



PLANNING & DEVELOPMENT COMMITTEE MEETING

AGENDA

22 APRIL 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 22 April 2014 commencing at 1:30pm for transaction of the enclosed business.

A handwritten signature in black ink, appearing to be "C. R.", is positioned above the printed name of the Chief Executive Officer.

CHIEF EXECUTIVE OFFICER
14 April 2014

Next Meeting Date: 13.05.14

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:

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

In Attendance:

Mr E Pardon – Chief Executive Officer

3 APOLOGIES AND LEAVE OF ABSENCE

4 CONFIRMATION OF MINUTES

Minutes of the Planning & Development Committee held 9 April 2014

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 BUSINESS OUTSTANDING

Nil

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 OFFICERS' REPORTS

8.1 D/11-2014 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR INDOOR SPORT AND RECREATION (GYMNASIUM)

File No: D/11-2014

Attachments:

1. Locality Plan
2. Overall Site Plan
3. Floor Plan

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

Author: Rebecca De Vries - Senior Planning Officer

SUMMARY

Development Application Number: D/11-2014

Applicant: Cascade Retail No.2 Pty Ltd

Real Property Address: Lot 1 on SP197268, Parish of Rockhampton

Common Property Address: 109-113 George Street, Rockhampton

Area of Site: 4,045 square metres

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: South Rockhampton Highway Commercial Area

Existing Development: Commercial complex

Existing Approvals: D-R/1673-2005/B, Development Permit for a Material Change of Use (Convenience Centre - Shops, Restaurants and Take-away Food Stores)

Approval Sought: Development Permit for a Material Change of Use for Indoor Sport and Recreation (gymnasium)

Level of Assessment: Impact assessable

Submissions: Nil

Referral Agency(s): State Assessment and Referral Agency

Adopted Infrastructure Charges Area: Charge Area 1

Application Progress:

<i>Application Lodged:</i>	16 January 2014
<i>Government Agency Response:</i>	20 January 2014
<i>Submission period commenced:</i>	28 February 2014
<i>Submission period end:</i>	20 March 2014
<i>Notice of compliance received:</i>	24 March 2014
<i>Council request for additional time:</i>	7 April 2014

Statutory determination date:

22 May 2014

OFFICER'S RECOMMENDATION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for Indoor Sport and Recreation (gymnasium), made by Cascade Retail No.2 Pty Ltd ATF The Cascade Retail No. 2 Unit Trust, on Lot 1 on SP197268, Parish of Rockhampton, located at 109 to 113 George Street, Rockhampton, 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 its purposes:
 - 1.6.1 Plumbing and Drainage Works.
- 1.7 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.8 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Reference</u>	<u>Dated</u>
Overall Site Plan	SK-01 Rev. 2	18 December 2013
Proposed Floor Plan	SK-02 Rev. 3	28 January 2014

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

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 and the Plumbing and Drainage Act.

- 3.2 The development must be connected to Council's reticulated sewerage and water networks.
- 3.3 The existing sewerage and water connection point(s) must be retained, and upgraded if necessary, to service the development.
- 3.4 Alteration or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act* and *Council's Plumbing and Drainage Policies*.

4.0 ELECTRICITY AND TELECOMMUNICATIONS

- 4.1 Electricity and telecommunication connections must be provided to the tenancy to the standards of the relevant authorities.

5.0 BUILDING WORKS

- 5.1 All external elements, such as air conditioners, must be adequately screened from public view, to Council's satisfaction. Noise from any external elements, such as air conditioners, must not exceed 5dB(A) (decibels) above the background ambient noise level, measured at the boundaries of the subject site.
- 5.2 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"*.

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 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 George Street, Fitzroy Street or Campbell Lane.
- 7.2 Noise from the use must not cause an environmental nuisance.
- 7.3 When requested by the administering authority, noise monitoring must be undertaken and recorded to investigate any complaint of nuisance caused by noise. The monitoring data, an analysis of the data and a report, including noise mitigation measures, must be provided to Council within fourteen days of the completion of the investigation.
- 7.4 Noise measurements must be compared with the acoustic quality objectives specified in the most recent edition of the Environmental Protection (Noise) Policy and noise monitoring conducted in accordance with the *Noise Measurement Manual*.

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. Asbestos Removal

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

NOTE 3. 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 4. 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 Indoor Sport and Recreation (gymnasium), made by Cascade Retail No.2 Pty Ltd ATF The Cascade Retail No. 2 Unit Trust, on Lot 1 on SP197268, Parish of Rockhampton, located at 109 to 113 George Street, Rockhampton, Council resolves not to issue an Adopted Infrastructure Charges Notice.

BACKGROUND**PROPOSAL IN DETAIL**

The proposal is for a twenty-four hour gymnasium to be located within an existing tenancy on the corner of George Street and Fitzroy Street. The site is located in an existing convenience centre with sixty-six car parking spaces. The tenancy will provide unisex amenities for clients separate from the existing shared amenities. The use will be located in Tenancy D with 341 square metres gross floor area out of 1,426 square metres gross floor area of the existing complex.

SITE AND LOCALITY

The subject site is located adjoining a state-controlled road and is bound by roads on three sides. Adjoining to the northwest is a twenty-four hour service station. The subject site obtains access from George Street and has an exit onto Fitzroy Street. To the north-east are typically single residential dwellings and in all other directions proximal to the site are commercial uses, typically involving restaurants and uses of a convenience nature.

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 – 28 January 2014

Support, subject to conditions.

Infrastructure Operations Unit's (sewer / water) Comments – 28 January 2014

Support, subject to conditions.

Public and Environmental Health Comments – 22 January 2014

Support, subject to conditions.

Other Internal Comments

Not applicable. No other staff provided comments on this application.

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

Not Applicable.

Emissions and hazardous activities

Not Applicable.

Natural hazards

Not Applicable.

State transport infrastructure

Complies. The development adjoins a state controlled road and will not be altering the access to the site as part of the proposal. This convenience centre has previously been assessed by the Department of Transport and Main Roads as a concurrence agency. This application currently before Council has been referred to the State Assessment and Referral Agency for assessment for the same reason.

Strategic airports and aviation facilities

Not Applicable.

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

This application is situated within the Commercial 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.*

Complies. The proposal does not impinge on Rockhampton's role within the region.

-
- (2) *Valuable natural resources are conserved or, where required to support economic growth in Rockhampton, used sustainably.*
- Not applicable.** The subject site is not proximal to any natural resources.
- (3) *Important natural assets are, as far as is practically possible, retained in a natural state to maximise biodiversity and to maintain their scenic and biological value.*
- Not applicable.** The proposal does not impact on any important natural assets.
- (4) *New development in Rockhampton City is designed and managed to minimise adverse impacts on the environment, and biodiversity.*
- Complies.** The proposal does not impact upon the environment or the region's biodiversity.
- (5) *Commercial and retail development is accommodated in a hierarchy of centres throughout Rockhampton, which provide for a range of services, retail, commercial, entertainment and employment activities.*
- Complies.** The proposal coincides with the intent of Highway Business Areas, being a destination activity.
- (6) *Rockhampton's commercial centres are safe, attractive and readily accessible spaces for all members of the community.*
- Complies.** The site is already developed and well integrated with existing commercial uses fronting onto George Street. The proposal is to change the use of one of the already constructed tenancies.
- (7) *Rockhampton's industrial development is consolidated in identified industrial locations throughout the City.*
- Not applicable.** The proposal is not for an industrial use.
- (8) *Rockhampton's cultural and urban heritage, both indigenous and post European, is retained and conserved for future generations.*
- Not applicable.** The subject land is not identified on the State or Local Heritage Register nor is it adjoining a Heritage Place.
- (9) *Residential communities are attractive places to live, providing a range of housing types at different densities that positively contributes to the built environment, satisfies the needs of all members of the community in terms of life stages, lifestyle choices and affordability, are free from incompatible development and have access to a range of compatible urban services and facilities.*
- Not applicable.** It is not expected that the development will detract from the amenity of existing residential lots as the proposed use is to locate within an existing convenience centre.
- (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 will not impact on the function or operation of Rockhampton's community or health care uses.
- (11) *New residential land subdivision and development occurs in identified areas within the City where environmentally valuable features are retained and protected, and urban services, recreational opportunities and parks are provided, along with a range of allotment sizes.*
- Not applicable.** The proposal does not entail subdivision of land.
- (12) *Infrastructure is provided and augmented in a sequenced manner in Rockhampton, resulting in appropriate, efficient, affordable, reliable, timely and lasting infrastructure provision that is not compromised by new development and is sensitive to the environment.*
-

Complies. The proposal will not impact on the provision of infrastructure. The site is already connected with the standard suite of urban services.

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

Complies. The proposal will be appropriately connected with Rockhampton's transport network. A pedestrian path exists along both the George Street and Fitzroy Street frontage.

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

Not applicable. The proposal will not impact on any existing public open space networks.

