



PLANNING AND REGULATORY COMMITTEE MEETING

AGENDA

6 SEPTEMBER 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 6 September 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
30 August 2016

Next Meeting Date: 20.09.16

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 M Rowe – General Manager Community Services (Executive Officer)

3 APOLOGIES AND LEAVE OF ABSENCE

4 CONFIRMATION OF MINUTES

Minutes of the Planning and Regulatory Committee held 16 August 2016

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 BUSINESS OUTSTANDING

6.1 BUSINESS OUTSTANDING TABLE FOR PLANNING AND REGULATORY COMMITTEE

File No: 10097
Attachments: 1. Business Outstanding Table
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Evan Pardon - Chief Executive Officer

SUMMARY

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

OFFICER'S RECOMMENDATION

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

BUSINESS OUTSTANDING TABLE FOR PLANNING AND REGULATORY COMMITTEE

Business Outstanding Table

Meeting Date: 6 September 2016

Attachment No: 1

Date	Report Title	Resolution	Responsible Officer	Due Date	Notes
07 June 2016	Amendment Subordinate Local Law No. 5 (Parking) 2011	THAT Council take the necessary actions in accordance with the <i>Local Government Act 2009</i> to amend Schedule 2 <i>Subordinate Local Law No.5 (Parking) 2011</i> to give effect to the insertion of Quay and Denham Street Carpark Lot 1 RP607540 as a declared off-street regulated parking area.	Catherine Hayes	21/06/16	Adopted at the Special Council meeting on 9 June 2016 Local Law amendment to be progressed via local laws review.

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 OFFICERS' REPORTS

8.1 PLANNING SECTION - JULY OPERATIONS REPORT

File No: 7028
Attachments: 1. Monthly Report - July 2016
Authorising Officer: Trevor Green - Manager Planning & Regulatory Services
Michael Rowe - General Manager Community Services
Author: Tarnya Fitzgibbon - Coordinator Development Assessment

SUMMARY

The monthly operations report for the Planning Section as at 31 July 2016 is presented for Councillors' information.

OFFICER'S RECOMMENDATION

THAT the Planning Section report for July 2016 be received.

COMMENTARY

The monthly operations report for the Planning Section is attached for Council's consideration. The performance information contained within the attached report relates directly to the adopted 2016/17 Operational Plan Key Performance Indicators.

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

Development Assessment

The DA team met all targets but one. There was only 91% of decisions made within the 20 business day timeframe. There was one application decided just outside of the 20 business day timeframe.

Building and Plumbing

There was only a quarter of the applications decided within 20 business days for Building due to Council's Building Surveyor being on leave. The remainder of applications were decided outside of the 20 day timeframe, with the majority being only a few days over. The plumbing team had another strong month with 96% of their applications decided within 20 business days.

CONCLUSION

It is recommended that the monthly operations report for the Planning Section (Development Assessment and Building Compliance) be received.

PLANNING SECTION - JULY OPERATIONS REPORT

Monthly Report - July 2016

Meeting Date: 6 September 2016

Attachment No: 1

MONTHLY OPERATIONS REPORT
PLANNING SECTION
Period Ended JULY 2016

VARIATIONS, ISSUES AND INNOVATIONS

Innovations

Nil.

Improvements / Deterioration in Levels of Services or Cost Drivers

Nil.

LINKAGES TO OPERATIONAL PLAN

1. COMPLIANCE WITH CUSTOMER SERVICE REQUESTS

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

	Balance B/F	Completed in Current Mth	Current Month NEW Requests		TOTAL INCOMPLETE REQUESTS BALANCE	Under Long Term Investigation	Completion Standard (days)	Avg Completion Time (days) Current Mth	Avg Completion Time (days) 6 Months	Avg Completion Time (days) 12 Months	Avg Duration (days) 12 Months (complete and incomplete)
			Received	Completed							
Building Enquiry - General Info/Admin etc	102	28	23	18	79	0	5	4.67	18.80	21.51	7.48
Other Building Compliant Issue	66	9	6	2	61	0	1	0.50	29.00	33.92	9.33
Planning Compliance Request/Enquiry	69	15	10	4	59	0	45	1.75	15.38	22.30	13.44
Duty Planner (New Enquiry)	4	4	117	116	1	0	1	0.64	0.69	0.99	0.71
Telephone Enquiry (Existing Application/Call Back)	3	3	33	31	2	1	1	1.23	1.01	1.80	1.69
Plumbing Issues General	9	4	34	22	17	0	5	4.09	4.53	5.30	3.13

Comments & Additional Information

Nil

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

Safety Statistics

The safety statistics for the reporting period are:

	FIRST QUARTER		
	May	Jun	Jul
Number of Lost Time Injuries	0	0	1
Number of Days Lost Due to Injury	0	0	2
Total Number of Incidents Reported	0	0	1
Number of Incomplete Hazard Inspections	1	0	0

Risk Management Summary

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

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

Potential Risk	Current Risk Rating	Future Control & Risk Treatment Plans	Due Date	% Completed	Comments
Failure to address general long term planning needs for the community will result in lower quality development, less development overall, continued poor economic and community performance indicators, and lost opportunities in pursuit of achieving elevation of Rockhampton's reputation to an exceptional regional city.	Very High	Develop strategies to address threat, train existing staff to address, and hire staff with required skill sets. Educate community, develop strategic partnerships, and identify external resources.	31/12/2017		Difficult to achieve when there is little money to do these things.
Changes to State law that reduce revenues for essential Council services, e.g. Development Assessment will result in less capacity to provide planning services, requiring supplemental funding from other sources, e.g. increased rates.	High 4	Monitor and respond when and as appropriate	N/A		
Failure to collect revenue results in fewer funds available and lack of	High 5	Process and workflow to address has been	31/12/2016	70%	Report going to Committee

Potential Risk	Current Risk Rating	Future Control & Risk Treatment Plans	Due Date	% Completed	Comments
confidence in Council business practices.		developed and approved by Council.			e
Continuing changes to state legislation and regulatory requirements on Council increase the risk of Council not being able to fully comply with all requirements. Consequences include possible fines, further limitations on Council functions, failure to provide essential resources to enable Council to achieve regional development objectives.	Moderate 5	Respond as events occur and provide submissions to articulate impacts on RRC operations	N/A		

Legislative Compliance & Standards

Legislative Compliance Matter	Due Date	% Completed	Comments
Outdated employee immunisations, tickets, and/or licenses	Various	80%	
Outdated legislative compliance mandatory training and/or qualifications	Various	70%	
Overdue performance reviews	Various	100%	

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

No capital projects are relevant to the Planning Section.

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

Project	Revised Budget	Actual (incl. committals)	% budget expended	Explanation
Rockhampton Regional Planning Scheme	N/A	N/A	N/A	<i>This project is a large operational plan that spans over several years</i>

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

Service Delivery Standard	Target	Current Performance
Development Assessment		
Applications received: 15		
Applications decided: 22		
Acknowledgement notices (where required) sent out within 10 business days of application being properly made	100%	100%
Information requests (where required) sent out within timeframes required under SPA	100%	100%
Decisions are made within 20 business day timeframe once decision stage commences (or extended timeframe permitted under SPA)	100%	91%
Decision notices are issued within 5 business days of the decision being made	100%	100%
Building		
Applications received: 25		
Applications decided: 13		
Building Approvals - Decisions are made within 20 business day timeframe	100%	23%
Plumbing		
Applications received: 27		
Applications decided: 23		
Compliance request are decided within 20 business day timeframe	100%	96%

FINANCIAL MATTERS

REGIONAL SERVICES

DEVELOPMENT & BUILDING

Development Assessment

	Adopted Budget \$	Revised Budget \$	EOM Commitments \$	YTD Actual \$	Commit + Actual \$
Revenues	(726,750)	0	0	(74,464)	(74,464)
Expenses	1,329,207	0	77,768	91,579	169,347
Transfer / Overhead Allocation	35,000	0	0	1,678	1,678
Total Unit: Development Assessment	637,457	0	77,768	18,793	96,562

Building Compliance

Revenues	(745,000)	0	0	(55,597)	(55,597)
Expenses	975,699	0	0	45,048	45,048
Transfer / Overhead Allocation	(220,920)	0	4,059	(18,879)	(14,820)
Total Unit: Building Compliance	9,779	0	4,059	(29,428)	(25,369)

Development & Building Management

Expenses	278,997	0	14,140	16,435	30,575
Total Unit: Development & Building Management	278,997	0	14,140	16,435	30,575

Total Section: DEVELOPMENT & BUILDING

926,233	0	95,967	5,800	101,767
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Total Department: REGIONAL SERVICES

926,233	0	95,967	5,800	101,767
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Grand Total:

926,233	0	95,967	5,800	101,767
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8.2 MONTHLY OPERATIONS REPORT FROM COMMUNITY STANDARDS AND COMPLIANCE UNIT FOR JULY 2016**File No:** 1464**Attachments:**

1. Monthly Operations Report for July 2016
2. Traffic Light Report for July 2016
3. Financial Matters Report for July 2016

Authorising Officer: Michael Rowe - General Manager Community Services**Author:** Trevor Green - Manager Planning & Regulatory Services

SUMMARY

The monthly Operations Report for Community Standards and Compliance Section as at 31 July 2016 is presented for Councillor's information.

OFFICER'S RECOMMENDATION

THAT the Community Standards and Compliance Monthly Operations Report for July 2016 be 'received'.

COMMENTARY

This report provides information about the activities of Rockhampton Regional Council's Community Standards and Compliance Section for the month of July 2016.

This Section consists of five units namely Environment and Public Health, Local Laws, Vector Management, Pest Management and Support Services.

MONTHLY OPERATIONS REPORT FROM COMMUNITY STANDARDS AND COMPLIANCE UNIT FOR JULY 2016

Monthly Operations Report for July 2016

Meeting Date: 6 September 2016

Attachment No: 1

MONTHLY OPERATIONS REPORT
COMMUNITY STANDARDS AND COMPLIANCE UNIT
Period Ended July 2016

VARIATIONS, ISSUES AND INNOVATIONS

Innovations

Nil

Improvements / Deterioration in Levels of Services or Cost Drivers

LINKAGES TO OPERATIONAL PLAN**1. COMPLIANCE WITH CUSTOMER SERVICE REQUESTS**

The response times for completing the predominant customer requests in the reporting period up to and including July 2016 are outlined in Attachment 2.

Comments & Additional Information

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

Safety Statistics

The safety statistics for the reporting period are:

	May	June	July
Number of Lost Time Injuries	0	0	1
Number of Days Lost Due to Injury	0	0	2
Total Number of Incidents Reported	1	0	2
Hazard Inspections Completed	0	1	0

Risk Management Summary

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

Risk	Current Risk Rating	Future Control & Risk Treatment Plans	Due Date	% Completed
Pest Management -Council does not have appropriate and implemented pest management planning for pest plants and pest animal management leading to public complaints about service delivery, localized damage to Council's reputation, temporary redirection/addition of staff/resources required.	Moderate	Legislative changes occurring in 2016. Review and realign plan with newly identified changes. Review of service level arrangements/requirements	2016	5%
Local Laws – Council does not meet its legislative and service delivery responsibilities for Local Laws' community compliance leading to the possibility of legal action, significant damage to Council's reputation with multiple complaints, and general public dissatisfaction.	Very High 3	1. Effective infringement financial management process to be put in place. 2. Internal Process Review	30/06/14	10%
Local Laws – Inconsistent regulation and enforcement of local laws and legislation resulting in poor service and considerable public dissatisfaction.	High 4	1. Review to be completed: Internal Audit, Process Review, Legal review of Local Laws 2. Membership subscription to LGAQ's Legislation Compliance Section. 3. Join SEQ Regional Animal Management Group (SEQRAM).	31/12/14	5%

Legislative Compliance & Standards

Legislative Compliance Matter	Due Date	% Completed	Comments
Council's Ground Distribution Contract Licence outdated	6 April 2017		Not due until 6 April 2017
Pest Management Officers AC/DC Licenses	Various	100%	Completed
Vector Management Officers Pest Management Technicians Licenses	Various	100%	Completed
Local Laws Power of Entry Training	Various	100%	Completed
Investigation Skills	Various	9%	Not completed
Animal Management	Various	100%	Completed

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

No capital projects are relevant to the Community Standards and Compliance Section.

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

Project	Revised Budget	Actual (incl. committals)	% Budget Expended	Explanation
Issue of Dog Registration Renewals	\$20 000.00	\$10 609.16	53.04%	Renewals issued
Micro Chipping Days	\$17 000.00	-	-	Scheduled later in year

5. DELIVERY OF SERVICES AND ACTIVITIES IN ACCORDANCE WITH COUNCIL'S ADOPTED SERVICE LEVELS***Adopted/Operational Service Level Standards & Performance***

Service Level	Target	Current Performance
Annual inspection of licensed food businesses undertaken	100%	12%
Annual inspection of licensed businesses that provide higher risk personal appearance services undertaken	100%	0%
Annual inspection of devolved licensed environmentally relevant activities undertaken	100%	0%

Please note the service levels depicted in the above table are operational standards only and have not been formally adopted by Council.

Registered Dogs/Declared Dog Totals

Description	Registrations May	Registrations June	Registrations July	Current total
Dogs Registered	215	489	3803	3803
Dangerous Dogs	1	0	0	29
Menacing Dogs	0	0	0	48
Restricted Dog	0	0	0	1

Infringements Issued

Description	May	June	July	Financial YTD
Parking Infringements	672	589	533	533
Animal Infringements	116	136	103	103
Local Law Infringements	11	1	4	4
Total	799	726	640	640

FINANCIAL MATTERS

The Financial Matters report is outlined in Attachment 3.

MONTHLY OPERATIONS REPORT FROM COMMUNITY STANDARDS AND COMPLIANCE UNIT FOR JULY 2016

Traffic Light Report for July 2016

Meeting Date: 6 September 2016

Attachment No: 2



All Monthly Requests (Priority 3)
Community Standards Compliance 'Traffic Light' report
July 2016

	Balance B/F	Completed in Current Mth	Current Month NEW Requests		TOTAL INCOMPLETE REQUESTS BALANCE	Under Long Term Investigation	Completion Standard (days)	Avg Completion Time (days) Current Mth	Avg Completion Time (days) 6 Months	Avg Completion Time (days) 12 Months	Avg Duration (days) 12 Months (complete and incomplete)
			Received	Completed							
Dog Registration Enquiry	36	33	327	149	181	0	10	● 1.95	● 5.07	● 3.69	2.45
Animals (more than permitted number)	8	7	20	16	5	0	30	● 3.88	● 8.15	● 11.40	7.01
Comm Compliance Barking Letter/Visitors Advice	4	4	6	5	1	0	5	● 1.20	● 2.64	● 3.00	2.05
Dog Attack on Animal (Confirmed)	0	0	0	0	0	0	10	● 0.00	● 0.00	● 0.00	0.00
Dog Attack on Person (Fear) CSO	11	7	15	7	12	0	20	● 8.57	● 18.77	● 23.94	9.77
Dog Attack on Animal (Alleged) CSO	13	10	17	8	10	0	20	● 8.50	● 17.60	● 152.81	9.46
Dog Attack on Person (Bite) CSO	4	1	1	1	3	0	20	● 9.00	● 15.30	● 17.15	8.05
Heavy Vehicle Parking	1	1	5	4	0	0	10	● 3.25	● 5.35	● 6.04	2.85
Overgrown Allotments	31	23	21	4	25	0	45	● 7.00	● 14.23	● 15.68	12.34
Regulated Parking	9	8	30	23	2	0	10	● 5.13	● 9.72	● 6.99	5.29
Dust Complaint	0	0	1	0	1	0	10	● 0.00	● 7.25	● 5.60	3.60
Litter/Illegal Dumping	1	1	5	4	1	0	20	● 1.25	● 6.53	● 7.30	6.35
Noise Complaint	0	0	4	4	0	0	10	● 0.25	● 3.14	● 6.27	2.31
Barking Dog Complaint - Stage 1	11	9	70	62	10	0	3	● 2.68	● 2.70	● 2.84	0.63
Barking Dog Complaint - Stage 2 LLEO Use Only	4	3	10	4	7	0	30	● 10.25	● 11.26	● 14.84	10.07
Vector Misting	2	2	67	37	30	21	7	● 0.81	● 1.06	● 1.02	1.02
Nuisance Vehicle	5	4	22	13	7	0	10	● 6.77	● 6.49	● 6.14	4.18
Wandering Animals (dogs, cats, poultry)	30	30	131	105	26	0	10	● 0.65	● 0.93	● 0.91	0.64
Wandering Stock	8	8	20	16	4	0	10	● 3.25	● 4.21	● 5.39	2.20

