



PLANNING & DEVELOPMENT COMMITTEE MEETING

AGENDA

27 JANUARY 2016

Your attendance is required at a meeting of the Planning & Development Committee to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 27 January 2016 commencing at 1.30pm for transaction of the enclosed business.

A handwritten signature in black ink, appearing to be "C. R.", written over a horizontal line.

CHIEF EXECUTIVE OFFICER
19 January 2016

Next Meeting Date: 09.02.16

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 24 November 2015

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 BUSINESS OUTSTANDING

Nil

7 PUBLIC FORUMS/DEPUTATIONS

7.1 D/82-2014 - DEPUTATION - INFRASTRUCTURE CHARGES FOR DEVELOPMENT PERMIT D/82-2014 FOR A MATERIAL CHANGE OF USE FOR A MULTI UNIT DWELLING (RETIREMENT VILLAGE - 53 UNITS)

File No: D/82-2014
Attachments: Nil
Authorising Officer: Tarnya Fitzgibbon - Manager Development and Building
Robert Holmes - General Manager Regional Services
Author: Hayley Tiegs - Compliance Assessment Administrator

SUMMARY

Mr Leonardo Tori, Development Manager of Oak Tree Group has requested an opportunity to discuss the method of calculating infrastructure charges for retirement villages.

OFFICER'S RECOMMENDATION

THAT the deputation by Mr Leonardo Tori be received.

COMMENTARY

Council, under delegated authority, approved an application for a Material Change of Use for a Multi Unit Dwelling (Retirement Village – 53 Units) at 40 Foulkes Street, Norman Gardens on 20 January 2015.

The applicant is requesting that Council use an alternate method to calculate the associated infrastructure charges which will result in a reduced charge.

A comprehensive report on the application and its infrastructure charges is included separately in this Agenda.

7.2 D/25-2015 - DEPUTATION - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A VEHICLE DEPOT

File No: D/25-2015
Attachments: Nil
Authorising Officer: Tarnya Fitzgibbon - Manager Development and Building
Robert Holmes - General Manager Regional Services
Author: Hayley Tiegs - Compliance Assessment Administrator

SUMMARY

Mr Keith Turner of Designtek (Consultant) and Mr Ricky Pamerter of Precision Road Maintenance (Land Owner) have requested an opportunity to discuss the development application for a Material Change of Use for a Vehicle Depot at 179 Somerset Road, Gracemere.

OFFICER'S RECOMMENDATION

THAT the deputation by Mr Keith Turner of Designtek and Mr Ricky Pamerter of Precision Road Maintenance be received.

BACKGROUND

A development application for a Material Change of Use for a Vehicle Depot at 179 Somerset Road, Gracemere has progressed through the Integrated Development Assessment System and is now in the Decision Stage.

The application is recommended for approval and a comprehensive report on the application is included separately in this Agenda.

8 OFFICERS' REPORTS

8.1 D/82-2014 - INFRASTRUCTURE CHARGES FOR DEVELOPMENT PERMIT D/82-2014 FOR A MATERIAL CHANGE OF USE FOR A MULTI UNIT DWELLING (RETIREMENT VILLAGE - 53 UNITS)

File No: D/82-2014

Attachments: 1. Locality Plan
2. Site Plan

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

Author: Hayley Tiegs - Compliance Assessment Administrator

SUMMARY

Development Application Number: D/82-2014

Applicant: Oak Tree Group Pty Ltd c/- Urbis Pty Ltd

Real Property Address: 40 Foulkes Street, Norman Gardens

Common Property Address: Lot 173 on SP267916 (previously known as Lot 302 on SP261803), Parish of Murchison

Area of Site: 2.697 hectares

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: Norman Road Residential Area

Existing Development: Nil

Existing Approvals: Nil

Adopted Infrastructure Charges Area: Charge Area 1

OFFICER'S RECOMMENDATION

RECOMMENDATION A

That in relation to the request to vary the Infrastructure Charges for Development Permit D/82-2014 for a Material Change of Use for a Multi Unit Dwelling (Retirement Village - 53 Units), made by Oak Tree Group Pty Ltd on Lot 173 on SP267916, Parish of Murchison, located at 40 Foulkes Street, Norman Gardens, Council resolves that:

1. The Infrastructure Charges Notice remains unchanged.

BACKGROUND

An Infrastructure Charges Notice was issued with the Decision Notice in accordance with the Adopted Infrastructure Charges Resolution (No. 4) 2014 for \$900,000.00. This was based on a Multi Unit Dwelling being categorised as a 'residential development'.

The charge is based on a 'per unit' rate which is dependent on how many bedrooms each unit has. The development includes a mixture of two (2) and three (3) bedroom units. (Calculation shown in table below.)

Use Schedule	Charge Area	Adopted Infrastructure Charge for residential development		Unit	Calculated Charge
		1 or 2 bedroom dwelling	3 or more bedroom dwelling		
Residential	Area 1	15,000 (32)		per dwelling	\$480,000.00
	Area 1		21,000 (21)	per dwelling	\$441,000.00
Total					\$921,000.00
Less credit					\$21,000.00
TOTAL CHARGE					\$900,000.00

A request to amend the development permit was received in July 2015. Along with some layout changes, it was requested that the infrastructure charges be recalculated with a change to the category from 'Residential' to 'Accommodation (Long Term)'. This was considered a reasonable request as the current planning scheme definition would be categorised this way and all future applications will be applied in this way. An Infrastructure Charges Notice was re-issued for \$846,000.00.

As above, the charge was based on a 'per unit' rate dependent on the number of bedrooms. (calculation shown below)

Use Schedule	Adopted Infrastructure Charge for residential development			Unit	Calculated Charge
	1 bedroom dwelling	2 bedrooms dwelling	3 or more bedroom dwelling		
Accommodation (long term)		15,000 (35)		per dwelling	\$525,000.00
Retirement Facility			19,000 (18)	per dwelling	\$342,000.00
Total					\$867,000.00
Less credit					\$21,000.00
TOTAL CHARGE					\$846,000.00

Applicant's Request

The development involves thirty-five (35) two (2) bedroom units and eighteen (18) three (3) bedroom units. The applicant requests that all units be charged at the one (1) bedroom dwelling rate. The reasoning for this is because unit purchasers are bound by a lease agreement which limits the unit occupancy to a maximum of two people therefore while there may be a three (3) bedroom unit, it can only be occupied by two (2) people. The applicant

suggests that this therefore creates no additional demand on infrastructure compared to a one (1) bedroom unit.

Officer Comments

Based on the applicant's request, the new charges would be \$668,000.00 being a reduction in charges of \$178,000.00. (Calculation shown below.)

Use Schedule	Adopted Infrastructure Charge for residential development			Unit	Calculated Charge
	1 bedroom dwelling	2 bedrooms dwelling	3 or more bedroom dwelling		
Accommodation (long term) Retirement Facility	13,000 (53)			per dwelling	
Total					\$689,000.00
Less credit					\$21,000.00
TOTAL CHARGE					\$668,000.00

Council has two options available to it in response to this request:

Option One

Council refuses the request and the current infrastructure charge of \$846,000.00 remains.

This is the recommended option for the following reasons:

- This is in line with Council's Adopted Infrastructure Charges Resolution;
- Varying the calculation method for one (1) development may create a trend. Should Council agree with this approach for Retirement Villages, it would be best to reflect this in the Infrastructure Charges Resolution;
- The terms of the lease have potential to change;
- There is no way for Council to regulate how the leases are managed or how many people do live in the units.

Option Two

Council invites the applicant to enter into an infrastructure agreement which can allow an arrangement whereby the infrastructure charges are calculated based on one (1) bedroom units as per the applicant's request.

This option is not recommended for the same reasons above.

CONCLUSION

Council adopted the Adopted Infrastructure Charges Resolution in July 2012 with the most recently updated version (No. 5) adopted in September 2015. Council's charges are considered to be a 'true cost' of development infrastructure and differences in charges are likely to cause financial burden to Council. Council must make a decision with regards to supporting development in the region whilst securing the necessary developer contributions towards infrastructure provision. The infrastructure charge for the development was calculated in a consistent way in accordance with the Adopted Infrastructure Charges Resolution. It is therefore recommended that the Infrastructure Charges Notice remain unchanged.

