

PLANNING AND REGULATORY COMMITTEE MEETING

AGENDA

9 APRIL 2019

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 9 April 2019 commencing at 9.00am for transaction of the enclosed business.

CHIEF EXECUTIVE OFFICER 4 April 2019

Next Meeting Date: 30.04.19

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.

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	OPENING	1
2	PRESENT	1
3	APOLOGIES AND LEAVE OF ABSENCE	1
4	CONFIRMATION OF MINUTES	1
5	DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA	1
6	BUSINESS OUTSTANDING	2
	NIL	2
7	PUBLIC FORUMS/DEPUTATIONS	3
	NIL	3
8	OFFICERS' REPORTS	4
	8.1 D/78-2018 - DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR HIGH IMPACT INDUSTRY (SWEAT FURNACE)	4
9	NOTICES OF MOTION	
	NIL	
10	URGENT BUSINESS/QUESTIONS	31
11	CLOSURE OF MEETING	

1 OPENING

2 PRESENT

Members Present:

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

In Attendance:

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

3 APOLOGIES AND LEAVE OF ABSENCE

Councillor Fisher tendered his apology as he will be attending the Western Queensland Local Government Association Conference in Longreach.

4 CONFIRMATION OF MINUTES

Minutes of the Planning and Regulatory Committee held 26 March 2019

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 BUSINESS OUTSTANDING

Nil

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 OFFICERS' REPORTS

8.1 D/78-2018 - DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR HIGH IMPACT INDUSTRY (SWEAT FURNACE)

	D/78-2018	
Attachments:	 Locality Plan Site Plan Site Plan Floor 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/78-201	8	
		nvestments Pty Ltd T/A Zebra Metals nental Services	
Real Property Address:	Lot 1 on	RP609889, Parish of Gracemere	
Common Property Address:	227 Som	erset Road, Gracemere	
Area of Site:	29,610 s	quare metres	
Planning Scheme:	Rockham	npton Region Planning Scheme 2015	
Planning Scheme Zone:	Medium	Impact Industry Zone	
Planning Scheme Overlays:	Creek Ca	atchment Flood Overlay - Area 2	
	Steep La	nd Overlay - 15-25%+ slope	
	Transpor	t Noise Corridor Overlay	
Existing Development:	Wrecking	y Yard	
Existing Approvals: D-Y/2008-184 Medium Impact		3-184 Medium Impact Industry	
	D/228-2012 Medium Impact Industry (wrecking yard)		
Approval Sought: Development Permit for a Material Change for High Impact Industry (Sweat Furnace)		0	
Level of Assessment:	Impact A	pact Assessable	
Submissions:	Three (3)	ree (3)	
Referral Agency(s): Department of State Developn Manufacturing, Infrastructure and Planning		•	
Infrastructure Charges Area: Charge		Area 1	
Application Progress:			
Application Lodged:		19 July 2018	
Acknowledgment Notice issued:		30 July 2018	

Submission period commenced:	21 August 2018	
Submission period end:	11 September 2018	
Applicant stop period:	26 September 2018	
Applicant stop period:	22 October 2018	
Council request for additional time:	11 March 2019	
Government Agency Response:	10 August 2018	
Last receipt of information from applicant:	11 March 2019	
Statutory due determination date:	19 April 2019	

OFFICER'S RECOMMENDATION

RECOMMENDATION A

That in relation to the application for a Development Permit for a Material Change of Use for High Impact Industry, made by Bowes Investments Pty Ltd T/A Zebra Metals Environmental Services, on land located at 227 Somerset Road, Gracemere, described as Lot 1 on RP609889, 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 Plumbing and Drainage Works (if required); and
 - 1.5.2 Building Works.
- 1.6 All Development Permits for Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works, if required.
- 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:

Plan/Document Name	Plan/Document Reference	<u>Dated</u>
Location Plan	SK-001, Rev 3	31 January 2019
Floor Plan	SK-002, Rev 3	31 January 2019
Environmental Report	Steer Environmental Consulting	13 June 2018

- 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 All access, parking and vehicle manoeuvring areas must be constructed and surface treated in accordance with the approved site plan (refer to condition 2.1). All surface treatments must be constructed, operated and maintained in a manner so that there is no significant impact on the amenity of adjoining premises or the surrounding area being caused due to the emission of dust or resulting in sediment laden water.

