



SCENIC RIM REGIONAL COUNCIL

Planning & Development Committee

Agenda

Meeting to be held in the Council Chambers

82 Brisbane Street

Beaudesert

Tuesday, 13 October 2015

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

All correspondence to
Be addressed to the
Chief Executive Officer

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SCENIC RIM REGIONAL COUNCIL
PLANNING & DEVELOPMENT COMMITTEE
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PLANNING & DEVELOPMENT COMMITTEE

AGENDA

ATTENDANCE

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

APOLOGIES

DECLARATIONS OF INTEREST BY MEMBERS

Reception of Deputations by Appointment / Visitors

Nil

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

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

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

1. EXECUTIVE

Nil.

2. CHIEF FINANCE OFFICER

Nil.

3. REGIONAL SERVICES**3.1 Adoption of Fair Value Charges Resolution (version no.3)**

Executive Officer: Director Regional Services

Item Author: Manager Planning

File Reference: 19/03/004

Executive Summary

The purpose of this report is to seek Council's endorsement to adopt the Fair Value Charges Resolution (version no.3) and subsequently, replace the current Fair Value Charges Resolution (version no.2). The changes proposed under Fair Value Charges Resolution (version no.3) include amendment to the methodology applied in calculating refunds for the delivery by a developer of trunk infrastructure and the realignment of planning scheme land use categories to the appropriate adopted charges use categories.

Previous Council Considerations / Resolutions

At the Special Meeting held on 24 June 2015, Council resolved to adopt the Fair Value Charges Resolution (version no.2) to levy infrastructure charges in the local government area of the Scenic Rim Regional Council, indexed in accordance with the three yearly Producer Price Index and effective from 1 July 2015.

REPORT

An amendment to Council's Fair Value Charges Resolution (version no.2) (Resolution) is proposed to align with the requirements of the *Sustainable Planning Act 2009* (SPA) in regards to the calculation of a refund payable by Council for the delivery of trunk infrastructure by a developer.

The refund methodology outlined in the current Resolution reflects a demand based approach. This process involves obtaining an understanding of the demand placed on the contributed asset by the development via a modelling exercise. Refunds are subsequently provided to a developer for that portion of the demand expected to be placed on the infrastructure by other users (ie. other future developments).

In recognition of the complexity of the refund arrangements outlined in SPA, an amendment was made to the legislation to simplify the refund calculation. Any refund payable by Council for trunk infrastructure delivery is now required to be calculated by subtracting the establishment cost of the trunk infrastructure from the adopted charges payable by the development outlined in Council's Resolution (ie. Refund = Establishment Cost of Trunk Infrastructure - Adopted Infrastructure Charges Payable under Council's Resolution).

It should be noted that the above refund arrangements only applies to the conditioning of trunk infrastructure under Chapter 8, Part 2, Division 2, Subdivision 1 of SPA. These provisions only apply to development identified as being consistent with the type, scale, location (ie. within Priority Infrastructure Area) and timing of future development identified under a Local Government Infrastructure Plan (LGIP).

Council retains the ability to impose conditions for additional trunk infrastructure costs in accordance with Chapter 8, Part 2, Division 2, Subdivision 2 of SPA for development in either of the following scenarios:

- The development is inconsistent with the type and scale of future development assumed under the LGIP;
- The development triggers trunk infrastructure requirements in an earlier timeframe contemplated by the LGIP; or
- Partly or completed outside the Priority Infrastructure Area.

Under these provisions, refunds are only payable for development completely within Priority Infrastructure Areas and are to equate to the proportion of the establishment cost of the contributed asset reasonably apportioned to other users (ie. both existing and future) of the asset.

The proposed changes to Section 10.8 'Details of an offset and refund' to achieve alignment with the requirements of SPA are clearly highlighted in the Fair Value Charges Resolution (version no.3) included in Attachment 1 to this report.

Additional amendments to Fair Value Charges Resolution (version no.2) is proposed to correct a number of discrepancies between the planning scheme land uses and equivalent adopted charges use categorises identified in *Table 1: Planning scheme use categorises and adopted charges schedule use categories*.

The below planning scheme land uses included in Table 1 are required to be realigned to reflect the categories included in the State government's Fair Value Infrastructure Charges Schedule. It should be noted that the correct Adopted charge use category has been applied to these uses in *Table 2: Adopted charges schedule*. Accordingly, the below changes to Table 1 does not alter the infrastructure charges currently being applied to these uses.

Planning Scheme land use	Adopted charge use category	
	Currently	Proposed
Service Station	Industry	Commercial (retail)
Laundromat	Industry	Commercial (retail)
General Store	Commercial (office)	Removed (Duplicated in Commercial (retail) Use Category)
Wholesale nursery/ Plant Nursery (wholesale)	Low impact rural	High impact rural

The proposed changes to Table 1 are similarly clearly highlighted in the Fair Value Charges Resolution (version no.3) included in Attachment 1 to this report.

Strategic Implications

Community Plan

The adoption of the Fair Value Charges Resolution (version no.3) is consistent with the vision of the Community Plan as outlined below.

Theme: Accessible and Serviced Region

Outcome: Infrastructure and services keep pace with growth and changing needs and are compatible with our environment.

Priority: Ensuring new infrastructure needed to support residents, visitors and a growing economy is provided in time and is funded by those who benefit most.

Corporate Plan / Operational Plan

The adoption of the Fair Value Charges Resolution (version no.3) contributes to the achievement (in part) of the following strategy relevant to the "Relaxed Living and Rural Lifestyle" theme of the Corporate Plan 2013 - 2018:

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

Budget Implications

The adoption of Fair Value Charges Resolution (version no. 3) incorporating the required amendments in itself does not have any budgetary implications.

Legal / Statutory Implications

Adoption of Fair Value Charges Resolution (version no.3) is proposed to achieve consistency with the refund calculation methodology outlined in Section 633 of SPA and ensure that the planning scheme land uses shown in Table 1 are categorised in accordance with the adopted charge use category of the State government's Fair Value Infrastructure Charges Schedule.

Risks

Strategic Risks

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

CF6: Failure to comply with statutory obligations and responsibilities.

Risk Assessment

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment of risks	Residual Risk Rating
Legal Compliance and Liability The Sustainable Planning Act requires local government charges resolution to be consistent with the methodology to calculate charges, refund & offsets outlined in the Act.	Moderate	Possible	Medium	The proposed amendment to the Fair Value Charges Resolution makes the instrument consistent with the refund requirements of SPA.	Low

Conclusion

The Fair Value Charges Resolution (version no.3) has been prepared for Council's adoption to achieve consistency with the requirements of the *Statutory Planning Act 2009*.

The Resolution proposes to adopt the change in methodology in calculating refunds in lieu of trunk infrastructure constructed and contributed to Council by a developer. It also aligns the planning scheme land uses in Table 1 of the Resolution to the Adopted charge use category of the State government's Fair Value Infrastructure Charges Schedule.

It is recommended that Council resolve to adopt Fair Value Charges Resolution (version no.3) incorporating the above amendments and set a commencement date of 29 October 2015.

Consultation

Internal consultation was undertaken with Council's Planning Section, which are primarily responsible for applying the infrastructure charges framework.

Director's Recommendation

That Council resolve under Section 630 of the Sustainable Planning Act 2009 to adopt the Fair Value Charges Resolution (Version No. 3) to levy infrastructure charges in the local government area of the Scenic Rim Regional Council effective from 29 October 2015.

Attachments

1. Fair Value Charges Resolution (version no.3) (including track changes) (attached separately)

3.2 MCBd14/079 Preliminary Approval s.242 Sustainable Planning Act 2009 (Minor Convenience Centre Precinct); MCU (Service Station, Temporary Estate Sales Office, Convenience Restaurants and Food Establishments) Scenic Rim Developments Pty Ltd Lot 24 RP15577

Executive Officer: Director Regional Services

Item Author: Manager Planning
File Reference: MCBd14/079

Applicable Planning Scheme	<i>Beaudesert Shire Planning Scheme 2007</i>
Applicant	Scenic Rim Developments Pty Ltd
Owner(s)	Scenic Rim Developments Pty Ltd
Site Address	17A Boundary Street BEAUDESERT
Real Property Description	Lot 24 RP155770
Site Area	88.46ha
Relevant Zone and Precinct	Beaudesert and Canungra Townships Zone - Emerging Communities Precinct
Proposal	Combined Preliminary Approval under s242 of the <i>Sustainable Planning Act 2009</i> to establish a Minor Convenience Centre Precinct; and Development Permit for Material Change of Use (Service Station, Temporary Estate Sales Office, Convenience Restaurants and Food Establishments).
Assessment Level	Impact Assessment (Inconsistent)
Approval Type	Preliminary Approval under s242 of the <i>Sustainable Planning Act 2009</i> and Development Permit
Public Notification:	Notice of Compliance was received 21 September 2015.
Submissions Received	Nil
Date Application Received:	8 October 2014

Purpose of Report

The subject report has been compiled outlining the facts and circumstances for a proposed development seeking an approval for a Preliminary Approval under s.242 of the *Sustainable Planning Act 2009* to establish a Minor Convenience Centre Precinct; Development Permit for Material Change of Use (Service Station, Temporary Estate Sales Office, Convenience Restaurants and Food Establishments).

Risks

Strategic Risks

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

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

Risk Assessment

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment of risks	Residual Risk Rating
Environmental Impacts on environment as a result of development activity	Moderate	Unlikely	Medium	Environmental impacts considered and documented during assessment	Low
Legal Compliance and Liability Failure to ensure application is assessed in accordance with IDAS process	Minor	Possible	Medium	Documented assessment process	Low
Legal Compliance and Liability Opportunity for applicant or third party appeal against Council decision	Minor	Possible	Medium	<ul style="list-style-type: none"> - Ensure reasonable and relevant test applicable to assessment processes - Model Litigant processes followed in court cases - Minimise opportunities for appeals 	Low
Reputation Negative perception from community or development proponents	Minor	Unlikely	Low	<ul style="list-style-type: none"> - Transparent reporting of assessment - Communications 	Low

Brief Summary

Council is in receipt of an application seeking an approval for a combined Preliminary Approval under s.242 of the *Sustainable Planning Act 2009* to establish a Minor Convenience Centre Precinct; Development Permit for Material Change of Use (Service Station, Temporary Estate Sales Office, Convenience Restaurants and Food Establishments). The land is located at 17A Boundary Street Beaudesert, more accurately described as Lot 24 on RP155770.

Pursuant to the *Beaudesert Shire Planning Scheme 2007* (Planning Scheme) an application for the aforementioned land uses in the Emerging Communities Precinct triggers Impact Assessment (Inconsistent). It should be noted that the application site is located within Stage One of the approved Oakland Estate dated 27 May 2014 (Council reference No. COM.Bd/00003).

The subject application contains multiple components which seek to facilitate the service station and supported retail tenancies of the Oakland's estate. The proposal will entail a Preliminary Approval under Section 242 of the *Sustainable Planning Act 2009* (SPA) for Minor Convenience Precinct which will override the current Emerging Communities Precinct zone. The proposal also incorporates a Development Permit for Service Station, Temporary Estate Sales Office, Convenience Restaurants and Food Establishments.

The proposal contains critical land uses which will underpin future stages of the Oakland estate and the eastern development of the Beaudesert Township. The subject application has been submitted with supporting reports including traffic and parking report, an engineering report, an environmental report, a needs assessment report as well as site plans and architectural plans.

The applicant referred a copy of the application to the State Assessment and Referral Agency (SARA) in accordance with s.273 of the SPA. Subsequently, SARA provided Council with correspondence dated 25 November 2014 having no objection to the proposed development, subject to conditions.

Through the assessment process and discussions with Council officers, the proposed development is now considered to satisfy the provisions of the Planning Scheme and other relevant statutory requirements. As such, it is recommended that Council approve the proposed development subject to reasonable and relevant conditions.

Background

On 27 May 2014, Council issued a Decision Notice for a combined Preliminary Approval under s.242 of the *Sustainable Planning Act 2009* (SPA) for Material Change of Use (Development to be in accordance with 'Preliminary Approval Document'); and Development Permit for Reconfiguring a Lot (10 freehold lots and new road). A copy of the approved *Stage One Structure Plan* is shown below in Figure 1 (COM.Bd/00003), while Figure 2 illustrates the approved 10 lot subdivision.

Figure 1 - Approved Stage One Structure Plan

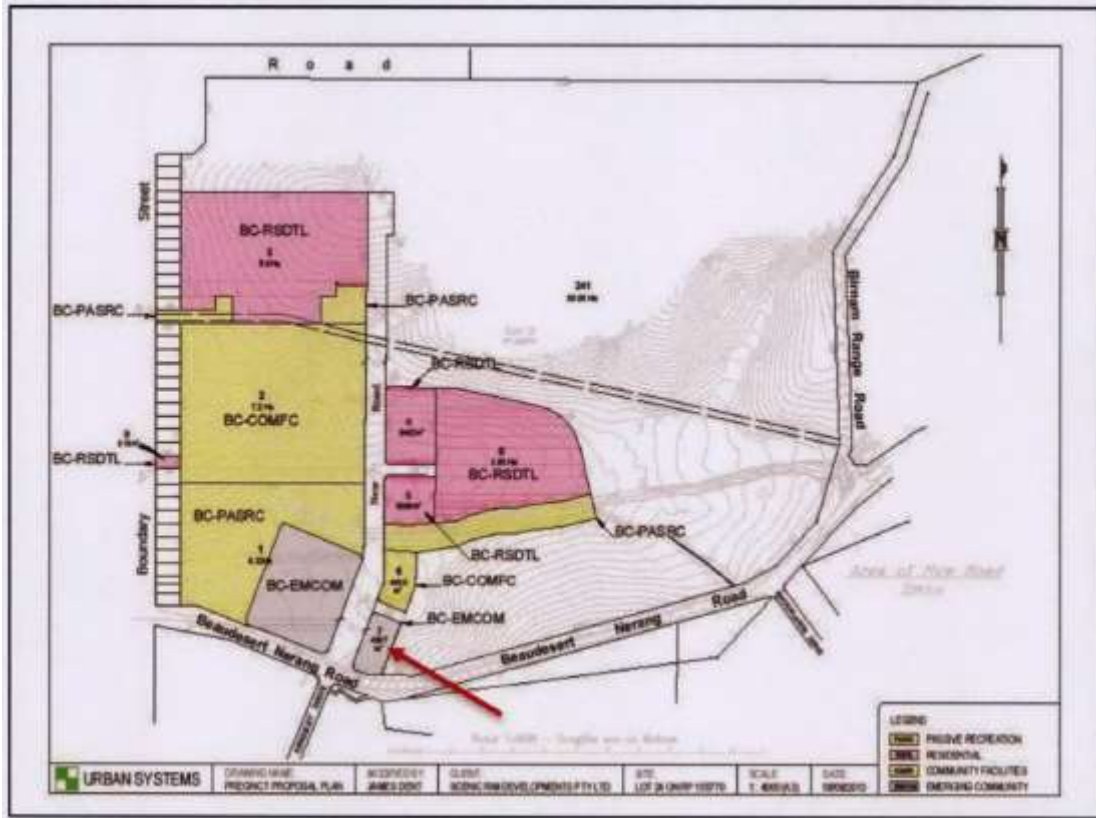
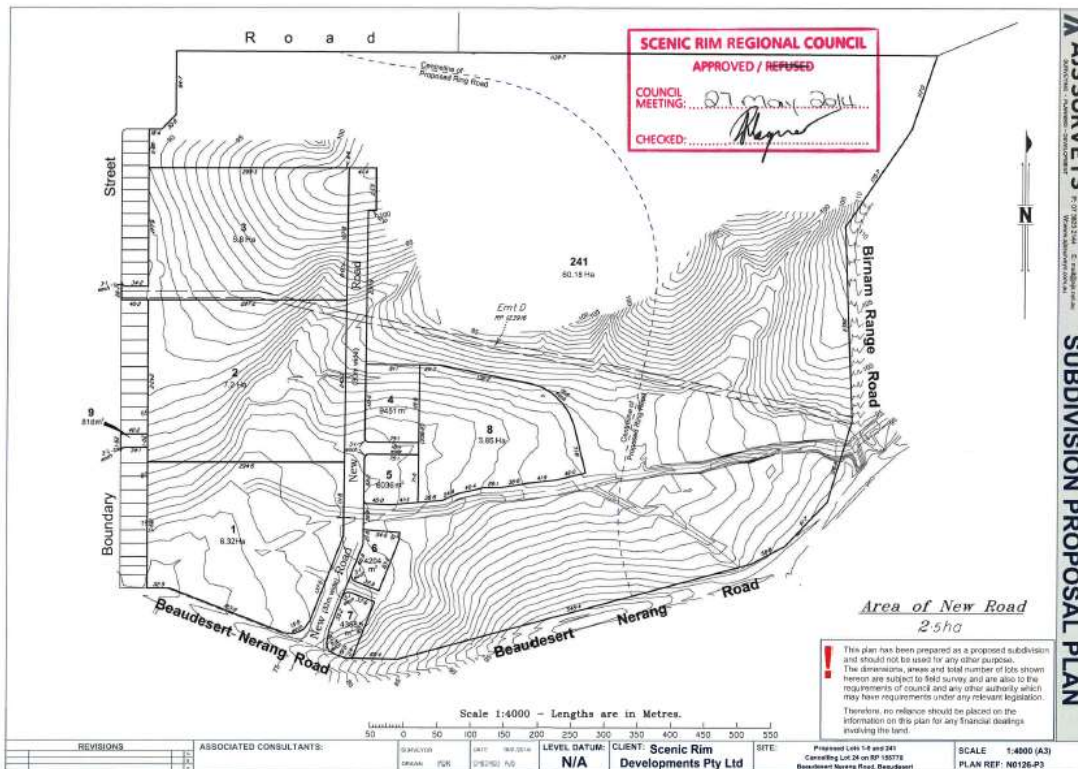


Figure 2 - Approved subdivisional plan



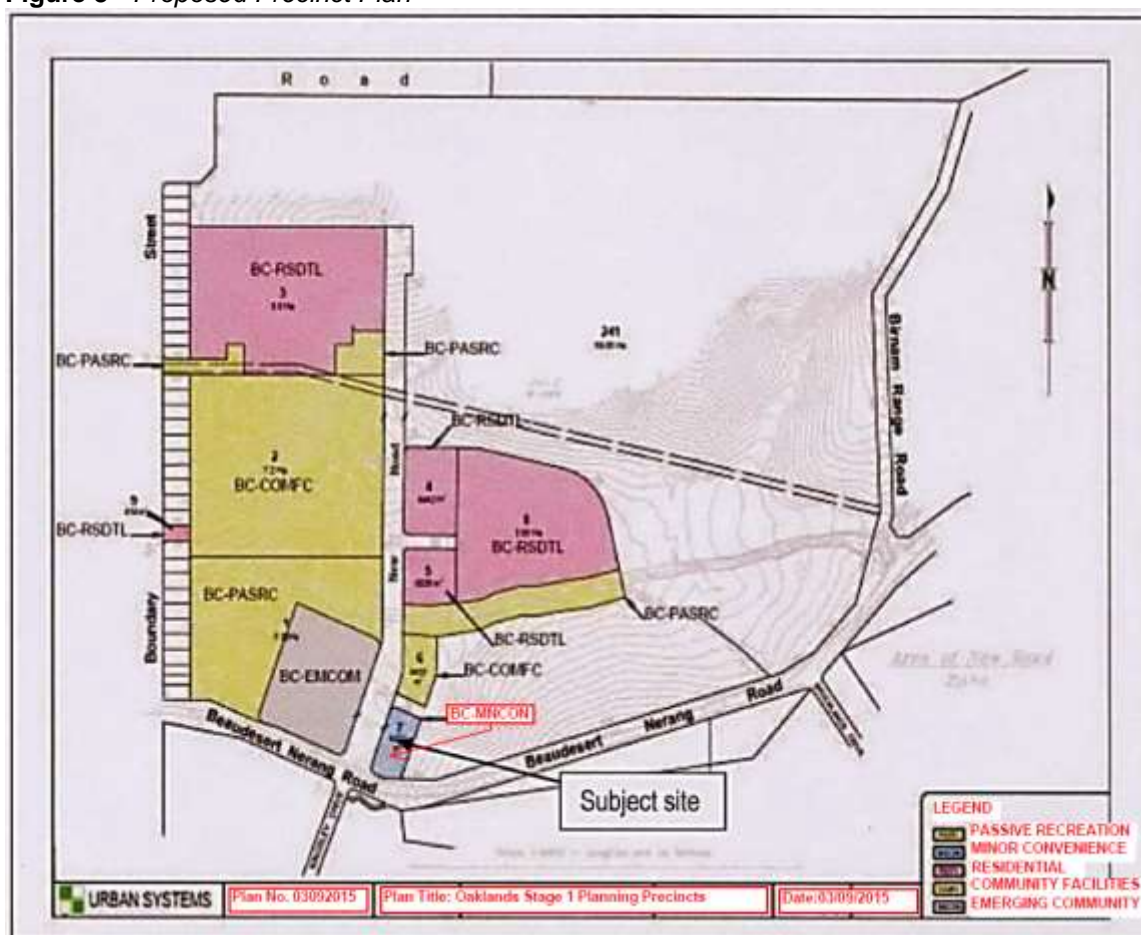
Proposal

The application site is located within Stage One of the Oakland Estate which was approved by Council on 27 May 2014 (Council reference No. COM.Bd/00003). The application consists of two (2) main components which are as follows:

A. Preliminary Approval for Material Change of Use to establish a Minor Convenience Precinct

The subject site is currently zoned under the Emerging Communities Precinct; however the proposal seeks to vary the effect of the Planning Scheme by amending the zone designation of the land to Minor Convenience Precinct. Through the change, the applicant proposes an alternative *Preliminary Approval Level of Assessment Tables* which will enable consistent land uses such as a Service Station to trigger Code Assessment as opposed to Impact (Inconsistent). The proposed Table of Assessment lists the aforementioned uses as well as the corresponding codes for assessment that refer back to the Planning Scheme. The approved Overall Concept Structure Plan of the Oakland's estate envisages the site as a commercial and/or retail site which will service the Oakland's estate as well as the eastern side of the Beaudesert Township. Figure 3 below illustrates the overall Precinct plan for Stage One of Oakland's estate with the subject site proposed to be Minor Convenience Precinct (BC-MINCON).

Figure 3 - Proposed Precinct Plan



B. Development Permit for Material Change of Use (Service Station, Temporary Estate Sales Office, Convenience Restaurants and Food Establishments)

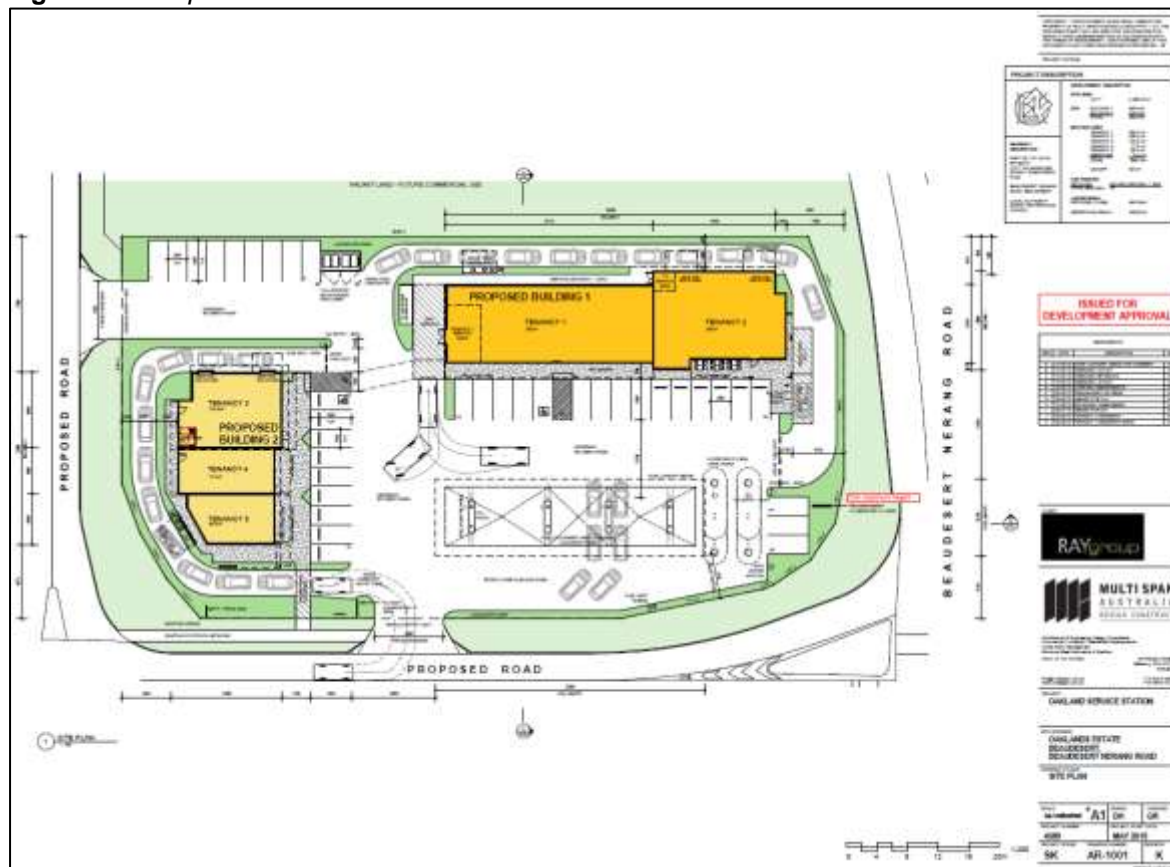
In combination with the Preliminary Approval for Minor Convenience Precinct, the applicant seeks a Development Permit to construct and develop a Service Station with a Temporary Estate Sales Office, Convenience Restaurants and Food Establishments. The proposed land uses and the corresponding gross floor areas (GFA) are summarised in Table 1 below:

Table 1 - Land use and corresponding GFA

Land use	Tenancy	Proposed GFA (m ²)
Service Station	1	280
Convenience Restaurants	2	206
	3	122.5
Temporary Estate Sales Office / Convenience Restaurants / Food Establishments	4	77.5
	5	68.5
	Amenities	6.5

The subject site is located on the north-eastern corner of Beaudesert-Nerang Road and a new internal collector road. The site being located on a corner lot will have two vehicle access points. The site layout has been designed to accommodate all proposed uses and associated car parking and maximise the use of the land. Figure 4 below illustrates the proposed site layout including the all hardstand areas, car parking, and access points and building footprints.

Figure 4 - Site plan



The applicant has submitted detailed plans for the proposed service station site which show key design elements such as:

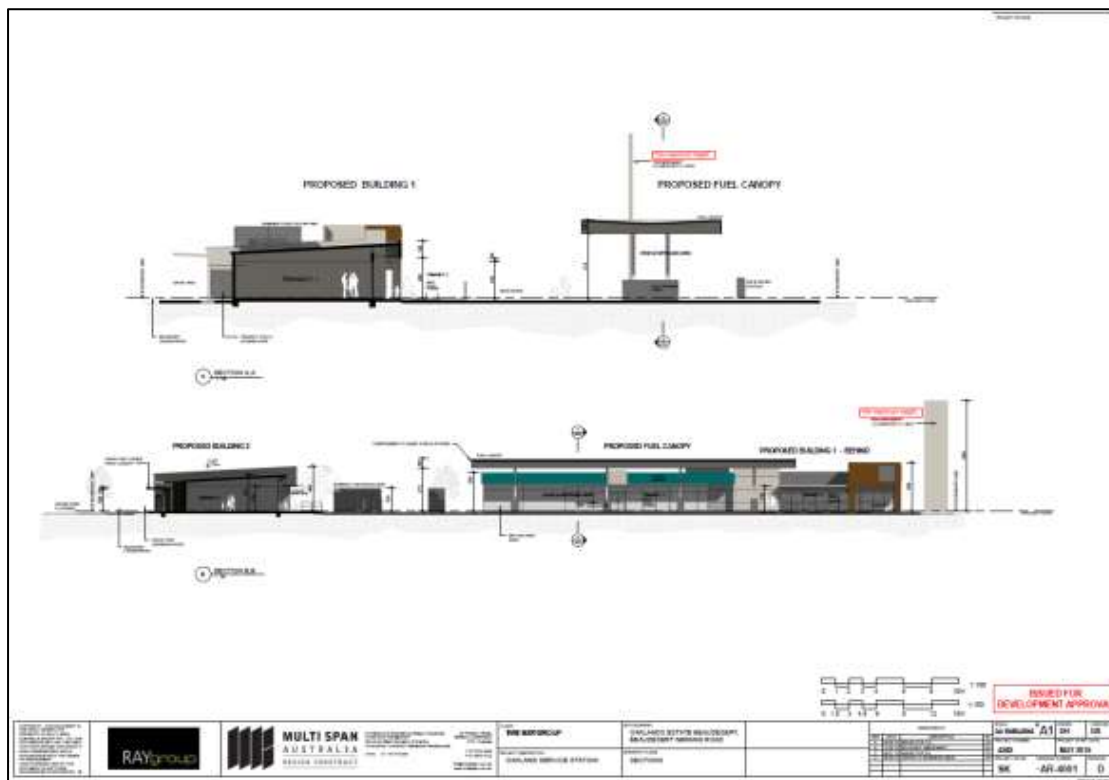
- A rural building design which incorporates a material palette reflective of a traditional rural setting;
- Access points have been setback from the proposed road intersections and roundabouts to optimise safety; and
- Buildings have been setback to allow for appropriate landscaping and an attractive entry statement.

The following figures illustrate the aforementioned land uses and the proposed built form:

Figure 5 - Elevations for Service Station and Convenience Restaurant



Figure 6 - Cross section plans for Buildings 1 and 2



Site and Environment

Characteristics of Site & Surrounding Environment

The site is located at 17A Boundary Street, Beaudesert. The proposed development forms part of Stage 1 of the Oakland development. The northern and eastern boundary of the site adjoins the Emerging Community Precinct. The western boundary of the site adjoins the new Stage 1 collector road. The southern boundary of the site adjoins Beaudesert - Nerang Road.

The subject site is approximately 4500m² in area and regular in shape. It is contained within the Beaudesert and Canungra Townships Zone - Emerging Community Precinct.

The site is currently vacant, operational works (filling and excavation) to prepare the site for future development has recently occurred over the site.

The aerial photograph in **Figure 1** below shows the subject site and immediate surrounding area.

Figure 7 - Subject site and immediate surrounding area



The site has access to appropriate urban infrastructure such as reticulated water, reticulated sewer, telecommunications and electrical services. The development will be required to construct sealed roads for connection to the broader local sealed road network.

The locality of the area is characterised by rural allotments north east of the site. The Beaudesert and Canungra Township area generally contains urban residential allotments with the dominant pattern of the development being detached housing. The majority of the surrounding lands are included in the Residential Precinct and Emerging Community Precinct.

Advertising

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

- Published a notice in Beaudesert Times on 5 August 2015;
- Placed six (6) notices erected on the land 5 August 2015; and
- Notified all adjoining landowners on 5 August 2015.

Submissions

Nil submissions were received by Council during public notification period.

Development Assessment

Relevant Planning Scheme Codes – Summary

Zone and Precinct Code	Overlay Code	Use Code
Beaudesert and Canungra Townships Zone - Emerging Communities Precinct Code; Emerging Communities Precinct Code in accordance with the underlying Preliminary Approval reference number COM.Bd/00003	Infrastructure Overlay Code (State Controlled Road, Local Road of Significance and Future Transport Network); Nature Conservation Overlay (Local Conservation Area and Regional Nature Conservation Area) Development Constraints Overlay Code (Medium Bushfire Hazard, Landslide Hazard, and Haul Route) Catchment Management, Waterways and Wetlands Overlay Code (Pollutant Load Risk – Medium; Stream Order B and A).	Retailing and Commercial Activity Code Construction and Infrastructure Code Landscape Code Parking and Servicing Code

Definitions under the Planning Scheme

Under the *Beaudesert Shire Planning Scheme 2007*, the proposed land uses being a Service Station, Temporary Estate Sales Office, Convenience Restaurant and Food Establishment/Reception Centre are defined below as follows:

Service Station means any premises used for the refuelling of motor vehicles and the retail sale of motor spirits, including lubricants, and petroleum products, where occurring within the same hours of operation.