**D/82-2014 - INFRASTRUCTURE
CHARGES FOR DEVELOPMENT
PERMIT D/82-2014 FOR A MATERIAL
CHANGE OF USE FOR A MULTI UNIT
DWELLING (RETIREMENT VILLAGE -
53 UNITS)**

Locality Plan

Meeting Date: 27 January 2016

Attachment No: 1



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**D/82-2014 - INFRASTRUCTURE
CHARGES FOR DEVELOPMENT
PERMIT D/82-2014 FOR A MATERIAL
CHANGE OF USE FOR A MULTI UNIT
DWELLING (RETIREMENT VILLAGE -
53 UNITS)**

Site Plan

Meeting Date: 27 January 2016

Attachment No: 2



8.2 D/25-2015 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A VEHICLE DEPOT

File No: D/25-2015

Attachments:

1. Locality Plan
2. Site Plan
3. Map of Submitters
4. Zone Map

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

Author: Hayley Tiegs - Compliance Assessment Administrator

SUMMARY

Development Application Number: D/25-2015

Applicant: RS Pamerter

Real Property Address: Lot 1 on RP616167, Parish of Gracemere

Common Property Address: 179 Somerset Road, Gracemere

Area of Site: 5,407 square metres

Planning Scheme: Fitzroy Shire Planning Scheme 2005

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

Planning Scheme Overlays: Nil

Existing Development: House and Vehicle Depot (compliance matter)

Existing Approvals: House and various additions

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

Level of Assessment: Impact Assessable

Submissions: Eight (8)

Referral Agency(s): Nil

Adopted Infrastructure Charges Area: Charge Area 1

Application Progress:

<i>Application Lodged:</i>	27 February 2015
<i>Acknowledgment Notice issued:</i>	10 March 2015
<i>Request for Further Information sent:</i>	18 March 2015
<i>Information Response period extended:</i>	5 June 2015
<i>Information Response period extended:</i>	16 September 2015
<i>Request for Further Information responded to:</i>	23 October 2015
<i>Submission period commenced:</i>	16 October 2015
<i>Submission period end:</i>	11 November 2015
<i>Council request for additional time:</i>	8 December 2015
<i>Council request for additional time:</i>	14 January 2016
<i>Statutory due determination date:</i>	17 February 2016

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 RS Pamerter, on Lot 1 on RP616167, Parish of Gracemere, located at 179 Somerset Road, Gracemere, Council resolves under section 304(1) of the *Sustainable Planning Act 2009*:

- a) that it is satisfied that the non-compliance with the public notification procedures have not:
 - (i) adversely affected the awareness of the public of the existence and nature of the application; or
 - (ii) restricted the opportunity of the public to make properly made submissions; and
- b) to assess and decide the application despite some of the requirements for public notification not being complied with.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for a Vehicle Depot, made by RS Pamerter, on Lot 1 on RP616167, Parish of Gracemere, located at 179 Somerset Road, Gracemere, Council resolves to Approve the application despite its conflict with the planning scheme and provide the following grounds to justify the decision despite the conflict:

- a) The site is located on a freight transport corridor, opposite a rail line and opposite a large vacant lot zoned for industrial purposes and is therefore not suitable for a sensitive land use such as a house;
- b) The use is proposed to be low scale, and would be of a similar (or lower) scale and intensity as a consistent industrial use that can occur on the large lot on the opposite corner of Stewart Street and Somerset Road (which is zoned as Low Impact Industry Precinct). The number of vehicles stored on site and hours of operation are limited to maintain a lower level of impacts.
- c) The use does not adversely affect the amenity of the natural environment or of residential uses in the vicinity. The use will be further buffered through conditioned landscaping and fencing.
- d) Assessment of the development against the relevant planning scheme codes, demonstrates that the proposed development will not cause significant adverse impact on the surrounding natural environment, built environment and infrastructure or local character and amenity.
- e) The proposed development does not compromise relevant State Planning Policies.
- f) Assessment of the development demonstrates that the Planning Scheme's Desired Environmental Outcomes will not be compromised.
- g) Concerns raised by submitters are considered and conditions have been included to address and mitigate these concerns.

RECOMMENDATION C

That in relation to the application for a Development Permit for a Material Change of Use for a Vehicle Depot, made by R S Pamerter, on Lot 1 on RP616167, Parish of Gracemere, located at 179 Somerset Road, Gracemere, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

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

- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this approval must be undertaken and completed within six (6) months of this approval taking effect, unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
 - 1.5.1 Operational Works:
 - (i) Road Works;
 - (ii) Access and Parking Works;
 - (iii) Stormwater Works;
 - (iv) Roof and Allotment Drainage;
 - (v) Landscaping Works.
 - 1.5.2 Plumbing and Drainage Works; and
 - 1.5.3 Building Works.
- 1.6 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.7 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 1.8 All conditions, works, or requirements of this development approval relating to the existing non-compliant Vehicle Depot must be undertaken and completed by obtaining the Development Permits:
 - 1.8.1 to Council's satisfaction;
 - 1.8.2 at no cost to Council; and
 - 1.8.3 by lodging the applications within six (6) months of the date of this development approval, and completion of the works within six (6) months from the date of the approval of those works, unless otherwise stated.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Proposed Site Area Plan	WD-01 Revision A	7 September 2016
Office Plan	SK-02 Revision 1	21 November 2014
Elevations	SK-03 Revision 1	21 November 2014

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

- 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 ROAD WORKS

- 3.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works for the development site.
- 3.2 All road works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines* and relevant *Australian Standards* and the provisions of a Development Permit for Operational Works (road works).
- 3.3 Stewart Street must be upgraded to an Industrial Access standard for the full frontage of Lot 1 on RP616167, with half road construction along the development side. Kerb and channel and drainage infrastructure must be included.
- 3.4 Traffic signs and pavement markings must be provided in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*. Where necessary, existing traffic signs and pavement markings must be modified in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*.

4.0 ACCESS AND PARKING WORKS

- 4.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the development site.
- 4.2 All access and parking works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines* and *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 4.3 All parking spaces, access driveway(s), and vehicular manoeuvring areas associated with this proposed development must be concrete paved or asphalted.
- 4.4 The existing access to the development must be upgraded to comply with the requirements of the *Capricorn Municipal Development Guidelines*.
- 4.5 All vehicles must ingress and egress the development in a forward gear.

5.0 PLUMBING AND DRAINAGE WORKS

- 5.1 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, *Plumbing and Drainage Act*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 5.2 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.
- 5.3 The development must be connected to Council's reticulated water network via special water supply arrangements.
- 5.4 On-site sewerage treatment and disposal must be provided in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Plumbing and Drainage Policies.
- 5.5 No structures must be located within the on-site sewerage treatment and disposal area or conflict with the separation distances, in accordance with the *Queensland Plumbing and Wastewater Code*.

