



# **ORDINARY MEETING OF COUNCIL**

## **SUPPLEMENTARY AGENDA**

**26 APRIL 2017**

**ORDINARY MEETING OF  
COUNCIL SUPPLEMENTARY  
AGENDA  
26 APRIL 2017**

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## 10. EXECUTIVE OFFICE REPORTS

- 10.5** Request to Change an Existing Approval - Preliminary Approval (Impact Assessment) that may affect a Local Planning Instrument under Section 242 of the Sustainable Planning Act 2009 and Development Permit for Material Change of Use (Service Station and Refreshment Service), Development Permit for Environmentally Relevant Activity No. 8 (Chemical Storage), Development Permit for Reconfiguring a Lot for Subdivision (2 into 5 Lots) and a Development Permit for Operational Works for Advertising Signage on land described as Lots 1 and 211 SP177875 at the corner of Laidley-Plainland Road and Warrego Highway, Plainland.

**Date:** 24 April 2017  
**Author:** Nick Cooper, Coordinator Development Assessment  
**Responsible Officer:** Dan McPherson, Executive Manager Organisational Development & Planning

### Summary:

This report is for a request to change an existing approval. The applicant requests a change to the approved plans that form part of the development permit for material change of use for a service station and refreshment service. The amended plans reduce the gross floor area and adjust the siting of the buildings on land so that they are to be located further to the west of the existing approved location.

### Officer's Recommendation:

**THAT Council resolves to approve the Request to change an existing approval – Preliminary Approval (Impact Assessment) that may affect a Local Planning Instrument under Section 242 of the Sustainable Planning Act 2009 and Development Permit for Material Change of Use (Service Station and Refreshment Service), Development Permit for Environmentally Relevant Activity No.8 (Chemical Storage), Development Permit for Reconfiguring a Lot for subdivision (2 into 5 lots) and a Development Permit for Operational Works for Advertising Signage on land described as Lots 1 and 211 SP177875 at the corner of Laidley-Plainland Road and Warrego Highway, Plainland, in accordance with the amended condition below –**

### **Material Change of Use – Development Permit for the Service Centre**

### **Condition A1 – Amended to read as follows:**

The site must be developed generally in accordance with the following approved plans:

Plan Title	Prepared by	Drawing Number	Issue	Dated
Locality Plan	Cottee Parker	5307 SD1001	K	06/04/17

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<b>Site Plan</b>	<b>Cottee Parker</b>	<b>5307 SD1002</b>	<b>K</b>	<b>06/04/17</b>
<b>Elevations – South &amp; West</b>	<b>Cottee Parker</b>	<b>5307</b>	<b>B</b>	<b>06/04/17</b>
<b>Elevations – North &amp; East</b>	<b>Cottee Parker</b>	<b>5307</b>	<b>B</b>	<b>06/04/17</b>
<b>Perspective 4</b>	<b>Cottee Parker</b>	<b>5307</b>	<b>B</b>	<b>06/04/17</b>

## Report

### 1. Introduction

This report recommends that Council approve the request to change existing approval made by Spinksoptco Pty Ltd for the development approval for a service station and refreshment service located at the corner of Laidley-Plainland Road and Warrego Highway, Plainland.

### 2.1 Background

The original application (DA2010/0155) sought a Preliminary Approval to vary the effect of the Planning Scheme pursuant to Section 242 of the *Sustainable Planning Act 2009* to provide for the development and ongoing use of the land for a highway service centre and various commercial purposes. In addition, the application sought approval of an Environmentally Relevant Activity (ERA) No. 8 for Chemical Storage in conjunction with the proposed Service Station use. Furthermore, a development permit for operational works for advertising signage was sought with the proposed use and a development permit for reconfiguring a lot to subdivide the land (from 2 lots into 5 lots).

A Decision Notice was issued on 14 September 2011 subject to a Preliminary Approval Document and reasonable and relevant conditions. On 26 March 2012, Council issued a Negotiated Decision Notice based on representations made by the applicant. On 17 April 2014, the applicant (and new owner) submitted a request to change the approval to increase the floor area of the proposed service station and associated facilities; this was approved by Council on 11 July 2014.

