

**Item: LATE ITEM - MCU18/080 Development Permit for Material Change of Use for Undefined Use Research & Technology Industry Gilmour Space Technologies Pty Ltd c/- Michel Group Services Lot 1 RP148641**

**Executive Officer: General Manager Customer & Regional Prosperity**

**Item Author: Team Leader Development Assessment**

**File Reference: MCU18/080**

<b>Applicable Planning Scheme</b>	<i>Beaudesert Shire Planning Scheme 2007</i>
<b>Applicant</b>	Gilmour Space Technologies Pty Ltd c/- Michel Group Services
<b>Owner(s)</b>	Mr B L Gilmour, Ms D L Gilmour
<b>Site Address</b>	10971 Mt Lindesay Highway PALEN CREEK
<b>Real Property Description</b>	Lot 1 RP148641
<b>Site Area</b>	56.74Ha
<b>Relevant Zone and Precinct</b>	Rural - Countryside Precinct
<b>Proposal</b>	Undefined Use - Research & Technology Facility
<b>Assessment Level</b>	Impact (Inconsistent)
<b>Approval Type</b>	Development for Material Change of Use
<b>Public Notification</b>	Notification period from - 7 November 2018 to 29 November 2018: <ul style="list-style-type: none"> <li>• Published in the Beaudesert Times on 7 November 2018;</li> <li>• Noticed placed on land on 7 November 2018;</li> <li>• Adjoining landowners notified on 6 November 2018.</li> </ul>
<b>Submissions Received</b>	Properly Made - nine (9) objections
<b>Date Application Deemed Accepted</b>	8 June 2018

## **Purpose of Report**

This report has been compiled outlining the facts and circumstances for Council to determine a development application seeking a development approval to establish an Undefined Use - Research & Technology Facility.

## **Strategic Implications**

### *Operational Plan*

Theme: Relaxed Living and Rural Lifestyle

Key Area of Focus: 3.1.2 Provide streamlined and practical regulatory services that deliver improved access for the community

### *Budget Implications*

Nil.

## *Legal / Statutory Implications*

Application submitted for decision within statutory timeframe under the *Planning Act 2016*.  
**Risks**

### Strategic Risks

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

- SR43 Inadequate or ineffective infrastructure planning and maintenance resulting in failure of infrastructure and associated risks to public and staff safety and subsequent potential financial implications
- SR50 Failure to manage Environmental Sustainability (including climate change) through inappropriate and/or inadequate planning and operational considerations of impacts to the Natural Environment
- SR59 Non-compliance with legislation and/or procurement policies and procedures resulting in successful claim against Council beyond limit insured for

### Risk Assessment

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

## **Brief Summary**

Council is in receipt of an application for a Material Change of Use for a Undefined Use - Research & Technology Facility on land at 10971 Mt Lindesay Highway, Palen Creek. Pursuant to the *Beaudesert Shire Planning Scheme 2007* (Planning Scheme), the subject development is undefined in the Rural Zone hence triggering an Impact assessment. In respect to the assessment, provisions of the whole Planning Scheme are to be addressed.

The applicant (Gilmour Space Technologies) seeks approval to establish a research and development facility. The practice develops various equipment and infrastructure associated with space operations. The proposed facility is to be utilised for static testing of rocket engines only and no firing of projectiles will occur. The manufacturing and design of the rockets are conducted in a separate site on the Gold Coast.

The site will test both large (46cm rocket) and small rockets (9cm rocket) at infrequent times. The larger rocket testing generally has a duration of less than 20 seconds. An existing shed is being utilised as an operational centre with monitoring equipment while the rocket is attached to a structure that is affixed to a shipping container filled with concrete and buried. The weight of the container approximately 80 tonnes is four times stronger than needed.

There is also another container structure utilised for the storage of chemicals and fuel which includes Hydrogen Peroxide, petrol, diesel, turpentine and acetone. It is noted that the qualities of chemicals do not warrant an Environment Relevant Activity (ERA) approval from State Government. The site has ample area for car parking and access is gained via Black Gully Road.

The proposed development has demonstrated general compliance with the relevant Codes of the Planning Scheme through the submitted application material. Where compliance has not been demonstrated, suitable conditions have been imposed to mitigate impacts and ensure compliance. As such, it is recommended that Council resolves to approve the proposed development subject to reasonable and relevant conditions entailed within this report.

## **Development History**

On 2 November 2018, Council issued a Operation Works Approval - Earthworks (Council Ref: OPW18/014).

On 1 June 2017, Council issued an Amended Compliance Permit - Plumbing and Drainage Work (Council Ref: PA16/00236).

On 1 May 2017, Council received an Amended Decision Notice for a Class 1a Dwelling from Building Certification Group (Council Ref: BPCR17/00109).

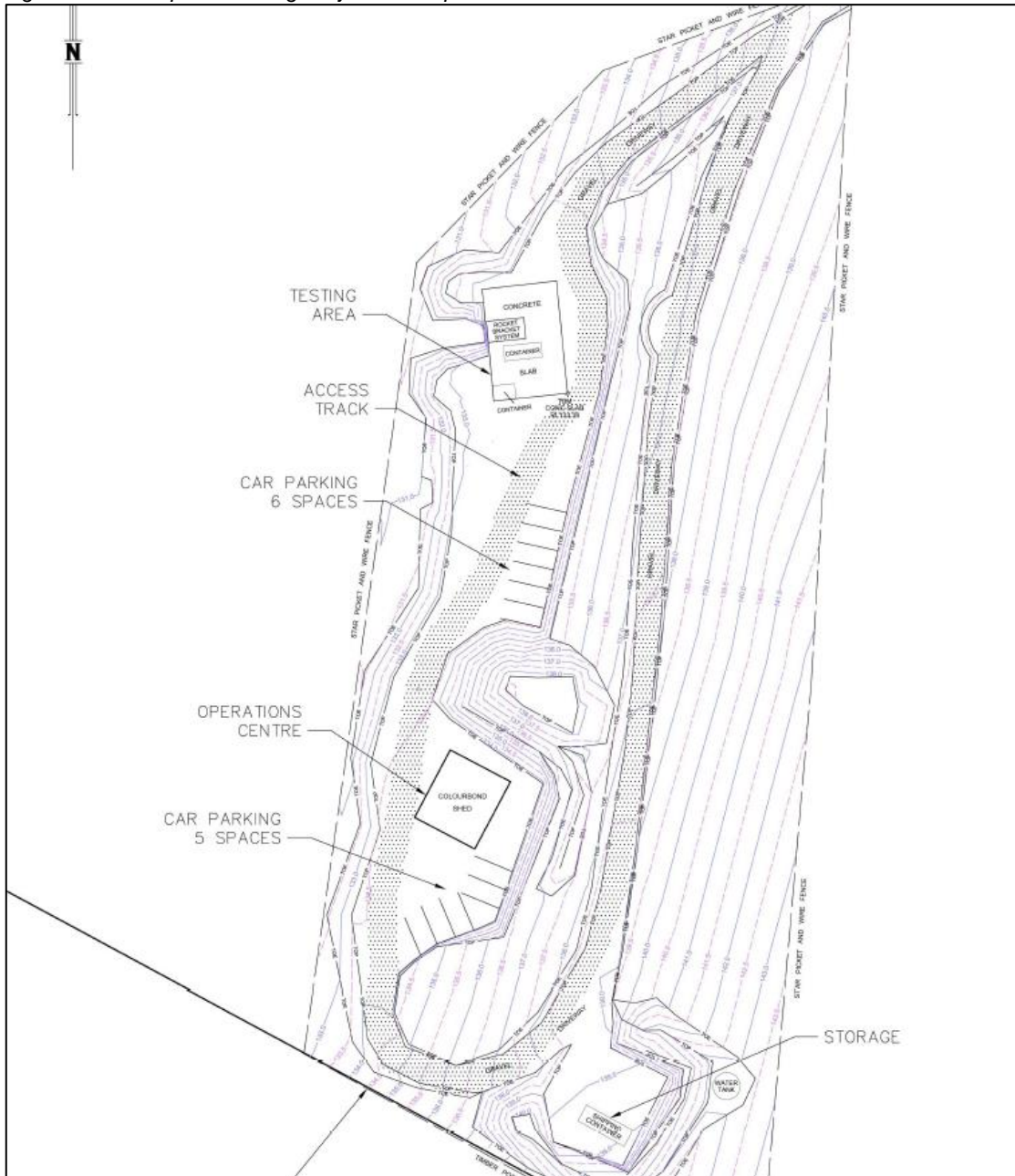
On 1 March 2017, Council received final certificate and supporting documentation from Building Certification Group for Building Work - Change of classification of existing house to Class 10a Shed (Council Ref: BPCR17/00055).

## **Proposal**

The Applicant (Gilmour Space Technologies) seeks approval to establish a research and development facility. The practice develops various equipment and infrastructure associated with space operations. The proposed facility is utilised for the static testing of rocket engines but not for firing projectiles. The manufacturing and design of the rockets are conducted in a factory out at Pimpama, Gold Coast.



Figure 2: Extract plan showing subject development





## Characteristics of Site & Surrounding Environment

The subject site is improved by a dwelling, shipping containers and sheds. The subject site is reasonably hilly in topography. The low points are located towards Mt Lindesay Highway and Black Gully Road. There are scattered vegetation and a dam on the subject site.

Figure 3: Aerial map of subject property (Google maps- sited 25/2/19)



On 21 January and 6 February 2019 respectively, site inspections were conducted to confirm the physical improvements on the site and adjoining neighbours.



Figure 4: Existing access point off Black Gully Road with the testing site beyond the ridgeline



Figure 5: Existing shed to be utilised as the operations centre





Figure 6: Proposed testing area for rockets

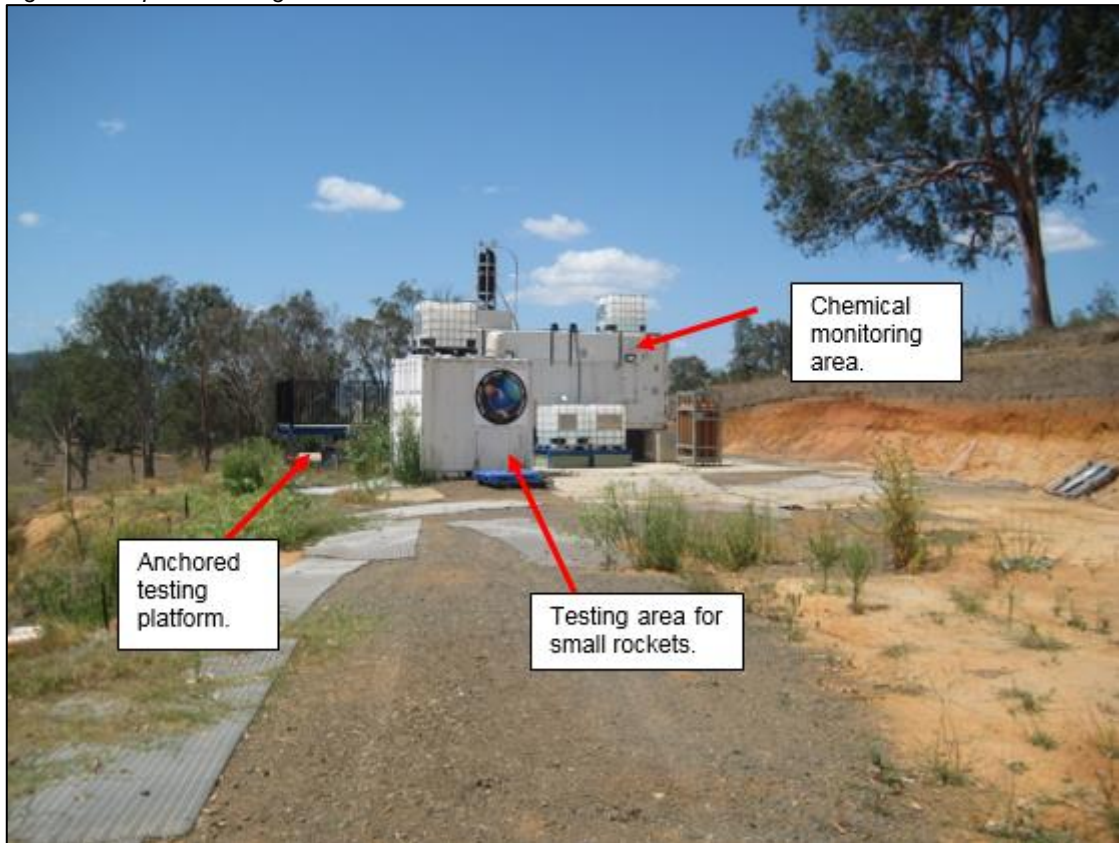


Figure 7: Looking towards storage area for chemicals and cut into land for testing pad





