



# **PLANNING AND REGULATORY COMMITTEE MEETING**

## **AGENDA**

**6 NOVEMBER 2018**

*Your attendance is required at a meeting of the Planning and Regulatory Committee to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 6 November 2018 commencing at 9.00am for transaction of the enclosed business.*

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

**CHIEF EXECUTIVE OFFICER**  
30 October 2018

Next Meeting Date: 20.11.18

**Please note:**

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

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**1 OPENING**

**2 PRESENT**

Members Present:

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

In Attendance:

Ms C Worthy – General Manager Community Services (Executive Officer)  
Mr E Pardon – Chief Executive Officer

**3 APOLOGIES AND LEAVE OF ABSENCE**

The Mayor, Councillor Margaret Strelow granted leave of absence to attend Council business.

**4 CONFIRMATION OF MINUTES**

Minutes of the Planning and Regulatory Committee held 16 October 2018

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

**6 BUSINESS OUTSTANDING**

Nil

**7 PUBLIC FORUMS/DEPUTATIONS**

Nil

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## 8 OFFICERS' REPORTS

### 8.1 D/79-2017 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR EXTRACTIVE INDUSTRY, MEDIUM IMPACT INDUSTRY AND A WAREHOUSE

**File No:** D/79-2017

**Attachments:** 1. [Locality Plan](#)↓  
2. [Site Plan](#)↓

**Authorising Officer:** Tarnya Fitzgibbon - Coordinator Development Assessment  
Steven Gatt - Manager Planning and Regulatory Services  
Colleen Worthy - General Manager Community Services

**Author:** Thomas Gardiner - Planning Officer

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#### SUMMARY

*Development Application Number:* D/79-2017

*Applicant:* Hopeman Pty Ltd

*Real Property Address:* Lot 2 on RP888747, Parish of Plews

*Common Property Address:* 59793 Bruce Highway, Midgee

*Area of Site:* 85.15 hectares

*Planning Scheme:* Rockhampton Region Planning Scheme 2015

*Planning Scheme Zone:* Rural Zone

*Planning Scheme Overlays:* Acid Sulfate Soils – Above 5m and below 20m AHD  
Biodiversity Areas Overlay (MLES and MSES)  
Biodiversity Waterways Overlay  
Bushfire Hazard Overlay (Medium, High and Very High Hazard)  
Steep Land Overlay

*Existing Development:* Quarry

*Existing Approvals:* D/1802-2009 – Material Change of Use for Extractive Industry (expansion of quarry) and clearing

*Approval Sought:* Development Permit for a Material Change of Use for Extractive Industry, Medium Impact Industry, Warehouse and Environmentally Relevant Activity 16 (Extractive and Screening Activities)

*Level of Assessment:* Impact Assessable

*Submissions:* Nil

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

THAT in relation to the application for a Development Permit for a Material Change of Use for Extractive Industry, Medium Impact Industry and a Warehouse made by Hopeman Pty Ltd, located at 59793 Bruce Highway, Midgee, described as Lot 2 on RP888747, Parish of Plews, Council resolves to Approve the application despite its conflict with the planning scheme and provide the following grounds to justify the decision despite the conflict:

- a) The proposal does not detract from the scenic features of the surrounding rural land.
- b) The proposal is responsive to the environmental characteristics and constraints of the land, and minimises impacts on natural features such as waterways, wetlands and remnant vegetation.
- c) The proposal ensures that rural land is maintained in large land holdings to protect the agricultural production capacity.
- d) The proposed use does not compromise the strategic framework in the *Rockhampton Region Planning Scheme 2015*;
- e) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and
- 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 Extractive Industry, Medium Impact Industry and a Warehouse made by Hopeman Pty Ltd, located at 59793 Bruce Highway, Midgee, described as Lot 2 on RP888747, Parish of Plews, Council resolves to Approve the application subject to the following conditions:

**1.0 ADMINISTRATION**

- 1.1 The Developer and his employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:
  - 1.3.1 to Council's satisfaction;
  - 1.3.2 at no cost to Council; and
  - 1.3.3 prior to the commencement of the use;unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
  - 1.5.1 Operational Works:
    - (i) Site Works.

- 1.6 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.7 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Current Google Image	GG-003 SP-001 Rev 2	29 June 2017
Site Plan	GG-003 SP-002 Rev 2	29 June 2017
Technical Memorandum	Project No: 123-16-17	16 June 2017
Hopeman Pty Ltd – Midgee Quarry Material Change of Use Environmental Report	Steer Environmental Consulting	27 May 2017
Ecological Assessment Report Proposed material Change of Use	Document Set ID: 8404932 Version 1	3 July 2017
Detailed Stormwater & Contaminated Water Management Plan	File No: K3626-0006	3 July 2017
Technical Memorandum Re: Midgee Quarry Expansion – 59793 Bruce Highway, Midgee – Storage Pad	File No: K3626-0008	7 September 2017
Permanent - Sediment and Erosion Control Plan	K3626-SE003 Issue A	29 September 2017
Permanent – Sediment and Erosion Control Details	K3626-SE004 Issue A	29 September 2017

- 2.2 Where there is any conflict between the conditions of this development approval and the details shown on the approved plans and documents, the conditions of this development approval must prevail.

3.0 SITE WORKS

- 3.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works.
- 3.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks' plan which clearly identifies the following:
  - 3.2.1 the location of cut and/or fill;
  - 3.2.2 the type of fill to be used and the manner in which it is to be compacted;
  - 3.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
  - 3.2.4 details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and

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- 3.2.5 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.
- 3.3 Slope stability must be managed as follows:
- 3.3.1 all engineering drawings/specifications and designs must comply with the requirements of the relevant *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"* and must be approved by a Registered Professional Engineer of Queensland;
- 3.3.2 site inspections must be undertaken by a Registered Professional Engineer of Queensland to confirm the design; and
- 3.3.3 full engineering certification must be undertaken by a Registered Professional Engineer of Queensland.
- 3.4 All earthworks must be undertaken in accordance with *Australian Standards, AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 3.5 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.
- 3.6 The area downstream of the spillway overflow of the sediment basin for the storage pad must be monitored so that scouring of the downstream watercourse is prevented. If the design width of 5.0m for the spillway concentrates flows into the watercourse causing scouring, the spillway must be widened as required to control any downstream scouring.
- 4.0 ASSET MANAGEMENT
- 4.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.
- 4.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.
- 5.0 ENVIRONMENTAL
- 5.1 An Erosion Control and Stormwater Control Management Plan prepared by a Registered Professional Engineer of Queensland in accordance with the *Capricorn Municipal Design Guidelines*, must be implemented, monitored and maintained for the duration of the development site operating under this approval, and until rehabilitation of the site is completed including restoring to a safe, stable landform, functionally resembling the surrounding area. The plan must be available on-site for inspection by Council Officers whilst site is operating as an extractive industry.
- 6.0 OPERATING PROCEDURES
- 6.1 The hours of operations for the development site must be limited to:
- (i) 0600 hours to 1800 hours on Monday to Friday, and
- (ii) 0600 hours to 1800 hours on Saturday,
- with no operations on Sundays or Public Holidays.
- 6.2 No washing of plant equipment and vehicles is permitted on the development site unless an approved washdown bay is built to prevent contamination of land and the stormwater system.
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6.3 Cleaning of plant equipment and vehicles must be carried out in an area where wastewater can be suitably managed so as not to cause contaminants to release into waterways or overland flow paths.

#### 7.0 ENVIRONMENTAL HEALTH

7.1 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.

7.2 Noise emitted from the activity must not cause an environmental nuisance.

7.3 Operations on the site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise, odour or dust.

#### ADVISORY NOTES

##### NOTE 1. Aboriginal Cultural Heritage

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

##### NOTE 2. General Environmental Duty

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

##### NOTE 3. Licensable Activities

Should an activity licensable by Rockhampton Regional Council be proposed for the development site, Council's Environment and Public Health Unit must be consulted to determine whether any approvals are required. Such activities may include food preparation, storage of dangerous goods or environmentally relevant activities. Approval for such activities is required before 'fit out' 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. Duty to Notify of Environmental Harm

If a person becomes aware that serious or material environmental harm is caused or threatened by an activity or an associated activity, that person has a duty to notify Rockhampton Regional Council.

