

Your Ref: Material Change of Use – Medium Impact Industry (Bulk Fuel Supply & Storage)
Our Ref: PC:AG MCU21\0006

2 September 2021

Mrs Lisa and Mr Peter Gofton
Gofton Enterprises Pty Ltd
PO Box 273
INGHAM QLD 4850

lisagofton@bigpond.com

Dear Mr and Mrs Gofton

Decision Notice

Material Change of Use – Medium Impact Industry (Bulk Fuel Supply and Storage)
9 Larsens Road, Ingham – Lot 544 on SP107093
Planning Act 2016

Receipt of your application deemed to be properly made on Tuesday 8 June 2021 seeking a Development Permit for Material Change of Use – Medium Impact Industry (Bulk Fuel Supply and Storage) at 9 Larsens Road, Ingham, is acknowledged and its contents noted.

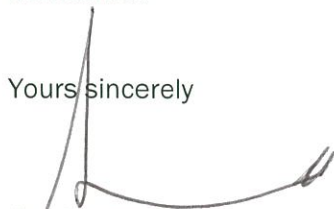
Your application was assessed by relevant staff and considered by Council at its General Meeting held on Tuesday 31 August 2021.

Council resolved to approve the proposed application, subject to reasonable and relevant conditions which accord generally with the application as made. Council's Decision Notice is attached for your perusal.

This Notice outlines aspects of the development's condition of approval, currency period, approved plans, referral agency response and includes extracts from the *Planning Act 2016* with respect to making representations about conditions, negotiated decisions, suspension of the appeal period and lodging an appeal, should you wish to do so.

Should you require any further information or clarification concerning this matter, please contact Council's Built Environment Support Officer, Aimee Godfrey on 4776 4658 for the necessary assistance.

Yours sincerely



Kelvin Tytherleigh
Chief Executive Officer

Encl - Decision Notice



25 Lannercost Street
INGHAM QLD 4850



PO Box 366 INGHAM QLD 4850
ABN 46 291 971 168



4776 4600
4776 3233



council@hinchinbrook.qld.gov.au
HinchinbrookShireCouncil

2 September 2021

SECTION 83 OF PLANNING ACT 2016

APPLICATION DETAILS

This Decision Notice relates to the below Development Application:

Application Number	MCU21\0006
Property ID Number	102163
Applicant Details	Lisa and Peter Gofton Gofton Enterprises Pty Ltd PO Box 273 INGHAM QLD 4850
Owner Details	Canaan Cattle Pty Ltd PO Box 273 INGHAM QLD 4850
Property Description	9 Larsens Road, Ingham QLD 4850 Lot 544 on SP107093
Proposal	Material Change of Use – Medium Impact Industry (Bulk Fuel Supply and Storage)
Level of Assessment	Code Assessment

DECISION

The information below outlines the specifics of any approval or refusal issued by the Assessment Manager resulting from development assessment as per the provisions of the *Planning Act 2016*:

Decision	The application was approved subject to conditions.
Decision Date	31 August 2021
Decision Type	Development Permit
Assessment Instrument	<i>Hinchinbrook Shire Planning Scheme 2017</i>
Deemed Approval	The Development Permit is not a deemed approval under Section 64 of the <i>Planning Act 2016</i> .
Submissions	Not Applicable

CONDITIONS OF APPROVAL

The conditions of this approval are set out in the Conditions of Approval. The conditions are identified to indicate whether the Assessment Manager or Referral Agency (if any) imposed them.

REFERRAL AGENCIES

State Assessment and Referral Agency (SARA)
Department of State Development, Infrastructure, Local Government and Planning
PO Box 15009
CITY EAST QLD 4002

Pursuant to Section 56 of the *Planning Act 2016*, the SARA advises that it has no objection to Hinchinbrook Shire Council issuing a Development Approval for Material Change of Use – Medium Impact Industry (Bulk Fuel Supply and Storage), subject to the conditions, as attached.

FURTHER APPROVALS REQUIRED

This approval does not authorise any operational works (filling of land or civil works) or building work and a Development Permit for carrying out the above mentioned may require additional assessment.

This approval does not authorise any works within Council's Road Reserve (e.g. new/additional access, repair/modification to existing access or works to footpaths). If this is required as part of your development proposal, an application will need to be lodged with Council or other relevant authority.

INFRASTRUCTURE CHARGES

Not Applicable.

Infrastructure charges do not apply for this development proposal.

RIGHTS OF APPEAL

The rights of an applicant to appeal to the Planning and Environment Court against a decision about a Development Application are set out in Chapter 6, Part 1 of the *Planning Act 2016*. There may also be a right to make an application for a declaration by a tribunal (see Chapter 6, Part 2 of the *Planning Act 2016*).

An applicant for a Development Application may appeal to the Planning and Environment Court against the following:

- The refusal of all or part of the Development Application;
- A provision of the Development Approval;
- The decision to give a preliminary approval when a Development Permit was applied for; and
- A deemed refusal of the Development Application.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 229 of the *Planning Act 2016*.

APPROVAL CURRENCY PERIOD

Pursuant to Section 85 of the *Planning Act 2016*, the Development Approval will lapse six years after the approval starts to have effect, unless otherwise conditioned.

APPROVED PLANS AND SPECIFICATIONS

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

Copies of the approved plans, specifications and/or drawings are attached.

NOTICE ABOUT DECISION – STATEMENT OF REASONS

This Notice is prepared in accordance with section 63(5) and section 83(7) of the *Planning Act 2016* to inform the public about a decision that has been made in relation to a Development Application.

The purpose of this Notice is to enable a public understanding of the reasons for the planning decision, specifically having regard to:

- The relevant part 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.

All terms used in this Notice have the meaning given to them in the *Planning Act 2016*.