The term also includes the sale of spare parts, tyres, motor vehicle accessories and convenience goods including food not prepared (other than reheated) or consumed on the premises, and the carrying out of running repairs of a minor nature that do not immobilise a vehicle for more than 4 hours.

Note: The term does not include a Convenience Restaurant or Shop as defined herein.

Temporary Estate Sales Office means any premises, including a caravan or relocatable home structure, used or intended for use, for the promotion and/or sale of vacant allotments within an estate, where such premises are located within the estate which is proposed to be promoted or sold.

The term includes a display home.

Note: The term does not include a Commercial Activity as defined herein.

Convenience Restaurant means premises used for the preparation of takeaway meals and foods for sale to the public as a franchised business, where provision is made for high customer turnover. Substantial facilities are available for eating on the premises and drive-through facilities are provided.

Note: The term does not include a Food Establishment/Reception Centre as defined herein.

Food Establishment/Reception Centre means premises used for the preparation and sale of food or refreshments, including a café, restaurant, or takeaway food premises whether or not including entertainment as an ancillary activity.

The term includes kerb side (footpath) dining facilities and function/reception facilities where not including accommodation facilities.

Note: The term does not include a Convenience Restaurant, a Cottage Tourist Facility, a Hotel/Club or Indoor Sport Recreation and Entertainment as defined herein.

Relationship to the Zone Code

The subject site is designated within the Emerging Communities Precinct of the Beaudesert and Canungra Zone. Pursuant to the Table of Assessment, a development proposal for the aforementioned land uses will trigger Impact (Inconsistent) Assessment. An Overall Outcome for the Emerging Communities Precinct OO51 states:

*Development within the **Emerging Community Precinct** is limited to those activities that will not preclude future urban (residential, commercial, business, community or industry) purposes and would not compromise structure or master planning.*

As evident in the application material, the proposed development seeks to create a service station with associated retail land uses which will service the Oakland's estate and the eastern portion of Beaudesert.

It should be noted that while the site is currently located within the Emerging Communities Precinct, the subject application seeks to override the Planning Scheme by introducing a Minor Convenience Precinct zoning which will be more sympathetic to the proposed land uses.

As such, the proposal is considered to promote future urban development and supports the approved master planning for the Oakland's estate and the Beaudesert Township as a whole. The proposal is therefore considered to comply with the purpose of the Emerging Communities Precinct and the Beaudesert and Canungra Townships Zone.

Compliance with the Beaudesert and Canungra Townships Zone Code

The proposal complies with all of the Zone Code’s Acceptable Solutions and Specific Outcomes, except as follows:

Beaudesert and Canungra Townships Zone			
Specific outcomes	Acceptable Solution	Compliance with Acceptable Solution	Compliance With Specific Outcomes
SO1 Development is limited to development which is 'Consistent Development' as identified in Table 3.6.7 Consistent Development in the Beaudesert and Canungra Townships Zone.	S1.1 No Solution is prescribed.	No. The applicant has provided the following comments: <i>The proposed development being shops, a shopping Centre and hotel are "Consistent Development" in the Minor Convenience Centre Precinct.</i>	No. The applicant has stated that the proposed landuses are "consistent" in the Minor Convenience Centre Precinct. However the site is located in the Emerging Communities Precinct and a Service Station, Temporary Estate Sales Office, Convenience Restaurant and Food Establishments are "inconsistent" as per Table 3.6.7. It should be noted that while the proposed landuses are not listed as "consistent" landuses, they are an urban development that is envisaged by the Overall Outcome OO51 of the Emerging Communities Precinct. Also, the subject application seeks to vary the effect of the Planning Scheme to enable a Service Station, Temporary Estate Sales Office, Convenience Restaurant and

Beaudesert and Canungra Townships Zone			
Specific outcomes	Acceptable Solution	Compliance with Acceptable Solution	Compliance With Specific Outcomes
			<p>Food Establishments to be "consistent" and to be Code Assessable.</p> <p>As such, there is a conflict with SO1 as the proposed uses are not listed as "consistent". However, the proposal is considered to satisfy the purpose of the zone code despite the conflict.</p>

Compliance with the Emerging Communities Precinct Code

The proposal complies with all of the Precinct Code’s Acceptable Solutions and Specific Outcomes.

Compliance with the Relevant Overlay Code

In accordance with the Planning Scheme, the subject site mapped as being affected by multiple Overlays; specifically:

- Infrastructure Overlay (State-controlled Road, and Local Road of Significance);
- Nature Conservation Overlay (Conservation);
- Development Constraints Overlay (Bushfire Hazard, Flood and Landslide, and KRA Haul Route); and
- Catchment Management, Waterways and Wetlands Overlay (Catchment and Waterway)

The proposal seeks to develop a service station and retail site on an allotment that was envisaged through the underlying Preliminary Approval for the Oakland's estate (Council reference COM.Bd/00003). It should be noted that while the subject property as a whole is affected by the above overlay mapping, the portion of the site which is being developed is shown as being affected by the coloured mapped areas. Furthermore, the identified overlay codes have been given due consideration when Council assessed and approved the underlying Preliminary Approval. As such, the subject application is considered to satisfy the provisions of the abovementioned Overlay Codes. Where the proposal does not meet Council's requirements, reasonable and relevant conditions have been imposed to ensure compliance.

Compliance with the Retailing and Commercial Activity Use Code

The proposal complies with all of the Use Code's Acceptable Solutions and Specific Outcomes.

Compliance with the Relevant Work Codes

The subject site is affected by a number of Work Codes including:

- Construction and Infrastructure Code
- Landscape Code
- Parking and Servicing Code

The subject application was referred to Council's internal referral sections for assessment against the relevant Works Codes (Refer to Internal Referrals section of this report). Officers have completed their assessment and have determined the proposal complies with the Specific Outcomes and Acceptable Solutions of the aforementioned codes. Where compliance has not been achieved, conditions of approval have been imposed to ensure compliance with the Planning Scheme. As such, the proposal is considered to comply with the purpose of the Works Codes, subject to the imposition of reasonable and relevant conditions of approval.

Relationship to Desired Environmental Outcomes

The proposed development seeks to create a service station and retail hub in an urban area within the Beaudesert township locality. The proposal is considered to be generally supportive of and generally consistent with the planning regime for the area. Where there is a perceived conflict with the Planning Scheme, officers' consider the proposal satisfies the Desired Environmental Outcomes in this instance.

Relationship to State Planning Policies and Regulations

This section identifies the relevant statutory planning provisions that required assessment for this development application.

State Planning Regulatory Provision (Adopted Charges)

The State Planning Regulatory Provisions (Adopted Charges) are relevant, given that the subject application is for the purposes of urban development site. The applicable charges have been calculated previously within this report and an Infrastructure Charge Notice will accompany any approval issued by Council.

State Planning Policy (SPP)

The State Planning Policy (SPP) is a key component of Queensland's land use planning system, which identifies the various State Governments' interests. The SPP provides a comprehensive set of principles to guide local and state government in land use planning and development assessment. An assessment against the SPP has concluded that the proposed development complies with the relevant provisions of the SPP.

South-East Queensland Regional Plan 2009-2031

The subject site is located within the Urban Footprint in accordance with the *South East Queensland Regional Plan 2009-2031* (SEQRP). Given the proposal is for the creation of a residential subdivision within an urban area; the proposal is considered to comply with the regulatory provisions of the SEQRP.

Conflict with a relevant instrument and reasons for the decision despite the conflict

The application seeks a Section 242 Preliminary Approval to override the *Beaudesert Shire Planning Scheme 2007*. As a result of the lodgement and subsequent assessment of the preliminary approval application, the assessment manager does not consider that the assessment manager's decision conflicts with a relevant instrument.

Assessment of Other Aspects of the Proposal*Advertising Device*

The applicant has included details of three (3) advertising devices consisting of a pylon sign adjoining Beaudesert-Nerang Road, and two (2) other devices adjoining the internal road. The pylon sign adjoining Beaudesert-Nerang Road will be twelve (12) metres in height and will be illuminated. No detail has been provided regarding the face area for any of the devices. The proposed devices have been considered as part of the subject application and are recommended for approval. However, while the Planning Scheme does not designate a maximum height of pylon signs, a comparison of existing signs in the Beaudesert township shows a height of 12m to be contrary to the character of the area and the intent of the Planning Scheme. As such, a condition will be imposed to limit the height of the pylon to a maximum height of 10m.

Adopted Infrastructure Charges

Effective as of 1 July 2012, all development approvals granted within the 'Priority Infrastructure Areas', are required to be charged for infrastructure contributions in accordance with the State Planning Regulatory Provision (Adopted Charges).

Fair Values Charges Resolution (Version No. 2) July 2015

Through Council Resolution, Fair Value Charges came into effect on 29 May 2015 via Fair Value Charges (version no.1) May 2015. It replaced the previous Adopted Infrastructure Charges Resolution (version no.5) July 2014. The Fair Value Charges Resolution applies to the entire local government area of Scenic Rim Regional Council.

In accordance with the above Fair Values Charges Resolution (FVCR) (version no.2) July 2015 adopted charges schedule, the proposed land uses fall within the following planning scheme category and use types:

Planning Scheme Use Category	Adopted Charges Schedule Use Category
Service Station	Commercial (Retail)
Convenience Restaurant	Commercial (Retail)
Food Establishment	Commercial (Retail)
Temporary Estate Sales Office	Minor Uses

Note: It is to be noted that Queensland Urban Utilities (QUU) charges are applicable but does not form part of the Local Government Charge calculation below.

Local Government Charge

Proposed Landuse

Use	No. of Units	Unit of Measure	Charge Rate	Amount
Commercial (Retail)	Service Station (Shop Component): - Tenancy 1 is 280m ²	\$ per m ² of Gross Floor Area (GFA)	\$130.31	\$36,486.80
Commercial (Retail)	Food and drink outlet (fast food restaurant with drive through): - Tenancy 2 is 206m ² - Tenancy 3 is 124.5m ² Total Area - 335m²	\$ per m ² of Gross Floor Area (GFA)	\$130.31	\$43,067.45
Commercial (Retail)	Food and drink outlet (Other): - Tenancy 4 is 77.5m ² - Tenancy 5 is 68.5m ² Total Area - 76m²	\$ per m ² of Gross Floor Area (GFA)	\$130.31	\$9,903.56
Minor Uses	Temporary Uses	\$ per m ² of Gross Floor Area (GFA)	Incorporated within charges for Tenancy	\$0
Sub-Total				\$89,457.81

Impervious Area

Use	No. of Units	Unit of Measure	Charge Rate	Amount
Commercial (Retail)	4,026.5m ²	\$ per m ² of impervious area	\$8.69	\$34,990.28
Sub-Total				\$34,990.28

Internal Referrals

Health, Building and Environment – Building and Plumbing

Council's internal Building Section has reviewed the application and advised that the applicant would need to submit a future building and plumbing application for the proposed buildings.

Health, Building and Environment – Health

Council's Environmental Health Section has assessed the application and advised that they have no objections to the proposal subject to the imposition of reasonable and relevant conditions. Conditions have been provided in relation to air contaminants, light emissions, noise disturbance and emission limits during certain time periods, waste storage and removal, portable water hygiene, and pest and vermin management. Further advice was also provided in relation to future food licenses and advertising signs.

Development Assessment - Engineering

Council’s internal Development Assessment Engineering Section (DA Engineering) has assessed the application against the provisions of the Planning Scheme; particularly the Construction and Infrastructure Code; and Parking and Servicing Code. DA Engineering have advised that they have no objections subject to the imposition of relevant conditions. Conditions have been provided in respect to car parking and access, stormwater discharge and disposal, earthworks design and management, electrical works and car park lighting and general security. Additional conditions have been imposed in relation to plan sealing, easement arrangements and payment or rates and charges.

Infrastructure Services

Council's internal Infrastructure Services Section has assessed the application and advised that they have no objections to the proposed development. A condition has been included requiring a future application for Operational Works (Landscaping on Private Land) to be submitted to Council for approval.

External Referrals

State Assessment and Referral Agency (SARA)

The applicant referred a copy of the application to the State Assessment and Referral Agency in accordance with s.273 of the *Sustainable Planning Act 2009* (SPA). Subsequently, SARA provided Council with correspondence dated 25 November 2014 having no objection to the proposed development, subject to conditions.

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

Council is in receipt of an application seeking an approval for a combined Preliminary Approval under s.242 of the *Sustainable Planning Act 2009* to establish a Minor Convenience Centre Precinct; Development Permit for Material Change of Use (Service Station, Temporary Estate Sales Office, Convenience Restaurants and Food Establishments).

The subject application contains multiple components which seek to facilitate the service station and retail hub of the Oakland's estate. Through the assessment process, the subject application has addressed the relevant provisions of the Planning Scheme. Where there is a perceived conflict, reasonable and relevant conditions have been imposed to ensure compliance.

As such, it is recommended that Council approve the proposed development subject to reasonable and relevant conditions entailed within the Director's Recommendation.

Director's Recommendation

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

Real Property Description:	Lot 24 RP155770
Address of property:	17A Boundary Street BEAUDESERT
Site area:	88.46ha
Proposal:	Combined Preliminary Approval under s242 of the <i>Sustainable Planning Act 2009</i> to establish a Minor Convenience Centre Precinct; and Development Permit for Material Change of Use (Service Station, Temporary Estate Sales Office, Convenience Restaurants and Food Establishments).

Further development permits required:

- a. A Building Works approval is required for all building works associated with the proposed development, prior to undertaking any building work on the subject site.
 - b. A Plumbing and Drainage approval is required for all / any plumbing and drainage works associated with the proposed development, prior to undertaking any plumbing and drainage works on the subject site.
 - c. Operational Works (Landscaping on private land) approval is required for any landscaping work conditioned as part of this Decision Notice prior to commencement of use.
2. **Conditions of Approval:**

PART A - Preliminary Approval under Section 242 of SPA to establish a Minor Convenience Centre Precinct

- 1) **USE IN ACCORDANCE WITH THE APPLICATION – PRELIMINARY APPROVAL (MATERIAL CHANGE OF USE)** - For the purpose of this Preliminary Approval pursuant to Section 242 of the *Sustainable Planning Act 2009*, the approved development must be undertaken generally in accordance with the '*Preliminary Approval, Minor Convenience Centre Precinct Oaklands Stage 1, 17A Boundary St, Beaudesert*' Code dated September 2014, except insofar as it is modified by the conditions of this approval.

2) PURSUANT TO SECTION 242 OF THE *SUSTAINABLE PLANNING ACT 2009*, THIS PRELIMINARY APPROVAL APPROVES THE FOLLOWING VARIATIONS TO THE EFFECT OF THE PLANNING SCHEME: -

A. The following Precinct Plan as amended in RED varies the effect of the *Beaudesert Planning Scheme 2007*, Schedule 5 Planning Scheme Maps - Zone Maps:

- The Precinct Plan titled *Figure 1 - Oaklands Stage 1 Planning Precincts* contained within the 'Preliminary Approval, Minor Convenience Centre Precinct Oaklands Stage 1, 17A Boundary St, Beaudesert' Code as submitted to Council on the September 2014.

B. The following Assessment Table varies the effect of the *Beaudesert Planning Scheme 2007*, Part 6 Beaudesert and Canungra Townships Zone, s 3.6.4 Assessment Table for Material Change of Use:

Column 1 Use	Column 2 Assessment Category	Column 3 Assessment Criteria
Service Station	Code-assessable, if located in the- (a) Minor Convenience Centre Precinct proposed Lot 7 on Lot 24 RP155770.	Beaudesert and Canungra Townships Zone Code (section 3.6.8). Service Station Code (section 5.2.80). Advertising Devices Code (section 5.3.2) Construction and Infrastructure Code (section 5.3.6). Landscape Code (section 5.3.10). Parking and Servicing Code (section 5.3.13).

3) USE IN ACCORDANCE WITH THE APPLICATION – APPROVED PLANS - Development being undertaken generally in accordance with plans as amended in RED and referenced in the Table 1 below, except insofar as it is modified by the conditions of this approval.

Table 1: Approved Precinct Plan

Plan Number	Title	Date	Prepared by
03092015	Oaklands Stage 1 Planning Precincts	03/09/2015	Urban Systems

4) RELEVANT SPECIFIC DEVELOPMENT CODES AND CONSTRAINT CODES - Development shall be subject to the requirements of the relevant Codes and Policies which are applicable for development as identified in the *Beaudesert Shire Planning Scheme 2007* as amended from time to time.

PART B - Development Permit for Material Change of Use (Service Station, Temporary Estate Sales Office, Convenience Restaurants and Food Establishments)

Approved Plans

- 1) **USE IN ACCORDANCE WITH THE APPLICATION - MATERIAL CHANGE OF USE** - Development being undertaken generally in accordance with the following plans as amended in RED and the submitted material received by Council, except insofar as it is modified by the conditions of this approval.

Plan Number	Title	Date	Prepared by
AR-1001 Rev.K	Site Plan	09.09.15	Ray Group
AR-1002 Rev.E	Site Plan - Fuel Truck Manoeuvring	09.09.15	Ray Group
AR-2003	Roof Plan	09.09.15	Ray Group
AR-3001 Rev.D	Elevations	09.09.15	Ray Group
AR-4001	Sections	09.09.15	Ray Group
LS-1501 Rev.D	Landscape Plan	24.06.15	Ray Group

General

- 2) **DEFINITION COMPLIANCE AND EXCLUSIONS** - The approved use and associated ancillary activities shall at all times comply with the (definitions of Service Station, Temporary Estate Sales Office, Convenience Restaurants and Food Establishments under Part 4: Interpretation - Division 1: Definitions of the *Beaudesert Shire Planning Scheme 2007*.
- 3) **COMMENCEMENT OF USE** - Prior to the use commencing, the Applicant shall advise Council's Planning Department in writing, of the proposed commencement date.
- 4) **WORKS - APPLICANT'S EXPENSE** - All works, services, facilities and/or public utility alterations required by this approval or stated condition/s, whether carried out by the Council or otherwise, shall be at the Applicant's expense unless otherwise specified.

Advertising Device

- 5) **PYLON SIGN** - The proposed pylon sign adjoining Beaudesert-Nerang Road must not exceed a maximum height limit of ten (10) metres as shown on amended plans referenced in Condition 1 above.

Landscaping

- 6) **LANDSCAPING ON PRIVATE LAND** - The developer must submit to Council for approval an application for Operational Works (landscaping on private land) to be generally in accordance with the submitted drawing No. LS-1501 Rev.D, titled *Landscape Plan* dated 24.06.15 and prepared by Ray Group. The Operational Works application for landscaping on private land must be approved prior to commencement of use.

Environmental Health

- 7) **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.
- 8) **LIGHT EMISSIONS** -- Light sources at the premises must be positioned and shielded to prevent light spillage outside the boundaries of the premises.
- 9) **NOISE DISTURBANCE** - The activity must be carried out by such practicable means necessary to prevent or minimise the emission of noise likely to cause environmental nuisance at any noise sensitive or commercial place.
- 10) **NOISE EMISSION LIMITS**- If a complaint (other than a frivolous or vexatious complaint) is made to the administering authority, the emission of noise from the premises must not exceed the levels prescribed by Table 1 (below).

Table 1

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

- 11) **EROSION & SEDIMENT CONTROL** - Appropriate erosion and sediment control measures must be installed and maintained as required to prevent or minimise the release of sand, silt or mud from the premises to any stormwater drainage system or any natural waterway.
- 12) **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.
- 13) **WASTE** - Waste is not to be stockpiled so as to cause environmental nuisance or attract flies.
- 14) **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.
- 15) **WASTE REMOVAL** - All wastes must be removed to an approved disposal facility by a transporter holding all necessary government approvals. Waste must be removed at a frequency and in a manner that prevents nuisance from the waste at neighbouring premises.

- 16) **PESTS & VERMIN** -Organic substances likely to provide a food source for vermin must be stored in a sealed and airtight storage container to exclude access by pests or vermin.
- 17) **POTABLE WATER** - All water provided for personal hygiene, human consumption and to food preparation facilities is of a potable standard and meets the requirements of the National Health and Medical Research Council (NHMRC) Australian Drinking Water Quality Guidelines.

Car parking and Access

- 18) **FOOTPATH** – The developer will be responsible for the construction of a footpath no less than 1.5 metres wide for the full frontages of the development to the Council Controlled Roads. The design and construction of the works required by this condition are to meet the specifications of *Council's Design and Construction Manual* and *Standard Drawing R-13*. 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*".
- 19) **PEDESTRIAN LINK** – The developer will be responsible for the provision of a pedestrian link from the footpath at the south-western corner of the development to Tenancy No. 2. Provision of this pedestrian link will be in accordance with AS 2890.1 - 2004 and AS 2890.2 – 2002 and Council's Design & Construction Manual.
- 20) **ACCESS TO COUNCIL ROAD** - The Applicant shall undertake the construction of the access Crossovers to Council Standards with the appropriate signage and sufficient capacity to cater for two lane movements. Detailed design will be submitted as part of an application for Operational Works with Council. The works required by this condition are to be completed prior to the commencement of the use. The access provisions shall be maintained in good condition for the lifetime of the proposed use.
- 21) **CAR PARKING & DRIVEWAYS – CONCRETE / FLEXIBLE PAVEMENT WITH AC SEAL** - All parking areas, driveways, circulation aisles and manoeuvring areas are to be designed and constructed in accordance with AS 2890.1 - 2004 and AS 2890.2 – 2002 and Council's Design & Construction Manual. All pavements will be designed to suit the proposed vehicle loadings with the individual pavements constructed as either a rigid pavement (reinforced concrete pavement) or alternatively as a flexible pavement (asphalt concrete (AC) seal), from the property boundary to the satisfaction of Council's Director – Infrastructure Services.

The car parking layout will be generally constructed as shown in the plan with reference No. SKAR-1001 Revision K prepared by Multispan Australia Pty Ltd dated 09.09.15.

The completed works are to be certified by a Registered Professional Engineer of Queensland (RPEQ) as having been constructed in accordance with good engineering practice to a standard reasonable for a commercial driveway. The works required by this condition are to be completed prior to the commencement of the use.

The car parking provisions must be available prior to the commencement of the use and must be maintained in good condition for the lifetime of the proposed use

- 22) CAR PARKING NUMBERS** - The developer is to provide a total of thirty two (32) car parking spaces including two (2) spaces for People With Disabilities (PWD). Additionally the developer is to provide one (1) space for a Small Rigid Vehicles - SRV and sufficient area for the safe and efficient operation of an Articulated Vehicle - AV.
- 23) CAR PARKING ON-SITE** - All vehicles under the control of the party(ies) charged with the overall responsibility for the operation of the facility and any ancillary staff will be parked wholly within the curtilage of the site. All vehicle movements to and from the site, inclusive of service vehicles, are to be conducted in forward gear. The requirements of this condition are to be adhered to for the lifetime of the approved use.
- 24) VEHICLE LOADING / UNLOADING** - All loading and unloading of vehicles associated with the approved uses, including the pick-up and/or delivery of goods and materials, will be conducted at all times from within the curtilage of the site. The requirements of this condition are to be adhered to for the lifetime of the approved use.

Stormwater Drainage

- 25) ADVERSE DRAINAGE IMPACT - GENERAL** - Drainage from the development works / building works shall not adversely impact upon adjacent properties. No ponding, concentration or redirection of stormwater shall occur onto adjoining land.
- 26) STORMWATER DISCHARGE AND DISPOSAL** - The developer is to make provision for the collection and disposal of stormwater drainage flows to a legal point of discharge, the form of said collection and discharge will be in accordance with the provisions of Queensland Urban Drainage Manual (QUDM) and Council's Design and Construction Manual. Stormwater management will generally follow the strategy adopted for Stage 1 of the Oaklands Estate Development and any variation approved in the operational works application. Due regard must be held with the recommendations included in the Stormwater Quality Report prepared by Graham Marsh Pty Ltd lodged with the applicant's response to Council's Information Request on 16 July 2015.

The completed works are to be certified by a Registered Professional Engineer of Queensland (RPEQ) as having been constructed in accordance with good engineering practice. The works required by this condition are to be completed prior to the commencement of the use.

- 27) 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 as part of the Operational Works Application. The report is to comply with "*Soil Erosion and Sediment Control: Engineering Guidelines for Queensland Construction Sites, Institute of Engineers, Australia 1996*".

Earthworks Design and Management

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

Electrical Works

- 29) ELECTRICITY** - The Applicant is to make provision of a suitable electricity supply from the State electricity grid through the State authorised supplier (Energex) or production of evidence of satisfactory arrangements for such supply having been made, such supply to be on normal supply tariffs.

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

- 30) CAR-PARK LIGHTING & SECURITY GENERAL** - The developer shall be responsible for the provision and ongoing maintenance of adequate lighting to the open area car-parking facilities and all pedestrian links to the requirements of the relevant Australian Standards within AS1158 – Lighting for Roads and Public Spaces and AS4282 – Control of the Obtrusive Effects of Outdoor Lighting. The lighting to the aforementioned areas will be maintained in good condition for the lifetime of the proposed use.

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

The lighting to the aforementioned areas will be maintained in good condition for the lifetime of the proposed use.

3. Approval Conditions (Referral Agency):

Council received correspondence dated 25 November 2014 from the Department of State Development, Infrastructure and Planning as a Referral Agency (Concurrence) through the State Assessment and Referral Agency process. The aforementioned correspondence and conditions have been attached to this Decision Notice in accordance with Section 287 of the *Sustainable Planning Act 2009*.

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

- a) FOOD LICENSING** - If food is prepared and served at a 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 5111.
- b) 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.

- c) **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*.
- d) **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.
- e) **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).
- f) **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.

5. 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. Operational Works (Landscaping on private land) approval is required for any landscaping work conditioned as part of this Decision Notice prior to commencement of use.

6. Administrative Action:

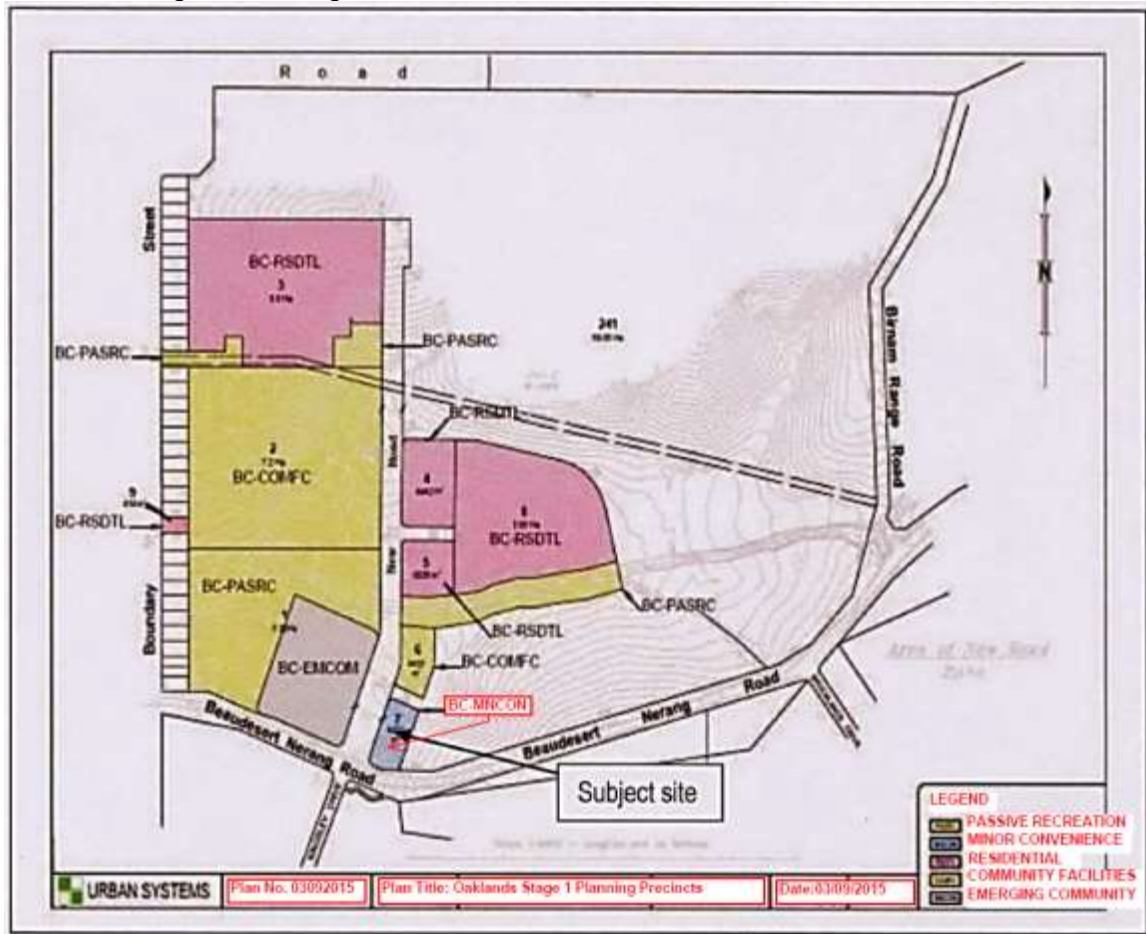
That Decision Notices be issued in accordance with s335 of the *Sustainable Planning Act 2009* to the Applicant, submitter/s and referral agencies.

Attachments

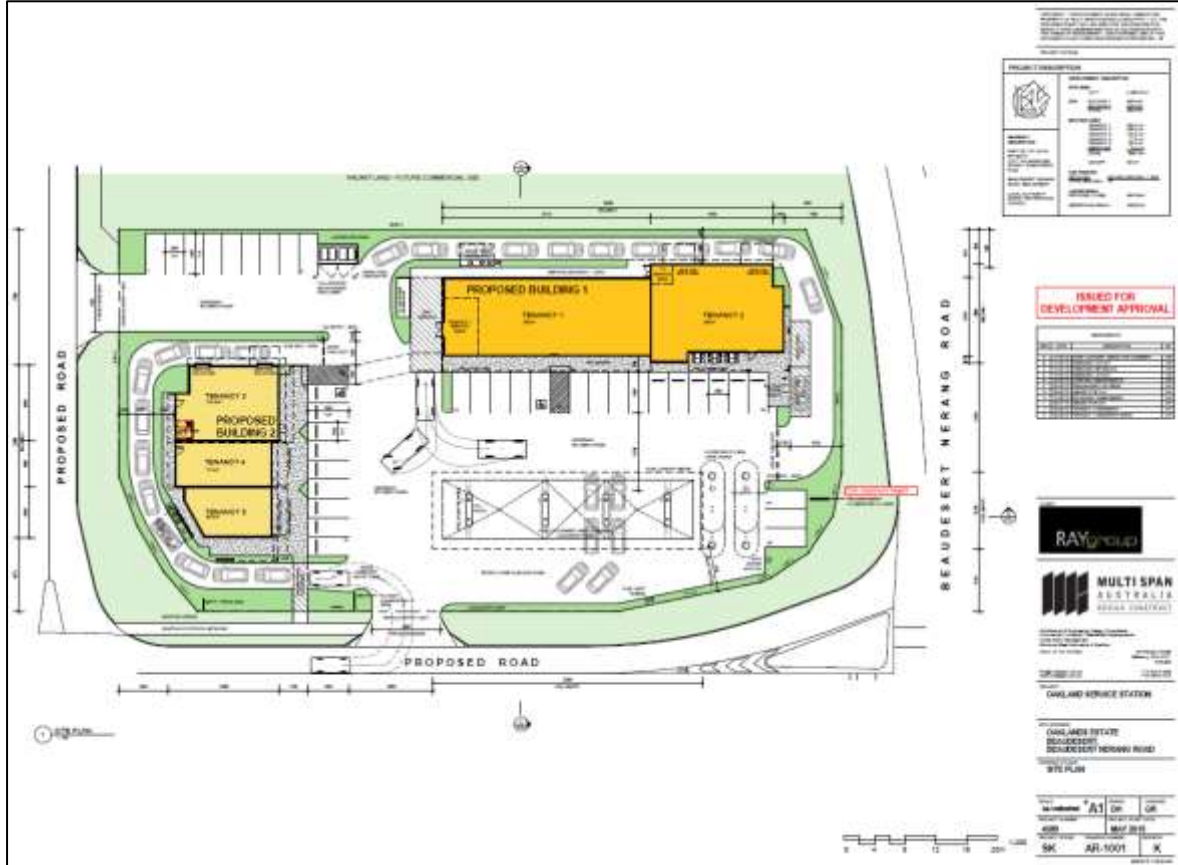
1. Approved plans.
2. 'Preliminary Approval, Minor Convenience Centre Precinct Oaklands Stage 1, 17A Boundary St, Beaudesert' Code.
3. SARA Response.

