

**QFCI**

Date: 13 | 10 | 11 Jm

Exhibit Number: 821

# QUEENSLAND FLOODS COMMISSION OF INQUIRY

## STATEMENT OF MICHAEL PETER HARTLEY

I, Michael Peter Hartley, Director of Planning and Development, Gympie Regional Council make the following statement under oath as required by the Commissioner of Inquiry:

1. The conditions described in paragraph 30 of my statement dated 25 August 2011 relate to:
  - a. Properties which were flooded during the period 1 December 2010 to 31 January 2011, namely 34 Violet Street, Gympie and 53 Violet Street, Gympie ; and
  - b. Development applications lodged since 2003 for Material Change of Use.

Condition a) in paragraph 30 of my statement dated 25 August 2011 relates to the property at 34 Violet Street, Gympie, and is addressed in the statement prepared by Council's Manager of Development and Compliance, Ms Tania Stenholm.

Conditions b), c), d), e) and f) are contained in three separate development approvals for Material Change of Use over the property at 53 Violet Street. The balance of this statement relates to the 53 Violet Street property.

2.
  - a. No defined flood level existed in relation to this property at or around the time the applications were lodged. However, Council's GIS mapping indicates that the entire development site is covered by a 1 in 40 year Mary River flood event.
  - b.
    - i. Development permit **DA08722** is dated 21 September 2004 and is for a landscape supply centre and light industry (Contractors Yard). A Negotiated Decision Notice was issued on 16 November 2004 following representations from the applicant, and an Amended Negotiated Decision Notice was issued on 1 May 2007 following a request to change the approval from the applicant.
    - ii. Development permit **DA14429** is dated 1 May 2007 and is for extensions to landscape supply centre,
    - iii. Development permit **2009-2121** is dated 30 May 2011 and is for an extension to existing landscape supply centre.
  - c.
    - i. The development site takes flows from Commissioners Gully, a large open channel running through the site that can rise quickly during intense rain events. The potential impact of flooding is largely limited to loss of raw materials, hence the imposition of a conditions of approval requiring removal of stockpiles prior to flood waters entering the site and the preparation of suitable management plans for the evacuation of materials in the event of flood.

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Witness

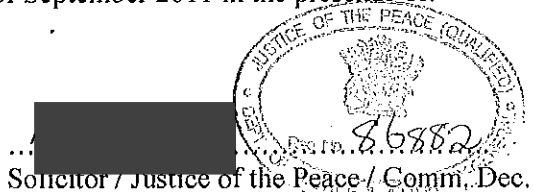
Solicitor / Justice of the Peace / Commissioner for  
Declarations

- ii. I have no first hand knowledge regarding the frequency with which flooding has occurred on the land in the past. Engineering comments at section 5.1 (a) of the Planning & Development Committee Minutes on 24 April 2007 (assessing development application DA14429) state that at that time, the site had been subject to flooding five times in the last 20 years.
  - iii. In relation to measures to manage the storage of chemicals or hazardous materials associated with the proposed use, the development permits for DA08722 and DA14429 each contain a condition requiring the preparation of the management plan for the evacuation of materials in the event of flood, including the evacuation of high risk materials.
- d. Copies of the relevant documents from Council's three DA files are attached as requested.

Sworn by Michael Peter Hartley at Gympie this 27<sup>th</sup> day of September 2011 in the presence of:



Witness

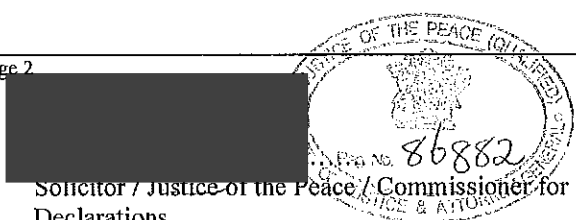


Solicitor / Justice of the Peace / Comm. Dec.



Witness

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Solicitor / Justice of the Peace / Commissioner for Declarations

## 53 Violet Street, Gympie

Material Change of Use  
Landscape Supply Centre and Light Industry (Contractor's Yard)

File Number: DA08722

Name: [REDACTED]

Date Open 16 March 2004

Last Correspondence 4 May 2007

### Contents:

No	Description of Information	Dated
1	Ltr and Amended Negotiated Decision Notice	4 May 2007
2.	Planning & Development Committee Minutes	24 April 2007
3.	Planning & Development Committee Minutes	10 October 2006
4.	Ltr from Martoo re Alterations to Existing approval	5 September 2006
5.	Ltr to Martoo re Complaint	11 August 2006
6.	Ltr from Martoo re complaint	31 July 2006
7.	Ltr from Applicant re query on decision notice conditions	13 June 2006
8.	Ltr to Martoo concerning complaints	1 September 2005
9.	Ltr from Martoo re concerns raised by Council	27 July 2005
10.	Planning & Development Committee Minutes	26 July 2006
11.	Ltr & Negotiated Decision Notice	19 November 2004
12.	Planning & Development Committee Minutes	9 November 2004
13.	Ltr & Decision Notice	22 September 2004
14.	Planning & Development Committee Minutes	13 September 2004
15.	Ltr from Murray & Ass re public Notification	3 August 2004
16.	Ltr from Dept Main Roads re Concurrence Agency conditions	10 June 2004
17.	Ltr to Murrays re request for additional info	6 May 2004
18.	Ltr to Murrays re Acknowledgement Notice	30 March 2004
19.	Ltr and Application Forms	16 March 2004

[Redacted]  
Planning & Development

Ph (07) 5481 0644  
Fax (07) 5481 0801

[Redacted]

Our Ref: DA8722 MAK/LEH02279 P36/04/07

4 May 2007

[Redacted]  
C/- Martoo Consulting  
PO Box 1684  
NOOSA HEADS QLD 4567

Dear Sir,

**RE: Request to Change Development Approval for Material Change of Use -  
Landscape Supply Centre and Light Industry (Contractor's Yard)  
over Lot 99 MCH4906 - 53 Violet Street Gympie**

With reference to your request to change an existing approval, Council at its General Meeting held on 1 May 2007 resolved to approve the application. Please find enclosed an Amended Negotiated Decision Notice relating to this matter.

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.

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

Yours faithfully,

[Redacted Signature]

**CHIEF EXECUTIVE OFFICER**

Enc.



**Development Application 8722  
Amended Negotiated Decision Notice**

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

The Development Application *DA08722* for the purpose of a Material Change of Use of Premises - Landscape Supply Centre and Light Industry (Contractor's Yard) was assessed and:-

*Approved with Conditions*

The decision was made by Cooloolo Shire Council on *1 May 2007*

*Unless the use has commenced beforehand, this permit will lapse on 16 November 2008*

Local Government Area: *Cooloolo Shire Council*

The following schedule provides all the relevant details.

**ORIGINAL DECISION NOTICE DETAILS**

Decision made by Council: *21 September 2004*

Decision Notice issued: *22 September 2004*

**APPEAL PERIOD DETAILS**

Original Appeal Period Expiry Date: *Within 20 days from the issue of the Decision Notice  
(ie 21 October 2004)*

Appeal Period Suspended by Applicant: *24 September 2004*

New Appeal Period Expiry Date: *Within 20 days from the issue of this Negotiated Decision Notice  
(ie 17 December 2004)*

**NATURE OF CHANGES TO ORIGINAL DECISION NOTICE**

1. Amend condition 7.1 to remove the note relating to the sale of plants;
2. Add additional condition 7.12.

**PROPERTY DETAILS**

Street Address & Locality: *53 Violet Street, Gympie*

RPD: *Lot 99 on MCH4906*

Parish: *Gympie*

**APPLICANT'S DETAILS**

Name: [REDACTED]

Postal Address: *C/- Murray & Assoc (Qld) Pty Ltd, PO Box 57, Gympie QLD 4570*

**Development Application 8722  
Amended Negotiated Decision Notice**

**OWNERS DETAILS**

Name:

Postal Address:

GYMPIE QLD 4570

**REFERRAL AGENCIES**

Concurrence Agencies

- 1) The District Director  
Queensland Department of Main Roads  
North Coast Hinterland District  
PO Box 183  
GYMPIE QLD 4570

**APPLICABLE CODES**

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

- Council's Transitional Planning Scheme

**CONDITIONS**

Assessment Manager's Conditions

**SECTION 1.0 – CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF THE APPROVED USE**

- 1.1 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 (for demountable office and bunkers);
    - (b) Development Permit for Plumbing & Drainage Works; and
    - (c) Development Permit for Operational Works (Site Works, Bitumen Widening, Kerb and Channelling and associated Stormwater Drainage, Driveway, Parking Areas and Landscaping).
- 1.2 Landscaping works are to be completed in accordance with Council's Development Permit for Operational Works (Landscaping).
- 1.3 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.
- 1.4 All necessary permits from the Department of Main Roads are to be obtained for the purpose of constructing an access onto Lot 1 MPH5330 (53 Violet Street).
- 1.5 All lots that form part of this Development Application are to be amalgamated in Title. Such amalgamation does not require development approval.



**Development Application 8722  
Amended Negotiated Decision Notice**

**SECTION 2.0 - CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A DEVELOPMENT PERMIT FOR BUILDING WORKS**

- 2.1 Submission of building plans in accordance with the Building Act, Council's Local Laws and Policies, and any conditions of this approval and substantially in accordance with the plans submitted and the Shire of Cooloola Planning Scheme apart from where amendments are required or dispensations have been granted in conjunction with this approval.

**SECTION 3.0 - CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A DEVELOPMENT PERMIT FOR PLUMBING & DRAINAGE WORKS**

- 3.1 Lodgement of a Development Application to Council including drainage plan and supporting information outlined in Council's Plumbing & Drainage Works checklist.

**SECTION 4.0 - CONDITIONS RELEVANT TO THE ISSUE OF A DEVELOPMENT PERMIT FOR PLUMBING & DRAINAGE WORKS**

- 4.1 All plumbing and drainage works shall be carried out in accordance with the:
- Sewerage and Water Supply Act;
  - Standard Water Supply Law;
  - Standard Sewerage Law; and
  - Australian Standard 3500: The National Plumbing and Drainage Code, Parts 1, 2 & 4.
- 4.2 (i) Connection is to be made to Council's existing Water Supply and Sewerage reticulation systems, including containment devices for back flow prevention at no cost to Council. Connection shall be in accordance with a development permit for Plumbing & Drainage 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.

**SECTION 5.0 - CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A DEVELOPMENT PERMIT FOR OPERATIONAL WORKS (SITE WORKS, BITUMEN WIDENING, KERB AND CHANNELLING AND ASSOCIATED STORMWATER DRAINAGE, DRIVEWAY, PARKING AREAS AND LANDSCAPING)**

- 5.1 Lodgement of a Development Application for Operational Works to Council.
- 5.2 Prior to the commencement of works on site a properly prepared Landscape Plan in accordance with Council's Landscape Policy PR-PD-4 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.





**Development Application 8722  
Amended Negotiated Decision Notice**

**SECTION 6.0 – CONDITIONS RELEVANT TO THE ISSUE OF A DEVELOPMENT PERMIT FOR OPERATIONAL WORKS (SITE WORKS, BITUMEN WIDENING, KERB AND CHANNELLING AND ASSOCIATED STORMWATER DRAINAGE, DRIVEWAY, PARKING AREAS AND LANDSCAPING)**

6.1 A contribution of \$4 000 is to be paid towards the frontage roadworks prior to commencement of the use.

6.2 Off-street car parking is to be provided in accordance with Council's Planning Scheme.

*Note that 5 carparks as shown on the proposal plan are considered satisfactory by Council.*

6.3 Car parking and access areas shall be sealed pavement and designed, drained, constructed and maintained in accordance with the Planning Scheme requirements and Council's Planning Scheme Policies.

*Note: Council approves a dust-reduced standard for the car parking area for a maximum period of five (5) years or until Council receives valid complaints about the dust from that unsealed area, whichever occurs sooner. A further development approval for Operational Works will be required for the sealing of this area.*

6.4 Undertake at no cost to Council, the alteration of any public utility mains (e.g. Electricity, water, sewerage, gas etc) or other facilities necessitated by the development of the land or associated construction works external to the site.

6.5 Landscaping works in accordance with the approved landscape plans are to be completed to the satisfaction of Council's Chief Executive Officer.

6.6 All landscaping works so constructed shall be subject to a maintenance period commensurate with any other Council infrastructure works also constructed.

6.7 A landscaping strip of at least 3.0 metres wide and averaging at least 4.0 metres is to be provided along the road frontage of the site. Landscaping shall be undertaken in accordance with plans submitted with the application.

**SECTION 7.0 – GENERAL CONDITIONS OF APPROVAL**

7.1 (i) The development shall be generally in accordance with the plans submitted with the application (Plan no 37723 drawn by Murray & Associates Pty Ltd and dated 3/03/04);

*Note: This approval does not authorise the use of the site for screening of materials (at a level that requires approval for an Environmentally Relevant Activity), servicing of vehicles and other general items not considered to be landscaping materials.*

(ii) The layout of the development as shown on the endorsed development plan/s shall not be altered or modified unless previously approved by Council's Chief Executive Officer.

**Development Application 8722**  
**Amended Negotiated Decision Notice**

- 7.2 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.
- 7.3 All landscaping shall be maintained (watering, fertilising, mulching, weeding, etc.) to the satisfaction of Council's Chief Executive Officer.
- 7.4 Loading/unloading operations shall be conducted within the site and vehicles waiting to be unloaded/loaded shall stand entirely within the site.
- 7.5 Siltation and erosion control methods shall be implemented and maintained at all times in accordance with Council's Environmental Management Plan to the satisfaction of Council's Chief Executive Officer.
- 7.6 Stormwater is to be disposed of on site so as to cause no scour or damage to adjoining properties to the satisfaction of Council's Chief Executive Officer.
- 7.7 All operations conducted on the site shall be carried out in accordance with the *Environmental Protection Act 1994* and other relevant Acts, Regulations and Local Laws.
- 7.8 In the event that a valid complaint of unreasonable noise emissions from the development is received, Council may require the submission of an environmental noise level study and report which complies with Australian Standard 1005 and the Environmental Protection Agency Noise Management Manual; and require works and/or management practices to be carried out to ensure noise emissions comply with the requirements of the *Environmental Protection (Noise) Policy 1997*.
- 7.9 The operation of the development must not release odour or visible contaminants including dust, smoke, fumes and aerosols to the environment that will, or may cause an environmental nuisance.
- 7.10 The following measures are to be implemented to control air emissions from the site:
- (a) All areas of the site used by vehicular traffic shall be maintained to minimise dust emissions;
  - (b) Stockpiles are to be enclosed with walls on at least three sides at all times. Sand and aggregate should be covered during long storage intervals;
  - (c) Sand and aggregate stockpiles are to be regularly watered to minimise dust emissions. This should be done in conjunction with an appropriate catchment and treatment system to contain runoff and leached water from the sprinklers.
- 7.11 In the event of flood, stockpiles are to be removed from the site prior to floodwaters entering the site.
- 7.12 A management plan for evacuation of materials in the event of flood is to be submitted to Council for approval. The plan should include:
- (a) list of landscaping materials to be stored on the site;
  - (b) assessment of each material and potential impacts from the site in the event of the flood;
  - (c) management plan for evacuation of high risk materials to be removed from the site.
- The plan should be compiled by a suitably qualified professional.



**Development Application 8722  
Amended Negotiated Decision Notice**

NOTES

- (i) Under the Integrated Planning Act, this development approval lapses at the end of the currency period for the approval which is either:
- (a) the four years starting the day the approval takes effect; or
  - (b) if the approval states or implies a time for the approval to lapse – the period from the day the approval takes effect until the stated or implied time.

*This approval will lapse unless substantially started within the above stated currency periods (refer to sections 3.5.19 and 3.5.20 of IPA for further details).*

- (ii) This development approval takes effect either:
- (a) from the time the decision notice is given; or
  - (b) subject to the decision of the court, when the appeal is finally decided – if an appeal is made to the court.
- (iii) Under Section 3.5.28 of the Integrated Planning Act, this development approval attaches to the land, the subject of the application, and binds the owner, the owner's successors in title and any occupier of the land.
- (iv) 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 Development Manual.
- (vi) No earthworks or filling works are to be undertaken prior to the issue of a Development Permit for Building Works/Operational Works.

Concurrence Agency's Conditions

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

- (i) The road access works to the site must be upgraded to provide a sealed surface in accordance with this District's Type 2 Standard Access, as shown on the attached drawing No D2-5.
- (ii) 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.
- (iii) The engineering design, plans and specifications must be prepared by a qualified consulting engineer.



**Development Application 8722  
Amended Negotiated Decision Notice**

Note:

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

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 (for demountable office and bunkers);  
Development Permit for Plumbing and Drainage Works; and  
Development Permit for Operational Works (Site Works, Bitumen Widening, Kerb and Channelling and associated Stormwater Drainage, Driveway, Parking Areas and Landscaping).*

**RIGHTS OF APPEAL**

*Two (2) properly made submissions were lodged to this application.*

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

**ASSESSMENT MANAGER**

Name: Cooloola Shire Council

Signature:

Date: 4 May 2007.

**AUTHORISED DELEGATE**  
**DIRECTOR OF PLANNING AND DEVELOPMENT**

EXTRACTS OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING  
HELD ON THE 24 APRIL 2007

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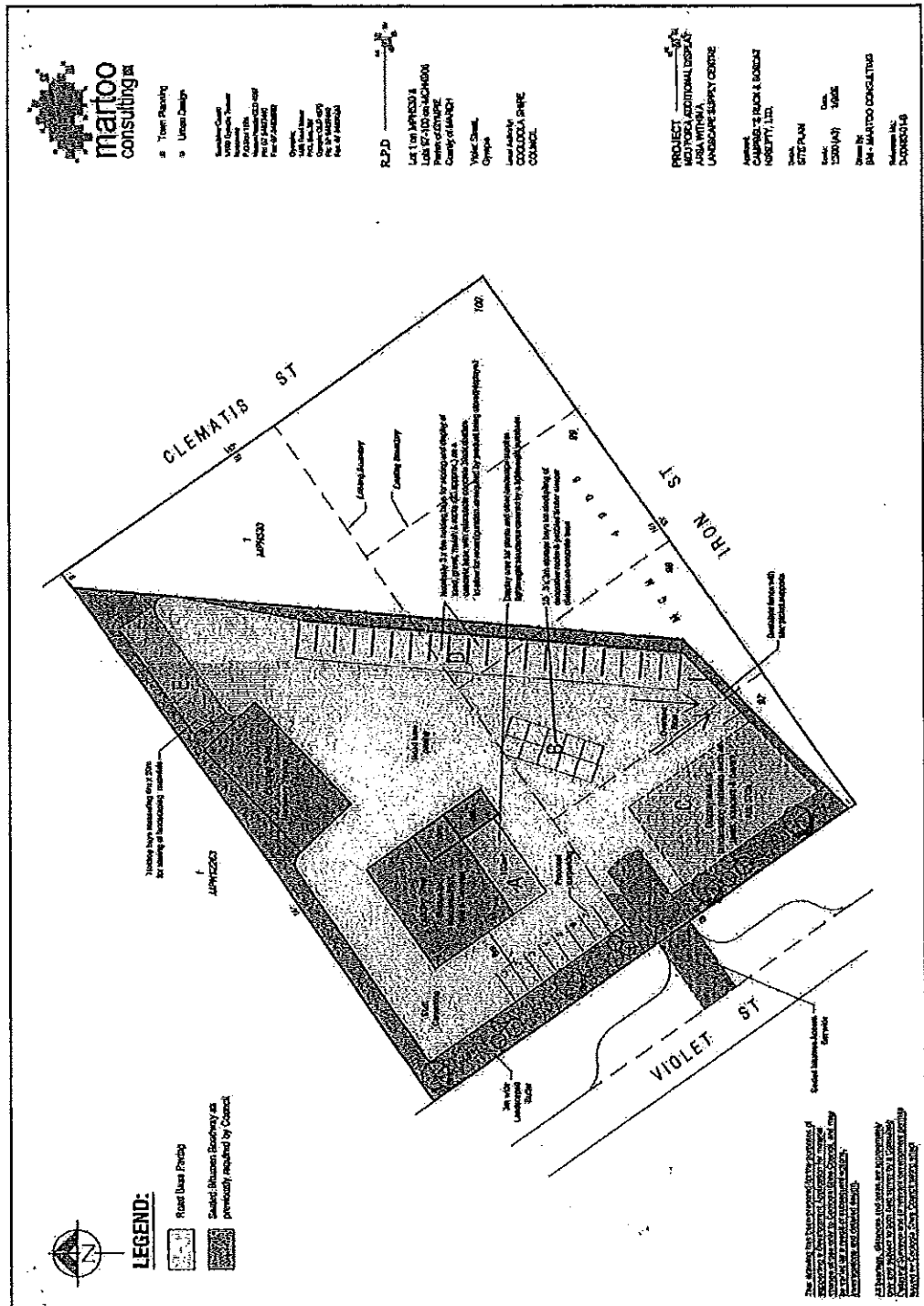
1/3	DA14429 – Material Change of Use – Display Yard (Extensions to Landscape Supply Centre) & DA08722 – Request to Change an Existing Approval (To Change or Cancel Conditions of Approval) – 53 Violet Street, Gympie – Campbells Truck and Bobcat Hire
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FILE NO:	Minute: P36/04/07 DA14429 & DA08722
APPLICANT:	Campbells Truck and Bobcat Hire
LANDOWNER:	[REDACTED]
RPD:	Lot 1 MCH5330 & Lots 97, 98 & 99 MCH4906
SITE ADDRESS:	53 Violet Street, Gympie
CURRENT USE OF LAND:	Landscape Supply Centre
PROPOSAL:	Material Change of Use – Display Yard (Extensions to Landscape Supply Centre) & Request to Change an Existing Approval (To change or cancel conditions of approval).
ZONE:	Commercial (Highway Services) and Community.
LEVEL OF ASSESSMENT:	Code (Inconsistent in the Community Zone)



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Report: (Planning Officer - [REDACTED])

1.0 Introduction

This application seeks Council's approval for the extension to an existing Landscape Supplies Centre.

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**1.1 The Proposal**

A material change of use application has been required as the proposal is increasing in size and intensity to that previously approved.

Approval is being sought for the following:

- relocation of on-site facilities (toilets, office).
- relocation and increase of car parking;
- increase in area of holding bays and as a consequence ability to store more goods;
- increase in range of goods able to be sold – such as letterboxes, water features, sleepers, garden fencing, garden ornaments, plants, irrigation supplies – tanks, sprinklers and fertilizers.

The request to change component relates to a number of conditions the applicant expects Council to modify on the original approval to reflect the changes sought.

**1.2 Site Description**

The site is developed as a landscape supplies centre with several buildings. Some of the allotments in the community zone are vegetated.

**1.3 Surrounding Land Uses**

The site is on the Bruce Highway with primarily commercial uses surrounding it, however, some residential uses are nearby.

**1.4 Site History**

A previous approval for a landscape supply centre was issued in November 2004 under file DA08722. Some conditions of the approval have been satisfied.

**2.0 STATUTORY REQUIREMENTS**

**2.1 Intent of the Zone**

The intent of the Commercial Zone is to provide 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 and at other appropriate locations.

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**2.2 Compliance with the Planning Scheme**

**2.2.1 *Scheme Definition***

The proposal is considered a display yard as it involves the display or sale of landscaping materials and involving more than 200m<sup>2</sup> of outdoor use area.

**2.2.2 *Development Provisions***

The application is 'code assessable' against the following codes in Council's Planning Scheme:

*Gympie Planning Area Code*

The proposal is not inconsistent with the Commercial Zone.

No concerns are raised in relation to light emissions from the site given its location on the Bruce Highway.

No additional buildings are proposed.

The proposal results in no greater than 50% of the frontage of the lot comprising car parking.

Air emissions from the site will need to be controlled and measures to achieve this are included in the recommendation.

*Erosion and Sediment Control Code*

Preliminary stormwater management plan has been submitted.

The only concern raised in relation to erosion and sediment is the evacuation of the materials in the event of flood. A limit on the amount for materials to be stored is recommended, along with a management plan in the event of flood.

*Infrastructure Works Code*

The proposal is serviced by all required works listed in Table 8:2 of the scheme.

Headworks charges are now applicable as plants are to be sold and therefore regular watering is envisaged.

It is expected around 100m<sup>2</sup> of GFA will be used for plant sales, therefore a contribution of 0.4 EP for Water and 0.6 EP for Sewerage is applicable. This equates to the following amounts:

Water = 1024.78 per EP x 0.4 = 409.91 = \$410.

Sewerage = 1601.43 per EP x 0.6 = 960.85 = \$961



*Landscaping Code*

The proposal complies with the probable solutions for the code.

*Vehicle Parking and Access Code*

See below.

**2.4 Request to Change an existing approval**

The applicant has requested the following condition be modified or cancelled from DA08722.

Condition 1.5 reads:

All lots that form part of this development application are to be amalgamated in title. Such amalgamation does not require development approval.

*"There does not appear to be any valid reason for all lots to be amalgamated in titles as required by this condition. No existing cadastral boundaries appear to intersect with any existing building on the subject site. It would therefore appear that the existence of these cadastral boundaries do not to create major issues under the Building Act, etc.*

*Another Council concern maybe that the landowner could sell individual titles that would complicate the continued operation of the approved use in accordance with the then current development permit. It is common for an operator to undertake certain land use/s over several separate titles. The need for amalgamation could be negated if this condition was simply replaced with a condition requiring the applicant/operator to obtain an amendment to the land use approval or similar from Council should any of the subject site be no longer available for the approved use in accordance with the conditions of the development permit.*

*This approach is used in other areas in similar situations where local government hold such concerns and where the continued operation over separate titles does not present any real legal or operational problem. Cooloola Council itself has numerous sites where its own activities run over separate titles."*

While no buildings actually dissect through the allotments, the application has been assessed as a whole including the buffer provided by the lots between zoned community and residential uses.

If the applicants do not believe the allotments are involved in the application they should not have included them in the proposal.

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Condition 7.1 reads:

The development shall be generally in accordance with the plans submitted with the application.

The applicants request this be modified to include the uses now proposed. No objection is raised to such an amendment.

Condition 7.11 reads:

In the event of flood, stockpiles are to be removed from the site prior to flood water entering the site.

*"The applicant can appreciate the need to remove stockpiles of certain landscaping supply materials in the event of floods and intends to do so for a range of reasons. It would however appear that certain river gravel and heavier materials may be able to withstand flood event and not create a nuisance to property or people. It is suggested that this condition could be amended accordingly.*

Some of these materials may be able to be kept on the site and can be determined through a management plan in the event of flood which is recommended to replace this condition.

## **2.5 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 appropriate in this location and a suitable vegetated buffer exists between the site and residential premises.

Concern is raised in relation to potential screening and/or crushing of materials on the site which is suspected to be occurring at present and has been the subject of a number of complaints.

The applicants deny any intention to screen or crush materials and this will be conditioned accordingly.

### **3.2 Impact on Amenity**

No amenity concerns are raised by this proposal given the commercial nature of the immediate area.

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**3.3 Site Access and Traffic**

A single point of access is proposed, with construction required to Main Roads standard. A contribution has previously been taken towards kerb and channel along the frontage of the site for Council to carry out the required works once the new alignment of the Bruce Highway is known.

**3.4 Car Parking**

The planning scheme requires 1 space per 100m<sup>2</sup> of GFA for a display yard, exclusive of space used for storing or displaying vehicles or machinery.

7 spaces are nominated and this is considered adequate.

As the proposal involves a retail component all car parking and access areas for these vehicles should be sealed.

The applicants request a road base be approved. This is not acceptable for the customer car parking area, however, can be considered for the landscaping holding areas.

**3.5 Flooding**

The entire site is subject to flooding in a Q40 event.

The planning scheme requires an escape route in a Q50 flood event or sufficient warning time to escape the premises. While a sufficient warning time exists for employees and customers to escape the site, materials would not be able to be removed from the site in large quantities.

Council should consider a limit on the amount of certain materials that are able to be stored on the site – especially where the materials have been treated with chemicals such as bark.

**3.6 Site Contamination**

The site is not listed on the Environmental Management Register.

**4.0 Public Notification**

The application was not required to be advertised for public comment in accordance with the requirements of the Integrated Planning Act.

Letters were sent to adjoining property owners, however, no responses were received.

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It should be noted that complaints from other sources have been received in relation to the operation of this site, in relation to noise from screening.

**5.0 CONSULTATION**

**5.1 Internal**

**(a) Department of Engineering**

**Report: (Design Department Technical Officer -- [REDACTED])**

This engineering report is based on the report submitted by Murray and Associates.

**TRAFFIC/ACCESS**

The site fronts Violet Street (Bruce Highway), therefore the application was referred to the Department of Main Roads for its assessment and subsequent incorporation of its conditions in the approval. They responded with the requirements for the present access to be upgraded

As traffic generated by the proposed development is considered to be relatively minor for landscaping businesses during peak hours, it will be absorbed by the existing levels of traffic on the highway. No contributions towards intersection improvements are sought by the Department of Main Roads or thus warranted from Council's point of view.

**FRONTAGE ROADS**

As stated above, Violet Street (Bruce Highway) comes under the control of Department of Main Roads, however the requirements for kerb and channel and concrete footpath construction are a consideration of Council.

From Council's Planning Scheme, kerb and channel and a concrete footpath are requirements for developments in the Commercial zone and therefore should be required to the frontage of this development. A contribution towards kerb and channel has been previously required.

**PARKING/DRIVEWAY**

Car parking and driveways and turn areas should be sealed to meet the requirements of Council's Planning Scheme.

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**WATER AND SEWERAGE**

Both services are available with adequate capacity in each. Considering the proposed use of sprinklers for dust suppressing, back flow prevention devices will be required to be fitted to the water service and associated sprinkler systems. As sewer mains traverse lot 1 MPH 5330, the location of the landscaped storage bins is required to meet the requirements of Council's Policy PR-WS-2 – Building Over Sewers i.e. 2 metres off sewers.

Headworks charges may be applicable depending on existing entitlements to be determined by the Planning Department.

**OTHER SERVICES**

All other services should be available with the applicant being responsible for any upgrades if required. Street lighting is adequate at this location.

**STORMWATER DRAINAGE/FLOODING**

Commissioners Gully traverses the eastern corner of Lot 1 MPH 5330 and diagonally across Lots 98 and 99 MCH 4906. The development plan submitted in the Consultant's report indicates the gully area does not form part of this development application.

The site is low lying and has been subject to flooding five times in the last twenty years. The Consultant states in the report, the applicant intends to remove all stockpiles of landscaping supplies in flood times to alleviate the possible impact of sediment loss and floating back into the adjoining gully and adjacent areas.

**5.2 External**

**(a) Department of Main Roads**

Conditions required as attached

**6.0 Conclusion**

This proposal is acceptable in the commercial zone provided screening activities are not occurring and car parking areas are sealed.

**Recommendation: (Director of Planning & Development – [REDACTED])**

**Recommend that Council, as Assessment Manager, APPROVE development application for Material Change of Use –Display Yard (Extensions to Landscape Supplies Centre) over Lot 1 MCH5330 & Lots 97, 98, 99 MCH4906 located at 53 Violet Street, Gympie, subject to the following conditions:**

EXTRACTS OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING  
HELD ON THE 24 APRIL 2007

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1. The development shall be generally in accordance with the plan/s submitted with the application (Plan No/s. D-00483-01-B drawn by Martoo Consulting and dated 1/9/2006).
2. 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 Operational Works (Site Works, Bitumen Widening, Stormwater Drainage, Driveway, Parking Areas and Landscaping).
3. 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.
4. All necessary permits from the Department of Main Roads are to be obtained for the purpose of constructing an access onto Lot 1 MPH5330 (53 Violet Street).
5. All lots that form part of this Development Application are to be amalgamated in Title. Such amalgamation does not require development approval.
6.
  - (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.
7. Violet Street is to be upgraded. Specifically the following works are to be undertaken in accordance with plans and specifications approved by Council's Chief Executive Officer:
  - (a) bitumen widening and associated stormwater drainage.
8. Off-street car parking is to be provided in accordance with Council's Planning Scheme. *Note that 7 carparks as shown on the proposal plan as complying*

**EXTRACTS OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING  
HELD ON THE 24 APRIL 2007**

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9. Car parking and access areas shall be sealed pavement and designed, drained, constructed and maintained in accordance with the Planning Scheme requirements and Council's Planning Scheme Policies. *Note: Council approves a dust-reduced standard for some sections of the site as nominated on the approved plan a maximum period of five (5) years or until Council receives valid complaints about the dust from that unsealed area, whichever occurs sooner. A further development approval for Operational Works will be required for the sealing of this area.*
10. Undertake at no cost to Council, the alteration of any public utility mains (e.g. Electricity, water, sewerage, gas etc) or other facilities necessitated by the development of the land or associated construction works external to the site.
11. Landscaping works in accordance with the approved landscape plans are to be completed to the satisfaction of Council's Chief Executive Officer.
12. A landscaping strip of at least 3.0 metres wide and averaging at least 4.0 metres is to be provided along the road frontage of the site. Landscaping shall be undertaken in accordance with plans submitted with the application.
13. 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.
14. All landscaping shall be maintained (watering, fertilising, mulching, weeding, etc.) to the satisfaction of Council's Chief Executive Officer.
15. Loading/unloading operations shall be conducted within the site and vehicles waiting to be unloaded/loaded shall stand entirely within the site.
16. Siltation and erosion control methods shall be implemented and maintained at all times in accordance with Council's Environmental Management Plan to the satisfaction of Council's Chief Executive Officer.
17. Stormwater is to be disposed of on site so as to cause no scour or damage to adjoining properties to the satisfaction of Council's Chief Executive Officer.

EXTRACTS OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING  
HELD ON THE 24 APRIL 2007

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18. In the event that a valid complaint of unreasonable noise emissions from the development is received, Council may require the submission of an environmental noise level study and report which complies with Australian Standard 1005 and the Environmental Protection Agency Noise Management Manual; and require works and/or management practices to be carried out to ensure noise emissions comply with the requirements of the *Environmental Protection (Noise) Policy 1997*.
19. The operation of the development must not release odour or visible contaminants including dust, smoke, fumes and aerosols to the environment that will, or may cause an environmental nuisance.
20. The following measures are to be implemented to control air emissions from the site:
  - (i) All areas of the site used by vehicular traffic shall be maintained to minimise dust emissions;
  - (ii) Stockpiles are to be enclosed with walls on at least three sides at all times. Sand and aggregate should be covered during long storage intervals;
  - (iii) Sand and aggregate stockpiles are to be regularly watered to minimise dust emissions. This should be done in conjunction with an appropriate catchment and treatment system to contain runoff and leached water from the sprinklers.
21. In the event of flood, stockpiles are to be removed from the site prior to floodwaters entering the site.
22. This approval does not authorise the use of the site for screening of materials (at a level that requires approval for an Environmentally Relevant Activity), servicing of vehicles or sale of plants and other general items not considered to be landscaping materials.
23. 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 \$410, however, the actual amount payable will be based on Council's policy and the rate applicable, at the time of payment.
24. 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 \$961, however the actual amount payable will be based on Council's policy and the rate applicable, at the time of payment.



EXTRACTS OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING  
HELD ON THE 24 APRIL 2007

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25. A management plan for evacuation of materials in the event of flood is to be submitted to Council for approval. The plan should include:
- (a) list of landscaping materials to be stored on the site;
  - (b) assessment of each material and potential impacts from the site in the event of the flood;
  - (c) management plan for evacuation of high risk materials to be removed from the site.
- The plan should be compiled by a suitably qualified professional.

Further, that in relation to the request to change an existing approval for DA08722 Council resolve to:

- (a) amend condition 7.1 to remove the note relating to the sale of plants;
  - (b) add additional condition 7.12 which reads:  
A management plan for evacuation of materials in the event of flood is to be submitted to Council for approval. The plan should include:
    - (a) list of landscaping materials to be stored on the site;
    - (b) assessment of each material and potential impacts from the site in the event of the flood;
    - (c) management plan for evacuation of high risk materials to be removed from the site.
- The plan should be compiled by a suitably qualified professional.

P36/04/07

Moved: [REDACTED]

Seconded: [REDACTED]

Recommend that Council, as Assessment Manager, APPROVE development application for Material Change of Use –Display Yard (Extensions to Landscape Supplies Centre) over Lot 1 MCH5330 & Lots 97, 98, 99 MCH4906 located at 53 Violet Street (Bruce Highway), Gympie, subject to the following conditions:

Assessment Manager's Conditions

1. The development shall be generally in accordance with the plan/s submitted with the application (Plan No/s, D-00483-01-B drawn by Martoo Consulting and dated 1/9/2006).
2. 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 Operational Works (Site Works, Bitumen Widening, Stormwater Drainage, Driveway, Parking Areas and Landscaping).

EXTRACTS OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING  
HELD ON THE 24 APRIL 2007

- 24 -

3. 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.
4. All necessary permits from the Department of Main Roads are to be obtained for the purpose of constructing an access onto Lot 1 MPH5330 (53 Violet Street).
5. All lots that form part of this Development Application are to be amalgamated in Title. Such amalgamation does not require development approval.
6.
  - (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.
7. Off-street car parking is to be provided in accordance with Council's Planning Scheme. *Note that 7 carparks as shown on the proposal plan as complying*
8. Car parking and access areas shall be sealed pavement and designed, drained, constructed and maintained in accordance with the Planning Scheme requirements and Council's Planning Scheme Policies. *Note: Council approves a dust-reduced standard for some sections of the site as nominated on the approved plan a maximum period of five (5) years or until Council receives valid complaints about the dust from that unsealed area, whichever occurs sooner. A further development approval for Operational Works will be required for the sealing of this area.*
9. Undertake at no cost to Council, the alteration of any public utility mains (e.g. Electricity, water, sewerage, gas etc) or other facilities necessitated by the development of the land or associated construction works external to the site.

**EXTRACTS OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING  
HELD ON THE 24 APRIL 2007**

- 25 -

10. Landscaping works in accordance with the approved landscape plans are to be completed to the satisfaction of Council's Chief Executive Officer.
11. A landscaping strip of at least 3.0 metres wide and averaging at least 4.0 metres is to be provided along the road frontage of the site. Landscaping shall be undertaken in accordance with plans submitted with the application.
12. 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.
13. All landscaping shall be maintained (watering, fertilising, mulching, weeding, etc.) to the satisfaction of Council's Chief Executive Officer.
14. Loading/unloading operations shall be conducted within the site and vehicles waiting to be unloaded/loaded shall stand entirely within the site.
15. Siltation and erosion control methods shall be implemented and maintained at all times in accordance with Council's Environmental Management Plan to the satisfaction of Council's Chief Executive Officer.
16. Stormwater is to be disposed of on site so as to cause no scour or damage to adjoining properties to the satisfaction of Council's Chief Executive Officer.
17. In the event that a valid complaint of unreasonable noise emissions from the development is received, Council may require the submission of an environmental noise level study and report which complies with Australian Standard 1005 and the Environmental Protection Agency Noise Management Manual; and require works and/or management practices to be carried out to ensure noise emissions comply with the requirements of the *Environmental Protection (Noise) Policy 1997*.
18. The operation of the development must not release odour or visible contaminants including dust, smoke, fumes and aerosols to the environment that will, or may cause an environmental nuisance.

**EXTRACTS OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING  
HELD ON THE 24 APRIL 2007**

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19. The following measures are to be implemented to control air emissions from the site:
  - (i) All areas of the site used by vehicular traffic shall be maintained to minimise dust emissions;
  - (ii) Stockpiles are to be enclosed with walls on at least three sides at all times. Sand and aggregate should be covered during long storage intervals;
  - (iii) Sand and aggregate stockpiles are to be regularly watered to minimise dust emissions. This should be done in conjunction with an appropriate catchment and treatment system to contain runoff and leached water from the sprinklers.
  
20. In the event of flood, stockpiles are to be removed from the site prior to floodwaters entering the site.
  
21. This approval does not authorise the use of the site for screening of materials (at a level that requires approval for an Environmentally Relevant Activity), servicing of vehicles or sale of plants and other general items not considered to be landscaping materials.
  
22. 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 \$410, however, the actual amount payable will be based on Council's policy and the rate applicable, at the time of payment.
  
23. 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 \$961, however the actual amount payable will be based on Council's policy and the rate applicable, at the time of payment.
  
24. A management plan for evacuation of materials in the event of flood is to be submitted to Council for approval. The plan should include:
  - (a) list of landscaping materials to be stored on the site;
  - (b) assessment of each material and potential impacts from the site in the event of the flood;
  - (c) management plan for evacuation of high risk materials to be removed from the site.The plan should be compiled by a suitably qualified professional.

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HELD ON THE 24 APRIL 2007

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Concurrence Agency Conditions

This application was referred to the Department of Main Roads as a Concurrence Agency under the requirements of the Integrated Planning Act.

That Department's requirements are:-

1. The Department of Main Roads considers the current road access location is satisfactory and is considered to be the permitted road access point for the proposed use. Access to the Bruce Highway is to be limited to this permitted road access location only.

The road access works must be constructed and maintained to no lesser standard than figure 13.9.4.2 of chapter 13 of Intersections at Grade. The access width can be increased to 8m.

Access driveway is to be sealed with 40mm Asphalt over a prepared 2.4 unbound pavement to current Main Roads Specification.

The access is to be maintained in a clean neat and tidy condition at all times.

Note:

*Further approvals will be required for access construction in accordance with the requirements of section 31 of 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. Investigation for future improvements to be road network indicates that there may be a possible requirement from the subject land. At this stage, details of that requirement are not known.

Standard building setbacks should be applied from the anticipated future boundary detailed on the attached plan.

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

**EXTRACTS OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING  
HELD ON THE 24 APRIL 2007**

- 28 -

**Further, that in relation to the request to change an existing approval for DA08722 Council resolve to:**

- (a) amend condition 7.1 to remove the note relating to the sale of plants;**
- (b) add additional condition 7.12 which reads:  
A management plan for evacuation of materials in the event of flood is to be submitted to Council for approval. The plan should include:
  - (a) list of landscaping materials to be stored on the site;**
  - (b) assessment of each material and potential impacts from the site in the event of the flood;**
  - (c) management plan for evacuation of high risk materials to be removed from the site.****

**The plan should be compiled by a suitably qualified professional.**

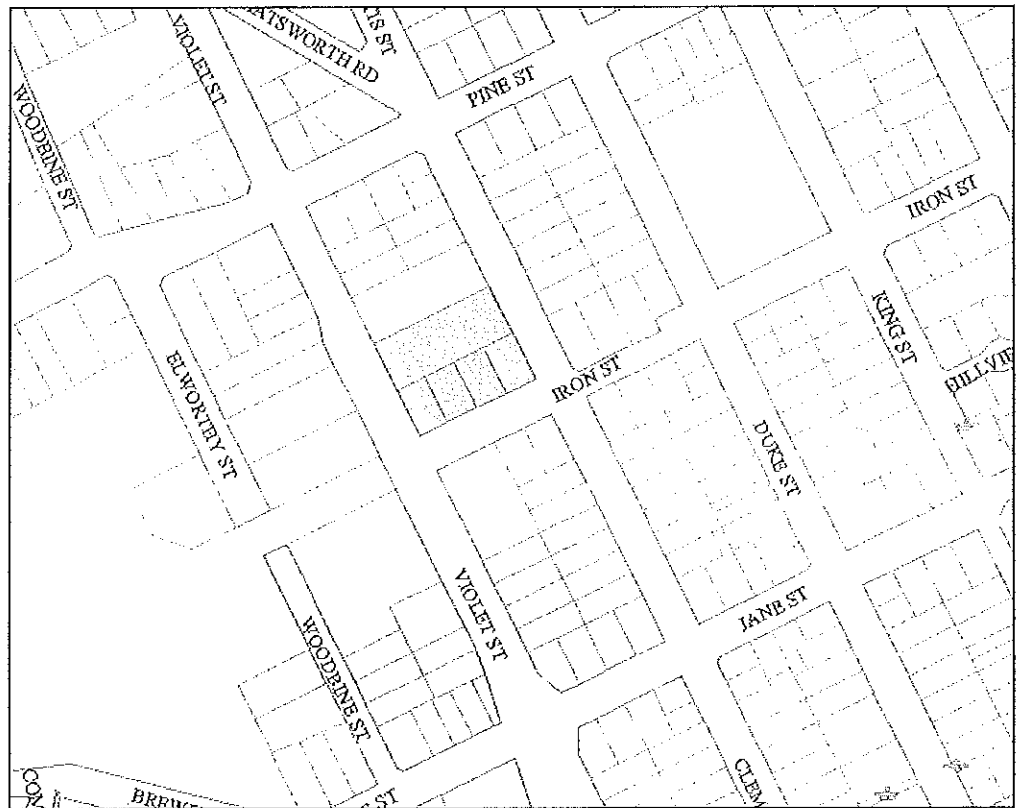
**Carried.**

EXTRACTS OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING  
HELD ON THE 10<sup>TH</sup> OCTOBER 2006

- 91 -

4/2	Application Fee – Development Application for Alterations to Existing Landscape Supply Centre – 53 Violet Street, Gympie – Martoo Consulting for Campbell's Truck and Bobcat Hire
-----	---

Re: **Minute: P15/10/06** Application Fee – Development Application for Alterations to Existing Landscape Supply Centre – 53 Violet Street, Gympie  
From: Martoo Consulting for Campbell's Truck and Bobcat Hire  
File: DG00080 & DA08722  
Date: 6 September 2006



**Report: (Senior Planning Officer – T.M. Stenholm)**

**1.0 Background**

This use has been the subject of a breach investigation for over 12 months, namely in regards to issues of non-compliance with conditions of the existing approval and operating outside the scope of that approval.

An application was received on 21 September for Material Change of Use – Display Yard (Extensions to Landscape Supply Centre) and a request to change the existing approval to address these matters.

EXTRACTS OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING  
HELD ON THE 10<sup>TH</sup> OCTOBER 2006

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2.0 Request

The following letter was received by Council on 6 September 2006.

*“Council has informed the Applicant that they must lodge a fresh application for the above use by 11 September, 2006. The Applicant's had previously applied under the superseded 1997 Planning Scheme for a Development Permit for the Material Change of Use of the Premise for a Landscape Supply Centre & Light Industry (Contractor's Yard); your reference number DA08722.*

*The Applicant's intention is to establish the operation of a Landscape Supply Centre over the subject site; the defined use areas as shown on the plan enclosed have been combined to acquire a total use area of 968 square metres.*

*The Applicant's request Council to calculate the fee for the above proposed use under both the superseded 1997 Cooloola Planning Scheme and the 2005 Cooloola Planning Scheme.*

*The applicants are aware that Council's fees schedule provides an opportunity for applicants to make a submission requesting a reduction of fees 'based on the nature of the application and/or the potential lower costs that would be incurred by Council in processing the subject application.'*

*The applicant suggests that there are a number of reasons which would support a reduction of the fees payable to Council. These reasons include:*

1. *The proposed use is code assessable development and for uses which are consistent with the current 2005 Cooloola planning scheme. The proposed use is identified as an impact assessable development under the superseded 1997 Planning Scheme;*
2. *Previous development application and associated development permits have been approved over the site, resulting in the landscaped areas, structures and buildings existing on the site. This previous application would have provided Council with a great detail of the site and the surrounding amenity, which would further support the lower costs incurred by Council to process the above application.*
3. *It is becoming common practice under IPA planning scheme for Council's to automatically reduce application fees considerably for those applications that provide a range of information and that are well prepared. This intended to reward those applicants who adopt a cooperative approach with Council rather than one whereby limited information is provided until formally requested by Council. The above applicant is determined to adopt a cooperative approach; and,*





EXTRACTS OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING  
HELD ON THE 10<sup>TH</sup> OCTOBER 2006

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3.0 Assessment

The fee paid when the application was submitted was calculated as follows:

Landscape Supply Centre	\$1 200
Request to change existing approval	\$ 375
TOTAL	\$1 575

The application will require referral to the Department of Main Roads and assessment of all usual issues ie traffic, noise, amenity.

The application is code assessable and therefore 80% of the nominated fee according to the schedule of fees and charges.

The fee is considered reasonable and grounds submitted not sufficient to warrant a reduction.

Recommendation: (Director of Planning and Development – [REDACTED])

Recommend that Council advise the writer that a reduction of the application fee required is considered reasonable and a reduction not warranted in this instance.

P15/10/06

Moved: [REDACTED]

Seconded: [REDACTED]

Recommend that Council advise the writer be advised that the application fee required is considered reasonable and a reduction not warranted in this instance.

Carried.

[REDACTED] (Proxy) left the meeting at 11:28 a.m.

Our Reference: 00483 L08 ML



town planners +  
urban designers

05 September, 2006

Chief Executive Officer  
Coolooloa Shire Council  
P.O. Box 155  
GYMPIE Q 4570

COOLOOLA SHIRE COUNCIL	
FILE	XREF
DOC 710 84	00005702
- 6 SEP. 2006	
REFER	ACTION
1 MICHAEL B	GEN
2 TANIA S	A & F
3 DEVASE	WORKS
4	PLAN
5	SG & ED
6	
7	

PP 15804  
15806  
15803  
15801

Attention: Tania – Planning & Development

SCANNED

Dear Tania,

**RE: Potential Development Application for Development Permit Material Change of Use of premise for Alterations to existing *Landscape Supply Centre* at 53 Violet Street, Gympie described as Lot 1 on MCH5330 & Lots 97 - 99 on MCH4906: Campbell's Truck & Bobcat Hire.**

Council has informed the Applicant that they must lodge a fresh application for the above use by 11 September, 2006. The Applicant's had previously applied under the superseded 1997 Planning Scheme for a *Development Permit for the Material Change of Use of the Premise for a Landscape Supply Centre & Light Industry (Contractor's Yard)*; your reference number DA08722.

The Applicant's intention is to establish the operation of a *Landscape Supply Centre* over the subject site; the defined use areas as shown on the plan enclosed have been combined to acquire a total use area of 968 square metres.

The Applicant's request Council to calculate the fee for the above proposed use under both the superseded 1997 Coolooloa Planning Scheme and the 2005 Coolooloa Planning Scheme.

The applicants are aware that Council's fees schedule provides an opportunity for applicants to make a submission requesting a reduction of fees *'based on the nature of the application and/or the potential lower costs that would be incurred by Council in processing the subject application.'*

The applicant suggests that there are a number of reasons which would support a reduction of the fees payable to Council. These reasons include:

1. The proposed use is *code assessable* development and for uses which are consistent with the current 2005 Coolooloa planning scheme. The proposed use is identified as an impact assessable development under the superseded 1997 Planning Scheme;
2. Previous development application and associated development permits have been approved over the site, resulting in the landscaped areas, structures and buildings existing on the site. This previous application would have provided Council with a great detail of the site and the surrounding amenity, which would further support the lower costs incurred by Council to process the above application.
3. It is becoming common practice under IPA planning scheme for Council's to automatically reduce application fees considerably for those applications that provide a range of information and that are well prepared. This intended to reward those applicants who adopt a cooperative approach with Council rather than one whereby limited information is provided until formally requested by Council. The above applicant is determined to adopt a cooperative approach; and,

September 5, 2006

4. The proposed use area and the nature of the proposed use will not change the current operation occurring over the subject site.

The applicant would like to negotiate these fees with Council and is willing to pay half the amount requested by Council for the assessment of the above application.

Please contact our office if you require any further information and/or clarification in relation to this request.

Yours faithfully



Graduate Planner  
*Martoo Consulting*



- ☑ Town Planning
- ☑ Urban Design

Sunshine Coast  
 1/199 Gympie Terrace  
 Noosaville  
 P.O. Box 1384  
 Noosa Heads QLD 4557  
 Ph: 07 54827440  
 Fax: 07 54826932

Gympie:  
 1/26 Red Street  
 P.O. Box 381  
 Gympie QLD 4570  
 Ph: 07 54827440  
 Fax: 07 54826932

**R.P.D**

Lot 1 on MPH530 &  
 Lots 97-100 on MCH4906  
 Parish of GYMPIE  
 County of MARCH

Violet Street,  
 Gympie

Local Authority:  
 COOLOOLA SHIRE  
 COUNCIL

**PROJECT**

MCU FOR A  
 LANDSCAPE SUPPLY CENTRE

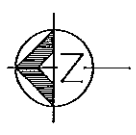
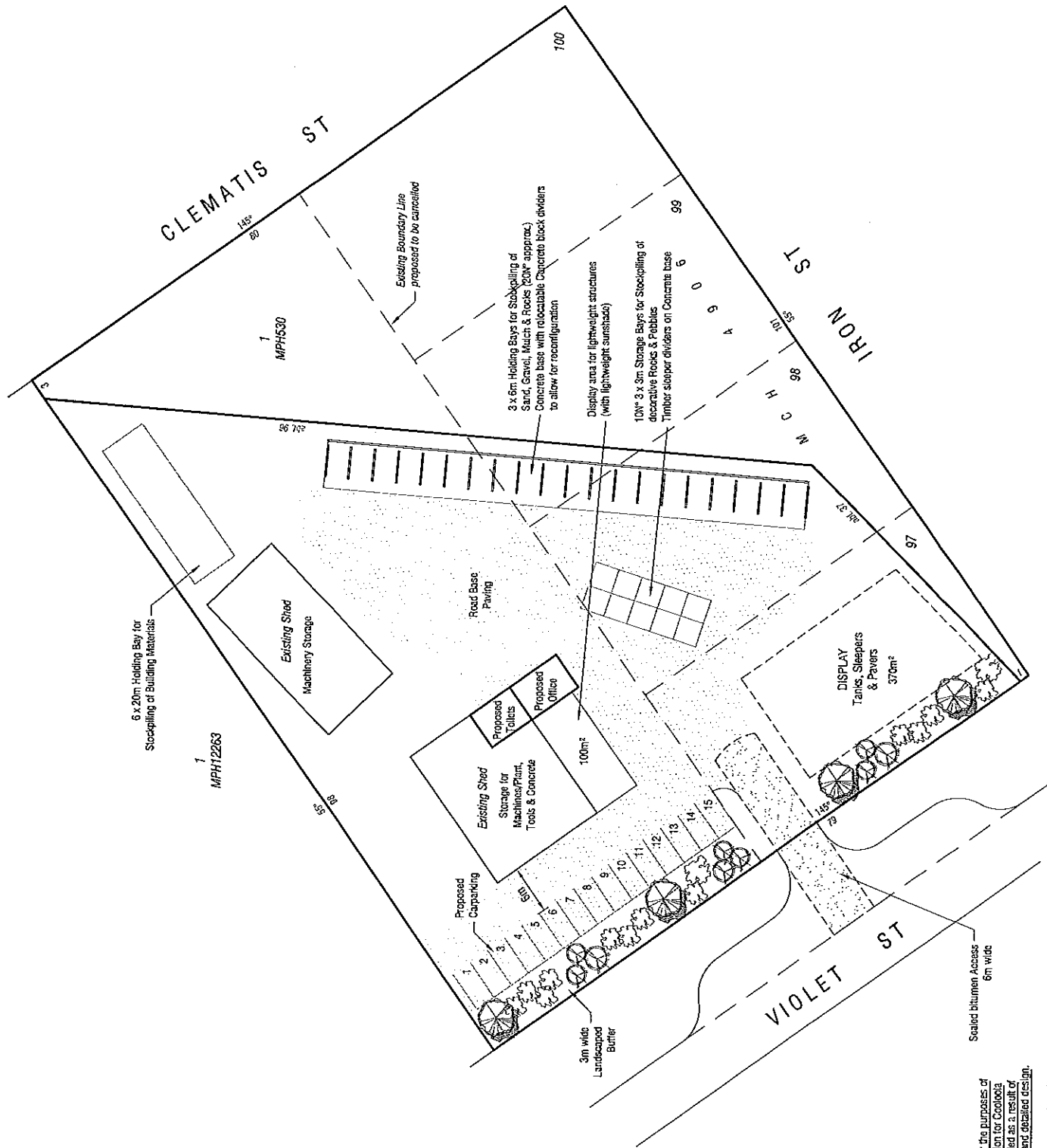
Applicant:  
 C. & L. CAMPBELL

Detail:  
 PROPOSAL PLAN

Scale:  
 1:500 (A3)  
 Date:  
 1/9/06

Drawn By:  
 BM - MARTOO CONSULTING

Reference No.:  
 C-00483-01



This drawing has been prepared for the purpose of supporting a Development Application for Coooloolool Shire Council only, and may be varied as a result of subsequent actions, investigations and detailed design.

All bearings, distances and areas are approximately only and subject to both field survey by a Consulting Cadastral Surveyor and all relevant development permits issued by Coooloolool Shire Council taking effect.



town planners + urban designers

Your Reference: DB00006  
Our Reference: 00483-L05 GM

Posted & Faxed (07) 54810801  
Pages 1

9 August 2006

Chief Executive Officer  
Cooloola Shire Council  
P.O. Box 155  
GYMPIE Q 4570

COOLOOLA SHIRE COUNCIL	
FILE DA08722	XREF
DOC 705598.	PP15804.
10 AUG 2006	
REFER	ACTION
	GEN
	A & F
	WORKS
	PLAN
	SG & ED
4	
5	
6	
7	

SCANNED

Attention: [Redacted] - Planning and Development Department

Dear Neil,

RE: Use of Site for Proposed Landscape Supply Center and Contractor's Yard Over Lot 1 on MCH4906, Parish of Gympie and Situated at 53 Violet Street, Gympie

I have been advised by [Redacted] that Council's planners have visited the above site and advised the operators that Councils requires a fresh development application in response to our previous letters. Our office will now complete preparing the required development application for submission to your Council.

It is also understood that Council has also highlighted its concerns of the alleged use of part of the above site for screening certain material. The operator has requested our office to advise Council that this plant will be removed by this weekend.

Please contact our office if you require any further information and/or clarification with respect to this matter.

Yours sincerely,

[Redacted Signature]

Principal

POSTED 11/8

██████████  
Planning & Development

PH: (07) 5481 0644  
Fax: (07) 5481 0801

Our Ref: DA08722 NJW/CAC00863

11 August 2006

Martoo Consulting  
PO Box 1684  
NOOSA HEADS QLD 4567

ATTENTION: ██████████

Dear Sir/Madam,

**RE: Development Application for a Material Change of Use of Premises –  
Landscape Supply Centre and Light Industry (Contractor's Yard)  
over Lots 97 - 99 on MCH4906 and Lot 1 on MPH5330 - 53 Violet Street, Gympie**

Thank you for your letter of the 31 July 2006 which refers.

Council staff met with ██████████ on the 7 August 2006 to discuss the following issues :-

- Complaint of screening activities which may constitute an environmentally relevant activity under the Environmental Protection Act 1994.
- Completion of outstanding conditions of the Material Change of Use development approval DA08722.
- Intentions for development which is seen to be outside the scope of the existing development approval.

Mr Campbell has acknowledged the need to resolve these matters as quickly as possible and it is understood he intends to seek your assistance in preparing a written response to Council.

The response should include a program and time frame for actions to finalise all matters at the earliest opportunity.

Further, please note, it is Council's opinion that, based on the information provided to staff in your letter of the 4 October 2005, the changes proposed to the existing development approval are not of a "minor nature" for the purposes of Section 3.5.24 of the Integrated Planning Act.

.../2

Further, the proposed changes are seen to constitute assessable development and as such, amendment of the approval under Section 3.5.33 is similarly not applicable.

Accordingly, a new application will be required for development occurring on the site not covered by the existing development permit DA08722.

You are however encouraged to seek your own independent legal opinion on the matter.

I trust this information is of assistance however, should you have any enquiries please contact [REDACTED] of Council's Planning & Development Department on (07) 5481 0644.

Yours faithfully,

[REDACTED]  
**CHIEF EXECUTIVE OFFICER**  
[REDACTED]





██████████  
Planning & Development

PH: (07) 5481 0644  
Fax: (07) 5481 0801

Our Ref: DA08722 NJW/CAC00864

11 August 2006

Campbells Landscaping Supplies  
53 Violet Street  
GYMPIE QLD 4570

**ATTENTION: CRAIG CAMPBELL**

Dear Sir/Madam,

**RE: Development Application for a Material Change of Use of Premises –  
Landscape Supply Centre and Light Industry (Contractor's Yard)  
over Lots 97 - 99 on MCH4906 and Lot 1 on MPH5330 - 53 Violet Street, Gympie**

I refer to a meeting between yourself and staff at your premises on 7 August 2006 where the following matters were discussed :-

- Complaint of screening activities which may constitute an environmentally relevant activity under the Environmental Protection Act 1994.
- Completion of outstanding conditions of the Material Change of Use development approval DA08722.
- Intentions for development which is seen to be outside the scope of the existing development approval.

Your cooperation in ensuring these matters are resolved as quickly as possible is noted.

Your action in the following matters is now required.

In regard to the complaint, based on your estimated weekly quantity of screened material of approximately 80 to 100 cubic meters, the screening operation is considered to constitute a Level 1 or possibly a Level 2 environmentally relevant activity for which an approval under the Environmental Protection Act 1994 is required.

Your verbal advice to staff, that you intend to remove the screening equipment from the site within the next few weeks is however noted.

Please advise [REDACTED] of Council's Planning and Development Department when the equipment has been removed.

In regard to the matter of outstanding conditions, it is noted that almost all conditions of the material change of use approval remain outstanding.

To rectify this situation, please provide a program and time frame of your intended actions to finalise the approval.

Please note the time frame will need to be acceptable to Council if further enforcement action is to be deferred.

Please also arrange for payment of the contribution of \$4,000 required by condition 6.1, within 30 days of the date of this letter.

In regard to the matter of development considered to be outside the scope of the existing approval, your verbal advice to staff, that you intend to make further application for this development following discussion with your consultant of the most appropriate form of application, is noted.

Please note that your consultant has been advised that it is Council's opinion that the additional development will necessitate a new application, as the options available under the Integrated Planning Act 1997 for the amendment of the existing approval are not applicable.

Lodgement of an application for this additional development should be made within 30 days of the date of this letter.

Should you have any enquiries please contact [REDACTED] of Council's Planning & Development Department on (07) 5481 0644.

Yours faithfully,

[REDACTED]  
CHIEF EXECUTIVE OFFICER

[REDACTED]

[REDACTED]



town planners + urban designers

Your Reference: DB00006  
Our Reference: 00483-L04 GM

COOLOOLA SHIRE COUNCIL	
FILE DB 00006	XREF
DOC 704495	DA 08722
- 1 AUG 2006	
REFER	ACTION
1	GEN
2	A & F
3	WORKS
4	PLAN
5	SG & ED
6	
7	

Posted & Faxed (07) 54810801  
Pages 2

31 July 2006

Chief Executive Officer  
Cooloolo Shire Council  
P.O. Box 155  
GYMPIE Q 4570

SCANNED

Attention: [Redacted] - Planning and Development Department

Dear Neil,

**RE: Proposed Landscape Supply Center and Contractor's Yard Over Lot 1 on MCH4906, Parish of Gympie and Situated at 53 Violet Street, Gympie**

I have been requested to respond to your Council's letter dated 19 July, 2006 concerning a complaint in relation to the above site.

In response I wish to advise Council of the following:

(a) Council's most recent letter was dated 19 July, 2006 but was only received by Campbell's Landscaping Supplies on the 28 July, 2006. It appears that may have been delays within your Council's office or Australia Post with the delivery of this letter given the date stamp on the letter. It is considered unfair if Council has provided my client until 28 July, 2006 when that was the actual the date of receipt of Council's letter.

(b) Council's most recent letter expressed concern that Campbell's Landscaping Supplies had not responded to a previous Council letter dated 5 July, 2006. Campbell's Landscaping Supplies has advised me that it never received such a letter. It would be appreciated if Council could provide my office with a copy of this letter and the date on which it was posted.

(c) I had previously approached Council planning staff from July until September, 2005 with the intent to identify the specific concerns of the complainants so that I could ensure amended design and operation of the above premises responded to any reasonable and relevant concerns of the complainant/s. Council was not prepared to provide such information for whatever reason, possibly due to Council's preference to protect the privacy of the complainant which is appreciated from Council's perspective.

(d) On or about 30 September, 2005 I requested advice from Council staff in person as to whether Council required a fresh development application or whether Council would accept a request to change a development approval under the circumstances. I was advised to lodge a written request with Council which was done in my three page letter dated 4 October, 2005. My letter advised Council, among other things, that *'Before we can lodge such a formal request with your Council we need to confirm that your Council deem that their existing land use approval can be changed under Section 3.5.24 of the Integrated Planning Act 1997.'* I had not received a

● Page 2

reply and approached Council staff on or about 14 December, 2005 when staff apologized for not replying. I was advised that a reply is being compiled and sent to me in the near future. No reply has been received by my office as at the date of this letter. It is fully appreciated that Council staff have a significant workload and no issue is being made with Council not replying to my letter sent to Council nearly 10 months ago.

(e) Neither Campbell's Landscaping Supplies or my office have an issue with Council advising Campbell's Landscaping Supplies of any valid complaints. We also consider that Council has handled the complaint in a professional manner as Council's situation on such matters is appreciated. However I would suggest that Campbell's Landscaping Supplies have always acted in a cooperative manner with Council and have instructed me to ensure that the matter is resolved as soon as possible.

It would therefore be appreciated if Council could respond to my letter dated 4 October, 2005 so that Campbell's Landscaping Supplies are aware of Council's preference for obtaining any necessary land use approval.

Please contact our office if you require any further information and/or clarification with respect to my previous request for clarification.

Yours sincerely,

A large black rectangular redaction box covering the signature of the sender.

Principal



town planners +  
urban designers

**FAX IN**

Your Reference: DB00006  
Our Reference: 00483-L04 GM

Posted & Faxed (07) 54810801  
Pages 2

31 July 2006

Chief Executive Officer  
Cooloola Shire Council  
P.O. Box 155  
GYMPIE Q 4570

COOLOOLA SHIRE COUNCIL			
FILE DOC	XREF		
	31 JUL 2006		
REFER	ACTION		
1			GEN
2			A & F
3			WORKS
4			PLAN
5			SG & ED
6			
7			

Attention: [REDACTED] Planning and Development Department

Dear Neil,

**RE: Proposed Landscape Supply Center and Contractor's Yard Over Lot 1 on MCH4906, Parish of Gympie and Situated at 53 Violet Street, Gympie**

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## ● Page 2

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It would therefore be appreciated if Council could respond to my letter dated 4 October, 2005 so that Campbell's Landscaping Supplies are aware of Council's preference for obtaining any necessary land use approval.

Please contact our office if you require any further information and/or clarification with respect to my previous request for clarification.

Yours sincerely,

A large black rectangular redaction box covers the signature area.

Principal



Gympie

# Sand, Gravel & Landscaping

## SUPPLIES

7 Wadell Road  
Gympie Qld 4570

Ph: 54821911  
Fax: 54826919  
Mob: 0438 710 673

3N 48 594 982 620

Tuesday, June 13, 2006

SCANNED

CEO – EPA Office  
Cooloolo Shire Council  
242 Mary Street  
Gympie

RE: Development Approval NR DA 08722  
Campbell's Landscape Centre & Contractors Yard  
Violet St  
Gympie

COOLOOLA SHIRE COUNCIL		
FILE DA08722	XREF	
DOC 695252	PP 15304	PP15806
		PP15803
		PP15801
REFER	15 JUN 2006	ACTION
1 MICHAEL B		GEN
2 TANIA S		A & F
3 DEVISS.		WORKS
4		PLAN
5		SG & ED
6		
7		

I refer to the above Development approval and especially clause 7.10 Paragraph (B) 7.1(1)  
It has been brought to our attention that over the last month the owners have been using a power screen on the property screening Sand & Gravel materials and have now dumped large stockpiles of soils and are currently using powered grizzly screens to screen the materials.

Councils development approval specifies all stockpiles to be enclosed by at least 3 sides and that no screening of materials on site & 7.1 (11) that they lay out shall not be altered the approval plans show 8 holding bays. The development application was for a landscaping centre and contractor's yard it has now turned into a Sand & Gravel yard with on site storage & screening of bulk materials with no EPA or ERA (22A) approvals. Council's urgent attention to this matter is requested as the added large trucks delivering bulk materials to this site is also becoming a traffic hazard with an accident waiting to happen on this busy main road.

I await your earliest advices.

Yours Faithfully



Gympie Sand Gravel & Landscaping Supplies



**Development Application 8722  
Negotiated Decision Notice**

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

The Development Application **DA08722** for the purpose of a Material Change of Use of Premises - Landscape Supply Centre and Light Industry (Contractor's Yard) was assessed and:-

*Approved with Conditions*

The decision was made by Cooloola Shire Council on *16 November 2004*

*Unless the use has commenced beforehand, this permit will lapse on 16 November 2008*

Local Government Area: *Cooloola Shire Council*

The following schedule provides all the relevant details.

**ORIGINAL DECISION NOTICE DETAILS**

Decision made by Council: *21 September 2004*

Decision Notice issued: *22 September 2004*

**APPEAL PERIOD DETAILS**

Original Appeal Period Expiry Date: *Within 20 days from the issue of the Decision Notice  
(ie 21 October 2004)*

Appeal Period Suspended by Applicant: *24 September 2004*

New Appeal Period Expiry Date: *Within 20 days from the issue of this Negotiated Decision Notice  
(ie 17 December 2004)*

**NATURE OF CHANGES TO ORIGINAL DECISION NOTICE**

*Amend Condition 6.1*

**PROPERTY DETAILS**

Street Address & Locality: *53 Violet Street, Gympie*

RPD: *Lot 99 on MCH4906*

Parish: *Gympie*

**APPLICANT'S DETAILS**

Name: [REDACTED]

Postal Address: *CI- Murray & Assoc (Qld) Pty Ltd, PO Box 57, Gympie QLD 4570*





**Development Application 8722  
Negotiated Decision Notice**

**OWNERS DETAILS**

Name:

Postal Address:

55 Violet Street, GYMPIE QLD 4570

**REFERRAL AGENCIES**

Concurrence Agencies

- 1) The District Director  
Queensland Department of Main Roads  
North Coast Hinterland District  
PO Box 183  
GYMPIE QLD 4570

**APPLICABLE CODES**

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

- Council's Transitional Planning Scheme

**CONDITIONS**

Assessment Manager's Conditions

**SECTION 1.0 – CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF THE APPROVED USE**

- 1.1 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 (for demountable office and bunkers);
    - (b) Development Permit for Plumbing & Drainage Works; and
    - (c) Development Permit for Operational Works (Site Works, Bitumen Widening, Kerb and Channelling and associated Stormwater Drainage, Driveway, Parking Areas and Landscaping).
- 1.2 Landscaping works are to be completed in accordance with Council's Development Permit for Operational Works (Landscaping).
- 1.3 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.
- 1.4 All necessary permits from the Department of Main Roads are to be obtained for the purpose of constructing an access onto Lot 1 MPH5330 (53 Violet Street).
- 1.5 All lots that form part of this Development Application are to be amalgamated in Title. Such amalgamation does not require development approval.



**Development Application 8722  
Negotiated Decision Notice**

**SECTION 2.0 - CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A DEVELOPMENT PERMIT FOR BUILDING WORKS**

- 2.1 Submission of building plans in accordance with the Building Act, Council's Local Laws and Policies, and any conditions of this approval and substantially in accordance with the plans submitted and the Shire of Cooloola Planning Scheme apart from where amendments are required or dispensations have been granted in conjunction with this approval.

**SECTION 3.0 - CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A DEVELOPMENT PERMIT FOR PLUMBING & DRAINAGE WORKS**

- 3.1 Lodgement of a Development Application to Council including drainage plan and supporting information outlined in Council's Plumbing & Drainage Works checklist.

**SECTION 4.0 - CONDITIONS RELEVANT TO THE ISSUE OF A DEVELOPMENT PERMIT FOR PLUMBING & DRAINAGE WORKS**

- 4.1 All plumbing and drainage works shall be carried out in accordance with the:
- Sewerage and Water Supply Act;
  - Standard Water Supply Law;
  - Standard Sewerage Law; and
  - Australian Standard 3500: The National Plumbing and Drainage Code, Parts 1, 2 & 4.
- 4.2 (i) Connection is to be made to Council's existing Water Supply and Sewerage reticulation systems, including containment devices for back flow prevention at no cost to Council. Connection shall be in accordance with a development permit for Plumbing & Drainage 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.

**SECTION 5.0 - CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A DEVELOPMENT PERMIT FOR OPERATIONAL WORKS (SITE WORKS, BITUMEN WIDENING, KERB AND CHANNELLING AND ASSOCIATED STORMWATER DRAINAGE, DRIVEWAY, PARKING AREAS AND LANDSCAPING)**

- 5.1 Lodgement of a Development Application for Operational Works to Council.
- 5.2 Prior to the commencement of works on site a properly prepared Landscape Plan in accordance with Council's Landscape Policy PR-PD-4 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.



**Development Application 8722**  
**Negotiated Decision Notice**

**SECTION 6.0 – CONDITIONS RELEVANT TO THE ISSUE OF A DEVELOPMENT PERMIT FOR OPERATIONAL WORKS (SITE WORKS, BITUMEN WIDENING, KERB AND CHANNELLING AND ASSOCIATED STORMWATER DRAINAGE, DRIVEWAY, PARKING AREAS AND LANDSCAPING)**

- 6.1 A contribution of \$4 000 is to be paid towards the frontage roadworks prior to commencement of the use.
- 6.2 Off-street car parking is to be provided in accordance with Council's Planning Scheme.

*Note that 5 carparks as shown on the proposal plan are considered satisfactory by Council.*

- 6.3 Car parking and access areas shall be sealed pavement and designed, drained, constructed and maintained in accordance with the Planning Scheme requirements and Council's Planning Scheme Policies.

*Note: Council approves a dust-reduced standard for the car parking area for a maximum period of five (5) years or until Council receives valid complaints about the dust from that unsealed area, whichever occurs sooner. A further development approval for Operational Works will be required for the sealing of this area.*

- 6.4 Undertake at no cost to Council, the alteration of any public utility mains (e.g. Electricity, water, sewerage, gas etc) or other facilities necessitated by the development of the land or associated construction works external to the site.
- 6.5 Landscaping works in accordance with the approved landscape plans are to be completed to the satisfaction of Council's Chief Executive Officer.
- 6.6 All landscaping works so constructed shall be subject to a maintenance period commensurate with any other Council infrastructure works also constructed.
- 6.7 A landscaping strip of at least 3.0 metres wide and averaging at least 4.0 metres is to be provided along the road frontage of the site. Landscaping shall be undertaken in accordance with plans submitted with the application.

**SECTION 7.0 – GENERAL CONDITIONS OF APPROVAL**

- 7.1 (i) The development shall be generally in accordance with the plans submitted with the application (Plan no 37723 drawn by Murray & Associates Pty Ltd and dated 3/03/04);

*Note: This approval does not authorise the use of the site for screening of materials (at a level that requires approval for an Environmentally Relevant Activity), servicing of vehicles or sale of plants and other general items not considered to be landscaping materials. Should the sale or storage of plants for landscaping projects be intended on the site an amendment to this approval will be required and a contribution towards water supply headworks will be applicable.*

- (ii) The layout of the development as shown on the endorsed development plan/s shall not be altered or modified unless previously approved by Council's Chief Executive Officer.



**Development Application 8722**  
**Negotiated Decision Notice**

- 7.2 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.
- 7.3 All landscaping shall be maintained (watering, fertilising, mulching, weeding, etc.) to the satisfaction of Council's Chief Executive Officer.
- 7.4 Loading/unloading operations shall be conducted within the site and vehicles waiting to be unloaded/loaded shall stand entirely within the site.
- 7.5 Siltation and erosion control methods shall be implemented and maintained at all times in accordance with Council's Environmental Management Plan to the satisfaction of Council's Chief Executive Officer.
- 7.6 Stormwater is to be disposed of on site so as to cause no scour or damage to adjoining properties to the satisfaction of Council's Chief Executive Officer.
- 7.7 All operations conducted on the site shall be carried out in accordance with the *Environmental Protection Act 1994* and other relevant Acts, Regulations and Local Laws.
- 7.8 In the event that a valid complaint of unreasonable noise emissions from the development is received, Council may require the submission of an environmental noise level study and report which complies with Australian Standard 1005 and the Environmental Protection Agency Noise Management Manual; and require works and/or management practices to be carried out to ensure noise emissions comply with the requirements of the *Environmental Protection (Noise) Policy 1997*.
- 7.9 The operation of the development must not release odour or visible contaminants including dust, smoke, fumes and aerosols to the environment that will, or may cause an environmental nuisance.
- 7.10 The following measures are to be implemented to control air emissions from the site:
- (a) All areas of the site used by vehicular traffic shall be maintained to minimise dust emissions;
  - (b) Stockpiles are to be enclosed with walls on at least three sides at all times. Sand and aggregate should be covered during long storage intervals;
  - (c) Sand and aggregate stockpiles are to be regularly watered to minimise dust emissions. This should be done in conjunction with an appropriate catchment and treatment system to contain runoff and leached water from the sprinklers.
- 7.11 In the event of flood, stockpiles are to be removed from the site prior to floodwaters entering the site.

**NOTES**

- (i) Under the *Integrated Planning Act*, this development approval lapses at the end of the currency period for the approval which is either:
- (a) the four years starting the day the approval takes effect; or
  - (b) if the approval states or implies a time for the approval to lapse – the period from the day the approval takes effect until the stated or implied time.



**Development Application 8722**  
**Negotiated Decision Notice**

*This approval will lapse unless substantially started within the above stated currency periods (refer to sections 3.5.19 and 3.5.20 of IPA for further details).*

- (ii) *This development approval takes effect either:
  - (a) *from the time the decision notice is given; or*
  - (b) *subject to the decision of the court, when the appeal is finally decided – if an appeal is made to the court.**
- (iii) *Under Section 3.5.28 of the Integrated Planning Act, this development approval attaches to the land, the subject of the application, and binds the owner, the owner's successors in title and any occupier of the land.*
- (iv) *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 Development Manual.*
- (vi) *No earthworks or filling works are to be undertaken prior to the issue of a Development Permit for Building Works/Operational Works.*

**Concurrence Agency's Conditions**

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

- (i) The road access works to the site must be upgraded to provide a sealed surface in accordance with this District's Type 2 Standard Access, as shown on the attached drawing No D2-5.
- (ii) 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.
- (iii) The engineering design, plans and specifications must be prepared by a qualified consulting engineer.

