



PLANNING AND REGULATORY COMMITTEE MEETING

AGENDA

2 OCTOBER 2018

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 2 October 2018 commencing at 9.00am for transaction of the enclosed business.

A handwritten signature in black ink, appearing to be "C. P.", is written over a faint, light blue circular stamp.

CHIEF EXECUTIVE OFFICER
26 September 2018

Next Meeting Date: 16.10.18

Please note:

In accordance with the *Local Government Regulation 2012*, please be advised that all discussion held during the meeting is recorded for the purpose of verifying the minutes. This will include any discussion involving a Councillor, staff member or a member of the public.

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1 OPENING

2 PRESENT

Members Present:

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

In Attendance:

Ms C Worthy – General Manager Community Services (Executive Officer)
Mr E Pardon – Chief Executive Officer

3 APOLOGIES AND LEAVE OF ABSENCE

4 CONFIRMATION OF MINUTES

Minutes of the Planning and Regulatory Committee held 18 September 2018

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: Colleen Worthy - General Manager Community Services
Author: Colleen Worthy - General Manager Community Services

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: 2 October 2018

Attachment No: 1

Date	Report Title	Resolution	Responsible Officer	Due Date	Notes
22/05/2018	Parking During Major Events	THAT Council officers prepare an overview report with recommendations which would reduce impacts of significant events at the Showgrounds on the Wandal community and retail precinct, which may involve temporary changes to the parking regime or other alternatives as suggested.	Steven Gatt	23/10/2018	Plan drafting underway.

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 OFFICERS' REPORTS

8.1 D/19-2017 - MINOR CHANGE TO DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (TWO LOTS INTO FIVE LOTS) AND ACCESS EASEMENT

File No: D/19-2017

Attachments: 1. [Locality Plan](#)
2. [Site Plan](#)

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Steven Gatt - Manager Planning and Regulatory Services
Colleen Worthy - General Manager Community Services

Author: Bevan Koelmeyer - Planning Officer

SUMMARY

Development Application Number: D/19-2017

Applicant: Vicki Heilbronn

Real Property Address: Lot 1844 on LIV40662 and Lot 485 on LIV40112, Parish of Murchison

Common Property Address: 277 Yeppoon Road and 66 Alfred Road, Parkhurst

Planning Scheme: Rockhampton City Plan 2005

Planning Scheme Area: Yeppoon Road Corridor Environmental Protection Area

Approval Sought: Minor Change to Development Permit D/19-2017 for Reconfiguring a Lot (two lots into five Lots) and Access Easement

Level of Assessment: Code Assessable

Submissions: Not Applicable

Referrals: The Department of State Development, Manufacturing, Infrastructure and Planning

Infrastructure Charges Area: Charge Area 3

OFFICER'S RECOMMENDATION

RECOMMENDATION A

THAT That in relation to the application for a Minor Change to Development Permit D/19-2017 for Reconfiguring a Lot (two lots into five Lots) and Access Easement, made by V Heilbronn, located at 277 Yeppoon Road and 66 Alfred Road, Parkhurst, described as Lot 1844 on LIV40662 and Lot 485 on LIV40112, Parish of Murchison, Council resolves that:

1. Condition 4.3 be amended by replacing:

As part of Stage 2, Olive Street must be constructed to a Rural Access standard from the intersection with McMillan Avenue to the access point for Lot 11.

With

As part of Stage 2 of the development, Olive Street must be designed and constructed from the intersection with McMillan Avenue to the access point for Lot 11 to the following parameters:

- 4.3.1 a minimum 4.5 metre wide gravel formation;
- 4.3.2 a pavement depth suitable for the in-situ subgrade conditions and expected traffic loadings but no less than 150 millimetres;
- 4.3.3 a desirable minimum design speed of 50 kilometres/per hour with a minimum design speed for individual elements of 30 kilometres/per hour;
- 4.3.4 a turning area to permit vehicle U-Turns opposite the access point for Lot 11;
- 4.3.5 with appropriate road furniture and signage to the *Manual of Uniform Traffic Control Devices – Queensland*; and
- 4.3.6 the horizontal alignment is permitted to vary around the existing road reserve centreline by plus/minus 5 metres.

2. Condition 4.4 be amended by replacing:

As part of Stage 2 of the development, McMillan Avenue must be designed and constructed as a half road construction, with a minimum width of 5.5 metres from the end of the existing seal to the intersection with Olive Street. The edge line of the new construction must match the alignment of the existing kerb and channel on the western side of McMillan Avenue. Council will accept a two-coat seal in accordance with the requirements of the Capricorn Municipal Development Guidelines in lieu of asphalt surfacing for this section of roadway, with no kerb and channel construction required in this instance.

With

As part of Stage 2 of the development, McMillan Avenue must be designed and constructed from the end of the existing seal in McMillan Avenue to the intersection with Olive Street to the following parameter:-

- 4.4.1 a minimum 4.5 metre wide gravel formation and a two-coat bitumen seal;
- 4.4.2 a pavement depth suitable for the in-situ subgrade conditions and expected traffic loadings but no less than 150 millimetres;
- 4.4.3 a desirable minimum design speed of 50 kilometres/per hour with a minimum design speed for individual elements of 30 kilometres/per hour;
- 4.4.4 with appropriate road furniture and signage to the *Manual of Uniform Traffic Control Devices – Queensland*; and
- 4.4.5 the horizontal alignment must generally align with the centre of the existing seal in McMillan Avenue.

3. Condition 4.5 be amended by replacing:

As part of Stage 2 of the development, the intersection of McMillan Avenue and Olive Street must be sealed with a minimum of a two-coat seal in accordance with the requirements of the Capricorn Municipal Development Guidelines such that it has a minimum width of 6.5 metres within the Olive Street road reserve and extends a minimum of ten (10) metres to the east along Olive Street.

With

As part of Stage 2 of the development, the intersection of McMillan Avenue and Olive Street must be designed and constructed such that there is a minimum width of 5.5 metres for a distance of ten (10) metres to the east along Olive Street and ten (10) metres to the south along McMillan Avenue. The pavement depth must be suitable for the in-situ subgrade conditions but no less than 150 millimetres and be sealed with a minimum two-coat bitumen seal.

RECOMMENDATION B

That in relation to the application for a Minor Change to Development Permit D/19-2017 for Reconfiguring a Lot (two lots into five Lots) and Access Easement, made by V Heilbronn, Lot 1844 on LIV40662 and Lot 485 on LIV40112, Parish of Murchison, located at 277 Yeppoon Road and 66 Alfred Road, Parkhurst - 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 Compliance Certificate for the Survey Plan, 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 Compliance Certificate for the Survey Plan, 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) Road Works; and
 - (ii) Access 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 The access to Lot 12 and Lot 13 must be via Easement B over Lot 485 and Easement C over Lot 13. Easement documents must accompany the Survey Plan for endorsement by Council, prior to the issue of the Compliance Certificate for the Survey Plan.

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>
Flood Hazard Assessment	K3925-0002	21 February 2017
Proposed Subdivision Layout	R17006-001, Revision D	Undated
Bushfire Hazard Assessment &	Version 2	10 March 2017

Bushfire Management Plan		
Regulated Vegetation Impact Assessment and Mitigation	Version 2	29 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.

3.0 STAGED DEVELOPMENT

3.1 This development approval is for a development to be undertaken in two (2) discrete stages, namely:

3.1.1 Lots 12, 13 and Lot 14 (Stage One – three [3] lots); and

3.1.2 Lot 11 (Stage Two – one [1] lot).

in accordance with the approved proposed subdivision layout plan (refer to condition 2.1).

The 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 ROAD WORKS

4.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works required by this development approval for Stage 2.

4.2 All road works for Stage 2 of the development must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, and relevant *Australian Standards* and *Austroads Guidelines* and the provisions of a Development Permit for Operational Works (road works).

4.3 As part of Stage 2 of the development, Olive Street must be designed and constructed from the intersection with McMillan Avenue to the access point for Lot 11 to the following parameters:-

4.3.1 A minimum 4.5 metre wide gravel formation;

4.3.2 A pavement depth suitable for the in-situ subgrade conditions and expected traffic loadings but no less than 150 millimetres;

4.3.3 A desirable minimum design speed of 50 kilometres/per hour with a minimum design speed for individual elements of 30 kilometres/per hour;

4.3.4 A turning area to permit vehicle U-Turns opposite the access point for Lot 11;

4.3.5 With appropriate road furniture and signage to the *Manual of Uniform Traffic Control Devices – Queensland*; and

4.3.6 The horizontal alignment is permitted to vary around the existing road reserve centreline by plus/minus 5 metres.

4.4 As part of Stage 2 of the development, McMillan Avenue must be designed and constructed from the end of the existing seal in McMillan Avenue to the intersection with Olive Street to the following parameter:-

4.4.1 A minimum 4.5 metre wide gravel formation and a two-coat bitumen seal;

- 4.4.2 A pavement depth suitable for the in-situ subgrade conditions and expected traffic loadings but no less than 150 millimetres;
 - 4.4.3 A desirable minimum design speed of 50 kilometres/per hour with a minimum design speed for individual elements of 30 kilometres/per hour;
 - 4.4.4 With appropriate road furniture and signage to the *Manual of Uniform Traffic Control Devices – Queensland*; and
 - 4.4.5 The horizontal alignment must generally align with the centre of the existing seal in McMillan Avenue.
 - 4.5 As part of Stage 2 of the development, the intersection of McMillan Avenue and Olive Street must be designed and constructed such that there is a minimum width of 5.5 metres for a distance of ten (10) metres to the east along Olive Street and ten (10) metres to the south along McMillan Avenue. The pavement depth must be suitable for the in-situ subgrade conditions but no less than 150 millimetres and be sealed with a minimum two-coat bitumen seal.
 - 4.6 Traffic signs and pavement markings must be provided in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*. Where necessary; existing traffic signs and pavement markings must be modified in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*.
 - 5.0 ACCESS WORKS
 - 5.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access works required by this development approval.
 - 5.2 All access works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), and *Capricorn Municipal Development Guidelines*, and the provisions of a Development Permit for Operational Works (access works).
 - 5.3 The internal access to Lot 12 and Lot 13 must be constructed from the end of Alfred Road to the southern boundary of Lot 12. Construction must be a minimum of four (4) metres wide with a low flow pipe and concrete spillway with a one (1) year ARI immunity through the existing natural channel.
 - 5.4 A new access must be constructed for Lot 11 for Stage 2 of the development in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.
 - 5.5 Flood height markers must be installed along the access to Lot 12 and Lot 13, for the full extent of the 1% Average Exceedance Probability inundation area.
 - 6.0 PLUMBING AND DRAINAGE WORKS
 - 6.1 On-site sewage treatment and disposal must be in accordance with the Queensland Plumbing and Wastewater Code and Council's Plumbing and Drainage Policies. This can be completed at the building works application stage.
 - 6.2 On-site water supply for domestic and firefighting purposes must be provided and may include the provision of a bore, dams, water storage tanks or a combination of each. This can be completed at the building works application stage.
 - 7.0 STORMWATER WORKS
 - 7.1 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.
 - 8.0 SITE WORKS
 - 8.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
-

- 8.2 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.
- 8.3 Vegetation must not be cleared unless and until written approval has been provided by Council. A Development Permit for Operational Works constitutes written approval, only for the purposes of clearing vegetation directly pertinent to the operational works that are the subject of the Development Permit.
- 8.4 All site works must be undertaken to ensure that there is:
- 8.4.1 no increase in upstream or downstream flood levels for all levels of immunity up to a one per cent (1%) Annual exceedance probability defined flood event;
 - 8.4.2 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
 - 8.4.3 a lawful point of discharge to which the approved works drain during the construction phase.
- 9.0 ELECTRICITY
- 9.1 Electricity services must be provided in accordance with the standards and requirements of the relevant service provider, prior to the issue of the Compliance Certificate for the Survey Plan.
- 10.0 TELECOMMUNICATIONS
- 10.1 Evidence that the new lots can be provided with telecommunications services from the relevant service provider must be provided to Council, prior to the issue of the Compliance Certificate for the Survey Plan.
- 11.0 ASSET MANAGEMENT
- 11.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.
- 11.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.
- 11.3 'As Constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the issue of the Compliance Certificate for the Survey Plan. This information must be provided in accordance with the Asset Design and As Constructed Manual (ADAC).
- 12.0 ENVIRONMENTAL
- 12.1 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) site drainage;
-

- (v) soils;
- (vi) erosion susceptibility;
- (vii) erosion risk;
- (viii) concept;
- (ix) design; and
- (x) implementation,

for the construction and post-construction phases of work.

- 12.2 The Erosion Control and Stormwater Control Management Plan prepared by a Registered Professional Engineer of Queensland in accordance with the *Capricorn Municipal Design Guidelines*, must be implemented, monitored and maintained for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The plan must be available on-site for inspection by Council Officers whilst all works are being carried out.
- 12.3 The development must be undertaken in accordance with the recommendations in the approved Bushfire Management Plan (refer to condition 2.1).
- 12.4 The maintenance of the fire management trail must be the responsibility of the owner of the land (the Developer) until the subdivision is accepted by Council as being 'off defects' whereupon it must be the responsibility of the relevant property owners. All future owners of the proposed lots must be advised by the Developer in writing of their responsibility to comply with the requirements of the approved Bushfire Management Plan (refer to condition 2.1).
- 12.5 All future buildings on the proposed lots must be constructed in accordance with *Australian Standard AS3959 "Construction of buildings in bushfire-prone areas"* and the approved Bushfire Management Plan (refer to condition 2.1). A property note to this effect will be entered against Lots 11, 12, 13 and 14.

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. Property Note (Bushfire)

All future buildings on the proposed lots must be constructed in accordance with *Australian Standard AS3959 "Construction of buildings in bushfire-prone areas"* and the approved Bushfire Management Plan.

NOTE 4. Infrastructure Charges Notice

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

NOTE 5. Clearing within Road Reserve

An approval for a Tree Clearing Permit, issued by the Department of Environment and Heritage Protection in addition to the Operational Works (road works) permit, will be required when constructing the proposed new roads.

It is a requirement under the *Nature Conservation Act 1992* that an approved Tree Clearing Permit is obtained from the Department of Environment and Heritage Protection, prior to any tree clearing activities that are to occur within a road reserve that is under Council control.

NOTE 6. Provision for Sewer and Water services

Each lot must be provided with on-site sewerage treatment and disposal systems at the time of house construction. All systems must comply with the *Queensland Plumbing and Wastewater Code, Australian Standard AS1547:2012 "On-site domestic wastewater management"* and Council Plumbing and Drainage Policies. Sustainable Water sources including rainwater tanks, and a bore or small dam must be provided.

NOTE 7. Rural Addressing

Rural addressing must be provided to each lot in accordance with Council's rural addressing procedures.

BACKGROUND**PROPOSAL IN DETAIL**

On 12 July 2017, Council approved a Development Permit (D/19-2017) for Reconfiguring a Lot (two into five lots) and Access Easement. Since the original decision was made there has been a Negotiation Decision Notice and an Amended Decision Notice approved by Council, with the latest approval granted subject to conditions on 27 July 2018. The subject request for a Minor Change to Development Permit D/19-2017 was received by Council on 14 August 2018 which seeks to amend conditions 4.3, 4.4. and 4.5, relating to 'Road Works' for Stage 2 of the development. The changes relate to the following matters:

- The construction standards of Olive Street to service the development;
- The constructions standards for McMillan Avenue to service the development; and
- The construction standards for the intersection of McMillan Avenue and Olive Street to service the development.

SITE AND LOCALITY

The subject site is located at 277 Yeppoon Road and 66 Alfred Road, Parkhurst described as Lot 1844 on LIV40662 and Lot 485 on LIV40112. The total site area for Lot 1844 on LIV40662 applicable to the subdivision is 39.255 hectares. The purpose of Lot 485 on LIV40112 in this development is to provide site access for proposed lots 12 and 13 to Alfred Road.

Lot 1844 on LIV40662 is currently improved with one (1) detached dwelling house and an associated domestic outbuilding, both sited on proposed Lot 14. There are three (3) existing dams on the subject site located on proposed lots 12 and Lot 13. The subject site is adjacent to Limestone Creek on the southern boundary and has direct access to two (2) Council roads; unformed McMillan Avenue (Olive Street) for Lot 11 abutting the northern boundary and Yeppoon Road for access via the southern boundary for Lot 14.

PLANNING ASSESSMENT**SUMMARY OF REPRESENTATIONS**

The following section summarises the representations made by the applicant, and Council's response.

Condition 4.3 – Olive Street (Road Works)Applicant's representation

The applicant requested an alternative construction standard to be accepted by Council for Olive Street. The approved conditions required Olive Street to be constructed to a 'Rural Access Standard'. Given that the 'Rural Access Standard' is intended to cater for up to 1000 vehicle movements per day, the applicant believed this requirement was disproportionate with the development's traffic demands to provide access for two (2) rural allotments in a relatively isolated area.

Council response

The requirement for Olive Street to be constructed to a Rural Access Standard was originally imposed as it is the lowest standard of road within the Capricorn Municipal Development Guidelines (CMDG). This was considered appropriate for the limited traffic volumes created by the proposed development. Given the abovementioned, Council Officers have provided subsequent advice to the consulting engineer that a lesser standard for this portion of Olive Street could be supported.

The applicant initially made representations for Olive Street to be constructed in accordance with 'CMDG - Driveways D15 – Rural and Rural Residential Property Access' which allows a 3 to 3.5 metre wide gravel formation. Council Officer's responded to the applicant stating that the access, despite the low demand, must be wide enough for two vehicles to safely pass each other and that the preferred minimum width should for this section of Olive Street be 4.5 metres. The applicant agreed to Council's preference.

Therefore, for the aforementioned reasons, the amended wording to condition 4.3 has been accepted by Council.

Condition 4.4 – McMillan Avenue (Road Works)Applicant's representation

The applicant requested that an alternative construction standard be accepted by Council for McMillan Avenue.

Council response

The condition was imposed by Council to achieve Council's minimum road width for the continuation of McMillan Avenue, albeit with a two-coat seal in lieu of asphalt, and no kerb and channel in order to reduce construction costs for the applicant. The applicant was originally advised that Council would not be willing to negotiate this condition, however, given that the development will only be servicing two (2) rural allotments, Council's Engineers have agreed with the applicant's proposal. The alternative is for McMillan Avenue to be a minimum width of 4.5 metres and for the gravel formation to be of a sufficient depth to facilitate the future upgrade of McMillan Avenue to a two-coat seal as per Council's Schedule of Works.

Therefore, for the aforementioned reasons, the amended wording to condition 4.4 has been accepted by Council.

Condition 4.5 – Olive Street and McMillan Avenue Intersection (Road Works)Applicant's representation

The applicant has requested an alternative construction standard to be accepted by Council for the intersection of McMillan Avenue and Olive Street.

Council response

The condition was imposed in order to provide suitable sealing to the intersection of Olive Street and McMillan Avenue for the expected traffic loads and turning movements. The applicant has proposed a sealed width of 6.5 metres for 10 metres in both Olive Street and McMillan Avenue.

However, Council's Engineers assessed this to be a better outcome to reduce the width to 5.5 metres in order to negotiate slightly wider formations for the extensions of Olive Street and McMillan Avenue, as per Council's response addressed for conditions 4.3 and 4.4. The alternative standard for the intersection remains of a sufficient standard to facilitate the anticipated traffic demands generated by the two (2) rural allotments associated with the development.

Therefore, for the aforementioned reasons, the amended wording to condition 4.5 has been accepted by Council.

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 provisions of the *Planning Act 2016*, 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 – (6 September 2018)

Support, subject to conditions and comments.

STATEMENT OF REASONS

Description of the development	The proposed development is for Reconfiguring a Lot (two lots into five Lots) and Access Easement
Reasons for decision	The subject minor change seeks to amend approval conditions related to road works and does not otherwise alter the approved development.
Assessment Benchmarks	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> • Reconfiguration of Lot Code; • Biodiversity and Nature Conservation Code; • Bushfire Risk Minimisation Code; • Flood Prone Land Code; • Water Quality and Quantity Code; • Landscape Code; and • Parking and Access Code.
Compliance with benchmarks	The subject minor change was assessed against all of the abovementioned assessment benchmarks and wholly complies.
Matters prescribed by regulation	<ul style="list-style-type: none"> • The <i>State Planning Policy – Part E</i>; • The <i>Central Queensland Regional Plan</i>; • The <i>Rockhampton City Plan 2005</i>; and • The common material, being the material submitted with the application.

CONCLUSION

As shown in the assessment above, Council officers consider that the above agreed upon changes to conditions made by the applicant are reasonable and do not materially alter the approved development. Therefore, the proposal is recommended for approval subject to the amended conditions outlined in the recommendation.

**D/19-2017 - MINOR CHANGE TO
DEVELOPMENT PERMIT FOR
RECONFIGURING A LOT
(TWO LOTS INTO FIVE LOTS) AND
ACCESS EASEMENT**

Locality Plan

Meeting Date: 2 October 2018

Attachment No: 1

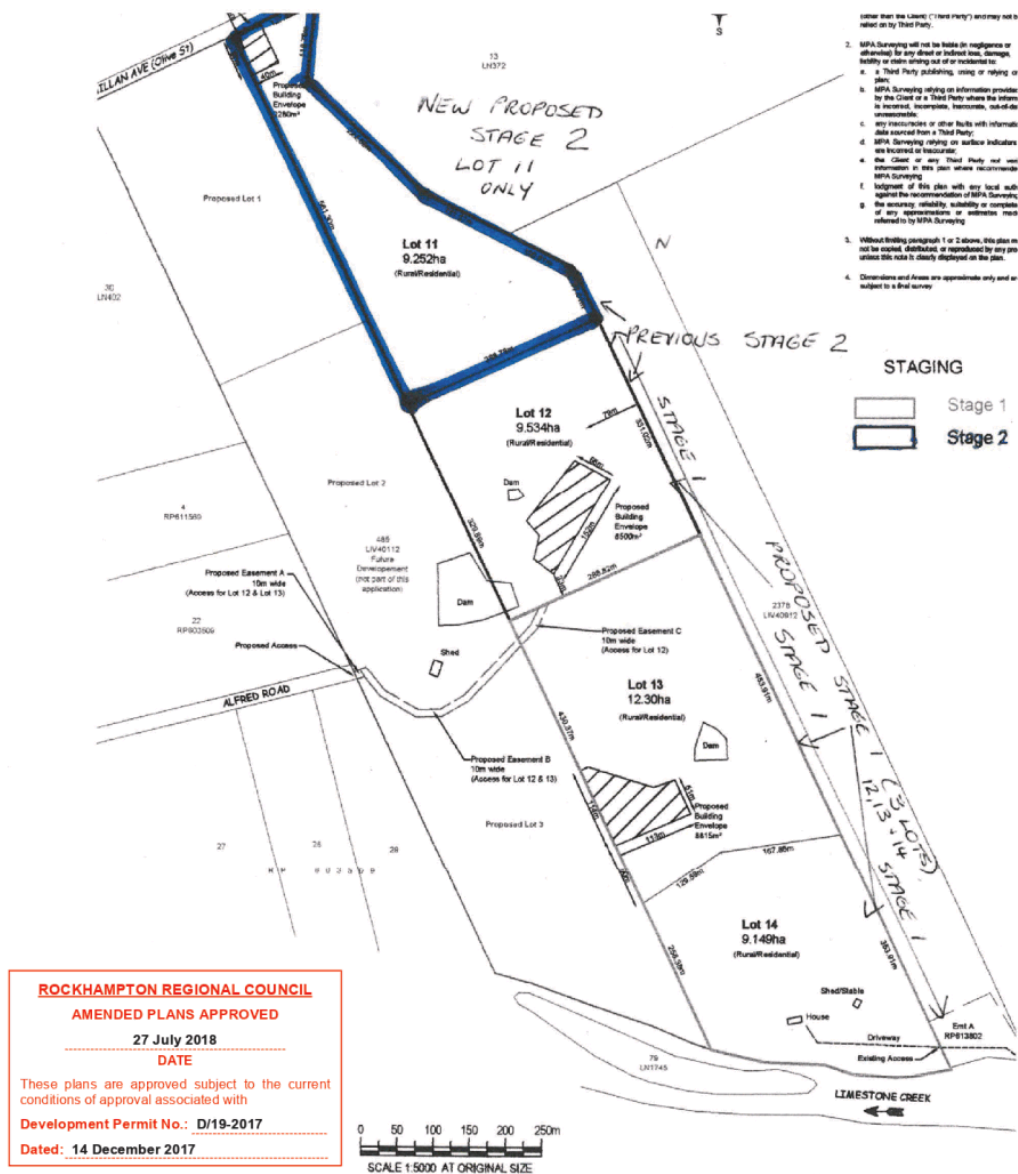


**D/19-2017 - MINOR CHANGE TO
DEVELOPMENT PERMIT FOR
RECONFIGURING A LOT
(TWO LOTS INTO FIVE LOTS) AND
ACCESS EASEMENT**

Site Plan

Meeting Date: 2 October 2018

Attachment No: 2



OFFMANN
RVEYORS

37 Withers St, Rockhampton, QLD 4701 07 4922 3834 www.offmannrveyors.com.au

CADAstral ENGINEERING MAPPING TOWN PLANNING

Project	Lot 1844 LV40852 Subdivision	Project No.	R17005	Scale	1:5000
Task	Proposed Subdivision Layout	Client/Owner	DP	Drawn	DP
Task	Real Planning	Project No.	R17005-001	Sheet	1 of 1
Task	Boundary & Easement	Project No.	R17005-001	Sheet	1 of 1
Task	Easements	Project No.	R17005-001	Sheet	1 of 1
Task	Original	Project No.	R17005-001	Sheet	1 of 1

8.2 D/20-2017 - MINOR CHANGE TO DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (ONE LOT INTO THREE LOTS) AND ACCESS EASEMENT

File No: D/20-2017

Attachments: 1. Locality Plan [↓](#)
2. Site Plan [↓](#)

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Steven Gatt - Manager Planning and Regulatory Services
Colleen Worthy - General Manager Community Services

Author: Bevan Koelmeyer - Planning Officer

SUMMARY

Development Application Number: D/20-2017

Applicant: Capehead Pty Ltd

Real Property Address: Lot 485 on LIV40112, Parish of Murchison

Common Property Address: 66 Alfred Road, Parkhurst

Planning Scheme: Rockhampton City Plan 2005

Planning Scheme Area: Yeppoon Road Corridor Environmental Protection Area

Approval Sought: Minor Change for Development Permit D/20-2017 for Reconfiguring a Lot (one lot into three lots) and Access Easement

Level of Assessment: Code Assessable

Submissions: Not Applicable

Referrals: Nil

Infrastructure Charges Area: Charge Area 3

OFFICER'S RECOMMENDATION

RECOMMENDATION A

THAT in relation to the application for a Minor Change to Development Permit D/19-2017 for Reconfiguring a Lot (two lots into five Lots) and Access Easement, made by Capehead Pty Ltd, Lot 485 on LIV40112, Parish of Murchison, located at 66 Alfred Road, Parkhurst - Council resolves that:

1. Condition 4.3 be amended by replacing:

As part of Stage 2, Olive Street must be constructed to a Rural Access standard from the intersection with McMillan Avenue to the access point for Lot 11.

