

Note

This statement has been redacted to remove certain personal information and information that is not relevant to the land planning terms of reference.

Name of Witness	Roselys BLAICH
Date of Birth	[REDACTED]
Address and contact details	[REDACTED] Tinbeerwah
Occupation	Photographic Producer/ Part time Teacher
Officer taking statement	Det Insp Mark Ainsworth
Date taken	22/8/2011

Roselys Blaich states;

1. I am a married woman, [REDACTED] years of age and I reside with my husband and family at [REDACTED] Tinbeerwah. I am a photographic producer and part time teacher by occupation. My husband and I also are the business owners of the Quick and Easy Car and Dog Wash situated at 34 Violet Street, Gympie. Violet Street is really a part of the Bruce Highway and our business is located in a section of road which was significantly submerged by water during the recent January, 2011 floods causing severe damage to our business. We purchased the land for this business in 2006 and then in September, 2008 we commenced operation of the Quick and Easy Car and Dog Wash at this location. The land was purchased through Graham Terry a salesman with the Gympie Real Estate Agency. The area of our business is located in a small industrial estate that borders residential zoning to the south and over the highway. Directly behind our business is Cooloola Plumbing housed in an industrial galvanised shed. To the lower side is a company called 7 steel which is a steel manufacturing and sales site. To the rear of the plumbing building and 7 steel, approximately 70 metres away from our business is a pony riding club which borders onto the banks of the Mary River.

Witness Sign [REDACTED]

Signature of officer [REDACTED]

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2. The actual business provides the community with a facility to clean their vehicles through a choice of four (4) manual cleaning and vacuum bays or one auto drive through cleaning machines where patrons drive their vehicles through to enable the machine to clean the vehicle. There are also two dog wash bays where dog owners can wash and groom their dogs. The business provides an innovative approach to harvesting and recycling water and required a substantial financial outlay for my husband and I to have the business fully operational. Gympie City Council imposed additional requirements on us to meet new criteria and policies as specified by Land Care and other environmental initiatives including upgrades to sewer and wastewater points. These requirements contributed to the financial outlay in establishing the business. The business is zoned for Road Side Services and is used for the purposes of the above mentioned business.

I now produce photographs of the Quick and Easy Car and Dog Wash located at 34 Violet Street, Gympie. (A)

3. As a result of the floods in January, 2011 our business was inundated with water. Flooding was caused by runoff and storm water building up in inadequate and unsatisfactory drains. There is also an open storm water drain which is approximately 100 metres north of our site and it overflowed unable to cope with the volumes of water.

4. Our site is approximately 600 metres from the Mary River and according to the Department of Natural Resources and Mines and Water our site sits in what was a water course. Approximately \$75 000 damage was caused to our business and it was inoperable for a period of 8 weeks from the flood. We suffered a further loss of approximately \$85 000 through loss of trade and other damages since. Some equipment still remains inoperable.
5. At the time of purchasing the land and establishing this business my husband and I were not aware that the location was subject to flooding. I believe that at the time of submitting the proposal for this business, Council was fully aware that the location of the business was in an area prone to flooding. I believe they had an ethical and legal obligation to pass on its knowledge of flood levels to my husband and I at an early stage at pre-development meetings with them. This information was not forthcoming. I am aware that Council was aware of flooding at our business location as I have a document of a Council meeting where the council land planner we were dealing with, actually spoke about flood levels in respect to our business at the meeting.

I now produce a copy of Gympie Council Meeting minutes dated 13/3/07. (B)

6. I firmly believe that Council had failed in its duty of care to us in the pre-development and development stage by failing to pass on its knowledge of the flood heights of our business location. The existence of strong ethical town planning has escaped us with respect to our business.

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Signature of officer [Redacted]

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Flood affected or flood prone areas should formulate a critical part of town planning in particular as part of the approval process. Since the floods of 2011 I have obtained data with recorded flood heights back to 1870. This data indicates our particular business site has flooded some 29 times since 1870, and yet the Council was prepared to overlook this in the approval process.

I now produce a 3 page Bureau of Meteorology Peak Flood Height Chart indicating flood heights since 1870. (C)

7. I believe that individuals or organisations intending to operate a business should be provided with vital information in order to make educated decisions on whether to continue or abort business plans at pre-construction stage. This vital information includes flood information that Council does hold. With respect to this issue I recommend that Council should adopt a method whereby formal advice in writing is provided to prospective business operators of issues affecting proposed sites at the pre-development phase. I have raised this recommendation with the current Gympie Mayor, Mr Ron Dyne recently and although the recommendations were well received and it was inferred that council is looking at reform, I firmly believe that this reform is significantly important to ensure future business operators do not suffer the same financial loss that we have experienced. At this same meeting Mr Dyne suggested that rates notices could include flood data relevant to the named lot. He agreed that the process and system had let my husband

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and I down and suggested we arrange a meeting with the Deputy Premier, Mr. Lucas. As a result we wrote to Deputy Premier Paul Lucas requesting his assistance and his response letter recommended we approach Gympie Council in respect to the issues.

8. Since the floods of 2011 no one from Council has approached my husband or myself whatsoever. We have approached council as previously discussed.

9. Besides the Gympie Regional Council, the real estate agent who managed the purchase of the property did not inform us of the land being subject to flooding. This is another area where I believe some ethical tweaking needs to occur. Since the floods of 2011 I have reviewed all documentation I hold in relation to our business. Interestingly I located stamped and approved plans from the Gympie Regional Council indicating that the Council had had assessed our construction (business) as mobile in the event of flood, however as the attached photographs of the business depict it is anything but mobile. Our buildings are permanent steel and concrete structures, including office fit out, there is a permanent, involved and complex plumbing network as well as highly automated and electronic plant and equipment, which are all hard wired via a substantial cat meter switchboard. None of these mentioned items are portable. All plumbing and building standards were imposed upon us by council and were subject to approval inspections but not only did council believe we were mobile but also approved site suitability and sustainability.

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10. In terms of the Integrated Planning Act 1997 with respect in terms of site consideration, I believe the Gympie Regional Council is in breach of various sections of this Act particularly in regards to the Assessment Officer failing to assess the site for suitability. Council erred when they approved the site despite all our complex designs and infrastructure; they still assessed the car wash as being mobile in a flood event. This assessment was not disclosed to us at anytime and was left off the notice of approval outlining conditions for us to meet. I also believe that Council has contravened the Sustainable Planning Act 2009 which further extends the focus of land use as set out by the Integrated Planning Act 1997. There is no sustainability, no opportunity to extend the business or adopt further green land carbon reducing initiatives. The economic viability is too volatile given the frequency of flooding.

I now produce a copy of the Council Approval for our site indicating it as being mobile. (D)

11. The only mention of anything to do with flooding by council was condition number 12 on the Development Application approval which related to us providing a flood plan specific to chemical handling in case of flood.

I now produce a copy of the Development Application Approval. (E)

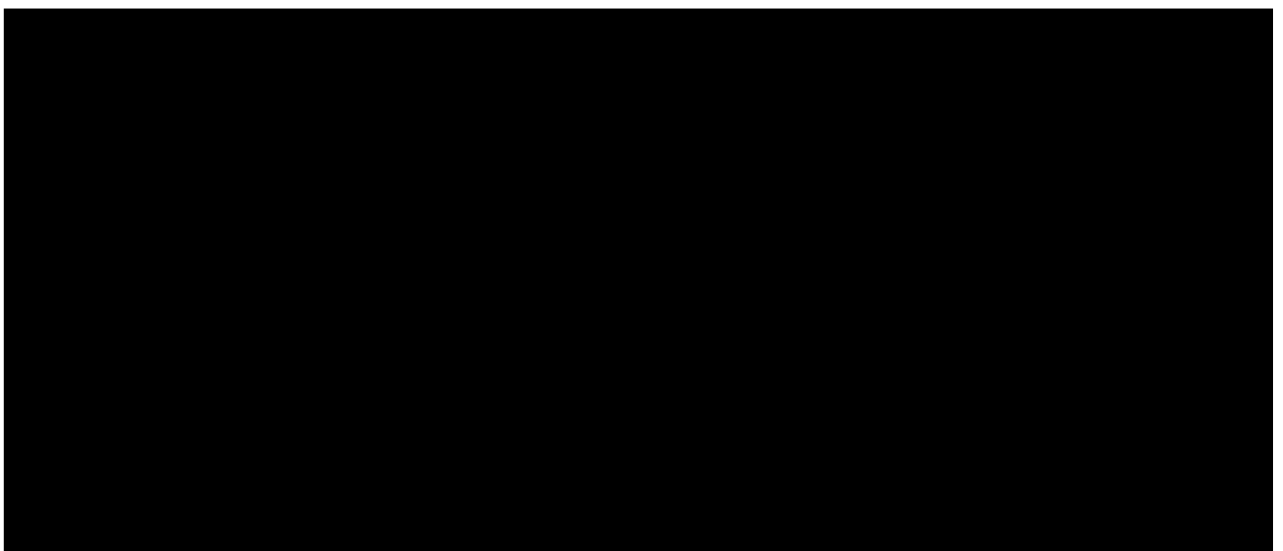
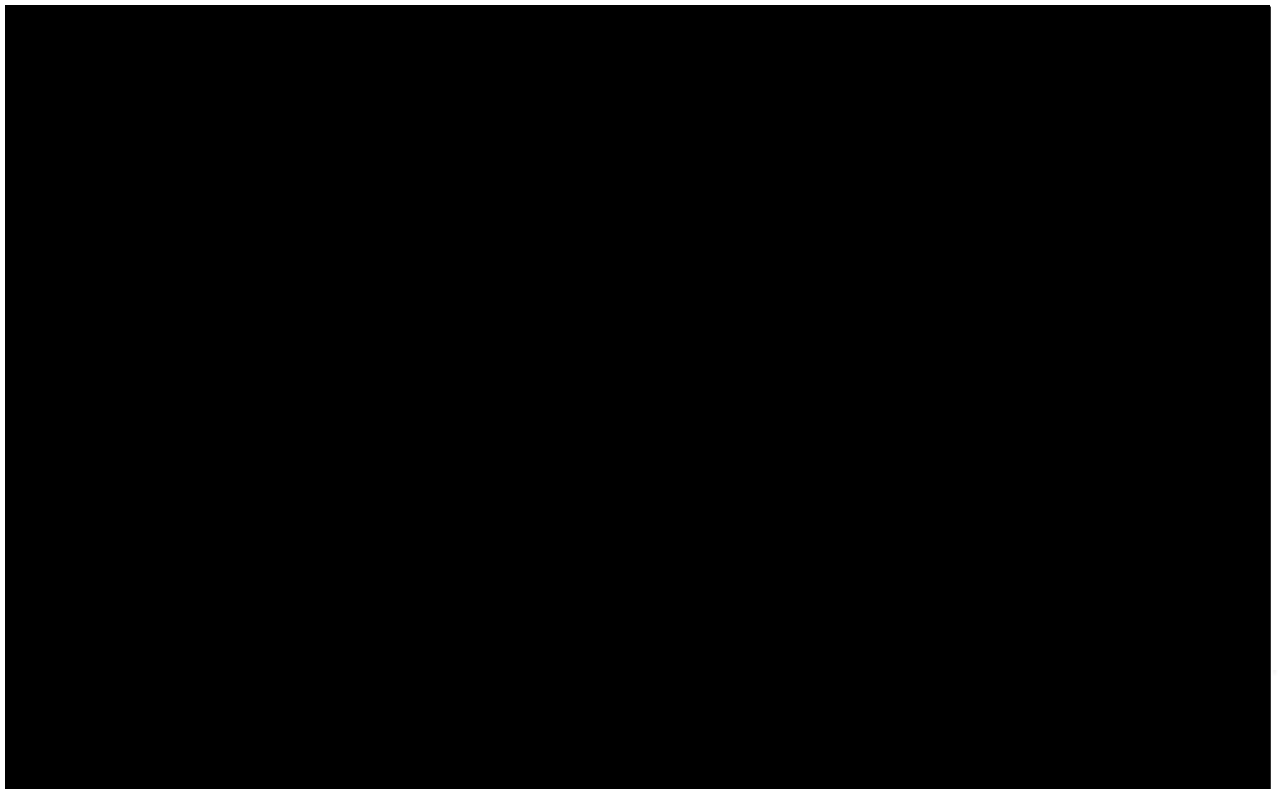
12. A lot of our dealings with the Gympie Regional Council were with a junior representative in the Planning area by the name of Michael Cucera who I now know obviously was very inexperienced. I am also aware that a more experienced employee by the name of Michael Hartley, Director of Planning and Development signed off on the application assessing our DA as being Mobile. At the time of our application, council was growing at a rate of 5% and became very complacent in adhering to standards.

RECOMMENDATIONS IN RELATION TO LAND PLANNING:

13. In my view I have a number of recommendations I believe ought to be considered. These include:

- More comprehensive planning incorporating site suitability.
- Designated sections in DA which covers flood, flood controls, mitigation, levies and building materials.
- Consideration of further bridge constructions on the Bruce Highway to enable travel to and from Gympie. Better access would provide more time to prevent damage to property in times of flood. (We were unable to access our business due to flooding of the Bruce Highway)
- Known sites such as ours being designated for parks, sporting grounds or grazing as in other flood plain areas in Gympie.
- Through better planning and development adhere to policy and inform the land owner of risks related to flooding.
- Allow the approval of development on flood prone land based on true portability or proposed business or other use.

- Council buy back our land, relocate and compensate us as this is the only way we can minimise the adverse effects of flooding.
- The construction of a dam would assist in flood mitigation in the Gympie area.