Attachment 1 - Approved plans

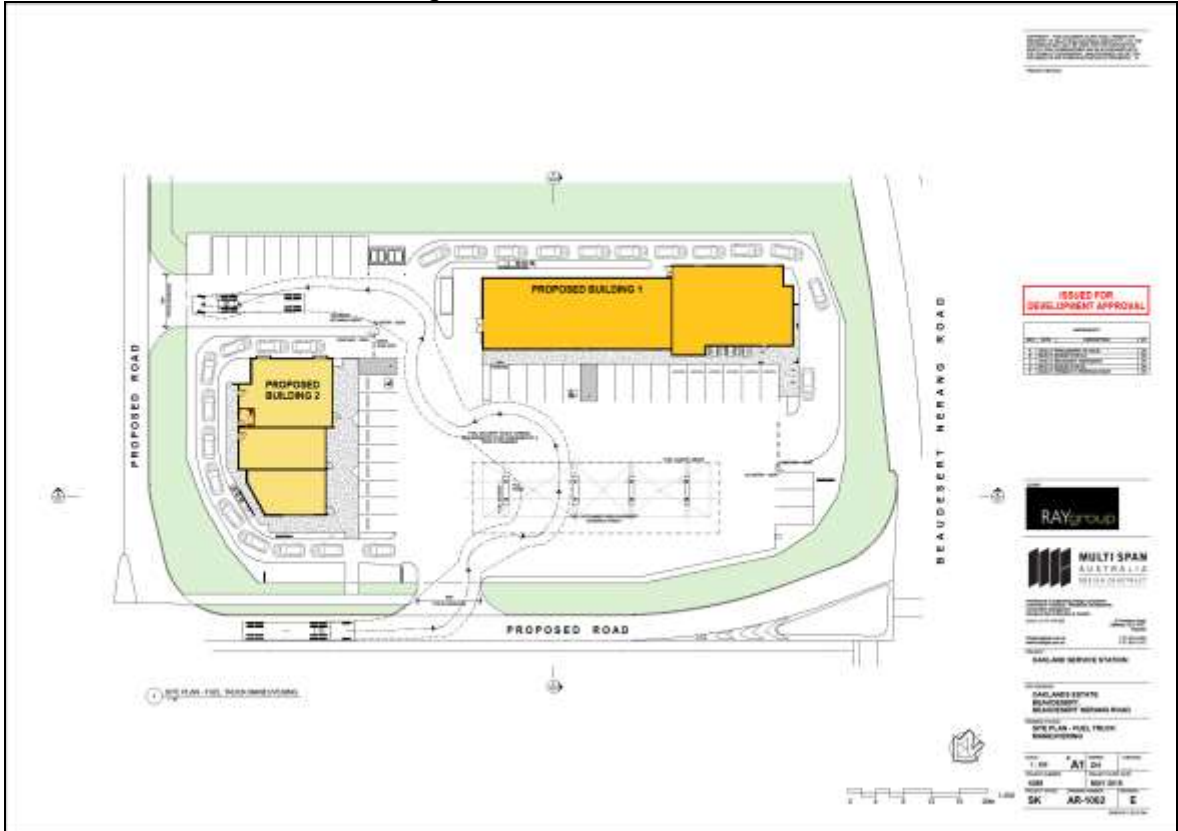
Oaklands Stage 1 Planning Precincts



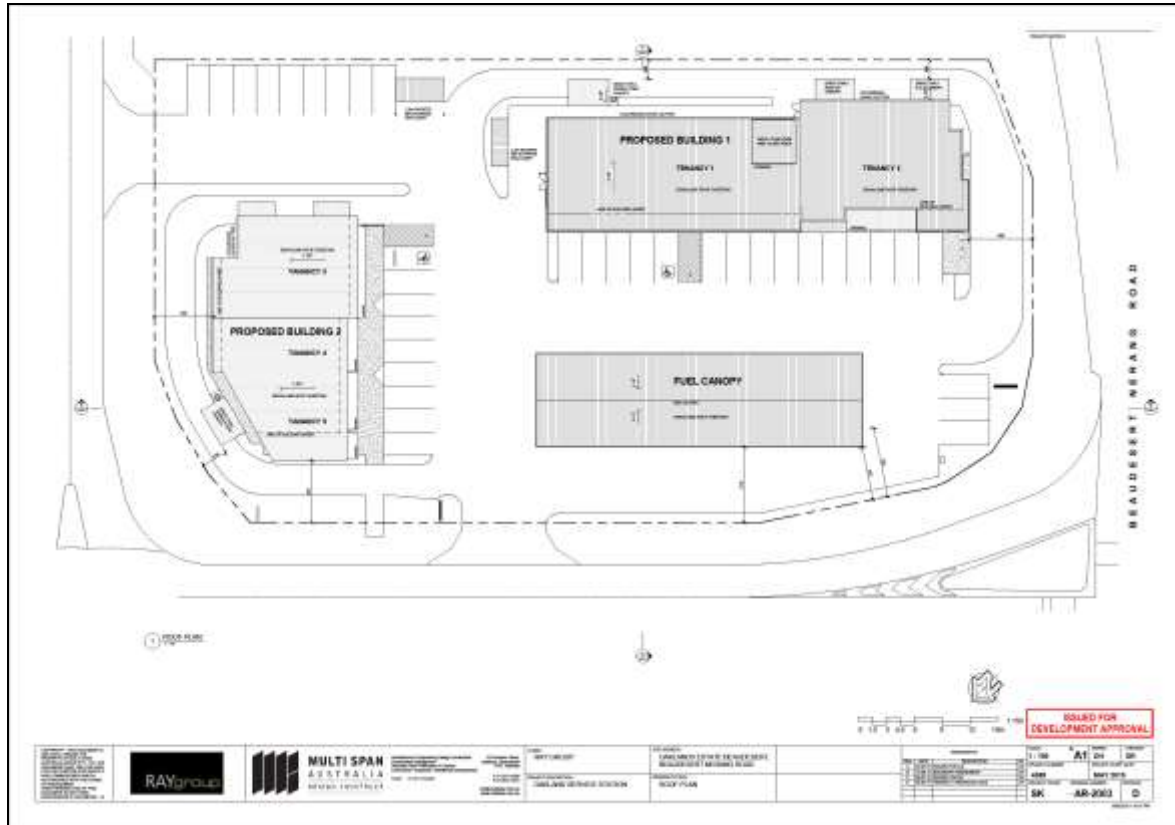
Site Plan



Site Plan - Fuel Truck Manoeuvring



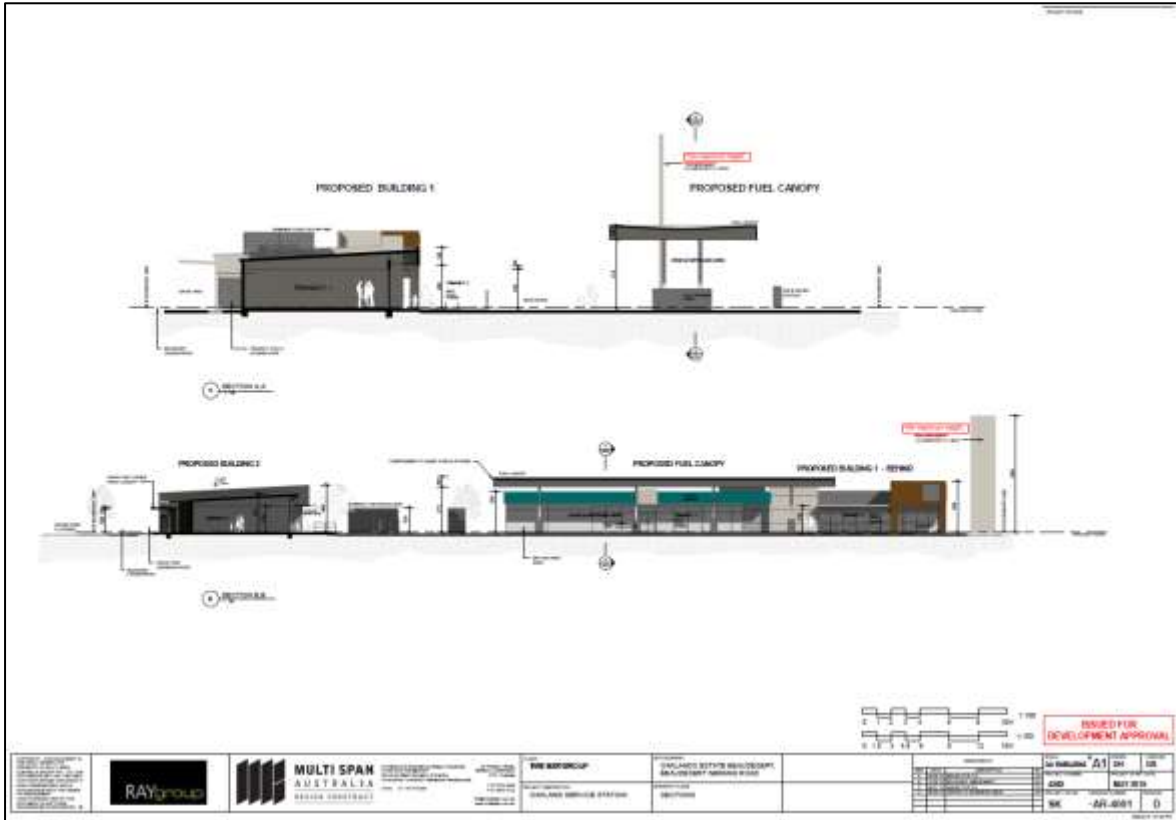
Roof Plan



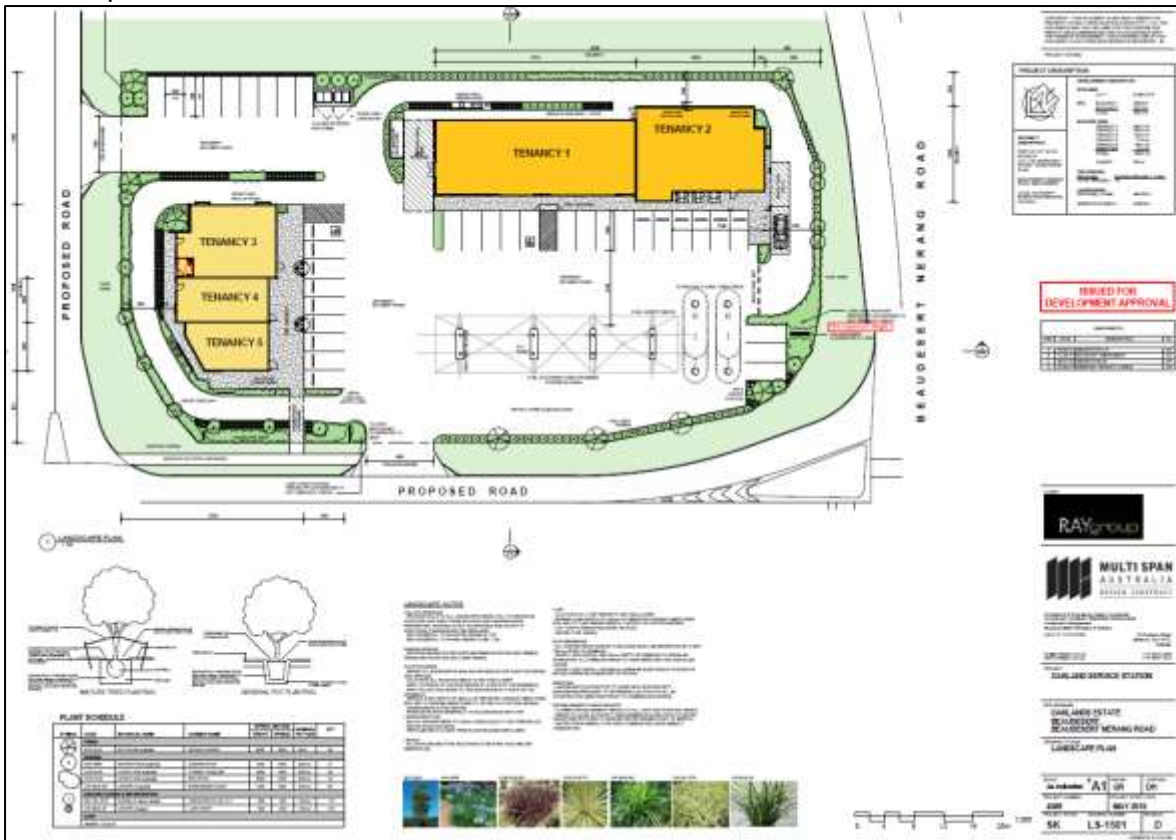
Elevations



Sections




Landscape Plan



**Attachment 2 - 'Preliminary Approval, Minor Convenience Centre Precinct
Oaklands Stage 1, 17A Boundary St, Beaudesert' Code**

Oakland Stage One – East Neighbourhood Precinct, Beaudesert



**APPENDIX C – PRELIMINARY APPROVAL,
MINOR CONVENIENCE CENTRE PRECINCT
OAKLANDS STAGE ONE, 17A BOUNDARY ST,
BEAUDESERT**

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Attachment 3 - SARA Response

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

Our reference: SDA-1014-015457
Your reference: MCBd14/079

25 November 2014

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

Attn: Thor Nelson

Dear Thor,

Concurrence agency response—with conditions

17A Boundary Street, Beaudesert

(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 November 2014.

Applicant details

Applicant name: Urban Systems Pty Ltd
Applicant contact details: 20 Patterson St
Auchenflower QLD 4066
peterc.urbansystems@gmail.com

Site details

Street address: 17A Boundary Street, Beaudesert, QLD, 4285
Lot on plan: Lot 24 RP155770
Local government area: Scenic Rim Regional Council

Page1

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

Application details

Proposed development: Preliminary Approval under s242 of the *Sustainable Planning Act 2009* to establish a Minor Convenience Centre Precinct on the subject site
 Development Permit for Material Change of Use (Service Station and Temporary Estate Sales Office)

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 3, Item 1—State-controlled road

Conditions

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

Reasons for decision to impose conditions

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

Further advice

Under section 287(6) of the *Sustainable Planning Act 2009*, the department offers advice about the application to the assessment manager—see Attachment 3.

Approved plans and specifications

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

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
Aspect of development: Material Change of Use				
Proposed Site Plan - Lot 7	DM2 Architecture	15 August 2014	2-50	2
Traffic Functional Layout Plan	Graham Marsh	30 April 2014	T001	C
Lane Widths	Graham Marsh	30 April 2014	T003	C

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

SDA-1014-015457

For further information, please contact Danae Johnston, Planner, on (07) 3432 2420, or via lpwvichSARA@dsdip.qld.gov.au who will be pleased to assist.

Yours sincerely



Nathan Rule
Manager - Planning

cc: Peter Cumming, peterc.urbansystems@gmail.com
Department of Transport and Main Roads, south.coast.IDAS@tmr.qld.gov.au

enc: Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Attachment 3—Further advice
Attachment 4—Approved Plans and Specifications

SDA-1014-015457

Our reference: SDA-1014-015457
 Your reference: MCBd14/079

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Development Permit – Material Change of Use (Service Station and Temporary Estate Sales Office)		
State-controlled road – Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of the Department of Transport and Main Roads 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.	The development must be carried out generally in accordance with the following plan: <ul style="list-style-type: none"> • Proposed Site Plan - Lot 7, prepared by DM2 Architecture, dated 15 August 2014, drawing no. 2-50, issue 2. 	At all times
2.	Road works comprising a signalised intersection between Beaudesert Nerang Road, Kingsley Drive and the subject site ('Proposed New Road'), for which approval under section 33 of the <i>Transport Infrastructure Act 1994</i> must be obtained, must be provided generally in accordance with Traffic Functional Layout Plan (prepared by Graham Marsh, dated 30 April 2014, drawing number T001, revision C) and Lane Widths (prepared by Graham Marsh, dated 30 April 2014, drawing number T002, revision C). The road works must be designed and constructed in accordance with the Department of Transport and Main Roads' Road Planning and Design Manual.	Prior to commencement of the use and to be maintained at all times

SDA-1014-015457

Our reference: SDA-1014-015457
Your reference: MCBd14/079

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- To ensure the development is carried out generally in accordance with the plans of development submitted with the application.
- To ensure the road works on, or associated with, the state-controlled road network are undertaken in accordance with applicable standards.

SDA-1014-015457

Our reference: SDA-1014-015457
 Your reference: MCBd14/079

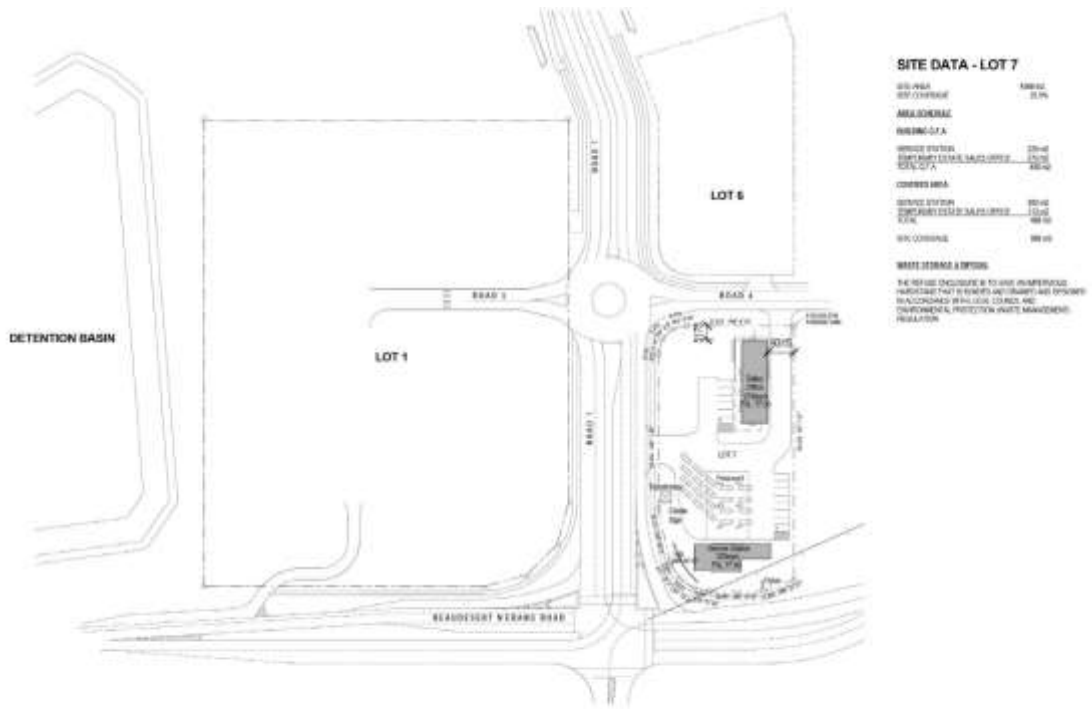
Attachment 3—Further advice

General advice	
1.	<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 on a state-controlled road. Please contact the Department of Transport and Main Roads on (07) 5563 6600 or pdo.regions.goldcoast@tmr.qld.gov.au to make an application for road works approval.</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>
2.	<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. Where services within the state-controlled road reserve will be impacted by the development, the applicant will need to contact the relevant service provider.</p>
3.	<p>The road works must be provided by the applicant at no cost to the Department of Transport and Main Roads and all adjustments and/or relocations to existing services within the state-controlled road as a result of the development are at the applicant's expense.</p>

SDA-1014-015457

Our reference: SDA-1014-015457
Your reference: MCBd14/079

Attachment 4—Approved plans and specifications



SITE DATA - LOT 7

LOT AREA	1.8802
NET COVERAGE	0.5176
ANALOGOUS	
PROPOSED LOT 7	
PROPOSED LOT 7 AREA	0.5176
PROPOSED LOT 7 NET COVERAGE	0.1500
PROPOSED LOT 7 NET COVERAGE %	28.98
PROPOSED LOT 7 COVERED AREA	0.3676
PROPOSED LOT 7 COVERED AREA %	71.02
PROPOSED LOT 7 COVERED AREA	0.3676
PROPOSED LOT 7 COVERED AREA %	71.02
PROPOSED LOT 7 COVERED AREA	0.3676
PROPOSED LOT 7 COVERED AREA %	71.02

NOTE REGARDING SITEWORK

THE SERVICE INDICATED IN THIS DRAWING IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE AN OFFER OF ANY SERVICE OR PRODUCT. THE SERVICE INDICATED IN THIS DRAWING IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE AN OFFER OF ANY SERVICE OR PRODUCT.

DM2 Architecture ROBRISON PROJECTS OAKLANDS ESTATE BEAUDESERT PROPOSED SITE PLAN - LOT 7 DA SUBMISSION



DATE	11/08/15	SCALE	1:1000	PROJECT	SCORC FM DEVELOPMENTS PTY LTD	NO.	2015-02
DRAWN BY	JM	CHECKED BY	JM	PROJECT	BEAUDESERT PROJECT - STAGE 1	NO.	100468 0111
DATE	11/08/15	CHECKED BY	JM	PROJECT	BEAUDESERT-MANNING ROAD, BEAUDESERT	NO.	2015-02
DATE	11/08/15	CHECKED BY	JM	PROJECT	PROPOSED ROUNDABOUT AT BEAUDESERT-MANNING ROAD	NO.	1001

3.3 COMBd14/003 Combined Preliminary Approval under s.242 Sustainable Planning Act 2009 for a Minor Convenience Centre Precinct; Material Change of Use for a Shopping Centre and Hotel and Reconfiguration of a Lot Scenic Rim Developments P/L Lot 24 RP155770

Executive Officer: Director Regional Services

Item Author: Manager Planning

File Reference: COMBd14/003

Applicable Planning Scheme	<i>Beaudesert Shire Planning Scheme 2007</i>
Applicant	Scenic Rim Developments Pty Ltd
Owner(s)	Scenic Rim Developments Pty Ltd
Site Address	17A Boundary Street BEAUDESERT
Real Property Description	Lot 24 RP155770
Site Area	88.46ha
Relevant Zone and Precinct	Beaudesert and Canungra Townships Zone - Emerging Communities Precinct
Proposal	Combined Preliminary Approval under s242 of the <i>Sustainable Planning Act 2009</i> to establish a Minor Convenience Centre Precinct; Development Permit for Material Change of Use (Shopping Centre and Hotel); and Development Permit for Reconfiguring a Lot (subdivision to create one (1) commercial lot and one (1) open space lot)
Assessment Level	Impact Assessment (Inconsistent)
Approval Type	Preliminary Approval under s242 of the <i>Sustainable Planning Act 2009</i> and Development Permit
Public Notification:	Notice of Compliance was received 25 September 2015.
Submissions Received	Nil
Date Application Received:	30 October 2014

Purpose of Report

The subject report has been compiled outlining the facts and circumstances for a proposed development seeking an approval for a Preliminary Approval under s.242 of the *Sustainable Planning Act 2009* to establish a Minor Convenience Centre Precinct; Development Permit for Material Change of Use (Shopping Centre and Hotel); and Development Permit for Reconfiguring a Lot (subdivision to create one (1) commercial lot and one (1) open space lot).

Risks

Strategic Risks

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

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

Risk Assessment

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment of risks	Residual Risk Rating
Environmental Impacts on environment as a result of development activity	Moderate	Unlikely	Medium	Environmental impacts considered and documented during assessment	Low
Legal Compliance and Liability Failure to ensure application is assessed in accordance with IDAS process	Minor	Possible	Medium	Documented assessment process	Low
Legal Compliance and Liability Opportunity for applicant or third party appeal against Council decision	Minor	Possible	Medium	<ul style="list-style-type: none"> - Ensure reasonable and relevant test applicable to assessment processes - Model Litigant processes followed in court cases - Minimise opportunities for appeals 	Low
Reputation Negative perception from community or development proponents	Minor	Unlikely	Low	<ul style="list-style-type: none"> - Transparent reporting of assessment - Communications 	Low

Brief Summary

Council is in receipt of an application seeking an approval for a combined Preliminary Approval under s.242 of the *Sustainable Planning Act 2009* to establish a Minor Convenience Centre Precinct; Development Permit for Material Change of Use (Shopping Centre and Hotel); and Development Permit for Reconfiguring a Lot (subdivision to create one (1) commercial lot and one (1) open space lot). The application land is located at 17A Boundary Street Beaudesert, more accurately described as Lot 24 on RP155770.

Pursuant to the *Beaudesert Shire Planning Scheme 2007* (Planning Scheme) an application for Shopping Centre and Hotel in the Emerging Communities Precinct triggers Impact Assessment. It should be noted that the application site is located within Stage One of the approved Oakland Estate dated 27 May 2014 (Council reference No.COM.Bd/00003).

The subject application contains multiple components which seek to facilitate the commercial and retail hub of the Oakland's estate. The proposal will entail a Preliminary Approval under s.242 of the *Sustainable Planning Act 2009* (SPA) for Minor Convenience Precinct which will override the current Emerging Communities Precinct zone. The proposal also incorporates a Development Permit for Hotel and Shopping Centre including a convenience restaurant and a two (2) lot subdivision.

The proposal will contain critical land uses which will underpin future stages of the Oakland estate and the south-eastern development of Beaudesert. The subject application has been submitted with supporting reports including a traffic and parking report, an engineering report, an environmental report, a needs assessment report, subdivisional plans as well as site plans and architectural plans.

The applicant referred a copy of the application to the State Assessment and Referral Agency (SARA) in accordance with s.273 of the SPA. Subsequently, SARA provided Council with correspondence dated 26 March 2015 having no objection to the proposed development, subject to conditions.

Through the assessment process and discussions with Council officers, the proposed development is now considered to satisfy the provisions of the Planning Scheme and other relevant statutory requirements. As such, it is recommended that Council approve the proposed development subject to reasonable and relevant conditions.

Background

On 27 May 2014, Council issued a Decision Notice for a combined Preliminary Approval under s.242 of the *Sustainable Planning Act 2009* (SPA) for Material Change of Use (Development to be in accordance with 'Preliminary Approval Document'); and Development Permit for Reconfiguring a Lot (10 freehold lots and new road). A copy of the approved *Stage One Structure Plan* is shown below in Figure 1 (COM.Bd/00003), while Figure 2 illustrates the approved 10 lot subdivision.

Subsequent to the above approval, Council issued a Decision Notice for Operational Works (Earthworks, Electrical Reticulation, Roadworks and Stormwater) dated 26 February 2015 for works including the main proposed road, changes to ground levels and the major detention basin adjoining the subject site.

