



# **PLANNING AND REGULATORY COMMITTEE MEETING**

## **AGENDA**

**1 AUGUST 2017**

*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 1 August 2017 commencing at 9.00am for transaction of the enclosed business.*

A handwritten signature in black ink, appearing to read "R. Cheesman".

**ACTING CHIEF EXECUTIVE OFFICER**  
25 July 2017

Next Meeting Date: 15.08.17

**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)  
Councillor N K Fisher  
Councillor C R Rutherford

In Attendance:

Mr E Pardon – Chief Executive Officer

**3 APOLOGIES AND LEAVE OF ABSENCE**

Councillor Drew Wickerson - Leave of Absence from 20 July 2017 to 4 August 2017

Councillor Margaret Strelow - Leave of Absence from 29 July 2017 to 12 August 2017

**4 CONFIRMATION OF MINUTES**

Minutes of the Planning and Regulatory Committee held 18 July 2017

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

## **6 BUSINESS OUTSTANDING**

Nil

**7 PUBLIC FORUMS/DEPUTATIONS**

Nil

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## 8 OFFICERS' REPORTS

### 8.1 D/197-2016/A - APPLICATION UNDER THE DEVELOPMENT INCENTIVES POLICY FOR DEVELOPMENT PERMIT D/197-2016 FOR A MATERIAL CHANGE OF USE FOR A CHILD CARE CENTRE

**File No:** D/197-2016/A  
**Attachments:** 1. Locality Plan  
**Authorising Officer:** Tarnya Fitzgibbon - Coordinator Development Assessment  
Steven Gatt - Manager Planning & Regulatory Services  
Michael Rowe - General Manager Community Services  
**Author:** Thomas Gardiner - Planning Officer

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#### SUMMARY

*Development Application Number:* D/197-2016/A  
*Applicant:* DJ & ME O'Rourke Pty Ltd A.C.N. 112 540 833  
*Real Property Address:* Lot 51 on SP169160, Parish of Archer  
*Common Property Address:* 66 Lucas Street, Berserker  
*Planning Scheme Zoning:* Low-medium density residential zone  
*Type of Approval:* Development Permit for a Material Change of Use for a Child Care Centre  
*Date of Decision:* 25 January 2017  
*Application Lodgement Fee:* \$2,907.00  
*Infrastructure Charges:* \$6,438.00  
*Infrastructure charges incentive:* All other areas – 50% discount  
*Incentives sought:* Refund of Development Application Fees  
Refund of service and connection fees

#### OFFICER'S RECOMMENDATION

THAT in relation to the application under the Development Incentives Policy for a Development Permit for a Material Change of Use for a Child Care Centre, located at 66 Lucas Street, Berserker, described as Lot 51 on SP169160, Parish of Archer, Council resolves to Approve the following incentives if the use commences prior to 25 January 2020:

- a) A fifty per cent reduction of infrastructure charges to the amount of \$3,219.00;
- b) A refund of the development application fee of \$2,907.00;
- c) A refund of service and connection fees upon completion of the development; and
- d) That Council enter into an agreement with the applicant in relation to (a), (b) and (c).



**BACKGROUND****Project outcomes anticipated by applicant:**

The applicant has proposed to construct a Child Care Centre at 66 Lucas Street, Berserker. The Child Care Centre will accommodate children aged from thirty-six (36) months to pre-school age and will be a new business in the Rockhampton region.

**New jobs and investment:**

The project is expected to result in the employment of a single person over a period of three (3) years. The addition of a new building, 222 square metres in Gross Floor Area, will comprise two (2) rooms, an office, interview room, kitchen store and amenities which has resulted in useful investment in the Rockhampton economy.

**Benefits of project for applicant's business:**

The expanded building will enable the applicant to continue its Child Care business which is expected to have an annual turnover of \$38,000.00, \$60,000.00 and \$80,000.00 in years 1, 2 and 3 respectively.

**Benefits of project to Rockhampton Regional economy:**

The business is expected to cater for children whose parents are working in the Rockhampton Central Business District and in the broader North Rockhampton community.

**PLANNING ASSESSMENT****Development Engineering Unit's Comments – 31 March 2017**

Support, subject to comments.

**Economic Development Unit's Comments – 23 March 2017**

Support, subject to comments.

**Other Staff Technical Comments**

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

**CONCLUSION**

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

**D/197-2016/A - APPLICATION UNDER  
THE DEVELOPMENT INCENTIVES  
POLICY FOR DEVELOPMENT PERMIT  
D/197-2016 FOR A MATERIAL CHANGE  
OF USE FOR A CHILD CARE CENTRE**

**Locality Plan**

**Meeting Date: 1 August 2017**

**Attachment No: 1**

D/197-2016/A - Locality Plan



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**8.2 D/19-2007 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE AND RECONFIGURING A LOT (TWO LOTS INTO 382 LOTS) SYNERGY ESTATE 1-14**

**File No:** D/19-2007  
**Attachments:** 1. Locality Plan  
**Authorising Officer:** Tarnya Fitzgibbon - Coordinator Development Assessment  
Steven Gatt - Manager Planning & Regulatory Services  
Michael Rowe - General Manager Community Services  
**Author:** Thomas Gardiner - Planning Officer

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**SUMMARY**

*Development Application Number:* D/19-2007  
*Applicant:* Paul Czislawski  
*Real Property Address:* Lot 82 on RN338 and Lot 1944 on RAG4057, Parish of Calliungal  
*Common Property Address:* 101 Nine Mile Road, Mount Morgan - Lot 82 on RN338 and Lot 1944 on RAG4057  
*Area of Site:* 848 hectares  
*Planning Scheme:* Mount Morgan Shire Planning Scheme 2003 (superseded)  
*Planning Scheme Zone:* Rural zone  
*Planning Scheme Overlays:* Bushfire Prone Area - Low  
*Existing Development:* Nil  
*Existing Approvals:* Development Permit (D/19-2007) for Reconfiguring a Lot (two lots into 382 lots) Synergy Estate Stages 1-14  
*Approval Sought:* Extension to the Relevant Period for a Development Permit for Reconfiguring a Lot (two lots into 382 lots) Synergy Estate Stages 1-14  
*Referral Agency(s):* Department of Infrastructure, Local Government and Planning and Ergon Energy  
*Infrastructure Charges Area:* Charge Area 3

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

**THAT** in relation to the request to extend the relevant period for Development Permit 19/2007 for a Material Change of Use and Reconfiguring a Lot (two lots into 382 lots) Synergy Estate 1-14, made by Paul Czislawski, located at 101 Nine Mile Road, Mount Morgan, described as Lot 82 on RN338 and Lot 1944 on RAG4057, Parish of Calliungal, Council resolves to refuse the request to extend the relevant period for the following reasons:

- a) There is no planning need for a development of this size in the Mount Morgan area which coincides with no demonstrable future growth which would necessitate the requirement for creating 382 lots.
- b) The subject site is constrained by a lack of water, sewerage and road infrastructure,

with the proposal also failing to address stormwater quantity or quality provisions.

