BME 17004

BRISBANE CITY

Dedicated to a better Brisbane

COUNCIL DELEGATE DECISION MADE ON
03/05/2013

COPY OF SPA EXTRACT SENT WITH LETTER

03 May 2013

Hastings Deering (Australia) Ltd
C/- GHD Pty Ltd
PO Box 668
BRISBANE QLD 4001

Application Reference: A003539165
Address of Site: 98 KERRY RD ARCHERFIELD QLD 4108

Dear Hastings Deering (Australia) Ltd,

RE: Decision Notice pursuant to *Section 334* of the *Sustainable Planning Act 2009*

I am pleased to inform you that your Development Application has been approved as indicated in the attached Decision Notice. This approval must be carried out in accordance with the attached Development Approval Package.

Brisbane City Council has not levied infrastructure charges. There will be no Infrastructure Charges Notice attached to the Decision Notice.

The Central SEQ Distributor Retailer Authority trading as Queensland Urban Utilities has not levied infrastructure charges. There will be no.Infrastructure Charges Notice attached to the Decision Notice.

Included is an extract from the *Sustainable Planning Act 2009* advising you of your right to appeal to the Planning and Environment Court or Building and Development Committee.

Please phone me on telephone number below during normal business hours if you have any queries regarding this matter.

Yours faithfully,

[redacted] ch4 Contrary to Public Interes

Kellie Hilton
Urban Planner
Development Assessment Planning Services South
Phone: (07)3403 7226
Email: kellie.hilton@brisbane.qld.gov.au
Development Assessment Branch
Brisbane City Council

EIP RTI DL Release

Decision Notice

(*Section 334* of the *Sustainable Planning Act 2009*)

INTRODUCTION

This is a decision notice given for a development application (Distributor-Retailer) as defined by *Section 755A* of the *Sustainable Planning Act 2009*. The decision to approve the application on **03 May 2013,** was made by the Senior Urban Planner, Development Assessment as the delegate appointed by the Council to determine the application and as the sub-delegate of the Central SEQ Distributor-Retailer Authority.

APPLICATION DETAILS

Application Reference Number: A003539165

Properly Made Date: 24 January 2013

DETAILS OF APPLICATION SOUGHT

Aspect of Development: DA - SPA - Reconfigure a Lot (ref DARL274673813)

Nature Application: Development Permit

Activity: Subdivision of Land and Heritage Place (ROL)

Description of Proposal: Reconfiguration of a Lot (3 into 2 Lots) on the Site of a Heritage Place

APPLICANT DETAILS

Name of Applicant: Hastings Deering (Australia) Ltd

Applicant Address: Hastings Deering (Australia) Ltd
C/- GHD Pty Ltd
PO Box 668
BRISBANE QLD 4001

SITE DETAILS

Address of Site: 1121 BEAUDESERT RD ARCHERFIELD QLD 4108, 98 KERRY RD ARCHERFIELD QLD 4108

Real Property Description: L5 SP.157072, L24 RP.100451 & L1 RP.74591

City Plan Area Classification: CP-GI,CP-LI, CP-GI,CP-LI

Owner: Isuzu Australia Limited, Hastings Deering (Australia) Ltd

Ward: Moorooka, Moorooka

TYPE OF APPROVAL

- ☐ DA - Reconfigure a Lot – Development Permit (ref DARL274673813)

RELEVANT PERIOD FOR THE APPROVAL

DA - Reconfigure a Lot (ref DARL274673813) - Development Permit - 48 months

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COMPLIANCE ASSESSMENT

There no requirements for compliance assessment for this development

REFERRAL AGENCIES

The following Concurrence Agencies were identified for this application with the conditions attached to this decision notice:

Environment and Heritage Protection, Dept (Administration Officer, Permit and Licence Management, Implementation and Support Unit)
GPO Box 2454
BRISBANE QLD 4001

CONDITIONS

This approval is subject to the conditions included in the attached Development Approval Package which identifies conditions imposed by Council as Assessment Manager and any Concurrence Agency response/s if relevant. In this instance, no conditions were imposed as a result of Council exercising the Concurrence Agency functions of the Central SEQ Distributor-Retailer Authority delegated to Council pursuant to *Section 53* of the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*.

SUBMISSIONS

No properly made submissions were received for this application.

APPEAL RIGHTS

In accordance with *Section 335(1)(o)* of the *Sustainable Planning Act 2009*, the rights of appeal must be stated for the applicant and any submitters. Attached is an extract from the *Sustainable Planning Act 2009* that details your appeal rights and the appeal rights of any submitters.

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Lucke Gavin

From: Grant Ben
Sent: Monday, 6 May 2013 2:04 PM
To: Lucke Gavin
Subject: FW: eDA A003539165 Decision Notice - 98 Kerry Rd, Archerfield (id:1060342)

Attachments: 11447926.pdf; 11564801.pdf; 11678536.html; 11678568.pdf

11447926.pdf (2 MB)

11564801.pdf (2 MB)

11678536.html (22 KB)

11678568.pdf (278 KB)

Hi mate.

How are you going?
I have just received this email.
Just for your information. Do what you please with it!!!!

-----Original Message-----
From: edasouth@brisbane.qld.gov.au [mailto:edasouth@brisbane.qld.gov.au]
Sent: Monday, 6 May 2013 2:01 PM
To: Grant Ben
Subject: eDA A003539165 Decision Notice - 98 Kerry Rd, Archerfield (id:1060342)

Dear Sir/Madam,

I refer to the above Application for Reconfiguration of a Lot (3 into 2 Lots) at 98 Kerry Rd, Archerfield.

As a Concurrence Agency for this application, please find attached a copy of Council's Decision Notice for your records (Your Reference 277223).

Any further correspondence for this application should be sent to the dedicated team inbox listed below.

Regards,

Michelle Hóvan
Team Support Officer
DA South
CP&S
BRISBANE CITY COUNCIL
31 Fairfield Rd
Teerongpilly
Phone: 07 3403 6719| Fax: 07 3407 2142
Email: edasouth@brisbane.qld.gov.au
Web: http://www.brisbane.qld.gov.au/

The table below provides a document description of the file/s attached to this email.

File Attachment Reference	[Attachment Document Description]
11678536.html	[Conditions Approval Package Document]
11447926.pdf	[DEHP Decision Notice]
11564801.pdf	[Plan_Approved]
11678568.pdf	[Decision Notice]

****
This message has passed through an insecure network.
Please direct all enquiries to the message author.
****

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21 MAR 2013

Notice

BA13|167511

Decision notice

This notice is issued by the Department of Environment and Heritage Protection pursuant to section 287 (concurrence agency response) (decision notice) of the Sustainable Planning Act 2009 ("the Act").

