



PLANNING AND REGULATORY COMMITTEE MEETING

AGENDA

6 JUNE 2017

Your attendance is required at a meeting of the Planning and Regulatory Committee to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 6 June 2017 commencing at 9.00 am for transaction of the enclosed business.

A handwritten signature in black ink, appearing to be the initials "CR" followed by a long horizontal stroke.

CHIEF EXECUTIVE OFFICER
31 May 2017

Next Meeting Date: 04.07.17

Please note:

In accordance with the *Local Government Regulation 2012*, please be advised that all discussion held during the meeting is recorded for the purpose of verifying the minutes. This will include any discussion involving a Councillor, staff member or a member of the public.

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1 OPENING

2 PRESENT

Members Present:

Councillor C E Smith (Chairperson)
Councillor N K Fisher
Councillor C R Rutherford
Councillor M D Wickerson

In Attendance:

Mr M Rowe – General Manager Community Services (Executive Officer)
Mr E Pardon – Chief Executive Officer

3 APOLOGIES AND LEAVE OF ABSENCE

Councillor Margaret Strelow - Apology

4 CONFIRMATION OF MINUTES

Minutes of the Planning and Regulatory Committee held 16 May 2017

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 BUSINESS OUTSTANDING

Nil

7 PUBLIC FORUMS/DEPUTATIONS

7.1 D/162-2015 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A SERVICE STATION, SHOP, SHOWROOM AND FOOD AND DRINK OUTLET

File No: D/162-2015
Attachments: Nil
Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Steven Gatt - Manager Planning & Regulatory Services
Michael Rowe - General Manager Community Services
Author: Thomas Gardiner - Planning Officer

SUMMARY

Council is in receipt of a development application for a Material Change of Use for a Service Station, Shop, Showroom and Food and Drink Outlet, made by Glenwaye Pty Ltd Trustee under instrument 709957847, on land described as Lot 24 on SP191047, Parish of Murchison, located at 337-341 Yaamba Road, Park Avenue.

The application is to be presented to the Planning and Regulatory Committee meeting on 6 June 2017.

Mercy Health and Aged Care (submitter) has requested the opportunity to have a deputation with the Council at the Planning and Regulatory Committee meeting.

OFFICER'S RECOMMENDATION

THAT the deputation by Mercy Health and Aged Care be 'received'.

8 OFFICERS' REPORTS

8.1 D/162-2015 - MATERIAL CHANGE OF USE FOR SERVICE STATION, SHOP, SHOWROOM AND FOOD AND DRINK OUTLET

File No: D/162-2015

Attachments:

1. Locality Plan
2. Landscape Concept Plan
3. Site Plan

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Steven Gatt - Manager Planning & Regulatory Services
Michael Rowe - General Manager Community Services

Author: Thomas Gardiner - Planning Officer

SUMMARY

Development Application Number: D/162-2015

Applicant: Glenwaye Pty Ltd trustee under instrument 709957847

Real Property Address: Lot 24 on SP191047, Parish of Murchison

Common Property Address: 337-341 Yaamba Road, Park Avenue

Area of Site: 2.686 hectares

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Specialised Centre Zone, Yaamba Road Precinct

Planning Scheme Overlays: Steep Land Overlay – 15-20% slope
Steep Land Overlay – 20-25% slope
Steep Land Overlay – 25%+ slope

Existing Development: Two (2) Retail Showrooms

Existing Approvals: Development Permit (D-R/971-2005) for Retail Showrooms and Reconfiguring a Lot (Boundary Realignment)
Development Permit (D-R/163-2009) for Reconfiguring a Lot (one lot into three lots including an access easement) (Lapsed)

Approval Sought: Development Permit for a Material Change of Use for Service Station, Shop, Showroom, and Food and Drink Outlet

Level of Assessment: Impact Assessable

Submissions: Three (3) properly made submissions

Referral Agency(s): Department of Infrastructure, Local Government and Planning

Infrastructure Charges Area: Charge Area 1

Application Progress:

<i>Application Lodged:</i>	<i>2 December 2015</i>
<i>Acknowledgment Notice issued:</i>	<i>15 December 2015</i>
<i>Request for Further Information sent:</i>	<i>22 December 2015</i>
<i>Request for Further Information responded to:</i>	<i>14 June 2016</i>
<i>Submission period commenced:</i>	<i>1 July 2016</i>
<i>Submission period end:</i>	<i>22 July 2016</i>
<i>Council request for additional time:</i>	<i>20 April 2017</i>
<i>Government Agency Response:</i>	<i>4 April 2017</i>
<i>Last receipt of information from applicant:</i>	<i>2 April 2017</i>
<i>Statutory due determination date:</i>	<i>20 June 2017</i>

OFFICER'S RECOMMENDATION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for a Service Station, Shop, Showroom and Food and Drink Outlet, made by Glenwaye Pty Ltd trustee under instrument 709957847, located at 337-341 Yaamba Road, Park Avenue, described as Lot 24 on SP191047, Parish of Murchison, Council resolves to Approve the application despite its conflict with the planning scheme and provide the following grounds to justify the decision despite the conflict:

- a) The proposal is largely consistent with the intent of the Specialised Centre Zone as it accommodates predominantly retail functions, being showrooms and a service station, with food and drink outlets that are highway focussed and serve visitors to the centre;
- b) The dominance of the two (2) large showrooms proposed coincides with the intent of the Yaamba Road precinct as a destination for 'homemaker' and other bulky goods;
- c) The large supermarket is the only inconsistent land use associated with the proposal as it has a Gross Floor Area greater than 500 square metres. Despite this, the supermarket is unlikely to compromise the economic viability of existing retail centres as it is of a scale and intensity which is less than that of existing shopping centres located in proximity to the site on Yaamba Road and Moores Creek Road;
- d) The scale of the proposal is such that it is considered to provide a convenience shopping function for the immediate neighbourhood, particularly for the residential areas situated to the northern side of Moores Creek Road;
- e) The development will not compromise the role and function of Yaamba Road as the main thoroughfare, as the proposal predominantly fronts towards Moores Creek Road and is of an intensity less than that of the scale of surrounding retail centres on Yaamba Road;
- f) The proposal will not undermine the viability or role of other centres as it provides for predominantly showrooms, which contrasts to surrounding retail centres which are predominantly for shops;
- g) The proposed use does not compromise the strategic framework in the *Rockhampton Region Planning Scheme 2015*;
- h) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and

- i) The proposed development does not compromise the relevant State Planning Policy.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for a Service Station, Shop, Showroom and Food and Drink Outlet, made by Glenwaye Pty Ltd trustee under instrument 709957847, located at 337-341 Yaamba Road, Park Avenue, described as Lot 24 on SP191047, Parish of Murchison, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:
- 1.3.1 to Council's satisfaction;
 - 1.3.2 at no cost to Council; and
 - 1.3.3 prior to the commencement of the use.
- 1.4 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior to the commencement of the use, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.5.1 Operational Works:
 - (i) Access and Parking Works;
 - (ii) Sewerage Works;
 - (iii) Water Works;
 - (iv) Stormwater Works;
 - (v) Roof and Allotment Drainage Works;
 - (vi) Site Works; and
 - 1.5.2 Plumbing and Drainage Works; and
 - 1.5.3 Building Works.
- 1.6 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.7 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.8 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- #### **2.0 APPROVED PLANS AND DOCUMENTS**

- 2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by any condition of this development approval:

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Site Plan	ASK-00018, Revision P03	20 August 2015
Proposed Elevations	ASK-00019, Revision P01	20 October 2015
Boundary Wall Sections	ASK-00020, Revision P00	20 October 2015
Landscape Concept Plan	SK01, Revision D	3 March 2016
Stormwater Management Plan	CG140505	27 July 2016
Water and Sewer Strategy Layout Plan	R2016013-001-CI-SK02, Revision 2	21 March 2016
Noise Impact Study	14147, Issue A	6 November 2015

- 2.2 Where there is any conflict between the conditions of this development approval and the details shown on the approved plans and documents, the conditions of this development approval must prevail.
- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of an application for a Development Permit for Operational Works.
- 3.0 ACCESS AND PARKING WORKS
- 3.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the site.
- 3.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Australian Standard AS2890 "Parking Facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 3.3 All parking spaces, access driveway(s), and vehicular manoeuvring areas associated with this proposed development must be concrete paved or asphalted.
- 3.4 A new access to the development must be provided from Moores Creek Road close to the western property boundary (refer to condition 2.1).
- 3.5 Access to the development via Moores Creek Road and Yaamba Road must be limited to 'left in, left out' only.
- 3.6 All vehicles must ingress and egress the development in a forward gear.
- 3.7 Adequate sight distances must be provided for all ingress and egress movements at the access driveways in accordance with *Australian Standard 2890.2 "Parking Facilities - Off Street Commercial Facilities"*.
- 3.8 A minimum of 313 parking spaces must be provided on-site.
- 3.9 Universal access parking spaces must be provided in accordance with *Australian Standard AS2890.6 "Parking Facilities - Off-Street parking for people with disabilities"*.
- 3.10 Any application for a Development Permit for Operational Works (access and parking works) must be accompanied by detailed and scaled plans which demonstrate the turning movements/swept paths of the largest design vehicle to access the site including refuse collection vehicles.
- 3.11 Any application for a Development Permit for Operational Works (access and parking works) must be accompanied by an acceptable solution to 'facilitate access to the proposed Service Station for vehicles travelling from the east' within the site internal

road network. This must be designed and signed by a suitably qualified RPEQ engineer and must include detailed and scaled plans which demonstrate the turning movements/swept paths of the largest vehicle to access the Service Station.

- 3.12 All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Australian Standard AS1742.1 "Manual of Uniform Traffic Control Devices"* and *Australian Standard AS2890.1 "Parking Facilities – Off-street Car Parking"*.
- 3.13 Road signage and pavement markings must be installed in accordance with the *Australian Standard AS1742.1 "Manual of Uniform Traffic Control Devices"*.
- 3.14 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for Roads and Public Spaces"*.
- 3.15 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for Access and Mobility"*.
- 3.16 Bicycle parking facilities must be provided in accordance with *AUSTROADS Guide to Traffic Engineering Practice, Part 14 – Bicycles* and in accordance with the Council's Planning Scheme requirements. The location of the bicycle parking facilities must be located at basement or ground floor level and encourage casual surveillance.

4.0 SEWERAGE WORKS

- 4.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any sewerage works on the site.
- 4.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act, Plumbing and Drainage Act* and the provisions of a Development Permit for Operational Works (sewerage works).
- 4.3 The development must be connected to Council's reticulated sewerage network.
- 4.4 The proposed new sewerage main between the existing western sewerage access chamber at the Moores Creek Road reserve and the boundary of the subject site will be owned by Council. All other proposed new sewerage mains and access chambers must be owned and maintained by the property owner and at no cost to Council.
- 4.5 The finished sewerage access chamber surface must be at a sufficient level to avoid ponding of stormwater above the top of the chamber. A heavy duty trafficable lid must be provided in the trafficable area.
- 4.6 Sewer connections located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with trafficable lids.

5.0 WATER WORKS

- 5.1 A Development Permit for Operational Works (water works) must be obtained prior to the commencement of any water works on the site.
- 5.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act, the Plumbing and Drainage Act* and the provisions of a Development Permit for Operational Works (water works).
- 5.3 The development must be connected to Council's reticulated water network.
- 5.4 The proposed 150 millimetre diameter water main must be constructed within the Moores Creek Road reserve on Council's standard alignment as per the *Capricorn Municipal Development Guidelines* and must be connected to the existing 100 millimetre diameter water main located at Kerr Street. This non-trunk infrastructure is conditioned under Section 665 of the *Sustainable Planning Act 2009*.
- 5.5 The proposed development must be provided with a master meter at the property boundary and sub meters for each sole occupancy building in accordance with the

Queensland Plumbing and Drainage Code and Council's Sub-metering Policy.

- 5.6 Water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface level and must be provided with heavy duty trafficable lids.
- 5.7 The applicant must ensure adequate fire fighting protection is available from the existing/proposed hydrant within the Yaamba Road/Moores Creek Road reserve and also from the On-site fire fighting equipment for the proposed development. Should adequate protection not be achievable, an upgrade of On-site fire fighting equipment, internal pillar hydrants, water tanks, and pumps may be required. The fire fighting requirements for the proposed development must be designed by a suitably qualified (RPEQ) Hydraulic Engineer.

6.0 PLUMBING AND DRAINAGE WORKS

- 6.1 A separate Plumbing and Drainage Permit must be obtained prior to commencement of any Plumbing and Drainage works on site.
- 6.2 All internal plumbing and sanitary drainage works must be in accordance with regulated work under the *Plumbing and Drainage Act* and Council's Plumbing and Drainage Policies.
- 6.3 Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's sewerage reticulation. Arrester traps must be provided where commercial or non-domestic waste water is proposed to be discharged into the system.
- 6.4 Impervious paved and drained washdown areas to accommodate all refuse containers must be provided. These areas must be aesthetically screened from any road frontage or adjoining property and must be set back a minimum of two (2) metres from any road frontage. A suitable hosecock (with backflow prevention) and hoses must be provided at the refuse container area, and washdown must be drained to the sewer and fitted with an approved stormwater diversion valve arrangement, in accordance with a Plumbing and Drainage Permit and Sewerage Trade Waste Permit. As an alternative to a washdown facility, a bin exchange or a fully contained commercial bin cleaning service (provided no wastewater is discharged from the site to the sewerage network) is acceptable.

7.0 STORMWATER WORKS

- 7.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.
- 7.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 7.3 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect adjoining land or infrastructure in comparison to the pre-development condition by way of blocking, altering or diverting existing stormwater runoff patterns or have the potential to cause damage to other infrastructure.
- 7.4 The proposed width reduction of existing stormwater easement B (Easement B on SP 191047) is not approved and the current width and profile of the existing stormwater easement must be maintained.
- 7.5 The Operational Works (stormwater works) application must include an assessment of how the development meets the water quality objectives of the *State Planning Policy 2014 – Water Quality*.
- 7.6 The proposed development must achieve no increase in peak stormwater runoff for a selected range of storm events up to and including the one in one hundred year storm event (100 year Average Recurrence Interval) for the post development condition.

