



# **PLANNING AND REGULATORY COMMITTEE MEETING**

## **AGENDA**

**17 MAY 2016**

*Your attendance is required at a meeting of the Planning and Regulatory Committee to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 17 May 2016 commencing at 9.00am for transaction of the enclosed business.*

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

**CHIEF EXECUTIVE OFFICER**  
11 May 2016

Next Meeting Date: 07.06.16

**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:

Councillor C E Smith (Chairperson)  
The Mayor, Councillor M F Strelow  
Councillor N K Fisher  
Councillor C R Rutherford  
Councillor M D Wickerson

In Attendance:

Mr R Holmes – General Manager Regional Services (Executive Officer)  
Mr E Pardon – Chief Executive Officer

**3 APOLOGIES AND LEAVE OF ABSENCE**

**4 CONFIRMATION OF MINUTES**

Minutes of the Planning and Regulatory Committee held 3 May 2016

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

## **6 BUSINESS OUTSTANDING**

Nil

**7 PUBLIC FORUMS/DEPUTATIONS**

Nil

## 8 OFFICERS' REPORTS

### 8.1 D/106-2015 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR AN UNDEFINED USE (RURAL ENTERTAINMENT AND FUNCTION FACILITY WITH ANCILLARY ACCOMMODATION)

**File No:** D/106-2015

**Attachments:** 1. Locality Plan  
2. Site Plan

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

**Author:** Thomas Gardiner - Planning Officer

#### SUMMARY

*Development Application Number:* D/106-2015

*Applicant:* Cashmia Investments

*Real Property Address:* Lot 2330 on LIV40846, Parish of Calioran

*Common Property Address:* Lot 2330 South Yaamba Road, South Yaamba

*Area of Site:* 64.8 hectares

*Planning Scheme:* Fitzroy Shire Planning Scheme 2005

*Planning Scheme Zoning:* Rural zone

*Planning Scheme Overlays:* Agricultural Land Class Overlay (GQAL Class A1 and Class C1)  
Bushfire Prone Land (Low Risk)

*Existing Development:* Two (2) Accommodation Buildings, Outdoor Covered Function Area, Shed, Gazebo and Barbecue Hit

*Existing Approvals:* Nil

*Approval Sought:* Development Permit for a Material Change of Use for an Undefined Use (Rural Entertainment and Function Facility with ancillary accommodation)

*Level of Assessment:* Impact Assessable

*Submissions:* Six (6) submissions

*Referral Agency(s):* Nil

*Adopted Infrastructure Charges Area:* Charge Area 3

#### Application Progress:

<i>Application Lodged:</i>	17 November 2015
<i>Acknowledgment Notice issued:</i>	25 November 2015
<i>Submission period commenced:</i>	11 January 2016
<i>Submission period end:</i>	1 February 2016
<i>Council request for additional time:</i>	22 February 2016
<i>Last receipt of information from applicant:</i>	1 February 2016
<i>Statutory due determination date:</i>	30 March 2016



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

THAT in relation to the application for a Development Permit for a Material Change of Use for an Undefined Use (Rural Entertainment and Function Facility with ancillary accommodation) made by Cashmia Investments on Lot 2330 on LIV40846, Parish of Calioran, located at Lot 2330 South Yaamba Road, South Yaamba, 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 proposed development for an Undefined Use (Rural Entertainment and Function Facility with ancillary accommodation) holds regional significance and is a form of development that was not anticipated by the *Fitzroy Shire Planning Scheme 2005*. Despite its non-compliance with the Rural zone code, the proposed development provides a unique venue which will accommodate a range of events that capitalise on the environmental and scenic amenity values defining the region's rural setting, making the proposed development considerably distinct from existing urban and town-based function venues. Therefore, the proposed development is regarded to be regionally significant as it is unique to the area and there are currently no similar function venues promoting the distinct rural amenity values which define the Rockhampton region;
- b) The activities associated with the proposed function facility are more suitably located on large lots within the Rural zone, in comparison to existing residential, commercial and industrial zones in the region. The location of the site in the Rural zone is situated in an area that is considered suitable for the activities associated with the proposed function facility as they coincide with the environmental and landscape values which define the Rural zone;
- c) The majority of activities associated with the proposal will be for receptions and functions which are small-scale in nature. The proposed facility is restricted to accommodate ten (10) events per calendar year where the number of persons attending an event is greater than two-hundred (200), but less than five hundred (500) persons. Large scale events with a capacity of greater than five hundred (500) persons are restricted to twice in a calendar year and must be the subject of a Temporary Events Application to Council. As such, due to the infrequent nature of large scale events on the site, there are expected to be minimal impacts on the local rural amenity as the facility will largely accommodate small-scale receptions and functions;
- d) The use area of the proposal is sufficiently setback from the nearest residential dwellings and is considered appropriate to mitigate impacts on rural amenity which may result from the proposed use;
- e) The size of the use area (approximately three per cent (3%) of the subject site) for the proposed function facility will ensure that the majority of the subject site can be utilised for its productive capacity and remains viable for agricultural and rural activities which are consistent with the Rural zone and will not unduly compromise the rural amenity or primary activities of the surrounding area;
- f) The proposed function facility will not compromise the viability of good quality agricultural land as the site proposed use area is not affected by the Agricultural Land Class Overlay under the *Fitzroy Shire Planning Scheme 2005*, or located in an area identified as Class A or Class B on the Agricultural Land Classification mapping;
- g) The outdoor entertainment and recreational activities accommodated on the subject site are considered to be compatible with the environmental and scenic amenity features which define the surrounding rural landscape;
- h) Mitigation measures to reduce impacts on the amenity and lifestyle values of surrounding properties have been incorporated as part of the development conditions. This includes establishing a cap on the maximum number of persons per function or event, hours of operation, noise and nuisance monitoring, and dust mitigation measures;

- i) An annual road maintenance contribution is conditioned to ensure that the efficiency of the gravel road network used to access the subject site is maintained to mitigate traffic impacts resulting from the proposed development on the local road network, community and the environment;
- j) The proposed use does not compromise the achievements of the Desired Environmental Outcomes in the *Fitzroy Shire Planning Scheme 2005*;
- k) An 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 rural amenity of the surrounding area, the surrounding natural environment, built environment and infrastructure, community facilities, or local character; and
- l) 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 an Undefined Use (Rural Entertainment and Function Facility with ancillary accommodation) made by Cashmia Investments on Lot 2330 on LIV40846, Parish of Calioran, located at Lot 2330 South Yaamba Road, South Yaamba, Council resolves to Approve the application subject to the following conditions:

#### **1.0 ADMINISTRATION**

- 1.1 The proposed development must be carried out in accordance with the following use definition:

##### **Rural Entertainment and Function Facility with ancillary accommodation**

“The use of the premises in a rural setting for social, recreational or festive occasions involving the primary conduct of:

- Receptions or functions; and
- Outdoor entertainment events that are held wholly or mainly outdoors and may include charity or corporate events involving rural or leisure pastimes and arena demonstrations or spectacles (such as competitor sports for rodeos or the like).

Ancillary to the primary land use are the following:

- The preparation and provision of food and liquor for consumption on-site;
- The provision of amenities, storage facilities and car parking associated with the use; and
- Short-term accommodation.

- 1.2 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.
- 1.3 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.
- 1.4 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.5 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of the use, unless otherwise stated.
- 1.6 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior to the commencement of the use, unless otherwise stated.

- 1.7 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.7.1 Operational Works:
    - (i) Road Works;
  - 1.7.2 Plumbing and Drainage Works; and
  - 1.7.3 Building Works.
- 1.8 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.9 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.10 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 1.11 All conditions, works, or requirements of this development approval relating to the existing non-compliant Rural Entertainment and Function Facility with ancillary accommodation must be undertaken and completed:
- 1.11.1 to Council's satisfaction;
  - 1.11.2 at no cost to Council; and
  - 1.11.3 within six (6) months of the date of this development approval.

## 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>
Engineering Report	Austin Grillmeier	July 2015
Property Location Plan	Dwg 01	July 2015
Property Layout Plan	Dwg 02	July 2015
Site Plan	Dwg 03	July 2015
Site 3D View	Dwg 04	July 2015
Accommodation Building 1	Dwg 05	July 2015
Accommodation Bldg 1 Elevs	Dwg 06	July 2015
Accommodation Building 2	Dwg 07	July 2015
Accommodation Bldg 2 Elevs	Dwg 08	July 2015
Covered Function Area	Dwg 09	July 2015
Function Area Elevs 1	Dwg 10	July 2015
Function Area Elevs 2	Dwg 11	July 2015
Gazebo / BBQ	Dwg 12	July 2015
Site Based Management Plan (SBMP) for Rural Entertainment and Function Facility with ancillary accommodation	-	17 November 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 ROAD WORKS

- 3.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road 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*, relevant *Australian Standards* and the provisions of a Development Permit for Operational Works (road works).
- 3.3 Install 'Give Way' signage on one (1) of the approaches to both floodways on Seymour Road, with advanced warning signs depicting 'Floodway' and 'One Lane' on both approaches to both floodways.
- 3.4 Traffic signs must be provided in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*. Where necessary, existing traffic signs must be modified in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*.
- 3.5 The developer must pay a contribution to Council of \$6,000.00 per annum towards the maintenance of the gravel road network used to access the facility.

Note: Council reserves the right to change this contribution if the scale and intensity of the development, and the vehicle movements on the gravel road network, increase.

### 4.0 ACCESS AND PARKING WORKS

- 4.1 Parking of vehicles associated with the proposed use activities is restricted to the parking areas (patron parking and spillover parking) as shown on the approved site plan.

### 5.0 PLUMBING AND DRAINAGE WORKS

- 5.1 All sanitary drainage works must be in accordance with regulated work under the *Plumbing and Drainage Act* and Council's Plumbing and Drainage Policies.
- 5.2 All internal plumbing and sanitary drainage works must be in accordance with regulated work under the *Plumbing and Drainage Act*.
- 5.3 Alteration or relocation of internal sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act*.
- 5.4 On-site sewage treatment and disposal must be in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Plumbing and Drainage Policies.
- 5.5 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.
- 5.6 The two (2) accommodation buildings must be provided with water storage tanks and couplings for fire-fighting purposes in accordance with Plumbing and Drainage Act and Council's adopted *Bushfire Risk Study, Performance Criteria and Acceptable Solutions, Bushfire minimisation methods*.

### 6.0 STORMWATER WORKS

- 6.1 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.

### 7.0 ROOF AND ALLOTMENT DRAINAGE WORKS

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

*Guidelines.*

- 7.2 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.
- 8.0 SITE WORKS
- 8.1 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.
- 9.0 ASSET MANAGEMENT
- 9.1 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.
- 9.2 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.
- 10.0 ENVIRONMENTAL HEALTH
- 10.1 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.
- 10.2 Noise from the activity must not cause an environmental nuisance.
- 10.3 The activity must not be conducted in a manner that achieves the acoustic quality objectives outlined in Schedule 1 of the *Environmental Protection (Noise) Policy*.
- 10.4 In the event of a genuine noise complaint being made to Council, conduct an appropriate investigation to determine whether the operation has exceeded the acoustic quality objectives outlined in Schedule 1 of the *Environmental Protection (Noise) Policy*.
- 10.5 If the acoustic quality objectives outlined in Schedule 1 of the *Environmental Protection (Noise) Policy* have been exceeded, and when requested by Council, noise monitoring must be undertaken and recorded within three (3) months, to investigate the genuine complaint of nuisance (as determined by Council) 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*.
- 10.6 Appropriate dust suppression measures in the form of constant water spraying or other dust suppressants must be applied to the surrounding gravel road network prior to, and at the conclusion of, each event on the site to prevent dust nuisance to surrounding properties.
- 10.7 A suitable dust suppressant must be applied to the internal road network, parking area, and any unsealed use areas within the site for the duration of each event to prevent dust from leaving the site.
- 10.8 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"*.
- 10.9 When requested by Council, nuisance monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance (as
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determined by Council) 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.

- 10.10 The hours of operations for the Rural Entertainment and Function Facility component of the proposed use must be limited to:

10.10.1 1000 hours to 2200 hours on Monday to Thursday, and

10.10.2 0800 hours to 2400 hours on Friday to Sunday.

Note: This excludes the operation of the ancillary accommodation component of the application which may occur for the duration of a specific function or event. The two (2) large scale events specified in condition 11.5 are also excluded from these hours of operation.

- 10.11 The use of the premises for short-term accommodation and camping, where not associated with the Rural Entertainment and Function Facility with ancillary accommodation, is not permitted.

- 10.12 The activity must be conducted in accordance with a site based management plan approved by Council and be in accordance with the approved plans (refer to condition 2.1).

- 10.13 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 harm unless such release is authorised by Council.

- 10.14 All waste is to be collected from the site by a commercial waste collection contractor.

- 10.15 Waste and regulated waste and any other waste must not be released to the environment, stored, transferred or disposed of in such a manner that it will or may cause environmental harm or nuisance. This includes any waste being burnt or incinerated at the premises.

- 10.16 All traceable regulated waste must be removed from the premises by a licensed regulated waste transporter.

- 10.17 Where regulated waste is removed from the premises, records must be maintained for a period of five (5) years, and include the following:

10.17.1 the date, quantity and type of waste removed;

10.17.2 a copy of any licensed waste transport vehicle dockets;

10.17.3 the name of the licensed regulated waste removalist and/or disposal operator; and

10.17.4 the intended treatment and/or disposal destination of the waste.

#### 11.0 OPERATING PROCEDURES

- 11.1 The developer must prepare a Flood Contingency Plan for the subject site that addresses but is not limited to the following:

11.1.1 Evacuation times;

11.1.2 Evacuation routes

11.1.3 Types of vehicles required for evacuation purposes; and

11.1.4 Details the storage or removal of materials, goods or equipment during times of flood.

- 11.2 It is the responsibility of the owner or occupier of the land to implement the contingency plan during a flood event or if there is a risk of flooding near the land.

- 11.3 The maximum number of persons attending each event must not exceed two hundred (200) persons for receptions or functions and outdoor entertainment events.

- 11.4 There are to be no more than ten (10) events per calendar year where the number of persons attending the event exceeds two hundred (200) persons, and is not greater than five hundred (500) persons.
- 11.5 Large-scale events where the persons attending exceeds five hundred (500) persons, must not exceed two thousand (2000) persons, are limited to two (2) events per calendar year. Such events must be the subject of a Temporary Events Application approved by Council.
- 11.6 Any camping activities are restricted to the designated camping areas as shown on the approved site plan (refer to condition 2.1). No camping is permitted outside of the designated camping area.
- 11.7 The proposed development must not include any motorised forms of recreation and sport, unless it is ancillary to a primary outdoor entertainment event (for example: during the interval of an outdoor entertainment event).

#### ADVISORY NOTES

NOTE 1. 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 2. Licensable Activities

Should an activity licensable by Rockhampton Regional Council be proposed for the premises, Council's Environment and Public Health Unit should be consulted to determine whether any approvals are required. Such activities may include storage of flammable and combustible liquid and environmentally relevant activities such as motor vehicle workshop operations. Approval for such activities is required before 'fit-out' 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. Contingency Plans

Council is not required to approve contingency plans and Council does not accept any liability for loss of or damage to property, or injury or loss of life as a result of any person using or relying on the contingency plan, or failing to use the contingency plan during a flood event.

NOTE 5. Works in Road Reserve Permit

It is advised that a Works in Road Reserve Permit may be accepted in place of the Development Permit for Operational Works (roadworks).

#### **BACKGROUND**

#### **PROPOSAL IN DETAIL**

The proposal is for an Undefined Use (Rural Entertainment and Function Facility with ancillary accommodation) located at Lot 2330 South Yaamba Road, South Yaamba. The facility, which is marketed as 'Lazy Acres', is intended to operate as a function venue and spectator facility which will host various events ranging from weddings and charity events to spectator sports including rodeos and barrel racing events. As the *Fitzroy Shire Planning Scheme 2005* could not capture the broad-scale nature of the use, a separate land use definition was proposed to establish appropriate parameters for the proposal, which is outlined below:

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***Rural Entertainment and Function Facility with ancillary accommodation***

*“The use of the premises in a rural setting for social, recreational or festive occasions involving the primary conduct of:*

- *Receptions or functions; and*
- *Outdoor entertainment events that are held wholly or mainly outdoors and may include charity or corporate events involving rural or leisure pastimes and arena demonstrations or spectacles (such as competitor sports for rodeos or the like).*

*Ancillary to the primary land use are the following:*

- *The preparation and provision of food and liquor for consumption on-site;*
- *The provision of amenities, storage facilities and car parking associated with the use; and*
- *Short-term accommodation.*

The proposed activities have been occurring on the site since 2 May 2015 and have been the subject of a compliance investigation with Council since 13 May 2015. The facility has accommodated at least eight (8) weddings and external functions with six (6) of these events hosting less than seventy (70) people. The remaining two (2) events accommodated approximately one hundred and sixty (160) people each. Two (2) outdoor entertainment events, in the form of barrel races, were also held which accommodated eighty (80) and one hundred and fifty (150) people respectively.

A large-scale New Year's Eve event was held on the site from 31 December 2015 to 1 January 2016 which was the subject of a temporary events permit issued by Council's Environmental Health department.

The facility will occupy a proposed use area of 2.025 hectares which is approximately three per cent (3%) of the entire site area. Structures included in the proposal include an outdoor covered function area, two (2) accommodation buildings that make provision for two (2) bedrooms, and a gazebo and barbecue hut which are located wholly within a fenced area of 7,200 square metres. A large spectator arena is located adjacent to the fenced area to the west of the subject site. A small camping area of fifty (50) square metres is located outside of the fenced area to the east of the subject site opposite the service vehicle access and will primarily be used to accommodate the owners of livestock associated with the facility's spectator events.

