



**SCENIC RIM REGIONAL COUNCIL**

**Planning & Development Committee**

# Report

Meeting held in the Council Chambers

82 Brisbane Street

Beaudesert

Tuesday, 13 October 2015

Commenced at 9.55 am

All correspondence to  
Be addressed to the  
Chief Executive Officer

Scenic Rim Regional Council  
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**SCENIC RIM REGIONAL COUNCIL**  
**PLANNING & DEVELOPMENT COMMITTEE**  
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# PLANNING & DEVELOPMENT COMMITTEE

## REPORT

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### CHIEF EXECUTIVE OFFICER

I advise that the Committee met on **Tuesday, 13 October 2015**. Councillors present:

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

### ATTENDANCE

#### Executive Officers

C R Barke, Chief Executive Officer  
H Dunne, Acting Director Infrastructure Services  
S Turner, Acting Director Regional Services  
K Stidworthy, Chief Finance Officer

### APOLOGIES

Nil

### DECLARATIONS OF INTEREST BY MEMBERS

Nil

### Reception of Deputations by Appointment / Visitors

Nil

## PLANNING & DEVELOPMENT COMMITTEE

### REPORT

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

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

**1. EXECUTIVE**

Nil.

**2. CHIEF FINANCE OFFICER**

Nil.

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

**Executive Officer: Director Regional Services**

**File Reference: 19/03/004**

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**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.

**Committee Recommendation**

That the Director Regional Services' recommendation be adopted.

Moved: Cr Brent

Seconded: Cr Waistell

Carried

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

**Attachments**

1. Fair Value Charges Resolution (version no.3) (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 RP155770**

**Executive Officer: Director Regional Services**

**File Reference: MCBd14/079**

<b>Applicable Planning Scheme</b>	<i>Beaudesert Shire Planning Scheme 2007</i>
<b>Applicant</b>	Scenic Rim Developments Pty Ltd
<b>Owner(s)</b>	Scenic Rim Developments Pty Ltd
<b>Site Address</b>	17A Boundary Street BEAUDESERT
<b>Real Property Description</b>	Lot 24 RP155770
<b>Site Area</b>	88.46ha
<b>Relevant Zone and Precinct</b>	Beaudesert and Canungra Townships Zone - Emerging Communities Precinct
<b>Proposal</b>	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).
<b>Assessment Level</b>	Impact Assessment (Inconsistent)
<b>Approval Type</b>	Preliminary Approval under s242 of the <i>Sustainable Planning Act 2009</i> and Development Permit
<b>Public Notification:</b>	Notice of Compliance was received 21 September 2015.
<b>Submissions Received</b>	Nil
<b>Date Application Received:</b>	8 October 2014

**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 *Sustainable Planning Act 2009* 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:

<b>Column 1 Use</b>	<b>Column 2 Assessment Category</b>	<b>Column 3 Assessment Criteria</b>
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 <sub>90</sub>	Background +8dB(A) Background=LA <sub>90</sub>

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

- 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 s.335 of the *Sustainable Planning Act 2009* to the Applicant, submitter/s and referral agencies.

**Committee Recommendation**

That the Director Regional Services' recommendation be adopted.

