



PLANNING & DEVELOPMENT COMMITTEE MEETING

AGENDA

8 SEPTEMBER 2015

Your attendance is required at a meeting of the Planning & Development Committee to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 8 September 2015 commencing at 1:30pm for transaction of the enclosed business.

A handwritten signature in blue ink, consisting of several overlapping loops and a long horizontal stroke.

ACTING CHIEF EXECUTIVE OFFICER
2 September 2015

Next Meeting Date: 22.09.15

Please note:

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

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1 OPENING

2 PRESENT

Members Present:

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

In Attendance:

Mr E Pardon – Chief Executive Officer

3 APOLOGIES AND LEAVE OF ABSENCE

Mayor Strelow has tendered her apology and will not be in attendance.

4 CONFIRMATION OF MINUTES

Minutes of the Planning & Development Committee held 25 August 2015

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 BUSINESS OUTSTANDING

6.1 BUSINESS OUTSTANDING TABLE FOR PLANNING AND DEVELOPMENT COMMITTEE

File No: 10097

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

Authorising Officer: Michael Rowe - Acting Chief Executive Officer

Author: Michael Rowe - Acting Chief Executive Officer

SUMMARY

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

OFFICER'S RECOMMENDATION

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

BUSINESS OUTSTANDING TABLE FOR PLANNING AND DEVELOPMENT COMMITTEE

Business Outstanding Table for Planning and Development Committee

Meeting Date: 8 September 2015

Attachment No: 1

Date	Report Title	Resolution	Responsible Officer	Due Date	Notes
28 April 2015	Montgomerie Street	THAT the previous report regarding Montgomerie Street be presented to the next Planning and Development Committee meeting for Councillors information.	Robert Holmes	12/05/2015	
25 August 2015	Development Impacts on Council's Hunter Street Property	THAT Council seek an extension of time of the decision making period to allow the completion of modelling work for a fully developed airport precinct.	Martin Crow	08/09/2015	

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 OFFICERS' REPORTS

8.1 D/125-2014 - APPLICATION UNDER THE DEVELOPMENT INCENTIVES POLICY FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A LOW IMPACT INDUSTRY

File No: D/125-2014
Attachments: 1. Locality Plan
Authorising Officer: Tarnya Fitzgibbon - Manager Development and Building
 Robert Holmes - General Manager Regional Services
Author: Amanda O'Mara - Senior Planning Officer

SUMMARY

Development Application Number: D/125-2014
Applicant: G M & J A Heazlewood P/L (Coxon's Radiator Service)
Real Property Address: Lot 35 on SP263881, Parish of Murchison
Common Property Address: 232-272 Alexandra Street, Kawana
Rockhampton City Plan Area: Parkhurst Industrial Area, Precinct 1 – Industrial Precinct – Parkhurst Low Impact Industry
Type of Approval: Development Permit for a Material Change of Use for a Low Impact Industry
Date of Decision: 30 June 2014
Application Lodgement Fee: \$7,180.00
Infrastructure Charges: \$49,631.00
Infrastructure charges incentive: All other areas – 50% discount
Incentives sought: Infrastructure Charges Concession
 Refund of Development Application Fees
 Refund of Service and Connection Fees

OFFICER'S RECOMMENDATION

THAT in relation to the application under the Development Incentives Policy for a Development Permit for a Material Change of Use for a Low Impact Industry, on Lot 35 on SP263881, Parish of Murchison, located at 232-272 Alexandra Street, Kawana, Council resolves to Approve the following incentives if the use commences prior to 30 June 2017:

- a) A fifty per cent reduction of infrastructure charges to the amount of \$24,815.50;
- b) A refund of the development application fee of \$7,180.00 on commencement of the use;
- c) A refund of service and connection fees on completion of the development; and
- d) That Council enter into an agreement with the applicant in relation to (a), (b) and (c).

BACKGROUND**Project outcomes anticipated by applicant:**

Coxon's Radiator Service has been granted approval to expand their automotive repair workshop to enable it to take on larger jobs from mining customers and to diversify into automotive/truck air conditioning and mechanical servicing.

New jobs and investment:

The workshop already employs seven full-time employees and anticipates its business turnover will grow by \$400,000 each year for the following three years. This should result in the employment of an extra two employees each year.

The expansion of the workshop will result in capital expenditure of \$1.95 million, much of which the applicant claims is spent with Rockhampton Region suppliers.

Benefits of project for applicant's business:

The workshop expansion will have positive impacts on the applicant's business as it will allow it to grow its automotive repair workshop so it can take on larger jobs from mining customers and to diversify into automotive/truck air conditioning and mechanical servicing.

Benefits of project to Rockhampton Regional economy:

The expansion of the workshop will enable the business to take on larger jobs from mining clients. This is an area in which Council has actively encouraged further business investment as the Rockhampton Region is ideally located to service the mining operations in the Bowen, Galilee and Surat Basins.

The expansion will also allow the applicant to diversify its business and undertake automotive/truck air conditioning and mechanical servicing.

This will enable the applicant to employ additional staff to undertake the additional work. The capital expenditure will be a welcome stimulus for the Rockhampton Region economy.

PLANNING ASSESSMENT**COMMENTS FROM RELEVANT UNITS****Development Engineering Unit's Comments – 8 May 2015**

Support, subject to comments.

Economic Development Unit's Comments – 6 August 2015

Support, subject to comments.

CONCLUSION

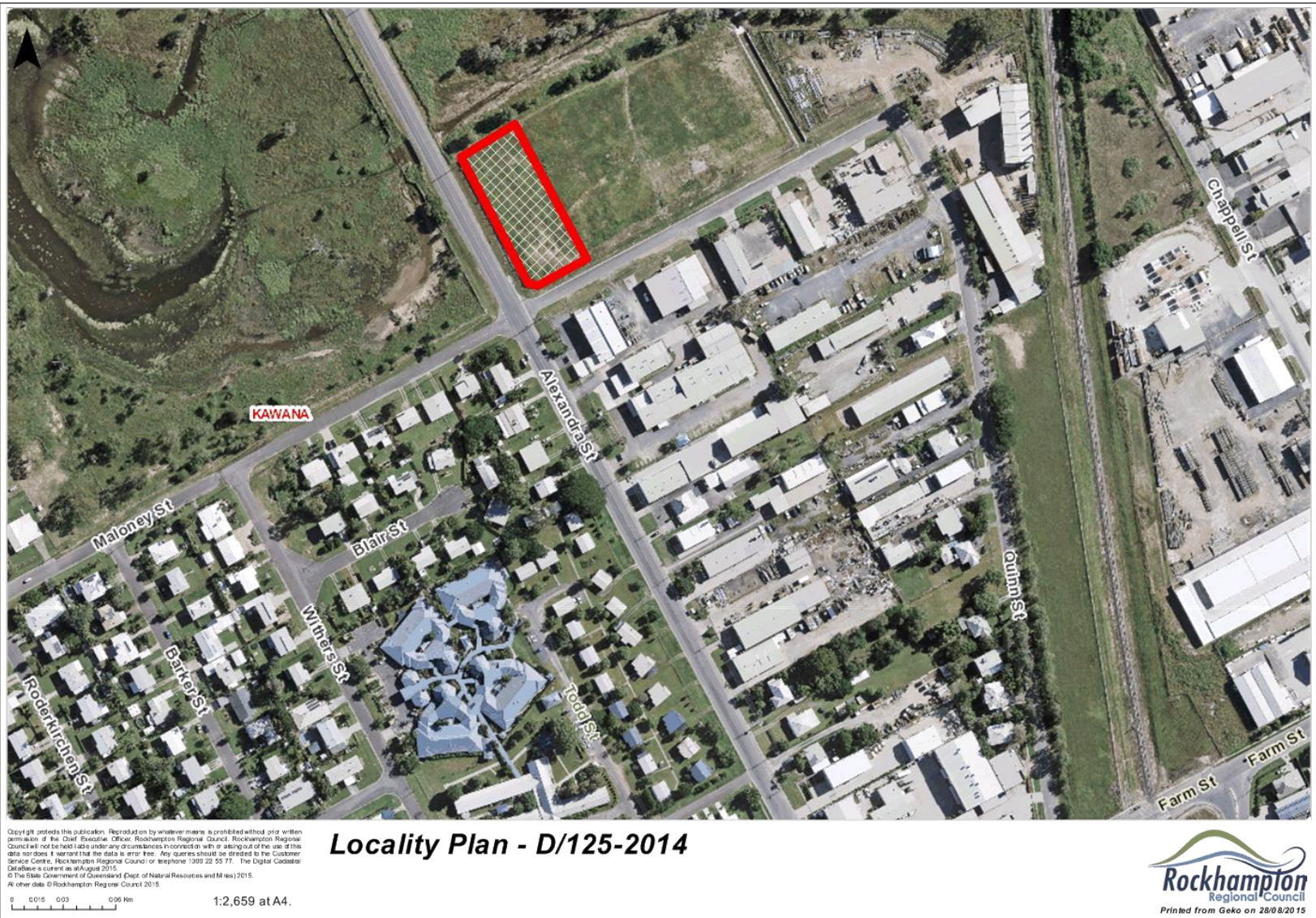
The development meets the eligibility criteria under the Development Incentives Policy and the applicant has demonstrated economic benefits arising from the development. Therefore, in accordance with the policy, a fifty (50) per cent discount will be applied to the infrastructure charge and a refund of the development application fee and the service and connection fees will be provided.

