



RECEIVED
30 OCT 2009
ECSU



BNE 31845 VOL 1

Rockhampton Office
232 Bolsover St, Rockhampton
Gracemere Office
1 Ranger St, Gracemere
Mount Morgan Office
32 Hall St, Mount Morgan
Yeppoon Office
70 Anzac Parade, Yeppoon

With compliments...

Your reference: Appl'n 11764 Part 1 File No.: bne31845

Our reference: D-R/1060-2007

Please find enclosed a copy of the Decision notice for Preliminary Approval for application D-R/1060-2007 at 1 Musgrave Street, Berserker

Rockhampton Regional Council, PO Box 1860, Rockhampton Q 4700 | **Phone** 1300 22 55 77 | **Fax** 1300 22 55 79
Email enquiries@rrc.qld.gov.au | **Web** www.rockhamptonregion.qld.gov.au



Decision Notice for Preliminary Approval

INTEGRATED PLANNING ACT 1997, SECTION 3.1.5

Application number: **D-R/1060-2007**
 Date of Decision: **13 October 2009**

Contact: **Erin McCabe**
 Contact Number: **1300 22 55 77**

1. APPLICANT DETAILS

Name: **Bencheer Pty Ltd**

Postal address: sch4p4(6) Personal information

Phone no: Mobile no: sch4p4(6) Personal information Fax:

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30 OCT 2009
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2. PROPERTY DESCRIPTION

Street address: **1 Musgrave Street, Berserker**
 Real property description: **Lot 1 RP 604226, Lot 3 RP 606505 Parish of Archer**

DEPARTMENT OF ENVIRONMENT AND RESOURCE MANAGEMENT
29 OCT 2009
 BNE 2009/9660

3. OWNER DETAILS

Name: **Bencheer Pty Ltd**
 Postal address: **C/- Victoria Tavern 1 Musgrave Street Berserker QLD 4701**

4. DEVELOPMENT APPROVAL

Preliminary Approval for a Material Change of Use for a Hotel

5. APPLICATION TYPE

	Development Permit	Preliminary Approval
• Material change of use made assessable by the planning scheme	NO	YES

6. THE RELEVANT PERIOD

The standard relevant periods stated in Section 3.5.21 of *Integrated Planning Act 1997* apply to each aspect of development in this approval, if not stated in the conditions of approval attached.

7. FURTHER DEVELOPMENT PERMITS REQUIRED

Type of development permit required Subject of the required development permit

Material Change of Use

Operational Works *Road works*
Access and car parking

Type of development permit required	Subject of the required development permit
	Sewer works Water works Stormwater works Site works Landscaping
Building Works	
Plumbing and Drainage Works	

8. SUPERSEDED PLANNING SCHEME NO

9. REFERRAL AGENCIES

The following IDAS Referral Agencies were activated by this application.

Referrals – triggered by other assessable development under schedule 8 of the Integrated Planning Act 1997 (whether or not the development is also assessable under a planning scheme)

For an application involving	Name of agency	Status	Address
MATERIAL CHANGE OF USE			
On land involving the consideration of contaminated land matters if – (i) The land is on the environmental management register or contaminated land register under the <i>Environmental Protection Act 1994</i> ; or (ii) The existing or most recent use of the land was a notifiable activity; or (iii) The proposed use of the land is for a child care, educational, recreational, residential or similar purpose and the existing or most recent use of the land was an industrial activity; or (iv) The land is wholly or partly within an area for which an area management advice for industrial activity or natural mineralisation has been issued and the proposed use of the land is for child care, education, recreation, residential or similar purpose	Environmental Protection Agency	Concurrence	Contaminated Land Unit GPO Box 2771, BRISBANE QLD 4001

Referrals –in relation to development made assessable against a local government's planning scheme

	For an application involving	Name of agency	Status	Address
MATERIAL CHANGE OF USE				
	On land contiguous to a State-controlled road	Department of Main Roads	Concurrence	P O Box 5096, Central Queensland Mail Centre QLD 4702
	On land completely or partly within rail corridor land, commercial corridor land or future railway land	Queensland Transport	Concurrence	Principal Manager Transport Planning Branch GPO Box 213, BRISBANE QLD 4001

10. SUBMISSIONS

Properly made submissions were received from:

- 1) sch4p4(6) Personal information
- 2) sch4p4(6) Personal information
- 3) Jensen Bowers Group Consultants Pty Ltd

11. RIGHTS OF APPEAL

Rights of appeal in relation to this application are attached.

12. WHEN THE DEVELOPMENT APPROVAL TAKES EFFECT

This development approval takes effect:

- From the time the decision notice is given – if there is no submitter and the applicant does not appeal the decision to the court.
- Or
- When the submitter's appeal period ends – if there is a submitter and the applicant does not appeal the decision to the court.
- Or
- Subject to the decision of the court, when the appeal is finally decided – if an appeal is made to the court.

13. ASSESSMENT MANAGER

Name: Henry Bezuidenhout MANAGER – PLANNING ASSESSMENT OPERATIONS	Signature: sch4p4(6) Personal information	Date: 20 October 2009
--	--	-----------------------

C/C.

- 1) Department of Main Roads P O Box 5096, Central Queensland Mail Centre Queensland 4702
- 2) Environmental Protection Agency Contaminated Land Unit GPO Box 2771, Brisbane Queensland 4001
- 3) Queensland Transport Principal Manager Transport Planning Branch GPO Box 213; Brisbane Queensland 4001

1.0 ADMINISTRATION

- 1.1 Preliminary Approval is granted for a Hotel development situated at 1 Musgrave Street and 49 Bridge Street, Berserker described as Lot 1 on RP604226 and Lot 3 on RP606505, Parish of Archer.

2.0 BUILDING SITING AND DESIGN

- 2.1 The applicant must consider prudent and feasible design alternatives to the development design presented with Development Application No. D-R/2007/1060. A reduction in the overall scale and intensity of the development is recommended in order to appropriately contain within the site all parking, queuing and manoeuvring areas, landscaping, built structures, loading, unloading and servicing and waste areas.

3.0 PARKING AND ACCESS

- 3.1 Car parking must be provided at the applicable rate under Schedule 1 of the Parking and Access Code in the *Rockhampton City Plan 2005*.

- 3.2 The vehicle parking and movement system proposed must be designed to meet the relevant Australian Standards and the *Rockhampton City Plan 2005*. Moreover, the vehicle parking and movement system must be integrated with the site layout and accommodate the capacity of car parking and queuing space generated by the development.

- 3.3 Any future application for a Development Permit for a Material Change of Use must demonstrate that the vehicle parking and movement system meets Performance Criterion P17 of the Activity Centres Code and Performance Criterion P2, P3, P4, P5, P9 and P10 of the Parking and Access Code in the *Rockhampton City Plan 2005*.

- 3.4 Any future application for a Development Permit for a Material Change of Use must provide a Traffic Impact Assessment, prepared and certified by a suitably qualified Registered Professional Engineer of Queensland, which addresses:

3.4.1 the impacts of traffic generated by the development, and how these impacts will be ameliorated;

3.4.2 safe and convenient egress and ingress;

3.4.3 proposed frontage and access works;

3.4.4 potential for overflow parking external to the site; and

3.4.5 safety considerations for all forms of transport (including pedestrian and non-motorised) accessing, and generated by, the development.

4.0 STORMWATER

- 4.1 Any future application for a Development Permit for a Material Change of Use must be accompanied by a Stormwater Strategy or Management Plan for the development, demonstrating compliance with the requirements and recommendations of the Queensland Urban Drainage Manual and the External Works and Servicing Code in the *Rockhampton City Plan 2005*. The Stormwater Management Plan must be prepared and certified by a suitably qualified Registered Professional Engineer of Queensland. Without limitation, particular attention is drawn to section 3 of the Queensland Urban Drainage Manual.

- 4.2 Any future application for a Development Permit for a Material Change of Use must be accompanied by a Flood Management Plan prepared and certified by a suitably qualified Registered Professional Engineer of Queensland, which addresses:

4.2.1 Planning Policy No. 14 Flood Plain Management in the *Rockhampton City Plan 2005*;

4.2.2 the Flood Prone Land Code in the *Rockhampton City Plan 2005*;

4.2.3 State Planning Policy 1/03 – Mitigating the Adverse Impacts of Flood, Bushfire and Landslide; and

4.2.4 contingency measures for the activities on site.

5.0 SUPPORTING INFORMATION

5.1 Any future application for a Development Permit for a Material Change of Use must be supported by sufficient information to allow Council to assess the application against the matters set out in section 3.5.5 (Impact assessment) of the *Integrated Planning Act 1997*. Council's requirements for common and supporting information are outlined in Planning Scheme Policy No. 15.

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**Concurrence Agency Conditions -
Environmental Protection Agency**

INTEGRATED PLANNING ACT 1997, IDAS DEVELOPMENT
APPLICATION

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Notice of concurrence agency response

Sections 3.3.16 and 3.3.18 *Integrated Planning Act 1997*

This notice is issued by the administering authority pursuant to sections 3.3.16 and 3.3.18 of the *Integrated Planning Act 1997*, to advise you of a decision or action.

Enquiries to: Allen Johns
Telephone: (07) 3224 5099
Your reference: D-1060/2007
Our reference: Appl'n: 11764 Part 1 File No.: bne31845

CC: sch4p4(6) Personal information

Rockhampton Regional Council
PO Box 1860
ROCKHAMPTON QLD 4700

Attention: Erin McCabe

Re: Application (No. d-1060/2007) for development approval for assessable development to be carried out at 1 Musgrave Street & 49 Bridge Street, North Rockhampton Qld (Lot 1 on RP604226 & Lot 3 on RP606505).

Pursuant to the following items of Table 2 Schedule 2 of the *Integrated Planning Regulation 1998*, the Environmental Protection Agency (EPA) – Waste and Contaminated Land Unit (W&CLU) is a concurrence agency for the development application:

- Item 21, Table 2 of Schedule 2 of the *Integrated Planning Regulation 1998*
- Item 22, Table 2 of Schedule 2 of the *Integrated Planning Regulation 1998*

The EPA-W&CLU, acting as a concurrence agency under the *Integrated Planning Act 1997*, provides its response to the application detailed above as attached.

It would be appreciated if Council could provide a signed hard copy of the final development approval issued by Council (which includes the Agency's concurrence conditions).

The EPA-W&CLU has not provided a notification to native title parties for this application. The State's Native Title Work Procedures indicate that responsibility for assessment of native title issues for an IDAS application rest with the Assessment Manager. It is recommended that you undertake an assessment using your own guidelines to determine if a native title notification is required for this application.

Should you require any further information please do not hesitate to contact the above officer on the telephone number provided.

sch4p4(6) Personal info

sch4p4 Signed

Delegate of Administering Authority
Environmental Protection Act 1994.

02/06/08
Date
D1060/2007 1689313
185869, 197831
- 6 JUN 2008
McCABE, E
LG 7-6-1

Council Application Number:
EPA Application Number:

D-1060/2007
11764 Part 1

Concurrence agency response Sections 3.3.16 and 3.3.18 *Integrated Planning Act 1997*

Applicant: sch4p4(6) Personal infor

Council Application Number: D-1060/2007

EPA Application Number: 11764 Part 1

Date application received by EPA: 15/05/2008

Relevant Laws and Policies: *Environmental Protection Act 1994*

Jurisdiction: Chapter 7, Part 8 *Environmental Protection Act 1994*

Development Description:

Material Change of Use – (Hotel)

where:

- the existing use of the land is, or if the land is vacant land with no existing use the most recent use of the land was, for a notifiable activity under the *Environmental Protection Act 1994*.
- the proposed use of the land is for child care, educational, recreational, residential or similar purposes and the existing use of the land is, or if the land is vacant land with no existing use the most recent use of the land was, for an industrial activity.
- the land is on the Environmental Management Register or Contaminated Land Register under the *Environmental Protection Act 1994*.**
- the land is wholly or partly within an area for which an Area Management Advice for industrial activity or natural mineralisation has been issued and the proposed use of the land is for child care, educational, recreational, residential or similar purposes.
- the land is wholly or partly in an area for which an Area Management Advice for unexploded ordnance has been issued.

at the following place(s):

1 Musgrave Street & 49 Bridge Street, North Rockhampton Qld
(Lot 1 on RP604226 & Lot 3 on RP606505)

Response to Development Application

The Environmental Protection Agency, acting as a concurrence agency under the *Integrated Planning Act 1997*, provides its response to the application detailed above.

The concurrence agency response is that

- conditions must attach to any development approval**
- any approval must be for part only of the development
- any approval must be a preliminary approval only
- there are no concurrence agency requirements
- the application must be refused

Conditions of the development approval

If during any site earthworks or excavation, offensive or noxious odours and/or evidence of gross contamination not previously detected is observed, site works are to cease in that area and action taken to immediately abate the potential environmental harm. The administering authority is to be notified in writing within two (2) business days of detection and advised of appropriate remedial action.

Any remedial action is to be developed by an appropriate qualified and experienced person in accordance with Section 381 of the EP Act.

Additional comments or advice about the application

The removal of any contaminated soil from this site requires prior approval from the Environmental Protection Agency (EPA) (Waste and Contaminated Land Unit) under the section 424 of the *Environmental Protection Act 1994* (EP Act).

Should you wish to remove **Lot 3 on RP606505** from the Environmental Management Register, a site investigation report, prepared in accordance with the *Environmental Protection Act 1994* (EP Act) and the *Draft Guidelines for the Assessment and Management of Contaminated Land in Queensland* (DEH, 1998), must be submitted to the EPA-WCLU. The report must demonstrate that **Lot 3 on RP606505** has been satisfactorily remediated and is/are no longer contaminated, or no longer poses an unacceptable health or environmental risk.

Reasons for inclusion of development conditions or refusal

In accordance with section 3.3.18 of the *Integrated Planning Act 1997* and section 27B of the *Acts Interpretation Act 1954*, a concurrence response must include reasons for a refusal or for the inclusion of development conditions.

The Environmental Protection Agency is recognised as a concurrence agency under the *Integrated Planning Regulation 1998* for the protection of the environment by the management of contaminated land. The Environmental Protection Agency concurrence agency conditions for this proposed development that are contained within this response are required to prevent or mitigate any potential risk to human health or the environment from possible hazardous contaminants present on the site.