A total of sixty-two (62) on-site car parking spaces are provided. Ten (10) of these car parking spaces are provided adjacent to Accommodation Building 1, while the remaining fifty-two (52) spaces are allocated as spillover spaces to accommodate additional vehicles associated with larger scale events.

The maximum number of persons to attend receptions or functions and outdoor entertainments events will be capped at three hundred (200) people per function or reception and five hundred (500) people per outdoor entertainment event. Further, the proposed hours of operation for all events are outlined below:

- Monday to Thursday: 10:00am to 10:00pm; and
- Friday to Sunday: 8:00am to 12:00am.

The hours of operation exclude the use of the ancillary accommodation buildings which may be used throughout the duration of each function or event.

**SITE AND LOCALITY**

The subject site is located in the Rural zone of the *Fitzroy Shire Planning Scheme 2005*. The subject site occupies an area of approximately 64.8 hectares and is surrounded by existing large rural lots which accommodate various agricultural, farming and grazing uses.



Vehicle access to the subject site is gained from Birralee Road to the north-west, while Seymour Road to the south and South Yaamba Road to the east also bound the subject site. The surrounding road network consists entirely of a gravel base.

The structures associated with the proposed use all currently exist on the subject site. These include the two (2) accommodation buildings, the outdoor covered function area, gazebo and barbecue hut, and the spectator arena. An existing shed is also located to the south of the proposed use area, occupying an area of approximately 230 square metres.

None of these structures have any building approval and are currently the subject of an ongoing compliance investigation with Council. Similarly, the site also contains unapproved plumbing and drainage works. Both matters relating to the unapproved building works, and plumbing and drainage works are now the subject of an enforcement notice issued by Council.

An existing creek traverses through the centre of the subject site, although the subject site is not affected by the Flood Prone Land overlay under the *Fitzroy Shire Planning Scheme 2005*. The subject site is covered wholly by the Agricultural Land Class Overlay with the Class A1 and Class C1 agricultural land traversing the southern and northern sections of the subject site respectively.

## **PLANNING ASSESSMENT**

### **MATTERS FOR CONSIDERATION**

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

#### **Development Engineering Comments – 7 December 2015**

Support, subject to conditions.

#### **Public and Environmental Health Comments – 16 February 2016**

Support, subject to conditions.

#### **Other Staff Technical Comments**

Not applicable as the application was not referred to any other technical staff.

### **TOWN PLANNING COMMENTS**

#### **Central Queensland Regional Plan 2013**

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

#### **State Planning Policy 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.

*Agriculture*

Complies. The State Planning Policy Guideline – State Interest – Agriculture, is intended to protect the resources on which agriculture depends in order to ensure the long-term viability of the agricultural sector; specifically, protecting land identified as Class A and Class B for sustainable agricultural use. While the subject site is located in the Rural zone, the proposed use area is not located on the portion of the site which contains land identified as containing Class A or Class B land under the Agricultural Land Classification (ALC) on the Department's broad-scale mapping.

Further, given that the proposed use area occupies only three per cent (3%) of the subject site, the vast majority of the subject site can be utilised for its productive capacity and remain viable for future agricultural and rural activities which are consistent with the Rural zone.

*Biodiversity*

Complies. The south-eastern corner of the subject site contains regulated vegetation which is identified as a matter of state environmental significance in accordance with the Department's broad-scale mapping.

The location of the proposed use area is approximately 690 metres away from the section of the site containing the regulated vegetation. As such, the activities which are associated with the proposed development are not expected to generate any adverse impacts on matters of state environmental significance on the subject site or across the surrounding area.

*Coastal environment*

Not Applicable.

*Water quality*

Not Applicable.

*Natural hazard, risk and resilience*

Complies. According to the Department's broad-scale mapping the subject site is partially affected by the Bushfire Hazard Area and Flood Hazard Area.

The location of the proposed use area is not located in proximity to the identified Bushfire hazard or Flood hazard which is concentrated towards the east of the subject site. Given the location of the proposed use area in proximity to the identified hazards on the subject site, it is not anticipated that the proposed development will result in an increase to human life and property from natural hazards.

*Emissions and hazardous activities*

Not Applicable.

*State transport infrastructure*

Not Applicable.

*Strategic airports and aviation facilities*

Not Applicable.

**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.

**Complies.** The proposed development is not located in proximity to any of the Shire's residential communities and will not compromise their character, safety and amenity. Further, the proposed development will not restrict the Shire's residential

areas from providing for a range of housing options to meet the needs of the local community.

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

**Complies.** The subject site is located approximately twenty-five (25) kilometres from Gracemere. The proposal does not involve the provision of higher order services or community functions and will not compromise Gracemere's role as the main business centre for the Fitzroy Shire.

- 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.** The proposal is located in proximity to the communities of Alton Downs and Ridgeland. The proposal does not involve the construction of a new centre, and as such, will not compromise the ability of either community from providing facilities and services and other higher order functions required to service local residents.

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

**Complies.** The subject site is within the Rural zone and is not located in immediate proximity to any rural residential areas or townships. Further, the proposal does not involve the construction of any rural residential development. As such, the proposal will not compromise the location or consolidation of the region's existing rural residential areas.

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

**Complies.** The proposal involves the promotion of recreational activities by way of rural-based activities including rodeos, barrel racing and horse riding events to be utilised by residents and visitors to the Shire. New park opportunities are not facilitated as part of the proposal.

- 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 cultural heritage values of the Shire will not be compromised as a result of the proposal. The proposal is for a Rural Entertainment and Function Facility which will provide an opportunity for residents and visitors to the Shire to experience activities and events which define the rural character of the surrounding area. This will include rodeos, barrel racing and horse riding events and other activities which have historically rural connotations which promote the character of the rural area. The provision of weddings and other similar functions on the subject site provides a similar opportunity for visitors to the Shire to experience the unique offerings that the region has to offer.

Further, the proposal will not compromise the dominant role of agricultural and grazing activities in the surrounding area, and will preserve their role as key-defining characteristics of the surrounding rural area.

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

**Complies.** The subject site is not affected by any unacceptable natural hazard impacts.

### 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.

**Complies.** The proposal will not result in the unsustainable use of the region's water resources, and will not deteriorate the region's water supply availability or water quality.

- 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.

**Complies.** The proposal will not generate any risks to the Great Barrier Reef catchment.

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

**Complies.** An existing watercourse is located at the southern section of the subject site, in proximity to Seymour Road. However, the proposed use area is positioned so that it will not generate any detrimental impacts, including off-site run-off impacts or increased velocity flows, on this watercourse or the surrounding area. Further, activities and events associated with the proposal will generate negligible impacts on the region's existing and planned water resources.

- 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.

**Complies.** The subject site is not located in proximity to any Conservation Parks, National Parks and native forests. Further, the proposed use area on the subject site is located in a cleared area and does not contain any natural features which contain biodiversity or ecological values. As such, the proposal will not negatively affect the Shire's open space networks or conservation areas.

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

**Complies.** An existing riparian corridor bounds the watercourse which is located on the subject site. The proposed use area is not located within this riparian corridor and is adequately separated from the site's watercourse. Further, the subject site does not contain any native vegetation with significant biodiversity and scenic values and the activities associated with the proposal will not compromise the ecological values of any sensitive fauna and flora species and their habitats.

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

**Complies.** The proposal seeks to promote the cultural heritage values of the Shire by facilitating events and activities which allow residents and visitors to experience the surrounding rural character. The rural character of the Shire will be further enhanced by the accommodation of rural-based, recreational activities including rodeos, barrel racing, and horse riding events on the subject site. Further, the proposal will not compromise the dominant role of agricultural and grazing activities which are located in the immediate area, ensuring that these activities remain as key-defining characteristics which define the cultural heritage of the surrounding area.

- 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.

**Complies.** The proposal will not generate any adverse impacts on the surrounding environment or public health as a result of waste disposal activities and harmful contaminated land will not be created as a result of the proposal's activities. Further, the proposal will not result in the strenuous use of the region's resources and will maintain the area's contribution towards facilitating ecologically sustainable development.

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

**Complies.** No harmful emissions will be generated from the proposal's activities, ensuring that air quality is maintained, facilitating ecologically sustainable development.

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

**Complies.** The activities associated with the proposal may generate excessive noise levels which will affect the quality of the local acoustic environment. The proposal will be conditioned to undertake noise monitoring when the activities result in an environmental nuisance or significantly impact the amenity of adjoining premises or the surrounding area. Noise measurements provided as part of the monitoring must be compared with the acoustic quality objectives specified in the *Environmental Protection (Noise) Policy*.

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

**Complies:** The proposal's activities will not result in the spread or increase of weeds and pest animals.

### 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 proposal does not involve industrial development and will not compromise the role of the Gracemere-Stanwell Zone as a regionally significant industrial area.

- 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 proposal does not involve the establishment of new industrial uses.

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

**Complies.** Outdoor entertainment and recreational activities which will utilise the local rural setting will be accommodated as part of the proposed development. The use of the subject site for receptions and functions, and sporadic outdoor entertainment events, are considered to be compatible with the local environmental features, and the landscape character values which define the Rural zone and will not compromise the long-term use of the subject site or surrounding land for rural purposes. Further, the proposed development will not compromise the ability of existing agricultural and rural activities on adjoining and surrounding properties to remain viable and operate sustainably.

- 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.

**Complies.** The proposal is not located in proximity to Port Alma and will not compromise its role as an important port and industrial node for the region.

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

**Complies.** The location of the proposed use area is not situated on the portion of the site to the west which is identified as Class A1 land, or identified as Class A or Class B on the Agricultural Land Classification register. Given that the proposed use area

only occupies approximately three per cent (3%) of the entire subject site, the large majority of the subject site can still be utilised for its productive capacity and remain viable for agricultural and rural activities which are consistent with the Rural zone.

- 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.

**Complies.** An annual road maintenance contribution has been conditioned to maintain the standard of the local road network due to the increased traffic that will occur on South Yaamba Road, Birahlee Road, and Seymour Road. Further, the proposed development will not implicate existing telecommunication, electricity transmission and distribution networks in proximity to the site, or the surrounding area.

- x) 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 proposal will not compromise any planned extension of the region's reticulated infrastructure.

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

**Complies.** The proposal will not compromise the region's waste disposal facilities.

- 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.** The subject site is not located in proximity to the interface between the region's industrial land or sensitive land uses.

The performance assessment of the proposal demonstrates that the proposal generally complies with the Desired Environmental Outcomes of the *Fitzroy Shire Planning Scheme 2005*.

The proposal involves the introduction of an Undefined Use (Rural Entertainment and Function Facility with ancillary accommodation) into the Rural zone. The facility provides a unique venue for the region to accommodate a diverse range of activities, which capitalise on the region's environmental and scenic amenity values that define the surrounding rural setting. Activities and events which the facility will accommodate have historically rural connotations and are designed to promote the distinctly rural character of the surrounding area and subsequently ensure the longevity of the cultural heritage values which define the Shire. In this respect, the facility is more suitably located on a large rural lot in the Rural zone, in contrast to the region's residential, commercial or industrial areas.

Activities and events associated with the proposal are not expected to adversely affect the rural amenity or cultural heritage values which define the region. Where the proposed activities create an environmental nuisance or disrupt the amenity of adjoining premises, the proposal is conditioned to undertake nuisance and noise monitoring upon receipt of a genuine complaint made to Council. Further, given the infrequent nature of events on the site, any potential impacts to the surrounding environment are considered negligible and can be appropriately managed through the development conditions outlined in the recommendation.

Land used for agricultural, farming and grazing purposes, will remain as the predominant development pattern in the surrounding area and the proposed development will not diminish the productive capacity of adjoining properties for this purpose. Further, given that the use

area for the proposed development is approximately three per cent (3%) of the entire site area, the majority of the subject site can still be utilised for its productive qualities in encouraging agricultural and other rural activities. The proposed use area is not located in an area which is identified as containing good quality agricultural land for sustainable agricultural use as identified on the State Planning Policy Guideline mapping.

### Rural Zone

*The overall outcomes sought for all Rural Zoned land are;*

- (i) Agriculture and grazing purposes, dominate the land uses within the Zone;*
- (ii) Land is provided with rural standard services;*
- (iii) Rural character, including rural and agricultural landscapes, is protected;*
- (iv) Overall water quality is maintained and enhanced where possible by the protection of natural features such as watercourses, soil landscapes and native vegetation and the spread or increase of weeds and pest animals is prevented;*
- (v) Intensive agriculture and intensive animal husbandry uses locate in the Zone, provided that it is demonstrated through the application process that both on-site and off-site impacts of the development are managed so as not to pose a risk to the natural environment;*
- (vi) Those Rural Uses which have significant smell, noise or other impacts are located away from towns and villages to protect the amenity of those towns and villages; and*
- (vii) Some non-rural uses such as recreational based uses, home based businesses, home host accommodation, educational or tourism related uses of a low intensity and scale, and mining and extractive industry uses occur within the Zone where the Specific Outcomes are met.*

The application is not consistent with the overall outcomes of the Zone. The proposal involves the introduction of an Undefined Use (Rural Entertainment and Function Facility with ancillary accommodation) into the Rural zone. Therefore, the application is not consistent with the intent of the zone.

### Fitzroy Shire Planning Scheme Codes

The following codes are applicable to this application:

- Economic Resources Overlays Code;
- Accommodation Buildings Code;
- Development Standards Code; and
- Rural Zone 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:

Rural 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 in relation to;	The proposal is not consistent with the amenity values which define the Rural zone. The nearest three (3) residential dwellings are located approximately 326 metres south-west, 233 metres north, and 333 metres north-east from the proposed use area. Given the remote location and distant proximity to the nearest residential
	(i) Their design, orientation or construction materials;	
	(ii) The operation of machinery	

	<p>or electrical equipment; or</p> <p>(iii) The emission of light, noise, vibration, odour, fumes, smoke, vapour, steam, soot, ash, grit, oil, dust, waste water, waste products, or electrical interference.</p>	<p>dwellings there are not expected to be significant impacts upon the rural amenity of the adjoining premises. These setbacks are considered sufficient to alleviate negative impacts on rural amenity which may emanate as a result of noise, dust and light emissions from the facility's activities.</p> <p>Noise and nuisance monitoring, when requested by Council, will be required when the facility's activities generate a significant impact on the amenity of adjoining premises or the surrounding area. Hours of operation have also been conditioned to limit the impact of the activities on adjoining premises and subsequently mitigate noise emissions on the local acoustic environment.</p> <p>Lighting devices associated with the proposal will be positioned so as not to cause glare or generate nuisance to surrounding premises and constructed in accordance with the applicable Australian Standard. Any genuine complaint received regarding light emissions from the proposal will result in Council requesting nuisance monitoring to be undertaken to investigate the complaint.</p> <p>An annual road maintenance contribution has been conditioned to maintain the gravel road network which is used to access the site. This contribution will ensure that the gravel road network, consisting of Seymour, Birralee and South Yaamba Roads, are maintained as a result of the increased traffic from the proposal, including the release of dust emissions which may impact surrounding properties. If the proposal's activities exceed the intended scale and intensity that was applied for, then Council has the right to increase this contribution amount to reflect such a change to manage road impacts.</p> <p>An appropriate dust suppressant is required to be applied to ensure that dust caused by vehicles moving along the surrounding gravel road network, the internal access track, and parking areas do not cause a nuisance to surrounding properties. This may be in the form of constant water spraying or another natural based proprietary dust suppressant to the satisfaction of Council. Further, any genuine complaint of dust emissions generated from the proposed activities or vehicle movements used by patrons accessing the facility will result in Council</p>
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		<p>requesting nuisance monitoring to be undertaken to investigate the complaint of dust.</p> <p>The proposal will not deteriorate the surrounding rural amenity or cultural heritage values which define the local rural landscape. The proposed activities and events are most suitably located in the Rural zone, in contrast to the region's residential, commercial and industrial areas, due to the rural connotations associated with some of the outdoor entertainment events including rodeos and barrel racing. Further, the smaller-scale weddings and functions proposed are designed to capitalise on the surrounding environmental and scenic amenity values which define the region's rural setting. The intensity and scale of all proposed activities are not expected to deteriorate the surrounding amenity values.</p> <p>The facility's construction materials for the two (2) accommodation buildings, outdoor covered function area, barbecue hut and gazebo are consistent with the surrounding rural amenity and the character of existing development and land uses.</p> <p>The operation and use of machinery and electrical equipment will not be excessive and any noise, light or dust emissions which detract from the surrounding amenity resulting from their use will be captured and audited as part of a Site-Based Management Plan.</p>
S4	<p>Land uses and works are located, and include mitigation measures that;</p> <p>(i) Are sufficient to protect the amenity of the area;(ii)Are sufficient to protect the capacity for existing and approved uses to continue to operate; and</p> <p>(ii) Are sufficient to protect the opportunities for existing and approved uses to expand in allocated /zoned land; and</p> <p>(iii) For agricultural uses, are outlined in <i>Planning Guidelines: Separating Agricultural and Residential Land Uses</i> DNR and DLGP, 1997;and</p> <p>(iv) For the keeping of cattle, are outlined in <i>Section 4 of the DPI Reference Manual for the</i></p>	<p>The location of the proposed use area within the subject site is setback a significant distance from the nearest three (3) residential dwellings (approximately 326 metres south-west, 233 metres north and 333 metres north-east from the proposed use area). As such, the location of the facility is not expected to adversely impact upon the rural amenity of these adjoining premises.</p> <p>Where the proposal generates impacts upon the amenity of surrounding premises, appropriate measures to mitigate noise, light and dust emissions have been included in the development conditions recommended for approval.</p> <p>Noise and nuisance monitoring will be required to be undertaken, when requested by Council, when emissions generated from the facility's activities create an environmental nuisance or detract from the</p>