- 5.6 Adequate domestic and fire fighting protection must be provided to the development, and must be certified by a hydraulic engineer or other suitably qualified person.
- 6.0 STORMWATER WORKS
- 6.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the development site.
- 6.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines* and sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 6.3 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development condition, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.
- 6.4 Any application for a Development Permit for Operational Works (stormwater works) must include an assessment of how the development meets the stormwater management design objectives in *State Planning Policy 2014*.
- 6.5 The development must not increase peak stormwater runoff for a selected range of storm events up to and including a one per cent (1%) Annual Exceedance Probability defined flood event, for the post development condition.
- 6.6 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by a Stormwater Drainage Report, prepared and certified by a Registered Professional Engineer of Queensland that as a minimum includes:
- 6.6.1 identification of drainage catchment and drainage sub-catchment areas for the pre-development and post-development scenarios including a suitably scaled stormwater master plan showing the aforementioned catchment details and lawful point(s) of discharge that comply with the requirements of the *Queensland Urban Drainage Manual*;
 - 6.6.2 an assessment of the peak discharges for all rainfall events up to and including a one percent (1%) Annual Exceedance Probability defined flood event, for the pre-development and post-development scenarios;
 - 6.6.3 details of any proposed on-site detention/retention systems and associated outlet systems required to mitigate the impacts of the proposed development on downstream lands and existing upstream and downstream drainage systems;
 - 6.6.4 identification and conceptual design of all new drainage systems, and modifications to existing drainage systems required to appropriately and adequately manage stormwater collection and discharge from the proposed development;
 - 6.6.5 demonstration of how major design storm flows are conveyed through the subject development to a lawful point of discharge in accordance with the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*;
 - 6.6.6 identification of the area of land inundated as a consequence of the minor and major design storm events in the catchment for both the pre-development and post-development scenarios;
 - 6.6.7 identification of all areas of the proposed development, and all other land (which may include land not under the control of the Developer) that need to be dedicated to, or encumbered in favour of Council or other statutory authority, in order to provide a lawful point of discharge for the proposed
-

development. The areas identified must satisfy the requirements of the *Queensland Urban Drainage Manual*. All land proposed as major overland flow paths must include appropriate freeboard, access and maintenance provisions consistent with the *Queensland Urban Drainage Manual*; and

6.6.8 details of all calculations, assumptions and data files (where applicable).

7.0 ROOF AND ALLOTMENT DRAINAGE WORKS

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

7.2 All roof and allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (roof and allotment drainage works).

7.3 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance to surrounding land or infrastructure.

8.0 BUILDING WORKS

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

8.2 All external elements, such as air conditioners, pool and spa pumps and associated equipment, must be adequately screened from public view, to Council's satisfaction.

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

8.4 Impervious paved waste storage area/s must be provided in accordance with the approved plans (refer to condition 2.1) and the *Environmental Protection Regulation 2008* and must be:

8.4.1 designed and located so as not to cause a nuisance to neighbouring properties;

8.4.2 surrounded by at least 1.8 metre high fence that obstructs from view the contents of the waste storage area by any member of the public from any public place; and

8.4.3 setback a minimum of two (2) metres from any road frontage

8.5 A minimum 1.8 metre high solid screen fence must be erected between the subject development site and the adjacent residential property south of the development.

9.0 LANDSCAPING WORKS

9.1 Landscaping must be provided along the full frontage of Stewart Street with a minimum width of one (1) metre. Species selected must upon full maturity create a dense screen/ hedge.

9.2 All landscaping must predominantly contain plant species that are locally native to the Central Queensland region due to their low water dependency.

9.3 The landscaped areas must be subject to an ongoing maintenance and replanting programme.

10.0 ELECTRICITY AND TELECOMMUNICATIONS

- 10.1 Underground electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities (if required).

11.0 ASSET MANAGEMENT

- 11.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.
- 11.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure) that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.
- 11.3 'As Constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of the use. This information must be provided in accordance with the *Manual for Submission of Digital As Constructed Information*.

12.0 ENVIRONMENTAL

- 12.1 No contaminants are permitted to be released to land or water, including soil, silt, oils, detergents, and et cetera. Any wash-down areas used for the maintenance or cleaning of equipment (including vehicles) must be appropriately bunded and drained to a holding tank and evaporated.

13.0 ENVIRONMENTAL HEALTH

- 13.1 Noise emitted from the activity must not cause an environmental nuisance.
- 13.2 Operations on the development site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise or dust.
- 13.3 When requested by Council, noise monitoring must be undertaken and recorded within three (3) months, to investigate any genuine 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 (14) days of the completion of the investigation. Council may require any noise mitigation measures identified in the assessment to be implemented within appropriate timeframes. Noise measurements must be compared with the acoustic quality objectives specified in the most recent edition of the *Environmental Protection (Noise) Policy*.
- 13.4 Odour and visible contaminants, including but not limited to dust, fume, smoke, aerosols, overspray or particulates, must not be released to the environment in a manner that will or may cause environmental nuisance or harm unless such release is authorised by Council.
- 13.5 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.
- 13.6 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.

- 13.7 An appropriate spill kit must be kept on-site for neutralising 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 must be adequately trained in the use of these materials. The spill kit may consist of:
- 13.7.1 a bin with a tight-fitting lid, partially filled with non-combustible absorbent material such as vermiculite;
 - 13.7.2 a broom, shovel, face shield, chemically-resistant boots and gloves; and
 - 13.7.3 waste bags and ties.
- 13.8 Any spillage of environmentally hazardous liquids or other materials must be cleaned up as quickly as practicable. Any spillage of waste and/or contaminants must not be hosed or swept to any stormwater drainage system, roadside gutter or waters.
- 14.0 OPERATING PROCEDURES
- 14.1 The vehicle depot is limited to the storage of five (5) body trucks and associated machinery and trailers.
- 14.2 All vehicles associated with the development (including staff vehicles) must be contained within the site.
- 14.3 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials or parking of construction machinery or contractors' vehicles must not occur within Somerset Road or Stewart Street.
- 14.4 The hours of operations for the development site must be limited to:
- 14.4.1 0700 hours to 1630 hours on Monday to Friday;
 - 14.4.2 0800 hours to 1300 hours Saturdays; and
 - 14.4.3 No operations on Sundays or Public Holidays
- 14.5 Operations limited by the hours of operation in Condition 15.4 includes all operations such as loading/ unloading of machinery, starting and manoeuvring vehicles and any maintenance of vehicles and machinery.

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

NOTE 3. General Safety Of Public During Construction

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

NOTE 4. Property Note (Audit of conditions)

An inspection of the property to ascertain compliance with conditions will be undertaken twelve (12) months after the approval takes effect. If the works are completed prior to this time please contact Council for an earlier inspection. A property note to this effect will be placed on Council's records.

NOTE 5. Infrastructure Charges Notice

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

RECOMMENDATION D

That in relation to the application for a Development Permit for a Material Change of Use for a Vehicle Depot, made by RS Pamerter, on Lot 1 on RP616167, Parish of Gracemere, located at 179 Somerset Road, Gracemere, Council resolves to issue an Infrastructure Charges Notice for the amount of \$19,220.20.

BACKGROUND**PROPOSAL IN DETAIL**

The proposal is for a Vehicle Depot which has been operating unlawfully at the site since 2012. The use occupies the rear portion of the site with an area of 3,463 square metres and is oriented towards Stewart Street. The proposal includes an office building measuring forty-five (45) square metres, one (1) ingress only and one (1) egress only access, and some boundary landscaping. The remainder of the site is hardstand area for the storage and manoeuvring of heavy vehicles.

The business has six (6) employees (including the land owner/ business owner) and stores five (5) body trucks, four (4) skid steers/ rollers and one (1) excavator. The proposed hours of operation are 7:00am to 3:30pm Monday to Friday and occasional Saturday operations. The employees attend the site in the morning to collect the five (5) body trucks and return them in the afternoon.

SITE AND LOCALITY

The subject site is located on a corner allotment (corner of Somerset Road and Stewart Street). The site has a total area of 5,407 square metres, and the front portion of the site contains a dwelling and associated outbuildings. The rear portion of the site currently contains the unlawful vehicle depot which includes a donga used as an office, an open bay shed adjacent to the donga, an open bay shed on the eastern boundary and one vehicle access located more or less half way along the Stewart Street frontage. There are some mature trees scattered throughout the property.

The site is located on the western boundary of the Gracemere-Stanwell Zone – Precinct K Rural/Village Precinct. This precinct sits between the Low Impact Industrial Precinct of the Gracemere Industrial Area. Fronting Somerset Road, the site is approximately eighty (80) metres from the Capricorn Highway and fifty (50) metres from the rail line. The immediate surrounds consist of detached dwellings on large allotments and existing low impact industrial activities.

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 November 2015

Support, subject to conditions.

Public and Environmental Health Comments – 28 November 2015

Support, subject to conditions. Concerns were raised about proximity of proposed use to residential uses.

Strategic Planning Comments – 23 November 2015

Recommends refusal.