Additional information for applicants

This concurrence response pursuant to Chapter 7, Part 8 of the *Environmental Protection Act 1994* applies only to contaminated land issues and does not remove the need to obtain any further approval for this development which may be required by this or other legislation, State and/or Commonwealth. Applicants are advised to check with all relevant statutory authorities for such approvals as may be required.

~ End of Concurrence Agency Response ~



**Concurrence Agency Conditions -
Department of Main Roads**

INTEGRATED PLANNING ACT 1997, IDAS DEVELOPMENT
APPLICATION

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RTI Act 2009



12 May 2009

Department of Main Roads

Chief Executive Officer
 Rockhampton Regional Council
 Rockhampton Office
 PO Box 1860
 Rockhampton Qld 4700

ROCKHAMPTON REGIONAL COUNCIL
 File No: D1060/2007 1932/634
 Links: 185869 197831
 Action Officer: MCCABE, E^{OO}
 13 MAY 2009
 Task to: ZRT Town Planning Admin
 3.
 CD: / Ref:
 Est: Yrs: P

Dear Sir

REFERRAL AGENCY'S RESPONSE TO A CHANGED DEVELOPMENT APPLICATION

**Rockhampton Region: Rockhampton – Emu Park Road
 Proposed Material Change of Use (Alterations to Existing Hotel): Application N° D-1060/2007
 Lot 1 on RP604226 & Lot 3 on RP606505
 Situated at 1 Musgrave Street & 49 Bridge Street, Rockhampton
 For Bencheer Pty Ltd**

I refer to the above changed application received by this department on 01 May 2009 requesting the assessment of any impacts of the proposal on the road network.

Part A – Developer Conditions

In reference to section 3.3.16 of the *Integrated Planning Act 1997*, the department of Main Roads as a concurrence agency, has assessed the impact of the proposed change to the development on the State-controlled road network and advises that it is prepared to issue new conditions as outlined in the attached **Conditions of Development and Statement of Reasons**.

Part B – Advice to Council (Assessment Manager)

Pursuant to section 3.3.18(3) of the *Integrated Planning Act 1997*, the Department of Main Roads requests the assessment manager to note the following comments:

- 1. All conditions provided by the Department are required to be completed prior to the issue of the Certificate of Classification for Building Works for the development unless otherwise stated within the condition.**

Road Business Group / Regional Operations
 Fitzroy Region / Rockhampton Office
 31 Knight Street North Rockhampton Queensland 4701
 PO Box 5096 Central Queensland Mail Centre 4702

ABN 57 836 727 711

Our ref 830/812 KMA:hlm E37092 (DCT 1103)
 Your ref D-1060/2007
 Enquiries Kristofina Asino
 Telephone +61 7 4931 1686
 Facsimile +61 7 4927 5020
 Website www.transportandmainroads.qld.gov.au

Bonding of any of the conditions not completed prior to the issue of the certificate of classification for building works for the development or other requisite date stated in the condition will not be permitted unless the department of main roads has given written agreement to the bonding of the condition.

Please note that the department's previous conditions of approval dated 12 June 2008, with reference number 830/812 CM:dmd E30795 (DCT 1103), are hereby rescinded.

This department would appreciate a copy of council's decision notice regarding the application.

A copy of this letter and the Conditions of Development and Statement of Reasons has been sent to the applicant.

Yours sincerely

[Redacted signature block: sch4p4(6) Personal information]

Terry Hill

Regional Director (Fitzroy)

[Redacted contact information: sch4p4(]

Please Note:

This is a response from the Department of Transport and Main Roads as a referral agency for state controlled roads previously under the control of the former Department of Main Roads. You may receive further referral responses relating to other transport matters previously under the control of the former Queensland Transport.



MAIN ROADS' CONDITIONS OF DEVELOPMENT APPROVAL (INCLUDING STATEMENT OF REASONS)

No	Conditions of Development	Reasons	Comments or Additional Information
1.	<p>DEVELOPMENT PLANS</p> <p>1.1 Development shall be carried out generally in accordance with the following plans except as modified by the conditions:</p> <ul style="list-style-type: none"> • Drawing number CP0701 - 03, Issue C, dated March 2009 • Drawing number CP0701 - 05, Issue C, dated March 2009 • Drawing number CP0701 - 09, Issue C, dated March 2009 <p>1.2 The above plans are Conceptual Plans only. The detailed engineering design drawings for Works within State-controlled Road Reserves (WWSCRR) shall be in accordance with the department's Road Planning and Design Manual (RP&DM) and the Road Drainage Design Manual (RDDM). Should there be a discrepancy between the Conceptual plans above and the RP&DM or RDDM, the requirements of the RP&DM and RDDM shall take</p>	<p>The development needs to be completed to the department's required standard and satisfaction.</p>	<p>Main Roads has the power under section 3.3.16 of the <i>Integrated Planning Act 1997</i>.</p>



MAIN ROADS' CONDITIONS OF DEVELOPMENT APPROVAL (INCLUDING STATEMENT OF REASONS)

No	Conditions of Development	Reasons	Comments or Additional Information
	<p>precedence unless specifically agreed to in writing by the department.</p>		
2.	<p>ACCESS</p> <p>2.1 Permitted and Practical Access</p> <p>2.1.1. Permitted and practical access to the development from the State-controlled road reserve shall be via a new left-in only crossover access located at the western boundary of the development, generally as shown on Drawing Number CP0701-03 (Issue C) dated March 2009.</p> <p>2.2 Access Works</p> <p>2.2.1 Prior to the issue of the certificate of classification for the development by Council or a private certifier, the applicant/landowner shall:</p>	<p>The department should control access to the State-controlled Road (Bridge Street) to maintain safety, capacity and serviceability of the network.</p>	<p>Main Roads has the power under Section 62 of the <i>Transport Infrastructure Act 1994</i> to manage access between properties and the State-Controlled Road.</p> <p>Main Roads' <i>Access Policy</i> supports Section 62 of the <i>Transport Infrastructure Act 1994</i>.</p>

Rockhampton Region: Rockhampton – Emu Park Road
 Proposed Material Change of Use (Alterations to Existing Hotel): Application N° D-1060/2007
 Lot 1 on RP604226 & Lot 3 on RP606505
 Situated at 1 Musgrave Street & 49 Bridge Street, Rockhampton
 For Bencheer Pty Ltd



Queensland Government

Department of Main Roads

MAIN ROADS' CONDITIONS OF DEVELOPMENT APPROVAL (INCLUDING STATEMENT OF REASONS)

No	Conditions of Development	Reasons	Comments or Additional Information
	2.2.1.1 Construct the access referred to in Clause 2.1.1 2.2.1.2 Reinstate barrier kerb and channel across the remaining Bridge Street frontage of the site. 2.2.1.3 Construct a footpath along the Bridge Street frontage to council's requirements. 2.2.1.4 Erect "No Stopping Anytime" signs at the eastern & western boundaries of the site to prevent parking on the State-controlled road. 2.2.1.5 Provide unbroken yellow no stopping line for the front of the site to the Rockhampton – Emu Park Road between the above mentioned "No Stopping Anytime" signs.		



MAIN ROADS' CONDITIONS OF DEVELOPMENT APPROVAL (INCLUDING STATEMENT OF REASONS)

No	Conditions of Development	Reasons	Comments or Additional Information
3.	<p>PARKING</p> <p>3.1 No parking associated with the proposed development is permitted on the State-controlled road (Bridge Street). This includes during the construction phase of the development. All parking required by the local government in accordance with the local government Planning Scheme shall be accommodated within the lot. Relaxation of parking requirements will not be supported.</p>	<p>The department is concerned that any parking demand from the development overflowing onto the State-controlled road can impact on the safety and efficiency of the State-controlled road.</p>	<p>Main Roads has the power under section 2 of the <i>Transport Infrastructure Act 1994</i>.</p> <p>Rockhampton City Council Planning Scheme has parking requirements associated with development.</p>
4.	<p>DEVELOPMENT LIGHTING AND SIGNAGE</p> <p>4.1 All external lighting and signage associated with the development shall not impact on the safety of motorists using the State-controlled road. The external lighting shall be positioned and shielded to prevent light intrusion and glare onto the State-controlled road. Signage shall not cause a distraction. All these associated facilities shall be fully contained within the development site with no</p>	<p>The department is concerned that these associated facilities can impact on the safety objectives of the State-controlled road.</p>	<p>Main Roads has the power under sections 2 and 50 of the <i>Transport Infrastructure Act 1994</i>.</p>



MAIN ROADS' CONDITIONS OF DEVELOPMENT APPROVAL (INCLUDING STATEMENT OF REASONS)

No	Conditions of Development	Reasons	Comments or Additional Information
	encroachment onto the State-controlled road.		
5.	<p>CONSTRUCTION WORKS</p> <p>5.1 The site works, building works and material cartage shall not result in environmental emissions (dust, waste, material spillage, stormwater, pollution) onto the State-controlled road.</p>	<p>The department is concerned that these emissions can impact on the safety and operational cost of the State-controlled road (Rockhampton – Emu Park Road).</p>	<p>Main Roads has the power under section 48 of the <i>Transport Infrastructure Act 1994</i>.</p>
6.	<p>WORKS WITHIN STATE-CONTROLLED ROAD RESERVE (WWSCRR)</p> <p>6.1 Preparation of plans (in accordance with RFCD-0101) and submission of these plans to the Rockhampton office of the Department of Main Roads for approval.</p> <p>NO WORKS (INCLUDING INSTALLATION OF SERVICES OR NOISE BARRIER FENCES) ARE TO COMMENCE WITHIN THE STATE-CONTROLLED ROAD RESERVE UNTIL APPROVAL OF THE PLAN/S SHOWING THE</p>	<p>Plans are required to be submitted to the department to demonstrate the works proposed to be constructed within the State-controlled road reserve.</p> <p>Amendments may be required to the plans showing the works prior to the issuing of the approval to construct.</p>	<p>Main Roads has the power under section 33 of the <i>Transport Infrastructure Act 1994</i> to require plans of proposed works to be submitted to review and acceptance prior to the works commencing.</p>



MAIN ROADS' CONDITIONS OF DEVELOPMENT APPROVAL (INCLUDING STATEMENT OF REASONS)

No	Conditions of Development	Reasons	Comments or Additional Information
	<p>PROPOSED WORKS IS ISSUED BY THE DEPARTMENT. This approval may be subject to conditions related to the works construction process.</p>		
7.	<p>GENERAL</p> <p>7.1 All conditions stated above are required to be completed prior to the issue of the Development Permit for Building Works for the development unless otherwise stated within the condition.</p> <p>BONDING OF ANY OF THE CONDITIONS NOT COMPLETED PRIOR TO THE ISSUE OF THE DEVELOPMENT PERMIT FOR BUILDING WORKS FOR THE DEVELOPMENT OR OTHER REQUISITE DATE AS STATED IN THE PARTICULAR CONDITION WILL NOT BE PERMITTED UNLESS THE DEPARTMENT OF MAIN ROADS HAS GIVEN WRITTEN AGREEMENT TO THE BONDING OF THE CONDITION</p>	<p>The Department is concerned the non fulfilment of its conditions and the bonding of the conditions without the Department's agreement can compromise the safety and efficiency objectives of the State-controlled road.</p>	<p>Main Roads has the power under section 2 of the Transport Infrastructure Act 1994.</p>



**Concurrence Agency Conditions -
Queensland Transport**

INTEGRATED PLANNING ACT 1997, IDAS DEVELOPMENT
APPLICATION

Published on DES Disclosure Log
RTI Act 2009

12 May 2009

The Chief Executive Officer
Rockhampton Regional Council
PO Box 1860
Rockhampton Qld 4700

Attention: Erin McCabe

Dear Erin



Queensland
Government

ROCKHAMPTON REGIONAL COUNCIL
File No: D1060/2007 Doc No: 1935815
Links: 185869, 197831
Action Officer: MCCABE, E
19 MAY 2009
Task to: zzt town plan admin
3. _____ 4. _____
QDAN: _____ v: _____ Ref: _____
Box No: _____ P

Concurrence Agency Response—Integrated Planning Act 1997 (IPA) s3.3.16

Application for: Material Change of Use (Hotel)
1 Musgrave Street and 49 Bridge Street, Berserker
Lot 1 on RP604226 and Lot 3 on RP606505
Rockhampton Regional Council
QT Reference- BRIS-2270

I refer to correspondence from Bencheer Pty Ltd received by this department on 5th May 2009 seeking approval for the above proposal, as indicated on the plans listed in the table below.

Plan Number	Plan Name	Plan Date	Plan Version
CP0701-03	Proposed Site Layout	April 2007	C
CP0701-01	Existing Lot Layout	April 2007	O
CP0701-02	Existing Site Layout	April 2007	B
CP0701-05	Floor Layout	April 2007	C
CP0701-06	Elevations 1 of 2	April 2007	C
CP0701-07	Elevations 2 of 2	April 2007	C
CP0701-08	Proposed Site Layout Landscaping Details (incl. Lighting and Pedestrians)	April 2007	C
CP0701-09	Proposed Site Layout Vehicle Turning Path	April 2007	C
CP0701-10	Proposed Site Layout Stormwater Drainage (incl. Finish Surface Levels)	April 2007	C

Integrated Transport Planning
Strategy Implementation
Floor 12 Terrica Place
140 Creek Street Brisbane Queensland 4000
GPO Box 213 Brisbane Queensland 4001
ABN 13 200 330 520

Our ref BRIS-2270
Your ref D-1060/2007
Enquiries Leonie Moorshead
Telephone +61 7 3146 1500
Facsimile +61 7 3146 2010
Website www.transport.qld.gov.au
Email leonie.j.moorshead@transport.qld.gov.au

This is a response from the Department of Transport and Main Roads as a referral agency for land use and transport coordination and the operational safety and integrity of railways and future railways previously under the control of the former Queensland Transport. Please note you may receive further referral responses relating to other transport matters previously under the control of former Department of Main Roads.

An assessment of the proposed development on Department of Transport and Main Roads (formerly Queensland Transport's) jurisdiction, namely land use and transport coordination under the (*Transport Planning and Coordination Act 1994*) and the operational safety and integrity of railways and future railways (s258 of the *Transport Infrastructure Act 1994*) has been completed. It is advised that the department has no requirements on the above proposal.

