



SCENIC RIM REGIONAL COUNCIL

Planning & Development Committee

Report

Meeting held in the Council Chambers

82 Brisbane Street

Beaudesert

Tuesday, 23 June 2015

Commenced at 11.33 am

All correspondence to
Be addressed to the
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**SCENIC RIM REGIONAL COUNCIL
PLANNING & DEVELOPMENT COMMITTEE
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PLANNING & DEVELOPMENT COMMITTEE

REPORT

CHIEF EXECUTIVE OFFICER

I advise that the Committee met on **Tuesday, 23 June 2015**. Councillors present:

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

ATTENDANCE

Executive Officers

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

APOLOGIES

Nil

DECLARATIONS OF INTEREST BY MEMBERS

Nil

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

S Turner, Manager Planning (Items 3.1 - 3.7)

Reception of Deputations by Appointment / Visitors

Nil

PLANNING & DEVELOPMENT COMMITTEE

REPORT

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

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

1. EXECUTIVE

Nil.

2. CHIEF FINANCE OFFICER

Nil.

3. REGIONAL SERVICES**3.1 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

File Reference: 19/03/004

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*.

Committee Recommendation

That the Director Regional Services' recommendation be adopted.

Moved: Cr West

Seconded: Cr McInnes

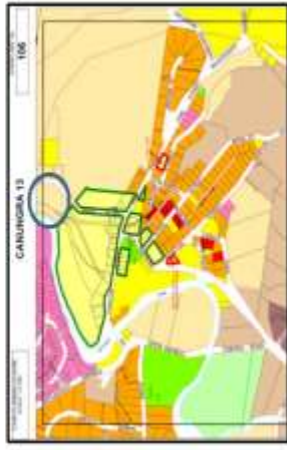
Carried

Attachments

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

No.	Summary of Submission	Assessment of Submission	Proposed Recommendation
1.	<p>A submission was received in response to the proposed zoning of Lot 161 on WD3984, Finch Road, Canungra.</p> <p>The amendments seek to exclude the site from the Emerging Communities Precinct of the Beaudesert and Canungra Townships Zone and include it within the Residential Precinct of the Canungra Township Zone. The submission objected to the proposed zoning and instead seeks inclusion of the site within the Mixed Use Precinct.</p> <p>The submission provided an overview of the site history, which is detailed below.</p> <ol style="list-style-type: none"> Substantial investment has been made in relation to the site to establish a Public Worship and associated facilities, which was approved under the 1985 Town Planning Scheme for the Shire of Beaudesert (1985 Planning Scheme); The site was included in the Special Facilities Zone under the 1985 Planning Scheme and subsequently, changed to the Emerging Communities Precinct of the Beaudesert and Canungra Townships Zone under the current Planning Scheme; The submission noted that the change in zone from the 1985 Planning Scheme to the current Planning Scheme compromised the potential of the subject land in terms of its highest and best use and resulted in the loss of development potential previously afforded under the 1985 Planning Scheme. <p>The submission asserts that the proposed inclusion of the site within the Residential Precinct would further compromise the site's potential and future use. The submission therefore seeks the inclusion of the site within the Mixed Use Precinct, which would partly compensate for the loss of development potential from the zoning change from the transition from the 1985 Planning Scheme to the current Planning Scheme.</p> <p>The submission also highlighted the below.</p>	<p>The amendments seek to implement the land use planning policy of the Canungra Local Planning Study and Land Use Plan (Local Planning Study), which was subject to a previous community engagement exercise.</p> <p>Under the Local Planning Study, the land immediately to the north of the Mixed Use Precinct adjacent to Finch Road predominantly had an 'Acre & Semi-Acre Residential' designation. However, the current amendments have instead proposed to include this land within the higher-order zoning of 'Residential'.</p> <p>A sufficient allocation of land has been proposed within the Mixed Use Precinct under the Local Planning Study to cater for the needs of Canungra and its catchment for a substantial period. Inclusion of additional land within this Precinct is therefore not required to address the expected land demand needs of the population.</p> <p>The proposed Mixed Use Precinct in Canungra is required to be developed in accordance with an approved master plan. The intent of this master planning requirement is to ensure that the range of uses contemplated in the precinct intent, which includes commercial, service / light industry and residential, is adequately planned within the site to address potential land use conflict issues. The required master plan will also be expected to address interface issues with adjoining and nearby parcels such as the subject site, which will ensure that only those uses compatible with the intent of the Residential Precinct are permitted in proximity to site boundaries.</p> <p>The current allocation of Mixed Use Precinct proposed in the Canungra township is restricted to 1 allotment. This land title arrangement presents a significant opportunity to achieve an integrated and coordinated approach to the planning and development of the proposed Mixed Use Precinct. It is considered that the inclusion of additional smaller parcels within the Mixed Use Precinct will not yield this integrated</p>	<p>The submitter be advised that no change to Amendment No. 6 is proposed in response to the matters raised in the submission owing to the assessment outlined in Attachment No. 1.</p>

<p>outcome and potentially result in fragmented development along Finch Road.</p> <p>The submission has indicated that the 8,094m² site was included in the Special Facilities zoning under the 1985 Planning Scheme. However, upon review of the 1985 Planning Scheme zoning maps, the site was in fact characterised by a Special Purposes zoning. The intent of this Precinct was to 'provide for areas of land uses or owned by federal, state or local government, for purposes such as municipal services, education, hospitals etc., as well as large parcels of privately-owned land use for religious and community purposes'. The precinct provided for government and community uses.</p>		<p>The submitter be advised that the proposed zoning change will not be pursued as part of current amendment package and that the property will be retained within the Countryside Precinct of the Rural Zone.</p>
<p>1. The site adjoins land proposed to be contained within the Mixed Use Precinct, which provides for a range of land uses and will be subject to master planning to ensure land use compatibility. The site is also adjacent to a Future Transport Route identified in the Infrastructure Overlay Map OV1.1 (i.e. future Canungra bypass). The submission raised concerns regarding potential interface and isolation issues with the proposed Mixed Use Precinct and future road alignment and maintained that the site will be undesirable for residential purposes.</p> <p>2. Inclusion of the site within the Mixed Use Precinct will ensure that the highest and best use for the land (and adjoining 2 parcels) is achieved.</p> <p>3. The continuation of the current use of the site for Public Workshop would remain consistent with the intent of the Mixed Use Precinct and would not result in conflict with surrounding uses.</p>	<p>It should be noted that any change in zoning from the 1985 to 2007 Planning Scheme does not represent a planning consideration for the current amendment package.</p> <p>The concerns raised in the submission are noted. It is not proposed to proceed with the zoning change as part of the current amendment package.</p> <p>It is also noted that access to the subject site (via Geiger Bridge) is restricted during a 1% AEP flood event, which is the Defined Flood Event adopted by Council for the region. Accordingly, it is recommended that additional rural residential lots not be created that could potentially be isolated during a Defined Flood Event.</p>	<p>The concerns raised in the submission are noted. It is not proposed to proceed with the zoning change as part of the current amendment package.</p> <p>It is also noted that access to the subject site (via Geiger Bridge) is restricted during a 1% AEP flood event, which is the Defined Flood Event adopted by Council for the region. Accordingly, it is recommended that additional rural residential lots not be created that could potentially be isolated during a Defined Flood Event.</p>
<p>2</p>	<p>A submission was received in response to the proposed zoning of Lot 3 on SP 113284, 55 Geiger Road, Canungra.</p> <p>The amendments seek to exclude the site from the Countryside Precinct of the Rural Zone and include it within the Park Living Precinct of the Canungra Township Zone. The submission objected to the proposed zoning and instead seeks the retention of the property within its existing zoning.</p> <p>The concerns raised in the submission regarding the proposed zoning change included:</p>	<p>The concerns raised in the submission regarding the proposed zoning change included:</p>


	<ol style="list-style-type: none"> The property is located on the western side of Canungra Creek, and Living on the property for approximately 15 years with on-site water supply, sewage treatment and other infrastructure. 	<p>It is considered that the proposal not to proceed with the specific amendment will not result in an Amendment Package that is significantly different to the version released for public consultation as required under the Statutory Guideline.</p> <p>It is considered that the proposal not to proceed with the specific amendment does not result in an Amendment Package that is significantly different to the version released for public consultation as required under the Statutory Guideline.</p>	
3.	<p>A submission was received in response to the proposed zoning of (Part) Lot 5 on SP 125470, Lot 1 on RP807295, Lot 2 on RP865679 and Lot 3 on SP113284, 51 Geiger Road, Canungra.</p> <p>The amendments seek to exclude the site from the Countryside Precinct of the Rural Zone and include it within the Park Living Precinct of the Canungra Township Zone. The submission objected to the proposed zoning and instead seeks the retention of the site within the Countryside Precinct.</p> <p>The following concerns were raised regarding the proposed zoning change:</p> <ol style="list-style-type: none"> The amendment is not considered to be advantageous to the residents of the property; Costs have previously been incurred to provide infrastructure to the properties such as water supply, sewage treatment, roads and electricity etc. The creation of additional properties has the potential to trigger the need for a reticulated water supply; Potential for increase in rates; No guarantees have been provided that additional lots can be created under the proposed amendments; and Potential restrictions of existing use rights such as carrying out Animal Husbandry and other associated agricultural pursuits may occur. 	<p>The concerns raised in the submission are noted. It is not proposed to proceed with the zoning change as part of the current amendment package.</p> <p>It is also noted that access to the subject site (via Geiger Bridge) is restricted during a 1% AEP flood event, which is the Defined Flood Event adopted by Council for the region. Accordingly, it is recommended that additional rural residential lots not be created that could potentially be isolated during a Defined Flood Event.</p> <p>It is considered that the proposal not to proceed with the specific amendment does not result in an Amendment Package that is significantly different to the version released for public consultation as required under the Statutory Guideline.</p>	<p>The submitter be advised that the proposed zoning change will not be pursued as part of current amendment package and that the property will be retained within the Countryside Precinct of the Rural Zone.</p>
4.	<p>A further submission was received in response to the proposed zoning of (Part) Lot 5 on SP 125470, Lot 1 on RP807295, Lot 2 on RP865679 and Lot 3 on SP113284, 51 Geiger Road, Canungra.</p> <p>The submission outlines concerns regarding the proposed exclusion</p>	<p>The concerns raised in the submission are noted. It is not proposed to proceed with the zoning change as part of the current amendment package.</p> <p>It is also noted that access to the subject site (via Geiger</p>	<p>The submitter be advised that the proposed zoning change will not be pursued as part of current amendment package and that the property will be retained</p>

<p>of the site from the Countryside Precinct of the Rural Zone and inclusion within the Park Living Precinct of the Canungra Township Zone for the reasoning summarised below.</p> <ol style="list-style-type: none"> Proposed zoning provides limited benefits; The costs associated with the requirement for new titles to be serviced by a reticulated water supply; Potential implications on land valuation and potentially rates payable; Land use restrictions associated with the proposed Park Living Precinct (i.e. animal husbandry and agricultural activities); Existing properties on the site are currently self-sufficient in terms of infrastructure provision. <p>The submission outlines that the current tilting arrangement has allowed residents to stay on the property longer, enabling relatives to assist in providing required care and farm management.</p>	<p>within the Countryside Precinct of the Rural Zone.</p>
<p>5.</p> <p>A submission was received in response to the proposed zoning of Lot 1 on RP32089, Lot 155 on WD2761 and Lot 3 on SP161073, 28 Finch Road, Canungra. The amendments seek to exclude Lot 3 on SP161073 from the Emerging Communities Precinct of the Beaudesert and Canungra Township Zone and include it within the Residential Precinct of the Canungra Township Zone. Lot 1 on RP32089 and Lot 155 on WD2761 were proposed to be excluded from the same zoning and included in the Passive Recreation Precinct of the Canungra Township Zone.</p> <p>Whilst the submission did not object to the proposed zoning change, the below matters were raised.</p> <p>Implications of the proposed zoning change on:</p> <ul style="list-style-type: none"> An existing private cemetery located within Lot 3; The alignment of a sewage pipe that traverses the site; Current standard of Finch Road, which is currently a gravel track; and Land valuation and subsequently, rates payable 	<p>It is restricted during a 1% AEP flood event, which is the Defined Flood Event adopted by Council for the region. Accordingly, it is recommended that additional rural residential lots not be created that could potentially be isolated during a Defined Flood Event.</p> <p>It is considered that the proposal not to proceed with the specific amendment does not result in an Amendment Package that is significantly different to the version released for public consultation as required under the Statutory Guideline.</p>
<p>A response to the matters raised in the submission is detailed below.</p> <ol style="list-style-type: none"> Existing Private Cemetery <p>The Planning Scheme does not include regulation regarding development of land that contains private cemeteries. However, separate legislation exists that outlines how private cemeteries are required to be managed. The inclusion of private cemeteries in the public land of a residential development represents current best practice.</p> <ol style="list-style-type: none"> Alignment of Sewage Infrastructure <p>The proposed change in zoning in itself does not have any implications on the current alignment of the sewerage network. However, should the property be developed for urban residential purposes, the current alignment will be required to be considered in the detailed design. The asset owner, being Queensland Urban Utilities (QUU), will be involved in the development assessment process and will advise of the requirements of their infrastructure (i.e. whether realignment of the network is required or whether the current alignment has to be factored into the development's design).</p>	<p>The submitter be advised that no change to Amendment No. 6 is proposed in response to the matters raised in the submission owing to the assessment outlined in Attachment No. 1. The submitter be provided with a response to the queries raised in their submission.</p>

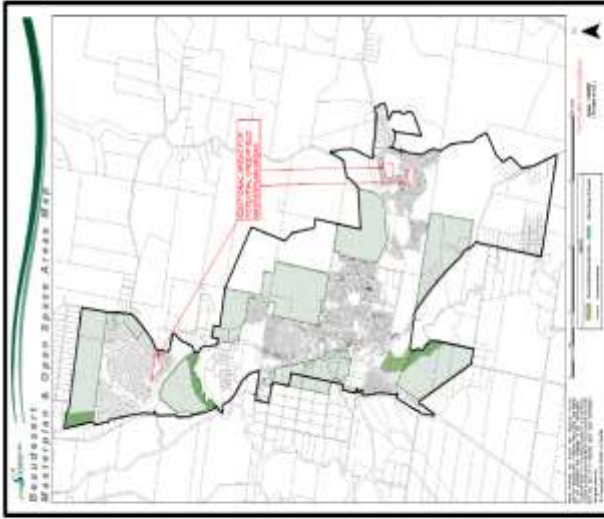
	<p>It is likely that the costs of any realignment of the infrastructure will be borne by the developer. QJUU are available for pre-lodgement meetings to advise of their requirements prior to the undertaking of any detailed design.</p> <p>3. Current Standard of Finch Road</p> <p>The proposed change in zoning in itself does not trigger any requirements regarding the current condition of Finch Road. However, should the property be developed for urban residential purposes, upgrades of Council's infrastructure networks triggered by the demand expected to be created by the development may be required such as improved access arrangements. Council officers are similarly available for pre-lodgement meetings to provide applicants with a general understanding of the potential cost implications likely to be triggered by a development prior to the submission of an application. Infrastructure charges are also applied by Council on a per lot basis, which is a payment for the upgrade of trunk infrastructure networks required to cater for additional demand generated by new developments.</p> <p>4. Implications on Land Valuation and Rates</p> <p>The concerns raised in the submission are noted. Zoning represents one of a number of considerations taken into account in land valuation. How zoning is considered in a land valuation exercise does vary, with other factors such as recent sales data may represent a greater influence in a locality.</p> <p>The subject property is currently contained within an Urban Footprint under the SEQ Regional Plan and has a non-rural zoning under the current planning scheme (i.e. Emerging Communities Precinct). A residential rating category is currently applied to the property.</p> <p>A key intent of the amendment package is to reflect the outcomes of the local planning studies undertaken for Canungra and Beaudesert, in particular for those properties contained within the Emerging Communities Precinct. The Emerging Communities Precinct represents an interim zoning and is effectively a "holding" zone until such time that Council undertakes the necessary planning investigations. Accordingly, the current Amendment Package seeks to update this holding zone with the most appropriate use for the</p>	

