



SCENIC RIM REGIONAL COUNCIL

Planning & Development Committee

Agenda

Meeting to be held in the Council Chambers

82 Brisbane Street

Beaudesert

Monday, 10 October 2016

Commencing at the conclusion of the
Corporate & Community Services Committee Meeting

All correspondence to
Be addressed to the
Chief Executive Officer

Scenic Rim Regional Council
PO Box 25
BEAUDESERT QLD 4285
ABN: 45 596 234 931

Beaudesert Administration Centre P: 07 5540 5111 F: 07 5540 5103
Boonah Administration Centre P: 07 5463 3000 F: 07 5463 2650
mail@scenicrim.qld.gov.au
www.scenicrim.qld.gov.au

SCENIC RIM REGIONAL COUNCIL
PLANNING & DEVELOPMENT COMMITTEE
AGENDA CONTENTS

ITEM	SUBJECT	PAGE NO
<hr/>		
	ATTENDANCE	1
	APOLOGIES.....	1
	DECLARATIONS OF INTEREST BY MEMBERS.....	1
1.	EXECUTIVE.....	2
2.	CHIEF FINANCE OFFICER	2
3.	REGIONAL SERVICES	2
3.1	RLIp16/001 Development Permit for a Reconfiguration of a Lot Easement Queensland Bulk Water Supply Authority, c/- Just Planning Pty Ltd Lot 62 on SP148205	2
3.2	MCBD16/052 Development Permit for a Material Change of Use (Service Station) OM Namaha Pty Ltd ATF OM Namaha Unit Trust Lots 42 & 43 RP43422.....	17
4.	INFRASTRUCTURE SERVICES	42

PLANNING & DEVELOPMENT COMMITTEE

AGENDA

ATTENDANCE

Cr R J Stanfield, Chairperson
Cr G R Christensen, Mayor
Cr N J Waistell, Deputy Mayor
Cr N O'Carroll
Cr V A West
Cr M J Enright
Cr D A McInnes

APOLOGIES

DECLARATIONS OF INTEREST BY MEMBERS

Reception of Deputations by Appointment / Visitors

Nil

Please note: Agenda Items where Subject Headings are followed by [CLOSED] are to be discussed in closed session in accordance with Section 275(1) of the Local Government Regulation 2012.

Section 275(1) A local government or committee may resolve that a meeting be closed to the public if its councillors or members consider it necessary to close the meeting to discuss-

- (a) the appointment, dismissal or discipline of employees; or
- (b) industrial matters, affecting employees; or
- (c) the local government's budget; or
- (d) rating concessions; or
- (e) contracts proposed to be made by it; or
- (f) starting or defending legal proceedings involving it; or
- (g) any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act; or
- (h) other business for which public discussion would be likely to prejudice the interests of local government or someone else, or enable a person to gain financial advantage.

1. EXECUTIVE

Nil.

2. CHIEF FINANCE OFFICER

Nil.

3. REGIONAL SERVICES**3.1 RLip16/001 Development Permit for a Reconfiguration of a Lot Easement Queensland Bulk Water Supply Authority, c/- Just Planning Pty Ltd Lot 62 on SP148205****Executive Officer: Director Regional Services****Item Author: Manager Planning****File Reference: RLip16/001**

Applicable Planning Scheme	ROL – Ipswich Planning Scheme 2006
Applicant	Queensland Bulk Water Supply Authority, c/- Just Planning Pty Ltd
Owner(s)	Mr G Harris, Ms K Harris, Ms L A Harris, Ms J R Harris, Mr D P Harris
Site Address	40 Summerlands Lane HARRISVILLE
Real Property Description	Lot 62 on SP148205
Site Area	256689.00 m ²
Relevant Zone	Rural A Zone
Proposal	Easement ROL – Ipswich Planning Scheme 2006
Assessment Level	Impact Assessment
Approval Type	Development Permit
Planning Scheme Details	Proposed access easement
Public Notification:	18 August 2016 to 12 September 2016
Submissions Received	0
Is a Notation to the Planning Scheme required?	no
Date Application Received:	4 August 2016

RisksStrategic Risks

The following Level 1 and Level 2 (strategic) risks are relevant to the matters considered in this report:

- CF6 - Failure to comply with statutory obligations and responsibilities;

- CE2 - Failure to discharge regulatory responsibilities under legislation or local law;
- CE5 - Failure to ensure regulatory applications are managed, assessed and processed in accordance with legislative timeframes and protocols;
- PO2 - Political influence impacting on operational management of organisation.

Risk Assessment

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment of risks	Residual Risk Rating
Environmental Impacts on environment as a result of development activity	Moderate	Unlikely	Medium	Environmental impacts considered and documented during assessment	Low
Legal Compliance and Liability Failure to ensure application is assessed in accordance with IDAS process	Minor	Possible	Medium	Documented assessment process	Low
Legal Compliance and Liability Opportunity for applicant or third party appeal against Council decision	Minor	Possible	Medium	<ul style="list-style-type: none"> - Ensure reasonable and relevant test applicable to assessment processes - Model Litigant processes followed in court cases - Minimise opportunities for appeals 	Low
Reputation Negative perception from community or development proponents	Minor	Unlikely	Low	<ul style="list-style-type: none"> - Transparent reporting of assessment - Communications 	Low

Brief Summary

Access easement required through private property (farmland) for Seqwater for access to the West Branch Warrill Diversion Weir. The proposal was subject to Impact Assessment and no submissions were received. The Application for an access easement is supported, to ensure the supply of irrigation water to downstream customers.

Background

The Warrill Valley Irrigation Scheme was constructed mainly in the 1950's and 1960's with the capital infrastructure being Moogerah Dam built in 1961. However there are many much smaller items of infrastructure located throughout the valley and the West Branch

Warrill Diversion Weir is only one example being located adjacent to Lot 233 on CC2077. In those days access tenure to such landlocked infrastructure was a low priority because the then Commissioner of Water Resources had powers of resumption and anecdotally threatened to cut off the supply of irrigation water to landholders who sought to impede the access of construction workers and water officers distributing irrigation water throughout the valley.

Times have changed and Seqwater has, in recent times, encountered issues with access to the West Branch Warrill Diversion Weir from the two adjacent landholders. This has created workplace health and safety issues and impacted on the supply of irrigation water to downstream customers. Seqwater is working towards resolving the matter of access to the West Branch Warrill Diversion Weir by negotiating an Access Easement through Lot 62 on SP148205 owned by the Harris family.

Mr Neville Ablitt, Principal Tenure Advisor at Queensland Bulk Water Authority (trading as Seqwater) has determined that the most appropriate location for the proposed easement, in order to reduce impacts on the future use of Lot 62, is to place same along the southern boundary as per the current proposal. However this location cuts through existing significant stock yards utilised by Harris. The historical route to access the weir over the past 40 or so years has been, and is, the existing farm track and Seqwater has sought to maintain this arrangement via a Licence Agreement, a copy of which was supplied to Council in the Application but is not attached to this report.

Seqwater advised their officers visit the site irregularly to inspect the weir, divert water when required and read nearby water meters on a monthly basis. Therefore, Seqwater request that Council considers their request to not upgrade the proposed Access Easement route to a 'country road' standard similar to that for access to a dwelling, as the current and future use is far and beyond what Seqwater believes is appropriate for the site.

The whole basis for the Easement is to protect Seqwater's interests in relation to the delivery of irrigation water within the Warrill Valley and to have 'legal' access to its infrastructure for repair and maintenance if, and when, required. At the present time a proposed, one off, minor upgrade to install a gate valve at the weir has been blocked by the issue of access and the easement proposal, with its attendant small monetary consideration, is seen as a way forward to resolve this difficult situation.

I trust this additional information is sufficient for Council to consider relaxing conditions regarding this proposed easement as, to make it economically impossible to achieve, will potentially have serious implications for the supply of irrigation water to downstream customers who are also ratepayers within the Scenic Rim Regional Council.

Note that discussions on the issue of access to the West Branch Warrill Diversion Weir have been held between Mr Graham Harris, senior officers of Seqwater and the local MLA. The brokered outcome of those discussions has resulted in the current Development Application.

Proposal

Pursuant to the *Ipswich Planning Scheme 2006* (Planning Scheme) an application for an Access Easement - reconfiguring a lot in a Rural Zone triggers Impact Assessment in accordance with the Rural Zone tables of assessment.

The proposed realignment to create an access easement is supported, to ensure the supply of irrigation water to downstream customers.

The proposed reconfiguration is considered logical and generally straightforward in nature. The submitted material supporting the proposed development has demonstrated compliance with the relevant Codes of the Planning Scheme. As such, it is recommended Council approves the proposed development for an Access Easement as per the Director Regional Services recommendation, subject to reasonable and relevant conditions.

Proposal Plan

The applicant has submitted a plan titled "*Proposal Plan*", Drawing No. 16-285prop1 Issue A dated 20 July 2016 prepared by Spencer Surveys.

No changes to the natural landform are proposed through the subject application. Suitable conditions have been included in the Director's Recommendation where applicable.

Site and Environment

Characteristics of Site & Surrounding Environment

The subject site is located within a predominately rural area with properties surrounding the site included within the Rural Zone.

Site Inspection

A site inspection was carried out on 18 August 2016 for the purposes of checking any impediments in relation to the proposal including electricity provision and existing access locations.

Refer to Figure 1 below for an aerial view of the subject site.

Figure 1: Aerial view of subject site



Development Assessment

Relationship to State Planning Policies and Regulations

This section identifies the relevant statutory planning provisions that required assessment for this development application.

South-East Queensland Regional Plan 2009-2031

The subject site is located within the mapped Regional Landscape and Rural Production Area and is consistent with the *South East Queensland Regional Plan 2009-2031* (SEQRP). The proposed development, being for boundary realignment purposes, is considered consistent with this designation and therefore consistent with the regulatory provisions of the *SEQRP 2009-2031*.

State Planning Policies

SPP 1/03 – Mitigating the Adverse Impacts of Flood, Bushfire and Landslide

The subject site was identified to contain a Flooding and Urban Stormwater Flow Path Areas Overlay across part of the site subsequently triggering State Planning Policy 1/03 – *Mitigating the Adverse Impacts of Flood, Bushfire and Landslide*.

Council's Flooding Engineer has assessed the application and has no objections to the proposed development and no conditions for the Director's Recommendation.