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- 7.7 The installation of gross pollutant traps must be in accordance with relevant Australian Standards and all maintenance of the proposed gross pollutant traps must be the responsibility of the property owner or body corporate (if applicable).
- 7.8 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by a detailed Stormwater Management Plan, prepared and certified by a Registered Professional Engineer of Queensland. The Stormwater Management Plan must clearly demonstrate that;
- 7.8.1 All content of the stormwater management plan is in accordance with the *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines, Healthy waters guidelines*, and sound engineering practice;
- 7.8.2 The Stormwater discharge is drained to a lawful point of discharge in accordance with the *Queensland Urban Drainage Manual*;
- 7.8.3 Each part of the lot is self draining;
- 7.8.4 The potential pollutants in stormwater discharged from the site are managed in accordance with current best industry practices and in accordance with *State Planning Policy 2014 – Water Quality*.
- 7.8.5 The stormwater management plan is accompanied by full calculations, including electronic modelling files from industry standard modelling software, (including both electronic model files and results files) and all details of the modelling assumptions to support both the proposed water quantity and quality management strategy.
- 7.8.6 It includes detailed engineering plans with details of any new drainage systems, or the amendment and upgrading of exiting drainage systems to implement the proposed drainage strategy.
- 8.0 **ROOF AND ALLOTMENT DRAINAGE WORKS**
- 8.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the site.
- 8.2 All roof and allotment drainage must be in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.
- 8.3 All roof and allotment drainage must be discharged such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties or infrastructure.
- 9.0 **SITE WORKS**
- 9.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works.
- 9.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan which clearly identifies the following:
- 9.2.1 the location of cut and/or fill;
- 9.2.2 the type of fill to be used and the manner in which it is to be compacted;
- 9.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
- 9.2.4 details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and
- 9.2.5 the maintenance of access roads to and from the site so that they are free of all cut and/or fill material and cleaned as necessary.
- 9.3 Any proposed filling within the existing stormwater easement B (Easement B on SP 191047) must not restrict, impair or change the natural flow of runoff water within the
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- stormwater easement, or cause a nuisance or worsening to adjoining properties or infrastructure.
- 9.4 All earthworks must be undertaken in accordance with *Australian Standards, AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 9.5 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.
- 9.6 The structural design of all retaining walls above one (1) metre in height must be separately and specifically certified by a Registered Professional Engineer of Queensland as part of the Operational Works submission. A Registered Professional Engineer of Queensland must on completion certify that all works are compliant with the approved design.
- 9.7 All site works must be undertaken to ensure that there is:
- 9.7.1 A lawful point of discharge to which the developed flows from the land drain. Easements will be required over any other land to accommodate the flows.
- 10.0 **BUILDING WORKS**
- 10.1 No buildings or structures are permitted within the existing stormwater easement B (Easement B on SP 191047) and the current width and profile of this easement must be maintained.
- 10.2 A detailed Waste Management Report must be submitted as part of the Operational Works application stage.
- 10.3 All waste storage areas must be:
- 10.3.1 Aesthetically screened from any frontage or adjoining property;
- 10.3.2 Surrounded by at least a 1.8 metre high fence that obstructs from view the contents of the bin compound by any member of the public from any public place;
- 10.3.3 Of a minimum size to accommodate commercial type bins as outlined by waste management report in accordance with the *Environmental Protection (Waste Management) Regulations*.
- 10.4 Impervious paved and drained washdown areas to accommodate all refuse containers must be provided. These areas must be aesthetically screened from any road frontage or adjoining property and must be set back a minimum of two (2) metres from any road frontage. A suitable hosecock (with backflow prevention) and hoses must be provided at the refuse container area, and washdown must be drained to the sewer and fitted with an approved stormwater diversion valve arrangement, in accordance with a Plumbing and Drainage Permit and Sewerage Trade Waste Permit. As an alternative to a washdown facility, a bin exchange or a fully contained commercial bin cleaning service (provided no wastewater is discharged from the site to the sewerage network) is acceptable.
- 10.5 A minimum 1.8 metre high acoustic barrier must be erected between the subject development site and adjacent residential properties located to the west of the development on Kerr Street, specifically lots 11, 12 and 13 on RP608913. The acoustic barrier must be constructed of appropriate materials and to Council's satisfaction to prevent the viewing of private open space from the Service Station use area.
- 10.6 A minimum four (4) metre high acoustic barrier must be erected along the common boundary between the rear of the two (2) Showrooms and adjoining Lot 25 on SP191047 in accordance with the approved plans (refer to condition 2.1).
- 10.7 A minimum three (3) metre high acoustic barrier must be erected along the common boundary between the proposed vehicle manoeuvring areas and the east of adjoining

Lot 25 on SP191047.

- 10.8 The floor to ceiling height of the two (2) Showrooms must not exceed three (3) metres where the Showroom is located within three (3) metres of the common property boundary adjoining Lot 25 on SP191047 in accordance with the approved plans (refer to condition 2.1). The height of the roof must not exceed 3.8 metres in height in accordance with the approved plans (refer to condition 2.1).
- 10.9 All external elements, such as air conditioners and associated equipment, must be screened from public view, to Council's satisfaction.

11.0 LANDSCAPING WORKS

- 11.1 All landscaping must be established generally in accordance with the approved plans (refer to condition 2.1). The landscaping must be constructed and/or established prior to the commencement of the use and the landscaped areas must predominantly contain plant species that are locally native to the Central Queensland region due to their low water dependency.
- 11.2 The landscaped areas must be subject to:
- 11.2.1 a watering and maintenance plan during the establishment moment; and
 - 11.2.2 an ongoing maintenance and replanting programme.
- 11.3 Council approval must be obtained prior to the removal of or interference with street trees located on Council land in accordance with Council's street tree policy.

12.0 ELECTRICITY

- 12.1 Electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 12.2 Evidence that the development is provided with electricity services from the relevant service provider must be provided to Council, prior to the commencement of the use.

13.0 TELECOMMUNICATIONS

- 13.1 Telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service provider. Unless otherwise stipulated by telecommunications legislation at the time of installation, this includes all necessary pits and pipes, and conduits that provide a connection to the telecommunications network.
- 13.2 Evidence that the development is provided with telecommunications services from the relevant service provider must be provided to Council, prior to the commencement of the use.

Note: The *Telecommunications Act 1997* (Cth) specifies where the deployment of optical fibre and the installation of fibre-ready facilities is required.

Note: For telecommunications services, written evidence must be in the form of either a "Telecommunications Infrastructure Provisioning Confirmation" where such services are provided by Telstra or a "Notice of Practical Completion" where such services are provided by the NBN.

14.0 ASSET MANAGEMENT

- 14.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.
- 14.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.

- 14.3 'As constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of the use. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.
- 15.0 ENVIRONMENTAL HEALTH
- 15.1 The hours of operations for the development site, excluding the Service Station, must be limited to:
- (i) 0700 hours to 2200 hours on Monday to Sunday.
- Note: The Service Station will operate twenty-fours (24) hours, Monday to Sunday.
- 15.2 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development 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"*.
- 15.3 Noise emitted from the activity must not cause an environmental nuisance.
- 15.4 Operations on the development site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise or dust.
- 15.5 When requested by Council, nuisance monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by light or dust. An analysis of the monitoring data and a report, including nuisance mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation.
- 15.6 When requested by Council, noise monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise. The monitoring data, an analysis of the data and a report, including noise mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation. Council may require any noise mitigation measures identified in the assessment to be implemented within appropriate timeframes. Noise measurements must be compared with the acoustic quality objectives specified in the most recent edition of the *Environmental Protection (Noise) Policy*.
- 15.7 Odour and visible contaminants, including but not limited to dust, fume, smoke, aerosols, overspray or particulates, must not be released to the environment in a manner that will or may cause environmental nuisance or harm unless such release is authorised by Council.
- 15.8 Plant and equipment must be maintained in proper working order at all times, in accordance with the manufacturer's directions to ensure the efficiency of the equipment.
- 16.0 OPERATING PROCEDURES
- 16.1 Access to, and use of, the loading area, associated with the proposed Supermarket, must be limited to between 0600 and 1700 hours, Monday to Friday (inclusive) only. Access to, and use of, this loading dock area must not occur on Saturday or Sunday or any public holiday.
- 16.2 The loading and/or unloading of delivery and waste collection vehicles is limited between the hours of 0700 and 1800 Monday to Friday with no loading and/unloading on weekends. No heavy vehicles must enter the development site outside these times to wait for unloading/loading.
- 16.3 There is to be no overnight parking of trucks or heavy vehicles within the Service Station use area.

- 16.4 No contaminants are permitted to be released to land or water, including soil, silt, oils, detergents, etcetera. Any wash-down areas used for the maintenance or cleaning of equipment (including vehicles) must be appropriately bunded and drained to the sewer network in accordance with a trade waste permit.
- 16.5 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Moors Creek Road and Yaamba Road.
- 16.6 All waste storage areas must be:
- 16.6.1 kept in a clean and tidy condition; and
 - 16.6.2 maintained in accordance with *Environmental Protection Regulation 2008*.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

It is advised that under section 23 of the *Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are listed in the Aboriginal cultural heritage legislation. The information on Aboriginal cultural heritage is available on the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs website www.datsip.qld.gov.au

NOTE 2. General Environmental Duty

General environmental duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the property during all stages of the development including earthworks, construction and operation.

NOTE 3. Property Fencing

Council will not be liable for any construction or maintenance to property fencing, specifically fencing along the property boundaries of Lot 11, Lot 12 and Lot 13 on RP608913 and Lot 25 on SP191047.

NOTE 4. General Safety Of Public During Construction

The *Work Health and Safety Act 2011* and *Manual of Uniform Traffic Control Devices* must be complied with in carrying out any construction works, and to ensure safe traffic control and safe public access in respect of works being constructed on a road.

NOTE 5. Infrastructure Charges Notice

This application is subject to infrastructure charges in accordance with Council policies. The charges are presented on an Infrastructure Charges Notice.

RECOMMENDATION C

That in relation to the application for a Development Permit for a Material Change of Use for a Service Station, Shop, Showroom and Food and Drink Outlet, made by Glenwaye Pty Ltd trustee under instrument 709957847, located at 337-341 Yaamba Road, Park Avenue, described as Lot 24 on SP191047, Parish of Murchison, Council resolves to issue an Adopted Infrastructure Charges Notice for the amount of \$564,170.00.

BACKGROUND**APPLICATION DATA**

Gross Floor Area	
Retail	5,650 square metres
Number of carparks	
Retail	313 car parks
Impervious area	
17,620 square metres	

PROPOSAL IN DETAIL

The proposal is for a mixed-use, commercial development on land located at 337-341 Yaamba Road, Park Avenue. The applicant has applied for a Service Station, Shop, Showroom and Food and Drink Outlet which will have a combined Gross Floor Area (GFA) of 5,650 square metres.

The proposal will be constructed over the undeveloped section of the site which primarily fronts Moores Creek Road. The Service Station will be positioned on the western section of the site and makes provision for four (4) fuel dispensers, and an ancillary shop which comprises a GFA of 285 square metres. Access to the Service Station will primarily be from a new ingress and egress point which is proposed on Moores Creek Road.

Adjoining the Service Station are three (3) smaller retail tenancies which comprise a combined GFA of 290 square metres. These tenancies will be occupied by future Food and Drink Outlet or Shop tenants. Two (2) large showrooms are also proposed and will be located in the centre of the site which will occupy GFA's of 1,950 and 1,175 square metres. The proposed large Shop adjoins the two (2) Showrooms to the east and will occupy a total GFA of 1,950 square metres.

The proposal will utilise the existing access point to the east of the site on Yaamba Road. A new access point is also proposed on Moores Creek Road, directly in front of the proposed Service Station to the west of the site. Provision has been made for 313 on-site car parking spaces which are largely concentrated along the Moores Creek Road frontage in front of each of the proposed tenancies, as well as additional spaces on the corner of Yaamba and Moores Creek Roads.

A concurrent Reconfiguring a Lot application (Reference: D/161-2015) has also been lodged over the site, to separate the site into four (4) individual allotments. This application makes provision for an access easement traversing through each of the four (4) proposed lots through the proposed vehicular thoroughfare.

SITE AND LOCALITY

The subject site is located in the Specialised Centre Zone, Yaamba Road Precinct, under the *Rockhampton Region Planning Scheme 2015*. The site comprises an area of approximately 2.686 hectares and has two (2) road frontages to Yaamba Road and Moores Creek Road, with an existing access point located to the east of the site off Yaamba Road.

The north-eastern section of the site contains two (2) retail showrooms and subsequent car parking surrounding the built structures. The remainder of the site, primarily fronting Moores Creek Road, is currently vacant. The site contains three (3) easements which provide Council rights to the provision of works for stormwater drainage within the easement.

A previous application was approved on the site for the construction of retail showrooms (Reference: D-R/971-2005). However, the proposal was never constructed and the application subsequently lapsed.

A concurrent Reconfiguring a Lot application (Reference: D/161-2015), to create four (4) new allotments has been lodged over the site. The purpose of the proposed subdivision is to separate each of the individual land uses which are proposed as part of this application.

PLANNING ASSESSMENT**MATTERS FOR CONSIDERATION**

This application has been assessed by relevant Council planning, engineering, environmental health, and other technical officers as required. The assessment has been in accordance with the Integrated Development Assessment System provisions of the *Sustainable Planning Act 2009*, based on consideration of the relevant State Planning Policy; State Government guidelines; the Council's Town Planning Scheme, Planning Policies and other general policies and procedures, as well as other documents as considered relevant.

Development Engineering Comments – 4 May 2017

Support, subject to conditions.

Public and Environmental Health Comments

Support, subject to conditions.

Other Staff Technical Comments

Not applicable as the application was not referred to any other technical staff.

TOWN PLANNING COMMENTS**Central Queensland Regional Plan 2013**

The *Central Queensland Regional Plan 2013* is a statutory document which came into effect on 18 October 2013. The development is not required to be assessed against the regional plan if this document is appropriately reflected in the local planning scheme. It is considered that the regional plan is appropriately reflected in the current local planning scheme.

State Planning Policy 2014

This policy came into effect in July 2014 and replaced all former State Planning Policies. This policy requires development applications to be assessed against its requirements until the identified state interests have been appropriately reflected in the local planning scheme.

Liveable communities

Not Applicable.

Mining and extractive resources

Not Applicable.

Biodiversity

Not Applicable.

Coastal environment

Not Applicable.

Water quality

Complies. The site is located within a climatic region for stormwater management as identified on the Department's broad scale mapping.

The site currently contains three (3) stormwater easements. As part of the development conditions, the applicant is required to ensure that each of these easements are maintained so as not to affect any existing overland flow paths or the surrounding catchment. Further, the proposed layout ensures that the built structures will not disturb any of the existing easements. As such, the proposal will not affect the protection of environmental values or the achievement of water quality objectives for Queensland waters.

Natural hazard, risk and resilience

Complies. The site is located within the Level 1 Flood Hazard Area. Despite this, the site is not identified as containing a Flood Hazard in accordance with overlay mapping under the

Rockhampton Region Planning Scheme 2015. As such, the proposal will not adversely affect any identifiable flood hazard.

Emissions and hazardous activities

Not Applicable.

State transport infrastructure

Complies. The site has road frontages to two (2) state-controlled roads, Yaamba Road to the east and Moores Creek Road to the south. The application was referred to the Department of Transport and Main Roads (DTMR) who provided their final response on 4 April 2017. The Department's concurrence agency conditions will be attached to the Decision Notice.

Strategic airports and aviation facilities

Complies. The site is located within an obstacle limitation surface for the Rockhampton Regional Airport. The height of the proposed structures associated with the proposal will not exceed twelve (12) metres, and therefore will not encroach into the operational airspace of the Rockhampton Regional Airport.

Rockhampton Region Planning Scheme 2015

Strategic framework

This application is situated within the Specialised Centres designation under the scheme's strategic framework map. The strategic framework themes and their strategic outcomes, as identified within Part 3 of the *Rockhampton Region Planning Scheme 2015* are applicable:

3.3.12 Element – Specialised centres

3.3.12.1 Specific outcomes

- (1) Specialised centres provide a retail function that is limited to showrooms or outdoor sales with food and drink outlets that are either highway focussed or small-scale and serving visitors to the centre as well as convenience shopping for the immediate neighbourhood and local customers (in this regard having a similar function to a neighbourhood centre).

Complies. The proposal involves the construction of two (2) large showrooms, and associated shops and food and drink outlets, as part of a large commercial development for the site. The site's location, with road frontages to Yaamba Road and Moores Creek Road, allows the proposal to be "highway focussed" which provides for a retail function that compliments the existing commercial uses surrounding the site. Further, the residential zones immediately surrounding the site will allow the proposal to act as a centre for convenience shopping for the surrounding neighbourhood.

- (2) To protect the vitality, role and function of higher order centres, specialised centres do not accommodate large-scale offices, department stores, discount department stores or large-scale shopping centres, unless specifically provided for elsewhere.

Complies. A large shop comprising a Gross Floor Area (GFA) of 1,950 square metres is proposed to be located toward the eastern side of the subject site. Due to the size of this shop, as well as the remaining proposed uses, the proposal is in conflict with this specific outcome as the GFA exceeds 500 square metres.