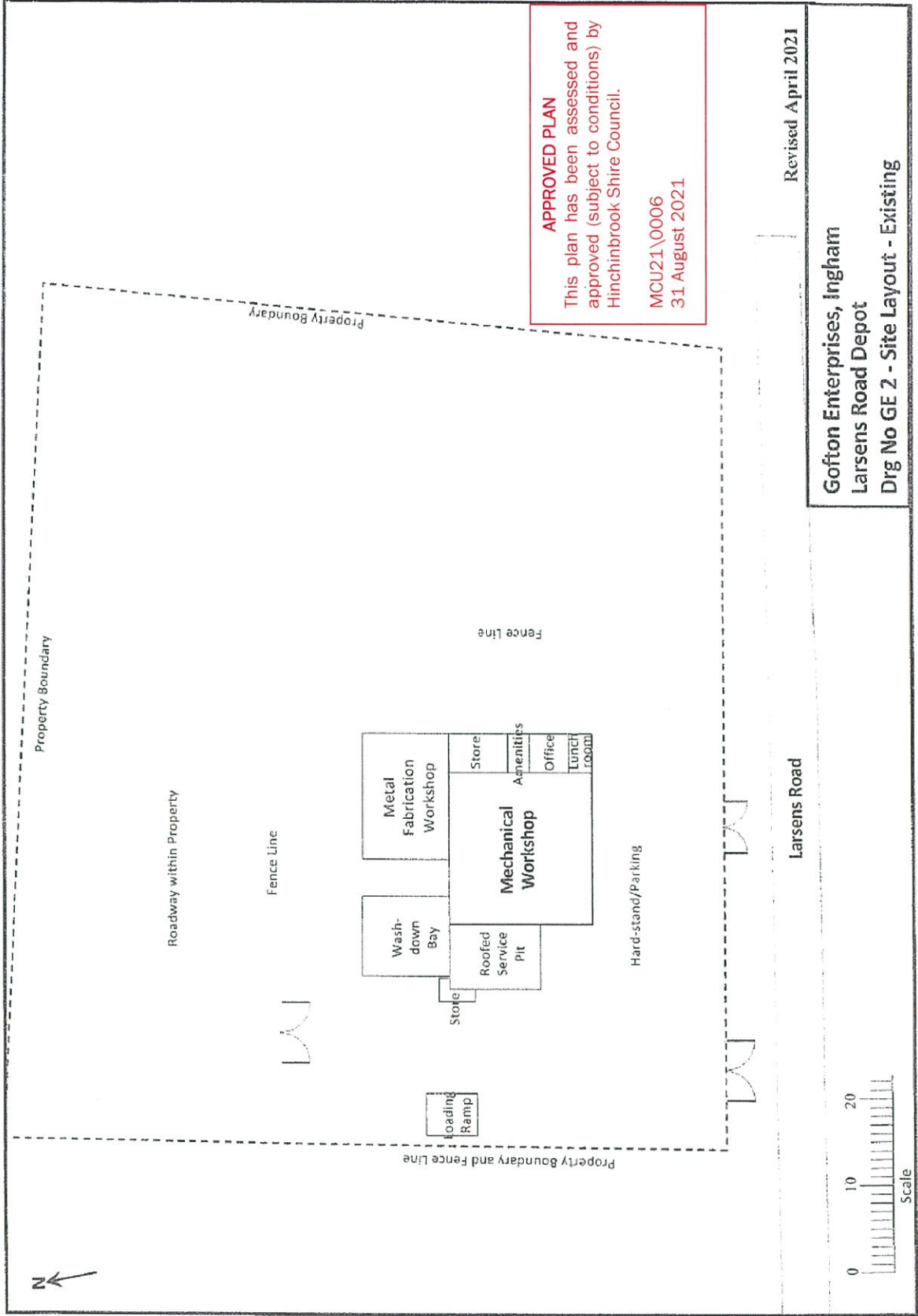
The proposed development is considered to be consistent with the relevant overall outcomes and assessment benchmarks of the Hinchinbrook Shire Planning Scheme 2017, in particular:

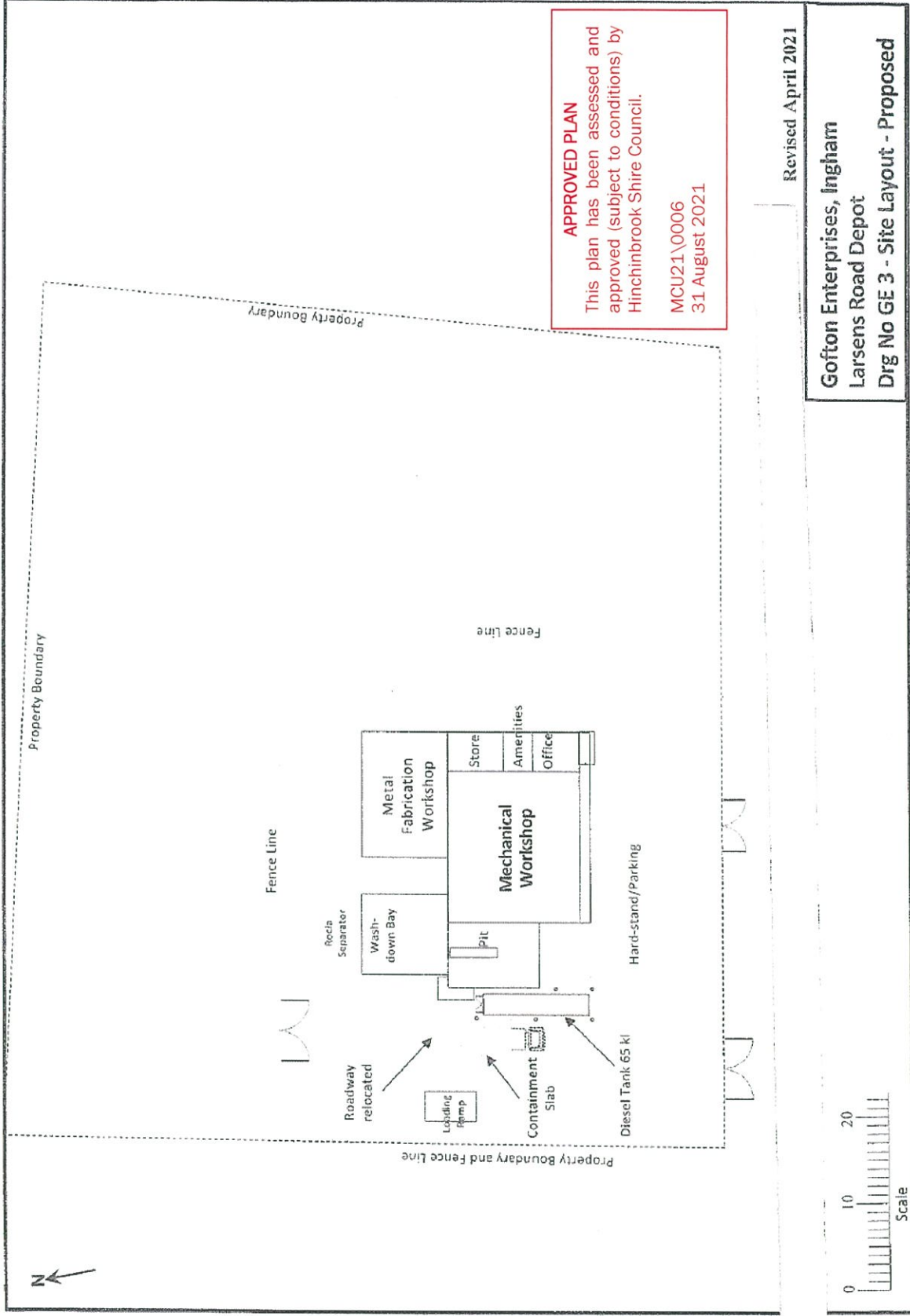
- The application has been approved as it is considered to meet, or have the ability to meet the requirements of the relevant aspects of the *Hinchinbrook Shire Planning Scheme 2017*; and
- Conditions of Approval have been included to ensure that compliance with the Hinchinbrook Shire Planning Scheme 2017.

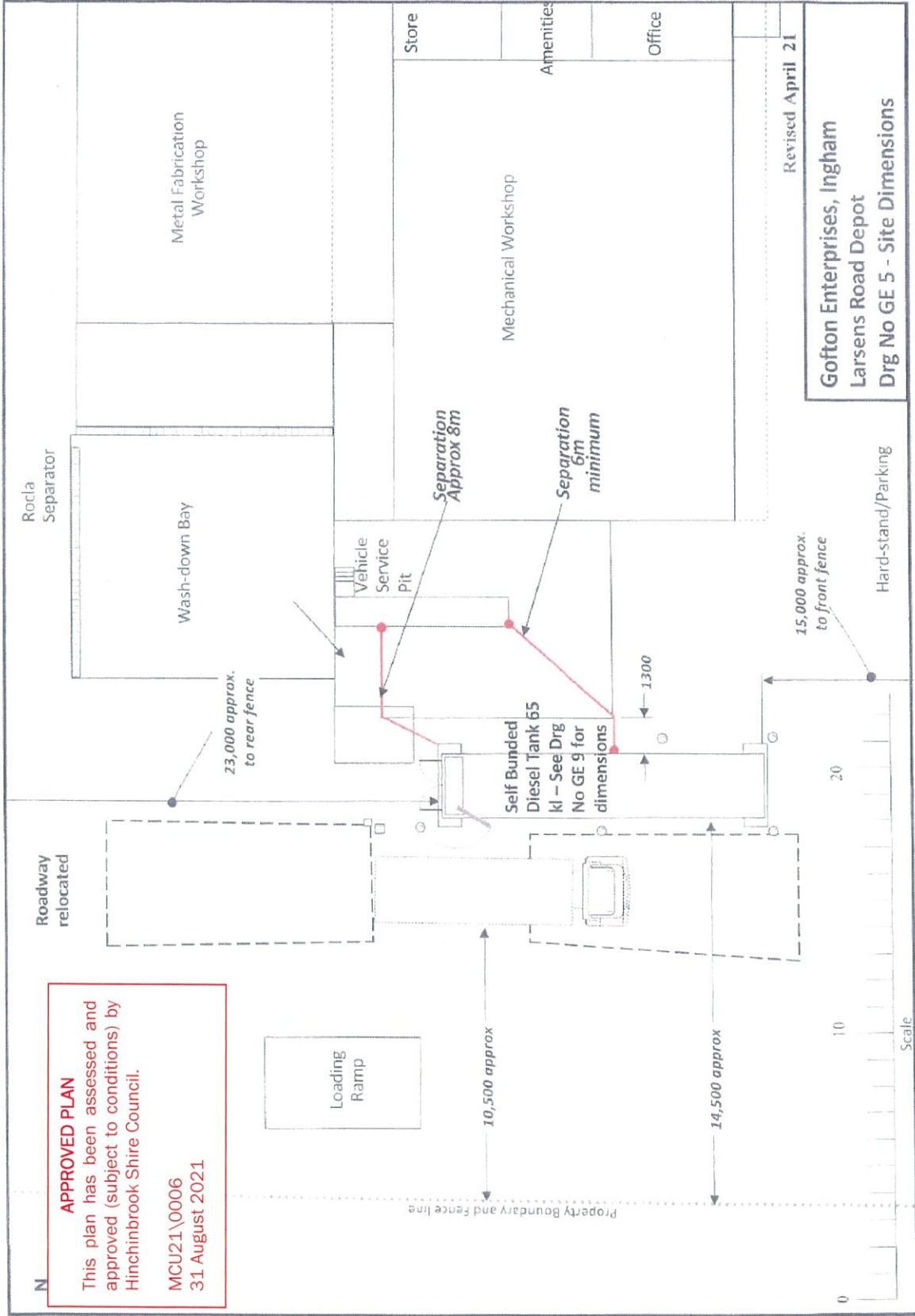
Should you require any further information or clarification concerning this matter, please contact Council's Built Environment Support Officer, Aimee Godfrey on 4776 4658 for the necessary assistance.

