

**DEVELOPMENT APPLICATION – DA 27-2022-2023 – 1 BANKSIA STREET & 3 MULBERRY STREET, BLACKALL****EXECUTIVE SUMMARY**

The Applicant, Bruce F Crook-King, seeks a Development Permit for a Material Change of Use for a Transport Depot over land 1 Banksia Street and 3 Mulberry Street, Blackall formally described as Lot 21 & 25 on SP210376.

The proposal is for a Transport depot. The proposal will allow for the housing and operation of up to three (3) trucks and 15 trailers. The proposal will have up to four (4) staff members. The proposal will essentially act as an extension to the existing Storage Facility (truck and trailers for freight transport).

The site is located in the established industrial precinct of Blackall.

Under the Blackall-Tambo Region Planning Scheme 2020 (the Planning Scheme), the subject site is in the Industrial Precinct of the Township Zone. The defined use that has been applied for, being a Transport Depot, is subject to Code Assessment in the Industrial Precinct of the Township Zone.

Based on an assessment of the proposal in accordance with the Code Assessment process articulated in the *Planning Act 2016*, this decision report recommends approval of the development application, subject to the conditions stated herein.

**RECOMMENDATION**

THAT Blackall-Tambo Regional Council approves the application for a Development Permit for Material Change of Use for a Transport Depot over land 1 Banksia Street and 3 Mulberry Street, Blackall formally described as Lot 21 & 25 on SP210376, subject to the following conditions:

**1.0 PARAMETERS OF APPROVAL**

- 1.1 The Developer is responsible for ensuring compliance with this development approval and the conditions of the approval by an employee, agent, contractor or invitee of the Developer at all times unless otherwise stated.
- 1.2 Where these conditions refer to “Council” in relation to requiring Council to approve or 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 Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken and completed prior to commencement of the use and to Council’s satisfaction, unless otherwise stated in a development condition.
- 1.4 The cost of all works associated with the construction of the development including services, facilities and/or public utility alterations required are met at no cost to the Council or relevant utility provider, unless otherwise stated in a development condition.
- 1.5 The developer is required to have repaired any damage to existing infrastructure that may have occurred during any works carried out for the development. To the extent the damage is deemed to create a hazard to the community, it must be repaired immediately.
- 1.6 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.

## 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:

Plan/Document Name	Plan/Document Number	Revision Number	Date
Site Plan	SK1	-	21/04/2023

2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.

## 3.0 HOURS OF OPERATION

3.1 Hours of operation are 24 hours a day, 7 days a week for the primary use activity involving heavy vehicle site access, egress and trailer hitching / unhitching.

3.2 Hours of operation are 7:00am to 6:00pm, 7 days a week for ancillary maintenance and servicing activities associated with the primary use.

## 4.0 LIMITATIONS OF USE

4.1 The use is limited to three (3) trucks, up to 15 trailers and up to four (4) operators on site.

4.2 No loading, unloading or storage of goods is permitted to occur on site.

4.3 All ancillary servicing and maintenance activities undertaken in conjunction with the approved use must be limited to the existing shed. The area within the shed where service and maintenance activities will occur must be maintained to a concrete floor or similar surface treatment to prevent ground and water contamination, and to provide containment of spills and hazardous materials and liquids.

## 5.0 ACCESS AND MANOEUVRING AREAS

5.1 Design, construct and maintain the Mulberry Street crossover in accordance with the approved plans (see Condition 2.1) and generally in accordance with the standard drawing, Figure 1 or 2, from the General Development Code of the Blackall-Tambo Region Planning Scheme.

5.2 All new vehicle manoeuvring areas must be constructed to an all weather standard.

## 6.0 STORMWATER WORKS

6.1 Undertake the development such that all stormwater, except for rainwater captured on-site in rainwater tanks, is to be drained from the site to a lawful point of discharge and carried without causing annoyance or nuisance to any person or property. All works must be designed, constructed and maintained in accordance with the *Queensland Urban Drainage Manual*.

