

From: [REDACTED]
Sent: Wednesday, 24 April 2019 12:32 PM
To: Planning
Subject: Lot 2 L37291 126-142 Rocks Road
Attachments: Council - Rocks Rd 2.docx

Please see attached

Click [here](#) to report this email as spam.






Dear 

Re: Notice to show cause

Carrying out assessable development without a permit

Lot 2 L37291 - 126 – 142 Rocks Road Scrubby Creek

I refer to ongoing correspondence from council regarding the ongoing issues with above mentioned site. Before proceeding with submitting a pre-application I have canvassed the opinions of the neighbours in the closest proximity. 5 of the 6 neighbours were positive about the site and have given their verbal support and encouragement. However one couple , who are situated , are in total opposition to this venture. Unfortunately, I have been unable to negotiate a resolution with them and have therefore made the decision to cease operations. I am now in the process of informing the public of this closure. The site will therefore be closed for use by the public by 21 May, 2019.

Moving forward, I would still like to use the site for private use by family and friends, approximately once a month. I have informed  of this decision and they have indicated that they would be tolerant of the track being used for private use only.

Please confirm that given the decision to cease public operations at this site that the operator will no longer be served with an Enforcement Notice. Please also confirm that I am indeed able to open the track to friends and family on once a month basis.

Many thanks for the time taken to assist with this matter.

Yours sincerely,



[REDACTED]
[REDACTED]
[REDACTED]

Dear Sir,

Re: Complaint concerning the alleged use of land for Outdoor Sport and Recreation Lot 2 L37291 – 126 -142 Rocks Road, Scrubby Creek

Further to my recent conversation with [REDACTED], we would like to bring the councils attention to the fact that the site was originally used to hold the first meeting of the Gympie Motor Cycle Club in the early 1970's. Therefore this site was a pre-existing bike track, before town planning came in 1976. We are just currently in the process of sourcing the documentation as a means of supporting this.

Thank you for your patience with this and I will forward the supporting paperwork as soon as possible. Please direct all enquiries in regards to this matter, [REDACTED], [REDACTED] has asked that I act on his behalf.

Yours sincerely,

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

From: [REDACTED] >
Sent: Wednesday, 6 February 2019 7:45 AM
To: Planning
Subject: Council - Rocks Rd.docx
Attachments: Council - Rocks Rd.docx; ATT00001.txt

Customer Request Management Enquiry
CRM 126057/2019 - Compliance - General

Received Date

07/01/2019 09:24 AM

Determination Details

07/01/2019 03:14 PM Complete (OCOM)

Reference Id

385027

Contact Method

TELEPHONE

Description

As per phone call - the customer advises that there is a motorcross business on the property they advise that they operate between 10-5 Saturday and Sunday. They are charging people to attend the property, as advertised on their facebook page "Scrubby Creek Motor Cross" The customer is wanting to confirm if the business is able to run in this location. Please contact the customer back.

Creation Officer

Last Modified By

Map

Click for interactive

Workflow

Workflow Summary

Description

Compliance General Req

Manager

Responsible Officer

Target Time

24 days

Service Standard

CLICK 'Details of Workflow' below and advise first task and service time frame as an estimate ONLY. The estimated timeframe may be subject to change due to operational conditions.

[Workflow History](#)

Create New Task

New Task Type

Action Taken / Decision Made ▼

Workflow Details

Description	Status	Opened	Target	Due	Closed	Outcome	Action Officer	Role	Delegating Officer	Role	Notes	Checklist	Audit
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10/2/2019

Authority i-Services

Description	Status	Opened	Target	Due	Closed	Outcome	Action Officer	Role	Delegating Officer	Role	Notes	Checklist	Audit
Investigate/ Inspect / Assess	Complete	07/01/19 09:24 AM	10 days	21/01/19	07/01/19 03:13 PM	Closed - Transferred to Register	[REDACTED]	Officer-Development Compliance			Investigated - and called customer [REDACTED] (07/01/2019)		view
Action Taken / Decision Made	Optional		7 days					CRMWA Planning Group					
Notify Customer of Outcome	Optional		7 days					CRMWA Planning Group					
Close Request	Complete	07/01/19 03:13 PM	1 days	08/01/19	07/01/19 03:14 PM	Complete	[REDACTED]	Officer-Development Compliance	[REDACTED]	Officer-Development Compliance	Completed [REDACTED] (07/01/2019)		view

Customer Details

User [REDACTED]
Address [REDACTED]
Mobile [REDACTED]
Email Address [REDACTED]
Contact Method Telephone

Property

Address [REDACTED]
Title [REDACTED]
Parcel [REDACTED]
Assessment [REDACTED]
Property Owners [REDACTED]
Owner Address [REDACTED]
Zoning No zoning information available

Location of Request: Additional Information such as Crossing Street or Landmark

auth-prod//service/dialog/crm/enquiryDetails.do?doc_acc=020.2019.00126057.001

2/3

10/2/2019

Authority I-Services

Customer gave an address of 69 Scrubby creek road - but while talking to the customer they guided the CCO to the above location.