MONTHLY OPERATIONS REPORT FROM COMMUNITY STANDARDS AND COMPLIANCE UNIT FOR JULY 2016

Financial Matters Report for July 2016

Meeting Date: 6 September 2016

Attachment No: 3



End of Month General Ledger - (Operating Only) - HEALTH & ENVIRONMENT

As At End Of July

Report Run: 04-Aug-2016 17:39:53 Excludes Nat Accs: 2802,2914,2917,2924

	Adopted Budget \$	Revised Budget \$	EOM Commitments \$	YTD Actual \$	Commit + Actual \$	Variance %	On target 8.3% of Year Gone
COMMUNITY SERVICES							
HEALTH & ENVIRONMENT							
<u>Pest Management</u>							
Revenues	(1,500)	0	0	(41)	(41)	3% ✗	
Expenses	701,265	0	21,558	30,165	51,723	7% ✓	
Transfer / Overhead Allocation	170,200	0	0	8,335	8,335	5% ✓	
Total Unit: Pest Management	869,965	0	21,558	38,459	60,017	7% ✓	
<u>Environment Health</u>							
Revenues	(161,150)	0	0	(27,567)	(27,567)	17% ✓	
Expenses	763,111	0	4,545	33,067	37,612	5% ✓	
Transfer / Overhead Allocation	67,200	0	0	2,337	2,337	3% ✓	
Total Unit: Environment Health	669,161	0	4,545	7,837	12,383	2% ✓	
<u>Vector Management</u>							
Revenues	(15,100)	0	0	0	0	0% ✗	
Expenses	503,431	0	24,404	17,601	42,006	8% ✗	
Transfer / Overhead Allocation	80,000	0	0	4,397	4,397	5% ✓	
Total Unit: Vector Management	568,331	0	24,404	21,998	46,403	8% ✓	
<u>Local Laws</u>							
Revenues	(1,379,700)	0	0	(150,514)	(150,514)	11% ✓	
Expenses	2,569,848	0	303,890	107,285	411,176	16% ✗	
Transfer / Overhead Allocation	251,600	0	0	14,465	14,465	6% ✓	
Total Unit: Local Laws	1,441,748	0	303,890	(28,764)	275,127	19% ✗	
<u>CS&C Support</u>							
Expenses	682,948	0	10,225	36,504	46,729	7% ✓	
Transfer / Overhead Allocation	0	0	0	594	594	0% ✗	
Total Unit: CS&C Support	682,948	0	10,225	37,098	47,323	7% ✓	
<u>CS&C Management</u>							
Expenses	410,449	0	0	20,154	20,154	5% ✓	

	Adopted Budget \$	Revised Budget \$	EOM Commitments \$	YTD Actual \$	Commit + Actual \$	Variance %	On target 8.3% of Year Gone
Transfer / Overhead Allocation	0	0	0	15	15	0%	✗
Total Unit: CS&C Management	410,449	0	0	20,169	20,169	5%	✓
Total Section: HEALTH & ENVIRONMENT	4,642,601	0	364,624	96,797	461,421	10%	✗
Total Department: COMMUNITY SERVICES	4,642,601	0	364,624	96,797	461,421	10%	✗
Grand Total:	4,642,601	0	364,624	96,797	461,421	10%	✗

8.3 D/67-2016 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A MULTIPLE DWELLING (TEN UNITS)

File No: D/67-2016

Attachments:

1. Locality Plan
2. Site Plan
3. Floor Plans
4. Elevation Plan

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Trevor Green - Manager Planning & Regulatory Services
Michael Rowe - General Manager Community Services

Author: Alyce McLellan - Planning Officer

SUMMARY

Development Application Number: D/67-2016

Applicant: Bailey Property Fund Pty Ltd

Real Property Address: Lot 172 on SP260355, Parish of Murchison

Common Property Address: Lot 172 Foulkes Street, Norman Gardens

Area of Site: 3,943 square metres

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Low Density Residential Zone

Planning Scheme Overlays: Bushfire Hazard Buffer

Existing Development: Vacant Land

Existing Approvals: Development Permit D/23-2014 for a Material Change of Use for Multi Dwelling Units (eighteen units)

Approval Sought: Development Permit for a Material Change of Use for Multiple Dwelling (ten units)

Level of Assessment: Impact Assessable

Submissions: Two (2) Properly Made Submissions and One (1) Not Properly Made Submission

Referral Agency(s): Nil

Infrastructure Charges Area: Charge Area 1

Application Progress:

<i>Application Lodged:</i>	6 May 2016
<i>Acknowledgment Notice issued:</i>	11 May 2016
<i>Submission period commenced:</i>	14 June 2016
<i>Submission period end:</i>	8 July 2016
<i>Council request for additional time (until 9 September 2016):</i>	4 August 2016
<i>Last receipt of information from applicant:</i>	15 July 2016
<i>Statutory due determination date:</i>	9 September 2016

OFFICER'S RECOMMENDATION

THAT in relation to the application for a Development Permit for a Material Change of Use for a Multiple Dwelling (ten units), made by Bailey Property Fund Pty Ltd, on Lot 172 on SP260355, Parish of Murchison, located at Lot 172 Foulkes Street, Norman Gardens, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer and his employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken and completed and be accompanied by a Compliance Certificate for any operational works required by this development approval:
 - 1.3.1 to Council's satisfaction;
 - 1.3.2 at no cost to Council; and
 - 1.3.3 prior to the commencement of the use unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
 - 1.5.1 Operational Works:
 - (i) Access and Parking Works;
 - (ii) Stormwater Works; and
 - (iii) Roof and Allotment Drainage Works.
 - 1.5.2 Plumbing and Drainage Works; and
 - 1.5.3 Building Works.
- 1.6 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.
- 1.7 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.8 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan No / Revision</u>	<u>Dated</u>
Overall Site Plan	L172/01 Issue A	5 April 2016
Part Site Plan	L172/02 Issue A	5 April 2016
Part Site Plan	L172/03 Issue A	5 April 2016
Floor Plans Dwellings 1 - 7	L172/05 Issue A	5 April 2016
Floor Plans Dwellings 8 - 10	L172/06 Issue A	5 April 2016
Street Elevations	L172/07 Issue A	5 April 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 ACCESS AND PARKING WORKS

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

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

- 3.3 All parking spaces, access driveway(s), and vehicular manoeuvring areas associated with this proposed development must be concrete paved.

- 3.4 All vehicular access to and from the development must be via Academic Court. Direct vehicular access to Springfield Drive or Foulkes Street is prohibited.

- 3.5 A minimum of fifteen (15) car parking spaces must be provided on-site. This includes ten (10) covered car parking spaces and five (5) visitor's car parking spaces. Visitor's car parking spaces must be clearly indicated.

- 3.6 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.

- 3.7 Parking spaces must be line-marked as shown in the Site Plan (refer to condition 2.1) and in accordance with the *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).

- 3.8 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for Access and Mobility"*.

4.0 PLUMBING AND DRAINAGE WORKS

- 4.1 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, *Plumbing and Drainage Act*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.

- 4.2 The development must be connected to Council's reticulated sewerage and water networks.

- 4.3 The existing sewerage and water connection point(s) must be retained, and upgraded if necessary, to service the development.
- 4.4 Adequate domestic and fire fighting protection must be provided to the development, and must be certified by a hydraulic engineer or other suitably qualified person.
- 4.5 The proposed development must be provided with a master meter at the development site boundary and sub-meters for each sole occupancy building in accordance with the *Queensland Plumbing and Drainage Code* and Council's Sub-metering Policy.
- 4.6 All internal plumbing and sanitary drainage works must be completely independent for each unit.
- 4.7 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.
- 4.8 The finished lamphole surface must be at a sufficient level to avoid ponding of stormwater above the top of the lamphole. A heavy duty trafficable lid must be provided in the trafficable area.

5.0 STORMWATER WORKS

- 5.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.
- 5.2 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).
- 5.3 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development condition, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.
- 5.4 Any application for a Development Permit for Operational Works (stormwater works) must include an assessment of how the development meets the stormwater management design objectives in *State Planning Policy 2014*.

6.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 6.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the development site.
- 6.2 All roof and allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (roof and allotment drainage works).
- 6.3 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance or worsening to surrounding land or infrastructure.

7.0 SITE WORKS

- 7.1 All earthworks must be undertaken in accordance with *Australian Standard 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 surrounding land or infrastructure.

7.3 Any vegetation cleared or removed must be:

- (i) mulched on-site and utilised on-site for landscaping purposes, in accordance with the landscaping plan approved by Council; or
- (ii) removed for disposal at a location approved by Council, within sixty (60) days of clearing. Any vegetation removed must not be burnt.

8.0 BUILDING WORKS

- 8.1 All building works must be undertaken in accordance with *Queensland Development Code, Mandatory Part 1.4* for building over or near relevant infrastructure.
- 8.2 A General Waste Bin and Recyclable Bin must be stored separately at each unit.
- 8.3 All units must be provided with open-air clothes drying facilities and the facilities must be screened from public view.
- 8.4 The private open space area provided for each unit must be fenced with a 1.8 metre high screen fence. The fence must be constructed of appropriate materials and to Council's satisfaction to prevent viewing of the private open space from a public space and adjoining properties.
- 8.5 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"*.

9.0 ELECTRICITY

- 9.1 Evidence that the development is provided with electricity services from the relevant service provider must be provided to Council, prior to the commencement of the use.
- 9.2 Evidence must be provided that electricity services are available to the development in accordance with the standards and requirements of the relevant service provider, prior to the commencement of the use.

10.0 TELECOMMUNICATIONS

- 10.1 Evidence that the development is provided with telecommunications services from the relevant service provider must be provided to Council, prior to the commencement of the use.

Note: The *Telecommunications Act 1997* (Cth) specifies where the deployment of optical fibre and the installation of fibre-ready facilities is required.

Note: For telecommunications services, written evidence must be in the form of either a "Telecommunications Infrastructure Provisioning Confirmation" where such services are provided by Telstra or a "Notice of Practical Completion" where such services are provided by the NBN.

11.0 ASSET MANAGEMENT

- 11.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.
- 11.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure) that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.

12.0 ENVIRONMENTAL

12.1 An Erosion Control and Stormwater Control Management Plan in accordance with the *Capricorn Municipal Design Guidelines*, must be:

12.1.1 implemented, monitored and maintained for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped); and

12.1.2 available on-site for inspection by Council Officers whilst all works are being carried out.

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 Foulkes Street, Academic Court or Springfield Drive.

ADVISORY NOTES**NOTE 1. Aboriginal Cultural Heritage**

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

NOTE 2. General Environmental Duty

General environmental duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the 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 2011* and *Manual of Uniform Traffic Control Devices* must be complied with in carrying out any construction works, and to ensure safe traffic control and safe public access in respect of works being constructed on a road.

NOTE 4. Infrastructure Charges Notice

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

BACKGROUND

On 12 August 2014, Council approved a Material Change of Use for a Multi Unit Dwelling (eighteen units) on Lot 172 Foulkes Street, Norman Gardens. In early 2016, the applicant sought to reduce the number of units from eighteen (18) double storey units to ten (10) single storey units. This change is considered substantially different development; therefore a new Material Change of Use application is required.

PROPOSAL IN DETAIL

The proposal is for a multi-unit complex comprising ten (10) single storey units. Two (2) covered car parking spaces will be constructed for each unit along with six (6) visitor spaces. A variety of floor plans are proposed for the units which include:

- Seven (7) units with three bedrooms, an ensuite and shared bathroom; and
- Three (3) units of four bedrooms, an ensuite and shared bathroom.

Each unit will contain a kitchen, dining and lounge area, laundry and garage. Each unit will have private open space directly accessible from the living areas.

SITE AND LOCALITY

The subject site is currently vacant, fairly regular in shape with very little slope. The site is bound by roads to the north, east and south and a drainage reserve adjoins the site to the west. Access to the site will be obtained from Academic Court.

The surrounding area is typically comprised of single houses and the occasional duplex. The majority of lots in the vicinity of this site are still vacant and in the process of having residential uses constructed. Further to the west of the subject site is the Central Queensland University and further to the south is a large portion of land which is to be developed as public open space.

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 May 2016

Support, subject to conditions.

Public and Environmental Health Comments – 12 May 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 on 3 December 2013 (amended 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

Low Density Residential Zone

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: -

“The purposes of the zone will be achieved through the following overall outcomes:

- (i) *development provides for predominantly single detached dwellings and dual occupancies on individual lots of varying sizes maintaining a generally a low-rise built form and low density character;*

- (ii) *residential development within the zone is of a type which primarily provides for the long-term accommodation of residents;*
- (iii) ***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"***

This application is consistent with the purpose of the Zone.

Rockhampton Regional Planning Scheme Codes

The following codes are applicable to this application: -

- Low Density Residential Zone Code;
- Bushfire Hazard Overlay Code;
- Access, Parking and Mobility Code;
- Landscape Code;
- Stormwater Management Code; and
- Waste Management 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:

Low Density Residential Zone Code		
Performance Outcome/s		Officer's Response
PO11	The development is located and designed so that buildings and structures make provision for: <ul style="list-style-type: none"> (a) an appropriate scale and size that reflects the purpose of the zone; (b) access to natural light and ventilation; (c) landscaping; (d) privacy and noise attenuation; (e) screening of materials when stored outside buildings; (f) integration with the streetscape and built form; (g) orientated to the street frontage; (h) landscape features of the site; and (i) access to open space. 	Whilst all units fronting Academic Court have a setback of six (6) metres, the units at the rear are setback 2.3 to 2.8 metres instead of the required three (3) metres to Foulkes Street. This is considered acceptable as a landscape buffer will be provided between the units and the street frontages and a fence is proposed around the perimeter of the site.
PO16	Development for a multiple dwelling, relocatable home park, residential care facility or retirement facility is located at highly accessible sites: <ul style="list-style-type: none"> (a) that provide for the safety and convenience of people using the premises; (b) in proximity to centres of activity containing shopping, community facilities, and 	The development is within 600 metres to the university which provides additional choice in the form of residential accommodation available to support the high demand facility. Multiple pedestrian paths have been provided throughout the site and within the surrounding locality connecting to higher order roads like Norman Road being an Urban Arterial Road.

	recreation and entertainment areas; (c) in proximity to public transport facilities and public transport routes; and (d) that can minimise impacts on local amenity and the local street network.	
--	---	--

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.

INFRASTRUCTURE CHARGES

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

Use Schedule	Charge Area	Adopted Infrastructure Charge for residential development (\$/dwelling unit)	Unit	Calculated Charge
		3 or more bedroom dwelling		
Residential	Area 1	21,000	per dwelling	\$210,000.00
Total				\$210,000.00
Less credit				\$21,000.00
TOTAL CHARGE				\$189,000.00

This is based on the following calculations:

- (a) A calculated charge of \$210,000.00 for ten (10) units with three or more bedrooms; and
- (b) A credit of \$21,000.00 for the existing allotment.

Therefore a total charge of **\$189,000.00** is payable and will be reflected in an Infrastructure Charges Notice for the development.

CONSULTATION

The proposal was the subject of public notification between 14 June 2016 and 8 July 2016, as per the requirements of the *Sustainable Planning Act 2009*. Two (2) properly made submissions and one (1) not properly made submission were received.

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

Issue	Officer's Response
Concerns that Varsity Crescent is too narrow for such volume of traffic.	Varsity Crescent is an Access Street which can cater for seventy-five (75) dwelling houses. There are currently fifty-four (54) dwelling houses that access Varsity Crescent so the additional traffic is considered acceptable.
Concerns with the entry to the site from Academic Court. The entry to the site should be from Foulkes Street or alternatively opening the cul-de-sac to Springfield Drive.	It is a requirement under the planning scheme that sites with more than one (1) road frontage (excluding laneways) gain access only from the lower order road, except if it will introduce traffic generated by a non-residential use into a street that is in a residential zone. Therefore, in this instance access must be obtained from Academic Court. Furthermore, the existing road network is of a sufficient standard to cater for the additional traffic anticipated to be generated by the units.

Concerns that there are enough houses in this area and Council should consider turning the site into a playground/park.	The subject site is not owned by Council and therefore Council has no control over turning this site into a playground/park. Furthermore, within the original master plan for Cascade Gardens (refer to Development Permit D/491-2010) the subject site was identified in being developed for higher density residential development. The master plan also identified a large portion of land on the eastern side of Springfield Drive and north of College Drive to remain as open space which can also include a potential park shelter and playground area.
Concerns with the additional cars that will be parked within the street.	Council cannot regulate cars from parking lawfully on the street. However, sufficient on-site car parking and visitor parking spaces have been provided and conditioned. The proposal will provide a total of twenty-six (26) on-site parking spaces. The minimum number of on-site car parking spaces required under the current Planning Scheme would be fifteen (15) spaces; therefore an additional eleven (11) spaces have been provided on site.

REFERRALS

Not Applicable.