Moved: Cr Stanfield

Seconded: Cr Brent

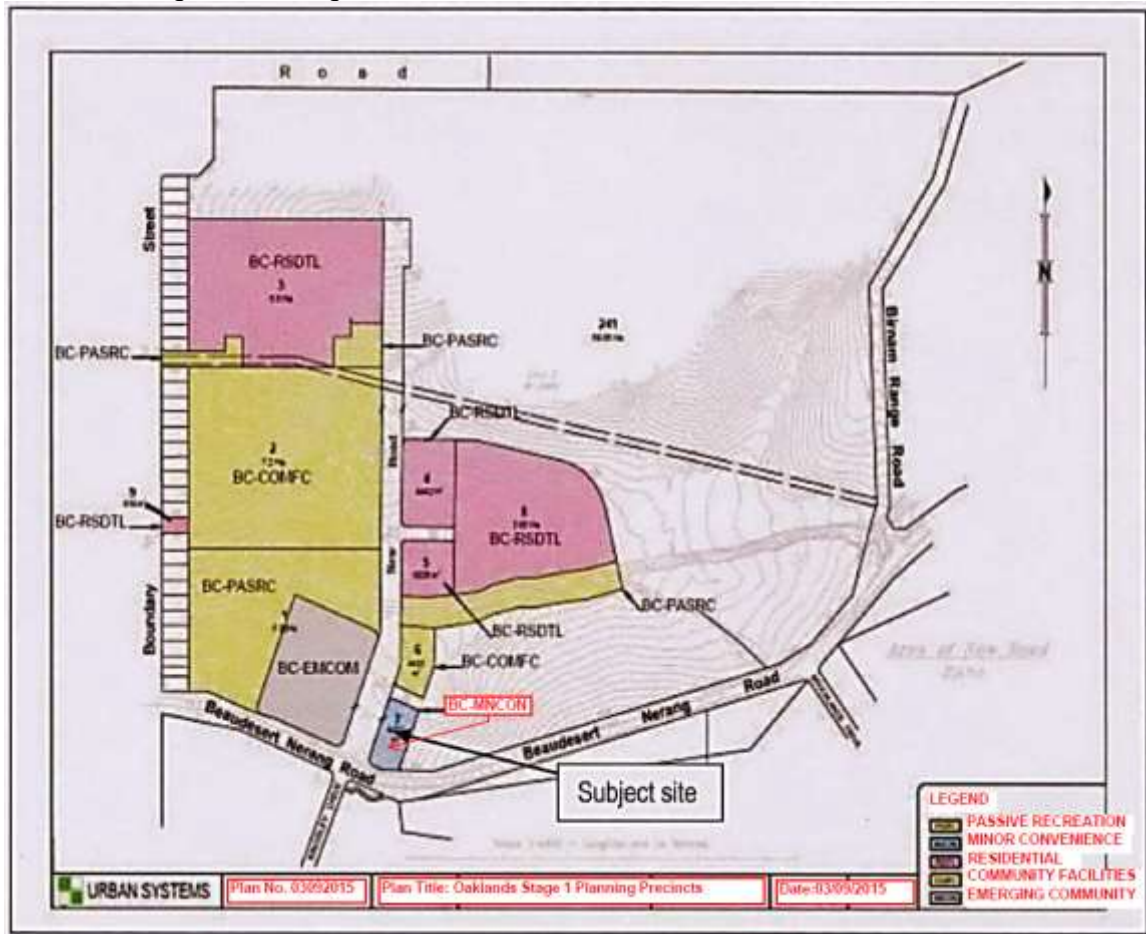
Carried

**Attachments**

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

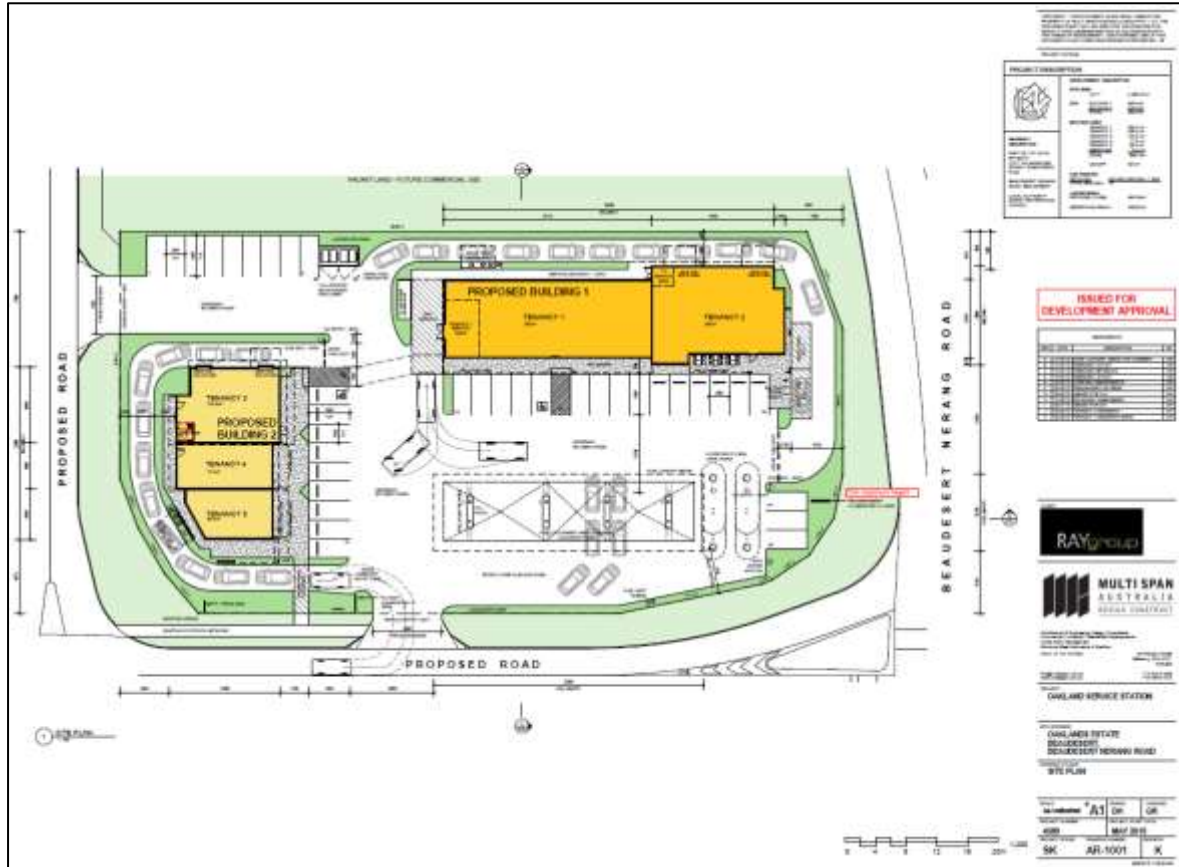
Attachment 1 - Approved plans

Oaklands Stage 1 Planning Precincts

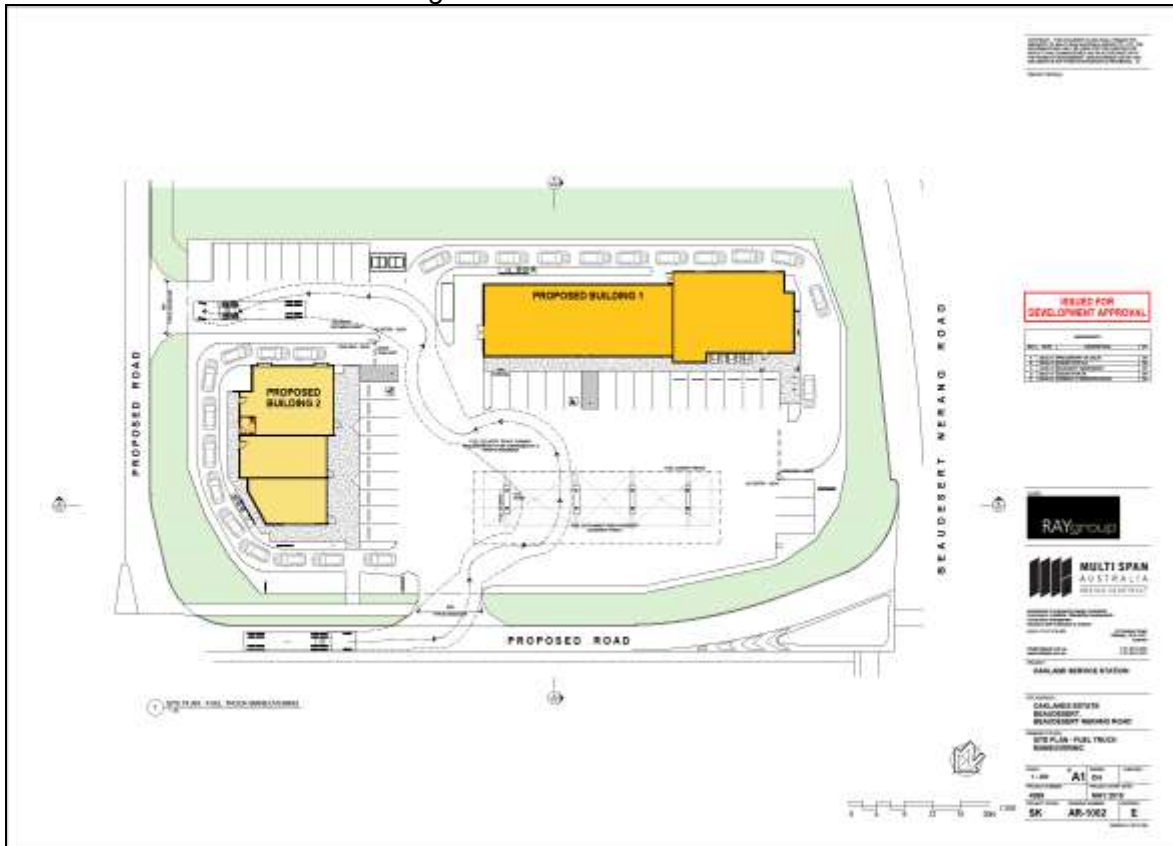




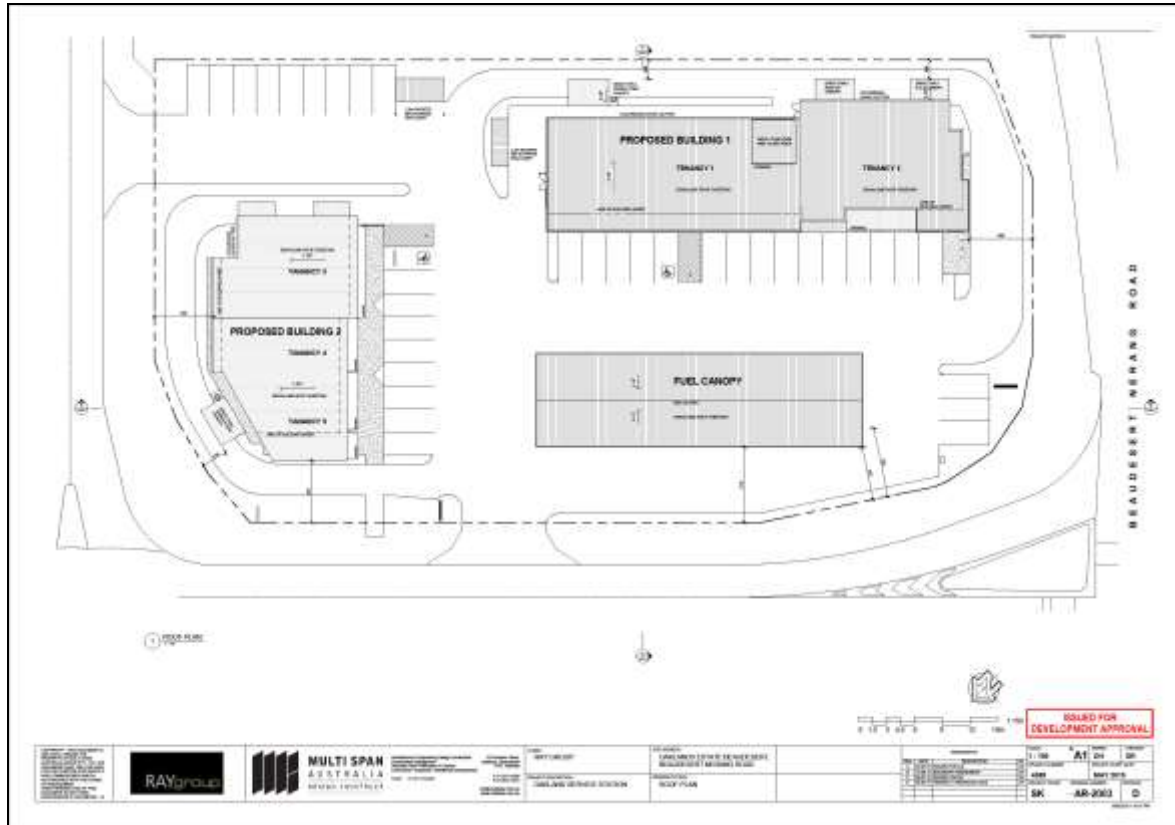
Site Plan



Site Plan - Fuel Truck Manoeuvring



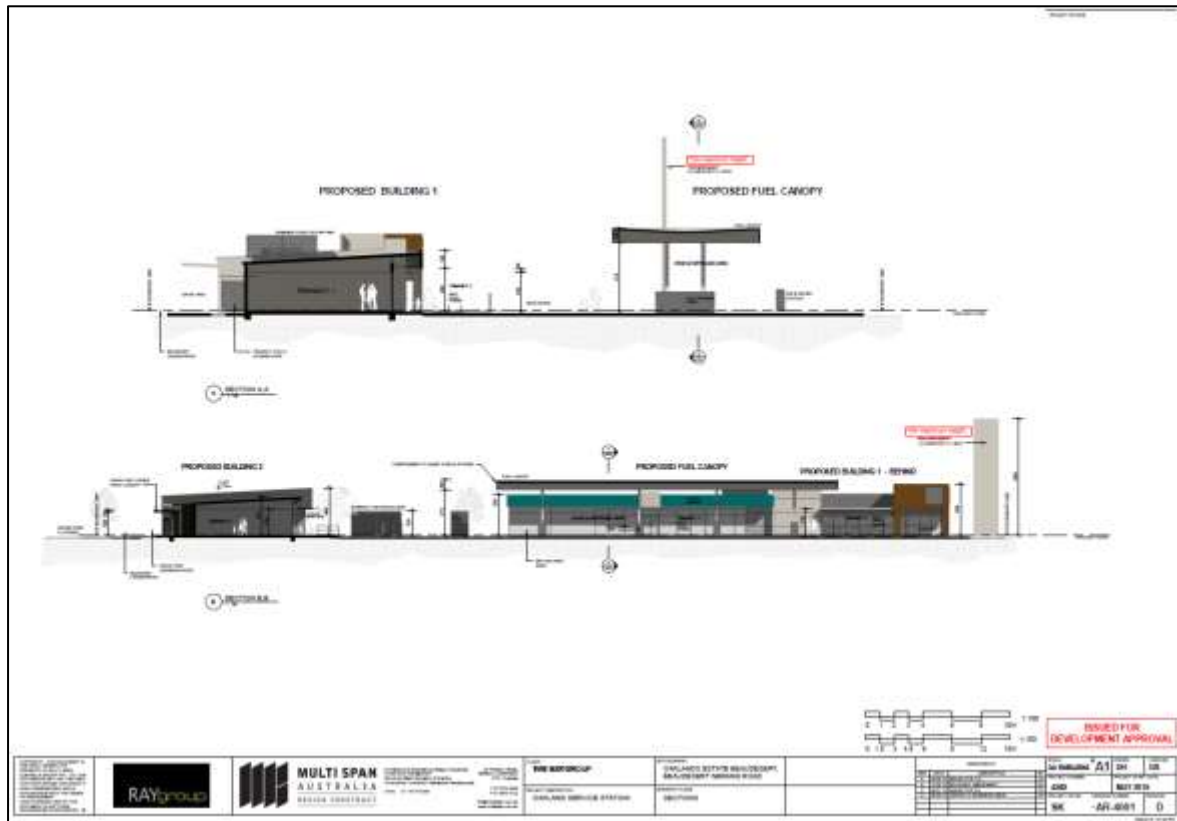
Roof Plan



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](mailto: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**

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

**Site details**

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

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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
<b>Aspect of development: Material Change of Use</b>				
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](mailto:lpwvichSARA@dsdip.qld.gov.au) who will be pleased to assist.