A copy of this letter has been sent to the applicant for their information and action as required.

If you have a query or wish to seek clarification about any of these details, please contact Leonie Moorshead on (07) 3146 1500.

Yours sincerely,

sch4p4(6) Personal i

Helen Kerr
Principle Planner

Published on DES Disclosure Log
RTI Act 2009

Appeal Rights

INTEGRATED PLANNING ACT 1997, IDAS DEVELOPMENT APPLICATION

The following is an extract from the *Integrated Planning Act* (Chapter 4).

Division 8 Appeals to court relating to development applications

4.1.27 Appeals by applicants

(1) An applicant for a development application may appeal to the court against any of the following—

- (a) the refusal, or the refusal in part, of a development application;
- (b) a matter stated in a development approval, including any condition applying to the development, and the identification of a code under section 3.1.6;79
- (c) the decision to give a preliminary approval when a development permit was applied for;
- (d) the length of a currency period;
- (e) a deemed refusal.

(2) An appeal under subsection (1)(a) to (d) must be started within 20 business days (the **applicant's appeal period**) after the day the decision notice or negotiated decision notice is given to the applicant.

(3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

4.1.28 Appeals by submitters

(1) A submitter for a development application may appeal to the court about—

79 Section 3.1.6 (Preliminary approval may override local planning instrument)

s 4.1.29 166 s 4.1.29

Integrated Planning Act 1997

- (a) the giving of a development approval, including any conditions (or lack of conditions) or other provisions of the approval; or
- (b) the length of a currency period for the approval.

(2) The appeal must be started within 20 business days (the **submitter's appeal period**) after the day the decision notice or negotiated decision notice is given to the submitter.

(3) If a person withdraws a submission before the application is decided, the person may not appeal the decision.

(4) If an application involves both impact assessment and code assessment, appeal rights for submitters are available only for the part of the application involving impact assessment.

(5) If an application is processed under section 6.1.28(2), appeal rights for submitters for the application are available only for the aspects of the development that would have required public notification under the repealed Act.

(6) If an application involves assessment against a concurrence agency code, appeal rights for submitters for the application are not available against the part of the approval that represents the concurrence agency's response for the code.

4.1.29 Appeals by advice agency submitters

(1) An advice agency may, within the limits of its jurisdiction, appeal to the court about the giving of a development approval for a development application if—

- (a) the development application involves impact assessment; and
- (b) the advice agency told the applicant and the assessment manager to treat its response to the application as a submission for an appeal.

(2) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.

s 4.1.30 167 s 4.1.31

Integrated Planning Act 1997

4.1.30 Appeals for matters arising after approval given

(co-respondents)

(1) For a development approval given for a development application, a person to whom any of the following notices have been given may appeal to the court against the decision in the notice—

- (a) a notice giving a decision on a request for an extension of the currency period for an approval;
- (b) a notice giving a decision on a request to make a minor change to an approval.

(2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

(3) Subsection (1)(a) does not apply if the approval resulted from a development application (superseded planning scheme) that was assessed as if it were an application made under a superseded planning scheme.

(4) Also, a person who has made a request mentioned in subsection (1) may appeal to the court against a deemed refusal of the request.

(5) An appeal under subsection (4) may be started at any time after the last day the decision on the matter should have been made.

Allen Johns

From: Allen Johns
Sent: Friday, 8 May 2009 3:29 PM
To: 'enquiries@rrc.qld.gov.au'
Subject: As per section 3.2.9 (2) of the Integated Planning Act 1997 (Council ref: d-1060/2007)

Importance: High

Attention; Erin McCabe, **(Council ref: d-1060/2007)**

In response to the above subject matter and your correspondence dated 27 April 2009. Please be advised that under the provisions of the *Intégrated Planning Act 1997* Department of Environment and Resource Management (DERM) Contaminated Land Unit (CLU) has **no objections** and the concurrence response issued on 2/6/08 still stands.

Regards

Allen Johns

Principal Environmental Officer | Contaminated Land
Technical Operations Branch | Environmental Services
Department of the Environment and Resource Management
PO Box 15155 City East QLD 4002
phone: 07 3224 5099 | ext: 45099 | fax 07 3247 3278
e-mail: allen.johns @epa.qld.gov.au

Published on DES Disclosure Log
RTI Act 2009

FOR INTERNAL USE ONLY
ENVIRONMENTAL PROTECTION AGENCY

SEARCH RESPONSE

ENVIRONMENTAL MANAGEMENT REGISTER (EMR)
CONTAMINATED LAND REGISTER (CLR)

Transaction ID: 1132162 EMR Site Id: 11764 11 May 2009
This response relates to a search request received for the site:
 Lot: 3 Plan: RP606505

EMR RESULT

The above site IS included on the Environmental Management Register.

 Lot: 3 Plan: RP606505
 Address: 49 BRIDGE ST
 NTH ROCKHAMPTON 4701

The site has been subject to the following Notifiable Activity pursuant to section 374 of the *Environmental Protection Act 1994*.

SERVICE STATIONS - operating a commercial service station.

CLR RESULT

The above site is NOT included on the Contaminated Land Register.

ADDITIONAL ADVICE

EMR/CLR Searches may be conducted online through the State Government Website www.smartservice.qld.gov.au or Citec Confirm www.confirm.com.au.

If you have any queries in relation to this search please phone (07) 3227 7370.

Lindi Bowen
Registrar, Contaminated Land Unit

To execute a new search, select the "Back" button on the browser twice

FOR INTERNAL USE ONLY
ENVIRONMENTAL PROTECTION AGENCY

SEARCH RESPONSE

ENVIRONMENTAL MANAGEMENT REGISTER (EMR)
CONTAMINATED LAND REGISTER (CLR)

Transaction ID: 1132160

EMR Site Id:

11 May 2009

This response relates to a search request received for the site:

Lot: 1 Plan: RP604226

EMR RESULT

The above site is NOT included on the Environmental Management Register.

CLR RESULT

The above site is NOT included on the Contaminated Land Register.

ADDITIONAL ADVICE

EMR/CLR Searches may be conducted online through the State Government Website
www.smartservice.qld.gov.au or Citec Confirm www.confirm.com.au.

If you have any queries in relation to this search please phone (07) 3227 7370.

Lindi Bowen
Registrar, Contaminated Land Unit

To execute a new search, select the "Back" button on the browser twice

Our Reference: Vic Tavern
Your Reference:
Telephone/Fax:
Mobile: sch4p4(6) Personal information
Email:

27 April 2009

The Manager
Contaminated Land Unit
Environmental Protection Agency
GPO Box 2771
BRISBANE QLD 4001

RECEIVED
05 MAY 2009
ECCU

Dear Sir/Madam

**DEVELOPMENT APPLICATION (D1060/2007) – VIC TAVERN EXTENSIONS & ALTERATIONS
1 MUSGRAVE STREET & 49 BRIDGE STREET, NTH RTON QLD 4701
LOT 1 ON RP604226 & LOT 3 ON RP606505**

The Assessment Manager (Rockhampton City Council) has identified the Contaminated Land Unit (CLU) as a concurrence agency in relation to minor amendments on the above development application.

It is understood that referral to the CLU has been triggered due to the development site being on land listed on the Environmental Land Register.

In accordance with Section 3.3.3 of the Integrated Planning Act 1997 (IPA), we herewith attach a copy of the amendment advisory letter, amended development drawings and a copy of the Assessment Manager's Re-Issued Acknowledgement Notice to assist with your further review of the proposal.

As you would already be aware, the application relates to proposed extensions and alterations to the Victoria Tavern over the above parcels of land and pre-lodgement discussions have previously been held with staff from the Contaminated Land Unit.

Yours sincerely
sch4p4(6) Personal information

For and on behalf of
Bencheer Pty Ltd

DEPARTMENT OF ENVIRONMENT
AND RESOURCE MANAGEMENT
- 5 MAY 2009
BNE 20 09 / 3950

Copy to: Bencheer Pty Ltd (cover letter only)

Enc

RECEIVED
5 MAY 2009
EPA SOUTHERN
REGION

Acknowledgment Notice

INTEGRATED PLANNING ACT 1997, SECTION 3.2.3 AND 3.2.5

File number: **D-1060/2007**
 Application number: **D-1060/2007**
 Date received: **28 May 2007**

For further information regarding this notice, please contact:
 Erin McCabe
 Phone: 1300 22 55 77

1. APPLICANT DETAILS

Bencheer Pty Ltd

sch4p4(6) Personal information

RECEIVED
 05 MAY 2009
 ECSU

2. PROPERTY DESCRIPTION

Street address: 1 Musgrave Street and 49 Bridge Street, Berserker
 Real property description: Lot 1 on RP604226 and Lot 3 on RP606505, Parish of Murchison

3. OWNER DETAILS

Name: Bencheer Pty Ltd
 Postal address: C/- Victoria Tavern
 1 Musgrave St
 BERSERKER QLD 4701

4. DEVELOPMENT APPROVAL SOUGHT

Material Change of Use (Hotel)

5. APPLICATION TYPE

	Development Permit	Preliminary Approval
Material change of use made assessable by the planning scheme	Yes	No

6. REFERRAL AGENCIES

Based on the information accompanying the lodged application, referral is required to the following IDAS Referral Agencies.

Referrals – triggered by other assessable development under schedule 8 of the Integrated Planning Act 1997 (whether or not the development is also assessable under a planning scheme)

For an application involving	Name of agency	Status	Address
MATERIAL CHANGE OF USE			
On land involving the consideration of contaminated land matters if – (i) The land is on the environmental management register or	Environmental Protection Agency	Concurrence	Contaminated Land Unit GPO Box 2771, BRISBANE QLD 4001

For an application involving	Name of agency	Status	Address
contaminated land register under the <i>Environmental Protection Act 1994</i> ; or (ii) The existing or most recent use of the land was a notifiable activity; or (iii) The proposed use of the land is for a child care, educational, recreational, residential or similar purpose and the existing or most recent use of the land was an industrial activity; or (iv) The land is wholly or partly within an area for which an area management advice for industrial activity or natural mineralisation has been issued and the proposed use of the land is for child care, education, recreation, residential or similar purpose			

Referrals – in relation to development made assessable against a local government's planning scheme

For an application involving	Name of agency	Status	Address
MATERIAL CHANGE OF USE			
On land contiguous to a <u>State-controlled road</u>	Department of Main Roads	Concurrence	P O Box 5096, Central Queensland Mail Centre QLD 4702
On land completely or partly within or abutting <u>rail corridor land, commercial corridor land or future railway land</u>	Queensland Transport	Concurrence	Principal Manager Transport Planning Branch GPO Box 213, BRISBANE QLD 4001

It is the responsibility of the applicant to give each referral agency a copy of -
the application (including application form and supporting material);
this acknowledgment notice; and
any applicable concurrence agency application fee (refer to the *Integrated Planning Regulation 1998* to confirm the applicable referral agencies).

7. CODE ASSESSMENT

Will Code Assessment be required? **NO**

8. IMPACT ASSESSMENT

Will Impact Assessment be required? **YES**

The whole of the application must be publicly notified under the provisions of s 3.4.4 of the *Integrated Planning Act 1997* by:

- Publishing a notice at least once in a newspaper circulating generally in the locality of the land
- Placing a notice on the land in the way prescribed under the *Integrated Planning Act 1998* (IP Reg)
- Giving a notice to the owners of all land adjoining the land.

9. PUBLIC NOTIFICATION DETAILS

The notice must be in the approved form and maintained on the land for a minimum of FIFTEEN (15) Business Days

10. INFORMATION REQUEST

A further information request may be made by the assessment manager. Regardless of this advice, any concurrence agency for the application may make an information request. Notification is also given in accordance with section 3.3.6(6) of the *Integrated Planning Act* that the information request period is extended by ten (10) days.

11. SUPERSEDED PLANNING SCHEME

Is the application to be assessed under a Superseded Planning Scheme?

1986 Planning Scheme **NO**

You are further advised that the truth and accuracy of the information provided in the application form and accompanying information is relied on when assessing and deciding this application. If you find an **INACCURACY** in any of the information provided above or have a query or seek clarification about any of these details, please contact Council's Development Approvals' Section.

12. ASSESSMENT MANAGER

sch4p4(6) Personal inform

Signature:

ERIN MCCABE
PLANNING OFFICER

Date: 28 April 2009

Name:

Published on DES Disclosure
RTI Act 2009

COPY

Our Reference: Vic Tavern
Your Reference: D-1060/2007
Telephone/Fax:
Mobile: sch4p4(6) Personal informa
Email:

14 April 2009

The Chief Executive Officer
Rockhampton Regional Council
PO Box 1860
ROCKHAMPTON QLD 4700

Attention: Erin McCabe
(By Email)

Dear Ms McCabe

VICTORIA TAVERN ALTERATIONS & NEW SHOWROOM - MATERIAL CHANGE OF USE (HOTEL) DEVELOPMENT APPLICATION D-1060/2007; 1 MUSGRAVE STREET & 49 BRIDGE STREET NORTH ROCKHAMPTON QLD 4701 (LOT 1 ON RP604226 & LOT 3 ON RP606505) – MODIFIED DEVELOPMENT LAYOUT

Reference is made to our meeting with Council Officers on 19 February 2009 to discuss engineering issues and to our subsequent follow up meeting with Council Officers on 10 March 2009.

A number of alternative layouts were investigated (where the building is located against the northern boundary or the building is situated more centrally on the site with the access and drive through corridor configured along the western boundary) to achieve suggestions made below at our initial meeting (19/2/09):

- Reconfiguration of drive through to reduce conflicts with laneway traffic (20m setback from Bridge Street intersection)
- Rearranging car parking to eliminate spaces with direct access to the laneway
- Reconfiguring the site layout to facilitate delivery vehicles entering and leaving the site in a forward direction including on site loading/unloading provisions
- General provisions for waste management space, wheelie bin garbage/recycling pick-up area and bin wash down area
- Review of stormwater management given advice from Council that a 600mm diameter reinforced concrete pipe exists on the Bridge Street frontage of the development site
- Clarifying bike lane line-marking on drawings and reviewing the need for line-marking of a pedestrian crossing in the laneway

As advised in the follow up meeting (10/3/09), although consideration was given to other alternative layouts, it was subsequently determined that all of the above suggestions could be achieved with some modifications to the existing site layout.