**D/125-2014 - APPLICATION UNDER
THE DEVELOPMENT INCENTIVES
POLICY FOR A DEVELOPMENT
PERMIT FOR A MATERIAL CHANGE
OF USE FOR A LOW IMPACT
INDUSTRY**

Locality Plan

Meeting Date: 8 September 2015

Attachment No: 1



8.2 D/307-2014 - DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT (ONE LOT INTO TEN LOTS)

File No: D/307-2014
Attachments: 1. Locality Plan
Authorising Officer: Tarnya Fitzgibbon - Manager Development and Building
 Robert Holmes - General Manager Regional Services
Author: Amanda O'Mara - Senior Planning Officer

SUMMARY

Development Application Number: D/307-2014
Applicant: Perpetual Property Group Pty Ltd
Real Property Address: Lot 503 on SP266431, Parish of Murchison
Common Property Address: Lot 500/1040-1060 Yaamba Road, Parkhurst
Area of Site: 3.255 hectares
Planning Scheme: Rockhampton City Plan 2005
Rockhampton City Plan Area: Parkhurst Future (Post 2015) Residential Area
Planning Scheme Overlays: Nil
Existing Development: Vacant Land
Existing Approvals: D/2651-2007 - Preliminary Approval overriding the Planning Scheme for a Material Change of Use (Residential and Open Space)
Approval Sought: Development Permit for Reconfiguring a Lot (one lot into ten lots)
Level of Assessment: Code Assessable
Submissions: Not Applicable
Referral Agency(s): Department of State Development, Infrastructure and Planning
Adopted Infrastructure Charges Area: Charge Area one
Application Progress:

<i>Application Lodged:</i>	16 December 2014
<i>Acknowledgment Notice issued:</i>	7 January 2015
<i>Request for Further Information sent:</i>	21 January 2015
<i>Government Agency Response:</i>	30 April 2015
<i>Request for Further Information responded to:</i>	20 July 2015
<i>Last receipt of information from applicant:</i>	6 August 2015
<i>Extension Letter to Decision Period:</i>	14 August 2015
<i>Statutory due determination date:</i>	8 September 2015

OFFICER'S RECOMMENDATION

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into ten lots), made by Perpetual Property Group Pty Ltd, on Lot 503 on SP266431, Parish of Murchison, located at Lot 500/1040-1060 Yaamba Road, Parkhurst, Council resolves to refuse the application as directed by the Department of State Development, Infrastructure and Planning for the following reason:

- The development would compromise the safe and efficient management or operation of the state-controlled road.

BACKGROUND**PROPOSAL IN DETAIL**

The proposal is for Reconfiguring a Lot (one lot into ten lots). The lots range from 629 square metres to 1088 square metres. The proposed road / cul-de-sac for the subdivision will gain access from Sterling Drive.

SITE AND LOCALITY

The subject site has a total area of 3.255 hectares. The site is subject to drainage easements which transverse the land with a total area of 1.2689 hectares. The site is vacant, has minimal vegetation and is relatively flat. The site abuts a State-controlled road.

The immediate surrounding area is predominately houses on individual lots. There are still a number of large undeveloped allotments in the area which are earmarked to accommodate residential in the near future. In addition a few commercial / industrial uses are located along Yaamba Road.

PLANNING ASSESSMENT**MATTERS FOR CONSIDERATION**

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

Development Engineering Unit's Comments

Support, subject to conditions.

Council's local creek catchment studies were adopted by Council in June 2014 and provide inundation extents for the 1% Annual Exceedance Probability (AEP) creek flooding event. Following a review of the Ramsay Creek study it shows that the proposed Lots 3, 4, 5, 9 and 10 will be almost fully inundated in a 1% AEP creek flooding event.

However, as advised by the applicant the modeling for the creek catchment studies was undertaken in this instance on a terrain model that is not representative of the current terrain and is incorrect. The Council's local creek catchment study drawings adopted by Council in June 2014 show it was modeled with the dam on the Ramsey Creek anabranch immediately adjacent to this site on the Yaamba Road frontage. This dam was removed before the end of April 2012 under the Rockhampton Regional Council Operational Works Permit D/312-2011 dated 23 November 2011. The applicant has undertaken further review of the modeling with a completely new field survey and has modeled the anabranch with this proposed development in place on true field survey correct terrain information. The subject site is clear of inundation as shown by the Q100 lines provided on the Proposal Plan submitted with the application.

Council's engineers are in the process of confirming the above is correct.

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

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

State Planning Policy 2014

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

Liveable communities

Not Applicable. The development complies with the requirements in the State Planning Policy.

Mining and extractive resources

Not Applicable. The development is not near or affected by mining or extractive resources.

Biodiversity

Not Applicable. The development does not relate to a matter of State Environmental Significance.

Coastal environment

Not Applicable. The development does not relate to a coastal management area.

Water quality

Not Applicable. The application does not affect receiving waters or the water supply in South East Queensland.

Natural hazard, risk and resilience

Not Applicable. The site is not affected by bushfire hazard, flood hazard or steep land.

Emissions and hazardous activities

Not Applicable. The development is not affected by a hazardous activity as it is in a residential zone.

State transport infrastructure

Not Applicable. The development is not within 400 metres of a public passenger transport facility.

Strategic airports and aviation facilities

Not Applicable. The development does not affect a strategic airport.

Preliminary Approval Requirements

The site is subject to a Preliminary Approval overriding the Planning Scheme for a Material Change of Use (Residential and Open Space) approved on 26 October 2009. The proposal has been assessed against the conditions of the approval and is considered to be generally in accordance with the Preliminary Approval.

Rockhampton City Plan Codes

The following codes are applicable to this application: -

- Reconfiguration of Lot Code.

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

REFERRALS

The proposal was referred to the Department of Transport and Main Roads given the subject site is located along a State-controlled road, being Yaamba Road. The Department of State Development, Infrastructure and Planning assessed the application as a concurrence agency. The concurrence agency response directed that Council, as the Assessment Manager, pursuant to section 287(2)(b) and 325(4) of the *Sustainable Planning Act 2009*, must refuse the application for the following reason:

- The development would compromise the safe and efficient management or operation of the state-controlled road.

CONCLUSION

The application for a Reconfiguring a Lot (one lot into ten lots) is consistent with the Preliminary Approval overriding the Planning Scheme for a Material Change of Use (Residential and Open Space). The application is generally in accordance with the applicable code. The proposal is reasonable and should be approved.

Despite the assessment and recommendation, Council as the Assessment Manager has been directed by the Department of State Development, Infrastructure and Planning, pursuant to section 287(2)(b) and 325(4) of the *Sustainable Planning Act 2009* as a concurrence agency, to refuse this application.

Grounds which are outlined for the refusal include:

- The proposed new road intersection in the State-controlled road reserve does not meet Safe Intersection Sight Distance in accordance with Austroads 2009 and is not supported as it impacts on safety of traffic using the State-controlled road reserve.

Council's recommendation would have been to approve the application. The Decision Notice will then identify that the refusal is at the sole direction of the referral agency.

**D/307-2014 - DEVELOPMENT
APPLICATION FOR RECONFIGURING
A LOT (ONE LOT INTO TEN LOTS)**

Locality Plan

Meeting Date: 8 September 2015

Attachment No: 1



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Locality Plan - D/307-2014

0 0.035 0.07 0.14 Km

1:6,041 at A4.

Rockhampton
 Regional Council
 Printed from Geko on 28/08/2015

8.3 D/10-2015 - DEVELOPMENT APPLICATION FOR A RECONFIGURING A LOT (ONE LOT INTO TWO LOTS)

File No: D/10-2015

Attachments: 1. Locality Plan
2. Site Plan

Authorising Officer: Tarnya Fitzgibbon - Manager Development and Building
Robert Holmes - General Manager Regional Services

Author: Corina Hibberd - Planning Officer

SUMMARY

Development Application Number: D/10-2015

Applicant: Tanya Buckley

Real Property Address: Lot 21 on RP888679, Parish of Murchison

Common Property Address: 85 Grigg Road, Limestone Creek

Area of Site: 28.38 hectares

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: Yeppoon Road Corridor Environmental Protection Area

Planning Scheme Overlays: Bushfire Hazard and Steep or Unstable Land

Existing Development: Dwelling House

Existing Approvals: New Dwelling, approved with conditions on 22 March 2004

Approval Sought: Development Permit for a Reconfiguring a Lot for (one into two lots)

Level of Assessment: Impact Assessable

Submissions: Nil

Referral Agency(s): State Assessment Referral Agency

Adopted Infrastructure Charges Area: Charge Area Three

Application Progress:

<i>Application Lodged:</i>	28 January 2015
<i>Amended Acknowledgment Notice issued:</i>	5 March 2015
<i>Request for Further Information sent:</i>	6 March 2015
<i>Request for Further Information responded to:</i>	13 July 2015
<i>Submission period commenced:</i>	21 July 2015
<i>Submission period end:</i>	11 August 2015
<i>Council request for additional time:</i>	Not Applicable
<i>Amended Government Agency response:</i>	15 July 2015
<i>Last receipt of information from applicant:</i>	20 August 2015
<i>Statutory due determination date:</i>	17 September 2015

OFFICER'S RECOMMENDATION**RECOMMENDATION A**

That in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into two lots), made by Tanya Buckley, on Lot 21 on RP888679, Parish of Murchison, located at 85 Grigg Road, Limestone Creek, Council resolves to Approve the application despite its conflict with the planning scheme and provide the following grounds to justify the decision despite the conflict:

- a) Proposed lot 2 is only 5,000 square metres below the minimum lot size for this zone, being ten (10) hectares. This non-compliance is not likely to negatively affect the amenity of the area;
- b) Any future development on the proposed lots will highly likely trigger a Material Change of Use application to deal with the overlays, which include steep land and bushfire hazard;
- c) The proposed use does not compromise the achievements of the Desired Environmental Outcomes in the *Rockhampton City Plan 2005*;
- d) Assessment of the development against the relevant area intent, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and
- e) The proposed development does not compromise the relevant State Planning Policy.