## 7.0 SEWERAGE AND WATER

7.1 Maintain the existing connections to Council's reticulated water and sewerage network.

## 8.0 TELECOMMUNICATION AND ELECTRICITY SUPPLY

8.1 Maintain the electricity and telecommunication services in accordance with the standards and requirements of the relevant service provider.

## **9.0 WASTE MANAGEMENT**

- 9.1 Store all waste within a waste storage area (for example, general waste, recyclable waste, pallets, empty drums etcetera). The waste storage area must be:
- 9.1.1 Designed to not cause nuisance to neighbouring properties;
  - 9.1.2 Screened from any road frontage or adjoining property;
  - 9.1.3 Of a sufficient size to accommodate a waste bin/s suitable to service the Short-term accommodation.
- 9.2 Appropriate materials and equipment are to be available onsite at all times to contain and clean up spills of potentially polluting materials. The materials and equipment must be maintained.

## **10.0 AMENITY AND ENVIRONMENTAL HEALTH**

- 10.1 Undertake the approved development so there is no environmental nuisance or detrimental effect on any surrounding land uses and activities by reason of the emission of noise, vibration, odour, fumes, smoke, vapour, steam soot, ash, wastewater, waste products, oil or otherwise
- 10.2 Install and operate all outdoor lighting to comply with AS4282 – 1997 “*Control of the Obtrusive Effects of Outdoor Lighting*”.

## **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.

## **12.0 CONSTRUCTION ACTIVITIES**

- 12.1 All construction materials, waste, waste skips, machinery and contractors’ vehicles must be located and stored or parked within the development site, unless otherwise approved in writing by Council.
- 12.2 Construction activity and noise must be limited to the hours of 06:30 to 18:30 Monday to Saturday, with no work to occur on Sundays or public holidays.

## **ADVISORY NOTES**

- A. Prior to commencing any construction activities, the applicant/developer will be required to obtain further development permits for building work, and plumbing and drainage work, and potentially for operational work, as required under relevant legislation for this work.
- B. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements. Any provisions contained in this approval relating to the enforcement of any of the conditions shall be in addition to all other rights, powers and privileges that the Council may possess or obtain, and nothing contained in these conditions shall be construed so as to prejudice, affect or otherwise derogate or limit these rights, powers and privileges of the Council.
- C. General environmental duty under the Environmental Protection Act 1994 and subordinate legislation 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.
- D. This development approval does not authorise any activity that may harm 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”).

## 1.0 DEVELOPMENT APPLICATION SUMMARY

TABLE 1 – OVERVIEW OF THE DEVELOPMENT APPLICATION

PROPERTY DETAILS	
Site address	1 Banksia Street and 3 Mulberry Street, Blackall QLD 4472
RPD	Lot 21 & 25 on SP210376
Site Area	6,746m <sup>2</sup>
Landowner	Bruce Crook-King
Existing use of land	Storage Facility (truck and trailers for freight transport)
Existing development approval	DA-05-2019-2020 – MCU for Storage Facility (truck and trailers for freight transport) - Approved 19 September 2019
APPLICATION DETAILS	
Application No.	DA27-2022-2023
Applicant	Bruce Crook-King
Application description	Development Application for a Development Permit for Material Change of Use for a Transport Depot
Decision due date	24 May 2023
Main Issues/Resolution	Nil
STATUTORY DETAILS	
Planning Scheme	Blackall-Tambo Region Planning Scheme 2020
Overlays	N/A
Zone	Township Zone
Precinct	Industrial Precinct
Land use definition	Transport Depot
Category of Assessment	Code Assessment

## 2.0 PROPOSAL BACKGROUND

TABLE 2 – OVERVIEW OF DEVELOPMENT ASSESSMENT PROCESS

Application lodged and properly made	31 March 2023
Decision due	24 May 2023

## 3.0 SITE AND SURROUNDS DESCRIPTION

The subject site (Figure 1 below) is located at 1 Banksia Street and 3 Mulberry Street, Blackall, formally described as Lot 21 & 25 on SP210376. The subject site has a combined area of 6,746m<sup>2</sup> and has a 48m frontage to both Banksia and Violet Street and a 25m frontage to Mulberry Street. The site contains an existing Storage facility for the storage of trucks and trailers used in the freight industry.