However, despite the large-scale nature of the proposal, the development contrasts from the existing commercial and retail uses surrounding the site and acts to complement the existing development pattern. The proposal is primarily centred around two (2) large showrooms, which contrasts from the existing commercial development, for shops, located opposite the site on Lot 201 on SP236447. While a large department store is also proposed on the site, its construction will not detract from the economic viability of the surrounding commercial development as it will complement these existing uses and only represents one (1) additional tenancy. Further, the proposal is generally consistent with the intent of the Specialised Centre

Zone as the development provides services which are appropriate for the location and the immediate catchment.

Editor's note—All office and retail proposals exceeding the threshold outlined in the applicable zone table of assessment may be required to provide an economic impact assessment on the short- and long-term economic impacts on higher order centres.

- (1) Specialised centres are protected from encroachment by incompatible development.

Complies. The proposal involves a mixture of retail and commercial uses which are consistent with the intent of the Specialised Centre Zone and does not involve the encroachment of incompatible development into the region's specialised centres.

- (2) Further expansion of these centres into adjacent residential zones and outside the designated centre areas (including ribbon development along roads) is not supported. This is to ensure the redevelopment of existing buildings and vacant land within these centres occurs and to mitigate against impacts where adjoining residential areas.

Complies. The site is located adjacent to residential zones to the north and west. However, the proposed development footprint does not encroach into the adjoining residential zones, with the layout wholly contained within the Specialised Centre Zone.

- (3) New development provides for active frontages and built design elements such as awnings that are orientated towards the primary street frontage.

Does not comply. The proposal conflicts with this specific outcome as all of the proposed built structures are not oriented towards the street frontage. The proposed layout will result in a large car park fronting both road frontages, with all built structures positioned behind the car park.

Despite this non-compliance, several site constraints have dictated the need to position the built structures away from the road frontage. While the site does not provide an active frontage to Moores Creek Road, there is minimal pedestrian traffic along this section of road which would necessitate the need for the built structures to be oriented towards the road frontage. The site is more forthcoming to vehicular traffic on Moores Creek Road, as opposed to pedestrian movements, making the location of the proposed car park appropriate as visitors to the site are likely to be travelling by motor vehicle rather than walking. If the car park was positioned behind the built structures this may create an impression that limited on-site car parks are available. Subsequently, this may result in less vehicle patrons access the site who are likely to be the most frequent visitors.

Further, the proposed layout is also generally consistent with existing, surrounding commercial developments in proximity to the site with the built structures also oriented away from the road frontage and behind car parking areas for these current developments.

- (4) A development involving a significant increase in gross floor area (exceeding 3,000 square metres) is accompanied by a master plan which demonstrates how an appropriate level of integration, connectivity and quality in the public realm is achieved with the balance of the centre and with the surrounding urban areas.

Does not comply. The proposal will result in an increase in GFA of approximately 5,650 square metres. A master plan was not provided as part of the development application.

Despite not providing a Master Plan, the proposal is consistent with the intent of the Specialised Centre Zone as it accommodates retail functions for showrooms and food and drink outlets which are highway focussed and serve visitors to the centre. The site is located in proximity to existing commercial and retail uses and is therefore considered to be in keeping with the existing development pattern within the Yaamba Road precinct.

Further, the need to provide a master plan is also negated by the location of the site, in isolation from existing centres, making it difficult to integrate with the surrounding urban areas.

Gladstone Road and George Street

- (5) The Gladstone Road and George Street precinct provides for highway orientated uses including short-term accommodation, service stations, service industries, food and drink outlets and showrooms when consistent with the specialised centre zone code.

Not applicable. The site is not located within the Gladstone Road and George Street precinct.

- (6) This area is not intended to accommodate large-scale office activities and shopping centres. In addition, large-scale shops such as a full-line a supermarket are not supported (with the exception of Lot 1 SP161848 and Lot 1 SP191827 when involving the reuse of the existing building onsite). This will ensure that this centre does not compromise and undermine the role and function of higher order centres.

Not applicable. The site is not located within the Gladstone Road and George Street precinct.

- (7) The outdoor sales and service sub-precinct provides for showrooms and outdoor sales, while the residential and food services sub-precinct is to transition to primarily residential uses (including short-term accommodation) and small-scale uses supporting travellers such as food and drink outlets, visitor information facilities and service stations.

Not applicable. The site is not located within the Gladstone Road and George Street precinct.

Musgrave Street

- (8) The Musgrave Street precinct will continue to accommodate retail outlets, food and drink outlets and hotels. Small-scale shops providing for convenience shopping for the immediate community are supported, when having a similar function to a neighbourhood centre.

Not applicable. The site is not located within the Musgrave Street precinct.

- (9) Residential development is supported in the mixed use sub-precinct; however, long-term permanent residential uses such as multiple dwellings are located above the ground floor level or behind ground storey commercial, retail or community uses.

Not applicable. The site is not located within the Musgrave Street precinct.

- (10) Low impact industries, outdoor sales, warehousing and service industries are supported within the outdoor sales and services sub-precinct provided that the use does not compromise the amenity of the urban infill and intensification area.

Not applicable. The site is not located within the Musgrave Street precinct.

- (11) Office activities (greater than 200 square metres in gross floor area) and shops such as full-line supermarkets are not located in this centre to avoid undermining the role and function of higher order centres.

Not applicable. The site is not located within the Musgrave Street precinct.

- (12) Existing government and regional scale offices located along Musgrave Street relocate to the principal centre over time.

Not applicable. The site is not located within the Musgrave Street precinct.

- (13) New development is built towards Musgrave Street, Queen Elizabeth Drive and Bridge Street with the continuation of awnings along the street frontage. Car parking areas do not dominate the street frontage and are predominantly located behind buildings.

Not applicable. The site is not located within the Musgrave Street precinct.

Yaamba Road

- (14) The Yaamba Road precinct provides for large-scale bulk sales and display areas such as showrooms, which may include eating and dining facilities for customers.

Complies. The proposal includes two (2) large showrooms and food and drink outlets. The proposal is considered to be consistent with the intent of the Specialised Centre Zone as it accommodates a retail function which is highway focussed and provides smaller food and drink outlets which will service visitors to the centre.

- (15) Large-scale office activities and shops such as supermarkets are not intended in this centre to avoid undermining the function of other centres.

Complies. The proposal involves the construction of a large shop with a GFA of 1,950 square metres. Two (2) showrooms, small-scale shops and food and drink outlets, and a Service Station are also proposed on the site with a combined GFA of 5,650 square metres.

Despite the large-scale nature of the proposal, it will not compromise the role or the economic viability of other centres in the region. The development acts to complement the existing commercial and retail development in proximity to the site. Further, as the proposal is centred around two (2) large-scale showrooms, it is likely that the area will experience an increase in the number of persons visiting the area which will foster a positive economic outcome for all existing businesses. Further, each of the proposed uses are consistent with the intent of the Specialised Centre Zone.

The performance assessment of the proposal demonstrates that there are some conflicts against the strategic outcomes contained in the *Rockhampton Region Planning Scheme 2015*. Specifically, the construction of one (1) large shop with a GFA of 1,950 square metres, which exceeds the requirements for the Specialised Centre Zone. Despite this non-compliance, the remaining uses and structures associated with the proposal are all consistent with the intent of the planning scheme and specifically, the strategic outcomes for the region's specialised centres.

Further, the large shop proposed will only contain one (1) tenant and its construction is unlikely to compromise the economic viability of existing commercial and retail centres which immediately surround the subject site. Further, the proposal, as an integrated retail complex, aligns with the strategic intent of the region's specialised centres which encourages highway-focussed development and convenience shopping for the immediate neighbourhood.

Rockhampton Regional Planning Scheme Codes

The following codes are applicable to this application: -

- Specialised Centre Zone Code;
- Access, Parking and Mobility Code;
- Landscape Code;
- Stormwater Management Code;
- Waste Management Code; and
- Water and Sewer Code.

An assessment has been made against the requirements of the abovementioned codes and the proposed development largely complies with the relevant Performance outcomes and Acceptable outcomes, with the exception of the large Shop with a GFA greater than 500 square metres. An assessment of the Performance outcomes which the application is in conflict with, is outlined below:

Specialised Centre Zone Code	
Performance Outcome/s	Officer's Response
<p>PO11 Development is located, designed and operated so that adverse impacts on privacy and the amenity of nearby land in a residential zone are minimised.</p>	<p>The two (2) proposed Showrooms are built directly to the northern boundary of the site which adjoins the Leinster Place Aged Care Facility located on Lot 25 on SP191047. Their siting affords no boundary setback, resulting in a non-compliance with AO11.2 which requires a three (3) metre wide landscaped buffer consisting of dense screen planting where the site adjoins a residential zone.</p> <p>Despite this non-compliance, the applicant has sought to include some preventative measures in the proposal's design in order to reduce the amenity and visual impacts associated with the built form of the Showrooms on the adjoining residential zone.</p> <p>The height of both Showrooms has been reduced where the structure is within three (3) metres of the northern boundary. When within this setback, the height of both proposed Showrooms will be reduced to three (3) metres, while beyond this setback the height of both Showrooms will be reduced to approximately 4.2 metres. The reduced building height method which has been applied would result in the same impact as if a three (3) metre wide landscape buffer was to be provided contiguous to the adjoining residential zone. Further, this solution would also result in a similar outcome in the event that the building was setback approximately three (3) metres from this boundary. The visual appearance of the built to boundary showroom is also restricted by a "painted precast panel" which will be four (4) metres high and located on the property boundary. Further, this solution also provides an effective noise buffer for the Leinster Place Aged Care Facility from Moores Creek Road, and mitigates the existing noise issues associated with traffic movements on this major road.</p> <p>While the siting of the proposed Showrooms does not afford a three (3) metre landscaped buffer to the adjoining residential zone, the alternate solution provided by the applicant is considered to be acceptable. The reduced height of the Showroom buildings, when within three (3) metres of the northern boundary, would result in a similar impact if a landscaped buffer was provided to separate the zones. The reduced building height to the boundary is anticipated to soften the visual dominance of the Showroom and reduce any potential impacts on the surrounding residential amenity and privacy, in particular to the adjoining Leinster Place Aged Care Facility.</p>
<p>PO19 Development involving an increase in gross floor area that exceeds 3,000 square metres is accompanied by a master plan that</p>	<p>The proposal involves constructing approximately 5,650 square metres of new, commercial Gross Floor Area (GFA) across the site. The applicant has not provided a Master Plan as part of this application which is a requirement for development involving an increase in GFA that exceeds</p>

<p>demonstrates how the expansion fits with the balance of the centre and integrates with the surrounding urban areas. The master plan should address the following:</p> <ul style="list-style-type: none"> (a) provision of active uses on key pedestrian circulation streets and major frontages; (b) creation of a predominant built to street frontage form; (c) provision of a human scale at street level; (d) incorporation of climate responsive design; (e) creation of a mix of uses resulting in day time and night time activity; (f) incorporation of safety and security measures; (g) rationalisation of vehicle crossovers; provision of a high level of pedestrian, cyclist and public transport accessibility; (h) incorporation or enhancement of public places such as public squares, malls, footpaths, laneways and parks; (i) encouragement of pedestrian mobility over vehicle mobility; (j) provision of safe and high quality streetscapes and walkways; and (k) ensure car parking areas and access ways do not dominate major frontages and pedestrian routes (except where indicated/delineated). 	<p>3,000 square metres.</p> <p>Despite this, the proposal is largely consistent with the intent of the Specialised Centre Zone. The intent being to accommodate retail functions being showrooms with food and drink outlets which are highway-focussed. The proposal involves the construction of two (2) large showrooms and up to three (3) food and drink outlets which are consistent with the intent of the zone. Further, the proposed service station to the west of the site will act as a specialised service which is considered appropriate to the respective function and catchment given its siting on Moores Creek Road. The only inconsistent use is the large shop which will have a GFA of 1,950 square metres.</p> <p>Further, the requirements of the Master Plan, as per Performance Outcome 19, have largely been addressed as part of the planning report. This includes the maintenance of the existing streetscape fronting Moores Creek Road to continue the provision of a high level of pedestrian and cyclist activity; the creation of a mix of uses including showrooms, shops and food and drink outlets which will result in activity throughout the day; and the incorporation of on-site safety and security measures.</p> <p>While the proposal does not result in the creation of a predominant built to street frontage form, and causes car parking areas to dominate the major road frontages, these have eventuated from on-site design constraints and the nature of the surrounding site. The narrow width of the site does not afford space for a built to street frontage form to encourage pedestrians to access the site. As the site has a frontage to Moores Creek Road, it is considered appropriate to provide parking spaces in proximity to this road frontage as visitors are more likely to access the site via motor vehicle than walking. By orienting the car park to the road frontage it is likely that this will encourage more visitors to the site, subsequently reinforcing the notion that the proposal is “highway-focussed” as outlined in the intent of the Specialised Centre Zone Code. Further, this layout is also consistent with many of the existing developments in proximity to the site including the commercial development located on Lot 201 on SP232447.</p> <p>As such, while a Master Plan was not provided, many of its components have been addressed in the planning report and this assessment. The proposal largely complies with the requirements of the Master Plan and where there is a non-compliance, sufficient justification has been provided.</p>
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PO24	<p>Development avoids the creation of 'heat islands' with large expanses of roofing and car parking areas.</p>	<p>A large portion of the site will accommodate large expanses of uncovered car parking areas resulting in the creation of some on-site heat islands. This is further exacerbated by a non-compliance with the Landscape Code which stipulates a requirement for shade trees with a minimum height of two (2) metres. While the car parking layout provides for some shade trees, the layout still affords the creation of some potential heat islands.</p> <p>Despite this non-compliance, shade trees are provided on the site, albeit non-compliant with Performance Outcome 10 of the Landscape Code as indicated on the proposed plans of development. While the ratio of shade trees to the number of car parks does not comply, their siting will reduce the visual dominance of the car parking areas to both road frontages while also reducing the environmental impacts associated with any potential heat islands. Further, given the narrow width of the car park adjacent to Moores Creek Road, it is unlikely that a significant heat island will be formed. This is also offset by the shade trees provided along this stretch of car park.</p> <p>As such, while the ratio of shade trees to car parking spaces does not comply with the Landscape Code, it is unlikely that they will form significant heat islands. Further, any potential heat islands are offset by proposed landscaping treatments along the Yaamba Road and Moores Creek Road frontages which will conceal the visual impact of the expansive car parking area.</p>
PO26	<p>External pedestrian spaces offer a variety of passive recreational opportunities and experiences ranging from intimate seating to large open spaces, and include features to enhance their use and enjoyment, such as food outlets, table and chairs, seating, ledges, shade structures and artwork.</p>	<p>The proposed layout does not afford many external pedestrian spaces which facilitate on-site passive recreational opportunities and experiences. Due to the location of the site, the proposed layout and the narrow width of the existing lot there are limited opportunities for providing pedestrian spaces.</p> <p>Given the nature of the proposal, the existing development pattern in proximity to the site, and the purpose of the zone, it is considered unnecessary to provide areas of open space to create recreational opportunities given that the proposal is for commercial development. The proposal will facilitate some social interaction opportunities by providing Food and Drink outlets as part of the layout which will create interaction points for visitors to the centre. Further, the existing streetscape fronting Moores Creek Road currently encourages pedestrian activity and subsequent passive, recreation movements in the form of walking and cycling.</p>
PO30	<p>Development does not compromise the intended role or successful functioning of higher order centres.</p>	<p>The proposal involves the creation of a Shop which exceeds a GFA of 500 square metres. The GFA of the proposed Shop will be 1,950 square metres.</p> <p>Despite this non-compliance, the proposal will not compromise the role of other higher-order</p>

		<p>centres in the Rockhampton region, in particular the existing development located on Lot 201 on SP232447. The proposal offers a form of development which is largely consistent with the Specialised Centre Zone code. The showrooms, food and drink outlets, and service station represent specialised services and retail functions which are predominantly highway-focussed due to the proximity of the site to Moores Creek Road and Yaamba Road. These three (3) uses provide a form of development which contrasts to the existing retail centres which surround the site, in particular, the two (2) large showrooms proposed. Further, the proposed Service Station also offers a specialised service which is unlikely to detract from the economic viability of the nearby commercial development located on Lot 201 on SP232447.</p> <p>One of the proposed shops, with a GFA of 1,950 square metres, is not consistent with the intent of the Specialised Centre Zone Code. However, this proposed shop is unlikely to compromise the viability, role or function of other centres immediately surrounding the site. The scale of the proposal, in comparison to the existing commercial development located on Lot 201 on SP232447, is smaller in nature and offers a contrasting development. Given the large-scale nature of the existing development located at Lot 201 on SP232447, it is unlikely that the presence of the proposal will detract from the number of visitors utilising the existing centre or its economic viability.</p> <p>As such, the proposal primarily offers a form of development which is compatible with the Specialised Centre Zone which accommodates retail functions with food and drink outlets that are highway focussed. The large shop is unlikely to detract from the economic viability of the existing commercial development located at Lot 201 on SP232447 or the successful functioning of other higher order centres.</p>
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Access, Parking and Mobility Code		
	Performance Outcome/s	Officer's Response
PO2	Access driveways do not disrupt existing road or footpath infrastructure.	<p>The proposed access driveway on Moores Creek Road will result in the removal of existing street trees which are currently part of the Peter Smith Memorial Garden. Despite this, the applicant has provided a landscape concept plan which demonstrates that additional landscaping treatments will be proposed along the Moores Creek Road frontage, while maintaining the existing mature trees on the same section and associated with the Memorial Garden.</p> <p>Further, the applicant has indicated their intent to arrange a compensatory measure with</p>

		Council to offset the loss of any significant trees located within the Memorial Garden, resulting from the construction of the new access point, by re-planting vegetation in close proximity to the existing site
PO15	Development does not impact on the safety, operation or function of the road network or system.	The proposal has two (2) access points which front directly onto main roads, being Yaamba Road and Moores Creek Road. The application was referred to the Department of Transport and Main Roads, as the abovementioned roads are state-controlled infrastructure. The Department recommended an approval for the proposal and provided concurrence agency conditions to ensure that the proposal would not adversely affect the integrity of the surrounding state-controlled road network.