RECOMMENDATION B

That in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into two lots), made by Tanya Buckley, on Lot 21 on RP888679, Parish of Murchison, located at 85 Grigg Road, Limestone 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 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 issue of the Compliance Certificate for the Survey Plan, 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 issue of the Compliance Certificate for the Survey Plan, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
 - 1.6.1 Operational Works:
 - (i) Access Works;
- 1.7 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.

- 1.8 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Proposal Plan (v2a) of Lots 1 – 2	PPRL-001v2a	20 June 2015
Extract of Proposal Plan (v2a)	PPRL-001v2a extract	20 June 2015
Effluent Disposal Field Monitoring	Cardno - CRE19842B	10 July 2015

- 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 WORKS

- 3.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access works on the site.
- 3.2 All access works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, and the provisions of a Development Permit for Operational Works (access works).
- 3.3 A new access must be constructed for proposed Lot 1 and must comply with the requirements of the *Capricorn Municipal Development Guidelines*.
- 3.4 The existing access for proposed Lot 2 must be upgraded to comply with the requirements of the *Capricorn Municipal Development Guidelines*.
- 3.5 The proposed access track to the Building Location Envelope (BLE) must be sealed or gravel surface treated for the prevention of dust generation.
- 3.6 Rural addressing must be provided to each lot in accordance with Council's rural addressing procedures

4.0 PLUMBING AND DRAINAGE WORKS

- 4.1 Alteration, disconnection 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.
- 4.2 Internal Plumbing and Sanitary Drainage of existing buildings located within the proposed Lot 2 must be contained within the Lot it serves.
- 4.3 Submission of a Development Application for Operational Works.

5.0 SITE WORKS

- 5.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.

- 5.2 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.
- 5.3 Any vegetation cleared or removed must be:
- (i) mulched on-site and utilised on-site for landscaping purposes, in accordance with the landscaping plan approved by Council; or
 - (ii) removed for disposal at a location approved by Council;
- within sixty (60) days of clearing. Any vegetation removed must not be burnt.

6.0 ELECTRICITY

- 6.1 Electricity and telecommunications services must be provided to each lot in accordance with the standards and requirements of the relevant service provider.
- 6.2 Evidence must be provided of a Telecommunications Infrastructure Provisioning Confirmation and Certificate of Electricity Supply with the relevant service providers to provide each lot with telecommunication and live electricity connections, in accordance with the requirements of the relevant authorities, prior to the issue of the Compliance Certificate for the Survey Plan.

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 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.

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 Grigg Road.

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 *Work 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. Property Notes

Any future house on proposed Lot 2 will require a town planning application for a Material Change of Use for a Dwelling House in accordance with the *Rockhampton Region Planning Scheme 2015*. It is likely that it will have to be constructed in compliance with *Australian Standard AS3959 "Construction of buildings in bushfire-prone Areas"*.

NOTE 5. Provision for Sewer and Water services

For any future dwelling proposed on Lot 1 the construction of internal sanitary drainage works must be in accordance with regulated work under the *Plumbing and Drainage Act* and including the provision of on-site sewerage and disposal in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Plumbing and Drainage Policies.

For any future dwelling proposed on Lot 1 the construction of internal plumbing works must be in accordance with regulated work under the *Plumbing and Drainage Act*. Including the provision of adequate on-site water storage for domestic and fire fighting purposes and may include bore, dam, water storage tanks or a combination of each. The water storage must be easily accessible having regard to pedestrian and vehicular access.

NOTE 6. Infrastructure Charges Notice

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

NOTE 7. 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 application for a Development Permit for Operational Works (access works).

RECOMMENDATION C

That in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into two lots), made by Tanya Buckley, on Lot 21 on RP888679, Parish of Murchison, located at 85 Grigg Road, Limestone Creek, Council resolves to issue an Infrastructure Charges Notice for the amount of \$7,000.00.

BACKGROUND

PROPOSAL IN DETAIL

The proposal is for a subdivision of one lot into two lots. The original application proposed two lots, with an area of no less than 10 hectares. The site layout was amended in response to the information request and has resulted in a change to the lot size, which has triggered the application to change from code assessment to impact assessment. The proposed lot sizes are as follows:

- Proposed lot 1: 9.5 hectares
- Proposed lot 2: 18.88 hectares

Proposed lot 2 will retain the existing dwelling and associated buildings, while an appropriate building location envelope (759 square metres with on-site sewerage) is designed for proposed lot 1. Both lots will have access to Grigg Road, and are suitably located to deal with bushfire hazard.

SITE AND LOCALITY

The subject site is located within an environmental protection area which limits the subdivision of lots by means of a minimum lot size. The site is affected by overlays such as bushfire risk, steep land, water courses nearby, and remnant vegetation. The proposal is generally consistent with the area intent, and has addressed the bushfire risk which affects the site. The site has existing access to Grigg Road, and will require an upgrade to the access. A future house on proposed lot 1 will trigger a material change of use application and will require onsite water and sewerage facilities. The building location envelope for this lot is located on a moderately flat area of the site, while the existing accesses have a gradient less than fifteen per cent (15%). The site is affected by some remnant vegetation. The State Government has provided comments regarding the State-controlled road and remnant vegetation.

PLANNING ASSESSMENT

MATTERS FOR CONSIDERATION

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

Development Engineering Comments – 16 July 2015

Support, subject to conditions.

Public and Environmental Health Comments – 30 January 2015

Support, subject to conditions.

Strategic Planning Comments – 16 February 2015

Support, subject to conditions.

“Strategic Planning is in receipt of a development application referral for a One Into Two Lots located at 85 Grigg Road, Limestone Creek - Lot 21 on RP888679.

Lot 21 on RP888679 is located in the Yeppoon Road Corridor Environmental Protection Area under the Rockhampton City Plan. The proposal is for a one into two lot subdivision, subdividing a 10 hectare allotment from the existing 28.4 hectare allotment. Under the current Rockhampton City Plan allotments can be subdivided down to a minimum lot size of 10 hectares.

The proposed planning scheme will zone the allotment rural with a minimum lot size of 100 hectares. The strategic intent for this area is that further fragmentation of valuable rural land is undesirable. Large parts of the Yeppoon road corridor are not suitable for further intensification due to slope, vegetation, environmental significance, bushfire hazard and the lack of infrastructure and site access.

Bushfire hazard

In the proposed planning scheme nearly all of the 10 hectare proposed subdivision allotment is subject to very high bushfire hazard. The State Interactive Mapping System maps the proposed 10 hectare subdivision allotment as having a variety of medium, high and very high bushfire hazard. Though there are existing firebreaks and the proposed Building Location Envelope is located at the bottom of a slope and on the eastern side of the allotment, the site is still heavily vegetated and is considered a high bushfire risk. Therefore it is recommended

that a bushfire management plan prepared by a qualified professional must be completed in accordance with the Rockhampton City Plan Planning Policy 12 – Assessment of Bushfire Hazard Policy.

Environmental values

The front portion of the proposed 10 hectare subdivided allotment is mapped as Matters of State Environmental Significance (MSES). It is acknowledged that the proposed building location envelope is not located in an MSES area and that minimal clearing is required. Therefore development within (and access to) the building location envelope should not impact significantly on the allotments environmental values."

TOWN PLANNING COMMENTS

Central Queensland Regional Plan 2013

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

State Planning Policy 2014

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

Liveable communities

Not Applicable. The development complies with the requirements in the State Planning Policy.

Mining and extractive resources

Not Applicable. The development is not near or affected by mining or extractive resources.

Biodiversity

Not Applicable. The development does not relate to a matter of State Environmental Significance. The Department of Infrastructure, Local Government and Planning have conditioned the proposal in regard to protected vegetation.

Coastal environment

Not Applicable. The development does not relate to a coastal management area.

Water quality

Not Applicable. The application does not affect receiving waters or the water supply in South East Queensland.

Natural hazard, risk and resilience

Complies. The site is affected by bushfire hazard, and steep land. The application has addressed the relevant codes of the Planning Scheme and will be conditioned accordingly.

Emissions and hazardous activities

Not Applicable. The development is not affected by a hazardous activity as it is in a residential zone.

State transport infrastructure

Not Applicable. The development is not within 400 metres of a public passenger transport facility. The Department of Infrastructure, Local Government and Planning have conditioned the proposal in regard to the proximity to a State-controlled road, being Yeppoon Road.

Strategic airports and aviation facilities

Not Applicable. The future single storey development does not affect a strategic airport.