- c) Under the current *Rockhampton Region Planning Scheme 2015* the site is located within the rural zone. The proposal conflicts with the future intent of this area where the fragmentation of rural land is considered undesirable.
- d) The site is subject to several overlay constraints including Very High Bushfire Hazard and Matters of Local Environmental Significance. Any increase in intensity of development in areas affected by these overlays is generally not supported under the current planning scheme.

### **RECOMMENDATION B**

**That in relation to the request to extend the relevant period for Development Permit 19/2007 for a Material Change of Use and Reconfiguring a Lot (two lots into 382 lots) Synergy Estate 1-14, made by Paul Czislawski, located at 101 Nine Mile Road, Mount Morgan, described as Lot 82 on RN338 and Lot 1944 on RAG4057, Parish of Calliungal, Council resolves that:**

- 1. Condition 1.0 remains unchanged.**

### **BACKGROUND**

#### **BACKGROUND/PROPOSAL**

On 12 March 2008, the former Mount Morgan Shire Council approved an application for a Development Permit D/19-2007 for a Reconfiguring a Lot (two lots into 382 lots) on land described as Lot 82 on RN338 and Lot 1944 on RAG4057, Parish of Calliungal, located at 101 Nine Mile Road, Mount Morgan.

The approval was for the creation of 382 lots, each with varying lot sizes with the minimum size being 800 square metres and minimum road frontages of twenty (20) metres. The original development permit had a currency period until 14 March 2016.

On 8 March 2016, the applicant submitted a request to extend the relevant period by a further four (4) years until 14 March 2020.

#### **SITE AND LOCALITY**

The subject site was located in the Rural zone under the superseded *Mount Morgan Shire Planning Scheme 2003*. Under the current *Rockhampton Region Planning Scheme 2015* the site is also located in the Rural zone. The site occupies an overall area of 848 hectares, encompassing two (2) separate lots.

Large, undeveloped rural lots predominantly surround the site with the Mount Morgan Golf Club situated to the north-west of the site, abutting the Burnett Highway. The site has one (1) road frontage to the Burnett Highway and an Ergon electricity easement traversing through the site.

Under the current planning scheme, the site is constrained by the bushfire hazard and steep land overlays.

### **PLANNING ASSESSMENT**

#### **MATTERS FOR CONSIDERATION**

This request 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.

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#### **TOWN PLANNING COMMENTS**

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

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**Condition 1**

*Carry out the development in accordance with the plans and documents as prepared by Capricorn Survey Group as submitted with this application and these plans and documents shall form part of this approval, unless otherwise amended by conditions of this approval.*

*The following documents are referenced in this approval:*

- *Proposed Layout Plan 4571 Revision D; and*
- *Application for a Material Change of Use and Staged Reconfiguration of a Lot one into 382 Lots – DA19/2007.*

*The approval for material change of use has a currency period of eight (8) years and will remain in force until 14 March 2016 and the reconfiguration of lot has a currency period of eight (8) years and this approval is a concurrent period to the material change of use and will remain in force until 14 March 2016. Should the development not be completed within this timeframe this approval shall lapse and a new application will need to be made to Council unless approval has been obtained for an extension of this currency period.*

**Applicant's request:**

The applicant has requested a further four (4) year extension to the currency period until 14 March 2020.

**Council response:**

Council has reviewed the request to extend the currency period for the above permit and does not support the request. The grounds for refusal are based on a lack of planning and economic need for the proposal, and lack of infrastructure to support a development of this scale in Mount Morgan. Population, employment and economic statistics suggests there is no demonstrable growth in the Mount Morgan area which would necessitate the requirement for the creation of 382 lots on the site. The proposal is also inconsistent with Council's future strategic intent for the area.

The request was referred to Council's Strategic Planning and Development Engineering Unit's who have also outlined grounds for refusing to support the extension. There concerns are outlined below:

***Strategic Planning***

When assessing extensions for previous development approvals it is important that the intent of forward planning instruments, such as the *Rockhampton Region Planning Scheme 2015* are considered. This is important where an historic approval may have been based on a prior perceived or real economic demand, which has since changed.

Giving consideration to the *Rockhampton Region Planning Scheme 2015*, the Strategic Framework (Settlement Pattern element) states:

*"Urban development in Mount Morgan will only occur within the urban area and local centre as shown on Strategic Framework map SFM-4."*

*"Mount Morgan currently provides an affordable housing option; however, new residential greenfield development will not be supported outside of the current urban area until adequate infrastructure and local employment opportunities are available. Challenges include providing a reliable water supply, sewerage treatment capacity and safe commuter road access to other centres."*

According to the Strategic Framework mapping, the subject site is not located within an urban area under Strategic Framework map SFM-4. As such, new greenfield development on the site should not be supported under the current *Rockhampton Region Planning Scheme 2015*.

The proposal also conflicts with the following additional elements outlined in the *Rockhampton Region Planning Scheme 2015*:



- The site is located in the Rural zone. The average lot size of the proposal is 800 square metres which conflicts with the minimum lot size requirement of 100 hectares for the Rural zone. Further, the strategic intent for the Rural zone states that further fragmentation of rural land is undesirable;
- The majority of the site is subject to a very high bushfire hazard. The State Interactive Mapping System also shows the site as containing predominantly medium and some high bushfire hazard. Any increase in bushfire hazard areas is not supported under the *Rockhampton Region Planning Scheme 2015*, particularly the scale of the proposal; and
- The majority of the site is mapped as containing Matters of Local Environmental Significance. There is also a wildlife corridor through the centre of the allotment and the proposal must therefore ensure that it does not significantly impact on these environmental values.