CONCLUSION

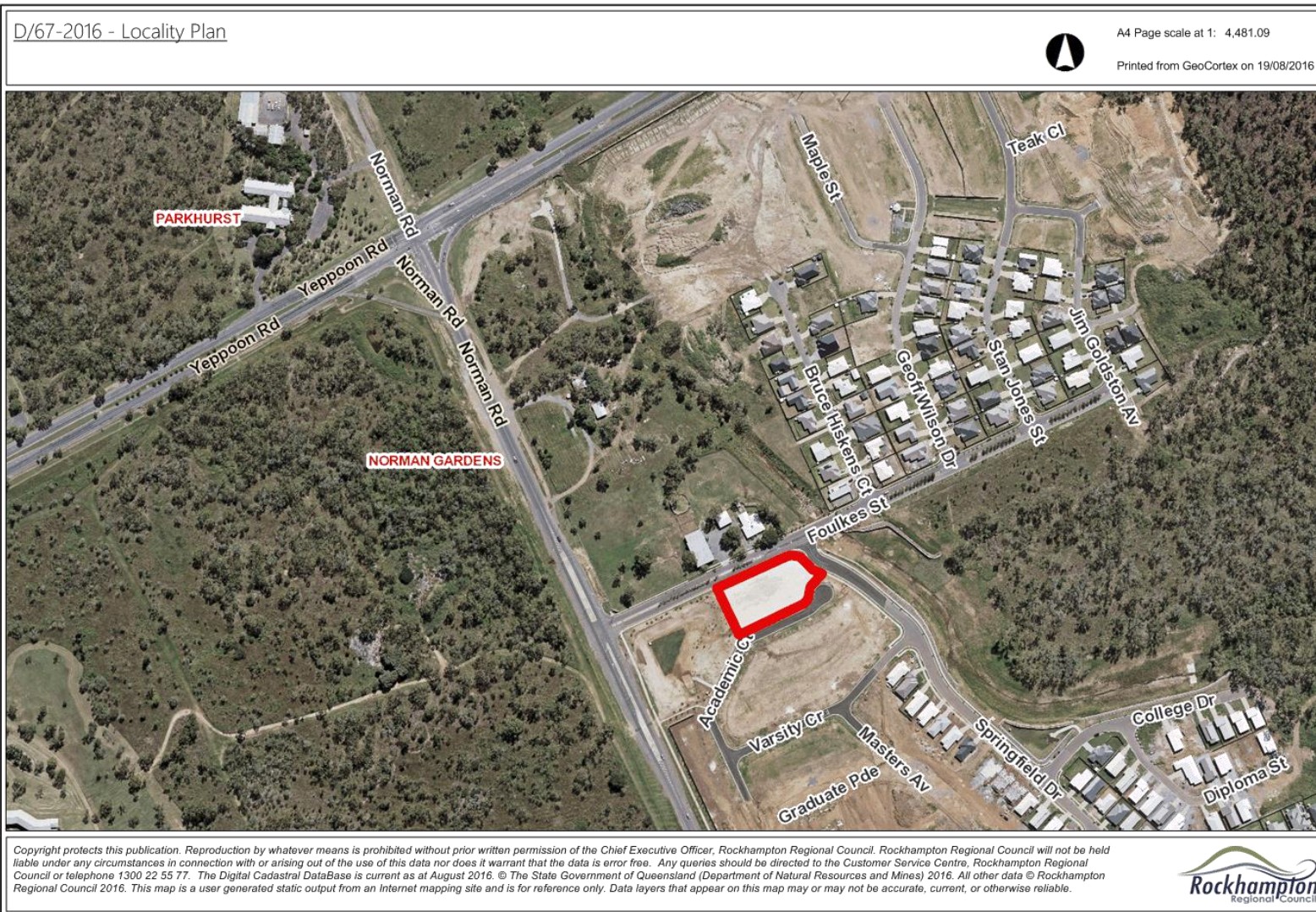
The proposed development is considered to be in keeping with the purpose of the Low Density Residential Zone. Furthermore, the proposal generally complies with the provisions included in the applicable codes. The proposal is, therefore, recommended for approval in accordance with the approved plans and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

**D/67-2016 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A MULTIPLE
DWELLING (TEN UNITS)**

Locality Plan

Meeting Date: 6 September 2016

Attachment No: 1

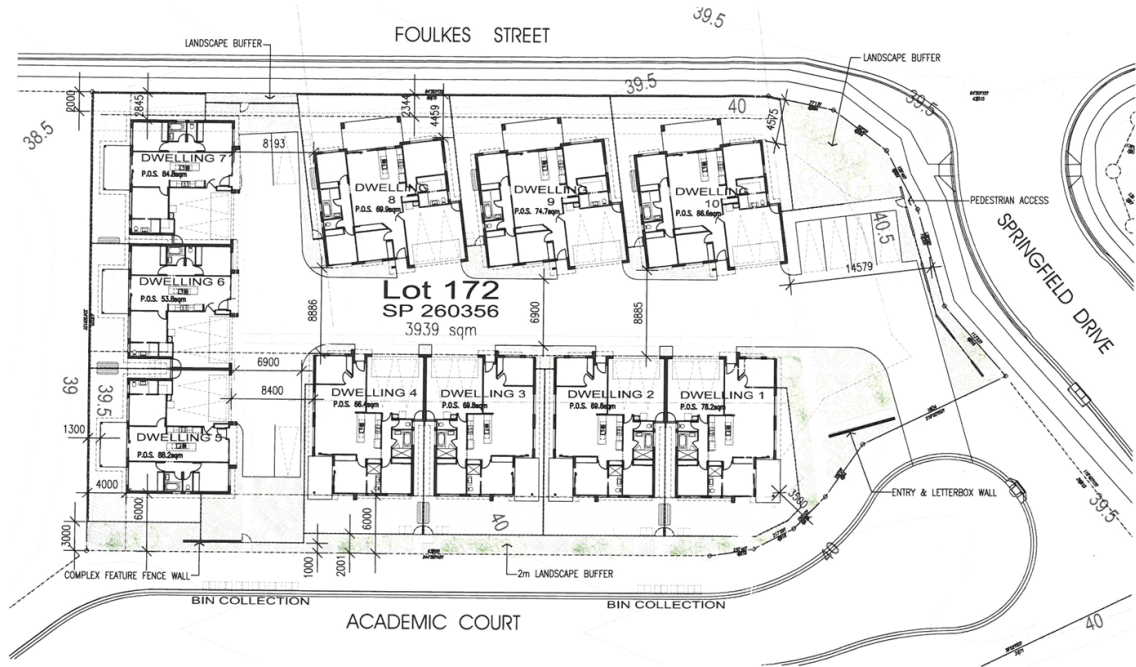


**D/67-2016 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A MULTIPLE
DWELLING (TEN UNITS)**

Site Plan

Meeting Date: 6 September 2016

Attachment No: 2



1 OVERALL SITE PLAN
SCALE @ A3 1:400

BUILDING FLOOR AREAS					
	GRD FLR	GARAGE	ALFRESCO	PORCH	P.O.S
DWELLING 1	112.6sqm	37.7sqm	11.0sqm	1.3sqm	162.6sqm
DWELLING 2	112.6sqm	37.7sqm	11.0sqm	1.3sqm	162.6sqm
DWELLING 3	112.6sqm	37.7sqm	11.0sqm	1.3sqm	162.6sqm
DWELLING 4	112.6sqm	37.7sqm	11.0sqm	1.3sqm	162.6sqm
DWELLING 5	97.4sqm	36.2sqm	13.8sqm	1.0sqm	147.3sqm
DWELLING 6	97.4sqm	36.2sqm	13.8sqm	1.0sqm	147.3sqm
DWELLING 7	97.4sqm	36.2sqm	13.8sqm	1.0sqm	147.3sqm
DWELLING 8	133.4sqm	37.0sqm	17.7sqm	2.7sqm	190.8sqm
DWELLING 9	133.4sqm	37.0sqm	17.7sqm	2.7sqm	190.8sqm
DWELLING 10	133.4sqm	37.0sqm	17.7sqm	2.7sqm	190.8sqm
TOTAL					1664.7sqm

R.P.D.	
LOT 172 ON SP 260356 SPRINGFIELD DR, NORMAN GARDENS QLD 4701 ROCKHAMPTON REGIONAL COUNCIL	
SITE DETAILS	
SITE AREA	3939 SQM
SITE COVERAGE	44%
COMMON LANDSCAPED AREA	15% (617.5sqm)
TOTAL PRIVATE OPEN SPACE	18% (742.2sqm)
TOTAL COMBINED LANDSCAPED AREA	34% (1359.7sqm)

BN	WHEELIE BIN STORAGE
---	FENCE 1.8m HIGH
■	LETTERBOX
■	PROPOSED TURF/GARDEN/PLANTING
■	PRIVATE OPEN SPACE

MISH DEVELOPMENTS PTY LTD

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PROJECT:

PROPOSED MULTI DWELLING DEVELOPMENT

AT:

LOT 172 SPRINGFIELD DR. STAGE 3

VARSITY PARK, NORMAN GARDENS, QLD. 4701

CLIENT:

MISH DEVELOPMENTS PTY LTD

A M E N D M E N T S		
REV	DESCRIPTION	DATE
A	MCU ISSUE	05.04.2016

DRAWING TITLE:

OVERALL SITE PLAN

ISSUE:

A 05.04.2016

DRAWN BY:

AS

SCALE:

AS SHOWN @ A3

DRAWING NO.:

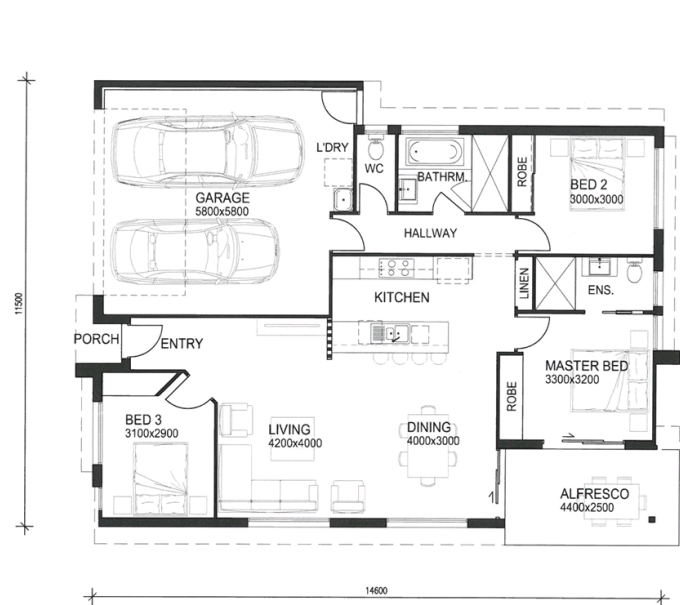
L172 / 01

**D/67-2016 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A MULTIPLE
DWELLING (TEN UNITS)**

Floor Plans

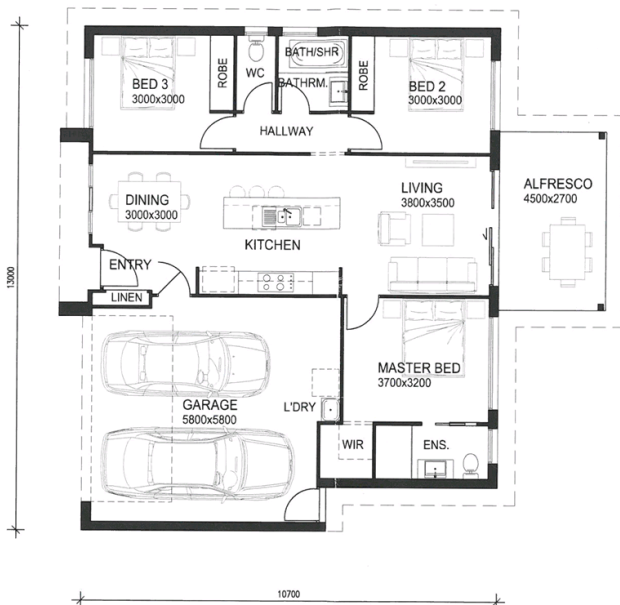
Meeting Date: 6 September 2016

Attachment No: 3



1 FLOOR PLAN – DWELLINGS 1-4
ATTACHED 3 BED SCALE @ A3 1:100

AREAS	
FLOOR:	112.6 m²
GARAGE:	37.7 m²
ALFRESCO:	11.0 m²
PORCH:	1.3 m²
TOTAL:	162.6 m²



2 FLOOR PLAN – DWELLINGS 5-7
ATTACHED 3 BED SCALE @ A3 1:100

AREAS	
FLOOR:	97.4 m²
GARAGE:	36.2 m²
ALFRESCO:	12.7 m²
PORCH:	1.0 m²
TOTAL:	147.3 m²

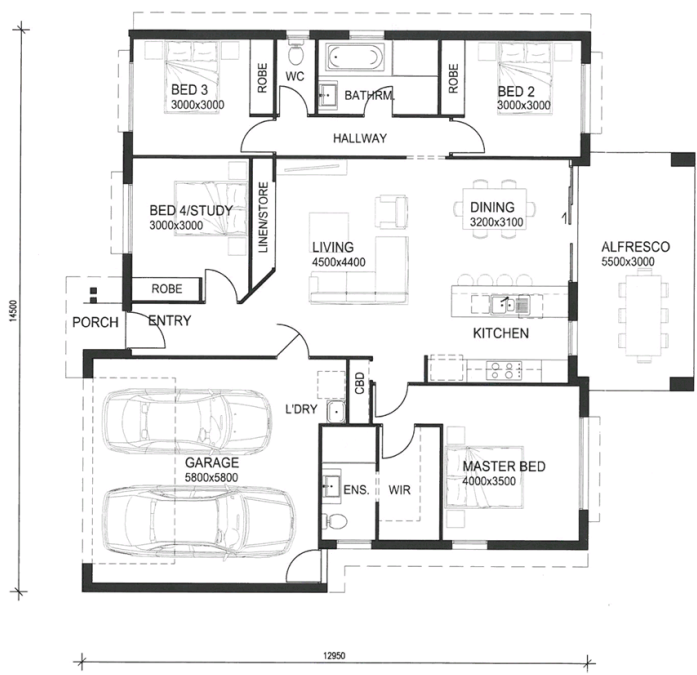
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PROJECT:
PROPOSED MULTI DWELLING DEVELOPMENT
AT:
LOT 172 SPRINGFIELD DR. STAGE 3
VARSITY PARK, NORMAN GARDENS, QLD. 4701
CLIENT:
MISH DEVELOPMENTS PTY LTD

A M E N D M E N T S		
REV	DESCRIPTION	DATE
A	MCU ISSUE	05.04.2016

DRAWING TITLE:
FLOOR PLANS DWELLINGS 1 – 7
ATTACHED 3 BED.
ISSUE: A 05.04.2016 **DRAWING NO.:**
DRAWN BY: AS **L172 / 05**
SCALE: AS SHOWN @ A3



1 FLOOR PLAN - DWELLINGS 8-10
DETACHED 4 BED SCALE @ A3 1:100

AREAS	
FLOOR:	133.4 m ²
GARAGE:	37.0 m ²
ALFRESCO:	17.7 m ²
PORCH:	2.7 m ²
TOTAL:	190.8 m ²

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PROJECT: PROPOSED MULTI DWELLING DEVELOPMENT
AT: LOT 172 SPRINGFIELD DR. STAGE 3
VARSITY PARK, NORMAN GARDENS, QLD. 4701
CLIENT: MISH DEVELOPMENTS PTY LTD

A M E N D M E N T S		
REV	DESCRIPTION	DATE
A	MCU ISSUE	05.04.2016

DRAWING TITLE:
FLOOR PLAN DWELLINGS 8-10
DETACHED 4 BED.

ISSUE: A 05.04.2016
DRAWN BY: AS
SCALE: AS SHOWN @ A3

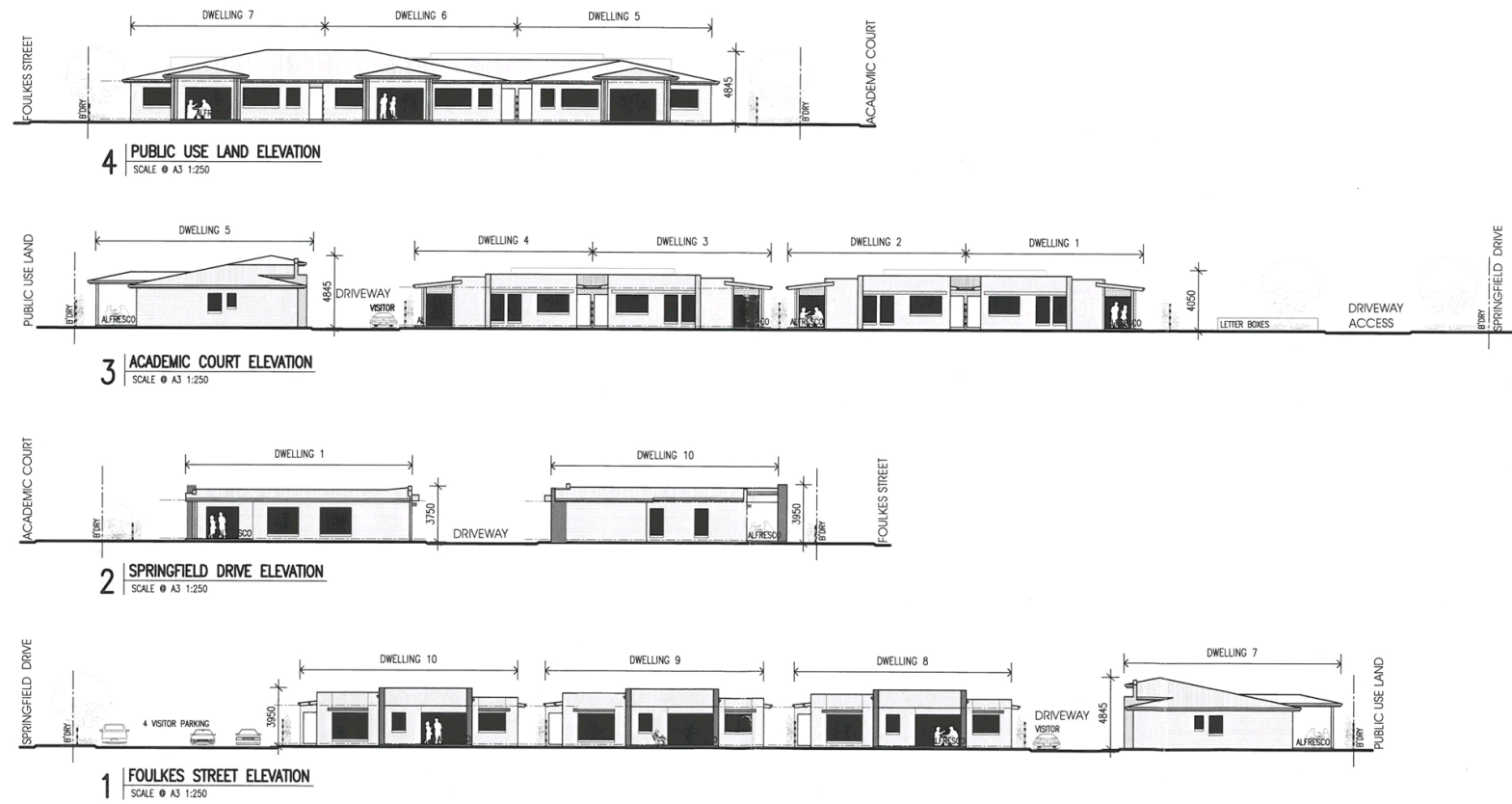
DRAWING NO.:
L172 / 06

**D/67-2016 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A MULTIPLE
DWELLING (TEN UNITS)**

Elevation Plan

Meeting Date: 6 September 2016

Attachment No: 4



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PROJECT: PROPOSED MULTI DWELLING DEVELOPMENT
AT: LOT 172 SPRINGFIELD DR. STAGE 3
VARSITY PARK, NORMAN GARDENS, QLD. 4701
CLIENT: MISH DEVELOPMENTS PTY LTD