**Note:**

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

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

**APPROVAL TYPE**

*Development Permit*



**Development Application 8722  
Negotiated Decision Notice**

**FURTHER DEVELOPMENT PERMITS REQUIRED**

*Development Permit for Building Works (for demountable office and bunkers);  
Development Permit for Plumbing and Drainage Works; and  
Development Permit for Operational Works (Site Works, Bitumen Widening, Kerb and Channelling and associated Stormwater Drainage, Driveway, Parking Areas and Landscaping).*


**RIGHTS OF APPEAL**

*Two (2) properly made submissions were lodged to this application.*

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

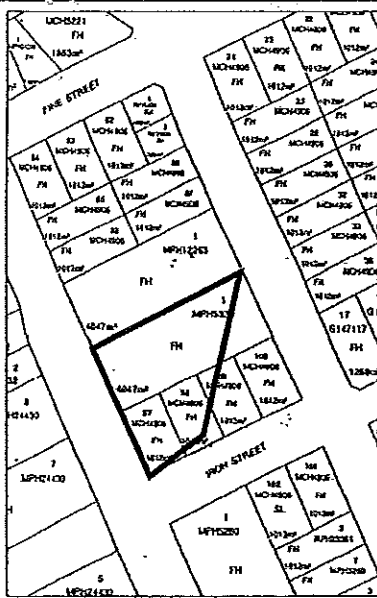
**ASSESSMENT MANAGER**

Name: Coolooloa Shire Council

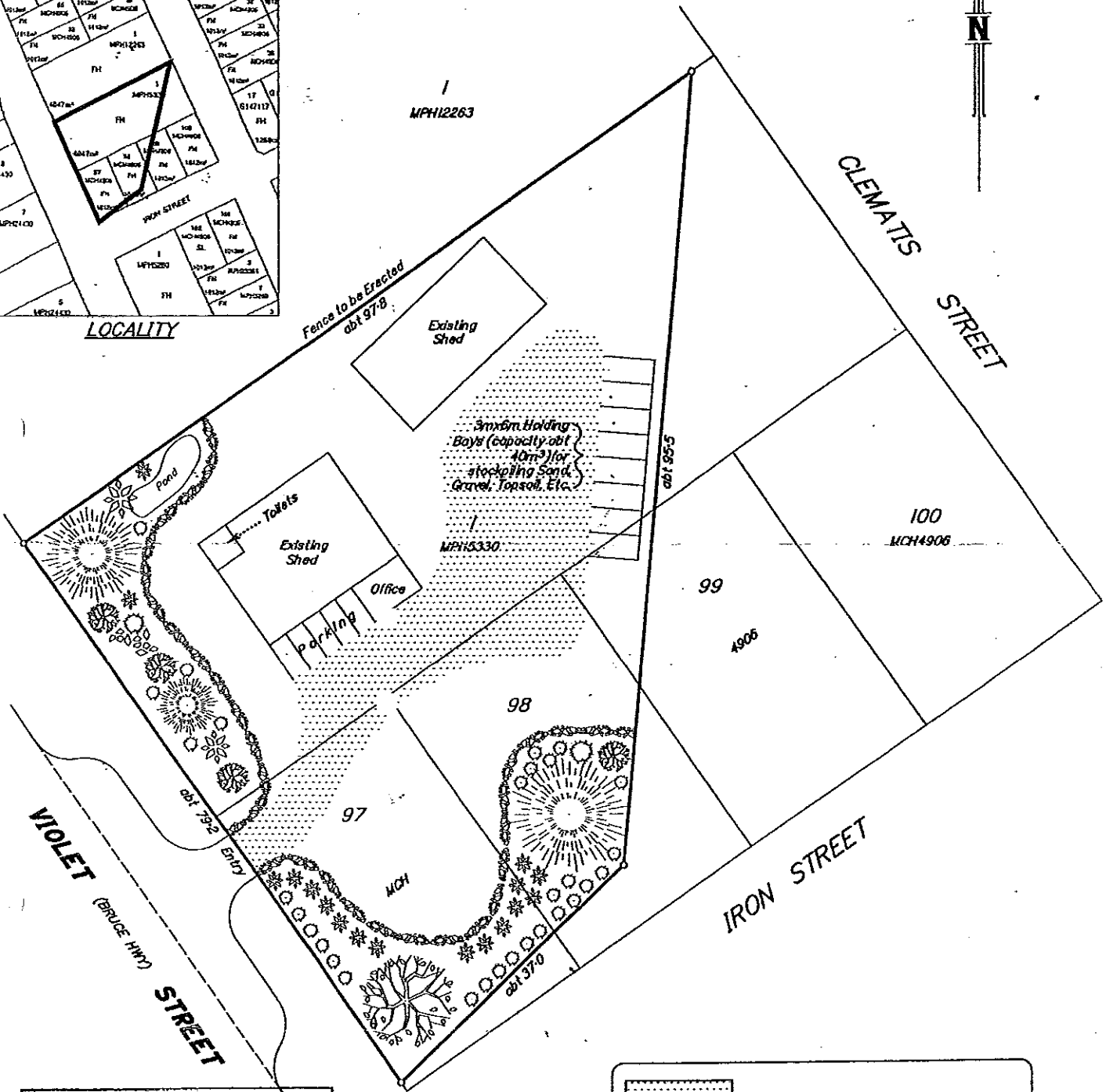
Signature: .....  ..... Date: 19 November 2004.

# Landscape Supply Centre

(Approx) 5040m<sup>2</sup>



LOCALITY



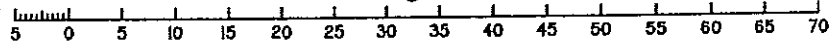
Area to be Paved in Road Base

**Cooloolo Shire Council  
APPROVED PLAN**

Signature: \_\_\_\_\_

Date: 22/9/04

Scale 1:500 - Lengths are in Metres.



**MURRAY & ASSOCIATES**  
 (QLD) PTY LTD  
 CONSULTING SURVEYORS  
 LAND & ENGINEERING SURVEYORS, PLANNERS

NAMBOUR Curdie SL Ph (07) 54412188 Fax (07) 54412601  
 CABOOLTURE King SL Ph (07) 54951478 Fax (07) 54951729  
 EMERALD Eglinton SL Ph (07) 49875393 Fax (07) 49822808  
 GYMPIE Reef SL Ph (07) 54821484 Fax (07) 54828296  
 ROMA Bowen SL Ph (07) 48221668 Fax (07) 48221666

**Plan of Proposed Material  
Change of Use for a Landscape  
Supply Centre over land  
described as Lot 1 on MPH5330  
& Part of Lots 97-99 on  
MCH4906**

CLIENT	[REDACTED]	
DATE	3/03/04	SCALE 1:500
FILE	37723_CAMPBELL	Level Datum -
DRAWN	BJ	JOB No.
CHECKED	BWB	37723

Town Planner: [REDACTED]

PARISH: GYMPIE COUNTY: March

Copy sent to

1/9/05

Neil Wilbraham  
Planning & Development

PH: (07) 54810 644  
Fax: (07) 54810 682

council@cooloola.qld.gov.au

Our Ref: DB00006 NJW/KMD00953  
Your Ref: 00483-L01 GM:

1 September 2005

[REDACTED]  
C/- Martoo Consulting  
PO Box 1684  
NOOSA HEADS QLD 4567

Dear Sir,

**RE: Complaint Concerning the Operation of a Landscape Supply Centre and Contractor's Yard at Lot 1 MCH4906 - 53 Violet Street, Gympie**

Your letter of 27 July 2005 refers.

Council is not in a position to disclose the names and addresses of the complainants, however the noise and dust complaint is understood to relate generally to nuisances which are at times said to result from day to day vehicle and machinery operations within the previously identified sites.

[REDACTED] an Environmental Health Officer with Council, has discussed this matter in detail with your clients and you should contact Mr Courtney further if you are uncertain about the measures needed to overcome the nuisances.

It is also noted your clients have not provided a response to other matters raised in correspondence to them dated 19 July 2005.

These matters relate specifically to the alleged breach of the development approval for this use and your client's response is needed as a matter of urgency.

I would therefore ask that a complete, detailed response to all listed matters be forwarded to Council by 14 September 2005 if further action is to be avoided.

I look forward to your cooperation in this matter.

.../2



-2-

Please do not hesitate to contact Neil Wilbraham on (07) 5481 0644 if you are uncertain of any aspect of this advice.

Yours faithfully,

  
CHIEF EXECUTIVE OFFICER

SCANNEL

COOLOOLA SHIRE COUNCIL	
FILED 0800006	XREF 2408702
DOC 028420	15804, 15806, 15803, 15801
	4658
REFER	28 JUL 2005
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	WORKS
	PLAN
	SS & EB



ABN 47 353 058 813

- town planners
- development planners
- urban designers

Your Reference: DB00006 NJW:MBB:00010  
Our Reference: 00483-L01 GM:

Fax 54810682

Chief Executive Officer  
Coolooloa Shire Council  
P.O. Box 155  
GYMPIE Q 4570

Attention: [Redacted] Planning and Development Department

27 July, 2005

Dear [Redacted]

**RE: Complaint to Coolooloa Council Concerning the Operation of a Landscape Supply Center and Contractor's Yard Over Lot 1 on MCH4906, Parish of Gympie and Situated at 53 Violet Street, Gympie**

I refer to your Council's letter dated 19 July, 2005 in relation to the above matter.

Your Council's letter briefly documented the concerns raised in a compliant received by your Council presumably from a member of the public and provided suggested actions that may avoid further action by your Council.

Martoo Consulting has been engaged by Craig and Linda Campbell today to assist them in responding to your Council response and in ensuring that they have a land use approval under your Council's planning scheme and the *Integrated Planning Act 1997* that reflects to nature of their existing and proposed operations on the subject site.

Our office is currently collecting background information necessary to compile an accurate request to your Council to either Request to change development approval (other than a change of a condition) under section 3.5.24 of the *Integrated Planning Act 1997* or to Request to change or cancel conditions under Section 3.5.33. Consequently we are not currently in a position to provide an accurate timeframe as to when this request will be formally lodged with your Council.

We would like the opportunity to discuss these concerns with Council's relevant staff and to more accurately establish the public's concerns so that the above request can address any valid concerns. In this regard it would be appreciated if your Council could confirm the adjoining property which is currently experiencing the claimed noise and dust nuisance and the specifics of their concerns.

Please contact our office if you require any further information and/or clarification with respect to this submission.

Yours sincerely,

[Redacted Signature]

Principal

■ **SUNSHINE COAST**  
3/18 Duke Street  
SUNSHINE BEACH  
P.O. Box 1684  
NOOSA HEADS Q 4567  
p: (07) 5447 4556  
f: (07) 5447 5446

■ **GYMPIE**  
1/28 Reef Street  
GYMPIE  
P.O. Box 391  
GYMPIE Q 4570  
p: (07) 5482 7440  
f: (07) 5482 4952

EXTRACTS OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING  
HELD ON THE 26<sup>TH</sup> JULY 2005

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7/1

Uncompleted Development Application – Violet Street, Gympie

Re: **Minute: P70/07/05** Uncompleted Development Application –  
53 Violet Street, Gympie – C Campbell  
From: Gympie Sand, Gravel & Landscaping Supplies  
File: DA08722  
Date: 8 July 2005

*"I refer to my letters dated 27<sup>th</sup> February 2005 and 20<sup>th</sup> May 2005, our meeting on 18<sup>th</sup> May 2005 and your letter dated 15 March 2005.*

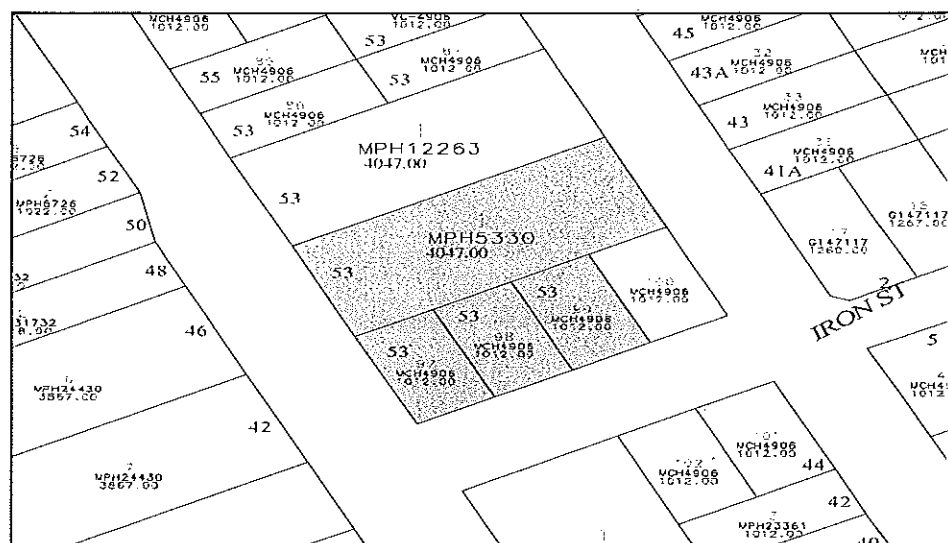
*Re development application – Campbell's Lot 1 on MCH4906 – 53 Violet Street, Gympie.*

*It is disappointing to see I have had no response to my letter dated 20<sup>th</sup> May 2005 or even acknowledgement of receipt of same, let alone the applicant been made to comply with Council approval requirements.*

*I would like to also bring your attention to the fact that 2 weeks ago there was a serious accident involving a customer's vehicle leaving the property as the applicant has not constructed the merging lines as required under their development approvals.*

*We have received more phone calls of complaints in relation to the stock piling and unauthorised screening by Campbell's on the adjoining property wish is causing noise and dust problems for residents adjoining.*

*We also note that despite the applicant not finalising or completing the initial approved development requirements, Council has allowed the construction of a further ten (10) product bays. This surely is not acceptable as the applicant can't even comply with the original development requirements."*



EXTRACTS OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING  
HELD ON THE 26<sup>TH</sup> JULY 2005

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**Report:** (Planning Technical Officer – [REDACTED])

- 1.0 The complaint refers to the operation of Campbell's Landscape Supplies Centre at 53 Violet Street, Gympie.
- 2.0 The complainant is the proprietor of a similar business in Wadell Road, Two Mile.
- 3.0 The use of the site for a Landscape Supplies Centre and Contractors Yard was approved on the 16<sup>th</sup> November 2004.
- 4.0 The business has commenced prior to the fulfilment of all conditions of approval.
- 5.0 This matter, together with other minor matters relating to unauthorised use, is the subject of investigation by the Planning Department.
- 6.0 Council's Health and Community Services Department is also investigating matters relating to noise and dust nuisances and hours of operation.
- 7.0 Two inspections of the premises have taken place.
- 8.0 Subsequently a letter was sent to the business proprietors on the 19<sup>th</sup> July requesting action to bring the use into conformity with the planning scheme and the development approval. Advice of this action was conveyed to the complainant in writing on the same date.
- 9.0 The matter is being progressed under standard breach investigation procedures.
- 10.0 A further report will be provided to Council if necessary.

**Recommendation:** (Acting Director of Planning and Development – [REDACTED])

**That Council note the report and endorse staff actions to date.**

EXTRACTS OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING  
HELD ON THE 26<sup>TH</sup> JULY 2005

- 163 -

P70/07/05

Moved:



Seconded:



Recommend that Council note the report and endorse staff actions to date.

Carried.

Tania Stenholm  
Planning & Development

PH: (07) 5481 0644  
Fax: (07) 5481 0682

Our Ref: DA08722 TMS/KMD00231 MINUTE: P31/11/04

19 November 2004

[REDACTED]  
20 Somerset Street  
GYMPIE QLD 4570

Dear Sir/Madam,

**RE: Development Application for Material Change of Use of Premises -  
Landscape Supply Centre and Light Industry (Contractor's Yard)  
over Lot 1 on MCH4906 - 53 Violet Street, Gympie**

I refer to your representations dated 20 September 2004 and advise that Council at its General Meeting held on 16 November 2004 resolved to amend Condition 6.1. Please find enclosed a Negotiated Decision Notice relating to this matter.

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.

Should you not wish to appeal to the court 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 have any enquiries please contact Tania Stenholm of Council's Planning & Development Department on (07) 5481 0644.

Yours faithfully,

[REDACTED]  
*J* **CHIEF EXECUTIVE OFFICER**

Enc [REDACTED]



Cooloola Shire Council

**Development Application 8722  
Negotiated Decision Notice**

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

The Development Application DA08722 for the purpose of a Material Change of Use of Premises - Landscape Supply Centre and Light Industry (Contractor's Yard) was assessed and:-

*Approved with Conditions*

The decision was made by Cooloola Shire Council on *16 November 2004*

*Unless the use has commenced beforehand, this permit will lapse on 16 November 2008*

Local Government Area: *Cooloola Shire Council*

The following schedule provides all the relevant details.

**ORIGINAL DECISION NOTICE DETAILS**

Decision made by Council: *21 September 2004*

Decision Notice issued: *22 September 2004*

**APPEAL PERIOD DETAILS**

Original Appeal Period Expiry Date: *Within 20 days from the issue of the Decision Notice  
(ie 21 October 2004)*

Appeal Period Suspended by Applicant: *24 September 2004*

New Appeal Period Expiry Date: *Within 20 days from the issue of this Negotiated Decision Notice  
(ie 17 December 2004)*

**NATURE OF CHANGES TO ORIGINAL DECISION NOTICE**

*Amend Condition 6.1*

**PROPERTY DETAILS**

Street Address & Locality: *53 Violet Street, Gympie*

RPD: *Lot 99 on MCH4906*

Parish: *Gympie*

**APPLICANT'S DETAILS**

Name:

Postal Address: *C/- Murray & Assoc (Qld) Pty Ltd, PO Box 57, Gympie QLD 4570*



**Development Application 8722  
Negotiated Decision Notice**

**OWNERS DETAILS**

Name:

Postal Address:

55 Violet Street, GYMPIE QLD 4570

**REFERRAL AGENCIES**

Concurrence Agencies

- 1) The District Director  
Queensland Department of Main Roads  
North Coast Hinterland District  
PO Box 183  
GYMPIE QLD 4570

**APPLICABLE CODES**

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

- Council's Transitional Planning Scheme

**CONDITIONS**

Assessment Manager's Conditions

**SECTION 1.0 – CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF THE APPROVED USE**

- 1.1 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 (for demountable office and bunkers);
    - (b) Development Permit for Plumbing & Drainage Works; and
    - (c) Development Permit for Operational Works (Site Works, Bitumen Widening, Kerb and Channelling and associated Stormwater Drainage, Driveway, Parking Areas and Landscaping).
- 1.2 Landscaping works are to be completed in accordance with Council's Development Permit for Operational Works (Landscaping).
- 1.3 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.
- 1.4 All necessary permits from the Department of Main Roads are to be obtained for the purpose of constructing an access onto Lot 1 MPH5330 (53 Violet Street).
- 1.5 All lots that form part of this Development Application are to be amalgamated in Title. Such amalgamation does not require development approval.





**Development Application 8722  
Negotiated Decision Notice**

**SECTION 2.0 - CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A DEVELOPMENT PERMIT FOR BUILDING WORKS**

- 2.1 Submission of building plans in accordance with the Building Act, Council's Local Laws and Policies, and any conditions of this approval and substantially in accordance with the plans submitted and the Shire of Cooloola Planning Scheme apart from where amendments are required or dispensations have been granted in conjunction with this approval.

**SECTION 3.0 - CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A DEVELOPMENT PERMIT FOR PLUMBING & DRAINAGE WORKS**

- 3.1 Lodgement of a Development Application to Council including drainage plan and supporting information outlined in Council's Plumbing & Drainage Works checklist.

**SECTION 4.0 - CONDITIONS RELEVANT TO THE ISSUE OF A DEVELOPMENT PERMIT FOR PLUMBING & DRAINAGE WORKS**

- 4.1 All plumbing and drainage works shall be carried out in accordance with the:
- Sewerage and Water Supply Act;
  - Standard Water Supply Law;
  - Standard Sewerage Law; and
  - Australian Standard 3500: The National Plumbing and Drainage Code, Parts 1, 2 & 4.
- 4.2 (i) Connection is to be made to Council's existing Water Supply and Sewerage reticulation systems, including containment devices for back flow prevention at no cost to Council. Connection shall be in accordance with a development permit for Plumbing & Drainage 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.

**SECTION 5.0 - CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A DEVELOPMENT PERMIT FOR OPERATIONAL WORKS (SITE WORKS, BITUMEN WIDENING, KERB AND CHANNELLING AND ASSOCIATED STORMWATER DRAINAGE, DRIVEWAY, PARKING AREAS AND LANDSCAPING)**

- 5.1 Lodgement of a Development Application for Operational Works to Council.
- 5.2 Prior to the commencement of works on site a properly prepared Landscape Plan in accordance with Council's Landscape Policy PR-PD-4 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.



**Development Application 8722  
Negotiated Decision Notice**

**SECTION 6.0 – CONDITIONS RELEVANT TO THE ISSUE OF A DEVELOPMENT PERMIT FOR OPERATIONAL WORKS (SITE WORKS, BITUMEN WIDENING, KERB AND CHANNELLING AND ASSOCIATED STORMWATER DRAINAGE, DRIVEWAY, PARKING AREAS AND LANDSCAPING)**

- 6.1 A contribution of \$4 000 is to be paid towards the frontage roadworks prior to commencement of the use.
- 6.2 Off-street car parking is to be provided in accordance with Council's Planning Scheme.

*Note that 5 carparks as shown on the proposal plan are considered satisfactory by Council.*

- 6.3 Car parking and access areas shall be sealed pavement and designed, drained, constructed and maintained in accordance with the Planning Scheme requirements and Council's Planning Scheme Policies.

*Note: Council approves a dust-reduced standard for the car parking area for a maximum period of five (5) years or until Council receives valid complaints about the dust from that unsealed area, whichever occurs sooner. A further development approval for Operational Works will be required for the sealing of this area.*

- 6.4 Undertake at no cost to Council, the alteration of any public utility mains (e.g. Electricity, water, sewerage, gas etc) or other facilities necessitated by the development of the land or associated construction works external to the site.
- 6.5 Landscaping works in accordance with the approved landscape plans are to be completed to the satisfaction of Council's Chief Executive Officer.
- 6.6 All landscaping works so constructed shall be subject to a maintenance period commensurate with any other Council infrastructure works also constructed.
- 6.7 A landscaping strip of at least 3.0 metres wide and averaging at least 4.0 metres is to be provided along the road frontage of the site. Landscaping shall be undertaken in accordance with plans submitted with the application.

**SECTION 7.0 – GENERAL CONDITIONS OF APPROVAL**

- 7.1 (i) The development shall be generally in accordance with the plans submitted with the application (Plan no 37723 drawn by Murray & Associates Pty Ltd and dated 3/03/04);

*Note: This approval does not authorise the use of the site for screening of materials (at a level that requires approval for an Environmentally Relevant Activity), servicing of vehicles or sale of plants and other general items not considered to be landscaping materials. Should the sale or storage of plants for landscaping projects be intended on the site an amendment to this approval will be required and a contribution towards water supply headworks will be applicable.*

- (ii) The layout of the development as shown on the endorsed development plan/s shall not be altered or modified unless previously approved by Council's Chief Executive Officer.



**Development Application 8722**  
**Negotiated Decision Notice**

- 7.2 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.
- 7.3 All landscaping shall be maintained (watering, fertilising, mulching, weeding, etc.) to the satisfaction of Council's Chief Executive Officer.
- 7.4 Loading/unloading operations shall be conducted within the site and vehicles waiting to be unloaded/loaded shall stand entirely within the site.
- 7.5 Siltation and erosion control methods shall be implemented and maintained at all times in accordance with Council's Environmental Management Plan to the satisfaction of Council's Chief Executive Officer.
- 7.6 Stormwater is to be disposed of on site so as to cause no scour or damage to adjoining properties to the satisfaction of Council's Chief Executive Officer.
- 7.7 All operations conducted on the site shall be carried out in accordance with the *Environmental Protection Act 1994* and other relevant Acts, Regulations and Local Laws.
- 7.8 In the event that a valid complaint of unreasonable noise emissions from the development is received, Council may require the submission of an environmental noise level study and report which complies with Australian Standard 1005 and the Environmental Protection Agency Noise Management Manual; and require works and/or management practices to be carried out to ensure noise emissions comply with the requirements of the *Environmental Protection (Noise) Policy 1997*.
- 7.9 The operation of the development must not release odour or visible contaminants including dust, smoke, fumes and aerosols to the environment that will, or may cause an environmental nuisance.
- 7.10 The following measures are to be implemented to control air emissions from the site:
- (a) All areas of the site used by vehicular traffic shall be maintained to minimise dust emissions;
  - (b) Stockpiles are to be enclosed with walls on at least three sides at all times. Sand and aggregate should be covered during long storage intervals;
  - (c) Sand and aggregate stockpiles are to be regularly watered to minimise dust emissions. This should be done in conjunction with an appropriate catchment and treatment system to contain runoff and leached water from the sprinklers.
- 7.11 In the event of flood, stockpiles are to be removed from the site prior to floodwaters entering the site.

**NOTES**

- (i) *Under the Integrated Planning Act, this development approval lapses at the end of the currency period for the approval which is either:*
- (a) *the four years starting the day the approval takes effect; or*
  - (b) *if the approval states or implies a time for the approval to lapse – the period from the day the approval takes effect until the stated or implied time.*



**Development Application 8722  
Negotiated Decision Notice**

*This approval will lapse unless substantially started within the above stated currency periods (refer to sections 3.5.19 and 3.5.20 of IPA for further details).*

- (ii) *This development approval takes effect either:
  - (a) from the time the decision notice is given; or
  - (b) subject to the decision of the court, when the appeal is finally decided – if an appeal is made to the court.*
- (iii) *Under Section 3.5.28 of the Integrated Planning Act, this development approval attaches to the land, the subject of the application, and binds the owner, the owner's successors in title and any occupier of the land.*
- (iv) *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 Development Manual.*
- (vi) *No earthworks or filling works are to be undertaken prior to the issue of a Development Permit for Building Works/Operational Works.*

**Concurrence Agency's Conditions**

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

- (i) The road access works to the site must be upgraded to provide a sealed surface in accordance with this District's Type 2 Standard Access, as shown on the attached drawing No D2-5.
- (ii) 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.
- (iii) The engineering design, plans and specifications must be prepared by a qualified consulting engineer.

**Note:**

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

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

**APPROVAL TYPE**

*Development Permit*



**Development Application 8722  
Negotiated Decision Notice**

**FURTHER DEVELOPMENT PERMITS REQUIRED**

*Development Permit for Building Works (for demountable office and bunkers);  
Development Permit for Plumbing and Drainage Works; and  
Development Permit for Operational Works (Site Works, Bitumen Widening, Kerb and Channelling and associated Stormwater Drainage, Driveway, Parking Areas and Landscaping).*

**RIGHTS OF APPEAL**

*Two (2) properly made submissions were lodged to this application.*

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

**ASSESSMENT MANAGER**

Name: Cooloola Shire Council

Signature: ....  .....

Date: 19 November 2004.

EXTRACTS OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING  
HELD ON THE 12<sup>TH</sup> OCTOBER 2004

9-224 - NOVEMBER

7/2

DA08722 –Representations Lodged for Development Approval – Material Change of Use – Landscape Supply Centre and Light Industry (Contractor's Yard)  
53 Violet Street, Gympie (Campbell)

Re: **Minute: P31/11/04** Request to Change a Development Approval  
From: [REDACTED]  
File: DA08722  
Date: 20 October 2004

*"This letter is in response to Councils conditions in section 6.0 No.6.1 (a) requiring bitumen widening kerb and channelling and associated stormwater drainage of 53 Violet Street in our application.*

*After speaking with Council's design department office we understand that Council are willing to negotiate this condition with a contribution of \$4000.00 (Four Thousand Dollars) in lieu of these operation works.*

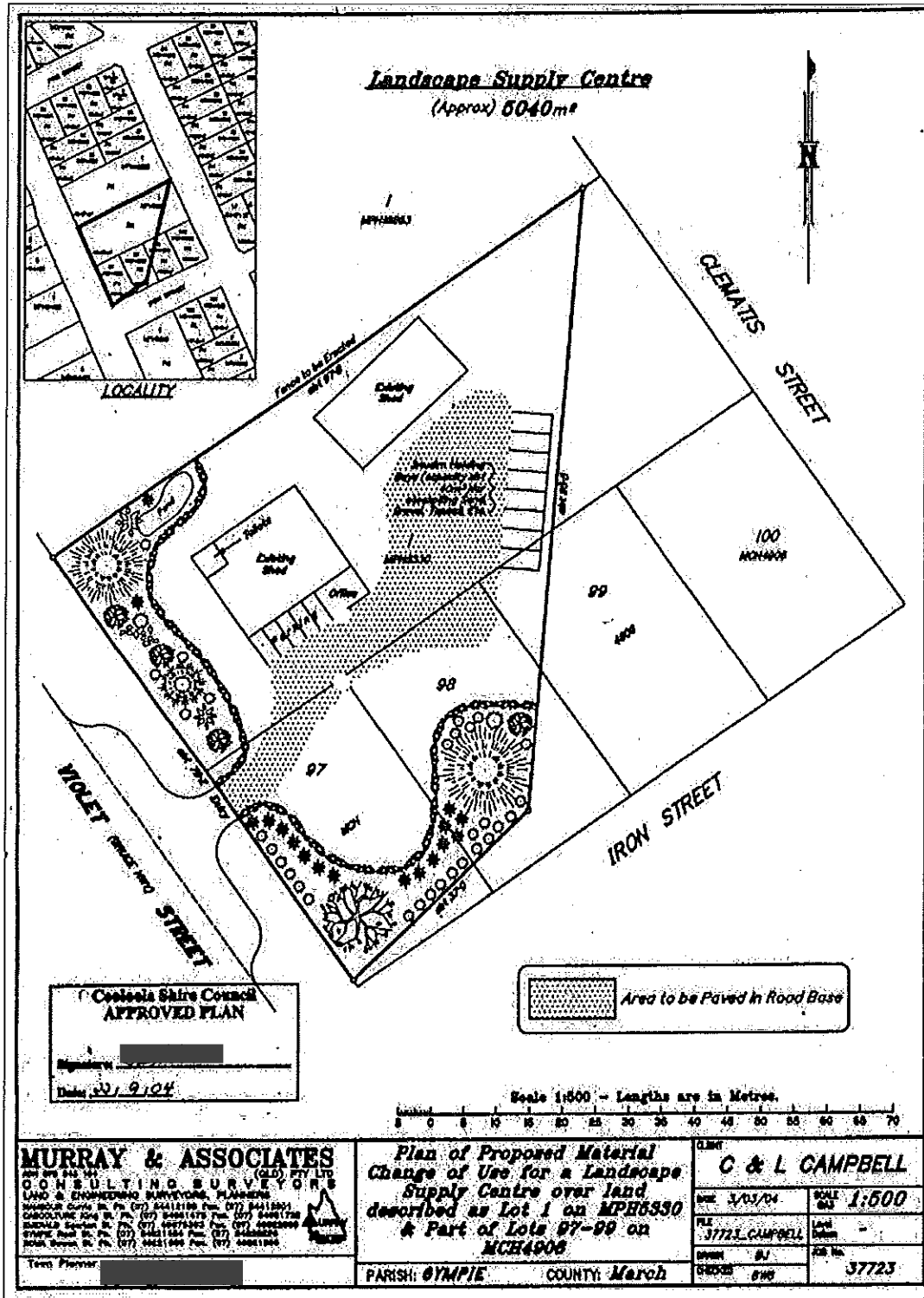
*I also understand that these operational works would not fit in with Main Roads work schedule. As with plans to upgrade the Bruce Highway in the future it would be a waste of our time and money to have this work done just to have it ripped back up. Also as you can see from our application we do not own the land we are just leasing it."*

**Report: (Planning Officer – T.M. Stenholm)**

An application for a Material Change of Use – Landscape Supply Centre and Light Industry (Contractor's Yard) was approved at Council's General Meeting on 21 September, 2004.

EXTRACTS OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING  
HELD ON THE 12<sup>TH</sup> OCTOBER 2004

- 225 -



The approval included the following condition:

- 6.1 Violet Street is to be upgraded. Specifically the following works are to be undertaken in accordance with plans and specifications approved by Council's Chief Executive Officer:
  - (a) bitumen widening, kerb and channelling and associated stormwater drainage.

**EXTRACTS OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING  
HELD ON THE 12<sup>TH</sup> OCTOBER 2004**

- 226 -

**Report:** (Design Department Technical Officer - [REDACTED])

**ENGINEERING COMMENTS**

Material change of Use Condition 6.1

This condition was placed on the development to meet the requirements of Council's Planning Scheme.

Discussions with the Department of Main Roads revealed that although no plans were under consideration to upgrade this section of the Bruce Highway (Violet Street), it could not be ruled out in the future. Bearing that in mind, it is considered prudent for Council to consider a contribution for kerb and channel only (estimated at \$4,000), rather than requiring work to be done at this point in time. However, Council may view this requirement (which may not be built) to be unfair and unreasonable if the Highway upgrading works are not carried out. It may be more reasonable to bond the \$4,000 with refund due after five (5) years if the works are not required.

Condition 6.1 to be deleted and replaced with the following condition:

The applicant to pay to Council a contribution of \$4,000 for kerb and channel to the Violet Street frontage of the proposed development. Alternatively, lodge a 5 year bond for \$4,000 if the works are required to be constructed.

**Recommendation:** (Director of Planning & Development - [REDACTED])

That Council accept representations received in regards to Development Application (DA08722) for Material Change of Use – Landscape Supply Centre and Light Industry (Contractor's Yard) over Lot 1 MCH4906 at 53 Violet Street, Gympie and issue a Negotiated Decision Notice changing condition 6.1 to read:

*'A bond of \$4 000 is to be paid for the cost of kerb and channel to the Violet Street frontage of the site. Should upgrading of this section of the Bruce Highway not occur within five(5) years this amount shall be refunded.'*

P31/11/04

Moved: [REDACTED]

Seconded: [REDACTED]

That Council accept representations received in regards to Development Application (DA08722) for Material Change of Use – Landscape Supply Centre and Light Industry (Contractor's Yard) over Lot 1 MCH4906 at 53 Violet Street, Gympie and issue a Negotiated Decision Notice changing condition 6.1 to read:

*'Council accept a monetary contribution of \$4 000 towards the frontage roadworks and the contribution be paid prior to commencement of the use.'*

**Carried.**



Tania Stenholm  
Planning & Development

Ph (07) 5481 0644  
Fax (07) 5481 0682

Our Ref: DA08722 TMS/KMD00057 MINUTE: P02/09/04  
Your Ref: PLT:imp

22 September 2004

[REDACTED]  
C/- Murray & Assoc (Qld) Pty Ltd  
PO Box 57  
GYMPIE QLD 4570

Dear Sir,

**RE: Development Application for Material Change of Use of Premises -  
Landscape Supply Centre and Light Industry (Contractor's Yard)  
over Lot 1 on MCH4906 - 53 Violet Street, Gympie**

With reference to the above application, Council at its General Meeting held on 21 September 2004 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.

.../2

-2-

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

Yours faithfully,

  
CHIEF EXECUTIVE OFFICER

Enc 

CC: The District Director  
Queensland Department of Main Roads



**Development Application 8722  
Decision Notice**

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

The Development Application DA08722 for the purpose of Material Change of Use of Premises – Landscape Supply Centre and Light Industry (Contractors Yard) was assessed and:-

*Approved with Conditions*

The decision was made by Cooloola Shire Council on 21 September 2004

*Unless the use has commenced beforehand, this permit will lapse on 21 September 2008*

Local Government Area: *Cooloola Shire Council*

The following schedule provides all the relevant details.

**PROPERTY DETAILS**

Street Address & Locality: *53 Violet Street, Gympie*

RPD: *Lot 99 on MCH4906*

Parish: *Gympie*

**APPLICANTS DETAILS**

Name: [REDACTED] *C/- Murray & Associates (Qld) Pty Ltd*

Postal Address: *24 Reef Street, GYMPIE QLD 4570*

**OWNERS DETAILS**

Name: [REDACTED]

Postal Address: *55 Violet Street, GYMPIE QLD 4570*

**REFERRAL AGENCIES**

Concurrence Agencies

- 1) The District Director  
Queensland Department of Main Roads  
North Coast Hinterland District  
PO Box 183  
GYMPIE QLD 4570

**APPLICABLE CODES**

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

- Council's Transitional Planning Scheme.



**Development Application 8722  
Decision Notice**

**CONDITIONS**

Assessment Manager's Conditions

**SECTION 1.0 – CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF THE APPROVED USE**

- 1.1 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 (for demountable office and bunkers);
    - (b) Development Permit for Plumbing & Drainage Works; and
    - (c) Development Permit for Operational Works (Site Works, Bitumen Widening, Kerb and Channelling and associated Stormwater Drainage, Driveway, Parking Areas and Landscaping).
- 1.2 Landscaping works are to be completed in accordance with Council's Development Permit for Operational Works (Landscaping).
- 1.3 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.
- 1.4 All necessary permits from the Department of Main Roads are to be obtained for the purpose of constructing an access onto Lot 1 MPH5330 (53 Violet Street).
- 1.5 All lots that form part of this Development Application are to be amalgamated in Title. Such amalgamation does not require development approval.

**SECTION 2.0 - CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A DEVELOPMENT PERMIT FOR BUILDING WORKS**

- 2.1 Submission of building plans in accordance with the Building Act, Council's Local Laws and Policies, and any conditions of this approval and substantially in accordance with the plans submitted and the Shire of Cooloola Planning Scheme apart from where amendments are required or dispensations have been granted in conjunction with this approval.

**SECTION 3.0 - CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A DEVELOPMENT PERMIT FOR PLUMBING & DRAINAGE WORKS**

- 3.1 Lodgement of a Development Application to Council including drainage plan and supporting information outlined in Council's Plumbing & Drainage Works checklist.

**SECTION 4.0 - CONDITIONS RELEVANT TO THE ISSUE OF A DEVELOPMENT PERMIT FOR PLUMBING & DRAINAGE WORKS**

- 4.1 All plumbing and drainage works shall be carried out in accordance with the:
  - Sewerage and Water Supply Act;
  - Standard Water Supply Law;
  - Standard Sewerage Law; and



**Development Application 8722  
Decision Notice**

- Australian Standard 3500: The National Plumbing and Drainage Code, Parts 1, 2 & 4.
- 4.2 (i) Connection is to be made to Council's existing Water Supply and Sewerage reticulation systems, including containment devices for back flow prevention at no cost to Council. Connection shall be in accordance with a development permit for Plumbing & Drainage 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.

**SECTION 5.0 - CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A DEVELOPMENT PERMIT FOR OPERATIONAL WORKS (SITE WORKS, BITUMEN WIDENING, KERB AND CHANNELLING AND ASSOCIATED STORMWATER DRAINAGE, DRIVEWAY, PARKING AREAS AND LANDSCAPING)**

- 5.1 Lodgement of a Development Application for Operational Works to Council.
- 5.2 Prior to the commencement of works on site a properly prepared Landscape Plan in accordance with Council's Landscape Policy PR-PD-4 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.

**SECTION 6.0 – CONDITIONS RELEVANT TO THE ISSUE OF A DEVELOPMENT PERMIT FOR OPERATIONAL WORKS (SITE WORKS, BITUMEN WIDENING, KERB AND CHANNELLING AND ASSOCIATED STORMWATER DRAINAGE, DRIVEWAY, PARKING AREAS AND LANDSCAPING)**

- 6.1 Violet Street is to be upgraded. Specifically the following works are to be undertaken in accordance with plans and specifications approved by Council's Chief Executive Officer:
- (a) bitumen widening, kerb and channelling and associated stormwater drainage.
- 6.2 Off-street car parking is to be provided in accordance with Council's Planning Scheme.

*Note that 5 carparks as shown on the proposal plan are considered satisfactory by Council.*

- 6.3 Car parking and access areas shall be sealed pavement and designed, drained, constructed and maintained in accordance with the Planning Scheme requirements and Council's Planning Scheme Policies.

*Note: Council approves a dust-reduced standard for the car parking area for a maximum period of five (5) years or until Council receives valid complaints about the dust from that unsealed area, whichever occurs sooner. A further development approval for Operational Works will be required for the sealing of this area.*

- 6.4 Undertake at no cost to Council, the alteration of any public utility mains (e.g. Electricity, water, sewerage, gas etc) or other facilities necessitated by the development of the land or associated construction works external to the site.



**Development Application 8722**  
**Decision Notice**

- 6.5 Landscaping works in accordance with the approved landscape plans are to be completed to the satisfaction of Council's Chief Executive Officer.
- 6.6 All landscaping works so constructed shall be subject to a maintenance period commensurate with any other Council infrastructure works also constructed.
- 6.7 A landscaping strip of at least 3.0 metres wide and averaging at least 4.0 metres is to be provided along the road frontage of the site. Landscaping shall be undertaken in accordance with plans submitted with the application.

**SECTION 7.0 –GENERAL CONDITIONS OF APPROVAL**

- 7.1 (i) The development shall be generally in accordance with the plans submitted with the application (Plan no 37723 drawn by Murray & Associates Pty Ltd and dated 3/03/04);

*Note: This approval does not authorise the use of the site for screening of materials (at a level that requires approval for an Environmentally Relevant Activity), servicing of vehicles or sale of plants and other general items not considered to be landscaping materials. Should the sale or storage of plants for landscaping projects be intended on the site an amendment to this approval will be required and a contribution towards water supply headworks will be applicable.*

- (ii) The layout of the development as shown on the endorsed development plan/s shall not be altered or modified unless previously approved by Council's Chief Executive Officer.
- 7.2 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.
- 7.3 All landscaping shall be maintained (watering, fertilising, mulching, weeding, etc.) to the satisfaction of Council's Chief Executive Officer.
- 7.4 Loading/unloading operations shall be conducted within the site and vehicles waiting to be unloaded/loaded shall stand entirely within the site.
- 7.5 Siltation and erosion control methods shall be implemented and maintained at all times in accordance with Council's Environmental Management Plan to the satisfaction of Council's Chief Executive Officer.
- 7.6 Stormwater is to be disposed of on site so as to cause no scour or damage to adjoining properties to the satisfaction of Council's Chief Executive Officer.
- 7.7 All operations conducted on the site shall be carried out in accordance with the *Environmental Protection Act 1994* and other relevant Acts, Regulations and Local Laws.
- 7.8 In the event that a valid complaint of unreasonable noise emissions from the development is received, Council may require the submission of an environmental noise level study and report which complies with Australian Standard 1005 and the Environmental Protection Agency Noise Management Manual; and require works and/or management practices to be carried out to ensure noise emissions comply with the requirements of the *Environmental Protection (Noise) Policy 1997*.



**Development Application 8722  
Decision Notice**

- 7.9 The operation of the development must not release odour or visible contaminants including dust, smoke, fumes and aerosols to the environment that will, or may cause an environmental nuisance.
- 7.10 The following measures are to be implemented to control air emissions from the site:
- (a) All areas of the site used by vehicular traffic shall be maintained to minimise dust emissions;
  - (b) Stockpiles are to be enclosed with walls on at least three sides at all times. Sand and aggregate should be covered during long storage intervals;
  - (c) Sand and aggregate stockpiles are to be regularly watered to minimise dust emissions. This should be done in conjunction with an appropriate catchment and treatment system to contain runoff and leached water from the sprinklers.
- 7.11 In the event of flood, stockpiles are to be removed from the site prior to floodwaters entering the site.

**NOTES**

- (i) *Under the Integrated Planning Act, this development approval lapses at the end of the currency period for the approval which is either:*
- (a) *the four years starting the day the approval takes effect; or*
  - (b) *if the approval states or implies a time for the approval to lapse – the period from the day the approval takes effect until the stated or implied time.*

*This approval will lapse unless substantially started within the above stated currency periods (refer to sections 3.5.19 and 3.5.20 of IPA for further details).*

- (ii) *This development approval takes effect either:*
- (a) *from the time the decision notice is given; or*
  - (b) *subject to the decision of the court, when the appeal is finally decided – if an appeal is made to the court.*
- (iii) *Under Section 3.5.28 of the Integrated Planning Act, this development approval attaches to the land, the subject of the application, and binds the owner, the owner's successors in title and any occupier of the land.*
- (iv) *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 Development Manual.*
- (vi) *No earthworks or filling works are to be undertaken prior to the issue of a Development Permit for Building Works/Operational Works.*

**Concurrence Agency's Conditions**

- (i) The Department of Main Roads

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



**Development Application 8722  
Decision Notice**

- (i) The road access works to the site must be upgraded to provide a sealed surface in accordance with this District's Type 2 Standard Access, as shown on the attached drawing No D2-5.
- (ii) 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.
- (iii) The engineering design, plans and specifications must be prepared by a qualified consulting engineer.

Note:

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

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 (for demountable office and bunkers);  
Development Permit for Plumbing and Drainage Works; and  
Development Permit for Operational Works (Site Works, Bitumen Widening, Kerb and Channelling and associated Stormwater Drainage, Driveway, Parking Areas and Landscaping).*

**RIGHTS OF APPEAL**

*Two (2) properly made submissions were lodged to this application.*

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

**ASSESSMENT MANAGER**

Name: Cooloolola Shire Council

Signature:

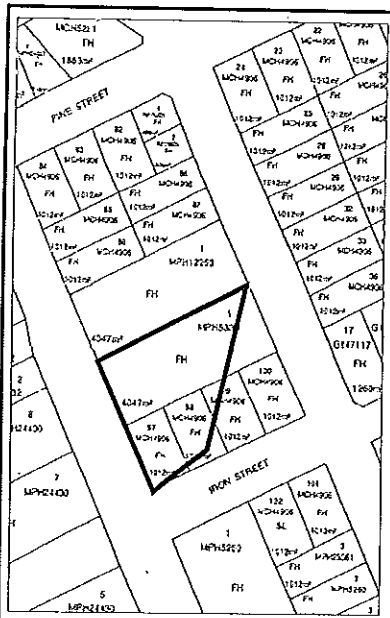


Date: 22 September 2004.

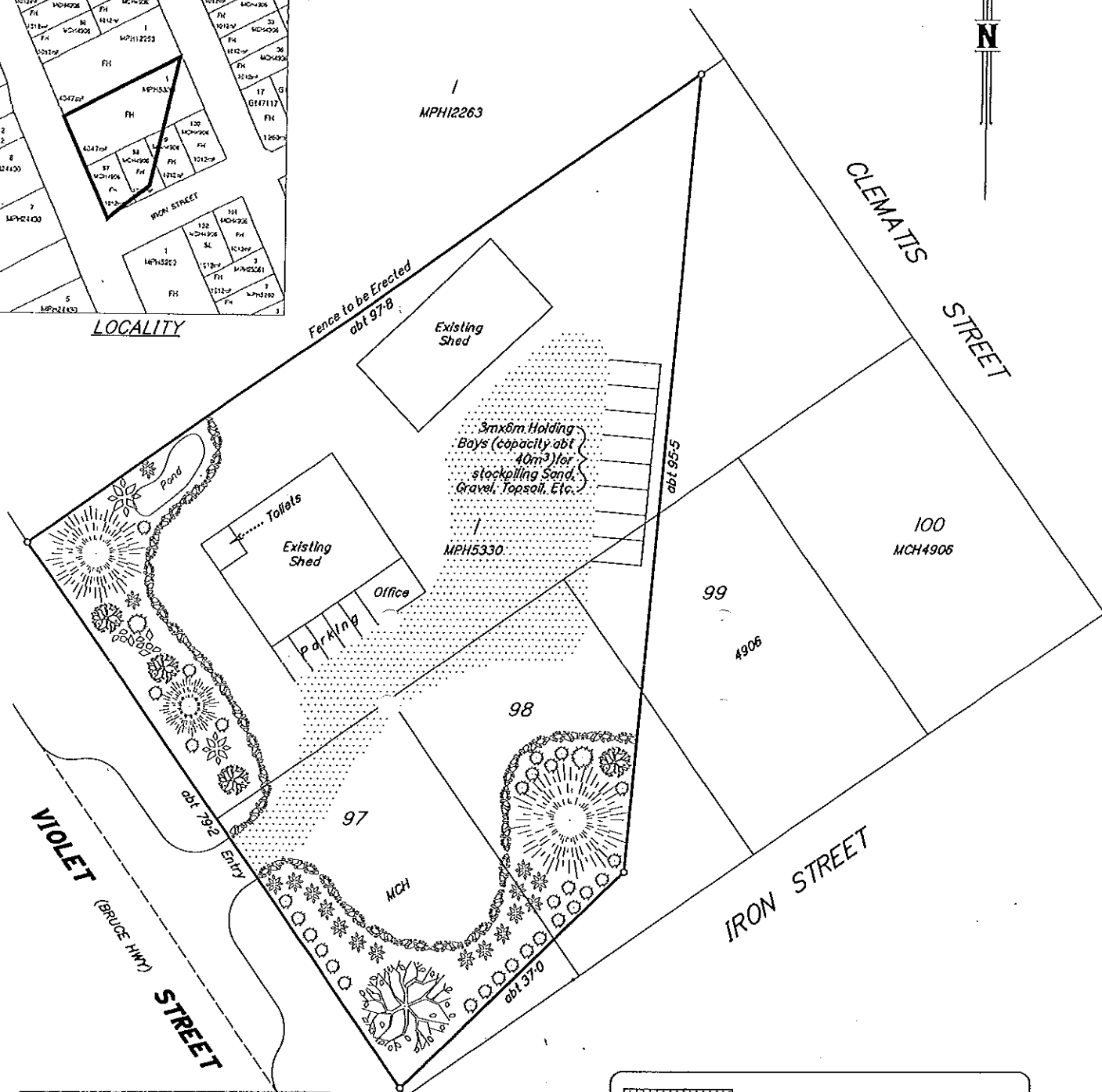


# Landscape Supply Centre

(Approx) 5040m<sup>2</sup>



LOCALITY



**VIOLET STREET**  
(GRUCE HWY)

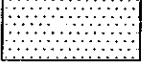
**IRON STREET**

**CLEMATIS STREET**

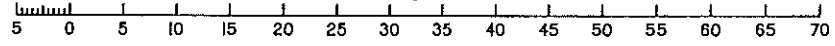
Cooloolah Shire Council  
**APPROVED PLAN**

Signature: .....

Date: 22.9.04

 Area to be Paved in Road Base

Scale 1:500 - Lengths are in Metres.



**MURRAY & ASSOCIATES**  
ACN 075 543 154 (QLD) PTY LTD  
CONSULTING SURVEYORS  
LAND & ENGINEERING SURVEYORS, PLANNERS  
NAMBOUR Currie St. Ph. (07) 54412188 Fax. (07) 54412601  
CABOOLTURE King St. Ph. (07) 54951478 Fax. (07) 54951729  
EMERALD Egerton St. Ph. (07) 49875253 Fax. (07) 49822808  
GYMPIE Reef St. Ph. (07) 54821484 Fax. (07) 54828296  
ROVA Bowen St. Ph. (07) 46221666 Fax. (07) 46221666

*Plan of Proposed Material  
Change of Use for a Landscape  
Supply Centre over land  
described as Lot 1 on MPH5330  
& Part of Lots 97-99 on  
MCH4906*

CLIENT <b>C &amp; L CAMPBELL</b>	
DATE 3/03/04	SCALE 1:500
FILE 37723_CAMPBELL	Level Datum -
DRAWN BJ	JOB No. 37723
CHECKED BWB	

Town Planner

PARISH: **GYMPIE** COUNTY: **March**

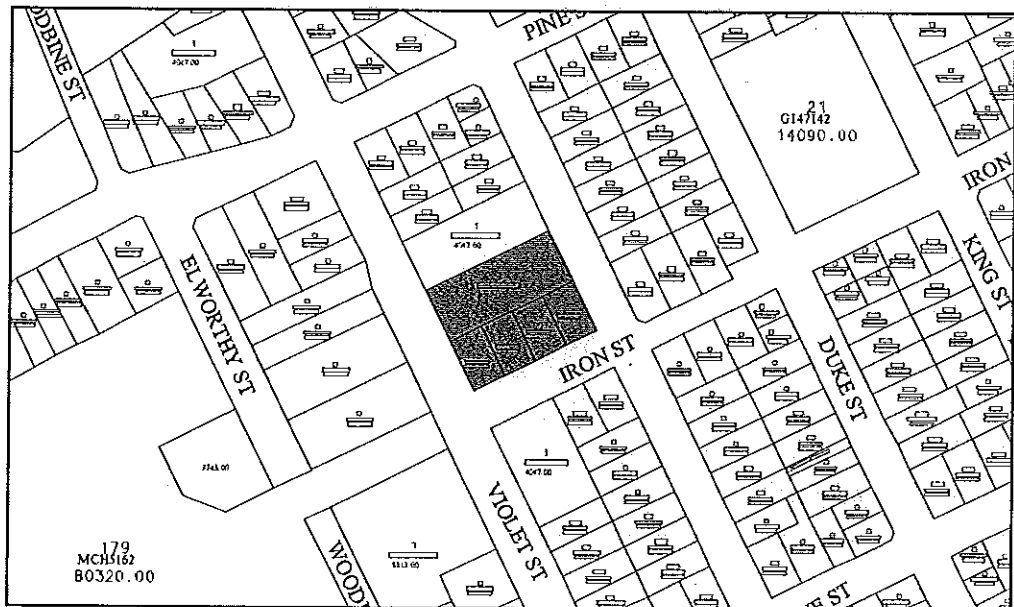
EXTRACTS OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING  
HELD ON THE 13<sup>TH</sup> SEPTEMBER 2004

14 - 4 -

SECTION 1: PLANNING APPLICATIONS

1/1 DA08722 – 53 Violet Street, Gympie – C Campbell

FILE NO:	Minute: P02/09/04	DA08722
APPLICANT:		
LANDOWNER:		
RPD:	Lot 1 MPH5330 and part of Lots 97, 98 & 99 MCH4906	
SITE ADDRESS:	53 Violet Street, Gympie	
CURRENT USE OF LAND:	Vacant	
PROPOSAL:	Material Change of Use of Premises – Landscape Supply Centre and Light Industry (Contractor's Yard)	
EXISTING ZONE:	Commercial (Highway Commercial) & Park & Recreation	
APPLICATION ADVERTISED:	9 July 2004	
ADVERTISING CLOSED:	2 August 2004	
SUBMISSIONS RECEIVED:	Two (2)	

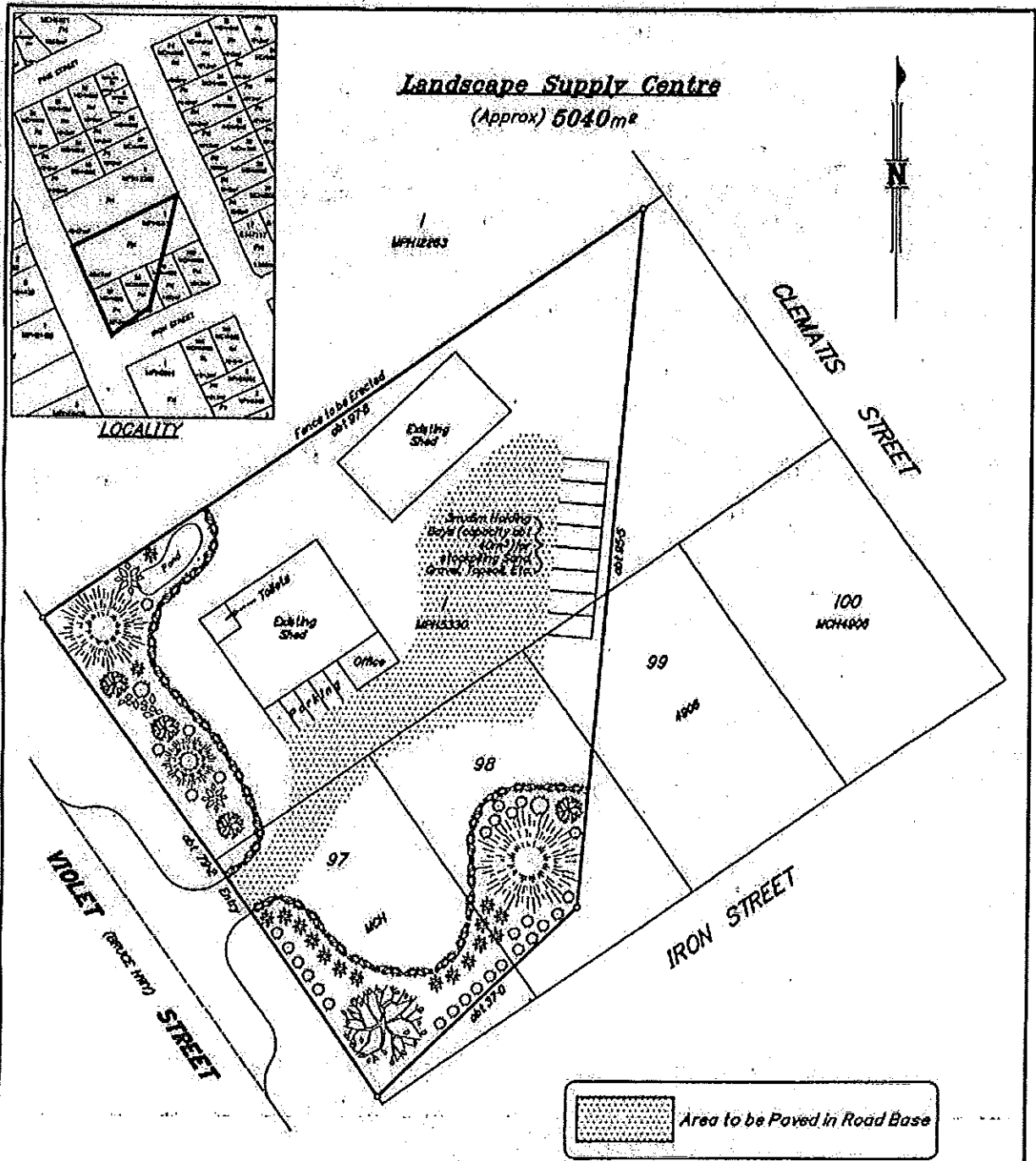



KEY POINT SUMMARY

- Application for Landscape Supply Centre and Light Industry (Contractors Yard);
- Site included in the Commercial Zone;
- Two submissions received;
- Recommended for approval, subject to conditions.

EXTRACTS OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING  
HELD ON THE 13<sup>TH</sup> SEPTEMBER 2004

- 5 -



 Area to be Paved in Road Base

Scale 1:500 - Lengths are in Metres.  
0 5 10 15 20 25 30 35 40 45 50 55 60 65 70

**MURRAY & ASSOCIATES**  
CON (OLD) PTY LTD  
**CONSULTING SURVEYORS**  
 LAND & ENGINEERING SURVEYORS, PLANNERS  
 115/117, Centre St., Ph. (07) 54412189 Fax. (07) 54412161  
 115/117, Centre St., Ph. (07) 54411778 Fax. (07) 54411728  
 115/117, Centre St., Ph. (07) 54411563 Fax. (07) 54411508  
 115/117, Centre St., Ph. (07) 54411444 Fax. (07) 54411444  
 115/117, Centre St., Ph. (07) 54411444 Fax. (07) 54411444

Town Planner *John J. J.*

*Plan of Proposed Material Change of Use for a Landscape Supply Centre over land described as Lot 1 on MPH6330 & Part of Lots 97-99 on MCH4906*

PARISH: **GYMPIE** COUNTY: **March**

CLIENT	
DATE	3/03/04
FILE	37723_CAMPBELL
DRAWN	BJ
CHECKED	GHG
SCALE	1:500
Level	Blank
JOB No.	37723

**Report:** (Planning Officer – T. M. Stenholm)

**1.0 INTRODUCTION**

**1.1 The Proposal**

This application seeks approval for a Landscape Supply Centre and Light Industry (Contractors Yard) over four adjoining lots on the Bruce Highway.

The development will utilise two existing sheds on the site for storage and to accommodate two tippers, a bobcat and a front end loader used in association with the proposed use and the applicant's earthworks business.

It is proposed to have 8 bunkers (each measuring 3m x 6m deep ie 40m<sup>3</sup>) to contain sand, gravel, topsoil, road base, pre-mix, chip bark and two spare for future materials.

No employees are proposed other than the applicants.

Proposed hours of operation are Monday to Friday 7:00am – 5:00pm and Saturday 7:00am – 3:00pm.

**1.2 Site Description**

The site area proposed is 5 040m<sup>2</sup> in area and is fenced off from the adjoining drainage gully (Commissioner's Gully). It is relatively flat and has direct access to the Bruce Highway.

The development as proposed is situated across four different allotments. Amalgamation of all titles involved should occur.

**1.3 Surrounding Land Uses**

Surrounding land uses include a windscreen repairs business, Cooloola Foods, Mecano Display Centre and a general garden and homewares shop (Country Bounty).

**1.4 Site History**

The development has recently been investigated in relation to complaints about the premature commencement of the proposal and additional activities undertaken which have not been included in the application. These activities include primary screening of materials, sale of water tanks, use of adjoining property for stockpiling materials and servicing of vehicles.

The applicant has been advised that these additional uses will trigger:

- \* amendments to an approval of the current proposal to incorporate all the intended activities;
- \* approval for an Environmentally Relevant Activity (for vehicle servicing); and
- \* an additional Material Change of Use approval (for sale of water tanks).

## 2.0 STATUTORY REQUIREMENTS

### 2.1 Planning Scheme

The proposal constitutes a Landscape Supply Centre and a Light Industry (Contractor's Depot) by Council's Planning Scheme. A Landscape Supply Centre includes the use of premises for a Retail Plant Nursery however this has not been proposed by the application.

The Planning Scheme nominates certain areas along the Bruce Highway where highway commercial uses may be permissible. The proposed development is in one of these areas however is not considered a commercial use necessarily associated with highway traffic.

The Planning Scheme accepts that in some instances, existing development has pre-determined the continuity of more general commercial activities in the Highway Commercial Precinct. In this instance the previous use of the site was for truck/tractor repairs, sales and wrecking and existing surrounding uses are generally of a light industrial nature.

### 2.2 Compliance with the Planning Scheme

The use of the site for a 'Landscape Supply Centre' and 'Light Industry' (Contractor's Depot) are included in Columns 3 and 4 respectively of the Commercial Zone (Highway Precinct) Table of Development.

Planning Scheme provisions for all development within Commercial zones relate to landscaping, setbacks, building height, screening and access.

The development complies with these provisions.

Landscaping is required at least 2.0m wide and averaging at least 3.0m in width along all road frontages. This is shown on the proposal plan submitted with the application and should be undertaken in accordance with an approved landscaping plan.

### **2.3 Local and/or State Planning Policies**

There are no State Planning Policies relevant to this application.

Council's Local Planning Policies relating to Landscaping apply.

### **3.0 PLANNING CONSIDERATIONS**

#### **3.1 Appropriateness of the Proposal**

The site will be attractively landscaped and will result in an improved presentation to the Highway.

The location is appropriate given existing like developments (ie Cascades Nursery, Mecano Display Centre, Windscreens) in the vicinity.

#### **3.2 Site Access and Traffic**

Access to the property is only via the Bruce Highway. Cars exiting the site can turn left or right, and a passing lane exists on the northbound lane opposite.

A footpath is required by the Planning Scheme for all Commercial Development and was previously applied to a Retail Showroom development on the corner of Bridge Street and the Bruce Highway.

#### **3.3 Car Parking**

Combined gross floor areas of the existing sheds on the site is 527m<sup>2</sup>. Proposed bunkers total 144m<sup>2</sup> which results in a total of 671m<sup>2</sup>.

Car parking for the development is required at a rate of 1 space per 40m<sup>2</sup> of gross floor area therefore the development should provide a minimum of 17 spaces. Five car parking spaces have been proposed. It is argued in the proposal report that most cars visiting the site will be collecting materials and will therefore park in front of the bunkers where a bobcat will load their trailer/utility etc. This argument is considered reasonable given no other sales are proposed from the site.

One of the spaces, however, should be widened and constructed to a standard capable of catering for people with a disability.

Car parking and access driveways are intended to be paved with road base/gravel (rolled) and a disabled space and toilet access sealed. The Planning Scheme requires all development within the Urban designation to have sealed car parking and access areas. Given the nature of the use and the distance from neighbouring dwellings a 'dust-reduced' standard is considered satisfactory subject to construction in accordance with approved Operational Works plans.

### **3.4 Landscaping/Open Space**

Landscaping is proposed along the street frontage and the southern boundary of the development area at a minimum width of 6 metres.

### **3.5 Utilities and Services**

The site is serviced by reticulated water and sewerage. The Draft Policy for headworks contributions establishes entitlements for a Landscape Supply Centre at the same rates as a Garden Centre.

Water headworks could be justified for these developments when sale of plants is proposed, and thus regular watering. In this case, no plants are to be sold and water will only be used for occasional dust minimisation purposes. The operators will be the only employees.

The site was previously used for truck/tractor repairs and it is argued that no additional load on the water supply and sewerage reticulation systems is proposed by the development.

No headworks charges are recommended.

### **3.6 Flooding**

The development site is completely covered by both the Q40 and Q100 flood lines. The applicant has indicated that all stockpiles will be removed from the site prior to flood waters entering and this has been recommended as a condition of approval.

The office on site is also of a relocatable nature.

### **3.7 Building Matters**

Building approvals have been issued for all existing structures on the site.

Approvals will be required for the demountable office and proposed bunkers.

Plumbing approval will be required for the proposed toilet.

#### 4.0 PUBLIC NOTIFICATION

The application was advertised for public comment in accordance with the requirements of the Integrated Planning Act and two submissions were received.

Issues raised include:

- \* Containment of materials during flood events;
- \* Safety of access.

Flooding of the site was addressed by the applicant and recommended to be conditioned to require removal of all landscaping materials prior to floodwater entering the site.

The access has been assessed by both the Department of Main Roads and Council's Design Department and no safety concerns were raised. Upgrading is required along the frontage, including road widening and kerb and channel.

#### 5.0 CONSULTATION

##### 5.1 Internal

##### (a) Department of Engineering

**Report: (Design Department Technical Officer – A.C. Walsh)**

This engineering report is based on the report submitted by Murray and Associates.

##### TRAFFIC/ACCESS

The site fronts Violet Street (Bruce Highway), therefore the application was referred to the Department of Main Roads for its assessment and subsequent incorporation of its conditions in the approval. They responded with the requirements for the present access to be upgraded

As traffic generated by the proposed development is considered to be relatively minor for landscaping businesses during peak hours, it will be absorbed by the existing levels of traffic on the highway. No contributions towards intersection improvements are sought by the Department of Main Roads or thus warranted from Council's point of view.



FRONTAGE ROADS

As stated above, Violet Street (Bruce Highway) comes under the control of Department of Main Roads, however the requirements for kerb and channel and concrete footpath construction are a consideration of Council.

From Council's Planning Scheme, kerb and channel and a concrete footpath are requirements for developments in the Commercial zone and therefore should be required to the frontage of this development.

PARKING/DRIVEWAY

Car parking and driveways and turn areas should be sealed to meet the requirements of Council's Planning Scheme.

WATER AND SEWERAGE

Both services are available with adequate capacity in each. Considering the proposed use of sprinklers for dust suppressing, back flow prevention devices will be required to be fitted to the water service and associated sprinkler systems. As sewer mains traverse lot 1 MPH 5330, the location of the landscaped storage bins is required to meet the requirements of Council's Policy PR-WS-2 – Building Over Sewers i.e. 2 metres off sewers.

Headworks charges may be applicable depending on existing entitlements to be determined by the Planning Department.

OTHER SERVICES

All other services should be available with the applicant being responsible for any upgrades if required. Street lighting is adequate at this location.

STORMWATER DRAINAGE/FLOODING

Commissioners Gully traverses the eastern corner of Lot 1 MPH 5330 and diagonally across Lots 98 and 99 MCH 4906. The development plan submitted in the Consultant's report indicates the gully area does not form part of this development application.

The site is low lying and has been subject to flooding five times in the last twenty years. The Consultant states in the report, the applicant intends to remove all stockpiles of landscaping supplies in flood times to alleviate the possible impact of sediment loss and floating back into the adjoining gully and adjacent areas.

**(b) Department of Health & Community Services**

Council's Health and Community Services Department have assessed the proposal and provided conditions to be included in an approval.

**Recommendation:** (Director of Planning & Development [REDACTED])

**For Council consideration:**

That Council, as Assessment Manager, APPROVE development application (DA08722) for a Material Change of Use –Landscape Supply Centre and Light Industry (Contractors Yard) on Lot 1 MPH5330 and part of Lots 97, 98 & 99 on MCH4906 Parish Gympie located at 53 Violet Street, Gympie subject to the following conditions:

**SECTION 1.0 – CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF THE APPROVED USE**

- 1.1 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 (for demountable office and bunkers);
    - (b) Development Permit for Plumbing & Drainage Works; and
    - (c) Development Permit for Operational Works (Site Works, Bitumen Widening, Kerb and Channelling and associated Stormwater Drainage, Driveway, Parking Areas and Landscaping).
- 1.2 Landscaping works are to be completed in accordance with Council's Development Permit for Operational Works (Landscaping).
- 1.3 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.
- 1.4 All necessary permits from the Department of Main Roads are to be obtained for the purpose of constructing an access onto Lot 1 MPH5330 (53 Violet Street).
- 1.5 All lots that form part of this Development Application are to be amalgamated in Title. Such amalgamation does not require development approval.

**SECTION 2.0 - CONDITIONS TO BE SATISFIED PRIOR TO THE  
ISSUE OF A DEVELOPMENT PERMIT FOR  
BUILDING WORKS**

- 2.1 Submission of building plans in accordance with the Building Act, Council's Local Laws and Policies, and any conditions of this approval and substantially in accordance with the plans submitted and the Shire of Cooloola Planning Scheme apart from where amendments are required or dispensations have been granted in conjunction with this approval.

**SECTION 3.0 - CONDITIONS TO BE SATISFIED PRIOR TO THE  
ISSUE OF A DEVELOPMENT PERMIT FOR  
PLUMBING & DRAINAGE WORKS**

- 3.1 Lodgement of a Development Application to Council including drainage plan and supporting information outlined in Council's Plumbing & Drainage Works checklist.

**SECTION 4.0 - CONDITIONS RELEVANT TO THE ISSUE OF A  
DEVELOPMENT PERMIT FOR PLUMBING &  
DRAINAGE WORKS**

- 4.1 All plumbing and drainage works shall be carried out in accordance with the:
- Sewerage and Water Supply Act;
  - Standard Water Supply Law;
  - Standard Sewerage Law; and
  - Australian Standard 3500: The National Plumbing and Drainage Code, Parts 1, 2 & 4.
- 4.2 (i) Connection is to be made to Council's existing Water Supply and Sewerage reticulation systems, including containment devices for back flow prevention at no cost to Council. Connection shall be in accordance with a development permit for Plumbing & Drainage 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.

**SECTION 5.0 – CONDITIONS TO BE SATISFIED PRIOR TO THE  
ISSUE OF A DEVELOPMENT PERMIT FOR  
OPERATIONAL WORKS (SITE WORKS, BITUMEN  
WIDENING, KERB AND CHANNELLING AND  
ASSOCIATED STORMWATER DRAINAGE,  
DRIVEWAY, PARKING AREAS AND LANDSCAPING)**

- 5.1 Lodgement of a Development Application for Operational Works to Council.
- 5.2 Prior to the commencement of works on site a properly prepared Landscape Plan in accordance with Council's Landscape Policy PR-PD-4 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.

**SECTION 6.0 – CONDITIONS RELEVANT TO THE ISSUE OF A  
DEVELOPMENT PERMIT FOR OPERATIONAL  
WORKS (SITE WORKS, BITUMEN WIDENING,  
KERB AND CHANNELLING AND ASSOCIATED  
STORMWATER DRAINAGE, DRIVEWAY, PARKING  
AREAS AND LANDSCAPING)**

- 6.1 Violet Street is to be upgraded. Specifically the following works are to be undertaken in accordance with plans and specifications approved by Council's Chief Executive Officer:
- (a) bitumen widening, kerb and channelling and associated stormwater drainage.
- 6.2 A 1.2 metre wide concrete footpath is to be constructed along the full frontage of the site to Violet Street and the remaining areas shall be formed, grassed and topsoiled in accordance with the requirements of Council's Development Manual, to the satisfaction of Council's Chief Executive Officer.
- 6.3 Off-street car parking is to be provided in accordance with Council's Planning Scheme.

*Note that 5 carparks as shown on the proposal plan are considered satisfactory by Council.*

- 6.4 Car parking and access areas shall be 'dust-reduced' pavement and designed, drained, constructed and maintained in accordance with the Planning Scheme requirements and Council's Planning Scheme Policies.
- 6.5 Undertake at no cost to Council, the alteration of any public utility mains (e.g. Electricity, water, sewerage, gas etc) or other facilities necessitated by the development of the land or associated construction works external to the site.
- 6.6 Landscaping works in accordance with the approved landscape plans are to be completed to the satisfaction of Council's Chief Executive Officer.
- 6.7 All landscaping works so constructed shall be subject to a maintenance period commensurate with any other Council infrastructure works also constructed.
- 6.8 A landscaping strip of at least 3.0 metres wide and averaging at least 4.0 metres is to be provided along the road frontage of the site. Landscaping shall be undertaken in accordance with plans submitted with the application.

**SECTION 7.0 – GENERAL CONDITIONS OF APPROVAL**

- 7.1 (i) The development shall be generally in accordance with the plans submitted with the application (Plan no 37723 drawn by Murray & Associates Pty Ltd and dated 3/03/04);  
*Note: This approval does not authorise the use of the site for screening of materials (at a level that requires approval for an Environmentally Relevant Activity), servicing of vehicles or sale of plants and other general items not considered to be landscaping materials. Should the sale or storage of plants for landscaping projects be intended on the site an amendment to this approval will be required and a contribution towards water supply headworks will be applicable.*
- (ii) The layout of the development as shown on the endorsed development plan/s shall not be altered or modified unless previously approved by Council's Chief Executive Officer.
- 7.2 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.

**EXTRACTS OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING  
HELD ON THE 13<sup>TH</sup> SEPTEMBER 2004**

- 16 -

- 7.3 All landscaping shall be maintained (watering, fertilising, mulching, weeding, etc.) to the satisfaction of Council's Chief Executive Officer.
- 7.4 Loading/unloading operations shall be conducted within the site and vehicles waiting to be unloaded/loaded shall stand entirely within the site.
- 7.5 Siltation and erosion control methods shall be implemented and maintained at all times in accordance with Council's Environmental Management Plan to the satisfaction of Council's Chief Executive Officer.
- 7.6 Stormwater is to be disposed of on site so as to cause no scour or damage to adjoining properties to the satisfaction of Council's Chief Executive Officer.
- 7.7 All operations conducted on the site shall be carried out in accordance with the Environmental Protection Act 1994 and other relevant Acts, Regulations and Local Laws.
- 7.8 In the event that a valid complaint of unreasonable noise emissions from the development is received, Council may require the submission of an environmental noise level study and report which complies with Australian Standard 1005 and the Environmental Protection Agency Noise Management Manual; and require works and/or management practices to be carried out to ensure noise emissions comply with the requirements of the *Environmental Protection (Noise) Policy 1997*.
- 7.9 The operation of the development must not release odour or visible contaminants including dust, smoke, fumes and aerosols to the environment that will, or may cause an environmental nuisance.

- 7.10 The following measures are to be implemented to control air emissions from the site:
- (a) All areas of the site used by vehicular traffic shall be maintained to minimise dust emissions;
  - (b) Stockpiles are to be enclosed with walls on at least three sides at all times. Sand and aggregate should be covered during long storage intervals;
  - (c) Sand and aggregate stockpiles are to be regularly watered to minimise dust emissions. This should be done in conjunction with an appropriate catchment and treatment system to contain runoff and leached water from the sprinklers.
- 7.11 In the event of flood, stockpiles are to be removed from the site prior to floodwaters entering the site.

**NOTES**

- (i) *Under the Integrated Planning Act, this development approval lapses at the end of the currency period for the approval which is either:*
- (a) *the four years starting the day the approval takes effect; or*
  - (b) *if the approval states or implies a time for the approval to lapse – the period from the day the approval takes effect until the stated or implied time.*

*This approval will lapse unless substantially started within the above stated currency periods (refer to sections 3.5.19 and 3.5.20 of IPA for further details).*

- (ii) *This development approval takes effect either:*
- (a) *from the time the decision notice is given; or*
  - (b) *subject to the decision of the court, when the appeal is finally decided – if an appeal is made to the court.*
- (iii) *Under Section 3.5.28 of the Integrated Planning Act, this development approval attaches to the land, the subject of the application, and binds the owner, the owner's successors in title and any occupier of the land.*
- (iv) *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 Development Manual.*

- (v) *No earthworks or filling works are to be undertaken prior to the issue of a Development Permit for Building Works/Operational Works.*

**5.2 External**

**Concurrence Agency Requirements**

**(i) The Department of Main Roads**

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

- (i) The road access works to the site must be upgraded to provide a sealed surface in accordance with this District's Type 2 Standard Access, as shown on the attached drawing No D2-5.
- (ii) 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.
- (iii) The engineering design, plans and specifications must be prepared by a qualified consulting engineer.

**Note:**

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

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



P02/09/04

Moved: [REDACTED]

Seconded: [REDACTED]

Recommend that Council, as Assessment Manager, APPROVE development application (DA08722) for a Material Change of Use – Landscape Supply Centre and Light Industry (Contractors Yard) on Lot 1 MPH5330 and part of Lots 97, 98 & 99 on MCH4906 Parish Gympie located at 53 Violet Street, Gympie subject to the following conditions:

**SECTION 1.0 – CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF THE APPROVED USE**

- 1.1 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 (for demountable office and bunkers);
    - (b) Development Permit for Plumbing & Drainage Works; and
    - (c) Development Permit for Operational Works (Site Works, Bitumen Widening, Kerb and Channelling and associated Stormwater Drainage, Driveway, Parking Areas and Landscaping).
- 1.2 Landscaping works are to be completed in accordance with Council's Development Permit for Operational Works (Landscaping).
- 1.3 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.
- 1.4 All necessary permits from the Department of Main Roads are to be obtained for the purpose of constructing an access onto Lot 1 MPH5330 (53 Violet Street).
- 1.5 All lots that form part of this Development Application are to be amalgamated in Title. Such amalgamation does not require development approval.

**SECTION 2.0 - CONDITIONS TO BE SATISFIED PRIOR TO THE  
ISSUE OF A DEVELOPMENT PERMIT FOR  
BUILDING WORKS**

- 2.1 Submission of building plans in accordance with the Building Act, Council's Local Laws and Policies, and any conditions of this approval and substantially in accordance with the plans submitted and the Shire of Cooloola Planning Scheme apart from where amendments are required or dispensations have been granted in conjunction with this approval.

**SECTION 3.0 - CONDITIONS TO BE SATISFIED PRIOR TO THE  
ISSUE OF A DEVELOPMENT PERMIT FOR  
PLUMBING & DRAINAGE WORKS**

- 3.1 Lodgement of a Development Application to Council including drainage plan and supporting information outlined in Council's Plumbing & Drainage Works checklist.

**SECTION 4.0 - CONDITIONS RELEVANT TO THE ISSUE OF A  
DEVELOPMENT PERMIT FOR PLUMBING &  
DRAINAGE WORKS**

- 4.1 All plumbing and drainage works shall be carried out in accordance with the:
- Sewerage and Water Supply Act;
  - Standard Water Supply Law;
  - Standard Sewerage Law; and
  - Australian Standard 3500: The National Plumbing and Drainage Code, Parts 1, 2 & 4.
- 4.2 (i) Connection is to be made to Council's existing Water Supply and Sewerage reticulation systems, including containment devices for back flow prevention at no cost to Council. Connection shall be in accordance with a development permit for Plumbing & Drainage 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.

**SECTION 5.0 – CONDITIONS TO BE SATISFIED PRIOR TO THE  
ISSUE OF A DEVELOPMENT PERMIT FOR  
OPERATIONAL WORKS (SITE WORKS, BITUMEN  
WIDENING, KERB AND CHANNELLING AND  
ASSOCIATED STORMWATER DRAINAGE,  
DRIVEWAY, PARKING AREAS AND LANDSCAPING)**

- 5.1 Lodgement of a Development Application for Operational Works to Council.
- 5.2 Prior to the commencement of works on site a properly prepared Landscape Plan in accordance with Council's Landscape Policy PR-PD-4 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.

**SECTION 6.0 – CONDITIONS RELEVANT TO THE ISSUE OF A  
DEVELOPMENT PERMIT FOR OPERATIONAL  
WORKS (SITE WORKS, BITUMEN WIDENING,  
KERB AND CHANNELLING AND ASSOCIATED  
STORMWATER DRAINAGE, DRIVEWAY, PARKING  
AREAS AND LANDSCAPING)**

- 6.1 Violet Street is to be upgraded. Specifically the following works are to be undertaken in accordance with plans and specifications approved by Council's Chief Executive Officer:
- (a) bitumen widening, kerb and channelling and associated stormwater drainage.
- 6.2 Off-street car parking is to be provided in accordance with Council's Planning Scheme.
- Note that 5 carparks as shown on the proposal plan are considered satisfactory by Council.*
- 6.3 Car parking and access areas shall be sealed pavement and designed, drained, constructed and maintained in accordance with the Planning Scheme requirements and Council's Planning Scheme Policies.

*Note: Council approves a dust-reduced standard for the car parking area for a maximum period of five (5) years or until Council receives valid complaints about the dust from that unsealed area, whichever occurs sooner. A further development approval for Operational Works will be required for the sealing of this area.*

- 6.4 Undertake at no cost to Council, the alteration of any public utility mains (e.g. Electricity, water, sewerage, gas etc) or other facilities necessitated by the development of the land or associated construction works external to the site.
- 6.5 Landscaping works in accordance with the approved landscape plans are to be completed to the satisfaction of Council's Chief Executive Officer.
- 6.6 All landscaping works so constructed shall be subject to a maintenance period commensurate with any other Council infrastructure works also constructed.
- 6.7 A landscaping strip of at least 3.0 metres wide and averaging at least 4.0 metres is to be provided along the road frontage of the site. Landscaping shall be undertaken in accordance with plans submitted with the application.

**SECTION 7.0 – GENERAL CONDITIONS OF APPROVAL**

- 7.1 (i) The development shall be generally in accordance with the plans submitted with the application (Plan no 37723 drawn by Murray & Associates Pty Ltd and dated 3/03/04);  
*Note: This approval does not authorise the use of the site for screening of materials (at a level that requires approval for an Environmentally Relevant Activity), servicing of vehicles or sale of plants and other general items not considered to be landscaping materials. Should the sale or storage of plants for landscaping projects be intended on the site an amendment to this approval will be required and a contribution towards water supply headworks will be applicable.*
- (ii) The layout of the development as shown on the endorsed development plan/s shall not be altered or modified unless previously approved by Council's Chief Executive Officer.
- 7.2 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.
- 7.3 All landscaping shall be maintained (watering, fertilising, mulching, weeding, etc.) to the satisfaction of Council's Chief Executive Officer.