There is no demonstrable need for the proposed development to occur in Mount Morgan. The current and projected population, high unemployment rate, and infrastructure constraints clearly identify that there is no planning need for further intense residential development in Mount Morgan. Mount Morgan is predicted to experience a -0.46% change in population growth between 2016 and 2036 which is a reduction from 3,092 to 3,078 persons.

Mount Morgan also has an undeveloped capacity of 431 dwellings to 2031 in accordance with the Rockhampton Regional Council – Planning Assumptions Report Version 2. As the forecast growth rate is at best 0.3% or at worst -0.5% there is already an oversupply of future residential development capacity in Mount Morgan without the further addition of 382 allotments.

Further, due to the downturn in the mining industry in smaller towns located close to the coalfields, mortgagee sales prevail and vacancy rates continue to escalate. As such, there is clearly no demand for large scale new residential development based on current or foreseeable mining industry growth in the Mount Morgan township.

#### *Development Engineering*

Council's Development Engineering Unit has also recommended that the request to extend the relevant period be refused based on the following grounds:

- Future growth in Mount Morgan is currently constrained by a lack of water, sewerage and road infrastructure and any new development in Mount Morgan will be required to address these constraints;
- The original application did not address stormwater quantity or quality provisions. The current application must demonstrate how stormwater runoff will be restricted to that of the pre-development scenario, as well as demonstrating compliance with the State Planning Policy with respect to water quality;
- Contributions and headworks charges associated with the original application indexed to December 2015 totalled to \$403,952.00. Under Adopted Infrastructure Charges Resolution (AICR) No. 5 (2015), the infrastructure charges for the proposed development will total \$7,980,000.00. Given the aforementioned lack of infrastructure in the vicinity of the site, charges in accordance with the AICR should be applied to the proposed development; and
- Under the current approval there is no requirement for subsequent Operational Works applications. The potential implications for Council, should the relevant period be extended, is that the subdivision could be constructed without any Operational Works approvals. This presents an unacceptable risk given the constructed infrastructure would become Council assets.

Recommendation:

That the request to amend Condition 1, to extend the relevant period by a further four (4) years, is not supported. Council resolves to refuse the request to extend the relevant period for the following reasons:

- a) There is no planning need for a development of this size in the Mount Morgan area which coincides with no demonstrable future growth which would necessitate the requirement for creating 382 lots.
- b) The subject site is constrained by a lack of water, sewerage and road infrastructure, with the proposal also failing to address stormwater quantity or quality provisions.
- c) Under the current *Rockhampton Region Planning Scheme 2015* the site is located within the rural zone. The proposal conflicts with the future intent of this area where the fragmentation of rural land is considered undesirable.
- d) The site is subject to several overlay constraints including Very High Bushfire Hazard and Matters of Local Environmental Significance. Any increase in intensity of development in areas affected by these overlays is generally not supported under the current planning scheme.

**REFERRALS**

On 9 March 2016, the request was referred to the Department of Infrastructure, Local Government and Planning as a concurrence agency. On 7 April 2016, the Department advised that they had no objection to the proposed extension.

**CONCLUSION**

The applicant's request to Extend the Relevant Period is not considered reasonable and is recommended for refusal as outlined below. Council resolves to refuse the request to extend the relevant period for the following reasons:

- a) There is no planning need for a development of this size in the Mount Morgan area which coincides with no demonstrable future growth which would necessitate the requirement for creating 382 lots.
- b) The subject site is constrained by a lack of water, sewerage and road infrastructure, with the proposal also failing to address stormwater quantity or quality provisions.
- c) Under the current *Rockhampton Region Planning Scheme 2015* the site is located within the rural zone. The proposal conflicts with the future intent of this area where the fragmentation of rural land is considered undesirable.
- d) The site is subject to several overlay constraints including Very High Bushfire Hazard and Matters of Local Environmental Significance. Any increase in intensity of development in areas affected by these overlays is generally not supported under the current planning scheme.

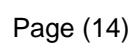


**D/19-2007 - DEVELOPMENT  
APPLICATION FOR A MATERIAL  
CHANGE OF USE AND  
RECONFIGURING A LOT (TWO  
LOTS INTO 382 LOTS) SYNERGY  
ESTATE 1-14**

**Locality Plan**

**Meeting Date: 1 August 2017**

**Attachment No: 1**



### 8.3 D/108-2015 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR AN EXTRACTIVE INDUSTRY

**File No:** D/108-2015

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

**Authorising Officer:** Tarnya Fitzgibbon - Coordinator Development Assessment  
Steven Gatt - Manager Planning & Regulatory Services  
Michael Rowe - General Manager Community Services

**Author:** Amanda O'Mara - Senior Planning Officer

#### SUMMARY

*Development Application Number:* D/108-2015

*Applicant:* Vynque Pty Ltd c/- N G Gardner & Associates Pty Ltd

*Real Property Address:* Lot 2 on RP618088, Parish of Murchison

*Common Property Address:* 184 Yeppoon Road, Norman Gardens

*Area of Site:* 66.79 Hectares

*Planning Scheme:* Rockhampton City Plan 2005

*Rockhampton City Plan Area:* Yeppoon Road Environmental Protection Area

*Planning Scheme Overlays:* Bushfire Prone Land Overlay and Steep and Unstable Land Overlay.