Yours sincerely



Nathan Rule  
**Manager - Planning**

cc: Peter Cumming, [peterc.urbansystems@gmail.com](mailto:peterc.urbansystems@gmail.com)  
Department of Transport and Main Roads, [south.coast.IDAS@tmr.qld.gov.au](mailto: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"> <li>• Proposed Site Plan - Lot 7, prepared by DM2 Architecture, dated 15 August 2014, drawing no. 2-50, issue 2.</li> </ul>	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**

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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.

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 <a href="mailto:pdo.regions.goldcoast@tmr.qld.gov.au">pdo.regions.goldcoast@tmr.qld.gov.au</a> 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**

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**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

**File Reference:** COMBd14/003

<b>Applicable Planning Scheme</b>	<i>Beaudesert Shire Planning Scheme 2007</i>
<b>Applicant</b>	Scenic Rim Developments Pty Ltd
<b>Owner(s)</b>	Scenic Rim Developments Pty Ltd
<b>Site Address</b>	17A Boundary Street BEAUDESERT
<b>Real Property Description</b>	Lot 24 RP155770
<b>Site Area</b>	88.46ha
<b>Relevant Zone and Precinct</b>	Beaudesert and Canungra Townships Zone - Emerging Communities Precinct
<b>Proposal</b>	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)
<b>Assessment Level</b>	Impact Assessment (Inconsistent)
<b>Approval Type</b>	Preliminary Approval under s242 of the <i>Sustainable Planning Act 2009</i> and Development Permit
<b>Public Notification:</b>	Notice of Compliance was received 25 September 2015.
<b>Submissions Received</b>	Nil
<b>Date Application Received:</b>	30 October 2014

#### Director's Recommendation

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

<b>Real Property Description:</b>	Lot 24 RP155770
<b>Address of property:</b>	17A Boundary Street BEAUDESERT
<b>Site area:</b>	88.46ha
<b>Proposal:</b>	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)

		<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>
Hotel/Club	<p>Code-assessable if-</p> <p>(a) Located in the Minor Convenience Centre Precinct on Lot 24 RP155770 (proposed Lot 1), and</p> <p>(b) the gross floor area of the development does not exceed 1,400m<sup>2</sup></p>	<p>Beaudesert and Canungra Townships Zone Code (section 3.6.8).</p> <p>Construction and Infrastructure Code (section 5.3.6).</p> <p>Advertising Devices Code (section 5.3.2)</p> <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. 500m<sup>2</sup> in the Minor Convenience Centre Precinct; or</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>



	<p>ii. 1,200m<sup>2</sup> for a supermarket in the Minor Convenience Centre Precinct on Lot 24 on RP155770 (proposed Lot 1).</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>i. 500m<sup>2</sup> in the Minor Convenience Centre Precinct; or</p> <p>ii. 4,000m<sup>2</sup> in the Minor Convenience Centre Precinct on Lot 24 on RP155770 (proposed Lot 1).</p>	<p>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>

- 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**

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

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

- 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 (Energen) 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.

**Committee Recommendation**

That the Director Regional Services' recommendation be adopted.

Moved: Cr Brent

Seconded: Cr Stanfield

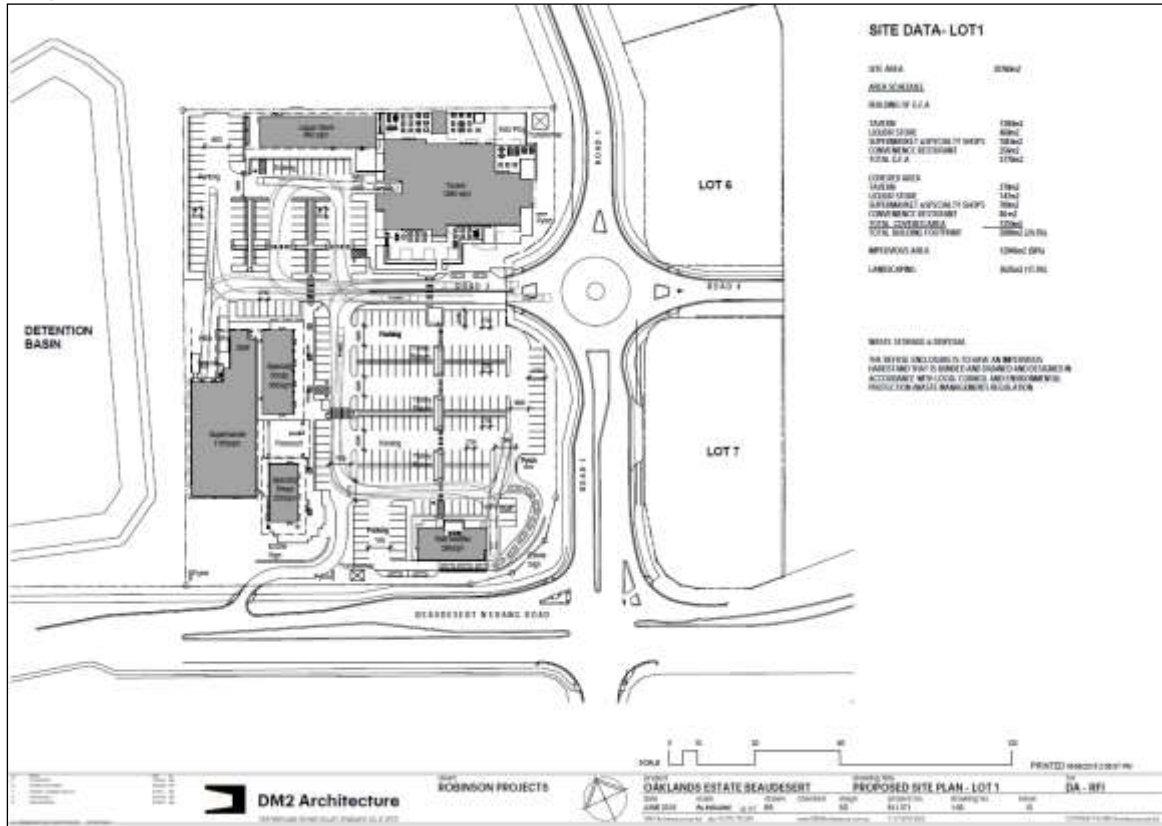
Carried

**Attachments**

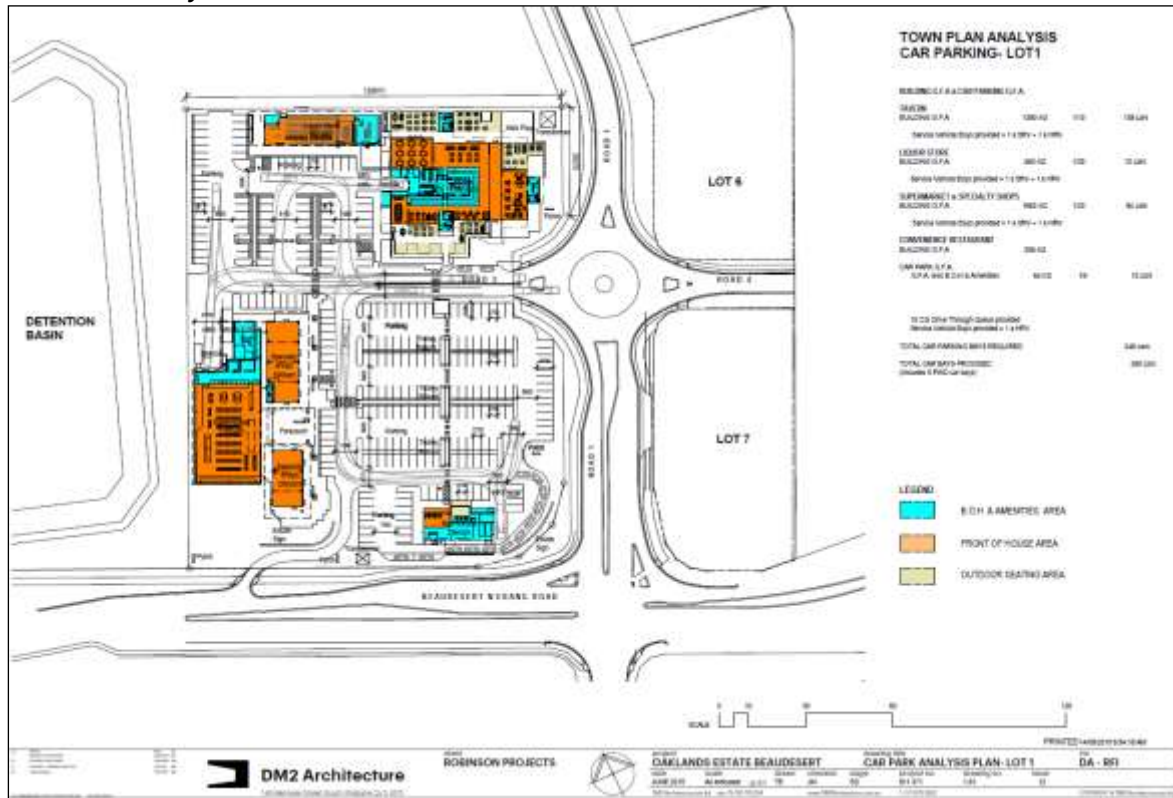
1. Approved plans.
2. 'Preliminary Approval, Minor Convenience Centre Precinct Oaklands Stage 1, 17A Boundary St, Beaudesert' Code.
3. SARA Response.

