

Development Application 14786
Negotiated Decision Notice

Issued under the Integrated Planning Act 1997 (S3.5.15 and S3.5.17)

The Development Application DA014786 for the purpose of Material Change of Use - Commercial Premises (Carwash) was assessed and:-

Approved with Conditions

The decision was made by Cooloolo Shire Council on *15 May 2007*

Unless the use has commenced beforehand, this permit will lapse on 15 May 2011

Local Government Area: *Cooloolo Shire Council*

The following schedule provides all the relevant details.

ORIGINAL DECISION NOTICE DETAILS

Decision made by Council: *20 March 2007*

Decision Notice issued: *30 March 2007*

APPEAL PERIOD DETAILS

Original Appeal Period Expiry Date: *Within 20 days from the issue of the Decision Notice
(ie 4 May 2007)*

Appeal Period Suspended by Applicant: *12 April 2007*

New Appeal Period Expiry Date: *Within 20 days from the issue of this Negotiated Decision Notice
(ie 21 June 2007)*

NATURE OF CHANGES TO ORIGINAL DECISION NOTICE

Condition 4 amended

Condition 5 amended

Condition 34 amended

PROPERTY DETAILS

Street Address & Locality: *34 Violet Street Gympie*

RPD: *Lot 1 RP888049*

Parish: *Gympie*

QFCI

Date:

13 / 10 / 11 JM

Exhibit Number:

808



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APPLICANT'S DETAILS

Name: *Eric & Roselys Blaich*
Postal Address: *PO Box 1401, NOOSAVILLE QLD 4566,*

OWNERS DETAILS

Name: *Kik Pty Ltd as Trustee Tahoe Disc Trust*
Postal Address: *PO Box 1401, NOOSAVILLE BC QLD 4566*

REFERRAL AGENCIES

Concurrence Agencies

- 1) The District Director
Queensland Department of Main Roads
North Coast (Gympie)
PO Box 183
GYMPIE QLD 4570
Ph: (07) 5482 0333

APPLICABLE CODES

Codes for which self assessable aspects of this development must comply with:

- Advertising Devices Code.

CONDITIONS

Assessment Manager's Conditions

Section 1.0 – Conditions to be Satisfied Prior to the Commencement of the Approved Use

1. The development herein approved may not start until:
 - (i) the following development permits have been issued and complied with as required -
 - (a) Development Permit for Building Works
 - (b) Development Permit for Plumbing & Drainage Work;
 - (c) Development Permit for Operational Works (Site Works, road widening, kerb and channel and associated drainage, landscaping, access driveways, water supply & sewerage discharge sludge collection and removal, storm water disposal),
 - (ii) development authorised by the above permits has been completed to the satisfaction of Council's Chief Executive Officer.
2. All necessary permits from the Department of Main Roads are to be obtained for the purpose of constructing an access onto Bruce Highway.

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3. A contribution of \$2660 is to be paid to Council towards the provision of a footpath along the frontage of the site.
4. Contribution is to be made towards Water Supply Headworks in accordance with Council's Planning Scheme Policy 7: *Water Supply and Sewerage Headworks Contributions, Works External and Works Internal*. The contribution is currently assessed at \$4418, however, the actual amount payable will be based on Council's policy and the rate applicable, at the time of payment. *Note: Consumption in excess of the figures stated in the application will incur additional headworks charges. Further, Council will review the consumption figures bi-annually.*
5. Contribution is to be made towards Sewerage Headworks in accordance with Council's Planning Scheme Policy 7: *Water Supply and Sewerage Headworks Contributions, Works External and Works Internal*. The contribution is currently assessed at \$6905 however the actual amount payable will be based on Council's policy and the rate applicable, at the time of payment. *Note: Consumption is excess of the figures stated in the application will incur additional headworks charges. Further, Council will review the consumption figures bi-annually.*
6. In accordance with Planning Scheme Policy 11: *Roadworks Contributions* a contribution, currently assessed at \$3726, is to be paid toward road improvements as a result of the increased traffic generated by this development. The amount will be indexed to ABS ANZSIC Class 4121.
7. A contribution of \$750 is to be paid to Council towards the provision of street lighting in the vicinity of the site.
8. A revised noise assessment outlining any measures required to protect residential amenity for surrounding premises is to be submitted to Council for approval prior to commencement of the use and any recommended measures completed to the satisfaction of Council.
9. A 1.8 metre high solid timber paling fence or similar material approved by Council is to be erected along the side and rear boundaries of the site to the satisfaction of Council.
10. Approved refuse containers are to be provided and kept in an imperviously paved area with a suitably screened enclosure to enclose the refuse storage area in accordance with the *Environmental Protection (Interim Waste) Regulation 1996* to the satisfaction of Council's Chief Executive Officer.
11. The road frontage of the development site is to be widened and kerb and channel constructed in accordance with the requirements of the Department of Main Roads. *Note: Should the work not be completed by the Department of Main Roads as part of the four lane upgrading of the Bruce Highway between Jane Street and Iron Street (estimated completion 2009) the work will need to be undertaken by the landowner at the request of Council.*
12. A contingency plan is to be submitted and approved by Council for the evacuation of chemicals stored on the property in the event of flood.
13. Existing palm trees within the property/road reserve are to be removed.

