

DETAILED ASSESSMENT REPORT

DEVELOPMENT SERVICES

REQUEST FOR NEGOTIATED DECISION NOTICE

APPLICATION SUMMARY	
Division:	5
Applicant:	Parmac Property Group
Consultant:	Murray & Associates (Qld) Pty Ltd
Representations Received Date:	27 July 2018
Original Approval Type:	Development Permit for Material Change of Use (Service Station) Development Permit to Reconfigure a Lot (2 Lots into 2 Lots)
Street Address:	227& 229 Nambour Connection Rd WOOMBYE
RP Description:	Lot 1 SP 119132 Lot 2 SP 119132
Assessment Type:	Impact
Number of Properly Made Submissions for Original Application:	330 properly made + 92 not properly made 3 petitions (268 signatures total)
State Referral Agencies for Original Application:	<u>Concurrence</u> <ul style="list-style-type: none"> • SARA at DSDMIP
Referred Internal Specialists:	<ul style="list-style-type: none"> • Development Engineer • Hydraulics and Water Quality Specialist • Landscape Officer • Environment Officer • Ecology Specialist • Architect/ Urban Designer

BACKGROUND:

A Development Permit for Material Change of Use (Service Station) and Development Permit to Reconfigure a Lot (2 Lots into 2 Lots) was issued on 14 June 2018 at an Ordinary Meeting of Council.

The approval involved a new service station located in the north-western corner of the site with access obtained off Nambour Connection Road. The existing lot boundary between Lots 1 and 2 on SP 119132 was approved to be realigned to create new Lots 1 and 2. Lot 1 would accommodate the proposed service station, while Lot 2 would contain the balance of the site with the existing business operations. A new access easement was approved over new Lot 2 in favour of new Lot 1 (service station lot) to enable vehicles unfettered access to both lots.

The applicant suspended the appeal period on 25 June 2018 and made representations on 24 July 2018 to the development approval conditions. The representations are detailed below but primarily relate to:

- on-site waste water treatment disposal system;
- hours of operation for service vehicles and waste collection;
- street lighting;
- external footpath requirements; and
- landscaping requirements.

At the time the application was publicly notified, a total of 422 submissions were received, of which 330 were determined to be *properly made*. The submitters were primarily concerned with:

- loss of local business;
- impacts on other businesses;
- absence of need for another service station;
- traffic congestion and safety; and
- air quality impacts and safety of school children.

ASSESSMENT:

The following Planning Scheme provisions apply to the proposed development:

PLANNING SCHEME DETAILS	
Planning Scheme:	Sunshine Coast Planning Scheme (31 July 2017)
Strategic Framework Land Use Category	Rural Enterprise and Landscape Area
Local Plan Area:	Not applicable
Zone:	Rural zone
Consistent/Inconsistent Use:	Potentially Consistent
Assessment Benchmarks:	<ul style="list-style-type: none"> • Strategic framework • Rural zone code • Service station code • Reconfiguring a lot code • Airport environs overlay code • Biodiversity, waterways and wetlands overlay code • Height of buildings and structures overlay code • Landslide hazard and steep land overlay code • Regional infrastructure overlay code • Scenic amenity overlay code • Landscape code • Nuisance code • Safety and security code • Stormwater management code • Sustainable design code • Transport and parking code • Waste management code • Works, services and infrastructure code

An assessment in relation to each of the submitted representations is provided below.

Condition 12 – Water and Sewerage Services

12. *Each approved lot must be provided with an on-site waste water treatment and effluent disposal system having a capacity sufficient for the use. Demonstration of sufficient capacity must be provided to Council prior to approval of the plan of subdivision.**

**(Refer to Advisory Note)*

Applicant's Representation

The applicant is seeking for this condition to be amended to only require an on-site waste water treatment and effluent disposal system on Lot 1, based on the fact that Lot 2 already has an approved septic system which will remain in place.

The applicant is also seeking to change the timing of the condition to require the installation of the system prior to the commencement of the use rather than prior to approval of the subdivision plan.

Assessment of Representation

AGREE IN PART – It is agreed to amend the condition to only require an on-site waste water treatment and effluent disposal system on Lot 1, which would accommodate the approved service station. However, in regards to timing, the condition was drafted to require the application to demonstrate that sufficient land area was available on Lot 1 prior to sealing of the subdivision plan. It did not require installation of the system.