	<p>site identified during the local planning process.</p> <p><i>Proposed Zoning of Lot 1 on RP32089 and Lot 155 on WD2761</i></p> <p>The above lots are proposed to be included in the Passive Recreation Precinct of the Canungra Township Zone. It is not proposed to proceed with the zoning change of these 2 lots as part of the current amendment package. Further consideration of land proposed to be included in recreational zonings will be undertaken as part of the development of the new planning scheme. Accordingly, the lots will remain in the Emerging Communities Precinct whilst the <i>Beaudesert Shire Planning Scheme 2007</i> remains in effect.</p>		
<p>6.</p>	<p>The support outlined in the submission for the draft planning policy is noted. No change to the draft Planning Scheme amendments is proposed in response to the submission.</p>	<p>A submission was received in response to the proposed inclusion of a Cottage Tourist Facility Precinct in part of the Canungra Township Zone.</p> <p>The submission supports the inclusion of the proposed Cottage Tourist Facility Precinct and cites that it represents an incentive to maintain existing cottage-style and character houses in the precinct. The submitter, who owns a property in the proposed Precinct, will seek to undertake a Cottage Tourist Facility use should the planning scheme amendment be pursued.</p>	<p>The submitter be advised of Council's decision regarding the progression of draft Amendment No. 6.</p>
<p>7.</p>	<p>The concerns raised in the submission are noted. Zoning represents one of a number of considerations taken into account in land valuation. How zoning is considered in a land valuation exercise does vary, with other factors such as recent sales data may represent a greater influence in a locality.</p> <p>The subject property is currently contained within an Urban Footprint under the SEQ Regional Plan and has a non-rural zoning under the current planning scheme (i.e. Emerging Communities Precinct). A residential rating category is currently applied to the property.</p> <p>A key intent of the amendment package is to reflect the outcomes of the local planning studies undertaken for Canungra and Beaudesert, in particular for those properties contained within the Emerging Communities Precinct. The Emerging Communities Precinct represents an interim zoning and is effectively a "holding" zone until such time that Council</p>	<p>A submission was received in response to the proposed zoning of Lot 19 on WD3427, 138 Lamington National Park Road, Canungra. The amendments seek to exclude the property from the Emerging Communities Precinct of the Beaudesert and Canungra Townships Zone and include it within the Park Living Precinct of the Canungra Township Zone.</p> <p>The submission outlines concerns regarding the potential implications of the proposed zoning on land valuation and subsequently, rises in rates payable.</p>	<p>The submitter be advised that no change to Amendment No. 6 is proposed in response to the matters raised in the submission owing to the assessment outlined in Attachment No. 1. The submitter be provided with a response to the concerns raised in their submission.</p>

<p>8.</p>	<p>A submission was received in relation to the exclusion of the Scenic Rise residential estate in Beaudesert from the Masterplan & Open Space Areas Map, which is proposed to be triggered under the Beaudesert Township Zone Code.</p> <p>Whilst the submission commends the diversity of housing types potentially afforded under the draft Planning Scheme amendments to meet the needs of different demographic groups in Beaudesert, concerns were raised regarding the omission of certain lands from the proposed Masterplan Area, in particular the Scenic Rise residential estate currently under development. The Masterplan Area contemplates the ability to create lots less than 600m² in the Residential Precinct of the Beaudesert Township Zone, where the creation of such titles are considered as part of an overall master planning exercise.</p> <p>The submission notes that the proposed exclusion of the Scenic Rise estate is inconsistent with the intent of the draft Planning Scheme amendments in providing for an increase in housing diversity to meet the needs of the community. Applying the Masterplan Area to only greenfield sites under the draft amendment package was identified in the submission as being unreasonable for those sites currently under development with balance lands available. The submission notes that requirements of the application process under the master planning provisions would ensure that an appropriate mix of lot sizes are achieved.</p> <p>The submission therefore seeks the inclusion of part of the undeveloped land in the Scenic Rise estate identified in the below diagram in the Masterplan Area under the draft Amendment Package to provide for a diversity in housing types for the northern area of the Beaudesert locality.</p>	<p>undertook the necessary planning investigations. Accordingly, the current Amendment Package seeks to update this holding zone with the most appropriate use for the site identified during the local planning process.</p> <p>The intent of the Masterplan & Open Space Areas Map and associated provisions of the draft Amendment Package was to trigger the requirement for master planning for urban residential development on greenfield land in the Beaudesert and Canungra localities.</p> <p>The master planning process provided the opportunity to consider a range of housing types and lot sizes (i.e. 400 to 1,200 m² lots) than that typically afforded in the Residential Precinct, provided that the development sought to achieve the following outcomes:</p> <ul style="list-style-type: none"> • Diversity in housing and lot types considered holistically across the development site; • Best practice site planning and development layout applied; • Dispersal of density throughout the site as opposed to a concentration in one or two areas; • Efficient use of infrastructure; • Orderly staging of development; and • Integration of urban residential development with adjoining land or other master planned areas. <p>The consideration of smaller lots as part of a greenfield development provides the ability to plan for these smaller lot sizes holistically. It also provides a mechanism to ensure that a development layout appropriately integrates areas of higher density and the most appropriate locations in a development site for smaller housing types is identified (i.e. in association with areas of public open space or local centre activities).</p> <p>The resultant subdivision pattern of applying smaller lot sizes across the established residential areas of Beaudesert and Canungra (where lot sizes are substantially larger than the current minimum size of 600m²) requires further policy consideration prior to applying a blanket smaller lot size.</p> <p>Residential estates currently under development were purposefully excluded from the Masterplan Area as they were progressively being developed in accordance with existing Development Approvals. However, there is no objection to</p>	<p>The submitter be advised that the Masterplan & Open Space Areas Map will be amended to include part of the subject greenfield land within the Masterplan Area owing to the assessment outlined in Attachment No. 1.</p>
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	<p>the principle of applying the Masterplan Area to the balance lands of residential estates, provided that a reconsideration of the development of these areas are undertaken in accordance with the draft master planning provisions. Accordingly, the submitter's request to include part of the Scenic Rise estate in a Masterplan Area is supported and will not result in an Amendment Package that is significantly different to the version released for public consultation as required under the Statutory Guideline.</p> <p>A local government is required to consider whether any change is significantly different in terms of its intent, extent and effect on both the land use outcomes as well as assessment requirements of individuals. In making such a determination, the local government is required to consider if the change has affected or altered the following:</p> <ul style="list-style-type: none"> • A material planning issue, such as a policy position; <p>Response</p> <p>The proposed change does not represent a material planning issue. The change only seeks the continuation of the policy proposed for greenfield land in Beaudesert, being a range of lot sizes between 400m² to 1,200m². Significant population growth is projected in the Scenic Rim region, with the majority of this growth being planned in the Beaudesert locality. Accordingly, a density that ensures that this projected population can be accommodated is therefore critical. The change is not expected to have a significant impact on the site's density having regard to the ability to construct Dual Occupancies as self-assessable development and the requirement for Masterplan Areas to provide for a range of lot sizes between 400m² to 1,200m² and not the minimum size of 600m² currently applicable to the Residential Precinct.</p> <ul style="list-style-type: none"> • A significant proportion of the area or land owners covered by the proposed planning scheme; <p>Response</p> <p>The proposed change relates to a relatively small area of land to which the draft Planning Scheme amendments apply and only concerns one land owner. Future owners of the residential lots will have the opportunity to review the lot sizes being created in the stage of the residential estate</p> <ul style="list-style-type: none"> • A matter which is of widespread public interest
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	<p>throughout the local government area and would be likely to generate multiple public submissions;</p> <p><i>Response</i></p> <p>No submissions were received during the consultation period of draft Amendment Package No. 6 regarding the range of lot sizes contemplated for the greenfield land in Beaudesert. Given that the proposed change seeks to continue this policy position to additional greenfield land under single ownership, it is considered that the change is unlikely to generate multiple public submissions.</p> <ul style="list-style-type: none"> • <i>The level of assessment, or</i> <p><i>Response</i></p> <p>The proposed inclusion of the site in the Masterplan Area will not result in a change of assessment level for Reconfiguration of a Lot (i.e. Reconfiguration of a Lot in the Residential Precinct is Code Assessable development regardless of proposed lot size).</p> <ul style="list-style-type: none"> • <i>The proposed planning scheme so that it is quite different to that which was released for public consultation.</i> <p><i>Response</i></p> <p>The proposed inclusion of part of the Scenic Rise estate in the Masterplan Area does not result in a change in the underlying zoning of the site (i.e. the site's Residential Precinct will be retained). Allowing for a variation of lot sizes from 400m² to 1200m² does not represent an introduction of a new policy position; it seeks to replicate the land use policy being contemplated for other greenfield land in Beaudesert. The proposed change will only apply to one parcel of land under single ownership. Future residents of the resultant development created under the master planning provisions will be aware of the lot sizes being contemplated in the stage.</p>	<p>The submitter be advised that the Masterplan & Open Space Areas Map is amended to include part of the subject greenfield land within the Masterplan Area owing to the assessment outlined in Attachment No. 1.</p>
	<p><i>Response</i></p> <p>As discussed in the assessment of Submission No. 8 above, residential estates currently under development were purposefully excluded from the Masterplan Area as they were progressively being developed in accordance with existing Development Approvals. However, there is no objection to the principle of applying the Masterplan Area to the greenfield balance of residential estates, provided that a reconsideration of the development of these areas are undertaken in accordance with the draft master planning provisions.</p>	
9.	<p>A submission was received in relation to the exclusion of the Brookland Ridge residential estate in Beaudesert from the Masterplan & Open Space Areas Map, which is proposed to be called up in the Beaudesert Township Zone Code. The matters raised were similar to those identified in Submission No. 8 above.</p> <p>Whilst the submission similarly commends the diversity of housing being encouraged under the draft Planning Scheme amendments, the following concerns were raised in the submission:</p>	


	<p>1. The Masterplan & Open Space Areas Map does not include residential estates currently under development, which have balance areas of greenfield land available;</p> <p>2. The exclusion of "live" master planned subdivisions from the Masterplan Areas prevent the opportunity to supply the diversity of housing sought by Council as part of developments currently delivering product to the market.</p> <p>The submission requested the inclusion of the below greenfield balance areas of existing developments within the Masterplan Area.</p> 	<p>Accordingly, the submitter's request to include part of the Brookland Ridge estate in a Masterplan Area is supported and will not result in an Amendment Package that is significantly different to the version released for public consultation as required under the Statutory Guidelines. Please refer to the reasoning supporting the requested amendment outlined in Submission No. 8 above.</p>	
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<p>10.</p>	<p>A submission was received in response to the proposed zoning of Lot 2 on WDM284, Beaudesert - Nerang Road, Canungra. The amendments seek to exclude the property from the Emerging Communities Precinct of the Beaudesert and Canungra Townships Zone and include it within the Park Living Precinct of the Canungra Township Zone.</p> <p>Whilst the submission was generally supportive of the proposed inclusion of the site in the Park Living Precinct, the submission outlined the below concerns regarding the proposed zoning change.</p> <p>Concerns were raised regarding the proposed alignment of a Future Transport Route (i.e. proposed Canungra bypass) through the subject site. The submission seeks the removal of the proposed road corridor on the basis that there is no detailed design and subsequently definitive alignment of the future bypass, no timeframe of when the road would be constructed nor any commitment to the delivery of the infrastructure. The submission notes that unless the road is to be gazetted during the life of the planning scheme it should be removed from the statutory document.</p> <p>Concerns were also held regarding the requirement for a reticulated water supply to the properties, in particular should larger lot sizes than the minimum of 5,000m² be contemplated for the site. The submission seeks that a minimum lot size for the Park Living Precinct be included in the Planning Scheme amendments where a reticulated connection not be required (i.e. 1.25ha and greater). Should these larger parcels be re-subdivided to smaller lots at a later date, a reticulated water supply could be triggered as a requirement at this stage.</p> <p>A further submission was received in relation to the subject site, which sought confirmation of following in relation to the draft Planning Scheme amendments:</p> <ol style="list-style-type: none"> 1. Maximum lot size under the Park Living Precinct; 2. On-site sewage treatment requirements; 3. Impacts on land valuation; 4. Range of activities that can be undertaken on the site under the Park Living Precinct. 	<p>The concerns raised in the submission are noted. A response to the matters raised and proposed recommendations are outlined below.</p> <p><i>Proposed Alignment of Future Transport Route (i.e. Canungra bypass)</i></p> <p>The draft Planning Scheme amendments propose a change in alignment of a Future Transport Route currently identified in the Infrastructure Overlay for the Canungra bypass. The revised alignment was identified (in conjunction with the Department of Transport and Main Roads) in the Canungra Land Use Planning Study. The proposed infrastructure is not recognised by Council as being as part of the future local road network, nor is it identified as a gazetted Future State Controlled Road by the Department of Transport and Main Roads. Until such time that a proposed Canungra bypass is fully investigated, approved by the Queensland government for protection, and gazetted accordingly, it will not be recognised as a relevant State interest.</p> <p>Additionally, detailed design work to accurately define a corridor and a timeframe of when a bypass may be constructed has not been identified. In the absence of detailed design of the proposed bypass, it would be difficult to assess how the alignment of the future road was to be considered in the assessment of a development application such as a subdivision against the Infrastructure Overlay. The role of the Infrastructure Overlay in relation to Future Transport Routes under the <i>Beaudesert Shire Planning Scheme 2007</i> is to ensure that development does not compromise the land required for the road corridor and requires that sensitive uses be setback from the alignment. The assessment of these outcomes is difficult in relation to the bypass having regard to the level of detail currently available for the proposed infrastructure.</p> <p>Accordingly, it is proposed that part of the Future Transport Route that traverses private property (i.e. only retain the route located in existing road reserve) until such time that more certainty is obtained through a detailed investigation of the delivery of the bypass. A review of how Future Transport Routes are considered in the local government area will be undertaken as part of the delivery of the new planning scheme.</p>	<p>The submitter be advised that the Infrastructure Overlay Map will be amended to remove that part of the Future Transport Route proposed to apply freehold land owing to the assessment outlined within Attachment No. 1 and also be provided with a response to the other queries raised.</p>
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<p><i>Provision of Reticulated Water Supply</i></p> <p>The Planning Scheme amendments seek the provision of a reticulated water supply where the minimum lot sizes of 5,000m² are being contemplated as part of a development. However, should larger rural residential lot sizes be pursued, the requirement to provide an on-site water supply will be assessed as part of the consideration of a specific proposal.</p> <p><i>Response to Individual Queries</i></p> <p>The below responses to the individual queries of the draft Planning Scheme amendments will be provided as part of the response to submission.</p>	<ol style="list-style-type: none"> 1. The Reconfiguration of a Lot Code only prescribes a minimum lot size for the Park Living Precinct. A maximum lot size has not been proposed. 2. The Park Living Precinct does not propose connection of future lots to the reticulated sewerage network. The Reconfiguration of a Lot application will only seek to ensure that sufficient land area is made available within individual titles to cater for on-site treatment. The requirements of any on-site sewage treatment measures will be assessed as part of the Plumbing and Drainage application. 3. The concerns raised in the submission are noted. Zoning represents one of a number of considerations taken into account in land valuation. How zoning is considered in a land valuation exercise does vary, with other factors such as recent sales data may represent a greater influence in a locality. <p>The subject property is currently contained within an Urban Footprint under the SEQ Regional Plan and has a non-rural zoning under the current planning scheme (i.e. Emerging Communities Precinct). A residential rating category is currently applied to the property.</p> <ol style="list-style-type: none"> 4. The intent of the Park Living Precinct is primarily limited to rural residential activities on larger acreage lots. Preferred land uses include Agriculture and Animal Husbandry (where sufficient lot size is achieved), Bed and Breakfast, Dual Occupancy, Equestrian Activities,

<p>11.</p>	<p>A submission was received in relation to the Boystown development site located at Telemo Street, Besudesert, being Lots 7 and 152 on W312421, Lot 1 and 2 on RP7549, Lot 153 on W312421, Lot 2 on RP89883, Lot 135 on W312435, Lot 6 on RP54315 and Lot 3 on RP114435. The draft Planning Scheme amendments proposed to include that part of the site contained in the Community Facilities Precinct and the southern portion of site contained in the Countryside Precinct into the Residential Precinct of the Besudesert Township Zone.</p> <p>The submission provides an overview of the development approvals issued for site, which provides for the use of the land for residential and open space purposes. The submission notes that part of the development site (outlined in the below map) was omitted from the Residential Precinct and also the Masterplan Area of the Masterplan & Open Space Area Map.</p>	 <p>Extent of Peet Boystown Site that should also be included in the Residential Precinct</p>	<p>Home Based Business, House and Roadside Stall.</p> <p>The concerns raised in the submission are noted. A response to the matters raised and proposed recommendations are outlined below.</p> <p>That part of the Boystown site not captured under the current Planning Scheme amendment is currently contained within the Countryside Precinct of the Besudesert and Camungra Townships Zone. This existing zoning reflects the limited development of the site for urban purposes due to the flooding constraints that applies to the site</p>	<p>The submitter be advised that no change to Amendment Package No. 6 is proposed in response to the matters raised in the submission owing to the assessment outlined Attachment No. 1.</p>
<p>Whilst it is noted that part of the site has approval for residential development, this component represents a minor use of the overall site. The majority of the parcel has been approved for open space purposes in light of the constraints of the land. Accordingly, the inclusion of the entire parcel in the Residential Precinct is not considered the zoning that appropriately reflects the dominant use of the site.</p>				