Figure 8: Looking towards testing area from Black Gully Road



## Development Assessment

### Framework for Assessment

#### Categorising Instruments for Statutory Assessment

For the *Planning Act 2016*, the following Categorising Instruments may contain Assessment Benchmarks applicable to development applications:

- the *Planning Regulation 2017*
- the Planning Scheme for the local government area
- any Temporary Local Planning Instrument
- any Variation Approval

Of these, the planning instruments relevant to this application are discussed in this report.

#### **Assessment Benchmarks Pertaining to the *Planning Regulation 2017***

The following Assessment Benchmarks from the *Planning Regulation 2017* are applicable to this application:

<b><i>Planning Regulation 2017 Details</i></b>	
Assessment Benchmarks:	ShapingSEQ South East Queensland Regional Plan 2017; and State Planning Policy.
ShapingSEQ South East Queensland Regional Plan 2017 Designation:	The subject property is located within the Regional Landscape and Rural Production Area. The proposed development is considered to be an industrial activity which the designation potentially allows for and not to be inconsistent with this

	<p>designation and therefore general complies with the regulatory provisions of the SEQRP.</p>
<p>State Planning Policy (SPP)</p>	<p>According to the State Planning Policy (SPP) Interactive Mapping System, the site is mapped as being located within the following and addressed accordingly:</p> <ul style="list-style-type: none"> <li>• <b>Agriculture (Class A and B);</b> There is only a small section on the property along Mt Lindesay Highway that is affected by Class A and B agricultural land. The proposal is located within this area hence will not adversely impact on the defined agricultural area.</li> <li>• <b>Biodiversity;</b> The subject development is located within a cleared area. Minimal impacts to existing watercourse is envisaged.</li> <li>• <b>Water Quality;</b> It is not envisaged that the subject development would cause adverse impacts on existing water resources planning areas.</li> <li>• <b>Natural Hazards Risk and Resilience (Flood &amp; Bushfire Prone); and</b> The subject development is not located in a flood affected area. Bushfire hazard is classified as low under the Planning Scheme and is shown to be within a potential impact buffer area under SPP mapping. It is envisaged that the subject development would not cause adverse impact in relation to bushfire as the proposed rocket testing is conducted over an existing dam and in an open area. Any testing will be closely monitored with emergency services on stand-by.</li> <li>• <b>Transport Infrastructure.</b> No access is gained from the State-controlled Road being Mt Lindesay Highway. Access to the subject development is from an existing entry point off Black Gully Road. Given the scale and location of the development, it is not envisaged that there will be adverse impact to the State-controlled road.</li> </ul> <p>Given the above, the proposed development is considered not to be in conflict with the SPP.</p>

## Assessment Benchmarks Pertaining to the Planning Scheme

The applicable planning scheme for the application is *Beaudesert Planning Scheme 2007*. The following sections relate to the provisions of the Planning Scheme.

<b>Planning Scheme:</b>	<i>Beaudesert Planning Scheme 2007</i>
<b>Strategic Framework Land Use Category</b>	Local Strategies for the Rural Zone
<b>Zone:</b>	Rural Zone
<b>Precinct:</b>	Countryside
<b>Consistent/Inconsistent Use:</b>	Inconsistent
<b>Assessment Benchmarks:</b>	<ul style="list-style-type: none"> <li>• Desired Environmental Outcomes;</li> <li>• Local Strategies for the Rural Zone;</li> <li>• Infrastructure Overlay;</li> <li>• Catchment Management - Waterway &amp; Wetlands Overlay.</li> <li>• Rural Zone Code;</li> <li>• Industry Code</li> </ul>

### *Desired Environmental Outcomes of the Planning Scheme*

As the proposed development is identified as 'inconsistent' under the Planning Scheme, the Desired Environmental Outcomes (DEOs) and the Local Strategies for the Rural Zone have been assessed below as part of the development assessment process.

#### 2.1.3 *Desired Environmental Outcomes*

<b>(1) Environment - The environment is conserved such that -</b>	
(a) lawful uses (which are not lawful non-conforming uses) are protected and an efficient land use pattern, that promotes integrated communities (which enjoy enhanced liveability, effective growth management, sustained economic growth, good urban design and ecological sustainability) is created and maintained; and	<p>Complies</p> <p>The proposal for a Research and Development Facility (Rocket Testing) use which has not been contemplated in the current <i>Beaudesert Shire Planning Scheme 2007</i> (Planning Scheme). Given the scale and location of the proposed development, it is not considered to impact on the existing and future agricultural activities in the immediate area.</p> <p>The proposed buildings and structures are screened from public view by the existing topography and vegetation on site and all required carparking will be provided on site which limits negative impact on the visual amenity of the local area.</p>
(b) the adverse impacts of development including the loss or degradation of native vegetation, habitat for significant flora and fauna and other nature conservation values, loss of amenity, land degradation, water pollution from inadequate effluent disposal practices and chemical	<p>Complies</p> <p>The subject development is located in an area that is clear of vegetation. No clearing is proposed as part of the development. All chemicals used should be handled as per the requirements listed in their Material Safety Data Sheet (MSDS). A copy of each Material Safety</p>



contamination, are avoided or otherwise mitigated; and	Data Sheet for each chemical must be kept on site and easily accessible at all times.
(c) the landscape character of the Shire is identified, protected and enhanced and regional, sub-regional and locally significant vegetation is conserved; and	Complies The subject site is screened from public view by the existing topography and vegetation. The building/structures are of a design and colour typically found on a rural property. The proposed development is not of a scale or intensity that would adversely impact on the landscape character of the area or the Scenic Rim.
(d) the landscape features of the Shire including its mountain ranges, valleys, specific views from Tamborine Mountain and other locations, waterways, floodplain, vegetation and rural farming areas are protected and managed to maintain their unique character and appeal; and	Complies The subject site is screened from public view by the existing topography and vegetation and not considered to impact the landscapes features of the Scenic Rim.
(e) the Shire's Ecologically Significant Areas, areas of local and State biodiversity significant and habitat for significant native flora and fauna and their associated nature conservation values are protected, maintained and restored; and	Complies The subject site is not affected by Planning Scheme's Nature Conservation Overlay Code. The subject development is located in a reasonably cleared area of the site. The site is not identified as land that has Local and State biodiversity significant or habitat for significant native flora and fauna
(f) development protects the Shire's water and soil resources and their associated values, including their ability to provide healthy ecosystems to support the livelihood and lifestyles of residents and visitors; and	Complies The treatment and disposal wastewater will be undertaken in accordance with current State provisions and Australian Standards. The proposal is for a Research & Development Facility and is not considered a risk to the water, soil nor the natural assets of the Scenic Rim. Appropriate conditions and future related approvals will ensure environmental concerns are addressed now and through future approvals.
(g) a network of natural areas, connected corridors, open spaces of local, regional and State biodiversity significance and other Ecologically Significant Areas is protected and enhanced; and	Complies The subject site is not located within any network of natural areas, connected corridors, open spaces of local, regional and State biodiversity significance and other Ecologically Significant Areas.
(h) development incorporates, and where possible, promotes best environmental practices.	Complies The applicant has obtained approval with conditions from Council for earthworks. The buildings/structures have the appearance of a shed which is typically found in the rural setting and is located in areas that are clear of vegetation.

<i>(2) Economic - Development -</i>	
(a) protects both the urban and rural economic bases of the Shire; and	Complies The proposed development is for a research and development facility. It is not considered that the use will cause adverse impact to the urban or rural economic bases of the Scenic Rim Region.
(b) protects and maximises opportunities for rural diversification in areas intended for such development; and	Complies Given the scale and location of the subject development, adverse impacts to rural diversification in the immediate area is not envisaged.
(c) is undertaken in a manner that ensures areas intended for urban development beyond the life of the Planning Scheme are protected from uses which would be incompatible with its long term use but are protected from premature development; and	Complies The subject site is located in a rural. The proposed development is not likely to impact on the long term planning intent of the area.
(d) protects the continuation of lawful but non-conforming uses or approved uses of limited duration, but only where there is a proven overwhelming community and economic need for such uses; and	Complies The proposed development is not likely to impact on the continuation of lawful and approved uses existing in the area. It is to be noted that the proposal was not a use (research & development facility - rocket testing) that was contemplated in the current Planning Scheme.
(e) protects and maximises the availability of regionally and locally significant extractive and mineral resources in areas appropriate for such development and avoids conflicts with their extraction, processing and transportation; and	Not applicable The proposal does not propose nor affect the extractive industry within the Region.
(f) provides local employment opportunities through Home Based Businesses which are compatible with residential amenity and protect the natural values and character of the local area; and	Not applicable The applicant does not propose a Home Based Business as part of this proposal.
(g) promotes tourism in a manner that encourages the efficient use of infrastructure and protects the natural values and character of the local area; and	Complies The proposed development is for a research and development facility for rocket testing that will not burden Council's infrastructure. There is potential for the development to advertise Scenic Rim during promotional stages of the business.
(h) provides for an efficient, safe, well located and legible transport network that is an integral part of the Shire's land use pattern and which supports the social and economic needs of the community; and	Complies The subject development utilises an existing driveway access from Black Gully Road with all necessary parking spaces being provided entirely onsite. The site also adjoins the Mt Lindesay Highway which the existing dwelling gains access from.