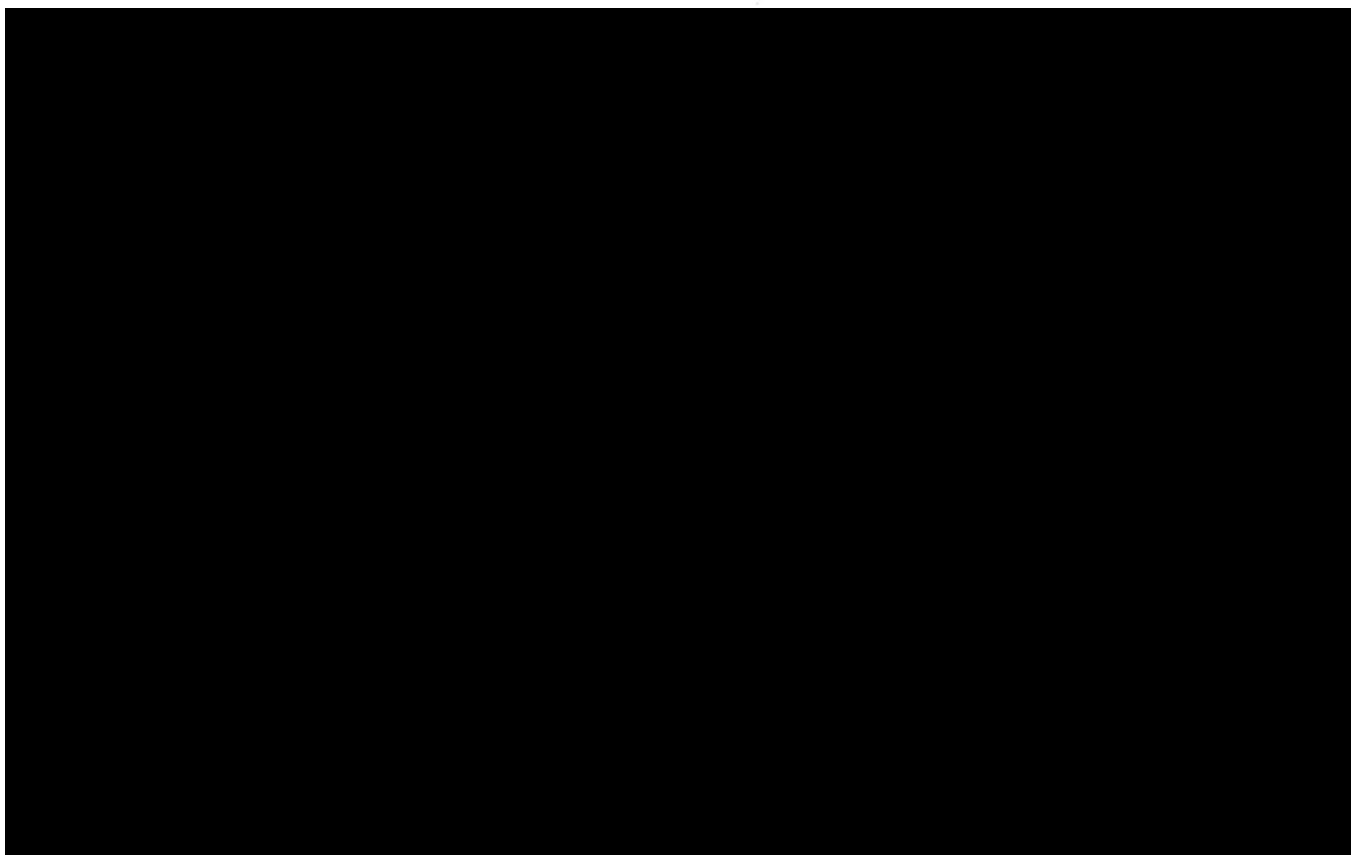
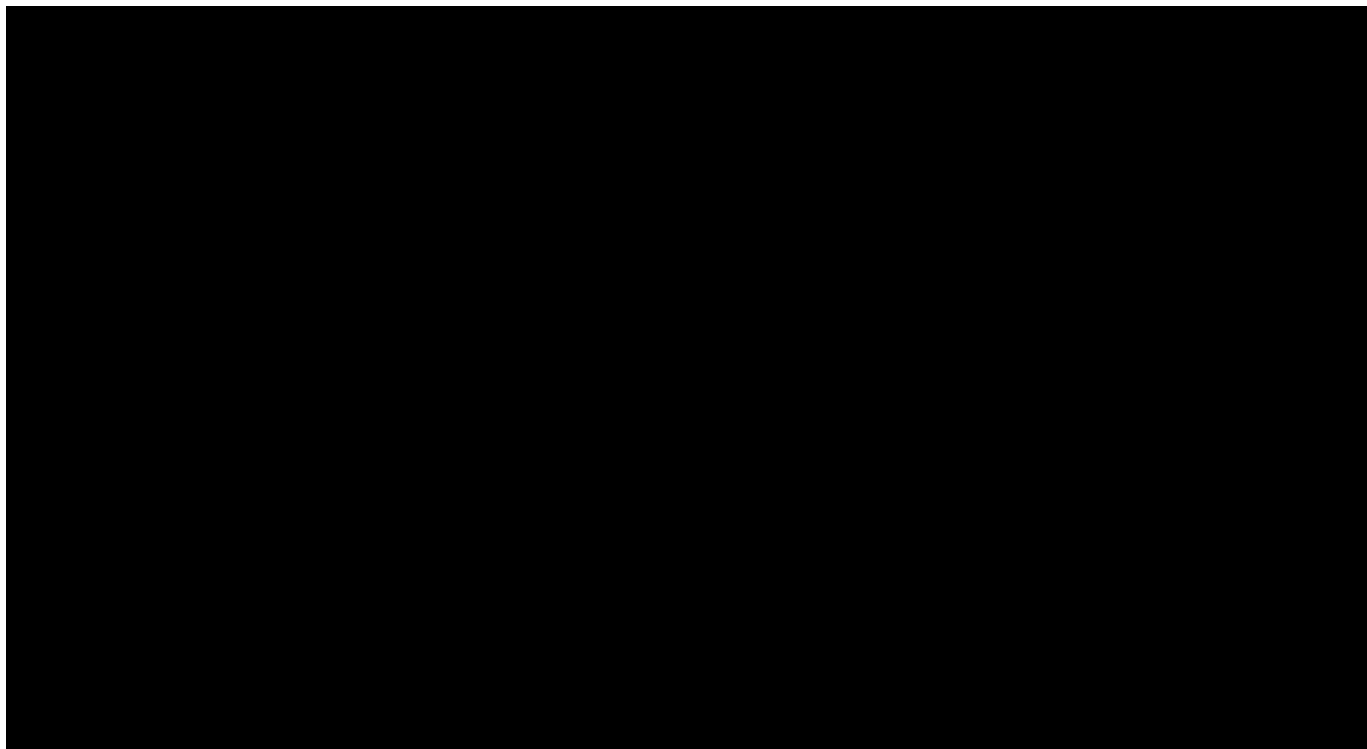


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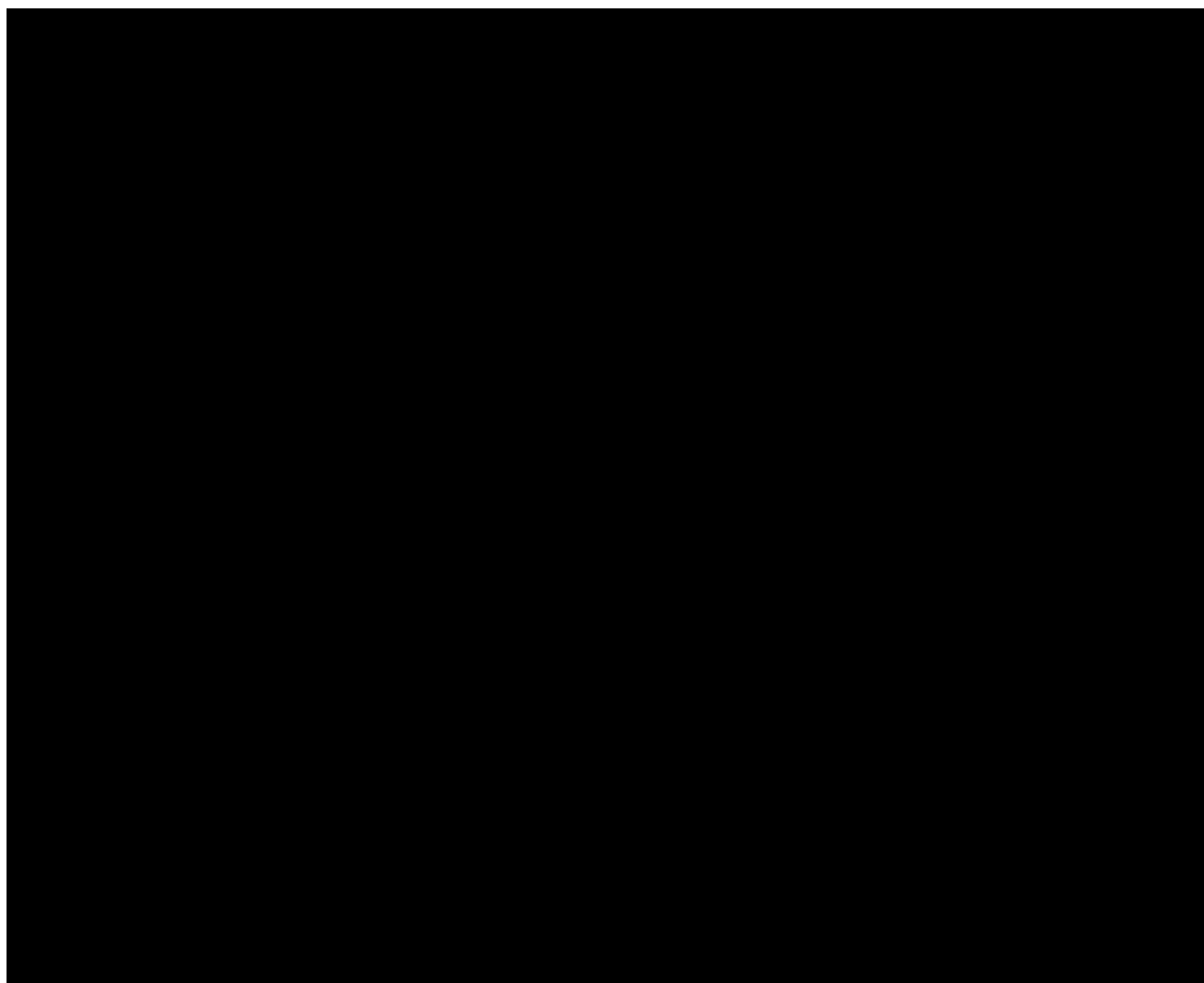
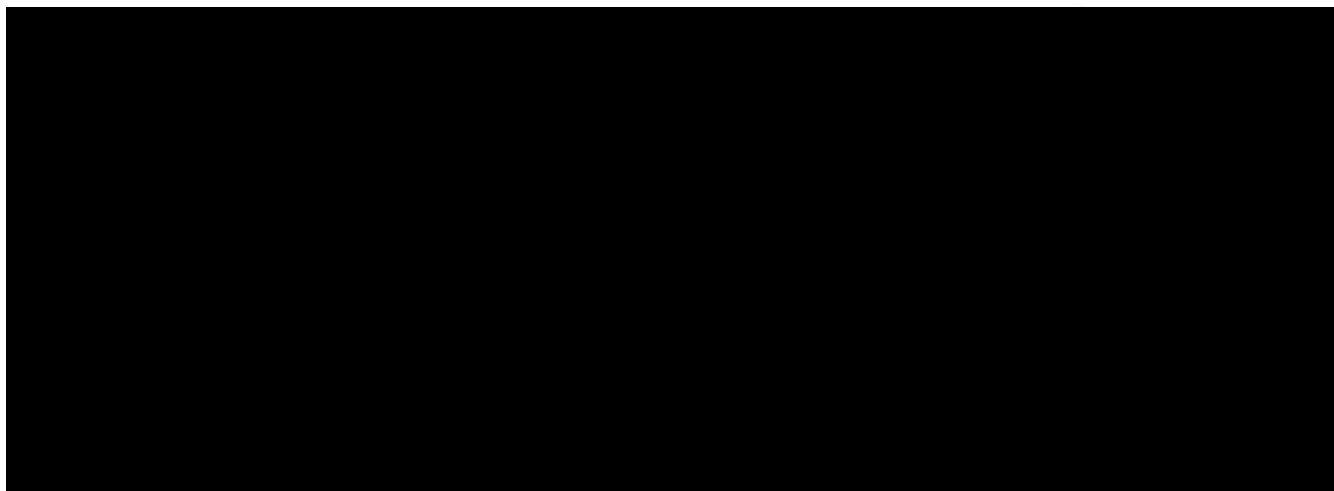