The concern was that there may not be sufficient land area available on Lot 1 once the service station building and associated hardstand areas are constructed to fit a system of the required size. This may ultimately result in an amendment to the proposed lot boundaries to provide increased area in Lot 1 to accommodate this. As such, it is necessary for the timing to remain prior to the sealing of the subdivision plan, however the condition could be amended to clarify that installation is not required until prior to commencement of the use

Recommendation

It is recommended that Condition 12 be amended as follows:

12. ~~Each approved lot~~ Lot 1 must be provided with an on-site waste water treatment and effluent disposal system having a capacity sufficient for the use. Demonstration of sufficient ~~capacity~~ **land area** must be provided to Council prior to approval of the plan of subdivision. **Installation is not required prior to approval of the plan of subdivision.***

**(Refer to Advisory Note)*

It is also recommended that related Condition 47 under the material change of use permit be amended as follows:

47. The development must be provided with an on-site waste water treatment and effluent disposal system having a capacity sufficient for the use. Demonstration of

sufficient ~~capacity~~ **land area** must be provided to Council prior to obtaining operational works approval. **Installation of the system must occur prior to commencement of the use***

**(Refer to Advisory Note)*

Condition 18 – Nature and Extent of Approved Use

18. *Service vehicle movements associated with the approved use (including loading, unloading and bulk fuel deliveries) must not occur outside the hours of 6am to 10pm Monday to Sunday. It shall be the responsibility of the site management entity to ensure this condition is adhered to at all times.*

Applicant's Representation

The applicant is seeking for this condition to be changed to allow service vehicles to access the site 24 hours a day on the basis that the submitted Acoustic Report identified compliance with noise pollution requirements for all hours.

Assessment of Representation

AGREE – Council's Environmental Health Officer has confirmed that service vehicle access may occur 24 hours a day to align with the already approved 24 hour operation of the facility for customers. The acoustic environment at this locality has high ambient levels along with high discrete noise events due to vehicles travelling along Nambour Connection Road which are greater than those noise levels caused by service vehicle movements at the proposed service station. Therefore the acoustic environment effectively masks the noise of service vehicles.

Recommendation

It is recommended that Condition 18 be amended as follows:

18. *Service vehicle movements associated with the approved use (including loading, unloading and bulk fuel deliveries) ~~must not occur outside the hours of 6am to 10pm~~ **may occur 24 hours a day**, Monday to Sunday. ~~It shall be the responsibility of the site management entity to ensure this condition is adhered to at all times.~~*

Condition 19 – Nature and Extent of Approved Use

19. *Waste collection must only occur between the hours of 6am to 6pm Monday to Sunday. It shall be the responsibility of the site management entity to ensure this condition is adhered to at all times.*

Applicant's Representation

The applicant is seeking for this condition to be changed to allow waste collection activities to occur 24 hours a day on the basis that the submitted Acoustic Report identified compliance with noise pollution requirements for all hours.

Assessment of Representation

AGREE IN PART - To avoid any ambiguity between the development approval requirements and any waste collection contract, it is considered that Condition 19 should be deleted in its entirety. This will ensure any waste collection arrangements at the site will occur in accordance with either a private or council waste collection contract.

Recommendation

It is recommended Condition 19 be deleted.

Condition 27 – External Works

27. *Nambour Connection Road must be upgraded for the length of its frontage to the subject site. The works must be undertaken in accordance with an Operational Works approval and must include in particular:*
- (a) *construction of kerb and channelling OR table drain to the frontage verge with connection to a stormwater drainage system, undertaken in accordance with an Operational Works approval and the Queensland Urban Drainage Manual as adopted by planning scheme codes and policies and Council stormwater guidelines*
 - (b) *widening and sealing of the existing road pavement to achieve swept paths and turn lane requirements generally in accordance with the Preliminary Functional Design dwg no. 17BRT0042-05 (Rev A) prepared by TTM Consulting Pty Ltd and dated 12 December 2017 and denoted as "Preliminary"*
 - (c) *removal of any other existing property access and reinstatement of the verge area and its features to match the balance of the site frontage, including the provision of topsoil and turf where the existing verge is grassed*
 - (d) *installation of street lighting to the site frontage.*

Applicant's Representation

The applicant is seeking for part (d) of this condition to be changed to remove the requirement for installation of street lighting. The applicant purports that as there is currently no system of street lighting in the vicinity of the subject site along this section of Nambour Connection Road, any requirement to establish street lighting is unreasonable.

Assessment of Representation

AGREE – The applicant is correct in their statement that there is currently no street lighting in the vicinity of the subject site, and that Department of Transport Main Roads did not condition any street lighting to this portion of the State-controlled road. Given the agreement to remove the requirements for a footpath along the frontage of the site and linking to Acorn Lane and Woombye Palmwoods Road (refer to assessment of

representations to Condition 34 below) it is considered the requirement for installation of street lighting can be removed from Council's requirements. Any lighting requirements for the site access intersection for vehicle entry to the site is a matter for the Department of Transport and Main Roads.

Recommendation

It is recommended Condition 27(d) be deleted.