It is recommended that the proposal is not supported for the following reasons:

1. The subject site is located within a rural precinct. The introduction of industrial uses will compromise the rural integrity of the surrounding area, and existing and future planned industrial zones and designations throughout the region. In this regard, no demonstrated planning need has been identified to provide sufficient planning grounds to support the proposal in this area.
2. The proposal is in conflict with desired environment outcome 3.1.1 (4) (z) under the *Fitzroy Shire Planning Scheme 2005*, which refers to the interface between industrial lands and surrounding sensitive land uses. The inclusion of an additional industrial land use outside of the industry precincts further compromises the outcome of managing both industrial areas and surrounding sensitive land uses to protect the health, wellbeing, amenity and safety of the community.
3. The area consists predominantly of single detached dwelling houses which will be compromised by the introduction of industrial development in proximity to these existing residential uses. It is acknowledged that there are some existing amenity impacts; however land uses that increase these impacts are not supported.
4. The *Rockhampton Region Planning Scheme 2015* (whereby advertising of the scheme had concluded prior to the lodgement of the development application) states clearly within the rural designation, that: "Transport and freight uses, which do not meet the definition of a home based business (heavy vehicle business), must be located within designated industrial areas or areas specifically identified elsewhere within this strategic framework rather than in rural areas."

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

Complies. 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 application is not located within a management area.

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

Fitzroy Shire Planning Scheme 2005

The Desired Environmental Outcomes for Fitzroy Shire are as follows:

Social Elements

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

Not Applicable.

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

Not Applicable.

- 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.

Not Applicable.

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

Not Applicable.

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

Not Applicable.

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

Not applicable.

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

Not applicable.

Environmental Elements

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

Not applicable.

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

Not Applicable.

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

Not Applicable.

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

Not Applicable.

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

Not Applicable.

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

Not Applicable.

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

Not Applicable.

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

Not Applicable.

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

Not Applicable.

- q) The spread or increase of weeds and pest animals is prevented

Not Applicable.

Economic Elements

- r) Industrial land in the Gracemere-Stanwell Zone is maintained and developed as a regionally significant industrial area providing for a wide range of industrial activities, including higher order industries serving the wider Central Queensland region and, providing significant local and regional employment opportunities.

Complies. The site is a natural extension of the Gracemere Industrial Area, particularly given it is adjacent to an industry precinct and Somerset Road and is located between two (2) industry precincts.

- s) Industrial development opportunities are planned so as to balance economic values against the values of the natural environment, transport network and residential amenity.

Complies. The site is a natural extension of the Gracemere Industrial Area, particularly given it is adjacent to an industry precinct and Somerset Road and is located between two (2) industry precincts. The use is a small scale vehicle depot and will be conditioned to manage impacts on residential amenity.

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

Not Applicable.

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

Not Applicable.

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

Not Applicable.

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

Not Applicable.

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

Not Applicable.

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

Not Applicable.

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

Complies

This precinct in particular is identified as an area where sensitive land uses are impacted by industrial development and the freight corridor. Given the subject site is located adjacent to the freight corridor (Somerset Road), the Capricorn Highway, the rail corridor and industrial zoned land, it is not suitable for other sensitive land uses.

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

Gracemere-Stanwell Zone – Rural Village Balance Precinct K

The overall outcomes are:

- (i) *The existing land uses in the Precinct are maintained; including the integrity of Stanwell and Kabra villages, and agriculture and rural pursuits on larger lots;*
- (ii) *Uses in the Residential Use class and reconfiguring a lot proposals resulting in rural residential sized lots, on the edge of Stanwell and Kabra do not occur in the Precinct;*
- (iii) *Parts of this precinct adjoin industrial areas and there is potential for sensitive uses to be impacted by industrial development and their associated freight corridors. In order*

to minimise impacts, any development which would increase the intensity of people living within these areas is avoided. In particular:

- (a) sensitive uses maintain a minimum setback distance of 500 metres from land in the High Impact Industry Precinct, in accordance with State Planning Policy 5/10 Air, Noise and Hazardous Materials; and*
 - (b) sensitive uses maintain a minimum setback distance of 250 metres from land in the Medium Industry Precinct, in accordance with State Planning Policy 5/10 Air, Noise and Hazardous Materials; or*
 - (c) where these setbacks are not achievable, development for a use in the Residential Use Class or other sensitive use is designed to adequately protect human health, wellbeing and amenity from potential air, noise and odour emissions and in particular, development meets the indoor noise objectives set out in the Environmental Protection (Noise) Policy and air quality objectives set out in the Environmental Protection (Air) Policy.*
- (iv) Industrial development may locate in the Precinct where;*
- (a) The use has specific needs in relation to access to the transport network that cannot be met within any of the industry precincts;*
 - (b) A site provides the only opportunity to meet specific operational requirements;*
 - (c) The use will be located to ensure compatibility with existing industry;*
 - (d) Provision is made for mitigation of any potential adverse impacts on nearby residential and rural land uses; and*
 - (e) Development does not have any significant negative impacts on water quality in creeks through and bounding the Precinct.*

The application is not considered consistent with the Gracemere-Stanwell Zone – Rural Village Balance Precinct K. There are some specific circumstances where industrial development may locate in the precinct as described above, however overall, this development does not qualify in this instance:

- (a) The subject site does provide access to the transport networks, specifically Somerset Road and the overpass further along Somerset Road;
- (b) The applicant suggests that the site provides the only opportunity to meet the business's specific operational requirements as the industrial zoned land in the Gracemere Industrial area is much larger than required. The site is of a similar size to many sites within the Industry Precinct and therefore does not provide the only opportunity to meet the business's specific operational requirements.
- (c) There is currently no industrial uses in proximity to the development to be considered 'compatible' however the land along Somerset Road to the West of the site is within the industry precincts and will likely develop for industrial purposes in the future.
- (d) The proposed use is reasonably small scale and can be appropriately conditioned to mitigate potential adverse impacts on nearby residential and rural land uses.

Fitzroy Shire Planning Scheme Codes

The following codes are applicable to this application: -

- Gracemere-Stanwell Zone 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:

Gracemere-Stanwell Zone Code		
Specific Outcomes		Officer's Response
S8	S8.1 Other than for development in the Medium Impact Industry Precinct or High Impact Industry Precinct, land uses and works prevent or minimise, the generation of any noise such that; (i) Nuisance is not caused to adjoining properties or other noise sensitive areas, (ii) Applicable legislative requirements including <i>Environmental Protection Regulation 1998</i> are met, and (iii) Desired ambient noise levels for residential areas are not exceeded. AND S8.2 The provision of effective separation distances between any future industry and the closest existing or future residences is provided having regard to; (i) Hours of operation of the industries; (ii) Provision of acoustic measures/ barriers; (iii) Building orientation; (iv) Number of building openings; and (v) Construction materials.	In several areas of the planning scheme it is recognised that the residential uses in this precinct are subject to a certain level of reduced amenity given their proximity to the highway, rail line and Somerset Road (being a major access road to the Gracemere Industrial Area). The addition of five (5) trucks coming and going from the site is not considered to be a significant change or increase in noise generation, particularly given the adjacent property on the opposite corner is zoned industrial and will likely have similar low impact industries occurring on it. Hours of operation will be conditioned and additional landscaping will be conditioned to create an improved visual barrier to adjoining properties and to the street.
S17	Land uses and works have no significant impact on the amenity of adjoining premises or surrounding area; (i) By their design, orientation or construction materials; (ii) Due to the operation of machinery or electrical equipment; or (ii) Due to the emission of light, noise, vibration, odour, fumes, smoke, vapour, steam, soot, ash, grit, oil, dust, waste water, waste products, or electrical interference.	The trucks are collected in the morning and returned in the afternoon; this is considered very low scale and is not likely to create any greater impacts than the existing vehicle movements and noise experienced along Somerset Road. Furthermore, the adjacent property on the opposite corner is zoned for industrial purposes and is likely to have industrial uses occurring in the future. The difference in distance to the residential uses from the subject site to the adjacent industrial zoned site is minimal.
S18	Land uses are located such that the	The site is located on Somerset Road less

	potential impacts of noise from major roads and rail lines are reduced.	than fifty (50) metres from the rail line and eighty (80) metres from the Capricorn Highway. These noise sources in addition to industrial zoned land directly to the west of the property suggest that an industrial use (low impact) is the most appropriate use for the site
S26	Development makes a positive contribution to the character of the area having regard to visibility and orientation of buildings, design of street frontages and incorporation of directional elements.	Landscaping will be conditioned along the street frontage to enhance the street amenity.