Rockhampton City Plan 2005

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

- (1) Rockhampton continues to consolidate its 'Capital of Central Queensland' role in the region.
Complies. The additional lot proposed will likely be improved by a dwelling house in the future. This land use will not affect the city's capacity as a capital city.
- (2) Valuable natural resources are conserved or, where required to support economic growth in Rockhampton, used sustainably.
Not Applicable. There are no applicable natural resources at this site that are required to support economic growth in the area.
- (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 building location envelope has been specifically designed and located to retain the natural environment and maximise biodiversity on the property.
- (4) New development in Rockhampton City is designed and managed to minimise adverse impacts on the environment, and biodiversity.
Complies. The building location envelope has been specifically designed and located to retain the natural environment and maximise biodiversity on the property. No new development is proposed as part of this application.
- (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 application does not include or affect any commercial or retail development.
- (6) Rockhampton's commercial centres are safe, attractive and readily accessible spaces for all members of the community.
Complies. The proposal does not affect the operation of any commercial centres in the region.
- (7) Rockhampton's industrial development is consolidated in identified industrial locations throughout the City.
Not applicable. The proposal does not include or affect any industrial development in the region.
- (8) Rockhampton's cultural and urban heritage, both indigenous and post European, is retained and conserved for future generations.
Not applicable. The proposal does not include or affect any cultural or urban heritage development in the region.
- (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 creation of one additional allotment of this size in the region creates an attractive place to live and allows for a large home site to be improved by a house in the future.

- (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.

Complies. The site is located within reasonable distance to health care facilities.

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

Complies. The proposal generally complies with the intent for this area. It is important to note that the lot size for proposed lot 2 is half a hectare less than the identified minimum lot size for this zone. This non-compliance has been addressed below.

- (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. Any future development will be serviced on site for sewer and water services. This application includes a report detailing that an on-site sewerage treatment system is an appropriate solution.

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

Complies. The site has existing access to a constructed road, being Grigg Road and Yeppoon Road.

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

Complies. The site is not in proximity to open spaces such as the Heritage Village.

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

Yeppoon Road Corridor Environmental Protection Area Intent

The subject site is situated within the Yeppoon Road Corridor Environmental Protection Area under the *Rockhampton City Plan 2005*. The intent of the Area identifies that: -

"It is intended that the Yeppoon Road Corridor Environmental Protection Area remain as broad hectare land for the life of this Planning Scheme, for the following reasons:

- Its ecological values;*
- Its topographical features, which have a physical and visual association with the adjoining Berserker Ranges;*
- Its scenic values;*
- Its value as a rural area on the fringe of the City; and*
- Its possible future use for urban purposes, beyond the life of this plan.*

Existing undeveloped allotments may be developed with one house, however, it is not intended that land be further subdivided to allotments less than ten (10) hectares in area to allow for the construction of additional houses."

The application is only 500 square metres below the minimum lot size. The design is site specific, so that a house pad is located on a flatter area of the site with easy access to Grigg Road for evacuation purposes. The scale of the development is not likely to negatively affect the amenity or environmental qualities of the area.

This application is consistent with the intent of the Area.

Rockhampton City Plan Codes

The following codes are applicable to this application: -

- Reconfiguring a Lot Code;
- Bushfire Risk Minimisation Code; and
- Biodiversity and Nature Conservation Code.

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

Reconfiguring a Lot Code	
Performance Criteria	Officer's Response
<p>P2 The subdivision is responsive to, and takes into proper consideration, the characteristics, features, constraints, and location of the site including:</p> <p>(a) Integration and/or buffering to surrounding land uses; and</p> <p>(b) Topography (including the protection of steep slopes and scenic views); and</p> <p>(c) Minimising risk associated with or caused by natural hazards such as bushfire, flooding and landslip; and</p> <p>(d) Protection of areas of ecological significance.</p>	<p>Justified.</p> <p>The planning scheme outlines that additional allotments in environmentally sensitive areas less than 10 hectares are inconsistent.</p> <p>This application was originally compliant and did not include any lots less than 10 hectares in area. The building location envelope was relocated in response to the information request (due to the need for an appropriate sewerage treatment area), resulting in a decrease to the lot area for proposed lot 1. This lot is now 9.5 hectares, which is only marginally less than the required minimum lot size. Proposed lot 2 remains larger than the minimum lot size, being 18.88 hectares. Due to the development being minor by nature and the large size of the site, it can be considered that the proposed lot size of lot 1, being 9.5 hectares is generally in accordance with the Scheme and can be supported. At this stage, environmental concerns have been addressed within the applicant's town planning report. Any future house will require a Material Change of Use for a Dwelling House, in accordance with the <i>Rockhampton Region Planning Scheme 2015</i>.</p>

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

Sufficient Grounds

The proposed development cannot be considered consistent with the *Rockhampton City Plan 2005*. Council should note, however, that pursuant to Section 326(1)(b) of the *Sustainable Planning Act 2009*, the assessment manager's decision may conflict with the planning scheme if there are sufficient grounds to justify the decision despite the conflict. Sufficient grounds to support the development are as follows:

- a) Proposed lot 2 is only 5,000 square metres below the minimum lot size for this zone, being ten (10) hectares. This non-compliance is not likely to negatively affect the amenity of the area;

- b) Any future development on the proposed lots will highly likely trigger a Material Change of Use application to deal with the overlays, which include steep land and bushfire hazard;
- c) The proposed use does not compromise the achievements of the Desired Environmental Outcomes in the *Rockhampton City Plan 2005*;
- d) Assessment of the development against the relevant area intent, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and
- e) The proposed development does not compromise the relevant State Planning Policy.

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

INFRASTRUCTURE CHARGES

Adopted Infrastructure Charges Resolution (No. 4) 2014 for Reconfiguring a Lot applies to the application and it falls within Charge Area 3. The Infrastructure Charges are as follows:

Column 1 Charge Area	Column 2 Infrastructure Charge (\$/lot)	Column 3 Unit	Calculated Charge
Charge Area 3	7,000	per lot	\$14,000.00
Total			\$14,000.00
Less credit			\$7,000.00
TOTAL CHARGE			\$7,000.00

This is based on the following calculations:

- (a) A charge of \$14,000.00 for two new lots in Charge Area 3; and
- (b) An Infrastructure Credit of \$7,000.00 applicable for the existing allotment

Therefore, a total charge of \$7,000.00 is payable and will be reflected in an Infrastructure Charges Notice for the development.

CONSULTATION

The proposal was the subject of public notification between 21 July 2015 and 11 August 2015, as per the requirements of the *Sustainable Planning Act 2009*, and no submissions were received.

REFERRALS

The application was referred to the Department of Infrastructure, Local Government and Planning on 5 May 2015, for the following trigger: "Reconfiguring a lot if the land is within 25 metres of a State-controlled Road". The original acknowledgement notice was amended as the department asserted that 'clearing vegetation' was an additional trigger. Following the issue of this, it was negotiated that the clearing trigger was not relevant, and a second amended acknowledgement notice was issued.

The department has provided comments of support for the application and stipulated conditions.

CONCLUSION

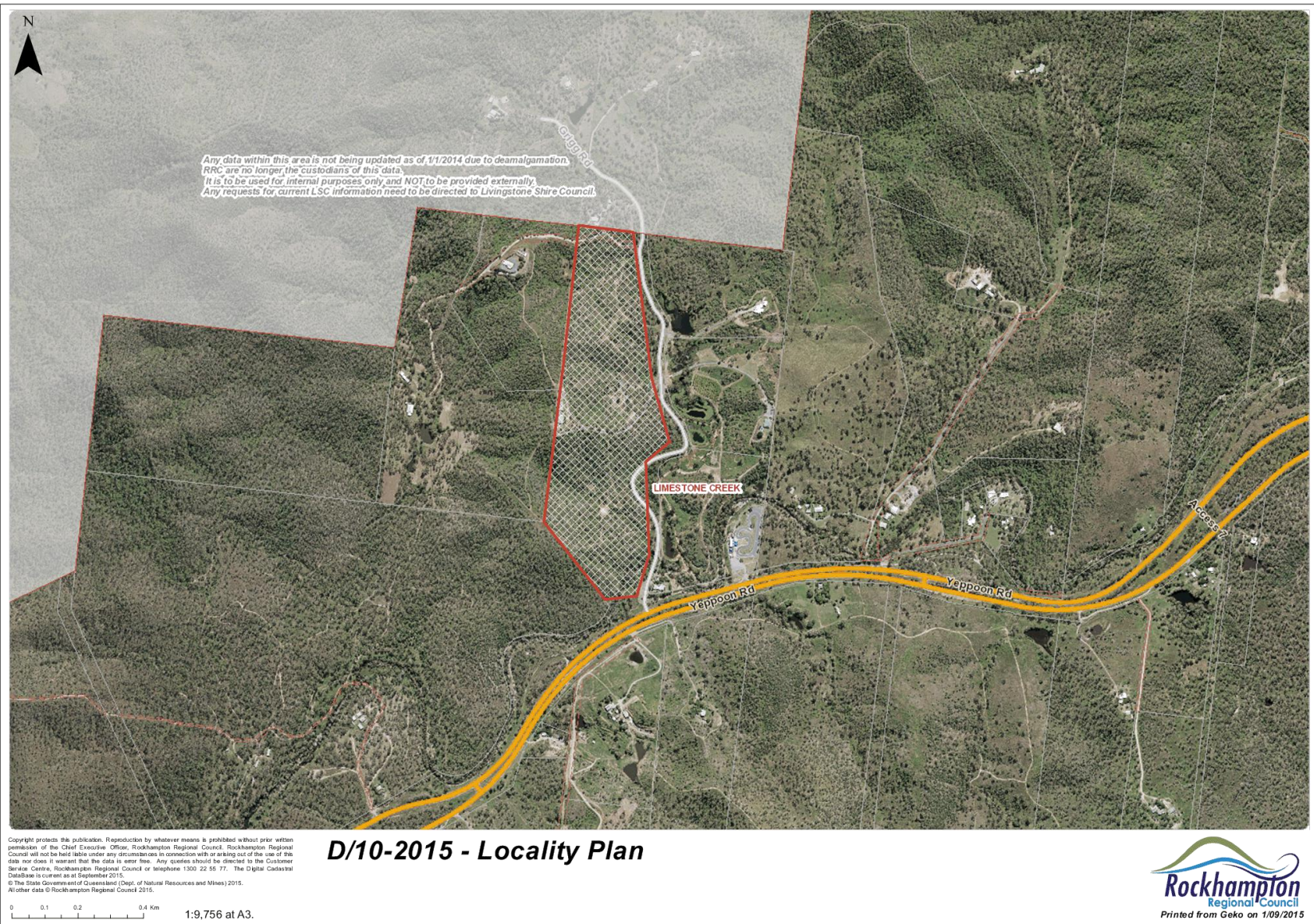
The proposed development is in keeping with the intent of the Yeppoon Road Corridor Environmental Protection Area under the *Rockhampton City Plan 2005*. In addition, the proposal is generally in accordance with the applicable codes, and therefore the application is recommended for approval subject to the conditions outlined in the recommendation.