Consequently, a modified set of drawings, as described in the drawing list hereunder, and an additional stormwater assessment is herewith submitted for this development application.

CP0701-00 Cover Sheet (Issue B)
CP0701-01 Existing Lot Layout (Issue 0)

CP0701-Ltr34-RRC-ErinMcCabe-CoverLetterToModifiedDevelopmentLayout-14Apr09-RDM

Our Reference: Vic Tavern
Your Reference: D-1060/2007
Telephone/Fax:
Mobile: sch4p4(6) Personal infor
Email:

CP0701-02 Existing Site Layout (Issue B)
CP0701-03 Proposed Site Layout (Issue C)
CP0701-05 Floor Layout (Issue C)
CP0701-06 Elevations – 1 of 2 (Issue C)
CP0701-07 Elevations – 2 of 2 (Issue C)
CP0701-08 Proposed Site Layout – Landscaping Details (Issue C)
CP0701-09 Proposed Site Layout – Vehicle Turning Path (Issue C)
CP0701-10 Proposed Site Layout – Stormwater Drainage (Issue C)

Please note that the modified layout has provided more opportunity for landscaping with the available area increasing by around 50% (3.5% to 5.2%) from the original proposal.

It is noted from your most recent advice (email dated 19/3/09) that the application will need to revert back to the acknowledgement notice stage, including having to complete another round of public notification. It is further noted that another Information Request is unlikely since the modified layout and stormwater assessment should address all items/concerns raised in our meeting(s).

Reference is also made to telephone discussion with Brett Bacon on 30 March 2009 where it was also commented that a further Information Request should not be required in view of the interactive process that has been undertaken with Council during February and March 2009.

It is desirable for advertising to commence as soon as possible, so it would be appreciated if you could confirm acceptance of the attached documentation.

In addition to the electronic attachments, three (3) sets of A3 drawings will be delivered to your office under separate cover.

Yours sincerely,

sch4p4(6) Personal infor

For an on behalf of
BENCHEER PTY LTD

Copy: Bencheer Pty Ltd

Attachments:

1. Development Application Drawings
2. Stormwater Management Assessment



RECEIVED
30 APR 2009
ECSU

Rockhampton Office
232 Bolsover St, Rockhampton
Gracemere Office
1 Ranger St, Gracemere
Mount Morgan Office
32 Hall St, Mount Morgan
Yeppoon Office
70 Anzac Parade, Yeppoon

Environmental Protection Agency
Contaminated Land Unit
GPO Box 2771
BRISBANE QLD 4001

27 April 2009

Dear Sir/Madam

MATERIAL CHANGE OF USE (HOTEL) AT 1 MUSGRAVE STREET AND 49 BRIDGE STREET, BERSERKER- D-1060/2007

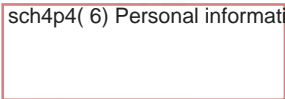
For your records, please be advised that Rockhampton Regional Council received a changed application for the above development on 14 April 2009.

This letter is provided to you as per section 3.2.9 (2) of the *Integrated Planning Act 1997*.

Should you require any further information please do not hesitate in contacting the undersigned on the telephone number below.

Yours faithfully

sch4p4(6) Personal informati



ERIN McCABE
PLANNING OFFICER (ROCKHAMPTON)

Your reference: Appl'n: 11764 Part 1 File No.: bne31845
Our reference: D-1060/2007

DEPARTMENT OF ENVIRONMENT
AND RESOURCE MANAGEMENT
30 APR 2009
BNE 2009 / 3818

RECEIVED
07 MAY 2009
EPA SOUTHERN REGION

RECEIVED
29 APR 2009
EPA SOUTHERN REGION

Notice of concurrence agency response Sections 3.3.16 and 3.3.18 *Integrated Planning Act 1997*

This notice is issued by the administering authority pursuant to sections 3.3.16 and 3.3.18 of the *Integrated Planning Act 1997*, to advise you of a decision or action.

Enquiries to: Allen Johns
Telephone: (07) 3224 5099
Your reference: D-1060/2007
Our reference: Appl'n: 11764 Part 1 File No.: bne31845

CC: sch4p4(6) Personal information

Rockhampton Regional Council
PO Box 1860
ROCKHAMPTON QLD 4700

Attention: Erin McCabe

Re: Application (No. d-1060/2007) for development approval for assessable development to be carried out at 1 Musgrave Street & 49 Bridge Street, North Rockhampton Qld (Lot 1 on RP604226 & Lot 3 on RP606505).

Pursuant to the following items of Table 2 Schedule 2 of the *Integrated Planning Regulation 1998*, the Environmental Protection Agency (EPA) – Waste and Contaminated Land Unit (W&CLU) is a concurrence agency for the development application:

- Item 21, Table 2 of Schedule 2 of the *Integrated Planning Regulation 1998*
- Item 22, Table 2 of Schedule 2 of the *Integrated Planning Regulation 1998*

The EPA-W&CLU, acting as a concurrence agency under the *Integrated Planning Act 1997*, provides its response to the application detailed above as attached.

It would be appreciated if Council could provide a signed hard copy of the final development approval issued by Council (which includes the Agency's concurrence conditions).

The EPA-W&CLU has not provided a notification to native title parties for this application. The State's Native Title Work Procedures indicate that responsibility for assessment of native title issues for an IDAS application rest with the Assessment Manager. It is recommended that you undertake an assessment using your own guidelines to determine if a native title notification is required for this application.

Should you require any further information please do not hesitate to contact the above officer on the telephone number provided .

sch4p4(6) Personal in

.....
sch4p4 Signed

02/06/08
Date

**Delegate of Administering Authority
*Environmental Protection Act 1994.***

Concurrence agency response

Sections 3.3.16 and 3.3.18 *Integrated Planning Act 1997*

Applicant:

sch4p4(6) Personal infor

Council Application Number:

D-1060/2007

EPA Application Number:

11764 Part 1

Date application received by EPA: 15/05/2008

Relevant Laws and Policies:

Environmental Protection Act 1994

Jurisdiction:

Chapter 7, Part 8 *Environmental Protection Act 1994*

Development Description:

Material Change of Use – (Hotel)

where:

- the existing use of the land is, or if the land is vacant land with no existing use the most recent use of the land was, for a notifiable activity under the *Environmental Protection Act 1994*.
- the proposed use of the land is for child care, educational, recreational, residential or similar purposes and the existing use of the land is, or if the land is vacant land with no existing use the most recent use of the land was, for an industrial activity.
- the land is on the Environmental Management Register or Contaminated Land Register under the *Environmental Protection Act 1994*.**
- the land is wholly or partly within an area for which an Area Management Advice for industrial activity or natural mineralisation has been issued and the proposed use of the land is for child care, educational, recreational, residential or similar purposes.
- the land is wholly or partly in an area for which an Area Management Advice for unexploded ordnance has been issued.

at the following place(s):

1 Musgrave Street & 49 Bridge Street, North Rockhampton Qld
(Lot 1 on RP604226 & Lot 3 on RP606505)

Response to Development Application

The Environmental Protection Agency, acting as a concurrence agency under the *Integrated Planning Act 1997*, provides its response to the application detailed above.

The concurrence agency response is that

- conditions must attach to any development approval**
- any approval must be for part only of the development
- any approval must be a preliminary approval only
- there are no concurrence agency requirements
- the application must be refused

Conditions of the development approval

If during any site earthworks or excavation, offensive or noxious odours and/or evidence of gross contamination not previously detected is observed, site works are to cease in that area and action taken to immediately abate the potential environmental harm. The administering authority is to be notified in writing within two (2) business days of detection and advised of appropriate remedial action.

Any remedial action is to be developed by an appropriate qualified and experienced person in accordance with Section 381 of the EP Act.

Additional comments or advice about the application

The removal of any contaminated soil from this site requires prior approval from the Environmental Protection Agency (EPA) (Waste and Contaminated Land Unit) under the section 424 of the *Environmental Protection Act 1994* (EP Act).

Should you wish to remove **Lot 3 on RP606505** from the Environmental Management Register, a site investigation report, prepared in accordance with the *Environmental Protection Act 1994* (EP Act) and the *Draft Guidelines for the Assessment and Management of Contaminated Land in Queensland* (DEH, 1998), must be submitted to the EPA-WCLU. The report must demonstrate that **Lot 3 on RP606505** has been satisfactorily remediated and is/are no longer contaminated, or no longer poses an unacceptable health or environmental risk.

Reasons for inclusion of development conditions or refusal

In accordance with section 3.3.18 of the *Integrated Planning Act 1997* and section 27B of the *Acts Interpretation Act 1954*, a concurrence response must include reasons for a refusal or for the inclusion of development conditions.

The Environmental Protection Agency is recognised as a concurrence agency under the *Integrated Planning Regulation 1998* for the protection of the environment by the management of contaminated land. The Environmental Protection Agency concurrence agency conditions for this proposed development that are contained within this response are required to prevent or mitigate any potential risk to human health or the environment from possible hazardous contaminants present on the site.

Additional information for applicants

This concurrence response pursuant to Chapter 7, Part 8 of the *Environmental Protection Act 1994* applies only to contaminated land issues and does not remove the need to obtain any further approval for this development which may be required by this or other legislation, State and/or Commonwealth. Applicants are advised to check with all relevant statutory authorities for such approvals as may be required.

~ End of Concurrence Agency Response ~

IPA APPLICATION ASSESSMENT SHEET – CONTAMINATED LAND UNIT

Assessment **Due Date: 06 August 2007**

1. PROPOSAL DETAILS

Proposal: Material Change of Use
Proposal Description: Hotel

2. ADMINISTRATIVE DETAILS

EPA App'n No: 11764 Part 1
File No: bne31845

Council: Rockhampton City Council
LA App'n No: D-1060/2007
Site Address: 1 Musgrave Street & 49 Bridge Street, North
Rockhampton Qld
Property Description: Lot 1 on RP604226 & Lot 3 on RP606505
Applicant Name: sch4p4(6) Personal information

EMR/CLR/AMA details:

Lot/Plan	EMR/CLR/ AMA No:	Notifiable Activity (NA) or Hazardous Contamination.	On going NA Yes or No?
Lot 3 / RP606505	11764	NA 34. Service Station	Disused service station. USTs still on site.

3. APPLICATION ASSESSMENT

3.1 Information from the application, EMR or CLU files:

Any existing ERA's?: No
Any new ERA's?: No

ERA Jurisdiction:

3.2 Information from the application and IDAS forms, EMR or EPA-CLU files:

Past Use: Service Station and Hotel/Tavern
Current Use: Hotel/Tavern and Shops

3.3 Supporting information: (For incorrect referral skip 3.3.1)

3.3.1 Are there any Environmental Values that are at risk?

Low risk to human health during construction

3.3.2 Other relevant details supporting the conclusion(s)

- Re-issued Acknowledgment notice to include wine bar into bolltle shop and drive through and to delete outdoor area. Will not change EPA's response as mentioned below in report from sandra.
- The applicant has no intention of removing the USTs
- The application states:
 - the tanks have been decommissioned and filled with sand.
 - No excavation will occur near the tanks

IDAS APPLICATIONS CHECKLIST

APPLICATION NUMBER: 11764 - PR# 1

FILE NUMBER: BNE 31845

New Acknowledgement
Notice

REFERRAL DATE:

Original Application in
2007.

INFORMATION REQUEST DUE:

RCU NUMBER:

ACKNOWLEDGEMENT NOTICE

IPA FORMS

COMMON DETAILS - PART A

OWNERS CONSENT

PART D - MATERIAL CHANGE OF USE

AND OR

PART F - RECONFIGURATION A LOT

PART N - CONTAMINATED LAND

IDAS ASSESSMENT CHECKLIST

REFERRAL COORDINATION REQUIRED

Our Reference: Vic Tavern
Your Reference:
Telephone/Fax:
Mobile: sch4p4(6) Personal information
Email:

12 May 2008

The Manager
Contaminated Land Unit
Environmental Protection Agency
GPO Box 2771
BRISBANE QLD 4001



Dear Sir/Madam

**DEVELOPMENT APPLICATION (D1060/2007) – VIC TAVERN EXTENSIONS & ALTERATIONS
1 MUSGRAVE STREET & 49 BRIDGE STREET, NTH RTON QLD 4701
LOT 1 ON RP604226 & LOT 3 ON RP606505**

BNE 81845

The Assessment Manager (Rockhampton City Council) has identified the Contaminated Land Unit (CLU) as a concurrence agency in relation to amendments on the above development application.

It is understood that referral to the CLU has been triggered due to the development site being on land listed on the Environmental Land Register.

In accordance with Section 3.3.3 of the Integrated Planning Act 1997 (IPA), we herewith attach a copy of the amendment advisory letter, amended development drawings and a copy of the Assessment Manager's Re-Issued Acknowledgement Notice to assist with your further review of the proposal.

As previously indicated, the application relates to proposed extensions and alterations to the Victoria Tavern over the above parcels of land. In addition, pre-lodgement discussions have already been held with staff from the Contaminated Land Unit.

Yours sincerely

sch4p4(6) Personal information

Copy to: Bencheer Pty Ltd (cover letter only)

Enc



Our Reference: VicTavern
Your Reference: D-1060/2007
Telephone/Fax:
Mobile: sch4p4(6) Personal informati
Email:

26 March 2008

The Chief Executive Officer
Rockhampton City Council
PO Box 243
ROCKHAMPTON QLD 4700

Attention: Planning Services
Erin McCabe

Dear Erin

**VICTORIA TAVERN EXTENSIONS & ALTERATIONS
MATERIAL CHANGE OF USE (HOTEL) DEVELOPMENT APPLICATION D-1060/2007
1 MUSGRAVE ST, 49 BRIDGE ST & PART LANEWAY, NORTH ROCKHAMPTON QLD 4701
(LOT 1 ON RP604226 & LOT 3 ON RP606505 & PART LANEWAY)**

Reference is made to your last correspondence dated 8 October 2007 and our meeting at the Council offices on 3 March 2008.

I can confirm the following advice provided in our meeting:

1. The Department of Natural Resources has not approved the part closure of the lane as identified in the original development proposal, and
2. My client has identified a licensing arrangement that will allow her to extend her hotel operation onto the Bridge Street property without having to close the section of lane between and amalgamate all properties onto one title.

