



HINCHINBROOK SHIRE COUNCIL

Our Ref: MCU16\0006

05 March 2018

SHA Premier Construction Pty Ltd
C/- MacCallum Planning & Architecture
Unit 7
7 Barlow Street
South Townsville QLD 4810

Email: admin@maccallum.com.au

Dear Sir/Madam,

DECISION NOTICE *Sustainable Planning Act 2009*

In relation to your recent request for material change of use, Council have assessed your application and it was APPROVED SUBJECT TO CONDITIONS. The decision was made on 27 February 2018.

APPLICATION DETAILS

Application Number: MCU16\0006
Property ID Number: 106886

Applicant Details: SHA Premier Construction Pty Ltd
C/- MacCallum Planning & Architecture
Unit 7, 7 Barlow Street
South Townsville QLD 4810

Owner Details: United Petroleum Pty Ltd
The United Petroleum Properties Unit Trust
PO Box 1028
Collingwood VIC 3066

Property Description: 1-3 Herbert Street, Ingham
Lot 34 on SP293625, Parish of Cordelia

Proposal: Material Change of Use - Commercial Premises (Service Station)

25 Lannercost St PO Box 366
Ingham Qld 4850 Ingham Qld 4850

Telephone 4776 4600
Facsimile 4776 3233

council@hinchinbrook.qld.gov.au
www.hinchinbrook.qld.gov.au
ABN: 46 291 971 168



Level of Assessment: Impact Assessment

Assessment Benchmarks: Commercial Zone Code

CONDITIONS OF APPROVAL

The conditions of this approval are set out in the Schedule of Conditions. The conditions are identified to indicate whether the Assessment Manager or a referral agency (if any) imposed them.

REFERRAL AGENCIES

The application was reviewed against the Sustainable Planning Regulation 2009 to assess whether the application triggered referral assessment. Below is a list of any referral agencies associated with the development approval:

Referral Agency and Address	Referral Trigger
Department of Infrastructure, Local Government and Planning State Assessment and Referral Agency PO Box 5666 Townsville QLD 4810 Email: nqsara@dilgp.qld.gov.au	State-controlled Road <i>Sustainable Planning Regulation 2009</i> <i>Schedule 7, Table 3, Item 1</i>

SUBMISSIONS

There were three (3) properly made submissions about this application during the public notification period.

In accordance with the Sustainable Planning Act 2009 a list of the names and addresses of any submitter is provided with this notice.

INFRASTRUCTURE CHARGES

An adopted infrastructure charges notice will be issued for this development approval.

FURTHER DEVELOPMENT PERMITS REQUIRED

Not Applicable

APPROVAL CURRENCY PERIOD

The relevant periods stated in s. 341 of the Sustainable Planning Act 2009 apply to each aspect of development in this approval (unless stated otherwise within the conditions of approval), as outlined below:-

- Material Change of Use – Four (4) Years



APPROVED PLANS & SPECIFICATIONS

In accordance with the *Sustainable Planning Act 2009*, a copy of the approved plans and specifications (if relevant) are attached.

RIGHTS OF APPEAL

Appeals by Applicants –

An Applicant for a development application may appeal to the Planning & Environment Court against the following:

- The refusal, or refusal in part of the development application;
- Any conditions of a development approval, another matter stated in a development approval and the identification or inclusion of a code under s.242 of the *Sustainable Planning Act 2009*;
- The decision to give a preliminary approval when a development permit was applied for;
- The length of a period mentioned in s.341;
- A deemed refusal of the development application.

WHEN DEVELOPMENT APPROVAL TAKES EFFECT

This development approval takes effect -

- From the time the decision notice is given, if there is no submitter/s and the applicant does not appeal the decision to the court;
- If there is a submitter, when the submitters appeal period ends or when the last submitter provides written notice that they will not be appealing the decision; or
- Subject to the decision of the Court, when the appeal is finally decided, if appeal is made to the court.

FURTHER INFORMATION

The development must be carried out in accordance with the approved plans and specifications and the requirements of all relevant laws, and any deviation there from must have the prior approval of the Chief Executive Officer.

This approval does not authorise any building work, any works within Council's Road Reserve (e.g. new/additional accesses, repair/modifications to existing accesses or works to footpaths), or any filling of land permits.



Should you have any questions or seek clarification with regard to any aspect of this notice, I encourage you to contact Council's Development, Planning and Environmental Services on telephone (07) 4776 4609.