**D/10-2015 - DEVELOPMENT
APPLICATION FOR A
RECONFIGURING A LOT (ONE LOT
INTO TWO LOTS)**

Locality Plan

Meeting Date: 8 September 2015

Attachment No: 1



D/10-2015 - Locality Plan

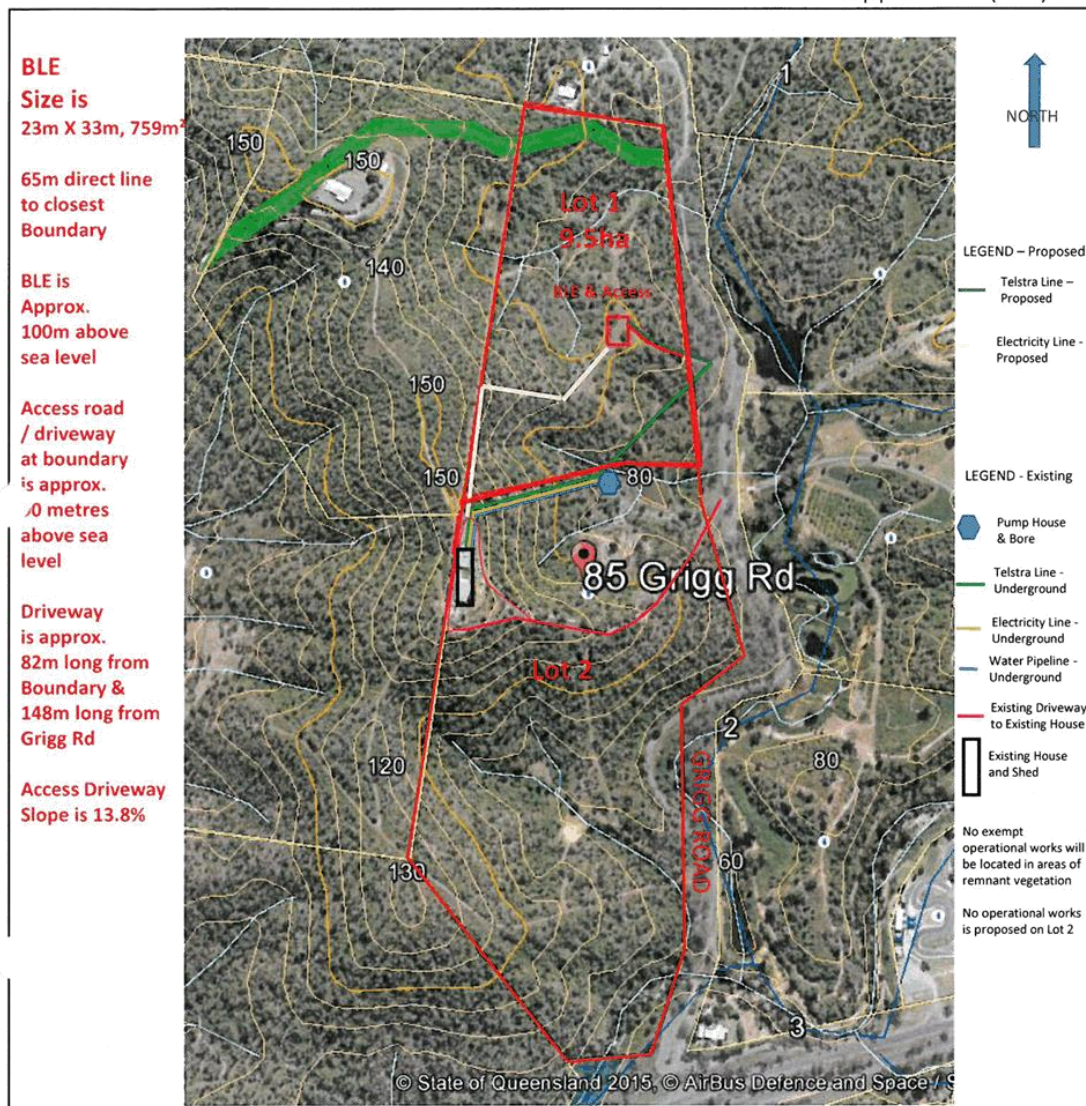
**D/10-2015 - DEVELOPMENT
APPLICATION FOR A
RECONFIGURING A LOT (ONE LOT
INTO TWO LOTS)**

Site Plan

Meeting Date: 8 September 2015

Attachment No: 2

Appendix II (v2a)



IMPORTANT NOTE This plan is prepared for the client only for the sole purpose of accompanying a Reconfiguration of a Lot, Subdivision application to the Rockhampton Regional Council and should not be used for any other purpose. This plan should not be used for any financial dealings involving the land. Lots, areas and dimensions are subject to approval. This note is an integral part of this plan.	PRINCIPAL Tanya Buckley	
	PROPOSAL PLAN (v2a) OF Lots 1 – 2 Cancelling Lot 21 on RP888679	
	PARISH: MURCHISON	DATE: 20/06/2015
	COUNTY: LIVINGSTONE	DWG No.
	LOCAL GOV: ROCKHAMPTON REGIONAL COUNCIL	PPRL – 001v2a

APPENDIX II (v2a)

8.4 D/16-2015 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A VEHICLE DEPOT

File No: D/16-2015

Attachments: 1. Locality Plan
2. Site Plan

Authorising Officer: Tarnya Fitzgibbon - Manager Development and Building
Robert Holmes - General Manager Regional Services

Author: Corina Hibberd - Planning Officer

SUMMARY

Development Application Number: D/16-2015

Applicant: Jeff Thompson Excavator Hire Pty Ltd

Real Property Address: Lot 202 on SP123566, Parish of Karkol

Common Property Address: 49 Six Mile Road, Pink Lily

Area of Site: 17.6 hectares

Planning Scheme: Fitzroy Shire Planning Scheme 2005

Planning Scheme Zoning: Alton Downs Zone - Precinct 2

Planning Scheme Overlays: Good Quality Agricultural Land, Bushfire Low Risk Hazard and Flood Prone Land

Existing Development: House and unlawful vehicle depot

Existing Approvals: Development Application No. 265 (AF-31-16.265) Material Change of Use for a House, approved 11 July 2006
D46-2015 Operational Works for Earthworks (previously unlawful), approved 21 May 2015

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

Level of Assessment: Impact Assessable

Submissions: Nil

Referral Agency(s): State Assessment and Referral Agency

Adopted Infrastructure Charges Area: Charge Area Three

Application Progress:

<i>Application Lodged:</i>	6 February 2015
<i>Acknowledgment Notice issued:</i>	25 February 2015
<i>Request for Further Information sent:</i>	25 February 2015
<i>Request to extend information request response period</i>	21 May 2015 (to 27 July 2015)
<i>Request for Further Information responded to:</i>	23 July 2015
<i>Submission period commenced:</i>	29 July 2015
<i>Submission period end:</i>	21 August 2015
<i>Council request for additional time:</i>	Not Applicable
<i>Government Agency request for additional</i>	Not Applicable

<i>time:</i>	
<i>Government Agency Response:</i>	<i>16 April 2015</i>
<i>Last receipt of information from applicant:</i>	<i>26 August 2015</i>
<i>Statutory due determination date:</i>	<i>23 September 2015</i>

OFFICER'S RECOMMENDATION**RECOMMENDATION A**

That in relation to the application for a Development Permit for a Material Change of Use for a Vehicle Depot, made by Capricorn Survey Group (CQ) Pty Ltd on behalf of Jeff Thompson Excavator Hire Pty Ltd, over Lot 202 on SP123566, located at 49 Six Mile Road, Pink Lily, Council resolves to Approve the application despite its conflict with the planning scheme and provide the following grounds to justify the decision:

- a) The use can be approved at a low scale to mitigate any amenity issues;
- b) There are similar scale vehicle depots in the area that have existing use rights and that do not compromise the key rural character of the area;
- c) The use has operated at this site for approximately eleven (11) years and no complaints have been received regarding the use;
- d) The proposed use does not compromise the achievements of the Desired Environmental Outcomes in the *Fitzroy Shire Planning Scheme 2005*;
- e) Assessment of the development against the relevant zone outcomes, planning scheme codes and local planning policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and
- f) The proposed development does not compromise the relevant State Planning Policy.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for a Vehicle Depot, made by Capricorn Survey Group (CQ) Pty Ltd on behalf of Jeff Thompson Excavator Hire Pty Ltd, over Lot 202 on SP123566, located at 49 Six Mile Road, Pink Lily, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval relating to the existing non-compliant vehicle depot must be undertaken and completed:
 - 1.4.1 to Council's satisfaction;
 - 1.4.2 at no cost to Council; and
 - 1.4.3 within six (6) months of the date of this Decision Notice, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to

the relevant authorities, at no cost to Council within six (6) months of the date of this Decision Notice, unless otherwise stated.