Condition 34 – Pedestrian and Bicycle Facilities

34. *Pedestrian and bicycle facilities must be provided for the development. The works must be undertaken in accordance with an Operational Works approval and must include in particular:*
- (a) *a 1.8m wide concrete footpath within the road verge for the entire length of the site's frontage to Nambour Connection Road, extending to Acorn lane, with commercial grade safety rails as appropriate*
 - (b) *a total of 2 bicycle parking spaces*
 - (c) *a 1.8m wide footpath from the eastern end of the site's frontage to connect with the existing footpath on Woombye-Palmwoods Road, generally adjacent to where the southern roundabout leg connects to the existing roundabout on the southern side of the Nambour Connection Road overpass.*

Applicant's Representation

The applicant is seeking for this condition to be changed to remove the requirement for constructing a footpath extending to Acorn Lane and Woombye-Palmwoods Road. The applicant purports that footpath extensions beyond the service station frontage of the site are unreasonable and would be difficult to construct due to steep grades and subsequent cost of construction as well as potential public safety / concealment issues.

Assessment of Representation

AGREE – Council's Engineering Officer has advised that, upon review of additional information supplied by the applicant and the Department of Transport and Main Roads, it is considered the steep embankment and resulting grades at the western end of the site present significant engineering issues that would prevent construction of a footpath linking the site to Acorn Lane. The position of the proposed exit driveway takes out a significant portion of the embankment, creating a vertical face around 2m high. It would be very difficult to re-grade the embankment to create a path and it would not achieve the grades required for people with disability access or safe bicycle access. The height difference is approximately 10m which would require approximately 160m to provide compliant grades. The site is only around 95m from the exit driveway to the end of Acorn Lane, and there is no available width to provide switchbacks or lengthen the alignment to achieve compliant grades.

In relation to the eastern connection to Woombye-Palmwoods Road, Council's Engineering Officer has advised that this connection may be possible to construct subject to realignment of the footpath slightly to the south. Comments were also sought

from the Department of Transport and Main Roads in relation to the proposed footpath conditions. While the Department of Transport and Main Roads have acknowledged it is ultimately the jurisdiction of Council to impose footpath conditions, they have expressed their strong preference for the footpath conditions to be removed for the following key reasons:

- A footpath in this location would have limited value from a pedestrian network/connectivity perspective as there are no other footpaths on this section of Nambour Connection Road;
- A footpath crossing the site access from Nambour Connection Road could introduce safety issues and/or raise the potential for vehicles queuing onto Nambour Connection Road;
- Introducing a footpath into this area may inadvertently lead to undesirable pedestrian activity such as crossing of Nambour Connection Road; and
- Concerns exist regarding the level of earthworks required within the bridge embankments to achieve suitable equitable access gradients to link with any existing pathways.

Given the significant levels of traffic along Nambour Connection Road, coupled with the additional westbound traffic lane merging onto this section of road from Woombye Palmwoods Road, it is agreed that there may be an increased risk to pedestrian safety, in particular safety of school children. Currently school children can walk or cycle along a fenced footpath along the Woombye-Palmwoods Road in safety. The proposed footpath from Woombye Palmwoods Road to Nambour Connection Road would invite children down into this high speed, heavily trafficked area.

Recommendation

It is recommended Condition 34 be amended as follows:

34. ~~Pedestrian and bicycle facilities must be provided for the development. The works must be undertaken in accordance with an Operational Works approval and must include in particular:~~
- ~~a 1.8m wide concrete footpath within the road verge for the entire length of the site's frontage to Nambour Connection Road, extending to Acorn lane, with commercial grade safety rails as appropriate~~
 - ~~a total of 2 bicycle parking spaces~~
 - ~~a 1.8m wide footpath from the eastern end of the site's frontage to connect with the existing footpath on Woombye Palmwoods Road, generally adjacent to where the southern roundabout leg connects to the existing roundabout on the southern side of the Nambour Connection Road overpass.~~

A total of 2 bicycle parking spaces must be provided for the development.

Condition 50 – Nature and Extent of Approved Use

50. *The development site must be landscaped. The works must be undertaken in accordance with an operational works approval and must include in particular:*
- a minimum 2 metre planting width along the Nambour Connection Road frontage of the site in accordance with the conditions of this development*

approval. The buffer must contain native species consisting of upper and lower strata.

- (b) provision of street trees within the road reserve at an average of 6m centres in accordance with the conditions of this development approval
- (c) vegetated screening of service infrastructure including acoustic barriers, boundary fencing, mechanical plant and bin storage areas
- (d) removal of all weeds species listed in the following standards and legislation:
 - (i) invasive plants listed in the Biosecurity Act 2014
 - (ii) Sunshine Coast Local Government Area Pest Management Plan 2012-2016.

Applicant's Representation

The applicant is seeking for part (b) of this condition to be deleted given the approval already requires a 2.0m wide planting strip within the site's front boundary.