In view of these outcomes, my client wishes to make some minor amendments to the scope of the development proposal as follows:

1. To incorporate a wine bar into the new bottle shop and drive through facility on Bridge Street, and
2. Delete the proposed outdoor area at the existing Vic Tavern premises so as not to increase the existing use and need for further car parking (beyond the current approved level of 50 car parks).

It is noted that car parking will still need to be provided in association with the hotel's extension onto the Bridge Street property. In this regard, the gross floor area of the proposed building has been reduced in order to satisfy the parking requirements of 1 space per 20m².

Our Reference: VicTavern
Your Reference: D-1060/2007
Telephone/Fax:
Mobile: sch4p4(6) Personal informati
Email:

Copies of the amended development proposal have been attached and your attention is drawn to a number of aspects:

Waste Storage

A screened enclosure has been provided for waste storage to the proposed hotel extensions on Bridge Street. It is expected that this area would accommodate 1 or 2 industrial style bins for collecting cardboard, plastic and packaging materials along with space to store empty palettes.

At the rear of the new extension, there is also provision for up to 2 wheelie bins, which could consist of a general rubbish bin (including any foodstuffs) and a recycling bin for bottles and cans. It should be noted that there are no plans to prepare meals in the new extension so the premises is not expected to generate significant food waste.

Additional waste storage facilities are proposed to be incorporated into the large storeroom at the existing Vic Tavern premises. It is anticipated that this internal store would be connected to a screened enclosure beside the lane via a roller door.

Cardboard and other product packaging materials generated by the existing Tavern premises would be stored internally along with empty palettes and kegs. General & food rubbish would be stored in wheelie bins within the external screened enclosure. This screened enclosure would also be accessible from the lane to facilitate relocation of wheelie bins for collection.

Landscaping

Providing car parking and more comprehensive waste management storage areas has reduced the available landscaping area.

However, subsequent site observations have noted an absence of landscaping elements to the Bridge Street frontage west of the site with the area presenting as a commercial streetscape. This suggests that street amenity would not be diminished if there was no visible landscaping.

This is not the case at the rear of the Bridge Street property where the use of landscaping will help to break up and soften the transition for the proposed car park and existing residence.

Council's consideration is sought with respect to this performance requirement.

Our Reference: VicTavern
Your Reference: D-1060/2007
Telephone/Fax:
Mobile: sch4p4(6) Personal informati
Email:

Engineering

The extent of fill will be lessened under the amended proposal and as a result, the drainage management intent will alter from underground pipes internally to surface flows that discharge to the laneway.

Roof water downpipes will also discharge to driveways and car parking areas and be conveyed to the overland to the lane.

The legal point of discharge remains the lane and Bridge Street.

It is understood that the application will have to revert back to the acknowledgement stage and it is accepted that public notification will also have to be undertaken again.

Please note that the amended development proposal was raised with Main Roads in a meeting held on 10 March 2008. Main Roads (Chris Murphy) indicated that the existing development conditions would still be relevant and that new requirements were unlikely to apply.

Preparations will be made to commence advertising again unless you require any further information.

Your earliest advice would be welcome.

Yours faithfully

sch4p4(6) Personal informati

Project Engineer
(RPEQ 4600)

Copy to: Bencheer Pty Ltd
Department of Main Roads



Re-Issued Acknowledgment Notice

INTEGRATED PLANNING ACT 1997, SECTION 3.2.3 AND 3.2.

1. APPLICANT DETAILS

Bencheer Pty Ltd

sch4p4(6) Personal information

1. APPLICATION DETAILS

Application number: **D-1060/2007**

Date received: 28 May 2007

Phone: 1300 22 55 77 Fax: 1300 22 55 79

For further information regarding this notice, please contact: **Erin McCabe**

2. PROPERTY DESCRIPTION

Street address: 1 Musgrave Street & 49 Bridge Street, Berserker QLD

Real property description: L1 RP604226, L3 RP606505

3. OWNER DETAILS

Name: Bencheer Pty Ltd

Postal address: C/- Victoria Tavern
1 Musgrave St
BERSERKER QLD 4701

4. DEVELOPMENT APPROVAL SOUGHT

Material Change of Use (Hotel)

5. APPLICATION TYPE

	Development Permit	Preliminary Approval
Material change of use made assessable by the planning scheme	✓	

6. REFERRAL AGENCIES

Based on the information accompanying the lodged application, referral is required to the following IDAS Referral Agencies.

Referrals – triggered by other assessable development under schedule 8 of the Integrated Planning Act 1997 (whether or not the development is also assessable under a planning scheme)

For an application involving	Name of agency	Status	Address
MATERIAL CHANGE OF USE			
On land involving the consideration of contaminated land matters if – (i) The land is on the environmental management register or contaminated land register under the <i>Environmental Protection Act 1994</i> ; or (ii) The existing or most recent use of the land was a notifiable activity; or (iii) The proposed use of the land is for a child care, educational, recreational, residential or similar purpose and the existing or most recent use of the land was an industrial activity; or (iii) The land is wholly or partly within an area for which an area management advice for industrial activity or natural mineralisation has been issued and the proposed use of the land is for child care, education, recreation, residential or similar purpose	Environmental Protection Agency	Concurrence	Contaminated Land Unit GPO Box 2771, BRISBANE QLD 4001

Referrals –in relation to development made assessable against a local government's planning scheme

For an application involving	Name of agency	Status	Address
MATERIAL CHANGE OF USE			
On land contiguous to a State-controlled road	Department of Main Roads	Concurrence	P O Box 5096, Central Queensland Mail Centre QLD 4702
On land completely or partly within or abutting rail corridor land, commercial corridor land or future railway land	Queensland Transport	Concurrence	Principal Manager Transport Planning Branch GPO Box 213, BRISBANE QLD 4001

It is the responsibility of the applicant to give each referral agency a copy of –

- the application (including application form and supporting material);
- this acknowledgment notice; and
- any applicable concurrence agency application fee (refer to the *Integrated Planning Regulation 1998* to confirm the applicable referral agencies).

7. CODE ASSESSMENT

Will Code Assessment be required? **NO**

8. IMPACT ASSESSMENT

Will Impact Assessment be required? **YES**

The whole of the application must be publicly notified under the provisions of s 3.4.4 of the *Integrated Planning Act 1997* by:

- Publishing a notice at least once in a newspaper circulating generally in the locality of the land
- Placing a notice on the land in the way prescribed under the *Integrated Planning Act 1998* (IP Reg)
- Giving a notice to the owners of all land adjoining the land.

9. PUBLIC NOTIFICATION DETAILS

The notice must be in the approved form and maintained on the land for a minimum of **FIFTEEN (15) Business Days**

10. INFORMATION REQUEST

A further information request may be made by the assessment manager. Regardless of this advice, any concurrence agency for the application may make an information request. Notification is also given in accordance with section 3.3.6(6) of the *Integrated Planning Act* that the information request period is extended by ten (10) days.

11. SUPERSEDED PLANNING SCHEME

Is the application to be assessed under a Superseded Planning Scheme?

1986 Planning Scheme **NO**

You are further advised that the truth and accuracy of the information provided in the application form and accompanying information is relied on when assessing and deciding this application. If you find an INACCURACY in any of the information provided above or have a query or seek clarification about any of these details, please contact Council's Development Approvals' Section.

12. ASSESSMENT MANAGER

Signature:

sch4p4(6) Personal info

Date: 6 May 2008

Name:

Erin McCabe
Planning Officer

Angelina. 04/09/07

Southern Regional Office (Brisbane)
GPO Box 2771 BRISBANE QLD 4001
Phone: (07) 3225 1827 Fax: (07) 3247 3278
www.epa.qld.gov.au ABN:87221158786



Queensland Government
Environmental Protection Agency
Queensland Parks and Wildlife Service

Notice of concurrence agency response Sections 3.3.16 and 3.3.18 *Integrated Planning Act 1997*

This notice is issued by the administering authority pursuant to sections 3.3.16 and 3.3.18 of the *Integrated Planning Act 1997*, to advise you of a decision or action.

Enquiries to: Sandra Avendano
Telephone: (07) 3225 1077 Email: Sandra.avendano@epa.qld.gov.au
Your reference: d-1060/2007
Our reference: Appl'n: 11764 Part 1 File No.: bne31845

CC: sch4p4(6) Personal information



Rockhampton City Council
PO Box 243
ROCKHAMPTON QLD 4700

Attention: Mr Cameron Wyatt

Re: Application (No. d-1060/2007) for development approval for assessable development to be carried out at 1 Musgrave Street & 49 Bridge Street, North Rockhampton Qld (Lot 1 on RP604226 & Lot 3 on RP606505).

Pursuant to the following items of Table 2 Schedule 2 of the *Integrated Planning Regulation 1998*, the Environmental Protection Agency (EPA) – Waste and Contaminated Land Unit (W&CLU) is a concurrence agency for the development application:

- Item 21, Table 2 of Schedule 2 of the *Integrated Planning Regulation 1998*
- Item 22, Table 2 of Schedule 2 of the *Integrated Planning Regulation 1998*

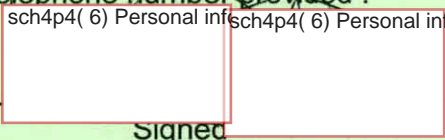
The EPA-W&CLU, acting as a concurrence agency under the *Integrated Planning Act 1997*, provides its response to the application detailed above as attached.

It would be appreciated if Council could provide a signed hard copy of the final development approval issued by Council (which includes the Agency's concurrence conditions).

The EPA-W&CLU has not provided a notification to native title parties for this application. The State's Native Title Work Procedures indicate that responsibility for assessment of native title issues for an IDAS application rest with the Assessment Manager. It is recommended that you undertake an assessment using your own guidelines to determine if a native title notification is required for this application.

Should you require any further information please do not hesitate to contact the above officer on the telephone number provided.

sch4p4(6) Personal info sch4p4(6) Personal info



Signed

6-08-07
Date

Delegate of Administering Authority
Environmental Protection Act 1994.

EMR updated/IPA.
4/08/07 Ale

With Angela
Bismark

Concurrence agency response

Sections 3.3.16 and 3.3.18 *Integrated Planning Act 1997*

Applicant:

sch4p4(6) Personal info

Council Application Number:

d-1060/2007

EPA Application Number:

11764 Part 1

Date application received by EPA: 25/06/2007

Relevant Laws and Policies:

Environmental Protection Act 1994

Jurisdiction:

Chapter 7, Part 8 *Environmental Protection Act 1994*

Development Description:

Material Change of Use - Hotel & retail showroom

where:

- the existing use of the land is, or if the land is vacant land with no existing use the most recent use of the land was, for a notifiable activity under the *Environmental Protection Act 1994*.
- the proposed use of the land is for child care, educational, recreational, residential or similar purposes and the existing use of the land is, or if the land is vacant land with no existing use the most recent use of the land was, for an industrial activity.
- the land is on the Environmental Management Register or Contaminated Land Registered under the *Environmental Protection Act 1994*.
- the land is wholly or partly within an area for which an Area Management Advice for industrial activity or natural mineralisation has been issued and the proposed use of the land is for child care, educational, recreational, residential or similar purposes.
- the land is wholly or partly in an area for which an Area Management Advice for unexploded ordnance has been issued.

at the following place(s):

1 Musgrave Street & 49 Bridge Street, North Rockhampton Qld
(Lot 1 on RP604226 & Lot 3 on RP606505)

Response to Development Application

The Environmental Protection Agency, acting as a concurrence agency under the *Integrated Planning Act 1997*, provides its response to the application detailed above.

The concurrence agency response is that

- conditions must attach to any development approval
- any approval must be for part only of the development
- any approval must be a preliminary approval only
- there are no concurrence agency requirements
- the application must be refused

Conditions of the development approval

If during any site earthworks or excavation, offensive or noxious odours and/or evidence of gross contamination not previously detected is observed, site works are to cease in that area and action taken to immediately abate the potential environmental harm. The administering authority is to be notified in writing within two (2) business days of detection and advised of appropriate remedial action.

Any remedial action is to be developed by an appropriate qualified and experienced person in accordance with Section 381 of the EP Act.

Additional comments or advice about the application

The removal of any contaminated soil from this site requires prior approval from the Environmental Protection Agency (EPA) (Waste and Contaminated Land Unit) under the section 424 of the *Environmental Protection Act 1994* (EP Act).

Should you wish to remove **Lot 3 on RP606505** from the Environmental Management Register, a site investigation report, prepared in accordance with the *Environmental Protection Act 1994* (EP Act) and the *Draft Guidelines for the Assessment and Management of Contaminated Land in Queensland* (DEH, 1998), must be submitted to the EPA-WCLU. The report must demonstrate that **Lot 3 on RP606505** has been satisfactorily remediated and is/are no longer contaminated, or no longer poses an unacceptable health or environmental risk.

Reasons for inclusion of development conditions or refusal

In accordance with section 3.3.18 of the *Integrated Planning Act 1997* and section 27B of the *Acts Interpretation Act 1954*, a concurrence response must include reasons for a refusal or for the inclusion of development conditions.

The Environmental Protection Agency is recognised as a concurrence agency under the *Integrated Planning Regulation 1998* for the protection of the environment by the management of contaminated land. The Environmental Protection Agency concurrence agency conditions for this proposed development that are contained within this response are required to prevent or mitigate any potential risk to human health or the environment from possible hazardous contaminants present on the site.

Additional information for applicants

This concurrence response pursuant to Chapter 7, Part 8 of the *Environmental Protection Act 1994* applies only to contaminated land issues and does not remove the need to obtain any further approval for this development which may be required by this or other legislation, State and/or Commonwealth. Applicants are advised to check with all relevant statutory authorities for such approvals as may be required.