Yours sincerely,

Gerhard Visser
Planning & Development Manager

Enclosed: Submitter Details
 Approved Plans/Documents
 Appeal Rights



NOTICE ABOUT DECISION – STATEMENT OF REASONS

SUSTAINABLE PLANNING ACT 2009 & THE SUSTAINABLE PLANNING REGULATION 2009

This Notice is prepared in accordance with the *Sustainable Planning Act 2009* to inform the public about a decision that has been made in relation to a development application. The purpose of the Notice is to enable a public understanding of the reasons for the planning decision, specifically having regard to:

- the relevant parts of the Planning Scheme and Assessment Benchmarks against which the application was assessed; and
- any other information, documents or other material Council was either required to, or able to, consider in its assessment.

REASONS FOR THE DECISION

Council resolve to issue a Development Permit for Material Change of Use – Redevelopment of a Service Station over Lot 34 on SP293625, Parish of Cordelia, subject to conditions.

The proposed development is considered to be consistent with the relevant overall outcomes of the current planning scheme and the draft planning scheme, in particular:

- the proposed redevelopment of the site will not result in a material change in the way the land is used;
- the scales and design of the proposed development complements the existing surrounding developments;
- the proposed redevelopment will not detract from the Centre Zone (Commercial Zone) environment;
- the proposed redevelopment is a commercial use that is of a scale and nature that aligns with the land use intent for the site in the context of the zone designation;
- the proposed redevelopment addressed the concerns of the submitters through flood modelling and redesign of the site layout providing:
 - a site layout design that takes into account the constraints of the flood impacts;
 - a site layout design that provide less flooding impact to properties in the direct vicinity of the proposed redevelopment site; and
 - a site layout design that will have no adverse flooding impacts on the submitters properties



CONDITIONS OF APPROVAL**Conditions of Development**

The conditions of development for this development permit are as follows

Administration

1. The developer is responsible to carry out the approved development and comply with relevant requirements in accordance with:
 - a) The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within any technical reports;
 - b) The development must, unless otherwise stated, be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards;
 - c) The conditions of approval and the requirements of Council's Planning Scheme and best practice engineering;
 - d) The conditions of the Infrastructure Charges Notice (if applicable);
 - e) The conditions of the Referral Authority (if applicable); and
 - f) Conditions of the Development Permit must be satisfied prior to the use being commenced, except where specified otherwise in these conditions of approval.

Currency Period

2. The currency period applicable to this approval:
 - Material Change of Use – 6 years until 05 March 2024

Approved Plans

3. The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this permit:

Plan/Document Name	Prepared by	Date	Ref. Number	Version/Issue
United: Proposed Site Layout	United Petroleum Pty Ltd	July 2017	SK01	0

4. Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail;
5. Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council prior to the submission of a request for approval of the survey plan or within 20 business days of this approval.

Lawful Point of Discharge

6. All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer;
7. That any works as a result of the development may not interfere with stormwater flow over or through the land.

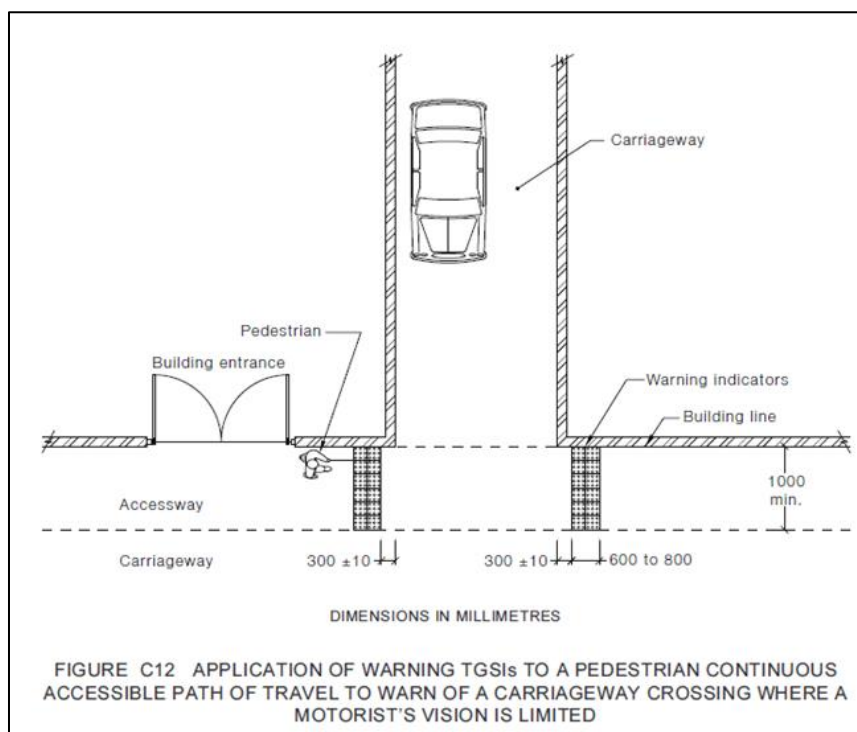


Existing Creek and Drainage System

8. All existing creek systems and drainage areas must be left in their current state, including no channel alterations and no removal of vegetation, unless consented to in writing by the Chief Executive Officer.