#### **RECOMMENDATION C**

That in relation to the application for a Development Permit for a Material Change of Use for Extractive Industry, Medium Impact Industry and a Warehouse made by Hopeman Pty Ltd, located at 59793 Bruce Highway, Midgee, described as Lot 2 on RP888747, Parish of Plews, Council resolves not to issue an Infrastructure Charges Notice.

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

The proposal is for the expansion of an existing quarry located at 59793 Bruce Highway, Midgee. The extension involves expanding the existing operational area, concrete crushing operations and an outdoor storage area to store extracted material and equipment associated with the extractive and industrial operations on site.

The proposed extension will not result in increased expansion rates and coincide with the existing extraction rates approved on the site under ERA 16 – Extractive and Screening Activities (DERM Permit No. IPCE01813610).

The existing access to the site will be maintained and no changes to the existing internal haul route are proposed.

**SITE AND LOCALITY**

The subject site is located in the Rural Zone under the *Rockhampton Region Planning Scheme 2015* and comprises an area of approximately 85 hectares. Several overlays burden the site including Bushfire, Steep Land and Biodiversity Areas, with the site also containing state-regulated vegetation.

An existing quarry is positioned to the west of the subject site (D/1802-2009) and an ERA permit (DERM Permit No. IPCE01813610) provides limitations on the extraction rates for the existing use. The existing operational areas include a quarry pit, crushing plant, weighbridge, site offices and a car parking area.

The Bruce Highway provides the site with its only access point to the east which connects to an internal haul road that traverses through the site, accessing the existing quarry. Surrounding the subject site are predominantly large rural allotments, with the site also sharing a boundary with the Kangaroo Country Caravan Park to the east.

**PLANNING ASSESSMENT****MATTERS FOR CONSIDERATION**

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

**Development Engineering Comments – 7 August 2018**

Support, subject to conditions.

**Public and Environmental Health Comments – 4 July 2018**

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 2017**

The current State Planning Policy (SPP) came into effect on 3 July 2017 and replaces the previous SPP (April 2016). The new policy expresses the state's interests in land-use planning and development and contains a number of changes to better align with the *Planning Act 2016*. This policy requires development applications to be assessed against its requirements where they have not been appropriately reflected in the local planning scheme.

**1. Planning for liveable communities and housing****Housing supply and diversity**

Not Applicable.

**Liveable communities**

Not Applicable.

**2. Planning for economic growth****Agriculture**

Not Applicable.

**Development and construction**

Not Applicable.

**Mining and extractive resources**

Not applicable.

**Tourism**

Not Applicable.

**3. Planning for environment and heritage****Biodiversity**

Complies. The subject site contains significant vegetation which is being cleared to accommodate the proposed expansion to the existing quarry. A referral was triggered to the State who recommended that the development be approved subject to conditions.

**Coastal environment**

Not Applicable.

**Cultural heritage**

Not Applicable.

**Water quality**

Not Applicable.

**4. Planning for safety and resilience to hazards****Emissions and hazardous activities**

Not Applicable.

**Natural hazard, risk and resilience**

Not Applicable.

**5. Infrastructure****Energy and water supply**

Not Applicable.

**Infrastructure integration**

Not Applicable..

Transport infrastructure

Complies. The subject site gains access to a state-controlled road, the Bruce Highway. As the proposed expansion will not result in increased extraction rates or haulage movements, the impacts on the state-controlled road network will be minimal. A referral was triggered to the State who recommended that the development be approved subject to conditions.

Strategic airports and aviation facilities

Not Applicable.

Strategic ports

Not Applicable.

**Other Acts****Rockhampton Region Planning Scheme 2015****Strategic framework**

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

**(i) Settlement pattern**

- (1) The pattern of settlement is reinforced in accordance with the Strategic framework – settlement pattern maps (SFM-1 to SFM-4) and as defined in Table 3.3.2.2 – Strategic map designations and descriptions. Sufficient land has been allocated for residential, commercial, industrial and community uses to meet the needs of the region for at least twenty (20) years.
- (2) Residential development within Rockhampton and Gracemere will occur in urban areas, urban infill and intensification areas and new urban areas (greenfield areas). These areas are shown on the strategic framework maps SFM-2 to SFM-3.
- (3) Urban development in Mount Morgan will only occur within the urban area and local centre as shown on strategic framework map SFM-4.
- (4) Residential development is compact, encourages strong neighbourhoods with attractive places for residents, makes efficient use of land and optimises the delivery and use of infrastructure and services. Expansion beyond these identified areas will not occur to ensure a focus on urban infill and intensification areas and to avoid further encroachment on natural assets and ecologically vulnerable areas.
- (5) Sufficient land for employment growth has been identified in industrial areas, new industrial areas and centres (including proposed centres) at locations that can be most efficiently serviced with infrastructure and facilities.
- (6) Future urban areas and future industrial areas are the preferred location for greenfield development beyond 2026.
- (7) The settlement pattern provides for a diverse range of housing to meet changing demographic needs, and creates opportunities for more affordable living close to services and facilities. These housing options will help stimulate centres and community focal points, and assist in making the most efficient use of infrastructure and other public investment.
- (8) Higher density development is focussed around centres and public transport nodes and corridors. Increased residential densities will be encouraged in the urban infill and intensification areas in a range of dwelling types that are located to make public transport, walking and cycling more convenient, safe and viable.

- (9) The design of the built environment (including buildings, streets and public spaces) is consistent with the existing or desired character of the area and buildings are oriented to the street and public places. Development is undertaken in accordance with urban design principles.
- (10) Centres provide for employment, retail, accommodation, entertainment and community services that meet the needs of residential communities that are well connected by the public transport network.
- (11) Centres are based on a hierarchy that ensures the scale and form of development is appropriate to the location, and that the centres' roles and functions are appropriate within the wider planning scheme area.
- (12) Centres are consolidated within designated areas, and expansion does not occur into adjoining residential areas.
- (13) An integrated and high quality public open space network caters for the needs of residents, particularly in and around centres and higher density areas.
- (14) The continuing viability of areas that provide for economic development such as industrial and specific use areas is protected from incompatible land uses.
- (15) Limited rural residential areas provide for semi-rural living; however, these areas do not expand beyond the areas designated.
- (16) The productive capacity of all rural land is protected.**
- (17) Rural lands and natural areas are maintained for their rural and landscape values.**
- (18) The scenic and environmental values of areas identified as nature conservation or natural corridor link are protected.
- (19) The cultural heritage of Rockhampton is conserved for present and future communities.
- (20) Development responds to natural hazards (flooding, bushfire, steep land, storm tide inundation and coastal erosion) by avoiding, mitigating, adapting and building resilience to natural hazards in areas mapped as being susceptible.

**Complies.** The proposal is for the expansion of an existing quarry. The extraction area is not located on good quality agricultural land and is located approximately 1.3 kilometres from the nearest sensitive land use. Subsequently, the proposal will not detract from the productive capacity of the surrounding rural land and will not deteriorate the rural amenity values of the surrounding rural landscape.

(ii) **Natural environment and hazards**

- (1) The natural environment and landscape are highly valued by the community for their contribution to the planning scheme area's biodiversity, economic prosperity, culture, character and sense of place. These areas are to be protected from incompatible development.
- (2) Development does not create unsustainable impacts on:
  - (a) the natural functioning of floodplains;
  - (b) environmentally significant areas, including areas of state and locally significant vegetation, which provide fauna habitat and support biodiversity; and
  - (c) the quality of water entering waterways, wetlands and local catchments.
- (3) Development does not increase the risk to human life and property in areas that are affected, or potentially affected, by storm-surge, erosion, sea-level rise or other coastal processes, flooding, bushfire, or landslide. This occurs through the avoidance of natural hazards in new development areas, particularly greenfield areas and the mitigation of risks in existing built up areas.