*Existing Development:* Extractive Industry

*Existing Approvals:* Court Order - Rezoning Approval for Non Urban A Zone to Extractive Industry (expired 26 April 2015)

*Approval Sought:* Development Permit for a Material Change of Use for an Extractive Industry

*Level of Assessment:* Impact Assessable

*Submissions:* Seven (7) Submissions

*Referral Agency(s):* Department of Infrastructure, Local Government and Planning

*Adopted Infrastructure Charges Area:* Charge Area 3

*Application Progress:*

<i>Application Lodged:</i>	19 August 2015
<i>Acknowledgment Notice issued:</i>	3 September 2015
<i>Request for Further Information sent:</i>	17 September 2015
<i>Request for Further Information responded to:</i>	17 November 2015
<i>Submission period commenced:</i>	26 November 2015
<i>Submission period end:</i>	17 December 2015
<i>Government Agency Response:</i>	17 June 2017
<i>Council request for additional time:</i>	4 July 2017

Statutory due determination date:	8 August 2017
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**OFFICER'S RECOMMENDATION****RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for an Extractive Industry, made by Vynque Pty Ltd, on Lot 2 on RP618088, Parish of Murchison, located at 184 Yeppoon Road, Norman Gardens, Council resolves to Approve the application and provides the following grounds to justify the decision:

- a) The proposed area for extraction will occur predominantly within the designated Key Resource Area.
- b) The proposal is well buffered to sensitive uses by both distance and topographic screening.
- c) The site is strategically located in a rural area with natural resources available for extraction and has been operating as an Extractive Industry for over fifty (50) years.
- d) The use will cease operations once the resources have been extracted from the site. Rehabilitation upon completion of the use will allow utilisation of the site for other uses.
- e) The proposed use does not compromise the achievements of the Desired Environmental Outcomes in the *Rockhampton City Plan 2005*;
- f) Assessment of the development against the relevant area intent, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and
- g) The proposed development does not compromise the relevant State Planning Policy.

**RECOMMENDATION B**

That in relation to the application for a Development Permit for a Material Change of Use for an Extractive Industry, made by Vynque Pty Ltd, on Lot 2 on RP618088, Parish of Murchison, located at 184 Yeppoon Road, Norman Gardens, Council resolves to Approve the application subject to the following conditions:

**1.0 ADMINISTRATION**

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

## (ii) Site Works.

- 1.7 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.8 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Number</u>	<u>Dated</u>
Site Locality and Environs	1021-MCU1 Issue 4	14 April 2015
Site layout Details	1021-MCU4 Issue 4	14 April 2015
Site Boundary Details	1021-MCU3 Issue 4	14 April 2015
Quarry Management Report	R15-104A	20 July 2015

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

3.0 PLUMBING AND DRAINAGE WORKS

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

4.0 STORMWATER WORKS

- 4.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.
- 4.2 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).
- 4.3 All stormwater must drain to a demonstrated lawful point of discharge such that it does not restrict, impair or change the natural flow or runoff water or cause a nuisance to adjoining properties or infrastructure.
- 5.0 The potential pollutants in stormwater discharged from the development site are managed in accordance with current water quality best industry practices and in accordance with *State Planning Policy - 2016 – Water Quality*.

6.0 SITE WORKS

- 6.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works.
- 6.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan which clearly identifies the following:



- 6.2.1 the location of cut and/or fill;
  - 6.2.2 the type of fill to be used and the manner in which it is to be compacted;
  - 6.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
  - 6.2.4 details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and
  - 6.2.5 the maintenance of access roads to and from the site so that they are free of all cut and/or fill material and cleaned as necessary.
- 6.3 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.
- 6.4 Any vegetation cleared or removed must be:
- (i) mulched on-site and utilised on-site for landscaping purposes, in accordance with the landscaping plan approved by Council; or
  - (ii) removed for disposal at a location approved by Council;
- within sixty (60) days of clearing. Any vegetation removed must not be burnt.
- 6.5 All site works must be undertaken to ensure that there is:
- 6.5.1 no increase in upstream or downstream flood levels for all levels of immunity up to Q100; and
  - 6.5.2 no increase in velocity profiles, for which no remedy exists to prevent erosion and/or scouring. In the event that modelling shows non-compliance with the above, works must be undertaken within the system to satisfy the above criteria for development.
- 7.0 ASSET MANAGEMENT
- 7.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.
- 7.2 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.
- 7.3 '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 *Asset Design and As Constructed Manual (ADAC)*.
- 8.0 ENVIRONMENTAL
- 8.1 Any application for a Development Permit for Operational Works must be accompanied by a detailed Environmental Management Plan, which addresses, but is not limited to, the following matters:
- (i) water quality and drainage;
  - (ii) erosion and silt/sedimentation management;
  - (iii) acid sulphate soils;
  - (iv) fauna management;
  - (v) vegetation management and clearing;
-

- (vi) top soil management;
  - (vii) interim drainage plan during construction;
  - (viii) construction programme;
  - (ix) geotechnical issues;
  - (x) weed control;
  - (xi) bushfire management;
  - (xii) emergency vehicle access;
  - (xiii) noise and dust suppression; and
  - (xiv) waste management.
- 8.2 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan which addresses, but is not limited to, the following:
- (i) objectives;
  - (ii) site location / topography;
  - (iii) vegetation;
  - (iv) site drainage;
  - (v) soils;
  - (vi) erosion susceptibility;
  - (vii) erosion risk;
  - (viii) concept;
  - (ix) design; and
  - (x) implementation, for the construction and post construction phases of work.
- 8.3 Implement and maintain the Erosion Control and Stormwater Control Management Plan on-site for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The prepared Erosion Control and Stormwater Control Management Plan must be available on-site for inspection by Council Officers during those works.
- 9.0 OPERATING PROCEDURES
- 9.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Rockhampton – Yeppoon Road.
- 9.2 Extraction and Processing operations and Internal and off-site transportation of product on the site must be limited to:
- 9.2.1 0700 hours to 1800 hours on Monday to Saturday,
  - 9.2.2 0700 hours to 1600 hours on Public Holidays (except Anzac Day, Good Friday and Christmas Day), with
  - 9.2.3 no operation on Sunday.
- 9.3 Maintenance (Fixed and Mobile Plant) operations for the site must be limited to:
- 9.3.1 0600 hours to 2000 hours on Monday to Friday,
  - 9.3.2 0630 hours to 1700 hours on Saturday, with
  - 9.3.3 no operations on Sunday or Public Holidays.
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- 9.4 Basting on the site must be limited to:
- 9.4.1 0900 hours to 1700 hours on Monday to Friday, with
  - 9.4.2 no blasting on Saturday, Sunday or Public Holidays.
- 9.5 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.
- 9.6 This approval is for the extraction and transportation of quarried material from the subject premises which must be undertaken in accordance with the approved plans (refer to Condition 2.1) and at an extraction rate of no more than 1,000,000 tonnes per annum.
- 9.7 Excavation and filling must be located sufficiently clear of the boundary so that there is no damage to adjoining properties or road reserves due to the effects of erosion.
- 9.8 Cleaning of plant equipment and vehicles must be carried out in an area where waste water can be suitably managed so as not to cause contaminants to release into waterways or overland flow paths.
- 9.9 All waste, both solid and liquid must be disposed in accordance *Environmental Protection (Waste Management) Regulations*.