Claim Flag

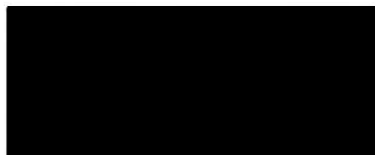
N

Request Referred via Mayor or Councillor

Our Ref: PKM:FENP00794 File: DO 2019-1901



23 January 2019



Dear Sir

**RE: Complaint concerning the alleged use of land for Outdoor Sport and Recreation
(Motor Sport Park) - Lot 2 L37291 - 126-142 Rocks Road Scrubby Creek**

Council has received a complaint that the above mentioned land is being used as a venue to operate a motocross park for off road motorcycle riding by the public

Council's records indicate that an approval has not been issued for such use of the land.

To enable Council to progress the complaint, would you please respond to the allegations in writing and contact [REDACTED] of Council's Planning and Development Directorate on [REDACTED] or [REDACTED]@gympie.qld.gov.au to arrange a suitable time for a site inspection.

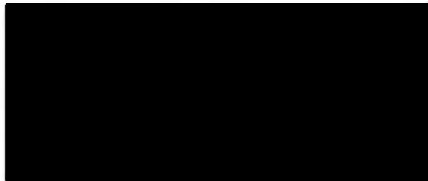
Your response by 6 February 2019 is requested.

Yours faithfully



Manager Development and Compliance

25 March 2019



Dear Sir

**Re: Notice of a Development Offence
Operation of an Outdoor Sport and Recreation (Motor Sport Park) without a
Development Permit
Lot 2 L37291 - 126-142 Rocks Road Scrubby Creek**

I refer to a Council investigation regarding the abovementioned matter.

The investigation was initiated in response to a complaint alleging that the abovementioned land was being used to operate a venue advertised as Scrubby Creek Motorcross that is open to the public for recreational off road motorcycling activities. The complaint also alleged that the operation of the park was causing a noise nuisance to residents in the area.

These allegations have been investigated and I now wish to inform you of the following information:

1. The use of the abovementioned land as a venue for the public to participate in off road motorcycling activities is a land use defined as Outdoor Sport and Recreation under the Gympie Regional Council Planning Scheme 2013.
2. The abovementioned land is sited within the Rural Zone under Council's planning scheme.
3. The use of Rural Zone land for an Outdoor Sport and Recreation purpose is assessable development under the planning scheme and requires Council approval and issue of a Development Permit before this use of the land can commence lawfully.
4. Council's records indicate that a Development Permit has not been issued for this use of the premises.

.../2

As a consequence, the present use of the land for Outdoor Sport and Recreation constitutes a development offence under the *Planning Act 2016*.

Your options to remedy this situation include:

- (1) Cease using the land for this purpose within 14 days from the date of this letter.
- (2) Enter into an agreed program to resolve the non-compliance within a timeframe acceptable to Council.

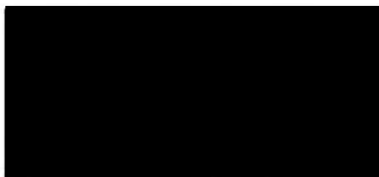
It should be noted that there may be inherent issues associated with this use which may influence Council's decision whether to approve an application should one be made, and for this reason, you are strongly encouraged to discuss any proposal with Council's Planning and Development Directorate prior to lodging an application.

Please consider these options and advise Council how you wish to proceed.

Further action in this matter will be deferred until 8 April 2019 to enable you to provide your written response to this notice.

Should you wish to discuss the above matter, please contact of Council's Planning and Development Directorate on (07) 5481 0454 or planning@gympie.qld.gov.au.

Yours faithfully



Manager Development and Compliance

Cc 

25 March 2019

Cc

[REDACTED]
[REDACTED]
[REDACTED]

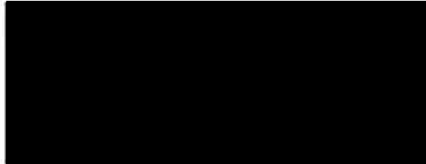
'For your information'

Yours faithfully

[REDACTED]

Manager Development and Compliance

16 April 2019



Dear Sir

RE: NOTICE TO SHOW CAUSE

**Carrying out assessable development without a permit - Material Change of Use –
Outdoor Sport and Recreation (Motor Sport Park)
Lot 2 L37291 - 126-142 Rocks Road Scrubby Creek**

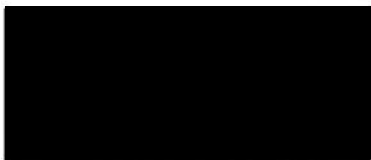
I refer to our previous correspondence in relation to the abovementioned matter wherein you were requested to take action to either cease using the land for the abovementioned development or enter into an agreed program to resolve the matter within an acceptable timeframe to Council.

As you have not taken the necessary actions as requested, you are hereby served with the attached Show Cause Notice.

The notice requires you to show cause why Council should not issue an Enforcement Notice requiring you to take immediate action to rectify this situation.