Figure 8 - Approved Stage One Structure Plan

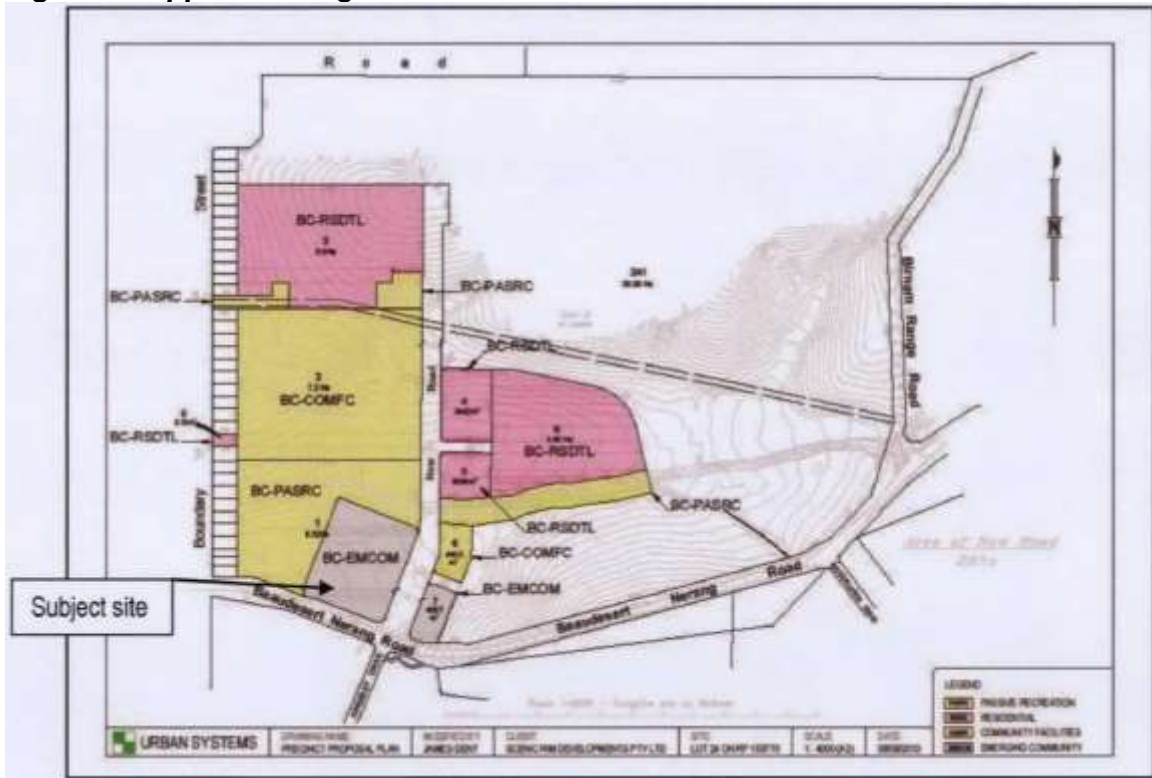
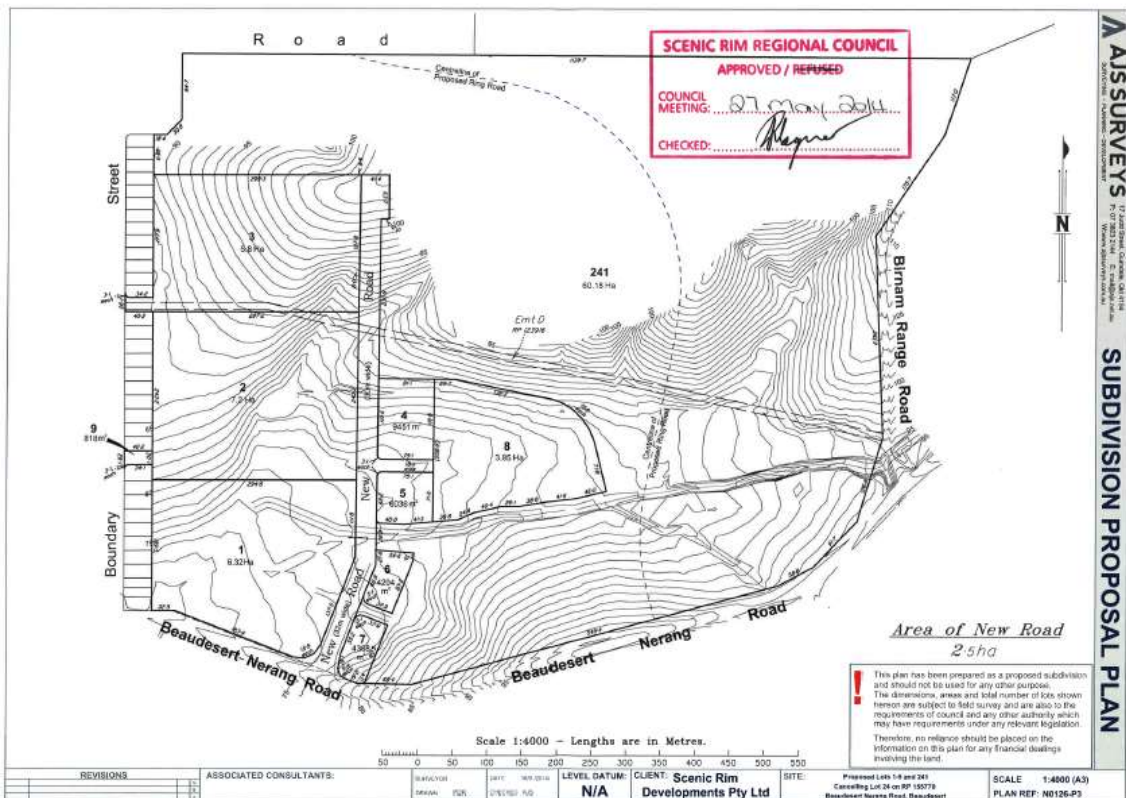


Figure 9 - Approved subdivisional plan



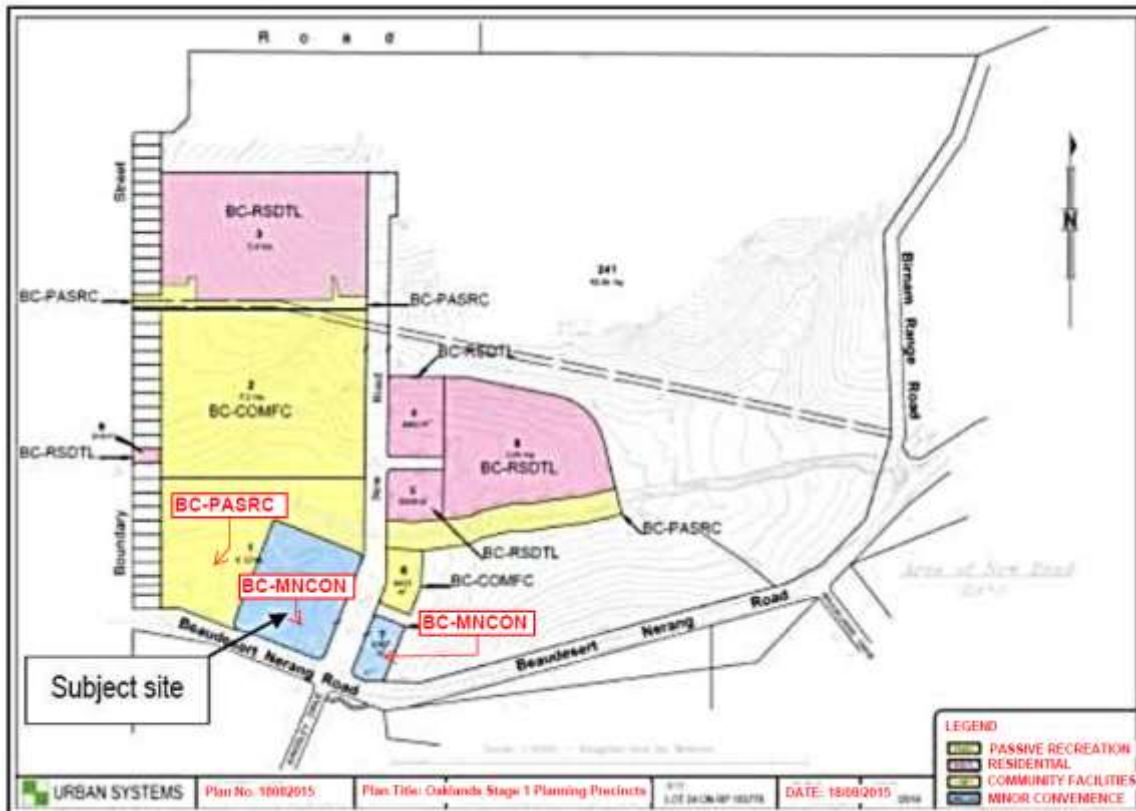
Proposal

The application site is located within Stage One of the Oakland Estate which was approved by Council on 27 May 2014 (Council reference No. COM.Bd/00003). The application consists of three (3) main components which are as follows:

A. Preliminary Approval for Material Change of Use to establish a Minor Convenience Precinct

The subject site is currently zoned under the Emerging Communities Precinct; however the proposal seeks to vary the effect of the Planning Scheme by amending the zone designation of the land to Minor Convenience Precinct. Through the change, the applicant proposes an alternative *Preliminary Approval Level of Assessment Tables* which will enable consistent landuses such as Shopping Centre, Convenience Restaurant and Hotel/Club or Motel to trigger Code Assessment level application as opposed to Impact (Inconsistent). The proposed Table of Assessment lists the aforementioned uses as well as the corresponding codes for assessment that refer back to the Planning Scheme. The proposed site will consist of supermarket, speciality retail, liquor store, hotel (tavern) convenience restaurant and fast food premises uses. The approved Overall Concept Structure Plan of the Oakland's estate envisages the site as a commercial and retail hub which will service the Oakland's estate as well as the eastern side of the Beaudesert township. Figure 3 below illustrates the overall Precinct plan for Stage One of Oakland's estate with the subject site proposed to be Minor Convenience Precinct (BC-MINCON).

Figure 10 - Proposed Precinct Plan



B. Development Permit for Material Change of Use (Shopping Centre and Hotel)

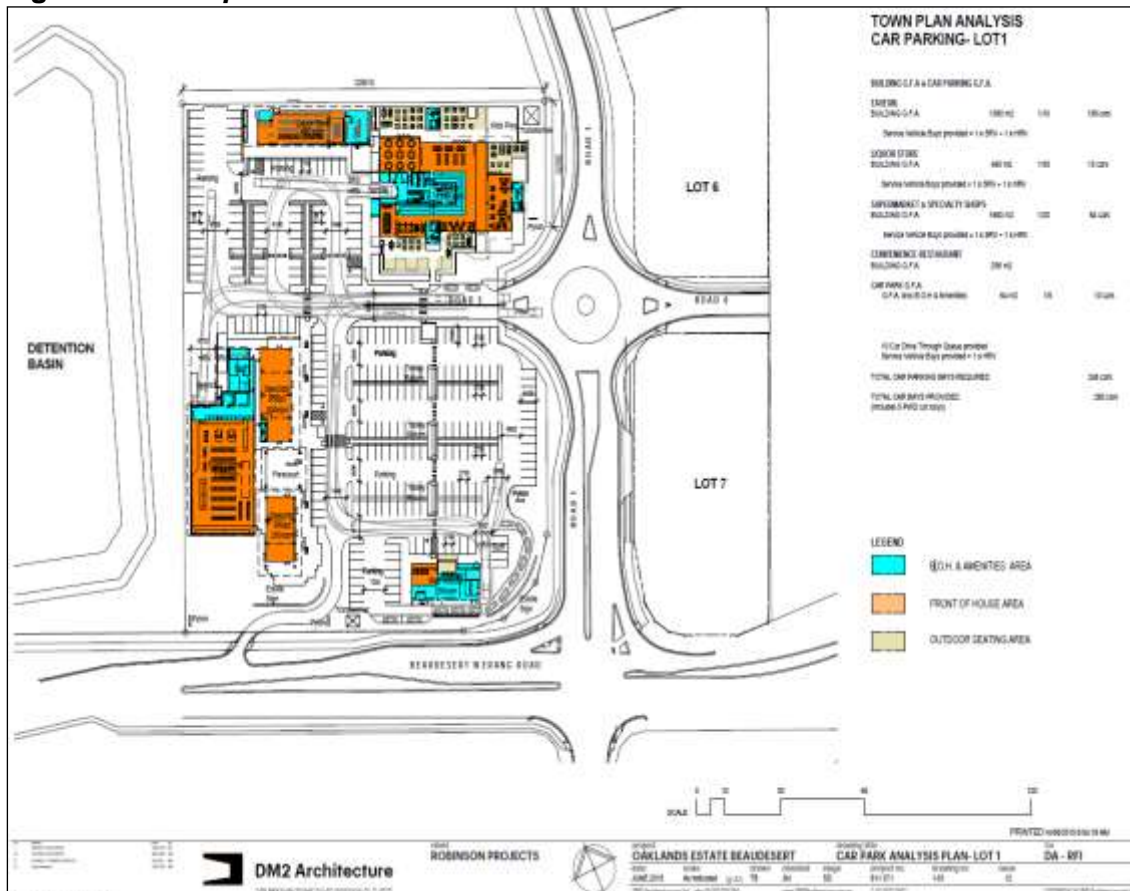
As mentioned previously, the applicant seeks to facilitate a Minor Convenience Precinct with landuses that are generally associated with shopping centre sites. The landuses proposed and the corresponding gross floor areas (GFA) are summarised in Table 1 below:

Table 2 - Landuse and corresponding GFA

Landuse	Proposed GFA (m ²)
Supermarket	1,183
Speciality Shops	500
Convenience Restaurant	256
Hotel (Tavern)	1,380
Liquor Store (Tavern)	460

The subject site is located on the south eastern corner of Beaudesert-Nerang Road and a new internal collector road (Road 1). The main entry and exit point to the site will be from Road 1 while a secondary entry only access point is proposed from Beaudesert-Nerang Road which is a State-controlled Road. The site layout has been designed to accommodate all proposed uses and associated car parking and maximise the use of the land. Figure 4 below illustrates the proposed site layout including the all hardstand areas, car parking, and access points and building footprints.

Figure 11 - Site plan



The applicant has submitted detailed plans for the proposed centre which show key design elements such as:

- A landscape frontage with an attractive entry statement to the Oaklands' estate;
- Architectural designed building with a rural design incorporating a material palette reflective of the Beaudesert character;
- Separated structures with a low rise built form to enhance sightlines
- A family friendly tavern that is orientated towards the open space area immediately to the north with outdoor seating areas.

An extract from the applicant's philosophy in designing the centre is stated below:

"The Neighbourhood Services Centre has been designed as a series of simple built forms that convey a rural context and expressed to represent the traditional Australian 'Farm Shed' vernacular. These forms are dispersed throughout the site to provide a series of view corridors to surrounding landscaped reserves.

A material palette consisting of metal wall and roof cladding, timber wall claddings, stone, expressed fibre cement panels, textured precast concrete panels, shop-front glazing and expressed steel frames has been applied to these simple built forms to provide a consistent expression for the development. The materials consist primarily of earthy tones and greys to compliment the rural architectural expression."

The following figures illustrate the aforementioned landuses and the proposed built form:

Figure 12 - Shopping Centre



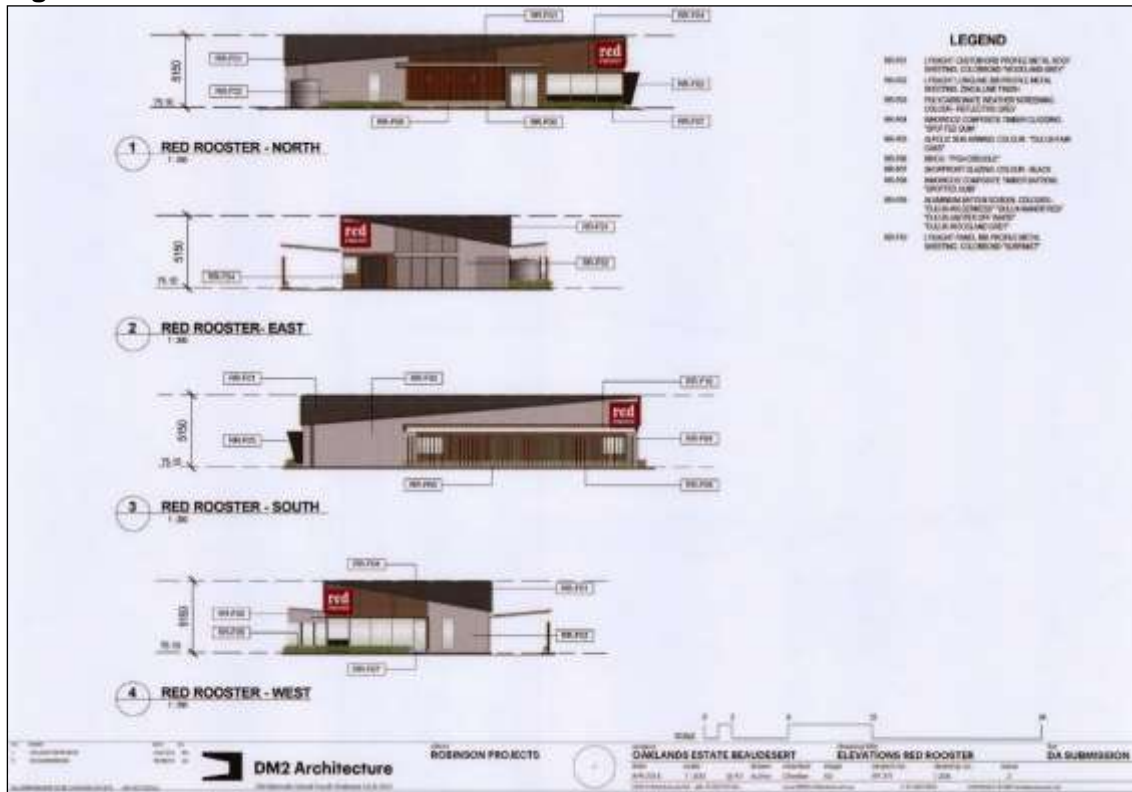
Figure 13 - Hotel (Tavern)



Figure 14 - Liquor Store



Figure 15 - Convenience Restaurant



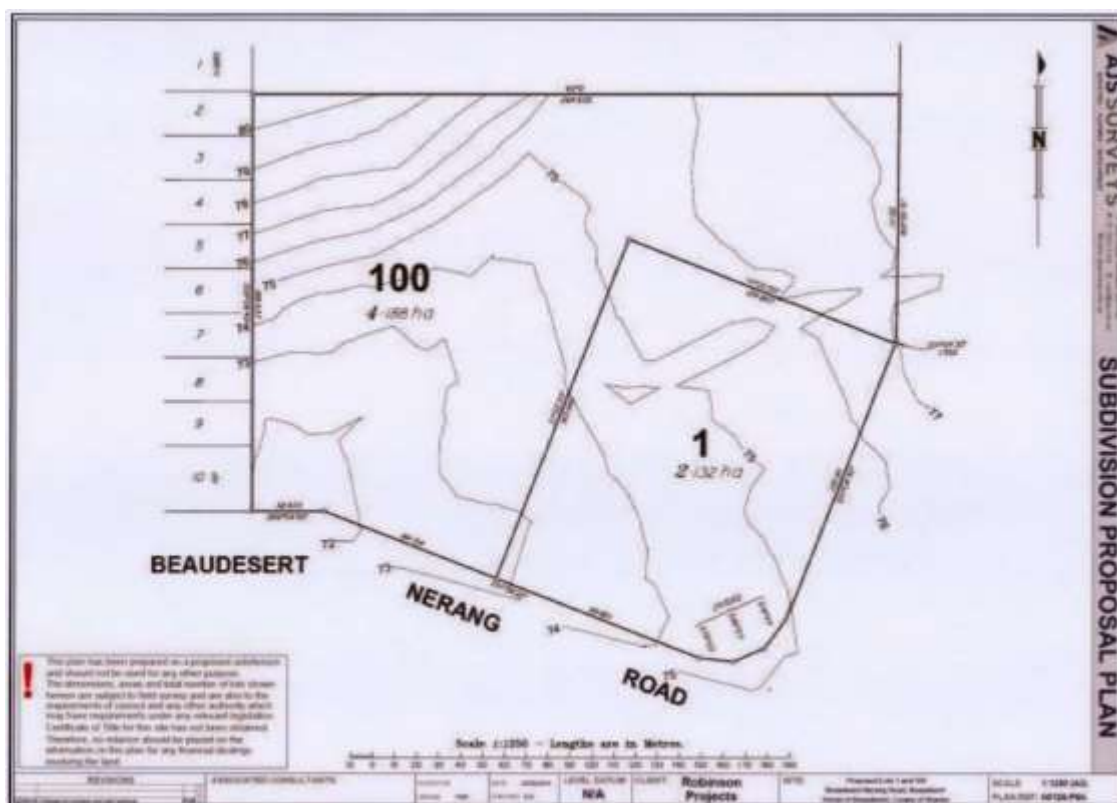
C. Development Permit for Reconfiguring a Lot (subdivision to create one (1) commercial lot and one (1) open space lot)

The final component of the proposal is a subdivision of land to create separate titles for the commercial lot and the open space lot. The land subdivision will enable the open space lot to eventually be transferred into public ownership while the commercial lot would be managed under private ownership. The resulting lot number and lot sizes are summarised in Table 1 below:

Table 3 - Proposed lot number and lot size

Proposed lot number	Proposed area (m ²)
1	21,320
100	41,880

Figure 16 - Proposed subdivisional plan



Site and Environment

Characteristics of Site & Surrounding Environment

The site is located at 17A Boundary Street, Beaudesert. The proposed development forms the new Oakland Neighbourhood Centre within Stage 1 of the Oakland development. The northern and western boundary of the site adjoins proposed open space. The eastern boundary of the site adjoins the new Stage 1 collector road. The southern boundary of the site adjoins Beaudesert - Nerang Road.

The subject site is approximately 2ha in area and regular in shape. It is contained within the Beaudesert and Canungra Townships Zone - Emerging Community Precinct.

The site is currently vacant, operational works (filling and excavation) to prepare the site for future development has recently occurred over the site.

The aerial photograph in Figure 10 below shows the subject site and immediate surrounding area.

Figure 17 - Subject site and immediate surrounding area



The site has access to appropriate urban infrastructure such as reticulated water, reticulated sewer, telecommunications and electrical services. The development will be required to construct sealed roads for connection to the broader local sealed road network.

The locality of the area is characterised by rural allotments north east of the site. The Beaudesert and Canungra Township area generally contains urban residential allotments with the dominant pattern of the development being detached housing. The majority of the surrounding lands are included in the Residential Precinct and Emerging Community Precinct.

Advertising

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

- Published a notice in Beaudesert Times on 12 August 2015;
- Placed six (6) notices erected on the land 11 August 2015; and
- Notified all adjoining landowners on the 11 August 2015.

Submissions

Nil submissions were received by Council during public notification period.

Development Assessment

Relevant Planning Scheme Codes – Summary

Zone and Precinct Code	Overlay Code	Use Code
Beaudesert and Canungra Townships Zone - Emerging Communities Precinct Code; Emerging Communities Precinct Code in accordance with the underlying Preliminary Approval reference number COM.Bd/00003	Infrastructure Overlay Code (State Controlled Road, Local Road of Significance and Future Transport Network); Nature Conservation Overlay (Local Conservation Area and Regional Nature Conservation Area) Development Constraints Overlay Code (Medium Bushfire Hazard, Landslide Hazard, and Haul Route) Catchment Management, Waterways and Wetlands Overlay Code (Pollutant Load Risk – Medium; Stream Order B and A).	Retailing and Commercial Activity Code Construction and Infrastructure Code Landscape Code Parking and Servicing Code Reconfiguring a Lot Code

Definitions under the Planning Scheme

Under the *Beaudesert Shire Planning Scheme 2007*, the proposed landuses' being a Shopping Centre and Hotel are defined below as follows:

Shopping Centre 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—

- (a) Commercial Activity; and
- (b) Convenience Restaurant; and
- (c) Food Establishment/Reception Centre; and
- (d) Shop.

Note: The term does not include a complex comprised of only Convenience Restaurants and/or Food Establishments/Reception Centres as defined herein.

Hotel/Club means any premises used predominantly for the sale of liquor that is primarily consumed on-site. The term may also include—

- (a) dining and entertainment facilities and the ancillary preparation of food for consumption on-site; and
- (b) an ancillary bottle shop or similar for the sale of liquor for consumption off-site; and
- (c) short-term accommodation.

Relationship to the Zone Code

The subject site is designated within the Emerging Communities Precinct of the Beaudesert and Canungra Zone. Pursuant to the Table of Assessment of the aforementioned zone, a development proposal for Hotel will trigger Impact (Inconsistent) Assessment. An Overall Outcome for the Emerging Communities Precinct OO51 states:

*Development within the **Emerging Community Precinct** is limited to those activities that will not preclude future urban (residential, commercial, business, community or industry) purposes and would not compromise structure or master planning.*

As evident in the application material, the proposed development seeks to create a commercial and retail neighbourhood centre with land uses that will service the Oakland's estate and the eastern portion of Beaudesert.

It should be noted that while the site is currently located within the Emerging Communities Precinct, the subject application seeks to override the Planning Scheme by introducing a Minor Convenience Precinct designation over the site to be more conducive to the proposed landuses.

As such, the proposal is considered to comply with the purpose of the Emerging Communities Precinct of the Beaudesert and Canungra Townships Zone.

Compliance with the Beaudesert and Canungra Townships Zone Code

The proposal complies with all of the Zone Code's Acceptable Solutions and Specific Outcomes, except as follows:

Beaudesert and Canungra Townships Zone			
Specific outcomes	Acceptable Solution	Compliance with Acceptable Solution	Compliance With Specific Outcomes
SO1 Development is limited to development which is 'Consistent Development' as identified in Table 3.6.7 Consistent Development in the Beaudesert and Canungra Townships Zone.	S1.1 No Solution is prescribed.	No. The applicant has provided the following comments: <i>The proposed development being shops, a shopping Centre and hotel are "Consistent Development" in the Minor Convenience Centre Precinct.</i>	No. The applicant has stated that the proposed landuses are "consistent" in the Minor Convenience Centre Precinct. However the site is located in the Emerging Communities Precinct and a Hotel is "inconsistent" as per Table 3.6.7. It should be noted that while the proposed landuse is not listed as a "consistent" landuse, it is an urban development that is envisaged by

Beautesert and Canungra Townships Zone			
Specific outcomes	Acceptable Solution	Compliance with Acceptable Solution	Compliance With Specific Outcomes
			<p>the Overall Outcome OO51 of the Emerging Communities Precinct.</p> <p>Also, the subject application seeks to vary the effect of the Planning Scheme to enable a Hotel to be "consistent" and to be Code Assessable.</p> <p>As such, there is a conflict with SO1 as the proposed uses are not listed as "consistent". However, the proposal is considered to satisfy the purpose of the zone code despite the conflict.</p>

Compliance with the Emerging Communities Precinct Code

The proposal complies with all of the Precinct Code’s Acceptable Solutions and Specific Outcomes.

Compliance with the Relevant Overlay Code

In accordance with the Planning Scheme, the subject site mapped as being affected by multiple Overlays; specifically:

- Infrastructure Overlay (State-controlled Road, and Local Road of Significance);
- Nature Conservation Overlay (Conservation);
- Development Constraints Overlay (Bushfire Hazard, Flood and Landslide, and KRA Haul Route); and
- Catchment Management, Waterways and Wetlands Overlay (Catchment and Waterway)

The proposal seeks to develop a neighbourhood centre shopping centre and family oriented hotel as envisaged through the underlying Preliminary Approval for the Oakland's estate (Council reference COM.Bd/00003). It should be noted that while the subject property is affected by the above overlay mapping, the portion of the site which is being developed is not affected by the above overlays with the exception of a mapped waterway. While the waterway is an intermittent waterway and flows during periods of high rainfall events, an ecological assessment report has been submitted which addresses the ongoing functionality of the waterway. Furthermore, the identified overlay codes have been given due consideration when Council has assessed and approved the underlying Preliminary Approval. As such, subject application is considered to satisfy the provisions of the abovementioned Overlay Codes. Where the proposal does not meet Council's requirements, reasonable and relevant conditions have been imposed to ensure compliance.

Compliance with the Retailing and Commercial Activity Use Code

The proposal complies with all of the Use Code's Acceptable Solutions and Specific Outcomes.

Compliance with the Relevant Work Codes

The subject site is affected by a number of Work Codes including:

- Construction and Infrastructure Code
- Landscape Code
- Parking and Servicing Code

The subject application was referred to Council's internal referral sections for assessment against the relevant Works Codes (Refer to Internal Referrals section of this report). Officers have completed their assessment and have determined the proposal complies with the Specific Outcomes and Acceptable Solutions of the aforementioned codes. Where compliance has not been achieved, conditions of approval have been imposed to ensure compliance with the Planning Scheme. As such, the proposal is considered to comply with the purpose of the Works Codes, subject to the imposition of reasonable and relevant conditions of approval.

Compliance with the Reconfiguring a Lot Code

The proposal complies with all of the Code's Acceptable Solutions and Performance Criteria, except as follows:

Reconfiguring a Lot Code			
Specific outcomes	Acceptable Solution	Compliance with Acceptable Solution	Compliance With Specific Outcomes
SO5 Further division of land in the Emerging Community and Future Investigation is not envisaged at this time.	S5.1 Development ensures that additional titles are not created within the— (a) Emerging Community Precinct; or (b) Future	No. The applicant has incorrectly stated that Lot 1 is not proposed to be subdivided.	No. It is acknowledged that the applicant proposes a two (2) lot subdivision to create one (1) commercial lot and one (1) open space lot within the Emerging

	Investigation Precinct		<p>Community Precinct</p> <p>While the proposal does not satisfy the Specific Outcome SO5, the development will facilitate a master planned development which is envisaged for the site to accommodate a neighbourhood shopping centre and family style tavern (COM.Bd/00003).</p> <p>Furthermore, it should be noted that the proposal is an urban development that is envisaged by the Overall Outcome OO51 of the Emerging Communities Precinct.</p> <p>As such, while there is a conflict with SO5 as the proposal incorporates a land subdivision component; the proposal is considered to satisfy the purpose of the specific use code despite the conflict.</p>
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Relationship to Desired Environmental Outcomes

The proposed development seeks to create a neighbourhood centre in an urban area within the Beaudesert township locality. The proposal is considered to be generally supportive of and generally consistent with the planning regime for the area. Where there is a perceived conflict with the Planning Scheme, officers' consider the proposal satisfies the Desired Environmental Outcomes in this instance.

Relationship to State Planning Policies and Regulations

This section identifies the relevant statutory planning provisions that required assessment for this development application.

State Planning Regulatory Provision (Adopted Charges)

The State Planning Regulatory Provisions (Adopted Charges) are relevant, given that the subject application is for the purposes of creating a neighbourhood centre entailing a Shopping Centre and Hotel. The applicable charges have been calculated previously within this report and an Infrastructure Charge Notice will accompany any approval issued by Council.

State Planning Policy (SPP)

The State Planning Policy (SPP) is a key component of Queensland's land use planning system, which identifies the various State Governments' interests. The SPP provides a comprehensive set of principles to guide local and state government in land use planning and development assessment. An assessment against the SPP has concluded that the proposed development complies with the relevant provisions of the SPP.

South-East Queensland Regional Plan 2009-2031

The subject site is located within the Urban Footprint in accordance with the *South East Queensland Regional Plan 2009-2031* (SEQRP). Given the proposal is for the creation of a residential subdivision within an urban area; the proposal is considered to comply with the regulatory provisions of the SEQRP.

Conflict with a relevant instrument and reasons for the decision despite the conflict

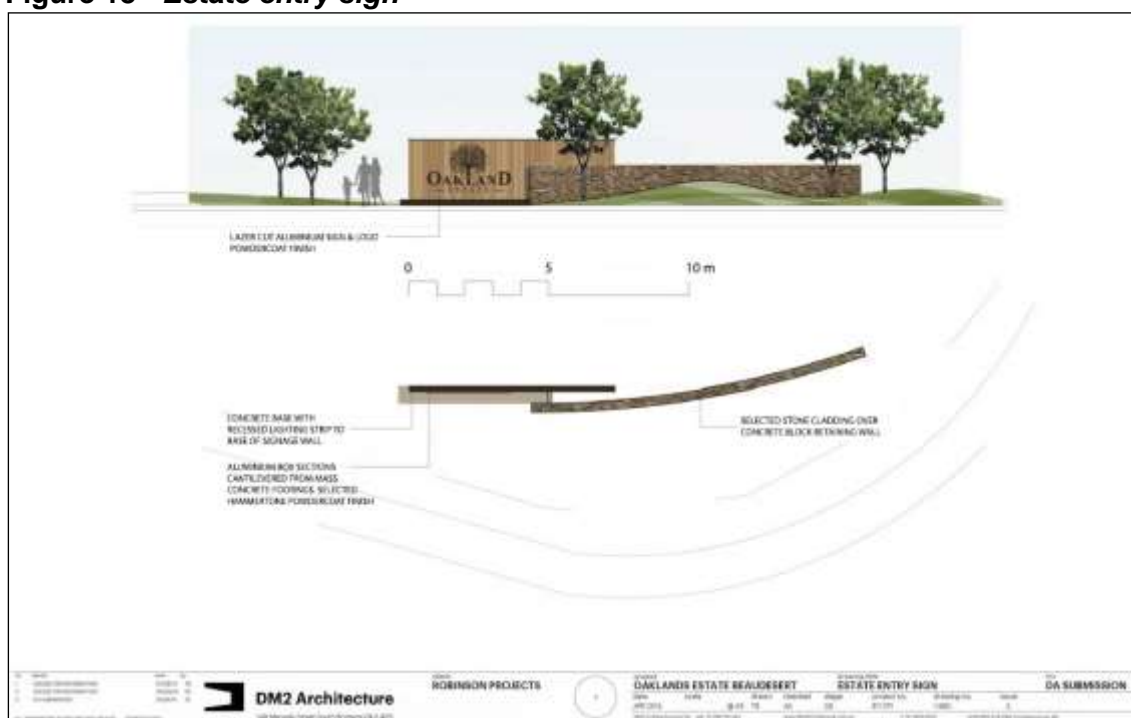
The assessment manager does not consider that the assessment manager's decision conflicts with a relevant instrument.

Assessment of Other Aspects of the Proposal

Advertising Device

The applicant has included details of an estate entry sign to be approximately 2.3m at its highest point and 16m in length. The entry sign will adjoin Beaudesert-Nerang Road and is proposed to be illuminated with a recessed lighting strip at the base of the signage wall. The proposed sign has been considered as part of the subject application and is recommended for approval. Figure 11 below which illustrate the proposed entry sign to the Oakland estate.

Figure 18 - Estate entry sign



Adopted Infrastructure Charges

Effective as of 1 July 2012, all development approvals granted within the 'Priority Infrastructure Areas', are required to be charged for infrastructure contributions in accordance with the State Planning Regulatory Provision (Adopted Charges).

Fair Values Charges Resolution (Version No. 2) July 2015

Through Council Resolution, Fair Value Charges came into effect on 29 May 2015 via Fair Value Charges (version no.1) May 2015. It replaced the previous Adopted Infrastructure Charges Resolution (version no.5) July 2014. The Fair Value Charges Resolution applies to the entire local government area of Scenic Rim Regional Council.

In accordance with the above Fair Values Charges Resolution (FVCR) adopted charges schedule, the proposed land uses fall within the following planning scheme category and use types:

Planning Scheme Use Category	Adopted Charges Schedule Use Category
Shopping Centre	Commercial (Retail)
Hotel	Entertainment
Reconfiguring a Lot	Residential

Note: It is to be noted that Queensland Urban Utilities (QUU) charges are applicable but does not form part of the Local Government Charge calculation below.

