-style-type: none"> (c) providing screening devices; or (d) existing or new planted landscaping that will achieve a minimum of 2m or greater in height at maturity. <p>S7.4 Car accommodation does not occupy more than 40% of the street frontage.</p>
Private Open Space	
S05 All dwellings must be provided with sufficient reasonable outdoor private recreation space.	S5.1 The private open space is- (g) at least 15% of the site area for each dwelling unit;

Table 5.2.109 Specific Outcomes and Prescribed Solutions for a Dual Occupancy	
Column 1 Specific Outcomes	Column 2 Acceptable Solutions – if self-assessable Probable Solutions – if Code assessable
	<p>(h) is located at the side or rear of the development; and (i) is directly accessible from the living room.</p> <p>S5.2 The private open space has a maximum gradient not exceeding one in ten.</p> <p>S5.3 Development ensures that sunlight to the ground-level private open space of an adjacent development is not reduced— (e) by more than 20%; or (f) to less than 4 hours between 9.00am and 3.00pm on 21 June.</p>
Fencing	
S012 Buildings and landscape treatments must be designed to assist in crime prevention.	<p>S12.1 All frontage fencing shall be a maximum of 1.2 metres in height. Fencing to the primary road frontage shall be a minimum of 50% transparent.</p> <p>S12.2 Lots with a secondary road frontage shall have fences set back 1 metre from the boundary to incorporate landscape indents of 1 metre width and length for every 3 metres of frontage and shall be 30% transparent.</p> <p>S12.3 All lots adjoining public open spaces shall have fencing of an open style with a minimum of 50% transparency and a minimum height of 1.2 metres and a maximum height of 1.8 metres.</p>
Services	
S013 Services facilities are provided to meet the needs of residents and are sited and designed in an unobtrusive and convenient manner.	<p>S13.1 Service facilities include : (i) open air clothes drying facilities with a minimum of 10m² that is screened from view from the street and internal driveways; and</p>

Table 5.2.109 Specific Outcomes and Prescribed Solutions for a Dual Occupancy	
Column 1 Specific Outcomes	Column 2 Acceptable Solutions – if self-assessable Probable Solutions – if Code assessable
	(j) screens air conditioning equipment from view from— (vii) the street; and (viii) neighbouring properties; and (ix) internal driveways; and (k) waste and recycling bin storage areas that are located for convenient use and collection and area completely screened from the public view; and (l) Any rainwater tanks are located between the building line.

- 5) USE IN ACCORDANCE WITH THE APPLICATION – RECONFIGURING A LOT -** Development being undertaken generally in accordance with Plan Nos. referenced in the table below and accompanying documentation, except insofar as it is modified by the conditions of this approval. Any minor changes may be requested by the Applicant in accordance with Section 350 of the Sustainable Planning Act 2009 without the need for a further Development Application for a Reconfiguring a Lot.

Plan No.	Plan title	Date	Prepared by
123531-PP-1b	Subdivision Proposal Plan - Stage One Avondale	10/02/2015	RPS Australia East Pty Ltd

- 8) STREET TREES –** the applicant must line all internal road reserves with suitable street trees and in particular the main internal collector road and further reflected within the required to be submitted landscape plan/s as per the above condition.
- 11)** The applicant must design and construct a recreation / walking trail within the parkland in Stage 1B. Details of this recreation plan must be shown within the landscaping plan.
- 14) ACCESS - COUNCIL ROAD –** Vehicular access to each allotment accessing a Council controlled road shall be constructed to Council’s current standards. Separate applications for *Property Access Location Approval* and *Works Within A Road Reserve* are to be lodged with Council prior to undertaking any building works upon each lot by the individual future owners.

- 19) ROADWORKS** – The Developer shall be responsible for the dedication, design and construction of the internal roadways servicing the approved stages of the development. These works shall include all necessary pavement works, asphalt surfacing, kerbing and channelling, drainage works, and truncations where needed, line-marking, all necessary traffic signage as and where required, in accordance with Council's current standards.

The design and construction of the proposed new roadways is to meet the specifications of Council's Standards, Complete Streets, Austroads Publications, QUDM or and other relevant and appropriate roadworks design standards and guidelines deemed appropriate by Council.

Turn-around areas are to be provided where a road links to future stages of the development with sufficient radius to allow a refuse truck to safely manoeuvre within the road formation.

The works required by this condition will be subject to an application for Operational Works and are to be completed prior to the endorsement of the final plan of survey.

- 21) ROAD PAVEMENT** – The road pavement widths and geometric layout shall be sufficient to make adequate provisions for Council's refuse collection vehicles and public transport movements. The kerb and channel is to be provided on both sides of the street and will be constructed in accordance with Council's Standard Drawings (Drive - Over Type M1).

- 22) FOOTPATH** – The Developer shall be responsible for the construction of pedestrian pathways throughout the approved stage. The footpath network is to address the requirements of Complete Streets in terms of providing connections to other streets and places for pedestrian activity. The design of the pathways are to be in accordance with Austroads Part 6A: Pedestrian and Cyclist Paths, and shall be constructed generally in accordance with SRRC Standard Drawing R-13 for Concrete Paths.

The works required by this condition will be subject to an application for Operational Works and are to be completed prior to the endorsement of the final plan of survey.

- 29) FINAL PLAN OF SURVEY-** Subdivision of the site occurs generally in accordance with Stage 1A of the proposal plan prepared by RPS with reference number 123531-PP-1b dated 10 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.

32) BUILDING ENVELOPES - DELETED

- 61) PUBLIC OPEN SPACE (AMENDED)** - The applicant must provide park land to Council in accordance with the plan number 123531-PP-1b, titled *Subdivision Proposal Plan Stage One Avondale*, prepared by RPS and dated 10 February 2015.

- 62) PUBLIC OPEN SPACE** -The parkland, landscaping and rehabilitation shall occur as part of stage 1B.

63) PUBLIC OPEN SPACE – No earthworks, road infrastructure or clearing of native vegetation is to occur within in the area shown as parkland within Proposal Plan.

65) WATERWAYS REHABILITATION - The applicant shall undertake rehabilitation of the waterway and proposed park land with native vegetation as part of Stage 1B. This work must be shown within and done in accordance with an approved Rehabilitation plan.

3. Approval Conditions (Referral Agency):

As identified within the approval Decision Notice dated 3 April 2013.

4. That the Applicant be further advised of the following:

As identified within the approval Decision Notice dated 3 April 2013.

5. Further approvals are required for:

As identified within the approval Decision Notice dated 3 April 2013.

6. Administrative Action:

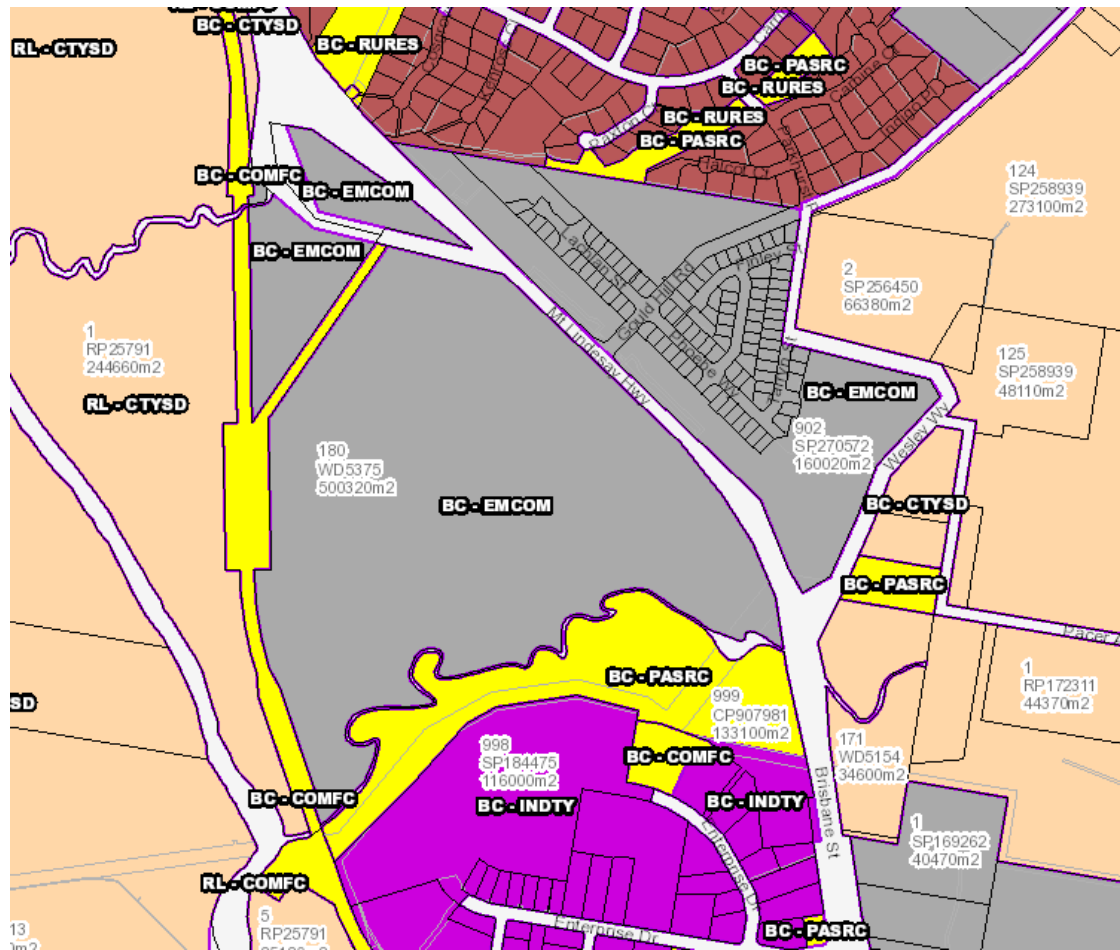
That a Decision Notice be issued in accordance with section 376 of the *Sustainable Planning Act 2009* to the Applicant and referral agency (SARA).

Attachments

1. Dekho Mapping of subject site.
2. Amended site plan (#9076495 pg2).
3. SARA Relevant Entity Response dated 26 March 2015 (#9095015 pg2-3).
4. Original Concurrence Agency Responses as attached to Decision Notice dated 3 April 2013.

Attachment 1 - Dekho Map of Subject Site





Attachment 2 - Amended Site Plan



Attachment 3 - SARA Relevant Entity Response dated 26 March 2015



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

Our reference: SPD-0315-015775
Your reference: MC.Bd15/013

Date: 26 March 2015

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

Attn: Mr Thor Nelson

Dear Mr Nelson

Notice about request for permissible change—relevant entity

Lot 180 WD5375 Mount Lindesay Highway, Gleneagle
(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 4 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 preliminary approval for a material change of use (section 242 of the *Sustainable Planning Act 2009*) are as follows:

- Inclusion of a new subdivision proposal plan lot layout and staging;
- Changes to the precinct intents;
- Changes to the use definitions;
- Changes to the assessment tables; and
- Changes to the code and overlay assessment provisions.

SPD-0315-015775

The department understands that the proposed changes to the development permit for reconfiguring a lot are as follows:

- Inclusion of a new subdivision proposal plan lot layout and staging;
- Changes to the internal road design standards;
- Changes to the internal temporary turnaround requirements;
- Deletion of building envelopes; and
- Changes to conditions to reflect the revised development staging.

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

Further Advice

The amended proposal will result in a development outcome that differs to that identified within the referral response issued by the Department of Transport and Main Roads dated 26 April 2012. As a consequence of the changes sought to the council's conditions, the department also offers the following advice to the council and the applicant.

General advice	
1.	A permissible change request should be made to the department as a responsible entity under section 369 of the <i>Sustainable Planning Act 2009</i> to change the conditions of the Department of Transport and Main Roads concurrence agency response dated 26 April 2012 to reflect the changes proposed by the permissible change request submitted to the council.

If you require any further information, please contact Kieran Hanna, Principal Planning Officer, on (07) 3432 2404, or via email ipswichSARA@dspd.qld.gov.au who will be able to assist.

Yours sincerely



Nathan Rule
Manager - Planning

cc: Villaworld Developments Pty Ltd c/- RPS, sam.burgess@rpsgroup.com.au
Department of Natural Resources and Mines, vegsouthregion@dnrm.qld.gov.au
Department of Transport and Main Roads, scrland@tmr.qld.gov.au

Attachment 4 - Original Concurrence Agency Response - Decision Notice dated 3 April 2013

Department of Transport and Main Roads referral agency response



26 April 2012

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

Attention: David Mak

SCENIC RIM REGIONAL COUNCIL	
File No: MC.Bd211/00077	
30 APR 2012	
Doc. Set No:	RBA
Resp. Officer:	DA Admin
2. CLEAR	3.

Dear Sir/Madam

CONCURRENCE AGENCY RESPONSE – CONDITIONS

Proposed Development: A Preliminary Approval pursuant to section 242 of the Sustainable Planning Act 2009 to vary the effect of the local planning instrument and a Development Permit for the creation of 54 Residential allotments, one (1) open space lot and a balance Emerging Communities Precinct lot

Real Property Description: Part of Lot 180WD5375
Street Address: 6794 Mount Lindesay Highway, Gleneagle QLD 4285
Assessment Manager ref.: MC.Bd211/00077
Local Government Area: Scenic Rim Regional Council

Reference is made to the referral agency material for the development application described above which was received by the Department of Transport and Main Roads (the department) under section 272 of the *Sustainable Planning Act 2009* (SPA) on 12 October 2011.

An assessment of the proposed development has been undertaken against the purposes of the *Transport Infrastructure Act 1994* for state-controlled roads land use and transport coordination under the *Transport Planning and Coordination Act 1994*. Based on this jurisdiction, the department provides this concurrence agency response under Section 285 of the SPA in accordance with the following submitted material:

Submission	Consultant	Date
IDAS forms, town planning reports and acknowledgment notice	Santoshi	10 Oct 2011
Response to Information request	Santoshi	8 March 2012

Department of Transport and Main Roads
 Program Delivery and Operations
 South Coast Region
 36-38 Cotton Street Nerang Queensland 4211
 PO Box 442 Nerang Queensland 4211

Our ref TMR11-000309
 Your ref MC.Bd211/00077
 Enquiries Ken Michael
 Telephone +61 7 5595 9570
 Facsimile +61 7 5595 9511
 Website www.tmr.qld.gov.au
 Email ken.z.michael@dmr.qld.gov.au

The department advises the assessment manager that it requires conditions to attach to any development approval for the application. The department would also like to provide advice about the application to the assessment manager under Section 287(6) of the SPA.

Advice Note - concerning possible future rail infrastructure on lot 180:

It has been noted in the submission that there appears to be a future intention to create small lot residential land uses on the south west portion of the subject land, adjacent to the rail corridor. The department advises that it may be premature to contemplate higher density housing considering that the timing of the rail infrastructure may be a substantial time in the future. Also the possible location of a station adjacent to the subject lot 180 should not influence Council's determination towards a future land uses. Rail infrastructure planning is only in preliminary stages for the Salisbury to Beaudesert corridor planning.

Under Section 325(1) of the SPA, the assessment manager must therefore attach this response, including the enclosed Department of Transport and Main Roads Concurrence Agency Conditions and Statement of Reasons, to any approval for the application. The department may change its concurrence agency response in accordance with Section 290(1)(b) of the SPA.

The department must be provided with a copy of the assessment manager's decision notice regarding the application within five (5) business days after the day the decision is made in accordance with Section 334 of the SPA.

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

If you have any questions or wish to seek clarification about any of the details in this response, please contact Ken Michael, Senior Town Planner, Land Management on 07 5596 9570.

Yours sincerely



Nathan Bright
Principal Advisor (Land Management)

Enc. Department of Transport and Main Roads Agency Conditions and Statement of Reasons

C/c Santoshi Development Consultant
PO Box 986
North Lakes QLD 4509



**Department of Transport and Main Roads
Concurrence Agency Conditions and Statement of Reasons**

Proposed Development: A Preliminary Approval pursuant to section 242 of the Sustainable Planning Act 2009 to vary the effect of the local planning instrument and a Development Permit for the creation of 54 Residential allotments, one (1) open space lot and a balance Emerging Communities Precinct lot

Real Property Description: Part of Lot 180 on WD5375

Street Address: 6794 Mount Lindesay Highway, Gleneagle QLD 4285

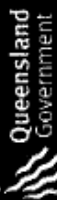
Assessment Manager ref.: MC.Bd211/00077

Local Government Area: Scenic Rim Regional Council

No.	Conditions of Development	Statement of Reasons
<p>Preliminary Approval pursuant to Section 242 of the Sustainable Planning Act 2009 to vary the effect of a local planning instrument and a Development Permit for the creation of 54 Residential allotments, one (1) open space lot and a balance Emerging Communities Precinct lot</p>		
1	<p>The single permitted road access location for the development and Mount Lindesay Highway shall be generally in accordance with Development Plan - Stage 1 Plan SDC1000-211B dated 10.8.11 (attached).</p>	<p>Prior to the commencement of use and to be maintained at all times</p>
2	<p>Direct access is not permitted between the Mount Lindesay Highway (State controlled road) and the subject site at any location other than the permitted road access location.</p>	<p>The purposes of the Transport Infrastructure Act 1994 (TIA). Vehicular access at the permitted road access location minimises impacts on the safety and efficiency of the state-controlled road network.</p>
3	<p>Existing vehicular property accesses located between the subject land and the Mount Lindesay Highway must be permanently closed and removed by applicant and the verge between the road edge and the property boundary must be reinstated by applicant in</p>	<p>The purposes of the Transport Infrastructure Act 1994. Vehicular access at the permitted road access location minimises impacts on the safety and efficiency of the state-controlled road network.</p>



<p>accordance with the verge immediately adjacent.</p>	<p>of the state-controlled road network.</p> <p>In accordance with Section 33 of the TIA, you must have written approval to carry out road works, including road access works on a state-controlled road. These development conditions do not constitute such approval. You will need to contact the Department of Transport and Main Roads on 5596 9500 to make an application for approval under section 33 of the TIA to carry out road works.</p> <p>The Department of Transport and Main Roads' technical standards and publications can be accessed at http://www.tmr.qld.gov.au/Business-industry/Technical-standards-publications.aspx.</p>	<p>To be maintained at all times</p> <p>The purposes of the Transport Infrastructure Act 1994 (TIA). Department of Transport and Main Roads' road corridor planning indicates that a future land requirement affects this property. A setback to be kept clear of permanent buildings, structures and improvements is required to protect the future road corridor and future rail corridor.</p>
<p>A. SETBACK – Mount Lindesay Highway The setback area shown on Plan 25A/TP03065 (attached) must be kept free of any permanent buildings, structures and improvements (including car parks, swimming pools and advertising signs) above and below the ground at all times.</p> <p>B. SETBACK – Future Rail Corridor The setback area shown in on Plans 25A/TP11022-1 and 25A/TP11022-2 (attached) must be kept free of any permanent</p>		



<p>buildings, structures and improvements (including car parks, swimming pools and advertising signs) above and below the ground at all times.</p>		<p>Comments or additional information: Information regarding land acquisition can be accessed via the Department of Transport and Main Roads' website at: http://www.tmr.qld.gov.au/Community-and-environment/Property-information.aspx</p>
<p>5 (a) The applicant must provide an intersection located at Mt Lindesay Highway and Part of Lot 180 on WD5375 as shown in Development Plan - Stage 1 Plan SDC1000-211B dated 10.8.11. The intersection must be upgraded to a fully functional and operational four way signalised intersection that performs at acceptable levels at day of opening and over the 10 year design horizon.</p>	<p>(a) & (b) Prior to the commencement of use</p>	<p>The purposes of the Transport Infrastructure Act 1994 (TIA). The intersection works are required as a consequence of the development and its associated traffic impacts to ensure the safety and efficiency of the state-controlled road network.</p>
<p>6 (a) The intersection must be designed and constructed generally in accordance with Department of Transport and Main Roads' Road Planning and Design Manual including the Interim Guide to Road Planning and Design Practice (Chapter 13) (b) The intersection must be designed and constructed to include: • The installation of lighting in accordance with Chapter 17 of the Department of Transport and Main Roads' Road Planning and Design Manual including the Interim Guide to Road Planning and Design Practice; • Cycle lane(s) in the state-controlled road in accordance with Department of Transport and Main Roads' Road Planning and</p>	<p>(a) – (c) Prior to the commencement of use</p>	<p>The purposes of the Transport Infrastructure Act 1994 (TIA). The construction of the intersection is required as a consequence of the development and its associated traffic impacts to ensure the safety and efficiency of the state-controlled road network. The operation of the minor legs of the intersection must not adversely impact the state controlled road to a point where unacceptable levels of</p>



<p>Design Manual including the Interim Guide to Road Planning and Design Practice</p> <ul style="list-style-type: none"> • Pedestrian connections within the site as well as through the intersection in accordance Department of Transport and Main Roads' Road Planning and Design Manual including the Interim Guide to Road Planning and Design Practice <p>AND</p> <p>(c) The intersection must be provided by the applicant at no cost to the Department of Transport and Main Roads.</p>	<p>service (LoS) is obtained on the state controlled road (that is a LoS F is considered unacceptable/failure with LoS C or D would be considered acceptable subject to other performance measures being met with respect to queuing and delays).</p> <p>The key areas of concern are for the overall safety and efficiency of the state controlled road and while some impact can be expected with the introduction of a new 4 way intersection, the overall performance of this intersection must not fall below acceptable levels.</p> <p>Comments or additional information: In accordance with Section 33 of the TIA, you must have written approval to carry out road works, including road access works on a state-controlled road. These development conditions do not constitute such approval. You will need to contact the Department of Transport and Main Roads on 5596 9500 to make an application for approval under section 33 of the TIA to carry out road works.</p> <p>The Department of Transport and Main Roads' technical standards and publications can be accessed at</p>
--	---



<p>http://www.tmr.qld.gov.au/Business-industry/Technical-standards-publications.aspx</p>	<p>Prior to submitting the Plan of Survey to the local government for approval</p>	<p>7 ROAD TRAFFIC NOISE</p> <p>The development must incorporate noise attenuation measures for traffic noise deriving from the Mount Lindesay Highway.</p> <p>7.1 General Conditions</p> <p>The applicant shall note that the approved Road Traffic Noise Management Report consists of the following documents: <i>The Environmental Noise Impact Assessment for Proposed Residential Development "Avondale Waters" (CRG, Report No. 10602a, dated 09 August 2011)</i></p> <p>Please note: If any part of the development changes, a change being a difference to matters presented in the approved Road Traffic Noise Management Report or development plans on which the acoustic report has been based that is acoustically significant to the conclusions of the Road Traffic Noise Management Report or reduces the acoustic effectiveness of other conditions of development, a revised Road Traffic Noise Management Report is required to be submitted to Transport and Main Roads along with a request for Transport and Main Roads to re-consider the conditions of development imposed upon the development.</p>
<p>The purposes of the Transport Infrastructure Act 1994 (TIA).</p> <p>The development is creating a noise sensitive area in proximity to a state-controlled road.</p> <p>Comments or additional information</p> <p>In accordance with Section 50(2) and Schedule 6 of the TIA and Part 5 and Schedule 1 of the Transport Infrastructure (State-Controlled Roads) Regulation 2006, you must have written approval to carry out ancillary works and encroachments on a state-controlled road. These development conditions do not constitute such an approval. You will need to contact the Department of Transport and Main Roads on 5596 9500 to make an application for a Road Corridor Permit under section 50(2) of the TIA to carry out ancillary works and encroachments. Ancillary works and encroachments include but are not limited to advertising signs or other advertising devices,</p>		