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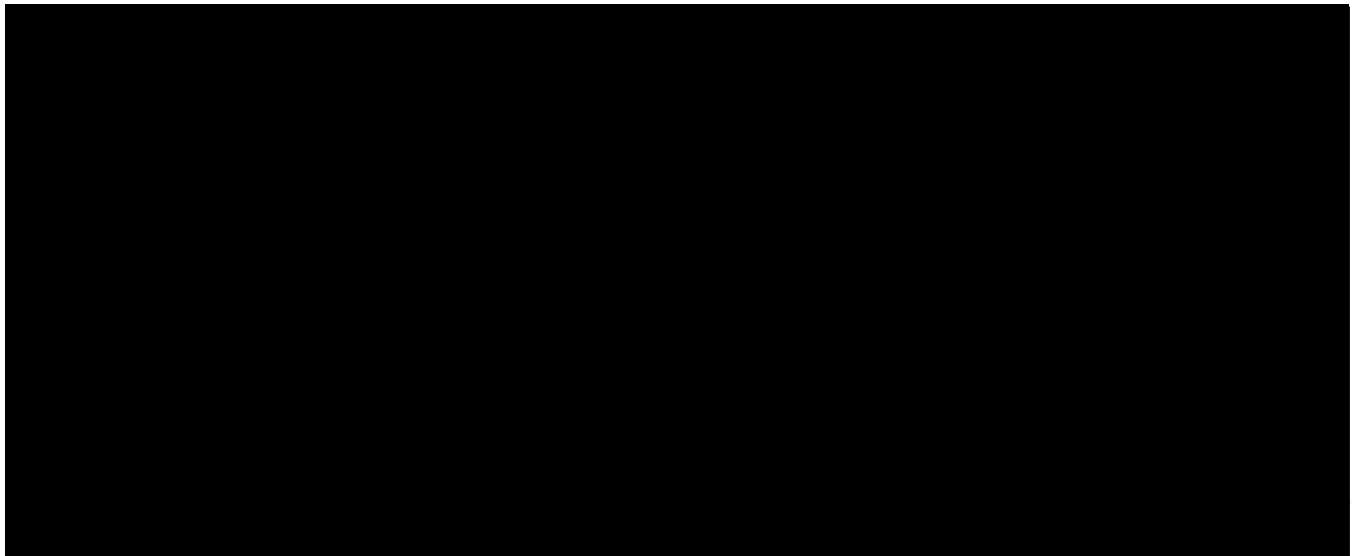
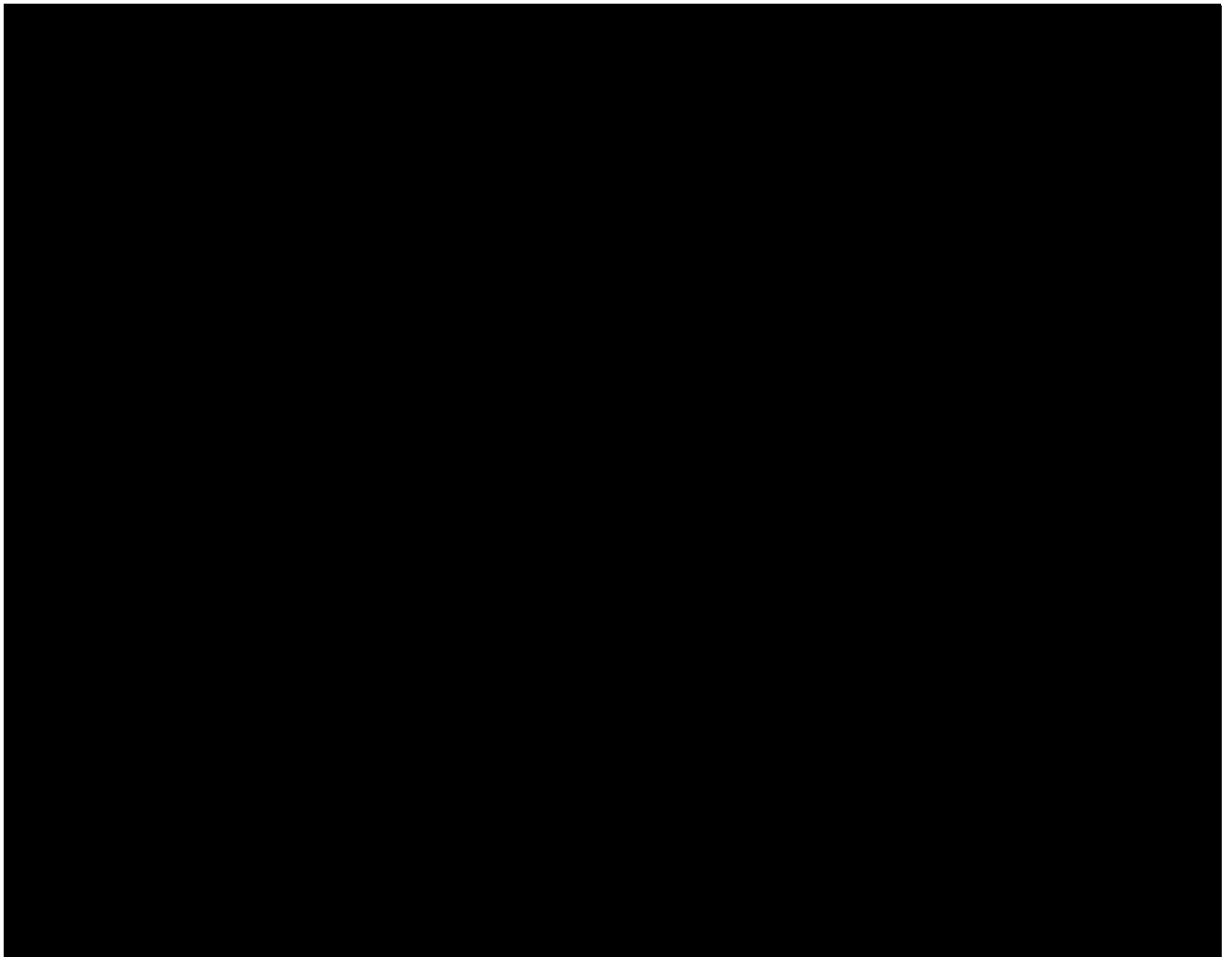


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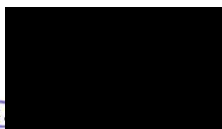
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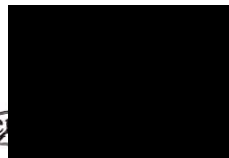


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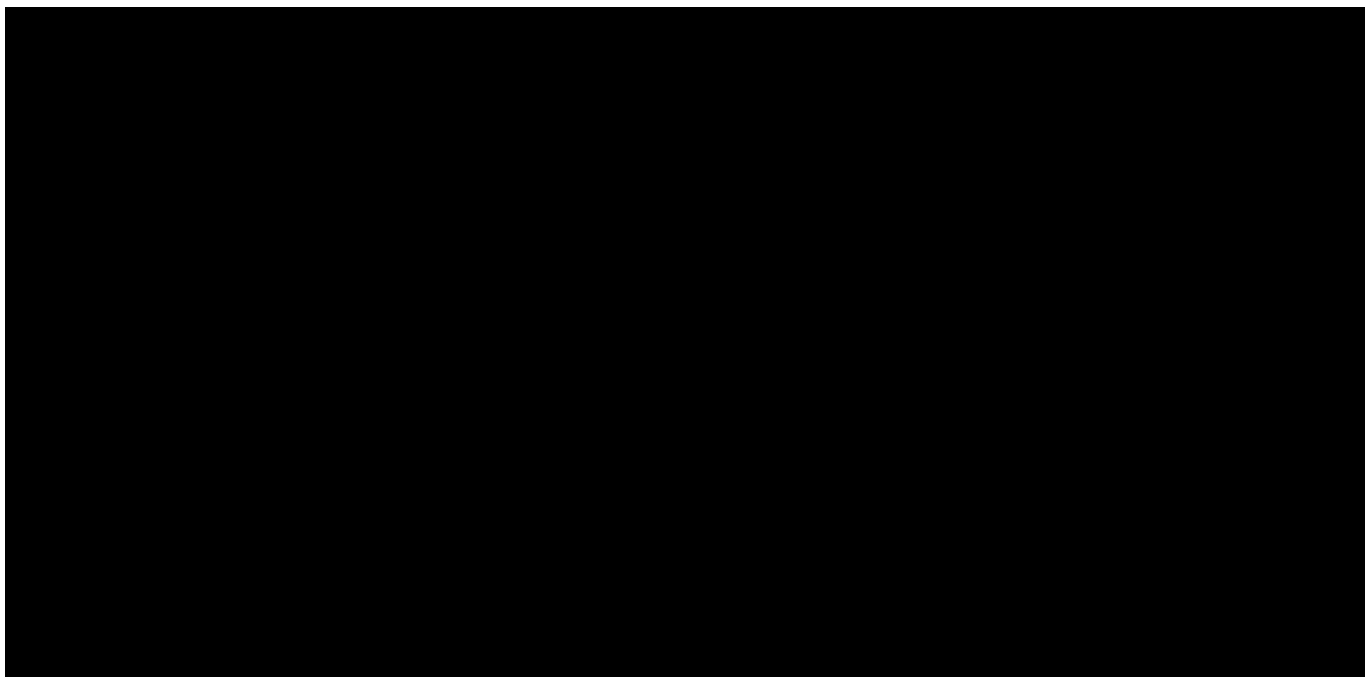
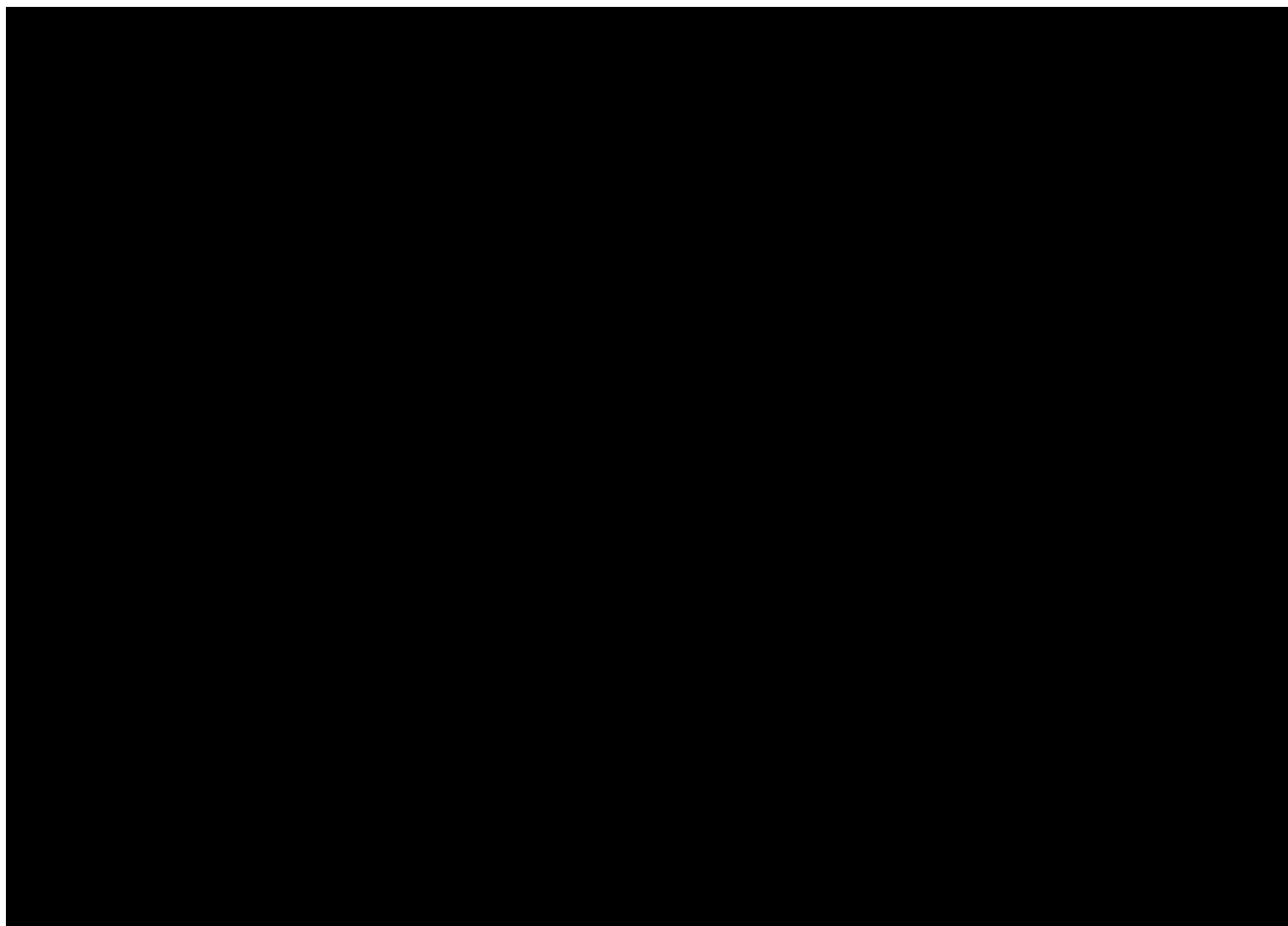
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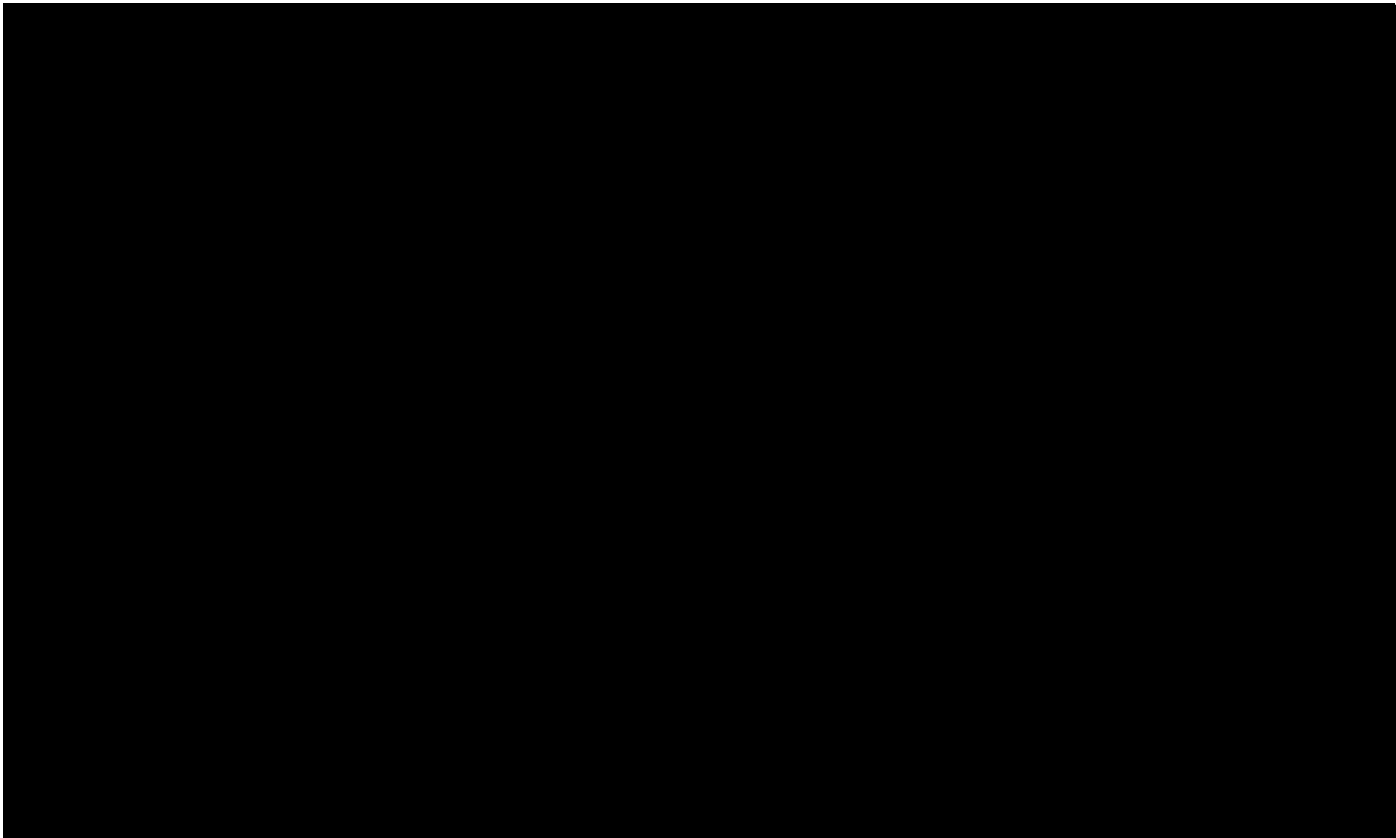
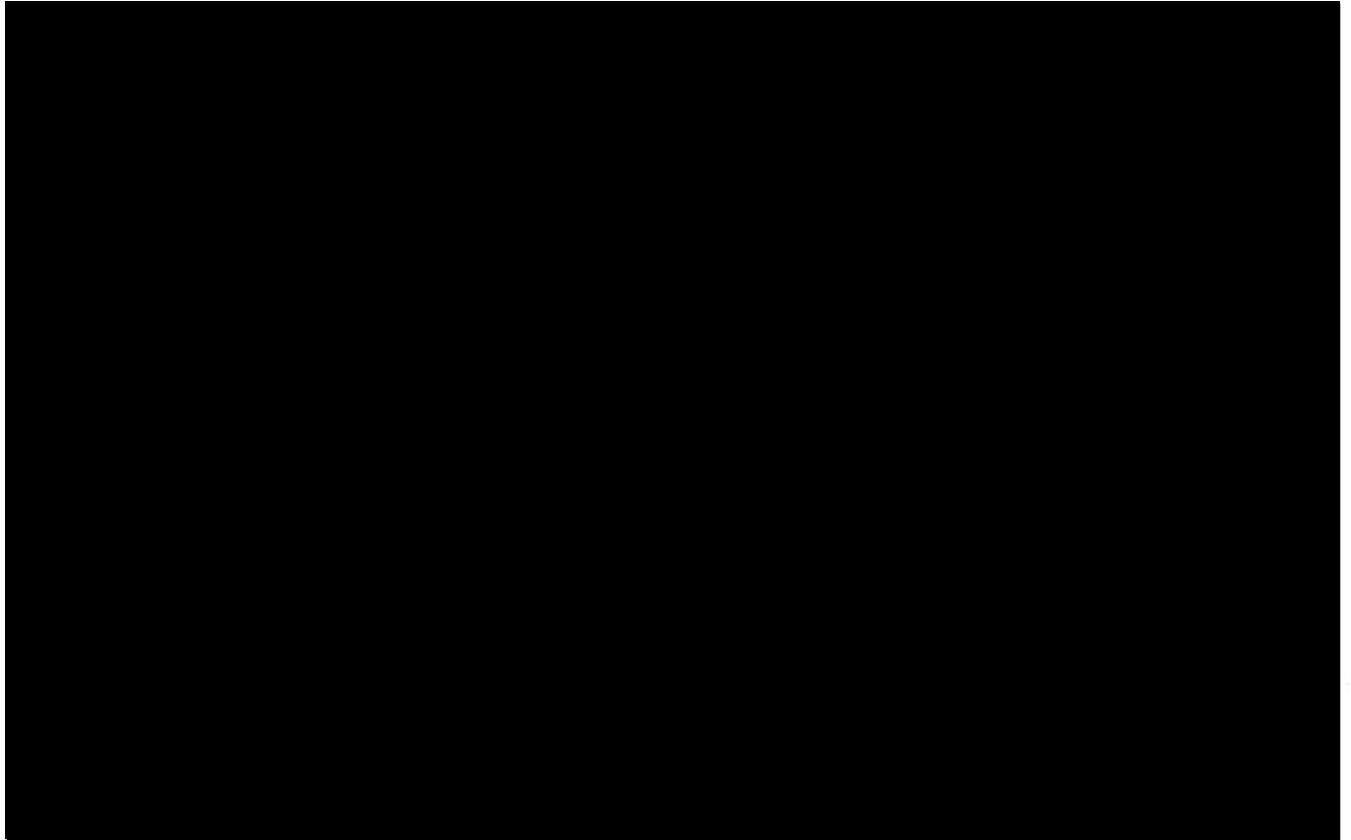