The site is located within the Industrial Precinct of Blackall and is surrounded by industrial type uses.



**Figure 1** – Aerial of subject site (Source: QLD Government DAMS Mapping)

#### 4.0 DESCRIPTION OF PROPOSAL

The proposal is for a Transport depot. The proposal will allow for the housing and operation of up to three (3) trucks and 15 trailers. The proposal will have up to four (4) staff members. The proposal will essentially act as an extension to the existing Storage Facility (truck and trailers for freight transport).

**Attachment A** provides a copy of the proposal plan referenced in the recommendation.

#### 5.0 PLANNING ASSESSMENT

In accordance with section 45 (3) of the *Planning Act 2016*, Code Assessment is an assessment that must be carried out only –

- (a) Against the **assessment benchmarks in a categorising instrument** for the development; and
- (b) Having regard to **any matters prescribed by regulation** for this paragraph.

This framework for assessing Code assessable applications is explained as follows –

Code assessment is a ‘bounded assessment’ which means only the applicable assessment benchmarks and matters can be considered by Council in deciding the application.

The categorising instrument for the development is the *Blackall-Tambo Region Planning Scheme 2020*, under which the applicable assessment benchmark is the General Development Code.

#### The Central West Regional Plan and the State Planning Policy

The Regional Plan and SPP are identified as being appropriately integrated in the Planning Scheme and therefore do not require further assessment. The assessment of the proposal against the Planning Scheme in section 5.2 below also functions as an assessment of these State Planning Instruments.

### The Local Government Infrastructure Plan

By Council resolution, there is no Local Government Infrastructure Plan in place for the Council Area and Council ceases to charge Adopted Infrastructure Charges for any new development. In turn, this assessment benchmark does not apply to the development and an Infrastructure Charges Notice does not form part of this recommendation.

### Schedules 9 and 10 of the Planning Regulation

Schedule 9 relates to building work under the Building Act, which is not relevant to this application for material change of use but may be relevant to a subsequent building work application for the construction of the development.

The site is mapped as containing native vegetation, however as visible on the aerial in Figure 1, the site is void of any vegetation. As a result, the proposal will not result in vegetation clearing and does not require referral to the State Assessment and Referral Agency.

### Approval history / lawful use of the premises and adjoining premises

The site is subject to a development approval. DA-05-2019-2020 – MCU for Storage Facility (truck and trailers for freight transport) - Approved 19 September 2019.

The approval has been acted on and the use is currently operating from Lot 21 on SP210376. This application is essentially an extension to the existing use and will operate in harmony with that approval. Conditions of approval similar to those on DA-05-2019-2020 have been included on this application to ensure consistency.

### Common material

The application material and subsequent correspondence with Council officers and the applicant has been considered in the preparation of this recommendation.

The planning assessment of the development considers the above assessment benchmarks and matters to the extent that the assessment benchmark and matter is relevant to the development.

## **5.1.1 Internal Officer Comments**

Council's environmental health officer provided the following comments:

*'Would the operator be required to provide a stormwater management plan, or provide a chemical interceptor of some sort? The document states 'Water sheds to street'. As I understand they have a concrete pad with a truck repair bay, and allegedly washing cattle trucks of from faeces and the like at times. When I was onsite I could not see any drainage system on the ground to capture run-off from the site'.*

In response the following condition (condition 9.2) of approval has been included:

- Appropriate materials and equipment are to be available onsite at all times to contain and clean up spills of potentially polluting materials. The materials and equipment must be maintained.

It is considered the above condition and conditions relating to stormwater management and not causing environmental nuisance will enable the development to be managed in a way that can address any potential impacts.