Chief Executive Officer
Brisbane City Council
Po Box 1434
BRISBANE QLD 4001
Attn: Andrew McKnight

Hastings Deering (Australia) Ltd
C/- GHD Pty Ltd
PO Box 668
BRISBANE QLD 4001
Attn: Ashleigh Cox

Our reference: 277223
File reference: BNE17004 vol 4

Re: Concurrence Agency Response

1. Application Details

Date application made to EHP: 12th February 2013

Development approval applied for: Development Permit

Aspect of development:	*Sustainable Planning Regulation 2009* - Schedule 3, Part 1, Table 2, item 6
Development description:	Reconfiguration of Lot
Property/Location description:	98 Kerry Road & 1121 Beaudesert Road QLD 4108 (Lot 24 on RP100451, Lot 1 on RP74591 & Lot 5 on SP157072).

2. The name and address of each referral agency is as follows.

Nil

3. The Chief Executive, Department of Environment and Heritage Protection (EHP) decision notice, for the aspect of development involved with the application the subject of this Notice is as follows.

Department of Environment and Heritage Protection

www.ehp.qld.gov.au ABN 46 640 294 485

Queensland Government

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(a) Conditions should attach to any development approval, and those conditions are attached to this Notice.

(b) The application is taken to have been approved under section 287 of the Act.

4. General advice to assessment manager

Pursuant to sections 334 and 363 of the Act, a copy of a decision notice or negotiated decision notice issued by the assessment manager must be forwarded to EHP—Waste and Land Contamination Assessments Unit, as a referral agency for the relevant application and an electronic copy to *eco.access@ehp.qld.gov.au*.

The State's Native Title Work Procedures provide that responsibility for assessment of native title issues for an IDAS application rests with the assessment manager. Therefore, EHP as a referral agency for the relevant application has not provided notification to native title parties.

5. Additional comments or advice about the application

Nil

6. Information about the rights of appeal for the applicant any submitters are attached to this Notice.

Contrary to Public | 19/03/2013.

Delegate **Date**

Lindsay Delzoppo
Delegate, Chief Executive administering the
Environmental Protection Act 1994
Department of Environment and Heritage Protection

Enquiries:

Ben Grant
Department of Environment and Heritage Protection – Statewide Environmental Assessments
400 George Street
BRISBANE QLD 4000

GPO Box 2454
BRISBANE QLD 4001
Phone: (07) 3330 5560
Email: ben.grant@ehp.qld.gov.au

Attachments

EHP Permit Project No. SPCL05218213 (ROL)

Information Sheet – Appeals – *Sustainable Planning Act 2009* (extract from the *Sustainable Planning Act 2009*)

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Sustainable Planning Act 2009

EHP Permit [1] number: SPCL005218213 (ROL)

Assessment manager reference:	A003539165
Date application received:	12th February 2013
Permit type:	Development Permit
Decision:	For a **concurrence agency response** conditions that must attach to any development approval
Relevant laws and policies:	*Environmental Protection Act 1994* and any related statutory instruments and subordinate legislation
Jurisdiction(s):	Reconfiguring a lot - Contaminated land - *Sustainable Planning Regulation 2009* - Schedule 7, table 2, item 22

Development Description(s)

Property/Location		Development
Lot 24 on RP100451, Lot 1 on RP74591 & Lot 5 on SP157072	98 Kerry Road & 1121 Beaudesert Road Archerfield QLD 4108.	The proposal seeks approval for Reconfiguring a Lot (3 lots into 2 lots).

Reason(s) for inclusion of conditions

In accordance with section 289 of the *Sustainable Planning Act 2009*, the reason(s) for inclusion of conditions stated in this permit required by the concurrence agency response for the application are as follows:

[1] Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Department of Environment and Heritage Protection.

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The Department of Environment and Heritage Protection (EHP) is recognised as a concurrence agency under the *Sustainable Planning Regulation 2009* for the protection of the environment by the management of contaminated land. EHP 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.

Contrary to Public

19/03/2013

Delegate **Date**

Lindsay Delzoppo
Delegate, Chief Executive administering the
Environmental Protection Act 1994
Department of Environment and Heritage Protection

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CONDITIONS

1. The reconfiguration must be in accordance with the plan for Lot 24 on RP100451, Lot 1 on RP74591 & Lot 5 on SP157072, reference number SK002 prepared by GHD dated January 2013 (attached).

Advice

All new proposed lots will be included on the Environmental Management Register (EMR).

It is a requirement that the applicant notify the Department of Environment and Heritage Protection- Waste and Land Contamination Assessments (WLCA) in writing within 5 working days of the survey plan being endorsed and provide a copy of the registered plan to the WLCA.

END OF CONDITIONS

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Department of Environment and Heritage Protection

Sustainable Planning Act 2009

EHP Permit [1] number: SPCH05218313

Assessment manager reference:	A003539165
Date application received:	12 February 2013
Permit type:	Concurrence agency response
Decision:	Approved
Relevant laws and policies:	Queensland Heritage Act 1992
Jurisdiction(s):	Development on a Queensland heritage place*Sustainable Planning Regulation 2009* - Schedule 7, table 2, item 19

Development Description(s)

Property/Location		Development
98 Kerry Road, Archerfield Q 4108	Lot 24 RP100451 & lot 1 RP74591, Lot 5 SP157072	Lot reconfiguration (3 into 2 lots).

[1] Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Department of Environment and Heritage Protection.

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Approved plans / specifications

Drawing/ Document No.	Name	Date
SK002 - A	Plan of subdivision prepared by GHD	17 Jan 2013
SK001	Isuzu land swap site area plan	17 Jan 2013

Sch4 Contrary to Public Interest

Peter Todd
Regional Cultural Heritage Coordinator (Manager)
Delegate
Chief Executive administering the *Queensland Heritage Act 1992*
Department of Environment and Heritage Protection

13 March 2013

EHP RTI DL Release

CONDITIONS

Reconfigure a lot: Development on a Queensland Heritage Place ***Archerfield Second World War Igloos Complex, 98 Kerry Road, Archerfield Q 4108: Queensland Heritage Register No. 602150***	**Reasons for condition**
1) Carry out all development in accordance with drawings and documents specified in this notice. In the case of a discrepancy between documents and conditions, conditions take precedence.	To ensure development is carried out as approved.
2) Inform Manager, Southern Region EHP in writing, within 10 working days of completion, that development authorised under this permit is complete. State location and name of registered place and permit number and condition number this report is being made under.	To ensure development complies with approval.