<p>The applicant shall note that Transport and Main Roads has not specifically reviewed the requirements of Local Government or other Referral Agencies or their conditions of development to manage road traffic noise or other forms of noise. In the event of a conflict between Transport and Main Roads' conditions of development to manage road traffic noise and Local Government or other Referral Agencies' conditions of development to manage road traffic noise or other forms of noise, Transport and Main Roads' requirements shall not be compromised. Where the Local Government or other Referral Agencies' conditions of development are more stringent than Transport and Main Roads' with regard to noise, the applicant is to note that the implementation of Local Government or other Referral Agencies' conditions is supported by Transport and Main Roads.</p> <p>7.2 Earth Mound</p> <p>A landscaped earth mound should be constructed as part of the noise barriers of the approved Road Traffic Noise Management Report.</p> <p>7.2.1</p> <p>All earth mounds shall be designed and constructed in accordance with the requirements of Transport and Main Roads Technical Standard MRTS04 and Transport and Main Roads Road Planning and Design Manual and the design is to be submitted to Transport and Main Roads for acceptance. The maximum slope shall be 1:2</p>	<p>paths or bikeways, buildings/shelters, vegetation clearing, landscaping and planting.</p> <p>The Department of Transport and Main Roads' technical standards and publications can be accessed at http://www.tmr.qld.gov.au/Business-Industry/Technical-standards-publications.aspx.</p> <p>Advice to applicant-</p> <p><i>Mandatory Part (MP) 4.4 of the Queensland Development Code (QDC) commenced on 1 September 2010 and applies to building work for the construction or renovation of a residential building in a designated transport noise corridor. MP4.4 seeks to ensure that the habitable rooms of Class 1, 2, 3 and 4 buildings located in a transport noise corridor are designed and constructed to reduce transport noise. Transport noise corridor means land designated under Chapter 8B of the Building Act 1975 as a transport noise corridor. Information about transport noise corridors is available at state and local government offices. A free online search tool can be used to find out whether a property is located in a designated transport noise corridor. This tool is available at the Department of Local Government and Planning website</i></p>
---	--

<p>and there shall be a flat top of at least 2 metres width.</p> <p>7.2.2 Both sides of any earth mound shall be landscaped in accordance with the Transport and Main Roads Landscape Manual and the design is to be submitted to Transport and Main Roads for acceptance. Issues such as pedestrian safety, pedestrian access, provision for utility services and associated maintenance, sight distance criteria and the design itself in accordance with the Transport and Main Roads Landscape Manual etc, will be considered by Transport and Main Roads prior to acceptance or otherwise being given. In the event that the landscape design is accepted by Transport and Main Roads, the construction shall be undertaken in accordance with the requirements of Transport and Main Roads Technical Standard MRTS 16.</p> <p>7.2.3 The design of the earth mound should not commence until any earthworks design within the development has been completed. The construction of the earth mound should not commence until any earthworks construction within the development is completed. Any designed or as constructed earthworks levels within the development leading to an elevation increase of 200mm or more compared with the pad levels or receiver height levels assumed in the approved Road Traffic Noise Management Report will require a suitably qualified acoustical consultant to provide either a clearance letter or a revised Road Traffic Noise Management Report demonstrating suitability of the required revisions to the</p>	<p>(http://www.dlqp.qld.gov.au/building/transport-noisecorridor-search-tool.htm) and allows searches on a registered lot number and/or property address to determine whether and how the QDC applies to the land.</p>
---	---

earth mound specifications.

7.2.4

No part of a landscaped earth mound that includes a noise barrier fence shall be removed, to ensure and maintain the structural integrity of the noise barrier fence footings, even if part of the landscaped earth mound or noise barrier fence resides in private property.

Implementation of Earth Mounds (Transport Corridor)

7.2.5

For any earth mounds constructed in the transport corridor, the applicant is to provide a maintenance bond to Transport and Main Roads for all landscape construction undertaken within the road reserve. On completion of the landscape works to the satisfaction of Transport and Main Roads, a six months maintenance period will be required with respect to the landscape construction. Subject to satisfactory establishment of the landscape works, and at the sole discretion of Transport and Main Roads, the bond will be returned to the applicant after the maintenance period following a written request from the applicant. It is the applicant's responsibility to arrange for an inspection by Transport and Main Roads at the end of the maintenance period.

7.2.6

The applicant is to engage the services of a civil engineer to provide a certified (RPEC) design for any safety barrier



requirements and drainage requirements associated with the location of the noise barrier and earth mounds if necessary.

7.3. Noise Barrier

Noise barriers shall be constructed as shown in Appendix C of the approved Road Traffic Noise Management Report. The height of the noise barriers shall be from 2.0m to 2.4m.

7.3.1

All noise fences shall be designed and constructed in accordance with the requirements of Transport and Main Roads Standard Specification MRTS15 and Transport and Main Roads Road Planning and Design Manual. Certified (RPEQ) structural design calculations and design drawings shall be submitted to Transport and Main Roads for design acceptance. Any changes of the noise fence design after design acceptance by Transport and Main Roads has been given will require re-submission of the altered design for acceptance by Transport and Main Roads. The "as constructed" noise fence will be inspected by a Transport and Main Roads officer or officers prior to construction acceptance being given.

7.3.2

The structural calculations and design of the noise fence should not commence until any earthworks design within the development

has been completed. The construction of the noise fence should not commence until acceptance of the design has been provided by Transport and Main Roads and any earthworks construction within the development is completed.

7.3.3

Any structure/s that interact with a noise fence including earth mounds, retaining walls and traffic crash barriers shall be structurally designed in conjunction with the noise fence with appropriate design standards. The developer shall submit the RPEQ certified drawings and design calculations for the structure/s including the superimposed wind loading from the noise fence and the standard surcharge, for acceptance by Transport and Main Roads.

7.3.4

If the noise barrier or part of the noise barrier is proposed along the boundaries of land adjacent to the proposed development, agreement should be obtained from the adjacent land owner with respect to the location and height of the noise barrier or part of the noise barrier prior to the construction of the noise barrier. Alternatively, the barrier should be located just inside the property boundary.

7.3.5

The developer shall engage the services of a civil engineer to



--	--

provide a certified (RPEQ) design for any safety barrier requirements and drainage requirements associated with the location of the noise barrier if necessary.

7.3.6
The as-constructed noise attenuating structures (earth mounds and/or noise fences) shall be surveyed and the top edge or surface provided to the Transport and Main Roads Region office in MGA and AHD coordinates for lodging into Transport and Main Roads' electronic databases, AND the as constructed drawings of any noise attenuating structures (earth mounds and/or noise fences) shall be provided to the Transport and Main Roads District Office in a format suitable to the Transport and Main Roads District for lodging the drawings/plans into Transport and Main Roads Plan Room.

7.4. *Noise Attenuating Structure Efficiency*

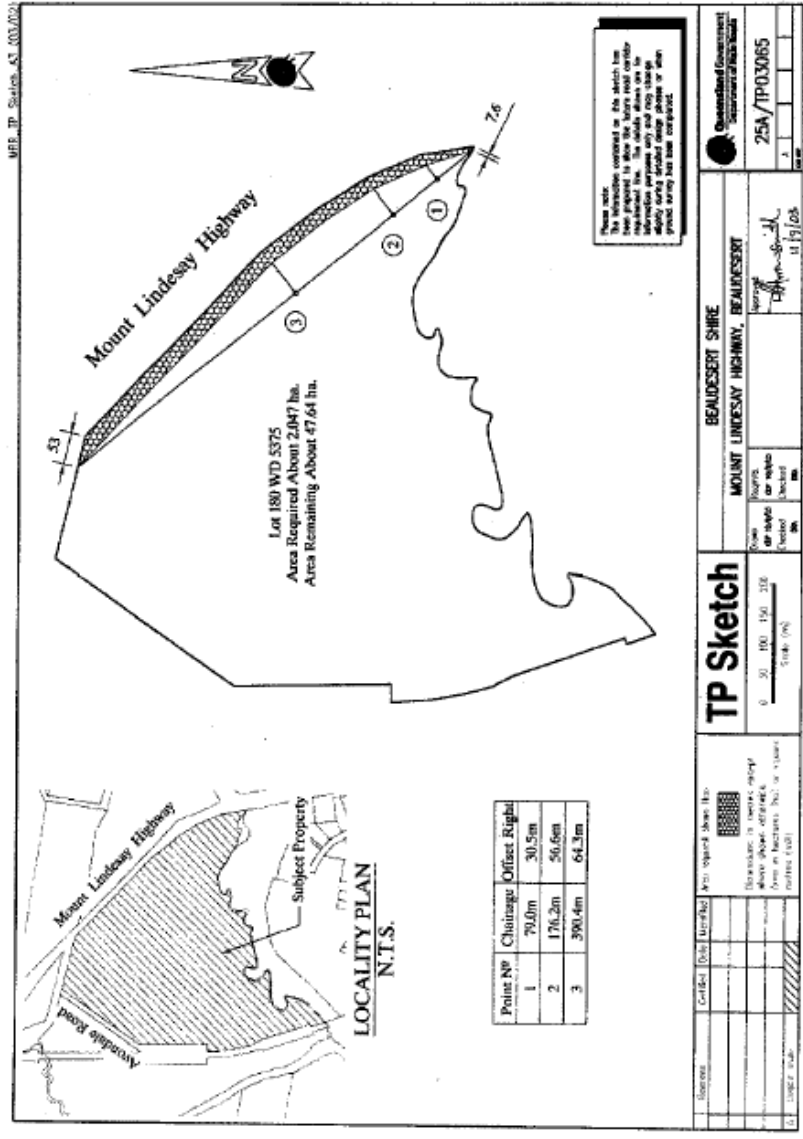
The assumed noise sensitive receiver heights are based on the ground levels indicated in the approved Road Traffic Noise Management Report.

7.4.1
The receiver heights (building pad levels or finished floor levels) shall not increase by more than 200 mm and/or the effective noise attenuating structure height shall not be reduced by more than 200 mm compared to the assumptions made in the approved Road Traffic Noise Management Report.

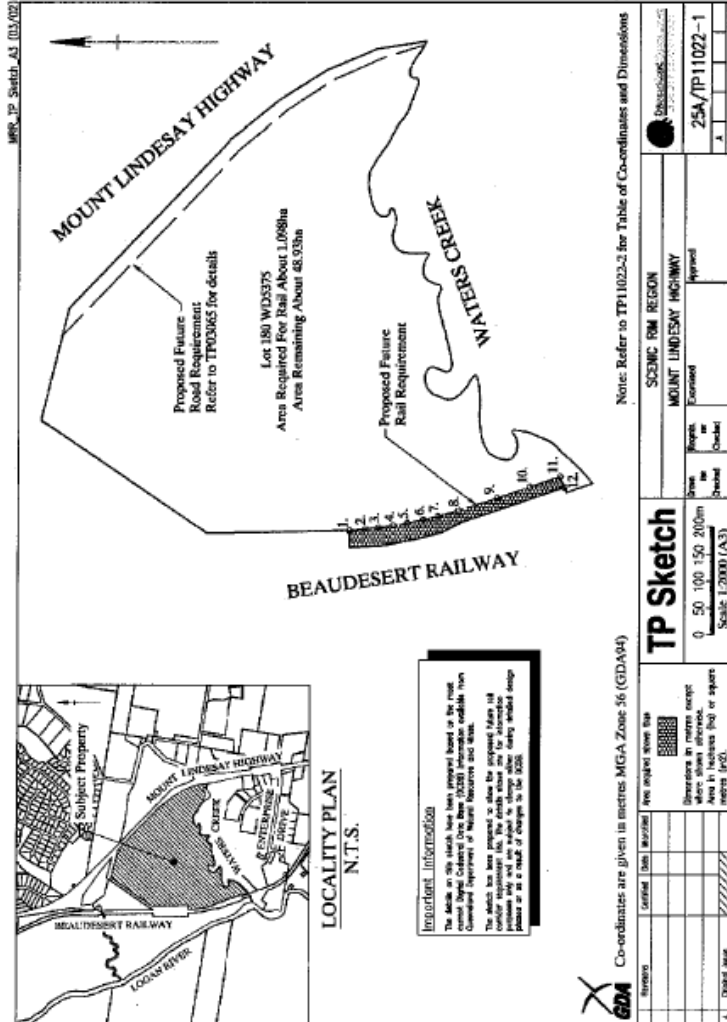


<p>7.4.2 If designed or as-constructed receiver heights and/or effective noise attenuating structure heights do not meet this requirement, then a revised Road Traffic Noise Management report acceptable to Transport and Main Roads shall be submitted to Transport and Main Roads. A request to Transport and Main Roads to alter its Referral Agency response may also be required.</p>		
---	--	--

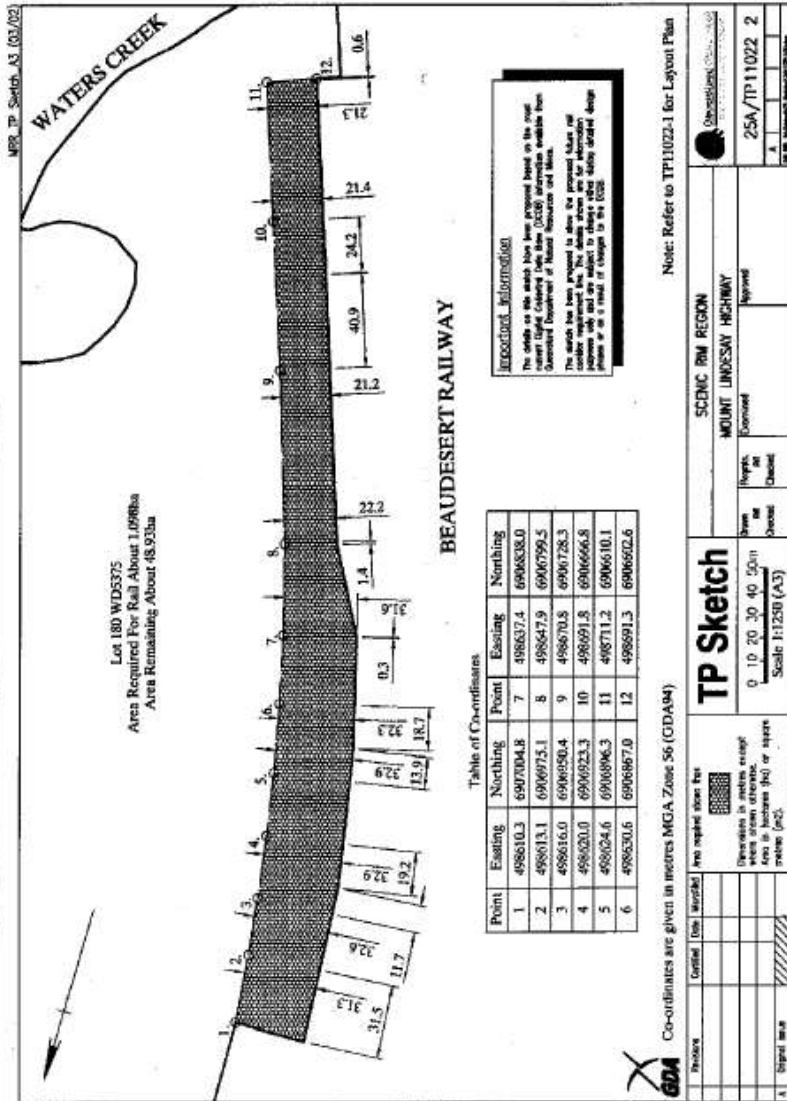




Sketch 25A/TP03065



Sketch 25A/TP11022-1 showing future rail requirement



Sketch 25A/TP11022-2 showing future rail requirement



<p>Under section 43 of the <i>Transport Infrastructure Act 1994</i>, a local government must obtain the Department of Transport and Main Roads' approval if it intends to approve the erection, alteration or operation of an advertising sign or other advertising device that would be visible from a motorway; and beyond the boundaries of the motorway; and reasonably likely to create a traffic hazard for the motorway.</p> <p>Under section 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the Department of Transport and Main Roads to carry out road works; including road access works, on a state-controlled road. Please contact the Department of Transport and Main Roads on 5596 9500 to make an application for road works approval. This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ).</p> <p>An application for a Road Corridor Permit is required for any ancillary works and encroachments on the state-controlled road under section 50(2) and Schedule 6 of the <i>Transport Infrastructure Act 1994</i> and Part 5 and Schedule 1 of the <i>Transport Infrastructure (State-Controlled Roads) Regulation 2006</i>. Please contact the Department of Transport and Main Roads on 5596 9500 to make an application for a Road Corridor Permit. Ancillary works and encroachments include but are not limited to advertising signs or other advertising devices, paths or bikeways, buildings/shelters, vegetation clearing, landscaping and planting.</p> <p>Mandatory Part (MP) 4.4 of the <i>Queensland Development Code (QDC)</i> commenced on 1 September 2010 and applies to building work for the construction or renovation of a residential building in a designated <i>transport noise corridor</i>. MP4.4 seeks to ensure that the habitable rooms of Class 1, 2, 3 and 4 buildings located in a <i>transport noise corridor</i> are designed and constructed to reduce transport noise. <i>Transport noise corridor</i> means land designated under Chapter 8B of the <i>Building Act 1975</i> as a <i>transport noise corridor</i>. Information about <i>transport noise corridors</i> is available at state and local government offices. A free online search tool can be used to find out whether a property is located in a designated <i>transport noise corridor</i>. This tool is available at the Department of Local Government and Planning website (http://www.dlgp.qld.gov.au/building/transport-noise-corridor-search-tool.html) and allows searches on a registered lot number and/or property address to determine whether and how the QDC applies to the land.</p> <p>Pursuant to Section 580 of the <i>Sustainable Planning Act 2009</i> it is a development offence to contravene a development approval, including any condition in the approval.</p> <p>Pursuant to Section 80 of the <i>Transport Infrastructure Act 1994</i>, the construction, augmentation, alteration or maintenance of a public utility plant on a state-controlled road reserve, must be in accordance with the Department of Transport and Main Roads' requirements.</p>



INFORMATION ATTACHMENT TO CONCURRENCE AGENCY RESPONSE**Representations on Referral Agency Response**

If the applicant intends to make a representation to the Department of Transport and Main Roads (the department) regarding the attached concurrence agency response, the applicant needs to do this before the assessment manager decides the application. The assessment manager cannot decide the application before 10 business days after receiving the final concurrence agency response, pursuant to section 318(5) of the *Sustainable Planning Act 2009* (SPA).

The applicant will need to give the assessment manager written notice under section 320(1) of SPA to stop the decision-making period to make a representation to the department and subsequently contact the department to make the representation. The decision making period cannot be stopped for more than 3 months.

Planning and Environment Court Appeals

If an appeal is lodged in the Planning and Environment Court in relation to this application, the appellant must give written notice of the appeal to the department under Section 482(1) of the SPA. This notice should be forwarded to the Planning Law Team, Planning Management Branch, Department of Transport and Main Roads, GPO Box 213, Brisbane QLD 4001 within 2 days if the appeal is started by a submitter, or otherwise within 10 business days after the appeal is started.

Department of State Development, Infrastructure and Planning



Our Reference: F11/12657
 Your reference: MC.Bd211/00077

Department of
 Local Government and Planning

24 April 2012

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

SCENIC RIM REGIONAL COUNCIL	
File No:	MC.Bd211/00077
27 APR 2012	
Doc. Set No:	PUBA
Resp. Officer:	DA Admin
2. CREAT	3.

Attention: David Mak

xvcf

Dear Mr Barke

RE: Concurrence agency's response under s285 of the Sustainable Planning Act 2009 (SPA)

I refer to the development application received by this office on 12 October 2011 seeking the Chief Executive of the (former) Department of Local Government and Planning's (DLGP) referral agency response for the following application:

- | | |
|------------------------------|--|
| Assessment Manager: | Scenic Rim Regional Council |
| Council Reference No: | MC.Bd211/00077 |
| Applicant: | Santoshi Development Consultants Pty Ltd |
| Location: | Part of 6794 Mt Lindesay Highway, Gleneagle
(Part of Lot 180 on WD5375) |
| Proposed Development: | <ul style="list-style-type: none"> • Preliminary Approval (s242) for a Material Change of Use (Urban Residential Purposes) overriding the planning scheme; and • Development Permit for Reconfiguring a Lot (1 lot into 58 lots plus balance lot and open space lot) |
| Referral Triggers: | <p>Schedule 7, table 3, item 24 - Development for which preliminary approval is sought under the Sustainable Planning Act 2009, section 242; and</p> <p>Schedule 7, table 2, item 39 - Regional Plans - Reconfiguration of a Lot to which division 3 of the SPRP for the SEQ region applies.</p> |

63 George Street
 PO Box 15009
 City East Queensland 4002
 Telephone +61 7 3237 1770
 Facsimile +61 7 3235 4563
 Website www.dlgp.qld.gov.au

ABN 25 066 523 889

The Chief Executive of the DLGP, triggered as a concurrence agency for this application for the reasons listed above, provides the following advice:

Workability of the proposed Avondale Waters Plan of Development

The Department has identified a number of errors and inconsistencies within the proposed Plan of Development. These include the following:

1. Incorrect references to accompanying plans (i.e. Plan No. SDC 1000-208C and SDC 1000-209 are either incorrectly referenced or have not been submitted with the application).
2. The 'Overview' states that the Code of Development applies to Lot 180 WS5375, rather than 'part of Lot 180 WD5375'.
3. The Preliminary Approval does not clearly identify all precincts proposed within Stage 1. It is noted that a parkland lot is proposed to be created as part of Stage 1 and as such, should be included in a suitable land use precinct (e.g. open space precinct). The proposed Plan of Development should clearly identify all precincts within Stage 1 spatially and with corresponding levels of assessment and development criteria for future uses.

The Assessment Manager should ensure that the Preliminary Approval provides clarity and ease of workability for future development. To this end, the aspects of the proposal that seek to vary the effect of the planning scheme should ideally be contained entirely within one document package.