<p>(i) provides for the efficient use and safe operation of existing and planned future infrastructure including water supply, sewerage, the transport network, stormwater, parks and energy infrastructure; and</p>	<p>Complies The subject site is not serviced by reticulated water or sewer. The subject development is not considered to interfere or impact on existing and future planned infrastructure for the area.</p>
<p>(j) maintains and consolidates the existing and planned structure of urban centres which provide that—</p> <ul style="list-style-type: none"> <li>(i) Beaudesert is the principal rural centre of the Shire; and</li> <li>(ii) retail, business, industry, community services and recreational activities which provide local employment opportunities are located in Jimboomba, Logan Village, Greenbank, Canungra, North Tamborine, Eagle Heights; and</li> <li>(iii) local convenience services are located at Spring Mountain Drive, Woodhill, Homestead Drive, St Aldwyn Road, John Collins Drive, Tamborine, and within the Shire's rural villages; and</li> </ul>	<p>Not Applicable The subject development is not likely to impact on the existing and planned structure of the specified urban centres.</p>
<p>(k) maintains and enhances the distinctive character of the Shire's rural townships and villages; and</p>	<p>Not applicable The proposed development is not located within a rural township or village areas.</p>
<p>(l) is of a scale, form and intensity appropriate for the locality and is only developed at a greater scale, form or intensity where it can be demonstrated that there is both an overwhelming community need and an overwhelming economic need for the development; and</p>	<p>Complies The total gross floor area used for the facility is approximately 106m<sup>2</sup> which is considered insignificant in terms of scale given the subject site is 56Ha in size. Any future plans to increase the development would require approval from Council.</p> <p>It is to be noted that the proposal was not a use (research &amp; development facility - rocket testing) that was contemplated in the current Planning Scheme. It is envisaged that jobs may be created during the operations of the use and has the opportunities to enhance tourism industry in the region.</p>
<p>(m) supports industrial development areas at—</p> <ul style="list-style-type: none"> <li>(i) Bromelton which is designated for major or regionally significant industrial and export orientated uses; and ancillary support/services uses; and</li> <li>(ii) Beaudesert which is the preferred location for major service industries; and</li> </ul>	<p>Not applicable The proposal is not an industrial development within Bromelton or Beaudesert area.</p>



<p>(n) supports existing industrial development which—</p> <ul style="list-style-type: none"> <li>(i) promotes economic growth; and</li> <li>(ii) minimises the adverse effects on the existing and future amenity of the surrounding area; and</li> <li>(iii) promotes the efficient use of infrastructure; and</li> <li>(iv) protects industrial areas from incompatible land uses.</li> </ul>	<p>Noted</p> <p>Even though the proposal is an undefined land use, it is considered that it has similar attributes to a high impact industry. The proposal is considered to make efficient use of the land, support economic growth for the region and does not compromise the rural uses in the area.</p>
<p>(o) protects and enhances existing and planned community infrastructure and associated facilities throughout the Shire.</p>	<p>Complies</p> <p>The proposal does not adversely impact any existing or planned community infrastructure for the Scenic Rim.</p>
<p><i>(3) Social—Development provides that —</i></p>	
<p>(a) a diverse range of housing types and densities are provided which—</p> <ul style="list-style-type: none"> <li>(i) cater for the community's lifecycle needs; and</li> <li>(ii) are located in areas intended for such development; and</li> <li>(iii) maintains and enhances existing local residential amenity; and</li> <li>(iv) maintains and enhances the integrity and character of the individual neighbourhoods or localities in which the development is proposed; and</li> <li>(v) maximises opportunities for the efficient use of infrastructure and access to a range of services and community facilities; and</li> </ul>	<p>Not Applicable</p> <p>No residential use is being proposed as part of this application.</p>
<p>(b) adverse effects of natural or other hazards including flooding, bushfire, slope stability, contaminated sites and sites producing significant levels of emissions are minimised; and</p>	<p>Complies</p> <p>The subject site and consequently the proposed development has been assessed against hazards including flooding, bushfire, slope stability, contaminated sites and sites producing significant levels of emissions like noise.</p> <p>An acoustic assessment was conducted to analyse the impact of the testing to the nearest sensitive receptors. The assessment undertaken demonstrated that the noise from the intermittent rocket tests do not exceed the limits which apply to aircraft overfly noise or airblast noise commonly associated with explosive blasting at mines and quarries. To ensure that noise impacts in the surrounding areas are minimised the following criteria is recommended to be imposed:</p>

	<ul style="list-style-type: none"> <li>• that testing be limited to no more than 12 test events per annum;</li> <li>• not less than one (1) week prior to each testing event that residents within a 1.5km radius be notified in writing;</li> <li>• testing to be restricted to only occur during the hours of 9:00am and 4:00pm (Monday to Friday with no testing on Saturdays, Sundays or Public Holidays); and</li> <li>• a 10 second siren be sounded to alert neighbours of test firing.</li> </ul> <p>It is to be noted that the total duration of testing per annum is approximately four (4) minutes which could be appropriately managed as per the above recommendations.</p>
(c) the important values of historical and culturally significant features are maintained and protected; and	Not Applicable The subject site is not recognised or in close proximity to sites having historical and cultural features.
(d) the health and safety of the people, the amenity and sense of community they enjoy, and the integrated public open space network provided for social interaction, recreation and tourism activities are maximised; and	Complies Given the type of development being proposed, it is possible that the publicity of the business will inadvertently promote Scenic Rim as a tourist destination in terms of accommodating industry scientists and investors.
(e) the health and safety of people, property and the community is maintained and enhanced including minimising the opportunity for crime and incorporating best practice crime prevention principles and processes.	Complies Operations of this nature should have strict control measures to minimise the chances of crime, maintain and enhance the health and safety of the community and personnel's associated with existing and future operations. It is the applicants' responsibility to ensure these processes are implemented for the lifetime of the approved use.

Additionally, the proposed development has been assessed against the Strategic Framework, in particular the Local Strategies for the Rural Zone below:

#### 2.2.7 Local Strategies for the Rural Zone

Strategies	Officer's Comments
(1) The Rural Zone is maintained and protected for a range of agricultural uses and rural enterprises, including the cultivation of Good Agricultural Land and broad hectare farming.	Complies The proposed development is not likely to impact on existing or future agricultural activities envisaged within an area.  The applicant is required to implement management measures to minimise the potential for adverse impacts from noise emission. It has been recommended by the

	acoustic consultants MWA that only twelve (12) testing events for the larger rocket to be conducted per year, neighbours within a 1.5km radius is to be notified of any testing no less than 1 week prior to the test, and a 10 second siren is to be sounded prior to the testing. It is considered that noise can be appropriately managed.
(2) Development on or adjacent to rural production areas is compatible with rural production to ensure the ongoing viability of Rural Uses.	Complies Through implementation of the recommended control measures, the proposed development is not considered to cause adverse impact on existing uses or activities operating in the immediate area.
(3) Equestrian Activities are encouraged at appropriated locations within the Rural Zone.	Not Applicable No Equestrian activity is proposed as part of the development application.
(4) Rural based tourism activities and accommodation are encouraged in the southern part of the Shire where they are compatible with the rural landscape and rural image and do not impact adversely on the Rural Uses in the Rural Zone.	Not applicable No rural based tourism activities or accommodation is proposed as part of this application.
(5) The 'country town' character of Rathdowney and the villages of Beechmont, Laravale and Hillview, which provide local convenience services to the surrounding rural areas, is maintained to enhance the Shire's rural image.	Complies The subject site is not located with the mentioned areas.

Accordingly, the proposed development generally complies with the DEOs and Local Strategies for the Rural Area.

#### *Land use Definition*

The proposal is not a use that was contemplated within the current Planning Scheme hence is categorised as a 'Undefined' use. In terms of impacts, Council Officers considers the proposal could be to be of similar character (ie. cause off-site environmental effects) to a Medium or High Impact Industry use (ie. quarries or concrete batching plants) which is a defined use under the current scheme.

Given the above, there is no definite defined use that the proposal would fall under within the Planning Scheme and therefore a use has been chosen from the *Queensland Planning Policy* (version 4.0) as a Research & Technology Industry which involves research, design, manufacture, assembly and testing.



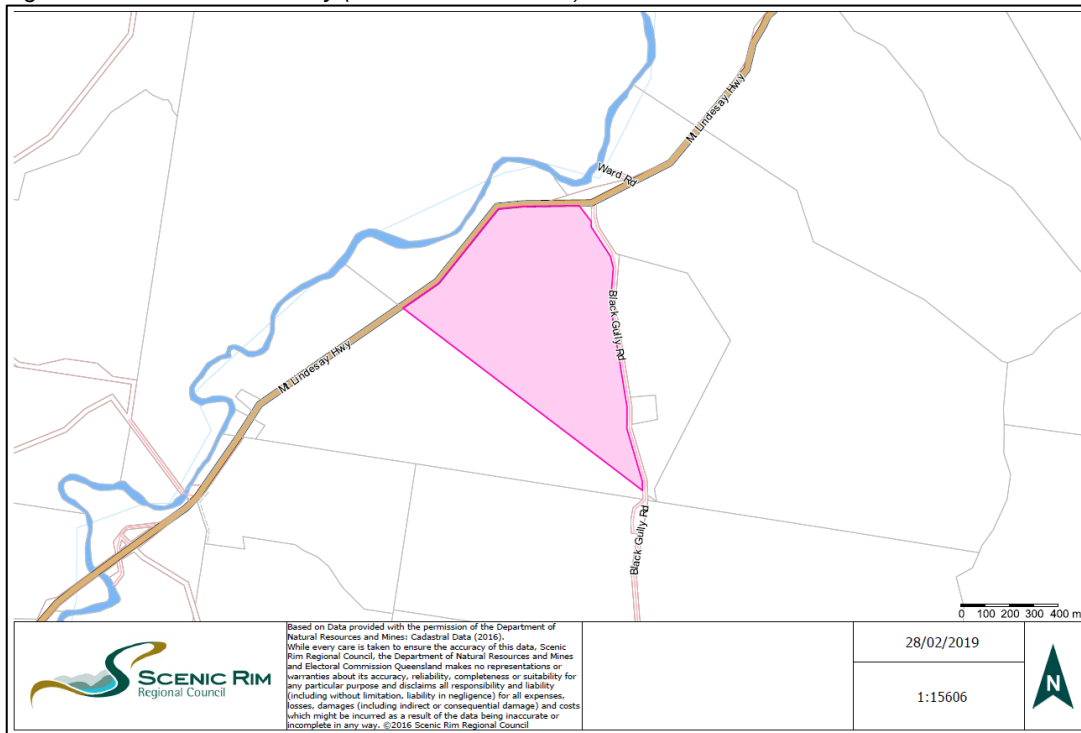
## Overlay Codes

### *Infrastructure Overlay Code*

Figure 9 below shows the subject site being affected by the Infrastructure Overlay (State-controlled road) being the Mt Lindesay Highway. It is to be noted that access to the proposed facility will be via Black Gully Road. The State Assessment Referral Agency (SARA) was a referral to this application. The agency has conditioned that no direct access from Mt Lindesay is permitted to ensure access to the state-controlled road from the site does not compromise the safety and efficiency of the road.

Given the above, it is considered that the subject development has been satisfactorily assessed against the Infrastructure Overlay Code and therefore supported.