- (4) Strategic and iconic scenic and landscape values are protected from potential adverse impacts of development.

**Complies.** The subject site is not affected by any natural hazards. A referral was triggered to the State for clearing native vegetation who approved the development subject to conditions.

(iii) **Community identity and diversity**

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

**Not applicable.** The proposal will not compromise the amenity or quality-of-life of surrounding residents.

(iv) **Access and mobility**

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

**Complies.** Access to the site is provided from the Bruce Highway. The application was referred to the State who approved the development subject to conditions, which included the payment of a road maintenance levy to compensate any pavement damage resulting from the proposal.

(v) **Infrastructure and services**

- (1) Infrastructure and services are planned and delivered in a logical and cost efficient manner in support of the planned settlement pattern. It is fit for purpose and is sensitive to cultural and environmental values. In particular:
  - (a) efficient, affordable, reliable, timely and lasting infrastructure makes best use of public resources;
  - (b) the long-term needs of the community, industry and business are met; and
  - (c) the desired standards of service in Part 4 — Local government infrastructure plan are achieved.

**Not applicable.** The proposal does not result in the construction of new infrastructure networks and will not affect the delivery of future services in the Rockhampton region.

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

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

**Complies.** The proposal is for an expansion to an existing quarry, resulting in the extraction of gravel which will contribute towards the economic productivity of the Rockhampton region.

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

**Rural Zone**

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

- (a) development in the zone accommodates predominantly rural uses;
- (b) development:
  - (i) does not detract from the scenic landscape features of rural land including the Fitzroy River, floodplains, lagoons, wetlands, salt pans, mountains and ridges and the coastline;
  - (ii) is responsive to the environmental characteristics and constraints of the land, and minimises impacts on natural features such as waterways, wetlands and remnant vegetation;
  - (iii) has legal and practical access to the road hierarchy;
  - (iv) is serviced by infrastructure that is commensurate with the needs of the use; and
  - (v) maximises energy efficiency and water conservation;
- (c) non-rural uses may be appropriate where they do not detract from the productivity or residential amenity of rural areas and can demonstrate:
  - (i) a direct relationship with the rural use in the immediate locality; or

- 
- (ii) the potential to make a contribution to primary production or the diversification of rural industries; or
  - (iii) a need to be remote from urban uses as a result of their impacts; or
  - (iv) they cannot be located in an urban area (for example, due to land area requirements);
  - (d) transport and freight uses, which do not meet the definition of a home based business involving (heavy vehicles), are not established in the rural zone;
  - (e) development does not alienate or impact on the productive agricultural capacity of rural areas and agricultural land is protected from incompatible development;
  - (f) all rural land is maintained in large land holdings to protect the agricultural production capacity. In this regard, the reconfiguration of land only occurs when lot size is 100 hectares unless otherwise stated in a precinct;
  - (g) animal keeping (being kennels and catteries), intensive animal industries, intensive horticulture, aquaculture and rural industries establish where they:
    - (i) are located on sites that are large enough to accommodate appropriate buffering to sensitive land use(s), residential, township and emerging community zones. Intensive animal industries are preferred in proximity to the lower Fitzroy River, west of Ridgeland;
    - (ii) do not cause adverse impacts on sensitive land use(s) in relation to traffic, noise and air quality;
    - (iii) do not cause a negative impact on water quality;
    - (iv) protect natural, scenic and environmental values;
    - (v) do not diminish the productive capacity of other land nearby;
    - (vi) gain access from roads which are constructed to accommodate the traffic generated by the use; and
    - (vii) are not located in areas identified on the Agricultural Land Classification (ALC) overlay maps (except for intensive horticulture);
  - (h) Rural workers' accommodation is appropriate where:
    - (i) directly associated with the primary rural use undertaken at the site;
    - (ii) compatible with the rural character of the zone;
    - (iii) not compromising the existing or potential future operation of rural uses on adjoining lots; and
    - (iv) not located in areas identified on the Agricultural Land Classification (ALC) overlay maps;
  - (i) urban and rural residential development is contained within the designated growth areas and does not expand into the rural zone;
  - (j) sensitive land use(s) are adequately separated from animal keeping (being kennels and catteries), intensive animal industry, aquaculture, rural industry, and industrial zoned areas (including the Gracemere industrial area, Stanwell power station, Bajool explosives reserve and Bouldercombe brickworks);
  - (k) renewable energy facilities are located on sites that are large enough to accommodate appropriate buffering from sensitive land use(s) and minimise adverse impacts on the natural environment;
  - (l) extractive industries (including Marmor limeworks) on rural land are protected from encroachment by incompatible uses;
  - (m) extractive industry minimises environmental and traffic impacts. Once the operation has ceased the site is rehabilitated;
-

- (n) aquaculture activities may be integrated with horticulture operations, where benefits of diversification are evident and there are no adverse impacts on amenity, ecological values and existing fish habitats; and
- (o) the establishment of two (2) precincts within the zone where particular requirements are identified:
  - (i) Alton Downs precinct; and
  - (ii) Cropping and intensive horticulture precinct.

This application is not consistent with the purpose of the Zone. The proposal is an expansion to an existing quarry on the subject site. There will be no effect on any nearby sensitive land uses, with the extraction rates associated with the expansion not changing from what is currently being conducted as part of the existing quarry operations. Referral to the State has also confirmed that both traffic impacts to the Bruce Highway, and environmental impacts resulting from vegetation clearing will be negligible.

**Rockhampton Regional Planning Scheme Codes**

The following codes are applicable to this application: -

- Rural Zone Code;
- Acid Sulfate Soils Overlay Code;
- Biodiversity Overlay Code;
- Bushfire Hazard Overlay Code;
- Steep Land Overlay Code;
- Extractive Industry Code;
- Access, Parking and Transport Code;
- Landscape Code;
- Stormwater Management Code;
- Waste Management Code; and
- Water and Sewer Code.

An assessment has been made against the requirements of the abovementioned codes and the proposed development generally complies with the relevant Performance outcomes and Acceptable outcomes. An assessment of the Performance outcome/s which the application is in conflict with, is outlined below:

<b>Rural Zone Code</b>	
<b>Performance Outcome/s</b>	<b>Officer’s Response</b>
PO14 Development that does not involve rural uses: <ul style="list-style-type: none"> <li>(a) is located on the least productive parts of a site and not on land identified on the agricultural land classification (ALC) overlay maps;</li> <li>(b) does not restrict the ongoing safe and efficient use of nearby rural uses; and</li> <li>(c) adequately separated or buffered where it is likely to be sensitive to the operational</li> </ul>	The proposal is for an Extractive Industry which is not classified as a rural use. The extraction area is located in proximity to a sensitive land use, being the Kangaroo Country Caravan Park to the east.  It is envisaged that the expansion to the existing quarry will present negligible impacts to nearby sensitive land uses. The extraction rates and operations of the quarry are not intensifying as a result of the expansion as the proposal only involves creating a new quarry pit.  Further, the proposal will not compromise the viability of any surrounding rural uses

	characteristics associated with rural uses, rural industries or extractive industries.	and is not located on good quality agricultural land.  As such, the proposal will not compromise the intent of the Rural Zone or the amenity of nearby sensitive land uses.
PO30	Effective separation distances are provided to minimise conflicts with sensitive land use(s).	The extraction area is located in proximity to the Kangaroo Country Caravan Park to the east. This proposal is an expansion to an existing quarry on the subject site, which will not result in increased extraction rates as a result of the application.  It has been demonstrated that there will be negligible impacts from the operation by way of air quality, noise and production waste. Further, the extraction pit is situated more than one (1) kilometre away from the Kangaroo Country Caravan Park which is considered a sufficient separation distance from the proposed quarry operations.  As such, the proposal is unlikely to compromise the amenity and well-being of any nearby sensitive land uses.
PO31	Development does not unduly impact on the existing amenity and character of the locality having regard to:  (a) the scale, siting and design of buildings and structures;  (b) visibility of buildings and structures when viewed from roads and other public view points; and  (c) any heritage places.	The proposal is for an Extractive Industry in the Rural Zone. It has been demonstrated that the proposal will have negligible impacts on surrounding sensitive land uses from air quality, noise and production waste.  Subsequently, the proposal will not unduly impact on the existing amenity of the surrounding rural area, with existing rural land being protected from any potential encroachment from the existing quarry.