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30. I have attached all relevant correspondence to this statement that may assist the Commission in its hearings process.

31. On 11th March, 2011 I provided a submission to the Queensland Floods Commission of Inquiry regarding Insurance and Land Planning Issues. I have elected not to make this submission public.

R.BLAICH

Justices Act 1886

I acknowledge by virtue of section 110A(5)(c)(ii) of the Justices Act 1886 that:

- (1) This written statement by me dated 22/8/11 and contained in the pages numbered 1 to 15 is true to the best of my knowledge and belief; and
- (2) I make this statement knowing that, if it were admitted as evidence, I may be liable to prosecution for stating in it anything that I know is false.

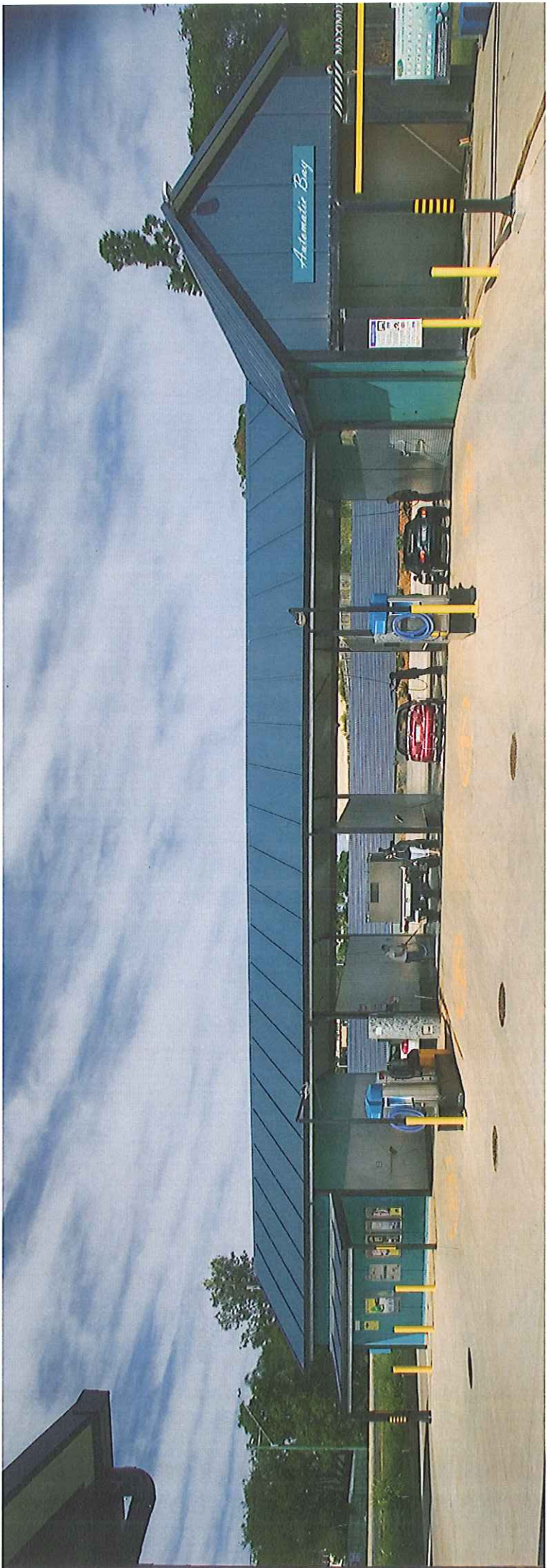
...Signature

Signed at TIMBERLAKE this 27th day of September 2011

Witness Signature

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Signature of Officer



A

A.









Page 196

Vital

Information

which was not
provided to us

Report: (Planning Officer – M.A. Kucera)

1.0 Introduction

This application seeks Council's approval for a car wash on the Bruce Highway (Violet Street).

1.1 The Proposal

It is proposed to construct:

- two vacuum bays;
- one auto bay;
- three wash bays;
- one 'super' bay;
- plant room and office.

Provision for a future auto bay is also shown.

A loading bay and refuse storage area are also proposed.

A number of water saving measures are proposed:

- underground rainwater collection tank;
- underground collection pit for discharged water;
- two recycling storage pits.

56% of water from the site is to be recycled.

1.2 Site Description

The site is perhaps best known for the over height demountable building it housed for many years. The new owners have removed the stumps and brought the building down to ground level. The remainder of the site is vacant

1.3 Surrounding Land Uses

There are a few remaining dwellings directly fronting the Bruce Highway in this location. The site is located next to Somesteele and other commercial uses towards Pine Street.

Opposite the site are residential uses that are accessed via a service road.

2.0 STATUTORY REQUIREMENTS

2.1 Intent of the Zone

The role of the commercial zone is to provide for the retail, business, commercial administrative, service industrial and other needs of residents of, and visitors to Gympie and surrounding areas is reinforced in accordance with the preferred use areas.

In this instance the proposal is also within the highway services preferred use area.

It is considered that this application provides a highway related service and is a consistent use within the zone.

2.2 Compliance with the Planning Scheme

2.2.1 *Scheme Definition*

The proposal is considered a commercial premise as it involves an activity, other than an industrial activity, conducted for commercial gain.

2.2.2 *Development Provisions*

Gympie Planning Area Code

The building achieves the following setbacks:

- front 7 metres;
- Somesteel side 1 metre;
- Housing side 4 metres;
- rear boundary 4.5 metres.

These setbacks are considered adequate as the neighbouring housing zoned property is vacant and other side boundary backing onto the Somesteel yard.

The applicant has submitted a noise assessment of the car wash system to support the application. The report does not recommended any measures are required as part of the proposal. Noise is measured from 20 metres from the car wash site and there would be no residential buildings within 20 metres of the proposed location.

A condition requiring a revised assessment outlining any ameliorative measures required is included in the recommendation.

Landscaping Code

Existing palm trees within the property/road reserve should be removed as part of the proposal given the fact that they are not from Council's landscape policy.

Other aspects of the development comply except for the side boundary with the neighbouring, undeveloped, housing zoned property which is also owned by the applicants.

Vehicle Parking and Access Code

The proposal does not require large amounts of parking given the mobile nature of the service. Only parking for employees is considered necessary. The applicant's nominate 3-4 employees, therefore a minimum of three spaces should be required, with the loading bay also able to be used by staff if required.

Sufficient area exists at the rear of the site for car parking to be provided.

Infrastructure Works Code

The proposal generally meets the provision of works required in the Commercial Zone, except for the following areas:

- no concrete footpath along the frontage of the site;
- kerb and channel does not cover around 15 metres of the frontage of the site.

Both of these items can be conditioned.

Street lighting is to be upgraded in the area with a contribution applicable.

2.3 Local and/or State Planning Policies

There are no state or local planning policies applicable to this application.

3.0 PLANNING CONSIDERATIONS

3.1 Appropriateness of the Proposal

The proposal is within an appropriately zoned location.

3.2 Impact on Amenity

No amenity concerns are raised.

3.3 Site Access and Traffic

There are presently two access points to the property. Both are to be removed as part of the proposal with a new access to be constructed.

Traffic to be generated by the proposal will only impact on the Main Road.

3.4 Car Parking

Given the proposal is for a drive-through car wash provision for parking is not considered necessary. A small office of 2.5 metres x 1.5 metres is proposed. This would only be able to house one employee.

3.5 Flooding

The site is subject to flooding in a Q40 event. However, the site is considered well suited to the proposed use given the mobile nature of the service offered.

Contingency plans for the evacuation of chemicals stored on the property in the event of flood need to be made with a copy of such a report submitted to Council.

3.6 Site Contamination

The site is not listed on the Environmental Management Register.

3.7 Utilities and Services

Water and sewerage services presently service the site. Headworks charges are applicable.