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

1.6.1 Operational Works:

(i) Access and Parking Works.

1.6.2 Plumbing and Drainage Works; and

1.6.3 Building Works.

- 1.7 All Development Permits for Operational Works, Plumbing and Drainage Works and Building Works must be obtained within six (6) months of the date of this Decision Notice.

- 1.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.

- 1.9 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Number</u>	<u>Dated</u>
Elevations	6158-04-MCU Rev A Sheet 2 of 2	29 January 2015
Site Plan	6158-04-MCU Rev A Sheet 1 of 2	29 January 2015

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

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

3.0 ACCESS AND PARKING WORKS

- 3.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access 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 The existing access to the development must be upgraded at Six Mile Road to comply with the requirements of the *Capricorn Municipal Development Guidelines*.

- 3.4 All vehicles must ingress and egress the development in a forward gear.

4.0 PLUMBING AND DRAINAGE WORKS

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

Drainage Policies, and *Australian Plumbing and Drainage Standard AS3500 section 3 and 4* and the provisions of a Development Permit for Plumbing and Drainage Works.

- 4.2 All internal plumbing and sanitary drainage works must be in accordance with regulated work under the *Plumbing and Drainage Act* and Council's Plumbing and Drainage Policies.
- 4.3 On-site sewage treatment and disposal must be in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Plumbing and Drainage Policies.
- 4.4 On-site water supply for domestic and fire fighting purposes must be provided and may include the provision of a bore, dams, water storage tanks or a combination of each.

5.0 STORMWATER WORKS

- 5.1 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines* and sound engineering practice.
- 5.2 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect adjoining land or infrastructure in comparison to the pre-development condition by way of blocking, altering or diverting existing stormwater runoff patterns or have the potential to cause damage to other infrastructure.
- 5.3 The proposed development must achieve no increase in peak stormwater runoff for a selected range of storm events up to and including the one in one hundred year storm event (100 year Average Recurrence Interval) for the post development condition.

6.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 6.1 All roof and allotment drainage must be in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.
- 6.2 All roof and allotment drainage must be discharged such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties or infrastructure.

7.0 SITE WORKS

- 7.1 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.
- 8.0 No further filling is approved on the site due to any reason beyond the area and the site levels indicated on the approved plans (refer to condition 2.1).
- 8.1 All earthworks must be undertaken in accordance with *Australian Standards, AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.

9.0 BUILDING WORKS

- 9.1 All external elements, such as air conditioners and associated equipment, must be adequately screened from public view to Council's satisfaction.
- 9.2 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"*.
- 9.3 All waste storage areas must be aesthetically screened from any frontage or adjoining property.
- 9.4 All pollutants such as oil, fuel etcetera must be stored a minimum of 500 millimetres

above the Riverine Flood from the Fitzroy River.

- 9.5 Electrical outlets and communication outlets are to be installed at such a height that they are a minimum of 500 millimetres above the Riverine Flood level from the Fitzroy River.

10.0 LANDSCAPING WORKS

- 10.1 A three (3) metre wide landscaping buffer must be established around the use area, particularly to screen the use which may be visible from any road frontage.
- 10.2 All landscaping must predominantly contain plant species that are locally native to the Central Queensland region due to their low water dependency.
- 10.3 The landscaped areas must be subject to an ongoing maintenance and replanting programme (if necessary).

11.0 ELECTRICITY AND TELECOMMUNICATIONS

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

12.0 ASSET MANAGEMENT

- 12.1 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.
- 12.2 Any damage to existing water supply or sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.

13.0 OPERATING PROCEDURES

- 13.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Six Mile Road, Martin Road and Ridgeland Road.
- 13.2 Noise emitted from the activity must not cause an environmental nuisance.
- 13.3 When requested by Council, nuisance monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise, light or dust. An analysis of the monitoring data and a report, including nuisance mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation.
- 13.4 No contaminants are permitted to be released to land or water, including soil, silt, oils, detergents, etcetera. Any wash-down areas used for the maintenance or cleaning of equipment (including vehicles) must be appropriately bunded and drained to the sewer network in accordance with a Trade Waste Permit.
- 13.5 All chemicals and/or environmentally hazardous liquids must be contained within a covered, bunded storage area that has a volume of at least that of the largest container in the bund plus twenty-five percent (25%) of the total storage capacity.
- 13.6 The hours of operations must be limited to 0630 hours to 1730 hours.
- 13.7 The scale of the use is limited to the current scale, being: Eight (8) x excavators (two (2) x twenty tonne (20t), one (1) x twelve tonne (12t), one (1) x thirteen tonne (13t), four (4) x five tonne (5t), one (1) x 1.7 tonne); Seven (7) x trucks (five (5) x 'tandem tippers', two (2) x 'single axle tippers'); one (1) x bobcat; one (1) x Manitou forklift; one (1) x bogie axle tag trailer; one (1) x tri axle tag trailer; one (1) x dog trailer; one (1) x dozer; and one (1) x grader.

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 *Work Health and Safety Act 2011* and *Public Health Act 2005*.

NOTE 3. General Environmental Duty

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

NOTE 4. General Safety Of Public During Construction

The *Work Health and Safety Act 2011* and *Manual of Uniform Traffic Control Devices* must be complied with in carrying out any construction works, and to ensure safe traffic control and safe public access in respect of works being constructed on a road. It is the responsibility of the property owner(s) to take all measures necessary to ensure that the proposed dwelling is developed and maintained in such a way as to mitigate odour and noise impacts from the surrounding lawful non-residential uses. These measures must be undertaken at the expense of the property owner(s).

NOTE 5. Infrastructure Charges Notice

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

RECOMMENDATION C

That in relation to the application for a Development Permit for a Material Change of Use for a Vehicle Depot, made by Capricorn Survey Group (CQ) Pty Ltd on behalf of Jeff Thompson Excavator Hire Pty Ltd, over Lot 202 on SP123566, located at 49 Six Mile Road, Pink Lily, Council resolves to issue an Infrastructure Charges Notice for the amount of \$1,575.00

BACKGROUND

This site is subject to a Council compliance investigation. The vehicle depot has been operating unlawfully from this site for a number of years. Initial advice provided to the applicant indicated that Council would not support this use, as it is inconsistent with the area intent. The use also included unlawful earthworks, which were assessed and approved under an operational works application earlier this year. An assessment of the proposal (below) has concluded that if the use is conditioned to be a low scale, then it is generally consistent with the area intent and is not likely to increase negative outcomes in the area.

PROPOSAL IN DETAIL

The proposal is for a vehicle depot. The proposed use will be limited to the following vehicles:

- Eight (8) x excavators
 - Two (2) x twenty tonne (20t)
 - One (1) x twelve tonne (12t)
 - One (1) x thirteen tonne (13t)
 - Four (4) x five tonne (5t)
 - One (1) x 1.7 tonne
- Seven (7) x trucks
 - Five (5) x 'tandem tippers'
 - Two (2) x 'single axle tippers'
- One (1) x bobcat
- One (1) x Manitou forklift
- One (1) x bogie axle tag trailer
- One (1) x tri axle tag trailer
- One (1) x dog trailer
- One (1) x dozer
- One (1) x grader

The large vehicles are generally stored in open air, and there is an existing shed related to the use. The shed is used for both the vehicle depot and private residential use. It has been identified that 126 square metres of the gross floor area of the shed is dedicated to the vehicle depot, while the impervious area is 4,530 square metres, including the driveway. The site also contains an existing house, which gains access from Six Mile Road.

SITE AND LOCALITY

The subject site is 17.6 hectares in area and is triangular in shape. The site includes wetlands, and is bound by a state-controlled road, being Ridglands Road to the south-west, and Six Mile Road and Martin Road to the east and north. The area is affected by Q100 flood hazard, however the house and house yard (including the vehicle depot use area), have been filled above the flood level. The area is generally characterised by large home sites, small farms and small scale vehicle depots.

PLANNING ASSESSMENT**MATTERS FOR CONSIDERATION**

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

Development Engineering Comments – 17 February 2015

Support, subject to conditions.

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

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

State Planning Policy 2014

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

Liveable communities

Not Applicable. The development complies with the requirements in the State Planning Policy.

Mining and extractive resources

Not Applicable. The development is not affected by mining or extractive resources.

Biodiversity

Complies. The site contains a wetland. The State Government did not trigger this development for assessment in regards to the wetland. The use will be conditioned to be restricted to the use area on the plans.

Coastal environment

Not Applicable. The development does not relate to a coastal management area.

Water quality

Not Applicable. The application does not affect receiving waters or the water supply in South East Queensland.

Natural hazard, risk and resilience

Complies. The proposal is in accordance with the applicable codes in the Fitzroy Shire Planning Scheme which addresses flood and bushfire hazards.