<b>Extractive Industry Code</b>		
<b>Performance Outcome/s</b>		<b>Officer's Response</b>
PO1	Extractive industries are appropriately separated from urban areas and sensitive land uses to minimise visual and noise impacts.	The extraction area is located in proximity to the Kangaroo Country Caravan Park. It has been demonstrated that the expansion to the existing quarry will result in negligible impacts to the existing rural amenity through air quality, noise and production waste.  Subsequently, it is not envisaged that the proposal will cause any negative impacts on the surrounding rural amenity.
PO3	The operation of the extractive industry ensures that noise impacts are minimised on the surrounding area.	An Environmental Report has demonstrated that the proposed extraction, and subsequent operations, will not result in any negative impacts on surrounding sensitive land uses. This report has been conditioned as part of the approval.

PO8	The transportation of materials from the site does not significantly impact upon the road system or sensitive areas.	Access to the extraction area from the Bruce Highway is via an unsealed internal road. The applicant has demonstrated that there will be no impact resulting from the haulage of trucks through the internal access road with regular watering proposed to act as a dust mitigation measure.
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### **Sufficient Grounds**

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

- a) The proposal does not detract from the scenic features of the surrounding rural land.
- b) The proposal is responsive to the environmental characteristics and constraints of the land, and minimises impacts on natural features such as waterways, wetlands and remnant vegetation.
- c) The proposal ensures that rural land is maintained in large land holdings to protect the agricultural production capacity.
- d) The proposed use does not compromise the strategic framework in the *Rockhampton Region Planning Scheme 2015*;
- e) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and
- 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. 5) 2015 for non-residential applies to the application and it falls within Charge Area 3.

The proposal is for an Extractive Industry. An Extractive Industry as per the Adopted Infrastructure Charges Resolution (No. 5) 2015 is a Specialised Use, therefore it is necessary at the time of assessment for Council officers to exercise their discretion in determining the appropriate infrastructure charges.

The proposal is located in Charge Area 3 where transport and parks trunk infrastructure network charges are only applicable. Based on an assessment of the use and the infrastructure demand it is likely to generate, officers have determined that a nil charge be applied.

### **CONSULTATION**

The proposal was the subject of public notification between 2 July 2018 and 20 July 2018, as per the requirements of the *Sustainable Planning Act 2009*, and no submissions were received.

### **REFERRALS**

The application was referred to the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) due to the site's proximity to a state-controlled road and the clearing of native vegetation.

On 9 October, DSDMIP recommended an approval subject to conditions.

**CONCLUSION**

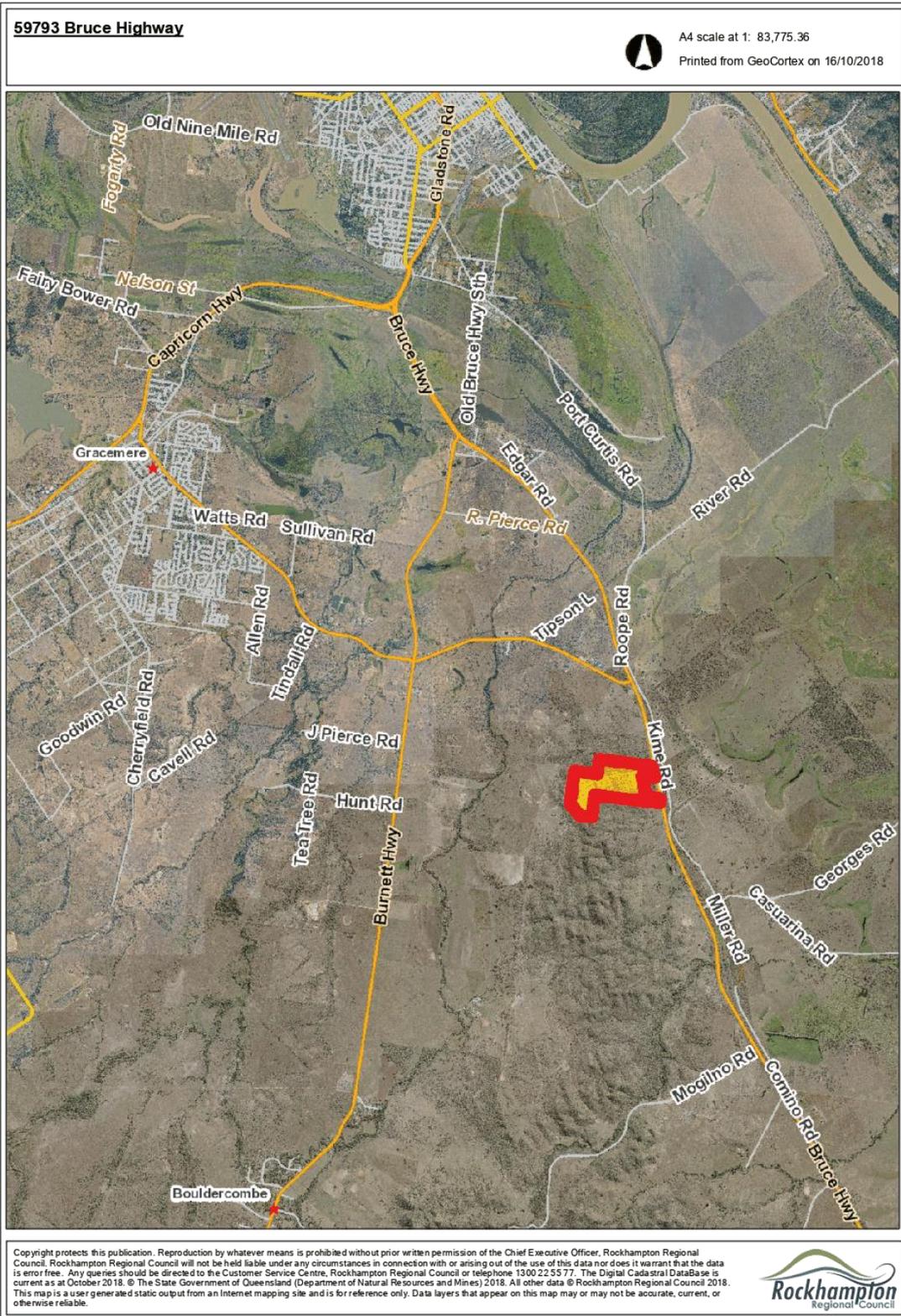
The proposal for an Extractive Industry is not consistent with the intent of the Rural Zone. Notwithstanding, it has been demonstrated that the proposal will not compromise the amenity of nearby sensitive land uses, or affect the viability of surrounding land for rural purposes. Subsequently, it is recommended that the proposal is approved subject to conditions.