With

As part of Stage 2 of the development, Olive Street must be designed and constructed from the intersection with McMillan Avenue to the access point for Lot 11 to the following parameters:-

- 4.3.1 A minimum 4.5 metre wide gravel formation;

- 4.3.2 A pavement depth suitable for the in-situ subgrade conditions and expected traffic loadings but no less than 150 millimetres;
- 4.3.3 A desirable minimum design speed of 50 kilometres/per hour with a minimum design speed for individual elements of 30 kilometres/per hour;
- 4.3.4 A turning area to permit vehicle U-Turns opposite the access point for Lot 11;
- 4.3.5 With appropriate road furniture and signage to the *Manual of Uniform Traffic Control Devices – Queensland*; and
- 4.3.6 The horizontal alignment is permitted to vary around the existing road reserve centreline by plus/minus 5 metres.

2. Condition 4.4 be amended by replacing:

As part of Stage 2 of the development, McMillan Avenue must be designed and constructed as a half road construction, with a minimum width of 5.5 metres from the end of the existing seal to the intersection with Olive Street. The edge line of the new construction must match the alignment of the existing kerb and channel on the western side of McMillan Avenue. Council will accept a two-coat seal in accordance with the requirements of the Capricorn Municipal Development Guidelines in lieu of asphalt surfacing for this section of roadway, with no kerb and channel construction required in this instance.

With

As part of Stage 2 of the development, McMillan Avenue must be designed and constructed from the end of the existing seal in McMillan Avenue to the intersection with Olive Street to the following parameter:-

- 4.4.1 A minimum 4.5 metre wide gravel formation and a two-coat bitumen seal;
- 4.4.2 A pavement depth suitable for the in-situ subgrade conditions and expected traffic loadings but no less than 150 millimetres;
- 4.4.3 A desirable minimum design speed of 50 kilometres/per hour with a minimum design speed for individual elements of 30 kilometres/per hour;
- 4.4.4 With appropriate road furniture and signage to the *Manual of Uniform Traffic Control Devices – Queensland*; and
- 4.4.5 The horizontal alignment must generally align with the centre of the existing seal in McMillan Avenue.

3. Condition 4.5 be amended by replacing:

As part of Stage 2 of the development, the intersection of McMillan Avenue and Olive Street must be sealed with a minimum of a two-coat seal in accordance with the requirements of the Capricorn Municipal Development Guidelines such that it has a minimum width of 6.5 metres within the Olive Street road reserve and extends a minimum of ten (10) metres to the east along Olive Street.

With

As part of Stage 2 of the development, the intersection of McMillan Avenue and Olive Street must be designed and constructed such that there is a minimum width of 5.5 metres for a distance of ten (10) metres to the east along Olive Street and ten (10) metres to the south along McMillan Avenue. The pavement depth must be suitable for the in-situ subgrade conditions but no less than 150 millimetres and be sealed with a minimum two-coat bitumen seal.

RECOMMENDATION B

That in relation to the above changes, Council resolves to issue an Amended Decision Notice:

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 Compliance Certificate for the Survey Plan, 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 Compliance Certificate for the Survey Plan, 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) Road Works; and
 - (ii) Access 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 The access to proposed Lot 3 must be via the proposed Easement A over proposed Lot 2. Easement documents must accompany the Survey Plan for endorsement by Council, prior to the issue of the Compliance Certificate for the Survey Plan.

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 Subdivision Layout	R17003-001, Revision C	19 October 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 STAGED DEVELOPMENT

- 3.1 This development approval is for a development to be undertaken in two (2) discrete stages, namely:

3.1.1 Lot 3 (Stage One – one [1] lot); and

3.1.2 Lots 1 to 2 (Stage Two – two [2] lots).

in accordance with the approved proposed subdivision layout plan (refer to condition 2.1).

The 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 ROAD WORKS (STAGE 2)

4.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works required by this development approval.

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

4.3 As part of Stage 2 of the development, Olive Street must be designed and constructed from the intersection with McMillan Avenue to the access point for Lot 11 to the following parameters:-

4.3.1 A minimum 4.5 metre wide gravel formation;

4.3.2 A pavement depth suitable for the in-situ subgrade conditions and expected traffic loadings but no less than 150 millimetres;

4.3.3 A desirable minimum design speed of 50 kilometres/per hour with a minimum design speed for individual elements of 30 kilometres/per hour;

4.3.4 A turning area to permit vehicle U-Turns opposite the access point for Lot 11;

4.3.5 With appropriate road furniture and signage to the *Manual of Uniform Traffic Control Devices – Queensland*; and

4.3.6 The horizontal alignment is permitted to vary around the existing road reserve centreline by plus/minus 5 metres.

4.4 As part of Stage 2 of the development, McMillan Avenue must be designed and constructed from the end of the existing seal in McMillan Avenue to the intersection with Olive Street to the following parameter:-

4.4.1 A minimum 4.5 metre wide gravel formation and a two-coat bitumen seal;

4.4.2 A pavement depth suitable for the in-situ subgrade conditions and expected traffic loadings but no less than 150 millimetres;

4.4.3 A desirable minimum design speed of 50 kilometres/per hour with a minimum design speed for individual elements of 30 kilometres/per hour;

4.4.4 With appropriate road furniture and signage to the *Manual of Uniform Traffic Control Devices – Queensland*; and

4.4.5 The horizontal alignment must generally align with the centre of the existing seal in McMillan Avenue.

4.5 As part of Stage 2 of the development, the intersection of McMillan Avenue and Olive Street must be designed and constructed such that there is a minimum width of 5.5 metres for a distance of ten (10) metres to the east along Olive Street and ten (10) metres to the south along McMillan Avenue. The pavement depth must be suitable for the in-situ subgrade conditions but no less than 150 millimetres and be sealed with a minimum two-coat bitumen seal.

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

5.0 ACCESS WORKS

- 5.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access works required by this development approval.
- 5.2 All access works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), and *Capricorn Municipal Development Guidelines*, and the provisions of a Development Permit for Operational Works (access works).
- 5.3 New sealed accesses must be constructed for proposed Lots 2 and 3.

6.0 PLUMBING AND DRAINAGE WORKS

- 6.1 On-site sewage treatment and disposal must be in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Plumbing and Drainage Policies. This can be completed at the building works application stage.
- 6.2 On-site water supply for domestic and firefighting purposes must be provided and may include the provision of a bore, dams, water storage tanks or a combination of each. This can be completed at the building works application stage.

7.0 STORMWATER WORKS

- 7.1 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.
- 7.2 Easements must be provided over all land assessed to be within the one (1) per cent Average Annual Exceedance (AEP) probability defined flood event inundation area.

8.0 SITE WORKS

- 8.1 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.

9.0 ELECTRICITY

- 9.1 Electricity services must be provided to each lot in accordance with the standards and requirements of the relevant service provider.

10.0 TELECOMMUNICATIONS

- 10.1 Evidence that the new lots can be provided with telecommunications services from the relevant service provider must be provided to Council, prior to the issue of the Compliance Certificate for the Survey Plan.

11.0 ASSET MANAGEMENT

- 11.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.
- 11.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.

12.0 ENVIRONMENTAL

- 12.1 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) water quality and drainage;
 - (ii) erosion and silt/sedimentation management;
 - (iii) fauna management;
 - (iv) vegetation management and clearing;
 - (v) top soil management;
 - (vi) interim drainage plan during construction;
 - (vii) construction programme;
 - (viii) geotechnical issues;
 - (ix) weed control;
 - (x) bushfire management;
 - (xi) emergency vehicle access;
 - (xii) noise and dust suppression; and
 - (xiii) waste management.
- 12.2 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) site drainage;
 - (v) soils;
 - (vi) erosion susceptibility;
 - (vii) erosion risk;
 - (viii) concept;
 - (ix) design; and
 - (x) implementation,
- for the construction and post-construction phases of work.
- 12.3 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.
- 12.4 The Erosion Control and Stormwater Control Management Plan prepared by a Registered Professional Engineer of Queensland in accordance with the *Capricorn Municipal Design Guidelines*, must be implemented, monitored and maintained for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The plan must be available on-site for inspection by Council Officers whilst all works are being carried out.

13.0 OPERATING PROCEDURES

- 13.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials, or parking of construction machinery or contractors' vehicles must not occur within McMillan Avenue and Olive 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.

NOTE 4. Property Note (Bushfire)

All future buildings on the proposed lots must be constructed in accordance with *Australian Standard AS3959 "Construction of buildings in bushfire-prone areas"*.

NOTE 5. 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 6. Infrastructure Charges Notice

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

BACKGROUND**PROPOSAL IN DETAIL**

On 23 May 2017 Council approved a Development Permit (D/20-2017) for Reconfiguring a Lot (one lot into three lots) and Access Easement. The applicant made representations to negotiate the conditions of this approval and a Negotiated Decision Notice was decided on 12 December 2017.

The current request for a Minor Change to Development Permit D/20-2017 was received by Council on 14 August 2018 which seeks to amend conditions 4.3, 4.4. and 4.5, relating to 'Road Works' for Stage 2 of the development. The changes relate to the following matters:

- The construction standards of Olive Street to service the development;
- The constructions standards for McMillan Avenue to service the development; and

- The construction standards for the intersection of McMillan Avenue and Olive Street to service the development.

SITE AND LOCALITY

The subject site is located at 66 Alfred Road, Parkhurst described as Lot 485 on LIV40112. The total site area is approximately 31.92 hectares and is currently improved with two (2) dwelling houses and associated domestic outbuildings which are located on proposed lots 1 and 2. There is one (1) existing dam located on proposed Lot 2 and the site is adjacent to Limestone Creek located adjacent to the southern boundary of proposed Lot 3. All of the lots will gain direct access via a Council Road with Lot 1 to gain access via McMillan Avenue to the north of the site and lots 2 and 3 to gain access via Alfred Road abutting the site's eastern boundary.

PLANNING ASSESSMENT

SUMMARY OF REPRESENTATIONS

The following section summarises the representations made by the applicant, and Council's response.

Condition 4.3 – Olive Street (Road Works)

Applicant's representation

The applicant requested an alternative construction standard to be accepted by Council for Olive Street. The approved conditions required Olive Street to be constructed to a 'Rural Access Standard'. Given that the 'Rural Access Standard' is intended to cater for up to 1000 vehicle movements per day, the applicant believed this requirement was disproportionate with the development's traffic demands to provide access for two (2) rural allotments in a relatively isolated area.

Council response

The requirement for Olive Street to be constructed to a Rural Access Standard was originally imposed as it is the lowest standard of road within the Capricorn Municipal Development Guidelines (CMDG). This was considered appropriate for the limited traffic volumes created by the proposed development. Given the abovementioned, Council Officers have provided subsequent advice to the consulting engineer that a lesser standard for this portion of Olive Street could be supported.

The applicant initially made representations for Olive Street to be constructed in accordance with 'CMDG - Driveways D15 – Rural and Rural Residential Property Access' which allows a 3 to 3.5 metre wide gravel formation. Council Officer's responded to the applicant stating that the access, despite the low demand, must be wide enough for two vehicles to safely pass each other and that the preferred minimum width should for this section of Olive Street be 4.5 metres. The applicant agreed to Council's preference.

Therefore, for the aforementioned reasons, the amended wording to condition 4.3 has been accepted by Council.

Condition 4.4 – McMillan Avenue (Road Works)

Applicant's representation

The applicant requested that an alternative construction standard be accepted by Council for McMillan Avenue.

Council response

The condition was imposed by Council to achieve Council's minimum road width for the continuation of McMillan Avenue, albeit with a two-coat seal in lieu of asphalt, and no kerb and channel in order to reduce construction costs for the applicant.

The applicant was originally advised that Council would not be willing to negotiate this condition, however, given that the development will only be servicing two (2) rural allotments, Council's Engineers have agreed with the applicant's proposal. The alternative is for McMillan Avenue to be a minimum width of 4.5 metres and for the gravel formation to be of a sufficient depth to facilitate the future upgrade of McMillan Avenue to a two-coat seal as per Council's Schedule of Works.

Therefore, for the aforementioned reasons, the amended wording to condition 4.4 has been accepted by Council.

Condition 4.5 – Olive Street and McMillan Avenue Intersection (Road Works)

Applicant's representation

The applicant has requested an alternative construction standard to be accepted by Council for the intersection of McMillan Avenue and Olive Street.

Council response

The condition was imposed in order to provide suitable sealing to the intersection of Olive Street and McMillan Avenue for the expected traffic loads and turning movements. The applicant has proposed a sealed width of 6.5 metres for 10 metres in both Olive Street and McMillan Avenue. However, Council's Engineers assessed this to be a better outcome to reduce the width to 5.5 metres in order to negotiate slightly wider formations for the extensions of Olive Street and McMillan Avenue, as per Council's response addressed for conditions 4.3 and 4.4. The alternative standard for the intersection remains of a sufficient standard to facilitate the anticipated traffic demands generated by the two (2) rural allotments associated with the development.

Therefore, for the aforementioned reasons, the amended wording to condition 4.5 has been accepted by Council.

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 provisions of the *Planning Act 2016*, 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 – (6 September 2018)

Support, subject to conditions and comments.

STATEMENT OF REASONS

Description of the development	The proposed development is for Reconfiguring a Lot (one lot into three lots) and Access Easement
Reasons for Decision	The subject minor change seeks to amend approval conditions related to road works and does not otherwise alter the approved development.
Assessment Benchmarks	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> • Reconfiguration of Lot Code; • Biodiversity and Nature Conservation Code; • Bushfire Risk Minimisation Code; • Flood Prone Land Code; • Water Quality and Quantity Code; • Landscape Code; and • Parking and Access Code.

Compliance with benchmarks	The subject minor change was assessed against all of the assessment benchmarks listed above and wholly complies.
Matters prescribed by regulation	<ul style="list-style-type: none">• The <i>State Planning Policy – Part E</i>;• The <i>Central Queensland Regional Plan</i>;• The <i>Rockhampton City Plan 2005</i>; and• The common material, being the material submitted with the application.

CONCLUSION

As shown in the assessment above, Council officers consider that the above agreed upon changes to conditions made by the applicant are reasonable and do not materially alter the approved development. Therefore, the proposal is recommended for approval subject to the amended conditions outlined in the recommendation.

**D/20-2017 - MINOR CHANGE TO
DEVELOPMENT PERMIT FOR
RECONFIGURING A LOT
(ONE LOT INTO THREE LOTS) AND
ACCESS EASEMENT**

Locality Plan

Meeting Date: 2 October 2018

Attachment No: 1

D/20-2017 - Locality Plan



A4 Page scale at 1: 17,500.00
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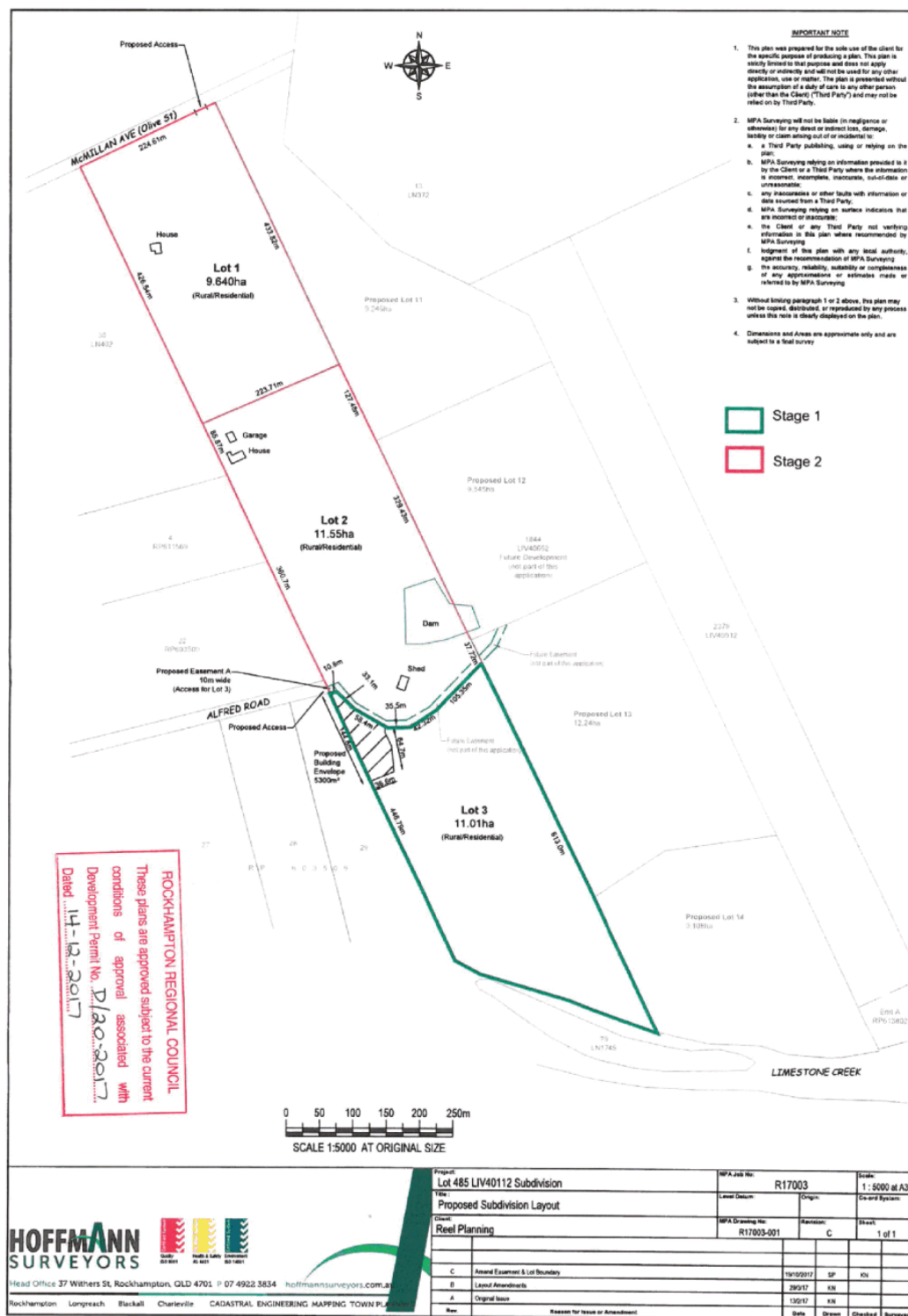


**D/20-2017 - MINOR CHANGE TO
DEVELOPMENT PERMIT FOR
RECONFIGURING A LOT
(ONE LOT INTO THREE LOTS) AND
ACCESS EASEMENT**

Site Plan

Meeting Date: 2 October 2018

Attachment No: 2



8.3 D/125-2017 - MINOR CHANGE TO DEVELOPMENT PERMIT FOR A HOTEL (EXTENSIONS FOR AN ANCILLARY CAR PARK AND BEER GARDEN)

File No: D/125-2017

Attachments:

1. [Locality Plan](#)
2. [Site Plan](#)
3. [Floor Plan](#)

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Steven Gatt - Manager Planning and Regulatory Services
Colleen Worthy - General Manager Community Services

Author: Bevan Koelmeyer - Planning Officer

SUMMARY

Development Application Number: D/125-2017

Applicant: Red Lion Property Holdings Pty Ltd

Real Property Address: Lot 1 and Lot 2 on RP600326, Parish of Rockhampton

Common Property Address: 138 Denham Street, Allenstown

Area of Site: 1,400 square metres

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Low-Medium Density Residential Zone

Planning Scheme Overlays: Nil Applicable

Existing Development: Hotel

Approval Sought: Minor Change to a Development Permit for a Material Change of Use for a Hotel (extensions for an ancillary car park and beer garden)

Level of Assessment: Impact Assessable

Submissions: One (1) submission

Infrastructure Charges Area: Charge Area 1

OFFICER'S RECOMMENDATION**RECOMMENDATION A**

THAT in relation to the application for a request for a Minor Change to a Development Permit for a Material Change of Use for a Hotel (extensions for an ancillary car park and beer garden), made by Red Lion Property Holdings Pty Ltd, located at 138 Denham Street, Allenstown, described as Lot 1 and 2 on RP600326, Parish of Rockhampton, Council resolves that:

1. Condition 2.1 be amended by replacing:

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>Drawing/report title</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference number</u>
Proposed Site Plan	Lotus	23 January 2018	Nil, Revision E
Floor Plan & Elevations	Lotus	23 January 2018	Nil, Revision E
Proposed Carpark and Swept Path Analysis	McMurtrie	18 July 2017	0071718-SK-0001, Revision A
Noise Impact Assessment	Alpha Acoustics	25 September 2017	Nil

With

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>Drawing/report title</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference number</u>
Proposed Site Plan	Lotus	6 September 2018	Nil, Revision F
Floor Plan & Elevations	Lotus	6 September 2018	Nil, Revision F
Proposed Carpark and Swept Path Analysis	McMurtrie	18 July 2017	0071718-SK-0001, Revision A
Noise Impact Assessment	Alpha Acoustics	25 September 2017	Nil

2. Condition 21.1 be amended by replacing:

All recommendations included in the Noise Impact Assessment (refer to condition 2.1) are to be implemented prior to the commencement of use of Stage Two and maintained thereafter.

Note: Any air-conditioning units proposed for the beer garden area (including the storeroom, bar and grill areas) must be located, installed and maintained at all times, so as not to cause a nuisance.

With

All recommendations included in the Noise Impact Assessment (refer to condition 2.1) are to be implemented prior to the commencement of use of Stage Two and maintained thereafter.

In lieu of glass louvres, a core filled block wall with a minimum depth of 110 millimetres may be constructed in accordance with the 'Floor Plan & Elevations' (refer to Condition 2.1), such that the set noise criteria as stipulated in the 'Noise Impact Assessment' (refer to Condition 2.1) at a minimum, is achieved.

Note: Any air-conditioning units proposed for the beer garden area (including the storeroom, bar and grill areas) must be located, installed and maintained at all times, so as not to cause a nuisance.

RECOMMENDATION B

That in relation to the above changes, Council resolves to issue an Amended Decision Notice:

PART A: GENERAL CONDITIONS (APPLICABLE TO BOTH STAGES ONE AND TWO)**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 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.
- 1.6 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 1 and Lot 2 on RP600326 must be amalgamated and registered as one lot prior to the commencement of the use for Stage Two.

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>Drawing/report title</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference number</u>
Proposed Site Plan	Lotus	6 September 2018	Nil, Revision F
Floor Plan & Elevations	Lotus	6 September 2018	Nil, Revision F
Proposed Carpark and Swept Path Analysis	McMurtrie	18 July 2017	0071718-SK-0001, Revision A
Noise Impact Assessment	Alpha Acoustics	25 September 2017	Nil

- 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 and/or Building Works.

3.0 STAGED DEVELOPMENT

- 3.1 This approval is for a development to be undertaken in two (2) stages, namely:

3.1.1 Cocktail room and hotel room (Stage One); and

3.1.2 Beer garden, storeroom, bar and grill and carpark (Stage Two).

in accordance with the approved Site Plan (refer to condition 2.1).

- 3.2 Stage One must be completed prior to the commencement of use for Stage Two.

- 3.3 Unless otherwise expressly stated, the conditions must be read as being applicable only to the particular stages(s) being developed.

4.0 PLUMBING AND DRAINAGE WORKS

- 4.1 A Development Permit for Plumbing and Drainage Works must be obtained for both Stages One and Two. This also applies to the removal and/or demolition of any existing dwelling structure on the development site.

- 4.2 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act 2002* and Council's Plumbing and Drainage Policies.

- 4.3 Amended sewerage/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.

5.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 5.1 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance to surrounding land or infrastructure.

6.0 SITE WORKS

- 6.1 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.

7.0 BUILDING WORKS

- 7.1 A Development Permit for Building Works must be obtained for the proposed extensions on the development site for both Stages One and Two.

8.0 LANDSCAPING

- 8.1 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.

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

- 8.3 The landscaped areas must be subject to:

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

8.3.2 an ongoing maintenance and replanting programme.

9.0 ENVIRONMENTAL HEALTH

- 9.1 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"*.
- 9.2 Noise emitted from the activity must not cause an environmental nuisance.
- 9.3 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.
- 9.4 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*.

10.0 ASSET MANAGEMENT

- 10.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.
- 10.2 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.
- 10.3 '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)*.

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 Denham Street, West Street.

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

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

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

PART B: STAGE ONE12.0 ADMINISTRATION

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

- 12.1.1 Plumbing and Drainage Works; and
- 12.1.2 Building Works.

PART C: STAGE TWO13.0 ADMINISTRATION

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

- 13.1.1 Operational Works:
 - (i) Access and Parking Works;
 - (ii) Stormwater Works;
 - (iii) Site Works;
- 13.1.2 Plumbing and Drainage Works; and
- 13.1.3 Building Works.

14.0 ACCESS AND PARKING WORKS

- 14.1 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.
- 14.2 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).
- 14.3 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).

- 14.4 The existing access from Denham Street to the development must be upgraded to a commercial access standard to comply with the requirements of the *Capricorn Municipal Development Guidelines*.
 - 14.5 Service and delivery vehicles including for the purpose of refuse collection, are not permitted to enter the site.
 - 14.6 Any redundant vehicular crossovers must be replaced by Council standard kerb and channel.
 - 14.7 All vehicles must ingress and egress the development in a forward gear.
 - 14.8 The access driveway to the site's proposed carpark on Denham Street must be confined within the extent of the development site's boundaries.
 - 14.9 Adequate sight distances must be provided for all ingress and egress movements at the access driveways in accordance with *Australian Standard AS2890.2 "Parking facilities - Off street commercial vehicle facilities"*.
 - 14.10 A minimum of 11 parking spaces must be provided on-site.
 - 14.11 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"*.
 - 14.12 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).
 - 14.13 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"*.
 - 14.14 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.
 - 14.15 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.
 - 15.0 **SEWERAGE WORKS**
 - 15.1 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*.
 - 15.2 The development must be connected to Council's reticulated sewerage network and the existing sewerage connection point(s) must be retained and upgraded, if necessary, to service the development.
 - 15.3 Compliance with the Build Over Sewer Compliance Permit (Reference: 583-2017) is required, in particular:
 - 15.3.1 The space around the subject access chamber must be constructed with all new walls/gates with a minimum offset of 1.2 metres from the centre of the access chamber.
 - 15.3.2 Suitable ventilation must be provided with a minimum opening of 2.1 metres from the breezeway to the carpark.
 - 15.3.3 The subject access chamber must have a gas tight sealed lid to ensure gases are not released into the covered area.
- Note: In the event of a sewer surcharge or the access chamber lid becoming unsealed, please contact Fitzroy River Water (FRW) immediately to rectify.
-

16.0 WATER WORKS

- 16.1 All water 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*.
- 16.2 The development must be connected to Council's reticulated water network and the existing water connection point(s) must be retained and upgraded, if necessary, to service the development.
- 16.3 Water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.

17.0 STORMWATER WORKS

- 17.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.
- 17.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, and sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 17.3 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.
- 17.4 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.
- 17.5 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by engineering plans with details of any new drainage systems including retention systems, inlet and outlet structures, or the amendment and upgrading of existing drainage systems to implement the proposed drainage strategy. In particular please indicate the location of the detention tank as outlined in the Stormwater Management Plan.