Local Government Charge

Proposed Landuse

Use	No. of Units	Unit of Measure	Charge Rate	Amount
Shopping Centre (small = 0-30,000m ² GFA)	Supermarket - 1,090m ²	\$ per m ² of Gross Floor Area (GFA)	\$130.31	\$300,625.17
	Specialty Shops - 500m ²			
	Convenience Restaurant - 256m ²			
	Liquor Store - 461m ²			
	Total Area - 2,307m²			
Hotel (non-residential component)	Tavern - 1,380m ² Total Area - 1,380m²	\$ per m ² of Gross Floor Area (GFA)	\$147.69	\$203,812.20
Sub-Total				\$504,437.37

Impervious Area

Use	No. of Units	Unit of Measure	Charge Rate	Amount
Shopping Centre (small = 0-30,000m ² GFA)	10,666m ²	\$ per m ² of impervious area	\$8.69	\$92,687.54
Hotel	Tavern - 1,380m ²	\$ per m ² of impervious area	\$8.69	\$11,992.20
Sub-Total				\$104,679.74

Reconfiguring a Lot

Use	No. of Units	Unit of Measure	Charge Rate	Amount
Reconfiguring a Lot (as per Section 5 of the FVCR)	Two (2) new allotments	\$ per 3 or more bedroom dwelling	\$12,878	\$25,756
Sub-Total				\$25,756.00

Internal Referrals

Health, Building and Environment – Building and Plumbing

Council’s internal Building Section has reviewed the application and advised that the applicant would need to submit a future building and plumbing application for the proposed buildings.

Health, Building and Environment – Health

Council’s Environmental Health Section has assessed the application and advised that they have no objections to the proposal subject to the imposition of reasonable and relevant conditions which have been recommended herein. Conditions have been provided in relation to air contaminants, light emissions, noise disturbance and emission limits during certain time periods, waste storage and removal, portable water hygiene, and pest and vermin management. Further advice was also provided in relation to future food licenses and advertising signs.

Development Assessment - Engineering

Council’s internal Development Assessment Engineering Section (DA Engineering) has assessed the application against the provisions of the Planning Scheme; particularly the Construction and Infrastructure Code, and Parking and Servicing Code. DA Engineering have advised that they have no objections subject to the imposition of relevant conditions in respect to car parking and access, stormwater discharge and disposal, earthworks design and management, electrical works and car park lighting and general security. Additional conditions have been imposed in relation to plan sealing, easement arrangements and payment or rates and charges.

Infrastructure Services

Council's internal Infrastructure Services Section has assessed the application and advised that they have no objections to the proposed development. Only a single condition was advised to be included requiring a future application for Operational Works (Landscaping on Private Land) to be submitted to Council for approval.

External Referrals

State Assessment and Referral Agency (SARA)

The applicant referred a copy of the application to the State Assessment and Referral Agency in accordance with s.273 of the *Sustainable Planning Act 2009* (SPA). Subsequently, SARA provided Council with correspondence dated 26 March 2015 having no objection to the proposed development, subject to conditions.

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

Council is in receipt of an application seeking an approval for a combined Preliminary Approval under s.242 of the *Sustainable Planning Act 2009* to establish a Minor Convenience Centre Precinct; Development Permit for Material Change of Use (Shopping Centre and Hotel); and Development Permit for Reconfiguring a Lot (subdivision to create one (1) commercial lot and one (1) open space lot).

The subject application contains multiple components which seek to facilitate the commercial and retail hub of the Oakland's estate. Through the assessment process, the subject application has addressed the relevant provisions of the Planning Scheme. Where there is a perceived conflict, reasonable and relevant conditions have been imposed to ensure compliance.

As such, it is recommended that Council approve the proposed development subject to reasonable and relevant conditions contained within the Director's Recommendation.

Director's Recommendation

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

Real Property Description:	Lot 24 RP155770
Address of property:	17A Boundary Street BEAUDESERT
Site area:	88.46ha
Proposal:	Combined Preliminary Approval under s.242 of the <i>Sustainable Planning Act 2009</i> to establish a Minor Convenience Centre Precinct; Development Permit for Material Change of Use (Shopping Centre and Hotel); and Development Permit for Reconfiguring a Lot (subdivision to create one (1) commercial lot and one (1) open space lot)

Further development permits required:

- a. A Building Works approval is required for all building works associated with the proposed development, prior to undertaking any building work on the subject site.
 - b. A Plumbing and Drainage approval is required for all / any plumbing and drainage works associated with the proposed development, prior to undertaking any plumbing and drainage works on the subject site.
 - c. Operational Works (Landscaping on private land) approval is required for any landscaping work conditioned as part of this Decision Notice prior to commencement of use.
2. **Conditions of Approval:**

PART A - Preliminary Approval under Section 242 of SPA to establish a Minor Convenience Centre Precinct

- 1) **USE IN ACCORDANCE WITH THE APPLICATION – PRELIMINARY APPROVAL (MATERIAL CHANGE OF USE)** - For the purpose of this Preliminary Approval pursuant to Section 242 of the *Sustainable Planning Act 2009*, the approved development must be undertaken generally in accordance with the '*Preliminary Approval, Minor Convenience Centre Precinct Oaklands Stage 1, 17A Boundary St, Beaudesert*' Code dated September 2014, except insofar as it is modified by the conditions of this approval.

2) PURSUANT TO SECTION 242 OF THE *SUSTAINABLE PLANNING ACT 2009*, THIS PRELIMINARY APPROVAL APPROVES THE FOLLOWING VARIATIONS TO THE EFFECT OF THE PLANNING SCHEME: -

A. The following Precinct Plan as amended in RED varies the effect of the *Beaudesert Planning Scheme 2007*, Schedule 5 Planning Scheme Maps - Zone Maps:

- The Precinct Plan titled *Figure 1 - Oaklands Stage 1 Planning Precincts* contained within the *'Preliminary Approval, Minor Convenience Centre Precinct Oaklands Stage 1, 17A Boundary St, Beaudesert'* Code as submitted to Council on the September 2014.

B. The following Assessment Table varies the effect of the *Beaudesert Planning Scheme 2007*, Part 6 Beaudesert and Canungra Townships Zone, s 3.6.4 Assessment Table for Material Change of Use:

Column 1 Use	Column 2 Assessment Category	Column 3 Assessment Criteria
Convenience Restaurant	Code-assessable, if located in the - (a) Minor Convenience Centre Precinct on Lot 24 RP155770.	Beaudesert and Canungra Townships Zone Code (section 3.6.8). Food Premises Code (section 5.2.23). Advertising Devices Code (section 5.3.2) Construction and Infrastructure Code (section 5.3.6). Landscape Code (section 5.3.10). Parking and Servicing Code (section 5.3.13).
Hotel/Club	Code-assessable if- (a) Located in the Minor Convenience Centre Precinct on Lot 24 RP155770 (proposed Lot 1), and (b) the gross floor area of the development does not exceed 1,400m ²	Beaudesert and Canungra Townships Zone Code (section 3.6.8). Construction and Infrastructure Code (section 5.3.6). Advertising Devices Code (section 5.3.2)

		<p>Landscape Code (section 5.3.10).</p> <p>Parking and Servicing Code (section 5.3.13).</p>
Shop	<p>Exempt, if -</p> <p>(a) Located in the -</p> <p>i. Minor Convenience Centre Precinct ; and</p> <p>ii. does not involve the reuse of a House; and</p> <p>iii. does not involve Building Work or involves only minor Building Work.</p> <p>Code-assessable, if -</p> <p>(a) not Exempt and located in the -</p> <p>i. Minor Convenience Centre Precinct ; and</p> <p>(b) the gross floor area of the development does not exceed -</p> <p>i. 500m² in the Minor Convenience Centre Precinct; or</p> <p>ii. 1,200m² for a supermarket in the Minor Convenience Centre Precinct on Lot 24 on RP155770 (proposed Lot 1).</p>	<p>If Exempt - None applicable</p> <p>If Code-assessable - Beaudesert and Canungra Townships Zone Code (section 3.6.8).</p> <p>Retailing and Commercial Activity Code (section 5.2.71).</p> <p>Advertising Devices Code (section 5.3.2)</p> <p>Construction and Infrastructure Code (section 5.3.6).</p> <p>Landscape Code (section 5.3.10).</p> <p>Parking and Servicing Code (section 5.3.13).</p>
Shopping Centre	<p>Code-assessable, if -</p> <p>(a) located in the -</p> <p>i. Minor Convenience Centre Precinct ; and</p> <p>(b) the gross floor area of the development does not exceed -</p>	<p>Beaudesert and Canungra Townships Zone Code (section 3.6.8).</p> <p>Retailing and Commercial Activity Code (section 5.2.71).</p>

	i. 500m ² in the Minor Convenience Centre Precinct; or ii. 4,000m ² in the Minor Convenience Centre Precinct on Lot 24 on RP155770 (proposed Lot 1).	Advertising Devices Code (section 5.3.2) Construction and Infrastructure Code (section 5.3.6). Landscape Code (section 5.3.10). Parking and Servicing Code (section 5.3.13).
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- 3) **USE IN ACCORDANCE WITH THE APPLICATION – APPROVED PLANS -** Development being undertaken generally in accordance with plans as amended in RED and referenced in the Table 1 below, except insofar as it is modified by the conditions of this approval.

Table 1: Approved Precinct Plan

Plan Number	Title	Date	Prepared by
18082015	Oaklands Stage 1 Planning Precincts	18/08/2015	Urban Systems

- 4) **RELEVANT SPECIFIC DEVELOPMENT CODES AND CONSTRAINT CODES -** Development shall be subject to the requirements of the relevant Codes and Policies which are applicable for development as identified in the *Beaudesert Shire Planning Scheme 2007* as amended from time to time.

PART B - Development Permit for Material Change of Use (Shopping Centre and Hotel)

Approved Plans

- 1) **USE IN ACCORDANCE WITH THE APPLICATION - MATERIAL CHANGE OF USE -** Development being undertaken generally in accordance with the following plans and the submitted material received by Council, except insofar as it is modified by the conditions of this approval.

Plan Number	Title	Date	Prepared by
1-50	Proposed Site Plan - Lot 1	18/08/2015	DM2 Architecture
1-51	Car Park Analysis Plan - Lot 1	14/08/2015	DM2 Architecture
1-52	Indicative Landscaping - Lot 1	18/06/2015	DM2 Architecture
1-100	Supermarket - Floor Plan	23/06/2015	DM2 Architecture
1-101	Liquor Store - Floor Plan	23/06/2015	DM2 Architecture
1-102	Tavern - Floor Plan	23/06/2015	DM2 Architecture
1-103	Red Rooster - Floor Plan	23/06/2015	DM2 Architecture
1-200	Elevations Supermarket - Sheet 1	15/06/2015	DM2 Architecture
1-201	Elevations Supermarket - Sheet 2	15/06/2015	DM2 Architecture
1-202	Elevations Liquor Store	17/06/2015	DM2 Architecture
1-203	Elevations Tavern - Sheet 1	01/06/2015	DM2 Architecture
1-204	Elevations Tavern - Sheet 2	01/06/2015	DM2 Architecture
1-205	Elevations Red Rooster	15/08/2014	DM2 Architecture
1-950	Estate Entry Sign	15/08/2014	DM2 Architecture

General

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

Landscaping

- 5) **DETAILED LANDSCAPE PLAN TO BE SUBMITTED FOR APPROVAL** - The developer must submit to Council for approval an application for Operational Works (landscaping on private land) to be generally in accordance with the submitted drawing No. 1-52, titled *Indicative Landscaping - Lot 1* dated 18/06/2015 and prepared by DM2 Architecture. The Operational Works application for landscaping on private land must be approved prior to commencement of use.

Environmental Health

- 6) **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.
- 7) **LIGHT EMISSIONS** -- Light sources at the premises must be positioned and shielded to prevent light spillage outside the boundaries of the premises.
- 8) **NOISE DISTURBANCE** - The activity must be carried out by such practicable means necessary to prevent or minimise the emission of noise likely to cause environmental nuisance at any noise sensitive or commercial place.
- 9) **NOISE EMISSION LIMITS**- If a complaint (other than a frivolous or vexatious complaint) is made to the administering authority, the emission of noise from the premises must not exceed the levels prescribed by Table 1 (below).

Table 1

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

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

- 10) **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.
- 11) **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.
- 12) **WASTE** - Waste is not to be stockpiled so as to cause environmental nuisance or attract flies.
- 13) **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.
- 14) **WASTE REMOVAL** - All wastes must be removed to an approved disposal facility by a transporter holding all necessary government approvals. Waste must be removed at a frequency and in a manner that prevents nuisance from the waste at neighbouring premises.
- 15) **PESTS & VERMIN** -Organic substances likely to provide a food source for vermin must be stored in a sealed and airtight storage container to exclude access by pests or vermin.
- 16) **POTABLE WATER** - All water provided for personal hygiene, human consumption and to food preparation facilities is of a potable standard and meets the requirements of the National Health and Medical Research Council (NHMRC) Australian Drinking Water Quality Guidelines.

Car parking and Access

- 17) **ACCESS TO COUNCIL ROAD** - The Applicant shall undertake the construction of the access Crossovers to Council Standards with the appropriate signage and sufficient capacity to cater for two lane movements. Detailed design will be submitted as part of an application for Operational Works with Council. The works required by this condition are to be completed prior to the commencement of the use. The access provisions shall be maintained in good condition for the lifetime of the proposed use.
- 18) **CAR PARKING & DRIVEWAYS – CONCRETE / FLEXIBLE PAVEMENT WITH AC SEAL** - All parking areas, driveways, circulation aisles and manoeuvring areas are to be designed and constructed in accordance with AS 2890.1 - 2004 and AS 2890.2 – 2002 and Council's Design & Construction Manual. All pavements will be designed to suit the proposed vehicle loadings with the individual pavements constructed as either a rigid pavement (reinforced concrete pavement) or alternatively as a flexible pavement (asphalt concrete (AC) seal), from the property boundary to the satisfaction of Council's Director – Infrastructure Services.

The internal car parking layout is to be generally in accordance with the drawings with reference 1-51 Issue 11 prepared by DM2 Architecture dated 2/07/15.

The completed works shall be constructed in accordance with good engineering practice to a standard reasonable for commercial purposes. Detailed design shall be submitted as part of an Operational Works application with Council.

The car parking provisions must be available prior to the commencement of the use and must be maintained in good condition for the lifetime of the proposed use

- 19) **CAR PARKING NUMBERS** - The developer is to provide a total of two hundred and sixty (260) car parking spaces including five (5) spaces for People With Disabilities (PWD). Additionally the developer is to provide two (2) spaces for Small Rigid Vehicles - SRV and three (3) spaces for Heavy Rigid Vehicles - HRV generally as shown in the approved plans.
- 20) **CAR PARKING ON-SITE** - All vehicles under the control of the party(ies) charged with the overall responsibility for the operation of the facility and any ancillary staff will be parked wholly within the curtilage of the site. All vehicle movements to and from the site, inclusive of service vehicles, are to be conducted in forward gear. The requirements of this condition are to be adhered to for the lifetime of the approved use.
- 21) **VEHICLE LOADING / UNLOADING** - All loading and unloading of vehicles associated with the approved uses, including the pick-up and/or delivery of goods and materials, will be conducted at all times from within the curtilage of the site. The requirements of this condition are to be adhered to for the lifetime of the approved use.

Stormwater Drainage

- 22) **ADVERSE DRAINAGE IMPACT - GENERAL** - Drainage from the development works / building works shall not adversely impact upon adjacent properties. No ponding, concentration or redirection of stormwater shall occur onto adjoining land.
- 23) **STORMWATER DISCHARGE AND DISPOSAL** - The developer is to make provision for the collection and disposal of stormwater drainage flows to a legal point of discharge, the form of said collection and discharge will be in accordance with the provisions of *Queensland Urban Drainage Manual (QUDM)* and Council's *Design and Construction Manual*. Detailed design will be submitted as part of an application for Operational Works with Council. The development is to adopt the stormwater management strategy outlined in the "*Erosion and Sediment Control and Stormwater Management Plan*" dated April 2015 and prepared by Cozens, Regan, Williams & Prove Pty Ltd.

The completed works are to be constructed in accordance with good engineering practice. The works required by this condition are to be completed prior to the commencement of use.

- 24) **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 as part of the Operational Works Application. The report is to comply with *"Soil Erosion and Sediment Control: Engineering Guidelines for Queensland Construction Sites, Institute of Engineers, Australia 1996"*.

Earthworks Design and Management

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

Electrical Works

- 26) **ELECTRICITY** - The Applicant is to make provision of a suitable electricity supply from the State electricity grid through the State authorised supplier (Energex) or production of evidence of satisfactory arrangements for such supply having been made, such supply to be on normal supply tariffs.

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

- 27) **CAR-PARK LIGHTING & SECURITY GENERAL** - The developer shall be responsible for the provision and ongoing maintenance of adequate lighting to the open area car-parking facilities and all pedestrian links to the requirements of the relevant Australian Standards within AS1158 – Lighting for Roads and Public Spaces and AS4282 – Control of the Obtrusive Effects of Outdoor Lighting. The lighting to the aforementioned areas will be maintained in good condition for the lifetime of the proposed use.

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

The lighting to the aforementioned areas will be maintained in good condition for the lifetime of the proposed use.

Miscellaneous Works

- 28) **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.

PART C - Development Permit for Reconfiguring a Lot (subdivision to create one (1) commercial lot and one (1) open space lot)

Approved Plans

- 1) **USE IN ACCORDANCE WITH THE APPLICATION – RECONFIGURING A LOT -** Development being undertaken generally in accordance with plans as amended in RED referenced in the table below and accompanying documentation, except insofar as it is modified by the conditions of this approval.

Plan Number	Title	Date	Prepared by
19082015	Subdivision Proposal Plan (Shopping Centre / Hotel)	19/08/2015	AJS Surveys

Landscaping

- 2) **DETAILED LANDSCAPE PLAN TO BE SUBMITTED FOR APPROVAL -** The developer must submit to Council for approval an application for Operational Works (landscaping on private land) to be generally in accordance with the submitted drawing No. 1-52, titled *Indicative Landscaping - Lot 1* dated 18/06/2015 and prepared by DM2 Architecture. The Operational Works application for landscaping on private land must be approved prior to requesting the endorsement of the final plan of survey.

Stormwater Drainage

- 3) **ADVERSE DRAINAGE IMPACT - GENERAL -** Drainage from the development works / building works shall not adversely impact upon adjacent properties. No ponding, concentration or redirection of stormwater shall occur onto adjoining land.
- 4) **STORMWATER DISCHARGE AND DISPOSAL -** The developer is to make provision for the collection and disposal of stormwater drainage flows to a legal point of discharge, the form of said collection and discharge will be in accordance with the provisions of Queensland Urban Drainage Manual (QUDM) and Council's Design and Construction Manual.

The completed works are to be certified by a Registered Professional Engineer of Queensland (RPEQ) as having been constructed in accordance with good engineering practice. The works required by this condition are to be completed prior to the commencement of the use.

- 5) **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 as part of the Operational Works Application. The report is to comply with *"Soil Erosion and Sediment Control: Engineering Guidelines for Queensland Construction Sites, Institute of Engineers, Australia 1996"*.

Earthworks Design and Management

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

Miscellaneous Works

- 7) **FINAL PLAN OF SURVEY** - The Developer shall submit a final plan of survey that conforms with the approved plans and showing any easements established as a result of this approval.
- 8) **EASEMENT ARRANGEMENTS** – All the necessary documentation for the establishment / extinguishment of any easement as a result of this approval will be facilitated by the applicant as his own expense. Copy of these documents duly executed is to be provided at the time of requesting the endorsement of the final plan of survey.
- 9) **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. Approval Conditions (Referral Agency):

Council received correspondence dated 26 March 2015 from the Department of State Development, Infrastructure and Planning as a Referral Agency (Concurrence) through the State Assessment and Referral Agency process. The aforementioned correspondence and conditions have been attached to this Decision Notice in accordance with Section 287 of the *Sustainable Planning Act 2009*.

That the Applicant be further advised of the following:

- a) **FOOD LICENSING** - If food is prepared and served at a 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 5111.
- b) **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.
- c) **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*.

- d) **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.
- e) **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).
- f) **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.

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. Operational Works (Landscaping on private land) approval is required for any landscaping work conditioned as part of this Decision Notice prior to commencement of use.

5. Administrative Action:

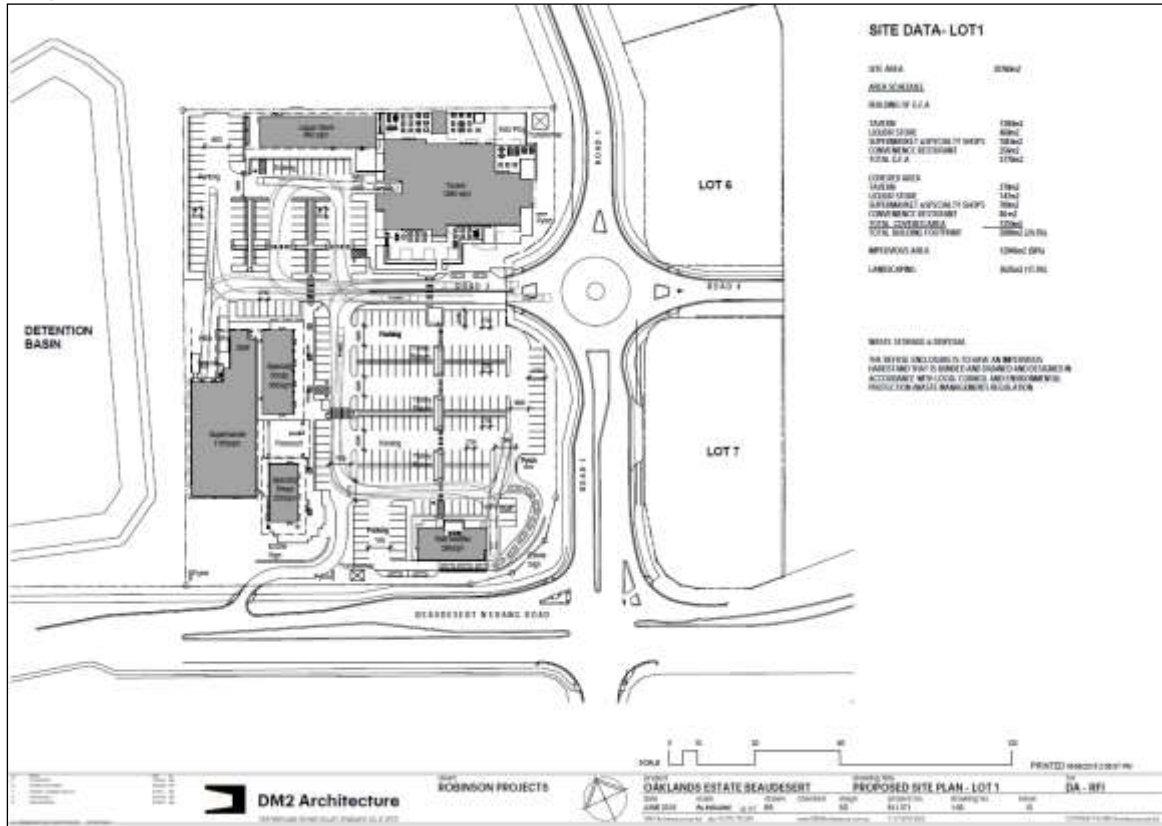
That Decision Notices be issued in accordance with s.335 of the *Sustainable Planning Act 2009* to the Applicant, submitter/s and referral agencies.

Attachments

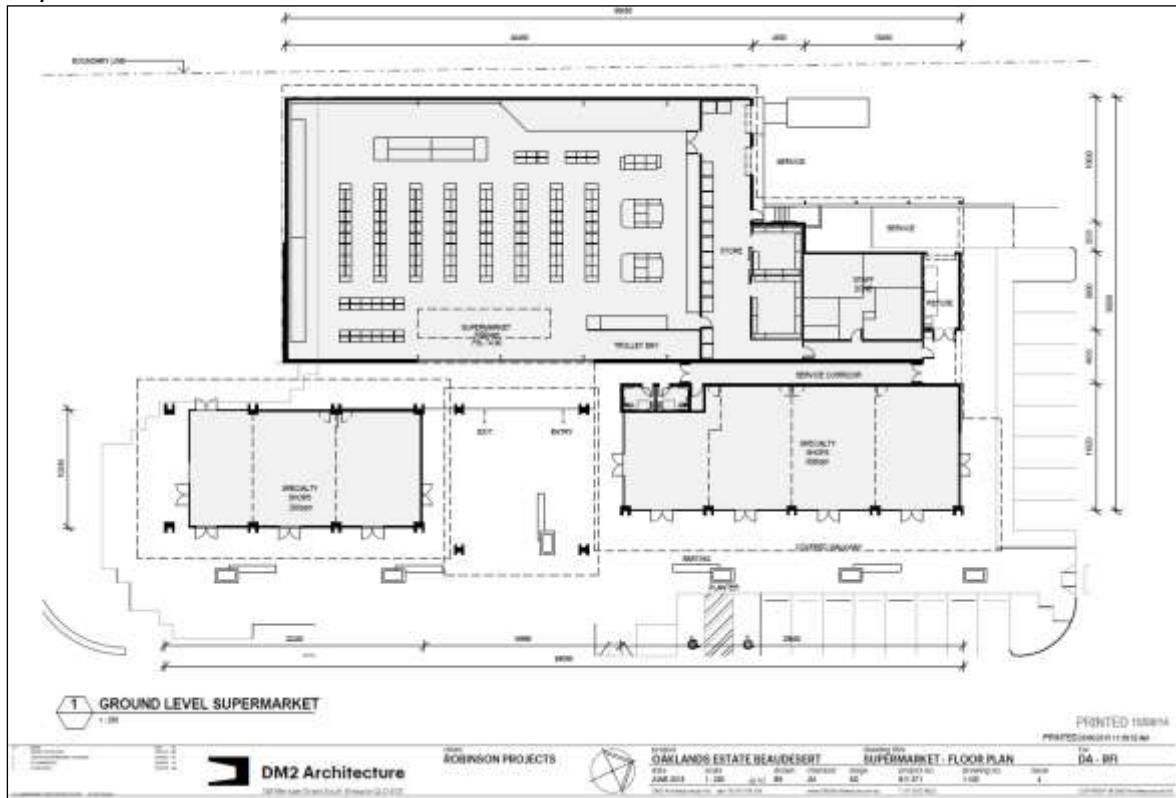
1. Approved plans.
2. 'Preliminary Approval, Minor Convenience Centre Precinct Oaklands Stage 1, 17A Boundary St, Beaudesert' Code.
3. SARA Response.