Should you wish to discuss the above matter, please contact [REDACTED] of Council's Planning and Development Directorate on [REDACTED] or planning@gympie.qld.gov.au.

Yours faithfully



Manager Development and Compliance

CC [REDACTED]

16 April 2019

CC [REDACTED]
[REDACTED]
[REDACTED]

'For your information'

Yours faithfully

[REDACTED]
Manager Development and Compliance

SHOW CAUSE NOTICE

Section 167 of the *Planning Act 2016*

TAKE NOTICE THAT:

You:



of:



as:

Occupier

of:

**premises described as Lot 2 L37291
Parish of King County of Lennox**

situated at: **126-142 Rocks Road Scrubby Creek**

are invited to show cause as to why an Enforcement Notice should not be issued to you pursuant to Section 168 of the *Planning Act 2016*.

The assessing authority, Gympie Regional Council, (the Council), reasonably believes you are carrying out assessable development without a development permit in breach of Section 163 of *Planning Act 2016* and that an Enforcement Notice should be given to you.

The facts and circumstances which form the basis for Council's belief that an Enforcement Notice should be given to you are as follows:

PART A – OFFENCE DETAILS

1. On the 23 January 2019 Council wrote to [REDACTED] of [REDACTED] to advise that Council had received a complaint alleging that the abovementioned property was being used as a venue to operate a motor sport park called Scrubby Creek Motocross for off road motorcycling.
2. Council received a written response from [REDACTED] on behalf of the property owner on the 6 February 2019. The response advised that the property was used as a venue for the first meeting of the Gympie Motor Cycle Club in the early 1970's and that you would be providing further information to support this claim. You also requested that any further correspondence from Council regarding this matter be directed to you.

3. A complete search of Council records was conducted for information regarding the use of the property for motorcycle events or similar activity. The search found no information to support that the property is an existing venue for off road motorcycle activity.
4. On the 25 February 2019 Council receives written advice from you that you could not provide information pertaining to your claim that the property was used as a venue for the Gympie Motorcycling Club and that your intention is to seek advice from a town planning consultant in regards to making an application for a motor sport park.
5. In the week ending February 2019 you attended Council's customer service counter at the Planning and Development Directorate 29 Channon Street where you were provided advice from a Planning Officer on what would be required to make a Material Change of Use application and also Council's Pre-Application Meeting service.
6. On 25 March 2019 council issued you with a Notice of a Development Offence. The notice advised you that the use of the abovementioned land as a venue for the public to participate in off road motorcycling activities is a land use defined as Outdoor Sport and Recreation under the Gympie Regional Council Planning Scheme 2013. The notice advised that the land was sited within the Rural Zone and the use of this land for an Outdoor Sport and Recreation use is assessable development under the planning scheme and requires Council approval and issue of a Development Permit before the use may commence lawfully. The notice provided you with options to address the situation and requested that you advise Council on your intentions by 8 April 2019.
7. Council has not received a response to the Notice of a Development Offence within the nominated timeframe.
8. A recent search of social media has provided information that indicates that the abovementioned land use is continuing and a review of Council's records found that a Development Permit has not been issued for this use of the land.
9. Council is continuing to receive complaints regarding the use of the property for the motor sport venue.
10. Under Section 163 of the *Planning Act 2016* it is an offence to carry out assessable development without a Development Permit in place.
11. Given the above, the Council is of the belief that an Enforcement Notice should be given to you, pursuant to Section 168 of the *Planning Act 2016* to refrain from committing the development offence.

You are invited to show cause why the Enforcement Notice should not be issued to you.

PART B – REPRESENTATIONS MAY BE MADE ABOUT THIS SHOW CAUSE NOTICE

You may make representations about this Show Cause Notice in a way provided for below:

SCHEDULE TO MAKING REPRESENTATIONS

Either by attending in Person:

Day: 21 May 2019
Time: 10.30am
Place: Gympie Regional Council
Planning & Development Directorate
29 Channon Street
GYMPIE QLD 4570

Or by making written representations to:

Address The Chief Executive Officer
Gympie Regional Council
PO Box 155
GYMPIE QLD 4570

If choosing to make written representations, such representations must be received by Council no later than 4.30pm on 21 May 2019.

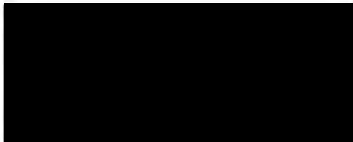
PART C – POSSIBLE FURTHER ACTION – ISSUE OF AN ENFORCEMENT NOTICE

In the event that you fail to show cause within this time, and Council reasonably believes you have committed or are committing a development offence, an Enforcement Notice will be issued to you.

You should be aware that upon conviction by a Court for a breach of an Enforcement Notice, the maximum penalty which can be imposed under the *Planning Act 2016* is 4,500 penalty units (which equates to \$587,475 for an individual or \$2,937,375 for a corporation). In addition, legal costs can be claimed against you.

Should you have any questions in relation to this notice, you are advised to seek your own independent legal advice from an appropriate legal professional.