Emissions and hazardous activities

Not Applicable. The development is not affected by a hazardous activity.

State transport infrastructure

Not Applicable. The development is not within 400 metres of a public passenger transport facility. The Department of Transport and Main Roads have provided comments as the site abuts a state-controlled road, being Ridgeland Road.

Strategic airports and aviation facilities

Not Applicable. The development does not affect a strategic airport.

FITZROY SHIRE PLANNING SCHEME 2005**Fitzroy Shire Desired Environmental Outcomes****Social Elements**

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

Complies: The proposal is not for a residential use or located within a residential area and as such will not adversely impact residential communities.

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

Complies: Given the low intensity and scale of the development, the use is not considered to adversely impact upon the role of the main business communities of Gracemere.

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

Complies: As the development is located at Pink Lily, the use will provide an additional service role within the area for both local and regional needs.

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

Complies: Given the low intensity and scale of the proposal, the use will not adversely impact upon the Rural Residential areas of the Shire.

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

Complies: The development is located on private land and will not adversely impact the park and recreational opportunities for residents and visitors of the Shire.

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

Complies: The development is not located within or near any areas of significant cultural heritage values and hence will not adversely impact these values or their long term protection.

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

Complies: The development is located within a flood and low risk bushfire prone area. Mitigation measures are in place and have been conditioned.

Environmental Elements

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

Complies: The development will not be connected to Council owned water and sewer infrastructure and will utilise onsite facilities.

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

Complies: The development is confined to a limited area on site. The site does not drain to a local catchment which would affect the Great Barrier Reef.

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

Complies: The wetlands on the site are not within the use area and are not likely to be negatively impacted by the use. It will be conditioned that the use cannot expand further than its current extent.

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

Complies: As above.

- e) *The biodiversity and scenic values of native vegetation, which accommodates sensitive fauna and flora habitats, are protected.*

Complies: As above

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

Complies: The development is not located within close proximity to any areas of significant cultural heritage values.

- g) *Public health and the environment are protected from environmental harm from waste and contaminated land. Efficient resource use and waste minimisation and management are promoted whilst allowing for ecologically sustainable development.*

Complies: The subject site does not contain contaminated land and all waste will be managed on site to ensure the development has no adverse impacts.

- h) *Air quality is maintained or enhanced whilst allowing for ecologically sustainable development.*

Complies: The development will not significantly impact upon air quality.

- i) *The quality of the acoustic environment is maintained or enhanced whilst allowing for ecologically sustainable development.*

Complies: The development will not impact upon the acoustic environment.

- j) *The spread or increase of weeds and pest animals is prevented.*

Complies: The development does not increase the potential risk for the spread of weeds and pest animals.

Economic Elements

- a) *Industrial development opportunities are available, including new industrial lands in the Gracemere – Stanwell Zone, and are planned so as to balance economic values against the values of the natural environment, transport network and residential amenity.*

Complies: The development is not located within the Gracemere – Stanwell Zone. Further, the development will not adversely impact the natural environment or residential amenity and all transport network impacts have been assessed by the Department of Transport and Main Roads who have provided conditions where relevant.

- b) *The rural areas of the Shire accommodate a diverse range of agricultural and rural activities which are viable and operate sustainably.*

Complies: The proposal is not for an agricultural or rural activity.

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

Not Applicable: The development is not located near and will not have an adverse impact upon Port Alma.

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

Complies: The subject site contains Good Quality Agricultural Land. Due to the wetlands onsite, there is not enough land to viably run a fully functioning farm.

- e) *The efficiency of infrastructure, including telecommunication, electricity transmission and distribution networks, and transport networks, is maintained and future extensions are well.*

Complies: The development will not create adverse impacts on the efficiency of infrastructure.

- f) *Water, sewer and stormwater infrastructure is planned and provided in a cost effective and timely manner to meet the needs of the Shire.*

Complies: The development will utilise on site water and sewerage infrastructure to a rural standard.

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

Complies: The development will not create adverse impacts on waste disposal infrastructure.

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

Alton Downs Zone (Precinct 2)

The purpose of the Alton Downs Zone Code is to achieve the following overall outcomes;

- (i) *Future development and subdivision of land in the Zone does not further fragment land into unsustainable lot sizes, and therefore;*
 - a. *Does not further compromise the natural values of the land; and*
 - b. *Does not place greater pressure for the provision of urban services;*
- (ii) *The land in the Zone has a semi-rural character and amenity, where;*
 - a. *The fragmentation of property ownership is reduced by restricted subdivision and development rights;*
 - b. *No impediment exists to the consolidation of existing lots by road closures and the amalgamation of lots; and*
 - c. *Dwelling units have adequate access and essential services, including secure and quality water supply for domestic, non-domestic and emergency purposes;*
- (iii) *Development incorporates waste disposal methods which do not adversely impact on ground and surface water quality;*
- (iv) *Native vegetation is retained and protected from further clearance and fragmentation;*
- (v) *Commercial and industrial uses are generally inconsistent with the residential nature of land within the Zone, except for land in the immediate vicinity of the Alton Downs community hall.*
- (vi) *Land capabilities and constraints are recognised by the delineation of different Precincts; the overall outcomes for each being specified below;*

Alton Downs – Precinct 2

The overall outcomes are;

- (i) *The Precinct has a rural character created by large rural parcels, low population densities and basic services; and*
- (ii) *Only development and subdivision of land which is associated with uses in the Rural Use Class occurs in the Precinct.*

The application is inconsistent with some of the overall outcomes of the Zone. The assessment of this application concludes that the proposed development, subject to conditions, is not likely to conflict with the area intent. The proposal can be considered to be generally in accordance with the overall outcomes for the area and existing uses in the area. It is located on a site which is suited to the proposed development and which is generally accessible to services. Sufficient grounds have been provided and a full assessment against the codes is below.

Fitzroy Shire Planning Scheme Codes

The following codes are applicable to this application:

- Alton Downs Zone Code;
- Natural Disasters Overlay Code; and
- Development Standards Code

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

Alton Downs Zone Code		
Specific Outcomes		Officer's Response
S2	Land uses and works have no significant impact on the amenity of adjoining premises or surrounding area; (i)By their design, orientation or construction materials; (ii)Due to the operation of machinery or electrical equipment; or (iii)Due to the emission of light, noise, vibration, odour, fumes, smoke, vapour, steam, soot, ash, grit, oil, dust, waste water, waste products, or electrical interference.	Justified. The use will be conditioned at a low scale so that the amenity of the area will not be negatively affected by the continued use of the property for a vehicle depot.

Natural Disasters Overlay Code		
Specific Outcomes		Officer's Response
S1	Development must be protected from adverse flooding and must not interfere with the passage, storage or quality of storm water, overland flow or the natural flow of a waterway.	Justified. The site is affected by flooding, however part of the site was unlawfully filled and built up above the flood level. This fill was assessed and approved under application D46-2015 this year.

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

Sufficient Grounds

The proposed development cannot be considered consistent with the *Fitzroy Shire Planning Scheme 2005*. Council should note, however, that pursuant to Section 326(1)(b) of the *Sustainable Planning Act 2009*, the assessment manager's decision may conflict with the planning scheme if there are sufficient grounds to justify the decision despite the conflict. Sufficient grounds to support the development are as follows:

- a) The use can be approved at a low scale to mitigate any amenity issues;
- b) There are similar scale vehicle depots in the area that have existing use rights and that do not compromise the key rural character of the area;
- c) The use has operated at this site for approximately eleven (11) years and no complaints have been received regarding the use;

- d) The proposed use does not compromise the achievements of the Desired Environmental Outcomes in the *Fitzroy Shire Planning Scheme 2005*;
- e) Assessment of the development against the relevant zone outcomes, planning scheme codes and local planning policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and
- f) The proposed development does not compromise the relevant State Planning Policy.

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

INFRASTRUCTURE CHARGES

Adopted Infrastructure Charges Resolution (No. 4) 2014 for non-residential development applies to the application and it falls within Charge Area 3. The Infrastructure Charges are as follows:

Column 1 Use Schedule		Column 2 Charge Area	Column 3 Adopted Infrastructure Charge		Column 4 Adopted Infrastructure Charge for stormwater network		Calculated Charge
			(\$)	Unit	(\$)	Unit	
Industry	All other uses as per AICN 4/14 Table 2.2.1	Area 3	12.50	per m ² of GFA			\$1,575.00
					0	per m ² of impervious area	0.00
	Total						\$1,575.00
	Less credit						nil
	TOTAL CHARGE						\$1,575.00

This is based on the following calculations:

- (a) A charge of \$1,575.00 for Gross Floor Area being 126 square metres (half of the large shed);
- (b) Nil charge for the Impervious Area; and
- (c) Nil Infrastructure Credit.

Therefore, a total charge of **\$1,575.00** is payable and will be reflected in an Infrastructure Charges Notice for the development.

CONSULTATION

The proposal was the subject of public notification between 29 July 2015 and 21 August 2015, as per the requirements of the *Sustainable Planning Act 2009*, and no submissions were received.

REFERRALS

The application was referred to the Department of State Development, Infrastructure and Planning as the property adjoins a state-controlled road, being Ridgeland Road. The department provided comments and conditions on 16 April 2015.