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

South Rockhampton Highway Commercial Area Intent

The subject site is situated within the South Rockhampton Highway Commercial Area under the Rockhampton City Plan. The intent of the South Rockhampton Highway Commercial Area identifies that:

The South Rockhampton Highway Commercial Area is a Highway Business Centre in the hierarchy of centres in Rockhampton. Accordingly, it is intended that this Area will incorporate destination activities that act as a frame for the higher order centres and accommodate commercial development that relies significantly on having a highway exposure.

The intent for the northern portion of the Area is to primarily accommodate motels, service stations, and fast food outlets, which primarily attract or service visitors passing through the City.

The proposed use cannot be considered explicitly consistent use within the South Rockhampton Highway Commercial Area. Council should note, however, that pursuant to Section 326(1)(b) of the *Sustainable Planning Act 2009*, the assessment manager's decision may conflict with a relevant instrument if there are sufficient grounds to justify the decision despite the conflict. It is considered that there are sufficient grounds to support the use albeit the area intent does not identify the use as being specifically consistent or inconsistent with the area intent.

Sufficient grounds of justification are as follows:

- (a) The application is for a destination activity which is an intended use for this area as per the South Rockhampton Highway Commercial Area.
- (b) The use can be appropriately located here and would not compromise the existing commercial convenience complex.
- (c) Adequate parking is available on site having regard to the mix of uses and alternative peak parking demands in the complex. The site is also easily accessible via footpaths and bikeways which may reduce the reliance on the number of parking spaces required for the proposed use. Further, there is an increased likelihood of active transport modes being utilised by providing change and shower facilities for its clients.
- (d) The proposed use does not compromise the achievements of the Desired Environmental Outcomes in the *Rockhampton City Plan 2005*.
- (e) Assessment of the development against the relevant planning scheme codes 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.
- (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, pursuant to Section 326(1)(b) of *Sustainable Planning Act 2009*, there are considered to be sufficient grounds to justify a decision that favours the proposed land use.

Rockhampton City Plan Codes

The following codes are applicable to this application:

Sports and Recreation Code

The proposal complies with the relevant outcomes of this code.

Landscape Code

The proposal does not achieve the minimum ten percent landscaping area on site as identified in acceptable solution A2.1, however is considered to comply with the performance criteria. The site has an existing 5.5 percent landscaped area. The proposal is to be located within an existing commercial centre and it is not a community expectation that further landscaping be provided when there is a change in tenants. Having regard to this development formerly being approved with the reduced landscaping, it is considered reasonable that the maintenance of the existing landscaping be required of the proposed use, however no further landscaping is required in this instance.

Parking and Access Code

The proposal will not be providing additional car parking spaces as it will be located within an existing tenancy. The site has already been assessed and approved with the number of car parking spaces which currently exist. The proposed use is expected to have the same car parking demands as uses which are consistent and supported in this location. Furthermore, the available parking on site is considered appropriate to service the proposed indoor sport and recreation use (gymnasium) where the demands on parking are expected to be at times which will complement the existing commercial uses in the complex, having peak demands at alternate times of the day.

Crime Prevention Through Environmental Design Code

The proposal complies with the relevant outcomes of this code.

Airport Code

The proposal complies with the relevant outcomes of this code.

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

INFRASTRUCTURE CHARGES

Adopted Infrastructure Charges Resolution (No.3) 2014 for non-residential development applies to the application and it falls within Charge Area 1. The Adopted Infrastructure Charges are as follows:

Column 1 Use Schedule	Column 2 Charge Area	Column 3 Adopted Infrastructure Charge		Column 4 Adopted Infrastructure Charge for stormwater network		Calculated Charge
		(\$)	Unit	(\$)	Unit	
Indoor Sport and Recreational Facility	Area 1	140, court areas 20	per m ² of GFA	10	per m ² of impervious area	\$47,740

This is based on the following calculations:

- (a) An amount of \$47,740.00 applies for 341 square metres of gross floor area involved in the tenancy charged at a rate of \$140 per square metre; and
- (b) An Infrastructure Credit of \$61,380.00 applies for 341 square metres of gross floor area for the previous Shop use of the tenancy, charged at a rate of \$180 per square metre.

Having regard to the total credit available, there are no Infrastructure Charges payable in this instance.

CONSULTATION

The proposal was the subject of public notification between 28 February 2014 and 20 March 2014, as per the requirements of the *Sustainable Planning Act 2009*, and no submissions were received.

REFERRALS

The application was referred to the State Assessment and Referral Agency as a concurrence agency as the development site adjoins a State-controlled road. The application was referred to the agency on 30 January 2014. The agency approved the application subject to conditions on 20 February 2014.

CONCLUSION

As demonstrated in the above report, the proposed development for a Material Change of Use for an Indoor Sport and Recreation (gymnasium) is considered consistent with the various requirements prescribed by the planning scheme. The only area of conflict with the provisions of the scheme pertains to the South Rockhampton Highway Commercial Area intent. In this instance, it is considered that sufficient grounds exist for approving the application. The use is appropriately located at this site, being within an existing convenience commercial centre and does not compromise the role and function of the Centres' Hierarchy. The proposal is therefore recommended for approval in accordance with the approved plans and subject to the conditions outlined in the recommendation.

**D/11-2014 DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR INDOOR SPORT
AND RECREATION (GYMNASIUM)**

Locality Plan

Meeting Date: 22 April 2014

Attachment No: 1

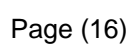


**D/11-2014 DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR INDOOR SPORT
AND RECREATION (GYMNASIUM)**

Overall Site Plan

Meeting Date: 22 April 2014

Attachment No: 2

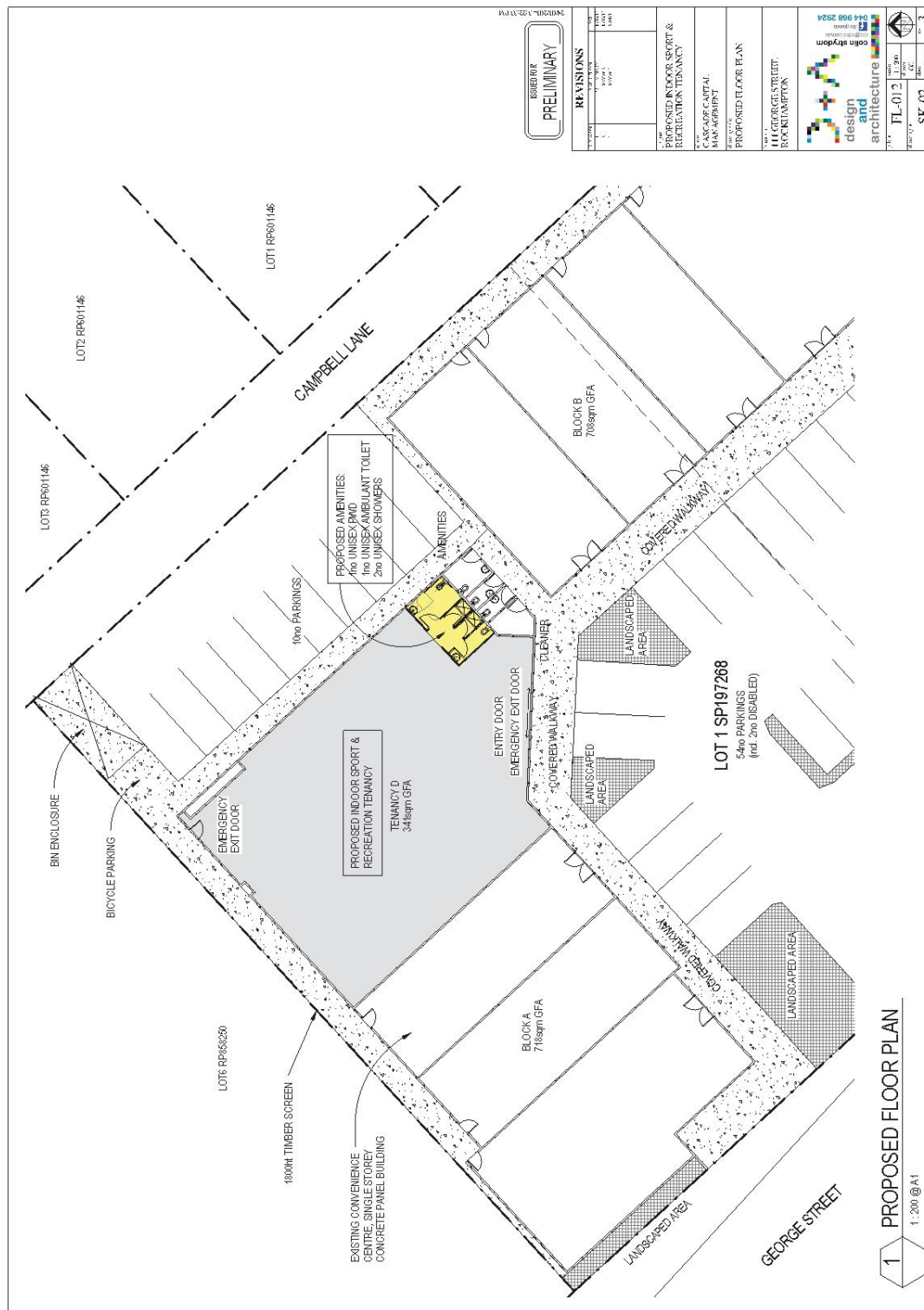


**D/11-2014 DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR INDOOR SPORT
AND RECREATION (GYMNASIUM)**

Floor Plan

Meeting Date: 22 April 2014

Attachment No: 3



8.2 D/296-2013 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A VEHICLE DEPOT

File No: D/296-2013

Attachments:

1. Locality Plan
2. Site Plan
3. Proposal Plan

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

Author: Anton de Klerk - Planning Officer

SUMMARY

Development Application Number: D/296-2013

Applicant: MR and SL Inslay

Real Property Address: Lot 22 on RP603372, Lot 25 on RP603372 and Lot 221 on SP258039 (formerly Lot 21 on RP603372), Parish of Archer

Common Property Address: 633 Norbank Street, Lakes Creek

Area of Site: 1.662 hectares

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: Norbank Estate Special Use Area, Precinct 4 - Vestey Street/Lower Darly Street/Totteridge Street Precinct - Norbank Estate Vestey Street/Lower Darly Street/ Totteridge Street

Existing Development: House and shed and vehicle depot

Existing Approvals: House and shed

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

Level of Assessment: Impact Assessable

Submissions: Nil

Referral Agency(s): Department of Transport and Main Roads

Adopted Infrastructure Charges Area: Charge Area 3

Application Progress:

<i>Application Lodged:</i>	28 June 2013
<i>Properly made application:</i>	5 July 2013
<i>Acknowledgement Notice:</i>	11 July 2013
<i>Request for Further Information sent:</i>	25 July 2013
<i>Request for Further Information responded to:</i>	24 January 2014
<i>Submission period commenced:</i>	13 February 2014

<i>Submission period end:</i>	<i>7 March 2014</i>
<i>Council request for additional time (until 8 May 2014):</i>	<i>3 April 2014</i>
<i>Government Agency request for addition information:</i>	<i>15 August 2013</i>
<i>Government Agency Response:</i>	<i>6 March 2014</i>
<i>Last receipt of information from applicant (Notice of Compliance):</i>	<i>10 March 2014</i>
<i>Council meeting date:</i>	<i>23 April 2014</i>

OFFICER'S RECOMMENDATION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for a Material Change of Use for a Vehicle Depot, made by MR and SL Inslay, on Lot 22 on RP603372, Lot 25 on RP603372 and Lot 221 on SP258039, Parish of Archer, located at 633 Norbank Street, Lakes Creek, Council resolves to Approve the application despite its conflict with the planning scheme and provide the following grounds for justification:

- a) The majority of the subject site is at risk of flood events, making the site less suitable for residential uses. The proposal will not adversely affect adjoining land or infrastructure by way of blocking, altering or diverting existing stormwater runoff patterns or flood storage areas.
- b) The site is located proximate to other non-residential activities.
- c) The proposal will only be for the overnight storage of six (6) rigid trucks within an open six-bay shed and will not include a workshop, wash-down facility or any ancillary administrative or operational activities.
- d) The proposal provides appropriate screening, landscaping buffers and setbacks to protect the amenity of existing and future uses and will, therefore, not compromise the amenity of any other existing uses in the locality.
- e) The development proposal will include the amalgamation of all three (3) allotments into one (1) allotment, encouraging the existing house to remain as the dominant use on the site.
- f) Assessment of the development demonstrates that the Planning Scheme's Desired Environmental Outcomes will not be compromised.
- g) Assessment of the development against the relevant planning scheme codes, in particular the Flood Prone Land Code, demonstrates that the proposed development will not cause significant adverse impact on the surrounding natural environment, built environment and infrastructure, community facilities or local character and amenity.
- h) The proposed development does not compromise the relevant State Planning Policy.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for a Vehicle Depot, made by MR and SL Inslay, on Lot 22 on RP603372, Lot 25 on RP603372 and Lot 221 on SP258039, Parish of Archer, located at 633 Norbank Street, Lakes Creek, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.

- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken and completed and be accompanied by a Compliance Certificate for any operational works required by the approval:
- 1.3.1 to Council's satisfaction;
 - 1.3.2 at no cost to Council;
 - 1.3.3 prior to the commencement of the use; and
 - 1.3.4 within six (6) months of the issue of this Development Permit,
- unless otherwise stated.
- 1.4 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained:
- 1.5.1 Operational Works:
 - (i) Access and Parking Works;
 - (ii) Roof and Allotment Drainage Works.
 - 1.5.2 Building Works
- 1.6 All Development Permits for Operational Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.7 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.8 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 1.9 Lot 22 on RP603372, Lot 25 on RP603372 and Lot 221 on SP258039 must be amalgamated and registered as one lot within six (6) months of the issuing of this Development Permit.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Developed Site Plan	D13.077.02 Rev. A Sheet 2 of 8	November 2013
Q100 Flood Depths	D13.077.03 Rev. A Sheet 3 of 8	November 2013
Vehicle Swept Paths	D13.077.04 Rev. B Sheet 4 of 8	January 2014
Site Drainage Flows	D13.077.05 Rev. A Sheet 5 of 8	November 2013

Stormwater Management Plan	D13.077.06 Rev. A Sheet 6 of 8	November 2013
Stormwater Calculations (associated with Stormwater Management Plan)	D13.077.07 Rev. A Sheet 7 of 8	November 2013
Proposed Site Plan	FL-002 Rev 4	21 January 2014
Proposed Shed (floor plan, side elevation and front elevation)	FL-002 Rev 2	21 January 2014

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

2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of a Development Application for Operational Works.

3.0 ACCESS AND PARKING WORKS

3.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the site.

3.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Parking Facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).

3.3 All vehicular access to and from the site associated with the vehicle depot must be via Norbank Street.

3.4 A commercial driveway for two way access must be designed and constructed in accordance with the *Capricorn Municipal Development Guidelines*, standard drawing 'CMDG-R-042'.

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

4.0 PLUMBING AND DRAINAGE WORKS

4.1 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, *Plumbing and Drainage Act*, and Council's Plumbing and Drainage Policies.

5.0 STORMWATER WORKS

5.1 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.

6.0 ROOF AND ALLOTMENT DRAINAGE WORKS

6.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the site.

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

6.3 All roof and allotment drainage must be discharged such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties or infrastructure.

7.0 SITE WORKS

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

8.0 BUILDING WORKS

- 8.1 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with '*Australian Standard AS4282 – Control of the obtrusive effects of outdoor lighting*'.
- 8.2 The structure must not be located within the on-site sewerage treatment and disposal area or conflict with the separation distance as detailed with the *Queensland Plumbing and Wastewater Code*.
- 8.3 All the services and utilities connected to the development, including electrical outlets, must be designed and installed at such a height that they are a minimum of 500 millimetres above the Q100 flood level of 7.4 metres (that is 7.9 metres Australian Height Datum).

9.0 ELECTRICITY AND TELECOMMUNICATIONS

- 9.1 Any electricity and telecommunication connections to be provided to the proposed development must be to the standards of the relevant authorities.

10.0 ASSET MANAGEMENT

- 10.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.
- 10.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.

11.0 ENVIRONMENTAL

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

12.0 OPERATING PROCEDURES

- 12.1 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 Norbank Street or Totteridge Street.
- 12.2 The hours of operations must be limited to:
- (i) 0700 hours to 1800 hours on Monday to Fridays;

- (ii) 0800 hours to 1700 hours on Saturdays; and
 - (iii) no operations on Sunday or Public Holidays.
- 12.3 The approval is for the overnight storage of six (6) light rigid trucks only and must not include any ancillary workshop, wash-down facility or administration or operational activities.
- 12.4 Noise from the activity must not cause an environmental nuisance.
- 12.5 When requested by the administering authority, noise monitoring must be undertaken and recorded to investigate any complaint of nuisance caused by noise. The monitoring data, an analysis of the data and a report, including noise mitigation measures, must be provided to the administering authority within fourteen days of the completion of the investigation.
- 12.6 Noise measurements must be compared with the acoustic quality objectives specified in the most recent edition of the Environmental Protection (Noise) Policy and noise monitoring conducted in accordance with the most recent edition of Department of Environment and Heritage Protection Noise Measurement Manual.
- 12.7 All refuse waste management must be in accordance with the *Environmental Protection (Waste Management) Regulation*.
- 12.8 Contaminants must not be permitted to discharge into water courses, drainage lines or onto adjoining properties

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.

NOTE 4. Works in Road Reserve Permit

It is advised that a Works in Road Reserve Permit (including a fee for the vehicle crossover and compliant with Standard *Capricorn Municipal Development Guideline* Drawings) may be accepted in place of the Development Permit for Operational Works (access works).

RECOMMENDATION C

That in relation to the application for a Development Permit for a Material Change of Use for a Vehicle Depot, made by MR and SL Inslay, on Lot 22 on RP603372, Lot 25 on RP603372 and Lot 221 on SP258039, Parish of Archer, located at 633 Norbank Street, Lakes Creek, Council resolves to not issue an Adopted Infrastructure Charges Notice.