#### 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 Partnerships website [www.datsip.qld.gov.au](http://www.datsip.qld.gov.au).

NOTE 2. Asbestos Removal

Any demolition and/or removal works involving asbestos materials must be undertaken in accordance with the requirements of the *Work Health and Safety Act 2011* and *Public Health Act 2005*.

NOTE 3. General Environmental Duty

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

NOTE 4. General Safety Of Public During Construction

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

#### RECOMMENDATION C

That in relation to the application for a Development Permit for a Material Change of Use for an Extractive Industry, made by Vynque Pty Ltd, on Lot 2 on RP618088, Parish of Murchison, located at 184 Yeppoon Road, Norman Gardens, Council resolves not to issue an Infrastructure Charges Notice.



**BACKGROUND****PROPOSAL IN DETAIL**

The proposal is for a Material Change of Use for an Extractive Industry to continue / expand the operation on the existing hard rock quarry on the subject site.

The previous approval for the Extractive Industry has expired, however there is an area of the Extractive Industry that is not subject to the lapsed approval as this portion of the extractive area commenced under the 1971 Planning Scheme. The entire site at that time was included in the Extractive Industry Zone where an Extractive Industry could be undertaken without the need for consent from Council. Therefore, a portion of the quarry has existing use rights.

This application is proposing that the existing mine extract area to expand by 18.75 hectares within the site, however the current production rate will remain unchanged. The proposal is to extract in the order of 240,000 tonnes per annum with a maximum output of 315,000 tonnes per annum. Onsite activities will include periodic blasting, mechanical extraction of quarry material and transportation of quarried material to the onsite crushing and screening plant and stockpiling of products. Material is subsequently taken off site by road transport trucks via Yeppoon Road, which is a state controlled road.

**SITE AND LOCALITY**

The subject site has a total area of 66.79 hectares. The topography of the site is dominated by a ridge line running along the western boundary of the site. A portion of the site is designated as a Key Resource Area under the State Planning Policy – Protection of Extractive Resources. The site currently operates as a hard rock quarry extracting primarily aggregate quality rock.

The site is located within 1.5 kilometres of the intersection of Yeppoon Road and the Bruce Highway and is approximately 7.5 kilometres north east of the centre of Rockhampton. Yeppoon Road borders the site to the northwest, with a number of large predominantly vegetated lots on the northern side of Yeppoon Road. To the northwest across Yeppoon Road, exists the nearest residential dwellings. The site is bound to the east and south by predominately vacant, heavily vegetated land that backs onto Mt Archer National Park. Directly bordering the site is a large parcel of vegetated land including a large hill, beyond which, on lower slopes is an existing residential subdivision.

**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 – 20 November 2016 and 19 July 2017***

Support, subject to conditions / comments.

***Public and Environmental Health Comments – 30 November 2016***

Support, subject to conditions / comments.

**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.

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**State Planning Policy 2014**

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

**Liveable communities**

Not applicable. The subject site is not located within any of the mapped Priority Living Areas.

**Mining and extractive resources**

Complies. The site has been identified as a Key Resource Area. Adequate separation exists between the resource and incompatible land uses.

**Biodiversity**

Complies. The development will not impact on matters of state environmental significance.

**Coastal environment**

Not Applicable. The proposal does not affect a coastal environment.

**Water quality**

Not Applicable. The operations will not have a detrimental effect on the region's water quality.

**Natural hazard, risk and resilience**

Complies. The site is affected by the Bushfire Prone Land Overlay. The proposal involves clearing of the site which will mitigate the risks associated with bushfire.

**Emissions and hazardous activities**

Not Applicable. The proposal does not involve a hazardous activity.

**State transport infrastructure**

Not applicable. The proposal is separated from State transport infrastructure and does not affect integration of services or passenger facilities.

**Strategic airports and aviation facilities**

Not Applicable. The proposed development does not involve or affect any strategic airports or aviation facilities.

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

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

1. *Rockhampton continues to consolidate its 'Capital of Central Queensland' role in the region.*

**Complies:** The use supports economic development by providing resources to the region.

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

**Complies:** The quarry will not cause environmental harm to water quality or erosion off site. No valuable natural resources are under threat as a result of the proposal.

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

**Complies:** The site is designated as a Key Resource Area. Rehabilitation of the site following cessation of quarry activities will further minimize visual impacts.

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

**Complies:** The continued operation and management of the quarry will not have a negative impact upon the environment, nor the region's biodiversity.

5. *Commercial and retail development is accommodated in a hierarchy of centres throughout Rockhampton which provide for a range of services, retail, commercial, entertainment and employment activities.*

**Not applicable:** The proposal does not entail commercial development.

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

**Not applicable:** The proposal does not entail commercial development.

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

**Complies:** An Extractive Industry is not a use which is able to be accommodated typically in an area zoned for industrial purposes considering its nature. An Extractive Industry is always located at the place where the resource is available. The site is considered appropriate for the use as the amenity of the surrounding area will not be detrimentally impacted upon.

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

**Complies:** The proposal will not impact upon the region's cultural or urban heritage.

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

**Not applicable:** The proposal does not entail residential development.

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

**Not applicable:** The proposal does not entail community uses or the development of health care facilities.

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

**Not applicable:** The proposal does not involve residential subdivision.

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

**Complies:** The proposed use does not require connection to urban infrastructure services.

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

**Complies:** The development will ensure that traffic movements generated by the use are safe and efficient and the road network will continue to function in a proper manner with respect to all transport systems.