<p>Development Approvals that currently exist over the Boystown site. The submission states that the current planning scheme amendments failure to capture the entire site, which is in conflict with the existing development approvals.</p>		<p>The southern portion of the Boystown site was included in the Residential Precinct to reflect the dominant use of the site for this purpose and to also remove the Community Facilities Precinct that applies to a portion of the site, reflective of its historic use. Furthermore, the first two stages of the Boystown development is contained within that part of the site proposed to be included in the Residential Precinct. Further consideration of the most appropriate zoning of the balance of the Boystown land will be considered as part of the delivery of the new planning scheme.</p>	<p>The submitter be advised of the two changes proposed to Amendment No. 6 in response to the matters raised in the submission.</p>
<p>12.</p>	<p>A submission was received from Seqwater who are responsible for providing bulk water supply, flood mitigation services, catchment health management and recreation facilities in South East Queensland.</p> <p>The submission highlights that the provision of a reliable bulk water supply represents a State interest, which includes the requirement to protect drinking water catchment water quality and bulk water supply assets.</p>	<p>The intent of the draft Planning Scheme amendments (in part) is to implement the recommendations of local planning studies recently undertaken for Besudessert and Canungrra. A number of sites proposed for zoning changes are currently contained within the Emerging Communities Precinct under the Besudessert and Canungrra Townships Zone of the current Planning Scheme, which represents a "holding" zone until such time that detailed planning exercises has been undertaken to inform the preferred use.</p>	<p>The submitter be advised of the two changes proposed to Amendment No. 6 in response to the matters raised in the submission.</p>

	<p>The submission notes that many provisions of the <i>Beauregard Shire Planning Scheme 2007</i> is not consistent with current State Planning Policy requirements or best practice due to the age of the local planning instrument.</p> <p>Whilst the submission states that it is reasonable to defer the reflection of the State interest to the delivery of the new Planning Scheme, Seqwater seek Council's consideration to incorporate some aspects of the requirements due to the extent of the changes being proposed under the amendment package.</p> <p>The submission raises concerns regarding the proposal to zone areas in the Canungra Urban Footprint upstream of the Canungra water treatment plant raw water intake for rural residential purposes. Monitoring results of raw water quality of the creek system indicate consistent elevated minimum E. coli levels, which may be attributed in part to on-site waste water treatment systems.</p> <p>The submission requests Council's consideration of whether there is an overriding need for additional rural residential development in the Canungra Urban Footprint, in particular given the release of additional land downstream of the intake within the Priority Infrastructure Area for urban residential purposes. It further requests that should rural residential development be pursued, appropriate assessment processes and management measures are applied to ensure that the right level of treatment is achieved.</p> <p>The submission recommends that the planning scheme provide effective control over development proposed in drinking water catchments via the implementation of the <i>Seqwater Development Guidelines: Development Guidelines for Water Quality Management in Drinking Water Catchments 2012</i>.</p> <p>The submission requests Council give further consideration to the management of existing on-site wastewater treatment systems due to the outcomes of investigations highlighting significant levels of system failure and poor management and monitoring practices.</p> <p>The submission requested Council's consideration of the below detailed matters.</p> <ol style="list-style-type: none"> 1. The submission requests that the three sites upstream of the raw water intake be included in the Countryside as opposed to the Park Living Precinct. The submission identifies that the sites will require treatment systems to be installed and 	
<p>The preferred land use intent of the parcels located on the eastern side of Canungra Creek upstream of the raw water intake identified under the Canungra Local Planning Study was identified as being for rural residential purposes. Please note that the proposed zoning change of the land on western side of Canungra Creek to the Park Living Precinct is no longer being pursued as part of this amendment package.</p> <p>The proposed Parking Living lots upstream of the raw water intake are contained within the Urban Footprint of Canungra. The 1% AEP flood event characterises both sites (please refer to below) and will naturally limit the intensity of development in proximity to Canungra Creek and also the number of lots that can be created.</p>		<p>Council's Temporary Local Planning Instrument, which will be implemented prior to the commencement of the draft Planning Scheme amendments, does not support the creation of lots with building envelopes below the 1% AEP flood event. On-site waste water treatment and disposal for each individual lot</p>

<p>maintained to Seqwater standards to protect drinking water supplies and identifies the land as having significant constraints due to the proximity to Canungra Creek. Seqwater does not support treatment systems including disposal areas below the 1% AEP flood level.</p>	<p>will be required to be contained within the building envelopes approved under the Reconfiguration of a Lot applications.</p> <p>The on-site treatment of wastewater for each lot will be assessed as part of individual Plumbing and Drainage applications, which are required to take into consideration separation distances to watercourses.</p> <p>In light of the above provisions combined with the characteristics of the two sites, it is considered that the utilisation of the Urban Footprint land for rural residential purposes will have a negligible impact on the raw water quality of the creek system.</p> <p>Responses to the individual matters raised in the submission have been outlined below.</p> <ol style="list-style-type: none"> 1. Having regard to the reasoning proposed above, it is considered that the retention of land on the eastern side of Canungra Creek in the Park Living Precinct will have a negligible water quality impact. It should be noted that Council does not support the creation of lots reliant upon on-site wastewater treatment systems below the 1% AEP flood event. 2. The minimum lot size in the Park Living Precinct is proposed to be 5,000m². Reference to the term 'average' in the Reconfiguring a Lot Code Table 5.4.8B will be deleted to avoid further confusion. 3. It is not considered necessary to elevate the assessment level of a Dual Occupancy in the Countryside, Rural Residential or Park Living Precincts of the Canungra Township Zone. The appropriateness of an on-site wastewater treatment proposal will be assessed as part of a Plumbing and Drainage application. On-site treatment and disposal is required to be contained within a Building Envelope approved as part of a Reconfiguration of a Lot application. 4. It is not considered necessary to include a requirement in the Zone Code (with no solution prescribed) to ensure that sufficient land area is made available for a Dual Occupancy proposing an on-site wastewater treatment solution. The appropriateness of an on-site wastewater treatment proposal will be assessed as part of a Plumbing and Drainage
<p>2. Confirmation of the minimum lot size in the Park Living Precinct of the Canungra Township Zone was requested due to the reference to an average size of 5,000m² in the qualification</p>	

	<p>application.</p> <p>5. Council is currently in the process of drafting its new Planning Scheme, which will comply with State interest requirements under the State Planning Policy for water quality. In the interim, Council is conscious of its obligations in applying Part E: <i>Interim Development Assessment Requirements</i> of the State Planning Policy in the assessment of development applications to which the requirements apply (i.e. development outside an urban area). During this intervening period, Council is confident that the mechanisms in the existing planning scheme and draft amendments will deliver on the outcomes sought by Seqwater in ensuring that development contributes to the maintenance and improvement of water quality in drinking water catchments.</p> <p>6. The amendments requested to the intent of the Countryside, Rural Residential and Parking Living Precincts of the Canungra Township Zone are not supported. It is considered that there are sufficient mechanisms in the planning scheme to manage the proximity and compatibility of development in the vicinity of Canungra Creek (i.e. proposed ecological Specific Outcomes of the Zone Code being SO18 and 19, relevant Specific Outcomes of the Reconfiguration or a Lot Code, Catchment Management, Waterways and Wetlands Overlay Code, Development Constraints Overlay Code etc).</p> <p>7. and 8. Please refer to the response provided to 5 above.</p> <p>9. The requested change to Chapter 5, Part 3 - Construction and Infrastructure Code - Table B is supported.</p>	<p>column of the Reconfiguring a Lot Code Table 5.4.6B.</p> <p>3. A Dual Occupancy is requested to be a minimum of Code Assessable development in the Countryside, Rural Residential and Park Living Precincts of the Canungra Township Zone to enable a site specific assessment to be undertaken to ensure that the wastewater generated by the development can be adequately treated on-site.</p> <p>4. A Specific Outcome for the Canungra Township Zone is requested to be included requiring that sufficient land area is made available for a Dual Occupancy proposing on-site waste water treatment and disposal.</p> <p>5. An Overall Outcome for both the Beaudesert Township and Canungra Township zones is requested to be included requiring development provide for the maintenance and improvement of water quality in drinking water catchments, which is consistent with the State Planning Policy requirements.</p> <p>6. The intent of the Countryside, Rural Residential and Parking Living Precincts of the Canungra Township Zone are requested to be amended to recognise that land in close proximity to the Canungra drinking water intake may not be suitable for development including the creation of additional lots and that development must be compatible within its location in a water supply catchment.</p> <p>7. A new Specific Outcome for ecological sustainability in the Canungra Township Zone is requested that seeks development upstream of the intake to provide for the maintenance and improvement of water quality in the drinking water catchment. Reference to the Seqwater Development Guidelines may be referred to for guidance on how such an outcome can be achieved.</p> <p>8. A new Specific Outcome for ecological sustainability in the Beaudesert Township Zone is requested that seeks development provide for the maintenance and improvement of water quality in the drinking water catchment. Reference to the Seqwater Development Guidelines may be referred to for guidance on how such an outcome can be achieved.</p> <p>9. Amendment to Chapter 5, Part 3 - Construction and Infrastructure Code - Table B is requested to be amended to also apply the post construction stormwater design objectives</p>
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	<p>for minimum reductions in mean annual load to development in the Canungra Urban Footprint.</p>	<p>13.</p> <p>A submission was received in response to the proposed zoning of Lot 1 on RP 76067, 51 Brisbane Street, Beaudesert. The amendments seek to exclude the property from the Frame Precinct of the Beaudesert and Canungra Townships Zone and include it within the Town Centre Core Precinct of the Beaudesert Township Zone.</p> <p>Whilst the submission supported the inclusion of the site within the Town Centre Core Precinct, confirmation of the implications of any zoning changes on the existing Central Tyre & Mechanical operation was sought. In particular, the following queries were raised:</p> <ul style="list-style-type: none"> • Whether the amendments would impact the existing operation undertaken from the site; • Whether the amendments had any implications on other operators from carrying out the proposed business provided no expansions to the premises were proposed; and • Whether the amendments would impact the carrying out of an Industry - Low Impact / Service from the premises. 	<p>No change to draft Planning Scheme amendments are proposed as a result of the matters raised in the submission. However, the below responses are proposed to be provided to the submitter to respond to the queries raised.</p> <ul style="list-style-type: none"> • The existing Central Tyre & Mechanical operation has existing land use rights to carry out the activity. Use rights are binding to the land and not a particular operator. Therefore, the proposed zoning will not have any implications to the continuation of this lawful use by the current or any future operators. • The Central Tyre & Mechanical operation is recognised as an 'Industry - Low Impact / Service' under the Beaudesert Planning Scheme 2007. Accordingly, the subject site is recognised as having existing use rights to undertake an 'Industry - Low Impact / Service' activity. However, the extent of these use rights is limited to the scale and intensity of the existing premises (i.e. existing building footprint). 	<p>The submitter be advised that no change to Amendment Package No. 6 is proposed in response to the matters raised in the submission owing to the assessment outlined in Attachment No. 1. The submitter be provided with a response to the queries raised in their submission.</p>
	<p>14.</p> <p>A submission was received in response to the proposed zoning of Lot 6 on SP161073, Finch Road, Canungra. The amendments seek to exclude the site from the Emerging Communities Precinct of the Beaudesert and Canungra Townships Zone and include it within the Mixed Use Precinct of the Canungra Township Zone. The submission was made by an entity with an interest in land situated on the southern side of Finch Road, being Lot 2 on RP200758. The draft Planning Scheme amendments propose the inclusion of this site in the Village Centre Precinct.</p> <p>The submission provides an overview of the development approval process undertaken in relation to the land on the western side of Finch Road for a supermarket-based shopping centre development. Whilst the submission supports the inclusion of the approved shopping centre site in the Village Centre Precinct, the submission highlights that importance of ensuring that the planning intent, location, extent and criteria of the Mixed Use Precinct supports the overall objectives of the Canungra township and the Village Centre Precinct. The submission further notes that without appropriate planning provisions the proposed Mixed Use Precinct site may:</p>	<p>The concerns raised in the submission are noted. A response to the matters raised and proposed recommendations are outlined below.</p> <p>The intent of the Mixed Use Precinct site is to accommodate a range of commercial and business activities that complements the Village Centre Precinct, in particular for development that creates employment opportunities in the township (i.e. service and light industries). The intent of the Mixed Use Precinct is not to compete with the role and function of the Village Centre Precinct in terms of accommodating core retailing activities.</p> <p>The draft Planning Scheme amendments sought to achieve this differentiation between the two precincts via imposing limitations on gross floor area of retailing activities. However, it is agreed that further regulatory measures should be implemented to ensure that the desired hierarchy of the two commercial precincts are achieved. Accordingly, the below amendments to the Table of Assessment and Consistent Development Table in relation to Shops and Shopping</p>	<p>The submitter be advised of the below changes proposed to Amendment Package No. 6 in response to the matters raised in the submission. The submitter be provided with the response to the balance of the queries raised in their submission.</p> <p>1. The following changes to the Assessment Table and Consistent Development Table for Shops and Shopping Centres in the Mixed Use Precinct where involving a supermarket be applied:</p> <p>- Amend Assessment Table for a Code Assessable Shop in the Mixed Use Precinct to not involve</p>	<p>The submitter be advised of the below changes proposed to Amendment Package No. 6 in response to the matters raised in the submission. The submitter be provided with the response to the balance of the queries raised in their submission.</p> <p>1. The following changes to the Assessment Table and Consistent Development Table for Shops and Shopping Centres in the Mixed Use Precinct where involving a supermarket be applied:</p> <p>- Amend Assessment Table for a Code Assessable Shop in the Mixed Use Precinct to not involve</p>

<p>Centres in the Mixed Use Precinct is proposed to ensure that the role of the Village Centre Precinct in accommodating the core retailing needs of the township such as convenience shopping in the form of supermarkets are achieved.</p> <ul style="list-style-type: none"> Amend Assessment Table for a Code Assessable Shop in the Mixed Use Precinct to not involve a supermarket. Amend Assessment Table for a Code Assessable 500m² Shopping Centre in the Mixed Use Precinct to not involve a supermarket. Amend Consistent Development Table for a Shop in the Mixed Use Precinct to not involve a supermarket; and Amend Consistent Development Table for a Shopping Centre in the Mixed Use Precinct to not involve a supermarket. <p>The proposed changes to Shop and Shopping Centre involving a supermarket in the Mixed Use Precinct is not considered to represent a change that results in an Amendment Package that is significantly different to the version released for public consultation as required under the Statutory Guideline having regard to the below.</p> <ul style="list-style-type: none"> A material planning issue, such as a policy position; <p>Response</p> <p>It is not considered that the additional regulation proposed to be applied to Shops and Shopping Centres involving a supermarket in the Mixed Use Precinct represents a material planning issue as the policy of the draft planning scheme amendments sought to clarify the hierarchy and intent of the two commercial precincts through the inclusion of the following:</p> <ul style="list-style-type: none"> Differentiation between both precincts of the GFA limitations proposed for Shops and Shopping Centres (i.e. lower thresholds applied in the Mixed Use Precinct); Inclusion of Overall Outcomes outlining the intent of the Mixed Use Precinct in supporting the Village Centre Precinct and requiring development not to adversely impact on the viability of the Village Centre Precinct; and Recognition in the Specific Outcomes of the Village Centre Precinct of its primary focus for retail and convenience and specialty shopping. 	<p>a supermarket.</p> <ul style="list-style-type: none"> Amend Assessment Table for a Code Assessable 500m² Shopping Centre in the Mixed Use Precinct to not involve a supermarket. Amend Consistent Development Table for a Shop in the Mixed Use Precinct to not involve a supermarket; and Amend Consistent Development Table for a Shopping Centre in the Mixed Use Precinct to not involve a supermarket. <p>2. Amendment to the Overall Outcomes 21 and 45 as outlined below.</p> <p>Overall Outcome 21</p> <p>"Development in the Village Centre and Mixed Use Precincts provides for the enhancement of employment and investment opportunities and the improved integration of residential and business activities, whilst maintaining amenity. <u><i>This core retailing needs of the Canungra Township zone including supermarket-anchored shopping centre development is located in the Village Centre Precinct.</i></u>"</p> <p>Overall Outcome 45</p> <p>"Development within the Mixed Use Precinct provides a supporting role to the Village Centre Precinct and accommodates for a mixture of</p>
<ul style="list-style-type: none"> Expand the Canungra Town Centre Core; Compete with the Village Centre, reducing its compact form and viability; and Detract from the desired rural village character of the Canungra Township Zone. <p>Part A. The below concerns in relation to the draft Planning Scheme amendments were identified in the submission.</p> <ol style="list-style-type: none"> The uses identified as Code Assessable development and Consistent Development in the Consistent Development Table of the Mixed Use Precinct is largely similar to the Village Centre Precinct other than the gross floor area threshold for a Code Assessable shopping centre in each precinct (i.e. 500m² GFA in the Mixed Use Precinct and 1,000m² in the Village Centre Precinct). Given the size of the Mixed Use Precinct and range of land uses, it has the potential to compete, undermine the role and potentially delay or prevent the development of the Village Centre Precinct. The removal of Shopping Centres from the Consistent Development Table of the Mixed Use Precinct and ensuring that planning provisions and development criteria distinguish the intents of both Precincts were identified as being warranted; Other than in the specific precinct intent statements, the draft Overall Outcomes do not distinguish between the Village Centre Precinct and Mixed Use Precinct; The draft Specific Outcomes for the Canungra Township Zone and for the Mixed Use Precinct does not provide any guidance as to how Overall Outcome 45 (below) is achieved or inconsistent development prevented. <i>"The Mixed Use Precinct supports the Village Centre Precinct of Canungra without adversely impacting on the viability of the centre."</i> Specific Outcomes of the Canungra Township Zone does not include any criteria to distinguish between both Precincts; Specific assessment criteria for the Mixed Use Precinct does not provide any guidance on how Overall Outcome 45 (above) 	<p>Overall Outcome 21</p> <p>"Development in the Village Centre and Mixed Use Precincts provides for the enhancement of employment and investment opportunities and the improved integration of residential and business activities, whilst maintaining amenity. <u><i>This core retailing needs of the Canungra Township zone including supermarket-anchored shopping centre development is located in the Village Centre Precinct.</i></u>"</p> <p>Overall Outcome 45</p> <p>"Development within the Mixed Use Precinct provides a supporting role to the Village Centre Precinct and accommodates for a mixture of</p>


