



# **PLANNING & DEVELOPMENT COMMITTEE MEETING**

## **AGENDA**

**9 DECEMBER 2014**

*Your attendance is required at a meeting of the Planning & Development Committee to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 9 December 2014 commencing at 1.30pm for transaction of the enclosed business.*

A handwritten signature in black ink that reads "R Cheesman".

**ACTING CHIEF EXECUTIVE OFFICER**  
2 December 2014

Next Meeting Date: 27.01.15

**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:

The Mayor, Councillor M F Strelow (Chairperson)  
Councillor C E Smith  
Councillor C R Rutherford  
Councillor G A Belz  
Councillor S J Schwarten  
Councillor A P Williams  
Councillor R A Swadling  
Councillor N K Fisher

In Attendance:

Mr E Pardon – Chief Executive Officer

**3 APOLOGIES AND LEAVE OF ABSENCE**

**4 CONFIRMATION OF MINUTES**

Minutes of the Planning & Development Committee held 25 November 2014

**5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA**

## **6 BUSINESS OUTSTANDING**

### **6.1 BUSINESS OUTSTANDING TABLE FOR PLANNING AND DEVELOPMENT COMMITTEE**

**File No:** 10097

**Attachments:** 1. Business Outstanding Table for Planning and Development Committee

**Responsible Officer:** Evan Pardon - Chief Executive Officer

**Author:** Evan Pardon - Chief Executive Officer

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#### **SUMMARY**

*The Business Outstanding table is used as a tool to monitor outstanding items resolved at previous Council or Committee Meetings. The current Business Outstanding table for the Planning and Development Committee is presented for Councillors' information.*

#### **OFFICER'S RECOMMENDATION**

THAT the Business Outstanding Table for the Planning and Development Committee be received.

# **BUSINESS OUTSTANDING TABLE FOR PLANNING AND DEVELOPMENT COMMITTEE**

## **Business Outstanding Table for Planning and Development Committee**

**Meeting Date: 9 December 2014**

**Attachment No: 1**

Date	Report Title	Resolution	Responsible Officer	Due Date	Notes
07 October 2014	D/69-2014 - Development Application for Reconfiguring a Lot (three lots into three lots)	That the matter lay on the table pending further discussions to return to the Planning and Development Committee on 11 November 2014.	Alyce McLellan	21/10/2014	
11 November 2014	Enforcement Proceedings for Development Offences	1) THAT Option Two be adopted with a six month period; and 2) THAT the Home Based Business Code in the proposed Planning Scheme be reviewed with a view to clarifying number of staff and vehicles.	Judith Noland	25/11/2014	
25 November 2014	Enforcement proceedings for development offences	THAT the matter lay on the table pending the outcome of the Flood Study report to return to the Planning and Development Committee in early 2015.	Judith Noland	09/12/2014	

**6.2 LIFTING MATTERS LAYED ON THE TABLE**

**File No:** 10097  
**Attachments:** Nil  
**Authorising Officer:** Evan Pardon - Chief Executive Officer  
**Author:** Evan Pardon - Chief Executive Officer

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**SUMMARY**

*Items lying on the table require a report to be lifted from the table before being dealt with. This report is designed to lift all necessary reports from the table to be dealt with at the current meeting 9 December 2014.*

**OFFICER'S RECOMMENDATION**

THAT the following matter, "lying on the table" be lifted from the table and be dealt with accordingly:

- D/423-2013 – Request for a negotiated decision notice for a development permit for a vehicle depot.

## **7 PUBLIC FORUMS/DEPUTATIONS**

Nil

## 8 OFFICERS' REPORTS

### 8.1 D/423-2013 REQUEST FOR A NEGOTIATED DECISION NOTICE FOR A DEVELOPMENT PERMIT FOR A VEHICLE DEPOT

<b>File No:</b>	<b>D/423-2013</b>
<b>Attachments:</b>	1. Locality Plan 2. Site Plan
<b>Authorising Officer:</b>	Tarnya Fitzgibbon - Coordinator Development Assessment Russell Claus - Manager Planning Robert Holmes - General Manager Regional Services
<b>Author:</b>	Anton de Klerk - Planning Officer
<b>Previous Items:</b>	8.3 - D/423-2013 Request for a Negotiated Decision Notice for a Development Permit for a Vehicle Depot - Planning & Development Committee - 07 Oct 2014 1.30 pm

#### SUMMARY

*This matter was layed on the table at the Planning and Development Committee Meeting on 7 October 2014 and the report is now due to be returned to the table to be dealt with.*

<i>Development Application Number:</i>	<i>D/423-2013</i>
<i>Applicant:</i>	<i>Red Truck Pty Ltd C/- ADAMS + SPARKES Town Planning + Development</i>
<i>Real Property Address:</i>	<i>Lot 70 on RP604012, Parish of Gracemere</i>
<i>Common Property Address:</i>	<i>78 Foster Street, Gracemere</i>
<i>Area of Site:</i>	<i>2.125 hectares</i>
<i>Planning Scheme</i>	<i>Fitzroy Shire Planning Scheme 2005</i>
<i>Planning Scheme Zoning:</i>	<i>Gracemere Stanwell Zone - Low Impact Industry Precinct</i>
<i>Planning Scheme Overlays:</i>	<i>Nil</i>
<i>Existing Development:</i>	<i>House with an ancillary shed and an Industrial shed</i>
<i>Existing Approvals:</i>	<i>House</i>
<i>Approval Sought:</i>	<i>Negotiated Decision Notice for a Development Permit for a Material Change of Use for a Vehicle Depot</i>
<i>Level of Assessment:</i>	<i>Code Assessable</i>
<i>Submissions:</i>	<i>Not Applicable</i>
<i>Referral Agency(s):</i>	<i>Nil</i>
<i>Adopted Infrastructure Charges Area:</i>	<i>Charge Area 1</i>

#### OFFICER'S RECOMMENDATION

- A1 That in relation to the request for a Negotiated Decision Notice for Development Permit D/423-2013, made by Red Truck Pty Ltd C/- ADAMS and SPARKES Town Planning and Development, on land described as Lot 70 on RP604012, Parish of Gracemere, located at 78 Foster Street, Gracemere, Council resolves that:**

**1. Condition 1.4 be amended by replacing**

*"All conditions, works, or requirements of this approval must be undertaken and completed within six (6) months of this approval, unless otherwise stated."*

**with**

All conditions, works, or requirements of this approval must be undertaken and completed within twelve (12) months of this approval, unless otherwise stated.

**2. Condition 1.6.1(i) be added****3. Condition 2.1 be amended by replacing**

*"The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this permit."*

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Material Change of Use Vehicle Depot (Site Plan)	5830-01-MCU Sheet 1 of 2 Revision B	27 August 2013
Material Change of Use Vehicle Depot (Elevations)	5830-01-MCU Sheet 2 of 2 Revision B	27 August 2013
Access, Manoeuvring and Vehicle Parking	K2452 Issue A	29 August 2013
Stormwater management Plan	K2452-0005A	5 November 2013

**with**

The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this permit:

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Access, Vehicle Manoeuvring, Parking and Lay Down Area Plan	P007, Issue B	27 November 2014
Material Change of Use Vehicle Depot (Elevations)	5830-01-MCU Sheet 2 of 2 Revision B	27 August 2013
Access, Manoeuvring and Vehicle Parking	K2452 Issue A	29 August 2013
Stormwater management Plan	K2452-0005A	5 November 2013

**4. Condition 3.1 be added****5. Condition 3.2 be added****6. Condition 4.3 be amended by replacing**

*"All parking and manoeuvring areas must be sealed with either reinforced concrete not less than hundred (100) millimetres deep or a compacted gravel*



*pavement not less than hundred (100) millimetres deep, sealed with twenty-five (25) millimetres of asphaltic concrete.”*

**with**

Access, parking and vehicle manoeuvring areas must be constructed and surface treated in accordance with the approved site plan (refer to condition 2.1). The sealed area indicated on the plan must either be concreted, asphalt sealed or two coat bitumen seal. All truck manoeuvring areas must be surface treated to minimise dust/sediment leaving the site. The surface treatment must be designed to minimise potential nuisances created by the frequency of vehicle movements. All areas identified as being for the storage of goods and vehicles must be surface treated to minimise dust/sediment leaving the site. All surface treatments must be constructed, operated and maintained in a manner that no significant impact on the amenity of adjoining premises or the surrounding area is caused due to the emission of dust or results in sediment laden water.

**7. Condition 4.5 be added**

**8. Condition 9.3 be added**

**9. Condition 13.3 be amended by replacing**

*“No washing of vehicles is permitted at this premise unless an approved wash down bay is built to prevent contamination of land and the stormwater system.”*

**with**

No washing of vehicles and/or cleaning of plant equipment is permitted at this premise unless an approved wash down bay is built to prevent contamination of land and the stormwater system.

**10. Condition 13.5 be added**

**11. Condition 13.6 be added**

**12. Condition 13.7 be added**

**13. Condition 13.8 be added**

**14. Condition 13.9 be added**

**A2 That to reflect the above amendments, Red Truck Pty Ltd C/- ADAMS and SPARKES Town Planning and Development, be issued with a Negotiated Decision Notice for Development Permit D/423-2013 for a Material Change of Use for a Vehicle Depot.**

**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 of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.

**1.4** All conditions, works, or requirements of this approval must be undertaken and completed within twelve (12) months of this approval, unless otherwise stated.

**1.5** Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council within six (6) months of this approval,

unless otherwise stated.

- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:

1.6.1 Operational Works:

- (i) Road Works
- (ii) Access and Parking Works; and
- (iii) Landscaping Works

1.6.2 Plumbing and Drainage Works; and

1.6.3 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 the conditions of this permit:

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Access, Vehicle Manoeuvring, Parking and Lay Down Area Plan	P007, Issue B	27 November 2014
Material Change of Use Vehicle Depot (Elevations)	5830-01-MCU Sheet 2 of 2 Revision B	27 August 2013
Access, Manoeuvring and Vehicle Parking	K2452 Issue A	29 August 2013
Stormwater management Plan	K2452-0005A	5 November 2013

- 2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of 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 a Development Application 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 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*, relevant *Australian Standards* and the provisions of a Development Permit for Operational Works (road works).

- 3.3 Foster Street (half in width on the development side) must be upgraded to an Industrial Access standard for the full frontage of Lot 70 on RP604012 in accordance with the *Capricorn Municipal Development Guidelines*.

#### 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 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*, *Australian Standard AS2890 "Off Street Car Parking"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 4.3 Access, parking and vehicle manoeuvring areas must be constructed and surface treated in accordance with the approved site plan (refer to condition 2.1). The sealed area indicated on the plan must either be concreted, asphalt sealed or two coat bitumen seal. All truck manoeuvring areas must be surface treated to minimise dust/sediment leaving the site. The surface treatment must be designed to minimise potential nuisances created by the frequency of vehicle movements. All areas identified as being for the storage of goods and vehicles must be surface treated to minimise dust/sediment leaving the site. All surface treatments must be constructed, operated and maintained in a manner that no significant impact on the amenity of adjoining premises or the surrounding area is caused due to the emission of dust or results in sediment laden water.
- 4.4 The existing accesses from Foster Street must be upgraded to comply with the requirements of the *Capricorn Municipal Development Guidelines*.
- 4.5 All vehicles must ingress and egress the development in a forward gear.

#### 5.0 PLUMBING AND DRAINAGE WORKS

- 5.1 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*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 5.2 The development must be connected to Council's reticulated sewerage and water networks.
- 5.3 The existing sewerage and water connection point(s) must be retained, and upgraded if necessary, to service the development.
- 5.4 Sewer connections and water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface level and must be provided with trafficable lids.
- 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.

#### 6.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 6.1 All roof and allotment drainage must be in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.
- 6.2 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.

#### 7.0 SITE WORKS

- 7.1 All outside storage areas must be constructed of a compacted, dust-free surface to the satisfaction of Council.
- 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 adjoining properties or infrastructure.

7.3 All site works must be undertaken to ensure that there is:

- 7.3.1 no increase in upstream or downstream flood levels for all levels of immunity up to Q100;
- 7.3.2 no increase in velocity profiles, for which no remedy exists to prevent erosion and/or scouring. In the event that modelling shows non-compliance with the above, works must be undertaken within the system to satisfy the above criteria for development; and
- 7.3.3 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.

#### 8.0 BUILDING WORKS

8.1 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the 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"*.

#### 9.0 LANDSCAPING WORKS

9.1 A Development Permit for Operational Works (landscaping works) must be obtained prior to the commencement of any works on the site.

9.2 The landscape plan must include, but is not limited to, the following

9.2.1 A plan documenting the "Extent of Works" and supporting documentation which includes:

- (i) location and name of existing trees, including those to be retained (the location of the trees shall be overlayed or be easily compared with the proposed development design);
- (ii) the extent of soft and hard landscape proposed;
- (iii) important spot levels and/or contours. The levels of the trees to be retained shall be provided in relation to the finished levels of the proposed buildings and works;
- (iv) underground and overhead services;
- (v) typical details of critical design elements (for example stabilisation of batters, retaining walls, podium/balcony planters, trees in car park areas, fences);
- (vi) details of landscape structures including areas of deep planting; and
- (vii) specification notes on mulching and soil preparation.

9.2.2 A "Planting Plan" and supporting documentation which includes:

- (i) trees, shrubs and groundcovers to all areas to be landscaped;
- (ii) position and canopy spread of all trees and shrubs;
- (iii) the extent and type of works (for example paving, fences, garden bed edging etc). All plants shall be located within an edged garden; and
- (iv) a plant schedule with the botanic and common names, total plant numbers and pot sizes at the time of planting.

9.3 The western boundary of the site must be densely vegetated, screening the industrial use from the neighbouring properties and also acting as a buffer between the Industrial and Rural / Village Balance Precinct.

9.4 The landscaped areas must be subject to an ongoing maintenance and replanting

programme (if necessary).

10.0 ELECTRICITY AND TELECOMMUNICATIONS

- 10.1 Electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.

11.0 ASSET MANAGEMENT

- 11.1 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 at full cost to the Developer.
- 11.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.
- 11.3 '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 issue of the Compliance Certificate for the Survey Plan. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

12.0 ENVIRONMENTAL

- 12.1 An Erosion Control and Stormwater Control Management Plan must be implemented and maintained on-site for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The prepared Erosion Control and Stormwater Control Management Plan must be available on-site for inspection by Council Officers during those works.

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 site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Foster Street or Oxley Street.
- 13.2 Any waste storage areas must be:
- 13.2.1 Designed and maintained in accordance with the *Environmental Protection (Waste Management) Regulation*;
  - 13.2.2 Concealed from public view such that the contents of the bin compound are not visible from any public place; and
  - 13.2.3 Kept in a clean and tidy condition.
- 13.3 No washing of vehicles and/or cleaning of plant equipment is permitted at this premise unless an approved wash down bay is built to prevent contamination of land and the stormwater system.
- 13.4 All chemical drum storage (including, but not limited to, oil or waste oil, paint, lacquers, thinners, adhesives and cleaning solvents) must be bunded so that the capacity of the bund is sufficient to contain at least one hundred percent (100%) of the largest container plus twenty-five percent (25%) of the total storage capacity.
- 13.5 Where un-sealed surface treatments are utilised in access, parking and vehicle manoeuvring areas, contaminants such as oils or chemical must not be released onto the surface treatment.
- 13.6 All surface treatments must be operated and maintained in a manner that no significant impact on the amenity of adjoining premises or the surrounding area is caused due to the emission of dust or result in sediment laden water.
-

Note: If the amenity impacts cannot be mitigated, the area must be sealed to Council's satisfaction.

- 13.7 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.
- 13.8 When requested by Council, nuisance monitoring must be undertaken and recorded within three (3) months, to investigate any 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.
- 13.9 The hours of operations must be limited to:
- (i) 0700 hours to 1800 hours on Monday to Saturday, and
  - (ii) no operations on Sunday or Public Holidays.

#### 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.datsima.qld.gov.au](http://www.datsima.qld.gov.au)

##### NOTE 2. General Environmental Duty

General environmental duty under the *Environmental Protection Act* 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. General Safety Of Public During Construction

The *Workplace Health and Safety Act* 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. Adopted Infrastructure Charges Notice

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

#### **BACKGROUND**

Council, under delegation, approved a Development Application for a Vehicle Depot over Lot 70 on RP604012, Parish of Gracemere, located at 78 Foster Street, Gracemere, on 20 December 2013.

The applicant has made representations in accordance with Section 361 of the *Sustainable Planning Act 2009* for a Negotiated Decision Notice pertaining to condition 1.4 and condition 4.3.

Condition 1.4 relates to the timeframe when all conditions and works must be completed by as the use has already commenced and condition 4.3 relates to the standard of sealing of all access, parking and manoeuvring areas.

Council was willing to amend condition 1.4 to allow twelve (12) months for all conditions and works to be completed. However, after numerous meetings and discussions with the

applicant, a consensus could not be reached regarding the level of sealing to access, parking and vehicle manoeuvring areas as stipulated within condition 4.3. The applicant insisted on a lesser seal to certain vehicle manoeuvring areas, consisting of a compacted gravel or road base pavement (for example PolyCom Stabilising Aid) instead of being concreted, asphalt or a two-coat bitumen spray seal.

Since a consensus could not be reached, the report was taken to a Planning and Development Committee Meeting on 7 October 2014 for a final decision. It was decided to lay the application on the table to reconfigure the level of sealing to access, parking and vehicle manoeuvring areas as stipulated within condition 4.3. On 26 November 2014, the applicant accepted the negotiated conditions allowing for certain areas to be of a lesser level of sealing, in accordance with new amended plans (forming part of condition 2.1).

## **PLANNING ASSESSMENT**

### **TOWN PLANNING COMMENTS**

The applicant has requested to negotiate on conditions 1.4 and 4.3. However, as part of the negotiations to condition 4.3, Council will also be required to amend condition 2.1 and add additional conditions regarding access (condition 4.5), landscaping (condition 9.3) and the mitigation to potential nuisances (condition 13.5, 13.6, 13.7 and 13.8). It has also been requested by Council to amend 13.3 and to add condition 13.9 as part of this application. Furthermore, with the assessment of the above mentioned conditions, it was discovered that Council has accidentally made an administrative error and excluded condition 1.6.1(i), 3.1 and 3.2 from the original set of conditions. These conditions need to be added as part of this application.

#### **Condition 1.4**

*"All conditions, works, or requirements of this approval must be undertaken and completed within six (6) months of this approval, unless otherwise stated."*

#### **Applicant's request:**

Easyhaul are currently operating a vehicle depot from the site. Given the substantial financial cost of completing all conditions of this development approval, the applicant requested that the timeframe stipulated within this condition be extended from six (6) months to twelve (12) months, as this will better enable the business to meet its financial obligations.

#### **Council response:**

It is not an ideal situation to have a specific use operating from a site before all required approvals are obtained. However, Council can agree to the proposed extension from six (6) months to twelve (12) months for the completion and compliance with all conditions set out within the approved Development Application.

#### **Recommendation:**

This condition is to be amended to reflect the above mentioned.

#### **Condition 1.6 (i)**

*"Road Works."*

#### **Council response:**

The above mentioned condition was added due to an administrative error and was accidentally excluded from forming part of the original set of conditions. This condition was confirmed with the applicant and was agreed to be added.

#### **Recommendation:**

This condition is to be added.

**Condition 2.1**

*“The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this permit.”*

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
<i>Material Change of Use Vehicle Depot (Site Plan)</i>	<i>5830-01-MCU Sheet 1 of 2 Revision B</i>	<i>27 August 2013</i>
<i>Material Change of Use Vehicle Depot (Elevations)</i>	<i>5830-01-MCU Sheet 2 of 2 Revision B</i>	<i>27 August 2013</i>
<i>Access, Manoeuvring and Vehicle Parking</i>	<i>K2452 Issue A</i>	<i>29 August 2013</i>
<i>Stormwater management Plan</i>	<i>K2452-0005A</i>	<i>5 November 2013</i>

**Council response:**

The above mentioned condition is to be amended to reflect the new and updated plans associated with the vehicle depot, specifically highlighting the different areas which will contain different level of sealing, in accordance with condition 4.3.

**Recommendation:**

This condition is to be amended to reflect the above mentioned.

**Condition 3.1**

*“A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works on the site.”*

**Council response:**

The above mentioned condition was added due to an administrative error and was accidentally excluded from forming part of the original set of conditions. This condition was confirmed with the applicant and was agreed to be added.

**Recommendation:**

This condition is to be added.

**Condition 3.2**

*“All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Capricorn Municipal Development Guidelines, relevant Australian Standards and the provisions of a Development Permit for Operational Works (road works).”*

**Council response:**

The above mentioned condition was added due to an administrative error and was accidentally excluded from forming part of the original set of conditions. This condition was confirmed with the applicant and was agreed to be added.

**Recommendation:**

This condition is to be added.

**Condition 4.3**

*“All parking and manoeuvring areas must be sealed with either reinforced concrete not less than hundred (100) millimetres deep or a compacted gravel pavement not less than hundred (100) millimetres deep, sealed with twenty-five (25) millimetres of asphaltic concrete.”*

**Applicant's request:**



All vehicle parking and manoeuvring areas have been sealed with PolyCom Stabilising Aid which provides a stable, robust and dust free surface which is suitable for the proposed Vehicle Depot. The applicant has requested to rather amend condition 4.3 by placing significant and clear accountability upon the applicant for maintaining the current surface to a standard which is to the satisfaction of Council. The applicant, therefore, recommended amending the condition to read:

*“All parking and manoeuvring areas are to be sealed with reinforced concrete not less than 100 millimetres deep or a compacted gravel pavement not less than hundred (100) millimetres deep, sealed with twenty-five (25) millimetres of asphaltic concrete. Alternatively, a sealed compacted gravel or road base pavement, not less than 60mm deep, may be used for those areas of the site that are to be utilised for storage and trailer parking only. Where such pavement treatments are proposed, there is to be no opportunity for contaminants or wastes (e.g. oils, chemicals) to be discharged onto this pavement and any dust generated is suppressed in accordance with the relevant planning scheme provisions, to ensure there are no dust emissions generated from the site. In the event that this surface is not performing adequately, the area must be sealed.”*

After numerous further negotiations with the applicant, this condition was amended again by the applicant to read:

*“Access, parking and associated vehicle manoeuvring areas must be sealed, where identified on the site plan. The proposed trailer parking, storage and heavy vehicle manoeuvring areas identified on the site plan are to comprise of compacted gravel or road base pavement. Where such pavement treatments are proposed, there is to be no opportunity for contaminants or waste (e.g. oils, chemicals) to be discharged onto this pavement and any dust generated is suppressed in accordance with the relevant planning scheme provisions. In the even that this surface does not perform adequately, the area/s must be sealed.”*

Council response:

Council agreed to amend this condition to allow different levels of sealing to certain areas of the site consisting of access, parking and vehicle manoeuvring areas. Council will insist that all main access point(s), visitor and staff parking areas and the front of the shed fronting onto the street to be sealed by concrete, asphalt or a two coat bitumen seal. Areas dedicated to storage of goods (such as containers and equipment) and trailer parking must be surface treated to minimise dust/sediment leaving the site. The main truck manoeuvring areas however must be to a higher level of surface treatment than the storage of goods and trailers parking area due to the frequency of traffic movements. Council will therefore agree to amend condition 4.3 but will also require new updated plans illustrating these specific areas. Council will also be required to add a few additional conditions mitigating any potential nuisances as well as increasing landscaping along the western boundary, creating a buffer and screening between the industrial use and the Rural / Village Balance area.

Recommendation:

This condition is to be amended to reflect the above mentioned.

**Condition 4.5**

*“All vehicles must ingress and egress the development in a forward gear.”*

Council response:

The above mentioned condition was added as to be consistent with other similar applications approved within the area. The condition will also improve and clarify operating procedures over the site. This condition was confirmed with the applicant and was agreed to be added.

Recommendation:

This condition is to be added.

**Condition 9.3**

*“The western boundary of the site must be densely vegetated, screening the industrial use from the neighbouring properties and also acting as a buffer between the Industrial and Rural / Village Balance Precinct.”*

**Council response:**

The above mentioned condition was added as a direct result from the negotiations of condition 4.3 regarding the level of sealing. The additional landscaping will not only act as a buffer and screening between the industrial use and the neighbouring Rural / Village Balance Precinct, but it will also capture some potential dust/sediments leaving the site. This condition is also consistent with other similar applications approved within the area. This condition was confirmed with the applicant and was agreed to be added.

**Recommendation:**

This condition is to be added.

**Condition 13.3**

*“No washing of vehicles and/or cleaning of plant equipment is permitted at this premise unless an approved wash down bay is built to prevent contamination of land and the stormwater system.”*

**Council response:**

The above mentioned condition was amended as to clarify that not only the washing of vehicles but also the cleaning of plant equipment will not be supported on the site, unless a formal wash bay is constructed. The proposed amendment to this condition was confirmed with the applicant and was agreed to form part of this negotiated decision notice.

**Recommendation:**

This condition is to be amended to reflect the above mentioned.

**Condition 13.5**

*“Where un-sealed surface treatments are utilised in access, parking and vehicle manoeuvring areas, contaminants such as oils or chemical must not be released onto the surface treatment.”*

**Council response:**

The above mentioned condition was added as a direct result from the negotiations of condition 4.3 regarding the level of sealing. This condition was confirmed with the applicant and was agreed to be added.

**Recommendation:**

This condition is to be added.

**Condition 13.6**

*“All surface treatments must be operated and maintained in a manner that no significant impact on the amenity of adjoining premises or the surrounding area is caused due to the emission of dust or result in sediment laden water.*

*Note: If the amenity impacts cannot be mitigated, the area must be sealed to Council’s satisfaction.”*

**Council response:**

The above mentioned condition was added as a direct result from the negotiations of condition 4.3 regarding the level of sealing. This condition was confirmed with the applicant and was agreed to be added.

**Recommendation:**

This condition is to be added.

**Condition 13.7**

*“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.”*

**Council response:**

The above mentioned condition was added as a direct result from the negotiations of condition 4.3 regarding the level of sealing. This condition was confirmed with the applicant and was agreed to be added.

**Recommendation:**

This condition is to be added.

**Condition 13.8**

*“When requested by Council, nuisance monitoring must be undertaken and recorded within three (3) months, to investigate any 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.”*

**Council response:**

The above mentioned condition was added as a direct result from the negotiations of condition 4.3 regarding the level of sealing. This condition was confirmed with the applicant and was agreed to be added.

**Recommendation:**

This condition is to be added.

**Condition 13.9**

*“The hours of operations must be limited to:*

- (i) 0700 hours to 1800 hours on Monday to Saturday, and*
- (ii) no operations on Sunday or Public Holidays.”*

**Council response:**

The hours of operation condition was requested by Council to form part of this negotiated decision notice as the subject site is located on the periphery of other similar industrial land uses and Rural / Village Balance area. This condition will also be consistent with other similar applications approved within the area. This condition was confirmed with the applicant and was agreed to be added.

**Recommendation:**

This condition is to be added.

**COMMUNICATION**

Pursuant to section 334 of the *Sustainable Planning Act 2009*, Council will provide a copy of the decision notice to the applicant within five business days of the decision being made.

**CONCLUSION**

The initial proposed negotiations to conditions 1.4 and 4.3 can be supported subject to an amendment of the original plans (condition 2.1), amendments to condition 4.3 and 13.3, and the inclusion of specific conditions regarding landscaping, mitigation of potential nuisances and limiting operating hours. It is therefore recommended that Council approve the proposed amendment to conditions 1.4 and 4.3 as requested by the applicant and also support the inclusion of additional recommended conditions, namely condition 4.5, 9.3, 13.5, 13.6, 13.7, 13.8 and 13.9 as discussed above.

**D/423-2013 REQUEST FOR A  
NEGOTIATED DECISION NOTICE FOR  
A DEVELOPMENT PERMIT FOR A  
VEHICLE DEPOT**

**Locality Plan**

**Meeting Date: 9 December 2014**

**Attachment No: 1**





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## D/423-2013 - Locality Plan

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2,017 at A3.

**Rockhampton**  
Regional Council  
Printed from Geko on 16/09/2014

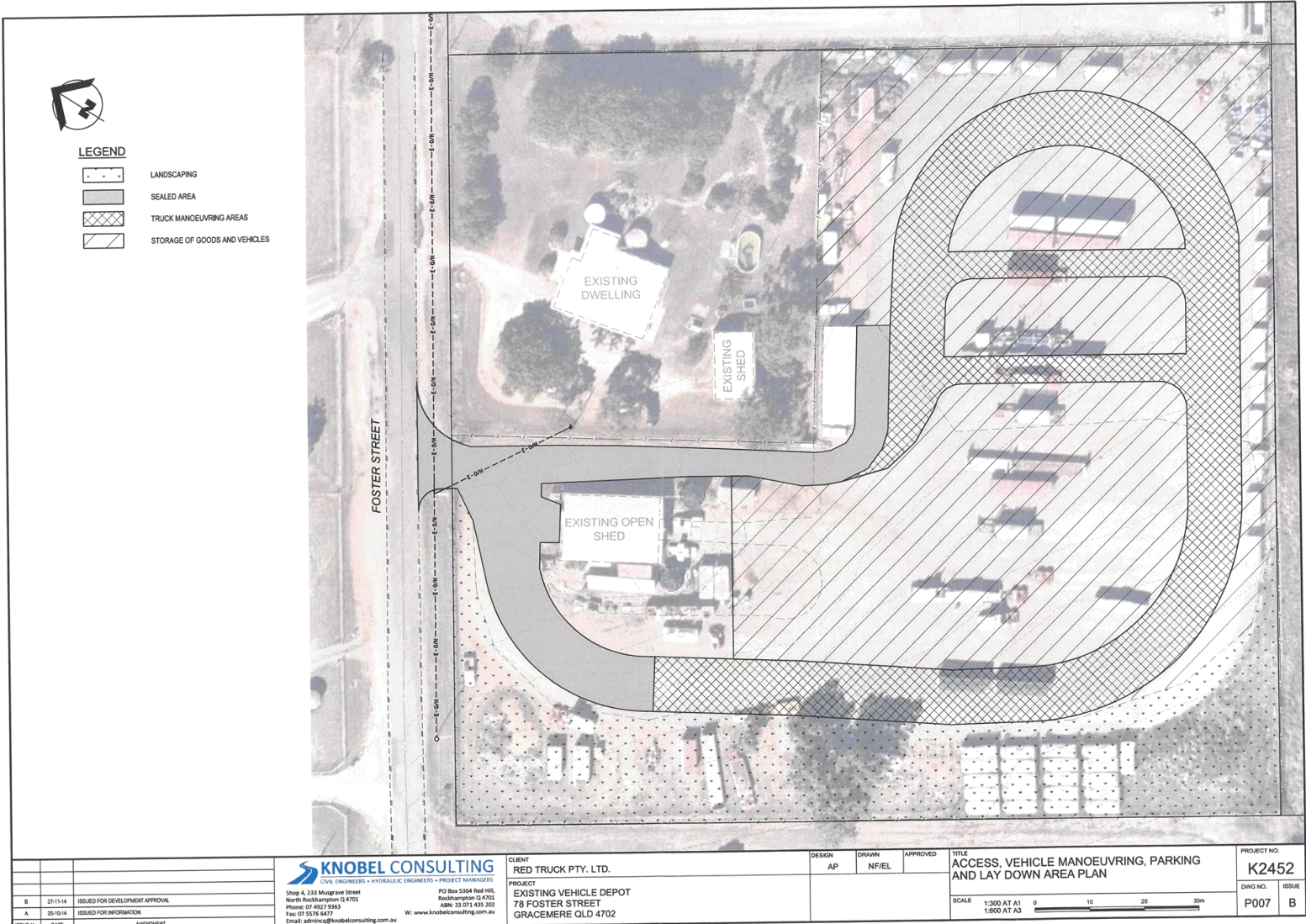
**D/423-2013 REQUEST FOR A  
NEGOTIATED DECISION NOTICE FOR  
A DEVELOPMENT PERMIT FOR A  
VEHICLE DEPOT**

**Site Plan**

**Meeting Date: 9 December 2014**

**Attachment No: 2**





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## 8.2 D/433-2013 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A VEHICLE DEPOT

**File No:** D/433-2013

**Attachments:**

1. Locality Plan
2. Site Plan
3. Conceptual Vehicle Turning Plan
4. Elevations Plan

**Authorising Officer:** Tarnya Fitzgibbon - Coordinator Development Assessment  
 Russell Claus - Manager Planning  
 Robert Holmes - General Manager Regional Services

**Author:** Anton de Klerk - Planning Officer

### SUMMARY

*Development Application Number:* D/433-2013

*Applicant:* Francis Freighters Pty Ltd

*Real Property Address:* Lot 1 on RP611490 and Lot 2 on RP611490, Parish of Gracemere

*Common Property Address:* 22 Hall Road, Gracemere

*Area of Site:* 7,269 square metres

*Planning Scheme:* Fitzroy Shire Planning Scheme 2005

*Planning Scheme Zoning:* Gracemere-Stanwell Zone, Precinct K – Rural / Village Balance

*Planning Scheme Overlays:* Agricultural Land Classification (C2); Bushfire Prone Land – Low Risk; and Obstacle Height Limitation – No Buildings over 45 metres.

*Existing Development:* House and a Vehicle Depot (including industrial sheds)

*Existing Approvals:* House and garage

*Approval Sought:* Development Permit for a Material Change of Use for a Vehicle Depot

*Level of Assessment:* Impact Assessable

*Submissions:* Five (5) submissions were received

*Referral Agency(s):* Department of State Development, Infrastructure and Planning

*Adopted Infrastructure Charges Area:* Charge Area 3

*Application Progress:*

<i>Application Lodged:</i>	16 September 2013
<i>Acknowledgment Notice issued:</i>	30 September 2013
<i>Request for Further Information sent:</i>	14 October 2013
<i>Applicant Request an Extension to the Information Response Period (until 14 July 2014)</i>	28 March 2014
<i>Applicant Request an Extension to the Information Response Period (until 15 September 2014)</i>	14 July 2014



<i>Request for Further Information responded to:</i>	<i>15 September 2014</i>
<i>Submission period commenced:</i>	<i>22 September 2014</i>
<i>Submission period end:</i>	<i>15 October 2014</i>
<i>Council request for additional time (to go to Committee Meeting on 9 December 2014):</i>	<i>12 November 2014</i>
<i>Government Agency Response:</i>	<i>29 October 2013</i>
<i>Last receipt of information from applicant:</i>	<i>15 September 2014</i>
<i>Council Meeting Date</i>	<i>9 December 2014</i>

**OFFICER'S RECOMMENDATION****RECOMMENDATION A**

That in relation to the application for a Development Permit for a Material Change of Use for a Vehicle Depot, made by Francis Freighters Pty Ltd, on Lot 1 on RP611490 and Lot 2 on RP611490, Parish of Gracemere, located at 22 Hall Road, Gracemere, 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 subject site is strategically and ideally located adjacent to the Capricorn Highway, allowing easier and safer vehicular access and minimising potential risks and conflicts between industrial land and surrounding sensitive land uses;
- b) The proposed operations of the Vehicle Depot are not anticipated to create any greater impacts onto the surrounding area than that of an Agriculture, Animal Husbandry and/or Grazing use which are considered consistent and Self Assessable within this area;
- c) The Strategic Framework within the new proposed Planning Scheme acknowledges the suitability for Low Impact Industrial uses within this area. *"The small area of elevated land north of the Capricorn Highway and south west of the saleyards opposite the Gracemere industrial area, which is unaffected by flooding, may be suitable for future service and low impact industrial uses"*;
- d) The proposed use does not compromise the achievements of the Desired Environmental Outcomes in the *Fitzroy Shire Planning Scheme 2005*;
- e) Assessment of the development against the relevant zone outcomes, planning scheme codes and local planning 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
- f) 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 Vehicle Depot, made by Francis Freighters Pty Ltd, on Lot 1 on RP611490 and Lot 2 on RP611490, Parish of Gracemere, located at 22 Hall Road, Gracemere, 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 of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
  - 1.4 All conditions, works, or requirements of this approval relating to the existing non-compliant vehicle depot must be undertaken and completed:
    - 1.4.1 to Council's satisfaction;
    - 1.4.2 at no cost to Council; and
    - 1.4.3 within six (6) months of the date of this Decision Notice, unless otherwise stated.
  - 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council within six (6) months of the date of this Decision Notice, unless otherwise stated.
  - 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
    - 1.6.1 Operational Works:
      - (i) Access and Parking Works;
      - (ii) Stormwater Works; and
    - 1.6.2 Plumbing and Drainage Works; and
    - 1.6.3 Building Works.
  - 1.7 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained within six (6) months of the date of this Decision Notice.
  - 1.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
  - 1.9 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.
  - 1.10 Lot 1 on RP611490 and Lot 2 on RP611490 must be amalgamated and registered as one lot within six (6) months of the date of this Decision Notice.
  - 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 the conditions of this permit:

<u>Plan/Document Name</u>	<u>Plan/Document Number</u>	<u>Dated</u>
Site Plan	SK-01, Rev 1	21 August 2014
Conceptual Vehicle Turning Paths	SK-02	August 2014
Material Change of Use Vehicle Depot (Site Plan)	5889-01-MCU, Rev B	26 August 2013
Material Change of Use Vehicle Depot (Elevations)	5889-01-MCU, Rev B	26 August 2013
Francis Freighters 22 Hall Road Gracemere Traffic Impact Assessment Report	Version 2	15 September 2014

- 2.2 Where there is any conflict between the conditions of this approval and the details

shown on the approved plans and documents, the conditions of approval must prevail.

- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council prior to the submission of a Development Application 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 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).
- 3.3 All access, parking and vehicle manoeuvring areas must be sealed with either concrete, asphalt or two-coat bitumen spray seal and be maintained to the constructed standard. A dust free compacted gravel pavement is acceptable for trailer parking and the storage of goods (such as containers and equipment) as indicated on the approved plans (refer to condition 2.1).
- 3.4 All vehicles must ingress and egress the development in a forward gear.

### 4.0 PLUMBING AND DRAINAGE WORKS

- 4.1 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* and the *Plumbing and Drainage Act*.
- 4.2 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.
- 4.3 On-site sewerage treatment and disposal must be provided in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Plumbing and Drainage Policies.
- 4.4 No structures must be located within the on-site sewerage treatment and disposal area or conflict with the separation distances, in accordance with the *Queensland Plumbing and Wastewater Code*.
- 4.5 Arrestor traps must be provided on any non-domestic discharges to protect the on-site sewerage facilities.
- 4.6 A Site Elevation Report in accordance with the *Queensland Plumbing and Wastewater Code* for on-site sewerage must be submitted with the Plumbing and Drainage application for the Building.
- 4.7 Adequate fire fighting protection must be available for the proposed development. Should adequate protection not be achievable, upgrade of on-site fire fighting equipment, water tanks, and pumps may be required.

### 5.0 STORMWATER WORKS

- 5.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.
- 5.2 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).
- 5.3 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 condition, including but not limited to blocking, altering or diverting

- existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.
- 5.4 The development must not increase 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.
- 5.5 The Operational Works (stormwater works) application must include an assessment of how the development meets the water quality design objectives and performance outcomes in *State Planning Policy 2014*.
- 5.6 Any application for a Development Permit for Operational Works (Stormwater Works) must be accompanied by a detailed Stormwater Drainage Report, prepared and certified by a Registered Professional Engineer of Queensland that as a minimum includes:
- 5.6.1 identification of drainage catchment and drainage sub-catchment areas for the pre-development and post-development scenarios including a suitably scaled stormwater master plan showing the aforementioned catchment details and lawful point(s) of discharge that comply with the requirements of the Queensland Urban Drainage Manual;
  - 5.6.2 an assessment of the peak discharges for all rainfall events up to and including the one in one hundred year rainfall event (100 year Average Recurrence Interval) for the pre-development and post-development scenarios;
  - 5.6.3 details of any proposed on-site detention/retention systems and associated outlet systems required to mitigate the impacts of the proposed development on downstream lands and existing upstream and downstream drainage systems;
  - 5.6.4 identification and conceptual design of all new drainage systems, and modifications to existing drainage systems required to appropriately and adequately manage stormwater collection and discharge from the proposed development;
  - 5.6.5 demonstration of how major design storm flows are conveyed through the subject development to a lawful point of discharge in accordance with the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*;
  - 5.6.6 identification of the area of land inundated as a consequence of the minor and major design storm events in the catchment for both the pre-development and post-development scenarios;
  - 5.6.7 identification of all areas of the proposed development, and all other land (which may include land not under the control of the Developer) that need to be dedicated to, or encumbered in favour of Council or other statutory authority, in order to provide a lawful point of discharge for the proposed development. The areas identified must satisfy the requirements of the *Queensland Urban Drainage Manual*. All land proposed as major overland flow paths must include appropriate freeboard, access and maintenance provisions consistent with the *Queensland Urban Drainage Manual*; and
  - 5.6.8 details of all calculations, assumptions and data files (where applicable).
- 6.0 ROOF AND ALLOTMENT DRAINAGE WORKS
- 6.1 All roof and allotment drainage must be in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.
- 6.2 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.

#### 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 BUILDING WORKS

8.1 No structures must be located within the on-site sewerage treatment and disposal area or conflict with the separation distances, in accordance with the *Queensland Plumbing and Wastewater Code*.

8.2 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"*.

8.3 All waste storage areas must be provided in accordance with *Environmental Protection Regulation 2008* and must be:

8.3.1 aesthetically screened from any frontage or adjoining property;

8.3.2 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;

8.3.3 of a sufficient size to accommodate commercial type bins that will be serviced by a commercial contractor plus clearances around the bins for manoeuvring and cleaning; and

8.3.4 located more than two (2) metres from the road frontage.

#### 9.0 LANDSCAPING WORKS

9.1 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 within six (6) months of the date of this Decision Notice. The landscape areas must predominantly contain plant species that are locally native to the Central Queensland region due to their low water dependency.

9.2 The western and eastern boundary of the site must be densely vegetated, screening the industrial use from the neighbouring properties and also acting as a buffer between the Industrial use and the adjoining Rural / Village Precinct.

9.3 The densely vegetated landscaping area along the road frontage, between the dedicated ingress and egress access points must be maintained, providing additional screening from the road.

9.4 The landscaped areas must be subject to an ongoing maintenance and replanting programme (if necessary).

#### 10.0 ELECTRICITY AND TELECOMMUNICATIONS

10.1 Electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.

10.2 Evidence must be provided of a Telecommunications Infrastructure Provisioning Confirmation and Certificate of Electricity Supply with the relevant service providers to provide the use with telecommunication and live electricity connections, in accordance with the requirements of the relevant authorities prior to the commencement of the use.

**11.0 ASSET MANAGEMENT**

- 11.1 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 at full cost to the Developer.
- 11.2 Any damage to existing kerb and channel, water supply and sewerage infrastructure, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.

**12.0 ENVIRONMENTAL**

- 12.1 An Erosion Control and Stormwater Control Management Plan must be implemented and maintained on-site for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The prepared Erosion Control and Stormwater Control Management Plan must be available on-site for inspection by Council Officers during those works.

**13.0 OPERATING PROCEDURES**

- 13.1 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.
- 13.2 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 Hall Road.
- 13.3 The hours of operations must be limited to:
- (i) 0700 hours to 1800 hours on Monday to Saturdays, and
  - (ii) no operations on Sundays or Public Holidays.
- 13.4 Cleaning of plant equipment and vehicles must be carried out in an area where waste water can be suitably managed so as not to cause contaminants to release into waterways or overland flow paths.
- 13.5 No washing of vehicles is permitted at this premises unless an approved washdown bay is built to prevent contamination of land and stormwater systems.
- 13.6 Where un-sealed surface treatments are utilised in access, parking and vehicle manoeuvring areas, contaminants such as oils or chemicals must not be released onto the surface treatment.
- 13.7 Noise emitted from the activity must not cause an environmental nuisance.
- 13.8 When requested by Council, nuisance monitoring must be undertaken and recorded within three (3) months, to investigate any 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.
- 13.9 All surface treatments must be operated and maintained in a manner that no significant impact on the amenity of adjoining premises or the surrounding area is caused due to the emission of dust or result in sediment laden water.
- Note: If the amenity impacts cannot be mitigated, the area must be sealed to Council's satisfaction.
- 13.10 All chemicals and other environmentally hazardous liquids must be contained within a covered, bunded storage area that has a volume of at least that of the largest container in the bund plus twenty-five (25) percent of the total storage capacity.
- 13.11 Any waste storage areas must be:

13.11.1 maintained in accordance with the *Environmental Protection (Waste Management) Regulation*; and

13.11.2 kept in a clean and tidy condition

#### 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.datsima.qld.gov.au](http://www.datsima.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. 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. Infrastructure Charges Notice

This application is subject to infrastructure contributions 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 Vehicle Depot, made by Francis Freighters Pty Ltd, on Lot 1 on RP611490 and Lot 2 on RP611490, Parish of Gracemere, located at 22 Hall Road, Gracemere, Council resolves to issue an Infrastructure Charges Notice for the amount of **\$1,700.00**.

#### **BACKGROUND**

##### **PROPOSAL IN DETAIL**

The proposal is to formalise an existing vehicle depot with ancillary workshop at 22 Hall Road, Gracemere. The business employs a total of six (6) staff of which two (2) are administration and four (4) are field staff. The vehicle depot operation consists of three (3) prime movers, five (5) trailers and three (3) dollies. General maintenance to the vehicles / trucks will be done on-site within the ancillary workshop and servicing of the trucks will be done off-site at appropriate commercial servicing locations.

The vehicle depot will ultimately occupy a total site cover (including car park, vehicle manoeuvring and storage area) of 2,612 square metres which will consist of:

- four (4) industrial sheds for vehicle maintenance, ancillary office and storage purposes measuring approximately eighty-three (83) square metres, 147 square metres, thirty-eight (38) square metres and fifteen (15) square metres respectively. It should be noted that one of the sheds (measuring approximately 147 square metres), is an open shed and does not form part of the total Gross Floor Area;
- an existing house with ancillary outbuildings;
- a refuse storage area;

- on-site water and sewerage tanks;
- four (4) on-site car parking bays (which include a covered tandem carport on the eastern side of the office);
- a treated turn-around vehicle manoeuvring area for semi-trailers (including car park, vehicle manoeuvring and ancillary storage area) measuring 2,246 square metres;

It is anticipated that the Vehicle Depot will only operate from 7am to 5pm from Monday to Friday and from 7am to 3:30pm on Saturdays. No washdown of vehicles or trucks or servicing is proposed as part of this application.

All vehicular access to the site will be from Hall Road via Capricorn Highway. Hall Road is a low standard and low volume rural access road that currently services six (6) rural dwellings. The subject site will also have dedicated right-turn ingress and a dedicated left-turn egress to and from the property. Ample parking for the vehicle depot, staff and residential house will be provided on-site.

The existing dwelling house located on the northern portion of the site will remain and will be occupied by the land owner of the site. Approximately 1,152 square metres of the site will be retained for the existing residential purpose.

### **SITE AND LOCALITY**

The subject site is located on the north-eastern portion of the Gracemere-Stanwell Rural / Village Balance Precinct K zoning area, on the northern side of the Capricorn Highway. The subject site measures approximately 7,269 square metres in size and contains an existing house and an existing (unlawful) vehicle depot. The house is fenced and kept separate from the remainder of the site, creating a defined and physical barrier between the existing house and the existing vehicle depot use.

The topography of the site is generally flat with a slight fall towards the north, away from Hall Road. The site is clear from any vegetation.

### **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.

#### **Infrastructure Operations Unit's Comments – 24 September 2014**

Support, subject to conditions.

#### **Infrastructure Operations Unit's (sewer and water) Comments – 19 September 2014**

Support, subject to conditions.

#### **Public and Environmental Health Comments – 30 October 2014**

Support, subject to conditions.

#### **Strategic Planning Comments – 17 November 2014**

Support, subject to conditions.



**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.

*Mining and extractive resources*

Not Applicable.

*Biodiversity*

Not Applicable.

*Coastal environment*

Not Applicable.

*Water quality*

Not Applicable.

*Natural hazard, risk and resilience*

Not Applicable.

*Emissions and hazardous activities*

Not Applicable.

*State transport infrastructure*

Not Applicable.

*Strategic airports and aviation facilities*

Not Applicable.

**Fitzroy Shire Planning Scheme 2005**

The Desired Environmental Outcomes for Fitzroy Shire are as follows:

**Social Elements**

- a) The Shire's residential communities are preserved in character, well serviced, enjoy high levels of safety and amenity, able to accommodate growth and offer a range of housing options to meet the diverse needs of all members of the community.

**Complies.** The proposal will not be of a scale that will adversely impact the surrounding rural residential community. Operating hours will also be conditioned which will further preserve the character.

- b) Gracemere is the main business centre, providing higher order services and a range of community and civic functions.

**Complies.** The proposal is for an industrial use and will not impact on the business centre.

- c) Communities of Bouldercombe, Bajool, Marmor, Kabra, Stanwell, Westwood, Gogango, Alton Downs and Ridgeland have access to facilities and services that meet local needs, and where appropriate also provide some higher order services and functions important to the Shire.

**Complies.** The proposal is for an industrial use within the Gracemere-Stanwell Zone, Precinct K – Rural / Village Balance area and will not restrict access to facilities and services.

- d) Rural Residential areas are located and consolidated to provide suitably serviced, alternative rural living options that are close to townships.

**Complies.** The proposal is to consolidate a Rural Residential use located within the Gracemere-Stanwell Zone, Precinct K – Rural / Village Balance area with an Industrial use. Part of the approval will also entail the two lots to be consolidated into one lot, encouraging the Rural Residential House to act as a “Caretakers Residence” to the proposed Vehicle Depot.

- e) The park and recreation opportunities for residents and visitors of the Shire are enhanced and expanded.

**Complies.** The proposal will contribute to parks by applicable Infrastructure Charges.

- f) Development is located and managed where ever possible to ensure the long term protection and conservation of the significant cultural heritage values of the Shire.

**Not applicable.** The property is not heritage listed.

- g) The risks to persons and property due to flood, bushfire and landslide are minimised.

**Not applicable.** The subject site is not triggered by any overlays and is not prone to flood, bushfire and/or landslides.

#### Environmental Elements

- h) Sustainable measures for the use of the Shire’s water resources including the Fitzroy River system are implemented to ensure the provision of an adequate water supply and ongoing water quality.

**Not Applicable.** The subject site is not connected to Council’s water supply network. The subject site will rely on on-site water tanks.

- i) The potential downstream impacts of development, are minimised so as to reduce risks to the Great Barrier Reef catchment, which drains into the Great Barrier Reef World Heritage Area.

**Not applicable.** The proposed development is located within the Gracemere-Stanwell Rural/Village Balance area and will have no impacts on the Great Barrier Reef.

- j) Existing and planned water resources, including watercourses, water bodies, groundwater and tidal wetlands are managed and protected against the detrimental impacts of development.

**Not applicable.** The subject site is not affected by any watercourses, water bodies, groundwater or tidal wetlands.

- k) The recognised values and integrity of significant natural features, conservation areas and open space networks eg. Conservation Parks, National Parks, native forests, are protected.

**Complies.** The proposed development is located within the Gracemere-Stanwell Rural/Village Balance area, adjacent to the Capricorn Highway and will have no impacts on natural features, conservation areas or open space networks.

- l) The biodiversity and scenic values of native vegetation, which accommodates sensitive fauna and flora habitats, are protected.  
**Not applicable.** The subject site is cleared from any vegetation.
- m) Development is located and managed to ensure the long term protection and conservation of the significant cultural heritage values of the Shire.  
**Not applicable.** The property is not heritage listed.
- n) Public health and the environment are protected from environmental harm from waste and contaminated land. Efficient resource use and waste minimisation and management are promoted whilst allowing for ecologically sustainable development.  
**Complies.** The proposed development is located within the Gracemere-Stanwell Rural/Village Balance area, adjacent to the Capricorn Highway and will be conditioned to comply with all requirements set within the *Environmental Protection Regulations*.
- o) Air quality is maintained or enhanced whilst allowing for ecologically sustainable development.  
**Complies.** The proposed development will comply with all general environmental duties in accordance with the *Environmental Protection Act 1994*.
- p) The quality of the acoustic environment is maintained or enhanced whilst allowing for ecologically sustainable development.  
**Complies.** Although the proposed use is for an Industrial use (vehicle depot) located within a Rural / Village Balance precinct, the proposed operations of the Vehicle Depot are not anticipated to create any greater impacts onto the surrounding area than that of an Agriculture, Animal Husbandry and/or Grazing use which are considered consistent and Self Assessable within this area.
- q) The spread or increase of weeds and pest animals is prevented  
**Not applicable.** The property is clear from any vegetation.

### Economic Elements

- r) Industrial land in the Gracemere-Stanwell Zone is maintained and developed as a regionally significant industrial area providing for a wide range of industrial activities, including higher order industries serving the wider Central Queensland region and, providing significant local and regional employment opportunities.  
**Complies.** Although the proposed industrial use is not located within the developed industrial area, the subject site still falls within the Gracemere-Stanwell zone and is located adjacent to the Capricorn Highway, making it an ideal location for the flow of incoming and outgoing trucks and vehicles from the site. The proposed industrial use will also create employment opportunities for six (6) staff.
- s) Industrial development opportunities are planned so as to balance economic values against the values of the natural environment, transport network and residential amenity.  
**Complies.** The subject site contains an existing vehicle depot and the site is cleared from any vegetation. Additional landscaping will be conditioned, creating a buffer between the industrial use and the neighbouring Rural / Village Balance precinct, enhancing and maintaining the rural/village amenity of the area. The subject site is also strategically and ideally located adjacent to the Capricorn Highway, allowing easier and safer vehicular access.
- t) The rural areas of the Shire accommodate a diverse range of agricultural and rural activities which are viable and operate sustainably.  
**Complies.** The proposal will not impact any rural areas.

- u) Port Alma remains an important port and industrial node in the Shire through ensuring adjoining land and vital transport routes are managed by the Planning Scheme to protect against the encroachment of incompatible land uses.

**Complies.** The proposal will not have any impacts on Port Alma.

- v) Resources and areas of economic value, such as Good Quality Agricultural Land, extractive materials, and forestry, are not compromised.

**Complies.** The proposal is for a Vehicle Depot within the Gracemere-Stanwell Rural / Village Balance area, located adjacent to the Capricorn Highway. Although the site is identified within the Agricultural Land Class Overlay, the application is not required to be assessed against this code as the overlay is no longer considered a relevant overlay. This overlay only regulates development to protect Good Quality Agricultural Land (with Land Classes A1, A2, B and C1 only) from fragmentation and alienation by incompatible land uses. The subject site contains a Land Class C2 and, therefore, the site will not be required to be assessed against this code.

- w) The efficiency of infrastructure, including telecommunication, electricity transmission and distribution networks, and transport networks, is maintained and future extensions to infrastructure networks are established to a high standard to meet the needs of the Shire and to effectively manage potential impacts on the community and the environment.

**Complies.** The subject site is connected to Gracemere's transport networks but rely on on-site water and sewerage systems. A further contribution will be applicable contributing to roads, water, sewer and parks.

- x) Water, sewer and stormwater infrastructure is planned and provided in a cost effective and timely manner to meet the needs of the Shire. All works will be in accordance with the *Plumbing and Drainage Act* and Council's Plumbing and Drainage Policies.

**Complies.** The subject site will rely on on-site water and sewerage systems and will not be required to connect to Council's infrastructure network.

- y) Waste disposal facilities which are adequate for the Shire's needs, are maintained and protected from the encroachment of inappropriate land uses.

**Complies.** The proposal is located within the Gracemere-Stanwell Rural / Village Balance area and does not encroach on any waste disposal facility.

- z) The interface between industrial lands and surrounding sensitive land uses is managed to protect the health, wellbeing, amenity and safety of the community and to protect industrial activities from incompatible development. The establishment of new sensitive uses is prevented from encroaching into or near industrial land and their associated freight (road and rail) corridors, to ensure ongoing efficient operation, minimise risks and avoid conflicts.

**Complies.** The subject site contains an existing vehicle depot and is cleared from any vegetation. Additional landscaping will be conditioned, creating a buffer between the industrial use and the neighbouring Rural / Village Balance precinct, enhancing and maintaining the rural/village amenity of the area. Operating hours and access to and from the site will also be conditioned which will further protect the wellbeing, amenity and safety of the area. The subject site is also strategically and ideally located adjacent to the Capricorn Highway, allowing easier and safer vehicular access and minimising potential risks and conflicts between industrial land and surrounding sensitive land uses.

The performance assessment of the proposal demonstrates that the development will not compromise the *Fitzroy Shire Planning Scheme 2005* Desired Environmental Outcomes.

**Gracemere Stanwell Zone – Rural/Village Balance Precinct K****4.8.2 – Assessment criteria for the Gracemere-Stanwell Zone Code****(1) Gracemere – Stanwell Zone Code**

*The provisions in this division comprise the Gracemere – Stanwell Zone Code. They are;*

- (i) the Purpose of the Gracemere – Stanwell Zone Code – Section (2); and*
- (ii) the Specific Outcomes, Probable Solutions and Acceptable Solutions for the Gracemere – Stanwell Zone – Table 4.8.2 Gracemere – Stanwell Zone.*

**(2) The Purpose of the Gracemere – Stanwell Zone Code**

*The purpose of the Gracemere – Stanwell Zone Code is to achieve the following overall outcomes:*

- (i) Industrial land in the Gracemere-Stanwell Zone is maintained and developed as a regionally significant industrial area providing for a wide range of industrial activities, including higher order industries serving the wider Central Queensland region and, providing significant local and regional employment and economic opportunities.*
- (ii) Development generally provides for low impact industry uses closest to potentially sensitive uses with medium and high impact industry uses, including potential for 24 hour operations, substantially separated from sensitive non-industrial uses.*
- (iii) Industrial land is designed, and remains available, for intended industrial uses and is protected from encroachment by development that is potentially sensitive to the impacts of industrial development.*
- (iv) The subdivisions of land for industrial areas provide for a mix of lot sizes and, in particular, provide for larger lots sizes in the Medium Impact Industry Precinct and High Impact Industry Precinct.*
- (v) Development may include non-industrial uses that support industrial activities in the Zone where they do not compromise the long term use of the land for industrial purposes and the scale of these uses do not compromise the role and function of existing or future planned commercial centres.*
- (vi) It is anticipated that one local service centre will be required to support the needs of industry and service the day to day needs of people working or visiting the industrial area. Development is of a scale and is located so that the principal trade catchment does not extend beyond the Gracemere industrial area.*
- (vii) The interface between industrial lands, their freight (road and rail) corridors and surrounding sensitive land uses is managed to protect the health, wellbeing, amenity and safety of the community and to protect industrial activities from incompatible development. The establishment of new sensitive uses is prevented from encroaching into or near industrial land and their associated freight (road and rail) corridors, to ensure ongoing efficient operation, minimise risks and avoid conflicts. In particular,*
  - (1) industrial development minimises adverse impacts on surrounding sensitive nonindustrial uses through building design, hours of operation, screening, landscaping and management practices; and*
  - (2) buffers are provided to prevent impacts of medium and high impact industrial uses on surrounding sensitive non-industrial uses.*
- (viii) Development maintains safety to people and avoids significant adverse effects on the natural environment.*

- (ix) *Development incorporates sustainable practices including maximising opportunities for energy efficiency, water conservation and public and active transport use.*
- (x) *Development incorporates drainage, stormwater, waste water and soil erosion management measures that protect ground and surface water quality and the environmental values of waterways as specified in the Environmental Protection (Water) Policy 2009.*
- (xi) *Development does not have direct access to or from the Overpass Access Road.*
- (xii) *Industrial development maximises the use of existing and planned transport infrastructure and has safe and practical access to all modes of transport infrastructure including roads and railways. Development provides for all future road corridors consistent with the road hierarchy and network.*
- (xiii) *Development of industrial land is staged to match planned infrastructure provision, and is staged generally from east to west.*
- (xiv) *Development maintains and protects the safe and efficient operation or use of infrastructure installations and corridors and avoids the encroachment of sensitive or inappropriate land use. These facilities include:*
  - (1) *energy related infrastructure including high voltage electricity transmission lines, substations, gas pipelines and the like;*
  - (2) *transport and freight networks (road and rail);*
  - (3) *water and waste water treatment plants; and*
  - (4) *stormwater management infrastructure such as detention basins.*
- (xv) *Major infrastructure corridors are co-located wherever possible. In particular, the preferred location for a potential future gas pipeline corridor is co-located within or adjacent to, the alignment of the existing high voltage electricity transmission corridor.*
- (xvi) *Development responds to topography, bushfire and flooding constraints in a manner in which permanent structures and infrastructure are located and designed so as to minimise potential adverse effects to life, property, and infrastructure.*
- (xvii) *Within the Gracemere-Stanwell Zone:*
  - (1) *development maintains the operational, safety, and efficiency of State-controlled roads;*
  - (2) *stormwater run-off from the site is collected and discharged such that it has no adverse impacts on State-controlled roads; and*
  - (3) *noise sensitive development located near a transport noise corridor is designed in accordance with the Department of Transport and Main Roads' Road Traffic Noise Management: Code of Practice, and the Department of Transport and Main Roads' Policy Position Statement: Development on Land Affected by Environmental Emissions from Transport and Transport Infrastructure.*
- (xviii) *Development on land adjacent to, or highly visible from the Capricorn Highway, maintains high standards of appearance through appropriate siting, signage, design, building and structural finishes and landscaping.*

**(k) Gracemere – Stanwell Zone – Rural / Village Balance Precinct K**

The overall outcomes are:

- (i) *The existing land uses in the Precinct are maintained; including the integrity of Stanwell and Kabra villages, and agriculture and rural pursuits on larger lots;*
- (ii) *Uses in the Residential Use class and reconfiguring a lot proposals resulting in rural residential sized lots, on the edge of Stanwell and Kabra do not occur in the Precinct;*
- (iii) *Parts of this precinct adjoin industrial areas and there is potential for sensitive uses to be impacted by industrial development and their associated freight corridors. In order to minimise impacts, any development which would increase the intensity of people living within these areas is avoided. In particular,*
  - (a) *sensitive uses maintain a minimum setback distance of 500 metres from land in the High Impact Industry Precinct, in accordance with State Planning Policy 5/10 Air, Noise and Hazardous Materials; and*
  - (b) *sensitive uses maintain a minimum setback distance of 250 metres from land in the Medium Industry Precinct, in accordance with State Planning Policy 5/10 Air, Noise and Hazardous Materials; or*
  - (c) *where these setbacks are not achievable, development for a use in the Residential Use Class or other sensitive use is designed to adequately protect human health, wellbeing and amenity from potential air, noise and odour emissions and in particular, development meets the indoor noise objectives set out in the Environmental Protection (Noise) Policy and air quality objectives set out in the Environmental Protection (Air) Policy.*
- (iv) **Industrial development may locate in the Precinct where;**
  - (a) *The use has specific needs in relation to access to the transport network that cannot be met within any of the industry precincts;*
  - (b) *A site provides the only opportunity to meet specific operational requirements;*
  - (c) *The use will be located to ensure compatibility with existing industry;*
  - (d) *Provision is made for mitigation of any potential adverse impacts on nearby residential and rural land uses; and*
  - (e) *Development does not have any significant negative impacts on water quality in creeks through and bounding the Precinct.*

The proposed use is considered being inconsistent with the overall outcomes of the Gracemere-Stanwell Zone, Rural / Village Balance Precinct K as the nature of the industrial operations cannot meet the specific requirements within section (iv) of the overall outcomes.

**Fitzroy Shire Planning Scheme Codes**

The following codes are applicable to this application:

- Gracemere-Stanwell Zone Code
- Natural Features and Conservation Overlays Code
- Economic Resources Overlays Code

While the site is identified within the Agricultural Land Class Overlay, the application was not assessed against this code as the overlay is no longer considered a relevant overlay. This overlay only regulates development to protect Good Quality Agricultural Land from fragmentation and alienation by incompatible land uses. Good Quality Agricultural Land comprises land with Land Classes A1, A2, B and C1 only. The subject site contains a Land Class C2 and, therefore, the site will not be required to be assessed against this code.

- Natural Disasters Overlay Code

While the site is identified within the Low Risk Bushfire Hazard Overlay, the application was not assessed against this code as the site is clear from any vegetation and is already operating an industrial use. Furthermore, bushfire is not a risk in this area which contains no significant vegetation of elements that would lend itself to a bushfire.

- Development Standards Code

An assessment has been made against the requirement of the abovementioned codes and the proposed development generally complies with the relevant Specific Outcomes. An assessment of the Specific Outcomes which the application is in conflict with, is outlined below:

### **Gracemere-Stanwell Zone Code**

Specific Outcomes		Response
<b>Amenity</b>		
S1 7	Land uses and works have no significant impact on the amenity of adjoining premises or surrounding area;  (i) By their design, orientation or construction materials;  (ii) Due to the operation of machinery or electrical equipment; or  (ii) Due to the emission of light, noise, vibration, odour, fumes, smoke, vapour, steam, soot, ash, grit, oil, dust, waste water, waste products, or electrical interference.	<b>Complies</b>  The proposed design, orientation and construction materials are consistent to that of a Rural use (for example Agriculture, Animal Husbandry and/or Grazing). Furthermore, operating hours will also be conditioned, limiting any potential noise nuisances. Additional landscaping will also be conditioned along the western and eastern property boundary, creating a buffer between the industrial use and the neighbouring Rural / Village Balance Precinct.
<b>Built Form</b>		
S2 4	Development does not adversely impact on the character of the locality, having regard to the scale and visibility of buildings.	<b>Complies</b>  The sheds associated with the proposed industrial activity will allow the proposed industrial use to operate efficiently on the premises, complying with the scale and character of the area. Furthermore, the proposed site cover is approximately 5.5 percent and all buildings are located approximately 140 metres from the road frontage, preventing any additional adverse impacts on the character of the area. Additional landscaping will also be conditioned, creating a buffer between the industrial use and the surrounding Rural / Village Balance Precinct.
S2 6	Development makes a positive contribution to the character of the area having regard to visibility and orientation of buildings, design of street frontages and incorporation of directional elements.	<b>Complies</b>  The proposed sheds will consist mostly of steel, similar to that of a Rural shed. The primary industrial sheds (vehicle maintenance and storage shed) will be



Specific Outcomes	Response
	orientated towards the road frontage, encouraging visibility and accessibility. Additional landscaping will contribute towards a positive character by creating a green buffer between the industrial use and the neighbouring Rural / Village Balance Precinct.

Based on a performance assessment of the above mentioned codes, it is determined that the proposal is acceptable and generally complies with the relevant Specific Outcomes and where there is deviation from the codes, sufficient justification has been provided.

### **Sufficient Grounds**

The proposed development cannot be considered consistent with the *Fitzroy Shire Planning Scheme 2005*. 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 subject site is strategically and ideally located adjacent to the Capricorn Highway, allowing easier and safer vehicular access and minimising potential risks and conflicts between industrial land and surrounding sensitive land uses;
- b) The proposed operations of the Vehicle Depot are not anticipated to create any greater impacts onto the surrounding area than that of an Agriculture, Animal Husbandry and/or Grazing use which are considered consistent and Self Assessable within this area;
- c) The Strategic Framework within the new proposed Planning Scheme acknowledges the suitability for Low Impact Industrial uses within this area. *"The small area of elevated land north of the Capricorn Highway and south west of the saleyards opposite the Gracemere industrial area, which is unaffected by flooding, may be suitable for future service and low impact industrial uses"*;
- d) The proposed use does not compromise the achievements of the Desired Environmental Outcomes in the *Fitzroy Shire Planning Scheme 2005*;
- e) Assessment of the development against the relevant zone outcomes, planning scheme codes and local planning 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
- f) 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. 4) 2014 for non-residential development applies to the application and it falls within Charge Area 3. 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	
Industry	All other uses as per AICN 4/14 Table 2.2.1	Area 3	12.50	per m <sup>2</sup> of GFA (136m <sup>2</sup> )			\$1,700.00
					0	per m <sup>2</sup> of impervious area (2,612 m <sup>2</sup> )	\$0.00
						Total	\$1,700.00
						Less credit	\$0.00
						<b>TOTAL CHARGE</b>	<b>\$1,700.00</b>

This is based on the following calculations:

- A. A charge of \$1,700.00 for a total Gross Floor Area of 136 square metres (three industrial sheds measuring eighty-three (83) square metres, thirty-eight (38) square metres and fifteen (15) square metres. It should be noted that the open shed measuring 147 square metres does not form part of the calculation to Gross Floor Area;
- B. No charge for Impervious Area will be applicable (due to it being located within Charge Area 3); and
- C. No Infrastructure Credits will be allocated to the proposed site as the existing residential use will remain.

Therefore, a total charge of **\$1,700.00** is payable and will be reflected in an Infrastructure Charges Notice for the development.

### **CONSULTATION**

The proposal was the subject of public notification between 22 September 2014 and 15 October 2014, as per the requirements of the *Sustainable Planning Act 2009*, and four (4) properly made and one (1) not properly made submission were received. It should be noted that only one (1) of the submissions received was against the proposal.

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

Issue	Officer's Response
The Vehicle Depot at 22 Hall Road, Gracemere has been operating from the site for the last two (2) years and has been generating a lot of noise and dust nuisances from the trucks coming and going all hours of the day including late night.	Noise and dust nuisances will be specifically conditioned to meet the minimum required standards. Operating hours will also be conditioned and limited to 7am to 6pm Mondays to Saturdays and no operation on Sundays and public holidays.
The Vehicle Depot also visually impairs	The proposed development includes a vehicle manoeuvring area which will enable all vehicles

Issue	Officer's Response
<p>the peaceful rural environment and character of the area.</p> <p>There is also a safety concern as trucks tend to reverse into the road due to a lack of turning and vehicle manoeuvring area on-site.</p> <p>There is also a concern that the vehicle depot will negatively influence the valuation of other adjoining land.</p>	<p>to turn around on site.</p> <p>It will be conditioned that all vehicles must ingress and egress in a forward gear.</p> <p>No evidence that the proposal could potentially negatively influence the property value was provided. Furthermore, property valuation is not a consideration when deciding development applications.</p>
<p>No objections on operating a Vehicle Depot from 22 Hall Road, Gracemere subject to:</p> <ul style="list-style-type: none"> <li>• No storage of dangerous chemicals/explosives;</li> <li>• Addressing potential noise nuisances, especially early mornings and late nights;</li> <li>• Addressing dust nuisances generated by the vehicle depot.</li> </ul>	<p>This is noted and Council will add standard conditions to address and mitigate these concerns.</p>
<p>Support the Vehicle Depot from 22 Hall Road, Gracemere with some reasons.</p>	<p>Noted.</p>

## REFERRALS

The application triggered a referral to Department State Development, Infrastructure and Planning for being within twenty-five (25) metres of a State-controlled road. The application was referred to Department State Development, Infrastructure and Planning under section 272 of the *Sustainable Planning Act 2009* on 8 October 2013. The concurrence agency supported the proposed development, subject to conditions received by Council on 29 October 2013.

## CONCLUSION

The proposed application is for a Material Change of Use for a Vehicle Depot was assessed under the current *Fitzroy Shire Planning Scheme 2005*, and although the use is considered inconsistent with the area intent, justification can be provided in support of the proposed vehicle depot. The proposal is, therefore, recommended for approval subject to conditions.

**D/433-2013 DEVELOPMENT  
APPLICATION FOR A MATERIAL  
CHANGE OF USE FOR A VEHICLE  
DEPOT**

**Locality Plan**

**Meeting Date: 9 December 2014**

**Attachment No: 1**



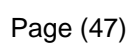
**D/433-2013 DEVELOPMENT  
APPLICATION FOR A MATERIAL  
CHANGE OF USE FOR A VEHICLE  
DEPOT**

**Site Plan**

**Meeting Date: 9 December 2014**

**Attachment No: 2**





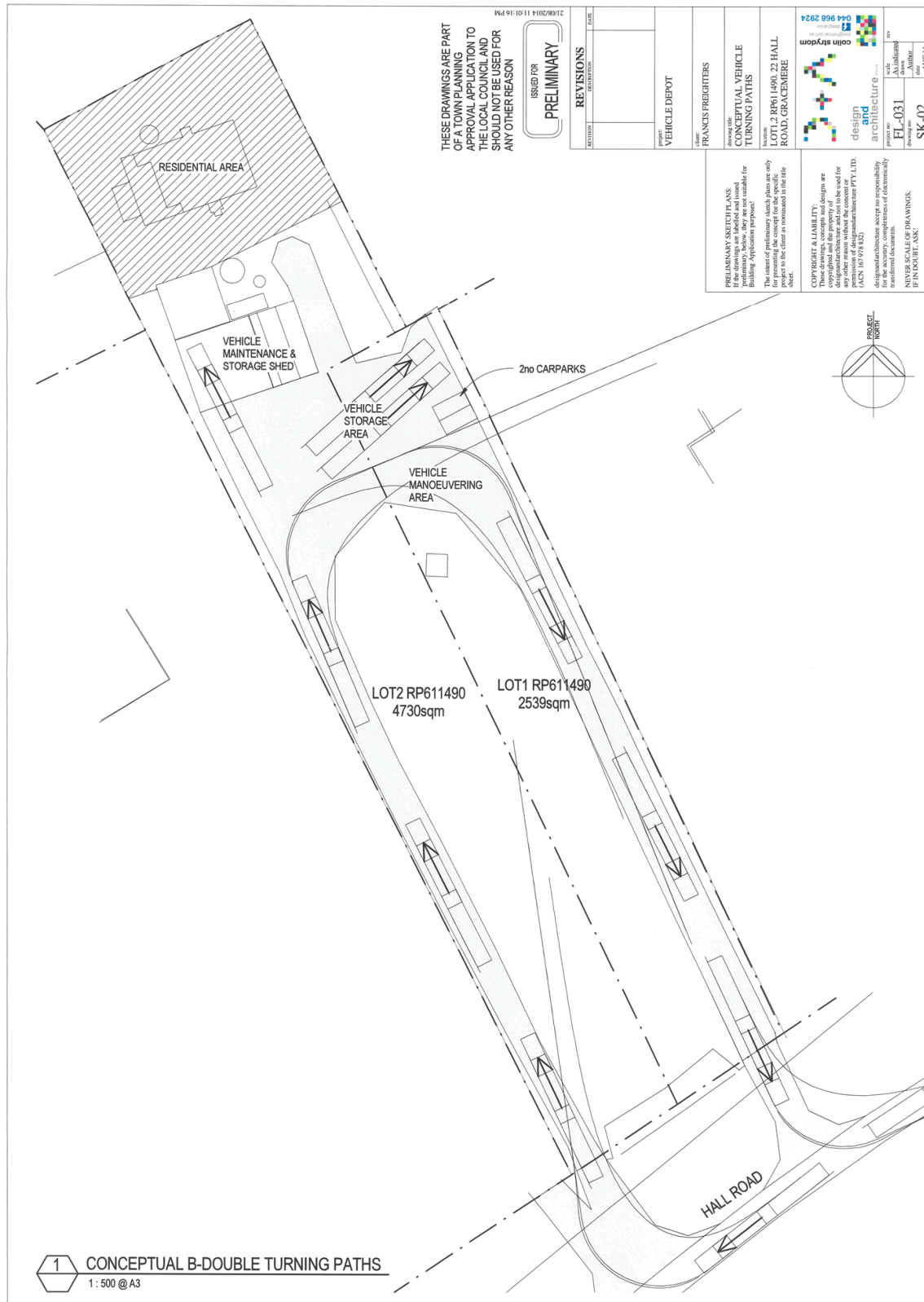
**D/433-2013 DEVELOPMENT  
APPLICATION FOR A MATERIAL  
CHANGE OF USE FOR A VEHICLE  
DEPOT**

**Conceptual Vehicle Turning Plan**

**Meeting Date: 9 December 2014**

**Attachment No: 3**



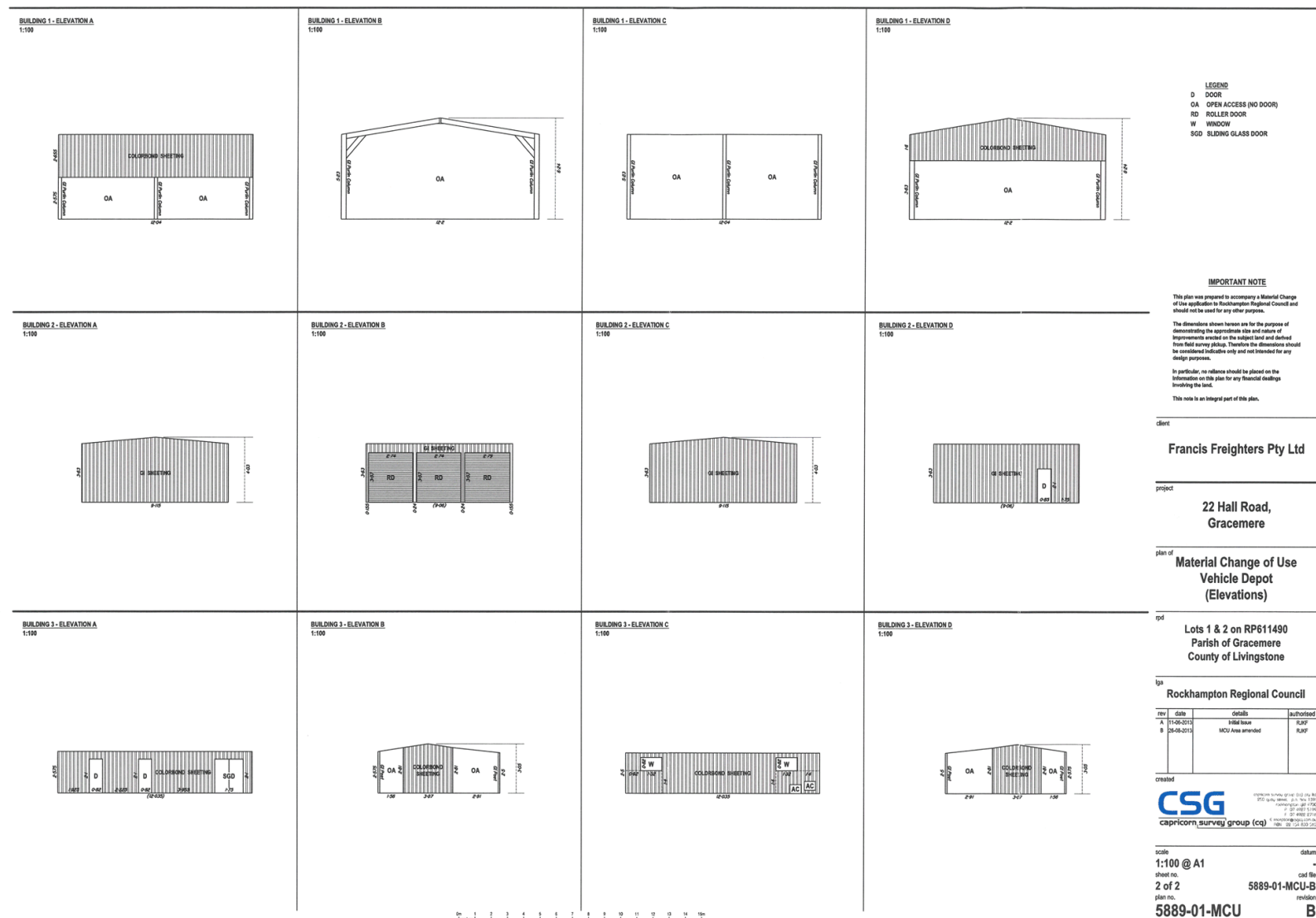


**D/433-2013 DEVELOPMENT  
APPLICATION FOR A MATERIAL  
CHANGE OF USE FOR A VEHICLE  
DEPOT**

**Elevations Plan**

**Meeting Date: 9 December 2014**

**Attachment No: 4**



### 8.3 D/200-2014 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A HIGH IMPACT INDUSTRY

**File No:** D/200-2014

**Attachments:**

1. Locality Plan
2. Overall Site Plan
3. Ground Floor
4. Mezzanine Floor

**Authorising Officer:** Tarnya Fitzgibbon - Coordinator Development Assessment  
 Russell Claus - Manager Planning  
 Robert Holmes - General Manager Regional Services

**Author:** Rebecca De Vries - Senior Planning Officer

#### SUMMARY

*Development Application Number:* D/200-2014

*Applicant:* Michalis Group Pty Ltd (trading as All-Pro Chemicals)

*Real Property Address:* Lot 6 on SP153339, Parish of Murchison

*Common Property Address:* 17 Dooley Street, Park Avenue

*Area of Site:* 1.019 hectares

*Planning Scheme:* Rockhampton City Plan 2005

*Rockhampton City Plan Area:* Park Avenue Industrial Area: Precinct 2 Park Avenue Medium Impact Industry

*Planning Scheme Overlays:* Railway Noise Code; and Airport Obstacle Height Limitation: no building over 20 metres

*Existing Development:* Various tenants operating industrial uses on site which formerly operated as a flour mill and bakery

*Existing Approvals:* Historic approvals for a flour mill and bakery

*Approval Sought:* Development Permit for a Material Change of Use for a High Impact Industry

*Level of Assessment:* Impact Assessable

*Submissions:* One properly made submission

*Referral Agency(s):* Department of State Development, Infrastructure and Planning

*Adopted Infrastructure Charges Area:* Charge Area 1

*Application Progress:*

<i>Application Lodged:</i>	14 August 2014
<i>Acknowledgment Notice issued:</i>	14 August 2014
<i>Request for Further Information sent:</i>	3 September 2014
<i>Request for Further Information responded to:</i>	19 September 2014
<i>Concurrence agency response received:</i>	3 October 2014

<i>Submission period commenced:</i>	<i>16 October 2014</i>
<i>Submission period end:</i>	<i>7 November 2014</i>
<i>Council request for additional time:</i>	<i>10 November 2014</i>
<i>Committee meeting date:</i>	<i>9 December 2014</i>
<i>Statutory due determination date:</i>	<i>13 January 2015</i>

**OFFICER'S RECOMMENDATION****RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for a High Impact Industry, made by Michalis Group Pty Ltd (also trading as All-Pro Chemicals), on Lot 6 on SP153339, Parish of Murchison, located at 17 Dooley Street, Park Avenue, 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 proposed use would generate impacts which are of a scale similar to the existing lawful use of the site and there is not expected to be any worsening of amenity on the surrounding area by the proposed use;
- b) The site is suitably separated from any uses which could have amenity adversely impacted on by a High Impact Industry use;
- c) The proposed use does not compromise the achievements of the Desired Environmental Outcomes in the *Rockhampton City Plan 2005*;
- d) Assessment of the development against the relevant area intent, 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
- e) 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 High Impact Industry, made by Michalis Group Pty Ltd (also trading as All-Pro Chemicals), on Lot 6 on SP153339, Parish of Murchison, located at 17 Dooley Street, Park Avenue, 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 of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed within six (6) months of the date of approval, unless otherwise stated.
- 1.5 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.

- 1.6 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.7 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 the conditions of this permit:

<u>Plan/Document Name</u>	<u>Reference</u>	<u>Dated</u>
Overall Site Plan	SK-01 Rev. 5	31/07/2014
Ground Floor	SK-02 Rev. 4	08/07/2014
Mezzanine Level	SK-03 Rev. 4	08/07/2014
Bunding and Wash Out Process	No reference	No date

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

## 3.0 ACCESS AND PARKING WORKS

- 3.1 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines* and *Australian Standard AS2890 "Parking Facilities"*.

## 4.0 PLUMBING AND DRAINAGE WORKS

- 4.1 The development must be connected to Council's reticulated water supply and sewerage network.
- 4.2 The existing water supply and sewerage connection point(s) must be retained and upgraded, if necessary, to service the development.
- 4.3 Water meter box(es) and sewerage connection point(s) located within trafficable areas must be raised or lowered to suit the finished surface level and must be provided with heavy duty trafficable lids.
- 4.4 Adequate domestic and fire fighting protection must be provided to the development. The domestic and fire fighting protection must be certified by a hydraulic consultant or a suitably qualified person.
- 4.5 Alteration or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act* and Council's Plumbing and Drainage Policies.
- 4.6 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.

## 5.0 BUILDING WORKS

- 5.1 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the 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"*.

- 5.2 Storage and collection of solid wastes must comply with the *Environmental Protection Regulation 2008*. All waste storage areas must be:

- 5.2.1 aesthetically screened from any frontage or adjoining property;
- 5.2.2 provided with a suitable hose-cock (with backflow prevention) and hoses at the refuse container area, and wash-down must be drained to the sewer and fitted with an approved stormwater diversion valve arrangement; and
- 5.2.3 of a sufficient size to accommodate commercial sized bins to be serviced by a commercial contractor plus clearances around the bins for manoeuvring and cleaning.

- 5.3 Impervious paved and drained wash down areas to accommodate all refuse containers must be provided. The areas must be aesthetically screened from any road frontage or adjoining property.

**Note:** *As an alternative to a wash-down facility, a fully contained commercial bin cleaning service is acceptable provided no wastewater is discharged from the site to sewer.*

## 6.0 LANDSCAPING WORKS

- 6.1 The landscaped areas must be subject to an ongoing maintenance and replanting programme (if necessary).

## 7.0 ASSET MANAGEMENT

- 7.1 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 at full cost to the Developer.

- 7.2 Any damage to existing water supply or sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.

## 8.0 ENVIRONMENTAL

- 8.1 Implement and maintain an Erosion Control and Stormwater Control Management Plan on-site for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The prepared Erosion Control and Stormwater Control Management Plan must be available on-site for inspection by Council Officers during those works.

## 9.0 OPERATING PROCEDURES

- 9.1 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 Dooley Street.
- 9.2 No contaminants are permitted to be released to land or water, including soil, silt, oils, detergents, etc. Any wash down areas used for the maintenance or cleaning of equipment (including containers) must be conducted in an approved, appropriately bunded area drained to the sewer network in accordance with a trade waste permit.
- 9.3 All chemical drum storage (including, but not limited to, oil or waste oil, paint, lacquers, thinners, adhesives and cleaning solvents) must be bunded so that the capacity of the bund is sufficient to contain at least one hundred percent (100%) of the largest container plus twenty-five percent (25%) of the total storage capacity.
- 9.4 All waste storage areas must be kept in a clean, tidy condition in accordance with

*Environmental Protection (Waste Management) Regulations.***ADVISORY NOTES****NOTE 1. Asbestos Removal**

Any demolition and/or removal works involving asbestos materials must be undertaken in accordance with the requirements of the *Work Health and Safety Act 2011* and *Public Health Act 2005*.

**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. Licensable Activities**

Should an activity licensable by Rockhampton Regional Council be proposed for the premises, Council's Environment and Public Health Unit should be consulted to determine whether any approvals are required. Such activities may include storage of flammable and combustible liquid and environmentally relevant activities such as motor vehicle workshop operations. Approval for such activities is required before 'fitout' and operation.

**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. Environmentally Relevant Activity**

As more than 200 tonnes of soaps, surfactants and cleaning product are being manufactured an Environmental Authority is required to be obtained from the Department of Environment and Heritage Protection within six (6) months of the date of this approval.

**NOTE 6. 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 High Impact Industry, made by Michalis Group Pty Ltd (also trading as All-Pro Chemicals), on Lot 6 on SP153339, Parish of Murchison, located at 17 Dooley Street, Park Avenue, Council resolves to issue an Infrastructure Charges Notice for the amount of \$30,804.00.

**BACKGROUND**

An application has been lodged with Council to seek approval for a use which has commenced operations at 17 Dooley Street, Park Avenue as a High Impact Industry. The use triggers an application being a change of use as defined by the Rockhampton City Plan 2005.

A show cause notice was issued to the land owner on 2 April 2014. An application was lodged on 14 August 2014 to work towards rectifying the matter.



**PROPOSAL IN DETAIL**

The proposal is for a high impact industry use which involves the manufacture and dispatch of cleaning products. The products manufactured include detergents ranging from body wash and shampoo to car and truck wash.

The use operates from three separate areas, being production within the main warehouse and product storage in two expansion areas attached to the main warehouse. Chemicals are mixed in tanks located in the main warehouse with a mezzanine level above which provides a work area for employees to operate the mixing tanks.

Also, due to the quantity of raw chemicals being mixed, the use requires an Environmental Authority from the Department of Environment and Heritage Protection. This is not a referral triggered under the *Sustainable Planning Regulation 2009* and is a separate application to the department for this license type required under the *Environmental Protection Regulation 2008*.

**SITE AND LOCALITY**

The subject site is located in an industrial area and already constructed with a large industrial shed and several silos. Also located on the same allotment in the southern arm of the site is Blue Ribbon Stockfeeds which provides a bulk feed delivery service. There is also some additional shed space on the northern portion of the site which is utilised by a different tenant. The proposal relates to the central portion of the allotment only.

Abutting the rear of the subject site is the North Coast rail line. Further beyond the site to the east is the Bruce Highway (Yaamba Road) and the Department of Transport and Main Roads office. Beyond the site in all other directions is comprised of industrial uses, including the Rockhampton Regional Council depot to the south and Queensland Rail land to the north.

**PLANNING ASSESSMENT**

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.

**Infrastructure Operations Unit's Comments – 26 September 2014**

Support, subject to conditions.

**Infrastructure Operations Unit's (sewer / water) Comments – 25 September 2014**

Support, subject to conditions.

**Public and Environmental Health Comments – 2 October 2014**

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*

Not Applicable.

*Natural hazard, risk and resilience*

Not Applicable.

*Emissions and hazardous activities*

Not Applicable.

*State transport infrastructure*

Not Applicable.

*Strategic airports and aviation facilities*

Not Applicable.

**Rockhampton City Plan 2005****Rockhampton City Plan Strategic Framework**

This application is situated within the Industrial designation under the scheme's Strategic Framework Map. The Desired Environmental Outcomes, as identified within Chapter 2 of the *Rockhampton City Plan 2005* are applicable:

- (1) Rockhampton continues to consolidate its 'Capital of Central Queensland' role in the region.  
**Complies.** The proposal does not impinge on Rockhampton's role within the region.
- (2) Valuable natural resources are conserved or, where required to support economic growth in Rockhampton, used sustainably.  
**Complies.** The subject site is not proximal to any natural resources.
- (3) Important natural assets are, as far as is practically possible, retained in a natural state to maximise biodiversity and to maintain their scenic and biological value.  
**Complies.** The proposal does not impact on any natural assets.
- (4) New development in Rockhampton City is designed and managed to minimise adverse impacts on the environment, and biodiversity.  
**Complies.** The proposal does not impact upon the environment or the region's biodiversity.

- (5) Commercial and retail development is accommodated in a hierarchy of centres throughout Rockhampton which provide for a range of services, retail, commercial, entertainment and employment activities.
- Not applicable.** The proposal does not involve any commercial/retail development and will not impact on the centres hierarchy.
- (6) Rockhampton's commercial centres are safe, attractive and readily accessible spaces for all members of the community.
- Not applicable.** The proposal does not involve any commercial/retail development and will not impact on commercial centres within the region.
- (7) Rockhampton's industrial development is consolidated in identified industrial locations throughout the City.
- Complies.** The proposal is for an industrial use in an industrial area.
- (8) Rockhampton's cultural and urban heritage, both indigenous and post European, is retained and conserved for future generations.
- Complies.** The subject land is not identified on the State Heritage Register nor is it adjoining a Heritage Place.
- (9) Residential communities are attractive places to live, providing a range of housing types at different densities that positively contributes to the built environment, satisfies the needs of all members of the community in terms of life stages, lifestyle choices and affordability, are free from incompatible development and have access to a range of compatible urban services and facilities.
- Complies.** The proposal is not proximal to any residential uses and is not anticipated to result in any additional impacts on residential areas beyond the subject site.
- (10) Rockhampton's important community uses and health care facilities are provided and maintained in locations where they are readily accessible to all members of the community.
- Not applicable.** The proposal will not impact on the function or operation of Rockhampton's community or health care uses.
- (11) New residential land subdivision and development occurs in identified areas within the City where environmentally valuable features are retained and protected, and urban services, recreational opportunities and parks are provided, along with a range of allotment sizes.
- Not applicable.** The proposal does not entail subdivision of land.
- (12) Infrastructure is provided and augmented in a sequenced manner in Rockhampton, resulting in appropriate, efficient, affordable, reliable, timely and lasting infrastructure provision that is not compromised by new development and is sensitive to the environment.
- Complies.** The development will not affect the provision of infrastructure and will be connected to the suite of services.
- (13) Safe, accessible, efficient and convenient transport systems are provided in Rockhampton.
- Complies.** The proposal will be appropriately connected with Rockhampton's transport network.
- (14) Readily accessible and safe Open Space and facilities for active and passive recreational purposes are accommodated within Rockhampton City.
- Not applicable.** The proposal will not affect the availability or accessibility of open space facilities.
-

The performance assessment of the proposal demonstrates that the development will not compromise the *Rockhampton City Plan 2005* Desired Environmental Outcomes.

### **Park Avenue Industrial Area Intent**

The subject site is situated within the Park Avenue Industrial Area: Medium Impact Industry precinct under the *Rockhampton City Plan 2005*. The intent of the Park Avenue Industrial Area identifies that:

*The intent of the Medium Impact Industry Precinct is to retain Medium Impact Industry as the core activity in this precinct including the Rockhampton Regional Council Works Depot and Workshops and a National Bakery. This precinct is envisaged to be protected from surrounding residential development, and the potential for incompatible land use activities, by the Low Impact Industry uses surrounding the Precinct.*

*New industrial development in this Precinct is recognised to occur, provided it is consistent with the intent of the Precinct. However, extensions or redevelopment of industrial premises in this Precinct that would constitute a material change in the intensity or scale of the use, beyond what would be reasonably expected by the host and surrounding community, is not consistent with the intent of this Precinct. It is important to note that this Precinct does have a moderately higher threshold of tolerance to industrial impacts than the Low Impact Industry Precinct, as it is surrounded by industrial development and not residential activities.*

This application is inconsistent with the intent of the Area being that the use is for a High Impact Industry. The area intent does identify that the Medium Impact Industry precinct has a higher tolerance to industrial impacts given its separation from other incompatible uses.

### **Rockhampton City Plan Codes**

The following codes are applicable to this application:

- Industrial Use Code
- Parking and Access Code
- Landscape Code
- Crime Prevention Through Environmental Design Code
- Environmental Nuisance by Noise and Light Code
- Railway Noise Code

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

### **Sufficient Grounds**

The proposed development cannot be considered consistent with the *Rockhampton City Plan 2005*. 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:

- (i) The proposed use would generate impacts which are of a scale similar to the existing lawful use of the site and there is not expected to be any worsening of amenity on the surrounding area by the proposed use;
- (ii) The site is suitably separated from any uses which could have amenity adversely impacted on by a High Impact Industry use;
- (iii) The proposed use does not compromise the achievements of the Desired Environmental Outcomes in the *Rockhampton City Plan 2005*;

- (iv) Assessment of the development against the relevant area intent, 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
- (v) 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. 4) 2014 for non-residential development applies to the application and it falls within Charge Area 1. The Adopted 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	
High Impact Indu stry	Area 1	59.50	per m <sup>2</sup> of GFA			107,814.00
				8.50	per m <sup>2</sup> of imperviou s area	31,161.00
Total						\$138,975.00
Less credit						\$108,171.00
TOTAL CHARGE						\$30,804.00

This is based on the following calculations:

- (a) A charge of \$107,814.00 for Gross Floor Area being 1,812 square metres (operating and storage areas, staff areas and plant areas);
- (b) A charge of \$31,161.00 for Impervious Area being 3,666 square metres (roof area, hardstand areas, access, and parking areas); and
- (c) An Infrastructure Credit of \$108,171.00, made up of 1,812 square metres Gross Floor Area and 3,666 square metres of Impervious Area for the former Medium Impact Industry use.

Therefore, a total charge of \$30,804.00 is payable and will be reflected in an Infrastructure Charges Notice for the development.

### CONSULTATION

The proposal was the subject of public notification between 17 October 2014 and 7 November 2014, as per the requirements of the *Sustainable Planning Act 2009*, and one properly made submission was received.

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

Issue	Officer's Response
<p>Increased traffic along Haynes Street will amplify existing noise and dust impacts on residents from existing traffic.</p> <p>Further wear and tear on Haynes Street will occur from the additional traffic movements.</p>	<p>It is not anticipated that the change of use will result in an increase in traffic travelling along Haynes Street. The use is already operating (albeit unlawfully, which this application is to rectify). The site previously operated as an Industrial use which had similar traffic movements, therefore it is not anticipated that there will be any change in the situation of traffic generated from the site.</p>

## REFERRALS

The application triggered referral to the Department of State Development, Infrastructure and Planning as the site is located within 25 metres of a railway. The department responded with conditions of approval on 3 October 2014.

## CONCLUSION

The development application has been prompted by a compliance investigation which found the development had not obtained the relevant permits. The development is located on a site which is suited to the development and a reasonable response has been provided to Council to address the requirements of the *Rockhampton City Plan 2005*.

It is therefore considered that there are sufficient grounds in this instance to justify the development despite the conflict with the planning scheme. The development is recommended for approval subject to conditions.

**D/200-2014 - DEVELOPMENT  
APPLICATION FOR A MATERIAL  
CHANGE OF USE FOR A HIGH IMPACT  
INDUSTRY**

**Locality Plan**

**Meeting Date: 9 December 2014**

**Attachment No: 1**





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## D/200-2014 Locality Plan

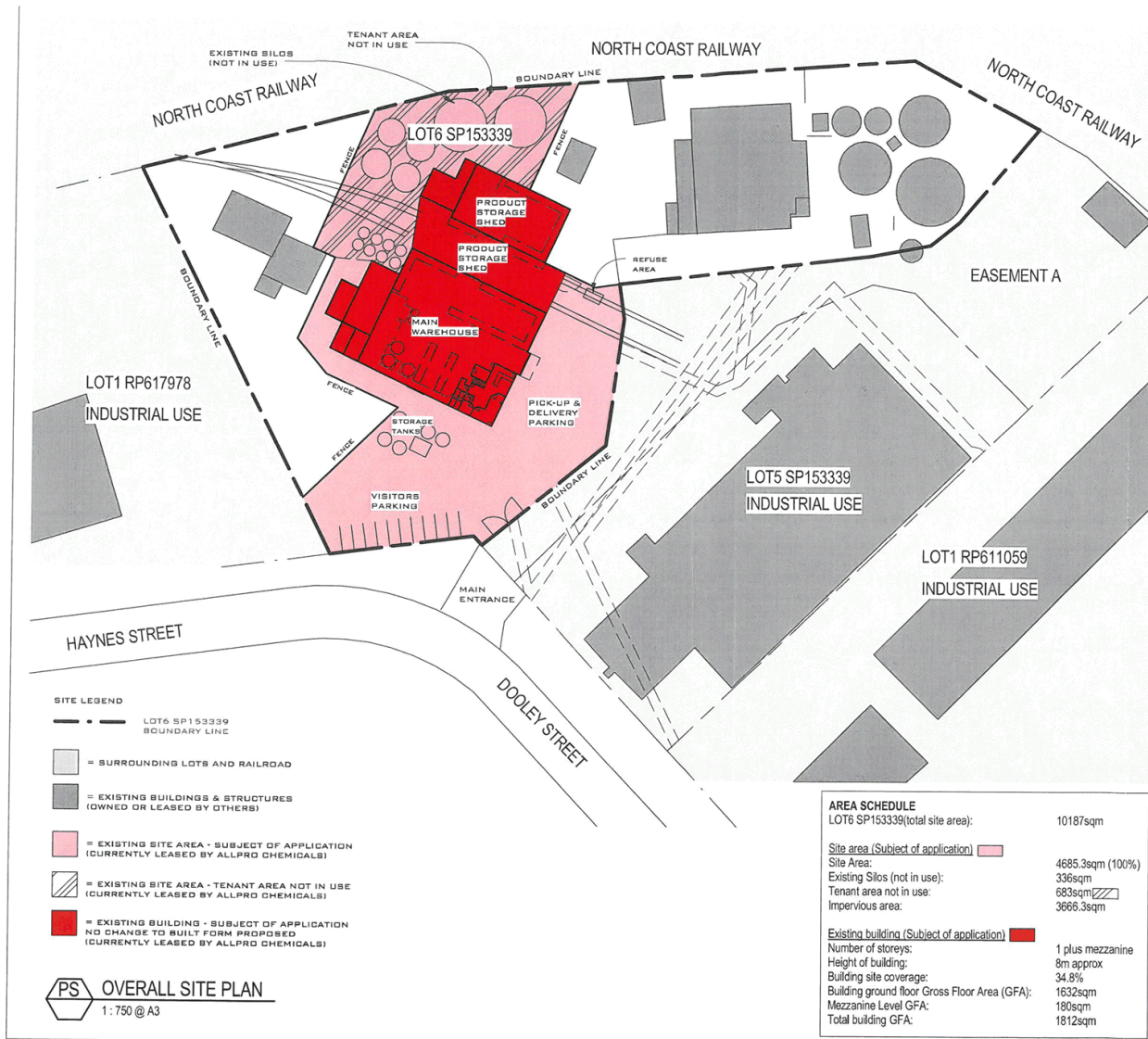


**D/200-2014 - DEVELOPMENT  
APPLICATION FOR A MATERIAL  
CHANGE OF USE FOR A HIGH IMPACT  
INDUSTRY**

**Overall Site Plan**

**Meeting Date: 9 December 2014**

**Attachment No: 2**



**PRELIMINARY SKETCH PLANS:**  
If the drawings are labelled and issued Preliminary, below, they are not suitable for Building Application purposes.  
The intent of preliminary sketch plans are only for presenting the concept for the specific project to the client as nominated in the title sheet.

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ISSUED FOR  
**PRELIMINARY**

REVISIONS		
REVISION	DESCRIPTION	DATE
1	PRELIMINARY	2014.11.14
2	PRELIMINARY	2015.11.14
3	PRELIMINARY	2016.11.14
4	PRELIMINARY	2017.11.14
5	PRELIMINARY	2018.11.14

Project:  
**DEVELOPMENT PERMIT FOR HIGH IMPACT INDUSTRY**

Client:  
**ALLPRO CHEMICALS**

Drawing title:  
**OVERALL SITE PLAN**

Location:  
**17 DOOLEY STREET, PARK AVENUE**

Project no:  
**FL-027**

Drawing no:  
**SK-01**

Scale:  
As indicated

Date:  
JUL 14

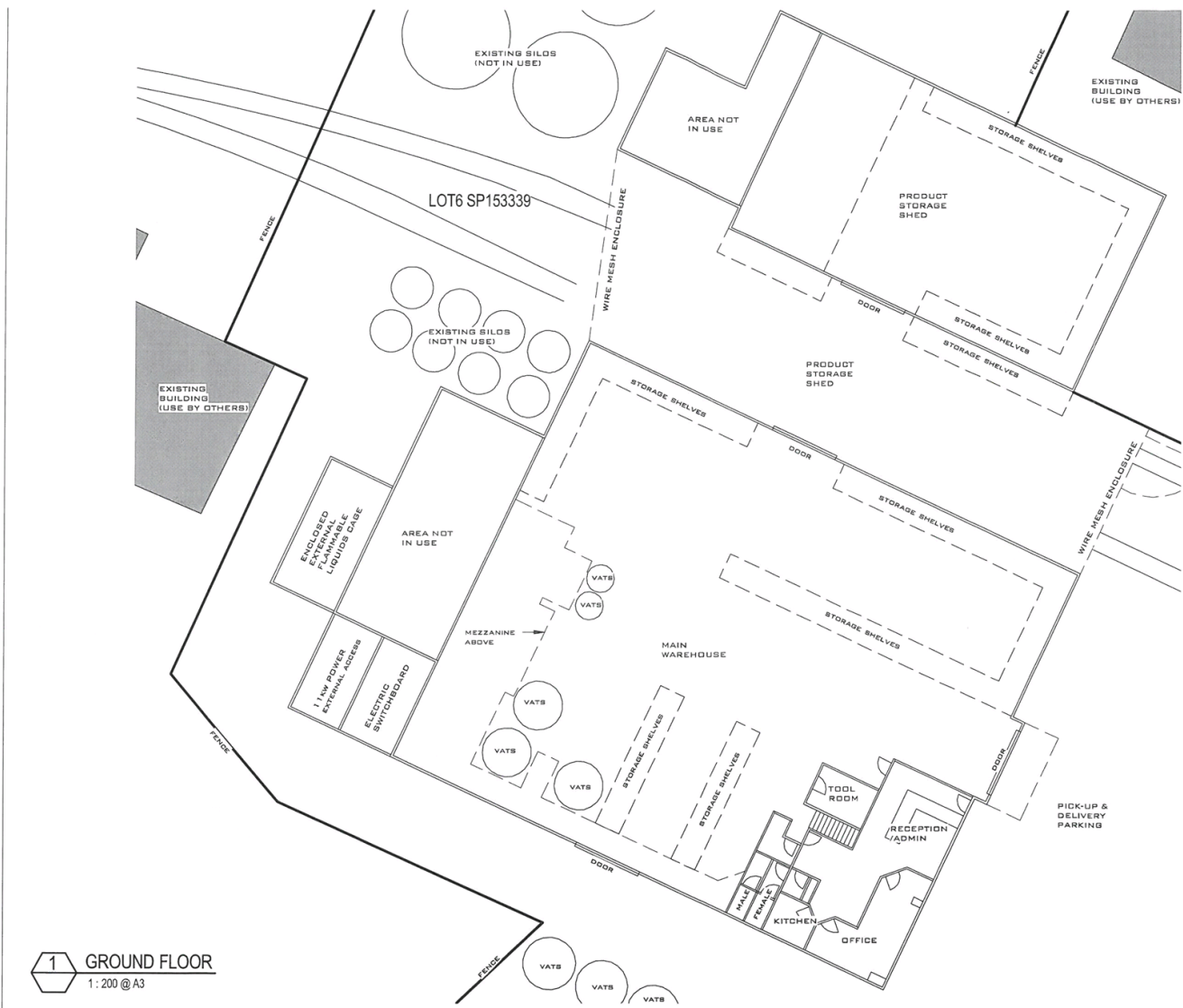
Page:  
**5**

**D/200-2014 - DEVELOPMENT  
APPLICATION FOR A MATERIAL  
CHANGE OF USE FOR A HIGH IMPACT  
INDUSTRY**

**Ground Floor**

**Meeting Date: 9 December 2014**

**Attachment No: 3**



**PRELIMINARY SKETCH PLANS:**  
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ISSUED FOR  
**PRELIMINARY**

REVISIONS			
REVISION	DESCRIPTION	DATE	BY
1	PRELIMINARY	27/06/14	
2	PRELIMINARY	07/08/14	
3	PRELIMINARY	07/08/14	
4	PRELIMINARY	08/08/14	

Project:  
DEVELOPMENT PERMIT FOR HIGH IMPACT INDUSTRY

Client:  
ALL PRO CHEMICALS

Drawing title:  
GROUND FLOOR

Location:  
17 DOOLEY STREET, PARK AVENUE



Project No: FL-027	Scale: As indicated	Drawn: CC	1 of 4
Drawing No: SK-02	Date: 13.11		

**D/200-2014 - DEVELOPMENT  
APPLICATION FOR A MATERIAL  
CHANGE OF USE FOR A HIGH IMPACT  
INDUSTRY**

**Mezzanine Floor**

**Meeting Date: 9 December 2014**

**Attachment No: 4**

**PRELIMINARY SKETCH PLANS:**  
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ISSUED FOR  
**PRELIMINARY**

REVISIONS			
REVISION	DESCRIPTION	DATE	BY
1	PRELIMINARY	27/06/14	
2	PRELIMINARY	05/07/14	
3	PRELIMINARY	05/07/14	
4	PRELIMINARY	05/07/14	

PROJECT  
DEVELOPMENT PERMIT FOR  
HIGH IMPACT INDUSTRY

CLIENT  
ALL PRO CHEMICALS

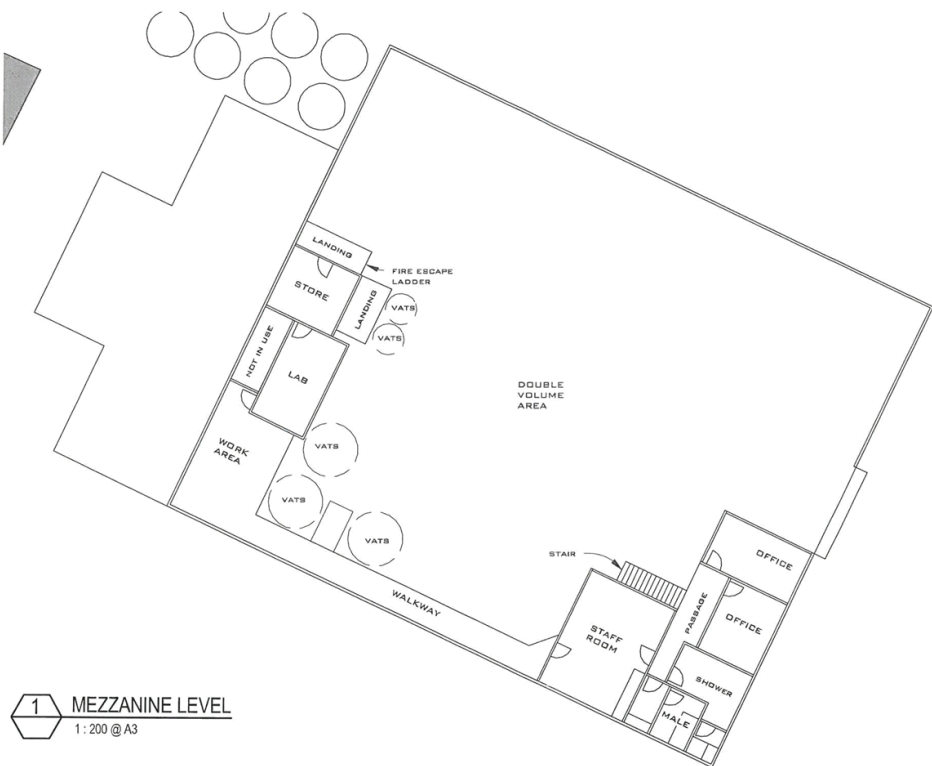
DRAWING TITLE  
MEZZANINE LEVEL

LOCATION  
17 DOOLEY STREET, PARK  
AVENUE



design  
and  
architecture  
044 968 2924

PROJECT NO:  
FL-027  
DRAWING NO:  
SK-03  
SCALE:  
As Indicated  
DATE:  
JUL 14  
SHEET:  
4



1 MEZZANINE LEVEL  
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**8.4 D/168-2014 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A HOUSE**

**File No:** D/168-2014

**Attachments:**

1. Locality Plan
2. Site Plan
3. Elevations
4. Flood Depth Indicator Map

**Authorising Officer:** Tarnya Fitzgibbon - Coordinator Development Assessment  
 Russell Claus - Manager Planning  
 Robert Holmes - General Manager Regional Services

**Author:** Corina Hibberd - Planning Officer

**SUMMARY**

*Development Application Number:* D/168-2014

*Applicant:* J. and T. Spence

*Real Property Address:* Lot 8 on RP607631, Parish of Livingstone

*Common Property Address:* 6 Cramb Street, Kawana (formerly known as 73B Farm Street, Kawana)

*Area of Site:* 749 square metres

*Planning Scheme:* Rockhampton City Plan 2005

*Rockhampton City Plan Area:* Parkhurst Rural Area

*Planning Overlays:* Flood Prone Land Code – High Hazard Floodway

*Existing Development:* Vacant

*Existing Approvals:* Subdivision sealed prior to 29 January 1959

*Approval Sought:* Development Permit for a Material Change of Use for a House

*Level of Assessment:* Code Assessable

*Submissions:* Not Applicable

*Referral Agency(s):* Not Applicable

*Adopted Infrastructure Charges Area:* Charge Area Three

*Application Progress:*

<i>Application Lodged:</i>	2 July 2014
<i>Extension to Information Request period sent:</i>	10 July 2014
<i>Request for Further Information sent:</i>	24 July 2014
<i>Request for Further Information responded to:</i>	12 November 2014
<i>Last receipt of information from applicant:</i>	12 November 2014
<i>Committee Meeting Date:</i>	9 December 2014
<i>Statutory due determination date:</i>	10 December 2014

**OFFICER'S RECOMMENDATION**

THAT in relation to the application for a Development Permit for a Material Change of Use for a House, made by J. and T. Spence, on Lot 8 on RP607631, Parish of Livingstone, located at 6 Cramb Street, Kawana, Council resolves to Refuse the application for the following reasons:

- 1.0 Intensification of residential uses in a high hazard flood area is not envisaged in the current scheme or in the draft strategic framework for the new planning scheme;
- 2.0 Access to the site is cut off in a range of flood events. Cramb Street, Haynes Street and Farm Street are completely inundated in a range of flood events, isolating the subject site and causing a risk to persons and property;
- 3.0 There is not an overwhelming need for residential growth in this area and other more suitable, accessible and flood free locations exist in the Rockhampton area;
- 4.0 The site is not connected to appropriate reticulated water infrastructure and has no available sewer infrastructure connections;
- 5.0 The proposal cannot demonstrate compliance with *State Planning Policy 2014*, or the Flood Prone Land Code within the *Rockhampton City Plan 2005*; and
- 6.0 The proposal directly compromises the achievement of eight (8) Desired Environmental Outcomes within the *Rockhampton City Plan 2005*.

**BACKGROUND****PROPOSAL IN DETAIL**

The proposal is for a highset dwelling house roughly one (1) metre off the ground, on a vacant lot in a flood prone rural area. The proposed dwelling includes four (4) bedrooms, living area, kitchen, bathroom and ensuite. Underneath the house will not be enclosed. Access is proposed from Cramb Street.

**SITE AND LOCALITY**

The subject site is located in a semi-rural area, about four (4) kilometres north-northwest of the Rockhampton Central Business District and is 749 square metres in area. The site fronts on to Cramb Street.

The area is prone to flooding and is designated as a high hazard flood area under the Flood Hazard Map of the *Rockhampton City Plan 2005*. The site is inundated in a range of flood events, and is completely isolated in a Q100 event, where all access from the site via Cramb Street, Farm Street and Haynes Street is cut off.

The site is not connected to any reticulated sewer infrastructure, and the water service connection in the Cramb Street road reserve is a special water arrangement specifically for an adjacent development.

The area is characterised predominantly by rural uses, some low density residential uses (mostly ancillary to agricultural activities) and some industrial uses to the east. The Fitzroy River is approximately 380 metres west of the subject site.

**PLANNING ASSESSMENT**

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.

**Infrastructure Operations Unit's Comments – (18 November 2014)**

Recommend Refusal.



As demonstrated in the comments below, the application does not comply with the Flood Prone Land Code and as such the Infrastructure Operations Unit (IOU) recommends the application be refused. The Infrastructure Operations Unit has assessed the above mentioned application and advises that the proposed development conflicts with the intentions of the *Rockhampton City Plan 2005* and the Flood Prone Land Code (in particular, it does not comply with Performance Criteria P1, P2, P4, P8, P9 and P10 as well as Planning Scheme Policy 14 – Flood Plain Management).

Furthermore, the applicant's response to Council's Information Request did not adequately address Council's concerns with particular respect to specific performance criteria. The applicant's responses included that 'Council has not proven that the development would result in a "real risk of loss of life"', and that previous approvals have set a precedent for the approval of the subject application. Infrastructure Operations Unit considers it necessary for the applicant to prove that there is not a risk, whether it be a loss of life or disruption to the community associated with the proposed development. These matters have not been addressed, and therefore Infrastructure Operations Unit recommends refusal of the subject application.

**Infrastructure Operations Unit's (sewer/water) Comments – (21 November 2014)**

Recommend Refusal.

The site is not connected to Council's reticulated water and sewer networks. This infrastructure is not readily available in this area, as it is a Rural Zone and not intended for residential uses, as per the planning response below. The site and surrounding area is outside the Priority Infrastructure Area (PIA) and therefore there are no plans for Council to provide reticulated services to this area in the next fifteen (15) years. This application did not provide any information on or solutions to domestic water supply options. While connection to Council's water network is possible via a Special Water Supply Arrangement, and on-site sewer can be accommodated, it is not intended that residential uses with connections to water and sewer occur in this area. Therefore Infrastructure Operations Unit recommends this application for refusal.

**Strategic Planning Comments - (20 November 2014)**

Recommend Refusal.

Lot 8 on RP607631 is located in the Parkhurst Rural Area under the *Rockhampton City Plan 2005*. The intent for this area is to retain the rural character without further subdivision for urban purposes. The lot is contained within an historic subdivision of seventeen (17) residential sized land parcels. One dwelling house is currently located over two lots within this area, and one house is under construction on the adjacent lot.

The intent of the rural character of the area is to protect against loss of property and to ensure properties are not alienated during times of flood, given that much of the area is liable to inundation from flooding. This area is not a residential planning area of the *Rockhampton City Plan 2005*, or land designated for residential purposes. The subject land is also located in a high hazard flood area under the *Rockhampton City Plan 2005* flood hazard map and the Fitzroy River Flood Study 2011 flood modelling classifies the flood hazard level for the subject land as extreme hazard (Average Recurrence Interval (ARI) 100). Further intensification of residential uses which are not for a rural purpose, particularly on small lots in a high/extreme hazard flood area does not comply with the current scheme or with the draft strategic framework for the proposed draft planning scheme, which states the following:

*"Development maximises flood immunity by avoiding high or extreme hazard areas and is not to increase flood impacts within existing areas.*

*Development within the defined flood event inundation area is avoided in high or extreme areas unless it can be demonstrated that the risk has been mitigated to an acceptable level, including impacts on other areas.*

*Significant areas of Rockhampton are already established within the Fitzroy River floodplain. Within these areas, the flood risk will be managed by avoiding the intensification of development and the subdivision of land in high or extreme hazard areas."*

The development would be non-compliant with all of the requirements of the proposed planning schemes draft Flood Hazard Overlay code. This overlay code appropriately reflects the latest state interests for natural hazards, the State Planning Policy 2014 (SPP) requires development to:

*(1) Avoid natural hazard areas or mitigate the risk of the natural hazard.*

The proposed development is in conflict with the *State Planning Policy 2014* as the development is not avoiding or mitigating the risk of the natural hazard, it is in fact increasing the risk and locating in a **known natural hazard area**.

*(2) Supports, and does not unduly burden, disaster management response or recovery capacity and capabilities.*

The proposed development is in conflict with the State Planning Policy as the development will actually **increase** the burden on disaster management response and recovery capacity and capabilities. In particular if more residential development occurs in this area this increases the number of people emergency services may have to evacuate during a flood event.

*(3) Directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties.*

The proposed development may directly and cumulatively increase the severity of the natural hazard and the potential for damage to site and other properties. In particular if the surrounding area is intensified.

The State Planning Policy, the current and proposed draft planning scheme(s) seek to restrict development in areas adversely affected by flooding and reduce the intensity of existing development on flood prone land. Allowing a dwelling house on a small lot within this rural area is in direct conflict with Council's desire to reduce the impacts of flooding on people, property and emergency services. It would be irresponsible and in conflict with all of Council's and the State Government's flood management policies to support further development on this land. This application should be refused to ensure residential development does not occur in an extreme/ high flood risk area where it will almost certainly be an additional burden on the community, Council and emergency services during a flood event.

## **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**

Does Not Comply. The site is not located within an urban area and is therefore an inconsistent use given the severity of flooding.

*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.

*Emissions and hazardous activities*

Not Applicable. The proposal does not include a sensitive land use within a management area.

*Natural hazard, risk and resilience*

Does Not Comply. The site is affected by the Q100 Flood Hazard overlay which is addressed in the *Rockhampton City Plan 2005*. Council is not satisfied that the Flood Prone Land Code has been adequately addressed by the applicant and the proposal is therefore in direct conflict with the State Planning Policy as well as the current planning scheme and proposed planning scheme.

*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 City Plan Strategic Framework**

This application is situated within the rural designation under Council's Strategic Framework Map. The following Desired Environmental Outcomes, as identified within Chapter 2 of the *Rockhampton City Plan 2005* are applicable:

- (1) *Rockhampton continues to consolidate its 'Capital of Central Queensland' role in the region.*

**Not applicable:** A single dwelling house will not affect Rockhampton's role in the Region.

- (2) *Valuable natural resources are conserved or, where required to support economic growth in Rockhampton, used sustainably.*

**Not applicable:** The proposed use will not impede the conservation of any valuable natural resources required for economic growth as operations will be wholly located within the subject site.

- (3) *Important natural assets are, as far as is practically possible, retained in a natural state to maximise biodiversity and to maintain their scenic and biological value.*

**Complies:** Although the proposal is considered an inconsistent use within the area, the scale of the development is not considered to significantly impede the scenic or biological value of the area.

- (4) *New development in Rockhampton City is designed and managed to minimise adverse impacts on the environment and biodiversity.*

**Does Not Comply:** The site is within a severe flood prone area, which is completely isolated in a flood event. A house is likely to contribute to the displacement of water and add to debris hazard and cause a risk to persons and property. The use has the potential to cause impacts on the environment due to the nature of the activity.

- (5) *Commercial and retail development is accommodated in a hierarchy of centres throughout Rockhampton, which provide for a range of services, retail, commercial, entertainment and employment activities.*

**Not Applicable:** The proposal does not include commercial uses and is not located within a Commercial Area.

- (6) *Rockhampton's commercial centres are safe, attractive and readily accessible spaces for all members of the community.*

**Not Applicable:** The proposal does not include commercial uses and is not located within a Commercial Area.

- (7) *Rockhampton's industrial development is consolidated in identified industrial locations throughout the City.*

**Not applicable:** The proposal does not involve industrial activity.

- (8) *Rockhampton's cultural and urban heritage, both indigenous and post European, is retained and conserved for future generations.*

**Complies:** The proposal does not impede upon any known significant cultural or urban heritage values.

- (9) *Residential communities are attractive places to live, providing a range of housing types at different densities that positively contributes to the built environment, satisfies the needs of all members of the community in terms of life stages, lifestyle choices and affordability, are free from incompatible development and have access to a range of compatible urban services and facilities.*

**Does Not Comply:** The site is located in a high hazard flood area. This site is inundated and isolated in a range of flood events. The development is not considered to positively contribute to the built environment, being located in a flood prone area and increasing risk to life and damage to property. This is not a satisfactory outcome in providing housing options to the community. On-site sewerage facilities or connections to the reticulated sewer and water network will be costly and therefore does not contribute to affordability. The site does not have access to urban services, including reticulated water and sewer generally, or roads in a flood event.

- (10) *Rockhampton's important community uses and health care facilities are provided and maintained where they are readily accessible to all members of the community.*

**Does Not Comply:** In a range of flood events the site does not have trafficable access, whereby Cramb Street, Farm Street and Haynes Street are completely inundated. Therefore important community uses and health care facilities are not readily accessible to all members of the community.

- (11) *New residential land subdivision and development occurs in identified areas within the City where environmentally valuable features are retained and protected, and urban services, recreational opportunities and parks are provided, along with a range of allotment sizes.*

**Does Not Comply:** Parkhurst Rural Area is designated for rural uses and is not identified as an appropriate area for new residential development. Although the site was subdivided in 1959, it is no longer an area where small residential lots are supported. The site does not enjoy access to urban services, and is not an area where residential growth is forecast or planned.

- (12) *Infrastructure is provided and augmented in a sequenced manner in Rockhampton, resulting in appropriate, efficient, affordable, reliable, timely and lasting infrastructure*

*provision that is not compromised by new development and is sensitive to the environment.*

**Does Not Comply:** The site is not connected to appropriate water infrastructure and has no sewer infrastructure connections.

- (13) *Safe, accessible, efficient and convenient transport systems are provided in Rockhampton.*

**Does Not Comply:** Cramb Street, Farm Street and Hayes Street are entirely cut off in a range of flood events.

- (14) *Readily accessible and safe Open Space and facilities for active and passive recreational purposes are accommodated within Rockhampton City.*

**Does Not Comply:** The site is not in an area where residential uses on small lots are encouraged. There is no easy access to public open spaces from this lot.

The performance assessment of the proposal demonstrates that the development conflicts with a number of Desired Environmental Outcomes given the site is not within a residential area and is severely flood prone.

### **Parkhurst Rural Area Intent**

The subject site is situated within the Parkhurst Rural Area under the *Rockhampton City Plan 2005*. The intent of the area identifies that: -

*"It is intended that the Area retain its rural character, consequently, **it is not intended that land in the Area be subdivided and developed for urban purposes**, except for land identified in the Residential Precinct, known as the Parkhurst Rural Residential Precinct. Existing allotments may be developed with a house, and duplex development will be consistent with the intent for the Area (except within the Parkhurst Rural Residential Precinct), where the dwelling units are detached from one another and located at least 100m apart. **It is intended to retain the rural character of the Area to:***

- ***Protect against loss of property***, given that much of **the area is liable to inundation from flooding**;
- *Retain the landscape character of the Area in terms of the **broad acre rural edge** adjacent to the Fitzroy River and the City*;
- ***Provide flood plain capacity for floodwater flow and storage*** in times of flood, given that part of the Area is either identified as floodway low hazard or flood storage low hazard; and
- ***Maintain water quality upstream of the Fitzroy barrage*** as Rockhampton City's main water supply.

The potential for the normal urban subdivision (Reconfiguring a Lot) of land in this Area is further limited by:

- ***The lack of trafficable, flood free access*** for most of the Area;
- ***The lack of urban services such as water supply and sewerage***;
- ***The remoteness of normal urban services***; and
- ***The suitability of preferred locations for residential growth in the City.***"

Furthermore, the neighbouring Splitters Creek Residential Area intent also states:

**"Land located to the west of this Area is contained within the Parkhurst Rural Area, which is unsuitable for more intense residential development, given that it is susceptible to flooding. It is also in close proximity to the Fitzroy River Barrage, which is the City's water supply storage area. Consequently, the expansion of residential development into that Area on the argument that it is a logical expansion of this Area, is not consistent with the intent for either this Planning Area or the Parkhurst Rural Area."**

The use is not consistent in this Area. Development on this lot, and any of the smaller lots in this vicinity will not protect against loss of property in a flood event, cannot retain the character style of the rural landscapes, interferes with the flood plain capacity in a high hazard flood area, and could contribute toward possible interruption of quality water supply (there is no reticulated sewer connections available).

The proposed use cannot be considered a consistent use within the Parkhurst Rural Area. 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.

In response to the above, the assessment of this application concludes that there are not considered to be 'sufficient grounds' in this instance, to justify Council approving the development despite its conflict with the Desired Environmental Outcomes and the Area Intent. The grounds for refusal are as follows:

- 1.0 Intensification of residential uses in a high hazard flood area is not envisaged in the current scheme or in the draft strategic framework for the proposed planning scheme;
- 2.0 Access to the site is cut off in a range of flood events. Cramb Street, Haynes Street and Farm Street are completely inundated in a range of flood events, isolating the subject site and causing a risk to persons and property;
- 3.0 There is not an overwhelming need for residential growth in this area and other more suitable, accessible and flood free locations exist in the Rockhampton area;
- 4.0 The site is not connected to appropriate reticulated water infrastructure and has no available sewer infrastructure connections;
- 5.0 The proposal cannot demonstrate compliance with State Planning Policy 2014, or the Flood Prone Land Code within the *Rockhampton City Plan 2005*; and
- 6.0 The proposal directly compromises the achievement of eight (8) Desired Environmental Outcomes within the *Rockhampton City Plan 2005*.

### Rockhampton City Plan Codes

The following codes are applicable to this application:

- *House Code*
- *Flood Prone Land Code*

An assessment has been made against the requirement of the abovementioned codes and the following have not been met:

House Code		
Performance Criteria		Officer's Response
P5	<p>The house and ancillary structures are protected from adverse flooding and do not:</p> <ul style="list-style-type: none"> <li>(a) significantly interfere with the passage, storage or quality of stormwater or the natural functions of a waterway; or</li> <li>(b) put loss of life at risk; or</li> <li>(c) put life at risk of injury; or</li> <li>(d) put damage to property at high risk,</li> </ul> <p>and complies with the <b>Flood Prone Land Code</b>.</p>	<p><b>Does Not Comply</b></p> <p>The site is affected by the Q100 flood hazard overlay and is designated as being in a high hazard floodway as per the planning scheme mapping. It was agreed with the applicant that the site is not classified by actual floodway hazard but can be considered in this case as high hazard storage (based on the depth/velocity). It should be noted that this is still a high hazard area and is therefore subject to risk of loss of life and property in a Q100 event.</p>

P6	Habitable rooms, non habitable areas (eg utility areas, garage, laundry and storage room) and car parking do not significantly interfere with the passage or storage of stormwater or the natural functions of a waterway and complies with the <b>Flood Prone Land Code</b> .	<b>Does Not Comply</b> Although the house is on stumps, it is still located within a flood way (particularly as it is above the barrage) and therefore may interfere in the natural function of the Fitzroy River in a flood event.
P8	Houses are serviced with basic but essential infrastructure to ensure good health; hygiene; protection of the environment, quick access to communications and water (for fire fighting) in case of an emergency and the like that also does not become a maintenance burden for the Council.	<b>Does Not Comply</b> The development cannot efficiently connect to reticulated sewerage networks. It can be conditioned to connect to an appropriately designed on-site sewerage treatment plant, however the site is above the barrage and therefore in the vicinity of Rockhampton's main water supply. In the case of an emergency such as a fire or flood, the development would likely be a burden to Council and emergency services.
P13	A house and ancillary structures in a Rural Area or Rural Residential Precinct are located on a site in a manner that is consistent with the character of the streetscape.	<b>Does Not Comply</b> The lot size and therefore the proposed house do not comply with the character of the rural area. The size of lot does not allow for a fifteen (15) metre setback, as it has a six (6) metre setback consistent with a residential area.

Flood Prone Land Code		
Performance Criteria		Officer's Response
P1	<p>The capacity and function of floodways and flood storage areas are preserved in high and low hazard areas.</p> <p><b>(A1.1</b> In a high hazard or low hazard floodway, development involving;</p> <ul style="list-style-type: none"> <li>(i) building works, or</li> <li>(ii) filling or excavation, or</li> <li>(iii) changes in the natural surface level of the land; or</li> <li>(iv) the storage of materials, goods, equipment or the like on the land that cannot be easily and quickly removed from the site; <b>does not occur</b>.)</li> </ul>	<p><b>Does Not Comply</b></p> <p>The site is affected by the Q100 flood hazard overlay and is designated as being in a high hazard floodway as per the planning scheme mapping. It was agreed with the applicant that the site is not a high floodway hazard but should be considered in this instance as high hazard flood storage (based on the depth/velocity). It should be noted that this is still a high hazard area and is therefore subject to risk of loss of life and property in a Q100 flood event.</p> <p>The locality is completely isolated during a defined event with up to one (1) metre of water inundating the subject site itself, according to Council's most up to date data. According to the applicant's spot levels provided by Shanahan Surveyors, the maximum depth of water over the site would be approximately 855 millimetres based on a Q100 riverine flood of 10.3 metres, however Council's most up to date</p>

		<p>data indicates the maximum depth would be approximately 1.13 metres.</p> <p>The acceptable solution states that development in a high hazard flood area does not occur. The development puts life and property at high risk and is not an acceptable location for a non-rural, residential use.</p>
P2	<p>Safe access from the development site to the Central Business District or the Gracemere township is available during the defined flood event.</p> <p><i>Note: Development not on flood prone land must still comply with this Performance Criterion.</i></p>	<p><b>Does Not Comply</b></p> <p>Access to the site is cut off during a range of flood events. Cramb Street, Farm Street and Haynes Street are inundated during a Q100 Fitzroy River Flood event, with the access via Farm Street and Haynes Street also being inundated during a localised Splitters Creek storm flood event. This Performance Criterion specifically requires that Type 1 access (maximum of 0.3 metres depth) is provided during localised or creek flooding for a Q50 event. Council's most recent Local Creek Flooding data shows the depth of inundation in Farm Street and Haynes Street during this event to be between 0.75 metres and 1 metre, which clearly exceeds the maximum for a Type 1 – Low Hazard access.</p> <p>The applicant has confused the Fitzroy River Flood level data and the localised creek flood level data, in regard to demonstrating safe access to the site in a flood event. While the latest flood data was not publicly available when the application was lodged, the information was provided by Council to the applicant at the information request stage. This does not dismiss the requirement for the applicant to address this new information.</p> <p>As it stands, both Farm Street and Haynes Street are subject to localised flooding from Splitters Creek to a depth in excess of that allowed for a Type 1 Low Hazard Access as defined in the Code. Therefore, trafficable access is not available during the Defined Flood Event as required in this Code.</p>
P4	<p>The proposal prevents the intensification of the overall flood impacts within the community by:</p> <p>(a) not significantly increasing the overall level of flood damage and community disruption in high hazard areas, and</p> <p>(b) not creating any unacceptable</p>	<p><b>Does Not Comply</b></p> <p>Development on this lot ultimately intensifies flood impacts within the community. Flood damage to the proposed use and community disruption is certain, given that access to the property is severed in a range of flood events.</p> <p>The construction of the dwelling and future</p>



	<p>impacts on flood levels and flows in a high hazard area i.e. a zero net loss in flood storage; and</p> <p>(c) ensuring the outside storage of any goods or equipment will not contribute to the overall level of flood damage and community disruption in both high and low hazard areas.</p>	<p>carport should not have any significant effects on flood levels or flows. However it is difficult to ensure the outside storage of goods or equipment such as garden sheds, greenhouses, cars or trailers, will not cause flood damage as these are the responsibility of the occupant at the time of the event. The applicant cannot ensure compliance with item (c) as there is no area on the subject site above the 1 in 100 Average Recurrence Interval (ARI) Flood Event to store goods.</p>
P8	<p>Flood damage, damage to property and social disruption to residential landowners and the community in general is avoided by using the appropriate design, location and construction techniques for buildings and structures within the floodplain.</p>	<p><b>Does Not Comply</b></p> <p>While the applicant has satisfied the acceptable solution respective to this performance criteria (being that the floor levels are at least 500 millimetres above the Q100 flood level), the performance criterion has not been addressed. It is not possible to guarantee compliance, as the flood classification is high hazard (classified as extreme under the proposed planning scheme based on the most recent flood modelling adopted by Council), and flood damage and social disruption is unavoidable in a Q100 flood event.</p>
P9	<p>New residential buildings and reclassifications of buildings or parts of a building from a non-residential use to a residential use do not exacerbate the impacts and consequences caused by flooding.</p>	<p><b>Does Not Comply</b></p> <p>As stated above, the applicant has not adequately addressed the performance criterion. It is not possible to guarantee compliance as the flood classification is high hazard (classified as extreme in the proposed planning scheme), and flood damage and social disruption is unavoidable in a range of flood events, including a Q100 event.</p> <p>Furthermore, the applicant has stated that Council has not provided evidence that there is a 'real risk to loss of life' and it would be 'unreasonable for Council to refuse the application'. While it is the applicant's responsibility to provide evidence otherwise, Council has provided factual information that the site is inundated in a Q100 flood event and that there is not safe access in a Q50 localised storm flood event. This information has been provided to the consultant during duty planner appointments, phone conversations, various meetings including the owner, and the information request.</p> <p>It is Council Officer's position that there is a real risk to loss of life and damage to property should a house be approved at</p>

		<p>this site. The proposal does not comply with any of the relevant acceptable solutions, being A9.1.1, A9.2, A9.3 and A9.6. Therefore, compliance with this performance criterion has not been met.</p>
P10	<p>Development for a residential building in any Rural Area or Special Use Area is carried out when unavoidably necessary, having proper regard to mitigating the effects, impacts and consequences of flooding.</p>	<p><b>Does Not Comply</b></p> <p>The development does not comply with Acceptable Solution A10.1 of the Code. It is acknowledged that the Q100 Fitzroy River flooding velocity information originally provided to the applicant is less than that shown in the latest flooding data (0.5 m/s versus 0.8m/s) <b>however</b> this information was provided to the applicant as part of Council's Information Request to allow them to respond appropriately.</p> <p>The applicant's response did not acknowledge or reflect the new and more correct information. The new velocity information resulted in a depth/velocity product in excess of 0.5 m/s, which when combined with an inundation depth greater than 800 millimetres, demonstrates a non-compliance with A10.1.</p> <p>The development does not comply with the Acceptable Solution A10.2 as the house is not essential for the bona-fide rural use of the land. Design and construction of the house and carport to the appropriate Finished Floor Level and standard will mitigate some the impacts of a 1 in 100 Average Recurrence Interval (ARI) flood event. However it is pointed out that the parcel does not have flood free access and downstream damage could be caused if goods stored on the site are not removed prior to a flood and are washed away. The effect of a flood event on Council Infrastructure should be considered, such as the potential for a sewerage pump station if development of other parcels in the historic subdivision are also approved.</p>

**Rockhampton City Plan – Planning Policies**

Planning Scheme Policy	Staff Comment
<b>14 – Flood Plain Management</b>	<p><b>Does Not Comply</b></p> <p>The subject site is located within the Q100 Flood area and is further classified as a High Hazard area under the Flood Prone Land Code. Accordingly, the applicant was asked to demonstrate compliance with the Planning Scheme Policy. An assessment of the proposal by Council engineers has indicated the predicted 1 in 100 Average Recurrence Interval (ARI) level at the site to be 10.3 metres Australian Height Datum, which is up to and above 0.855 metres of inundation. The applicant has provided a response to the Planning Scheme Policy however this relies solely on relocation of equipment off-site during an event and contains little mitigation for non-removable items on site. None of the site is above the 1 in 100 Average Recurrence Interval (ARI) flood level.</p> <p><b>Note:</b> The applicant based the Flood Prone Land Code on a 10.2 metre Q100 flood level over the site as per the Flood Statement. The flood statement attached to this application was dated 2 April 2012 and has been superseded by more recent flood data which has been adopted since then. A recent flood search would have provided the applicant with updated and more accurate flood data.</p>

Having regard to the above, it is noted that the development is not able to comply with, or suitably respond to, the relevant requirements of the applicable codes.

**INFRASTRUCTURE CHARGES**

Adopted Infrastructure Charges Resolution (No. 4) 2014 for residential development applies to the application and it falls within Charge Area 3. The land use does not attract an infrastructure charge.

Therefore, an Infrastructure Charges Notice will not be issued for the development.

**CONSULTATION**

The proposal was not subject to public notification as part of this application.

**REFERRALS**

The application did not require referral to any Advice or Concurrence agencies.

**CONCLUSION**

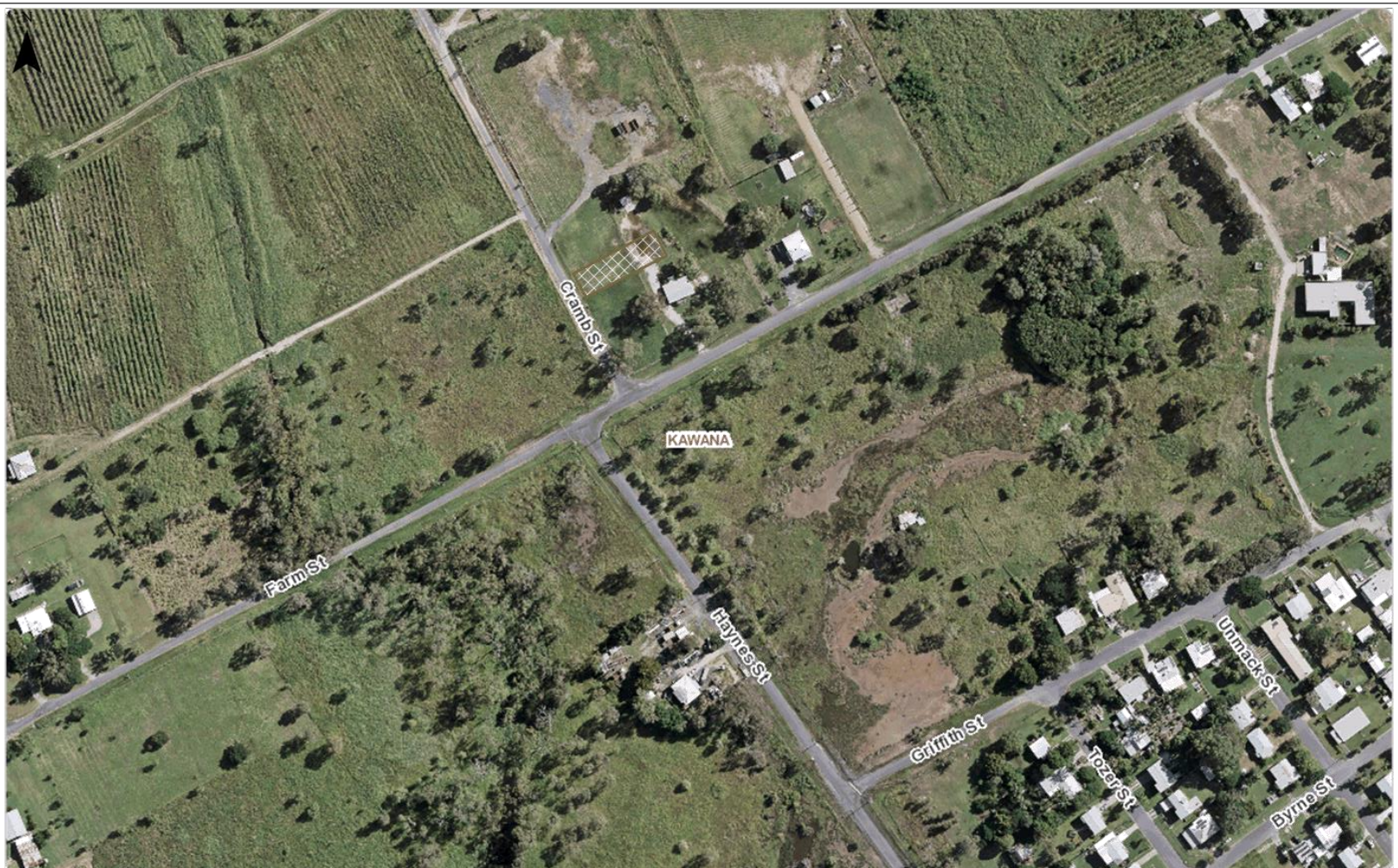
The application for a Material Change of Use for a House cannot be considered a consistent use within the Parkhurst Rural Area. Furthermore, the subject site is severely flood affected and property and life cannot be entirely protected from the impacts of a flood event. As such, the assessment of this application resulted in it being recommended for refusal, as the proposal conflicts with the Planning Scheme, and it is considered that there are insufficient grounds to justify approving the application.

# **D/168-2014 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A HOUSE**

## **Locality Plan**

**Meeting Date: 9 December 2014**

**Attachment No: 1**



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## Locality Plan

0 0.015 0.03 0.06 Km

2,713 at A4.

**Rockhampton**  
 Regional Council  
 Printed from Geko on 28/11/2014

# **D/168-2014 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A HOUSE**

## **Site Plan**

**Meeting Date: 9 December 2014**

**Attachment No: 2**





# **D/168-2014 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A HOUSE**

## **Elevations**

**Meeting Date: 9 December 2014**

**Attachment No: 3**



MCU APPROVAL

SELECTED COLORBOND ROOF SHEETING FIXED TO MANUFACTURER'S SPEC

SELECTED FASCIAS & GUTTERS TO MANUFACTURER'S SPEC.

FC SHEETING TO EAVES

SELECTED CLADDING

Level 2 10200 RL

SELECTED ALUMINIUM FRAMED GLASS DOORS & WINDOWS FIXED TO MANUFACTURER'S SPEC.

21.5° ROOF PITCH

**1 Elevation 3**  
1 : 100

F.C.L. RL 13300

Floor Level RL 10900

Ground Level RL 9700

SELECTED COLORBOND ROOF SHEETING FIXED TO MANUFACTURER'S SPEC

SELECTED FASCIAS & GUTTERS TO MANUFACTURER'S SPEC.

FC SHEETING TO EAVES

SELECTED CLADDING

Level 2 10200 RL

21.5° ROOF PITCH

**2 Elevation 4**  
1 : 100

F.C.L. RL 13300

Floor Level RL 10900

Ground Level RL 9700

**PRELIMINARY DRAWINGS**

Prelim. Issue	CLIENT APPROVAL
1st Amend.	Sign: _____
2nd Amend.	Date: _____

By signing the above you agree that there are no longer any changes to this preliminary design and any further amendments once signed off by client will be charged at an hourly rate as per clause 5.00 of the Work Agreement & Contract.  
Capricorn Engineering and Drafting Services can now continue with the Building Approval Documentation and Engineering.

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Rev.	Description	Date
A	Preliminary Issue	11/02/14
B	Client Amended	24/02/14
C	Client Amended	28/02/14
D	MCU Approval	27/06/14

Job Description  
New Dwelling

Design  
Custom

CLIENT  
Jason Spence

ADDRESS  
Lot 8 Cramb Street, Kawana

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BSA - 1126593

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COMMERCIAL: PH: (07) 49260722 Fax: (07) 49395808 Email: info@ceads.com.au  
BSA - 1126594  
www.ceads.com.au

DATE: 11/02/14

DRAWN BY: LMC	CHECKED BY: DEL
SCALE: 1 : 100	WIND RATING: C1

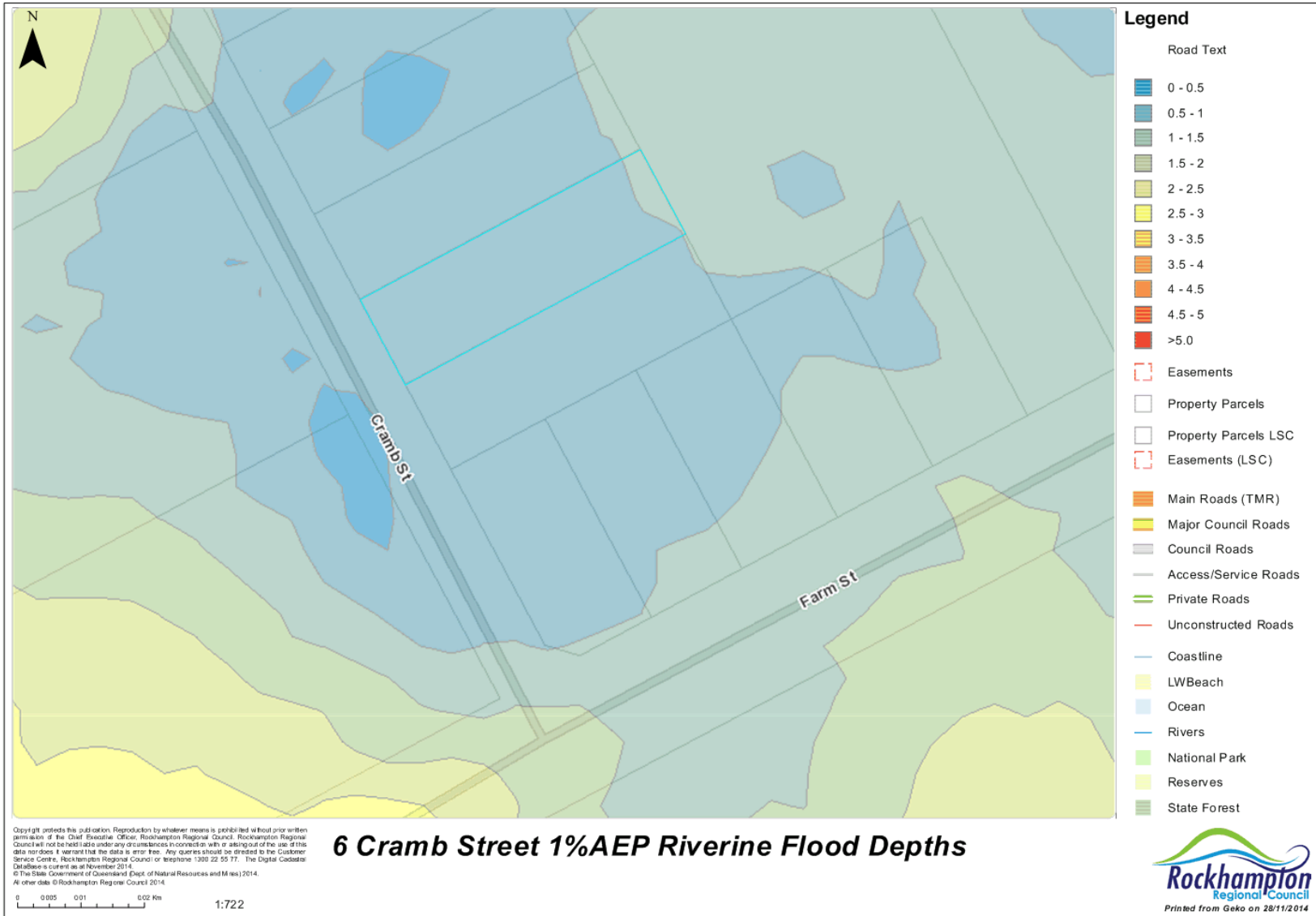
DWG No. 14-048-R      SH1 No. 201

**D/168-2014 - DEVELOPMENT  
APPLICATION FOR A MATERIAL  
CHANGE OF USE FOR A HOUSE**

**Flood Depth Indicator Map**

**Meeting Date: 9 December 2014**

**Attachment No: 4**



## **9 STRATEGIC REPORTS**

Nil

## **10 NOTICES OF MOTION**

Nil

## **11 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.*

## **12 CLOSURE OF MEETING**