- 7.4 Loading/unloading operations shall be conducted within the site and vehicles waiting to be unloaded/loaded shall stand entirely within the site.
- 7.5 Siltation and erosion control methods shall be implemented and maintained at all times in accordance with Council's Environmental Management Plan to the satisfaction of Council's Chief Executive Officer.
- 7.6 Stormwater is to be disposed of on site so as to cause no scour or damage to adjoining properties to the satisfaction of Council's Chief Executive Officer.
- 7.7 All operations conducted on the site shall be carried out in accordance with the Environmental Protection Act 1994 and other relevant Acts, Regulations and Local Laws.
- 7.8 In the event that a valid complaint of unreasonable noise emissions from the development is received, Council may require the submission of an environmental noise level study and report which complies with Australian Standard 1005 and the Environmental Protection Agency Noise Management Manual; and require works and/or management practices to be carried out to ensure noise emissions comply with the requirements of the *Environmental Protection (Noise) Policy 1997*.
- 7.9 The operation of the development must not release odour or visible contaminants including dust, smoke, fumes and aerosols to the environment that will, or may cause an environmental nuisance.
- 7.10 The following measures are to be implemented to control air emissions from the site:
- (a) All areas of the site used by vehicular traffic shall be maintained to minimise dust emissions;
  - (b) Stockpiles are to be enclosed with walls on at least three sides at all times. Sand and aggregate should be covered during long storage intervals;
  - (c) Sand and aggregate stockpiles are to be regularly watered to minimise dust emissions. This should be done in conjunction with an appropriate catchment and treatment system to contain runoff and leached water from the sprinklers.
- 7.11 In the event of flood, stockpiles are to be removed from the site prior to floodwaters entering the site.

**NOTES**

- (i) *Under the Integrated Planning Act, this development approval lapses at the end of the currency period for the approval which is either:*
- (a) *the four years starting the day the approval takes effect; or*
  - (b) *if the approval states or implies a time for the approval to lapse – the period from the day the approval takes effect until the stated or implied time.*

*This approval will lapse unless substantially started within the above stated currency periods (refer to sections 3.5.19 and 3.5.20 of IPA for further details).*

- (ii) *This development approval takes effect either:*
- (a) *from the time the decision notice is given; or*
  - (b) *subject to the decision of the court, when the appeal is finally decided – if an appeal is made to the court.*
- (iii) *Under Section 3.5.28 of the Integrated Planning Act, this development approval attaches to the land, the subject of the application, and binds the owner, the owner's successors in title and any occupier of the land.*
- (iv) *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 Development Manual.*
- (vi) *No earthworks or filling works are to be undertaken prior to the issue of a Development Permit for Building Works/Operational Works.*

**5.2 External**

**Concurrence Agency Requirements**

(i) **The Department of Main Roads**

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

- (i) The road access works to the site must be upgraded to provide a sealed surface in accordance with this District's Type 2 Standard Access, as shown on the attached drawing No D2-5.

**EXTRACTS OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING  
HELD ON THE 13<sup>TH</sup> SEPTEMBER 2004**

- 25 -


- (ii) 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.
- (iii) The engineering design, plans and specifications must be prepared by a qualified consulting engineer.

**Note:**

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

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

**Carried.**

 entered the meeting at 11.23 a.m.



# MURRAY & ASSOCIATES

(QLD.) PTY. LTD.

## CONSULTING SURVEYORS

ABN 81 075 543 154

ACN 075 543 154

LAND & ENGINEERING SURVEYORS, PLANNERS

Established 1946

### SCANNED

Address Correspondence to:

PLT:Imp

PO BOX 57  
GYMPIE Q 4570

COOLOOLA SHIRE COUNCIL	
FILE DA08722	XREF PP 15804
DOC 548937	15806
	15803
	15801
03 AUG 2004	
REFER	ACTION
1 MICHAELS	GEN
2 DAVIDS	A & F
3 DEVISS	WORKS
4 TANIAS	PLAN
5	
6	

3 August, 2004.

Planning & Development Department  
Cooloolo Shire Council,  
PO BOX 155,  
GYMPIE. Q. 4570

**ATTENTION: Tania Stenholm**

Dear Sir,

re: **DA 08722**

**DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE OF  
PREMISES - LANDSCAPE SUPPLY CENTRE & LIGHT INDUSTRY  
CONTRACTORS YARD  
APPLICANT: CRAIG CAMPBELL  
OVER LOT 1 ON MPH5330 & PARTS OF LOTS 97-99 ON MCH4906  
53 VIOLET STREET, GYMPIE**

We advise that all requirements for public notification of the above referenced application have now been complied with. The closing date for objections was yesterday 2/8/04, and we ask that Council now proceed with the decision stage.

Please find attached the completed Applicant Notice Form and Public Notification Checklist as requested. Please contact our Gympie office if you require anything further.

Yours faithfully,



**MURRAY & ASSOCIATES (QLD) PTY LTD**

**NAMBOUR**  
15-17 Currie St.  
Nambour 4560  
P.O. Box 246  
Ph: (07) 5441 2188  
Fax: (07) 5441 2601

**EMERALD**  
105 Egerton St.  
Emerald 4720  
P.O. Box 665  
Ph: (07) 4987 5363  
Fax: (07) 4982 2808

**CABOOLTURE**  
5/75 King St.  
Caboolture 4510  
P.O. Box 377  
Ph: (07) 5495 1478  
FAX: (07) 5495 1729

**GYMPIE**  
24 Reef St.  
Gympie Q. 4570  
PO Box 57  
Ph: (07) 5482 1484  
FAX: (07) 5482 8296

**ROMA**  
22c Bowen St.  
Roma Q. 4455  
PO Box 1244  
Ph: (07) 4622 1666  
FAX: (07) 4622 1666





# Applicant Notice Form

Integrated Planning Act 1997

1997 GOOLOOLA SHIRE COUNCIL	
FILE NO	XREF
03 AUG 2004	
REFER	ACTION
1	GEN
2	A&F
3	WORKS
4	PLANS
5	
6	

## APPLICATION DETAILS

Applicant's Name: [Redacted]  
 Address: cb Murray + Assoc (Qld) Pty Ltd  
 Contact ~ PH: ( ) 5482 1484 FAX: ( ) 5482 8296  
 Development Application Number/s DA 08722 Development Approval Number/s .....  
 Site 53 Violet St Suburb Gympie Postcode 4570

## APPLICANT NOTICE FORM

- Compliance with Notification Requirements (Complete A) (S3.4.7)
- Transmittal Letter ~ Referral Agency (Complete B) (S3.3.3)
- Transmittal Letter ~ Assessment Manager (Complete C) (S3.3.4)

### A. Compliance with Notification Requirements

I/We as the applicant have complied with the notification requirements as set out in the Section 3.2.14 and/or 3.4.6 of the Integrated Planning Act 1997.

Applicant's Signature [Redacted] Date 3/8/04  
(Murray + Assoc)

(Note: It is an offence to give the assessment manager a notice that is false or misleading)

### B. Response to Information Request

As stated in Section 3.3.8 of the Integrated Planning Act, the applicant has three (3) available options in responding to this information request. This response has addressed (either all, part or none) of the information request. The response to the information request has been attached to this form.

*Refer previous correspondence.*

We request that the assessment process continue.

Applicant's Signature [Redacted] Date 3/8/04

APPLICANT NOTICES

COOLOOLA SHIRE COUNCIL	
FILE DOC	XREF
REFER	03 AUG 2004
1	ACTION
2	GEN
3	A & F
4	WORKS

# Public Notification Checklist

## Development Application Details

DA: 8722

Site Address: 53 Violet St Gympie

Applicant Name/s: [REDACTED]

Application for: MCU of premises  
Landscape Supply Centre  
+ Light Industry Contractors Yard

Public Notification Requirement	Completed (✓)	Date of Completion	Any comments...
<b>Public Notice</b>			
Placed on, or within 1.5m of, the road frontage for the land;	✓	9/7/04	
Mounted at least 300mm above ground level	✓	"	
Visible from the road	✓	"	
Made of weatherproof material	✓	"	
Not less than 1200mm x 900mm	✓	"	
Lettering in the heading at least 50mm in height in bold style;	✓	"	
Lettering in the subheadings at least 25mm in height in bold style	✓	"	
Each sentence in the notice on a new line	✓	"	
If more than 1 road frontage a notice is place on each road frontage for the land	✓	"	
The applicant has maintained notice from day it is placed on the land until the end of the notification period	✓	2/8/04	
Applicant correctly identified	✓	9/7/04	
Property description - postal address of each lot to which application relates or if land does not have frontage to a named road or cannot be sufficiently identified, the property description.	✓	"	
<b>Notification Period</b>			
15 business days (no referral co-ordination) or 30 business days (referral co-ordination) starting the day <u>after</u> the last action is carried out	✓	2/8/04	
must not include any business day from 20/12 - 5/1 both days inclusive.	✓		
<i>Nb The starting and finishing day for a period is <b>not</b> included in counting no. of days as a business day must be the entire day (ie 24hr period)</i>			

<b>Adjoining landowners</b>			
A notice given to the owners of all land adjoining the land ie shares a common boundary. <i>* See s3.4.4(5) of IPA for def<sup>n</sup> of owner</i>	✓	9/7/04	
Each notice given to adjoining owner must be given about the same time as the notice published in newspaper and placed on the land.	✓	9/7/04	
<b>Public Notice</b>			
A notice published at least once in a newspaper circulating generally in the locality of the land.	✓	9/7/04	
<b>Miscellaneous</b>			
All actions completed within 5 business days after the first action carried out.	✓		
Proposal accurately described, providing specifications to indicate scale of the development (ie no of units)	✓		
PN commenced at conclusion of Information and Referral Stage (ie Assessment Manager or Concurrence Agency does not require additional information)	✓		

[Redacted]

Checked By  
(Print Name)

[Redacted]

Signature

3/8/04

Date

COOLOOLA SHIRE COUNCIL			
FILE		KREF	
DOC			
	03 AUG 2004		
REFER			ACTION
1			GRH
2			A&F
3			POHRS
4			CAF
5			
6			



10 June 2004

Department of Main Roads

SCANNED

Chief Executive Officer  
Coolooloa Shire Council  
PO Box 155  
Gympie Qld 4570

COOLOOLA SHIRE COUNCIL	
FILE DA08722	XREF TRN00705
DOC 531685	PP 15804 15806 15803
15 JUN 2004	
REFER	ACTION
1 MICHAEL B	GEN
2 TANIAS	F
3 DEVAAS	
4	
5	PLAN
6	SG & ED
7	

Dear Sir

Concurrence agency's response - conditions

Coolooloa Shire  
Bruce Highway  
Local Government application number 8722  
Main Roads number 6525  
by [REDACTED]  
Lot 1 MPH5330 and part lots 97 to 99 MCH4906  
situated at 53 Violet Street, Gympie

The above application has been assessed by the Queensland Department of Main Roads as a Concurrence Agency.

The assessment has had regard to the potential impact of the proposed development on the State-controlled road network. Council is considered to be the appropriate authority to address requirements for minor works such as footpaths, kerb and channel and so on. Should Council choose to impose such requirements then the applicant is required under section 33 of the Transport Infrastructure Act 1994, to make further application to Main Roads to carry out the works.

Pursuant to Section 3.3.16 of the *Integrated Planning Act 1997* the Queensland Department of Main Roads requires that Council include the attached conditions in any approval of the application. A Statement of Reasons in respect of these conditions is also provided in the attachment.

A copy of this letter and attachment has been sent to the applicant.

Please forward a copy of Council's decision notice to Main Roads district office in Gympie.

North Coast-Hinterland District  
50 River Road  
PO Box 183  
Gympie Queensland 4570  
ABN 57 836 727 711

Our ref 128/10B/702.8(l) 149 lah4422  
Your ref DA08722 TMS/KMD/TRN00705  
[REDACTED]  
Telephone +61 7 5482 0333  
Facsimile +61 7 5482 0465  
Website www.mainroads.qld.gov.au

The contact officer for this application is [REDACTED]

Yours faithfully

[REDACTED]

*for* [REDACTED]

**District Director  
(North Coast-Hinterland)**

\*Enc (Attachment 1 – Conditions and Statement of Reasons)

Main Roads

CONDITIONS AND STATEMENT OF REASONS

Application type: Material change of use

<b>Council:</b>	Cooloola Shire	<b>Main Roads File No:</b>	128/10B/702.8
<b>Council Ref:</b>	DA 08722	<b>Road:</b>	Bruce Highway
		<b>Development Number:</b>	6525
		<b>Response Date:</b>	15 June 2004

ISSUES / CONCERNS	CONDITIONS OF DEVELOPMENT FOR THE SUBJECT APPLICATION	THE REASONS, INFORMATION, STUDIES, FINDINGS, USED IN SETTING OF CONDITIONS INCLUDED:
Works within the State-controlled road reserve.	<p>The road access works to the site must upgraded to provide a sealed surface in accordance with this District's Type 2 Standard Access, as shown on the attached drawing No D2-5.</p> <p>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.</p> <p>The engineering design, plans and specifications must be prepared by a qualified consulting engineer.</p> <p><i>Note:</i></p> <p><i>Further approvals will be required for construction in accordance with the requirements of section 33 of the Transport Infrastructure Act 1994</i></p>	<p>Planning report submitted by Murray &amp; Associates Pty Ltd.</p> <p>Works to be in accordance with Main Roads Technical Manuals, Policies and Guidelines together with relevant State and National Staudards.</p>
Cost of works	All works associated with this proposal, including relocation of services, lighting, etc. must be carried out at no cost to Main Roads.	The works are required to enable the development to proceed without compromising the safety and efficiency of the State-controlled road network.

**NOTES:**

- 300mm breaks are to be constructed in the kerb where necessary to allow drainage of the pavement.
- A bitumen surfaced outlet, 0.5m wide is to be provided to each break.
- Kerb ends at breaks are to be rounded.
- Stone pitching is to be provided at appropriate end of kerbing for water runoff protection.
- The Specifications applicable to the work are contained in the current Standard Specifications (Roads).
- \* Match existing crossfall, 3% min.
- 1m Wide selected backfill to kerb.

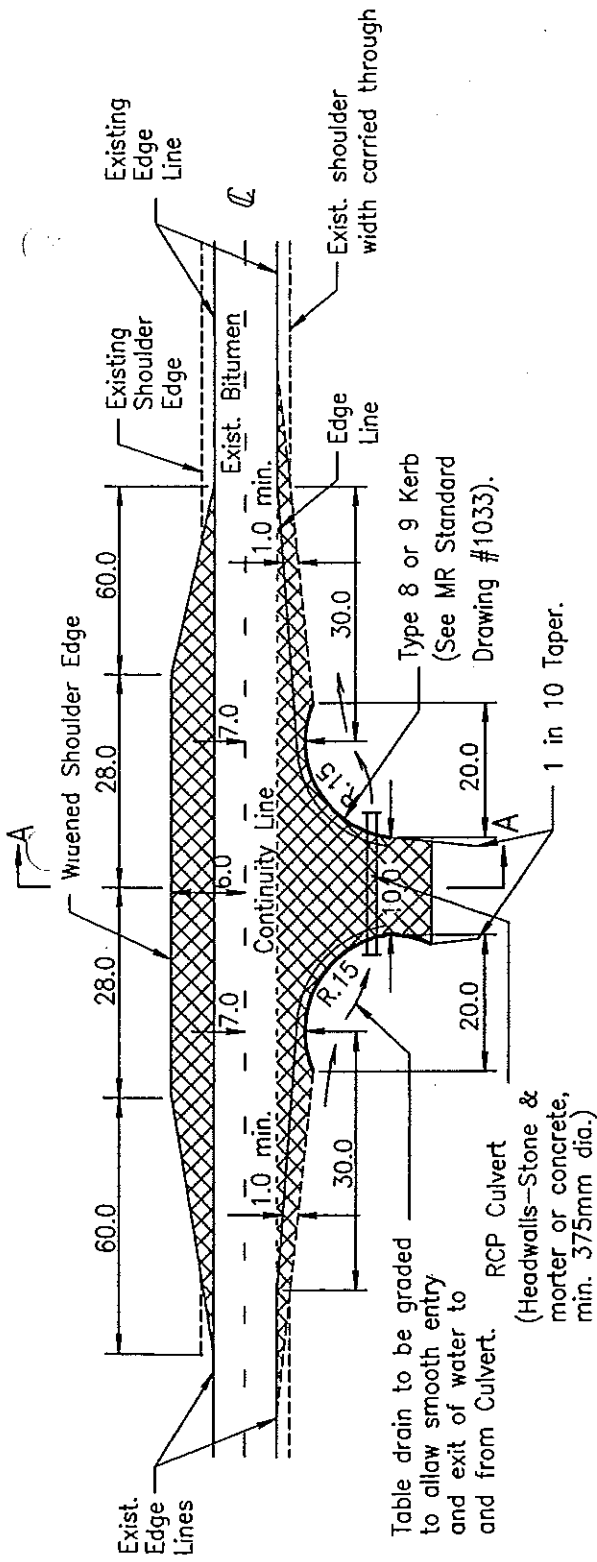
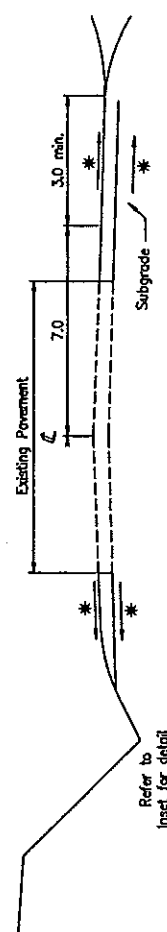
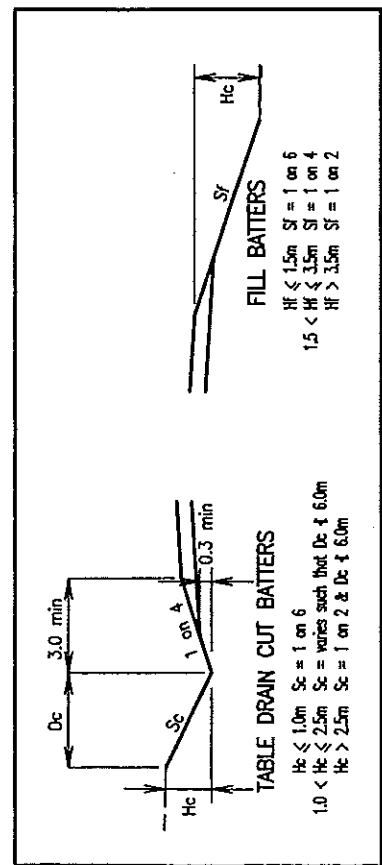


Table drain to be graded to allow smooth entry and exit of water to and from Culvert. RCP Culvert (Headwalls—Stone & mortar or concrete, min. 375mm dia.)

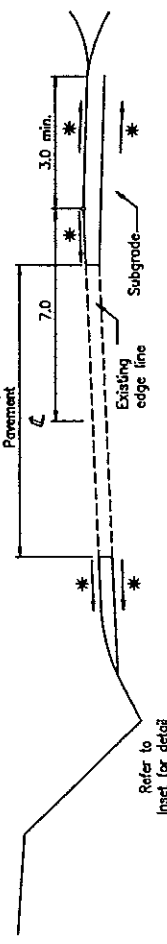
**PLAN**



**On Straights & Insides of Curves**



**SECTION A-A**



**On Outside of Curves**

**LEGEND**

- BITUMEN SURFACING : 2 Coat Bitumen Seal or 40mm Asphalt (14mm Mix) on 10mm Primer Seal.
- PAVEMENT : Minimum - Subject to Design 150mm Base, Unbound Pavement, Type 2.2 150mm Sub-base, Unbound Pavement, Type 2.4

Revisions		Certified	Date	Modified	Scale:	NOT TO SCALE	NORTH COAST HINTERLAND DISTRICT <b>ACCESS TYPE 2</b>	Queensland Government Department of Main Roads JOB No. Drawing No. D2-5 Contract No. A B C D E
E			5/01					
D			7/95					
C			11/91					
B			9/91					
A	Original issue		3/90				Refer from SRR 5/01 Drawn BWH 9/91 DATE: 31/05/01 ALL DIMENSIONS IN METRES CAD REF: N:\Data\tp\misc\AutoCad\ACCESS_D2-5.dwg	

Tania Stenholm  
Planning & Development

Ph (07) 5481 0644  
Fax (07) 5481 0682

Our Ref: DA08722 TMS/KMD/TRN00865

6  
4 May 2004

C/- Murray & Assoc (Qld) Pty Ltd  
PO Box 57  
GYMPIE QLD 4570

Dear Sir,

**RE: Development Application for Material Change of Use of Premises --  
Landscape Supply Centre  
over Lot 99 on MCH4906 - 53 Violet Street, Gympie**

Thank you for lodging the above application with Council on the 16 March 2004.

Preliminary assessment of the proposal has determined that further information is required to permit the proper assessment and determination of the application.

Please provide the following additional information:

1. Details of catchment and treatment system to contain runoff and leached water from the sprinklers.
2. Details of the proposed hours and days of operation.
3. Sight distance measurements from access to the north at 1.15m eye height to eye height.
4. An assessment of the amount of traffic to be generated by the proposed use/s.
5. Given previous complaints in relation to "Campbell's Truck & Bobcat Hire", any intention to use the site as a contractor's depot should be included in the application. If this is the case, specific details of this component should be provided, including the number of machinery to be stored on site.



6. Total use area of the proposal, defined as *'the sum of all areas (including the plan areas of all walls, columns and stairways) of any premises used or intended to be used for a particular purpose. The term includes Gross Floor Area, but excludes areas used for landscaping and parking and manouèvring vehicles'*.

Should the application be approved, conditions of approval will include but not be limited to:

- (i) Obtain a Development Permit for Building Works for reclassification of existing structures on the site and for the recently erected shade structure. This will require compliance with current requirements for Class 8 buildings.
- (ii) Buildings will be required to comply with the requirements for disability access and toilet facilities.

*Note: The proposed gravel finish to the car parking area would not be suitable for disability access.*

Under Section 3.3.8 of the Integrated Planning Act you must respond to this information request by giving Council –

- (a) all of the information requested; or
- (b) part of the information requested together with a notice asking Council to proceed with the assessment of the application; or
- (c) a notice –
  - (i) stating that you do not intend to supply any of the information requested; and
  - (ii) asking Council to proceed with the assessment of the application.

Your application will be held pending receipt of your response. Please note that the response is to be lodged within 12 months of this advice otherwise the application will lapse pursuant to Section 3.2.12(2)(b) of the Integrated Planning Act.

Should you have any further enquiries please contact Tania Stenholm of Council's Planning & Development Department on (07) 5481 0644.

Yours faithfully,

  
  
**CHIEF EXECUTIVE OFFICER**  


Tania Stenholm  
Planning & Development

Ph (07) 5481 0644  
Fax (07) 5481 0682



Our Ref: DA08722 TMS/KMD/TRN00705

30 March 2004



C/- Murray & Assoc (Qld) Pty Ltd  
PO Box 57  
GYMPIE QLD 4570

Dear Sir,

**RE: Development Application for a Material Change of Use of Premises --  
Landscape Supply Centre  
over Lots 97 - 99 on MCH4906 and Lot 1 on MPH5330 - 53 Violet Street, Gympie**

Thank you for lodging your Material Change of Use Application with Cooloola Shire Council on 16 March 2004. Please find enclosed an Acknowledgment Notice issued by Council in response to your development application.

The Acknowledgment Notice confirms that Council has received the application and provides you with details about the application.

Please reference your Development Application Number 8722 in any future correspondence as it will assist us greatly to deal with your inquiry more efficiently.

Council will endeavour to process your application as quickly as possible however should you wish to discuss the application, the Planning Officer to contact is Tania Stenholm on (07) 5481 0644.

Yours faithfully,



**CHIEF EXECUTIVE OFFICER**



Enc.



**Development Application 8722  
Acknowledgment Notice**

*Issued under the Integrated Planning Act 1997*

This notice provides confirmation of the application details and may require further action to be taken by you before the application may proceed.

**APPLICANT DETAILS**

Name: [REDACTED]  
Postal Address: C/- Murray & Assoc (Qld) Pty Ltd, PO Box 57, Gympie QLD 4570  
Contact Nos.: Ph: (07) 5482 8296 Fax: (07) 5482 1484

**PROPERTY DETAILS**

Street Address & Locality: 53 Violet Street, Gympie  
RPD: Lot 1 on MPH5330, and Part of Lots 97,98 & 99 on MCH4906  
Parish: Gympie

**OWNERS DETAILS**

Name: [REDACTED]  
Postal Address: 4 Woonga Court, SOUTHSIDE QLD 4570

**SUPERSEDED PLANNING SCHEME**

A request has not been made for this development application to be assessed against a superseded planning scheme.

**DEVELOPMENT APPROVAL**

Approval is being sought for-

- |   |  |
|---|--|
| Carrying out Building Work ~                  | Not Applicable                               |
| Carrying out Plumbing or Drainage Work ~      | Not Applicable                               |
| Carrying out Operational Work ~               | Not Applicable                               |
| Reconfiguring a Lot ~                         | Not Applicable                               |
| Making a Material Change of Use of Premises ~ | Development Permit - Landscape Supply Centre |



**Development Application 8722  
Acknowledgment Notice**

*Issued under the Integrated Planning Act 1997*

**APPLICATION ASSESSMENT:**

*The application will be processed under the Integrated Development Assessment System (IDAS) as assessable development requiring impact assessment. Please note that the application is to be advertised for public notification as outlined in the Integrated Planning Act.*

**PUBLIC NOTIFICATION DETAILS:**

*The names and addresses of adjoining landowners and mandatory notification requirements will be provided after all additional information is received*

*Please note Council has supplies of the public notice that must be placed on the road frontage of the property. These signs are available at a cost of \$29.95 each.*

**REFERRAL AGENCIES:**

*The application is to be referred to the following referral agencies as required by Chapter 3 Part 3 of the Integrated Planning Act:*

**Concurrence Agencies**

1) *The District Director*

*Queensland Department of Main Roads*

*North Coast Hinterland District*

*PO Box 183*

*GYMPIE QLD 4570*

*As applicant it is your responsibility to give the nominated "Concurrence Agency"*

- (a) a copy of the application,*
  - (b) a copy of the acknowledgment notice, and*
  - (c) the agency's application fee (if applicable);*
- within three (3) months from the date of this notice.*



Cooloola Shire Council

**Development Application 8722  
Acknowledgment Notice**

***Issued under the Integrated Planning Act 1997***

*After complying with these requirements please give written notice of the day you gave / the referral agency the above items.*

*Please Note: Referral of this application is to be carried out by the applicant in accordance with provisions of the Integrated Planning Act. However, Council is able to provide a referral service to the Queensland Department of Main Roads. If you require Council to perform this service it will be necessary for you to make a formal request in writing to Council. Council does not currently charge for this service.*

**INFORMATION REQUEST:**

*In accordance with Section 3.3.6 (6) of the Integrated Planning Act, Council hereby extends the information request period until 26 April 2004.*

*This extension is made to enable Council to determine the information necessary to assess the application.*

**REFERRAL CO-ORDINATION:**

*This application does not require referral coordination.*

**ASSESSMENT MANAGER**

*Please note that Cooloola Shire Council is Assessment Manager for this application.*

Signature  .....

Date: 26 March 2004



# MURRAY & ASSOCIATES

(QLD.) PTY. LTD.

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ACN 075 543 154

LAND & ENGINEERING SURVEYORS, PLANNERS  
Established 1946

Address Correspondence to:

PLT:Imp

PO BOX 57  
GYMPIE Q 4570

16th March, 2004.

Planning & Development Department,  
Cooloola Shire Council,  
PO BOX 155,  
GYMPIE. Q. 4570

Dear Sir/Madam,

re: APPLICATION FOR DEVELOPMENT PERMIT FOR A MATERIAL  
CHANGE OF USE OF PREMISES  
53 VIOLET STREET, GYMPIE  
LOT 1 ON MPH 5330  
PART OF LOTS 97.98 & 99 ON MCH4906

For the above referenced, please find attached the following:

- Form 1 Development Application Parts A, D and referrals checklist
- One original and three copies of planning report
- Cheque made payable to Cooloola Shire Council for \$820 being application fees

We look forward to Councils consideration of this application in due course.

Yours faithfully,



MURRAY & ASSOCIATES (QLD) PTY LTD

encs.

COOLOOLA SHIRE COUNCIL	
FILE DAC 8722	XREF
DOC D	
16 MAR 2004	
REFER	ACTION
1	GEN
2	A & F
3	WORKS
4	PLAN
5	
6	

**NAMBOUR**  
15-17 Currie Street,  
Nambour 4560  
P.O. Box 246  
Ph: (07) 5441 2188  
Fax: (07) 5441 2601

**EMERALD**  
105 Egerton St.  
Emerald 4720  
P.O. Box 665  
Ph: (07) 4987 5363  
Fax: (07) 4982 2808

**CABOOLTURE**  
5/7 King St.,  
Caboolture 4510  
P.O. Box 377  
Ph: (07) 5495 1478  
FAX: (07) 5495 1729

**GYMPIE**  
24 Reef St.  
Gympie Q. 4570  
PO Box 57  
Ph: (07) 5482 1484  
FAX: (07) 5482 8296

DA08722

# Form 1 Development Application

idas INTEGRATED DEVELOPMENT ASSESSMENT SYSTEM

# PART A

## Common details for all applications

The completion of all the questions below (other than those indicated as "If applicable" or "Optional") is mandatory for all IDAS applications. Any information requested on this form may be provided in an attachment to the application. For further information about completing the following details refer to Guide 1 Making an IDAS Application available from the IPA website at [www.ipa.qld.gov.au](http://www.ipa.qld.gov.au).

**1. Description of land**  
The description must identify all land subject of the application including land/easements over which access is to be obtained.  
The lot & plan details (eg. SP/PP) are shown on title documents or a rates notice.  
If the plan is not registered by title, provide previous lot and plan details.

Street address (include no., street, suburb / locality & postcode)  
 53 Violet St  
 Gympie Postcode 4570

Lot & plan details (Attach list if necessary)  
 Lot 1 on MPH 5330  
 Part of Lots 97,98+99 on Mch 4906

Shop / tenancy no. (If applicable) Storey / level (If applicable) Total area of land (m<sup>2</sup> / ha)  
 — — 5040m<sup>2</sup>

In which local government area is the land situated?  
 Cooloolo Shire

**2. Proposal**  
Provide details of the proposal (eg. new house/apartment building etc, demolition/removal of a house, extension to existing shop, new carport etc).

Details of the existing use of the land (Attach proposal report if necessary)  
 vacant

Details of the proposal (Attach proposal report if necessary)  
 new business - Landscape Supply Centre

**3. Other parts of the form completed**  
Complete all other parts of the form applicable to your application.

What other parts of the form are attached (E.g. Part B if the application involves assessment against the Building Act, Part D if the application involves assessment against the planning scheme for material change of use, Part F if the application involves reconfiguring a lot)  
 Part D

**4. Applicant details**  
Clearly identify who is making the application. The applicant need not be the owner of the land.  
In signing and lodging this application, the applicant is responsible for ensuring the information provided is true. The assessment manager, any referral agency and the Chief Executive (where applicable) will rely on this information when assessing the application.  
If the applicant is a company, a contact person must be shown.  
All correspondence will be mailed to this address.

Name: [Redacted] c/o Murray + Assoc (old) Pty Ltd  
 Signature: [Redacted] Date: 16/3/04  
 L.S. (Murray + Assoc Gympie office)  
 Contact person: [Redacted] Phone no.: 5482 1484  
 Mobile no.: [Redacted] Fax no.: 5482 8296 Email address: [Redacted]  
 Postal address: 24 Reef St PO Box 57 Gympie Postcode 4570

**5. Consent of land owners**  
Completion of Question 5 is only required if the applicant is not the owner or the person authorised to sign as owner.  
Completion of Question 5 provides the owner's consent to the lodgement of this application. If there are multiple owners, the consent of each owner is required. If the owner is a company refer to Guide 1.  
Where the provision of contact details is mandatory, an owner nominated under "Contact details" will receive a copy of the decision notice and approved plans.

Names (In full) (Attach list if necessary): [Redacted]  
 Signature/s (Or if a company, the ACN plus signature/s or company seal & signatures): [Redacted] Date: 4/3/04  
 Contact details (Optional, except where Part B of this form applies for single detached class 1a buildings or class 10 buildings or structures)  
 Name: [Redacted]  
 Postal address: [Redacted]

**OFFICE USE ONLY (applicable to assessment manager, alternative assessment manager and private certifier)**

FEE (\$)	DATE RECEIVED	RECEIVING OFFICER'S NAME/S	REFERENCE NUMBER/S
820	16/03/04		265062

**Notification of Engagement of Private Certifier (Optional format for private certifiers)**  
 Council, I have been engaged as a private certifier for the building work referred to in this application.

To: [Redacted]  
 Date of engagement: / / Accreditation Number: [Redacted]  
 Signature: [Redacted]

\$820 fee quoted by [Redacted]

# Form 1 Development Application

idas

Integrated Development Assessment System

## PART D

Complete if this application involves assessment against the

### Planning Scheme

For material change of use of premises

Completion of all questions on Part (D) of this form is mandatory for all applications for a material change of use of premises including conceptual design for any associated works that require approval under the planning scheme.

General information  
Development permit number  
Development permit holder  
Development permit expiry date  
Development permit conditions  
Development permit location  
Development permit area

General information  
Development permit number  
Development permit holder  
Development permit expiry date  
Development permit conditions  
Development permit location  
Development permit area

General information  
Development permit number  
Development permit holder  
Development permit expiry date  
Development permit conditions  
Development permit location  
Development permit area

Project details  
Project name  
Project location  
Project area  
Project description

Other documents  
Site plan  
Site location map  
Site location map

1. The applicant is the owner of the premises.  
 Primary approval for a material change of use of premises involving structural works or structural works that are required to be carried out in connection with the proposed change of use of premises.  
 Development permit for structural works or structural works that are required to be carried out in connection with the proposed change of use of premises.

2. The proposed development is:  
 New  
 An extension or alteration to an existing building or structure.  
3. The proposed development is:  
 New  
 An extension or alteration to an existing building or structure.

4. The proposed development is:  
 Commercial Zone (Highway Precinct), Zone  
 Other

5. The proposed development is:  
 New  
 An extension or alteration to an existing building or structure.

6. The proposed development is:  
 New  
 An extension or alteration to an existing building or structure.

7. The proposed development is:  
 New  
 An extension or alteration to an existing building or structure.

8. The proposed development is:  
 New  
 An extension or alteration to an existing building or structure.

9. The proposed development is:  
 New  
 An extension or alteration to an existing building or structure.

10. The proposed development is:  
 New  
 An extension or alteration to an existing building or structure.

11. The proposed development is:  
 New  
 An extension or alteration to an existing building or structure.

This application may be voided by the instrument under which it is made by Part 2 of the Development Application

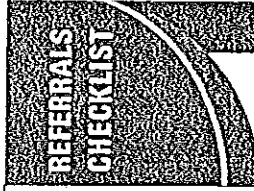
Application number: 205061

Development Director

City of Greater Geelong  
Development Director



**Form 1 Development Application** **idas** INTEGRATED DEVELOPMENT ASSESSMENT SYSTEM



# Checklist for determining referrals under IDAS

Only complete this checklist if you have completed parts D, E or F of Form 1 Development Application.

It is your responsibility as the applicant to work with the assessment manager to identify if your application involves:

- referral to a referral agency for their assessment and determination, or comment;
- the coordination of any information request through the referral coordination process.

This checklist contains a number of questions to aid in this determination.

If your application **does** involve referral, an acknowledgement notice will be issued by the assessment manager confirming the referral actions required.

To assist you in answering the questions below a series of guides are available. These guides address the following referral issues:

- Guide 2 What is a referral agency and what is their role in IDAS?
- Guide 3 Does my application trigger a referral in relation to State-controlled road matters?
- Guide 4 Does my application involve an Environmentally Relevant Activity (ERA)?
- Guide 5 Does my application trigger referral for consideration of contaminated land matters?
- Guide 6 Does my application trigger the referral coordination process?

These guides are available from local governments or on the IPA website at [www.ipa.qld.gov.au](http://www.ipa.qld.gov.au)

Only complete the questions which are applicable to the application.

## Which questions do I need to answer?

- If you have completed Part D of Form 1, complete all questions
- If you have completed Part E of Form 1 (and the application involves filling or excavation operations **not** associated with a material change of use, reconfiguring a lot or building work) complete questions 1 and 6
- If you have completed Part F of Form 1, complete questions 1, 3, 4, 5 and 6

<p>Guide 3 entitled "Does my application trigger a referral in relation to State-controlled road matters?" will assist in answering this question.</p>	<p>1. Does the application trigger referral to the Department of Main Roads in relation to a State-controlled road?</p> <p><input type="checkbox"/> NO <input checked="" type="checkbox"/> YES Detail the trigger/s below. (If trigger E is identified, also detail the threshold)</p> <div style="border: 1px solid black; height: 40px; width: 100%;"></div>
<p>Guide 4 entitled "Does my application trigger referral for an Environmentally Relevant Activity?" will assist in answering this question.</p>	<p>2. Does the application trigger referral in relation to an Environmentally Relevant Activity?</p> <p><input checked="" type="checkbox"/> NO <input type="checkbox"/> YES Provide all relevant details on Part G of Form 1 Development Application</p>
<p>Guide 5 entitled "Does my application trigger referral for consideration of contaminated land matters?" will assist in answering this question.</p>	<p>3. Does the application trigger referral to the Environmental Protection Agency for consideration of contaminated land matters?</p> <p><input checked="" type="checkbox"/> NO <input type="checkbox"/> YES Provide details below</p> <div style="border: 1px solid black; height: 40px; width: 100%;"></div>
<p>Guide 6 entitled "Does my application trigger the referral coordination process?" will assist in answering this question.</p>	<p>4. Does the application trigger referral coordination because the application involves 3 or more concurrence agencies?</p> <p><input checked="" type="checkbox"/> NO <input type="checkbox"/> YES</p>
<p>Guide 6 entitled "Does my application trigger the referral coordination process?" will assist in answering this question.</p>	<p>5. Does the application trigger referral coordination because the application involves a facility or area prescribed under schedule 6 or 7 of the Integrated Planning Regulation 1998?</p> <p><input type="checkbox"/> NO <input type="checkbox"/> YES Detail the trigger below</p> <div style="border: 1px solid black; height: 40px; width: 100%;"></div>
<p>Referral agency responses prior to judgement. Under s 3.3.2 of IPA a referral agency may give a referral agency response on a matter within its jurisdiction about a proposal before an application for the proposal is made to the assessment manager.</p>	<p>6. Did a referral agency give a referral agency response under s 3.3.2 of IPA before the application was made to the assessment manager?</p> <p><input checked="" type="checkbox"/> NO <input type="checkbox"/> YES Attach a copy of the referral agency/s response/s.</p> <div style="border: 1px solid black; height: 40px; width: 100%;"></div>

PLANNING REPORT

APPLICATION FOR:  
MATERIAL CHANGE OF USE OF PREMISES  
FOR A LANDSCAPE SUPPLY CENTRE

MURRAY & ASSOCIATES

53 VIOLET ST, GYMPIE QLD 4570  
LOT 1 ON MPH5330 &  
PART OF LOTS 97-99 ON MCH4906

PREPARED BY:  
MURRAY & ASSOCIATES (QLD) PTY LTD

ON BEHALF OF:  
CRAIG AND LINDA CAMPBELL

FEBRUARY 2004

CONSULTING SURVEYORS

LOCAL AUTHORITY: COOLoola SHIRE COUNCIL

MURRAY & ASSOCIATES



# MURRAY & ASSOCIATES

(QLD.) PTY. LTD.

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- 2.0 INTRODUCTION
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- 3.0 PLANNING CONSIDERATIONS
  - 3.1 Statutory Requirements
  - 3.2 Planning Scheme Requirements
    - 3.2.1 Highway Commercial Precinct
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  - 3.3 Site Aspects
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- APPENDIX 2 – EXISTING PLAN
- APPENDIX 3 – PROPOSAL PLAN
- APPENDIX 4 – ZONING MAP



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## 1.0 EXECUTIVE SUMMARY & AIM

### Site Details

Local Government Authority:	Gympie Shire Council
Address of Site:	53 Violet Street, Gympie QLD 4570
Rear Property Description:	Lot 1 on MPH5330 & Part of Lots 97-99 on MCH4906
Area of Site:	7193m <sup>2</sup>
Zoning:	Landscape Supply Centre - 500m <sup>2</sup> Highway Commercial Precinct and Park and Recreation Zone
Applicant:	[REDACTED]
Name of Owners:	[REDACTED]

### Application Details

Type of Application:	Application for a Development Permit for Material Change of Use of Premises for a Landscape Supply Centre
Highest Level of Assessment:	Impact Assessment
Author:	Murray & Associates (Qld) Pty Ltd
Contact Person:	Blake Bell Ph: 07 5447 2100
Our Reference:	17/24

### Aim

The aim of this report is to obtain Council Approval in support of a Development Permit for a Material Change of Use of Premises for a Landscape Supply Centre over land described as Lot 1 on MPH5330 & part of Lots 97-99 on MCH4906 – 53 Violet Street, Gympie.



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## 2.0 INTRODUCTION

### 2.1 The Proposal

This application relates to Lot 1 on MPH5330, a 4047m<sup>2</sup> parcel of land, and part of Lots 97-99 on MCH4906 being 1012m<sup>2</sup> parcels of land situated at 53 Violet Street, Gympie (Refer to Appendices 1 & 2). The site is currently owned by [REDACTED] however the application is made on behalf of [REDACTED] who will operate the proposed Landscape Supply Centre.

This application seeks a Development Permit for a Material Change of Use of Premises for a Landscape Supply Centre situated over the above parcels of land, and it is anticipated that the Site Plan in Appendix 2, drawn by Murray & Associates (Qld) Pty Ltd, will form the basis of the Material Change of Use of Premises and will guide future development over the nominated area. (Refer to Appendix 3)

A Landscape Supply Centre is defined as follows in accordance with the Cooloola Shire Planning Scheme:

*"Any premises used or intended to be used for the sale of soil, gravel, rock, bark and other materials used in landscaping. The term includes the use of such premises for a Retail Plant Nursery."*

The proposed Landscape Supply Centre will utilise 2 existing sheds for storage and to accommodate 2 tippers, a bobcat and a front end loader used in association with the use. It is proposed to have 8 bunkers measuring 3m wide x 6m deep (40m<sup>3</sup>) to contain sand, gravel, topsoil, road base, pre-mix, chip bark & 2 spare. These stockpiles will be used by the applicant and for the sale to private customers. It is anticipated that the site will be accessed by cars, trailers, utilities and small trucks. Therefore, the site will contain a road base where vehicles will be driving, and appropriate car parking will be provided adjacent to the proposed office abutting the shed. The site will be fully fenced and appropriately landscaped as a buffer to Violet Street (Bruce highway) and to produce an aesthetically pleasing environment for its users. Sprinkler systems will be in place to minimise any potential dust impact on surrounding residential properties in the area. There is no intention to have employees on site as the Centre will be operated by the applicant.

(Refer to Appendix 3)



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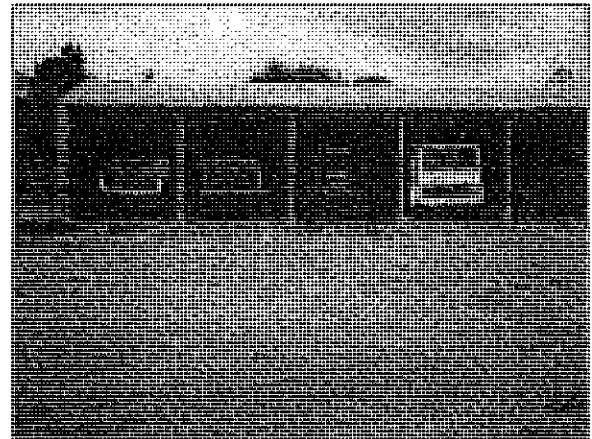
[www.mursurv.com](http://www.mursurv.com)

### 2.2 Site Description

The site area proposed for the Landscape Supply Centre is 5040m<sup>2</sup> and is fully fenced off from the adjoining drainage reserve included in the Strategic Plan as Parks and Recreation. The site is clear of any vegetation and is situated over relatively flat land. Structurally the site consists of 2 existing sheds which currently accommodates small trucks and machinery. The site obtains access from Violet Street (Bruce Highway) to the south west via a gated entrance. Please refer to the pictures displayed below which represent the current use of the sheds on site.



The existing sheds located on site incorporating land designated Park and Recreation



One existing shed currently used for the storage of Small Trucks and Machinery

### 2.3 Surrounding Land Uses and Zoning

The subject site contains split zoning whereby Lot 1 on MPH5330 is included in the Highway Commercial Precinct and Lots 97-99 on MCH4906 are included in the Parks and Recreation Zone (Refer to Appendix 4). It must be noted that there is a fence dissecting the zoning areas which is the area nominated for the proposed Landscape Supply Centre. This area is a logical separation from the drainage reserve and even though it is partially included in the Park and Recreation Zone, it acts as part of the area which should be utilised for the Highway Commercial Precinct.

The surrounding land uses consist of a vacant parcel to the north west also include in the Highway Commercial Precinct, and a drainage reserve included in the Park and Recreation Zone. The site contains frontage to Violet Street



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(Bruce Highway) to the south west, the unconstructed Iron Street to the south east and Clematis Street to the north east, however it is noted that the site area accommodating the proposed Landscape Supply Centre is separated from Clematis Street and the unconstructed Iron Street by the drainage reserve.



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## 3.0 PLANNING CONSIDERATIONS

### 3.1 Statutory Requirements

This planning report has been prepared in accordance with the following provision of the *Integrated Planning Act 1997*:

Section 3.5.5(1) This section applies to any part of the application requiring impact assessment.

(2) If the application is for development in a planning scheme area, the assessment manager must carry out the impact assessment having regard to the following –

- (a) the common material;
- (b) the planning scheme and any other relevant local planning instruments;
- (c) any State planning policies not identified in the planning scheme as being appropriately reflected in the planning scheme;
- (d) any development approval for, and any lawful use of, premises the subject of the application or adjacent premises; and
- (f) the matters prescribed under a regulation (to the extent they apply to a particular proposal).

### 3.2 Planning Scheme Requirements

As stated above, the subject site has split zoning being predominantly included in the Highway Commercial Precinct and partly in Parks and Recreation Zone as shown on the Zoning Map in Appendix 4.

The following elements of the Planning Scheme are applicable to the proposed Material Change of Use Application for a Landscape Supply Centre.

#### 3.2.1 Highway Commercial Precinct

It is stated in the Planning Scheme that *"the four Commercial zoned areas along the Bruce Highway, Gympie are intended to be developed for commercial activities which service highway traffic, such as fast Food Outlets, Service Stations and Motels or Holiday Accommodation. However it is accepted that in some instances, existing development has pre-determined the continuity of more general commercial activities."*





# MURRAY & ASSOCIATES

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It is further stated that *“favourable consideration will only be given to permissible uses where it can be demonstrated that:*

- *access can be obtained to the site without compromising traffic safety and efficiency, in a manner approved by the Department of Main Roads;*
- *the use of areas zoned for such subsequent to the gazettal of the scheme is for purposes required to service the travelling public, and could not be more appropriately located in an off highway site;*
- *the design and landscaping of any new premises reflects the traditional character of Gympie, and where possible imparts a ‘sense of place’ to the travelling public; and*
- *signage is designed to reflect the character of the area where appropriate and otherwise, not to detract from the character area as a result of excessive size, height, lighting or number.”*

As stated in Table 4.1.2 of the Planning Scheme – Table of Development – Commercial Zone, a Landscape Supply Centre in the Commercial Highway Precinct is classed as development requiring consent.

With consideration given to the general character of other uses operating within the Highway Commercial Precinct fronting Violet Street, a Landscape Supply Centre in this location is reflective of these current uses and will contribute towards an attractive environment by providing a good service to the local community of Gympie. With reference to the above statement for favourable consideration of permissible uses, a Landscape Supply Centre on this site satisfies all provisions relating to this statement in accordance with the Site Plan in Appendix 3.

### 3.2.2 Park and Recreation Zone

It is stated in the Planning Scheme that *“this zone is intended to cover public and private land used or intended to be used for passive open space and Parks, for buffer or conservation purposes and for indoor and outdoor sporting and recreation and associated facilities.”*

It is noted that Section 7.2.3 of the Planning Scheme outlines special provisions for Privately Owned Land Zoned Park and Recreation, as follows:

*“Where an existing privately owned lot has been zoned Park and Recreation (generally within the flood prone open space links of the Gympie area) consistent with zones existing prior to the Appointed Day. Council may favourably consider permissible development, or partial rezoning of the least flood prone/most suited part of the subject site, providing the development:*



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ACN 075 543 154

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- *is similar to, or compatible with existing or proposed development in the locality and does not adversely impact upon it's amenity;*
- *does not prejudice the integrity of the planned open space linkage;*
- *includes provision for the dedication to the crown of the majority of the land for Park and Recreation purposes; and*
- *does not increase risks associated with flooding to an acceptable level.*

In this particular instance the partial use of the Park and Recreation zoned land is warranted for the benefit of the proposed Landscape Supply Centre. The area in question is separated from the drainage line via a fence and acts as part of the site included in the Highway Commercial Precinct.

### 3.3 Site Aspects

#### 3.3.1 Services

The proposed development will have access to an electricity and telecommunications service, and plans for toilets (in accordance with the nominated toilets on the site plan in Appendix 3) have been lodged previously with respect to the appropriate effluent disposal method to be used.

#### 3.3.2 Noise

The noise factor will not be an issue in this proposal. Even though machinery associated with the business will be operating from time to time on-site, the location next to Violet Street (Bruce Highway) will ensure that no negative noise factor will jeopardise the amenity of residences within the locality and further stresses the point that this location is ideal for a use of this nature.

#### 3.3.3 Landscaping

The frontage of the Landscape Supply Centre to Violet Street will consist of landscaped gardens to create an attractive street presentation and screen the visual impact of on-site sheds and road based areas.

#### 3.3.4 Site Access

Site Access for users of the proposed Landscape Supply Centre will be from Violet Street via an existing gated entrance which will be upgraded to a sealed road base to accommodate cars, trailers, utilities and small trucks. The entrance position is very good, giving consideration to AUSTRROADS standards for site distances in either direction along Violet Street which has a speed limit of 60km/hr.



# MURRAY & ASSOCIATES

(QLD.) PTY. LTD.

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The photos below demonstrate the good positioning of the entrance point.



Site Distance to the south east along Violet Street from the existing gated entrance



Site Distance to the north west along Violet Street from the existing gated entrance

### 3.3.5 Parking

Parking provisions are incorporated into the design for the proposed Landscape Supply Centre where a designated 5 spaces are provided adjacent to the office. It must be noted that the site will mostly be accessed by cars with trailers, utilities and small trucks for the collection of bulk materials associated with landscaping. Therefore, a significant portion of the site is road base to allow the vehicles to pull up along side the stockpiles so that the bobcat can distribute the materials onto the trailers/trays.

### 3.3.6 Flooding and Sediment Control

The site is situated over flood prone land. It must be noted that the applicant has indicated that in a flood event, any of the stockpiles can be quickly removed and hence remove any possible impact from sediment loss into the adjoining drainage reserve to the south of the site.

### 3.3.7 Dust

Dust impacts on surrounding properties will be lessened by the sealed road base where vehicles will be driving and a sprinkler system will be in operation to remove any potential dust impacts from stockpiles.



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## **4.0 MATERIAL CHANGE OF USE PROPOSAL**

### **4.1 Landscape Supply Centre**

The above proposal represents the need for a Material Change of Use of Premises for a Landscape Supply Centre over land described as Lot 1 on MPH5330 & part of Lots 97-99 on MCH4906 in accordance with the nominated area shown on the Site Plan in Appendix 3.

The proposed Landscape Supply Centre will have access to all necessary services and has addressed all potential impacts raised by the proposal. The site Plan included in Appendix 3 represents a fully operational Landscape Supply Centre compliant with Council's Land Use provisions ensuring a "win win" situation for the local community, the owners of the business and the Cooloola Shire Council.



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### 5.0 CONCLUSIONS

This application provides justification for approval for a Development Permit for a Material Change of Use of Premises for a Landscape Supply Centre on land described as Lot 1 on MPH5330 & part of Lots 97-99 on MCH4906 on the following grounds:

- The proposal adequately addresses all potential impacts and has provision for an exciting development which will contribute towards an attractive environment.
- The Landscape Supply Centre will provide a good service to the local community in a good location
- The application provides justification for a use of this nature in this location against the relevant Planning Scheme requirements.

### 6.0 RECOMMENDATIONS

On behalf of the applicant, we recommend that the application for a Development Permit for a Material Change of Use of Premises for a Landscape Supply Centre on land described as Lot 1 on MPH5330 & part of Lots 97-99 on MCH4906 be approved subject to reasonable and relevant conditions.



**MURRAY & ASSOCIATES**

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ACN 075 543 154

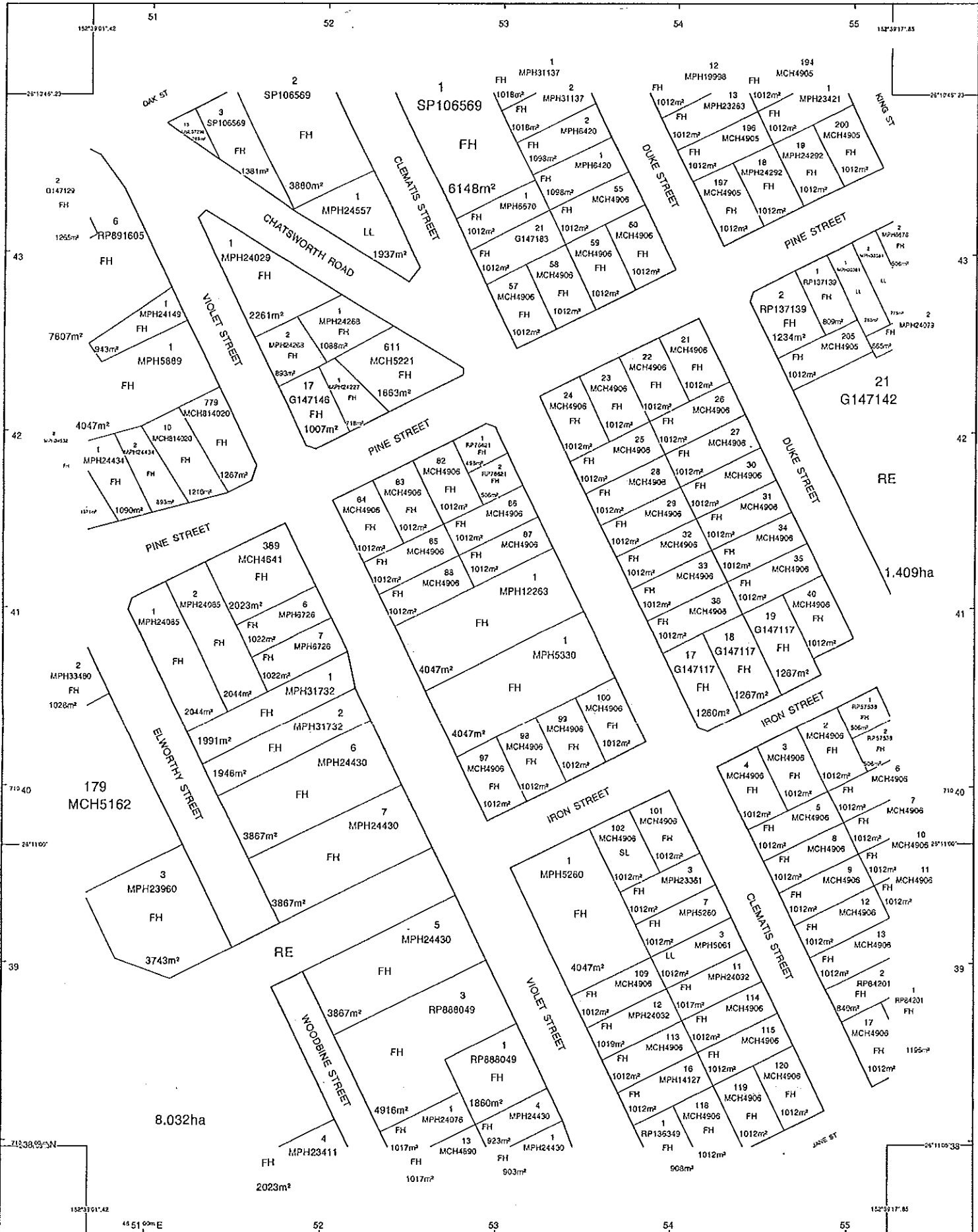
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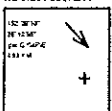
# APPENDIX 1

LOCALITY



STANDARD MAP NUMBER  
9445-42432

MAP WORKING POSITION & NEAREST LOCALITY



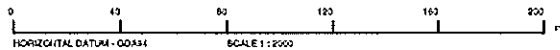
SUBJECT PARCEL DESCRIPTION

DDDB	19/PH12263
LotPlan	4247P
Area	FREHOLD
Tenure	COOLOOLA
Local Government	OWMPE
Locality	OWMPE
Parish	MARION
County	34/9729
Parcel Segment	

CLIENT SERVICE STANDARDS

PRINTED (30/06/2011) 21/6/2011  
(Impresso) Notice: This information is NOT AN OFFICIAL RECORD and its ACCURACY is NOT GUARANTEED.  
DDDB 23/06/2011  
For symbols see the BLN Abbreviations Sheet.

LEGEND



BLINMAP

An Editorial Product of the  
Basic Land Information Network  
Based upon an extraction from the  
Digital Cadastral Data Base



Queensland  
Government  
Natural Resources  
and Mines



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# APPENDIX 2

EXISTING PLAN

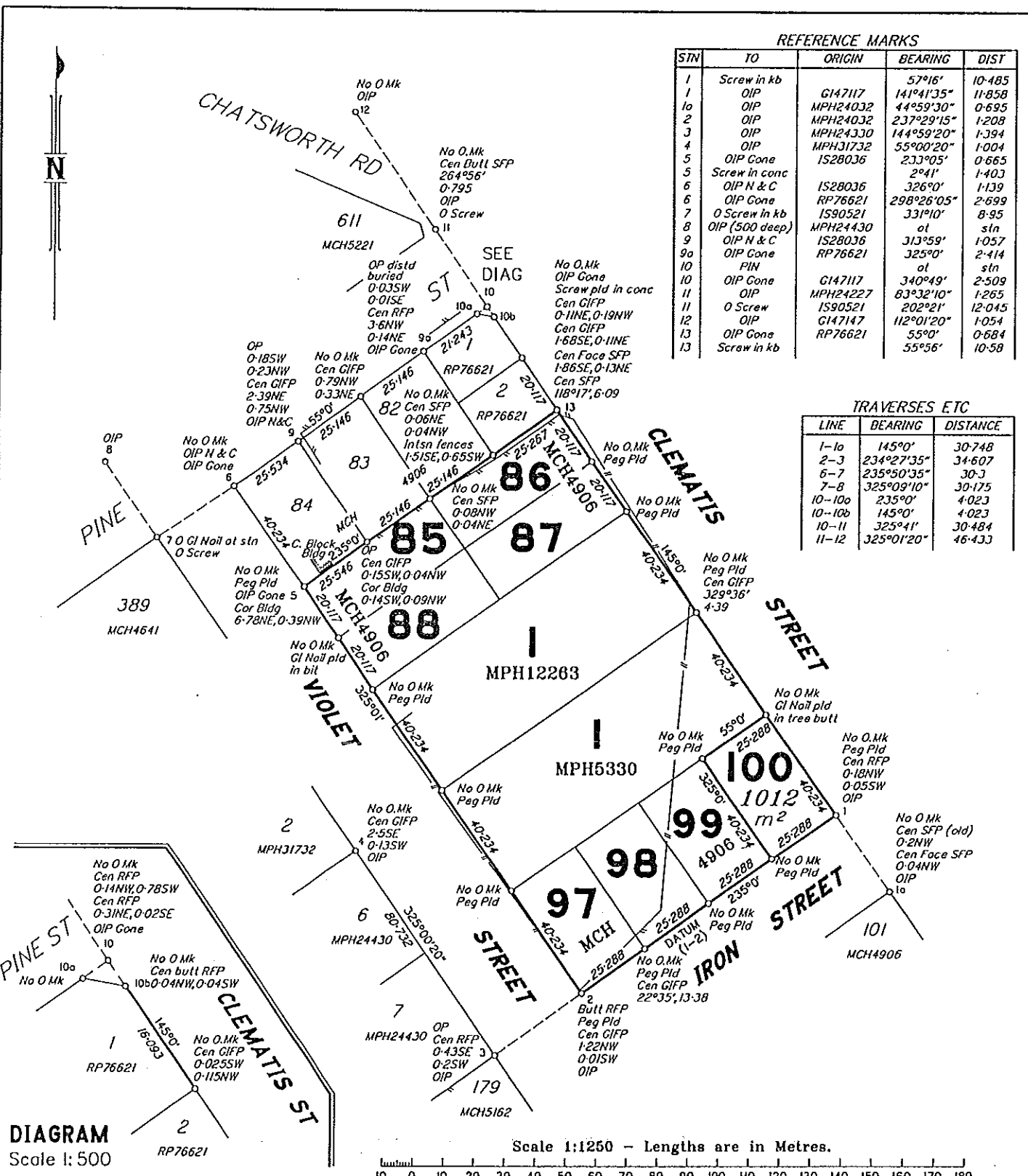


REFERENCE MARKS

STN	TO	ORIGIN	BEARING	DIST
1	Screw in kb		57°16'	10-485
1	OIP	G147117	141°41'35"	11-658
1a	OIP	MPH24032	44°59'30"	0-695
2	OIP	MPH24032	237°29'15"	1-208
3	OIP	MPH24330	144°59'20"	1-394
4	OIP	MPH31732	55°00'20"	1-004
5	OIP Gone	IS28036	233°05'	0-665
5	Screw in conc		2°41'	1-403
6	OIP N & C	IS28036	326°0'	1-139
6	OIP Gone	RP76621	298°26'05"	2-699
7	O Screw in kb	IS90521	331°10'	8-95
8	OIP (500 deep)	MPH24430	ot	stn
9	OIP N & C	IS28036	313°59'	1-057
9a	OIP Gone	RP76621	325°0'	2-414
10	FIN		ot	stn
10	OIP Gone	G147117	340°49'	2-509
11	OIP	MPH24227	83°32'10"	1-265
11	O Screw	IS90521	202°21'	12-045
12	OIP	G147147	112°01'20"	1-054
13	OIP Gone	RP76621	55°0'	0-684
13	Screw in kb		55°56'	10-58

TRAVERSES ETC

LINE	BEARING	DISTANCE
1-1a	145°0'	30-748
2-3	234°27'35"	34-607
6-7	235°50'35"	30-3
7-8	325°09'10"	30-175
10-10a	235°0'	4-023
10-10b	145°0'	4-023
10-11	325°41'	30-484
11-12	325°01'20"	46-433



**DIAGRAM**  
Scale 1:500

This is an Identification Survey only, and as such is not examined for registration by the Department of Natural Resources. It is lodged in that office, for survey information only, in accordance with the Surveyors Regulation 1992.

No responsibility can therefore be accepted for any future difference in boundary definition which may result from resurveys of adjoining lands or subsequent registration of new survey plans.

I, John Robert CAMPBELL, hereby certify that I have surveyed the land comprised in this plan personally & by Fergus John McMaster (Surv.Assoc.) for whose work I accept responsibility and that the plan is accurate, that the said survey was performed in accordance with the Surveyors Act 1977 and the Surveyors Regulation 1992, and that the said survey was completed on 24/7/01

*John Robert Campbell*  
Licensed Surveyor

**PLAN OF IDENTIFICATION SURVEY**  
Lot 100 on MCH4906 and Part of Lots 85-88, 97-99 on MCH4906, Lot 1 on MPH12263 and Lot 1 on MPH5330  
Section 66

**MURRAY & ASSOCIATES**  
ACN 075 543 154 (OLD) PTY LTD  
CONSULTING SURVEYORS  
LAND & ENGINEERING SURVEYORS, PLANNERS  
ACN 075 543 154  
Head Office 15-17 Currie Street Nambour 4560 PO Box 246  
Ph. 07 5441 2188 Fax 07 5441 2601 Branch Offices Coboolture, Gympie & Emerald

CLIENT  
**ELLIOTT'S MACHINERY**

PARISH **Gympie**  
COUNTY **March**  
TOWN/LOCALITY **Gympie**  
LOCAL AUTHORITY **Cooolata S. C.**

IS167786

MERIDIAN MCH4906	MAP REF. 9445-42432	SCALE 1:1250	REGISTERING DIST. BRISBANE	F.BK G246	ACN No.	DATE 25/7/01
Date 31.7.01			DRAWN LMP	CHECKED MLI	JOB No. 35821	



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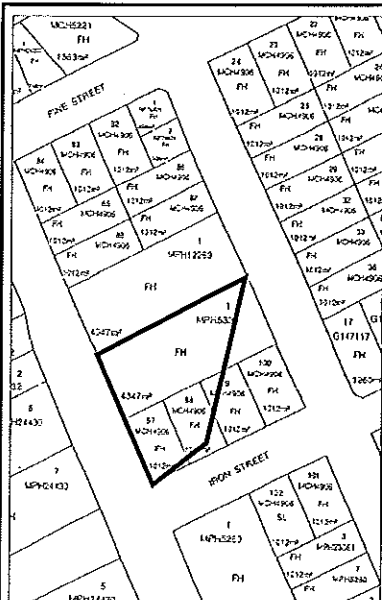
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# APPENDIX 3

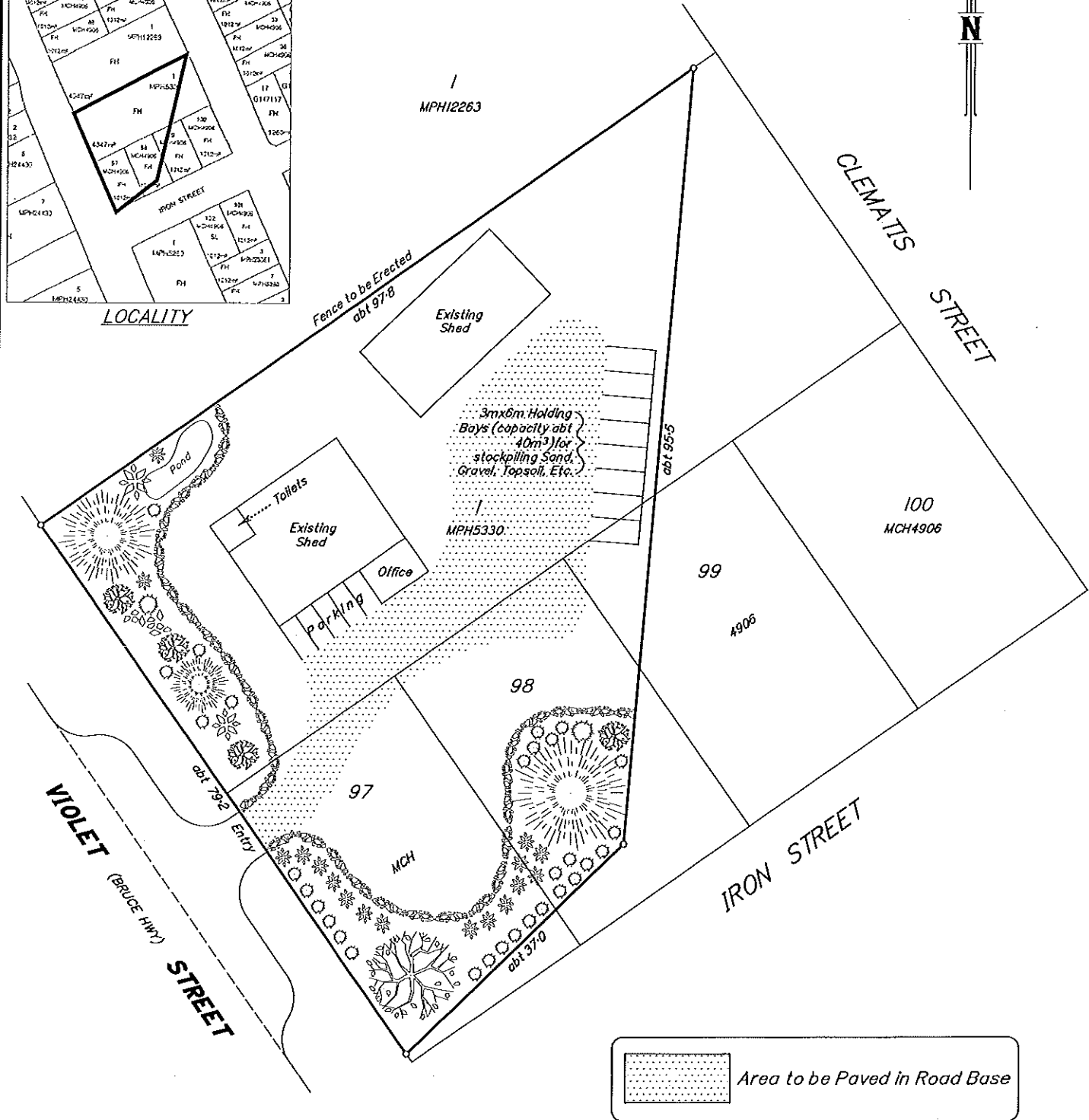
PROPOSAL PLAN

# Landscape Supply Centre

(Approx) 5040m<sup>2</sup>

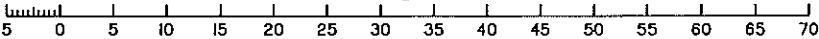


LOCALITY



Area to be Paved in Road Base

Scale 1:500 - Lengths are in Metres.



**MURRAY & ASSOCIATES**  
 ACN 075 543 154 (QLD) PTY LTD  
 CONSULTING SURVEYORS  
 LAND & ENGINEERING SURVEYORS, PLANNERS  
 HAMBOUR Currie St. Ph. (07) 54412188 Fax. (07) 54412601  
 CABOILTURE King St. Ph. (07) 54951478 Fax. (07) 54951729  
 EMERALD Egerlon St. Ph. (07) 49875363 Fax. (07) 49822808  
 GYMPIE Reef St. Ph. (07) 54821484 Fax. (07) 54828288  
 ROMA Bowen St. Ph. (07) 46221666 Fax. (07) 46221656

*Plan of Proposed Material  
 Change of Use for a Landscape  
 Supply Centre over land  
 described as Lot 1 on MPH5330  
 & Part of Lots 97-99 on  
 MCH4906*

CLIENT	
DATE 3/03/04	SCALE 0A3 1:500
FILE 37723_CAMPBELL	Level Datum -
DRAWN BJ	JOB No. 37723
CHECKED BWB	

Town Planner

PARISH: GYMPIE COUNTY: March



**MURRAY & ASSOCIATES**

(QLD.) PTY. LTD.

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ACN 075 543 154

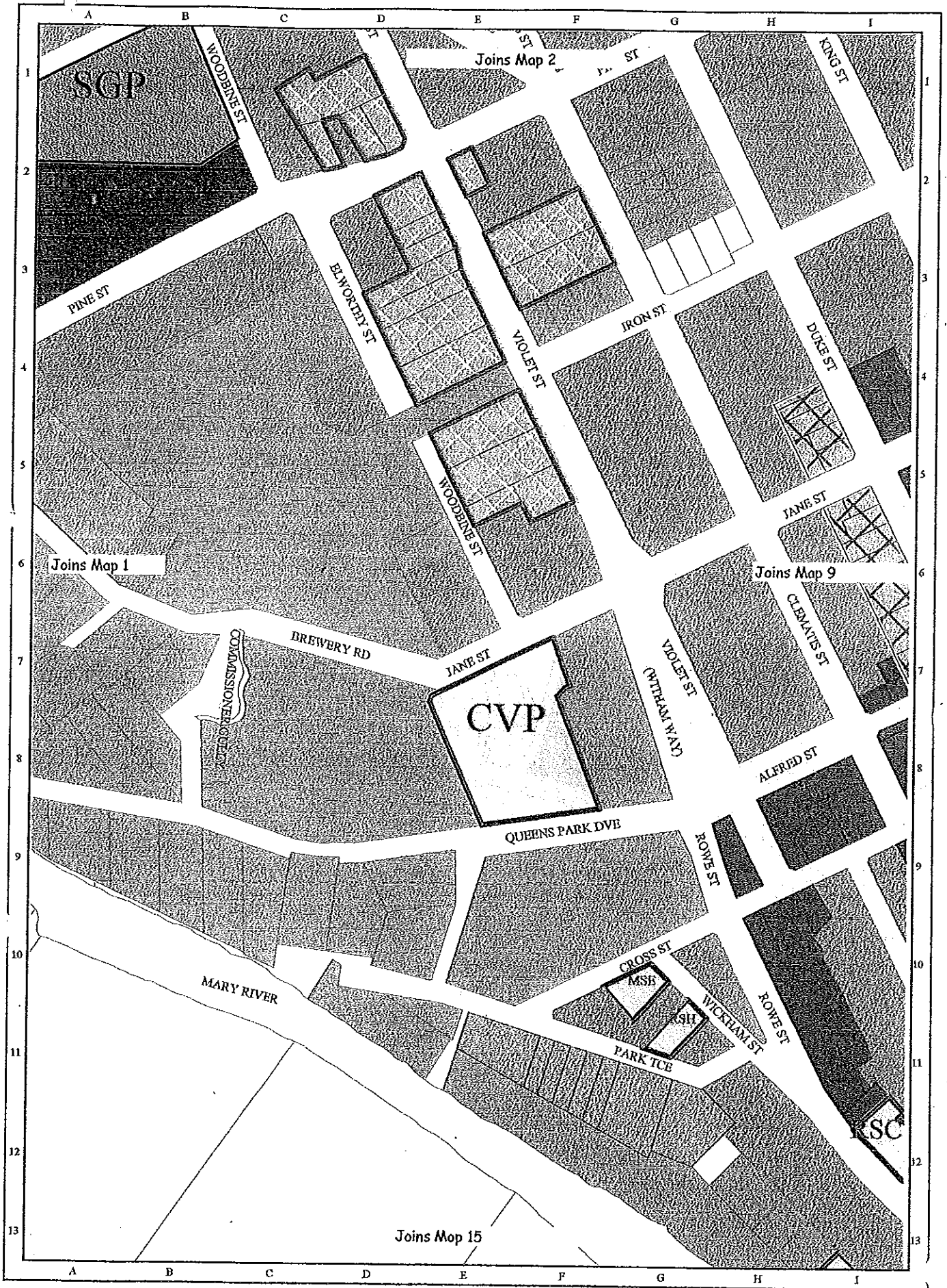
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# APPENDIX 4

ZONING MAP



0 200  
Metres

Gympie



MAP 8 □ □

Amendment: 1

# Gympie Regional Council

53 Violet Street, Gympie

**Material Change of Use  
Display Yard (Extensions to Landscape Supply Centre &  
Request to Change an Existing Approval**

**File Number:** DA14429  
**Name:** Campbells Truck and Bobcat Hire  
**Date Open** 21 September 2006  
**Last Correspondence** 12 February 2010

**Contents:**

No	Description of Information	Dated
1.	Letter from Martoo re Agency Response	24 November 2009
2.	Ltr to Martoo re request to change	13 November 2009
3.	Ltr from Martoo re Request to Change & Forms	18 September 2009
4.	Ltr from Martoo re operators of the Business	7 April 2009
5.	Ltr from Martoo re amended layout for landscape supply business	28 October 2008
6.	Ltr from Martoo re proposal plan	2 December 2008
7.	Ltr & Decision Notice	4 May 2007
8.	Minutes of Planning & Development Committee Meeting	24 April 2007
9.	Ltr – re Acknowledgement Notice from Martoo	2 March 2007
10	Ltr from Department of Main Roads – - Concurrence Agency conditions	11 December 2006
11	Ltr and Application Forms from Martoo	18 September 2006
12	Proposal Report from Martoo	September 2006



24 November 2009

Chief Executive Officer  
Gympie Regional Council  
PO Box 155  
Gympie Qld 4570

GYMPIE REGIONAL COUNCIL	
FILE DA14429	ACTION
DOC 1407998	GEN
	CG & F
	WORKS
	PLAN
	C & ED
	REFER
	25 NOV 2009
X REF	
	1 DEVIAS
	2 TANIA S
	3 MINE H
	4
	5
	6
	7
	8
	9
	10

Dear [redacted]

**Concurrence Agency's Response to Request to Change Development Approval  
(other than a change of a condition) – no objection**

**Gympie Regional Council**  
**Council Application Number: DA14429**  
**Applicant [redacted]**  
**Subject Land: Lot 1 on MCH5330 and Lots 97, 98 and 99 on MCH4906**  
**Site Address: 53 Violet Street, Gympie**  
**Department of Transport and Main Roads Development Number: MR-7520**

I refer to correspondence dated 18 September 2009 from Martoo Consulting Pty Ltd requesting a change the above development approval.

Pursuant to section 3.5.25 of the *Integrated Planning Act 1997*, the Department of Transport and Main Roads advises that it has no objection to the proposed change. The department's Concurrence Agency conditions, originally issued on 13 December 2006, remain appropriate and shall apply for the change, should council approve the application.

A copy of this letter has been forwarded to the applicant. If you require further information about this response, please contact [redacted]

Yours sincerely

[redacted signature block]

**Principal Advisor (Development Assessment)**

posted: 13/11/0

## Planning & Development

Phone: (07) 5481 0644

Email: [REDACTED]

Our Ref: DA14429 TMS/LJC01007  
Your Ref: 01049 L06 SE

13 November 2009

[REDACTED]  
PO Box 391  
GYMPIE QLD 4570

Dear Sir

**RE: Development Application for Material Change of Use –  
Display Yard (Extensions to Landscape Supply Centre) &  
Request to Change an Existing Approval -  
over Lot 1 MCH5330 & Lots 97, 98 & 99 MCH4906 - 53 Violet Street**

I refer to your request to change the above development approval, received on 29 September 2009.

Through assessment of the request, It has been determined that the proposed changes to the development approval are not 'minor' in nature and therefore cannot be appropriately assessed through the process associated with changing approvals.

As a result, a new development approval is considered necessary to facilitate the proposed additional development.

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

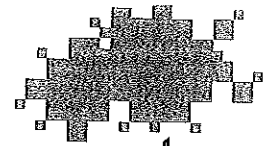
Yours faithfully

[REDACTED]  
**CHIEF EXECUTIVE OFFICER**  
[REDACTED]

bc [REDACTED]



Your Reference: DA14429  
Our Reference: 01049 L04 SE



**martoo**  
consulting

pty Ltd

town planners +  
urban designers

18<sup>th</sup> September 2009

18 SEP 2009	
X REF	REFER
1	
2	
3	
4	
5	
6	
7	

Chief Executive Officer  
Gympie Regional Council  
P.O. Box 155  
GYMPIE Q 4570

**ATTENTION: PLANNING AND DEVELOPMENT DEPARTMENT**

Dear Sir/Madam,

**RE: REQUEST TO AMEND AN EXISTING DEVELOPMENT APPROVAL (AMEND AN APPROVED PLAN)**

**Material Change of Use – Display Yard (Extensions to a Landscape Supplies Centre) over Lot 1 MCH5330 and Lots 97, 98 and 99 MCH4906, located at 53 Violet Street, Gympie: [REDACTED]**

Please find enclosed a request to amend an existing development approval which has been prepared in accordance with the *Integrated Planning Act 1997* and lodged with your Council as the Assessment Manager. This request to change seeks Council support for physical expansion of the Display Yard within the existing site and is considered to constitute a minor change to the existing approval by amending the approved plan.

The applicants propose to amend an existing approval to allow alterations to the existing site layout of their landscaping business at 53 Violet Street, Gympie. The proposed alterations are intended to provide increased manoeuvrability throughout the site and will result in the provision of a better variety of landscaping products.

The attached development application includes:

- three (3) copies of an amended proposal plan;
- a completed IDAS application Form 2;
- copy of Notice to Department of Transport and Main Roads; and,
- a cheque for Council application fees in the amount of \$445.00

Please contact our Sunshine Coast office if you require any further information and/or clarification.