**D/79-2017 - DEVELOPMENT  
APPLICATION FOR A MATERIAL  
CHANGE OF USE FOR EXTRACTIVE  
INDUSTRY, MEDIUM IMPACT  
INDUSTRY AND A WAREHOUSE**

**Locality Plan**

**Meeting Date: 6 November 2018**

**Attachment No: 1**



**D/79-2017 - DEVELOPMENT  
APPLICATION FOR A MATERIAL  
CHANGE OF USE FOR EXTRACTIVE  
INDUSTRY, MEDIUM IMPACT  
INDUSTRY AND A WAREHOUSE**

**Site Plan**

**Meeting Date: 6 November 2018**

**Attachment No: 2**



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drawing title: <b>SITE PLAN</b>	drawing no: <b>SP-002</b>		PROJECT: <b>MIDGEE QUARRY</b> LOCATION: SOUTH BRUCE HIGHWAY, MIDGEE, QUEENSLAND, AUSTRALIA (LOT 2 - RP888747)	client: _____	ALDREWMING WATER WAIVER RELATIVE TO AN DRAWINGS NUMBER 1 2	REVISIONS NO. DATE 1 20/07/17 2 PRELIMINARY PRELIMINARY	PRELIMINARY TO REGULATIONS This drawing is a preliminary drawing and is not to be used for construction purposes. It is for information only and is subject to change without notice. It is not to be used for any other purpose without the written consent of the author.	ISSUED FOR <b>PRELIMINARY</b>
			PROJECT ID: <b>GG-003</b>	DATE: JUN 17	DRAWN BY: _____	CHECKED BY: _____	PROJECT NO: <b>GG-003</b>	SCALE: 1:500

## 8.2 D/85-2018 - DEVELOPMENT APPLICATION FOR OPERATIONAL WORKS FOR AN ADVERTISING DEVICE (ROOF SIGN)

**File No:** D/85-2018

**Attachments:**

1. [Locality Plan](#)
2. [Site Plan](#)
3. [Elevation Plan](#)

**Authorising Officer:** Tarnya Fitzgibbon - Coordinator Development Assessment  
Steven Gatt - Manager Planning and Regulatory Services  
Colleen Worthy - General Manager Community Services

**Author:** Brandon Diplock - Planning Officer

### SUMMARY

*Development Application Number:* D/85-2018

*Applicant:* Apex Digital Billboards C/- Ethos Urban

*Real Property Address:* Lot 1 on RP604875, Parish of Rockhampton

*Common Property Address:* 190 Bolsover Street, Rockhampton City

*Area of Site:* 1,012 square metres

*Planning Scheme:* Rockhampton Region Planning Scheme 2015

*Planning Scheme Zone:* Principal Centre Zone (Core Precinct)

*Planning Scheme Overlays:* Not Applicable

*Existing Development:* Commercial

*Existing Approvals:* Not Applicable

*Approval Sought:* Development Permit for Operational Works for an Advertising Device (Roof Sign)

*Level of Assessment:* Code Assessable

*Infrastructure Charges Area:* Charge Area 1

*Application Progress:*

<i>Application Lodged:</i>	6 August 2018
<i>Request for Further Information sent:</i>	13 August 2018
<i>Request for Further Information responded to:</i>	16 August 2018
<i>Last receipt of information from applicant:</i>	11 October 2018
<i>Statutory due determination date:</i>	15 November 2018

### OFFICER'S RECOMMENDATION

THAT in relation to the application for a Development Permit for Operational Works for an Advertising Device (Roof Sign), made by Apex Digital Billboards C/- Ethos Urban, on land located at 190 Bolsover Street, Rockhampton City, described as Lot 1 on RP604875, Parish of Rockhampton, Council resolves to Approve the application subject to the following conditions:

#### 1.0 ADMINISTRATION

1.1 The Developer and his employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.

- 1.2 Where these Conditions refer to “Council” in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:

1.4.1 Building Works.

- 1.5 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.

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 Number</u>	<u>Dated</u>
Site Plan	DW-01, Rev B	4 October 2018
Proposed Plan/ Elevation	DW-02, Rev B	4 October 2018
Traffic Engineering Assessment		2 August 2018

- 2.2 A set of the above approved plans are returned to you as the Consultant. The Consultant is to supply one (1) Approved set to the contractor to be retained on site at all times during construction.
- 2.3 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.
- 2.4 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 Building Works.

3.0 DIGITAL SCREEN DISPLAY FEATURES

- 3.1 The digital display screen of the Advertising Device must incorporate an automatic error detection system which will turn off the screen display or display a blank screen should the Advertising Device malfunction.
- 3.2 The Advertising Device display screen must incorporate a minimum of two (2) automated ambient light sensors capable of supporting a minimum of five (5) levels of stepped dimming to ensure display screen luminance can adjust automatically in response to surrounding ambient light conditions from dark of night to fully sunlit conditions.
- 3.3 The Advertising Device display screen must provide for onsite control, operation, configuration and diagnosis of the screen display.
- 3.4 Messages must remain static for a minimum dwell time of ten (10) seconds, and are not to scroll across the screen or incorporate flashing, blinking, revolving, pulsating, high contrast or rotating effects animation.
- 3.5 Each change of advertisement is to be completed instantaneously (i.e. within 0.1 of a second).

4.0 DIGITAL SCREEN ADVERTISEMENTS AND MOVEMENT

- 4.1 The Advertising Device display screen must not be split to display multiple advertisements on the one display screen.

- 4.2 Advertisements must not display text, photographs or symbols depicting, mimicking or that could be reasonably interpreted as a traffic control device.
- 4.3 Advertisements must not invite traffic to move contrary to any traffic control device, or turn where there is fast moving traffic.
- 4.4 Advertisements must not use colours in combinations or shapes that could be reasonably interpreted as a traffic control device.
- 4.5 Advertisements must only promote a single, self-contained advertising message that is clear, succinct, legible and easily understood at a glance. The use of text components in a sequential manner, whereby text refers to or is reliant on previous or successive screen displays in order to convey an advertising message is not permitted.

Note: An advertising message refers to the main point the advertisement is attempting to convey to its target audience. This condition seeks to ensure that drivers in particular are not required to spend an excessive amount of time reading and interpreting advertisements.

- 4.6 Changeover animation effects such as ‘fade’, ‘zoom’, or ‘fly-in’ between advertisements must not be used.
- 4.7 A blank black, white, or any coloured screen must not be displayed between advertisements.
- 4.8 Advertisement that comprise of, or incorporate moving visual images, such as videos or animations must not be displayed.

Note: Video refers to a recording or the streaming of moving visual images captured by or using a video camera. Animation refers to a simulation of movement created by displaying a series of pictures or frames either digitally or otherwise.

- 4.9 The Advertising Device must not be capable of playing audio nor synchronised with any outdoor sound system utilised for advertising purposes.

**5.0 ILLUMINANCE AND LUMINANCE**

- 5.1 Any lighting devices associated with the signage, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents or 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 Luminance levels of the Advertising Device must not exceed the applicable levels listed in *Table 1* below.

**Table 1: Luminance levels Advertising Device**

			All Colours		Bailey's Sign Nit Setting	
Ambient Condition Description	Dimming Level	Advertising Device Illuminance Vertical Component (lx)	Screen Luminance (Cd/m <sup>2</sup> ) Max	Screen Luminance (Cd/m <sup>2</sup> ) Min	Max (nit)	Min (nit)
Sunny Day	5	40,000	6,300	2,800	6,000	2,800
Cloudy Day	4	4,000	1,100	500	1,100	500
Twilight	3	400	480	260	480	260
Dusk	2	40	380	120	380	120
Night	1	< 4	340	80	270	80

*Note: Illuminance refers to the intensity of light falling at a given place on a lighted surface when measured by a lux meter and expressed as luminous flux per unit area (otherwise known as lux (lx)). Luminance refers to the intensity of light per unit area of its source when measured by a luminance meter and expressed as candela per square meter (cd/m<sup>2</sup>). It is often used to describe the perceived brightness of a light source.*

## 6.0 ASSET MANAGEMENT

6.1 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.

## 7.0 OPERATING PROCEDURES

7.1 When requested by Council, a lighting investigation must be undertaken by a qualified person to investigate any complaint of light nuisance, and the results notified within twenty-eight (28) days to Council.

7.2 The lighting investigation must be carried out generally in accordance with the relevant test methods contained in section 5 of 'Australian Standard AS4282 – Control of the obtrusive effects of outdoor lighting' and Appendix A of 'Australian Standard AS4852.2:2009: Variable Message Signs - Portable Signs' as applicable to determine whether or not the illuminance and luminance levels listed within this Permit have been exceeded.

## 8.0 ADVERTISING DEVICE CONSTRUCTION AND MAINTENANCE

8.1 Council reserves the right for uninterrupted access to the site at all times during construction.

8.2 All Construction work and other associated activities are permitted only between 0630 hours and 1800 hours Monday to Saturday. No work is permitted on Sundays or public holidays. All requirements of the *Environmental Protection Act 1994* and *Environmental Protection Regulations 2008* must be observed at all times.