Beaudesert Local Development Area

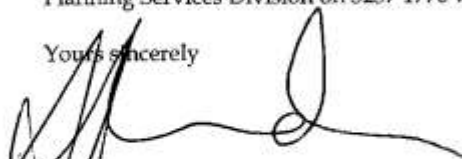
Division 2.2, Table 2F, Column 2 of the *SEQ Regional Plan 2009-2031 Regulatory Provisions* requires that development within a Development Area is consistent with the future planning intent for the area.

The Department is aware that a structure plan for Beaudesert is currently being prepared by Scenic Rim Regional Council. Council's attention is drawn to the Local Development Area plan content guidelines set out in *DRO 8.1 - Development Area Delivery*, to ensure that the principles and policies of the SEQ Regional Plan with respect to Development Areas are considered for Beaudesert.

Council should only approve the application if it is satisfied that the application does not conflict with the future planning intent for the Beaudesert Local Development Area.

If you require any further information, please contact Dane Burrows, Project Officer,
Planning Services Division on 3237 1770 who will be pleased to assist.

Yours sincerely



AMY MARSDEN
Director Statutory Planning
Planning Services Division
Growth Management Queensland

CC to: Santoshi Development Consultants Pty Ltd
C/- Deepak Kumar
PO Box 986
North Lakes Qld 4509

Department of Natural Resource and Mines referral agency response

Notice

Referral Agency Response

This notice is issued by the Department of Natural Resources and Mines (DNRM) pursuant to section 287 and section 292 of the Sustainable Planning Act 2009 ("the Act").

Santoshi Development Consultants Pty Ltd
PO Box 986
NORTH LAKES Q 4509

Attention: Deepak Kumar

Reference: SDC 1000

cc. Chief Executive Officer
Scenic Rim Regional Council
PO Box 25
BEAUDESERT QLD 4285

Attention: David Mak

Reference: MC.Bd211/00077


Our reference: IC0212BEE0010_SR14051_486330

1. Application Details

Date application referred to former DERM:	7 February 2012
Development approval applied for:	Combined preliminary approval and development permit
Development descriptions:	Preliminary Approval – Material Change of Use pursuant to section 242 of the <i>Sustainable Planning Act 2009</i> to vary the effect of the local planning instrument Development Permit – Reconfiguration of a Lot for the creation of 54 Residential allotments, one (1) open space lot and a balance Emerging Communities Precinct Lot
Aspects of development:	Material Change of Use – Clearing Vegetation - <i>Sustainable Planning Regulation 2009</i> – Schedule 7, Table 3, Item 10 Material Change of Use – Land in or Near a Wetland - <i>Sustainable Planning Regulation 2009</i> – Schedule 7, Table 3, Item 21 Reconfiguring a Lot – Clearing Vegetation – <i>Sustainable Planning Regulation 2009</i> – Schedule 7, Table 2 Item 4 Reconfiguring a Lot – Land in or Near a Wetland – <i>Sustainable Planning Regulation 2009</i> – Schedule 7, Table 2, Item 43
Property/Location description:	6794 Mt Lindesay Highway, Gleneagle (Part of Lot 180 WD5375)

Notice
Referral Agency Response

2. The Chief Executive, Department of Natural Resources and Mines (DNRM), as a referral agency for the application, advises that a response for each of the referral agency jurisdictions has been made and is attached.
- 2.1 Concurrence Jurisdictions
- 2.1.1 Clearing Vegetation
- (Sustainable Planning Regulation 2009 – Schedule 7, Table 2, Item 4 and Schedule 7, Table 3, Item 10)
- Conditions must attach to any development approval, and those conditions are attached to this Notice.
3. The Chief Executive, administering the *Environmental Protection Act 1994*, as a referral agency for the application, advises that a response for each of the referral agency jurisdictions has been made and is attached.
- 3.1 Advice Jurisdiction
- 3.1.1 Land in or near a Wetland
- (Sustainable Planning Regulation 2009 – Schedule 7, Table 2, Item 43 and Schedule 7, Table 3, Item 21)
- Recommendations have been made to the Assessment Manager and those recommendations are attached to this Notice.
4. **General advice to assessment manager**
- Pursuant to sections 334 and 363 of the Act, a copy of a decision notice or negotiated decision notice issued by the assessment manager must be forwarded to DNRM as a referral agency for the relevant application at *PO Box 1164, BEENLEIGH QLD 4207* and an electronic copy to palm@ehp.qld.gov.au.
- The State's Native Title Work Procedures provide that responsibility for assessment of native title issues for an IDAS application rests with the assessment manager. Therefore, DNRM as a referral agency for the relevant application has not provided notification to native title parties.


Delegate:
Jillyan Kelly
A/Senior Planning Officer
Regional Planning and Coordination
Land Services, South Region

7 November 2012

Enquiries:
Taylor Edwards
Graduate Planning Officer
Land Services, South Region
Department of Natural Resources and Mines
32 Tansey Street, Beenleigh QLD 4207
PO Box 1164, Beenleigh QLD 4207
Phone: (07) 3884 8041
Fax: (07) 3884 8024
Email:
DACoordinationSEQSouth@dnrm.qld.gov.au

Attachments - Concurrence Agency Response - Vegetation Clearing – Ref: 2012/001014
- Advice Agency Response – Land in or Near a Wetland – Ref: IC0212BEE0010



Sustainable Planning Act 2009

DNRM Permit ¹ number: eLVAS 2012/001014 Trackjob IC0212BEE0010

Assessment manager reference:	MC.Bd211/00077
Date application received:	7 February 2012
Permit type:	Concurrence Agency Response
Property/Location description:	Lot 180 on WD5375 – 6794 Mt Lindesay Highway, Gleneagle – Scenic Rim Regional Council
Date of decision:	5 November 2012
Decision:	DNRM recommends approval with conditions. The conditions included in this Notice must attach to any development approval given by the Assessment Manager
Relevant laws and policies:	<p><i>Sustainable Planning Act 2009.</i></p> <p><i>Vegetation Management Act 1999.</i></p> <p>Concurrence Agency Policy for Material Change of Use, dated 21 October 2009.</p> <p>Concurrence Agency Policy for Reconfiguring a Lot, dated 21 October 2009.</p> <p>State Policy for Vegetation Management.</p>
Jurisdiction(s):	<p>Reconfiguring a lot - Clearing vegetation under the <i>Sustainable Planning Regulation 2009</i> - Schedule 7, table 2, item 4.</p> <p>Material Change of Use - Clearing vegetation under the <i>Sustainable Planning Regulation 2009</i> - Schedule 7, table 3, item 10.</p>

¹ Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Department of Environment and Resource Management.

DNRM Permit ¹ number: eLVAS 2012/001014 Trackjob IC0212BEE0010

Reason(s) for inclusion of conditions

The conditions are included pursuant to section 287 of the *Sustainable Planning Act 2009*.

In accordance with section 289 of the *Sustainable Planning Act 2009*, the reason(s) for inclusion of conditions stated in this permit required by the concurrence agency response for the application are detailed below in the Statement of Reasons.

Words underlined in the conditions are defined in the section below entitled 'Definitions'.

CONDITIONS

1. No clearing as a result of the material change of use/reconfiguring of Lot 180 on WD5375 is to occur within Area A identified on Referral Agency Response (Vegetation) Plan RARP 2012/001014.
2. No structures or infrastructure as a result of the material change of use/reconfiguring of Lot 180 on WD5375 are permitted within Area A.
3. No structures or infrastructure as a result of the material change of use/reconfiguring of Lot 180 on WD5375—other than roads and underground services—are to be located within Area B identified on RARP 2012/001014.
4. No allotment boundaries as a result of the material change of use/reconfiguring of Lot 180 on WD5375 are to be located in or within 10 metres of Area A.
5. Any clearing or activities associated with clearing must not adversely impact on remnant vegetation.
6. Land clearing debris must not be pushed into gullies, watercourses, other drainage lines or waterlogged areas
7. All disturbed soil and excavated soil must either be contained within the construction boundary or alternatively securely stockpiled or respread in a location where its placement will not result in the clearing of vegetation that is regulated under the *Vegetation Management Act 1999*.
8. The Applicant must ensure that a copy of the development approval conditions, development permit, and any other documents required for the management of vegetation are provided to the principal contractor prior to the commencement of land-disturbing activities.
9. The Applicant shall ensure that any and all employees, contractors, subcontractors, agents or any other person engaged or employed to carry out the clearing of any vegetation under this permit comply at all times with the requirements of this permit and do not clear any vegetation that is not approved to be cleared under this permit.

END OF CONDITIONS

Definitions

- "Clear", "Cleared", "Clearing" for vegetation means clear as defined under the *Vegetation Management Act 1999* and as amended from time to time.

DNRM Permit¹ number: eLVAS 2012/001014 Trackjob IC0212BEE0010

- “Clearing as a result of the material change of use/reconfiguring” means clearing as a result of the Material Change of Use (MCU) and clearing as a result of the Reconfiguring a Lot (RaL) as defined in the current Concurrence Agency Policies.
- “Infrastructure” – includes roads and excavation for civil works and other fixtures. It includes geotechnical infrastructure or measures used to stabilise excavation areas such as, but not limited to, retaining walls, earthwork batters and shoring works.
- “Remnant vegetation” means remnant vegetation as defined under the *Vegetation Management Act 1999* and as amended from time to time.
- “Structures” includes—but is not limited to—any building, shed, pergola, gazebo, wall, fence, pillar, post and pool.
- “Vegetation” means vegetation as defined under the *Vegetation Management Act 1999* and as amended from time to time.

Statement of Reasons

The following Statement of Reasons is provided pursuant to section 289(1) of the *Sustainable Planning Regulation 2009*.

1. INTRODUCTION

- 1.1 The Department of Natural Resources and Mines (DNRM), formerly Department of Environment & Resource Management received an application from Santoshi Development Consultants P/L on 20 January 2012.
- 1.2 The application was properly made on 7 February 2012.
- 1.3 Information Request (IR) period extended 20 February 2012.
- 1.4 Information Request issued 6 March 2012.
- 1.5 Response to IR received 12 September 2012.
- 1.6 Referral Agency Response (RAR) assessment period extended 8 October 2012.
- 1.7 Delegate determined the RAR for VMA matters on 5 November 2012.

2. EVIDENCE

- 2.1 Application and common material therein received from Santoshi Development Consultants P/L on 20 January 2012.
- 2.2 Smartmap.
- 2.3 Vegetation Information Network (VIN).
- 2.4 Electronic Land & Vegetation Administration System (eLVAS).
- 2.5 *Vegetation Management Act 1999* (VMA).

DNRM Permit ¹ number: eLVA5 2012/001014 Trackjob IC0212BEE0010

- 2.6 *Sustainable Planning Act 2009 (SPA).*
- 2.7 *Sustainable Planning Regulation 2009 (SPR).*
- 2.8 *State Policy for Vegetation Management.*
- 2.9 Natural Resource (SPA) Delegation (No. 2) 2012.
- 2.10 Regional Ecosystem (RE) map Version 6.1.
- 2.11 Aerial photographs (2011).
- 2.12 Applicant's response to the Information Request.

3. FINDINGS OF FACT

- 3.1 The application is for a *preliminary approval for a MCU to override the planning scheme pursuant to section 242 Sustainable Planning Act 2009 and a development approval for a RaL to create 54 residential lots, one (1) open space lot and a balance Emerging Communities Precinct Lot on Lot 180 on WD5375.*
- 3.2 Smartmap indicates the land tenure for Lot 180 on WD5375 is Freehold.
- 3.3 VIN and eLVA5 indicate no PMAV has been certified on Lot 180 on WD5375.
- 3.4 RE mapping indicates the subject lot is mapped with:
 - 3.4.1 Remnant endangered RE12.8.24;
 - 3.4.2 High Value Regrowth (HVR) containing an endangered RE and of concern RE; and
 - 3.4.3 Non-remnant vegetation.
- 3.5 The application was referred to DNRM as a Concurrence Agency for VMA matters based on the subject lot being mapped with a remnant endangered regional ecosystem.
- 3.6 A plan submitted with the application indicated clearing of mapped remnant endangered vegetation may occur as a result of the development, and that development was proposed on an adjacent lot not identified on the IDAS forms or Acknowledgement Notice.
- 3.7 The applicant was requested via an information request to confirm/provide the following information:
 - 3.7.1 Confirm the lots subject to the application. Submitted IDAS Form 1 and council's Acknowledgement Notice indicated the land subject to the application was Lot 180 on WD5375. However, the submitted application material indicated the subject land also included Lot 1 on SP224392.
 - 3.7.2 Confirm the boundaries of the proposed development. The application indicates Lot 180 on WD5375 is proposed to be subdivided into Stage 1 (54 residential allotments), one (1) open space lot and a balance Emerging Communities Precinct Lot.
- 3.8 Applicant's response to the information request provided the following information:
 - 3.8.1 Confirmation that Lot 1 on SP224392 is not subject to the current MCU/RaL application and that the application is for Stage 1 only of the development;

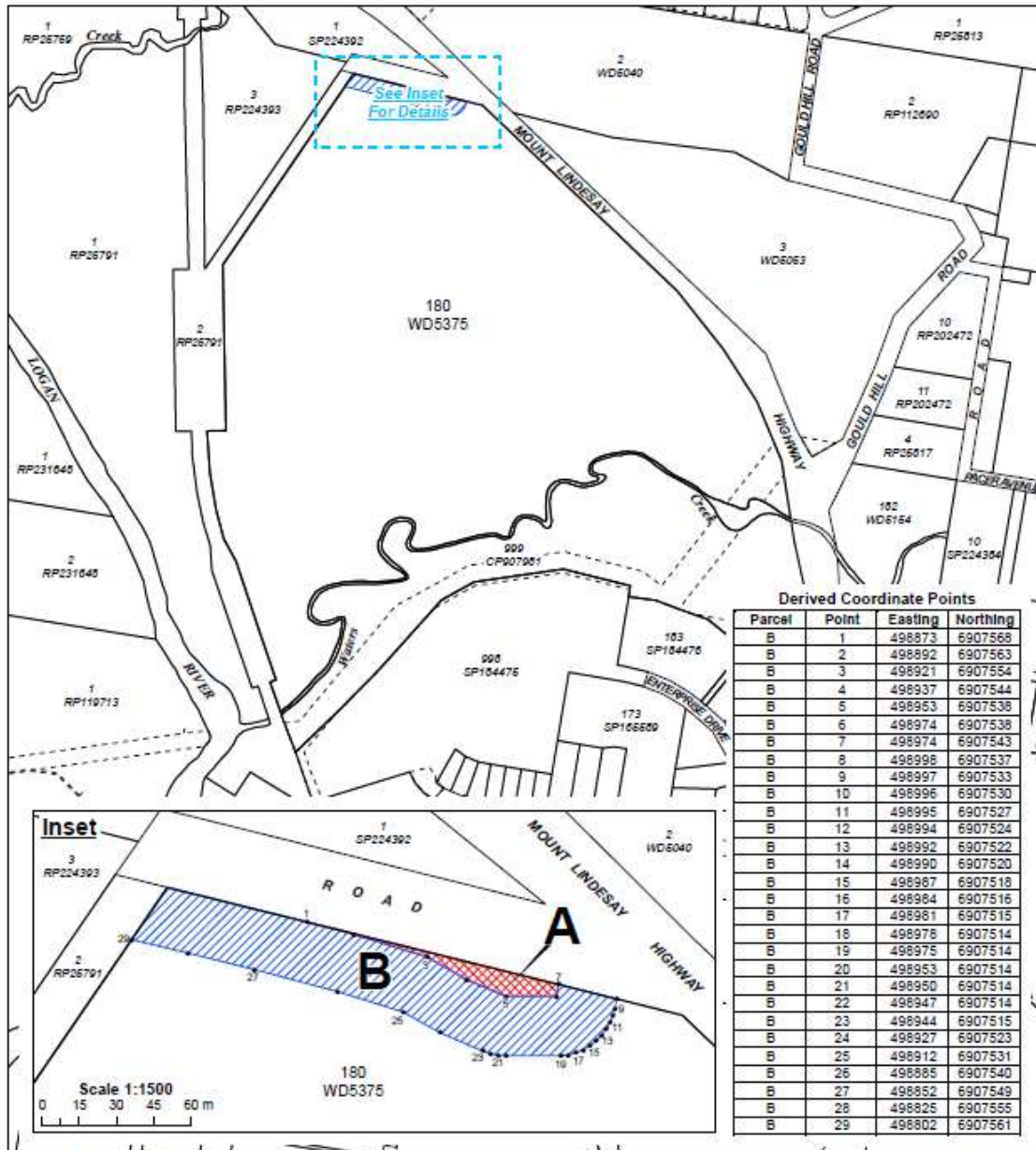
DNRM Permit ¹ number: eLVAS 2012/001014 Trackjob IC0212BEE0010

- 3.8.2 Two site plans that conflicted in representation of Stage 1 of the development. Both plans however provided a general representation of the boundary of the Emerging Community zone.
- 3.9 All clearing as a result of the MCU/RaL is taken into consideration during assessment. This includes, but is not limited to potential and proposed clearing for firebreaks, fence lines, roads and utility services and other exemptions provided within SPR. Where buildings are located close to allotment boundaries, assessment of potential clearing for firebreaks on adjoining allotments will be undertaken.
- Clearing of remnant vegetation as a result of the MCU/RaL that may occur through soil erosion and sediment runoff, bulk earthworks and batters, geo-technical structures, and inadequate management of stormwater runoff prior, during and post-construction is also taken into consideration.
- 3.10 The application, with conditions, complies with Criteria Table A of the policies – clearing of assessable vegetation will not occur as a result of the MCU/RaL.
- 3.11 Assessing officer finds the application complies (with conditions) with the *Concurrence Agency Policy for Material Change of Use* and *Concurrence Agency Policy for Reconfiguring a Lot*, dated 21 October 2009, and as such achieves the purposes of the *Vegetation Management Act 1999*.
- 3.12 Based on the above findings DNRM recommends approval.

**Patrina Birt**Delegate, Chief Executive administering the *Vegetation Management Act 1999*.

Department of Natural Resources and Mines

5 November 2012



Scale 1:6000 at A3 paper size

0 100 200 300 400 500 600 m

Projection: UTM (MGA Zone 56) Datum: GDA94

Note: The property boundaries shown on this plan are APPROXIMATE ONLY. They are NOT an accurate representation of the legal boundaries.
 Note: Derived Coordinate Points are provided to aid in the location of the Referral Agency Response boundaries. Responsibility for locating these boundaries lies solely with the landholder and delegated clearing contractor(s). All Derived Coordinate Points continue sequentially when labels are missing.
 Note: This is a colour plan and should only be reproduced in colour.
 Note: This plan must be read in conjunction with Referral Agency Response 2012/001014.

LEGEND * Derived Coordinate Point. □ Subject Lot. Area A - Specific Conditions Apply. See Referral Agency Response 2012/001014 for Details. Area B - Specific Conditions Apply. See Referral Agency Response 2012/001014 for Details.	Referral Agency Response (Vegetation) Plan Plan of Areas A and B in Lot 180 on WD5375 Trackjob No. IC0212BEE0010		 Queensland Government
	CENTRE: IPSWICH REGION: SOUTH LOCALITY: GLENEAGLE LGA: REGIONAL COUNCIL OF SCENIC RIM		
Map Reference: 9442 Keeper Reference: SER/002248	For data compilation sources see SER/002248/GIS Prepared by: NWP Date: 8 October 2012	RARP 2012/001014	

Notice

Advice Agency Response - Referable Wetland - IC0212BEE0010

This notice is issued by the administering authority pursuant to section 292 of the Sustainable Planning Act 2009.

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

Attention: David Mak

Reference: MC.Bd211/00077

Santoshi Development Consultants Pty Ltd
PO Box 988
NORTH LAKES Q 4509

Attention: Deepak Kumar

Reference: SDC 1000

Our Reference: IC0212BEE0010_SR14051_486330

Re: Advice Agency Response

1. Application Details

Date properly referred: 7 February 2012

Development approval applied for: Combined preliminary approval and development permit

Aspect of development: Reconfiguring a Lot if – (a) any part of the land is situated in a wetland management area; and (b) the reconfiguration results in more than 6 lots, or any lot created is less than 5ha

Sustainable Planning Regulation 2009 - Schedule 7, Table 2, Item 43

AND

Material Change of Use, other than for a domestic housing activity, if any part of the land is situated in a wetland management area

Sustainable Planning Regulation 2009 - Schedule 7, Table 3, Item 21

Development description: Preliminary Approval – Material Change of Use pursuant to section 242 of the *Sustainable Planning Act 2009* to vary the effect of the local planning instrument

Development Permit – Reconfiguration of a Lot for the creation of 54 Residential allotments, one (1) open space lot and a balance Emerging Communities Precinct Lot

Property/Location description: 6794 Mt Lindesay Highway, Gleneagle (Part of Lot 180 WD5375)

Recommendation

The Chief Executive, administering the Environmental Protection Act 1994, makes the following recommendation to the assessment manager:

Wetland:

Notice
Advice Agency Response

The assessment manager should consider the potential impacts of the proposed development on wetland values, including the water quality, natural hydrological flows and ecological functioning of the wetland. Development should meet the following outcomes:

- **Maintain ecological values of the wetland.** There is no loss of wetland habitat and adverse impacts on the functioning and integrity of a wetland from development are avoided. A report prepared and certified by an appropriately qualified professional may assist the assessment manager to consider the impacts of the development on the ecological values and functioning of the wetland. If adverse impacts are unavoidable, the assessment manager is encouraged to ensure that the values lost are offset in order to achieve an environmental outcome equal or better than the wetland values that are impacted. Refer to section 81A of the Environmental Protection Regulation 2008 for the list of wetland values.

Where a wetland management area is mapped as being of 'high ecological significance under the Queensland Coastal Plan it should be assessed against State Planning Policy 3/11: Coastal Protection (SPP3/11). Refer to policy 3 *Nature Conservation* in SPP 3/11.

- **Maintain wetland water quality.** The water quality of any waters in and linked to the wetland is maintained and managed to protect the environmental values of the wetland, and to ensure that the water quality objectives listed under Schedule 1 of the *Environmental Protection (Water) Policy 2009* are achieved.
- **Maintain wetland water regime.** The existing water regime (including surface and groundwater) within and linked to the wetland is maintained and managed to protect existing natural hydrological processes within the wetland ecosystem. This includes safeguarding natural fluctuations in size and location of the wetland, and retaining and allowing for regeneration of native vegetation.