A M E N D M E N T S		
REV	DESCRIPTION	DATE
A	MCU ISSUE	05.04.2016

DRAWING TITLE:
STREET ELEVATIONS

ISSUE: A 05.04.2016 **DRAWING NO.:**
DRAWN BY: AS **L172 / 07**
SCALE: AS SHOWN @ A3

8.4 D/51-2016 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A VETERINARY SERVICE

File No: D/51-2016

Attachments:

1. Locality Plan
2. Site Plan
3. Floor Plan
4. 3D Views
5. Elevations
6. Landscaping Plan

Authorising Officer: Tarnya Fitzgibbon – Coordinator Development Assessment
Trevor Green - Manager Planning & Regulatory Services
Michael Rowe - General Manager Community Services

Author: Corina Hibberd - Planning Officer

SUMMARY

Development Application Number: D/51-2016

Applicant: Animality Pty Ltd

Real Property Address: Lot 6 on SP210592, Parish of Gracemere

Common Property Address: 1 Alexander Court, Gracemere

Area of Site: 1,489 square metres

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Low Impact Industry Zone

Planning Scheme Overlays: Nil Applicable

Existing Development: Vacant

Existing Approvals: Nil

Approval Sought: Development Permit for a Material Change of Use for a Veterinary Service

Level of Assessment: Impact Assessable

Submissions: Nil

Infrastructure Charges Area: Charge Area 1

Application Progress:

<i>Application Lodged:</i>	12 April 2016
<i>Acknowledgment Notice issued:</i>	26 April 2016
<i>Confirming no Information Request is required:</i>	10 May 2016
<i>Request to Extend the Public Notification Period (until 22 June 2016):</i>	25 May 2016
<i>Submission period commenced:</i>	22 June 2016
<i>Submission period end:</i>	13 July 2016
<i>Council request for additional time to the Decision Making Period (16 August 2016):</i>	16 August 2016 (1 st extension)
<i>Last receipt of information from applicant:</i>	21 July 2016
<i>Planning and Regulatory meeting date:</i>	6 September 2016

<i>Council meeting date:</i>	<i>13 September 2016</i>
<i>Statutory due determination date:</i>	<i>15 September 2016</i>

OFFICER'S RECOMMENDATION**RECOMMENDATION A**

That in relation to the application for a Development Permit for a Material Change of Use for a Veterinary Service, made by BEAT Architects on behalf of Animality Pty Ltd, on Lot 6 on SP210592, Parish of Gracemere, located at 1 Alexander Court, Gracemere, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer and his employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions 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 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
- 1.6 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; and
 - (iv) Roof and Allotment Drainage 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 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 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>Document Number / Rev</u>	<u>Dated</u>
Site Plan	BT150478, CD.201, Rev 1	11 April 2016
Proposed Floor Plan	BT150478, CD.202, Rev 1	11 April 2016
Elevations	BT150478, CD.401, Rev 1	11 April 2016
Stormwater Drainage Plan	K3582, P002, Issue A	23 March 2016
Sediment and Erosion Control Plan and Details	K3582, P003, Issue A	23 March 2016
Conceptual Stormwater Management Plan	K3582-0002/A	18 April 2016
Landscape Plan	A16-007, LA1.00, Rev 01	4 April 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 for the development site.

3.2 All road works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, 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 northern side of Alexander Court and eastern side of Old Capricorn Highway for the full frontage of the development site.

3.4 All pathways and access ramps must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.

3.5 All pathways must incorporate kerb ramps at all road crossing points.

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), pedestrian pathway and vehicular manoeuvring areas associated with this proposed development must be concrete paved or sealed.

4.4 Universal access parking spaces must be provided in accordance with *Australian Standard AS2890.6 "Parking Facilities - Off-Street parking for people with disabilities"*.

4.5 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for Access and Mobility"*.

4.6 Parking spaces must be line-marked as shown in the Site Plan (refer to condition 2.1) and in accordance with the *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).

- 4.7 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 development site.

5.0 PLUMBING AND DRAINAGE WORKS

- 5.1 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, *Plumbing and Drainage Act*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 5.2 The development must be connected to Council's reticulated sewerage and water networks.
- 5.3 The existing sewerage and water connection point(s) must be retained, and upgraded if necessary, to service the development.
- 5.4 Sewer connection and water meter box located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 5.5 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.
- 5.6 Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's sewerage reticulation. Arrester traps must be provided where commercial or non-domestic waste water is proposed to be discharged into the system.

6.0 STORMWATER WORKS

- 6.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the development site.
- 6.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 6.3 The existing grated inlet pit must be raised or lowered, if required, to suit new finished surface level.

7.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 7.1 All roof and allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines* and sound engineering practice.
- 7.2 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance or worsening to surrounding land or infrastructure.

8.0 SITE WORKS

- 8.1 All earthworks must be undertaken in accordance with *Australian Standards, AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 8.2 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.

9.0 BUILDING WORKS

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

- 9.1.1 designed and located so as not to cause a nuisance to neighbouring properties;
 - 9.1.2 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;
 - 9.1.3 of a sufficient size to accommodate all bins (residential and/or commercial type bins) plus clearances around the bins for manoeuvring and cleaning;
 - 9.1.4 Medical, Clinical and Pharmaceutical wastes must be serviced by qualified commercial contractors;
 - 9.1.5 setback a minimum of two (2) metres from any road frontage; and
 - 9.1.6 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*.
- 9.2 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.
- 10.0 LANDSCAPING WORKS
- 10.1 Landscaping must be established in accordance with the approved plans (refer to condition 2.1).
- 10.2 All landscaping must predominantly contain plant species that are locally native to the Central Queensland region due to their low water dependency.
- 10.3 The landscaped areas must be subject to an ongoing maintenance and replanting programme (if necessary).
- 11.0 ELECTRICITY
- 11.1 Electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 11.2 Evidence that the development is provided with electricity services from the relevant service provider must be provided to Council, prior to the commencement of the use.
- 12.0 TELECOMMUNICATIONS
- 12.1 Telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service provider. Unless otherwise stipulated by telecommunications legislation at the time of installation, this includes all necessary pits and pipes, and conduits that provide a connection to the telecommunications network.
- 12.2 Evidence that the development is provided with telecommunications services from the relevant service provider must be provided to Council, prior to the commencement of the use.
- Note: The *Telecommunications Act 1997* (Cth) specifies where the deployment of optical fibre and the installation of fibre-ready facilities is required.
- Note: For telecommunications services, written evidence must be in the form of either a "Telecommunications Infrastructure Provisioning Confirmation" where such services are provided by Telstra or a "Notice of Practical Completion" where such services are provided by the NBN.
- 13.0 ASSET MANAGEMENT
- 13.1 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.
-

- 13.2 Any damage to existing kerb and channel, water supply and sewerage infrastructure, 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.

14.0 ENVIRONMENTAL

- 14.1 An Erosion Control and Stormwater Control Management Plan prepared by a Registered Professional Engineer of Queensland in accordance with the *Capricorn Municipal Design Guidelines*, must be:

14.1.1 implemented, monitored and maintained for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped); and

14.1.2 available on-site for inspection by Council Officers whilst all works are being carried out.

15.0 OPERATING PROCEDURES

- 15.1 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 Alexander Court or Old Capricorn Highway.

- 15.2 All waste storage areas must be:

15.2.1 kept in a clean and tidy condition; and

15.2.2 maintained in accordance with *Environmental Protection Regulation 2008*.

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

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

- 15.5 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.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. General Environmental Duty

General environmental duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the 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 2011* and *Manual of Uniform Traffic Control Devices* must be complied with in carrying out any construction works, and to

ensure safe traffic control and safe public access in respect of works being constructed on a road.

NOTE 4. 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 B

That in relation to the application for a Development Permit for a Material Change of Use for a Veterinary Service, made by BEAT Architects on behalf of Animality Pty Ltd, on Lot 6 on SP210592, Parish of Gracemere, located at 1 Alexander Court, Gracemere, Council resolves to issue an Infrastructure Charges Notice for the amount of \$39,440.10.

BACKGROUND

PROPOSAL IN DETAIL

The proposal is for a new veterinary clinic in Gracemere. The proposal is for a single storey facility with ten (10) car parks. The facility includes waiting areas, consulting and administration rooms, staff and amenity rooms, a surgery, pharmacy, pathology, imaging, recovery wards, isolation wards, separate dog and cat wards, and an ancillary office and outdoor space for staff and animals.

SITE AND LOCALITY

The subject site is 1,489 square metres in area and is located on a prominent corner block, bound by the Old Capricorn Highway and Alexander Court. The building has been designed by an architect to specifically address street scape and a modern design. Appropriate landscaping creates a modern entry to Alexander Court from the Old Capricorn Highway. The subject site is located within the Low Impact Industry Zone and the area is characterised by a mix of low impact industry, and commercial 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 – 12 April 2016

Support, subject to conditions.

Public and Environmental Health Comments – 13 April 2016

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 on 2 December 2013 (amended in July 2014) and replaced all former State Planning Policies. 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.

Rockhampton Region Planning Scheme 2015

Low Impact Industry Zone

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

- (1) *The purpose of the low impact industry zone code is to provide for service and low impact industry uses. It may include non-industrial and business uses that support the industrial activity where they do not compromise the long-term use of the land for industrial purposes. Activities considered appropriate in this zone are defined as low impact industry or service industry in the schedule of definitions.*
- (2) *The local government purpose of the zone code is to:*
 - (a) *ensure that adequate, serviced and accessible land for low impact industry is provided and developed in accordance with acceptable environmental standards and with minimal impacts on nearby sensitive land uses;*
 - (b) *provide for low impact industry zoned land in a number of locations in order to service local communities throughout the planning scheme area including Gracemere (Gracemere industrial area), and Rockhampton (South Rockhampton, Park Avenue industrial area and Parkhurst industrial area).*
- (3) *The purpose of the zone will be achieved through the following overall outcomes:*
 - (a) *the zone primarily accommodates a range of smaller scale industrial uses such as low impact industry uses which have low levels of potential impacts on the surrounding areas;*
 - (b) *medium impact industry uses may be appropriate where the nature of the operations do not create greater impacts than a low impact industry;*
 - (c) *existing industrial uses which are not low impact industry in nature continue to operate and expand in accordance with industry changes and demands, provided that any material changes in the intensity or scale of these uses does not worsen impacts. Should these industries cease to operate, new uses develop in accordance with the purpose for the zone;*
 - (d) *the following uses are not located in the zone:*
 - (i) *high impact industries;*
 - (ii) *special industries; and*
 - (iii) *uses which are more appropriately located in centres including shops, stand-alone offices, shopping centres, showrooms and retail hardware outlets;*
 - (e) *sensitive land uses are not supported within the zone;*
 - (f) *a limited range of non-industrial uses that are ancillary to and support industrial uses and people employed in the area are located in the zone. The scale of these uses does not compromise the role and function of existing or future planned centres and includes:*
 - (i) *caretaker's accommodation or ancillary administration offices associated with industrial uses;*
 - (ii) *warehousing and retail associated with, but ancillary to industrial uses carried out on the same site;*
 - (iii) *small-scale food and drink outlets servicing the day-to-day needs of the industrial zone;*

- (iv) *non-resident workforce accommodation only when associated with an industrial use on the same site and located on an urban sub-arterial road or higher order road;*
- (v) *service station;*
- (vi) *uses which would be incompatible in a centres zone as a result of the size or nature of the goods sold or the fitting services provided (for example heavy plant and machinery parts, wholesale trade supplies to trade customers, outdoor sales, agricultural supplies store, garden centre and bulk landscape supplies); and*
- (vii) *uses that share similar characteristics and external impacts with a low impact industry use such as hours of operation or the nature of the use (for example indoor sport and recreation facilities);*
- (g) *the viability of existing and future low impact industry uses is not affected by the intrusion of incompatible uses;*
- (h) *development is located, designed and managed to maintain safety to people, and to avoid significant adverse effects on the natural environment;*
- (i) *development minimises adverse impacts on nearby non-industrial zoned land and sensitive land uses through building design, hours of operation, screening and landscaping;*
- (j) *the scale, siting and form of development, including car parking areas and landscaping contributes to a high standard of amenity. Ancillary office and sales areas are sited and orientated towards the primary street frontage;*
- (k) *development maximises the use of existing transport infrastructure and has safe and practical access to all modes of transport infrastructure and facilities, including airports and seaports;*
- (l) *development is designed to incorporate sustainable practices including maximising opportunities for energy efficiency, water conservation, public and active transport use;*
- (m) *development responds to land constraints, including but not limited to topography, bushfire and flooding constraints;*
- (n) *development is connected to all infrastructure services available in the area; and*
- (o) *the establishment of one (1) precinct within the zone where particular requirements are identified:*
 - (i) *South Rockhampton precinct.*

This application is consistent with the purpose of the Zone, however further sufficient grounds are outlined below:

- a) Due to the nature of the use, it is more appropriately located within a low impact industry zone than a commercial zone or residential zone;
- b) The use shares similar characteristics and external impacts with that of a low impact industry use, including hours of operation and noise/light impacts;
- c) The development minimises adverse impacts on nearby non-industrial zoned land and sensitive land uses through building design, hours of operation, screening and landscaping;
- d) The land was purchased (with the intent to lodge this application) when the use was also considered as consistent under the superseded planning scheme (*Fitzroy Shire Planning Scheme 2005*);
- e) The prominent corner site will be improved by a quality architectural design. The scale, siting and form of development, including car parking areas and landscaping contributes to a high standard of amenity.

- f) The use is in high demand/low supply for this part of the region;
- g) The proposed use does not compromise the strategic framework in the *Rockhampton Region Planning Scheme 2015*;
- h) 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
- i) The proposed development does not compromise the relevant State Planning Policy.

Rockhampton Regional Planning Scheme Codes

The following codes are applicable to this application:

Low Impact Industry Zone Code

While the development is not industrial in nature, it holds similar characteristics such as noise, traffic and amenity as other uses in this zone. The development complies with all requirements of this code. The building is appropriately setback from the road, includes landscaping and footpaths for crime prevention through design, and was architecturally designed to enhance the amenity of this area.

Access, Parking and Mobility Code

The development provides a total of ten (10) on-site car parking, including one (1) disabled car space. The site has one access to Alexander Court. This is compliant with the code requirements. A foot path is conditioned along the Alexander Court frontage of the site and the eastern side of the Old Capricorn Highway.

Landscape Code

A landscaping plan has been prepared by a local landscape architect, which includes a range of trees, shrubs and ground cover to suit the Central Queensland climate. This plan has been conditioned in the approval.

Advertising Devices Code

The development includes signage which has formed a condition of development, as shown on the plans.

Stormwater Management Code

A conceptual plan has been conditioned and further operational works will be required. The applicant has demonstrated that the stormwater can be discharged to a lawful point of discharge, being the kerb and channel on Alexander Court.

Waste Management Code

The development includes a screen bin enclosure for waste. Any medical waste must be disposed of as per relevant legislation.

Water and Sewer Code

The development can connect to Council's reticulated water and sewer networks. Plumbing and drainage applications will be required.

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.

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 Infrastructur e 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	Area 1	119	per m ² of GFA			\$50,694.00
					8.50	per m ² of impervio us area	\$9,746.10
					Total		\$60,440.10
					Less credit		\$21,000.00
					TOTAL CHARGE		\$39,440.10

This is based on the following calculations:

- (a) A charge of \$50,694.00 for Gross Floor Area being 426 square metres;
- (b) A charge of \$9,746.10 for Impervious Area being 1,146.60 square metres (roof area, hardstand areas, access, and parking areas); and
- (c) An Infrastructure Credit of \$21,000.00 applicable for the existing allotment.

Therefore, a total charge of \$39,440.10 is payable and will be reflected in an Infrastructure Charges Notice for the development.

CONSULTATION

The proposal was subject to public notification between 22 June 2016 and 13 July 2016 as per the requirements of the *Sustainable Planning Act 2009*. No submissions were received.

REFERRALS

Nil.

CONCLUSION

The application is for a Material Change of Use for a Veterinary Service, which is generally in accordance with the intent of the Low Impact Industry Zone and complies with the relevant codes. Therefore, the application is recommended for approval, subject to the conditions outlined in the recommendation.