Figure 9: Infrastructure Overlay (State-controlled road)



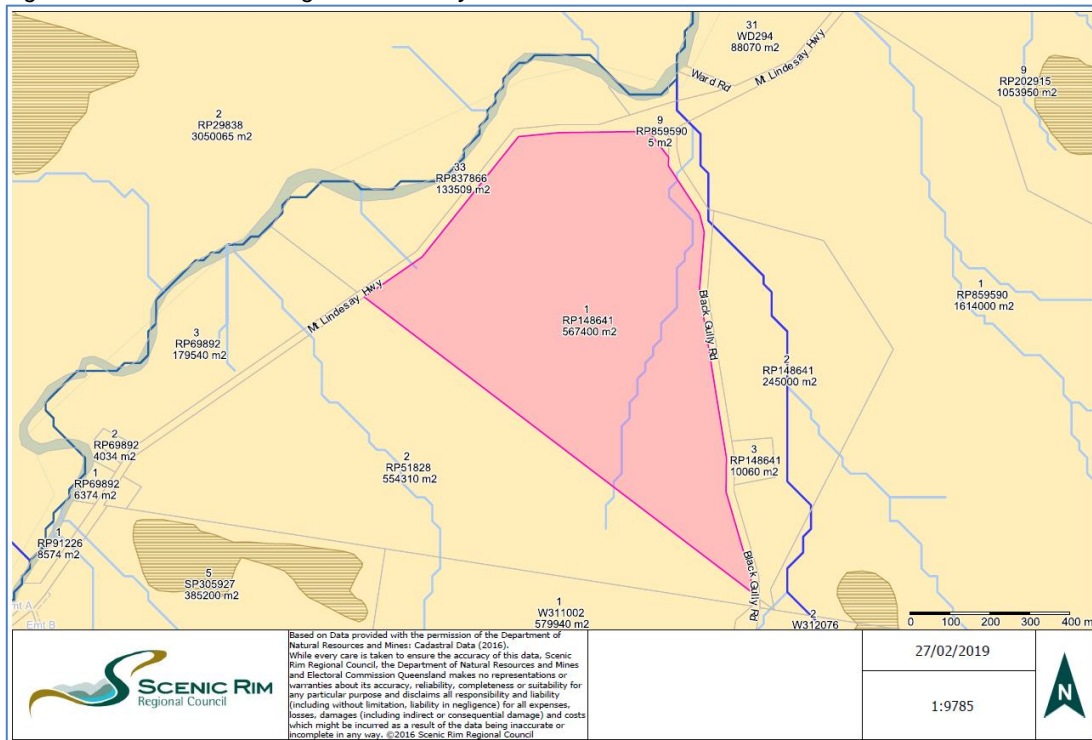
### *Catchment Management - Waterways and Wetlands Overlay Code*

Figure 10 below shows a Stream order 1 (light blue line) running through subject site. Council concerns are relating to potential impacts to the stream order in an event of a chemical spill. It is intended that a maximum of 3,000 litres of Hydrogen Peroxide will be stored in a locked shipping container. The container will have a deluge system which contains de-ionized water in an event of a spill or like issue. The make-up of Hydrogen Peroxide is such that when it is diluted with water it becomes water. Further, the storage area is approximately 100 metre from the stream order hence is not considered to cause adverse impact.

Matters relating to erosion and sediment control measures are to be compliant with relevant and current standards and minimise impact to any existing waterways/gullies or stream orders. Reasonable and relevant conditions will be recommended to ensure that that impacts a minimised.

Given the above, it is considered that the Catchment Management - Waterways and Wetlands Overlay has been satisfactorily addressed.

Figure 10: Catchment Management Overlay



## Zone Code

The subject site is located in the Countryside Precinct of the Rural Zone. Pursuant of the *Beaudesert Shire Planning Scheme 2007* (the Planning Scheme), in the intent of this precinct is as follows:

*OO43 Development within the **Countryside Precinct** has an agricultural character typified by broad hectare farming. Limited opportunity also exists for non-farming development - where such development maintains or enhances existing character and amenity.*

It is to be noted that the proposed use is located within an area consisting of minor scale agricultural activities. The subject site does not exhibit agricultural character or showing any evident of operating in an extensive agricultural nature. The proposal is restricted to a location on site and not considered to interfere with any agricultural activities or operations in the immediate area.

Accordingly, the proposed development is considered not to be in conflict with abovementioned and intent of the Countryside Precinct.

*Compliance with the Rural Zone Code*

The subject development can general comply with the of the Code's Acceptable Solutions and Specific Outcomes, except where as follows:

<b>Rural Zone Code</b>	
<b>Specific outcomes</b>	<b>Acceptable Solution</b>
SO1 Development is limited to development which is 'Consistent Development' as identified in Table 3.3.7 Consistent Development in the Rural Zone.	S1.1 No Solution is prescribed.

Officer's comments:

The applicant proposes a land use that is not listed as 'Consistent Development' and therefore cannot satisfy SO1 of the Rural Zone Code. However, the development is not prohibited development as prescribed under the *Planning Regulation 2017* and will be assessed against the entire Planning Scheme as a whole.

The subject development proposes a research and development facility for rocket testing which was not contemplated when the current planning scheme was created. The design and testing of the rockets play an integral part into creating innovative technology/equipment and opportunities in the foreseeable future for the Space industry.

Matters relating to and not limiting to noise, traffic, amenity, management and storage of chemical hazards and other potential impacts have been taken into consideration. Council will impose conditions to ensure that impacts are mitigated and complied with for the lifetime of the approved use.

The proposal conflicts with SO1, however the proposal has demonstrated sufficient merit as a whole not to warrant a refusal and will be subject to reasonable and relevant conditions.

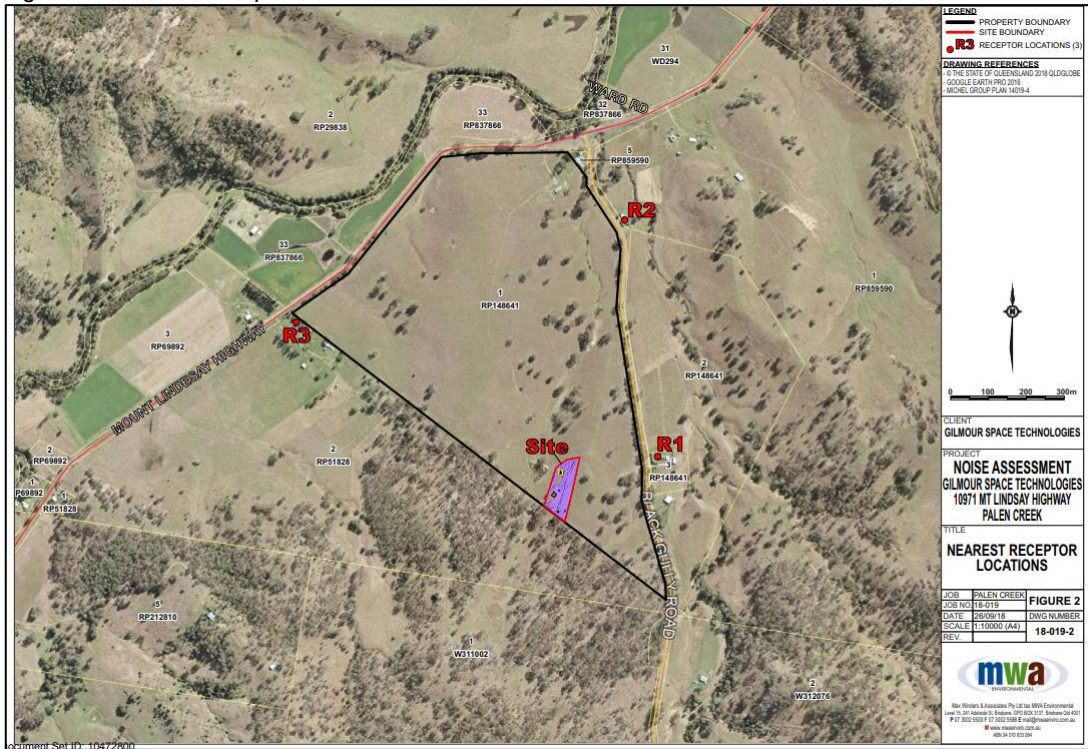
<b>Rural Zone Code</b>	
<b>Specific outcomes</b>	<b>Acceptable Solution</b>
SO33 Development protects and enhances the amenity and character of the Zone and Precinct by avoiding or mitigating the adverse emission of noise and vibration.	S33.1 No Solution is prescribed.

Officer's comments:

Noise emissions created by the testing is a main concern. A Noise Impact Assessment prepared by MWA Environmental dated 16 October 2018 was submitted as part of the information request response to Council. In regards with, noise impacts on residential dwellings and the effect on humans, the report states the activity complies with the closet representative criteria being aircraft noise. Table 5 and Figure 11 below of the report shows the following noise levels at the selected receptors:

Receptor	Receptor Distance - metres	Distance Attenuation - dB(A)	Angle from Rocket Exhaust -degrees	Directivity Reduction dB(A)	Barrier Screening / Ground Effect- dB(A)	Resultant Level - LmaxdB(A)
Receptor 1	251	-0.2	165	14.0	22.25	87.4
Receptor 2	668	8.3	100	7.0	19.75	88.4
Receptor 3	789	9.7	25	-2.5	34.5	81.7

Figure 11: Nearest receptor location



Data provided in Table 1 below has been gathered from Safe Work Australia ([www.safeworkaustralia.gov.au](http://www.safeworkaustralia.gov.au) - sited 27/2/19) in relation to noise sources and its typical sound levels. It is to be noted that the noise emitted to the nearest receptors show in Figure 10 above are of sound level similar to a lawn mower and are typically used more frequently and for a longer duration.

Table 1 : Sound level and source

Typical sound level in dB	Sound Source
140	Jet engine at 30m
130	Rivet hammer (pain can be felt at this threshold)
120	Rock drill
110	Chainsaw
100	Sheet metal workshop
90	Lawn mover
85	Front-end loader
80	Kerbside heavy traffic
70	Loud conversation
60	Normal conversation
40	Quiet radio music
30	Whispering
0	Hearing threshold

The duration of each rocket testing is approximately 20 seconds with a total duration time of approximately four minutes per annum. It is considered that adverse noise impacts can be appropriately managed to minimise the potential noise nuisance to adjoining residents. The recommendations listed below by the acoustic consultant include:

- No more than 12 test events per annum;
- Not less than 1 week prior to each test fire event, notify residential neighbours within a 1.5 km radius of the facility in writing as to the date and approximate time of the planned test fire event providing a contact name and number for the Gilmour Space Technologies Site Manager;
- Test firing events are to occur between the hours of 9am and 4pm (Monday to Friday with no testing on Saturdays, Sundays for Public Holidays); and
- Prior to testing, a siren be sounded to alert surround areas of any test event, as it is commonly conducted in blasting for mines and quarries.

While the subject development is not generally comply with the outcomes of SO33 of the zone code, the proposal has demonstrate sufficient merit as a whole to not warrant a refusal. Matters relating to noise emissions can be appropriately managed and conditions will be imposed to ensure impacts are minimised.

### **Development Codes**

#### *Compliance with the Industry Code*

As mentioned previously, the subject development is considered to be similar to an industry use. Council Officers considers that it is appropriate to assess the subject development against the Industry Code.