Landscape Code		
Performance Outcome/s		Officer's Response
PO9	<p>Fencing (including walls) and acoustic barriers are designed to:</p> <ul style="list-style-type: none"> (a) be compatible with the existing streetscape; (b) minimise adverse effects on the amenity of an adjoining property; and (c) complement, but not dominate, the development. 	<p>The proposal includes a provision to include a four (4) metre high acoustic barrier along the northern property boundary, adjoining the Leinster Place Aged Care Facility. This exceeds the requirement of a three (3) metre high fence as stipulated in the Acceptable Outcome 9.1. Further, this acoustic barrier, and other subsequent acoustic fencing outlined on the proposed plans, including the eastern boundary of adjoining Lot 25 on SP191047, do not accommodate a three (3) metre vegetated buffer as outlined in Acceptable Outcome 9.2.</p> <p>The four (4) metre high acoustic barrier proposed on the northern boundary is designed to soften the visual impact of the built-to-boundary siting of the two (2) proposed showrooms. It is therefore considered necessary to accommodate this acoustic barrier on the northern boundary as it softens the visual impact of the built to boundary showrooms.</p> <p>The siting of both proposed showrooms makes it impractical for a three (3) metre vegetated buffer to be afforded between the acoustic barrier and the built structure. To compensate for the non-presence of a vegetated buffer, the applicant has proposed that the height of both Showrooms, as they front the northern boundary, have been reduced to the extent that the building is within three (3) metres of this boundary. By designing the Showrooms in this manner it will soften the visual impact of the structure to the adjoining property, while achieving a similar outcome if a three (3) metre vegetated buffer was provided.</p>
PO10	Car parks and internal access (both on and off-street) are landscaped to:	Shade trees within the proposed car park have not been provided in accordance with the required rates, being one (1) tree per six (6) car parks, with a minimum height of two (2)

<ul style="list-style-type: none"> (a) reduce their visual appearance; (b) provide shade; (c) reduce glare; (d) reduce heat stored in hard surfaces; (e) harvest storm water; and (f) be of a design that protects damage from vehicles, minimises risk of crime and contaminated stormwater runoff. 	<p>metres. The proposed car parking layout offers expansive sections of hardstand parking areas, creating the potential for the formation of “heat islands”.</p> <p>Notwithstanding, the proposed car parking area does afford several landscaping treatments, albeit non-compliant with Acceptable Outcome 10.1. Despite this non-compliance landscaping treatments are afforded within the car parking area which provide shade, reduce glare and can reduce heat stored in hard surfaces.</p> <p>A Landscape Concept Plan also indicates that treatments will be provided along the Yaamba Road and Moores Creek Road frontages which will reduce the visual dominance of the car parking area from the road. Further, the two (2) access points to the site are surrounded by planting treatments to improve the visual amenity of the site upon entering.</p>
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Based on a performance assessment of the above mentioned codes, it is determined that the proposal is acceptable and generally complies with the relevant Performance outcomes and where there is deviation from the codes, sufficient justification has been provided.

Sufficient Grounds

Part of the proposed development is not considered to be consistent with the *Rockhampton Region Planning Scheme 2015*. Council should note, however, that pursuant to Section 326(1)(b) of the *Sustainable Planning Act 2009*, the assessment manager's decision may conflict with the planning scheme if there are sufficient grounds to justify the decision despite the conflict. Sufficient grounds to support the development are as follows:

- a) The proposal is consistent with the intent of the Specialised Centre Zone as it accommodates predominantly retail functions, being showrooms and a service station, with food and drink outlets that are highway focussed and serve visitors to the centre;
- b) The dominance of the two (2) large showrooms proposed coincides with the intent of the Yaamba Road precinct as a destination for 'homemaker' and other bulky goods;
- c) The large shop is the only inconsistent land use associated with the proposal as it has a Gross Floor Area greater than 500 square metres. Despite this, the supermarket is unlikely to compromise the economic viability of existing retail centres as it is of a scale and intensity which is less than that of existing shopping centres located in proximity to the site on Yaamba Road and Moores Creek Road;
- d) The scale of the proposal is such that it is considered to provide a convenience shopping function for the immediate neighbourhood, particularly for the residential areas situated to the northern side of Moores Creek Road;
- e) The development will not compromise the role and function of Yaamba Road as the main thoroughfare, as the proposal predominantly fronts towards Moores Creek Road and is of an intensity less than that of the scale of surrounding retail centres on Yaamba Road;
- f) The proposal will not undermine the viability or role of other centres as it provides for predominantly showrooms, which contrasts to surrounding retail centres which are predominantly for shops;
- g) The proposed use does not compromise the strategic framework in the *Rockhampton Region Planning Scheme 2015*;
- h) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and
- i) The proposed development does not compromise the relevant State Planning Policy.

Having regard to all of the above, it is recommended Council, from a land use perspective, consider the proposed development favourably as there are considered to be sufficient grounds to justify a decision that favours the alternative land uses proposed herein.

INFRASTRUCTURE CHARGES

Adopted Infrastructure Charges Resolution (No. 5) 2015 for non-residential development applies to the application and it falls within Charge Area 1. The Infrastructure Charges are as follows:

Column 1 Use Schedule		Column 2 Charge Area	Column 3 Adopted Infrastructure Charge		Column 4 Adopted Infrastructure Charge for stormwater network		Calculated Charge
			(\$)	Unit	(\$)	Unit	
Commercial (Bulk Goods) (Two Showrooms)	All uses as per AICN 5/15 Table 2.2.1	Area 1	119	per m ² of GFA			\$371,875.00
		Area 1			8.50	per m ² of impervious area	
Commercial (Retail) Service Station (all other areas)	All uses as per AICN 5/15 Table 2.2.1	Area 1	153	per m ² of GFA			\$43,605.00
		Area 1			8.50	per m ² of impervious area	
Commercial (Retail) All other uses as per Table 2.2.1 (Three Food and Drink Outlets)	All uses as per AICN 5/15 Table 2.2.1	Area 1	153	per m ² of GFA			\$44,370.00
		Area 1			8.50	per m ² of impervious area	
Commercial (Retail) All other uses as per Table 2.2.1 (One Shop)	All uses as per AICN 5/15 Table 2.2.1	Area 1	153	per m ² of GFA			\$298,350.00
		Area 1			8.50	per m ² of impervious area	\$149,770.00
	Total						\$907,970.00
	Less Credit						\$343,800.00
	TOTAL CHARGE						\$564,170.00

This is based on the following calculations:

- (a) A charge of \$758,200.00 for Gross Floor Area being 5,650 square metres (one shop, one service station, two showrooms and three food and drink outlets);
- (b) A charge of \$149,770.00 for Impervious Area being 17,620 square metres (roof area, hardstand areas, access and parking areas); and
- (c) An infrastructure credit of \$343,800.00 for the previous lawful Motel / Caravan Park which is based on the following:
 - (i) A credit of \$218,400.00 for fifty-two (52) caravan sites at a rate of \$4,200.00 per site;
 - (ii) A credit of \$50,400.00 for twelve (12) tent sites at a rate of \$4,200.00 per site; and
 - (iii) A credit of \$75,000.00 for ten (10) motel units (<6 beds per room) at a rate of \$7,500.00 per unit.

CONSULTATION

The proposal was the subject of public notification between 1 July 2016 and 22 July 2016, as per the requirements of the *Sustainable Planning Act 2009*, and three (3) properly made submissions were received.

The following is a summary of the submissions lodged, with Council officer comments:

Issue	Officer's Response
<p>Properly made status of the development application</p>	<p>Two (2) submissions argued that the development application submitted to Council was deficient of information and should not have been considered properly made. This related to insufficient documentation provided at the time of lodgement, with particular regard to the mandatory supporting information specified on IDAS Form 5. The submissions stated that the following information was not included as part of the application:</p> <ul style="list-style-type: none"> • A Site Plan which shows: <ul style="list-style-type: none"> ○ The location of existing and proposed easements; ○ The location and use of buildings on adjoining land; ○ The location of refuse storage; • Floor Plans which show: <ul style="list-style-type: none"> ○ The intended use of each area on the floor plan; ○ The existing and proposed built form; • Information that states:

Issue	Officer's Response
	<ul style="list-style-type: none"> ○ The existing or proposed floor area, site cover, maximum number of storeys and maximum height above ground level for existing or new buildings; ○ Plans showing the size, location, existing floor area, existing site cover, existing maximum number of storeys and existing maximum height above natural ground level of the buildings to be reused; ● Elevations which: <ul style="list-style-type: none"> ○ Show plans of all building elevations and facades, clearly labelled to identify orientation. <p>The application was lodged to Council and considered properly made on 2 December 2015. The application, at the time of lodgement included a Site Plan and Elevations showing the extent of the proposed development on the subject site, as well as a Town Planning Report which provided further detail of the nature and scale of the proposed uses. It is acknowledged that no Floor Plans were submitted to Council at the time of lodgement. Notwithstanding, Council determined that sufficient information was made available at the time of lodgement to consider the application as properly made in accordance with section 261 (1) of the <i>Sustainable Planning Act 2009</i>.</p> <p>In relation to the absence of Floor Plans associated with the application's lodgement. Council issued an information request on 22 December 2015 which in part asked the applicant to provide Floor Plans for each of the proposed tenancies and uses (refer to item 1.1 of the information request). On 14 June 2016, the applicant provided a response to the information request. In response to item 1.1 of the information request, the applicant stated that detailed Floor Plans had not been prepared as prospective tenants had not been finalised. It is anticipated that Floor Plans will be provided as part of a future Building Works application to Council, at which point the tenants will be finalised.</p> <p>As a whole, the application contained sufficient information for it to be considered as properly made, which included substantial information provided in the reports lodged as part of the application, and the subsequent response to the information request.</p>
<p>Provision of a Master Plan to support the application</p>	<p>One (1) of the submissions stated that the application should have been accompanied by a Master Plan. In accordance with Performance Outcome 19 of the Specialised Centre Zone Code, "development involving an increase in gross floor area that exceeds 3,000 square metres is accompanied by a Master Plan that demonstrates how the expansion fits with the balance of the centre and integrates with the surrounding urban areas." There was no Master Plan which was submitted as part of the application, despite the proposal involving the construction of approximately 5,650 square metres of gross floor area.</p> <p>Despite this, the proposal is largely consistent with the intent of the Specialised Centre Zone. The intent being to accommodate retail functions being showrooms with food and drink outlets which are highway-focussed. The proposal involves the construction of two (2) large showrooms and up to three (3) food and drink outlets which are consistent with the intent of the zone. Further, the proposed service station to the west of the site will act as a specialised service which is considered appropriate to the</p>

Issue	Officer's Response
	<p>respective function and catchment given its siting on Moores Creek Road. The only inconsistent use is the large shop which will have a GFA of 1,950 square metres.</p> <p>Further, the requirements of the Master Plan, as per Performance Outcome 19, have largely been addressed as part of the planning report. This includes the maintenance of the existing streetscape fronting Moores Creek Road to continue the provision of a high level of pedestrian and cyclist activity; the creation of a mix of uses including showrooms, shops and food and drink outlets which will result in activity throughout the day; and the incorporation of on-site safety and security measures. Furthermore, having regard to the outcomes which would be specified on a Master Plan, it was not considered necessary to prepare this document as part of the application as the site is the only remaining undeveloped site within this part of the Yaamba Road Precinct – meaning that there is no need to consider the integration of this development with future developments in the surrounding area.</p>
<p>Proposed building bulk and form</p>	<p>Two (2) of the submissions identified that the building bulk and form is not appropriate and results in adverse impacts to adjoining properties and the surrounding area due to the proximity of the buildings to the boundaries, as well as the inclusion of an acoustic fence.</p> <p>Concerns were raised regarding the site of the two (2) proposed Showrooms in proximity to the northern boundary of the site which adjoins the Leinster Place Aged Care Facility located on Lot 25 on SP191047. Their siting affords no boundary setback, resulting in a non-compliance with AO11.2 which requires a three (3) metre wide landscaped buffer consisting of dense screen planting where the site adjoins a residential zone. Despite this non-compliance, the applicant has sought to include some preventative measures in the proposal's design in order to reduce the amenity and visual impacts associated with the built form of the Showrooms on the adjoining residential zone.</p> <p>The height of both Showrooms has been reduced where the structure is within three (3) metres of the northern boundary. When within this setback, the height of both proposed Showrooms will be reduced to three (3) metres, while beyond this setback the height of both Showrooms will be increased to approximately 4.2 metres. The reduced building height method which has been applied would result in the same impact as if a three (3) metre wide landscape buffer was to be provided contiguous to the adjoining residential zone. Further, this solution would also result in a similar outcome in the event that the building was setback approximately three (3) metres from this boundary. The visual appearance of the built to boundary showroom is also restricted by a "painted precast panel" which will be four (4) metres high and located on the property boundary. Further, this solution also provides an effective noise buffer for the Leinster Place Aged Care Facility from Moores Creek Road, and mitigates the existing noise issues associated with traffic movements on this major road.</p> <p>While the siting of the proposed Showrooms does not afford a three (3) metre landscaped buffer to the adjoining residential zone, the alternate solution provided by the applicant is considered to be acceptable. The reduced height of the Showroom buildings, when within three (3) metres of the northern boundary, would result in a similar impact if a landscaped buffer was</p>