<p>is achieved:</p> <p>7. Specific Outcome 4 (below) of the Specific Assessment Criteria for the Mixed Use Precinct does not provide a reference to the Village Centre Precinct or how the Mixed Use Precinct should differ:</p> <p>"Development within the Mixed Use Precinct provides a benefit to and satisfies both a community need and an economic need of the residents of the Canungra Township Zone".</p> <p>8. The master planning requirements of the Zone Code only relates design and site layout rather than demonstration of overall planning principles and appropriate relationship and support of the Village Precinct, and</p> <p>9. No probable solutions are identified for Specific Outcome 24 of the Canungra Township Zone, notwithstanding that Retail Showrooms are proposed to be Code Assessable development in the Mixed Use Precinct. Guidance has not been provided on how the Specific Outcome will be readily enforced in relation to Retail Showrooms or any other large format retail such as shopping centre development as part of an Impact Assessable application.</p> <p>Larger commercial / retail uses with greater floor space needs only occur within Canungra when the population is of a sufficient size to support it. Any such development is integrated with surrounding streets and buildings and its location, size, design and access supports the street-based design that is characteristic of Canungra.</p> <p>Part B. The submission requests Council's consideration to the below recommendations to the draft Planning Scheme amendments.</p> <p>1. Planning intent, extent and code provisions of the Canungra Township Zone and the Mixed Use Precinct to ensure that the different roles of the Village Centre and Mixed Use Precincts are clearly defined and distinguished and that the role of the Village Centre Precinct is appropriately supported.</p> <p>2. Further consideration of the elements that should be contained in each Precinct including land uses that should only be in the Village Centre Precinct. Deletion of Shops and Shopping</p>	<p>The draft Planning Scheme amendments released for public consultation clearly articulates the role of the Village Centre Precinct in accommodating the township's convenience retailing needs. The proposed changes do not seek to introduce new policy but further reinforces the role and function of both precincts. This land use intent was subject to two public consultation processes, being the release of the Canungra Local Planning Study (where the Mixed Use Precinct site was included in the Frame Precinct) and the draft Planning Scheme amendments.</p> <ul style="list-style-type: none"> A significant proportion of the area or land owners covered by the proposed planning scheme; <p>Response</p> <p>The proposed change only relates to one parcel of land and hence one land owner. It should be noted that the Mixed Use Precinct retains the ability to undertake a range of retailing, commercial and business activities.</p> <ul style="list-style-type: none"> A matter which is of widespread public interest throughout the local government area and would be likely to generate multiple public submissions; <p>Response</p> <p>The proposed changes are not considered of being of widespread public interest nor is likely to generate multiple public submissions.</p> <ul style="list-style-type: none"> The level of assessment, or <p>Response</p> <p>Whilst the proposed changes is altering the level of assessment for Shops and Shopping Centres involving a supermarket, it is maintained that the changes are seeking to clarify and reinforce the development intent of both precincts as originally contemplated in the release of the draft planning scheme amendments for community consultation.</p> <ul style="list-style-type: none"> The proposed planning scheme so that it is quite different to that which was released for public consultation. <p>Response</p> <p>As discussed above, it is not considered that the proposed changes are quite different to the draft Planning Scheme amendments released for community consultation as the</p>	<p>compatible land uses and integrates suitable commercial, residential, non-commercial retail and other development/business uses in accessible locations so as to encourage walking and cycling.</p> <p>Development in the Mixed Use Precinct integrates with and supports the Village Centre Precinct at Canungra without does not adversely impacting on the viability of the Village Centre Precinct. It does not contain convenience retailing in the form of supermarkets or supermarket-anchored shopping centre development."</p> <p>3. Amendment to Specific Outcome 24 of the Canungra Township Zone Code as outlined below.</p> <p>Larger commercial/retail uses with greater floor space needs only occur within Canungra when the population is of a sufficient size to support it. Any such development is integrated with surrounding streets and buildings and its location, size, design and access supports the street-based design that is characteristic of Canungra.</p> <p>Note: The demonstration of compliance with the outcome is required to be supported by the submission of an Economic Needs Assessment Report prepared by a suitably qualified and experienced professional.</p> <p>4. Amendment to Specific Outcome 4 of the Specific Assessment Criteria for the</p>
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<p>Centres as Consistent Development in the Mixed Use Precinct is requested;</p> <p>3. Further consideration of the land uses identified as Consistent Development and the assessments level proposed for the Mixed Use Precinct with Shops, Shopping Centres, Retail Showrooms, Food Establishment/Reception Centres, Service Stations, Tourist Businesses and Tourist Facilities requested to be identified as Impact Assessable development; and</p> <p>4. Amplification of 0045, SO24 and SO44 of the Canungra Township Zone and SO4 of the Mixed Use Precinct, and inclusion of Specific Outcomes, Probable Solutions and Specific Assessment Criteria to guide development in the Mixed Use Precinct and reinforce and support the role of the Village Centre Precinct.</p>	<p>changes are intent on clarifying and reinforcing policy previously outlined in the draft package.</p> <p>Response to Individual Queries</p> <p>Part A. The below responses to the individual queries of the draft Planning Scheme amendments will be provided as part of the response to submissions.</p> <p>1. and 2. Whilst there is consistency between the Village Centre and Mixed Use Precincts for a large number of uses, the key differences between the precincts is that the Village Centre Precinct is intended to accommodate core retailing in the form of supermarket-based shopping centres. This intent is proposed to be clarified in the Tables of Assessment and Consistent Development of the Canungra Township Zone. Strengthening the planning scheme provisions to exclude supermarket - anchored shopping centre development will seek to ensure that only the Village Centre Precinct will perform this core function.</p> <p>3. No additional Overall Outcomes are proposed to be included in the Canungra Township Zone in response to the submissions. However, the below Overall Outcomes are proposed to be amended to further clarify the role and function of both precincts.</p>	<p>Mixed Use Precinct as outlined below.</p> <p>"Development within the Mixed Use Precinct provides a benefit to and satisfies both a community need and an economic need of the residents of the Canungra Township Zone. Development does not involve convenience retailing in the form of supermarkets or supermarket-anchored shopping centre development".</p>
	<p>Overall Outcome 21</p> <p>"Development in the Village Centre and Mixed Use Precincts provides for the enhancement of employment and investment opportunities and the improved integration of residential and business activities, whilst maintaining amenity. The core retailing needs of the Canungra Township zone including supermarket-anchored shopping centre development is located in the Village Centre Precinct".</p> <p>Overall Outcome 45</p> <p>"Development within the Mixed Use Precinct provides a supporting role to the Village Centre Precinct and accommodates for a mixture of compatible land-uses and integrates suitable-commercial, residential, non-convenience retail and other development/business uses in accessible locations so as to encourage walking and cycling.</p>	

	<p><i>Development in the Mixed Use Precinct integrates with and supports the Village Centre Precinct at Canungra without does not adversely impacting on the viability of the Centre Village Centre Precinct. It does not contain convenience retailing in the form of supermarkets or supermarket-anchored shopping centre development."</i></p> <p>It should be noted that the proposed structure and content of the Canungra Township Zone has been drafted to remain consistent with the balance of the Beaudesert Shire Planning Scheme 2007 (i.e. similar drafting relationship between Centre and Frame Precincts utilised).</p>	
<p>4. Overall Outcome 45 has been clarified to confirm that it does include convenience retailing in the form of supermarkets or supermarket-anchored shopping centre development.</p>		
<p>5. No Specific Outcomes regarding the relationship between the Village Centre and Mixed Use Precincts are proposed in the Canungra Township Zone. It is considered that the sufficient provisions have been included in the updated Zone Code to distinguish the relationship between the two precincts (i.e. amended Overall Outcomes, Tables of Assessment, Consistent Development Table and Specific Assessment Criteria for the Mixed Use Precinct).</p>		
<p>6. Specific Outcome 4 of the Specific Assessment Criteria for the Mixed Use Precinct is proposed to be amended as outlined below to ensure a clear linkage and consistency in policy intent of Overall Outcome 45 and Specific Outcome 4.</p>	<p>"Development within the Mixed Use Precinct provides a benefit to and satisfies both a community need and an economic need of the residents of the Canungra Township Zone. <i>Development does not involve convenience retailing in the form of supermarkets or supermarket-anchored shopping centre development."</i></p>	
	<p>7. Specific Outcome 4 of the Specific Assessment Criteria for the Mixed Use Precinct has been amended (as previously outlined above) to clearly distinguish between the function of the two commercial precincts.</p>	

	<p>8. The intent of the master planning requirements of the Zone Code have been drafted to regulate the design and layout of a development site, in particular the siting of potentially incompatible uses. It is not intended to be utilised as a framework to assess the appropriateness of land uses in the context of other precincts. No changes to the master planning provisions are proposed.</p> <p>9. No Probable Solutions are proposed to be included in relation to Specific Outcome 24. However, a note is proposed to be included that identifies that the demonstration of compliance with this outcome is required to be demonstrated through the submission of an Economics Needs Assessment prepared by a suitably qualified and experienced person.</p> <p>Consideration of Recommendations</p> <p>Part B</p> <p>1. A number of Overall Outcomes have been amended to provided further clarity of the roles of the Village Centre and Mixed Use Precincts.</p> <p>2. The deletion of Shops and Shopping Centres from the Table of Assessment and Consistent Development Table is not supported. A Shopping Centre under the current Planning Scheme "means the use of premises for 2 or more shops which form a single integrated complex and which function as an integrated unit. The term includes the use of such premises for any one or more of the following-</p> <p>(a) Commercial Activity; and (b) Convenience Restaurant; and (c) Food Establishment/Reception Centre; and (d) Shop".</p> <p>Having regard to the potential combination of the above activities in the Mixed Use Precinct, it is not proposed to exclude Shopping Centre from the Consistent Development Table. However, the exclusion of convenience retailing in the form of supermarket developments has been omitted from Mixed Use Precinct, which is consistent with the development outcomes intended for this Precinct under both the draft amendment package and the Canungra Local Planning</p>
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15.	<p>A further submission was received in response to the proposed zoning of Lot 6 on SP161073, Finch Road, Canungra. The submission was made on behalf of an entity with an interest in land situated on the southern side of Finch Road, being Lot 2 on RP200758, which is proposed to be included in the Village Centre Precinct.</p> <p>The submission provides an overview of the entities involvement with the land on the southern side of Finch Road for approximately 10 years and the process undertaken to obtain a Development Approval for the site in 2014 for a 2,000m² supermarket and 500m² of speciality shops. The submission notes the central and hence strategic location of the approved shopping centre site within the town centre of Canungra. The appropriateness of the site for a supermarket based shopping centre was identified in the submission as being acknowledged by both Council and the Court.</p> <p>The following concerns were raised in the submission regarding the proposed Mixed Use zoning of the land on the northern side of Finch Road, Canungra.</p> <ul style="list-style-type: none"> The land uses proposed as being consistent in the Mixed Use Precinct replicate those identified as consistent in the Village Precinct; and Both the Village and Mixed Use Precincts can provide for both Shopping Centre and Shop land uses. The only discernible difference being a 500m² Shopping Centre is proposed to be Code Assessable in the Mixed Use Precinct, whilst a 1,000m² Shopping Centre is proposed to be Code Assessable in the Mixed Use Precinct. 	<p>Study.</p> <p>3. With the exception of the clarification proposed regarding supermarket development, no additional changes are contemplated to the Assessment Table and Consistent Development Table for the draft Canungra Township Zone.</p> <p>4. Amendments have been proposed to Overall Outcomes 21 and 45. Specific Outcome 24 of the draft Zone Code and Specific Outcome 4 of the Mixed Use Precinct provisions to clarify the role and function of both the Village Centre and Mixed Use Precincts. No additional provisions are contemplated in response to the matters raised in the submission.</p> <p>The matters raised in the further submission regarding the proposed Mixed Use Precinct are noted. The matters identified in the submission have been assessed and responded to as part of Council's consideration of Submission No. 14 above.</p> <p>No additional changes are proposed to the Canungra Township Zone as a result of the further submission. Please refer to the assessment of Submission No. 14 above.</p>	<p>The submitter be advised of the changes proposed to Amendment Package No. 6 in response to the matters raised in Submission No. 14 above.</p>
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	<p>The submission opposes the identification of a Shopping Centre as a potential use in the Mixed Use Precinct and seeks its exclusion and recognition as a prohibited use in the Precinct. The submission notes that the ability to undertake this use on the eastern side of Finch Road will segregate Canungra's retailing activity and will have major impacts on the approved shopping centre development and also the existing supermarket and retailing activities.</p> <p>The submission notes that the establishment of shops, commercial and community services may be appropriate in the Mixed Use Precinct, only along the Finch Road frontage. The submission notes that this outcome may complement the existing town centre and represent a good long-term outcome for community, provided that the gross floor area is limited to 300 to 500m². A preliminary design was included in the submission, demonstrating this proposed outcome (included below).</p>  <p>The submission concludes seeking that Council give consideration to the function of the proposed Mixed Use Precinct in the context of potential impacts on existing and future retailing in the Village Centre precinct, restating that a Shopping Centre should be identified as prohibited in the Mixed Use Precinct and requiring that any Shop be limited to the frontage of Finch Road.</p>
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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

File Reference: MC.Bd212/00043

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

Moved Cr Waistell
 Seconded Cr O'Carroll

CARRIED

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

Moved Cr McInnes
 Seconded Cr West

CARRIED

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

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.

Committee Recommendation

That the Director Regional Services' recommendation be adopted.

Moved: Cr Stanfield

Seconded: Cr McInnes

Carried

For: Crs West, Sanders, Waistell, Stanfield and McInnes

Against: Cr O'Carroll

Cr Brent was not present for voting on this item.