NOTE: Should genuine complaints about dust be received, the access, parking and vehicle manoeuvring area may be requested to be sealed to Council's satisfaction.

4.0 PLUMBING AND DRAINAGE WORKS

- 4.1 Any 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.
- 4.2 On-site water supply for domestic and fire fighting purposes must be provided and may include the provision of a bore, dams, water storage tanks or a combination of each.
- 4.3 Adequate domestic and fire fighting protection must be provided to the development, and must be certified by a hydraulic engineer or other suitably qualified person.
- 4.4 On-site sewerage treatment and disposal must be provided in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Plumbing and Drainage Policies.

5.0 STORMWATER WORKS

- 5.1 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the predevelopment conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.
- 6.0 ROOF AND ALLOTMENT DRAINAGE WORKS
- 6.1 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.

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

7.0 <u>SITE WORKS</u>

- 7.1 All earthworks must be undertaken in accordance with Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments".
- 7.2 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.

8.0 <u>LANDSCAPING WORKS</u>.

- 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 have low water dependency. All landscaping must be of a mature age and height to ensure the development is appropriately screened prior to commencement of the use.
- 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 <u>ELECTRICITY</u>

- 9.1 Electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 9.2 A *Certificate of Electricity Supply* from the relevant service provider must be provided to Council, prior to the commencement of the use.

<u>Note</u>: The applicant can enter into a *Negotiated Connection Establishment Contract* with the Supplier for the provisioning of electrical services and/or street lighting. Provided the Applicant has undertaken all the conditions of the contract, including providing performance security, the Supplier will issue a *Certificate of Electricity Supply*.

10.0 <u>TELECOMMUNICATIONS</u>

10.1 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.

<u>Note</u>: The Telecommunications Act 1997 (Commonwealth) specifies where the deployment of optical fibre and the installation of fibre-ready facilities is required.

10.2 Evidence of acceptance of the works from the relevant service provider must be provided to Council, prior to the commencement of the use.

Note: This will be a letter from either:

- **NBN** a 'Certificate of Practical Completion";
- Telstra a "Telecommunications Agreement/Provisioning Letter"; or

A Licenced Carrier under the Telecommunications Act 1997 - signed documentation from a Registered Professional Engineer of Queensland - electrical engineer.

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 commencement of the use. This information must be provided in accordance with the *Asset Design and As Constructed Manual (ADAC)*.

12.0 ENVIRONMENTAL HEALTH

- 12.1 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"*.
- 12.2 Noise emitted from the activity must not cause an environmental nuisance.
- 12.3 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.

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 Somerset Road.
- 13.2 The hours of operations must be limited to:
 - (i) 0630 hours to 1830 hours on Monday to Saturday, and
 - (ii) no operations on Sunday or Public Holidays.
- 13.3 All surface treatments must be operated and maintained in a manner so that there is no significant impact on the amenity of adjoining premises or the surrounding area being caused due to the emission of dust or resulting in sediment laden water.

Note: If the amenity impacts cannot be mitigated, the area must be sealed to Council's satisfaction.

- 13.4 All waste must be stored within a waste storage area (for example, general waste, recyclable waste, pallets, empty drums etcetera). The owner of the land must ensure that:
 - 13.4.1 the area is kept in a clean and tidy condition;
 - 13.4.2 fences and screens are maintained;
 - 13.4.3 no waste material is stored external to the waste storage area/s;
 - 13.4.4 all wash down of refuse containers takes place in the existing washdown facility;
 - 13.4.5 contaminants/washdown does not discharge into surface water, water courses, drainage lines or onto adjoining properties; and

13.4.6 the area is maintained in accordance with *Environmental Protection Regulation 2008.*

ADVISORY NOTES

NOTE 1. <u>Aboriginal Cultural Heritage</u>

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.gld.gov.au.

NOTE 2. <u>Asbestos Removal</u>

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. <u>General Environmental Duty</u>

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. Duty to Notify of Environmental Harm

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

NOTE 5. 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 an Infrastructure Charges Notice.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for High Impact Industry, made by Bowes Investments Pty Ltd T/A Zebra Metals Environmental Services, on land located at 227 Somerset Road, Gracemere, described as Lot 1 on RP609889, Parish of Gracemere, Council resolves to issue an Infrastructure Charges Notice for the amount of \$31,552.00.