Assessment of Representation

DISAGREE – Council's Landscape Officer has advised the requirement for street tree planting is necessary as the site has frontage to a Scenic Route. Additional landscape treatment along this frontage will assist in providing visual screening and softening of the built form and hardstand elements.

Recommendation

It is recommended Condition 50 remain unchanged.

Plans Requiring Amendment

Plan No.	Rev.	Plan Name	Date
DA02	I	Proposed Site Plan, prepared by TRG	07/02/18
DA03	J	Roof Plan, prepared by TRG	07/02/18
DA04	F	Elevations, prepared by TRG	07/02/18
DA05	F	Elevations, prepared by TRG	07/02/18
Amendments Required	Amend the above drawings to remove all assessable signage from plans		

Applicant's Representation

The applicant has submitted amended plans which have removed all assessable signage as requested by Council under the original development approval. A copy of the amended plans are provided at Attachment 3. No other changes have been made to the Approved Plans.

Assessment of Representation

AGREE – The amended plans have removed all assessable signage and are now able to be included as Approved Plans

Recommendation

It is recommended the table of Approved Plans be amended as follows:

Approved Plans

Plan No.	Rev.	Plan Name	Date
60613	-	<i>Plan of Development, Proposed Boundary Realignment between Lots 1 & 2 on SP119132, prepared by Murray & Associates</i>	3/10/2017
DA01	E	<i>Locality Plan, prepared by TRG</i>	07/02/18
DA02	J	<i>Proposed Site Plan, prepared by TRG</i>	29/06/18
DA03	K	<i>Roof Plan, prepared by TRG</i>	29/06/18
DA04	G	<i>Elevations, prepared by TRG</i>	29/06/18
DA05	G	<i>Elevations, prepared by TRG</i>	29/06/18
DA06	H	<i>Proposed Landscape Plan, prepared by TRG</i>	07/02/18
DA08	F	<i>Boundary Realignment Plan, prepared by TRG</i>	07/02/18
DA09	H	<i>Acceleration Land & Site Access, prepared by TRG</i>	07/02/18
CSK200	3	<i>Concept Stormwater Plan, prepared by Farr Engineers</i>	Undated
17BRT004 2-05	A	<i>Preliminary Functional Design, prepared by TTM Consulting Pty Ltd</i>	12/12/2017

RECOMMENDATION

AGREE IN PART to the representations submitted in relation to Application No. MCU17/2097, situated at 227& 229 Nambour Connection Rd WOOMBYE QLD 4559, and issue a negotiated decision notice in accordance with the following:-

A. Change Conditions 12, 18, 34, and 47 to read as follows:

12. Lot 1 must be provided with an on-site waste water treatment and effluent disposal system having a capacity sufficient for the use. Demonstration of sufficient land area must be provided to Council prior to approval of the plan of subdivision. Installation is not required prior to approval of the plan of subdivision.*

*(Refer to Advisory Note)

- 18. Service vehicle movements associated with the approved use (including loading, unloading and bulk fuel deliveries) may occur 24 hours a day, Monday to Sunday.
- 34. A total of 2 bicycle parking spaces must be provided for the development.
- 47. The development must be provided with an on-site waste water treatment and effluent disposal system having a capacity sufficient for the use. Demonstration of sufficient land area must be provided to Council prior to obtaining operational works approval. Installation of the system must occur prior to commencement of the use*
*(Refer to Advisory Note)

B. Disagree to change Condition 50

C. Delete Conditions 19 and 27(d)

D. Amend the list of Approved Plans as follows:

Approved Plans

Plan No.	Rev.	Plan Name	Date
60613	-	<i>Plan of Development, Proposed Boundary Realignment between Lots 1 & 2 on SP119132, prepared by Murray & Associates</i>	3/10/2017
DA01	E	<i>Locality Plan, prepared by TRG</i>	07/02/18
DA02	J	<i>Proposed Site Plan, prepared by TRG</i>	29/06/18
DA03	K	<i>Roof Plan, prepared by TRG</i>	29/06/18
DA04	G	<i>Elevations, prepared by TRG</i>	29/06/18
DA05	G	<i>Elevations, prepared by TRG</i>	29/06/18
DA06	H	<i>Proposed Landscape Plan, prepared by TRG</i>	07/02/18
DA08	F	<i>Boundary Realignment Plan, prepared by TRG</i>	07/02/18
DA09	H	<i>Acceleration Land & Site Access, prepared by TRG</i>	07/02/18
CSK200	3	<i>Concept Stormwater Plan, prepared by Farr Engineers</i>	Undated
17BRT004 2-05	A	<i>Preliminary Functional Design, prepared by TTM Consulting Pty Ltd</i>	12/12/2017

E. Delete the requirements for amendments to the Approved Plans