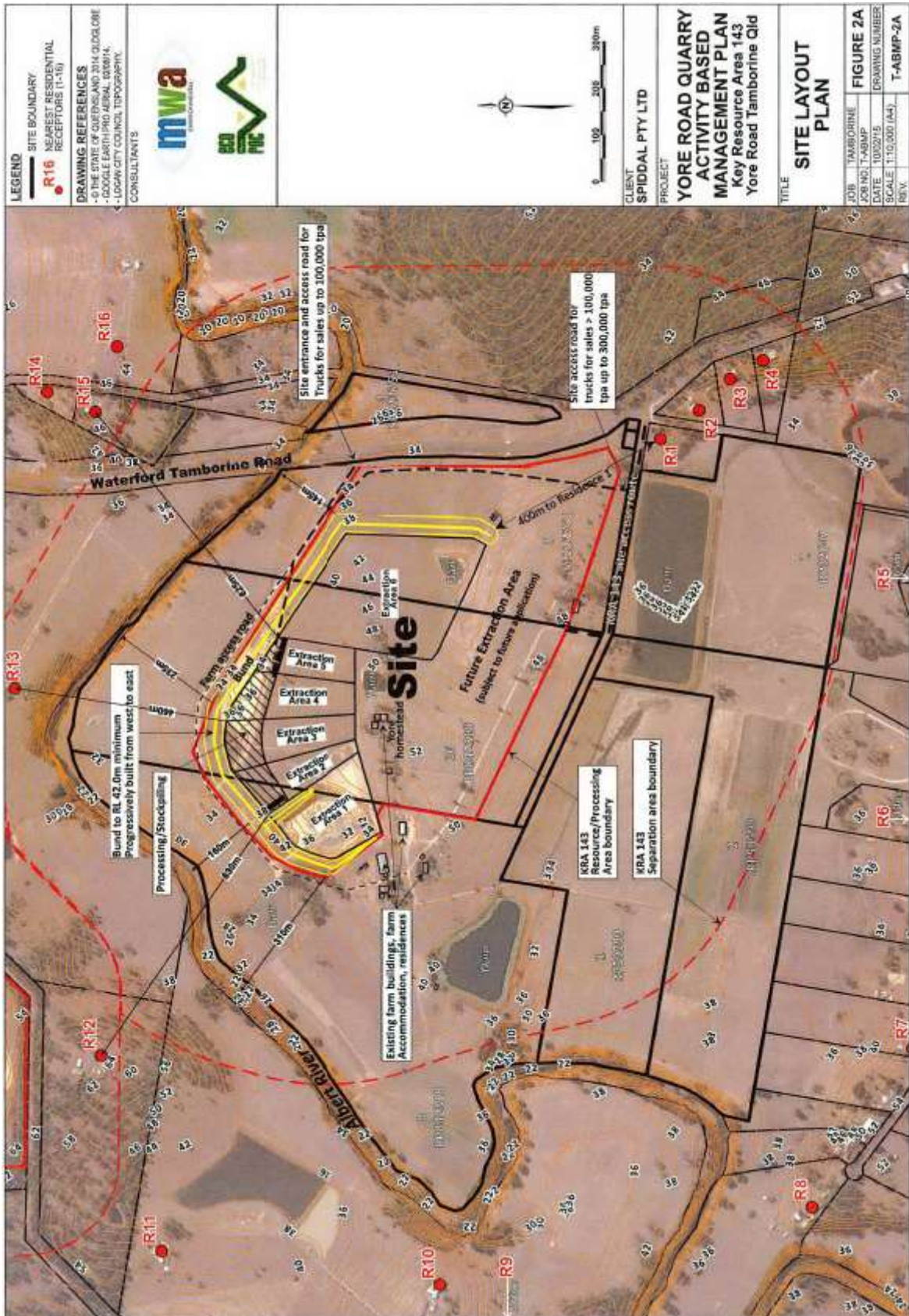
Attachments

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.

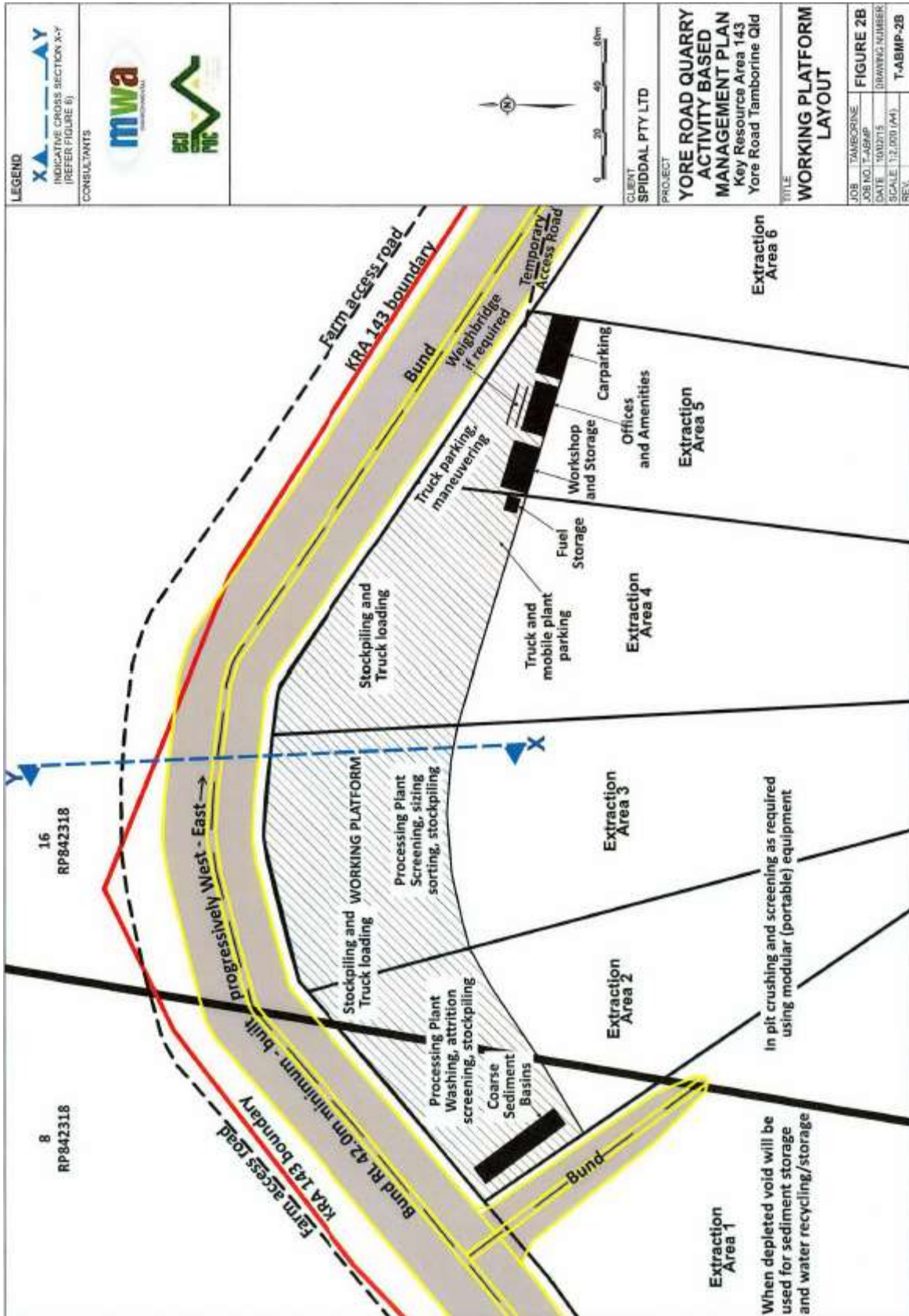
Attachment 1 - Dekho Map



Attachment 2 - Site layout



Attachment 3 - Working Platform Layout



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

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



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>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:\2012-13\13-066 YORE ROAD, TAMBORINE\REPORTS\13.066 RFI\LETTER 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>

Page 1 of 6

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.</p> <p>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: $\\$ \text{ rate per tonne} \times \text{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>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 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 Cost Index. 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>Upon commencement of the use.</p>	<p>Upon commencement or ceasing of the use.</p>	<p>Upon commencement or ceasing of the use.</p>



Transport and Main Roads

No.	Conditions of Development	Condition Timing	Jurisdiction and Reasons
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approval has commenced; and
 b) The transport of material extracted from the site under this approval has ceased.

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. To be maintained at all times.

Environmental nuisance

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. 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.



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. No:

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 46 640 294 465

Great state. Great opportunity.

Notice

	RP32048, and Lot 3 Plan SP223751	
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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

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>

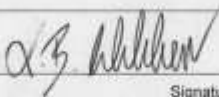
Development Descriptions

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. $MaxL_{pA,T}$
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.

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- 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.

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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,ref,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.

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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.

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

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Attachment 6 - List of submitters

SCENIC RIM REGIONAL COUNCIL		
Planning- Submitters List for Application No. MC.Bd212/00043		
<i>Submitter Name</i>	<i>Submitter Address</i>	<i>Association Description</i>
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

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- 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

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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

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

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 <i>Sustainable Planning Act 2009</i> (SPA) to amend an existing development approval.
Original Development Approval	<p>Preliminary Approval pursuant to section 242 of the Sustainable Planning Act 2009 to vary the effect of the local planning instrument</p> <p>Development Permit for the creation of 54 Residential allotments, one (1) open space lot and a balance Emerging Communities Precinct lot.</p>

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)

Column 1 Use	Column 2 Assessment Category	Column 3 Assessment Criteria
		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. 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:

(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
<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>(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.</p>	<p>S27.1 No Solution is prescribed.</p>
<p>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.</p>	<p>S29.1 No Solution is prescribed.</p>

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> .

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

Column 1 - Overlay	Column 2 - Overlay Maps	Column 3 - Assessment Criteria
		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 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 *Beautesert 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
<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 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>
<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>

(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	—

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> .

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 Appearance	
<p>SO4 In order to achieve variation in Dual Occupancies, buildings must be designed to:</p> <ul style="list-style-type: none"> (a) Add visual interest to the streetscape. (b) Avoid stark or austere appearance. (c) Provide differentiation between dwellings by means of articulation. 	<p>S4.1 Development is designed to—</p> <ul style="list-style-type: none"> (b) provide visual interest through the use of varying building colour and materials, architectural design, landscape elements, pavement treatments, changes in roof form and pitch; (c) provide for roofed verandas or eaves; (d) 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> <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—</p> <ul style="list-style-type: none"> (a) a communal driveway to the Dual Occupancy; or

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
	(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>SO5 The building design must incorporate articulation of roofs and building footprints to:</p> <ul style="list-style-type: none"> (a) Add visual interest to the streetscape. (b) Provide differentiation between buildings by means of articulation. (c) Maximise the amenity of adjoining residences. 	<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-</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>

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>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	
<p>S05 All dwellings must be provided with sufficient reasonable outdoor private recreation space.</p>	<p>S5.1 The private open space is-</p> <ul style="list-style-type: none"> (a) at least 15% of the site area 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 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> <ul style="list-style-type: none"> (a) by more than 20%; or (b) to less than 4 hours between 9.00am and 3.00pm on 21 June.
Fencing	
<p>S012 Buildings and landscape treatments must be designed to assist in crime prevention.</p>	<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</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>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	
<p>SO13 Services facilities are provided to meet the needs of residents and are sited and designed in an unobtrusive and convenient manner.</p>	<p>S13.1 Service facilities include :</p> <ul style="list-style-type: none"> (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— <ul style="list-style-type: none"> (i) the street; and (ii) neighbouring properties; and (iii) internal driveways; and (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.

- 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 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.

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).

Committee Recommendation

That the Director Regional Services' recommendation be adopted.

Moved: Cr West

Seconded: Cr McInnes

Carried

For: Crs West, O'Carroll, Sanders, Waistell and McInnes

Against: Cr Stanfield

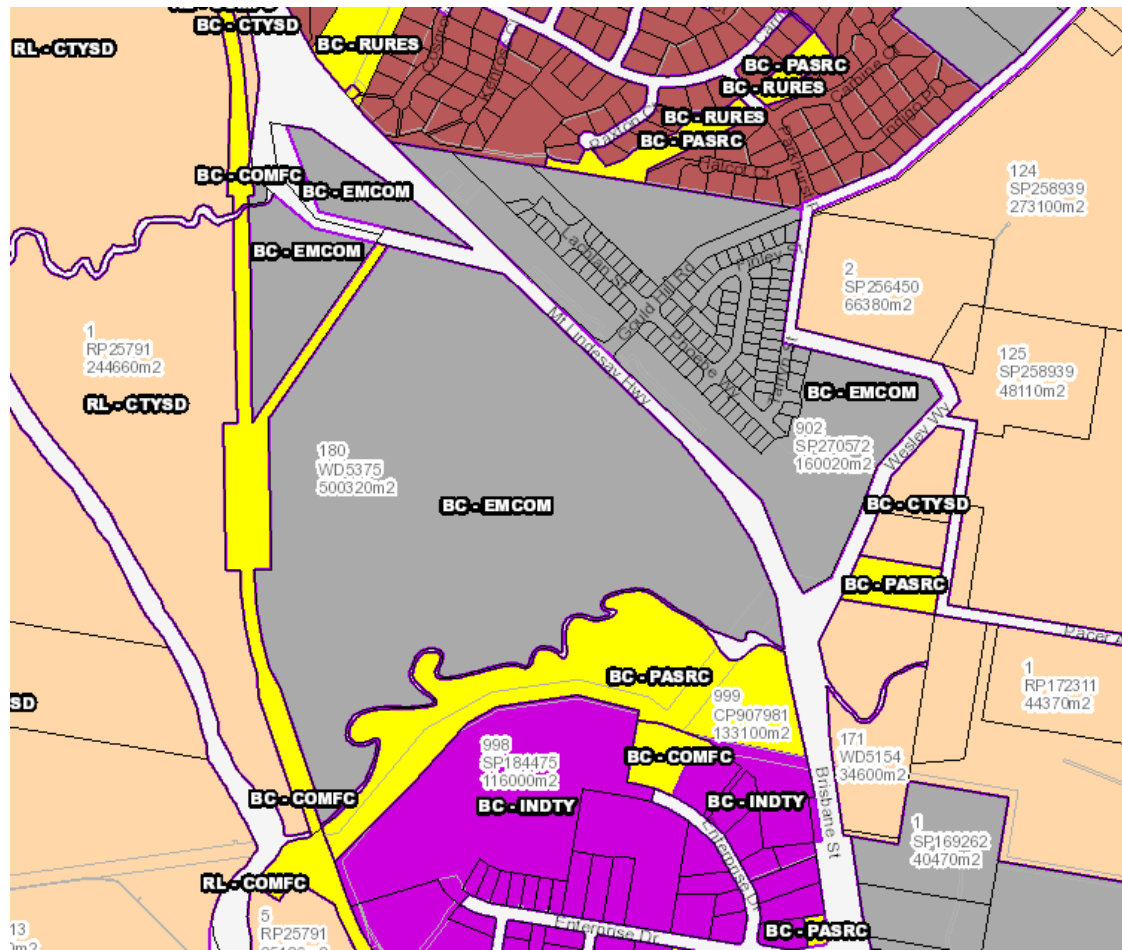
The Mayor was not present for discussion or voting on this item.

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 5598 9570
 Facsimile +61 7 5598 9511
 Website www.tmr.qld.gov.au
 Email ken.z.michael@tmr.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

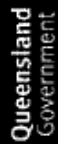
Real Property Description: Part of Lot 180 on WD5375

Street Address: 6794 Mount Lindesay Highway, Gleneagle QLD 4285

Assessment Manager ref.: MC.Bd211/00077

Local Government Area: Scenic Rim Regional Council

No. Condition	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	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.
1	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).	Prior to the commencement of use and to be maintained at all times
2	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.	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.
3	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	The purposes of the Transport Infrastructure Act 1994 (TIA). The closure of the existing access will minimise conflict points ensuring the safety and efficiency



<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 Lindsey 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 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>
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<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:- 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</p>
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<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>
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<p>earth mound specifications.</p> <p>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.</p> <p><i>Implementation of Earth Mounds (Transport Corridor)</i></p> <p>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.</p> <p>7.2.6 The applicant is to engage the services of a civil engineer to provide a certified (RPEC) design for any safety barrier</p>	
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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



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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*

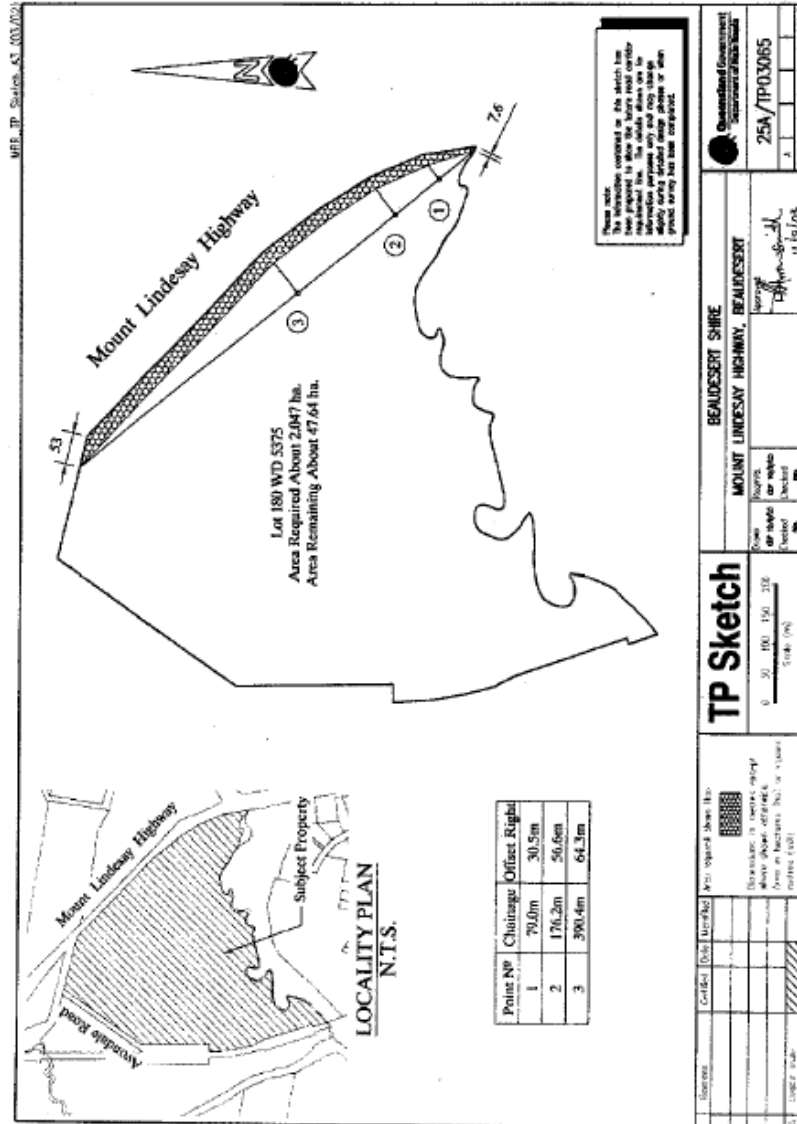
The assumed noise sensitive receiver heights are based on the ground levels indicated in the approved Road Traffic Noise Management Report.