DATED at Gympie this 16th day of April 2019



Manager Development and Compliance

8 May 2019

Sunshine Coast District Forensic Crash Unit
Road Policing Command - Queensland Police Service
PO Box 5044
NAMBOUR QLD 4560

ATTENTION: [REDACTED]

Dear Sir

**RE: Matter concerning the use of land for Outdoor Sport and Recreation
(Motor Sport Park)
Lot 2 L37291 - 126-142 Rocks Road Scrubby Creek**

Council refers to your request for information regarding Council's involvement and investigation of motor sport activity occurring at the abovementioned premises.

Below is an overview of Council's investigation regarding the motor sport activity at 126-142 Rocks Road Scrubby Creek.

1. On 7 January 2019 Council received a complaint from a member of the public alleging that the property at 126-142 Rocks Road Scrubby Creek was being used to operate a business that provided a venue for off road "motor cross" activity to the public. The complaint also alleged that the premises were being advertised via social media as Scrubby Creek Motor Cross. A review of social media sites and monitoring of the premises found that the allegation was valid.
2. On 23 January 2019 Council sent a letter to the property owner [REDACTED] of [REDACTED] [REDACTED] advising that Council had received a complaint alleging that the abovementioned property was being used to operate a venue for off road motor cycling open to the public and requested a response by 6 February 2019 to the allegation.
3. On 29 January 2019 Council Development Compliance Officer [REDACTED] received a phone call from [REDACTED] who advised that [REDACTED] was the operator of the motor cross park. [REDACTED] advised that the property had been used as a motor cross park back in the early 1970's and as a venue for Gympie Motor Cycle Club and [REDACTED] would provide Council with a written response and documentation to support this claim.

.../2

4. On 6 February 2019 Council received a written response from [REDACTED] on behalf of [REDACTED] advising that the property was originally used for the first meeting of Gympie Motor Cycle Club in the early 1970's and therefore was a pre-existing track before town planning schemes came in and would be providing further material to support this claim. [REDACTED] advised that all correspondence in regard to this matter should be forwarded to [REDACTED] and not [REDACTED].
5. Development Compliance Unit Administration Officer [REDACTED] conducted a search of Council records for any information pertaining to a motor cross track/park operating at Scrubby Creek or 124-142 Rocks Road. No information was found on Council records.
6. On 12 February 2019 Council Development Compliance Officer [REDACTED] received a phone call from [REDACTED] who advised that [REDACTED] could not provide the information supporting [REDACTED] claim that the property had been used to operate a motor cross venue since the 1970's and up until early 2018 [REDACTED] was only using the track for family and friends before [REDACTED] opened it up for public use.
7. On 25 March 2019 Council issued [REDACTED] with a Notice of a Development Offence advising that the current use of the property as a venue for the public to participate in off road motor cycling activities is a land use defined as Outdoor Sport and Recreation under the Gympie Regional Council Planning Scheme 2013. The notice advised that the use of the property to operate an Outdoor Sport and Recreation venue is assessable development under Council's planning scheme and requires Council approval and issue of a Development Permit before the use may commence lawfully. The notice provided options to remedy the situation by either ceasing the use within 14 days from the date of the notice or entering into an agreed program to resolve the non-compliance within an acceptable timeframe.
8. From 25 March 2019 to 15 April 2019 Council continued to receive complaints from the public regarding noise from the motor cross venue. Monitoring of social media sites indicated that the venue continued to operate.
9. On 16 April 2019 Council issued a Show Cause Notice under Section 167 of the Planning Act 2016 to [REDACTED]. The notice requested [REDACTED] to show cause why Council should not issue an Enforcement Notice requiring [REDACTED] to refrain from committing the development offence.

10. On 24 April 2019 Council received written response to the Show Cause Notice from [REDACTED] [REDACTED] advising that [REDACTED] will be ceasing the use of the property to operate a motor sport park as of 21 May 2019.

Should you wish to discuss the above matter, please contact [REDACTED] of Council's Planning and Development Directorate on [REDACTED] or [REDACTED]@gympie.qld.gov.au.

Yours faithfully

[REDACTED]
Gina Vereker
Director Planning and Development

From: [REDACTED]@gympie.qld.gov.au] on behalf of [REDACTED]
To: [REDACTED]
Subject: RE: Attn: [REDACTED]
Date: Monday, 8 April 2019 2:21:45 PM
Attachments: [image001.jpg](#)

Hello [REDACTED]

Council is aware of the motor sport park operating at 69 Scrubby Creek Rd and is currently taking enforcement action to resolve the matter.

Thank you

[REDACTED]
Compliance Officer

GRC Logo Block



Gympie Regional Council
29 Channon Street (PO Box 155)
Gympie Old 4570
[REDACTED]
[REDACTED]@gympie.qld.gov.au
www.gympie.qld.gov.au

From: [REDACTED]
Sent: Monday, 8 April 2019 9:59 AM
To: [REDACTED]@gympie.qld.gov.au>
Subject: Attn: [REDACTED]

Further from my phone call this morning 8 April, 2019 I would be interested in knowing how an active motor cross establishment at 69 Scrubby Creek Road fits in with the potential regulations as set out in a Draft Plan for noisy sports (GRC) currently open for discussion. I am concerned about increased noise (all weekend, every weekend), the impact on the value of my property ([REDACTED]) and increased traffic on a quite dangerous intersection (Glastonbury and Scrubby Creek), where the speed is 100kmp at the bottom of two hills.