14. *Readily accessible and safe Open Spaces and facilities for active and passive recreational purposes are accommodated with Rockhampton City.*

**Not applicable:** The proposal does not form part of, nor compromise any future, open space and associated facilities.

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

#### **Yeppoon Road Environmental Protection Area Intent**

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

*While it is not intended that the character of the Area will alter significantly during the life of this Planning Scheme, there are some uses which may be consistent with the intent of the Area, as long as they are of a scale, size, and character, consistent with the current rural character and feel of the Area. These uses include:*

- *Farm stay;*
- *Tourist facilities;*
- *Tourist shop;*
- *Ecotourism facilities;*
- *Farm forestry;*
- *Agriculture;*
- *Recreation / Open space facilities; and*
- *Extractive Industry.*

*These uses will only be consistent with the intent for the Area where it can be demonstrated that:*

- *Landscape character / scenic amenity and ecological values are not compromised by new development;*
- *The development is sensitive to the natural topography of the land;*
- *Existing significant remnant vegetation is retained and protected;*
- *The land can be adequately serviced;*
- *Stormwater is managed so as not to impact on downstream properties; and*
- *Bushfire risk can be adequately managed.*

*Uses inconsistent with the intent for the Area include all commercial and industrial uses, other than those mentioned previously as being consistent. Both commercial and industrial development will be located in designated commercial and industrial areas in the City.*

*The existing Peak Hill quarry located at the southern end of this Planning Area has approval to operate for a period of fifteen (15) years, which will expire on 26 April 2015. Consequently, uses that threaten the ongoing viability of the quarry when operating, in accordance with its operating conditions, will not be consistent with the intent for the Area. Additional quarry operations within the Area are not anticipated to be approved for the life of this Planning Scheme; however, should a particular resource be identified in the Area, then the extractive industry will be considered on its merits, having regard to:*

- *The impact on the surrounding residents;*

- *The natural environment;*
- *The future urban development; and*
- *The rural character of the Area.*

This application can be considered consistent with the intent of the Area. The proposed continued operations of the Extractive Industry will not further impact on the surrounding residents, have any further impacts on the natural environment or affect urban development as the site and its surrounds are heavily constrained or either not zoned for residential purposes. In addition, there will be minimal impact on the rural character of the area and the visual impacts of the quarry are predominantly sheltered from view by the existing hills.

### **Rockhampton City Plan Codes**

The following codes are applicable to this application: -

- Industrial Use Code;
- Environmental Nuisance by Noise and Light Code;
- External Works and Servicing Code;
- Filling or Excavation Code;
- Parking and Access Code;
- Water Quality and Quantity Code;
- Bushfire Risk Minimisation Code; and
- Steep and Unstable Land Code.

An assessment has been made against the requirements of the abovementioned codes and the proposed development generally complies with the relevant Performance Criteria and Acceptable Solutions.

### **Sufficient Grounds**

Sufficient grounds to support the development are as follows:

- a) The proposed area for extraction will occur predominantly within the designated Key Resource Area.
- b) The proposal is well buffered to sensitive uses by both distance and topographic screening.
- c) The site is strategically located in a rural area with natural resources available for extraction and has been operating as an Extractive Industry for over fifty (50) years.
- d) The use will cease operations once the resources have been extracted from the site. Rehabilitation upon completion of the use will allow utilisation of the site for other uses.
- e) The proposed use does not compromise the achievements of the Desired Environmental Outcomes in the *Rockhampton City Plan 2005*;
- f) Assessment of the development against the relevant area intent, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and
- g) The proposed development does not compromise the relevant State Planning Policy.

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

**INFRASTRUCTURE CHARGES**

Adopted Infrastructure Charges Resolution (No. 5) 2015 for non-residential applies to the application and it falls within Charge Area 3.

The proposal is for an Extractive Industry. An Extractive Industry as per the Adopted Infrastructure Charges Resolution (No. 5) 2015 is a Specialised Use, therefore it is necessary at time of assessment for Council officers to exercise their discretion in determining the appropriate infrastructure charges.

The proposal is located in Charge Area 3 where transport and parks trunk infrastructure network charges are only applicable. The road network impacted by use is state controlled. In addition, the use has existing use rights and will not be increasing their production rate. Based on an assessment of the use and the infrastructure demand it is likely to generate, officers have determined that a nil charge be applied.

**CONSULTATION**

The proposal was the subject of public notification between 26 November 2016 and 17 December 2016, as per the requirements of the *Sustainable Planning Act 2009*, and two (2) properly made submissions and five (5) not properly made submissions were received.

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

Issue	Officer's Response
Concerns the nearby residential area will be impacted by traffic, noise, dust and amenity.	<p>A Traffic Impact Report and Noise and Air Quality Assessment were provided with the application.</p> <p>The Traffic Impact Report advised that no additional loads or traffic numbers will arise from the quarry as a result of the approval.</p> <p>The Noise and Air Quality Assessment identified that the quarry is well buffered to sensitive uses by way of distance, topography and vegetation cover.</p> <p>Noise calculations were undertaken to assess the resultant noise levels at surrounding residences where the findings indicate that noise from the quarry operations were not detectable above otherwise prevailing ambient noise levels.</p> <p>The quarry currently employs appropriate dust control measures in working areas including dust suppression sprays to processing plant and water cart for roadways.</p> <p>The continuation of site operations will result in extraction and processing being located in and adjacent to areas that are either currently worked or have been worked in the past. On this basis, future activities on the site will be located no closer to off-site sensitive receptors and shall be provided with shielding from the existing topography. Thus future operation will have no greater potential for amenity impact than current or past activities.</p>

Issue	Officer's Response
<p>Could cause further restrictions on the future use of the surrounding land located inside the Key Resource Area Separation Area and affect property valuations.</p>	<p>The properties within the Key Resource Separation Area which are largely undeveloped are either zoned Rural or heavily constrained, therefore have limited ability to be developed for urban purposes.</p>
<p>Concerns that the proposal could have adverse impacts on the natural environment.</p>	<p>A Property Vegetation Management Plan provided with the application has demonstrated that all clearing of the site complies with the State Development Assessment Provisions.</p> <p>The operation of the quarry continues in a manner that reasonably and practically protects environmental values and maintains water quality.</p> <p>Water quality is also practically managed through the Quarry Management Report by avoiding windblown litter and removing gross pollutants, ensuring there is no visible hydrocarbon product sheen on released waters and ensuring any waste is disposed by authorised facilities.</p> <p>Water use is managed by maximising opportunities for recovery and reuse and minimising impacts of waste water discharge. The erosion and sediment control strategy has been prepared by a suitably qualified person and waste water is not discharged directly to a waterway. The erosion and sediment controls avoid the release of sediment-laden stormwater. Nutrients are not an issue as the site has no urbanised impact or component. Sediment is the primary contaminant and this is currently addressed by the Quarry Management Report and site based erosion and sediment control devices and management.</p> <p>In addition, rehabilitation of the site following cessation of quarry activities will be required.</p>
<p>Conflicts with the <i>Rockhampton City Plan 2005</i>, <i>Rockhampton Region Planning Scheme 2015</i>, State Planning Policy and the surrounding rural character of the area.</p>	<p>The proposed use does not compromise the achievements of the Desired Environmental Outcomes in the <i>Rockhampton City Plan 2005</i> and the relevant State Planning Policy. Assessment of the development against the relevant area intent, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity.</p>

