

Ridgehaven Att 3 DERM

Department of Environment
and Resource Management



Notice

Concurrence and Advice Agency Response

This notice is issued by the Department of Environment and Resource Management pursuant to section 287 and section 292 of the Sustainable Planning Act 2009 ("the Act").

Chief Executive Officer
Sunshine Coast Regional Council
Locked Bag 72
SUNSHINE COAST MAIL CENTRE QLD 4560

Attention: Marc Cornell

cc. Ridgehaven Retirement Village Pty Ltd
C/- Murray & Associates (Qld) Pty Ltd
PO Box 246
NAMBOUR QLD 4560

Attention: Blake Bell

DERM references: IC0811NAM0014_SC14237_468706
Assessment Manager ref.: MCU11/0160
Applicant reference: 45944

1. Application details

Assessment Manager reference: MCU11/0160
Date properly referred to DERM: 10 August 2011
Development approval for: Development permit for a material change of use
Aspects of development:

- Material change of use - Clearing vegetation (*Sustainable Planning Regulation 2009* - Schedule 7, table 3, item 10)
- Various aspects of development - Acid sulfate soils (*Sustainable Planning Regulation 2009* - Schedule 7, table 3, item 3)
- Material change of use - Land in or near a wetland (*Sustainable Planning Regulation 2009* - Schedule 7, table 3, item 21)

Development descriptions: Material Change of Use of Premises (Shopping Complex)
Property/Location description: Lot 101 SP223686; 242 Parklands Boulevard, Meridan Plains

2. The Chief Executive, Department of Environment and Resource Management (DERM), concurrence agency response for the concurrence agency referral jurisdiction for the aspect of development involved with the application the subject of this Notice is to tell the assessment manager as follows:

2.1 Material change of use - Clearing vegetation

(*Sustainable Planning Regulation 2009* - Schedule 7, Table 3, Item 10)

- Conditions must attach to any development approval, and those conditions are attached to this Notice.

3. The Chief Executive, Department of Environment and Resource Management (DERM), advice agency response for the advice agency referral jurisdiction for the aspect of development involved with the application the subject of this Notice is to recommend to the assessment manager as follows:

Concurrence and Advice Agency Response

- 3.1 Various aspects of development - Acid sulfate soils
(*Sustainable Planning Regulation 2009* – Schedule 7, Table 3, Item 3)

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

- 3.2 Material change of use - Land in or near a wetland
(*Sustainable Planning Regulation 2009* – Schedule 7, Table 3, Item 21)

- The advice agency has provided recommendations to the Assessment Manager and those recommendations are attached to this Notice.

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 DERM as a referral agency for the relevant application at PO Box 573, Nambour QLD 4560.

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, DERM as a referral agency for the relevant application has not provided notification to native title parties.

5. Additional information for applicants

Contaminated Land

It is a requirement of the *Environmental Protection Act 1994* that if an owner or occupier of land becomes aware a Notifiable Activity (as defined in Schedule 3 and Schedule 4 of the *Environmental Protection Act 1994*) is being carried out on the land, or that the land has been, or is being, contaminated by a hazardous contaminant, the owner or occupier must, within 22 business days after becoming so aware, give written notice to the Department of Environment and Resource Management.

Aboriginal Cultural Heritage Act 2003

DERM also takes this opportunity to advise the Assessment Manager of the responsibilities of applicants under the *Aboriginal Cultural Heritage Act 2003*. The Assessment Manager may wish to include this information as an Advisory Note on the Decision Notice issued for the application.

Under section 23 of the *Aboriginal Cultural Heritage Act 2003* a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are \$1,000,000 for a corporation and \$100,000 for an individual.

Applicants will comply with the duty of care in relation to Aboriginal cultural heritage if they are acting in accordance with cultural heritage duty of care guidelines gazetted under the *Aboriginal Cultural Heritage Act 2003*, available on the DERM website, or in accordance with an agreement with the Aboriginal party for the area or a cultural heritage management plan approved under part 7 of the *Aboriginal Cultural Heritage Act 2003*.

