



PLANNING AND REGULATORY COMMITTEE MEETING

AGENDA

5 SEPTEMBER 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 5 September 2017 commencing at 9.00am for transaction of the enclosed business.

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

CHIEF EXECUTIVE OFFICER
30 August 2017

Next Meeting Date: 19.09.17

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)
The Mayor, Councillor M F Strelow
Councillor C R Rutherford
Councillor M D Wickerson

In Attendance:

Mr M Rowe – General Manager Community Services (Executive Officer)
Mr E Pardon – Chief Executive Officer

3 APOLOGIES AND LEAVE OF ABSENCE

Councillor N K Fisher tendered his apology and will not be in attendance

4 CONFIRMATION OF MINUTES

5 Minutes of the Planning and Regulatory Committee held 15 August 2017

**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: 5 September 2017

Attachment No: 1

Date	Report Title	Resolution	Responsible Officer	Due Date	Notes
14 February 2017	Riverine Aquatic weed control	<ol style="list-style-type: none">1. THAT Council contact the State member regarding our concerns in relation to the weed infestation in the Fitzroy River and our desire to form a partnership with the State Government and Livingstone Shire Council to address the problem.2. THAT Council investigate funding options to address the matter.	Michael Rowe	28/02/2017	Letter forwarded to State member and awaiting response.

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 OFFICERS' REPORTS

8.1 D/42-2017 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A TELECOMMUNICATIONS FACILITY

File No: D/42-2017

Attachments:

1. Locality Plan
2. Site Plan
3. Elevation Plan

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

Author: Bevan Koelmeyer - Planning Officer

SUMMARY

Development Application Number: D/42-2017

Applicant: Telstra Corporation Ltd C/- Visionstream Pty Ltd

Real Property Address: Lot 1 on RP600990, Parish of Rockhampton

Common Property Address: 169 Gladstone Road, Allentown

Area of Site: 7,480 square metres

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Rural Zone

Planning Scheme Overlays (Applicable): Airport Environs Overlay and Flood Hazard Overlay

Existing Development: Vacant Land

Existing Approvals: None

Approval Sought: Development Permit for a Material Change of Use for a Telecommunications Facility

Level of Assessment: Impact Assessable

Submissions: Nil

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

Infrastructure Charges Area: Charge Area 3

Application Progress:

<i>Application Lodged:</i>	10 April 2017
<i>Acknowledgment Notice issued:</i>	26 April 2017
<i>Request for Further Information sent:</i>	Not Applicable
<i>Request for Further Information responded to:</i>	Not Applicable
<i>Submission period commenced:</i>	22 June 2017
<i>Submission period end:</i>	13 July 2017
<i>Council request for additional time:</i>	2 August 2017
<i>Government Agency request for additional time:</i>	Not Applicable
<i>Government Agency Response:</i>	5 June 2017

<i>Last receipt of information from applicant:</i>	<i>14 July 2017</i>
<i>Statutory due determination date:</i>	<i>25 September 2017</i>

OFFICER'S RECOMMENDATION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for Material Change of Use for a Telecommunications Facility, made by Telstra Corporation Ltd C/- Visionstream Pty Ltd, on Lot 1 on RP600990, Parish of Rockhampton, located at 169 Gladstone Road, Allenstown, Council resolves to Approve the application despite its conflict with the planning scheme and provide the following grounds to justify the decision despite the conflict:

- a) The development does not adversely impact on the rural character of the site or amenity of the locality. The scale and design of the proposed Telecommunications Facility is appropriate for the subject site and appropriately located away from existing residences, residentially zoned land and the structure will integrate with existing infrastructure such as light poles.
- b) The proposed use will have negligible impact to flood velocities and levels on and off-site. Furthermore as the use is unmanned and only requires up to four (4) maintenance visits per annum, the associated risks to people and property are acceptable.
- c) The proposed use does not compromise the strategic framework in the *Rockhampton Region Planning Scheme 2015*;
- d) 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
- e) The proposed development does not compromise the relevant State Planning Policy.

RECOMMENDATION B

THAT in relation to the application for a Development Permit for Material Change of Use for a Telecommunications Facility, made by Telstra Corporation Ltd C/- Visionstream Pty Ltd, on Lot 1 on RP600990, Parish of Rockhampton, located at 169 Gladstone Road, Allenstown, 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, 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 Works;
- (ii) Site Works;

1.5.2 Building Works:

- (i) Building Works.

- 1.6 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the commence work on site.
- 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 any condition of this development approval:

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Site Layout and Access	Q111181 Sheet No S1	23 February 2017
Antenna Layout	Q111181 Sheet No S2	23 February 2017
North West Elevation	Q111181 Sheet No S3	23 February 2017

- 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 approval by Council prior to the submission of an application for a Development Permit for Operational Works.

3.0 ACCESS WORKS

- 3.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access works on the development site.
- 3.2 All access works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, and the provisions of a Development Permit for Operational Works (access works).
- 3.3 All access areas must be paved or sealed to Council's satisfaction. Design and construction must be in accordance with the provisions of a Development Permit for Operational Works (access works).
- 3.4 A new access to the development must be provided at Port Curtis Road.
- 3.5 All vehicles must ingress and egress the development in a forward gear.

4.0 STORMWATER WORKS

- 4.1 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice.

- 4.2 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 conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.
- 4.3 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 storm event, for the post-development conditions.
- 5.0 SITE WORKS
- 5.1 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan which clearly identifies the following:
- 5.1.1 the location of cut and/or fill;
- 5.1.2 the type of fill to be used and the manner in which it is to be compacted;
- 5.1.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
- 5.2 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 5.3 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.
- 5.4 All site works must be undertaken to ensure that there is:
- 5.4.1 no increase in upstream or downstream flood levels for all levels of immunity up to Q100;
- 5.4.2 no increase in velocity profiles, for which no remedy exists to prevent erosion and/or scouring. In the event that modelling shows non-compliance with the above, works must be undertaken within the system to satisfy the above criteria for development; and
- 5.4.3 a lawful point of discharge to which the developed flows from the land drain. Easements will be required over any other land to accommodate the flows.
- 6.0 BUILDING WORKS
- 6.1 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.
- 7.0 ELECTRICITY
- 7.1 Electricity services must be provided to the development in accordance with the approved Operational Works Plans and the standards and requirements of the relevant service provider.
- 8.0 TELECOMMUNICATIONS
- 8.1 Telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.
- 9.0 ASSET MANAGEMENT
- 9.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.
- 9.2 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.

- 9.3 '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)*.

10.0 ENVIRONMENTAL HEALTH

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

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

- 10.3 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.

11.0 AIRPORT OPERATIONS

- 11.1 The development is not to be constructed with any materials that could have extensive and/or cumulative glare effects.

- 11.2 Rockhampton Airport Operations are required to be advised of the details of any crane used in the construction and/or erection of the telecommunications monopole/tower.

Note: This requires the completion of Council's *Rockhampton Airport Temporary Crane/Obstacle Notification Form* to be received with a minimum of forty-eight (48) hours notification.

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 Port Curtis Road.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

If a person becomes aware that serious or material environmental harm is caused or threatened by an activity or an associated activity, that person has a duty to notify Rockhampton Regional Council.

NOTE 5. Rockhampton Airport (Future Works)

To ensure the proposal does not infringe on the Obstacle Limitation Surface (OLS), Rockhampton Airport Operations are required to be notified and approve any changes to the monopole/tower and/or additional antennas in future that will alter the maximum height of the monopole/tower structure.

RECOMMENDATION C

THAT in relation to the application for a Development Permit for Material Change of Use for a Telecommunications Facility, made by Telstra Corporation Ltd C/- Visionstream Pty Ltd, on Lot 1 on RP600990, Parish of Rockhampton, located at 169 Gladstone Road, Allenstown, Council resolves not to issue an Infrastructure Charges Notice.

BACKGROUND**PROPOSAL IN DETAIL**

The proposal is to establish a Telecommunications Facility at 169 Gladstone Road, Allenstown to operate as a mobile base station. The facility intends to improve customer voice and data services in the Allenstown locality area. The proposed works associated with the facility include the following:

- Establishing a twenty-five (25) metre tall monopole on the site;
- Installing three (3) new panel antennas mounted to the monopole at an elevation of twenty-five (25) metres. It is noted that these attached antennas will protrude to 26.3 metres above ground level;
- Installing associated ancillary equipment mounted on the monopole/headframe, including remote radio units, diplexers, combiners, feeders, cables and other ancillary equipment as required; and

Installing new operational equipment within an equipment shelter located at the base of the monopole.

SITE AND LOCALITY

The subject site is designated in the Rural Zone and is currently unimproved, vacant land and is constrained by the applicable overlays of Airport Environs and Flood Hazard. The site is generally flat with a slight declination from approximately a north-west to south-east direction.

To the north of the site are primarily commercial uses generally designated in the Specialised Centre Zone. Abutting the site's north boundary is an allotment designated in the Open Space Zone. To the east of the site is the railway line designated in the Depot Hill Rail Precinct. To the south there are commercial uses designated in the Rural Zone most notably a caravan park approved under application number (24334/RHISTC) with the nearest unit located over 100 metres from the proposed location of the telecommunications monopole. To the west of the site is Port Curtis and Lower Dawson/Gladstone Road with the nearest residence being Lot 4 on RP604240 (3 Ferguson Street, Allenstown) located around 148 metres from the location of the telecommunications monopole, across the aforementioned roads.

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 – (21 April 2017)

Support, subject to conditions/comments.

Public and Environmental Health Comments – (12 April 2017)

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.

State Planning Policy 2016

This policy came into effect in April 2016 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. It is considered that the State Planning Policy is appropriately reflected in the current local planning scheme.

Rockhampton Region Planning Scheme 2015

Strategic framework This application is situated within the Urban Area 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.

The subject site is designated in an Urban Area. The proposed land use for a Telecommunications Facility is associated with the objective to meet the needs of the region for at least twenty-five (25) years by providing improved data and telecommunications services for the locality. The subject site is designated in the Rural Zone however it cannot be characterised as being consistent with a Rural allotment with respect to its size being less than one (1) hectare and not identified as productive agricultural land.

Furthermore the site is not identified to have significant rural or landscape values which need to be maintained. The development also responds to the natural flooding hazard in its design being of a limited bulk, utilising a monopole and elevated equipment shelter and with its use not requiring on-site personnel.

(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.

The site is affected by a natural hazard characterised as Extreme Hazard flooding from the Fitzroy River. The development involves a proposed monopole and an ancillary equipment shelter to be constructed on a three (3) metre-high elevated platform (not on ground level). The proposed development with respect to the site's flood conditions was assessed by Council and determined to have negligible effects toward flood storage and flood velocities both on and off site. Once constructed and operational the facility will be unattended and only require four (4) maintenance visits per annum. It is not anticipated the development would increase the risk to human life, property or alter the functioning of the floodplain.

(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.

Not applicable.

(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.***

Complies.

The development is not proposed to be a high traffic generator and will gain access via Port Curtis Road classified as a Minor Rural Collector within the road hierarchy of *Rockhampton Region Planning Scheme 2015* determined to have sufficient capacity for the proposed use. The site is in proximity to Lower Dawson Road (State-controlled road) and railway line and the application was referred to the Department of Transport and Main Roads who had no additional conditions for approval. Furthermore, it was referred to Rockhampton Airport Operations who accepted the proposal with conditions in relation to glare reduction and notification of future upgrades. Therefore the safety and efficiency of transport infrastructure is not anticipated to be compromised by the development.

(v) Infrastructure and services

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

Complies.

The development will improve the telecommunications infrastructure in the locality. This is anticipated to benefit local community, industry and businesses by providing a more reliable connection to data and communication services.

(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.

Complies.

The development is anticipated to protect and leverage the economic value of the region's natural resources, most prevalently in relation to agricultural and productive grazing land to the east of the site. It is expected that the improved data and telecommunications services associated with facility will benefit these industries situated within the locality.