**D/51-2016 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A VETERINARY
SERVICE**

Locality Plan

Meeting Date: 6 September 2016

Attachment No: 1

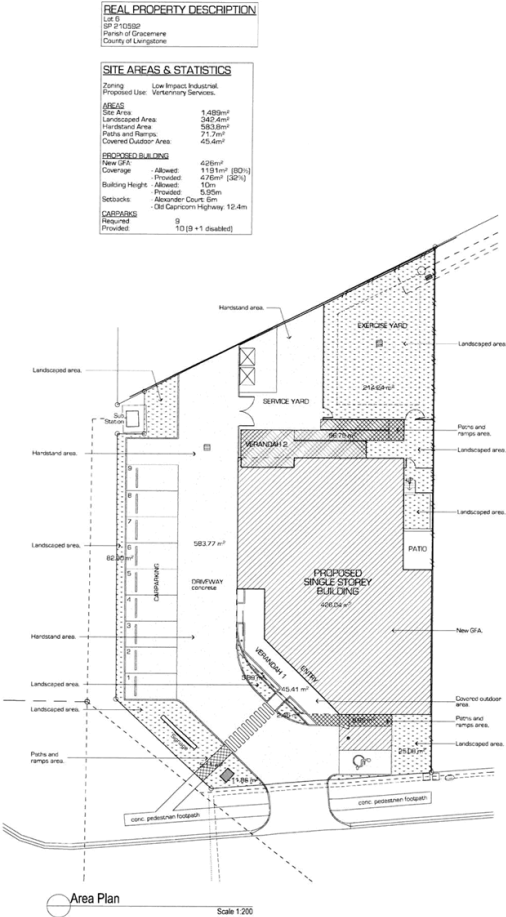
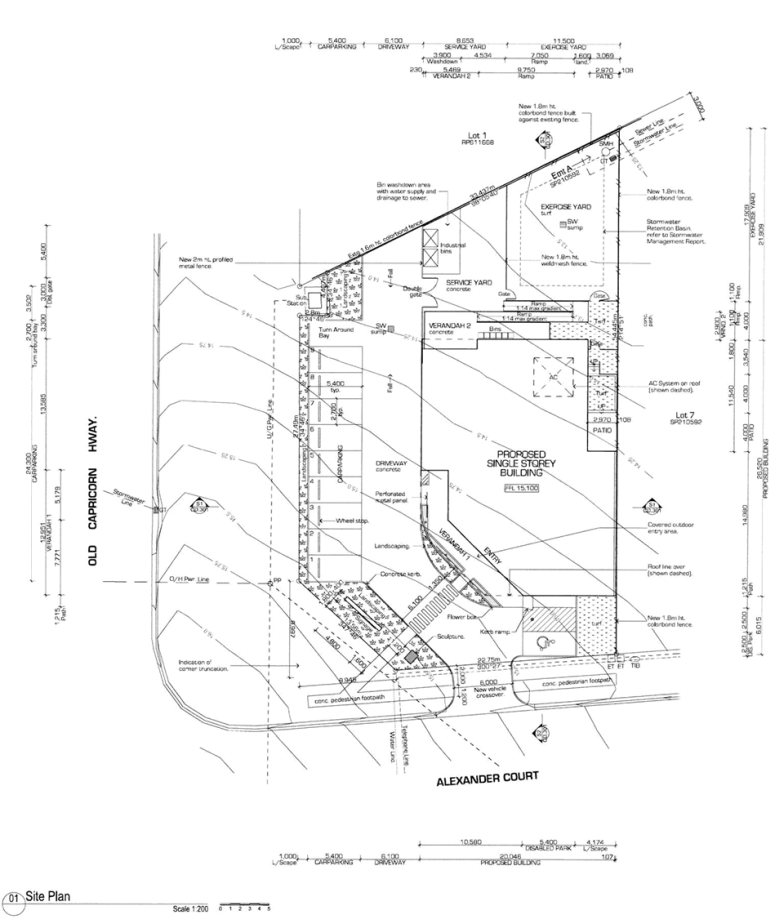


**D/51-2016 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A VETERINARY
SERVICE**

Site Plan

Meeting Date: 6 September 2016

Attachment No: 2



REAL PROPERTY DESCRIPTION

Lot 15/100
Gracemere
Parish of Gracemere
County of Longshire

SITE AREAS & STATISTICS

Zoning: Low Impact Industrial
Proposed Use: Veterinary Services

AREAS

Site Area	1,489m ²
Landscaped Area	342.4m ²
Hardstand Area	583.8m ²
Paths and Ramps	71.2m ²
Covered Outdoor Area	45.4m ²

PROPOSED BUILDING

Area	426m ²
Volume	111.1m ³ (B01)
Roofing	Provided
Roofing Height	1.0m
Roofing Area	426m ²
Roofing Slope	1:100
Roofing Material	Asbestos Cement Sheet
Roofing Color	Grey
Roofing Finish	Smooth
Roofing Details	See Detail 101
Roofing Notes	See Detail 101

REMARKS

1. All dimensions are to the centerline of the road.

2. All dimensions are to the centerline of the road.

3. All dimensions are to the centerline of the road.

4. All dimensions are to the centerline of the road.

5. All dimensions are to the centerline of the road.

6. All dimensions are to the centerline of the road.

7. All dimensions are to the centerline of the road.

8. All dimensions are to the centerline of the road.

9. All dimensions are to the centerline of the road.

10. All dimensions are to the centerline of the road.

Revisions

No.	Description	Date
1	Issue for Council	11/04/2016
2	Issue for Council	11/04/2016

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If in doubt, ASK

Legend

ENE: Easement
E: Electrical lines
GFA: Gross floor area
L: Lot
P: Path
R: River
S: Stormwater
T: Telephone
W: Water

Legend

NEW GFA
Covered Outdoor Area
Hardstand Area
Paths and Ramps Area
Landscaped Area

Project Details

Client: G. Muir

Project: Gracemere Veterinary Hospital

Address: 15/100 Alexander Court, Gracemere

Site Plan

BEAT ARCHITECTS

28 (Lido) Mulgrave Street
North Rockhampton
QLD 4701
Australia
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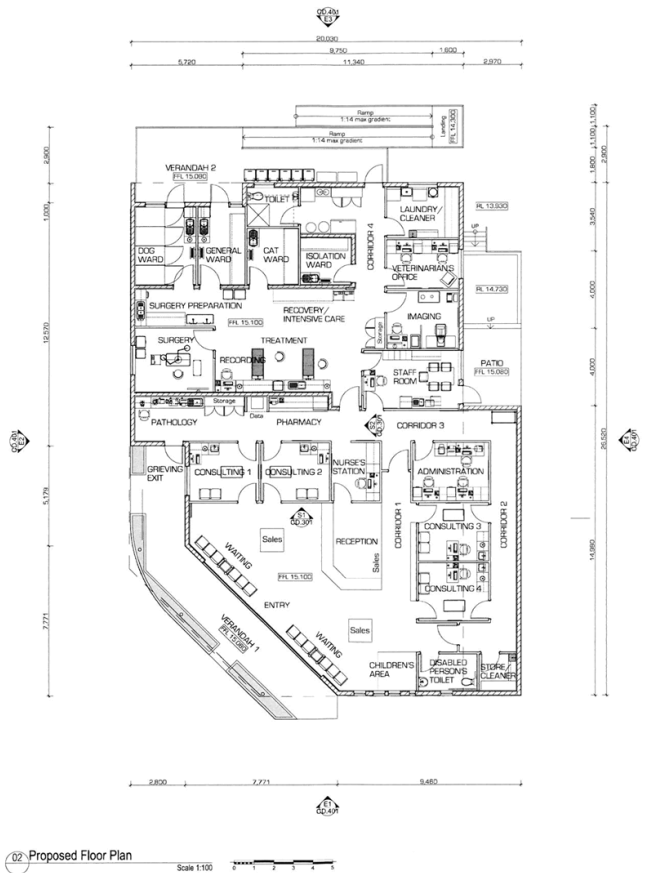
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**D/51-2016 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A VETERINARY
SERVICE**

Floor Plan

Meeting Date: 6 September 2016

Attachment No: 3



Revisions

NO.	DESCRIPTION	DATE
1	10/12/16 M20 Application	28

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If in doubt, ASK

Project Details

Client
G. Muir

Project
Gracecare Veterinary Hospital

Address
**1 Alexander Court,
Greensboro**

File
Proposed Floor Plan

BEAT ARCHITECTS

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QLD 4701

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Scale as shown
Date 11/04/2016
Sheet A1

Drawn by
Check by
Date 08/04/2016
Date 11/04/2016
Sheet BT150476
Sheet CD202
Page 1

**D/51-2016 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A VETERINARY
SERVICE**

3D Views

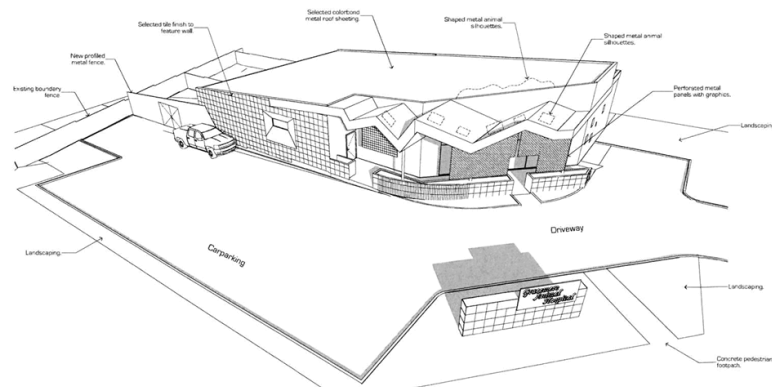
Meeting Date: 6 September 2016

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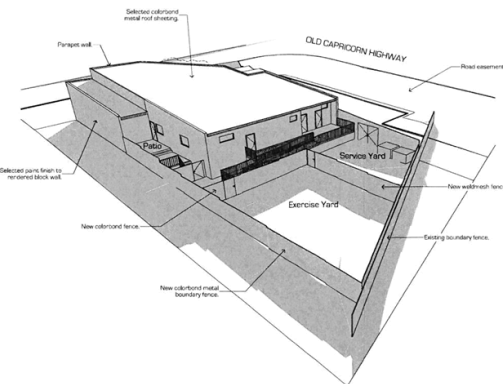


01 View from Highway
Perspective View

02 View from Alexander Court
Perspective View



03 Front Aerial View
Perspective View



04 Rear Aerial View
Perspective View

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client
S.M. 1-

G. Muir

project
Gracecare Veterinary Hospital

Gracem

1 Alexander Court

Gracem

Figure 1

3D View

P


 The Bentley logo, consisting of a stylized 'B' above the word 'Bentley'.

526/197

29 (Little
North Rd)

Q.L.D. 471

17 Rinder
Gleditsia
C.D. 486

Q.D. 458

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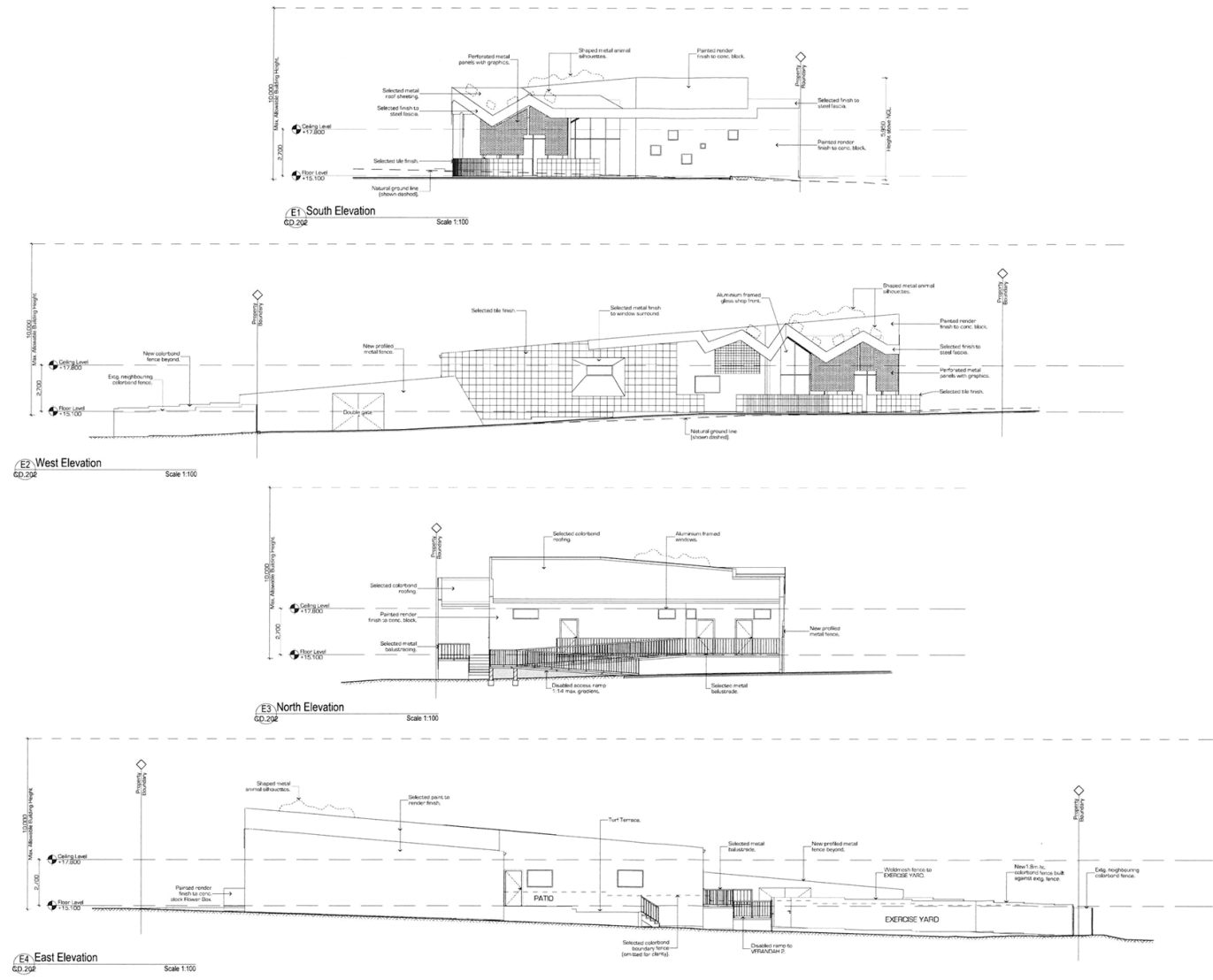
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**D/51-2016 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A VETERINARY
SERVICE**

Elevations

Meeting Date: 6 September 2016

Attachment No: 5



Revisions	
01	15/10/2015
02	25/10/2015

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Project Details

Arch: G. Muir
Project: Gracemere Veterinary Hospital
Address: 1 Alexander Court, Gracemere

Elevations



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**D/51-2016 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A VETERINARY
SERVICE**

Landscaping Plan

Meeting Date: 6 September 2016

Attachment No: 6



8.5 D25-2015 - REQUEST FOR A NEGOTIATED DECISION NOTICE FOR DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A VEHICLE DEPOT

File No: D/25-2015

Attachments: 1. Locality Plan
2. Site Plan

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Trevor Green - Manager Planning & Regulatory Services
Michael Rowe - General Manager Community Services

Author: Anton de Klerk - Senior Planning Officer

SUMMARY

Development Application Number: D/25-2015

Applicant: RS Pamenter

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

Common Property Address: 179 Somerset Road, Gracemere

Area of Site: 5,407 square metres

Planning Scheme: Fitzroy Shire Planning Scheme 2005

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

Planning Scheme Overlays: Nil

Existing Development: House and Vehicle Depot (compliance matter)

Existing Approvals: House and various additions

Approval Sought: Request for a Negotiated Decision Notice for Development Permit for a Material Change of Use for a Vehicle Depot

OFFICER'S RECOMMENDATION

Council resolves that:

- A. In relation to the application for a Negotiated Decision Notice for Development Permit D/25-2015 for a Material Change of Use for a Vehicle Depot, made by Designtek on behalf of RS Pamenter, on Lot 1 on RP616167, Parish of Gracemere, located at 179 Somerset Road, Gracemere:
1. Condition 2.1 be amended.
 2. Condition 3.5 be added.
 3. Condition 5.3 be amended.
 4. Condition 5.6 be deleted.
 5. Condition 8.5 be amended.
 6. Condition 9.1 be amended.
 7. Condition 9.2 be added.
 8. Condition 9.3 be added.
 9. Condition 14.1 be amended.
 10. Condition 14.2 be deleted.

11. Condition 14.4 be amended.

12. Condition 14.5 be amended.

- B. To reflect the above amendments, RS Pamerter, be issued with a Negotiated Decision Notice for Development Permit D/25-2015 for a Material Change of Use for a Vehicle Depot.

1.0 ADMINISTRATION

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

1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.

1.3 All conditions, works, or requirements of this approval must be undertaken and completed within six (6) months of this approval taking effect, unless otherwise stated.

1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council.

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

1.5.1 Operational Works:

- (i) Road Works;
- (ii) Access and Parking Works;
- (iii) Stormwater Works;
- (iv) Roof and Allotment Drainage; and
- (v) Landscaping Works.

1.5.2 Plumbing and Drainage Works; and

1.5.3 Building Works.

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

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

1.8 All conditions, works, or requirements of this development approval relating to the existing non-compliant Vehicle Depot must be undertaken and completed by obtaining the Development Permits:

1.8.1 to Council's satisfaction;

1.8.2 at no cost to Council; and

1.8.3 by lodging the applications within six (6) months of the date of this development approval, and completion of the works within six (6) months from the date of the approval of those works, unless otherwise stated.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Proposed Site Area Plan	WD-01 Revision A	7 September 2015

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

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

3.0 ROAD WORKS

3.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works for the development site.

3.2 All road works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines* and relevant *Australian Standards* and the provisions of a Development Permit for Operational Works (road works).

3.3 Stewart Street must be upgraded to an Industrial Access standard for the full frontage of Lot 1 on RP616167, with half road construction along the development side. Kerb and channel and drainage infrastructure must be included.