Issue	Officer's Response
The current extent of extraction on the site is well in excess of that previously approved.	The expansion over the Key Resource Area boundaries and the proposed minor increase in operating area beyond the Key Resource boundary will have minimal impact on the surrounding area. The continuation of site operations will result in extraction and processing being located in and adjacent to areas that are either currently worked or have been worked in the past. On this basis, future activities on the site will be located no closer to off-site sensitive receptors and shall be provided with shielding from the existing topography. Thus future operation will have no greater potential for amenity impact than current or past activities.
The area of extraction is extensive and is highly unsightly.	The visual impacts of the proposal will predominantly be sheltered from view by the existing hills. In addition, rehabilitation of the site following cessation of quarry activities will further minimize visual impacts.
The proposed hours of operation includes Saturday.	The hours of operation conditions have been proposed in the approval. The quarry will not be able to undertake any blasting at the site on weekends. In addition, the Noise and Air Quality Assessment has demonstrated that the activities on site will not affect the amenity of the surrounding area.
The quarry does not comply with the Court Order dated 26 April 2000 and is continuing to operate.	The Court Order required the quarry activities approved under the Court Order to cease in 2015. However, there is a portion of the site which has established existing use rights. In addition, this application was lodged which will approve the quarry activities from the Court Order to continue lawfully.
Traffic, animals and persons using Yeppoon Road could be dangerously impacted by the use of the land as a quarry.	Access to the site is via a state controlled road, therefore was referred to the Department of Infrastructure, Local Government and Planning as a Concurrence Agency. Conditions have been proposed on the approval to ensure the road access to the state controlled road from the site will not compromise the safety and efficiency of the state controlled road.

## REFERRALS

The application was referred to the Department of Infrastructure, Local Government and Planning as a Concurrence Agency as the development involves land relating to a state controlled road, development impacting on a state controlled road and clearing of vegetation. The Department has approved the proposal, subject to conditions on 6 June 2017.



**CONCLUSION**

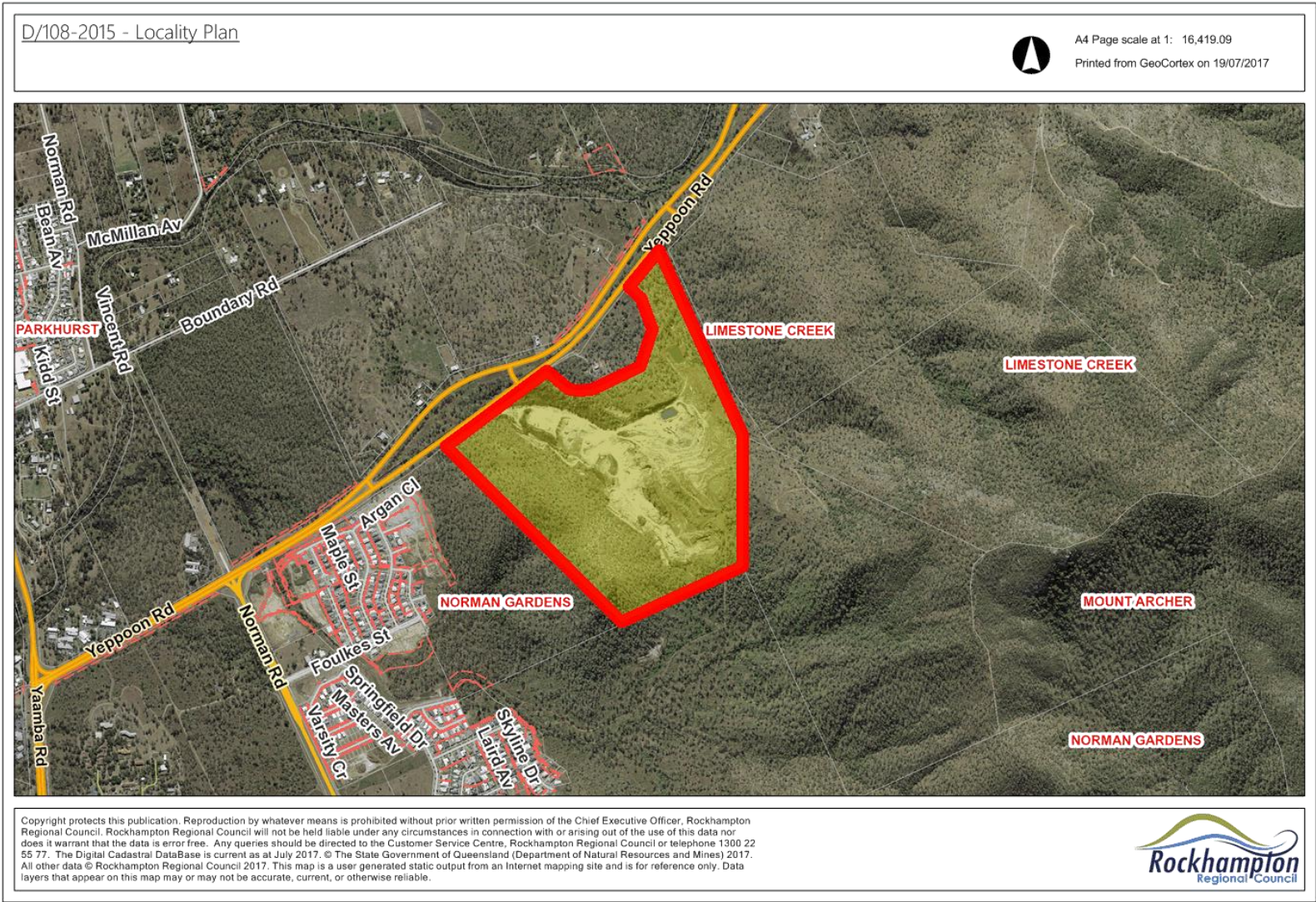
The proposed development is considered to be in keeping with the purpose of the Yeppoon Road Environmental Protection Area. Furthermore, the proposal generally complies with the provisions included in the applicable codes. The proposal is, therefore, recommended for approval in accordance with the approved plans and subject to the conditions outlined in the recommendation.