Attachment 1 - Approved plans

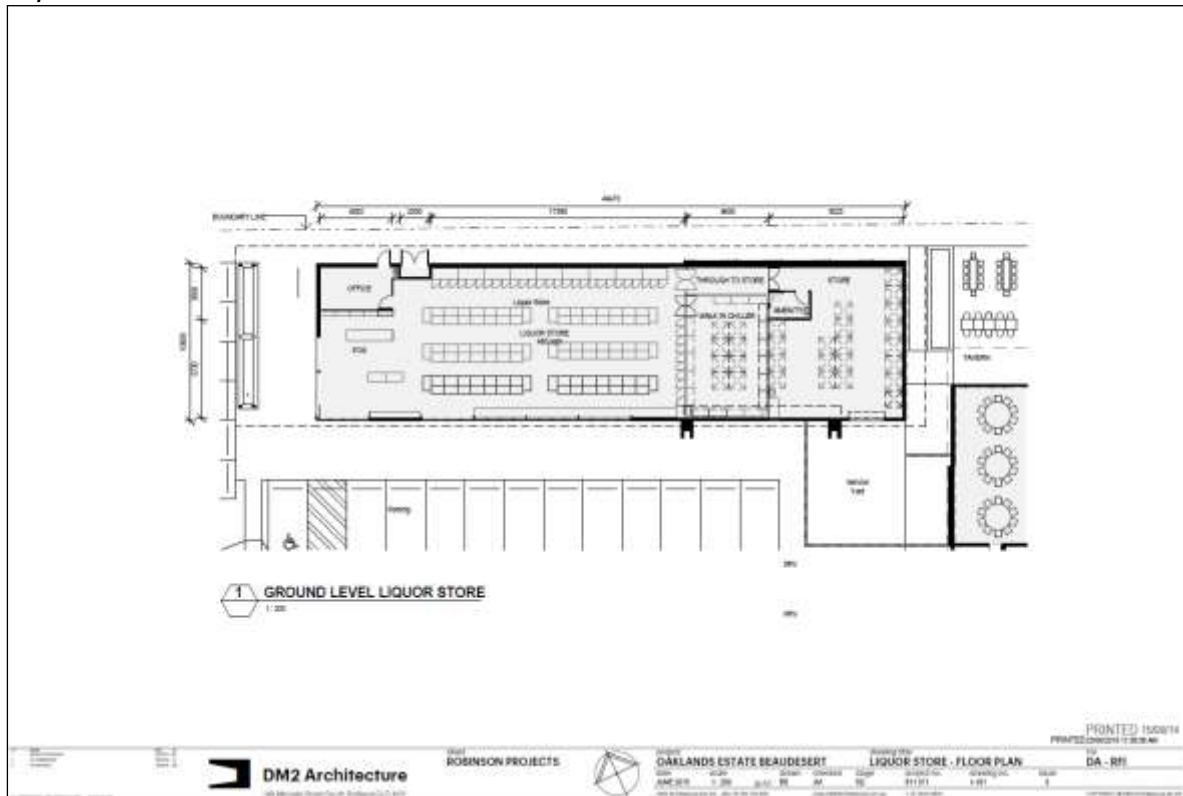
Proposed Site Plan - Lot 1



Supermarket - Floor Plan



Liquor Store - Floor Plan



Tavern - Floor Plan



Red Rooster - Floor Plan



Elevations Supermarket - Sheet 1



Elevations Supermarket - Sheet 2



Elevations Liquor Store



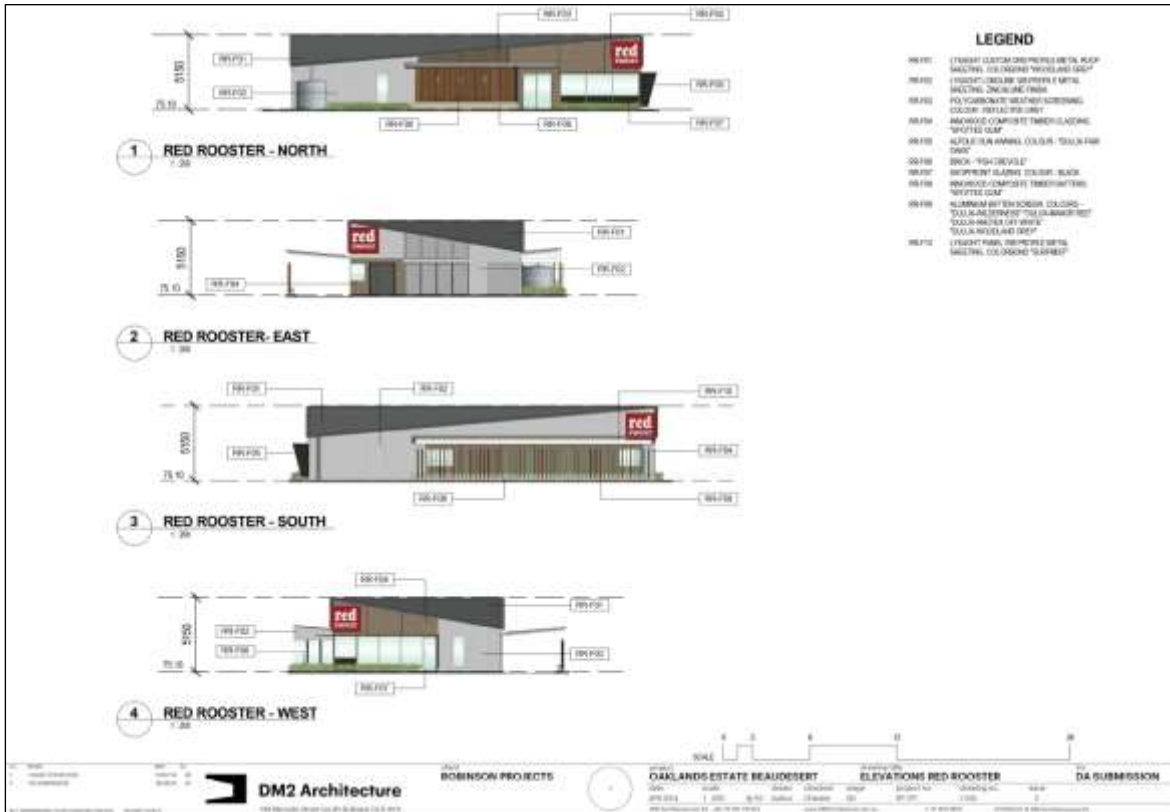
Elevations Tavern - Sheet 1



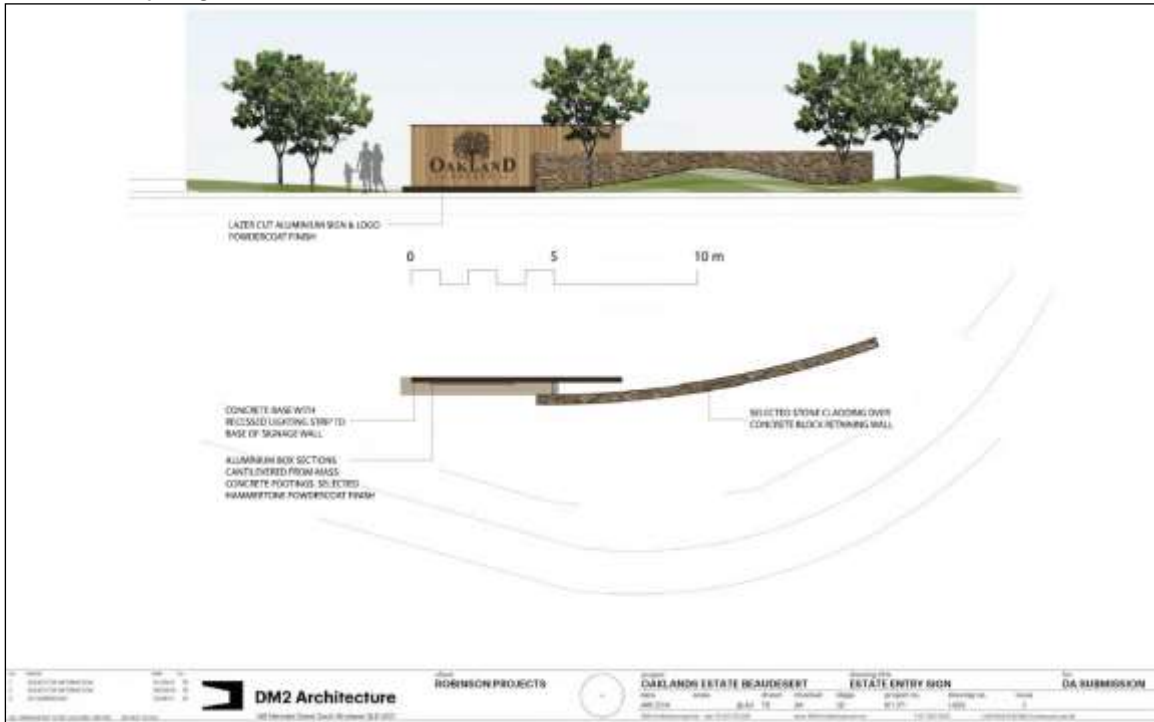
Elevations Tavern - Sheet 2



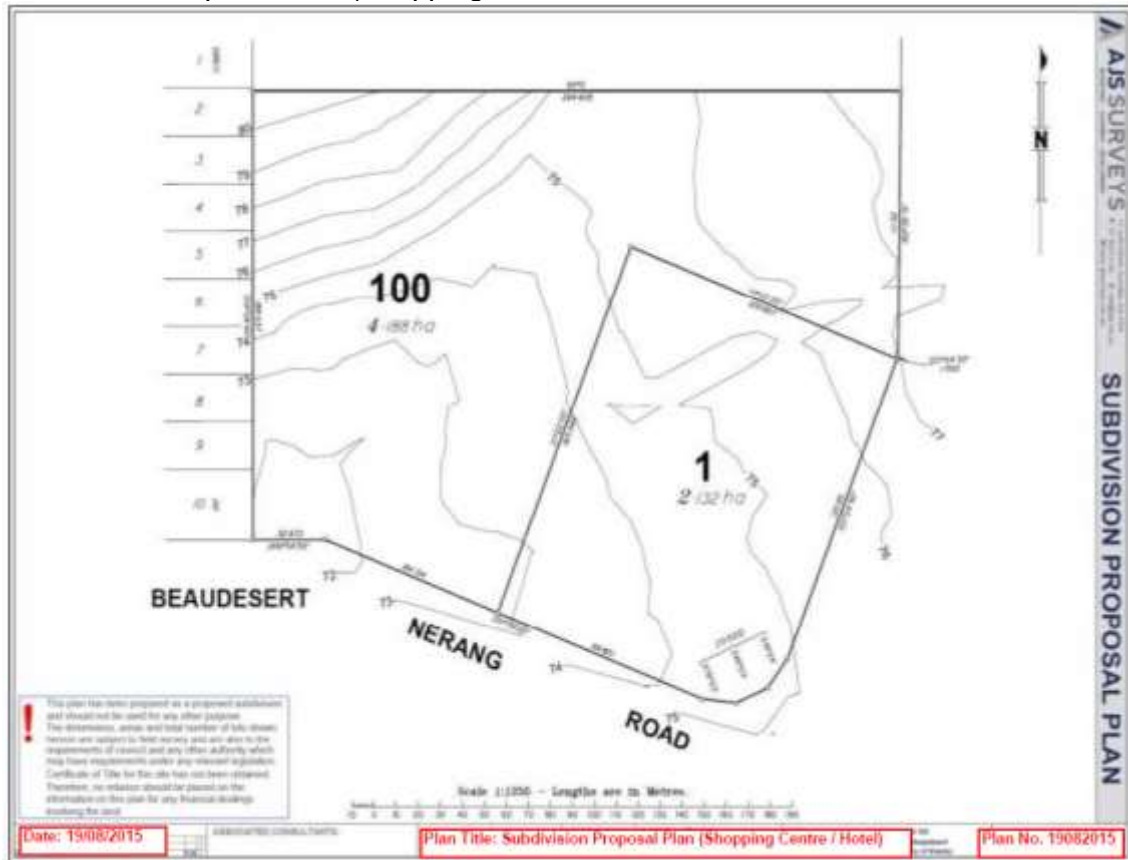
Elevations Red Rooster



Estate Entry Sign



Subdivision Proposal Plan (Shopping Centre / Hotel)



Attachment 2 - 'Preliminary Approval, Minor Convenience Centre Precinct Oaklands Stage 1, 17A Boundary St, Beaudesert' Code

Oaklands, Neighbourhood Centre, Beaudesert



~~APPENDIX C~~ – PRELIMINARY APPROVAL,
MINOR CONVENIENCE CENTRE PRECINCT
OAKLANDS STAGE 1, 17A BOUNDARY ST,
BEAUDESERT

Attachment 3 - SARA Response



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

Our reference: SDA-1214-016524
Council reference: COMBd14/003

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,

Concurrence agency response—with conditions
17A Boundary Street, Beaudesert
(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 3 December 2014.

Applicant details

Applicant name: Scenic Rim Developments Pty Ltd c/- Urban Systems
Applicant contact details: 20 Patterson St
AUCHENFLOWER QLD 4066
peterc.urbansystems@gmail.com

Site details

Street address: 17A Boundary Street, Beaudesert
Lot on plan: Lot 24 on RP155770
Local government area: Scenic Rim Regional Council

Application details

Page 1

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

SDA-1214-016524

Title			no.	
Aspect of development: Material Change of Use				
Proposed Site Plan	DM2 Architecture	15 August 2014	Drawing no. 1-50	Issue 3
Traffic Functional Layout Plan	Graham Marsh Pty Ltd	30 April 2014	Drawing no. T001	Revision C
Lane Widths	Graham Marsh Pty Ltd	30 April 2014	Drawing no.T002	Revision C
Oaklands, Beaudesert – Detention Basin Design	O2 Environment + Engineering	14 January 2015	Reference no. T002336b	-
Oaklands, Beaudesert Stormwater Quality Report	Graham Marsh Pty Ltd	21 January 2015	Project no. 2013-02	-
Aspect of development: Reconfiguration of a Lot				
Subdivision Proposal Plan	AJS Surveys	6 August 2014	Plan ref. N0126-P6A	Revision A

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

For further information, please contact Aimee Ellis, Senior Planning Officer, SARA SEQ West, on 3432 2408, or email aimee.ellis@dssip.qld.gov.au 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—Further advice
 Attachment 4—Approved Plans and Specifications
 Attachment 5—Section 62 Approval (*Transport Infrastructure Act 1994*)
- cc: Scenic Rim Developments Pty Ltd c/- Urban Systems, peterc.urbansystems@gmail.com
 Department of Transport and Main Roads, South.Coast.IDAS@tmr.qld.gov.au

SDA-1214-016524

Our reference: SDA-1214-016524
 Council reference: COMBd14/003

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
<p>Preliminary Approval (s242 of the <i>Sustainable Planning Act 2009</i>) - Material Change of Use (Minor Convenience Centre Precinct) and Development Permit for Material Change of Use (Shopping Centre and Club)</p>		
<p>State-controlled road—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i>, the chief executive administering the Act nominates the Director-General of the Department of Transport and Main Roads 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):</p>		
<p>In accordance with approved plans</p>		
1.	<p>The development must be carried out generally in accordance with the following plan:</p> <ul style="list-style-type: none"> Proposed Site Plan, prepared by DM2 Architecture, dated 15 August 2014, drawing No. 1-50, issue 3. 	At all times
<p>Permitted Road Access Location</p>		
2.	<p>The permitted road access location is to be located, designed and constructed in accordance with the Section 62 approval (Attachment 5) granted by the Department of Transport and Main Roads (DTMR), dated 23 May 2014, under the <i>Transport Infrastructure Act 1994</i>.</p>	At all times
<p>State-controlled Road Network Impact Mitigation</p>		
3.	<p>Road works comprising a signalised intersection between Beaudesert Nerang Road, Kingsley Drive and the subject site ('Road 1'), for which approval under section 33 of the <i>Transport Infrastructure Act 1994</i> must be obtained, must be provided generally in accordance with Traffic Functional Layout Plan, prepared by Graham Marsh Pty Ltd, dated 30 April 2014, drawing number T001, revision C, and Lane Widths, prepared by Graham Marsh Pty Ltd, dated 30 April 2014, drawing No. T002, revision C.</p> <p>The road works must be designed and constructed in accordance with DTMR's Road Planning and Design Manual.</p>	Prior to the commencement of use
<p>Stormwater and Drainage Impacts on the State-controlled Road</p>		
4.	<p>(a) The development must be in accordance with the Stormwater Management Plans entitled <i>Oaklands, Beaudesert – Detention Basin Design</i>, prepared by O2 Environment + Engineering, dated 14 January 2015, reference No. T002336b and <i>Oaklands, Beaudesert Stormwater Quality Report</i>, prepared by Graham Marsh Pty Ltd, dated 21 January 2015, reference No. 2013-02; in particular:</p> <ul style="list-style-type: none"> The management of stormwater (quantity and quality) post development must achieve a no worsening impact (on the pre-development condition), calculated during a 1% Annual Exceedance Probability (AEP) flood event. Specifically, stormwater management for the development must ensure no worsening or actionable 	At all times

SDA-1214-016524

Our reference: SDA-1214-016524
Council reference: COMBd14/003

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- To ensure the development is carried out generally in accordance with the plans of development submitted with the application.
- To ensure the road works on, or associated with, the State-controlled road network are undertaken in accordance with applicable standards.
- To ensure that stormwater management is undertaken in accordance with applicable standards.

SDA-1214-016524

Our reference: SDA-1214-016524
 Council reference: COMBd14/003

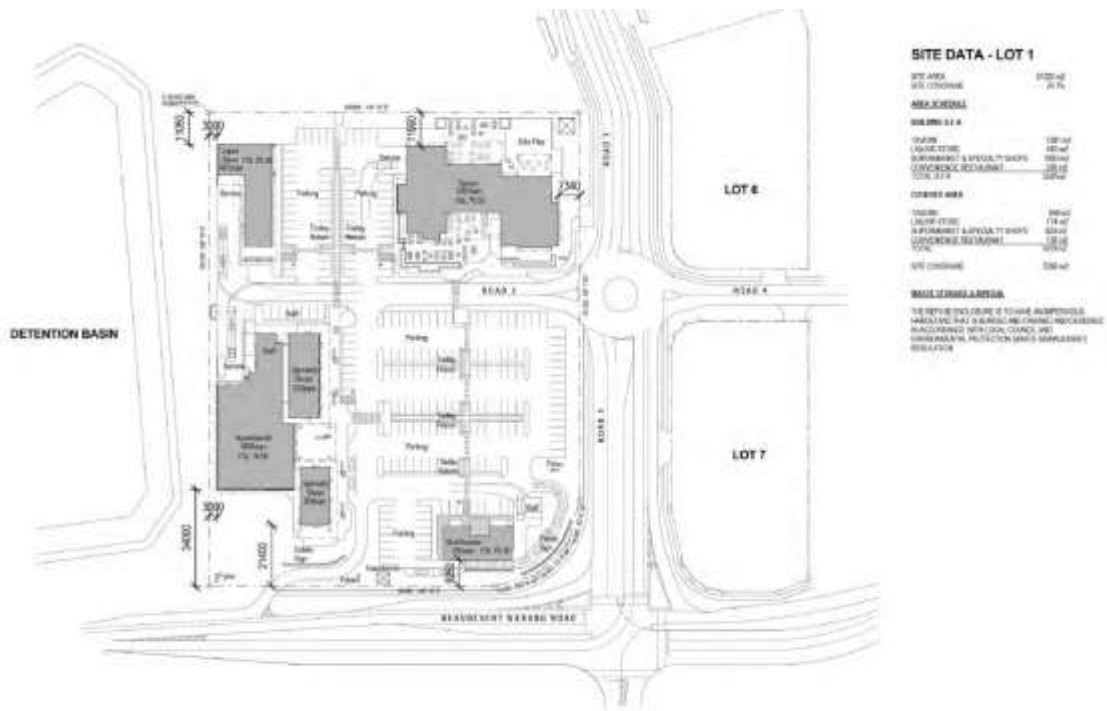
Attachment 3—Further advice

General advice	
1.	<p>In accordance with section 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from DTMR to carry out road works in the State-controlled road reserve. Please contact DTMR on 5563 6500 or pdo.regions.goldcoast@tmr.qld.gov.au to make an application for road works approval.</p> <p>This approval must be obtained prior to commencing any works in the State-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a RPEQ.</p>

SDA-1214-016524

Our reference: SDA-1214-016524
Council reference: COMBd14/003

Attachment 4—Approved plans and specifications

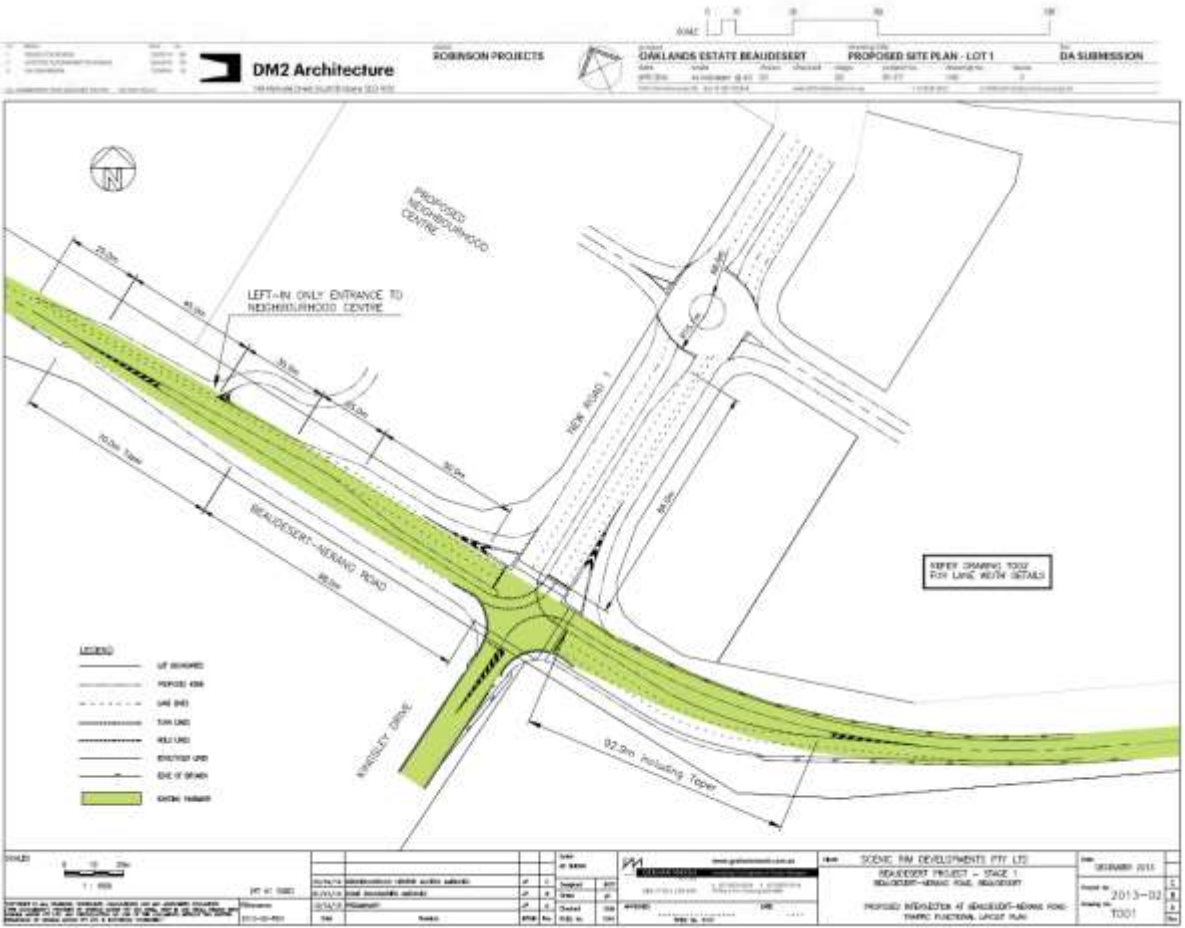


SITE DATA - LOT 1

SITE AREA	3122 m ²
NET COVERABLE AREA	2674 m ²
AREA SCHEDULE	
RESIDENTIAL	182 m ²
COMMERCIAL	140 m ²
RECREATION & SPORTS SHOPS	192 m ²
CONCRETE RESERVE	138 m ²
TOTAL SITE	554 m ²
CONCRETE AREA	
CONCRETE	138 m ²
LANDSCAPING	174 m ²
PERMEABLE LANDSCAPING	53 m ²
CONCRETE RESERVE	138 m ²
TOTAL	503 m ²
NET COVERABLE	554 m ²

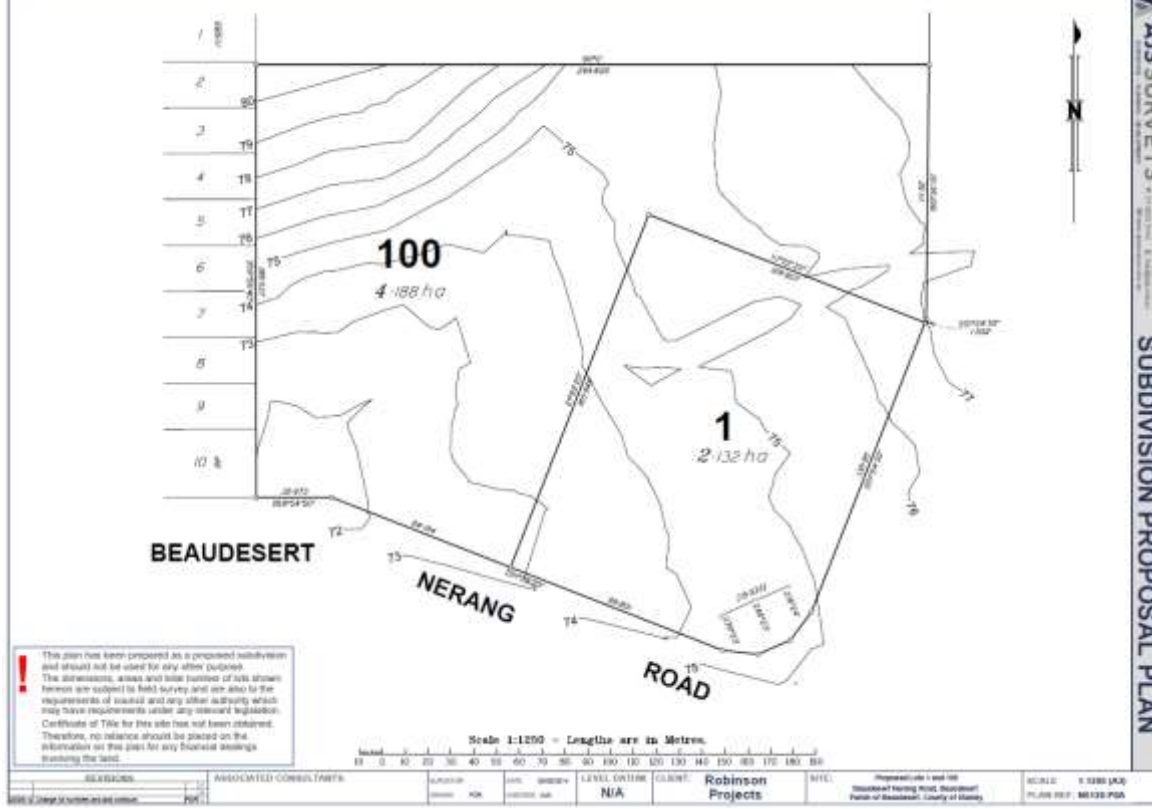
BUILDING CLASSIFICATION

TO BE REFERENCED TO THE LOCAL AUTHORITY'S MAIN LANE 3-41 & GENERAL CHANGING ROOMS (SCHEDULED WORK) (LOCAL COUNCIL) AND CONSTRUCTION PROTECTION (MAY BE APPLICABLE) (LOCAL COUNCIL)





DATE: 11/10/15	SCALE: 1:100	PROJECT: BEAUDESERT-NERANG ROAD	CLIENT: ROBINSON PROJECTS	DATE: 11/10/15
DESIGNED BY: [Name]	CHECKED BY: [Name]	APPROVED BY: [Name]	DATE: 11/10/15	SCALE: 1:100



! This plan has been prepared as a proposed subdivision and should not be used for any other purpose. The dimensions, areas and total number of lots shown herein are subject to field survey and are also to the requirements of local and any other authority which may have requirements under any relevant legislation. Certificate of Title for this site has not been obtained. Therefore, no reliance should be placed on the information on this plan for any financial dealings involving the land.

DATE: 11/10/15	SCALE: 1:1200	PROJECT: BEAUDESERT-NERANG ROAD	CLIENT: ROBINSON PROJECTS	DATE: 11/10/15
DESIGNED BY: [Name]	CHECKED BY: [Name]	APPROVED BY: [Name]	DATE: 11/10/15	SCALE: 1:1200

AJS SURVEYS
 SUBDIVISION PROPOSAL PLAN



GRAHAM MARSH
PTY LTD

OAKLANDS BEAUDESERT
STORMWATER QUALITY REPORT



3.4 RLBD15/006 James Tonge c/- SMEC Australia Pty Ltd Development Permit for Reconfiguring a Lot Hawthorn Street Beaudesert Lot 5 SP145499

Executive Officer: Director Regional Services

Item Author: Manager Planning

File Reference: RLBD15/006

Applicable Planning Scheme	RAL – Beaudesert Shire Planning Scheme 2007
Applicant	James Tonge c/- SMEC Australia Pty Ltd
Owner(s)	Living Gems Pty Ltd
Site Address	Hawthorn Street BEAUDESERT QLD 4285
Real Property Description	Lot 5 SP145499
Site Area	207,400 m ²
Relevant Zone and Precinct	Beaudesert & Canungra Township Zone - Residential Precinct
Proposal	Reconfigure of a Lot Application (67 lots) - Beaudesert Shire Planning Scheme 2007
Assessment Level	Code Assessment Subdivision
Approval Type	Development Permit
Date Application Received:	22 July 2015

Purpose of Report

This report provides an assessment against the applicable planning provisions and is intended to assist Council in its decision, pertaining to an application seeking approval for a Development Permit for Reconfiguring a Lot. The report reviews the proposed development against the *Beaudesert Shire Planning Scheme 2007* (referred to hereafter as “*the Planning Scheme*”), which has been identified as the relevant planning scheme under the *Sustainable Planning Act 2009* applicable to the proposed location, within the *Scenic Rim Regional Council*.

Risks

Strategic Risks

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

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

Risk Assessment

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment of risks	Residual Risk Rating
Environmental Impacts on environment as a result of development activity	Insignificant	Unlikely	Low	Environmental impacts considered and documented during assessment	Low
Legal Compliance and Liability Failure to ensure application is assessed in accordance with IDAS process	Minor	Possible	Medium	Documented assessment process	Low
Legal Compliance and Liability Opportunity for applicant or third party appeal against Council decision	Minor	Possible	Medium	<ul style="list-style-type: none"> - Ensure reasonable and relevant test applicable to assessment processes - Model Litigant processes followed in court cases - Minimise opportunities for appeals 	Low
Reputation Negative perception from community or development proponents	Minor	Unlikely	Low	<ul style="list-style-type: none"> - Transparent reporting of assessment - Communications 	Low

Brief Summary

The Applicant is seeking a Development Permit for the Reconfiguration of Lot 5 on SP145499 to reconfigure the land by creating sixty five (65) residential lots and two (2) balance lots. The proposed development is considered to be consistent with the intent of the Residential Precinct of the Beaudesert and Canungra Townships Zone and the planned land use for the area.

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

Background

Nil.

Proposal

As previously stated, the applicant seeks to obtain a Development Permit for the Reconfiguration of Lot 5 on SP145499 to reconfigure the land by creating sixty five (65) residential lots and two (2) balance lots. It is proposed that these lots will be serviced similarly to that of the adjoining residential development. It is expected that the site be connected to the existing infrastructure in the neighbouring residential areas including telecommunications, electricity, water and sewer. No dedication of parkland is proposed in Stages 1 and 2 of the development. The reader is referred to the applicant's proposal plan attached to this report (**Attachment 1**).

The proposed residential estate will be connected to the existing road network via Corsa Street, Hawthorn Street, Meadow View Road and Hugo Drive (future stages). There is a variety of lot sizes ranging from 600m² to 874m². It is proposed that the development be carried out on a staging approach as follows:

Stage 1 - Will be accessed from the extension of Corsa Street and Meadow View Road and will comprise of thirty four (34) lots. Lot sizes in this stage range from 600m² to 874m². The length of road provided in this stage is 510 metres.

Stage 2 - Will be accessed from the extension to the Stage 1 roads and will comprise of thirty three (33) lots. Lot sizes in this stage range from 600m² to 790m². The length of road provided in this stage is 461 metres.

It is proposed to reshape the ground to provide flat lots with retaining walls to mitigate the level changes. All roads with the exception of the extension of Meadow View Road will have be 6 metres nominal between kerb lines with an 18 metre wide road reserve. Meadow View Road will have an 8 metres carriageway within a 20 metre wide road reserve. Allotments will in most cases fall toward the road reserve. Allotments that slope towards to the rear of the lot will include inter-allotment drainage.

Site and Environment

Characteristics of Site & Surrounding Environment

The subject site is situated 3.5 kilometres south-east of the Beaudesert town centre (please refer to **Attachment 2**). The site is generally surrounded by both Residential and Rural lots. The site adjoins residential development to the north, east and west, while the southern boundary adjoins large rural lots.

The site is vacant, has an area of 20.74 hectares, is irregular in shape and has a gradual slope, falling 30 metres from east to west and contains a dam in the south eastern corner. The site generally drains towards its south-eastern and south-western corners. The site is scattered with vegetation in the north-west, south west and eastern parts of the site, which is identified as being regrowth vegetation under the *Vegetation Management Act 1999*. The south-west corner contains a dense area of vegetation.

Uses in the immediate locality include Jaycee Park, the Junior Chambers Park, the Beaudesert Showgrounds and the Beaudesert Golf Club. The site adjoins the alignment of a proposed Eastern Ring Road to the west.

The adjoining residential development is provided with infrastructure consisting of roads, reticulated water, sewer, power, telecommunications and stormwater.

Development Assessment

Relevant Planning Scheme Codes – Summary

Zone & Precinct Code	Overlay Code	Use / ROL Code
Beaudesert & Canungra Township Zone - Residential Precinct	<ul style="list-style-type: none"> • Infrastructure • Nature Conservation • Catchment Management, Waterways & Wetlands 	Reconfiguring a Lot Code

Relationship to the Zone Code

Level of Assessment

The proposed development is a Reconfiguration of a Lot in the *Residential Precinct* of the *Beaudesert & Canungra Township Zones* which triggers *Code Assessment* under the Planning Scheme.

Compliance with the Zone and Precinct Code

The proposal complies or can be suitably conditioned to comply with the Specific Outcomes and Probable Solutions of the *Beaudesert & Canungra Township Zone - Residential Precinct*.

Compliance with the Relevant Overlay Codes

The proposal complies or can be suitably conditioned to comply with the Specific Outcomes and Probable Solutions of the *Infrastructure Overlay Code*, the *Nature Conservation Overlay Code* and the *Catchment Management, Waterways & Wetlands Overlay Code*.

Compliance with the Reconfiguring a Lot Code

The proposal has been assessed against the Specific Outcomes for the *Reconfiguring a Lot Code*. The proposal generally complies with all of the Specific Outcomes or has the potential to comply with the requirements. Overall the proposed development achieves the intent of this Code.

Relationship to State Planning Policies and Regulations

South East Queensland Regional Plan 2009-2031

The subject site is situated within the *Urban Footprint* under the *South East Queensland Regional Plan 2009-2031*. The proposed development is consistent with the intended land use within the Urban Footprint. It allows for the logical expansion of the township of Beaudesert by providing infill development.

The proposed development is also seen to be consistent with the *State Planning Policy*.

Referrals

Internal

Infrastructure Services

Council's Technical Services Section has assessed the proposed development and advised that the proposal is generally supported subject to conditions.

External

Nil.

Infrastructure Charges

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

In accordance with Council's *Fair Value Charges* Resolution (version No.2) adopted on 1 July 2015, developments including Reconfiguration of a Lot, the table below summarizes the Infrastructure Charges payable to *Council*.

Full details of the charges will be provided in a separate notice under *Infrastructure Charges Notice (ICN)* to be issued to the applicant with the *Decision Notice Approval*.

These contribution amounts are not required to be included within the Director's Recommendation as a condition of approval, but rather as an Attachment to the Decision Notice.

Proposed Demand

Use	Unit of Measure (dwelling unit per allotment)	No. of Units (No. of allotments)	Charge Rate (\$) per dwelling unit (3 or more bedroom dwelling)	Amount
Residential	lots	67	\$12,878.00	\$862,826.00
Total				\$862,826.00

Existing Credit

Use	Unit of Measure (dwelling unit per allotment)	No. of Units (No of allotments)	Charge Rate (\$) per dwelling unit (3 or more bedroom dwelling)	Amount
Residential	lots	1	\$12,878.00	\$12,878.00
Total				\$12,878.00

Infrastructure Charge = Proposed Demand - Existing Credit
= \$862,826.00 - \$12,878.00
= \$849,948.00

Total Infrastructure Charge is \$849,948.00

Conclusion

The assessment included in this report demonstrates that the proposed development is consistent with the *Beaudesert Shire Planning Scheme 2007*, the *South East Queensland Regional Plan 2009-2031* and the State Planning Policy. Based on this assessment, it is recommended that Council approve the application, subject to the imposition of reasonable and relevant conditions.