BACKGROUND

PROPOSAL IN DETAIL

The proposal for a Material Change of Use - High Impact Industry (Sweat Furnace) will allow for the expansion of the existing wrecking yards activity through the introduction of an onsite sweat furnace (smelter). The proposed sweat furnace will allow the operator to further process metal onsite prior to transportation for further processing and recycling offsite.

The proposed sweat furnace and associated equipment will be accommodated within an industrial shed that is proposed towards the rear within the eastern corner of the site.

The proposed shed will be 29m long and 16m wide consisting of a gross floor area of 464m². The overall built form will consist of concrete tilt panels and colorbond wall sheets, with roller doors on all sides.

The current operations as a wrecking yard involve the recovery of metals of value from various waste streams such as automotive components and industrial equipment. Where recoverable metals can be separated into specific metal types, the recycling enterprise is made more efficient and is therefore more viable. The operator intends to improve the value of the saleable recovered product by separating aluminium from other metal types using the proposed aluminium sweat furnace and setting in permanent moulds. This method effectively separates the aluminium leaving a more profitable product whilst also reducing costs in transport due to the additional unnecessary weight. Whilst the proposal involves the introduction of a new land use (High Impact Industry) it is considered to merely be an extension which compliments the existing operations of the established wrecking yard.

SITE AND LOCALITY

The subject site is located at 227 Somerset Road, Gracemere and is described as Lot 1 on RP609889. The site is located within the Gracemere Industrial Area (GIA), approximately four (4) kilometres west of the Gracemere town centre and maintains an area of approximately 2.962ha with a road frontage of approximately 147 metres to Somerset Road. The site currently accommodates an existing Medium Impact Industry including a wrecking yard that has been operational on the site for several years and operates under an Environmental Authority for undertaking Environmentally Relevant Activity 20 – Metal Recovery.

The onsite activities are accommodated within several existing industrial sheds and buildings that are primarily located towards the front of the subject site. The rear portion of the premise accommodates outdoor operational areas used for the storage and processing of metals into smaller manageable pieces prior to transportation away from the site.

The subject site is located within the Medium Impact Industry Zone as per the *Rockhampton Region Planning Scheme 2015* with the surrounding land also being located within industrial zoning with the exception of some surrounding sites that are located within the Rural Zone. More specifically the site is surrounded by:

West – Immediately to the west of the site is the Gracemere Industry Park which accommodates industrial uses of various scale and size including High Impact Industry uses.

North – The Capricorn Highway is located directly to the north of the site along with the Gracemere Industry Park access road/bridge beyond which lies rural land predominately used for cattle grazing. Some residential dwellings are located to the north, however, the closest dwelling is approximately 475m away from the proposal.

East – Immediately to the east of the site is vacant land zoned as medium and low impact industry. To the south-east of the site and further to the east are numerous dwellings located within the Rural Zone. The closest dwelling is approximately 175 metres away from the proposal. Further east of these dwellings is land zoned industrial which currently accommodates a number of industrial uses.

South – Predominately vacant land within the Low Impact Industry Zone is located to the south of the site with rural zoned land located beyond the vacant land.

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 – 10 August 2018

Support, subject to conditions / comments.

Public and Environmental Health Comments – 28 August 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.

<u>Tourism</u>

Not Applicable.

3. Planning for environment and heritage

Biodiversity

Not Applicable.

<u>Coastal environment</u>

Not Applicable.

Cultural heritage

Not Applicable.

Water quality

Not Applicable.

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 New Industrial 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 subject site is located within the New Industrial Area Designation as per the Strategic Framework where the proposed development for a High Impact Industry is considered a consistent use. The proposal will facilitate the continuing viability of an existing industrial use within an industrial zoned designation. The proposal has taken into consideration surrounding sensitive uses and implemented appropriate measures to mitigate any impacts on these uses.

(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 location of development is not subject to any natural hazards. The proposal has ensured that appropriate measures have been implemented so as to not cause any impacts to the Natural Environment.