Thank you for your attention to this concern.

[REDACTED]

Sent from Samsung tablet.

Click [here](#) to report this email as spam.

* called spoke with [REDACTED]

7/01/19

Paul Meredith

From: Gympie Regional Council <eservices@gympie.qld.gov.au>
Sent: Monday, 7 January 2019 9:47 AM
To: [REDACTED]
Subject: CRM Task Update: Compliance - General - Investigate/ Inspect / Assess - 126057/2019

Customer Action Request (CAR) Summary

The following CRM Task has been updated
Please action as necessary

Request details

Request number: 126057/2019

Logged by: [REDACTED]

Category: Compliance - General

Description: As per phone call - the customer advises that there is a motorcross business on the property they advise that they operate between 10-5 Saturday and Sunday. They are charging people to attend the property, as advertised on their facebook page "Scrubby Creek Motor Cross" The customer is wanting to confirm if the business is able to run in this location. Please contact the customer back.

Customer details

Customer name: [REDACTED]

Home phone: [REDACTED]

Mobile: [REDACTED]

Business phone: [REDACTED]

Email: [REDACTED]

Address: [REDACTED]

Location details

- Address: [REDACTED]

Address [REDACTED]

Owner [REDACTED]

NOT
correct.

- Description: Customer gave an address of [REDACTED] - but while talking to the customer they guided the CCO to the above location.

Task details

Authority Task Link: [View my task](#)

Action officer: [REDACTED]

Task type: Investigate/ Inspect / Assess

Open date: [REDACTED]

Due date: 21/01/2019

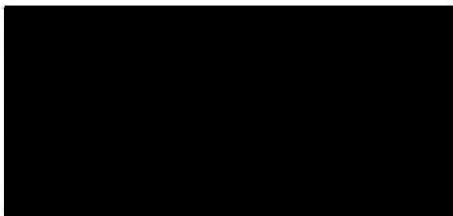
Delegate by: [REDACTED]

Task comments:

Our Ref: PKM:FENP00794 File: DO 2019-1901

Posted:	23/01/19
Records:	23/01/19 2088491
Emailed:	
Initials:	

23 January 2019



Dear Sir

RE: Complaint concerning the alleged use of land for Outdoor Sport and Recreation (Motor Sport Park) - Lot 2 L37291 - 126-142 Rocks Road Scrubby Creek

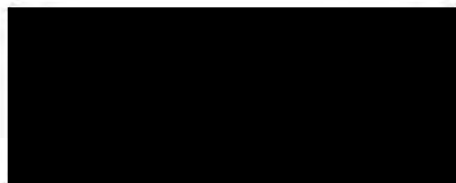
Council has received a complaint that the above mentioned land is being used as a venue to operate a motocross park for off road motorcycle riding by the public

Council's records indicate that an approval has not been issued for such use of the land.

To enable Council to progress the complaint, would you please respond to the allegations in writing and contact [redacted] of Council's Planning and Development Directorate on [redacted] or [redacted] [@gympie.qld.gov.au](mailto:[redacted]@gympie.qld.gov.au) to arrange a suitable time for a site inspection.

Your response by 6 February 2019 is requested.

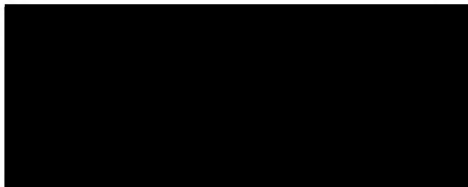
Yours faithfully



Manager Development and Compliance



25 March 2019



Dear [REDACTED]

**Re: Notice of a Development Offence
Operation of an Outdoor Sport and Recreation (Motor Sport Park) without a
Development Permit
Lot 2 L37291 - 126-142 Rocks Road Scrubby Creek**

I refer to a Council investigation regarding the abovementioned matter.

The investigation was initiated in response to a complaint alleging that the abovementioned land was being used to operate a venue advertised as Scrubby Creek Motorcross that is open to the public for recreational off road motorcycling activities. The complaint also alleged that the operation of the park was causing a noise nuisance to residents in the area.

These allegations have been investigated and I now wish to inform you of the following information:

1. The use of the abovementioned land as a venue for the public to participate in off road motorcycling activities is a land use defined as Outdoor Sport and Recreation under the Gympie Regional Council Planning Scheme 2013.
2. The abovementioned land is sited within the Rural Zone under Council's planning scheme.
3. The use of Rural Zone land for an Outdoor Sport and Recreation purpose is assessable development under the planning scheme and requires Council approval and issue of a Development Permit before this use of the land can commence lawfully.
4. Council's records indicate that a Development Permit has not been issued for this use of the premises.