<p><i>Establishment and Operation of Beef Cattle Feedlots in Queensland, 2000</i>; and</p> <p>(v) For the keeping of poultry, are outlined in the <i>Guidelines for Poultry Farming in Queensland</i>;</p> <p>(vi) For the keeping of pigs, are outlined in the <i>Separation Guidelines for Queensland Piggeries (2001)</i>; and</p> <p>(vii) For development in proximity to watercourses and water bodies, are outlined in the <i>SEQWATER Development Assessment Guidelines</i>, prepared as a collaboration of State Government Departments;</p> <p>(viii) Are consistent with the <i>Guidelines to minimise mosquito and biting midge problems in new development areas</i>; and</p> <p>(ix) Take into account the following variables:</p> <p>(a) The nature of the proposed land use; and</p> <p>(b) The existing and future amenity of the area; and</p> <p>(c) The existing and future development in the area; and</p> <p>(d) The location of any existing vegetation which would buffer the proposed use; and</p> <p>(e) predominant wind directions; and</p> <p>(f) The topography of the site.</p>	<p>amenity of the surrounding area. Lighting devices will be positioned on the site so as not to cause glare or generate nuisance to adjoining premises. Further, an appropriate dust suppressant is required to be applied to ensure that dust caused by vehicles moving along the surrounding gravel road network, the internal access track, and parking areas do not cause a nuisance to surrounding properties. This may be in the form of constant water spraying or another natural based proprietary dust suppressant to the satisfaction of Council.</p> <p>An annual road maintenance contribution is also required to maintain the surrounding gravel road network, consisting of Seymour, Birralee and South Yaamba Roads as a result of the increased traffic from the facility's proposed activities. This road maintenance will also mitigate potential dust emissions resulting from increased road traffic.</p> <p>A Site-Based Management Plan is also conditioned as part of the operation of the proposed development. The Site-Based Management Plan will be used as an auditing tool to measure the scale and intensity of the proposed development's activities to ensure that any nuisance or environmental harm are reduced through appropriate mitigation measures, which are included in the plan.</p> <p>The operation of the proposed development will not diminish the productive capacity of the surrounding area for agricultural, grazing and farming purposes or inhibit the capacity for existing and approved uses to continue to operate. The location of the proposed use area is not located on the section of the subject site which is identified as Class A or Class B under the Agricultural Land Classification, in accordance with the State Planning Policy Guideline – State Interest – Agriculture. The location of the proposed use, and the proposed activities, is not seen to unduly compromise the Good Quality Agricultural Land which is located on the subject site. Further, the proposed use area is setback a sufficient distance from all adjoining premises and rural uses in the surrounding area in a manner that will not deteriorate the viability of the existing agricultural, grazing and rural activities and will not restrict their potential future expansion.</p>
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Economic Resources Overlays Code		
Specific Outcomes		Officer's Response
S1	Land uses and newly created lots are located and designed so as not to limit the productivity, viability or use of Good Quality Agricultural Land for agricultural purposes.	<p>The subject site contains land which is identified as Class A and Class B under the Agricultural Land Classification in accordance with the State Planning Policy Guideline – State Interest – Agriculture. However, the location of the proposed use area is not located within this section of the property which is identified as being Good Quality Agricultural Land. Further, the proposed use area occupies only three per cent (3%) of the entire subject site, ensuring that the agricultural productivity of the remaining site area, including the section to the west identified as Good Quality Agricultural Land, is not compromised as a result of the proposed development. As such, the future ability of the subject site to accommodate agricultural, grazing or cropping activities is not unduly compromised.</p> <p>The proposed development will not deteriorate the viability of existing agricultural, grazing and cropping activities located on adjoining and nearby premises, which dominate the surrounding area and the Rural zone.</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 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 proposed development for an Undefined Use (Rural Entertainment and Function Facility with ancillary accommodation) holds regional significance and is a form of development that was not anticipated by the *Fitzroy Shire Planning Scheme 2005*. Despite its non-compliance with the Rural zone code, the proposed development provides a unique venue which will accommodate a range of events that capitalise on the environmental and scenic amenity values defining the region's rural setting, making the proposed development considerably distinct from existing urban and town-based function venues. Therefore, the proposed development is regarded to be regionally significant as it is unique to the area and there are currently no similar function venues promoting the distinct rural amenity values which define the Rockhampton region;
- b) The activities associated with the proposed function facility are more suitably located on large lots within the Rural zone, in comparison to existing residential, commercial and industrial zones in the region. The location of the site in the Rural zone is situated in an area that is considered suitable for the activities associated with the proposed function facility as they coincide with the environmental and landscape values which define the Rural zone;

- c) The majority of activities associated with the proposal will be for receptions and functions which are small-scale in nature. The proposed facility is restricted to accommodate ten (10) events per calendar year where the number of persons attending an event is greater than two-hundred (200), but less than five hundred (500) persons. Large scale events with a capacity of greater than five hundred (500) persons are restricted to twice in a calendar year and must be the subject of a Temporary Events Application to Council. As such, due to the infrequent nature of large scale events on the site, there are expected to be minimal impacts on the local rural amenity as the facility will largely accommodate small-scale receptions and functions;
- d) The use area of the proposal is sufficiently setback from the nearest residential dwellings and is considered appropriate to mitigate impacts on rural amenity which may result from the proposed use;
- e) The size of the use area (approximately three per cent (3%) of the subject site) for the proposed function facility will ensure that the majority of the subject site can be utilised for its productive capacity and remains viable for agricultural and rural activities which are consistent with the Rural zone and will not unduly compromise the rural amenity or primary activities of the surrounding area;
- f) The proposed function facility will not compromise the viability of good quality agricultural land as the site proposed use area is not affected by the Agricultural Land Class Overlay under the *Fitzroy Shire Planning Scheme 2005*, or located in an area identified as Class A or Class B on the Agricultural Land Classification mapping;
- g) The outdoor entertainment and recreational activities accommodated on the subject site are considered to be compatible with the environmental and scenic amenity features which define the surrounding rural landscape;
- h) Mitigation measures to reduce impacts on the amenity and lifestyle values of surrounding properties have been incorporated as part of the development conditions. This includes establishing a cap on the maximum number of persons per function or event, hours of operation, noise and nuisance monitoring, and dust mitigation measures;
- i) An annual road maintenance contribution is conditioned to ensure that the efficiency of the gravel road network used to access the subject site is maintained to mitigate traffic impacts resulting from the proposed development on the local road network, community and the environment;
- j) The proposed use does not compromise the achievements of the Desired Environmental Outcomes in the *Fitzroy Shire Planning Scheme 2005*;
- k) An 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 rural amenity of the surrounding area, the surrounding natural environment, built environment and infrastructure, community facilities, or local character; and
- l) The proposed development does not compromise the relevant State Planning Policy.

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

**INFRASTRUCTURE CHARGES**

Adopted Infrastructure Charges Resolution (No.5) 2015 for accommodation (short term) applies to the application and it falls within Charge Area 3. The Infrastructure Charges are as follows:

Column 1 Use Schedule	Column 1A Use (QPP)	Column 2 Charge Area	Column 3 Adopted Infrastructure Charge for residential development (\$/dwelling unit)			Column 4 Unit	Calculate d Charge
			1 bedroom	2 bedrooms	3 or more bedrooms		
Accommodation (Short Term)	Short-term Accommodation	Area 3	2,250 (<6 beds per room);  2,500 (6+ beds per room)	2,500	,500	Per bedroom or suite	\$5,000.00
Total							\$5,000.00
Less credit							\$7,000.00
<b>TOTAL CHARGE</b>							<b>\$0,000.00</b>

This is based on the following calculations:

- (a) a charge of \$2,500.00 per accommodation building, containing two (2) bedrooms each; and
- (b) an infrastructure credit of \$7,000.00 for the existing lot.

Therefore, no infrastructure charges are applicable for this application.

**CONSULTATION**

The proposal was the subject of public notification between 11 January 2016 and 1 February 2016 as per the requirements of the *Sustainable Planning Act 2009*, and six (6) properly made submissions were received.

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

Issue	Officer's Response
<b><u>Impacts on local road network and safety</u></b> <i>"The increased volume of vehicular traffic stemming from the proposed development will hasten the deterioration of South Yaamba Road, Seymour Road and Birralee Road, which are already in poor condition, creating unsafe conditions for local residents"</i>	An annual road maintenance contribution has been conditioned on the proposed development towards the maintenance of the gravel road network which is used to access the facility. This contribution has been calculated based on a maximum number of five hundred (500) persons per event which would result in a traffic generation of approximately two hundred (200) to three hundred (300) vehicles per event. As such, the road maintenance contribution will

Issue	Officer's Response
<p><i>"There are safety concerns in relation to the use of South Yaamba Road, Seymour Road and Birralee Road due to:</i></p> <ul style="list-style-type: none"> <li><i>a. Patrons associated with the proposed development being unfamiliar with the:</i> <ul style="list-style-type: none"> <li><i>i. Alignment and (often poor) condition of the abovementioned roads;</i></li> <li><i>ii. Lack of road signage; and</i></li> <li><i>iii. Load restrictions on the Limestone Creek and Sandy Creek bridges.</i></li> </ul> </li> <li><i>b. The abovementioned creeks being subject to localised flash flooding that results in roads being cut and fast moving water across the floodways.."</i></li> </ul>	<p>ensure that the local gravel road network, consisting of South Yaamba Road, Seymour Road, and Birralee Road, is maintained as a result of the increased traffic flows generated from the proposed development. Council has the right to revise this contribution if the anticipated number of vehicle trips exceeds the calculated capacity.</p> <p>To address matters relating to the safety of the surrounding road network, particularly on the approaches to the two (2) floodways on Seymour Road. Council has conditioned that 'Give Way' signage be installed on one (1) of the approaches to both floodways on Seymour Road, with advanced warning signs depicting 'Floodway' and 'One Lane' on both approaches to both floodways. This addresses the issues raised regarding the lack of familiarity with the local road network and signage currently present on the local road network. A condition regarding the installation of traffic signs and pavement markings in accordance with the <i>Manual of Uniform Traffic Control Devices – Queensland</i> has been included which includes modifying existing signage and markings where appropriate to reflect the current standard.</p>
<p><b><u>Dust generation</u></b></p> <p><i>"Dust pollution prevails during preparations for the event, from the arena throughout the event, and afterwards."</i></p>	<p>Nuisance monitoring is required to be undertaken when requested by Council to investigate any genuine complaint of nuisance which is caused by dust generated from the proposed development. The monitoring must be undertaken within three (3) months to investigate the complaint and must be provided to Council within fourteen (14) days upon completion of the investigation. This has been included as part of the conditions on the proposed development.</p> <p>A condition requiring the use of dust mitigation measures before and after events is also conditioned. The condition requires the use of preventative measures on the surrounding road network, including South Yaamba Road, Seymour Road and Birralee Road, as well as within the proposed use area in order to reduce dust emissions affecting surrounding properties. If a dust nuisance is prevalent after applying such measures, then Council can request for nuisance monitoring to be undertaken when a genuine complaint is received.</p> <p>The proposed development is conditioned to ensure that operations on the development site will have no significant impact on the amenity of adjoining premises or the surrounding area due</p>

Issue	Officer's Response
	to the emission of dust. The impacts on amenity values will be measured by any nuisance monitoring which is required to be undertaken when a genuine complaint is received about the emission of dust resulting from the proposed development.
<p><b><u>Noise impacts</u></b></p> <p><i>"Noise levels from live music played over long periods during events, from Public Address Systems calling events and commentary at Rodeos during campdrafting and races, traffic noises along the roads as people arrive and leave and from motor bikes speeding up and down the roads of the events."</i></p>	<p>Concerns regarding the impact on the local acoustic environment resulting from increased noise emissions from the proposed development's activities were raised in the submissions.</p> <p>To mitigate impacts on the acoustic environment, nuisance and noise monitoring are included as part of the development conditions. Noise monitoring is required to be undertaken when a genuine complaint of nuisance of noise is received by Council. The monitoring must be undertaken within three (3) months to investigate the complaint. 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. Noise monitoring data must be compared with the acoustic quality objectives specified in the <i>Environmental Protection (Noise) Policy</i>.</p> <p>The proposed use area is setback approximately 326 metres south-west, 233 metres north and 333 metres north-east from the nearest residential dwellings. Given that the primary activity on the subject site will be for smaller receptions and functions, the impact of noise emissions on adjoining properties and the surrounding area, are not expected to cause significant disturbance to the local acoustic environment. Sporadically, the proposed development will accommodate outdoor entertainment events of a larger-scale. However, given the distant proximity of the proposed use area to the nearest residential dwellings, the proposed activities are not expected to create a significant noise disturbance on adjoining properties. When there is a significant disturbance created by noise from the proposed development, noise monitoring must be undertaken within three (3) months upon receiving a genuine complaint of noise when requested by Council.</p>
<p><b><u>Light emissions</u></b></p> <p><i>"The proposal would have an unacceptable impact on the amenity of the surrounding area due to intrusive lighting."</i></p>	<p>One submission raised a concern regarding the positioning of lighting devices on the proposed development and its exposure onto their property.</p> <p>The proposed development is conditioned to ensure that any lighting devices associated with</p>

Issue	Officer's Response
	<p>the proposed development's activities are positioned on the site so as not to cause glare or other nuisance to nearby residents and motorists. Further, any night lighting provided must be in accordance with <i>Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"</i>.</p> <p>Nuisance monitoring is also included as part of the conditions attached to the proposed development. Nuisance monitoring is required to be undertaken when a genuine complaint is made to Council regarding any nuisance created by light. The monitoring data, an analysis of the data and a report, including light mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation.</p>
<p><b><u>Agricultural productivity</u></b></p> <p><i>"There will be unacceptable impacts on Good Quality Agricultural Land (GQAL)."</i></p>	<p>Two (2) submissions raised concerns regarding the impact the proposed development would have on good quality agricultural land.</p> <p>The subject site contains land which is identified as Class A and Class B under the Agricultural Land Classification mapping in accordance with the State Planning Policy Guideline – State Interest – Agriculture. The portion of the subject site containing good quality agricultural land is concentrated towards the western part of the subject site. The location of the proposed use area is not located on land which is identified as Class A or Class B under the Agricultural Land Classification. Further, the proposed use area only occupies approximately three per cent (3%) of the entire subject site. This will allow the remaining sixty-three (63) hectares available on the subject site to be utilised for its agricultural productivity which includes the western portion of the subject site identified as containing good quality agricultural land in accordance with the Agricultural Land Classification. As such, the future ability of the subject site to accommodate agricultural, grazing or cropping activities is not unduly compromised.</p> <p>Further, the proposed development will not deteriorate the viability of existing agricultural, grazing and cropping activities located on adjoining and nearby premises which dominate the surrounding area and the Rural zone.</p>
<p><b><u>Rural amenity</u></b></p> <p><i>"The proposed development and its associated receptions and functions, specifically major events, will result in unacceptable amenity impacts on</i></p>	<p>All submissions identified concerns regarding the impact the proposed development would have on the rural amenity values which define the surrounding area.</p> <p>The proposed development for a Rural</p>



Issue	Officer's Response
<p><i>nearby residents."</i></p>	<p>Entertainment and Function Facility is not consistent with the intent of the Rural zone. However, the proposed development is considered to be regionally significant, providing a unique venue which will accommodate a range of events which capitalise on the environmental and scenic amenity values which define the region's rural setting, making the proposed development considerably distinct from existing urban and town-based function venues. The intent of the proposed development is to capitalise on the rural amenity values which define the Rockhampton Region.</p> <p>All activities which are associated with the proposed development are more suitably located on large lots within the Rural zone, in comparison to existing residential, commercial and industrial zones in the region. As such, the location of the proposed development within the Rural zone is situated in an area which is suitable for the activities proposed, while coinciding with the environmental and landscape values which define the Rural zone.</p> <p>The subject site does contain land which is identified as Class A and Class B under the Agricultural Land Classification mapping in accordance with the State Planning Policy Guideline – State Interest – Agriculture. However, the location of the proposed use area is not on the portion of the site containing good quality agricultural land. Further, predominant land uses of the Rural zone, for agricultural, grazing and cropping purposes, will not be compromised as a result of the proposed development.</p> <p>Impacts caused by the emission of light, noise and dust have been addressed in the conditions attached to the proposed development. Noise and nuisance monitoring is required to be undertaken when Council receives a genuine complaint regarding the emission of light, noise and dust. Further, a condition stipulating that operations on the development site must not have a significant impact on the amenity of adjoining premises is also included. Any impacts on the amenity on the surrounding area will trigger the requirement for noise or nuisance monitoring.</p>
<p><b><u>Planning need</u></b></p> <p><i>"Similar existing commercial facilities in the region will be detrimentally impacted by the additional rural entertainment and function facility, for which there is</i></p>	<p>Several submissions questioned the 'planning need' for the proposed development in the Rural zone. Specifically, given the presence of existing facilities including the Ridgeland Showgrounds, Paradise Lagoons and the</p>

Issue	Officer's Response
<i>no need."</i>	<p>Rockhampton Showgrounds.</p> <p>The proposed development is considered to be regionally significant and in significant contrast to existing urban and town-based function venues. The primary activities associated with the proposed development will be for receptions and functions which aim to capitalise on the environmental and scenic amenity values which define the surrounding Rural zone. Further, the use of the subject site for rodeos and barrel racing events, which will be infrequent in comparison to the receptions and functions, are also suitable on the subject site in comparison to the existing venues raised above.</p> <p>Currently, the Rockhampton region does not have a Rural Entertainment and Function Facility similar to what is proposed as part of this development application. The activities associated with the proposed development are more suitably located on a large lot in the Rural zone, in comparison to existing residential, commercial and industrial areas. The proposed development provides an opportunity for the region to capitalise on its unique environmental and scenic amenity values which defines the region's rural characteristics.</p>
<p><b><u>Development precedent</u></b></p> <p><i>"If Council approves the proposed development, it will set a precedent for other non-rural activities to establish in the area."</i></p>	<p>Any new development in the area will be assessed on its merits with regard to all applicable local and State planning instruments. An approval of the proposed function facility does not automatically permit all other assessable development in the Rural zone to occur without the relevant development permits.</p>
<p><b><u>Potential for increased crime</u></b></p> <p><i>"There will be the potential for increased crime due to visitors and the availability of alcohol."</i></p>	<p>The facility operators have indicated that approximately seventy-five per cent (75%) of events will be small-scale receptions and functions wholly contained within the use area on the subject site. This creates limited potential for anti-social behaviour spreading to any neighbouring properties. As part of any liquor licensing formal security may be required depending on the number of persons at a specific event therefore, mitigating the potential of anti-social behaviour both on- and off-site.</p>

## **REFERRALS**

No referral agencies were triggered as part of this application.