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Section 2.0 Conditions Relevant to the Issue of a Development Permit for Operational Work

12. Access to the proposed development is to be constructed in accordance with the requirements of Council's Infrastructure Works Code – Drawing No. R-05.
13.
 - (i) Details of the proposed method of disposal of solid waste and sludge from the ponds/tanks shall be lodged with and approved by Council's Chief Executive Officer.
 - (ii) Disposal of solid waste and sludge shall be carried out in accordance with the approved measures.
14. Any filling or other development works undertaken on the site shall be carried out so as not to cause the ponding of water on any adjoining lands or the blockage or interference with any natural watercourse.
15. No earthworks or filling works are to be undertaken prior to the issue of a Development Permit for Building Works/Operational Works.
16. Off-street car parking is to be provided in accordance with the Vehicle Parking and Access Code of Council's Planning Scheme and Planning Scheme Policy 8 - Infrastructure Works. *Note: A minimum of three spaces is required for this development.*
17. Loading/unloading operations shall be conducted within the site and vehicles waiting to be loaded/unloaded shall stand entirely within the site.
18. Car parking and access areas shall be sealed pavement and designed, drained, constructed and maintained in accordance with Council's Vehicle Parking and Access Code.
19.
 - (i) Connection is to be made to Council's existing Water Supply and Sewerage reticulation systems, including the provision of a back flow device, at no cost to Council. Connection shall be in accordance with a development permit for Operational Works approving the required hydraulic plans and specifications, as prepared by a recognised building hydraulics engineer, for such works.
 - (ii) The backflow prevention device is to be maintained and tested in accordance with Council's approval.
20. Any discharges of Trade Waste generated by the development approved herein shall be treated in accordance with Council's Trade Waste Environmental Management Plan.
21. Undertake at no cost to Council, the alteration of any public utility mains (eg. Electricity, water, sewerage, gas etc.) or other facilities necessitated by the development of the land or associated construction works external to the site.
22.
 - (i) Roof and surface water is to be collected on site and is to be discharged through an underground drain line into existing drainage in Bruce Highway to the satisfaction of Council's Chief Executive Officer.
 - (ii) A grease/oil arrester is to be provided on site to ensure polluted run-off does not enter Council's stormwater drainage system.

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23. The method of treatment of stormwater runoff from and through the site shall be designed and constructed in accordance with Council's Infrastructure Works Code.
24. Any plans for operational works, water supply and sewerage works, drainage works and street lighting required by this development permit, are to be surveyed and designed in accordance with Council's Infrastructure Works Code.
25. All night lighting must be designed and constructed to the satisfaction of Council's Chief Executive Officer so that light emitted from the subject land does not, in the opinion of the Council, cause nuisance or annoyance to residents or traffic in the immediate vicinity.
26.
 - (i) A properly prepared Landscape Plan in accordance with Council's Planning Scheme Policy 4: *Landscaping* is to be submitted to and approved by Council's Chief Executive Officer. The landscape plan is to denote areas of existing vegetation and/or existing trees proposed to be retained.
 - (ii) Landscaping works are to be completed in accordance with the approved landscape plans.
 - (iii) The landscaping shall be maintained (watering, fertilising, mulching, weeding, and the like) at all times.
27. Existing abandoned driveway accesses are to be reinstated to kerb & channel to comply with Council's requirements.
28. Landscaping is to be carried out in accordance with the approved plan incorporating three tiered plantings.