Based on a performance assessment of the above mentioned codes, it is determined that the proposal can comply with the relevant Specific Outcomes or is otherwise justified.

Rockhampton Region Planning Scheme

In accordance with Section 317 of the *Sustainable Planning Act 2009*, the assessment manager may give weight to a later planning instrument that came into effect after the application was made but before the application was decided.

The *Rockhampton Region Planning Scheme 2015* underwent public consultation in mid-2014, prior to the subject development being lodged and was adopted in August 2015 while the application was under assessment.

Under the *Rockhampton Region Planning Scheme 2015* the site is zoned rural and is subject to the special management area overlay. The proposal for a vehicle depot would be impact assessable and subject to all provisions of the planning scheme including the strategic framework which prevails over all other requirements.

Under the strategic framework, the site is located within the rural designation under the settlement patterns theme. The strategic outcome states:

“(1) The pattern of settlement is reinforced in accordance with the Strategic framework – settlement pattern maps (SFM-1 to SFM-4) and as defined in Table 3.3.2.2 — Strategic map designations and descriptions. Sufficient land has been allocated for residential, commercial, industrial and community uses to meet the needs of the region for at least twenty-five (25) years.

(5) Sufficient land for employment growth has been identified in industrial areas, new industrial areas and centres (including proposed centres) at locations that can be most efficiently serviced with infrastructure and facilities.”

The specific outcome for the rural designation states:

“Transport and freight uses, which do not meet the definition of a home based business (heavy vehicle business), must be located within designated industrial areas or areas specifically identified elsewhere within this strategic framework rather than in rural areas.”

Under the *Rockhampton Region Planning Scheme*, the proposal would also be considered inconsistent with the purpose of the zone and the strategic framework however would likely have similar grounds to justify approval, despite the conflict as per the *Fitzroy Shire Planning Scheme*.

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 site is located on a freight transport corridor, opposite a rail line and opposite a large vacant lot zoned for industrial purposes and is therefore not suitable for a sensitive land use such as a house;
- b) The use is proposed to be low scale, and would be of a similar (or lower) scale and intensity as a consistent industrial use that can occur on the large lot on the opposite corner of Stewart Street and Somerset Road (which is zoned as Low Impact Industry Precinct). The number of vehicles stored on site and hours of operation are limited to maintain a lower level of impacts.
- c) The use does not adversely affect the amenity of the natural environment or of residential uses in the vicinity. The use will be further buffered through conditioned landscaping and fencing.
- d) Assessment of the development against the relevant planning scheme codes, demonstrates that the proposed development will not cause significant adverse impact on the surrounding natural environment, built environment and infrastructure or local character and amenity.
- e) The proposed development does not compromise relevant State Planning Policies.
- f) Assessment of the development demonstrates that the Planning Scheme's Desired Environmental Outcomes will not be compromised.
- g) Concerns raised by submitters are considered and conditions have been included to address and mitigate these concerns.

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

INFRASTRUCTURE CHARGES

Adopted Infrastructure Charges Resolution (No. 5) 2015 for non-residential development applies to the application and it falls within Charge Area 1. The Infrastructure Charges are as follows:

Use Schedule	Charge Area	Adopted Infrastructure Charge		Adopted Infrastructure Charge for stormwater network		Calculated Charge
		(\$)	Unit	(\$)	Unit	
Industry	Areas 1 and 2	42.50 (45.6m ²)	per m ² of GFA			\$1,938.00
Industry	Areas 1 and 2			8.50 (2,033.2 m ²)	per m ² of impervious area	\$17,282.20
Total						\$19,220.20
Less credit						\$0.00
TOTAL CHARGE						\$19,220.20

This is based on the following calculations:

- (a) A charge of \$1,938.00 for Gross Floor Area being 45.6 square metres (office);
- (b) A charge of \$17,282.20 for Impervious Area being 2,033.20 square metres (roof area, hardstand areas, access, and parking areas); and
- (c) No infrastructure credit is applicable. The lot credit has already been consumed by the existing dwelling house.

Therefore, a total charge of \$19,220.20 is payable and will be reflected in an Infrastructure Charges Notice for the development.

CONSULTATION

The proposal was the subject of public notification between 16 October 2015 and 11 November 2015, as per the requirements of the *Sustainable Planning Act 2009*, and eight (8) properly made submissions were received.

A non-compliance was identified during the notification stage as the applicant commenced public notification five (5) business days before responding to the information request.

The assessment manager was satisfied that this non-compliance didn't adversely affect the awareness of the public or restrict its opportunity to make a submission, particularly because there had been only one (1) request to view the application at that point. That customer was advised that further information was available and went on to lodge a properly made submission.

The assessment manager, therefore, elected to continue to assess and decide the application despite the non-compliance in accordance with Section 304 of the *Sustainable Planning Act 2009*.

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

Issue	Officer's Response
Approval of this application will set a precedent for others to lodge industrial applications over surrounding properties which will result in the existing residential uses to be surrounded.	Approval of the application may set a community expectation for further approvals; however each proposal and application must be assessed against the planning scheme and may or may not have the same grounds to justify an approval.
There is appropriately zoned land nearby, this is where industrial uses should occur.	It is agreed that there is sufficient industrial zoned land nearby in the Gracemere Industrial Area. However, given the proximity of the site to industrial zoned land, the highway and rail line, the subject site is considered an appropriate location for such a use. This site is less suitable for residential and rural uses due to the abovementioned impacts.
The applicant suggests that they are only a small scale business but this doesn't stop them from expanding in the future.	Any increase in the size or scale of an approved use would be considered a Material Change of Use and require a further development permit.
Traffic Employees park their vehicles on Stewart Street. This plus the vegetation on the corner makes it dangerous for school buses, vehicles and pedestrians walking in the mornings.	Somerset Road is constructed to an industrial standard and it is conditioned that the Stewart Street frontage be upgraded to an industrial standard also. It is conditioned that vehicles associated with the vehicle depot be contained within the site.

Issue	Officer's Response
Employees also drive fast and dangerously when leaving the property in the afternoon.	Any dangerous behaviour/driving is not a planning consideration and should be enforced by the Police.
The site is visually unattractive for a rural community.	The site is similar in appearance to many industries in the area particularly along Somerset Road to the north-east and south-west. Additional landscaping is conditioned along the Stewart Street frontage and fencing along the southern boundary to create an improved visual barrier to adjoining properties and to the street.
The owners have not complied with the timeframes set out during the moratorium, while all others have. Council should not reward this by now approving the use.	The site was identified as an unlawful use during the moratorium. This however, does not form part of the assessment under the planning scheme and <i>Sustainable Planning Act 2009</i> .
The proposal conflicts with the zoning.	The proposal does conflict with the zoning, however the site is subject to a lower amenity given its proximity to Somerset Road, the rail line and industrial zoned land on the opposite corner of Stewart Street in the industrial precinct. There are considered to be sufficient grounds to justify the development, despite the conflict with the zone purpose.
There is no need for industrial land in Precinct K. Industrial land is provided nearby.	There is sufficient industrial land available in the Gracemere Industrial Area. However, the subject site is located on Somerset Road, on a block situated between two industrial zones and is a logical extension or connection between these zones, particularly given the site is subject to impacts that make it unsuitable and undesirable for residential purposes.
Employee parking is not addressed and is currently dangerous on Stewart Road	It is understood that employees currently park their vehicles in the road reserve on Stewart Street. It is conditioned that all staff vehicles be contained within the site.
The business currently operates earlier than the stated 7:00am start in the application	The applicant has identified 7:00am to 3:30pm as the proposed operating hours. Any operating outside of the conditioned hours would constitute a material change of use and would require a further application.