BACKGROUND**Proposal in Detail**

The proposal is to formalise an existing open six-bay shed used for the overnight storage of six (6) light rigid trucks at 633 Norbank Street, Lakes Creek. This 'vehicle depot' was identified as forming part of a compliance issue relating to unlawful land uses. The proposed development is therefore seeking an approval for a Material Change of Use for a Vehicle Depot for the overnight storage of light rigid trucks within the existing open six-bay shed measuring approximately 192 square metres in size. The proposed development does not include any ancillary workshop, wash-down facility and/or administrative or operational activities associated with the vehicle depot.

Access to the subject site is currently obtained from Norbank Street. The development will incorporate the formalisation of a gravel hardstand area, dedicated to staff parking bays, vehicle manoeuvring area and access road to the open bay shed.

The subject site is located outside the Priority Infrastructure Area, within Charge Area 3 as stipulated within the Adopted Infrastructure Charges Resolution. The site is, however, located within Rockhampton's Water Supply Service Area, but not within the Sewerage Service Area. No additional pressure will be put onto the infrastructure network.

Site and Locality

The subject site is situated in the Norbank Estate Special Use Area, Precinct 4 and comprises of three allotments, bounded by a railway corridor to the west, End Rust and rural residential uses to the north, a junk yard to the east and a kennel/cattery and Totteridge Street to the south.

A house and shed are located on the highest portion of the land, located on the northern corner of Lot 22 and Lot 25 with the six-bay shed located on the north western side of Lot 211. The site is fairly flat with a natural fall from the north to the south and western property boundary and is subject to a one in one hundred year flood event. Although the majority of the site is affected by the Q100 flood mapping, only the footprint of the open six-bay shed and associated gravel hardstand area will be affected by the Q100 flooding.

The subject site is land-locked by industrial and other non-residential uses which include End Rust to the north, a junkyard to the north-east and east and a kennel/cattery to the south. The closest residential uses are the residential dwellings located within the vicinity of End Rust and the junkyard. These dwellings are situated more than a hundred (100) metres away from the open bay shed on large rural residential allotments measuring more than 3,000 square metres in size.

PLANNING ASSESSMENT**Matters for Consideration**

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

Infrastructure Operations Unit's Comments – 5 July 2013

Support, subject to conditions.

Infrastructure Operations Unit's (sewer and water) Comments – 9 July 2013

Support, subject to conditions.

Public and Environmental Health Comments – 17 July 2013

Support, subject to conditions.

Strategic Planning Comments – 28 March 2014 (verbally)

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 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 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

Not Applicable.

Emissions and hazardous activities

Not Applicable.

Natural hazards

State Planning Policy 2013 with regard to development affected by natural hazards (flood prone area) is addressed in the Flood Prone Land Code of the *Rockhampton Planning Scheme*. The proposal does not involve intensification of people and property within the hazard area. An assessment of the application against the Flood Prone Land Code concludes that the proposal complies with the requirements of the state planning policy.

State transport infrastructure

Not Applicable.

Strategic airports and aviation facilities

Not Applicable.

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

This application is situated within the Special Use Areas 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.*

Complies. The low-impact nature of the six-bay shed and the overnight parking of trucks will not compromise Rockhampton's role in consolidating its 'Capital of Central Queensland'.

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

Complies. The vehicle depot will not compromise any valuable natural resources.

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

Complies. The subject site is characterised by low-lying grassed land and a small dam. The proposed overnight parking of the trucks will not adversely affect the natural features of the site.

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

Complies. The Norbank Estate Special Use Area is characterised by existing industry and other non-residential land uses. The low-impact nature of the six-bay shed and the overnight parking of trucks will have minimal (if any) 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.*

Not applicable. The six-bay shed and the overnight parking of trucks is classified as a low impact industry under the Rockhampton City Plan.

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

Complies. The vehicle depot will not compromise the amenity of Rockhampton's commercial centres.

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

Does not comply. The Norbank Estate Special Use Area is characterised by existing industry and other non-residential land uses. The subject site is landlocked by industry and non-residential uses, including End Rust, a junkyard and a dog kennel/cattery. Therefore, although a vehicle depot is considered as being inconsistent with the intent of Norbank Estate Special Use Area, Precinct 4, it could be argued that the proposal is located within an identified industrial area. The proposed industrial use will have an extremely low-impact on the nearby residential uses as it will only be for the overnight storing of six (6) trucks. If the proposal should be supported, this will be specifically conditioned as part of the approval.

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

Not applicable. The subject site is not characterised by cultural or urban heritage values.

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

Complies. The low impact nature of the vehicle depot will not adversely affect the amenity of the surrounding residential uses. The anticipated impacts of the vehicle depot will be negligible compared to the other surrounding industry and non-residential uses.

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

Not applicable. Community uses and health care facilities will not be impacted.

- (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 application is not for residential land subdivision or development.

- (12) *Infrastructure is provided and augmented in a sequenced manner in Rockhampton, resulting in appropriate, efficient, affordable, reliable, timely and lasting infrastructure provision that is not compromised by new development and is sensitive to the environment.*

Complies. The vehicle depot will only be for the overnight parking of six (6) trucks. No additional pressure will be put onto the infrastructure network.

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

Complies. Efficient access is gained from Norbank Street, which branches from Rockhampton-Emu Park Road. The movement of six (6) light rigid trucks from the depot will not compromise the safety, accessibility or efficiency of this system.

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

Not applicable. Recreational facilities are not applicable to this application.

The performance assessment of the proposal demonstrates that the development does not compromise the Desired Environmental Outcomes of the Rockhampton City Plan although it does not comply with one (1) of the Planning Scheme Shire Wide Desired Environmental Outcomes (DEO 7). The proposed development is for Vehicle Depot (for the overnight storage of six (6) rigid trucks only) located within Norbank Estate Special Use area, precinct 4. The proposed vehicle depot is landlocked by other industry and non-residential uses and will have minimal impacts on the surrounding area. It is evident that the proposed development, subject to conditions, will not cause offence or compromise the expressed intents. The proposal will not compromise other rural residential uses in the locality.

Norbank Estate Special Use Area

Precinct 4 - Vestey Street/ Lower Daryl Street/ Totteridge Street Precinct - Norbank Estate Vestey Street/ Lower Daryl Street/ Totteridge Street Intent:

The subject site is situated within the Norbank Estate Special Use Area Precinct 4 - Vestey Street/ Lower Daryl Street/ Totteridge Street Precinct - Norbank Estate Vestey Street/ Lower Daryl Street/ Totteridge Street under the Rockhampton City Plan. The intent of the Norbank Estate Special Use Area identifies that:

"The intent of this Area is that it remains as an Area used for both existing industrial (and other non-residential land uses) as well as for residential land uses in a balanced manner whereby each land use is responsive and has cognisance of the other despite their potential incompatibility. ... It is also intended to provide opportunities for new maritime industries to develop along the Fitzroy River. ... The most fundamental and important intent for the Area is the need to avoid land use conflicts between housing and existing or future non-residential activities, especially conflicts that might jeopardise existing major industry or adversely reduce the current level of residential amenity in the Area.

The primary intention of this precinct is that existing non-residential land uses located within this precinct continue to operate as they have to date while at the same time allowing houses to be developed on vacant sites within the precinct provided certain measures and design considerations are adopted. As a result of the land use planning of the precinct in the past, the precinct contains a mix of land uses... any material

change in the intensity or scale of these uses must incorporate measures to mitigate any potential impacts on the amenity of residential uses within the precinct or an adjoining precinct. ... It is not intended that any new non-residential uses commence within the precinct. As a result, with the development of new houses in controlled circumstances, it is anticipated that the precinct will develop a stronger rural residential character than it does today."

The proposed use cannot be considered a consistent use within the Norbank Estate Special Use Precinct 4 Area. Council should note, however, that pursuant to Section 326(1)(b) of the *Sustainable Planning Act 2009*, the assessment manager's decision may conflict with the Planning Scheme if there are sufficient grounds to justify the decision despite the conflict.

There are considered to be 'sufficient grounds' in this instance, to justify Council approving the development despite its conflict with the Area Intent.

Sufficient grounds of justification are as follows:

- 1) The majority of the subject site is at risk of flood events, making the site less suitable for residential uses. The proposal will not adversely affect adjoining land or infrastructure by way of blocking, altering or diverting existing stormwater runoff patterns or flood storage areas.
- 2) The site is located proximate to other non-residential activities.
- 3) The proposal will only be for the overnight storage of six (6) rigid trucks within an open six-bay shed and will not include a workshop, wash-down facility or any ancillary administrative or operational activities.
- 4) The proposal provides appropriate screening, landscaping buffers and setbacks to protect the amenity of existing and future uses and will, therefore, not compromise the amenity of any other existing uses in the locality.
- 5) The development proposal will include the amalgamation of all three (3) allotments into one (1) allotment, encouraging the existing house to remain as the dominant use on the site.
- 6) Assessment of the development demonstrates that the Planning Scheme's Desired Environmental Outcomes will not be compromised.
- 7) Assessment of the development against the relevant planning scheme codes, in particular the Flood Prone Land Code, demonstrates that the proposed development will not cause significant adverse impact on the surrounding natural environment, built environment and infrastructure, community facilities or local character and amenity.
- 8) 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, pursuant to section 326(1)(b) of *Sustainable Planning Act 2009*, there are considered to be sufficient grounds to justify a decision that favours the alternative land uses proposed herein and the development is capable of occurring in a manner that is not likely to conflict with Council's Desired Environmental Outcomes.