The approved development at present comprises of the following –

1. Preliminary Approval – Plainland Westbound Commercial Area
2. Material Change of Use – Service Station and Refreshment Service
3. Environmentally Relevant Activity – Chemical Storage
4. Reconfiguration of Lot – 2 lots into 5 lots
5. Operational Works – Advertising Signage

The existing approved plans are provided as Attachment 1.

### 2.2 Subject Land

The subject land is located on the corner of Laidley-Plainland Road and the Warrego Highway at Plainland. The site is identified in the preliminary approval as the future Plainland Westbound Commercial Area, which is a part of the identified centre future growth area of Plainland.

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Lot 1 SP177875 is 3 516m<sup>2</sup> and Lot 211 on SP177875 is 39 014m<sup>2</sup>. The two lots have a total area of 42 530m<sup>2</sup> the internal road and associated infrastructure that forms part of the reconfiguration of a lot approval has been constructed and the applicant has submitted a request for plan sealing, which is pending the finalisation of an infrastructure agreement with QUU.

## **2.3 Proposal**

The existing approved development for the Service Station and Refreshment Service Centre includes a total gross floor area of 1 886m<sup>2</sup> and provides for the following activities:

- Service Station and associated shop;
- Truck refuelling area;
- Kiosk;
- 3 x retail food outlets;
- Café / restaurant;
- Takeaway food outlet with drive through facilities;
- Driver facilities, sundry storage, docks and public amenities; and
- Outdoor dining and car parking areas.

The applicant has requested a change to the approved plans attached to the Material Change of Use approval for Service Station and Refreshment Service. The proposed changes to the layout include the following:

- The service centre building to be repositioned further to the west of the site;
- Decrease of gross floor area from 1 886m<sup>2</sup> to 1 369m<sup>2</sup>;
- Decrease in car parking from 137 to 83 car parks (corresponding with the decrease in GFA);
- Revised site entrance via new internal road and revised refuelling areas; and
- Internal arrangements to include a kiosk, 6 x tenancies, service station and associated shop, licenced seating area, and 2 x drive through facilities.

The amended plans submitted with the request are provided as Attachment 2.

## **3. Assessment**

### **3.1 Legislative Requirements**

The request has been assessed and due regard has been given to the *Statutory Guideline 06/09 – Substantially different development when changing applications and approvals* (Statutory Guideline 06/09). It has been determined that the request does not result in any additional impacts; does not significantly alter the access arrangements and generally enhances the overall proposed development and therefore is considered to satisfy the provisions of Section 367 of SPA and *Statutory Guideline 06/09*.

Overall, the proposal retains its predominantly service centre function and includes amongst the tenancies a service station and take away food outlet with drive through facilities. There are no new uses proposed and adequate car parking and vehicle manoeuvring has been provided within the proposed changes.

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### 3.2 Referral Agencies

As both the original application and subsequent negotiated decision involved concurrence referral to both the Department of Main Roads and Transport (DTMR) and the then Department of Infrastructure and Planning (DIP), (now the Department of State Development and Infrastructure Planning), the application was referred to the State Assessment and Referral Agency (SARA) for comment. SARA has considered the proposed changes and has provided a written response indicating that it has no objection to the proposed changes.

### 3.3 Adopted Infrastructure Charges

The Adopted Infrastructure Charges have been recalculated to reflect the increase in the gross floor area of the proposal from 1 866m<sup>2</sup> to 1 369m<sup>2</sup>.

Charge Type	Description	Demand Units	Rate	TOTAL
<b>PROPOSED DEMAND</b>				
Charge	Commercial (Retail)	1,369m <sup>2</sup>	\$119.00/m <sup>2</sup>	\$162,911.00
TOTAL PROPOSED DEMAND				\$162,911.00
<b>EXISTING DEMAND</b>				
Credit	Allotments - Existing	1	\$12,500.00	\$12,500.00
TOTAL EXISTING DEMAND CREDIT				\$12,500.00
<b>TOTAL PAYABLE</b>				<b>\$150,411.00</b>

The development is not eligible for a discounted infrastructure charge under Council's Development Incentives – Infrastructure Charges Policy as it the development permit was approved prior to the commencement of the policy.

#### Policy and Legal Implications

There are no policy or legal implications for Council that result from the approval of the request.

#### Financial and Resource Implications

The approval of the request will not generate any financial implications for Council, nor will it require any resources to be allocated by Council.