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

Rural Zone

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

- (1) The purposes of the rural zone code is to:
 - (a) ensure that land with productive capacity is maintained for a range of existing and emerging rural uses that are significant to the economy of the planning scheme area;
 - (b) recognise that different types of rural land are suited to specific uses such as animal industries, horticulture, cropping, intensive animal industries, intensive grazing and extractive industries;
 - (c) ***prevent the establishment of development which may limit the productive capacity of the land;***
 - (d) provide for diversification of rural industries where impacts can be managed; and
 - (e) maintain the environmental values of all rural land.
- (2) The purpose of the zone will be achieved through the following outcomes:
 - (a) ***development in the zone accommodates predominantly rural uses;***
 - (b) development:
 - (i) ***does not detract from the scenic landscape features of rural land including the Fitzroy River, floodplains, lagoons, wetlands, salt pans, mountains and ridges and the coastline;***
 - (ii) is responsive to the environmental characteristics and constraints of the land, and minimises impacts on natural features such as waterways, wetlands and remnant vegetation;
 - (iii) ***has legal and practical access to the road hierarchy;***
 - (iv) ***is serviced by infrastructure that is commensurate with the needs of the use;*** and
 - (v) maximises energy efficiency and water conservation;

- (c) ***non-rural uses may be appropriate where they do not detract from the productivity or residential amenity of rural areas and can demonstrate:***
 - (i) a direct relationship with the rural use in the immediate locality; or
 - (ii) ***the potential to make a contribution to primary production or the diversification of rural industries; or***
 - (iii) ***a need to be remote from urban uses as a result of their impacts; or***
 - (iv) ***they cannot be located in an urban area (for example, due to land area requirements);***
- (d) transport and freight uses, which do not meet the definition of a home based business involving (heavy vehicles), are not established in the rural zone;
- (e) ***development does not alienate or impact on the productive agricultural capacity of rural areas and agricultural land is protected from incompatible development;***

Editor's note—Agricultural land classified as Class A or Class B is identified on the agricultural land classification overlay map OM-13.
- (f) all rural land is maintained in large land holdings to protect the agricultural production capacity. In this regard, the reconfiguration of land only occurs when lot size is 100 hectares unless otherwise stated in a precinct;
- (g) animal keeping (being kennels and catteries), intensive animal industries, intensive horticulture, aquaculture and rural industries establish where they:
 - (i) are located on sites that are large enough to accommodate appropriate buffering to sensitive land use(s), residential, township and emerging community zones. Intensive animal industries are preferred in proximity to the lower Fitzroy River, west of Ridgeland;
 - (ii) do not cause adverse impacts on sensitive land use(s) in relation to traffic, noise and air quality;
 - (iii) do not cause a negative impact on water quality;
 - (iv) protect natural, scenic and environmental values;
 - (v) do not diminish the productive capacity of other land nearby;
 - (vi) gain access from roads which are constructed to accommodate the traffic generated by the use; and
 - (vii) are not located in areas identified on the Agricultural Land Classification (ALC) overlay maps (except for intensive horticulture);
- (h) Rural workers' accommodation is appropriate where:
 - (i) directly associated with the primary rural use undertaken at the site;
 - (ii) compatible with the rural character of the zone;
 - (iii) not compromising the existing or potential future operation of rural uses on adjoining lots; and
 - (iv) not located in areas identified on the Agricultural Land Classification (ALC) overlay maps;
- (i) urban and rural residential development is contained within the designated growth areas and does not expand into the rural zone;
- (j) sensitive land use(s) are adequately separated from animal keeping (being kennels and catteries), intensive animal industry, aquaculture, rural industry, and industrial zoned areas (including the Gracemere industrial area, Stanwell power station, Bajool explosives reserve and Bouldercombe brickworks);

- (k) renewable energy facilities are located on sites that are large enough to accommodate appropriate buffering from sensitive land use(s) and minimise adverse impacts on the natural environment;
- (l) extractive industries (including Marmor limeworks) on rural land are protected from encroachment by incompatible uses;
- (m) extractive industry minimises environmental and traffic impacts. Once the operation has ceased the site is rehabilitated;
- (n) aquaculture activities may be integrated with horticulture operations, where benefits of diversification are evident and there are no adverse impacts on amenity, ecological values and existing fish habitats.

The development cannot be considered to be consistent with the purpose of the Rural Zone as it does not seek to utilise the land for a rural purpose. However it is important to note that there are a number of site-specific constraints which have been taken into account to determine what could be considered a suitable use on the subject site. As the site is only 7,480 square metres in area (significantly below the minimum lot size for a rural allotment being 1,000,000 square metres), the site is considered unsuitable to be used for traditional rural purposes. The site is not classified as agricultural land in the Planning Scheme indicating there is no productive capacity of significance on the subject site. So with respect to the subject site's limited size and productive capacity, the proposed use can be considered suitable as it seeks to provide improved voice and data telecommunications services to support agricultural uses in the surrounding area (i.e. west of the site in Port Curtis). Furthermore, the subject site is appropriately separated from existing residences west of the site which are also separated by a State-controlled road corridor (Lower Dawson/Gladstone Road). For the aforementioned reasons, the development has been determined to be a suitable use of the subject site and can be supported despite being inconsistent with the intent of the Rural Zone.

Rockhampton Regional Planning Scheme Codes

The following codes are applicable to this application: -

- Rural Zone code;
- Access, parking and transport code;
- Landscape code;
- Stormwater management code;
- Waste management code;
- Water and sewer code;
- Airport environs overlay 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:

Rural Zone Code		
Performance Outcome/s		Officer's Response
P1	Development does not adversely impact on the rural character of the locality, having regard to the scale and visibility of buildings.	<p><u>Justified:</u></p> <p>The proposed twenty-five (25) metre high telecommunications monopole doesn't comply with the acceptable outcomes of the performance criteria as the site is located within the airport obstacle limitation surface, allowing a maximum</p>

		<p>structural height of twenty (20) metres above ground level.</p> <p>The applicant received advice from Airport Operations regarding the proposal on the subject site. Advice was provided that as the subject site is relatively low compared to the Airport site that the development could be supported subject to conditions with respect to avoiding glare effects from materials and construction procedures.</p> <p>The development will take the form of a monopole (supported by an equipment shelter at its base) rather than a lattice structure. This is considered to have less of a bulky visual appearance with respect to the scale and appearance of the facility. This design assists to reduce the visual impact of the development. It is not considered the proposal will adversely impact the amenity of the locality area as it has been suitably designed and is appropriately setback from its road frontage on Port Curtis Road by fifteen (15) metres.</p>
P7	<p>Development does not unduly impact on the existing amenity and character of the locality having regard to:</p> <p>(a) the scale, siting and design of buildings and structures;</p> <p>(b) visibility of buildings and structures when viewed from roads and other public view points; and</p> <p>(c) any heritage places.</p>	<p><u>Justified:</u></p> <p>The twenty-five (25) metre high monopole has been designed at the minimum height necessary to achieve the coverage objectives of the facility for the locality. The visual appearance of the monopole will be factory grey to integrate with other infrastructure on or near the site such as light poles and the facility will be visible from Port Curtis Road (road frontage) and Lower Dawson/Gladstone Road.</p> <p>The nearest designated heritage place to the subject site is the South Rockhampton Cemetery located approximately 180 metres away from the proposed location of the monopole across Gladstone Road. It is noted that this heritage place has a mature vegetation buffer approximately fifteen (15) metres in height restricting sightlines of the telecommunications facility.</p> <p>The development is not anticipated to unduly impact on the existing amenity and character of the locality.</p>
Telecommunication Facilities and Utilities Code		
Performance Outcome/s		Officer's Response
P7	<p>Development does not adversely impact on existing or future residential premises, or other sensitive receiving environments.</p>	<p><u>Justified:</u></p> <p>The development does not comply with the required minimum separation distance of 150 metres for a telecommunications facility from a dwelling house or future residential premises (i.e. a residentially zoned allotment) as prescribed in acceptable outcomes.</p> <p>There is only one (1) dwelling house (and the only residentially zoned allotment) located around 148</p>

		<p>metres from the telecommunications monopole with the affected residential property being at Lot 4 on RP604240 (3 Ferguson Street, Allentown).</p> <p>It is relevant to note that this property is separated from the development site by Lower Dawson Road, a high traffic generating, State-controlled road and that the development has been designed as a monopole with consideration of impacts to visual amenity. Furthermore, the development is required to adhere to strict noise and emission standards at both State and Federal levels.</p> <p>The development is not anticipated to impact on the amenity of the affected property and the subject site is considered appropriate for the proposed use.</p>
Flood Hazard Overlay Code		
Performance Outcome/s		Officer's Response
P4	<p>Development does not involve the further intensification of land uses or the construction of new buildings or structures (except involving the replacement, alterations or extensions to an existing building) in order to avoid potential flood impacts on people and property.</p> <p><i>Editor's note—Flood hazard assessment risk is to be undertaken in accordance with SC6.11 — Flood hazard planning scheme policy.</i></p>	<p><u>Justified:</u></p> <p>The development cannot be considered to comply as an acceptable solution, due to the site being constrained by an extreme flood hazard overlay which does not make provisions to allow any new buildings or structures.</p> <p>The application was reviewed by Council's Development Engineering Unit whom provided support of the development. Their review comments indicated that the proposed monopole and equipment shelter to be constructed on a three (3) metre high elevated platform were determined to have negligible effects toward the flood storage and flood velocities on the subject site and to surrounding land. Council's flood model indicated flood velocities varying from 0.2 metres/per second to 0.5 metres/per second and allows for around thirty-six (36) centimetres of freeboard above a 1% Annual exceedance probability flood event.</p> <p>For the proposed non-habitable use which is unmanned and only requires four (4) maintenance visits per annum, the aforementioned flood characteristics are considered acceptable and appropriate conditions have been recommended to ensure the development does not increase flood levels or velocities on or off-site.</p> <p>The development is not anticipated to impact people and property with respect to flooding both on-site and the surrounding area.</p>

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

Planning Scheme Policies

Policy	Officer's Response
SC6.11 Flood hazard planning scheme policy	<p><u>Justified:</u></p> <p>The development site is located within the Riverine 'Extreme Hazard' flood area. The Telecommunications Facility is proposed to construct a monopole and an equipment shelter elevated three (3) metres above ground level. The aforementioned structures with respect to the on-site flood conditions were determined to have a negligible impact toward flood storage and flood velocities. As the overall flood risk of the development to people and property was determined to be negligible, a Flood Hazard Risk Assessment report was not required.</p>

As evident from the above assessment, the proposal generally complies with the requirements of the applicable planning scheme policies.

Sufficient Grounds

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

- a) The development does not adversely impact on the rural character of the site or amenity of the locality. The scale and design of the proposed Telecommunications Facility is appropriate for the subject site and appropriately located away from existing residences, residentially zoned land and the structure will integrate with existing infrastructure such as light poles.
- b) The proposed use will have negligible impact to flood velocities and levels on and off-site. Furthermore as the use is unmanned and only requires up to four (4) maintenance visits per annum, the associated risks to people and property are acceptable.
- c) The proposed use does not compromise the strategic framework in the *Rockhampton Region Planning Scheme 2015*;
- d) 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
- e) The proposed development does not compromise the relevant State Planning Policy.

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

INFRASTRUCTURE CHARGES

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

Column 1 Use Schedule		Column 2 Charge Area	Column 3 Adopted Infrastructure Charge		Column 4 Adopted Infrastructure Charge for stormwater network		Calculated Charge
			(\$)	Unit	(\$)	Unit	
Minor Uses	All uses as per AICN 4/14 Table 2.2.1	All Areas	Nil Charge				
	Total						Nil
	Less credit						
	TOTAL CHARGE						\$0.00

Therefore, as a Telecommunications Facility is considered a 'minor use' the development does not incur any infrastructure charges.

CONSULTATION

The proposal was the subject of public notification between 21 June 2017 and 14 July 2017, as per the requirements of the *Sustainable Planning Act 2009*, and no submissions were received.

REFERRALS

The application was referred to the Department of Infrastructure, Local Government and Planning under the provisions of the *Sustainable Planning Regulation 2009* (Schedule 7, Table 3, Item 1 – State-controlled road) and (Schedule 7, Table 3, Item 15A – Railways). On 5 June 2017, the department as a concurrence agency advised Council as per section 287(1)(a) of the *Sustainable Planning Act 2009* of its conditions to be attached with a development approval.

CONCLUSION

The proposal for a Telecommunications Facility cannot be considered consistent with the intent of the Rural Zone in which it is designated which promotes land to be used for rural pursuits and purposes. Whilst the proposal conflicts with the planning scheme the development does not conflict with the strategic framework and generally complies with the requirements of the relevant codes. In addition there were no submissions made with regard to the development.

The proposal is regarded as having sufficient grounds to recommend approval subject to conditions outlined in the recommendation.

**D/42-2017 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A
TELECOMMUNICATIONS FACILITY**

Locality Plan

Meeting Date: 5 September 2017

Attachment No: 1



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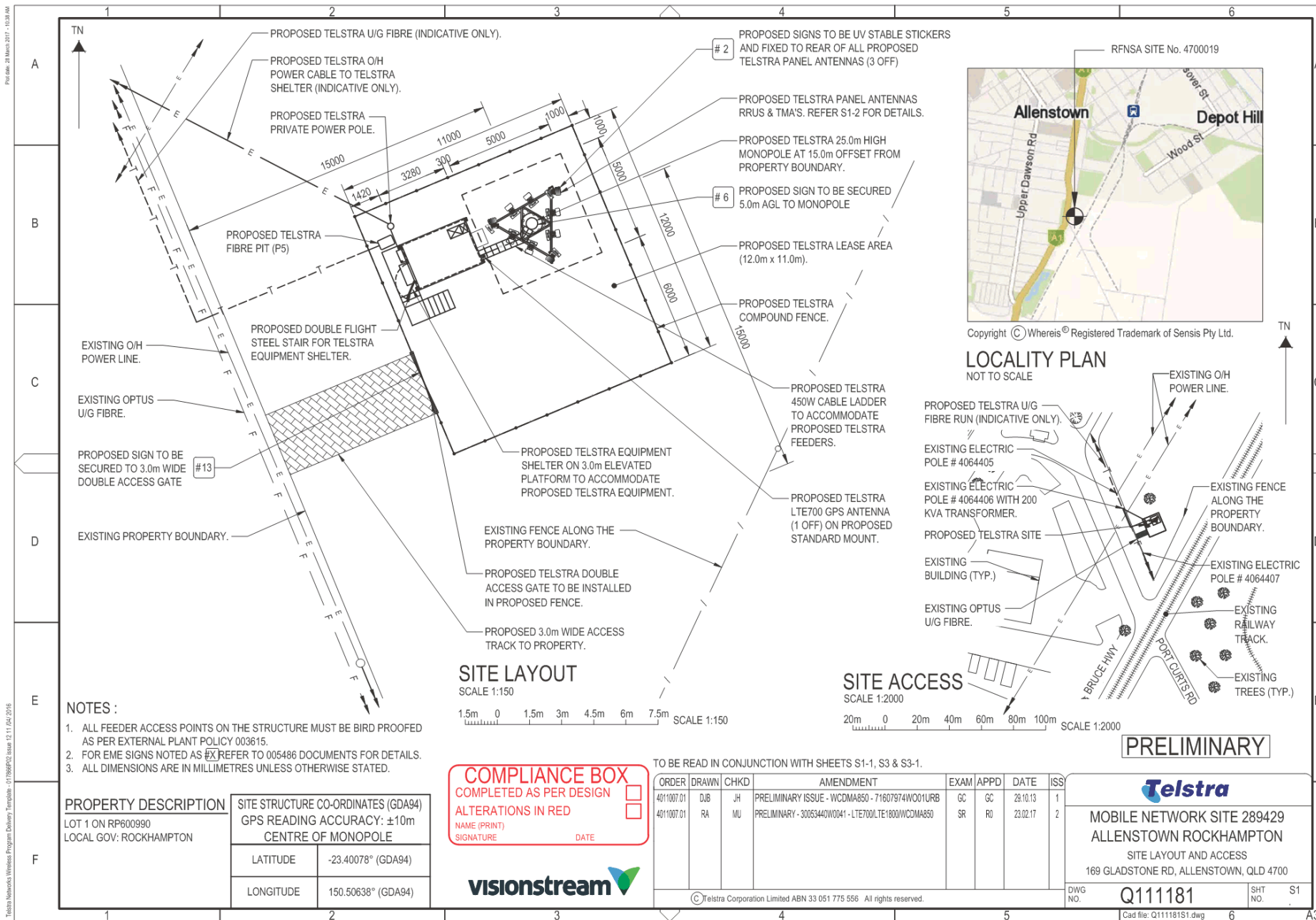