Rockhampton City Plan Codes

The following codes are applicable to this application: -

- Norbank Estate Special Use Area Code;
- Industrial Use Code;
- Flood Prone Land Code;
- Parking and Access Code; and
- Railway Noise Code;

An assessment has been made against the requirement of the abovementioned codes and the proposal complies with the applicable Performance Criteria. Where deviation from the acceptable solutions has occurred, the proposal is able to satisfy the applicable Performance Criteria as detailed below.

Industrial Use Code Requirements		
Performance Criteria		Officer's Response
P1	Industrial activities should be located in Areas set aside for industrial purposes.	<p>Does not comply / Justified:</p> <p>The subject site is land-locked by industrial and other non-residential uses which include End Rust to the north, a junkyard to the north-east and east and a kennel/cattery to the south. The closest residential uses to the vehicle depot are the residential dwellings located within the vicinity of End Rust and the junkyard. These dwellings are situated more than a hundred (100) metres away from the open bay shed on large rural residential allotments measuring more than 3,000 square metres in size.</p> <p>Furthermore, the proposal is to formalise an existing open six-bay shed used for the overnight storage of six (6) light rigid trucks only. The proposal does not include any ancillary workshop, wash-down facility and/or administrative or operational activities associated with the vehicle depot. Therefore the low-impact nature of the six-bay shed and the overnight parking of trucks will have minimal (if any) impacts on the neighbouring uses. The application was also publicly notified and no submissions were received.</p>
Parking and Access Code		
Performance Criteria		Officer's Response
P1	Development is designed to encourage customers and employees to walk, cycle or use public transport to and from the site instead of using a car.	<p>Does not comply / Justified:</p> <p>The subject site is located on the south-eastern periphery of Rockhampton's urban area. The area does not provide for bicycle paths or footpaths. It is also not justified for the use to provide any bicycle and or footpaths within the area.</p>

Infrastructure Charges

Adopted Infrastructure Charges Resolution (No. 3) 2014 for non-residential development applies to the application and it falls within Charge Area 3. The proposed development for a Vehicle Depot does not include any Gross Floor Area (due to being an open bay shed). Therefore, in accordance with the Adopted Infrastructure Charges Resolution, no charge will be applicable.

Consultation

The proposal was the subject of public notification between 13 February 2014 and 7 March 2014, as per the requirements of the *Sustainable Planning Act 2009*, and no submissions were received.

Referrals

The application triggered referral to Department of Transport and Main Roads due to the subject site being located within twenty-five (25) metres of a railway. The department supported the proposal subject to conditions.

CONCLUSION

The proposal is an inconsistent use within the Area, but is considered to be in a strategically suitable location despite the inconsistency with the zoning of the site. As demonstrated in the above report, the proposal is generally consistent with the code requirements prescribed by the planning scheme and the use will not compromise the intent of the area or the viability of surrounding uses or the floodway. An assessment of this application concludes that the proposed development, subject to conditions, is not likely to conflict with Council's Desired Environmental Outcomes.

It is considered that sufficient grounds exist for approving the application despite the conflict with the Planning Scheme. Namely:

- a) The majority of the subject site is at risk of flood events, making the site less suitable for residential uses. The proposal will not adversely affect adjoining land or infrastructure by way of blocking, altering or diverting existing stormwater runoff patterns or flood storage areas.
- b) The site is located proximate to other non-residential activities.
- c) The proposal will only be for the overnight storage of six (6) rigid trucks within an open six-bay shed and will not include a workshop, wash-down facility or any ancillary administrative or operational activities.
- d) The proposal provides appropriate screening, landscaping buffers and setbacks to protect the amenity of existing and future uses and will, therefore, not compromise the amenity of any other existing uses in the locality.
- e) The development proposal will include the amalgamation of all three (3) allotments into one (1) allotment, encouraging the existing house to remain as the dominant use on the site.
- f) Assessment of the development demonstrates that the Planning Scheme's Desired Environmental Outcomes will not be compromised.
- g) Assessment of the development against the relevant planning scheme codes, in particular the Flood Prone Land Code, demonstrates that the proposed development will not cause significant adverse impact on the surrounding natural environment, built environment and infrastructure, community facilities or local character and amenity.
- h) The proposed development does not compromise the relevant State Planning Policy.

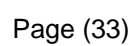
Consequently, the proposal is reasonable and should be approved subject to conditions.

**D/296-2013 DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A VEHICLE
DEPOT**

Locality Plan

Meeting Date: 22 April 2014

Attachment No: 1

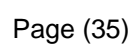


**D/296-2013 DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A VEHICLE
DEPOT**

Site Plan

Meeting Date: 22 April 2014

Attachment No: 2

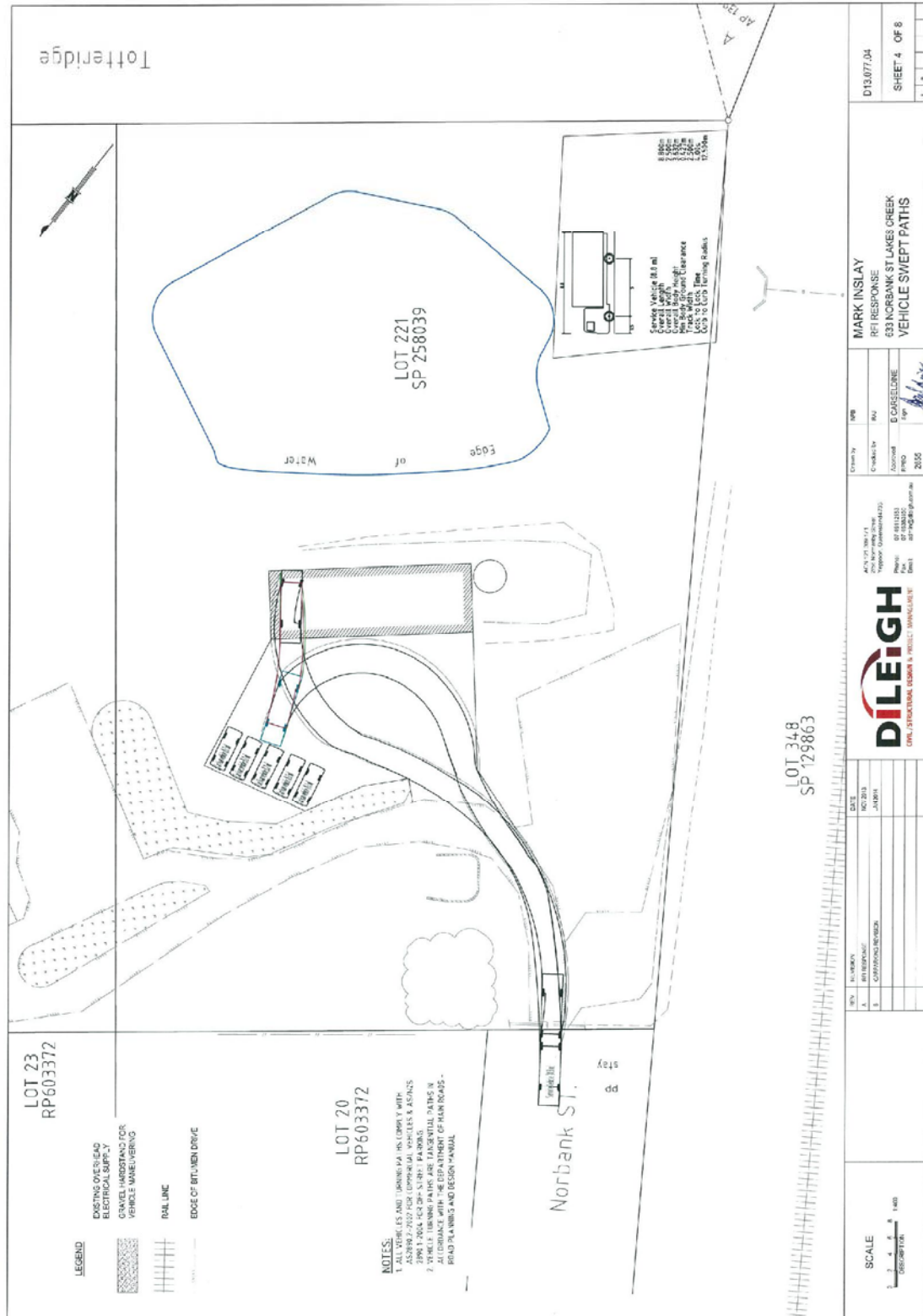


**D/296-2013 DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A VEHICLE
DEPOT**

Proposal Plan

Meeting Date: 22 April 2014

Attachment No: 3



8.3 D/598-2013 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR MEDIUM IMPACT INDUSTRY (SMASH REPAIRING)

File No: D/598-2013

Attachments: 1. Locality Plan
2. Proposal Plan

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

Author: Anton de Klerk - Planning Officer

SUMMARY

Development Application Number: D/598-2013

Applicant: National Accident Repair Centre (Rockhampton) Pty Ltd

Real Property Address: Lot 2 on RP618857, Parish of Rockhampton

Common Property Address: 219 East Street, Rockhampton City

Area of Site: 809 square metres

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: South Rockhampton Low Impact Industrial Area, Precinct 1 - Industrial Precinct - South Rockhampton Sales and Service Industry