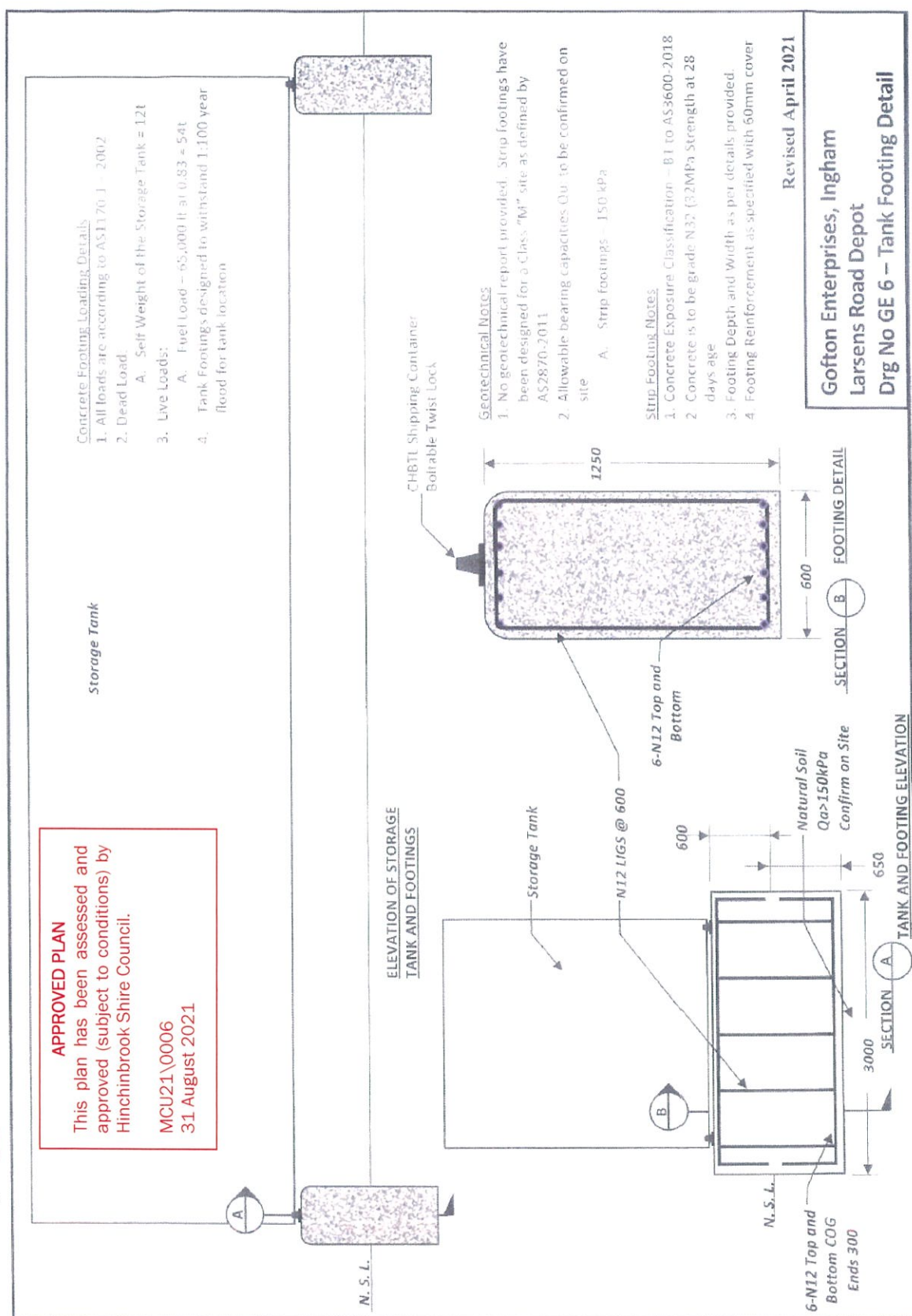
CONDITION		TIMING																														
1.	<p>Administration</p> <p>The applicant is responsible to carry out the approved development and comply with relevant requirements in accordance with:</p> <p>1.1 The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within relevant technical reports;</p> <p>1.2 The development must unless stated, be designed, constructed and maintained in accordance with relevant Council policies, guidelines and standards; and</p> <p>1.3 The Conditions of Approval, the requirements of Council's Planning Scheme and best practice engineering.</p>	At all times.																														
2.	<p>Approved Plans</p> <p>2.1 The development and use of the site is to be generally in accordance with the following plans that are to be the Approved Plans of Development, except as altered by any other condition of approval; and</p> <table><tr><th>Plan / Document Name</th><th>Number</th><th>Date</th></tr><tr><td>Site Layout – Existing</td><td>GE 2</td><td>April 2021</td></tr><tr><td>Site Layout - Proposed</td><td>GE 3</td><td>April 2021</td></tr><tr><td>Site Dimensions</td><td>GE 5</td><td>April 2021</td></tr><tr><td>Tank Footing Detail</td><td>GE6</td><td>April 2021</td></tr><tr><td>Site Detail</td><td>GE 4</td><td>April 2021</td></tr><tr><td>Containment Slab and Bollard Detail</td><td>GE 7</td><td>April 2021</td></tr><tr><td>Emergency Equipment</td><td>GE 8</td><td>April 2021</td></tr><tr><td>Typical Tank Detail</td><td>GE 9</td><td>April 2021</td></tr><tr><td>Scope of Works</td><td>GE 10</td><td>April 2021</td></tr></table> <p>2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plan and documents, the Conditions of Approval prevail.</p>	Plan / Document Name	Number	Date	Site Layout – Existing	GE 2	April 2021	Site Layout - Proposed	GE 3	April 2021	Site Dimensions	GE 5	April 2021	Tank Footing Detail	GE6	April 2021	Site Detail	GE 4	April 2021	Containment Slab and Bollard Detail	GE 7	April 2021	Emergency Equipment	GE 8	April 2021	Typical Tank Detail	GE 9	April 2021	Scope of Works	GE 10	April 2021	At all times.
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3.	<p>Limitation of Use</p> <p>3.1 Fuel must not be sold from the premises or made available to the general public; and</p> <p>3.2 Refuelling activities are restricted to vehicles associated with a lawfully established use on the land or vehicles registered with the business that operates a lawfully established use on the land.</p>	At all times.																														
4.	<p>Stormwater Management</p> <p>Stormwater from the property must be directed to a lawful point of discharge such that it does not result in an adverse effect to surrounding properties (in terms of increased flood heights or velocities) from the development, all to the requirements and satisfaction of the Chief Executive Officer.</p>	Prior to the commencement of use.																														