3.4 Traffic signs and pavement markings must be provided in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*. Where necessary, existing traffic signs and pavement markings must be modified in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*.

3.5 Alternatively to condition 3.3, the Developer may enter into an Infrastructure Agreement with Council to pay the agreed cost for the upgrade of Stewart Street to an Industrial Access standard for the full frontage of Lot 1 on RP616167, with half road construction along the development side (kerb and channel and drainage infrastructure must be included). The agreement must be prepared and finalised by Council's solicitors at no cost to Council (including the payment of any State tax) and must be executed by the Developer. The agreed repayment date must be negotiated between Council and the Developer as part of the Infrastructure Agreement process.

4.0 ACCESS AND PARKING WORKS

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

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

4.3 All parking spaces, access driveway(s), and vehicular manoeuvring areas associated with this proposed development must be concrete paved or asphalted.

4.4 The existing access to the development must be upgraded to comply with the requirements of the *Capricorn Municipal Development Guidelines*.

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

5.0 PLUMBING AND DRAINAGE WORKS

5.1 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, *Plumbing and Drainage Act*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.

- 5.2 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act* and Council's Plumbing and Drainage Policies.
- 5.3 The development must be connected to Council's reticulated water network via special water supply arrangements. Alternatively, adequate on-site water storage for domestic purposes must be provided and must be certified by a hydraulic engineer or other suitably qualified person.
- 5.4 On-site sewerage treatment and disposal must be provided in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Plumbing and Drainage Policies.
- 5.5 No structures must be located within the on-site sewerage treatment and disposal area or conflict with the separation distances, in accordance with the *Queensland Plumbing and Wastewater Code*.

6.0 STORMWATER WORKS

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

development;

- 6.6.5 demonstration of how major design storm flows are conveyed through the subject development to a lawful point of discharge in accordance with the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*;
- 6.6.6 identification of the area of land inundated as a consequence of the minor and major design storm events in the catchment for both the pre-development and post-development scenarios;
- 6.6.7 identification of all areas of the proposed development, and all other land (which may include land not under the control of the Developer) that need to be dedicated to, or encumbered in favour of Council or other statutory authority, in order to provide a lawful point of discharge for the proposed development. The areas identified must satisfy the requirements of the *Queensland Urban Drainage Manual*. All land proposed as major overland flow paths must include appropriate freeboard, access and maintenance provisions consistent with the *Queensland Urban Drainage Manual*; and
- 6.6.8 details of all calculations, assumptions and data files (where applicable).

7.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 7.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the development site.
- 7.2 All roof and allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (roof and allotment drainage works).
- 7.3 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance to surrounding land or infrastructure.

8.0 BUILDING WORKS

- 8.1 No structures must be located within the on-site sewerage treatment and disposal area or conflict with the separation distances, in accordance with the *Queensland Plumbing and Wastewater Code*.
- 8.2 All external elements, such as air conditioners, pool and spa pumps and associated equipment, must be adequately screened from public view, to Council's satisfaction.
- 8.3 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 8.4 Impervious paved waste storage area/s must be provided in accordance with the approved plans (refer to condition 2.1) and the *Environmental Protection Regulation 2008* and must be:
 - 8.4.1 designed and located so as not to cause a nuisance to neighbouring properties;
 - 8.4.2 surrounded by at least 1.8 metre high fence that obstructs from view the contents of the waste storage area by any member of the public from any public place; and
 - 8.4.3 setback a minimum of two (2) metres from any road frontage
- 8.5 A minimum 1.8 metre high solid fence (i.e. corrugated, trimdek, colorbond or similar

standard profile) must be erected between the subject development site and the adjacent residential property south of the development.

9.0 LANDSCAPING WORKS

- 9.1 Landscaping must be provided along the full frontage of Stewart Street with a minimum width of one (1) metre and a minimum mature height of 1.2 metres. Species selected must upon full maturity create a dense screen/ hedge.
- 9.2 Landscaping must be provided along the southern boundary with a minimum width of one (1) metre and a minimum mature height of three (3) metres. Species selected must upon full maturity create a dense screening.
- 9.3 Landscaping must be provided along the south-eastern boundary (from the southern side of the covered parking area up to the southern boundary line) with a minimum width of one (1) metre and a minimum mature height of 1.8 metres. Species selected must upon full maturity create a dense screen/ hedge.
- 9.4 All landscaping must predominantly contain plant species that are locally native to the Central Queensland region due to their low water dependency.
- 9.5 The landscaped areas must be subject to an ongoing maintenance and replanting programme.

10.0 ELECTRICITY AND TELECOMMUNICATIONS

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

11.0 ASSET MANAGEMENT

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

12.0 ENVIRONMENTAL

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

13.0 ENVIRONMENTAL HEALTH

- 13.1 Noise emitted from the activity must not cause an environmental nuisance.
- 13.2 Operations on the development site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise or dust.
- 13.3 When requested by Council, noise monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise. The monitoring data, an analysis of the data and a report, including noise mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation. Council may require any noise mitigation measures

identified in the assessment to be implemented within appropriate timeframes. Noise measurements must be compared with the acoustic quality objectives specified in the most recent edition of the *Environmental Protection (Noise) Policy*.

- 13.4 Odour and visible contaminants, including but not limited to dust, fume, smoke, aerosols, overspray or particulates, must not be released to the environment in a manner that will or may cause environmental nuisance or harm unless such release is authorised by Council.
- 13.5 No contaminants are permitted to be released to land or water, including soil, silt, oils, detergents, etcetera. Any wash-down areas used for the maintenance or cleaning of equipment (including vehicles) must be appropriately bunded and drained to the sewer network in accordance with a trade waste permit.
- 13.6 All chemicals and/or environmentally hazardous liquids must be contained within a covered, bunded storage area that has a volume of at least that of the largest container in the bund plus twenty-five percent (25%) of the total storage capacity.
- 13.7 An appropriate spill kit must be kept on-site for neutralising or decontaminating spills. The spill kit must be clearly identifiable, maintained regularly and stored in a central location that is easily accessible to employees. Staff must be adequately trained in the use of these materials. The spill kit may consist of:
 - 13.7.1 a bin with a tight-fitting lid, partially filled with non-combustible absorbent material such as vermiculite;
 - 13.7.2 a broom, shovel, face shield, chemically-resistant boots and gloves; and
 - 13.7.3 waste bags and ties.
- 13.8 Any spillage of environmentally hazardous liquids or other materials must be cleaned up as quickly as practicable. Any spillage of waste and/or contaminants must not be hosed or swept to any stormwater drainage system, roadside gutter or waters.
- 14.0 OPERATING PROCEDURES
- 14.1 The vehicle depot is limited to the storage of seven (7) body trucks and associated machinery and trailers.
- 14.2 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials or parking of construction machinery or contractors' vehicles must not occur within Somerset Road or Stewart Street.
- 14.3 The hours of operations for the development site must be limited to:
 - 14.3.1 0700 hours to 1730 hours on Monday to Friday;
 - 14.3.2 0800 hours to 1300 hours Saturdays; and
 - 14.3.3 No operations on Sundays or Public Holidays
- 14.4 Operations limited by the hours of operation in Condition 14.3 includes all operations such as loading/ unloading of machinery, starting and manoeuvring vehicles and any maintenance of vehicles and machinery.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. General Environmental Duty

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

NOTE 3. General Safety Of Public During Construction

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

NOTE 4. Property Note (Audit of conditions)

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

NOTE 5. Infrastructure Charges Notice

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

BACKGROUND

At its meeting of 27 January 2016, Council approved a Development Application for a Vehicle Depot over Lot 1 on RP616167, Parish of Gracemere, located at 179 Somerset Road, Gracemere, (Development Permit D/25-2015).

The applicant has made representations in accordance with section 361 of the *Sustainable Planning Act 2009* for a Negotiated Decision Notice.

The request for further negotiations pertains to the approved plans, road works, staff parking, landscaping, hours of operation and the number of trucks stored on-site.

SITE AND LOCALITY

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

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

PLANNING ASSESSMENT**MATTERS FOR CONSIDERATION**

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

Policies and other general policies and procedures, as well as other documents as considered relevant.

TOWN PLANNING COMMENTS

The applicant has requested the following conditions be either amended or deleted:

Condition 2.1

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Proposed Site Area Plan	WD-01 Revision A	7 September 2015
Office Plan	SK-02 Revision 1	21 November 2014
Elevations	SK-03 Revision 1	21 November 2014

Applicant's request:

The applicant requested that the Office Plan and Elevations be removed from condition 2.1 as they were drawn by a previous consultant and no longer reflect the proposal. The Proposed Site Area Plan is to remain and accurately reflects the proposed and existing development.

Officer's response:

Council officers do not object to the Office Plan and Elevations being deleted as the Site Plan still reflects an existing office building which will be used instead. The proposal for a new office building will not form part of this application.

Recommended Condition:

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Proposed Site Area Plan	WD-01 Revision A	7 September 2015

Condition 3.5 (new condition)

Applicant's request:

The applicant requested that a new condition be added to allow them the option to rather pay a contribution (via an Infrastructure Agreement) for the upgrade of Stewart Street to an Industrial Access standard, than constructing the works themselves.

Officer's response:

Council officers agree with inserting a new condition as an alternative to condition 3.3.

Recommended Condition to be added:

Alternatively to condition 3.3, the Developer may enter into an Infrastructure Agreement with Council to pay the agreed cost for the upgrade of Stewart Street to an Industrial Access standard for the full frontage of Lot 1 on RP616167, with half road construction along the development side (kerb and channel and drainage infrastructure must be included). The agreement must be prepared and finalised by Council's solicitors at no cost to Council (including the payment of any State tax) and must be executed by the Developer. The agreed repayment date must be negotiated between Council and the Developer as part of the Infrastructure Agreement process.

Condition 5.3

The development must be connected to Council's reticulated water network via special water supply arrangements.

Applicant's request:

The applicant requested that this condition be removed as the site is suitably serviced by on-site rain water storage tanks.

Officer's response:

Given the proposed changes to use the site as industrial, it is expected that the site be serviced to a standard expected for an industrial site. However, given that the property is located outside the water supply area, even though a water main is running in front of the property along Somerset Road, a connection to Council's reticulated water network will not be enforced. It will however still be recommended to connect, but Council is willing to add an alternative to the condition, allowing the provision of on-site water supply.

Recommended Condition:

The development must be connected to Council's reticulated water network via special water supply arrangements. Alternatively, adequate on-site water storage for domestic purposes must be provided and must be certified by a hydraulic engineer or other suitably qualified person.

Condition 5.6

Adequate domestic and fire fighting protection must be provided to the development, and must be certified by a hydraulic engineer or other suitably qualified person.

Applicant's request:

The applicant requested that this condition be removed as the site is suitably serviced by on-site rain water storage. The site is also within the required proximity of a firehydrant located within Somerset Road.

Officer's response:

The applicant has demonstrated that the site is located within the required proximity of a firehydrant and therefore Council officers agree to deleting this condition. Furthermore, condition 5.3. will be amended to ensure adequate on-site water storage is provided onsite.

Recommendation:

Council officers agree to the removal of this condition.

Condition 8.5

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

Councillors and submitters request:

Council and the submitters requested that this condition be more defined in what type of fence to be constructed. In most developments a 'cheap' old wooden fence is constructed and within months after it is constructed it starts to deteriorate. Therefore it is recommended to condition a colorbond type fence to be constructed.

Recommended Condition:

A minimum 1.8 metre high solid fence (i.e. corrugated, trimdek, colorbond or similar standard profile) must be erected between the subject development site and the adjacent residential property south of the development.

Condition 9.1

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

Councillors and submitters request:

Council and the submitters requested that this condition regarding landscaping fronting the road to be defined with a minimum mature height in order to enhance the streetscape and character of the area.

Recommended Condition:

Landscaping must be provided along the full frontage of Stewart Street with a minimum width of one (1) metre and a minimum mature height of 1.2 metres. Species selected must upon full maturity create a dense screen/ hedge.

Condition 9.2 (new condition)Councillors and submitters request:

Additional landscaping is requested along the southern boundary, between the proposed vehicle depot and the adjoining rural-residential house. The neighbouring house is a highset house and the fence will only be 1.8 metres. Therefore additional landscaping with a minimum mature height of three (3) metres is recommended.

Recommended Condition to be added:

Landscaping must be provided along the southern boundary with a minimum width of one (1) metre and a minimum mature height of three (3) metres. Species selected must upon full maturity create a dense screening.

Condition 9.3 (new condition)Councillors and submitters request:

Additional landscaping is recommended along the south-eastern boundary, specifically the area adjacent to the storage area of the trucks (from the covered parking area up to the southern boundary). The main reason will be for screening and visual purposes. Therefore a 1.8 metres screen/hedge is proposed.

Recommended Condition to be added:

Landscaping must be provided along the south-eastern boundary (from the southern side of the covered parking area up to the southern boundary line) with a minimum width of one (1) metre and a minimum mature height of 1.8 metres. Species selected must upon full maturity create a dense screen/ hedge.

Condition 14.1

The vehicle depot is limited to the storage of five (5) body trucks and associated machinery and trailers.

Applicant's request:

The applicant requested this condition be amended to allow the storage of seven (7) body trucks and associated machinery and trailers.

Officer's response:

A change from five (5) trucks to seven (7) is still considered small in scale. Combined with the conditions of approval (including hours of operation), the increase of two (2) trucks is considered reasonable.

Recommended Condition:

The vehicle depot is limited to the storage of seven (7) body trucks and associated machinery and trailers.

Condition 14.2

All vehicles associated with the development (including staff vehicles) must be contained within the site.

Applicant's request:

The applicant requested that the condition be removed as Council cannot prevent a registered vehicle from parking lawfully in the road reserve.

Officer's response:

The applicant is correct that any registered vehicle can park lawfully in a road reserve. Given a condition of approval is to widen the road with kerb and channel and the road reserve in total is approximately forty (40) metres wide, Council officers consider lawfully parked cars will not impact the safety and efficiency of the road. The proposal has provided sufficient on-site parking spaces.

Recommendation:

Council officers agree to the removal of this condition.

Condition 14.4

The hours of operations for the development site must be limited to:

14.4.1 0700 hours to 1630 hours on Monday to Friday;

14.4.2 0800 hours to 1300 hours Saturdays; and

14.4.3 No operations on Sundays or Public Holidays

Applicant's request:

The Applicant requested that the operating hours be changed as follows:

14.4.1 0630 hours to 1700 hours on Monday to Friday;

14.4.2 0630 hours to 1300 hours Saturdays; and

14.4.3 No operations on Sundays or Public Holidays

Officer's response:

The development application described the operating hours of the vehicle depot as 7:00am to 3:30pm Monday to Friday. This is what was applied for and what was advertised to the public during the public notification period.

Furthermore, the Gracemere-Stanwell Zone Code of the *Fitzroy Shire Planning Scheme 2005* restricts operating hours and vehicle movements to 7:00am in both the Low and Medium Impact Industry Precincts where in proximity to existing sensitive land uses. Given the subject site is not situated within an industry precinct, it must at least meet those same restrictions to maintain a lesser impact on sensitive land uses and be consistent with nearby Low Impact Industry Precincts/Zones. It is however considered acceptable to extend the ending hours to 5:30pm. The applicant has agreed to these operating hours.

Recommended Condition:

The hours of operations for the development site must be limited to:

14.4.1 0700 hours to 1730 hours on Monday to Friday;

14.4.2 0800 hours to 1300 hours Saturdays; and

14.4.3 No operations on Sundays or Public Holidays

Condition 14.5

Operations limited by the hours of operation in Condition 15.4 includes all operations such as loading/ unloading of machinery, starting and manoeuvring vehicles and any maintenance of vehicles and machinery

Officer's response:

The condition references a condition number that does not exist, this was an administrative error and should be referring to Condition 14.3 (after condition 14.2 is deleted as requested above) instead of 15.4. The applicant has agreed to this correction in the notice.

Recommended Condition:

Operations limited by the hours of operation in Condition 14.3 includes all operations such as loading/ unloading of machinery, starting and manoeuvring vehicles and any maintenance of vehicles and machinery.