Yours faithfully

[REDACTED]  
Town Planner  
Martoo Consulting Pty Ltd

Enc: (6)

Cc: Campbell's Truck, Bobcat and Landscaping Supplies  
Department of Transport and Main Roads

Form 2 Development Application

idas

# Request to change an existing approval

**Details of person making the request**

1. Who is making the request?

Company/organisation name (if applicable)		[Redacted]	
Individual applicant/Contact person (if there is more than one applicant, provide details under Add another applicant)			
Title	[Redacted]	First name	[Redacted]
		Last name	[Redacted]
Postal address		C/- Martoo Consulting Pty Ltd, P.O Box 1684, Noosa Heads Q 4567	
Contact telephone number	54 555 425	Mobile phone number	[Redacted]
Facsimile number	54 555 725	e-mail address	[Redacted]

**Details of the existing approval**

2. What are the details of the approval sought to be changed

Type of approval	Identification number	Date issued	Assessment manager (if request not made to the assessment manager)
<input checked="" type="checkbox"/> Development Permit	DA14429	May 4, 2007	[Redacted]
<input type="checkbox"/> Preliminary Approval			

**Identification of the premises**

3. Can any part of the premises be identified by a street address or lot on plan description?

- No - Answer Q3(a)
- Yes - Complete Table B and Q3(b)

Table B

Unit Number	Street number	Street Address		Lot on plan description		Local government area
		Street Name and official suburb/locality name	Post code	Lot No	Plan type and number	
1	53	Violet Street, Gympie	4570	1	MCH5330	Gympie
2				97	MCH4906	Gympie
3				98	MCH4906	Gympie
4				99	MCH4906	Gympie

\$445 chq from Martoo.  
 \$ 22 chq from Campbell.  
 \$ 117

3(b). Can the address be further described by shop/tenancy number or storey/level?

- No  
 Yes - Complete Table C

4. Can the premises best be identified by coordinates (e.g. for development proposed in waters, or on a site within a large rural lot)?

- No  
 Yes - Complete Table D

5. What is the total area that makes up the premises (i.e. the area covered by the application)?

Area of land above high water mark/outside watercourse		Area in a water body or watercourse	
7,082.00	<input checked="" type="checkbox"/> m <sup>2</sup> <input type="checkbox"/> hectares (Tick applicable unit)		<input type="checkbox"/> m <sup>2</sup> <input type="checkbox"/> hectares (Tick applicable unit)

**Owner's consent and resource owner's agreement**

6. Is the person making the request the owner of the land to which the approval attaches?

- Yes     No - Complete Table E - provide details for each owner on a separate row, or on an attachment to this form if applicable. Note: Advice provided at the end of this form details when owner's consent is not required.

7. If an application for the existing approval were being made now (i.e. at the time of making this request), would evidence be required to support the application because it involved taking or interfering with a State-owned resource prescribed by schedule 10 of the Integrated Planning Regulation 1998 (IP Reg) or any other regulation

- No     Yes - Complete Table F and submit, with the application, written agreement to the request.

**Nature of the request**

8. What is the nature of the request for change? (Tick the applicable box/es)

- An extension of the period before an approval lapses (under IPA, section 3.5.22)  
 To change the development approval other than a change of condition (under IPA, section 3.5.24)  
 To change or cancel a condition of approval (under IPA, section 3.5.33) - Go to Q11  
 To change conditions of a rezoning approval given under the Local Government (Planning and Environment) Act 1990 (under IPA, section 6.1.35A) - Go to Q12

9. Were one or more concurrence agencies involved in the approval?

- No     Yes - Complete Table G. Submit, with the application, a copy of the notice required to be sent to each agency under IPA sections 3.5.22(1)(a) and 3.5.24(1)(b).

Table G

	Each concurrence agency (use a separate row for each agency)	Date notice sent
1	Queensland Department of Main Roads - now Department of Transport and Main Roads	18-Sep-2009

10. Does the request for change relate to an aspect of the approval that involved a building referral agency?

- No     Yes - Complete Table H. Submit, with the application, a copy of the notice required to be sent to each agency under IPA section 3.5.24(1)(b).

**Details and reasons or justification for the request**

11. What are the details of the requested change and the reasons or justification for the change? Use a different row for each change if more than one.

	Details of requested change (including extension of the period if relevant)	Reasons or justification for the requested change
1	Minor change to approved plan	Provision of additional holding bays for the storage and display of new and different varieties of sand, gravel, mulch, rock and other landscaping supplies

**Mandatory attachments and information**

12. What are the mandatory attachments and supporting information accompanying this application?

	Description of attachment or information (e.g. notice to concurrence / building referral agencies, owner's consent, resource owner's agreement, drawings, reports)	Title and date (if applicable) (e.g. James Street Traffic Report)	Method of delivery to assessment manager
1	Notice to Department of Transport and Main Roads		over the counter
2	Amended proposal plan		over the counter

**OFFICE USE ONLY**

Date Received	<input type="text"/>	Reference Numbers	<input type="text"/>	Cost Code (applicable to EPA only)	433062 (ERAs)
---------------	----------------------	-------------------	----------------------	------------------------------------	------------------

**Advice for completing Form 2**

General advice	
	<ul style="list-style-type: none"> <li>Form 2 may be used for any one of the four types of request for changing an existing approval -               <ul style="list-style-type: none"> <li>an extension of the period before an approval lapses (under IPA, section 3.5.22)</li> <li>to change or cancel a condition of approval (under IPA, section 3.5.33)</li> <li>to change the development approval other than a change of condition (under IPA, section 3.5.24)</li> <li>to change conditions of a rezoning approval given under the <i>Local Government (Planning and Environment) Act 1990</i> (P&amp;E Act) (under IPA, section 6.1.35A)</li> </ul> </li> <li>Form 2 is not an approved form under the IPA. The assessment manager, concurrence agency or court may have their own form for the purpose of making a request to change an approval. In the case of a request to change conditions of a rezoning approval, the P&amp;E Act establishes the process to be followed and provides for the local government to determine the required form.</li> <li>The entity that should receive the request is:               <ul style="list-style-type: none"> <li>for an extension of the period before an approval lapses - the assessment manager (even if the approval was granted by the court (IPA, section 3.5.22(9)))</li> <li>to change or cancel a condition of approval - the entity that decided or required the condition (i.e. the assessment manager, a concurrency agency or the court)</li> <li>to change the development approval - the assessment manager</li> <li>to change conditions of a rezoning approval - the local government</li> </ul> </li> <li>When paying fees to the Environmental Protection Agency by electronic funds transfer (EFT) for requests relating to environmentally relevant activities (ERAs) or coastal development, use the process from the information sheet <i>Electronically paying fees to the Environmental Protection Agency (EPA)</i> and attach the form <i>Electronic Funds Transfer (EFT) payment notification</i> to the request.</li> </ul>
Q1	Any person may make a request to change an approval. However, in the case of a development approval for building work or operational work for the supply of community infrastructure on land designated for the community infrastructure, only the person supplying the infrastructure may make a request (IPA, section 3.5.33(3A)).
Q2	If the request is made to a concurrence agency or the court, notice of any subsequent change or cancellation of a condition must be given to the assessment manager (IPA, section 3.5.33(9)).
Q6	<ul style="list-style-type: none"> <li>If the person making the request is not the owner of the land to which the approval attaches, the request must be accompanied by the owner's consent. (IPA, sections 3.5.22(3), 3.5.24(3), 3.5.33(3)).</li> <li>However, owner's consent is not required if the approval is for:               <ul style="list-style-type: none"> <li>a mobile and temporary ERA; or</li> <li>building work or operational work for the supply of community infrastructure on land designated for community infrastructure (IPA, section 3.5.33(3A)).</li> </ul> </li> </ul>
Q7	The request must also be accompanied by the written agreement of the chief executive from whom evidence of resource allocation or entitlement would be required if an application for approval were being made. (IPA, sections 3.5.22(5), 3.5.24(5), 3.5.33(3C))
Q9	For a request to extend the period before an approval lapses, or to change a development approval, each concurrence agency for the approval must be given written notice of the request (IPA, sections 3.5.22(1), 3.5.24(1)).
Q10	For a request to change a development approval, if the subject of the request involved a building referral agency, that agency also needs to be given notice of the request (IPA, section 3.5.24(1)). For a request to change conditions the opinion of a relevant building referral agency must be given regard to by the entity deciding the request (IPA, section 3.5.33(9)).



Council's Reference: DA14429  
Our Reference: 00483 L21 GM

7 April, 2009

Chief Executive Officer  
Gympie Regional Council  
P.O. Box 155  
GYMPIE Q 4570

SCANNED

GYMPIE REGIONAL COUNCIL	
FILE DA14429	ACTION
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Attention: [REDACTED] Planning and Development Department

RE: Landscape Supply Centre at 53 Violet Street, Gympie and described as Lot 1 MCH5330 & Lots 97, 98 & 99 MCH4906

I refer to Council's letter dated 2 April, 2009 in relation to the above matter and advise that we are currently liaising with the operators so that we can formally respond to Council hopefully within the time frame nominated in Council's most recent letter.

In the interim we would like to highlight the following in relation to Council's most recent letter. Our previous letter dated 28 October, 2008 did indicate that we had then intended to lodge within a few weeks as referenced in Council most recent letter. The operators had in fact liaised with our office to prepare a draft development application within a week. Then after further discussions with Council regarding works then recently undertaken within the above site, Council advised of the need for a detailed stormwater management plan to accompany such a development application. We subsequently briefed two consulting civil engineering firms to provide the detailed stormwater management plan. Because of the complexity of the catchment these firms undertook some research before providing their fee proposals.

Because of the resulting delays and undertaking provided in our letter dated 28 October, 2008 we provided Council with a letter dated 2 December, 2008. In this letter we advised Council that, among other things, we were currently refining the proposal plan and development application and advising the intending applicants of the merits of obtaining expert engineering advice on stormwater management before finalizing the development application.

Our letter of the 2 December, 2008 then explained to Council that 'we had hoped that we can lodge the development application once finalized.' The two fee proposals have been received however the intending applicants are yet to commission the engineering firms. We are continuing to seek their instructions in this regard.

As indicated above we will endeavour to advise Council of the operators response within the time frame nominated in Council's most recent letter. Please contact my office if you require any further information and/or clarification on this matter.

Yours faithfully

[REDACTED]  
Principal  
martoo consulting pty. ltd.

Council's Reference: DA14429  
 Our Reference: 00483 L19 GM

SCANNED



28 October, 2008

Chief Executive Officer  
 Gympie Regional Council  
 P.O. Box 155  
 GYMPIE Q 4570

town planners +  
 urban designers

Attention: [REDACTED]: Planning and Development Department

**RE: Development Approval for Material Change of Use of Premises Display Yard (Extensions to Landscape Supply Centre) & Request to Change an Existing Approval located at 53 Violet Street, Gympie and described as Lot 1 MCH5330 & Lots 97, 98 & 99 MCH4906**

Martoo Consulting has been approached by [REDACTED] to seek a development approval for an amended layout for the landscape supply centre over the above site.

It appears that Craig and Linda have undertaken works over that part of their land that was not covered by the above DA14429 because of their understanding of recent advice obtained from both Council and the Department of Natural Resources and Water following their purchase of this land.

My office is currently collecting information and researching options to enable the compilation a development application for material change of use for the extension of the Landscape Supply Centre over the whole of the above site and for this use to possibly have an alternative access and/or exit to/from Clematis Street.

The landowners have requested that we attend to this as soon as possible and we hope to have a development application lodged with Council within two (2) weeks.

Please contact my office if you require any further information and/or clarification on this matter.

Yours faithfully

[REDACTED]  
 Principal  
 martoo consulting pty. ltd.

GYMPIE REGIONAL COUNCIL	
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Council's Reference: DA14429  
Our Reference: 00483 L19 GM



2 December, 2008

Chief Executive Officer  
Gympie Regional Council  
P.O. Box 155  
GYMPIE Q 4570

town planners +  
urban designers

Attention: [REDACTED] Planning and Development Department

**RE: Development Approval for Material Change of Use of Premises Display Yard (Extensions to Landscape Supply Centre) & Request to Change an Existing Approval located at 53 Violet Street, Gympie and described as Lot 1 MCH5330 & Lots 97, 98 & 99 MCH4906**

I refer to my previous letter 28 October, 2008 and to Council's most recent letter dated 4 November, 2008.

We advise that my office is currently refining the proposal plan and development application. The applicants are considering the merits of obtaining expert engineering advice on stormwater management before finalizing the development application.

It is hoped that we can lodge the development application once finalized. It is acknowledged that we may still lodge such an application with such advice to demonstrate the applicants bona fides should such advice not be readily available for whatever reason.

Please contact my office if you require any further information and/or clarification on this matter.

Yours faithfully

[REDACTED]  
Principal  
martoo consulting pty. ltd.

GYMPIE REGIONAL COUNCIL	
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SCANNED



[REDACTED]  
Planning & Development

Ph (07) 5481 0644  
Fax (07) 5481 0801

Our Ref: DA14429 MAK/LEH02278 P36/04/07

4 May 2007

[REDACTED]  
C/- Martoo Consulting  
PO Box 1684  
NOOSA HEADS QLD 4567

Dear Sir/Madam

**RE: Development Application for Material Change of Use –  
Display Yard (Extensions to Landscape Supplies Centre)  
over Lot 1 MCH5330 & Lots 97, 98 & 99 MCH4906 - 53 Violet Street Gympie**

With reference to the above application, Council at its General Meeting held on 1 May 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 [REDACTED] of Council's Planning & Development Department on (07) 5481 0644.

Yours faithfully,

[REDACTED]  
**CHIEF EXECUTIVE OFFICER**

Enc.

CC: DMR



Cooloola Shire Council

**Development Application 14429  
Decision Notice**

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

**The Development Application DA14429 for the purpose of Material Change of Use of Premises – Display Yard (Extensions to Landscape Supplies Centre) was assessed and:-**

*Approved with Conditions*

The decision was made by Cooloola Shire Council on *1 May 2007*

*Unless the use has commenced beforehand, this permit will lapse on 1 May 2011*

Local Government Area: *Cooloola Shire Council*

The following schedule provides all the relevant details.

**PROPERTY DETAILS**

Street Address & Locality: *53 Violet Street Gympie*

RPD: *Lot 1 MCH5330 & Lots 97, 98 & 99 MCH4906*

Parish: *Gympie*

**APPLICANT'S DETAILS**

Name: *Campbell's Truck & Bobcat*

Postal Address: *53 Violet Street, GYMPIE QLD 4570*

**OWNERS DETAILS**

Name: [REDACTED]

Postal Address: *8 Saint Clair Court, NARANGBAH QLD 4504*

**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 14429**  
**Decision Notice**

**APPLICABLE CODES**

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

- Advertising Devices Code.

**CONDITIONS**

Assessment Manager's Conditions

1. The development shall be generally in accordance with the plan/s submitted with the application (Plan No/s. D-00483-01-B drawn by Martoo Consulting and dated 1/9/2006).
2. 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 Operational Works (Site Works, Bitumen Widening, Stormwater Drainage, Driveway, Parking Areas and Landscaping).
3. 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.
4. All necessary permits from the Department of Main Roads are to be obtained for the purpose of constructing an access onto Lot 1 MPH5330 (53 Violet Street).
5. All lots that form part of this Development Application are to be amalgamated in Title. Such amalgamation does not require development approval.
  - (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.
7. Off-street car parking is to be provided in accordance with Council's Planning Scheme. *Note that 7 carparks as shown on the proposal plan as complying.*
8. Car parking and access areas shall be sealed pavement and designed, drained, constructed and maintained in accordance with the Planning Scheme requirements and Council's Planning Scheme Policies. *Note: Council approves a dust-reduced standard for some sections of the site as nominated on the approved plan a maximum period of five (5) years or until Council receives valid complaints about the dust from that unsealed area, whichever occurs sooner. A further development approval for Operational Works will be required for the sealing of this area.*



**Development Application 14429**  
**Decision Notice**

9. Undertake at no cost to Council, the alteration of any public utility mains (e.g. Electricity, water, sewerage, gas etc) or other facilities necessitated by the development of the land or associated construction works external to the site.
10. Landscaping works in accordance with the approved landscape plans are to be completed to the satisfaction of Council's Chief Executive Officer.
11. A landscaping strip of at least 3.0 metres wide and averaging at least 4.0 metres is to be provided along the road frontage of the site. Landscaping shall be undertaken in accordance with plans submitted with the application.
12. 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.
13. All landscaping shall be maintained (watering, fertilising, mulching, weeding, etc.) to the satisfaction of Council's Chief Executive Officer.
14. Loading/unloading operations shall be conducted within the site and vehicles waiting to be unloaded/loaded shall stand entirely within the site.
15. Siltation and erosion control methods shall be implemented and maintained at all times in accordance with Council's Environmental Management Plan to the satisfaction of Council's Chief Executive Officer.
16. Stormwater is to be disposed of on site so as to cause no scour or damage to adjoining properties to the satisfaction of Council's Chief Executive Officer.
17. In the event that a valid complaint of unreasonable noise emissions from the development is received, Council may require the submission of an environmental noise level study and report which complies with Australian Standard 1005 and the Environmental Protection Agency Noise Management Manual; and require works and/or management practices to be carried out to ensure noise emissions comply with the requirements of the *Environmental Protection (Noise) Policy 1997*.
18. The operation of the development must not release odour or visible contaminants including dust, smoke, fumes and aerosols to the environment that will, or may cause an environmental nuisance.
19. The following measures are to be implemented to control air emissions from the site:
  - (i) All areas of the site used by vehicular traffic shall be maintained to minimise dust emissions;
  - (ii) Stockpiles are to be enclosed with walls on at least three sides at all times. Sand and aggregate should be covered during long storage intervals;
  - (iii) Sand and aggregate stockpiles are to be regularly watered to minimise dust emissions. This should be done in conjunction with an appropriate catchment and treatment system to contain runoff and leached water from the sprinklers.
20. In the event of flood, stockpiles are to be removed from the site prior to floodwaters entering the site.
21. This approval does not authorise the use of the site for screening of materials (at a level that requires approval for an Environmentally Relevant Activity), servicing of vehicles or sale of plants and other general items not considered to be landscaping materials.



**Development Application 14429**  
**Decision Notice**

**APPROVAL TYPE**

*Development Permit*

**FURTHER DEVELOPMENT PERMITS REQUIRED**

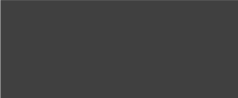
- *Operational Works (Site Works, Bitumen Widening, Stormwater Drainage, Driveway, Parking Areas and Landscaping)*

**RIGHTS OF APPEAL**

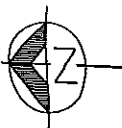
*See attached extracts from the Integrated Planning Act 1997 for Rights of Appeal.*

**ASSESSMENT MANAGER**



Name: Cooloolola Shire Council

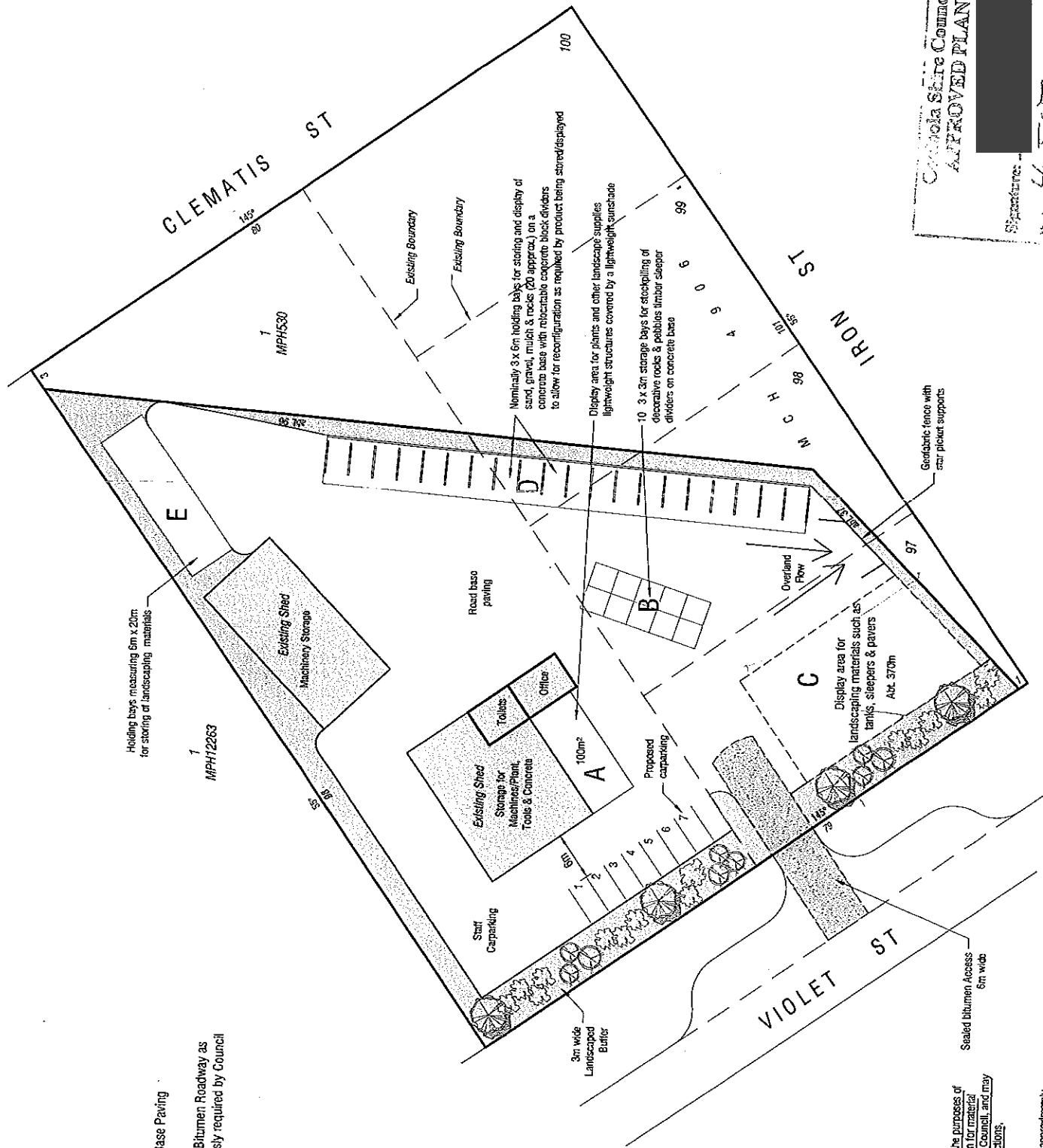
Signature:  ..... Date: 4 May 2007

**AUTHORISED DELEGATE**  
**DIRECTOR OF PLANNING AND DEVELOPMENT**



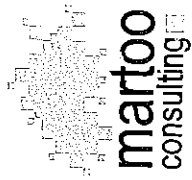
**LEGEND:**

-  Road Base Paving
-  Sealed Bitumen Roadway as previously required by Council



**COOLOOLA SHIRE COUNCIL**  
**APPROVED PLAN**

Signature: \_\_\_\_\_  
Date: 24/11/07



Town Planning  
Urban Design

Sunshine Coast  
1/15/93 Gympie Terrace  
Mossaville  
P.O. Box 1894  
Noosa Heads QLD 4567  
Ph: 07 54827440  
Fax: 07 54829352

Gympie  
1/28 River Street  
P.O. Box 391  
Gympie QLD 4570  
Ph: 07 54877440  
Fax: 07 54829352

R.P.D.

Lot 1 on MPH530 &  
Lots 97-100 on MCH4906  
Parish of GYMPLE  
County of MARCH

Violet Street,  
Gympie  
Local Authority:  
COOLOOLA SHIRE  
COUNCIL

PROJECT  
MCU FOR AN ADDITIONAL DISPLAY  
AREA WITHIN A  
LANDSCAPE SUPPLY CENTRE

Applicant:  
CAMPBELL'S RUCK & BOBCAT  
HIRE PTY. LTD.

Date: 19/06  
Scale: 1:500 (A3)

Drawn By:  
BM - MARTOO CONSULTING

Reference No.:

This drawing has been prepared for the purposes of supporting a Development Application for material change of use only to Cooolool Shire Council, and may be varied as a result of subsequent actions, investigations and detailed design.

All bearings, distances and areas are approximately only and subject to both field survey by a Consulting Cadastral Surveyor, and all relevant development permits issued by Cooolool Shire Council taking effect.

EXTRACTS OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING  
HELD ON THE 24 APRIL 2007

- 11 -

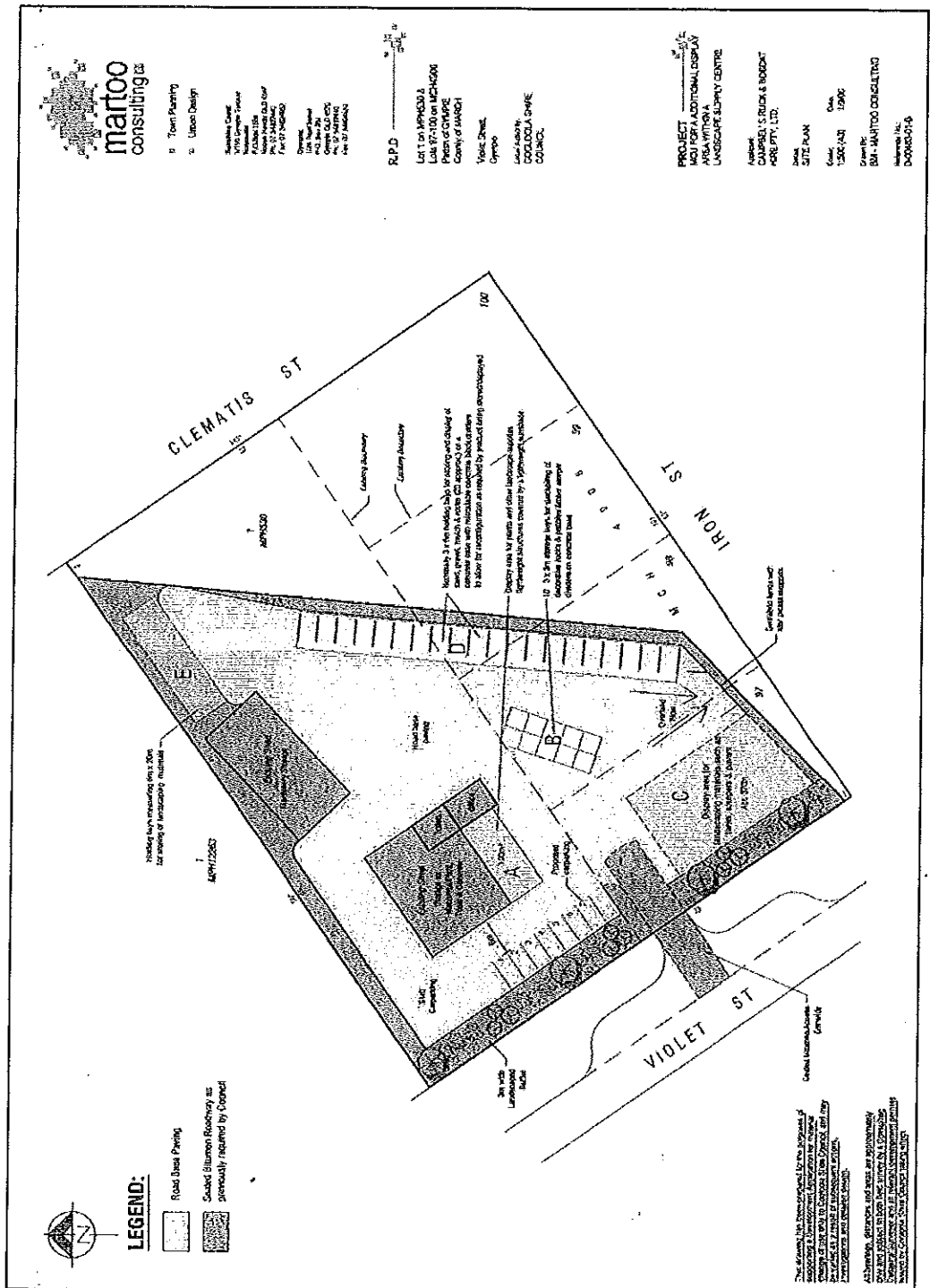
1/3

DA14429 – Material Change of Use – Display Yard (Extensions to Landscape Supply Centre) & DA08722 – Request to Change an Existing Approval (To Change or Cancel Conditions of Approval) – 53 Violet Street, Gympie – Campbells Truck and Bobcat Hire

FILE NO:	Minute: P36/04/07 DA14429 & DA08722
APPLICANT:	Campbells Truck and Bobcat Hire
LANDOWNER:	R. J. & S.R. Elliot
RPD:	Lot 1 MCH5330 & Lots 97, 98 & 99 MCH4906
SITE ADDRESS:	53 Violet Street, Gympie
CURRENT USE OF LAND:	Landscape Supply Centre
PROPOSAL:	Material Change of Use – Display Yard (Extensions to Landscape Supply Centre) & Request to Change an Existing Approval (To change or cancel conditions of approval).
ZONE:	Commercial (Highway Services) and Community.
LEVEL OF ASSESSMENT:	Code (Inconsistent in the Community Zone)



**EXTRACTS OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING  
HELD ON THE 24 APRIL 2007**



**Report:** (Planning Officer - [REDACTED])

**1.0 Introduction**

This application seeks Council's approval for the extension to an existing Landscape Supplies Centre.



**EXTRACTS OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING  
HELD ON THE 24 APRIL 2007**

- 13 -

**1.1 The Proposal**

A material change of use application has been required as the proposal is increasing in size and intensity to that previously approved.

Approval is being sought for the following:

- relocation of on-site facilities (toilets, office).
- relocation and increase of car parking;
- increase in area of holding bays and as a consequence ability to store more goods;
- increase in range of goods able to be sold – such as letterboxes, water features, sleepers, garden fencing, garden ornaments, plants, irrigation supplies – tanks, sprinklers and fertilizers.

The request to change component relates to a number of conditions the applicant expects Council to modify on the original approval to reflect the changes sought.

**1.2 Site Description**

The site is developed as a landscape supplies centre with several buildings. Some of the allotments in the community zone are vegetated.

**1.3 Surrounding Land Uses**

The site is on the Bruce Highway with primarily commercial uses surrounding it, however, some residential uses are nearby.

**1.4 Site History**

A previous approval for a landscape supply centre was issued in November 2004 under file DA08722. Some conditions of the approval have been satisfied.

**2.0 STATUTORY REQUIREMENTS**

**2.1 Intent of the Zone**

The intent of the Commercial Zone is to provide 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 and at other appropriate locations.

EXTRACTS OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING  
HELD ON THE 24 APRIL 2007

- 14 -

**2.2 Compliance with the Planning Scheme**

**2.2.1 *Scheme Definition***

The proposal is considered a display yard as it involves the display or sale of landscaping materials and involving more than 200m<sup>2</sup> of outdoor use area.

**2.2.2 *Development Provisions***

The application is 'code assessable' against the following codes in Council's Planning Scheme:

*Gympie Planning Area Code*

The proposal is not inconsistent with the Commercial Zone.

No concerns are raised in relation to light emissions from the site given its location on the Bruce Highway.

No additional buildings are proposed.

The proposal results in no greater than 50% of the frontage of the lot comprising car parking.

Air emissions from the site will need to be controlled and measures to achieve this are included in the recommendation.

*Erosion and Sediment Control Code*

Preliminary stormwater management plan has been submitted.

The only concern raised in relation to erosion and sediment is the evacuation of the materials in the event of flood. A limit on the amount for materials to be stored is recommended, along with a management plan in the event of flood.

*Infrastructure Works Code*

The proposal is serviced by all required works listed in Table 8:2 of the scheme.

Headworks charges are now applicable as plants are to be sold and therefore regular watering is envisaged.

It is expected around 100m<sup>2</sup> of GFA will be used for plant sales, therefore a contribution of 0.4 EP for Water and 0.6 EP for Sewerage is applicable. This equates to the following amounts:

Water = 1024.78 per EP x 0.4 = 409.91 = \$410.

Sewerage = 1601.43 per EP x 0.6 = 960.85 = \$961

**EXTRACTS OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING  
HELD ON THE 24 APRIL 2007**

- 15 -

*Landscaping Code*

The proposal complies with the probable solutions for the code.

*Vehicle Parking and Access Code*

See below.

**2.4 Request to Change an existing approval**

The applicant has requested the following condition be modified or cancelled from DA08722.

Condition 1.5 reads:

All lots that form part of this development application are to be amalgamated in title. Such amalgamation does not require development approval.

*"There does not appear to be any valid reason for all lots to be amalgamated in titles as required by this condition. No existing cadastral boundaries appear to intersect with any existing building on the subject site. It would therefore appear that the existence of these cadastral boundaries do not to create major issues under the Building Act, etc.*

*Another Council concern maybe that the landowner could sell individual titles that would complicate the continued operation of the approved use in accordance with the then current development permit. It is common for an operator to undertake certain land use/s over several separate titles. The need for amalgamation could be negated if this condition was simply replaced with a condition requiring the applicant/operator to obtain an amendment to the land use approval or similar from Council should any of the subject site be no longer available for the approved use in accordance with the conditions of the development permit.*

*This approach is used in other areas in similar situations where local government hold such concerns and where the continued operation over separate titles does not present any real legal or operational problem. Cooloola Council itself has numerous sites where its own activities run over separate titles."*

While no buildings actually dissect through the allotments, the application has been assessed as a whole including the buffer provided by the lots between zoned community and residential uses.

If the applicants do not believe the allotments are involved in the application they should not have included them in the proposal.

**EXTRACTS OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING  
HELD ON THE 24 APRIL 2007**

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Condition 7.1 reads:

The development shall be generally in accordance with the plans submitted with the application.

The applicants request this be modified to include the uses now proposed. No objection is raised to such an amendment.

Condition 7.11 reads:

In the event of flood, stockpiles are to be removed from the site prior to flood water entering the site.

*"The applicant can appreciate the need to remove stockpiles of certain landscaping supply materials in the event of floods and intends to do so for a range of reasons. It would however appear that certain river gravel and heavier materials may be able to withstand flood event and not create a nuisance to property or people. It is suggested that this condition could be amended accordingly.*

Some of these materials may be able to be kept on the site and can be determined through a management plan in the event of flood which is recommended to replace this condition.

## **2.5 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 appropriate in this location and a suitable vegetated buffer exists between the site and residential premises.

Concern is raised in relation to potential screening and/or crushing of materials on the site which is suspected to be occurring at present and has been the subject of a number of complaints.

The applicants deny any intention to screen or crush materials and this will be conditioned accordingly.

### **3.2 Impact on Amenity**

No amenity concerns are raised by this proposal given the commercial nature of the immediate area.

**EXTRACTS OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING  
HELD ON THE 24 APRIL 2007**

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**3.3 Site Access and Traffic**

A single point of access is proposed, with construction required to Main Roads standard. A contribution has previously been taken towards kerb and channel along the frontage of the site for Council to carry out the required works once the new alignment of the Bruce Highway is known.

**3.4 Car Parking**

The planning scheme requires 1 space per 100m<sup>2</sup> of GFA for a display yard, exclusive of space used for storing or displaying vehicles or machinery.

7 spaces are nominated and this is considered adequate.

As the proposal involves a retail component all car parking and access areas for these vehicles should be sealed.

The applicants request a road base be approved. This is not acceptable for the customer car parking area, however, can be considered for the landscaping holding areas.

**3.5 Flooding**

The entire site is subject to flooding in a Q40 event.

The planning scheme requires an escape route in a Q50 flood event or sufficient warning time to escape the premises. While a sufficient warning time exists for employees and customers to escape the site, materials would not be able to be removed from the site in large quantities.

Council should consider a limit on the amount of certain materials that are able to be stored on the site – especially where the materials have been treated with chemicals such as bark.

**3.6 Site Contamination**

The site is not listed on the Environmental Management Register.

**4.0 Public Notification**

The application was not required to be advertised for public comment in accordance with the requirements of the Integrated Planning Act.

Letters were sent to adjoining property owners, however, no responses were received.

EXTRACTS OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING  
HELD ON THE 24 APRIL 2007

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It should be noted that complaints from other sources have been received in relation to the operation of this site, in relation to noise from screening.

**5.0 CONSULTATION**

**5.1 Internal**

**(a) Department of Engineering**

**Report: (Design Department Technical Officer – A.C. Walsh)**

This engineering report is based on the report submitted by Murray and Associates.

**TRAFFIC/ACCESS**

The site fronts Violet Street (Bruce Highway), therefore the application was referred to the Department of Main Roads for its assessment and subsequent incorporation of its conditions in the approval. They responded with the requirements for the present access to be upgraded

As traffic generated by the proposed development is considered to be relatively minor for landscaping businesses during peak hours, it will be absorbed by the existing levels of traffic on the highway. No contributions towards intersection improvements are sought by the Department of Main Roads or thus warranted from Council's point of view.

**FRONTAGE ROADS**

As stated above, Violet Street (Bruce Highway) comes under the control of Department of Main Roads, however the requirements for kerb and channel and concrete footpath construction are a consideration of Council.

From Council's Planning Scheme, kerb and channel and a concrete footpath are requirements for developments in the Commercial zone and therefore should be required to the frontage of this development. A contribution towards kerb and channel has been previously required.

**PARKING/DRIVEWAY**

Car parking and driveways and turn areas should be sealed to meet the requirements of Council's Planning Scheme.

**EXTRACTS OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING  
HELD ON THE 24 APRIL 2007**

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WATER AND SEWERAGE

Both services are available with adequate capacity in each. Considering the proposed use of sprinklers for dust suppressing, back flow prevention devices will be required to be fitted to the water service and associated sprinkler systems. As sewer mains traverse lot 1 MPH 5330, the location of the landscaped storage bins is required to meet the requirements of Council's Policy PR-WS-2 – Building Over Sewers i.e. 2 metres off sewers.

Headworks charges may be applicable depending on existing entitlements to be determined by the Planning Department.

OTHER SERVICES

All other services should be available with the applicant being responsible for any upgrades if required. Street lighting is adequate at this location.

STORMWATER DRAINAGE/FLOODING

Commissioners Gully traverses the eastern corner of Lot 1 MPH 5330 and diagonally across Lots 98 and 99 MCH 4906. The development plan submitted in the Consultant's report indicates the gully area does not form part of this development application.

The site is low lying and has been subject to flooding five times in the last twenty years. The Consultant states in the report, the applicant intends to remove all stockpiles of landscaping supplies in flood times to alleviate the possible impact of sediment loss and floating back into the adjoining gully and adjacent areas.

**5.2 External**

**(a) Department of Main Roads**

Conditions required as attached

**6.0 Conclusion**

This proposal is acceptable in the commercial zone provided screening activities are not occurring and car parking areas are sealed.

**Recommendation: (Director of Planning & Development – M.J. Ball)**

**Recommend that Council, as Assessment Manager, APPROVE development application for Material Change of Use –Display Yard (Extensions to Landscape Supplies Centre) over Lot 1 MCH5330 & Lots 97, 98, 99 MCH4906 located at 53 Violet Street, Gympie, subject to the following conditions:**

EXTRACTS OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING  
HELD ON THE 24 APRIL 2007

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1. The development shall be generally in accordance with the plan/s submitted with the application (Plan No/s. D-00483-01-B drawn by Martoo Consulting and dated 1/9/2006).
2. 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 Operational Works (Site Works, Bitumen Widening, Stormwater Drainage, Driveway, Parking Areas and Landscaping).
3. 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.
4. All necessary permits from the Department of Main Roads are to be obtained for the purpose of constructing an access onto Lot 1 MPH5330 (53 Violet Street).
5. All lots that form part of this Development Application are to be amalgamated in Title. Such amalgamation does not require development approval.
6.
  - (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.
7. Violet Street is to be upgraded. Specifically the following works are to be undertaken in accordance with plans and specifications approved by Council's Chief Executive Officer:
  - (a) bitumen widening and associated stormwater drainage.
8. Off-street car parking is to be provided in accordance with Council's Planning Scheme. *Note that 7 carparks as shown on the proposal plan as complying*



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9. Car parking and access areas shall be sealed pavement and designed, drained, constructed and maintained in accordance with the Planning Scheme requirements and Council's Planning Scheme Policies. *Note: Council approves a dust-reduced standard for some sections of the site as nominated on the approved plan a maximum period of five (5) years or until Council receives valid complaints about the dust from that unsealed area, whichever occurs sooner. A further development approval for Operational Works will be required for the sealing of this area.*
10. Undertake at no cost to Council, the alteration of any public utility mains (e.g. Electricity, water, sewerage, gas etc) or other facilities necessitated by the development of the land or associated construction works external to the site.
11. Landscaping works in accordance with the approved landscape plans are to be completed to the satisfaction of Council's Chief Executive Officer.
12. A landscaping strip of at least 3.0 metres wide and averaging at least 4.0 metres is to be provided along the road frontage of the site. Landscaping shall be undertaken in accordance with plans submitted with the application.
13. 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.
14. All landscaping shall be maintained (watering, fertilising, mulching, weeding, etc.) to the satisfaction of Council's Chief Executive Officer.
15. Loading/unloading operations shall be conducted within the site and vehicles waiting to be unloaded/loaded shall stand entirely within the site.
16. Siltation and erosion control methods shall be implemented and maintained at all times in accordance with Council's Environmental Management Plan to the satisfaction of Council's Chief Executive Officer.
17. Stormwater is to be disposed of on site so as to cause no scour or damage to adjoining properties to the satisfaction of Council's Chief Executive Officer.

EXTRACTS OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING  
HELD ON THE 24 APRIL 2007

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18. In the event that a valid complaint of unreasonable noise emissions from the development is received, Council may require the submission of an environmental noise level study and report which complies with Australian Standard 1005 and the Environmental Protection Agency Noise Management Manual; and require works and/or management practices to be carried out to ensure noise emissions comply with the requirements of the *Environmental Protection (Noise) Policy 1997*.
19. The operation of the development must not release odour or visible contaminants including dust, smoke, fumes and aerosols to the environment that will, or may cause an environmental nuisance.
20. The following measures are to be implemented to control air emissions from the site:
  - (i) All areas of the site used by vehicular traffic shall be maintained to minimise dust emissions;
  - (ii) Stockpiles are to be enclosed with walls on at least three sides at all times. Sand and aggregate should be covered during long storage intervals;
  - (iii) Sand and aggregate stockpiles are to be regularly watered to minimise dust emissions. This should be done in conjunction with an appropriate catchment and treatment system to contain runoff and leached water from the sprinklers.
21. In the event of flood, stockpiles are to be removed from the site prior to floodwaters entering the site.
22. This approval does not authorise the use of the site for screening of materials (at a level that requires approval for an Environmentally Relevant Activity), servicing of vehicles or sale of plants and other general items not considered to be landscaping materials.
23. 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 \$410, however, the actual amount payable will be based on Council's policy and the rate applicable, at the time of payment.
24. 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 \$961, however the actual amount payable will be based on Council's policy and the rate applicable, at the time of payment.

EXTRACTS OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING  
HELD ON THE 24 APRIL 2007

- 23 -

25. A management plan for evacuation of materials in the event of flood is to be submitted to Council for approval. The plan should include:
- (a) list of landscaping materials to be stored on the site;
  - (b) assessment of each material and potential impacts from the site in the event of the flood;
  - (c) management plan for evacuation of high risk materials to be removed from the site.
- The plan should be compiled by a suitably qualified professional.

Further, that in relation to the request to change an existing approval for DA08722 Council resolve to:

- (a) amend condition 7.1 to remove the note relating to the sale of plants;
  - (b) add additional condition 7.12 which reads:  
A management plan for evacuation of materials in the event of flood is to be submitted to Council for approval. The plan should include:
    - (a) list of landscaping materials to be stored on the site;
    - (b) assessment of each material and potential impacts from the site in the event of the flood;
    - (c) management plan for evacuation of high risk materials to be removed from the site.
- The plan should be compiled by a suitably qualified professional.

P36/04/07

Moved: [REDACTED]

Seconded: [REDACTED]

Recommend that Council, as Assessment Manager, APPROVE development application for Material Change of Use –Display Yard (Extensions to Landscape Supplies Centre) over Lot 1 MCH5330 & Lots 97, 98, 99 MCH4906 located at 53 Violet Street (Bruce Highway), Gympie, subject to the following conditions:

Assessment Manager's Conditions

1. The development shall be generally in accordance with the plan/s submitted with the application (Plan No/s. D-00483-01-B drawn by Martoo Consulting and dated 1/9/2006).
2. 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 Operational Works (Site Works, Bitumen Widening, Stormwater Drainage, Driveway, Parking Areas and Landscaping).

EXTRACTS OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING  
HELD ON THE 24 APRIL 2007

- 24 -

3. 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.
4. All necessary permits from the Department of Main Roads are to be obtained for the purpose of constructing an access onto Lot 1 MPH5330 (53 Violet Street).
5. All lots that form part of this Development Application are to be amalgamated in Title. Such amalgamation does not require development approval.
6.
  - (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.
7. Off-street car parking is to be provided in accordance with Council's Planning Scheme. *Note that 7 carparks as shown on the proposal plan as complying*
8. Car parking and access areas shall be sealed pavement and designed, drained, constructed and maintained in accordance with the Planning Scheme requirements and Council's Planning Scheme Policies. *Note: Council approves a dust-reduced standard for some sections of the site as nominated on the approved plan a maximum period of five (5) years or until Council receives valid complaints about the dust from that unsealed area, whichever occurs sooner. A further development approval for Operational Works will be required for the sealing of this area.*
9. Undertake at no cost to Council, the alteration of any public utility mains (e.g. Electricity, water, sewerage, gas etc) or other facilities necessitated by the development of the land or associated construction works external to the site.

**EXTRACTS OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING  
HELD ON THE 24 APRIL 2007**

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10. Landscaping works in accordance with the approved landscape plans are to be completed to the satisfaction of Council's Chief Executive Officer.
11. A landscaping strip of at least 3.0 metres wide and averaging at least 4.0 metres is to be provided along the road frontage of the site. Landscaping shall be undertaken in accordance with plans submitted with the application.
12. 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.
13. All landscaping shall be maintained (watering, fertilising, mulching, weeding, etc.) to the satisfaction of Council's Chief Executive Officer.
14. Loading/unloading operations shall be conducted within the site and vehicles waiting to be unloaded/loaded shall stand entirely within the site.
15. Siltation and erosion control methods shall be implemented and maintained at all times in accordance with Council's Environmental Management Plan to the satisfaction of Council's Chief Executive Officer.
16. Stormwater is to be disposed of on site so as to cause no scour or damage to adjoining properties to the satisfaction of Council's Chief Executive Officer.
17. In the event that a valid complaint of unreasonable noise emissions from the development is received, Council may require the submission of an environmental noise level study and report which complies with Australian Standard 1005 and the Environmental Protection Agency Noise Management Manual; and require works and/or management practices to be carried out to ensure noise emissions comply with the requirements of the *Environmental Protection (Noise) Policy 1997*.
18. The operation of the development must not release odour or visible contaminants including dust, smoke, fumes and aerosols to the environment that will, or may cause an environmental nuisance.

**EXTRACTS OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING  
HELD ON THE 24 APRIL 2007**

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19. The following measures are to be implemented to control air emissions from the site:
  - (i) All areas of the site used by vehicular traffic shall be maintained to minimise dust emissions;
  - (ii) Stockpiles are to be enclosed with walls on at least three sides at all times. Sand and aggregate should be covered during long storage intervals;
  - (iii) Sand and aggregate stockpiles are to be regularly watered to minimise dust emissions. This should be done in conjunction with an appropriate catchment and treatment system to contain runoff and leached water from the sprinklers.
  
20. In the event of flood, stockpiles are to be removed from the site prior to floodwaters entering the site.
  
21. This approval does not authorise the use of the site for screening of materials (at a level that requires approval for an Environmentally Relevant Activity), servicing of vehicles or sale of plants and other general items not considered to be landscaping materials.
  
22. 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 \$410, however, the actual amount payable will be based on Council's policy and the rate applicable, at the time of payment.
  
23. 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 \$961, however the actual amount payable will be based on Council's policy and the rate applicable, at the time of payment.
  
24. A management plan for evacuation of materials in the event of flood is to be submitted to Council for approval. The plan should include:
  - (a) list of landscaping materials to be stored on the site;
  - (b) assessment of each material and potential impacts from the site in the event of the flood;
  - (c) management plan for evacuation of high risk materials to be removed from the site.The plan should be compiled by a suitably qualified professional.

EXTRACTS OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING  
HELD ON THE 24 APRIL 2007

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Concurrence Agency Conditions

This application was referred to the Department of Main Roads as a Concurrence Agency under the requirements of the Integrated Planning Act.

That Department's requirements are:-

1. The Department of Main Roads considers the current road access location is satisfactory and is considered to be the permitted road access point for the proposed use. Access to the Bruce Highway is to be limited to this permitted road access location only.

The road access works must be constructed and maintained to no lesser standard than figure 13.9.4.2 of chapter 13 of Intersections at Grade. The access width can be increased to 8m.

Access driveway is to be sealed with 40mm Asphalt over a prepared 2.4 unbound pavement to current Main Roads Specification.

The access is to be maintained in a clean neat and tidy condition at all times.

Note:

*Further approvals will be required for access construction in accordance with the requirements of section 31 of 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. Investigation for future improvements to be road network indicates that there may be a possible requirement from the subject land. At this stage, details of that requirement are not known.

Standard building setbacks should be applied from the anticipated future boundary detailed on the attached plan.

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

**EXTRACTS OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING  
HELD ON THE 24 APRIL 2007**

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Further, that in relation to the request to change an existing approval for DA08722 Council resolve to:

- (a) amend condition 7.1 to remove the note relating to the sale of plants;
- (b) add additional condition 7.12 which reads:

A management plan for evacuation of materials in the event of flood is to be submitted to Council for approval. The plan should include:

- (a) list of landscaping materials to be stored on the site;
- (b) assessment of each material and potential impacts from the site in the event of the flood;
- (c) management plan for evacuation of high risk materials to be removed from the site.

The plan should be compiled by a suitably qualified professional.

Carried.



Council's Reference: DA14429  
 Our Reference: 00483 L16 GM



town planners +  
 urban designers  
 abn | 86 120 928 707

2 March, 2007

Chief Executive Officer  
 Cooloola Shire Council  
 P.O. Box 155  
 GYMPIE Q 4570

COOLOOLA SHIRE COUNCIL	
FILE DA14429	XREF
DOC 773367	MCH 5330 etc
7 MAR 2007	
REFER	ACTION
1	GEN
2	A & F
3	WORKS
4	PLAN
5	SG & ED
6	
7	

*Copy to design &  
 health 12/3/07.*

Attention: [Redacted] Planning and Development Department

**RE: Development Application for Material Change of Use of Premises Display Yard (Extensions to Landscape Supply Centre) & Request to Change an Existing Approval located at 53 Violet Street, Gympie and described as Lot 1 MCH5330 & Lots 97, 98 & 99 MCH4906**

I refer to your above development application and in particular Council's Acknowledgement Notice dated 27 October, 2006 which also included six (6) items of additional information which Council considered it required in order to complete its assessment.

The applicant has agreed to respond to all six (6) items as listed below however the following are reiterated before responding to these items:

- that there are existing use rights for those uses approved in Negotiated Decision Notice for DA8722 issued on 19 November, 2004 (i.e. landscape supplies and light industry (contractors yard)) and these uses have commenced and continue to operate;
- the proposal is intended to increase the range of landscape supplies offered for sale based on public feedback and will have minimal if any increase on related considerations including trips generated, staff numbers, and/or demand on community infrastructure;
- the need to lodge a fresh development application for this proposal was a decision of the Cooloola Shire Council for whatever reason and not agreed to by the applicants who consider that the proposal required a request amending the approved plan and relevant conditions; and
- the applicants understand that Council has initiated action alleging a breach of the Integrated Planning Act was a result of a verbal complaint from a business competitor to a Councilor however Council refuses to identify the nature or source of such complaints. It is therefore not possible to ensure that this submission responds to any reasonable complaint. It is not known if the complainant is still making telephone complaints directly or indirectly to Council.

**Item 1: Details of traffic generation**

**Response 1:** The applicants have had the opportunity to experience that use approved in the above negotiated decision notice and have estimate the following increased in trips generated by the additional display areas. These increased

Purpose of Trip	Type of Vehicle Commonly Used	Number of Increase in Trips as a result of the additional display areas
Contractors Yard	MRV (possibly LRV on occasions)	Nil
Suppliers' Vehicles	MRV	Nil
Delivery Vehicles	MRV	2 trips per day
Staff Vehicles	C & T and sometimes bikes	Nil
Customer Vehicles	C & T	2 trips per day

The applicants consider that it is important that Council appreciates that:

- the increase in display areas do not result in a proportional increase in trips by - suppliers ( partly due to there previously being spare capacity on delivery vehicles); staff (no need to increase staff based at the site as the additional display allows a greater variety of the similar landscape supplies (e.g. decorative pebbles) and bulky nature of most items with relatively low demand; deliveries (for the same reasons for staff)
- that currently three staff ride bikes and park them in the shed on site but this obviously may not always occur;
- that staff can park their own cars in that area shown on the amended plans noting that these staff leave in work vehicles of a morning and return at close of work as most contractors yards operate; and
- the site fronts the national highway and the main State highway and as such the four additional trips per day as a result of the current proposal are considered extremely minor.

**Item 2: Clarify screening activities**

**Response 2:** The applicants have confirmed that there will be no screening activities on the subject site and are prepared to accept a condition in the land use approval accordingly.

**Item 3: Total number of employees at any one time**

**Response 3:** There is only one (1) staff member based at the premises for the approved land use and there is no need for any increased staff numbers as a result of the proposed additional display areas. That person engaged in the office of the contractor's yard also attends to any public inquiries which are commonly very limited. Experience has proven that such a staffing level is adequate.

**Item 4: Plan nominating areas to be accessed by vehicles and proposed standard of construction**

**Response 4:** That plan originally submitted to Council indicated a bitumen entrance and road base pavement throughout the remainder of the site with the obvious exception of concrete bases for holding bays and landscaping areas. This plan remains relevant and is to a standard above that accepted by Council for the 2004 approval for the existing uses on the site and certainly above that accepted by Council when approving a similar use for the anonymous complainant/ business competitor.

In order to assist Council better appreciate the current proposal plan, the applicant has provided a plan that has been colour rendered. The intention is use road base as commonly used in many similar contractor's yards including that of the anonymous complainant/ business competitor.

**Item 5: Further details on control of environmental nuisance and harm**

**Response 5:** The proposal plan has been amended to identify areas so that these details can be further explained.

**Area A** (display of garden statues and ornaments –note plants not for sale for display purposes)  
**Noise:** No noise generated other than water fountains which are considered not to be a nuisance

**Dust:** The plants used for display purposes will be watered as required and this will assist in suppressing road base material. No items with fine particles stored in this area.

**Stormwater runoff:** The surface area is near level and covered by a lightweight fabric. Items stored are commonly concrete and steel garden ornaments and not expected to create any stormwater issues.

**Area B** (pens for decorative pebbles):

**Noise:** This use is as previously approved by Council and central within the existing site.

**Dust:** Decorative pebbles do not contain any fines and the road base material surrounding the holding bays will be watered by the applicant as required.

**Stormwater runoff:** The holding bays have a concrete base and solid partitions on three sides. Any drainage will be diverted into an open overland flow path as shown on the amended plan noting a geo-fabric barrier is proposed.

**Area C** (display of sleepers, bricks and tanks, etc):

**Noise:** This area will have limited activity is abutting the Bruce Highway where background noise levels are significant.

**Dust:** Sleepers, bricks and tanks do not contain any fines and the road base material surrounding this area will be watered by the applicant as required.

**Stormwater runoff:** This display area is on road base paving and is near level. Any drainage will be diverted into an open overland flow path as shown on the amended plan noting a geo-fabric barrier is proposed.

**Area D** (display gravels, sands, etc)

**Noise:** This use is as previously approved by Council and the proposal is simply to have more display bays.

**Dust:** Decorative pebbles do not contain any fines and the road base material surrounding the holding bays will be watered by the applicant as required.

**Stormwater runoff:** The holding bays have a concrete base and solid partitions on three sides. Any drainage will be diverted into an open overland flow path as shown on the amended plan noting a geo-fabric barrier is proposed.

**Area E** (storage of buckets and attachments for subcontractors' yard and perhaps some surplus landscape supplies)

Any equipment stored in this area is used at work sites and will be cleaned before returning to the yard.

Not part of the current proposed but included to avoid further complaints the anonymous complainant/ business competitor.

**Item 6: Noise assessment report**

**Response 6:** The applicants again reiterate that this proposal does not introduce any new land uses, does not require any additional staff, no additional plant or machinery is required; and there is no change in the hours of operation. In fact this application only results in providing an increased range of landscape supplies such as decorative pebbles, sleepers, garden statues and ornaments so that customers have more items to select from.

Consequently the applicants consider that there are no additional noise related considerations over the approved uses on the site and therefore a noise assessment report is not required. In addition to the above the following matters also suggest that a noise assessment report:

- the site fronts a section of the Bruce Highway which is the national highway and main State highway and which is to be upgraded to a four lane carriageway;
- the background noise levels resulting the highway are significant especially when appreciating that the carriageway is elevated above the subject;
- the site has for many decades been used for industrial purposes which are considered more intensive than the existing uses;
- no additional land uses are proposed over and above the existing uses;

● Page 4

- the site is well screened by established vegetation from nearby housing precincts;
- the site is subject to flooding and as such it is unlikely that the adjacent lots will be further development for residential uses;
- the applicants do not propose to undertake any screening on the site and are prepared to accept a condition on the development approval accordingly;
- as stated above, this application does not propose additional uses, require additional staff, result in longer hours of operation, necessitate additional plant and machinery and will result in minimal increases in traffic trips due to customers and deliveries.

The applicants consider that the supply of this information completes the information and referral period and as such request that Council competes in assessment when convenient.

Please contact my office if you require any further information and/or clarification on these matters.

Yours faithfully



*Principal*  
**martoo consulting pty. ltd.**



13 December 2006

Chief Executive Officer  
Coolooloa Shire Council  
PO Box 155  
Gympie Qld 4570

COOLOOLA SHIRE COUNCIL	
FILE DA14429	XREF MCH5330
DOC 704180	99MCH4906 98MCH4906
	97MCH4906
REFER	1 8 DEC 2006
	ACTION
	GEN
	A & F
	WORKS
	PLAN
	SG & ED

SCANNET

Dear Sir

**Concurrence agency's response – conditions**

**Coolooloa Shire  
Bruce Highway  
Local Government application number DA14429  
Main Roads number 7520  
by Campbell's Truck 7 Bobcat Hire  
Lot 1 MCH5330 & Lots 97, 98, 99 MCH4906  
situated at 53 Violet Street, Gympie**

The above application has been assessed by the Queensland Department of Main Roads as a Concurrence Agency.

The assessment has had regard to the potential impact of the proposed development on the State-controlled road network. Council is considered to be the appropriate authority to address requirements for minor works such as footpaths, kerb and channel and so on. Should Council choose to impose such requirements then the applicant is required under section 33 of the Transport Infrastructure Act 1994, to make further application to Main Roads to carry out the works.

Pursuant to Section 3.3.16 of the *Integrated Planning Act 1997* the Queensland Department of Main Roads requires that Council include the attached conditions in any approval of the application. A Statement of Reasons in respect of these conditions is also provided in the attachment.

A copy of this letter and attachment has been sent to the applicant.

Office of the Deputy Director-General / Districts  
North Coast-Hinterland  
50 River Road  
PO Box 183  
Gympie Queensland 4570  
ABN 57 836 727 711

Our ref 128/10B/702.8M f23 kzw6511  
Your ref DA14429  
Enquiries [redacted]  
Telephone +61 7 5482 0333  
Facsimile +61 7 5482 0465  
Website www.mainroads.qld.gov.au  
Email [redacted]

Please forward a copy of Council's decision notice in due course.

The contact officer for this application is [REDACTED]

Yours faithfully

[REDACTED]

**District Director  
(North Coast-Hinterland)**

## Main Roads

### CONDITIONS AND STATEMENT OF REASONS

**Application type: Material Change of Use**

<b>Council:</b>	Cooloola	<b>Main Roads File No:</b>	128/10B/702.8M f23
<b>Council Ref:</b>	DA14429	<b>Road:</b>	Bruce Highway
		<b>Development Number:</b>	7520
		<b>Response Date:</b>	30 November 2006

ISSUES / CONCERNS	CONDITIONS OF DEVELOPMENT FOR THE SUBJECT APPLICATION	THE REASONS, INFORMATION, STUDIES, FINDINGS, USED IN SETTING OF CONDITIONS INCLUDED:
<p>Management of access to a State-controlled road</p>	<p>The Department of Main Roads considers the current road access location is satisfactory and is considered to be the permitted road access point for the proposed use. Access to the Bruce Highway is to be limited to this permitted road access location only.</p> <p>The road access works must be constructed and maintained to no lesser standard than figure 13.9.4.2 of chapter 13 of Intersections at Grade.</p> <p>The access width can be increased to 8m .</p> <p>Access driveway is to be sealed with 40mm Asphalt over a prepared 2.4 unbound pavement to current Main Roads Specification .</p> <p>The access is to be maintained in a clean neat and tidy condition at all times</p> <p><i>Note:</i> Further approvals will be required for access construction in accordance with the requirements</p>	<p>The access design has to achieve acceptable standards in order to ensure that there are no detrimental impacts on the safety and efficiency of the State-controlled road network.</p> <p>Chapter 13 Intersections at Grade</p> <p>By minimising the number of points of access to the State-controlled road network, safety and efficiency are maximised.</p>

ISSUES / CONCERNS	CONDITIONS OF DEVELOPMENT FOR THE SUBJECT APPLICATION	THE REASONS, INFORMATION, STUDIES, FINDINGS, USED IN SETTING OF CONDITIONS INCLUDED:
	<i>of section 31 of the Transport Infrastructure Act 1994.</i>	
Cost of works	All works associated with this proposal, including relocation of services, lighting, etc. must be carried out at no cost to Main Roads	The works are required as a consequence of the development.
Future land requirement	<p>Investigations for future improvements to the road network indicates that there may be a possible requirement from the subject land. At this stage ,details of that requirement are not known.</p> <p>Standard building setbacks should be applied from the anticipated future boundary detailed on the attached plan.</p>	<p>Planning study by Main Roads</p> <p>Concept plans prepared by Main Roads.</p>



Our Reference: 00483 L09 LF

town planners +  
urban designers

18 September 2006

Chief Executive Officer  
Cooloola Shire Council  
P.O. Box 155  
GYMPIE Q 4570

PLANNED

COOLOOLA SHIRE COUNCIL	
FILE DG0008C	XREF Dno872
DOG 71330	PP 15804
18 SEP 2006	15806 15803 15801
RECEIVED	ACTION
1	GEN
2	P & F
3	WORKS
4	PLAN
5	CG & ED
6	
7	

**Attention: Planning and Development Department**

Dear Sir

**RE: Application for Development Permit for Material Change of Use of Premises for Extensions Within & Approved Landscape Supply Centre and Request to Change an Existing Approval at 53 Violet Street, Gympie described as Lot 1 on MPH5330 & Lots 97, 98 & 99 on MCH4906**

Please find enclosed a development application for the above proposal which has been prepared in accordance with the *Integrated Planning Act 1997* and lodged with your Council as the Assessment Manager of this application.

The attached development application includes:



- three (3) copies of the Proposal Report and associated proposal plans;
- a completed IDAS application Form 1 Parts A, D, Form 2 and Assessment Checklist; and
- a cheque for \$ 1,575.00 which is understood to be Council's application fee as the Assessment Manager.

Please contact our Sunshine Coast office if you require any further information and/or clarification.

Yours faithfully

[Redacted Signature]  
Town Planner  
*Martoo Consulting*

724838

 <h1 style="margin: 0;">Form 1 Development Application</h1>	
<h2 style="font-size: 2em; margin: 0;">Common details</h2>	

The completion of **all applicable questions** on Part A is **mandatory** for all applications. Part A must be accompanied by the completed IDAS Assessment Checklist if required, and by one (1) or more other completed parts of the Form as required. For more information on the parts of the Form refer to [www.ipa.qld.gov.au](http://www.ipa.qld.gov.au). Any information requested in the form may be provided in an attachment to the application. For further information about completing the following details, refer to **Guide 1**.

<p><b>Description of land</b></p> <p>All land the subject of the application, must be identified. However, a description of the land is not required in relation to a mobile or temporary Environmentally Relevant Activity (ERA).</p> <p><b>Advice for completing Q2</b> - Q2 applies if development is proposed within a water body or watercourse.</p> <p><b>Advice for completing Q3</b> - Most land can be identified by a lot on plan description. These details can be obtained from title documents or through the local government.</p> <p>However, if the land on which the development is proposed does <b>not</b> have a lot on plan description (i.e. the development is proposed in a water body or watercourse) provide -</p> <p>(i) the lot on plan description for the adjoining/adjacent land; or</p> <p>(ii) GPS coordinates where there is no adjoining/adjacent land (eg. in Moreton Bay).</p> <p><b>Advice for completing Q7</b> - Q7 does <b>not</b> apply if the development is within a water body or watercourse.</p> <p><b>Advice for completing Q8</b> - Q8 applies if development is within a local government area.</p> <p><b>Note:</b> Areas below high water mark are <b>not</b> within a local government's area unless provided for under the Local Government Act 1992.</p> <p><b>Advice for completing Q9</b> - Q9 applies if development is on strategic port land or a strategic port land tidal area. For more details refer to <b>Guide 11</b></p>	<p>1. Street address: (including house number, street name, suburb/locality name &amp; postcode) (if applicable)</p> <p>53 Violet Street, Gympie QLD 4570</p> <p>2. Name of water body or watercourse, within which the development is proposed: (if applicable)</p> <p>n/a</p> <p>3. Lot on plan description (eg. Lot 123 on RP 4567) / GPS coordinates:</p> <p>Lot 1 on MCH5330 &amp; Lots 97 - 99 on MCH4906</p> <p>4. The above description is for: (tick applicable box)</p> <p><input checked="" type="checkbox"/> (i) the land on which the development is proposed; or</p> <p><input type="checkbox"/> (ii) the land adjoining the water body or watercourse, within which the development is proposed; or</p> <p><input type="checkbox"/> (iii) the water body or watercourse.</p> <p>5. Shop / tenancy number: n/a</p> <p>6. Storey / level: n/a</p> <p>7. Total area of land: (m<sup>2</sup> or ha): 8094 m<sup>2</sup></p> <p>8. Local government area in which the land is situated: (eg. Esk, Hervey Bay, Woocoo etc.) (if applicable)</p> <p>Cooloolah Shire Council</p> <p>9. Port authority for the strategic port land or strategic port land tidal area on which the development is proposed: (eg. Port of Brisbane, Port of Townsville) (if applicable)</p> <p>n/a</p>
<p><b>Proposal details</b></p> <p>If there is insufficient room available, details may be provided in an attachment to the application.</p>	<p>10. Existing use of the land: (eg. vacant, single house, shop etc.)</p> <p>Landscape Supply Centre &amp; Light Industry (Contractor's Yard)</p> <p>11. Proposed use of the land: (eg. 8 unit apartment building, 30 lot residential subdivision, ERA for aquaculture in ponds with a total area of 7 ha for which wastes are released into waters etc.)</p> <p>Alterations to existing Landscape Supply Centre</p>
<p><b>Other applicable parts of Form 1</b></p> <p>Part A must <b>always</b> be accompanied by other completed parts of Form 1. For information about when a part of Form 1 may apply refer to <b>Guide 1</b>.</p>	<p>12. Other parts of Form 1 completed as part of this application: (eg. Part D, Part I, etc.)</p> <p>Part D</p>
<p><b>Applicant details</b></p> <p>Clearly identify who is making the application. The applicant need <b>not</b> be the owner of the land.</p> <p><b>When signing and lodging this application</b></p> <p>The applicant is responsible for ensuring the information provided is correct. The assessment manager, any referral agency &amp; the Chief Executive (where applicable) will rely on this information when assessing and deciding the application.</p> <p><b>If the applicant is a company</b> a contact person must be shown.</p>	<p>13. Applicant's name:</p> <p>Campbell's Truck &amp; Bobcat Hire</p> <p>14. Contact number:</p> <p>07 5455 5425</p> <p>15. Contact person:</p> <p>Martoo Consulting C/ [redacted]</p> <p>16. Facsimile number/e-mail address:</p> <p>07 5455 5725</p> <p>17. Postal address:</p> <p>PO BOX 1684, NOOSA HEADS Q 4567</p> <p>18. Signature:</p> <p>[redacted]</p> <p>19. Date:</p> <p>11.9.06</p>

INTEGRATED PLANNING ACT 1997

Part A, Version 2.4, 29 May 2006

**Land owner's consent (if applicable)**  
 Section 3.2.1(3) of the IPA provides that an application must contain, or be supported by, the written consent of the land owner(s). If the application involves:

- (i) a material change of use;
- (ii) reappportionment of a lot;
- (iii) work on land below high-water mark & not within a canal as defined under the Coastal Protection and Management Act 1992;
- (iv) work on rail corridors or land defined under the Transport Infrastructure Act 1998.

Section 4.5.1(2)(a) of the IPA provides that a landowner's consent is not required for a mobility or temporary ERA.  
 For more information refer to clause 1.

20. Land owner's consent to the making of this application:

Name	Signature	Date
(i)	[Redacted]	11/09/06
(ii)	[Redacted]	11/2/06
(iii)		
(iv)		
(v)		

**Resource entitlement (if applicable)**  
 Section 3.2.1(5) of the IPA requires evidence of resource entitlement to be given for applications that involve a prescribed State resource.  
 Section 3.2.1(10)(a)(ii) of the IPA provides that an application cannot be taken to be properly made without evidence of the resource entitlement.  
 Advice for completion Q23 & 24  
 Refer to section 10 of the Integrated Planning Regulation 1998 that prescribes the nature of evidence required by the State in support of the making of a development application.

21. Does this application involve a State resource prescribed under a regulation (other than involving quarry material) on State coastal land under the Coastal Protection and Management Act 1995?

NO - go to Q24  YES - go to Q22

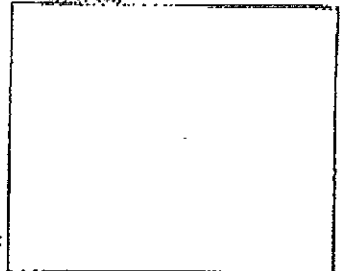
22. This application is accompanied by evidence: (tick applicable box)

- (i) of the allocation of, or entitlement to, the resource - attach evidence and go to Q23(iv)
- (ii) the chief executive of the department administering the resource is satisfied the development is consistent with an allocation of, or entitlement to, the resource - go to Q23
- (iii) the chief executive of the department administering the resource is satisfied the development application may proceed in the absence of an allocation of, or entitlement to, the resource - go to Q23

23. Evidence of the resource entitlement:

- (i) Resources entitlement / authority details
- (ii) Name of delegated officer
- (iii) Position of delegated officer
- (iv) Signature of delegated officer
- (v) Date
- (vi) Expiry date of evidence (if applicable)

(vii) Official stamp of the department administering the resource (if applicable)



Assessment triggers

This checklist does not apply if the application requires the completion of Parts A and B of the Form only. It must be completed for all other applications.

24. Is the IDAS Assessment Checklist completed and attached to this application?

YES  NO - the assessment manager may refuse to accept this application on the grounds that the application has not been properly made

Plans / drawings / reports

An application should be accompanied by details to support the proposal & enable the assessment manager, relevant agencies and any person viewing the application during public scrutiny or public notification to understand the scope of the proposal and any potential impacts.

25. Plans/drawings/reports accompanying this application:

Plan / Drawing / Report Number	Title	Date
(i) R00483 - 01 - A	Planning Report (including plans)	September, 2006
(ii)		
(iii)		
(iv)		

PLEASE NOTE: The assessment manager may refuse to accept an application that, at the time of lodgement, fails to provide all applicable information required by Part A and any other relevant part of Form 1.

OFFICE USE ONLY (applicable to assessment manager's)

REF ID: 1000 MLE DATE RECEIVED: 11/09/06 RECEIVING OFFICER'S NAME: REFERENCE NUMBER: R00483-01-2

\$375 ch and app  
 \$1525 Total

INTEGRATED PLANNING ACT 1997

Part A, Version 2.4, 29 May 2006

Notification of Engagement of Private Certifier (Certifier/Amalg)

To \_\_\_\_\_ Council, I have been engaged as the private certifier for the building work referred to in this application.

Date of engagement: / / Accreditation Number: Name: Signature:

## Form 2 Development Application

idas

# Request to change an existing approval

<p><b>Description of land</b> All land the subject of the application must be identified.</p> <p><b>Advice for completing Q1</b> A description of the land is not required in relation to a mobile or temporary environmentally relevant activity.</p> <p><b>Advice for completing Q2 and Q3</b> Provide the information from the existing approval that is the subject of this request for change.</p> <p><b>Advice for completing Q4</b> Q4 applies if development is proposed in a water body or watercourse.</p> <p><b>Advice for completing Q5</b> Most land can be identified by a lot on plan description. These details can be obtained from title documents or through the local government. However, if the land on which the development is proposed does <u>not</u> have a lot on plan description (i.e. the development is proposed in a water body or watercourse) –</p> <p>(i) provide the lot on plan description for the adjoining/adjacent land; or (ii) provide GPS coordinates where there is no adjoining/adjacent land (i.e. in Moreton Bay).</p> <p><b>Advice for completing Q9</b> Q9 does not apply if the development is proposed within a water body or watercourse.</p> <p><b>Advice for completing Q10</b> Q10 only applies if development is proposed within a local government area. Tidal areas are below high water mark and are <u>not</u> within a local government's area.</p> <p><b>Advice for completing Q11</b> Q11 only applies if development is proposed on strategic port land or a strategic port land tidal area.</p> <p>For more information refer to Guide 11 <b>Development on strategic port land</b> <b>Note:</b> These details will be included in the original decision notice for the approval you now wish to modify.</p>	<p>1. Street address (including house number, street name, suburb/locality name &amp; postcode) (if applicable) 53 Voilet Street, Gympie</p> <p>2. Number on existing development permit or preliminary approval sought to be changed: DA08722</p> <p>3. Date issued: September, 2004</p> <p>4. Name of water body or watercourse, within which the development is proposed: (if applicable) n/a</p> <p>5. Lot on plan description (eg. Lot 123 on RP 4567) / GPS coordinates Lots 97 - 99 on MCH4906 &amp; lot 1 on MPH5330</p> <p>6. The above description is for: (tick applicable box)  <input type="checkbox"/> (i) the land on which the development is proposed; or  <input type="checkbox"/> (ii) the land adjoining the water body or watercourse, within which the development is proposed; or  <input type="checkbox"/> (iii) the water body or watercourse.</p> <p>7. Shop / tenancy number: (if applicable) n/a</p> <p>8. Storey / level: (if applicable) n/a</p> <p>9. Total area of land: (m<sup>2</sup> / ha) 8094 m<sup>2</sup></p> <p>10. Local government area in which the land is situated (eg. Brisbane, Esk, Hervey Bay, Woocoo etc.) (if applicable) Cooloola Shire</p> <p>11. Port authority for the strategic port land or strategic port land tidal area on which the development is proposed (eg. Port of Brisbane, Port of Townsville) (if applicable) n/a</p>
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**INTEGRATED PLANNING ACT 1997**

Form 2, Version 3.3, 29 May 2005

**Applicant details**

Clearly identify who is making the application. The applicant need not be the owner of the land.

When signing and lodging this application The applicant is responsible for ensuring the information provided is correct. The assessment manager, any referral agency and the Chief Executive (where applicable) will rely on this information when assessing and deciding the application.

If the applicant is a company A contact person must be shown. All correspondence will be mailed to this address.

12. Name: [Redacted]

13. Postal address: C/- Martoo Consulting Pty. Ltd. P.O. Box 1684 NOOSA HEADS Q 4567

14. Signature: [Redacted] 15. Date: 11.9.06.

16. Contact person: [Redacted]

17. Telephone number: 07-54656425 18. Mobile number: (if applicable) [Redacted]

19. Fax number: (if applicable) 07 54656725 20. Email address: (if applicable) [Redacted]

**Land owner's consent (if applicable)**

Section 3.5.24(3) of the IPA requires that the land owner's consent must be provided if the person making the request to change an existing approval is not the land owner.

For information about land owners refer to Guide 1 Making an IPAS development application.

Land owner's consent is not required for a mobile or temporary IPAS.

If an owner has signed this form as applicant, their signature is not required again in this section.

If there are multiple owners, the consent of each owner is required.

**21. Land owner's consent:**

	Name in Full	Signature	Date
(i)	[Redacted]	[Redacted]	11/9/06
(ii)	[Redacted]	[Redacted]	11/9/06
(iii)			
(iv)			

**Resource entitlement (if applicable)**

Sections 3.3.22(4) & (5), 3.5.24(3B) & (3C), and 3.5.33(3B) & (3C) of the IPA may require the written agreement of a resource manager if the request involves a prescribed State resource. If when the request was made a development application for the approval would have required evidence of resource entitlement under section 3.2.1(5) of the IPA.

**22. At the time of the request, would a development application for the approval have required evidence of resource entitlement?**

NO - go to Q24  YES - go to Q23

**23. Is this request accompanied by the written agreement of the chief executive from whom the evidence is required? (See the applicable box)**

NO - the written agreement of the chief executive must accompany this request  YES

**Nature of the request**

Any person may request to modify an existing approval.

**24. This request is for:**

- An extension of the relevant period for the development approval (s 3.5.22)
- To change or cancel conditions (s 3.5.33)
- To change the development approval (other than a change of a condition) (s 3.5.24)
- A change to conditions of a rezoning approval given under the P&E Act (s 6.1.35A)

**25. Provide details of, & justification for, the proposed modification**

See attached report

**Concurrence agencies**

Under s3.5.22(1)(a) & 3.5.24(1)(a) of IPA, a copy of this request must be forwarded to each concurrence agency for the previous application prior to lodgement of this form with the assessment manager.

Note: "No" will always apply to a request to change conditions of a rezoning approval given under the P&E Act.

**26. Did the previous application involve concurrence agencies or building referral agencies?**

NO  YES - list the concurrence agencies who have been sent a copy of the request for modification

- (i) Department of Main Roads
- (ii)
- (iii)

INTEGRATED PLANNING ACT 1997

Form 2, Version 3.3, 29 May 2006

Plans and documents

An application should be accompanied by details to support the proposal & enable the assessment manager, referral agencies and any person viewing the application during public scrutiny or public notification to understand the scope of the proposal and any potential impact.

27. Plans/drawings/reports accompanying this application:

Plan / Drawing / Report Number	Title	Date
D-00483-01-A	Site Plan	1/09/2006

OFFICE USE ONLY (applicable to assessment manager)

DATE RECEIVED	REFERENCE NUMBER/S
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# Form 1 Development Application

**idas**

## Material change of use

*assessable against a local government's planning scheme*

Completion of **all applicable questions** on Part D is **mandatory** for all applications involving assessment of a material change of use (MCU) assessable against a local governments planning scheme.

<p><b>Nature of the application</b> A development permit authorises development to occur, while a preliminary approval is a step in the approval process and does not authorise development to occur.</p>	<p>1. This application is for: <i>(tick 1 or both if applicable)</i></p> <p><input type="checkbox"/> <b>Preliminary approval</b> for a material change of use of premises including conceptual design for any associated works that require approval under the planning scheme <i>(i.e. consideration of the proposal concept)</i></p> <p style="text-align: center;">AND / OR</p> <p><input checked="" type="checkbox"/> <b>Development permit</b> for a material change of use of premises including conceptual design for any associated works that require approval under the planning scheme.</p>
<p><b>The subject land</b> For the definition of "gross floor area" go to the planning scheme against which the application will be assessed.</p>	<p>2. How the subject land is identified in the planning scheme <i>(name the zone, precinct etc.)</i></p> <p style="border: 1px solid black; padding: 2px;">Commercial Zone &amp; Community Zone</p> <p>3. Existing gross floor area: <i>(if applicable)</i> <span style="border: 1px solid black; padding: 2px;">see report</span></p> <p>4. Are there any existing easements on the land?</p> <p><input checked="" type="checkbox"/> NO <input type="checkbox"/> YES – <i>attach plans of the location and details of the purpose of the easement</i></p>
<p><b>Material change of use details</b></p>	<p>5. Details of the change to the use of the land: <i>(eg. vacant land to shopping centre, house to apartment building, vacant land to industry (tyre manufacturing) etc.)</i></p> <p style="border: 1px solid black; padding: 2px;">extensions within and approved Landscape Supply Centre</p> <p>6. Number of employees: <span style="border: 1px solid black; padding: 2px;">see report</span></p> <p>7. Operating days and hours: <span style="border: 1px solid black; padding: 2px;">see report</span></p>
<p><b>Associated building works details (if applicable)</b> For the definition of "site cover", "gross floor area" and "storey" go to the planning scheme against which the application will be assessed.</p>	<p>8. Site cover: <span style="border: 1px solid black; padding: 2px;">see report</span></p> <p>9. Gross floor area: <span style="border: 1px solid black; padding: 2px;">see report</span></p> <p>10. Number of on-site car parking spaces: <span style="border: 1px solid black; padding: 2px;">see report</span></p> <p>11. Number of storeys / maximum height above natural ground: <span style="border: 1px solid black; padding: 2px;">see report</span></p> <p>12. Number of employees <span style="border: 1px solid black; padding: 2px;">see report</span></p> <p>13. Hours and days the use will operate <span style="border: 1px solid black; padding: 2px;">see report</span></p>
<p><b>Associated operational works details (if applicable)</b></p>	<p>14. Details of associated operational works <i>(eg. landscaping, cut and fill, drainage, road works etc.)</i></p> <p style="border: 1px solid black; padding: 2px;">see report</p>

**PLEASE NOTE**

This application cannot be accepted unless accompanied by Part A of Form 1.