To ensure that the proposed development is able to meet the above outcomes, the assessment manager is encouraged to consider the requirement for a buffer area between any proposed works and the wetland. A wetland buffer has two components:

- a support area adjacent to the wetland that maintains and supports the environmental values of the wetland; and
- a separation area around the support area that protects the wetland from external threats such as sediment and nutrient discharge from surrounding landuse.

Buffer distances should be maximised in order to maintain existing biodiversity values, habitat connectivity and to minimise edge effects. Unless otherwise determined by a suitably qualified professional, the following buffer widths are accepted by the Department of Environment and Heritage Protection as precautionary buffer widths likely to absorb impacts from external uses.

- within urban areas, a minimum 50m buffer to wetland
- outside of urban areas a minimum 200m buffer to wetland

Note: The Queensland Wetland Buffer Planning Guideline (2011) should be referred to when planning detailed buffer design to position development, determine any alternative buffer widths and establish operating measures that avoid adverse impacts on a wetland.

Where required, revegetation of the buffer is recommended using native species representative of the pre-clearing regional ecosystem, with preference given to endemic species. Plants should be of local provenance where possible. A rehabilitation/ revegetation management plan including weed management strategies may assist in determining the rehabilitation requirements for the development. Conditioning of any

Notice
Advice Agency Response

approval with building or development envelope(s) may also be a useful way to give formal effect to any required buffer area.

The assessment manager should consider requiring applicants to provide a Stormwater Management Plan to demonstrate how stormwater, sediment and other run-off from the site (associated with the construction and operational phases of development) will be effectively managed to prevent adverse impacts on wetland values. Potential impacts are to be addressed through water sensitive urban design including compliance with *South East Queensland Regional Plan 2009-2031 Implementation Guideline No. 7: Water sensitive urban design – design objectives for urban stormwater management*. For areas outside of the South-east Queensland Regional Plan area any approval should recognise the requirements of The Urban Stormwater Quality Planning Guidelines 2010.



Delegate:
Jillyan Kelly
A/Senior Planning Officer
Regional Planning and Coordination
Land Services, South Region

7 November 2012

Enquiries:
Taylor Edwards
Graduate Planning Officer
Land Services, South Region
Department of Natural Resources and Mines
32 Tansey Street, Beenleigh QLD 4207
PO Box 1164, Beenleigh QLD 4207
Phone: (07) 3884 8041
Fax: (07) 3884 8024
Email:
DACoordinationSEQSouth@dnrm.qld.gov.au

Energex advice agency response

1

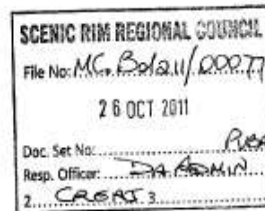
24 October 2011



Santoshi Development Consultants Pty Ltd
 PO Box 986
 North Lakes QLD 4509

Attention: Deepak Kumar

cc: Scenic Rim Regional Council
 PO Box 25
 Beaudesert QLD 4285
 Attention: David Mark



K. REF

Dear Deepak,

Development Application A Preliminary Approval for a Material Change of Use to vary the effect of the Local Planning Instrument and the Reconfiguration of a Lot being for the creation of 54 Residential lots, 1 open space lot and a balance Emerging Communities Precinct Lot over land at 3794 Mt. Lindsay Highway, Gleneagle described as Part of Lot 180 on WD5375
 Applicant Ref: SDC1000
 Council Ref: MC.Bd211/00077
 Our Ref: HBD 2138652 260892

We refer to your correspondence regarding the above proposal.

ENERGEX Limited acting as an Advice Agency **approves** the proposed Material Change of Use and Reconfiguration of a Lot, subject to the following conditions:

1. Access to the easement and access along the easement must be available to ENERGEX personnel, including vegetation crews and regular routine line inspection crews, and heavy equipment, such as Heavy Trucks, Machinery and Cranes for construction, maintenance and emergency services, at all times.
2. Existing access tracks must be re-instated, repaired or maintained if they are damaged during construction or other activities.

Reference: HBD 2138652 260892

Did you know ENERGEX has a referral website?
http://www.energex.com.au/network/referral_agency.html



Enquiries
 Kirsten Sellers
 Telephone
 (07) 3664 4815
 Facsimile
 (07) 3664 0430
 Email
 kirstensellers
 @energex.com.au

Corporate Office
 26 Redda 4th Street,
 Newstead QLD 4006
 GPO Box 1461
 Brisbane QLD 4001
 Telephone (07) 3664 4000
 Facsimile (07) 3035 8301
 www.energex.com.au

ENERGEX Limited
 ABN 40 076 848 055

3. ENERGEX will require the Developer / owner to supply and install gates where fencing prohibits access to and along the easement area. To enable travel along the easement at anytime the gates must be series locked with an ENERGEX padlock. Both the padlock and a design drawing of an acceptable gate will be provided by ENERGEX.
4. Lighting structures are not permitted in the easement without prior written consent of ENERGEX. Lighting designs for proposed developments on the easement are likely to require reduced height structures. Please submit detailed design to ENERGEX for approval. These drawings must clearly show the following;
 - a. Proposed height of the lighting structures and the ground level at the structure base,
 - b. Relative (to lighting structures) ground levels at ENERGEX structures (towers, pole etc) either side of the lighting structures, and
 - c. The location of the ENERGEX structures in relation to the proposed lighting
5. Pools and structures (including lighting structures) or metal fences are not permitted to be installed on or near ENERGEX easement without prior approval or notification.
6. Rubbish, materials and / or tall equipment such as cranes and excavators are not permitted to be stored or used on the easement.
7. Excavations or mounding of material under or close to conductors or ENERGEX structures is not permitted.
8. ENERGEX must be notified of construction on or near the easement, conductors or structures prior to commencement of construction.
9. All construction work must be clear of the easement unless construction risk hazard is identified. High voltage clearances must be maintained prior to construction commencing.
10. Warning signs may be required during and after construction.
11. Consideration must be given to the type of vegetation planted in Park Areas within and near the ENERGEX easement. Any proposal for landscaping on the easement must have prior approval from ENERGEX. Please submit the relevant landscaping design to Principal Mains Design Engineer for approval. When considering landscape designs the planting of trees must be kept to the edges of the easement and not under any overhead conductors. When mature, plants or trees must not grow in excess of 3.5 metres in height. If pertinent the ENERGEX Guide to "Powerline Friendly Plants" will be enclosed, please refer to this Guide for recommended species.
12. At all times the following clearance must be maintained from the top of any machinery moving in the vicinity of energised conductors:
 - a. 132kV and 110kV conductors – 4.5m minimum clearance
 - b. 33kV and 11kV conductors – 3m minimum clearance
 - c. Should it be necessary to transport equipment or extend any equipment, such that these clearances cannot be confidently maintained, you are required to contact our office to ascertain whether a Safety Officer is required on-site. All operators of machinery are to be made aware of the presence of high voltage conductors.

Reference: HBD 2138652 260892

Did you know ENERGEX has a referral website?
http://www.energex.com.au/network/referral_agency.html

4

- Proposed underground services such as stormwater, sewerage, water and the like are to be kept to the outer edge of the easement. Services crossing the easement should be as near as practicable to right angles to the overhead conductor direction and not within 10 metres of any tower, pole or stay. **Pipelines and crossings are to be clearly marked.** Please submit the relevant design drawings to the Principal Mains Design Engineer for review.

The identification, assessment and mitigation of any possible hazards in the service due to electromagnetically induced voltages, is the responsibility of the Developer.

- Any cut in the vicinity of a structure or between a structure and the road kerb will need to be stabilised by a retaining wall. The retaining wall design and location is to be submitted to ENERGEX for approval.
- Any costs incurred by ENERGEX as a result of the works on the easement are to be met by the property Developer / owner.

Should you require any further information on the above matter, please contact Tom Sexton on (07) 3664 5766.

Yours faithfully,



for Kirsten Sellers
Senior Town Planner
Network Development and Property Department
ENERGEX Limited

Reference: HBD 2138652 260892

Did you know ENERGEX has a referral website?
http://www.energex.com.au/network/referral_agency.html

3.4 MCBd14/061 Request for a Negotiated Decision Notice pursuant to section 361 of the Sustainable Planning Act 2009 to negotiate 4 conditions of the stated approval for MCBd14/061 Shopping Centre (Business Use) Urban Planning Services Pty Ltd Lot 1 SP268147

Executive Officer: Director Regional Services

Item Author: Manager Planning

File Reference: MCBd14/061

Applicable Planning Scheme	MCU – Beaudesert Shire Planning Scheme 2007
Applicant	Urban Planning Services Pty Ltd
Owner(s)	Beaudesert Project Pty Ltd ATF Beaudesert Project Unit Trust
Site Address	1-33 Tamborine Mountain Road TAMBORINE
Real Property Description	Lot 1 SP268147
Site Area	3.224 Ha
Relevant Zone and Precinct	Rural Zone Village Precinct
Proposal	A Request for a Negotiated Decision Notice pursuant to section 361 of the <i>Sustainable Planning Act 2009</i> to negotiate four conditions of the stated approval for MCBd14/061
Assessment Level	Impact Assessment Shopping Centre (Business Use)
Approval Type	Development Permit
Date Application Received:	Date original Application lodged 22 July 2014 Negotiated Decision Notice request received 17 April 2015

Purpose of Report

The purpose of this report is to correct an error in the 'Conditions of Approval' in the agenda report of Council's May 2015 meeting for a Negotiated Decision Notice of a Development Permit for a Material Change of Use for a Shopping Centre (Business Use) on land located at 1-33 Tamborine Mountain Road, Tamborine and described as Lot 1 on SP268147.

Risks

Strategic Risks

The following Level 1 and Level 2 (strategic) risks are relevant to the matters considered in this report:

- CF6 - Failure to comply with statutory obligations and responsibilities;
- CE2 - Failure to discharge regulatory responsibilities under legislation or local law;
- CE5 - Failure to ensure regulatory applications are managed, assessed and processed in accordance with legislative timeframes and protocols;
- PO2 - Political influence impacting on operational management of organisation.

Risk Assessment

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment of risks	Residual Risk Rating
Environmental Impacts on environment as a result of development activity	Moderate	Unlikely	Medium	Environmental impacts considered and documented during assessment	Low
Legal Compliance and Liability Failure to ensure application is assessed in accordance with IDAS process	Minor	Possible	Medium	Documented assessment process	Low
Legal Compliance and Liability Opportunity for applicant or third party appeal against Council decision	Minor	Possible	Medium	→ Ensure reasonable and relevant test applicable to assessment processes → Model Litigant processes followed in court cases → Minimise opportunities for appeals	Low
Reputation Negative perception from community or development proponents	Minor	Unlikely	Low	→ Transparent reporting of assessment → Communications	Low

Brief Summary

Council was in receipt of a request for a Negotiated Decision Notice pursuant to section 361 of the *Sustainable Planning Act 2009* on 17 April 2015. The application was initially lodged and approved under the *Sustainable Planning Act 2009* and this current request for a negotiated decision notice was approved in part at the Ordinary Meeting held on 26 May 2015, subject to amendments.

The last agenda report contained an error in the *Conditions of Approval* which is being corrected through this report for Council's endorsement.

The "**CONDITION 14) UPGRADING OF LEACH ROAD**" had the modified condition inserted as the recommended approved condition in the *Conditions of Approval* in lieu of the correct approved condition that was to be retained as discussed in that report.

The condition is being corrected via this report.

Background

On 24 February 2015, Council resolved to approve an application seeking an approval for a Development Permit for a Material Change of Use (Impact - Assessment) for a Shopping Centre (Business Use) on land described above subject to conditions.

Subsequent to the issuing of this development approval the applicant requested Council to amend *Condition 2 - Amended Car Park Plan, Condition 14 - Upgrading of Leach Road, Condition 21 - Stormwater Drainage* and the *Condition 23 - Stormwater Quality Management Plan* of the granted approval. Council officers assessed the Applicant's request and partly supported the representations made to have the requested conditions amended and to further issue a Negotiated Decision Notice.

The Applicant's request involved amending four conditions of the approval. The conditions requested to be negotiated included the following:

- *Condition 2 - Car Park Plan - condition requested to be amended*
- *Condition 14 - Upgrading of Leach Road - condition requested to be amended*
- *Condition 21 - Stormwater Drainage - condition requested to be deleted*
- *Condition 23 - Stormwater Quality Management Plan - condition requested to be deleted*

The request for a negotiated decision notice was approved in part at the Ordinary Meeting held in May 2015, as follows:

- *Condition 2 - Amended Car Park Plan - condition approved to be amended*
- *Condition 14 - Upgrading of Leach Road - condition approved to be retained*
- *Condition 21 - Stormwater Drainage - condition approved to be retained*
- *Condition 23 - Stormwater Quality Management Plan - condition approved to be deleted.*

Therefore, the conditions of approval read as follows:

- 2) **CAR PARK LAYOUT** - The use of the DTMR road reserve for vehicle parking is not permitted, unless written consent from the land owner is obtained. The Applicant is to ensure that the number of vehicle parking spaces is consistent with Condition 17. This may require amendments to Site Plan - 4.2, Car Park - Detailed Layout plans (Car Park Plan - Area A 4.5, Area B - 4.6 and Area C - 4.7 prepared by BDA architecture, dated October 2014) should consent to use the DTMR road reserve car parking area not be obtained.

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

- 14) **UPGRADING OF LEACH ROAD** - *Upgrading works are required for the half road width of the full frontage of the development area and any extent beyond the frontage so as to meld with the existing road and kerb and channel generally consistent with Sedgman Consulting Leach Road Upgrade plan (Drawing No.; YC0482-SK09 Revision B).*

These works are to be designed and constructed in accordance with all parts of the Austroads "Guide to Road Design" and Scenic Rim Regional Council Standards. The design and construction of the road works shall include road widening to allow for two (2) 3.5m lanes, one 2.9m manoeuvring area, 5.4m parallel car parking spaces and barrier kerb and channel on the development side of Leach Road, parallel parking on the opposite side of Leach Road (for the length of the frontage of the development), footpath works on the development side of Leach Road for the full frontage of the development, pavement works, drainage works in accordance with the Queensland Urban Drainage Manual (QUDM), line-marking and all necessary traffic signage in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) as and where required. The works required by this condition are to be completed prior to the commencement of the approved use.

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

- 21) **STORMWATER DRAINAGE** - The Developer is to make provision for the discharge of stormwater drainage flows to a legal point of discharge. The Developer shall provide all necessary stormwater drainage; such drainage works shall be designed and constructed in accordance with the Queensland Urban Drainage Manual (QUDM) and demonstrate "no worsening" downstream of the site in accordance with Council's Design and Construction Manual. The stormwater system is to manage stormwater runoff to avoid any increase in peak flow impacts to downstream properties.

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

The completed works are to be certified by a Registered Professional Engineer of Queensland (RPEQ) as having been constructed in accordance with good engineering practice. The works required by this condition are to be completed prior to the commencement of the use.

23) DELETE

Proposal

The following condition is to be corrected:

Condition 14 - Upgrading of Leach Road

The Condition 14 that was approved in error read as follows:

- 14) UPGRADING OF LEACH ROAD** - *Upgrading works are required for the half road width of the full frontage of the development area and any extent beyond the frontage so as to meld with the existing road and kerb and channel generally consistent with Sedgman Consulting Leach Road Upgrade plan (Drawing No.; YC0482-SK09 Revision B).*

These works are to be designed and constructed in accordance with all parts of the Austroads "Guide to Road Design" and Scenic Rim Regional Council Standards. The design and construction of the road works shall include road widening to allow for two (2) 3.5m lanes, one 2.9m manoeuvring area, 5.4m parallel car parking spaces and barrier kerb and channel on the development side of Leach Road, parallel parking on the opposite side of Leach Road (for the length of the frontage of the development), footpath works on the development side of Leach Road for the full frontage of the development, pavement works, drainage works in accordance with the Queensland Urban Drainage Manual (QUDM), line-marking and all necessary traffic signage in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) as and where required. The works required by this condition are to be completed prior to the commencement of the approved use.

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

The correct Condition 14 to be retained reads as follows:

- 14) UPGRADING OF LEACH ROAD** - Upgrading works are required for the full road width of the full frontage of the development and any extent beyond the frontage so as to meld with the existing road and kerb and channel. These works are to be designed and constructed in accordance with all parts of the Austroads "Guide to Road Design" and Scenic Rim Regional Council Standards. The design and construction of the road works shall include road widening to allow for two (2) 3.5m lanes, 2.9m manoeuvring areas, 5.4m car parking and barrier kerb and channel on the development side of Leach Road, parallel parking on the opposite side of Leach Road including kerb and channel to meld with the existing roadway (for the length of the frontage of the development), footpath works on both sides of Leach Road for the full frontage of the development, pavement works, drainage works in accordance with the Queensland Urban Drainage Manual (QUDM), line-marking and all necessary traffic signage in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) as and where required. The works required by this condition are to be completed prior to the commencement of the approved use.

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

Conclusion

Following the resolution of the matter by Council, a Negotiated Decision Notice is to be subsequently issued pursuant to section 363 of the *Sustainable Planning Act 2009* to the Applicant. All other conditions remain as approved.

Director's Recommendation

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

RPD:	Lot 1 on SP268147
Address of property:	1-33 Tamborine Mountain Road TAMBORINE
Site area:	3.224 Ha
Proposal:	A Request for a Negotiated Decision Notice pursuant to section 361 of the <i>Sustainable Planning Act 2009</i> to Negotiate four conditions of the Development Approval for MCBd14/061.

Further development permits required:

- a) A Building Works approval is required for all building works associated with the proposed development, prior to undertaking and building work on the subject property.
- b) A Plumbing and Drainage approval is required for all / any plumbing and drainage works associated with the proposed development, prior to undertaking any plumbing and drainage works on the subject property.
- c) Constructing or Interfering with a Road or its Operation Approval and a Property Access Location Approval, from Council Infrastructure Services Directorate is required prior to lodgement of a Building or Plumbing Application.
- d) An Environmental Authority for an Environmentally Relevant Activity 63 - Sewage Plant is required to be obtained from the relevant authority from the Department of Environment and Heritage Protection should sewage treatment works on site have a total daily peak design capacity of at least 21 equivalent persons (>4,000 litres per day).

2. Conditions of Approval:**General**

- 14) UPGRADING OF LEACH ROAD** - Upgrading works are required for the full road width of the full frontage of the development and any extent beyond the frontage so as to meld with the existing road and kerb and channel. These works are to be designed and constructed in accordance with all parts of the Austroads "Guide to Road Design" and Scenic Rim Regional Council Standards. The design and construction of the road works shall include road widening to allow for two (2) 3.5m lanes, 2.9m manoeuvring areas, 5.4m car parking and barrier kerb and channel on the development side of Leach Road, parallel parking on the opposite side of Leach Road including kerb and channel to meld with the existing roadway (for the length of the frontage of the development), footpath works on both sides of Leach Road for the full frontage of the development, pavement works, drainage works in accordance with the Queensland Urban Drainage Manual (QUDM), line-marking and all necessary traffic signage in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) as and where required. The works required by this condition are to be completed prior to the commencement of the approved use.

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

3. Approval Conditions (Referral Agency):

The State Assessment and Referral Agency (Concurrence) Response dated 12 December 2014.

4. That the Applicant be further advised of the following:

- a) DEVELOPMENT APPROVAL CONDITIONS ATTACH TO LAND** - Development Approvals which include conditions and any modifications attach to the land and are binding on the owner/s, the owner's successors in title and any occupier of the land pursuant to Section 3.5.28 of the Integrated Planning Act 1997.
- b) VEGETATION MANAGEMENT ACT 1999 AND THE CULTURAL HERITAGE ACT 2003** - This approval in no way restrict or inhibit the provisions of neither the Vegetation Management Act 1999 nor the Aboriginal Cultural Heritage Act 2003. The Applicant(s) will need to satisfy himself/herself/themselves that in undertaking the proposed development works that his/her/their actions will not contravene the provisions of the aforementioned Acts.
- c) WHEN DEVELOPMENT APPROVAL TAKES EFFECT** - Pursuant to Sustainable Planning Act 2009, this Development Approval takes effect:
- (i) from the date the Decision Notice/Negotiated Decision Notice (as the case may be) is given to the Applicant, if there are no Submitters and the Applicant does not appeal the decision to the Court; or
 - (ii) from the end of the Submitter's appeal period if there is a Submitter and the Applicant does not appeal the decision to the Court; or

(iii) subject to the decision of the Court when the appeal is finally decided if an appeal is made to the Court by any party; as the case may be. Development may start when a Development Permit takes effect (subject to any conditions specifying commencement).

- d) APPROVAL LAPSES AT COMPLETION OF RELEVANT PERIOD** - This Development Approval will lapse if the Material Change of Use does not happen before the end of the relevant period. The relevant period is four (4) years from the date the approval takes effect. The relevant period may be extended at the discretion of Council under Section 341 of the Sustainable Planning Act 2009. Before the Development Approval lapses, a written request to extend the relevant period may be made to Council under Section 383 of the Sustainable Planning Act 2009. Please note that Council will not automatically remind Applicants/Occupiers when the relevant period is about to lapse.
- e) FOOD LICENSING** - If food is prepared and served at the premises, the food preparation facilities may require to be licensed and approved by Council in accordance with the *Food Act 2006*. Further information and the relevant application forms can be obtained by calling Council's Health & Environment area on 07 5540 5444.
- f) ADVERTISING SIGNS** – Advertising signs may require an approval in accordance with Council's Local Laws. Further information and the relevant application forms can be obtained by contacting Council's Health & Environment area on 07 5540 5444.

5. Further approvals are required for:

- a)** A Building Works approval is required for all building works, including demolition of existing structures, associated with the proposed development, prior to undertaking and building work on the subject property.
- b)** A Plumbing and Drainage approval is required for all / any plumbing and drainage works associated with the proposed development, prior to undertaking any plumbing and drainage works on the subject property.
- c)** Constructing or Interfering with a Road or its Operation Approval and a Property Access Location Approval, from Council Infrastructure Services Directorate is required prior to lodgement of a Building or Plumbing Application.
- d)** An Environmental Authority for an Environmentally Relevant Activity 63 - Sewage Plant is required to be obtained from the relevant authority from the Department of Environment and Heritage Protection should sewage treatment works on site have a total daily peak design capacity of at least 21 equivalent persons (>4,000 litres per day).

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

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

7. Administrative Action:

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

Attachments

Nil.