**D/42-2017 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A
TELECOMMUNICATIONS FACILITY**

Site Plan

Meeting Date: 5 September 2017

Attachment No: 2

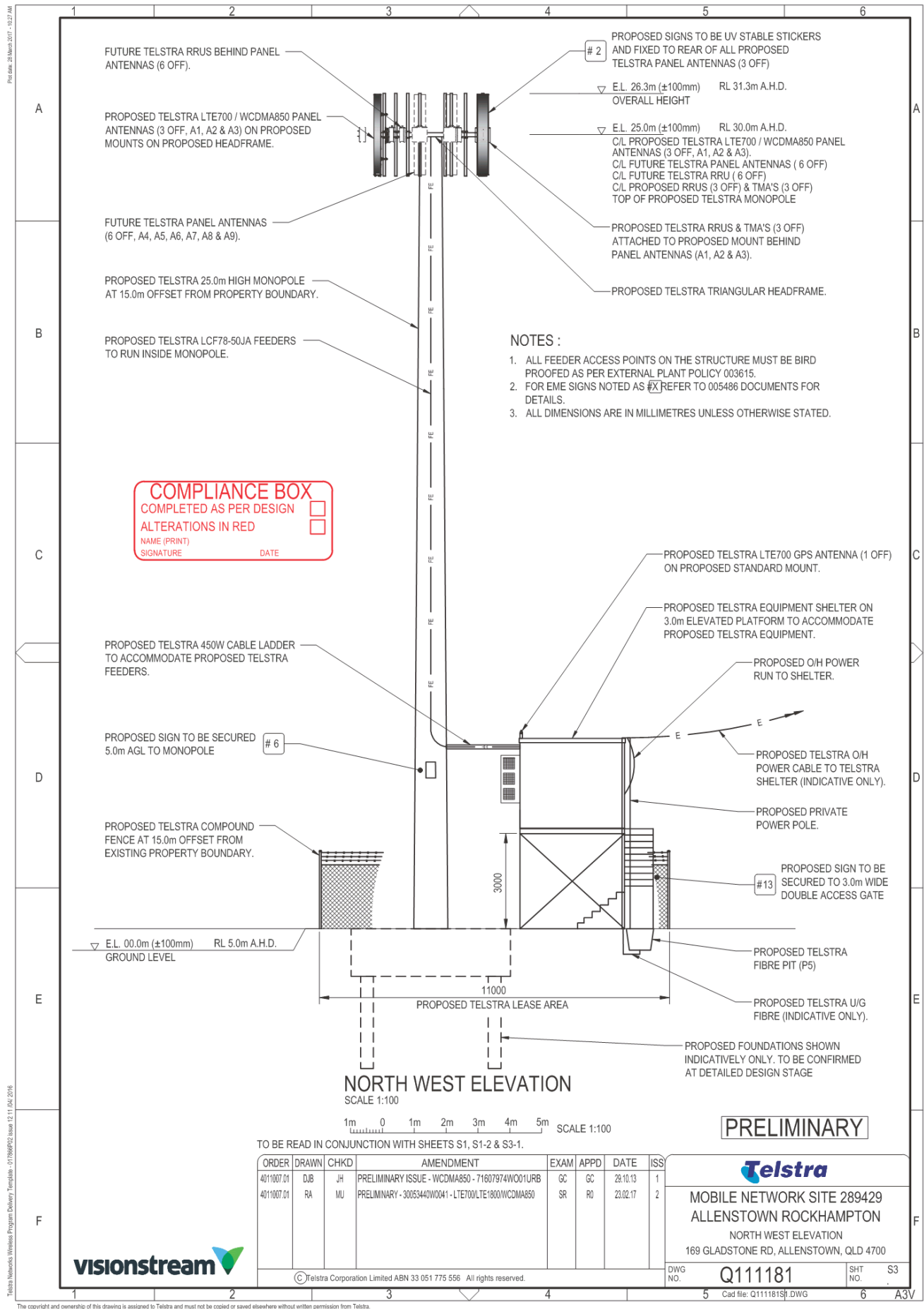


**D/42-2017 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A
TELECOMMUNICATIONS FACILITY**

Elevation Plan

Meeting Date: 5 September 2017

Attachment No: 3



8.2 D/43-2017 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR AN AGRICULTURAL SUPPLIES STORE (ANCILLARY CAR PARK)

File No: D/43-2017

Attachments: 1. Locality Plan
2. Site Plan

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

INTRODUCTION

Development Application Number: D/43-2017

Applicant: Lumel Pty Ltd

Real Property Address: Lot 23 on RP603294, Lots 2, 3 and 7 on RP603294, and Lots 1 and 2 on RP603161, Parish of Rockhampton

Common Property Address: 143 Stanley Street and 66 Gladstone Road, Allenstown

Area of Site: 405 square metres (car park site)

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Low-Medium Density Residential Zone

Planning Scheme Overlays: Flood Hazard Overlay (High Hazard)

Existing Development: Dwelling House

Existing Approvals: Building Permit for a Dwelling House

Approval Sought: Development Permit for a Material Change of Use for an Agricultural Supplies Store (ancillary car park)

Level of Assessment: Impact Assessable

Submissions: Six (6) Submissions

Referral Agency(s): Nil

Infrastructure Charges Area: Charge Area 1

Application Progress:

<i>Application Lodged:</i>	18 May 2017
<i>Acknowledgment Notice issued:</i>	30 May 2017
<i>Submission period commenced:</i>	28 June 2017
<i>Submission period end:</i>	19 July 2017
<i>Council request for additional time:</i>	17 August 2017
<i>Statutory due determination date:</i>	15 September 2017

OFFICER'S RECOMMENDATION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for an Agricultural Supplies Store (ancillary car park), made by Lumel Pty Ltd, on Lot 23 on RP603294, Lots 2, 3 and 7 on RP603294, and Lots 1 and 2 on RP603161, Parish of Rockhampton, located at 143 Stanley Street and 66 Gladstone Road, Allenstown, Council resolves to Approve the application despite its conflict with the planning scheme and provide the following grounds to justify the decision despite the conflict:

- a) The proposed development will have minimal impact on the residential amenity or change the role or function of the adjoining centre as there will be no intensification or expansion of the existing activities.
- b) The utilisation of the site for a car park is a preferred use due to the site being subject to flood events than the existing residential use.
- c) The proposed development has incorporated appropriate acoustic and landscape treatments to the site to mitigate any impact upon adjoining residential uses.
- d) The proposed development will provide an interface between the residential uses and the non-residential uses.
- e) The proposed use does not compromise the strategic framework in the *Rockhampton Region Planning Scheme 2015*;
- f) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and
- g) The proposed development does not compromise the relevant State Planning Policy.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for an Agricultural Supplies Store (ancillary car park), made by Lumel Pty Ltd, on Lot 23 on RP603294, Lots 2, 3 and 7 on RP603294, and Lots 1 and 2 on RP603161, Parish of Rockhampton, located at 143 Stanley Street and 66 Gladstone Road, Allenstown, 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, 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) Site Works;

1.5.2 Plumbing and Drainage Works; and

1.5.3 Building Works:

- (i) Demolition 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 Lot 23 on RP603294, Lots 2, 3, 7 on RP603294 and Lots 1, 2 on RP603161 must be amalgamated and registered as one lot prior to the commencement of the use.

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 Plan	TP-02 Revision TP2	23 March 2017

- 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 approval by Council prior to the submission of an application for a Development Permit for Operational Works/Building 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 development site.

- 3.2 All access and parking works must be designed and constructed in accordance with the approved plan (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 car parking and access areas must be paved or sealed to Council's satisfaction. Design and construction must be in accordance with the provisions of a Development Permit for Operational Works (access and parking works).

- 3.4 The existing access from Stanley Street to the development must be upgraded to commercial standards to comply with the requirements of the *Capricorn Municipal Development Guidelines*.

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

- 3.6 Universal access parking spaces must be provided on-site in accordance with *Australian Standard AS2890.6 "Parking facilities - Off-street parking for people with*

disabilities”.

- 3.7 Parking spaces must be line-marked in accordance with the approved 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 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.
- 3.9 All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Australian Standard AS1742.1 “Manual of uniform traffic control devices”* and *Australian Standard AS2890.1 “Parking facilities – Off-street car parking”*.

4.0 PLUMBING AND DRAINAGE WORKS

- 4.1 A Development Permit for Plumbing and Drainage Works must be obtained for the removal and/or demolition of any existing dwelling house on the development site.
- 4.2 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plan (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2002*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 4.3 The existing water supply connection and sewerage connection point(s) must be disconnected.
- 4.4 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.

5.0 STORMWATER WORKS

- 5.1 All stormwater drainage works must be designed and constructed in accordance with the approved plan (refer to condition 2.1), *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, and sound engineering practice.
- 5.2 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.

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 on the development site.
- 6.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan that 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 that are intended to be used to transport fill to or from the development site; and
 - 6.2.5 the maintenance of access roads to and from the development site so that they are free of all cut and/or fill material and cleaned as necessary.
- 6.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798*

“Guidelines on earthworks for commercial and residential developments”.

- 6.4 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.
- 6.5 Acoustic Fence structures close to or crossing sewerage infrastructure must comply with *Queensland Development Code, Mandatory Part 1.4 “Building over or near relevant infrastructure.”* The structure must be self-supporting and no additional load must be applied to Council’s sewerage infrastructure. Any permit associated with the Building Over/Adjacent to Local Government Sewerage Infrastructure Policy must be obtained prior to the issue of a Development Permit for Operational Works.

7.0 BUILDING WORKS

- 7.1 The existing dwelling on the subject land must be demolished and a Development Permit for Building Works (demolition) must be obtained prior to the commencement of demolition works on the development site.
- 7.2 A minimum 1.8 metre high acoustic screen fence must be erected along the common boundary of the subject development site and any adjoining residential properties.

8.0 LANDSCAPING WORKS

- 8.1 All landscaping must be established generally in accordance with the approved plan (refer to condition 2.1). The landscaping must be constructed and/or established prior to the commencement of the use and the landscape areas must predominantly contain plant species that are locally native to the Central Queensland region due to their low water dependency.
- 8.2 The landscaped areas must be subject to:
- 8.2.1 a watering and maintenance plan during the establishment moment; and
- 8.2.2 an ongoing maintenance and replanting programme.

9.0 ASSET MANAGEMENT

- 9.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.
- 9.2 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.
- 9.3 ‘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)*.

10.0 OPERATING PROCEDURES

- 10.1 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 Stanley Street.
- 10.2 Storage of materials / goods must not occur within any car parking areas.
- 10.3 Access to, and use of, the proposed car park must be limited between the hours of 0700 and 1800 Monday to Friday. Access to, and use of, the proposed car park must not occur on Saturday or Sunday or any public holiday.

11.0 ENVIRONMENTAL HEALTH

- 11.1 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 11.2 Noise emitted from the activity must not cause an environmental nuisance.
- 11.3 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.
- 11.4 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 2008*.

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.

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.

NOTE 5. Infrastructure Charges Notice

Council has resolved not to issue an Infrastructure Charges Notice for this development because the new infrastructure charges arising from the development are less than the credits applicable for the new development.

RECOMMENDATION C

That in relation to the application for a Development Permit for a Material Change of Use for an Agricultural Supplies Store (ancillary car park), made by Lumel Pty Ltd, on Lot 23 on RP603294, Lots 2, 3 and 7 on RP603294, and Lots 1 and 2 on RP603161, Parish of Rockhampton, located at 143 Stanley Street and 66 Gladstone Road, Allenstown, Council resolves not to issue an Infrastructure Charges Notice for the development.

BACKGROUND**PROPOSAL IN DETAIL**

The proposal is for a Material Change of Use for an Agricultural Supplies Store (ancillary car park). The car parking facility will be ancillary and part of the adjoining Landmark Agricultural Supplies Store on the adjoining allotments fronting Gladstone Road. The proposal will comprise of nine (9) car parking spaces, a 1.8 metre high acoustic fence on the southern boundary and landscaping areas. Access to the car park will be via Stanley Street.