## **CONCLUSION**

The application for a Material Change of Use for an Undefined Use (Rural Entertainment and Function Facility with ancillary accommodation) is not consistent with the intent of the Rural zone. As demonstrated above there are sufficient grounds to justify the conflict with the

planning scheme based on a full code assessment of the application against the *Fitzroy Shire Planning Scheme 2005*. Therefore, the application is recommended for approval subject to the conditions outlined in the recommendation.

**D/106-2015 - DEVELOPMENT  
APPLICATION FOR A MATERIAL  
CHANGE OF USE FOR AN UNDEFINED  
USE (RURAL ENTERTAINMENT AND  
FUNCTION FACILITY WITH  
ANCILLARY ACCOMMODATION)**

**Locality Plan**

**Meeting Date: 17 May 2016**

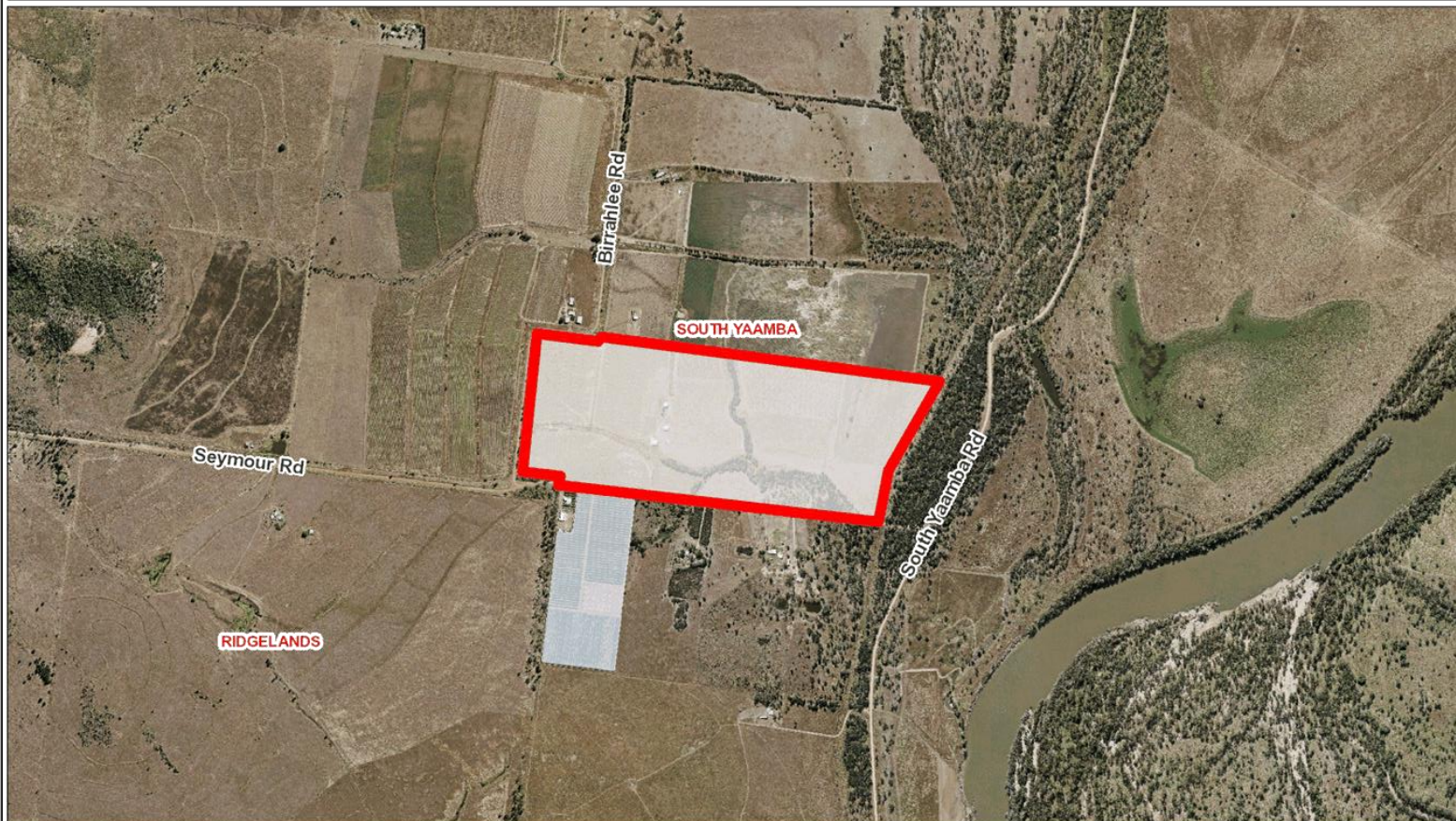
**Attachment No: 1**

D/106-2015 - Locality Plan



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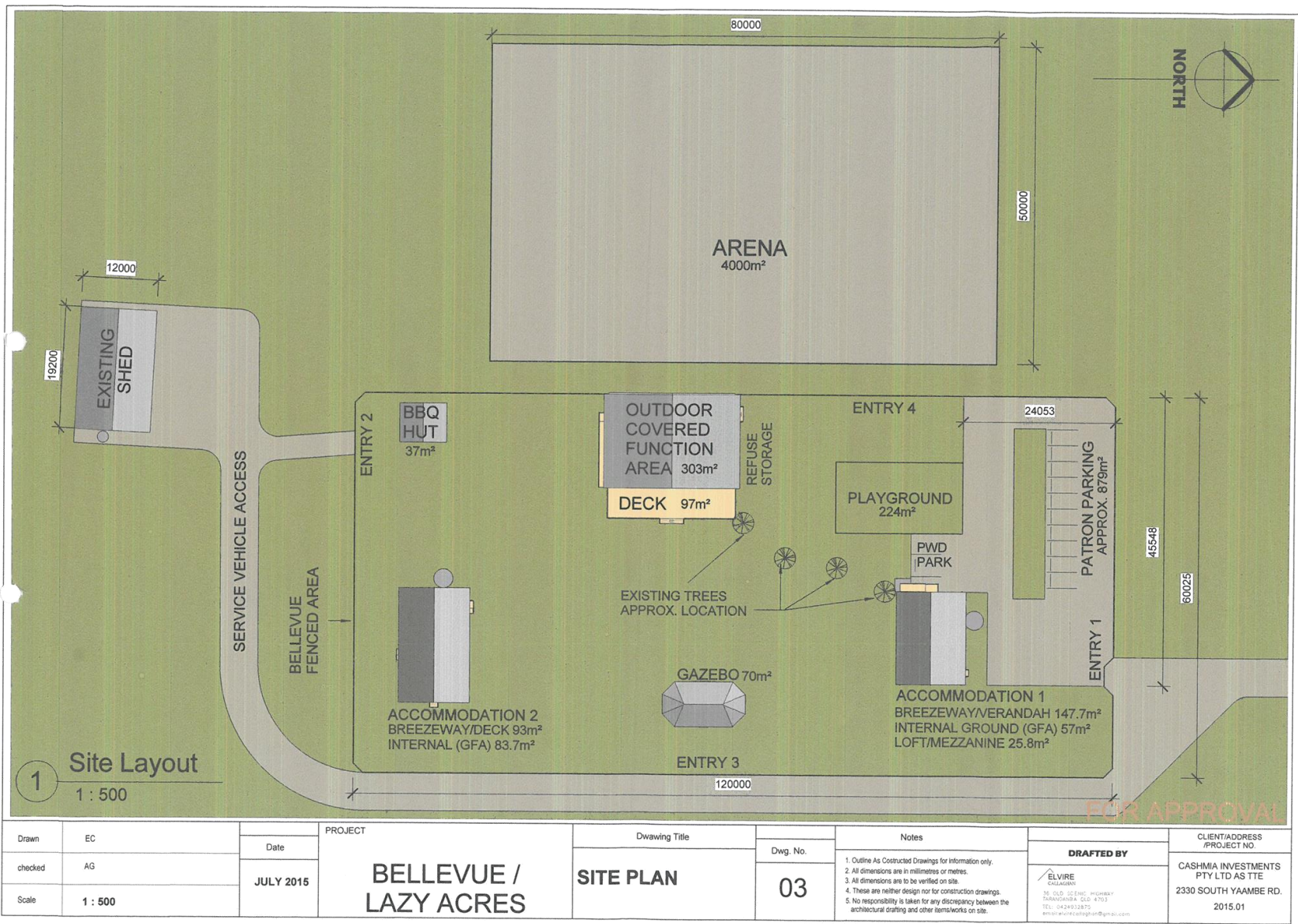
**D/106-2015 - DEVELOPMENT  
APPLICATION FOR A MATERIAL  
CHANGE OF USE FOR AN UNDEFINED  
USE (RURAL ENTERTAINMENT AND  
FUNCTION FACILITY WITH  
ANCILLARY ACCOMMODATION)**

**Site Plan**

**Meeting Date: 17 May 2016**

**Attachment No: 2**





## 8.2 D/151-2015 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A CHILD CARE CENTRE

**File No:** D/151-2015

**Attachments:**

1. Locality Plan
2. Site Plan
3. Floor Plan
4. Elevations

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

**Author:** Corina Hibberd - Acting Senior Planning Officer

### SUMMARY

*Development Application Number:* D/151-2015

*Applicant:* G. Shuker

*Real Property Address:* Lot 25 on SP238738, Parish of Archer

*Common Property Address:* 16 Alan Drive, Frenchville

*Area of Site:* 1.629 hectares

*Planning Scheme:* Rockhampton Region Planning Scheme 2015

*Planning Scheme Zone:* Sport and Recreation Zone

*Planning Scheme Overlays:* Nil Applicable

*Existing Development:* Little Zebra Child Care Centre and Goodlife Health Club

*Existing Approvals:* D-R/473-2003 Material Change of Use for Indoor Entertainment, Outdoor Entertainment, Professional Office and Caretakers – approved 21 October 2003 (and associated operational works)

D/37-2015 Indoor Sport and Recreation (amendment to hours of operation), approved 17 July 0251.

*Approval Sought:* Development Permit for a Material Change of Use for a Child Care Centre

*Level of Assessment:* Impact Assessable

*Submissions:* One Properly Made Submission

*Referral Agency(s):* Nil

*Infrastructure Charges Area:* Charge Area One

*Application Progress:*

<i>Application Lodged:</i>	6 November 2015
<i>Acknowledgment Notice issued:</i>	20 November 2015
<i>Request for Further Information sent:</i>	4 December 2015
<i>Request for Further Information responded to:</i>	1 March 2016



<i>Submission period commenced:</i>	<i>3 March 2016</i>
<i>Submission period end:</i>	<i>30 March 2016</i>
<i>Council request for additional time:</i>	<i>Sent 27 April 2016</i>
<i>Statutory due determination date:</i>	<i>30 May 2016</i>

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

That in relation to the application for a Development Permit for a Material Change of Use for Child Care Centre, made by Capricorn Survey Group (CQ) Pty Ltd on behalf of G Shuker, on Lot 25 on SP238738, Parish of Archer, located at 16 Alan Drive, Frenchville, 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 use is highly compatible with the surrounding community and recreational uses and integrates well with the built and natural environment;
- b) The availability of land, the amenity, and the operational needs of different uses in the Sport and Recreation Zone are not compromised by the proposed development;
- c) The development is of a scale, size, appearance and built form which is consistent with amenity of the area;
- d) There is a high demand and need for child care centres in the Rockhampton area;
- e) The proposed use does not compromise the strategic framework in the *Rockhampton Region Planning Scheme 2015*;
- f) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and
- g) 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 Child Care Centre, made by Capricorn Survey Group (CQ) Pty Ltd on behalf of G Shuker, on Lot 25 on SP238738, Parish of Archer, located at 16 Alan Drive, Frenchville, Council resolves to Approve the application subject to the following conditions:

**1.0 ADMINISTRATION**

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of the use, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior to the commencement of the use,

unless otherwise stated.

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

1.6.1 Operational Works:

- (i) Road Works;
- (ii) Access and Parking Works;
- (iii) Stormwater Works;

1.6.2 Plumbing and Drainage Works; and

1.6.3 Building Works.

- 1.7 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.9 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Number</u>	<u>Dated</u>
Site Plan	Project 15928 DA-101 Rev. A	8 February 2016
Floor Plan	Project 15928 DA-102 Rev. A	23 October 2015
Elevations	Project 15928 DA-200 Rev. A	23 October 2015
Sections	Project 15928 DA-300 Rev. A	23 October 2015
Traffic Impact Assessment Report	K3513-0002	29 February 2016
Conceptual Stormwater Management Plan	K3513-0003/A	29 February 2016

- 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 ROAD WORKS

- 3.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road 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*, relevant *Australian Standards* and the provisions of a Development Permit for Operational Works (road works).
- 3.3 A 1.5 metre wide pavement widening and sealing for Robinson Street (as shown in Figure 8 of the 'Traffic Impact Assessment Report') with additional tapering length and line marking for a Channelised Right turn into the site, must be provided in accordance with *Austroads Guidelines – Part 4A*.

- 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 site.
- 4.2 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).
- 4.3 All parking spaces, access driveway, and vehicular manoeuvring areas associated with this proposed development must be concrete paved or asphalted.
- 4.4 All vehicles must ingress and egress the development in a forward gear.
- 4.5 Universal access parking spaces must be provided in accordance with *Australian Standard AS2890.6 “Parking Facilities - Off-Street parking for people with disabilities”*.
- 4.6 Road signage and pavement markings must be installed in accordance with the *Australian Standard AS1742.1 “Manual of Uniform Traffic Control Devices”*.
- 4.7 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 “Lighting for Roads and Public Spaces”*.
- 4.8 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 “Design for Access and Mobility”*.
- 4.9 All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Australian Standard AS1742.1 “Manual of Uniform Traffic Control Devices”* and *Australian Standard AS2890.1 “Parking Facilities – Off-street Car Parking”*.
- 4.10 Road signage and pavement markings must be installed in accordance with the *Australian Standard AS1742.1 “Manual of Uniform Traffic Control Devices”*.
- 4.11 Any application for a Development Permit for Operational Works (access and parking works) must be accompanied by detailed and scaled plans which demonstrate the turning movements/swept paths of the largest vehicle to access the site including refuse collection vehicles.

#### 5.0 PLUMBING AND DRAINAGE WORKS

- 5.1 All internal plumbing and drainage works must be designed and constructed in accordance with the *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 The development must be connected to Council’s reticulated water network.
- 5.3 The existing water connection point(s) must be retained and upgraded, if necessary, to service the development.
- 5.4 The development must be connected to Council’s reticulated sewerage network.
- 5.5 The existing sewerage connection point(s) must be retained and upgraded, if necessary, to service the development.
- 5.6 The proposed development must be provided with a master meter at the property boundary and sub meters for each sole occupancy building in accordance with the *Queensland Plumbing and Drainage Code* and Council’s Sub-metering Policy.
- 5.7 Sewer connections and water meter boxes located within trafficable areas must be

raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.

#### 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 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*, 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 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.
- 6.4 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.

#### 7.0 SITE WORKS

- 7.1 All earthworks must be undertaken in accordance with *Australian Standards, AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 7.2 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 adjoining properties or infrastructure.

#### 8.0 BUILDING WORKS

- 8.1 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 8.2 Noise emitted from the activity must not cause an environmental nuisance.
- 8.3 Operations on the site must have no significant impact on the amenity of adjoining premises
- 8.4 Waste storage and collection must take place within the site.
- 8.5 Impervious paved waste storage area/s must be provided in accordance with the *Environmental Protection Regulation 2008* and must be:
  - 8.5.1 designed and located so as not to cause a nuisance to neighbouring properties;
  - 8.5.2 surrounded by at least a 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;
  - 8.5.3 of a sufficient size to accommodate commercial type bins that will be serviced by a commercial contractor plus clearances around the bins for maneuvering and cleaning.
  - 8.5.4 setback a minimum of two (2) metres from any road frontage; and
  - 8.5.5 provided with a suitable hosecock and hoses at the refuse container area, and washdown must be drained to the sewer and fitted with an approved stormwater diversion valve arrangement in accordance with the Sewerage Trade Waste provisions and the *Plumbing and Drainage Act*.