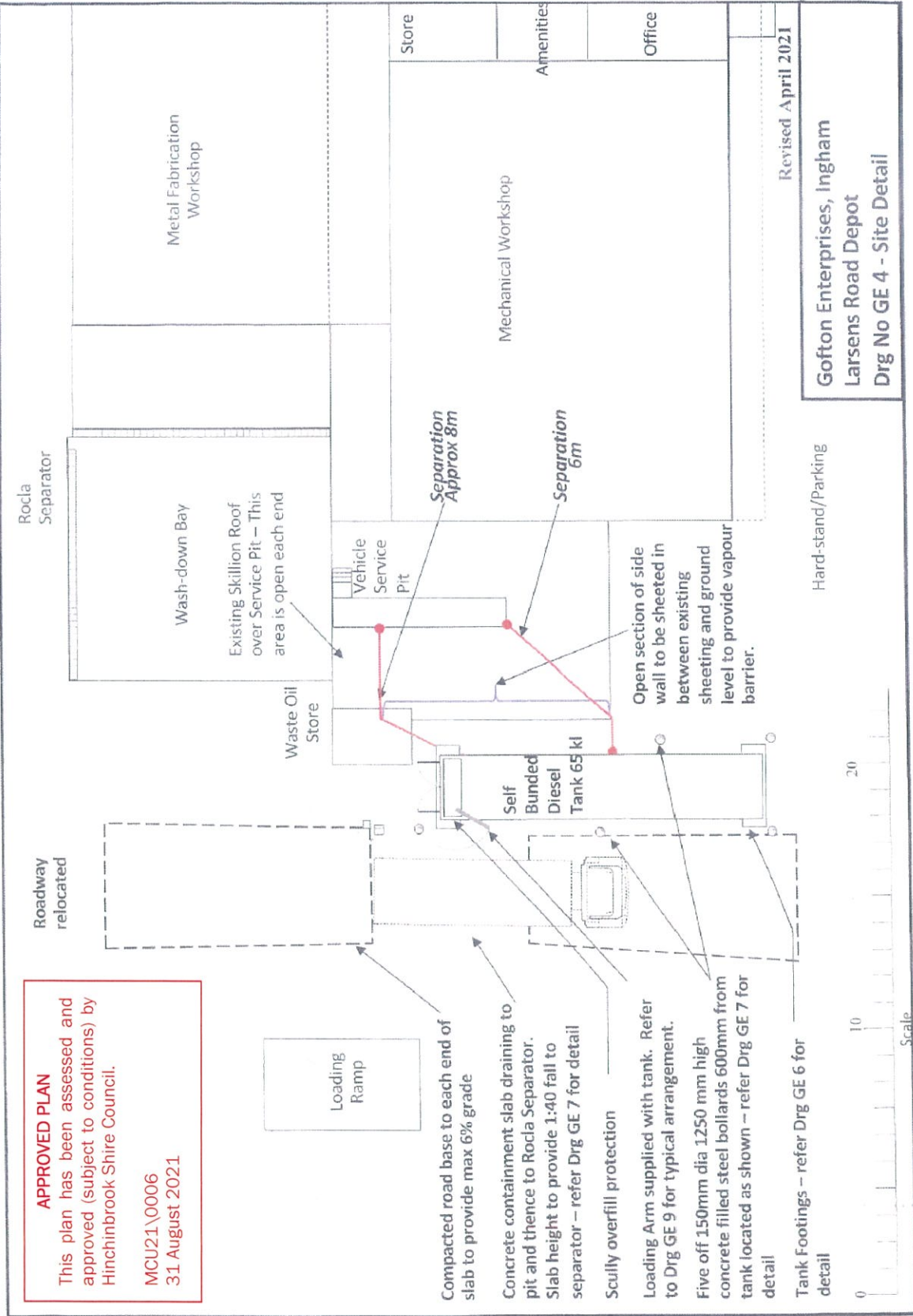
CONDITION	TIMING
<p>5. Earthworks</p> <p>5.1 Fill material placed on the site is to be free of contaminants, noxious, hazardous or organic material;</p> <p>5.2 Filling works do not result in ponding on the site or on neighbouring properties;</p> <p>5.3 Surface water flows are not directed towards neighbouring properties as a result of filling activities;</p> <p>5.4 Fill material placed on the land must not cause a damming effect within an overland flow path; and</p> <p>5.5 Any earthworks must be undertaken in accordance with <i>Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"</i> and good engineering practice.</p>	<p>Prior to the commencement of use and at all times.</p>
<p>6. Post Construction Certification</p> <p>The developer shall provide to Council post construction certification from a Registered Professional Engineer of Queensland (RPEQ) or other suitably qualified person confirming that the development is constructed and installed:</p> <p>6.1 In accordance with the approved plans, specifications and scope of works referenced in Condition 2; and</p> <p>6.2 With footing design suitable to withstand the environmental factors relevant to the site including floods and cyclones.</p>	<p>Prior to the commencement of use.</p>