CONCLUSION

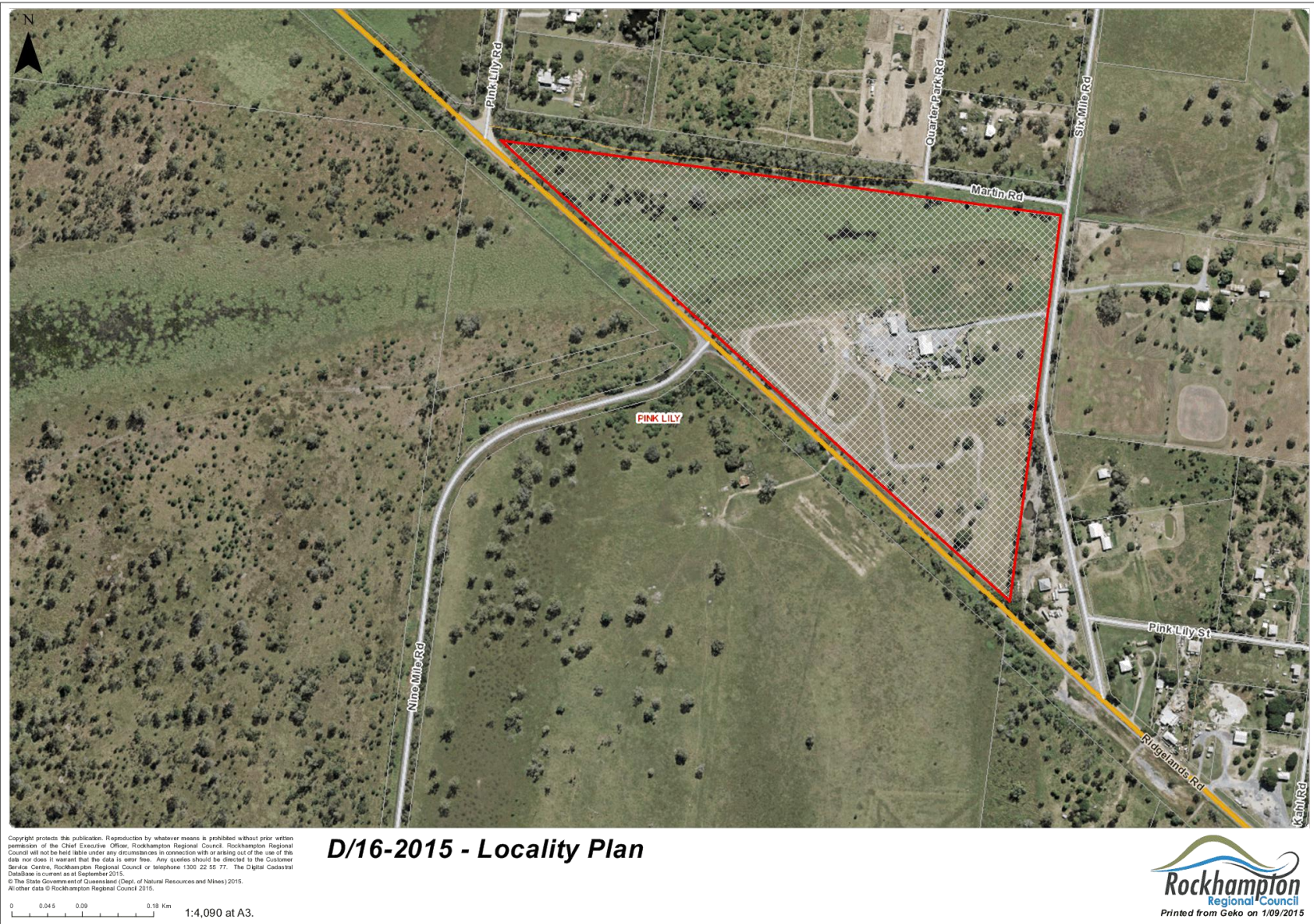
It is recognised that the proposal is not a consistent use within the Alton Downs Zone and thus conflicts with the *Fitzroy Shire Planning Scheme 2005*. However, the assessment of this application concludes that the proposed development, subject to conditions, is not likely to conflict with the Planning Scheme's Desired Environmental Outcomes. As demonstrated in the above report, the proposal is in accordance with the overall outcomes and probable solutions of the applicable codes. It is located on a site which is suited to the proposed development and which is generally accessible to services and sufficient grounds have been provided. The proposal is, therefore, recommended for approval in accordance with the approved plans and subject to the conditions outlined in the recommendation.

**D/16-2015 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A VEHICLE
DEPOT**

Locality Plan

Meeting Date: 8 September 2015

Attachment No: 1

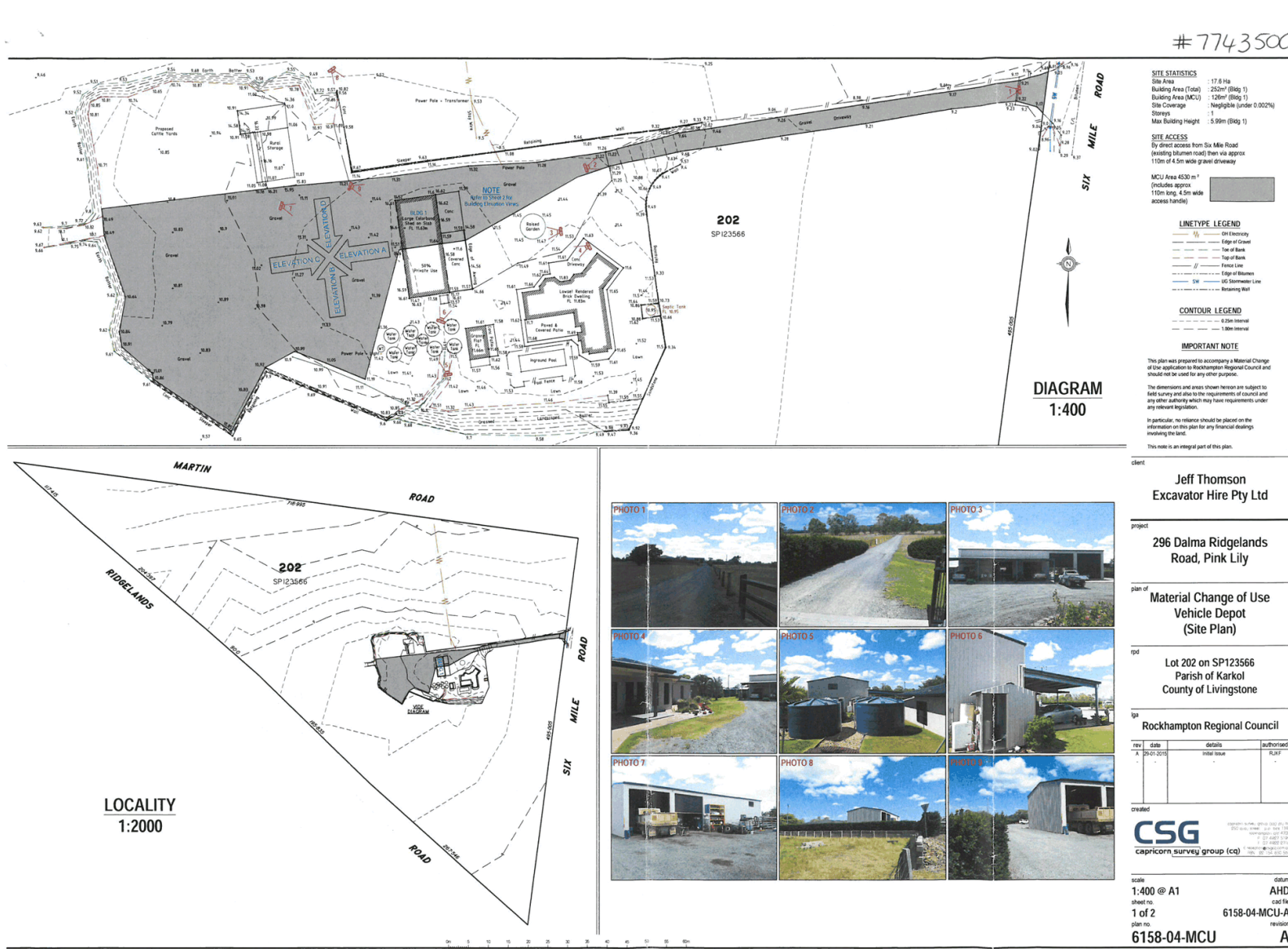


**D/16-2015 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A VEHICLE
DEPOT**

Site Plan

Meeting Date: 8 September 2015

Attachment No: 2



9 STRATEGIC REPORTS

Nil

10 NOTICES OF MOTION

Nil

11 URGENT BUSINESS/QUESTIONS

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

12 CLOSED SESSION

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

RECOMMENDATION

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

13.1 D/69-2014 - Planning and Environment Court Appeal

This report is considered confidential in accordance with section 275(1)(f), of the *Local Government Regulation 2012*, as it contains information relating to starting or defending legal proceedings involving the local government.

13 CONFIDENTIAL REPORTS

13.1 D/69-2014 - PLANNING AND ENVIRONMENT COURT APPEAL

File No: D/69-2014

Attachments: 1. Locality Plan

Authorising Officer: Robert Holmes - General Manager Regional Services

Author: Tarnya Fitzgibbon - Manager Development and Building

This report is considered confidential in accordance with section 275(1)(f), of the *Local Government Regulation 2012*, as it contains information relating to starting or defending legal proceedings involving the local government.

SUMMARY

A summary of the appeal and possible resolution will be provided.

14 CLOSURE OF MEETING