As an alternative to a washdown facility, a fully contained commercial bin

cleaning service is acceptable provided no wastewater is discharged from the site to the sewer.

#### 9.0 LANDSCAPING WORKS

- 9.1 Appropriate landscaping must be constructed and/or established prior to the commencement of the use. The landscaped areas must predominantly contain plant species that are locally native to the Central Queensland region due to their low water dependency.
- 9.2 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure; small shrubs and groundcover are acceptable.
- 9.3 Landscaping, or any part thereof, upon reaching full maturity, must not:
- (i) obstruct sight visibility zones as defined in the *Austrroads 'Guide to Traffic Engineering Practice'* series of publications;
  - (ii) adversely affect any road lighting or public space lighting; or
  - (iii) adversely affect any Council infrastructure, or public utility plant.
- 9.4 The landscaped areas must be subject to:
- 9.4.1 a watering and maintenance plan during the establishment moment; and
  - 9.4.2 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.

#### 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 kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.
- 11.3 '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 Implement and maintain an Erosion Control and Stormwater Control Management Plan 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.

#### 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 any streets.
- 13.2 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.
- 13.3 All waste storage areas must be:
- 13.3.1 kept in a clean and tidy condition; and

- 13.3.2 maintained in accordance with *Environmental Protection Regulation 2008*.
- 13.4 The hours of operations for the Child Care Centre (D/151-2015) must be limited to:
- 13.4.1 0630 hours to 1830 hours on Monday to Friday, and
- 13.4.2 no operations on Saturdays, Sundays or Public Holidays,

#### ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. General Environmental Duty

General environmental duty under the *Environmental Protection Act* 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. Licensable Activities

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

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 Child Care Centre, made by Capricorn Survey Group (CQ) Pty Ltd on behalf of G Shuker, on Lot 25 on SP238738, Parish of Archer, located at 16 Alan Drive, Frenchville, Council resolves to issue an Infrastructure Charges Notice for the amount of **\$119,102.00**.

#### **BACKGROUND**

##### **PROPOSAL IN DETAIL**

The proposal is for a child care centre with a capacity of 100 children and eighteen (18) staff members. The centre will have a gross floor area of 793 square metres and consists of six (6) activity areas with ancillary facilities (such as storage, laundry, bathrooms and kitchen). There are two (2) external play areas with an area of 195 square metres and 576 square metres respectively.

The proposal includes seventy-nine (79) car spaces, including four (4) universal access car parks. Access will be gained from the existing Robinson Street cross over.

**SITE AND LOCALITY**

The subject site is rectangular in shape and has an area of 1.629 hectares. The site contains an existing gym, childcare centre and 126 car parking spaces. The site is generally flat with limited vegetation, and is fully serviced by urban services.

The locality is characterised by a mix of small-scale convenience shopping, residential uses and community uses including North Rockhampton High School.

**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 – 10 March 2016**

Support, subject to conditions.

**Public and Environmental Health Comments – 11 November 2015**

Support, subject to conditions.

**Strategic Planning Comments – 7 March 2016**

Support.

**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.

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

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

**(i) Settlement pattern**

- (1) The pattern of settlement is reinforced in accordance with the Strategic framework – settlement pattern maps (SFM-1 to SFM-4) and as defined in Table 3.3.2.2 – Strategic map designations and descriptions. Sufficient land has been allocated for residential, commercial, industrial and community uses to meet the needs of the region for at least twenty-five (25) years.
- (2) Residential development within Rockhampton and Gracemere will occur in urban areas, urban infill and intensification areas and new urban areas (greenfield areas). These areas are shown on the strategic framework maps SFM-2 to SFM-3.

- (3) Urban development in Mount Morgan will only occur within the urban area and local centre as shown on strategic framework map SFM-4.
- (4) Residential development is compact, encourages strong neighbourhoods with attractive places for residents, makes efficient use of land and optimises the delivery and use of infrastructure and services. Expansion beyond these identified areas will not occur to ensure a focus on urban infill and intensification areas and to avoid further encroachment on natural assets and ecologically vulnerable areas.
- (5) Sufficient land for employment growth has been identified in industrial areas, new industrial areas and centres (including proposed centres) at locations that can be most efficiently serviced with infrastructure and facilities.
- (6) Future urban areas and future industrial areas are the preferred location for greenfield development beyond 2026.
- (7) The settlement pattern provides for a diverse range of housing to meet changing demographic needs, and creates opportunities for more affordable living close to services and facilities. These housing options will help stimulate centres and community focal points, and assist in making the most efficient use of infrastructure and other public investment.
- (8) Higher density development is focussed around centres and public transport nodes and corridors. Increased residential densities will be encouraged in the urban infill and intensification areas in a range of dwelling types that are located to make public transport, walking and cycling more convenient, safe and viable.
- (9) The design of the built environment (including buildings, streets and public spaces) is consistent with the existing or desired character of the area and buildings are oriented to the street and public places. Development is undertaken in accordance with urban design principles.
- (10) Centres provide for employment, retail, accommodation, entertainment and community services that meet the needs of residential communities that are well connected by the public transport network.
- (11) Centres are based on a hierarchy that ensures the scale and form of development is appropriate to the location, and that the centres' roles and functions are appropriate within the wider planning scheme area.
- (12) Centres are consolidated within designated areas, and expansion does not occur into adjoining residential areas.
- (13) An integrated and high quality public open space network caters for the needs of residents, particularly in and around centres and higher density areas.
- (14) The continuing viability of areas that provide for economic development such as industrial and specific use areas is protected from incompatible land uses.
- (15) Limited rural residential areas provide for semi-rural living; however, these areas do not expand beyond the areas designated.
- (16) The productive capacity of all rural land is protected.
- (17) Rural lands and natural areas are maintained for their rural and landscape values.
- (18) The scenic and environmental values of areas identified as nature conservation or natural corridor link are protected.
- (19) The cultural heritage of Rockhampton is conserved for present and future communities.
- (20) Development responds to natural hazards (flooding, bushfire, steep land, storm tide inundation and coastal erosion) by avoiding, mitigating, adapting and building resilience to natural hazards in areas mapped as being susceptible.



**Complies.** Due to the growth of residential and infill development in north Rockhampton, there is a greater demand for childcare centres. This is an appropriate location given it is in a precinct where other community uses are located and is close to residential uses.

(ii) **Natural environment and hazards**

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

**Not applicable.** Natural hazards do not encumber this site.

(iii) **Community identity and diversity**

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

**Complies.** A child care centre in this location allows nearby residents to have easy access to this type of facility, which is likely to ultimately improve the quality of life. Design measures have been put in place to ensure that the amenity of nearby residences is not negatively affected by this development.

(iv) **Access and mobility**

- (1) Connectivity is achieved between residential uses, employment centres and services through the provision of active transport infrastructure integrated with efficient public transport services.
- (2) The trunk transport network (as shown on the strategic framework maps SFM-9 to SFM-12 and in plans for trunk infrastructure in the local government infrastructure plan) supports the settlement pattern and the local economy by facilitating the efficient and safe movement of people and goods both within the

planning scheme area (especially between the main urban centres of Rockhampton and Gracemere), and to and from other locations.

- (3) The transport network encourages and supports active living in centres by providing for integrated walking, cycling, and public transport infrastructure to support a progressive reduction in car dependency.
- (4) The safety and efficiency of transport infrastructure, including the Bruce and Capricorn highways and other state and local roads, rail, airport and seaports, are not compromised by development.

**Not applicable.** The trunk road network and public transport network is existing and will not be negatively affected by the development.

(v) **Infrastructure and services**

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

**Not applicable.** The infrastructure and services are pre-existing and are not required to be upgraded in a broad scale perspective.

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

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

**Not applicable.** A new business of this type will provide employment opportunities but will not detract from Rockhampton's city centre as a core precinct.

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

**Sport and Recreation Zone**

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

- (1) *The purpose of the sport and recreation zone code is to provide for a range of organised activities that includes sport, cultural and educational uses where the uses require a level of built infrastructure. It includes structures, such as clubhouses, gymnasiums, public swimming pools, tennis courts and other infrastructure to support recreational and sporting activities.*
- (2) *The local government purpose of the zone code is to:*
  - (a) *provide for a range of sport and recreation uses, well distributed throughout the urban areas and easily accessible by all members of the community;*
  - (b) *facilitate the collocation and concentration of sporting, recreation and cultural facilities in nodes of activity;*
  - (c) *protect important sport and recreation sites from the establishment of inappropriate land uses;*
  - (d) *provide for ancillary uses where they support the development of the zone for sport and recreation uses;*
  - (e) ***minimise land use conflict and ensure that development does not adversely affect the amenity and characteristics of the surrounding area; and***
  - (f) *ensure that development within the zone has appropriate standards of infrastructure and essential services.*
- (3) *The purpose of the zone will be achieved through the following overall outcomes:*
  - (a) *development within the zone primarily provides for the following uses:*
    - (i) *indoor sport and recreation;*
    - (ii) *outdoor sport and recreation; and*
    - (iii) *park;*
  - (b) ***land uses such as caretaker's accommodation, club, community care centre, community use, educational establishment, food and drink outlet or function facility, occur where they:***
    - (i) ***are small-scale and ancillary uses; and***
    - (ii) ***are compatible with and support the development of the zone for sport and recreation uses;***
  - (c) ***development has a scale, height and bulk that reflects the operational, functional and locational needs of the use without unduly impacting on the character and amenity of the surrounding area;***
  - (d) *development is designed to respond to the region's climate, local heritage features, natural landscape features and environmental constraints;*
  - (e) ***development is easily accessible to the majority of the population and is well located in relation to public and active transport networks;***
  - (f) *development is serviced by infrastructure that is commensurate with the needs of the use; and*
  - (g) *the establishment of one (1) precinct within the zone where particular requirements are identified:*
    - (i) *Rockhampton major sports precinct.*

This application is not consistent with the purpose of the Zone, however the purpose outlines that community uses and educational establishments can occur when they are small scale and can mitigate amenity impacts on the surrounding area. This proposal is consistent with the scale and impacts of the uses mentioned, and can be justified (see further assessment below).

### Rockhampton Regional Planning Scheme Codes

The following codes are applicable to this application: -

- Sport and Recreation Zone code;
- Access, parking and mobility code;
- Landscaping code;
- Stormwater management code;
- Water management code; and
- Water and sewer code.

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

Sports and Recreation Zone Code		
Performance Outcome/s		Officer's Response
P10	Hours of operation of a non-residential use do not impact on the amenity or privacy of adjoining residential zones.	The code outlines that the use must not operate outside of the hours of 7am to 10pm. The childcare centre is proposed to be open from 6.30am to 6.30pm Monday to Friday. This can be justified, as the existing child care centre on the site has similar hours of operation and the Goodlife gym (also on the same site) is 24/7 (approved 2015). Council has not received any formal noise complaints that would indicate that these times are not appropriate for this locality.

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

### Sufficient Grounds

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

- a) The use is highly compatible with the surrounding community and recreational uses and integrates well with the built and natural environment;
- b) The availability of land, the amenity, and the operational needs of different uses in the Sport and Recreation Zone are not compromised by the proposed development;
- c) The development is of a scale, size, appearance and built form which is consistent with amenity of the area;
- d) There is a high demand and need for child care centres in the Rockhampton area;

- e) The proposed use does not compromise the strategic framework in the *Rockhampton Region Planning Scheme 2015*;
- f) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and
- g) The proposed development does not compromise the relevant State Planning Policy.

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

### INFRASTRUCTURE CHARGES

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

Column 1 Use Schedule		Column n 2 Charge Area	Column 3 Adopted Infrastructure Charge		Column 4 Adopted Infrastructure Charge for stormwater network		Calculated Charge
			(\$)	Unit	(\$)	Unit	
Education Facility	All other uses as per AICN 4/14 Table 2.2.1	Areas 1	119	per m <sup>2</sup> of GFA			\$94,367.00
					8.50	per m <sup>2</sup> of impervious area	\$24,735.00
					Less credit		N/A
					<b>TOTAL CHARGE</b>		<b>\$119,102.00</b>

This is based on the following calculations:

- (a) A charge of \$94,367.00 for Gross Floor Area being 793 square metres (child care rooms, reception, kitchen, offices );
- (b) A charge of \$24,735.00 for Impervious Area being 2,910 square metres (970 square metres of roof area, and 1,940 square metres of new access and parking areas); and
- (c) No infrastructure credit is applicable.

Therefore, a total charge of **\$119,102.00** is payable and will be reflected in an Infrastructure Charges Notice for the development.

### CONSULTATION

The proposal was the subject of public notification between 3 March 2016 and 30 March 2016 as per the requirements of the *Sustainable Planning Act 2009*, and one properly made submission was received.

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

Issue	Officer's Response
Concerns that access to the Child Care Centre will be obtained from Alan Drive and not Robinson Street.	The access will be via the existing car park and cross over at Robinson Street. Access cannot be obtained from Alan Drive due to a

Issue	Officer's Response
	swale drain and wooden fence / landscaping.
<p>Robinson Street has high pedestrian traffic associated with North Rockhampton High School that does appear to have been addressed in the traffic reports.</p> <p>Concerns that the traffic density does not appear to have addressed staff movements associated with a 100 place capacity child care centre</p>	<p>The traffic report indicates that the current road/s is able to cope with the predicted 100 vehicle movements per hour at peak time.</p>
<p>Concerns that no council traffic count for Robinson Street was undertaken and the traffic count submitted with the proposal was conducted on one day only.</p>	<p>The applicant has advised that: "The traffic count within the traffic report was conducted on a standard week day and therefore included traffic generation for North Rockhampton State High School, the swimming pool, swim school, Goodlife Gym and other childcare centres."</p>
<p>Traffic queuing on Dean Street lights – not being able to exit onto Robinson Street</p>	<p>This issue is not related to the proposed development.</p>
<p>Concerns that this child care centre may impact the existing six (6) child care centres in the immediate area.</p>	<p>The applicant has advised that the surrounding day care centres are at full capacity and there is high demand for these services, and therefore not likely to affect the existing centres.</p>
<p>Robinson Street does not have kerb and channelling or a footpath, or on-street parking and this application will therefore impact on people access the sports facilities at the high school.</p>	<p>The development site is not required to have a turning lane into the development, and has existing kerb and channelling and a footpath on the development side of the road. There is an oversupply of carparking provided with this stage of the development and will not likely impact on the high school's activities.</p>
<p>The residences on Alan Drive experience light noise and rubbish pollution from the site and do not consider the existing palm trees as 'dense landscape'.</p>	<p>The existing development includes a landscape buffer (2.5m wide) along the entire western boundary, including palm trees, grasses and small hedges. This boundary also has a 1.8 metre high timber fence. Council has not received any noise complaints regarding the existing uses on the site. This proposed use is proposed to be within normal working hours of a work week and is not likely to affect any nearby residences, particularly in Alan Drive, in regard to noise, light, and rubbish.</p>
<p>Maintenance of landscaping has not been carried out in the last 4 years on the applicant's side of Alan Drive.</p>	<p>Beyond the fence of the development site is council road reserve. It is not the responsibility of the applicant to maintain this. It is common practice for residents in urban areas to maintain their own verge in residential zones.</p>

**REFERRALS**

Nil.

**CONCLUSION**

The proposed development is considered to be in keeping with the intent of the Sport and Recreation Zone. Furthermore, the proposal generally complies with the provisions included in the applicable codes. The proposal is therefore, recommended for approval in accordance with the approved plans and subject to the conditions outlined in the recommendation.