END OF CONDITIONS

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Information sheet

Sustainable Planning Act 2009

Appeals under the *Sustainable Planning Act 2009*

This information sheet is an extract from the Sustainable Planning Act 2009 *(reprint 2 effective 2 March 2012) providing information on appeals under that Act.*

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Chapter 7, Part 1, Division 8 Appeals to court relating to development applications and approvals

461 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 the development application;

(b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;

(c) the decision to give a preliminary approval when a development permit was applied for;

(d) the length of a period mentioned in section 341;

(e) a deemed refusal of the development application.

(2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the ***applicant's appeal period***) after—

(a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or

(b) otherwise—the day a decision notice was required to be 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.

462 Appeals by submitters—general

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

(a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or

(b) the part of the approval relating to the assessment manager's decision under section 327.

(2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—

(a) the giving of a development approval;

(b) any provision of the approval including—

(i) a condition of, or lack of condition for, the approval; or

(ii) the length of a period mentioned in section 341 for the approval.

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(3) However, a submitter may not appeal if the submitter—

(a) withdraws the submission before the application is decided; or

(b) has given the assessment manager a notice under section 339(1)(b)(ii).

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

463 Additional and extended appeal rights for submitters for particular development applications

(1) This section applies to a development application to which chapter 9, part 7 applies.

(2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a prescribed concurrence agency for the application.

(3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—

(a) if the prescribed concurrence agency is the chief executive (environment)—development for an aquacultural ERA; or

(b) if the prescribed concurrence agency is the chief executive (fisheries)—development that is—

(i) a material change of use of premises for aquaculture; or

(ii) operational work that is the removal, damage or destruction of a marine plant.

(4) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—

(a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive (fisheries);

(b) a referral agency's response mentioned in subsection (2).

464 Appeals by advice agency submitters

(1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.

(2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—

(a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or

(b) any part of the approval relating to the assessment manager's decision under section 327.

(3) 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.

(4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

465 Appeals about decisions relating to extensions for approvals

(1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.

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

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(3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.

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

466 Appeals about decisions relating to permissible changes

(1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—

(a) if the responsible entity for making the change is the assessment manager for the application—

(i) the person who made the request; or

(ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;

(b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.

(2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.

(3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.

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

467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency

(1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.

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

Chapter 7, Part 1, Division 9 Appeals to court about compliance assessment

468 Appeals against decision on request for compliance assessment

(1) A person to whom an action notice has been given under section 405(5) about a request for compliance assessment of development, a document or work may appeal to the court against the decision in the notice.

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

469 Appeals against condition imposed on compliance permit or certificate

(1) A person who is given a compliance permit or compliance certificate subject to any conditions may appeal to the court against the decision to impose the condition.

(2) The appeal must be started within 20 business days after the day the compliance permit or compliance certificate is given to the person.

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470 Appeals against particular decisions about compliance assessment

(1) 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 of a decision on a request to change or withdraw an action notice;

(b) a notice under section 413(2)(c) about a decision to refuse a request to change a compliance permit or compliance certificate.

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

Chapter 7, Part 1, Division 11 Making an appeal to court

481 How appeals to the court are started

(1) An appeal is started by lodging written notice of appeal with the registrar of the court.

(2) The notice of appeal must state the grounds of the appeal.

(3) The person starting the appeal must also comply with the rules of the court applying to the appeal.

(4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

482 Notice of appeal to other parties—development applications and approvals

(1) An appellant under division 8 must give written notice of the appeal to—

(a) if the appellant is an applicant—

(i) the chief executive; and

(ii) the assessment manager; and

(iii) any concurrence agency; and

(iv) any principal submitter whose submission has not been withdrawn; and

(v) any advice agency treated as a submitter whose submission has not been withdrawn; or

(b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—

(i) the chief executive; and

(ii) the assessment manager; and

(iii) any referral agency; and

(iv) the applicant; or

(c) if the appellant is a person to whom a notice mentioned in section 465(1) has been given—

(i) the chief executive; and

(ii) the assessment manager for the development application to which the notice relates; and

(iii) any entity that was a concurrence agency for the development application to which the notice relates; and

(iv) the person who made the request under section 383 to which the notice relates, if the person is not the appellant; or

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(d) if the appellant is a person mentioned in section 466(1)—

(i) the chief executive; and

(ii) the responsible entity for making the change to which the appeal relates; and

(iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and

(iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or

(e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.

(2) The notice must be given within—

(a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or

(b) otherwise—10 business days after the appeal is started.

(3) The notice must state—

(a) the grounds of the appeal; and

(b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

483 Notice of appeals to other parties—compliance assessment

(1) An appellant under division 9 must, within 10 business days after the day the appeal is started, give written notice of the appeal to—

(a) if the appellant is a person to whom an action notice, compliance permit or compliance certificate has been given—

(i) the compliance assessor who gave the notice, permit or certificate; and

(ii) if the compliance assessor was a nominated entity of a local government and a copy of the request for compliance assessment was given to the local government under section 402—the local government; or

(b) if the appellant is a person to whom a notice mentioned in section 470(1) has been given—

(i) the entity that gave the notice; and

(ii) if the entity that gave the notice was a nominated entity of a local government and the written agreement of the local government was required to give the notice—the local government.

(2) The notice must state the grounds of the appeal.

485 Respondent and co-respondents for appeals under div 8

(1) Subsections (2) to (8) apply for appeals under sections 461 to 464.

(2) The assessment manager is the respondent for the appeal.

(3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.

(4) Any submitter may elect to become a co-respondent for the appeal.

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(5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.

(6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.

(7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.

(8) A person to whom a notice of appeal is required to be given under section 482 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.

(9) For an appeal under section 465—

(a) the assessment manager is the respondent; and

(b) if the appeal is started by a concurrence agency that gave the assessment manager a notice under section 385—the person asking for the extension the subject of the appeal is a co-respondent; and

(c) any other person given notice of the appeal may elect to become a co-respondent.

(10) For an appeal under section 466—

(a) the responsible entity for making the change to which the appeal relates is the respondent; and

(b) if the responsible entity is the assessment manager—

(i) if the appeal is started by a person who gave a notice under section 373 or a pre-request response notice—the person who made the request for the change is a co-respondent; and

(ii) any other person given notice of the appeal may elect to become a co-respondent.