Relevant Planning Scheme Codes – Summary

Zone & Precinct Code	Overlay Code	Use Code
Rural Areas Code	Flooding and Urban Stormwater Flow Path Areas Overlay	Reconfiguring a Lot Code

Relationship to the Rural Zone Code

The proposed development for an access easement triggers Impact Assessment pursuant to the assessment table within the Rural Zone. As already mentioned, the proposed development does not seek to alter any physical aspect of the site, except for possible subsequent changes to existing fencing. Also, the current proposal does not change or introduce new land uses. There are no perceived impacts that would adversely affect the amenity of the surrounding area and therefore it is considered that the proposal is consistent with the intent of the Rural Zone Code.

Compliance with the Specific Assessment Criteria for the Rural A Zones

The subject site is located in the Rural A (Agricultural) Zone pursuant to the *Ipswich Planning Scheme 2006*.

The proposed development generally complies with the overall outcomes of the Rural A (Agricultural) Zone. The applicant proposes an access easement over broad hectare rural lots which will maintain the area's level of amenity and character.

Acceptable Solutions and Specific Outcomes of the Specific Assessment Criteria for the Rural A (Agricultural) Zone

The proposal complies with all of the Acceptable Solutions and Specific Outcomes of the Specific Assessment Criteria for the Rural A (Agricultural) Zone. Accordingly, suitable conditions have been included in the Director's Recommendation where applicable.

Compliance with the relevant Overlay Codes**Flooding and Urban Stormwater Flow Path Areas Overlay Code**

As already mentioned Council's Flooding Engineer has assessed the application and has no objections to the proposed development and no conditions for the Director's Recommendation.

Defence (Area Control) Regulations and Obstruction Clearance Surface Overlay

An assessment of the application against the Defence Facilities overlay Code was undertaken and there were no requirements for the current proposed access easement.

In summary, the proposal complies with all of the applicable Overlay Codes' Specific Outcomes and Probable Solutions.

Compliance with the relevant Use Code - Reconfiguring a Lot

The proposal complies with all of the Specific Outcomes and Probable Solutions of the Reconfiguring a Lot Code. It is confirmed that no additional lots are being created as part of the current application. The proposed access easement will not adversely impact the amenity of surrounding areas. Also, existing agriculture or animal husbandry uses in surrounding areas will not be adversely affected by the proposed access easement.

Summary

The proposal generally complies with all of the Specific Outcomes and Probable Solutions of the Reconfiguring a Lot Code. Accordingly, suitable conditions have been included in the Director's Recommendation where applicable.

Assessment of Other Aspects of the Proposal*State Planning Regulatory Provision (Adopted Charges)*

The State Planning Regulatory Provisions (Adopted Charges) are not relevant to the proposed development, given that the subject application is for the purposes of an access easement only and will not result in the creation of additional lots or introduce land uses.

Referrals*Development Assessment - Engineering*

Council's Development Assessment - Engineering section have assessed the application and advised they have no objections subject to the implementation of conditions contained in the Director's Recommendation.

External

There are no applicable external referrals.

Conclusion

The proposed Reconfiguring a Lot - Access Easement on land located at 40 Summerlands Lane, Harrisville described as Lot 62 on SP148205 will not result in the creation of any additional lots nor detract from the rural character of the immediate surrounding area. An assessment of the proposal against the relevant provisions of the Planning Scheme has concluded that the development is acceptable and therefore recommended for approval subject to the imposition of reasonable and relevant conditions.

Therefore, it is recommended that Council under authority delegated to the Director Regional Services resolves to approve the Development Application for Access Easement, subject to reasonable and relevant conditions.

Director's Recommendation

1. That Council resolve to the request for an Access Easement development in respect to the following property:

RPD:	Lot 62 on SP148205
Address of property:	40 Summerlands Lane HARRISVILLE
Site area:	256689.00m ²
Proposal:	Development Permit for a Reconfiguration of a Lot – Ipswich Planning Scheme 2006

Further development permits required:

Nil.

2. **Conditions of Approval:**

Approved Plan

- 1) **FINAL PLAN OF SURVEY** - Subdivision of the site occurs generally in accordance with the plan titled "*Proposal Plan*", Drawing No. 16-285prop1 Issue A dated 20 July 2016 prepared by Spencer Surveys. The Developer shall submit a final plan of survey that conforms with the approved plan.

General

- 2) **ACCESS TO COUNCIL ROAD** - An application for Property Access Location Approval for lots accessing a Council controlled road is to be lodged for approval of any existing and/or any proposed accesses and submitted to Council to evaluate the safety of the location. Any construction or upgrading of accesses conditioned by this approval will be assessed upon inspection and are to comply with current Council standards or to the satisfaction of Councils Director Infrastructure Services, or equivalent, acting reasonably. The access provisions shall be maintained in good condition for its lifetime.
 - 3) **WORKS WITHIN EXISTING ROAD RESERVES** - A Property Access Permit and Road Corridor Use Permit Applications are to be lodged with Council prior to undertake any access/road construction works.
 - 4) **ADVERSE DRAINAGE IMPACT - GENERAL** - No ponding, concentration or redirection of stormwater shall occur onto adjoining land.
 - 5) **EROSION CONTROL** - The Applicant is responsible for implementation of erosion control measures designed to minimise soil movement and to minimise silt loads entering drainage lines and watercourses as a result of either the development works / building works.
 - 6) **PAYMENT RATES AND CHARGES** - Payment of all rates, charges or expenses which are in arrears or remain a charge over the land under the provisions of the *Local Government Act 2009*, the *Sustainable Planning Act 2009* (in particular Section 815) or any other relevant Act.
3. **Approval Conditions (Referral Agency):**

Nil.

4. That the Applicant be further advised of the following:

- a) **DEVELOPMENT APPROVAL CONDITIONS ATTACH TO LAND** - Development Approvals which include conditions and any modification attach to the land and are binding on the owner/s, the owner/s successors in title and any occupier of the land pursuant to Section 245 of the *Sustainable Planning Act 2009*.
- b) **VEGETATION MANAGEMENT ACT 1999 AND THE CULTURAL HERITAGE ACT 2003** - This approval in no way restricts or inhibits the provisions of the *Vegetation Management Act 1999* nor the *Aboriginal Cultural Heritage Act 2003*. The Applicant will need to satisfy himself/herself that in undertaking the proposed development works that their actions will not contravene the provisions of the aforementioned Acts.
- c) **FINAL PLAN OF SURVEY** – All conditions are to be complied with before or at the time the Applicant lodges an application for the signing of the Final Plan of Survey unless otherwise stated herein. The relevant fees associated with the request for signing of the survey plan will be the current value at the time the request is lodged. Council will return to the applicant incomplete submissions of the survey plan.
- d) **WHEN DEVELOPMENT APPROVAL TAKES EFFECT** - Pursuant to the *Sustainable Planning Act 2009*, this Development Approval takes effect:
 - (i) From the date the Decision Notice/Negotiated Decision Notice (as the case may be) is given to the Applicant, if there are no Submitters and the Applicant does not appeal the decision to the Court; or
 - (ii) From the end of the Submitter's appeal period if there is a Submitter and the Applicant does not appeal the decision to the Court; or
 - (iii) Subject to the decision of the Court when the appeal is finally decided if an appeal is made to the Court by any party; as the case may be. Development may start when a Development Permit takes effect (subject to any conditions specifying commencement).
- e) **APPROVAL LAPSES AT COMPLETION OF RELEVANT PERIOD** - This Development Approval will lapse if the Reconfiguring a Lot does not happen before the end of the relevant period. The relevant period is two (2) years from the date the approval takes effect. The relevant period may be extended at the discretion of Council under Section 341 of the *Sustainable Planning Act 2009*. Before the Development Approval lapses, a written request to extend the relevant period may be made to Council under Section 383 of the *Sustainable Planning Act 2009*. Please note that Council will not automatically remind Applicants/Occupiers when the relevant period is about to lapse.
- f) **BIOSECURITY QUEENSLAND** - should be notified on 13 25 23 of proposed development(s) occurring in the Fire Ant Restricted Area before earthworks commence. It should be noted that works involving movements of soil associated with earthworks may be subject to movement controls and failure to obtain necessary approvals from Biosecurity Queensland is an offence.

It is a legal obligation to report any sighting or suspicion of fire ants within 24 hours to Biosecurity Queensland on 13 25 23.

The Fire Ant Restricted Area as well as general information can be viewed on the DAF website www.daf.qld.gov.au/fireants

5. Further approvals are required for:

Nil.

6. Administrative Action:

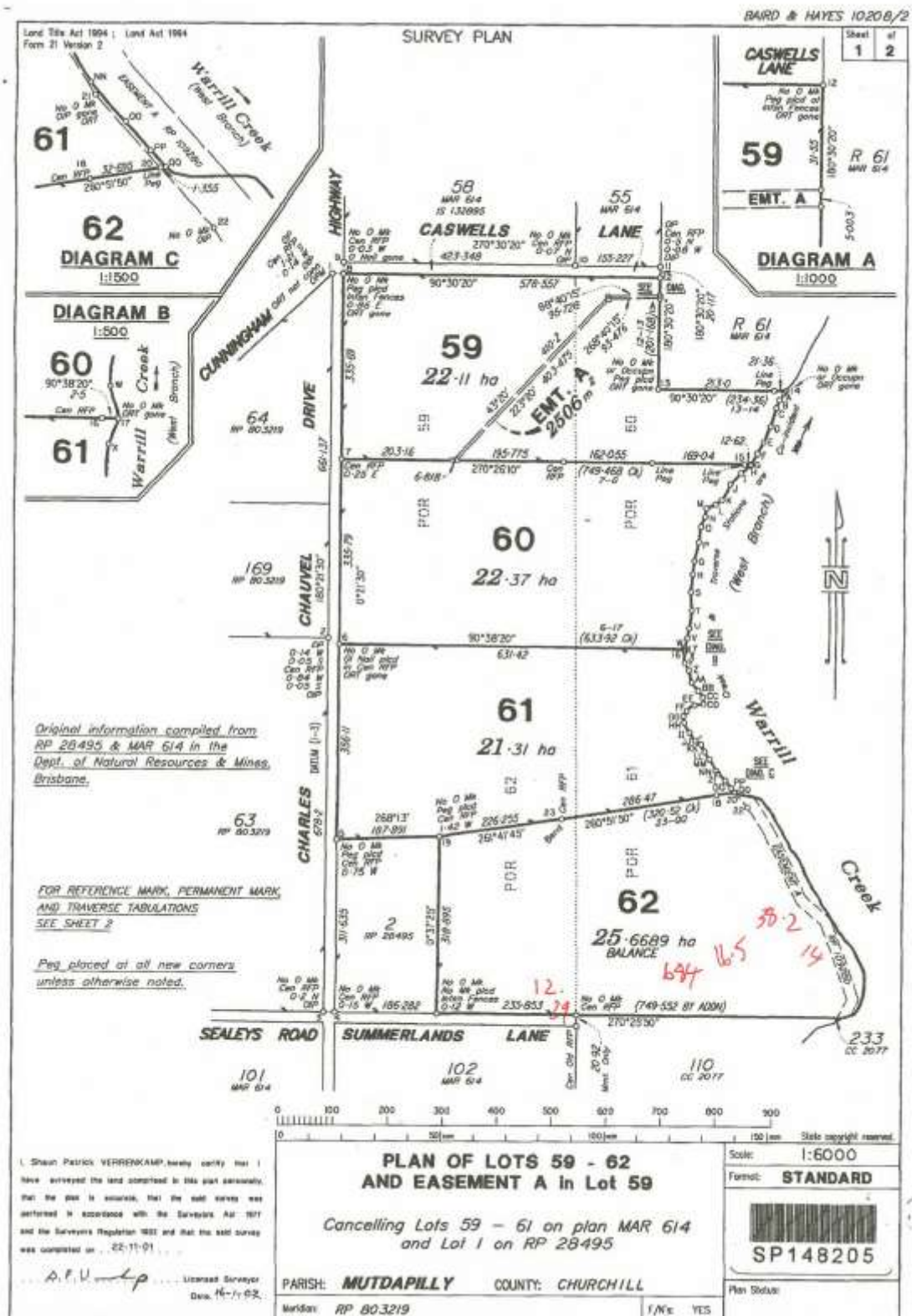
That Decision Notices be issued in accordance with s.335 of the *Sustainable Planning Act 2009* to the Applicant, submitter/s and referral agencies.