The assessment manager may refuse to accept an application that, at the time of lodgement, fails to provide all applicable information requested by Part A and any other relevant part of Form 1.

**OFFICE USE ONLY** *(applicable to assessment manager)*

<b>DATE RECEIVED</b>		<b>REFERENCE NUMBER/S</b>	
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6. Does the application involve a **material change of use** for a major hazard facility or possible major hazard facility as defined under the **Dangerous Goods Safety Management Act 2007**?  
 YES - complete Part L of Form 1  
 NO

7. The application involves:  
 (i) **operational work**, for taking or interfering with water under the **Water Act 2000**, that is:  
 (After applicable boxes)  
 (a) in a watercourse, lake or spring, or from a dam constructed on a watercourse (eg. a pump, gravity diversion, stream re-direction, weir or dam) - complete Part K<sub>1</sub>, K<sub>2</sub>, K<sub>3</sub>, K<sub>4</sub>, K<sub>5</sub> or K<sub>6</sub> of Form 1;  
 (b) for an artesian bore anywhere in the State, no matter what the use - complete Part K<sub>1</sub> of Form 1;  
 (c) for a subartesian bore, in declared groundwater area<sup>8</sup>, for use for purposes other than stock and/or domestic use - complete Part K<sub>1</sub> of Form 1;  
 (d) for a subartesian bore, in certain declared groundwater area, for use for stock and/or domestic purposes - complete Part K<sub>1</sub> of Form 1;  
 (e) for constructing a referable dam<sup>9</sup> or that will increase the storage capacity of a referable dam by more than 10% - complete Part K<sub>5</sub> of Form 1, or  
 (f) for taking or interfering with overland flow water - complete Parts K<sub>4</sub> and G of Form 1  
 (iv) none of the above.

8. Does the application involve development for the removal of quarry material from a watercourse<sup>8</sup> requiring an allocation notice under the **Water Act 2000**?  
 YES - complete Parts K<sub>1</sub> and G of Form 1  
 NO

9. The application involves **operational work** that is: (tick the applicable boxes)  
 (i) **tidal work**<sup>10</sup> as defined under the **Coastal Protection and Management Act 1995** (the Coastal Act) that is not prescribed tidal work - complete Part M of Form 1; or  
 (ii) tidal work that is **prescribed tidal work**<sup>11</sup> other than in a canal<sup>12</sup> - complete Part P of Form 1; or  
 (iii) carried out within a **coastal management district** under the Coastal Act and for - complete Part M of Form 1 if any boxes (i) to (ii) below are ticked.  
 (a) constructing or installing works in a watercourse between MHWS and HAT (i.e. other than these works in tidal water) where the development has been determined not to be assessable against the **Water Act 2000**;  
 (b) constructing a canal<sup>13</sup>, intended to be connected to tidal waters;  
 (c) constructing an artificial waterway;  
 (d) reclaiming land under tidal water;  
 (e) disposing of dredge spoil or other solid waste material in tidal water;  
 (f) interfering with quarry material on State coastal land above high-water mark;  
 (g) draining or allowing drainage or flow of water or other matter across State coastal land above high-water mark;  
 (h) removing or interfering with coastal dunes on land, other than State coastal land, that is in an erosion prone area and above high-water mark;  
 (i) constructing a bank or bund wall to establish a ponded pasture on land, other than State coastal land, above high-water mark; or  
 (iv) none of the above.

10. The application involves **operational work** that is: (tick the applicable boxes)  
 (i) **tidal work**<sup>10</sup> as defined under the **Coastal Protection and Management Act 1995** (the Coastal Act) that is not prescribed tidal work - complete Part M of Form 1; or  
 (ii) tidal work that is **prescribed tidal work**<sup>11</sup> - complete Part P of Form 1; or  
 (iii) carried out within a coastal management district<sup>15</sup> under the Coastal Act and for -  
 (a) disposing of dredge spoil or other solid waste material in tidal water - complete Part M of Form 1;  
 (b) reclaiming land under tidal water - complete Part M of Form 1; or  
 (c) constructing a canal<sup>18</sup>, if the canal is associated with reconfiguring a lot - complete Part M of Form 1;  
 (iv) none of the above.

11. The application involves: (tick the applicable boxes)  
 (i) a **material change of use** assessable under a planning scheme involving **operational work** carried out completely or partly in a coastal management district<sup>15</sup>  
 (ii) a **material change of use** assessable under a planning scheme involving **building work**, carried out completely or partly in a coastal management district that is -  
 • the construction of a new premises with a GFA<sup>17</sup> of at least 1000m<sup>2</sup>  
 • the enlargement of the GFA of existing premises by more than 1000m<sup>2</sup>  
 (iii) **reconfiguring a lot** assessable under schedule 8 of the IPA where the land is situated completely or partly in a coastal management district  
 (iv) **reconfiguring a lot**<sup>18</sup> assessable under schedule 8 of the IPA, and in connection with the construction of a canal<sup>18</sup> - complete Part M of Form 1  
 (v) none of the above

10. Tidal work is defined in s41 of the IPA.  
 11. Prescribed tidal work is defined in s41 of the Coastal Protection and Management Act 1995.  
 12. Canal means canal as defined under the Coastal Protection and Management Act 1995.  
 13. Tidal work is defined in s41 of the IPA.  
 14. Prescribed tidal work is defined in s41 of the Coastal Protection and Management Act 1995.  
 15. Coastal management district is defined in s41 of the IPA and means a coastal management district under section 47(2) of that Act.  
 16. Canal means canal as defined under the Coastal Protection and Management Act 1995.  
 17. GFA is defined in s41 of the IPA to mean the gross floor area. For a definition of how to calculate GFA, go to the planning scheme against which the application is being assessed.  
 18. Under s117 of the Coastal Protection and Management Act 1995, an application for reconfiguration, where the reconfiguration is associated with the construction of an artificial waterway, must be accompanied by the application for the operational work to construct the artificial waterway.

7. The declared ground water areas are listed in Guide 13. Development in a declared catchment area.  
 8. Referable dam is defined under the Water Act 2000.  
 9. Watercourse is defined in s41 of the IPA.

<p>12. Does the application involve development below high water mark<sup>19</sup> and within the limits of a port?</p> <p>For more information refer to Guide 18. For information about prescribed tidal work refer to Guide 22.</p> <p>If you answered "YES" to Q12, the application triggers referral to the Port Authority.</p> <p>The Port Authority is a concurrence agency if the development is –</p> <ul style="list-style-type: none"> <li>• within 200m of a shipping channel or an entry and exit shipping corridor for the port</li> <li>• within 1000m of a wing basin, a commercial slugging wharf, a mooring, moorage or spot ground;</li> <li>• within 100m of a bermed port facility (described in a land use plan approved under the Transport Infrastructure Act 1994.</li> </ul> <p>In all other situations the Port Authority is an advice agency.</p>	<p><input checked="" type="checkbox"/> NO</p> <p><input type="checkbox"/> YES – complete Part M of Form 1, or Part P of Form 1, if the work is prescribed tidal work</p>
<p>13. Does the application involve operational work that is tidal work for a marina<sup>20</sup> with more than 6 vessel berths?</p>	<p><input checked="" type="checkbox"/> NO</p> <p><input type="checkbox"/> YES – complete Part M of Form 1, or Part P of Form 1, if the tidal work is prescribed tidal work</p>
<p>14. Does the application involve tidal works within a strategic port land tidal area<sup>21</sup>?</p>	<p><input checked="" type="checkbox"/> NO</p> <p><input type="checkbox"/> YES – complete Part M of Form 1</p>
<p>15. Does the application involve development in a heritage registered place as defined under the Queensland Heritage Act 1992?</p>	<p><input checked="" type="checkbox"/> NO</p> <p><input type="checkbox"/> YES – complete Part C of Form 1</p>
<p>16. The application is in an area declared to be a catchment area under the Water Act 2000 and involves: (tick the applicable boxes)</p> <p><input type="checkbox"/> (i) reconfiguring a lot, if any lot resulting from the reconfiguration is less than 16 hectares;</p> <p><input type="checkbox"/> (ii) development assessable against the planning scheme involving the establishment or expansion of a waste water disposal system, other than a disposal system for carrying out an environmentally relevant activity under the Environmental Protection Act 1994;</p> <p><input checked="" type="checkbox"/> (iii) none of the above</p>	<p><input type="checkbox"/> (i) reconfiguring a lot where any part of the lots –</p> <ul style="list-style-type: none"> <li>• subject to an easement in favour of a distribution entity or transmission entity under the Electricity Act 1994 and the easement is for a transmission grid or supply network under that Act; or</li> <li>• situated within 100m of a substation site;</li> </ul> <p><input type="checkbox"/> (ii) a material change of use, assessable against a planning scheme and not associated with reconfiguring a lot if –</p> <ul style="list-style-type: none"> <li>• any part of the premises is subject to an easement in favour of a distribution entity or transmission entity under the Electricity Act 1994 and the easement is for a transmission grid or supply network under that Act; and</li> <li>• any structure or work that is the natural and ordinary consequences of the use, is or will be, located wholly or partly in the easement;</li> </ul> <p><input type="checkbox"/> (iii) a material change of use, assessable against a planning scheme and not associated with reconfiguring a lot if any part of the premises is situated within 100m of a substation site;</p> <p><input type="checkbox"/> (iv) operational work that is filling or excavation assessable against the planning scheme, not associated with reconfiguring a lot, if –</p> <ul style="list-style-type: none"> <li>• any part of the premises is subject to an easement in favour of a distribution entity or transmission entity under the Electricity Act 1994 and the work is located wholly or partly in the easement;</li> <li>• the work is located wholly or partly within 10m of a substation site;</li> </ul> <p><input checked="" type="checkbox"/> (v) none of the above.</p>
<p>17. The application involves: (tick the applicable boxes)</p> <p><input type="checkbox"/> (i) reconfiguring a lot for which all of part of the premises are –</p> <ul style="list-style-type: none"> <li>• item 5, including the exemption otherwise provided for by paragraph (d);</li> <li>• item 6, including the exemption otherwise provided for by paragraph (e); or</li> <li>• item 7, including the exemption otherwise provided for a mining activity or petroleum activity; or</li> </ul> <p><input type="checkbox"/> (ii) in an area for which an area management advice has been given for unexploded ordnance – complete Part K of Form 1</p> <p><input type="checkbox"/> (iii) a material change of use –</p> <ul style="list-style-type: none"> <li>(a) made assessable under the IPA, schedule 8, part 1, table 2, items 5 to 7; or</li> <li>(b) assessable against the planning scheme and if all or part of the premises is in an area for which an area management advice has been given for unexploded ordnance – complete Part N of Form 1</li> </ul> <p><input checked="" type="checkbox"/> (iv) none of the above</p>	<p>18. The application involves: (tick the applicable boxes)</p> <p><input type="checkbox"/> (i) reconfiguring a lot where any part of the lots –</p> <ul style="list-style-type: none"> <li>• subject to an easement in favour of a distribution entity or transmission entity under the Electricity Act 1994 and the easement is for a transmission grid or supply network under that Act; or</li> <li>• situated within 100m of a substation site;</li> </ul> <p><input type="checkbox"/> (ii) a material change of use, assessable against a planning scheme and not associated with reconfiguring a lot if –</p> <ul style="list-style-type: none"> <li>• any part of the premises is subject to an easement in favour of a distribution entity or transmission entity under the Electricity Act 1994 and the easement is for a transmission grid or supply network under that Act; and</li> <li>• any structure or work that is the natural and ordinary consequences of the use, is or will be, located wholly or partly in the easement;</li> </ul> <p><input type="checkbox"/> (iii) a material change of use, assessable against a planning scheme and not associated with reconfiguring a lot if any part of the premises is situated within 100m of a substation site;</p> <p><input type="checkbox"/> (iv) operational work that is filling or excavation assessable against the planning scheme, not associated with reconfiguring a lot, if –</p> <ul style="list-style-type: none"> <li>• any part of the premises is subject to an easement in favour of a distribution entity or transmission entity under the Electricity Act 1994 and the work is located wholly or partly in the easement;</li> <li>• the work is located wholly or partly within 10m of a substation site;</li> </ul> <p><input checked="" type="checkbox"/> (v) none of the above.</p>
<p>19. Land designated for community infrastructure</p> <p>Applications involving development on land designated for community infrastructure may trigger the referral.</p> <p>For more information refer to schedule 2 of the IP Regulation.</p> <p>If you answered "YES" to Q19, the application requires assessment by the chief executive of the Department administering the Act authorising the development for the designated purpose.</p> <p>If an agency other than the designator is the assessment manager for the application, the designating agency will be a concurrence agency for the application in relation to this matter.</p>	<p>19. Does the application involve development assessable against the planning scheme and on land designated for community infrastructure?</p> <p><input type="checkbox"/> (i) intended to be supplied by a public sector entity, and</p> <p><input type="checkbox"/> (ii) on land not owned by or on behalf of the State; and</p> <p><input type="checkbox"/> (iii) other than development –</p> <ul style="list-style-type: none"> <li>(a) carried out by, or on behalf of, the designator;</li> <li>(b) NO</li> </ul> <p><input checked="" type="checkbox"/> YES</p>
<p>20. SEQ Regional Plan</p> <p>For more information refer to schedule 2 of the IP Regulation.</p> <p>If you answered "none of the above" to Q20, the application requires assessment by the Office of Urban Management (OUM).</p>	<p>20. The application involves a material change of use of premises in the SEQ Region<sup>22</sup> for: (tick the applicable boxes)</p> <p><input type="checkbox"/> (i) urban activities<sup>23</sup>, other than where the premises are zoned for an urban purpose under an IPA planning scheme; or the activity is outdoor recreation, in the –</p> <ul style="list-style-type: none"> <li>(a) Regional Landscape and Rural Production Area; or</li> <li>(b) Rural Living Area; or</li> <li>(c) Investigation Area.</li> </ul> <p><input type="checkbox"/> (ii) rural residential purposes<sup>24</sup>, where the premises are not zoned for rural residential purposes and the premises are in the –</p> <ul style="list-style-type: none"> <li>(a) Regional Landscape and Rural Production Area; or</li> <li>(b) Investigation Area.</li> </ul> <p><input type="checkbox"/> (iii) urban activities in major development areas, other than where a structure plan for the site has been approved by the regional planning Minister or the activity is outdoor recreation, where –</p> <ul style="list-style-type: none"> <li>(a) The relevant planning scheme requires impact assessment for the activity; or</li> <li>(b) The development proposal has a site coverage of one hectare or greater.</li> </ul> <p><input checked="" type="checkbox"/> (iv) none of the above</p>

19 High water mark is defined in the Coastal Protection and Management Act 1985 and means the ordinary high water mark at spring tide.

20 Marina is defined in the Transport Operations (Marine Pollution) Regulation 1995.

21 Strategic port land tidal areas are the areas generally 50 metres seaward of high water mark adjacent to strategic port land.

22 Local Governments within the SEQ Region are included in the South East Queensland Regional Plan, Brisbane Shire, Brisbane City, Caboolture Shire, Caberfae City, Eick Shire, Gold Coast City, Ipswich City, Mackay City, Mackay Shire, Logan City, Mackay Shire, Noosa Shire, Pine Rivers Shire, Redcliffe City, Rock Shire, and Toowoomba City.

23 Urban activity means urban activity as defined in schedule 2, Part H Regulatory Provisions, South East Queensland Regional Plan. The term includes some facilities and structures some purposes. A single residential dwelling on a lot is not included in urban activity.

24 Rural residential purpose means rural residential purpose as defined in schedule 2, Part H Regulatory Provisions, South East Queensland Regional Plan.

**Habitat matters**  
 For more information refer to schedule 2d of the IP Regulation.  
 Unless you answered 'none of the above' to Q21, the application requires assessment by the Department of Primary Industries and Fisheries (DPI&F).  
 If an agency other than DPI&F is the assessment manager for the application, DPI&F is a concurrence agency for the application in relation to items (i) - (iv) and an advice agency in relation to item (v).

21. The application involves: (tick the applicable box(es))
- (i) an assessable **material change of use** for aquaculture - complete Part O<sub>1</sub> of Form 7;
  - (ii) assessable **operational work** that is the construction or raising of a waterway barrier - complete Part O<sub>2</sub> of Form 1;
  - (iii) assessable **operational work** completely or partly within a declared fish habitat area - complete Part O<sub>3</sub> of Form 1;
  - (iv) assessable **operational work** that is the removal, destruction or damage of a marine plant - complete Part O<sub>4</sub> of Form 1;
  - (v) development assessable under the IPA, schedule 8, part 1, on land that adjoins a declared fish habitat area;
  - (vi) none of the above.

**Integration of land use and public transport**  
 For more information refer to Guide 23, schedule 8A of the IPA, & schedule 2 of the IP Regulation.  
 Unless you answered 'none of the above', the application triggers referral to DT as a concurrence agency.

22. The application involves: (tick the applicable box(es))
- (i) a **material change of use** assessable against the planning scheme for a purpose mentioned in schedule 13C of the IP Regulation and exceeding the thresholds set by that schedule.
  - (ii) **reconfiguring a lot**—
    - (a) on land that is completely or partly within a public transport corridor, and the total number of lots increases;
    - (b) on land that is completely or partly within a future public transport corridor or an airport's public safety area;
    - (c) on land that is within 400m of a public passenger transport facility or a future public passenger transport facility, and the total site area is 5000m<sup>2</sup> or greater;
    - (d) for a residential purpose within the 25 ANEF contour for an airport;
    - (e) for a residential purpose resulting in 100 or more allotments.
  - (iii) **operational work** assessable against the planning scheme, but not associated with a material change of use mentioned in (i) above or reconfiguring a lot mentioned in (ii) above, on land that—
    - (a) is completely or partly within a public transport corridor or a future public transport corridor;
    - (b) will result in work that encroaches into an airport's operational airspace.
  - (iv) none of the above.

**Railway safety and efficiency**  
 For more information refer to Guide 23, schedule 8A of the IPA & schedule 2 of the IP Regulation.  
 Unless you answered 'none of the above', the application triggers referral to DT as a concurrence agency.

23. The application involves: (tick the applicable box(es))
- (i) a **material change of use** assessable against the planning scheme for a purpose mentioned in schedule 13D of the IP Regulation and exceeding the thresholds set by that schedule.
  - (ii) **reconfiguring a lot**—
    - (a) on land that is completely or partly within a future public transport corridor, future railway land or a railway tunnel easement;
    - (b) on land that is within 400m of a Citytrain passenger railway station or a future Citytrain passenger railway station, and the total site area is 5000m<sup>2</sup> or greater;
    - (c) on land that abuts rail corridor land, commercial corridor land or future railway land, and the total number of lots increases;
    - (d) on land that abuts rail corridor land, commercial corridor land or future railway land and an easement abutting the corridor or future railway land is created;
    - (e) on land that is completely or partly within 100m of, and abutting an approach to, a railway level crossing, and the total number of lots increases;
    - (f) for a residential purpose resulting in 100 or more allotments.
  - (iii) **operational work** assessable against the planning scheme, but not associated with a material change of use mentioned in (i) above or reconfiguring a lot mentioned in (ii) above, involving excavating, excavating or filling greater than 50m<sup>3</sup> on land that—
    - (a) is completely or partly within rail corridor land or commercial corridor land, and the work is not for rail transport infrastructure or other rail infrastructure;
    - (b) is completely or partly within future railway land, or a railway tunnel easement; abuts rail corridor land, commercial corridor land or future railway land, and the work is within 25m of the railway boundary.
    - (c) none of the above.

**Moicomic to Brisbane pipeline**  
 For more information refer to schedule 2e of the IP Regulation.  
 Unless you answered 'none of the above', the application triggers referral to the holder of pipeline licence No 1 issued under the Petroleum Act 1922, currently Santos O&N Pty Ltd, for advice.

24. The application involves the easement for the construction or operation of the Moicomic to Brisbane strategic pipeline, and involves: (tick the applicable box(es))
- (i) a **material change of use** assessable against the planning scheme and not associated with reconfiguring a lot, and any structure or work will be located wholly or partly in the easement
  - (ii) **reconfiguring a lot**
  - (iii) **operational work** assessable against the planning scheme, that is filling, excavation, compaction, drilling, boring or piling not associated with a reconfiguring a lot, and the work is located wholly or partly in the easement
  - (iv) none of the above.

**Referral coordination**  
 An information request requires referral coordination if the application involves:

- (i) 3 or more concurrence agencies; or
- (ii) a facility or area assessable under a planning scheme and prescribed in schedule 7 of the IP Regulation; or
- (iii) development which is subject to an application for preliminary approval mentioned in s3.1.6 of the IPA.

For more information go to Guide 2 and Guide 5.

25. Does the application trigger referral coordination?
- YES
  - NO
- YES, as the application: (tick the applicable box(es))
- (i) triggers 3 or more concurrence agencies;
  - (ii) involves a **material change of use** made assessable under a planning scheme and prescribed in schedule 7 of the IP Regulation;
  - (iii) involves a **material change of use** (other than a dwelling house, outbuilding or farm building) made assessable under a planning scheme, or **reconfiguring a lot**, in an area prescribed in schedule 8 of the IP Regulation;
  - (iv) is for a preliminary approval mentioned in s3.1.6 of the IPA

**Referral agency responses prior to lodgement**  
 Under s3.3.2 of the IPA, a referral agency may give a referral agency response on a matter within its jurisdiction, where an application for the proposal is made to the assessment manager.  
 This is commonly the case where an application involves a concurrence agency (eg, Civil Fire and Rescue Strategy).

26. Did a referral agency give a referral agency response under s3.3.2 of the IPA, before the application was made to the assessment manager?
- YES
  - NO
- YES - attach a copy of the referral agency's response/s

**PLEASE NOTE:** The assessment manager may refuse to accept an application, which, at the time of lodgement, fails to provide the completed IDAS Assessment Checklist (if applicable).

**OFFICE USE ONLY (applicable to assessment manager)**  
 DATE RECEIVED: \_\_\_\_\_ REFERENCE NUMBERS: \_\_\_\_\_

**SECTION 2 – BUILDING REFERRALS (completion not mandatory)**

Below is a list of the referrals that can apply to an application for building work assessable against the Building Regulation 2006. This section of the IDAS Assessment Checklist is provided for advice only. This section of the IDAS Assessment Checklist is not required to be completed and lodged with an application for building work assessable against the Building Regulation 2006 only.

1.	Special fire services - generally For more information go to schedule 2 table 1 and schedule 24 of the IP Regulation. Assessment period: 15 days. No response is a deemed approval.	An application may trigger referral to Old Fire and Rescue Services as an advice agency if the building work requires special fire services mentioned in schedule 24 part 1 of the Integrated Planning Regulation 1998 (IP Regulation) or includes an alternative solution assessed against the performance requirements of the Building Code of Australia.
2.	Fire safety for budget accommodation For more information go to schedule 2 of the IP Regulation.	An application may trigger referral to Old Fire and Rescue Services as an advice agency if the building work is the subject of the application requires the installation of a fire safety system for a budget accommodation building.
3.	Spray painting For more information go to schedule 2 of the IP Regulation.	An application may trigger referral to the Department of Industrial Relations (DIR) as a concurrence agency if the application involves a workplace incorporating spray painting.
4.	Retail meat premises For more information go to schedule 2 of the IP Regulation.	An application may trigger referral to Safe Food Qld as a concurrence agency if the application involves a retail meat premises.
5.	Private health facilities For more information go to schedule 2 of the IP Regulation.	An application may trigger referral to the Department of Health as a concurrence agency if the application involves a private health facility.
6.	Workplace area less than 2,3m <sup>2</sup> For more information go to schedule 2 of the IP Regulation.	An application may trigger referral to the Department of Industrial Relations (DIR) as an advice agency if the application involves a work place area less than 2,3m <sup>2</sup> .
7.	Land contiguous to a State-controlled road For more information go to schedule 2 of the IP Regulation.	An application may trigger referral to the Department of Main Roads as a concurrence agency or advice agency if the application involves land contiguous to a State-controlled road.
8.	Pastoral workers accommodation For more information go to schedule 2 of the IP Regulation.	An application may trigger referral to the Department of Industrial Relations (DIR) as a concurrence agency if the application involves pastoral workers accommodation.
9.	Child care centre For more information go to schedule 2 of the IP Regulation.	An application may trigger referral to the Department of Communities as a concurrence agency if the application involves a childcare centre.
10.	Coastal development For more information go to schedule 2 of the IP Regulation.	An application may trigger referral to the Environmental Protection Agency (EPA) as a concurrence agency if the application involves land complexity or partly seaward of a coastal building line <sup>2</sup> .
11.	Heritage For more information go to schedule 2 of the IP Regulation.	An application may trigger referral to the Heritage Council as a concurrence agency if the application involves a heritage registered place.
12.	Fisheries matters For more information go to schedule 2 of the IP Regulation.	An application may trigger referral to the Department of Primary Industries and Fisheries (DPI&F) as a concurrence agency if the application involves assessable building work in a declared fish habitat area or as an advice agency if the application involves assessable building work on land that adjoins a declared fish habitat area.
13.	Integration of land use and public transport For more information go to schedule 2 of the IP Regulation.	An application may trigger referral to Queensland Transport as a concurrence agency if the application involves existing or future public transport corridors, or airport operational airspace <sup>3</sup> .
14.	Railway safety and efficiency For more information go to schedule 2 of the IP Regulation.	An application may trigger referral to Queensland Transport as a concurrence agency if the application involves future railway land.

**NOTE: CONCURRENCE AGENCY ASSESSMENT PERIODS**

The local government, as the concurrence agency, is required to assess and provide a response for the following building applications within a prescribed time. For applications relating to design and siting (17, 18 & 19), and building work for removal or rebuilding (23), the assessment period is 5 days. For all other applications the assessment period is 15 days. If no response is received from the local government for an application, it is taken to be a deemed refusal. However for amenity and aesthetics impact of particular building work for a single detached class 1a or class 10 building or structure (15), no response is taken to be a deemed approval.

15.	Amenity and aesthetic impact of particular building work for single detached class 1 building or class 10 building or structure For more information go to schedule 2 table 1 of the IP Regulation. Assessment period: 15 days. No response is a deemed approval.	An application will trigger a referral to the local government if it is : <ul style="list-style-type: none"> <li>for a single detached class 1 building or class 10 structure; and</li> <li>the local government has declared by resolution the following:                             <ul style="list-style-type: none"> <li>the appearance of the building or structure will have an extremely adverse impact on the amenity of the locality, and</li> <li>the appearance of the building or structure would be in extreme conflict with the character of the locality.</li> </ul> </li> </ul>
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<sup>2</sup> Coastal building lines are prescribed under the Coastal Protection and Management Act 1995.  
<sup>3</sup> Operational airspace as defined in State Planning Policy 102, 'Development in the Vicinity of Certain Airports and Aviation Facilities'.

**INTEGRATED PLANNING ACT 1997**

16.	Whether particular buildings may be occupied for residential purposes For more information go to schedule 2 table 1 of the IP Regulation. Assessment period: 15 days. No response is a deemed approval.	An application to use an existing building that is not class 1, 2, 3 or 4 for residential purposes may trigger a referral to the local government as the concurrence agency.
17.	Design and siting For more information go to schedule 2 table 1 of the IP Regulation. Assessment period: 5 days. No response is a deemed approval.	An application may trigger referral to the local government as the concurrence agency if the building work does not comply with the performance criteria of parts 11 and 12 of the Queensland Development Code.
18.	Design and siting For more information go to schedule 2 table 1 of the IP Regulation. Assessment period: 5 days. No response is a deemed approval.	An application may trigger referral to the local government as the concurrence agency if the building work does not comply with the qualitative statement for building clearance and site cover.
19.	Design and siting For more information go to schedule 2 table 1 of the IP Regulation. Assessment period: 5 days. No response is a deemed approval.	An application may trigger referral to the local government as the concurrence agency if the building work does not comply with the qualitative statement for performance criteria 4, 5, 7, 8 or 9 of the Queensland Development Code, part 11 or 12.
20.	Fire safety in particular budget accommodation buildings For more information go to schedule 2 table 1 of the IP Regulation. Assessment period: 15 days. No response is a deemed approval.	An application may trigger referral to the local government as the concurrence agency to determine the building will comply with the fire safety standard under the Building Act 1975 when the building work has been completed.
21.	Higher risk personal appearance services For more information go to schedule 2 table 1 of the IP Regulation and the ODC part 15. Assessment period: 15 days. No response is a deemed approval.	An application may trigger referral to the local government as the concurrence agency to determine if the building work : <ul style="list-style-type: none"> <li>complies with the performance criteria of the Queensland Development Code part 15; and</li> <li>the work does not comply with an acceptable solution stated in the part.</li> </ul>
22.	Building work for residential service For more information go to schedule 2 table 1 of the IP Regulation and the ODC part 20. Assessment period: 15 days. No response is a deemed approval.	An application for building work for premises in which residential care service under the Residential Services (Accreditation) Act 2002, section 4, is conducted, or is proposed to be conducted, will trigger referral to the local government as the concurrence agency.
23.	Building work for removal or rebuilding For more information go to schedule 2 table 1 of the IP Regulation. Assessment period: 5 days. No response is a deemed approval.	An application for the removal and/or rebuilding at another site of a building or other structure, will trigger referral to the local government as the concurrence agency.
24.	Building work for rainwater tank in designated rainwater tank area For more information go to schedule 2 table 1 of the IP Regulation and the ODC part 25. Assessment period: 15 days. No response is a deemed approval.	An application may trigger referral to the local government as the concurrence agency to determine if the building work or structure complies with the relevant performance criteria if : <ul style="list-style-type: none"> <li>Under the Building Regulation 2006, a rainwater tank is proposed to be installed as part of relevant building work in a designated rainwater tank area; and</li> <li>Under the Queensland Development Code, part 25, the rainwater tank does not include an acceptable solution for a relevant performance criteria.</li> </ul>

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# PROPOSAL REPORT

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## Development Application

seeking a

## Development Approval for Material Change of Use of Premises

for

## Extensions within & Approved Landscape Supply Centre

and

## Request to Change an Existing Approval

at

## 53 Violet Street, Gympie

described as

## Lot 1 on MPH5330 & Lots 97, 98 & 99 on MCH4906

Applicant:

## *Campbell's Truck & Bobcat Hire*

*Prepared: September 2006*

*R00483-1-D*

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# 1 Introduction

This planning report has been prepared for Campbell's Truck & Bobcat Hire Pty Ltd, noting that Craig Campbell was the applicant of the previously lodged development application (DA08722), over a site at 53 Violet Street, Gympie, described as Lot 1 on MCH5330 & Lots 97 - 99 on MCH4906, Parish of Gympie, County of March, and is within the Cooloolo Shire. The planning report involves two (2) components, as follows:

*Component 1:* seeks a Development Approval for Material Change of Use for extensions within and approved Landscape Supply Centre; and in the process

*Component 2:* requests a change to an existing approval to change a condition.

Component 1 of this planning report relating to the proposed development of this site constitutes 'development' as defined by Section 1.3.2 of the *Integrated Planning Act 1997*. This development application seeks a Development Permit for a Material Change of Use for extensions within an approved Landscape Supply Centre.

Component 2 involves a submission, which essentially requests changes to an existing development approval issued by Council in November 2004, for a material change of use for a Landscape Supply Centre and Light Industry (Contractor's Yard) (i.e. Council reference DA08722). The proposed changes are directly only related to the approved Landscape Supply Centre.

The planning report requests that Cooloolo Shire Council assess component 1 under the 2005 Cooloolo Planning Scheme and the *Integrated Planning Act 1997* and component 2 pursuant to section 3.5.33 of the *Integrated Planning Act 1997*.

This planning report covers the following matters in order to assist the assessment of this request to change an existing approval:

- **Section 2:** The basic details of the application as extracted from certain parts of the application forms;
- **Section 3:** A description of the subject site;
- **Section 4:** A brief description of the locality surrounding the subject site;
- **Section 5:** An explanation of the proposal including its operations;
- **Section 6:** An assessment of the proposal against the 2005 Cooloolo Planning Scheme; and
- **Section 7:** A conclusion that provides summary grounds that support the request to change an existing approval as proposed.

The Cooloolo Shire Council is the Assessment Manager for both components being an application for material change of use for extensions within and approved Landscape Supply Centre and submission requesting changes to conditions issued within the existing approval over the subject site.

Any words or terms are shown in *italic* font in this proposal report, refer to either relevant state legislation or terms defined in Schedule 14 of the 2005 Cooloolo Planning Scheme or direct quotes from this planning scheme as indicated.



## 2 Basic Information

Basic information relating to this request to change an existing approval includes:

<b>Applicant:</b>	<b>Campbell's Truck &amp; Bobcat Hire Pty Ltd</b> C/- Martoo Consulting PO Box 1684, Noosa Heads Qld 4567
<b>Address of Site:</b>	53 Violet Street, Gympie
<b>RPD of Site:</b>	Lot 1 on MCH5330 & Lot 97 - 99 on MCH4906, Parish of Gympie, County of March
<b>Owners:</b>	Cooloola Shire Council
<b>Area of Site:</b>	8094 square metres
<b>Current Use of Site:</b>	Landscape Supply Centre and Contractor's Yard
<b>Land Use Zonings:</b>	Commercial Zone & Community Zone
<b>Preferred Use Areas:</b>	Highway Services
<b>Strategic Area:</b>	Urban
<b>Proposal:</b>	<i>Extensions within and approved Landscape Supply Centre &amp; Changes to Conditions</i>
<b>Components:</b>	Material Change of Use & Request to change an existing Approval
<b>Administering Authority:</b>	Cooloola Shire Council
<b>Existing Easements:</b>	Nil
<b>Consultants for development application:</b>	Town Planning Consultants: Martoo Consulting

### 3 The Characteristics of the Site

#### 3.1 Location and Real Property Description

The subject site is located at 53 Violet Street, Gympie. This parcel of land is described as Lot 1 on MCH5330 & Lots 97 - 99 on MCH4906, Parish of Gympie, County of March.

There are no easements currently registered over or benefiting the subject site.

#### 3.2 Site Area and Shape

The subject site has a total area of 8,094 square metres and the approved Landscape Supply Centre and Light Industry (Contractor's Yard) occupies about 5,040 square metres or about 62 percent of the site.

The site shape is an irregular configuration comprised of four (4) parcels of land that forms a corner block arrangement that acquires three (3) road frontages. The northern boundary has an approximate length of 97.8 metres and the southern boundary is 37.0 metres in length fronting Iron Street, as such the eastern boundary diagonally transverses Lots 98 & 99 on MCH4906 and Lot 1 on MCH5330 that obtains a length of approximately 95.5 metres. The western boundary obtains a length of 79.2 metres fronting Violet Street.

#### 3.3 Topography and Elevation

The site is generally flat, with an even slope away from Violet Street that aids in the drainage and stormwater flow over the site. Cooloolooloo Council has adopted the 1:100 ARI storm event as the defined flood event for this particular locality and has advised that the site is completely covered by the Q40 flood line.

#### 3.4 Current Land Use Approvals over Site

On the 19<sup>th</sup> November 2004, Cooloolooloo Shire Council issued a development permit approving an application for a material change of use for a landscape supply centre and light industry (contractor's yard) over the site subject to conditions. (i.e. Council reference DA08722)

The approval allows for a number of activities to be conducted on the site, including the following:

- the use of two (2) existing sheds on the site for storage and to accommodate two tippers, a bobcat and a front end loader and the establishment of an office as part of both approved uses namely a sub-contractors' yard and landscape supply centre;
- the use of holding bays or bunkers to contain sand, gravel, topsoil, etc; and
- the sale of certain landscape supplies.

The site plan for the approved use is attached in **Annex 1**.

The development permit stated that the approved uses are **not** to include:

- the use of the site for screening of materials at a level that would be an Environmentally Relevant Activity; or
- the non-routine servicing of vehicles and plant; or
- the sale of plants or other general items not considered to be landscaping materials.

Other operational conditions in this development permit included:

- refuse containers are to be provided and kept in an imperviously paved area with a suitably screened enclosure;
- five (5) parking spaces are to be provided;
- landscaping works are to be undertaken in accordance with approved plans/s;

- certain measures to be implemented to control air emissions from the site; and
- in the event of floods, stockpiles are to be removed from the site prior to floodwaters entering the site.

The current development permit was issued under the 1997 Cooloola Planning Scheme and the approved uses are defined as follows under this planning scheme:

**Light Industry** - Any premises used or intended to be used for an industry included in Appendix 7, an industry listed in Appendix 6 which does not comply with the definition of Service Industry, or an industry otherwise defined as a General Industry or a Heavy Industry which satisfies the performance criteria in Appendix 8 which -

1. occupies a total use area less than 500 m<sup>2</sup> (including premises comprising separate areas of occupation having individual total use areas less than 500 m<sup>2</sup>);
2. is not in the Council's opinion likely to cause undue detriment to the amenity of the locality in which the use is located by virtue of the emission of noise, smell, vibration, fumes, smoke, vapour, steam, soot, ash, dust, electrical interference, waste water, waste products, grit, oil or other substance;
3. is not in the Council's opinion likely to impose a load on any public utility undertaking greater than that which is required for the normal development of the locality in which the use is situated;
4. is not in the Council's opinion likely to generate levels or types of traffic which would be incompatible with the amenity of the locality in which the use is situated or would cause unreasonable congestion or danger on, or upgrading of, roads providing access to the locality;
5. does not involve the storage of materials in quantities which require a licence under the "Flammable or Combustible Liquids Regulations".

#### APPENDIX 7

Bookbinding

Builder's, carpenter's or contractor's workshop or yard

Cabinetmaking

Depot for -

goods delivery

milk delivery

truck or bus parking

transport of road freight

Gas appliance works

Glass products works

Coldstores

Handicrafts

Making any of the following -

aids and appliances for disabled persons

artificial flowers

bags

baskets

blinds

brooms, brushes, bristle or hair goods

cameras

clocks or watches

coir goods

cork goods

drawing or writing goods

felt goods

fur goods

furniture

leadlights

musical instruments

optical goods (other than spectacles or the like)

paper goods or paper board goods

scientific instruments

smallgoods

sports equipment (other than ammunition, vehicles and water craft)

string or string goods  
 therapeutic and life support aids, appliances, garments and equipment  
 twine or twine goods  
 umbrellas  
 wiregoods (other than barbed wire, wire mesh, wire netting, wire rope and cable)  
 Mixing, blending or packing any -  
 food for human consumption, drink or tobacco  
 stock or poultry food  
 Printer  
 Repairing or servicing -  
 furniture  
 gas appliances for domestic use  
 saws  
 Spraypainting, where carried out in a totally enclosed booth which meets relevant environmental (licensing) standards  
 Taxi depot  
 Tyre fitting and repairs  
 Upholstering vehicles and furniture  
 Vehicle repair and servicing workshop, excluding panel beating  
  
 Any other industry which in the Council's opinion displays similar characteristics to industries in the preceding list.

#### APPENDIX 8

An industry which -

1. in the normal course of its operation, does not operate outside the hours of 7 am to 6 pm, Monday to Friday and 7 am to 4 pm Saturday;
2. by virtue of its operational characteristics, the buildings in which it is conducted or any other factor, creates a level of noise measured at an L<sub>90</sub> of less than 50 dB(A) and an L<sub>10</sub> of less than 55 dB(A) at the boundaries of the site between 7 am and 6 pm, Monday to Friday and less than 38 dB(A) and 40 dB(A) respectively at all other times or which complies with the relevant Environmental Protection Act requirement at the nearest residential boundary, whichever is the lesser;
3. is on a site which adjoins land in a **Residential Zone**, noise levels measured at the boundaries shared with the **Residential Zone** are to satisfy the provisions of the Environmental Protection Policy prepared under the Environmental Protection Act;
4. does not generate trips made by a semi-trailer (or similar vehicle), in the normal course of its operation, does not generate trips made by a vehicle classified as a heavy rigid vehicle under A.C. 2890.2 (or a larger vehicle) and generates service vehicle trips only during the hours of 7 am to 6 pm Monday to Friday;
5. is conducted in a building which presents a "shop-front" (a facade compatible with commercial or retail purposes) to all the roads to which the site has frontage, the purpose of which is to accommodate offices, a retail component of the primary industrial use and/or customer reception areas;
6. does not involve the storage of hazardous, flammable or toxic materials except in a manner acceptable to the Council; and
7. involves a single premises with a total use area no greater than 2 000 m<sup>2</sup>.

**Landscape Supply Centre** - Any premises used or intended to be used for the sale or distribution of soil, gravel, rock, bark and other materials used in landscaping. The term includes the use of such premises for a **Retail Plant Nursery**.

It is relevant that a Landscape Supply Centre includes a Retail Plan Nursery, which is separately defined as follows:-

**Retail Plant Nursery** - Any premises used or intended to be used for the retail sale and propagation of plants. The term includes the use of such premises for the storage and handling of landscaping materials where packaged or where stored and handled in a manner which does not involve the use of machinery.

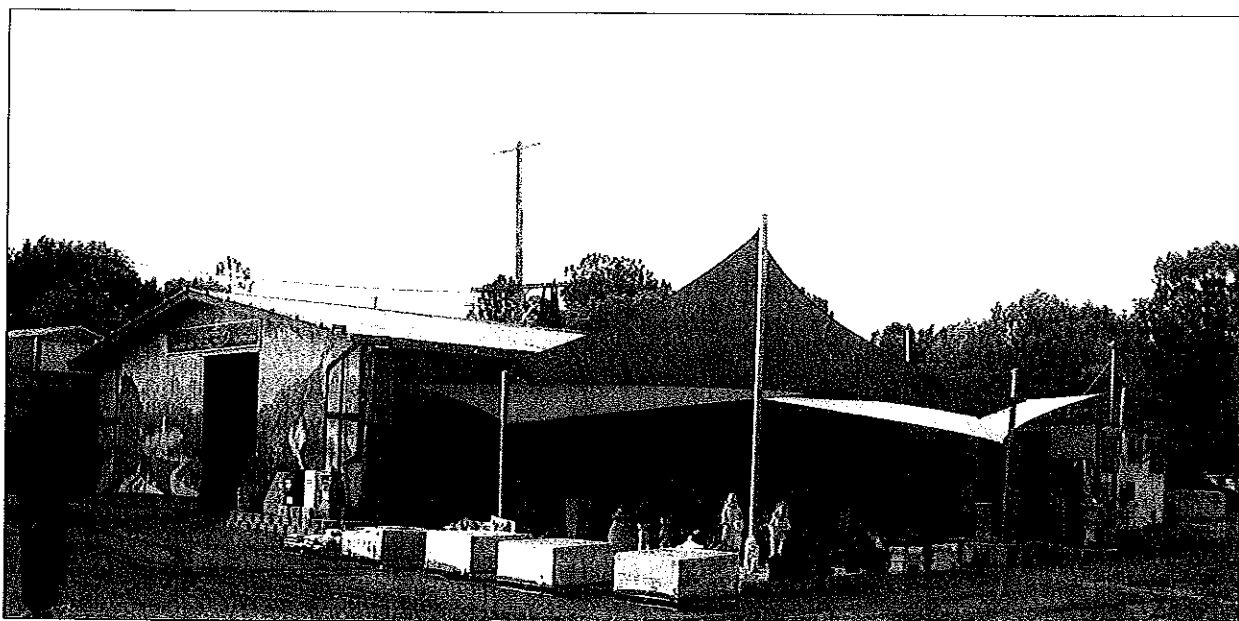
The adoption of separate definitions for such uses was relatively common in planning schemes compiled under the now repealed *Local Government (Planning and Environment) Act*. Particularly where local governments were prepared to support Retail Nurseries of a certain scale and design on selected residential and rural residential areas but unlikely to support the establishment of nurseries in residential areas that offered soil, gravel, rock, bark and other landscaping materials for the sale and/or distribution.

### 3.5 Existing Development on the Site

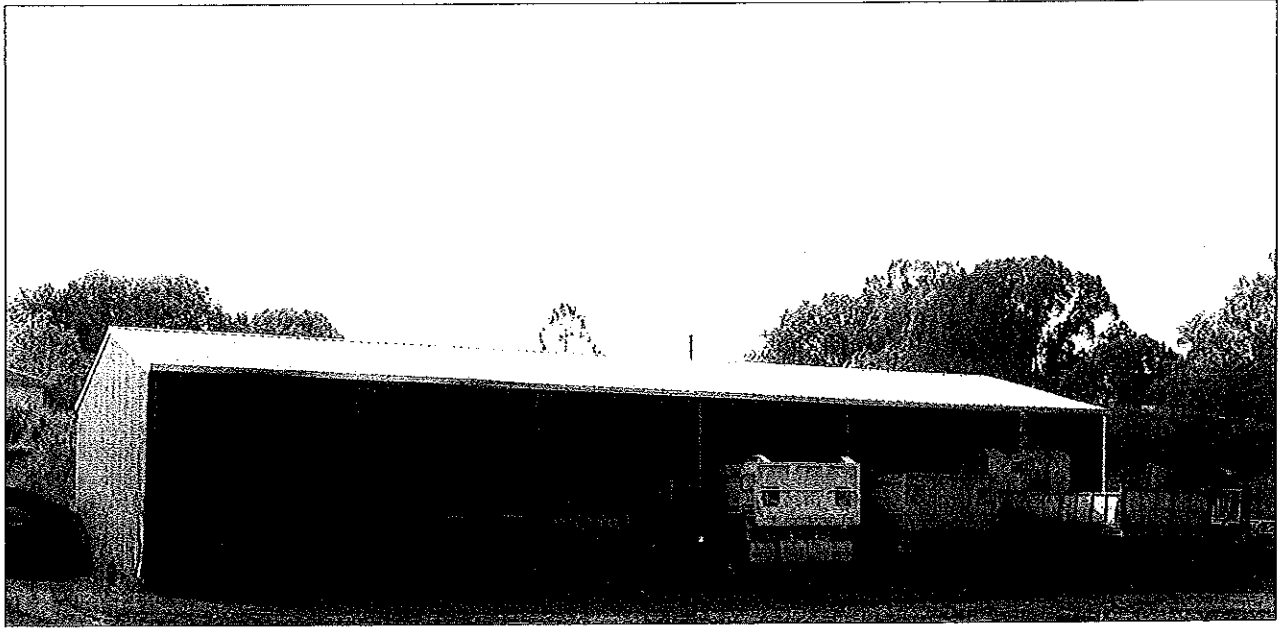
The site recently obtained approval (DA08722) for the operation of a *Landscape Supply Centre and Light Industry (Contractor's Yard)* as defined under the 1997 Cooloola Shire Planning Scheme.

The above uses over the site incorporates two (2) existing sheds located within the western portion of the site and are utilised to support the operation of the *Contractor's Yard* for the provision of machinery, plant, tools and concrete storage.

The ancillary office adjoins the existing shed situated towards the southwestern portion of the site and positioned to provide surveillance over the display areas for landscape supplies associated with the previous approval over the site for a *Landscape Supply Centre and Contractor's Yard*.



**Figure 1** Internal view of *Landscape Supply Centre & Contractor's Yard* demonstrating display areas and existing structures



**Figure 2** View within the Landscape Supply Centre and Contractor's Yard site to existing structures associated with the use.

The premises incorporates ten (10) bays constructed with a concrete base and walls for the provision of holding sand, gravel, mulch, rocks and other associated landscape materials.

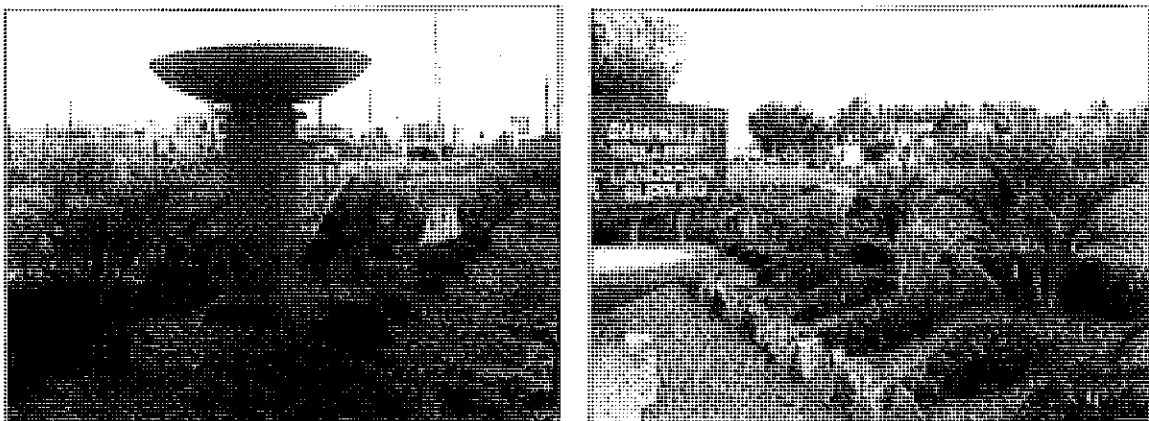
These above structures are in association with and the operation of the approved use for the Landscape Supply Centre and ancillary Retail Plant Nursery and Contractor's Yard.

### 3.6 Existing Infrastructure Servicing the Site

The subject site is serviced by the identical community infrastructure that services the surrounding industrial uses. This infrastructure includes reticulated water supply and sewerage, underground telecommunications, overhead electricity supply and street lighting, constructed roadways and associated stormwater drainage.

### 3.7 Existing Vegetation

The native vegetation within the site has been removed. The western boundary fronting Violet Street (Bruce Highway) has been landscaped incorporating small palms, shrubs, ground coverings and hardscape elements such as rock formation along the perimeter of the landscaped area, boulder and water sculptures. The landscape area is visually appropriate for the intended use of the site and provides quality streetscape presence to Violet Street (Bruce Highway).



**Figure 3** Existing landscaped area along western boundary fronting Violet Street.

None of the existing vegetation is in an *ecosystem value area* or designated under the regional ecosystem mapping established under the *Vegetation Management Act 2000*.

Consequently, there is no existing vegetation within the subject site considered to be of any state, regional or local significance.

### 3.8 Road Frontages and Access

The subject site has approximately 79.2 metres frontage to Violet Street that has been surveyed with a road width of about 20m. The site also has about 37.0 metres frontage to Iron Street however; no access is possible to this roadway. The site itself benefits from a wide paved ingress and egress situated along Violet Street that provides access to the whole of the site.

The access point to the site benefits from a higher-grade in which the access is level with the roadway of Violet Street and achieves good and acceptable sight and visibility distances to enable vehicles to enter and exit the site safely.

### 3.9 Cooloola Planning Scheme Zonings & Overlays

The part of the site is located within the *Commercial Zone* and within *Highway Services* preferred use area with the remainder of the site located within the *Community Zone* on the zoning map in the 2005 Cooloola Shire Planning Scheme. The site is located within the *Major Industry Area* on the strategic map in the 2005 Cooloola Shire Planning Scheme.

The whole of the site is also mapped within an *Erosion Hazard* area.

### 3.10 Site Contamination

The Environmental Management Register does not identify or acknowledge the subject site. The site has not been used for a notifiable activity under the *Environmental Protection Act 1994* to the best of our knowledge.

## **4 The Characteristics of the Surrounding Environment**

### **4.1 Description of Land Uses Adjacent to the Site and within the Surrounding Area**

Existing land uses in the locality surrounding the subject site are characterised by a mixture of community, commercial, housing, industrial and commercial uses zoned within a highway service area.

More specifically the existing uses that immediately surround the subject site comprise the following:

- To the north (adjoining): Commercial premises including a stationery supplies;
- To the south: Parcels of land zoned *Community* for the provision of public open space;
- To the west: Landscape Supplies Centre & ancillary Retail Plant Nursery and Gympie Feed Barn; and  
(across Violet Street)
- To the west: Parcels of land designated within the *Community Zone*.

The surrounding uses predominantly represent sale and retail uses along Violet Street even though the surrounding sites have been zoned for housing.

### **4.2 Cooloola Planning Scheme Zonings for the Immediate Vicinity**

The properties directly adjoining the premises are included within the Commercial Zone and more specifically the Highway Services Preferred Use Area, the Housing Zone and the Community Zone. Premises situated to the west of the subject site are also included within the Commercial Zone and the Highway Services Preferred Use Area.

Premises located to the southeast of the subject site along Duke Street are included within the Commercial Zone and within the Showroom Preferred Use Area. To the northwest of the subject site premises are included within the Industry Zone.

### **4.3 Building Heights and Design of Surrounding Development**

The existing buildings in that existing built fabric in the surrounding locality of the subject site take on an industrial and showroom type appearance although there is no common architectural theme evident. The heights of surrounding structures vary from single storey with a *building height* of about 5m to approximately 10 metres, which is commonly dependant upon the type of use operating out of particular sites.

Premises situated to the southwest of the subject site and reflect a residential style development that is evident by the construction materials such as fibro timber cladding and pitched corrugated roofing.

### **4.4 Surrounding Road Network**

The subject site fronts Violet Street (i.e. Bruce Highway) along the western boundary that provides access to the city of Gympie. The surrounding road networks are characterised by a grid formation. As a result, Violet Street intersects with Iron Street and Pine Street and each provides direct access to Duke Street, which in turn provides a direct link to Mary Street identified as the Central Business Zone of Gympie. Violet Street is part of the Bruce Highway, which is a State-controlled road.



## 5 The Proposal

As indicated in Section 1, this report establishes two components, one being an application that proposes to seek a development permit for material change of use for extension within an approved *Landscape Supply Centre*. The second component can be assessed as part of the development application. However, for clarity it has been decided to request a change to an existing development approval, which involves changes to the conditions on the approval and this, may include referenced an amended development plan.

The material change of use component of the report for extension to *Landscape Supply Centre* use pursuant to Schedule 12 of the 2005 Cooloola Planning Scheme the use can be defined as *display yard*, which is considered *code assessable* development and both are consistent uses under the 2005 Cooloola Planning Scheme.

### 5.1 Proposed Extensions Within Approved Landscape Supply Centre

The applicant proposes to make the following changes to the approved Landscaping Sales Centre use:

- the toilets with the existing shed closest to the Violet Street frontage of the site will remain with the same floor area to that shown on the approved plan in **Annex 2** but moved within the building to that shown on the amended plan in **Annex 3**;
- the office shown on the approved plan on the approved plan in **Annex 2** will remain the same floor area and location but rotated by 90 degrees clockwise shown on the amended plan in **Annex 3**;
- the five (5) parking spaces and associated manoeuvring areas as shown on the approved plan in **Annex 2** will be relocated to that shown on amended plan in **Annex 3**. The number of spaces can be increased to seven (7) if required by Council;
- the area of holding bays can be increased from that shown on the approved plan in **Annex 2** to that shown on the amended plan in **Annex 3**. It is important to appreciate that the size of those bays or bunkers constructed on large concrete blocks may vary depending on the landscape material being stored at the time. Obviously large landscaping boulders will require more area than small decorative polished river gravel;
- the site will display and sell of the normal range of landscaping supplies (in those areas shown on the amended plan in **Annex 3**) that frequently found in contemporary nurseries. These supplies include but by no means limited to:
  - hard<sup>s</sup>ccape supplies such as letterboxes, retaining wall and paving bricks and blocks, water features, sleepers, garden fencing, garden ornaments, and the like;
  - softscape supplies such as plants; and
  - ancillary supplies such as irrigation supplies (eg. tanks, sprinklers) and fertilizers;
- changes to the landscaping areas to accommodate the above. **Please note:** that the applicant also requests changes to any approved landscaping plans in this regard.

Our office has had several successful submissions to other local Governments and the Peak Body representing nurseries. All local Governments have agreed that the "old fashioned" belief that nurseries and landscaping supply centres sell just plants and soil is no longer always relevant.

Nurseries now sell a range of items including outdoor furniture, artwork, gardening books and other publications, pots and a range of garden ornaments, plant and garden care products, landscaping display features, swimming pools, garden structures such as sheds, pergolas and the like, fish and aquariums. It is also very common for nurseries to include a café as an ancillary use. Contact with the Peak Body for the nursery industry and a visit to many contemporary nurseries such as at Aspley, and the chain of Hawkins Nurseries or larger nurseries on the Sunshine and Gold Coasts will confirm this modern approach. Obviously, the above proposed changes does not encompass that range of items shown in these other nurseries.

The applicant does not propose to change any of the following:

- any of the approved Light Industry (Contractor's Yard) design or ongoing operations;
- the approved location or standard of entrance/exit for the approved uses;
- the shape or area approved for the use by either the Landscaping Sales Centre or Contractor's Yard;
- the floor areas of the buildings approved for either the Landscaping Sales Centre or Contractor's Yard;
- that plant and equipment nominated in the original application; or
- the approved uses in that all proposed uses will be continued to be defined as either the "Landscaping Sales Centre" or "Light Industry" under the 1997 Coolooloa Planning Scheme.

It is therefore considered that the supplies proposed to be sold from the existing landscape supply centre can be included as "other materials used in landscaping" as per Council's definition in the (now) superseded 1997 Coolooloa Planning Scheme. It must also be noted that the definition in the 1997 Coolooloa Planning Scheme "includes the use of such premises for a *Retail Plant Nursery*. Consequently, no additional land uses are introduced and the level of assessment has not increased.

The Department of Main Roads was a concurrence agencies for the original development application and its conditions were incorporated in the current decision notice. No additional concurrence agencies are triggered under the *Integrated Planning Act 1997* as a result of the proposed change, or as a result of any amendments to the *Integrated Planning Act 1997* since the original application was decided.

The proposed changes do not appear to introduce any material factors that may have provoked an objection from any person not otherwise disposed to object. The waiving of public notification would not be likely to deprive any interested party of the right to object and to be heard on the matter as a result of the changes being assessed under Section 3.5.24 of Integrated Planning Act. Condition 7.1 in the decision notice issued by Council stated '*should the sale or storage of plants for landscaping projects be intended on the site an amendment to this approval will be required and a contribution towards water supply headworks will be applicable.*' Council itself indicated that such an amendment was possible and flagged the intention to collect increased headworks contribution for water supply.

Notwithstanding these considerations, the 2005 Coolooloa Planning Scheme has nominated the approved Landscape Supply Centre use as being code assessable development and therefore has deleted the need for public notification.

Additionally, the proposed uses are materially identical in terms of external impact to the uses originally approved.

### 5.1.1 Defined Approved Land Uses

For the purpose of component one of this planning report, the proposed extensions within and approved *Landscape Supply Centre* is defined under the definition for '*Display Yard*'. The term '*Landscape Supply Centre*' is not specifically defined or referenced in the 2005 Coolooloa Planning Scheme but is referenced in this application because of the recent development approval and it provides increased clarity as to what is being proposed. The definition for '*Display Yard*' use under the dictionary in Schedule 14 of the 2005 Coolooloa Planning Scheme has been reproduced below:

**"Display Yard"** - *means the use of premises for the display or sale, hire or leasing of any industry plant or equipment, motor vehicles, agriculture machinery, vessels, caravans, trailers, plants, building materials, construction and landscaping materials, when involving more than 200 square metres of outdoor use area. The term does not include Shop or Showroom.*

### 5.1.2 Design & Siting

The main elements of the design and siting of the proposed changes to the landscape supply centre are limited to an extension of existing structures to accommodate the sale of the new goods as shown in the amended plan in **Annex 2** and as explained above in Section 5.1.

The main reasons for these changes include:

- the relocation of the car parking area to that area immediately adjacent to the entrance/exit to increase the separation of customer's vehicles from that plant and machinery entering/leaving the site and manoeuvring within the site;
- the need to respond to requests for people wanting to source landscape materials that compliment sand, gravel, soils, etc and other landscape supplies currently approved to be display and sold from the premises;
- the intention to bring the landscape supply centre more inline with modern market practices and customer preferences;
- the locate display areas near the road frontage to provide more of a commercial type presentation to the adjoining public spaces;
- the rearrange and the existing bunkers and holding bays based on experience gained since opening the premises; and
- to amend landscaping areas within the site to accommodate the changes and improve presentation to the public spaces.

### 5.1.3 Vehicular and Pedestrian Access and Parking

The vehicular access to the existing *premises* will be through a wide concrete entrance/exit off Violet Street. The driveway access into the site is paved as shown on the amended plan.

The internal driveways encompass a large hardstand area (with the proposed building centrally positioned) and sealed with road base paving as shown in **Annex 2**. The design of the internal driveway and manoeuvring areas assists in maneuvering in the heavy vehicle for the provision of loading and unloading of landscape supplies and materials.

The parking facilities have been altered within the amended plan and demonstrate approximately seven (7) dedicated parking spaces. It is noted that five (5) parking spaces were required in the recent approval.

### 5.1.4 Operation

The current land use approval does not nominate hours of operation for either of the approved uses although the planning scheme definitions do offer some hours of operation for the Light Industry component. The applicant proposes the following hours of operation for the Landscape Supplies Centre:

Monday to Friday	7:00am – 6:00pm
Saturday and Sunday	7:00am – 12.00 noon (noting, Sunday trading is unlikely, however is included in case of public demand)

The maximum number of staff that will be employed at the Landscape Supply Centre at any one time is two (2) however, it is expected that it will be only the office manager who will also provide administrative functions for the approved contractor's yard.

Refuse containers will continue to be stored in the existing sheds and taken to a Council refuse tip on an as required basis.

External lighting will be limited to security lighting and will be designed, positioned, shielded and directed so as not to create a nuisance to surrounding traffic or premises.

No additional equipment will be required to operate the amended proposal.

## 5.2 Request to Change Conditions for an existing Approval for a Landscape Supply Centre

The applicant would also like to request changes to the following conditions in the current Development Permit for Material Change of Use in DA 8722 as per Section 3.5.33 of the *Integrated Planning Act 1997*. Pursuant to the Council's Decision Notice dated 22 September 2004, we refer in particular to conditions 1.5, 7.1 and 7.11:

**Condition 1.5** *All lots that form part of this Development Application are to be amalgamated in Title. Such amalgamation does not require development approval.*

There does not appear to be any valid reason for all lots to be amalgamated in title as required by this condition. No existing cadastral boundaries appear to intersect with any existing building on the subject site. It would therefore appear that the existence of these cadastral boundaries do not to create major issues under the Building Act, etc.

Another Council concern maybe that the landowner could sell individual titles that would complicate the continued operation of the approved use in accordance with the then current development permit. It is common for an operator to undertake certain land use/s over several separate titles. The need for amalgamation could be negated if this condition was simply replaced with a condition requiring the applicant/operator to obtain an amendment to the land use approval or similar from Council should any of the subject site be no longer available for the approved use in accordance with the conditions of the development permit.

This approach is used in other areas in similar situations where local government hold such concerns and where the continued operation over separate titles does not present any real legal or operational problem. Cooloola Council itself has numerous sites where its own activities run over separate titles.

**Condition 7.1** *The development shall be generally in accordance with the plans submitted the application (Plan no 37723 drawn by Murray & Associates Pty Ltd and dated 03/04/04).*

*Note: This approval doe not authorise the use of the site for screening of materials (at a level that requires approval for an Environmentally Relevant Activity), servicing of vehicles or sale of plants and other general items not considered to be landscaping materials. Should the sale or storage of plants for landscaping projects be intended on the site an amendment to this approval will be required and a contribution towards water supply headworks will be applicable.*

The reference to the approved plan as shown in **Annex 2** may be amended to reference the amended plan in **Annex 3**.

The note in this condition could be amended to approve the sale of landscaping supply materials including plants as mentioned above.

The Applicant's request an amendment to the existing approval to allow for the sale and storage of plants on the subject premises, as the original approval established the use of a Landscape Supply Centre over the site, the sale and storage of plants is in accordance with the existing use.

**Condition 7.11** *In the event of flood, stockpiles are to be removed from the site prior to flood waters entering the site.*

The applicant can appreciate the need to remove stockpiles of certain landscaping supply materials in the event of floods and intends to do so for a range of reasons. It would however appear that certain river gravel and heavier materials may be able to withstand flood event and not create a nuisance to property or people. It is suggested that this condition could be amended accordingly.

## 6 Development Assessment

### 6.1 Proposed extensions within and approved *Landscape Supply Centre*

As indicated above, the application seeks a development permit for extensions within and approved *Landscape Supply Centre*, which has been defined as *Display Yard* for the purpose of assessing the proposal under the 2005 Cooloola Planning Scheme.

The assessment table for the Community and Commercial Zone in the Gympie Planning Area lists *Display Yard* as consistent use within the commercial zone in which majority of the site is located within this zone and identified as an inconsistent use within the Community Zone. Under both the jurisdiction of both planning zones the proposed extensions have been designated as *code assessable development* (refer to the tables below). Under Section 3.5.5(2) of the *Integrated Planning Act 1997* an Assessment Manager therefore must limit its assessment to only the following matters for the *code assessable* component of the above application:

- (a) *the common material;*
- (b) *the planning scheme and any other relevant local planning instruments;*
- (c) *if they are not identified in the planning scheme as being appropriately reflected in the planning scheme—*
  - (i) *State planning policies, or parts of State planning policies; and*
  - (ii) *for the planning scheme of a local government in the SEQ region—the SEQ regional plan;*
- (d) *any development approval for, and any lawful use of, premises the subject of the application or adjacent premises;*
- (e) *if the assessment manager is not a local government—the laws that are administered by, and the policies that are reasonably identifiable as policies applied by, the assessment manager and that are relevant to the application;*
- (f) *the matters prescribed under a regulation (to the extent they apply to a particular proposal).*

Display Yard	Code assessable	
		Gympie Planning Area Code (division 4.4); and, Erosion & Sediment Control Code (division 8.15); and, Infrastructure Works Code (division 8.17); and, Landscaping Code (division 8.18); and, Vehicle Parking & Access Code (division 8.20)

Table of Assessment for **Commercial Zone** within the Gympie Planning Area for the Material Change of Use for extension within and approved *Landscape Supply Centre*, defined for the purpose of the 2005 Cooloola Planning Scheme as *Display Yard*.

Display Yard	Code assessable	
Inconsistent uses (refer Table 4.11 SO-1)		Gympie Planning Area Code (division 4.4) Erosion & Sediment Control Code (division 8.15); and, Infrastructure Works Code (division 8.17); and, Landscaping Code (division 8.18); and, Vehicle Parking & Access Code (division 8.20)

Table of Assessment for **Community Zone** within the Gympie Planning Area for the Material Change of Use for extension within and approved *Landscape Supply Centre*, defined for the purpose of the 2005 Cooloola Planning Scheme as *Display Yard*.

## 6.1.1 Compliance with Cooloola Planning Scheme

For the purpose of component one of this planning report, which seeks a Development Approval for the Material Change of Use for extension within and approved *Landscape Supply Centre*, referred to as *Display Yard* within the provisions of the 2005 Cooloola Planning Scheme. The assessment of component one under the 2005 Cooloola Planning Scheme can be undertaken with reference to the following:

- codes as identified as being applicable to code assessable development for the proposed *Display Yard* use in both the Commercial and Community Zone; and,
- any applicable overlays and assessment criteria.

### 6.1.1.1 Applicable Codes

The codes identified in the 2005 Cooloola Planning Scheme as being applicable to code assessable development for the proposed *Display Yard* use within both the Commercial and Community Zone involves the following:

#### Area Code:

- Gympie Planning Area Code (Division 4.4) – Commercial Zone
- Gympie Planning Area Code (Division 4.4) – Community Zone

#### Works Codes:

- Erosion and Sediment Code (Division 8.15);
- Infrastructure Works Code (Division 8.17);
- Landscaping Code (Division 8.18); and
- Vehicle Parking and Access Code (Division 8.20).

The following tables list assessment against relevant considerations in the applicable works codes. It is noted that the current structures have obtained all acquired approved development permits for works carried out on site. Due to the nature of the proposed use it is not likely that any major works are required or proposed over the subject site, as the existing infrastructure adequately meets the needs of the proposed uses.

Gympie Planning Area Code (Commercial Zone): Specific Outcomes and Probable Solutions		
Column 1 – Specific Outcomes	Column 2 – Probable Solutions	Column 3 - Compliance
<b>Inconsistent Uses</b>		
SO-1 Inconsistent uses	PS-1 Inconsistent Uses	Complies: <i>Display Yard</i> relating to the proposed extensions within and approved Landscape Supply centre, the proposed development is considered a consistent use on the subject site
<b>Effects of Use: Amenity</b>		
SO-2 Uses are located and designed to avoid significant adverse changes to the light conditions experienced by occupants of adjoining and surrounding premises	PS-2 The maximum light emission from any light source causing vertical illumination whether direct, reflected or incidental is 8 lux measured at: <ol style="list-style-type: none"> <li>a distance of 1.5 metres outside any boundary of the site; and,</li> <li>any level upwards from ground level.</li> </ol>	Complies: All night lighting will be positioned, shielded and directed so as not to create a nuisance to surrounding premises or traffic

<p><b>SO-3</b> Uses are located and designed to avoid significant adverse changes to the acoustic environment of adjoining and surrounding premises</p>	<p><b>PS-3</b> If not an environmentally relevant activity, the maximum noise emission from the use meets the standards prescribed in the <i>Environment Protection (Noise) Policy 1997</i>.</p>	<p><b>Complies:</b> can be conditioned to ensure maximum noise emission to meet the standards prescribed in the <i>Environment Protection (Noise) Policy 1997</i></p>
<p><b>SO-4</b> Uses are located and designed to avoid significant adverse changes to the prevailing air quality experienced by adjoining and surrounding premises.</p>	<p><b>PS-4</b> If not an environmentally relevant activity, the maximum air emissions from the use meets the standards prescribed in the <i>Environment Protection (Air) Policy 1997</i>.</p>	<p><b>Complies:</b> can be conditioned to ensure maximum air emissions to meet the standards prescribed in the <i>Environment Protection (Noise) Policy 1997</i></p>
<p><b>SO-5</b> Uses are located and to avoid significant adverse changes to the traffic conditions experienced by occupants of adjoining and surrounding premises.</p>	<p><b>PS-5</b> No solution prescribed</p>	<p><b>Complies:</b> Uses are not expected to cause significant adverse changes with surrounding traffic conditions.</p>
<p><b>Provision and Effects of Works: Scale, siting, design and provision of buildings, structures and other works</b></p>		
<p><b>SO-6</b> Buildings, structures and other works are of a scale consistent with existing buildings and other works on adjoining and surrounding premises.</p>	<p><b>PS-6</b> The maximum height and number of storeys of any building or structure complies with Schedule 5 Maximum Height and Number of Storeys of Buildings and Other Structures</p>	<p><b>Complies:</b> All existing buildings will be retained. Any proposed structures will meet the provisions for building height as set out within Schedule 5 of the planning scheme, which states that the building must not exceed 10 metres in height.</p>
<p><b>SO-7</b> Buildings, structures, works and use areas are appropriately sited with respect to boundary setbacks to protect the privacy and access to natural light and breeze of adjoining and surrounding premises, and allow the provision of landscaping.</p>	<p><b>PS-7</b> The minimum boundary setbacks:</p> <ul style="list-style-type: none"> <li>a. of any commercial building or structure complies with Schedule 4 Minimum Boundary Setbacks for Commercial Buildings and Structures; or,</li> <li>b. of any residential building or structure complies with Schedule 3 Minimum Boundary Setbacks for Residential Buildings and Structures.</li> </ul>	<p><b>Complies:</b> the subject site only adjoins one premises located within the housing zone along the northern boundary, which currently operates as a commercial premises. The remainder of the subject site is surrounded by dense riverine vegetation.</p> <p>The buildings existing on the subject site will be retained and acquire appropriate setbacks from surrounding premises in accordance with Schedule 4.</p>
<p><b>SO-8</b> Development maintains the safety of people from floods.</p>	<p><b>PS-8</b> For non-residential development, either:</p> <ul style="list-style-type: none"> <li>a. the floor levels of buildings are at or above the 1:50 ARI flood level; or,</li> <li>b. there is at least one evacuation route that remains passable for emergency evacuations during all floods up to and including the 1:50 ARI flood; or,</li> <li>c. the premises are located in an area where there is sufficient flood warning time to enable safe evacuation; or,</li> <li>d. a safe refuge is available for people within the development site.</li> </ul>	<p><b>Complies:</b> The premises are located in an area where there is sufficient flood warning time and local knowledge to enable safe evacuation.</p> <p>Elevated land adjacent to the site provides adequate escape routes during a flood event.</p>
<p><b>SO-9</b> Buildings and structures provide protection from the elements at the interface of public spaces and integrate visually and structurally with other similar structures in the vicinity.</p>	<p><b>PS-9</b> Buildings include awnings or other impervious structures that are cantilevered or suspended over adjacent footpaths and other public areas for the full frontage of the building extending to an alignment:</p> <ul style="list-style-type: none"> <li>a. equal to those on adjoining premises; or,</li> </ul>	<p><b>Not Applicable:</b> the subject site has a large use area of 5040 square metres, as no buildings are directly adjoining other premises or directly fronting Violet Street. Due to the nature of the use as a Landscape Supply Centre security fencing has been established around the perimeter of the site.</p>

	<p>b. if there are no adjoining awnings – 600mm behind the front of the kerb.</p>	<p>However, the applicants have placed cloth shade structures over a display area and painted murals on the existing building to create a more visually appealing feature that can be seen from Violet Street.</p>
<p><b>SO-10 Buildings and structures:</b></p> <ul style="list-style-type: none"> <li>a. are designed and constructed to enhance the visual amenity of the streetscape; and,</li> <li>b. complement the design of existing buildings on adjoining and surrounding premises; and,</li> <li>c. address the street, and other public places; and,</li> <li>d. if fronting more than one street – have the main public entrances on the principal frontage; and,</li> <li>e. if on a street corner – include detailed design elements such as window openings or wall articulation in facades on all frontages; and,</li> <li>f. provide access to views of important landscape elements and built features.</li> </ul>	<p><b>PS-10 No solution prescribed</b></p>	<p><b>Complies:</b> the approved <i>Landscape Supply Centre</i> has existing buildings that reflect creative design features in order to enhance the visual amenity of the streetscape and site. Such elements include, murals painted on feature walls that front Violet Street and coloured cloth shade structures.</p>
<p><b>SO-11 Buildings, structures and other works:</b></p> <ul style="list-style-type: none"> <li>a. are designed to facilitate safe and universally accessible pedestrian movement; and,</li> <li>b. include pedestrian linkages between buildings, streets and public open spaces; and,</li> <li>c. outdoor open spaces whether public or semi-public:             <ul style="list-style-type: none"> <li>(i) adjoin a street, or another outdoor open space; and,</li> <li>(ii) Integrate with pedestrian routes.</li> </ul> </li> </ul>	<p><b>PS-11 No solution prescribed</b></p>	<p><b>Complies:</b> the existing <i>Landscape Supply Centre</i> has very limited changes in level and provides good accessibility that provides universal design and detail.</p>
<p><b>SO-12 Landscaping, paving and other treatments or works in public spaces:</b></p> <ul style="list-style-type: none"> <li>a. are consistent with existing works of that nature; and,</li> <li>b. maintain or enhance existing landscape or built features; and,</li> <li>c. contribute to the importance of prominent locations including street corners, important public spaces and the end of vistas.</li> </ul>	<p><b>PS-12 No solution prescribed</b></p>	<p><b>Not applicable:</b> no public spaces are located within the site.</p>
<p><b>SO-13 On-site vehicle parking and access areas are located and designed to:</b></p> <ul style="list-style-type: none"> <li>a. avoid dominating the streetscape; and,</li> <li>b. maintain an attractive streetscape; and,</li> <li>c. maintain the safety of cyclists and pedestrians, and the predominance of pedestrian</li> </ul>	<p><b>PS-13 Vehicle:</b></p> <ul style="list-style-type: none"> <li>a. parking areas             <ul style="list-style-type: none"> <li>(i) are located to the rear of the main building on the site; or,</li> <li>(ii) do not occupy more than 50% of the frontage of the lot; and,</li> </ul> </li> </ul>	<p><b>Complies:</b></p> <ul style="list-style-type: none"> <li>a. the site slopes down from the road and a small rock wall and landscaping provide a visual barrier from existing parking area</li> <li>b. the existing driveway services only the approved <i>Landscape Supply Centre</i> and</li> </ul>



use of footpaths and public spaces.	b. access is provided by combined driveways servicing more than 1 property.	Contractor's Yard
SO-14 Plant and equipment and service areas are located and designed to avoid adverse visual impacts to the site and maintain an attractive streetscape.	PS-14 Plant and equipment and service areas a. are: (i) located to the side or rear of the main building on the site; and, (ii) located no less than 2 metres from any property boundary; and, (iii) screened by: (A) fences or walls with no gaps; or, (B) dense planting to a width of 1.5 metres; or, b. are located in the basement level.	Complies: Plant and equipment and service areas are:  (i) located at the rear of the building  (ii) located further than 2 metres from all boundaries  (iii) screened by a fence and buffer landscaping or wall
SO-15 Storage areas are screened so they do not cause adverse visual impacts to the site or the streetscape.	PS-15 No solution prescribed	Complies: Materials stored within the building and therefore screened from neighbouring properties
SO-16 Refuse storage areas are located and designed to provide safe and convenient access for collection while avoiding adverse visual impacts to the site and streetscape.	PS-16 The refuse storage area is enclosed on three sides with a fence or wall with no gaps extending to 0.2 metres above the height of the refuse receptacles.	Complies: The refuse storage area is enclosed on three sides by a wall, and extends to 0.2 metres above the height of the refuse receptacles. Any additional refuse is to be collected by a private contractor on an as needs basis.