(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 proposed development is for an industrial use within an industrial designation.

(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 is an extension of an existing use and will not have any impacts on the transport 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 is an extension of an existing use and will not have any impacts on existing infrastructure and services.

(vi) Natural resources and economic development

- (1) The economy of the planning scheme area continues to grow and provides the community with diverse and new employment opportunities. Rockhampton continues to strengthen as the retail, service, cultural and administrative centre for both the planning scheme area and the wider Central Queensland region.
- (2) The strategic importance of Rockhampton for transport and logistics industries is fostered, given its central location at the junction of the Bruce Highway, the Capricorn Highway (through to the Landsborough Highway) and the Burnett Highway (through to the Leichhardt Highway).
- (3) The local community continues to value its traditional economic assets and natural resources and protects and conserves them and the contribution they make to maintaining and growing the region's economic prosperity, culture, character and sense of place. The region's traditional economic sectors of tourism and agriculture (including the iconic beef industry) continue to strengthen.
- (4) Development protects and, where possible, leverages the intrinsic economic value of the region's natural resources, including productive grazing, agricultural and forestry land, extractive and mineral resources, marine and coastal resources, and existing and planned water resources, including watercourses, water bodies and groundwater.
- (5) Natural assets identified by this planning scheme are protected as they underpin current and emerging tourism opportunities and important lifestyle values for residents.

Not Applicable. The proposal is an extension of an existing industrial use which seeks to simplify and enhance operations of the site.

The performance assessment of the proposal demonstrates that the development will not compromise the *Rockhampton Region Planning Scheme 2015* strategic outcomes. The proposed use is consistent with the strategic intent of the site and the immediate surrounding area.

Medium Impact Industry Zone

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

a) the zone accommodates a wide range of industrial uses that are likely to have off-site impacts, including manufacturing, transport and the like and require larger sites located away from sensitive land use(s);

- b) existing industrial uses which are not low or medium 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 do 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;
- c) 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 office, shopping centre, showrooms and retail hardware;

- d) sensitive land use(s) will not occur within the zone;
- e) in the Parkhurst and Park Avenue medium impact industry zoned areas, service industry and low impact industry may be located within 250 metres of a residential or emerging community zone or an existing sensitive land use within a zone other than industrial;
- f) a limited range of non-industry 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 and ancillary administration offices associated with industrial uses;

(ii)warehousing and retail associated with, but ancillary to industrial uses carried out on the same site;

(iii)small-scale food and drink outlets servicing the day-to-day needs of the industrial zone;

(iv)non-resident workforce accommodation only when associated with an industrial use on the same site and located on an urban sub-arterial road or higher order road;

(v)service station;

(vi)uses which would be incompatible in a centres zone as a result of the size or nature of goods sold or the fitting services provided (for example agricultural supplies store, and bulk landscape supplies); and

(vii)uses that share similar characteristics and external impacts with low or medium impact industry uses 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 medium impact industry uses is not affected by the intrusion of incompatible uses;
- h) large land holdings are provided to accommodate for large land consumptive industries;
- *i)* development is located, designed and managed to maintain safety to people, and to avoid significant adverse effects on the natural environment;
- *j)* development minimises adverse impacts on nearby non-industrial zoned land and sensitive land use(s) through building design, hours of operation, screening and landscaping;
- *k)* the scale, siting and form of development, including car parking areas and landscaping contributes to a high standard of amenity;

- 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;
- 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)Gracemere saleyards precinct.

This application is considered generally consistent with the purpose of the Zone. Whilst the proposal is identified as a High Impact Industrial Use within the Medium Impact Industrial Zone, the use is considered an expansion of an existing lawful use. It has been demonstrated that the proposal will not worsen the impacts on the amenity and safety of surrounding uses and the natural environment. The proposal is located within an industrial zoned area and is adjoined on all boundaries by land zoned industrial and will subsequently not detract from the viability of existing and future industrial uses across the surrounding area. The proposal has been appropriately located towards the rear of the site within a purpose built shed and has incorporated a three (3) metre mature vegetation buffer to screen the proposal from adjoining properties. The application has been supported by an Environmental Report which has addressed the environmental impacts associated with the proposal and demonstrated that no adverse impacts will result from the proposal on surrounding industrial uses or sensitive receptors. In addition to this, the proposal is subject to an Environmental Authority assessed and approved by the Department of Environment and Science (DES) subject to reasonable and relevant conditions that will ensure the proposal does not cause impacts to nearby sensitive receptors.