SITE AND LOCALITY

The subject site located at 143 Stanley Street, Allenstown currently contains a dwelling house and carport and adjoins the Landmark Agricultural Supplies Store. The site has a total area of 405 square metres and is relatively flat with minimal vegetation.

Stanley Street predominately consists of residential uses however the site is adjacent to the Gladstone Road corridor immediately east of the site which consists of commercial and industrial activities.

PLANNING ASSESSMENT**MATTERS FOR CONSIDERATION**

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

Development Engineering Comments – 22 May 2017

Support, subject to conditions / comments.

Public and Environmental Health Comments – 12 April 2017

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.

State Planning Policy 2016

This policy came into effect in April 2016 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. It is considered that the State Planning Policy is appropriately reflected in the current local planning scheme.

Rockhampton Region Planning Scheme 2015**Strategic framework**

This application is situated within the Urban Area 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.

The proposal involves the creation of an ancillary car park for an Agricultural Supplies Store in an existing urban area. However, given the small-scale nature of the proposal, its use will not compromise the role of Rockhampton's designated centres nor will it affect the integrity of the Low-Medium Density Residential Zone.

(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.

The subject site is affected by the Flood Hazard Overlay Code, however the proposal will involve removing the existing house and constructing a car parking area, therefore will create no further impacts in a flood event and will reduce the potential risk to human life and property. In addition, the proposal will not impact on the natural environment and landscape as the site is not located in an environmentally significant area.

(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.

Not Applicable.

(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.

Complies.

The safety and efficiency of the road network will not be affected by the proposed development.

(v) **Infrastructure and services**

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

Not Applicable.

(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.

Complies.

The proposed development will have no impact on the region's natural resources or economic development.

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

Low-Medium Density Residential Zone

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

- (1) *The purpose of the low-medium density residential zone code is to provide for a range and mix of dwelling types including dwelling houses and multiple dwellings 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 preferred for the consolidation of a range and mix of dwelling types developed at low-medium densities in the planning scheme area;*
 - (b) *minimise land use conflict and ensure that uses supporting low-medium density development predominantly develop in the zone; and*
 - (c) *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 dwellings, dual occupancies and multiple dwellings being generally a low to medium-rise built form and low-medium density;*
 - (b) *infill development and greenfield areas are developed in a manner that makes efficient use of land and can provide for the development of a range and mix of accommodation and residential types;*
 - (c) ***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;***
 - (vi) ***in proximity to higher order roads (minor urban collector or higher);***
and
 - (vii) *provide for uses along Albert Street that can demonstrate a dependence on having a highway frontage, therefore limited to:*
 - (A) *products predominantly displayed outside of any enclosed building and are demonstrably dependent on high visibility for attracting customers or businesses and typically include outdoor sales; or*
 - (B) *products predominantly displayed inside a building, consistent with the showroom definition with gross floor area of no more than 500 square metres and is demonstrably dependent on high visibility for attracting customers or business; and*
 - (C) *other uses which service and support the broad range of needs to highway users and include a food and drink outlet, service station, car wash and the like;*
 - (d) *development for an office is limited in scale (200 square metres gross floor area) to ensure the primacy of the principal centre and involves the reuse of an existing building to promote renewal;*
 - (e) *new proposed centres within greenfield areas are not intended to accommodate full-line supermarkets;*
 - (f) *with the exception of a local centre at North Parkhurst (along William Palfrey Road on Lot 5 SP238731), no other neighbourhood or local centres are required within the low-medium density residential zone;*
 - (g) *short-term accommodation, rooming accommodation and tourist parks occur where there is access to public transport and higher order roads (minor urban collector or higher);*
 - (h) *development has a built form that creates an attractive and pedestrian oriented streetscape and is integrated with nearby centres, community facilities, open space and recreation facilities via pathways, cycle ways, roads and public transport infrastructure commensurate with the needs of the use;*
 - (i) *development maximises opportunities for surveillance, activation of street fronts, integration with surrounding streetscapes, and presents an attractive appearance to the street with variations in built form, shape and colour;*
 - (j) *development maintains a high level of residential amenity having regard to traffic, noise, dust, odour, lighting and other locally specific impacts;*
 - (k) *new residential developments are not located in proximity to existing incompatible uses such as rural uses, industry uses and major community facilities without separation distances, buffering, landscaping and screening that minimise a loss of amenity in relation to noise, odour, dust, light, loss of privacy or other adverse impacts;*
 - (l) *new residential developments are located and integrated with existing neighbourhoods and in proximity to existing community infrastructure;*
 - (m) *development is sited and designed to respond to the region's climate (sustainable practices for maximising energy efficiency, water conservation and public/active transport use), local heritage features, natural landscape features and environmental constraints (including but not limited to topography, bushfire and flooding); and*
 - (n) *development is serviced by infrastructure that is commensurate with the needs of the use.*
-

This application is not consistent with the purpose of the Zone.

Rockhampton Regional Planning Scheme Codes

The following codes are applicable to this application: -

- Low-Medium Density Residential Zone Code;
- Flood Hazard Overlay Code;
- Access, parking and Transport Code;
- Landscape Code;
- Stormwater Management Code;
- Waste Management Code; and
- Water and Sewer Code.

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

Low-Medium Density Residential Zone Code		
Performance Outcome/s		Officer's Response
P011	<p>Non-residential development may locate in the low-medium density residential zone when the use can demonstrate the following:</p> <ul style="list-style-type: none"> (a) it services the day-to-day needs of residents of the local neighbourhood or located on Albert Street and can demonstrate a dependence on having highway passing trade; (b) it does not compromise the residential character and existing amenity of the surrounding area in relation to lighting, noise, dust and odour; (c) is small in scale; (d) is consistent with the surrounding built form and streetscape; (e) the use provides only a convenience function and does not compromise the role and function of existing centres; (f) does not adjoin an existing centre zone; (g) located in proximity to public transport facilities and public transport routes; and (h) minimises impacts on local amenity and the local street network. 	<p>The proposed development for an ancillary car park for an existing Agricultural Supplies Store will have minimum impact on the residential amenity or change the role or function of the adjoining centre as there will be no intensification or expansion of the existing activities.</p> <p>The proposal has incorporated appropriate acoustic and landscape treatments to the site to mitigate any impact upon adjoining residential uses.</p> <p>In addition, the proposed development will provide an interface between the residential uses and the non-residential uses. The creation of the car park will resolve the current on street car parking issues caused by the Agricultural Supplies Store.</p>

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

Sufficient Grounds

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

- a) The proposed development will have minimal impact on the residential amenity or change the role or function of the adjoining centre as there will be no intensification or expansion of the existing activities.
- b) The utilisation of the site for a car park is a preferred use due to the site being subject to flood events than the existing residential use.
- c) The proposed development has incorporated appropriate acoustic and landscape treatments to the site to mitigate any impact upon adjoining residential uses.
- d) The proposed development will provide an interface between the residential uses and the non-residential uses.
- e) The proposed use does not compromise the strategic framework in the *Rockhampton Region Planning Scheme 2015*;
- f) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and
- g) The proposed development does not compromise the relevant State Planning Policy.

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

INFRASTRUCTURE CHARGES

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

Column 1 Use Schedule		Column 2 Charge Area	Column 3 Adopted Infrastructure Charge		Column 4 Adopted Infrastructure Charge for stormwater network		Calculated Charge
			(\$)	Unit	(\$)	Unit	
Commercial (Bulk Goods)	All uses as per AICN 4/14 Table 2.2.1	Areas 1			8.50	per m ² of impervious area	\$2,651.15
	Total						\$2,651.15
	Less credit						\$21,000.00
	TOTAL CHARGE						NIL

This is based on the following calculations:

- (a) A charge of \$2,651.15 for Impervious Area being 311.9 square metres (access and parking areas); and
- (b) An Infrastructure Credit of \$21,000.00 applicable for the existing allotment.

Therefore, an infrastructure charges credit of \$18,348.85 applies to the site.

CONSULTATION

The proposal was the subject of public notification between 28 June 2017 and 19 July 2017, as per the requirements of the *Sustainable Planning Act 2009*, and five (5) properly made submissions, including a petition of seventeen (17) signatures and one (1) not properly made submission was received.

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

Issue	Officer's Response
<ul style="list-style-type: none">• The parking and unloading of the trucks from the existing Agricultural Supplies Store causes congestion and safety concerns in Stanley Street.• The Agricultural Supplies Store causes amenity issues for the adjoining residential area.	<p>The Agricultural Supplies Store was established under the 1986 Town Planning Scheme. At that time the use was defined as a Retail Showroom and the site was zoned Local Business. A Retail Showroom was able to commence under this zone without the consent of Council. Therefore the current operations of the Agricultural Supplies Store have been lawfully established and cannot be assessed or considered under this application, as there will be no intensification or expansion of the existing activities on the site.</p> <p>The proposed car parking will eliminate the current vehicles associated with the use from parking on the street. In addition, the proposed development will provide an interface between the residential uses and the non-residential uses.</p>

CONCLUSION

The proposal is not consistent with the purpose of the Low-Medium Density Residential Zone. However, as demonstrated above there are sufficient grounds to justify the conflict with the planning scheme and the proposal is also considered to be generally compliant with the relevant codes. Therefore, the application is recommended for approval subject to the conditions outlined in the recommendation.

**D/43-2017 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR AN
AGRICULTURAL SUPPLIES STORE
(ANCILLARY CAR PARK)**

Locality Plan

Meeting Date: 5 September 2017

Attachment No: 1

D/43-2017 - Locality Plan



A4 Page scale at 1: 1,668.06
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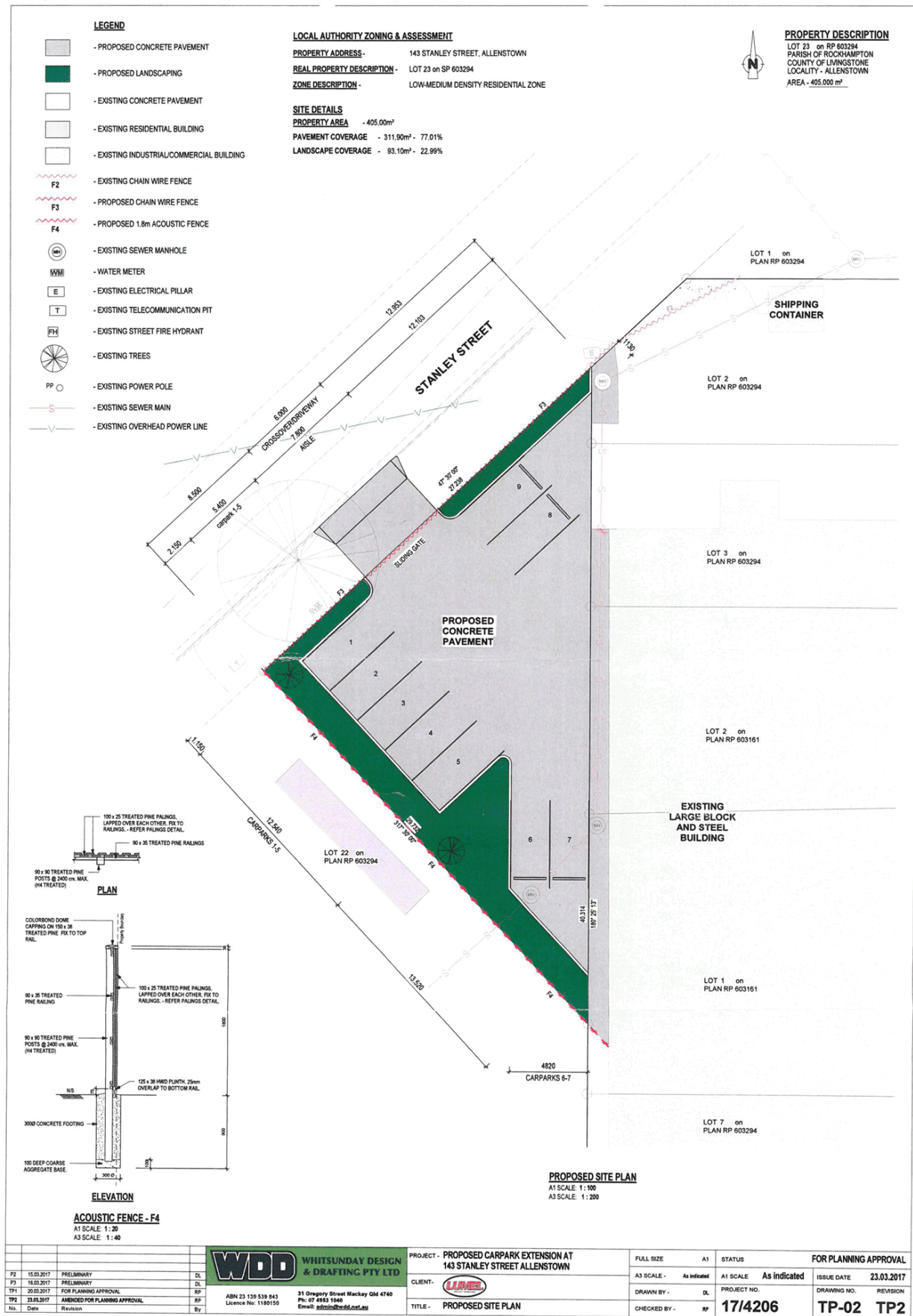


**D/43-2017 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR AN
AGRICULTURAL SUPPLIES STORE
(ANCILLARY CAR PARK)**

Site Plan

Meeting Date: 5 September 2017

Attachment No: 2



8.3 RECONFIGURING A LOT (4 LOTS INTO 2 LOTS) - 158 FOSTER STREET, GRACEMERE - LAND OWNER'S CONSENT REQUIRED**File No:** D/104-2017**Attachments:**

1. Decision Notice Approval - Animal Keeping 158 Foster Street
2. Plan - Animal Keeping - 158 Foster Street
3. Survey Plan - Animal Keeping - 158 Foster Street

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

SUMMARY

The Development approval sought is for a Development Permit for a Reconfiguration of a Lot by Boundary Realignment of 4 Lots into 2 Lots.