3.5 RLBn14/014 Development Permit for Reconfiguring a Lot (1 into 22 Lots and New Road) Ms Sheridan R Deede, Lot 3 RP187384

Executive Officer: Director Regional Services

Item Author: Manager Planning

File Reference: RLBn14/014

Applicable Planning Scheme	<i>Boonah Shire Planning Scheme 2006</i>
Applicant	Ms Sheridan R Deede
Owner(s)	Ms Sheridan R Deede
Site Address	121 Robson Road BOONAH QLD 4310
Real Property Description	Lot 3 on RP 187384
Site Area	11.2434ha
Relevant Zone and Precinct	Rural Residential Zone
Proposal	Reconfiguring a Lot (1 into 22 Lots and New Road) – <i>Boonah Shire Planning Scheme 2006</i>
Assessment Level	Impact Assessment
Approval Type	Development Permit
Planning Scheme Details	<i>Boonah Shire Planning Scheme 2006</i>
Public Notification:	A Public Notice was placed in the Fassifern Guardian and letters posted to adjoining owners on 22 April 2015. Sign placed on the frontage of the site on 23 April 2015
Submissions Received	Fourteen properly made submissions
Is a Notation to the Planning Scheme required?	No
Date Application Received:	26 September 2014

Purpose of Report

The purpose of this report is to provide the facts and circumstances for a proposed development seeking an approval for a Development Permit for Reconfiguring a Lot (1 into 22 Lots and New Road).

Risk

Strategic Risks

The following Level 1 and Level 2 (strategic) risks are relevant to the matters considered in this report:

- CF6 - Failure to comply with statutory obligations and responsibilities;
- CE2 - Failure to discharge regulatory responsibilities under legislation or local law;
- CE5 - Failure to ensure regulatory applications are managed, assessed and processed in accordance with legislative timeframes and protocols;
- PO2 - Political influence impacting on operational management of organisation.

Risk Assessment

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment of risks	Residual Risk Rating
Environmental Impacts on environment as a result of development activity	Moderate	Possible	Medium	Environmental impacts considered and documented during assessment	Low
Legal Compliance and Liability Failure to ensure application is assessed in accordance with IDAS process	Minor	Possible	Medium	Documented assessment process	Low
Legal Compliance and Liability Opportunity for applicant or third party appeal against Council decision	Minor	Possible	Medium	Ensure reasonable and relevant test applicable to assessment processes Model Litigant processes followed in court cases Minimise opportunities for appeals	Low
Reputation Negative perception from community or development proponents	Minor	Possible	Medium	Transparent reporting of assessment Communications	Low

Brief Summary

An application has been received seeking an approval for a Development Permit for Reconfiguring a Lot (1 into 22 Lots and New Road) to be located at 121 Robson Road, Boonah and described as Lot 3 on RP187384.

Pursuant to the *Boonah Planning Scheme 2006*, Reconfiguring a Lot is Impact Assessable Development within the Rural Residential Zone where any resulting lot is less than 0.4ha. The applicant has provided a justification of the Specific Outcomes in relation to the proposed lots which do not meet the Probable Solution and are less than 0.4ha.

The proposed development has demonstrated general compliance with the relevant Codes of the planning scheme through the submitted material within the application. As such, it is recommended that Council approves the proposed development for Reconfiguring a Lot (1 into 22 Lots and New Road) subject to reasonable and relevant conditions.

Background

Prelodgement Meeting

A prelodgement meeting was held on 7 May 2014 (refer ECM Doc Set ID 8895519) the prelodgement meeting minutes issued as a result of the meeting provided Council's requirements for the proposal. The applicant lodged the current development application on 26 September 2014 and it was deemed properly made on 5 November 2014. An Information Request was issued for the application on 27 November 2014. The Information Request required amendments to the proposal including increasing minimum lot size, changes to road design and layout and providing additional information regarding stormwater drainage. The applicant submitted a response to all of the information requested on 2 April 2015. The application was publicly notified and a Notice of Compliance was received by Council on 15 May 2015.

Proposal

The proposed development involves the reconfiguration of the subject site from 1 lot into 22 lots and the creation of new road over the site. The proposed new lots range in size from 3,709m² to 5,820m². The applicant has submitted a proposal plan indicating the 22 proposed lots and new road reserve.

Vehicular access to the development is proposed via a new through road connection from Stacey Drive. The internal road network also comprises of a cul-de-sac extending north from the new east-west road connection which will provide vehicular access to proposed lots 1 to 8. A second cul-de-sac extending south from the new east-west road connection will provide vehicular access to proposed lots 11 to 20. An internal road connection has been provided to land adjoining the southern boundary of the site Lot 45 on SP218687. This road connection is required to provide vehicle access to Lot 45 on SP218687. Any future subdivision of the Rural Residential Zoned Lot 45 on SP218687 will be able to connect to the internal road of the subject development.

Lot 902 on SP186969 is a Council owned parcel of land which is proposed to be used to connect the development to Stacey Drive. Council as custodian has provided consent to lodge the development application over Lot 902 on SP 186969. A new road will be constructed over Lot 902 on SP 186969 for access between the existing Stacey Drive and the proposed development.

Lot 1 on RP167681 separates the subject site from Schwarz Drive west of the site. The applicant has submitted an email from the owner of Lot 1 on RP167681 stating that the owner will not provide consent for access or development over Lot 1 on RP167681. Council may need to resume the section of Lot 1 on RP167681 between the subject site and Schwarz Drive to allow the new internal road to be connected to Schwarz Drive at some future date.

No direct lot access is proposed or permitted to Robson Road.

An easement for drainage purposes is included over part of proposed lot 7 and part of proposed lot 1. The easement will allow for the passage of overland water flow from proposed internal roads to Robson Road, being a legal point of discharge.

Proposal Plans

The applicant has submitted the following Proposal Plan.

Plan/Drawing	Prepared by	Plan/Dwg No.	Date
Plan of Proposed Lots 1 - 22 Cancelling Lot 3 on RP187384	Goodwin Midson	13787-02 Amdt C	12 March 2014

This Proposal Plan is located in **Attachment 1**.

Site and Environment

Characteristics of Site & Surrounding Environment

The site is located at 121 Robson Road, Boonah. The northern boundary of the site adjoins an unconstructed section of Robson Road. The eastern boundary of the site adjoins an existing Rural Residential development. The northern half of the western boundary adjoins an existing Rural Residential development. The southern half of the western boundary adjoins land within the Rural Buffer Zone. The southern boundary of the site adjoins land within the Rural Residential Zone.

The subject site is approximately 11.2434ha in area and regular in shape. It is contained within the Rural Residential Zone and is affected by the Economic Resources Overlay Map - Good Quality Agricultural Land.

The site is vacant except for an existing residential dwelling located in the north of the site and an ancillary shed located in the south of the site.

The aerial photograph in **Figure 1** below shows the subject site and immediate surrounding area.

Figure 1 Subject site and immediate surrounding area



The site has access to appropriate urban infrastructure such as reticulated water, telecommunications and electrical services. The development will be required to construct sealed roads for connection to the broader local sealed road network.

The locality of the area is characterised by rural and rural residential allotments with the dominant pattern of the development being detached housing. The majority of the surrounding lands are included in the Rural Residential Zone and the Rural Buffer Zone.

Relationship to State Planning Policies and Regulations

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

Adopted Infrastructure Charges

Effective as of the 1 July 2012, all development approvals granted within the 'Priority Infrastructure Areas' (PIA) are required to be charged for infrastructure contributions in accordance with the State Planning Regulatory Provision (Adopted Charges).

As such, a Local Government Charge has been applied to this proposed development in accordance with the Fair Values Charges Resolution (Version no. 1) May 2015. The calculation has been outlined below.

Fair Value Charges Resolution (Version no. 1 May 2015)

In accordance with the Fair Values Charges Resolution the adopted infrastructure charge applicable for a Reconfiguration of a Lot for residential development is the 'Residential Category - 3 or more bedroom dwelling house' charge per allotment, in accordance with table 2 of the resolution.

Planning Scheme Use Type	Classes of Development to which Adopted Infrastructure charges schedule apply
Reconfiguration of a Lot - Residential	'Residential Category - 3 or more bedroom dwelling house' charge per allotment.

It is noted that Queensland Urban Utilities charges are applicable but do not form part of the Local Government Charge calculation below.

Local Government Charge

Stage 1:

Local Government Charges applicable to stage one (1) are outlined below.

Proposed Demand

Use	No. of Lots	Unit of Measure	Charge Rate	Amount
Reconfiguration of a Lot for residential development	4	'Residential Category - 3 or more bedroom dwelling house' charge per allotment.	\$12,600	\$50,400.00
			Total	\$50,400.00

Existing Credit

Use	No. of Units	Unit of Measure	Charge Rate	Amount
Residential development	1	'Residential Category - 3 or more bedroom dwelling house' charge per allotment.	\$12,600	\$12,600
			Total	\$12,600

Therefore, the infrastructure Charge for Local Government for stage one (1) is as follows:

$$\begin{aligned}
 &= \text{Proposed Demand} - \text{Credit for Existing Use} \\
 &= \$50,400.00 - \$12,600 \\
 &= \underline{\underline{\$37,800.00}}
 \end{aligned}$$

Stage Two (2):

Local Government Charges applicable to stage two (2) are outlined below.

Proposed Demand

Use	No. of Lots	Unit of Measure	Charge Rate	Amount
Reconfiguration of a Lot for residential development	4	'Residential Category - 3 or more bedroom dwelling house' charge per allotment.	\$12,600	\$50,400.00
			Total	\$50,400.00

Therefore, the infrastructure Charge for Local Government for stage two (2) is as follows:

Proposed Demand = \$50,400.00

Stage Three (3):

Local Government Charges applicable to stage three (3) are outlined below.

Proposed Demand

Use	No. of Lots	Unit of Measure	Charge Rate	Amount
Reconfiguration of a Lot for residential development	3	'Residential Category - 3 or more bedroom dwelling house' charge per allotment.	\$12,600	\$37,800.00
			Total	\$37,800.00

Therefore, the infrastructure Charge for Local Government for stage three (3) is as follows:

Proposed Demand = \$37,800.00

Stage Four (4):

Local Government Charges applicable to stage four (4) are outlined below.

Proposed Demand

Use	No. of Lots	Unit of Measure	Charge Rate	Amount
Reconfiguration of a Lot for residential development	3	'Residential Category - 3 or more bedroom dwelling house' charge per allotment.	\$12,600	\$37,800.00
			Total	\$37,800.00

Therefore, the infrastructure Charge for Local Government for stage four (4) is as follows:

Proposed Demand = \$37,800.00

Stage Five (5):

Local Government Charges applicable to stage five (5) are outlined below.

Proposed Demand

Use	No. of Lots	Unit of Measure	Charge Rate	Amount
Reconfiguration of a Lot for residential development	8	'Residential Category - 3 or more bedroom dwelling house' charge per allotment.	\$12,600	\$100,800.00
			Total	\$100,800.00

Therefore, the infrastructure Charge for Local Government for stage five (5) is as follows:

Proposed Demand = \$100,800.00

Full details of the charges will be provided in a separate notice under *Adopted Infrastructure Charges Notice (ICN)* to be issued to the applicant with the *Decision Notice Approval*.

These contribution amounts are not required to be included within the Director's Recommendation as a condition of approval, but rather as an Attachment to the Decision Notice.

South-East Queensland Regional Plan 2009-2031

The subject site is located in the Urban Footprint and is consistent with the *South East Queensland Regional Plan 2009-2031 (SEQRP)*. The proposed development, being for Reconfiguring a Lot, is considered consistent with this designation and therefore consistent with the regulatory provisions of the *SEQ Regional Plan 2009-2031*.

State Planning Policies

SPP 1/03 – Mitigating the Adverse Impacts of Flood, Bushfire and Landslide

The subject site is not affected by the Bushfire Hazard Area Overlay and therefore an assessment against State Planning Policy 1/03 – *Mitigating the Adverse Impacts of Flood, Bushfire and Landslide* is not required.

Relationship to Planning Scheme

The subject site is located in the Rural Residential Zone. Pursuant to the *Boonah Planning Scheme 2006*, the proposed development is classified as Reconfiguring a Lot. Reconfiguring a Lot is listed as consistent development in the Rural Residential Zone.

Relevant Planning Scheme Codes – Summary

The relevant planning scheme codes applicable for assessment include:

Zone Code	Overlay Code	Use / Works Code
Rural Residential Zone Code	N / A	Reconfiguring a Lot Code

The proposal’s compliance with these codes is discussed below.

Relationship to the Rural Residential Zone Code

The proposal complies with all of the Zone Code’s Probable Solutions and Specific Outcomes. In particular, the proposed development is consistent with existing and intended scale and design in the surrounding area and within the Zone.

Compliance with the Reconfiguring a Lot Code

The proposal complies with all of the Reconfiguring a Lot Code’s Probable Solutions and Specific Outcomes with the exception of PS2.1 discussed below:

Reconfiguring a Lot Code			
Specific Outcomes	Probable Solution	Compliance with Probable Solution	Compliance with Specific Outcomes
<p>SO2 Lots have an appropriate area and dimensions for the siting and construction of buildings and the provision of on-site recreation space, landscaping, vehicle access and parking, such that they:</p> <ul style="list-style-type: none"> (i) respond to site characteristics and potential hazards, including soil erosion, bushfire risk and flood liability; (ii) protect valuable features such as vegetation and habitat, creeks, important landscape features and views, and features of cultural importance; (iii) have adequate area for on-site disposal of effluent; and (iv) are consistent with the intended character of the local area, as expressed through the stated intentions for each of the zones. 	<p>PS2.1 The required minimum lot size and frontage required, (where nominated), are consistent with the provisions of Table 1 or where a hatchet block, a 6m minimum road frontage/access strip.</p>	<p>No - Refer below</p>	<p>Yes – refer below</p>

Applicant's justification

The Probable Solution allows for a minimum lot size of 0.4ha and a minimum frontage of 40m for new lots in the Rural Residential zone. Applicant proposes four (4) lots less than 0.4ha with the smallest lot to be 0.3709ha. Two (2) lots are proposed to have a frontage of less than 40m.

Officer's comments

Lots proposed to be less than 0.4ha (lots 2, 3, 5 and 7) will provide appropriate area and dimensions for the siting and construction of buildings and the provision of on-site recreation space, landscaping, vehicle access and parking. The applicant provided an effluent disposal site evaluation report to assess the suitability of lots proposed to be less than 0.4ha in area to accommodate on-site effluent disposal systems. The evaluation report concludes that suitable on-site effluent disposal systems could be designed for lots 2, 3, 5 and 7.

The two proposed lots with a frontage of less than 40m are located at the end of a cul-de-sac limiting the amount of frontage the lots have access to. Proposed lot 2 has a frontage of 17.3m and proposed lot 3 has a frontage of 15.9m to the new road. It is noted that the average width of lots 2 and 3 exceeds 40m ensuring appropriate area for the siting and construction of buildings. Therefore, the current proposal achieves the purpose of Specific Outcome SO2.

Compliance with the relevant Overlay Codes*Economic Resources Overlay*

The entire subject site is affected by the Good Quality Agricultural Land overlay contained within the Economic Resources Overlay Code. The Assessment Tables for the Economic Resources Overlay indicate that the Economic Resources Overlay Code is not applicable for a reconfiguration application where a site is affected by the Good Quality Agricultural Land overlay. Therefore the application does not require assessment against the Economic Resources Overlay Code.

Assessment of Other Aspects of the Proposal**Resume Land**

As mentioned in the proposal section Lot 1 on RP167681 separates the subject site from Schwarz Drive west of the site. Council may need to resume the section of Lot 1 on RP167681 between the subject site and Schwarz Drive to allow the new internal road to be connected to Schwarz Drive at some future date.

Advertising

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

Submissions

Council received fourteen (14) properly made submissions against the proposal. The principle concerns of the submitters related to access, lot size, stormwater and effluent disposal impacts of the proposed development.

Submitter details:

1. Mr Wayne Andrew Noffke 22 Park Street BOONAH QLD 4310	2. Ms Kate Amelia Philp PO Box 428 BOONAH QLD 4310
3. Mr Michael James Henderson 12 Schwarz Drive BOONAH QLD 4310	4. Ms Kirsty Louise Wruck 29 Stacey Drive BOONAH QLD 4310
5. Mr Lawrence Timothy Dwyer 11 Schwarz Drive BOONAH QLD 4310	6. Mr James E Stanfield 14 Schwarz Drive BOONAH QLD 4310
7. Mr Benjamin M Rides 18 Stacey Drive BOONAH QLD 4310	8. Ms Rosaline A Rides 18 Stacey Drive BOONAH QLD 4310
9. Ms Rebecca J Treadaway 20 Stacey Drive BOONAH QLD 4310	10. Ms Gloria J Govan 22 Stacey Drive BOONAH QLD 4310
11. Ms Susan Maria Gill 26 Stacey Drive BOONAH QLD 4310	12. Mr Barry Clifford Gill 26 Stacey Drive BOONAH QLD 4310
13. Mr Peter Andrew Casalegno 13 Stacey Drive BOONAH QLD 4310	14. Ms Jodie Nicole Watkins 23 Stacey Drive BOONAH QLD 4310

Submitter's Issues/Concerns

Council received fourteen properly made submissions during the statutory public notification period. The issues raised by the submitters have been provided below for Council's consideration and accompanied by an appropriate Officer comment.

Submitter Concerns:

Access to the development should be via Robson Road. The proposed road layout will create through traffic between Hoya Road and Ipswich Boonah Road. Increased traffic will cause safety, noise and pollution issues. The applicant should contribute towards the upgrading of Robson Road.

Officer comments:

Robson Road is a designated collector road which will be constructed in the future and serve as a link between Hoya Road and Ipswich Boonah Road. Only a limited number of local access roads are intended to connect with collector roads to facilitate efficient operation. The subject site adjoins Robson Road at the top of a crest which is not a safe place to locate a new intersection. A new intersection at Stacey Drive and Robson Road approximately 100m east of the subject site may occur in the future when Robson Road is upgraded.

Through traffic utilising Schwarz Drive and Stacey Drive to travel between Hoya Road and Ipswich Boonah Road may occur until Robson Road is upgraded should Council choose to acquire the necessary land.

The proposed new roads are required to be constructed to Council standards. Any vehicles using Stacey Drive need to comply with road traffic laws including not exceeding posted speed limits and giving way at intersections. Any increase in traffic generated by the development is a foreseen consequence of infill rural residential subdivision.

Submitter Concerns:

The proposed development should be connected to the reticulated sewer network. Why were effluent disposal site evaluations only conducted for lots less than 0.4ha?

Officer comments:

The Rural Residential Zone Code does not require Rural Residential subdivisions to be connected to the reticulated sewer network. SO2 of the Reconfiguring a Lot Code requires that lots less than 0.4ha in the Rural Residential area have adequate area for on-site disposal of effluent. The applicant provided an effluent disposal site evaluation report to assess the suitability of lots proposed to be less than 0.4ha in area to accommodate on-site effluent disposal systems to address the requirements of SO2 of the Reconfiguring a Lot Code. The evaluation report concludes that suitable on-site effluent disposal systems could be designed for the lots proposed to be less than 0.4ha in area.

Details of on-site sewerage treatment facilities that will service any future dwellings over the site will be required to be lodged with Council in the future as part of plumbing and drainage applications associated with any proposed dwellings.

Submitter Concerns:

Proposed grassed swales are not sufficient to mitigate pollutant loads during storm events. A road connection directly to Robson Road would allow better management of stormwater for the development. The development will increase impervious land areas and damage downstream properties through increased stormwater runoff.

Officer comments:

The applicant has submitted a stormwater management report for the proposal which has been assessed by Council's engineers and environmental health officers and complies with the requirements of Council. Grassed stormwater swales are an acceptable method for managing stormwater flows and pollutant loads for the proposed rural residential subdivision.

Submitter Concerns:

No parkland has been proposed on the development site.

Officer comments:

Council's Planning Scheme Policy 5: Park Provision and Park Contributions require 10% of the total area of the site to be provided for the purposes of park; or a monetary contribution to be paid in substitution for the provision of that area of land.

Council officers determined that a monetary contribution to be paid in substitution for the provision of parkland is the best outcome for the development and local community.

Dedicating 10% of the subject site as parkland is a piecemeal approach and would not meet the needs of the local community.

Submitter Concerns:

Existing vegetation over the site should be retained.

Officer comments:

The vegetation over the site is not regionally significant and not protected under the planning scheme. Should the current application be supported by Council the future owners of the rural residential lots are able to remove the vegetation.

Submitter Concerns:

The minimum lot size should be 0.4ha in accordance with the minimum lot size requirements for the Rural Residential Zone stated in the Reconfiguring a Lot Code.

Officer comments:

The assessment tables for the Rural Residential Zone state that an application for Reconfiguring a Lot is Impact Assessable where any resulting lot is less than the lot size nominated in Table 1 of the Reconfiguring a Lot code. The applicant originally lodged a proposal plan including nine (9) Lots less than 0.4ha, six (6) of these lots were proposed to be less than 0.3ha. The information request required the applicant to increase the minimum lot size to be closer to 0.4ha. The applicant responded with a revised proposal plan which includes four (4) lots less than 0.4ha with the smallest lot proposed to be 0.3709ha. The applicant has provided an assessment of lots less than 0.4ha against the applicable specific outcomes of the Reconfiguring a Lot code and compliance has been demonstrated.

Submitter Concerns:

Any road works on the northern side of Lot 6 on SP196969 to include a retaining wall to minimise the amount of mowing required for maintenance. Dust control measures need to be implemented during the construction phase of the development. Reverse travel "noise beepers" which are present on most earth moving machinery are to be silenced.

Officer comments:

Details of the new road design on the northern side of Lot 6 on SP196969 will be assessed as part of any future operational works application. The operational works application will need to comply with the requirements of Council including any dust control methods during construction. Machinery used during the construction process will need to comply with the applicable standards for safety.

Internal Referrals

Health, Building and Environment – Building and Plumbing

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

Health, Building and Environment – Environmental Health

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

Development Engineering

Council's Development Assessment Engineers have assessed the proposal and have provided conditions which have been included in the conditions package.

Infrastructure Services

Council's Infrastructure Services section has assessed the proposal and has provided conditions which have been included in the conditions package.

External ReferralsReferral Agencies

A review of the referral triggers outlined in Schedule 7 of the *Sustainable Planning Regulations 2009* has been undertaken which has identified that there are no applicable agencies.

Queensland Urban Utilities (QUU)

The site will be connected to the reticulated water network. Queensland Urban Utilities have provided a Service Advice Notice stating that the development needs to connect to an existing 100mm PVC water main in Schwarz Drive. There are existing 100mm and 150mm water mains in Stacey Drive. The proposed development shall make connection to these water mains to service the development. The existing water supply network has capacity to service the proposed development. There is no requirement to undertake augmentations to the existing network to service the development proposal. QUU have stated that they have no objections with onsite wastewater treatment for the proposed development. A condition requiring a reticulated water connection be provided to all lots has been included in the conditions package.