Director's Recommendation

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

RPD: Lot 5 SP145499
Address of property: Hawthorn Street BEAUDESERT QLD 4285
Site area: 207,400 m²
Proposal: A Development Permit for a Reconfiguration a Lot – *Beaudesert Shire Planning Scheme 2007*

Further development permits required:

- a) An Operational Works approval is required for the civil and electrical works associated with this development.
- b) An application for Constructing or interfering with a road or its operation is to be lodged with Council.

2. Conditions of Approval:

Conditions Applicable to ALL stages (Stages 1 & 2)

General

1. **FINAL PLAN OF SURVEY** - Reconfiguration of the site will occur generally in accordance with the proposal plan with reference number **3580-01** titled "Costa St, Beaudesert" prepared by TJ Kelly Surveys Pty Ltd dated 01/09/2015 or as amended and approved by Council. The developer shall submit a final plan of survey that conforms to the approved plans and showing any easements arising from the approved reconfiguration.

Landscaping

2. **LANDSCAPING WORKS** - The developer is to provide a Landscape Management Plan prior to any landscaping works being undertaken. The Developer is to facilitate the design, installation and maintenance (for the period of one year) of landscaping works, within the individual road reserve(s) (i.e. street trees) throughout the development or the relevant stage. The works required by this condition will be the subject of an Operational Works Application with Council.

Access and Roads

3. **ROAD DEDICATION** – The Developer will be responsible for the dedication of the new roadways.
4. **NEW ROADS** - The Developer will be responsible for the design and construction of the new roads, road intersections and ancillary works 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. The kerb and channel is to be provided on both sides of the street.
5. **TEMPORARY TURNAROUND AREA** – The applicant must provide a nine (9) metre minimum radius temporary turnaround area at the end of the new roads to be constructed in the stage. The location of these temporary turnaround areas will be defined with the Operational Works application and in any case must not impede the achievability of a safe and efficient access to the adjoining lots. Easements for access purposes must be established where the temporary turnaround areas encroach onto land intended to be developed in future stages of the development. These easements are to be surrendered as the development of the overall site progresses over future stages and the tenure of the land changes.
6. **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.

7. **ACCESS TO COUNCIL ROAD** - An application for Property Access Location Approval for lots accessing a Council controlled road is to be lodged for approval of any existing and/or any proposed accesses and submitted to Council to evaluate the safety of the location. Any construction or upgrading of accesses conditioned by this approval will be assessed upon inspection and are to comply with current Council standards or to the satisfaction of Council's Director Infrastructure Services, or equivalent, acting reasonably. The access provisions shall be maintained in good condition for its lifetime.
8. **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.
9. **FOOTPATH** – The Developer will be responsible for the construction of a footpath on one side and for the full extent of the new roads in accordance with Council's current standards. The developer will be responsible for the construction of a footpath no less than 1.5 metres wide. The design and construction of the works required by this condition are to meet the specifications of *Council's Design and Construction Manual* and *Standard Drawing R-13*. Detailed design is to be provided with the Operational Works application.

Stormwater Management

10. **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.
11. **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 adopt the stormwater management strategy outlined in the Stormwater Management Report prepared by SMEC Urban Pty Ltd dated June 2014. Detailed design is to be provided with the Operational Works application.
12. **STORMWATER DISCHARGE EASEMENTS** - 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.
13. **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.

Electrical Reticulation Works

- 14. 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. Underground service is to be provided. The developer must submit to Council, prior to the endorsement of survey plans, a written evidence in the form of a Certificate of Supply from Energex indicating that satisfactory arrangements had been made for the supply of electricity to all the proposed lots. Consumer power lines not contained wholly within the proposed allotment serviced by the line are to be either relocated accordingly or incorporated within a service easement to be registered on the final plan of survey for the reconfiguration.
- 15. 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

- 16. EARTHWORKS AND ALLOTMENT FILLING** – All earthworks and allotment filling is to be undertaken in accordance with Council's *Design and Construction Manual*, to Council's satisfaction.
- 17. 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. Retaining structures shall not encroach onto any adjoining property or road reserve. Any retaining wall higher than 1.0 metre will require approval under a Building Application.

Miscellaneous

- 18. 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.
- 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) **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.
- b) **DEVELOPMENT APPROVAL CONDITIONS ATTACH TO LAND** - Development Approvals which include conditions and any modification attach to the land and are binding on the owner/s, the owner/s successors in title and any occupier of the land pursuant to Section 245 of the *Sustainable Planning Act 2009*.
- c) **VEGETATION MANAGEMENT ACT 1999 AND THE CULTURAL HERITAGE ACT 2003** - This approval in no way restricts or inhibits the provisions of the *Vegetation Management Act 1999* nor the *Aboriginal Cultural Heritage Act 2003*. The Applicant will need to satisfy himself/herself that in undertaking the proposed development works that their actions will not contravene the provisions of the aforementioned Acts.
- d) **WHEN DEVELOPMENT APPROVAL TAKES EFFECT** - Pursuant to Section 339 of the *Sustainable Planning Act 2009*, this Development Approval takes effect:
 - (i) from the date the Decision Notice/Negotiated Decision Notice (as the case may be) is given to the Applicant, if there are no Submitters and the Applicant does not appeal the decision to the Court; or
 - (ii) from the end of the Submitter's appeal period if there is a Submitter and the Applicant does not appeal the decision to the Court; or
 - (iii) subject to the decision of the Court when the appeal is finally decided if an appeal is made to the Court by any party; as the case may be. Development may start when a Development Permit takes effect (subject to any conditions specifying commencement).
- e) **FINAL PLAN OF SURVEY** – All conditions are to be complied with before or at the time the Applicant lodging an application for the signing of the Final Plan of Survey unless otherwise stated herein. The applicant may apply for a staged approached for the plan of survey.

- f) **ROAD NAMING** – The applicant is to lodge a request with Council seeking the approval of nominated road names. It is highly advisable that the approved road names be shown in the final plan of survey.

4. Further approvals are required for:

- An Operational Works approval is required for the civil and electrical works associated with this development.
- A Building Approval is required for the demolition of any structure as required to facilitate the development.

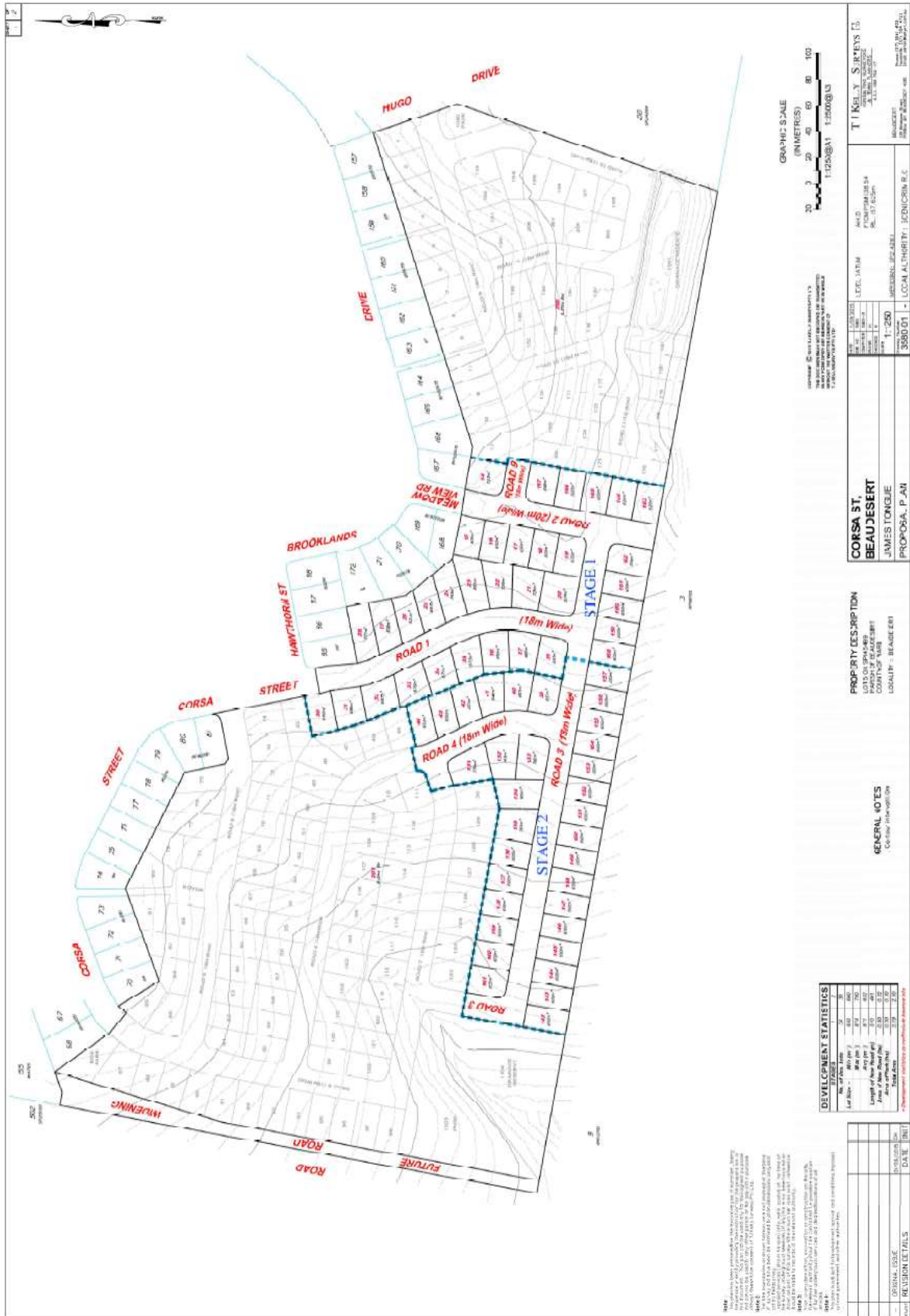
5. Administrative Action:

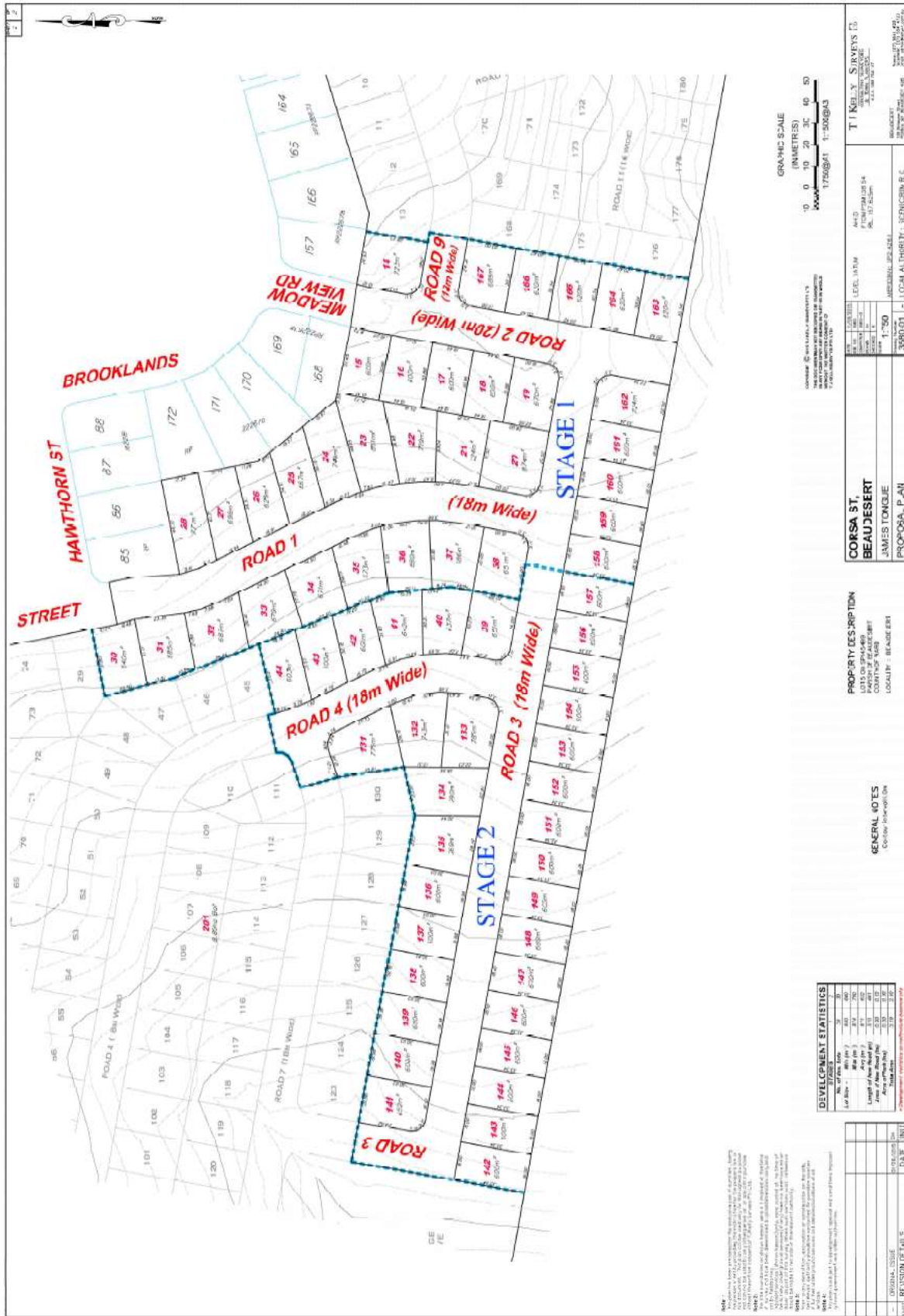
That a Decision Notice be issued in accordance with s.335 of the *Sustainable Planning Act 2009* to the Applicant and referral agencies.

Attachments

1. Proposed Plan of Development.
2. Locality Map.

Attachment 1 - Proposed Plan of Development (undetermined scale)





DEVELOPMENT STATISTICS

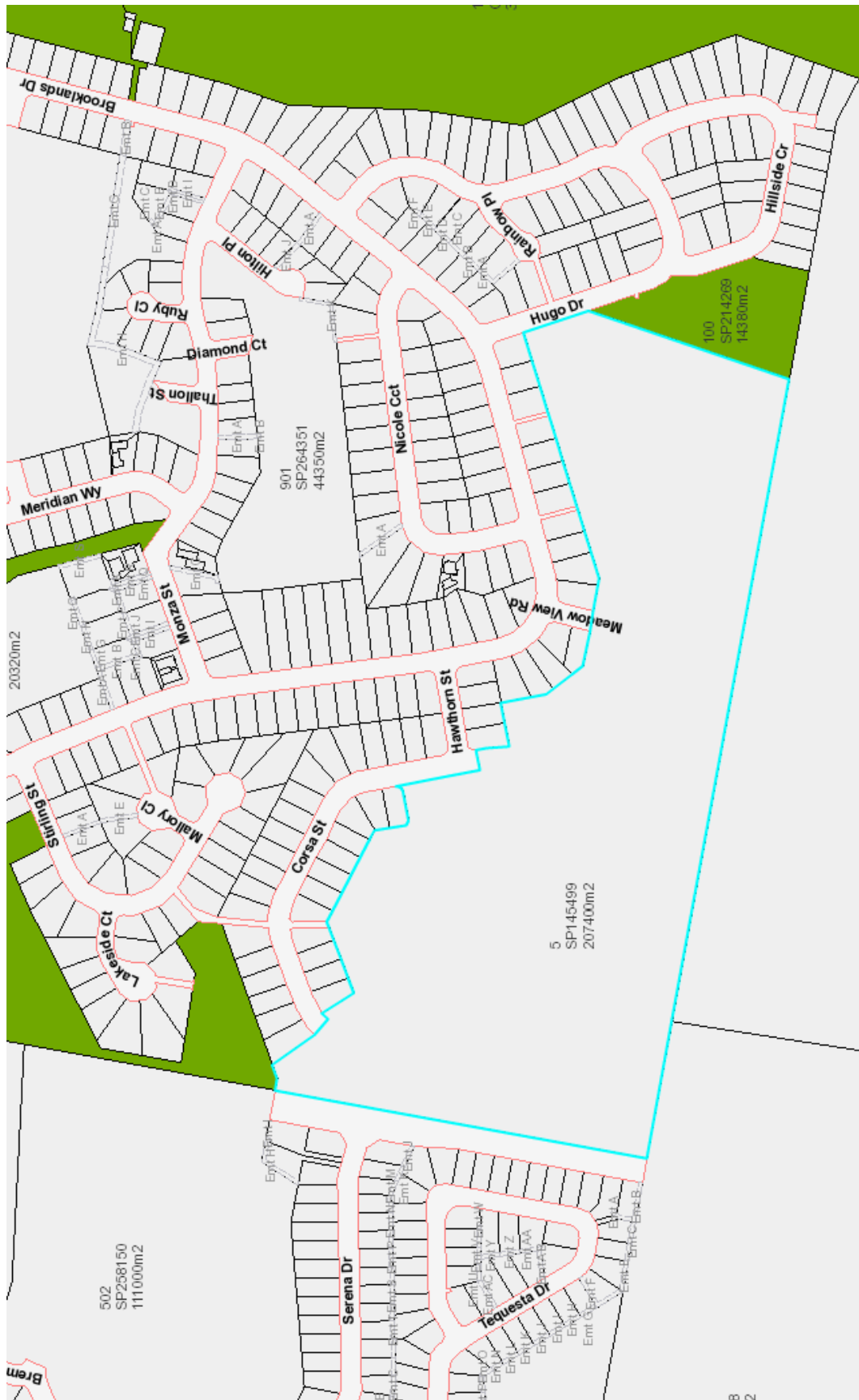
STATES	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Lot Area (sq m)	453	453	453	453	453	453	453	453	453	453	453	453	453	453	453	453	453	453	453	453
Area (ha)	0.104	0.104	0.104	0.104	0.104	0.104	0.104	0.104	0.104	0.104	0.104	0.104	0.104	0.104	0.104	0.104	0.104	0.104	0.104	0.104
Length of Area Road (m)	10.0	10.0	10.0	10.0	10.0	10.0	10.0	10.0	10.0	10.0	10.0	10.0	10.0	10.0	10.0	10.0	10.0	10.0	10.0	10.0
Area of Area Road (sq m)	45.3	45.3	45.3	45.3	45.3	45.3	45.3	45.3	45.3	45.3	45.3	45.3	45.3	45.3	45.3	45.3	45.3	45.3	45.3	45.3
Total Area (sq m)	453	453	453	453	453	453	453	453	453	453	453	453	453	453	453	453	453	453	453	453
Total Area (ha)	0.104	0.104	0.104	0.104	0.104	0.104	0.104	0.104	0.104	0.104	0.104	0.104	0.104	0.104	0.104	0.104	0.104	0.104	0.104	0.104

Note: All areas are approximate and subject to change.

REVISION DETAILS

NO.	REVISION	DATE	INITIALS
1	ORIGINAL ISSUE		
2			
3			
4			
5			

Attachment 2 - Locality Map (undetermined scale)



3.5 MC.Bd212/00043 Request for a Negotiated Decision Notice Reel Planning Pty Ltd Lot 1 & 2 RP32048 Lot 2 RP32047 Lot 1 & 2 RP59599 Lot 8 RP842318 Lot 16 RP842318 & Lot 3 SP223751

Executive Officer: Director Regional Services

Item Author: Manager Planning

File Reference: MC.Bd212/00043

Applicable Planning Scheme	<i>Beaudesert Planning Scheme 2007</i>
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 RP 32048, Lot 1 RP 32048, Lot 1 RP 59599, Lot 2 RP 59599, Lot 8 RP 842318, Lot 16 RP 842318, Lot 3 SP 223751
Site Area	189.66 hectares
Relevant Zone and Precinct	Rural Zone - Countryside Precinct
Proposal	Request for a Negotiated Decision Notice
Assessment Level	Impact Assessment
Approval Type	Development Permit
Date Application Received:	14 August 2015

Purpose of the report

This report provides an assessment of the facts and circumstances surrounding a Request for a Negotiated Decision Notice for a Development Approval granted by Council with a Decision Notice issued on 30 June 2015.

Risks

Strategic Risks

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

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

Risk Assessment

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

Brief Summary

A briefing on key events related to this application is outlined as follows:

- An application seeking approval for Development Permit for Material Change of Use to establish an Extractive Industry (100,000 tonnes per year to 1,000,000 tonnes per year, Stage 1 - up to 100,000 tonnes/annum and Stage 2 - up to 300,000 tonnes/annum, an ERA 16 2(c) extracting between 100,000 tonnes per annum and 1,000,000 tonnes per annum and an ERA 16 3(b) screening between 100,000 tonnes per annum and 1,000,000 tonnes per annum at 1 Yore Road TAMBORINE, was lodged with Council on 14 August 2012.
- On 30 June 2015, Council resolved to approve the application with conditions.

- On 14 August 2015, the applicant lodged with Council a request for a Negotiated Decision Notice to negotiate 10 conditions of the approval, namely Conditions 12, 18, 19, 24, 32, 33, 37, 38, 40 and 44, pursuant to section 361(1)(a) of the *Sustainable Planning Act 2009*.
- On further representation made with Council via email sent on 31 August 2015, the applicant advised that Condition 18 would no longer be challenged as part of the present request for a Negotiated Decision Notice.

Council's relevant departments have undertaken an assessment of the conditions requested to be amended/deleted as outlined below and accompanied by an appropriate Officer comment.

Proposal

The applicants request relates to Conditions 12, 19, 24, 32, 33, 37, 38, 40 and 44 of the Decision Notice issued by Council on 30 June 2015.

Condition 12 - Internal roadway, car parking and manoeuvring areas gravel

Applicant's Request

The applicant seeks to amend Condition 12 - Internal roadway, car parking and manoeuvring areas gravel. Condition 12 currently reads as follows:

- 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.

Applicant's relief sought:

The applicant states that:

"The requirements of the above conditions are generally accepted [sic], however it is requested that the requirement for two-way vehicle movements be clarified to allow for passing bays at regular intervals (every 200m is suggested), rather than a dual lane road. There is a relatively low number of vehicle movements expected to occur and the topography along the proposed internal roads is relatively flat, allowing for good visibility.

In additions, it is requested that the requirement for detail design by a qualified RPEQ for the internal roadways and car parking areas be removed as these are features that will be constructed and maintained by the applicant".

Officer's comments

Partly agreed. Whilst Council officers concur with the applicant's view that the internal roadway be provided with single lane with passing bays at regular intervals, the removal of the RPEQ design and certification of these works is not supported. It is recommended that Condition 12 be amended to read as follows:

- 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). Passing bays will be provided at intervals no greater than 200 metres of sufficient length to cater for the largest anticipated vehicle operating within the site.

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.

*Condition 19 - Habitable Floor Level**Applicant's Request*

The applicant seeks the deletion of Condition 19 - Habitable Floor Level. Condition 19 currently reads as follows:

- 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.

Applicant's relief sought:

The applicant states that:

"The only buildings associated with this approval are the site office and ancillary buildings to be located on the working platform. None of these buildings are habitable but in any case are located within the bunded area and therefore immune from flood events. For these reasons it is requested that this condition be deleted".

Officer's comments

Partly agreed. Whilst it is acknowledged that the proposed buildings are not habitable, the condition can be re-worded to ensure buildings are above the 1% AEP. Future buildings will still need to comply with the requirements of the Planning Scheme. It is recommended that Condition 19 be amended to read as follows:

- 19) BUILDINGS FLOOR LEVEL** – The applicant shall ensure that all buildings are above the 1% AEP (Q100) as required by the Beaudesert Shire Planning Scheme 2007.

*Condition 24 - Vegetated buffer**Applicant's Request*

The applicant seeks to amend Condition 24 - Vegetated buffer. Condition 24 currently reads as follows:

- 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.

Applicant's relief sought:

The applicant states that:

"It is accepted that the abovementioned requirement originates from information provide^{3d} with the application. The purpose was to mitigate any visual impacts from the extractive activity to demonstrate compliance with SO1 and SO3 of the Industry Code and SO4 of the Infrastructure Overlay Code. The relevant acceptable solutions to the Industry Code seek a 3m landscape buffer along the site frontage. SO4 of the Infrastructure Overlay Code seeks to retain the visual amenity of a residential used or other sensitive use.

The outcome sought by those scheme provisions is to visually screen the extractive activities. A vegetated buffer is one way to achieve this outcome, however it is nevertheless respectfully suggested that the earth bun proposed to surround the extraction areas will achieve a similar outcome. Due to the alignment of the internal haul road as part of stage 1 (intersection Waterford Tamborine Road at 90 degrees) it will not be possible to completely screen vehicle movements. There is also some concern that a buffer of sufficient height to screen vehicle movements would limit the exposure and therefore be detrimental to the existing Turf Farm. For this reasons it is requested that the screening of vehicle movements be excluded from the condition.

If this outcome is acceptable to Council the applicant suggests that Condition 24 be replaced with the following condition (or one similar):

BUFFER

The applicant is to ensure the extractive industry activities (with the exception of vehicle movements on internal haul roads) are sufficiently screened from view from Waterford Tamborine Road. This is to be achieved via either

- *A 3m vegetated buffer 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 health [sic] condition with dead or diseased trees replaced as soon as practicable.*

OR

- *A grassed earth bund of sufficient height to screen the extractive activities from view from Waterford Tamborine Road."*

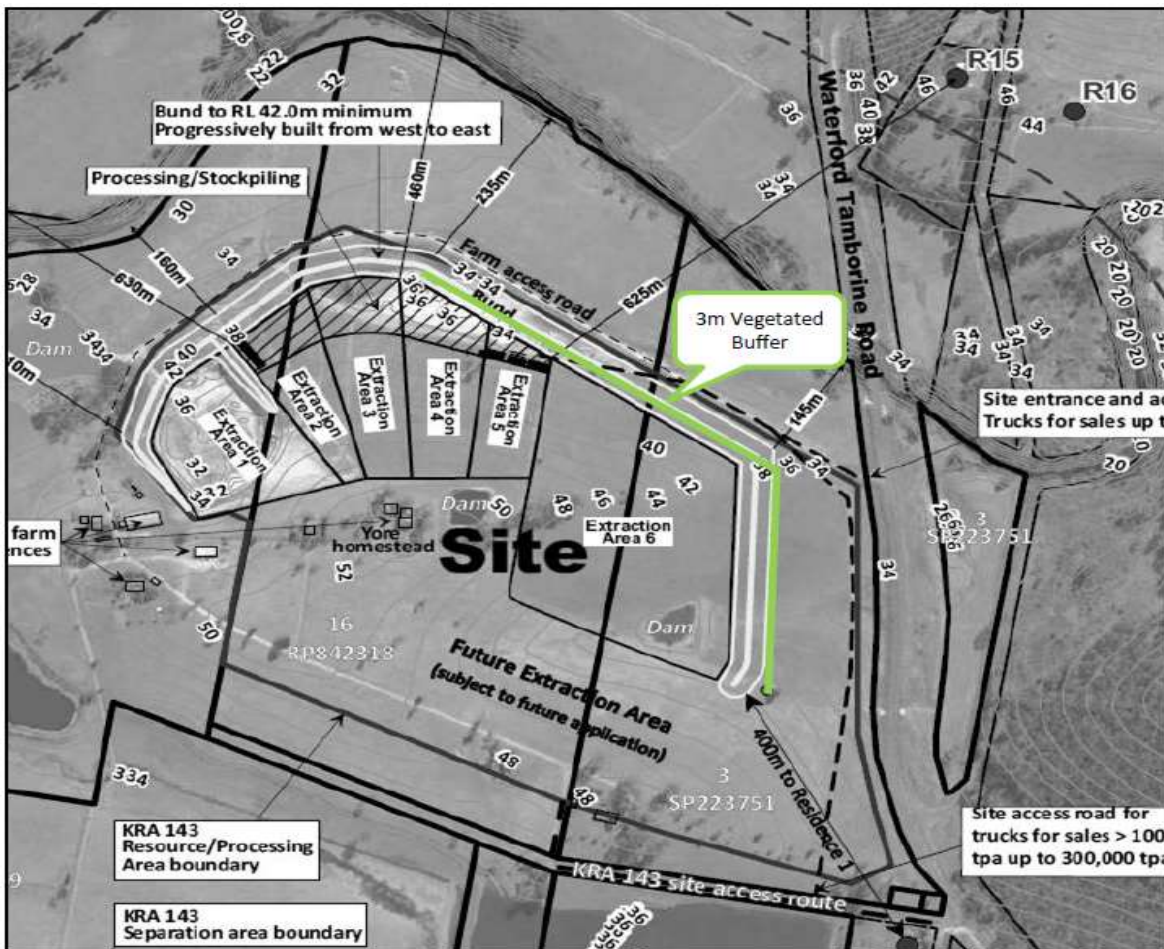
In further representations in relation to this Condition lodged with Council on 30 September 2015, the applicant maintains that:

"Our representation in the request for negotiated decision suggested an alternative method of screening the view of the extractive activities from Waterford Tamborine Road (being the outcome sought by the relevant planning scheme provisions). The request suggested that the outcome could be achieved via a 3m wide vegetated buffer or an earth bund, which is the preferred option.

Part of the reason for seeking an alternative to the condition in the approval was the desire to retain the view of the existing turf farming fronting the road which act as informal advertising for that activity. If a vegetated buffer is insisted upon by Council (rather than the earth bund) the applicant has identified an alternative location that is considered to be beneficial to the land owner and community. That location is the outside toe of the bund wall, within the KRA boundary and extending west towards the bend in the river as shown in the figure below. This alternative location is considered to have the following benefits compared to that specified in the existing condition:

- The informal advertising of existing farming activities (turf farming) is maintained for passing traffic;
- The views of the farm will be maintained, also maintaining the rural character and amenity of the locality;
- The KRA area already requires livestock fencing whereas a vegetated buffer along Waterford Tamborine Road would require additional livestock fencing; and
- The alternative location would screen glimpses of the activities that are otherwise visible from the northern side of the Albert River through the Clutha Creek land.

We ask that this buffer be considered as an alternative to the current condition if a grassed bund is considered an unacceptable outcome."



Officer's comments

Supported. Council's Environmental Policy section has no concerns with the applicant proposal. It is recommended that Condition 19 be amended to read as follows:

- 24) VEGETATED BUFFER** - The applicant is responsible for the provision of a 3 metre wide vegetated buffer as shown in the correspondence lodged with Council on 30 September 2015. Provision must be made for adequate access to the bund toe for maintenance purposes. 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.

Condition 32 - Noise emission limits

Applicant's Request

The applicant seeks to amend Condition 32 - Noise emission limits. Condition 32 currently reads as follows:

- 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 +10dB(A)
Night time (10:00pm-7:00am)	Background +3dB(A)	Background +8dB(A)
	Background=LA ₉₀	Background=LA ₉₀

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

Applicant's relief sought:

The applicant states that:

"The applicant notes that the noise limits specified in Condition 32 apply the 'average of the maximum A-weighted sound levels' acoustical parameter. This is not consistent with contemporary noise limits applied in the Noise and Dust Impact Assessment report and the EHP Environmental Authority which relate to the LAeq acoustical parameter. As a preference, it is requested that Council amend the paragraph below Table 1 in Condition 32 as follows:

'The compliance levels are measured as the ~~average of the maximum A-weighted sound levels~~ LAeq 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.'

Alternatively, the applicant requests that Table 1 be replaced with the following table from the Environmental Authority:

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			
$L_{Aeq, adj \tau}$	35	45	35	30

If this alternative is undertaken, it would be necessary to amend the paragraph below Table 1 in Condition 32 as follows:

'The compliance levels are measured as the ~~average of the maximum A-weighted sound levels~~ L_{Aeq} 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.' (end of quote)"

Officer's comments

Agreed. It is recommended that Condition 32 be amended to read as follows:

- 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 - Noise Limits** of the Department of Environment and Heritage Protection - Concurrence Agency Response dated 19 May 2015.