**D/151-2015 - DEVELOPMENT  
APPLICATION FOR A MATERIAL  
CHANGE OF USE FOR A  
CHILD CARE CENTRE**

**Locality Plan**

**Meeting Date: 17 May 2016**

**Attachment No: 1**



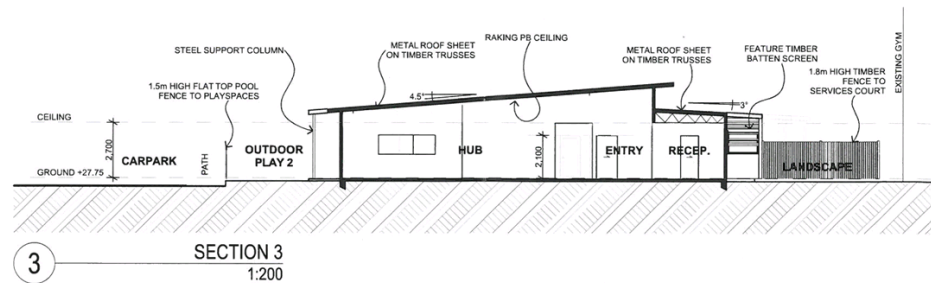
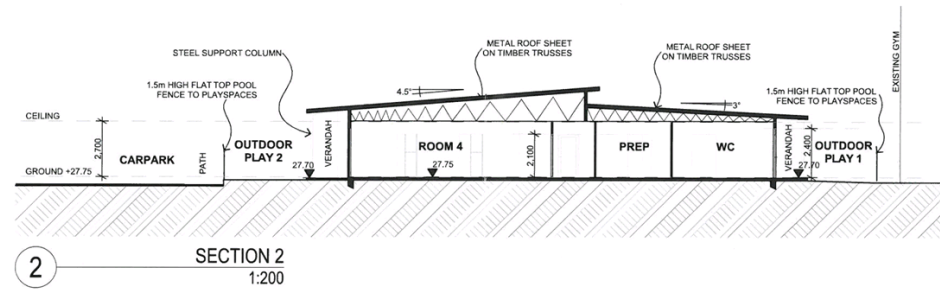
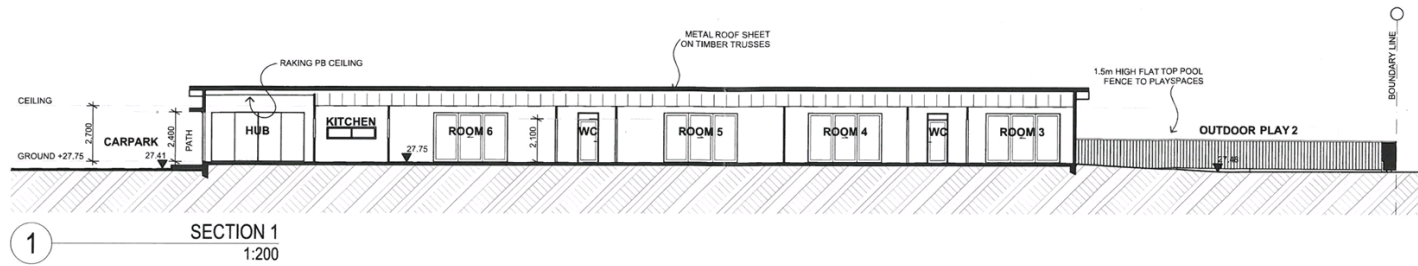


**D/151-2015 - DEVELOPMENT  
APPLICATION FOR A MATERIAL  
CHANGE OF USE FOR A  
CHILD CARE CENTRE**

**Site Plan**

**Meeting Date: 17 May 2016**

**Attachment No: 2**



CONCEPT  
NOT FOR CONSTRUCTION

23/10/2015  
**SECTIONS**

**ROBINSON STREET ELC**  
147-161 Robinson Street North  
Rockhampton QLD 4701  
For GA TM Shuker

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Member  
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Architects

project no: 15928  
dwg no: DA-300 REV - A  
issue date: 23/10/2015  
scale: 1:200 @ A3

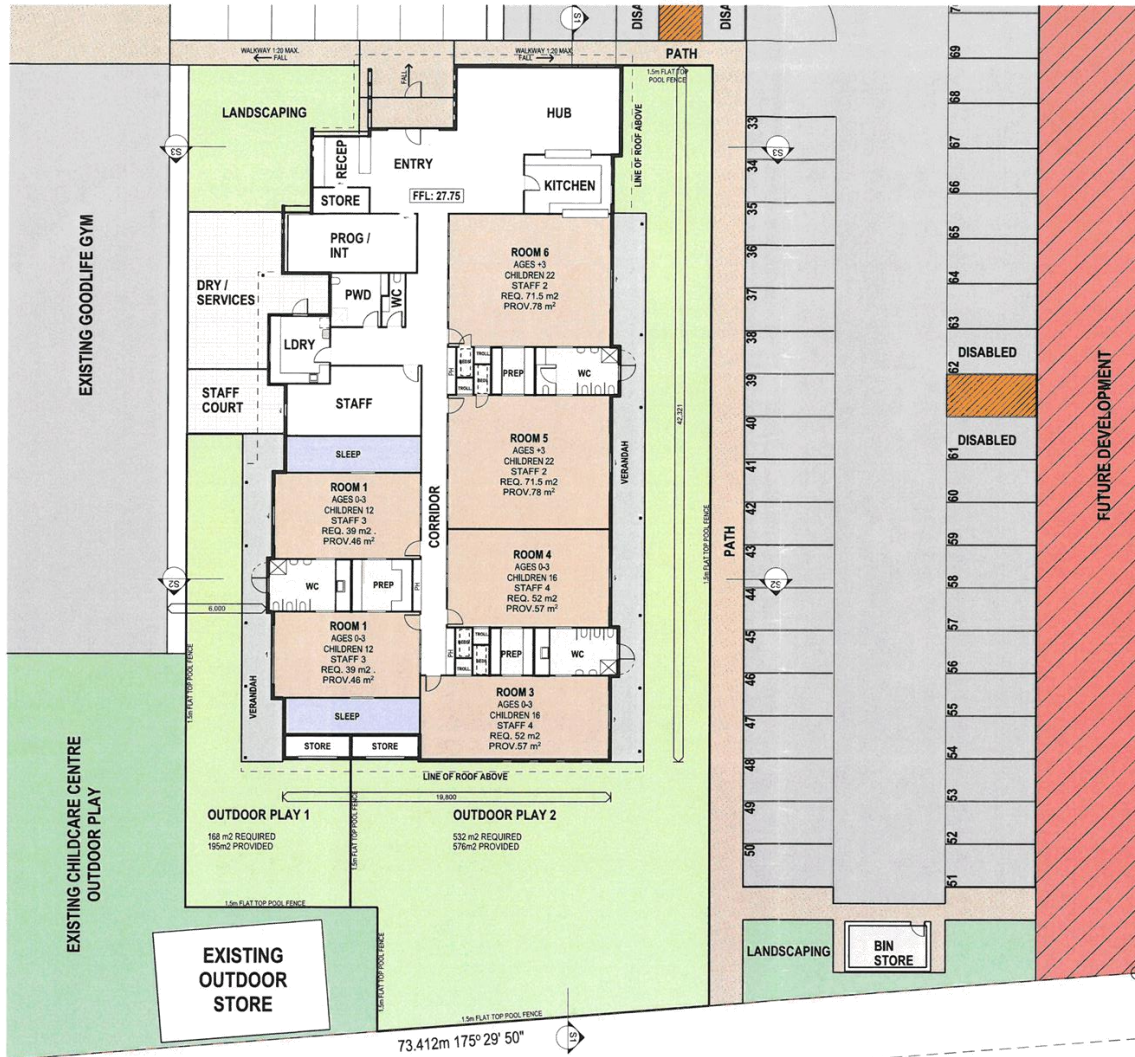
**D/151-2015 - DEVELOPMENT  
APPLICATION FOR A MATERIAL  
CHANGE OF USE FOR A  
CHILD CARE CENTRE**

**Floor Plan**

**Meeting Date: 17 May 2016**

**Attachment No: 3**





AREA SCHEDULE	
PROPOSED TOTAL SITE COVER:	21.97%
EXISTING SITE COVER:	2,577m <sup>2</sup>
TOTAL SITE AREA:	16,200m <sup>2</sup>
CHILDCARE SITE COVER:	982m <sup>2</sup>
NEW TOTAL SITE COVER:	3,559m <sup>2</sup>
CHILDCARE GFA:	793m <sup>2</sup>
OUTDOOR STORE:	12m <sup>2</sup>
PLAY AREAS (INC. VERANDAH):	771m <sup>2</sup>
NEW CARPARK:	2,053m <sup>2</sup>
CHILDCARE BIN STORE:	16m <sup>2</sup>
POPULATION:	
CHILDREN:	100
FULL TIME STAFF:	18
CHILDCARE CARPARKING REQUIRED:	
TOTAL:	26 min.
CARPARKING PROVIDED:	
EXISTING TOTAL SPACES:	127
ADDITIONAL NEW SPACES:	79
NEW TOTAL CARPARKS:	206



CONCEPT  
NOT FOR CONSTRUCTION

23/10/2015

## FLOOR PLAN

ROBINSON STREET ELC

147-161 Robinson Street North  
Rockhampton QLD 4701

For GA TM Shuker

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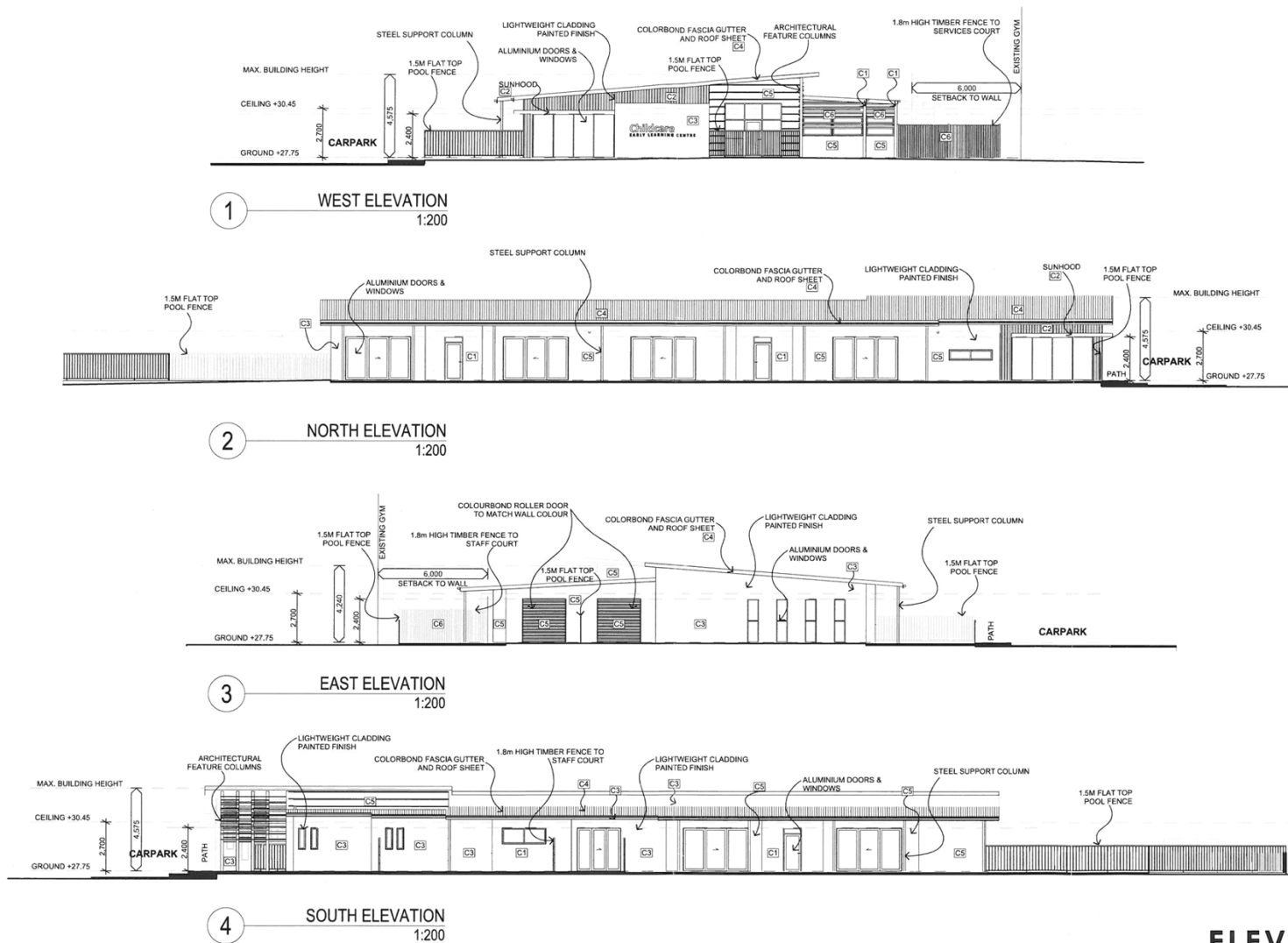
project no: 15928  
dwg no: DA-102 REV - A  
issue date: 23/10/2015  
scale: 1:250 @ A3

**D/151-2015 - DEVELOPMENT  
APPLICATION FOR A MATERIAL  
CHANGE OF USE FOR A  
CHILD CARE CENTRE**

**Elevations**

**Meeting Date: 17 May 2016**

**Attachment No: 4**



CONCEPT  
NOT FOR CONSTRUCTION

23/10/2015  
**ELEVATIONS**

**ROBINSON STREET ELC**  
147-161 Robinson Street North  
Rockhampton QLD 4701  
For GA TM Shuker

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Registered QLD 2843

project no: 15928  
dwg no: DA-200 REV - A  
issue date: 23/10/2015  
scale: 1:200 @ A3

### 8.3 D/174-2015 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A RESIDENTIAL CARE FACILITY

**File No:** D/174-2015

**Attachments:**

1. Locality Plan
2. Proposed Site Plan
3. Proposed Floor Plan - Ground
4. Proposed Floor Plan - Level 1
5. Proposed Floor Plan - Level 2
6. Proposed Floor Plan - Basement
7. Proposed Elevations

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

**Author:** Alyce McLellan - Planning Officer

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#### SUMMARY

*Development Application Number:* D/174-2015

*Applicant:* Rockhampton Benevolent Homes Society Incorporated C/- ADAMS + SPARKES Town Planning

*Real Property Address:* Lot 2 on CP890319 and Lot 4 on SP220782, Parish of Rockhampton

*Common Property Address:* 60 West Street, The Range

*Area of Site:* 1.35 hectares

*Planning Scheme:* Rockhampton City Plan 2005

*Rockhampton City Plan Area:* Low Density Residential Area

*Planning Scheme Overlays:* Steep Land

*Existing Development:* Benevolent Aged Care Home

*Existing Approvals:* D/597-2000 – Extension to Aged Persons Home – Approved 16 October 2000  
D/1247-2000 – Aged Persons Home – Approved 21 November 2000  
D/921-2001 – Special Purposes – Benevolent Home – Approved 21 September 2001  
D/1328-2005 – Redevelopment of Aged Care Persons Home - Approved 22 August 2005  
D/1240-2006 Material Change of Use (Aged Care Accommodation – 25 Beds) Approved 22 March 2007

*Approval Sought:* Development Permit for a Material Change of Use for a Residential Care Facility

*Level of Assessment:* Impact Assessable

*Submissions:* One (1) Properly Made Submission

*Referral Agency(s):* Nil

*Adopted Infrastructure Charges Area:* Charge Area One

*Application Progress:*



<i>Application Lodged:</i>	<i>8 December 2015</i>
<i>Acknowledgment Notice issued:</i>	<i>22 December 2015</i>
<i>Request for Further Information sent:</i>	<i>13 January 2016</i>
<i>Request for Further Information responded to:</i>	<i>28 January 2016</i>
<i>Submission period commenced:</i>	<i>5 February 2016</i>
<i>Submission period end:</i>	<i>26 February 2016</i>
<i>Council request for additional time:</i>	<i>30 March 2016</i>
<i>Minor Change to Development Application:</i>	<i>19 April 2016</i>
<i>Last receipt of information from applicant:</i>	<i>19 April 2016</i>
<i>Request for extension by agreement:</i>	<i>21 April 2016</i>
<i>Statutory due determination date:</i>	<i>30 May 2016</i>

## OFFICER'S RECOMMENDATION

### **RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for Residential Care Facility, made by Rockhampton Benevolent Homes Society Incorporated C/- ADAMS + SPARKES Town Planning, on Lot 2 on CP890319 and Lot 4 on SP220782, Parish of Rockhampton, located at 60 West Street, The Range, Council resolves to Approve the application subject to the following conditions:

#### 1.0 **ADMINISTRATION**

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of the use, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior to the commencement of the use, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
  - 1.6.1 Operational Works:
    - (i) Road Works;
    - (ii) Access and Parking Works;
    - (iii) Sewerage Works;
    - (iv) Stormwater Works;
    - (v) Roof and Allotment Drainage Works; and
    - (vi) Site Works.
  - 1.6.2 Plumbing and Drainage Works; and

## 1.6.3 Building Works:

- (i) Demolition Works; and
- (ii) Building Works.

1.7 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.

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

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

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Number</u>	<u>Dated</u>
Proposed Floor Plan – Basement	BEAC0104 A02.02_C	6 April 2016
Proposed Floor Plan - Ground	BEAC0104 A02.03_C	6 April 2016
Proposed Floor Plan – Level 1	BEAC0104 A02.04_C	6 April 2016
Proposed Floor Plan – Level 2	BEAC0104 A02.05_C	6 April 2016
Site Sections	BEAC0104 A05.01_C	6 April 2016
Proposed Elevations	BEAC0104 A04.02_C	6 April 2016
Schematic Design – Landscaping Plan	1407800 SD-02 Issue A	23 October 2014
Civil Services Layout Plan	C01 Rev A	20 January 16
Site Based Stormwater Management Plan	B15-064	30 October 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 ROAD WORKS

3.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road 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*, relevant *Australian Standards* and the provisions of a Development Permit for Operational Works (road works).

3.3 A concrete pathway, with a minimum width of 1.2 metres, must be constructed on the development side of Cambridge Street for the full frontage of the site.

3.4 All pathways and access ramps must be designed and constructed in accordance with *Australian Standard AS1428 "Design for Access and Mobility"*. All pathways located within a road reserve or public use land must be provided with public space lighting in accordance with *Australian Standard AS1158 "Lighting for Roads and Public Spaces"*.

