Queensland Government

Department of
State Development, Manufacturing, Infrastructure and Planning

Our reference: 1905-10997 SRA
Your reference: MCUI/11/2019

23 October 2019

The Chief Executive Officer
Logan City Council
PO Box 3226
LOGAN CITY DC QLD 4114
development@logan.qld.gov.au

Dear Sir/Madam

Changed referral agency response—with conditions
(Given under section 28 of the *Development Assessment Rules*)

On 11 October 2019 the department received notice of a change to the development application described below. The department has assessed the changes and now provides this changed referral agency response which replaces the response dated 3 July 2019.

Applicant details

Applicant name:	Tonken OC Pty Ltd ATP Tonken OC Trust c/- Grummitt Planning Pty Ltd
Applicant contact details:	PO Box 2567 Southport QLD 4215 customercare@grummittplanning.com.au

Location details

Street address:	124 Distillery Road, Eagleby QLD 4207
Real property description:	2SP102952
Local government area:	Logan City Council

Application details

Development permit	Material Change of Use for Tourist attraction and Market

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

- 10.9.4.1.1.1 Aspect of development stated in schedule 20

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

South East Queensland (South) regional office
Level 1, 7 Short Street, Southport
PO Box 3290, Australia Fair, Southport QLD 4215

Reasons for decision to impose conditions
The department must provide reasons for the decision to impose conditions. These reasons are set out in Attachment 3.

Advice to the applicant
The department offers advice about the application to the applicant—see Attachment 2.

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

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Site Plan	Medhurst Architects	January 2019	4-030	1

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

For further information please contact Lorna Scally, Senior Planning Officer, on 07 5644 3221 or via email SEQSouthPlanning@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely

Gareth Richardson
Manager, Planning and Development Services (SEQ South)

cc Tonken OC Pty Ltd ATF Tonken OC Trust c/- Grummitt Planning Pty Ltd, customercare@grummittplanning.com.au

enc Attachment 1—Changed conditions to be imposed
Attachment 2 – Advice to the applicant
Attachment 3—Reasons for decision to impose conditions
Attachment 4—Approved plans and specifications

Attachment 1—Changed conditions to be imposed

No.	Conditions	Condition timing
Development Permit for Material Change of Use		
Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 —The chief executive administering the *Planning Act 2016* nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
1.	The development must provide an indented private bus/coach setdown (3m minimum width, 25m minimum length plus entry and exit tapers), hardstand/access for passengers and a paved pedestrian footpath and pedestrian crossing between the 'bus stop area' and 'tourist entry' generally in accordance with the Site Plan, prepared by Medhurst Architects, dated January 2019, reference 4-030 and revision 1.	(a) and (b) Prior to the commencement of use for stage 1 and to be maintained at all times
2.	(a) The applicant must provide a dedicated taxi rank parallel to the kerb at the location shown on Site Plan, prepared by Medhurst Architects, dated January 2019, reference 4-030 and revision 1. (b) The dedicated taxi rank must be designed and constructed to include the following: • a minimum of two (2) taxi parking bays in accordance with AS2890.5 - Parking facilities, Part 5: On-street parking; • of the taxi bays provided, at least one (1) is to be of a length and width suitable for use by people with disabilities in accordance with AS1428.1 - Design for access and mobility and AS2890.6 – Parking Facilities, Part 6: Off-street parking for people with disabilities; • two taxi zone signs R5-21, placed at either end of the dedicated taxi rank, and taxi zone line marking in accordance with AS1742.11 – Manual of uniform traffic control devices, Part 11: Parking controls; • lighting in accordance with AS/NZS 1158.3.1 – Lighting for Roads and Public Spaces, Part 3.1: Pedestrian Area (Category P) Lighting – Performance and Design Requirements; • accessibility in accordance with the Disability Standards for Accessible Public Transport 2002 made under subsection 31(1) of the *Disability Discrimination Act 1992* and the Department of Transport and Main Road's *Public Transport Infrastructure Manual 2015;* and • a paved pathway between the taxi rank and the 'tourist entry' generally in accordance with the Site Plan, prepared by Medhurst Architects, dated January 2019, reference 4-030 and revision 1. (c) RPEQ certification must be provided to the Program Delivery and Operations Unit, South Coast Region	(a) & (b) Prior to the commencement of use for Stage 1 and to be maintained at all times (c) Prior to the commencement of use for Stage 1

	(South.Coast.IDAS@tmr.qld.gov.au) within the Department of Transport and Main Roads confirming that the development has been constructed in accordance with parts (a) and (b) of this condition.	