Gympie Planning Area Code (Community Zone): Specific Outcomes and Probable Solutions		
Column 1 – Specific Outcomes	Column 2 – Probable Solutions	Column 3 - Compliance
<b>Inconsistent Uses</b>		
SO-1 Inconsistent uses	PS-1 Inconsistent Uses	The <i>Display Yard</i> has been identified as an inconsistent use; however, majority of the site is included within the Commercial Zone, which identifies the approved and current <i>Landscape Supply Centre</i> as a consistent use
<b>Effects of Use: Amenity</b>		
SO-2 Uses are located and designed to avoid significant adverse changes to the light conditions experienced by occupants of adjoining and surrounding premises	PS-2 The maximum light emission from any light source causing vertical illumination whether direct, reflected or incidental is 8 lux measured at:  c. a distance of 1.5 metres outside any boundary of the site; and,  d. any level upwards from ground level.	Complies: All night lighting will be positioned, shielded and directed so as not to create a nuisance to surrounding premises or traffic
SO-3 Uses are located and designed to avoid significant adverse changes to the acoustic environment of adjoining and surrounding premises	PS-3 If not an environmentally relevant activity, the maximum noise emission from the use meets the standards prescribed in the <i>Environment Protection (Noise) Policy 1997</i> .	Complies: maximum noise emission to meet the standards prescribed in the <i>Environment Protection (Noise) Policy 1997</i>

<p><b>SO-4</b> Noise sensitive development including accommodation premises, education or health premises and multi-residential are located and designed to provide an appropriate acoustic environment for its users</p>	<p><b>PS-4</b> No solution prescribed</p>	<p><b>Not Applicable:</b> The proposal does not involve the introduction of additional noise sensitive uses given the approved uses for the site</p>
<p><b>SO-5</b> Uses are located and to avoid significant adverse changes to the traffic conditions experienced by occupants of adjoining and surrounding premises.</p>	<p><b>PS-5</b> No solution prescribed</p>	<p><b>Complies:</b> Uses are not expected to cause significant adverse changes with surrounding traffic conditions.</p>
<p><b>SO-6</b> Uses are located and designed to avoid significant adverse changes to the prevailing air quality experienced by occupants of adjoining and surrounding premises.</p>	<p><b>PS-6</b> The maximum air emissions from the use meet the standards prescribed in the <i>Environment Protection (Air) Policy 1997</i>.</p>	<p><b>Complies:</b> maximum air emissions to meet the standards prescribed in the <i>Environment Protection (Noise) Policy 1997</i></p>
<p><b>SO-7</b> Uses are designed to avoid significant adverse changes to the electricity supply available to occupants of adjoining and surrounding premises.</p>	<p><b>PS-7</b> No solution prescribed.</p>	<p><b>Not Applicable:</b> the proposed extensions to the approved Landscape Supply Centre will not involve any adverse changes to the electricity supply to surrounding and adjoining premises.</p>

**Provision and Effects of Works: Scale, siting, design and provision of buildings, structures and other works**

<p><b>SO-8</b> Buildings and structures:</p> <ul style="list-style-type: none"> <li>a. are of scale consistent with existing buildings and other works on adjoining and surrounding premises; and,</li> <li>b. protect the access of adjoining and surrounding premises to views.</li> </ul>	<p><b>PS-6</b> The maximum height and number of storeys of any building or structure:</p> <ul style="list-style-type: none"> <li>a. other than a domestic outbuilding specified in Table 8:4, complying with Schedule 5 Maximum Height and Number of Storeys of Buildings and Other Structures; or,</li> <li>b. if a domestic outbuilding specified in Table 8:4, complies with Table 8:4 Size, Siting and Height of Domestic Outbuilding</li> </ul>	<p><b>Not Applicable:</b> No outbuildings are existing or proposed.</p>
<p><b>SO-9</b> Buildings and structures are appropriately sited with respect to boundary setbacks to protect the privacy and access to natural light and breeze of adjoining and surrounding premises.</p>	<p><b>PS-7</b> The minimum boundary setbacks:</p> <ul style="list-style-type: none"> <li>a. buildings, if a residential use: <ul style="list-style-type: none"> <li>i. other than a domestic outbuilding specified in Table 8:4, complying with Schedule 3 Minimum Boundary Setbacks for Residential Buildings and Structures; or,</li> <li>ii. a domestic outbuilding specified in Table 8:4, complies with Table 8:4 Size, Siting and Height of Domestic Outbuildings; or,</li> </ul> </li> <li>b. for buildings and other use areas, other than in PS-9 above is 10 metres.</li> </ul>	<p><b>Not Applicable:</b> the community zoned land is situated within the southern portion of the subject site and adjoins along the southern (side) boundary.</p> <p>The community zoned land is privately owned and the only purpose that the land currently holds is as for open or green space. The buildings are located along the northern (side) boundary, which allows a setback of in excess of 10 metres.</p> <p>Majority of the proposed extensions are not located centrally within the site and would not produce any adverse affects on the adjoining community zoned land.</p>
<p><b>SO-10</b> Buildings are appropriately sited with respect to protection from flood events.</p>	<p><b>PS-10</b> The minimum floor levels of:</p> <ul style="list-style-type: none"> <li>a. residential buildings comply with Schedule 6 Minimum Floor Levels; and,</li> <li>b. non-residential buildings – no</li> </ul>	<p><b>Complies:</b> The approved <i>Landscape Supply Centre</i> does not involve residential buildings.</p> <p>The premises are located in an area where there is sufficient flood</p>

	solution prescribed.	warning time and local knowledge to enable safe evacuation.  Elevated land adjacent to the site provides adequate escape routes during a flood event.
<b>SO-11</b> Noise sensitive development including accommodation premises, education or health premises or multi-residential is appropriately sited, orientated, designed and constructed to reduce the infiltration of noise and to protect the operational integrity of transport infrastructure.	<b>PS-11</b> No solution prescribed	<b>Not Applicable:</b> the approved and proposed uses are not identified as a noise sensitive development.
<b>SO-12</b> Buildings, structures and other works are compatible with surrounding amenity and integrate with the built or natural environment within which they are located.	<b>PS-10</b> No solution prescribed	<b>Complies:</b> the proposed extensions are compatible with the existing development and will result in minimal changes to the approved use not adversely affecting the surrounding built or natural environment.

<b>Erosion and Sediment Control Code: Specific Outcomes and Probable Solutions</b>		
<b>Column 1 – Specific Outcomes</b>	<b>Column 2 – Probable Solutions</b>	<b>Column 3 – Compliance</b>
<b>Sediment Control – Minor Effects</b>		
<b>SO-1</b> Works with the potential to cause minor adverse effects on water quality, and land degradation are controlled appropriately to prevent:  a. the following wastes from being transported off site into gutters, drains or waterways, or to waterways on-site  (i) soil; and, (ii) pollutants from cutting and cleaning activities (iii) concrete and other construction material wastes; and,  b. erosion of the site through loss of soil	<b>PS-1</b> A sediment fence is:  a. placed down-slope and as close as practicable to areas of exposed or disturbed soil; and,  b. placed around all open stormwater pits likely to receive waters from the site area; and,  c. in place and fully operational during periods of rain and at the end of each day; and,  d. maintained until soils are stabilised on the site area.	<b>Not Applicable:</b> No major works are required due to the nature of the proposal.
<b>SO-2</b> Stormwater from buildings is appropriately disposed of to prevent soil erosion.	<b>PS-3</b> For buildings – temporary or permanent downpipes are in place before fixing the roof and:  a. are connected to the stormwater system; or,  b. where there is no stormwater system, drain to an open stormwater pit around which a sediment fence is placed.	<b>Complies:</b> the site benefits from a large area of approximately 5,040 square metres, within this area are three (3) buildings, the site is predominantly unsealed, which allows for better permeability to occur. The site is also generally flat with no overriding trend in slope, as such stormwater runoff is captured within the unsealed ground.
<b>Erosion and Sediment Control – Major Impacts</b>		
<b>SO-3</b> Works with the potential to cause major adverse environmental impacts are controlled appropriately:  a. to prevent the following wastes from being transported off site	<b>PS-3</b> Erosion and sediment control measures are designed and provided in accordance with the institution of Engineers, Australia, Qld Division's "Soil Erosion and Sediment Control: Engineering	<b>Not Applicable:</b> The nature of the proposal will not result in major building works over the site.

<p>into gutters, drains or waterways or to waterways on-site:</p> <ul style="list-style-type: none"> <li>(iv) soil; and,</li> <li>(v) pollutants from cutting and cleaning activities</li> <li>(i) concrete and other construction material wastes; and,</li> </ul> <p>b. in accordance with the:</p> <ul style="list-style-type: none"> <li>(ii) type and scale of the development; and,</li> <li>(iii) erosion hazard rating of the site.</li> </ul>	<p>Guidelines for Queensland Construction Sites".</p>	
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<b>Infrastructure Works Code (Effects of Use): Specific Outcomes and Probable Solutions</b>		
<b>Column 1 – Specific Outcomes</b>	<b>Column 2 – Probable Solutions</b>	<b>Column 3 - Compliance</b>
<b>Infrastructure Capacity</b>		
<p><b>SO-1</b> The type and scale of uses is consistent with the capacity of the infrastructure servicing premises and its safe operation.</p>	<p><b>PS-1</b> No solution prescribed</p>	<p><b>Not Applicable:</b> Adequate access for heavy rigid vehicles is provided by a roadway constructed to a sealed asphalt standard with kerb and channelling and benefits from cement constructed driveway ingress/egress constructed to Council's prescribed standards.</p> <p>Reticulated town water and sewerage, electricity and underground telecommunications are also available to the site.</p>
<b>Safety and Efficiency of Roads</b>		
<p><b>SO-2</b> Uses maintain or improve the safe and efficient operation of roads having regard to, and as appropriate for:</p> <ul style="list-style-type: none"> <li>a. the traffic profile and factors influencing road usage; and,</li> <li>b. the potential for conflict between vehicles, cyclists and pedestrians; and,</li> <li>c. the location of uses that may be adversely affected by noise or dust generated from the use of the road; and,</li> <li>d. the location and design of pedestrian and vehicular access points; and,</li> <li>e. the location of activities within the premises and their relationship with adjacent public roads; and,</li> <li>f. the nature and intensity of traffic generated by the use; and,</li> <li>g. the number of vehicles likely to be attracted to the premises at any one time (whether due to the use or</li> </ul>	<p><b>PS-2</b> Design and construction of roads and vehicular access meets the following criteria</p> <ul style="list-style-type: none"> <li>a. vehicular access to the premises is designed in accordance with AS 2890.1 section 3; and,</li> <li>b. vehicular access to commercial vehicle loading and unloading areas is designed in accordance with AS 2890.2 section 3; and,</li> <li>c. infrastructure works within roads are designed and constructed to the standards stated in Table 8.1 Standards for the Provision of Works and Schedule 1 – Design Standards in Planning Scheme Policy 8: Infrastructure Works.</li> </ul>	<p><b>Not Applicable:</b> the proposed use is minor in the fact that it is for the extensions within and approved <i>Landscape Supply Centre</i>, as such no road are proposed to be designed or constructed in conjunction with the proposed changes.</p>

<p>other uses); and,</p> <p>h. the location, capacity and configuration of any existing or proposed parking areas associated with the use.</p>		
<p><b>Safety and Effects on Environment and Infrastructure</b></p>		
<p><b>SO-1</b> Works are provided having regard to, and as appropriate for:</p> <p>a. protecting the safety of people using the premises and nearby premises, including the appropriate provision of on-site drainage; and,</p> <p>b. the potential effects on the environment, including effects on amenity, biodiversity, cultural heritage values, economic conditions, ecosystems, natural resources, and physical resources; and,</p> <p>c. the potential effects on other premises and public infrastructure including State-controlled roads, rail corridors and transmission lines</p>	<p><b>PS-1</b> No solution prescribed</p>	<p><b>Not Applicable:</b> due to the nature of the proposal, no major works are to be carried out within the subject site.</p>
<p><b>Provision of Road Infrastructure</b></p>		
<p><b>SO-2</b> Road infrastructure is provided to:</p> <p>a. meet adequate geometric design, design speed, horizontal alignment, vertical alignment, grades and structural design standards to fulfil the designated primary function over an acceptable design life within the network as appropriate for and having regard to:</p> <p>(i) provision for vehicles, bicycles and pedestrians,</p> <p>(ii) the locality and the safety of users;</p> <p>(iii) provision for emergency vehicles, buses and service vehicles; and,</p> <p>b. be of robust materials and construction, sufficient thickness and with sufficient sub-soil drainage to be fit for the purpose and intended design life; and,</p> <p>c. be easily maintained without unnecessarily requiring additional specialist expertise or equipment; and,</p> <p>d. be comprised of materials that are readily accessible and available as practicable; and,</p> <p>e. be readily integrated with existing network and facilitate the orderly provision of the future network</p>	<p><b>PS-2</b> Road infrastructure is designed and constructed to the standards stated in:</p> <p>a. Table 8.1 Standards for the Provision of Works; and,</p> <p>b. Schedule 1 – Design Standards, Part 2 Site and Road Layout in Planning Scheme Policy 8: Infrastructure Works.</p>	<p><b>Not applicable:</b> This proposal does not involve road works.</p>

<p>f. accommodate public utility services and drainage systems.</p>		
<p><b>Provision of Reticulated Water Supply and Sewerage Infrastructure</b></p>		
<p><b>SO-3</b> Water supply and sewerage infrastructure is provided to:</p> <ul style="list-style-type: none"> <li>a. meet appropriate standards at the least whole-of-life cost, including avoiding unnecessary duplication; and,</li> <li>b. be robust and fit for the purpose and intended period of operations; and,</li> <li>c. be easily maintained without unnecessarily requiring additional specialist expertise or equipment; and,</li> <li>d. be comprised of components and materials that are readily accessible and available as practicable; and,</li> <li>e. be readily integrated with existing systems and facilitate the orderly provision of future systems.</li> </ul>	<p><b>PS-3</b> Water supply and sewerage infrastructure is designed and constructed to the standards stated in:</p> <ul style="list-style-type: none"> <li>a. Table 8.1 Standards for the Provision of Works; and,</li> <li>b. Schedule 1 – Design Standards, Part 7 Water Supply &amp; Sewerage Reticulation of Planning Scheme Policy 8: Infrastructure Works.</li> </ul>	<p><b>Not Applicable:</b> The subject site and existing structures located on within the site have existing service connects to reticulated town water supply and sewerage systems.</p>
<p><b>On-site Water and Sewerage Infrastructure</b></p>		
<p><b>SO-4</b> If not in a Council reticulated water supply area, sufficient water supply is available to meet the needs of users.</p>	<p><b>PS-4</b> If not in a water supply area and involving a dwelling house – a minimum water storage of 45,000 litres is provided.</p>	<p><b>Not Applicable:</b> Site located within a water supply area.</p>
<p><b>SO-5</b> If not in a Council reticulated sewerage area, effluent disposal is:</p> <ul style="list-style-type: none"> <li>a. of an appropriate standard; and,</li> <li>b. minimises risks to the public health and safety of occupants and users of premises, nearby premises and the environment; and,</li> <li>c. sustainably applied to land to minimise the risks to the environment.</li> </ul>	<p><b>PS-5</b> If not in a reticulated sewerage area on-site sewerage facilities are designed and constructed in accordance with the On-site Sewerage Code</p>	<p><b>Not Applicable:</b> Site located within a reticulated sewerage area.</p>
<p><b>Provision of Stormwater Drainage</b></p>		
<p><b>SO-6</b> Stormwater drainage is provided to:</p> <ul style="list-style-type: none"> <li>a. meet appropriate standards at the least whole-of-life cost, including avoiding unnecessary duplication; and,</li> <li>b. detain, collect, reuse or otherwise manage stormwater without adversely affecting upstream or downstream premises and without ponding for prolonged periods; and,</li> <li>c. protect the efficiency of downstream drainage; and,</li> <li>d. be accessible, durable and easily maintained; and,</li> <li>e. direct stormwater to one or more</li> </ul>	<p><b>PS-6</b> Drainage works are designed and constructed to the standards stated in:</p> <ul style="list-style-type: none"> <li>a. Table 8.1 Standards for the Provision of Works; and,</li> <li>b. Schedule 1 – Design Standards, Part 4 Stormwater Drainage of Planning Scheme Policy 8: Infrastructure Works.</li> </ul>	<p><b>Not Applicable:</b> Stormwater drainage is existing within the site and constructed to the standards required by Council.</p>

<p>points of lawful discharge; and,</p> <p>f. prevent erosion or the accumulation of sediment; and,</p> <p>g. protect the quality of downstream water within recognised acceptable limits by removing or reducing sediment, nutrients and other pollutants.</p>		
<b>Provision of Inter-allotment Drainage</b>		
<p><b>SO-7</b> Inter-allotment drainage infrastructure is provided to allow the collection and drainage of stormwater to a lawful point of discharge</p>	<p><b>PS-7</b> Inter-allotment drainage works are designed and constructed to the standards stated in:</p> <p>a. Table 8:1 Standards for the Provision of Works; and,</p> <p>b. Schedule 1 – Design Standards, Part 5 Inter-allotment Drainage in Planning Scheme Policy 8: Infrastructure Works.</p>	<p><b>Not Applicable:</b> inter-allotment drainage is existing within the subject site.</p>
<b>Provision of Street Lighting and Communication Infrastructure</b>		
<p><b>SO-8</b> Street lighting and communication infrastructure is provided having regard to State and industry standards and requirements.</p>	<p><b>PS-8</b> Street lighting and communication infrastructure is designed and constructed to the standards stated:</p> <p>a. in Table 8:1 Standards for the Provision of Works; and,</p> <p>b. Schedule 1 – Design Standards, Part 8 Lighting and Services of Planning Scheme Policy 8: Infrastructure Works.</p>	<p><b>Not Applicable:</b> street lighting and communication infrastructure currently exists within the subject site.</p>
<b>Construction Site Management</b>		
<p><b>SO-9</b> The amount of sediment leaving the site, including due to traffic, is minimised.</p>	<p><b>PS-9</b> No solution prescribed</p>	<p><b>Not Applicable:</b> the nature of the proposal will not require construction to be undertaken for the operation of the proposed uses.</p>
<p><b>SO-10</b> Noise, dust and smoke nuisance to nearby premises caused by construction on works is within recognised acceptable limits.</p>	<p><b>PS-10</b> No solution prescribed</p>	<p><b>Not Applicable:</b> due to the nature of the proposal no construction is required for the operation of the proposed uses.</p>

<b>Landscaping Code: Specific Outcomes and Probable Solutions</b>		
<b>Column 1 – Specific Outcomes</b>	<b>Column 2 – Probable Solutions</b>	<b>Column 3 - Compliance</b>
<b>Amenity of Premises</b>		
<p><b>SO-1</b> Landscaping areas are located and designed to provide attractive</p>	<p><b>PS-1</b> Landscaping is provided:</p>	<p><b>Not Applicable:</b> The subject site contains existing landscaped</p>

<p>streetscapes and their dimensions, the density of plants and the structure of plantings are sufficient to:</p> <p>a. soften the visual impact of large, tall or bulky structure and premises</p>	<p>a. In accordance with Schedule 8: Minimum Landscaping Dimensions and Works and Planning Scheme Policy 4: Landscape Plans and Plant Species; and,</p> <p>b. Along frontages or boundaries so that plantings are in the form of defined gardens with three tier planting comprised of:</p> <p>(i) groundcovers;</p> <p>(ii) shrubs (understorey); and,</p> <p>(iii) trees (canopy); and,</p> <p>c. in areas other than along frontages and boundaries – no solution prescribed.</p>	<p>areas that have recently been designed and constructed along the western boundary fronting Violet Street as required by Council in relation to the existing approval over the site.</p>
<p><b>Water Efficiency and Soil Protection</b></p>		
<p><b>SO-2</b> Landscaping incorporates appropriate measures to:</p> <p>a. provide and retain water to plants in a water efficient manner; and,</p> <p>b. prevent loss of soil or mulch from erosion</p>	<p><b>PS-2</b> Landscaped areas:</p> <p>a. incorporate a drip irrigation system; and,</p> <p>b. are mulched to assist in moisture retention; and,</p> <p>c. include border barriers a minimum of 15cm high.</p>	<p><b>Not Applicable:</b> The landscaped areas existing within the site incorporate environmentally efficient practices by planting species recommended by Council, which are native to the area and benefit from water sensitive elements; in addition, the landscaped areas are mulched to assist in moisture retention.</p>
<p><b>Provision of Appropriate Species</b></p>		
<p><b>SO-3</b> Plant species are appropriate to the setting in which they are located and enhance local character.</p>	<p><b>PS-3</b> If in the:</p> <p>a. Cooloolo Coast Planning Area:</p> <p>(i) plant species used are local indigenous species, or species listed in Table 4:2 to Table 4:7 of Planning Scheme Policy 4: Landscape Plans and Plant Species; and,</p> <p>(ii) existing indigenous vegetation outside of building and other works areas is retained; or,</p> <p>b. Gympie Planning Area or the Rural Planning Area and on premises not fronting the Bruce Highway – not less than 70% of all plants used are species listed in Table 4:8 to Table 4:20 of Planning Scheme Policy 4: Landscape Plans and Plant Species; or,</p> <p>c. Gympie Planning Area or the Rural Planning Area and on premises fronting the Bruce Highway,- plant species used are species listed in Table 4.21 to Table 4.26 of Planning Scheme Policy 4: Landscape Plans and Plant Species.</p>	<p><b>Not Applicable:</b> the existing landscaped areas incorporate plant species encouraged within the Cooloolo Coast Planning Area that enhances surrounding setting.</p>
<p><b>SO-5</b> Plant species are used that protect natural waterway, natural wetland area and wetland protection area values.</p>	<p><b>PS-5</b> If on premises within or adjoining a natural waterway, natural wetland area or wetland protection area identified on Overlay Map OM5</p>	<p><b>Not Applicable:</b> the subject site is not located in proximity to a protected natural waterway, wetland area or wetland protection</p>



	<p>Natural Waterways and Wetland Areas:</p> <ul style="list-style-type: none"> <li>a. all plant species used are local indigenous species; and,</li> <li>b. existing indigenous vegetation outside of building and other works areas is retained.</li> </ul>	areas.
<b>Control of Weeds</b>		
SO-6 The risk of spread of weeds is minimised.	PS-6 Plantings do not include, and the premises are cleared of, any of the species listed in Table 4:28 to Table 4:34 in Planning Scheme Policy 4: Landscape Plans and Plant Species.	Not Applicable: the entire site is cleared of weeds.
<b>Protection of Infrastructure</b>		
<p>SO-7 Plant species used in landscaping:</p> <ul style="list-style-type: none"> <li>a. are appropriate for the location and will not damage or interfere with infrastructure; or,</li> <li>b. that have potential to damage or interfere with infrastructure include adequate protective measures to protect infrastructure and the safety of its users.</li> </ul>	<p>PS-7 Street planting species meet the following criteria:</p> <ul style="list-style-type: none"> <li>a. species used comprise those listed for the relevant Planning Area in Planning Scheme Policy 4: Landscape Plans and Plant Species; and,</li> <li>b. for trees with an expected mature height of greater than 4 metres – the minimum horizontal distance of the tree from below and part of any power or other network line is not less than the expected mature height of the tree; and,</li> <li>(i) for all tree plantings – the minimum horizontal distance of the plant from infrastructure or foundations complies with the distance specified in Planning Scheme Policy 4: Landscape Plans and Plant Species; or,</li> <li>(ii) root barriers are installed; and,</li> <li>c. tree root grids are installed for street trees in footpaths and shade trees in areas accessed by pedestrians.</li> </ul>	Not Applicable: No street planting exists on the site or proposed within this proposal.
<b>Safety of road networks</b>		
SO-6 Plant species are appropriate having regard to proximity to street corners and the safety of users of the road networks	PS-6 Plant species used within the road reserve, other than a Major Arterial Road, and within 12 metres of an intersection have an expected mature height of less than 1.5 metres.	Not Applicable: no tree planting is proposed within the road (reserve) or located in close proximity to street corners.

<b>Built features and landscaping earthworks</b>		
SO-9 Hardscape elements are appropriate, safe and fit for their intended use.	PS-9 No solution prescribed	Complies: hardscape elements have been incorporated within the landscape areas fronting Violet Street, which do not produce any adverse affects. These elements also improve the visual amenity of the site, whilst providing legibility as to the operation of the site.
SO-10 Built features are suitably located with respect to other built features and existing or planned infrastructure.	PS-10 No solution prescribed	Complies: built features are appropriately setback from surrounding allotments.
SO-11 Hardscape is suitably located with regard to other uses in the locality.	PS-11 No solution prescribed	Complies: Hardscape elements are suitably located from other uses within the locality, through the provision of a landscaped buffer along the side boundaries and large retainer walls.
SO-12 Sufficient and adequate Hardscape elements, including play equipment, seating, paved or other hard surface areas and structures are provided to meet the needs of users.	PS-12 No solution prescribed	Complies: existing hard surfaced areas enable safe movement of users and visitors to the premises.

<b>Vehicle Parking and Access Code: Specific Outcomes and Probable Solutions</b>		
<b>Column 1 – Specific Outcomes</b>	<b>Column 2 – Probable Solutions</b>	<b>Column 3 - Compliance</b>
<b>Parking provision</b>		
SO-1 Adequate parking is provided to meet the needs of occupants, employees, visitors and other users.	A/PS-1 Either:  (i) vehicle parking spaces are provided on-site in accordance with Schedule 10 Minimum Vehicle Parking Requirements; or,  (ii) off-site, public vehicle parking spaces are provided by way of a monetary contribution to Council equivalent to the requirements of Schedule 10 Minimum Vehicle Parking Requirements.	Complies: the site currently provides five (5) parking spaces, which was deemed adequate for occupants, employees, visitors and other users to the site within the existing approval.  The amended plan accommodates seven (7) parking spaces. The additional display areas will not generate any significant additional traffic but rather provide a greater range of gravel and landscape supplies.
<b>Parking area design</b>		
SO-2 Vehicle parking areas, spaces, layout, equipment and location meet the needs of users and maintain the safety of premises and surrounding areas.	A/PS-2 Parking areas meet the following criteria:  a. parking spaces, layouts and gradients are designed and constructed in accordance with AS2890.1, sections 2.4, 4 and 5; and,  b. vehicles can enter and leave the premises in forward gear without reversing more than once.	Complies: The layout and design of the dedicated parking spaces provide a safe environment for the users of the site to enable vehicles to enter and leave the site in forward gear due to the large area designed the cater for turning circles of all types of vehicles, varying from a standard small car to a heavy rigid vehicle.

<b>Lighting</b>		
<b>SO-3</b> Lighting is provided to: <ul style="list-style-type: none"> <li>a. maintain the safety of users, premises and surrounding areas; and,</li> <li>b. minimise adverse effects on the amenity of users of surrounding premises.</li> </ul>	<b>A/PS-3</b> Lighting provided: <ul style="list-style-type: none"> <li>a. is in accordance with AS2890.1 section 4.7; and,</li> <li>b. within parking area and access ways, is bollard style lighting</li> </ul>	<b>Complies:</b> The existing lighting will be retained for the purpose of surveillance and security within the display yard area. All intended night lighting will be shielded and directed to minimise any potential impact or adverse effects on surrounding premises and amenity.
<b>Loading areas</b>		
<b>SO-4</b> Adequate safe, dedicated loading and unloading areas are provided to meet the needs of development.	<b>A/PS-4</b> Loading and unloading areas designed and constructed in accordance with AS 2890.2, sections 2 and 3.	<b>Complies:</b> loading will occur in proximity to the holding bays, as most items will be stored within either the holding bays or the adjoining display areas.
<b>Internal circulation</b>		
<b>SO-5</b> Adequate safe, internal circulation of vehicles is provided.	<b>A/PS-5</b> Vehicle parking and access areas are designed and constructed in accordance with AS 2890.1, sections 2.5, 4 and 5.	<b>Not applicable:</b> the existing parking and access areas have been designed in accordance with Council's requirements.

### 6.1.1.2 Overlays

The 2005 Cooloola Planning Scheme incorporates ten (10) overlays that can influence the assessment of the material change of use component. The table below demonstrates that no overlays affect upon the assessment of the proposal.

Overlay Map Reference	Map Title	Classification of Overlay Map	Implication on Proposal
OM1	Character Places – Gympie	Nil	None
OM2	Character Places – Imbil	Nil	None
OM3	Coastal Management District	Nil	None
OM4/1	Conservation Significant Area: Ecosystem Value	Nil	None
OM4/2	Conservation Significant Area: Habitat Value	Nil	None
OM4/3	Conservation Significant Area: Connectivity Value	Nil	None
OM5	Natural Wetland and Waterway Areas	Nil	None
OM6	Cedar Pocket Dam Catchment	Nil	None
OM7	Extractive Resource Areas and Haul Routes	Nil	None
OM8	Good Quality Agricultural Land	Nil	None
OM9	Potential Acid Sulphate Soils	Nil	None
OM10	Cooloola Cove Cut or Fill Area	Nil	None

### 6.1.1.3 State Planning Policies

All State Planning Policy except for *State Planning Policy 1/03 Mitigating the Adverse Impacts of Flood, Bushfire and Landslide* are appropriately reflected in the 2005 Cooloola Planning Scheme. The subject site is not mapped within a bushfire hazard area.

## 7 Closure

The above proposal and request has been submitted to Cooloolo Shire Council as the Assessment Manager of the application under the *Integrated Planning Act 1997*. This request seeks changes to an existing development approval, whilst the proposal seeks a development approval for the material change of use for extensions within and approved *Landscape Supply Centre*.

The request and proposal can be supported on a number of grounds including those referenced throughout the above report. It is important to appreciate that proposed changes:

- **do not change** any of the approved Light Industry (Contractor's Yard) design or ongoing operations;
- **do not change** the approved location or standard of entrance/exit for the approved uses;
- **do not change** the shape or area approved for the use by either the Landscaping Sales Centre or Contractor's Yard;
- **do not change** the floor areas of the buildings approved for either the Landscaping Sales Centre or Contractor's Yard;
- **do not change** that plant and equipment nominated in the original application; or
- **do not change** the approved uses in that all proposed uses will be continued to be defined as either the "Landscaping Sales Centre" or "Light Industry" under the 1997 Cooloolo Planning Scheme.

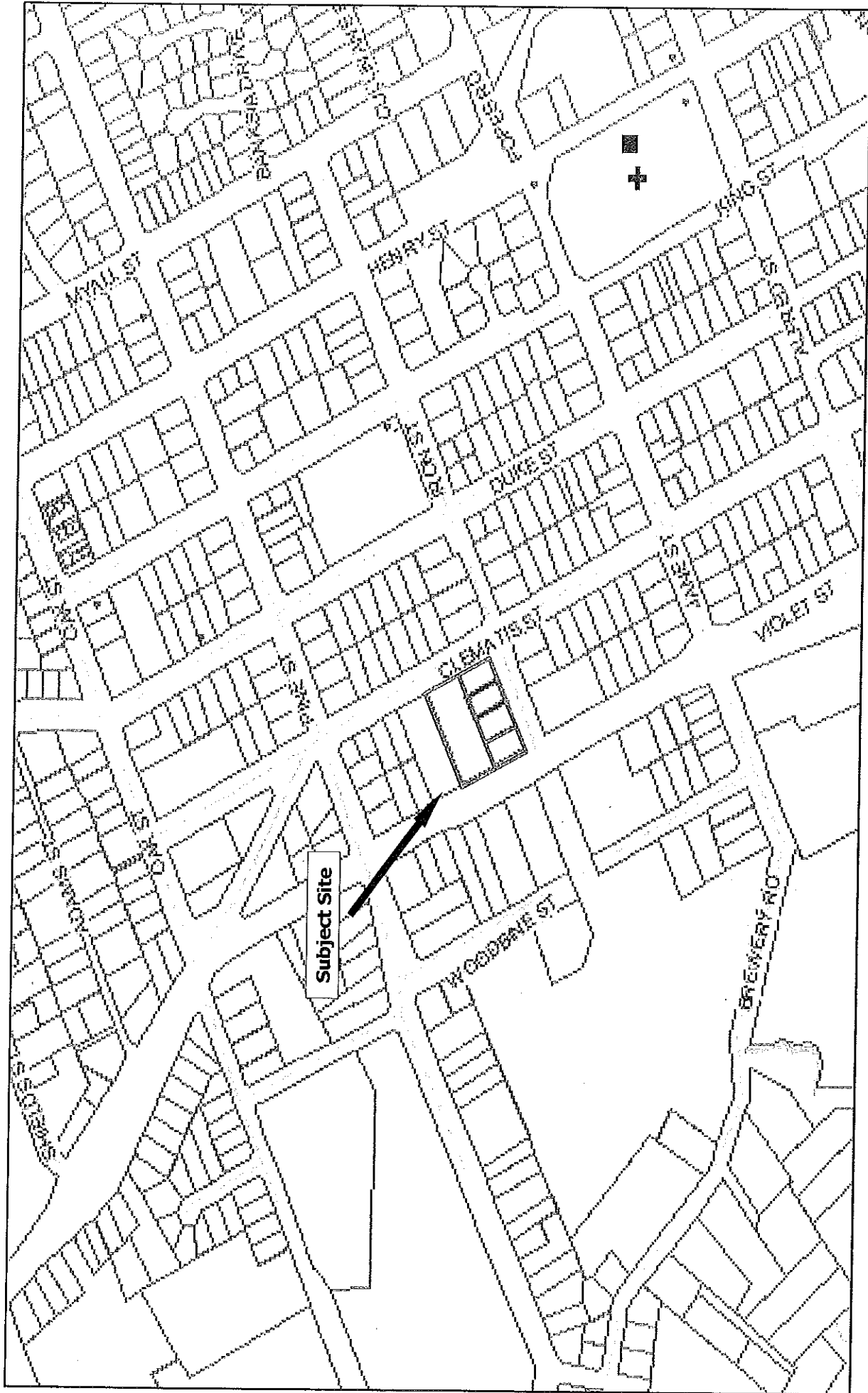
It can be clearly argued in our opinion that the proposed changes do:

- **improve** customer parking;
- **respond** to contemporary landscape supply/nursery practices and customer feedback and introduce additional landscape supplies which are ancillary to those supplies nominated and/or inferred in the original development approval;
- **provide for flexibility** in the design and location of bunkers/holding bays to better accommodate changing market preferences;
- **improve** the location of the toilets and the orientation of the office; and
- **allows** amendments to the landscaping to better accommodate the proposed changes.

The Assessment Manager's favourable considerations of both components of the above requests are therefore recommended.

## Annexures

### Annex 1: Location Map



# LOCATION MAP

PLANNING ASSESSMENT REPORT

FILE NAME >	LOCATION MAP	DATE >	September 2006
JOB NO >	00483	AMENDED >	N/A
SCALE >	"see above"	VERSION >	1.0
SOURCE >	COOLOOLA SHIRE COUNCIL		



- TOWN PLANNERS
- DEVELOPMENT CONSULTANTS
- URBAN DESIGNERS

Proposed Extensions within & approved Landscape Supply Centre at 53 Violet Street, Gympie described as Lot 1 on MPH5330 & Lots 97 - 99 on 34007


Applicant:

Development application for material change of use for Excursions Inn and approved landscape supply centre or request to change an Existing Approval at 53 Violet Street, Gympie described as Lot 1 on MPH5330 & Lots 97, 98 and 99 on MCH4906.  
Campbell's Truck & Bobcat Hire

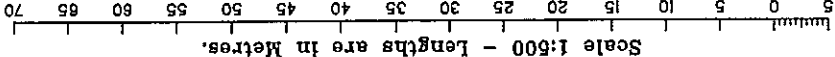
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## Annexures

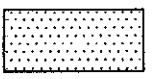
### **Annex 2: Previously Approved Development Plans for Landscape Supply Centre**

JOB No. 37723		CHECKED BWS		PARISH: GYMPIE		COUNTRY: March		Town Planner	
DRAHNI BJ		FILE 37723-CAMPBELL		MCH4906		MCH4906		 ROVA Bowen St. Ph. (07) 4622186 Fax. (07) 4622186 GYMPIE Reef St. Ph. (07) 4622184 Fax. (07) 4622286 CAMPBELL Esplanade St. Ph. (07) 4622208 JACOBS King St. Ph. (07) 4622175 Fax. (07) 4622172 JAMBOUR Currie St. Ph. (07) 4641218 Fax. (07) 4641201 AND & ENGINEERING SURVEYORS, PLANNERS <b>MURRAY &amp; ASSOCIATES</b> CONSULTING SURVEYORS (OLD) PTY LTD 47N 07B 243 164	
DATE 3/03/04		SCALE 1:500		Plan of Proposed Material		Change of Use for a Landscape		Supply Centre over Land	
CLIENT C & L CAMPBELL		Change of Use for a Landscape		Supply Centre over Land		Change of Use for a Landscape		Supply Centre over Land	

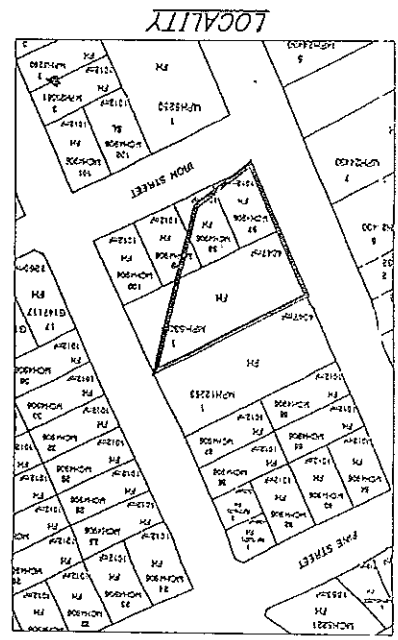
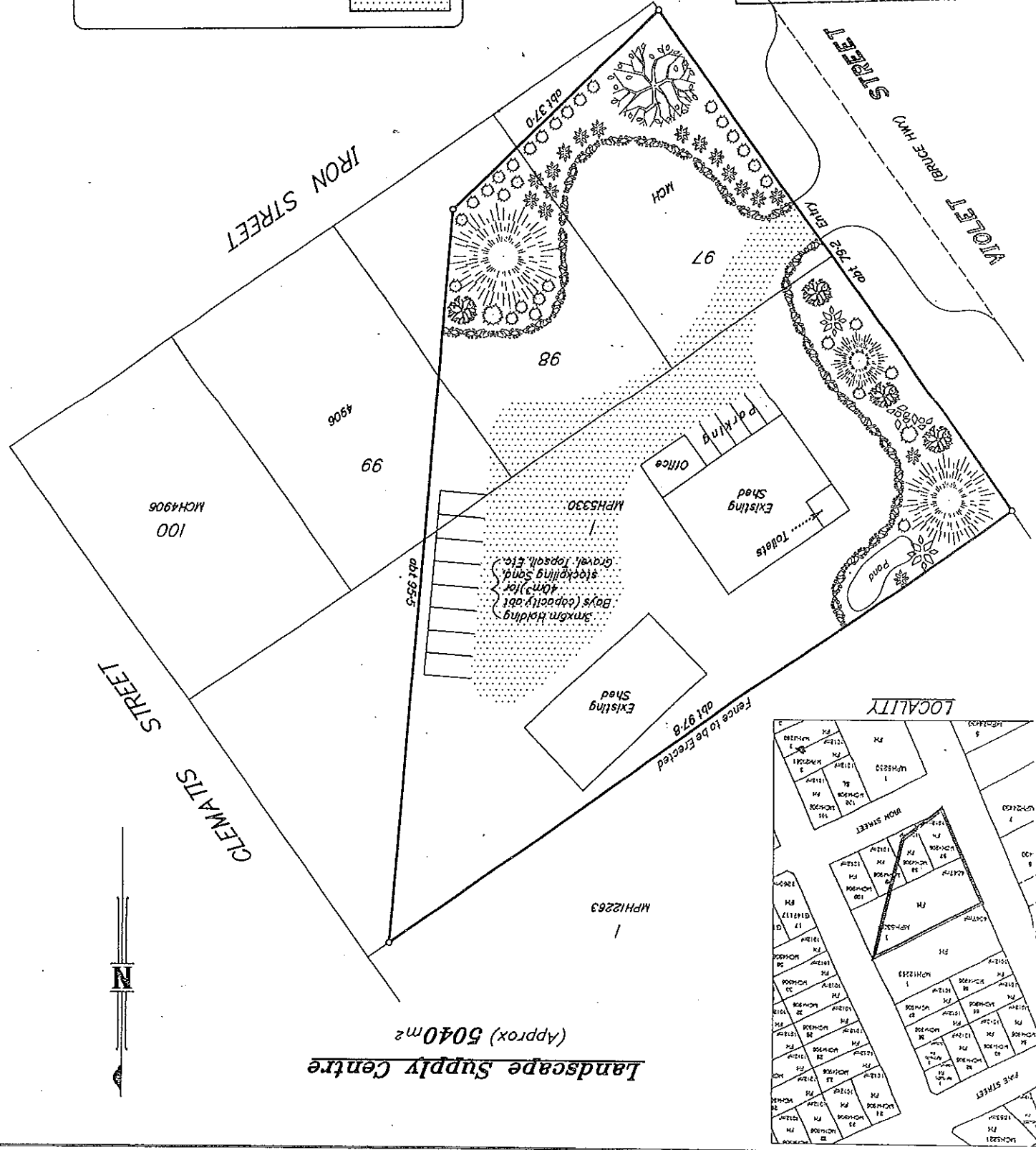
Scale 1:500 - Lengths are in Metres.



Area to be Paved in Road Base



Date: 03/03/04  
 Signature: \_\_\_\_\_  
**Approved Plan**  
 Cooloolia Shire Council



Landscape Supply Centre  
 (Approx) 5040m<sup>2</sup>





Proposal Report:

Development Application for Material Change of Use for Extensions within & approved Landscape Supply Centre & Request to Change an Existing Approval at 53 Violet Street, Gympie described as Lot 1 on MPH5330 & Lots 97, 98 and 99 on MCH4906.

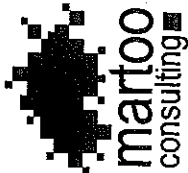
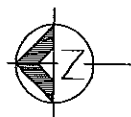
Applicant:

Campbell's Truck & Bobcat Hire

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## Annexures

### **Annex 3: Amended Plans for Landscape Supply Centre**



- Town Planning
- Urban Design

Sarahina Coetz  
 1133 Gympie Terrace  
 No. 10  
 P.O. Box 1691  
 Gympie QLD 4570  
 Ph: 07 54827440  
 Fax: 07 54824952

Gympie:  
 178 Reid Street  
 P.O. Box 381  
 Gympie QLD 4570  
 Ph: 07 54827440  
 Fax: 07 54824952

R.P.D.

Lot 1 on MPH530 &  
 Lots 97-100 on MCH4906  
 Parish of GYMPIE  
 County of MARCH

Violet Street,  
 Gympie

Local Authority:  
 COOLOOLA SHIRE  
 COUNCIL

**PROHEST** ADDITIONAL DISPERSED  
 AREA WITHIN A  
 LANDSCAPE SUPPLY CENTRE

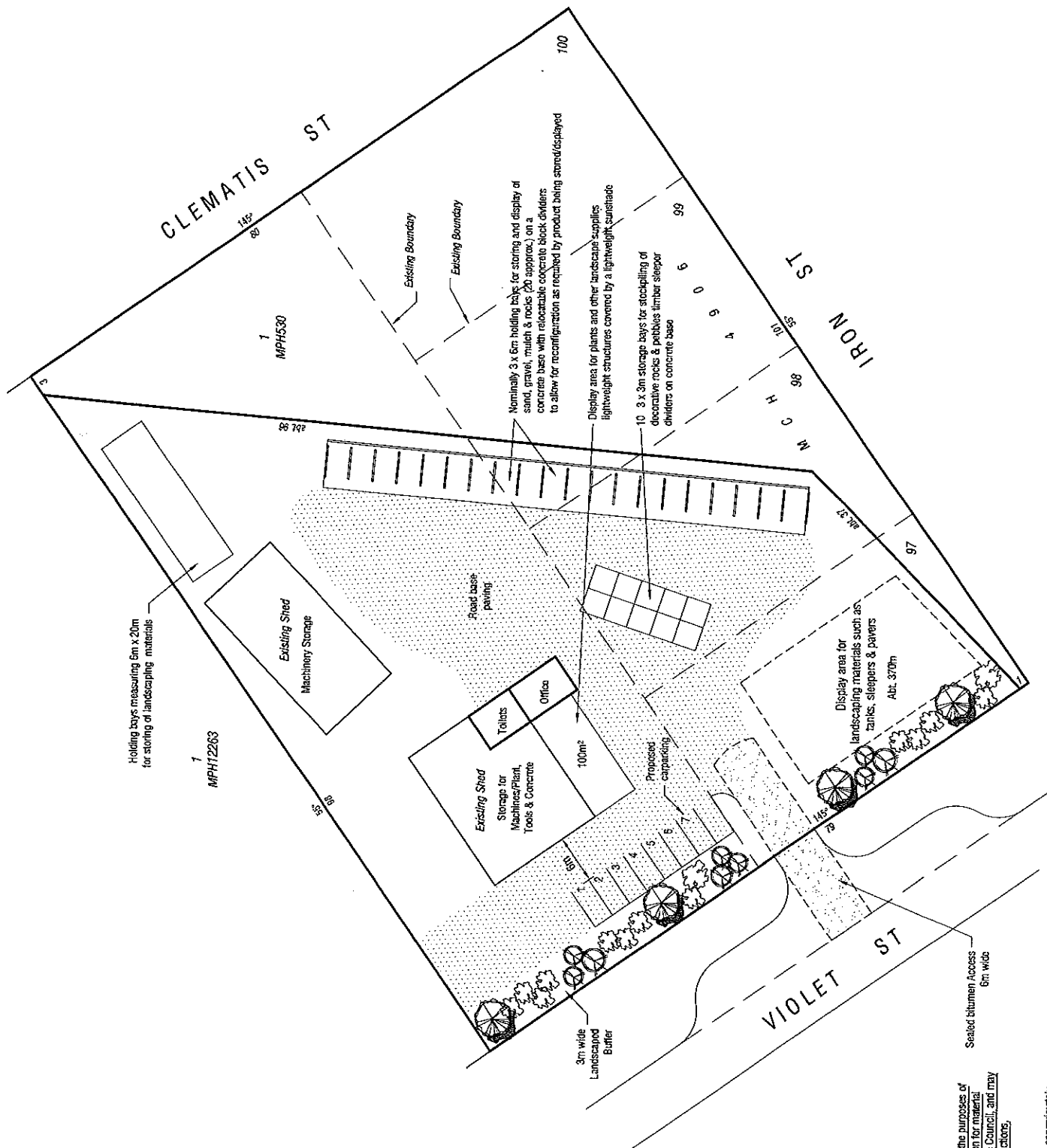
Applicant:  
 CAMPBELL'S RUCK & BOBCAT  
 HIRE PTY. LTD.

Detail:  
 SITE PLAN

Scale:  
 1:500 (A3)  
 Date:  
 1/9/06

Drawn By:  
 BM - MARTOO CONSULTING

Reference No.:  
 D-00483-01-B



This drawing has been prepared for the purposes of supporting a Development Application for material change of use only to Cooolooloolo Shire Council, and may be varied as a result of subsequent actions, investigations and detailed design.

All bearings, distances and areas are approximately only and subject to both field survey by a Consulting Cadastral Surveyor and all relevant development permits issued by Cooolooloolo Shire Council taking effect.

# Gympie Regional Council

53 Violet Street, Gympie

**Material Change of Use  
(Display Yard) (Extension to Existing Landscape Supplies Centre)**

**File Number:** 2009-2121  
**Name:** C & L Campell  
**Date Open** 17 December 2009  
**Last Correspondence** 30 May 2011 (Todate)

**Contents:**

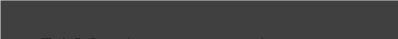
No	Description of Information	Dated
1	Decision Notice and Letter & Approved Plan	30 May 2011
2	Minutes from Planning & Development Meeting held on 18 May 2011	18 May 2011
3	Dept of Transport & Main Roads Concurrence Agency Response	15 February 2010
4	Letter from Martoo Consulting re Additional Information requested	14 February 2011
5	Letter requesting further information	17 February 2010
6	Application Forms	17 December 2009
7	Proposal Report from Martoo	December 2009

# Planning & Development

Phone: (07) 5481 0644

Our Ref: 2009-2121 MKM/SAG01276 *Minute P18/05/11*

30 May 2011

  
C/ Martoo Consulting Pty Ltd  
PO BOX 1684  
NOOSA HEADS QLD 4567

Dear Sir/Madam,

**RE: Development Application for Material Change of Use –  
Display Yard (Extension to Existing Landscape Supplies Centre)  
over Lot 1 MPH5330 and Lots 97,98 & 99 MCH4906 –  
53 Violet Street, Gympie**

With reference to the above application, Council at its General Meeting held on 25 May 2011 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 *Sustainable Planning Act 2009* 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 361 of the Sustainable 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 Marcus Matthews of Council's Planning & Development Department on (07) 5481 0644.

Yours faithfully,

  
**ACTING CHIEF EXECUTIVE OFFICER**

Enc.

## Gympie Regional Council

### **Development Application 2009-2121 Decision Notice**

*Issued under the Sustainable Planning Act 2009 (S334 and S335)*

The Development Application 2009-2121 for the purpose of Material Change of Use Display Yard – Extension to Existing Landscape Supplies Centre – was assessed and:-

*Approved with Conditions*

The decision was made by Gympie Regional Council on *30 May 2011*

*Unless the use has commenced beforehand, this permit will lapse on 30 May 2015*

Local Government Area: *Gympie Regional Council*

The following schedule provides all the relevant details.

#### **PROPERTY DETAILS**

Street Address & Locality: *53 Violet Street, Gympie*

RPD: *Lot 99 MCH4906*

Parish: *Gympie*

#### **APPLICANT'S DETAILS**

Name: [REDACTED]

Postal Address: *c/ Martoo Consulting Pty Ltd, PO BOX 1684, NOOSA HEADS QLD 4567*

#### **OWNERS DETAILS**

Name: [REDACTED]

Postal Address: *299 Old Goomboorian Road, VETERAN QLD 4570*

#### **REFERRAL AGENCIES**

##### Concurrence Agencies

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

# Gympie Regional Council

## **Development Application 2009-2121 Decision Notice**

### APPLICABLE CODES

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

- Nil.

### CONDITIONS

#### Assessment Manager's Conditions

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

- 1.1 Obtain and comply with the requirements of a Development Permit for Operational Work (Site Works, Stormwater Drainage, Access, Car parking and Landscaping).
- 1.2 Landscaping is to be provided to the site as follows:
  - (i) a minimum 3.0 metre wide strip to the south-eastern boundary of the site adjoining the Iron Street road reserve area and Lot 100 MPH4906; and
  - (ii) a minimum 4.0 metre wide strip along the Bruce Highway and Clematis Street frontages of the development site.
- 1.3 In accordance with Planning Scheme Policy 13: *Urban Road Contributions* a contribution is to be paid toward road improvements as a result of the increased traffic generated by this development. The amount is currently assessed at \$12 376, however will be in accordance with Council's Policy and the amount applicable at the time of payment.
- 1.4 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 \$1 760, however, the actual amount payable will be based on Council's policy and the rate applicable, at the time of payment.
- 1.5 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 \$2 750, however the actual amount payable will be based on Council's policy and the rate applicable, at the time of payment.
- 1.6 All lots forming part of this application are to be amalgamated in Title. Such amalgamation does not require development approval from Council.
- 1.7 Encroachments as defined in the *Infrastructure Act 2003* are to be removed from the road reserve fronting the proposed lots unless a Road Closure, Road License, and/or Permit to Occupy is obtained from the Department of Natural Resources and Mines to legalise the encroachment.
- 1.8 A flood management plan for the development is to be prepared and submitted to Council for endorsement.

# Gympie Regional Council

## **Development Application 2009-2121 Decision Notice**

### Section 2.0 Conditions Relevant to the Issue of a Development Permit for Operational Work (Site Works, Stormwater Drainage, Access, Car parking and Landscaping)

- 2.1 Erosion and sediment control measures are to be designed and provided in accordance with the Institution of Engineers, Australia, Qld Division's "*Soil Erosion and Sediment Control: Engineering Guidelines for Queensland Construction Sites*". The design shall be submitted to Council for approval with subsequent development applications for operational work.
- 2.2 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.
- 2.3 Undertake at no cost to Council, the alteration of any public utility mains (eg electricity, water, sewerage etc) or other facilities necessitated by the development of the land or associated construction works external to the site.
- 2.4 (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.
- 2.5 The Clematis Street access is to be configured such that left turns only out of the site and right turns only into the site, including the provision of signage to inform motorists of this arrangement.
- 2.6 Access to the development site via Clematis Street shall have a minimum visibility of 100 metres in each direction.
- 2.7 Access to the development site onto Clematis Street is to be constructed in accordance with the requirements of Council's Infrastructure Works Code – Drawing No R-05.
- 2.8 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.
- 2.9 Provide at least 14 off-street car parking spaces (including access and manoeuvring areas) for the entire landscaping supplies development.
- 2.10 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.
- 2.11 Any plans for operational works, water supply and sewerage works, drainage works and street lighting required by this development permit, are to be surveyed, designed and constructed in accordance with Council's Infrastructure Works Code.
- 2.12 (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 Iron Street.  
(ii) A stormwater quality improvement device is to be provided on site to ensure polluted run-off does not enter Council's stormwater drainage system.

# Gympie Regional Council

## **Development Application 2009-2121 Decision Notice**

- 2.13 A master stormwater drainage plan is to be prepared to address the impact of the proposed development on the existing stormwater drainage in the area, including upstream and downstream of the site.

### Section 3.0 General Conditions of Approval Applicable to the Ongoing Operation of the Approved Use

- 3.1 The development shall be generally in accordance with the plan/s submitted with the application (Plan No D-01049-01-E drawn by Martoo Consulting and dated 10 January 2011).
- 3.2 The required landscaping shall be maintained (watering, fertilising, mulching, weeding, and the like) at all times.
- 3.3 Loading/unloading operations shall be conducted within the site and vehicles waiting to be loaded/unloaded shall stand entirely within the site.
- 3.4 Approved hours of operation are as follows:

Monday – Friday	7:00am – 6:00pm
Saturday	7:00am – 5:00pm
Sunday	7:00am – 12:00pm

No activities including customer visits to the site are to be undertaken outside of these hours.

- 3.5 Approved refuse containers are to be provided and maintained in accordance with the *Environmental Protection (Waste Management) Regulation 2000* and kept in an imperviously paved area with a suitably screened enclosure to the satisfaction of Council's Chief Executive Officer.
- 3.6 All landscaping supplies displayed on the site are to be stored in receptacles capable of being fully enclosed to prevent materials being washed from the site during a flood event.
- 3.7 The flood management plan is to be stored on the site at all times outlining required actions in the event of a flood. Actions recommended by the plan, including complete containment of all landscaping materials, are to be implemented prior to floodwaters entering the development site.

### Concurrence Agency's Conditions

Conditions applicable to this approval imposed by the following Concurrence Agencies:

1. The Department of Transport and Main Roads is a concurrence agency with regard to this development approval. The attached concurrence agency response from this department, dated 15 February 2010, forms part of this Decision Notice.

### **APPROVAL TYPE**

*Development Permit*



# Gympie Regional Council

## **Development Application 2009-2121 Decision Notice**

### **FURTHER DEVELOPMENT PERMITS REQUIRED**

*Development Permit for Operational Work*

### **RIGHTS OF APPEAL**

*See attached extracts from the Sustainable Planning Act 2009 for Rights of Appeal.*

### **ASSESSMENT MANAGER**

Name: Gympie Regional Council

Signature:



.....

Date: 30 May 2011

TANIA STENHOLM  
AUTHORISED DELEGATE  
MANAGER DEVELOPMENT AND COMPLIANCE

**IMPORTANT NOTES:**

1. The site plan is based on the information provided by the applicant and the local authority. The local authority is not responsible for the accuracy of the information provided.

2. The site plan is based on the information provided by the applicant and the local authority. The local authority is not responsible for the accuracy of the information provided.

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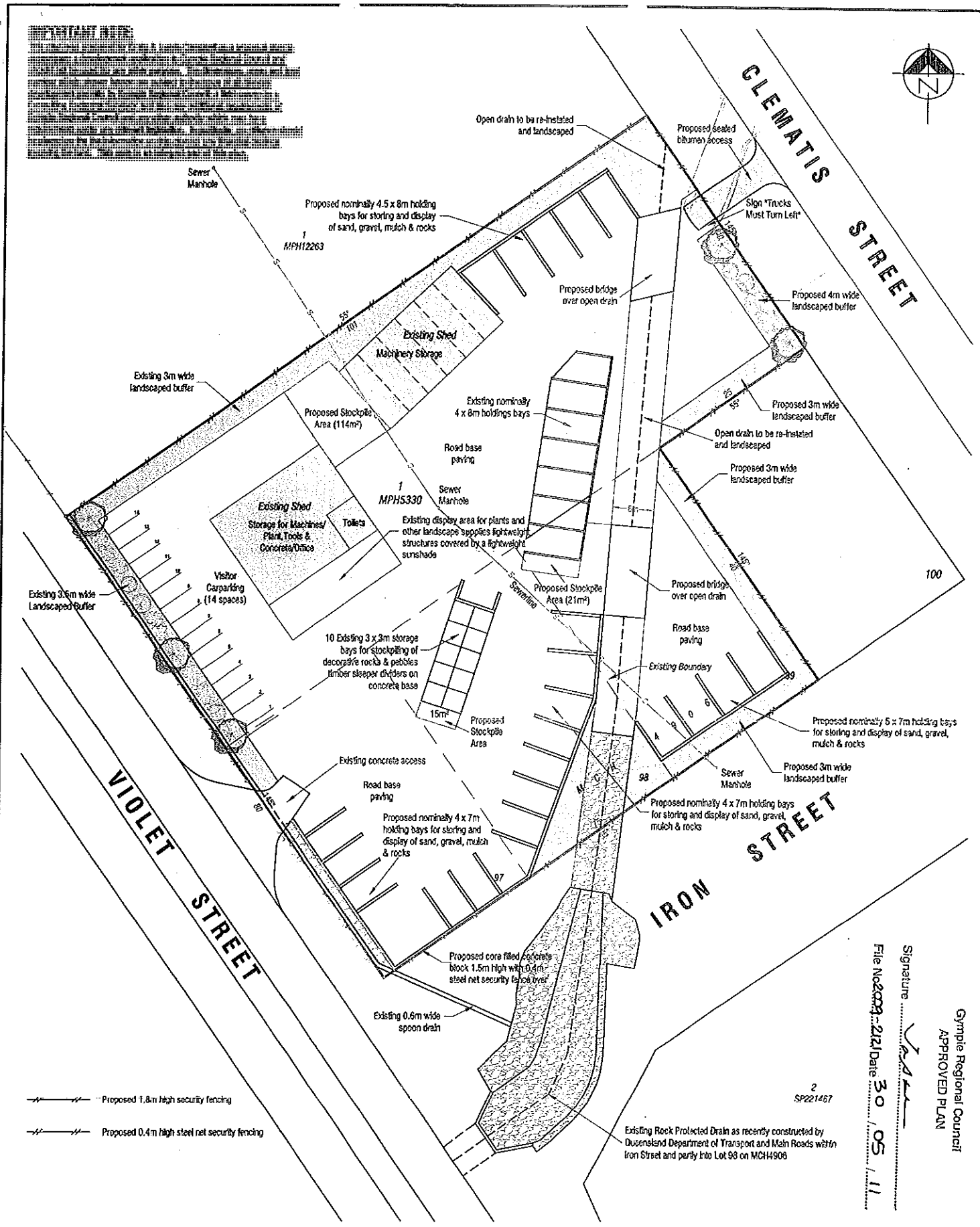
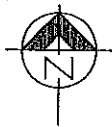
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--- Proposed 1.8m high security fencing  
 --- Proposed 0.4m high steel net security fencing

Signature: *[Handwritten Signature]*  
 File No: 2021-212 Date: 30 / 05 / 11  
 SP221467

Gympie Regional Council  
 APPROVED PLAN



Sunshine Coast  
 1/199 Gympie Terrace  
 Noosaville  
 P.O. Box 1684  
 Noosa Heads QLD 4567  
 Ph: 07 54355425  
 Fax: 07 54355725

Gympie:  
 128 Reel Street  
 P.O. Box 391  
 Gympie QLD 4570  
 Ph: 07 54827440  
 Fax: 07 54824952

**R.P.D.**

Lot 1 on MPH5330 & Lots 97-99 on MCH4906

53 Violet Street, Gympie

Local Authority:  
**GYMPIE REGIONAL COUNCIL**

**DEVELOPMENT SUMMARY**

Total Site Area:  
**7083 m² approx.**

Total Additional Use Area:  
**489.5 m² approx.**

**PROJECT**

Material Change of Use for Display Yard (Landscape Supplies Centre)

Applicant:  
 Craig & Lynda Campbell

Detail:  
 Site Plan

Scale:  
 1:500 (A3)

Date:  
 10/11/2011

Drawn By:  
 LM - MARTOO CONSULTING

Reference No.:  
 D-01049-01-E

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SECTION 2: PLANNING APPLICATIONS

2/1

2009-2121 – Material Change of Use Application (Display Yard – Extension to Existing Landscape Supplies Centre) – Violet Street, Gympie – Campbell

FILE NO:  
APPLICANT:  
RPD:

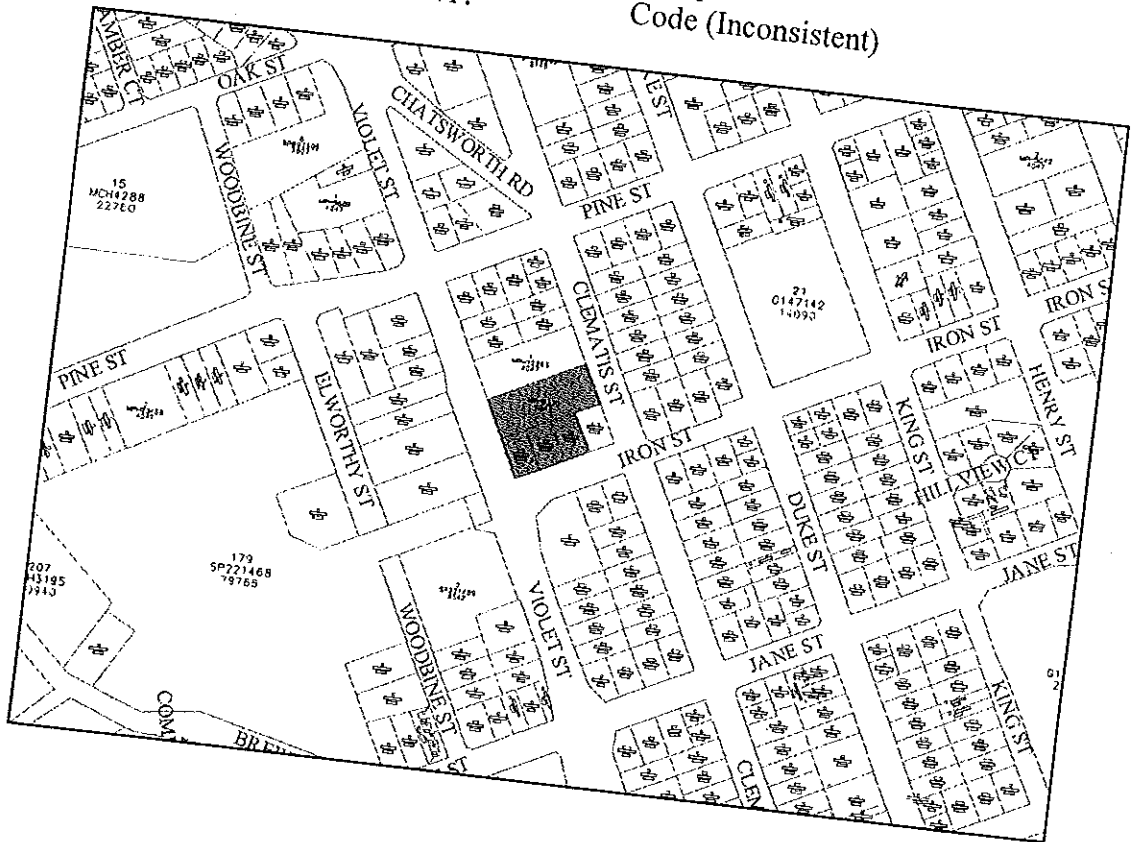
Minute: P18/05/11 2009-2121

SITE ADDRESS:  
CURRENT USE OF LAND:  
PROPOSAL:

Lot 1 MPH5330 and Lots 97, 98 & 99  
MCH4906  
Violet Street, Gympie  
Landscape Supplies Centre  
Material Change of Use (Display  
Yard – Extension to Existing  
Landscape Supplies Centre)  
Community (Lots 97, 98 and 99) and  
Commercial (Highway Services  
Preferred Use Area) (Lot 1)  
Gympie  
Code (Inconsistent)

ZONE:

PLANNING AREA:  
LEVEL OF ASSESSMENT:



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**KEY POINT SUMMARY**

- Material Change of Use application for Display Yard (Extension to Existing Landscape Supplies Centre);
- The application is over four (4) separate titles on Lot 1 MPH5330 and Lots 97, 98 & 99 MCH4906;
- Previous approvals have been issued under DA8722 (Landscape Supply Centre) and DA14429 (Display Yard – Extension to Landscape Supply Centre);
- A Display Yard is inconsistent within the Community zone, and identified as Code Assessable development;
- Site zoned Community, and is surrounded by Commercial, Housing and other Community zoned allotments;
- Proposed access from Clematis Street is a major consideration in assessment of the proposal;
- The subject site is subject to flooding;
- The site fronts Violet Street, formally identified as a section of the Bruce Highway;
- Proposal required referral to Department of Transport and Main Roads as a Concurrence Agency;
- Recommended for approval subject to conditions.

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**Report:** (Planning Officer – M. K. Matthews and Manager Development and Compliance – T.M. Stenholm)

**1.0 INTRODUCTION**

This application seeks Council's approval for material change of use to extend an existing approved landscape supplies centre on the Bruce Highway.

The use applied for commenced prior to the application's lodgement on 17 December 2009.

**1.1 The Proposal**

The proposal is for an extension to the existing 'Campbell's Landscape Supplies' development.

The development entails:

- two (2) over bridges over the existing drain traversing the site;
- an additional five (5) storage bins to that previously approved;
- reconfiguration of the storage bin layout;
- an increase in storage bin sizes;
- three (3) stockpile areas of 15m<sup>2</sup>, 21m<sup>2</sup> and 114m<sup>2</sup>;
- a new access to the development onto Clematis Street;
- additional landscaping;
- piped drainage in Commissioner's Gully; and
- an increase in visitor car parking from eight (8) spaces to 14.



### **1.3 Surrounding Land Uses**

The surrounding sites have a mixture of land uses. There are a number of Industrial and Commercial land uses on the opposite (western) side buffered by Violet Street (the Bruce Highway). To the north are other commercial land uses, and to the east are dwelling houses. There is also portion of parkland to the immediate east on the opposite side of Clematis Street.

### **1.4 Site History**

There have been two (2) previous land use approvals issued over the site.

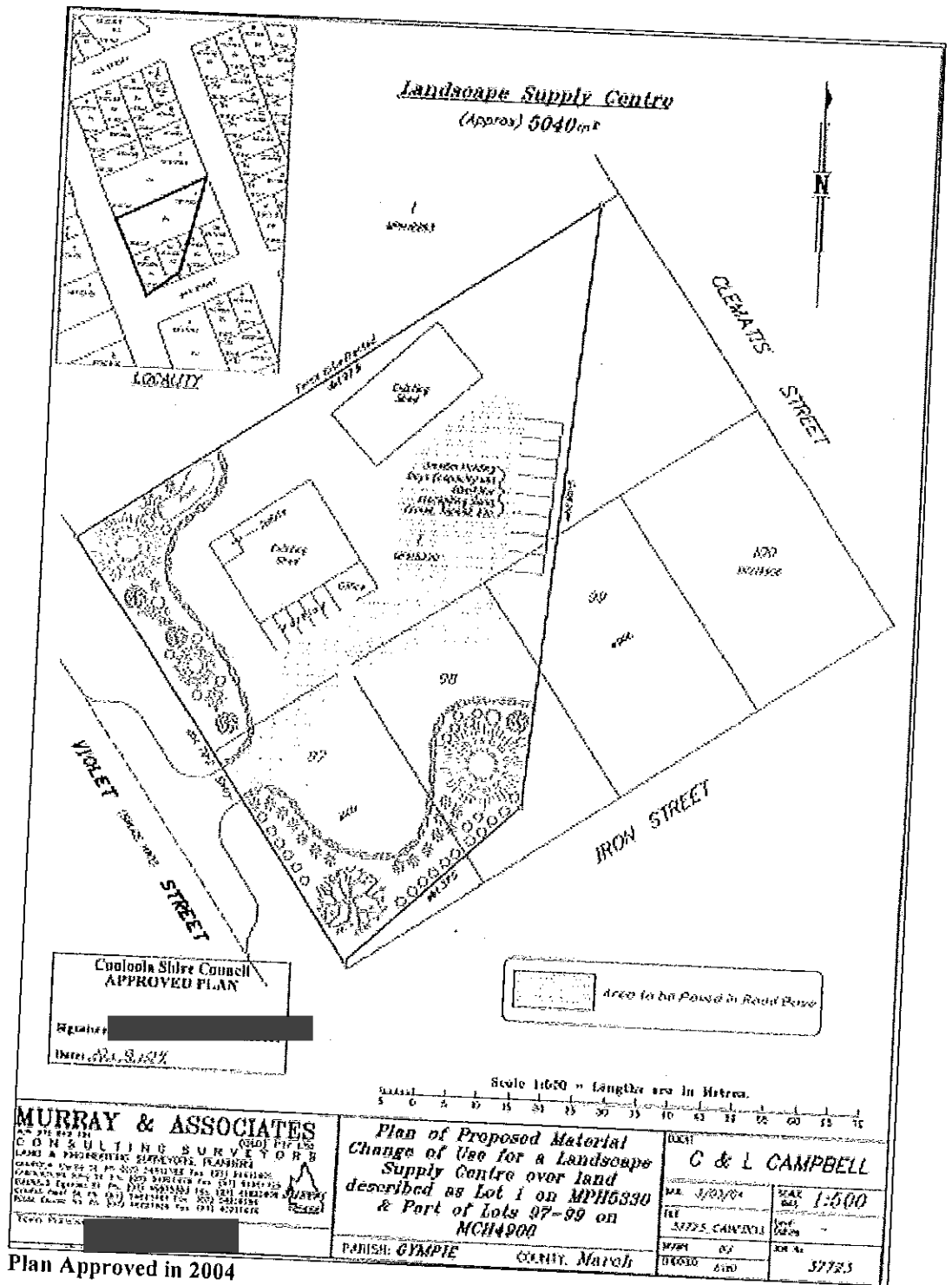
The original approval was issued in 2007 under DA8722 and for a Landscape Supply Centre.

A second approval was also issued in 2007 under DA14429 for a Display Yard (Extension to Landscape Supplies Centre). The different definitions approved for the same development are attributed to the applications being lodged under different planning schemes (ie pre and post 2005).

The approved plans attached to each of these Permits follow.

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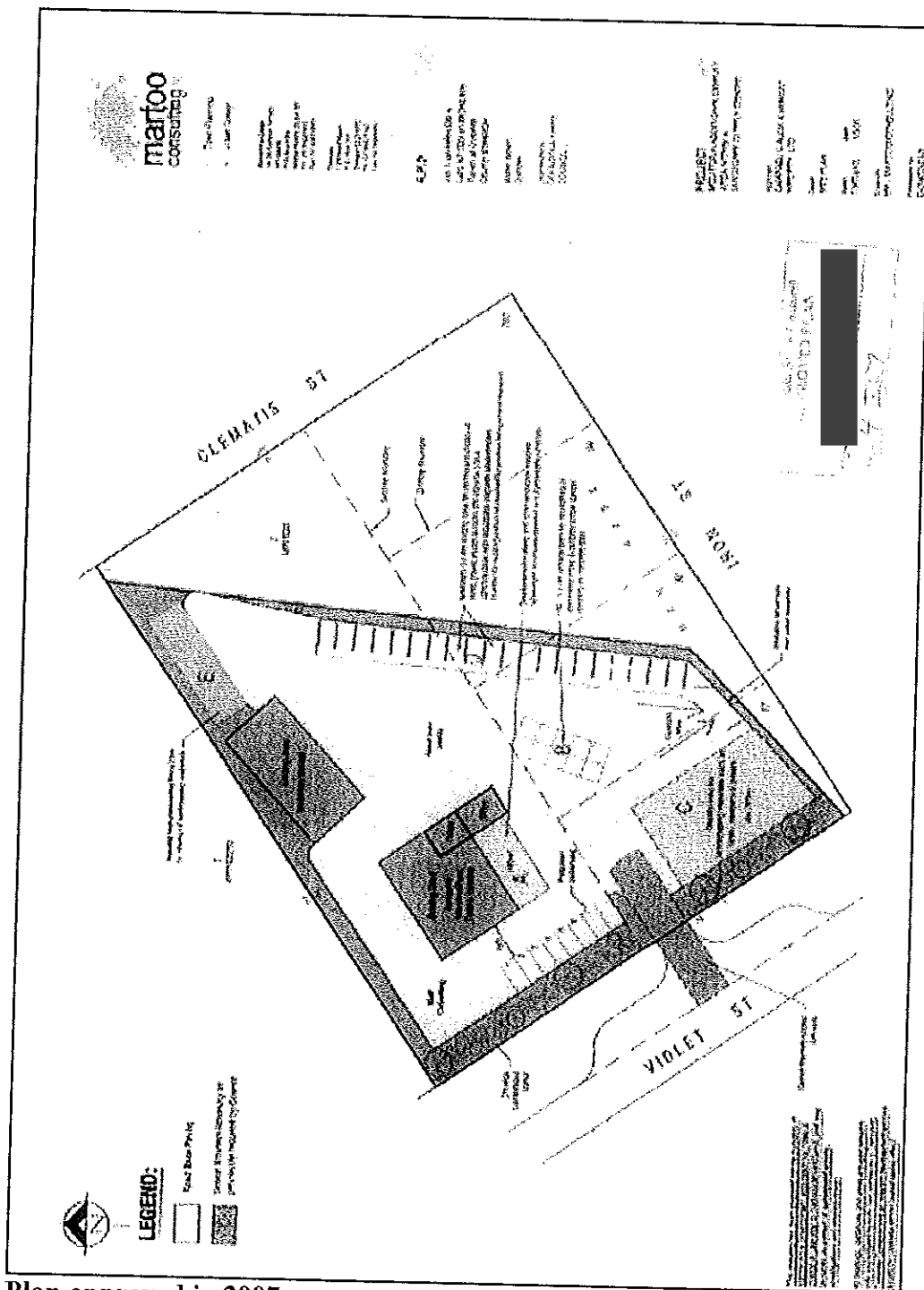
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Plan approved in 2007

2.0 STATUTORY REQUIREMENTS

2.1 Planning Scheme

Lot 1 MPH5330 is zoned Commercial within the Highway Services Preferred Use Area; however Lots 97, 98 and 99 MCH4906 are located within the Community Zone.

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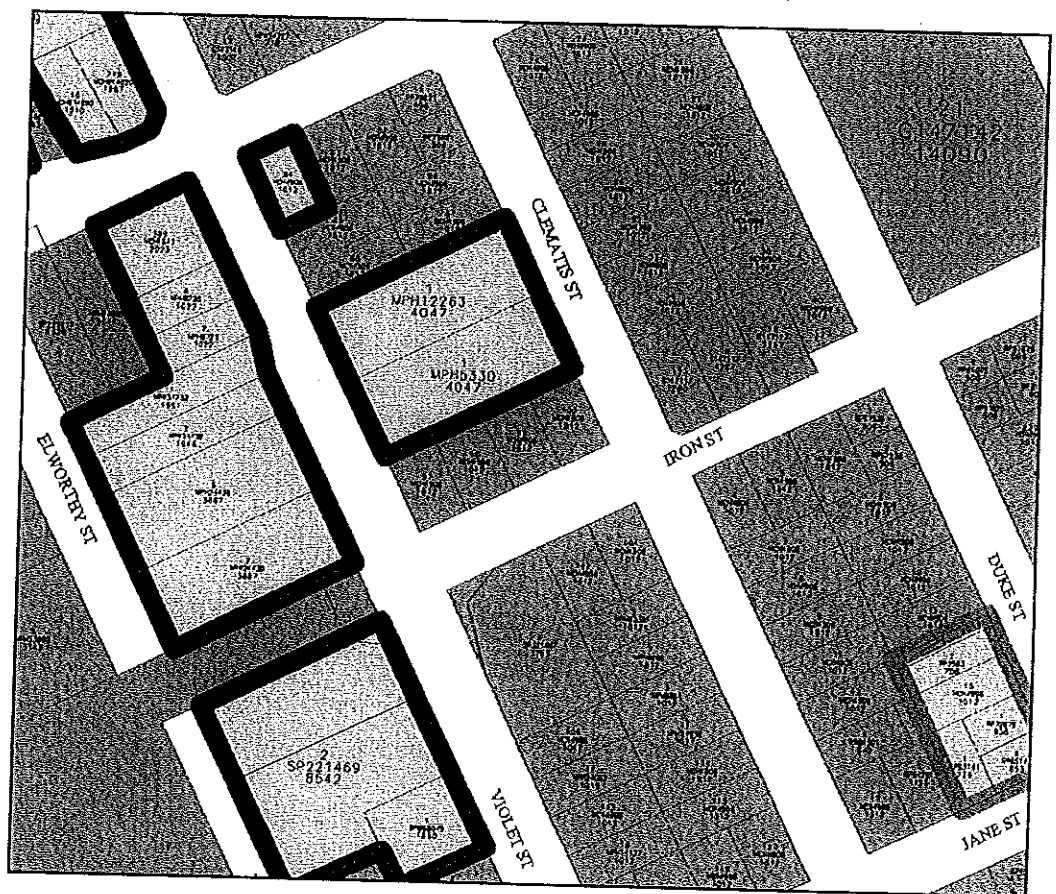
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A Display Yard 'means the use of premises for the display or sale, hire or leasing of any industrial plant or equipment, motor vehicles, agricultural machinery, vessels, caravans, trailers, plants, building materials, construction and landscaping materials, when involving more than 200m<sup>2</sup> of outdoor use area.'

Within both the Commercial and Community Zones a 'Display Yard' is code assessable.

The relevant codes are listed and addressed below.

Zoning Map



*Gympie Planning Area Code*

The portion of the proposed development over Lots 97 - 99 MCH4906 is listed as an 'inconsistent use' in Specific Outcome 1 of the Code as they are zoned Community.

In addressing this inconsistency regard must therefore be had for the overall outcomes of the Code.

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The most relevant of these to the development are:

- '(d) the amenity of Gympie is maintained, and it is an attractive place to live and work in and to visit; . . .*
- (j) uses and works are located, designed and managed to be compatible with other uses and works, maintain the safety of people and works, and avoid significant adverse effects on the natural environment including water pollution from erosion, chemical contamination, gross pollutants and urban stormwater runoff; . .*
- (m) exposure of developed areas, infrastructure and persons to the harmful effects of natural hazards including flood and bushfire is limited.'*

Given the change in tenure for the Community Zoned lots the overall outcomes for the zone are no longer considered applicable, which aim to provide community services, recreation areas, public infrastructure items etc.

In considering the Code's Overall Outcomes the following comments are made relative to the numbered outcome above:

- (d) the proposal is not considered to compromise the amenity of the area any greater than the existing use on site;
- (j) some conflict is posed with the use and existing residential development on Clematis Street given the installation of an access onto this road and adverse impacts have been experienced on the natural environment given the work undertaken to date within the natural gully on-site. These impacts are considered able to be conditioned and are discussed through the report.

Other outcomes of the Code are able to be achieved through conditions, given the use is already established on-site.

#### *Erosion and Sediment Control Code*

A natural gully traverses the site, which forms part of the 'Commissioner's Gully' waterway system. The channel runs north to south through the subject site and is currently filled with a variety of material ranging from concrete blocks to scrap metal. The functioning of this waterway has been severely compromised by the work undertaken to date and as part of any approval it is recommended that significant rectification works occur. The works should be approved through an application for operational works given the extent of the gully and the overbridges required, which should be engineered.

#### *Infrastructure Works Code*

The development proposes use of a new access from the rear of the site fronting Clematis Street. The commencement of using this access has been the subject of numerous complaints to Council so requires careful consideration.

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The actual construction standard of Clematis Street is considered satisfactory for accommodating the proposed number of additional heavy vehicle movements, however the noise generated by these movements and safety impact on pedestrians has potential to adversely affect the amenity of the existing residential area.

In breach investigations relating to the use of the access, the proponent alleged that highway upgrading works could be attributed to the necessity for the additional access, as the Highway access became restricted to left-in left-out manoeuvres only. However, aerial photos prior to the upgrade indicate the traffic fronting the site was separated by solid double white lines and therefore was already legally restricted to such movements.

In providing the development with access from north-bound traffic, and also respecting the existing residential area, it is suggested the access onto Clematis Street be re-designed and relocated such that trucks may only enter and egress from the north. This will restrict trucks from using Jane Street to access the site and limit exposure to heavy vehicle traffic to residences between the site, Pine Street and the Highway. The access should also be restricted to heavy vehicles associated with the development and not become a customer access.

Relocation of the access installed is recommended in the engineering advice provided given insufficient sight visibility distances are available currently.

The site is currently serviced by water and sewerage infrastructure.

No external road upgrading is considered necessitated by the development given the standard of frontage and lead-in roads.

***Landscaping Code***

Some landscaping has been undertaken on the site through the previous two (2) approvals issued for the development. This landscaping, however, was to be undertaken in accordance with an approved plan which does not appear to have ever been lodged with Council.

Given the significant expansion of the development since it was originally applied for, and the site's highway exposure, it is considered relevant that additional site landscaping be undertaken to both road frontages and also within the site.

A condition has been included in the recommendation accordingly.

***Vehicle Parking and Access Code***

For a 'Display yard' the Code specifies 1 space per 100m<sup>2</sup> of total use area, exclusive of space used for storing or displaying vehicles or machinery.

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The most recent approved plan also allocated seven (7) customer car parks and an additional overflow carparking area for staff.

Previous approval (DA14429) issued in 2007, included a note approving dust-reduced standard of the car parking and access areas for a maximum period of five (5) years or until Council received a complaint about dust, whichever occurred soon. This being the case the car parking and access areas will need to be sealed by May 2012.

This proposal allocates 14 visitor car parks which is considered satisfactory for the development. Given the expansion of the business to its current scale, and its establishment since 2004, it is considered reasonable to require the car parking and access areas to be sealed on any approval of this application.

### **3.0 PLANNING CONSIDERATIONS**

#### **3.1 Appropriateness of the Proposal**

A landscape supplies centre business of this size may not be the most appropriate use of a site fronting the main Queensland highway as highlighted by the traffic issues forced on the development through highway upgrading and the subsequent flow-on impacts to residential properties at the rear.

Additionally, it is not a use that relies on highway traffic and this particular site has an added constraint with flooding. Again, not an issue easily managed by a landscape supplies centre.

The use, however, did establish at a relatively small scale and was considered and argued by the applicant at the time to be a development that would improve the attractiveness of this section of the Bruce Highway given the landscaping and high presentation values it would offer.

Inspections of the site indicate the current use may also incorporate a yard for the proprietors heavy vehicle haulage business, based on the number of heavy vehicles parked on the site over periods of closure (ie Easter weekend). Such a use has not been included in the application.