REFERRALS

There were no Referral Agencies for this application.

CONCLUSION

The proposed application for a Material Change of Use for a Vehicle Depot was assessed under the superseded *Fitzroy Shire Planning Scheme 2005*, and although the use is considered inconsistent with the purpose of the zone, sufficient grounds to justify an approval are provided in support of the proposed vehicle depot. The proposal is, therefore, recommended for approval subject to conditions

**D/25-2015 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A VEHICLE
DEPOT**

Locality Plan

Meeting Date: 27 January 2016

Attachment No: 1

D/25-2015 – Locality Map



**D/25-2015 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A VEHICLE
DEPOT**

Site Plan

Meeting Date: 27 January 2016

Attachment No: 2

REVISION		
REV	DESCRIPTION	DATE
A	FOR REVIEW	07.00.2015

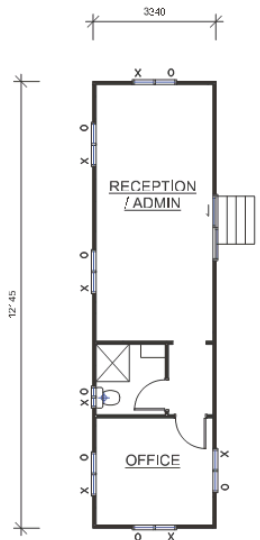
COLOUR

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

A3 DRAWING

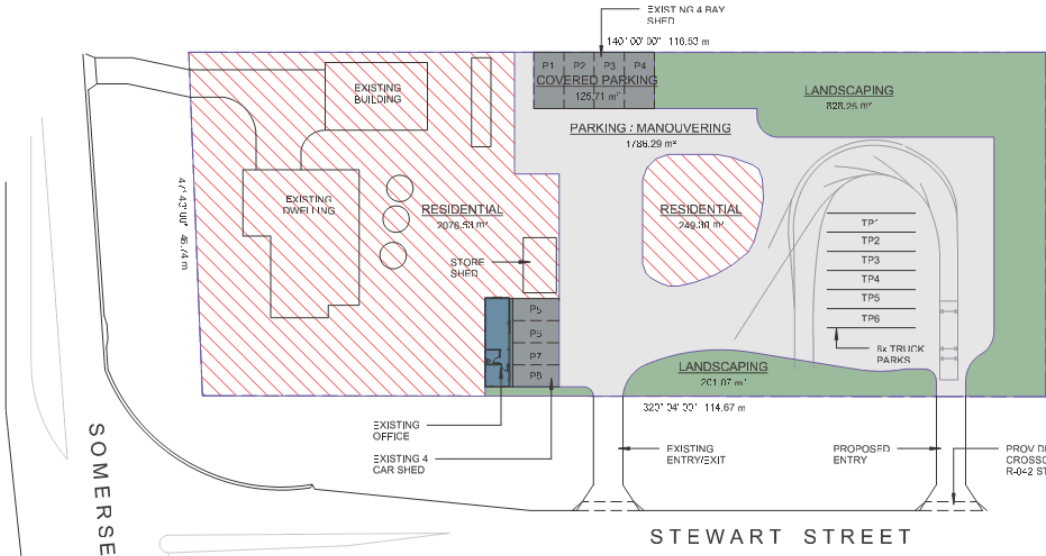
NOTED SCALES RELATE TO A3 DRAWINGS

12' 45"



EXISTING OFFICE PLAN

1 : 100



PROPOSED SITE AREA PLAN

1 : 500

AREA SCHEDULE

COVERED PARKING	201.31 m ²	3.72%
LANDSCAPING	104.26 m ²	19.36%
OFFICE	45.80 m ²	0.84%
PARKING / MANOUVERING	1786.20 m ²	33.04%
RESIDENTIAL	2325.83 m ²	43.02%
Grand Total	5405.59 m²	100.00%

REAL PROPERTY DESCRIPTION

LOT 1 ON RP010107
PARISH OF GRACEMERE
COUNTY OF LIVINGSTONE
SITE AREA = 5.467 ha

client:
PRECISION ROAD
MAINTENANCE



Step 3/10 Derrin St
Rockhampton
QLD 4702
p 0749 222880
solving design - commercial

title:
PROPOSED SITE PLAN

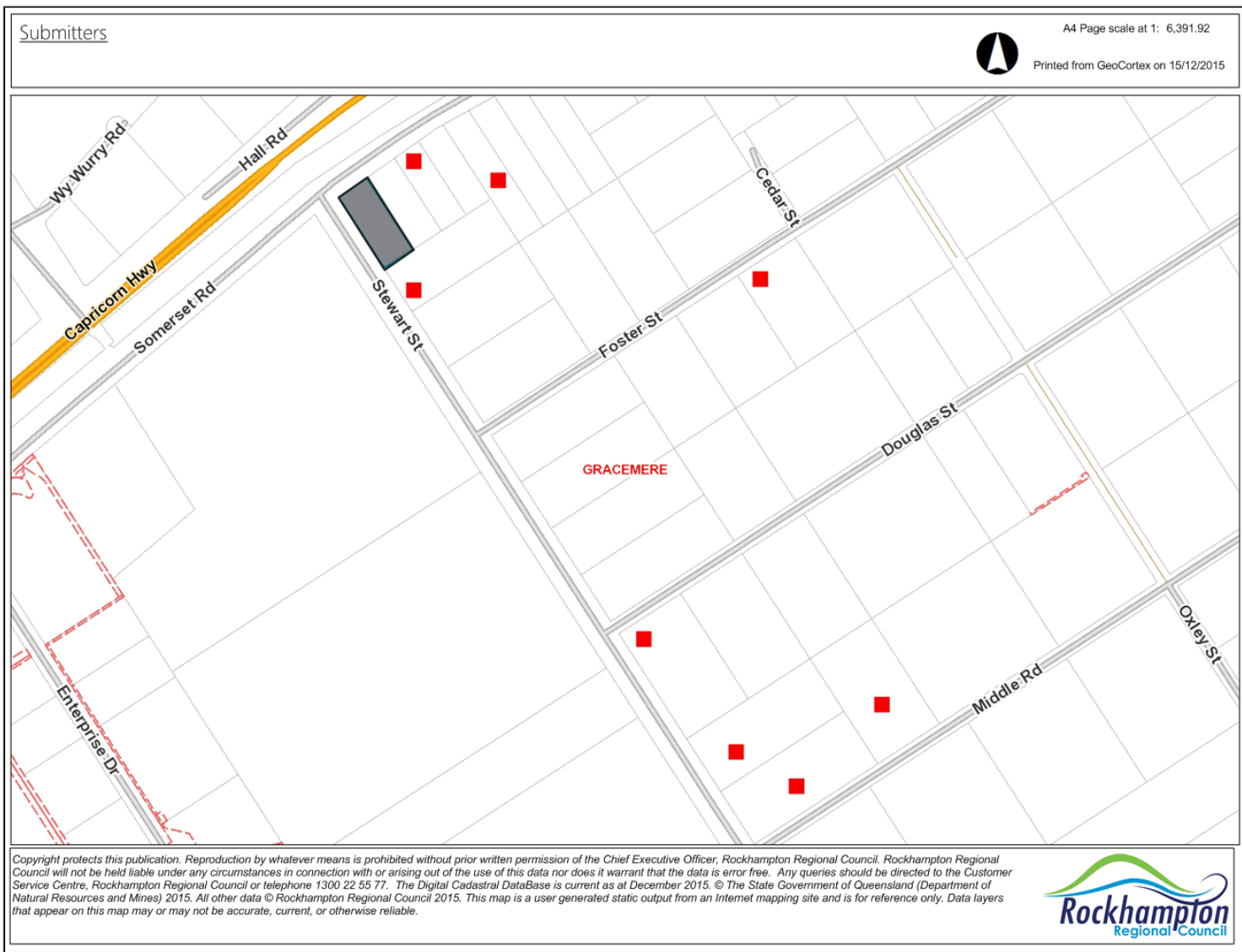
scale: As indicated	project no: 1508-04
sheet no: 01 of 01	drawing no: WD-01
drawn: kw	rev: A

**D/25-2015 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A VEHICLE
DEPOT**

Map of Submitters

Meeting Date: 27 January 2016

Attachment No: 3



**D/25-2015 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A VEHICLE
DEPOT**

Zone Map

Meeting Date: 27 January 2016

Attachment No: 4

D/25-2015 – Zone Map



9 STRATEGIC REPORTS

9.1 DEVELOPMENT AND BUILDING SECTION - NOVEMBER OPERATIONS REPORT

File No: 7028
Attachments: 1. Monthly Report - November
Authorising Officer: Robert Holmes - General Manager Regional Services
Author: Tarnya Fitzgibbon - Manager Development and Building

SUMMARY

The monthly operations report for the Development and Building Section as at 30 November 2015 is presented for Councillors information.