Conclusion

A development application has been received seeking approval for a Development Permit for Reconfiguring a Lot (1 into 22 Lots and New Road) to be located at 121 Robson Road, Boonah and described as Lot 3 on RP187384.

The proposed development has demonstrated general compliance with the relevant provisions of the Planning Scheme and it is further considered to be generally consistent with the existing character and amenity of the locality.

Therefore, it is recommended that Council resolves to approve the Development Application for Reconfiguring a Lot (1 into 22 Lots and New Road), subject to reasonable and relevant conditions.

Director's Recommendation

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

RPD:	Lot 3 on RP187384
Address of property:	121 Robson Road, Boonah QLD 4310
Site area:	11.2434ha
Proposal:	Development Permit for Reconfiguring a Lot (1 into 22 Lots and New Road) – <i>Boonah Shire Planning Scheme 2006</i>

Further development permits required:

- a. A Property Access Location approval and Works in Road Reserve approval are required prior to the construction of any proposed access point.
 - b. An Operational Works approval is required for all new road upgrades associated with the proposed development, prior to undertaking any road construction.
2. **Conditions of Approval:**
 - a) A Development Permit is given for Reconfiguring a Lot, subject to the following conditions:

Approved Plans

- 1) **FINAL PLAN OF SURVEY** - Subdivision of the site is to occur generally in accordance with the Proposal Plan titled Plan of Proposed Lots 1 - 22 Cancelling Lot 3 on RP187384 prepared by Goodwin Midson Pty Ltd with Reference No. 13787-02 Amendment C dated 12 March 2014 lodged with Council on 2 April 2015 with the applicant's response to Council's information request. The Developer shall submit a final plan of survey that conforms to the approved plan and showing any easements arising from the approved reconfiguration.

Access and Roads

- 2) **ACCESS TO COUNCIL ROADS** - An application for Property Access Location Approval for lots accessing a Council controlled road is to be lodged for approval of any existing and/or any proposed accesses and submitted to Council to evaluate the safety of the location. Any construction or upgrading of accesses conditioned by this approval will be assessed upon inspection and are to comply with current Council standards or to the satisfaction of Councils Director Infrastructure Services, or equivalent, acting reasonably. The 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) **NEW ROADS** - The Developer will be responsible for the design and construction of the new roads and ancillary works to a sealed rural residential standard in accordance with *Complete Streets*, Austroads Publications and *Council's Design and Construction Manual*, and to the satisfaction of Council's Director Infrastructure Services, or equivalent, acting reasonably. All new road pavements are to be provided with Asphaltic Concrete (AC) sealed pavement. This will include the dedication of the road reserve.
- 5) **ROAD SIGNS** – All traffic signs and delineation shall be installed in accordance with the *Manual of Uniform Traffic Control Devices - MUTCD* and all other relevant Department of Transport and Main Roads design manuals and guidelines, as directed by the Council's representative. "No Through Road" signs shall be erected at the entries to cul-de-sacs and terminating roads.

Stormwater Management

- 6) **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.
- 7) **STORMWATER DISCHARGE** - 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 developer is to implement the stormwater management strategy outlined in the Civil Engineering Report prepared by Cozens Regan Williams Prove Pty Ltd Reference No. 14335 dated 22 August 2014 revised 12 February 2015 or as amended and approved by Council.
- 8) **STORMWATER DISCHARGE EASEMENTS** - In order to facilitate the discharge of stormwater drainage flows to a legal point of discharge, easements are to be established with sufficient width to encompass the pre-development Q100 floodline. Inter-allotment drainage systems are to be provided where discharge to the road or street drainage system cannot be achieved. Easements are to be provided where the drainage system traverses lots and to provide, where necessary, a connection to a legal point of discharge.
- 9) **EROSION CONTROL** – Prior to the commencement of the Operational Works on the site, the developer shall submit to Council for approval, a properly prepared comprehensive Erosion and Sediment Control Plan as part of the Operational Works Application. This is to comply with "*Soil Erosion and Sediment Control: Engineering Guidelines for Queensland Construction Sites*", Institute of Engineers, Australia 1996.

Wastewater

- 10) **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 1547:2000. 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.

Electrical Works

- 11) **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, 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.
- 12) **STREET LIGHTING** – Street lighting shall be designed and installed in accordance with the Australian Standard Code of Practice for Public Lighting, AS1158. Street lighting shall be located at intersections, at the end of cul-de-sacs and dead-ends. All street lighting shall be certified by a *Registered Professional Engineer of Queensland (RPEQ)*. The existing surrounding type of lighting is to be considered when choosing the style of lighting. High pressure sodium or other approved energy efficient lamps are to be used.

Earthworks Design and Management

- 13) **EARTHWORKS AND ALLOTMENT FILLING** – All earthworks and allotment filling is to be undertaken in accordance with Section 3.4 of Council's *Design and Construction Manual*, to Council's satisfaction.
- 14) **RETAINING WALLS** – The design and construction of any retaining wall greater than 1.0 metre in height is to be structurally certified by a Registered Professional Engineer Queensland. Any retaining wall higher than 1.0 metre will require approval under a Building Application.
- 15) **BUILDING ENVELOPE LOT 1** – A suitable building envelope is to be identified on proposed Lot 1 to be no less than 2,500m² in area. The building envelope is to be suitable for the construction of a future dwelling house and associated structures and services, including the treatment and disposal of wastewater. All buildings and other improvements shall be located entirely within the designated building envelope, except for access driveways and reticulated services. The building envelope is to be pegged prior to plan sealing.

- 16) BUILDING ENVELOPE LOT 1 - PLAN OF SURVEY** – The developer is to provide a copy of the Final Plan(s) of Survey, on which the designated building envelope on proposed Lot 1 has been drawn to scale with dimensioned ties to the property boundaries sufficient for use by a third party.
- 17) EASEMENT ARRANGEMENTS** – All necessary documentation facilitating the implementation or amendments to easements arising from this reconfiguration will be undertaken by the Applicant at the Applicant's full cost.
- 18) SURVEYOR TO CERTIFY** - The surveyor is to certify that:
- Any existing structure and services are clear from new boundaries and comply with statutory setbacks in relation to the boundaries.
 - The existing building and any associated structures have been removed from lot 13 prior to the signing of the survey plan for Stage Three (3) of the development.
 - The existing building and associated structures including effluent disposal areas and systems have been removed from lots three (3) and four (4) prior to the signing of the survey plan for Stage Five (5) of the development.
- 19) SURVEY INTEGRATION** – With the submission of the plan of survey for the final stage carried out, the Developer shall be responsible for the provision of Survey control documentation and the lodgement of a CAD (Computer Aided Drafting) presentation of the reconfiguration layout. The documentation shall utilise and make reference to the Australian Mapping Grid and Australian Height Datum.

Administrative Provisions

- 20) 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.

3. That the Applicant be further advised of the following:

- a) DEVELOPMENT APPROVAL CONDITIONS ATTACH TO LAND** - Development Approvals which include conditions and any modifications attach to the land and are binding on the owner, the owner's successors in title and any occupier of the land pursuant to section 245 of the *Sustainable Planning Act 2009*.
- b) VEGETATION MANAGEMENT ACT 1999 AND THE CULTURAL HERITAGE ACT 2003** - This approval in no way restricts or inhibits the provisions of neither the *Vegetation Management Act 1999* nor the *Aboriginal Cultural Heritage Act 2003*. The Applicant(s) will need to satisfy himself/herself/themselves that in undertaking the proposed development works that his/her/their actions will not contravene the provisions of the aforementioned Acts.

- c) **WHEN DEVELOPMENT APPROVAL TAKES EFFECT** - Pursuant to *Sustainable Planning Act 2009*, this Development Approval takes effect:
- (i) From the date the Decision Notice/Negotiated Decision Notice (as the case may be) is given to the Applicant, if there are no Submitters and the Applicant does not appeal the decision to the Court; or
 - (ii) From the end of the Submitter's appeal period if there is a Submitter and the Applicant does not appeal the decision to the Court; or
 - (iii) Subject to the decision of the Court when the appeal is finally decided if an appeal is made to the Court by any party; as the case may be. Development may start when a Development Permit takes effect (subject to any conditions specifying commencement).
- d) **APPROVAL LAPSES AT COMPLETION OF RELEVANT PERIOD** - This Development Approval will lapse if the Reconfiguring a Lot 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.

4. Further approvals are required for:

- a. A Property Access Location approval and Works in Road Reserve approval are required prior to the construction of any proposed access point.
- b. An Operational Works approval is required for all new road upgrades associated with the proposed development, prior to undertaking any road construction.

5. Administrative Action:

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

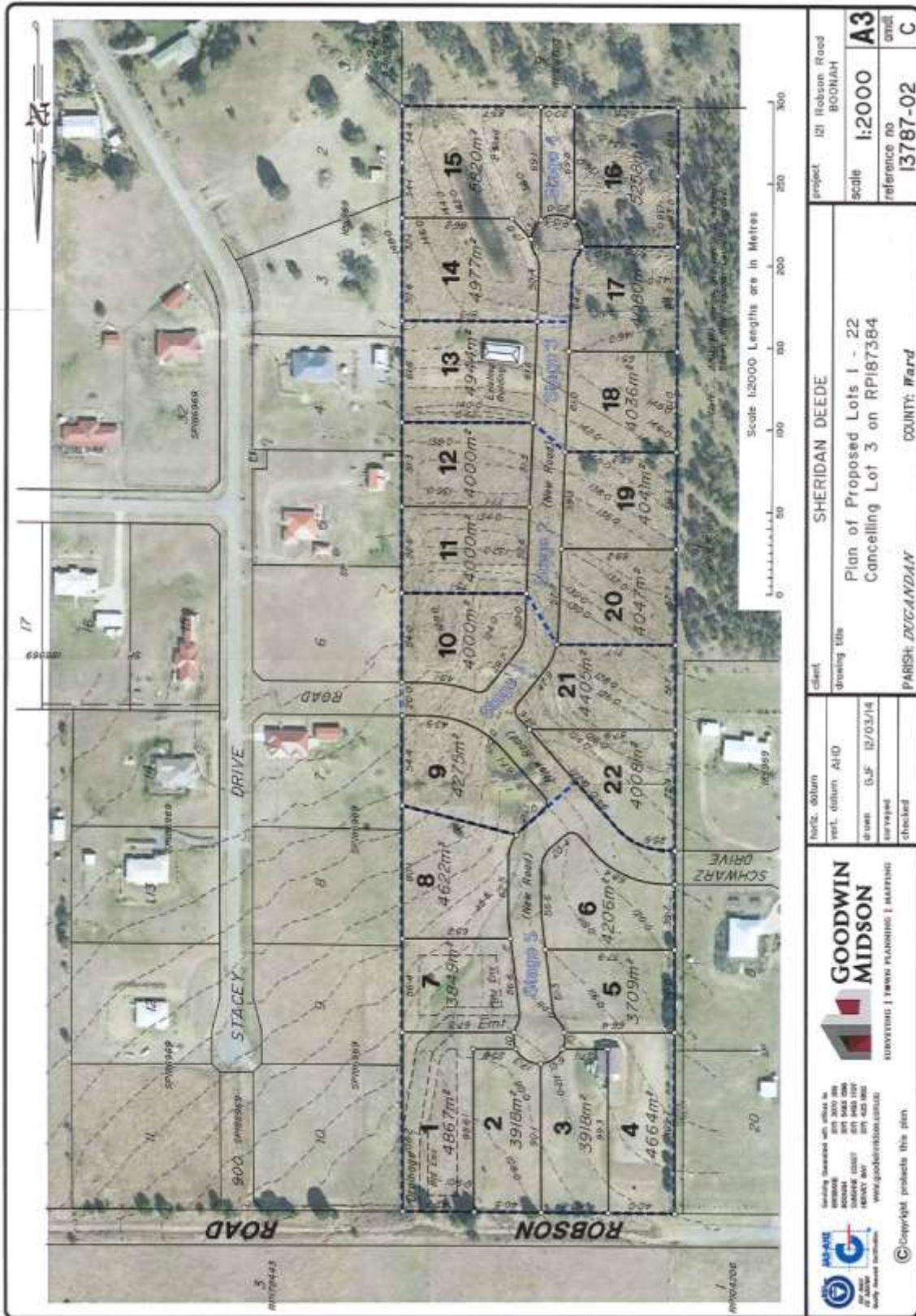
6. That the Submitter/s be advised of the following:

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

Attachments

- 1. Proposal Plan.
- 2. Aerial Site Map.
- 3. Dekho Zoning Map.

Attachment 1 - Proposal Plan



<p>Goodwin Midson SURVEYING TRUSS PLANNING MAPPING</p> <p>© Copyright protects this plan</p>		<p>client: SHERIDAN DEEDE</p> <p>drawing title: Plan of Proposed Lots 1 - 22 Cancelling Lot 3 on RP187384</p> <p>PARISH: DUGANDAN COUNTY: Ward</p>	<p>project: 121 Robson Road BOONAH</p> <p>scale: 1:2000</p> <p>reference no: 13787-02</p> <p>sheet: A3</p> <p>unit: C</p>
<p>horiz. datum: AHD</p> <p>vert. datum: AHD</p> <p>drawn: G.F. 12/03/14</p> <p>surveyed: []</p> <p>checked: []</p>			

Attachment 2 - Aerial Site Map



3.6 MC.Bn13/00010 Negotiated Decision Application Maroon Homestead Pty Ltd Aquaculture - Agriculture (Rural Use) Intensive Animal Industry and Wholesale Nursery Impact Assessment Lot 2 RP48849 Lot 1 RP48849 Lot 3 RP48849 Lot 2 RP167144

Executive Officer: Director Regional Services

Item Author: Manager Planning

File Reference: MC.Bn13/00010

Applicable Planning Scheme	<i>Boonah Shire Planning Scheme 2006</i>
Applicant	Maroon Homestead Pty Ltd C/- Planning Solutions
Owner(s)	Maroon Homestead Pty Ltd
Site Address	2561 Boonah-Rathdowney Road, 94 Stockyard Creek Road, and Jo Brown Road, MAROON QLD 4310
Real Property Description	Lot 1, 2, 3 on RP48849 and Lot 2 on RP167144
Site Area	153.8ha
Relevant Zone and Precinct	Rural Zone - Arable Lands Precinct 3
Proposal	Request to Negotiate a Development Permit for a Material Change of Use to establish an Aquaculture, Intensive Animal Industry, Wholesale Nursery and a House
Assessment Level	Impact Assessment
Approval Type	Development Permit
Public Notification:	18 December 2014
Submissions Received	Two (2) properly made submissions were received.
Date Application for Negotiated Decision Notice Received:	22 April 2015
Application Properly Made:	5 May 2015

Risks

Strategic Risks

The following Level 1 and Level 2 (strategic) risks are relevant to the matters considered in this report:

- CF6 - Failure to comply with statutory obligations and responsibilities;
- CE2 - Failure to discharge regulatory responsibilities under legislation or local law;
- CE5 - Failure to ensure regulatory applications are managed, assessed and processed in accordance with legislative timeframes and protocols;
- PO2 - Political influence impacting on operational management of organisation.

Risk Assessment

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment of risks	Residual Risk Rating
Environmental Impacts on environment as a result of development activity	Moderate	Unlikely	Medium	Environmental impacts considered and documented during assessment	Low
Legal Compliance and Liability Failure to ensure application is assessed in accordance with IDAS process	Minor	Possible	Medium	Documented assessment process	Low
Legal Compliance and Liability Opportunity for applicant or third party appeal against Council decision	Minor	Possible	Medium	<ul style="list-style-type: none"> ➤ Ensure reasonable and relevant test applicable to assessment processes ➤ Model Litigant processes followed in court cases ➤ Minimise opportunities for appeals 	Low
Reputation Negative perception from community or development proponents	Minor	Unlikely	Low	<ul style="list-style-type: none"> ➤ Transparent reporting of assessment ➤ Communications 	Low

Brief Summary

On 24 March 2015, Council issued a Decision Notice for a Development Permit for a Material Change of Use to establish an Aquaculture, Intensive Animal Industry, Wholesale Nursery and a House. Subsequently, the applicant suspended their appeal period and submitted representations for a Negotiated Decision Notice pursuant to Section 361 of the *Sustainable Planning Act 2009* (SPA). The applicants' request was received on 23 April 2015 with the application fee being paid on 5 May 2015.

The applicant seeks to negotiate three (3) conditions of the previous issued decision notice in relation to car parking, vehicle access and air quality management. Specifically, the applicant seeks to delete Condition's 6, 11 and 23.

The applicant's request was referred to the relevant internal referral sections within Council for assessment and comment. Following a thorough review of the applicant's request, the proposed deletion of Condition's 6, 11 and 23 is not supported; however Condition 23 has been amended to reduce the impost on the applicant.

Background

On 24 March 2015, Council issued a Decision Notice for a Development Permit for a Material Change of Use to establish an Aquaculture, Intensive Animal Industry, Wholesale Nursery and a House. The applicant then suspended their appeal period and submitted representations for a Negotiated Decision Notice pursuant to Section 361 of the *Sustainable Planning Act 2009* (SPA). The applicants' request was received on 23 April 2015 with the application fee being paid on 5 May 2015.

Proposed changes and assessment

As mentioned, the applicant seeks to negotiate three (3) conditions of the previous issued decision notice in relation to car parking, vehicle access and air quality management. The proposed changes are described in further detail as follows.

Condition 6 currently reads as follows:

Car parking and Access

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

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

Applicant's representation

These 2 conditions require the provision of constructed gravel driveway and car park to the aquaculture facility (condition 6) and gravel driveway to the dwelling at the rear of lot 3 on RP48849 (condition 11), to a standard certified by an RPEQ.

The subject site is a rural zoned property, in a rural area, and is used for rural activities. These activities do not involve access by the general public.

In this situation, the applicant considers that the requirements of conditions 6 and 11 are excessive, unnecessary and an unreasonable cost impost on the project.

It is requested that conditions 6 and 11 be deleted.

Officers' comments

The subject request was referred to Council's Development Assessment - Engineering section for review. It should be noted that the requirement for the internal driveway and carpark to be of a gravel formation is the minimum standard for driveways and carparks in rural areas. Furthermore, this requirement is supported by the Specific Outcomes' SO10 and SO13 of the Rural Zone Code; and the Planning Scheme Policy 1 of the *Boonah Shire Planning Scheme 2006*. The need for stable driveways is also compounded by the fact that employees and deliveries to the site for the commercial development need to enter and exit the site safely. As such, the request to delete Condition 6 above is not supported and therefore should remain unchanged.

Condition 11 currently reads as follows:

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

Applicant's representation

These 2 conditions require the provision of constructed gravel driveway and car park to the aquaculture facility (condition 6) and gravel driveway to the dwelling at the rear of lot 3 on RP48849 (condition 11), to a standard certified by an RPEQ.

The subject site is a rural zoned property, in a rural area, and is used for rural activities. These activities do not involve access by the general public.

In this situation, the applicant considers that the requirements of conditions 6 and 11 are excessive, unnecessary and an unreasonable cost impost on the project.

It is requested that conditions 6 and 11 be deleted.

Officers' comments

Refer to officers' comments made in respect to Condition 6 above. As such, the request to delete Condition 11 above is not supported and therefore should remain unchanged.

Condition 23 currently reads as follows:

- 23) AIR QUALITY ASSESSMENT REPORT** - Within one (1) year of the development approval, an air emission assessment is to be carried out by a suitably qualified professional and a report on the assessment submitted to Council. The assessment must demonstrate that air emissions comply with the conditions of this approval. If the emissions do not comply, the report must identify additional control measures that will enable compliance, and these must be implemented within six (6) months of the commencement of use.

Applicant's representation

This condition requires that an air quality assessment be submitted within 1 year of the development approval, to demonstrate that the air emissions comply with the conditions of this approval. Firstly, the conditions do not include reference to any standard of air emissions by which such report is to demonstrate compliance.

The boiler is used to heat water in the colder months to maintain all year production. As of last winter, the boiler was fitted with an over-fire fans and the combustion arch, ignition arch and fire door was rebuilt, all of which have resulted in the boiler burning cleaner, and this was illustrated by the fact there was no complaints that the owner/operator is aware of. In regards to the coal burning emissions, it is suggested that the Maroon Homestead is exempt under the National Pollutant Inventory Guide (NPI). As exemption may be considered under definition of non-reporting facilities: "a facility, or those parts of a facility, solely engaged in agricultural production including the growing of trees, aquaculture, horticulture or livestock raising unless it is engaged in the processing of agricultural produce or in intensive livestock production (for example, a piggery or a cattle feedlot)". The National Pollutant Inventory (NPI) provides the community, industry and government with free information about substance emissions in Australia. It has emission estimates for 93 toxic substances and the source and location of these emissions. The legislative framework underpinning the NPI is the National Environment Protection (National Pollutant Inventory) Measure (NPI NEPM). This was Australia's first NEPM. NEPMs set out agreed national objectives for protecting or managing particular aspects of the environment.

In addition to this, the operation does not trigger the minimum trigger limits for solid fuels burning, which is 1T in any hour or 400T annually. This is considerably more than what is used on the facility given the seasonal nature of the business (boiler operation is for a maximum of 4 months a year). During operation this boiler burns a maximum of 240kg per hour of solid fuel, which is far below the NPI trigger limits and also well below the criteria for ERA 15 – fuel burning, as contained in the State Environmental Protection Regulations 2008. Risk of excessive sulphur emissions from this operation are of minimal concern, as the black coal contains total sulphur of 0.6% air dried basis. The NPI threshold for sulphur dioxide is 10 tonnes per year, which is far more than what is released from the coal.

It is requested that condition 23 be deleted.

Officers' comments

The applicant has requested that Council delete the above condition. The subject request was referred to Council's internal Environmental Health section that provided the following comments:

The request for a change in conditions states "As of last winter, the boiler was fitted with an over-fire fans and the combustion arch, ignition arch and fire door was rebuilt, all of which have resulted in the boiler burning cleaner". As Council does not know the full impact from this change on the surrounding area/community it is considered appropriate to change the condition to an assessment only required if Council receives a complaint. This allows the developer to continue operation however does give Council a compliance tool should Council believe there are valid concerns regarding the operation of the stack.

While Council does not support the deletion of the above condition; the condition has been amended to ensure air quality is protected while removing the added impost to the applicant of having to complete an air emissions assessment within the first year of the development approval. As such, the subject condition has been amended to read as follows:

- 23) AIR QUALITY ASSESSMENT REPORT** - If a complaint (other than a frivolous or vexatious complaint) is made to the administering authority regarding air emissions from the site, Council can request an air emission assessment to be carried out by a suitably qualified professional and a report on the assessment submitted to Council. The assessment must demonstrate that air emissions comply with the conditions of this approval. If the emissions do not comply, the report must identify additional control measures that will enable compliance with the use.