56% of water is to be recycled, with the remainder from Council's reticulated system. Water consumption per week is 107405 litres. From the reticulated network this equals 47258 per week or 6751 per day on average.

From information supplied by Council's Water and Sewerage Department Manager, this equates to 7 times the normal use of a dwelling. Therefore headworks can be levied at $2.8\text{ep} \times 7 = 19.6$ for both water and sewerage.

- * Water = $1024.78 \times 19.6 = 20085.68 = 20086$
- * Sewerage = $1601.43 \times 19.6 = 31380.02 = 31380$

4.0 CONSULTATION

4.1 Internal

(a) Design Department

Report: (Senior Engineer – A. Laszlo)

This report is based on the original submission from the owner/applicant and subsequent information submitted.

* This was left off our Decision note.

TRAFFIC

The applicant submitted an estimate of total cars washed per year, which equates to 270 vehicles/day.

The subject site fronts Bruce Highway, which will be upgraded in the immediate future. Once upgraded, only northbound traffic will be permitted to enter the subject site. Therefore southbound traffic will be required to use local roads to face northbound to enter the site and vice versa for traffic exiting the site. Therefore adopting 50% of the traffic using local roads ie 270 vehicles per day, a contribution of \$3726 towards intersection improvements is justified.

FRONTAGE / ACCESS

The subject site fronts Bruce Highway, which is to be upgraded. A two-way left in and left out access off Bruce Highway is proposed. The lay of the land promotes stormwater runoff from Bruce Highway to the internal hard stand area. The access will need to be designed to direct runoff towards the carriageway and to meet Department of Main Roads design of the new roadway. This could prove difficult due to height differences.

A footpath should be provided along this site frontage. A 1.5m path would be appropriate. As Council is required to fund any pathways associated with the Highway upgrading a contribution equivalent to the construction of the pathway should be required. Estimated contribution is \$2660.

The proposed access does not utilise the existing access from Bruce Highway. An access re-organisation will require operational works approval.

SITEWORKS

The Department of Main Roads concurrence agency's response revealed the proposed new four lane highway has significant impact on the alignment and levels of the existing highway. This may impact on the fill of the site and to achieve the necessary access requirements for grades etc. Should filling of the lot be required consideration must be given to stormwater runoff from the adjoining properties.

WATER SUPPLY & SEWERAGE

The details of supply, on-site treatment and discharge of trade waste to sewer of water and chemicals used at the plant will require approval at operational works stage.

Headworks charges will apply.

STORMWATER

Stormwater should be directed away from the carwash bays so that sewers do not become conduits for rainfall runoff. Due to queuing vehicles dropping soil and oils, discharges should be via an oil interceptor trap. Again, approvals will be required at operational works.

OTHER SERVICES

Existing electrical and communication services should be adequate with any upgrades to the developer's costs.

Street lighting in the area is poor. A power pole exists at the southern end of the property. A streetlight added to this pole would increase the lighting levels. A contribution of \$750 towards additional streetlight is justified.

MISCELLANEOUS

Main Roads Department as a Concurrence Agency assessed the application. All DMR conditions to apply as outlined.

4.2 External –

CONCURRENCE AGENCY

(a) Department of Main Roads

Conditions required as attached.

5.0 Conclusion

The proposal is well suited to the location and is recommended for approval.

*

P31/03/07

Moved: Cr MJ Venardos OAM

Seconded: Cr LJ Friske (Proxy)

Recommend that Council, as Assessment Manager, APPROVE development application for Material Change of Use – Commercial Premises (Carwash) on Lot 1 RP888049 located at 34 Violet Street, Gympie subject to the following conditions:

Assessment Managers 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.
- * 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 \$20086, however, the actual amount payable will be based on Council's policy and the rate applicable, at the time of payment.
- * ————— * 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 \$31388 however the actual amount payable will be based on Council's policy and the rate applicable, at the time of payment.
- * 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.

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.

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- (ii) A grease/oil arrester is to be provided on site to ensure polluted run-off does not enter Council's stormwater drainage system.

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 drawn by SJE Consulting and dated 28/11/06).

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.

- * — *
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 this work be completed prior to commencement of the use this condition will be considered satisfied.

- ??? — (
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. *WE BELIEVED THIS TO MEAN A FLOOD IN OUR PLANT ROOM. AS WE HAVE NUMEROUS WATER TANKS IN PLANT ROOM!*
 13. Existing palm trees within the property/road reserve are to be removed.

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

12. Access to the proposed lot/s is/are 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.

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. Plans, specifications and calculations for the plant are to be submitted with the application for Operational Work.
- (*) 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 Cooloolool 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.

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

Carried.

Cr MJ Venardos OAM left the meeting at 3:41 p.m. and returned at 3:42 p.m.

Related to Number 6.

Bureau of Meteorology Date: 11/3/2002

PEAK FLOOD HEIGHTS

(Chronological Listing)

Station : GYMPIE
Stream : MARY RIVER MODERA
Flood Classifications: TE 12.0 MAJOR 17.0
FLOODS NOT RECORDED.)

CBM No 040426
AWRC No : 138900
(MINOR)

Date	Time	Gauge Height (metres)	Site	Data Source	Data Type	Obs Site
11/03/1870		21.59		REGISTER	NOT KNOWN	
29/07/1889		16.92		REGISTER	NOT KNOWN	
25/01/1890		19.28		REGISTER	NOT KNOWN	
12/03/1890		17.40		REGISTER	NOT KNOWN	
04/02/1893	0300	25.45		REGISTER	NOT KNOWN	
17/02/1893		21.08		REGISTER	NOT KNOWN	
11/01/1898	2300	22.00		REGISTER	NOT KNOWN	
08/03/1898	2045	21.49		REGISTER	NOT KNOWN	
14/01/1911		11.35		REGISTER	NOT KNOWN	
05/02/1911		13.87		REGISTER	NOT KNOWN	
11/02/1915		13.28		REGISTER	NOT KNOWN	
07/04/1921		13.26		REGISTER	NOT KNOWN	
31/12/1921		12.17		REGISTER	NOT KNOWN	
12/03/1925		12.65		REGISTER	NOT KNOWN	
21/06/1925		14.02		REGISTER	NOT KNOWN	
16/12/1926		13.49		REGISTER	NOT KNOWN	
25/01/1927		17.02		REGISTER	NOT KNOWN	
05/03/1927		13.00		REGISTER	NOT KNOWN	
21/02/1928		16.26		REGISTER	NOT KNOWN	
20/04/1928		15.68		REGISTER	NOT KNOWN	
21/01/1929		12.65		REGISTER	NOT KNOWN	
05/04/1929		13.44		REGISTER	NOT KNOWN	
26/01/1930		11.43		REGISTER	NOT KNOWN	
02/06/1930		11.13		REGISTER	NOT KNOWN	
29/06/1930		12.19		REGISTER	NOT KNOWN	

: AS HIGHLIGHTED
ON TABLE OF
FLOOD HEIGHTS,
ANY HEIGHTS ABOVE
16.0 METERS OUR SITE
IS SUBJECT TO FLOODING:

9

06/02/1931	1400	17.63	REGISTER	MANUAL
03/02/1934	1210	12.80	REGISTER	MANUAL
23/02/1934	0500	12.45	REGISTER	MANUAL
20/01/1938	1800	11.58	REGISTER	MANUAL
27/05/1938	2330	13.28	REGISTER	MANUAL
04/03/1939	1500	12.95	REGISTER	MANUAL
31/05/1941	1100	12.04	REGISTER	MANUAL
01/02/1944	0900	12.22	REGISTER	MANUAL
26/03/1946		14.78	REGISTER	MANUAL
14/02/1947	0600	13.87	REGISTER	MANUAL
02/03/1947	1400	16.46	REGISTER	MANUAL
08/03/1947		11.53	REGISTER	MANUAL
02/05/1948	1500	14.99	REGISTER	MANUAL
04/03/1949	1500	12.95	REGISTER	MANUAL
26/10/1949	1500	12.40	REGISTER	MANUAL
01/03/1950	0100	16.99	REGISTER	MANUAL

01/02/1951	0600	16.84	REGISTER	MANUAL
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22/02/1953	1200	16.03	REGISTER	MANUAL
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24/03/1953		12.65	REGISTER	MANUAL
11/02/1954	1700	13.87	REGISTER	MANUAL
14/07/1954	1800	15.44	REGISTER	MANUAL
10/03/1955	0215	13.87	REGISTER	MANUAL

28/03/1955	1730	21.44	REGISTER	MANUAL
05/1955	1100	12.65	REGISTER	MANUAL
27/05/1955	0900	11.20	REGISTER	MANUAL
10/02/1956	1630	14.33	REGISTER	MANUAL
12/03/1956	1400	17.75	REGISTER	MANUAL
28/03/1956	2100	12.73	REGISTER	MANUAL
22/12/1956	1700	11.28	REGISTER	MANUAL
11/06/1958	1400	15.77	REGISTER	MANUAL
19/02/1959	0530	13.61	REGISTER	MANUAL
14/11/1959	2010	13.34	REGISTER	MANUAL
02/01/1963	1500	11.89	REGISTER	MANUAL
18/03/1963	0000	15.82	REGISTER	MANUAL

31/01/1967	0900	12.42	REGISTER	MANUAL
11/06/1967	1730	14.96	REGISTER	MANUAL
28/06/1967	0700	12.12	REGISTER	MANUAL
10/01/1968	2000	18.75	REGISTER	MANUAL
02/02/1971	0100	11.86	REGISTER	MANUAL
03/02/1971	1900	12.62	REGISTER	MANUAL
19/02/1971	2230	15.90	REGISTER	MANUAL
13/02/1972	0300	18.39	REGISTER	MANUAL
20/02/1972	2359	11.29	LOG SHEET	MANUAL
03/04/1972	2359	15.85	REGISTER	MANUAL
09/07/1973	0200	19.61	REGISTER	MANUAL
26/01/1974	0900	17.65	REGISTER	MANUAL
28/01/1974	0500	20.73	REGISTER	MANUAL
13/03/1974	2000	14.35	REGISTER	MANUAL
21/01/1976	0600	15.70	LOG SHEET	MANUAL
23/01/1982	1200	12.15	REGISTER	MANUAL
23/06/1983	1400	16.75	REGISTER	MANUAL
06/06/1988	0930	13.00	LOG SHEET	MANUAL
06/07/1988	1800	12.40	LOG SHEET	MANUAL
19/12/1988	2100	13.30	LOG SHEET	MANUAL
01/04/1989	1500	11.85	LOG SHEET	MANUAL
03/04/1989	2130	19.65	LOG SHEET	MANUAL
26/04/1989	2100	19.00	LOG SHEET	MANUAL
22/02/1992	2100	21.40	LOG SHEET	MANUAL
17/03/1992	1300	16.10	LOG SHEET	MANUAL
15/02/1995	2359	12.40	LOG SHEET	MANUAL
10/02/1999	0400	21.95	LOG SHEET	MANUAL
03/03/1999	0600	11.40	LOG SHEET	MANUAL

HEIGHTS AT WHICH BRIDGES IN AND AROUND GYMPIE ARE CUT FROM FLOOD WATERS:-

Kidd Bridge	9.9 metres	Inglewood Bridge	13.4 metres
Bells Bridge	13.5 metres	Pengellys Bridge	15.85 metres
Normanby Hill Bridge	15.54 metres (southern end)	Six Mile Bridge (Gympie south)	17.00 metres

RAIL ACCESS TO GYMPIE FROM MONKLAND

Access to Gympie is available by train from Monkland throughout flood periods. Check with the Gympie Railway Station as to when trains from Monkland cease to operate.

D

3.4 Car Parking

Given the proposal is for a drive-through car wash provision for parking is not considered necessary. A small office of 2.5 metres x 1.5 metres is proposed. This would only be able to house one employee.

3.5 Flooding

The site is subject to flooding in a Q40 event. However, the site is considered well suited to the proposed use given the mobile nature of the service offered.

Contingency plans for the evacuation of chemicals stored on the property in the event of flood need to be made with a copy of such a report submitted to Council.

3.6 Site Contamination

The site is not listed on the Environmental Management Register.

3.7 Utilities and Services

Water and sewerage services presently service the site. Headworks charges are applicable.

56% of water is to be recycled, with the remainder from Council's reticulated system. Water consumption per week is 107405 litres. From the reticulated network this equals 47258 per week or 6751 per day on average.

From information supplied by Council's Water and Sewerage Department Manager, this equates to 7 times the normal use of a dwelling. Therefore headworks can be levied at $2.8 \text{ep} \times 7 = 19.6$ for both water and sewerage.

- * Water = $1024.78 \times 19.6 = 20085.68 = 20086$
 - * Sewerage = $1601.43 \times 19.6 = 31380.02 = 31380$

4.0 CONSULTATION

4.1 Internal

(a) Design Department

Report: (Senior Engineer – A. Laszlo)

This report is based on the original submission from the owner/applicant and subsequent information submitted.

* This was left off our Decision Note.

RELATES TO NO 11.



COOLOOLA SHIRE COUNCIL

242 MARY STREET. (PO BOX 155)

GYMPIE Q 4570.

ABN: 93 943 158 756

CONTACT: Michael Kucera
Planning & Development

DEPT NO: Ph (07) 5481 0644
FAX NO: Fax (07) 5481 0801

E-mail: [REDACTED]

This is vital!
Page 3 of 7!
Point 12.

(E)

Our Ref: DA14786 MAK/GH00769 Minute P31/03/07

26 March 2007

Eric & Roselys Blaich

NOOSAVILLE QLD 4566

Dear Sir/Madam,

**RE: Development Application for Material Change of Use –
Commercial Premises (Carwash)
over Lot 4 MPH24430 - 32 Violet Street, Gympie**

With reference to the above application, Council at its General Meeting held on 20 March 2007 resolved to approve the application. Please find enclosed a Decision Notice relating to this matter.