Rockhampton Regional Planning Scheme Codes

The following codes are applicable to this application: -

- Medium Impact Industry Zone;
- Access, Parking and Mobility 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, are outlined below:

Medium Impact Industry				
Performance Outcome/s		Officer's Response		
PO5	Where located within 250 metres of either a residential zone or existing sensitive land use not located within an industrial zone, development does not create adverse impacts by way of noise, dust, hours of	approximately 175m away from the nearest sensitive receptor being a rural-residential dwelling located to the east of site. The application has appropriately addressed the		

	operation or unsightly activities.	and unsightly activities and will ensure the proposal will not create additional adverse impacts. Further to this, the proposal is subject to an Environmental Authority assessed and approved by the Department of Environment and Science (DES) subject to reasonable and relevant conditions that will ensure the proposal does not cause impacts to nearby sensitive receptors.
PO13	Development provides for the appropriate storage, collection, treatment and disposal of liquid wastes or sources of contamination such that off-site releases of contaminants do not occur. All storage areas are screened from the streetscape and adjoining residential zones.	The application is supported by an Environmental Report which has addressed the storage and disposal of contaminants from the site in a safe manner. In addition the proposal is subject to an Environmental Authority assessed and approved by the Department of Environment and Science (DES) and subject to reasonable and relevant conditions that will ensure the safe operations of the site.
PO18	Development involving existing industrial uses which are not low or medium impact industries does not worsen impacts and maintains appropriate separation to sensitive uses.	The application is considered an expansion of an existing industrial use and is not considered to worsen the impacts on surrounding sensitive uses. The proposed sweat furnace will be located within the bounds of the subject site and within a purpose built shed. In addition, the applicant has proposed a three (3) metre landscape buffer to screen the proposed development from surrounding sensitive uses. Further, the application was subject to an Environmental Report and an Environmental Authority which have addressed any environmental concerns.
PO19	 Development responds sensitively to on-site and surrounding topography, drainage patterns, utility services, access, vegetation and adjoining land uses, such that: a) any earthworks are minimised; b) the retention of natural drainage lines is maximised; c) the retention of existing vegetation is maximised; d) damage or disruption to sewer, stormwater and water infrastructure is avoided; and e) there is adequate buffering, screening and separation to sensitive land uses. 	The application is considered an expansion of an existing industrial use and is not considered to worsen the impacts on surrounding sensitive uses. The proposed sweat furnace will be located within the bounds of the subject site and within a purpose built shed. In addition, the applicant has proposed a three (3) metre landscape buffer to screen the proposed development from surrounding sensitive uses. Further, the application was subject to an Environmental Report and an Environmental Authority which have addressed any environmental concerns.

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

INFRASTRUCTURE CHARGES

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

Column 1 Use Schedule		Column 2 Charge Area	Column 3 Adopted Infrastructure Charge		Column 4 Adopted Infrastructure Charge for stormwater network		Calculated Charge
			(\$)	Unit	(\$)	Unit	
High Impact Industry	All uses as per AICN	Area 1	59.50	per m ² of GFA			\$27,608.00
	4/14 Table 2.2.1	Area 1			8.50	per m ² of impervio us area	\$3,944.00
	Total			\$31,552.00			
	Less credit			\$0.00			
	TOTAL CHARGE			\$31,552.00			

This is based on a charge of:

- \$27,608.00 for Gross Floor Area being 464 square metres (sweat furnace/smelter); and
- \$3,944.00 for Impervious Area being 464 square metres.

Therefore, a total charge of \$31,552.00 is payable and will be reflected in an Infrastructure Charges Notice for the development.

CONSULTATION

The proposal was the subject of public notification between 20 August 2018 and 7 September 2018, as per the requirements of the *Planning Act 2016* and the Development Assessment Rules, and three (3) properly made submissions were received.