Existing Development: Warehouse

Existing Approvals: Nil (existing use rights to light industry)

Approval Sought: Development Permit for a Material Change of Use for a Medium Impact Industry (smash repairing)

Level of Assessment: Impact Assessable

Submissions: Three (3) properly made submissions and three (3) not properly made submissions

Referral Agency(s): Nil

Adopted Infrastructure Charges Area: Charge Area 1

Application Progress:

<i>Application Lodged:</i>	20 December 2013
<i>Acknowledgment Notice Issued</i>	9 January 2014
<i>Submission period commenced:</i>	30 January 2014
<i>Submission period end:</i>	20 February 2014
<i>Last receipt of information from applicant (Notice of Compliance to Public Notification):</i>	20 March 2014
<i>Council request for additional time (until 20 May 2014):</i>	3 April 2014
<i>Planning and Development Committee Meeting:</i>	22 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 Medium Impact Industry (smash repairing), made by National Accident Repair Centre (Rockhampton) Pty Ltd, on Lot 2 on RP618857, Parish of Rockhampton, located at 219 East Street, Rockhampton City, 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 are required prior to the commencement of any works on the site:
 - 1.6.1 Building Works.
- 1.7 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.8 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Reference</u>	<u>Dated</u>
Site Plan	SK-01 Rev 2	22 November 2013
Proposed Plans	SK-03 Rev 2	22 November 2013
Elevations and Sections	SK-04 Rev 2	22 November 2013

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

3.0 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* and Council's Plumbing and Drainage Policies.

- 3.2 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building(s) must be in accordance with regulated work under the *Plumbing and Drainage Act* and must comply with *Australian Standards AS3500* section 3 and 4.
- 3.3 The development must be connected to Council's reticulated sewerage and water networks.
- 3.4 The existing sewerage and water connection point(s) must be retained, and upgraded if necessary, to service the development.
- 3.5 Sewer connections and water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with trafficable lids.
- 3.6 Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's sewerage reticulation. Arrester traps must be provided where commercial or non-domestic waste water is proposed to be discharged into the system.

4.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 4.1 All roof and allotment drainage must be in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.
- 4.2 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.

5.0 BUILDING WORKS

- 5.1 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 5.2 Any signage associated with or attached to the development must be carried out in accordance with the Signage Code in the *Rockhampton City Plan 2005*.
- 5.3 Works must comply with the *Environmental Protection (Waste Management) Regulation* for storage and collection of solid wastes.

6.0 ELECTRICITY AND TELECOMMUNICATIONS

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

7.0 ASSET MANAGEMENT

- 7.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.
- 7.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.

8.0 ENVIRONMENTAL

- 8.1 Waste oil must be stored in an appropriately covered bunded area. The bund must have a total storage capacity of 100 percent of the largest package item plus twenty-five percent of the total volume to be stored within the area.

9.0 OPERATING PROCEDURES

- 9.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in East Street and Quay Lane.

- 9.2 All waste storage areas must be:

- 9.2.1 provided with a suitable hosecock (with backflow prevention) and hoses must be provided at the refuse container area, and washdown must be drained to the sewer; and
- 9.2.2 impervious paved and drained wash-down areas to accommodate all refuse containers;
- 9.2.3 of a minimum size to accommodate commercial sized bins for service by a commercial contractor plus clearances around the bins for manoeuvring and cleaning;
- 9.2.4 kept in a clean and tidy condition.

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

- 9.3 The hours of operation must be limited to:

- (i) 0600 hours to 1800 hours on Monday to Saturday, and
- (ii) no operations on Sunday or Public Holidays.

- 9.4 All activities associated with the use must be carried out within the property boundaries of the subject site. The storage of vehicles within Council's road reserve will not be permitted.

- 9.5 The loading and unloading of vehicles associated with the use must be carried out on-site.

- 9.6 Surface coating or spray painting must be carried out with controls to ensure minimal emissions of overspray and volatile organic compounds (VOCs) to the environment.

- 9.7 Surface coating or spray painting must be carried out in a fully enclosed spray painting booth with suitable filters or water scrubbers, sufficient stack height and adequate air velocity that meets the requirements of *Australian Standard AS4114: "Spray painting booths, designated spray painting areas and paint mixing rooms"* parts 1-3.

- 9.8 Installation and operation of noise generating equipment (for example compressors and power tools) must be kept in a manner so that noise nuisance is not caused to surrounding premises. The air compressor must be located in the insulated room within the building.

- 9.9 When requested by Council, noise monitoring must be undertaken and recorded to investigate any complaint of nuisance caused by noise. The monitoring data, an analysis of the data and a report, including noise mitigation measures, must be provided to Council within fourteen days of the completion of the investigation.

- 9.10 Noise measurements must be compared with the acoustic quality objectives specified in the most recent edition of the *Environmental Protection (Noise) Policy* and noise monitoring conducted in accordance with the most recent edition of *Department of Environment and Heritage Protection Noise Measurement Manual*.

- 9.11 Noise from the activity must not cause an environmental nuisance.
- 9.12 All washing of vehicles must occur in the designated wash bay.
- 9.13 Any spillage of environmentally hazardous liquids or other materials must be cleaned up as quickly as practicable. Spillage of waste and/or contaminants must not be hosed or swept to any stormwater drainage system, roadside gutter or waters.
- 9.14 An appropriate spill kit must be kept on site for neutralizing or decontaminating spills. The spill kit must be clearly identifiable, maintained regularly, and stored in a central location that is easily accessible to employees. Staff are to be adequately trained in the use of these materials. The spill kit may consist of:
- (i) A bin with a tight-fitting lid, partially filled with non-combustible absorbent material such as vermiculite;
 - (ii) A broom, shovel, face shield, chemically-resistant boots and gloves; and
 - (iii) Waste bags and ties.
- 9.15 All chemicals and other environmentally hazardous liquids must be contained within a covered, bunded storage area that has a volume of at least that of the largest container in the bund.
- 9.16 All smash repair work must be conducted using 'dry procedures' and dust generating power tools such as orbital sanders must have a vacuum extraction system attached to capture 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 Multicultural Affairs website: www.datsima.qld.gov.au.

NOTE 2. Asbestos Removal

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

NOTE 3. 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 4. Licensable Activities

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

NOTE 5. 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 a Medium Impact Industry (smash repairing), made by National Accident Repair Centre (Rockhampton) Pty Ltd, on Lot 2 on RP618857, Parish of Rockhampton, located at 219 East Street, Rockhampton City, Council resolves not to issue an Adopted Infrastructure Charges Notice.

BACKGROUND**Proposal in Detail**

The proposal is for a Medium Impact Industry that involves smash repair and spray painting activities located within an existing building measuring approximately 809 square metres. The proposal will have a total gross floor area of 898 square metres which will include a reception and office area with a mezzanine level above the office space for storage purposes, a spray booth, a wash bay area, an insulated compressor room and a workshop area. Six (6) repair bays will be provided along the south-eastern side of the building. Each bay is clearly defined by structural columns. The proposal also includes a confined estimating bay measuring 30.8 square metres for assessing any vehicles. The internal configuration of the building offers adequate space for the assessment, servicing and manoeuvring of vehicles associated with the panel beating operation.

The building has two primary access points for customers along East Street. A centrally located roller door provides entry into the confined estimating bay for receipt of customers, the other access point is a pedestrian entrance located to the right of the roller door accessing the office and reception area. A secondary access to the premises is gained through the rear roller door via Quay Lane. The proposed smash repair will provide six (6) on-site parking areas dedicated to the repairing of vehicles, one (1) spray booth, one (1) wash down area and one (1) estimating bay with ample vehicular manoeuvring area within the premises. The site also has the potential for providing four (4) on-street parking spaces in front of the building within East Street dedicated to customers.

Hours of operation will be from 8am to 5pm, Monday to Saturday. Employees will include three (3) panel beaters, one (1) spray painter, and one (1) administration assistant. It is anticipated that an average of four (4) vehicles will visit the site daily to be assessed and serviced. Types of customer vehicles include standard motor vehicles that have incurred minor damage. The largest serviceable vehicle will be a four wheel drive.