#### **3.2 Impact on Amenity**

As evidenced by numerous complaints to date, the use poses amenity concerns relating to traffic impacts, dust and noise.

As addressed throughout this report, it is considered these impacts can be alleviated through the imposition of conditions including sealing of the main access and car parking areas and controlling the access onto Clematis Street to ensure heavy vehicle traffic only enter and exit from the North.

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**3.3 Flooding**

The most recent approval issued over the site contains the following condition:

*'A management plan for evacuation of materials in the event of flood is to be submitted to Council for approval. The plan should include:*

- (a) list of landscaping materials to be stored on the site;*
- (b) assessment of each material and potential impacts from the site in the event of the flood;*
- (c) management plan for evacuation of high risk materials to be removed from the site.*

*The plan should be compiled by a suitably qualified professional.'*

Given the expansion of the business it is not considered practical to require large quantities to be removed from the site during flood. In lieu, materials should be stored in receptacles that can be fully enclosed in the event of floodwater entering the site.

**3.4 Headworks**

This expansion to an existing landscape supplies centre proposes no additional gross floor area to that existing and previously approved.

DA14429 conditioned payment of \$410 and \$961 (subject to indexation) for water and sewerage headworks respectively, and it is noted these have not been paid.

A display yard, with the principal use being outdoors, is levied headworks by the Policy at 0.15ep per 100m<sup>2</sup> net area for water and sewerage.

The proposal plans indicate an additional 1 000m<sup>2</sup> of area to be used so headworks can be levied as follows:

Water  
0.15ep x 10  
= 1.5ep  
= \$1 760

Sewerage  
0.15ep x 10  
= 1.5ep  
= \$2 750

#### 4.0 CONSULTATION

##### 4.1 Internal

###### (a) **Design Department**

###### **Report: (Design Services Civil Engineer – BJ Garrad)**

This engineering report is based on the information submitted by consultants Martoo Consulting P/L to extend a Display Yard (landscape supplies centre) on Lot 1 on MPH5330 and Lots 97, 98 & 99 on MCH4906, 53 Violet Street, Gympie.

###### OVERVIEW

Much of the works proposed in this application have already been carried out without Council approval and therefore this application is attempting to formalise an existing situation.

###### TRAFFIC

The consultant's report states that the extension to the existing use area will not increase the intensity of use of the site. The applicant has applied an extra use area of 489.5 square metres but examination of the plans has shown that there is actually 1,218 square metres of extra use area within the site so a traffic contribution of \$12,736 as determined by PSP13 Traffic Contributions would apply.

###### FRONTAGE ROAD and ACCESS

The display yard has frontage to the Bruce Highway (Violet Street), Clematis Street and Iron Street. The Bruce Highway is fully constructed to two lanes in each direction divided by a raised median. The Department of Transport and Main Roads (DTMR) is a concurrence agency for proposed developments on State controlled roads and in a letter dated 15 February 2010 DTMR wrote:

*"The Department of Transport and Main Roads considers the current road access is satisfactory and is considered to be the permitted road access for the proposed use. Access to the Bruce Highway (Violet Street) is to be limited to this permitted access only."* There is no reference in the DTMR approval to the Clematis Street access.

Clematis Street is a sealed, fully constructed 9.0m wide residential street containing housing, community and commercial zoned areas. The application proposes an access from Clematis Street to:

- (1) Reduce the traffic entering and exiting via the Bruce Highway;
- (2) Allow northbound deliveries to enter the Bruce Highway via Clematis and Pine Streets.

The Clematis Street access has already been built even though no approvals for the access have been given and the location, layout and construction is not to Council standards. (see Photo 1).

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The applicant has erected a "Trucks must turn left" sign at the Clematis Street exit from the site to discourage trucks travelling past residences to the south of the site on Clematis Street. Erection of the sign does not prevent trucks from turning right as the applicant has not supplied a means of enforcing left turns like a traffic island on Clematis Street. Sight distance for vehicles exiting the site is less than required (see Photos 2 and 3). The access can not be brought up to standard in its current location due to the presence of a large 2.75 metre high by 2.5 metres wide box culvert immediately north of the access. Trucks and trailers exiting via Clematis Street leave debris on the road and the trucks in particular cause damage to the pavement which was designed to take residential vehicles only.

Clematis Street is largely residential in nature so for the above reasons access from the site to Clematis Street is not recommended unless the applicant can show that safe access for vehicles to turn left only out of the access and right only into the access can be provided.

Iron Street is an unformed no through road reserve only without access to the Bruce Highway and contains an open drain that is part of Commissioners Gully. Currently Iron Street is being extensively used for employee parking (15 vehicles parked on Iron Street at the time of inspection) with an access gate allowing pedestrian entry to the site (see Photos 3 and 4). If this situation is to continue, the use of Iron Street for employee parking should be formalised and assessed as part of the development

#### INTERNAL WORKINGS

While the application proposal report states that the proposed internal layout will consist of 30 loading bays, 2 machinery storage sheds, a display area and 14 car parking bays, there are already 38 loading bays constructed. The internal arrangement allows for a loader to access materials from loading bays for loading onto trucks/trailers. Visitor's car parks are proposed along the Violet Street frontage near the display area and away from loading activities although there are currently no car parking provisions on site.

The whole internal area is proposed to be surfaced with road base hardstand which suppresses but does not eliminate dust.

#### CAR PARKING

The applicant proposes 6 car parking spaces along the Violet Street frontage. Town Planning is required to assess this aspect but it should be noted that the applicant has not supplied any information on internal truck parking arrangements although trucks are continually accessing the site for loading and deliveries. The proposed car parking spaces are appropriately located furthest from loading operations and close to the display area. However, these car parks are not suitable for cars with trailers to manoeuvre.



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The proposal report states that the maximum number of staff on site at any one time is two people but as noted above approximately 15 employee vehicles are regularly being parked on the Iron Street road reserve (see Photo 4) and a further three employee vehicles on Clematis Street. Again, if this situation is to continue, the use of Iron Street for employee parking should be formalised by such means as a permanent road closure or permit to occupy.

#### WATER SUPPLY

There is an existing water connection on Clematis Street which should not require upgrading.

#### SEWERAGE RETICULATION

A sewer trunk line already services the site. The applicant is not proposing to build over this line so no change to sewerage is needed.

#### FLOODING

The site is covered by a 1 in 40 year Mary River flood event and takes flows from Commissioners Gully, a large open channel that can rise quickly during intense rain events. Stored materials such as bark chips, mulch and the like can be transported into waterways during site inundation causing pollution of waterways and/or blocking of stormwater drains. During a recent site visit it was noted that the previous natural gully running through the site is now made totally inadequate in size to carry any significant flows since the site was cleared and activities expanded into the natural gully. It is now blocked with debris to approximately two thirds of its depth (see Photos 6 and 7). The applicant has not adequately addressed these concerns and asserts that: "...certain of the landscaping supplies and materials are naturally found in waterways and are therefore not expected to create any adverse impacts in the event of a flood." This statement shows a complete lack of understanding of the purpose or treatment of stormwater drainage or environmental concerns with waterway pollution.

#### STORMWATER DRAINAGE

Commissioners Gully is an open drain which runs through the centre of the site and discharges onto a rock protected drainage area on Iron Street and from there is conveyed under Violet Street into another open drain. The rock protected area on Iron Street and the culvert under Violet Street have been recently upgraded as part of the Bruce Highway upgrade (see Photo 8). The applicant has already built two hydraulically inadequate 'bridges' without Council approval over the open drain within the site to facilitate vehicle movements and proposes to extend the recent drainage works on Iron Street further into the site.

The DTMR has conditioned the quality and volume of stormwater runoff which require the applicant to provide a stormwater management plan and design that addresses the issues of stormwater quality and volume in the event of site inundation.

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MISCELLANEOUS

The applicant proposes a landscaped strip along the Violet Street frontage, the Clematis Street frontage, partially along the Iron Street frontage and along the northern boundary of the lot. These works are not possible along the Iron Street or Violet Street frontages because storage bays have already been built in these locations. It is difficult to take this landscaping proposal seriously when works have already been done to construct infrastructure over proposed locations.

There is an encroachment of the storage bays onto the Iron Street road reserve that will need to be rectified by relocation of the storage bays. Power and communication services are to be provided at the applicant's expense. Street lighting is considered to be adequate at this location.

Some clearing of the Unallocated State Land on adjoining lot 100 on MCH4906 to the east of the site has been undertaken and part of the lot is currently in use as a storage area. Previously lot 1 on MPH5330 to the north of the site was also used for storage by the applicant as noted above.

SUBMISSIONS

There have been complaints about the position of the Clematis Street access to the site. One complainant thought that there is insufficient visibility from the access and was worried that children on bikes may get hit by trucks exiting the site. The other complainants had general safety concerns regarding the access.



Photo 1 Showing unapproved, unsafe access to Clematis Street.

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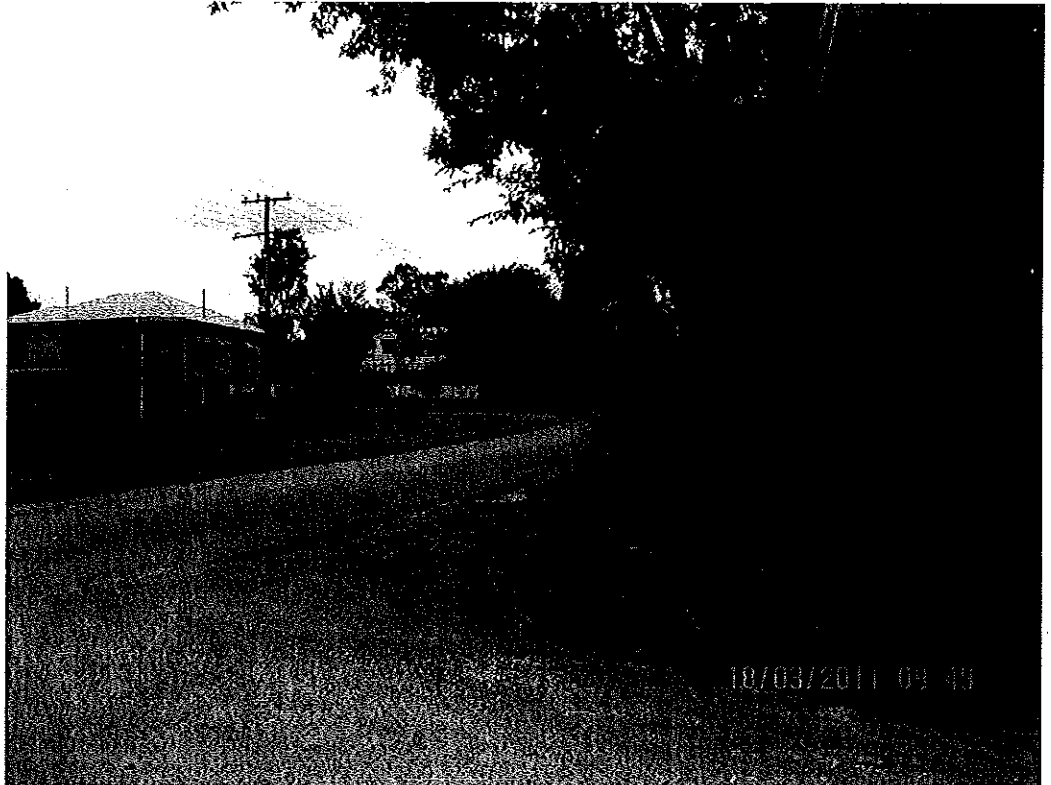


Photo 2 Looking south from access on Clematis Street showing sub-standard sight distance.



Photo 3 Looking north from access on Clematis Street showing sub-standard sight distance.

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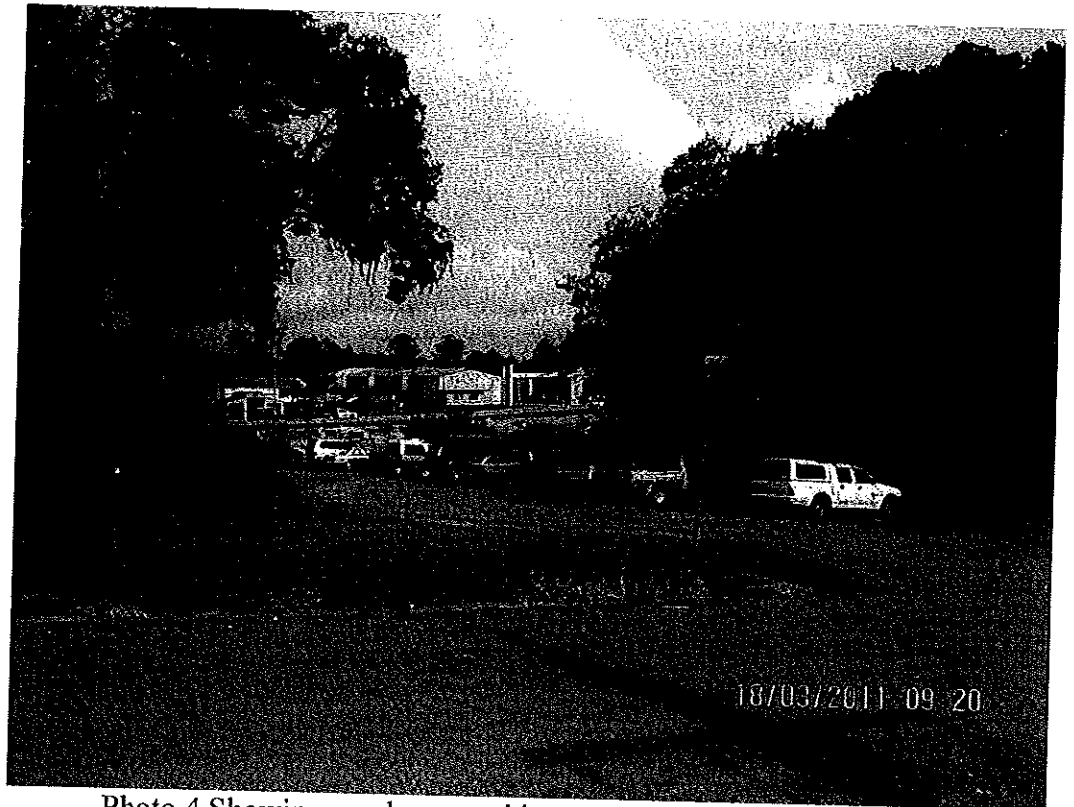


Photo 4 Showing employee parking on Iron Street



Photo 5 Showing pedestrian entrance from Iron Street to the site.

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Photo 6 Looking north from Iron Street showing inadequate, largely blocked open drain within the site.



Photo 7 Looking south from Clematis Street access showing inadequately sized drain two thirds full of debris.

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Photo 8 Showing DTMR upgrade to open drain on Iron Street and culvert under Violet Street.

#### 4.2 External

##### (a) Department of Transport and Main Roads

The application was referred to this Department as a Concurrence Agency given the site's frontage to a state-controlled road. Conditional approval was issued approving the use of the existing access on the Highway. No works have been required.

#### 5.0 SUBMISSIONS

The proposed development for General Industry is identified as Code Assessable Development, and is an inconsistent use within the Community Zone. It is not required to be publicly notified as it is not identified as Impact Assessable development.

There were no submissions received commenting on the application itself. Instead written complaints were lodged primarily in regards to the use of the Clematis Street entrance and the impact of heavy vehicles on existing residences.

As indicated in the report, it is recommended use of this access be restricted to traffic from the north only.

## 6.0 CONCLUSION

This proposal is a Material Change of Use application for a Display Yard (Extension to Existing Landscape Supplies Centre) located in the Commercial (Highway Preferred Use Area) and Community Zone. There are existing issues over the site, and the application was lodged as a result of breach action taken against the applicant. The proposal is however, considered justified and amenity impacts able to be managed via conditions of approval.

**Recommendation:** (Director of Planning & Development – M. Hartley)

Recommend that Council, as Assessment Manager, APPROVE development application (2009-2121) for Material Change of Use – Display Yard (Extension to Existing Landscape Supplies Centre) over Lot 1 MPH5330 and Lots 97, 989 & 99 MCH4906 located at Violet Street, Gympie subject to the following conditions:

### *Assessment Manager's Conditions*

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

- 1.1 Obtain and comply with the requirements of a Development Permit for Operational Work (Site Works, Stormwater Drainage, Access, Car parking and Landscaping).
- 1.2 Landscaping is to be provided to the site as follows:
  - (i) a minimum 3.0 metre wide strip to the south-eastern boundary of the site adjoining the Iron Street road reserve area and Lot 100 MPH4906; and
  - (ii) a minimum 4.0 metre wide strip along the Bruce Highway and Clematis Street frontages of the development site.
- 1.3 In accordance with Planning Scheme Policy 13: *Urban Road Contributions* a contribution is to be paid toward road improvements as a result of the increased traffic generated by this development. The amount is currently assessed at \$12 376, however will be in accordance with Council's Policy and the amount applicable at the time of payment.
- 1.4 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 \$1 760, however, the actual amount payable will be based on Council's policy and the rate applicable, at the time of payment.

- 1.5 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 \$2 750, however the actual amount payable will be based on Council's policy and the rate applicable, at the time of payment.
  - 1.6 All lots forming part of this application are to be amalgamated in Title. Such amalgamation does not require development approval from Council.
  - 1.7 Encroachments as defined in the *Infrastructure Act 2003* are to be removed from the road reserve fronting the proposed lots unless a Road Closure, Road License, and/or Permit to Occupy is obtained from the Department of Natural Resources and Mines to legalise the encroachment.
  - 1.8 A flood management plan for the development is to be prepared and submitted to Council for endorsement.
- Section 2.0 Conditions Relevant to the Issue of a Development Permit for Operational Work (Site Works, Stormwater Drainage, Access, Car parking and Landscaping)
- 2.1 Erosion and sediment control measures are to be designed and provided in accordance with the Institution of Engineers, Australia, Qld Division's "*Soil Erosion and Sediment Control: Engineering Guidelines for Queensland Construction Sites*". The design shall be submitted to Council for approval with subsequent development applications for operational work.
  - 2.2 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.
  - 2.3 Undertake at no cost to Council, the alteration of any public utility mains (eg electricity, water, sewerage etc) or other facilities necessitated by the development of the land or associated construction works external to the site.
  - 2.4 (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.



EXTRACTS OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING  
HELD ON THE 18 MAY 2011

- 29 -

- 2.5 The Clematis Street access is to be configured such that left turns only out of the site and right turns only into the site, including the provision of signage to inform motorists of this arrangement.
  - 2.6 Access to the development site via Clematis Street shall have a minimum visibility of 100 metres in each direction.
  - 2.7 Access to the development site onto Clematis Street is to be constructed in accordance with the requirements of Council's Infrastructure Works Code – Drawing No R-05.
  - 2.8 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.
  - 2.9 Provide at least 14 off-street car parking spaces (including access and manoeuvring areas) for the entire landscaping supplies development.
  - 2.10 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.
  - 2.11 Any plans for operational works, water supply and sewerage works, drainage works and street lighting required by this development permit, are to be surveyed, designed and constructed in accordance with Council's Infrastructure Works Code.
  - 2.12
    - (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 Iron Street.
    - (ii) A stormwater quality improvement device is to be provided on site to ensure polluted run-off does not enter Council's stormwater drainage system.
  - 2.13 A master stormwater drainage plan is to be prepared to address the impact of the proposed development on the existing stormwater drainage in the area, including upstream and downstream of the site.
- Section 3.0 General Conditions of Approval Applicable to the Ongoing Operation of the Approved Use
- 3.1 The development shall be generally in accordance with the plan/s submitted with the application (Plan No D-01049-01-E drawn by Martoo Consulting and dated 10 January 2011).

EXTRACTS OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING  
HELD ON THE 18 MAY 2011

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- 3.2 The required landscaping shall be maintained (watering, fertilising, mulching, weeding, and the like) at all times.
- 3.3 Loading/unloading operations shall be conducted within the site and vehicles waiting to be loaded/unloaded shall stand entirely within the site.
- 3.4 Approved hours of operation are as follows:
- |                 |                  |
|-----------------|------------------|
| Monday – Friday | 7:00am – 6:00pm  |
| Saturday        | 7:00am – 5:00pm  |
| Sunday          | 7:00am – 12:00pm |
- No activities including customer visits to the site are to be undertaken outside of these hours.
- 3.5 Approved refuse containers are to be provided and maintained in accordance with the *Environmental Protection (Waste Management) Regulation 2000* and kept in an imperviously paved area with a suitably screened enclosure to the satisfaction of Council's Chief Executive Officer.
- 3.6 All landscaping supplies displayed on the site are to be stored in receptacles capable of being fully enclosed to prevent materials being washed from the site during a flood event.
- 3.7 The flood management plan is to be stored on the site at all times outlining required actions in the event of a flood. Actions recommended by the plan, including complete containment of all landscaping materials, are to be implemented prior to floodwaters entering the development site.

P18/05/11

Moved: 

Seconded: 

Recommend that Council, as Assessment Manager, APPROVE development application (2009-2121) for Material Change of Use – Display Yard (Extension to Existing Landscape Supplies Centre) over Lot 1 MPH5330 and Lots 97, 989 & 99 MCH4906 located at Violet Street, Gympie subject to the following conditions:

*Assessment Manager's Conditions*

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

- 1.1 Obtain and comply with the requirements of a Development Permit for Operational Work (Site Works, Stormwater Drainage, Access, Car parking and Landscaping).
- 1.2 Landscaping is to be provided to the site as follows:
  - (i) a minimum 3.0 metre wide strip to the south-eastern boundary of the site adjoining the Iron Street road reserve area and Lot 100 MPH4906; and
  - (ii) a minimum 4.0 metre wide strip along the Bruce Highway and Clematis Street frontages of the development site.
- 1.3 In accordance with Planning Scheme Policy 13: *Urban Road Contributions* a contribution is to be paid toward road improvements as a result of the increased traffic generated by this development. The amount is currently assessed at \$12 376, however will be in accordance with Council's Policy and the amount applicable at the time of payment.
- 1.4 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 \$1 760, however, the actual amount payable will be based on Council's policy and the rate applicable, at the time of payment.
- 1.5 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 \$2 750, however the actual amount payable will be based on Council's policy and the rate applicable, at the time of payment.
- 1.6 All lots forming part of this application are to be amalgamated in Title. Such amalgamation does not require development approval from Council.
- 1.7 Encroachments as defined in the *Infrastructure Act 2003* are to be removed from the road reserve fronting the proposed lots unless a Road Closure, Road License, and/or Permit to Occupy is obtained from the Department of Natural Resources and Mines to legalise the encroachment.

- 1.8 A flood management plan for the development is to be prepared and submitted to Council for endorsement.

**Section 2.0 Conditions Relevant to the Issue of a Development Permit for Operational Work (Site Works, Stormwater Drainage, Access, Car parking and Landscaping)**

- 2.1 Erosion and sediment control measures are to be designed and provided in accordance with the Institution of Engineers, Australia, Qld Division's "*Soil Erosion and Sediment Control: Engineering Guidelines for Queensland Construction Sites*". The design shall be submitted to Council for approval with subsequent development applications for operational work.
- 2.2 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.
- 2.3 Undertake at no cost to Council, the alteration of any public utility mains (eg electricity, water, sewerage etc) or other facilities necessitated by the development of the land or associated construction works external to the site.
- 2.4 (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.
- 2.5 The Clematis Street access is to be configured such that left turns only out of the site and right turns only into the site, including the provision of signage to inform motorists of this arrangement.
- 2.6 Access to the development site via Clematis Street shall have a minimum visibility of 100 metres in each direction.
- 2.7 Access to the development site onto Clematis Street is to be constructed in accordance with the requirements of Council's Infrastructure Works Code – Drawing No R-05.
- 2.8 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.

**EXTRACTS OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING  
HELD ON THE 18 MAY 2011**

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- 2.9 Provide at least 14 off-street car parking spaces (including access and manoeuvring areas) for the entire landscaping supplies development.
- 2.10 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.
- 2.11 Any plans for operational works, water supply and sewerage works, drainage works and street lighting required by this development permit, are to be surveyed, designed and constructed in accordance with Council's Infrastructure Works Code.
- 2.12 (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 Iron Street.
- (ii) A stormwater quality improvement device is to be provided on site to ensure polluted run-off does not enter Council's stormwater drainage system.
- 2.13 A master stormwater drainage plan is to be prepared to address the impact of the proposed development on the existing stormwater drainage in the area, including upstream and downstream of the site.

**Section 3.0 General Conditions of Approval Applicable to the Ongoing Operation of the Approved Use**

- 3.1 The development shall be generally in accordance with the plan/s submitted with the application (Plan No D-01049-01-E drawn by Martoo Consulting and dated 10 January 2011).
- 3.2 The required landscaping shall be maintained (watering, fertilising, mulching, weeding, and the like) at all times.
- 3.3 Loading/unloading operations shall be conducted within the site and vehicles waiting to be loaded/unloaded shall stand entirely within the site.
- 3.4 Approved hours of operation are as follows:
- |                 |                  |
|-----------------|------------------|
| Monday – Friday | 7:00am – 6:00pm  |
| Saturday        | 7:00am – 5:00pm  |
| Sunday          | 8:00am – 12:00pm |

No activities including customer visits to the site are to be undertaken outside of these hours.

EXTRACTS OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING  
HELD ON THE 18 MAY 2011

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- 3.5 Approved refuse containers are to be provided and maintained in accordance with the *Environmental Protection (Waste Management) Regulation 2000* and kept in an imperviously paved area with a suitably screened enclosure to the satisfaction of Council's Chief Executive Officer.
- 3.6 A management plan for evacuation of materials in the event of flood is to be submitted to Council for approval. The plan should include:
- (a) list of landscaping materials to be stored on the site;
  - (b) assessment of each material and potential impacts from the site in the event of the flood;
  - (c) management plan for evacuation of high risk materials to be removed from the site.
- The plan should be compiled by a suitably qualified professional.
- 3.7 The flood management plan is to be stored on the site at all times outlining required actions in the event of a flood. Actions recommended by the plan, including complete containment of all landscaping materials, are to be implemented prior to floodwaters entering the development site.

Carried.



15 February 2010

[Redacted]  
Chief Executive Officer  
Gympie Regional Council  
PO Box 155  
Gympie Qld 4570

GYMPIE REGIONAL COUNCIL		ACTION	
FILE 2009-2121		GEN	
DOC 1416019		CG & F	
	17 FEB 2010	WORKS	
		PLAN	
X REF		C & ED	
		REFER	
			DEVASS TANIA

Dear Mr Mason

**Concurrence Agency's Response - Conditions**

**SCANNED**

Gympie Regional  
Bruce Highway  
Local Government application number 2009-2121  
Main Roads number 8691  
by [Redacted]  
Lots 97, 98, 99 on MCH4906 & Lot 1 on MPH5330  
situated at 53 Violet Street, Gympie

The above application has been assessed by the Department of Transport and Main Roads as a Concurrence Agency.

The assessment has had regard to the potential impact of the proposed development on the State-controlled road network.

Pursuant to Section 3.3.16 of the *Integrated Planning Act 1997* the Department of Transport and Main Roads requires that Council include the attached conditions in any approval of the application. A Statement of Reasons in respect of these conditions is also provided in the attachment.


Council is considered to be the appropriate authority to address requirements for minor works such as footpaths, kerb and channel and so on. Should Council choose to impose such requirements then the applicant is required under section 33 of the *Transport Infrastructure Act 1994*, to make further application to Main Roads to carry out the works.

Assets & Operations / Regions  
Wide Bay/Burnett Region / Gympie Office  
50 River Road  
PO Box 183  
Gympie Queensland 4570  
ABN 57 836 727 711

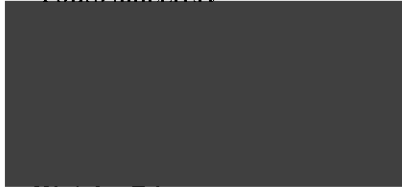
Our ref 830/80/992.0 A f2 ir110\_031  
Your ref 2009-2121  
Enquiries Mr Ian Leyton sms  
Telephone +61 7 5482 0333  
Facsimile +61 7 5482 0465  
Website www.tmr.qld.gov.au  
Email [Redacted]

A copy of this letter and attachment has been sent to the applicant.

Please forward a copy of Council's decision notice to this office.

The contact officer for this application is 

Yours sincerely



**District Director (Gympie)**

\*Enc (Attachment 1 – Conditions and Statement of Reasons)



**Main Roads**

**CONDITIONS AND STATEMENT OF REASONS**

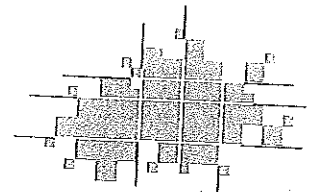
**Application type: Material Change of Use- Display Yard (Extension to existing Landscape Supplies Centre)**

<b>Council:</b>	Gympie Regional	<b>Main Roads File No:</b>	830/80/992
<b>Council Ref:</b>	2009-2121	<b>Road:</b>	Bruce Highway
		<b>Development Number:</b>	8691
		<b>Response Date:</b>	15/02/2010

<b>ISSUES / CONCERNS</b>	<b>CONDITIONS OF DEVELOPMENT FOR THE SUBJECT APPLICATION</b>	<b>THE REASONS, INFORMATION, STUDIES, FINDINGS, USED IN SETTING OF CONDITIONS INCLUDED:</b>
Management of access to a State-controlled road	The Department of Transport and Main Roads considers the current road access is satisfactory and is considered to be the permitted road access for the proposed use. Access to the Bruce Highway (Violet Street) Road is to be limited to this permitted road access location only.	The access design has to achieve acceptable standards in order to ensure that there are no detrimental impacts on the safety and efficiency of the State-controlled road network.  By minimising the number of points of access to the State-controlled road network, safety and efficiency are maximised.
Road drainage and stormwater runoff	The applicant must ensure that the proposed development does not: <ul style="list-style-type: none"> <li>- increase the existing peak intensity stormwater run-off from the property to the state-controlled road</li> <li>- impede any existing stormwater run-off from the state-controlled road to the property</li> <li>- adversely impact stormwater quality.</li> </ul>	To ensure that any change in stormwater flow does not overload the existing stormwater drainage systems.

Council's Reference: 2009-2121  
Our Reference: 01049 L24 GM

GYMPIE REGIONAL COUNCIL	
FILE 2009-2121	ACTED
DOC 1479444	GEN
	ICG & F
	WORKS
	PLAN
	C&ED
X REF	REFER
	1 DEVISS
	2 TANIA S
	3 MARCUS
	4
	5
	6
	7



**martoo**  
consulting

pty Ltd

town planners +  
urban designers  
+ surveyors

ABN: 62 287 949 725

14<sup>th</sup> February 2011

Chief Executive Officer  
Gympie Regional Council  
P.O. Box 155  
GYMPIE QLD 4570

ATTENTION: [REDACTED] - PLANNING AND DEVELOPMENT DEPARTMENT

Dear Marcus,

**RE: APPLICANTS' RESPONSES TO COUNCIL'S RFI**  
Development Application for Material Change of Use of Premises for Display Yard (re-arrangement and extension of landscape supplies centre) over Lots 97 to 99 on MCH4906 and Lot 1 on MPH 5330 and located at 53 Violet Street, Gympie: Craig and Lynda Campbell

I refer to the above application and in particular to the request for additional information issued by your Council and dated 17<sup>th</sup> February, 2010.

This request listed four (4) items that your Council considers is necessary in order to complete its assessment of the above application. The applicants have decided to respond to all these four (4) items as below:

**Item 1: Details on new car parking spaces to be provided as a result of the proposed expansion of operations over the site in accordance with Council's Vehicle Parking and Access Code.**

**Applicant's Response to Item 1:** The applicant has decided to delete part of the previously proposed display yard as shown on the enclosed amended proposal plan numbered D-01049-01-E and dated 10-01-2011. This amendment in response to this item has resulted in the deletion of 220 square metres of retail space and the addition of six (6) extra parking spaces. It is also relevant that staff can often park within existing sheds within the site including the machinery shed after items of machinery have been removed for use during the working day. The applicants therefore consider that they have sufficient on-site parking spaces considering their experience for the proposed use on this site suggests that there has never been a shortfall in on-site parking spaces.

**Item 2: Stormwater management plan and design that addresses all the issues within the drainage corridor, including hydraulic designs for culverts, QIOD flood from within the Commissioners Gully catchment, including the impact of such flooding on stored material washing into the drainage corridor, contaminated runoff from the site and which demonstrates that there will be no impedance or worsening of stormwater flow through the gully.**

**Applicant's Response to Item 2:** The Department of Transport and Main Roads has recently undertaken drainage stormwater management works within Iron Street and under the Bruce Highway and partly into the subject site. The applicants consider that such works could be extended further into their site as part of this item. The applicants have undertaken part of these works. The existing culvert across Clematis Street along the northern frontage of the site incorporates a box culvert. The applicants consider that it would there be sufficient for the two gully crossings proposed within their

site to have pipes or culverts with a similar cross-sectional area to that provided by Council within the adjoining public road (Clematis Street).

**Item 3: A revised layout to include requirement for no access to Clematis Street.**

**Applicant's Response to Item 3:** The applicants have advised that they have discussed this item with certain elected representatives of Council on site and advise as follows:-

- (a) The applicants advised that it is common for their existing business to have to make deliveries to the north of Gympie. With the new upgrading works along the Bruce Highway to the south of the site it is necessary for vehicles entering the Bruce Highway from the site to have to turn left into the Gympie urban area in order to make any deliveries to the north of Gympie. This is not preferred by the applicants. The applicants prefer to use Clematis Street as originally proposed as this avoids a longer route through Gympie's urban area for such deliveries.
- (b) The applicants have been advised that Council's main concern for requesting this item was due to access onto Clematis Street increasing the likelihood of trucks travelling past certain dwellings to the south of Clematis Street. In response the applicants have erected a sign at the exit on Clematis Street that states "Trucks must turn left" as shown on the enclosed amended proposal plan. The applicants understood this has addressed the concerns resident to the south. The applicants are prepared to accept a condition of approval that restricts truck leaving the site turning right into Clematis Street.
- (c) The applicants understand that certain Council representatives are satisfied with such an approach.

**Item 4: Revised plans showing the location of Council's sewer and demonstrate how Council's Building Over Sewer Policy can be complied with.**

**Applicant's Response to Item 4:**

The enclosed amended proposal plan numbered D-01049-01-E shows the recently surveyed location of Council's sewer main. There is no building structure proposed over the sewer other than an existing low concrete block wall which is not load bearing and used solely to provide a barrier for stockpiles for landscape supplies.

The applicants consider that they have now responded to Council's request for information. The decision making period has therefore commenced and we request that your Council proceeds with its assessment of the above application. Please contact our Sunshine Coast office if you require any further information and/or clarification in relation to the development application.

Yours faithfully,

  
*Principal*  
**martoo consulting pty ltd**

# Planning & Development

Phone: (07) 5481 0644

Our Ref: 2009-2121 MKM/LJC01190

17 February 2010

[REDACTED]  
C/ Martoo Consulting Pty Ltd  
PO BOX 1684  
NOOSA HEADS QLD 4567

Dear Sir/Madam,

**RE: Development Application for Material Change of Use –  
Display Yard (Extension to Existing Landscape Supplies Centre)  
over Lot 1 MPH5330 and Lots 97,98 & 99 MCH4906 –  
53 Violet Street, Gympie**

Thank you for lodging the above application with Council on 17 December 2009.

Preliminary assessment of the proposal has determined that further information is required to permit the proper assessment of the application.

Please provide the following additional information:

1. Details on new car parking spaces to be provided as a result of the proposed expansion of operations over the site in accordance with Council's Vehicle Parking and Access Code.
2. Stormwater management plan and design that addresses all the issues within the drainage corridor, including hydraulic designs for culverts, Q100 flood from within the Commissioners Gully catchment, including the impact of such flooding on stored material washing into the drainage corridor, contaminated runoff from the site and which demonstrates that there will be no impedance or worsening of stormwater flow through the gully.
3. A revised layout to include requirement for no access to Clematis Street.
4. Revised plans showing the location of Council's sewer and demonstrate how Council's Building Over Sewer Policy can be complied with.

*Note: Resubmission of plans should include a minimum 3 x A3 copies of such.*

# Planning & Development

Phone: (07) 5481 0644

-2-

Under Section 3.3.8 of the Integrated Planning Act you must respond to this information request by giving Council –

- (a) all of the information requested; or
- (b) part of the information requested together with a notice asking Council to proceed with the assessment of the application; or
- (c) a notice –
  - (i) stating that you do not intend to supply any of the information requested; and
  - (ii) asking Council to proceed with the assessment of the application.

Your application will be held pending receipt of your response. Please note that the response is to be lodged within 12 months of this advice otherwise the application will lapse pursuant to Section 3.2.12(2)(b) of the Integrated Planning Act.

Should you have any further enquiries please contact Marcus Matthews of Council's Planning & Development Department on (07) 5481 0644.

Yours faithfully,

  
**CHIEF EXECUTIVE OFFICER**  


INTEGRATED PLANNING ACT 1997

Part A, Version 3.1, 3 March 2008

# Form 1 Development Application

idas

## Part A Common details

**NOTE:** Answer all questions unless directed to go to a particular question. Refer to the end of the form for advice on how to complete this form.

**Applicant details** (The Applicant is the person responsible for making the application and need not be the owner of the land. The Applicant is responsible for ensuring the information provided on the IDAS Application Form is correct. This information is relied upon by the Assessment Manager and any referral agencies when assessing and deciding this application. By lodging this application, the Applicant incurs the obligations and responsibilities prescribed by the IPA. Any development permit or preliminary approval that may be issued as a consequence of this application will be issued to the Applicant.)

Company/organisation name (if applicable)

Individual applicant/Contact person (if there is more than one applicant, provide additional applicant details on an attachment to this form)

Title	First name	Last name
Postal address	C/- Martoo Consulting Pty Ltd, P.O Box 1684, Noosa Heads QLD 4567	
Contact telephone number	07 54 555 425	Mobile phone number
Facsimile number	07 54 555 725	e-mail address

**Details of the premises** (i.e. the land on which the development is proposed - refer to the advice at the end of the form)

1. Identify the premises by completing Table A, or Table B and/or Table C (ensure adequate information is given to identify the premises)

**Table A** If the application is for a mobile and temporary Environmentally Relevant Activity (ERA), complete Table A only. Then go to Q2.

1	Name of each local government area in which the mobile and temporary ERA is proposed to operate
1	

**OR**  
**Table B** Street address for the premises (tick applicable box/es below and insert property description in the table. Identify each lot in a separate row.)

- (i)  Street address / lot on plan for the premises (Appropriate for most applications including building applications); OR  
(ii)  Street address / lot on plan for the land adjoining or adjacent to the premises (Appropriate for development in water e.g. jetty, pontoon etc) (Note: Lot on plan details may be obtained from title documents, a 'Rate' notice, or from the local government.)

Unit No.	Street No.	Street Address		Lot on plan description		Local government area (e.g. Logan, Cairns)
		Street Name and official suburb/locality name	Post Code	Lot No.	Plan type and Plan Number	
1	53	Violet Street, Gympie	4570	Lot 1	MPH5330	GYMPIE
2	53	Violet Street, Gympie	4570	Lot 97	MCH4906	GYMPIE
3	53	Violet Street, Gympie	4570	Lot 98	MCH4906	GYMPIE
4	53	Violet Street, Gympie	4570	Lot 99	MCH4906	GYMPIE

**AND / OR**

**Table C** Coordinates and/or a map of the premises (Appropriate for development in remote areas, over part of a lot, in water (e.g. channel dredging in Moreton Bay) etc.)

1	Coordinates (Note: place each set of coordinates in a separate row)				Zone Reference	Datum	Local government area (if applicable)
	Easting	Northing	Latitude	Longitude			
					<input type="checkbox"/> DGDA94 <input type="checkbox"/> WGS84 <input type="checkbox"/> Other -		

\$2656 (See Mike Hartley)

17/12/09

INTEGRATED PLANNING ACT 1997

Part A, Version 3.1, 3 March 2008

2. Identify if any of the following apply to the premises by completing Tables D, E, or F. (Note: In most instances, the premises will not involve any of the following characteristics, however some applications may involve one or more of these characteristics - complete only if applicable)

**Table D** Complete if the premises are adjacent to or associated with a water body, watercourse or aquifer (e.g. river, creek, lake, canal)

Name of water body, watercourse or aquifer (if known)	
1	

**Table E** Complete if the premises are on Strategic Port Land under the Transport Infrastructure Act 1994

Lot on plan description for strategic port land		Port Authority for the lot
1		

**Table F** Complete if the premises are in tidal water

Name of local government for the tidal area (if applicable)		Name of port authority for the tidal area (if applicable)
1		

3. Indicate the total area of the premises on which the development is proposed: (Note: The total area may include land both above and below water)

Total area of premises	
7,083.00	<input checked="" type="checkbox"/> m <sup>2</sup> <input type="checkbox"/> hectares (Tick applicable unit)

**Existing use of the premises**

4. Current use/s of the premises: (e.g. vacant land, house, townhouses, apartment building, shop, service station, school, sugar cane farming etc.)

1	Landscape supplies centre and truck and bobcat hire service
---	---

5. Are there any existing easements on the premises? (e.g. for vehicular access, electricity, overland flow, water etc.)?

No  Yes - Ensure the type, location and dimensions of each easement are included in plans, submitted with the application

**Proposal details**

6. Brief description of the proposal (e.g. 6 unit apartment building, 30 lot residential subdivision, a bore, aquaculture)

Extension of existing landscape supplies centre

7. Does the proposal include new buildings or operational work (including any services) on the premises?

No  Yes - Ensure the nature, location and dimensions of the proposed works are included in plans, submitted with the application

**Resource entitlement (if applicable)** - further information is provided in the advice section at the end of the form

8. Does the application involve taking or interfering with a State resource and therefore require a resource entitlement? (e.g. the application involves State land (leased and freehold), declared Fish Habitat areas, taking quarry material, taking or interfering with water under the Water Act 2000, etc.)

No - Go to Q9  Yes - Complete Table G - provide details for each evidence required on a separate row, if applicable. Evidence of resource allocation or entitlement must be submitted with the application. You do not need to answer Q9 - go to the next section.

**Owner's consent (if applicable)** - further information is provided in the advice section at the end of the form

9. Complete Table H for applications involving a material change of use; reconfiguration of a lot; work on land below high-water mark and not within a canal as defined under the Coastal Protection and Management Act 1995; or work on rail corridor land defined under the Transport Infrastructure Act 1994 - provide details for each owner on a separate row, or on an attachment to this form if applicable.

Table H	Premises Owner's name/s and postal address	Details of the premises owned (street address or lot on plan description)	Owner's signature	Date consent was obtained
1	[Redacted] 53 Violet Street, Gympie, 4570, QLD	53 Violet Street, Gympie	[Redacted]	17-12-09
2	[Redacted] 53 Violet Street, Gympie, 4570, QLD	53 Violet Street, Gympie	[Redacted]	17-12-09

\* Owner's signature cannot be provided on the form if you intend to submit the application electronically. Owner's consent must be provided to the assessment manager on an attachment containing appropriate written documentation of the owner's consent. If the owner is a company, s127 of the Corporations Act 2001 (Cwealth) details how a company may sign as owner. Templates for the provision of owner's consent are available on the IPA website.

INTEGRATED PLANNING ACT 1997

Part A, Version 3.1, 3 March 2008

2. Identify if any of the following apply to the premises by completing Tables D, E, or F. (Note: In most instances, the premises will not involve any of the following characteristics, however some applications may involve one or more of these characteristics - complete only if applicable)

**Table D** Complete if the premises are adjacent to or associated with a water body, watercourse or aquifer (e.g. river, creek, lake, canal)

Name of water body, watercourse or aquifer (if known)	
1	

**Table E** Complete if the premises are on Strategic Port Land under the Transport Infrastructure Act 1994

Lot on plan description for strategic port land	Port Authority for the lot
1	

**Table F** Complete if the premises are in tidal water

Name of local government for the tidal area (if applicable)	Name of port authority for the tidal area (if applicable)
1	

3. Indicate the total area of the premises on which the development is proposed: (Note: The total area may include land both above and below water)

Total area of premises	
7,083.00	<input checked="" type="checkbox"/> m <sup>2</sup> <input type="checkbox"/> hectares (Tick applicable unit)

**Existing use of the premises**

4. Current uses of the premises: (e.g. vacant land, house, townhouses, apartment building, shop, service station, school, sugar cane farming etc.)

1	Landscape supplies centre and truck and bobcat hire service
---	---

5. Are there any existing easements on the premises? (e.g. for vehicular access, electricity, overland flow, water etc.)?

No  Yes - Ensure the type, location and dimensions of each easement are included in plans, submitted with the application

**Proposal details**

6. Brief description of the proposal (e.g. 6 unit apartment building, 30 lot residential subdivision, a bore, aquaculture)

Extension of existing landscape supplies centre

7. Does the proposal include new buildings or operational work (including any services) on the premises?

No  Yes - Ensure the nature, location and dimensions of the proposed works are included in plans, submitted with the application

**Resource entitlement (if applicable) - further information is provided in the advice section at the end of the form**

8. Does the application involve taking or interfering with a State resource and therefore require a resource entitlement? (e.g. the application involves State land (leased and freehold), declared Fish Habitat areas, taking quarry material, taking or interfering with water under the Water Act 2000, etc.)

No - Go to Q9  Yes - Complete Table G - provide details for each evidence required on a separate row, if applicable. Evidence of resource allocation or entitlement must be submitted with the application. You do not need to answer Q9 - go to the next section.

**Owner's consent (if applicable) - further information is provided in the advice section at the end of the form**

9. Complete Table H for applications involving a material change of use; reconfiguration of a lot; work on land below high-water mark and not within a canal as defined under the Coastal Protection and Management Act 1995; or work on rail corridor land defined under the Transport Infrastructure Act 1994 - provide details for each owner on a separate row, or on an attachment to this form if applicable.

Table H	Premises Owner's name/s and postal address	Details of the premises owned (street address or lot on plan description)	Owner's signature	Date consent was obtained
1	53 Violet Street, Gympie, 4570, QLD	53 Violet Street, Gympie	[Redacted]	17.12.09
2	53 Violet Street, Gympie, 4570, QLD	53 Violet Street, Gympie	[Redacted]	17.12.09

\* Owner's signature cannot be provided on the form if you intend to submit the application electronically. Owner's consent must be provided to the assessment manager on an attachment containing appropriate written documentation of the owner's consent. If the owner is a company, s127 of the Corporations Act 2001 (Cwealth) details how a company may sign as owner. Templates for the provision of owner's consent are available on the IPA website.



**INTEGRATED PLANNING ACT 1997**

Part A, Version 3.1, 3 March 2008

**Attachments and supporting information** (Complete Table 1 - Use a separate row for each type of attachment or information, including information required under this Part) Please ensure all documentation submitted with this form, including other Parts of Form 1, or owner's consent, etc, are securely attached to this Part of the Form.

Table 1	Description of attachment or information (e.g. Part C of Form 1, owner's consent, evidence of resource allocation/assessment, plans, drawings, reports)	Title (if applicable) (e.g. General Authority James Street Traffic Report)	Date	Method of delivery to assessment manager
1	IDAS Part D			
2	IDAS Checklist			
3	Proposal Plan			
4	Town Planning Report			
5	Council Fees			

**Portable Long Service Leave (PLSL) Levy** (Applicable for certain building and construction work valued over \$80,000 only)

10. The Portable Long Service Leave Levy (PLSL) is not applicable to this application if any of the following apply: (Tick box if applicable)
- the application seeks a preliminary approval only;
  - the application is not for building and construction work under the *Building and Construction Industry (Portable Long Service Leave) Act 1991*, section 3AA (e.g. the application is only for a change of use, or for the following types of work carried out solely for farming purposes: land clearing, site preparation, earthworks, fences, fodder harvesting, clearing of encroaching vegetation, clearing of regrowth, thinning vegetation or controlling weeds or pests);
  - all costs, that relate to the work both directly and indirectly, are less than \$80,000, inclusive of GST; or
  - the work is being carried out under an owner-builder permit issued under the *Queensland Building Services Authority Act 1991* - Complete and submit a QLeave Notification and Payment Form (no payment required if owner-builder permit number stated). The receipted form must be sighted by the assessment manager before a development permit can be given.

11. Is payment of a PLSL levy applicable to this application? (Refer to Q10 and the Advice below for more information)?

- No - End of Part A
- Yes - Answer Q12 below

**OFFICE USE ONLY** (For use by the Assessment Manager / Private Certifier) (Optional)

Fee (\$)	Date received	Receiving officer's name	Reference numbers

**NOTIFICATION OF ENGAGEMENT OF PRIVATE CERTIFIER**

To:  Council. I have been engaged as the private certifier for the building work referred to in this application.

Date of engagement	Name	BSA Certification number	Building classification/s

**QLEAVE NOTIFICATION AND PAYMENT** (for completion by assessment manager or private certifier if applicable)

Description of the work	QLeave Project Number	Amount paid (\$)	Date paid	Date received form sighted by assessment manager	Name of officer who sighted the form
1					

**Privacy Statement**

The information collected on Form 1 will be used by the Department of Infrastructure and Planning (DIP) in accordance with the processing and assessment of your Application. Your personal details will not be disclosed for a purpose outside of the IDAS process, except where required by legislation (including the Freedom of Information Act 1992) or as required by Parliament. This information may be stored in a DIP database. The information collected will be retained as required by the Public Records Act 2002.

**Advice for completing Part A**

# Form 1 Development Application

idas

## Part D

### Material change of use assessable against a planning scheme

#### Planning scheme identification

1. How is the premises identified / zoned in the applicable planning scheme? (NOTE: if the premises involves multiple zones clearly identify the relevant zone for each lot) - provide details for each lot on a separate row

	Lot description (i.e. street address or lot on plan details)	Applicable zone /precinct /area	Applicable overlays
1	Lot 1 MPH5330	Commercial, Highway Services	Nil
2	Lot 97 MCH4906	Community	Nil
3	Lot 98 MCH4906	Community	Nil
4	Lot 99 MCH4906	Community	Nil

#### Nature of the proposed material change of use (MCU)

2. How is the proposed use/s defined in the applicable planning scheme?

	General explanation of the proposed use (i.e. in your own words)	Planning scheme definition (include each definition in a new row or on attached documentation if applicable)	No. of dwelling / tenancy units (if applicable)	Days & hours of operation (if applicable)	No. of employees (if applicable)
1	Extension to existing landscape supplies centre	Display Yard		7 days	2

3. What type of approval is being sought?

- Development Permit
  Preliminary Approval
  Both (Provide details below)

4. Are there any current approvals associated with this application for the change of use of the premises? (e.g. a Preliminary Approval for the use)

- No
  Yes - Provide details for each associated approval on a separate row

	List of approval reference/s	Date approved	Date approval lapses (if known)
1	DA8722	04-May-2007	
2	DA14429	04-May-2007	

5. Does the proposed use involve:

- |   |  |   |
|---|--|---|
| (i) the reuse of existing buildings on the premises                 | <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes - Complete Table A |
| (ii) new building work on the premises                              | <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes - Complete Table B |
| (iii) the reuse of other existing operational works on the premises | <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes - Complete Table C |
| (iv) new operational work on the premises                           | <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes - Complete Table D |

**Mandatory Information**

6. Confirm that the following mandatory information accompanies this application:

	Confirmation of lodgement	Method of lodgement
<b>For all applications</b>		
(i) Plans showing the nature and location of the proposed use on the premises and a statement about the intensity and scale of the proposed use (e.g. number of employees, days and hours of operation, number of visitors, number of seats, capacity of storage area)	<input checked="" type="checkbox"/> Confirmed	over the counter
<b>When the application involves reuse of existing buildings</b>		
(ii) Plans showing the size and location of the buildings to be reused	<input type="checkbox"/> Confirmed <input checked="" type="checkbox"/> Not applicable	over the counter
<b>When the application involves new building work</b>		
(iii) Plans showing the size and location of the proposed new building work	<input type="checkbox"/> Confirmed <input checked="" type="checkbox"/> Not applicable	over the counter
<b>When the application involves reuse of other existing works</b>		
(iv) Plans showing the nature and location of the works to be reused	<input type="checkbox"/> Confirmed <input checked="" type="checkbox"/> Not applicable	over the counter
<b>When the application involves new operational work</b>		
(v) Plans showing the nature and location of the proposed new operational works	<input type="checkbox"/> Confirmed <input checked="" type="checkbox"/> Not applicable	over the counter

**OFFICE USE ONLY**

Date received

Reference numbers

**Advice for completing Part D**

**General advice**

- Part A must also be completed for all IDAS development applications.
- The applicant is responsible for answering all questions fully and correctly, unless following a response there is a statement to go directly to another question.
- When paying fees to the Environmental Protection Agency by electronic funds transfer (EFT) for coastal development applications, use the process from the information sheet *Electronically paying fees to the Environmental Protection Agency (EPA)* and securely attach the form *Electronic Funds Transfer (EFT) payment notification* to this application.

**Q3** A development permit authorises development to occur. A preliminary approval is a step in the approval process and does not authorise development to occur - a subsequent application for a development permit must be sought.

**Table D** If the MCU application involves operational work that is the building of a retaining wall on the premises, the application is taken also to be for the operational work if approval for the operational work has not been applied for in this application or in a separate application.

Form 1 Development Application

idas

# IDAS

## Assessment Checklist

IDAS Development Application Form 1 is the approved form for all development applications under the *Integrated Planning Act 1997 (IPA)*. Form 1 is made up of various Parts.

**Part A (Common Details)** of Form 1 must be completed for all applications. The relevance of other Parts of Form 1 depends on the nature of the application.

Form 1 also includes this IDAS Assessment Checklist, which is used to assist in determining State assessment and referral requirements, and the Parts of Form 1 relevant to the application.

Section 1 and all other relevant sections of the IDAS Assessment Checklist, as identified in the Table below, must be completed for all development applications except those proposed land in an urban development area or for building work requiring assessment against the *Building Act 1975* only.

For more information about development applications on land in an urban development area refer to [www.ilda.qld.gov.au](http://www.ilda.qld.gov.au). For more advice about building applications refer to Part B of the IDAS Application Form.

Answering the following questions will assist you in determining which sections of the checklist must be completed for your application. If unsure, phone or visit your local government or log onto the DIP website [www.dip.qld.gov.au](http://www.dip.qld.gov.au) for help.

For all IDAS development applications (except those for building work requiring assessment against the *Building Act 1975* only) - complete Section 1 of this checklist

Does the application seek approval to make a material change of use of the premises? <i>If yes - complete Section 2 of this checklist</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the application seek approval to reconfigure a lot? <i>If yes - complete Section 3 of this checklist and Part F of IDAS Application Form 1. If the premises are completely within a single local government area assessment is by the local government.</i>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the application seek approval to carry out operational work? <i>If yes - complete Section 4 of this checklist</i>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the application seek approval to carry out building work requiring assessment against the <i>Fisheries Act 1994</i> ? <i>If yes - complete Section 5 of this checklist</i>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Have you received a referral agency response under section 3.3.2. of the IPA, in relation to this development application? <i>If yes - complete Section 6 of this checklist</i>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the application seek approval to carry out building work requiring assessment against a local government planning scheme? <i>If yes - complete Form 1 Part E of IDAS Application Form 1. Assessment is by the local government.</i>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the application seek approval to carry out building work requiring assessment against the <i>Building Act 1975</i> ? <i>If yes - go to Appendix 1 of this checklist for advice on building referrals. Complete Part B of IDAS Application Form 1. Assessment is by a building certifier</i>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Do you wish the application to be assessed against a superseded planning scheme? <i>If yes - complete Form 1 Attachment 1</i>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the application for development completely or partly on Cairns and Mackay airport land under the <i>Airport Assets (Restructuring and Disposal) Act 2008</i> ? <i>If yes - Assessment is by the Department of Infrastructure and Planning. Complete Form 1 Part D of IDAS Application Form 1 if the application is for a material change of use, and Part E if for building or operational work. Also, the application must be referred to the local government as Advice Agency.</i>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

**SECTION 1** Section 1 must be completed for all applications that require completion of the IDAS Assessment Checklist.**HERITAGE**

1.1A Is any part of the proposal intended to be carried out on a Queensland heritage place under the *Queensland Heritage Act 1992*?

No - Go to 1.1B  Yes

*IPA, schedule 8, part 1, table 5, item 2; IP Regulation, schedule 2, table 2, item 18.*

1.1B Does the proposal involve development intended to be carried out on a place entered in a local heritage register under part 11 of the *Queensland Heritage Act 1992*, other than if the place is on Cairns or Mackay airport land?

No - Go to Q1.2  Yes

*IPA, schedule 8, part 1, table 5, item 2A; IP Regulation, schedule 1, part 2, table 5, item 2*

**REMOVING QUARRY MATERIAL; WILD RIVER AREA**

1.2 Does the proposal involve removing quarry material from a watercourse or lake as defined under the *Water Act 2000*?

No - Go to Q1.3  Yes

*IPA, schedule 8, part 1, table 5, item 1; IP Regulation, schedule 2, table 2, item 11; IP Regulation, schedule 1, table 5, item 2 (wild river area); Water Act 2000, section 966C; Wild Rivers Act 2005, section 43A*

**ENVIRONMENTALLY RELEVANT ACTIVITY; WILD RIVER AREA**

1.3 Does the proposal involve an environmentally relevant activity (ERA), other than a mining activity or a petroleum activity?

No - Go to Q1.4  Yes

*IPA, schedule 8, part 1, table 2, item 1; IPA, schedule 8, part 1, table 5, items 3 and 4; IP Regulation, schedule 2, table 2, items 1 and 23; Environmental Protection Act 1994, section 73AA (wild river area); Wild Rivers Act 2005, section 43A; relevant wild river declaration; Wild Rivers Code*

**WITHIN THE LIMITS OF A PORT**

1.4 Is any part of the premises within the limits of a port under the *Transport Infrastructure Act 1994*?

No - Go to Q1.5

Yes

*IP Regulation, schedule 2, table 2, items 15 and 16*

**DECLARED FISH HABITAT AREA**

1.5 Does any part of the premises adjoin a declared fish habitat area under the *Fisheries Act 1994*?

No - Go to Q1.6

Yes - If answers to questions in other sections of this checklist indicate that the proposed development is **assessable under IPA, schedule 8**, this application requires assessment by the Department of Primary Industries and Fisheries (DPI&F). If DPI&F is not the Assessment Manager for the application, the agency has jurisdiction as Advice Agency.

*IP Regulation, schedule 2, table 2, item 26*

**COMMUNITY INFRASTRUCTURE**

1.6 Is any part of the premises designated for community infrastructure?

No - Go to Q1.7

Yes

*IP Regulation, schedule 2, table 3, item 7*

**WASTE WATER MANAGEMENT**

1.7 Does the proposal involve the establishment or expansion of a waste water disposal system?

No - End of Section 1  Yes

*IP Regulation, schedule 2, table 3, item 5*

**SECTION 2** - Section 2 must be completed when the application seeks approval to make a material change of use of premises.**STATE PLANNING REGULATORY PROVISIONS AND PLANNING SCHEME**

2.1 Is the proposed use assessable under any State planning regulatory provisions?

No  Yes

If no, is the proposed use assessable under the planning scheme?

No - Go to Q2.2  Yes - Complete Form 1, Part D and answer Q2.1.1 - 2.1.13 below

**STATE-CONTROLLED ROAD**

2.1.1 Is any part of the premises located in part of a future State-controlled road, or within 100m of a State-controlled road?

Yes  No

If yes, is the use proposed in a future State-controlled road not defined by route?

Yes - This application must be referred to the Department of Main Roads (DMR) as Advice Agency.

No - This application must be referred to DMR as Concurrence Agency.

*IP Regulation, schedule 2, table 3, items 1(a) and 3*

**ACID SULFATE SOILS**

2.1.2 Is the use proposed in a local government area listed<sup>21</sup> in State Planning Policy 2/02: Planning and Managing Development Involving Acid Sulfate Soils?

No - Go to Q2.1.3  Yes

<sup>21</sup> Aurukun, Bowen, Brisbane, Broadsound, Bundaberg, Burdekin, Burke, Burnett, Caboolture, Cairns, Calliope, Caloundra, Cardwell, Carpentaria, Cook, Cooloola, Douglas, Fitzroy, Gladstone, Gold Coast, Hervey Bay, Hinchinbrook, Isis, Johnstone, Livingstone, Logan, Mackay, Maroochy, Maryborough, Mirium Vale, Mornington, Noosa, Pine Rivers, Redcliffe, Redland, Rockhampton, Sarina, Thuringowa, Tiara, Torres, Townsville, Whitsunday

*IP Regulation, schedule 2, table 3, item 4; State Planning Policy 2/02: Planning and Managing Development Involving Acid Sulfate Soils, section 3.6*

**COASTAL MANAGEMENT DISTRICT**

2.1.3 Is any part of the premises located in a coastal management district?

No - Go to Q2.1.4  Yes

*IP Regulation, schedule 2, table 3, item 6*

**VEGETATION CLEARING**

2.1.4 Do the premises include a lot containing the following?

(i) A category 1, 2 or 3 area shown on a Property Map of Assessable Vegetation (PMAV)  No  Yes

(ii) If there is no PMAV for a lot, remnant vegetation  No  Yes

*IP Regulation, schedule 2, table 3, item 11*

**CONTAMINATED LAND - UNEXPLODED ORDNANCE**

2.1.5 Is any part of the premises in an area for which an area management advice has been given for unexploded ordnance?

No - Go to Q2.1.6  Yes - (Complete Form 1, Part N) This application must be referred to the Administering Authority as Concurrence Agency.

*IP Regulation, schedule 2, table 3, item 12*

**PUBLIC PASSENGER TRANSPORT**

2.1.6 Is the proposed use of premises listed in schedule 13C of the Integrated Planning Regulation 1998 and does it exceed the specified threshold?

No - Go to Q2.1.7  Yes - This application must be referred to Queensland Transport (QT) as Concurrence Agency.

*IP Regulation, schedule 2, table 3, item 14*

**RAILWAY SAFETY AND EFFICIENCY**

2.1.7 Is the proposed use of premises listed in schedule 13D of the Integrated Planning Regulation 1998 and does it exceed the specified threshold?

No - Go to Q2.1.8  Yes - This application must be referred to Queensland Transport (QT) as Concurrence Agency.

*IP Regulation, schedule 2, table 3, item 15*

**KOALA CONSERVATION**

2.1.8 Is any part of the premises in a koala conservation area or koala sustainability area, other than in an SEQ urban footprint area?

Yes  No

If yes, is the use for a domestic activity, as defined by the *Environmental Protection Act 1994*?

Yes  No

*IP Regulation, schedule 2, table 3, items 18 and 19A*

**EASEMENTS AND SUBSTATIONS**

2.1.9 Is the use associated with reconfiguring a lot?

Yes - Go to Q2.1.10  No - Answer both (a) and (b) below

(a) Will any part of any structure or work that is the natural and ordinary consequence of the use, be located in an easement?

No - Go to (b)  Yes - Answer both (i) and (ii) below

(b) Is any part of the premises situated within 100m of a substation site under the *Electricity Act 1994*?

No  Yes - This application must be referred to the entity responsible for the substation as Advice Agency.

*IP Regulation, schedule 2, table 3, item 8 (electricity easement); IP Regulation, schedule 2, table 3, item 16 (pipeline easement); IP Regulation, schedule 2, table 3, item 9 (substation)*

**RESIDENTIAL, COMMERCIAL OR INDUSTRIAL DEVELOPMENT IN A WILD RIVER AREA**

2.1.10 Is any part of the premises in a wild river area declared under the *Wild Rivers Act 2005*?

No - Go to Q2.1.11  Yes

*IP Regulation, schedule 1, part 2, table 5, item 1(a); Wild Rivers code (Note: the code does not currently contain applicable provisions for residential, industrial or commercial development inside a designated urban area)*

**WETLAND**

2.1.11 Is the proposal only for the construction or use of a single residence on a lot and any reasonably associated building or structure?

Yes - Go to Q2.1.12  No

*IP Regulation, schedule 2, table 3, item 20*

**HERITAGE**

2.1.12 Do the premises include a lot sharing a common boundary with a Queensland Heritage place under the *Queensland Heritage Act 1992*?

No - Go to Q2.1.13  Yes - (Complete Form 1, Part C). This application must be referred to the Environmental Protection Agency (EPA) as Advice Agency.

*IP Regulation, schedule 2, table 3, item 22*

**GERTAIN PRELIMINARY APPROVALS**

2.1.13 Is preliminary approval sought for the application under the IPA, section 3.1.6?

No - Go to Q2.2  Yes - (Complete Form 1, Attachment 2) This application must be referred to the Department of Infrastructure and Planning (DIP) as Advice Agency.

*IP Regulation, schedule 2, table 3, item 23*

**BROTHEL**

2.2 Is the proposed use a brothel as defined under the *Prostitution Act 1999*?

No - Go to Q2.3  Yes

*IPA, schedule 8, part 1, table 2, item 2; Prostitution Act 1999, section 6*

**STRATEGIC PORT LAND**

2.3 Is any part of the use proposed on Strategic Port Land under the *Transport Infrastructure Act 1994*?

No - Go to Q2.3A  Yes

*IPA, schedule 8, part 1, table 2, item 3; IP Regulation, schedule 2, table 2, item 6.*

**AIRPORT LAND**

2.3A Is any part of the use proposed on Cairn and Mackay airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*?

No - Go to Q2.4  Yes

*IPA, schedule 8, part 1, table 2, item 3A; IP Regulation, schedule 2, table 2, item 6A.*

**MAJOR HAZARD FACILITY**

2.4 Is the proposed use a major hazard facility or possible major hazard facility under the *Dangerous Goods Safety Management Act 2001*?

No - Go to Q2.5  Yes - (Complete Form 1, Part L) This application requires assessment by the Department of Emergency Services (DES). If DES is not the Assessment Manager for the application, the agency has jurisdiction as Concurrence Agency.

*IPA, schedule 8, part 1, table 2, item 4; IP Regulation, schedule 2, table 2, item 7*

**CONTAMINATED LAND - REGISTERED LAND**

2.5 Is any part of the land forming the premises on the Environmental Management Register or Contaminated Land Register under the *Environmental Protection Act 1994*?

No - Go to Q2.6  Yes

*IPA, schedule 8, part 1, table 2, item 5; IP Regulation, schedule 2, table 2, item 22*

**CONTAMINATED LAND - NOTIFIABLE ACTIVITY**

2.6 Is any part of the land forming the premises currently used for a notifiable activity, or if there is no existing use was it last used for a notifiable activity?

No - Go to Q2.7  Yes

*IPA, schedule 8, part 1, table 2, item 6; IP Regulation, schedule 2, table 2, item 22*

**CONTAMINATED LAND - INDUSTRIAL ACTIVITY**

2.7 Is any part of the premises currently used for an industrial activity (other than for a mining activity or petroleum activity), or if there is no existing use was it last used for an industrial activity (other than for a mining activity or petroleum activity)?

No - Go to Q2.8  Yes

*IPA, schedule 8, part 1, table 2, item 6; IP Regulation, schedule 2, table 2, item 22*

**CONTAMINATED LAND - AREA MANAGEMENT ADVICE (NATURAL MINERALISATION OR INDUSTRIAL ACTIVITY)**

2.8 Is any part of the premises in an area for which an area management advice has been given for natural mineralisation or industrial activity (other than for a mining activity or petroleum activity)?

No - Go to Q2.9

Yes

*IPA, schedule 8, part 1, table 2, item 7; IP Regulation, schedule 2, table 2, item 22*

**AQUACULTURE; WILD RIVER AREA**

2.9 Is the proposed use for aquaculture as defined under the *Fisheries Act 1994*?

No - Go to Q2.10  Yes

*IPA, schedule 8, part 1, table 2, item 8; IPA, schedule 8, part 2, table 2, item 1 (self-assessable aquaculture); IP Regulation, schedule 2, table 2, item 27; Fisheries Act 1994, section 76DA (wild river area); Wild Rivers Act 2005, section 43A*

**AGRICULTURAL AND ANIMAL HUSBANDRY ACTIVITIES IN A WILD RIVER AREA**

2.10 Is any part of the premises in a wild river area declared under the *Wild Rivers Act 2005*?

No - Go to Q2.11  Yes

*IPA, schedule 8, part 1, table 2, item 11; IP Regulation, schedule 2, table 2, item 36; Wild Rivers Act 2005, sections 42, 43A*

**SOUTH EAST QUEENSLAND REGION**

2.11A Is any part of the premises within the South East Queensland (SEQ) designated region?

No - Go to Q2.11B  Yes

*Draft South East Queensland Regional Plan 2009-2031 Regulatory Provisions, divisions 2 and 4; IP Regulation, schedule 2, table 3, item 13*



**FAR NORTH QUEENSLAND REGION**

2.11B Is any part of the premises within the Far North Queensland region (FNQ) designated region?

No - Go to Q2.12  Yes

*Draft South East Queensland Regional Plan 2009-2031 Regulatory Provisions, divisions 2 and 4, IP Regulation, schedule 2, table 3, item 13*

**CONSERVATION ESTATE**

2.12 Is the proposal for urban purposes, as defined under the IPA?

No - Go to Q2.13  Yes

*IP Regulation, schedule 2, table 2, item 40*

**REMOVAL, DESTRUCTION OR DAMAGE OF A MARINE PLANT**

2.13 Does the proposed use involve the removal, destruction or damage of marine plants under the *Fisheries Act 1994*?

No - End of Section 2  Yes

*IPA, section 3.2.2A; IPA, schedule 8, part 1, table 4, item 8 (assessable development); IPA, schedule 8 part 2, table 4, item 4 (self-assessable development); Fisheries Regulation 1995 s113A (self-assessable codas); IP Regulation, schedule 2, table 2, item 29; IP Regulation, schedule 1, part 3, table 4, item 8; Fisheries Act 1994, section 76DB (wild river area); Wild Rivers Act 2005, section 43A.*

**Disclaimer:**

While the Department of Infrastructure and Planning (DIP) believes that this information contained on this form and provided as part of this process will be of assistance to you, it is provided on the basis that you will not rely on the information without first making your own enquiries regarding the interpretation and application of the applicable legislation to your circumstances.

To the full extent permitted by law DIP expressly disclaims all liability (including but not limited to liability for negligence) for errors or omissions of any kind or for any loss (including direct and indirect losses), damage or other consequence which may arise from your reliance on this process and the information contained on this form.

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# PROPOSAL REPORT

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town planners +  
urban designers

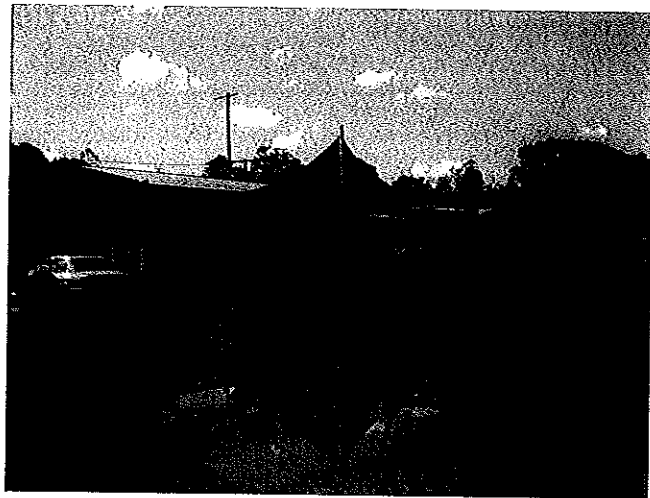
## Development Application

seeking a

## Development Approval for Material Change of Use of Premises

for

**Display Yard  
(re-arrangement  
and extension of  
landscape  
supplies centre)**



at

**53 Violet Street, Gympie**

described as

**Lot 1 on MPH5330 & Lots 97, 98 & 99 on  
MCH4906**

**Applicants:**



*Prepared: December 2009*

*R01049-1-A*

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# 1 Introduction

This planning report has been prepared on behalf of the applicants, Craig and Lynda Campbell, for a proposed extension to existing commercial operations over a site located at 53 Violet Street, Gympie. This application seeks approval for a material change of use of premises for a *display yard* comprising landscaping materials, earthmoving equipment and motor vehicles to incorporate the re-arrangement and extension of the approved use area for the approved *display yard* use.

To obtain approval for the re-arrangement and extension of the use area, the applicants have recently lodged a request with Gympie Regional Council to change an existing development approval (DA14429) under section 3.5.24 of the *Integrated Planning Act 1997*, namely to amend the approved plan to incorporate the proposed use area. It has since been determined by Council that such an increase in the active use area of the site as proposed does not constitute a 'minor change' as defined by the *Integrated Planning Act 1997* and instead the proposal is considered by Council to constitute 'development' as defined by s.1.3.2 of the *Integrated Planning Act 1997*.

Consequently, the application to request to change an existing approval (amend the approved plan) under s.3.5.24 of the *Integrated Planning Act 1997* as submitted was not considered appropriate and a fresh development application seeking a development permit for material change of use is required.

Since lodgment of the above request, the applicants have been issued with a Show Cause Notice that in part refers to the alleged unauthorised use of land for the extension of the landscape supplies centre, and this development application is intended to respond to the Show Cause Notice and obtain approval for the land use area and the layout of such use area. The applicants has subsequently reviewed the proposal given discussions with the Department of Transport and Main Roads and Council's request for a fresh development application.

The site is included in the Gympie Planning Area within both a Commercial and Community Zone as determined by the 2005 Cooloola Shire Planning Scheme. The application is *code assessable* development under the provisions of the *Integrated Planning Act 1997*, and is consistent with the preferences of the planning scheme within the Commercial Zone.

Gympie Regional Council is the Assessment Manager for this application, and the applicants request that Council assess the applications under the 2005 Cooloola Shire Planning Scheme and the *Integrated Planning Act 1997*.

This planning report covers the following matters in order to assist such assessment:

- **Section 2:** The basic details of the application;
- **Section 3:** A description of the subject site;
- **Section 4:** A brief description of the locality surrounding the subject site;
- **Section 5:** An explanation of the proposal including existing operations;
- **Section 6:** An assessment of the proposal against the 2005 Cooloola Shire Planning Scheme; and
- **Section 7:** A conclusion that provides summary grounds that support the applications.

Any words or terms are shown in *italic* font in this proposal report, refer to either relevant state legislation or terms defined in Schedule 14 of the 2005 Cooloola Shire Planning Scheme or direct quotes from this planning scheme as indicated.

## 2 Basic Information

Basic information relating to this request to change an existing approval includes:

**Applicant:** [REDACTED]  
C/- Martoo Consulting  
PO Box 1684, Noosa Heads QLD 4567

**Address of Site:** 53 Violet Street, Gympie

**RPD of Site:** Lot 1 on MPH5330 & Lot 97, 98 & 99 on MCH4906, Parish of Gympie, County of March

**Owners:** [REDACTED]

**Area of Site:** 7083 square metres

**Current Use of Site:** Landscape supply centre and truck and bobcat hire service

**Land Use Zonings:** Commercial Zone (Lot 1 on MPH5330) & Community Zone (Lot 97, 98 & 99 on MCH4906)

**Preferred Use Areas:** Highway Services

**Strategic Area:** Urban

**Proposal:** Development approval for material change of use of premises for *display yard*

**Administering Authority:** Gympie Regional Council

**Existing Easements:** Nil

**Referral Agencies:** Department of Transport and Main Roads

**Consultants for the development application:** Town Planning Consultants: Martoo Consulting

### **3 The Characteristics of the Site**

#### **3.1 Location and Real Property Description**

The subject site is located at 53 Violet Street, Gympie (see **Annex 1**). The site comprises four (4) existing parcels of land described as Lot 1 on MPH5330 & Lots 97 - 99 on MCH4906, Parish of Gympie, County of March.

There are no easements currently known to be registered over or benefiting the subject site.

#### **3.2 Site Area and Shape**

The subject site has a total area of 7083 square metres. In total, the site is almost regular configuration, except for the exclusion of Lot 100 on MCH4906, comprising four (4) parcels of land that acquires three (3) different road frontages.

#### **3.3 Topography and Elevation**

The site is located at a particularly low point along the Bruce Highway and is completely covered by the Q40 flood. Commissioners Gully traverses the centre of the site generally from south to north.

#### **3.4 Current Land Use Approvals over Site**

There are currently two (2) land use approvals relating to the site (or lots within) issued by the former Cooloola Shire Council including:

- Decision Notice (DA8722) for material change of use of the premises for a *landscape supply centre* and *light industry* (contractor's yard), originally issued under the 1997 Cooloola Shire Planning Scheme, with the Amended Negotiated Decision Notice dated 4<sup>th</sup> May 2007. This approval relates to Lot 99 on MCH4906 only; and,
- Decision Notice (DA14429) for material change of use of the premises for a *display yard* (extensions to landscape supply centre) issued under the 2005 Cooloola Shire Planning Scheme dated 4<sup>th</sup> May 2007. This approval relates to Lot 1 on MCH5330 and Lots 97, 98 and 99 on MCH4906.

The site is currently used by the applicants as a landscape supplies centre and a truck and bobcat hire service.

#### **3.5 Existing Development on the Site**

Existing development on the site comprises two (2) existing sheds located near the northern boundary of the site. The first shed is used for the storage of machinery, vehicles, plant, tools and concrete storage and also contains toilets and an ancillary office that is positioned to provide surveillance over the display areas for landscape supplies. The second shed is an open shed used for machinery and vehicle storage.



Figures 3 and 4: Internal view of holding bays

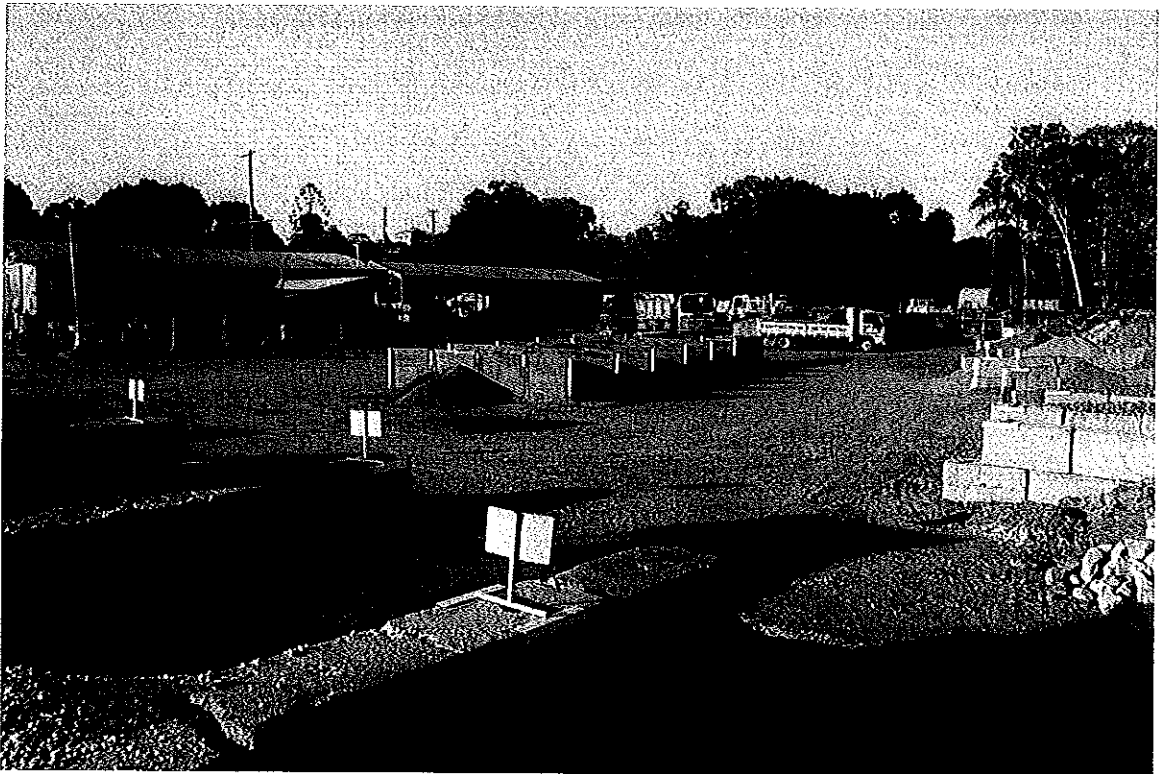


Figure 5: Internal view of site from southern corner of the site to the northern corner

### 3.6 Existing Infrastructure Servicing the Site

The subject site is serviced by identical community infrastructure that services the surrounding commercial and industrial uses. This infrastructure includes reticulated water supply and sewerage, underground telecommunications, overhead electricity supply and street lighting, constructed roadways and associated stormwater drainage.

### 3.7 Existing Vegetation

The native vegetation within the site generally comprised woody weed species that has relatively recently been removed.



The site is not within an *ecosystem value area* or designated under the regional ecosystem mapping established under the *Vegetation Management Act 2000*.