Issue	Officer's Response
	<p>provided to separate the zones. The reduced building height to the boundary is anticipated to soften the visual dominance of the Showroom and reduce any potential impacts on the surrounding residential amenity, in particular to the adjoining Leinster Place Aged Care Facility.</p>
<p>Inclusion of a Service Station use</p>	<p>One (1) submission objected to the inclusion of the proposed Service Station use to the west of the subject site, having regard to the interface of the use to the adjoining residential areas.</p> <p>A Service Station within the Specialised Centre Zone is code-assessable and is considered to be consistent with the intent of the zone. It is also a use which aligns with the overarching purpose of the zone which is to promote development which is "highway-focussed".</p> <p>Notwithstanding, the location of the proposed Service Station in proximity to residential zones to the north and west of the site must be considered and appropriately managed to ensure that it does not result in unacceptable impacts on the surrounding area. The proposal will include the provision of an acoustic fence along the northern and western boundaries of the site, immediately surrounding the proposed Service Station use area, to mitigate potential noise, light and dust emissions emanating from the operation of the Service Station.</p> <p>The proposed development is conditioned to ensure that any lighting devices associated with the proposed development's activities are positioned on the site so as not to cause glare or other nuisance to nearby residents and motorists. Further, any night lighting provided must be in accordance with <i>Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"</i>.</p> <p>Noise and nuisance monitoring is also included as part of the conditions attached to the proposed development. Nuisance monitoring is required to be undertaken when a genuine complaint is made to Council regarding any nuisance created by light. The monitoring data, an analysis of the data and a report, including light mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation. Furthermore, the acoustic report which was submitted as part of the application also includes specific operational requirements to ensure that the impacts on adjoining areas are suitably mitigated.</p>
<p>Suitability and layout of the access and parking arrangements</p>	<p>One (1) of the submissions stated that the proposed access, parking and mobility arrangements were not suitable for the context of the site. This was in reference to the potential conflict between vehicles access to the service station and the balance of the site, as well as impacts of loading on surrounding areas.</p> <p>Council issued an information request on 22 December 2015 which identified that the proposed access arrangement on Moores Creek Road may generate a potential conflict between vehicles using the proposed Service Station and the retail tenancies.</p> <p>On 14 June 2016, the applicant responded to the information request which included a signage and line marking plan which outlined how the potential conflict between vehicles using the proposed Service Station and the retail tenancies will be managed. The plan demonstrated that traffic accessing the site from Moores Creek Road will have priority over any vehicles which have</p>

Issue	Officer's Response
	<p>already accessed the Service Station and are existing.</p> <p>In relation to loading areas, all loading areas have been sited behind the rear of the proposed buildings. Specific reference is made to the loading areas for the proposed supermarket and the existing buildings which currently operates as a loading area for the existing tenancies on the site. The proposed siting of the loading areas will represent an improvement as a result of the development given that there are currently no acoustic treatments to the edges of the existing loading area. Further, the proposed restrictions to the loading hours will also ensure that the impacts on the surrounding area.</p>
<p>Impact on the future development of adjoining land</p>	<p>One (1) submission raised concerns regarding the impact of the proposal on future development opportunities on adjoining properties, in particular Lot 25 on SP191047. The occupants of this adjoining property have indicated their intent to extend the existing Aged Care Facility on the site and have subsequently expressed their concern about the proximity of the proposed Service Station to the shared boundary facing this undeveloped portion of land.</p> <p>Considering the interface with the adjoining section of undeveloped land, the proposed Service Station use area, extending to the northern boundary will be adequately screened by a landscape buffer and acoustic fencing as portrayed on the proposed Site Plan. This screening is intended to provide suitable mitigation to adjoining Lot 25 on SP191047, and subsequently offset any potential impacts by way of dust, noise, odour and light emissions associated with the proposed Service Station use. Further, the proposed Service Station is also identified as being consistent with the Specialised Centre Zone and is considered to comply with all of the relevant code requirements.</p>
<p>Management of through site access (associated with residential properties located on Kerr Street)</p>	<p>One (1) submission expressed concern relating to the possibility that the development may encourage unauthorised persons to traverse between Moores Creek Road and the adjoining residential area located on Kerr Street.</p> <p>Council and the applicant have had direct discussions with the owners of the residential premises as part of a collaborative approach to develop suitable conditions and design treatments to ensure that this issue can be managed.</p>

REFERRALS

The application was referred to the Department of Transport and Main Roads (DTMR) on 22 February 2016. On 21 March 2016, DTMR issued an information request for further information regarding how the proposal would affect the functionality of the surrounding state-controlled road network.

DTMR provided a concurrence agency response on 3 April 2017 which recommended an approval of the application subject to conditions.

CONCLUSION

The application for a Material Change of Use for a Service Station, Shop, Showroom and Food and Drink Outlet is consistent with the intent of the Strategic Framework and the Specialised Centre Zone.

**D/162-2015 - MATERIAL CHANGE OF
USE FOR SERVICE STATION, SHOP,
SHOWROOM AND FOOD
AND DRINK OUTLET**

Locality Plan

Meeting Date: 6 June 2017

Attachment No: 1

D/162-2015 - Locality Map



A4 Page scale at 1: 3,742.27
Printed from GeoCortex on 11/05/2017



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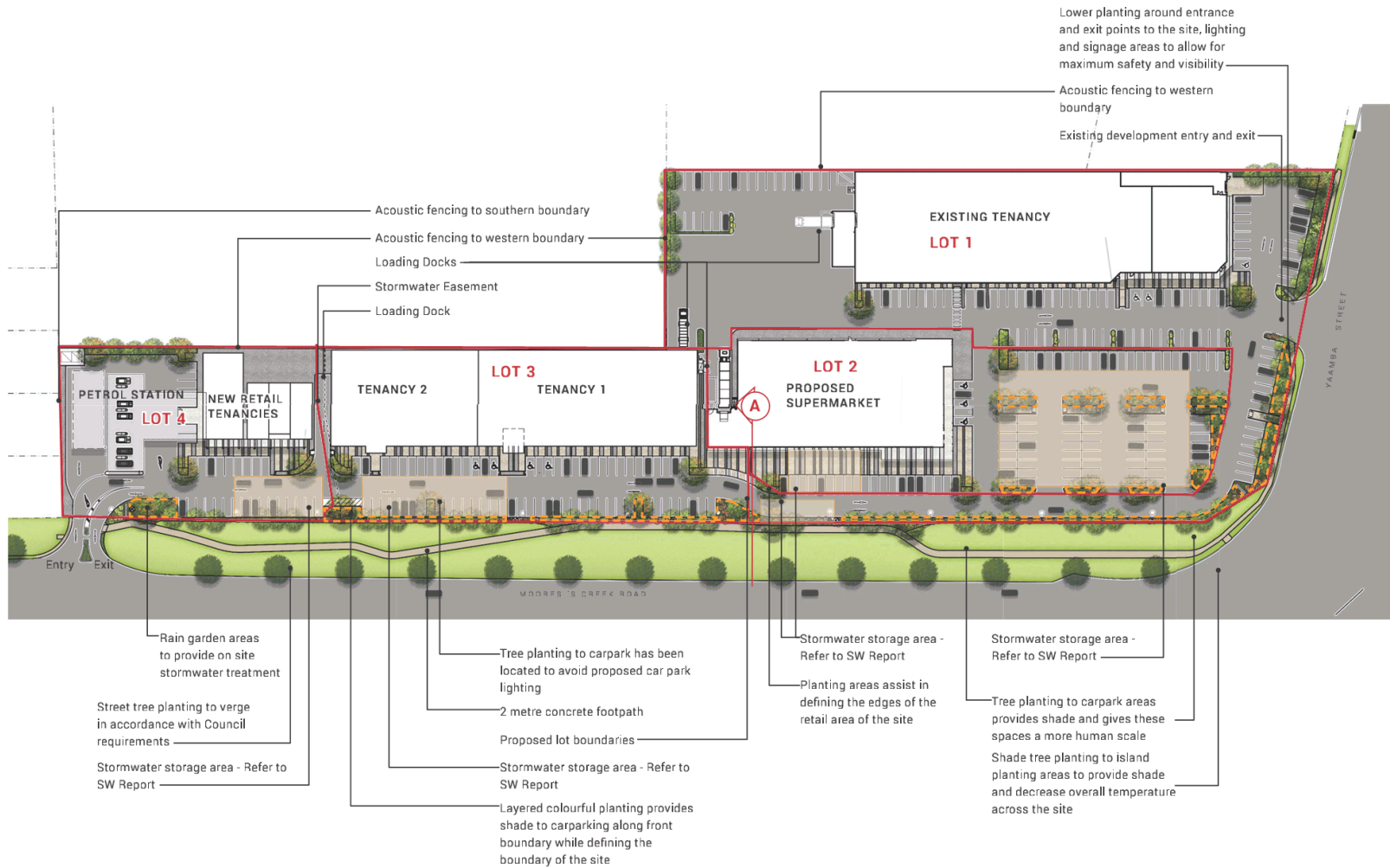


**D/162-2015 - MATERIAL CHANGE OF
USE FOR SERVICE STATION, SHOP,
SHOWROOM AND FOOD
AND DRINK OUTLET**

Landscape Concept Plan

Meeting Date: 6 June 2017

Attachment No: 2



place design group.
 Place Design Group Pty Ltd
 13 Robe Isom Street
 Fortitude Valley, Brisbane, QLD
 4006 Australia
 T + 61 7 3852 3022
 F + 61 7 3852 4755

Landscape Concept Plan - Spotlight Retail Development
 Moore's Creek Road, Rockhampton

DATE	PROJECT NO.	REVISION	DWG NO.
03/03/2016	1014008	D	SK01



**D/162-2015 - MATERIAL CHANGE OF
USE FOR SERVICE STATION, SHOP,
SHOWROOM AND FOOD
AND DRINK OUTLET**

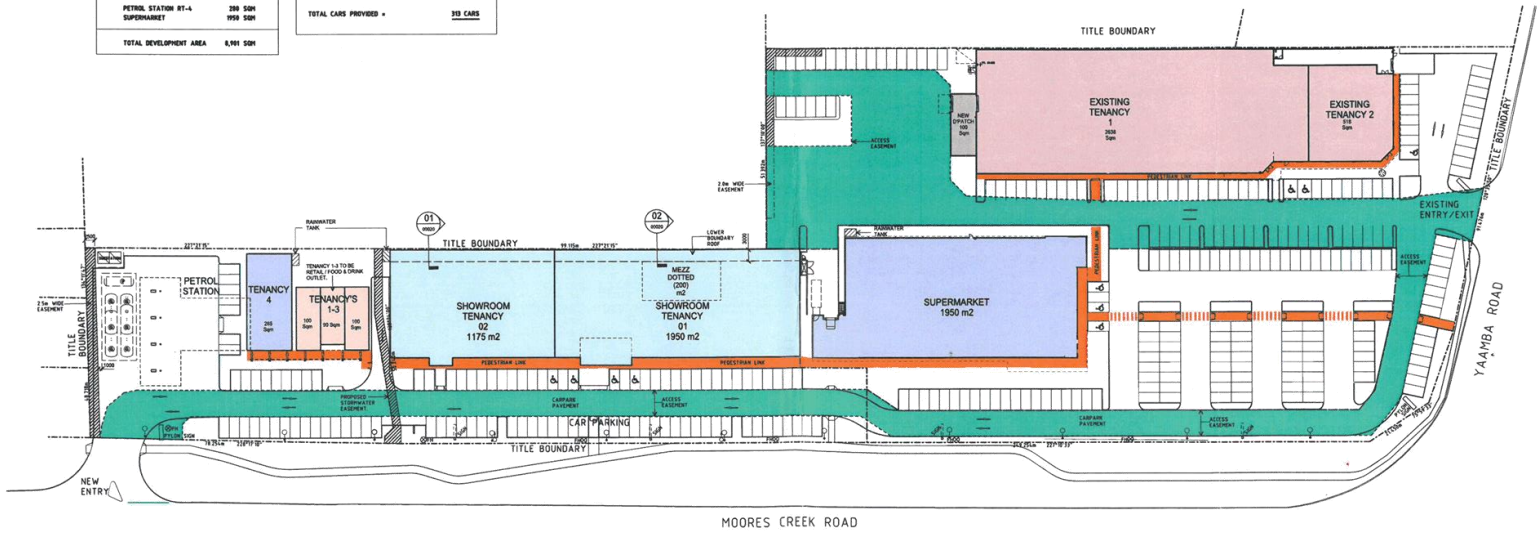
Site Plan

Meeting Date: 6 June 2017

Attachment No: 3

TENANCY	AREA
EXISTING TENANCY 1	2430 SQM
EXISTING TENANCY 2	510 SQM
NEW SPATCH	100 SQM
NEW BULKY GOODS 1	195 SQM
NEW BULKY GOODS 2	195 SQM
TOTAL BULKY GOODS AREA	6,361 SQM
NEW RETAIL TENANCY 1	100 SQM
NEW RETAIL TENANCY 2	90 SQM
NEW RETAIL TENANCY 3	90 SQM
TOTAL RETAIL AREA	270 SQM
PETROL STATION RT-4	300 SQM
SUPERMARKET	1950 SQM
TOTAL DEVELOPMENT AREA	8,091 SQM

CARPARK TALLY	
CAR PARKS REQUIRED (BULKY GOODS)	
1:1 PER 40 SQM	6,361 / 40 = 159 CARS
CAR PARKS REQUIRED (RETAIL)	
1:1 PER 25 SQM	270 / 25 = 10 CARS
CAR PARKS REQUIRED (PETROL STATION)	8 X 4 = 32 CARS
CAR PARKS REQUIRED (SUPERMARKET)	15 / 25 SQM PER % = 1500 / 25 = 70 CARS
TOTAL CARS REQUIRED =	262 CARS
TOTAL CARS PROVIDED =	310 CARS



01 SITE PLAN
1:500

PROJECT SPOTLIGHT - ROCKHAMPTON	PROJECT NUMBER 312005	DATE 20/08/15	SCALE: 1:201 VARIES	BUCHANAN ARCHITECTS 10/11-13/15 BUCHANAN STREET ROCKHAMPTON QLD 4700 PH: 07 4639 1000 WWW.BUCHANANARCHITECTS.COM.AU	DRAWING TITLE PROPOSED SITE PLAN SUPERMARKET OPTION
	STATUS SKETCH DESIGN	FOR INFORMATION			DRAWING NUMBER ASK-00018

8.2 D/18-2017 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR RENEWABLE ENERGY FACILITY (SOLAR PARK)

File No: D/18-2017

Attachments:

1. Locality Plan
2. Development Plan
3. Landscape Plan

Authorising Officer: Amanda O'Mara - Senior Planning Officer
Michael Rowe - General Manager Community Services

Author: Brandon Diplock - Planning Officer

SUMMARY

Development Application Number: D/18-2017

Applicant: Eco Energy World Australia Pty Ltd on behalf of Maranbah Solar Pty Ltd C/- RPS Australia East Pty Ltd

Real Property Address: Lot 742 Cherryfield Road, Gracemere

Common Property Address: Lot 742, 770 and 778 on LIV40192, Lot 1009 on LIV40267, Lot 2 on RP613051 and Lot 13 on LN424, Parish of Bouldercombe

Area of Site: 706.22 hectares

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Rural Zone

Planning Scheme Overlays: Agricultural Land Classification Overlay
Biodiversity Waterways Overlay
Bushfire Hazard Overlay
Infrastructure Corridors (Elec Transmission)
Mining Leases Overlay
Steep Land Overlay
Transport Noise Corridor

Existing Development: Not Applicable

Existing Approvals: Not Applicable

Approval Sought: Development Permit for a Material Change of Use for Renewable Energy Facility (solar park)

Level of Assessment: Impact Assessable

Submissions: One (1) properly made

Referral Agency(s): Department of Infrastructure, Local Government and Planning, and Powerlink Queensland

Infrastructure Charges Area: Charge Area 3

Application Progress:

<i>Application Lodged:</i>	21 February 2017
<i>Acknowledgment Notice issued:</i>	6 March 2017
<i>Submission period commenced:</i>	23 March 2017

<i>Submission period end:</i>	<i>13 April 2017</i>
<i>Council request for additional time:</i>	<i>12 May 2017</i>
<i>Government Agency Response:</i>	<i>21 March 2017</i>
<i>Last receipt of information from applicant:</i>	<i>19 April 2017</i>
<i>Statutory due determination date:</i>	<i>16 June 2017</i>

OFFICER'S RECOMMENDATION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for a Material Change of Use for Renewable Energy Facility (solar park), made by Eco Energy World Australia Pty Ltd on Behalf of Maranbah Solar Pty Ltd, located at Lot 742 Cherryfield Road, Gracemere on land formally described as Lot 742, 770 and 778 on LIV40192, Lot 1009 on LIV40267, Lot 2 on RP613051 and Lot 13 on LN424, Parish of Bouldercombe, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer and his employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:
 - 1.3.1 to Council's satisfaction;
 - 1.3.2 at no cost to Council; and
 - 1.3.3 prior to the commencement of the use unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
 - 1.5.1 Operational Works:
 - (i) Road Works;
 - (ii) Access and Parking Works;
 - (iii) Stormwater Works;
 - 1.5.2 Plumbing and Drainage Works; and
 - 1.5.3 Building Works.
- 1.6 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.7 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.8 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be

approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

- 2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by any condition of this development approval:

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Development Plan	Project No. 133759	February 2017
Landscape Concept Plan	L-00-01 Revision B	17 February 2017
Bushfire Hazard Assessment and Management Plan for the proposed Bouldercombe Solar Project, Rockhampton Region, Queensland	N/A	February 2017

- 2.2 Where there is any conflict between the conditions of this development approval and the details shown on the approved plans and documents, the conditions of this development approval must prevail.
- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of an application for a Development Permit for Operational Works.