Please read through the conditions of approval on the Decision Notice and if you require any clarification please contact Council's officer nominated below.

Please find attached a copy of an extract of the *Integrated Planning Act 1997* detailing your rights of appeal to the Planning and Environment Court. You also have the right to negotiate any of the conditions imposed by Council as Assessment Manager under Section 3.5.18 of the *Integrated Planning Act*.

Should you not wish to appeal to the court nor negotiate any of Council's conditions it is suggested that you advise Council of your intentions in this regard so that Council can help to expedite any further processing of your proposal.

Should you require any further information please contact Michael Kucera of Council's Planning & Development Department on (07) 5481 0644.

Yours faithfully,

[REDACTED]

K. A. MASON
CHIEF EXECUTIVE OFFICER

Enc.

C/C. DMR



COOLOOLA SHIRE COUNCIL

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GYMPIE Q 4570.

ABN: 93 943 158 756

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This is Vital!
page 3 of 7!
Print R.

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Yours faithfully,

[REDACTED]
K. A. MASON
CHIEF EXECUTIVE OFFICER

Enc.

C/C. DMR

Development Application 14786
Decision Notice

Issued under the Integrated Planning Act 1997 (S.3.5.15)

The Development Application DA14786 for the purpose of Material Change of Use of Premises – Commercial Premises (Carwash) - was assessed and:-

Approved with Conditions

The decision was made by Cooloolo Shire Council on *20 March 2007*

Unless the use has commenced beforehand, this permit will lapse on 20 March 2011

Local Government Area: *Cooloolo Shire Council*

The following schedule provides all the relevant details.

PROPERTY DETAILS

Street Address & Locality: *32 Violet Street Gympie*
RPD: *Lot 4 MPH24430*
Parish: *Gympie*

?

WRONG ADDRESS

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

Development Application 14786
Decision Notice

APPLICABLE CODES

Codes 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.
3. A contribution of \$2660 is to be paid to Council towards the provision of a footpath along the frontage of the site. *spk*
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 \$20086, however, the actual amount payable will be based on Council's policy and the rate applicable, at the time of payment. *No*
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 \$31388 however the actual amount payable will be based on Council's policy and the rate applicable, at the time of payment. *No*
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.
Refer Graham Webster / Council's Road-works & development
7. A contribution of \$750 is to be paid to Council towards the provision of street lighting in the vicinity of the site. *??*

Development Application 14786
Decision Notice

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. *ALREADY PROVIDED, BUILDINGS MORE THAN 20m AWAY*
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.
- HECK*
EGG 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. *Re MAIN ROADS INFO.*
Note: Should this work be completed prior to commencement of the use this condition will be considered satisfied.
- * 12. *Q&A to SUPPLY:* 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. *we understood this to mean flood in our plantroom. never requested from us.*
13. ✓ Existing palm trees within the property/road reserve are to be removed.

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. *TODOS*
(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.

Development Application 14786
Decision Notice

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.
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.

Development Application 14786

Decision Notice

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. Plans, specifications and calculations for the plant are to be submitted with the application for Operational Work.
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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.
- 1.5. 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.

<p>Development Application 14786 Decision Notice</p>
--

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 Cooloolool 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.

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.

Development Application 14786
Decision Notice

ASSESSMENT MANAGER

Name: Cooloolo Shire Council

Signature

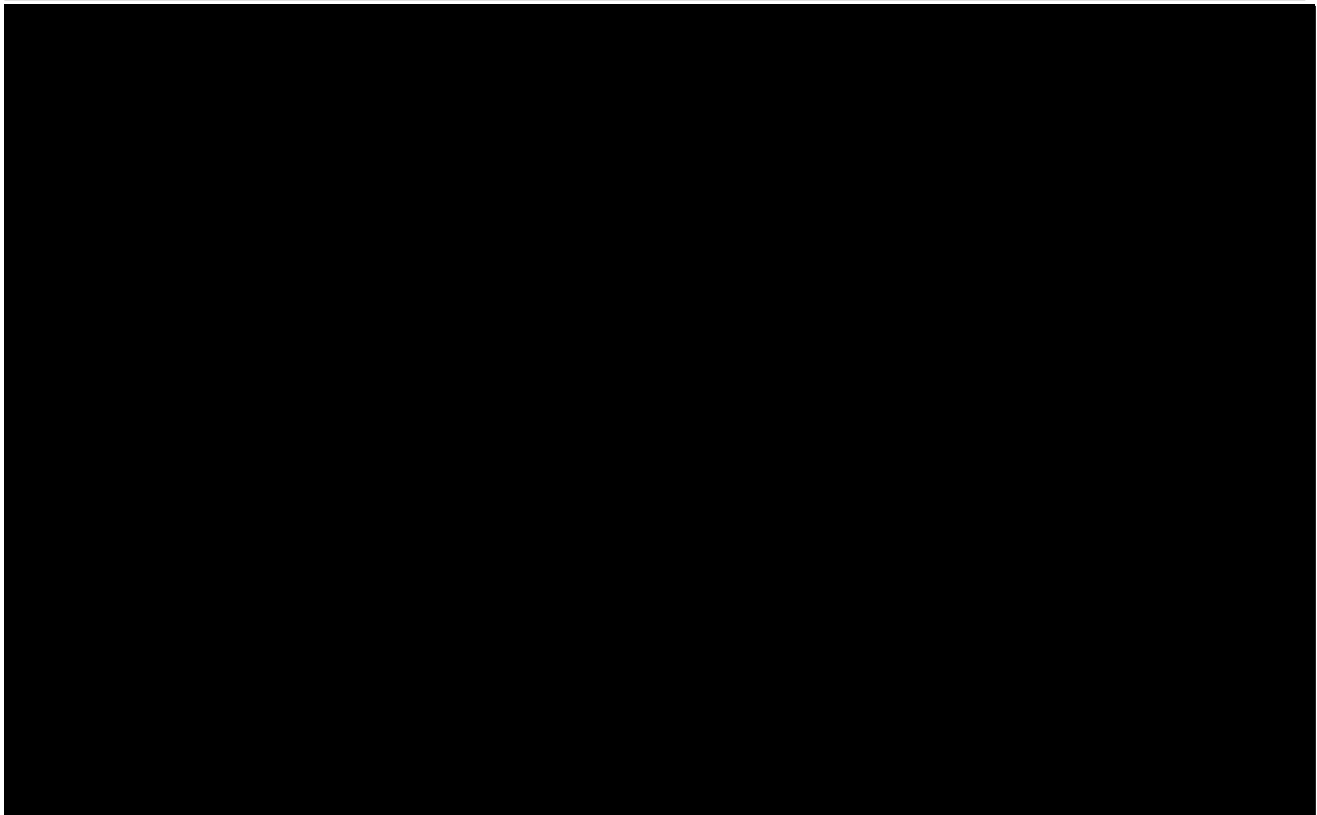
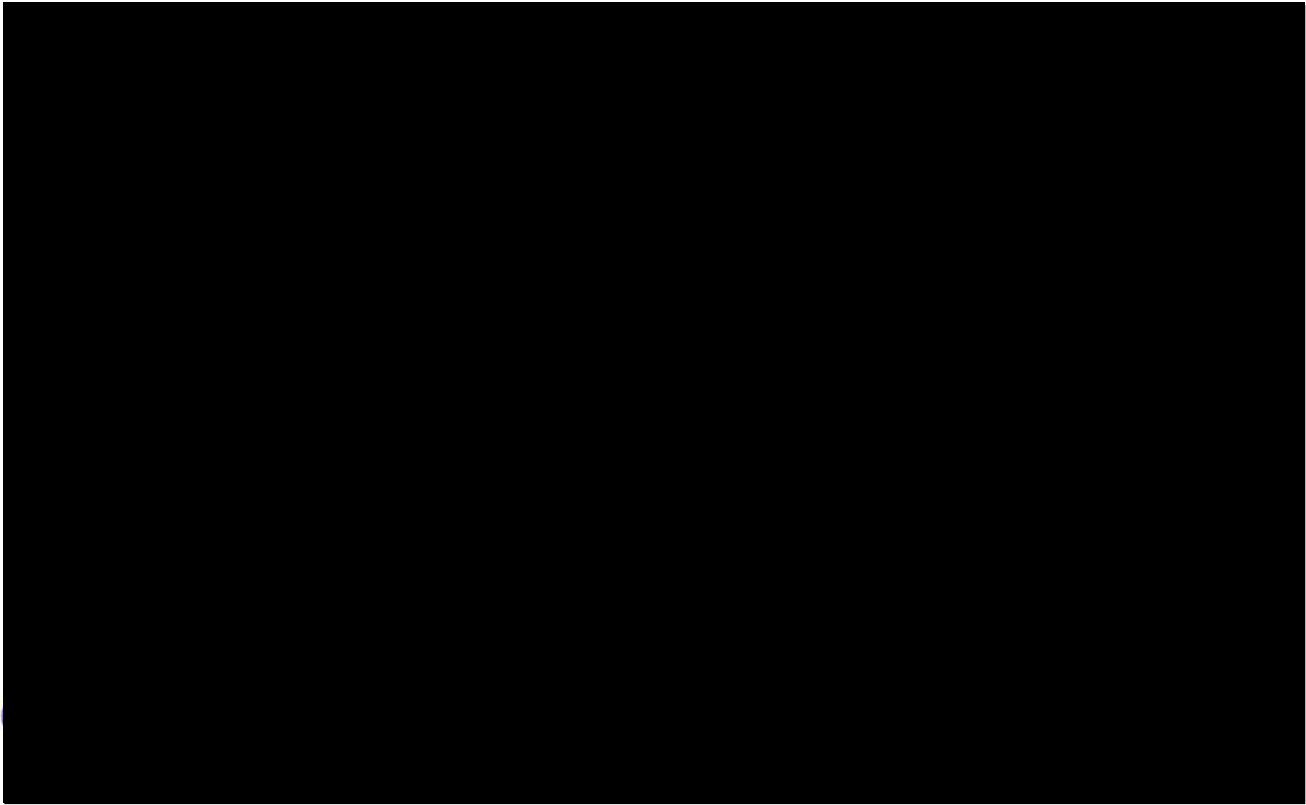