OFFICER'S RECOMMENDATION

THAT Council provide land owners consent for the Boundary Realignment of 4 Lots into 2 Lots for D/104- 2017.

COMMENTARY

Owner's consent is required to finalise the reconfiguration of lots to form two lots. The proposal is to amalgamate Lots 20, 21 and 22 on SP206688 to form an allotment of 1.533 hectares with the balance of Lot 22 and 23 on SP206688 to form a new parcel of 5,212 square metres.

The proposal generally complies with the relevant assessment criteria or there are sufficient grounds to otherwise justify the realignment.

We have identified no significant issues and believe the proposal presents an opportunity to improve the use of associated allotments. The proposal demonstrates efficient land management, guided by adequate planning principles.

The application has merit which can be supported, particularly as the proposed development;

- Is a requirement of Condition 1.9 of Development Permit D/34-2017 for a Material Change of Use for Animal Keeping which states Lots 20, 21 and 22 must be amalgamated and registered as one lot prior to the commencement of the use;
- Generally complies with the provisions of the *Rockhampton Region Planning Scheme 2015*, or provides justifiable solutions;
- Will not impact upon the existing industrial operations;

Is considered in keeping with the surrounding Industrial area and will not be detrimental to the character of the Industrial Zone

PREVIOUS DECISIONS

D/34-2017 Development Permit for a Material Change of Use for Animal Keeping at 158 Foster Street, Gracemere on Lots 20-23 on SP206688, Parish of Gracemere

CORPORATE/OPERATIONAL PLAN

1.1.4.4 Completion of a new animal pound facility at Gracemere

CONCLUSION

That the proposed Boundary Realignment of 4 Lots into 2 Lots for D/104- 2017 is a required action to comply with the requirements of D/34 – 2017.

**RECONFIGURING A LOT
(4 LOTS INTO 2 LOTS)
- 158 FOSTER STREET, GRACEMERE -
LAND OWNER'S CONSENT REQUIRED**

**Decision Notice Approval - Animal
Keeping 158 Foster Street**

Meeting Date: 5 September 2017

Attachment No: 1



Decision Notice Approval

SUSTAINABLE PLANNING ACT 2009, SECTION 334 AND 335

Application number:	D/34-2017	Contact:	Brandon Diplock
Date of Decision:	9 May 2017	Contact Number:	1300 22 55 77

1. APPLICANT DETAILS

Name:	Rockhampton Regional Council		
Postal address:	<div style="background-color: black; width: 100px; height: 1em; margin-bottom: 5px;"></div> PO BOX 1860 ROCKHAMPTON QLD 4700		
Phone no:	<div style="background-color: black; width: 100px; height: 1em;"></div>	Mobile no:	<div style="background-color: black; width: 100px; height: 1em;"></div>
Email:	<div style="background-color: black; width: 200px; height: 1em;"></div>		

2. PROPERTY DESCRIPTION

Street address:	158 Foster Street, Gracemere
Real property description:	Lots 20-23 on SP206688, Parish of Gracemere

3. OWNER DETAILS

Name:	Kele Property Group (Qld) Pty Ltd
Postal address:	PO BOX 449, ROCKHAMPTON QLD 4700

4. DEVELOPMENT APPROVAL

Development Permit for a Material Change of Use for Animal Keeping

5. APPLICATION TYPE

	Development Permit	Preliminary Approval
• Material change of use made assessable by the planning scheme	YES	NO

6. THE RELEVANT PERIOD

The standard relevant periods stated in section 341 of *Sustainable Planning Act 2009* apply to each aspect of development in this approval, if not stated in the conditions of approval attached.

7. THE APPROVED PLANS

The approved development must be completed and maintained generally in accordance with the approved drawings and documents:

Plan/Document Name	Plan Number	Dated
Site Plan: Rev A	1026-26-MCU1	15 March 2017
Ground Floor – Buildings Stage 1	AF-01 Revision 04	10 August 2016
Roof Plan	AF-02 Revision 04	10 August 2016

Plan/Document Name	Plan Number	Dated
Elevations	AF-03 Revision 04	10 August 2016

8. FURTHER DEVELOPMENT PERMITS REQUIRED

Type of development permit required	Subject of the required development permit
Operational Works	<i>Access and Parking Works</i> <i>Sewerage Works</i> <i>Stormwater Works</i> <i>Site Works</i>
Building Works	
Plumbing and Drainage Works	

9. SUPERSEDED PLANNING SCHEME NO

10. REFERRAL AGENCIES NIL

11. SUBMISSIONS

Properly made submissions were received from:

1)	
2)	
3)	
4)	
5)	
6)	
7)	
8)	
9)	
10)	
11)	
12)	
13)	
14)	
15)	

12. RIGHTS OF APPEAL

Rights of appeal in relation to this application are attached.

13. WHEN THE DEVELOPMENT APPROVAL TAKES EFFECT

This development approval takes effect:

- From the time the decision notice is given – if there is no submitter and the applicant does not appeal the decision to the court.

Or

- When the submitter's appeal period ends – if there is a submitter and the applicant does not appeal the decision to the court.

Or

- Subject to the decision of the court, when the appeal is finally decided – if an appeal is made to the court.

This approval will lapse unless substantially commenced within the above stated relevant periods (refer to sections 339 and 340 of *Sustainable Planning Act 2009* for further details).

14. ASSESSMENT MANAGER

Name:	Tarnya Fitzgibbon COORDINATOR <u>DEVELOPMENT ASSESSMENT</u>	Signature:		Date:	12 May 2017
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Rockhampton Regional Council Conditions

SUSTAINABLE PLANNING ACT 2009, SECTION 335

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, 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) Sewerage Works;
 - (iii) Stormwater Works;
 - (iv) Site Works;
 - 1.5.2 Building Works; and
 - 1.5.3 Plumbing and Drainage 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.
- 1.9 Lots 20, 21 and 22 must be amalgamated and registered as one lot prior to the commencement of the use.
- 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>
Site Plan: Rev A	1026-26-MCU1	15 March 2017
Ground Floor – Buildings Stage 1	AF-01 Revision 04	10 August 2016
Roof Plan	AF-02 Revision 04	10 August 2016
Elevations	AF-03 Revision 04	10 August 2016

- 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 approval by Council prior to the submission of an application for a Development Permit for Operational Works.
- 3.0 STAGED DEVELOPMENT
- 3.1 This development approval is for a development to be undertaken in discrete stages, namely:
- 3.1.1 Carpark, Administration Building and Kennels (Stage One);
 - 3.1.2 Kennels (Stage Two); and
 - 3.1.3 Kennels (Stage Three),
- in accordance with the approved plan (refer to condition 2.1).
- Stage one must be completed prior to any other stage. All other stages are not required to be undertaken in any chronological order.
- 3.2 Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.
- 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 car parking and access areas must be paved or sealed to Council's satisfaction. Design and construction must be in accordance with the provisions of a Development Permit for Operational Works (access and parking works).
- 4.4 All vehicles must ingress and egress the development in a forward gear.
- 4.5 Universal access parking spaces must be provided on-site in accordance with *Australian Standard AS2890.6 "Parking facilities - Off-street parking for people with disabilities"*.
- 4.6 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"* 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 including refuse collection vehicles.

- 4.8 All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"* and *Australian Standard AS2890.1 "Parking facilities – Off-street car parking"*.
- 5.0 SEWERAGE WORKS
- 5.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any sewerage works on the development site.
- 5.2 All sewerage 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 2008*, and *Plumbing and Drainage Act 2002* and the provisions of a Development Permit for Operational Works (sewerage works).
- 5.3 The existing sewerage access chamber and connection point for Lot 21 must be relocated adjacent to the new eastern boundary of the proposed development to avoid any conflicts with the proposed kennel of Stage two. This will include removing a section of redundant sewerage main. The new sewerage access chamber and connection point must be located within the lot it serves.
- 5.4 Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's reticulated sewerage network. Arrestor traps must be provided where commercial or non-domestic waste is proposed to be discharged into the sewer system.
- 6.0 WATER WORKS
- 6.1 The development must be connected to Council's reticulated water network.
- 6.2 The existing water service connection provided to the site may require an upgrade. Fitzroy River Water can provide a quote for the works upon request if required. All costs associated with these works will be the responsibility of the developer.
- 6.3 The existing fire hydrant must be relocated as per the approved plans (refer to condition 2.1) to be clear of the proposed driveway.
- 6.4 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.
- 7.0 PLUMBING AND DRAINAGE WORKS
- 7.1 A Development Permit for Plumbing and Drainage Works must be obtained for the removal and/or demolition of any existing structure on the development site.
- 7.2 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 2008*, *Plumbing and Drainage Act 2002*, and Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 8.0 STORMWATER WORKS
- 8.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.
- 8.2 A Stormwater Management Plan must be submitted with any application for Operational Works that addresses quantity and quality.
- 8.3 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).
- 8.4 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 conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.

- 8.5 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 storm event, for the post-development conditions.
- 8.6 The stormwater inlet inside Lot 21 must be relocated adjacent to the new eastern boundary of the proposed development to avoid any conflict with the proposed kennel of stage two. The inter-allotment drainage west of this inlet must be made redundant. The new inlet must be located within the lot it serves.

9.0 SITE WORKS

- 9.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works on the development site.
- 9.2 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 9.3 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 surrounding land or infrastructure.

10.0 BUILDING WORKS

- 10.1 All external elements, such as air conditioners must be adequately screened from public view, to Council's satisfaction.
- 10.2 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"*.
- 10.3 Kennel sections for stages 1, 2 and 3 are to be constructed of concrete block for all external walls to improve noise attenuation.

11.0 LANDSCAPING WORKS

- 11.1 All landscaping must be established generally in accordance with the approved plans (refer to condition 2.1). The landscaping must be constructed and/or established prior to the commencement of the use and the landscape areas must predominantly contain plant species that are locally native to the Central Queensland region due to their low water dependency.
- 11.2 The landscaped areas must be subject to:
- 11.2.1 a watering and maintenance plan during the establishment moment; and
 - 11.2.2 an ongoing maintenance and replanting programme.

12.0 ELECTRICITY

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

13.0 TELECOMMUNICATIONS

- 13.1 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.

14.0 ASSET MANAGEMENT

- 14.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.
- 14.2 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.
- 14.3 '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 *Guideline for the Creation and Submission of Asset Design As-Constructed Files*.
- 15.0 ENVIRONMENTAL
- 15.1 Any application for a Development Permit for Operational Works must be accompanied by a detailed Environmental Management Plan that addresses, but is not limited to, the following:
- (i) noise and dust suppression; and
 - (ii) waste management.
- 15.2 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan that addresses, but is not limited to, the following:
- (i) objectives;
 - (ii) site location and topography;
 - (iii) vegetation;
 - (iv) top soil management;
 - (v) site drainage and an interim drainage plan during construction which also addresses water quality;
 - (vi) soils;
 - (vii) erosion susceptibility, silt and sedimentation management;
 - (viii) erosion risk;
 - (ix) concept;
 - (x) design; and
 - (xi) implementation,
- for the construction and post-construction phases of work.
- 15.3 The Environmental Management Plan approved as part of a Development Permit for Operational Works must be part of the contract documentation for the development works.
- 15.4 The Erosion Control and Stormwater Control Management Plan prompt prepared by a Registered Professional Engineer of Queensland in accordance with the *Capricorn Municipal Design Guidelines*, must be implemented, monitored and maintained for the duration of the development works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The plan must be available on-site for inspection by Council Officers whilst all works are being carried out.
- 16.0 ENVIRONMENTAL HEALTH

- 16.1 Noise emitted from the activity must not cause an environmental nuisance.
- 16.2 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 2008*.
- 16.3 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.
- 16.4 Regulated waste and any other waste must not be released to the environment, stored, transferred or disposed of in such a manner that it will or may cause environmental harm or nuisance. This includes any waste being burnt or incinerated at the premises.
- 17.0 OPERATING PROCEDURES
- 17.1 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 Foster Street.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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



Appeal Rights

SUSTAINABLE PLANNING ACT 2009

The following is an extract from the *Sustainable Planning Act* (Chapter 7).

Division 8 Appeals to court relating to development applications

461 Appeals by applicants

- (1) An applicant for a development application may appeal to the court against any of the following—
 - (a) the refusal, or the refusal in part, of a development application;
 - (b) a matter stated in a development approval, including any condition applying to the development, and the identification of a code under section 424;
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a period mentioned in section 341;
 - (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the applicant's appeal period) after the day the decision notice or negotiated decision notice is given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

462 Appeals by submitters

- (1) A submitter for a development application may appeal to the court only against—
 - (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
 - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
 - (a) the giving of a development approval;
 - (b) any provision of the approval including—
 - (i) a condition of, or lack of condition for, the approval; or
 - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
 - (a) withdraws the submission before the application is decided; or
 - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the submitter's appeal period) after the decision notice or negotiated decision notice is given to the submitter.

464 Appeals by advice agency submitters

- (1) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
 - (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or

- (b) any part of the approval relating to the assessment manager's decision under section 327.

- (2) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (3) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

465 Appeals about decisions relating to extensions for approvals

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

466 Appeals about decisions relating to permissible changes

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
 - (a) if the responsible entity for making the change is the assessment manager for the application—
 - (i) the person who made the request; or
 - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
 - (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.