3.0 ROAD WORKS

- 3.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works required by this development approval.
- 3.2 All road works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, and relevant *Australian Standards* and *Austrroads Guidelines* and the provisions of a Development Permit for Operational Works (road works).
- 3.3 The proposed access within the unformed road reserve along the northern boundary must be constructed to a 'Rural Access' standard (i.e. a gravel road of 6.5 metres wide formation and pavement width) up to the second access point from the Burnett Highway.
- 3.4 Traffic signs and pavement markings must be provided in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*. Where necessary, existing traffic signs and pavement markings must be modified in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*.

4.0 ACCESS AND PARKING WORKS

- 4.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the development site.
- 4.2 All access and parking works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 4.3 All access, parking and vehicle manoeuvring areas must be constructed in accordance with the approved site plan (refer to condition 2.1). They must be constructed, operated and maintained in a manner so that there is no significant impact on the amenity of adjoining premises or the surrounding area being caused due to the emission of dust or resulting in sediment.
- 4.4 Internal access ways around the perimeter of the site area and a network of access

ways must be constructed to allow fire fighting vehicles to access vegetated areas of the site area as per the recommendation of the submitted 'Bushfire Hazard Assessment and Management Plan' (refer to Condition 2.1).

5.0 PLUMBING AND DRAINAGE WORKS

5.1 If required, all sanitary drainage works in flood affected areas must comply with *Australian Plumbing and Drainage Standard AS3500 Part 2*, Sections 3 and 4 for flood affected areas.

5.2 If required, on-site sewerage treatment and disposal to be provided in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Plumbing and Drainage Policies. The on-site sewerage treatment and disposal area must not be located within the existing water course or conflict with the separation distance as detailed with the *Queensland Plumbing and Wastewater Code*.

6.0 STORMWATER WORKS

6.1 A Development Permit for Operational Works (stormwater works) may be required prior to the commencement of any stormwater works required by this development approval.

6.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).

6.3 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.

6.4 The development must not increase peak stormwater runoff for a selected range of storm events up to and including a one per cent (1%) Annual exceedance probability storm event, for the post-development conditions. Documentation is to be included in the Environmental Management Plan.

6.5 The Operational Works (stormwater works) application must include an assessment of how the development meets the stormwater design objectives as per the 'Water Quality' Code contained in the State Planning Policy 2016 and details of any proposed on-site detention/retention systems and associated outlet systems required to mitigate the impacts of the proposed development on downstream land and existing upstream and downstream drainage systems. Documentation is to be included in the Environmental Management Plan.

6.6 Fencing across overland flow paths must be avoided unless provision is made for the conveyance of flow.

7.0 SITE WORKS

7.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.

7.2 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.

8.0 LANDSCAPING WORKS

8.1 All landscaping must be established generally in accordance with the approved plans (refer to condition 2.1). The landscaping must be constructed and/or established prior to the commencement of the use and the landscape areas must predominantly contain plant species that are locally native to the Central Queensland region due to their low water dependency.

9.0 ELECTRICITY

- 9.1 Electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 9.2 Evidence that the development is provided with electricity services from the relevant service provider must be provided to Council, prior to the commencement of the use.

10.0 ASSET MANAGEMENT

- 10.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.
- 10.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.

11.0 ENVIRONMENTAL

- 11.1 Any application for a Development Permit for Operational Works must be accompanied by a detailed Environmental Management Plan that addresses, but is not limited to, the following:
- (i) water quality and drainage;
 - (ii) erosion and silt/sedimentation management;
 - (iii) fauna management;
 - (iv) vegetation management and clearing;
 - (v) top soil management;
 - (vi) interim drainage plan during construction;
 - (vii) construction programme;
 - (viii) geotechnical issues;
 - (ix) weed control;
 - (x) bushfire management;
 - (xi) emergency vehicle access;
 - (xii) noise and dust suppression; and
 - (xiii) waste management.
- 11.2 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan (To be included in the Environmental Management Plan) that addresses, but is not limited to, the following:
- (i) objectives;
 - (ii) site location and topography;
 - (iii) vegetation;
 - (iv) site drainage;
 - (v) soils;
 - (vi) erosion susceptibility;
 - (vii) erosion risk;
 - (viii) concept;

- (ix) design; and
 - (x) implementation,
- for the construction and post-construction phases of work.
- 11.3 The Environmental Management Plan approved as part of a Development Permit for Operational Works must be part of the contract documentation for the development works.
- 11.4 The Erosion Control and Stormwater Control Management Plan prepared by a Registered Professional Engineer of Queensland in accordance with the *Capricorn Municipal Design Guidelines*, must be implemented, monitored and maintained for the duration of the development works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The plan must be available on-site for inspection by Council Officers whilst all works are being carried out.
- 12.0 ENVIRONMENTAL HEALTH
- 12.1 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development 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"*.
- 12.2 Noise emitted from the activity must not cause an environmental nuisance.
- 12.3 Operations on the site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise or dust.
- 12.4 When requested by Council, nuisance monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise, light or dust. An analysis of the monitoring data and a report, including nuisance mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation.
- 12.5 The activity must be conducted in accordance with a site based management plan approved by Council.
- 12.6 Where a vehicle washdown/inspection site is required on site in the future, full details of the facility including environmental controls will be required to be submitted to Council for consideration and assessment prior to instalment.
- 13.0 OPERATING PROCEDURES
- 13.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials or parking of construction machinery or contractors' vehicles must not occur within any streets.
- 13.2 All waste storage areas must be:
- 13.2.1 kept in a clean and tidy condition; and
 - 13.2.2 maintained in accordance with *Environmental Protection Regulation 2008*.
- 13.3 At the end of the operational lifespan of the development, the developer must decommission the use on the site and return the site to a rehabilitated rural state.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

It is advised that under section 23 of the *Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care

are listed in the Aboriginal cultural heritage legislation. The information on Aboriginal cultural heritage is available on the Department of Aboriginal and Torres Strait Islander and Partnerships website www.datsip.qld.gov.au.

NOTE 2. General Environmental Duty

General environmental duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the development site during all stages of the development including earthworks, construction and operation.

NOTE 3. General Safety Of Public During Construction

The *Work Health and Safety Act 2011* and *Manual of Uniform Traffic Control Devices* must be complied with in carrying out any construction works, and to ensure safe traffic control and safe public access in respect of works being constructed on a road.

NOTE 4. Retention of vegetation

It is advised that part of the development site is mapped by the Department of Environment and Heritage Protection as containing Remnant Vegetation. The *Vegetation Management Act 1999* has requirements with regard to the clearing of vegetation. Information on Vegetation Management is available at: <http://www.derm.qld.gov.au/vegetation/index.html>.

An inspection of the development site has identified the presence of the Endangered, Vulnerable or Near Threatened (EVNT) species which are protected under the Queensland *Nature Conservation Act 1992*. Any Endangered, Vulnerable or Near Threatened (EVNT) plant species located on the development site must not be damaged or destroyed without a permit from the Department of Environment and Heritage Protection.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for Renewable Energy Facility (solar park), made by Eco Energy World Australia Pty Ltd on Behalf of Maranbah Solar Pty Ltd, located at Lot 742 Cherryfield Road, Gracemere on land formally described as Lot 742, 770 and 778 on LIV40192, Lot 1009 on LIV40267, Lot 2 on RP613051 and Lot 13 on LN424, Parish of Bouldercombe, Council resolves not to issue an Infrastructure Charges Notice.

BACKGROUND

PROPOSAL IN DETAIL

The proposal is for a Material Change of Use for a Renewable Energy Facility (Solar Photovoltaic (PV) Farm) over land located at Cherryfield Road, Gracemere. The proposed development seeks to provide for a renewable energy source that can support the electricity demands of the Queensland network through the development of a Solar Photovoltaic (PV) Farm generating approximately 300 Mega Watts (MW). The project will involve the placement of a series of arrays across the property, along with two transformers and a site office. It is proposed that the site office and any other associated infrastructure are located close to and with access from the unnamed road along the northern property boundary (with access to the Burnett Highway). More specifically, the proposal involves:

- Establishment of a Solar Photovoltaic (PV) Farm with a generation capacity of approximately 300MW across the landholding;
- The solar panels will be suspended above ground on piles so as to cause minimum ground disturbance;
- Direct vehicle access will be provided from an unnamed road reserve along the northern boundary utilising the existing clearing and access track in the road reserve;

- It is proposed to connect the array to the network via the existing transmission lines that traverse the site;
- Retention of existing significant vegetation and waterways located across the site;
- The underlying agricultural purpose of the land to be continued on an 'as needed' basis; and
- An anticipated thirty (30) year life span.

SITE AND LOCALITY

The subject site is located at Cherryfield Road, Gracemere, and is formally described as Lots 742, 770, 778 and 1009 on LIV40267, Lot 2 on RP613051 and Lot 13 on LN424. The site is located approximately four (4) kilometres south east of Bouldercombe and has an area of approximately 706.22 hectares. The site maintains a road frontage to the Burnett Highway (approximately two (2) kilometres), Inslay Avenue (0.6 kilometres) and a number of unnamed and unconstructed road reserves. The site is currently vacant/ grazing land and whilst it is not regularly used for grazing, it is acknowledged the site is mapped as having good quality agricultural land values. The proposed site falls from the south towards the north at a gradient of approximately one per cent (1%) and includes waterways and areas of remnant vegetation. It is proposed that any development will be setback a minimum of thirty (30) metres from these areas. Development surrounding the subject site consists of large areas of undeveloped rural land beyond which lie vacant lots, rural residential lots and a small residential neighbourhood to the east.

PLANNING ASSESSMENT

MATTERS FOR CONSIDERATION

This application has been assessed by relevant Council planning, engineering, environmental health, and other technical officers as required. The assessment has been in accordance with the Integrated Development Assessment System provisions of the *Sustainable Planning Act 2009*, based on consideration of the relevant State Planning Policy; State Government guidelines; the Council's Town Planning Scheme, Planning Policies and other general policies and procedures, as well as other documents as considered relevant.

Development Engineering Comments – 12 May 2017

Support, subject to conditions and comments.

Public and Environmental Health Comments – 11 May 2017

Support, subject to conditions

Other Staff Technical Comments

Not applicable as the application was not referred to any other technical staff.

TOWN PLANNING COMMENTS

Central Queensland Regional Plan 2013

The *Central Queensland Regional Plan 2013* is a statutory document which came into effect on 18 October 2013. The development is not required to be assessed against the regional plan if this document is appropriately reflected in the local planning scheme. It is considered that the regional plan is appropriately reflected in the current local planning scheme.

State Planning Policy 2014

This policy came into effect on 2 December 2013 (amended in July 2014) and replaced all former State Planning Policies. This policy requires development applications to be assessed against its requirements until the identified state interests have been appropriately reflected in the local planning scheme.

Liveable communities

Not Applicable. The application is not for contributing to a diverse supply of housing.

Mining and extractive resources

Not Applicable. The application is not for an extractive resource industry and is not within a Key Resource Area.

Biodiversity

Not Applicable. The proposal does not relate to a matter of state environmental significance.

Coastal environment

Not Applicable. The site is not within a coastal management district.

Water quality

Not Applicable. The site is not related to any receiving waters or water supply catchment in South East Queensland.

Natural hazard, risk and resilience

Not Applicable. The subject site is not impacted by natural hazards.

Emissions and hazardous activities

Not Applicable. The proposal will not have any adverse impacts from emissions and hazardous materials.

State transport infrastructure

Not Applicable. The site is not within 400 metres of a public or future public passenger transport facility.

Strategic airports and aviation facilities

Not Applicable. The proposal is not affected by a strategic airport.

Rockhampton Region Planning Scheme 2015

Strategic framework

This application is situated within the Rural Area designation under the scheme's strategic framework map. The strategic framework themes and their strategic outcomes, as identified within Part 3 of the *Rockhampton Region Planning Scheme 2015* are applicable:

(i) **Settlement pattern**

- (1) The pattern of settlement is reinforced in accordance with the Strategic framework – settlement pattern maps (SFM-1 to SFM-4) and as defined in Table 3.3.2.2 – Strategic map designations and descriptions. Sufficient land has been allocated for residential, commercial, industrial and community uses to meet the needs of the region for at least twenty-five (25) years.
 - (2) Residential development within Rockhampton and Gracemere will occur in urban areas, urban infill and intensification areas and new urban areas (greenfield areas). These areas are shown on the strategic framework maps SFM-2 to SFM-3.
 - (3) Urban development in Mount Morgan will only occur within the urban area and local centre as shown on strategic framework map SFM-4.
 - (4) Residential development is compact, encourages strong neighbourhoods with attractive places for residents, makes efficient use of land and optimises the delivery and use of infrastructure and services. Expansion beyond these identified areas will not occur to ensure a focus on urban infill and intensification areas and to avoid further encroachment on natural assets and ecologically vulnerable areas.
 - (5) Sufficient land for employment growth has been identified in industrial areas, new industrial areas and centres (including proposed centres) at locations that can be most efficiently serviced with infrastructure and facilities.
-

-
- (6) Future urban areas and future industrial areas are the preferred location for greenfield development beyond 2026.
 - (7) The settlement pattern provides for a diverse range of housing to meet changing demographic needs, and creates opportunities for more affordable living close to services and facilities. These housing options will help stimulate centres and community focal points, and assist in making the most efficient use of infrastructure and other public investment.
 - (8) Higher density development is focussed around centres and public transport nodes and corridors. Increased residential densities will be encouraged in the urban infill and intensification areas in a range of dwelling types that are located to make public transport, walking and cycling more convenient, safe and viable.
 - (9) The design of the built environment (including buildings, streets and public spaces) is consistent with the existing or desired character of the area and buildings are oriented to the street and public places. Development is undertaken in accordance with urban design principles.
 - (10) Centres provide for employment, retail, accommodation, entertainment and community services that meet the needs of residential communities that are well connected by the public transport network.
 - (11) Centres are based on a hierarchy that ensures the scale and form of development is appropriate to the location, and that the centres' roles and functions are appropriate within the wider planning scheme area.
 - (12) Centres are consolidated within designated areas, and expansion does not occur into adjoining residential areas.
 - (13) An integrated and high quality public open space network caters for the needs of residents, particularly in and around centres and higher density areas.
 - (14) The continuing viability of areas that provide for economic development such as industrial and specific use areas is protected from incompatible land uses.
 - (15) Limited rural residential areas provide for semi-rural living; however, these areas do not expand beyond the areas designated.
 - (16) The productive capacity of all rural land is protected.
 - (17) Rural lands and natural areas are maintained for their rural and landscape values.
 - (18) The scenic and environmental values of areas identified as nature conservation or natural corridor link are protected.
 - (19) The cultural heritage of Rockhampton is conserved for present and future communities.
 - (20) Development responds to natural hazards (flooding, bushfire, steep land, storm tide inundation and coastal erosion) by avoiding, mitigating, adapting and building resilience to natural hazards in areas mapped as being susceptible.
- Not Applicable** - The proposal is for a Renewable Energy Facility within the Rural Zone and will not impact on settlement patterns within the region.
- (ii) **Natural environment and hazards**
 - (1) The natural environment and landscape are highly valued by the community for their contribution to the planning scheme area's biodiversity, economic prosperity, culture, character and sense of place. These areas are to be protected from incompatible development.
 - (2) Development does not create unsustainable impacts on:
 - (a) the natural functioning of floodplains;
-

- (b) environmentally significant areas, including areas of state and locally significant vegetation, which provide fauna habitat and support biodiversity; and
 - (c) the quality of water entering waterways, wetlands and local catchments.
- (3) Development does not increase the risk to human life and property in areas that are affected, or potentially affected, by storm-surge, erosion, sea-level rise or other coastal processes, flooding, bushfire, or landslide. This occurs through the avoidance of natural hazards in new development areas, particularly greenfield areas and the mitigation of risks in existing built up areas.
- (4) Strategic and iconic scenic and landscape values are protected from potential adverse impacts of development.