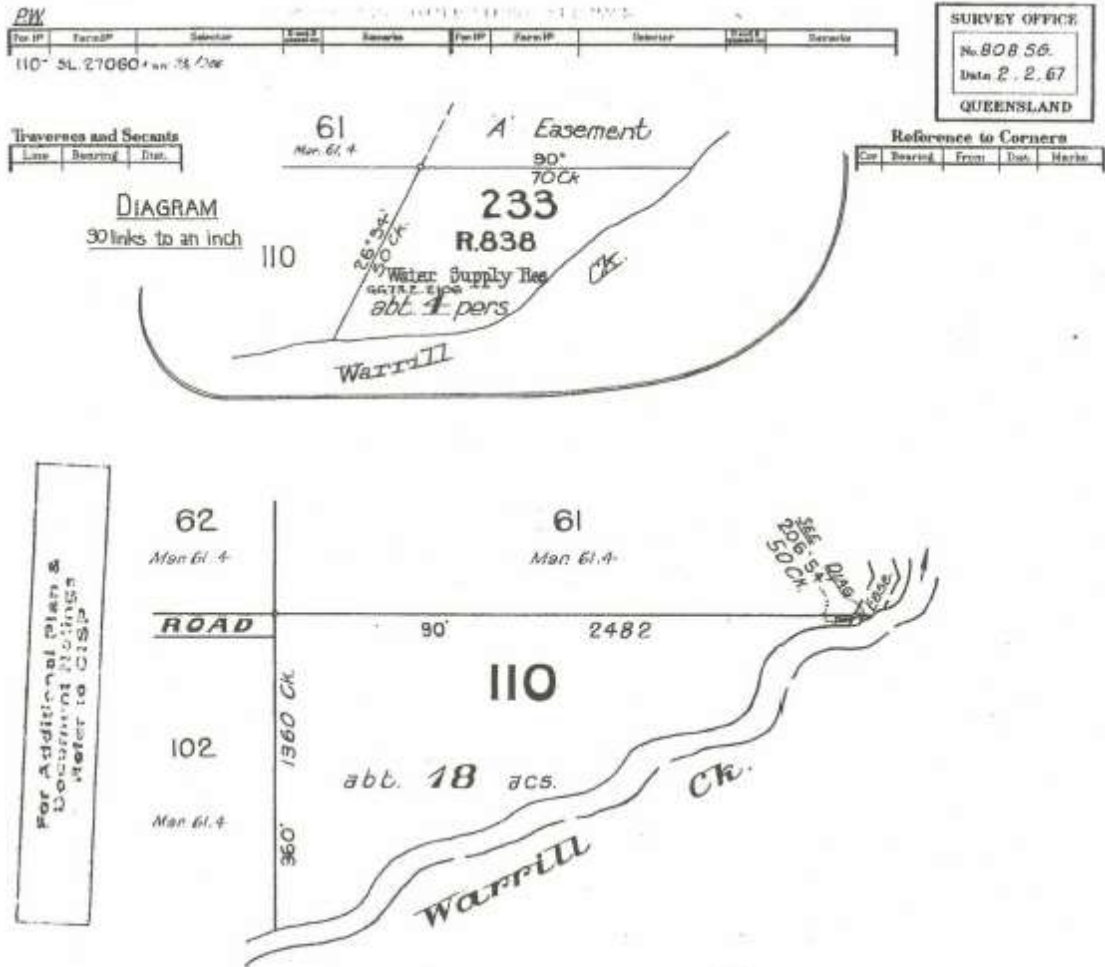
Attachments

1. Proposal Plan.
2. Site Map.
3. Dekho Map.

[illegible]

SP148205 V0 REGISTERED Recorded Date 28/11/2002 12:00 Page 1 of 3 Not To Scale





Compiled from Man 61.4 and aerial photos

Adjustments

Line	Reference	Previous Area	Date	Adjusted
110	SL 27080	abt. 18 acs	19/2/67	2.8.67
233		Est. 18.6	19/2/67	2.8.67

MORETON SHIRE

CROWN COPYRIGHT RESERVED



PLAN OF

PORTION N^o **110 & 233**
PARISH of **MUTDAPILLY**
County of **Cherchill**
Land Agency **Ipswich**
District of
Cat. N^o **GC.2077**

I hereby certify that I, the person made out on the
completed the survey represented by this plan, on which are written
the bearings and lengths of the lines surveyed by me, and that the
survey has been executed in accordance with the existing re-
gulations of the Survey General Department.

Office Compilation

Meridian Observations

Line	Bearing	Dist.	Long	Lat

Date of Instructions

Date of Transmission of plan to

Examined by **Cat. N^o**

Number N^o **Payment** **Ref.**

Charted by **Ref.**

Scale Register Vol. **Ref.**

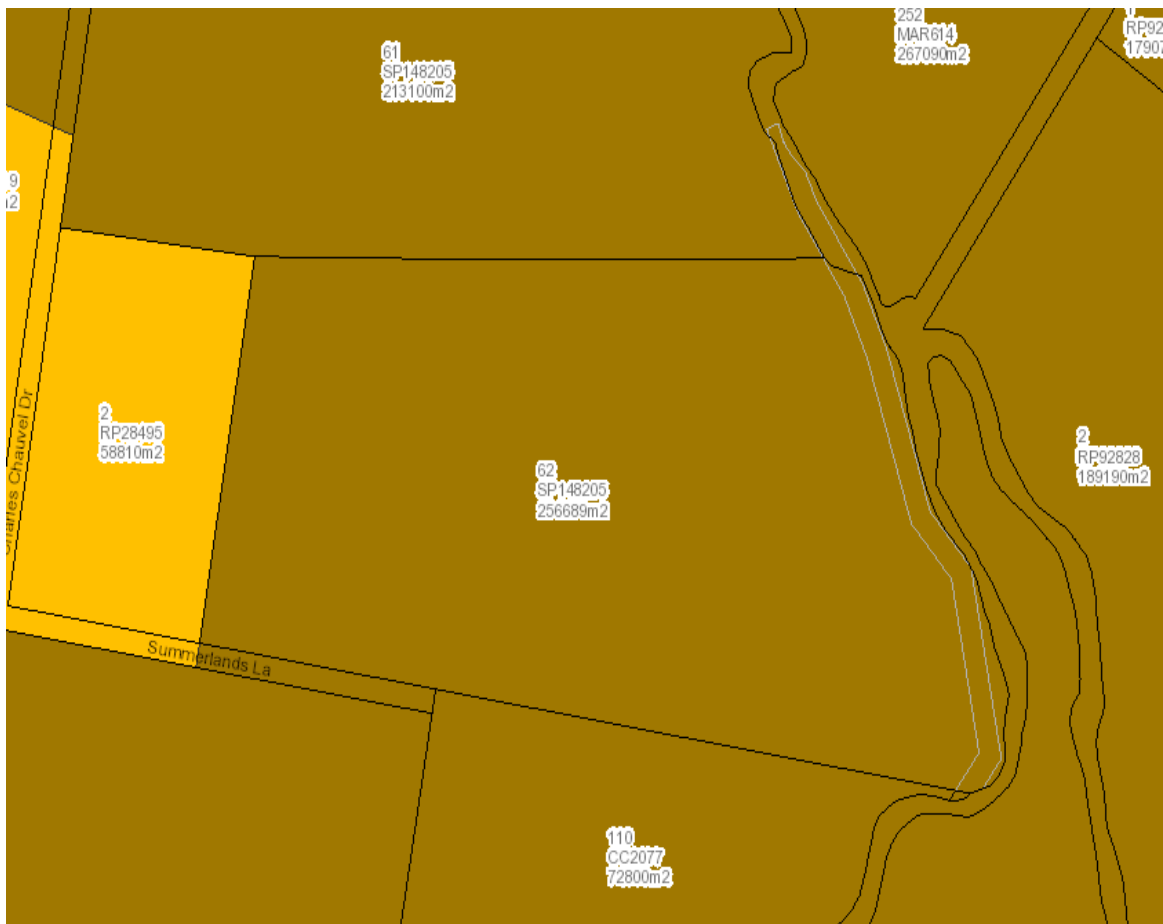
Scale 5 (Ratio to map)

174

Attachment 2 - Site Plan



Attachment 3 - Dekho map



3.2 MCBd16/052 Development Permit for a Material Change of Use (Service Station) OM Namaha Pty Ltd ATF OM Namaha Unit Trust Lots 42 & 43 RP43422

Executive Officer: Director Regional Services

Item Author: Manager Planning

File Reference: MCBd16/052

Applicable Planning Scheme	<i>Beautesert Shire Planning Scheme 2007</i>
Applicant	TFA Project Group
Owner(s)	OM Namaha Pty Ltd ATF OM Namaha Unit Trust
Site Address	5-7 Main Western Road Tamborine Mountain
Real Property Description	Lots 42 & 43 RP43422
Site Area	809m ² & 809m ² = 1,618m ²
Relevant Zone and Precinct	Tamborine Mountain Zone - Business Precinct
Proposal	Material Change of Use (Service Station)
Assessment Level	Impact Assessment
Approval Type	Development Permit
Planning Scheme Details	Not applicable
Public Notification:	Public Notification was carried out in accordance with the <i>Sustainable Planning Act 2009</i> . Submissions were received during the period 30/6/16 - 22/7/16
Submissions Received	5 - Properly Made 1 - Not properly Made
Is a Notation to the Planning Scheme required?	Not applicable.
Date Application Received:	24 May 2016

Purpose of Report

The subject report has been compiled outlining the facts and circumstances for a proposed development seeking a Development Permit for Material Change of Use (Service Station).