Attachment 1 - Approved plans

Proposed Site Plan - Lot 1



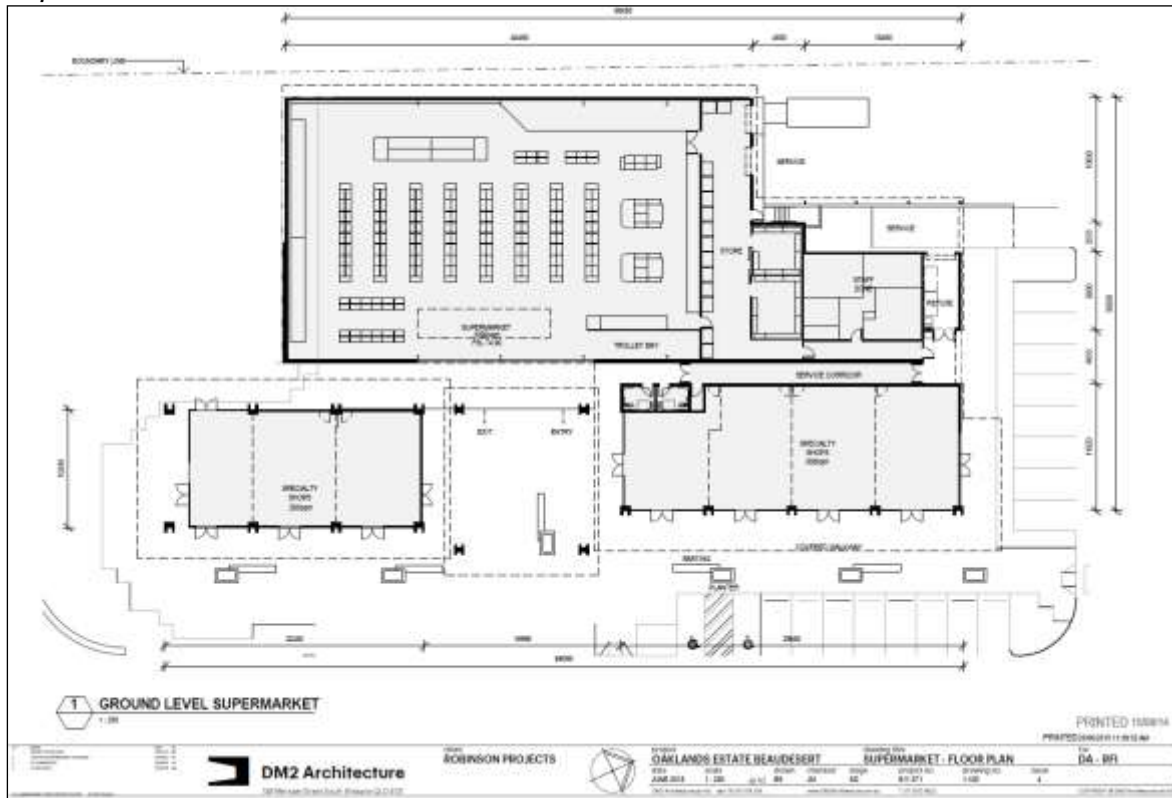
Car Park Analysis Plan - Lot 1



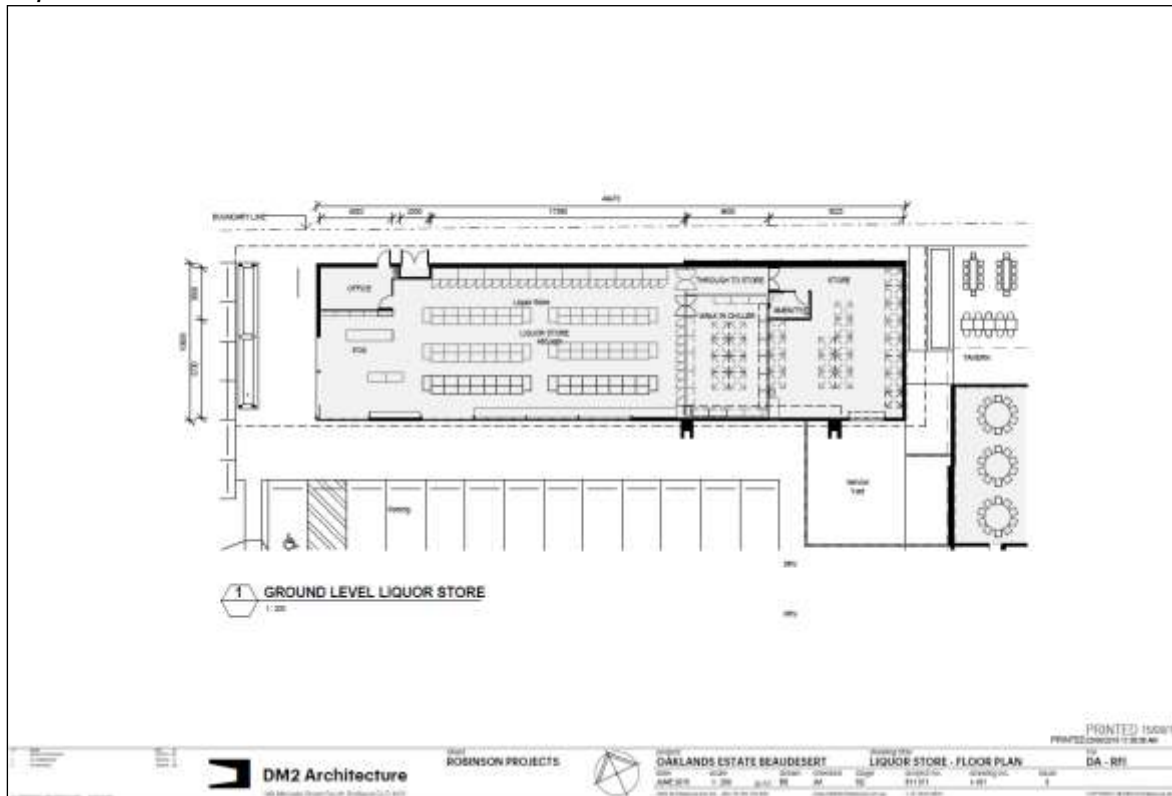
Indicative Landscaping - Lot 1



Supermarket - Floor Plan



Liquor Store - Floor Plan



Tavern - Floor Plan



Red Rooster - Floor Plan



Elevations Supermarket - Sheet 1



Elevations Supermarket - Sheet 2

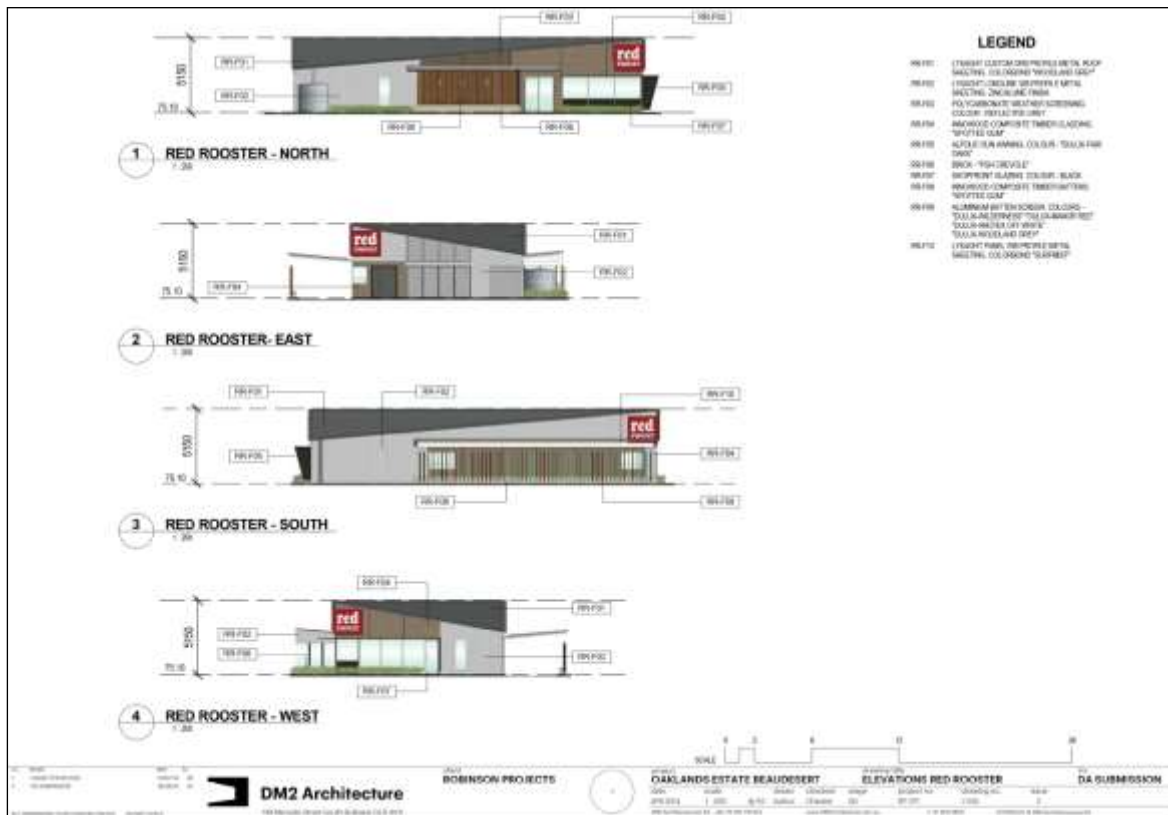




Elevations Tavern - Sheet 2

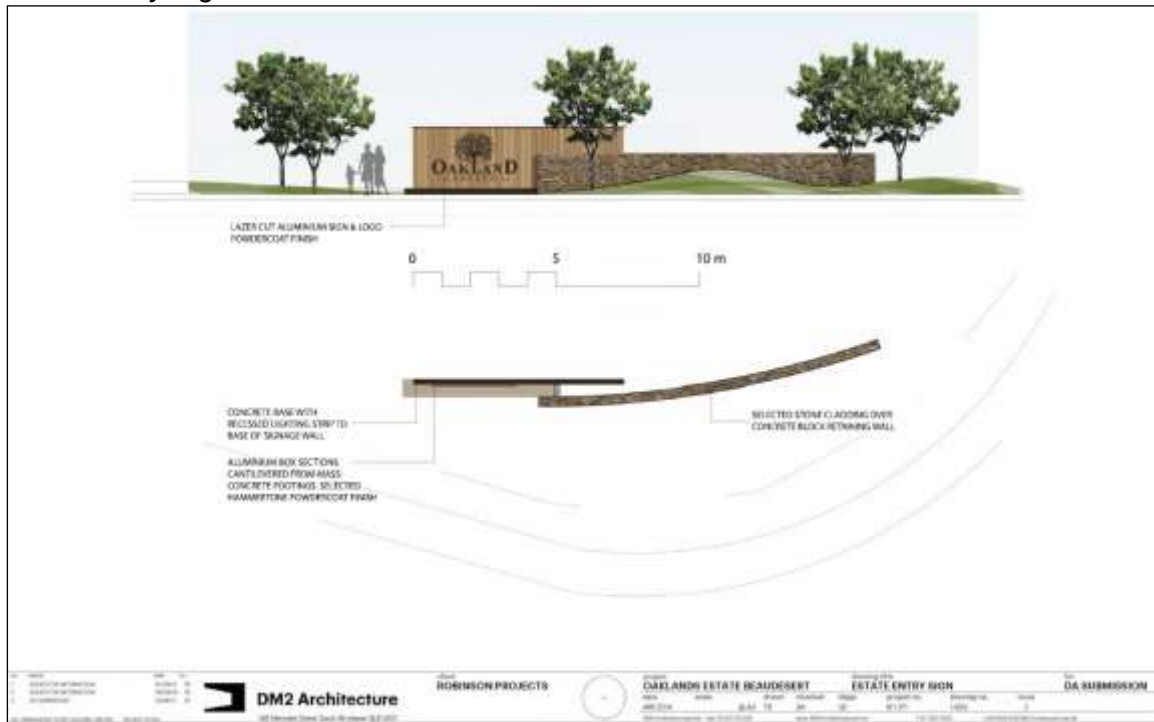


Elevations Red Rooster

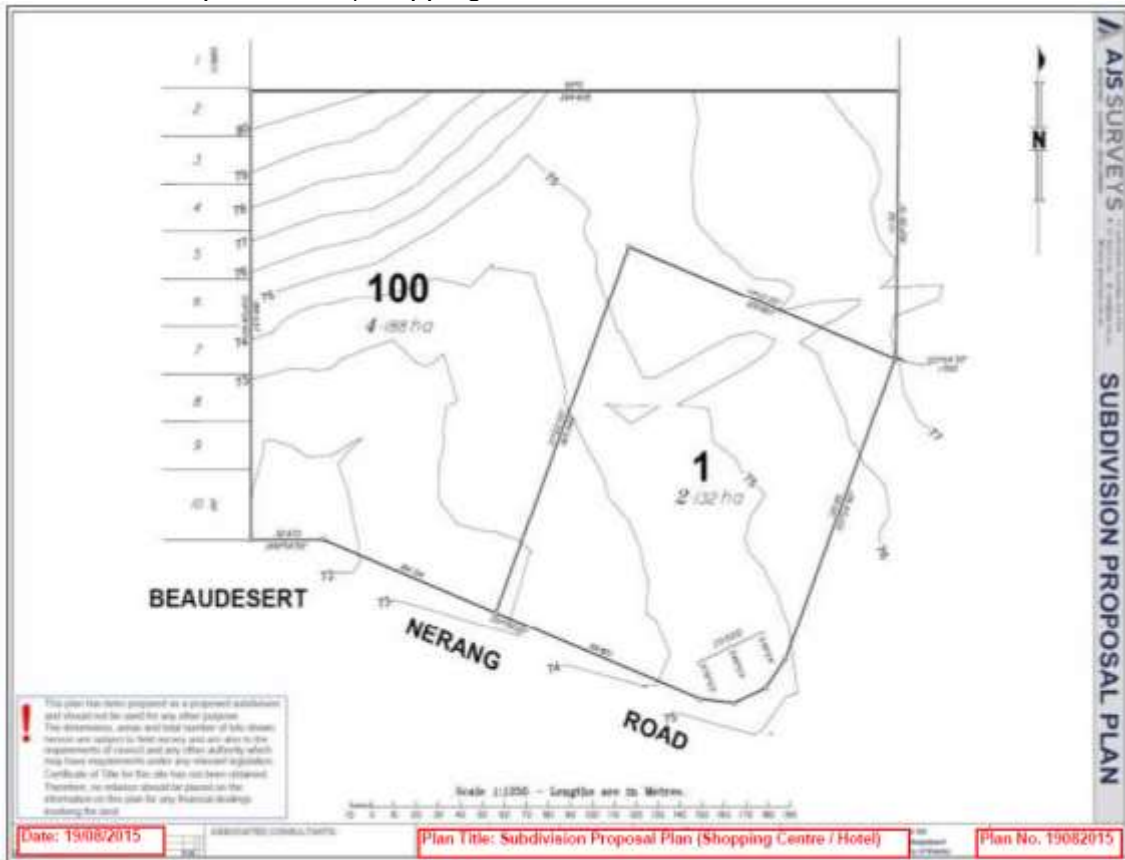




Estate Entry Sign



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**Queensland  
GovernmentDepartment 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](mailto: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**

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

**Site details**

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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.	
<b>Aspect of development: Material Change of Use</b>				
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	-
<b>Aspect of development: Reconfiguration of a Lot</b>				
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@dcdip.qld.gov.au](mailto:aimee.ellis@dcdip.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: Soenic Rim Developments Pty Ltd c/- Urban Systems, [peterc.urbansystems@gmail.com](mailto:peterc.urbansystems@gmail.com)  
 Department of Transport and Main Roads, [South.Coast.IDAS@tmr.qld.gov.au](mailto: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><b>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)</b></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"> <li>Proposed Site Plan, prepared by DM2 Architecture, dated 15 August 2014, drawing No. 1-50, issue 3.</li> </ul>	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"> <li>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</li> </ul>	At all times