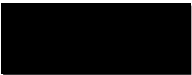
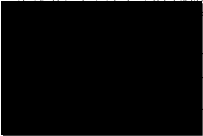
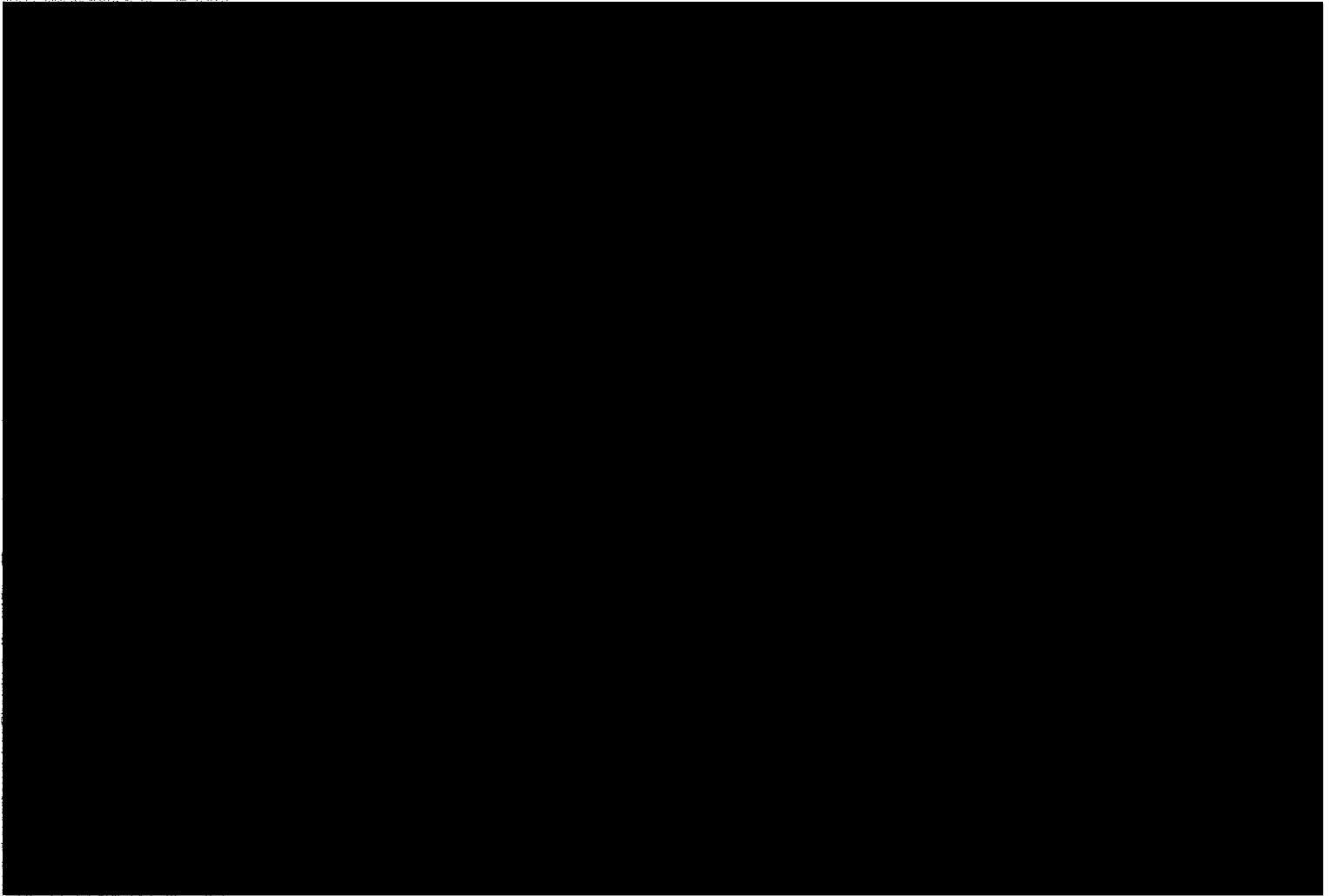
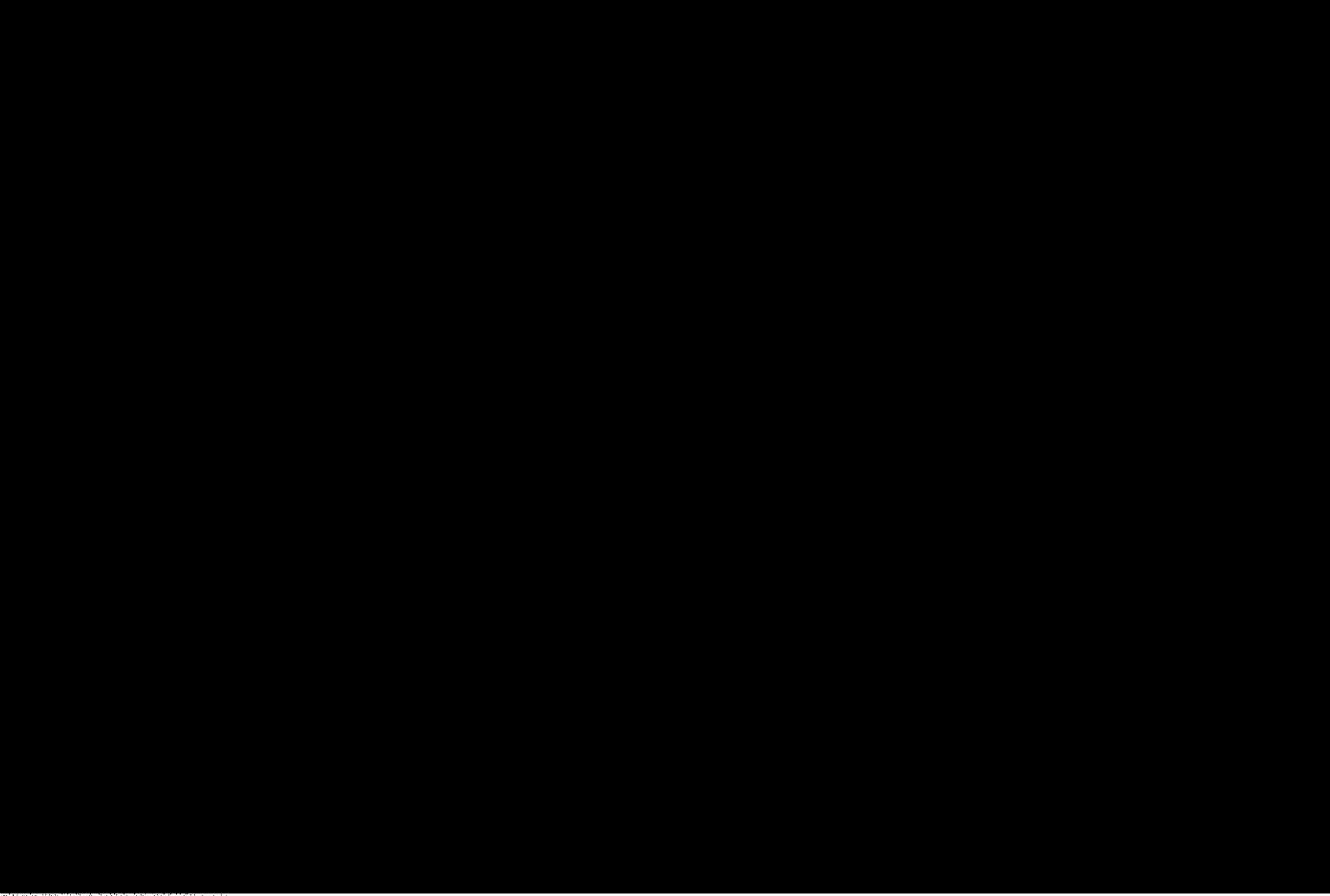
Date: 26 March 2007

TANIA STENHOLM
AUTHORISED DELEGATE
SENIOR PLANNING OFFICER

RELATES TO: NO 14:

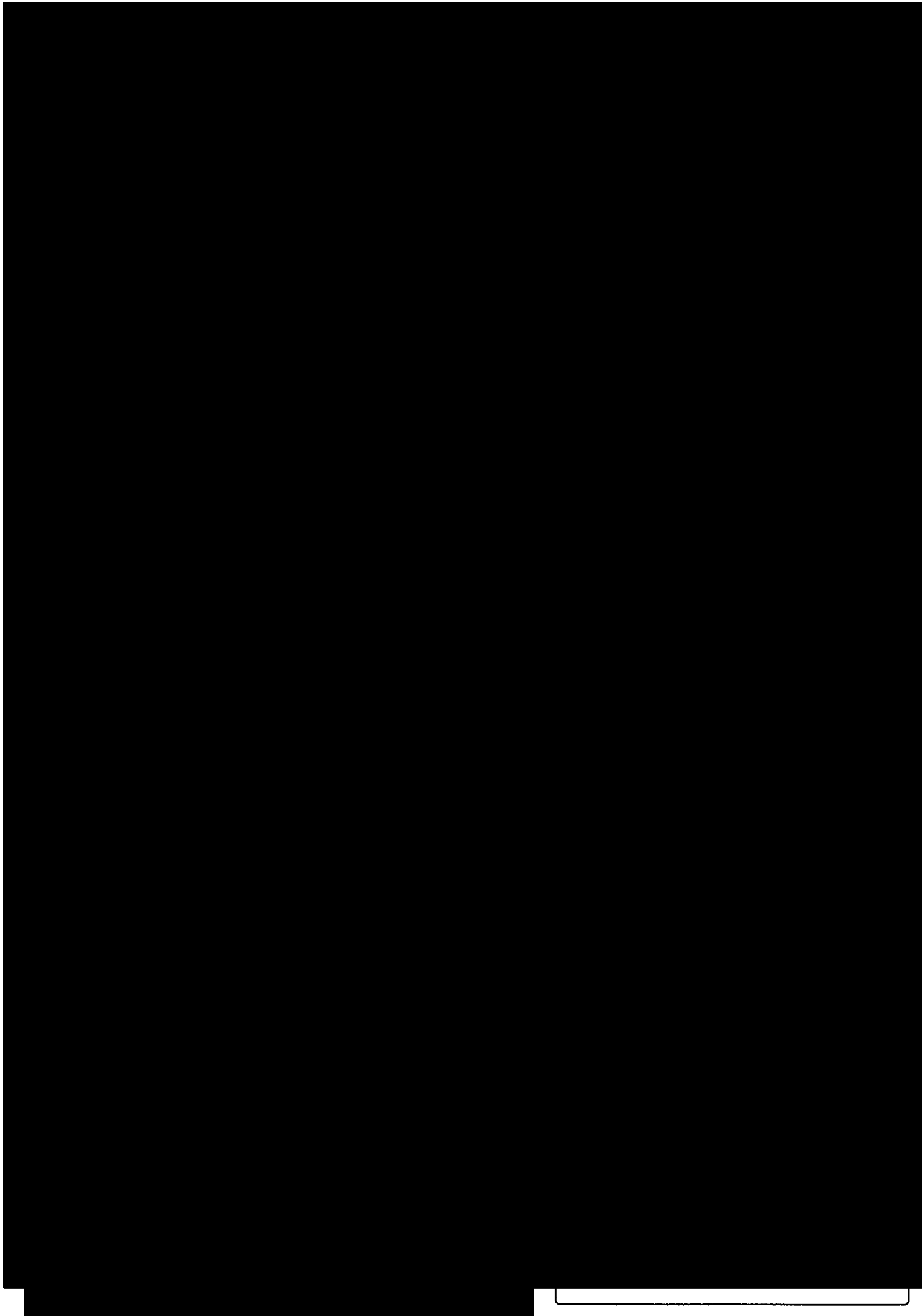
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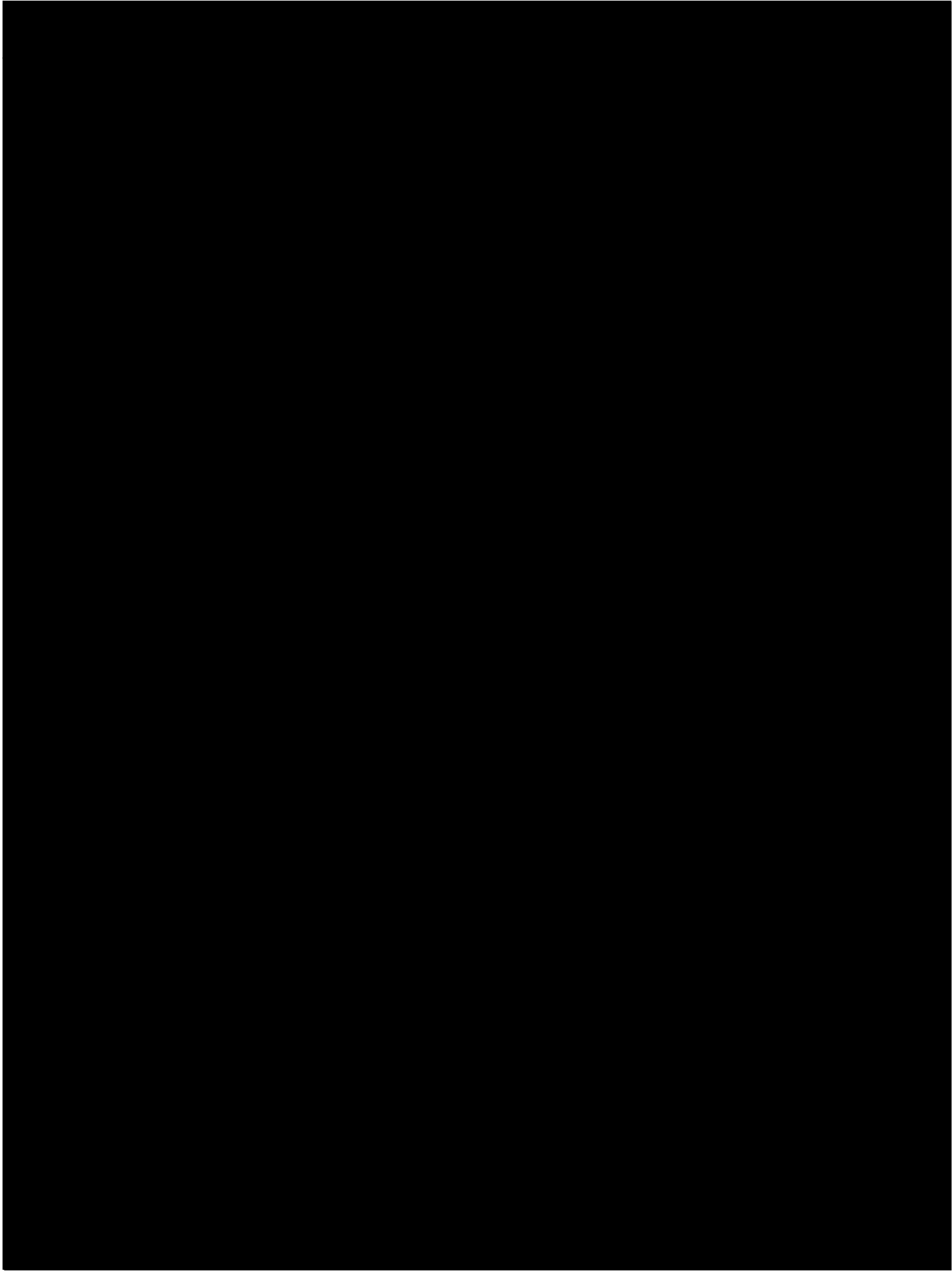