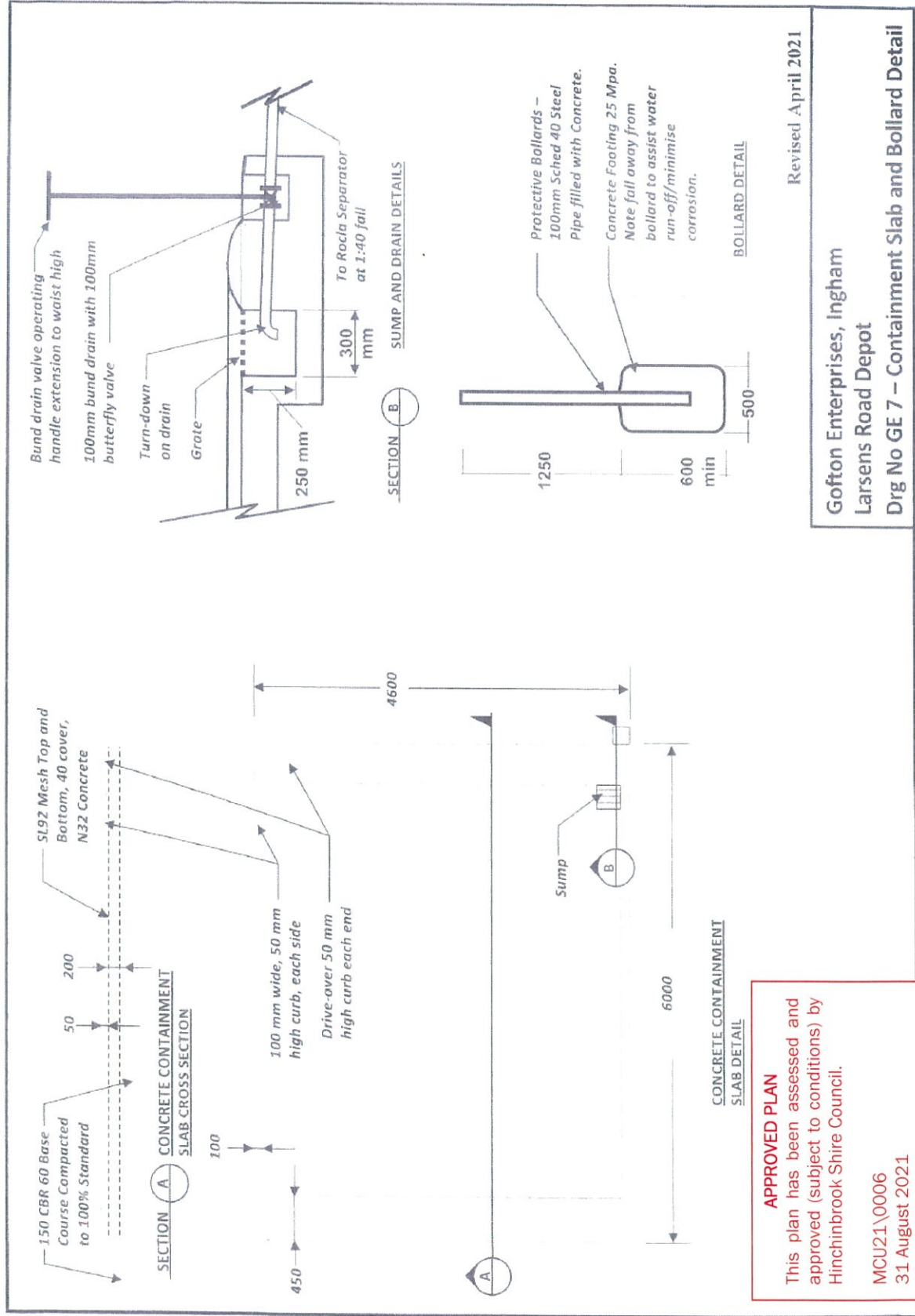


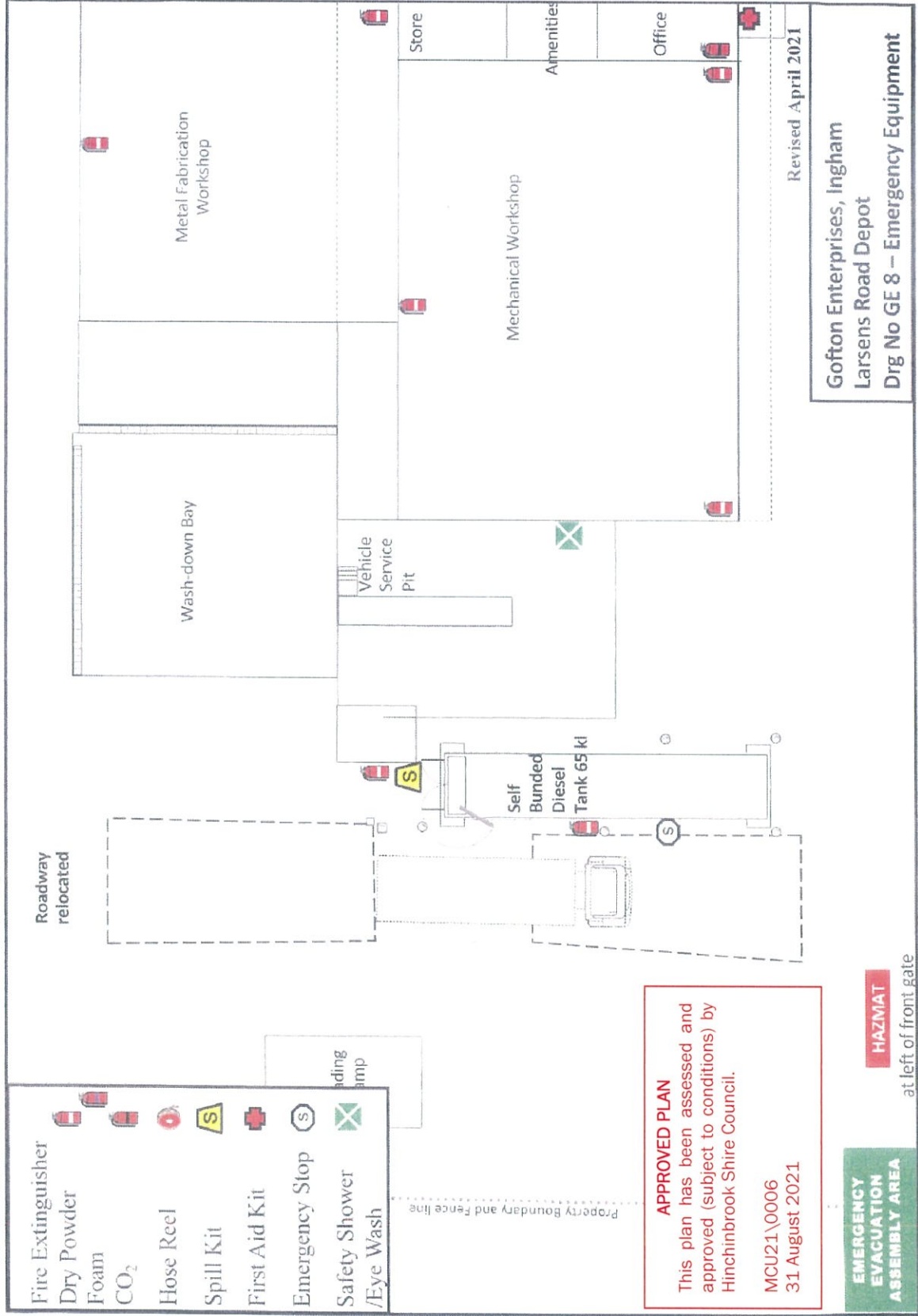










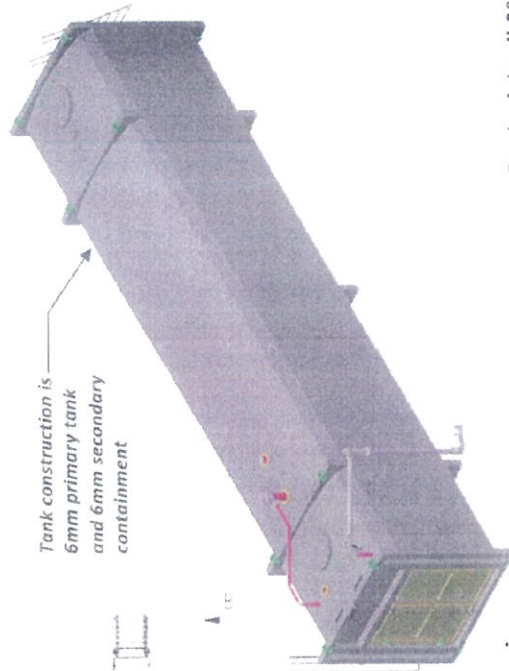
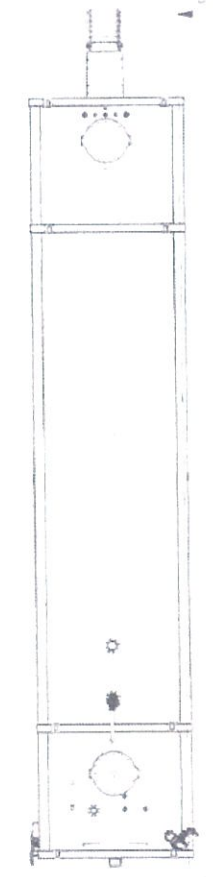