SDA-1214-016524

No.	Conditions	Condition timing
	<p>nuisance to the state-controlled road network is caused by peak discharges, flood levels, frequency/duration of flooding, flow velocities, water quality, sedimentation and scour effects.</p> <p>(b) Any works on the land must not:</p> <ul style="list-style-type: none"> <li>(i) Create any new discharge points for stormwater runoff onto the state-controlled road;</li> <li>(ii) Interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road;</li> <li>(iii) Surcharge any existing culvert or drain on the state-controlled road;</li> <li>(iv) Reduce the quality of stormwater discharge onto the state-controlled road.</li> </ul> <p>(c) RPEQ certification must be provided, confirming that the development has been designed and constructed in accordance with parts (a) and (b) of this condition. Certification is to be provided to DTMR's South Coast District Office.</p>	<p>At all times</p> <p>Prior to commencement of use</p>
<b>Development Permit for Reconfiguring a Lot</b>		
<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>		
In accordance with approved plans		
5.	<p>The development must be carried out generally in accordance with the following plan:</p> <ul style="list-style-type: none"> <li>• Subdivision Proposal Plan, prepared by AJS Surveys, dated 6 August 2014, plan ref. N0126-P6A, revision A.</li> </ul>	At all times

SDA-1214-016524

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

**Attachment 2—Reasons for decision to impose conditions**

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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**