~ End of Concurrence Agency Response ~

IPA APPLICATION ASSESSMENT SHEET – CONTAMINATED LAND UNIT

Assessment Due Date: 06 August 2007

1. PROPOSAL DETAILS

Proposal: **Material Change of Use**
 Proposal Description: **Hotel & retail showroom**

2. ADMINISTRATIVE DETAILS

EPA App'n No: **11764 Part 1**
 File No: **bne31845**

Referral Coordination (RCU) No:	
ECOTRAK Project No:	
Project Manager Name:	
Other EPA Units involvement:	

Council: **Rockhampton City Council**
 LA App'n No: **d-1060/2007**
 Site Address: **1 Musgrave Street & 49 Bridge Street, North Rockhampton Qld**
 Property Description: **Lot 1 on RP604226 & Lot 3 on RP606505**
 Applicant Name: sch4p4(6) Personal information

EMR/CLR/AMA details:

Lot/Plan	EMR/CLR/AMA No:	Notifiable Activity (NA) or Hazardous Contamination.	On going NA Yes or No?
Lot 3 / RP606505	11764	NA 34. Service Station	Disused service station. USTs still on site.

Lot(s) No EMR/CLR & proposed use is for child care, educational, recreational or residential purposes, including a caretaker residence on industrial land.

Lot/Plan	Industrial Activity has been identified (Yes or No)

3. APPLICATION ASSESSMENT

3.1 Information from the application, EMR or CLU files:

Any existing ERA's?: **No**
 Any new ERA's?: **No**
 ERA Jurisdiction:

3.2 Information from the application and IDAS forms, EMR or EPA-CLU files:

Past Use: Service Station and Hotel/Tavern

Current Use: Hotel/Tavern and Shops

3.3 Supporting information: (For incorrect referral skip 3.3.1)

3.3.1 Are there any Environmental Values that are at risk?

Low risk to human health during construction

3.3.2 Other relevant details supporting the conclusion(s)

- The applicant has no intention of removing the USTs
- The application states:
 - the tanks have been decommissioned and filled with sand.
 - No excavation will occur near the tanks
 - the location of the proposed retail room aims to allow sufficient clearance from the tanks' location.
 - The ground level over the tanks will be covered with concrete pavement and hardstand areas for car parking.
- Advice (over the phone) was provided to the applicant with regards to removing the tanks and validating the site.

4. ASSESSMENT OUTCOME

Conclusion: (Is the site suitable for the proposed development?)

The site is suitable for the proposed development

There is a minor risk of unexpected contamination to occur

The project and site works are a good opportunity to remove the tanks and validate the site.

Recommendation:

To issue a CAR with unexpected contamination condition and advice of disposal permit and clean up of the land.

This recommendation was discussed with Kim Barry.

sch4p4(6) Personal information

Assessor name: Sandra Avendano

Assessor signature:

Date: 01 August 2007

Reviewer is required when EPA Assessment is involved (Site Investigation/Validation Report was submitted with the application or as a response of an Information Request Notice)

Reviewer Name:

Reviewer signature:

Revision Date:

Reviewer Comment(s)/Recommendation:

----- End of the Assessment -----

SA
IDAS APPLICATIONS CHECKLIST

APPLICATION NUMBER: 11764 PT1

FILE NUMBER: BNE 31845

REFERRAL DATE: 25/06/07

INFORMATION REQUEST DUE: 09/07/07

RCU NUMBER:

ACKNOWLEDGEMENT NOTICE

IPA FORMS

COMMON DETAILS - PART A

OWNERS CONSENT

PART D - MATERIAL CHANGE OF USE
AND OR

PART F - RECONFIGURING A LOT

PART N - CONTAMINATED LAND

IDAS ASSESSMENT CHECKLIST

REFERRAL COORDINATION REQUIRED?(YE

Bne 2007/7950
Bne 31845

Our Reference: Vic Tavern
Your Reference:
Telephone/Fax:
Mobile: sch4p4(6) Personal information
Email:

20 June 2007

The Manager
Contaminated Land Unit
Environmental Protection Agency
GPO Box 2771
BRISBANE QLD 4001

Dear Sir/Madam

**1 MUSGRAVE STREET, 49 BRIDGE STREET & PART LANEWAY, NTH RTON QLD 4701
LOT 1 ON RP604226 & LOT 3 ON RP606505 & PART LANEWAY
DEVELOPMENT APPLICATION – VICTORIA TAVERN ALTERATIONS & NEW SHOWROOM**

The Assessment Manager (Rockhampton City Council) has identified the Contaminated Land Unit (CLU) as a concurrence agency in relation to the above development application.

It is understood that referral to the CLU has been triggered due to the development site being on land listed on the Environmental Land Register.

In accordance with Section 3.3.3 of the Integrated Planning Act 1997 (IPA), we herewith attach a copy of the material change of use report/application and a copy of the Assessment Manager's Acknowledgement Notice to assist with your assessment of the proposal.

The application relates to proposed development over the above parcels of land, including the portion of laneway between each parcel, in accordance with the Proposed Site Layout depicted on Drawing CP0701-04.

In addition, a proposed site layout (drawing CP0701-03) has been provided for information purposes to demonstrate the proposal would still be feasible if the laneway had to be excluded from the application at some point in future.

Pre-lodgement discussions have already been held with staff from the Contaminate Land Unit.

Yours sincerely
sch4p4(6) Personal informa

Copy to: Bencheer Pty Ltd (cover letter only)

CP0701-Ltr06-EPA-VicTavernMCUApplicationCover-RDM-20Jun07.doc - Page 1



Material Change of Use: Impact Assessment

**Proposed Retail Showroom &
Victoria Tavern Alterations
49 Bridge Street & 1 Musgrave Street
North Rockhampton, QLD, 4701
(Lot 3 on RP.606505 & Lot 1 on RP604226)
For Bencheer Pty Ltd**

For further information, please contact

[sch4p4(6) Personal information]

C/- 135 Menzies Street, North Rockhampton, QLD, 4701

Telephone: 07 4926 1650

Facsimile: 07 4926 1650

Mobile: [sch4p4(6) Personal info]

E-mail: [sch4p4(6) Personal information]

CP0701-RP001 Issue A

April 2007



Distribution and Transmittal Control

PROJECT TITLE: MATERIAL CHANGE OF USE – IMPACT ASSESSMENT
PROPOSED RETAIL SHOWROOM & VICTORIA TAVERN
ALTERATIONS

PROJECT NUMBER: CP0701

DISCIPLINE: CIVIL

DOCUMENT TITLE: REPORT

AUTHOR: sch4p4(6) Personal inform

DOCUMENT NUMBER: CP0701-RP001

CLIENT: Bencheer Pty Ltd

DESCRIPTION: Planning Report

REVISION / ISSUE RECORD

DATE	DESCRIPTION	REV	AUTHOR	VERIFIED
April 07	Council Submission	A	RDM	RDM

DISTRIBUTION

RECIPIENT	REVISION No. / Qty Issued				
	A	B	C	D	E
Bencheer Pty Ltd	1				
Rockhampton City Council	3				
Main Roads Department	1				
Environmental Protection Agency	1				

Bencheer Pty Ltd
CP0701 – RP001

Material Change of Use – Impact Assessment
49 Bridge St & 1 Musgrave St North Rockhampton, QLD, 4701
Proposed Retail Showroom & Victoria Tavern Alterations
Document History Page

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1. INTRODUCTION

1.1 Background

Bencheer Pty Ltd is a local Rockhampton based company whose business operations include the Victoria Tavern, located on the corner of Bridge Street and Little Musgrave Street, and two retail liquor outlets, one situated at Colonial Mart (adjacent to Kmart Plaza) the other at 54 Glenmore Road, North Rockhampton.

The Victoria Tavern has operated for the last 27 years and includes lounge, dining and gaming facilities along with a large retail and liquor drive through area.

Recent economic growth in Rockhampton has placed pressure on existing facilities in addition to there being a need to provide a more modern retail outlet to meet the current trends in consumer retailing.

Additional space associated with a new showroom facility will allow the existing drive through bottle shop to be relocated and provide space in which to expand the Tavern's existing dining, lounge and gaming areas.

The company resolved to address this situation and recently purchased land on Bridge Street beside the existing Tavern.

1.2 Application Process

The IDAS application is a Material Change of Use (MCU) Impact Assessment and will require public notification (see section 1.3 below).

This submission addresses the town planning requirements for the proposed development and assesses the extent of compliance against the performance objectives of the Planning Scheme for Rockhampton City.

Subsequent applications under IDAS would include building works associated with the retail showroom and could involve a reconfiguration of lot, associated with the possible road closure and related lot amalgamation.

1.3 Pre-Lodgement Discussions & Submissions

Rockhampton City Council (RCC)

A number of informal discussions have been held with RCC Planning staff on the suitability of the retail showroom proposal and overall redevelopment proposal. Views expressed by Council Planners have generally been favourable.

According to the City Plan, the retail showroom would be a code assessable development proposal as it fits with the intent of the planning area.

However, as the proposal includes a drive through bottle shop (relocation of the existing Vic Tavern drive through facility), this component would classify the proposed use as a hotel.

In addition, the proposal is change in the scale of the current use at the Victoria Tavern due to the increased dining, lounge and gaming space.

As a result, Council has advised that the entire proposal would need to be considered as impact assessable, in which case it would be more effectively progressed as a single application.

Department of Main Roads (MRD)

An informal meeting was held with Main Roads where the proposal was well received due to the reduction in access points to Bridge Street and for the potential to vastly improve the streetscape along this section of Bridge Street.

Following the meeting, an informal submission of concept drawings was provided for initial comment and feedback by Main Roads.

Proposal drawings submitted as part of this submission have been developed to incorporate Main Roads feedback e.g. deceleration space on Bridge Street for entry into the site.

Department of Natural Resources and Water (DNR&W)

An application has been made to DNR&W for the part closure of the lane that exists between the Victoria Tavern (1 Musgrave Street) and the property at 49 Bridge Street.

To facilitate the application process, representations have been made to the following entities to identify what, if any, issues there might be to the lane being closed:

Rockhampton City Council
Fitzroy River Water
Department of Main Roads
Ergon Energy
Telstra
Origin Gas

Responses have been received from Ergon Energy (letter) and Origin Energy (verbal) listing no objection to the closure. Although Origin Energy has indicated they will need to convert an existing gas service that supplies the Victoria Tavern in order to maintain access from the Bridge Street footpath.

Environmental Protection Agency (EPA)

Telephone conversations have been held with the EPA where it has been broadly identified that the site and the proposed use have 2 options:

1. The site can be taken off the Environmental Management Register (EMR) by removing the existing service station underground fuel tanks and undertaking appropriate remediation works where necessary, or
2. The site can remain on the EMR but tanks would need to be filled with sand, left undisturbed and covered by an impervious surface like concrete or asphalt and be used for something like car parking.

2. EXISTING SITE SITUATION

2.1 Real Property Details

The subject parcels of land are described as follows:

- 1 Musgrave Street (Vic Tavern); Lot 1 on RP604226, Parish of Archer, County of Livingstone
- 49 Bridge Street; Lot 3 on RP606505, Parish of Archer County of Livingstone

The development site is located in the Musgrave Street Highway Commercial Area as shown on the site locality map in Attachment A.

Each parcel of land within the site has an area of 940m² (Vic Tavern) and 1508m² (additional Land), excluding area associated with the lane closure.

The existing lot layout is also shown on Drawing CP0701-01 (Attachment D).

2.2 Characteristics

2.2.1 Usage

The existing land is being used by the Victoria Tavern and the additional land has a disused service station and warehouse together with a former Milk bar or shop.

Use of the development land and surrounding land is shown by photos in Attachment B.

2.2.2 Zoning or Designation

The site was zoned Commercial under Rockhampton City Council's old Town Planning Scheme and continues to have a commercial use now that it is part of the Musgrave Street Highway Commercial Precinct under the new City Plan.

There does not appear to be any development disadvantage in assessing the proposal under the provisions of the new City Plan.

2.2.3 Terrain

That part of the development site occupied by the Victoria Tavern is relatively flat and is built out by buildings and concrete hardstand areas.

The additional land area in Bridge Street is approximately 50% buildings with a balance area consisting of hardstand gravel and concrete surfaces. There is no grass cover or landscaping to any portion of this part of the site.

2.2.4 Surrounding Streetscape

Along Bridge Street/ Lakes Creek Road, on the same side as the subject land, there is a broad mix of commercial operations. Property uses to the west of the proposed site, heading along Bridge Street, include the following:

- All Hours Glass
- Auto-mechanic shop (currently being redeveloped by All Hours Glass)
- Anchor Hotel
- A number of shops (2 of which are vacant) including ASI Shades
- Bridge Street Tyre & Mechanical.

Property uses to the East of the site, heading along Lakes Creek Road, include the following:

- Vacant land
- Jeff Bleaney Electrical (warehouse)
- Retail second hand store (not in operation)

On the opposite side of Bridge Street is the PYC site, Stapleton Park and off street car parking provided by the Tavern (for Tavern use).

Property uses north of the site, heading along Musgrave Street, include the following:

- An existing residence
- Antique Curiosity Shop and caretakers residence
- Coxons Radiators
- Raffles Hotel

2.3 Site Impacts

2.3.1 Drainage

The Vic Tavern portion of the site consists entirely of impervious areas (building roof and concrete driveway) and stormwater runoff from these elements is able to drain to the existing lane, Bridge Street and Musgrave Street (legal points of discharge).

The Bridge Street land has a very gradual fall to the north-west corner at the rear, with an average slope of 1.0%. Existing ground levels are shown on the Existing Site Layout & Levels Drawing CP0701-02 in Attachment D.

While the site presents as free draining, the concentration of surface flows to the north-west corner is likely to cause a drainage nuisance to adjoining properties at the rear of the site.

There are no external catchment areas that drain across the site as the footpaths in Bridge Street and Musgrave Street act as catchment divisions.

In the unlikely event that there was an overflow of stormwater from the kerb and channel in Bridge Street (at the existing cross-over), the laneway would convey the overflow through to the Brown Street.

2.3.2 Services

Water

The site has reticulated water available in Bridge Street and Musgrave Street. Both existing water mains are on the same side of the road reserve as the proposed site (refer supporting details in Attachment C).

Sewer

An existing sewerage main crosses the additional land and joins into an existing manhole in the laneway before running towards Brown Street. The existing system alignment is shown in the supporting documentation in Attachment C.

Sewerage from the proposed development can connect into this line.

Power, Telephone & Gas

The site is serviced by existing overhead electrical supply from bridge Street and it would be possible to adapt the existing connections to suit the new development.

The site is also serviced by existing telephone connections from Bridge Street and Musgrave Street and it would be possible to re-sue these existing connections.