8.3 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site.

8.4 Any proposed works within the vicinity (or zone of influence) of existing Council infrastructure will not adversely affect the integrity of the infrastructure. Any restoration works required on existing Council infrastructure as a result of proposed works will be at the developer's expense.

8.5 The Advertising Device (Digital Roof Sign) must be designed and certified by a Registered Professional Engineer of Queensland and constructed in accordance with the requirements of the Queensland Development Code and the Building Code of Australia.

8.6 All conduits, wiring, switches or other control apparatus installed on an Advertising Device must be concealed from general view, with control apparatus secured in a manner to prevent unauthorised entry and display setting tampering.

8.7 All electrical services and systems must comply with 'Australian and New Zealand Standard AS/NZS 3000:2007 - Electrical Installations'.

8.8 The Advertising Device, including its display screen and supporting structure, must meet applicable wind loading requirements as specified in 'Australian Standard AS 1170.2: 2011 - Structural Design Actions Part 2 - Wind Actions'.

8.9 Upon removal of the Advertising Device, the wall surface must be restored to its original condition.

8.10 All signage must be maintained at all times on the premises by the owner of the premises to the same standard as it was when it was installed.

- 8.11 The Advertising Device (Digital Roof Sign) must be maintained in a safe, clean, tidy and sightly condition at all times.

### 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 development site during all stages of the development including earthworks, construction and operation.

NOTE 3. General Safety Of Public During Construction

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

### **BACKGROUND**

#### **PROPOSAL IN DETAIL**

The proposal is for a Development Permit to replace an existing roof sign with a new single sided roof sign nine (9) metres wide by three (3) metres high with a total sign face area of 27m<sup>2</sup>. The proposed sign will be used for the display of third party advertising content and community bulletins. The following specifications are proposed:

- Operation of the sign will be controlled to prevent luminance levels in the dawn/dusk period to 600 candelas per square metre and 500 candelas per square metre during the night as per Council’s requirements;
- The proposed advertising device will be designed to operate within the nominated technical specifications and will be appropriately designed to ensure that the device does not cause driver distraction, environmental harm or nuisance;
- The proposed sign displays one static advertisement at a time (i.e. no split screens) to reduce driver comprehension time with a minimum dwell time of 10 seconds between advertisements. This will limit driver distraction; and
- The sign is proposed to be orientated at least five (5) degrees from right angle with the driver’s line of sight to prevent glare from low sunlight reflections.

#### **SITE AND LOCALITY**

The subject site is located at 190 Bolsover Street, Rockhampton and is situated within the Principal Centre Zone (core precinct). The subject site is currently improved by a two (2) storey commercial building. The site maintains a frontage to Bolsover Street of approximately 20 metres, a frontage to Denham Street of approximately 50 metres and frontage to Bolsover Lane of approximately 20 metres. Vehicular access is achieved from Bolsover Lane. The site is adjoined predominately by commercial buildings.

**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 assessment process provisions of the Development Assessment Rules, based on consideration of the relevant State Planning Policy; State Government guidelines; the Council's Town Planning Scheme, Planning Policies and other general policies and procedures, as well as other documents as considered relevant.

**Development Engineering Comments – 20 August 2018**

Support, subject to comments.

**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 2017**

The current State Planning Policy (SPP) came into effect on 3 July 2017 and replaces the previous SPP (April 2016). The new policy expresses the state's interests in land-use planning and development and contains a number of changes to better align with the *Planning Act 2016*. This policy requires development applications to be assessed against its requirements where they have not been appropriately reflected in the local planning scheme.

**1. Planning for liveable communities and housing****Housing supply and diversity**

Not Applicable.

**Liveable communities**

Not Applicable.

**2. Planning for economic growth****Agriculture**

Not Applicable.

**Development and construction**

Not Applicable.

**Mining and extractive resources**

Not Applicable.

**Tourism**

Not Applicable.

**3. Planning for environment and heritage****Biodiversity**

Not Applicable.

**Coastal environment**

Not Applicable.

Cultural heritage

Not Applicable.

Water quality

Not Applicable.

**4. Planning for safety and resilience to hazards**Emissions and hazardous activities

Not Applicable.

Natural hazard, risk and resilience

Not Applicable.

**5. Infrastructure**Energy and water supply

Not Applicable.

Infrastructure integration

Not Applicable.

Transport infrastructure

Not Applicable.

Strategic airports and aviation facilities

Not Applicable.

Strategic ports

Not Applicable.

**Rockhampton Region Planning Scheme 2015****Principal Centre Zone**

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

- (1) *The purpose of the principal centre zone code is to provide for the largest and most diverse mix of uses and activities that forms the core of an urban settlement. It includes concentrations of high-order retail, commercial, employment, residential, health services, administrative, community, cultural, recreational, entertainment and other uses that are in accordance with the designated precincts and capable of servicing the planning scheme area.*
- (2) *The local government purpose of the zone code is to:*
  - (a) *facilitate the development of the principal centre which:*
    - (i) *is the primary business centre for the wider region with the highest concentration of commercial, retail, entertainment and cultural uses;*
    - (ii) *is developed with high density residential development (above ground floor level or behind ground story retail, commercial or community related activities), tourist and short-term accommodation (except within the Denison Street precinct);*
    - (iii) *includes on and off-street parking, continuous commercial facades, shaded footpaths, street trees and other pedestrian facilities;*
    - (iv) *is the primary destination and interchange hub for all modes of road and local area public transport;*

- (v) is well designed, safe and highly accessible;
- (vi) is well served with all urban infrastructure; and
- (vii) retains important character and heritage values.

This application is consistent with the purpose of the Zone.

**Rockhampton Regional Planning Scheme Codes**

The following codes are applicable to this application: -

- Principal centre zone code; and
- Advertising devices code.

An assessment has been made against the requirements of the abovementioned codes and the proposed development generally complies with the relevant Performance outcomes and Acceptable outcomes. An assessment of the Performance outcome/s which the application is in conflict with, is outlined below:

<b>Advertising Devices Code</b>	
<b>Performance Outcome/s</b>	<b>Officer’s Response</b>
<p>PO1 The advertising device is designed and sited in a manner that:</p> <ul style="list-style-type: none"> <li>(a) results in a size that does not adversely impact on:                             <ul style="list-style-type: none"> <li>(i) the visual amenity and character of a building, streetscape, locality or natural landscape setting;</li> <li>(ii) the safety of a road or footpath;</li> <li>(iii) the operations of an airport; and</li> <li>(iv) the visual amenity of a main transport entrance into an urban area or township;</li> </ul> </li> <li>(b) is integrated with the design of other development on the premises;</li> <li>(c) does not visually dominate the premises, streetscape, locality or natural landscape setting;</li> <li>(d) is constructed of durable materials;</li> <li>(e) does not impede vehicle or pedestrian movements or reduce safety levels;</li> <li>(f) does not resemble traffic or road signs; and</li> </ul> <p>does not result in the proliferation of unnecessary advertising.</p>	<p>The proposed sign seeks to replace an existing sign on the site and is of a scale and height that respects the existing qualities of the building and adjacent buildings.</p> <p>The sign will be mounted on a mechanical base which is semi-permeable. By incorporating this lightweight element it will visually minimise the sign’s scale. In relation to the subject building, the signs angled orientation means that the overall length of the sign is visually reduced in relation to the buildings frontages to Denham and Bolsover Streets.</p> <p>The sign is set within a commercial/retail environment and is positioned so as not to compromise landscape, street features or heritage values in proximity to the site. The signs height above ground level is commensurate with the surrounding bulk and scale of buildings within the area including the seven (7) storey hotel located opposite the site and is well within the intended maximum building height for the Core Precinct (12 storeys and 45 metres).</p> <p>There are some concerns that the proposed advertising sign could potentially distract motorists within this major intersection and therefore contribute to a higher accident rate. There is no conclusive evidence linking advertising devices with accident rates and most studies stipulate that further research is required. A traffic report prepared by the applicant demonstrates that the proposed sign will not obstruct traffic and is not expected to reduce traffic safety in proximity of the site.</p>