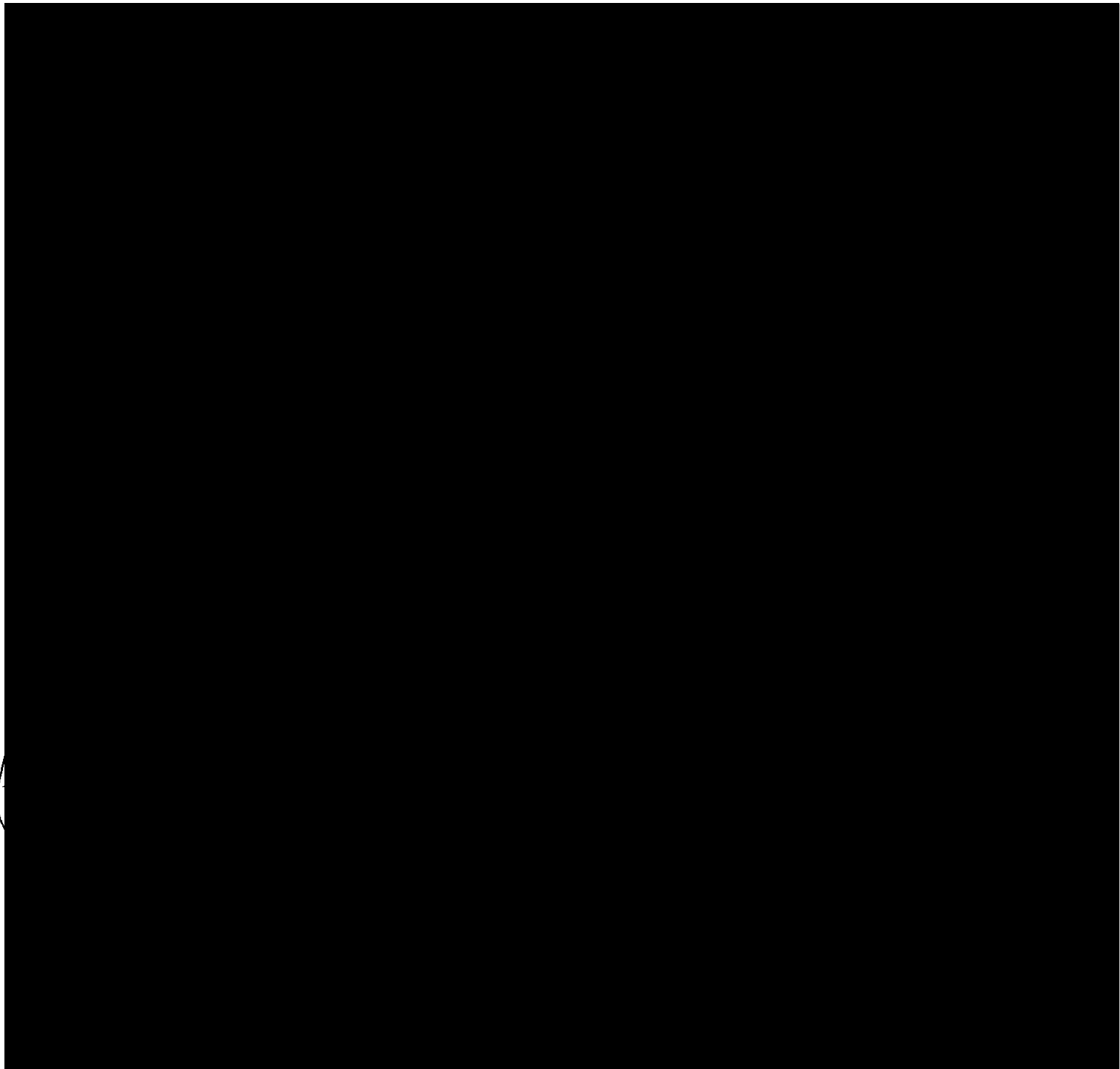


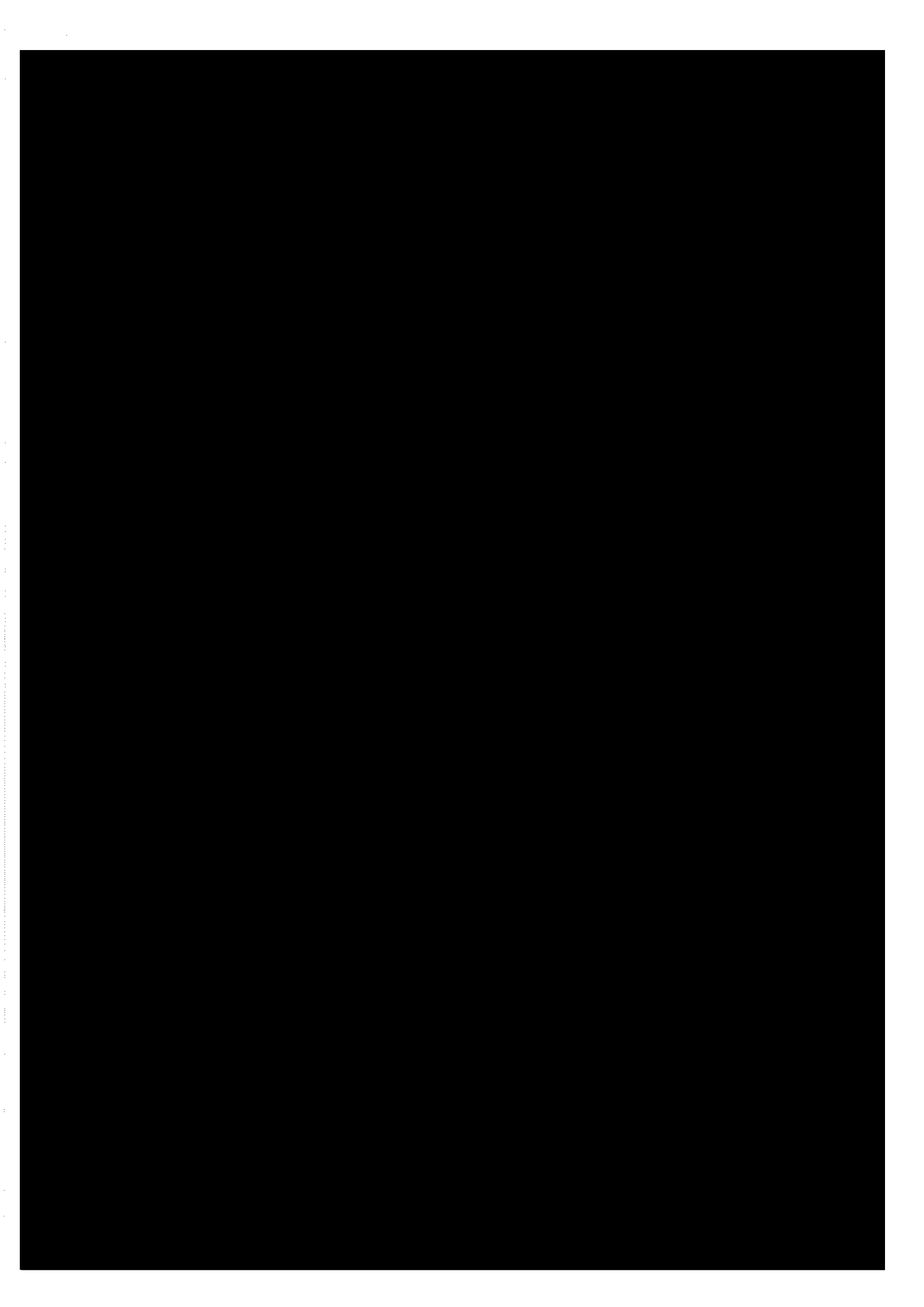
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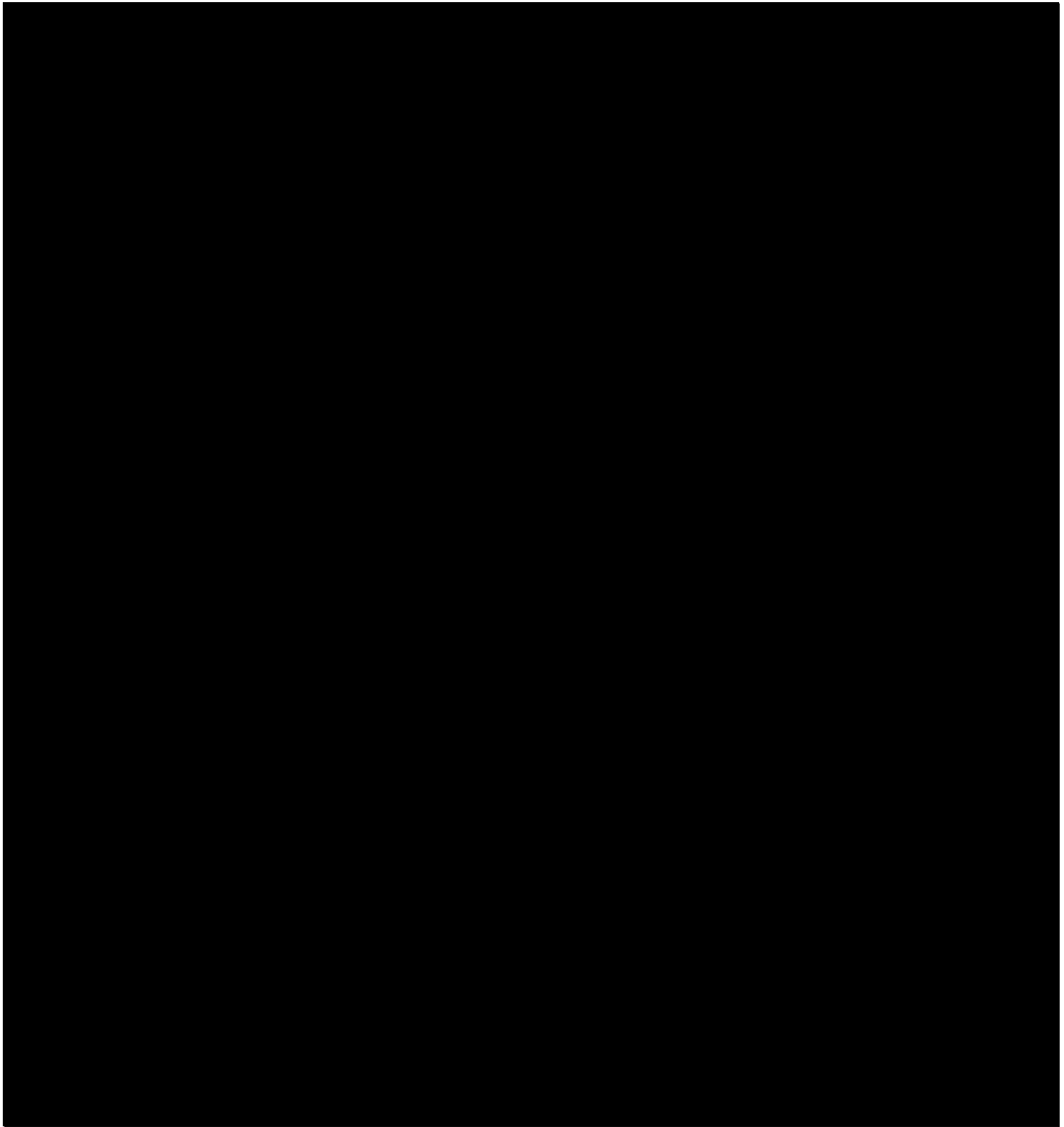






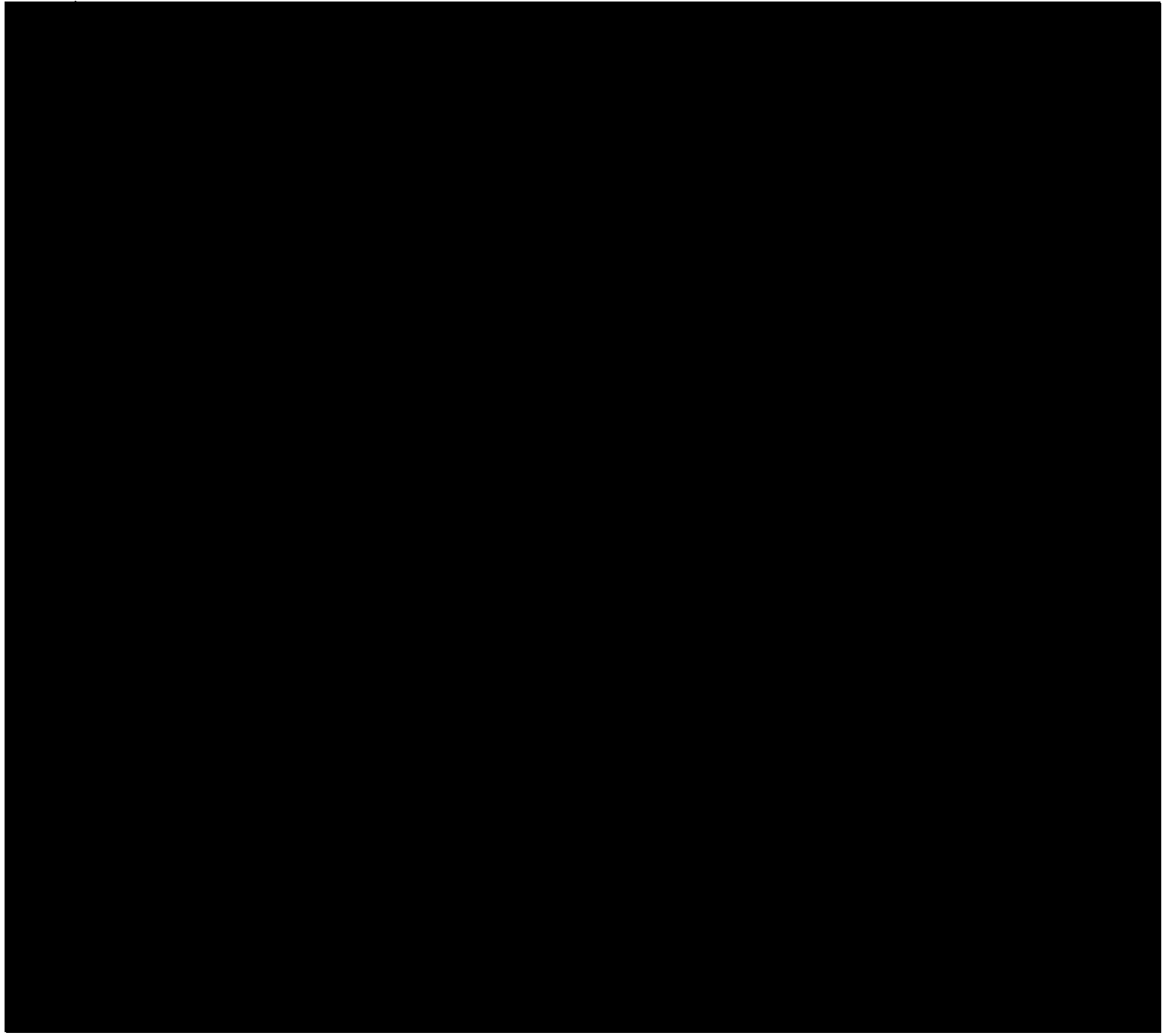






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