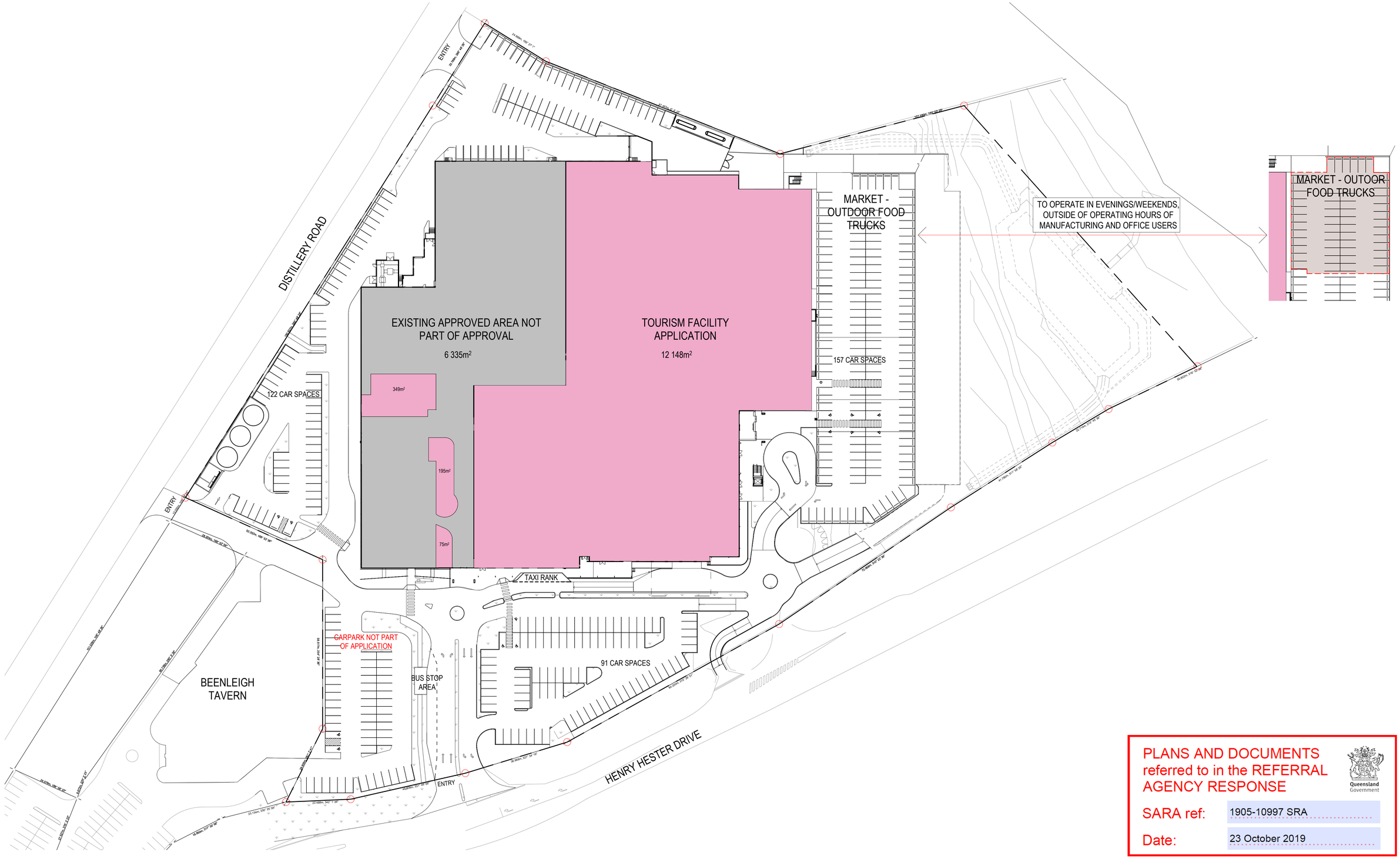
Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the *Planning Act 2016* its regulation or the State Development Assessment Provisions (SDAP) [version 2.4]. If a word remains undefined it has its ordinary meaning.

Attachment 3—reasons for decision to impose conditions

The reasons for this decision are:

- The development will not compromise the safe and efficient operation and integrity of the nearby state-controlled road
- The development will ensure that public passenger transport is provided that will cater for all patron types.



1 - SITE PLAN
1 : 625

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

Queensland Government

SARA ref: 1905-10997 SRA

Date: 23 October 2019

PRINTEC10/10/2019 11:31:48 AM

SCALE 0 6.25 18.75 31.25

PRELIMINARY NOT FOR CONSTRUCTION

Medhurst Architects

no.	details	date	by
1	PRELIMINARY	10/10/19	JWM

ALL DIMENSIONS TO BE CHECKED ON SITE DO NOT SCALE

Client: TONKEN PROPERTY GROUP

Project: **DISTILLERY ROAD MARKET ALTERATIONS & ADDITIONS**

Drawing Title: **SITE PLAN**

Date	Scale		Drawn	Checked	Stage	Project no.	Drawing no.	Issue
JAN 2019	1 : 625	@ A1	JWM		SD	811724	4-030	1

Medhurst Architects Pty Ltd . abn 18 622 555 775 . T: 07 3368 2318 . 92 PETRIE TERRACE QLD 4000 www.medhurstarchitects.com.au
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Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules[1] regarding **representations about a referral agency response**

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.

28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—

(a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or

(b) the Minister has given the concurrence agency a direction under section 99 of the Act; or

(c) the applicant has given written agreement to the change to the referral agency response.[2]

28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.

28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—

(a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and

(b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

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1 Pursuant to Section 68 of the *Planning Act 2016*

2 In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

Part 7: Miscellaneous

30 Representations about a referral agency response

30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.[3]

[3] An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.