## **5.2 BLACKALL-TAMBO REGION PLANNING SCHEME 2020**

Under the Planning Scheme the development constitutes a Material Change of Use, which is defined in the Planning Act as:

- a) the start of a new use of the premises;**
- b) the re-establishment on the premises of a use that has been abandoned;**
- c) a material increase in the intensity or scale of the use of the premises.**

The use of the land for a Transport Depot will result in a new and intensified use on the land. Under the Planning Scheme, the defined use relevant to the proposal is Transport Depot:

*Transport depot means the use of premises for—*

*(a) storing vehicles, or machinery, that are used for a commercial or public purpose; or*

*(b) cleaning, repairing or servicing vehicles or machinery, if the use is ancillary to the use in paragraph (a).*

In accordance with Table 4.4.1 of the Planning Scheme a Transport Depot in the Industrial Precinct of the Township Zone is subject to Code Assessment.

### **5.2.1 Assessment of Codes**

The following code is relevant to the proposed development.

#### **General Development Code**

The development complies or can be conditioned to comply with the purpose, performance criteria and acceptable solutions of the General Development Code. In particular:

- The proposal does not involve any new buildings or structures and therefore the site cover and setbacks remain unchanged
- The proposal does not require any additional landscaping
- A condition has been included to ensure all new vehicle manoeuvring areas are constructed to an all weather standard
- There is sufficient room onsite for parking for operators
- A condition has been imposed to ensure the new crossover to Mulberry Street is provided in accordance with Council's standards
- The site is contained within Blackall's established industrial precinct and is not expected that the use will cause amenity issues for surrounding occupants
- A condition has been included for the management of spills
- The site is serviced by existing reticulated water and sewer as well as electricity and telecommunications services
- A condition has been imposed to ensure stormwater is appropriately managed.

In summary, this planning assessment demonstrates that the development is consistent with the relevant assessment benchmark of the Planning Scheme. Conditions of approval reflect the elements of the assessment benchmarks to ensure on-going compliance in terms of land use, amenity and servicing.

## **6.0 CONCLUSION**

Development Permit for a Material Change of Use for a Transport Depot over land at 1 Banksia Street and 3 Mulberry Street, Blackall formally described as Lot 21 & 25 on SP210376, is recommended for approval, subject to the conditions outlined in this report.

This recommendation is based on an assessment of the proposal in accordance with the Planning Act for applications requiring Code assessment, which demonstrates the proposal's consistency with the Planning Scheme and other relevant assessment matters.

In accordance with the requirements for a decision notice under section 63 the Act, the notice must state the reasons for the decision. For this development, the statement of reasons, being the grounds for approval, will feature on the decision notice as follows:

- a) The Transport Depot is an acceptable use in the Industrial Precinct of the Township Zone;
- b) Conditions have been included to manage the operation of the development
- c) The site is sufficiently serviced and has access to telecommunications, electricity, reticulated water and sewer;
- d) Development does not conflict with the State Planning Policy 2017 and Central West Regional Plan 2009.

Assessment Officer (Author):

Tim O'Leary  
**Principal Planner (Reel  
Planning)**  
9 May 2023

Attachment A – Proposal Plan



**DEVELOPMENT APPLICATION – DA 27-2022-2023 – 1 BANKSIA STREET & 3 MULBERRY STREET, BLACKALL****EXECUTIVE SUMMARY**

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The site is located in the established industrial precinct of Blackall.

Under the Blackall-Tambo Region Planning Scheme 2020 (the Planning Scheme), the subject site is in the Industrial Precinct of the Township Zone. The defined use that has been applied for, being a Transport Depot, is subject to Code Assessment in the Industrial Precinct of the Township Zone.

Based on an assessment of the proposal in accordance with the Code Assessment process articulated in the *Planning Act 2016*, this decision report recommends approval of the development application, subject to the conditions stated herein.