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

The subject request was referred to Council's internal Environmental Health section to assess the proposed deletion of Condition 23. While officers' did not support the proposed deletion; the subject condition was amended to be less onerous on the applicant.

Development Assessment (Engineering)

The subject request was referred to Council's Development Engineering section to assess the proposed deletion of Conditions 6 and 11. Officers' did not support the proposal to delete the subject conditions stating that this was a minimum requirement for rural development to have gravel driveways and that this requirement was supported by the Planning Scheme.

External Referrals

State Assessment and Referral Agency (SARA)

The State Assessment and Referral Agency (SARA) provided Council with correspondence dated 23 January 2015 having no objection to the proposed development, subject to conditions to be attached to Council's Decision Notice.

Conclusion

Council is in receipt of a request for Negotiated Decision Notice pursuant to Section 361 of the *Sustainable Planning Act 2009*. The applicant seeks to delete Conditions 6, 11 and 23, which relate to car parking, vehicle access and air quality management respectively.

Following a thorough review of the applicant's request, the proposed deletion of Condition's 6 and 11 are not supported and therefore should remain unchanged. The deletion of Condition 23 is also not supported however has been amended to lessen the impost to the applicant.

Director's Recommendation

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

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

2. **The changes to relevant conditions are as follows:**

6) **CAR PARKING & DRIVEWAYS – GRAVEL** - Remains unchanged

11) **ACCESS DRIVEWAY - GRAVEL** - Remains unchanged

23) Shall be amended to read as follows:

23) AIR QUALITY ASSESSMENT REPORT - If a complaint (other than a frivolous or vexatious complaint) is made to the administering authority regarding air emissions from the site, Council can request an air emission assessment to be carried out by a suitably qualified professional and a report on the assessment submitted to Council. The assessment must demonstrate that air emissions comply with the conditions of this approval. If the emissions do not comply, the report must identify additional control measures that will enable compliance with the use.

3. Approval Conditions (Referral Agency):

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

4. Further approvals are required for:

- a. A Building Works approval is required for all building works associated with the proposed development, prior to undertaking any building work on the subject site.
- b. A Plumbing and Drainage approval is required for all / any plumbing and drainage works associated with the proposed development, prior to undertaking any plumbing and drainage works on the subject site.
- c. A Reconfiguring of a Lot (Access Easement) approval is required for the creation of an access easement associated with the proposed dwelling on Lot 2 RP48849, prior to occupation of the approved dwelling.

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

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

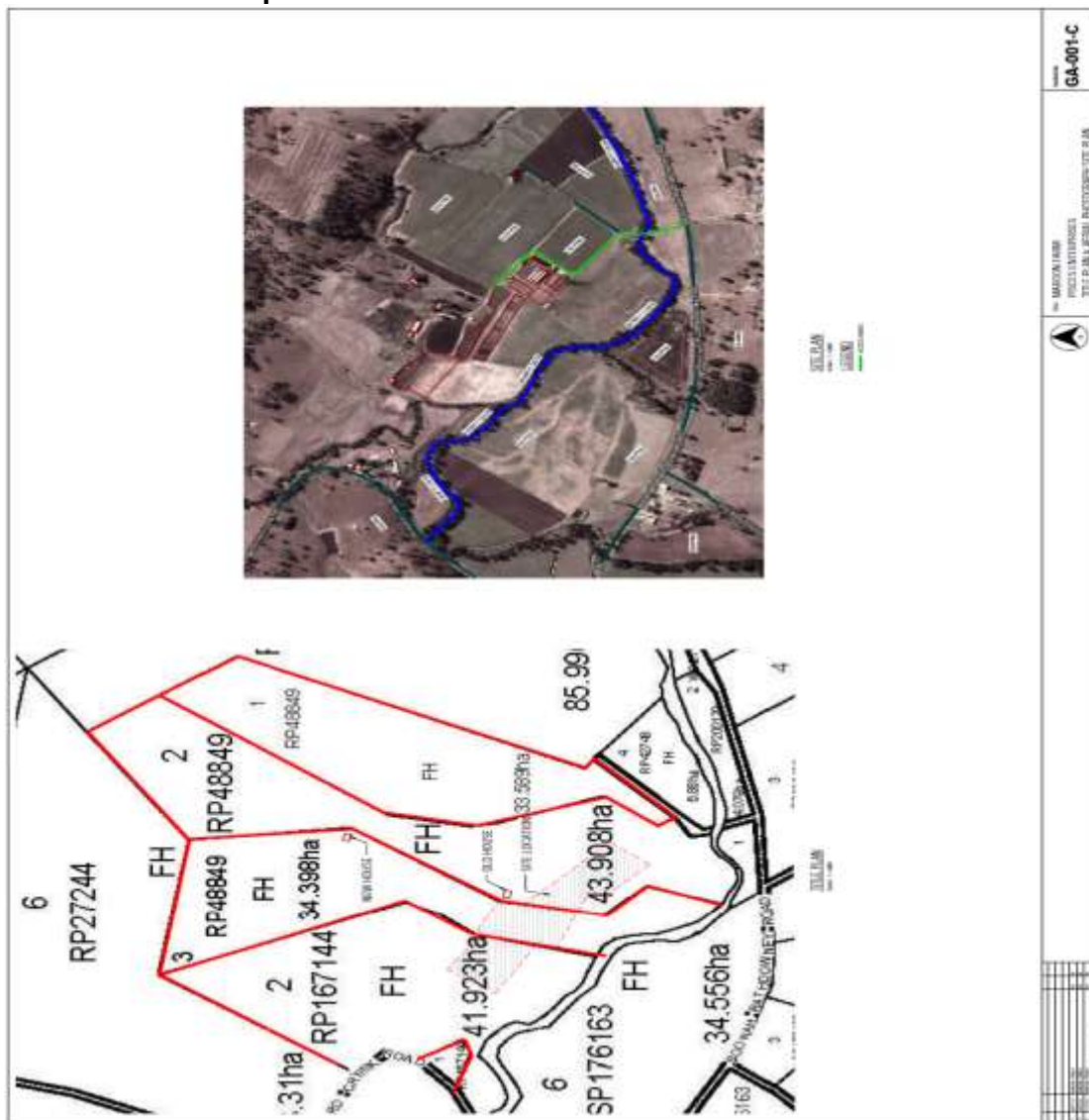
6. Administrative Action:

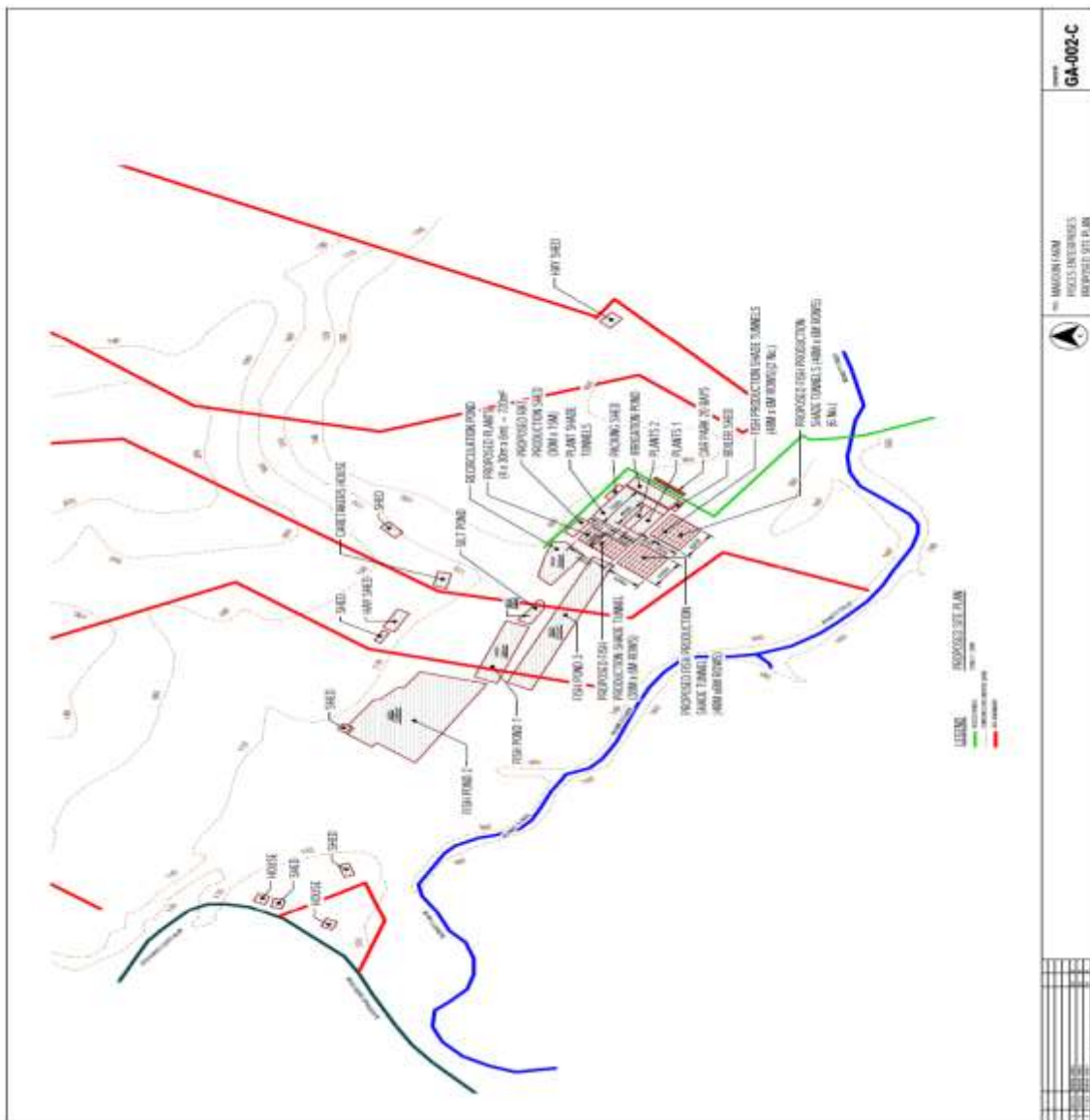
That Decision Notices be issued in accordance with s.335 of the *Sustainable Planning Act 2009* to the Applicant, submitter/s and referral agencies.

Attachments

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

Attachment 1 - Proposal Plans





Attachment 2 - Dekho Map (Zoom out)



Copyright 2013
Scenic Rim Regional Council



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



Attachment 3 - Dekho Map (Zoom in)



Copyright 2013 Scenic Rim Regional Council

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



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

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

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

Date: 23 January 2015

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

Attn: Mr Thor Nelson

Dear Mr Nelson

Concurrence agency response—with conditions

2561 Boonah Rathdowney Road, 94 Stockyard Creek Road & Jo Brown Road, Maroon
(Given under section 285 of the *Sustainable Planning Act 2009*)

The referral agency material for the development application described below was received by the Department of State Development, Infrastructure and Planning under section 272 of the *Sustainable Planning Act 2009* on 6 June 2014.

Applicant details

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

Site details

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

Application details

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

Aspects of development and type of approval being sought

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

Referral triggers

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

Referral trigger Schedule 7, Table 2, Item 28 – Aquaculture

Conditions

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

Reasons for decision to impose conditions

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

Approved plans and specifications

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

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

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

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

Yours sincerely



Nathan Rule
Manager - Planning

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

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

Our reference: SDA-1213-006943

Your reference: MC.Bn13/00010

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing																																								
Development Permit – Material Change of Use for Aquaculture (freshwater fish), Intensive Animal Industry (other animals – laboratory rats) and Wholesale Nursery (freshwater plans)																																										
Aquaculture—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the <i>Sustainable Planning Act 2009</i> nominates the Director-General of the Department of Agriculture, Fisheries and Forestry to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):																																										
1.	<p>The operator is authorised to conduct aquaculture on and harvest the following approved species:</p> <table border="0"> <thead> <tr> <th data-bbox="384 685 719 714"><u>Common Name</u></th> <th data-bbox="719 685 1027 714"><u>Scientific Name</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="384 725 719 754">African mono</td> <td data-bbox="719 725 1027 754"><i>Monodactylus sebae</i></td> </tr> <tr> <td data-bbox="384 766 719 795">Angelfish</td> <td data-bbox="719 766 1027 795"><i>Pterophyllum spp.</i></td> </tr> <tr> <td data-bbox="384 806 719 835">Archer fish</td> <td data-bbox="719 806 1027 835"><i>Toxotes jaculatrix</i></td> </tr> <tr> <td data-bbox="384 846 719 875">Argentine bloodfin (tetra)</td> <td data-bbox="719 846 1027 875"><i>Aphyocharax anisitsi</i></td> </tr> <tr> <td data-bbox="384 887 719 916">Armoured catfish</td> <td data-bbox="719 887 1027 916"><i>Corydoras spp.</i></td> </tr> <tr> <td data-bbox="384 927 719 956">Asoka barb</td> <td data-bbox="719 927 1027 956"><i>Puntius asoka</i></td> </tr> <tr> <td data-bbox="384 967 719 996">Auratus</td> <td data-bbox="719 967 1027 996"><i>Melanochromis auratus</i></td> </tr> <tr> <td data-bbox="384 1008 719 1037">Banded barb</td> <td data-bbox="719 1008 1027 1037"><i>Puntius pentazona</i> <i>(Barbodes pentozona)</i></td> </tr> <tr> <td data-bbox="384 1048 719 1077">Banded leporinus</td> <td data-bbox="719 1048 1027 1077"><i>Leporinus fasciatus</i></td> </tr> <tr> <td data-bbox="384 1088 719 1117">Betta</td> <td data-bbox="719 1088 1027 1117"><i>Betta spp.</i></td> </tr> <tr> <td data-bbox="384 1128 719 1158">Big-spot rasbora</td> <td data-bbox="719 1128 1027 1158"><i>Rasbora kalochroma</i></td> </tr> <tr> <td data-bbox="384 1169 719 1198">Bitterling</td> <td data-bbox="719 1169 1027 1198"><i>Rhodeus amarus</i></td> </tr> <tr> <td data-bbox="384 1209 719 1238">Bitterling</td> <td data-bbox="719 1209 1027 1238"><i>Rhodeus sericeus</i></td> </tr> <tr> <td data-bbox="384 1249 719 1279">Black ghost knife fish</td> <td data-bbox="719 1249 1027 1279"><i>Apteronotus albifrons</i></td> </tr> <tr> <td data-bbox="384 1290 719 1319">Black line silver hatchet fish</td> <td data-bbox="719 1290 1027 1319"><i>Gasteropelecus spp.</i></td> </tr> <tr> <td data-bbox="384 1330 719 1359">Black phantom tetra</td> <td data-bbox="719 1330 1027 1359"><i>Hyphessobrycon</i> <i>megalopterus</i> <i>(Megalamphodus</i> <i>megalopterus)</i></td> </tr> <tr> <td data-bbox="384 1370 719 1400">Black ruby barb</td> <td data-bbox="719 1370 1027 1400"><i>Puntius nigrofasciatus</i></td> </tr> <tr> <td data-bbox="384 1411 719 1440">Black shark</td> <td data-bbox="719 1411 1027 1440"><i>Labeo chrysophekadion</i> <i>(Morulius chrysophekadion)</i></td> </tr> <tr> <td data-bbox="384 1451 719 1480">Black spotted upsidedown catfish</td> <td data-bbox="719 1451 1027 1480"><i>Synodontis nigriventris</i></td> </tr> </tbody> </table>	<u>Common Name</u>	<u>Scientific Name</u>	African mono	<i>Monodactylus sebae</i>	Angelfish	<i>Pterophyllum spp.</i>	Archer fish	<i>Toxotes jaculatrix</i>	Argentine bloodfin (tetra)	<i>Aphyocharax anisitsi</i>	Armoured catfish	<i>Corydoras spp.</i>	Asoka barb	<i>Puntius asoka</i>	Auratus	<i>Melanochromis auratus</i>	Banded barb	<i>Puntius pentazona</i> <i>(Barbodes pentozona)</i>	Banded leporinus	<i>Leporinus fasciatus</i>	Betta	<i>Betta spp.</i>	Big-spot rasbora	<i>Rasbora kalochroma</i>	Bitterling	<i>Rhodeus amarus</i>	Bitterling	<i>Rhodeus sericeus</i>	Black ghost knife fish	<i>Apteronotus albifrons</i>	Black line silver hatchet fish	<i>Gasteropelecus spp.</i>	Black phantom tetra	<i>Hyphessobrycon</i> <i>megalopterus</i> <i>(Megalamphodus</i> <i>megalopterus)</i>	Black ruby barb	<i>Puntius nigrofasciatus</i>	Black shark	<i>Labeo chrysophekadion</i> <i>(Morulius chrysophekadion)</i>	Black spotted upsidedown catfish	<i>Synodontis nigriventris</i>	At all times
<u>Common Name</u>	<u>Scientific Name</u>																																									
African mono	<i>Monodactylus sebae</i>																																									
Angelfish	<i>Pterophyllum spp.</i>																																									
Archer fish	<i>Toxotes jaculatrix</i>																																									
Argentine bloodfin (tetra)	<i>Aphyocharax anisitsi</i>																																									
Armoured catfish	<i>Corydoras spp.</i>																																									
Asoka barb	<i>Puntius asoka</i>																																									
Auratus	<i>Melanochromis auratus</i>																																									
Banded barb	<i>Puntius pentazona</i> <i>(Barbodes pentozona)</i>																																									
Banded leporinus	<i>Leporinus fasciatus</i>																																									
Betta	<i>Betta spp.</i>																																									
Big-spot rasbora	<i>Rasbora kalochroma</i>																																									
Bitterling	<i>Rhodeus amarus</i>																																									
Bitterling	<i>Rhodeus sericeus</i>																																									
Black ghost knife fish	<i>Apteronotus albifrons</i>																																									
Black line silver hatchet fish	<i>Gasteropelecus spp.</i>																																									
Black phantom tetra	<i>Hyphessobrycon</i> <i>megalopterus</i> <i>(Megalamphodus</i> <i>megalopterus)</i>																																									
Black ruby barb	<i>Puntius nigrofasciatus</i>																																									
Black shark	<i>Labeo chrysophekadion</i> <i>(Morulius chrysophekadion)</i>																																									
Black spotted upsidedown catfish	<i>Synodontis nigriventris</i>																																									

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

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

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

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

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

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

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

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

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

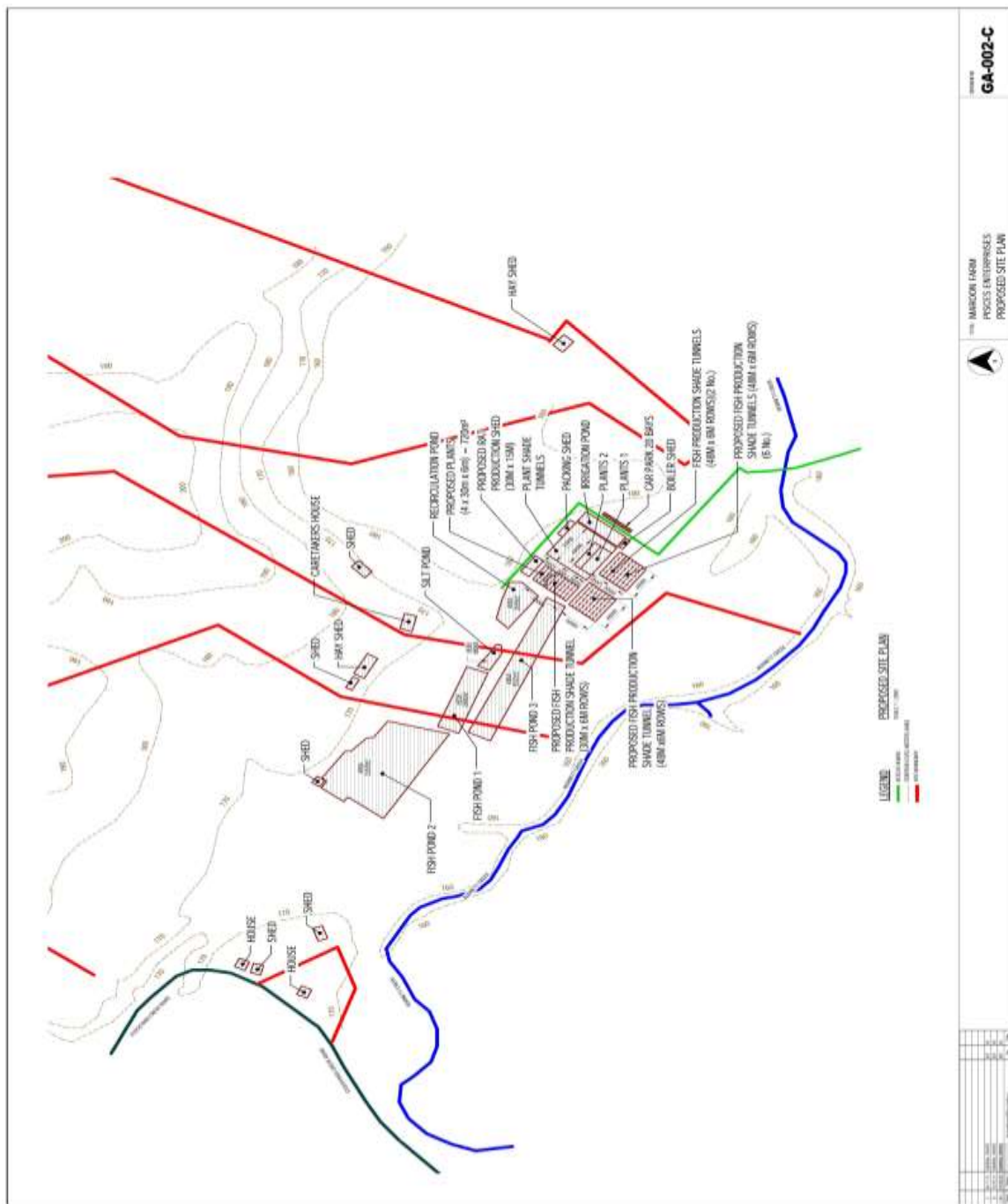
Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

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

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

Attachment 3—Approved plans and specifications



3.7 D8757.01 SJ Grehan Surveys Pty Ltd Request to Change Conditions of Approval, Mount Alford Road, Mount Alford L35 W311291

Executive Officer: Director Regional Services

Item Author: Manager Planning

File Reference: D8757.01

Applicable Planning Scheme	Boonah Planning Scheme
Applicant	SJ Grehan Surveys Pty Ltd
Owner(s)	Oakmile Pty Ltd
Site Address	Mt Alford Road MOUNT ALFORD
Real Property Description	Lot 35 on W 311291
Relevant Zone and Precinct	Part Rural Buffer - Part Village
Proposal	Request to Change or Cancel Conditions of Approval
Date Application Received:	1 April 2015 (properly made on 13 May 2015)

Purpose of the report

This report provides an assessment of the facts and circumstances surrounding a Request to Change a Development Approval granted by Council with a Negotiated Decision Notice issued on 21 December 2007 and is intended to assist Council in its deliberations on the application.