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

Issue	Officer's Response	
Health, safety and well-being of the community	The proposed sweat furnace is located approximately 175m away from the nearest sensitive receptor being a rural-residential dwelling located to the east of site. The application has appropriately addressed the impacts of the proposed development on the health, safety and well-being of the community and will ensure the proposal will not create additional adverse impacts. Further to this, the proposal is subject to an Environmental Authority assessed and approved by the Department of Environment and Science (DES) and subject to reasonable and relevant conditions that will ensure the proposal does not cause adverse impacts to nearby	

Issue	Officer's Response
	sensitive receptors.
Appropriate screening from sensitive receptors	The applicant has proposed a three (3) metre vegetated buffer in the south-eastern corner of the site to ensure the proposal is appropriately screened from sensitive receptors. It will be conditioned that the landscaping areas include mature vegetation.
Car Parking	The applicant has taken into consideration the submitters concerns in relation to car parking and has proposed an additional five (5) car parking spaces towards the rear of the site and in close proximity to the proposed building.
Noise and odour pollution	 The application was subject to an Environmental Report and an Environmental Authority which has subsequently been approved by the Department of Environment and Science subject to reasonable and relevant conditions. Information included within the Environmental Report and further information requested from Council have confirmed that: Noise from the sweat furnace is not expected to exceed the noise already created by the metal recovery activities undertaken on site. The proposed sweat furnace is to be enclosed in a purpose built shed to minimise any noise generated. An afterburner is to be installed on the sweat furnace to significantly reduce odour from the activity. If odour was to occur, prevailing winds would blow it away from closest sensitive receptors. The Department of Environment and Science (DES) have the ability to investigate any genuine complaint in line with the approved Environmental Authority and take appropriate action in relation to any noise and odour complaint deemed necessary.
Contamination impacting cattle fodder and primary production capability along with compliance with the LBN On Farm Bio Security procedure	The application was subject to an Environmental Report and an Environmental Authority which has subsequently been approved by the Department of Environment and Science (DES) subject to reasonable and relevant conditions. Information relating to contamination noted within the Environmental Report and further information requested from Council have

Issue	Officer's Response
	 confirmed that: The proposed sweat furnace has the potential to produce some particulates; however, these particulates will not be in large enough quantities to require further mitigation subject to the correct operation procedures being adhered to. Similar activities occur with the same model of sweat furnace without mitigation measures in the United States. The Department of Environment and Science (DES) has also approved this activity without further mitigation required. If particulates are more than expected, DES has the ability to investigate and take enforcement action under the approved Environmental Authority.
Information not disclosed to stakeholders in the immediate vicinity	The applicant has undertaken the statutory period of public notification in accordance with section 53 of the <i>Planning Act 2016</i> . Outside of the requirements of public notification, the applicant is not required to advise additional stakeholders.

REFERRALS

The application was referred to the Department of State Development, Manufacturing, Infrastructure and Planning who have assessed the application under the provisions of the *Planning Regulation 2017*:

• 10.9.4.1.1.1 Infrastructure – State Transport Infrastructure

On 10 August 2019 the state advised that under section 56 (1) (a) of the *Planning Act 2016* they have no requirements relating to the application.

STATEMENT OF REASONS

Description of the development	The proposed development is for a Material Change of Use - High Impact Industry (Sweat Furnace)		
Reasons for Decision	a) The proposal is considered a minor expansion of a industrial use in line with industry changes and dem		
	The proposal has taken into con sensitive receptors by ensuring the safety to people and avoid significa- the natural environment;	at operations maintain	
	The proposed use does not com framework in the <i>Rockhampton Re</i> 2015;		
	Assessment of the development aga purpose, planning scheme codes policies demonstrates that the prop not cause significant adverse impace natural environment, built environm community facilities, or local character	and planning scheme osed development will cts on the surrounding ent and infrastructure,	