The overall outcome for an Industry use is as follows:

- a) is compatible with the scale and character of the surrounding area; and*
- b) achieves a high quality in Building design; and*
- c) operates in a manner that minimises off site impacts.*

The proposed development has a total gross floor area of approximately 106m<sup>2</sup> which includes the existing shed and two shipping containers which is a relatively small area of the 56Ha property. The facility is reasonably screened from public view and is setback from neighbouring dwellings.

The proposal has also been assessed against and not limited to the matters relating noise, visual amenity, sensitive receptors, light emissions, waste disposal, soil and sediment erosion, impacts to existing waterway/gullies on site. Council Officers considered that the abovementioned matters can be appropriately managed or mitigated. Given the above, it is considered that the proposal is generally in compliance with the Industry Code.

#### *Compliance with the Construction and Infrastructure Code*

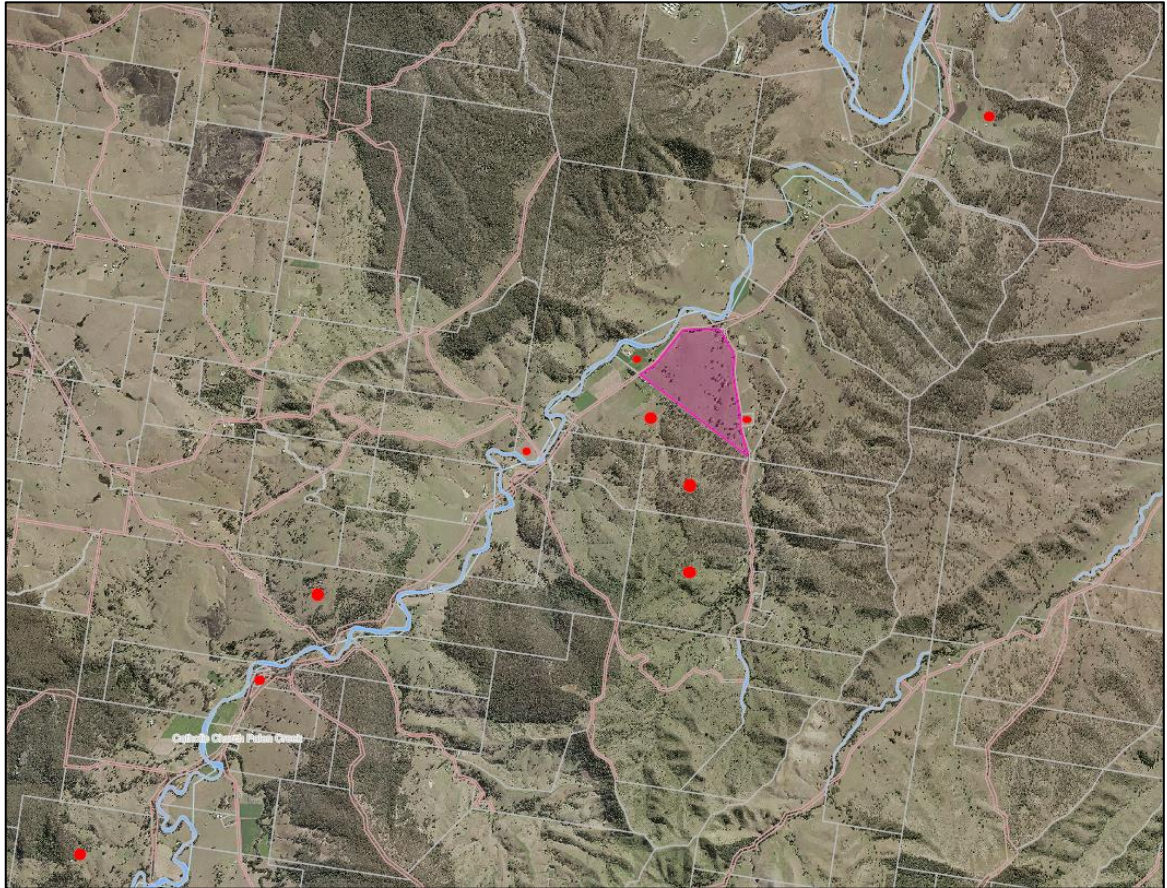
The proposed development generally complies with the Probable Solutions and Specific Outcomes of the Construction and Infrastructure Code. Any future construction or infrastructure will be required to comply with current standards.



## Public Notification

The application was publicly notified for 15 days in accordance with the requirements of the *Planning Act 2016*. Nine properly made submissions were received by Council which all objected to the subject development. Please refer to Attachment 3 for a list of Submitters. Figure 12 shows the approximate locations of submitters.

Figure 12: Approximate locations of submitters (red dots)



The submitter concerns have been grouped into themes and addressed accordingly in the following table below:

### 1. Inconsistent Use under the *Beaudesert Shire Planning Scheme 2007*

Applicants comments:

*As Council would be aware the nature of the use is such that there is no zone specifically set up to accommodate it. In our view, an approval subject to reasonable relevant conditions around the operation of the use is warranted having regard to the frequency of the use and the characteristics of the site and the locality.*

Officers comments:

Council Officers acknowledge that the proposal being a Research & Development Facility is not a use identified as a 'consistent' use and it does not exactly fit into any of the defined use within the Planning Scheme. It is to be noted that when the current *Beaudesert Shire Planning Scheme 2007* was created, it did not contemplate a use of this type.

The current *Beaudesert Shire Planning Scheme 2007* (Planning Scheme) was drafted and endorsed under the *Integrated Planning Act 1997* of which has been superseded by the *Sustainable Planning Act 2009* and now the *Planning Act 2016* (Act).

Planning assessment under the *Planning Act 2016* is performance based and must demonstrate compliance through objective benchmarks. Further, it is to be noted that a land use identified as inconsistent does not automatically equate to a 'Prohibited Development'. The assessment officer is required to assess the development against all relevant codes of the Planning Scheme to make a decision in accordance with section 60 of the Act, hence the report seeks to undertake this assessment. Subsequent to an assessment being undertaken, Council officers conclude that while the proposal is identified as an 'inconsistent' landuse, there is sufficient justification to warrant approval.

## **2. Noise and Vibration Impacts**

Applicants comments:

*It is acknowledged that noise impacts are the most concerning issue for the proposed development however we are of the view that such concerns can be addressed through conditions of approval regulating hours of operation/tests and also a limit on the number of tests. Both of these issues are addressed within the information response with proposed details as follows:*

- *9cm Rocket – maximum of 26 tests per 12 month period and no more than 4 tests in a single day being 9am-4pm on said day.*
- *46cm Rocket – maximum of 12 tests per 12 month period and no more than 1 test in a single day being 9am-4pm on said day.*

*Having regard to the above, in particular the number of tests it is argued that the real impacts are minimal, particularly for the larger rocket with a test to occur once per month on average noting that such a test is for a very short period (+/- 20 seconds). To put this into perspective 12 tests of the 46cm rocket in one year at 20 seconds per test equates to 4 minutes per year. While it is acknowledged that the noise is significant, a period of 4 minutes of noise generation over a 12 month period is not considered to result in significant impacts on nearby properties.*

*The other issue of concern in this regard is ensuring that nearby residents are aware of when tests are to occur and again it is anticipated that a condition of approval will reflect Council's requirements in this regard. We also confirm here that the Applicant does notify certain nearby land holders including tenants of submitters however additional notifications may be warranted and the Applicant is happy to notify any parties deemed necessary by Council. Note that we can provide details of who is notified if necessary.*

Officers Comments:

It is acknowledged that noise emissions created by the testing is a main concern to both residents and livestock. A Noise Impact Assessment prepared by MWA Environmental dated 16 October 2018 was submitted as part of the information request response to Council. In regards with noise impacts on residential dwellings and the effect on humans, the report states the activity complies with the closest representative criteria being aircraft noise.

The duration of the each test event is an important factor to consider. As mentioned, the total duration of twelve (12) testing per annum is approximately four (4) minutes. It is considered that noise emissions can be appropriately managed subject to the development implementing the recommendation proposed by the acoustic consultant.

The applicant has proposed sounding an alarm 10 seconds before the rocket test to warn any livestock or residents of the impending rocket noise.

Given the above, matters relating to noise does not warrant a refusal for the current application in this instance. Conditions have been imposed to mitigate noise impacts.

### **3. Chemical hazard and spillage**

Applicant's comments:

*As per information previously submitted to Council the Applicant has all necessary approvals and systems in place for the storage of chemicals on site with the volumes stored not requiring further approvals, licences or the like. Given the arrangements in place and compliance with legislative requirements it is argued that the storage of chemicals is not an issue of concern for the proposed development. We also note that conditions of approval can reflect any particular requirements of Council in this regard if deemed necessary.*

Officer's comments:

The applicant has advised that the primary chemical stored on is hydrogen peroxide. Other chemical stored are petrol, diesel, turpentine and acetone in small quantities. Chemicals are required to be handled as per the requirements listed in their Material Safety Data Sheet. Due to the volume of chemical stored on site, the State Assessment Referral Agency does not consider it a hazardous chemical facility, hence has no issues were received.

It is intended that a maximum of 3,000 litres of Hydrogen Peroxide will be stored in a locked shipping container. The container will have a deluge system which contains de-ionized water in an event of a spill or like issue. The make-up of Hydrogen Peroxide is such that when it is diluted with water it becomes water. Further, the storage area is approximately 100 metre from the stream order hence is not considered to cause adverse impact.

Council officers have imposed conditions to ensure that chemical storage, mixing and handling areas must be bunded to ensure that chemicals are not permitted to enter waterways, gullies, stormwater or soil in the event of container failure or other incident. It is in the best interest of the applicant to achieve good practice to ensure any potential nuisance/impacts are minimised and appropriately managed through a site based management plan.

Given the above, matters relating to hazardous chemicals have been addressed.

### **4. Impact on land values**

Council advises that the assessment process is based on the information provided by the Applicant and assessment against the requirements of the whole *Beautesert Shire Planning 2007*. There is insufficient facts or evidence to determine whether the subject development will or will not devalue land values, hence in this is not a valid assessment benchmark to consider in the development assessment process.

### **5. Impacts on live stock**

Applicants comments:

*Unfortunately there are no clear guidelines or criteria around short-term noise emissions as result from the proposed development and their impacts on animals. We do note however that this matter is addressed within the acoustic report submitted in response to Council's information request including recommendations to manage such issues. If deemed necessary conditions of approval can reflect the*

*need for the Applicant to implement the recommendations of the acoustic report. We also note here that significant noise generating uses and grazing commonly co-exist including proximity to airports, blasting from mining activities not to mention significant noise during storm events.*

Officers comments:

Council acknowledges the incidents that occurred and impacts it may have caused by the testings conducted in the past. As stated by the acoustic consultant in the report, *'previous experience with mine blasting activities has demonstrated that infrequent, very high noise level, short duration noise events can have an impact upon the grazing patterns of cattle, including the potential to cause a 'fear to flight' response in cattle not used to such events'*. It is to be noted the total duration of the twelve (12) testings are approximately four (4) minutes.

Given the proposed location of the development, its natural buffers to adjoining sites as well as Council's requirement to condition that sufficient notification is given to neighbours for future testing, it is considered that matters relating to noise emission can be appropriately managed and will be conditioned as such.