18.0 ROOF AND ALLOTMENT DRAINAGE WORKS

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

19.0 SITE WORKS

- 19.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works on the development site.
- 19.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan that clearly identifies the following:
- 19.2.1 the location of cut and/or fill;
 - 19.2.2 the type of fill to be used and the manner in which it is to be compacted;
 - 19.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - 19.2.4 details of any proposed access routes that are intended to be used to transport fill to or from the development site; and

- 19.2.5 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.
- 19.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 19.4 Retaining structures above one (1) metre in height that are not incidental works to a Development Permit for Building Works, must not be constructed unless separately and specifically certified by a Registered Professional Engineer of Queensland and must be approved as part of a Development Permit for Operational Works (site works).
- 19.5 Any retaining 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.

20.0 BUILDING WORKS

- 20.1 The proposed building must be designed to suit the Building Over/Adjacent to Local Government Sewerage Infrastructure Permit (Reference: 583-2017) conditions/plans.
- 20.2 Impervious paved waste storage area/s must be provided in accordance with the approved plans (refer to condition 2.1) and the *Environmental Protection Regulation 2008* and must be:
- 20.2.1 designed and located so as not to cause a nuisance to neighbouring properties;
 - 20.2.2 surrounded by at least a 1.8 metre high screen fence that obstructs from view the contents of the waste storage area by any member of the public from any public place;
 - 20.2.3 of a sufficient size to accommodate commercial type bins that will be serviced by a commercial contractor as Kerbside collection. No Waste Service Vehicles are permitted entry into the site.
 - 20.2.4 setback a minimum of two (2) metres from any road frontage; and
 - 20.2.5 provided with a suitable hosecock and hoses at the refuse container area, and washdown must be drained to the sewer and fitted with an approved stormwater diversion valve arrangement in accordance with the Sewerage Trade Waste provisions and the *Plumbing and Drainage Act 2002*.

As an alternative to a washdown facility, a fully contained commercial bin cleaning service is acceptable provided no wastewater is discharged from the site to the sewer.

21.0 ENVIRONMENTAL HEALTH

- 21.1 All recommendations included in the Noise Impact Assessment (refer to condition 2.1) are to be implemented prior to the commencement of use of Stage Two and maintained thereafter.

In lieu of glass louvres, a core filled block wall with a minimum depth of 110 millimetres may be constructed abutting the northern boundary, in accordance with the 'Floor Plan & Elevations' (refer to Condition 2.1) such that the noise criteria stipulated in the 'Noise Impact Assessment' (refer to Condition 2.1) at a minimum, is achieved.

Note: Any air-conditioning units proposed for the beer garden area (including the storeroom, bar and grill areas) must be located, installed and maintained at all times, so as not to cause a nuisance.

BACKGROUND**PROPOSAL IN DETAIL**

The Decision Notice for D/125-2017 was approved subject to conditions on 22 February 2018 for the Material Change of Use for a Hotel (extensions for an ancillary car park and beer garden). A request for a Minor Change to Development Permit D/125-2017 was received on 14 August 2018 which seeks to amend conditions 2.1 and 21.1. The changes relate to the following components:

- The inclusion of an unenclosed roof structure over the proposed car parking spaces;
- Changes to the design of the approved outdoor beer garden; and
- Updated requirements relevant to the removal of the proposed glass louvres and inclusion of the core filled block wall.

SITE AND LOCALITY

The subject site has a total site area of 1,400 square metres and is located in the Low-Medium Density Residential Zone. Lot 1 on RP600326 is currently occupied by the Red Lion Hotel while Lot 2 on RP600326 accommodates a Dwelling House. Both allotments have separate electricity, telecommunications, reticulated water and sewer infrastructure and both utilise Denham Street as their lawful point of discharge.

The surrounding area is characterised by a mixed land use pattern including established residential, commercial (chiropractic and medical offices) and community uses (Catholic Education Diocese). The site has two (2) road frontages with Denham Street to the south and West Street to the east.

PLANNING ASSESSMENT**SUMMARY OF REPRESENTATIONS**

The following section summarises the proposed representations made by the applicant, and Council's response.

Condition 2.1 – Approved Plans (Proposed Site Plan)**Applicant's representation**

The amendment to the 'Proposed Site Plan' seeks to include a unenclosed roof structure to cover the proposed car parking spaces. The structure will present as an extension of eight (8) metres to the hotel's existing façade fronting Denham Street and to match the existing hotel's facade elevation of 3.6 metres above ground level.

Council response

The structure is proposed to be built to its frontage boundary to Denham Street which matches the setback of the existing hotel. Whilst the structure will be directly abutting the rear northern property boundary, it will be setback approximately 12 metres behind the existing dwelling house. The design does not present a bulky appearance and is not anticipated to have any detrimental amenity impact to adjoining properties. Rather it results in an improved design outcome for the ancillary car park.

Therefore, for the aforementioned reasons, the amended 'proposed site plan' is recommended for approval.

Condition 2.1 – Approved Plans (Floor Plan & Elevations)**Applicant's representation**

The amendment to the 'Floor Plan & Elevations' seeks to alter the design of the approved proposed outdoor beer garden area. The approved design is a three-tiered unenclosed roof structure with an elevation of 4.8 metres above ground level.

The area adjoining the site's rear northern boundary from Denham Street was proposed to be designed with a block work wall of 2.2 metres above ground level and above. This would include five (5) millimetre thick glass louvres to connect with the proposed roof for the full extent of the area along the boundary.

The proposed re-design seeks to extend the block work wall, to a height of 4.8 metres above ground level to connect with the roof. The roof design has also changed to be generally flat with a slight decline from its frontage on West Street. The block work wall will have a minimum depth of 110 millimetres and include four (4) slight indentations in the wall with aluminium louvres installed in these indentations located adjoining the site's rear northern property boundary.

Council response

The proposal does not result in an increase in the scale or intensity of the approved development. Whilst the redesign presents a more bulky appearance, this is softened with the inclusion of aluminium louvres to provide a slight variation in the wall's articulated appearance.

Therefore, for the aforementioned reasons, the amended 'floor plan & elevations' is recommended for approval.

Condition 21.1 – Noise Impact Assessment recommendations

Applicant's representation

The proposed re-design to the outdoor beer garden area requires a change to the wording of the abovementioned condition related to recommendations included in the Noise Impact Assessment (refer to condition 2.1). The Acoustic Engineer has provided updated requirements relevant to the removal of the proposed glass louvres and the inclusion of a core filled block wall to be extended to the roof line. The wall is required to be 110 millimetres or greater in depth in order to achieve the acoustic requirements specified in the Noise Impact Assessment (refer to condition 2.1).

Council response

The additional wording to be included in this condition was required as a result of the minor re-design to the outdoor beer-garden area. The Acoustic Engineer provided comments to confirm the new design for a core filled block wall 110 millimetres or greater in depth, will achieve the acoustic requirements as stipulated in the Noise Impact Assessment.

Therefore, for the aforementioned reasons, the request to amend this condition is recommended for approval.

STATEMENT OF REASONS

Description of the development	The proposed development is for a Material Change of Use for a Hotel (Extensions for an Ancillary Car Park and Beer Garden)
Reasons for Decision	<ul style="list-style-type: none"> a) The development is an extension of an existing use which is of a scale and design that does not adversely impact on the residential character or amenity of the surrounding area; b) The proposed carpark will meet the demands generated by the development whilst protecting the safety and capacity of the road network; c) The application only received one (1) properly made submission which related to noise. The application demonstrated that the noise generated by the development would be within acceptable levels in accordance with the standards of the <i>Environmental Protection Policy (Noise) 2008</i>; d) The proposed use does not compromise the strategic framework in the <i>Rockhampton Region Planning Scheme 2015</i>;

	<p>e) 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</p> <p>f) The proposed development does not compromise the relevant <i>State Planning Policy</i>.</p>	
Assessment Benchmarks	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> • Low Medium Density Residential Zone Code; • Access, Parking and Transport Code; • Landscape Code; • Stormwater Management Code; • Waste Management Code; and • Waste and Sewer Code. 	
Matters raised in submissions	Issue	How matter was dealt with
	Noise	<p>The submitter's objection to the application raised concerns about expected noise to be generated by the development.</p> <p>The applicant's noise impact report assessed the anticipated noise to be generated by the Hotel's extensions. The assessment confirmed the noise generated would comply with <i>Environmental Protection (Noise) Policy 2008</i> standards by their provided recommendations being implemented and maintained by the development. This has been accepted as an approved plan and incorporated into conditions.</p> <p>Therefore the applicant has addressed the submitter's concerns and the issue is considered to have been addressed.</p>
Compliance with benchmarks	<p>The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.</p>	
	Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark
	Low-Medium Density Residential Zone Code	<p>The beer garden area will have an exterior wall and setback on its northern boundary which does not comply with the prescribed code requirements, the beer garden area which includes a storeroom, bar and grill is to be a low-key drink and dining area. Whilst the exterior wall is built to the boundary and exceeds the maximum length prescribed, the introduction of aluminium louvres assists in softening the wall's appearance from the adjacent property. Therefore the proposal is anticipated to retain the existing residential character and amenity of the surrounding area.</p>

	Access, Parking and Transport Code	The applicant has demonstrated the proposed carpark will meet the demand generated by the Hotel extensions and will not adversely impact the safety or capacity of the road network or local amenity.
	Waste Management Code	The waste storage area is not located in proximity to a dwelling house and furthermore will be appropriately screened and maintained by either a trade waste or a commercial bin cleaning service. Therefore it is not anticipated that the adjoining residential property will be adversely impacted by the location of the waste storage area within the proposed carpark.
Matters prescribed by regulation	(i) The <i>State Planning Policy – Part E</i> ; (ii) The <i>Central Queensland Regional Plan</i> ; (iii) The <i>Rockhampton Region Planning Scheme 2015</i> ; (iv) The common material, being the material submitted with the application.	

CONCLUSION

The subject minor change application is consistent with the approved development. The changes are predominantly related to the development's built form design and generally comply with the requirements of the relevant codes. Therefore the proposal is recommended for approval subject to the conditions outlined in the recommendation.

**D/125-2017 - MINOR CHANGE TO
DEVELOPMENT PERMIT FOR A HOTEL
(EXTENSIONS FOR AN ANCILLARY
CAR PARK AND BEER GARDEN)**

Locality Plan

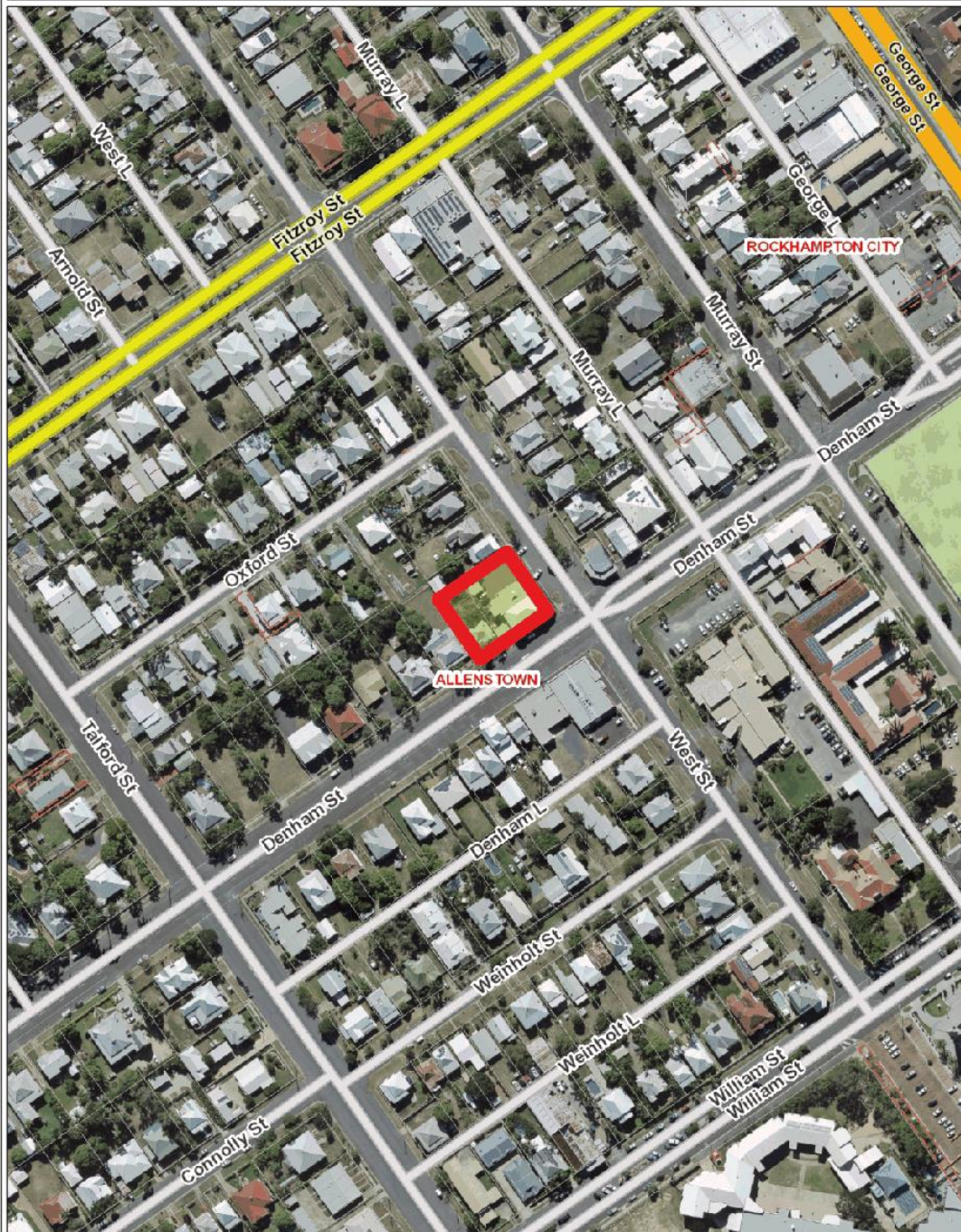
Meeting Date: 2 October 2018

Attachment No: 1

D/125-2017 - Locality Plan

A4 scale at 1: 2,506.02

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**D/125-2017 - MINOR CHANGE TO
DEVELOPMENT PERMIT FOR A HOTEL
(EXTENSIONS FOR AN ANCILLARY
CAR PARK AND BEER GARDEN)**

Site Plan

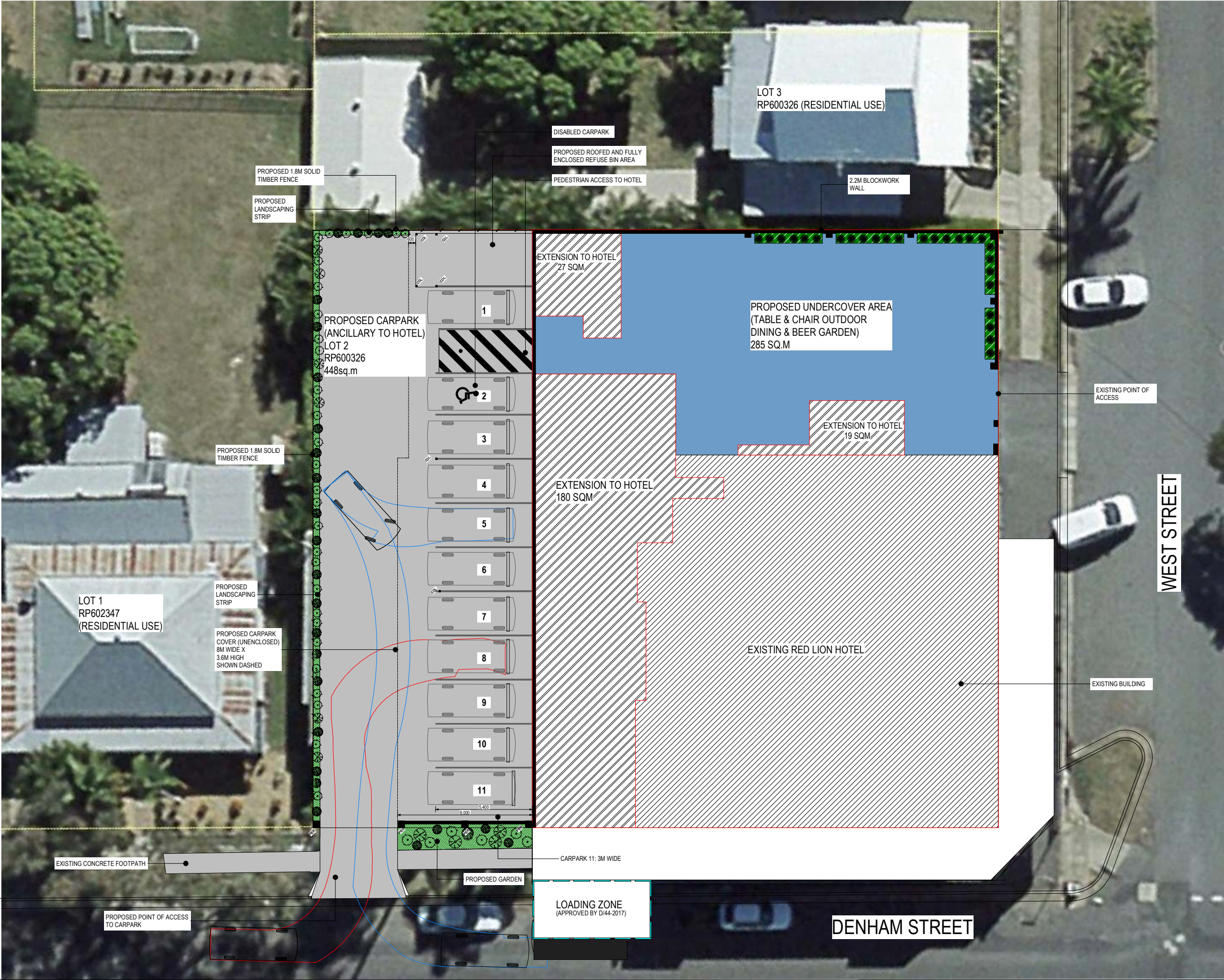
Meeting Date: 2 October 2018

Attachment No: 2

AREA SCHEDULE:
TOTAL SITE AREA: 1400 SQM

NEW UNDERCOVER AREA ON LOT 1
RP600326
(OVER EXISTING IMPERVIOUS AREA):
BUILDING HEIGHT (PROP. UNDERCOVER
AREA): 4800MM
NEW HOTEL EXTENSION GFA: 226 SQM
NEW UNDERCOVER AREA: 285 SQM
NEW SITE COVER: 331 SQM
EXISTING SITE COVER: 621 SQM
TOTAL SITE COVER: 952 (68% OF SITE AREA)
LANDSCAPING: 11 SQM

NEW CAR PARK ON LOT 2 RP600326:
NO. OF CAR PARKS: 11
IMPERVIOUS AREA: 396.5 SQM
LANDSCAPING: 51.5 SQM



- LEGEND
- EXISTING ROOF AREA
 - PROPOSED HOTEL EXTENSION
 - PROPOSED ROOF AREA

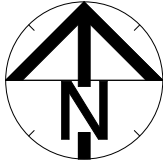


Lotus
Interior Design & Project Management
47 Ferguson Street
Allentown, QLD 4700
P 0438 840 734
E ginab@live.com.au
ABN 83 254 142 806



PROPOSED SITE PLAN

138 & 140 DENHAM STREET
ALLENSTOWN
LOTS 1 & 2: RP600326



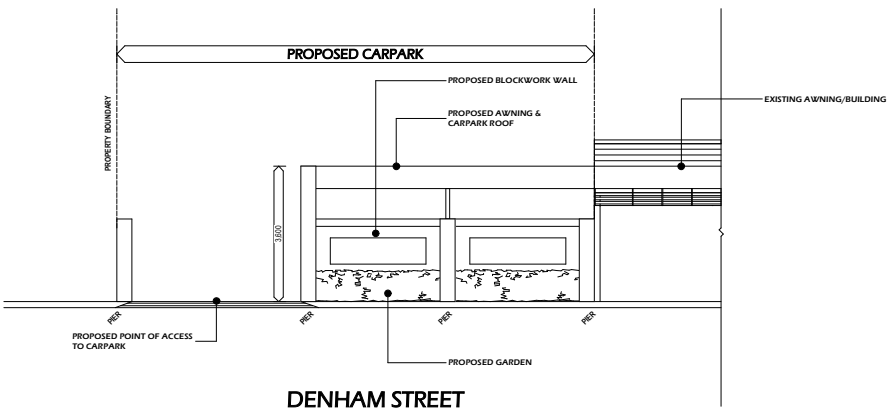
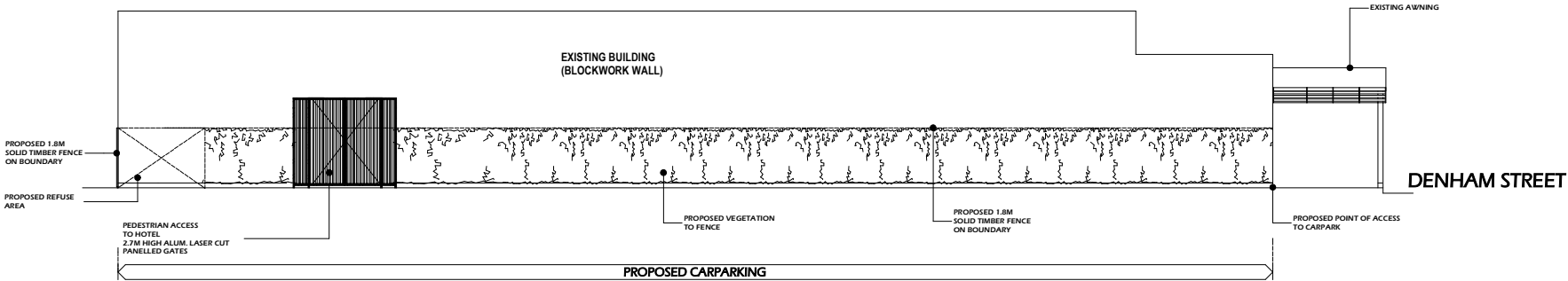
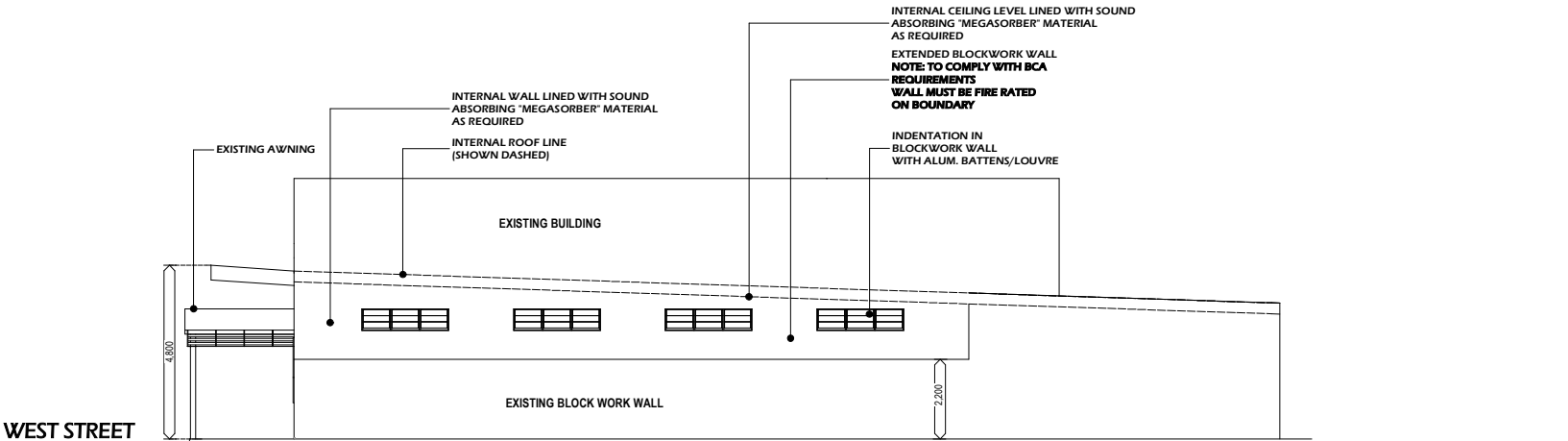
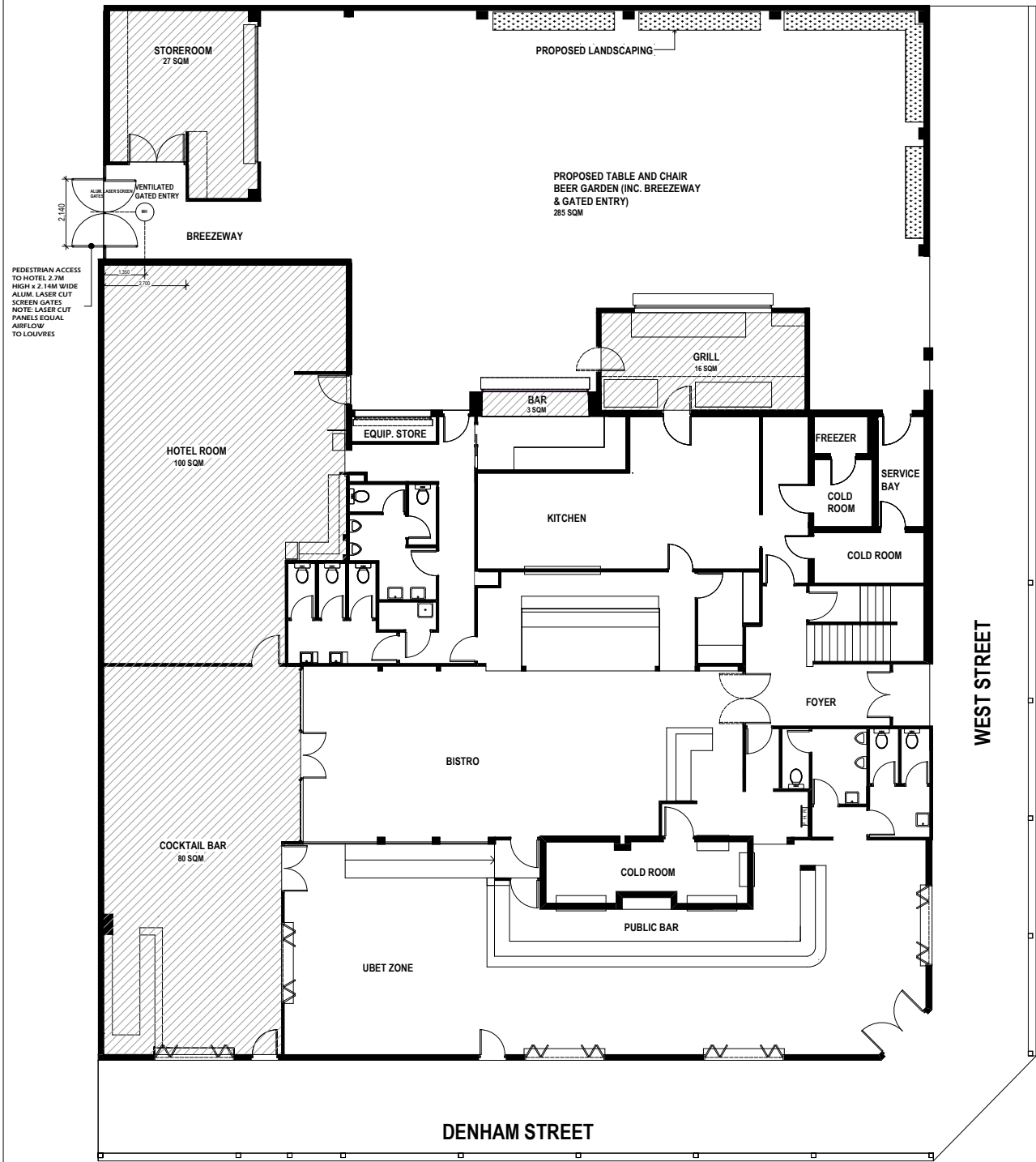
CLIENT:	RED LION HOTEL	
TITLE:	PROPOSED SITE PLAN	
ADDRESS:	138 & 140 DENHAM STREET ALLENSTOWN	
		06/09/18
		REV: F

**D/125-2017 - MINOR CHANGE TO
DEVELOPMENT PERMIT FOR A HOTEL
(EXTENSIONS FOR AN ANCILLARY
CAR PARK AND BEER GARDEN)**

Floor Plan

Meeting Date: 2 October 2018

Attachment No: 3



8.4 D/36-2018 - NEGOTIATED DECISION NOTICE FOR DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A SHOWROOM AND OPERATIONAL WORKS FOR AN ADVERTISING DEVICE (PYLON SIGN)

File No: D/36-2018

Attachments:

1. [Locality Plan](#)
2. [Site Plan](#)
3. [Elevation Plan](#)

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Steven Gatt - Manager Planning and Regulatory Services
Colleen Worthy - General Manager Community Services

Author: Bevan Koelmeyer - Planning Officer

SUMMARY

Development Application Number: D/36-2018

Applicant: ARB Corporation Ltd

Real Property Address: Lots 4, 5 and 6 on RP853443 and Lot 2 on RP602840, Parish of Rockhampton

Common Property Address: 123 Gladstone Road and 46 John Street, Allenstown

Area of Site: 4,190 square metres

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Specialised Centre Zone

Planning Scheme Overlays: Flood Hazard (Fitzroy River Flood – Medium and Low)

Existing Development: Office and Workshop

Approval Sought: Negotiated Decision Notice for Development Permit D/36-2018 for a Material Change of Use for a Showroom and Operational Works for an Advertising Device (Pylon Sign)

Level of Assessment: Code Assessable

Referral Agency(s): Department of State Development, Manufacturing, Infrastructure and Planning

Infrastructure Charges Area: Charge Area 1

OFFICER'S RECOMMENDATION**RECOMMENDATION A**

THAT in relation to the application for a request for a Negotiated Decision Notice for Development Permit D/36-2018 for a Material Change of Use for a Showroom and Operational Works for an Advertising Device (Pylon Sign), made by ARB Corporation Ltd, located at 123 Gladstone Road and 46 John Street, Allenstown on Lots 4, 5 and 6 on RP853443 and Lot 2 on RP602840, Parish of Rockhampton - Council resolves that:

1. Condition 17.5 be amended by replacing:

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

- (i) 0800 hours to 1730 hours on Monday to Friday, and
- (ii) 0800 hours to 1200 hours on Saturday,

with no operations on Sundays or Public Holidays.