(11) For an appeal under section 467, the respondent is the entity given notice of the appeal.

486 Respondent and co-respondents for appeals under div 9

(1) For an appeal under section 468 or 469—

(a) the compliance assessor is the respondent; and

(b) if the compliance assessor is a nominated entity of a local government and the appeal relates to a matter required by a local government—the local government is a co-respondent.

(2) However, if the appeal is only about a matter required by the local government, the compliance assessor may apply to the court to withdraw from the appeal.

(3) For an appeal under section 470—

(a) the entity that gave the notice to which the appeal relates is the respondent; and

(b) if the entity mentioned in paragraph (a) is a nominated entity of a local government and the local government did not agree to the request mentioned in section 470(1)—the local government is a co-respondent.

(4) However, if the appeal is only about the local government's refusal of the request, the entity that gave the notice to which the appeal relates may apply to the court to withdraw from the appeal.

488 How an entity may elect to be a co-respondent

An entity that is entitled to elect to be a co-respondent to an appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

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489 Minister entitled to be party to an appeal involving a State interest

If the Minister is satisfied an appeal involves a State interest, the Minister may, at any time before the appeal is decided, elect to be a party to the appeal by filing in the court a notice of election in the approved form.

490 Lodging appeal stops particular actions

(1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.

(2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.

(3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.

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A development application has been received and requires assessment.

A development application has been received and validated by Permit and Licence Management (PALM). A review has been undertaken for the potential impacts of the proposed development on the State Interests administered by EHP under the *Sustainable Planning Act 2009*.

	General Application Details
Client Name:	Hastings Deering (Australia) Pty Ltd C/- GHD Pty Ltd
Lot/Plan:	24 on RP100451, 1 on RP74591 & 5 on SP157072
Project reference:	277223
Address:	98 Kerry & 1121 Beaudesert Road, Archerfield
Application Type	Reconfiguration of a lot
PaLM Contact:	Ben Willey
Hardcopy sent to:	Contact Name : Natalie Behrbohm Department : EHP Business Unit Name : Waste and Contaminated Land Postal Address : Level 9, 400 George Street Brisbane
	Department of Environment and Heritage Protection (EHP)
Role:	Concurrence
Jurisdictions:	Contaminated Land & Heritage
Ecotrack Application No:	513970
Permit reference:	SPCL05218213
Date Properly made/referred:	12/02/2013
Project Director:	Kylie Coleman
DATE DUE:	26/03/2013

	APPLICATION		PO return to EMR/CLR Registry for Action:
	EMR/CLR ID:		Date to EMR/CLR Registry / Admin:
x	PRINT COVER SHEET & SAVE EMAIL TO FOLDER^*		Officer initials:
x	PRINT PART 1 & 2**		**RESPONSE**
x	SAVE ALL PARTS TO FOLDER*	✓	PRINT COPY OF RESPONSE (STAMP **"COPY"**), ADD TO FILE
x	LOCATE/ORDER **FILE No:BNE17004**		SCAN COPY OF RESPONSE, SAVE TO FILE
x	UPDATE EMR (WITH FILE #)	✓	MULTI – EMAIL RESPONSE TO DA COORDINATOR SINGLE - EMAIL RESPONSE TO CLIENT & LGA (if email address provided on application)
x	UPDATE ECOTRACK (WITH FILE #)	✓	UPDATE EMR WITH DATE & SUMMARY OF RESPONSE
x	**UPDATE WLCA Register and/or EMR/CLR Register**	✓	**UPDATE ECOTRACK** (Decision, Permit Eff. Date, Officer Responsible, Delegate and File ref. no.)
x	**UPDATE CARMS (FILE LOCATION TO PO)**		UPLOAD RESPONSE (scanned copy) TO ECOTRACK
x	FORWARD FILE TO OFFICER	✓	**UPDATE WLCA Register and/or EMR/CLR Register**
	Officer: HB KC SD BG AJ SC	✓	**UPDATE CARMS FILE LOCATION**
	IR DUE DATE:		DATE CLOSED: 19/3/13

Sch4 Contrary to Public Intere

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1. Project details

PROJECT NO: 277223 **ECOTRACK APP NO: 513970**	**EHP FILE NUMBER: BNE17004 vol 4**
ASSESSMENT MANAGER NAME: Andrew McKnight **Brisbane City Council**	**ASSESSMENT MANAGER APPLICATION NUMBER: A003539165**
REAL PROPERTY DESCRIPTION: 98 Kerry Road & 1121 Beaudesert Road Archerfield (Lot 24 on RP100451, Lot 1 on RP74591 & Lot 5 on SP157072	
APPLICANT: Hastings Deering (Australia)	
OWNER: Hastings Deering (Australia)	
EHP ROLE: Concurrence	☒ Referral Agency ☐ Assessment Manager
NATURE OF APPLICATION Development Permit (DP) or Preliminary Approval (PA)	☐ Material Change of Use (MCU) – DP ☒ Reconfiguration of Lot (RoL) – DP ☐ Change of DA (change of conditions or extension of currency)

2. Contaminated Land Triggers

Triggers include a notifiable activity as per schedule 3 of EP Act, land contaminated by a hazardous contaminant or change to a more sensitive land use

Assessment trigger/s	Details of trigger	Date/duration of trigger
Lots 24 on RP100451 and Lot 1 on RP74591 are on the EMR for NA# 29- Petroleum Product or Oil storage.	Lot 24 on RP100451 and Lot 1 on RP74591 are on the EMR for NA# 29- Petroleum Product or Oil storage.	

3. Assessment recommendation and decision

State the significant factors taken into account in making the assessment and state the reasons for the recommendation overall. Issues to consider when making the decision include, but are not limited to the following:

- There is insufficient information to determine the sites suitability for the intended use – consider issuing an Information Request
- The site is unable to be made suitable for the proposed development - consider refusal of application
- the site has a suitability statement (SMP) for the proposed use - consider EHP having no requirements
- a SIR/VR/SMP is being assessed by EHP - consider extension while assessment under EP Act is completed (if required)

- Lot 24 on RP100451 and Lot 1 on RP74591 are on the EMR for NA# 29- Petroleum Product or Oil storage, whilst Lot 5 on SP157072 is not on the EMR.
- This reconfiguration is for a "land swap" of land between Hastings Deering and Isuzu.
- The land swap is to provide for the construction of a dual way access facility to allow the movement of vehicles from Hastings Deering existing facility on Kerry Road to their other properties on Beaudesert

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Road.

