



PLANNING AND REGULATORY COMMITTEE MEETING

AGENDA

3 OCTOBER 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 3 October 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 and date.

CHIEF EXECUTIVE OFFICER
27 September 2017

Next Meeting Date: 31.10.17

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 E Pardon – Chief Executive Officer

3 APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence – Councillor Neil Fisher

4 CONFIRMATION OF MINUTES

Minutes of the Planning and Regulatory Committee held 19 September 2017

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 BUSINESS OUTSTANDING

6.1 BUSINESS OUTSTANDING TABLE FOR PLANNING AND REGULATORY COMMITTEE

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

SUMMARY

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

OFFICER'S RECOMMENDATION

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

BUSINESS OUTSTANDING TABLE FOR PLANNING AND REGULATORY COMMITTEE

Business Outstanding Table

Meeting Date: 3 October 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 RECONFIGURATION OF LOT INCENTIVES REPORT

File No: 7028
Attachments: Nil
Authorising Officer: Steven Gatt - Manager Planning & Regulatory Services
Michael Rowe - General Manager Community Services
Author: Tarnya Fitzgibbon - Coordinator Development Assessment

SUMMARY

There is an opportunity to introduce an incentive for reconfiguration of a lot approvals, by allowing the developer to pay infrastructure charges on a per lot basis either when the lot is sold or within two years of the approval (whichever is the earlier).

OFFICER'S RECOMMENDATION

THAT Council develop a policy in relation to reconfiguration of lot approvals to allow developers to pay infrastructure charges on a per lot basis either when a lot is sold or within two (2) years, whichever is the earlier.

BACKGROUND

Some other local governments, namely Fraser Coast Regional Council and Livingstone Shire Council, have introduced policies that assist developers with their cash flows by enabling them to pay their infrastructure charges for reconfiguration of lot approvals on a per lot basis either when the lot is sold or within two (2) years of approval, whichever is the earlier.

Upon sealing of the survey plan by Council the plan must be lodged in the Land Titles Office within one (1) month, or as otherwise approved by Council's Chief Executive Officer.

When Council receives notification of the new lot from the Land Titles Office, these infrastructure charges are listed as a rate against the property pursuant to section 123 of the *Planning Act 2016*, with no penalty interest being payable for the two (2) years that the developer has to pay. In this manner Council has some degree of confidence that the infrastructure charges will be paid. If the infrastructure charges are not paid within the two (2) year period, the usual penalty interest will accrue on the outstanding amount.

The infrastructure charges attached to the land pursuant to an infrastructure agreement shall be paid when the subject lot is transferred in ownership, or within two (2) years of the title issuing, whichever is the earlier.

Should the infrastructure charges not be paid within a three (3) year period, Council may then exercise its rights pursuant to the *Local Government Act 2009* to recover the outstanding infrastructure charges as a rate and charge against the property.

Should Council be minded to pursue a policy in relation to infrastructure charges for reconfiguration of lot approvals, the developer of Crestwood Estate is willing to run a pilot project with Council over one of its stages of development.

CONCLUSION

There is minimal risk in enabling the developers to pay off the infrastructure charges on a per lot basis given that an infrastructure agreement must be entered into and the outstanding charges are made a rate against the lot, because if the charges are not paid within the two (2) year period penalty interest would accrue.

8.2 D/66-2017 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A DWELLING HOUSE

File No: D/66-2017

Attachments: 1. Locality Plan
2. Site Plan

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Steven Gatt - Manager Planning & Regulatory Services
Cheryl Haughton - Acting General Manager Community Services

Author: Thomas Gardiner - Planning Officer

SUMMARY

Development Application Number: D/66-2017

Applicant: Bob Caton

Real Property Address: Lot 43 on SP133747, Parish of Gracemere

Common Property Address: 121 Boongary Road, Gracemere

Area of Site: Ten (10) Hectares

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Rural Zone

Planning Scheme Overlays: Special Management Area Overlay
Creek Catchment Flood Overlay – Planning Area 1
Creek Catchment Flood Overlay – Planning Area 2
Agricultural Land Classification Overlay

Existing Development: Shed

Existing Approvals: Building Approval for a Shed

Approval Sought: Development Permit for a Material Change of Use for a Dwelling House