Applicants are also encouraged to undertake a search of the Aboriginal Cultural Heritage Database and the Aboriginal Cultural Heritage Register, administered by the Cultural Heritage Coordination Unit, DERM. Application forms to undertake a free search of the Cultural Heritage Register and the Database may be obtained by contacting the Cultural Heritage Coordination Unit on (07) 3239 3647 or on the DERM website www.derm.qld.gov.au/cultural_heritage

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Delegate



Daniel Leo
Senior Planning Officer
Regional Planning and Coordination (Nambour)
Planning and Assessment – South East Region
19 September 2011

Enquiries:

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Currie Street, Nambour QLD 4560
PO Box 573, Nambour QLD 4560

Telephone 07 5451 2256
Facsimile 07 5451 2260
Email DACoordinationSEQNorth@derm.qld.gov.au
Website www.derm.qld.gov.au

Attachment

- DERM Concurrence Referral Agency Response (Vegetation Management)
- DERM Advice Referral Agency Response (Acid Sulfate Soils)
- DERM Advice Referral Agency Response (Referrable Wetlands)

Department of Environment
and Resource Management

Sustainable Planning Act 2009

DERM Permit ¹ number: Trackjob: IC0811NAM0014; eLVAS: 2011/004752

Assessment manager:	Sunshine Coast Regional Council
Assessment manager reference:	MCU11/0160
Date application referred:	3 August 2011
Permit type:	Development approval
Date of decision:	12 August 2011
Decision:	Conditions that must attach to any development approval
Relevant laws and policies:	<i>Sustainable Planning Act 2009, Vegetation Management Act 1999, Concurrence Agency Policy for Material Change of Use (MCU) – version 2 21 October 2009.</i>
Jurisdictions:	<i>Sustainable Planning Regulation 2009 – Schedule 7, table 3 item 10</i>

Development Description

Property/Location	Development
242 Parklands Blvd Nambour	Lot 101 SP223686 Material Change of Use of Premises (Shopping Complex)

Reason for inclusion of conditions

In accordance with section 289 of the *Sustainable Planning Act 2009*, the reason for inclusion of conditions in this concurrence agency response is as follows.

The property subject to the application contains an area of mapped remnant vegetation on the Regional Ecosystem Map version 6.0. The application area is identified on the relevant zoning maps in the Caloundra West Planning Area as emerging community precinct. The property directly west to the application area also

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

DERM Permit number Trackjob: IC0811NAM0014; eLVAS: 2011/004752

contains areas of mapped remnant vegetation and this property is also identified as emerging community precinct.

DERM has determined that clearing of assessable vegetation is unlikely to occur as a result of the development and will comply with criteria table A of the MCU policy.

DERM has determined that any clearing as a result of the this application within the mapped remnant vegetation on lot 101 SP223686 could be done under an exemption for the use or purpose as prescribed in Schedule 24, Part 2, Item 2(G) (ii), that is: *clearing is for an urban purpose in an urban area and the vegetation is regulated regrowth vegetation, or an of concern regional ecosystem or a least concern regional ecosystem – if there is no PMAV for the area – shown on the regional ecosystem map or remnant map as remnant vegetation.*

DERM has directed the assessment manager to include conditions in any development approval given for the application, to ensure that the clearing remains consistent with the MCU policy.

Delegate



Andrew Collins
Senior Vegetation Management Officer
Delegate, Chief Executive administering the *Vegetation Management Act 1999*,
Department of Environment and Resource Management

12 August 2011

DERM Permit number Trackjob: IC0811NAM0014; eLVAS: 2011/004752

CONDITIONS

1. Clearing of remnant vegetation must be limited to that which is necessary for urban development that is authorised under this approval.