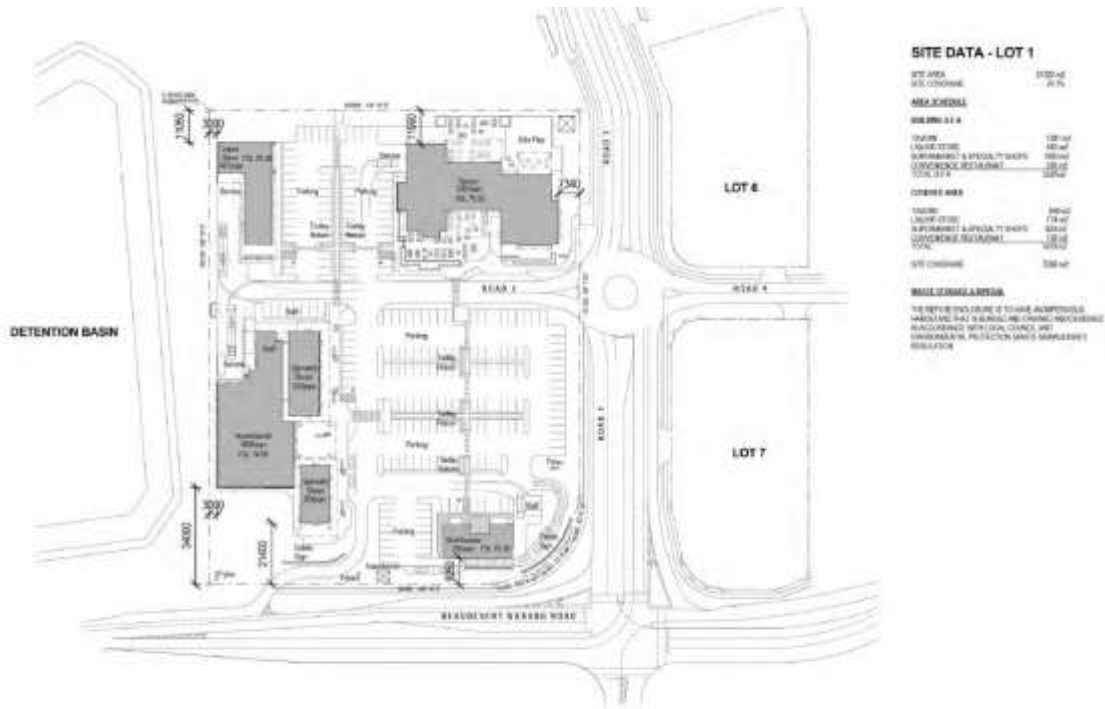
General advice	
1.	<p>In accordance with section 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from DTMR to carry out road works in the State-controlled road reserve. Please contact DTMR on 5563 6500 or <a href="mailto:pdo.regions.goldcoast@tmr.qld.gov.au">pdo.regions.goldcoast@tmr.qld.gov.au</a> 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**

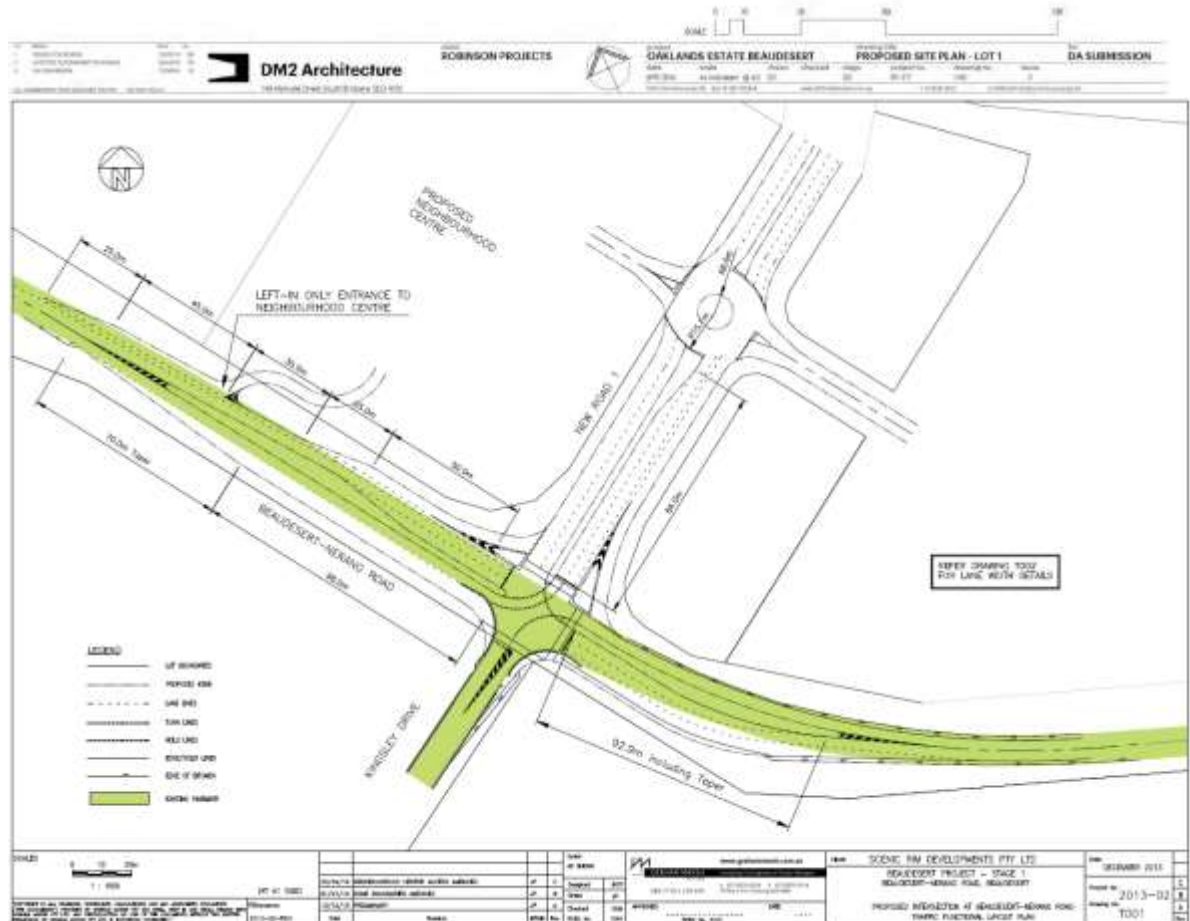
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**SITE DATA - LOT 1**

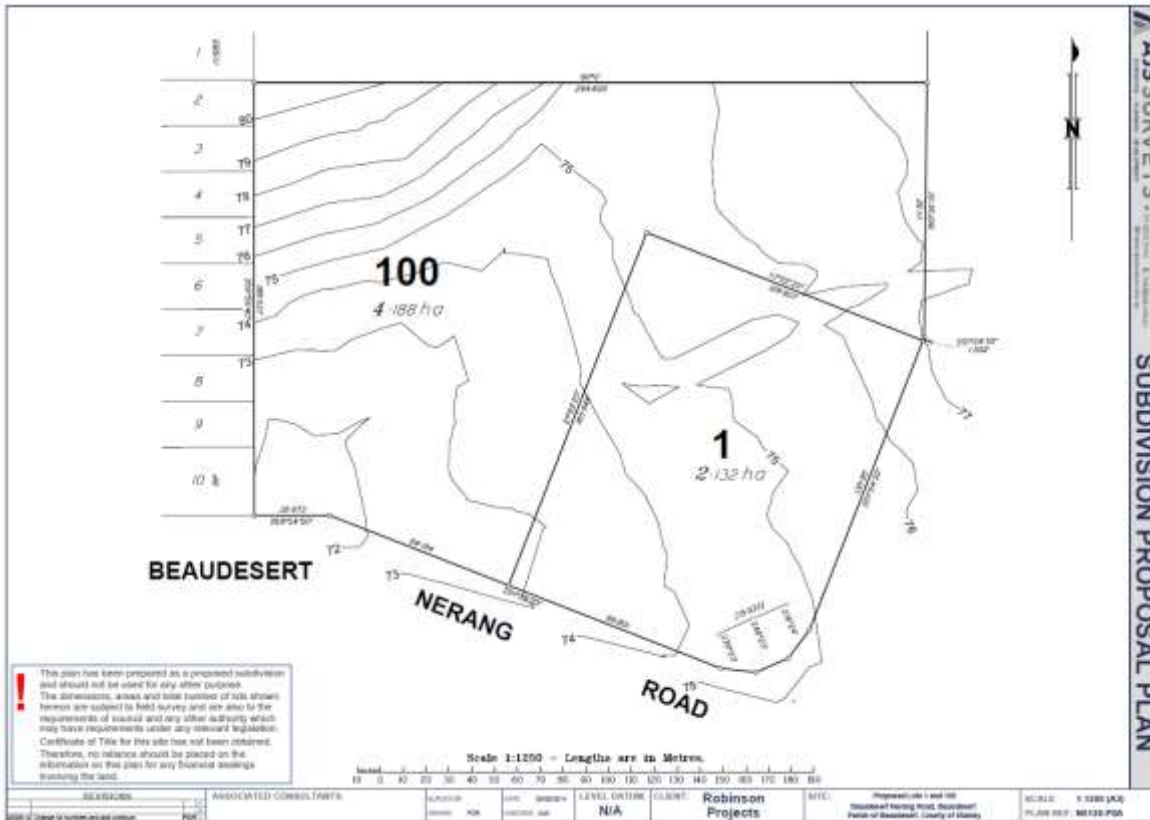
SITE AREA	3122 m <sup>2</sup>
NET COVERABLE	2076 m <sup>2</sup>
<b>AREA 1/2000</b>	
GRASS	122 m <sup>2</sup>
LAUNDRY ROOM	122 m <sup>2</sup>
BURBANK'S SPECIALTY SHOPS	122 m <sup>2</sup>
CONCRETE RETAINMENT	122 m <sup>2</sup>
TOTAL SITE	122 m <sup>2</sup>
<b>COVERED AREA</b>	
LAUNDRY ROOM	122 m <sup>2</sup>
BURBANK'S SPECIALTY SHOPS	122 m <sup>2</sup>
CONCRETE RETAINMENT	122 m <sup>2</sup>
TOTAL	122 m <sup>2</sup>
NET COVERABLE	2076 m <sup>2</sup>

**DISCLAIMER**  
 THE INFORMATION IS TO BE USED AS A GUIDE ONLY. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS AND PERMITS FROM THE RELEVANT AUTHORITIES. THE INFORMATION IS PROVIDED AS IS, WITHOUT WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO THE WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE AND NONINFRINGEMENT. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS AND PERMITS FROM THE RELEVANT AUTHORITIES.