Access / Footpath

9. Any disturbances to the footpath area must be reinstated in accordance with Hinchinbrook Shire Council CBD Masterplan;
10. Provision of tactile ground surface indicators in accordance with Figure C12 of Australian Standard 1428.4.1 on both sides of each driveway to ensure that the commercial driveways are clearly delineated for pedestrians:



11. If the existing access does not meet the above requirements, access provision must be constructed in accordance with Council's standard engineering specifications and to the satisfaction of the Chief Executive Officer;
12. Future maintenance of all accesses is the responsibility of the landowner.

Existing Services

13. Written confirmation of the location of existing electrical, water, sewer and telecommunication services for the land must be provided by either the applicant or a licensed surveyor. In any instance where existing services are contained within another lot, relocate the services to be contained within each respective lot or to within a reciprocal services easement;
14. Location of services must be detailed on a plan of survey to be submitted to Council;
15. Provide a single internal sewer connection which must be clear of any building or structures;
16. No building or structure is to be built over a sewer manhole and if required the sewer manhole is to be raised to the surface;
17. Water and sewer works must be designed and constructed in accordance with Council standards and must obtain necessary permissions in respect of any building over or within 2m of a local government sewer;

18. Water supply sub-metering must be designed and installed in accordance with the *Plumbing and Drainage Act 2002* and the *Water Act 2000* (applies to developments which will be reconfigured by Building Format Plans).

Plumbing & Drainage

19. All plumbing and sanitary drainage works must be in accordance with regulated work under the *Plumbing and Drainage Act 2002* and Council's Plumbing and Drainage Policies.

Building

20. A demolition / removal / building permit needs to be obtained prior to any removal of the existing structure on the site or construction of the new structures;
21. The applicant is to seek and comply with all relevant building approvals to be issued by a qualified Building Certifier;
22. Any lighting devices associated with the development, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting";
23. The location and/or storage of any machinery and plant must not cause a nuisance to surrounding properties and must be screened in accordance with Council requirements.

Refuse Storage

24. Refuse storage is required to service the site in accordance with Council requirements. The location of bins shall not create or be such that they are unsightly from the street.

Landscaping

25. A landscaping plan in accordance with Council requirements must be submitted for approval;
26. Landscaping that contributes positively to the aesthetics of the streetscape of Herbert Street must be provided in accordance with the approved landscaping plan;
27. Any landscaped areas must be subject to ongoing maintenance.

On-Site Parking

28. On-site car parking must be provided in accordance with the Australian Standards.

Construction and Operations

29. Any construction work associated with this development shall be carried out in accordance with sound engineering practice. In particular, no nuisance is to be caused to adjoining residents by way of smoke, dust, stormwater discharge or siltation of drains, at any time, including non-working hours. Where material is to be carted to or from the site, loads are to be covered to prevent dust or spillage. Where material is spilled or carried onto existing roads, it is to be removed forthwith so as to restrict dust nuisance and ensure traffic safety.

Damage to Infrastructure

30. In the event that any part of Council's existing sewer, water, channel and kerbing, or road infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to, mobilization of heavy earth-working equipment, stripping and grubbing, the applicant/owner must notify Council immediately of the affected infrastructure and have it repaired or replaced by Council, at the developer's cost.



SUBMITTER DETAILS

Below are the submitter details of each properly made submission received by Council in relation to this development approval:

Elizabeth Palmas
PO Box 259
Ingham QLD 4850

Caterina Motti
PO Box 262
Ingham QLD 4850

Neale Brown
10 Fanning Street
Ingham QLD 4850



APPROVED PLANS/DOCUMENTS

HINCHINBROOK SHIRE COUNCIL

File Ref: MCU16\0006



Legend
 [] Cadastre
 [] Site Location



Data Sources & Acknowledgements

While every care is taken to ensure the accuracy of the data used on this map, the Council nor any data providers make no representation or warranty about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability for all expenses, losses, damages and costs which you might incur as a result of the data being inaccurate or misleading in any way for any reason.
 Copyright Hinchinbrook Shire Council 2016
 Cadastre information sourced from Department of Natural Resources and Mines is current as at 2016 and is accurate 1:50,000. Copyright Department of Natural Resources and Mines 2016.