- 3.5 All pathways must incorporate kerb ramps at all road crossing points.
- 3.6 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*.
- 3.7 Any retaining structures above one metre in height must be separately approved for structural adequacy by a Registered Professional Engineer of Queensland at design submission and certified on completion of construction for compliance with the design.
- 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 site.
- 4.2 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).
- 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 existing dwelling houses located along Cambridge Street must be closed.
- 4.5 Two (2) new accesses to the development must be provided at Cambridge Street and West Street.
- 4.6 Any redundant vehicular crossover must be replaced by Council standard kerb and channel.
- 4.7 All vehicles must ingress and egress the development in a forward gear.
- 4.8 Adequate sight distances must be provided for all ingress and egress movements at the access driveways in accordance with *Australian Standard 2890.2 “Parking Facilities - Off Street Commercial Facilities”*.
- 4.9 A minimum of thirty-two (32) additional parking spaces must be provided on-site.
- 4.10 Universal access parking spaces must be provided in accordance with *Australian Standard AS2890.6 “Parking Facilities - Off-Street parking for people with disabilities”*.
- 4.11 Any application for a Development Permit for Operational Works (access and parking works) must be accompanied by detailed and scaled plans which demonstrate the turning movements/swept paths of the largest vehicle to access the site including refuse collection vehicles.
- 4.12 All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Australian Standard AS1742.1 “Manual of Uniform Traffic Control Devices”* and *Australian Standard AS2890.1 “Parking Facilities – Off-street Car Parking”*.
- 4.13 Road signage and pavement markings must be installed in accordance with the *Australian Standard AS1742.1 “Manual of Uniform Traffic Control Devices”*.
- 4.14 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 “Lighting for Roads and Public Spaces”*.
- 4.15 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 “Design for Access and Mobility”*.
- 5.0 SEWERAGE WORKS
- 5.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any sewerage works on the site.
-

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- 5.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, *Plumbing and Drainage Act* and the provisions of a Development Permit for Operational Works (sewerage works).
- 5.3 The development must be connected to Council's reticulated sewerage network.
- 5.4 The existing sewerage connection point(s) at each of the two dwelling houses must be disconnected.
- 5.5 A new sewerage connection point must be provided at proposed sewerage main to service the development.
- 5.6 A 150 millimetre diameter Gravity Sewer Main must be constructed in accordance with the approved plans (refer to condition 2.1).
- 5.7 The finished sewerage access chamber surface must be at a sufficient level to avoid ponding of stormwater above the top of the chamber. A heavy duty trafficable lid must be provided in the trafficable area.
- 5.8 Sewer connections located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with trafficable lids.
- 6.0 WATER WORKS
- 6.1 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*.
- 6.2 The development must be connected to Council's reticulated water network.
- 6.3 The existing water connection point(s) must be retained and upgraded, if necessary, to service the development.
- 6.4 Water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface level and must be provided with heavy duty trafficable lids.
- 6.5 The applicant must ensure adequate firefighting protection is available from the existing hydrant within Cambridge Street and West Street road reserves and also from the on-site firefighting equipment for the proposed development. Should adequate protection not be achievable, upgrade of on-site firefighting equipment, internal pillar hydrant, water tanks, and pumps may be required.
- 7.0 PLUMBING AND DRAINAGE WORKS
- 7.1 All 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.
- 7.2 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*.
- 7.3 Sewerage/Amended Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's sewerage reticulation. Arrester traps must be provided where commercial or non-domestic waste water is proposed to be discharged into the system.
- 7.4 Hoses must be provided at the refuse container area, and washdown must be drained to the sewer in accordance with a Plumbing and Drainage Permit and Sewerage Trade Waste Permit.
- 8.0 STORMWATER WORKS
- 8.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.
- 8.2 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*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).

- 8.3 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.
- 8.4 The Operational Works (stormwater works) application must include an assessment of how the development meets the water quality objectives of the *State Planning Policy 2014*.
- 8.5 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.
- 8.6 The installation of gross pollutant traps must be in accordance with relevant Australian Standards and all maintenance of the proposed gross pollutant traps must be the responsibility of the property owner or body corporate (if applicable).
- 8.7 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by a detailed Stormwater Management Plan, prepared and certified by a Registered Professional Engineer of Queensland. The Stormwater Management Plan must clearly demonstrate that;
  - 8.7.1 All content of the stormwater management plan is in accordance with the *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, *Healthy waters guidelines*, and sound engineering practice;
  - 8.7.2 The Stormwater discharge is to a lawful point of discharge in accordance with the *Queensland Urban Drainage Manual*;
  - 8.7.3 Each part of the lot is self-draining;
  - 8.7.4 The volume of detention is sufficient to attenuate the peak discharge from the site to ensure non-worsening for a range of design rainfall events up to and including the 100 year Average Recurrence Interval (ARI) event, in accordance with the provisions of the *Queensland Urban Drainage Manual*;
  - 8.7.5 The potential pollutants in stormwater discharged from the site are managed in accordance with current best industry practices and in accordance with *State Planning Policy 2014*.
  - 8.7.6 The stormwater management plan is accompanied by full calculations; including electronic modelling files from industry standard modelling software, (including both electronic model files and results files) and all details of the modelling assumptions to support both the proposed water quantity and quality management strategy.
  - 8.7.7 It includes detailed engineering plans with details of any new drainage systems, or the amendment and upgrading of exiting drainage systems to implement the proposed drainage strategy.

#### 9.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 9.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the site.
- 9.2 All roof and allotment drainage must be in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.
- 9.3 All roof and allotment drainage must be discharged such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties or infrastructure.

#### 10.0 SITE WORKS

- 10.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works.
- 10.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks' plan which clearly identifies the following:
  - 10.2.1 the location of cut and/or fill;
  - 10.2.2 the type of fill to be used and the manner in which it is to be compacted;
  - 10.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
  - 10.2.4 details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and
  - 10.2.5 the maintenance of access roads to and from the site so that they are free of all cut and/or fill material and cleaned as necessary.
- 10.3 All earthworks must be undertaken in accordance with *Australian Standards, AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 10.4 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.
- 10.5 The structural design of all retaining walls above one (1) metre in height must be separately and specifically certified by a Registered Professional Engineer of Queensland as part of the Operational Works submission. A Registered Professional Engineer of Queensland must on completion certify that all works are compliant with the approved design.
- 10.6 All site works must be undertaken to ensure that there is:
  - 10.6.1 no increase in upstream or downstream flood levels for all levels of immunity up to Q100;
  - 10.6.2 no increase in velocity profiles, for which no remedy exists to prevent erosion and/or scouring. In the event that modelling shows non-compliance with the above, works must be undertaken within the system to satisfy the above criteria for development; and
  - 10.6.3 a lawful point of discharge to which the developed flows from the land drain. Easements will be required over any other land to accommodate the flows.
- 11.0 **BUILDING WORKS**
- 11.1 The existing dwelling houses on the subject land must be demolished or relocated off-site.
- 11.2 All waste storage areas must be:
  - 11.2.1 surrounded by at least a 1.8 metre high fence that obstructs from view the contents of the bin compound by any member of the public from any public place;
  - 11.2.2 of a minimum size to accommodate Skip type bins in accordance with the *Environmental Protection (Waste Management) Regulations*.
- 11.3 Impervious paved and drained washdown areas to accommodate all refuse containers must be provided. The areas must be aesthetically screened from any road frontage or adjoining property.
- 11.4 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"*.

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

12.0 LANDSCAPING WORKS

12.1 All landscaping must be established generally in accordance with the approved plans (refer to condition 2.1). The landscaping must be constructed and/or established prior to the commencement of the use and the landscape areas must predominantly contain plant species that are locally native to the Central Queensland region due to their low water dependency.

13.0 ELECTRICITY AND TELECOMMUNICATIONS

13.1 Electricity and telecommunication services must be provided to the development in accordance with the standards and requirements of the relevant service provider.

14.0 ASSET MANAGEMENT

14.1 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.

14.2 Any damage to existing water supply and 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.

15.0 OPERATING PROCEDURES

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

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

15.3 Medical waste including chemicals and sharps etcetera must be stored and disposed of in accordance with the *Environmental Protection (Waste Management) Regulations*. Licensed waste containers and approved contractors only are permitted for the collection and disposal of specialised waste.

15.4 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 Cambridge Street or West Street.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

It is advised that under section 23 of the *Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are listed in the Aboriginal cultural heritage legislation. The information on Aboriginal cultural heritage is available on the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs website [www.datsima.qld.gov.au](http://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* legislation and *Public Health Act 2005*.

NOTE 3. General Environmental Duty

General environmental duty under the *Environmental Protection Act* prohibits

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

NOTE 4. General Safety Of Public During Construction

The *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 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 B**

That in relation to the application for a Development Permit for a Material Change of Use for Residential Care Facility, made by Rockhampton Benevolent Homes Society Incorporated C/- ADAMS + SPARKES Town Planning, on Lot 2 on CP890319 and Lot 4 on SP220782, Parish of Rockhampton, located at 60 West Street, The Range, Council resolves to issue an Adopted Infrastructure Charges Notice for the amount of \$229,251.00.

**BACKGROUND**

**PROPOSAL IN DETAIL**

The proposal is for a 3,616 square metre extension to the existing residential care facility. The proposal will accommodate an additional fifty-nine (59) bedrooms (each containing a bed and ensuite), along with various ancillary components including kitchen and laundry facilities, administration, community courtyards and other community facilities.

The proposed building is orientated towards the Cambridge Street and West Street corner and will consist of three (3) storeys and a basement parking area. The building incorporates a mix of building materials such as pitched roofs, verandas, timber cladding and variation in building design.

The proposal will also include the demolition of the existing Bill Power Building which accommodated twenty (20) beds, and the demolition of two (2) Dwelling Houses.

**SITE AND LOCALITY**

The subject site is rectangular in shape, has a total area of 1.35 hectares and is bound by Cambridge Street and West Street. The site contains the Benevolent Aged Care facility which has access from Cambridge Street, and two (2) dwelling houses that have access from West Street. The site is within proximity to the Hillcrest Hospital and the Rockhampton Base Hospital. The surrounding area is characterised by low to medium density residential uses.

**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 2016)**

Support, subject to conditions.

**Public and Environmental Health Comments – (9 December 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 is appropriately reflected in the planning scheme.

#### **Rockhampton Region Planning Scheme 2015**

##### **Low Density Residential Area Intent**

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

*"...low-rise multiple dwellings, relocatable home parks, residential care facilities, retirement facilities and tourist parks develop in the zone when they are situated in proximity (convenient walking distance) to parks, centres and major community facilities (hospital, university etcetera) and have access to higher order roads (minor urban collector or higher), or public transport"*

The use is consistent with the purpose of the Low Density Residential Zone.

##### **Rockhampton City Plan Codes**

The following codes are applicable to this application: -

- Low Density Residential Zone Code;
- Access, Parking and Mobility Code;
- Landscaping Code;
- Waste Management Code;
- Water and Sewer Code; and
- Stormwater Management 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:

Low Density Residential Zone Code		
Performance Outcomes		Acceptable Outcomes
PO1	Development does not adversely impact on the urban form of the surrounding low density residential area and significant scenic landscape features, having regard to the scale and height of buildings and site cover.	<p>Although the building exceeds 8.5 metres in height, the proposal mitigates any negative effect through adequate landscaping to soften the built form and provide a positive outcome for the streetscape.</p> <p>The scale and density of the development is considerate of the adjoining developments, due to its orientation, height, design and density as well as the consideration of the contours. Furthermore, the proposal will have a site cover of approximately fifty-three (53) per cent, which is considered appropriate in a Low Density Residential Area.</p>
PO17	<p>Residential development is designed and sited in a manner that:</p> <ul style="list-style-type: none"> <li>(a) is of an appropriate scale and size that reflects the purpose of the zone;</li> <li>(b) is attractive in appearance, climate responsive and functional in design, and safe for residents;</li> <li>(c) has regard to streetscape and street function, privacy, passive recreation and living space needs of residents; and does not compromise the character and amenity of the surrounding area.</li> </ul>	<p>1.0 The proposal will utilise sensitive design and building materials such as pitched roofs, verandas, timber cladding and variation in building design that support the intent to compliment the pre-war residential character of the Area.</p> <p>2.0 Adequate landscaping is also proposed to soften the built form and provide a positive outcome to the streetscape.</p> <p>The scale and density of the development is considerate of the adjoining developments, due to its orientation, height, design and density as well as the consideration of the contours.</p> <p>Furthermore, the proposal will have a site cover of approximately fifty-three (53) per cent, which is considered appropriate in a Low Density Residential Area.</p>

**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:

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	
Essential Services	All uses as per AICN 4/14 Table 2.2.1	Areas 1	119	per m <sup>2</sup> of GFA			\$430,304.00
					8.50	per m <sup>2</sup> of impervious area	\$30,693.50
	Total						\$460,997.50
	Less credit						\$161,746.50
	TOTAL CHARGE						\$229,251.00

This is based on the following calculations:

- (a) A charge of \$430,304.00 for Gross Floor Area (GFA) being 3,616 square metres (community areas, consultation rooms, self-contained units, communal areas and bedrooms);
- (b) A charge of \$30,693.50 for Impervious Area being 3,611 square metres (roof area, hardstand areas, access, and parking areas); and
- (c) An Infrastructure Credit of \$161,746.50, made up as follows:
  - (i) \$129,829.00 - Infrastructure Credit applicable for the existing two dwellings (total gross floor area of 221 square metres) and Bill Power Buildings (which has a gross floor area of 870 square metres at \$119 per square metre of GFA);
  - (ii) \$31,917.50 - Infrastructure Credit applicable for the existing impervious roof areas, hardstand areas, access and parking areas (3,755 square metres).

Therefore, a total charge of \$229,251.00 is payable and will be reflected in an Infrastructure Charges Notice for the development.

**CONSULTATION**

The proposal was the subject of public notification between 5 February 2016 and 26 February 2016 as per the requirements of the *Sustainable Planning Act 2009*, and one properly made submission was received.

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

Issue	Officer's Response
<p>Concerns there is a deficiency with the existing sewerage network and the additional residents and staff would impact the network.</p> <p>Further, it is understood the sewer infrastructure consists of earthenware lines which are old and continually require maintenance and repairs by Council/Fitzroy River Water. In addition to the age of the infrastructure, regular blockages occur in the sewer network requiring works crews to unblock the network via the manholes located in Murray Street.</p>	<p>Council's Development Engineering unit have assessed the increased impact on the sewerage network and are satisfied with the existing networks capacity to service the proposal.</p>
<p>Concerns the stormwater is unlawfully directed into the sewerage network. A substantial amount of water flows through the sewer network during rain events which causes damage to the existing infrastructure network and properties surrounding the infrastructure, in particular, houses located in Murray Street.</p>	<p>All stormwater must discharge to a lawful point of discharge and must not adversely affect adjoining land or infrastructure. The approval will be conditioned accordingly by Council's Development Engineering unit and will be conditioned further within the future operational works permit.</p>
<p>Concerns medical waste (i.e. rubber gloves, large paper towelling/sheeting) is disposed into the sewerage network upstream from Murray Street.</p>	<p>Conditions have been imposed to ensure all non-domestic waste is in accordance with a trade waste permit and that medical waste must be disposed of in accordance with the Environmental Protection (Waste Management) Regulations.</p>
<p>Concerns the four storey building (with a height of 13.65 metres) would dominate the intersection of Cambridge Street and West Street.</p>	<p>Although the building exceeds 8.5 metres in height, adequate landscaping will be conditioned to soften the built form and provide a positive outcome for the streetscape.</p>
<p>Concerns the development is not consistent or sympathetic to the urban form of the surrounding Low Density Residential Area due to the dominating 'square' design located on a prominent street corner.</p>	<p>The proposal will utilise sensitive design and building materials such as pitched roofs, verandas, timber cladding and variation in building design that support the intent to protect and enhance the pre-war residential character of the Area.</p> <p>Adequate landscaping is also proposed to soften the built form and provide a positive outcome to the streetscape.</p> <p>The scale and density of the development is considerate of the adjoining developments, due to its orientation, height, design and density as well as the consideration of the contours.</p> <p>Furthermore, the proposal will have a site cover of approximately fifty-three (53) per cent, which is considered appropriate in a Low Density Residential Area.</p>

Issue	Officer's Response
Concerns the proposed extension does not incorporate similar materials to that of the existing facility.	Whilst the building materials are not the same as the existing structures, the proposal includes an improved façade design that supports the intent to compliment the pre-war residential character of the Area.

**REFERRALS**

Nil.

**CONCLUSION**

The proposal complies with the purpose of the Low Density Residential Zone and generally complies with the relevant codes of the *Rockhampton Region Planning Scheme 2015*. The proposal is therefore recommended for approval subject to conditions.