- The application proposes to absorb Lot 1 on RP74591 (which isn't on the EMR) into lot 5 on SP157072 (which is on the EMR). I have contacted the applicant and explained that all new lots will be included on the EMR.

Recommendation:
It is recommended to issue the attached Notices as the proposed reconfiguration poses minimal risk to the environment and human health due to the location of the tanks and the industrial zoning of the site.

On the basis of the assessment of the application it is recommended to tell the assessment manager *(check all that are applicable):*	☒ the conditions that must attach to any development approval (s287(1)(a))	☐ that any approval must be for part only of the development (s287(1)(b))
	☐ that any approval must be a preliminary approval only (s287(1)(c))	☐ EHP has no requirements in relation to the application (s287(2)(a))
	☐ to refuse the application (s287(2)(b))	☐ of advice that EHP has in relation to the application (s287(6))
	☐ other: Insert as per section 287 (s287)	☐ the referral agency's information request/assessment period has been extended (s284)
		☐ Issue a Notice requesting additional information (Information Request) pursuant to s276
Ben Grant	Contrary to Publi	13th March 2013
Assessing Officer	**Signed**	**Date**
A. Johns		13/3/2013
Peer Reviewer	**Signed**	**Date**
Delegate L. Delzoppo.	**Signed** 4 Contrary to Public I	**Date** 19/03/2013

4. Critical dates

Decision dates for project	
Date application received	12th February 2013
Information request due date	
Concurrence response due date	26th March 2013

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Notice

Decision notice

This notice is issued by the Department of Environment and Heritage Protection pursuant to section 287 (concurrence agency response) (decision notice) of the Sustainable Planning Act 2009 ("the Act").

Chief Executive Officer
Brisbane City Council
Po Box 1434
BRISBANE QLD 4001
Attn: Andrew McKnight

Hastings Deering (Australia) Ltd
C/- GHD Pty Ltd
PO Box 668
BRISBANE QLD 4001
Attn: Ashleigh Cox

Our reference: 277223
File reference: BNE17004 vol 4

Re: Concurrence Agency Response

1. Application Details

Date application made to EHP: 12th February 2013

Development approval applied for: Development Permit

Aspect of development:	*Sustainable Planning Regulation 2009* - Schedule 3, Part 1, Table 2, item 6
Development description:	Reconfiguration of Lot
Property/Location description:	98 Kerry Road & 1121 Beaudesert Road QLD 4108 (Lot 24 on RP100451, Lot 1 on RP74591 & Lot 5 on SP157072).

2. The name and address of each referral agency is as follows.

Nil

3. The Chief Executive, Department of Environment and Heritage Protection (EHP) decision notice, for the aspect of development involved with the application the subject of this Notice is as follows.

Department of Environment and Heritage Protection

www.ehp.qld.gov.au ABN 46 640 294 485

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(a) Conditions should attach to any development approval, and those conditions are attached to this Notice.

(b) The application is taken to have been approved under section 287 of the Act.

4. General advice to assessment manager

Pursuant to sections 334 and 363 of the Act, a copy of a decision notice or negotiated decision notice issued by the assessment manager must be forwarded to EHP—Waste and Land Contamination Assessments Unit, as a referral agency for the relevant application and an electronic copy to eco.access@ehp.qld.gov.au.

The State's Native Title Work Procedures provide that responsibility for assessment of native title issues for an IDAS application rests with the assessment manager. Therefore, EHP as a referral agency for the relevant application has not provided notification to native title parties.

5. Additional comments or advice about the application

Nil

6. Information about the rights of appeal for the applicant any submitters are attached to this Notice.

Contrary to Publi

19/03/2013.

Delegate **Date**

Lindsay Delzoppo
Delegate, Chief Executive administering the
Environmental Protection Act 1994
Department of Environment and Heritage Protection

Enquiries:

Ben Grant
Department of Environment and Heritage Protection – Statewide Environmental Assessments
400 George Street
BRISBANE QLD 4000

GPO Box 2454
BRISBANE QLD 4001
Phone: (07) 3330 5560
Email: ben.grant@ehp.qld.gov.au

Attachments

EHP Permit Project No. SPCL05218213 (ROL)

Information Sheet – Appeals – *Sustainable Planning Act 2009* (extract from the *Sustainable Planning Act 2009*)

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Sustainable Planning Act 2009

EHP Permit [1] number: SPCL005218213 (ROL)

Assessment manager reference:	A003539165
Date application received:	12th February 2013
Permit type:	Development Permit
Decision:	For a **concurrence agency response** conditions that must attach to any development approval
Relevant laws and policies:	*Environmental Protection Act 1994* and any related statutory instruments and subordinate legislation
Jurisdiction(s):	Reconfiguring a lot - Contaminated land - *Sustainable Planning Regulation 2009* - Schedule 7, table 2, item 22

Development Description(s)

Property/Location		Development
Lot 24 on RP100451, Lot 1 on RP74591 & Lot 5 on SP157072	98 Kerry Road & 1121 Beaudesert Road Archerfield QLD 4108.	The proposal seeks approval for Reconfiguring a Lot (3 lots into 2 lots).

Reason(s) for inclusion of conditions

In accordance with section 289 of the *Sustainable Planning Act 2009*, the reason(s) for inclusion of conditions stated in this permit required by the concurrence agency response for the application are as follows:

[1] Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Department of Environment and Heritage Protection.

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The Department of Environment and Heritage Protection (EHP) is recognised as a concurrence agency under the *Sustainable Planning Regulation 2009* for the protection of the environment by the management of contaminated land. EHP 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.

4 Contrary to Public I

19/03/2013

Delegate **Date**

Lindsay Delzoppo
Delegate, Chief Executive administering the
Environmental Protection Act 1994
Department of Environment and Heritage Protection

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CONDITIONS

1. The reconfiguration must be in accordance with the plan for Lot 24 on RP100451, Lot 1 on RP74591 & Lot 5 on SP157072, reference number SK002 prepared by GHD dated January 2013 (attached).

Advice

All new proposed lots will be included on the Environmental Management Register (EMR).

It is a requirement that the applicant notify the Department of Environment and Heritage Protection- Waste and Land Contamination Assessments (WLCA) in writing within 5 working days of the survey plan being endorsed and provide a copy of the registered plan to the WLCA.