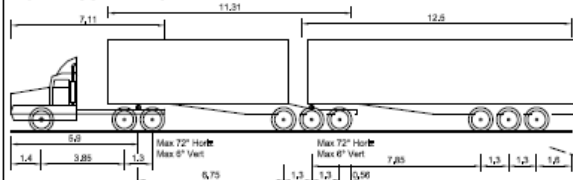
This map is not to be resold or re-made as part of a commercial product



Application for Material Change of Use - Service Station
MacCallum Planning & Architecture Pty Ltd for United Petroleum Pty Ltd

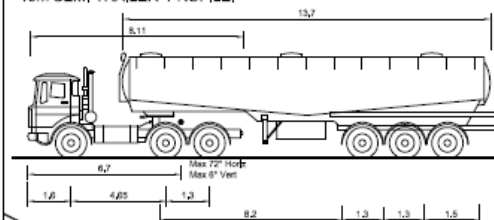
Path: G:\projects\admin\HayleyRoy\MARCH 2016.mxd
 Compiled By: hayley1867 Date: 08/12/2016

26m B-DOUBLE PROFILE:

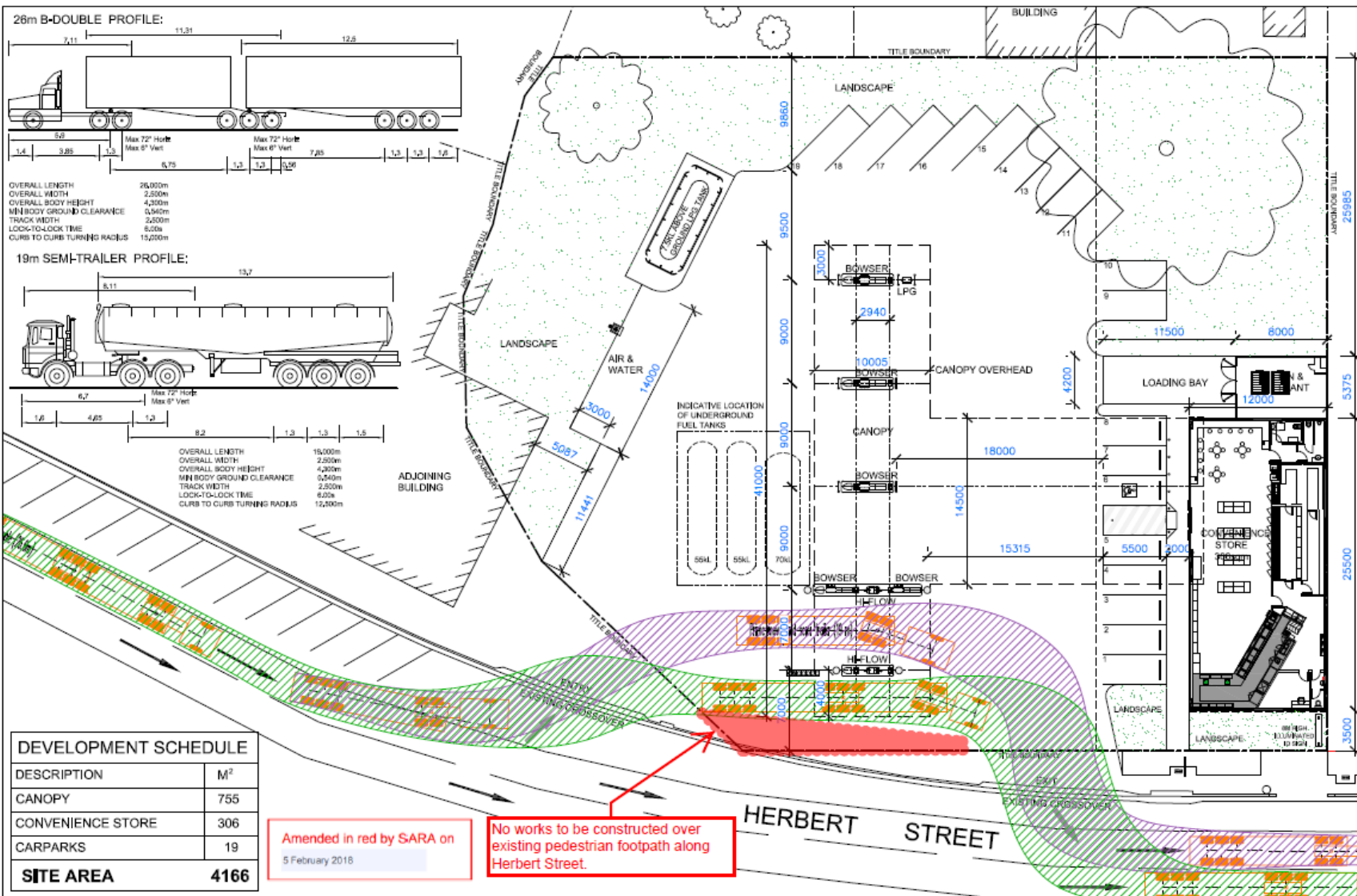


OVERALL LENGTH 26,000m
OVERALL WIDTH 2,500m
OVERALL BODY HEIGHT 4,200m
MIN BODY GROUND CLEARANCE 2,500m
TRACK WIDTH 2,500m
LOCK-TO-LOCK TIME 6,00s
CURB TO CURB TURNING RADIUS 15,000m

19m SEMI-TRAILER PROFILE:



OVERALL LENGTH 19,000m
OVERALL WIDTH 2,500m
OVERALL BODY HEIGHT 4,200m
MIN BODY GROUND CLEARANCE 2,500m
TRACK WIDTH 2,500m
LOCK-TO-LOCK TIME 6,00s
CURB TO CURB TURNING RADIUS 12,500m



DEVELOPMENT SCHEDULE

DESCRIPTION	M ²
CANOPY	755
CONVENIENCE STORE	306
CARPARKS	19

SITE AREA 4166

Amended in red by SARA on
5 February 2018

No works to be constructed over
existing pedestrian footpath along
Herbert Street.



REV	BY	AMENDMENT	DATE
A	AA	SITE AMENDMENTS	18/10/2016
B	AA	SITE AMENDMENTS	20/10/2016
C	AA	SITE AMENDMENTS	19/10/2017
D	AA	LEVEL AMENDMENT OF RETAINING WALL ADDED	19/10/2017
E	AA	REVISIONS	19/10/2017
F	AA	BOWSER AMENDMENTS	01/08/2017
G	AA	SITE AMENDMENTS	01/08/2017
H	AA	1.0M LPG ABOVE GROUND TANK & DEPENDENT	12/06/2017
I	AA	SITE AMENDMENTS	01/10/2017

Consent is not a guarantee of approval. It is the responsibility of the applicant to ensure that all information provided is true and correct. The consent is issued on the basis of the information provided and does not constitute a guarantee of approval. The consent is issued on the basis of the information provided and does not constitute a guarantee of approval.

NAME: A.A.
SCALE @A3: 1:300
DATE: July 2017
SHEET: 1 of 2
ADDRESS:
1 HERBERT ST
INGHAM, QLD

DWG No: SK01
DRAWING No: INGHAM SITE PLAN.dwg
TITLE:
PROPOSED SITE LAYOUT

United
DRAWING PATH:
C:\Users\ingham\Documents\Projects\INGHAM SITE PLAN.dwg
REV: J

APPEAL RIGHTS

PLANNING ACT 2016 & THE PLANNING REGULATION 2017

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 of the Planning Act 2016 states –
 - (a) Matters that may be appealed to –
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) The person-
 - (i) who may appeal a matter (**the appellant**); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.

(Refer to Schedule 1 of the Planning Act 2016)

- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is –
 - (a) for an appeal by a building advisory agency – 10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal – at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises – 20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice – 20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given – 30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for any other appeal – 20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note –

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt. It is declared that an appeal against an infrastructure charges notice must not be about-
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund-
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that-
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to –
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, table 1, item 1 – each principal submitter for the development application; and
 - (d) for and appeal about a change application under schedule 1, table 1, item 2 – each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
 - (f) for an appeal to the P&E Court – the chief executive; and
 - (g) for an appeal to a tribunal under another Act – any other person who the registrar considers appropriate.
- (4) The **service period** is –
 - (a) if a submitter or advice agency started the appeal in the P&E Court – 2 business days after the appeal has started; or
 - (b) otherwise – 10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.



231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the Judicial Review Act 1991 in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section –
decision includes-
 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or failure to make a decision; and
 - (d) a purported decision ; and
 - (e) a deemed refusal.*non-appealable*, for a decision or matter, means the decision or matter-
 - (a) is final and conclusive; and
 - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the Judicial Review Act 1991 or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
 - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with the rules of the P&E Court.