Site and Locality

The subject site is located on the western side of the Fitzroy River and approximately 400 metres north of the Queensland Rail Transport Terminal.

The subject site is rectangular in shape, measuring 809 square metres. The site has a frontage of approximately twenty (20) metres onto East Street and extends 40.3 metres to its second frontage onto Quay Lane in the north-east. The site is fully developed containing a warehouse connected to reticulated water and sewerage infrastructure. There is no established vegetation on the site. Refuse bins will be stored in the eastern corner of the building.

The built form within the area is characterised by a mix of long-standing warehouse and workshop establishments, and more modern industrial premises. The area is dominated by industrial related activities including a variety of light and medium industrial uses including a supplier of commercial business furniture, electrical workshop, mechanical workshops, warehouses, timber and building supplies and steel manufacturers and fabricators.

PLANNING ASSESSMENT**Matters for Consideration**

This application has been assessed by relevant Council planning, engineering, environmental health, and other technical officers as required. The assessment has been in accordance with the Integrated Development Assessment System provisions of the

Sustainable Planning Act 2009, based on consideration of the relevant State Planning Policy; State Government guidelines; the Council's Town Planning Scheme, Planning Policies and other general policies and procedures, as well as other documents as considered relevant.

Infrastructure Operations Unit's Comments – 7 January 2014

Support, subject to conditions.

Infrastructure Operations Unit's (sewer and water) Comments – 6 January 2014

Support, subject to conditions.

Public and Environmental Health Comments – 8 January 2014

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 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 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

Not Applicable.

Emissions and hazardous activities

Not Applicable.

Natural hazards

State Planning Policy 2013 with regard to development affected by natural hazards (flood prone area) is addressed in the Flood Prone Land Code of the *Rockhampton Planning Scheme*. The proposal does not involve intensification of people and property within the hazard area. An assessment of the application against the State Planning Policy concludes that the proposal complies with the relevant requirements.

State transport infrastructure

Not Applicable.

Strategic airports and aviation facilities

Not Applicable.

Rockhampton City Plan 2005

South Rockhampton Low Impact Industrial Area, Precinct 1 – Industrial Precinct

The subject site is situated within the South Rockhampton Low Impact Industrial Area, Precinct 1 - Industrial Precinct - South Rockhampton Sales and Service Industry area under the Rockhampton City Plan. The intent of this area identifies that:

*The primary intent for the South Rockhampton Low Impact Industrial Area is to **continue to accommodate a range of industrial uses, with an opportunity to alter the emphasis in the type and scale of industry** to harmonise with the level of amenity associated with proximity to a city centre.*

Industrial uses supported in this Area are those that support industrial activity through servicing of goods or products.

This Area contains a large portion of motor vehicle workshops. The use of land in this Area for such a use is generally consistent with the intent of this Area, when impacts are properly managed, as these uses provide an industrial activity that supports the needs of residents in South Rockhampton, and particularly those who work in the adjoining Central Business District Commercial Area. Proximity and access to Low Impact Industrial uses that assist the residents of Rockhampton to conduct their business close to home or work is an essential element to a livable City.

The intent of this precinct identifies that:

This Precinct serves as a buffer between the core Low Impact Industrial activities in this Area, and the surrounding Planning Areas, some of which are non-industrial in their primary use. This Precinct is intended to provide for a sales / retail showroom area displaying industrial products and services available and in many instances produced on site. The sales / retail component is required to front the street, however, its role is an ancillary activity, supporting the major industrial activity on site. By introducing a Sales and Service Industry Precinct, the Industrial Area can be effectively screened from the more sensitive urban activities in adjoining Planning Areas.

Whilst the proposal is not for a showroom use, the proposed medium impact industry use is considered to be consistent with the intent of the area and the precinct as the proposed activities are not anticipated to have unacceptable adverse impacts on the surrounding area with respect to the elements mentioned in the intent.

The subject site is located over 300 metres from the nearest residential zoned development. The site is adjoined by existing low impact and medium impact industrial uses which are not expected to experience additional amenity and traffic impacts as a result of the proposed development.

Health and safety risks will be managed through the appropriate regulatory measures including dust extraction systems and any potential air contaminants from spray painting activities are contained and filtered by the spray booth's purification system.

Furthermore, the proposed development has been conditioned to ensure the use will not negatively impact on the environment and surrounding development with regard to noise, chemical emissions, odours, waste disposal and lighting.

Rockhampton City Plan Codes

The following primary and secondary codes are applicable to this application:

- Industrial Use Code;
- Access and Parking Code;
- Flood Prone Land Code;
- Environmental Nuisance by Noise and Light Code; and
- Crime Prevention Through Environmental Design Code

An assessment has been made against the requirements of the abovementioned codes and the proposal has been found to generally comply with all requirements. In instances of

deviation, the proposal is able to satisfy the applicable Performance Criteria, as detailed below.

Parking and Access Code		
Performance Criteria		Officer's Response
P7	Parking spaces are provided and, designated exclusively to meet the demands of vehicle occupants with disabilities.	Does not comply / Justified: The proposal will not provide a dedicated parking space for disabled people. The proposal will however have a dedicated estimating bay on-site where all abilities access is available for those accessing the site. Alternatively all abilities access can be obtained from the on-street parking areas within East Street.
P12	Bicycle parking facilities are provided in convenient and accessible locations to an appropriate standard, close to entrances and exits to the site.	Does not comply / Justified: The proposal is for smash repairing and spray painting of vehicles. The proposal will not attract a significant number of bicycle trips, therefore it is not considered necessary that bicycle parking facilities be provided on site. Staff will be able to store bicycles within the workshop if necessary.
Flood Prone Land Code		
Performance Criteria		Officer's Response
P2	<p>Safe access from the development site to the Central Business District or the Gracemere township is available during the defined flood event.</p> <p><i>Note: Development not on flood prone land must still comply with this Performance Criterion.</i></p>	Does not comply / Justified: Although the site will be inundated during a flood event, the flood impacts on this site typically provide adequate time for vehicles and equipment to be relocated.

Infrastructure Charges

Adopted Infrastructure Charges Resolution (No. 3) 2014 for non-residential development applies to the application and it falls within Charge Area 1. The Adopted Infrastructure Charges are as follows:

Column 1 Use Schedule	Column 2 Charge Area	Column 3 Adopted Infrastructure Charge		Column 4 Adopted Infrastructure Charge for stormwater network		Calculated Charge
		(\$)	Unit	(\$)	Unit	
Industry	Areas 1	50	per m ² of			\$44,900.00

			GFA (898m ²)			
Industry	Areas 1			10	per m ² of impervious area (809m ²)	\$8,090.00
Total:						\$52,990.00
Less Credit:						\$52,990.00
TOTAL CHARGE:						Nil

This is based on the following calculations:

- (a) \$44,900.00 – Gross Floor Area being 898 square metres (the entire floor area of the building (809m²) and two mezzanine levels (112m²) within the building less the toilet (20m²) and refuse waste (3m²) area);
- (b) \$8,090.00 – Impervious Area being 809 square metres (total roof area); and
- (c) \$52,990.00 – Infrastructure Credit applicable for the existing gross floor area and impervious area of a “warehouse” over the site.

No infrastructure charges are payable and no Adopted Infrastructure Charges Notice will be issued for the development.

Consultation

The proposal was the subject of public notification between 30 January 2014 and 20 February 2014, as per the requirements of the *Sustainable Planning Act 2009*, and three (3) properly made and three (3) not properly made submissions were received.

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

Issue	Officer Comment
<p>The identified ‘South Rockhampton Low Impact Industrial Area’ in which the proposal is located does not support this type of new development. Specifically in accordance to chapter 4 of the <i>Rockhampton City Plan 2005</i> which quotes that all industrial uses located in this area are not to:</p> <ul style="list-style-type: none"> (a) Have a detrimental impact on any other land use; or (b) Disrupt the amenity of adjoining industrial uses; or (c) The amenity of surrounding Planning Areas, including the Central Business District (CBD) Commercial Area. <p>The proposal and supporting documentation lodged with the application does not supply enough evidence to determine that the business will meet these criteria.</p>	<p>The proposed Material Change of Use for a Medium Impact Industry (smash repairing) is considered to be in keeping with the intent of the South Rockhampton Low Impact Industrial Area, Precinct 1 of the <i>Rockhampton City Plan 2005</i>. The proposal has also adequately responded to the provisions of the relevant codes and is considered to be consistent with the intent of Precinct 1 as the proposed activities are not anticipated to have unacceptable adverse impacts on the surrounding area with respect to the elements mentioned in the intent.</p>