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.

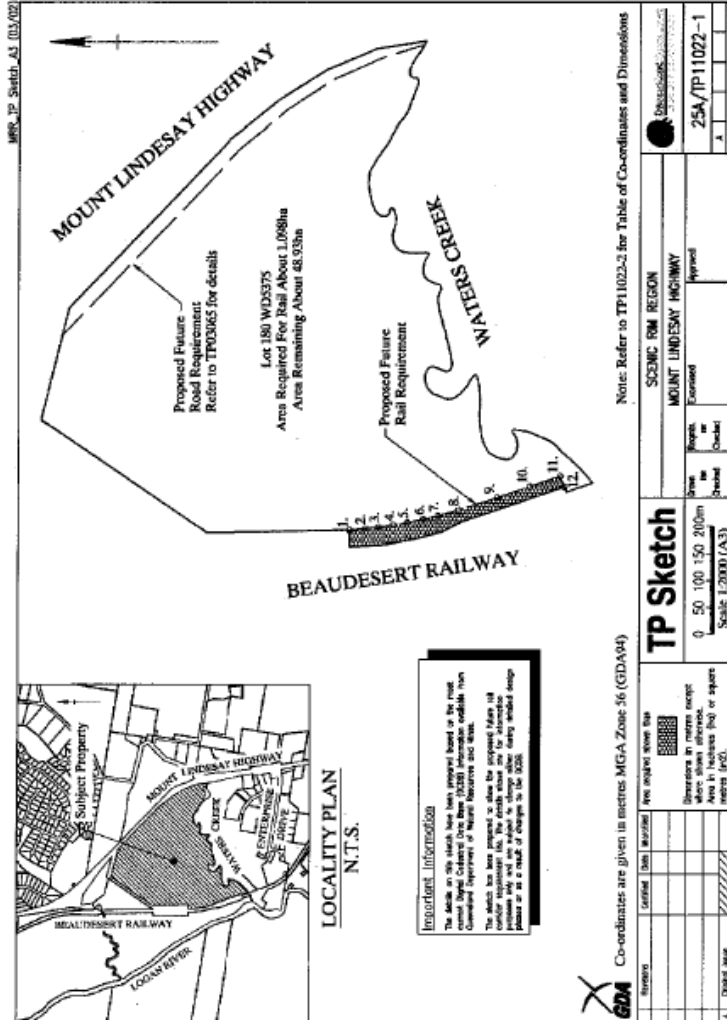


		<p>7.4.2 If designed or as-constructed receiver heights and/or effective noise attenuating structure heights do not meet this requirement, then a revised Road Traffic Noise Management report acceptable to Transport and Main Roads shall be submitted to Transport and Main Roads. A request to Transport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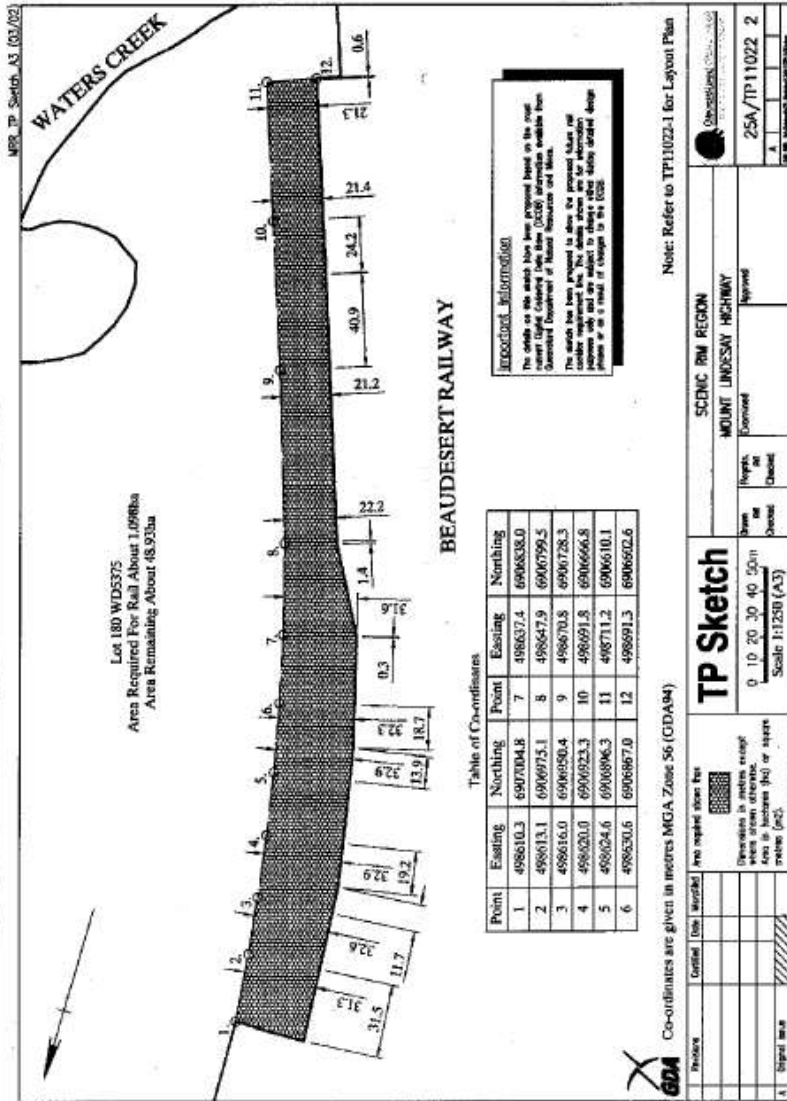




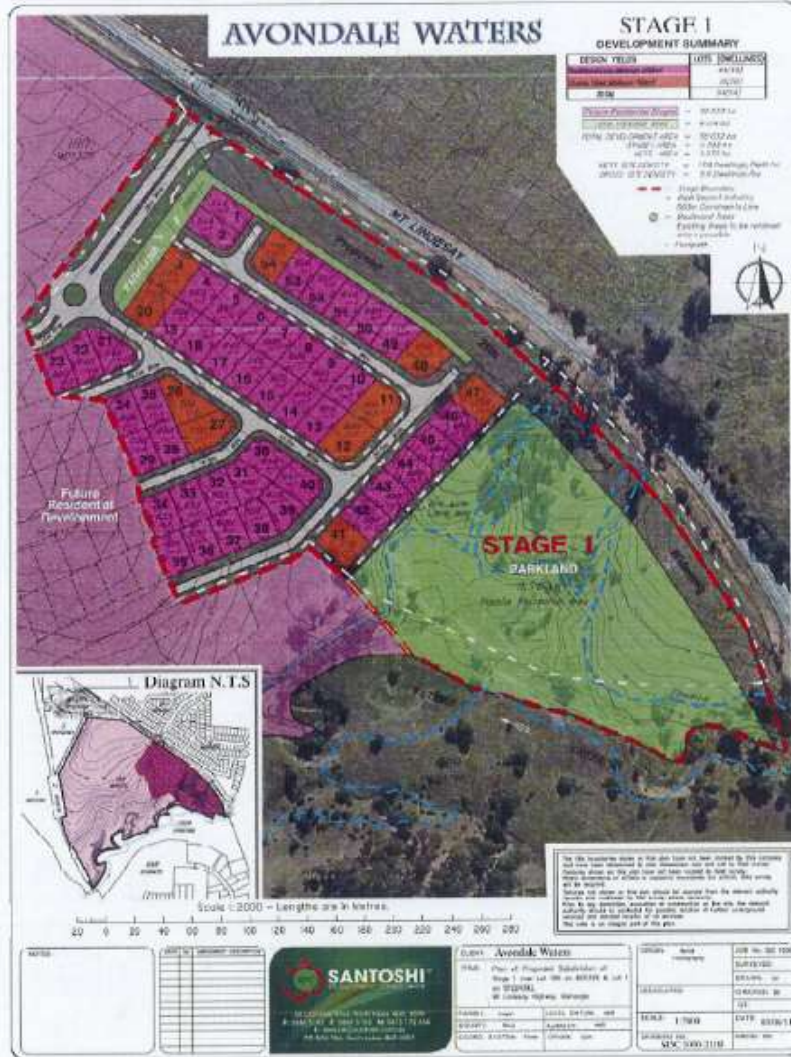
Sketch 25A/TP03065



Sketch 25A/TP11022-1 showing future rail requirement



Sketch 25A/TP11022-2 showing future rail requirement



Stage 1 Plan SDC1000-211B dated 10.8.11



<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

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.

Department of
 Local Government and Planning

Attention: David Mak

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:**
 - 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:**
 - Schedule 7, table 3, item 24 - Development for which preliminary approval is sought under the Sustainable Planning Act 2009, section 242; and
 - Schedule 7, table 2, item 39 - Regional Plans - Reconfiguration of a Lot to which division 3 of the SPRP for the SEQ region applies.

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

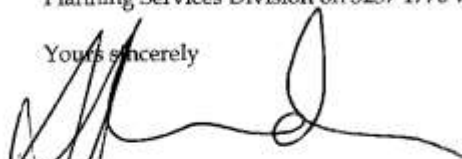
Division 2.2, Table 2F, Column 2 of the *SEQ Regional Plan 2009-2031 Regulatory Provisions* requires that development within a Development Area is consistent with the future planning intent for the area.

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 Permit ¹ 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: eLVAS 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 eLVAS 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.

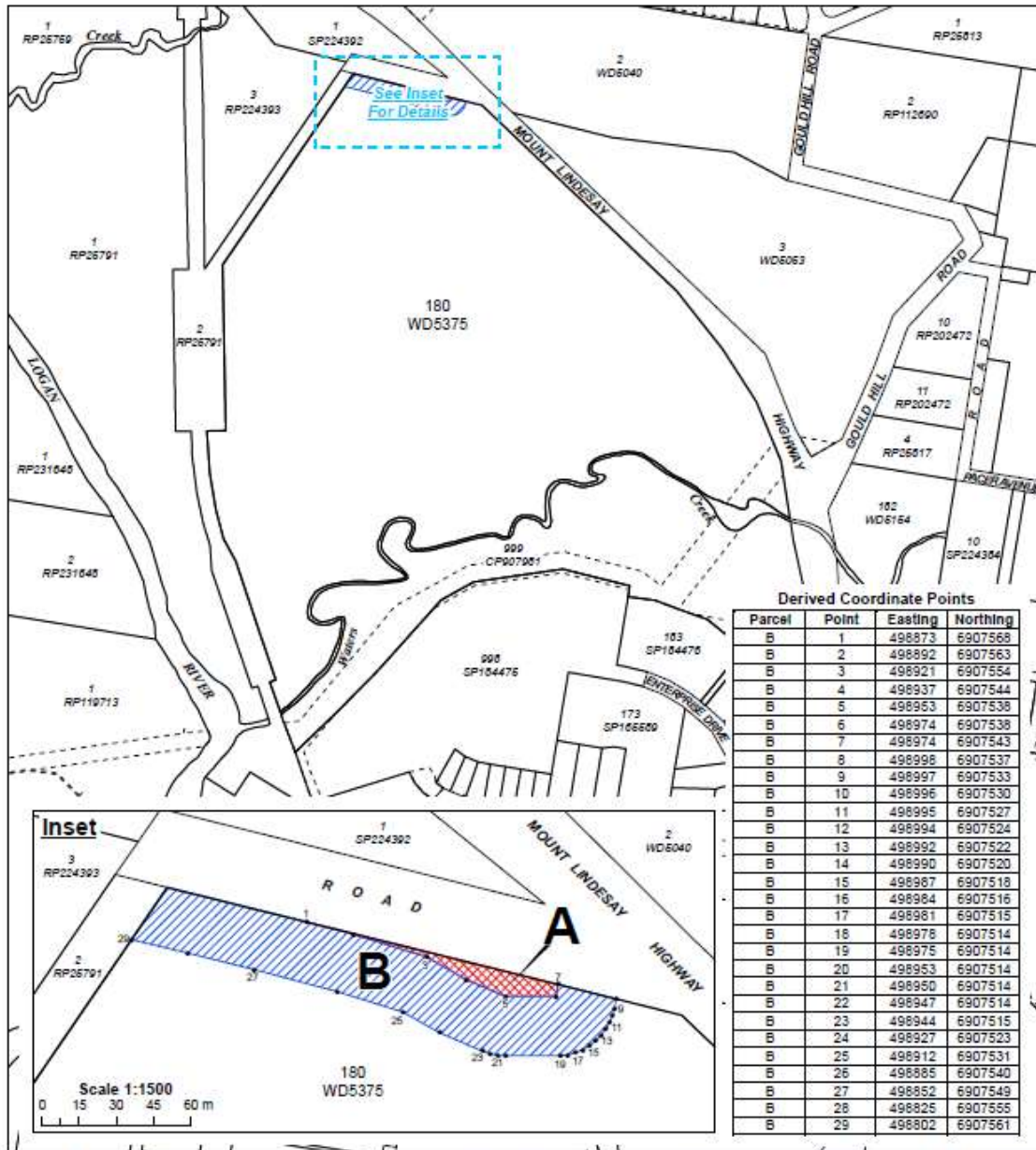


Patrina Birt

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. IC0212BEE010		
	CENTRE: IPSWICH REGION: SOUTH LOCALITY: GLENEAGLE LGA: REGIONAL COUNCIL OF SCENIC RIM		
Map Reference: 9442 Keeper Reference: SER/092248	For data compilation sources see SER/092248/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

SCENIC RIM REGIONAL COUNCIL
File No: MC Bd211/00077
26 OCT 2011
Doc. Set No:
Resp. Officer: DAVID MARK
2. CASAT 3

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. Lindesay 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
Kristen Sellers
Telephone
(07) 5584 4815
FACSIMILE
(07) 5584 6930
Email
kristensellers
@energex.com.au

Corporate Office
26 Redda 4th Street,
Newstead QLD 4006
GPO Box 1461
Brisbane Qld 4001
Telephone (07) 3664 4000
Facsimile (07) 3005 8301
www.energex.com.au

ENERGEX Limited
ABN 49 076 848 055

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

- 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

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

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 *Sustainable Planning Act 2009* 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.

Committee Recommendation

That the Director Regional Services' recommendation be adopted.

Moved: Cr Stanfield

Seconded: Cr O'Carroll

Carried

Cr Brent was not present for discussion or voting on this item.

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

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

Director's Recommendation

- 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) – *Boonah Shire Planning Scheme 2006*

Further development permits required:

- A Property Access Location approval and Works in Road Reserve approval are required prior to the construction of any proposed access point.
- 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 Council's 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.

Committee Recommendation

That the Director Regional Services' recommendation be adopted.