	· · -		
	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:		
	Medium Impact Industry Zone;		
	Access, Parking and Mobility Code;		
	Landscape Code;		
	Stormwater Management Code;		
	Waste Management Code; and		
	Water and Sewe	er 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(s) listed below.		
	Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark	
	Medium Impact Industry Zone Code	The application is considered an expansion of an existing industrial use and is not considered to worsen the impacts on surrounding sensitive uses. The proposed sweat furnace will be located within the bounds of the subject site and located within a purpose built shed. In addition, the applicant has proposed a three (3) metre landscape buffer to screen the proposed development from surrounding sensitive uses. Further, the application was subject to an Environmental Report and an Environmental Authority which have addressed any environmental concerns.	
Matters raised in	Issue	How matter was dealt with	
submissions	Health, safety and well-being of the community	The application has appropriately addressed the impacts of the proposed development on the health, safety and well-being of the community and will ensure the proposal will not create additional adverse impacts on sensitive receptors. The proposal was subject to an Environmental Authority assessed and approved by the Department of Environment and Science (DES) subject to reasonable and relevant conditions that will ensure the proposal does not cause adverse impacts to nearby sensitive receptors.	

	Screening from sensitive receptors	The applicant has proposed a 3m vegetated buffer in the south-eastern corner of the site to ensure the proposal is appropriately screened from sensitive receptors.
	Car Parking	The applicant has proposed an additional five (5) car parking spaces towards the rear of the site and in close proximity to the proposed building.
	Noise and odour pollution	The application was subject to an Environmental Report and an Environmental Authority which has subsequently been assessed and approved by the Department of Environment and Science (DES) subject to reasonable and relevant conditions. Council is satisfied that noise and odour pollution has been appropriately addressed to ensure no adverse impacts on surrounding sensitive receptors.
	Contamination	The application was subject to an Environmental Report and an Environmental Authority which has subsequently been assessed and approved by the Department of Environment and Science (DES) subject to reasonable and relevant conditions. Council is satisfied that contamination from particulates has been appropriately addressed to ensure no adverse impacts on surrounding sensitive receptors.
	Disclosure of Information	The applicant has undertaken the statutory period of public notification in accordance with section 53 of the <i>Planning Act 2016</i> . Outside of the requirements of public notification, the applicant is not required to advise additional stakeholders.
Matters prescribed by regulation	 The State Planning Policy – Part E; The Central Queensland Regional Plan; The Rockhampton Region Planning Scheme 2015; 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

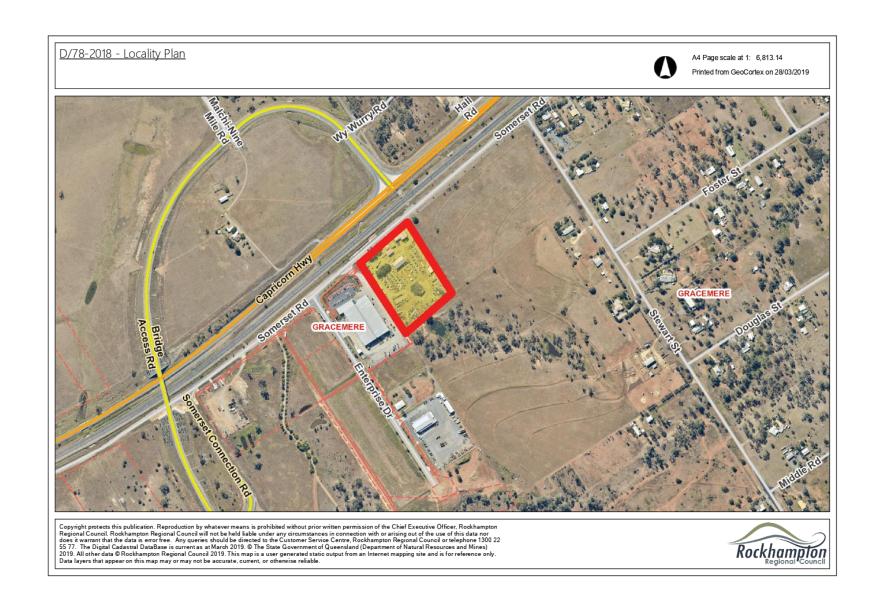
The proposal is generally consistent with the intent of the Medium Impact Industry Zone. As such, it is recommended that the proposal for a High Impact Industry can be supported subject to the conditions outlined in the assessment report.