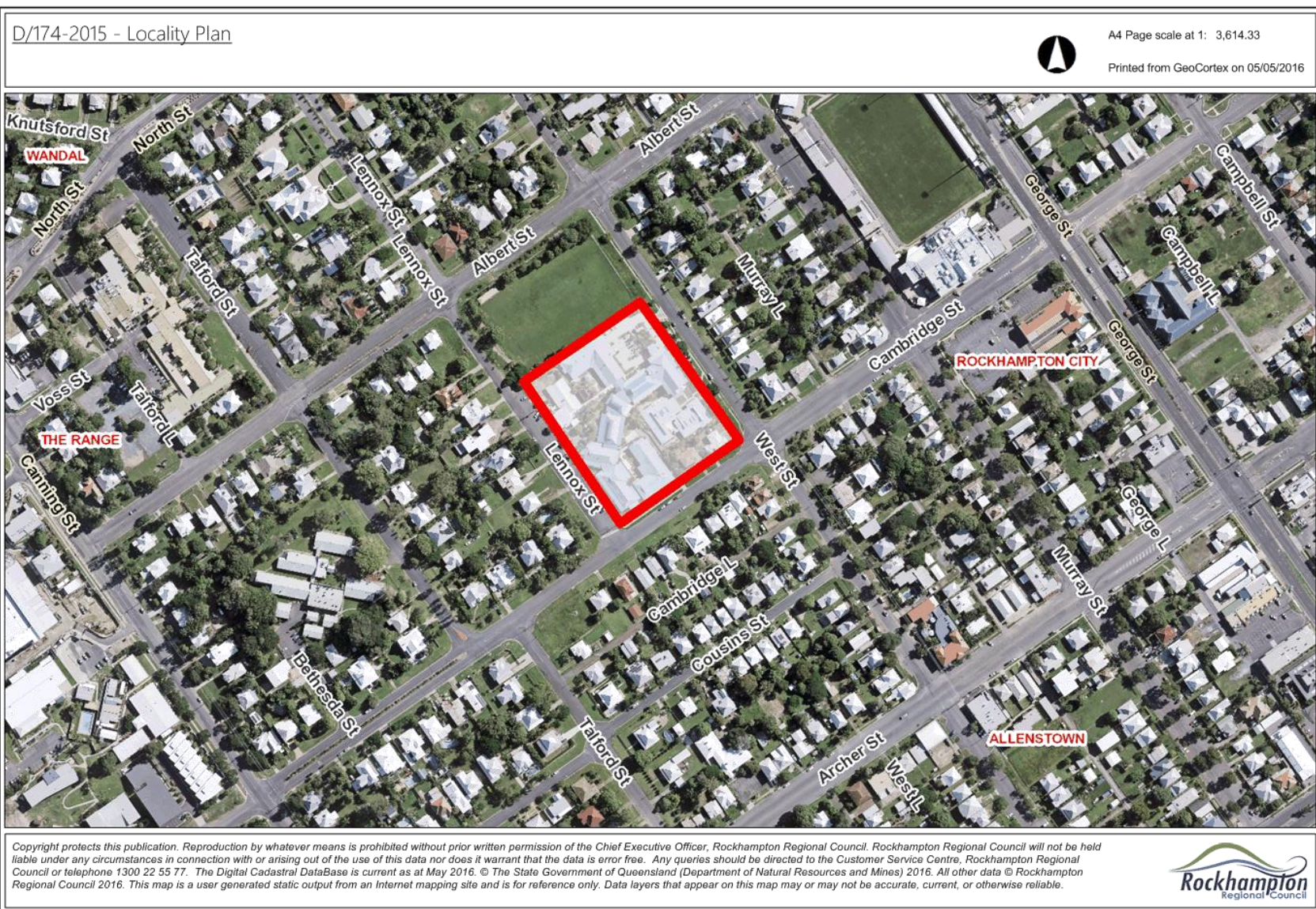
**D/174-2015 - DEVELOPMENT  
APPLICATION FOR A MATERIAL  
CHANGE OF USE FOR A  
RESIDENTIAL CARE FACILITY**

**Locality Plan**

**Meeting Date: 17 May 2016**

**Attachment No: 1**





**D/174-2015 - DEVELOPMENT  
APPLICATION FOR A MATERIAL  
CHANGE OF USE FOR A  
RESIDENTIAL CARE FACILITY**

**Proposed Site Plan**

**Meeting Date: 17 May 2016**

**Attachment No: 2**





SCOPE OF WORK LEGEND

- PROPOSED NEW BUILDING  
STAGE 5A & 5B
- PROPOSED EXTENSIONS  
TO EXISTING BUILDINGS
- EXISTING  
BUILDINGS
- EXISTING CARPARK  
REDEVELOPED

① SITE MASTER PLAN  
1: 500 @ A1, 1:1000 @ A3

# Benevolent Aged Care, Rockhampton - STAGE 5 60 WEST STREET, THE RANGE PROPOSED SITE PLAN

DA ISSUE

BEAC0104 A01.01\_B  
ISSUE DATE: 10/11/15

  
**PAYNTER DIXON**  
BUILDING YOUR BUSINESS

A.B.N. 30 960 951 103 / GBC LICENSE # 43889  
LEVEL 3/29 CORONATION DRIVE, MELTON QLD 4004  
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EMAIL: info@paynter.com.au / WEB: www.paynter.com.au

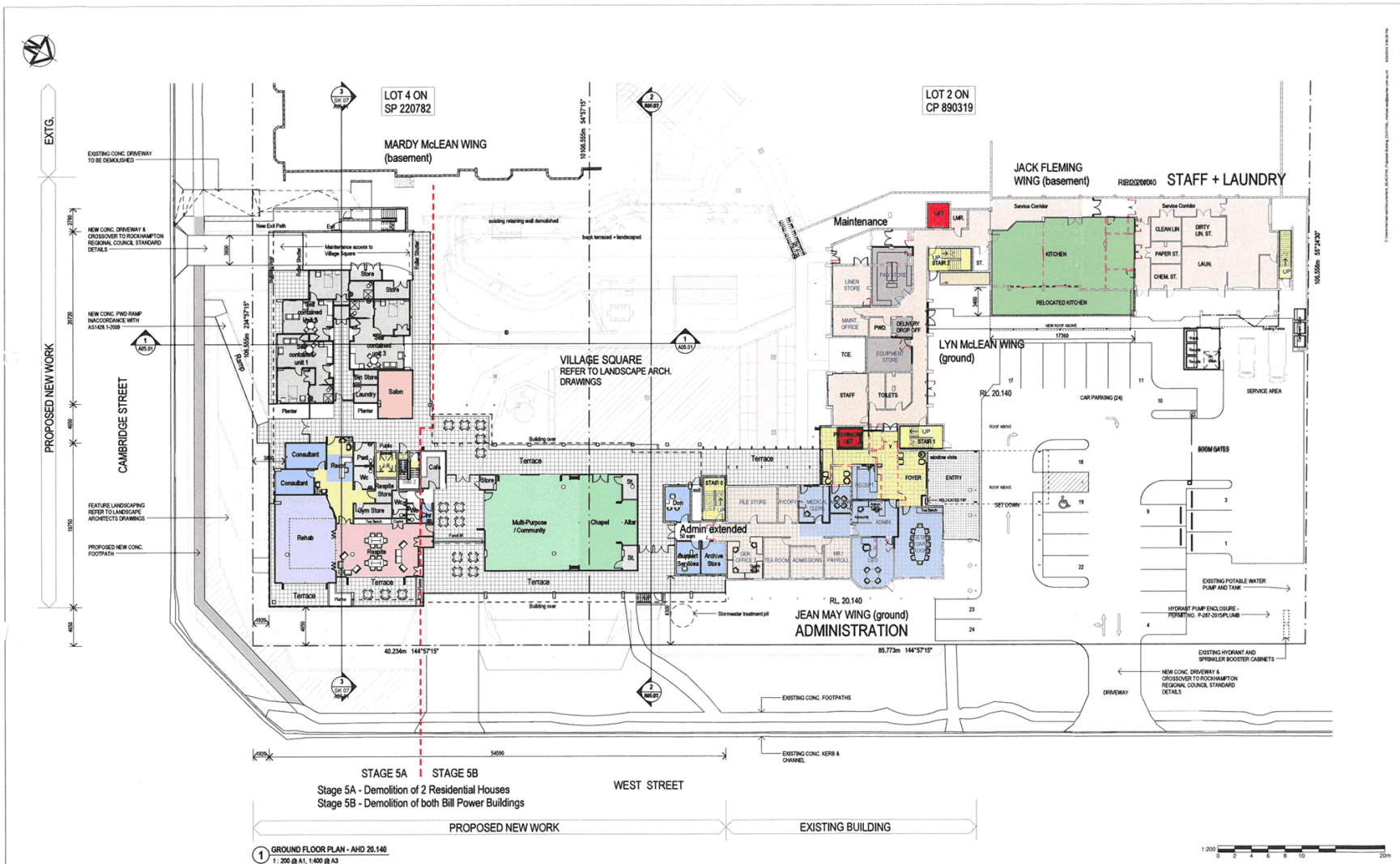
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**D/174-2015 - DEVELOPMENT  
APPLICATION FOR A MATERIAL  
CHANGE OF USE FOR A  
RESIDENTIAL CARE FACILITY**

**Proposed Floor Plan - Ground**

**Meeting Date: 17 May 2016**

**Attachment No: 3**



# Benevolent Aged Care, Rockhampton - STAGE 5

60 WEST STREET, THE RANGE

PROPOSED FLOOR PLAN - AHD 20.140 - GROUND

DA ISSUE

BEAC0104 A02.03\_C  
ISSUE DATE: 06/04/16



A.B.N. 32 000 951 162 / CRICOS LICENSE # 03889  
LEVEL 3/308 CORPORATION DRIVE, MELTON, VIC 3031  
TELEPHONE: 07-3368 5500 / FAX: 07-3367 4800  
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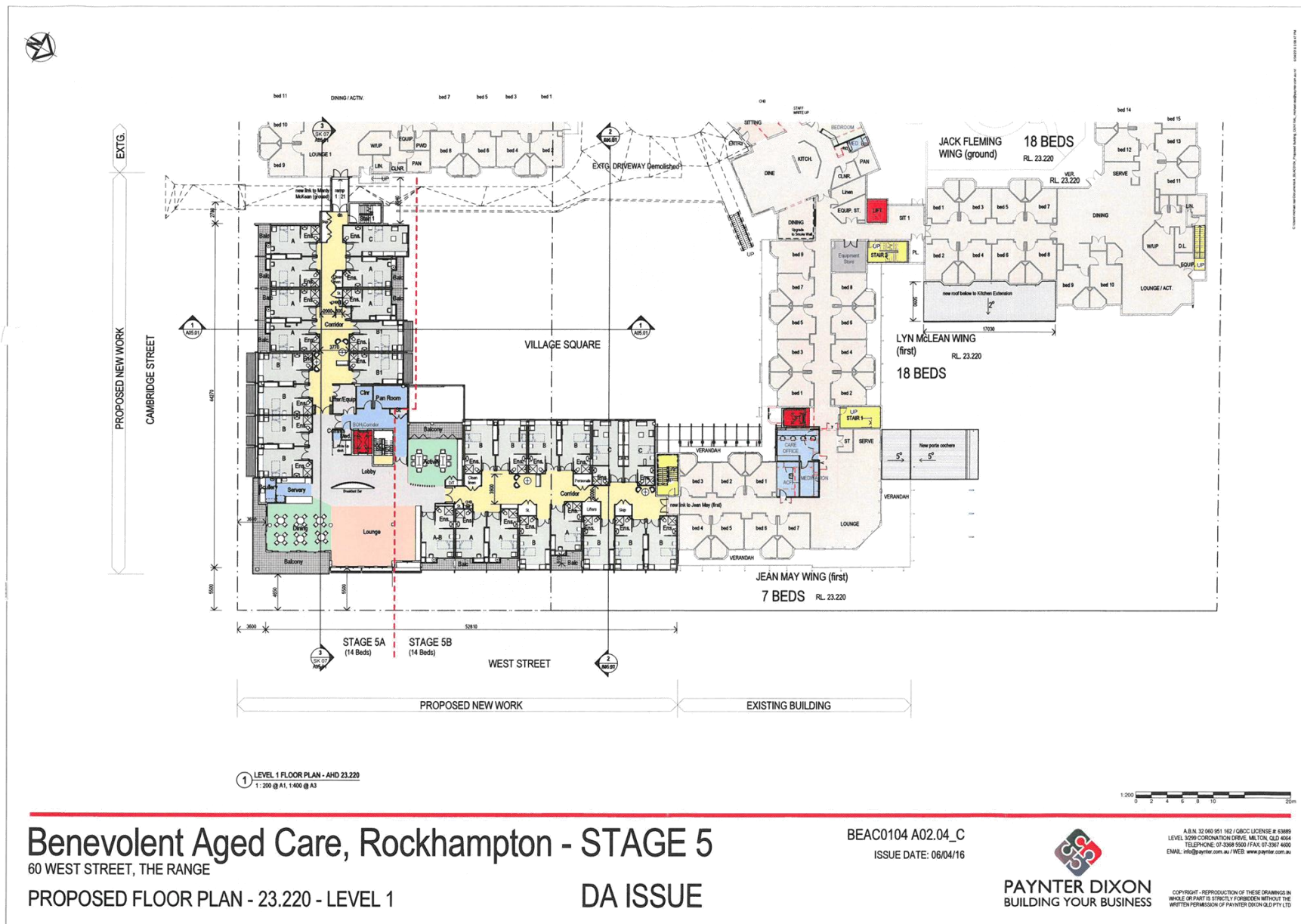
**D/174-2015 - DEVELOPMENT  
APPLICATION FOR A MATERIAL  
CHANGE OF USE FOR A  
RESIDENTIAL CARE FACILITY**

**Proposed Floor Plan - Level 1**

**Meeting Date: 17 May 2016**

**Attachment No: 4**





**D/174-2015 - DEVELOPMENT  
APPLICATION FOR A MATERIAL  
CHANGE OF USE FOR A  
RESIDENTIAL CARE FACILITY**

**Proposed Floor Plan - Level 2**

**Meeting Date: 17 May 2016**

**Attachment No: 5**

60 WEST STREET, THE RANGE

## DA ISSUE

ISSUE DATE: 06/04/16



A.B.N. 32 060 951 162 / QBCC LICENSE # 63889  
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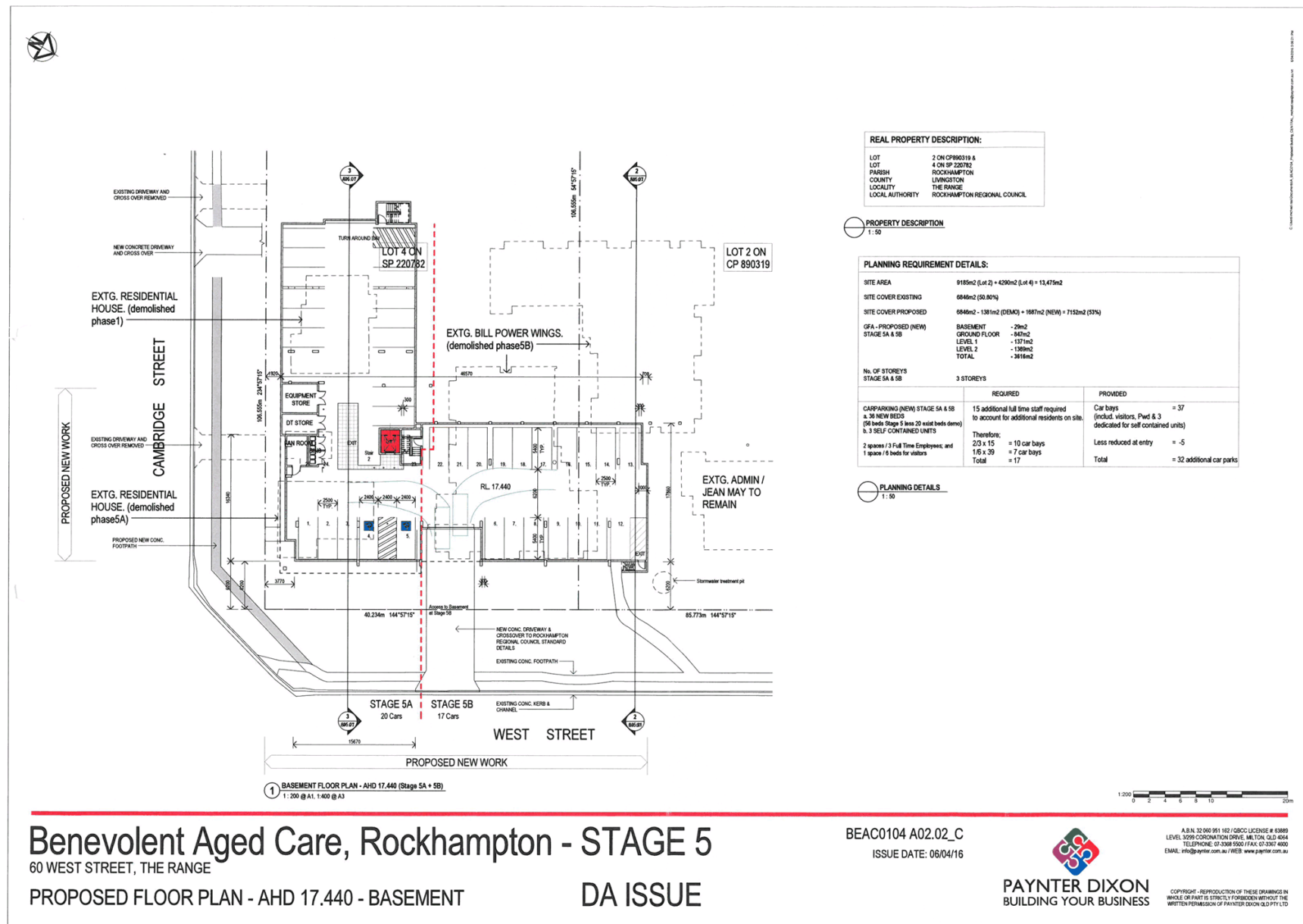
**D/174-2015 - DEVELOPMENT  
APPLICATION FOR A MATERIAL  
CHANGE OF USE FOR A  
RESIDENTIAL CARE FACILITY**

**Proposed Floor Plan - Basement**

**Meeting Date: 17 May 2016**

**Attachment No: 6**





**D/174-2015 - DEVELOPMENT  
APPLICATION FOR A MATERIAL  
CHANGE OF USE FOR A  
RESIDENTIAL CARE FACILITY**

**Proposed Elevations**

**Meeting Date: 17 May 2016**

**Attachment No: 7**



**Benevolent Aged Care, Rockhampton - STAGE 5**  
60 WEST STREET, THE RANGE  
PROPOSED ELEVATIONS

DA ISSUE

BEAC0104 A04.02\_C  
ISSUE DATE: 06/04/16

  
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## **9 NOTICES OF MOTION**

Nil

## **10 URGENT BUSINESS/QUESTIONS**

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

## **11 CLOSURE OF MEETING**