		<p>In addition, the level / quality of technology and content will be conditioned, ensuring that the visual impact will not impede upon traffic and safety. The advertising material will be limited to still images only. No animation, movements or flashing lights will be allowed and transition periods will be restricted to 0.1 seconds.</p>
<p>PO2</p>	<p>The illumination of an advertising device does not detract from the character and amenity of an area and does not cause a visual nuisance to any adjoining premises or roads.</p>	<p>Table 9.4.2.3.4 in the <i>Rockhampton Region Planning Scheme 2015</i> specifies a maximum luminance of 500 candelas per square metre. The proposed advertising device will be required to have a higher luminance than 500 candelas during bright sunny days.</p> <p>Notwithstanding, most indoor LCD display screens are between 300 and 350 candelas. An outdoor display must be at least 400 candelas if located within a shadowed, protected location, like under an eave or only receiving morning sun. An advertising device located within a sunny location, receiving lots of direct sun, must be at least 700 to 2,000 candelas. It must be noted, the candelas is not a direct ratio. In other words, 2,000 candelas is not three times brighter than 700 candelas. The dramatic difference will be between 400 and 700 candelas.</p> <p>Therefore, it will be conditioned that the proposed advertising device follows the advertising sign assessment guidelines for road safety and maximum luminance levels.</p>

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

**Planning Scheme Policies**

<p><b>Policy</b></p>	<p><b>Officer’s Response</b></p>
<p>SC6.2 Advertising devices planning scheme policy</p>	<p>The Advertising devices planning scheme policy (forming part of the <i>Rockhampton Region Planning Scheme 2015</i>), provides a way in calculating the maximum recommended total sign face area for advertising devices at any given site by either using the boundary length calculation method or the building elevation calculation method, whichever is the greater.</p> <p>In this instance, the boundary length method calculates a maximum size of approximately 70 square metres, and the building elevation method calculates a maximum size of approximately 30 square metres. The proposed sign will have a total</p>

	advertising area of approximately 27 square metres which is compliant with both calculation methods.
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As evident from the above assessment, the proposal generally complies with the requirements of the applicable planning scheme policies.

**REFERRALS**

The proposal did not trigger referral as per the requirements of the *Planning Act 2016*.

**STATEMENT OF REASONS**

<b>Description of the development</b>	The proposed development is for Operational Works - Advertising Device (Roof Sign)	
<b>Reasons for Decision</b>	<p>a) The proposed sign is of a scale and height that respects the existing qualities of the building and adjacent buildings;</p> <p>b) The proposed sign is set within a commercial/retail environment and is positioned so as not to compromise landscape, street features or heritage values in proximity to the site;</p> <p>c) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity;</p> <p>d) The proposed development does not compromise the relevant State Planning Policy; and</p> <p>e) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with an aspect of the assessment benchmarks.</p>	
<b>Assessment Benchmarks</b>	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> <li>• Principal centre zone code;</li> <li>• Advertising devices code; and</li> <li>• SC6.2 Advertising devices planning scheme policy.</li> </ul>	
<b>Compliance with assessment benchmarks</b>	The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exception listed below.	
	<b>Assessment Benchmark</b>	<b>Reasons for the approval despite non-compliance with benchmark</b>
	Advertising devices code	<p>The proposed sign seeks to replace an existing sign on the site and is of a scale and height that respects the existing qualities of the building and adjacent buildings.</p> <p>The proportions of the sign and shape are compatible with the premises on which it is proposed to be located. The sign will be mounted on a mechanical base which is semi permeable and by incorporating this lightweight element it will visually minimise the sign's scale. In relation to the subject building, the signs angled orientation means that the overall length of the sign is visually</p>

		<p>reduced in relation to the buildings frontage to Denham and Bolsover Streets.</p> <p>The sign is set within a commercial/retail environment and is positioned so as not to compromise landscape, street features or heritage values in proximity to the site. The signs height above ground level is commensurate with the surrounding bulk and scale of buildings within the area including the seven (7) storey hotel located opposite the site and is well within the intended maximum building height for the Core Precinct (12 storeys and 45 metres).</p> <p>There are some concerns that the proposed advertising sign could potentially distract motorists within this major intersection and therefore contribute to a higher accident rate. There is however no conclusive evidence linking advertising devices with accident rates and most studies stipulate that further research is required. A traffic report prepared by PTT demonstrates that the proposed sign will not obstruct traffic and is not expected to reduce traffic safety in proximity of the site.</p> <p>In addition, the level / quality of technology and content will be conditioned, ensuring the visual impact will not impede upon traffic and safety. The advertising material will be limited to still images only. No animation, movements or flashing lights will be allowed and transition periods will be restricted to 0.1 seconds. It is also noted that the proposed advertising device will follow the advertising sign assessment guidelines for road safety and maximum luminance levels.</p>
<p><b>Matters prescribed by regulation</b></p>	<ul style="list-style-type: none"> <li>• The <i>State Planning Policy – Part E</i>;</li> <li>• The <i>Central Queensland Regional Plan</i>;</li> <li>• The <i>Rockhampton Region Planning Scheme 2015</i>;</li> <li>• Surrounding use of adjacent premises in terms of commensurate and consistent development form; and</li> <li>• The common material, being the material submitted with the application.</li> </ul>	

**CONCLUSION**

The proposed advertising device is considered to be in keeping with the intent of the Principal centre zone. Furthermore, the proposal generally complies with the provisions included in the applicable codes and where there is deviation from the codes, sufficient justification has been provided. The proposal is, therefore, recommended for approval in accordance with the approved plans subject to the conditions outlined in the recommendations.

**D/85-2018 - DEVELOPMENT  
APPLICATION FOR OPERATIONAL  
WORKS FOR AN ADVERTISING  
DEVICE (ROOF SIGN)**

**Locality Plan**

**Meeting Date: 6 November 2018**

**Attachment No: 1**



**D/85-2018 - DEVELOPMENT  
APPLICATION FOR OPERATIONAL  
WORKS FOR AN ADVERTISING  
DEVICE (ROOF SIGN)**

**Site Plan**

**Meeting Date: 6 November 2018**

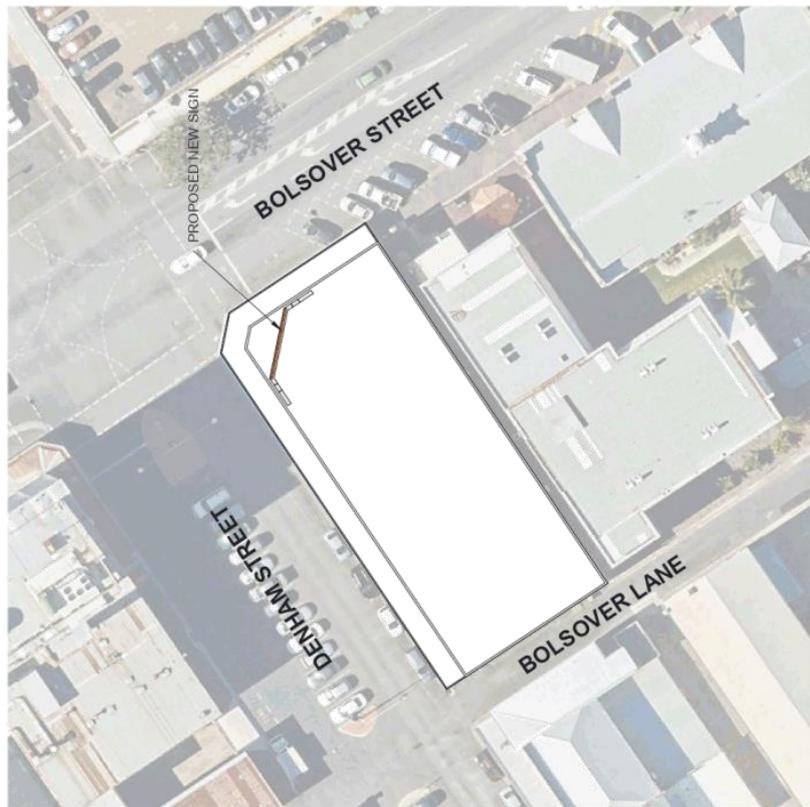
**Attachment No: 2**



EXISTING PHOTO  
N.T.S.