**RECOMMENDATION**

THAT Blackall-Tambo Regional Council approves the application for a Development Permit for Material Change of Use for a Transport Depot over land 1 Banksia Street and 3 Mulberry Street, Blackall formally described as Lot 21 & 25 on SP210376, subject to the following conditions:

**1.0 PARAMETERS OF APPROVAL**

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- 1.2 Where these conditions refer to “Council” in relation to requiring Council to approve or 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 Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken and completed prior to commencement of the use and to Council’s satisfaction, unless otherwise stated in a development condition.
- 1.4 The cost of all works associated with the construction of the development including services, facilities and/or public utility alterations required are met at no cost to the Council or relevant utility provider, unless otherwise stated in a development condition.
- 1.5 The developer is required to have repaired any damage to existing infrastructure that may have occurred during any works carried out for the development. To the extent the damage is deemed to create a hazard to the community, it must be repaired immediately.
- 1.6 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.

## 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:

Plan/Document Name	Plan/Document Number	Revision Number	Date
Site Plan	SK1	-	21/04/2023

2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.

## 3.0 HOURS OF OPERATION

3.1 Hours of operation are 24 hours a day, 7 days a week for the primary use activity involving heavy vehicle site access, egress and trailer hitching / unhitching.

3.2 Hours of operation are 7:00am to 6:00pm, 7 days a week for ancillary maintenance and servicing activities associated with the primary use.

## 4.0 LIMITATIONS OF USE

4.1 The use is limited to three (3) trucks, up to 15 trailers and up to four (4) operators on site.

4.2 No loading, unloading or storage of goods is permitted to occur on site.

4.3 All ancillary servicing and maintenance activities, including cleaning of trucks and trailers, undertaken in conjunction with the approved use must be limited to the existing shed. The area within the shed where service and maintenance activities will occur must be maintained to a concrete floor or similar surface treatment to prevent ground and water contamination, and to provide containment of spills and hazardous materials and liquids.

4.4 All waste oils are to be collected within a sump and disposed of lawfully at a Blackall-Tambo Regional Council waste oil facility or by an authorised waste oil collection service provider.

4.5 Any spray painting associated with the ancillary maintenance of vehicles is limited a maximum of five (5) litres per week. All spray painting must be undertaken within the existing shed and in a manner to ensure there is no spray drift outside the existing shed.

## 5.0 ACCESS AND MANOEUVRING AREAS

5.1 Design, construct and maintain the Mulberry Street crossover in accordance with the approved plans (see Condition 2.1) and generally in accordance with the standard drawing, Figure 1 or 2, from the General Development Code of the Blackall-Tambo Region Planning Scheme.

5.2 All new vehicle manoeuvring areas must be constructed to an all weather standard.

## 6.0 STORMWATER WORKS

6.1 Undertake the development such that all stormwater, except for rainwater captured on-site in rainwater tanks, is to be drained from the site to a lawful point of discharge and carried without causing annoyance or nuisance to any person or property. All works must be designed, constructed and maintained in accordance with the *Queensland Urban Drainage Manual*.

## **7.0 SEWERAGE AND WATER**

- 7.1 Maintain the existing connections to Council's reticulated water and sewerage network.

## **8.0 TELECOMMUNICATION AND ELECTRICITY SUPPLY**

- 8.1 Maintain the electricity and telecommunication services in accordance with the standards and requirements of the relevant service provider.

## **9.0 WASTE MANAGEMENT**

- 9.1 Store all waste within a waste storage area (for example, general waste, recyclable waste, pallets, empty drums etcetera). The waste storage area must be:
- 9.1.1 Designed to not cause nuisance to neighbouring properties;
  - 9.1.2 Screened from any road frontage or adjoining property;
  - 9.1.3 Of a sufficient size to accommodate a waste bin/s suitable to service the development.
- 9.2 Appropriate materials and equipment are to be available onsite at all times to contain and clean up spills of potentially polluting materials. The materials and equipment must be maintained.

## **10.0 AMENITY AND ENVIRONMENTAL HEALTH**

- 10.1 Undertake the approved development so there is no environmental nuisance or detrimental effect on any surrounding land uses and activities by reason of the emission of noise, vibration, odour, fumes, smoke, vapour, steam soot, ash, wastewater, waste products, oil or otherwise
- 10.2 Install and operate all outdoor lighting to comply with *AS4282 – 1997 "Control of the Obtrusive Effects of Outdoor Lighting"*.