Risks

Strategic Risks

The following Level 1 and Level 2 (strategic) risks are relevant to the matters considered in this report:

- CF6 - Failure to comply with statutory obligations and responsibilities;
- CE2 - Failure to discharge regulatory responsibilities under legislation or local law;
- CE5 - Failure to ensure regulatory applications are managed, assessed and processed in accordance with legislative timeframes and protocols;
- PO2 - Political influence impacting on operational management of organisation.

Risk Assessment

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment of risks	Residual Risk Rating
Environmental Impacts on environment as a result of development activity	Moderate	Unlikely	Medium	Environmental impacts considered and documented during assessment	Low
Legal Compliance and Liability Failure to ensure application is assessed in accordance with IDAS process	Minor	Possible	Medium	Documented assessment process	Low
Legal Compliance and Liability Opportunity for applicant or third party appeal against Council decision	Minor	Possible	Medium	<ul style="list-style-type: none"> - Ensure reasonable and relevant test applicable to assessment processes - Model Litigant processes followed in court cases - Minimise opportunities for appeals 	Low
Reputation Negative perception from community or development proponents	Minor	Unlikely	Low	<ul style="list-style-type: none"> - Transparent reporting of assessment - Communications 	Low

Brief Summary

Council is in receipt of an application seeking an approval for a Development Permit for Material Change of Use (Service Station) on the subject site. The application land is located at 5-7 Main Western Road Tamborine Mountain, more accurately described as Lots 42 & 43 RP43422.

Pursuant to the *Beaudesert Shire Planning Scheme 2007* (Planning Scheme) an application for Material Change of Use for Service Station in the Business Precinct, triggers Impact Assessment.

The application essentially seeks to remove the existing service station and associated structures to provide for the construction of a new service station, associated canopy and petrol station. The applicant has submitted a town planning report, traffic impact assessment, architectural drawings and a stormwater management and sediment control plan in support of subject application. Initial concerns were raised in relation to the architectural design, the pylon sign height and the hours of operation. The applicant amended the application to reduce the height of the pylon sign, reduce the hours of operation and improve the aesthetic appearance of the buildings.

The applicant referred a copy of the application to the State Assessment and Referral Agency (SARA) due to the site adjoining a State-controlled Road, namely Main Western Road. SARA subsequently provided Council with correspondence dated 12 July 2016 having no objection to the proposed development, subject to conditions.

The proposed development has been assessed against the relevant provisions of Planning Scheme and deemed to comply. Where relevant, conditions have been imposed to ensure compliance. Given the above comments, it is recommended that Council approve the proposed development subject to reasonable and relevant conditions contained within this report.

Development History

It is noted that the subject site has the benefit of previously being granted development approvals for a Service Station. An exercise has not been done as part of this application to ascertain whether the previous approvals have been enacted or possibly lapsed.

On 1 March 2011, Council issued a Development Permit for Material Change of Use to establish a Service Station, Shop and Food Establishment (Council ref. 30002713).

On 19 February 2004, Council issued a Development Permit for Material Change of Use to establish a Service Station (Council ref. 020-030-000590).

Proposal

The applicant seeks development approval to establish a Material Change of Use for Service Station on the subject site. The proposal will involve the removal of an existing service station to be replaced by a new service station, fuel canopy and associated structures. The main attributes are as follows:

- A fuel paypoint / retail building (Total GFA of 156.2m² and actual retail GFA of 77m²).
- A roofed and screened bin storage and service yard area
- A refuelling canopy over 3 refuelling dispensers with 6 filling positions
- A canopy link for pedestrian cover from the refuelling area to the petrol store building
- Two (2) by 60kL underground fuel tanks
- A 10,000L spill containment tank
- 100kL underground rainwater tank
- Six (6) car parks including a disabled space and staff park
- One (1) Loading Bay
- High quality landscaped areas on the majority of boundaries
- A retaining wall and double lapped timber fencing along the western and part of the northern boundaries.
- Hours of operation to be 5am – 12am (midnight), Monday - Sunday
- A pylon sign of 7m in height.
- Formalised access points and improved surface treatment

The proposal is further detailed below:

Access and carparking

The applicant proposes to construct two (2) new formalised driveway access points along Main Western Road and the access from Beacon Road will be upgraded to Council standards. The site layout has been designed to allow sufficient turning circles for heavy vehicles, queuing lengths for three (3) cars or more, and designated carparking spaces consisting of three (3) customer spaces, one (1) disabled parking space and one (1) loading bay space. Heavy vehicles such as refuelling trucks, waste collection or delivery vehicles are able to enter the site from Beacon Road and exit the site via Main Western Road in a forward direction.

Landscaping

The applicant proposes to landscape a total of 334m² of the site which will consist of mainly ground cover, hedging and tree species along the front and side boundaries of the site and around the car parking areas. Existing landscaping along the western boundary will be retained and tidied where possible. New plantings will significantly improve the appearance of the site when viewed from Beacon Road and Main Western Road. All landscaping is proposed to be in accordance with Council's planning scheme policies.

Stormwater

The fuel dispensing area is proposed to be concrete surfaced and covered by a canopy that will drain to a grated trench drain which in turn will drain to a 10,000L spill containment tank. When the tank contents reach 2,000 litres the tank will have its contents removed and legally disposed of by a licensed waste contractor.

Bulk fuel transfers from a road tanker into underground tanks will take place under the canopy, any runoff from the dispensing area will be directed to a 10,000L holding (spill) tank. At the fill points there is a spill containment box which captures any minor fuel spills that may occur during unloading, the spilt fuel then drains from the containment box into the fuel storage tanks.

All driveways and car parking areas will be concrete surfaced. These areas will drain via gully inlet pits which will capture Gross Pollutants and sediments.

Fuel Storage

The service station proposes an underground tank comprising a total of two double-walled fibre-glass, tanks comprising 60kl. These tanks will store different types of flammable / combustible liquid including unleaded petroleum and diesel. All tanks will be designed and maintained to satisfy the requirements of Australian Standards.

Utilities

The site includes available stormwater and electrical / communications utilities and service points to connect into. There is currently no reticulated water or sewer networks onsite. The proposal will include a rainwater tank to collect the run-off water from the refuelling canopy and service station building.

Key improvements which are considered to benefit the site and immediate local area:

- The revitalisation and efficient use of the entire site.
- Improved streetscape with the use of renewed landscaping and embellishments on buildings.
- Improved site layout for safe and efficient movement of pedestrians and vehicles entering and exiting the site.
- Improved environmental performance which complies with current Australian Standards and Council's requirements.

Figure 1 - Site plan with landscaping



Site and Environment

The subject site comprises of two (2) freehold allotments located on the north-western corner of Main Western Road and Beacon Road. The site is currently improved by a Service Station and associated structures. An unsealed area is located to the south of the building where parking is available as well as compressed air and water for car servicing. The site does not have formed vehicle crossings, sealed carparking or driveways, or directional signage. Refer to Figure 3 and 4 below of the site when viewed from Main Western Road.

Figure 3 - Street view of service station



Figure 4 - View of carpark and service area



Characteristics of Site & Surrounding Environment

The building area is generally flat; however the topography slopes upwards towards Beacon Road. The site is located within the Business Precinct which is consistent with the zoning of properties adjoin Main Western Road heading north. The site is clear of any significant vegetation and landscaping at the rear of the property is overgrown due to poor maintenance. Properties adjoining the rear of the subject site are zoned within the Residential Precinct. Refer to Figure 5 below for an aerial view of the subject site.



Development Assessment

Relevant Planning Scheme Codes – Summary

Zone & Precinct Code	Overlay Code	Use Code
Tamborine Mountain Zone and Business Precinct Code	Infrastructure Overlay (State-controlled Road) Nature Conservation (Vegetation Management Area)	Service Station Code

Definitions under the Planning Scheme

Under the *Beaundesert Shire Planning Scheme 2007*, the proposed land uses being a Service Station is defined below as follows:

Service Station means any premises used for the refuelling of motor vehicles and the retail sale of motor spirits, including lubricants, and petroleum products, where occurring within the same hours of operation.

The term also includes the sale of spare parts, tyres, motor vehicle accessories and convenience goods including food not prepared (other than reheated) or consumed on the premises, and the carrying out of running repairs of a minor nature that do not immobilise a vehicle for more than 4 hours.

Note: The term does not include a Convenience Restaurant or Shop as defined herein.

Relationship to the Zone Code

The subject site is designated within the Business Precinct of the Tamborine Mountain Zone. It is acknowledged that a Service Station is not a land use identified in the Table of Assessment for the Tamborine Mountain Zone; however it is a consistent land use in the Business Precinct mentioned in Table 3.7.7 Consistent Development Table. Pursuant to the *Beaudesert Shire Planning Scheme 2007*, the intent of the Business Precinct is as follows-

OO41 *Development within the **Business Precinct** is typically commercial in character and caters to the convenience shopping needs of the local catchment, by providing limited access to comparison retail and speciality shopping. Development within the Precinct also provides for limited access to lower order professional offices and businesses.*

The proposal seeks to replace an existing service station with a new and improved facility that will cater for both the local and travelling public. The service station is typically commercial in nature and offers minimal convenience shopping as well. Therefore, the proposal is considered to comply with the intent of the Business Precinct.

Compliance with the Tamborine Mountain Zone and Business Precinct Code

The proposal complies with all of the Zone Code's Probable Solutions and Specific Outcomes.

Compliance with the Relevant Overlay Code

The proposal complies with all of the Overlay Code's Acceptable Solutions and Specific Outcomes where applicable.