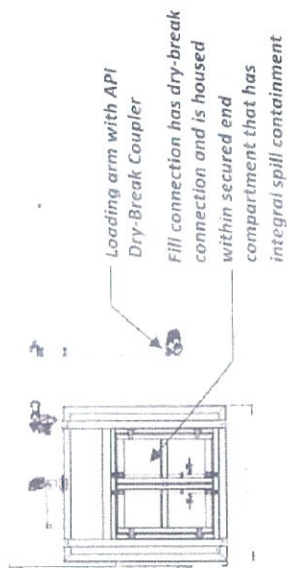
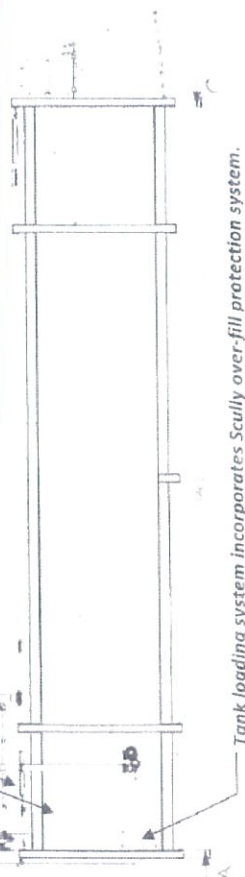


APPROVED PLAN

This plan has been assessed and approved (subject to conditions) by Hinchinbrook Shire Council.