Risks

Strategic Risks

The following Level 1 and Level 2 (strategic) risks are relevant to the matters considered in this report:

- CF6 - Failure to comply with statutory obligations and responsibilities;
- CE2 - Failure to discharge regulatory responsibilities under legislation or local law;
- CE5 - Failure to ensure regulatory applications are managed, assessed and processed in accordance with legislative timeframes and protocols;
- PO2 - Political influence impacting on operational management of organisation.

Risk Assessment

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment of risks	Residual Risk Rating
Environmental Impacts on environment as a result of development activity	Moderate	Unlikely	Medium	Environmental impacts considered and documented during assessment	Low
Legal Compliance and Liability Failure to ensure application is assessed in accordance with IDAS process	Minor	Possible	Medium	Documented assessment process	Low
Legal Compliance and Liability Opportunity for applicant or third party appeal against Council decision	Minor	Possible	Medium	- Ensure reasonable and relevant test applicable to assessment processes - Model Litigant processes followed in court cases - Minimise opportunities for appeals	Low
Reputation Negative perception from community or development proponents	Minor	Unlikely	Low	- Transparent reporting of assessment - Communications	Low

Brief Summary

A briefing on key events related to this application is outlined as follows:

- An application seeking the subdivision of Lot 35 on W311291 into two (2) lots was approved by the former Boonah Shire Council on 25 September 2007.
- The Applicant was issued a Negotiated Decision Notice on 21 December 2007.
- The applicant was granted an extension to the Relevant Period until 21 December 2013 (Decision Notice issued on 13 October 2011).
- The applicant was further granted an extension to the Relevant Period until 21 December 2015 (Decision Notice issued on 13 December 2013, under application No. RL.Bn/00081).
- The applicant's current request was lodged with Council on 1 April 2015 but was not properly made until 13 May 2015.

Proposal

The applicants request relates to Conditions 1, 17, 20, 21, 26 and 29 of the Decision Notice issued by Council on 21 December 2007.

*Condition 1 - Proposal Plan**Applicant's Request*

The applicant seeks to amend Condition 1. Condition 1 currently reads as follows:

- 1) Subdivision of the site occurs in accordance with the proposal plan prepared by J.B. Goodwin Midson & Partners with reference no. 13088-1 and dated 22/06/07 and as amended by these conditions.

Applicant's relief sought:

The applicant states that: "...The variation of the proposed subdivision shown on the enclosed Design Plan 15/106/01 has come about as a result of the investigations into the financial viability of the previous design and the realisation that the costs incurred to achieve the subdivision would result in a loss to the owner.

...The revised design and consequent variation to a number of conditions should result in significant savings which will enable the development to occur without resulting in a loss...

An inclusion of a substantial area of land into proposed Lot 34 provides for the elimination of the access strip and consequently the requirement to construct an extended driveway and utility service extension...

...Proposed Lot 34 will be accessed via a registered access Easement A from the McLaughlin/Turner Street intersection but without the extended access strip...

...Access to proposed Lot 34 and 35 can be achieved along Turner Street either separately or a combined entrance serving both proposed allotments could be constructed at proposed Easement A to mitigate costs..."

Officer's comments

Agreed. The applicant's financial concerns with the original design are reasonable. Overall it is to be noted that the subdivision allows for the creation of two relatively large blocks with one of the entirely contained in the Village Zone, whilst the other one will remain for most part within the Rural Buffer Zone. The alteration of this Condition provides the grounds for the applicant request of the deletion of Conditions 17 and 29 as outlined further in this report. However, as further outlined in this report, Council's officers do not concur with the applicant's claims to request the deletion of Condition 26 - Drainage Easement. The sizing of the easement must be supported with calculations which in turn demonstrate that it is capable of cater for Q100 stormwater flows. Council must not approve the drainage easement as shown in the proposed plan.

It is recommended that Condition 1 be amended to read as follows:

- 1) Subdivision of the site occurs generally in accordance with the proposal plan prepared by SJ Grehan Surveys Pty Ltd with reference no. 15/106/01 and lodged by the applicant with correspondence dated 30th March 2015, or as amended and approved by Council. The applicant is to lodge with Council for approval an amended plan not showing the 5m wide drainage easement, in fulfilment of this condition.

Condition 17 - Extension of utilities

Applicant's Request

The applicant seeks the deletion of Condition 17. Condition 17 currently reads as follows:

- 17) Utilities are to be extended for the full length of access to proposed Lot 34. This is to include water, electrical and communications.

Applicant's relief sought:

The applicant states that: "...As the designs has been amended to remove the access strip to proposed Lot 34, this condition is no longer relevant and should be deleted".

Officer's comments

Agreed. It is recommended that Condition 17 be deleted.

Condition 20 - Street Lighting

Applicant's Request

The applicant seeks the deletion of Condition 20. Condition 20 currently reads as follows:

- 20) Street lighting to be provided in accordance with AS1158 for the intersection of McLaughlin and Turner Streets. High pressure sodium or other approved energy efficient lamps are to be used.

Applicant's relief sought:

The applicant states that: "...We seek the deletion of this condition which requires street lighting as we believe it is unreasonable in the context of a 2 lot subdivision creating large allotments more in keeping with a rural residential style".

Officer's comments

Agreed. It is recommended that Condition 20 be deleted.

Condition 21 - Telephone and Cable services

Applicant's Request

The applicant seeks the deletion of Condition 21. Condition 21 currently reads as follows:

- 21)** The Developer shall make suitable arrangements for the provision of telephone and (where applicable) cable services to all proposed lots within the development. Documentary evidence that discussions have commenced with any authorised telephone/cable service provider, on the provision of telephone/cable services, shall be provided before Council's endorsement of the survey plan.

Applicant's relief sought:

The applicant states that: "...We seek the deletion of this condition as we understand that telephone services are readily available from mobile telephone infrastructure in the vicinity and importantly that cable services may well become available in a wireless format in the near future at this locality".

Officer's comments

Partly agreed. Council officers are of the view that conventional telephone services (land lines) are still broadly considered an essential service and that the provision of such a service must be guaranteed by the developer. The aspects of this Condition which relate to the provision of other cable services, however, can be removed, as future development of the site can be conditioned accordingly. With this in mind, it is recommended that Condition 21 be amended to read:

- 21)** The Developer shall make suitable arrangements for the provision of telephone to all proposed lots within the development. Documentary evidence that discussions have commenced with the authorised telephone service provider, on the provision of telephone service, shall be provided before Council's endorsement of the survey plan.

*Condition 26 - Drainage Easement**Applicant's Request*

The applicant seeks to amend Condition 26. Condition 26 currently reads as follows:

- 26)** A drainage easement is to be provided for the overland flow path to accommodate a channel of Q100 flow capacity of stormwater from McLaughlin Street at the commencement of the proposed Easement A to a licensed point of discharge.

Applicant's relief sought:

The applicant states that: "...We also seek the amendment of Condition 26 to replace the original requirement to create an easement to accommodate Q100 stormwater flows to the following condition:

A 5 metre wide drainage easement for overland flow purposes to accommodate Q100 flows is provided through proposed Lots 34 & 35 to a lawful point of discharge.

The reason for this request is that the proposed two lot subdivision is not a subdivision of a residential nature and the Q100 standard is an unreasonable design requirement for a two lot non-residential development...

The Q100 standard imposes unreasonable design obligations on what is effectively a rural residential style development"

Officer's comments

Disagreed. Council officers are of the view that the current Condition 26 reflects the requirements of the Queensland Urban Drainage Manual - QUDM. Furthermore, Lot 35 for most part is comprised of land contained within the Village Zone and is susceptible of being subdivided into township like allotments so this requirement is not seen as unreasonable. In addition to this, the applicant has not provided hydraulic calculations which demonstrate that a 5m wide drainage easement suffices to cater for Q20 stormwater flows. It is therefore recommended that Condition 26 stays as it is.

Condition 29 - Construction of a two coat bitumen seal driveway

Applicant's Request

The applicant seeks the deletion of Condition 29. Condition 29 currently reads as follows:

- 29)** Construction of a two (2) coat bitumen seal driveway within the freehold access strip of proposed Lot 34 to Council's Residential Driveway standard, for the length of the strip.

Applicant's relief sought:

The applicant states that: "...As with Condition 17 above, as the access strip has been eliminated from the design, the condition to construct and seal a driveway along the strip is irrelevant and should be deleted".

Officer's comments

Agreed. It is recommended that Condition 29 be deleted.

Referrals

Internal

Infrastructure Services

Council's Infrastructure Services section has raised concerns that the proposed amended layout does not alter the stormwater status of the site and as such condition 26 should remain. The Q10 pipe needs to be extended past the access point. Ideally the access strip would remain in place. The access location as depicted on the proposed layout is not ideal. The access should be located so as to provide adequate sight distance and should be square to the property boundary. An easement will be required for the access to Lot 34.

External

The original application triggered referral to the Department of Transport and Main Roads.

Conclusion

Council is in receipt of an application for a Request to Change an Existing approval pursuant to s.369 of the Sustainable Planning Act 2009. In light of the assessment of the representations made by the Applicant and outlined in the previous sections of this report, Council's officers are of the view that the requested changes constitute a permissible change as per section 367 of the Act. The majority of the requested changes or deletions are supported with the exception of Condition 26.

Director's Recommendation

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

RPD:	Lot 35 on W311291
Address of property:	Mt Alford Road MOUNT ALFORD QLD 4310
Site area:	91,310 m ²
Proposal:	Request to Change or Cancel Conditions of Approval

2. **Conditions of Approval:**

- 1) Subdivision of the site occurs generally in accordance with the proposal plan prepared by SJ Grehan Surveys Pty Ltd with reference no. 15/106/01 and lodged by the applicant with correspondence dated 30th March 2015, or as amended and approved by Council. The applicant is to lodge with Council for approval an amended plan not showing the 5m wide drainage easement, in fulfilment of this condition.

17) DELETED

20) DELETED

21) The Developer shall make suitable arrangements for the provision of telephone to all proposed lots within the development. Documentary evidence that discussions have commenced with the authorised telephone service provider, on the provision of telephone service, shall be provided before Council's endorsement of the survey plan.

26) REMAINS AS APPROVED

29) DELETED

3. **Administrative Action:**

That a Decision Notice be issued in accordance with s.376 of the *Sustainable Planning Act 2009* to the applicant, submitter/s and referral agencies.

Attachments

1. Aerial Photo.
2. Applicant's request.
3. Referral Agency's response.

Attachment 1 - Aerial Photo



Attachment 2 - Applicant's request

SJ GREHAN SURVEYS PTY LTD
 Consulting Surveyors & Planners
 ABN 55 153 135 356

Our Ref: 15/106/SJS
 150330

30th March 2015

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

Attention: Mr Scott Turner

Dear Sir

**Re: Request to Change or Cancel Conditions
 Development Application (Boonah Shire Council) - D8757
 Reconfiguration of Land - Lot 35 on W311291
 Mt Alford Road & Turner Street, Mt Alford
 Applicant: Oakmile Pty Ltd**

RECEIVED
 01 APR 2015

SCENIC RIM REGIONAL COUNCIL
REGIONAL COUNCIL

File No: **D8757**

01 APR 2015

Doc. Title: **RVDA**

Pass. Officer: **DA ADMIN**

? **CRPTJ** 3

PAYMENT RECEIVED
 O/R. 12/15/997... \$ 1690.00

01 APR 2015
 D8757.01

BEAUDESERT CUSTOMER SERVICE CENTRE

xref Lapan.

On behalf of the applicant, Oakmile Pty Ltd, we seek approval for a variation of the approved Design Plan for this project and as a consequence of the variation in design, the removal or amendment of several conditions attaching to the Permit.

The variation of the proposed subdivision shown on the enclosed Design Plan 15/106/01 has come about as a result of investigations into the financial viability of the previous design and the realisation that the costs incurred to achieve the subdivision would result in a loss to the owner.

The revised design and consequent variation to a number of conditions should result in significant savings which will enable the development to occur without resulting in a loss.

An inclusion of a substantial area of land into proposed Lot 34 provides for the elimination of the access strip and consequently the requirement to construct an extended driveway and utility service extension.

The area of the inclusion comprises a substantial area of land which is identified as being above the determined Q100 flood level.

Proposed Lot 34 will be accessed via a registered access Easement A from the McLaughlin/Turner Street intersection but without the extended access strip.

149 Park Avenue
 Clayfield Qld 4011

Ph: (07) 3857 3629
 Mb: 0416 189 058
 stephenjgrehan@hotmail.com

This accords with the Department of Transport & Main Roads requirement of preventing access to proposed Lot 34 from the Mt Alford Road alignment.

Access to proposed Lot 34 and 35 can be achieved along Turner Street either separately or a combined entrance serving both proposed allotments could be constructed at proposed Easement A to mitigate costs.

Stormwater flows from McLaughlin Street and Turner Street will be directed through proposed Lot 35 via proposed Easements A & B which follow the natural flowpath and will ultimately discharge to the Teviot Brook; a legal point of discharge.

In respect to the conditions of the Development Permit, we seek the deletion of Conditions 17, 20, 21 & 29.

Condition 17. As the design has been amended to remove the access strip to proposed Lot 34, this condition is no longer relevant and should be deleted.

Condition 20. We seek the deletion of this condition which requires street lighting as we believe it is unreasonable in the context of a 2 lot subdivision creating large allotments more in keeping with a rural residential style.

Condition 21. We seek the deletion of this condition as we understand that telephone services are readily available from mobile telephone infrastructure in the vicinity and importantly that cable services may well become available in a wireless format in the near future at this locality.

Condition 29. As with Condition 17 above, as the access strip has been eliminated from the design, the condition to construct and seal a driveway along the strip is irrelevant and should be deleted.

While we do not seek the specific deletion of the following conditions, we are concerned of the correctness or relevancy of their inclusion in respect to this 2 lot subdivision and this is an opportunity for Council to consider the appropriateness of their inclusion.

Condition 1 should be amended to reflect the new Design Plan.

Court precedents have established that "future" conditions cannot be imposed and Conditions 6, 7 & 8 should be reviewed.

Any further development of the land for whatever purposes would be subject to the provisions of the applicable Planning Scheme and Local Laws in force at the time.

Conditions 24, 25 & 26 should be reviewed to address the circumstances of the stormwater flows as they apply at present and reflect that the proposal is a 2 lot subdivision which provides allotments that are not residential in respect to their proposed areas.

We believe that requiring the stormwater design to a Q100 capacity, which is suitable for a residential use, significantly impacted on the viability of the development and should be amended to reflect the specific requirements of this development; *not a future one*.

Qld Urban Utilities has been established since the grant of the development permit and while no change is requested to Conditions 32-36, Council may wish to consider whether these conditions remain correct in context to the establishment of QUU.

We would ask Council to bring up to date by way of CPI increase the contributions referred to in Condition 43.


In support of this request, we enclose the following:-

- i) 3 copies of Design Plan 15/106/01
- ii) SARA correspondence
- iii) Request Form
- iv) Our clients cheque for **\$1875.00** calculated as follows

Base Fee	\$950.00
4 conditions @ \$185 each	<u>\$740.00</u>
Total	<u>\$1690.00</u>

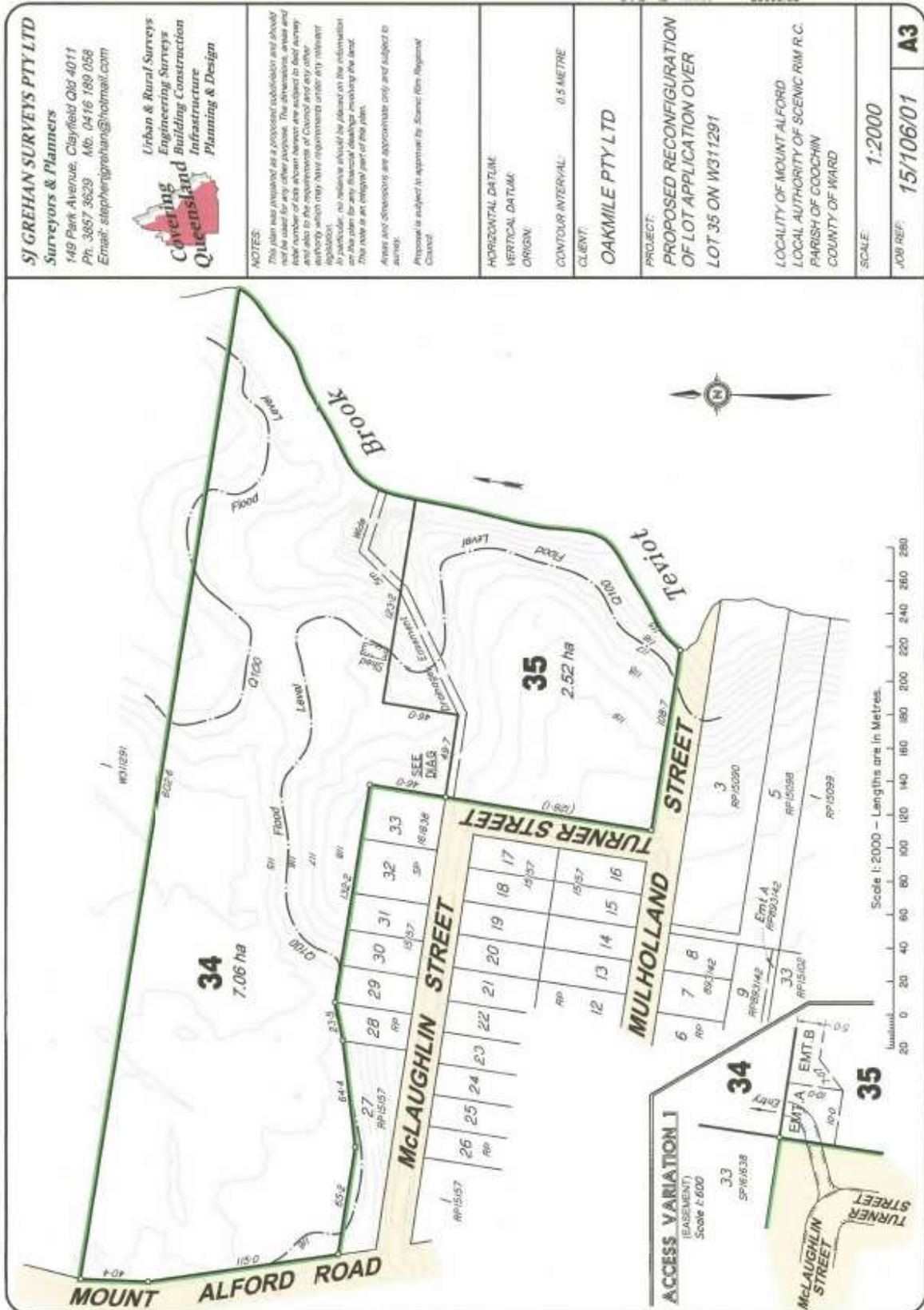
We await Council's consideration of this request and should further information be required in respect to the application, please contact the writer.

Yours faithfully
SJ Grehan Surveys Pty Ltd



Steve Grehan
 Registered Surveyor

cc: Oakmile Pty Ltd
 SARA



SJ GREHAN SURVEYS PTY LTD

Consulting Surveyors & Planners
 ABN 55 153 135 356

Our Ref: 15/106:SIG
 130330

30th March 2015

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

Attention: Mr Scott Turner

Dear Sir

Re: Request to Change or Cancel Conditions D8757.01
 Reconfiguration of Land - Lot 35 on W311291
 Mt Alford Road & Turner Street, Mt Alford
 Applicant: Oakmile Pty Ltd



Further to Council's correspondence dated 9th April 2015, we wish to clarify the conditions of the original Development Permit which we are seeking to delete or amend.

We specifically seek the deletion of Conditions 17, 20, 21 and 29 for the reasons that have been detailed in our previous correspondence dated 30th March.

Further we seek the amendment of Condition 1 to recognise the change of the development concept to the new Design Plan No. 15/106/01.

This request to change is accompanied by the requisite fee of \$185.

We also seek the amendment of Condition 26 to replace the original requirement to create an easement to accommodate Q100 stormwater flows to the following condition:-

A 5 metre wide drainage easement for overland flow purposes to accommodate Q20 flows is provided through proposed Lots 34 & 35 to a lawful point of discharge.

The reason for the request is that the proposed two lot subdivision is not a subdivision of a residential nature and the Q100 standard is an unreasonable design requirement for a two lot non-residential development.

The Q100 standard imposes unreasonable design obligations on what is effectively a rural residential style of development.

149 Park Avenue
 Clayfield Qld 4011

Ph: (07) 3857 3629
 Mb: 0416 189 058
 stephenjgrehan@hotmail.com

This request for amendment also attracts the requisite fee of \$185.

Therefore, together with the monies previously paid to Council in conjunction with our correspondence dated 30th March, a cheque in the amount of \$370 is included herewith to cover the cost of a change to Conditions 1 & 26.

We trust that Council will now accept that the application has been properly made and that it can proceed to an assessment.

Yours faithfully
SJ Grehan Surveys Pty Ltd



Steve Grehan
Registered Surveyor

cc *Ookmile Pty Ltd*

Attachment 3 - Referral Agency's Response



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

Our ref: SPD-0415-016631
Council ref: RL.Bn/00081 (D8757)

Date: 1 May 2015

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

Attn: Mr John Creagan

Dear Mr Creagan

Notice about request for permissible change—relevant entity

Mount Alford Road and Turner Street, Mount Alford (Lot 35 on W311291)
(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* (SPA) on 7 April 2015 advising the department, as a relevant entity, of the request for a permissible change made to the responsible entity under section 369 of SPA.

The department understands that the proposed changes are as follows:

- Deletion of conditions 17 (Utilities), 20 (Street lighting), 21 (Telephone services), and 29 (Bitumen sealed driveway); and
- Amendments to condition 26 (Drainage easement) and condition 1 (Proposed site plan) in order to refer to the revised Design Plan 15/106/01.

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

If you require any further information, please contact Angela Cleary, Senior Planner, on (07) 3432 2410, or via email angela.cleary@dsdip.qld.gov.au who will be able to assist.

Yours sincerely

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

Nathan Rule
Manager - Planning

cc: SJ Grehan Surveys Pty Ltd; stephenjgrehan@hotmail.com
Department of Transport and Main Roads; south.coast.idas@tmr.qld.gov.au

4. INFRASTRUCTURE SERVICES

Nil.