Compliance with the Service Station Use Code

The proposal complies with all of the Specific Development Code's Acceptable Solutions and Performance Criteria, except as follows:

Service Station Specific Use Code			
Specific outcomes	Acceptable Solution	Compliance with Acceptable Solution	Compliance With Specific Outcomes
SO5 Development provides that all buildings, structures and car parking areas are set back from the street frontage and the side and rear boundaries a distance which is appropriate to the efficient use of the site and the Streetscape character of the surrounding area.	S5.4 Development provides that all Buildings and other structures are set back- (a) a minimum distance of 10 metres from the road frontage; and (b) a minimum distance of- (i) 10 metres from the side and rear boundaries where adjoining an existing or proposed residential area; and	No The applicant has stated: <i>The proposed buildings have been appropriately setback from adjoining properties and are considered to have no detrimental impact on the amenity and character of adjacent sensitive land uses.</i>	Yes The proposed service station is setback 5.6m from the rear boundary which is abutting an existing residential area. The adjoining residential dwellings are located approx. 20m from the service station and separated by a new retaining wall, timber fence and landscaping which will aid in mitigating possible adverse

	(ii) 5 metres from the side and rear boundary where not adjoining an existing or proposed residential area.		impacts in relation to noise and light. Furthermore suitable conditions have been imposed to ensure no negative impacts are caused to neighbouring properties. The service station has been setback a distance of 14m from Main western Road and 37m from Beacon Road which is considered to make efficient use of the site and is an appropriate setback for the area. As such, the proposal satisfies SO5 in this instance.
--	---	--	---

Assessment of Other Aspects of the Proposal

Operational Work (Advertising Device - Pylon Sign and Landscaping)

Under the Planning Scheme an Advertising Device is exempt development when associated with a Material Change of Use.

The applicant has included details of three (3) advertising devices consisting of a pylon sign adjoining Main Western Road, and smaller directional signs at the entry and exit points. The applicant has reduced the pylon sign height from originally 9m down to 7m maximum and will only have internal lighting.

Under s235 of SPA, a Development Permit is not necessary for exempt development; however nothing stops Council from imposing conditions that are the natural and ordinary consequence of the Material Change of Use and would mitigate impacts including, for example, visual amenity, and noise or traffic generation. As such, a condition has been included to limit the pylon sign to 6m and have internal lighting only.

Fair Values Charges Resolution (Version No. 5) effective 1 July 2016

In accordance with the above Fair Values Charges Resolution adopted charges schedule, the proposed land use falls within the following planning scheme category and use type:

Planning Scheme Use Category	Use Type to which Adopted Charges Schedule
Service Station	Commercial (retail)

Charge on proposed GFA

Use	No. of Units	Unit Measure	of	Charge Rate	Amount
Service Station	156m ²	\$ per m ² GFA		\$131.77	\$20,556.12
Total					\$20,556.12

Impervious Area

Use	No. of Units	Unit of Measure	Charge Rate	Amount
Hardstand Area	1,068m ²	\$ per m ² of impervious area	\$8.78	\$9,377.04
Sub-Total				\$9,377.04

Credit on existing GFA

Use	No. of Units	Unit Measure of	Charge Rate	Amount
Service Station	135m ²	\$ per m ² GFA	\$131.77	\$17,788.95
Total				\$17,788.95

Impervious Area

Use	No. of Units	Unit of Measure	Charge Rate	Amount
Hardstand Area	414m ²	\$ per m ² of impervious area	\$8.78	\$3,634.92
Sub-Total				\$3,634.92

Total Charge = Charge - Credit = \$29,933.16 - \$21,423.87 = \$8,509.29

Full details of the charges will be provided in a separate notice under *Adopted Infrastructure Charges Notice (ICN)* to be issued to the applicant with the *Decision Notice Approval*.

Public Notification

The applicant has submitted a written notice stating that public notification of the proposal has been completed in accordance with the requirements of the *Sustainable Planning Act 2009*. The application was advertised in the *Beaudesert Times* newspaper on Wednesday 29 June 2016, a notice was posted on the subject land on 28 June 2016 and removed on 25 July 2016, and the adjoining land owners were notified by registered mail on 29 June 2016.

Submissions

The submission period was from 30 June 2016 to 22 July 2016. During this time the following submissions were received.

SCENIC RIM REGIONAL COUNCIL

Planning- Submitters List for Application No. MCBd16/052

Produced 30-Sep-2016)

Submitter Name	Submitter Address	Association Description	Submission Date
Ms Debbie Lindemann	220 Beacon Road TAMBORINE MOUNTAIN QLD 4272	Not Properly Made Submitter	23/07/2016
Mr Philip J Giffard	647 Main Western Road TAMBORINE MOUNTAIN QLD 4272	Properly Made Submitter	22/07/2016
Ms Amanda J Hay	13-15 Chalmette Drive TAMBORINE MOUNTAIN QLD 4272	Properly Made Submitter	22/07/2016
Mr Arne T Andersen	8 Griffith Street TAMBORINE MOUNTAIN QLD 4272	Properly Made Submitter	22/07/2016
Mr Stuart Wright	13-15 Chalmette Drive TAMBORINE MOUNTAIN QLD 4272	Properly Made Submitter	22/07/2016
Mr Hubert J Alexander	3 Beacon Road TAMBORINE MOUNTAIN QLD 4272	Properly Made Submitter	22/07/2016

The main issues raised in the submissions are outlined below in Table 1. It should be noted that some concerns raised were in relation to past or current operations (dust emissions) of which are sought to be resolved through this application.

Table 1 - Submission Themes

Issue	Submitter's concern	Representation
Hours of Operation	There is no overwhelming economic nor community need for 24 hour trade	The applicant originally proposed to operate 24hours a day, 7 days a week. The applicant has since revised the proposal to operate Monday-Sunday between the hours of 5am-12am (midnight). The existing service station currently operates from Monday-Friday 5am to 9pm and Saturday-Sunday from 6am to 9pm. The proposed closing time of 12am is not considered warranted as most businesses are closed by 6pm with the service station being the only business open late. As such, conditions have been imposed for operating hours to be limited to Monday-Sunday from 6am-10pm.

<p>Built form and character of area</p>	<p>The modern and angular design of buildings is not in keeping with the character of the area.</p> <p>The proposed development is not keeping with the existing semi-rural character of the local area.</p>	<p>The applicant proposes a standard and modern style service station which is designed for convenience and efficiency; however little information has been provided in terms of architectural design to give more articulation to building so it blends in with the established character of the immediate area. The existing character of businesses along Main Western Road and Main Street consists mostly of timber/weatherboard type buildings with gable style roofing, eaves or awnings. As such, conditions have been imposed that the pay-point building has a pitched-gable style roof and the fuel bowser canopy has an oblong or curved shape.</p> <p>In terms of the proposed developable footprint, it should be noted that through the formalisation of turning and servicing areas, car parking and driveways, the proposed footprint is not a significant increase to what is currently associated with the existing service station.</p>
<p>Building Height – Pylon Sign</p>	<p>The pylon sign is out of character and is unnecessarily high.</p>	<p>The applicant has reduced the height of the pylon sign from 9m down to 7m. The proposed height is not considered warranted in this instance and a maximum height of 6m would be more appropriate and commensurate with the character of the Tamborine Mountain township.</p>

Relationship to Desired Environmental Outcomes

The proposed development seeks to replace a service station in an urban area within the Tamborine Mountain Township. The proposal has been designed to meet current statutory requirements and standards. Where the proposal is perceived not to comply with the DEO's, suitable conditions have been imposed to ensure compliance. As such, the proposal is considered to comply with the relevant DEO's of the Planning Scheme.

Relationship to State Planning Policies and Regulations

This section identifies the relevant statutory planning provisions that required assessment for this development application.

State Planning Regulatory Provision (Adopted Charges)

The State Planning Regulatory Provisions (Adopted Charges) are relevant, given that the subject application is for the purposes of urban development site. The applicable charges have been calculated previously within this report and an Infrastructure Charge Notice will accompany any approval issued by Council.

State Planning Policy (SPP)

The State Planning Policy (SPP) is a key component of Queensland's land use planning system, which identifies the various State Governments' interests. The SPP provides a comprehensive set of principles to guide local and state government in land use planning and development assessment. An assessment against the SPP has concluded that the proposed development complies with the relevant provisions of the SPP.

South-East Queensland Regional Plan 2009-2031

The subject site is located within the Urban Footprint in accordance with the *South East Queensland Regional Plan 2009-2031* (SEQRP). Given the proposal is for the creation of a service station within an urban area; the proposal is considered to comply with the regulatory provisions of the SEQRP.

Conflict with a relevant instrument and reasons for the decision despite the conflict

The applicant has proposed alternative solutions where building setbacks do not comply with the Acceptable Solution. While the proposal does not comply with the Acceptable Solutions, it does not constitute a conflict with the Planning Scheme as a whole in this instance. As such, the Assessment Manager's decision is not considered to conflict with the relevant instrument.

Internal Referrals*Health, Building and Environment – Building and Plumbing*

Council's internal Building Section has reviewed the application and advised that the applicant would need to submit a future building and plumbing application for the proposed buildings.

Health, Building and Environment – Health

Council's Environmental Health Section has assessed the application and advised that they have no objections to the proposal subject to the imposition of conditions. Conditions have been provided in relation to environmental harm, light, dust and noise emissions, noise disturbance and emission limits during certain time periods, waste storage and removal, portable water hygiene and storing of liquid contaminants. Further advice was also provided in relation to future food licenses and advertising signs.

Development Assessment - Engineering

The Development Assessment Engineering Section (DA Engineering) has assessed the application against the provisions of the Planning Scheme; particularly the Construction and Infrastructure Code; and Parking and Servicing Code. DA Engineering have advised that they have no objections subject to the imposition of conditions in respect to car parking and access, stormwater discharge and disposal, earthworks design and management, electrical works and car park lighting and general security.

External Referrals*State Assessment and Referral Agency (SARA)*

The applicant referred a copy of the application to the State Assessment and Referral Agency in accordance with Section 273 of the *Sustainable Planning Act 2009* (SPA). Subsequently, SARA provided Council with correspondence dated 12 July 2016 having no objection to the proposed development, subject to conditions.

Conclusion

Council is in receipt of an application seeking an approval for a Development Permit for Material Change of Use (Service Station). The application essentially seeks to remove the existing service station and associated structures to provide for the construction of a new service station, associated canopy and petrol station.

Through the assessment process, the subject application has generally addressed the relevant provisions of the Planning Scheme. Reasonable and relevant conditions have been imposed to ensure compliance. As such, it is recommended that Council approve the proposed development subject to reasonable and relevant conditions entailed within the Director's Recommendation.

Director's Recommendation

1. That Council resolve to approve the development in respect to the following property:

Real Property Description:	Lot 42 & 43 RP43422
Address of property:	5-7 Main Western Road TAMBORINE MOUNTAIN
Site area:	809m ² & 809m ² = 1,618m ²
Proposal:	Material Change of Use (Service Station)

Further development permits required:

- a. A Building Works approval is required for all building works associated with the proposed development, prior to undertaking any building work on the subject site.
- b. A Plumbing and Drainage approval is required for all / any plumbing and drainage works associated with the proposed development, prior to undertaking any plumbing and drainage works on the subject site.