CONCLUSION

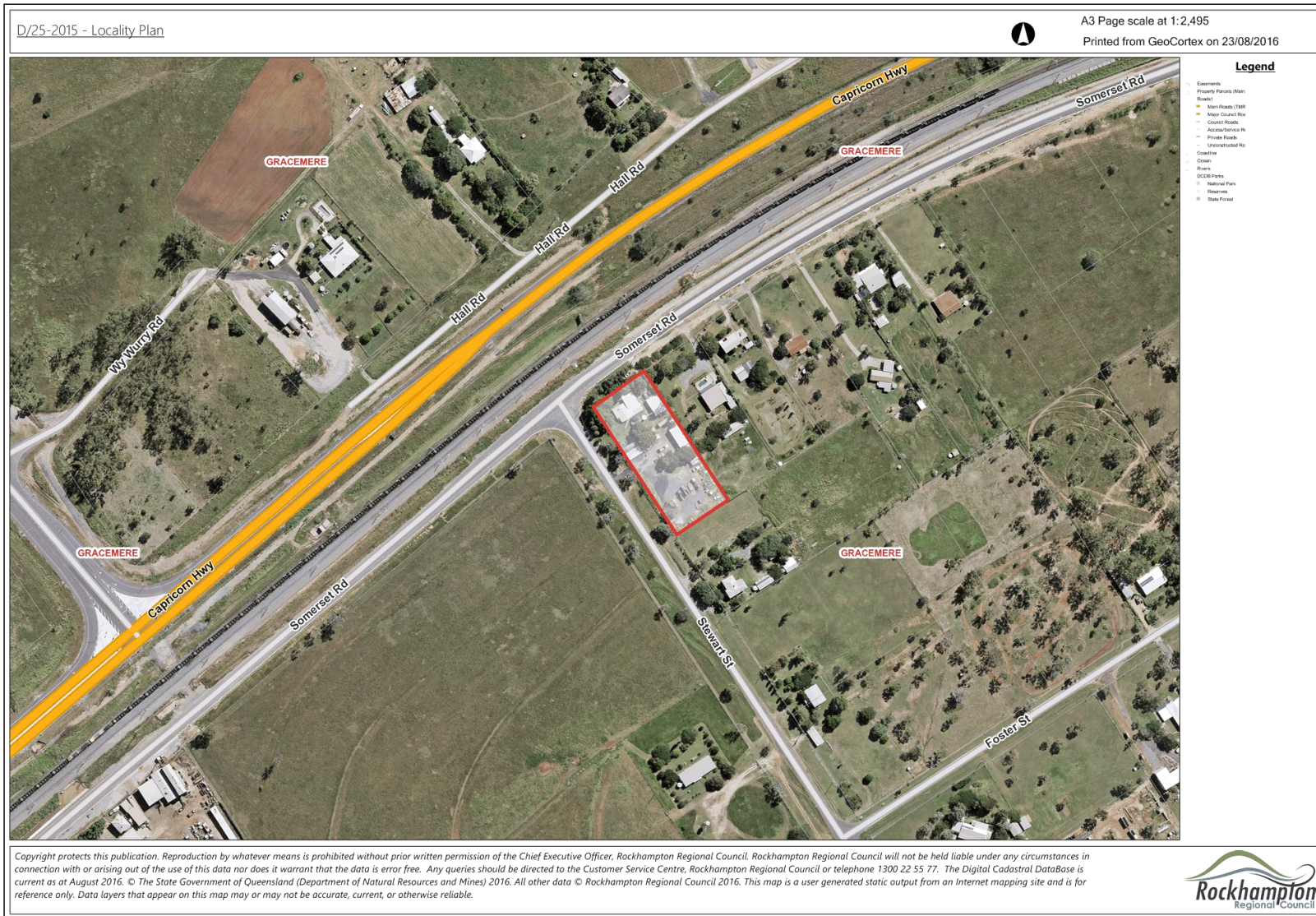
As shown in the assessment above, an agreement has been reached between the applicant, Council and submitters. It is therefore recommend that Council agree to the proposed amendments to conditions as outlined in the Town Planning Comments above.

**D25-2015 - REQUEST FOR A
NEGOTIATED DECISION NOTICE FOR
DEVELOPMENT PERMIT FOR A
MATERIAL CHANGE OF USE FOR A
VEHICLE DEPOT**

Locality Plan

Meeting Date: 6 September 2016

Attachment No: 1



**D25-2015 - REQUEST FOR A
NEGOTIATED DECISION NOTICE FOR
DEVELOPMENT PERMIT FOR A
MATERIAL CHANGE OF USE FOR A
VEHICLE DEPOT**

Site Plan

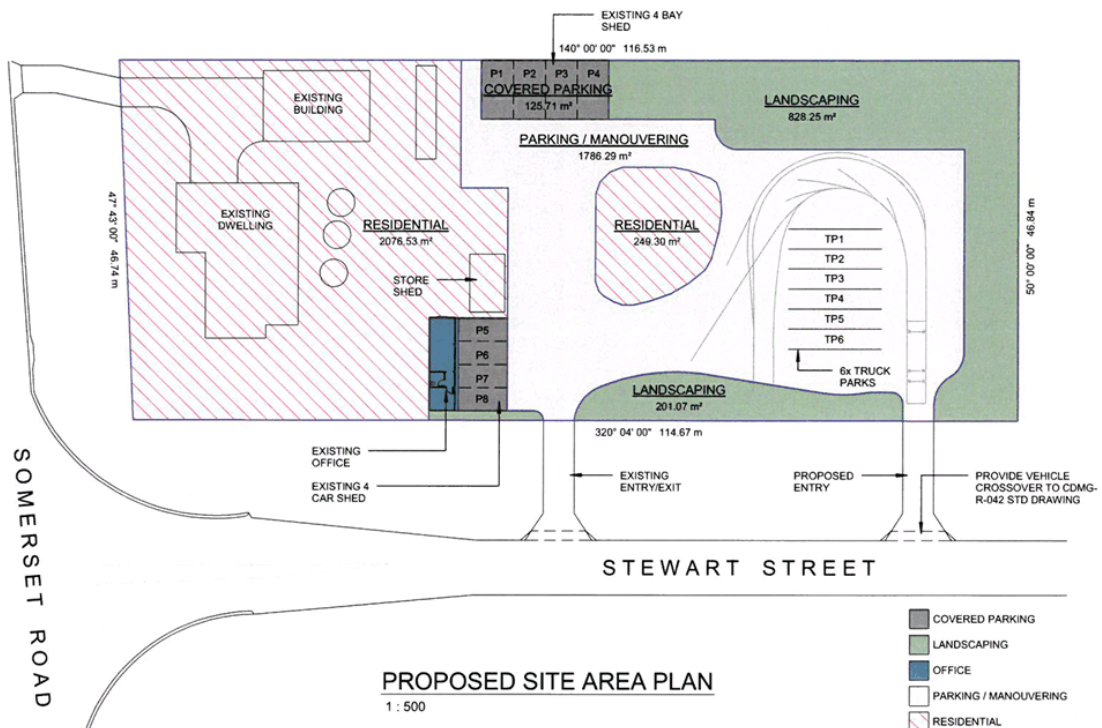
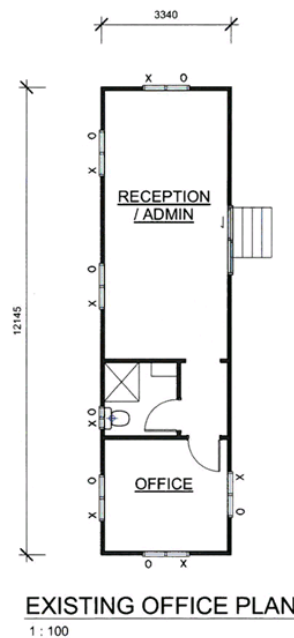
Meeting Date: 6 September 2016

Attachment No: 2

REVISION		
REV	DESCRIPTION	DATE
A	FOR REVIEW	07.09.2015

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

A3 DRAWING
NOTED SCALES RELATE
TO A3 DRAWINGS



AREA SCHEDULE		
COVERED PARKING	201.31 m ²	3.72%
LANDSCAPING	1047.54 m ²	19.38%
OFFICE	45.60 m ²	0.84%
PARKING / MANOEUVERING	1786.29 m ²	33.04%
RESIDENTIAL	2325.83 m ²	43.02%
Grand total	5406.56 m ²	100.00%

REAL PROPERTY DESCRIPTION	
LOT 1 ON RP616167 PARISH OF GRACEMERE COUNTY OF LIVINGSTONE SITE AREA = 5407m ²	

project:
**PROPOSED VEHICLE DEPOT
AT 179 SOMERSET ROAD
GRACEMERE QLD 4702**

client:
**PRECISION ROAD
MAINTENANCE**

Shop 5/10 Denham St
Rockhampton
QLD, 4700

designtek p 0749 222880

building design · documentation

QBCC MEM. NO # 1123040
BDAQ MEM. NO # 0000761

title: PROPOSED SITE PLAN		
scale: As indicated	project no: 1508-04	7/09/2015 12:36:05 PM
sheet no: 01 of 01	drawing no: WD-01	
drawn: kw	rev: A	

8.6 D/74-2016 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A SHOP (BAIT AND TACKLE) AND AN OPERATIONAL WORKS FOR AN ADVERTISING DEVICE (FENCE SIGN)

File No: D/74-2016

Attachments:

1. Locality Plan
2. Site Plan
3. Sigange Plan

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Trevor Green - Manager Planning & Regulatory Services
Michael Rowe - General Manager Community Services

Author: Anton de Klerk - Senior Planning Officer

SUMMARY

Development Application Number: D/74-2016

Applicant: JAL Concrete Works Pty Ltd c/- Reel Planning CQ

Real Property Address: Lot 1 on RP801335, Parish of Rockhampton

Common Property Address: 342 Quay Street, Depot Hill

Area of Site: 1,617.68 square metres

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Low Density Residential Zone

Planning Scheme Overlays: Acid Sulphate Soils - Above 5m and below 20m AHD;
Fitzroy River Flood Overlay - Extreme Hazard;
Fitzroy River Flood Overlay - High Hazard;
ROCK Defined Storm Tide Event - Zone 6;
ROCK Defined Storm Tide Event - Zone 7; and
Steep Land Overlay - 15-20% slope

Existing Development: Dwelling House and an Industrial Storage Shed

Existing Approvals: 11325/HISTS – Steel Storage Shed
15622/RHISTC - New Storage Shed
36984/RHISTC - New Storage Shed
D-R/12-1996 - Special Facilities (Building Material Distribution Centre)

Approval Sought: Development Permit for a Material Change of Use for a Shop (bait and tackle) and Operational Works for an Advertising Device (fence sign)

Level of Assessment: Impact Assessable

Submissions: One

Referral Agency(s): Nil

Infrastructure Charges Area: Charge Area 1

Application Progress:

<i>Application Lodged:</i>	<i>31 May 2016</i>
<i>Application Properly Made:</i>	<i>2 June 2016</i>
<i>Acknowledgment Notice issued:</i>	<i>9 June 2016</i>
<i>Advised Applicant that no further information will be required:</i>	<i>15 June 2016</i>
<i>Submission period commenced:</i>	<i>22 June 2016</i>
<i>Submission period end:</i>	<i>13 July 2016</i>
<i>Council request for additional time (until 8 September 2016):</i>	<i>4 August 2016</i>
<i>Council request for additional time (until 20 September 2016):</i>	<i>16 August 2016</i>
<i>Last receipt of information from applicant:</i>	<i>2 August 2016</i>
<i>Application to go to Planning and Regulatory Meeting:</i>	<i>6 September 2016</i>
<i>Statutory due determination date:</i>	<i>20 September 2016</i>

OFFICER'S RECOMMENDATION

RECOMMENDATION A

That in relation to the application for a Development Permit for a Material Change of Use for a Shop (bait and tackle) and Operational Works for an Advertising Device (fence sign), made by Reel Planning CQ on behalf of JAL Super Investments No 1 Pty Ltd Tte, on Lot 1 on RP801335, Parish of Rockhampton, located at 342 Quay Street, Depot Hill, Council resolves to approve the application subject to the following conditions:

Material Change of Use for a Shop (bait and tackle):

1.0 ADMINISTRATION

- 1.1 The Developer and his employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 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 Plumbing and Drainage Works; and
 - 1.6.2 Building Works.
- 1.7 All Development Permits for Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.8 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Number</u>	<u>Dated</u>
Site Plan	960371/01, Sheet 1 of 1 Revision B	May 2016
Signage Plan	Unnumbered	18 May 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 ACCESS AND PARKING WORKS

- 3.1 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines* and *Australian Standard AS2890 "Parking Facilities"*.
- 3.2 All parking spaces, access driveway(s) and vehicular manoeuvring areas associated with this development must be concrete paved or asphalted.
- 3.3 Parking spaces must be line-marked in accordance with the approved Site Plan (refer to condition 2.1) and in accordance with the *Australian Standard AS2890 "Parking facilities"*.
- 3.4 A minimum of two (2) parking spaces, associated with this development must be provided on-site.
- 3.5 All vehicles must ingress and egress the development in a forward gear.

4.0 PLUMBING AND DRAINAGE WORKS

- 4.1 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 2008*, *Plumbing and Drainage Act 2002* and Council's Plumbing and Drainage Policies.
- 4.2 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 2002* and Council's Plumbing and Drainage Policies.

5.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 5.1 All roof and allotment drainage works must be designed and constructed in accordance with the *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, and sound engineering practice.
- 5.2 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance to surrounding land or infrastructure.

6.0 BUILDING WORKS

- 6.1 All external elements, such as air conditioners, refrigerators, pumps and associated equipment, must be adequately screened from public view, to Council's satisfaction.
- 6.2 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"*.

6.3 A minimum 1.8 metre high solid screen fence must be erected between the subject development site and the adjacent residential property north of the development. The fence must be constructed of materials and finishes that are aesthetically pleasing and commensurate with the surrounding residential area.

6.4 All electrical and telecommunication services and utilities connected to the development, including electrical outlets, must be designed and installed at such a height that they are a minimum of 500 millimetres above a one percent (1%) Annual Exceedance Probability flood level.

7.0 LANDSCAPING WORKS

7.1 Landscaping must be provided along the full frontage of Quay Street with a minimum width of one (1) metre and a minimum mature height of 1.8 metres. Species selected must upon full maturity create a dense screen/ hedge.

7.2 Large trees must not be planted within one (1) metre of the centreline of any sewerage and/or water infrastructure; small shrubs and groundcover are acceptable.

7.3 The landscaped areas must be subject to:

7.3.1 a watering and maintenance plan during the establishment moment; and

7.3.2 an ongoing maintenance and replanting programme.

8.0 ELECTRICITY

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

8.2 Evidence that the development is provided with electricity services from the relevant service provider must be provided to Council, prior to the commencement of the use.

9.0 TELECOMMUNICATIONS

9.1 Telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service provider. Unless otherwise stipulated by telecommunications legislation at the time of installation, this includes all necessary pits and pipes, and conduits that provide a connection to the telecommunications network.

10.0 ASSET MANAGEMENT

10.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.

10.2 Any damage to existing 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.

11.0 ENVIRONMENTAL HEALTH

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

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

11.3 When requested by Council, nuisance monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise, light or dust generated by this development. 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.

11.4 Odour and visible contaminants, including but not limited to dust, fume, smoke,

aerosols, overspray or particulates, must not be released to the environment in a manner that will or may cause environmental nuisance or harm unless such release is authorised by Council.

12.0 OPERATING PROCEDURES

- 12.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials or parking of construction machinery or contractors' vehicles must not occur within Quay Street or Quay Lane.
- 12.2 The hours of operations for this Shop (bait and tackle) must be limited to:
- (i) 0700 hours to 1800 hours on Monday to Saturday, and
 - (ii) 0800 hours to 1800 hours on Sundays and Public Holidays.
- 12.3 The loading and/or unloading of delivery vehicles is limited between the hours of 0700 and 1800 Monday to Saturday and between the hours of 0800 and 1500 on Sundays. No heavy vehicles must enter the development site outside these times to wait for unloading/loading.
- 12.4 All waste storage areas must be:
- 12.4.1 kept in a clean and tidy condition; and
 - 12.4.2 maintained in accordance with *Environmental Protection Regulation 2008*.
- 12.5 The applicant must ensure that a flood management plan is developed for this development. This may include provisions for removal of merchandise, equipment stored above the inundation extents etc. It is the applicant's responsibility to ensure that measures are put in place to avoid damage to property during the major event.
- 12.6 It is the responsibility of the owner or occupier of the land from time to time to implement the contingency plan during a flood event or if there is a risk of flooding near the land.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. General Environmental Duty

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

NOTE 3. General Safety Of Public During Construction

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

NOTE 4. Charges Notice

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

Operational Works for Advertising Device (fence sign)**13.0 ADMINISTRATION**

- 13.1 The Developer and his employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 13.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 13.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 13.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of the use, unless otherwise stated.
- 13.5 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.
- 13.6 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 13.6.1 Building Works.
- 13.7 All Development Permits for Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 13.8 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.

14.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan Number</u>	<u>Dated</u>
Site Plan	960371/01, Sheet 1 of 1 Revision B	May 2016
Signage Plan	Unnumbered	18 May 2016

- 14.2 A set of the above approved plans are returned to you as the Consultant. The Consultant is to supply one (1) Approved set to the contractor to be retained on site at all times during construction.
- 14.3 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.
- 14.4 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council prior to the submission of a Development Application for Building Works.

15.0 ASSET MANAGEMENT

- 15.1 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.

16.0 OPERATING PROCEDURES

- 16.1 All signage must only display or advertise a matter associated with the purpose for which the premises is used.
- 16.2 All signage must be maintained at all times on the premises by the owner of the premises to the same standard as it was when it was installed.

- 16.3 Any lighting devices associated with the signage, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents or motorists. Night lighting must be designed, constructed and operated in accordance with 'Australian Standard AS4282 – Control of the obtrusive effects of outdoor lighting'.
- 17.0 CONSTRUCTION PROCEDURES
- 17.1 Council reserves the right for uninterrupted access to the site at all times during construction.
- 17.2 All Construction work and other associated activities are permitted only between 0630 hours and 1800 hours Monday to Saturday. No work is permitted on Sundays or public holidays. All requirements of the Environmental Protection Act and Environmental Protection Regulations must be observed at all times.
- 17.3 Any proposed works within the vicinity (or zone of influence) of existing Council infrastructure will not adversely affect the integrity of the infrastructure. Any restoration works required on existing Council infrastructure as a result of proposed works will be at developer's expense.
- 17.4 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. General Environmental Duty

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

NOTE 3. General Safety Of Public During Construction

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

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for a Shop (bait and tackle) and Operational Works for an Advertising Device (fence sign), made by Reel Planning CQ on behalf of JAL Super Investments No 1 Pty Ltd Tte, on Lot 1 on RP801335, Parish of Rockhampton, located at 342 Quay Street, Depot Hill Council resolves to issue an Infrastructure Charges Notice for the amount of \$5,138.25.