Moved: Cr Stanfield

Seconded: Cr Waistell

Carried

For: Crs West, O'Carroll, Sanders, Waistell and Stanfield

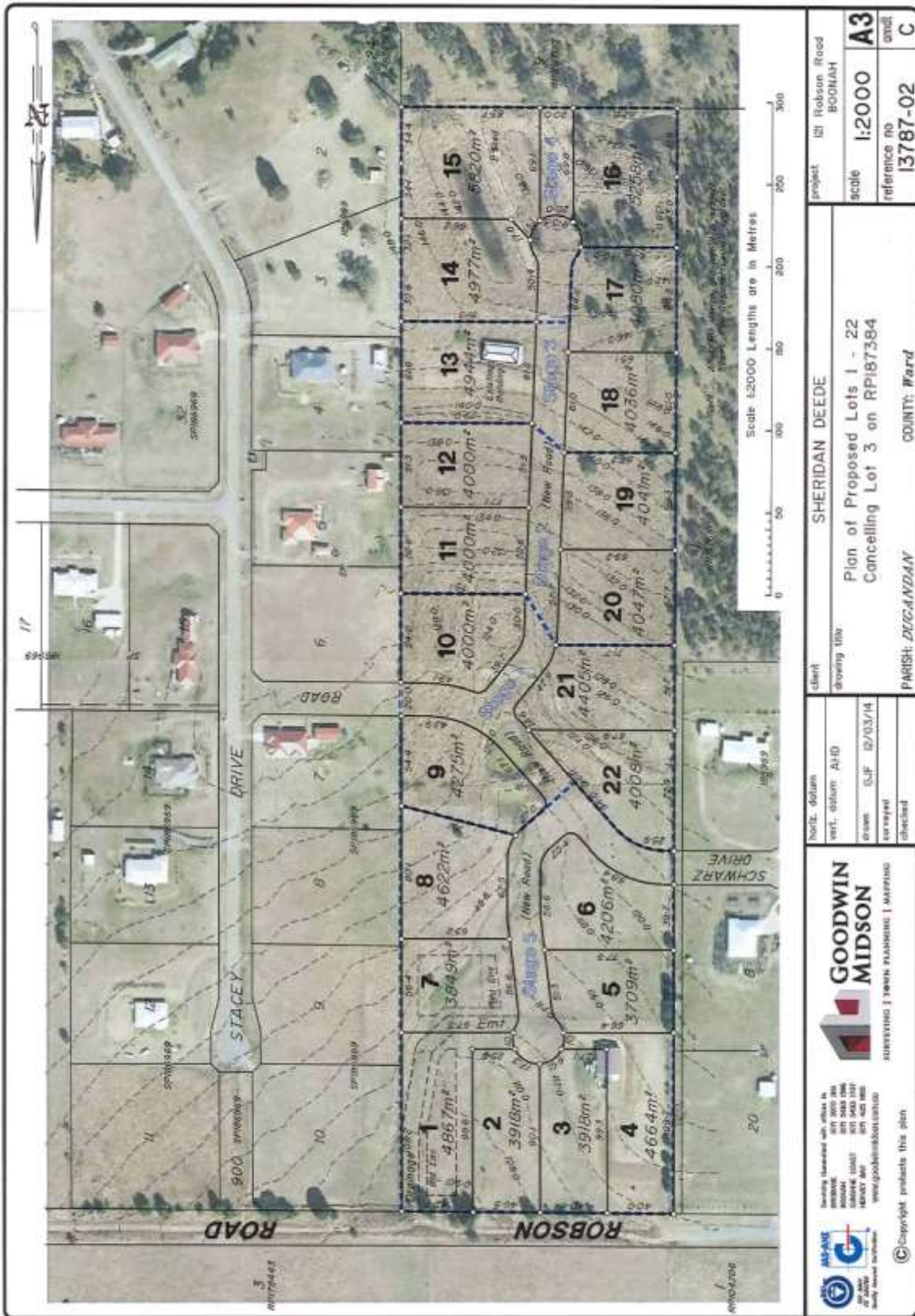
Against: Cr McInnes

Cr Brent was not present for discussion or voting on this item.

Attachments

1. Proposal Plan.
2. Aerial Site Map.
3. Dekho Zoning Map.

Attachment 1 - Proposal Plan



project	121 Robson Road BOORAH
scale	1:2000
reference no	A3
amtl	13787-02
amt	C

client: SHERIDAN DEEDE
 drawing title: Plan of Proposed Lots 1 - 22
 Cancelling Lot 3 on RP187384
 PARISH: DECCA/DANAN COUNTY: Ward

DATE: datum	12/03/14
VERT. datum: AHD	
drawn: S.J.F.	12/03/14
checked:	
checked:	

GOODWIN MIDSON
 SURVEYING | TERRACE PLANNING | MAPPING

© Copyright protects this plan

Attachment 2 - Aerial Site Map



Attachment 3 - Dekho Zoning 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

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

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.

Committee Recommendation

That the Director Regional Services' recommendation be adopted.

Moved: Cr Stanfield

Seconded: Cr Waistell

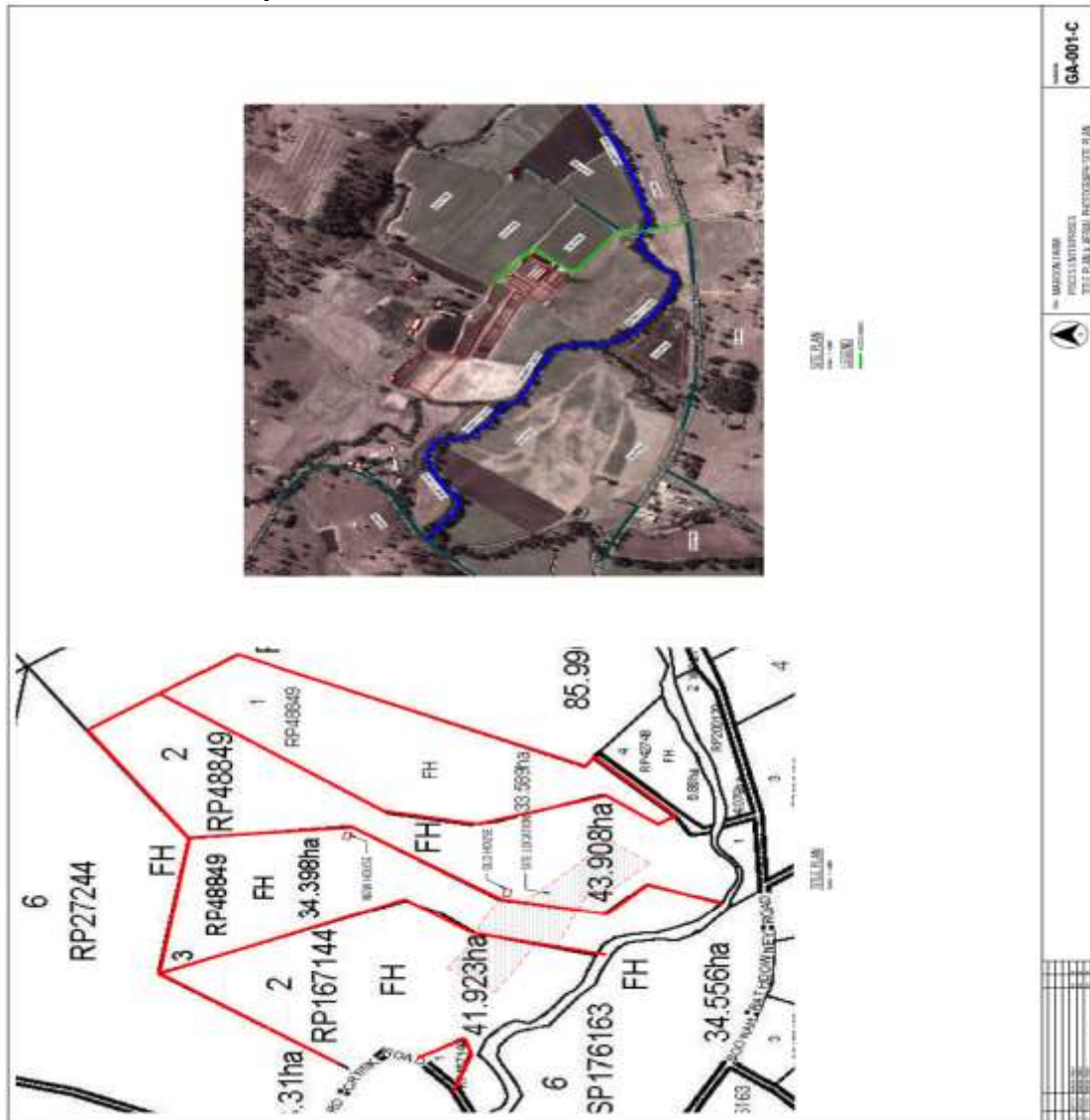
Carried

Cr Brent was not present for discussion or voting on this item.

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

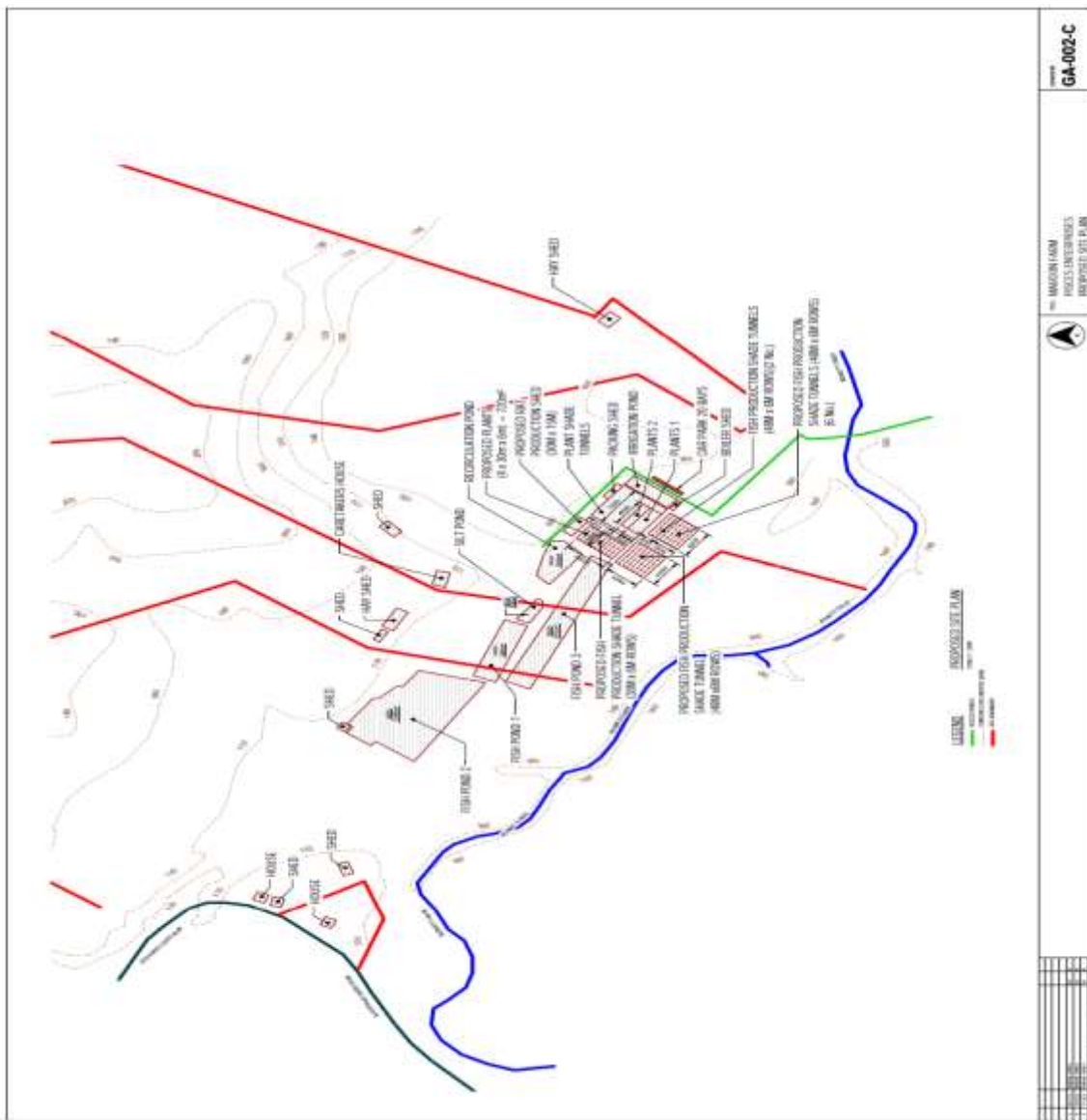


NO.	DATE	DESCRIPTION
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2	15/06/2015	ISSUED FOR COMMENT
3	15/06/2015	ISSUED FOR COMMENT
4	15/06/2015	ISSUED FOR COMMENT
5	15/06/2015	ISSUED FOR COMMENT
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99	15/06/2015	ISSUED FOR COMMENT
100	15/06/2015	ISSUED FOR COMMENT

GA-001-C



THE MAPS AND PROVISIONS OF THE PUBLIC HEALTH ACT 1997



Attachment 2 - Dekho Map (Zoom out)



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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)



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

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

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

Date: 23 January 2015

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

Attn: Mr Thor Nelson

Dear Mr Nelson

Concurrence agency response—with conditions

2561 Boonah Rathdowney Road, 94 Stockyard Creek Road & Jo Brown Road, Maroon
(Given under section 285 of the *Sustainable Planning Act 2009*)

The referral agency material for the development application described below was received by the Department of State Development, Infrastructure and Planning under section 272 of the *Sustainable Planning Act 2009* on 6 June 2014.

Applicant details

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

Site details

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

Application details

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

Aspects of development and type of approval being sought

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

Referral triggers

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

Referral trigger Schedule 7, Table 2, Item 28 – Aquaculture

Conditions

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

Reasons for decision to impose conditions

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

Approved plans and specifications

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

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

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

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

Yours sincerely



Nathan Rule
Manager - Planning

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

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

Our reference: SDA-1213-006943

Your reference: MC.Bn13/00010

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing																																								
Development Permit – Material Change of Use for Aquaculture (freshwater fish), Intensive Animal Industry (other animals – laboratory rats) and Wholesale Nursery (freshwater plans)																																										
Aquaculture—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the <i>Sustainable Planning Act 2009</i> nominates the Director-General of the Department of Agriculture, Fisheries and Forestry to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):																																										
1.	<p>The operator is authorised to conduct aquaculture on and harvest the following approved species:</p> <table border="0"> <thead> <tr> <th data-bbox="384 685 715 714"><u>Common Name</u></th> <th data-bbox="715 685 1027 714"><u>Scientific Name</u></th> </tr> </thead> <tbody> <tr><td data-bbox="384 725 715 754">African mono</td><td data-bbox="715 725 1027 754"><i>Monodactylus sebae</i></td></tr> <tr><td data-bbox="384 766 715 795">Angelfish</td><td data-bbox="715 766 1027 795"><i>Pterophyllum spp.</i></td></tr> <tr><td data-bbox="384 806 715 835">Archer fish</td><td data-bbox="715 806 1027 835"><i>Toxotes jaculatrix</i></td></tr> <tr><td data-bbox="384 846 715 875">Argentine bloodfin (tetra)</td><td data-bbox="715 846 1027 875"><i>Aphyocharax anisitsi</i></td></tr> <tr><td data-bbox="384 887 715 916">Armoured catfish</td><td data-bbox="715 887 1027 916"><i>Corydoras spp.</i></td></tr> <tr><td data-bbox="384 927 715 956">Asoka barb</td><td data-bbox="715 927 1027 956"><i>Puntius asoka</i></td></tr> <tr><td data-bbox="384 967 715 996">Auratus</td><td data-bbox="715 967 1027 996"><i>Melanochromis auratus</i></td></tr> <tr><td data-bbox="384 1008 715 1037">Banded barb</td><td data-bbox="715 1008 1027 1037"><i>Puntius pentazona</i> <i>(Barbodes pentozona)</i></td></tr> <tr><td data-bbox="384 1048 715 1077">Banded leporinus</td><td data-bbox="715 1048 1027 1077"><i>Leporinus fasciatus</i></td></tr> <tr><td data-bbox="384 1088 715 1117">Betta</td><td data-bbox="715 1088 1027 1117"><i>Betta spp.</i></td></tr> <tr><td data-bbox="384 1128 715 1158">Big-spot rasbora</td><td data-bbox="715 1128 1027 1158"><i>Rasbora kalochroma</i></td></tr> <tr><td data-bbox="384 1169 715 1198">Bitterling</td><td data-bbox="715 1169 1027 1198"><i>Rhodeus amarus</i></td></tr> <tr><td data-bbox="384 1209 715 1238">Bitterling</td><td data-bbox="715 1209 1027 1238"><i>Rhodeus sericeus</i></td></tr> <tr><td data-bbox="384 1249 715 1279">Black ghost knife fish</td><td data-bbox="715 1249 1027 1279"><i>Apteronotus albifrons</i></td></tr> <tr><td data-bbox="384 1290 715 1319">Black line silver hatchet fish</td><td data-bbox="715 1290 1027 1319"><i>Gasteropelecus spp.</i></td></tr> <tr><td data-bbox="384 1330 715 1359">Black phantom tetra</td><td data-bbox="715 1330 1027 1359"><i>Hyphessobrycon</i> <i>megalopterus</i> <i>(Megalamphodus</i> <i>megalopterus)</i></td></tr> <tr><td data-bbox="384 1370 715 1400">Black ruby barb</td><td data-bbox="715 1370 1027 1400"><i>Puntius nigrofasciatus</i></td></tr> <tr><td data-bbox="384 1411 715 1440">Black shark</td><td data-bbox="715 1411 1027 1440"><i>Labeo chrysophekadion</i> <i>(Morulius chrysophekadion)</i></td></tr> <tr><td data-bbox="384 1451 715 1480">Black spotted upsidedown catfish</td><td data-bbox="715 1451 1027 1480"><i>Synodontis nigriventris</i></td></tr> </tbody> </table>	<u>Common Name</u>	<u>Scientific Name</u>	African mono	<i>Monodactylus sebae</i>	Angelfish	<i>Pterophyllum spp.</i>	Archer fish	<i>Toxotes jaculatrix</i>	Argentine bloodfin (tetra)	<i>Aphyocharax anisitsi</i>	Armoured catfish	<i>Corydoras spp.</i>	Asoka barb	<i>Puntius asoka</i>	Auratus	<i>Melanochromis auratus</i>	Banded barb	<i>Puntius pentazona</i> <i>(Barbodes pentozona)</i>	Banded leporinus	<i>Leporinus fasciatus</i>	Betta	<i>Betta spp.</i>	Big-spot rasbora	<i>Rasbora kalochroma</i>	Bitterling	<i>Rhodeus amarus</i>	Bitterling	<i>Rhodeus sericeus</i>	Black ghost knife fish	<i>Apteronotus albifrons</i>	Black line silver hatchet fish	<i>Gasteropelecus spp.</i>	Black phantom tetra	<i>Hyphessobrycon</i> <i>megalopterus</i> <i>(Megalamphodus</i> <i>megalopterus)</i>	Black ruby barb	<i>Puntius nigrofasciatus</i>	Black shark	<i>Labeo chrysophekadion</i> <i>(Morulius chrysophekadion)</i>	Black spotted upsidedown catfish	<i>Synodontis nigriventris</i>	At all times
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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 rosborra	<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 talia</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>Boehlkea fredcochui (Microbrycon fredcochui)</i>
	Mono	<i>Monodactylus argenteus</i>

