

Notice

Concurrence agency response

This notice is issued by the chief executive pursuant to section 287 (concurrence agency response) of the Sustainable Planning Act 2009.

Townsville City Council
PO Box 1268
TOWNSVILLE QLD 4810

cc. Maidment Land Pty Ltd
C/- Brazier Motti
595 Flinders Street
TOWNSVILLE QLD 4810

Our reference: BNE32912

Re: Concurrence agency response

1. Application details

Applicant: Maidment Land Pty Ltd
Assessment manager ref: MI13/0020
Date application referred to the concurrence agency: 29 May 2013
Development approval applied for: Preliminary approval
Aspect(s) of development:

Assessable development		Referral agency reference
Material change of use – Contaminated land	Sustainable Planning Regulation 2009 – Schedule 7, table 2, item 23	EHP ref. no. 392123 – EHP Permit No. SPCL05606513

Development description(s): Material change of use – Preliminary approval for development in accordance with a Plan of Development for Residential and Open Space Land Use

Property/Location description(s): 829 Brabon Rd, Beach Holm Qld 4818 (Lot 267 on EP1719 and Lot 256 on SP196179)

2. Concurrence jurisdiction

The 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:

- a. Any approval must be a preliminary approval only; and
- b. Conditions must attach to any development approval, and those conditions are attached to this notice as:
 - i) EHP Permit number SPCL05606513

3. General advice to assessment manager

Pursuant to section 334 and section 363 of the *Sustainable Planning Act 2009*, a copy of a decision notice or negotiated decision notice issued by the assessment manager must be forwarded to the referral agency for the relevant application. Please send a copy of the relevant notice to Waste and Land Contamination Assessments, EHP, at GPO Box 2454, Brisbane Qld 4001 **and** an electronic copy to palm@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.

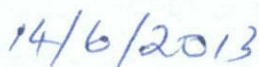
4. Additional information for applicants

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 chief executive.



Signature



Date

Delegate

Kate Armstrong, A/Manager
Department of Environment and Heritage Protection
Delegate of the administering authority
Environmental Protection Act 1994

Enquiries:

Simone Ventura, Principal Project Officer
Department of Environment and Heritage Protection
Level 9, 400 George Street, Brisbane Qld 4000
GPO Box 2454, Brisbane Qld 4001
Phone: (07) 3330 5729
Fax: (07) 3330 5875
Email: wlca@ehp.qld.gov.au

Attachment(s)

Attachment 1 – EHP Permit number SPCL05606513

Sustainable Planning Act 2009**EHP Permit ¹ number: SPCL05606513**

Assessment manager reference:	MI13/0020
Date application received:	29 May 2013
Permit type:	Preliminary approval
Date of decision:	14 June 2013
Decision:	For a concurrence agency response conditions that must attach to any development approval
Relevant laws and policies:	<i>Environmental Protection Act 1994</i>
Jurisdiction(s):	Material change of use – Contaminated land Sustainable Planning Regulation 2009 – Schedule 7, table 2, item 23, EHP ref. no. – 392123, EHP Permit No. SPCL05606513

Development Description(s)

Property/Location		Development
829 Brabon Rd, Beach Holm Qld 4818	Lot 267 on EP1719 and Lot 256 on SP196179	Material change of use – Preliminary approval for development in accordance with a Plan of Development for Residential and Open Space Land Use


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.

The Department of Environment & 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. The department's 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.



Signature



Date

Delegate

Kate Armstrong, A/Manager
Department of Environment and Heritage Protection
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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.

CONDITIONS

1. No development is to occur within 50m of the livestock dip/spray race on Lot 256 on SP196179.
2. The area surrounding the cattle dip/spray race must be fenced to restrict access to any potentially contaminated areas. As a minimum requirement the fencing is required to extend at least 10 metres from the sides and ends of the dip/spray race structure.

Additional comments or advice about the application

The removal of any contaminated soil from land listed on the Environmental Management Register (EMR) requires prior approval from EHP under section 424 of the *Environmental Protection Act 1994*.

END OF CONDITIONS