Level of Assessment: Impact Assessable

Submissions: Nil

Infrastructure Charges Area: Charge Area 3

Application Progress:

<i>Application Lodged:</i>	22 June 2017
<i>Acknowledgment Notice issued:</i>	14 July 2017
<i>Request for Further Information sent:</i>	25 July 2017
<i>Request for Further Information responded to:</i>	3 August 2017
<i>Submission period commenced:</i>	14 August 2017
<i>Submission period end:</i>	4 September 2017

<i>Council request for additional time:</i>	<i>12 September 2017</i>
<i>Last receipt of information from applicant:</i>	<i>11 September 2017</i>
<i>Statutory due determination date:</i>	<i>31 October 2017</i>

OFFICER'S RECOMMENDATION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for a Dwelling House, made by Bob Caton located at 121 Boongary Road, Gracemere, described as Lot 43 on SP133747, Parish of Gracemere, Council resolves to Approve the application despite its conflict with the planning scheme and provide the following grounds to justify the decision despite the conflict:

- a) The subject site is located within the Rural Zone. The proposal for a Dwelling House will not compromise the future intent of the area for uses including primary production, mining and tourism nor will it alienate the productive agricultural capacity of the land.
- b) The proposal is located within the Special Management Area Overlay. Notwithstanding, the site is not located in proximity to any existing industrial development which will not cause any adverse impacts on the health, well-being, amenity and safety of communities and individuals from the impacts of air, light, noise and odour emissions.
- 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 a Material Change of Use for a Dwelling House, made by Bob Caton located at 121 Boongary Road, Gracemere, described as Lot 43 on SP133747, Parish of Gracemere, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer and his employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this 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 issue of the Certificate of Classification for the Building Works,

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

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Site Plan	17.71, Sheet 1 of 1	11 September 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 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, Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access 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 Boongary Road to the development must be upgraded 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.

4.0 PLUMBING AND DRAINAGE WORKS

- 4.1 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act 2008*, *Plumbing and Drainage Act 2002*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 4.2 Adequate domestic and fire-fighting protection must be provided to the development, and must be certified by an hydraulic engineer or other suitably qualified person.
- 4.3 All sanitary drainage works must comply with *Australian Plumbing and Drainage Standard AS3500* Part 2 section 3 and 4 for flood affected areas.
- 4.4 On-site sewerage treatment and disposal must be provided in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Plumbing and Drainage Policies. The on-site sewerage treatment and disposal area must not be located within the 1% A.E.P. (Annual Exceedance Probability) Gracemere Creek flood inundation extents or conflict with the separation distance as detailed with the *Queensland Plumbing and Wastewater Code*.

5.0 SITE WORKS

- 5.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 5.2 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.
- 5.3 All site works must be undertaken to ensure that there is:
- 5.3.1 no increase in upstream or downstream flood levels for all levels of immunity up to a one per cent (1%) Annual exceedance probability flood event; and
 - 5.3.2 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.

6.0 BUILDING WORKS

- 6.1 Structures must not be located within the on-site sewerage treatment and disposal area or conflict with the separation distances, in accordance with the *Queensland Plumbing and Wastewater Code*.
- 6.2 The finished floor level for habitable areas (refer to condition 2.1) must be a minimum of 500 millimetres above a one per cent (1%) Annual exceedance probability flood inundation level.
- 6.3 All non-habitable areas subjected to flood inundation during a one per cent (1%) Annual exceedance probability flood event, must be designed and constructed using suitable flood resilient materials.
- 6.4 All electrical and telecommunication services and utilities connected to the property, including electrical outlets, must be designed and installed at such a height that they

are a minimum of 500 millimetres above a one per cent (1%) Annual exceedance probability flood level.

7.0 ELECTRICITY

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

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

8.0 TELECOMMUNICATIONS

8.1 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.

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

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.

10.0 ENVIRONMENTAL

10.1 An Erosion Control and Stormwater Control Management Plan prepared 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.

11.0 OPERATING PROCEDURES

11.1 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 Boongary Road.

ADVISORY NOTES

NOTE 1. 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 2. 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 3. Works in Road Reserve Permit

It is advised that a Works in Road Reserve Permit (including a fee for the vehicle crossover and compliant with Standard *Capricorn Municipal Development Guidelines*, Standard Drawings) may be accepted in place of the application for a Development Permit for Operational Works (access works).