With

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

- i. 0700 hours to 1800 hours on Monday to Friday, and
- ii. 0700 hours to 1400 hours on Saturday,

with no operations on Sundays or Public Holidays.

2. Conditions 3.14 and 6.8 be deleted.**3. The Infrastructure Charges be amended by replacing:**

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	Area 1	119	per m ² of GFA			\$265,370.00
					8.50	per m ² of impervious area	\$34,161.50
			Total				\$299,531.50
			Less credit				\$84,000.00
			TOTAL CHARGE				\$215,531.50

This is based on the following calculations:

- a) A charge of \$265,370.00 for Gross Floor Area for a Showroom being 2,230 square metres;
- b) A charge of \$34,161.50 for Impervious Area being 4,019 square metres (roof area, hardstand areas, access and parking areas); and
- c) An Infrastructure Credit of \$84,000.00, made up as follows:
 - (i) \$84,000.00 - Infrastructure Credit applicable for the existing four (4) allotments;

Therefore, a total charge of \$215,531.50 is payable and will be reflected in an Infrastructure Charges Notice for the development.

With

Column 1 Use Schedule		Column 2 Charge Area	Column 3 Adopted Infrastructure Charge		Calculated Charge
			(\$)	Unit	
Commercial (Bulk Goods)	All uses as per AICN 4/14 Table 2.2.1	Charge Area 1	119	per m ² of GFA	\$72,590.00
Industry	All other uses as per AICN 4/14 Table 2.2.1	Charge Area 1	42.50	per m ² of GFA	\$68,850.00
+ \$8.50 per m ² of impervious area					\$34,161.50
Total					\$175,601.50
Less credit					\$84,000.00
TOTAL CHARGE					\$91,601.50

This is based on the following calculations:

- a) A charge of \$141,440.00 for Gross Floor Area made up as follows:
 - (i) 610 square metres (showroom and staff areas);
 - (ii) 1620 square metres (warehouse and fitment centre); and
- b) A charge of \$34,161.50 for Impervious Area being 4,019 square metres (roof area, hardstand areas, access, and parking areas); and
- c) An Infrastructure Credit of \$84,000.00 is applicable for the existing four (4) allotments.

Therefore, a total charge of \$91,601.50 is payable and will be reflected in the Negotiated Infrastructure Charges Notice for the development.

RECOMMENDATION B

That in relation to the application for a request for a Negotiated Decision Notice for Development Permit D/36-2018 for a Material Change of Use for a Showroom and Operational Works for an Advertising Device (Pylon Sign), made by ARB Corporation Ltd, located at 123 Gladstone Road and 46 John Street, Allenstown on Lots 4, 5 and 6 on RP853443 and Lot 2 on RP602840, Parish of Rockhampton - Council resolves to Approve the application subject to the following conditions:

Part A - Material Change Of Use for a Showroom

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 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) Roof and Allotment Drainage;
 - 1.5.2 Plumbing and Drainage Works; and
 - 1.5.3 Building Works:
 1. Demolition Works; and
 2. 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.
- 1.9 Lots 4, 5 and 6 on RP853443 and Lot 2 on RP602840 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>Drawing/report title</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference number</u>	<u>Version/issue</u>
Proposed Site Layout	Tony Cosentino Architect	29 June 2018	TP02-A	-
Proposed Elevations	Tony Cosentino Architect	17 March 2018	TP03	-
Existing Site Plan & Demolition Plan	Tony Cosentino Architect	17 March 2017	TP01-1	-
Preliminary Sewerage Reticulation and Stormwater Quality	McMurtrie Consulting Engineers	22 August 2018	062-17-18-P-0004	C

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 plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).

3.3 All 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 to the development from John Street must be closed.

3.5 A new access to the development must be provided from John Street as per the approved drawings.

3.6 Any redundant vehicular crossovers must be replaced by Council standard kerb and channel.

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

3.8 Adequate sight distances must be provided for all ingress and egress movements at the access driveways in accordance with *Australian Standard AS2890.2 "Parking facilities - Off street commercial vehicle facilities"*.

3.9 A minimum of thirty (30) parking spaces must be provided on-site.

3.10 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"*.

3.11 Parking spaces must be line-marked in accordance with the approved plans (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).

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

3.13 Road signage and pavement markings must be installed in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"*.

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

4.0 SEWERAGE WORKS

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

- 4.2 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, Plumbing and Drainage Act 2002* and the provisions of a Development Permit for Operational Works (sewerage works).
- 4.3 The development must be connected to Council's reticulated sewerage network.
- 4.4 Sewerage works must be carried out generally in accordance with McMurtrie Consulting Engineers Drawing 062-17-18-P-0004 Revision B dated 29 June 2018.
- 4.5 The finished sewerage access chamber or lamphole 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.
- 4.6 Sewer connections located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 4.7 All works must be undertaken in accordance with *Queensland Development Code, Mandatory Part 1.4 "Building over or near relevant infrastructure."*
- 4.8 The development must comply with Council's Building Over/Adjacent to Local Government Sewerage Infrastructure Policy. 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 Building Works.

5.0 WATER WORKS

- 5.1 All water 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*
- 5.2 The development must be connected to Council's reticulated water network.
- 5.3 The existing water connection point fronting Gladstone Road must be retained and upgraded, if necessary, to service the development.
- 5.4 The existing water connection for Lot 2 on RP602840 must be disconnected.
- 5.5 Water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.

6.0 PLUMBING AND DRAINAGE WORKS

- 6.1 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.
- 6.2 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*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 6.3 The development must be connected to Council's reticulated sewerage and water networks.
- 6.4 Sewer connections and water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 6.5 Alteration or relocation of internal sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act 2002*.
- 6.6 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act 2002* and Council's Plumbing and Drainage Policies.

- 6.7 All sanitary drainage works must comply with *Australian Plumbing and Drainage Standard AS3500* Part 2 section 3 and 4 for flood affected areas.

7.0 STORMWATER WORKS

- 7.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.
- 7.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 7.3 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.
- 7.4 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.
- 7.5 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by engineering plans with details of any new drainage systems including retention systems, inlet and outlet structures, or the amendment and upgrading of existing drainage systems to implement the proposed drainage strategy.

8.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 8.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the development site.
- 8.2 All roof and allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (roof and allotment drainage works).
- 8.3 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance to surrounding land or infrastructure.
- 8.4 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.

9.0 SITE WORKS

- 9.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 9.2 Any application for a Development Permit for Operational Works must be accompanied by a preliminary site investigation into acid sulfate soils. If preliminary testing indicates that acid sulfate soils are present in the areas to be excavated or filled, a more detailed acid sulfate soil investigation must be completed, and an appropriate management plan submitted to Council as part of any application for a Development Permit for Operational Works (site works). The detailed investigation and associated management plan must be carried out in accordance with the *Queensland Acid Sulfate Soil Technical Manual* and *State Planning Policy 2017*.

- 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.
- 9.4 Retaining structures above one (1) metre in height that are not incidental works to a Development Permit for Building Works, must not be constructed unless separately and specifically certified by a Registered Professional Engineer of Queensland and must be approved as part of a Development Permit for Operational Works (site works).
- 9.5 Retaining 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.
- 9.6 Large trees must not be planted within one (1) metre of the centreline of any sewerage and/or water infrastructure; small shrubs and groundcover are acceptable.

10.0 BUILDING WORKS

- 10.1 A Development Permit for Building Works must be obtained for the removal and/or demolition of any existing structures on the development site.
- 10.2 All external elements, such as air conditioners and associated equipment, must be adequately screened from public view, to Council's satisfaction.

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 *Asset Design and As Constructed Manual (ADAC)*.

15.0 ENVIRONMENTAL

- 15.1 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) site drainage;
- (v) soils;
- (vi) erosion susceptibility;
- (vii) erosion risk;
- (viii) concept;
- (ix) design; and
- (x) implementation,

for the construction and post-construction phases of work.

- 15.2 The Erosion Control and Stormwater Control Management Plan prepared by a Registered Professional Engineer of Queensland in accordance with the *Capricorn Municipal Design Guidelines*, must be 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 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"*.

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

- 16.3 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, odour or dust.

- 16.4 No contaminants are permitted to be released to land or water, including soil, silt, oils, detergents, etcetera. Any wash-down areas used for the maintenance or cleaning of equipment (including vehicles) must be appropriately bunded and drained to the sewer network in accordance with a trade waste permit.

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 John Street.

- 17.2 All waste storage areas must be:
- 17.2.1 kept in a clean and tidy condition; and
 - 17.2.2 maintained in accordance with *Environmental Protection Regulation 2008*.
- 17.3 No panel beating, spray-painting or any body works must be carried out on-site.
- 17.4 No washing of plant equipment and vehicles is permitted on the development site unless an approved washdown bay is built to prevent contamination of land and the stormwater system.
- 17.5 The hours of operations for the development site must be limited to:
- (i) 0700 hours to 1800 hours on Monday to Friday, and
 - (ii) 0700 hours to 1400 hours on Saturday,
- with no operations on Sundays or Public Holidays.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

Should an activity licensable by Rockhampton Regional Council be proposed for the development site, Council's Environment and Public Health Unit must be consulted to determine whether any approvals are required. Such activities may include food preparation, storage of dangerous goods or environmentally relevant activities. Approval for such activities is required before ‘fit out’ and operation.

NOTE 5. 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 6. Infrastructure Charges Notice

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

Part B – Operational Works for an Advertising Device (Pylon Sign)**18.0 ADMINISTRATION**

- 18.1 The approved signage must be completed and maintained generally in accordance with the approved drawings and documents, except where amended by the conditions of this permit.

<u>Drawing/report title</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference number</u>	<u>Version/issue</u>
Proposed Site Layout	Tony Cosentino Architect	29 June 2018	TP02-A	-
External Signage 8m Pylon	-	-	-	-
External Signage ARB Illuminated Logo	-	-	-	-
Grey ACM Clad Shoebox Style Illuminated Box for 8m Pylon	-	-	-	-

- 18.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.
- 18.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council prior to the submission of a Development Application for Building Works.
- 18.4 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 18.5 Where these Conditions refer to “Council” in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 18.6 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 18.7 The following further development permits are required prior to the commencement of any works on the site:
- 18.7.1 Building Works.
- 18.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 19.0 ILLUMINANCE AND LUMINANCE**
- 19.1 Luminance levels of the Advertising Device(s) must not exceed the applicable levels listed in Table 1 below.

Table 1: Luminance levels Advertising Device

			All Colours		Bailey's Sign Nit Setting	
Ambient Condition Description	Dimming Level	Advertising Device Illuminance Vertical Component (lx)	Screen Luminance (Cd/m ²) Max	Screen Luminance (Cd/m ²) Min	Max (nit)	Min (nit)
Sunny Day	5	40,000	6,300	2,800	6,000	2,800
Cloudy Day	4	4,000	1,100	500	1,100	500
Twilight	3	400	480	260	480	260
Dusk	2	40	380	120	380	120
Night	1	< 4	340	80	270	80

Note: Illuminance refers to the intensity of light falling at a given place on a lighted surface when measured by a lux meter and expressed as luminous flux per unit area (otherwise known as lux (lx)). Luminance refers to the intensity of light per unit area of its source when measured by a luminance meter and expressed as candela per square metre (cd/m²). It is often used to describe the perceived brightness of a light source.

20.0 ADVERTISING DEVICE CONSTRUCTION

- 20.1 All Construction work and other associated activities are permitted only between 0700 hours and 1800 hours Monday to Saturday. No work is permitted on Sundays or public holidays. All requirements of the *Environmental Protection Act 1994* and *Environmental Protection Regulations 2008* must be observed at all times.
- 20.2 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site.
- 20.3 The Advertising Device must be designed and certified by a Registered Professional Engineer of Queensland and constructed in accordance with the requirements of the *Queensland Development Code* and the *Building Code of Australia*.
- 20.4 All electrical services and systems must comply with 'Australian and New Zealand Standard AS/NZS 3000:2007 - Electrical Installations'.
- 20.5 Any damage to, or alterations necessary, to electricity, telephone, water mains, sewerage mains, stormwater drains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken immediately at full cost to the Developer.

21.0 ADVERTISING DEVICE SPECIFICATIONS

- 21.1 Content displayed on the advertising device(s) must not incorporate video or animated images.

Note: Video refers to a recording or the streaming of moving visual images captured by or using a video camera. Animation refers to a simulation of movement created by displaying a series of pictures or frames either digitally or otherwise.

- 21.2 The advertising device(s) must not be capable of playing audio nor synchronised with any outdoor sound system utilised for advertising purposes.

22.0 OPERATING PROCEDURE

- 22.1 All text and images displayed on the Pylon Sign must be static, not imitate a traffic control device or include traffic instructions (for example 'stop'), and not involve moving parts or flashing lights.

- 22.2 All signage must only display or advertise a matter associated with the primary purpose for which the premises are used, or the purpose stated in this approval.
- 22.3 All signage must be maintained by the premises owner, to a standard that ensures public safety and does not adversely impact the visual amenity.
- 22.4 Any lighting devices associated with the signage, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents or motorists. Night lighting must be designed, constructed and operated in accordance with '*Australian Standard AS4282 – Control of the obtrusive effects of outdoor lighting*'.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage Act, 2003

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

NOTE 2. General Safety of Public During Construction

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

RECOMMENDATION C

That in relation to the application for a request for a Negotiated Decision Notice for Development Permit D/36-2018 for a Material Change of Use for a Showroom and Operational Works for an Advertising Device (Pylon Sign), made by ARB Corporation Ltd, located at 123 Gladstone Road and 46 John Street, Allenstown on Lots 4, 5 and 6 on RP853443 and Lot 2 on RP602840, Parish of Rockhampton - Council resolves to issue a Negotiated Infrastructure Charges Notice for the amount of \$91,601.50.

BACKGROUND

PROPOSAL IN DETAIL

The proposal is to establish a Showroom and associated signage (Pylon Sign) on the subject site. The Showroom will be for the sale and display of 4 x 4 accessories. The proposed building will have a gross floor area of 2,230m².

Internally, the building consists of a sales and display area, offices, amenities, an ancillary warehouse (storage) and fitment centre. No servicing of vehicles will be undertaken within the fitment centre and 24 onsite visitor car parking spaces will be positioned at the front of the building with a further six (6) staff car parking spaces provided at the side and rear of the building. The primary vehicle access (ingress and egress) to the site will be from Gladstone Road, with a secondary access (egress only) from John Street.

SITE AND LOCALITY

The subject sites consist of four (4) separate parcels of land with a total area of 4,190m². Lots 4 and 5 on RP853443 has frontage onto Gladstone Road and Lot 6 on RP853443 and Lot 2 on RP602840 has frontage to John Street. The site currently contains a single lowset building located in the south-western corner, originally established as a sales office.

Directly fronting John Street, Lot 6 contains a large colourbond shed. Lot 5 contains a small open shed and Lot 2 is predominately vacant land. All four (4) lots are being utilized as storage for steel products.

The site has no vegetation of significance and has a moderate downward slope from the western property frontages on Gladstone Road to the eastern property frontages on John Street. The lots fronting John Street are partly affected by the Low Hazard Flood Overlay.

The site is surrounded by several other indoor and outdoor display and service yards all fronting Gladstone Road, with low density residential uses located in close proximity.

PLANNING ASSESSMENT

SUMMARY OF REPRESENTATIONS

The Decision Notice for D/36-2018 was approved subject to conditions on 15 August 2018. The applicant made change representations on 24 August 2018 to amend or cancel conditions 3.14, 6.8, 17.5 and seeks a Negotiated Infrastructure Charges Notice.

The proposed changes have been reviewed as per the following comments:

- Condition 3.14 - Required all vehicle operation areas to be illuminated in accordance with Australian Standards.

Officer's Comment: As the use will only operate during daytime hours (refer to condition 17.5) the applicant requested this condition be removed. For the aforementioned reasons, the amended hours of operation is recommended for approval.

- Condition 6.8 – Required sewerage trade waste permits to be obtained for the discharge of any non-domestic waste into Council's reticulated network.
- *Officer's Comment: The proposed use will operate as a showroom with an ancillary fitment centre and warehouse for four-wheel drive vehicle accessories. As the development is not approved for activities that will generate trade waste, the applicant requested this condition be removed. For the aforementioned reasons, the cancellation of this condition is recommended for approval.*
- Condition 17.5 – Approved hours of operation for the development. The applicant requested the condition be amended to allow operation from 0700 hours to 1800 hours on Monday to Friday, and 0700 hours to 1400 hours on Saturday, with no operations to occur on Sundays or Public Holidays.

Officer's Comment: The approved land use for the Showroom has associated ancillary activities such as the ancillary fitment centre and warehouse. These activities are anticipated to require flexibility for drop-offs and pick-ups of customer vehicles outside of standard working hours. Furthermore the approved use is not adjoining any residential properties and the amended hours of operation is not anticipated to have an adverse impact on local amenity. For the aforementioned reasons, the amended hours of operation is recommended for approval.

- Negotiated Infrastructure Charges Notice - The applicant requested an alternative calculation of infrastructure charges to align with the site's actual activities. This includes calculating the area for the approved Showroom use, as well as calculating the areas for ancillary on-site activities being the Showroom's fitment centre and warehouse.

Officer's Comment: Adopted Infrastructure Charges Resolution (No.5) 2015 (AICR (No.5) 2015), Part 4, 4.2(2) states 'the infrastructure charge will be calculated on the approved use, at the time the decision is made, and will be recalculated at the time of payment.' Part 5, 5.3(ii) of the AICR (No.5) 2015 states 'If a development is subject to more than one use, the local government may levy an infrastructure charge for development on the basis of the use with the highest potential demand.'

Whilst the aforementioned framework calculates infrastructure charges according to the approved use, a practical approach is considered more appropriate in this case. The alternative calculation will more appropriately align with the development's actual on-site activities. Furthermore the development is not anticipated to generate a higher infrastructure demand than proposed alternative infrastructure charges will levy.

Therefore it is recommended the 'Industry' use category as per Table 2.2.1 of the AICR (No.5) 2015 be applied for the alternative calculation to include the ancillary fitment centre and warehouse. This will result in a total charge of \$91,601.50 being reflected in a Negotiated Infrastructure Charges Notice, detailed calculations are included in 'Recommendation A' of the report.

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 assessment process provisions of the Development Assessment Rules, 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 – (30 August 2018)

Support, subject to conditions and comments.

REFERRALS

The application was referred to the Department of State Development, Manufacturing, Infrastructure and Planning as the site is located within 25 metres of a State Controlled Road. The department approved the application subject to conditions on 25 July 2018.

STATEMENT OF REASONS

Description of the development	The proposed development is for a Material Change of Use for a Showroom and Operational Works for an Advertising Device (Pylon Sign)
Reasons for Decision	<ul style="list-style-type: none"> a) The proposal is consistent with other commercial businesses along Gladstone Road and the purpose of the Specialised Centre Zone; b) The pylon sign has been designed and sited in a manner that does not adversely impact the visual amenity and character of the building and streetscape and does not visually dominate the premises; c) The proposed use does not compromise the strategic framework in the <i>Rockhampton Region Planning Scheme 2015</i>; 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; e) The proposed development does not compromise the relevant State Planning Policy; and f) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with an aspect of the assessment benchmarks.

Assessment Benchmarks	The proposed development was assessed against the following assessment benchmarks: <ul style="list-style-type: none">• Specialised centre zone code;• Access, parking and transport code;• Landscape code;• Stormwater management code;• Waste management code;• Water and sewer code;• Advertising devices code; and• Flood hazard overlay code.	
Compliance with assessment benchmarks	The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.	
	Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark
	Specialised Centre Zone	No street trees are proposed however the development will include visually appealing groundcover with landscaping around access and parking areas to soften the appearance of the built form and enhance pedestrian amenity.
	Advertising Devices Code	The proposed sign has been designed and sited in a manner that does not adversely impact the visual amenity and character of the building and streetscape and does not visually dominate the premises. The pylon sign is incorporated within the landscape buffer and is cohesive with the design of other developments along Gladstone Road.
	Flood Hazard Overlay Code	It is proposed that approximately 140m2 of the showroom will be within the low hazard area and it is not expected that this will have any measurable impacts on flood levels and velocities for neighbouring properties. Furthermore, the floor level of the proposed showroom will have 500mm freeboard to the 1% annual exceedance probability flood level and flood free access can be provided via Gladstone Road when required.

CONCLUSION

The negotiated representations to amended and cancel conditions and seek an amended Infrastructure Charges Notice do not materially change the approved development. Furthermore the changes were assessed against all of the assessment benchmarks and wholly comply. Therefore, the applicant's request for a Negotiated Decision Notice is considered reasonable and is recommended for approval.

**D/36-2018 - NEGOTIATED DECISION
NOTICE FOR DEVELOPMENT PERMIT
FOR A MATERIAL CHANGE OF USE
FOR A SHOWROOM AND
OPERATIONAL WORKS FOR AN
ADVERTISING DEVICE (PYLON SIGN)**

Locality Plan

Meeting Date: 2 October 2018

Attachment No: 1

123 Gladstone Road and 46 John Street, Allenstown



A4 Page scale at 1: 3,196.69
Printed from GeoCortex on 14/09/2018



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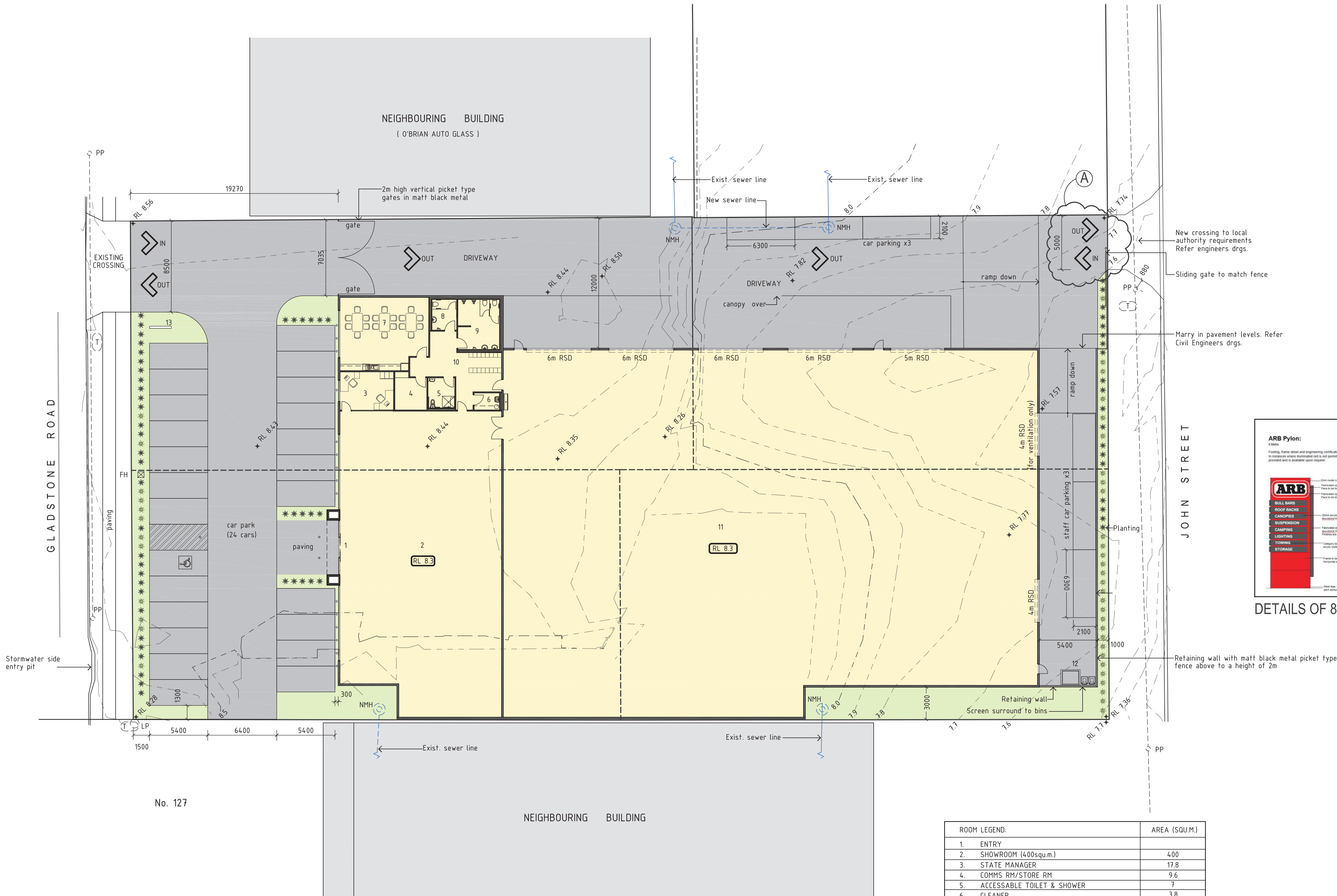


**D/36-2018 - NEGOTIATED DECISION
NOTICE FOR DEVELOPMENT PERMIT
FOR A MATERIAL CHANGE OF USE
FOR A SHOWROOM AND
OPERATIONAL WORKS FOR AN
ADVERTISING DEVICE (PYLON SIGN)**

Site Plan

Meeting Date: 2 October 2018

Attachment No: 2



PROPOSED SITE & FLOOR PLAN

NOTE: DRAWING TO BE READ IN CONJUNCTION WITH VISION SURVEYS SURVEY DRAWING, CONTOURS AT 100mm INTERVALS

PLANTING SPECIES TO BE SELECTED FROM ROCKHAMPTON CITY PLAN - PLANNING SCHEME FOR CITY OF ROCKHAMPTON PLANNING POLICY No.6 - PLANTING SPECIES

ALL STORMWATER AND CIVIL WORKS TO BE AS DIRECTED BY McMURTRIE CONSULTING ENGINEERS

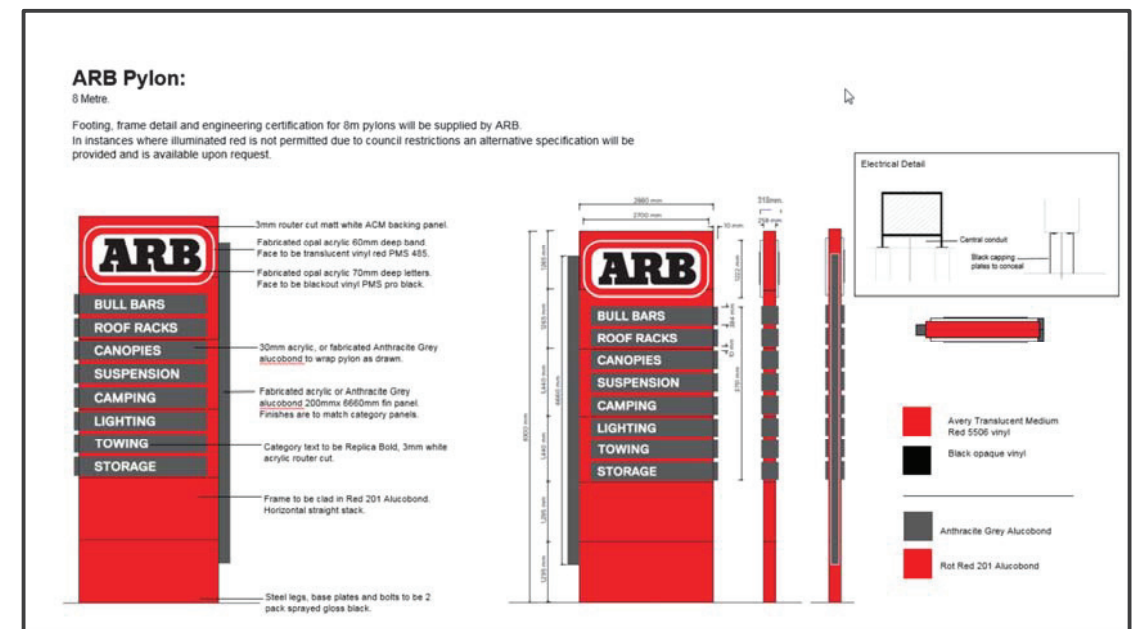
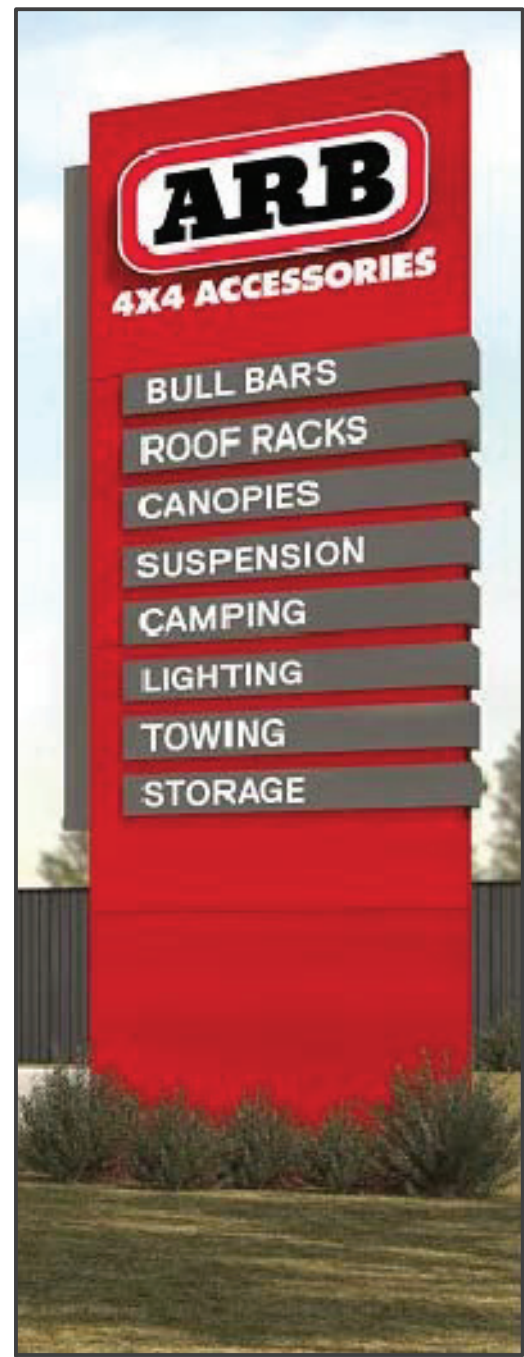
CAR PARKING:
SHOWROOM 1 SPACE / 40sq.m.
SHOWROOM 400sq.m = 10 spaces
WAREHOUSE 1 SPACE / 100sq.m.
WAREHOUSE 1620sq.m = 16 spaces
TOTAL SPACES REQUIRED = 26 spaces
TOTAL SPACES PROVIDED = 30 spaces



ROOM LEGEND:	AREA (SQU.M.)
1. ENTRY	
2. SHOWROOM (400sq.m.)	400
3. STATE MANAGER	17.8
4. COMMS RM/STORE RM	9.6
5. ACCESSABLE TOILET & SHOWER	7
6. CLEANER	3.8
7. LUNCH ROOM	53
8. FEMALE/AMBULANT TOILET	6.5
9. MALE/AMBULANT TOILET	18
10. STAFF LOCKER ALCOVE & PASSAGE	32
11. WAREHOUSE & FITTING AREA (1620sq.m)	1620
12. RUBBISH WITH VISUAL SCREENING SURROUND	
13. PYLON SIGN	

LEGEND:

FH PROPOSED FIRE HYDRANT
NMH NEW MANHOLE - REFER CIVIL DRAWINGS
LP LIGHT POLE
MH SEWER MANHOLE
PP POWER POLE
RSD ROLLER SHUTTER DOOR
T TELSTRA PIT
W WATER METER



DETAILS OF 8m PYLON SIGN

- 29-06-18 JOHN ST. ENTRY
- 17-03-18 TOWN PLANNING ISSUE
REVISION

JOB: PROPOSED SHOWROOM & WAREHOUSE

AT: 123 Gladstone Road
Allentown, Queensland



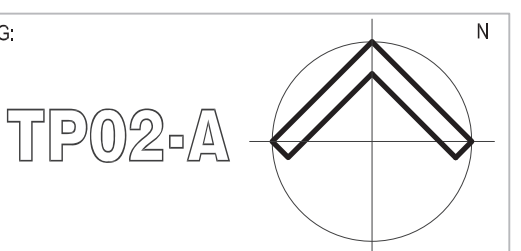
TITLE:
PROPOSED SITE LAYOUT
8m PYLON SIGN DETAILS

SCALE: 1:200

DATE: MARCH 2018

JOB: 2017/06

DRG:



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**D/36-2018 - NEGOTIATED DECISION
NOTICE FOR DEVELOPMENT PERMIT
FOR A MATERIAL CHANGE OF USE
FOR A SHOWROOM AND
OPERATIONAL WORKS FOR AN
ADVERTISING DEVICE (PYLON SIGN)**

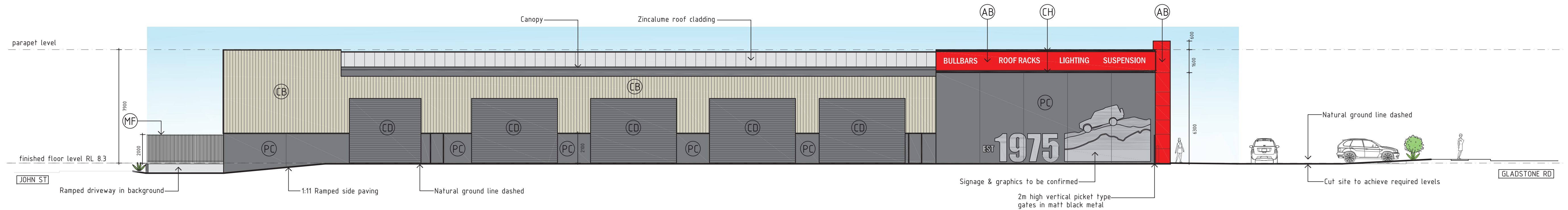
Elevation Plan

Meeting Date: 2 October 2018

Attachment No: 3

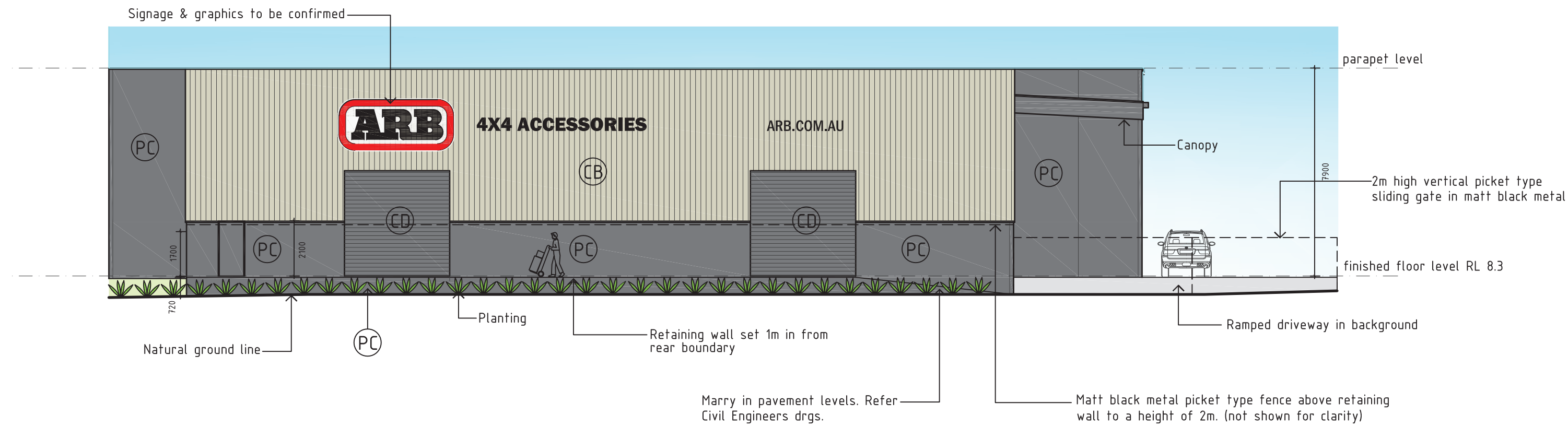


PROPOSED SOUTH ELEVATION



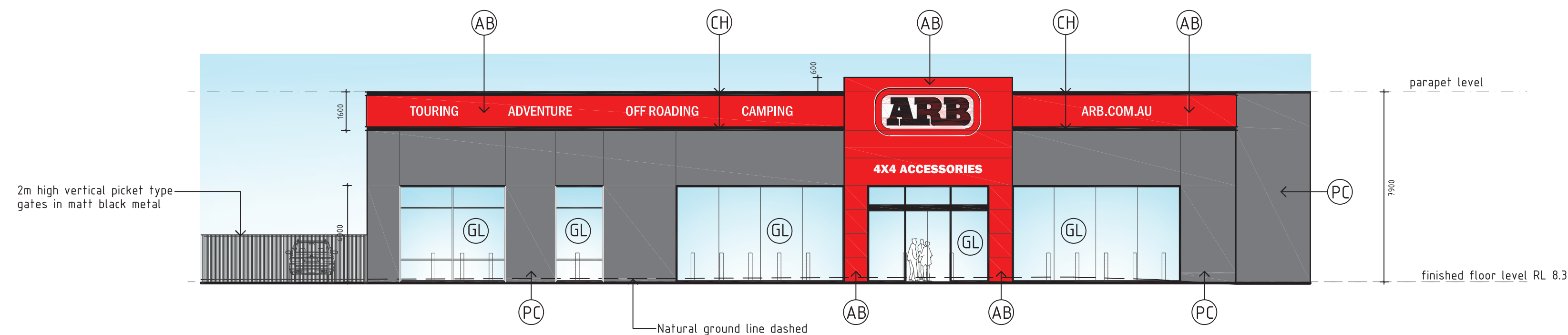
PROPOSED NORTH ELEVATION

NOTE: GRAPHICS ARE DIAGRAMMATIC AND TO BE CONFIRMED



PROPOSED EAST ELEVATION

(JOHN STREET)
NOTE: GRAPHICS ARE DIAGRAMMATIC AND TO BE CONFIRMED



PROPOSED WEST ELEVATION

(GLADSTONE ROAD)



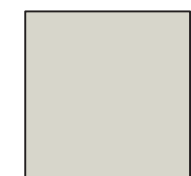
PRIMARY COLOUR LEGEND:



RENDER COLOUR: DULUX DOMINO



ALUCOBOND PREFINISHED CLADDING
COLOUR: RED 201



COLORBOND WALLS: SHALE GREY

MATERIALS LEGEND:

- (AB) ALUCOBOND PRE FINISHED METAL CLADDING
- (CB) METAL COLOURBOND WALL CLADDING IN SHALE GREY
- (CD) METAL COLOURBOND FINISH ROLLER DOOR IN MONUMENT
- (CH) 150 CHANNEL POWDERCOATED IN BLACK SATIN
- (GL) LOW-E GLAZING
- (MF) MATT BLACK METAL PICKET STYLE FENCE
- (PC) PRE-CAST CONCRETE PANELS TEXTURED PAINT FINISH
- (PF) PRE-CAST CONCRETE PANELS NO FINISH
- ALUMINIUM FRAMED WINDOW & DOOR FRAMES POWDERCOTE MATT BLACK

17-03-18 TOWN PLANNING ISSUE
REVISION

JOB: PROPOSED SHOWROOM & WAREHOUSE
AT: 123 Gladstone Road
Allentown, Queensland
FOR:



TITLE:
PROPOSED ELEVATIONS

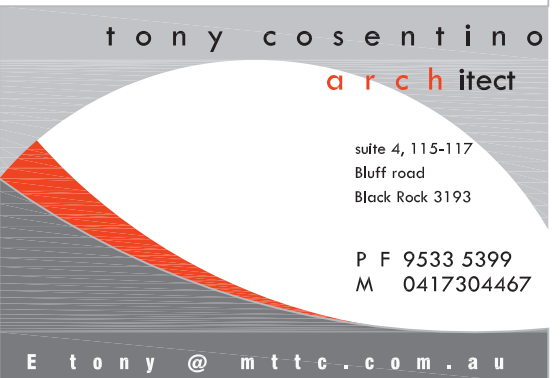
SCALE: 1:150

DATE: MARCH, 2018

JOB: 2017/06

DRG: N

TP03



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8.5 D/63-2018 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR AN EXTRACTIVE INDUSTRY

File No: D/63-2018

Attachments: 1. [Locality Plan](#)
2. [Site Plan](#)

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Steven Gatt - Manager Planning and Regulatory Services
Colleen Worthy - General Manager Community Services

Author: Brandon Diplock - Planning Officer

SUMMARY

Development Application Number: D/63-2018

Applicant: John McEvoy

Real Property Address: Lot 722 on LN1520, Parish of Bouldercombe

Common Property Address: 248 Kabra Road, Kabra

Area of Site: 550 hectares (approximately)

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Rural Zone

Planning Scheme Overlays: Biodiversity Areas – MLES general, MSES, Waterways;
Bushfire Hazard – Buffer, Medium, High, Very High;
Steep Land – 15%-25%+;
Transport Noise Corridor – Category 1-4.

Existing Development: Rural Land

Existing Approvals: Not Applicable

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

Level of Assessment: Impact Assessable

Submissions: One

Referral Agency(s): Department of State Development, Manufacturing, Infrastructure and Planning

Infrastructure Charges Area: Charge Area 3

Application Progress:

<i>Application Lodged:</i>	19 June 2018
<i>Acknowledgment Notice issued:</i>	28 June 2018
<i>Request for Further Information sent:</i>	9 July 2018
<i>Request for Further Information responded to:</i>	31 July 2018

<i>Submission period commenced:</i>	<i>3 August 2018</i>
<i>Submission period end:</i>	<i>23 August 2018</i>
<i>Government Agency Response:</i>	<i>24 July 2018</i>
<i>Last receipt of information from applicant:</i>	<i>24 August 2018</i>
<i>Statutory due determination date:</i>	<i>4 October 2018</i>

OFFICER'S RECOMMENDATION

THAT in relation to the application for a Development Permit for a Material Change of Use for an Extractive Industry, made by John McEvoy, on land located at 248 Kabra Road, Kabra, described as Lot 722 on LN1520, Parish of Bouldercombe, 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) Road Works;
 - (ii) Access and Parking Works;
 - (iii) Stormwater Works;
 - (iv) Allotment Drainage Works; and
 - (v) Site Works.
- 1.6 All Development Permits for Operational Works must be obtained and completed prior to the commencement of the use.
- 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>
Location Plan	SK-001 Rev 1	21 June 2018
Proposed Site Plan	SK-003 Rev 2	21 June 2018
Technical Memorandum	0861718	8 May 2018
Environmental Report – EA Application	-	1 June 2018

Note: Stormwater Management Plan (Report no: 086-17-18, dated 08/05/2018) has not been approved. An updated SMP is required at Operational Works stage.

- 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 commencement of the use.

3.0 ROAD WORKS

- 3.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works required by this development approval.
- 3.2 All road works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, relevant *Australian Standards Austroads Guidelines* and the provisions of a Development Permit for Operational Works (road works).
- 3.3 Right-in traffic movements from Moonmera Road to the development site must be via suitably designed Basic Right turn treatment (BAR) for the intended design vehicle (truck and dog combination).

Note: Sufficient pavement width is to be provided for the through traffic to pass a vehicle (truck and dog combination) waiting to turn right.

- 3.4 Any application for a Development Permit for Operational Works (road works) must be accompanied by an intersection analysis for Moonmera Road / Poison Creek Road, prepared and certified by a Registered Professional Engineer of Queensland that as a minimum includes:
- 3.4.1 detailed and scaled plans which demonstrate the turning movements / swept paths of the design vehicle (truck and dog combination) at the intersection;
 - 3.4.2 demonstrate whether left turn and right turn into and out of the intersection can be accommodated safely without impacting on the safety and efficiency of the intersection; and
 - 3.4.3 recommendation of mitigation measures to ensure no adverse impact on the safety and efficiency of the intersection.
- 3.5 Traffic signs and pavement markings must be provided in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*. Where necessary, existing traffic signs and pavement markings must be modified in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*.

4.0 ACCESS AND PARKING WORKS

- 4.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the 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*, *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 4.3 All driveway accesses within the road reserve must be concrete paved or sealed.
- 4.4 All car parking, internal access, storage and vehicle manoeuvring areas must be constructed of Type 2 Unbound material, Subtype 2.5, with minimum California Bearing Ratio (soaked) of 15. All surface must be constructed, operated and maintained in a manner that no significant impact on the amenity of adjoining premises or the surrounding area is caused due to the emission of dust or results in sediment laden water.
- 4.5 Where Council receive dust complaints, Council will conduct nuisance monitoring, to investigate any genuine complaint of nuisance caused by dust.
- Note: If the complaints are genuine and should it be demonstrated that surface treatment is not effectively controlling the dust generation; the entire driveway including parking spaces and vehicle manoeuvring areas must be paved or sealed to the satisfaction of Council.
- 4.6 A minimum of two (2) parking spaces must be provided on-site for passenger vehicles (B85 and B99).
- 4.7 All vehicles must ingress and egress the development in a forward gear.
- 4.8 Road signage and pavement markings must be installed in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"*.

5.0 PLUMBING AND DRAINAGE WORKS

- 5.1 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, *Plumbing and Drainage Act* and Council's Plumbing and Drainage Policies.
- 5.2 If required, on-site water supply for domestic and fire fighting purposes must be provided and may include the provision of a bore, dams, water storage tanks or a combination of each. The water storage must be easily accessible having regard to pedestrian and vehicular access.
- 5.3 If required, 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.

6.0 STORMWATER WORKS

- 6.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.
- 6.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).

- 6.3 All stormwater must drain to a 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.
- 6.4 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by an updated Stormwater Management Plan, prepared and certified by a Registered Professional Engineer of Queensland that as a minimum includes:
- 6.4.1 an assessment of the peak discharges for all rainfall events up to and including a one per cent (1%) Annual exceedance probability storm event, for the pre-development and post-development scenarios;
 - 6.4.2 demonstration of how major design storm flows are conveyed through the subject development to a lawful point of discharge in accordance with the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*;
 - 6.4.3 the detail design of the channel; and
 - 6.4.4 the detail design of the Sedimentation Basin at a minimum includes:
 - 6.4.4.1 design flow;
 - 6.4.4.2 size of treatment;
 - 6.4.4.3 type of basin;
 - 6.4.4.4 size and dimension of basin;
 - 6.4.4.5 design inflow and outflow (low /high flow) systems;
 - 6.4.4.6 vegetation specification;
 - 6.4.4.7 maintenance access and plan;
 - 6.4.4.8 sediment disposal method;
 - 6.4.4.9 rehabilitation process for the basin area;
 - 6.4.4.10 basin's operational procedures; and
 - 6.4.4.11 the demonstration of how the flow (major and minor) characteristics from sedimentation basin will be similar to pre-development scenarios for all rainfall events up to and including a one per cent (1%) Annual exceedance probability storm event.

7.0 ALLOTMENT DRAINAGE WORKS

- 7.1 A Development Permit for Operational Works (allotment drainage works) must be obtained prior to the commencement of any drainage works on the development site.
- 7.2 All allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (allotment drainage works).
- 7.3 All allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance to surrounding land or infrastructure.
- 7.4 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.

8.0 SITE WORKS

- 8.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works on the development site.
- 8.2 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 8.3 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.

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 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan which addresses, but is not limited to, the following:
 - (i) objectives;
 - (ii) site location / topography;
 - (iii) vegetation;
 - (iv) site drainage;
 - (v) soils;
 - (vi) erosion susceptibility;
 - (vii) erosion risk;
 - (viii) concept;
 - (ix) design; and
 - (x) implementation, for the construction and post construction phases of work.
- 10.2 The Erosion Control and Stormwater Control Management Plan which is to be prepared by a Registered Professional Engineer of Queensland in accordance with the *Capricorn Municipal Design Guidelines*, must be:
 - 10.2.1 implemented, monitored and maintained for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped); and
 - 10.2.2 available on-site for inspection by Council Officers whilst all works are being carried out.

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, odour or dust.
- 11.4 Odour and visible contaminants, including but not limited to dust, fume, smoke, aerosols, overspray or particulates, must not be released to the environment in a manner that will or may cause environmental nuisance or harm unless such release is authorised by Council.
- 11.5 No contaminants are permitted to be released to land or water, including soil, silt, oils, detergents, etcetera. Any wash-down areas used for the maintenance or cleaning of equipment (including vehicles) must be appropriately bunded and drained to a holding tank and evaporated.
- 11.6 When requested by Council, nuisance monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise, light or dust. An analysis of the monitoring data and a report, including nuisance mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation.
- 11.7 All fuel dispensing areas must be drained to a holding tank. Contaminants within the holding tank must be removed and disposed of as regulated waste (for example, fuel, oil). Clean water can then be deposited to the stormwater system.
- 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 Moonmera Road and Poison Creek Road.
- 12.2 The hours of operations for the development site must be limited to:
- (i) 0600 hours to 1800 hours on Monday to Saturday,
with no operations on Saturday, Sundays or Public Holidays.
- 12.3 The proposed operations must not extract more than 20,000 tonne of material per annum.
- 12.4 Where un-sealed surface treatments are utilised in access, parking and vehicle manoeuvring areas, contaminants such as oils or chemicals must not be released onto the surface treatment.
- 12.5 All waste storage areas must be:
- 12.5.1 kept in a clean and tidy condition; and
- 12.5.2 maintained in accordance with *Environmental Protection Regulation 2008*.
- 12.6 Vehicle (Body Truck / Truck and dog combination) movements for deliveries are limited to a maximum of two (2) trips per day.
- Note: One (1) trip equals arriving to and departing the development site or vice versa.
- 12.7 No washing of plant equipment and vehicles is permitted on the development site unless an approved washdown bay is built to prevent contamination of land and the stormwater system.
- 12.8 Cleaning of plant equipment and vehicles must be carried out in an area where wastewater can be suitably managed so as not to cause contaminants to release into waterways or overland flow paths.

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. 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 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. Based on an assessment of the use and the infrastructure demand it is likely to generate, Council has determined that a nil charge be applied.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for an Extractive Industry, made by John McEvoy, on land located at 248 Kabra Road, Kabra, described as Lot 722 on LN1520, Parish of Bouldercombe, Council resolves not to issue an Infrastructure Charges Notice.

BACKGROUND**PROPOSAL IN DETAIL**

The proposal is for the establishment of a quarry (extractive industry) for the purpose of extracting decomposed granite. The proposed operations are considered to be small in nature with the operator extracting approximately 20,000 ton of material per annum across a mine extraction area of approximately four (4) hectares. The initial quarry operation will generally include the clearing of vegetation and stockpiling of topsoil. Material will be excavated by diggers and excavators, thereafter the raw material will be screened by using mobile or fixed crushing and screening plant. Front end loaders will be used for the loading and stockpiling of materials before being loaded for transportation. The proposed development will generally operate from Monday to Saturday between the hours of 6.00am and 6.00pm.

SITE AND LOCALITY

The subject site is located at 248 Kabra Road, Kabra and described as Lot 722 on LN1520. The site maintains a total land area of approximately 550 hectares and is located 23km south of Rockhampton. The site is described as having an irregular configuration with a 1.5km frontage to Moonmera Road (rural arterial) which provides the main access to the site. Poison Creek Road (rural arterial), Quinn Road (rural access) and the Burnett Highway also border the property with frontages of approximately one (1) km.

The topography of the site presents as predominately flat, however the site has a gentle downward slope from the south towards the north. The site is sparsely vegetated with only a small section of regulated vegetation located in the north-western property corner. The surrounding area is rural in nature and predominately used for farming and cattle grazing.

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 assessment process provisions of the Development Assessment Rules, based on consideration of the relevant State Planning Policy; State Government guidelines; the Council's Town Planning Scheme, Planning Policies and other general policies and procedures, as well as other documents as considered relevant.

Development Engineering Comments – 7 August 2018

Support, subject to conditions / comments.

Public and Environmental Health Comments – 4 July 2018

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 2017

The current State Planning Policy (SPP) came into effect on 3 July 2017 and replaces the previous SPP (April 2016). The new policy expresses the state's interests in land-use planning and development and contains a number of changes to better align with the *Planning Act 2016*. This policy requires development applications to be assessed against its requirements where they have not been appropriately reflected in the local planning scheme.

1. Planning for liveable communities and housing**Housing supply and diversity**

Not Applicable.

Liveable communities

Not Applicable.

2. Planning for economic growth**Agriculture**

Complies. The proposal is located over a small portion of the subject site and will not impact the existing farming operations on the site.

Development and construction

Not Applicable.

Mining and extractive resources

Complies. Adequate separation exists between the resource and incompatible land uses.

Tourism

Not Applicable.

3. Planning for environment and heritageBiodiversity

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

Coastal environment

Not Applicable.

Cultural heritage

Not Applicable.

Water quality

Not Applicable.

4. Planning for safety and resilience to hazardsEmissions and hazardous activities

Not Applicable.

Natural hazard, risk and resilience

Complies. The proposal will not present any additional impacts to natural hazards located within the subject site.

5. InfrastructureEnergy and water supply

Not Applicable.

Infrastructure integration

Not Applicable.

Transport infrastructure

Not Applicable.

Strategic airports and aviation facilities

Not Applicable.

Strategic ports

Not Applicable.

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 (20) 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 located over a small portion of the subject site and will not impact the existing rural amenity of the site and surrounding areas. The subject site will continue to be used for farming and cattle grazing.

(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 proposal will not present any additional impacts to natural hazards located within the subject site.

(iii) **Community identity and diversity**

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

Not applicable. The proposal will not impact the existing rural amenity of the site and surrounding areas.

(iv) **Access and mobility**

- (1) Connectivity is achieved between residential uses, employment centres and services through the provision of active transport infrastructure integrated with efficient public transport services.

- (2) The trunk transport network (as shown on the strategic framework maps SFM-9 to SFM-12 and in plans for trunk infrastructure in the local government infrastructure plan) supports the settlement pattern and the local economy by facilitating the efficient and safe movement of people and goods both within the planning scheme area (especially between the main urban centres of Rockhampton and Gracemere), and to and from other locations.
- (3) The transport network encourages and supports active living in centres by providing for integrated walking, cycling, and public transport infrastructure to support a progressive reduction in car dependency.
- (4) The safety and efficiency of transport infrastructure, including the Bruce and Capricorn highways and other state and local roads, rail, airport and seaports, are not compromised by development.

Not applicable. The proposal will not result in any direct impacts on the existing transport infrastructure network.

(v) **Infrastructure and services**

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

Not applicable. The proposal will make use of existing infrastructure and services offered to the site.

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

- (5) 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.
- (6) 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).
- (7) 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.
- (8) 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.
- (9) 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 proposal will not cause environmental harm and no valuable natural resources are under threat as a result of the proposal.

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: -

- 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;***
- 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;*
 - (iv) *do not diminish the productive capacity of other land nearby;*
 - (v) *gain access from roads which are constructed to accommodate the traffic generated by the use; and*

- (vi) *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; 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. The proposed development is to be located over a small portion (roughly four (4) hectares) of the rural allotment. The proposal will not detract from the rural productivity of the land and will ensure environmental and traffic impacts are minimised. The development site can be rehabilitated to its natural state upon cessation of the use.

Rockhampton Regional Planning Scheme Codes

The following codes are applicable to this application: -

- Rural Zone Code;
- Extractive Industry Code;
- Access, Parking and Mobility Code;
- Landscape Code;
- Stormwater Management Code;
- Water and Sewer Code; and
- Waste Management Code.

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

Extractive Industry Code		
Performance Outcome/s		Officer's Response
PO4	The development minimises dust impacts upon adjoining properties.	Internal haul roads are not proposed to be sealed as part of this application. However, it is proposed that the internal haul roads will be subject to onsite maintenance including the use of water trucks to manage any dust impacts. The proposal will be subject to nuisance conditions which will allow Council to investigate any legitimate dust complaints in the future.

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

INFRASTRUCTURE CHARGES

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

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

The proposal is located in Charge Area 3 where transport and parks trunk infrastructure network charges are only applicable. Based on an assessment of the use and the infrastructure demand it is likely to generate, officers have determined that a nil charge be applied.

CONSULTATION

The proposal was the subject of public notification between 3 August 2018 and 23 August 2018, as per the requirements of the *Planning Act 2016* and the Development Assessment Rules, and no properly made submissions were received. One not properly made submission was received outside of the notification period and is summarised below.

Production and Viability	Accompanying the Material Change of Use application, the applicant is also required to apply for an Environmental Authority (EA), specifically, ERA 16 2(a) Extracting (other than by dredging) 5,000 tonnes to 100,000 tonnes of material in a year. Technically, under the ERA the applicant could extract up to 100,000 tonnes of material per annum with no additional approvals, however, in this instance Council will impose a condition restricting the applicant to 20,000 tonnes per annum whereby if they exceed this, it will be determined an increase in intensity and scale and will require a new development application.
Traffic	A traffic impact assessment prepared by and signed by an RPEQ engineer was included as part of this application. The recommendation's formed as part of this report have been adopted and conditioned appropriately. In addition, the application was also referred to the Department of Transport and Main Roads as a concurrence agency who have approved the application subject to conditions.

Existing Road Standard	The existing road condition is taken into consideration as part of the application process, and Council engineers in line with the recommendations included in the traffic impact assessment, have conditioned the application appropriately to include road or access treatments/upgrades where deemed necessary.
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REFERRALS

The application was referred to the Department of State Development, Manufacturing, Infrastructure and Planning as a Concurrence Agency and Powerlink as an Advice Agency given the development involves land located within 25 metres of a State controlled road and is subject to a transmission entity easement. The Department has approved the proposal, subject to conditions on 24 July 2018. Powerlink has provided a referral agency response stating that they offer no comments in respect of the development application.

STATEMENT OF REASONS

Description of the development	The proposed development is for a Material Change of Use for an Extractive Industry
Reasons for Decision	<ol style="list-style-type: none"> The proposal will not detract from the rural productivity of the land and will ensure environmental and traffic impacts are minimised. The proposal is considered to be located in an appropriate location for the type of use whereby the amenity of surrounding land is not compromised. The proposed use does not compromise the strategic framework in the <i>Rockhampton Region Planning Scheme 2015</i>; 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; The proposed development does not compromise the relevant State Planning Policy; and On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with an aspect of the assessment benchmarks.
Assessment Benchmarks	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> • Rural Zone Code; • Extractive Industry Code; • Access, Parking and Mobility Code; • Landscape Code; • Stormwater Management Code; • Water and Sewer Code; and • Waste Management Code.

Compliance with assessment benchmarks	The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exception listed below.	
	Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark
	Extractive Industry Code	Internal haul roads are not proposed to be sealed as part of this application. However, it is proposed that the internal haul roads will be subject to onsite maintenance including the use of water trucks to manage any dust impacts. The proposal will be subject to nuisance conditions which will allow Council to investigate any legitimate dust complaints in the future.
Matters prescribed by regulation	<ul style="list-style-type: none"> • The <i>State Planning Policy – Part E</i>; • The <i>Central Queensland Regional Plan</i>; • The <i>Rockhampton Region Planning Scheme 2015</i>; • Surrounding use of adjacent premises in terms of commensurate and consistent development form; and • The common material, being the material submitted with the application. 	

CONCLUSION

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

**D/63-2018 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR AN
EXTRACTIVE INDUSTRY**

Locality Plan

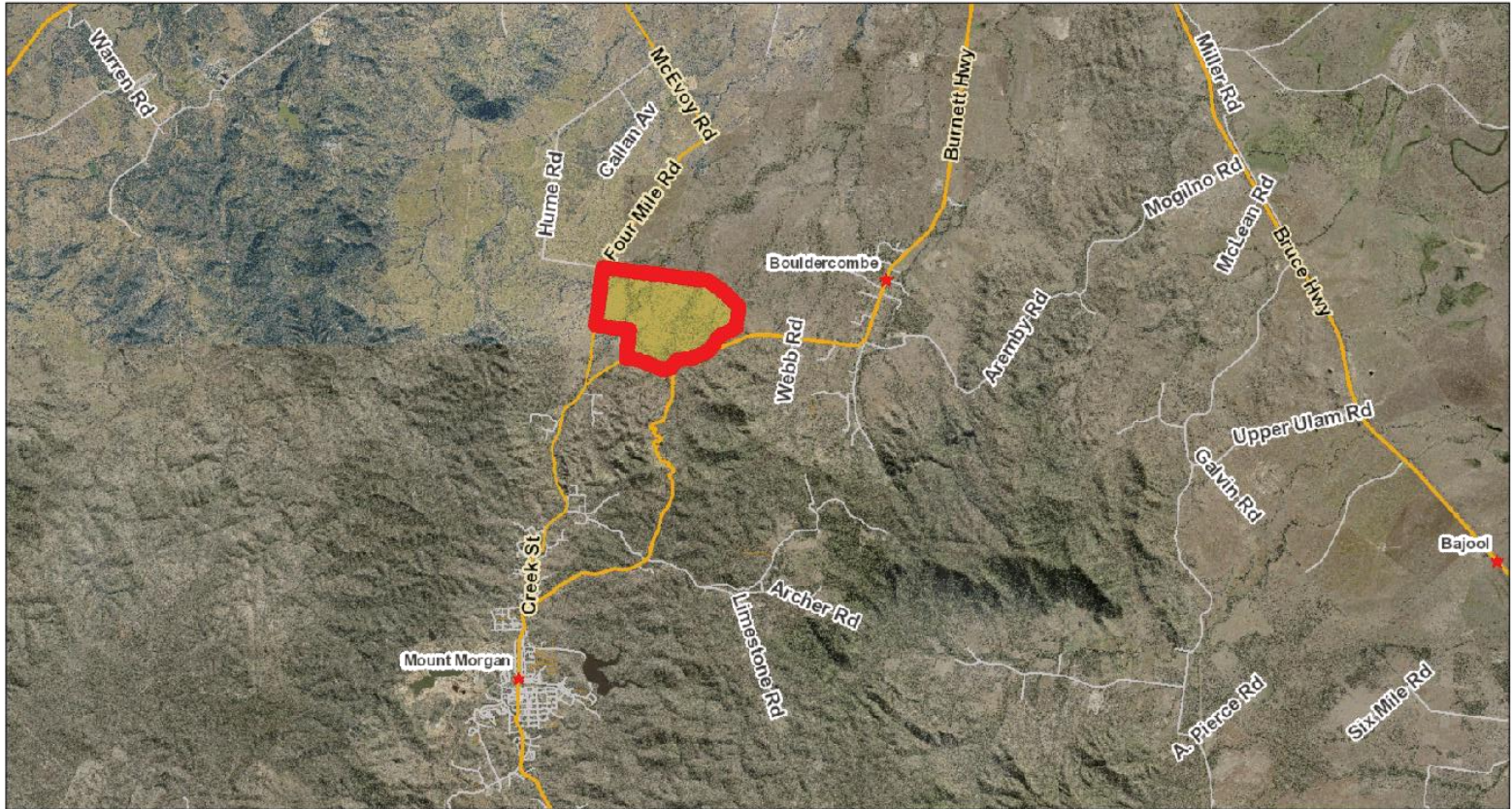
Meeting Date: 2 October 2018

Attachment No: 1

D/63-2018 - Locality Plan



A4 Page scale at 1: 131,154.33
Printed from GeoCortex on 18/09/2018



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**D/63-2018 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR AN
EXTRACTIVE INDUSTRY**

Site Plan

Meeting Date: 2 October 2018

Attachment No: 2



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drawing title:
PROPOSED SITE PLAN

drawing no: **SK-003** project no: **GG-015**



project:
QUARRY

location:
LOT 722 ON LN1520

client:

A1 DRAWING NOTED SCALES RELATE TO A1 DRAWINGS

REV	DESCRIPTION	DATE
1	PRELIMINARY	2018-01-12
2	PRELIMINARY	2018-06-21

PRELIMINARY DESIGN PLANS
If the drawings are intended and issued (preliminary) before they are not suitable for building application, modification or construction purposes. The nature of preliminary design plans are only for providing the concept for the specific project for the client as mentioned in the title block.

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ISSUED FOR	
PRELIMINARY	
scale 1:5000	rev 2
date JUN 18	
drawn CC	

8.6 D/85-2018 - DEVELOPMENT APPLICATION FOR OPERATIONAL WORKS FOR AN ADVERTISING DEVICE (ROOF SIGN)

File No: D/85-2018

Attachments:

1. [Locality Plan](#)
2. [Site Plan](#)
3. [Elevation Plan](#)

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Steven Gatt - Manager Planning and Regulatory Services
Colleen Worthy - General Manager Community Services

Author: Brandon Diplock - Planning Officer

SUMMARY

Development Application Number: D/85-2018

Applicant: Apex Digital Billboards C/- Ethos Urban

Real Property Address: Lot 1 on RP604875, Parish of Rockhampton

Common Property Address: 190 Bolsover Street, Rockhampton City

Area of Site: 1,012 square metres

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Principal Centre Zone (Core Precinct)

Planning Scheme Overlays: Not Applicable

Existing Development: Commercial

Existing Approvals: Not Applicable

Approval Sought: Development Permit for Operational Works for an Advertising Device (Roof Sign)

Level of Assessment: Code Assessable

Infrastructure Charges Area: Charge Area 1

Application Progress:

<i>Application Lodged:</i>	6 August 2018
<i>Request for Further Information sent:</i>	13 August 2018
<i>Request for Further Information responded to:</i>	16 August 2018
<i>Last receipt of information from applicant:</i>	16 August 2018
<i>Statutory due determination date:</i>	5 October 2018

OFFICER'S RECOMMENDATION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for Operational Works for an Advertising Device (Roof Sign), made by Apex Digital Billboards C/- Ethos Urban, on land located at 190 Bolsover Street, Rockhampton City, described as Lot 1 on RP604875, Parish of Rockhampton, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

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

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan Number</u>	<u>Dated</u>
Site Plan	DW-01, Rev A	31 July 2018
Proposed Plan/ Elevation	DW-02, Rev A	31 July 2018
Traffic Engineering Assessment		2 August 2018

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

3.0 DIGITAL SCREEN DISPLAY FEATURES

- 3.1 The digital display screen of the Advertising Device must incorporate an automatic error detection system which will turn off the screen display or display a blank screen should the Advertising Device malfunction.
- 3.2 The Advertising Device display screen must incorporate a minimum of two (2) automated ambient light sensors capable of supporting a minimum of five (5) levels of stepped dimming to ensure display screen luminance can adjust automatically in response to surrounding ambient light conditions from dark of night to fully sunlit conditions.
- 3.3 The Advertising Device display screen must provide for onsite control, operation, configuration and diagnosis of the screen display.
- 3.4 Messages must remain static for a minimum dwell time of ten (10) seconds, and are not to scroll across the screen or incorporate flashing, blinking, revolving, pulsating, high contrast or rotating effects animation.
- 3.5 Each change of advertisement is to be completed instantaneously (i.e. within 0.1 of a second).

4.0 DIGITAL SCREEN ADVERTISEMENTS AND MOVEMENT

- 4.1 The Advertising Device display screen must not be split to display multiple advertisements on the one display screen.
- 4.2 Advertisements must not display text, photographs or symbols depicting, mimicking or that could be reasonably interpreted as a traffic control device.
- 4.3 Advertisements must not invite traffic to move contrary to any traffic control device, or turn where there is fast moving traffic.
- 4.4 Advertisements must not use colours in combinations or shapes that could be reasonably interpreted as a traffic control device.
- 4.5 Advertisements must only promote a single, self-contained advertising message that is clear, succinct, legible and easily understood at a glance. The use of text components in a sequential manner, whereby text refers to or is reliant on previous or successive screen displays in order to convey an advertising message is not permitted.

Note: An advertising message refers to the main point the advertisement is attempting to convey to its target audience. This condition seeks to ensure that drivers in particular are not required to spend an excessive amount of time reading and interpreting advertisements.

- 4.6 Changeover animation effects such as 'fade', 'zoom', or 'fly-in' between advertisements must not be used.
- 4.7 A blank black, white, or any coloured screen must not be displayed between advertisements.
- 4.8 Advertisement that comprise of, or incorporate moving visual images, such as videos or animations must not be displayed.

Note: Video refers to a recording or the streaming of moving visual images captured by or using a video camera. Animation refers to a simulation of movement created by displaying a series of pictures or frames either digitally or otherwise.

- 4.9 The Advertising Device must not be capable of playing audio nor synchronised with any outdoor sound system utilised for advertising purposes.

5.0 ILLUMINANCE AND LUMINANCE

- 5.1 Any lighting devices associated with the signage, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents or motorists. Night lighting must be designed, constructed and operated in accordance with '*Australian Standard AS4282 – Control of the obtrusive effects of outdoor lighting*'.
- 5.2 Luminance levels of the Advertising Device must not exceed the applicable levels listed in *Table 1* below.

Table 1: Luminance levels Advertising Device

			All Colours		Bailey's Sign Nit Setting	
Ambient Condition Description	Dimming Level	Advertising Device Illuminance Vertical Component (lx)	Screen Luminance (Cd/m ²) Max	Screen Luminance (Cd/m ²) Min	Max (nit)	Min (nit)
Sunny Day	5	40,000	6,300	2,800	6,000	2,800
Cloudy Day	4	4,000	1,100	500	1,100	500
Twilight	3	400	480	260	480	260
Dusk	2	40	380	120	380	120
Night	1	< 4	340	80	270	80

Note: Illuminance refers to the intensity of light falling at a given place on a lighted surface when measured by a lux meter and expressed as luminous flux per unit area (otherwise known as lux (lx)). Luminance refers to the intensity of light per unit area of its source when measured by a luminance meter and expressed as candela per square meter (cd/m²). It is often used to describe the perceived brightness of a light source.

6.0 ASSET MANAGEMENT

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

7.0 OPERATING PROCEDURES

- 7.1 When requested by Council, a lighting investigation must be undertaken by a qualified person to investigate any complaint of light nuisance, and the results notified within twenty-eight (28) days to Council.
- 7.2 The lighting investigation must be carried out generally in accordance with the relevant test methods contained in section 5 of 'Australian Standard AS4282 – Control of the obtrusive effects of outdoor lighting' and Appendix A of 'Australian Standard AS4852.2:2009: Variable Message Signs - Portable Signs' as applicable to determine whether or not the illuminance and luminance levels listed within this Permit have been exceeded.

8.0 ADVERTISING DEVICE CONSTRUCTION AND MAINTENANCE

- 8.1 Council reserves the right for uninterrupted access to the site at all times during construction.
- 8.2 All Construction work and other associated activities are permitted only between 0630 hours and 1800 hours Monday to Saturday. No work is permitted on Sundays or public holidays. All requirements of the *Environmental Protection Act 1994* and *Environmental Protection Regulations 2008* must be observed at all times.
- 8.3 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site.
- 8.4 Any proposed works within the vicinity (or zone of influence) of existing Council infrastructure will not adversely affect the integrity of the infrastructure. Any restoration works required on existing Council infrastructure as a result of proposed works will be at the developer's expense.

- 8.5 The Advertising Device (Digital Roof Sign) must be designed and certified by a Registered Professional Engineer of Queensland and constructed in accordance with the requirements of the Queensland Development Code and the Building Code of Australia.
- 8.6 All conduits, wiring, switches or other control apparatus installed on an Advertising Device must be concealed from general view, with control apparatus secured in a manner to prevent unauthorised entry and display setting tampering.
- 8.7 All electrical services and systems must comply with '*Australian and New Zealand Standard AS/NZS 3000:2007 - Electrical Installations*'.
- 8.8 The Advertising Device, including its display screen and supporting structure, must meet applicable wind loading requirements as specified in '*Australian Standard AS 1170.2: 2011 - Structural Design Actions Part 2 - Wind Actions*'.
- 8.9 Upon removal of the Advertising Device, the wall surface must be restored to its original condition.
- 8.10 All signage must be maintained at all times on the premises by the owner of the premises to the same standard as it was when it was installed.
- 8.11 The Advertising Device (Digital Roof Sign) must be maintained in a safe, clean, tidy and sightly condition at all times.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. General Environmental Duty

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

NOTE 3. General Safety Of Public During Construction

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

BACKGROUND

PROPOSAL IN DETAIL

The proposal is for a Development Permit to replace an existing roof sign with a new single sided roof sign nine (9) metres wide by three (3) metres high with a total sign face area of 27m². The proposed sign will be used for the display of third party advertising content and community bulletins. The following specifications are proposed:

- Operation of the sign will be controlled to prevent luminance levels in the dawn/dusk period to 600 candelas per square metre and 500 candelas per square metre during the night as per Council's requirements;

- The proposed advertising device will be designed to operate within the nominated technical specifications and will be appropriately designed to ensure that the device does not cause driver distraction, environmental harm or nuisance;
- The proposed sign displays one static advertisement at a time (i.e. no split screens) to reduce driver comprehension time with a minimum dwell time of 10 seconds between advertisements. This will limit driver distraction; and
- The sign is proposed to be orientated at least five (5) degrees from right angle with the driver's line of sight to prevent glare from low sunlight reflections.

SITE AND LOCALITY

The subject site is located at 190 Bolsover Street, Rockhampton and is situated within the Principal Centre Zone (core precinct). The subject site is currently improved by a two (2) storey commercial building. The site maintains a frontage to Bolsover Street of approximately 20 metres, a frontage to Denham Street of approximately 50 metres and frontage to Bolsover Lane of approximately 20 metres. Vehicular access is achieved from Bolsover Lane. The site is adjoined predominately by commercial buildings.

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 assessment process provisions of the Development Assessment Rules, based on consideration of the relevant State Planning Policy; State Government guidelines; the Council's Town Planning Scheme, Planning Policies and other general policies and procedures, as well as other documents as considered relevant.

Development Engineering Comments – 20 August 2018

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 2017

The current State Planning Policy (SPP) came into effect on 3 July 2017 and replaces the previous SPP (April 2016). The new policy expresses the state's interests in land-use planning and development and contains a number of changes to better align with the *Planning Act 2016*. This policy requires development applications to be assessed against its requirements where they have not been appropriately reflected in the local planning scheme.

1. Planning for liveable communities and housing

Housing supply and diversity

Not Applicable.

Liveable communities

Not Applicable.

2. Planning for economic growthAgriculture

Not Applicable.

Development and construction

Not Applicable.

Mining and extractive resources

Not Applicable.

Tourism

Not Applicable.

3. Planning for environment and heritageBiodiversity

Not Applicable.

Coastal environment

Not Applicable.

Cultural heritage

Not Applicable.

Water quality

Not Applicable.

4. Planning for safety and resilience to hazardsEmissions and hazardous activities

Not Applicable.

Natural hazard, risk and resilience

Not Applicable.

5. InfrastructureEnergy and water supply

Not Applicable.

Infrastructure integration

Not Applicable.

Transport infrastructure

Not Applicable.

Strategic airports and aviation facilities

Not Applicable.

Strategic ports

Not Applicable.

Rockhampton Region Planning Scheme 2015**Principal Centre Zone**

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

- (1) *The purpose of the principal centre zone code is to provide for the largest and most diverse mix of uses and activities that forms the core of an urban settlement. It includes*

concentrations of high-order retail, commercial, employment, residential, health services, administrative, community, cultural, recreational, entertainment and other uses that are in accordance with the designated precincts and capable of servicing the planning scheme area.

(2) *The local government purpose of the zone code is to:*

(a) *facilitate the development of the principal centre which:*

- (i) *is the primary business centre for the wider region with the highest concentration of commercial, retail, entertainment and cultural uses;*
- (ii) *is developed with high density residential development (above ground floor level or behind ground story retail, commercial or community related activities), tourist and short-term accommodation (except within the Denison Street precinct);*
- (iii) *includes on and off-street parking, continuous commercial facades, shaded footpaths, street trees and other pedestrian facilities;*
- (iv) *is the primary destination and interchange hub for all modes of road and local area public transport;*
- (v) *is well designed, safe and highly accessible;*
- (vi) *is well served with all urban infrastructure; and*
- (vii) *retains important character and heritage values.*

This application is consistent with the purpose of the Zone.

Rockhampton Regional Planning Scheme Codes

The following codes are applicable to this application: -

- Principal centre zone code; and
- Advertising devices 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:

Advertising Devices Code		
Performance Outcome/s		Officer's Response
PO1	<p>The advertising device is designed and sited in a manner that:</p> <p>(a) results in a size that does not adversely impact on:</p> <ul style="list-style-type: none"> (i) the visual amenity and character of a building, streetscape, locality or natural landscape setting; (ii) the safety of a road or footpath; (iii) the operations of an airport; and (iv) the visual amenity of a main transport entrance into an urban area or township; <p>(b) is integrated with the design of</p>	<p>The proposed sign seeks to replace an existing sign on the site and is of a scale and height that respects the existing qualities of the building and adjacent buildings.</p> <p>The sign will be mounted on a mechanical base which is semi-permeable. By incorporating this lightweight element it will visually minimise the sign's scale. In relation to the subject building, the signs angled orientation means that the overall length of the sign is visually reduced in relation to the buildings frontages to Denham and Bolsover Streets.</p> <p>The sign is set within a commercial/retail environment and is positioned so as not to compromise landscape, street features or heritage values in proximity to the site. The</p>

	<p>other development on the premises;</p> <p>(c) does not visually dominate the premises, streetscape, locality or natural landscape setting;</p> <p>(d) is constructed of durable materials;</p> <p>(e) does not impede vehicle or pedestrian movements or reduce safety levels;</p> <p>(f) does not resemble traffic or road signs; and</p> <p>does not result in the proliferation of unnecessary advertising.</p>	<p>signs height above ground level is commensurate with the surrounding bulk and scale of buildings within the area including the seven (7) storey hotel located opposite the site and is well within the intended maximum building height for the Core Precinct (12 storeys and 45 metres).</p> <p>There are some concerns that the proposed advertising sign could potentially distract motorists within this major intersection and therefore contribute to a higher accident rate. There is no conclusive evidence linking advertising devices with accident rates and most studies stipulate that further research is required. A traffic report prepared by the applicant demonstrates that the proposed sign will not obstruct traffic and is not expected to reduce traffic safety in proximity of the site.</p> <p>In addition, the level / quality of technology and content will be conditioned, ensuring that the visual impact will not impede upon traffic and safety. The advertising material will be limited to still images only. No animation, movements or flashing lights will be allowed and transition periods will be restricted to 0.1 seconds.</p>
PO2	<p>The illumination of an advertising device does not detract from the character and amenity of an area and does not cause a visual nuisance to any adjoining premises or roads.</p>	<p>Table 9.4.2.3.4 in the <i>Rockhampton Region Planning Scheme 2015</i> specifies a maximum luminance of 500 candelas per square metre. The proposed advertising device will be required to have a higher luminance than 500 candelas during bright sunny days.</p> <p>Notwithstanding, most indoor LCD display screens are between 300 and 350 candelas. An outdoor display must be at least 400 candelas if located within a shadowed, protected location, like under an eave or only receiving morning sun. An advertising device located within a sunny location, receiving lots of direct sun, must be at least 700 to 2,000 candelas. It must be noted, the candelas is not a direct ratio. In other words, 2,000 candelas is not three times brighter than 700 candelas. The dramatic difference will be between 400 and 700 candelas.</p> <p>Therefore, it will be conditioned that the proposed advertising device follows the advertising sign assessment guidelines for road safety and maximum luminance levels.</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
SC6.2 Advertising devices planning scheme policy	<p>The Advertising devices planning scheme policy (forming part of the <i>Rockhampton Region Planning Scheme 2015</i>), provides a way in calculating the maximum recommended total sign face area for advertising devices at any given site by either using the boundary length calculation method or the building elevation calculation method, whichever is the greater.</p> <p>In this instance, the boundary length method calculates a maximum size of approximately 70 square metres, and the building elevation method calculates a maximum size of approximately 30 square metres. The proposed sign will have a total advertising area of approximately 27 square metres which is compliant with both calculation methods.</p>

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

REFERRALS

The proposal did not trigger referral as per the requirements of the *Planning Act 2016*.

STATEMENT OF REASONS

Description of the development	The proposed development is for Operational Works - Advertising Device (Roof Sign)
Reasons for Decision	<ul style="list-style-type: none"> a) The proposed sign is of a scale and height that respects the existing qualities of the building and adjacent buildings; b) The proposed sign is set within a commercial/retail environment and is positioned so as not to compromise landscape, street features or heritage values in proximity to the site; c) 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; d) The proposed development does not compromise the relevant State Planning Policy; and e) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with an aspect of the assessment benchmarks.
Assessment Benchmarks	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> • Principal centre zone code; • Advertising devices code; and • SC6.2 Advertising devices planning scheme policy.

Compliance with assessment benchmarks	The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exception listed below.	
	Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark
	Advertising devices code	<p>The proposed sign seeks to replace an existing sign on the site and is of a scale and height that respects the existing qualities of the building and adjacent buildings.</p> <p>The proportions of the sign and shape are compatible with the premises on which it is proposed to be located. The sign will be mounted on a mechanical base which is semi permeable and by incorporating this lightweight element it will visually minimise the sign's scale. In relation to the subject building, the signs angled orientation means that the overall length of the sign is visually reduced in relation to the buildings frontage to Denham and Bolsover Streets.</p> <p>The sign is set within a commercial/retail environment and is positioned so as not to compromise landscape, street features or heritage values in proximity to the site. The signs height above ground level is commensurate with the surrounding bulk and scale of buildings within the area including the seven (7) storey hotel located opposite the site and is well within the intended maximum building height for the Core Precinct (12 storeys and 45 metres).</p> <p>There are some concerns that the proposed advertising sign could potentially distract motorists within this major intersection and therefore contribute to a higher accident rate. There is however no conclusive evidence linking advertising devices with accident rates and most studies stipulate that further research is required. A traffic report prepared by PTT demonstrates that the proposed sign will not obstruct traffic and is not expected to reduce traffic safety in proximity of the site.</p> <p>In addition, the level / quality of technology and content will be conditioned, ensuring the visual impact will not impede upon traffic and safety. The advertising material will be limited</p>

		to still images only. No animation, movements or flashing lights will be allowed and transition periods will be restricted to 0.1 seconds. It is also noted that the proposed advertising device will follow the advertising sign assessment guidelines for road safety and maximum luminance levels.
Matters prescribed by regulation	<ul style="list-style-type: none">• The <i>State Planning Policy – Part E</i>;• The <i>Central Queensland Regional Plan</i>;• The <i>Rockhampton Region Planning Scheme 2015</i>;• Surrounding use of adjacent premises in terms of commensurate and consistent development form; and• The common material, being the material submitted with the application.	

CONCLUSION

The proposed advertising device is considered to be in keeping with the intent of the Principal centre zone. Furthermore, the proposal generally complies with the provisions included in the applicable codes and where there is deviation from the codes, sufficient justification has been provided. The proposal is, therefore, recommended for approval in accordance with the approved plans subject to the conditions outlined in the recommendations.

**D/85-2018 - DEVELOPMENT
APPLICATION FOR OPERATIONAL
WORKS FOR AN ADVERTISING
DEVICE (ROOF SIGN)**

Locality Plan

Meeting Date: 2 October 2018

Attachment No: 1

D/85-2018 - Locality Plan



A4 Page scale at 1: 2,000.00
Printed from GeoCortex on 10/09/2018



Legend

- Boundaries
- Property Parcels (Main)
- Roads
 - Main Roads (M1)
 - Major Council Roads
 - Council Roads
 - Access/Service Road
 - Private Roads
 - Unimproved Road
- Coastline
- Ocean
- Rivers
- DCSR Parks
 - Natural Park
 - Reserves
 - State Forest

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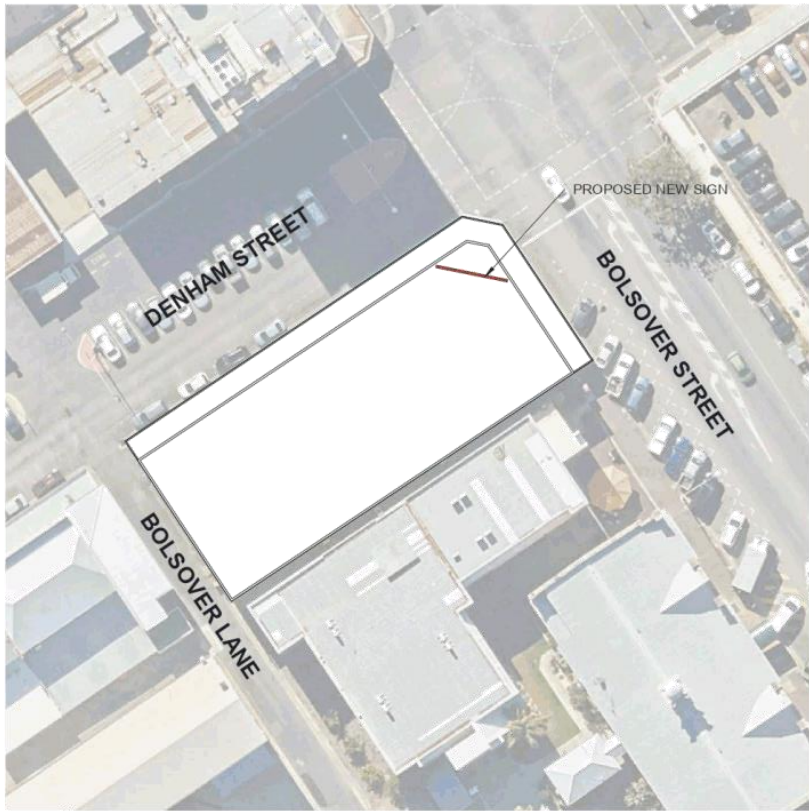


**D/85-2018 - DEVELOPMENT
APPLICATION FOR OPERATIONAL
WORKS FOR AN ADVERTISING
DEVICE (ROOF SIGN)**

Site Plan

Meeting Date: 2 October 2018

Attachment No: 2



PROPOSED SITE PLAN

1 : 500



EXISTING PHOTO

N.T.S.



ALTERED PHOTO

N.T.S.

REVISION		
REV	DESCRIPTION	DATE
A	SIGN REVISED	27.07.2018

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

A3 DRAWING
NOTED SCALES RELATE TO A3
DRAWINGS

PROPERTY DESCRIPTION
LOT/PLAN: 1/RP604875
LOCAL GOVERNMENT: ROCKHAMPTON
REGIONAL
SITE AREA: 1,012m²

SERVICES
CONFIRM LOCATION OF ALL SERVICES
ON SITE PRIOR TO CONSTRUCTION

project:
**NEW ADVERTISING DISPLAY,
AT 190 BOLSOVER ST,
ROCKHAMPTON CITY QLD
4700**

client: **APEX**
DIGITAL BILLBOARDS

design tek
p 0749 222880
building design - documentation

Shop 5/10 Denham
Rockhampton
QLD, 4700

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

title:
**PROPOSED SITE PLAN /
EXISTING PHOTO / ALTERED
PHOTO**

scale:
As indicated

project no:
1807-02

sheet no:
01 of 02

drawing no:
DW-01

rev:
A

drawn: SN

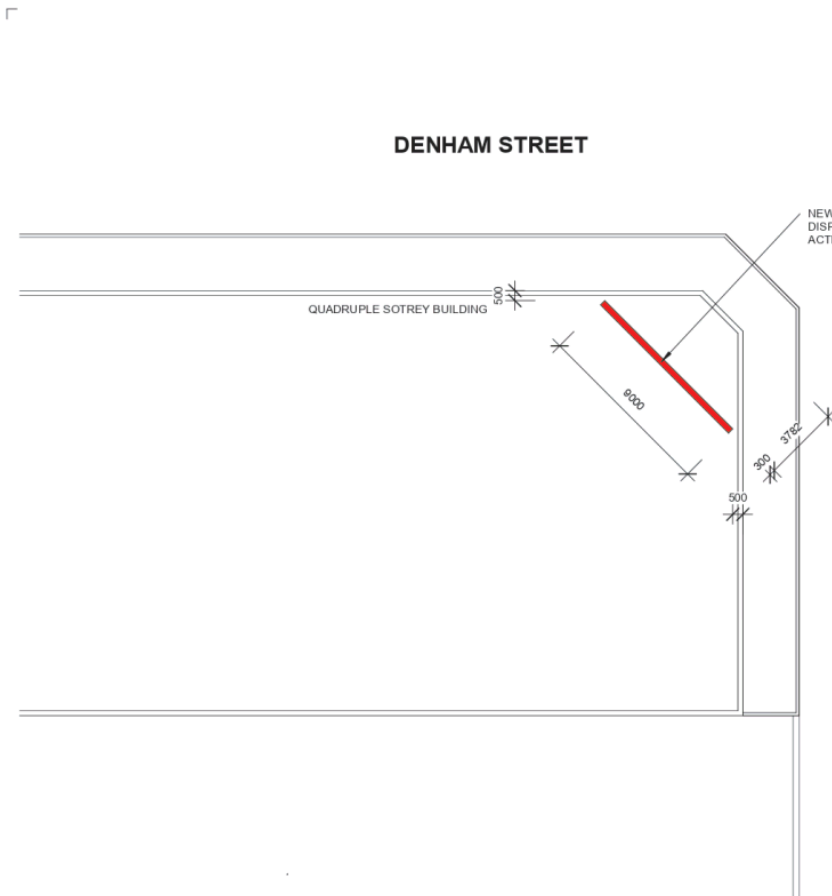
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**D/85-2018 - DEVELOPMENT
APPLICATION FOR OPERATIONAL
WORKS FOR AN ADVERTISING
DEVICE (ROOF SIGN)**

Elevation Plan

Meeting Date: 2 October 2018

Attachment No: 3



PROPOSED PLAN

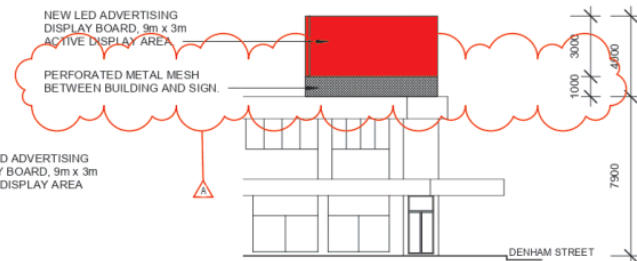
1 : 200

REVISION		
REV	DESCRIPTION	DATE
A	SIGN REVISED	27.07.2018



COLOUR
PLEASE NOTE. DRAWINGS PRODUCED
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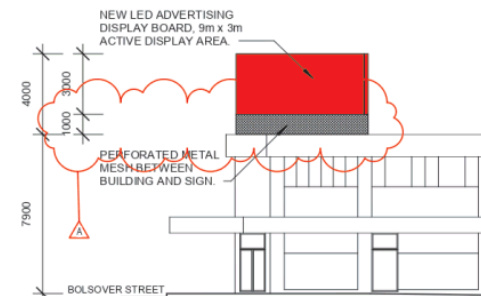
A3 DRAWING
NOTED SCALES RELATE TO A3
DRAWINGS



PROPOSED EASTERN ELEVATION

1 : 200

BOLSOVER STREET



PROPOSED NORTHERN ELEVATION

1 : 200

project: NEW ADVERTISING DISPLAY, AT 190 BOLSOVER ST, ROCKHAMPTON CITY QLD 4700		title: PROPOSED PLAN / ELEVATIONS	
client: 		scale: 1 : 200	
building design - documentation 		project no: 1807-02	
QBCC MEM. NO # 1123040 BDAQ MEM. NO # 0000761		sheet no: 02 of 02	
drawn: SN		drawing no: DW-02	
rev: A		date: 31/07/2018 4:12:53 PM	

8.7 D/71-2018 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A HOTEL (ANCILLARY CARPARK)

File No: D/71-2018

Attachments:

1. [Locality Plan](#)
2. [Carpark Layout Plan](#)
3. [Stormwater Management Plan](#)

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Steven Gatt - Manager Planning and Regulatory Services
Colleen Worthy - General Manager Community Services

Author: Jonathon Trevett-Lyall - Planning Officer

SUMMARY

Development Application Number: D/71-2018

Applicant: Maroon Holdings Pty Ltd

Real Property Address: Lot 1 on RP604056 and Lot 1 on RP858373, Parish of Gracemere

Common Property Address: 2-8 Old Capricorn Highway and 2 McLaughlin Street, Gracemere

Area of Site: 3,288 square metres

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Low Impact Industry Zone
District Centre Zone

Planning Scheme Overlays: Nil

Existing Development: Dwelling House and Hotel

Existing Approvals: 3103333-2007 – Dwelling House
D/665-2012 – Hotel (extension)

Approval Sought: Development Permit for a Material Change of Use for a Hotel (Ancillary Carpark)

Level of Assessment: Impact Assessable

Submissions: One (1) not properly made submission

Referral Agency(s): Department of State Development, Manufacturing, Infrastructure and Planning

Infrastructure Charges Area: Charge Area 1

Application Progress:

<i>Application Lodged:</i>	29 June 2018
<i>Confirmation Notice issued:</i>	12 July 2018
<i>Request for Further Information sent:</i>	16 July 2018
<i>Request for Further Information responded to:</i>	31 July 2018
<i>Submission period commenced:</i>	2 August 2018
<i>Submission period end:</i>	24 August 2018
<i>Government Agency Response:</i>	7 August 2018

<i>Last receipt of information from applicant:</i>	<i>29 August 2018</i>
<i>Statutory due determination date:</i>	<i>11 October 2018</i>

OFFICER'S RECOMMENDATION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for a Hotel (Ancillary Carpark), made by Maroon Holdings Pty Ltd, on land located at 2-8 Old Capricorn Highway and 2 McLaughlin Street, Gracemere, described as Lot 1 on RP604056 and Lot 1 on RP858373, 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 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) Road Works;
 - (ii) Access and Parking Works;
 - (iii) Stormwater Works; and
 - (iv) Site 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.
- 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>
Carpark Layout Plan	0941718-SK-001, Rev C	22 August 2018
Stormwater Management Plan	0941718-SK-002, Rev A	22 August 2018

Note: Stormwater Management Plan (Report no: 094-17-18, dated 22/08/2018, Rev B) has not been approved.

- 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 commencement of the use.

3.0 ROAD WORKS

- 3.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works required by this development approval.
- 3.2 All road works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, relevant *Australian Standards*, *Austroads Guidelines* and the provisions of a Development Permit for Operational Works (road works).
- 3.3 Right-in traffic movements from the Old Capricorn Highway to the development site must be via suitably designed Basic Right turn treatment (BAR) for the intended design vehicle.

Note: Sufficient pavement width is to be provided for the through vehicle (Articulated Vehicle) to pass a vehicle waiting to turn right.

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

4.0 ACCESS AND PARKING WORKS

- 4.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the 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*, *Australian Standard AS2890 "Parking facilities"*, SC6.12 Landscape design and street trees planning scheme policy of the *Rockhampton Region Planning Scheme 2015* and the provisions of a Development Permit for Operational Works (access and parking works).
- 4.3 All driveway accesses within the road reserve must be concrete paved.
- 4.4 All car parking, internal access and vehicle manoeuvring area must be concrete paved or asphalt sealed.
- 4.5 Any redundant vehicular crossovers must be replaced by Council standard kerb and channel.
- 4.6 All vehicles must ingress and egress the development in a forward gear.

- 4.7 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).
- 4.8 The existing universal access parking spaces, located at the southern end of the on-street parking area adjacent to the Gracemere Hotel, must be upgraded to be in accordance with *Australian Standard AS2890.6 "Parking facilities - Off-street parking for people with disabilities"*.
- 4.9 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.
- 4.10 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.

5.0 PLUMBING AND DRAINAGE WORKS

- 5.1 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*.
- 5.2 The existing sewerage connection point(s) for the existing dwelling must be relocated to ensure they are located outside of the proposed swales and detention basin.
- 5.3 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.
- 5.4 Sewer connection and water meter box located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.

6.0 STORMWATER WORKS

- 6.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.
- 6.2 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by a detailed Stormwater Management Plan, prepared and certified by a Registered Professional Engineer of Queensland. The Stormwater Management Plan must clearly demonstrate that:
 - 6.2.1 all content of the stormwater management plan is in accordance with the *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, stormwater management design objectives in *State Planning Policy 2017*, and sound engineering practice;
 - 6.2.2 the Stormwater discharge is to a lawful point of discharge in accordance with the *Queensland Urban Drainage Manual*;
 - 6.2.3 the volume of detention is sufficient to attenuate the peak discharge from the development site to ensure non-worsening for a range of design rainfall events up to and including a one per cent (1%) Annual exceedance probability flood event, in accordance with the provisions of the *Queensland Urban Drainage Manual*;
 - 6.2.4 the potential pollutants in stormwater discharged from the development site are managed in accordance with current water quality best industry practices and in accordance with *State Planning Policy 2017*;

- 6.2.5 the stormwater management plan is accompanied by full calculations; including electronic modelling files from industry standard modelling software, (including both electronic model files and results files) and all details of the modelling assumptions to support both the proposed water quantity and quality management strategy; and
- 6.2.6 it includes detailed engineering plans with details of any new drainage systems, or the amendment and upgrading of existing drainage systems to implement the proposed drainage strategy.
- 6.3 All roof water from the existing dwelling house must be collected and drained to the proposed grass swale to be constructed along northern boundary.
- 6.4 A grass swale must be constructed in the Armstrong Lane road reserve, parallel to the eastern boundary of the site, for the full frontage of the development site. The road reserve area between the grass swale and the eastern boundary of the site must be appropriately turfed.
- 6.5 An appropriately designed rock pad must be provided at the outlet of the low flow outlet pipes to minimise the risk of erosion.
- 6.6 The detention basin/bio basin as identified on the approved plans (refer to condition 2.1) must be landscaped in accordance with Council's requirements. Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by detailed plans and specifications for the detention basin, and the design must:
 - 6.6.1 be suitable to the climate and incorporate predominately native species;
 - 6.6.2 maximise areas suitable for on-site infiltration of stormwater;
 - 6.6.3 incorporate shade trees; and
 - 6.6.4 demonstrate that all areas apart from garden beds are fully turfed or hydromulched.

Note: The detailed design of the detention basin must ensure the safety of the public and/or tenants and where applicable include all required safety measures and facilities (for example, child proof fences). A maintenance plan for the proposed detention basin system must be submitted as part of any application for a Development Permit for Operational Works (stormwater works).

7.0 SITE WORKS

- 7.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works on the development site.
- 7.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan that clearly identifies the following:
 - 7.2.1 the location of cut and/or fill;
 - 7.2.2 the type of fill to be used and the manner in which it is to be compacted;
 - 7.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - 7.2.4 details of any proposed access routes that are intended to be used to transport fill to or from the development site; and
 - 7.2.5 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.
- 7.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.

- 7.4 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.
- 7.5 Retaining structures above one (1) metre in height must not be constructed unless separately and specifically certified by a Registered Professional Engineer of Queensland and must be approved as part of a Development Permit for Operational Works (site works).
- 8.0 ASSET MANAGEMENT
- 8.1 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.
- 8.2 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.
- 8.3 '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)*.
- 9.0 ENVIRONMENTAL
- 9.1 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) water quality and drainage;
 - (ii) erosion and silt/sedimentation management;
 - (iii) top soil management;
 - (iv) interim drainage plan during construction;
 - (v) construction programme;
 - (vi) geotechnical issues;
 - (vii) weed control;
 - (viii) noise and dust suppression; and
 - (ix) waste management.
- 9.2 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.
- 9.3 An Erosion Control and Stormwater Control Management Plan prepared by a Registered Professional Engineer of Queensland in accordance with the *Capricorn Municipal Design Guidelines*, must be:
- 9.3.1 implemented, monitored and maintained for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped); and
 - 9.3.2 available on-site for inspection by Council Officers whilst all works are being carried out.

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.
- 10.4 When requested by Council, nuisance monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise, light or dust. An analysis of the monitoring data and a report, including nuisance mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation.

11.0 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 Old Capricorn Highway and Armstrong Lane.

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

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

RECOMMENDATION B

THAT in relation to the application for a Development Permit for a Material Change of Use for a Hotel (Ancillary Carpark), made by Maroon Holdings Pty Ltd, on land located at 2-8 Old Capricorn Highway and 2 McLaughlin Street, Gracemere, described as Lot 1 on RP604056 and Lot 1 on RP858373, Parish of Gracemere, Council resolves to issue an Infrastructure Charges Notice for the amount of \$20,517.30.

BACKGROUND

Number of carparks	
Commercial	78
Impervious area	
	2,790m ²
Area of Open Space	
	500m ²

PROPOSAL IN DETAIL

The proposal is to develop an ancillary car park for the Gracemere hotel located on Lot 1 on RP604056 comprising 78 spaces. The development site will be serviced by a new access driveway on Old Capricorn Highway, located approximately 60 metres from the roundabout to the south-west of the site. The proposal will retain the existing Dwelling House in a fenced 492m² area in the north-western corner of the site.

The development footprint of the proposed car park on the site will include a sealed area of approximately 2,413.8m² and landscaped swales along the property boundaries with an approximate area of 382.2m². The swale along the eastern property boundary will have a detention basin with an approximate storage capacity of 65m³.

SITE AND LOCALITY

The proposed car park site is located in the Low Impact Industry Zone under the *Rockhampton Region Planning Scheme 2015* and has been improved with a Dwelling House. The land at 2 McLaughlin Street is located in the District Centre Zone and has been improved with the current Gracemere Hotel. The proposed car park site has two (2) road frontages; Old Capricorn Highway to the north-west and the unformed Armstrong Lane to the south-east. To the south-east and parallel to Armstrong Lane is the Central West Rail Line. Adjoining the proposal site to the south is Anzac Park located in the road reserve area for Lawrie Street. The land adjoining the site to the north is located in the Low Impact Industry Zone and is improved with an industrial use. The subject site falls from the north-west to the south-east and is serviced by Council's reticulated water and sewerage services.

PLANNING ASSESSMENT

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 assessment process provisions of the Development Assessment Rules, based on consideration of the relevant State Planning Policy; State Government guidelines; the Council's Town Planning Scheme, Planning Policies and other general policies and procedures, as well as other documents as considered relevant.

Development Engineering Comments – 10 September 2018

Support, subject to conditions.

Public and Environmental Health Comments – 4 July 2018

Support, subject to conditions / 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 2017

The current State Planning Policy (SPP) came into effect on 3 July 2017 and replaces the previous SPP (April 2016). The new policy expresses the state's interests in land-use planning and development and contains a number of changes to better align with the *Planning Act 2016*. This policy requires development applications to be assessed against its requirements where they have not been appropriately reflected in the local planning scheme.

1. Planning for liveable communities and housing**Housing supply and diversity**

Not Applicable.

Liveable communities

Not Applicable.

2. Planning for economic growth**Agriculture**

Not Applicable.

Development and construction

Not Applicable.

Mining and extractive resources

Not Applicable.

Tourism

Not Applicable.

3. Planning for environment and heritage**Biodiversity**

Not Applicable.

Coastal environment

Not Applicable.

Cultural heritage

Not Applicable.

Water quality

Complies. The development will be designed and constructed to achieve the on-site stormwater management design objectives.

4. Planning for safety and resilience to hazards**Emissions and hazardous activities**

Not Applicable

Natural hazard, risk and resilience

Not Applicable.

5. Infrastructure

Energy and water supply

Not Applicable.

Infrastructure integration

Not Applicable.

Transport infrastructure

Not Applicable.

Strategic airports and aviation facilities

Not Applicable.

Strategic ports

Not Applicable.

Rockhampton Region Planning Scheme 2015

Strategic framework

This application is situated within the District Centre 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 - Centres

- (1) The settlement pattern is supported by a hierarchy of centres (refer to Table 3.3.2.2) that:
 - (a) have a range of employment, goods and services, with principal, major and district centres offering a greater scale and diversity and local and neighbourhood centres servicing local needs only;
 - (b) **provide a destination and a focus for various activities, including commerce, meeting, entertainment, recreation, health, education, transport and sport;**
 - (c) provide for short-term accommodation and long-term residential development unless otherwise limited for a specific centre elsewhere;
 - (d) promote the creation of lively, pedestrian-friendly environments which provide safe, comfortable and universally accessible links between important public spaces and activities;
 - (e) **are contained in well-defined areas, preventing the expansion of commercial and retail uses into adjoining residential zones;** and
 - (f) support the redevelopment of existing sites and reuse of buildings within centres.
- (2) Large-scale administrative and professional offices, including regional offices of government and private sector head-offices are located within the core precinct of the principal centre to support its primacy in the centres hierarchy.
- (3) Large-scale retail developments are to be located within the principal centre (in accordance with the designated precincts) and major centre (including a major department store and additional discount department stores).
- (4) **Lower order centres in the hierarchy do not detract from the role and function of the principal, major or district centres.**

- (5) The expansion of an existing centre or the establishment of retail and office activities outside of the identified centres will not be supported, except where specifically intended in a particular zone, precinct or sub-precinct. Showrooms and retail-based hardware stores are to be located within designated centres.
- (6) Emerging centres in greenfield locations (including Gracemere and North Parkhurst) are not intended to accommodate full line supermarkets.
- (7) Residential development (including short-term or permanent residential uses) is supported in all centres (except in the Denison Street precinct in the principal centre) to enhance the viability and convenience of the centre and to maximise public transport use. Residential development is to be located above ground floor level or behind active uses such as commercial, retail and community uses and the like.
- (8) Development within centres is outwardly focussed at the ground level. Buildings are built to the street frontage and public places have awnings that create a safe and shaded pedestrian environment with uses that generate activity such as shops and food and drink outlets (cafes and restaurants). Car parking areas do not dominate the street frontage and are predominantly located behind buildings.
- (9) New developments must address key corners, be responsive to the regions climate and create a pedestrian friendly environment.
- (10) All centres are connected by efficient, reliable and safe passenger and freight transport networks to a standard necessary to support planned population and economic growth.
- (11) A development involving a significant increase in gross floor area (exceeding the threshold outlined in the applicable zone code) is accompanied by a master plan which demonstrates how an appropriate level of integration, connectivity and quality in the public realm is achieved with the balance of the centre and with the surrounding urban areas.