Complies – The proposal is not located within any environmentally significant areas and will not increase the risk to human life.

(iii) **Community identity and diversity**

- (1) The quality of life of residents is enhanced through equitable access to social infrastructure, community services and facilities necessary to support community health and well-being.
- (2) The community is self-sufficient and does not rely on services and facilities located in other regions. Development contributes to the provision of new social infrastructure, including land.
- (3) Cultural heritage including character housing and heritage buildings are conserved and enhanced.
- (4) Public places are safe, functional, characterised by good urban design, and include a range of facilities to encourage healthy and active lifestyles.
- (5) Crime prevention through environmental design is achieved in urban areas including public spaces to improve public safety.

Complies – The proposal will contribute to the enhanced quality of life for residents given that it will generate enough electricity to supply power to in excess of 60,000 homes across Queensland.

(iv) **Access and mobility**

- (1) Connectivity is achieved between residential uses, employment centres and services through the provision of active transport infrastructure integrated with efficient public transport services.
- (2) The trunk transport network (as shown on the strategic framework maps SFM-9 to SFM-12 and in plans for trunk infrastructure in the local government infrastructure plan) supports the settlement pattern and the local economy by facilitating the efficient and safe movement of people and goods both within the planning scheme area (especially between the main urban centres of Rockhampton and Gracemere), and to and from other locations.
- (3) The transport network encourages and supports active living in centres by providing for integrated walking, cycling, and public transport infrastructure to support a progressive reduction in car dependency.
- (4) The safety and efficiency of transport infrastructure, including the Bruce and Capricorn highways and other state and local roads, rail, airport and seaports, are not compromised by development.

Not applicable – The proposal will not impact on the transport network.

(v) **Infrastructure and services**

- (1) Infrastructure and services are planned and delivered in a logical and cost efficient manner in support of the planned settlement pattern. It is fit for purpose and is sensitive to cultural and environmental values. In particular:

- (a) efficient, affordable, reliable, timely and lasting infrastructure makes best use of public resources;
- (b) the long-term needs of the community, industry and business are met; and
- (c) the desired standards of service in Part 4 — Local government infrastructure plan are achieved.

Not applicable – Electrical infrastructure is not identified within the Local Government Infrastructure Plan. The proposal will however, result in the delivery of key infrastructure within the state of Queensland.

(vi) **Natural resources and economic development**

- (1) The economy of the planning scheme area continues to grow and provides the community with diverse and new employment opportunities. Rockhampton continues to strengthen as the retail, service, cultural and administrative centre for both the planning scheme area and the wider Central Queensland region.
- (2) The strategic importance of Rockhampton for transport and logistics industries is fostered, given its central location at the junction of the Bruce Highway, the Capricorn Highway (through to the Landsborough Highway) and the Burnett Highway (through to the Leichhardt Highway).
- (3) The local community continues to value its traditional economic assets and natural resources and protects and conserves them and the contribution they make to maintaining and growing the region's economic prosperity, culture, character and sense of place. The region's traditional economic sectors of tourism and agriculture (including the iconic beef industry) continue to strengthen.
- (4) Development protects and, where possible, leverages the intrinsic economic value of the region's natural resources, including productive grazing, agricultural and forestry land, extractive and mineral resources, marine and coastal resources, and existing and planned water resources, including watercourses, water bodies and groundwater.
- (5) Natural assets identified by this planning scheme are protected as they underpin current and emerging tourism opportunities and important lifestyle values for residents.

Not applicable – The proposal will not have any impacts on the natural resources and economic development within Rockhampton Region.

The performance assessment of the proposal demonstrates that the development will not compromise the *Rockhampton Region Planning Scheme 2015* strategic outcomes.

Rural Zone

The subject site is situated within the Rural Zone under the *Rockhampton Region Planning Scheme 2015*. The purpose of the Rural Zone identifies that: -

- (1) The purposes of the rural zone code is to:
 - (a) provide for rural uses including cropping, intensive horticulture, intensive animal industry, animal husbandry, animal keeping and other primary production activities;
 - (b) provide opportunities for non-rural uses that are compatible with agriculture, the environmental features, and the landscape character of the rural area where they do not compromise the long-term use of the land for rural purposes; and
 - (c) protect or manage significant natural resources and processes to maintain the capacity for primary production.
- (2) The local government purpose of the zone code is to:
 - (a) ensure that land with productive capacity is maintained for a range of existing and emerging rural uses that are significant to the economy of the planning scheme area;

- (b) recognise that different types of rural land are suited to specific uses such as animal industries, horticulture, cropping, intensive animal industries, intensive grazing and extractive industries;
 - (c) prevent the establishment of development which may limit the productive capacity of the land;
 - (d) provide for diversification of rural industries where impacts can be managed; and
 - (e) maintain the environmental values of all rural land.
- (3) The purpose of the zone will be achieved through the following outcomes:
- (a) development in the zone accommodates predominantly rural uses;
 - (b) development:
 - (i) does not detract from the scenic landscape features of rural land including the Fitzroy River, floodplains, lagoons, wetlands, salt pans, mountains and ridges and the coastline;
 - (ii) is responsive to the environmental characteristics and constraints of the land, and minimises impacts on natural features such as waterways, wetlands and remnant vegetation;
 - (iii) has legal and practical access to the road hierarchy;
 - (iv) is serviced by infrastructure that is commensurate with the needs of the use; and
 - (v) maximises energy efficiency and water conservation;
 - (c) non-rural uses may be appropriate where they do not detract from the productivity or residential amenity of rural areas and can demonstrate:
 - (i) a direct relationship with the rural use in the immediate locality; or
 - (ii) the potential to make a contribution to primary production or the diversification of rural industries; or
 - (iii) a need to be remote from urban uses as a result of their impacts; or
 - (iv) a need for a larger land area than is generally available in urban areas (for example, development for outdoor sport and recreation or community use);
 - (d) development does not alienate or impact on the productive agricultural capacity of rural areas, in particular on land identified on the agricultural land classification (ALC) overlay maps;
 - (e) all rural land is protected from further fragmentation. A lack of viability for an existing farm or other small holdings does not justify their further subdivision or use for non-rural purposes;
 - (f) animal keeping (being kennels and catteries), intensive animal industries, intensive horticulture, aquaculture and rural industries establish where they:
 - (i) are located on sites that are large enough to accommodate appropriate buffering to sensitive land uses, residential and emerging community zones. Intensive animal industries are preferred in proximity to the lower Fitzroy River, west of Ridgeland;
 - (ii) do not cause adverse impacts on sensitive land uses in relation to traffic, noise and air quality;
 - (iii) minimise water quality impacts;
 - (iv) protect natural, scenic and environmental values;
 - (v) do not diminish the productive capacity of other land nearby;

- (vi) gain access from roads which are constructed to accommodate the traffic generated by the use; and
- (vii) are not located in areas identified on the agricultural land classification (ALC) overlay maps (except for intensive horticulture);
- (g) Rural workers' accommodation is appropriate where:
 - (i) directly associated with the primary rural use undertaken at the site;
 - (ii) compatible with the rural character of the zone;
 - (iii) not compromising the existing or potential future operation of rural uses on adjoining lots; and
 - (iv) not located in areas identified on the agricultural land classification (ALC) overlay maps;
- (h) urban and rural residential development is contained within the designated growth areas and does not expand into the rural zone;
- (i) sensitive land uses are adequately separated from animal keeping (being kennels and catteries), intensive animal industry, aquaculture, rural industry, and industrial zoned areas (including the Gracemere industrial area, Stanwell power station, Bajool explosives reserve and Bouldercombe brickworks);
- (j) renewable energy facilities are located on sites that are large enough to accommodate appropriate buffering from sensitive uses and minimise adverse impacts on the natural environment;**
- (k) extractive industries (including Marmor limeworks) on rural land are protected from development and encroachment by incompatible uses;
- (l) extractive industry minimises environmental and traffic impacts. Once the operation has ceased the site is rehabilitated;
- (m) aquaculture activities may be integrated with horticulture operations, where benefits of diversification are evident and there are no adverse impacts on amenity, water quality and ecological values;
- (n) reconfiguration of a lot only occurs if it results in new rural lots that:
 - (i) are related to the agricultural capability of the land;
 - (ii) are related to maintaining a viable rural business; and
 - (iii) have a minimum area of 100 hectares unless otherwise stated in a precinct; and
- (o) the establishment of two (2) precincts within the zone where particular requirements are identified:
 - (i) Alton Downs precinct; and
 - (ii) Cropping and intensive horticulture precinct.

This application is considered consistent with the purpose of the Rural Zone given that the proposed facility is located on a site that is large enough to accommodate appropriate buffering from sensitive uses and does not pose any adverse impacts on the amenity and character of the surrounding area.

Rockhampton Regional Planning Scheme Codes

The following codes are applicable to this application: -

- Rural Zone Code;
- Biodiversity Overlay Code; and
- Bushfire Hazard Overlay Code.

An assessment has been made against the requirements of the abovementioned codes and the proposed development generally complies with the relevant Performance outcomes and Acceptable outcomes.

INFRASTRUCTURE CHARGES

The proposal for a Renewable Energy Facility is defined as a Low Impact Rural use in accordance with Adopted Infrastructure Charges Resolution (No. 5) 2015. As per this resolution no charges are applicable to the proposed development.

CONSULTATION

The proposal was the subject of public notification between 23 March 2017 and 13 April 2017, as per the requirements of the *Sustainable Planning Act 2009*, and one (1) properly made submission was received.

The following is a summary of the submission lodged, with Council officer comments:

Issue	Officer's Response
<p><u>Landscaping Buffer</u></p> <p>The proposal is located close to residential houses and will result in visual pollution, seriously impacting the immediate environment and negatively impact the value of properties.</p>	<p>The proposal complies with Performance Outcome 28 of the Rural Zone Code given that the development has been appropriately buffered, setback and screened to minimise conflicts with sensitive land uses. The applicant has provided a Landscape Concept Plan which shows the location and design of the proposed vegetation buffers. These proposed vegetation buffers are considered acceptable given that they will appropriately screen the proposed development and ensure the character and amenity of the surrounding areas are not impacted.</p> <p>It is noted that in response to the properly made submission, the applicant has agreed to extend the vegetation buffer in the far south-west corner by an additional twenty (20) metres in a north-west direction to address the submitters concern.</p> <p>It is also noted that property values are not a planning ground and cannot be considered in assessing the proposal.</p>

REFERRALS

The application was referred to the Department of Infrastructure, Local Government and Planning and Powerlink due to the site being located within twenty-five (25) metres of a State Controlled Road and within 100 metres of an electrical substation site respectively. The Department of Local Government, Infrastructure and Planning and Powerlink Queensland have both reviewed the application and have not objected to the proposal subject to relevant conditions. A copy of the referral agency conditions have been attached to this report.

CONCLUSION

The proposal for establishing a Renewable Energy Facility within the Rural Zone is considered to be a consistent use and can be supported by the *Rockhampton Region Planning Scheme 2015*.

Therefore, the proposal for a Material Change of Use for Renewable Energy Facility at Cherryfield Road, Gracemere, generally complies with the requirements of the planning scheme and is recommended for approval subject to conditions.