No.	Conditions	Condition timing
	Moonlight gourami	<i>Trichogaster microlepis</i>
	Moori	<i>Tropheus moorii</i>
	Multi-banded leporinus	<i>Leporinus multifasciatus</i>
	Myers hillstream loach	<i>Pseudogastromyzon myersi</i>
	Neon tetra	<i>Paracheirodon innesi</i>
	Orange-finned rasbora	<i>Rasbora vaterifloris</i>
	Ornate pimelodus	<i>Pimelodus omatus</i>
	Oscar	<i>Astronotus ocellatus</i>
	Panchax	<i>Aplocheilichthys spp.</i>
	Panchax	<i>Epiplatys spp</i>
	Paradise fish	<i>Macropodus opercularis</i>
	Pearl danio	<i>Brachydanio albolineatus</i>
	Pearl gourami	<i>Trichogaster leeri</i>
	Pencilfish	<i>Nannostomus spp.</i>
	Pencilfish	<i>Poecilibrycon spp.</i>
	Penguin fish	<i>Thayeria spp.</i>
	Platy	<i>Xiphophorus maculatus</i>
	Platy variatus	<i>Xiphophorus variatus</i>
	Poormans glass catfish	<i>Kryptopterus macrocephalus</i>
	Pristella	<i>Pristella maxillaris</i>
	Pygmy gourami	<i>Trichopsis pumilus</i>
	Rainbow shark	<i>Epalzeorhynchus munense</i> (<i>Labeo erythrurus</i>)
	Rainbowfish	<i>Chilatherina spp</i>
	Rainbowfish	<i>Glossolepis spp</i>
	Rainbowfish	<i>Melanotaenia spp.</i>
	Red striped barb	<i>Puntius bimaculatus</i>
	Red-finned black shark	<i>Epalzeorhynchus bicolor</i> (<i>Labeo bicolor</i>)
	Red-finned shark	<i>Epalzeorhynchus frenatus</i> (<i>Labeo frenatus</i>)
	Red-line rasbora	<i>Rasbora pauciperforata</i>
	Rosy barb	<i>Puntius 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 iclassfc@daff.qld.gov.au of any changes to the personal contact details for this development approval within 28 working days.</p>	At all times
6.	<p>An aquaculture production return must be submitted in the approved form to the Department of Agriculture, Fisheries and Forestry (DAFF), Fisheries Queensland, by close of business on 31 July each year for the term of this development approval. This includes lodging a nil return when no aquaculture production has occurred.</p>	Annually for the life of the development/ structure

No.	Conditions	Condition timing
7.	The possession and use of "regulated fishing apparatus" under the Fisheries Regulation 2008, Chapter 4, Part 1, Division 4, Subdivision 1 (freshwater) are authorised at the approved Aquaculture Area.	At all times
8.	Where waters are introduced for the aquaculture of the approved species, the developer must implement all reasonable measures to ensure all waters are sufficiently screened to prevent the movement of any juvenile or adult wild fauna (excepting zooplankton) into the approved area. <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

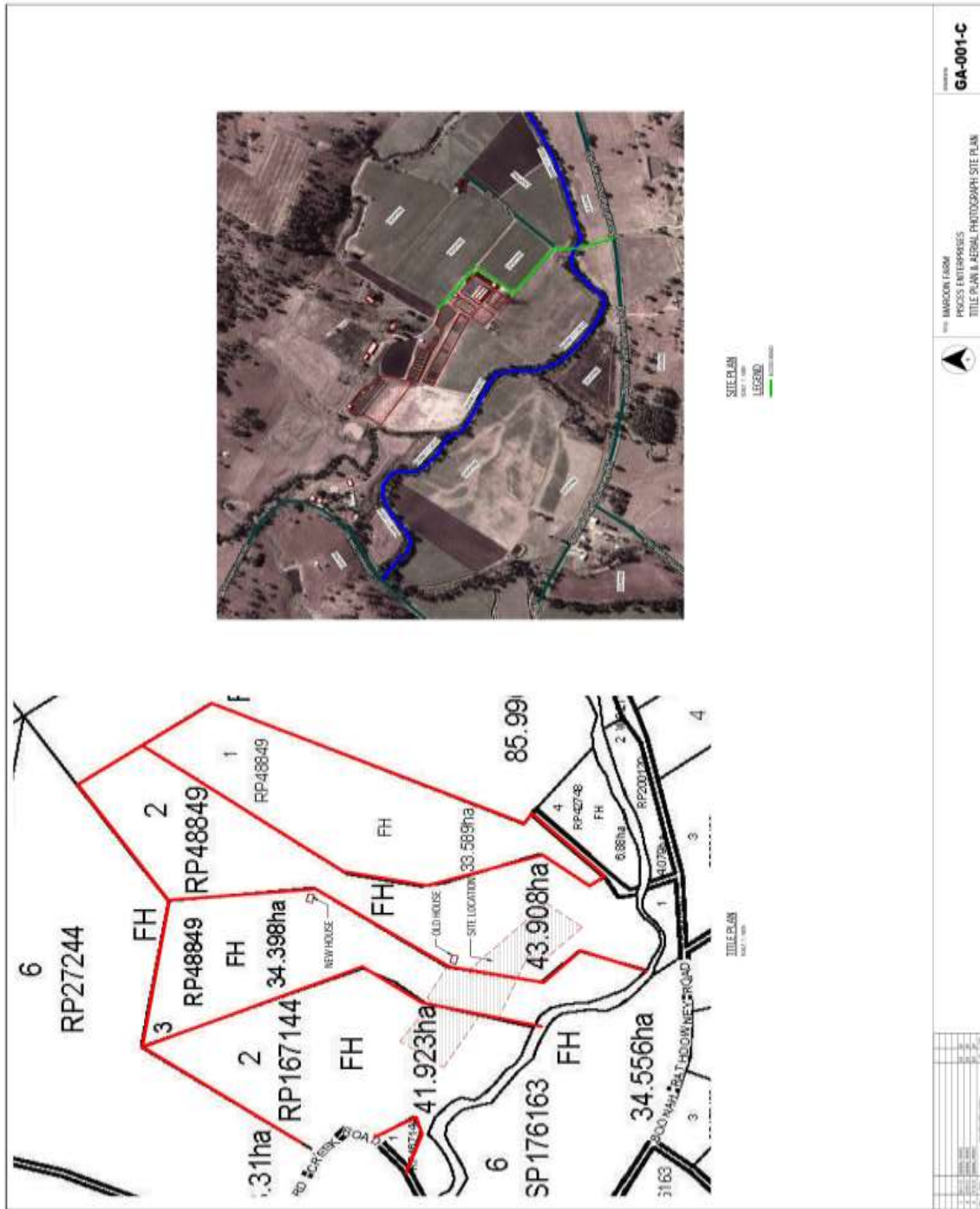
Attachment 2—Reasons for decision to impose conditions

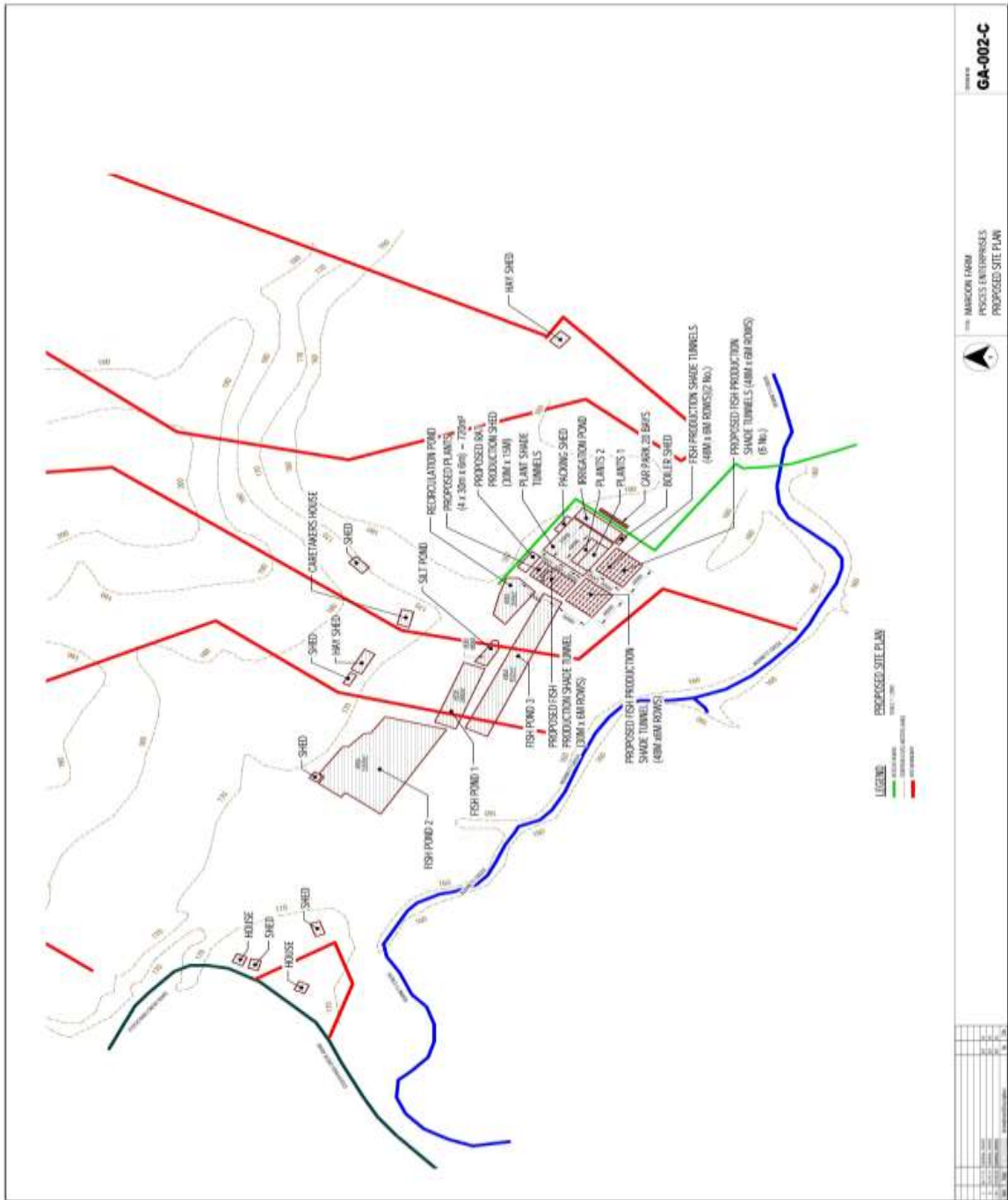
The reasons for this decision are:

- 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

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)

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 m²
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.

Committee Recommendation

That the Director Regional Services' recommendation be adopted.

Moved: Cr McInnes

Seconded: Cr Stanfield

Carried

Cr Brent was not present for discussion or voting on this item.

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/SJG
 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: **O.P. ADMIN**

? **CRPTJ** 3

PAYMENT RECEIVED
 O/R. 12/15/997... \$ 1690.00

01 APR 2015
 D8757.01

BEAUDESERT CUSTOMER SERVICE CENTRE

xref L&Pm.

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>

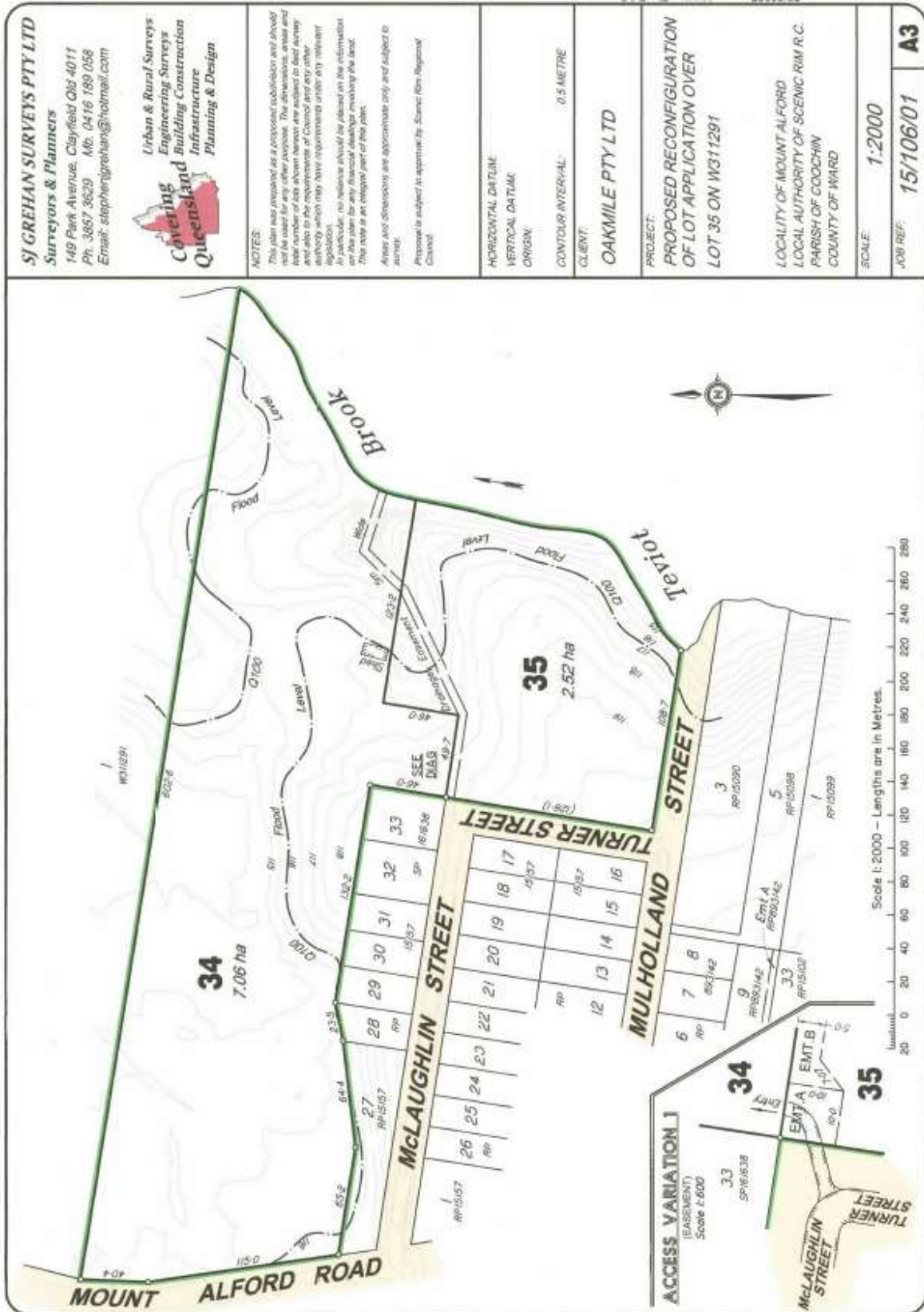
We await Council's consideration of this request and should further information be required in respect to the application, please contact the writer.

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
 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 D8757.01
 Reconfiguration of Land - Lot 35 on W311291
 Mt Alford Road & Turner Street, Mt Alford
 Applicant: Oakmile Pty Ltd



xref

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.

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 Clayfield Qld 4011

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 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.

.....
Cr J.J. Sanders
CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE