



PLANNING & DEVELOPMENT COMMITTEE MEETING

AGENDA

12 MARCH 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 12 March 2014 commencing at 10:00am for transaction of the enclosed business.

A handwritten signature in black ink, appearing to read "C R".

CHIEF EXECUTIVE OFFICER
5 March 2014

Next Meeting Date: 26.03.14

Please note:

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

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1 OPENING

2 PRESENT

Members Present:

Councillor A P Williams (Acting Chairperson)
Councillor C E Smith
Councillor C R Rutherford
Councillor G A Belz
Councillor S J Schwarten
Councillor R A Swadling
Councillor N K Fisher

In Attendance:

Mr M Rowe – Acting Chief Executive Officer

3 APOLOGIES AND LEAVE OF ABSENCE

Councillor Margaret Strelow has tendered her apology and will not be in attendance

4 CONFIRMATION OF MINUTES

Minutes of the Planning & Development Committee held 26 February 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 Meeting

Responsible Officer: Evan Pardon - Chief Executive Officer

Author: Evan Pardon - Chief Executive Officer

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**

Meeting Date: 12 March 2014

Attachment No: 1

Date	Report Title	Resolution	Responsible Officer	Due Date	Notes
29 January 2014	RRC Planning Scheme December 2013 Quarterly Report	<p>1. THAT the RRC Planning Scheme December 2013 Quarterly Report be received.</p> <p>2. THAT the Community Engagement Strategy for the Public Consultation stage of preparing a new planning scheme as presented is adopted.</p>	Bob Truscott	12/02/2014	
26 February 2014	Adoption of Infrastructure Charges Resolution (No 3)	<p>1. THAT the draft Adopted Infrastructure Charges Resolution (No3) 2014 as contained within the report be adopted to commence on 3 March 2014 and modify associated mapping to reflect the changes; and</p> <p>2. THAT in relation to Recommendation 1 above, development industry representatives be notified directly, the Adopted Infrastructure Charges Resolution (No 3) 2014 be advertised in a media release and be on the Council website.</p> <p>3. THAT the Indoor Sport and Recreation Facility be charged \$140 per square metre.</p>	Bob Truscott	12/03/2014	

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 OFFICERS' REPORTS

8.1 DEVELOPMENT ASSESSMENT OF LEVEES

File No: 8037
Attachments: Nil
Responsible Officer: Robert Holmes - General Manager Regional Services
Author: Tarnya Fitzgibbon - Coordinator Development Assessment

SUMMARY

The Queensland Government is proposing amendments to the Water Act 2000, which are scheduled to be passed on 15 May 2014. These amendments will make local governments the assessment manager for any levees that will have impacts on other properties. The draft material provided to date raises some significant issues for local governments, especially in relation to liability and resourcing.

OFFICER'S RECOMMENDATION

THAT a submission be made to the Minister administering the Water Act 2000 nominating the State to be the assessment manager for levees and outlining the concerns Council has with the proposed regime for assessment of assessable levees.

COMMENTARY

A teleconference was held on 13 February 2014 with officers from the Department of Natural Resources and Mines. The teleconference discussed draft Codes for the assessment of levees, including a self-assessable code and a code for assessable levees (code and impact).

Based on the teleconference and the draft codes provided, the following are major concerns for Council:

1. Liability – the State is looking into this issue, but has made no further comment. Local governments usually do not have officers experienced enough in these matters (such as hydraulic engineers and hydraulic modellers) to be assessing and approving applications for levees that will potentially cause flooding impacts on other property owners. If local governments are approving something in good faith and as required by law, there should be a limitation on Council's liability. This is even more important given that Mayors and Chief Executive Officers have not had an opportunity to comment on the local government's role as assessment manager.
2. State providing experts to assist – the State is looking at providing experts (presumably hydraulic engineers) to assist local governments. This is being investigated, but there is no certainty that the State will provide this service and it may not want to share the cost of engaging these experts with local governments. The costs for these extra resources will likely be borne by local governments.
3. Notifications on titles – the Department of Natural Resources and Mines officers were investigating this issue, but were unsure how it would work. The easiest method for this to occur would be for an Administrative Advice to be registered on title by the Land Titles Office. This could be similar to the manner in which Property Maps of Assessable Vegetation (PMAV) are attached to property titles through an Administrative Advice. For example, with PMAVs, anyone conducting a title search over a lot that has a PMAV registered on it will see that there is an Administrative Advice under the *Vegetation Management Act 1999* and if the person is interested in this, then they are able to order a copy of the document from the Department of Natural Resources and Mines office closest to the property. This process could work well for levees, with listing an Administrative Advice on title under the *Water Act 2000*

and then ordering a copy of the levee plan or other documents from the Department of Natural Resources and Mines office closest to the property. The purpose of the notification would be to advise potential purchasers of the levee. However, during the teleconference it became unclear whether people were talking about future purchasers of a lot with a levee registered on it or future adjoining owners (who would not find this information if they conducted a title search on the property they were considering purchasing).

4. Adjoining owners – there were concerns that Category 2 levees (which will only be code assessable) have no mechanism for notifying adjoining owners or obtaining their consent in relation to potential off-property impacts of the applicant's proposed levee. There is a process that Brisbane City Council adopted called 'code notifiable' assessment. It is not a mechanism under the *Sustainable Planning Act 2009* (it is only a mechanism under Brisbane City Council's City Plan), but it requires applicant's to publically notify the application as if it were an impact assessable application and enables people to make submissions. No appeal rights for submitters attach to this assessment type – it is used as an opportunity for Brisbane City Council to receive feedback from those who may be impacted by a development that is only code assessable. It only applies to certain types of developments, usually those in character areas. This could be a mechanism that is contained in the code for assessable levees and only applicable to Category 2 levees. There is no need for the *Sustainable Planning Act 2009* to be amended (as someone at the teleconference was trying to suggest).
5. The criteria contained in the codes are not robust and implementation will not be staged. It will be difficult to assess an application against the codes based on the information Council officers have received to date. The Department of Natural Resources and Mines officers have advised that many of these issues will be addressed through the guidelines, which have not yet been provided. There may be instances where issues are not addressed in the guideline and the criteria are too broad for Council to make an assessment against.
6. Approval under the *Sustainable Planning Act 2009* is a one off approval and does not lend itself to ongoing regulation or certification of the levee, such as annual certification of embankments. It would be better if some licencing format was put into place by the State Government, similar to the requirements for referable dams, so that there would be a mechanism for regular inspections of the works to ensure they remained in a stable, safe and operable condition.

BACKGROUND

The decision has already been made by Parliament that local governments will be the assessment managers for levees that will be assessable development. Local government leaders, Mayors and Chief Executive Officers, were not consulted before this decision was made. Letters are coming from the Queensland Government to Mayors and Chief Executive Officers soon advising them of this decision. Draft codes have been developed for self-assessable levees and assessable levees, however, the criteria contained in the draft codes raise numerous concerns for local governments. The consultation group has not been provided with a draft guideline that will go with the codes to assist applicants and local governments as assessment managers. The Department of Natural Resources and Mines officers tried to say during the teleconference that there had been consultation based on the involvement of local government officers in the consultation group about the codes. However, it was pointed out that it is only technical material that was consulted on and not the impacts on local government that this will lead to, which is more properly done through consultation with the Mayors and Chief Executive Officers.

Comments were also made by the Department of Natural Resources and Mines officers that the majority of local governments wanted the assessment manager role. However, upon further questioning of the Department of Natural Resources and Mines officers, it was revealed that only four (4) local governments out of seventy-seven (77) wanted to be the assessment managers for levees.

The Department of Natural Resources and Mines officers made it clear that many of the concerns raised by the council officers in the consultation group will not be addressed before the proposed legislation is passed and the local governments become the assessment managers.

At the moment, Rockhampton Regional Council will become the assessment manager for levees on 16 May 2014. The Department of Natural Resources and Mines officers said that there may be an avenue for this to be delayed if the majority of Mayors and Chief Executive Officers made submissions and raised concerns. From a practical perspective, we are unlikely to receive many applications for levees. However, for the applications we do receive there may be serious implications for Council, especially in relation to the costs of assessing these applications and potential liability if a levee Council has approved fails or causes damage to other properties as a result of flooding.

CONCLUSION

Amendments are being made under the *Water Act 2000*, through the Land, Water and Other Legislation Amendment Bill which is due to be passed on 15 May 2014. Under this proposed legislation Council will become the assessment manager for assessable levees as soon as the legislation is passed. This raises concerns in relation to liability, costs for Council, resourcing and the inadequacy of criteria imposed by the Department of Natural Resources and Mines that Council officers will be required to assess the levees against.

8.2 D/121-2013 DEVELOPMENT APPLICATION FOR OPERATIONAL WORKS FOR AN ADVERTISING SIGN (THIRD PARTY BILLBOARD SIGN)

File No: D/121-2013
Attachments:

1. Locality Plan
2. Site Plan
3. Site Photos
4. Applicant's Justification

Responsible Officer: Tanya Fitzgibbon - Coordinator Development Assessment
Author: Hayley Tiegs - Planning Assistant

SUMMARY

Development Application Number: D/121-2013
Applicant: Bishopp Outdoor Advertising Pty Ltd
Real Property Address: Lot 1 on RP619185, Parish of Rockhampton
Common Property Address: 162 Alma Street, Rockhampton City
Area of Site: 2,897 square metres
Planning Scheme: Rockhampton City Plan 2005
Rockhampton City Plan Area: Central Business District – Business Services Precinct
Existing Development: Workshop, Showroom and Offices (Endeavour Foundation)
Existing Approvals: Various building works permits for the workshop
Approval Sought: Development Permit for Operational Works for an Advertising Sign (third party billboard sign)
Level of Assessment: Impact Assessable
Submissions: Nil
Referral Agency(s): Nil
Adopted Infrastructure Charges Area: Charge Area 2
Application Progress:

<i>Application lodged:</i>	28 March 2013
<i>Acknowledgement Notice issued:</i>	12 April 2013
<i>Notice of Changed Application received:</i>	23 April 2013
<i>Information Request issued:</i>	24 April 2013
<i>Response to Information Request received:</i>	4 October 2013
<i>Notice of Commencement received:</i>	30 October 2013
<i>Notice of Compliance received:</i>	22 November 2013
<i>Extension to Decision Making Period issued:</i>	16 December 2013
<i>Extension to Decision Making Period (by agreement) issued:</i>	23 January 2014
<i>Last receipt of information from applicant:</i>	17 February 2014
<i>Statutory determination date:</i>	17 March 2014

OFFICER'S RECOMMENDATION

THAT in relation to the application for a Development Permit for Operational Works for an Advertising Sign (third party billboard sign) made by Bishopp Outdoor Advertising Pty Ltd on Lot 1 on RP619185, Parish of Rockhampton, located at 162 Alma Street, Rockhampton City, Council resolves to Refuse the application for the following reasons:

- (a) The proposal conflicts with the Desired Environmental Outcomes (particularly Outcome 6) by contributing to the proliferation of signage, visual clutter and therefore a reduction in the attractiveness of the City.
- (b) The proposal conflicts with the provisions of the Planning Scheme which apply to signage particularly in controlling the number and size of signs to prevent a proliferation of unnecessary signage and visual clutter.
- (c) There is no overwhelming need for large billboard signs of this nature in the Central Business District Area.

BACKGROUND**Proposal in Detail**

The proposal is for the construction of a third party billboard sign within the outdoor garden area on the Endeavour Foundation site in Alma Street, Rockhampton City. The sign face measures six (6) metres long and three (3) metres wide and is supported on two (2), three (3) metre high posts.

The proposed sign is positioned adjacent to the Endeavour Foundation Building at an angle to be viewed by motorists travelling in a southern direction along Alma Street.

The applicant has entered into an agreement with the Endeavour Foundation to allow the installation of signage in an income sharing arrangement. The Endeavour Foundation is guaranteed an income for an agreed period whether the sign is in use or not. If/when the sign is not in use by other paid advertisers, the Endeavour Foundation may use the sign to advertise for free.

Site and Locality

The subject site is located in Rockhampton City on Alma Street between William Street and Denham Street. The surrounding area is developed with offices, retail stores and medical services. There are two (2) dwellings located on the two (2) lots north-east of the subject site also.

The site is improved by two (2) discrete buildings, one of which is used as offices and the other is a furniture workshop and showroom, both of which are utilised by the Endeavour Foundation. Adjoining the workshop and showroom, which is the location of the proposed sign is an attractive grassed outdoor area with outdoor seating and some trees and other plantings. This area is fenced with a 1.8 metre chain wire fence and large gate.

The entire site frontage has on-street rear-in angle parking and a full bitumen footpath.

Application Progress

At the commencement of the application process it was identified by the Assessment Manager that the sign was not considered appropriate and was likely to be recommended for refusal, this was articulated in an Information Request to the Applicant. In response to this, the Applicant made some slight adjustments to the proposal such as the location and reducing the height of the sign. It was still considered excessive and unnecessary by the Assessment Manager which was again relayed to the Applicant.

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 Policies; 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 – 4 April 2013

Support, no comments or conditions.

Infrastructure Operations Unit's (sewer and water) Comments

No comment as the proposal does not impact on sewer or water infrastructure.

Town Planning Comments

Rockhampton City Plan Strategic Framework

This application is situated within the Central Business District 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 – the addition of signage does not impact the above Desired Environmental Outcome.
- (2) *Valuable natural resources are conserved or, where required to support economic growth in Rockhampton, used sustainably.*
Not applicable – the application does not involve the use of or impact on 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.*
Not Applicable – the application will not impact on natural assets.
- (4) *New development in Rockhampton City is designed and managed to minimise adverse impacts on the environment, and biodiversity.*
Not Applicable – the application will not have adverse impacts on the environment and 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.*
Complies – the proposal is not for a commercial or retail use, however is for operational work which is associated with a commercial use, located in a commercial area.
- (6) *Rockhampton's commercial centres are safe, attractive and readily accessible spaces for all members of the community.*
Does not comply – The proposed sign is not 'in character' or of a scale consistent with existing buildings in the City and will not contribute to an attractive space. The proposed site for the sign is currently an attractive outdoor seating area with gardens and mature trees. The sign will adversely impact on the amenity of the area and will result in the removal of one of the established trees and significant pruning of the other.

- (7) *Rockhampton's industrial development is consolidated in identified industrial locations throughout the City.*
- Not Applicable** – the application does not entail industrial development.
- (8) *Rockhampton's cultural and urban heritage, both indigenous and post European, is retained and conserved for future generations.*
- Not Applicable** – the site is already developed and does not contain any 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.*
- Not Applicable** – the proposal does not entail residential development and is not located in a residential area.
- (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.*
- Not Applicable** – the proposal does not include community or health care facilities.
- (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 the subdivision of new residential 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.*
- Not Applicable** – there will be no change or a requirement for infrastructure as the proposal is for signage only.
- (13) *Safe, accessible, efficient and convenient transport systems are provided in Rockhampton.*
- Not Applicable** – the proposal is for signage only and will have no impact on transport systems in Rockhampton.
- (14) *Readily accessible and safe Open Space and facilities for active and passive recreational purposes are accommodated within Rockhampton City.*
- Not Applicable** – the proposal is for signage only and will not require the provision of Open Space.

The performance assessment of the proposal demonstrates that the development will compromise the Rockhampton City Plan Desired Environmental Outcomes (particularly Outcome 6) by contributing to the proliferation of signage, visual clutter and therefore a reduction in the attractiveness of the City.

Central Business District Area Intent

The subject site is situated within the *Central Business District – Business Services Precinct* under the *Rockhampton City Plan 2005*, the intent for this area identifies that: -

"It is intended that the Central Business District Business Services Precinct will develop as the primary office / administration area of the Central Business District Commercial Area, and of Rockhampton and the region, particularly accommodating medium and large scale commercial premises (office activities) defined developments. It is also intended that this Precinct will contain a range of accommodation types, particularly for

tourists, but also for permanent residents, educational uses, and limited low impact industrial development."

Given the proposal is for an advertising sign, it does not conflict with the intent of the Area as such, however, being a third party sign, it is possible that the subject matter on the signage will also not be for those uses mentioned in the above intent.

Rockhampton City Plan Codes

The following codes are applicable to this application:

- Signage Code.

An assessment has been made against the requirement of the Signage Code below:

"The manner in which this Code will apply to the different Levels of Assessment for different types and categories of Signage is as follows:

Impact Assessable Development

Sign Types nominated in the Level of Assessment Table for a particular Area as Impact Assessable development are not preferred at any time due to their impacts, or contribution to impacts, on the visual amenity of a locality or the City, and accordingly the City Image."

Signage Code		
Performance Criteria		Officer's Response
P1	<p>Advertising signage is;</p> <p>(a) located and is of a size that prevents any adverse impacts of Advertising Signage on;</p> <p>(1) the visual amenity or intent of an Area or stretch of road within its landscape, and</p> <p>(2) road or pedestrian user safety; and</p> <p>(3) the operations of the Rockhampton Airport;</p> <p>(b) designed and located in a manner that is integrated into other development on the premises and does not dominate the visual impression of a premises; and</p> <p>(c) constructed of durable materials; and</p> <p>(d) located where they do not impede vehicle or pedestrian movements or reduce pre existing safety levels; and</p> <p>(e) controlled in number and size to prevent a proliferation of unnecessary signage;</p>	<p>Does Not Comply</p> <p>The intention of the Rockhampton City Plan through the Desired Environmental Outcomes and relevant Planning Scheme Codes is to provide attractive centres and spaces for the community to enjoy.</p> <p>The large proposed advertising sign will result in the removal of trees and will visually dominate the site. This is considered a worsening of the visual qualities of the site given that currently, it is an attractive green space.</p> <p>The sign is not considered to be integrated into other developments on the site as it is proposed to be one (1) metre off the Endeavour building at the front of the site angled to two (2) metres from the building and will sit almost as high as the building with the bottom of the sign starting at the bottom of the awnings. The existing building heights, awnings and trees give the site a feeling of 'human scale' and will be detrimentally impacted with the dominance of this large protruding sign.</p> <p>Additionally, given the proposed sign will be the eighth sign on the property, it is considered to contribute to a proliferation of unnecessary signage.</p>

P2	<p>Advertising signage is designed and constructed to avoid clutter and is compatible and consistent with, or enhances, the existing streetscape and City Image.</p>	<p>Does Not Comply</p> <p>There are already seven (7) advertising signs on the site including three (3) fascia signs, two (2) roof signs, one (1) wall sign and one (1) under awning sign. The addition of this large billboard sign is likely to further clutter a space which already has ample advertising space.</p> <p>The sign size and type dominates rather than enhances the existing streetscape and City Image.</p> <p>While the perceived scale of a sign of this size and type could be reduced if set amongst large and tall buildings, this site does not have the benefit of large, bulky buildings to have this effect.</p>
P3	<p>Advertising signage does not cause or contribute to a traffic safety hazard or a public safety hazard by way of;</p> <ul style="list-style-type: none"> (a) not being constructed or located in such a way that the visibility of any traffic sign or street name is obscured to a vehicular road user; or (b) not being constructed or located in such a way that access to or from any building door, fire escape or fire hydrant is obstructed; or (c) being a distraction to the drivers of vehicles; or (d) complying with the minimum safety clearances in the <i>Electrical Safety Act 2002</i> and <i>Electrical Safety Regulation 2002</i>. 	<p>Complies</p> <p>The advertising sign is proposed wholly within the property boundary and will not impact visibility for motorists or pedestrians and will not inhibit access from the building.</p>
P4	<p>Signage is located to ensure that all members of the community have equitable access to advertising space in locations where it is intended, consistent and appropriate, having regard to the Intent of each Area or Precinct.</p>	<p>Does Not Comply</p> <p>Given the proposed sign will be the eighth sign on the property, it is considered that sufficient advertising space has already been made available at the site. Furthermore, the proposed signage is identified as being inconsistent with the intent of this area and further advertising space cannot be justified in this instance having regard to the ample signage already on the site.</p>
P5	<p>Third Party advertising signs, do not;</p> <ul style="list-style-type: none"> (a) contribute to a proliferation of signage within the City; or (b) represent a duplication of other signage already existing; or (c) detrimentally affect the visual 	<p>Does Not Comply</p> <p>Given the proposed sign will be the eighth sign on the property, and it is considered that sufficient advertising space has already been made available at the site, the addition of such a large free standing sign will contribute to visual</p>

	<p>character or amenity of an Area, Precinct or a road including its associated landscape.</p>	<p>clutter, will reduce the attractiveness of the space as it exists and will dominate the visual impression of the site.</p> <p>This is considered to detrimentally affect the visual character and amenity of the area and contributes to a proliferation of signage within the city.</p>
P6	<p>Advertising adjacent to or located on a place of heritage significance is designed and sited so as;</p> <p>(a) to be compatible with the heritage significance of the heritage place and not detrimentally impact its values or its setting; and</p> <p>(b) to not obscure the appearance or prominence of the place when viewed from adjacent public or semi-public streets or open spaces, nor intrude into that place</p>	<p>Complies</p> <p>The subject site and its adjoining neighbours are not places of heritage significance.</p>
Acceptable Solutions For Billboard Sign		
	<p>(a) the sign face area is a maximum of 18m² per side; and</p> <p>(b) only one (1) Billboard Sign (double or single sided) is located on any one (1) premises; and</p> <p>(c) the sign complies with the design criteria for a Freestanding Sign as stated in Part C2 of this code; and</p> <p>(d) the sign is located to ensure that the back of the sign is not exposed to, or visible from, any public place; and</p> <p>(e) the sign is supported on single or multiple pylons to avoid unsightly back bracing; and</p> <p>(f) where visible to a public place, the area below the sign is landscaped with plants that have a mature height less than the height of the bottom of the sign above ground; and</p> <p>(g) regardless of whether the billboard is for first party or third party signage, there is a separation distance between billboards of at least 50 metres.</p>	<p>Complies - sign face is eighteen square metres.</p> <p>Complies - this is the first billboard sign on the premises.</p> <p>Does Not Comply - (See below Free Standing Sign assessment)</p> <p>Does Not Comply - Given the sign stands taller than the side wall of the Endeavour Foundation building, a portion of the back of the sign will be visible to northbound traffic.</p> <p>Complies - the sign is supported by two (2) pylons.</p> <p>Complies - there is an existing garden bed in the location of the proposed sign, the Applicant has advised that this will remain however it will result in the removal of a tree.</p> <p>Does not comply – there is an empty billboard sign at the adjoining Green Brothers site.</p>
Acceptable Solutions For Freestanding Sign		
	<p>(a) the maximum height does not exceed that stated in Planning Scheme Policy No. 9 - Signage unless otherwise stated in this code;</p> <p>(b) the minimum spacing between any two Freestanding Signs on a premises is not</p>	<p>Complies – the sign height is six (6) metres, the code limits a sign to 9.5 metres given the frontage of the site is approximately sixty (60) metres.</p> <p>Complies - this is the first free standing</p>

<p>less than the combined height of both signs multiplied by a factor of 2 (i.e., a premises with two signs 6.0m and 3.0m in height will require a spacing of 18m);</p> <p>(c) the sign is not located closer than 3 metres to any side property boundary;</p> <p>(d) the sign face area of a Freestanding Sign does not exceed 35% of the Maximum Sign Face Area using the Boundary Length Method. To remove any doubt, three (3) or more signs on a premises will represent the Maximum Sign Face Area.</p>	<p>sign on the property. The sign is not located within three (3) metres of a side property boundary.</p> <p>Complies – The sign is not located closer than three metres to the side boundary.</p> <p>Does not comply - The sign face area of the proposed sign does not exceed twenty-one (21) square metres being 35% of the Maximum Sign Face Area using the Boundary Length Method which equates to sixty (60) square metres of total sign face area.</p> <p>There are however already seven (7) advertising signs on the site including three (3) fascia signs, two (2) roof signs, one (1) wall sign and one (1) under awning sign.</p>
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Rockhampton City Plan – Planning Policies

Policy	Staff Comment
PSP 9 Signage	The Policy assists in defining sign types and gives design parameters for those signs. The sign has been defined as a third party billboard sign (free standing) and has generally met the design requirements such as height and sign face limits.

Infrastructure Charges

The Adopted Infrastructure Charges Resolution (No.2) 2012 does not apply to an Advertising Sign.

Consultation

The proposal was the subject of public notification between 25 October 2013 and 15 November 2013, as per the requirements of the *Sustainable Planning Act 2009*, and no submissions were received.

Referrals

There were no Referral Agencies for this development application.

CONCLUSION

Based on the above assessment against the *Rockhampton City Plan 2005*, the proposal is considered inconsistent with the intent of the Planning Scheme including several non-compliances with the Desired Environmental Outcomes and Planning Scheme Codes.

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 Planning Scheme. The grounds for refusal are as follows:

- (a) The proposal conflicts with the Desired Environmental Outcomes (particularly Outcome 6) by contributing to the proliferation of signage, visual clutter and therefore a reduction in the attractiveness of the City.

- (b) The proposal conflicts with the provisions of the Planning Scheme which apply to signage particularly in controlling the number and size of signs to prevent a proliferation of unnecessary signage and visual clutter.
- (c) There is no overwhelming need for large billboard signs of this nature in the Central Business District Area.

**D/121-2013 DEVELOPMENT
APPLICATION FOR OPERATIONAL
WORKS FOR AN ADVERTISING
SIGN (THIRD PARTY BILLBOARD
SIGN)**

Locality Plan

Meeting Date: 12 March 2014

Attachment No: 1



**D/121-2013 DEVELOPMENT
APPLICATION FOR OPERATIONAL
WORKS FOR AN ADVERTISING SIGN
(THIRD PARTY BILLBOARD SIGN)**

Site Plan

Meeting Date: 12 March 2014

Attachment No: 2

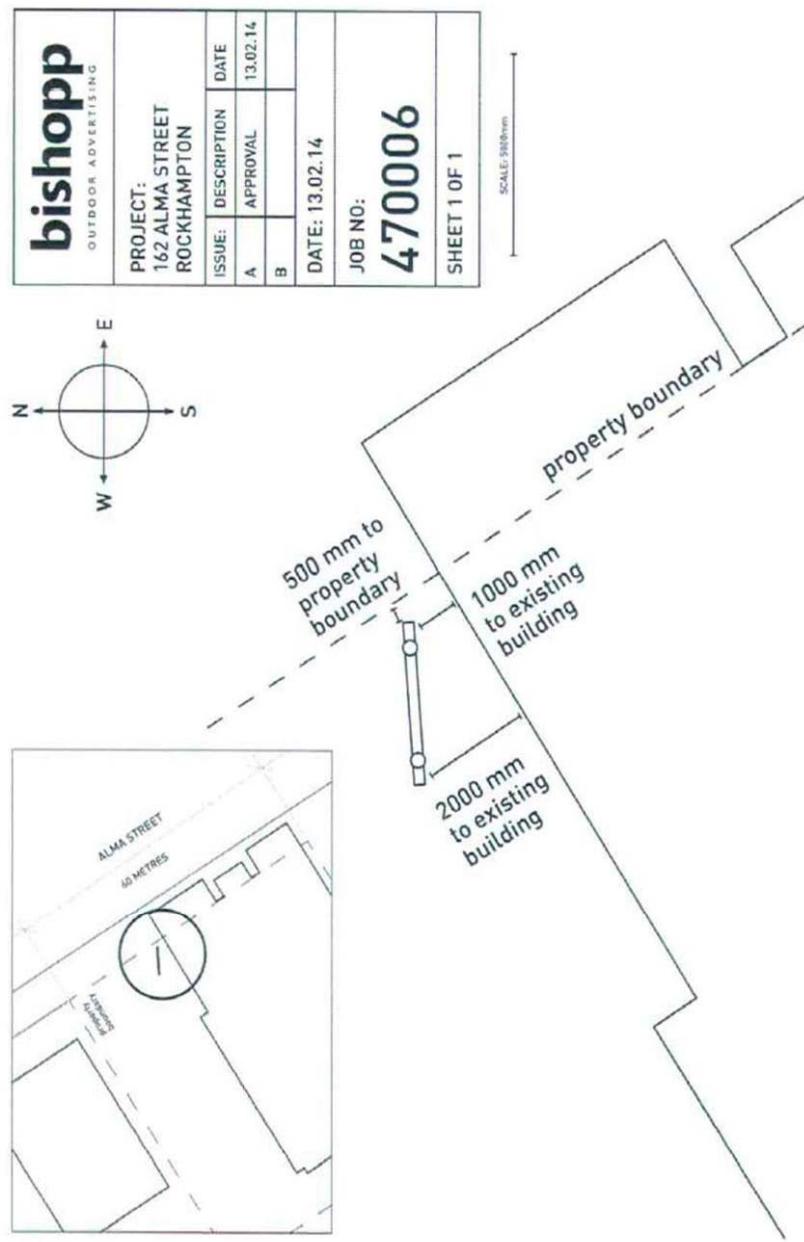


Fig 5. Site Plan

**D/121-2013 DEVELOPMENT
APPLICATION FOR OPERATIONAL
WORKS FOR AN ADVERTISING SIGN
(THIRD PARTY BILLBOARD SIGN)**

Site Photos

Meeting Date: 12 March 2014

Attachment No: 3

Site Photos



**D/121-2013 DEVELOPMENT
APPLICATION FOR OPERATIONAL
WORKS FOR AN ADVERTISING SIGN
(THIRD PARTY BILLBOARD SIGN)**

Applicant's Justification

Meeting Date: 12 March 2014

Attachment No: 4



17 February 2014

Ms Hayley Tiegs
Town Planner
Development Assessment Section
Rockhampton Regional Council
PO Box 1860
ROCKHAMPTON QLD 4700

Our Ref: 470006 Council Ref:D/121-2013

Dear Ms Tiegs,

RE: Additional Information Response for a Development Application to Establish an Advertising Sign (Billboard) at 162 Alma Street, Rockhampton; legally described as Lot 1 RP619815

This letter is in response to the meeting held at Council on 21st January 2014 with Amanda O'Mara and yourself. As discussed we have revised our associated information including correctly scaled photo montages showing what the proposed sign will look like as well as a scaled site plan detailing location of sign in relation to surrounding infrastructure (see figures 1 to 3 of appendix). From the outcome of the meeting we acknowledge that council still has some concerns with the size and scale of the proposed sign in context to the site which we wish to address further with Council as follows:

1. Size, bulk and scale of the sign is 'excessive' at the subject site

We disagree that the size, bulk and scale of the proposed advertising sign is considered excessive at the subject location and that it may detrimentally affect the visual character and amenity of the site and surrounds.

The Bishopp asset development process is extremely rigorous in terms of site selection and development, we base our location selection on key criteria including; target market, environmental issues, traffic flow, street appeal, existing advertising activity and landscape/terrain. On identifying this proposed site location we noted the mixture of commercial and light industrial, in this urban/commercial landscape signage commonplace and expected.

The finished height of 6m will be well below the height of most of the surrounding buildings fronting this streetscape, and the proposal will create visual harmony on this thoroughfare. Structurally we liaise closely with all stakeholders from planning through to engineering; ensuring designs meet Australian Standards, that the billboard device integrates into the architecture of the landscape & painted in a harmonious colour scheme and that vegetation selection is in keeping with other Council programmes, refer to figure 1 of appendix. The montages clearly show that the maximum height of the proposed structure being 6m is infact lower than the overall height of the Endeavour building roofline. Additionally this sign will be strategically located in front of a blank wall, therefore not obstructing any important visual building features such as; entry statement, windows or

openings. Finally we noted that the streetscape contains a mixture of building heights, some double storey, i.e. 8.5m in height which in comparison are well below the billboards height.

In terms of the actual size, the billboard will have an area of 18sqm, which meets the size requirement specified for "billboards" within the Signage Code and complies with A1.1 Boundary Length Method requirement of the Signage Code. With site frontage of 60m, approximately 60sqm of signage would be allowable according to the Boundary Length Method. Currently there is 17sqm of site signage, so the construction of an 18sqm billboard will total 35sqm, considerably less than the 60sqm allocation as per the Signage Code.

In summary this proposed billboard complies with the Signage Code in regards to;

- ✓ Bishopp have met the size requirement of 18sqm;
- ✓ Bishopp have met the height requirement of 9.5m (given only a height of 6m is proposed);
- ✓ That the signage allocation per frontage requirement will only be 35sqm in contrast to 60 sqm as allowed

2. The sign is 'unnecessary'

We feel that Council may not have comprehended our site development ethos, in this instance the proposed billboard will not be located in a viewing plane with other billboards in the background. It will be set against an unoccupied blank wall, specifically chosen to provide perfect viewing clarity and seamless integration to the surroundings. There are no other known third party advertising billboards within one kilometre of the proposed location, in essence our proposal does not contribute to proliferation of signage within the city environment.

The owner Endeavour Foundation, are keen to develop a billboard at this site as it will generate much needed passive income through third party advertising, it should be noted through our discussions with local business that there is already a high level of interest in advertising on this proposed billboard, not only because of the prime location but a feeling of community spirit in giving back to a local non-profit organization that strives to look after the local community. Additionally this proposed billboard provides Endeavour with the opportunity to utilize the billboard to convey its own strategic community messages to the local public, therefore creating a more positive community spirit and sense of achievement.

Bishopp's experience on both freestanding and wall billboards unequivocally results in freestanding being a more sound and manageable structure combined with the prosperity it will deliver to the economic and social environment of the local Rockhampton region we find it difficult to comprehend how Council can make the comment that 'it is unnecessary'. Furthermore the sign actually complies with the Signage Code requirements and meets the expectations and needs of the property owner Endeavour Foundation. If it were 'unnecessary', then the Endeavour foundation in conjunction with Bishopp Outdoor Advertising would not have gone to the expense of applying for a billboard at this location. The proposal has numerous economic and social benefit as outlined in this letter hence why both Endeavour Foundation and Bishopp Outdoor Advertising are keen to obtain a positive outcome.

3. Other third party signage in the vicinity

After meeting with council, we have reviewed other recently approved billboard sites in the Rockhampton city area and notice two billboards of the same size as our billboard, and of a similar height located at:

- William St (figure 6 of appendix)
- the corner of Campbell and Denham St (figure 7 of appendix)

Both these billboards are good examples of recent third party billboards approved by council where the site has similar attributes to our subject site (review montages attached within the appendix). These two signs fit in well with the business/commercial setting and do not detract from the visual amenity of the area given it is becoming common knowledge for the viewing public that third party billboards are something expected to be seen in a urban /business/commercial setting.

Finally, we would like to point to Council that this proposal was publicly notified as it was impact assessable, however **no submissions from the public have been received**, which means in general, people are not against the establishment of a billboard sign at this location. We request that you carefully assess our response on the basis of assessing compliance of the proposed sign against the 'Signage Code' as opposed to having the unintended mindset that 'third party signage' at this location is unnecessary for this site.

Do not hesitate to contact me directly on 0411 064 035 should you have any queries and we look forward to a favorable response.

Yours Sincerely,



Shabana Hanif-Saheed
SENIOR TOWN PLANNER

Appendix



Fig 1. View of billboard as seen by northbound travelers



Fig 2. View facing the site directly



Fig 3. View of billboard as seen by southbound travellers



Fig 4. Existing view of site

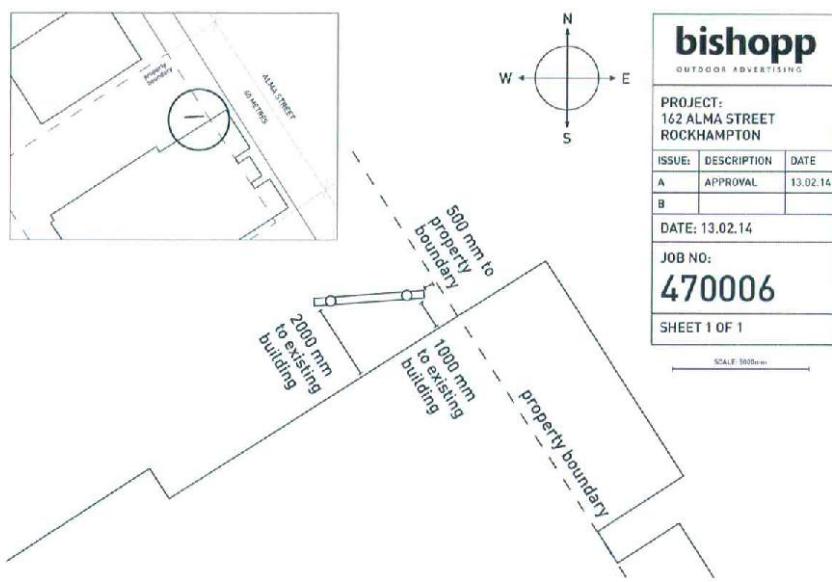


Fig 5. Site Plan



Fig 6. Example of other Third Party Advertising Billboards in the Rockhampton City Area



Fig 7. Example of other Third Party Advertising Billboards in the Rockhampton City Area

8.3 D/382-2013 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A HIGH IMPACT INDUSTRY AND ENVIRONMENTALLY ASSESSABLE INDUSTRY

File No:	D/382-2013
Attachments:	1. Locality Plan 2. Site Plan
Responsible Officer:	Tanya Fitzgibbon - Coordinator Development Assessment Robert Holmes - General Manager Regional Services
Author:	Amanda O'Mara - Planning Officer

SUMMARY

<i>Development Application Number:</i>	<i>D/382-2013</i>
<i>Applicant:</i>	<i>Teys Australia Meat Group Pty Ltd</i>
<i>Real Property Address:</i>	<i>Lot 16 on RP608774, Lot 7 on CP897347, Lot 20 on CP897347, Lot 144 on CP897343, Lot 145 on CP897344, Lot 256 on LIV401188, Lot 257 on LIV401188, Lot 258 on LIV401188, Lot 275 on LIV40612, Lot 1 on CP888744, Lot 1 on RP607819, Lot 3 on RP607819, Lot 1 on RP603373, Lot 2 on RP603373, Lot 4 on RP603371, Lot 1 on RP606380, Lot 1 on RP603369, Lot 8 on RP603339, Lot 2 on RP609111, Lot 11 on RP608774, Lot 12 on RP608774, Lot 13 on RP608774, Lot 14 on RP608774, Lot 15 on RP608774, , Lot 17 on RP608774, Lot 18 on RP608774, Lot 19 on RP608774, Lot 20 on RP608774, Lot 70 on RP608774, Lot 83 on LN1482, Lot 84 on PL4014, Lot 85 on PL4014, Lot 86 on PL4014, Lot 2 on LN1547, Lot 1 on RP810628, Lot 3 on RP603491, Lot 4 on RP810628, Lot 5 on RP900422, Lot 3 on RP608230, Lot 348 on SP129863 (rail corridor), Part of Lakes Creek Road (State-controlled road reserve), Parish of Archer</i>
<i>Common Property Address:</i>	<i>464 Lakes Creek Road, 469 Lakes Creek Road, 484 Lakes Creek Road, Lot 348 Railway Line, Lakes Creek, Lot 3 Emu Park Road and Lot 5 Emu Park Road, Nerimbera</i>
<i>Planning Scheme:</i>	<i>Rockhampton City Plan 2005 and Livingstone Shire Planning Scheme 2005</i>
<i>Rockhampton City Plan Area:</i>	<i>Norbank Estate Special Use Area, Norbank Estate Special Industry, Precinct 2 – Industrial Precinct and Rural Zone</i>
<i>Existing Development:</i>	<i>Meat Processing Facility</i>
<i>Existing Approvals:</i>	<i>Development Permit for Operational Works for Earthworks</i>
<i>Approval Sought:</i>	<i>Development Permit for a Material Change of Use for a High Impact Industry and Environmentally Assessable Industry</i>

Level of Assessment: Impact Assessable
Submissions: One (1) properly-made submission
Referral Agency(s): Department of Transport and Main Roads, Department of Environment and Heritage Protection, Department of Agriculture, Fisheries and Forestry, Livingstone Shire Council and Ergon Energy
Adopted Infrastructure Charges Area: Charge Area 3

Application Progress:

<i>Application Lodged:</i>	27 September 2013
<i>Acknowledgement Notice Issued:</i>	30 September 2013
<i>Applicant request to change the application:</i>	19 November 2013
<i>Submission period commenced:</i>	22 November 2013
<i>Government Agency response:</i>	29 November 2013
<i>Submission period end:</i>	20 January 2014
<i>Council request for additional time:</i>	20 February 2014
<i>Government Agency request for additional time:</i>	24 January 2014
<i>Government Agency additional response:</i>	20 February 2014
<i>Referred to Livingstone Shire Council as concurrence agency:</i>	21 February 2014
<i>Livingstone Shire Council concurrence agency response:</i>	24 February 2014
<i>Statutory determination date:</i>	3 April 2014

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 and Environmentally Assessable Industry, made by Teys Australia Meat Group Pty Ltd, on Lot 16 on RP608774, Lot 7 on CP897347, Lot 20 on CP897347, Lot 144 on CP897343, Lot 145 on CP897344, Lot 256 on LIV401188, Lot 257 on LIV401188, Lot 258 on LIV401188, Lot 275 on LIV40612, Lot 1 on CP888744, Lot 1 on RP607819, Lot 3 on RP607819, Lot 1 on RP603373, Lot 2 on RP603373, Lot 4 on RP603371, Lot 1 on RP606380, Lot 1 on RP603369, Lot 8 on RP603339, Lot 2 on RP609111, Lot 11 on RP608774, Lot 12 on RP608774, Lot 13 on RP608774, Lot 14 on RP608774, Lot 15 on RP608774, , Lot 17 on RP608774, Lot 18 on RP608774, Lot 19 on RP608774, Lot 20 on RP608774, Lot 70 on RP608774, Lot 83 on LN1482, Lot 84 on PL4014, Lot 85 on PL4014, Lot 86 on PL4014, Lot 2 on LN1547, Lot 1 on RP810628, Lot 3 on RP603491, Lot 4 on RP810628, Lot 5 on RP900422, Lot 3 on RP608230, Lot 348 on SP129863 (rail corridor), Part of Lakes Creek Road (State-controlled road reserve), Parish of Archer, and located at 464 Lakes Creek Road, 469 Lakes Creek Road, 484 Lakes Creek Road, Lot 348 Railway Line, Lakes Creek, Lot 3 Emu Park Road and Lot 5 Emu Park Road, Nerimbera, 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 prior to the commencement of the use, 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 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) Site Works.
 - 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 prior to the issue of a Development Permit for Building Works.
- 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.
- 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>
Locality Plan and General Notes	P001, Issue A	15 November 2013
Engineering Report	0381112	9 August 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.

3.0 PLUMBING AND DRAINAGE 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*, *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.
- 3.2 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 and *Australian Plumbing and Drainage Standard AS3500 section 3 and 4*.

4.0 STORMWATER WORKS

- 4.1 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* and sound engineering practice.
- 4.2 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect adjoining land or infrastructure by way of blocking, altering or diverting existing stormwater runoff patterns or have the potential to cause damage to other infrastructure.
- 4.3 The proposed 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.

5.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 5.1 All roof and allotment drainage must be in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.
- 5.2 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.

6.0 SITE WORKS

- 6.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works.
- 6.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks' plan which clearly identifies the following:
 - 6.2.1 the location of cut and/or fill;
 - 6.2.2 the type of fill to be used and the manner in which it is to be compacted;
 - 6.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - 6.2.4 details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and
 - 6.2.5 the maintenance of access roads to and from the site so that they are free of all cut and/or fill material and cleaned as necessary.
- 6.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 6.4 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.
- 6.5 Vegetation must not be cleared unless and until written approval has been provided by Council. A Development Permit for Operational Works constitutes written approval, only for the purposes of clearing vegetation directly pertinent to the operational works which are the subject of the Development Permit.
- 6.6 Any vegetation cleared or removed must be:
 - (i) mulched on-site and utilised on-site for landscaping purposes, in accordance with the landscaping plan approved by Council; or
 - (ii) removed for disposal at a location approved by Council;within sixty (60) days of clearing. Any vegetation removed must not be burnt.

- 6.7 All site works must be undertaken to ensure that there is:
- 6.7.1 no increase in upstream or downstream flood levels for all levels of immunity up to Q100;
 - 6.7.2 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
 - 6.7.3 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.

7.0 BUILDING WORKS

- 7.1 The construction of any structures within the area inundated by a Q100 flood must not cause an actionable nuisance to adjoining properties or infrastructure.
- 7.2 All structures within the Q100 flood area must be designed and certified by a Register Professional Engineer of Queensland to withstand the forces associated with the velocities within the Q100 flood area.
- 7.3 All electrical outlets must be a minimum 500 millimetres above the Q100 flood level.
- 7.4 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”*.

8.0 ASSET MANAGEMENT

- 8.1 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.
- 8.2 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.

9.0 ENVIRONMENTAL

- 9.1 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan which addresses, but is not limited to, the following:
 - (i) objectives;
 - (ii) site location / topography;
 - (iii) vegetation;
 - (iv) site drainage;
 - (v) soils;
 - (vi) erosion susceptibility;
 - (vii) erosion risk;
 - (viii) concept;
 - (ix) design; and
 - (x) implementation, for the construction and post construction phases of work.

9.2 The 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.

10.0 **OPERATING PROCEDURES**

10.1 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 Lakes Creek Road and Vestey Street.

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

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.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for High Impact Industry and Environmentally Assessable Industry, made by Teys Australia Meat Group Pty Ltd on behalf of Consolidated Meat Property Pty Ltd, on Lot 16 on RP608774, Lot 7 on CP897347, Lot 20 on CP897347, Lot 144 on CP897343, Lot 145 on CP897344, Lot 256 on LIV401188, Lot 257 on LIV401188, Lot 258 on LIV401188, Lot 275 on LIV40612, Lot 1 on CP888744, Lot 1 on RP607819, Lot 3 on RP607819, Lot 1 on RP603373, Lot 2 on RP603373, Lot 4 on RP603371, Lot 1 on RP606380, Lot 1 on RP603369, Lot 8 on RP603339, Lot 2 on RP609111, Lot 11 on RP608774, Lot 12 on RP608774, Lot 13 on RP608774, Lot 14 on RP608774, Lot 15 on RP608774, , Lot 17 on RP608774, Lot 18 on RP608774, Lot 19 on RP608774, Lot 20 on RP608774, Lot 70 on RP608774, Lot 83 on LN1482, Lot 84 on PL4014, Lot 85 on PL4014, Lot 86 on PL4014, Lot 2 on LN1547, Lot 1 on RP810628, Lot 3 on RP603491, Lot 4 on RP810628, Lot 5 on RP900422, Lot 3 on RP608230, Lot 348 on SP129863 (rail corridor), Part of Lakes Creek Road (State-controlled road reserve), Parish of Archer, and located at 464 Lakes Creek Road, 469 Lakes Creek Road, 484 Lakes Creek Road, Lot 348 Railway Line, Lakes Creek, Lot 3 Emu Park Road and Lot 5 Emu Park Road, Nerimbera, Council resolves that an Adopted Infrastructure Charges Notice will not be issued.

BACKGROUND

Proposal in Detail

The proposal is for the upgrade of the waste water treatment system at the Lakes Creek Meatworks. The upgrade of the waste water treatment system will be through the installation of covered anaerobic lagoons using a biological nutrient removal methodology to treat the waste. The system comprises of:

- One (1) raw effluent transfer pipeline
- One (1) treated waste transfer pipeline
- One (1) treated water transfer pipeline
- One (1) bio-gas transfer pipeline
- Two (2) Covered Anaerobic Lagoons
- One (1) Biological Nutrient Removal System
- Other ancillary infrastructure (power conduits)

Access to the site will be via the existing access from Lakes Creek Road. A new access road will be created within the current holding yards providing access to the waste water treatment system. In addition, a two (2) metre high barbed wire fence will be provided encompassing the waste water treatment system.

Site and Locality

The subject sites are being utilised for a meat processing facility (Lakes Creek Meatworks). Facilities at the sites include offices, amenities, storage sheds, yards for livestock, a slaughter floor, a boning room, offal rooms, a rendering and blood processing plant, boiler house, freezer tunnels, chilled tunnel, load out areas and waste water treatment system. The sites are adjacent to the Fitzroy River and are subject to flooding.

The area is used for a variety of industrial and residential uses; however the north-western part of the area is dominated by the Lakes Creek Meatworks.

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 Policies; 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 – 4 October 2013

Support, subject to conditions.

Infrastructure Operations Unit's (sewer and water) Comments – 8 October 2013

Support, subject to conditions.

Public and Environmental Health Comments – 3 October 2013

Support, subject to conditions.

Town Planning Comments

Central Queensland Regional Plan 2013

The Central Queensland Regional Plan is a statutory document which came into effect on 18 October 2013. The development is not required to be assessed against the regional plan as

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 2013

This policy came into effect on 2 December 2013 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.

Mining and extractive resources

Not Applicable.

Biodiversity

Not Applicable.

Coastal environment

Not Applicable.

Water quality

Complies. The proposed system achieves the relevant requirements set out in the State Planning Policy.

Emissions and hazardous activities

Not Applicable.

Natural hazards

Not Applicable. The proposed works will not be adversely affected in a flood event. The holding lagoons are located above the one in one hundred year flood event.

State transport infrastructure

Not Applicable. Whilst the site adjoins a State-Controlled Road, the proposed development will not impact on its operations.

Strategic airports and aviation facilities

Not Applicable.

Transitional provisions for Local Government and Other Legislation Amendment Act 2013

The application was lodged prior to the de-amalgamation of Rockhampton Regional Council and Livingstone Shire Council.

Livingstone Shire Council was notified that Rockhampton Regional Council will be the decision maker for the application in accordance with section 952(3) of the *Sustainable Planning Act 2009*. Livingstone Shire Council as a concurrence agency for the application supported the proposal with no conditions.

Livingstone Shire Planning Scheme 2005

The various sites associated with the meat processing facility have been included in the application and some are located within the Rural Zone of the Livingstone Shire however the proposed waste water treatment system and all associated works are only being proposed within the Rockhampton Regional Council boundary.

Rockhampton City Plan 2005

Norbank Estate Special Industry – Precinct 2 – Industrial Precinct Intent

The subject site is situated within Norbank Estate Special Industry – Precinct 2 under the *Rockhampton City Plan 2005*. The intent of Norbank Estate Special Industry – Precinct 2 identifies that: -

“...it will continue to accommodate a number of industries located within the precinct that do or have the potential to, adversely impact upon the amenity of any residential building by way of noise, light, dust or odour. These industries include:

- *The Lakes Creek Meatworks, including the holding paddocks; and*
- *The bitumen and concrete batching plants.*

It is intended that these land uses will continue to operate at this location, however if there is any material change in the intensity or scale of the uses, the elements or components that triggered the material change will be subject to standards of operation, particularly in relation to noise, dust, light, odour and water quality, so that any potential impacts on nearby residential precincts or Areas are minimised. These High Impact industries are required to be contained within this precinct and are not to extend into any other precinct, as Buffer Areas and other land use decisions have or will be made on the basis of this containment. Any new industry co-locating with either of these existing industries, is required to meet the same standards of operation that a material change in the intensity or scale of an existing use would need to meet. This application is consistent with the intent of the Area”

The application is to upgrade the waste water treatment system. The proposal is not proposing an increase to the scale and the intensity of the use and will not create any additional impacts on the nearby residential precincts or areas. Therefore the proposal is considered consistent with the intent of the precinct.

Rockhampton City Plan Codes

The following codes are applicable to this application: -

- Norbank Estate Special Use Area Codes
- Industrial Use Code
- Flood Prone Land Code
- Water Quality and Quantity Code
- Airport Code
- Railway Noise Code
- Bushfire Risk Minimisation Code

Based on a performance assessment of the abovementioned codes it is determined that the proposal is acceptable, as it generally complies with the relevant Performance Criteria.

Rockhampton City Plan – Planning Policies

Policy	Staff Comment
PSP 14 Flood Plain Management	An assessment has been made against the requirements of the policy and the proposal complies with the applicable components.

Infrastructure Charges

Adopted Infrastructure Charges Resolution (No.2) 2012 for non-residential development applies to the application and it falls within Charge Area 3.

The application for the upgrade to the waste water treatment system will not be proposing any additional gross floor area. In addition as per the Adopted Infrastructure Charges Resolution (No.2) 2012 for Charge Area 3 no charge is applicable for impervious area for non-residential development. Therefore no Adopted Infrastructure Charges are applicable.

Consultation

The proposal was the subject of public notification between 22 November 2013 and 20 January 2014, as per the requirements of the *Sustainable Planning Act 2009*, and one (1) properly made submission was received.

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

Issue	Officer Comment
Concerns were raised that the development will have an effect on the existing surrounding land uses and their ability to grow and expand in the future.	The proposal will have no impact on the existing surrounding land uses or their ability to grow and expand in the future. The proposal is only for the provision of an improved method to treat the meatworks' waste water; therefore there will be no additional impacts on the amenity or character of the surrounding area.

Referrals

The application was referred to the following referral agencies:

- Department of Transport and Main Roads (concurrence)
- Department of Environment and Heritage Protection (concurrence)
- Department of Agriculture, Fisheries and Forestry (concurrence)
- Livingstone Shire Council (concurrence)
- Ergon Energy (advice)

The above agencies approved the application subject to conditions as per correspondence received on 29 November 2013, 20 February 2014 and 24 February 2014.

CONCLUSION

The proposed use is consistent with the intent of the Norbank Estate Special Industry – Precinct 2 and complies with the provisions included in the applicable codes. The proposal is therefore recommended for approval in accordance with the approved plans and subject to the conditions outlined in the recommendation.

**D/382-2013 DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A HIGH IMPACT
INDUSTRY AND ENVIRONMENTALLY
ASSESSABLE INDUSTRY**

Locality Plan

Meeting Date: 12 March 2014

Attachment No: 1

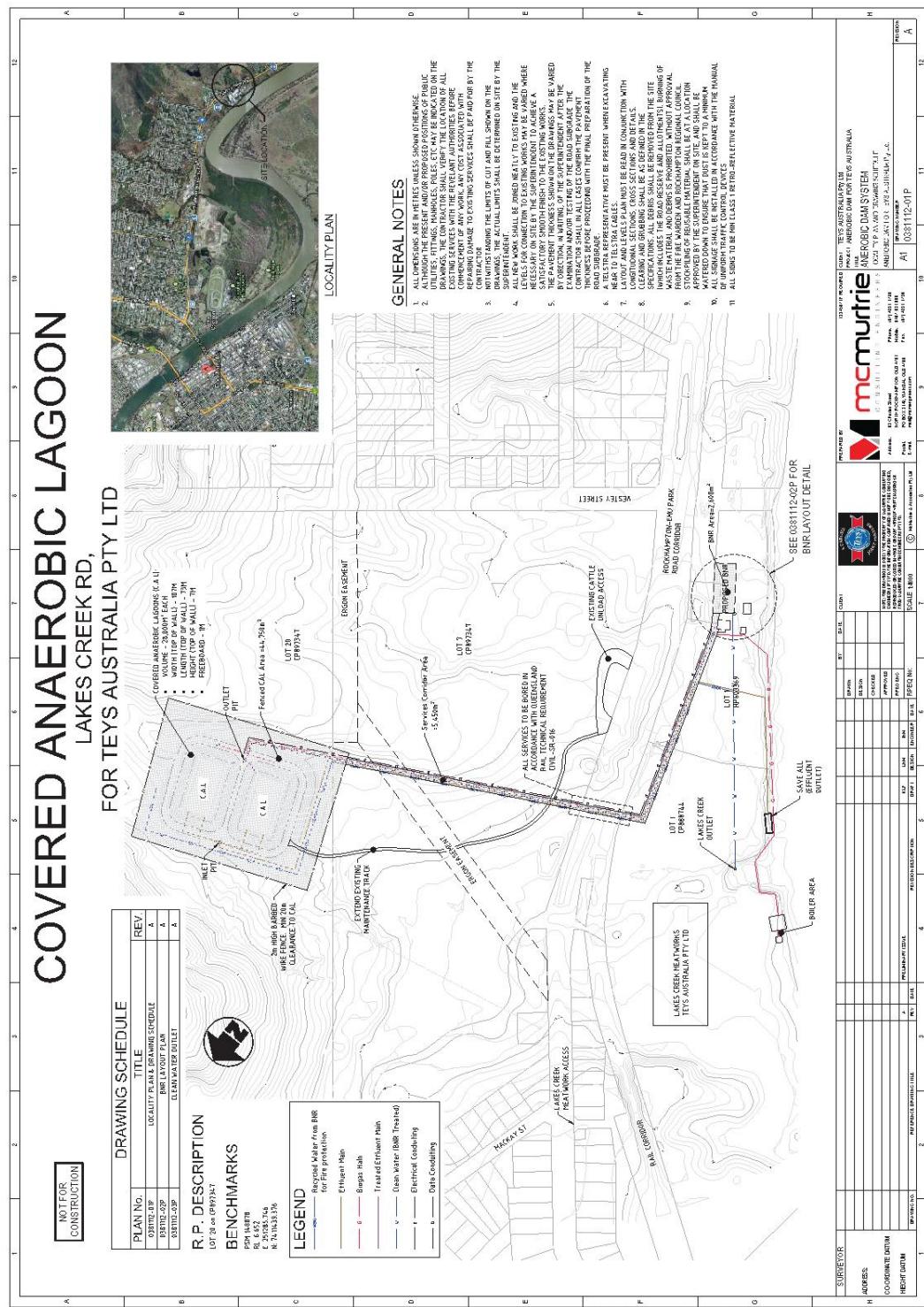


**D/382-2013 DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A HIGH IMPACT
INDUSTRY AND ENVIRONMENTALLY
ASSESSABLE INDUSTRY**

Site Plan

Meeting Date: 12 March 2014

Attachment No: 2



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 CLOSED SESSION

In accordance with the provisions of section 275 of the *Local Government Regulation 2012*, a local government may resolve to close a meeting to the public to discuss confidential items, such that its Councillors or members consider it necessary to close the meeting.

RECOMMENDATION

THAT the meeting be closed to the public to discuss the following items, which are considered confidential in accordance with section 275 of the *Local Government Regulation 2012*, for the reasons indicated.

13.1 Progress report on Gracemere Industrial Area Moratorium

This report is considered confidential in accordance with section 275(1)(f) (g) (h), of the *Local Government Regulation 2012*, as it contains information relating to starting or defending legal proceedings involving the local government; AND any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act; AND other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage .

13 CONFIDENTIAL REPORTS

13.1 PROGRESS REPORT ON GRACEMERE INDUSTRIAL AREA MORATORIUM

File No: 10881

Attachments:

1. Locality Plan
2. Council Resolution - 11 June 2013

Responsible Officer: Tanya Fitzgibbon - Coordinator Development Assessment

Author: Petrus Barry - Senior Planning Officer

This report is considered confidential in accordance with section 275(1)(f) (g) (h), of the *Local Government Regulation 2012*, as it contains information relating to starting or defending legal proceedings involving the local government; AND any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act; AND other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage .

SUMMARY

The report provides feedback and progress on the compliance moratorium instigated by Council in the area bounded by Capricorn Street, Middle Road, Stewart Street and Somerset Road Gracemere.

14 CLOSURE OF MEETING