NOTE 4. 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 a Dwelling House, made by Bob Caton located at 121 Boongary Road, Gracemere, described as Lot 43 on SP133747, Parish of Gracemere, Council resolves not to issue an Infrastructure Charges Notice.

BACKGROUND

PROPOSAL IN DETAIL

The proposal is for the construction of a Dwelling House located at 121 Boongary Road, Gracemere. The applicant has applied for a Building Location Envelope (BLE) as part of the proposal. The BLE is located on the eastern section of the subject site and is located forty-five (45) metres from the Boongary Road frontage. Access to the BLE will be gained from Boongary Road.

SITE AND LOCALITY

The subject site is located in the Rural Zone under the *Rockhampton Region Planning Scheme 2015*. Boongary Road and Halfpenny Road provide the site with two (2) road frontages to the north and west respectively. Currently on the subject site are a series of sheds which were associated with the previous use of the premises for rural purposes.

The Special Management Overlay burdens the subject site which is designated to ensure that development does not compromise any existing or future industrial development, nor resulting in development that affects the well-being and amenity of communities and individuals. Further, Creek Catchment flooding partially affects the subject site to the east.

Surrounding the site are primarily large, undeveloped rural blocks. To the south, east and west of the site is rural zoned land, while to the north of the site is land located within the Medium Impact Industry Zone which has not been developed. The site also contains two (2) easements for electricity infrastructure to the west.

PLANNING ASSESSMENT**MATTERS FOR CONSIDERATION**

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

Development Engineering Comments – 16 August 2017

Support, subject to conditions.

Public and Environmental Health Comments – 13 July 2017

Support, subject to comments.

Other Staff Technical Comments

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

TOWN PLANNING COMMENTS**Central Queensland Regional Plan 2013**

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

State Planning Policy 2014

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

Rockhampton Region Planning Scheme 2015**Strategic framework**

This application is situated within the Rural 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 is consistent with the settlement pattern and will not compromise the future use of rural land for primary production, mining and tourism purposes.

(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 partially affected by Creek Catchment Flooding, however the proposal is not anticipated to create unsustainable impacts on the natural functioning of floodplains nor increasing the risk to human life and property.

(iii) **Community identity and diversity**

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

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.

Not applicable.

(v) Infrastructure and services

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

Not applicable.

(vi) Natural resources and economic development

- (1) The economy of the planning scheme area continues to grow and provides the community with diverse and new employment opportunities. Rockhampton continues to strengthen as the retail, service, cultural and administrative centre for both the planning scheme area and the wider Central Queensland region.
 - (2) The strategic importance of Rockhampton for transport and logistics industries is fostered, given its central location at the junction of the Bruce Highway, the Capricorn Highway (through to the Landsborough Highway) and the Burnett Highway (through to the Leichhardt Highway).
 - (3) The local community continues to value its traditional economic assets and natural resources and protects and conserves them and the contribution they make to maintaining and growing the region's economic prosperity, culture, character and sense of place. The region's traditional economic sectors of tourism and agriculture (including the iconic beef industry) continue to strengthen.
 - (4) Development protects and, where possible, leverages the intrinsic economic value of the region's natural resources, including productive grazing,
-

agricultural and forestry land, extractive and mineral resources, marine and coastal resources, and existing and planned water resources, including watercourses, water bodies and groundwater.

- (5) Natural assets identified by this planning scheme are protected as they underpin current and emerging tourism opportunities and important lifestyle values for residents.

Not applicable.

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

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) provide for rural uses including cropping, intensive horticulture, intensive animal industry, animal husbandry, animal keeping and other primary production activities;
 - (b) provide opportunities for non-rural uses that are compatible with agriculture, the environmental features, and the landscape character of the rural area where they do not compromise the long-term use of the land for rural purposes; and
 - (c) protect or manage significant natural resources and processes to maintain the capacity for primary production.
- (2) The local government purpose of the 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.
- (3) 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) a need for a larger land area than is generally available in urban areas (for example, development for outdoor sport and recreation or community use);
- (d) development does not alienate or impact on the productive agricultural capacity of rural areas, in particular on land identified on the agricultural land classification (ALC) overlay maps;

Editor's note—Agricultural land classified as Class A or Class B is identified on the agricultural land classification overlay map OM-13.