2. Conditions of Approval:**Amended Plans****1) AMENDED PLANS TO BE SUBMITTED -**

- a. Amended plans/drawings must be submitted generally in accordance with:

Plan/Dwg No.	Plan/Dwg Title	Date	Prepared by
16023-D03 Rev.B	Proposed Site Layout	02.08.16	TFA Project Group Pty Ltd
16023-D04 Rev.A	Proposed Floor Plan	13.05.16	TFA Project Group Pty Ltd
16023-D05 Rev.B	Site & Building Elevations	02.08.16	TFA Project Group Pty Ltd
16023-D06 Rev.B	Building Perspectives	02.08.16	TFA Project Group Pty Ltd
16023-D07 Rev.B	Landscape Concept Layout	02.08.16	TFA Project Group Pty Ltd
16023-D08 Rev.B	Proposed Site Signage	02.08.16	TFA Project Group Pty Ltd

- b. showing the following amendments:
- The canopy over the fuel bowsers is to have an oblong shape and remove angular corners.
 - The pay-point building is to have a pitched roof typical of gable style roofing with eaves of minimum 600mm width.
 - The aluminium screening is to be contemporary in design and incorporate earthy colours.
- c. The amended plans/drawings are to be submitted to Council for approval by the Director of Regional Services, or equivalent acting reasonably, prior to commencement of operational works.
- d. The amended plans/drawings, when approved will be the approved plans/drawings forming part of this approval and a stamped copy will be returned to the application. The development must be carried out in general accordance with the approved plans/drawings.

General

- 2) DEFINITION COMPLIANCE AND EXCLUSIONS** - The approved use and associated ancillary activities shall at all times comply with the (definitions of Service Station under Schedule 1: Dictionary of the *Beautesert Shire Planning Scheme 2007*.
- 3) COMMENCEMENT OF USE** - Prior to the use commencing, the applicant shall advise Council's Planning Department in writing, of the proposed commencement date.
- 4) WORKS - APPLICANT'S EXPENSE** - All works, services, facilities and/or public utility alterations required by this approval or stated condition/s, whether carried out by the Council or otherwise, shall be at the applicant's expense unless otherwise specified.
- 5) SITE MAINTENANCE** - The site shall be maintained in a clean and orderly state at all times.

Amalgamation of lots

- 6) **LOTS 42 RP43422 AND 43 RP43422** must be amalgamated into one (1) lot. The plan of amalgamation must be registered and a copy of the new Registered Plan must be given to Council prior to commencement of the approved land use.

Landscaping

- 7) **LANDSCAPING ON PRIVATE LAND** - The developer must install landscaping to be in accordance with the approved landscape plan titled *Landscape Concept Layout*, prepared by TFA Project Group and dated 02.08.16. All planting species shall comply with Planning Scheme Policy 6 of the *Beautesert Shire Planning Scheme 2007*. The approved landscape works must incorporate the following:
- Plant species along the western lot boundary in front of the retaining wall must reach a mature height of 3m minimum.
 - Shrub or small tree planting along the western lot boundary must be a minimum of 1m in height at time of planting.
 - All landscaping must be established and in a healthy state prior to commencement of use.

Amenity

- 8) **HOURS OF OPERATION** - All activities associated with the operation of the use are to be conducted only between the hours of 5am to 10pm on Monday through to Sunday, unless otherwise approved by the Director of Regional Services, or equivalent acting reasonably.
- 9) **AFTER HOURS** - The service station operator is to ensure the pylon sign is not illuminated outside of approved operating hours.
- 10) **PAINT COLOURS** - All buildings and structures must be coloured/painted using earthy tones and not highly reflective, bright or obtrusive colours.

Advertising Device

- 11) **PYLON SIGN** - The proposed pylon sign adjoining Main Western Road must not exceed a maximum height of six (6) metres and have internal lighting only.
- 12) **SIGNS - FORMAT AND OPERATION** - Signs shall be of a format and appearance that is in accordance with the existing character of the built and natural environments. Signs shall have regard for local amenity and must not flash, move or rotate.
- 13) **SIGN ILLUMINATION** - The approved sign must not be illuminated above 8 Lux when measured from any point along the property boundary at all times, without prior approval of Council.
- 14) **LANDSCAPING - GENERAL** - The land shall be landscaped with suitable trees and shrubs together with grass or other ground cover in accordance with the provisions of the *Beautesert Shire Planning Scheme 2007*. Such trees and shrubs shall be native Australian varieties particularly those indigenous to the locality, where possible, and be maintained in a sturdy and healthy condition with dead or diseased trees replaced as soon as practicable. Any landscaping required to be removed as a result of construction shall also be replaced with suitable plantings approved prior to its removal.

15) LANDSCAPING SPECIFIC – The ground directly below the sign face area must be landscaped using low to medium height shrubs. The landscaping of this area must be undertaken within three (3) weeks from the dated building works are completed and established within 12 months. All landscaping must be maintained in accordance with Condition 14 of this approval.

16) TOTAL SIGN FACE AREA - The total cumulative face area (of 2 faces) of the advertising signs shall not exceed an area of 30m².

Car parking and Access

17) CAR PARKING & DRIVEWAYS – CONCRETE / FLEXIBLE PAVEMENT WITH AC SEAL - All parking areas, driveways, circulation aisles and manoeuvring areas are to be designed and constructed in accordance with AS 2890.1 - 2004 and AS 2890.2 – 2002 and Council's Design & Construction Manual. All pavements will be designed to suit the proposed vehicle loadings with the individual pavements constructed as either a rigid pavement (reinforced concrete pavement) or alternatively as a flexible pavement (asphalt concrete (AC) seal), from the property boundary to the satisfaction of Council's Director – Infrastructure Services.

The car parking layout will be generally constructed as shown in the plan titled "Proposed Site Layout" with reference No. 16023-D03 Rev A prepared by TFA Project Group Pty Ltd dated 13.05.16.

The completed works are to be certified by a Registered Professional Engineer of Queensland (RPEQ) as having been constructed in accordance with good engineering practice to a standard reasonable for commercial purposes. The works required by this condition are to be completed prior to the commencement of the use.

The car parking provisions must be maintained in good condition for the lifetime of the proposed use

18) CAR PARKING NUMBERS - The developer is to provide a total of five (5) car parking spaces including one (1) space for People with Disabilities (PWD) plus a loading bay to facilitate refuse collection. The car parking space located to the west of the site is to be dedicated as staff parking.

19) CAR PARKING ON-SITE - All vehicles under the control of the party(ies) charged with the overall responsibility for the operation of the facility and any ancillary staff will be parked wholly within the curtilage of the site. All vehicle movements to and from the site, inclusive of service vehicles, are to be conducted in forward gear. The requirements of this condition are to be adhered to for the lifetime of the approved use.

20) VEHICLE LOADING / UNLOADING - All loading and unloading of vehicles associated with the approved uses, including the pick-up and/or delivery of goods and materials, will be conducted at all times from within the curtilage of the site. The requirements of this condition are to be adhered to for the lifetime of the approved use.

Stormwater Drainage

21) ADVERSE DRAINAGE IMPACT - GENERAL - Drainage from the development works / building works shall not adversely impact upon adjacent properties. No ponding, concentration or redirection of stormwater shall occur onto adjoining land.

- 22) STORMWATER DISCHARGE AND DISPOSAL** - The developer is to make provision for the collection and disposal of stormwater drainage flows to a legal point of discharge, the form of said collection and discharge will be in accordance with the provisions of Queensland Urban Drainage Manual (QUDM) and Council's Design and Construction Manual.

The works will be undertaken generally in accordance with the strategy outlined in the Site Based Stormwater Management Plan prepared by TFA Project Group Pty Ltd dated 12.05.16 (quantity and quality).

The completed works are to be certified by a Registered Professional Engineer of Queensland (RPEQ) as having been constructed in accordance with good engineering practice. The works required by this condition are to be completed prior to the commencement of the use.

- 23) STORMWATER PROTECTION** -The operator must ensure that:

- a. Maintenance and cleaning of equipment (including vehicles and plant) is carried out in an area where contaminants cannot be released into stormwater drainage, a roadside gutter, a water or onto unsealed ground;
- b. Any spillage of contaminants is cleaned up immediately by a method other than hosing, sweeping or otherwise releasing the contaminants into stormwater drainage, a roadside gutter or a water;
- c. Incident rainfall and overland flow of stormwater does not contact contaminants (for example, areas with contaminants should be roofed or be protected by diversion drains).

- 24) EROSION CONTROL** - The Applicant is responsible for implementation of erosion control measures designed to minimise soil movement and to minimise silt loads entering drainage lines and watercourses as a result of either the development works / building works.

Environmental Management

- 25) ENVIRONMENTAL HARM** - The development shall not cause environmental harm except to the extent that the harm is expressly authorised by a condition of this Approval.
- 26) COMPLIANCE WITH SUPPORTING INFORMATION** - The operator must comply with the information, plans and undertakings submitted in support of the application, except as where modified by the conditions of this Approval.
- 27) PLANT OR EQUIPMENT CHANGE** - The operator must not change, replace or operate any plant or equipment installed at the premises if the change, replacement or operation increases, or is likely to substantially increase, the risk of environmental harm.
- 28) PLANT & EQUIPMENT INSTALLATION** - The operator must at all times install and operate plant and equipment necessary to comply with the conditions of the approval.
- 29) PLANT & EQUIPMENT MAINTENANCE** - The operator must at all times maintain plant and equipment in proper working order.

- 30) CONTAMINANTS AND CONTAMINATED WATER** - Contaminants or contaminated water must not be directly or indirectly released from the premises or to the ground or groundwater at the premises except for:
- Uncontaminated Overland Stormwater flow;
 - Uncontaminated Stormwater to the stormwater system;
 - Contaminants released to sewer under and in accordance with a trade waste permit granted by the local government under the Sewerage and Water Supply Act 1949; or
 - Contaminants removed from the premises by approved contractors.