BACKGROUND

PROPOSAL IN DETAIL

The proposal is for operating a bait and tackle shop from an existing forty-six (46) square metre building located on the northern property corner. No additional structures or onsite changes are proposed. No additional staff will be working on site.

All ancillary refrigerators will be located inside the building, with an ice machine to be located on the veranda. No additional on-site car parking is proposed as the use will occupy an existing building. The proposed shop will however have two (2) on-site parking spaces dedicated to clients visiting the site for the bait and tackle shop. It is however expected that the majority of the clients will park at the boat ramp car park or across the street, given that most will be towing a boat.

It should be noted that the subject site contains existing use rights for an Industrial use, specifically the operation of a Building Material Distribution Centre. The Industrial use was formally obtained via a Rezoning Application (number R12/96) which was gazetted on 4 April 1997.

SITE AND LOCALITY

The subject site is located at 342 Quay Street, Depot Hill on land described as Lot 1 on RP801335, located within the Low Density Residential Zone. The site is surrounded by existing residential houses.

The site is effected / constrained by numerous overlays being, Acid Sulfate Soils, Fitzroy River Flood, Storm Tide Events and some Steep Land.

An existing car parking area (facilitating vehicles with trailers) with a boat ramp is provided across the street, just south-east of the site.

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 Regional Planning Scheme, Planning Policies and other general policies and procedures, as well as other documents as considered relevant.

Development Engineering Comments – 8 June 2016

Support, subject to conditions / comments.

Public and Environmental Health Comments – 8 June 2016

Support, subject to conditions / comments.

Strategic Planning Comments – 21 June 2016

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 on 2 December 2013 (amended in July 2014) and replaced all former State Planning Policies. This policy requires development applications to be assessed against its requirements until the identified state interests have been appropriately reflected in the local planning scheme.

Liveable communities

Not Applicable.

Mining and extractive resources

Not Applicable.

Biodiversity

Not Applicable.

Coastal environment

Not Applicable.

Water quality

Not Applicable.

Natural hazard, risk and resilience

Complies. It is acknowledged that the subject site is affected by extreme and high flooding which potentially could have some risks towards the community, damage to property and/or infrastructure, and could have some impact on the economy and the environment. In this instance no new structures are proposed and the proposed shop will merely occupy an existing building. Therefore it is not anticipated that there will be any additional impacts or risks placed on people, social wellbeing, property, economy, environment and/or infrastructure.

Emissions and hazardous activities

Not Applicable.

State transport infrastructure

Not Applicable.

Strategic airports and aviation facilities

Not Applicable.

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. Given the scale of the proposed development for a small shop and the fact that it will be located within an existing building, on land containing existing use rights for industrial activities, it is not considered to have any material impacts on the residential character or amenity of the surrounding area. Furthermore, given the site's proximity to the Fitzroy River and to the existing boat ramp (located south-east of the site), the proposed development is deemed to provide a localised service function.

(ii) Natural environment and hazards

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

Complies. It is acknowledged that the subject site is affected by extreme and high flooding which potentially could have some risks towards human life and property. In this instance no new structures or buildings are proposed and will merely occupy an existing building, on land containing existing use rights to industrial activities. Therefore it is not anticipated that there will be any additional impacts or risks placed onto human life or property.

(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. The proposed development for a small bait and tackle shop within proximity of an existing boat ramp and is anticipated to cater for the existing fishing activities on the river, with the expected balance of clientele already coming to the area and using these fishing facilities (i.e. the boat ramp and open space area associated with fishing activities).

(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.

(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.

(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.

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

Low Density Residential Zone

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:

- (1) *The purpose of the low density residential zone code is to provide for predominantly dwelling houses **supported by** community related activities and **small-scale services and facilities that cater for local residents.***
- (2) *The local government purpose of the zone code is to:*
 - (a) *provide locations where residential uses, predominantly in the form and type of single detached one (1) **storey** and two (2) **storey dwelling** houses on individual lots are preferred to develop;*
 - (b) *provide for the development of a mixture of other residential land use types that provide for long-term residency, where they are sited and designed to maintain the existing urban form (low rise and low density) and amenity of the surrounding area;*
 - (c) *minimise land use conflict and ensure that community and recreation facilities develop only where they are consistent with amenity and characteristics of the surrounding area; and*
 - (d) *ensure that development within the zone has appropriate standards of infrastructure and essential services.*
- (3) *The purposes of the zone will be achieved through the following overall outcomes:*
 - (a) *development provides for predominantly single detached dwellings and dual occupancies on individual lots of varying sizes maintaining a generally low-rise built form and low density character;*
 - (b) *residential development within the zone are of a type which primarily provides for the long-term accommodation of residents;*
 - (c) *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;*
 - (d) **non-residential uses only occur within the zone where they:**
 - (i) *do not compromise the residential character and existing amenity of the surrounding area;*
 - (ii) **are small-scale and consistent with the surrounding urban form;**
 - (iii) *primarily function to service the needs of the immediate local residential community;*
 - (iv) *do not detract from the role and function of centres;*
 - (v) *do not result in the expansion of a centre zone; and*
 - (vi) *in proximity to higher order roads (minor urban collector or higher).*

This application is consistent with the purpose of the Zone.

Rockhampton Regional Planning Scheme Codes

The following codes are applicable to this application:

- Low Density Residential Zone Code;
- Advertising Device Code;
- Access, Parking and Mobility Code;

- Landscape Code;
- Stormwater Management Code;
- Waste Management Code;
- Water and Sewer Code; and
- Flood Hazard Overlay 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:

Low Density Residential Zone Code		
Performance Outcome/s		Officer's Response
PO23	Landscaping and streetscaping is provided to: (a) enhance public streets and spaces; (b) create an attractive environment that is consistent with, and defines, the local character of the zone; (c) enhance the appearance of the development; (d) screen components of development from adjoining sensitive land uses or from the street; (e) separate and screen residential uses from industrial zoned land or a lawfully operating industrial use; and (f) allow shading for pedestrian comfort.	The existing landscaping along the front boundary fence is fairly thin, exposing the internal operations of the existing industrial use. There is also only a wire fence between the subject site and the northern residential property. It will therefore be conditioned to increase the density of landscaping along the front boundary which will enhance the street frontage appearance of the development. It will also be conditioned to provide a 1.8 metre solid fence along the northern residential boundary, screening the existing industrial use from the adjoining residential property.

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.

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 Infrastructur e Charge		Column 4 Adopted Infrastructure Charge for stormwater network		Calculated Charge
			(\$)	Unit	(\$)	Unit	
Commercial (Retail)	All other uses as per Table 2.2.1	Area 1 and 2	153	per m ² of GFA			\$7,114.50

Commercial (Retail)	All other uses as per Table 2.2.1	Area 1 and 2			8.50	per m ² of impervious area	\$395.25
Total							\$7,509.75

Industry	All other uses as per AICN 4/14 Table 2.2.1	Areas 1 and 2	42.50	per m ² of GFA			\$1,976.25
Industry	All other uses as per AICN 4/14 Table 2.2.1	Areas 1 and 2			8.50	per m ² of impervious area	\$395.25
Less Total Credit							\$2,371.50
TOTAL CHARGE							\$5,138.25

This is based on the following calculations:

- (a) A charge of \$7,114.50 for Gross Floor Area for the proposed shop (46.5 square metres);
- (b) A charge of \$395.25 for Impervious Area applicable to the proposed shop (46.5 square metres of roof area); and
- (c) An Infrastructure Credit of \$2,371.50, made up as follows:
 - (i) \$1,976.25 - Infrastructure Credit applicable for the existing Gross Floor Area for the existing industrial building to be used (46.5 square metres); and
 - (ii) \$395.25 - Infrastructure Credit applicable for the existing impervious roof area for the existing industrial building to be used (46.5 square metres).

Therefore, a total charge of **\$5,138.25** is payable and will be reflected in an Infrastructure Charges Notice for the development.

CONSULTATION

The proposal was the subject of public notification between 22 June 2016 and 13 July 2016, as per the requirements of the *Sustainable Planning Act 2009*, and one (1) properly made submission was received.

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

Issue	Officer's Response
The building in which the proposed bait and tackle shop will operate from, discharges stormwater runoff directly into the northern adjoining property, located at 338 Quay Street, Depot Hill (Lot 41 on R2612). This is mainly due to no downpipes from the roof.	A condition can be included that all stormwater captured by the subject building must be conveyed to a lawful point of discharge as not to cause any nuisances to surrounding properties.
The building is subject to flooding, and has been partially submerged twice in the past 35 years.	It is acknowledged that the existing building in which the proposed bait and tackle shop will operate from is subject to flooding. However, Council also have to acknowledge that this is an existing building which formed part of the low industrial use approval which was gazetted in April 1997. Therefore, given

Issue	Officer's Response
	<p>it is an existing lawful building, the proposal will not result in any change to depth, duration or velocity of floodwaters. It will not change any flood characteristics outside the premises, including loss of flood storage, changes to flow paths or any reduction in flood warning times elsewhere in the floodplain.</p> <p>Furthermore, it is also acknowledged (and conditioned) that the proposal will not store any hazardous materials which could potentially cause pollution.</p>
<p>The existing industrial use does not comply with the conditions of 'Rezoning Application No. R12/96'.</p>	<p>The existing land use rights for the industrial activity, granted under 'Rezoning Application No. R12/96', and the associated conditions of the use right as detailed in Schedule One, parts A and B, are separate to the proposed shop. The non-compliance to conditions applicable to the existing industrial use will become a separate Compliance Issue / investigation.</p>
<p>Patrons will not park at the boat ramp and, as such, vehicular parking should be provided on-site.</p>	<p>Two (2) on-site car parking bays will be provided in accordance with the prescribed car parking ratio for a shop under the current <i>Rockhampton Region Planning Scheme 2015</i>. However, these parking spaces will not cater for vehicles' towing a boat.</p> <p>A boat ramp, with ancillary parking bays is located less than 100 metres southeast of the site. It is anticipated that vehicles towing a boat will utilise the off-site car parking and then simply walk to the bait and tackle shop. Note, Council do not have any jurisdiction should a registered vehicle park within the street.</p>
<p>The building in which the Shop is proposed does not include a lift or ramp for persons with disabilities.</p>	<p>The requirement for providing access for people with disabilities is not regulated by the Planning Scheme. This will be addressed / assessed when applying for a Building Permit for the reclassification to the building structure (if required).</p>
<p>There existing landscaping provided on-site is not 'decorative'.</p>	<p>The existing approval illustrated some landscaping along the front boundary of the site. If necessary, Council could introduce a landscaping condition to provided screening along the neighbouring residential boundaries.</p>
<p>The car parking bays indicated on the site plan is covered by materials and unable to be used.</p>	<p>Two (2) on-site parking spaces will be dedicated to the shop (located directly west of the shop building). Should the proposed shop be approved, it will be expected that these parking bays be accessible at all times once the use commences. Should the parking bays be inaccessible, it will become a non-compliance with the approval and</p>

Issue	Officer's Response
	Council's Development Compliance team will investigate the matter further.
There will be odour emissions.	It is anticipated that waste generated on site will be minimal given that all bait products are pre-packed and any wrapping that comes in contact with the bait is generally taken off-site by the customer. However, should any waste be generated and odour be produced, it is anticipated that it will be stored in a large freezer and transferred to the waste collection bins on collection day, reducing the potential for nuisance from odour for both surrounding properties and the subject site. A condition will also be added stipulating that all waste must comply with the Environmental Protection Act which governs nuisances like noise, odour and dust.

REFFERALS

The proposal was not required to be referred in accordance with the *Sustainable Planning Regulations 2009*.

CONCLUSION

The proposed bait and tackle shop is deemed to be within relevant expectations for the scale of development in the area and relative to the existing industrial operations over the subject site. An assessment of the proposal against the current *Rockhampton Region Planning Scheme 2015* has demonstrated that the proposal will not be in conflict with the purpose of the Low Density Residential Zone, specifically considering the current impacts of the existing lawful industrial use.

The proposed development will not result in a worsening of flood hazard impacts in the area due to there being no increase in gross floor area or an increase to the impervious area.

Therefore, the proposal for a Material Change of Use for a Shop (bait and tackle) and Operational Works for an Advertising Device (fence sign) at 342 Quay Street, Depot Hill, generally complies with the requirements of the planning scheme and is recommended for approval subject to conditions.

**D/74-2016 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A SHOP (BAIT
AND TACKLE) AND AN OPERATIONAL
WORKS FOR AN ADVERTISING
DEVICE (FENCE SIGN)**

Locality Plan

Meeting Date: 6 September 2016

Attachment No: 1

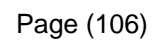


**D/74-2016 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A SHOP (BAIT
AND TACKLE) AND AN OPERATIONAL
WORKS FOR AN ADVERTISING
DEVICE (FENCE SIGN)**

Site Plan

Meeting Date: 6 September 2016

Attachment No: 2

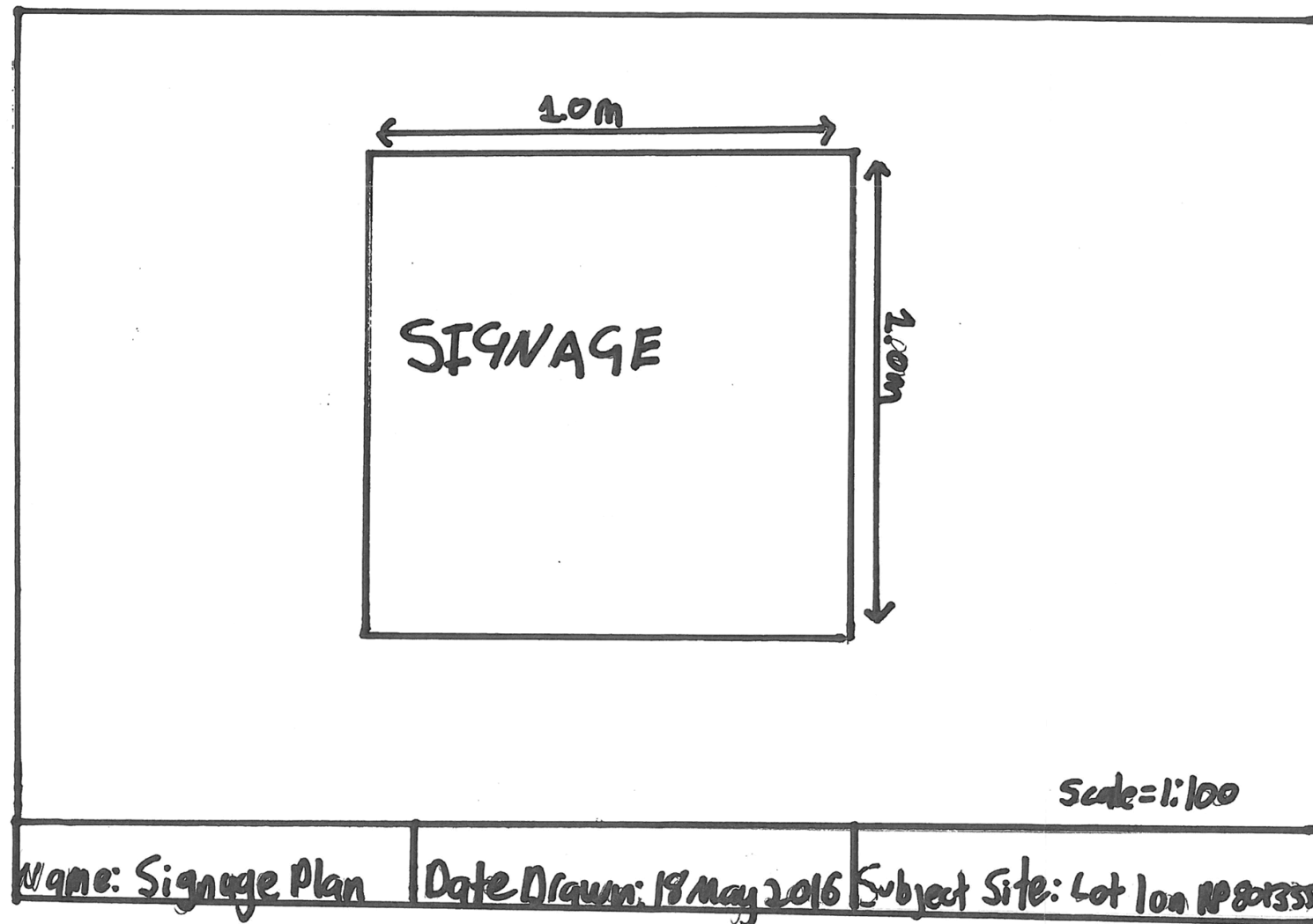


**D/74-2016 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A SHOP (BAIT
AND TACKLE) AND AN OPERATIONAL
WORKS FOR AN ADVERTISING
DEVICE (FENCE SIGN)**

Sigange Plan

Meeting Date: 6 September 2016

Attachment No: 3



9 NOTICES OF MOTION

Nil

10 URGENT BUSINESS/QUESTIONS

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

11 CLOSED SESSION

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

RECOMMENDATION

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

12.1 Review of land use for a property a Kabra

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

12 CONFIDENTIAL REPORTS

12.1 REVIEW OF LAND USE FOR A PROPERTY AT KABRA

File No: 8038 / 4781 / 8431

Attachments:

1. Locality Plan
2. Report presented 21 June 2016
3. Deed of Agreement

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Trevor Green - Manager Planning & Regulatory Services
Michael Rowe - General Manager Community Services

Author: Judith Noland - Development Compliance Officer

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

SUMMARY

This report provides a review of unapproved land use of a property at Kabra.

13 CLOSURE OF MEETING