D/78-2018 - DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR HIGH IMPACT INDUSTRY (SWEAT FURNACE)

Locality Plan

Meeting Date: 9 April 2019

Attachment No: 1

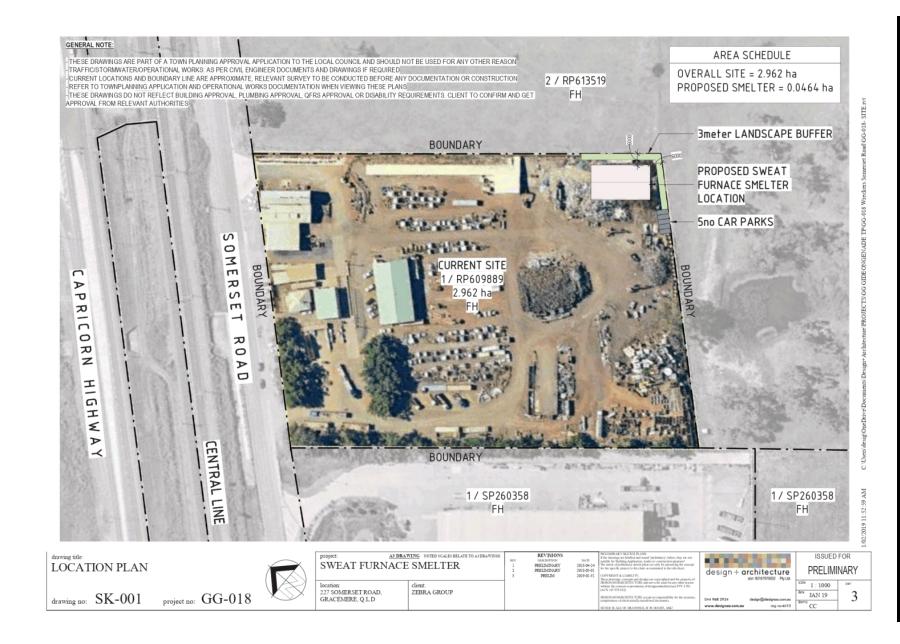


D/78-2018 - DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR HIGH IMPACT INDUSTRY (SWEAT FURNACE)

Site Plan

Meeting Date: 9 April 2019

Attachment No: 2

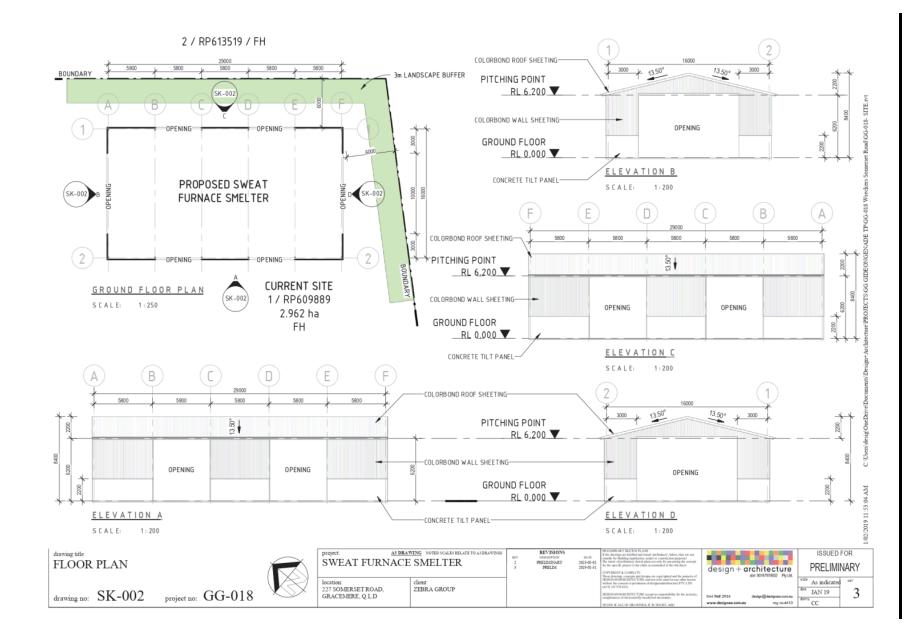


D/78-2018 - DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR HIGH IMPACT INDUSTRY (SWEAT FURNACE)

Floor Plan

Meeting Date: 9 April 2019

Attachment No: 3



9 NOTICES OF MOTION

Nil

10 URGENT BUSINESS/QUESTIONS

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

11 CLOSURE OF MEETING