ALTERED PHOTO  
N.T.S.



PROPOSED SITE PLAN  
1:500

project: <b>NEW ADVERTISING DISPLAY,                  AT 190 BOLSOVER ST,                  ROCKHAMPTON CITY QLD                  4700</b>	client: <b>APEX</b> DIGITAL BILLBOARDS	design tek building design - documentation Shop 5/10 Denham Rockhampton QLD, 4700 p 0749 222880	title: <b>PROPOSED SITE PLAN /                  EXISTING PHOTO / ALTERED                  PHOTO</b>	scale: As indicated	project no: 1807-02	4/10/2018 12:17:17 PM
				sheet no: 01 of 02	drawing no: DW-01	

PROPERTY DESCRIPTION LOT/PLAN: TIR6664875 LOCAL GOVERNMENT: ROCKHAMPTON REGIONAL SITE AREA: 1,012m <sup>2</sup>	SERVICES CONFIRM LOCATION OF ALL SERVICES ON SITE PRIOR TO CONSTRUCTION
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COLOUR PLEASE NOTE, DRAWINGS PRODUCED IN COLOUR. NON-COLOUR COPIES MAY REDUCE INFORMATION, DETAIL & CLARITY.	A3 DRAWING NOTED SCALES RELATE TO A3 DRAWINGS
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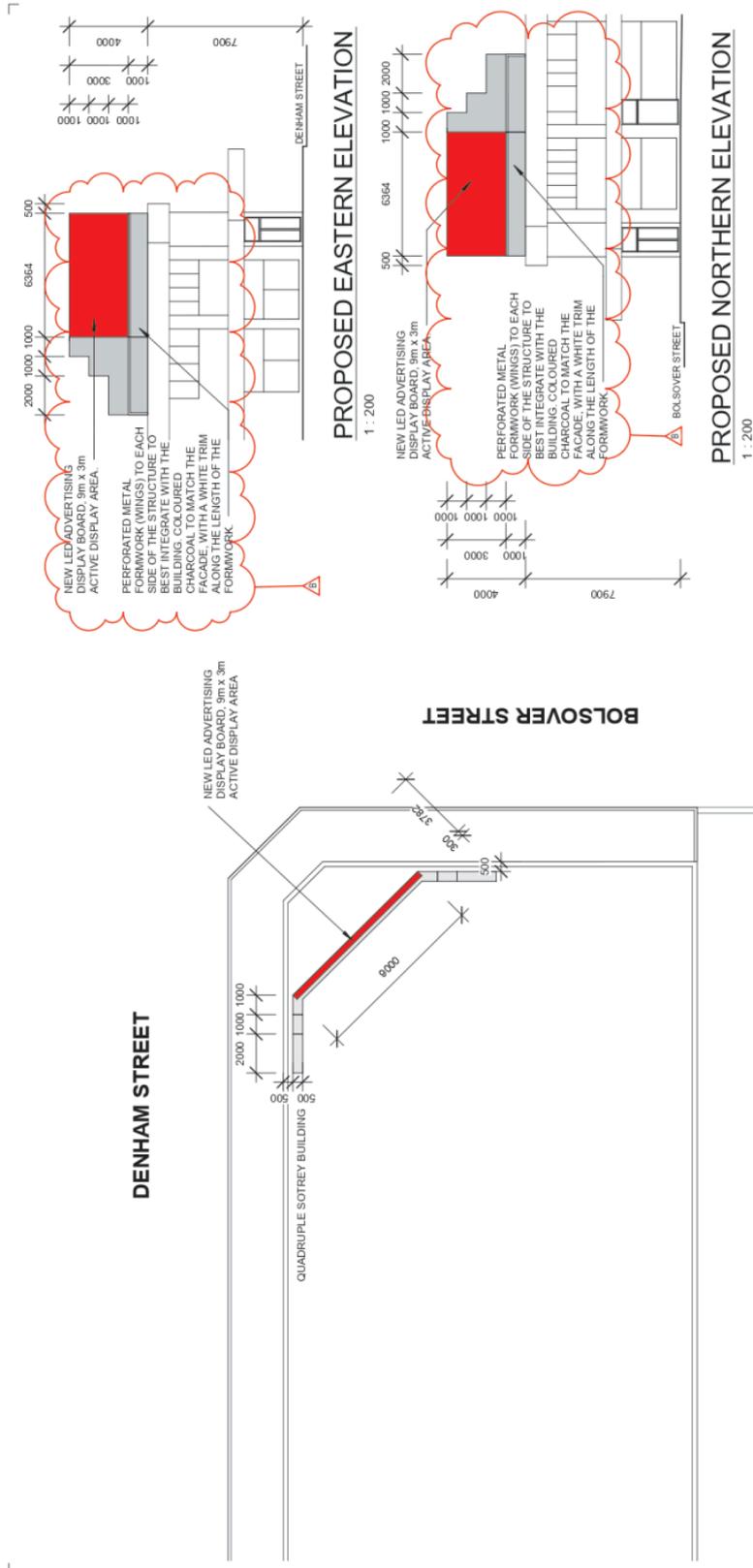
REV	DESCRIPTION	DATE
A	SIGN REVISED	27.07.2018
B	SIGN REVISED	04.10.2018

**D/85-2018 - DEVELOPMENT  
APPLICATION FOR OPERATIONAL  
WORKS FOR AN ADVERTISING  
DEVICE (ROOF SIGN)**

**Elevation Plan**

**Meeting Date: 6 November 2018**

**Attachment No: 3**



**PROPOSED PLAN**  
1 : 200

REV	DESCRIPTION	DATE
A	SIGN REVISED	27.07.2018
B	SIGN REVISED	04.10.2018

**COLOUR**  
PLEASE NOTE, DRAWINGS PRODUCED IN COLOUR. NON-COLOUR COPIES MAY REDUCE INFORMATION, DETAIL & CLARITY.

**A3 DRAWING**  
NOTED SCALES RELATE TO A3 DRAWINGS

project:  
**NEW ADVERTISING DISPLAY, AT 190 BOLSOVER ST, ROCKHAMPTON CITY QLD 4700**

client:  
**APEX DIGITAL BILLBOARDS**

Step 510 Dierham Rockhampton QLD, 4700  
**designtek** p 0749 222880  
building design · documentation

QBCC MEM NO # 1123044  
QBCC BDAQ MEM NO # 0000761

title:  
**PROPOSED PLAN / ELEVATIONS**

scale: 1 : 200 project no: 1807-02

sheet no: 02 of 02 drawing no: rev: B

drawn: SN DW-02

4/10/2018 12:17:17 PM

**9 NOTICES OF MOTION**

Nil

**10 URGENT BUSINESS/QUESTIONS**

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

## 11 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.

#### 12.1 Update on Development, Building and Plumbing Compliance Matters

This report is considered confidential in accordance with section 275(1)(g), of the *Local Government Regulation 2012*, as it contains information relating to any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act.

## 12 CONFIDENTIAL REPORTS

### 12.1 UPDATE ON DEVELOPMENT, BUILDING AND PLUMBING COMPLIANCE MATTERS

**File No:** 4842

**Attachments:** 1. Summary of Matters

**Authorising Officer:** Steven Gatt - Manager Planning and Regulatory Services  
Colleen Worthy - General Manager Community Services

**Author:** Philip Harrison - Coordinator Building Plumbing and Compliance

This report is considered confidential in accordance with section 275(1)(g), of the *Local Government Regulation 2012*, as it contains information relating to any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act.

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#### SUMMARY

*The purpose of this report is to apprise Councillors of the Development Control issues subject to investigation at Building, Plumbing & Compliance.*

**13 CLOSURE OF MEETING**