**D/108-2015 - DEVELOPMENT  
APPLICATION FOR A MATERIAL  
CHANGE OF USE FOR AN  
EXTRACTIVE INDUSTRY**

**Locality Plan**

**Meeting Date: 1 August 2017**

**Attachment No: 1**



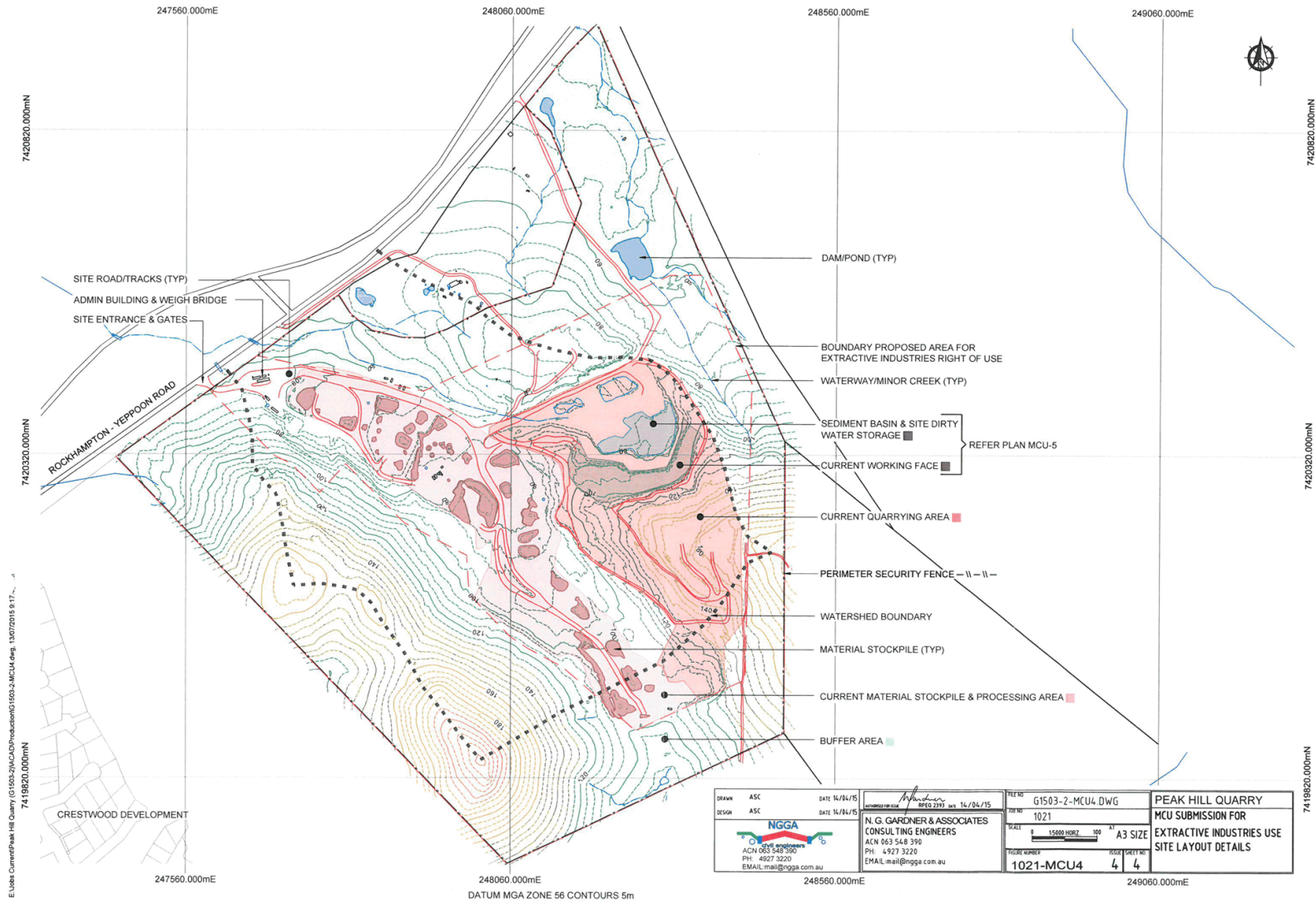
**D/108-2015 - DEVELOPMENT  
APPLICATION FOR A MATERIAL  
CHANGE OF USE FOR AN  
EXTRACTIVE INDUSTRY**

**Site Layout Details**

**Meeting Date: 1 August 2017**

**Attachment No: 2**





## **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 Reduction of Infrastructure Charges for Building Works

This report is considered confidential in accordance with section 275(1)(g) (h), 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; AND other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

#### 12.2 Landmark - Development Issues for Council

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 REDUCTION OF INFRASTRUCTURE CHARGES FOR BUILDING WORKS

**File No:** 1464

**Attachments:** Nil

**Authorising Officer:** Steven Gatt - Manager Planning & Regulatory Services  
Michael Rowe - General Manager Community Services

**Author:** Tarnya Fitzgibbon - Coordinator Development Assessment

This report is considered confidential in accordance with section 275(1)(g) (h), 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; AND other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

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#### SUMMARY

*The Uniting Church Fitzroy Parish wish to have their infrastructure charges in the amount of \$5,247.90 waived. The Church has written to Council requesting the infrastructure charges be waived.*

**12.2 LANDMARK - DEVELOPMENT ISSUES FOR COUNCIL****File No:** 4842**Attachments:**

1. Covering Letter for Petition
2. Landmark Aerial 2009
3. Landmark Aerial 2014
4. Landmark Aerial 2016

**Authorising Officer:** Steven Gatt - Manager Planning & Regulatory Services  
Michael Rowe - General Manager Community Services**Author:** Philip Harrison - Coordinator Building Plumbing and Compliance

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.

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**SUMMARY**

*The purpose of this report is to apprise Councillors of the Development Control issues at a large retail business in Rockhampton. These issues have come to Council's notice following a petition by local residents to Council.*

## **13 CLOSURE OF MEETING**