

ITEM 4.1 DA/38608/2019/V2N - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TRANSPORT DEPOT
AT 134 STATION ROAD, WAMURAN (Cont.)

#1 Aerial Photograph



ITEM 4.1 DA/38608/2019/V2N - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TRANSPORT DEPOT AT 134 STATION ROAD, WAMURAN (Cont.)

#2 Zoning Map



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#3 Locality Plan



Moreton Bay Regional Council

GENERAL MEETING - 515
2 September 2020

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Supporting Information

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#4 Amended Plan



	PTT ABN 96 067 593 962
	P 07 3839 6771 WWW.PTT.COM.AU Level 2, 62 Astor Tce, Spring Hill QLD 4000

REV. AMENDMENTS	DWN DATE

PROJECT TITLE:	134 STATION ROAD, WAMURAN
DRAWING TITLE:	DEVELOPMENT LAYOUT

CLIENT: EXCEPTION EXCAVATIONS			
DATE:	SCALE:	DRAWN:	APPROVED:
17/07/2020	1:400@A3	CB	JG
DRAWING NO.	REV	JOB NO.	
21-008-001		21-008	

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#5 Submission

Rebecca Ellem
130 Station Road
Wamuran QLD 4512

Moreton Bay Regional Council
PO Box 159
Caboolture QLD 4510

1st June 2020

To whom it may concern,

SUBMISSION
'DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE'
134 Station Road, Wamuran QLD 4512
On: Lot 1 on RP11139
Application Reference: DA/38608/2019/V2N

INTRODUCTION:

This submission is made by Mrs. R. Ellem. I have owned and resided at 130 Station Road, Wamuran for the past 14 years. My property is adjacent to 134 Station Road, Wamuran. I purchased this property as it was, and still is, my desire to live in a quiet, peaceful and rural location. The proposed 'Material Change of Use' for 134 Station Road, Wamuran, has and will continue to impact on myself.

I will first refer to the following points from the Town Planning Report authored by Mr. David Zanker, Senior Planner, Reel Planning Pty Ltd, which I believe are most relevant to my concerns with the actual / proposed development / material change of use application.

- A. 8.3 – pp25
'The proposal provides a Transport Depot on a 1ha lot, meaning its potential to impact upon the rural amenity and character is **increased.**'
- B. 10 – pp47
Summary and conclusions:
'Moreton Bay Regional Council Planning Scheme generally does not envision Transport Depots on sites less than 16ha in a rural zone. This is due to the potential for the use to impact on productive capabilities of the land and **the rural amenity of the locality.**
- C. Introduction – pp5
Application in response to 'Show Cause' seeks to formalise the use of the sight. That is, 'To make legal what has already been done 'unlawfully' on the land for some time. Indeed, in Section 5.5 of the pre-lodgement discussions, it describes the past/present operations 'unlawful' and current use as 'Dwelling House and Transport Depot!'

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- D. Page 6 (Town Planning Report) Figure 1. 'Subject Site.'
Photo's show actual use of area to date which is many times the area of proposal.
- E. Table 3 – pp14
(d) Criteria – 'The use is compatible with the use of other premises in the surrounding area.'
I do not agree.
Response – 'The transport depot will not impose **noise, visual** or air quality impacts arising from truck movement and general operations.'
I do not agree.
- F. Element 3.6 – pp29 – Settlement Pattern and Urban Form
Response – 'A lack of Industrial Zoned land means that rural land is the most appropriate zoning to accommodate activities where impacts from **noise** may arise.'
- G. Element 3.7 – pp34 – Employment Location
Response – 'The proposal does not involve Transport and Logistics facilities.'
What?????
- H. 3.8.4 – pp36 – Strategic Outcome Rural Planning
Response – 'The proposal will not diminish the rural character of the location.'
I do not agree – impossible!
'The proposal does not fragment the rural land.'
I do not agree – impossible!
- I. 3.14.3.3 – pp42 – Strong Communities
Response – 'The proposal does not detract from the rural sense of place.'
I do not agree.

CONCLUSION:

The business activity proposed in the 'Material Change of Use' application has in reality been operating for some time. The proposal seeks for this (on a lesser scale!) to be permanent. The business has already and potentially will 'forever' negatively impact on myself and my property and quality of life.

To be in agreement with the 'Material Change of Use', I would require the following to be agreed to and all works undertaken within 2 months of council approval to mitigate my concerns with visual, noise, dust and drainage concerns arising from 134 Station Road, Wamuran.

1. Remove all rubbish/waste materials (iron, steel, concrete, etc) and level ground on Northern side boundary to 130 Station Road to allow for 'fall' from 130 Station Road so as to facilitate 'run-off' of stormwater from 134 Station Road land. Council to inspect/approve work done.
2. Provide drainage at rear (Eastern) boundary of 130 Station Road to allow for 'run-off' from 134 Station Road land to flow away from 130 Station Road.