ATTACHMENTS

APPROVED PLANS

APPROVED PLANS



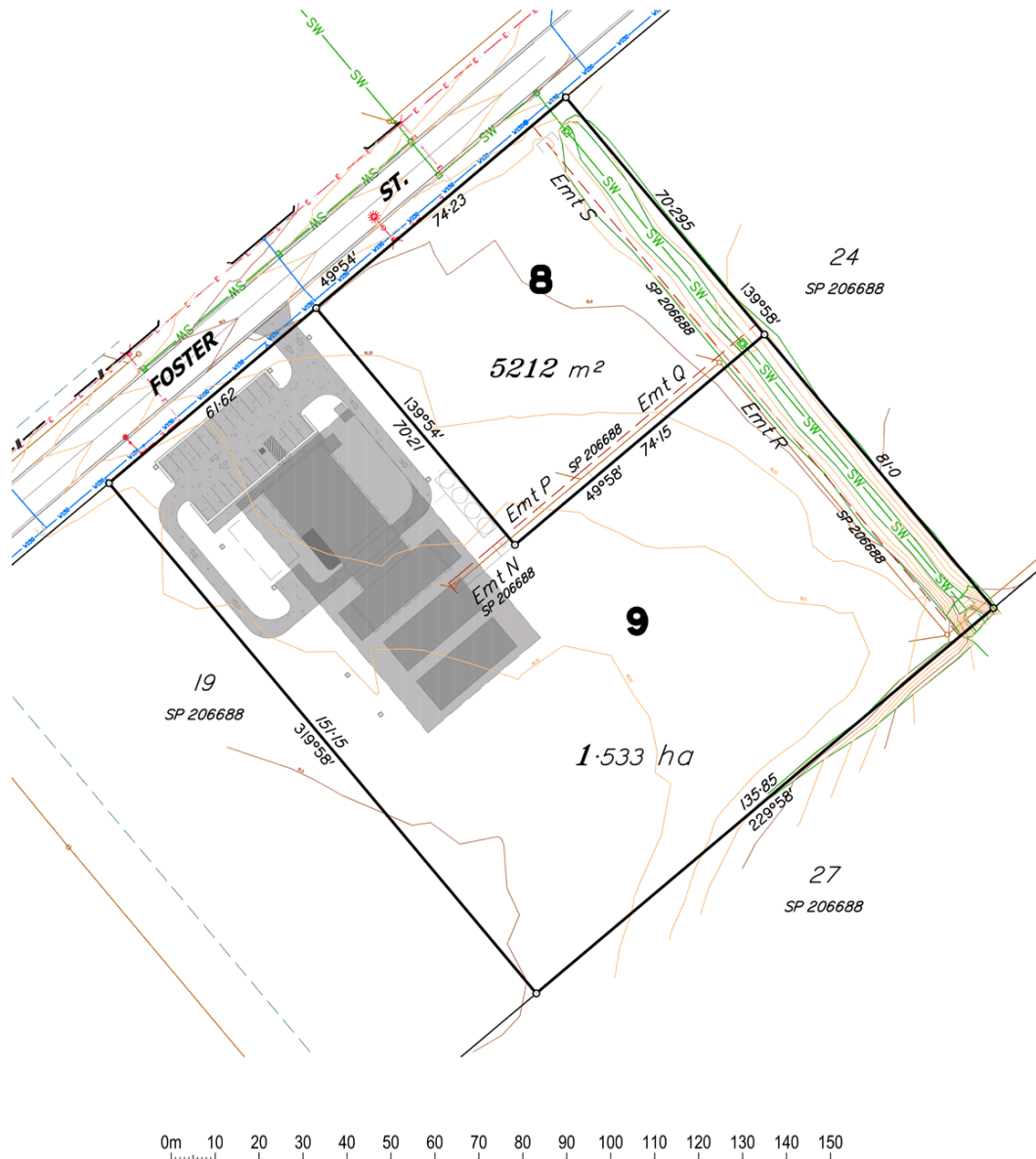
Adobe Acrobat
Document

**RECONFIGURING A LOT
(4 LOTS INTO 2 LOTS)
- 158 FOSTER STREET, GRACEMERE -
LAND OWNER'S CONSENT REQUIRED**

**Plan - Animal Keeping - 158 Foster
Street**

Meeting Date: 5 September 2017

Attachment No: 2



IMPORTANT NOTE

This plan was prepared to accompany an application to Rockhampton Regional Council and should not be used for any other purpose.

The dimensions and areas shown hereon are subject to field survey and also to the requirements of council and any other authority which may have requirements under any relevant legislation.

House plans shown are typical only.

In particular, no reliance should be placed on the information on this plan for any financial dealings involving the land.

This note is an integral part of this plan.

client

Rockhampton Regional Council

project

**158 Foster St,
GRACEMERE**

plan of

**Reconfiguration Plan
(4 Lots into 2 Lots)
(with Ortho Underlay)**

rdp

Lots 20 - 23 on SP206688

lga

Rockhampton Regional Council

rev	date	details	authorised

created

CSG capricorn survey group (cn) Pty Ltd
132 vicente parade, p.m. box 1320
rockhampton, qld 4700
P 07 4922 4100
F 07 4922 2716
capricorn.survey.group (cn)@rosterfor.surveying.com.au
GPO BOX 123 124 4700 QLD

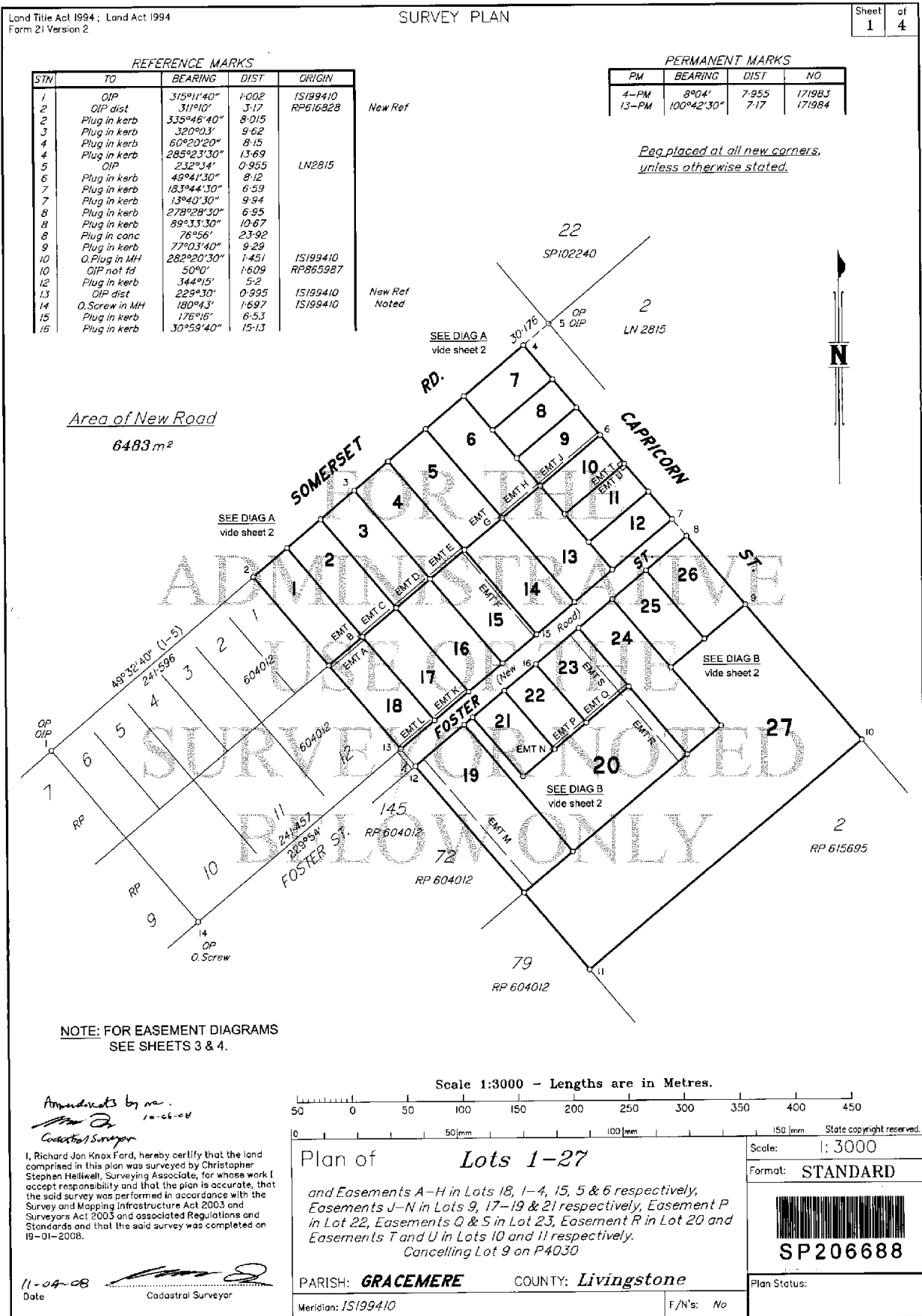
scale 1:1000 @ A3
sheet no. 1 of 1
plan no. 6831-01-ROL
datum
cad file
revision
6831-01-ROL