Environmental Health and Regulatory Services

- 31) SERVICE STATION - DESIGN AND LOCATION OF INFRASTRUCTURE** - All existing and proposed infrastructure must be designed, located and maintained in accordance with *Australian Standard AS1940 – The Storage and Handling of Flammable & Combustible Liquids*.
- 32) SERVICE STATION - DESIGN OF STORAGE TANKS** - All existing and proposed storage tanks shall be designed and constructed of a standard not less than that required by *Australian Standard AS1692 – Tanks for the Storage of Flammable and Combustible Liquids*.
- 33) SERVICE STATION VENT PIPING SPECIFICATIONS** - Vent piping must be located a minimum of three hundred (300) mm below ground level, be surrounded by clean washed sand, be suitably protected if the area is subject to vehicular traffic, provide flexibility to accommodate settlement, fall consistently back to the tank at a slope not less than 1 in 100 and be of a size in compliance with Table 5.2 of *Australian Standard AS1940 – The Storage and Handling of Flammable & Combustible Liquids*.
- 34) SERVICE STATION VENT PIPE LOCATION** - The vent pipe(s) for all existing and proposed underground storage tanks must terminate in approved vertical or horizontal discharging vent caps not less than four (4) metres above the level of the ground covering the tanks and four (4) metres laterally from any opening into a building for flammable liquids and two (2) metres for combustible liquids.
- 35) SERVICE STATION VENT PIPE PROTECTION** - Vent piping must be located and protected so that they are not liable to damage resulting from normal activities.
- 36) SERVICE STATION FILL AND DIP POINTS** - Fill and dip points must be clearly marked for easy identification and located at least two (2) metres from any building opening and at least three (3) metres from any ignition sources.
- 37) FIRE FIGHTING EQUIPMENT – SERVICE STATION FUEL DISPENSING AREAS** - All fuel dispensing installations for vehicles must be provided with at least one (1) 9kg AB(E) powder-type extinguisher located not less than three(3) metres and not more than ten (10) metres.
- 38) PORTABLE FIRE FIGHTING EQUIPMENT – LOCATION SIGNAGE** - Location signage for portable fire fighting equipment is to be provided in accordance with Australian Standard AS2444 Portable Fire Extinguishers – Selection & Location.
- 39) FIRE FIGHTING EQUIPMENT – MAINTENANCE** - Fire fighting equipment shall be periodically checked, tested and maintained in accordance with Australian Standard AS1851 Maintenance of Fire Protection Equipment.

- 40) AIR CONTAMINANTS** - A noxious or offensive odour must not be emitted beyond the boundaries of the premises. No particulate matter or visible contaminant, including dust, smoke, fumes and aerosols likely to cause environmental harm is to emanate beyond the boundaries of the premises.
- 41) DUST MITIGATION** - Dust from the building works and on-going operation of the site must not reduce the amenity or create a nuisance to neighbouring properties.
- 42) LIGHT EMISSIONS** - Light sources at the premises must be positioned and shielded to prevent light spillage outside the boundaries of the premises.
- 43) NOISE DISTURBANCE** - The activity must be carried out by such practicable means necessary to prevent or minimise the emission of noise likely to cause environmental nuisance at any noise sensitive or commercial place.
- 44) NOISE EMISSION LIMITS**- If a complaint (other than a frivolous or vexatious complaint) is made to the administering authority, the emission of noise from the premises must not exceed the levels prescribed by Table 1 (below).

Table 1

Time Period	At dwelling or other Noise sensitive place	At commercial premises
Daytime (7:00am-10:00pm)	Background +5dB(A)	Background +10dB(A)
Night time (10:00pm-7:00am)	Background +3dB(A)	Background +8dB(A)
	Background=LA ₉₀	Background=LA ₉₀

The compliance levels are measured as the average of the maximum A-weighted sound levels adjusted for noise character measured over a 15-minute time interval. These provisions apply except where specific emission limits are provided in the *Environmental Protection Act 1994*.

- 45) NOISE ASSESSMENT REPORT – COMPLIANCE** - If a noise complaint (other than a frivolous or vexatious complaint) is made against the business, the administering authority may request an assessment of the acoustic qualities of the business be undertaken by a qualified professional. The report is to be submitted to Council within three (3) months of the complaint.
- 46) EROSION & SEDIMENT CONTROL** - Appropriate erosion and sediment control measures must be installed and maintained as required to prevent or minimise the release of sand, silt or mud from the premises to any stormwater drainage system or any natural waterway.
- 47) RELEASES TO WATER** - Releases to water must not cause any visible oil slick or other visible evidence of oil or grease, nor contain visible, grease, scum, litter or floating oil.
- 48) HYDROCARBON AND LIQUID CONTAMINANT STORAGE** -The operator must ensure all liquid contaminants are stored in a bunded and roofed area unless the storage is within approved underground tanks.
- 49) WASTE** - Waste is not to be stockpiled so as to cause environmental nuisance or attract flies.

50) WASTE STORAGE - All waste produced at the site must be stored in appropriate containers/receptacles of a sufficient number to receive all waste generated at the site. Waste containers/receptacles must be maintained in full working order and lids are to remain closed at all times except when receiving or disposing of waste.

51) WASTE REMOVAL - All wastes must be removed to an approved disposal facility by a transporter holding all necessary government approvals. Waste must be removed at a frequency and in a manner that prevents nuisance from the waste at neighbouring premises.

Electrical Works

52) ELECTRICITY - The Applicant is to make provision of a suitable electricity supply from the State electricity grid through the State authorised supplier (Energex) or production of evidence of satisfactory arrangements for such supply having been made, such supply to be on normal supply tariffs.

The works required by this condition are to be completed prior to the commencement of the approved use.

53) CAR-PARK LIGHTING & SECURITY GENERAL - The developer shall be responsible for the provision and ongoing maintenance of adequate lighting to the open area car-parking facilities and all pedestrian links to the requirements of the relevant Australian Standards within AS1158 – Lighting for Roads and Public Spaces and AS4282 – Control of the Obtrusive Effects of Outdoor Lighting. The lighting to the aforementioned areas will be maintained in good condition for the lifetime of the proposed use.

The works required by this condition are to be completed prior to the commencement of the approved use.

Earthworks Design and Management

54) EARTHWORKS OPERATIONS (CAR PARKING AREAS, ACCESS DRIVEWAY AND ALLOTMENT FILLING) – All earthworks associated with the car-parking areas, access driveway(s) and the building works will be undertaken in accordance with of Council's Design and Construction Manual.

55) RETAINING WALLS – The design and construction of any retaining wall greater than 1.0 metre in height is to be structurally certified by a Registered Professional Engineer Queensland. Any retaining wall higher than 1.0 metre will require approval under a Building Application.

3. Approval Conditions (Referral Agency):

Council received correspondence dated 12 July 2016 from the Department of Infrastructure, Local Government and Planning as a Referral Agency (Concurrence) through the State Assessment and Referral Agency process. The aforementioned correspondence and conditions have been attached to this Decision Notice in accordance with Section 287 of the *Sustainable Planning Act 2009*.

4. That the Applicant be further advised of the following:

- a) DEVELOPMENT APPROVAL CONDITIONS ATTACH TO LAND** - Development Approvals which include conditions and any modifications attach to the land and are binding on the owner, the owner's successors in title and any occupier of the land pursuant to Section 245 of the *Sustainable Planning Act 2009*.
- b) WHEN DEVELOPMENT APPROVAL TAKES EFFECT** - Pursuant to *Sustainable Planning Act 2009*, this Development Approval takes effect:
 - (i) From the date the Decision Notice/Negotiated Decision Notice (as the case may be) is given to the Applicant, if there are no Submitters and the Applicant does not appeal the decision to the Court; or
 - (ii) From the end of the Submitter's appeal period if there is a Submitter and the Applicant does not appeal the decision to the Court; or
 - (iii) Subject to the decision of the Court when the appeal is finally decided if an appeal is made to the Court by any party; as the case may be. Development may start when a Development Permit takes effect (subject to any conditions specifying commencement).
- c) APPROVAL LAPSES AT COMPLETION OF RELEVANT PERIOD** - This Development Approval will lapse if the Material Change of Use does not happen before the end of the relevant period. The relevant period is four (4) years from the date the approval takes effect. The relevant period may be extended at the discretion of Council under Section 341 of the *Sustainable Planning Act 2009*. Before the Development Approval lapses, a written request to extend the relevant period may be made to Council under Section 383 of the *Sustainable Planning Act 2009*. Please note that Council will not automatically remind Applicants/Occupiers when the relevant period is about to lapse.

5. Further approvals are required for:

- a. A Building Works approval is required for all building works associated with the proposed development, prior to undertaking any building work on the subject site.
- b. A Plumbing and Drainage approval is required for all / any plumbing and drainage works associated with the proposed development, prior to undertaking any plumbing and drainage works on the subject site.

6. That the Submitter/s be advised of the following:

SUBMITTER ADVICE - APPROVAL - Council has considered all matters relevant to this application, including your submission, and has resolved to approve the application subject to the listed conditions. Council is of the view that the development is competent and takes a satisfactory approach in its layout and design commensurate with the stated conditions of approval.

7. Administrative Action:

That Decision Notices be issued in accordance with s.335 of the *Sustainable Planning Act 2009* to the applicant, submitter/s and referral agencies.

Attachments

- 1. Approved plans.
- 2. SARA Response (attached separately).