END OF CONDITIONS

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Department of Environment and Heritage Protection

Sustainable Planning Act 2009

EHP Permit [1] number: SPCH05218313

Assessment manager reference:	A003539165
Date application received:	12 February 2013
Permit type:	Concurrence agency response
Decision:	Approved
Relevant laws and policies:	Queensland Heritage Act 1992
Jurisdiction(s):	Development on a Queensland heritage place*Sustainable Planning Regulation 2009* - Schedule 7, table 2, item 19

Development Description(s)

Property/Location		Development
98 Kerry Road, Archerfield Q 4108	Lot 24 RP100451 & lot 1 RP74591, Lot 5 SP157072	Lot reconfiguration (3 into 2 lots).

[1] Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Department of Environment and Heritage Protection.

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Approved plans / specifications

Drawing/ Document No.	Name	Date
SK002 - A	Plan of subdivision prepared by GHD	17 Jan 2013
SK001	Isuzu land swap site area plan	17 Jan 2013

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Peter Todd
Regional Cultural Heritage Coordinator (Manager)
Delegate
Chief Executive administering the *Queensland Heritage Act 1992*
Department of Environment and Heritage Protection

13 March 2013

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CONDITIONS

Reconfigure a lot: Development on a Queensland Heritage Place ***Archerfield Second World War Igloos Complex, 98 Kerry Road, Archerfield Q 4108: Queensland Heritage Register No. 602150***	**Reasons for condition**
1) Carry out all development in accordance with drawings and documents specified in this notice. In the case of a discrepancy between documents and conditions, conditions take precedence.	To ensure development is carried out as approved.
2) Inform Manager, Southern Region EHP in writing, within 10 working days of completion, that development authorised under this permit is complete. State location and name of registered place and permit number and condition number this report is being made under.	To ensure development complies with approval.

END OF CONDITIONS

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Information sheet

Sustainable Planning Act 2009

Appeals under the *Sustainable Planning Act 2009*

This information sheet is an extract from the Sustainable Planning Act 2009 *(reprint 2 effective 2 March 2012) providing information on appeals under that Act.*

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Chapter 7, Part 1, Division 8 Appeals to court relating to development applications and approvals

461 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 the development application;

(b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;

(c) the decision to give a preliminary approval when a development permit was applied for;

(d) the length of a period mentioned in section 341;

(e) a deemed refusal of the development application.

(2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the ***applicant's appeal period***) after—

(a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or

(b) otherwise—the day a decision notice was required to be 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.

462 Appeals by submitters—general

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

(a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or

(b) the part of the approval relating to the assessment manager's decision under section 327.

(2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—

(a) the giving of a development approval;

(b) any provision of the approval including—

(i) a condition of, or lack of condition for, the approval; or

(ii) the length of a period mentioned in section 341 for the approval.

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(3) However, a submitter may not appeal if the submitter—

(a) withdraws the submission before the application is decided; or

(b) has given the assessment manager a notice under section 339(1)(b)(ii).

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

463 Additional and extended appeal rights for submitters for particular development applications

(1) This section applies to a development application to which chapter 9, part 7 applies.

(2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a prescribed concurrence agency for the application.

(3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—

(a) if the prescribed concurrence agency is the chief executive (environment)—development for an aquacultural ERA; or

(b) if the prescribed concurrence agency is the chief executive (fisheries)—development that is—

(i) a material change of use of premises for aquaculture; or

(ii) operational work that is the removal, damage or destruction of a marine plant.

(4) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—

(a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive (fisheries);

(b) a referral agency's response mentioned in subsection (2).

464 Appeals by advice agency submitters

(1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.

(2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—

(a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or

(b) any part of the approval relating to the assessment manager's decision under section 327.

(3) 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.

(4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

465 Appeals about decisions relating to extensions for approvals

(1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.

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

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(3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.

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

466 Appeals about decisions relating to permissible changes

(1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—

(a) if the responsible entity for making the change is the assessment manager for the application—

(i) the person who made the request; or

(ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;

(b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.

(2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.

(3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.

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

467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency

(1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.

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

Chapter 7, Part 1, Division 9 Appeals to court about compliance assessment

468 Appeals against decision on request for compliance assessment

(1) A person to whom an action notice has been given under section 405(5) about a request for compliance assessment of development, a document or work may appeal to the court against the decision in the notice.

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

469 Appeals against condition imposed on compliance permit or certificate

(1) A person who is given a compliance permit or compliance certificate subject to any conditions may appeal to the court against the decision to impose the condition.

(2) The appeal must be started within 20 business days after the day the compliance permit or compliance certificate is given to the person.

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470 Appeals against particular decisions about compliance assessment

(1) 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 of a decision on a request to change or withdraw an action notice;

(b) a notice under section 413(2)(c) about a decision to refuse a request to change a compliance permit or compliance certificate.

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

Chapter 7, Part 1, Division 11 Making an appeal to court

481 How appeals to the court are started

(1) An appeal is started by lodging written notice of appeal with the registrar of the court.

(2) The notice of appeal must state the grounds of the appeal.

(3) The person starting the appeal must also comply with the rules of the court applying to the appeal.

(4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

482 Notice of appeal to other parties—development applications and approvals

(1) An appellant under division 8 must give written notice of the appeal to—

(a) if the appellant is an applicant—

(i) the chief executive; and

(ii) the assessment manager; and

(iii) any concurrence agency; and

(iv) any principal submitter whose submission has not been withdrawn; and

(v) any advice agency treated as a submitter whose submission has not been withdrawn; or

(b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—

(i) the chief executive; and

(ii) the assessment manager; and

(iii) any referral agency; and

(iv) the applicant; or

(c) if the appellant is a person to whom a notice mentioned in section 465(1) has been given—

(i) the chief executive; and

(ii) the assessment manager for the development application to which the notice relates; and

(iii) any entity that was a concurrence agency for the development application to which the notice relates; and

(iv) the person who made the request under section 383 to which the notice relates, if the person is not the appellant; or

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(d) if the appellant is a person mentioned in section 466(1)—

(i) the chief executive; and

(ii) the responsible entity for making the change to which the appeal relates; and

(iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and

(iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or

(e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.

(2) The notice must be given within—

(a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or

(b) otherwise—10 business days after the appeal is started.