**RECONFIGURING A LOT (4 LOTS
INTO 2 LOTS) - 158 FOSTER STREET,
GRACEMERE - LAND OWNER'S
CONSENT REQUIRED**

**Survey Plan - Animal Keeping - 158
Foster Street**

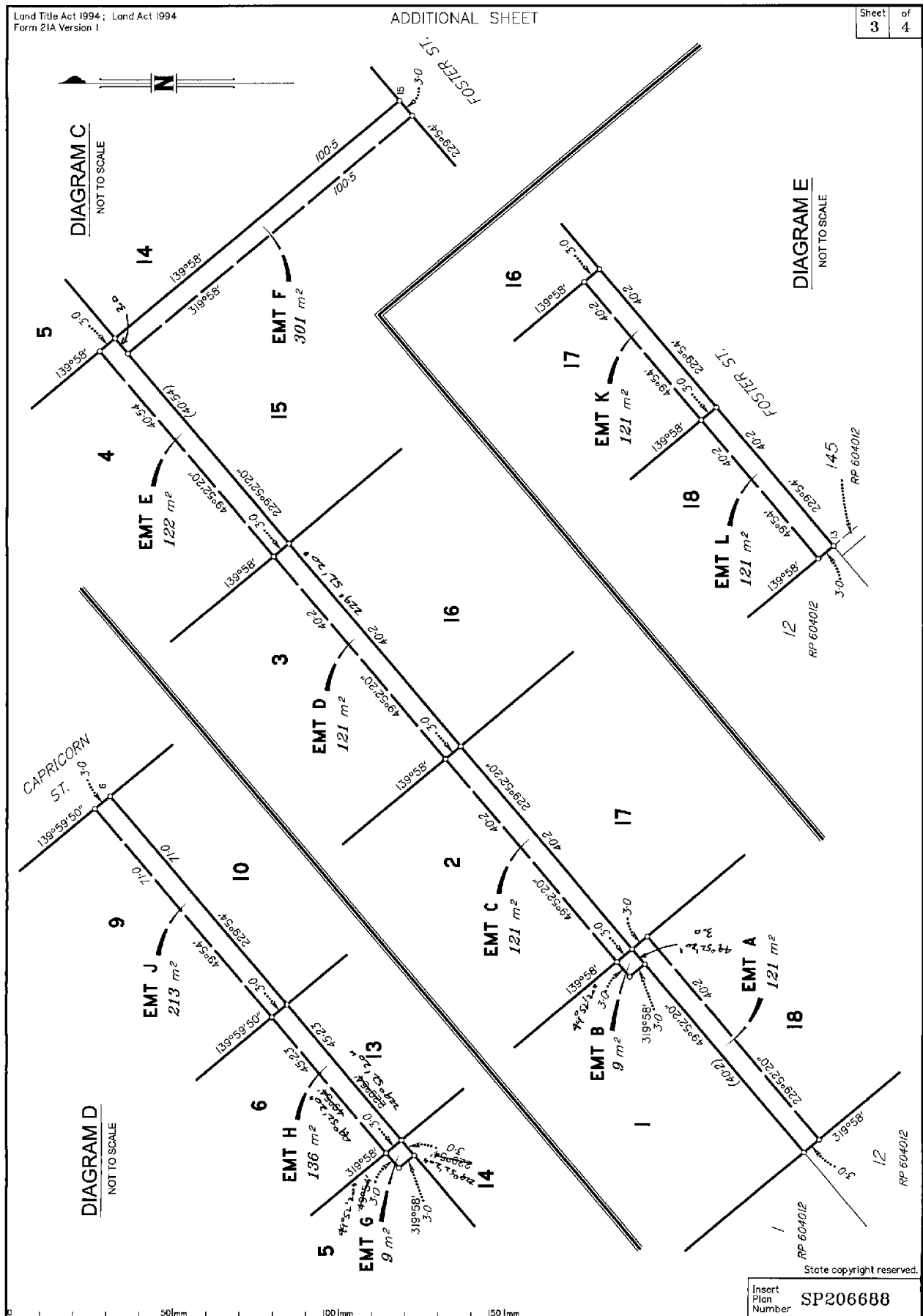
Meeting Date: 5 September 2017

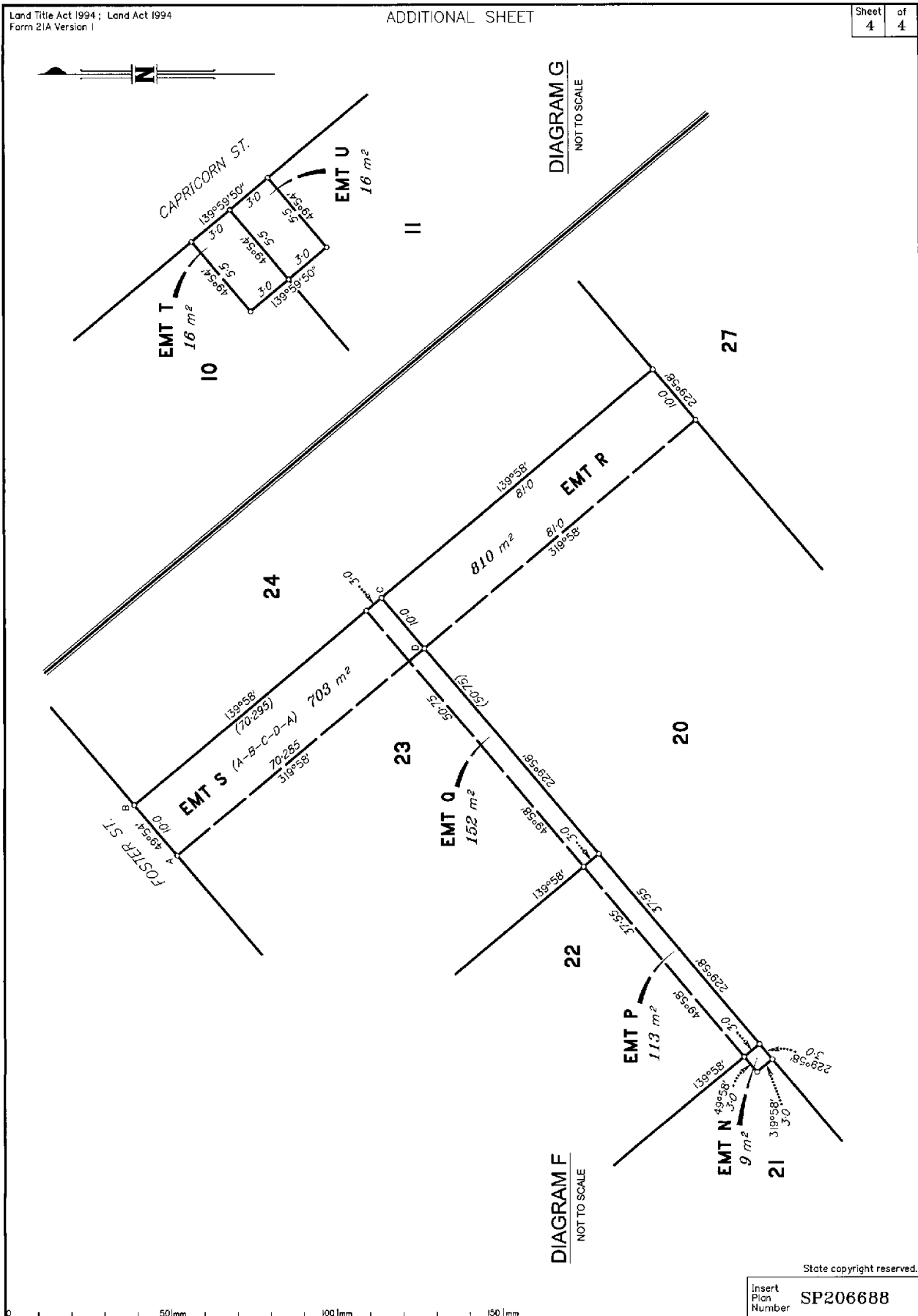
Attachment No: 3



<p style="font-size: 1.2em; font-weight: bold;">711671659</p> <p style="font-size: 0.8em;">\$2428.35 26/05/2008 09:26</p> <p style="font-weight: bold;">BE 403</p>		<p>WARNING : Folded or Mutilated Plans will not be accepted. Plans may be rolled. Information may not be placed in the outer margins.</p>																				
<p>Registered</p>		<p>5. Lodged by GADENS LAWYERS 360 REF: BGM 2008249 3231-1666 <small>(Include address, phone number, reference, and Lodger Code)</small></p>																				
<p>1. Certificate of Registered Owners or Lessees.</p> <p>1/We CZISLOWSKI HOLDINGS PTY LTD (ACN 051 396 582)</p> <p>.....</p> <p>.....</p> <p>(Names in full)</p> <p>* as Registered Owners of this land agree to this plan and dedicate the Public Use Land as shown hereon in accordance with Section 50 of the Land Title Act 1994.</p> <p>* as Lessees of this land agree to this plan.</p> <p><i>[Signature]</i> CZISLOWSKI HOLDINGS PTY LTD ACN 051 396 582</p> <p>Signature of *Registered Owners *Lessees <i>[Signature]</i> PAUL CZISLOWSKI</p> <p>* Rule out whichever is inapplicable</p>		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="3">6. Existing</th> <th colspan="3">Created</th> </tr> <tr> <th>Title Reference</th> <th>Lot</th> <th>Plan</th> <th>Lots</th> <th>Em'ts</th> <th>Road</th> </tr> <tr> <td>30014223</td> <td>9</td> <td>P4030</td> <td>1-27</td> <td>A-H, J-N, P-U</td> <td>New Rd</td> </tr> </table>			6. Existing			Created			Title Reference	Lot	Plan	Lots	Em'ts	Road	30014223	9	P4030	1-27	A-H, J-N, P-U	New Rd
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Title Reference	Lot	Plan	Lots	Em'ts	Road																	
30014223	9	P4030	1-27	A-H, J-N, P-U	New Rd																	
<p>2. Local Government Approval.</p> <p>* <i>ROCKHAMPTON REGIONAL COUNCIL</i></p> <p>hereby approves this plan in accordance with the:</p> <p>% INTEGRATED PLANNING ACT 1997</p> <p>Dated this <i>22nd</i> day of <i>April</i> 2008</p> <p><i>[Signature]</i> BRAD CAMERON # MAYOR #</p> <p><small>* Insert the name of the Local Government. % Insert Integrated Planning Act 1997 or # Insert designation of signatory or delegation Local Government (Planning & Environment) Act 1990</small></p>		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">1-27</td> <td style="width: 50%;">Por. 9</td> </tr> <tr> <td>Lots</td> <td>Orig</td> </tr> <tr> <td colspan="2">7. Portion Allocation :</td> </tr> <tr> <td colspan="2">8. Map Reference : 8951-22244</td> </tr> <tr> <td colspan="2">9. Locality : GRACEMERE</td> </tr> <tr> <td colspan="2">10. Local Government : FITZROY S.C.</td> </tr> <tr> <td colspan="2">11. Passed & Endorsed :</td> </tr> <tr> <td colspan="2">By : R.J.K.Ford Date : 11-04-08 Signed : <i>[Signature]</i> Designation : Cadastral Surveyor</td> </tr> </table>			1-27	Por. 9	Lots	Orig	7. Portion Allocation :		8. Map Reference : 8951-22244		9. Locality : GRACEMERE		10. Local Government : FITZROY S.C.		11. Passed & Endorsed :		By : R.J.K.Ford Date : 11-04-08 Signed : <i>[Signature]</i> Designation : Cadastral Surveyor			
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<p>3. Plans with Community Management Statement :</p> <p>CMS Number : Name :</p>		<p>4. References :</p> <p>Dept File : Local Govt : Surveyor : R4236</p>																				
<p>12. Building Format Plans only.</p> <p>I certify that :</p> <p>* As far as it is practical to determine, no part of the building shown on this plan encroaches onto adjoining lots or road.</p> <p>* Part of the building shown on this plan encroaches onto adjoining * lots and road</p> <p>Cadastral Surveyor/Director * Date * delete words not required</p>		<p>13. Lodgement Fees :</p> <p>Survey Deposit \$ Lodgement \$ New Titles \$ Photocopy \$ Postage \$ TOTAL \$</p>																				
<p>14. Insert Plan Number</p>		<p>SP206688</p>																				







8.4 CARBINE RESOURCES ROAD USE DIRECTION

File No: 5252
Attachments: 1. Road Use Direction - Mount Morgan Mine
Authorising Officer: Martin Crow - Manager Engineering Services
Peter Kofod - General Manager Regional Services
Author: Stuart Harvey - Coordinator Strategic Infrastructure
Jamie McCaul - Coordinator Development Engineering

SUMMARY

Carbine Resources have submitted a Road Use Notification to Council proposing a haul route from Mount Morgan to Gladstone utilising Razorback Road and several other roads on the Local Government Network. Engineering Services have proposed a road use direction, including haulage conditions to be imposed on Carbine Resources for review and endorsement by Council.

OFFICER'S RECOMMENDATION

THAT Council endorse the Road Use Direction as detailed in the report, for submission to Carbine Resources

COMMENTARY

A report was presented to Council on 27 June 2017 regarding Council's support for the mining activity to occur within the Mount Morgan Priority Living Area. An approval was required to be given by the State (Department of Infrastructure Local Government Planning) under the Regional Planning Interest Act 2014 and Council was an assessing agency that was required to provide comments / conditions to the State regarding the approval.

Council adopted the Officer's recommendation which referred to a number of conditions. A condition specific to the road upgrade works refers to the Road Use Direction that Council is required to provide under the Mineral and Energy Resources Act 2014, once the applicant submits a road use notification. The State has given approval for the activity to occur within the Mount Morgan Priority Living Area.

Council officers have been working with Carbine's consulting engineers, McMurtrie Consulting Engineers, to determine what works are required to ensure that safe haulage of the material can occur on Council's network and the required maintenance contributions from Carbine for the project. McMurtrie Consulting Engineers submitted a Haul Route Road Impact Assessment (HRRIA) highlighting the proposed improvements and contributions to the Local Government Road Network. Further, a road use notification has been submitted to Council under the Mineral and Energy Resources Act 2014.

Carbine is proposing to use a Truck and Quad Dog as the design vehicle for haulage. Truck and Quad dog vehicles are 19m long and have a Gross Vehicle Mass of 50.5t. Carbine is proposing to haul pyrite 7 days a week, 12 months of the year from 7am to 6pm. With these timeframes and haulage amounts it is estimated to have 2 vehicles on the route in a peak hour.

The major safety improvements, conditioned by Council officers, for Carbine to address are as follows:

Access to Gordon Lane. The mine access onto Gordon Lane is proposed to be widened to cater for a basic left intersection configuration, resulting in a 1.0m – 2.25m road widening and an asphalt seal. This asphalt will cover the intersection and extend into the mine site to reduce dust issues for residents.

Reverse Curves on Creek St / Razorback Rd. There are several tight, reverse curves highlighted on Creek Street / Razorback Road in the southern section of the route.

These curves are below minimum standards and as a result, heavy vehicles would likely drag their trailer over the centerline when traversing the curves. It is proposed to widen the two worst curves to allow for a 4.2m lane on the inside of the curve. This works involves providing guardrail to protect steep verge grades and existing services, and extension of existing culvert structures.

Widening of the “jump up” on Razorback Rd. The “jump up” is defined as the steepest part of the Razorback Road where the roads grade reaches 18%. This exceeds the grades specified in Austroads Road Design Manual as acceptable for road geometry. The Razorback jump up currently has 19m Heavy Vehicles and larger configurations traversing this section of road as is indicated by previous counts however some additional works have been proposed to increase safety at this location. It is proposed to widen the road to 8.5m, and provide recoverable batter slopes outside this 8.5m seal. There is also guardrail proposed throughout the length where the batter slopes drop away significantly.

Upgrade of Razorback Rd / Poison Creek Rd intersection. The intersection of Razorback Road and Poison Creek Road is a particularly busy intersection as it is predominately used as a quicker alternative to and from the Burnett Highway and Mt Morgan. The significant movements at this intersection are the right turn from Razorback Rd into Poison Creek Rd and the left turn from Poison Creek Rd to Razorback Rd. Due to the constrained alignment and the introduction of larger 19m heavy vehicles, there is a need to upgrade this intersection to allow for a channelized right turn lane for vehicles turning into Poison Creek Road, and a wider radius for vehicles turning left into Razorback Road. Works for this intersection also include some widening of the existing Razorback Road floodway, north of the intersection.

Upgrade of Poison Creek Rd western floodway. Adjacent to the Razorback Rd / Poison Creek Rd intersection is a floodway on Poison Creek Road. This floodway was deemed to have an insufficient width to allow two heavy vehicles, in opposing directions, to safely pass one another. As a result, it is proposed to reconstruct and widen the floodway on Poison Creek Road. The floodway will be widened to 8.0m wide and will include a low flow pipe to accommodate for less significant rain events. This is known to be an existing flooding issue for residents in the area.

Pavement Contribution. In addition to the safety issues identified along the proposed haul route, Carbine are required to mitigate their impacts to the pavement in the form of a monetary contribution for maintenance and rehabilitation works on the haul route. This monetary figure is derived by calculating the reduction to pavement life as a result of heavy vehicle loads and is expressed in a dollar rate per tonne. For the Local Government Road Network, the contribution rate is \$0.433 / tonne which equates to \$814,551 over the life of the project.

The attached Road Use Direction has been forwarded to Carbine Resources for comment prior to endorsement by Council. Further, the Road Use Direction has been forwarded to Council’s legal representatives for legal review and comment. Carbine Resources have reviewed the draft Road Use Direction and have responded to Council suggesting that they have no concerns with the content of the direction. In addition, Council’s legal representatives have provided a response regarding the draft document and have recommended minor changes which Officers have included in the Road Use Direction attached.