MCU21\0006
31 August 2021

Tank fill line has built-in over-fill protection
All connections to tank are at top of tank and above flood height



1. Tank complies with AS1692-2006, AS1940-2017, AS3000-2018 and UL2085 -2006.
2. Tank is self-bunded. Tank construction is 6mm primary tank and 6mm secondary containment
3. Fill connection has dry-break connection and is housed within secured end compartment that has integral spill containment.
4. Tank fill line has built-in mechanical over-fill protection
5. All connections to tank are at top of tank and above flood height
6. Loading arm is counterbalanced and fitted with API Dry-Break Coupler.
7. Tank loading system incorporates Scully Over-fill protection system to shut down pump and loading if product reaches high-level sensor within tank truck compartment.

Revised April 2021

Gofton Enterprises, Ingham
Larsens Road Depot
Drg No GE 9 – Typical Tank Detail

SCOPE OF WORKS

The following is to be read in conjunction with drawings, and for construction purposes, the DA conditions applied by Council:

TANK

1. The 65,000 litre self-bunded above ground tank, complete with tank truck loading arm and dry-break API coupler and Scully over-fill protection is to be supplied and installed on strip footings in accordance with drawing GE 4 and GE 6. Tank is to be mounted on and fixed to strip footings using CHBTL Shipping Container Boltable Twist Lock Mounts. Alternate methods of mount and fix-down will be considered by client.
2. Tank installation shall also be in compliance with supplier requirements and recommendations.
3. Installer is to verify on site that the required separation distance of 6 metres is achieved whilst positioning the tank. Refer to drawing number GE 5
4. Strip footings for tank are to be installed in accordance with Council requirements taking note of regulations around management of acid sulphate soils if present. Responsibility for correct disposal rests with supplier/installer. Information available indicates that, as excavation for each footing will be less than 1cub m, impact is insignificant.
5. Soil excavated is to be disposed of in accordance with Council requirements taking note of regulations around management of acid sulphate soils if present. Responsibility for correct disposal rests with supplier/installer. Information available indicates that, as excavation for each footing will be less than 1cub m, impact is insignificant.
6. Five (5) off 1250 high, 150mm diameter concrete filled steel pipe bollards are to be installed as shown in drawing number GE 4 to provide impact protection for tank.
7. Bollards are to be fabricated and installed in accordance with 'BOLLARD DETAIL' on drawing number GE 7.
7. Electrical supply to pump and accessories of tank and earthing are to be in accordance with AS3000 AS/NZS 3000:2018 – 'Electrical Installations (Wiring Rules)'

WALL SHEETING IN-FILL

8. The open section of the western wall is to be sheeted in using steel purlins and sheeting to match existing. Bottom purlin is to be set in a concrete curb to provide vapour seal to ground. Flashing is to be provided between oil storage shed and new sheeting to provide vapour seal.

CONTAINMENT SLAB

9. A concrete containment slab draining to a pit and thence to the existing Roda Separator is to be installed in accordance with drawing number GE 4 and GE 7. Slab and pit height are to provide 1.40 fall to separator.
10. Roadway to and exiting from containment slab is to be built up with road base and compacted to provide a maximum grade of 5%.

EMERGENCY EQUIPMENT

11. Tank installer is to provide emergency stop located 10 metres from loading arm on west side of tank.
12. Selected supplier and installer is to provide emergency equipment as shown on drawing number GE 8. Fire extinguishers shall be as specified in AS1940 and in accordance with AS/NZS 1841. This emergency equipment includes spill kit, safety shower/eye wash, HAZMAT box and Emergency Evacuation sign at south west corner of property.

OTHER REQUIREMENTS/NOTES

13. Tank is to comply with AS1592-2006, AS1940-2017 and UL2085 -2006.
14. Entire installation is to comply with AS1940-2017 and AS3000-2018.
15. Procedures are to be developed and implemented as follows:

- 15.1. Training and induction of Personnel.
- 15.2. Emergency Preparedness and Response Plan.
- 15.3. Tank truck loading.

16. Hazmat box is to be installed at left of main gate and contain the following.

- 16.1. Site layout showing location of the emergency plan and emergency equipment.
- 16.2. Site manifest.
- 16.3. Drainage Map
- 16.4. Emergency Contacts.

APPROVED PLAN

This plan has been assessed and approved (subject to conditions) by Hinchinbrook Shire Council.

MCU21\0006
31 August 2021

Revised April 2021

Gofton Enterprises, Ingham
Larsens Road Depot
Drg No GE 10 – Scope of Works



2106-23224 SRA

Attachment 1 — Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application).

No.	Conditions	Condition Timing
Material Change of Use		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 – Material Change of use within 25 metres of a state transport corridor – The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport & Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition:		
1.	<p>(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the state-controlled road.</p> <p>(b) Any works on the land must not:</p> <ul style="list-style-type: none">(i) Create any new discharge points for stormwater runoff onto the state-controlled road;(ii) Interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road;(iii) Surcharge any existing culvert or drain on the state-controlled road;(iv) Reduce the quality of stormwater discharge onto the state-controlled road.	At all times



2106-23224 SRA

Attachment 2 — Advice to the applicant

General advice

- | | |
|----|---|
| 1. | Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) v2.6. If a word remains undefined it has its ordinary meaning. |
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2106-23224 SRA

Attachment 3 — Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for the department's decision are:

- To ensure the development does not create a safety hazard for users of a state-controlled road.
- To ensure the development does not compromise the structural integrity of state-controlled roads, road transport infrastructure or road works.
- To ensure the development does not result in a worsening of the physical condition or operating performance of state-controlled roads and the surrounding road network.
- To ensure the development does not compromise the state's ability to construct, or significantly increase the cost to construct state-controlled roads and future state-controlled roads.
- To ensure the development does not compromise the state's ability to maintain and operate state-controlled roads, or significantly increase the cost to maintain and operate state-controlled roads.

Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- *Planning Regulation 2017*
- *The State Development Assessment Provisions* (version 2.6), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system