(3) The notice must state—

(a) the grounds of the appeal; and

(b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

483 Notice of appeals to other parties—compliance assessment

(1) An appellant under division 9 must, within 10 business days after the day the appeal is started, give written notice of the appeal to—

(a) if the appellant is a person to whom an action notice, compliance permit or compliance certificate has been given—

(i) the compliance assessor who gave the notice, permit or certificate; and

(ii) if the compliance assessor was a nominated entity of a local government and a copy of the request for compliance assessment was given to the local government under section 402—the local government; or

(b) if the appellant is a person to whom a notice mentioned in section 470(1) has been given—

(i) the entity that gave the notice; and

(ii) if the entity that gave the notice was a nominated entity of a local government and the written agreement of the local government was required to give the notice—the local government.

(2) The notice must state the grounds of the appeal.

485 Respondent and co-respondents for appeals under div 8

(1) Subsections (2) to (8) apply for appeals under sections 461 to 464.

(2) The assessment manager is the respondent for the appeal.

(3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.

(4) Any submitter may elect to become a co-respondent for the appeal.

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(5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.

(6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.

(7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.

(8) A person to whom a notice of appeal is required to be given under section 482 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.

(9) For an appeal under section 465—

(a) the assessment manager is the respondent; and

(b) if the appeal is started by a concurrence agency that gave the assessment manager a notice under section 385—the person asking for the extension the subject of the appeal is a co-respondent; and

(c) any other person given notice of the appeal may elect to become a co-respondent.

(10) For an appeal under section 466—

(a) the responsible entity for making the change to which the appeal relates is the respondent; and

(b) if the responsible entity is the assessment manager—

(i) if the appeal is started by a person who gave a notice under section 373 or a pre-request response notice—the person who made the request for the change is a co-respondent; and

(ii) any other person given notice of the appeal may elect to become a co-respondent.

(11) For an appeal under section 467, the respondent is the entity given notice of the appeal.

486 Respondent and co-respondents for appeals under div 9

(1) For an appeal under section 468 or 469—

(a) the compliance assessor is the respondent; and

(b) if the compliance assessor is a nominated entity of a local government and the appeal relates to a matter required by a local government—the local government is a co-respondent.

(2) However, if the appeal is only about a matter required by the local government, the compliance assessor may apply to the court to withdraw from the appeal.

(3) For an appeal under section 470—

(a) the entity that gave the notice to which the appeal relates is the respondent; and

(b) if the entity mentioned in paragraph (a) is a nominated entity of a local government and the local government did not agree to the request mentioned in section 470(1)—the local government is a co-respondent.

(4) However, if the appeal is only about the local government's refusal of the request, the entity that gave the notice to which the appeal relates may apply to the court to withdraw from the appeal.

488 How an entity may elect to be a co-respondent

An entity that is entitled to elect to be a co-respondent to an appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

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489 Minister entitled to be party to an appeal involving a State interest

If the Minister is satisfied an appeal involves a State interest, the Minister may, at any time before the appeal is decided, elect to be a party to the appeal by filing in the court a notice of election in the approved form.

490 Lodging appeal stops particular actions

(1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.

(2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.

(3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.

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SCANNED
18 FEB 2013
By: trary to Pr

PALM

To: WLCA; ESR - ES Southern Cultural Heritage (Owner Maureen Lillie)
Subject: Application Number: 513970 (Contaminated Land & Heritage)
Follow Up Flag: Follow up
Flag Status: Red

A development application has been uploaded to SharePoint and requires assessment. Please save a copy of the application as this file will be removed from SharePoint within 10 business days.

Please note that this application has not been uploaded to SharePoint.

A development application has been received and validated by Permit and Licence Management (PALM). A review has been undertaken for the potential impacts of the proposed development on the State Interests administered by the following departments including jurisdictional matters under the *Sustainable Planning Act 2009*.

- Department of Environment and Heritage Protection (EHP)
- Department of Natural Resources and Mines (DNRM)
- Department of Energy and Water Supply (DEWS)
- Department of National Parks, Recreation, Sports and Racing (NPRSR)

The results of this review are illustrated in the following tables. The application can be accessed using the following link:

http://sharepoint/sites/DevelopmentApplications/Shared%20Documents/Forms/AllItems.aspx

Please note:
Single jurisdiction applications are made available to the relevant contact for assessment to begin.
Multi jurisdictional applications are made available to all relevant individual assessment contacts as well as the contact responsible for coordinating the departmental response.

	General Application Details
Client Name:	Hastings Deering (Australia) Pty Ltd C/- GHD Pty Ltd
Lot/Plan:	24 on RP100451, 1 on RP74591 & 5 on SP157072
Project reference:	277223
Address:	98 Kerry & 1121 Beaudesert Road, Archerfield
Application Type	Reconfiguration of a lot
PaLM Contact:	Ben Willey
Hardcopy sent to:	Contact Name: Natalie Behrbohm Department: EHP Business Unit Name: Contaminated Land - Central Office Postal Address: N/A

	Department of Environment and Heritage Protection (EHP)
Role:	Concurrence
Jurisdictions:	Contaminated Land & Heritage
Ecotrack Application No:	513970
Date Properly made/referred:	12 February 2013
Project Director:	Kylie Coleman
	SEQ-South

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Sharepoint Folder:	

If you have any questions or concerns regarding the above please contact the relevant PaLM officer noted in the General Application Details table.
Regards,

Permit & Licence Management.

EHP RTI DL Release

Permit and Licence Management Unit – Development Application Validation Checklist

Application Received: 8./.2./2013

Ecotrack Project #: 277223 PaLM Coordinator: Ben Willey

Individual/Company/Business Name: Hastings Deering (Australia)

Address: Kerry St. Beaudesert Lot/s on Plan: See application

LGA: Brisbane Council reference: A003539165

Lodged via Smart EDA ☐ Smart EDA ID#: N/A

Application type: ☐ MCU (form 5) ☐ Op Works (form 6) ☑ Reconfiguring a Lot (form 7)

Referral Trigger/s:

Concurrence Agency/Assessment Manager Triggers			
EHP	**DNRM**	**NPRSR**	**DEWS**
☐ Coastal ☐ Environmental Operations ☑ Contaminated Land ☑ Heritage ☐ Wetlands (Concurrence) ☐ Wild Rivers	☐ Water (excl referrable dam) ☐ Clearing vegetation ☐ Strategic Cropping Land	Nil concurrence triggers	☐ Water (referable dam only)
Advice Agency Triggers			
EHP	**DNRM**	**NPRSR**	**DEWS**
☐ 100m Wetlands ☐ Heritage – common boundary	☐ Acid sulphate soils	☐ Conservation estate	Nil advice triggers

Individual Department Details:

Dept: EHP	Dept:	Dept:
DA Coordinator ~~/ Business Unit:~~	DA Coordinator / Business Unit:	DA Coordinator / Business Unit:
AR# 038283	AR#	AR#
Referral type (AM, CA, Adv, TP)	Referral type (AM, CA, Adv, TP)	Referral type (AM, CA, Adv, TP)
If AM, referral agencies:	If AM, referral agencies:	If AM, referral agencies:
Permit# SRL0521821313 SPC0521831313	Permit#	Permit#
App. ID: S13970	App. ID:	App. ID:
Properly ~~made~~/referred: 12./2./2013	Properly made/referred: ...../...../20.....	Properly made/referred: ...../...../20.....
Acknowledgement due (if AM): ...../...../20.....	Acknowledgement due (if AM): ...../...../20.....	Acknowledgement due (if AM): ...../...../20.....
Info request due: 26./2./2013	Info request due: ...../...../20.....	Info request due: ...../...../20.....
Adv. response due:...../...../20.....	Adv. response due:...../...../20.....	Adv. response due:...../...../20.....