- (e) all rural land is protected from further fragmentation. A lack of viability for an existing farm or other small holdings does not justify their further subdivision or use for non-rural purposes;
- (f) 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 uses, residential 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 uses in relation to traffic, noise and air quality;
 - (iii) minimise water quality impacts;
 - (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);
- (g) 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;
- (h) urban and rural residential development is contained within the designated growth areas and does not expand into the rural zone;
- (i) sensitive land uses 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);
- (j) renewable energy facilities are located on sites that are large enough to accommodate appropriate buffering from sensitive uses and minimise adverse impacts on the natural environment;
- (k) extractive industries (including Marmor limeworks) on rural land are protected from development and encroachment by incompatible uses;
- (l) extractive industry minimises environmental and traffic impacts. Once the operation has ceased the site is rehabilitated;
- (m) aquaculture activities may be integrated with horticulture operations, where benefits of diversification are evident and there are no adverse impacts on amenity, water quality and ecological values;
- (n) reconfiguration of a lot only occurs if it results in new rural lots that:
 - (i) are related to the agricultural capability of the land;
 - (ii) are related to maintaining a viable rural business; and
 - (iii) have a minimum area of 100 hectares unless otherwise stated in a precinct; and
- (o) the establishment of two (2) precincts within the zone where particular requirements are identified:
 - (i) Alton Downs precinct; and
 - (ii) Cropping and intensive horticulture precinct.

This application is consistent with the purpose of the Zone.

Rockhampton Regional Planning Scheme Codes

The following codes are applicable to this application: -

- Rural Zone Code;
- Flood Hazard Overlay Code; and
- Special Management Area 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:

Flood Hazard Overlay Code		
Performance Outcome		Officer's Response
PO6	Development within the floodplain	The subject site is located within the

	investigation area is resilient to flood events by ensuring the location and design account for the potential risks of flooding.	Floodplain Investigation Area with the proposal including habitable rooms within the affected area. The applicant provided further information which highlighted that the proposed Dwelling House would not be sited in a flood-affected area in accordance with Council's Flood Record Search. As such, the positioning of the proposed Dwelling House will not result in the further intensification of land uses in a flood-affected area and will not exacerbate any flood impacts or heighten the risk to people and property.
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Special Management Area Overlay Code		
Performance Outcome		Officer's Response
PO1	Development does not result in a sensitive land use being exposed to air, noise and odour emissions that impact upon human health, amenity and well-being.	The proposal involves the introduction of a sensitive land use into the Special Management Overlay. The subject site is located across from undeveloped land located in Low and Medium Impact Industry Zone. As the surrounding industrial zoned land is undeveloped, the proposed Dwelling House is not at risk to being exposed to air, noise and odour emissions. Further, the uptake of the adjoining sites for industrial development may take considerable time due to the proximity of the site to the Gracemere Industrial Area and being outside of Council's Priority Infrastructure Area.

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 subject site is located within the Rural Zone. The proposal for a Dwelling House will not compromise the future intent of the area for uses including primary production, mining and tourism nor will it alienate the productive agricultural capacity of the land.
- b) The proposal is located within the Special Management Area Overlay. Notwithstanding, the site is not located in proximity to any existing industrial development which will not

cause any adverse impacts on the health, well-being, amenity and safety of communities and individuals from the impacts of air, light, noise and odour emissions.

- 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 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 for residential development (\$/dwelling unit)		Column 4 Unit	Calculated Charge
		1 or 2 bedroom dwelling	3 or more bedroom dwelling		
	Area 3	5,000		per dwelling	\$5,000.00
Total					\$5,000.00
Less credit					\$7,000.00
TOTAL CHARGE					\$0.00

This is based on the following calculations:

- (a) A charge of \$5,000.00 for one (1), two (2) bedroom Dwelling House; and
- (b) An Infrastructure Credit of \$7,000.00 applicable for the existing allotment.

Therefore, no charge is applicable for this development.

CONSULTATION

The proposal was the subject of public notification between 14 August 2017 and 4 September 2017, as per the requirements of the *Sustainable Planning Act 2009*, and no submissions were received.

REFERRALS

The application was not the subject of any referrals.

CONCLUSION

The proposal is not consistent with the intent of the Special Management Area Overlay. Despite this, the site is not in proximity to any industrial development which would compromise the health, amenity or well-being of any future residents associated with the proposal. As such, it is recommended that the proposal for a Dwelling House can be supported subject to the conditions outlined in the assessment report.