.../2

As a consequence, the present use of the land for Outdoor Sport and Recreation constitutes a development offence under the *Planning Act 2016*.

Your options to remedy this situation include:

- (1) Cease using the land for this purpose within 14 days from the date of this letter.
- (2) Enter into an agreed program to resolve the non-compliance within a timeframe acceptable to Council.

It should be noted that there may be inherent issues associated with this use which may influence Council's decision whether to approve an application should one be made, and for this reason, you are strongly encouraged to discuss any proposal with Council's Planning and Development Directorate prior to lodging an application.

Please consider these options and advise Council how you wish to proceed.

Further action in this matter will be deferred until 8 April 2019 to enable you to provide your written response to this notice.

Should you wish to discuss the above matter, please contact [REDACTED] Planning and Development Directorate on [REDACTED] or [REDACTED]@gympie.qld.gov.au.

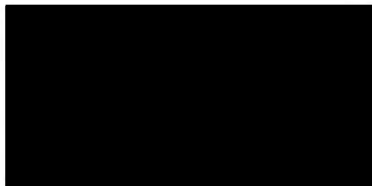
Yours faithfully

[REDACTED]
Manager Development and Compliance

Cc [REDACTED]

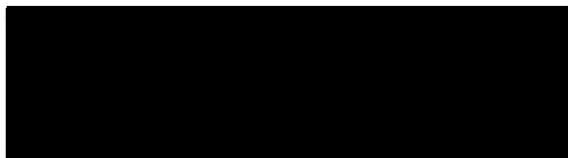
25 March 2019

Cc



'For your information'

Yours faithfully



Manager Development and Compliance

[REDACTED]

From:
Sent:
To:
Subject:

[REDACTED]
Monday, 8 April 2019 9:59 AM
Planning
Attn: [REDACTED]

Further from my phone call this morning 8 April, 2019 I would be interested in knowing how an active motor cross establishment at 69 Scrubby Creek Road fits in with the potential regulations as set out in a Draft Plan for noisy sports (GRC) currently open for discussion. I am concerned about increased noise (all weekend, every weekend), the impact on the value of my property [REDACTED] and increased traffic on a quite dangerous intersection (Glastonbury and Scrubby Creek), where the speed is 100kmp at the bottom of two hills.

Thank you for your attention to this concern.

[REDACTED]

Sent from Samsung tablet.

Click [here](#) to report this email as spam.

[REDACTED]

From:

Sent:

[REDACTED]
Monday, 15 April 2019 11:10 AM

To:

Subject:

[REDACTED]
PH MSG @ 11.07

Hi [REDACTED]

[REDACTED] called and would like you to give [REDACTED] a call back on [REDACTED] with regards to an update on Scrubby Creek Rd.

Cheers

[REDACTED]
ADMINISTRATION OFFICER – DEVELOPMENT AND COMPLIANCE
PLANNING AND DEVELOPMENT



Gympie Regional Council
29 Channon Street (PO Box 155)
Gympie Qld 4570

[REDACTED]
www.gympie.qld.gov.au

A called and advised Council taking action on the matter. 15/4/19

[REDACTED]

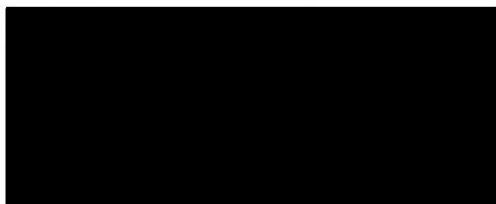
I, [REDACTED], served [REDACTED] with a copy of this Notice by forwarding same by Mail
to [REDACTED]

[REDACTED]
Manager Development and Compliance

Our Ref: PKM:FENP00830 File: DO 2019-1901 Folder ID 246662



16 April 2019



Dear [REDACTED]

RE: NOTICE TO SHOW CAUSE

**Carrying out assessable development without a permit - Material Change of Use -
Outdoor Sport and Recreation (Motor Sport Park)
Lot 2 L37291 - 126-142 Rocks Road Scrubby Creek**

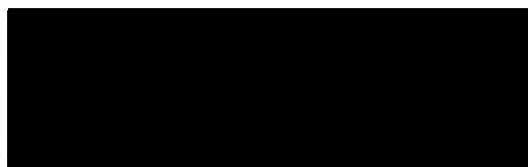
I refer to our previous correspondence in relation to the abovementioned matter wherein you were requested to take action to either cease using the land for the abovementioned development or enter into an agreed program to resolve the matter within an acceptable timeframe to Council.

As you have not taken the necessary actions as requested, you are hereby served with the attached Show Cause Notice.

The notice requires you to show cause why Council should not issue an Enforcement Notice requiring you to take immediate action to rectify this situation.

Should you wish to discuss the above matter, please contact [REDACTED] of Council's Planning and Development Directorate on [REDACTED] or [REDACTED]@gympie.qld.gov.au.