#### Delegations/Authorisations

There will be no implications for delegations or authorisations arising from the approval of the request.

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## Communication and Engagement

There are no communication implications. Advice of the decision will be provided to the applicant in accordance with the requirements of SPA.

## Conclusion

The request to change development approval should be approved as recommended below.

## Action/s

That Council approves the request to change the development approval by the amendment of Condition A1 as indicated in the Officers Recommendation.

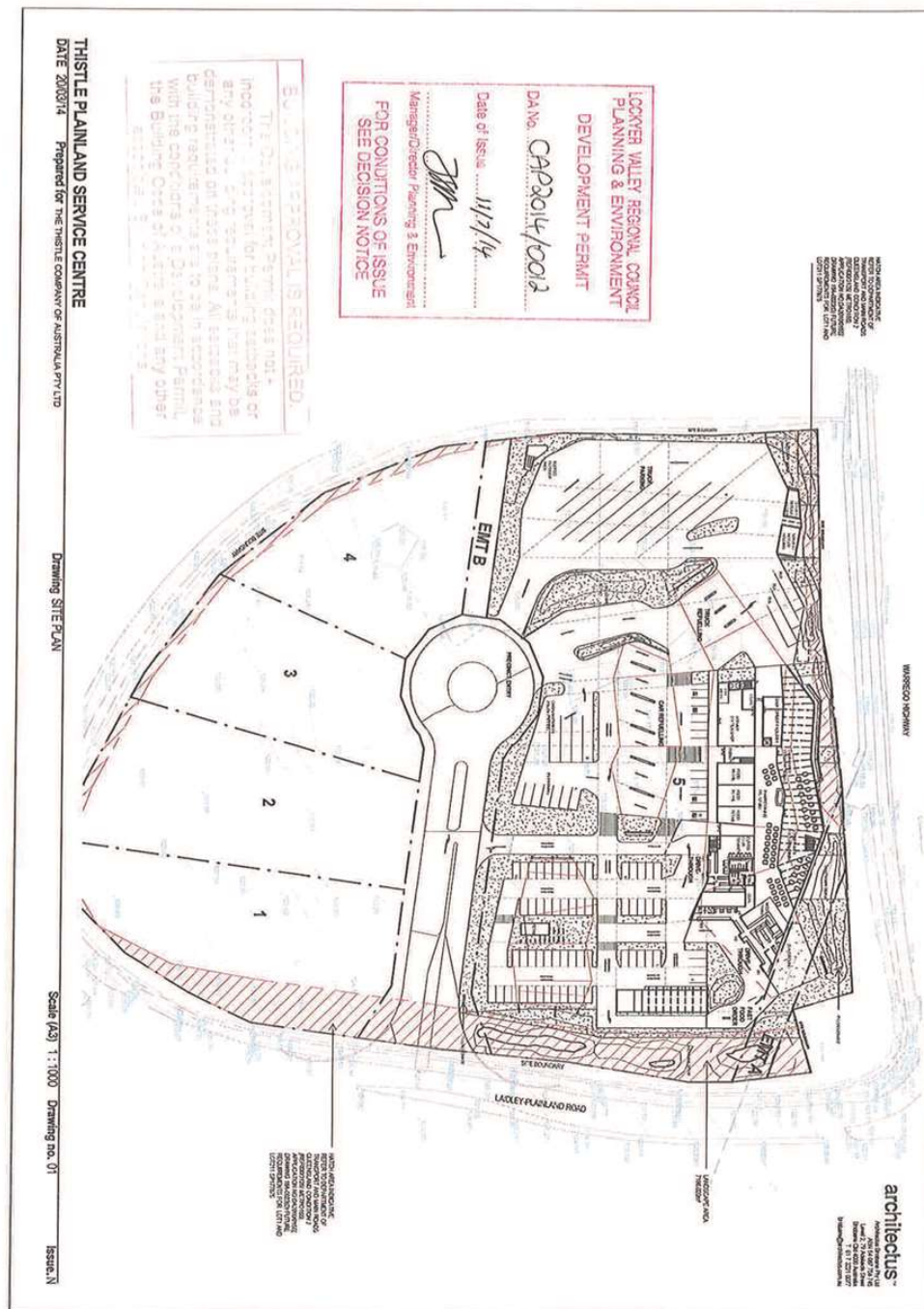
## Attachments

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3	<a href="#">View</a>	South West	1 Page
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Attachment 1  
Existing Approved Plan