## **6. Impacts on Koalas**

Officers comment:

It is to be noted that the Scenic Rim Region area is not listed or mapped as koala assessable development area under the *Planning Act 2016*. Council acknowledge that there is the possibility of koalas existing in the region. As mentioned by the submitter, there are currently little or no mechanism for Council to detail koala habitat within the Scenic Rim region. Given that there are no prior studies or data, Council is not in a position to conduct a reasonable assessment regarding the impacts the subject development may or may not have on koalas.

The applicant has a duty of care that impacts on natural features and wildlife within the immediate area is mitigated and managed. It is suggested that advisory notes are imposed to ensure appropriate approvals are obtained of any clearing of native vegetation and any clearing would require the presence of a suitably qualified spotter catcher at all times.

Given the above, the matter relating the impact of koalas have been addressed.

## **7. Hours of Operation**

Applicants comments:

*It is acknowledged that previous tests on site have been undertaken at inappropriate times however this is not the Applicant's intention and it is note that the development application material proposes hours of operation for tests with the acoustic report addressing this issue. Appropriate conditions of approval can ensure that concerns in this regard.*

Officers comments:

Council acknowledges the past testings that occurred at inappropriate times of which was acted upon as soon as Council was notified. Based on the analysis conducted by the acoustic consultant, it was recommended any future testing is not to be conducted outside the hours of 9:00am – 4:00pm Monday to Friday, Saturday or Sunday and no public holidays. Notification is to be given to neighbours (within a 1.5km radius of the subject site) of each testing no less than one (1) week.

Given the above, the matter relating the operating hours has been addressed.



## 8. Proposed location of facility

Applicant's comments:

*The proposed site for the testing facility was chosen due to its isolation from nearby dwellings, topography screening the area from nearby houses and public roads and the proximity to the existing dam.*

Officer's comments:

The proposed development is located in a valley and is screened from public from Black Gully Road, Mt Lindesay Highway and nearest receptors (i.e. adjoining residents). Figure 13 shows the view from Black Gully Road.

Figure 13: Looking towards development from Black Gully Road



It is to be noted that the storage container and building for operations are of an appearance of a typical shed found in a rural setting and not at a height to cause visual amenity impacts. Conditions have been imposed that the colour of any structure/building are to be of a material other than zincalume, such that the development does not detract visually from the amenity of the locality.

It is considered that the proposed location of the development is not likely to cause adverse impact to the visual amenity of the immediate area.

## 9. Fire Risk

Officers comments:

The subject site and the site immediate adjoining east under Council's mapping is categorised as having low bushfire hazard whilst the State mapping has identified the subject site as a 'potential impact buffer' area which is the most current mapping to be used in relation to bushfire prone areas. It is Council's understanding that the plume from



fire testing is of a distance of six (6) metres and is over an existing dam on site. The location of the facility is also reasonably clear of vegetation.

Council Officers has recommended that a site based management plan is to be submitted prior to the commencement of use.

It is considered that the proposed location of the development is not likely to create adverse impact relation to fire hazard in the immediate area.

### **Applicable Infrastructure Charges**

#### *Adopted Infrastructure Charges Resolution (Version 9 July 2018)(AICR)*

The subject development is not defined in the current Planning Scheme but is an activity that falls under a 'Research and technology' industry under the Planning Regulations. In this instance it is appropriate to class the subject development under an 'Other Industry' category as per the current AICR.

In accordance with the Adopted Infrastructure Charges Resolution the adopted infrastructure charge applicable for Undefined Use is as follows:

<b>Planning Scheme Use Type</b>	<b>Classes of Development to which Adopted Infrastructure charges schedule apply</b>
Undefined Use	Other Industry (Research and technology industry)

Local Government Charges applicable to the development are outlined below.

#### ***Proposed Demand***

<b>Use</b>	<b>No. of units</b>	<b>Unit of Measure</b>	<b>Charge Rate</b>	<b>Amount</b>
Special Industry	106m <sup>2</sup>	\$ per m <sup>2</sup> of GFA	\$20.49	\$2171.94
Impervious	230m <sup>2</sup>	\$ per m <sup>2</sup> of impervious area	\$10.22	\$2350.60
<b>Total</b>				<b>\$4,522.54</b>

**Total Charge = Proposed Demand**  
**= \$4,522.54**

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

### **STATEMENT OF REASONS**

The following provides further grounds to justify the assessment managers' decision despite the subject development's conflict with the *Beaudesert Shire Planning Scheme 2007*:

- Council Officers acknowledge that the proposal being a Research & Development Facility is not a use identified as a 'consistent' use and it does not exactly fit into any of the defined use within the Planning Scheme. It is to be noted that when the current *Beaudesert Shire Planning Scheme 2007* was created, it did not contemplate a use of this type.

The current *Beaudesert Shire Planning Scheme 2007* (Planning Scheme) was drafted and endorsed under the *Integrated Planning Act 1997* of which has been superseded by the *Sustainable Planning Act 2009* and now the *Planning Act 2016* (Act).

Planning assessment under the *Planning Act 2016* is performance based and must demonstrate compliance through objective benchmarks. Further, it is to be noted that a land use identified as inconsistent does not automatically equate to a 'Prohibited Development'. The assessment officer is required to assess the development against all relevant codes of the Planning Scheme to make a decision in accordance with Section 60 of the Act;

- The proposed development generally achieves the Desired Environmental Outcomes (DEOs) and Local Strategies for the Rural Zone. The proposed development is not considered to be inconsistent with the Regional Landscape and Rural Production Area designation of the *South-East Queensland Regional Plan 2009-2031* which does envisage potential industry uses in this particular designation;
- The applicant proposes a research and development facility which is likely to create local jobs and enhance tourism industry in the Scenic Rim Region;
- The proposed development is at a scale and intensity that is not considered to overshadow or cause impact to the rural activities immediately surrounding;
- Matters relating to, but not limited to, noise, chemical hazard, fire risk, land value, impacts on natural features, native animals presented by the submitters can be adequately managed via the imposition of conditions by Council.

## **REFERRAL**

### **External Referral**

The application was referred to the State Assessment Referral Agency (SARA) on 21 June 2018. A Referral Agency response with conditions was received by Council via email 25 July 2018. Please refer to Attachment 2 for full details.

### **Internal Referrals**

#### *Health, Building and Environment – Building and Plumbing*

Council's internal building and plumbing section has reviewed the subject application and has no objections subject to a future application for building and plumbing works.

#### *Health, Building and Environment – Environmental Policy*

Council's internal environmental section has reviewed the subject application and has no objections to the proposal. Conditions have been imposed in terms of erosion, sediment control measures and submission of a Site Based Management Plan prior to the commencement of use.

#### *Health, Building and Environment – Environmental Health*

Council's internal health section has reviewed the subject application and has no objections and request that conditions and advice notations be included with any development approval relating to air contaminates, light emissions, noise disturbance, erosion & sediment control, releases to water, waste, waste storage and waste removal.

### *Development Assessment (Engineering)*

Council's internal engineering section did not object to the proposal subject to the imposition of conditions in respect to car parking and access, stormwater discharge and disposal, earthworks design and management.

### **Conclusion**

The proposed development generally complies with the requirements of the planning scheme and does not raise any significant issues that cannot be addressed by reasonable and relevant conditions. The application is therefore recommended for approval.

### **General Manager's Recommendation**

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

**Real Property Description:** Lot 1 RP 148641  
**Address of property:** 10971 Mt Lindesay Highway PALEN CREEK

#### **1. Currency Period of Approval**

The currency period for this development approval is six years starting the day that this development approval takes effect. (Refer to Section 85 "Lapsing of approval at end of currency period" of the *Planning Act 2016*).

#### **2. Conditions of Approval:**

- a) A Development Permit is given for Material Change of Use (Undefined Use - Research & Development Facility) subject to the following conditions:

	<b>Condition</b>	<b>Timing</b>												
<b>1.</b>	<p><b>PLANS &amp; DOCUMENTS</b></p> <p>Undertake development generally in accordance with the following plan(s) and/or document(s); except as altered by other conditions of this development approval including any amendments wherever made in red on the approved plan(s):</p> <table border="1"><thead><tr><th>Plan Name</th><th>Drawing No.</th><th>Prepared By</th><th>Plan/Revision Date</th></tr></thead><tbody><tr><td>Proposal Plan (Sheet 1 of 2)</td><td>14019-5</td><td>Michel Group Services</td><td>-</td></tr><tr><td>Proposal Plan (Sheet 2 of 2)</td><td>14019-5</td><td>Michel Group Services</td><td>-</td></tr></tbody></table> <p>Associated Reports</p> <p>Noise Impact Assessment Report prepared by MWA Environmental and dated 16 October 2018.</p> <p>Implement the recommendations of the aforementioned reports, submitted to Council in support of the development application except as altered by other conditions of this development approval</p>	Plan Name	Drawing No.	Prepared By	Plan/Revision Date	Proposal Plan (Sheet 1 of 2)	14019-5	Michel Group Services	-	Proposal Plan (Sheet 2 of 2)	14019-5	Michel Group Services	-	<p>Prior to commencement of use and at all times thereafter.</p>
Plan Name	Drawing No.	Prepared By	Plan/Revision Date											
Proposal Plan (Sheet 1 of 2)	14019-5	Michel Group Services	-											
Proposal Plan (Sheet 2 of 2)	14019-5	Michel Group Services	-											

2.	<p><b>DEVELOPMENT APPROVAL PERIOD</b></p> <p>The approved land use for Undefined Use (Research &amp; Development Facility) will have a lifespan of no more than six (6) years from the date of commencement of the approved land use.</p>	At all times and no more than six (6) years from the date of commencement of the approved land use.
3.	<p><b>NUMBER OF TESTING</b></p> <p>The development must not conduct more than twelve (12) test fire events per annum for the 46cm rocket, and each test with ignition-firing burn must not last beyond than 20 seconds.</p>	At all times.
4.	<p><b>NOTIFYING OF NEIGHBOURS AND COUNCIL</b></p> <p>Two (2) weeks prior to each test fire event, all residential neighbours within a two (2) kilometre radius of the rocket test facility, and Council, must be notified in writing of the planned test event. The notification must contain the following information:</p> <ul style="list-style-type: none"> <li>• the name and contact details of the Site Manager responsible for the test event.</li> <li>• the date and time of the test event.</li> </ul>	At all times.
5.	<p><b>PRIOR TO TESTING</b></p> <p>Immediately prior to any test fire event, an alert siren must be sounded for a fifteen (15) second period to alert the surrounding environment of the impending test event. The maximum sound level of the alarm must be at an equal decibel level as the sound level produced by the rocket. The sound of the alarm must gradually increase in volume and reach maximum level with in the first ten (10) seconds of the alarm starting.</p>	At all times.
6.	<p><b>HOURS OF TESTING EVENTS</b></p> <p>All test fire events must be conducted within the hours of 9:00am - 4:00pm Monday to Friday. No rocket fire tests are to occur on Saturdays, Sundays or Public Holidays and at times of total fire ban.</p>	At all times.
7.	<p><b>HANDLING OF CHEMICALS</b></p> <p>All chemicals should be handled as per the requirements listed in the Material Safety Data Sheet (MSDS). A copy of each Material Safety Data Sheet for each chemical must be kept on site and easily accessible at all times.</p>	At all times.
8.	<p><b>CHEMICAL STORAGE</b></p> <p>Chemical storage, mixing and handling areas must be bunded to ensure that chemicals are prevented from entering waterways, gullies, stormwater or soil, in the event of container failure or other chemical spill incident.</p>	Prior to the commencement of use and thereafter at all times.