OFFICER'S RECOMMENDATION

THAT the Development and Building Section report for November be received.

COMMENTARY

The monthly operations report for the Development and Building Section is attached for Council's consideration. The performance information contained within the attached report relates directly to the adopted 2015/16 Operational Key Performance Indicators.

The Manager's performance summary for each of the units is provided below.

Development Assessment

The Development Assessment Unit achieved all of its targets for November. All acknowledgment notices, information requests and decision notices were sent out within the statutory timeframe.

Building Compliance

The Building Compliance section nearly achieved its targets. The decisions for building in November 2015 were at 75% and the decisions for December increased to 90%. The decisions for plumbing were 100% for both months.

CONCLUSION

It is recommended that the monthly operations report for Development and Building Section be received.

DEVELOPMENT AND BUILDING SECTION - NOVEMBER OPERATIONS REPORT

Monthly Report - November

Meeting Date: 27 January 2016

Attachment No: 1

MONTHLY OPERATIONS REPORT
PLANNING SECTION
Period Ended November 2015

VARIATIONS, ISSUES AND INNOVATIONS

Innovations

Nil.

Improvements / Deterioration in Levels of Services or Cost Drivers

Nil.

LINKAGES TO OPERATIONAL PLAN

1. COMPLIANCE WITH CUSTOMER SERVICE REQUESTS

The response times for completing the predominant customer requests in the reporting period for *September* are as below:

	Balance B/F	Completed in Current Mth	Current Month NEW Requests		TOTAL INCOMPLETE REQUESTS BALANCE	Under Long Term Investigation	Completion Standard (days)	Avg Completion Time (days) Current Mth		Avg Completion Time (days) 6 Months		Avg Completion Time (days) 12 Months		Avg Duration (days) 12 Months (complete and incomplete)
			Received	Completed										
Building Enquiry - General Info/Admin etc	85	7	31	20	89	0	5		2.60		7.28		10.00	3.18
Other Building Compliant Issue	74	3	5	2	74	1	1		1.00		17.40		38.31	33.24
Planning Compliance Request/Enquiry	103	11	17	8	101	1	45		0.38		10.05		27.23	15.68
Duty Planner (New Enquiry)	5	4	127	121	7	2	1		0.55		0.56		0.51	0.36
Telephone Enquiry (Existing Application/Call Back)	2	1	31	28	4	0	1		0.71		0.65		0.65	0.34
Plumbing Issues General	22	4	24	14	28	0	5		2.71		5.14		6.64	3.90

Comments & Additional Information

2. COMPLIANCE WITH STATUTORY AND REGULATORY REQUIREMENTS INCLUDING SAFETY, RISK AND OTHER LEGISLATIVE MATTERS

Safety Statistics

The safety statistics for the reporting period are:

	FIRST QUARTER		
	Oct	Nov	Dec
Number of Lost Time Injuries	0	1	
Number of Days Lost Due to Injury	0	0	
Total Number of Incidents Reported	0	1	
Number of Incomplete Hazard Inspections	0	0	

Risk Management Summary

Example from Section Risk Register (excludes risks accepted/ALARP)

Please Note: The risks listed below are 'what if' scenarios and do not necessarily reflect what has occurred.

Potential Risk	Current Risk Rating	Future Control & Risk Treatment Plans	Due Date	% Completed	Comments
Failure to address general long term planning needs for the community will result in lower quality development, less development overall, continued poor economic and community performance indicators, and lost opportunities in pursuit of achieving elevation of Rockhampton's reputation to an exceptional regional city.	Very High	Develop strategies to address threat, train existing staff to address, and hire staff with required skill sets. Educate community, develop strategic partnerships, and identify external resources.	31/12/2015		
Changes to State law that reduce revenues for essential Council services, e.g. Development Assessment will result in less capacity to provide planning services, requiring supplemental funding from other sources, e.g.	High 4	Monitor and respond when and as appropriate	N/A		

Potential Risk	Current Risk Rating	Future Control & Risk Treatment Plans	Due Date	% Completed	Comments
increased rates.					
Failure to collect revenue results in fewer funds available and lack of confidence in Council business practices.	High 5	Process and workflow to address has been developed and approved by Council.	31/12/2015		
Continuing changes to state legislation and regulatory requirements on Council increase the risk of Council not being able to fully comply with all requirements. Consequences include possible fines, further limitations on Council functions, failure to provide essential resources to enable Council to achieve regional development objectives.	Moderate 5	Respond as events occur and provide submissions to articulate impacts on RRC operations	N/A		
Failure to manage hazard conditions and negative impacts on environmental resources will result in increased property damage and loss of environmental functionality and aesthetic amenity which will damage the reputation of Council for management of these services, as well as possible lawsuits for property damage.	Moderate 5	Have incorporated relevant measures in proposed Planning Scheme. Provided information to citizens and Councillors re purpose for inclusion and impacts.	31/12/2015		

Legislative Compliance & Standards**Nil to report**

3. **ACHIEVEMENT OF CAPITAL PROJECTS WITHIN ADOPTED BUDGET AND APPROVED TIMEFRAME**

No capital projects are relevant to the Planning Section.

4. **ACHIEVEMENT OF OPERATIONAL PROJECTS WITHIN ADOPTED BUDGET AND APPROVED TIMEFRAME**

No operational projects are relevant to the Planning Section.

5. **DELIVERY OF SERVICES AND ACTIVITIES IN ACCORDANCE WITH COUNCIL'S ADOPTED SERVICE LEVELS**

Service Delivery Standard	Target	Current Performance
Development Assessment		
Applications received: 25		
Applications decided: 16		
Acknowledgement notices (where required) sent out within 10 business days of application being properly made	100%	100%
Information requests (where required) sent out within timeframes required under SPA	100%	100%
Decisions are made within 20 business day timeframe once decision stage commences (or extended timeframe permitted under SPA)	100%	100%
Decision notices are issued within 5 business days of the decision being made	100%	100%
Building		
Applications received: 13		
Applications decided: 8		
Building Approvals - Decisions are made within 20 business day timeframe	100%	75%
Plumbing		
Applications received: 36		
Applications decided: 34		
Compliance request are decided within 20 business day timeframe	100%	100%

FINANCIAL MATTERS

DEVELOPMENT & BUILDING**Not Applicable****Total Unit: Not Applicable**

0	0	0	0	0%
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Development Assessment

1 - Revenues	(1,755,500)	(731,458)	(335,776)	(335,776)	19%
2 - Expenses	1,620,559	675,233	576,832	641,567	40%
3 - Transfer / Overhead Allocation	35,000	14,583	8,973	8,973	26%
Total Unit: Development Assessment	(99,941)	(41,642)	250,030	314,765	-315%

Building Compliance

1 - Revenues	(825,000)	(343,750)	(346,887)	(346,887)	42%
2 - Expenses	930,368	387,654	349,604	349,604	38%
3 - Transfer / Overhead Allocation	(102,342)	(42,643)	(44,325)	(44,325)	43%
Total Unit: Building Compliance	3,026	1,261	(41,607)	(41,607)	-1375%

Development & Building Management

2 - Expenses	385,243	160,518	147,858	154,089	40%
Total Unit: Development & Building Management	385,243	160,518	147,858	154,089	40%

9.2 DEVELOPMENT AND BUILDING SECTION - DECEMBER OPERATIONS REPORT

File No: 7028
Attachments: 1. Monthly Report - December
Authorising Officer: Robert Holmes - General Manager Regional Services
Author: Tarnya Fitzgibbon - Manager Development and Building

SUMMARY

The monthly operations report for the Development and Building Section as at 31 December 2015 is presented for Councillors information.