**D/66-2017 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A DWELLING
HOUSE**

Locality Plan

Meeting Date: 3 October 2017

Attachment No: 1

D/66-2017 Locality Plan



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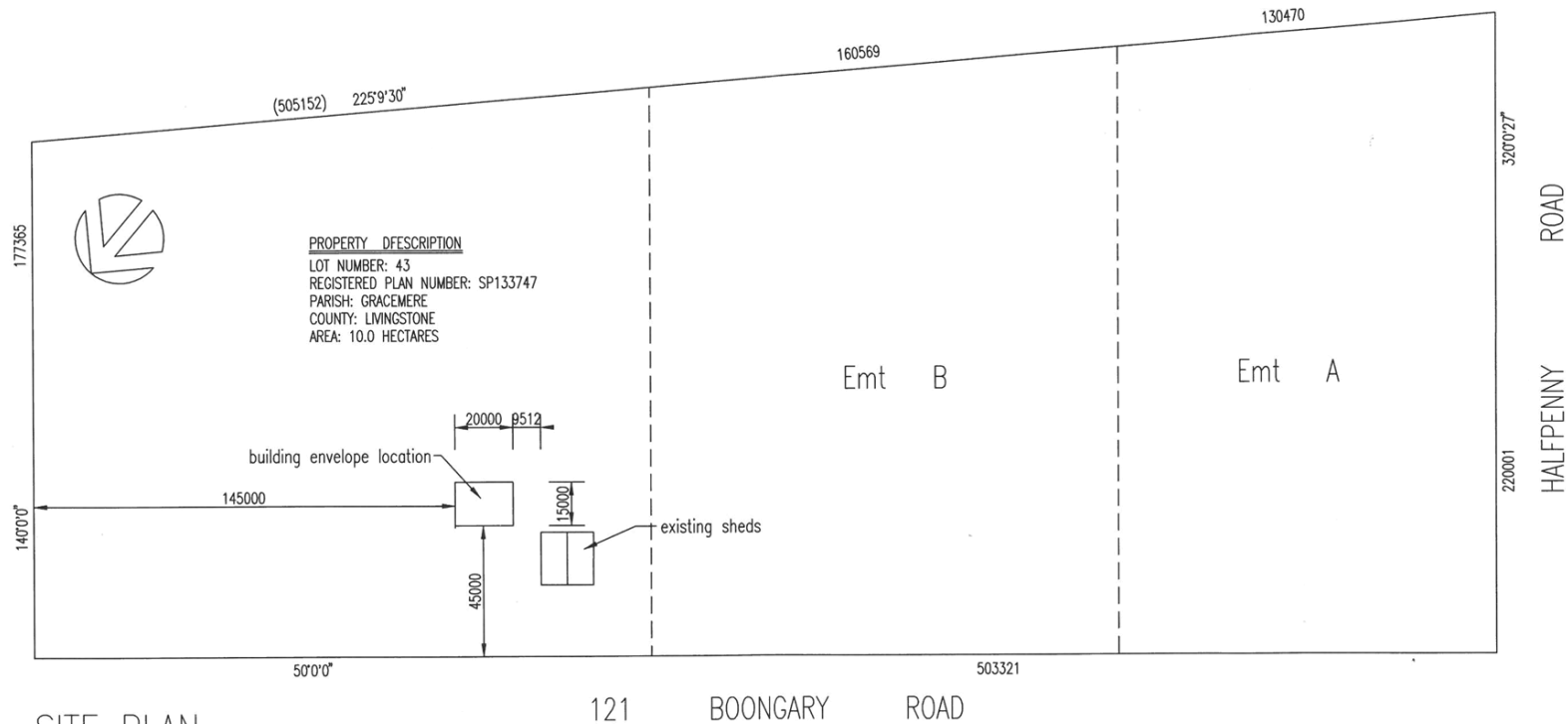


**D/66-2017 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A DWELLING
HOUSE**

Site Plan

Meeting Date: 3 October 2017

Attachment No: 2



SITE PLAN

9 NOTICES OF MOTION

Nil

10 URGENT BUSINESS/QUESTIONS

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

11 CLOSURE OF MEETING