8.	<p><b>MINIMUM WATER STORAGE</b></p> <p>The development must provide 5,000 litres of minimum on-site water storage for firefighting purposes only and to be at capacity at all times. The provision of this on-site water storage is to occur prior to the commencement of use.</p>	Prior to the commencement of use and thereafter at all times.
9.	<p><b>BUILDING HEIGHT</b></p> <p>Any buildings or structures on site must not exceed a height of 8.5 metres from natural ground level.</p>	At all times.
10.	<p><b>BUILDING COLOUR</b></p> <p>The approved structure shall be constructed of a material other than zincalume, such that the development does not detract visually from the amenity of the locality.</p>	At all times
11.	<p><b>SITE MAINTENANCE</b></p> <p>The site must be maintained in a clean and orderly state.</p>	At all times.
12.	<p><b>SITE BASED MANAGEMENT PLAN</b></p> <p>A Site Based Management Plan is to be submitted to Council for approval detailing and not limited to the following matters:</p> <ul style="list-style-type: none"> <li>• Environmental Risk Management;</li> <li>• Safety procedures during testing events;</li> <li>• Evacuation procedures;</li> <li>• Handling Complaints;</li> <li>• Keeping Environmental Records;</li> <li>• Methods for Protection of Watercourse/Gully's;</li> <li>• Stormwater, Erosion and Sediment Control;</li> <li>• Bushfire Management;</li> <li>• Noise and Vibration Management;</li> <li>• Waste Management;</li> <li>• Pest and Weed Control;</li> <li>• Air Quality;</li> <li>• Visual Amenity;</li> <li>• Traffic Management.</li> </ul> <p>The plan must be kept on premises for the lifetime of the approved use and to be available upon request. The Site Based Management Plan must be submitted to Council prior to the commencement of the approved use and be revised and re-submitted to Council at least every two (2) years starting on the anniversary of the date of commencement.</p>	Prior to the commencement of use and thereafter at all times.
13.	<p><b>AIR CONTAMINANTS</b></p> <p>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.</p>	At all times.



<b>14.</b>	<b>LIGHT EMISSIONS</b>  Light sources at the premises must be positioned and shielded to prevent light spillage outside the boundaries of the premises.	At all times.
<b>15.</b>	<b>NOISE DISTURBANCE</b>  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.	At all times.
<b>16.</b>	<b>RELEASES TO WATER</b>  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.	At all times
<b>17.</b>	<b>WASTEWATER DISPOSAL</b>  No effluent wastewater, whether treated or not is to enter into the adjacent existing stream orders or gully/s on the subject property.	At all times.
<b>18.</b>	<b>WASTE</b>  Waste is not to be stockpiled so as to cause environmental nuisance or attract flies.	At all times.
<b>19.</b>	<b>WASTE STORAGE</b>  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.	Prior to commencement of use.
<b>20.</b>	<b>WASTE REMOVAL</b>  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.	At all times.
<b>21.</b>	<b>ADVERSE DRAINAGE IMPACT - GENERAL</b>  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.	At all times.
<b>22.</b>	<b>STORMWATER DISCHARGE AND DISPOSAL</b>  The development must 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	At all times.

	accordance with the <i>Queensland Urban Drainage Manual</i> (QUDM).	
<b>23.</b>	<p><b>MINIMISE EROSION</b></p> <p>The development must implement 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.</p>	Prior to the commencement of use and thereafter at all times.
<b>24.</b>	<p><b>ACCESS TO COUNCIL ROAD</b></p> <p>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. The access provisions shall be maintained in good condition for the lifetime of the proposed use.</p>	Prior to the commencement of use.
<b>25.</b>	<p><b>WORKS WITHIN EXISTING ROAD RESERVES</b></p> <p>A Property Access Permit and Road Corridor Use Permit Applications are to be lodged with Council prior to undertake any access/road construction works.</p>	Prior to the commencement of use.
<b>26.</b>	<p><b>ACCESS DRIVEWAY - GRAVEL</b></p> <p>The development must provide an all-weather internal access driveway. The internal access driveway must be designed and constructed to a minimum gravel standard or approved equivalent standard in accordance with Council's Design and Construction Manual.</p> <p>The driveway must be constructed with a maximum grade not to exceed 16.6% (1 in 6), be trafficable in all weather conditions and maintained in good condition for its lifetime.</p>	Prior to the commencement of use.
<b>27.</b>	<p><b>CAR PARKING AND ACCESS DRIVEWAY- GRAVEL</b></p> <p>The car parking, internal roadways and manoeuvring areas are to be designed and constructed in accordance with <i>AS 2890.1 - 2004 and AS 2890.2 – 2002 and Council's Design &amp; Construction Manual</i>, to a minimum base course gravel standard. The car parking layout must be generally in accordance with the approved site plans and engineering drawings. Car parking spaces are to be in accordance to approved proposal plan and must be constructed prior to the commencement.</p> <p>The completed works must be certified by a Registered Professional Engineer of Queensland (RPEQ) as having been constructed in accordance with good engineering practice to a standard reasonable for commercial purposes.</p>	Prior to the commencement of use.

28.	<p><b>CAR PARKING NUMBERS</b></p> <p>The development must provide a minimum of eleven (11) car parking spaces for visitors including one (1) car parking space for People With Disabilities (PWD). The car parking spaces must be available prior to the commencement of the use. The requirements of this condition are to be adhered to for the lifetime of the approved use.</p>	<p>Prior to the commencement of use.</p>
29.	<p><b>ALLOTMENT EARTHWORKS</b></p> <p>All allotment earthworks will be undertaken in accordance with Council's Design and Construction Manual. The works required by this condition are to be completed prior to the commencement of the use.</p>	<p>Prior to the commencement of use.</p>

### 3. Referral Agency Conditions

Refer to Referral Agency response- with conditions dated 25 July 2018.

### 4. Advisory Notes

- a) **COMPLIANCE WITH CONDITIONS** - The land owner/developer, is required to ensure the development and any associated conditions within the development approval are complied with prior to the commencement of the approved land use or prior to endorsement of survey plans for subdivision approvals. Failure to comply with the conditions of approval are deemed to be a breach of Section 164 the Planning Act 2016 and as such Council may undertake formal enforcement action/s such as statute notices or prescribed infringement notices.
- b) **KOALA PROTECTION - VEGETATION REMOVAL** – All vegetation removal is to be undertaken in accordance with Policy 6 the Nature Conservation (Koala) Conservation Plan 2006
- c) **CLEARING OF VEGETATION** - Appropriate approval/s may be required from Council for any clearing of vegetation on the subject premises. Any vegetation clearing involving trees greater than 10cm Diameter at Breast Height (DBH) and/or which is considered to have an effect on wildlife in the area, must have a wildlife spotter and/or catcher present. Spotter catchers must be approved and licenced by the Department of Environment and Heritage.
- d) **VEGETATION MANAGEMENT ACT 1999 AND THE CULTURAL HERITAGE ACT** - This approval in no way restricts or inhibits the provisions of neither the *Vegetation Management Act 1999* nor the *Aboriginal Cultural Heritage Act 2003*. The Applicant(s) will need to satisfy himself/herself/themselves that in undertaking the proposed development works that his/her/their actions will not contravene the provisions of the aforementioned Acts.
- e) **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 73 of the *Planning Act 2016*.

- f) **WHEN DEVELOPMENT APPROVAL TAKES EFFECT** - Pursuant to the *Planning Act 2016*, 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).
- g) **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 six (6) years from the date the approval takes effect. The relevant period may be extended at the discretion of Council under Section 85 of the *Planning Act 2016*. Before the Development Approval lapses, a written request to extend the relevant period may be made to Council under Section 86 of the *Planning Act 2016*. Please note that Council will not automatically remind Applicants/Occupiers when the relevant period is about to lapse.
- h) **BIOSECURITY QUEENSLAND** should be notified on 13 25 23 of proposed development(s) occurring in the Fire Ant Restricted Area before earthworks commence. It should be noted that works involving movements of soil associated with earthworks may be subject to movement controls and failure to obtain necessary approvals from Biosecurity Queensland is an offence.

It is a legal obligation to report any sighting or suspicion of fire ants within 24 hours to Biosecurity Queensland on 13 25 23.

The Fire Ant Restricted Area as well as general information can be viewed on the DAF website [www.daf.qld.gov.au/fireants](http://www.daf.qld.gov.au/fireants).

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

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

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

**7. Administrative Action:**

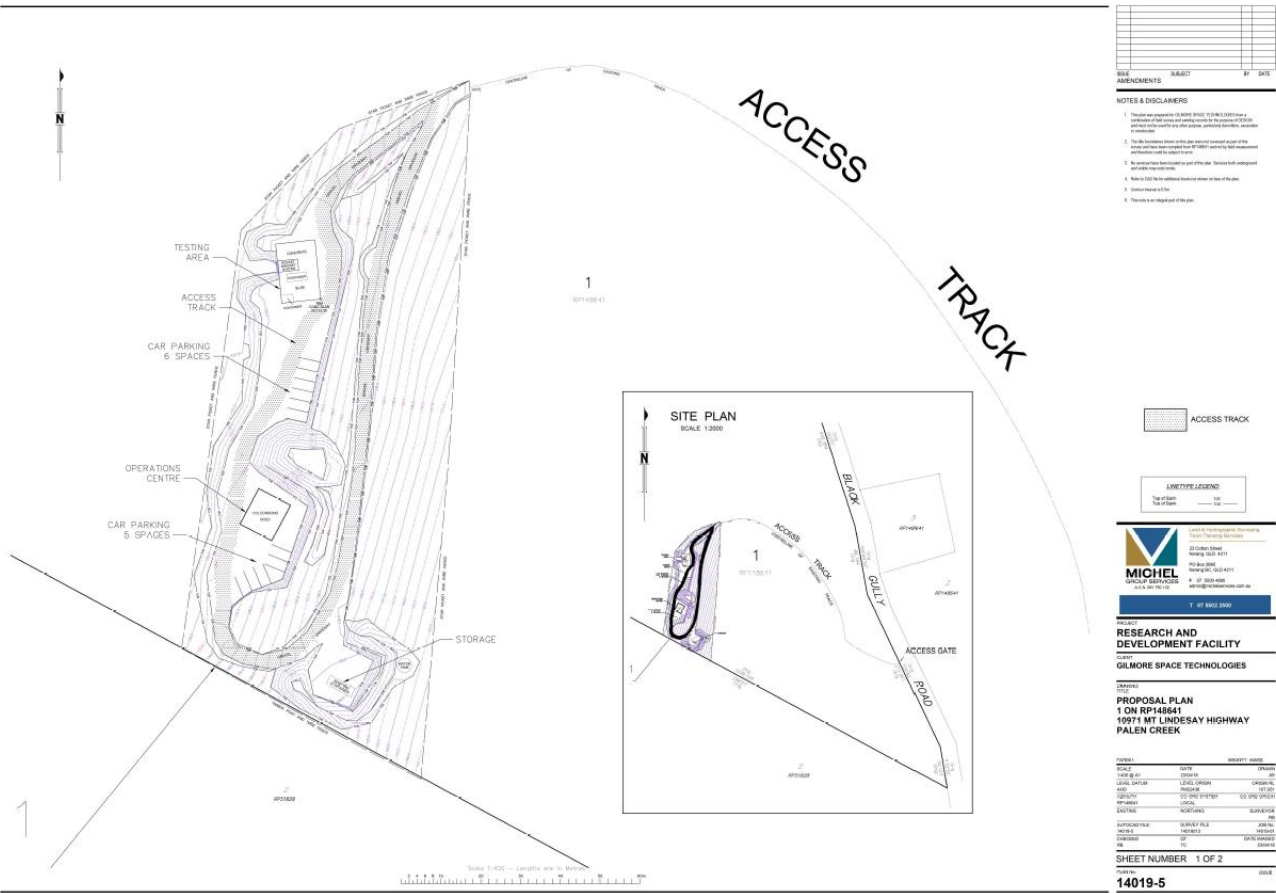
That Decision Notices be issued in accordance with s.63 of the *Planning Act 2016* to the Applicant, submitter/s and referral agencies.