END OF CONDITIONS

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Department of Environment
and Resource Management

Sustainable Planning Act 2009

DERM Permit¹ number: IC0811NAM0014

Assessment manager reference: MCU11/0160

Date application received: 10 August 2011

Date of decision: 13 September 2011

Decision: Recommendations that must attach to any development approval

Relevant laws and policies: *Coastal Protection and Management Act 1995, Environmental Protection Act 1994, and Nature Conservation Act 1992*

Jurisdiction(s): Material change of use - Land in or near a wetland (*Sustainable Planning Regulation 2009 - Schedule 7, table 3, item 21*)

Development Description(s)

Property/Location		Development
242 Parklands Boulevard, Meridan Plains	Lot 101 SP223686	Material Change of Use of Premises (Shopping Complex)

Recommendation

The Chief Executive, Department of Environment and Resource Management (DERM), makes the following recommendation to the assessment manager:

The Assessment Manager should consider the potential impacts of the proposed development on wetland values, including the water quality, natural hydrological flows and ecological functioning of the wetland.

Development should meet the following outcomes:

- **Maintain ecological values of the wetland.** There is no loss of wetland habitat and adverse impacts on the functioning and integrity of a wetland from development are avoided. A report prepared and certified by an appropriately qualified professional may assist the Assessment Manager to consider the impacts of the development on the ecological values and functioning of the wetland. If adverse impacts are unavoidable, the Assessment Manager is encouraged to ensure that the values lost are offset in order to achieve an environmental outcome equal or better than the wetland values that are impacted.

Where a wetland management area is mapped as a 'significant coastal wetland' under a *Regional Coastal Management Plan* it should be assessed against the policy for areas of state significance (natural

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resources). An Implementation Guideline should be consulted:

http://www.derm.qld.gov.au/services_resources/item_details.php?item_id=202304&topic_id=54.

For areas where a regional coastal management plan does not exist, where the wetland management area is also defined as a 'significant coastal wetland' under the *State Coastal Management Plan – Queensland's Coastal Policy 2001 (SCMP)*, any approval is consistent with SCMP policy 2.8.1, Areas of state significance (natural resources).

- **Maintain wetland water quality.** The water quality of any waters in and linked to the wetland is maintained and managed to protect the environmental values of the wetland, and to ensure that the water quality objectives listed under Schedule 1 of the *Environmental Protection (Water) Policy 2009* are achieved.
- **Maintain wetland water regime.** The existing water regime (including surface and groundwater) within and linked to the wetland is maintained and managed to protect existing natural hydrological processes within the wetland ecosystem. This includes safeguarding natural fluctuations in size and location of the wetland, and retaining and allowing for regeneration of native vegetation.

To ensure that the proposed development is able to meet the above outcomes, the Assessment Manager is encouraged to consider the requirement for a buffer area between any proposed works and the wetland. A wetland buffer has two components:

- a support area adjacent to the wetland that maintains and supports the environmental values of the wetland; and
- a separation area around the support area that protects the wetland from external threats such as sediment and nutrient discharge from surrounding landuse.

Buffer distances should be maximised in order to maintain existing biodiversity values, habitat connectivity and to minimise edge effects. Unless otherwise determined by a suitably qualified professional, the following buffer widths are accepted by DERM as precautionary buffer widths likely to absorb impacts from external uses.

- within urban areas, a minimum 50m buffer to wetland
- outside of urban areas a minimum 200m buffer to wetland
- for 'significant coastal wetlands', a buffer width of 200m to wetland

Where required, revegetation of the buffer is recommended using native species representative of the pre-clearing regional ecosystem, with preference given to endemic species. Plants should be of local provenance where possible. A rehabilitation / revegetation management plan including weed management strategies may assist in determining the rehabilitation requirements for the development. Conditioning of any approval with building or development envelope(s) may also be a useful way to give formal effect to any required buffer area.