Allenstown and Gracemere district centres

- (12) District centres provide for household's major weekly or fortnightly shopping, and therefore are the intended location for a full-line supermarket. New full-line supermarkets are to be located in district or higher level centres and not in lower order centres or out of centre locations, unless specifically provided for elsewhere.
- (13) District centres are a focus for surrounding communities and a hub for public transport, pedestrians and cyclists and are surrounded by, and connected to, residential areas. These centres have a strong sense of enclosure at the street level, with little or no building setback to the street. Buildings are punctuated by squares and quality urban parks. These centres include a mix of uses, high levels of activity and offer high quality urban lifestyles. **Streets are lined with street trees, have constructed footpaths and provide on- and off-street parking.**
- (14) The Allenstown district centre will continue to service Allenstown and surrounding localities with a concentration of land uses including retail, residential, offices (limited in size), and services. With the expansion of the Gracemere district centre it is not envisioned that Allenstown will require an additional supermarket.

Complies – The proposed car park is an ancillary use to the existing Hotel in the District Zone located on the opposite side of Old Capricorn Highway. The car park will support the use of the Hotel as a destination point within the Gracemere area and will not detract from the role and function of principal and major centres. The proposed car park is located in the Low Impact Industry Zone and will prevent the

expansion of commercial and retail uses expanding into residential areas. The ancillary car park will provide off-street parking which will decrease the number of vehicles parked on the street.

(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 proposed car park will have design features including swales and a detention basin that will protect the quality and not increase the quantity of water entering waterways and the local catchments.

(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 - The proposal will not have any impacts on the community identity and diversity within the Rockhampton Region.

(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 proposed car park will not compromise the safety and efficiency of the Capricorn Highway and the Old Capricorn Highway.

(v) **Infrastructure and services**

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

Not applicable – The proposed car park does not involve the provision of infrastructure and services for the settlement pattern.

(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 car park will enhance the economic value of the Gracemere Hotel which will contribute to the economic growth of Gracemere.

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

Low Impact Industry Zone

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

- (1) The purpose of the low impact industry zone code is to:
 - (a) ensure that adequate, serviced and accessible land for low impact industry is provided and developed in accordance with acceptable environmental standards and with minimal impacts on nearby sensitive land use(s); and
 - (b) provide for low impact industry zoned land in a number of locations in order to service local communities throughout the planning scheme area including Gracemere (Gracemere industrial area), and Rockhampton (south Rockhampton, Park Avenue industrial area and Parkhurst industrial area).
- (2) The purpose of the zone will be achieved through the following overall outcomes:
 - (a) the zone primarily accommodates a range of smaller scale industrial uses such as low impact industry and warehouse uses which have low levels of potential impacts on the surrounding areas;
 - (b) medium impact industry uses may be appropriate where the nature of the operations do not create greater impacts than a low impact industry;
 - (c) existing industrial uses which are not low impact industry in nature continue to operate and expand in accordance with industry changes and demands, provided that any material changes in the intensity or scale of these uses does not worsen impacts and maintain appropriate separation distances. Should these industries cease to operate, new uses develop in accordance with the purpose for the zone;
 - (d) the following uses are not located in the zone:**
 - (i) **high impact industries;**
 - (ii) **special industries; and**
 - (iii) **uses which are more appropriately located in centres including shops, stand-alone offices, shopping centres, showrooms and retail hardware outlets;**
 - (e) sensitive land use(s) will not occur within the zone;**
 - (f) a limited range of non-industrial uses that are ancillary to and support industrial uses and people employed in the area are located in the zone. The scale of these uses does not compromise the role and function of existing or future planned centres and includes:**
 - (i) caretaker's accommodation or ancillary administration offices associated with industrial uses;
 - (ii) retail associated with, but ancillary to industrial uses carried out on the same site;
 - (iii) small-scale food and drink outlets servicing the day-to-day needs of the industrial zone;
 - (iv) non-resident workforce accommodation only when associated with an industrial use on the same site and located on an urban sub-arterial road or higher order road;
 - (v) service station;
 - (vi) uses which would be incompatible in a centres zone as a result of the size or nature of the goods sold or the fitting services provided (for example heavy plant and machinery parts, wholesale trade supplies to trade customers, outdoor sales, agricultural supplies store, garden centre and bulk landscape supplies); and

(vii) uses that share similar characteristics and external impacts with a low impact industry use such as hours of operation or the nature of the use (for example indoor sport and recreation facilities);

(g) the viability of existing and future low impact industry uses is not affected by the intrusion of incompatible uses;

(h) development is located, designed and managed to maintain safety to people, and to avoid significant adverse effects on the natural environment;

(i) development minimises adverse impacts on nearby non-industrial zoned land and sensitive land use(s) through building design, hours of operation, screening and landscaping;

(j) the functional needs of the development prevail over the built form and landscaping, except for ancillary office and sales areas being sited and orientated towards the primary street frontage and where adjoining visually sensitive areas including residential areas, and major road corridors;

(k) new industrial developments are located and integrated with existing and future planned industrial areas;

(l) development maximises the use of existing transport infrastructure and has safe and practical access to all modes of transport infrastructure and facilities, including airports and seaports;

(m) development is designed to incorporate sustainable practices including maximising opportunities for energy efficiency, water conservation, public and active transport use; and

(n) development is sited and designed to respond to natural landscape features and environmental constraints;

(o) development is connected to all infrastructure services available in the area; and

(p) the establishment of one (1) precinct within the zone where particular requirements are identified:

(i) South Rockhampton precinct.

The proposed car park is not a sensitive land use and will not impact the viability of existing and future low impact industry uses in the area. The car park will be located and designed to minimise the adverse impacts on surrounding non-industrial land uses and to positively respond to the natural features of the surrounding area. The proposed car park is a non-industrial use that will not compromise the role and function of the District Centre Zone, as it will be supporting the Gracemere Hotel. The car park is designed for functionality and will provide landscaping which will help it blend into the neighbouring Anzac Park. Therefore, this application is consistent with the purpose of the Zone.

Rockhampton Regional Planning Scheme Codes

The following codes are applicable to this application:

- Low Impact Industry Zone 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:

Access, Parking and Transport Code		
Performance Outcome/s		Officer's Response
PO6	Parking and servicing facilities are designed to meet user requirements.	The existing accessible car parking spaces on the northern side of old Capricorn Highway do not currently meet Australian Standards. A condition will be added which will require these spaces to be improved so that they meet Australian Standards for accessible spaces.
Landscape Code		
Performance Outcome/s		Officer's Response
PO2	Shade trees are provided in the landscaped areas to provide shade onto buildings, recreation areas, seating, car parking areas and the road verge.	The development will be conditioned to provide landscaping for the car parking area in accordance with SC6.12 Landscape design and street trees planning scheme policy.
PO11	Car parks and internal access (both on and off-street) are landscaped to: <ul style="list-style-type: none"> (a) reduce their visual appearance; (b) provide shade; (c) reduce glare; (d) reduce heat stored in hard surfaces; (e) harvest storm water; and be of a design that protects damage from vehicles, minimises risk of crime and contaminated stormwater runoff.	The development will be conditioned to provide landscaping for the car parking area in accordance with SC6.12 Landscape design and street trees planning scheme policy.
Stormwater Management Code		
Performance Outcome/s		Officer's Response
PO2	Development provides a stormwater management system which: <ul style="list-style-type: none"> (a) has sufficient capacity to safely convey run-off taking into account increased run-off from impervious surfaces and flooding in local catchments; (b) maximises the use of natural waterway corridors and natural channel design principles; and (c) efficiently integrates with existing stormwater treatments upstream and downstream. 	<p>The submitted Stormwater Management Plan Report (094-17-18), dated 22 August 2018, Rev B has not been approved. However, the submitted Carpark layout plan and Stormwater management plan attached to the Report have been approved.</p> <p>It is deemed that there is sufficient evidence to demonstrate that the stormwater management system has the capacity to safely convey run-off and can be designed and conditioned to integrate with the existing stormwater treatments.</p> <p>A detailed Stormwater Management Plan</p>

		will be required as part of an operational works application and a condition will be imposed requiring the construction of a channel along Armstrong Lane, adjacent to the eastern boundary.
PO8	<p>Development provides for the orderly development of stormwater infrastructure within a catchment, having regard to the:</p> <p>(a) existing capacity of stormwater infrastructure within and external to the site, and any planned stormwater infrastructure upgrades;</p> <p>(b) safe management of stormwater discharge from existing and future upslope development; and</p> <p>(c) implications for adjacent and down-slope development.</p>	The proposed development will discharge into Armstrong Lane via three (3) 90mm outlets. A rock pad will be required at the pipe outlets to prevent scouring and a condition will be imposed requiring the construction of a channel along Armstrong Lane, adjacent to the eastern boundary.

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
SC6.12 Landscape design and street trees planning scheme policy	The landscape design for the car park area will be conditioned to comply with the car park requirements of the Planning Scheme Policy.

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

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	
Entertain ment	All uses as per AICN 4/14 Table 2.2.1	Areas 1 and 2	170	per m ² of GFA	8.50	per m ² of impervio us area	\$20,517.30
			Total				\$20,517.30
			Less credit				\$0.00
			TOTAL CHARGE				\$20,517.30

This is based on a charge of \$20,517.30 for Impervious Area being 2,413.8 square metres (roof area, hardstand areas, access, and parking areas).

Therefore, a total charge of \$20,517.30 is payable and will be reflected in an Infrastructure Charges Notice for the development.

CONSULTATION

The proposal was the subject of public notification between 2 August 2018 and 24 August 2018, as per the requirements of the *Planning Act 2016* and the Development Assessment Rules, and one (1) not properly made submission was received.

Issue	Officer's Response
In favour of the application but are concerned with the safety of pedestrians crossing Old Capricorn Highway to access the hotel from the car park.	The Old Capricorn Highway does not generate a large amount of traffic. Furthermore, there is no provision for Council to be able to condition a shared zone or pedestrian crossing for this development.

REFERRALS

The application was referred to the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) on 18 July 2018, as the proposal was located within 25 metres of a State transport corridor. In response, DSDMIP provided development conditions to be attached to any development approval in accordance with section 56(1)(b)(i) of the *Planning Act 2016*.

STATEMENT OF REASONS

Description of the development	The proposed development is for Material Change of Use - Hotel (Ancillary Carpark)
Reasons for Decision	<ul style="list-style-type: none"> a) The proposed car park is ancillary to the existing Hotel located on the opposite side of the Old Capricorn Highway. The car park will enhance the safety of the area by decreasing the number of car parking spaces on the street by providing off-street parking. b) The proposed use does not compromise the strategic framework in the <i>Rockhampton Region Planning Scheme 2015</i>; c) 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; d) The proposed development does not compromise the relevant State Planning Policy; and e) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with an aspect of the assessment benchmarks.

Assessment Benchmarks	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> • Low Impact Industry Zone Code; • Access, Parking and Transport Code; • Landscape Code; • Stormwater Management Code; • Waste Management Code; and • Water and Sewer Code. 	
Compliance with assessment benchmarks	<p>The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.</p>	
	Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark
	Access, Parking and Transport Code	The existing accessible car parking spaces will be conditioned to meet the relevant Australian Standards.
	Landscape Code	The landscaping of the swales, detention basin and car parking area will be conditioned to be completed in accordance with SC6.12 Landscape design and street trees planning scheme policy.
Matters prescribed by regulation	Stormwater Management Code	A detailed Stormwater Management Plan will be required as part of an operational works application. The discharge outlets in Armstrong Lane will be conditioned to have a rock pad and a channel constructed adjacent to the eastern boundary, to prevent scouring.
	<ul style="list-style-type: none"> • The <i>State Planning Policy – Part E</i>; • The <i>Central Queensland Regional Plan</i>; • The <i>Rockhampton Region Planning Scheme 2015</i>; and • The common material, being the material submitted with the application. 	

CONCLUSION

The proposal for establishing a Hotel (Ancillary Carpark) within the Low Impact Industry Zone is considered to be a consistent use and can be supported by the *Rockhampton Region Planning Scheme 2015*. Therefore, the proposal for a Material Change of Use for a Hotel (Ancillary Carpark) at 2-8 Old Capricorn Highway, Gracemere generally complies with the requirements of the planning scheme and is recommended for approval subject to conditions.

**D/71-2018 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A HOTEL
(ANCILLARY CARPARK)**

Locality Plan

Meeting Date: 2 October 2018

Attachment No: 1

D/71-2018 - Locality Plan



A4 Page scale at 1: 3,199.68
Printed from GeoCortex on 19/09/2018



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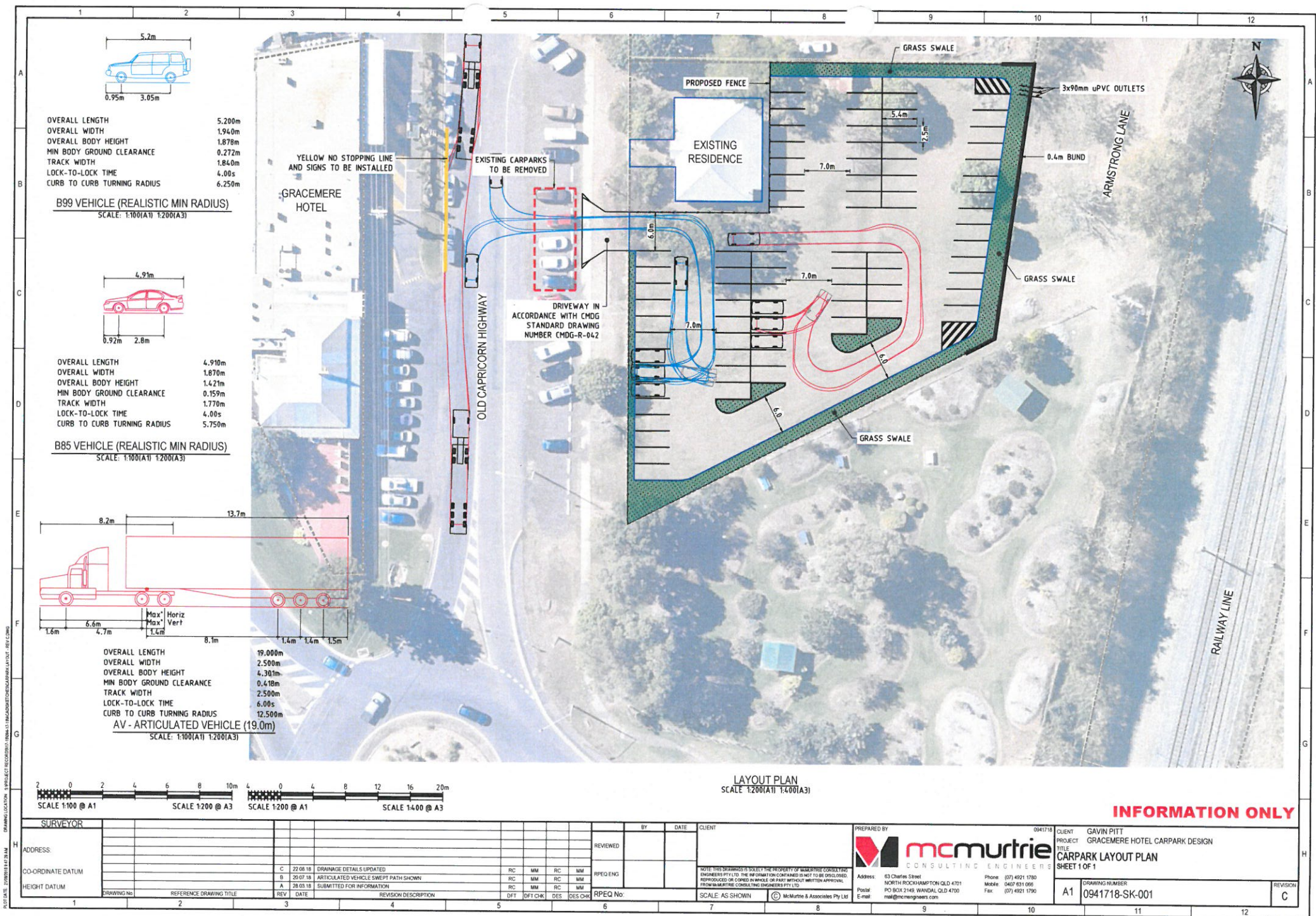


**D/71-2018 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A HOTEL
(ANCILLARY CARPARK)**

Carpark Layout Plan

Meeting Date: 2 October 2018

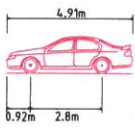
Attachment No: 2



5.2m
0.95m 3.05m

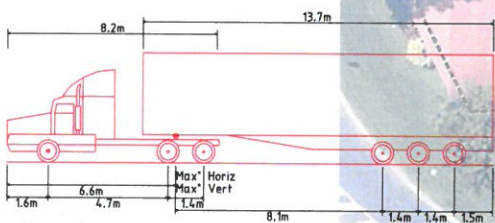
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OVERALL WIDTH 1.940m
OVERALL BODY HEIGHT 1.878m
MIN BODY GROUND CLEARANCE 0.272m
TRACK WIDTH 1.840m
LOCK-TO-LOCK TIME 4.00s
CURB TO CURB TURNING RADIUS 6.250m

B99 VEHICLE (REALISTIC MIN RADIUS)
SCALE: 1:100(A1) 1:200(A3)



OVERALL LENGTH 4.910m
OVERALL WIDTH 1.870m
OVERALL BODY HEIGHT 1.421m
MIN BODY GROUND CLEARANCE 0.159m
TRACK WIDTH 1.770m
LOCK-TO-LOCK TIME 4.00s
CURB TO CURB TURNING RADIUS 5.750m

B85 VEHICLE (REALISTIC MIN RADIUS)
SCALE: 1:100(A1) 1:200(A3)



OVERALL LENGTH 19.000m
OVERALL WIDTH 2.500m
OVERALL BODY HEIGHT 4.301m
MIN BODY GROUND CLEARANCE 0.418m
TRACK WIDTH 2.500m
LOCK-TO-LOCK TIME 6.00s
CURB TO CURB TURNING RADIUS 12.500m
AV - ARTICULATED VEHICLE (19.0m)
SCALE: 1:100(A1) 1:200(A3)

LAYOUT PLAN
SCALE 1:200(A1) 1:400(A3)

INFORMATION ONLY

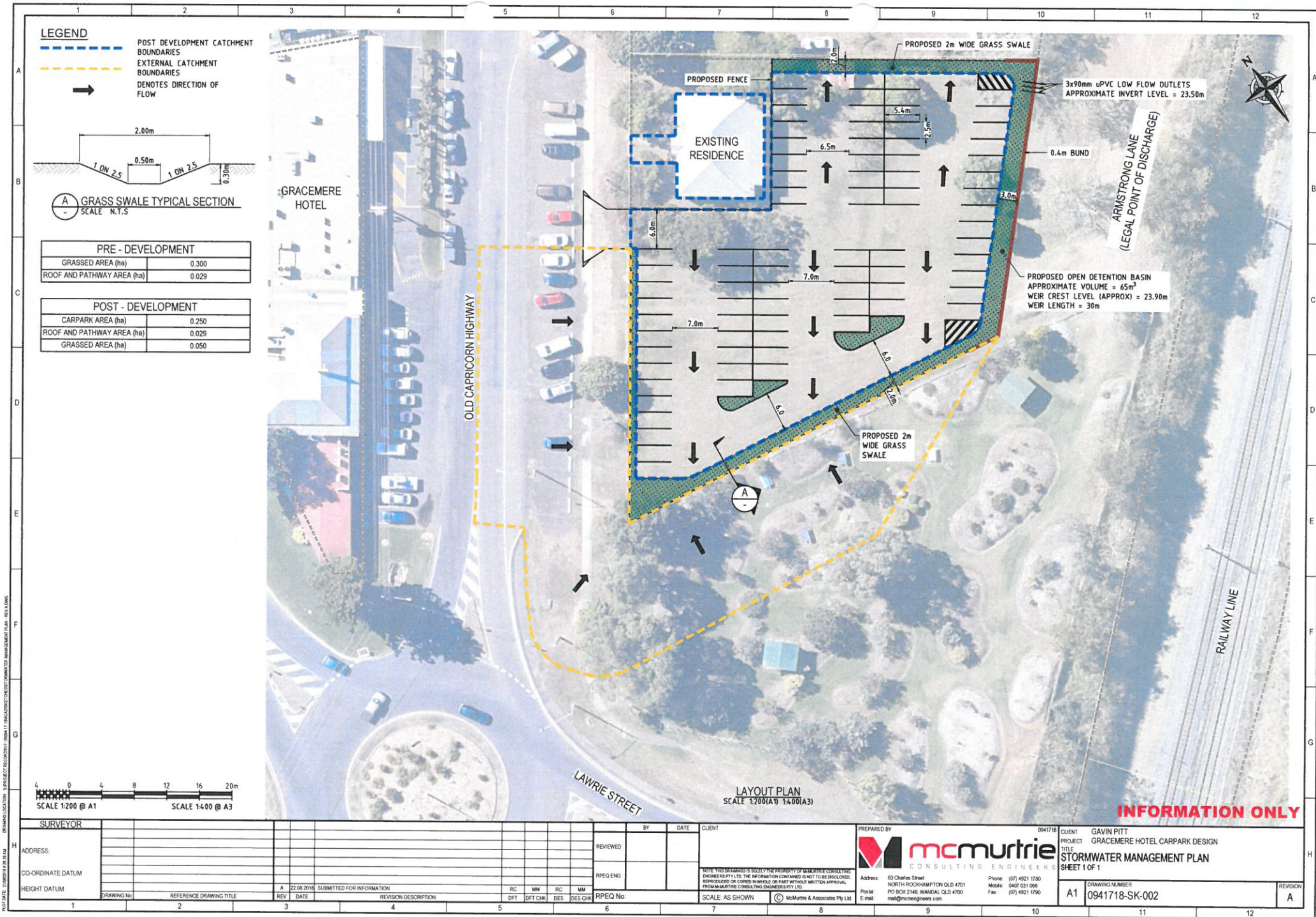
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ADDRESS:												REVIEWED						NOTE: THIS DRAWING IS SOLELY THE PROPERTY OF MCMURTRIE CONSULTING ENGINEERS PTY LTD. THE INFORMATION CONTAINED HEREIN IS NOT TO BE DISCLOSED, REPRODUCED OR COPIED IN WHOLE OR PART WITHOUT WRITTEN APPROVAL FROM MCMURTRIE CONSULTING ENGINEERS PTY LTD.		Address:		63 Charles Street		North Rockhampton QLD 4701		Phone:		(07) 4921 1780		Mobile:		0407 831 066		Fax:		(07) 4921 1790		Email:		mail@mcmeengineers.com			
CO-ORDINATE DATUM		C		22 08 18		DRAINAGE DETAILS UPDATED		RC		MM		RC		MM		RPEQ ENG		Address:		63 Charles Street		North Rockhampton QLD 4701		Phone:		(07) 4921 1780		Mobile:		0407 831 066		Fax:		(07) 4921 1790		Email:		mail@mcmeengineers.com					
HEIGHT DATUM		B		20 07 18		ARTICULATED VEHICLE SWEEP PATH SHOWN		RC		MM		RC		MM		RPEQ ENG		Address:		63 Charles Street		North Rockhampton QLD 4701		Phone:		(07) 4921 1780		Mobile:		0407 831 066		Fax:		(07) 4921 1790		Email:		mail@mcmeengineers.com					
DRAWING No		A		28 03 18		SUBMITTED FOR INFORMATION		RC		MM		RC		MM		RPEQ ENG		Address:		63 Charles Street		North Rockhampton QLD 4701		Phone:		(07) 4921 1780		Mobile:		0407 831 066		Fax:		(07) 4921 1790		Email:		mail@mcmeengineers.com					
REFERENCE DRAWING TITLE		REV		DATE		REVISION DESCRIPTION		DFT		DFT CHK		DES		DES CHK		RPEQ No		SCALE: AS SHOWN		McMurtrie & Associates Pty Ltd																							

**D/71-2018 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A HOTEL
(ANCILLARY CARPARK)**

Stormwater Management Plan

Meeting Date: 2 October 2018

Attachment No: 3



8.8 DECISIONS UNDER DELEGATION - AUGUST 2018

File No: 7028
Attachments: Nil
Authorising Officer: Steven Gatt - Manager Planning and Regulatory Services
 Colleen Worthy - General Manager Community Services
Author: Tarnya Fitzgibbon - Coordinator Development Assessment

SUMMARY

This report outlines the properly made development applications received in August 2018 and whether they will be decided under delegation or decided by Council.

OFFICER'S RECOMMENDATION

THAT this report into the applications lodged in August 2018 be received.

BACKGROUND

Matters are referred to Committee for decision where:

- Refusals;
- The development is inconsistent with the intent of the zone;
- Submissions are received during the notification period.

The following properly made applications were received in August 2018. They will be decided in the following manner:

Application type	Address	Decision
D/85-2018 – Operational Works for Advertising Device (Billboard Sign). This sign is proposed on top of the Raine and Horn Building (corner of Denham and Bolsover Streets)	190 Bolsover Street, Rockhampton City	Can be decided under delegation but will go to Committee
D/87-2018 – MCU for Veterinary Services and Operational Works for an Advertising Device	339 Dean Street, Frenchville	Impact assessable so will go to Committee if there are submissions.
D/88-2018 – Operational Works for Earthworks. The primary approval is for a MCU for Shopping Centre, Service Station, Food and Drink Outlet, Indoor Sport and Recreation and Health Care Services.	770 Norman Road, Norman Gardens	Delegation

D/89-2018 – Operational Works for Water Works. The primary approval is for a MCU for Shopping Centre, Service Station, Food and Drink Outlet, Indoor Sport and Recreation and Health Care Services.	770 Norman Road, Norman Gardens	Delegation
D/90-2018 – Operational Works for Access Works. The primary approval is for a ROL (one into four)	61 Butler Road, Bouldercombe	Delegation
D/84-2018 – Operational Works for Earthworks. The primary approval is for a Medium Impact Industry.	7 Featherstone Street, Parkhurst	Already decided under delegation
D/91-2018 – MCU for Warehouse	68 Hollingsworth Street, Kawana	Delegation
D/92-2018 – MCU for Warehouse. Hardware and Trade Supplies	20-22 Chappell Street, Kawana	Impact assessable so will go to Committee if there are submissions.
D/93-2018 – Operational Works for Earthworks. There is no primary approval for this application,	102 Morgan Street, Mount Morgan	Delegation
D/94-2018 – MCU for a Dwelling House. The land is affected by the Steep Land Overlay.	14 Connemara Drive, Kawana	Delegation
D/95-2018 – ROL (one into three lots)	Lot 154 Wedel Road. Alton Downs	Delegation

For some matters it is not possible to determine if they will go to Committee until the notification period ends. If there have been submissions the application will go to Committee to be decided.

CONCLUSION

This report outlines the applications received in August 2018 and the manner in which they will be decided.

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. OPW Approval
2. Aerial 2010
3. Aerial 2013
4. Aerial 2016
5. Ground level Comparison
6. Further Fill Introduced

Authorising Officer: Philip Harrison - Coordinator Building Plumbing and Compliance
Steven Gatt - Manager Planning and Regulatory Services
Colleen Worthy - General Manager Community Services

Author: Steven Hill - Development Compliance Officer

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

SUMMARY

This report summarises the continued failure to comply with a Development approval regarding illegal filling of the property.

13 CLOSURE OF MEETING