Yours faithfully



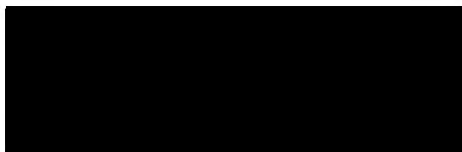
Manager Development and Compliance

CC [REDACTED]



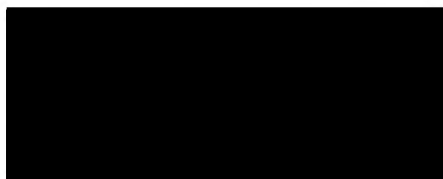
16 April 2019

CC



'For your information'

Yours faithfully



Manager Development and Compliance

SHOW CAUSE NOTICE

Section 167 of the *Planning Act 2016*

TAKE NOTICE THAT:

You:



of:



as:

Occupier

of:

**premises described as Lot 2 L37291
Parish of King County of Lennox**

situated at: **126-142 Rocks Road Scrubby Creek**

are invited to show cause as to why an Enforcement Notice should not be issued to you pursuant to Section 168 of the *Planning Act 2016*.

The assessing authority, Gympie Regional Council, (the Council), reasonably believes you are carrying out assessable development without a development permit in breach of Section 163 of *Planning Act 2016* and that an Enforcement Notice should be given to you.

The facts and circumstances which form the basis for Council's belief that an Enforcement Notice should be given to you are as follows:

PART A – OFFENCE DETAILS

1. On the 23 January 2019 Council wrote to [REDACTED] of [REDACTED] to advise that Council had received a complaint alleging that the abovementioned property was being used as a venue to operate a motor sport park called Scrubby Creek Motocross for off road motorcycling.
2. Council received a written response from you [REDACTED] on behalf of the property owner on the 6 February 2019. The response advised that the property was used as a venue for the first meeting of the Gympie Motor Cycle Club in the early 1970's and that you would be providing further information to support this claim. You also requested that any further correspondence from Council regarding this matter be directed to you.

3. A complete search of Council records was conducted for information regarding the use of the property for motorcycle events or similar activity. The search found no information to support that the property is an existing venue for off road motorcycle activity.
4. On the 25 February 2019 Council receives written advice from you that you could not provide information pertaining to your claim that the property was used as a venue for the Gympie Motorcycling Club and that your intention is to seek advice from a town planning consultant in regards to making an application for a motor sport park.
5. In the week ending February 2019 you attended Council's customer service counter at the Planning and Development Directorate 29 Channon Street where you were provided advice from a Planning Officer on what would be required to make a Material Change of Use application and also Council's Pre-Application Meeting service.
6. On 25 March 2019 council issued you with a Notice of a Development Offence. The notice advised you that the use of the abovementioned land as a venue for the public to participate in off road motorcycling activities is a land use defined as Outdoor Sport and Recreation under the Gympie Regional Council Planning Scheme 2013. The notice advised that the land was sited within the Rural Zone and the use of this land for an Outdoor Sport and Recreation use is assessable development under the planning scheme and requires Council approval and issue of a Development Permit before the use may commence lawfully. The notice provided you with options to address the situation and requested that you advise Council on your intentions by 8 April 2019.
7. Council has not received a response to the Notice of a Development Offence within the nominated timeframe.
8. A recent search of social media has provided information that indicates that the abovementioned land use is continuing and a review of Council's records found that a Development Permit has not been issued for this use of the land.
9. Council is continuing to receive complaints regarding the use of the property for the motor sport venue.
10. Under Section 163 of the *Planning Act 2016* it is an offence to carry out assessable development without a Development Permit in place.
11. Given the above, the Council is of the belief that an Enforcement Notice should be given to you, pursuant to Section 168 of the *Planning Act 2016* to refrain from committing the development offence.

You are invited to show cause why the Enforcement Notice should not be issued to you.

PART B – REPRESENTATIONS MAY BE MADE ABOUT THIS SHOW CAUSE NOTICE

You may make representations about this Show Cause Notice in a way provided for below:

SCHEDULE TO MAKING REPRESENTATIONS

Either by attending in Person:

Day: 21 May 2019
Time: 10.30am
Place: Gympie Regional Council
Planning & Development Directorate
29 Channon Street
GYMPIE QLD 4570

Or by making written representations to:

Address The Chief Executive Officer
Gympie Regional Council
PO Box 155
GYMPIE QLD 4570

If choosing to make written representations, such representations must be received by Council no later than 4.30pm on 21 May 2019.

PART C – POSSIBLE FURTHER ACTION – ISSUE OF AN ENFORCEMENT NOTICE

In the event that you fail to show cause within this time, and Council reasonably believes you have committed or are committing a development offence, an Enforcement Notice will be issued to you.

You should be aware that upon conviction by a Court for a breach of an Enforcement Notice, the maximum penalty which can be imposed under the *Planning Act 2016* is 4,500 penalty units (which equates to \$587,475 for an individual or \$2,937,375 for a corporation). In addition, legal costs can be claimed against you.

Should you have any questions in relation to this notice, you are advised to seek your own independent legal advice from an appropriate legal professional.