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3. To mitigate both the noise and visual impact/nuisance of proposed development, supply and erection of 1.8 metre hardwood fencing to North and Eastern boundaries of 130 Station Road. Council to inspect/approve.
4. No 'lighting' from existing or proposed development to face towards 130 Station Road.
5. No removal of trees/vegetation between proposed development and 130 Station Road.
6. Regular slashing / vegetation control on 134 Station Road sides of Northern and Eastern boundaries with 130 Station Road.

Yours sincerely,



Rebecca Ellem

130 Station Road
Wamuran QLD 4512
0476 502 684

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#6 SARA response with conditions

RA6-N



Department of
**State Development,
Manufacturing,
Infrastructure and Planning**

SARA reference: 1907-12405 SRA
Council reference: DA/38608/2019/V2N

13 March 2020

Chief Executive Officer
Moreton Bay Regional Council
PO Box 159
Caboolture Qld 4510
mbrc@moretonbay.qld.gov.au

Attention: Luke Ritchie

Dear Mr Ritchie

SARA response—134 Station Road, Wamuran

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the Department of State Development, Manufacturing, Infrastructure and Planning on 27 August 2019.

Response

Outcome:	Referral agency response – with conditions.
Date of response:	13 March 2020
Conditions:	The conditions in Attachment 1 must be attached to any development approval.
Advice:	Advice to the applicant is in Attachment 2 .
Reasons:	The reasons for the referral agency response are in Attachment 3 .

Development details

Description:	Development permit	Material change of use for transport depot
SARA role:	Referral Agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (Planning Regulation 2017)	
	Development application for a material change of use within 25m of a state-controlled road	
SARA reference:	1907-12405 SRA	

South East Queensland (North) regional office
Mike Ahern Building, Level 3, 12 First Avenue, Maroochydore
PO Box 1129, Maroochydore QLD 4558

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1907-12405 SRA

Assessment Manager: Moreton Bay Regional Council
Street address: 134 Station Road, Wamuran
Real property description: Lot 1 on RP111839
Applicant name: Jessica A R Creagh and Adam G Whiting
Applicant contact details: C/- Reel Planning Pty Ltd
PO Box 2088
Milton QLD 4064
david@reelplanning.com

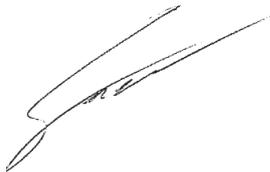
Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules) Copies of the relevant provisions are in **Attachment 4**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Ruth Creffield, A/Senior Planning Officer, on 5352 9775 or via email SEQNorthSARA@dsmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Garth Nolan
Manager (Planning)

cc Jessica A R Creagh and Adam G Whiting, david@reelplanning.com

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations provisions

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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 - The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and 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 conditions:		
1.	<ul style="list-style-type: none"> a) Stormwater management of the development must ensure no worsening or actionable nuisance to the state-controlled road. b) Any works on the land must not: <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. c) RPEQ certification with supporting documentation must be provided to North Coast Region on North.Coast.IDAS@tmr.qld.gov.au within the Department of Transport and Main Roads, confirming that the development has been designed and constructed in accordance with parts (a) and (b) of this condition. 	<ul style="list-style-type: none"> a) and b) At all times. c) Prior to the commencement of use.
2.	<ul style="list-style-type: none"> a) The existing vehicular property access located between Lot 1 on RP111839 and D'Aguilar Highway must be permanently closed and removed. b) The road verge between the pavement edge and the property boundary must be reinstated in accordance with TMR's Road Planning and Design Manual (RPDM) at no cost to the Department of Transport and Main Roads'. 	Prior to the commencement of use.

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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) v2.5. If a word remains undefined it has its ordinary meaning.
2.	<p>Advertising Devices</p> <p>Advertising devices have the potential to cause unsafe distraction, glare or other nuisance to drivers, which affects safety on the state-controlled road. Any proposed advertising devices are to be in accordance with the Department of Transport and Main Roads' <i>Roadside Advertising Manual 2017</i>.</p> <p>Further information on the Department of Transport and Main Roads' Roadside Advertising Manual 2017 can be found at the following link: https://www.tmr.qld.gov.au/business-industry/Technical-standards-publications/Roadside-advertising-manual.</p>
3.	<p>Road works approval</p> <p>Under section 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the Department of Transport and Main Roads to carry out road works on a state-controlled road. Please contact the Department of Transport and Main Roads' on North.Coast.IDAS@tmr.qld.gov.au to make an application for road works approval. This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact the Department of Transport and Main Roads' as soon as possible to ensure that gaining approval does not delay construction.</p>

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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:

- The proposed development is for a material change of use for a transport depot.
- The proposed development will gain access from Station Road, outside the state-controlled road corridor.
- SARA assessed the development application against State code 1: Development in a state-controlled road environment of the *State Development Assessment Provisions (SDAP)*, version 2.5, and determined that with conditions, the development achieves compliance with the performance outcomes of the state code.

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 2.5), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system

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Attachment 4—Change representation provisions

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