CLIENT: SCDC FM DEVELOPMENTS PTY LTD PROJECT: BEAUDESERT-NERANG ROAD, BEAUDESERT PERIOD: INTERSECTION OF BEAUDESERT-NERANG ROAD AND NEW ROAD 1 DATE: 2013-02-10		DRAWN: [Name] CHECKED: [Name] DATE: 2013-02-10
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**!** 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 various and other 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.

SUBSECTORS: [ ]	ASSOCIATED CONSULTANTS: [ ]	SURVEYOR: [ ]	DATE: [ ]	LEVEL OFFICE: N/A	CLIENT: Robinson Projects	TITLE: Proposed Lots 1 and 2 Beau-desert Nerang Road, Beau-desert Parish of Beau-desert, County of Manly	SCALE: 1:1250 (A3) PLAN REF: M130-PDS
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**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

**File Reference:** RLBD15/006

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

#### 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 m<sup>2</sup>  
**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 Councils 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.

**Committee Recommendation**

That the Director Regional Services' recommendation be adopted.

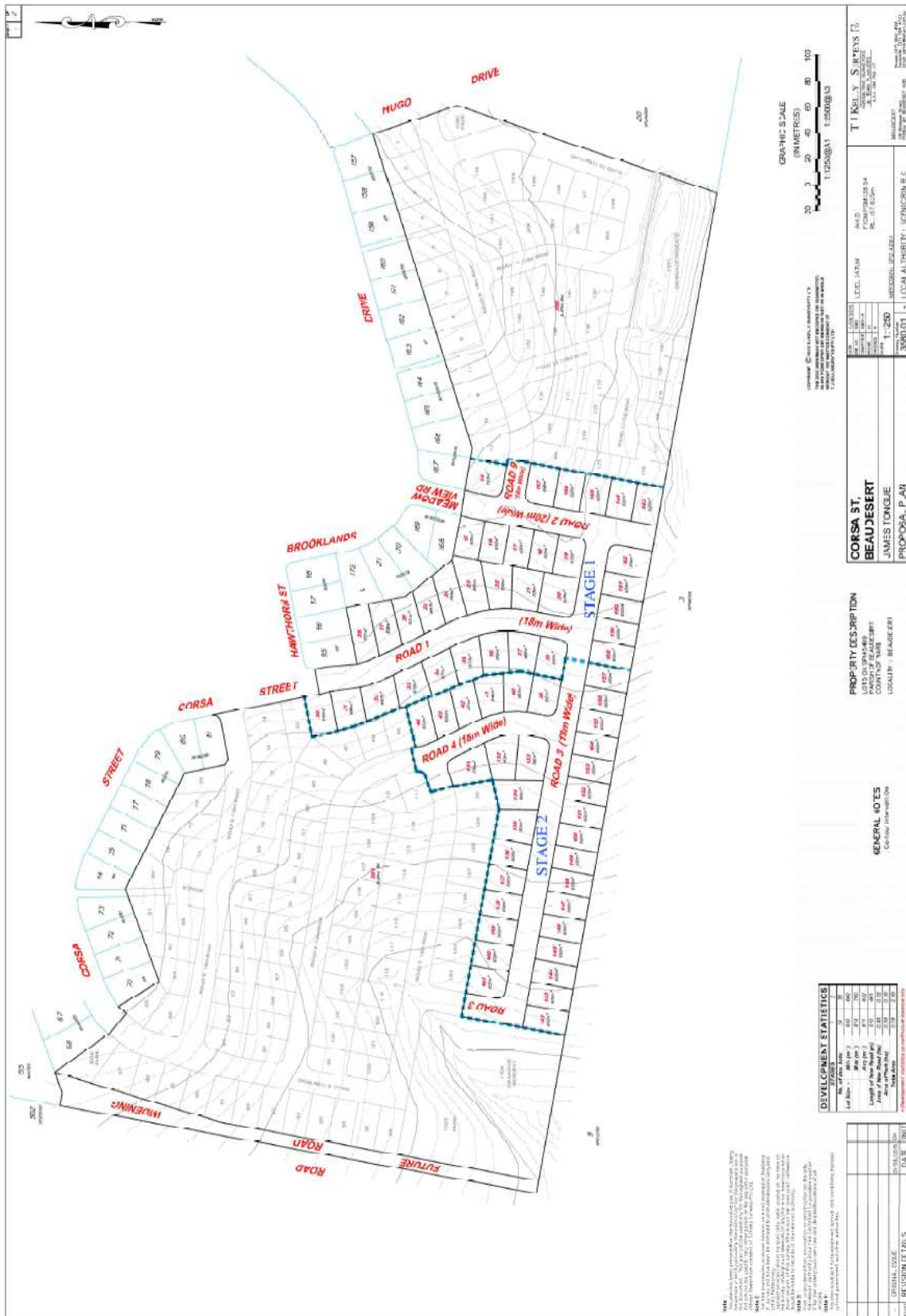
Moved: Cr Stanfield  
Seconded: Cr West

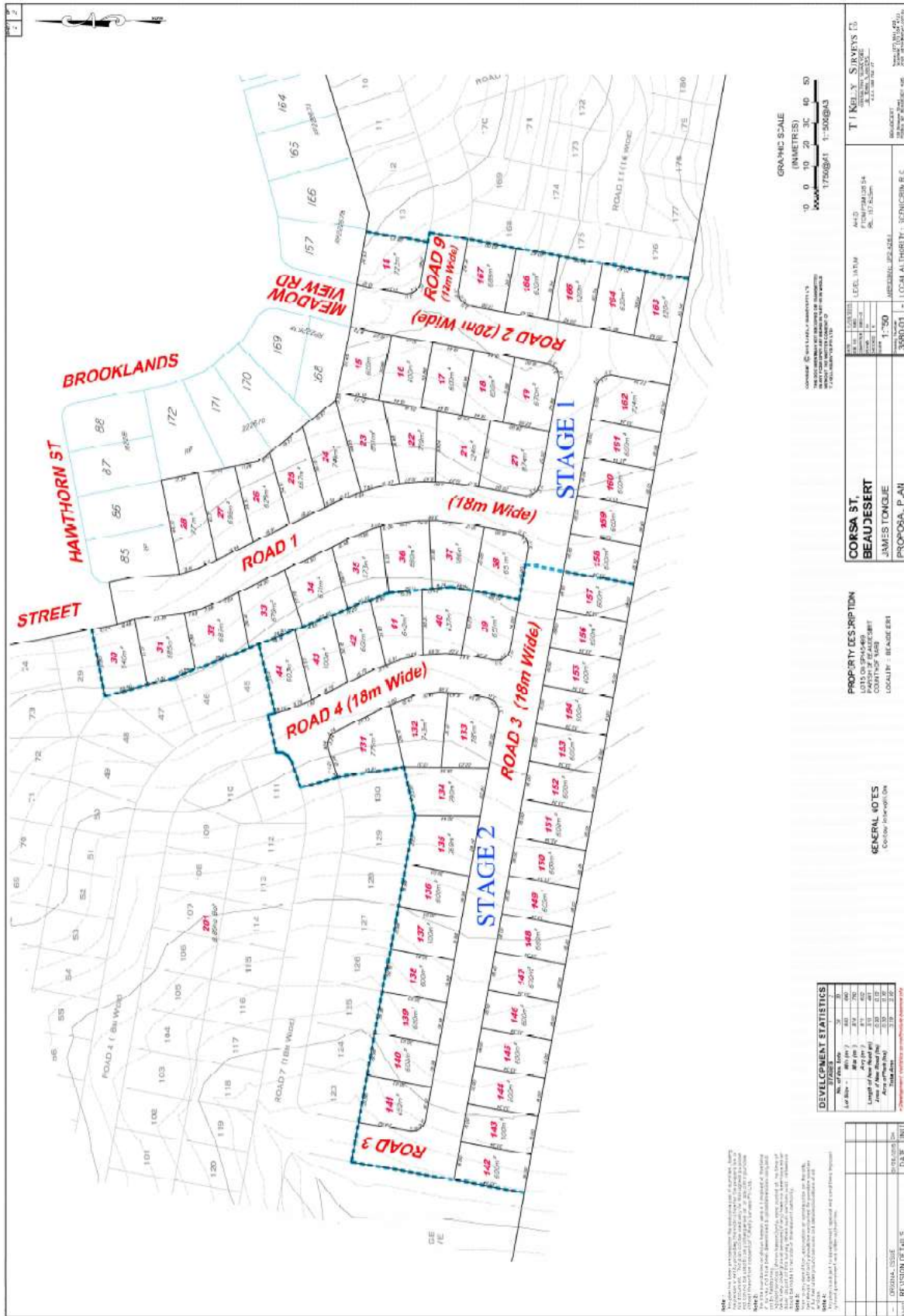
Carried

**Attachments**

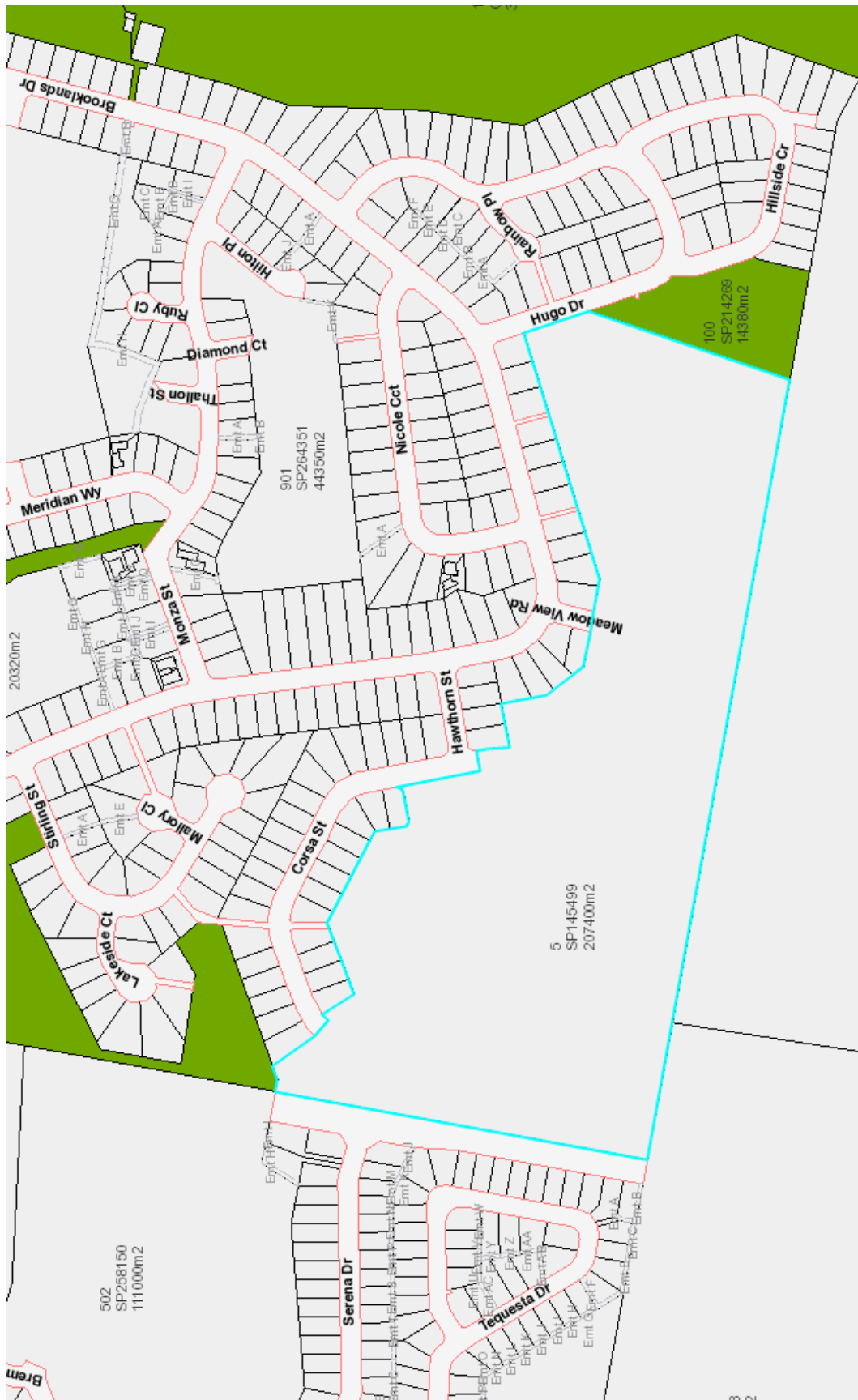
1. Proposed Plan of Development.
2. Locality Map.

Attachment 1 - Proposed Plan of Development (undetermined scale)





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**

**File Reference: MC.Bd212/00043**

**AT THE ORDINARY MEETING OF COUNCIL HELD ON 27 OCTOBER 2015, it was moved Cr O'Carroll, seconded Cr Stanfield, that Condition 24 in Item 3.5 of the Report of the Planning and Development Committee Meeting held on 13 October 2015, be amended to read:**

- 24) VEGETATED BUFFER - The applicant is responsible for the provision of a ten (10) metre wide vegetated buffer incorporating an earth bund on the alignment 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 vegetated buffer must be planted with hardy, low maintenance, fast growing, dense screening, bank binding trees and shrubs. The plantings are to consist of row plantings at a minimum of two (2) metres apart and comprise under storey, mid storey and upper storey species to provide an integrated and comprehensive screen to the development. 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. The establishment of the earth bund and the planting of the suitable trees and shrubs are to occur within three months of the date of this approval.**

**CARRIED**

<b>Applicable Planning Scheme</b>	<i>Beauesert Planning Scheme 2007</i>