The compliance levels are measured as the L_{Aeq} 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.

Condition 33 - Erosion & sediment control

Applicant's Request

The applicant seeks the deletion of Condition 33 - Erosion & sediment control. Condition 33 currently reads as follows:

- 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.

Applicant's relief sought:

The applicant states that:

"Condition 33 seems to repeat the requirements of Condition 20, but in more generalised form. For this reason it is requested that this condition be deleted."

Officer's comments

Agreed. It is recommended that Condition 33 be deleted.

33) DELETED

Condition 37 - Vegetation and Condition 38 - Vegetation Removal.

Applicant's request

The applicant seeks the deletion of Condition 37 - Vegetation and Condition 38 - Vegetation Removal. These Conditions currently read as follows:

- 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.

Applicant's relief sought:

The applicant states that:

"...In an extraction area of over 20ha, there are only a handful of trees that will need to be cleared. None of this vegetation is identified as significant on Sate mapping or Planning Scheme mapping. As outlined in the submitted ecology report, review of aerial photography would suggest that the land has been historically cleared so the trees that do exist are likely to represent regrowth rather than remnant vegetation. For these reasons it is considered excessive to require a Detail Rehabilitation Plan to be submitted to Council or that removal should comply with the identified Australian Standard.

To the extent that this condition relates to the retention of trees, it is also suggested ...that it is unnecessary having regard to the extent of extraction and the location of vegetation on site. For these reasons and to remove any uncertainty regarding the approval, it is requested that the conditions be deleted."

Officer's comments

Not agreed. It is acknowledged that the need for a Rehabilitation Plan is an eventuality as defined in Condition 40 further in the Development Permit. However, Condition 37 is relevant to any clearing taking place in the extraction areas. It is recommended that Condition 37 be amended to read:

- 37) VEGETATION** - The clearing of native vegetation and the extraction of material must occur in accordance with a Detailed Rehabilitation Plan to be approved by Council when required as per the requirements of Condition 40. Vegetation clearing must not occur outside of an area defined by a Detailed Rehabilitation Plan.

Council's Environmental Policy officers do not agree with the deletion of Condition 38 and have advised it must stay as it is.

Condition 40 - Plant Closure and Rehabilitation

The applicant seeks the amendment of Condition 40 - Plant Closure and Rehabilitation. This Condition currently reads:

- 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.

Applicant's relief sought:

The applicant states that:

"We understand the intention of this condition is to ensure that rehabilitation occurs in the event that a quarry is abandoned or reaches the end of its useful life. The applicant is not opposed to the condition, but seeks a change to the term 'cease to operate' to recognise the effect of market conditions on this type of quarry. In the applicant's experience it is not unusual for a downturn in the building industry (for example) to reduce the demand for material to the point where extraction needs to cease for a period of time. This is particularly the case where material is commonly stockpiled on site in anticipation of future sales. For this reason it is requested that the term 'cease to operate' be amended to refer to a period of '12 months, or another period as agreed with the Planning Manager'."

Officer's comments

Agreed. It is recommended that Condition 40 be amended to read:

- 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 twelve (12) 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.

Condition 44 - *Internal roadway, car parking and manoeuvring areas gravel (Stage 2)*

Applicant's Request

The applicant seeks to amend Condition 44 - Internal roadway, car parking and manoeuvring areas gravel. Condition 44 currently reads as follows:

- 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.

Applicant's relief sought:

The applicant states that:

"Similar to our representation in respect of condition 12, the applicant seeks that the requirement for two-way vehicle movements be clarified to allow for passing bays at regular intervals (every 200m is suggested), rather than a dual lane road. The applicant also requests the removal of the requirements for detailed design of internal roads.

We understand that the intention of the requiring separation to the Waterford-Tamborine Road intersection (or western elevation of the house on Lot 1 on RP32047) is to avoid noise impacts of vehicles deceleration and accelerating (although we note that the submitted acoustic report did not recommend such measures). The applicant has identified a location for the internal road to intersect Yore Road which maximises construction efficiency. This point has been measured at approximately 110m from the western elevation of the house on Lot 1, but only 180m from the intersection of Yore Road with Waterford-Tamborine Road."

Officer's comments

Partly agreed. Whilst Council officers concur with the applicant's view that the internal roadway be provided with single lane with passing bays at regular intervals, the removal of the RPEQ design and certification of these works is not supported. It is recommended that Condition 44 be amended to read as follows:

- 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 180m from the Waterford-Tamborine Road intersection or a minimum of 100m from the western elevation of the house on Lot 1 RP32047.

Referrals**Internal**

Infrastructure Services Directorate

The Infrastructure Services Directorate has provided comments which are reflected above.

External***Department of Transport & Main Roads***

The Department of Transport & Main Roads was identified as being a concurrence agency for the original application. No condition imposed by this Stage agent is being challenge with the current request.

Department of Environment and Heritage Protection

The Department of Environment and Heritage Protection was identified as being a concurrence agency for the original application under Schedule 7, Table 2, item 1 of the *Sustainable Planning Regulation 2009*. No condition imposed by this Stage agent is being challenge with the current request.

Conclusion

The proposal has been assessed against Council's various departments' requirements considered relevant. Based on this assessment, it is recommended that Council resolve to partially approve a request for a Negotiated Decision Notice.

Director's Recommendation

1. That Council resolve to partially approve a Request to Change an Existing Approval 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	
Proposal:	Request for a Negotiated Decision Notice - <i>Beaudesert Shire Planning Scheme 2009</i>	

2. Conditions of Approval:

- 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). Passing bays will be provided at intervals no greater than 200 metres of sufficient length to cater for the largest anticipated vehicle operating within the site.

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.

- 19) **BUILDINGS FLOOR LEVEL** – The applicant shall ensure that all buildings are above the 1% AEP (Q100) as required by the Beaudesert Shire Planning Scheme 2007.
- 24) **VEGETATED BUFFER** - The applicant is responsible for the provision of a 3 metre wide vegetated buffer as shown in the correspondence lodged with Council on 30 September 2015. Provision must be made for adequate access to the bund toe for maintenance purposes. 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.
- 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 - Noise Limits** of the Department of Environment and Heritage Protection - Concurrence Agency Response dated 19 May 2015.

The compliance levels are measured as the L_{Aeq} 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) **DELETED**
- 37) **VEGETATION** - The clearing of native vegetation and the extraction of material must occur in accordance with a Detailed Rehabilitation Plan to be approved by Council when required as per the requirements of Condition 40. Vegetation clearing must not occur outside of an area defined by a Detailed Rehabilitation 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 twelve (12) 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.

- 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 180m from the Waterford-Tamborine Road intersection or a minimum of 100m from the western elevation of the house on Lot 1 RP32047.

3. Administrative Action:

That a Decision Notice be issued in accordance with s.376 of the *Sustainable Planning Act 2009* to the applicant, submitter/s and referral agencies.

Attachments

1. Aerial Photo.
2. Applicant's request.

Attachment 1 - Aerial Photo



Attachment 2 - Applicant's request

14 August, 2015

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



REEL PLANNING
URBAN AND RURAL STRATEGIES

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

Dear Sir

REQUEST FOR NEGOTIATED DECISION NOTICE - 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

We write in reference to the abovementioned application, the decision notice dated 30 June 2015 (received via post on 6 July 2015) and out letter dated 17 July 2015 suspending the appeal period. Please accept this letter as our request for a Negotiated Decision Notice under section 361 of the *Sustainable Planning Act 2009* (SPA).

For ease of reference, the condition is repeated with our representations below.

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 preconstruction lodgement process with Council.

The requirements of the above condition are generally excepted, however it is requested that the requirement for two-way vehicle movements be clarified to allow for passing bays at regular intervals (every 200m is suggested), rather than a dual lane road. There is a relatively low number of vehicle movements expected to occur and the topography along the proposed internal roads is relatively flat, allowing for good visibility.

In addition, it is requested that the requirement for detail design by a qualified RPEQ for the internal roadways and car parking areas be removed as these are features that will be constructed and maintained by the applicant.

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*

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Reel Planning Pty Ltd

REEL PLANNING

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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.

As discussed at the meeting with Council officers on 3 August 2015, the applicant and project hydraulic engineers are generally the view that compensatory earthworks are not required. The applicant is nevertheless undertaking calculations on the amount of compensatory cut required as a result of the approved bund wall design, however this requires a level of detail design that has not been undertaken to date. The applicant is also undertaking calculations (via his surveyor) as to the amount of material that has been removed from the floodplain (through previous extraction and turf farming) which may be provided to support a response to this condition.

In summary, while the applicant is initially inclined to request the condition be changed, further information will be provided to Council in the next week or two. We therefore request that a decision on this negotiated decision request be deferred until this additional information is provided to Council.

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.*

The only buildings associated with this approval are the site office and ancillary buildings to be located on the working platform. None of these building are habitable but in any case are located within the bunded area and therefore immune from flood events. For these reasons it is requested that this condition be deleted.

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.*

It is accepted that the abovementioned requirement originates from information provided with the application. The purpose was to mitigate any visual impacts from the extractive activity to demonstrate compliance with SO1 and SO3 of the Industry Code and SO4 of the Infrastructure Overlay Code. The relevant acceptable solutions to the Industry Code seek a 3m landscape buffer along the site frontage. SO4 of the Infrastructure Overlay Code seeks to retain the visual amenity of a residential use or other sensitive use.

The outcome sought by those scheme provisions is to visually screen the extractive activities. A vegetated buffer is one way to achieve this outcome, however it is nevertheless respectfully suggested that the earth bund proposed to surround the extraction areas will achieve a similar outcome. Due to the alignment of the internal haul road as part of stage 1 (intersecting Waterford Tamborine Road at 90 degrees) it will not be possible to completely screen vehicle movements. There is also some concern that a buffer of sufficient height to screen vehicle movements would limit the exposure and therefore be detrimental to the existing Turf Farm. For this reasons it is requested that the screening of vehicle movements be excluded from the condition.

If this outcome is acceptable to Council the applicant suggests that Condition 24 be replaced with the following condition (or one similar):

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BUFFER

The applicant is to ensure the extractive industry activities (with the exception of vehicle movements on internal haul roads) are sufficiently screened from view from Waterford Tamborine Road. This is to be achieved via either

- A 3m vegetated buffer 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 health condition with dead or diseased trees replaced as soon as practicable.

OR

- A grassed earth bund of sufficient height to screen the extractive activities from view from Waterford Tamborine Road.

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) Night time (10:00pm-7:00am)	Background +5dB(A) Background +3dB(A) Background=LA90	Background +10dB(A) Background +8dB(A) Background=LA90

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.

The applicant notes that the noise limits specified in Condition 32 apply the "average of the maximum A-weighted sound levels" acoustical parameter. This is not consistent with contemporary noise limits applied in the Noise and Dust Impact Assessment report and the EHP Environmental Authority which relate to the LAeq acoustical parameter. As a preference, it is requested that Council amend the paragraph below Table 1 in Condition 32 as follows:

"The compliance levels are measured as the average of the maximum A weighted sound levels LAeq 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."

Alternatively, the applicant requests that Table 1 be replaced with the following table from the Environmental Authority:

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			
LAeq, adj †	35	45	35	30

If this alternative is undertaken, it would be necessary to amend the paragraph below Table 1 in Condition 32 as follows:

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"The compliance levels are measured as the ~~average of the maximum A weighted sound levels~~ L_{Aeq} 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.*

Condition 33 seems to repeat the requirements of Condition 20, but in a more generalised form. For this reason it is requested that this condition be deleted.

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.*

The figure below shows the approximate outline of the ultimate extraction area and the existing vegetation that will likely need to be cleared. In an extraction area of over 20ha, there are only a handful of trees that will need to be cleared. None of this vegetation is identified as significant on State mapping or Planning Scheme mapping. As outlined in the submitted ecology report, review of aerial photography would suggest that the land has been historically cleared so the trees that do exist are likely to represent regrowth rather than remnant vegetation. For these reasons it is considered excessive to require a Detail Rehabilitation Plan to be submitted to Council or that removal should comply with the identified Australian Standard.

To the extent that this condition relates to the retention of trees, it is also suggested (again referring to aerial photography, that it is unnecessary having regard to the extent of extraction and the location of vegetation on site. For these reasons and to remove any uncertainty regarding the approval, it is requested that the conditions be deleted.



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.*

We understand the intention of this condition is to ensure that rehabilitation occurs in the event that a quarry is abandoned or reaches the end of its useful life. The applicant is not opposed to the condition, but seeks a change to the term “cease to operate” to recognise the effect of market conditions on this type of quarry. In the applicant’s experience it is not unusual for a downturn in the building industry (for example) to reduce the demand for material to the point where extraction needs to cease for a period of time. This is particularly the case where material is commonly stockpiled on site in anticipation of future sales. For this reason it is requested that the term “cease to operate” be amended to refer to a period of “12 months, or another period as agreed with the Planning Manager”.

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 preconstruction 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.

Similar to our representation in respect of condition 12, the applicant seeks that the requirement for two-way vehicle movements be clarified to allow for passing bays at regular intervals (every 200m is suggested), rather than a dual lane road. The applicant also requests the removal of the requirements for detailed design of internal roads.

We understand that the intention of the requiring separation to the Waterford-Tamborine Road Intersection (or the western elevation of the house on Lot 1 on RP32047) is to avoid noise impacts of vehicles decelerating and accelerating (although we note that the submitted acoustic report did not recommend such measures). The applicant has identified a location for the internal road to intersect Yore Road which maximises construction efficiency. This point has been measured at approximately 110m from the western elevation of the house on Lot 1, but only 180m from the

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intersection of Yore Road with Waterford-Tamborine Road. The applicant would appreciate confirmation that this point is acceptable. Further plans can be provided if required.

Please do not hesitate to contact us on 3217 5771 if you require any further information.

Yours Faithfully,



Kieran Ryan
REEL PLANNING PTY LTD



30 September, 2015

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



REEL PLANNING
URBAN AND RURAL STRATEGIES

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

Dear Sir

**FURTHER REPRESENTATIONS REGARDING DECISION NOTICE - 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**

We write in reference to the abovementioned application, the decision notice dated 30 June 2015 (received via post on 6 July 2015) and out letter dated 14 August 2015 requesting a Negotiated Decision Notice. We accept that the applicant is only entitled to make one request for negotiated decision, however these representations are in support of those already made in respect of condition 24.

Our representations in the request for negotiated decision suggested an alternative method of screening the view of the extractive activities from Waterford Tamborine Road (being the outcome sought by the relevant planning scheme provisions). The request suggested that the outcome could be achieved via a 3m wide vegetated buffer or an earth bund, which is the preferred option.

Part of the reason for seeking an alternative to the condition in the approval was the desire to retain the view of the existing turf farming fronting the road which act as informal advertising for that activity. If a vegetated buffer is insisted upon by Council (rather than the earth bund) the applicant has identified an alternative location that is considered to be beneficial to the land owner and community. That location is the outside toe of the bund wall, within the KRA boundary and extending west towards the bend in the river as shown in the figure below. This alternative location is considered to have the following benefits compared to that specified in the existing condition:

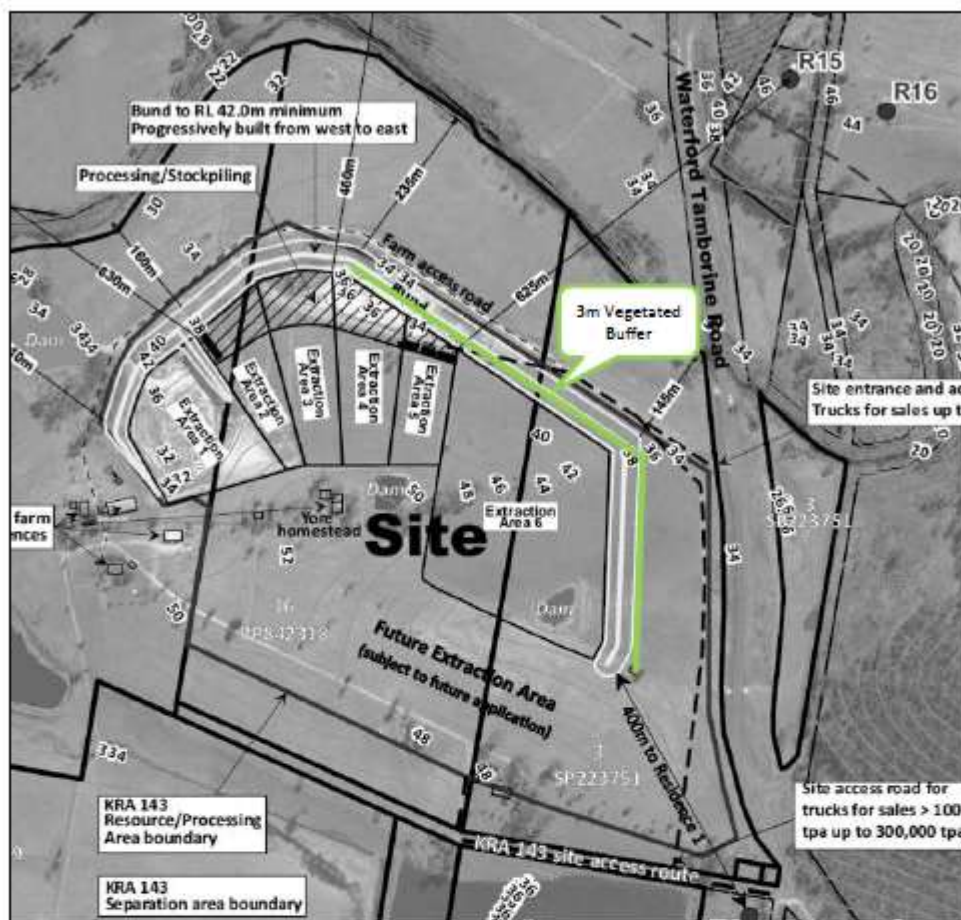
- The informal advertising of existing farming activities (turf farming) is maintained for passing traffic;
- The views of the farm will be maintained, also maintaining the rural character and amenity of the locality;
- The KRA area already requires livestock fencing whereas a vegetated buffer along Waterford Tamborine Road would require additional livestock fencing; and
- The alternative location would screen glimpses of the activities that are otherwise visible from the northern side of the Albert River through the Clutha Creek land.

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Reel Planning Pty Ltd



We ask that this buffer be considered as an alternative to the current condition if a grassed bund is considered an unacceptable outcome.

Please do not hesitate to contact us on 3217 5771 if you require any further information.

Yours Faithfully,

Kieran Ryan
REEL PLANNING PTY LTD

3.6 RLBD15/014 TJ Kelly Surveys Pty Ltd Development Permit for Reconfiguring a Lot, 35 Eaglesfield Street Beaudesert Lot 1 RP41643

Executive Officer: Director Regional Services

Item Author: Manager Planning

File Reference: RLBD15/014

Applicable Planning Scheme	RAL – <i>Beaudesert Shire Planning Scheme 2007</i>
Applicant	Alan Self c/- TJ Kelly Surveys Pty Ltd
Owner(s)	Alan J Self & Pauline F Glover
Site Address	35 Eaglesfield Street BEAUDESERT QLD 4285
Real Property Description	Lot 1 RP41643
Site Area	2,001 m ²
Relevant Zone and Precinct	Beaudesert & Canungra Township Zone - Residential Precinct
Proposal	Reconfiguration of a Lot – <i>Beaudesert Shire Planning Scheme 2007</i>
Assessment Level	Code Assessment Subdivision
Approval Type	Development Permit
Date Application Received:	7 September 2015

Purpose of Report

This report provides an assessment against the applicable planning provisions and is intended to assist Council in its decision, pertaining to an application seeking approval for a Development Permit for Reconfiguring a Lot. The report reviews the proposed development against the *Beaudesert Shire Planning Scheme 2007* (referred to hereafter as “*the Planning Scheme*”), which has been identified as the relevant planning scheme under the *Sustainable Planning Act 2009* applicable to the proposed location, within the Scenic Rim Regional Council.

Risks

Strategic Risks

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

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

Risk Assessment

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment of risks	Residual Risk Rating
Environmental Impacts on environment as a result of development activity	Insignificant	Unlikely	Low	Environmental impacts considered and documented during assessment	Low
Legal Compliance and Liability Failure to ensure application is assessed in accordance with IDAS process	Minor	Possible	Medium	Documented assessment process	Low
Legal Compliance and Liability Opportunity for applicant or third party appeal against Council decision	Minor	Possible	Medium	<ul style="list-style-type: none"> - Ensure reasonable and relevant test applicable to assessment processes - Model Litigant processes followed in court cases - Minimise opportunities for appeals 	Low
Reputation Negative perception from community or development proponents	Minor	Unlikely	Low	<ul style="list-style-type: none"> - Transparent reporting of assessment - Communications 	Low

Brief Summary

The Applicant is seeking a Development Permit for the Reconfiguration of Lot 1 on RP41643 to reconfigure the land by creating three (3) residential lots. The proposed development is considered to be consistent with the intent of the Residential Precinct of the Beaudesert and Canungra Townships Zone and the planned land use for the area.

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

Background

Nil.

Proposal

The applicant seeks a Development Permit for the Reconfiguration of Lot 1 on RP41643 to reconfigure the land by creating three (3) residential lots. It is proposed that these lots will be serviced similarly to that of the adjoining residential development. It is expected that the site be connected to the existing infrastructure in the neighbouring residential areas including telecommunications, electricity, water and sewer. The reader is referred to the applicant's proposal plan attached to this report (**Attachment 1**). The resulting lots will have the following characteristics:

Lot	Area	Frontage
Lot 1	604 m ²	15.0 m
Lot 2	604 m ²	15.0 m
Lot 3	790 m ²	20.28 m

New access crossovers will need to be constructed to facilitate access off Eaglesfield Street for Lots 1 and 2.

Site and Environment

Characteristics of Site & Surrounding Environment

The subject site is situated 35 Eaglesfield Street, Beaudesert approximately 500 metres east of the commercial centre of the town (please refer to **Attachment 2**). The subject site is comprised of a single allotment, with frontage to both Eaglesfield Street and Tina Street.

The subject site has an area of 2,001m². It has a frontage to Eaglesfield and Tina Streets of 50.292 metres and 40.234 metres respectively. The land is not burdened by any easements. The subject site is improved by a timber high set house situated in the north-east corner of the land. The land slopes gently, with a fall in general south-westerly direction.

Adjoining land to the south is a residential allotment improved by a single residence. Immediately adjacent to the western boundary is a narrow allotment used for stormwater purposes. A medium density residential development containing multiple dwellings is on the western side of the stormwater allotment.

The dominant land use in the locality is detached dwellings. Non-residential uses include the Beaudesert State School on the eastern side of Tina Street, and a childcare centre diagonally opposite the site.

Reticulated water supply and sewer systems are available in the locality. Both electricity and telecommunications services are also available.

The applicant has not facilitated a stormwater management strategy in the form of a stormwater management report establishing how run-off from the site will be managed in a full developed scenario. A condition of approval has been included in the recommendations section of this report to ensure stormwater management is adequately addressed.

Development Assessment

Relevant Planning Scheme Codes – Summary

Zone & Precinct Code	Overlay Code	Use / ROL Code
Beaudesert & Canungra Township Zone - Residential Precinct	No relevant	Reconfiguring a Lot Code

Relationship to the Zone Code

Level of Assessment

The proposed development is a Reconfiguration of a Lot in the *Residential Precinct* of the *Beaudesert & Canungra Township Zones* which triggers *Code Assessment* under the Planning Scheme.

Compliance with the Zone and Precinct Code

The proposal complies or can be suitably conditioned to comply with the Specific Outcomes and Probable Solutions of the *Beaudesert & Canungra Township Zone - Residential Precinct*.

Compliance with the Relevant Overlay Codes

There are no relevant overlays applicable to the assessment of this development.

Compliance with the Reconfiguring a Lot Code

The proposal has been assessed against the Specific Outcomes for the Reconfiguring a Lot Code. The proposal generally complies with all of the Specific Outcomes or has the potential to comply with the requirements. One aspect of conflict is that the proposed lots do not achieve the specified 18 metres frontage for normal lots or the 22 metres frontage for a corner block as required by Specific Outcome SO1 of this Code. A frontage of 15 metres is proposed for the two new allotments and approximately 20.3 metres for the corner lot. The proposed frontages are considered appropriate given the size of the lots. Also in relation to Specific Outcome SO2 of this Code, it is proposed a building area of 12mx32m as opposed to 15mx25m prescribed by the Code. Overall the proposed development achieves the intent of this Code.

Relationship to State Planning Policies and Regulations

South East Queensland Regional Plan 2009-2031

The subject site is situated within the *Urban Footprint* under the *South East Queensland Regional Plan 2009-2031*. The proposed development is consistent with the intended land use within the Urban Footprint. It allows for the logical expansion of the township of Beaudesert by providing infill development.

The proposed development is also seen to be consistent with the *State Planning Policy*.

Referrals

Internal

Infrastructure Services

Council’s Technical Services Section has assessed the proposed development and advised that the proposal is generally supported subject to conditions.

External

Nil.

Infrastructure Charges

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

In accordance with Council’s *Fair Value Charges* Resolution (version No. 2) adopted on 1 July 2015, developments including Reconfiguration of a Lot, the table below summarizes the Infrastructure Charges payable to *Council*.

Full details of the charges will be provided in a separate notice under *Infrastructure Charges Notice (ICN)* to be issued to the applicant with the *Decision Notice Approval*.

These contribution amounts are not required to be included within the Director’s Recommendation as a condition of approval, but rather as an attachment to the Decision Notice.

Proposed Demand

Use	Unit of Measure	No. of Units (No of allotments)	Charge Rate (\$) per dwelling unit (3 or more bedroom dwelling)	Amount
Residential	lots	3	\$12,878.00	\$38,634.00
Total				\$38,634.00

Existing Credit

Use	Unit of Measure	No. of Units (No of allotments)	Charge Rate (\$) per dwelling unit (3 or more bedroom dwelling)	Amount
Residential	lots	1	\$12,878.00	\$12,878.00
Total				\$12,878.00

Infrastructure Charge = Proposed Demand - Existing Credit
 = \$38,634.00 - \$12,878.00
 = \$25,756.00

Total Infrastructure Charge = \$25,756.00

Conclusion

The assessment included in this report demonstrates that the proposed development is consistent with the *Beaudesert Shire Planning Scheme 2007*, the *South East Queensland Regional Plan 2009-2031* and the State Planning Policy. Based on this assessment, it is recommended that Council approve the application, subject to the imposition of reasonable and relevant conditions.

Director's Recommendation

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

RPD:	Lot 1 RP41643
Address of property:	35 Eaglesfield Street BEAUDESERT QLD 4285
Site area:	2,001 m ²
Proposal:	A Development Permit for a Reconfiguration a Lot – <i>Beaudesert Shire Planning Scheme 2007</i>

2. **Conditions of Approval:**

General

- 1) **FINAL PLAN OF SURVEY** - Reconfiguration of the site will occur generally in accordance with the proposal plan with reference number **3515-01 Issue A** titled "Eaglesfield St, Beaudesert" prepared by TJ Kelly Surveys Pty Ltd dated 03/09/2015 or as amended and approved by Council. The developer shall submit a final plan of survey that conforms to the approved plans and showing any easements arising from the approved reconfiguration.

Access and Roads

- 2) **ACCESS TO COUNCIL ROAD** - An application for Property Access Location Approval for lots accessing a Council controlled road is to be lodged for approval of any existing and/or any proposed accesses and submitted to Council to evaluate the safety of the location. Any construction or upgrading of accesses conditioned by this approval will be assessed upon inspection and are to comply with current Council standards or to the satisfaction of Councils Director Infrastructure Services, or equivalent, acting reasonably. The access provisions shall be maintained in good condition for its lifetime.
- 3) **WORKS WITHIN EXISTING ROAD RESERVES** - A Property Access Permit and Road Corridor Use Permit Applications are to be lodged with Council prior to undertake any access/road construction works.

Stormwater Management

- 4) **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.

- 5) **STORMWATER MANAGEMENT PLAN** - The applicant is to submit a Stormwater Management Plan demonstrating how the increase of stormwater run-off as a result of the full developed scenario is going to be handled and how a legal point of discharge will be achieved. The report is to demonstrate that the proposed strategy will cater for the ultimate developed scenario and that a "no-worsening" situation will be achieved by the implementation of the stormwater strategy. The Stormwater Management Plan is to be in accordance with the *Queensland Urban Drainage Manual* (QUDM).
- 6) **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 initial developer is responsible for the implementation of the stormwater management strategy adopted in the Stormwater Management Plan. The initial developer is to provide a certificate written by a Registered Professional Engineer of Queensland (RPEQ) stating that the completed works have been constructed in accordance with good engineering practice and that the stormwater run-off attenuation elements will cater for reasonably sized roofed and hard stand areas to be built on the vacant lots in the future. Future owners will be responsible for the connection/discharge of the excess run-off from roof/hard stand areas to the soakage pits and/or existing stormwater infrastructure.
- 7) **STORMWATER DISCHARGE EASEMENTS** - 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.
- 8) **EROSION CONTROL** – The applicant is responsible for implementation of erosion control measures designed to minimise soil movement and to minimise silt loads entering drainage lines and watercourses as a result of either the development works / building works.

Electrical Reticulation Works

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

Earthworks

- 10) **EARTHWORKS AND ALLOTMENT FILLING** – All earthworks and allotment filling is to be undertaken in accordance with Council's *Design and Construction Manual*, to Council's satisfaction.

Miscellaneous

- 11) **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.
- 12) **SURVEYOR TO CERTIFY** – The surveyor is to certify that the building to be retained on Lot 3 comply with statutory setbacks in respect of new boundaries.

Administrative Provisions

- 13) **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) **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 two (2) years from the date the approval takes effect. The relevant period may be extended at the discretion of Council under Section 341 of the *Sustainable Planning Act 2009*. Before the Development Approval lapses, a written request to extend the relevant period may be made to Council under Section 383 of the *Sustainable Planning Act 2009*. Please note that Council will not automatically remind Applicants/Occupiers when the relevant period is about to lapse.
- b) **DEVELOPMENT APPROVAL CONDITIONS ATTACH TO LAND** - Development Approvals which include conditions and any modification attach to the land and are binding on the owner/s, the owner/s successors in title and any occupier of the land pursuant to Section 245 of the *Sustainable Planning Act 2009*.
- c) **VEGETATION MANAGEMENT ACT 1999 AND THE CULTURAL HERITAGE ACT 2003** - This approval in no way restricts or inhibits the provisions of the *Vegetation Management Act 1999* nor the *Aboriginal Cultural Heritage Act 2003*. The Applicant will need to satisfy himself/herself that in undertaking the proposed development works that their actions will not contravene the provisions of the aforementioned Acts.
- d) **WHEN DEVELOPMENT APPROVAL TAKES EFFECT** - Pursuant to Section 339 of the *Sustainable Planning Act 2009*, this Development Approval takes effect:
 - (i) from the date the Decision Notice/Negotiated Decision Notice (as the case may be) is given to the Applicant, if there are no Submitters and the Applicant does not appeal the decision to the Court; or
 - (ii) from the end of the Submitter's appeal period if there is a Submitter and the Applicant does not appeal the decision to the Court; or

(iii) subject to the decision of the Court when the appeal is finally decided if an appeal is made to the Court by any party; as the case may be. Development may start when a Development Permit takes effect (subject to any conditions specifying commencement).

e) **FINAL PLAN OF SURVEY** – All conditions are to be complied with before or at the time the Applicant lodging an application for the signing of the Final Plan of Survey unless otherwise stated herein. The applicant may apply for a staged approach for the plan of survey.

4. Further approvals are required for:

A Building Approval is required for the demolition of any structure as required to facilitate the development.

5. Administrative Action:

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

Attachments

1. Proposed Plan of Development.
2. Locality Map.

Attachment 1 - Proposed Plan of Development (undetermined scale)



4. INFRASTRUCTURE SERVICES

Nil.