OFFICER'S RECOMMENDATION

THAT the Development and Building Section report for December be received.

COMMENTARY

The monthly operations report for the Development and Building Section is attached for Council's consideration. The performance information contained within the attached report relates directly to the adopted 2015/16 Operational Key Performance Indicators.

The Manager's performance summary for each of the units is provided below.

Development Assessment

The Development Assessment Unit achieved all of its targets for December. All acknowledgment notices, information requests and decision notices were sent out within the statutory timeframe. There was some leave for staff during December.

Building Compliance

The Building Compliance Unit nearly met all targets. The building unit achieved 90% for its decisions made within 20 business days, an increase from 75% in the previous month. The plumbing unit achieved 100% for decisions being issued within 20 business days.

CONCLUSION

It is recommended that the monthly operations report for Development and Building Section be received.

DEVELOPMENT AND BUILDING SECTION - DECEMBER OPERATIONS REPORT

Monthly Report - December

Meeting Date: 27 January 2016

Attachment No: 1

MONTHLY OPERATIONS REPORT
PLANNING SECTION
Period Ended December 2015

VARIATIONS, ISSUES AND INNOVATIONS

Innovations

Nil.

Improvements / Deterioration in Levels of Services or Cost Drivers

Nil.

LINKAGES TO OPERATIONAL PLAN

1. COMPLIANCE WITH CUSTOMER SERVICE REQUESTS

The response times for completing the predominant customer requests in the reporting period for *September* are as below:

	Balance B/F	Completed in Current Mth	Current Month NEW Requests		TOTAL INCOMPLETE REQUESTS BALANCE	Under Long Term Investigation	Completion Standard (days)	Avg Completion Time (days) Current Mth	Avg Completion Time (days) 6 Months	Avg Completion Time (days) 12 Months	Avg Duration (days) 12 Months (complete and incomplete)	Avg Completion Time (days) Q2
			Received	Completed								
Building Enquiry - General Info/Admin etc	89	11	30	19	89	0	5	● 1.63	● 8.14	● 9.66	3.39	● 7.03
Other Building Compliant Issue	74	3	8	2	77	0	1	● 3.50	● 11.40	● 27.81	33.59	● 7.08
Planning Compliance Request/Enquiry	103	11	16	7	101	0	45	● 4.57	● 10.36	● 26.65	16.37	● 6.35
Duty Planner (New Enquiry)	7	5	107	103	5	2	1	● 0.54	● 1.15	● 0.82	0.74	● 1.87
Telephone Enquiry (Existing Application/Call Back)	4	4	21	19	2	1	1	● 0.79	● 0.70	● 0.65	0.41	● 0.70
Plumbing Issues General	26	10	9	8	17	0	5	● 2.13	● 4.43	● 6.25	4.78	● 3.73

Comments & Additional Information

2. COMPLIANCE WITH STATUTORY AND REGULATORY REQUIREMENTS INCLUDING SAFETY, RISK AND OTHER LEGISLATIVE MATTERS

Safety Statistics

The safety statistics for the reporting period are:

	FIRST QUARTER		
	Oct	Nov	Dec
Number of Lost Time Injuries	0	1	0
Number of Days Lost Due to Injury	0	0	0
Total Number of Incidents Reported	0	1	0
Number of Incomplete Hazard Inspections	0	0	0

Risk Management Summary

Example from Section Risk Register (excludes risks accepted/ALARP)

Please Note: The risks listed below are 'what if' scenarios and do not necessarily reflect what has occurred.

Potential Risk	Current Risk Rating	Future Control & Risk Treatment Plans	Due Date	% Completed	Comments
Failure to address general long term planning needs for the community will result in lower quality development, less development overall, continued poor economic and community performance indicators, and lost opportunities in pursuit of achieving elevation of Rockhampton's reputation to an exceptional regional city.	Very High	Develop strategies to address threat, train existing staff to address, and hire staff with required skill sets. Educate community, develop strategic partnerships, and identify external resources.	31/12/2015		
Changes to State law that reduce revenues for essential Council services, e.g. Development Assessment will result in less capacity to provide planning services, requiring supplemental funding from other sources, e.g.	High 4	Monitor and respond when and as appropriate	N/A		

Potential Risk	Current Risk Rating	Future Control & Risk Treatment Plans	Due Date	% Completed	Comments
increased rates.					
Failure to collect revenue results in fewer funds available and lack of confidence in Council business practices.	High 5	Process and workflow to address has been developed and approved by Council.	31/12/2015		
Continuing changes to state legislation and regulatory requirements on Council increase the risk of Council not being able to fully comply with all requirements. Consequences include possible fines, further limitations on Council functions, failure to provide essential resources to enable Council to achieve regional development objectives.	Moderate 5	Respond as events occur and provide submissions to articulate impacts on RRC operations	N/A		
Failure to manage hazard conditions and negative impacts on environmental resources will result in increased property damage and loss of environmental functionality and aesthetic amenity which will damage the reputation of Council for management of these services, as well as possible lawsuits for property damage.	Moderate 5	Have incorporated relevant measures in proposed Planning Scheme. Provided information to citizens and Councillors re purpose for inclusion and impacts.	31/12/2015		

Legislative Compliance & Standards

Nil to report.

3. ACHIEVEMENT OF CAPITAL PROJECTS WITHIN ADOPTED BUDGET AND APPROVED TIMEFRAME

No capital projects are relevant to the Planning Section.

4. ACHIEVEMENT OF OPERATIONAL PROJECTS WITHIN ADOPTED BUDGET AND APPROVED TIMEFRAME

No operational projects are relevant to the Planning Section.

5. DELIVERY OF SERVICES AND ACTIVITIES IN ACCORDANCE WITH COUNCIL'S ADOPTED SERVICE LEVELS

Service Delivery Standard	Target	Current Performance
Development Assessment		
Applications received: 18		
Applications decided: 15		
Acknowledgement notices (where required) sent out within 10 business days of application being properly made	100%	100%
Information requests (where required) sent out within timeframes required under SPA	100%	100%
Decisions are made within 20 business day timeframe once decision stage commences (or extended timeframe permitted under SPA)	100%	100%
Decision notices are issued within 5 business days of the decision being made	100%	100%
Building		
Applications received: 21		
Applications decided: 10		
Building Approvals - Decisions are made within 20 business day timeframe	100%	90%
Plumbing		
Applications received: 24		
Applications decided: 22		
Compliance request are decided within 20 business day timeframe	100%	100%

FINANCIAL MATTERS

DEVELOPMENT & BUILDING

Not Applicable

Total Unit: Not Applicable

0	0	0	0	0%
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Development Assessment

1 - Revenues	(1,755,500)	(877,750)	(437,505)	(437,505)	25%
2 - Expenses	1,620,559	810,279	681,998	742,709	46%
3 - Transfer / Overhead Allocation	35,000	17,500	10,649	10,649	30%
Total Unit: Development Assessment	(99,941)	(49,971)	255,142	315,853	-316% 

Building Compliance

1 - Revenues	(825,000)	(412,500)	(402,957)	(402,957)	49%
2 - Expenses	930,368	465,184	408,387	408,387	44%
3 - Transfer / Overhead Allocation	(102,342)	(51,171)	(56,059)	(56,059)	55%
Total Unit: Building Compliance	3,026	1,513	(50,630)	(50,630)	-1673% 

Development & Building Management

2 - Expenses	385,243	192,622	182,136	187,905	49%
Total Unit: Development & Building Management	385,243	192,622	182,136	187,905	49% 

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