<b>Applicant</b>	Reel Planning Pty Ltd
<b>Owner(s)</b>	Mr T J Yore
<b>Site Address</b>	1 Yore Road TAMBORINE
<b>Real Property Description</b>	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
<b>Site Area</b>	189.66 hectares
<b>Relevant Zone and Precinct</b>	Rural Zone - Countryside Precinct
<b>Proposal</b>	Request for a Negotiated Decision Notice
<b>Assessment Level</b>	Impact Assessment
<b>Approval Type</b>	Development Permit
<b>Date Application Received:</b>	14 August 2015

**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 -  
*Beaudesert Shire Planning Scheme 2009*

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.

**Committee Recommendation**

That this item be referred to the Ordinary Meeting to be held on 27 October 2015, for further consideration.

Moved: Cr Brent

Seconded: Cr Waistell

Carried

**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](mailto: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

*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):

REEL PLANNING

**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:

## REEL PLANNING

PAGE 4

*"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



**REEL PLANNING**PAGE 6

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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](mailto: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:

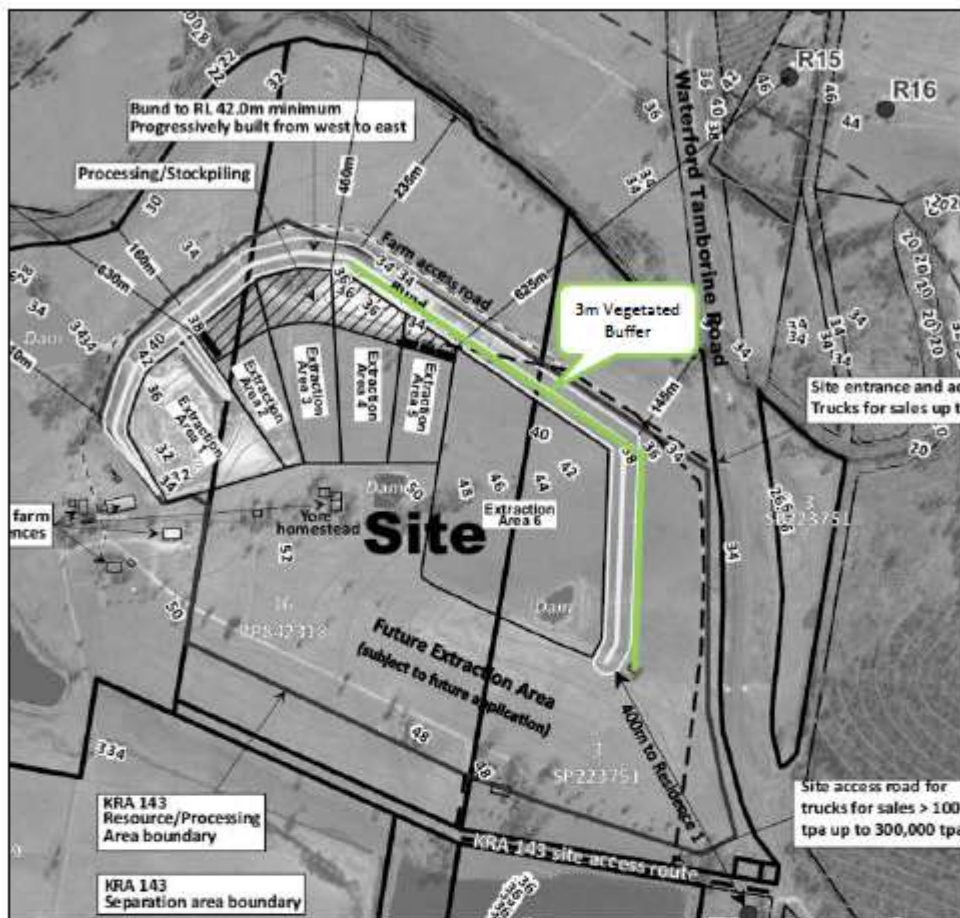
- The informal advertising of existing farming activities (turf farming) is maintained for passing traffic;
- The views of the farm will be maintained, also maintaining the rural character and amenity of the locality;
- The KRA area already requires livestock fencing whereas a vegetated buffer along 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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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**

**File Reference: RLBD15/014**

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

**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<sup>2</sup>  
**Proposal:** A Development Permit for a Reconfiguration a Lot – *Beaudesert Shire Planning Scheme 2007*

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.

**Committee Recommendation**

That the Director Regional Services' recommendation be adopted.

Moved: Cr McInnes

Seconded: Cr Stanfield

Carried

**Attachments**

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



Attachment 1 - Proposed Plan of Development (undetermined scale)



Attachment 2 - Locality Map (undetermined scale)



**4. INFRASTRUCTURE SERVICES**

Nil.

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