BEACON ROAD

MAIN WESTERN ROAD

SERVICE STATION 150m²

CAR PARK REQUIREMENTS

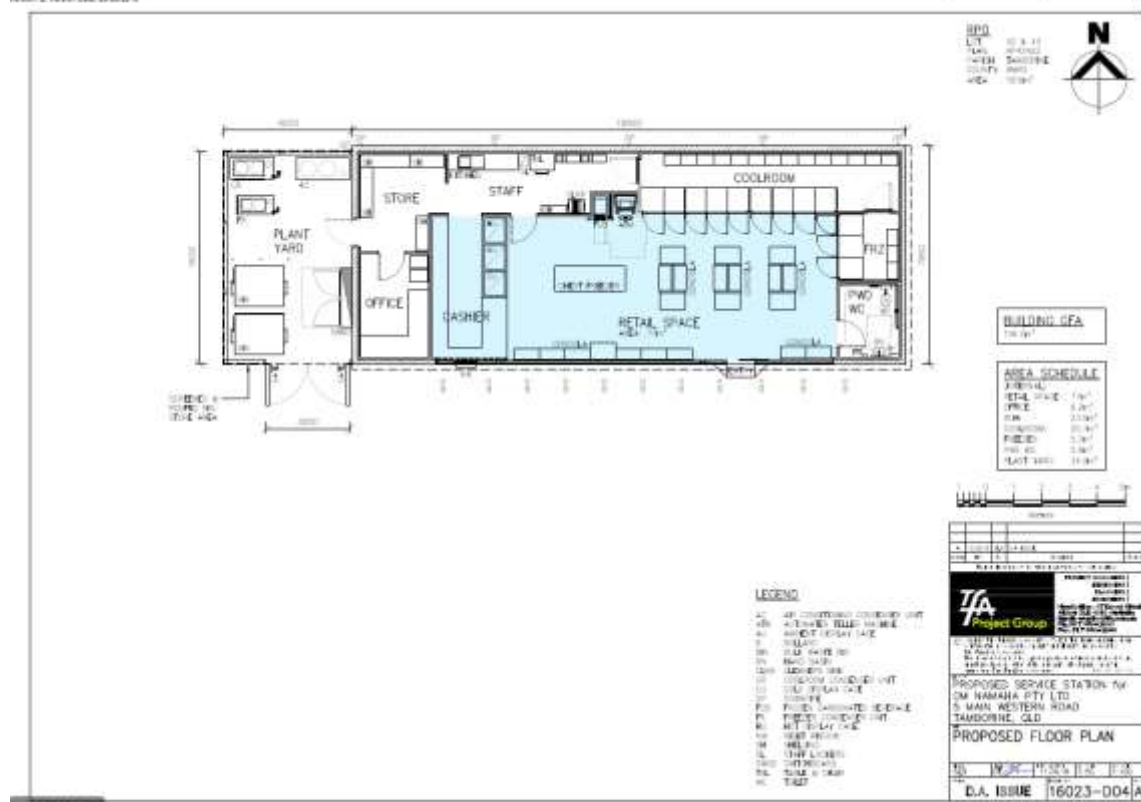
AREA SCHEDULE

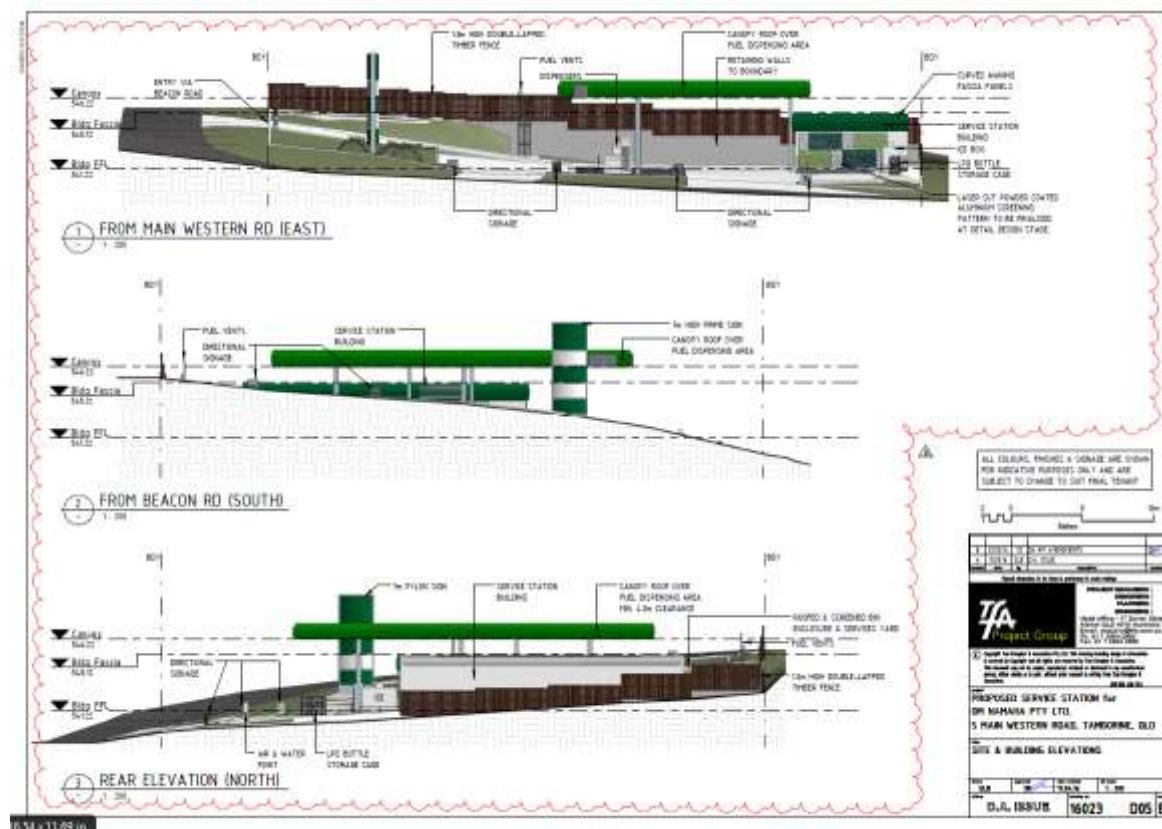
LEGEND

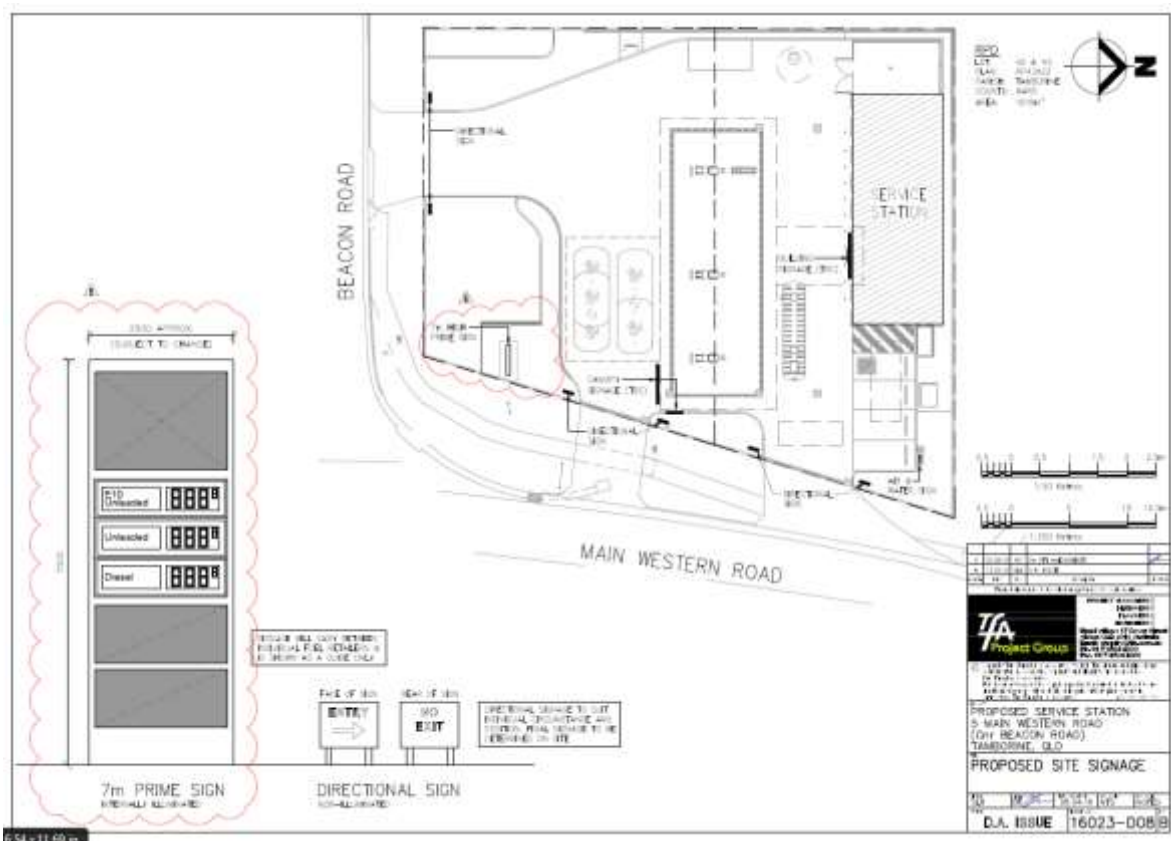
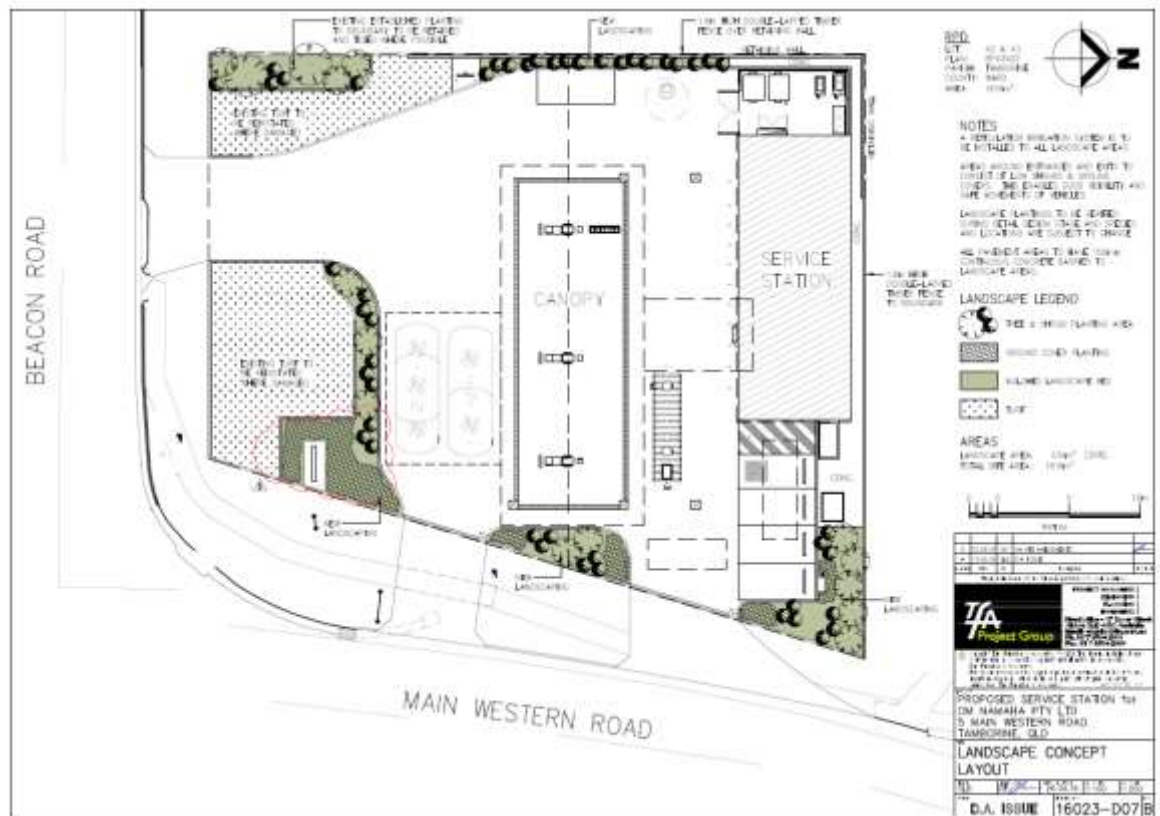
PROPOSED SERVICE STATION FOR 5 MAIN WESTERN ROAD TAMWORTH, QLD

PROPOSED SITE LAYOUT

D.A. ISSUE 16023-003







4. INFRASTRUCTURE SERVICES

Nil.