## Attachment 1

### Existing Approved Plan

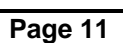


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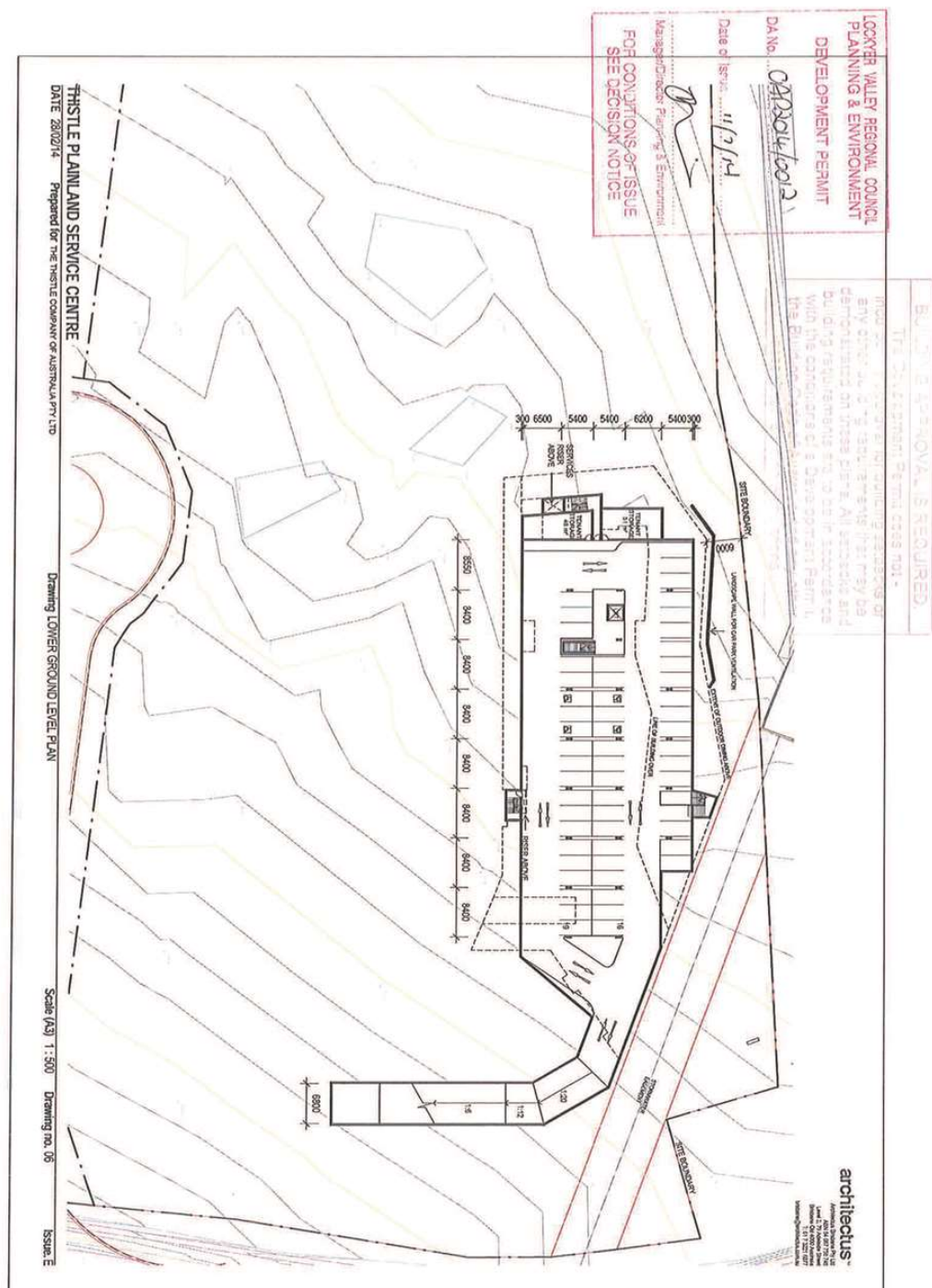






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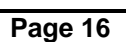
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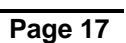
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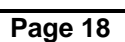