Issue	Officer Comment
<p>The proposal illustrated that the room in which a compressor will be located will also be insulated. However the report does not specify what approximate noise nuisance the generator could potentially generate and whether the proposed insulation will even be able to prevent the compressor from having a detrimental impact onto the surrounding businesses.</p>	<p>The proposed smash repair will be located within an established industrial precinct with similar types of uses within the vicinity. An air compressor is also a typical component of most industrial workshop's plant equipment. It is considered appropriate for compressors to be located within a sealed insulated room to prevent noise nuisances. Furthermore, noise impacts will be appropriately conditioned to prevent nuisance.</p>
<p>The report also provided notes that 'the air compressor and orbital sanders are the primary industrial equipment used in the process of panel beating and produce noise that will be largely inaudible'. The possible impacts and mitigation of this potential noise nuisance onto adjoining businesses are not demonstrated within the report and remain a concern.</p>	<p>Noise impacts are able to be appropriately conditioned to prevent nuisance.</p>
<p>The identified dust control methods to be used are impractical for efficient and sustained operation (as discussed with other panel beaters). Even if it should be installed, it is questioned whether it will be used. Furthermore, not clear specifications to the dust control system was given within the report, making it impossible to determine if the hazard associated with dust creation will be controlled.</p> <p>Body filler dust cannot be all trapped by sanders as it is a light weight like powder and floats in the air. The common wall between the businesses is not sealed and contain cracks and crevices of at least 5 millimetres and 25 millimetres in size. Therefore the mitigation and management to dust and paint contaminants are questioned.</p>	<p>The proposal specified that the panel beating procedures will be appropriately managed onsite via an advanced vacuum technology which will be employed to directly capture all dust emissions via electrical extraction machines that attach to each of the orbital sanders. The development application report demonstrated that the proposal complies with performance criterion P17 – Air Contaminants, of the Industrial Use code.</p> <p>Nevertheless, although the applicant has advised that dust control measures are in place, dust control methods will still be appropriately conditioned.</p>
<p>Whilst it is noted that the spray operations will be switching to water-based paints in compliance with Australian legislation, the dust created by grounding off other cars will still contain a toxic mix of chemicals (such as lead, antimony, tributyltin oxide, nickel and hexavalent chromium) that can expose workers and the general public.</p> <p>Furthermore, water-based paints only reduce (but not eliminate) the requirement for VOC's particularly the hard final coat. Therefore the system will need to be extensively ventilated to achieve the</p>	<p>It should be noted that the applicant will legally be obligated to comply with relevant health, safety and environmental standards and can be conditioned.</p> <p>Similarly, all spray booths used by smash repair businesses must comply with specific health, safety and environmental standards. The booth will be controlled and fitted with filtering systems that comply with the applicable Australian Standards. Furthermore, the conversion to water-based spray paints is indicative of the movement to controlled environmentally sensitive</p>

Issue	Officer Comment
<p>required dispersion levels of chemicals in accordance with environmental health and safety standards.</p> <p>It should also be noted that at least one person working at one of the adjoining businesses is a chronic sinus sufferer which is severely aggravated by paint fumes. Therefore, the proposed use could have a detrimental impact onto surrounding business staff (health).</p>	<p>operational environments.</p> <p>The proposed spray painting booth will be conditioned to meet Australian Standard 4144: Spray Painting Booths, designated spray painting area and paint mixing rooms parts 1-3.</p>
<p>Sanding of polyurethane or epoxy paint that is not fully cured generates dust particles containing unreacted hardeners. It is recommended for panel beaters to utilise a respiratory device to prevent health effects associated with these particles. These devices are identified under <i>AS/NZS 1715 Selection, use and maintenance of respiratory protective devices</i>. Therefore, the health and safety of neighbouring staff and tenants are in question. Specifically as the surface between the two buildings are not sealed and the roller doors will be open, exposing workers and pedestrians within the area.</p>	<p>The majority of the sanding work will be conducted at the rear of the premises and should have little effect on the front pedestrian area. Dust from sanding will also be minimised by the dust mitigation measures.</p> <p>It is common practices for panel beating activities to be conducted in a large shed with doors open.</p> <p>If dust should remain to be an issue, it can be investigated under the <i>Environmental Protection Act 1994</i> section 440 and compliance investigation can be undertaken against the conditions of this approval.</p>
<p>Although the proposed business has not obtained any approvals, the proposed use has already begun operating from the site. Of particular concern is the wash down of vehicles each day with detergents and other foreign material washing directly into the storm water drain. The documentation provided does not indicate a standard to which waste water generated from the site will be managed. It also does not provide evidence of how waste water will be managed under flood or extreme weather conditions.</p> <p>Furthermore, during rain and flooding, car brake fluid, radiator coolant and oils on the bitumen from damaged cars parked in front of the business and will be washed down drains into the river.</p>	<p>Upon approval, a condition will be imposed that the operators must wash all vehicles in the designated washbay. The washbay must be connected to sewer through a trade waste approved grease trap.</p> <p>If the premises should wash vehicles where it is washing directly into the stormwater drain then this can be addressed through the <i>Environmental Protection Act</i> Section 44ZG and compliance investigation can be undertaken against the conditions of this approval.</p> <p>In relation to the flooding concerns, the nature of flooding in this area would mean that the premises has adequate notice that they may be affected by floodwaters and they can remove items or place items in a high location. This will be imposed in the conditions of approval.</p>
<p>There are questions on why the proposed use cannot rather be located within Parkhurst, Gracemere or another identified site available for "medium impact industries". The proposed medium impact industrial use is not justified for locating the service in the identified low impact precinct of South Rockhampton.</p>	<p>The proposed smash repair is considered to be in keeping with the intent of the South Rockhampton Low Impact Industrial Area, Precinct 1 of the <i>Rockhampton City Plan 2005</i>. The proposal has adequately responded to the provisions of the relevant codes and is considered to be consistent with the intent of Precinct 1 as the proposed activities are not anticipated to have</p>

Issue	Officer Comment
	unacceptable adverse impacts on the surrounding area with respect to the elements mentioned in the intent.
<p>The scale and intensity of the proposed use is questioned as it does not seem to have adequate designated parking.</p> <p>Although the proposal has not been yet been approved by Council and awaits a decision, the applicant has been utilising the premises to conduct estimates of cars. Several cars have been parked for extended periods in the lane at the back of the premises and/or in the 30 minute designated car spaces identified for adjoining retail users. Current half hour parking bays have been utilised for parking of damaged vehicles and taking photos. Damaged Cars are frequently left parked in East Street. Furthermore, tilt trucks also unload damaged vehicles in front of parked cars in East Street, creating even further congestion. Therefore, the intensity of the use is questioned especially the provision of adequate designated parking spaces for staff and estimated traffic.</p> <p>Particular note of caution from other similar industries is made who advised that delays in obtaining parts and colour matching on overcast days can delay the swift turn-over of cars in a single day (which could potentially leave up to 24 cars in a single week), causing congestion in the vicinity. It should also be noted that water-based paints take longer to dry than traditional paints making the estimated efficiency rate of vehicle turn-over and intensity of use questionable.</p> <p>A photo was also provided showing a member of the proposed business to park parallel to the curb to save parking spaces for estimations that will occur through the day. <i>"This does not instil confidence that the business owners will follow any requirements given by Council as they are currently operating without permits or approval."</i></p>	<p>The proposed smash repair will provide six (6) on-site parking areas dedicated to the repairing of vehicles, one (1) spray booth, one (1) wash down area and one (1) estimating bay with ample vehicular manoeuvring area within the premises. The site also has the potential for providing four (4) on-street parking spaces in front of the building within East Street dedicated to customers.</p> <p>Furthermore, it is also anticipated and conditioned that any estimating or repair work, as well as vehicle storage would be carried out within the subject site.</p> <p>Whilst it is acknowledged that the existing building has no scope to provide additional off-street car parking, the use of the existing on-street parking for the storage of damaged vehicles associated with the use is not appropriate. Any unloading of damaged vehicles should take place within the premises such that there is no disruption to the general public and this appears to be possible given the accesses located on East Street and Quay Lane.</p> <p>On-street car parking spaces along the frontage of the site, being utilised by customers to obtain a quote for repairs is not considered to be an issue, provided that the vehicle parking does not contravene the maximum time limits for the spaces.</p> <p>It will be conditioned upon approval that all activities associated with the use must be conducted within the premises.</p>

Referrals

The proposed development did not trigger any referral agencies.

CONCLUSION

The proposed Material Change of Use is considered to be in keeping with the intent of the South Rockhampton Low Impact Industrial Area, Precinct 1 of the *Rockhampton City Plan*

2005. Furthermore, the proposal has adequately responded to the provisions included in the relevant codes and any deviation has been justified. The proposed Medium Impact Industry use is considered to be consistent with the intent of the precinct. Additionally, the proposed activities are not anticipated to have any unacceptable adverse impacts on the surrounding area with respect to the elements mentioned in the intent. The proposal is therefore recommended for approval in accordance with the approved plans and subject to the conditions outlined in the recommendation.

**D/598-2013 DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR MEDIUM
IMPACT INDUSTRY (SMASH
REPAIRING)**

Locality Plan

Meeting Date: 22 April 2014

Attachment No: 1

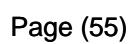


**D/598-2013 DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR MEDIUM
IMPACT INDUSTRY (SMASH
REPAIRING)**

Proposal Plan

Meeting Date: 22 April 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 CLOSURE OF MEETING