**D/18-2017 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR RENEWABLE
ENERGY FACILITY (SOLAR PARK)**

Locality Plan

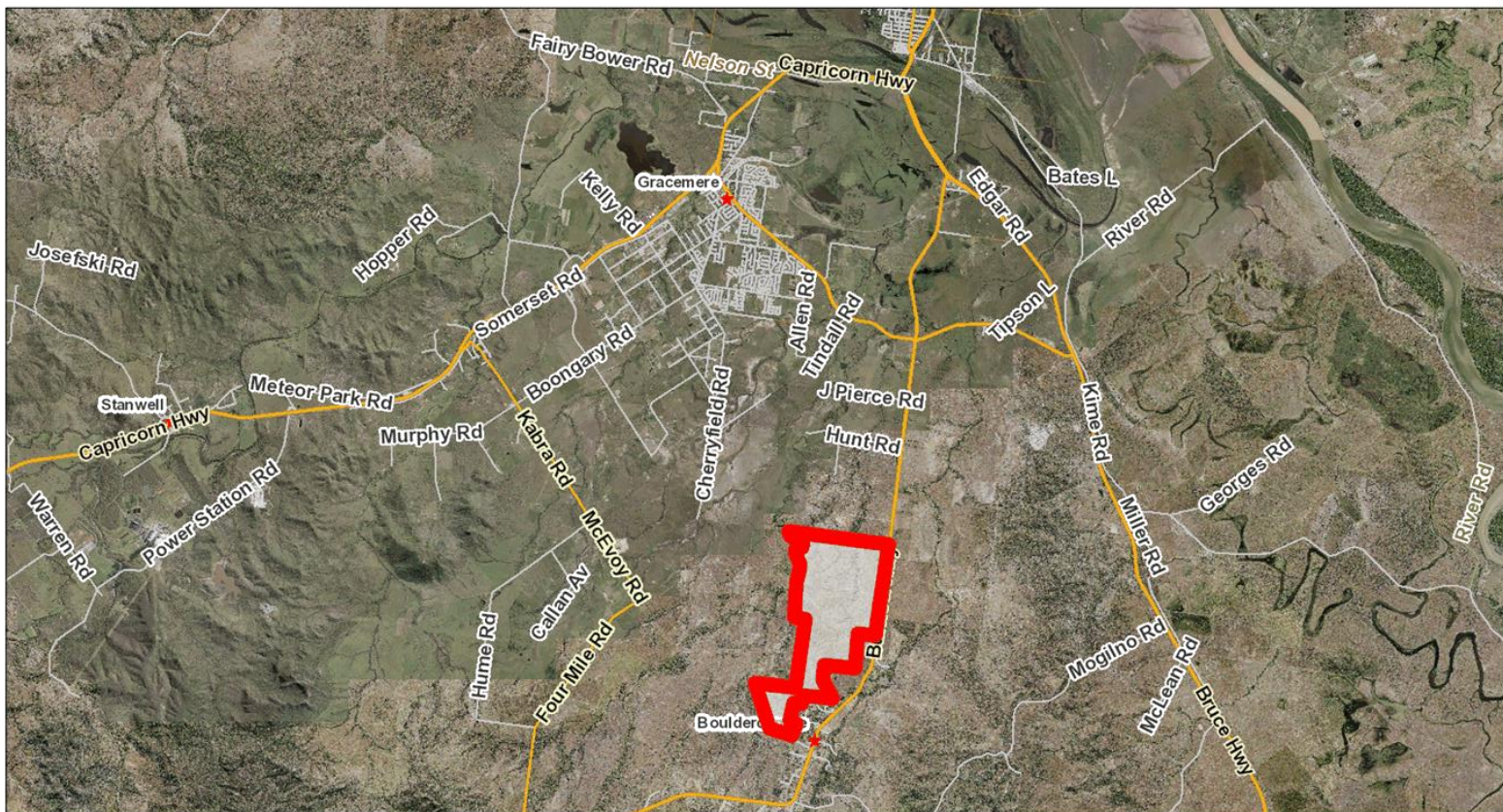
Meeting Date: 6 June 2017

Attachment No: 1

D/18-2017 - Locality Plan



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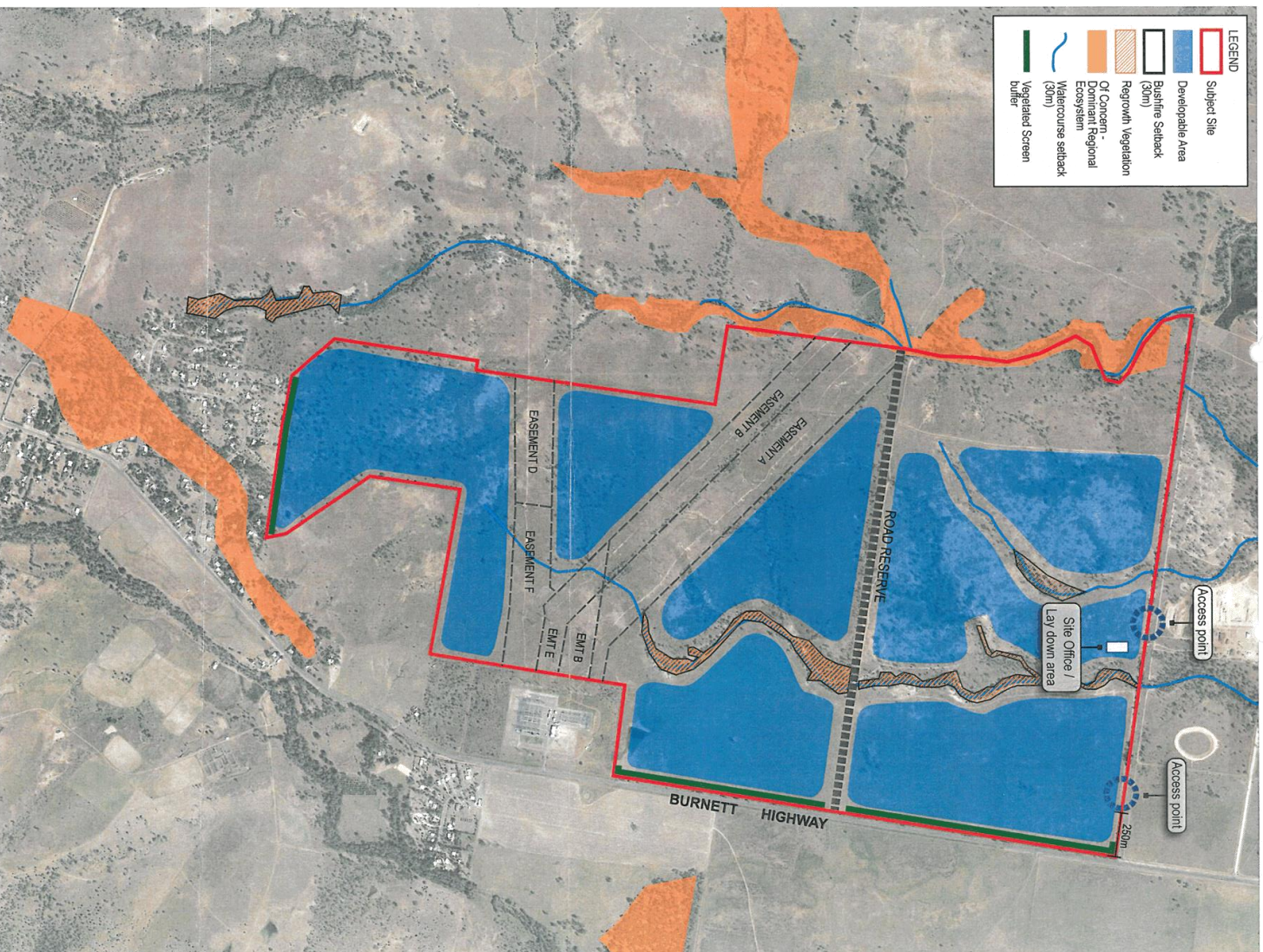


**D/18-2017 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR RENEWABLE
ENERGY FACILITY (SOLAR PARK)**

Development Plan

Meeting Date: 6 June 2017

Attachment No: 2



**D/18-2017 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR RENEWABLE
ENERGY FACILITY (SOLAR PARK)**

Landscape Plan

Meeting Date: 6 June 2017

Attachment No: 3

8.3 COMMITTEE REPORT DELEGATIONS - APRIL 2017

File No:	7028
Attachments:	Nil
Authorising Officer:	Steven Gatt - Manager Planning & Regulatory Services Michael Rowe - General Manager Community Services
Author:	Tarnya Fitzgibbon - Coordinator Development Assessment

SUMMARY

This report outlines the development applications received in April 2017 and whether they will be decided under delegation or decided by Council.

OFFICER'S RECOMMENDATION

THAT this report be received.

BACKGROUND

Matters are referred to Committee for decision where:

- Refusals;
- The development is inconsistent with the intent of the zone;
- Submissions are received during the notification period.

The following applications were received in April 2017. They will be decided in the following manner:

Application type	Address	Decision
D/39-2017 – ROL (1 lot into 4 lots)	229 German Street, Norman Gardens	Impact assessable so may go to Committee
D/40-2017 – MCU for Function Facility with Ancillary Short-Term Accommodation and Food and Drink Outlet	73-75 Canoona Road, West Rockhampton	Impact assessable so may go to Committee
D/41-2017 – MCU for Home Based Business (Earthmoving Storage and Ancillary Repairs)	105 Flaherty Road, Stanwell	Delegation
D/42-2017 – MCU for Telecommunications Facility	169 Gladstone Road, Allenstown	Committee
D/44-2017 – Operational Works (footpath rejuvenation)	138 Denham Street, Allenstown	Delegation
D/45-2017 – Operational Works for Access and Parking, Stormwater Works, Roof and Allotment Drainage Works and Site Works	168 Archer Street, The Range	Delegation
D/46-2017 – Operational Works for Road Works, Stormwater Works, Water Infrastructure, Earthworks,	Lot 253 Edenbrook Drive, Parkhurst	Delegation

Sewerage Infrastructure, Landscaping and Inter-Allotment Drainage Works – Edenbrook Stage 6		
D/47-2017 – MCU for Home Based Business (mobile real estate office)	5 Thomas Street, Norman Gardens	Delegation

For some matters it is not possible to determine if they will go to Committee until the notification period ends. If there have been submissions the application will go to Committee to be decided.

CONCLUSION

The report on applications received in April 2017 and the manner in which they will be decided be received.

8.4 SOLE SOURCE SUPPLIER APPROVAL

File No: 10323
Attachments: Nil
Authorising Officer: Steven Gatt - Manager Planning & Regulatory Services
Author: Catherine Hayes - Coordinator Health and Environment

SUMMARY

This report seeks Council approval for sole source suppliers for specific vector control chemicals.

OFFICER'S RECOMMENDATION

THAT Council approve the sole source supplies in accordance with s235(a) of the *Local Government Regulation 2012*.

COMMENTARY

Council purchases chemicals to undertake mosquito control in the Rockhampton Region.

Prolink larvicide (pellets and briquets) are imported into Australia exclusively by Pacific Biologics. If another company in Australia offers Prolink for sale, they have to order it from Pacific Biologics.

Twilight ULV Mosquito Adulticide is a registered chemical with Pacific Biologics and is recommended for use with Council's misters.

Vectobac 12 AS is purchased from Garrards. Whilst there are similar products, landholders have only authorised Vectobac 12 AS for use on their land as this product meets their requirements.

As Council, at times spends over \$15,000 on each of these chemicals in a financial year approval for a sole supplier must be sort by Council resolution in accordance with section 235(a) of the *Local Government Regulation 2012*.

BUDGET IMPLICATIONS

Nil

LEGISLATIVE CONTEXT

Council resolution required in accordance with section 235(a) of the *Local Government Regulation 2012*.

CONCLUSION

Approval is sought for a sole source supplier of Prolink and Twilight ULV Mosquito Adulticide from Pacific Biologics and Vectobac 12 AS from Garrards.

8.5 NEW DOG BREEDER LEGISLATION UNDERT THE ANIMAL MANAGEMENT (CATS AND DOGS) ACT 2008

File No: 7896
Attachments: Nil
Authorising Officer: Michael Rowe - General Manager Community Services
Author: Steven Gatt - Manager Planning & Regulatory Services

SUMMARY

The Queensland Government has introduced new laws that will promote the responsible breeding of dogs through the Animal Management (Protecting Puppies) and Other Legislation Amendment Act.

This impacts Local government regulatory functions that are responsible for managing cats and dogs within their local area under the Animal Management (Cats and Dogs) Act 2008 (the Act).

The new amendment targets dog breeders and suppliers through registration laws which are an extension of the animal management laws under the Act.

OFFICER'S RECOMMENDATION

THAT Council approve the commencement of enforcement activities on the amendments to the Animal Management (Cats and Dogs) Act incorporating the *Animal Management (Protecting Puppies) and Other Legislation Amendment Act 2008* from 31 July 2017.

COMMENTARY

Many community members are concerned about the welfare of dogs and puppies sold and supplied, so the Queensland Government has introduced new laws that will promote the responsible breeding of dogs in Queensland.

The new laws apply only to dogs born on or after 26 May 2017. Dogs born before this date are not impacted.

The laws require all persons giving away, supplying, selling or advertising dogs or puppies in Queensland to have a unique identifying number (a supply number) that identifies the registered breeder or origin of that dog.

BACKGROUND

In 2015 a compulsory registration scheme for dog breeders who hold 20 dogs or more was proposed. Following a survey in August-September 2015 and stakeholder consultation there was public support for a more inclusive registration scheme as there is as much potential for animal cruelty in circumstances where breeders have fewer than 20 dogs.

It's is now compulsory for every breeder (except for those exempt such as genuine working dog breeders) to be registered, including people who give away puppies. This is crucial to help track down breeders who have failed to register and are illegally advertising and supplying puppies and thereby removes any potential loopholes for unscrupulous breeders to try and exploit.

Organisations that accredit breeders, such as Dogs Queensland, are able to apply to be a "Approved Entity" which, if approved, will exempt its members from registration. The organisation needs to meet certain criteria to help ensure the integrity of their accreditation scheme provides the same traceability as the state-wide breeder registration.

LEGISLATIVE CONTEXT

The Animal Management (Protecting Puppies) and Other Legislation Amendment Act. Is an Act to amend the Animal Care and Protection Act 2001, the Animal Management (Cats and

Dogs) Act 2008 and the Biosecurity Act 2014 for particular purposes promote the responsible breeding of dogs.

It will be achieved by primarily:

- a) Imposing registration obligations on dog breeders;
- b) Regulating the supply of dogs and the advertising of dogs for supply;
- c) Providing for the sharing of information about dog breeders with particular agencies and entities that are responsible for animal welfare

Local governments are responsible for managing cats and dogs within their local area under the Act. This will continue as the new dog breeder registration laws are an extension of the animal management laws under the Act.

Biosecurity Queensland officers and the RSPCA continue to have compliance obligations and enforcement powers in relation to animal welfare under the Animal Care and Protection Act 2001. A new set of mandatory dog breeder standards is being developed in collaboration with Dogs Queensland, the RSPCA and Queensland Racing Integrity Commission and will apply to all dog breeders.

The Police have a role in animal welfare under the Police Powers and Responsibilities Act 2000; however it is not their primary role. The primary agencies responsible for animal welfare enforcement are Biosecurity Queensland and the RSPCA.

LEGAL IMPLICATIONS

Any person who breeds a dog will need to register, unless exempt. The person needing to register would generally be the owner of the dog.

Exemptions apply to breeders of genuine working dogs and breeders accredited by an approved entity.

Pounds and shelters also need to be registered. Rockhampton Regional Council is currently registered with DAFF and will receive registration and a supplier number after the 26th May 2017.

The existing powers of entry for authorised persons under the Animal Management (Cats and Dogs) Act 2008 apply to the new laws. However the new laws introduce an additional power to require information from a person. This power allows for a situation where an authorised person believes an offence has been committed and the person is able to provide information about the offence.

There are a number of possible offences associated with the mandatory registration of dog breeders and the supply of dogs. Each offence provision has a Penalty Infringement Notice (PIN) applied.

- **S 43E Registration obligation.** Maximum penalty—50 penalty units (PIN 5).
- **S 43N Registered breeder must give chief executive changed information.** Maximum penalty—20 penalty units (PIN 2).
- **S 43Y Supplier must ensure cat or dog is implanted.** Maximum penalty—20 penalty units (PIN 2).
- **S 43Z Supplier must know dog has relevant supply number.** Maximum penalty—50 penalty units (PIN 5).
- **S 43ZB Advertiser must know dog has relevant supply number.** Maximum penalty—50 penalty units (PIN 5).
- **S 43ZC Advertisement must include relevant supply number.** Maximum penalty—50 penalty units (PIN 5).
- **S 43ZF Supplier of dog must give particular details.** Maximum penalty—50 penalty units (PIN 5).

- **S 140B Offence to contravene information requirement.** Maximum penalty—50 penalty units (PIN 5).

From July 1 2017 a penalty units will = \$126.15

BUDGET IMPLICATIONS

Impacts to resourcing are yet to be determined. The true number of residential breeders is unknown within the Rockhampton Region and this legislation will provide a greater understanding of the true impact over the coming 12 months.

It is envisaged that the enforcement activities focused on these amendments will incur a financial burden in line with expanded investigative requirements. This can be expected to be included in future budget reviews

However the exact impacts will only become apparent after analysing the number of requests generated within current resource allocations.

STAFFING IMPLICATIONS

Evolving operational pressures may see changes to existing resourcing provisions for Animal Management. The manner in which council currently delivers Animal Management services will be explored over the next 12 months to determine requirements regarding staffing changes.

CORPORATE/OPERATIONAL PLAN

Provide regulatory and compliance services in line with statutory requirements and best practice

CONCLUSION

Councils Local Law unit is currently prepared to commence actions in line with this legislative change.

The dog breeder registration system and supporting frameworks were required to be finalised by the Government before it can commence and council is currently awaiting formal notification of registration numbers.

A 3 month period from the 26th May 2017 has been allowed for compliance of the Act requirements to be implemented. Currently council is as prepared as possible for the introduction of the new legislation.

It is therefore recommended ;

THAT council approve the commencement of enforcement activities on the amendments to the Animal Management (Cats and Dogs) Act incorporating the *Animal Management (Protecting Puppies) and Other Legislation Amendment Act 2008* from the 31 July 2017

9 NOTICES OF MOTION

Nil

10 URGENT BUSINESS/QUESTIONS

Urgent Business is a provision in the Agenda for members to raise questions or matters of a genuinely urgent or emergent nature, that are not a change to Council Policy and can not be delayed until the next scheduled Council or Committee Meeting.

11 CLOSURE OF MEETING