BACKGROUND

Carbine Resources are proposing to haul iron pyrite from Mount Morgan to the Port of Gladstone from 1 January 2018 to 2026, proposing 209,000 tonne per year with a total of 1880 Kilotonne over the life of the project. Their haul route has been proposed on predominantly Local Government Roads and is shown in the attached drawing.

Carbine Resources has an agreement with Norton Gold Fields Limited, who hold the mining lease over the former Mount Morgan Gold Mine, to re-mine gold tailings at the Mt Morgan Mine site. In addition to this, mining activities will produce approximately 200,000 tonnes of iron pyrite.

This is proposed to be exported through the port of Gladstone. To do so, Carbine Resources will have to haul the pyrite on the Local Government road network, triggering a “notifiable road use” under the Mineral and Energy Resources Act 2016.

PREVIOUS DECISIONS

Nil

BUDGET IMPLICATIONS

Under the proposed Road Use Direction, Carbine is conditioned to provide a contribution to pavement maintenance and rehabilitation along the Haul Route. However, as some of the roads are a basic seal with local gravels, there may be a need to rehabilitate some sections of road earlier into Carbine’s haulage operation.

LEGISLATIVE CONTEXT

Under the Mineral and Energy Resources Regulation 2016, use of a road to transport mineral product from a mining lease is classed as a “notifiable road use” when mineral transport exceeds 50,000t a year for State Controlled Roads and 10,000t a year for Local Government Roads. The resource authority holder must not use a public road for a notifiable road use unless they have submitted a road use notification, complying with the prescribed requirements for a road use notification, and have received written consent or a compensation agreement for carrying out the use.

The public road authority is required to provide written notice to the resource authority, through road use direction, stipulating how the holder can use the road under the notifiable road use. The road use direction is about preserving the condition of the road and maintaining the safety of the road users and the public.

RISK ASSESSMENT

There is a risk that the increased number of heavy vehicles following the haul route may increase the potential for crashes and pavement damage, however the aforementioned safety improvements and pavement contribution have been implemented to mitigate the risk to an acceptable standard.

CORPORATE/OPERATIONAL PLAN

3.1.1 Consult on, advocate, plan, deliver and maintain a range of safe urban and rural public infrastructure appropriate to the Region’s needs, both present and into the future.

CONCLUSION

Rockhampton Regional Council has been issued with a Road Use Notification from Carbine Resources for haulage along Gordon Lane, Creek Street / Razorback Road and Poison Creek Road. Council has proposed a Road Use Direction that contains the conditions and requirements of Carbine prior to and throughout the haulage period. It has been presented to Council for endorsement prior to submission to Carbine Resources.

CARBINE RESOURCES ROAD USE DIRECTION

Road Use Direction – Mount Morgan Mine

Meeting Date: 5 September 2017

Attachment No: 1



Rockhampton Office
232 Bolsover St, Rockhampton
Gracemere Office
1 Ranger St, Gracemere
Mount Morgan Office
32 Hall St, Mount Morgan

28 August 2017

File: D/8-2017
Enquiries: Jamie McCaul
Telephone: 07 4932 9000 or 1300 22 55 77
Fax: 07 4936 8862 or 1300 22 55 79
Email: enquiries@rrc.qld.gov.au

Norton Gold Fields Limited
C/- Carbine Resources Limited
Att: Mr Russell Dann
PO Box 1311
SUBIACO WA 6904

Dear Sir

RECEIPT OF NOTICE OF NOTIFIABLE ROAD USE.

Proposed development:	Mount Morgan Gold and Copper Project
Address of development:	4 Gordon Lane, Walterhall, QLD, 4714 (the subject land)
Resource authority:	ML 5589; ML 5602; ML 5608; ML 5609; ML 5612; ML 5613; ML 5614; ML 5615; ML 5616; ML 5617; ML 5618; ML 5619; ML 5620; ML 5621; ML 5622; ML 5623; ML 5624; ML 5625; ML 5626; ML 5627; ML 5628; ML 5633; ML 5634; ML 5635; ML 5648; ML 5649; ML 5658; ML 5659; ML 5660; ML 6692
Resource authority holder:	Norton Gold Fields Limited (NGF)
Public road authority:	Rockhampton Regional Council (RCC)
Relevant public roads:	Gordon Lane, Walterhall Creek Street, Baree Razorback Road, Baree/Moongan/Bouldercombe Poison Creek Road, Bouldercombe (the local government roads)
Notifiable road use:	Use of a public road at more than 10,000t per year haulage where haulage relates to transporting minerals that were mined, released by mining, or processed on land in an authorised area for a resource authority under the Mineral Resources Act.

Thank you for your email correspondence received by RRC on 25 May 2017 concerning your intention to haul, as project operator for the resource authority holder, NGF, iron pyrite(material) from the subject land, on the local government roads, exceeding the haulage thresholds noted in section 26(3) of the *Mineral and Energy Resources (Common Provisions) Regulation 2016* (the Regulation). This haulage constitutes a notifiable road use (NRU) under section 62 of the *Mineral and Energy Resources (Common Provisions) Act 2016* (the Act).



Rockhampton Regional
Council proudly supports
the **CQ NRL BID**

Rockhampton Regional Council PO Box 1860, Rockhampton Q 4700
Phone 07 4932 9000 or 1300 22 55 77 | Fax 07 4936 8862 or 1300 22 55 79
Email enquiries@rrc.qld.gov.au | Web www.rrc.qld.gov.au

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ROAD USE DIRECTION

In accordance with section 64 of the Act and with the findings of the Haul Route Road Impact Assessment (HRRIA) Revision A, dated 22 May 2017, RRC gives NGF the following directions about the way NGF may use the local government roads for the NRU:

1. NGF must only use the route shown and listed on the attached approved haul route map to haul the material set out in the NRU notice.
2. Haulage of material is to be staged over 9 years for a total haulage task of 1,880 kilotonnes.
3. The haulage of material must be no more than 209,000 tonnes in any given calendar year on the local government roads.
4. Haulage of material must only be undertaken between 1 January 2018 and 31 December 2026 (unless approved otherwise in writing by RRC).
5. Haulage of material on the local government roads must only be undertaken between the hours of 7.00am and 6.00pm.
6. Haulage of material must be by non-performance based standard (non-PBS) rated vehicles and quad dog with a gross vehicle mass not exceeding 50.5 tonnes and not exceeding 20 loaded and 20 unloaded vehicles per day.
7. If future haulage is proposed to be by performance based standard (PBS) rated vehicles, an updated HRRIA including an updated road safety assessment and pavement impact assessment must be provided to RRC for approval prior to PBS rated vehicles being used for road haulage on the local government roads.
8. Prior to the commencement of haulage of material on the local government roads, NGF must carry out the following works (as detailed in the HRRIA).
 - a. Sealing of the internal road from the property boundary access for a distance of 350m along the internal haul access road is required.
 - b. Construction of mine access, signage, and widening works to a BAR/BAL standard on Gordon Lane, generally in accordance with McMurtrie Consulting Engineering Drawing 1021617-1009 Rev A dated 13/04/2017.
 - c. Alteration of line marking at the intersection of Gordon Lane / Burnett Highway generally in accordance with the McMurtrie Consulting Engineering Drawing Number 1021617-5002 Rev A dated 13/04/2017.
 - d. Provide road widening and sealing at the north eastern corner of the intersection of Burnett Highway / Creek Street / Razorback Road to facilitate right turn movements out of Creek St / Razorback Road, generally in accordance with McMurtrie Consulting Engineers Drawing Number 1021617-7002 Rev A dated 13/04/2017.
 - e. Provide curve widening on the Creek Street / Razorback Road reverse curves to facilitate haul vehicles to traverse the curves without crossing the road centre line. Further, guardrails to be provided. These should generally be in accordance with the McMurtrie Consulting engineering drawing numbers

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1021617-0002 Rev A dated 13/04/2017, 1021617-2001 Rev A dated 13/04/2017, and 1021617-2002 Rev A dated 13/04/2017.

- f. Widening of Razorback Road, within the area defined in the HRRIA as the "jump up", to 8.5m pavement and seal. This is to include a guardrail from chainage 100m to 350m. This design is to be generally in accordance with McMurtrie Consulting Engineers drawing numbers 1021617-1001 Rev A dated 13/04/2017, 1021617-1002 Rev A dated 13/04/2017, 1021617-1101 Rev A dated 13/04/2017, 1021617-1102 Rev A dated 13/04/2017, 1021617-1103 Rev A dated 13/04/2017, 1021617-1104 Rev A dated 13/04/2017, 1021617-1105 Rev A dated 13/04/2017, 1021617-1106 Rev A dated 13/04/2017, 1021617-1107 Rev A dated 13/04/2017, 1021617-1108 Rev A dated 13/04/2017, 1021617-1109 Rev A dated 13/04/2017, and 1021617- 1110 Rev A dated 13/04/2017.
 - g. Upgrade the intersection of Razorback Road / Poison Creek Road to a Channelised Right (CHR) configuration, and associated intersection and floodway widening to accommodate the swept path movements of a non-PBS vehicle and quad dog. Designs to be generally in accordance with the McMurtrie Consulting Engineers Drawing number 1021617-SK-0008 Rev A dated 10/05/2017.
 - h. Widening of Poison Creek Road western floodway to 8.0m to facilitate truck movements. Widening to be generally in accordance with McMurtrie Consulting Engineers Drawing Number 1021617-SK-0007 Rev A dated 10/05/2017.
 - i. Provide road widening and sealing at the north western corner of the intersection of Burnett Highway / Poison Creek Road to facilitate left turn movements out of Poison Creek Road, generally in accordance with McMurtrie Consulting Engineers Drawing Number 1021617-SK-0003 Rev A dated 10/05/2017.
9. NGF must keep adequate records of all material hauled on the local government roads on an annual basis (to the nearest tonne).
- NGF must provide annual haulage information to RRC for review and acceptance. This documentation must be provided within 20 business days of the commencement of a new calendar year for each year within the approved haulage period stated in direction 4 above.
10. NGF must pay compensation to RRC at a rate of \$0.4330 per tonne of material hauled on the local government roads for the entire approved haulage period stated in direction 4 above and paid within 20 business days of the RRC's acceptance of the submitted haulage information noted in direction 9.
11. Any changes to the proposed haulage vehicles or any other particulars contained within this road use direction or the HRRIA may be subject to a new or amended road use direction being issued by RRC.

RRC provides the following advice in relation to the road use direction:

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- A. Approval for works on the local government roads must be obtained pursuant to:
- a. the *Planning Act 2016*; and/or
 - b. RRC's *Local Law No.1 (Administration) 2011* and *Subordinate Local Law No. 1.1. (Alteration or Improvement to Local Government Controlled Areas and Roads) 2011*. Approval must be obtained prior to commencement of any works to the local government roads and prior to commencement of any haulage of material.
- B. All applications for approval for works on the local government roads must be accompanied by detailed design for the proposed works and detailed vehicle swept paths for the design vehicle, being a 19m non-PBS vehicle and quad dog, as shown in the HRRIA dated 22 May 2017.

Further, would you please provide to RRC a company contact position and person, along with their postal, email address and telephone number.

INFORMATION NOTICE

The decision

RRC has decided to give to the resource authority holder a road use direction in the above terms pursuant to section 64(1) of the Act.

Reasons for the decision

Findings on material questions of fact

1. The use of RRC's local government roads for the NRU will have impacts on the local government roads.
2. The HRRIA has identified and recommended the works necessary to preserve the safety and capacity of the local government roads with the addition of traffic generated by the NRU.
3. The road use direction given by RRC sets out reasonable directions, as identified in the HRRIA, about the way the resource authority holder may use the local government roads to:
 - a. preserve the condition of the local government roads; and
 - b. provide for the safety of road users and the public.

Evidence or other material on which findings were based

- a) notice of notifiable road use, dated 24 May 2017; and
- b) Haul Route Road Impact Assessment – Carbine Resource Ltd – Mt. Morgan Mine, dated 22.05.2017.

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Rights of appeal

You have no rights of appeal under the Act or another Act.

However, pursuant to section 406 of the *Mineral Resources Act 1989* (MRA), if you are dissatisfied with the road use direction given to you, you may apply in writing to the Land Court for a review of the direction.

In addition, you may also have a right of review under the *Judicial Review Act 1991*.

Period in which an appeal must be started

You have no rights of appeal under the Act or another Act.

However, in relation to a review under the MRA, there is no period in which an application for review of the road use direction must be filed in the Land Court.

How the rights of appeal are to be exercised

You have no rights of appeal under the Act or another Act.

However, in relation to a review under the MRA, pursuant to section 406, you must apply in writing to the Land Court and any application for review must:

- a. set out the grounds for review; and
- b. be filed in the Land Court.

Whether a stay of the decision may be applied for

In relation to a review under the MRA, you cannot apply for a stay of a decision to give a road use agreement.

If you have any further queries or wish to discuss this matter further, please contact Jamie McCaul (Development Engineering Unit) at infrastructure@rrc.qld.gov.au or on 1300 22 55 77.

Yours faithfully

Peter Kofod
General Manager
Regional Services

enc: approved haul route map
 engineers drawings referred to above

MCE Job No. 102-16-17

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Figure 3: Proposed Haulage Route

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 Enforcement Proceedings for Development Offences

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 ENFORCEMENT PROCEEDINGS FOR DEVELOPMENT OFFENCES

File No: 4842

Attachments:

1. Copy Court Order 1999
2. Site Plan for Court Order

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.

SUMMARY

This report summarises Council's issues with the operation of a business at a residential premises that have been an ongoing concern for Council since 1995.

13 CLOSURE OF MEETING