There is a natural gas main in Bridge Street that supplies an existing service to the Vic Tavern. It is not expected that this service will need to be altered, apart from relocating the service tap to the Bridge Street footpath.

Details of the existing infrastructure are shown in Attachment C.

2.3.3 Contaminated Land

The Bridge Street land was previously used as a service station and vehicle repair workshop although the site has not been used as a fuel outlet since 1970. The station's underground fuel tanks were located approximately in the Bridge Street footpath and near the south-west corner of the site (refer Existing Site Layout details on Drawing CP0701-02 in Attachment D).

It is understood that these tanks have long been decommissioned and filled with sand and that Rockhampton City Council may have completed part of this decommissioning during road works carried out in 1990.

Enquiries made to the Environmental Management Register and the Contaminated Land Register note that the site is only listed on the Environmental Management Register.

Notwithstanding the above, the proposed development does not intend carrying out excavation works in the vicinity of the tanks and the proposed retail showroom has been deliberately sited so building foundations have a significant clearance buffer from their locations.

In addition, the proposed showroom has no material conflict with the footprint of the disused service station building on the Bridge Street land. It should also be noted that the development will deliberately cover the ground level over the tanks with concrete pavement and hardstand areas for use as car parking.

3. PROPOSED SITE SITUATION

3.1 The Concept

The initial stage of the development is to construct the new retail showroom facility and drive-through that will enable the relocation of the existing drive-through.

Further stages will include the following:

1. Alterations to the current Vic Tavern premises that will expansion of the existing lounge, dining and gaming areas, and
2. External additions to the retail showroom (entry structure) and alterations to the car parking following the outcome of the lane closure application.

Additional car parking will be provided to meet the Code requirements for the expanded internal use at the Vic Tavern and the new retail showroom floor area (excluding the drive-through retail component of the showroom floor area).

The parking provided will be sufficient whether the lane closure proceeds or not.

The proposed layouts for both the pre lane closure and post lane closure situations have been presented on Drawings CP0701-03 & 04 in Attachment D.

Alterations to the Vic Tavern are proposed to include:

- Private and secure storage of liquor and bulk purchases
- Improved catering and dining facilities
- Expanded dining, lounge and gaming areas inside the Tavern
- Children play area
- Outdoor smoking area

It is expected that the development will achieve a far superior streetscape than what exists at present, it will provide enhanced exposure for the business and a significantly safer entry and exit arrangement for traffic.

3.2 Impacts

3.2.1 Town Planning Compliance Matrix

The following compliance checks have been undertaken based on the provisions of the Activity Centres Code.

Table 3.1 - Planning Provisions

Planning Provision	Requirements	Provided	Compliance	Comments
P1	The form of the development is consistent with the Centre's hierarchy	The development expands on an existing approved use and fits with other similar hotel uses in the precinct.	OK	Refer photos in Attachment B
P2	Buildings & Structures are of a scale that is consistent with other buildings in the area	The retail showroom is a similar height to the Vic Tavern and has been setback to allow for the drive-through. The roof profile and wall height of the showroom also reduces towards the rear of the building to meld with character of the residential dwellings at the rear	OK	Refer elevations in Attachment D & photos in Attachment B
P3	Buildings present a continuous pedestrian friendly façade at a human scale.	The nature of the drive through at the retail showroom allows for the building to be setback. This tends to reduce the mass and height of the building. Entry signage feature will also add value to the façade.	OK	See elevations in Attachment D
P4	Building and landscape design incorporate clear, direct, safe and pleasant pathways to and through sites	The development will open up the space around the existing lane making it significantly more visible and user-friendly. Access to car parking will be readily identifiable	OK	See layouts in Attachment D
P5	Residential amenity for adjacent Residential Areas and for existing residential development in centres is maintained	Screen fencing will be provided to protect the visual amenity of residences at the rear of the development site. Loading/unloading service activities will be confined to daylight hours.	OK	See layouts in Attachment D
P6	Automatic teller machines are located to maximise user safety.	If auto-teller machines are provided, they will be located internally within the Vic Tavern premises.	OK	
P7	Developments clearly define urban spaces, create safe urban environments and have car parking/service areas that do not dominate the streetscape	The proposed development fits with the urban character of the area and car parking has been sited away from the street frontage at the rear and side of the showroom.	OK	See layouts in Attachment D

P8	Pedestrians are protected from the sun and rain in public spaces adjoining the development	The Vic Tavern has an existing awning over the footpath. The retail showroom is setback from the footpath and it is not practical to provide an awning. However, an awning will likely be provided to the side of the building so that pedestrians are afforded some protection when they are walking to their vehicles.	OK	See elevations and layouts in Attachment D
P9	Landscaping improves centre amenity without restricting opportunities for casual surveillance	The development is proposed to follow the landscape Code.	OK	Refer Landscape layout in Attachment D
P10	All pedestrian spaces reinforce the character of the Centre	At a minimum, pedestrian and landscaping space has been provided for around 12% of the site area	OK	Refer Landscape layout in Attachment D
P11	External and functional pedestrian spaces are provided in specialist sub-regional and district centres.	Not applicable		
P12	Building design provides visual interest in the form and façade, provides outdoor spaces that complement indoor areas and takes advantage of local climate to reduce dependence on energy sources for heating/cooling	Entry feature signage will add value to the showroom façade. An outdoor area and children play area is proposed in the new courtyard outside the lounge area, which will be landscaped and shaded.	OK	See layouts & elevations in Attachment D
P13	Buildings respect and reflect the distinctive character of their settings and express contemporary architectural practice	The proposed showroom has a number of variations in wall height along its length and change in roof appearance. The front of the showroom has an exciting entry awning that projects façade coverings in the form of signage. External treatment of walls will complement the modern tilt panel architectural style, with expressive entry structures utilized to break up the mass of the building. In a similar manner to the Glenmore Road warehouse, attractive & vibrant colours will be utilized on walls, awnings and entry structure. Landscaping will also serve to soften the edges of the development and help to break up the mass of the building.	OK	Refer elevations in Attachment D
P14	Urban frontages contribute activity, safety and amenity at ground floor level to the urban environment	The frontage to the retail showroom is oriented towards Bridge Street and it will be active with the flow of customers and cars. The main building bulk is setback 10metres to practically facilitate the drive through, however an	OK	Refer elevations in Attachment D

		entry roof and signage façade makes a strong statement within 3.5metres to the frontage and this extends for more than 50% of the front façade.		
P15	Signage is integrated into the design of the building	Entry signage makes a statement at this development as it forms part of the façade of the showroom	OK	Refer elevations in Attachment D
P16	Landscape design within and around the development contributes to the amenity and character of the street	Landscaping has been designed to integrate within the development and soften car park and hardscape areas, and break up the building bulk	OK	Refer Landscape layout in Attachment D
P17	Car parking and servicing is safe, useable, sufficient to meet the needs of the development, finished in a way that does not create dust or nuisance and incorporates landscaping	Car parking has been provided according to the requirements of the Planning Scheme and AS2870 with appropriate landscaping infill.	OK	See Section 3.2.2 and layouts in Attachment D

3.2.2 City Plan Provisions

Stormwater Management

It is proposed to alter the existing drainage response for the Bridge Street land by enabling storm water runoff to drain to the laneway. The laneway provides an acceptable and legal means of collecting stormwater surface flows from this part of the site.

By doing this, it is expected that any drainage nuisance experienced by properties near the north-west corner of the site, will be removed.

No changes are proposed to the Vic Tavern's existing drainage response.

Floodwater

The existing Victoria Tavern and buildings on the additional land area of the proposed development site are estimated to be affected by the Q100 flood. This will not change for the proposed retail showroom and the developer/owner is aware of this.

The impacts and consequences of flood backwater will be managed when such an event occurs.

Light

The provision of lighting to the development would consist of internal lighting to the retail showroom, low impact exterior lights to the car park area and appropriate external visibility lighting to the building frontages and outdoor areas.

Low impact security lighting will also be provided after hours.

Landscaped areas would be delineated with soft low lights.

Building Shadow

The north-south aspect of the building means that the predominant impacts from shadow will fall on the All Hours Glass building to the west and Musgrave Street and vacant land to the east.

The tendency for the sun to travel more towards the north during winter would push the extent of the shadow further south onto Bridge Street.

In view of the above, there are no identified impacts from building shadow on surrounding residential properties.

Building Setback

Some of the walls of the buildings coincide with the property boundaries and will need to consider appropriate fire rating provisions.

Operating Times

The site is intended to operate and be open on normal business days (Monday to Sunday) between 8am and 10pm, to coincide with the existing Tavern operating hours.

Noise

The main source of noise would be delivery trucks and unloading activities using palette jacks and battery-operated forklifts. It is not expected that this type of noise will be on a scale that exceeds typical operations of this nature in an industrial area.

Odour & Air Contaminants

No activities at the site will generate any odours or air contaminants. Access parking and manoeuvring areas within the site will be sealed with a concrete pavement so that no dust is generated.

Balance areas will be covered with concrete walkways and landscaping to minimize the possibility of dust entering the air.

Traffic

Bridge Street/Lakes Creek Road is a major road (sub-arterial or major collector) that links Rockhampton to Emu Park.

The potential traffic generated by the development can easily be integrated into the road network without impacting on the function of this road.

Car Parking & Access

The arrangement of the access and parking areas has been designed to enable vehicles to enter and exit the property in a forward direction, in accordance with AS2870. The layout of car parking and calculation of car parking numbers is shown on layouts in Attachment D.

Provision has also been made for a deceleration space for left in vehicles travelling from Bridge Street and set down area for taxis and buses (refer Drawing CP0701-04).

Refuse

Sufficient utility space at ground level has been provided at the rear of the retail showroom for the storage of refuse collection facilities or wheelie bins.

Special refuse storage would need to be collected by private contractor whereas wheelie bins and recycling storage can be collected by Council's services.

Fencing

An appropriate screen fence will be provided along common property boundaries with a minimum height of 1800mm.

A 1200mm high fence will be provided between the property and the lane reserve to allow for security surveillance. The provision of fencing to the lane would be subject to outcomes from the road closure application.

Geotechnical Considerations

Prior to lodging a building application and before any building work commences, soil from the site will be tested to ascertain the site classification according to AS2870, for the purposes of foundation and pavement design.

Acid Sulphate Soils

Although the site is below 20mAHD, there are no earthworks (either excavation or fill) proposed on the site that would exceed 1000m³.

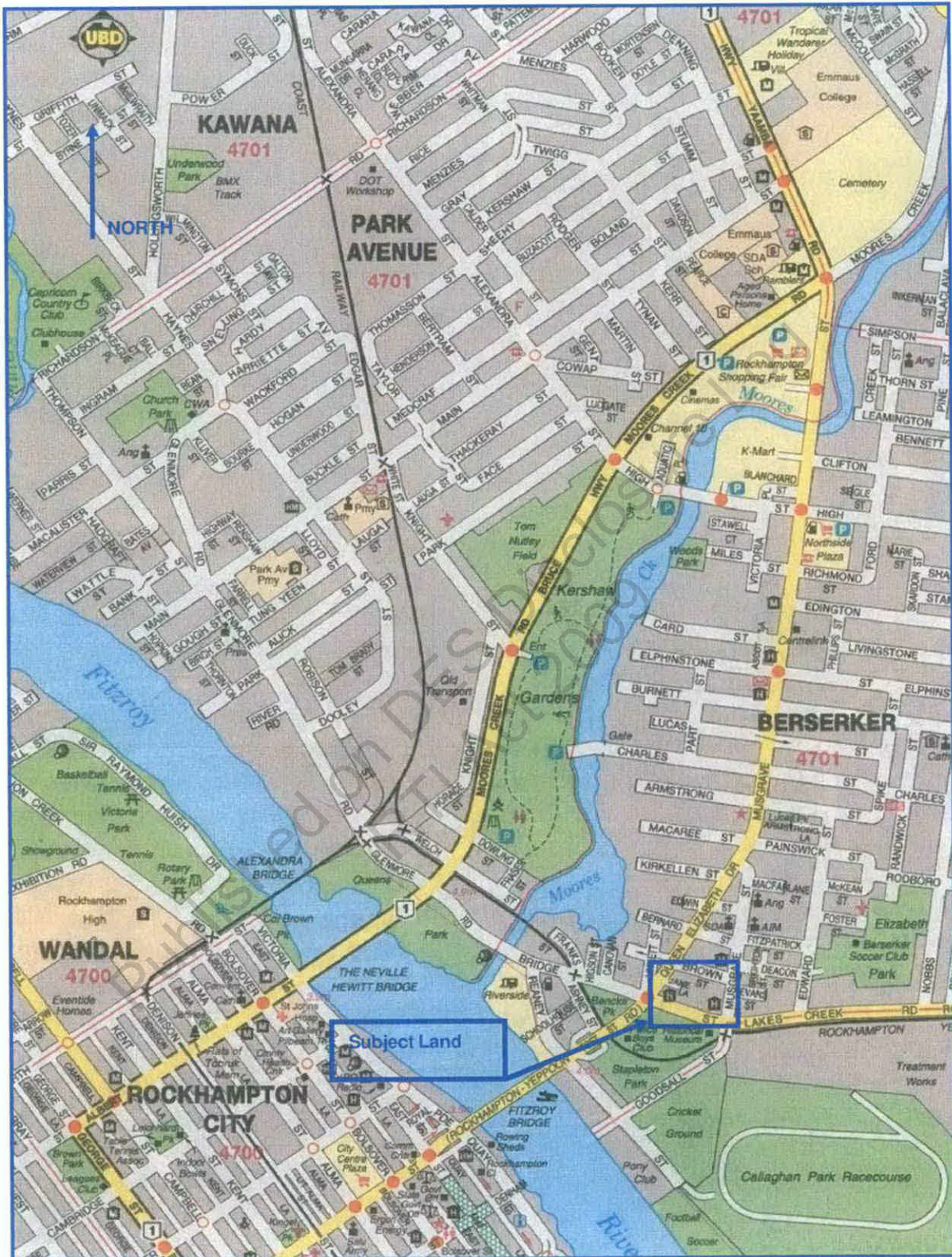
5. CONCLUSION

It is concluded that the proposal presents opportunities for a local based retail and service industry to develop sufficient area to expand their operations to meet Rockhampton's current economic and growth needs, while value adding to the commercial area along Bridge Street.