**Attachments**

1. Proposal Plans.
2. Referral Agency Response dated 25 July 2018.
3. List of Submitters.
4. Zone Map (IntraMaps).
5. Aerial Map (IntraMaps).



# Attachment 1 - Proposal Plans



## Attachment 2 - Referral Agency Response dated 25 July 2018

RA6-N



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

Our reference: 1806-5926 SRA  
Your reference: MCU18/080

25 July 2018

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

Attention: Ms Judy Sandmann

Dear Ms Sandmann

### **Referral agency response—with conditions**

(Given under section 56 of the *Planning Act 2016*)

The development application described below was properly referred to the Department of State Development, Manufacturing, Infrastructure and Planning on 21 June 2018.

### **Applicant details**

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Applicant name:	Gilmour Space Technologies
Applicant contact details:	c/- Michel Group Services Pty Ltd PO BOX 2695 Nerang BC Qld 4211 tim.riches@mgs-gc.com.au

### **Location details**

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Street address:	10971 Mount Lindesay Highway, Palen Creek
Real property description:	Lot 1 on RP148641
Local government area:	Scenic Rim Regional Council

### **Application details**

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Development permit	Material change of use for Undefined Use (Research & Development Facility)
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### **Referral triggers**

The development application was referred to the department under the following provisions of the Planning Regulation 2017:

- 10.9.4.2.4.1 State transport corridors and future State transport corridors

**Conditions**

Under section 56(1)(b)(i) of the *Planning Act 2016* (the Act), the conditions set out in Attachment 1 must be attached to any development approval.

**Reasons for imposing conditions**

The department must provide reasons for imposing conditions. These reasons are set out in Attachment 2.

**Advice to the applicant**

The department offers advice about the application to the applicant—see Attachment 3.

**Approved plans and specifications**

The department requires that the plans and specifications set out below and enclosed must be attached to any development approval.

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Proposal Plan	Michel Group Services	23 April 2018	14019-5	As amended in red by SARA on 25 July 2018

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

For further information please contact Natalie Deans, Senior Planner, on 3432 2420 or via email [ipswichSARA@dsgmp.qld.gov.au](mailto:ipswichSARA@dsgmp.qld.gov.au) who will be pleased to assist.

Yours sincerely



Michele McMahon  
Manager Planning

cc: Gilmour Space Technologies c/- Michel Group Services Pty Ltd, [tim.riches@mgs-gc.com.au](mailto:tim.riches@mgs-gc.com.au)

enc: Attachment 1—Conditions to be imposed  
Attachment 2—Reasons for imposing conditions  
Attachment 3—Advice to the applicant  
Approved plan and specifications

**Attachment 1—Conditions to be imposed**

No.	Conditions	Condition timing
<b>Material Change of Use</b>		
10.9.4.2.4.1 – State-controlled road—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition:		
1.	Direct access is not permitted between the Mount Lindesay Highway and the subject site for the research and development facility, as shown on the Proposal Plan, prepared by Michel Group Services, dated 23 April 2018, reference no. 14019-5, as amended in red by SARA on 25 July 2018.	At all times

**Attachment 2—Reasons for imposing conditions**

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The reasons for this decision are:

- To ensure access to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road. Direct access to the state-controlled road is prohibited where not required.

**Attachment 3—Advice to the applicant**

<b>General advice</b>	
1.	<p><u>Chemical storage</u></p> <p>The department understands that the proposed development involves the storage of chemicals on the subject site. Under the Planning Regulation 2017, a hazardous chemical facility means <i>the use of premises for a facility at which a prescribed hazardous chemical is present or likely to be present in a quantity that exceeds 10% of the chemical's threshold quantity under the Work Health and Safety Regulation, schedule 15.</i></p> <p>It is understood that the chemical storage associated with the proposed development equates to less than 10% of the threshold quantity under the Work Health and Safety Regulation, therefore the proposed development does not involve a hazardous chemical facility.</p> <p>The department notes that should the chemical storage exceed 10% of threshold under the Work Health and Safety Regulation, the storage will be considered a hazardous chemical facility and will be assessable under Schedule 10, Part 7 of the Planning Regulation 2017.</p>





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

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

**Statement of reasons for application 1806-5926 SRA**

(Given under section 56 of the *Planning Act 2016*)

Departmental role: Referral agency

**Applicant details**

Applicant name: Gilmour Space Technologies  
 Applicant contact details: c/- Michel Group Services Pty Ltd  
 PO BOX 2695  
 Nerang BC Qld 4211  
 tim.riches@mgs-gc.com.au

**Location details**

Street address: 10971 Mount Lindesay Highway, Palen Creek  
 Real property description: Lot 1 on RP148641  
 Local government area: Scenic Rim Regional Council

**Development details**

Development permit: Material change of use for Undefined Use (Research & Development Facility)

**Assessment matters**

Aspect of development requiring impact assessment	Applicable codes
1. Material Change of Use	State Code 1: Development in a State-controlled road environment of the State Development Assessment Provisions, version 2.2

**Reasons for the Department of State Development, Manufacturing, Infrastructure and Planning's response**

The reasons for the response are:

- The development complies with the applicable performance outcomes of State Code 1: Development in a State-controlled road environment, of the State Development Assessment Provisions, version 2.2, effective 9 March 2017.

Nature of approval	Nature of response	Date of response
Development permit	Referral agency response – with conditions	25 July 2018

**Relevant Material**

- Development application
- Planning Act 2016*
- Planning Regulation 2017
- DA Rules
- State Development Assessment Provisions, version 2.2

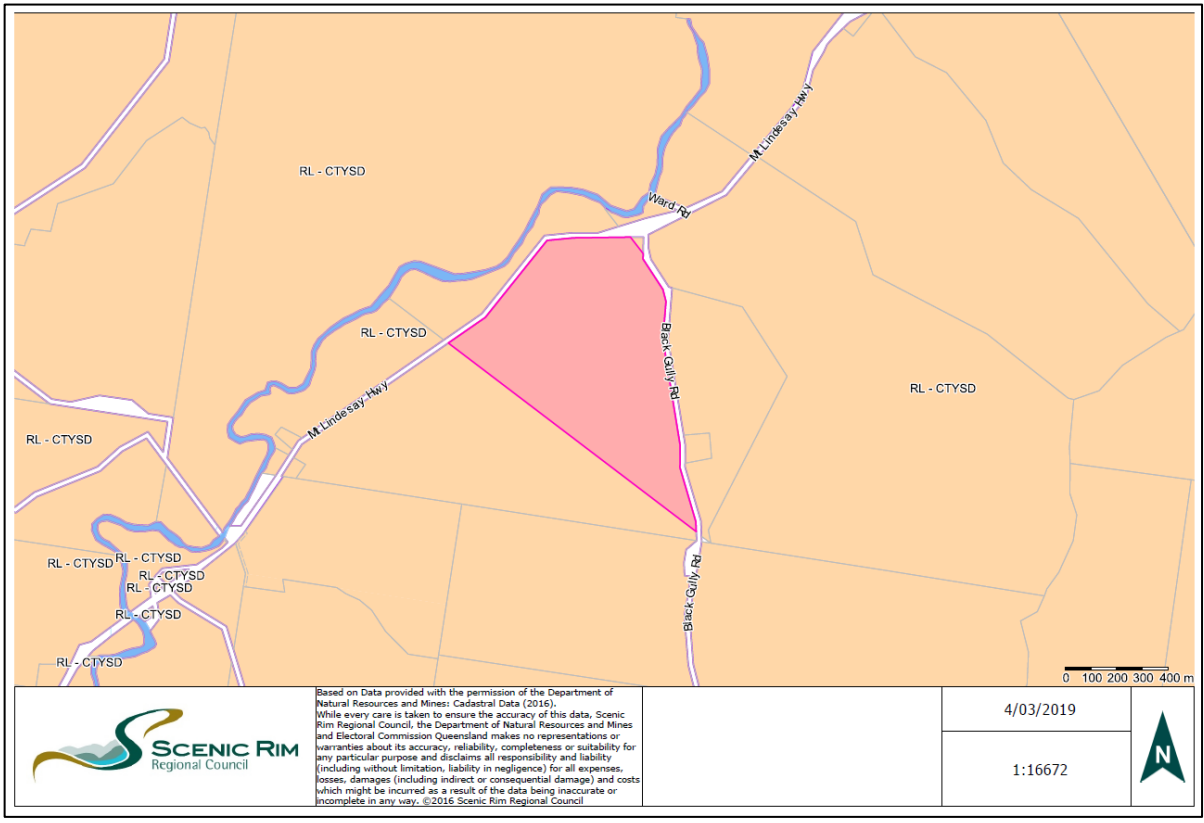
South East Queensland (West) regional office  
 Level 4, 117 Brisbane Street, Ipswich  
 PO Box 129, Ipswich QLD 4305



**Attachment 3- List of Submitters**

<b>Submitter Name</b>	<b>Submitter Address</b>
Mr Denis P Byrne	4 McKinley Court STRETTON QLD 4116
Mr James R Binstead	10667 Mt Lindesay Highway PALEN CREEK QLD 4287
Mrs Louise J McKay	Palen Creek Hall 11535 Mt Lindesay Highway PALEN CREEK QLD 4287
Mr Michael E Binstead	10597 Mt Lindesay Highway PALEN CREEK QLD 4287
Mr Shane W Radunz	89 Black Gully Road PALEN CREEK QLD 4287
Mr Mark D Parnell	Taunton Hills 11032 Mt Lindesay Highway PALEN CREEK QLD 4287
Mr Paul G Cahill	19 Pine Vale Road PALEN CREEK QLD 4287
Mr Stanley D Cahill	19 Pine Vale Road PALEN CREEK QLD 4287
Mr Terence S Cahill	29 Palen Road PALEN CREEK QLD 4287

# Attachment 4 - Zone Map (Intramaps)



# Attachment 5 - Aerial Map (Intramaps)