DATED at Gympie this 16th day of April 2019



Manager Development and Compliance

8 May 2019

Posted:	9/5/19
Records:	18/5/19 215611
Emailed:	N/A
Initials:	[REDACTED]

Sunshine Coast District Forensic Crash Unit
Road Policing Command - Queensland Police Service
PO Box 5044
NAMBOUR QLD 4560

ATTENTION: [REDACTED]

Dear Sir

**RE: Matter concerning the use of land for Outdoor Sport and Recreation
(Motor Sport Park)
Lot 2 L37291 - 126-142 Rocks Road Scrubby Creek**

Council refers to your request for information regarding Council's involvement and investigation of motor sport activity occurring at the abovementioned premises.

Below is an overview of Council's investigation regarding the motor sport activity at 126-142 Rocks Road Scrubby Creek.

1. On 7 January 2019 Council received a complaint from a member of the public alleging that the property at 126-142 Rocks Road Scrubby Creek was being used to operate a business that provided a venue for off road "motor cross" activity to the public. The complaint also alleged that the premises were being advertised via social media as Scrubby Creek Motor Cross. A review of social media sites and monitoring of the premises found that the allegation was valid.
2. On 23 January 2019 Council sent a letter to the property owner [REDACTED] of [REDACTED] [REDACTED] advising that Council had received a complaint alleging that the abovementioned property was being used to operate a venue for off road motor cycling open to the public and requested a response by 6 February 2019 to the allegation.
3. On 29 January 2019 Council Development Compliance Officer [REDACTED] received a phone call from [REDACTED] who advised that [REDACTED] was the operator of the motor cross park. [REDACTED] advised that the property had been used as a motor cross park back in the early 1970's and as a venue for Gympie Motor Cycle Club and [REDACTED] would provide Council with a written response and documentation to support this claim.

.../2

4. On 6 February 2019 Council received a written response from [REDACTED] on behalf of [REDACTED] advising that the property was originally used for the first meeting of Gympie Motor Cycle Club in the early 1970's and therefore was a pre-existing track before town planning schemes came in and would be providing further material to support this claim. [REDACTED] advised that all correspondence in regard to this matter should be forwarded to [REDACTED] and not [REDACTED]
5. Development Compliance Unit Administration Officer [REDACTED] conducted a search of Council records for any information pertaining to a motor cross track/park operating at Scrubby Creek or 124-142 Rocks Road. No information was found on Council records.
6. On 12 February 2019 Council Development Compliance Officer [REDACTED] received a phone call from [REDACTED] who advised that [REDACTED] could not provide the information supporting [REDACTED] claim that the property had been used to operate a motor cross venue since the 1970's and up until early 2018 [REDACTED] was only using the track for family and friends before [REDACTED] opened it up for public use.
7. On 25 March 2019 Council issued [REDACTED] with a Notice of a Development Offence advising that the current use of the property as a venue for the public to participate in off road motor cycling activities is a land use defined as Outdoor Sport and Recreation under the Gympie Regional Council Planning Scheme 2013. The notice advised that the use of the property to operate an Outdoor Sport and Recreation venue is assessable development under Council's planning scheme and requires Council approval and issue of a Development Permit before the use may commence lawfully. The notice provided options to remedy the situation by either ceasing the use within 14 days from the date of the notice or entering into an agreed program to resolve the non-compliance within an acceptable timeframe.
8. From 25 March 2019 to 15 April 2019 Council continued to receive complaints from the public regarding noise from the motor cross venue. Monitoring of social media sites indicated that the venue continued to operate.
9. On 16 April 2019 Council issued a Show Cause Notice under Section 167 of the Planning Act 2016 to [REDACTED]. The notice requested [REDACTED] to show cause why Council should not issue an Enforcement Notice requiring [REDACTED] to refrain from committing the development offence.

10. On 24 April 2019 Council received written response to the Show Cause Notice from [REDACTED] [REDACTED] advising that [REDACTED] will be ceasing the use of the property to operate a motor sport park as of 21 May 2019.

Should you wish to discuss the above matter, please contact [REDACTED] of Council's Planning and Development Directorate on [REDACTED] or [REDACTED] [@gympie.qld.gov.au](mailto:[REDACTED]@gympie.qld.gov.au).

Yours faithfully

pm

Director Planning and Development

[REDACTED]

From:

Sent:

Tuesday, 14 May 2019 12:12 PM

To:

Subject:

Call back required

Hey [REDACTED]

Can you please call [REDACTED] from Scrubby Creek as soon as you can please regarding the Motor Cross Park at Scrubby Creek. [REDACTED] was asking me if they are having motorbikes out there this weekend – I have no idea....

[REDACTED] number is [REDACTED]

Thank you ☺

*He called [REDACTED] advised another "race" this weekend.
14/5/19.*

Regards

[REDACTED]
ADMINISTRATION OFFICER – DEVELOPMENT AND COMPLIANCE
PLANNING AND DEVELOPMENT DIRECTORATE



Goomeri Pumpkin Festival 24-26 May

Gympie Regional Council
29 Channon Street (PO Box 155)
Gympie Qld 4570

[REDACTED]@gympie.qld.gov.au
gympie.qld.gov.au