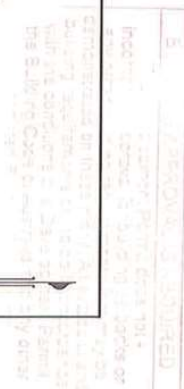




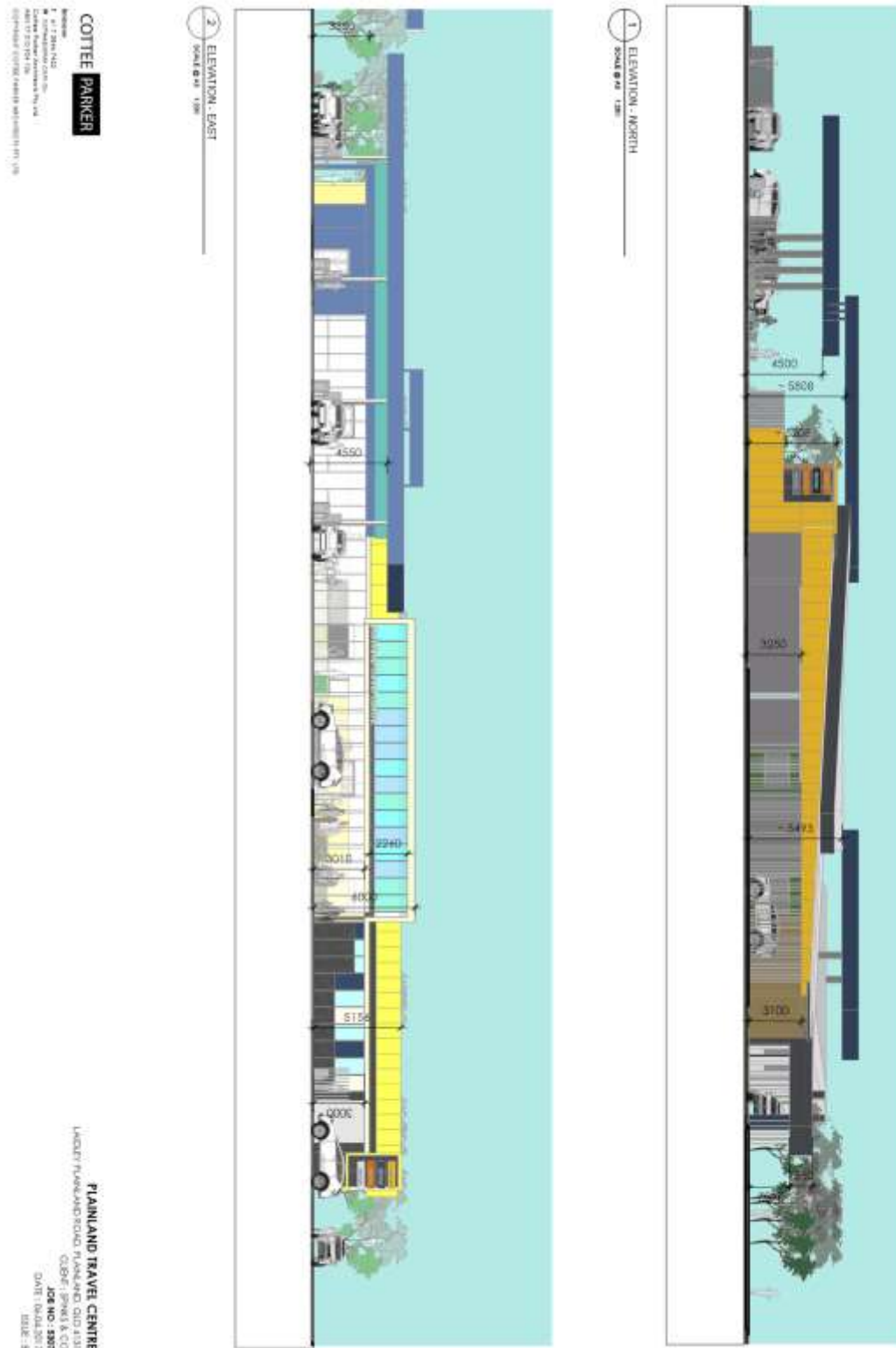


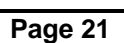


**Attachment 1**  
**Existing Approved Plan**



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## Attachment 4 Location Plan