Consequently, there is no existing vegetation within the subject site considered to be of any state, regional or local significance.

### 3.8 Road Frontages and Access

The subject site has the following road frontages:

- o approximately 80 metres frontage to Violet Street (Bruce Highway), which has a road reserve width of approximately 35 metres in this location;
- o approximately 40 metres frontage to Clematis Street, which has a road reserve width of 30 metres; and
- o approximately 100 metres frontage to Iron Street, which is not constructed in this location.

The site itself benefits from a wide paved ingress and egress situated along Violet Street that provides access to the whole of the site. The access point to the site slopes down slightly from Violet Street and achieves acceptable sight and visibility distances to enable vehicles to enter and exit the site safely.

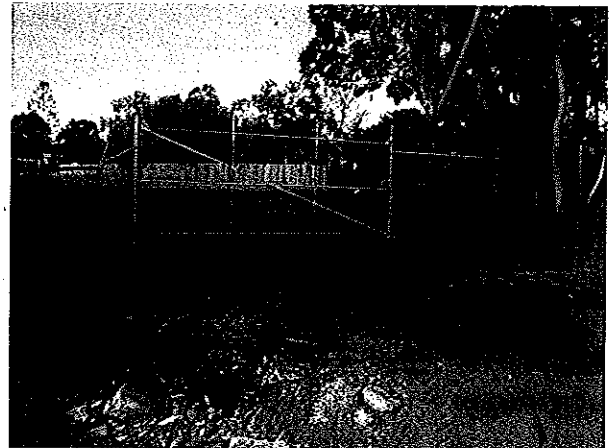


Figure 8: Internal view of Violet Street access

Figure 9: Internal view of Clematis Street access

Violet Street (Bruce Highway) is a State-controlled road and consequently the Department of Transport and Main Roads is a concurrence agency for the proposal.

The applicants are currently utilising the Clematis Street access also and wish to obtain approval for this use.

### 3.9 2005 Cooloola Shire Planning Scheme Zonings & Overlays

Lot 1 on MPH5330 is located within the Commercial Zone and within a Highway Services preferred use area, with the remainder of the site located within the Community Zone on the zoning map in the 2005 Cooloola Shire Planning Scheme.

The site is located within the Major Industry Area on the strategic map in the 2005 Cooloola Shire Planning Scheme.

The whole of the site is included within a very low erosion hazard area on NHM2 in the planning scheme.

The site is not affected by any overlays.



### **3.10 Site Contamination**

The Environmental Management Register does not identify or acknowledge the subject site. The site has not been used for a notifiable activity under the *Environmental Protection Act 1994* to the best of our knowledge.

### **3.11 Commissioners Gully**

As mentioned above, Commissioners Gully traverses the centre of the site generally from south to north. This gully has historically acted as a drainage channel until recently when works have been undertaken within the gully by CMC on behalf of the State and on land to the south of the site and by landowners on the opposite side of Clematis Street. As the gully has not been operational as a drainage channel since the commencement of these works, the applicants have been utilising this area also in association with the approved land uses with the intention of reinstating the drainage channel once civil works have ceased within the gully on the site and on adjacent land as referred to above.

## 4 The Characteristics of the Surrounding Environment

### 4.1 Description of Land Uses Adjacent to the Site and within the Surrounding Area

Existing land uses in the locality surrounding the subject site are characterised by a mixture of community, commercial, housing, industrial and commercial uses zoned within a highway service area.

More specifically the existing uses that immediately surround the subject site comprise the following:

- To the north (adjoining): Commercial premises including a stationery supplies;
- To the south: Parcels of land zoned Community for the provision of public open space;
- To the west: Landscape supplies centre & ancillary retail plant nursery and Gympie Feed Barn; and
- To the west: Parcels of land designated within the Community Zone.

The surrounding uses along Violet Street predominantly represent retail uses, even though the surrounding sites have been zoned for Housing.

### 4.2 2005 Cooloola Shire Planning Scheme Zonings for the Immediate Vicinity

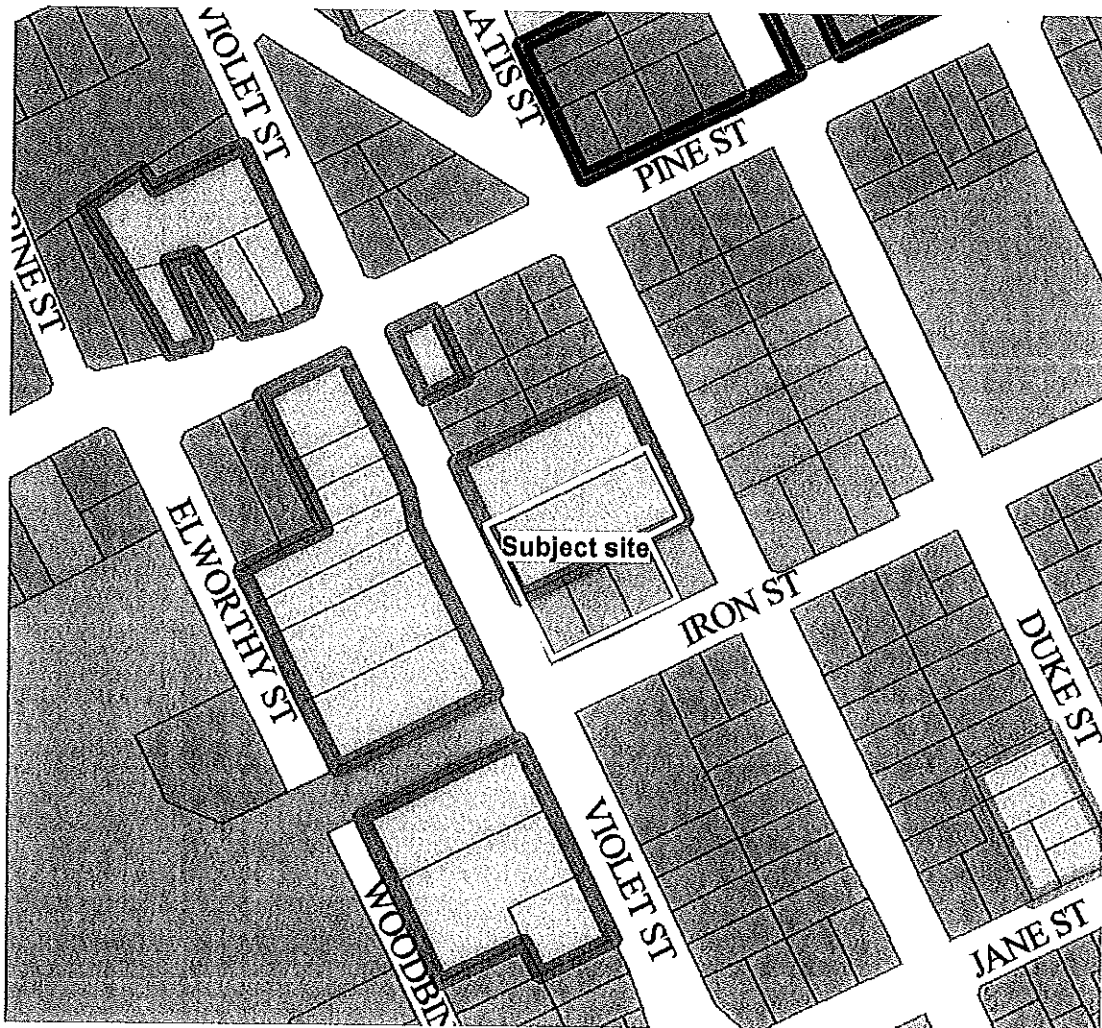


Figure 10: Zoning map

The properties directly adjoining the premises are included within the Commercial Zone and more specifically the Highway Services Preferred Use Area, the Housing Zone and the Community Zone. Premises situated to the west of the subject site are also included within the Commercial Zone and the Highway Services Preferred Use Area.

Premises located to the southeast of the subject site along Duke Street are included within the Commercial Zone and within the Showroom Preferred Use Area.

To the northwest of the subject site premises are included within the Industry Zone.

#### **4.3 Building Heights and Design of Surrounding Development**

The existing buildings that retain their existing built fabric in the surrounding locality of the subject site take on an industrial and showroom type appearance, although there is no common architectural theme evident. The heights of surrounding structures vary from single storey with a building height of about 5 metres to approximately 10 metres, which is commonly dependant upon the type of use operating on each particular site.

Premises situated to the south-west of the subject site reflect a residential style development that is evident by construction materials such as fibro timber cladding and pitched corrugated roofing.

#### **4.4 Surrounding Road Network**

The subject site fronts Violet Street (Bruce Highway) along the western boundary that provides access to the city of Gympie. The surrounding road networks are characterised by a grid formation (see **Annex 1**). As a result, Violet Street intersects with Iron Street and Pine Street and each street provides direct access to Duke Street, which in turn provides a direct link to Mary Street identified as the within the Central Business Zone of Gympie. Violet Street is part of the Bruce Highway, which is a State-controlled road.

## 5 The Proposal

The applicants seek a development permit for material change of use to incorporate the rearrangement and somewhat minor extension of the landscape supplies centre. The applicants are currently utilising some of the proposed extended use area, and in part are seeking retrospective approval for the extended use area, and in part are seeking prospective approval for proposed use area for the *display yard* use of the site. The total additional use area is proposed to be approximately 710 square metres. It is important to note that some of this increase in use area is a result in increased the area of storage bins which were found to be ineffective to contain that material that was typically lighter and/or not capable of be stockpiled in bins with steeper unrestrained batters (e.g. mulches and sands).

### 5.1 Proposed development on the site

The applicants propose the following variation in the layout and additions to the approved use area of the premises as a display yard (landscape supplies centre) as shown on the proposed site plan (**Annex 3**):

- The re-location of the display area on the Violet Street boundary from the south end of the frontage to the north end of the frontage and a reduction in this display area of about 370 square metres to about 220 square metres for the display of landscaping materials, such as tanks, sleepers and pavers, in the western corner of the site
- Three (3) additional stockpile areas;
- An additional ten (10) holding bays amounting to thirty (30) holding bays in total, comprising of: fourteen (14) 4 x 7 metre holding bays, five (5) 4.5 x 8 metre holding bays, and four (4) 5 x 7 metre holding bays, for storing and display of sand, gravel, mulch and rocks;
- Road based paving in the eastern corner of the site which will complete road based paving of the entire accessible area of the site;
- Buffer landscaping along strategic sections of the boundaries of the site where possible noting that suitable (no deciduous) tree species are proposed along the Violet (Bruce Highway) Road frontage so as to assist on screen the use from the passing highway traffic. The recent highway works has further elevated the height of eye for passing traffic and provided a pedestrian path along the sites highway frontage. As such a line of suitable tree species is considered a more appropriate form of landscaping in this situation than lower shrub and groundcover planting for a variety of reasons;
- One (1) additional visitor carparking space;
- An additional access to the site from Clematis Street and a sealed bitumen access point; and
- Re-instatement of Commissioners Gully and the provision of bridges, a piped drain, and amenity landscaping at specific locations along the gully so that the gully can be traversed and use areas on the eastern side of the gully will no longer be isolated. Such proposed works relating to the gully will be the subject of a subsequent development application for operational works by the applicants and does not form part of this current application. It is considered logical and beneficial to establish the requirements of Council's land use approval before commissioning detailed proposal plans for operational works.

#### 5.1.1 Defined Approved Land Use

The development application (DA14429) for material change of use of the premises for a *display yard* was assessed against the 2005 Cooloolool Shire Planning Scheme and accordingly the land use definition is found in that planning scheme and is as follows:

***Display Yard -***

*means the use of premises for the display or sale, hire or leasing of any industry plant or equipment, motor vehicles, agriculture machinery, vessels, caravans, trailers, plants, building materials, construction and landscaping materials, when involving more than 200 square metres of outdoor use area. The term does not include Shop or Showroom.*

The definition of *display yard* in the 2005 Cooloola Shire Planning Scheme is considered to include a landscape supplies centre.

### 5.1.2 Design & Siting

The main element of the design and siting of the proposed changes to the site is the more effective utilisation of the site for the landscape supplies centre. Particular design features include:

- access through the site from Clematis Street to the Iron Street boundary for easier access by vehicles and machinery to holding bays and stockpiles in order to assist in the loading and unloading of landscaping supplies and materials;
- visitor carparking against the western boundary near the Violet Street entrance;
- the on-site display of all available supplies to assist in customer sales;
- the location of display areas near the road frontage to provide more of a commercial type presentation to the adjoining public spaces;
- the re-arranging of the existing bunkers and holding bays to a more suitable location; and
- the provision of landscaped areas around the perimeter of, and within, the site to accommodate the changes and improve presentation to the public spaces.

### 5.1.3 Vehicular and Pedestrian Access and Parking

The vehicular access to the existing premises will remain via a wide concrete entrance/exit off Violet Street. The driveway access into the site is paved as shown on the amended plan.

A second entrance/exit is proposed off Clematis Street which will be constructed to a sealed bitumen standard and is intended to relieve the amount of traffic entering and exiting the site into Violet Street.

It is proposed that visitors to the site use the Violet Street entrance and accordingly the visitor carparking is located on the western boundary of the site in front of the office and display areas to avoid the need for visitors to enter any further on to the site without accompaniment by staff.

Similarly, it is proposed that the staff and business vehicles and machinery use the Clematis Street entrance to reduce the amount of traffic (both light and heavy) leaving the site directly on to Violet Street.

The internal driveways presently encompass a large hardstand area that is sealed with road base paving. Road based paving will be undertaken to the remainder of the site not already paved. The design of the internal driveway and manoeuvring areas intended to assist in manoeuvring heavy vehicles for the provision of loading and unloading of landscaping supplies and materials.

### 5.1.4 Operation

The current land use approvals do not nominate hours of operation for the approved uses. The applicant proposes the following hours of operation for the landscape supply centre:

Monday to Friday	7:00am – 6:00pm
Saturday and Sunday	7:00am – 12:00 noon

The maximum number of staff that will be employed on the site at any one time is two (2), however it is expected that the only employee required will be the office manager who will provide administrative functions and sales assistance.

Refuse containers will continue to be stored in the existing sheds and taken to a Council refuse tip on an as required basis.

External lighting will be limited to security lighting and will be designed, positioned, shielded and directed so as not to create a nuisance to surrounding traffic or premises.



No additional equipment will be required to operate in the amended proposal.

## 5.2 Conditions of existing development approvals

By this development application, the applicants wish to address conditions of the two existing development approvals granted by the former Cooloola Shire Council as the Assessment Manager and as previously specified in this report in the aim of having such conditions excluded from a development permit resulting from this development application.

### 5.2.1 Condition 1.5 of DA8722 and condition 5 of DA14429 (identical conditions):

*"All lots that form part of this Development Application are to be amalgamated in Title. Such amalgamation does not require development approval."*

We submit that there is no adequate justification for Council to require that all lots are to be amalgamated in Title as required by this condition. It is common for an operator to undertake certain land use/s over several separate lots. No existing cadastral boundaries appear to intersect with any existing building on the subject site, therefore the existence of these cadastral boundaries do not appear to create any significant issues under the *Building Act 1975* or subsequent regulations.

In the event that the landowner sells individual lots comprising the site, then understandably this may complicate the continued operation of the approved use in accordance with any existing development permit relating to the site. The need for amalgamation could be negated if this condition were changed to require the applicant/operator to obtain an amendment to the land use approval, or similar from Council, should any lots comprising the subject site be no longer available for the approved use in accordance with the conditions of the development permit.

This approach is used in other areas in similar situations where local government hold such concerns, and where the continued operation over separate titles does not present any real legal or operational problem. Gympie Regional Council itself has numerous sites where its own activities are conducted over separate lots comprising one particular site.

Accordingly, the applicants request that such a condition does not form part of a development permit resulting from this development application and instead, if considered necessary by Council, the following condition be imposed:

*"In the event that any of the lots that form part of this Development Application are no longer used for the approved use, the applicant must make application to Council to amend this development approval to exclude such lot or lots."*

### 5.2.2 Condition 7.11 of DA8722 and condition 20 of DA14429 (identical conditions):

*"In the event of flood, stockpiles are to be removed from the site prior to flood waters entering the site."*

The applicants can appreciate the need to remove stockpiles of certain landscaping supplies and materials in the event of floods and intend to do so to the extent that the circumstances will allow both to protect their own interests as well as the general community's interest. Practically however, this condition appears to be unachievable and unnecessary for the following reasons:

- In a flood event it is unreasonable to assume that the applicants will have enough forewarning or available resources to remove all stockpiles from the site prior to flood waters entering the site. The applicants will endeavour to remove as many supplies and materials as possible, and will do so in order of high risk to low risk.
- It is likely that some types of river gravel and heavier materials may be able to withstand certain flood events and not create a nuisance to property or people.
- Certain landscape supplies and materials are naturally found in waterways and are therefore not expected to create any adverse impacts in the event of a flood.

Accordingly, the applicants request that such a condition does not form part of a development permit resulting from this development application.

**5.3.3 Condition 7.12 of DA8722**

*“ A management plan for evacuation of materials in the event of flood is to be submitted to Council for approval. The plan should include:*

- (a) list of landscaping materials to be stored on the site;*
- (b) assessment of each material and potential impacts from the site in the event of the flood;*
- (c) management plan for evacuation of high risk materials to be removed from the site. The plan should be compiled by a suitably qualified professional.”*

The applicants consider this condition to be onerous and to create an unnecessary obligation on the applicants. In the interests of their own business conducted on the site the applicants will endeavour to minimise the impact of flood on their site based supplies and materials, as well as any potential adverse impacts from the site from high risk materials. As stated above the applicants will remove supplies and materials in order of high risk to low risk.

Accordingly, the applicants request that such a condition does not form part of a development permit resulting from this development application.

## 6 Development Assessment

### 6.1 Proposed re-arrangement and extension of display yard use area

The applicant seeks a development permit for the rearrangement and increase of the use area of the approved *display yard*.

The larger lot comprising the site, Lot 1 on MPH5330, is located within the Commercial Zone.

The three smaller lots comprising the site, Lots 97 to 99 on MCH4906, are located within the Community Zone.

The re-configuration of the layout of the use area together with the increase in use area of approximately 709.5 square metres results in:

1. a reduction of the approved use area in the Community Zone (Lots 97 to 99 on MCH4906) of approximately 193 square metres; and
2. an increase in the use area in the Commercial Zone (Lot 1 on MPH5330) of approximately 902 square metres.

The assessment table for the Community and Commercial Zone in the Gympie Planning Area lists *display yard* as consistent use within the Commercial Zone, in which the majority of the site is located, and as an inconsistent use within the Community Zone. Under the jurisdiction of both planning zones, the extension of use area for a display yard is *code assessable development* (refer to the tables below).

Display Yard	Code assessable
	Gympie Planning Area Code (division 4.4); and, Erosion & Sediment Control Code (division 8.15); and, Infrastructure Works Code (division 8.17); and, Landscaping Code (division 8.18); and, Vehicle Parking & Access Code (division 8.20)

Table of Assessment for **Commercial Zone** within the Gympie Planning Area for the material change of use for extension of the use area for a *display yard*.

Display Yard	Code assessable
Inconsistent uses (refer Table 4.11 SO-1)	Gympie Planning Area Code (division 4.4) Erosion & Sediment Control Code (division 8.15); and, Infrastructure Works Code (division 8.17); and, Landscaping Code (division 8.18); and, Vehicle Parking & Access Code (division 8.20)

Table of Assessment for **Community Zone** within the Gympie Planning Area for the material change of use for extension of the use area for a *display yard*.

As the use area is actually reduced in the Community Zone where display yard is an inconsistent use, and increased in the Commercial Zone where display yard is a consistent use, we consider that the development is consistent, *code assessable development*.

Under Section 3.5.5(2) of the *Integrated Planning Act 1997*, an Assessment Manager therefore must limit its assessment to only the following matters for the *code assessable* component of the above application:

- (a) *the common material;*
- (b) *the planning scheme and any other relevant local planning instruments;*
- (c) *if they are not identified in the planning scheme as being appropriately reflected in the planning scheme—*



- (i) State planning policies, or parts of State planning policies; and
- (ii) for the planning scheme of a local government in the SEQ region—the SEQ regional plan;
- (d) any development approval for, and any lawful use of, premises the subject of the application or adjacent premises;
- (e) if the assessment manager is not a local government—the laws that are administered by, and the policies that are reasonably identifiable as policies applied by, the assessment manager and that are relevant to the application;
- (f) the matters prescribed under a regulation (to the extent they apply to a particular proposal).

### 6.1.1 Compliance with 2005 Cooloola Shire Planning Scheme

The assessment of the development application against the 2005 Cooloola Shire Planning Scheme can be undertaken with reference to the following:

- codes identified as being applicable to code assessable development for both uses in both the Commercial and Community Zone; and,
- any applicable overlays and assessment criteria.

#### 6.1.1.1 Applicable Codes

The codes identified in the 2005 Cooloola Shire Planning Scheme as being applicable to *code assessable* development for both uses in both the Commercial and Community Zone include the following:

##### Area Code:

- Gympie Planning Area Code (Division 4.4) – Commercial Zone
- Gympie Planning Area Code (Division 4.4) – Community Zone

##### Works Codes:

- Erosion and Sediment Code (Division 8.15);
- Infrastructure Works Code (Division 8.17);
- Landscaping Code (Division 8.18); and
- Vehicle Parking and Access Code (Division 8.20).

The following tables list assessment against relevant considerations in the applicable codes. It is noted that the applicants have previously obtained development approval for the existing buildings, structures associated works undertaken on site. As the applicants intend only to extend the use areas over the whole of the site, no major works are proposed or will be required over the site. As previously discussed, any operational works proposed in or adjacent to Commissioners Gully will be the subject of a subsequent development application.

Gympie Planning Area Code (Commercial Zone): Specific Outcomes and Probable Solutions		
Column 1 – Specific Outcomes	Column 2 – Probable Solutions	Column 3 - Compliance
<b><i>Inconsistent Uses</i></b>		
SO-1 Inconsistent uses	PS-1 Inconsistent uses	<b>Complies:</b> <i>display yard</i> is a consistent use within this zone.
<b><i>Effects of Use: Amenity</i></b>		
SO-2 Uses are located and designed to avoid significant adverse changes to the light conditions experienced by occupants of adjoining and surrounding premises	PS-2 The maximum light emission from any light source causing vertical illumination whether direct, reflected or incidental is 8 lux measured at:	<b>Complies:</b> all night lighting will be positioned, shielded and directed so as not to create a nuisance to surrounding premises or traffic.

	<p>a. a distance of 1.5 metres outside any boundary of the site; and,</p> <p>b. any level upwards from ground level.</p>	
<p><b>SO-3</b> Uses are located and designed to avoid significant adverse changes to the acoustic environment of adjoining and surrounding premises</p>	<p><b>PS-3</b> If not an environmentally relevant activity, the maximum noise emission from the use meets the standards prescribed in the <i>Environment Protection (Noise) Policy 1997</i>.</p>	<p><b>Complies:</b> can be conditioned to ensure maximum noise emission to meet the standards prescribed in the <i>Environment Protection (Noise) Policy 1997</i>.</p> <p>Mitigation measures could include restricting access via Clematis Street entrance to between the hours of 7:30am to 5:30pm if considered necessary by Council.</p> <p>Buffer landscaping around the perimeter of the site will assist in containing perspective noise within the site and maintaining air quality to adjoining and surrounding premises.</p> <p>The site fronts Violet Street which is heavily used by traffic therefore the existing acoustic environment is presently affected by the noise emissions from passing traffic.</p>
<p><b>SO-4</b> Uses are located and designed to avoid significant adverse changes to the prevailing air quality experienced by adjoining and surrounding premises.</p>	<p><b>PS-4</b> If not an environmentally relevant activity, the maximum air emissions from the use meets the standards prescribed in the <i>Environment Protection (Air) Policy 1997</i>.</p>	<p><b>Complies:</b> can be conditioned to ensure maximum air emissions to meet the standards prescribed in the <i>Environment Protection (Noise) Policy 1997</i>.</p> <p>The applicants intend to take steps to minimise the potential for dust nuisance by wetting down particular areas on site and sealing the access to Clematis Street.</p> <p>Buffer landscaping around the perimeter of the site will assist in containing dust within the site and maintaining air quality to adjoining and surrounding premises.</p>
<p><b>SO-5</b> Uses are located and to avoid significant adverse changes to the traffic conditions experienced by occupants of adjoining and surrounding premises.</p>	<p><b>PS-5</b> No solution prescribed</p>	<p><b>Complies:</b> uses are not expected to cause significant adverse changes with surrounding traffic conditions.</p> <p>The proposal intends to alleviate the amount of traffic entering/exiting the site via the Violet Street access.</p>
<p><b>Provision and Effects of Works: Scale, siting, design and provision of buildings, structures and other works</b></p>		
<p><b>SO-6</b> Buildings, structures and other works are of a scale consistent with existing buildings and other works on adjoining and surrounding premises.</p>	<p><b>PS-6</b> The maximum height and number of storeys of any building or structure complies with Schedule 5 Maximum Height and Number of Storeys of Buildings and Other Structures</p>	<p><b>Complies:</b> all existing buildings will be retained. Any proposed structures will meet the provisions for building height as set out within Schedule 5 of the planning scheme, which states that the building must not exceed 10 metres in height.</p>
<p><b>SO-7</b> Buildings, structures, works and use areas are appropriately sited with respect to boundary setbacks to protect the privacy and access to natural light and breeze of adjoining</p>	<p><b>PS-7</b> The minimum boundary setbacks:</p> <p>a. of any commercial building or structure complies with Schedule 4 Minimum</p>	<p><b>Complies:</b> the subject site only adjoins one premises located within the Housing Zone along the northern boundary, which currently operates as a commercial</p>

<p>and surrounding premises, and allow the provision of landscaping.</p>	<p>Boundary Setbacks for Commercial Buildings and Structures; or,</p> <p>b. of any residential building or structure complies with Schedule 3 Minimum Boundary Setbacks for Residential Buildings and Structures.</p>	<p>premises.</p> <p>The buildings existing on the subject site will be retained and acquire appropriate setbacks from surrounding premises in accordance with Schedule 4.</p>
<p><b>SO-8</b> Development maintains the safety of people from floods.</p>	<p><b>PS-8</b> For non-residential development, either:</p> <p>a. the floor levels of buildings are at or above the 1:50 ARI flood level; or,</p> <p>b. there is at least one evacuation route that remains passable for emergency evacuations during all floods up to and including the 1:50 ARI flood; or,</p> <p>c. the premises are located in an area where there is sufficient flood warning time to enable safe evacuation; or,</p> <p>d. a safe refuge is available for people within the development site.</p>	<p><b>Complies:</b> the premises are located in an area where there is sufficient flood warning time and local knowledge to enable safe evacuation.</p> <p>Elevated land adjacent to the site provides adequate escape routes during a flood event.</p>
<p><b>SO-9</b> Buildings and structures provide protection from the elements at the interface of public spaces and integrate visually and structurally with other similar structures in the vicinity.</p>	<p><b>PS-9</b> Buildings include awnings or other impervious structures that are cantilevered or suspended over adjacent footpaths and other public areas for the full frontage of the building extending to an alignment:</p> <p>a. equal to those on adjoining premises; or,</p> <p>b. if there are no adjoining awnings – 600mm behind the front of the kerb.</p>	<p><b>Not Applicable:</b> the subject site has a large use area of 7082 square metres, as no buildings are directly adjoining other premises or directly fronting Violet Street. Due to the nature of the uses and the value of the equipment, supplies and materials stored on site, security fencing has been established around the perimeter of the site. However, the applicants have placed cloth shade structures over a display area and painted murals on the existing building to create a more visually appealing feature that can be seen from Violet Street.</p> <p>A landscaped buffer is proposed along the entire perimeter of the site where possible.</p>
<p><b>SO-10</b> Buildings and structures:</p> <p>a. are designed and constructed to enhance the visual amenity of the streetscape; and,</p> <p>b. complement the design of existing buildings on adjoining and surrounding premises; and,</p> <p>c. address the street, and other public places; and,</p> <p>d. if fronting more than one street – have the main public entrances on the principal frontage; and,</p> <p>e. if on a street corner – include detailed design elements such as window openings or wall articulation in facades on all frontages; and,</p> <p>f. provide access to views of important landscape elements and built features.</p>	<p><b>PS-10</b> No solution prescribed</p>	<p><b>Complies:</b> the site has existing buildings that reflect creative design features in order to enhance the visual amenity of the streetscape and site. Such elements include murals painted on feature walls that front Violet Street and coloured cloth shade structures.</p> <p>No additional buildings are proposed in this development and the only proposed structure are holding bays for the landscaping supplies and materials which will be appropriately positioned.</p>



<p><b>SO-11</b> Buildings, structures and other works:</p> <ul style="list-style-type: none"> <li>a. are designed to facilitate safe and universally accessible pedestrian movement; and,</li> <li>b. include pedestrian linkages between buildings, streets and public open spaces; and,</li> <li>c. outdoor open spaces whether public or semi-public: <ul style="list-style-type: none"> <li>(i) adjoin a street, or another outdoor open space; and,</li> <li>(ii) Integrate with pedestrian routes.</li> </ul> </li> </ul>	<p><b>PS-11</b> No solution prescribed</p>	<p><b>Complies:</b> the proposed development is designed to enhance manoeuvrability within the site. The proposed holding bays and stockpiles are positioned against the boundaries and along side the proposed main access driveway within the site.</p>
<p><b>SO-12</b> Landscaping, paving and other treatments or works in public spaces:</p> <ul style="list-style-type: none"> <li>a. are consistent with existing works of that nature; and,</li> <li>b. maintain or enhance existing landscape or built features; and,</li> <li>c. contribute to the importance of prominent locations including street corners, important public spaces and the end of vistas.</li> </ul>	<p><b>PS-12</b> No solution prescribed</p>	<p><b>Not applicable:</b> no public spaces are located within the site.</p>
<p><b>SO-13</b> On-site vehicle parking and access areas are located and designed to:</p> <ul style="list-style-type: none"> <li>a. avoid dominating the streetscape; and,</li> <li>b. maintain an attractive streetscape; and,</li> <li>c. maintain the safety of cyclists and pedestrians, and the predominance of pedestrian use of footpaths and public spaces.</li> </ul>	<p><b>PS-13</b> Vehicle:</p> <ul style="list-style-type: none"> <li>a. parking areas <ul style="list-style-type: none"> <li>(i) are located to the rear of the main building on the site; or,</li> <li>(ii) do not occupy more than 50% of the frontage of the lot; and,</li> </ul> </li> <li>b. access is provided by combined driveways servicing more than 1 property.</li> </ul>	<p><b>Complies:</b></p> <ul style="list-style-type: none"> <li>a. the site slopes down slightly from the road and the visitor carparking at the front of the site does not occupy more than 50% of the frontage. It is proposed to replace the existing staff parking area at the front of the site with a display area for landscaping materials. Visitor carparking is located at the front of the site near the office and display areas to avoid the need for visitors to enter the remainder of the site without accompaniment by staff.</li> <li>b. the existing driveway from Violet Street services only this site and a second access driveway is proposed from Clematis Street at the rear of the site.</li> </ul>
<p><b>SO-14</b> Plant and equipment and service areas are located and designed to avoid adverse visual impacts to the site and maintain an attractive streetscape.</p>	<p><b>PS-14</b> Plant and equipment and service areas</p> <ul style="list-style-type: none"> <li>a. are: <ul style="list-style-type: none"> <li>(i) located to the side or rear of the main building on the site; and,</li> <li>(ii) located no less than 2 metres from any property boundary; and,</li> <li>(iii) screened by:</li> </ul> </li> </ul>	<p><b>Complies:</b> plant and equipment and service areas are:</p> <ul style="list-style-type: none"> <li>(i) located at the rear of the main shed; and</li> <li>(ii) located further than 2 metres from all boundaries; and</li> <li>(iii) screened by a fence and buffer landscaping</li> </ul>

	(A) fences or walls with no gaps; or,  (B) dense planting to a width of 1.5 metres; or,  b. are located in the basement level.	or wall.
<b>SO-15</b> Storage areas are screened so they do not cause adverse visual impacts to the site or the streetscape.	<b>PS-15</b> No solution prescribed	<b>Complies:</b> the re-arrangement and extension of the approved use area proposes additional holding bays and stockpile areas which are all proposed to be screened by landscaping so that they do not cause adverse visual impacts to the site or the streetscape.
<b>SO-16</b> Refuse storage areas are located and designed to provide safe and convenient access for collection while avoiding adverse visual impacts to the site and streetscape.	<b>PS-16</b> The refuse storage area is enclosed on three sides with a fence or wall with no gaps extending to 0.2 metres above the height of the refuse receptacles.	<b>Complies:</b> no additional refuse storage areas are proposed in this application as no additional refuse is expected to be produced by the increase in use area on site. In the event that any additional rubbish is produced in excess of the capacity of the existing storage bins such refuse is to be collected by a private contractor on an as required basis.

<b>Gympie Planning Area Code (Community Zone): Specific Outcomes and Probable Solutions</b>		
<b>Column 1 – Specific Outcomes</b>	<b>Column 2 – Probable Solutions</b>	<b>Column 3 - Compliance</b>
<b><i>Inconsistent Uses</i></b>		
<b>SO-1</b> Inconsistent uses	<b>PS-1</b> Inconsistent uses	<b>Complies with overall outcomes:</b> <i>display yard</i> is not a consistent use within this zone however the majority of the site is located in the Commercial Zone where <i>display yard</i> is a consistent use (as discussed above) and the increase in use area is located in the Commercial Zone only.  The use area in the Community Zone is actually reduced by this proposal and the re-arrangement of the use area in this zone is compatible with the use of the site as a <i>display yard</i> in the Commercial Zone and is not expected to produce any adverse effects on the natural environment.  The increase in use area for this use is primarily to enhance access to/from and manoeuvrability of the trucks, bobcats and other associated vehicles and equipment within the site.
<b><i>Effects of Use: Amenity</i></b>		
<b>SO-2</b> Uses are located and designed to avoid significant adverse changes to the light conditions experienced by occupants of adjoining and surrounding premises	<b>PS-2</b> The maximum light emission from any light source causing vertical illumination whether direct, reflected or incidental is 8 lux measured at:  c. a distance of 1.5 metres outside any boundary of the site; and,	<b>Complies:</b> all night lighting will be positioned, shielded and directed so as not to create a nuisance to surrounding premises or traffic.

	d. any level upwards from ground level.	
<b>SO-3</b> Uses are located and designed to avoid significant adverse changes to the acoustic environment of adjoining and surrounding premises	<b>PS-3</b> If not an environmentally relevant activity, the maximum noise emission from the use meets the standards prescribed in the <i>Environment Protection (Noise) Policy 1997</i> .	<b>Complies:</b> maximum noise emission to meet the standards prescribed in the <i>Environment Protection (Noise) Policy 1997</i> .  Mitigation measures can include restricting access via Clematis Street entrance to between the hours of 7:30am to 5:30pm.  Buffer landscaping around the perimeter of the site will assist in containing perspective noise within the site and maintaining air quality to adjoining and surrounding premises.
<b>SO-4</b> Noise sensitive development including accommodation premises, education or health premises and multi-residential are located and designed to provide an appropriate acoustic environment for its users	<b>PS-4</b> No solution prescribed	<b>Not Applicable:</b> the proposal does not involve the introduction of additional noise sensitive uses given the approved uses for the site.
<b>SO-5</b> Uses are located and to avoid significant adverse changes to the traffic conditions experienced by occupants of adjoining and surrounding premises.	<b>PS-5</b> No solution prescribed	<b>Complies:</b> the proposal is not expected to cause significant adverse changes with surrounding traffic conditions.
<b>SO-6</b> Uses are located and designed to avoid significant adverse changes to the prevailing air quality experienced by occupants of adjoining and surrounding premises.	<b>PS-6</b> The maximum air emissions from the use meet the standards prescribed in the <i>Environment Protection (Air) Policy 1997</i> .	<b>Complies:</b> maximum air emissions to meet the standards prescribed in the <i>Environment Protection (Noise) Policy 1997</i> .  The applicants intend to take steps to minimise the potential for dust nuisance by wetting down particular areas on site and sealing the access to Clematis Street.  Buffer landscaping around the perimeter of the site will assist in containing dust within the site and maintaining air quality to adjoining and surrounding premises.
<b>SO-7</b> Uses are designed to avoid significant adverse changes to the electricity supply available to occupants of adjoining and surrounding premises.	<b>PS-7</b> No solution prescribed.	<b>Not Applicable:</b> the proposal will not involve any adverse changes to the electricity supply to surrounding and adjoining premises.
<b>Provision and Effects of Works: Scale, siting, design and provision of buildings, structures and other works</b>		
<b>SO-8</b> Buildings and structures:  a. are of scale consistent with existing buildings and other works on adjoining and surrounding premises; and,  b. protect the access of adjoining and surrounding premises to views.	<b>PS-6</b> The maximum height and number of storeys of any building or structure:  a. other than a domestic outbuilding specified in Table 8:4, complying with Schedule 5 Maximum Height and Number of Storeys of Buildings and Other Structures; or,  b. if a domestic outbuilding specified in Table 8:4, complies with Table 8:4 Size, Siting and Height of Domestic Outbuilding	<b>Not Applicable:</b> no additional buildings are proposed in this application and the only proposed structures are additional holding bays which will be of similar design and dimensions as those existing on the site.
<b>SO-9</b> Buildings and structures are appropriately sited with respect to	<b>PS-7</b> The minimum boundary setbacks:	<b>Not Applicable:</b> there are no buildings proposed in this

<p>boundary setbacks to protect the privacy and access to natural light and breeze of adjoining and surrounding premises.</p>	<p>a. buildings, if a residential use:</p> <ul style="list-style-type: none"> <li>i. other than a domestic outbuilding specified in Table 8:4, complying with Schedule 3 Minimum Boundary Setbacks for Residential Buildings and Structures; or,</li> <li>ii. a domestic outbuilding specified in Table 8:4, complies with Table 8:4 Size, Siting and Height of Domestic Outbuildings; or,</li> </ul> <p>b. for buildings and other use areas, other than in PS-9 above is 10 metres.</p>	<p>application and the only structures proposed on site are holding bays which will comply with minimum boundary setbacks.</p>
<p><b>SO-10</b> Buildings are appropriately sited with respect to protection from flood events.</p>	<p><b>PS-10</b> The minimum floor levels of:</p> <ul style="list-style-type: none"> <li>a. residential buildings comply with Schedule 6 Minimum Floor Levels; and,</li> <li>b. non-residential buildings – no solution prescribed.</li> </ul>	<p><b>Not Applicable:</b> no buildings are proposed in this development.</p>
<p><b>SO-11</b> Noise sensitive development including accommodation premises, education or health premises or multi-residential is appropriately sited, orientated, designed and constructed to reduce the infiltration of noise and to protect the operational integrity of transport infrastructure.</p>	<p><b>PS-11</b> No solution prescribed</p>	<p><b>Not Applicable:</b> the proposed development is not identified as a noise sensitive development.</p>
<p><b>SO-12</b> Buildings, structures and other works are compatible with surrounding amenity and integrate with the built or natural environment within which they are located.</p>	<p><b>PS-10</b> No solution prescribed</p>	<p><b>Complies:</b> the proposed extension to the use areas are compatible with the existing development and will result in minimal changes to the approved uses and will not adversely affect the surrounding built or natural environment and no variation in external impact is expected by this development.</p>

Erosion and Sediment Control Code: Specific Outcomes and Probable Solutions		
Column 1 – Specific Outcomes	Column 2 – Probable Solutions	Column 3 – Compliance
<b>Sediment Control – Minor Effects</b>		

<p><b>SO-1</b> Works with the potential to cause minor adverse effects on water quality, and land degradation are controlled appropriately to prevent:</p> <p>a. the following wastes from being transported off site into gutters, drains or waterways, or to waterways on-site</p> <ul style="list-style-type: none"> <li>(i) soil; and,</li> <li>(ii) pollutants from cutting and cleaning activities</li> <li>(iii) concrete and other construction material wastes; and,</li> </ul> <p>b. erosion of the site through loss of soil</p>	<p><b>PS-1</b> A sediment fence is:</p> <ul style="list-style-type: none"> <li>a. placed down-slope and as close as practicable to areas of exposed or disturbed soil; and,</li> <li>b. placed around all open stormwater pits likely to receive waters from the site area; and,</li> <li>c. in place and fully operational during periods of rain and at the end of each day; and,</li> <li>d. maintained until soils are stabilised on the site area.</li> </ul>	<p><b>Not Applicable:</b> no major works are required due to the nature of the proposal.</p>
<p><b>SO-2</b> Stormwater from buildings is appropriately disposed of to prevent soil erosion.</p>	<p><b>PS-3</b> For buildings – temporary or permanent downpipes are in place before fixing the roof and:</p> <ul style="list-style-type: none"> <li>a. are connected to the stormwater system; or,</li> <li>b. where there is no stormwater system, drain to an open stormwater pit around which a sediment fence is placed.</li> </ul>	<p><b>Complies:</b> no new buildings are proposed in this development.</p>

**Erosion and Sediment Control – Major Impacts**

<p><b>SO-3</b> Works with the potential to cause major adverse environmental impacts are controlled appropriately:</p> <p>a. to prevent the following wastes from being transported off site into gutters, drains or waterways or to waterways on-site:</p> <ul style="list-style-type: none"> <li>(iv) soil; and,</li> <li>(v) pollutants from cutting and cleaning activities</li> <li>(i) concrete and other construction material wastes; and,</li> </ul> <p>b. in accordance with the:</p> <ul style="list-style-type: none"> <li>(ii) type and scale of the development; and,</li> <li>(iii) erosion hazard rating of the site.</li> </ul>	<p><b>PS-3</b> Erosion and sediment control measures are designed and provided in accordance with the Institution of Engineers, Australia, Qld Division's "Soil Erosion and Sediment Control: Engineering Guidelines for Queensland Construction Sites".</p>	<p><b>Not Applicable:</b> the nature of the proposal will not result in major building works over the site.</p>
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**Infrastructure Works Code (Effects of Use): Specific Outcomes and Probable Solutions**

Column 1 – Specific Outcomes	Column 2 – Probable Solutions	Column 3 - Compliance
<b>Infrastructure Capacity</b>		
<p><b>SO-1</b> The type and scale of uses is consistent with the capacity of the infrastructure servicing premises and its safe operation.</p>	<p><b>PS-1</b> No solution prescribed</p>	<p><b>Not Applicable:</b> adequate access for heavy rigid vehicles is provided by a roadway constructed to a sealed asphalt standard with kerb and channelling and benefits from cement constructed driveway ingress/egress constructed to Council's prescribed standards.</p> <p>Reticulated town water and sewerage, electricity and</p>



		<p>underground telecommunications are also available to the site.</p> <p>The increase in use area will not place any increase in demand on existing infrastructure servicing the site or its safe operation.</p>
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**Safety and Efficiency of Roads**

<p><b>SO-2</b> Uses maintain or improve the safe and efficient operation of roads having regard to, and as appropriate for:</p> <ul style="list-style-type: none"> <li>a. the traffic profile and factors influencing road usage; and,</li> <li>b. the potential for conflict between vehicles, cyclists and pedestrians; and,</li> <li>c. the location of uses that may be adversely affected by noise or dust generated from the use of the road; and,</li> <li>d. the location and design of pedestrian and vehicular access points; and,</li> <li>e. the location of activities within the premises and their relationship with adjacent public roads; and,</li> <li>f. the nature and intensity of traffic generated by the use; and,</li> <li>g. the number of vehicles likely to be attracted to the premises at any one time (whether due to the use or other uses); and,</li> <li>h. the location, capacity and configuration of any existing or proposed parking areas associated with the use.</li> </ul>	<p><b>PS-2</b> Design and construction of roads and vehicular access meets the following criteria</p> <ul style="list-style-type: none"> <li>a. vehicular access to the premises is designed in accordance with AS 2890.1 section 3; and,</li> <li>b. vehicular access to commercial vehicle loading and unloading areas is designed in accordance with AS 2890.2 section 3; and,</li> <li>c. infrastructure works within roads are designed and constructed to the standards stated in Table 8.1 Standards for the Provision of Works and Schedule 1 – Design Standards in Planning Scheme Policy 8: Infrastructure Works.</li> </ul>	<p><b>Not Applicable:</b> the proposed development will not result in an increase in traffic to the site and no roads are proposed to be designed or constructed in conjunction with the proposed changes.</p> <p>A second access is proposed from Clematis Street which will be designed to comply with Australian Standards.</p>
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**Safety and Effects on Environment and Infrastructure**

<p><b>SO-1</b> Works are provided having regard to, and as appropriate for:</p> <ul style="list-style-type: none"> <li>a. protecting the safety of people using the premises and nearby premises, including the appropriate provision of on-site drainage; and,</li> <li>b. the potential effects on the environment, including effects on amenity, biodiversity, cultural heritage values, economic conditions, ecosystems, natural resources, and physical resources; and,</li> <li>c. the potential effects on other premises and public infrastructure including State-controlled roads, rail corridors</li> </ul>	<p><b>PS-1</b> No solution prescribed</p>	<p><b>Not Applicable:</b> due to the nature of the proposal, no major works are to be carried out within the subject site.</p>
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and transmission lines		
<b>Provision of Road Infrastructure</b>		
<p><b>SO-2</b> Road infrastructure is provided to:</p> <ul style="list-style-type: none"> <li>a. meet adequate geometric design, design speed, horizontal alignment, vertical alignment, grades and structural design standards to fulfil the designated primary function over an acceptable design life within the network as appropriate for and having regard to:                             <ul style="list-style-type: none"> <li>(i) provision for vehicles, bicycles and pedestrians,</li> <li>(ii) the locality and the safety of users;</li> <li>(iii) provision for emergency vehicles, buses and service vehicles; and,</li> </ul> </li> <li>b. be of robust materials and construction, sufficient thickness and with sufficient sub-soil drainage to be fit for the purpose and intended design life; and,</li> <li>c. be easily maintained without unnecessarily requiring additional specialist expertise or equipment; and,</li> <li>d. be comprised of materials that are readily accessible and available as practicable; and,</li> <li>e. be readily integrated with existing network and facilitate the orderly provision of the future network</li> <li>f. accommodate public utility services and drainage systems.</li> </ul>	<p><b>PS-2</b> Road infrastructure is designed and constructed to the standards stated in:</p> <ul style="list-style-type: none"> <li>a. Table 8.1 Standards for the Provision of Works; and,</li> <li>b. Schedule 1 – Design Standards, Part 2 Site and Road Layout in Planning Scheme Policy 8: Infrastructure Works.</li> </ul>	<p><b>Not applicable:</b> this proposal does not involve road works.</p>
<b>Provision of Reticulated Water Supply and Sewerage Infrastructure</b>		
<p><b>SO-3</b> Water supply and sewerage infrastructure is provided to:</p> <ul style="list-style-type: none"> <li>a. meet appropriate standards at the least whole-of-life cost, including avoiding unnecessary duplication; and,</li> <li>b. be robust and fit for the purpose and intended period of operations; and,</li> <li>c. be easily maintained without unnecessarily requiring additional specialist expertise or equipment; and,</li> <li>d. be comprised of components and materials that are readily accessible and available as practicable; and,</li> <li>e. be readily integrated with existing systems and facilitate the orderly provision of future systems.</li> </ul>	<p><b>PS-3</b> Water supply and sewerage infrastructure is designed and constructed to the standards stated in:</p> <ul style="list-style-type: none"> <li>a. Table 8.1 Standards for the Provision of Works; and,</li> <li>b. Schedule 1 – Design Standards, Part 7 Water Supply &amp; Sewerage Reticulation of Planning Scheme Policy 8: Infrastructure Works.</li> </ul>	<p><b>Not Applicable:</b> the subject site and existing structures located on within the site have existing service connections to reticulated town water supply and sewerage systems.</p>

Applicant: [REDACTED]

SEWER OVER LOT 1 ON MP72150 and Lots 77, 78 and 79 on MCH4906, located at 53 Violet Street, Gympie

<b>On-site Water and Sewerage Infrastructure</b>		
<p><b>SO-4</b> If not in a Council reticulated water supply area, sufficient water supply is available to meet the needs of users.</p>	<p><b>PS-4</b> If not in a water supply area and involving a dwelling house – a minimum water storage of 45,000 litres is provided.</p>	<p><b>Not Applicable:</b> the site is located within a water supply area.</p>
<p><b>SO-5</b> If not in a Council reticulated sewerage area, effluent disposal is:</p> <ul style="list-style-type: none"> <li>a. of an appropriate standard; and,</li> <li>b. minimises risks to the public health and safety of occupants and users of premises, nearby premises and the environment; and,</li> <li>c. sustainably applied to land to minimise the risks to the environment.</li> </ul>	<p><b>PS-5</b> If not in a reticulated sewerage area on-site sewerage facilities are designed and constructed in accordance with the On-site Sewerage Code</p>	<p><b>Not Applicable:</b> the site is located within a reticulated sewerage area.</p>
<b>Provision of Stormwater Drainage</b>		
<p><b>SO-6</b> Stormwater drainage is provided to:</p> <ul style="list-style-type: none"> <li>a. meet appropriate standards at the least whole-of-life cost, including avoiding unnecessary duplication; and,</li> <li>b. detain, collect, reuse or otherwise manage stormwater without adversely affecting upstream or downstream premises and without ponding for prolonged periods; and,</li> <li>c. protect the efficiency of downstream drainage; and,</li> <li>d. be accessible, durable and easily maintained; and,</li> <li>e. direct stormwater to one or more points of lawful discharge; and,</li> <li>f. prevent erosion or the accumulation of sediment; and,</li> <li>g. protect the quality of downstream water within recognised acceptable limits by removing or reducing sediment, nutrients and other pollutants.</li> </ul>	<p><b>PS-6</b> Drainage works are designed and constructed to the standards stated in:</p> <ul style="list-style-type: none"> <li>a. Table 8.1 Standards for the Provision of Works; and,</li> <li>b. Schedule 1 – Design Standards, Part 4 Stormwater Drainage of Planning Scheme Policy 8: Infrastructure Works.</li> </ul>	<p><b>Not Applicable:</b> stormwater drainage is existing within the site and constructed to the standards required by Council.</p>
<b>Provision of Inter-allotment Drainage</b>		
<p><b>SO-7</b> Inter-allotment drainage infrastructure is provided to allow the collection and drainage of stormwater to a lawful point of discharge</p>	<p><b>PS-7</b> Inter-allotment drainage works are designed and constructed to the standards stated in:</p> <ul style="list-style-type: none"> <li>a. Table 8:1 Standards for the Provision of Works; and,</li> <li>b. Schedule 1 – Design Standards, Part 5 Inter-allotment Drainage in Planning Scheme Policy 8: Infrastructure Works.</li> </ul>	<p><b>Not Applicable:</b> inter-allotment drainage is existing within the subject site.</p>
<b>Provision of Street Lighting and Communication Infrastructure</b>		

<p><b>SO-8</b> Street lighting and communication infrastructure is provided having regard to State and industry standards and requirements.</p>	<p><b>PS-8</b> Street lighting and communication infrastructure is designed and constructed to the standards stated:</p> <p>a. in Table 8:1 Standards for the Provision of Works; and,</p> <p>b. Schedule 1 – Design Standards, Part 8 Lighting and Services of Planning Scheme Policy 8: Infrastructure Works.</p>	<p><b>Not Applicable:</b> street lighting and communication infrastructure currently exists within the subject site.</p>
<b>Construction Site Management</b>		
<p><b>SO-9</b> The amount of sediment leaving the site, including due to traffic, is minimised.</p>	<p><b>PS-9</b> No solution prescribed</p>	<p><b>Not Applicable:</b> the nature of the proposal will not require construction to be undertaken for the operation of the proposed uses.</p>
<p><b>SO-10</b> Noise, dust and smoke nuisance to nearby premises caused by construction on works is within recognised acceptable limits.</p>	<p><b>PS-10</b> No solution prescribed</p>	<p><b>Not Applicable:</b> due to the nature of the proposal no construction is required for the operation of the proposed uses.</p>

<b>Landscaping Code: Specific Outcomes and Probable Solutions</b>		
Column 1 – Specific Outcomes	Column 2 – Probable Solutions	Column 3 - Compliance
<b>Amenity of Premises</b>		
<p><b>SO-1</b> Landscaping areas are located and designed to provide attractive streetscapes and their dimensions, the density of plants and the structure of plantings are sufficient to:</p> <p>a. soften the visual impact of large, tall or bulky structure and premises</p>	<p><b>PS-1</b> Landscaping is provided:</p> <p>a. In accordance with Schedule 8: Minimum Landscaping Dimensions and Works and Planning Scheme Policy 4: Landscape Plans and Plant Species; and,</p> <p>b. Along frontages or boundaries so that plantings are in the form of defined gardens with three tier planting comprised of:</p> <p>(i) groundcovers;</p> <p>(ii) shrubs (understorey); and,</p> <p>(iii) trees (canopy); and,</p> <p>c. in areas other than along frontages and boundaries – no solution prescribed.</p>	<p><b>Not Applicable:</b> the subject site contains some existing landscaped areas that have recently been designed and constructed along the western boundary fronting Violet Street as required by Council in relation to the existing approval over the site. Current highway upgrading works have removed some landscaping and also included some landscaping works in nearby areas.</p> <p>3 metre wide buffer landscaping is proposed along the boundary of entire site, with the exception of the southern corner of the site, which is intended to soften the visual impact of the site and assist in reducing noise and dust emissions.</p> <p>It is intended to plant suitable (non deciduous) tree species in the buffer along the highway frontage so as to assist screening from the recently elevated highway.</p>
<b>Water Efficiency and Soil Protection</b>		
<p><b>SO-2</b> Landscaping incorporates appropriate</p>	<p><b>PS-2</b> Landscaped areas:</p>	<p><b>Not Applicable:</b> the proposed</p>

Applicant: [REDACTED]

<p>measures to:</p> <ul style="list-style-type: none"> <li>a. provide and retain water to plants in a water efficient manner; and,</li> <li>b. prevent loss of soil or mulch from erosion</li> </ul>	<ul style="list-style-type: none"> <li>a. incorporate a drip irrigation system; and,</li> <li>b. are mulched to assist in moisture retention; and,</li> <li>c. include border barriers a minimum of 15cm high.</li> </ul>	<p>landscaped areas incorporate environmentally efficient practices by planting species recommended by Council, which are native to the area and benefit from water sensitive elements; in addition, the landscaped areas are mulched to assist in moisture retention.</p>
<p><b>Provision of Appropriate Species</b></p>		
<p><b>SO-3</b> Plant species are appropriate to the setting in which they are located and enhance local character.</p>	<p><b>PS-3</b> If in the:</p> <ul style="list-style-type: none"> <li>a. Coolooloa Coast Planning Area:                             <ul style="list-style-type: none"> <li>(i) plant species used are local indigenous species, or species listed in Table 4:2 to Table 4:7 of Planning Scheme Policy 4: Landscape Plans and Plant Species; and,</li> <li>(ii) existing indigenous vegetation outside of building and other works areas is retained; or,</li> </ul> </li> <li>b. Gympie Planning Area or the Rural Planning Area and on premises not fronting the Bruce Highway – not less than 70% of all plants used are species listed in Table 4:8 to Table 4:20 of Planning Scheme Policy 4: Landscape Plans and Plant Species; or,</li> <li>c. Gympie Planning Area or the Rural Planning Area and on premises fronting the Bruce Highway,- plant species used are species listed in Table 4.21 to Table 4.26 of Planning Scheme Policy 4: Landscape Plans and Plant Species.</li> </ul>	<p><b>Not Applicable:</b> the proposed landscaped areas will incorporate appropriate plant species within the Gympie Planning Area.</p>
<p><b>SO-5</b> Plant species are used that protect natural waterway, natural wetland area and wetland protection area values.</p>	<p><b>PS-5</b> If on premises within or adjoining a natural waterway, natural wetland area or wetland protection area identified on Overlay Map OM5 Natural Waterways and Wetland Areas:</p> <ul style="list-style-type: none"> <li>a. all plant species used are local indigenous species; and,</li> <li>b. existing indigenous vegetation outside of building and other works areas is retained.</li> </ul>	<p><b>Not Applicable:</b> the subject site is not located in proximity to a protected natural waterway, wetland area or wetland protection areas.</p>
<p><b>Control of Weeds</b></p>		
<p><b>SO-6</b> The risk of spread of weeds is minimised.</p>	<p><b>PS-6</b> Plantings do not include, and the premises are cleared of, any of the species listed in Table 4:28 to Table 4:34 in Planning Scheme Policy 4: Landscape Plans and Plant Species.</p>	<p><b>Not Applicable:</b> the entire site is cleared of weeds.</p>
<p><b>Protection of Infrastructure</b></p>		

<p><b>SO-7</b> Plant species used in landscaping:</p> <ul style="list-style-type: none"> <li>a. are appropriate for the location and will not damage or interfere with infrastructure; or,</li> <li>b. that have potential to damage or interfere with infrastructure include adequate protective measures to protect infrastructure and the safety of its users.</li> </ul>	<p><b>PS-7</b> Street planting species meet the following criteria:</p> <ul style="list-style-type: none"> <li>a. species used comprise those listed for the relevant Planning Area in Planning Scheme Policy 4: Landscape Plans and Plant Species; and,</li> <li>b. for trees with an expected mature height of greater than 4 metres – the minimum horizontal distance of the tree from below and part of any power or other network line is not less than the expected mature height of the tree; and,</li> <li>(i) for all tree plantings – the minimum horizontal distance of the plant from infrastructure or foundations complies with the distance specified in Planning Scheme Policy 4: Landscape Plans and Plant Species; or,</li> <li>(ii) root barriers are installed; and,</li> <li>c. tree root grids are installed for street trees in footpaths and shade trees in areas accessed by pedestrians.</li> </ul>	<p><b>Not Applicable:</b> no street planting is proposed in this development.</p>
<p><b>Safety of road networks</b></p>		
<p><b>SO-8</b> Plant species are appropriate having regard to proximity to street corners and the safety of users of the road networks</p>	<p><b>PS-8</b> Plant species used within the road reserve, other than a Major Arterial Road, and within 12 metres of an intersection have an expected mature height of less than 1.5 metres.</p>	<p><b>Not Applicable:</b> no tree planting is proposed within the road (reserve) or located in close proximity to street corners.</p>
<p><b>Built features and landscaping earthworks</b></p>		
<p><b>SO-9</b> Hardscape elements are appropriate, safe and fit for their intended use.</p>	<p><b>PS-9</b> No solution prescribed</p>	<p><b>Complies:</b> hardscape elements have been incorporated within the landscape areas on the boundaries that do not produce any adverse affects. These elements also improve the visual amenity of the site, whilst enhancing the operational aspects of the site.</p> <p>Road base paving is proposed in the eastern corner of the site to complete road based paving of all accessible areas of the site.</p>
<p><b>SO-10</b> Built features are suitably located with respect to other built features and existing or planned infrastructure.</p>	<p><b>PS-10</b> No solution prescribed</p>	<p><b>Complies:</b> built features are appropriately setback from surrounding allotments.</p>
<p><b>SO-11</b> Hardscape is suitably located with regard to other uses in the locality.</p>	<p><b>PS-11</b> No solution prescribed</p>	<p><b>Complies:</b> hardscape elements are suitably located from other uses within the locality, through the provision of a landscaped buffer along the side boundaries</p>

Applicant: [REDACTED]

Site: [REDACTED] and [REDACTED], located at 55 Violet Street, Gympie

		and large retainer walls.
<b>SO-12</b> Sufficient and adequate Hardscape elements, including play equipment, seating, paved or other hard surface areas and structures are provided to meet the needs of users.	<b>PS-12</b> No solution prescribed	<b>Complies:</b> existing hard surfaced areas enable safe movement of users and visitors within the premises.

<b>Vehicle Parking and Access Code: Specific Outcomes and Probable Solutions</b>		
<b>Column 1 – Specific Outcomes</b>	<b>Column 2 – Probable Solutions</b>	<b>Column 3 - Compliance</b>
<b>Parking provision</b>		
<b>SO-1</b> Adequate parking is provided to meet the needs of occupants, employees, visitors and other users.	<b>A/PS-1</b> Either:  (i) vehicle parking spaces are provided on-site in accordance with Schedule 10 Minimum Vehicle Parking Requirements; or,  (ii) off-site, public vehicle parking spaces are provided by way of a monetary contribution to Council equivalent to the requirements of Schedule 10 Minimum Vehicle Parking Requirements.	<b>Complies:</b> the site currently provides seven (7) visitor carparking spaces, and one (1) additional carparking space is proposed. The proposed development will not generate any significant additional traffic but rather is intended to better utilise the site and display more of the available supplies and materials.  Visitor carparking is located at the front of the site to avoid the need for visitors to enter any further on to the site without accompaniment by staff.
<b>Parking area design</b>		
<b>SO-2</b> Vehicle parking areas, spaces, layout, equipment and location meet the needs of users and maintain the safety of premises and surrounding areas.	<b>A/PS-2</b> Parking areas meet the following criteria:  a. parking spaces, layouts and gradients are designed and constructed in accordance with AS2890.1, sections 2.4, 4 and 5; and,  b. vehicles can enter and leave the premises in forward gear without reversing more than once.	<b>Complies:</b> the layout and design of the dedicated parking spaces provide a safe environment for the users of the site to enable vehicles to enter and leave the site in forward gear due to the large area designed the cater for turning circles of all types of vehicles, varying from a standard small car to a heavy rigid vehicle.  It is expected that vehicles will only be required to reverse when exiting carparking spaces or when loading/unloading supplies and materials.  It is proposed that visitors access the site via Violet Street and the staff and business vehicles and machinery enter the site from the Clematis Street to maximise the safety of the premises and to reduce the amount of traffic entering/exiting the site via Violet Street.
<b>Lighting</b>		
<b>SO-3</b> Lighting is provided to:  a. maintain the safety of users, premises and surrounding areas; and,  b. minimise adverse effects on the	<b>A/PS-3</b> Lighting provided:  a. is in accordance with AS2890.1 section 4.7; and,  b. within parking area and access ways, is bollard style lighting	<b>Complies:</b> the existing lighting will be retained for the purpose of surveillance and security within the display yard area. All intended night lighting will be shielded and directed to minimise

amenity of users of surrounding premises.		any potential impact or adverse effects on surrounding premises and amenity.
<b>Loading areas</b>		
<b>SO-4</b> Adequate safe, dedicated loading and unloading areas are provided to meet the needs of development.	<b>A/PS-4</b> Loading and unloading areas designed and constructed in accordance with AS 2890.2, sections 2 and 3.	<b>Complies:</b> loading will occur in proximity to the holding bays, as most items will be stored within either the holding bays or the adjoining display areas.  The layout of the proposed development is intended to create additional holdings bays, and easier access to such holdings bays for the purposes of loading and unloading supplies and materials.
<b>Internal circulation</b>		
<b>SO-5</b> Adequate safe, internal circulation of vehicles is provided.	<b>A/PS-5</b> Vehicle parking and access areas are designed and constructed in accordance with AS 2890.1, sections 2.5, 4 and 5.	<b>Not applicable:</b> the existing parking and access areas have been designed in accordance with Council's requirements.

### 6.1.1.2 Overlays

The 2005 Coolooloa Shire Planning Scheme incorporates ten (10) overlays that can influence the assessment of this development application, however the site is not affected by any overlays as shown in the table below.

Overlay Map Reference	Map Title	Classification of Overlay Map	Implication on Proposal
OM1	Character Places – Gympie	Nil	None
OM2	Character Places – Imbil	Nil	None
OM3	Coastal Management District	Nil	None
OM4/1	Conservation Significant Area: Ecosystem Value	Nil	None
OM4/2	Conservation Significant Area: Habitat Value	Nil	None
OM4/3	Conservation Significant Area: Connectivity Value	Nil	None
OM5	Natural Wetland and Waterway Areas	Nil	None
OM6	Cedar Pocket Dam Catchment	Nil	None
OM7	Extractive Resource Areas and Haul Routes	Nil	None
OM8	Good Quality Agricultural Land	Nil	None
OM9	Potential Acid Sulphate Soils	Nil	None
OM10	Coolooloa Cove Cut or Fill Area	Nil	None

### 6.1.1.3 State Planning Policies

All State Planning Policies except for *State Planning Policy 1/03 Mitigating the Adverse Impacts of Flood, Bushfire and Landslide* are appropriately reflected in the 2005 Coolooloa Shire Planning Scheme. The subject site is not mapped within a bushfire hazard area and is generally flat and therefore not susceptible to landslide. The proposed development will not significantly increase the risk to people or property of flood risk as it proposes an increase in the active use area of the site only.



## 7 Conclusion

This development application seeks approval for the re-arrangement of the existing approved use area, and an increase in the active use area, for *display yard* use (landscape supplies centre).

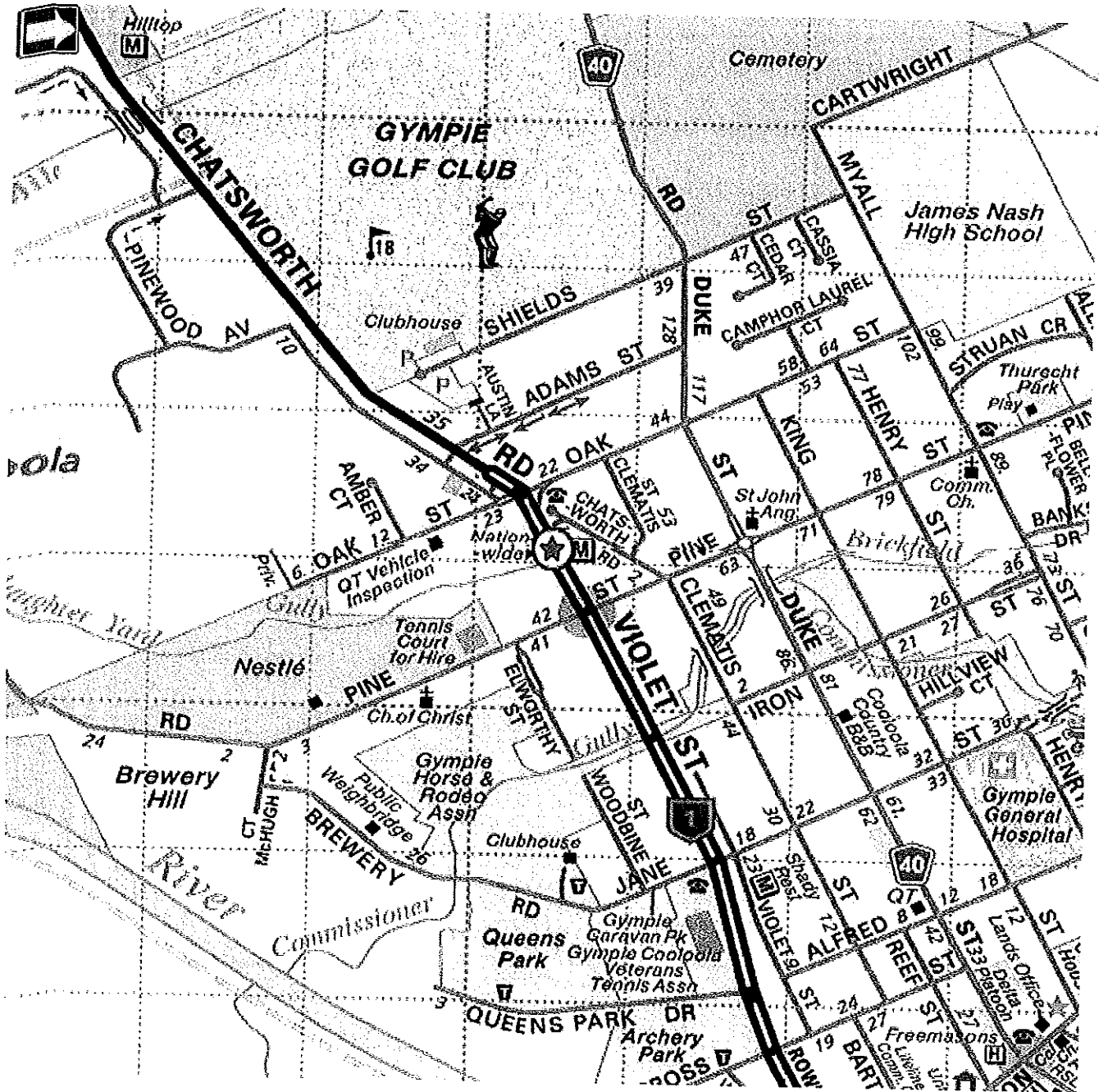
This proposal can be supported on a number of grounds which have been discussed in this report and can be summarised as follows:

- The existing and approved use of the site as a landscape supplies centre and truck and bobcat hire service represents a suitable use of the site and the rearrangement and extension of landscape supplied component further enhances the use of the site by enabling a more functional design and more manoeuvrability within the site whilst not increasing the intensity of activity on the site;
- The applicants wish to increase the capacity to display more landscaping goods, supplies and materials by the new design and location of the additional holding bays to respond to changing market preferences with respect to availability and demand of landscaping supplies and materials and offer more variety to customers as opposed to attracting more customers;
- A second access to the site from Clematis Street will reduce the amount of traffic entering onto/from Violet Street which is understood to be preferred by the Department of Transport and Main Roads;
- The proposed buffer landscaping around the boundaries of the site will enhance the amenity of the streetscape and also within the site and will assist in minimising dust and noise emissions from the site;
- The extension of the use area is proposed to increase the active use area of the site, not to increase the intensity of use on the site, and in effect the external impact of the increased use area of the site is not expected to vary from that resulting from the approved uses at present.
- The proposed new layout of the site results in an increase in the use area located in the Commercial Zone where the *display yard* use is a consistent use, and a reduction in the use area located in the Community Zone where the *display yard* use is inconsistent therefore suggesting that the new layout furthers the preferences of the planning scheme.

In light of the above we recommend the Assessment Manager's favourable consideration of this development proposal.

# Annexures

## Annex 1: Location Map



Applicant:

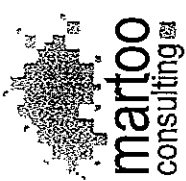


50 and Lots 77, 78 and 79 on parcel 1700, located at 55 Havel Street, Sydney

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## Annexures

### **Annex 2: Approved Site Plan**



Town Planning  
Urban Design

Shire Office  
1728 Gympie Terrace  
North Street  
P.O. Box 984  
Koola House C.D. 4587  
Ph: 07 54827440  
Fac: 07 54824852

Gympie  
1728 Reef Street  
P.O. Box 391  
Gympie Q.L.D. 4570  
Ph: 07 54827440  
Fac: 07 54824852

R.P.D. 1:1000

Lot 1 on MPH530 &  
Lots 97-100 on MCH4906  
Parish of GYMPIE  
County of MARCH

Violet Street,  
Gympie

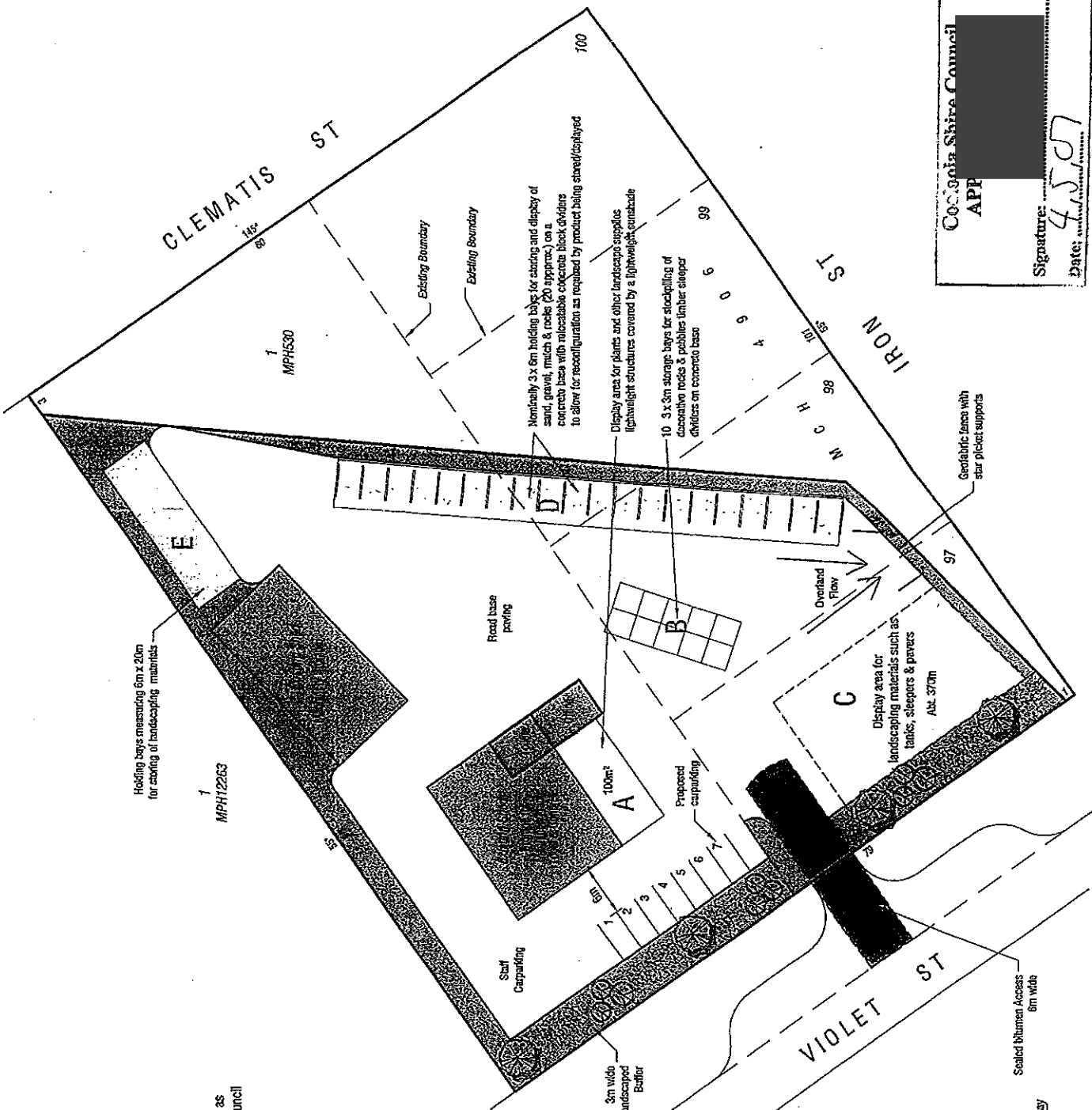
Local Authority:  
COOLOOLA SHIRE  
COUNCIL

PROJECT  
MCU FOR AN ADDITIONAL DISPLAY  
AREA WITHIN A  
LANDSCAPE SUPPLY CENTRE

Applicant:  
CAMPBELL'S ROCK & BOBCAT  
HIRE PTY. LTD.

Drawn By:  
BM - MARTOO CONSULTING

Reference No:  
D-00483-01-B



**LEGEND:**

- Road Base Paving
- Sealed Bitumen Roadway as previously required by Council

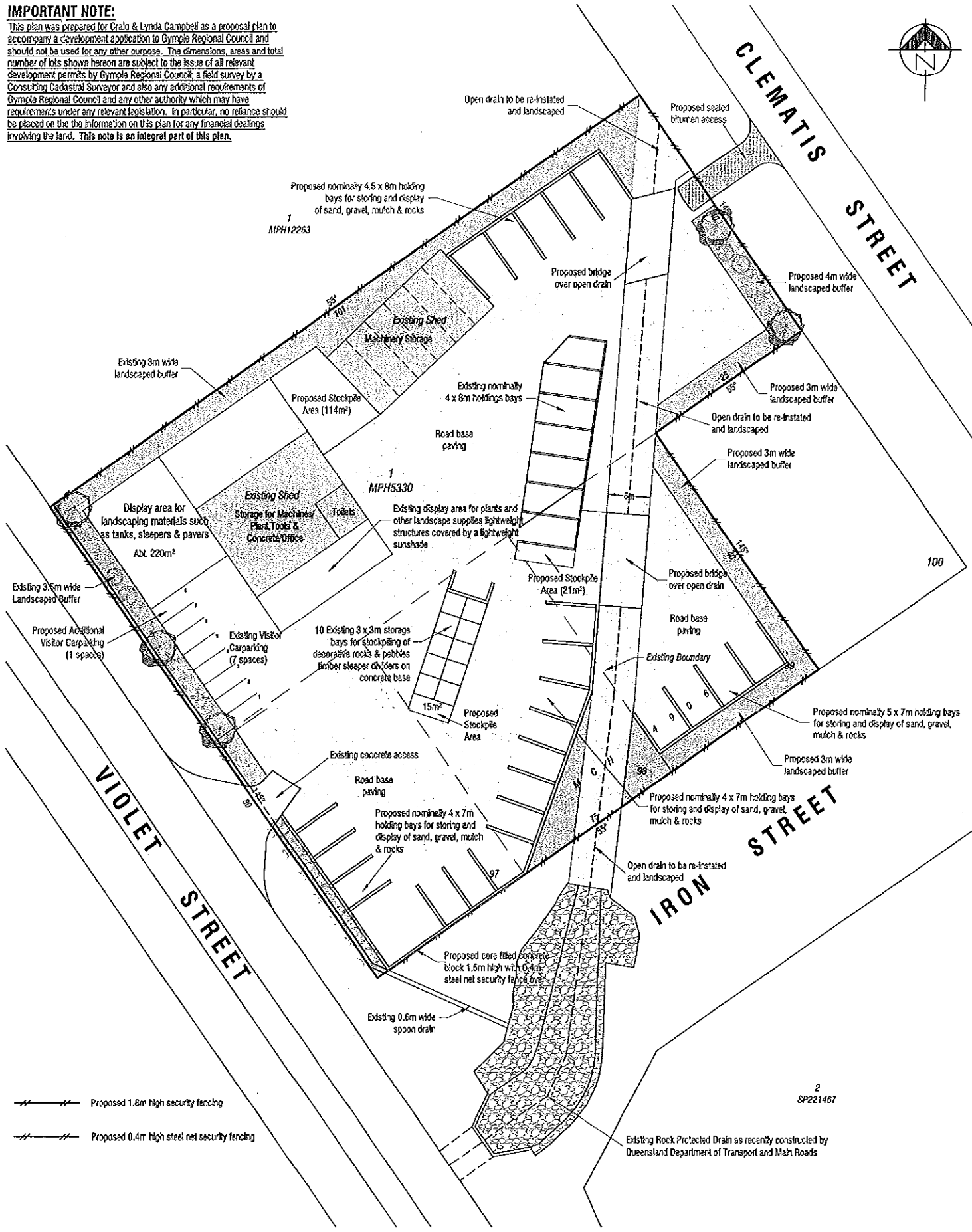
Cooloolool Shire Council  
APP  
Signature: *[Signature]*  
Date: 4.5.07

This drawing has been prepared for the purposes of supporting a Development Application for material change of use only to Cooolool Shire Council, and may be varied as a result of subsequent sections, investigations and detailed design.

All headings, distances and areas are approximately only and subject to both field survey by a Consulting Cadastral Surveyor and all relevant development permits issued by Cooolool Shire Council taking effect.

**IMPORTANT NOTE:**

This plan was prepared for Craig & Lynda Campbell as a proposal plan to accompany a development application to Gympie Regional Council and should not be used for any other purpose. The dimensions, areas and total number of lots shown hereon are subject to the issue of all relevant development permits by Gympie Regional Council, a field survey by a Consulting Cadastral Surveyor and also any additional requirements of Gympie Regional Council and any other authority which may have requirements under any relevant legislation. In particular, no reliance should be placed on the information on this plan for any financial dealings involving the land. This note is an integral part of this plan.



--- Proposed 1.6m high security fencing  
 --- Proposed 0.4m high steel net security fencing

2  
 SP221467



Sunshine Coast  
 1/199 Gympie Terrace  
 Noosa Heads  
 P.O. Box 1684  
 Noosa Heads QLD 4567  
 Ph: 07 54555425  
 Fax: 07 54555725

Gympie:  
 128 Reef Street  
 P.O. Box 391  
 Gympie QLD 4570  
 Ph: 07 54527440  
 Fax: 07 54323952

**R.P.D**

Lot 1 on MPH5330 & Lots 97-99 on MCH4906

53 Violet Street, Gympie

Local Authority:  
 GYMPIE REGIONAL COUNCIL

**DEVELOPMENT SUMMARY**

Total Site Area:  
 7083 m<sup>2</sup> approx.

Total Additional Use Area:  
 709.5 m<sup>2</sup> approx.

**PROJECT**

Material Change of Use for Display Yard (Landscape Supplies Centre)

Applicant:  
 Craig & Lynda Campbell

Detail:  
 Site Plan

Scale: 1:500 (A3)  
 Date: 18/12/2009

Drawn By:  
 LM - MARTOO CONSULTING

Reference No.:  
 D-01049-01-D