## **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.

## **12.0 CONSTRUCTION ACTIVITIES**

- 12.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site, unless otherwise approved in writing by Council.
- 12.2 Construction activity and noise must be limited to the hours of 06:30 to 18:30 Monday to Saturday, with no work to occur on Sundays or public holidays.

## **ADVISORY NOTES**

- A. Prior to commencing any construction activities, the applicant/developer will be required to obtain further development permits for building work, and plumbing and drainage work, and potentially for operational work, as required under relevant legislation for this work.
- B. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements. Any provisions contained in this approval relating to the enforcement of any of the conditions shall be in addition to all other rights, powers and privileges that the Council may possess or obtain, and nothing contained in these conditions shall be construed so as to prejudice, affect or otherwise derogate or limit these rights, powers and privileges of the Council.
- C. General environmental duty under the Environmental Protection Act 1994 and subordinate legislation 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.

- D. This development approval does not authorise any activity that may harm 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”).

## 1.0 DEVELOPMENT APPLICATION SUMMARY

TABLE 1 – OVERVIEW OF THE DEVELOPMENT APPLICATION

PROPERTY DETAILS	
Site address	1 Banksia Street and 3 Mulberry Street, Blackall QLD 4472
RPD	Lot 21 & 25 on SP210376
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Landowner	Bruce Crook-King
Existing use of land	Storage Facility (truck and trailers for freight transport)
Existing development approval	DA-05-2019-2020 – MCU for Storage Facility (truck and trailers for freight transport) - Approved 19 September 2019
APPLICATION DETAILS	
Application No.	DA27-2022-2023
Applicant	Bruce Crook-King
Application description	Development Application for a Development Permit for Material Change of Use for a Transport Depot
Decision due date	21 June 2023
Main Issues/Resolution	Nil
STATUTORY DETAILS	
Planning Scheme	Blackall-Tambo Region Planning Scheme 2020
Overlays	N/A
Zone	Township Zone
Precinct	Industrial Precinct
Land use definition	Transport Depot
Category of Assessment	Code Assessment

## 2.0 PROPOSAL BACKGROUND

TABLE 2 – OVERVIEW OF DEVELOPMENT ASSESSMENT PROCESS

Application lodged and properly made	31 March 2023
Decision due	21 June 2023

## 3.0 SITE AND SURROUNDS DESCRIPTION

The subject site (Figure 1 below) is located at 1 Banksia Street and 3 Mulberry Street, Blackall, formally described as Lot 21 & 25 on SP210376. The subject site has a combined area of 6,746m<sup>2</sup> and has a 48m frontage to both Banksia and Violet Street and a 25m frontage to Mulberry Street. The site contains an existing Storage facility for the storage of trucks and trailers used in the freight industry.

The site is located within the Industrial Precinct of Blackall and is surrounded by industrial type uses.



**Figure 1** – Aerial of subject site (Source: QLD Government DAMS Mapping)

#### **4.0 DESCRIPTION OF PROPOSAL**

The proposal is for a Transport depot. The proposal will allow for the housing and operation of up to three (3) trucks and 15 trailers. The proposal will have up to four (4) staff members. The proposal will essentially act as an extension to the existing Storage Facility (truck and trailers for freight transport).

**Attachment A** provides a copy of the proposal plan referenced in the recommendation.

#### **5.0 PLANNING ASSESSMENT**

In accordance with section 45 (3) of the *Planning Act 2016*, Code Assessment is an assessment that must be carried out only –

- (a) Against the **assessment benchmarks in a categorising instrument** for the development; and
- (b) Having regard to **any matters prescribed by regulation** for this paragraph.

This framework for assessing Code assessable applications is explained as follows –

Code assessment is a ‘bounded assessment’ which means only the applicable assessment benchmarks and matters can be considered by Council in deciding the application.

The categorising instrument for the development is the *Blackall-Tambo Region Planning Scheme 2020*, under which the applicable assessment benchmark is the General Development Code.

#### The Central West Regional Plan and the State Planning Policy

The Regional Plan and SPP are identified as being appropriately integrated in the Planning Scheme and therefore do not require further assessment. The assessment of the proposal against the Planning Scheme in section 5.2 below also functions as an assessment of these State Planning Instruments.