The proposal provides an opportunity for the local authority to facilitate the significant enhancement of the streetscape in this business area, and for changes to access points to these properties to provide better and safer management of traffic flows.

In general, the proposed development is able to satisfy all of the planning provisions as set down under the new City Plan.

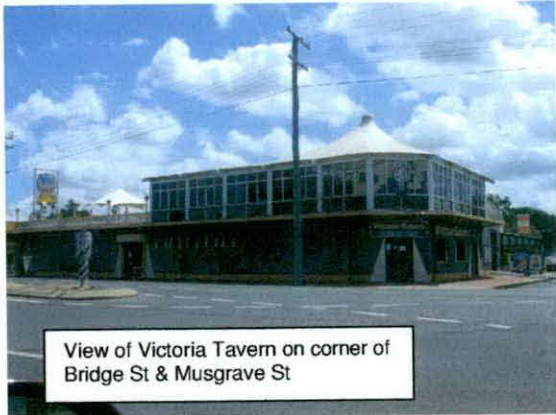
ATTACHMENT A – LOCALITY PLAN



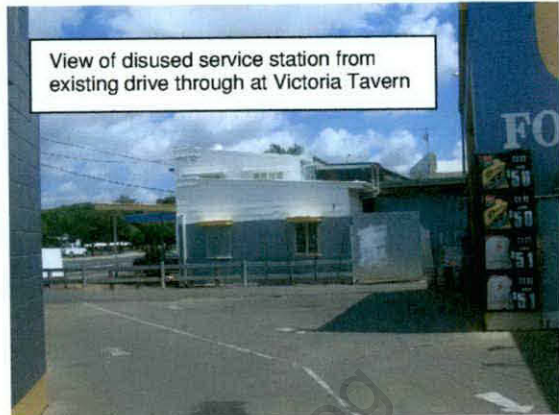
Bencheer Pty Ltd
CP0701 – RP001

Material Change of Use – Impact Assessment
49 Bridge St & 1 Musgrave St North Rockhampton, QLD, 4701
Proposed Retail Showroom & Victoria Tavern Alterations
Attachment A - Page 1

ATTACHMENT B – SITE PHOTOGRAPHS



View of Victoria Tavern on corner of Bridge St & Musgrave St



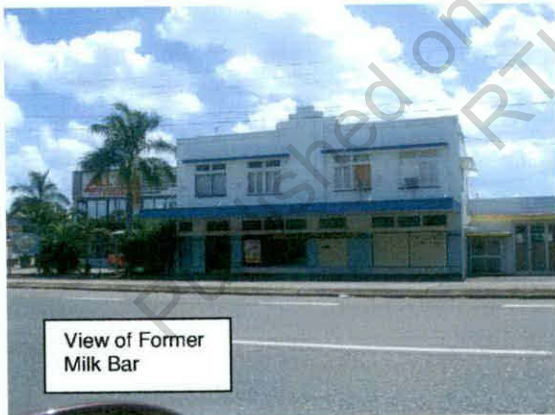
View of disused service station from existing drive through at Victoria Tavern



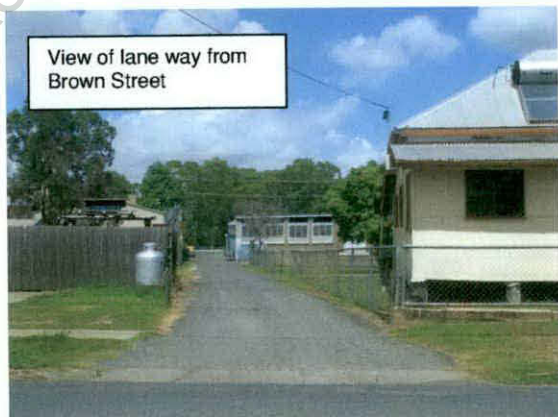
View of Disused Service Station



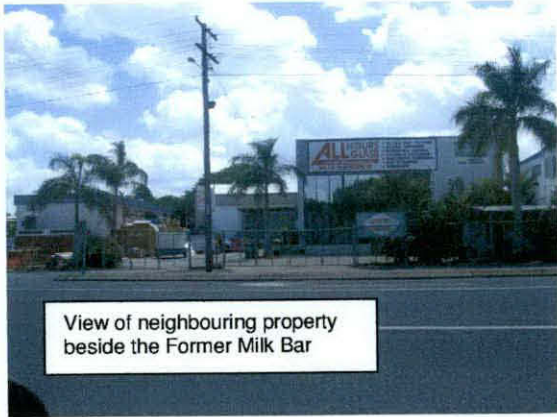
Part view of existing off-site car parking for Victoria Tavern



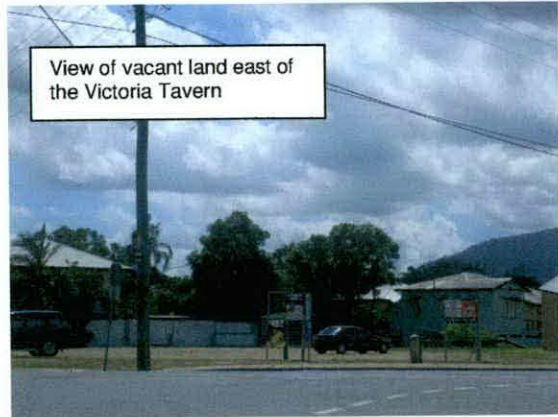
View of Former Milk Bar



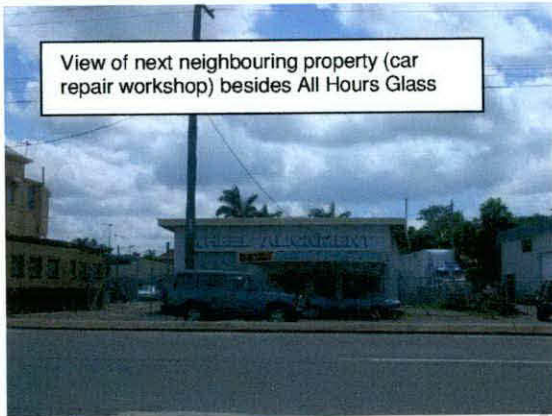
View of lane way from Brown Street



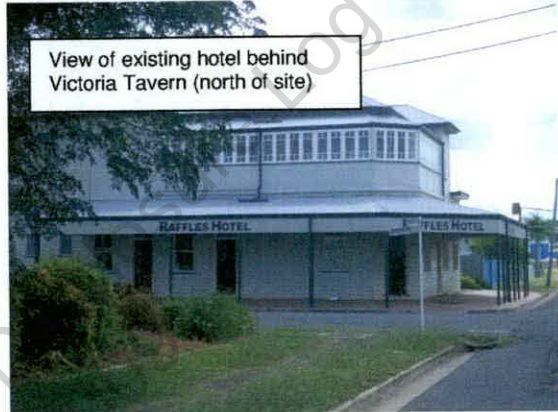
View of neighbouring property beside the Former Milk Bar



View of vacant land east of the Victoria Tavern



View of next neighbouring property (car repair workshop) besides All Hours Glass



View of existing hotel behind Victoria Tavern (north of site)



View of existing hotel besides car repair workshop

ATTN: DEBBIE LENIS @ EPA

FROM: sch4p4(6) Personal information

FAX: 07 3247 3278

2 PAGES

INTEGRATED PLANNING ACT 1997

Part N, Version 1.0, 4 October 2004

Form 1 Development Application idas

Contaminated land

PART N

Completion of **all questions** on Part N is **mandatory** for all applications involving assessment against the *Environmental Protection Act 1994* when development is proposed on contaminated or potentially contaminated land.

For further information refer to **Guide 5 Contaminated land matters** available free from www.ipa.qld.gov.au or the Environmental Protection Agency's (EPA's) information sheets available free from www.epa.qld.gov.au under Ecoaccess/ business and industry. Alternatively, contact the local government.

<p>Nature of the application</p> <p>Exemptions may apply to your proposal. Refer to Guide 5 Contaminated land matters for advice regarding development that is exempt from this assessable development trigger.</p>	<p>1. This application is for: <i>(Tick one (1) or both if applicable)</i></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 33%;">Aspect of development</th> <th colspan="2" style="width: 67%;">Type of approval being sought</th> </tr> </thead> <tbody> <tr> <td><input checked="" type="checkbox"/> Material change of use</td> <td><input type="checkbox"/> Preliminary approval</td> <td><input checked="" type="checkbox"/> Development permit</td> </tr> <tr> <td><input type="checkbox"/> Reconfiguring a lot</td> <td><input type="checkbox"/> Preliminary approval</td> <td><input type="checkbox"/> Development permit</td> </tr> </tbody> </table> <p>2. Does this application require assessment against a planning scheme? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES – <i>complete other relevant parts of the IDAS Application Form 1</i></p>	Aspect of development	Type of approval being sought		<input checked="" type="checkbox"/> Material change of use	<input type="checkbox"/> Preliminary approval	<input checked="" type="checkbox"/> Development permit	<input type="checkbox"/> Reconfiguring a lot	<input type="checkbox"/> Preliminary approval	<input type="checkbox"/> Development permit
Aspect of development	Type of approval being sought									
<input checked="" type="checkbox"/> Material change of use	<input type="checkbox"/> Preliminary approval	<input checked="" type="checkbox"/> Development permit								
<input type="checkbox"/> Reconfiguring a lot	<input type="checkbox"/> Preliminary approval	<input type="checkbox"/> Development permit								
<p>The subject land</p>	<p>3. Has an Environmental Management Register (EMR) and/or Contaminated Land Register (CLR) search been conducted for the land the subject of the application? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES – <i>attach results of the search and complete Q4</i></p> <p>4. All or part of the land the subject of the application is: <input checked="" type="checkbox"/> (i) on the EMR or the CLR under the <i>Environmental Protection Act 1994</i>; <input type="checkbox"/> (ii) used for, or if the land is vacant, was last used for- <input type="checkbox"/> (a) a notifiable activity <input type="checkbox"/> (b) an industrial activity and the proposed use is for a child care centre, educational, recreational or residential purpose <i>(including a caretaker residence on industrial land)</i>; <input type="checkbox"/> (iii) in an area for which an area management advice has been given for natural mineralisation or industrial activity and the proposed use is for child care, educational, recreational or residential purpose <i>(including a caretaker residence on industrial land)</i>; <input type="checkbox"/> (iv) in an area for which an area management advice has been given for unexploded ordnance.</p>									
<p>Plans and documents</p> <p>For further information about preparing a proposal report, refer to Guide 7 Preparing a proposal report.</p>	<p>5. Confirm, by ticking the applicable box(es), that the following details are provided in plans and written information supporting this application: <input checked="" type="checkbox"/> (i) plans showing where any Notifiable Activity, Hazardous Contaminant, or potentially contaminated activity / activities have occurred on site; <input type="checkbox"/> (ii) if the application involves a material change of use from an industrial use to a more sensitive use <i>(eg. child care, educational, recreational or residential purposes)</i>, supply a detailed site history outlining previous potentially contaminated uses on the site</p>									

PLEASE NOTE

PART N of Form 1 **cannot** be accepted by the assessment manager unless accompanied by PART A of Form 1.

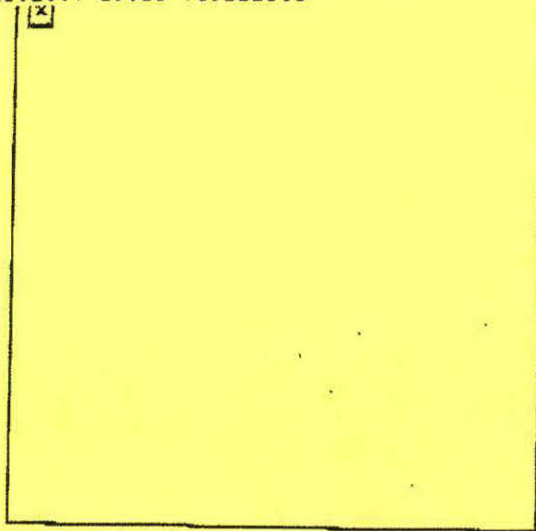
The assessment manager may refuse to accept an application that, at the time of lodgement, fails to provide all applicable information requested by Part A and any other relevant part of Form 1.

OFFICE USE ONLY *(applicable to assessment manager)*

DATE RECEIVED	REFERENCE NUMBER/S	
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CONTAMINATED LAND SECTION

26 JUN 2007



Level 16, 288 Edward St • Brisbane, Queensland • GPO Box 2771 • QLD
Telephone (07) 32251827 • Facsimile (07) 3247 3278 • www.emv.qld.gov.au

SEARCH RESPONSE

**ENVIRONMENTAL MANAGEMENT REGISTER
(EMR)
CONTAMINATED LAND REGISTER (CLR)**

sue mitchell
1 musgrave street

north rockhampton QLD 4701

Transaction ID: 902878
Client Reference: 8233855
Cheque Number:

EMR Site Id: 11764

04 February 2007

This response relates to a search request received for the site:
Lot: 3 Plan: RP606505

EMR RESULT

The above site IS included on the Environmental Management Register.

Lot: 3 Plan: RP606505
Address: 49 BRIDGE ST
NTH ROCKHAMPTON 4701

The site has been subject to the following Notifiable Activity pursuant to section 374 of the
Environmental Protection Act 1994.
SERVICE STATIONS - operating a commercial service station.

CLR RESULT

The above site is NOT included on the Contaminated Land Register.

ADDITIONAL ADVICE

Note: Searches may be conducted online through the State Government Website
www.smartservice.qld.gov.au or Citec Confirm www.confirm.com.au.

If you have any queries in relation to this search please phone (07) 3227 7370.

Lindi Bowen
Registrar, Contaminated Land Unit

ATTACHMENT D – PROPOSED CONCEPT

The following drawings describe the proposal:

CP0701-00	Cover Sheet & Site Locality
CP0701-01	Existing Lot Layout
CP0701-02	Existing Site layout
CP0701-03	Proposed Site Layout – Pre Lane Closure
CP0701-04	Proposed Site Layout – Post Lane Closure
CP0701-05	Floor Layout – Retail Showroom
CP0701-06	Elevations – 1 of 2
CP0701-07	Elevations – 2 of 2
CP0701-08	Proposed Site Layout – Landscaping Details