The Assessment Manager should consider requiring applicants to provide a Stormwater Management Plan to demonstrate how stormwater, sediment and other run-off from the site (associated with the construction and operational phases of development) will be effectively managed to prevent adverse impacts on wetland values. Potential impacts are to be addressed through water sensitive urban design including compliance with *South East Queensland Regional Plan 2009-2031 Implementation Guideline No. 7: Water sensitive urban design – design objectives for urban stormwater management*. For areas outside of the South-east Queensland Regional

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Plan area any approval should recognise the requirements of the the *Draft Urban Stormwater – Queensland Best Practice Environmental Management Guidelines 2009*².

Delegate



Daniel Leo
Senior Planning Officer
Regional Planning and Coordination (Nambour)
Planning and Assessment – South East Region
19 September 2011

Enquiries:

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Email DACoordinationSEQNorth@derm.qld.gov.au

Website www.derm.qld.gov.au

² The Draft Urban Stormwater –Queensland Best Practice Environmental Management Guidelines 2009, is available at:
http://www.derm.qld.gov.au/environmental_management/water/environmental_values_environmental_protection_water_policy/draft_urban_stormwater_qbpem_guideline_2009.html

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Department of Environment
and Resource Management

Sustainable Planning Act 2009

DERM Permit ¹ number: IC0811NAM0014

Assessment manager reference: MCU11/0160

Date application received: 10 August 2011

Decision: Conditions that should attach to any development approval

Relevant laws and policies: State Planning Policy 2/02 – Planning and Managing
Development Involving Acid Sulfate Soils

Jurisdiction(s): Various aspects of development - Acid sulfate soils.
Sustainable Planning Regulation 2009 - Schedule 7, table 3,
item 3

Development Description(s)

Property/Location	Development
242 'Oasis Retirement Resorts' Parklands Boulevard, Meridan Plains	Lot 101 SP223686 Material Change of Use of Premises (Shopping Complex)

Reason(s) for inclusion of conditions

*State Planning Policy 2/02*² sets out the State's interests concerning development involving acid sulfate soils (ASS) in low-lying coastal areas. It is noted that an acid sulfate soil (ASS) investigation and ASS Environmental Management Plan ASS (EM Plan) have not been provided.

The disturbance of ASS should be avoided wherever possible. Any negative environmental impact which occurs as a result of a development activity disturbing ASS and which does not comply with SPP 2/02 breaches the duty of care requirements as defined in the *Environmental Protection Act 1994*.

The obligation is on the developer to comply with SPP 2/02 and conditions of approval.

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² State Planning Policy 2/02 Guideline: *Planning and Managing Development involving Acid Sulfate Soils*

DERM Permit number: IC0811NAM0014



Delegate

PR Wilson

Principal Scientist (Resource Assessment & Information)

Bundaberg – South East Region

Delegate, Chief Executive administering the *Sustainable
Planning Act 2009*

Department of Environment and Resource Management

9 September 2011

CONDITIONS

The Department recommends that the following conditions be attached to any development approval:

1. Complete an ASS investigation in accordance with SPP 2/02 Guideline³.
2. Based on the results of the ASS investigation, formulate an ASS EM Plan consistent with Appendix 4 of the SPP2/02 Guideline and the Management Principles of the latest version of the *Queensland Acid Sulfate Soil Technical Manual, Soil Management Guidelines*⁴.
3. The development must comply with the ASS EM Plan required in 2.

The Department further recommends that the above conditions be addressed prior to development commencing and suggests that the compliance stage of IDAS provides a suitable process for ensuring the technical reports are in accordance with SPP 2/02.

END OF CONDITIONS

³ State Planning Policy 2/02 Guideline: *Planning and Managing Development involving Acid Sulfate Soils*

⁴ Dear SE, Moore NG, Dobos SK, Watling KM and Ahern CR (2002). *Soil Management Guidelines*. In *Queensland Acid Sulfate Soils Technical Manual*. Department of Natural Resources and Mines, Indooroopilly