Section 3.0 - General Conditions of Approval

29. The development shall be generally in accordance with the plan/s submitted with the application (Plan Nos. 18308-S01, S02, S03, S06, S07, & S08 revision B drawn by SJE Consulting and dated 14/02/07).
30. Maintain strict segregation of stormwater and wastewater drainage systems at all times.
31. Wastewater and other liquid wastes are not to be released to stormwater drainage systems, stormwater, groundwater or discharged to waterways.
32. Where waste is a contaminant, it must not be released to the environment, which will or may cause environmental harm or nuisance.
33. All dust and particulate wastes are to be wrapped, bagged, or otherwise packaged for disposal, prior to removal from the site.
34. A water recycling plant is to be installed for the treatment of wastewater from the car wash facilities for reuse. Water recycling from the site is to be 80% of water usage. Plans, specifications and calculations for the plant are to be submitted with the application for Operational Work.



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35. Water holding tanks are to be installed for the harvesting and use of all stormwater from proposed roof and driveway areas. A plan showing the tanks and proposed reticulation is to be submitted to Council for approval in conjunction with the application for Operational Work.

Concurrence Agency Conditions

The application was referred to the Department Main Roads as a Concurrence Agency under the requirements of the Integrated Planning Act. That Department's requirements are:

1. Prior to the commencement of any works within the State-controlled road, the applicant must arrange for detailed engineering plans and specifications for the proposed works to be submitted to Main Roads for assessment and be approved.

The engineering design, plans and specifications must be prepared by a qualified consulting engineer and suit the proposed new highway configuration.

Note: Further approvals will be required for construction in accordance with the requirements of section 33 of the Transport Infrastructure Act 1994.

2. All works associated with this proposal, including relocation of services, lighting, etc. must be carried out at no cost to Main Roads.
3. The proposed new 4 lane highway past this property has significant impacts on the line and level of the existing highway, the applicant is conditioned to construct his work to integrate with the new highway.
4. Ingress shall be on the Southern side of the access driveway with egress to the North.

The landscaped area South of the access shall be extended approximately 7m directly into the site to minimise the potential any conflict between vehicles.

The existing drive way is to be removed and the area made good to suit the new lines and levels of the proposed Highway.

Stormwater volumes will need to be verified with calculations to ensure the capacity of the system is capable of handling the increase flows from the site prior to connection to the system.

5. No direct or indirect light shall impact on the vehicles using the highway
6. The signage at the site must comply with both Cooloolo Shire Council and the requirements of the Main Roads Signs Section located at the Mooloolaba Office.
7. The applicant is responsible for achieving the acoustic quality objectives of the Environmental Protection Act 1994, Environmental Protection (Noise) Policy 1997 and the requirements of Main Roads document, Road Traffic Noise Management: Code of Practice. Main Roads will not be responsible for the provision of any buffers or noise attenuation measures necessary to maintain an appropriate level of amenity for residential or other noise sensitive uses. The applicant is to provide these noise attenuation facilities which are to be located clear of the State-controlled road reserve.



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A copy of the Department of Main Roads response is attached hereto.

APPROVAL TYPE

Development Permit

FURTHER DEVELOPMENT PERMITS REQUIRED

Development Permit for Building Works

Development Permit for Plumbing & Drainage Work

Development Permit for Operational Works (Site Works, road widening, kerb and channel and associated drainage, landscaping, access driveways, water supply & sewerage discharge sludge collection and removal, storm water disposal)

RIGHTS OF APPEAL

See attached extracts from the Integrated Planning Act 1997 for Rights of Appeal.

ASSESSMENT MANAGER

Name: Cooloolo Shire Council

Signature: [REDACTED]

Date: 21 May 2007

AUTHORISED DELEGATE
SENIOR PLANNING OFFICER