EHP RTI DL Release

Permit and Licence Management Unit – Development Application Validation Checklist

Indicate by Yes ☑ No ☒ or N/A ⊟

A ☒ in any of the checkboxes may indicate a not a properly made or properly referred application

SPA Forms 1, 2, 3, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 28, 29, 30, 33, 35			☑
IDAS Checklist Completed	☑	Mandatory supporting information provided	☑
Native Title Notification Required (if ☑, attach copy of Notification to applicant)	☐	Native Title Assessment Completed - complete the assessment sheet and attach copy. Module:	☐
Resource Entitlement required (for applications properly made ***prior*** to 22/11/12) (Required for all applicable Jurisdictions)	⊟	Resource Entitlement granted (Granted for all applicable Jurisdictions)	⊟
Owner's Consent Required (MCU, RaL, work on land below high water mark and outside a canal, work on rail corridor land, declared catchment area)	☑	Owner's Consent provided	☑
Acknowledgement Notice Prepared	⊟	Date Prepared: ...../...../.....PaLM Staff initials:	
When application is for Concurrence Agency/Advice/Third Party Advice referral			
Acknowledgement Notice Attached & valid Date of acknowledgement notice: 8../2../2013	☑	SPA - within 20 bus days of date of Acknowledgement Notice IPA - within 3 months of date of Acknowledgement Notice (Revived - / /)	☑ ☐

State Interests: tick if applicable. **Bold** denotes mapped on EcoMaps. Check at regional level until new layers added

EHP	DNRM	NPRSR
☐ **Coastal Building Line**	☐ **Acid Sulfate Soils**	☐ **Koala habitat areas**
☐ **Coastal Management District**	☐ **Native vegetation**	☐ **Marine Plants**
☐ **EMR or CLR (continuing activity)**	☐ **Strategic Cropping Land**	☐ **Nature refuges**
☐ **Erosion Prone Areas**	☐ **Declared catchments of dams**	☐ **Protected areas**
☐ Notifiable activity	☐ **Key resource areas**	☐ **National Parks**
☐ **Wetland management area**	☐ **Regional ecosystems by VMA status**	☐ **Ramsar**
☐ **Biodiversity offset policy**		☐ **Priority species**
☐ **Directory of important wetlands**		☐ **State plantation forest**
☐ **Port limits**		☐ **World Heritage Area**
☐ **Developed and undeveloped waterways**		
☐ **Areas under coastal management plans**		
☐ **Qld heritage register boundaries**		
☐ **GBR wetland protection area**		
☐ **Strategic port land**		
☐ **Fish Habitat areas**		
☐ **Wild river areas boundaries**		

Receipt Details:

Department: ..... Fees Correct ☐	**N/A ☑ Exempt ☐ Copy of Receipt/s attached ☐**
Receipt No. ..... Date: ...../..../.....	**Payment Method: Cheque ☐ EFT ☐ Cash ☐ Credit ☐**
Amount Paid: $.....	**Cheque No..... .....**
Receipt sent to client Yes ☐ No ☐	**Drawer: .....**
Department: ..... Fees Correct ☐	**N/A ☐ Exempt ☐ Copy of Receipt/s attached ☐**
Receipt No. ..... Date: ...../..../.....	**Payment Method: Cheque ☐ EFT ☐ Cash ☐ Credit ☐**
Amount Paid: $.....	**Cheque No.....**
Receipt sent to client Yes ☐ No ☐	**Drawer: .....**

Portable Long Service Leave Paid Yes ☐ No ☐(the Building and Construction Industry (Portable Long Service Leave) Act 1991 requires the levy to be paid before a development permit is issued)

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Permit and Licence Management Unit – Development Application Validation Checklist

Environment and Heritage Protection - Heritage

Heritage Register No. 602150 **No fees applicable**	☐ **Building Work: Form 2 completed** ☐ The information required under chapter 3, parts 1 and 2 of the Building Act 1975 ☐ Plans, drawings and specifications to enable assessment against section 30 (Building assessment provisions) of the Building Act 1975 ☐ **Development in a Heritage Registered place: Form 3 completed** ☑ a heritage impact statement—this statement must be prepared by an appropriately qualified person (that is, a person who has qualifications in archaeology, architecture or history or is a member of a professional heritage organisation, for example Australia ICOMOS) and must provide a detailed analysis of how the development will conserve or impact upon the physical attributes of the place, the setting or context of the place, and other factors that contribute to the cultural heritage significance of the place (as described in the Queensland Heritage Register) ☑ recent photographs of the Queensland heritage place—the photographs must depict areas of the place that will be affected by the development ☑ a site plan to scale showing the location of the proposed development in relation to existing features of the Queensland heritage place ☑ plans, sections and elevations to scale of the proposed development in relation to existing features of the Queensland heritage place ☑ consultants' reports—a report must be provided where there are specific technical issues, such as structural, economic or safety issues. The report must demonstrate how potential detrimental impacts will be managed and be prepared by appropriately qualified persons *Mandatory supporting information for development that shares a common boundary with a lot that comprises or contains a Queensland Heritage Place, shares a common boundary with a Queensland heritage place or comprises or contains a Queensland heritage place:* ☐ a heritage impact statement—this statement must be prepared by an appropriately qualified person and describe the setting and context of the place and how the proposed development will affect the cultural heritage significance of the place ☑ recent photographs of the Queensland heritage place and its setting—the photographs must show the wider streetscape or context of the place ☑ plans, sections and elevations to scale of the proposed development in relation to existing features of the Queensland heritage place

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