### The Local Government Infrastructure Plan

By Council resolution, there is no Local Government Infrastructure Plan in place for the Council Area and Council ceases to charge Adopted Infrastructure Charges for any new development. In turn, this assessment benchmark does not apply to the development and an Infrastructure Charges Notice does not form part of this recommendation.

### Schedules 9 and 10 of the Planning Regulation

Schedule 9 relates to building work under the Building Act, which is not relevant to this application for material change of use but may be relevant to a subsequent building work application for the construction of the development.

The site is mapped as containing native vegetation, however as visible on the aerial in Figure 1, the site is void of any vegetation. As a result, the proposal will not result in vegetation clearing and does not require referral to the State Assessment and Referral Agency.

### Approval history / lawful use of the premises and adjoining premises

The site is subject to a development approval. DA-05-2019-2020 – MCU for Storage Facility (truck and trailers for freight transport) - Approved 19 September 2019.

The approval has been acted on and the use is currently operating from Lot 21 on SP210376. This application is essentially an extension to the existing use and will operate in harmony with that approval. Conditions of approval similar to those on DA-05-2019-2020 have been included on this application to ensure consistency.

### Common material

The application material and subsequent correspondence with Council officers and the applicant has been considered in the preparation of this recommendation.

The planning assessment of the development considers the above assessment benchmarks and matters to the extent that the assessment benchmark and matter is relevant to the development.

## **5.1.1 Internal Officer Comments**

Council's environmental health officer provided the following comments:

*'Would the operator be required to provide a stormwater management plan, or provide a chemical interceptor of some sort? The document states 'Water sheds to street'. As I understand they have a concrete pad with a truck repair bay, and allegedly washing cattle trucks of from faeces and the like at times. When I was onsite I could not see any drainage system on the ground to capture run-off from the site'.*

In response the following conditions (conditions 4.4 and 9.2) of approval has been included:

- Appropriate materials and equipment are to be available onsite at all times to contain and clean up spills of potentially polluting materials. The materials and equipment must be maintained.
- All waste oils are to be collected within a sump and disposed of lawfully at a Blackall-Tambo Regional Council waste oil facility or by an authorised waste oil collection service provider.

It is considered the above condition and conditions relating to stormwater management and not causing environmental nuisance will enable the development to be managed in a way that can address any potential impacts.

A further condition (condition 4.5) has also been included to limit spray painting and to ensure there is no spray drift:

- Any spray painting associated with the ancillary maintenance of vehicles is limited a maximum of five (5) litres per week. All spray painting must be undertaken within the existing shed and in a manner to ensure there is no spray drift outside the existing shed.

## 5.2 BLACKALL-TAMBO REGION PLANNING SCHEME 2020

Under the Planning Scheme the development constitutes a Material Change of Use, which is defined in the Planning Act as:

- a) **the start of a new use of the premises;**
- b) *the re-establishment on the premises of a use that has been abandoned;*
- c) **a material increase in the intensity or scale of the use of the premises.**

The use of the land for a Transport Depot will result in a new and intensified use on the land. Under the Planning Scheme, the defined use relevant to the proposal is Transport Depot:

*Transport depot means the use of premises for—*

- (a) storing vehicles, or machinery, that are used for a commercial or public purpose; or*
- (b) cleaning, repairing or servicing vehicles or machinery, if the use is ancillary to the use in paragraph (a).*

In accordance with Table 4.4.1 of the Planning Scheme a Transport Depot in the Industrial Precinct of the Township Zone is subject to Code Assessment.

### 5.2.1 Assessment of Codes

The following code is relevant to the proposed development.

#### **General Development Code**

The development complies or can be conditioned to comply with the purpose, performance criteria and acceptable solutions of the General Development Code. In particular:

- The proposal does not involve any new buildings or structures and therefore the site cover and setbacks remain unchanged
- The proposal does not require any additional landscaping
- A condition has been included to ensure all new vehicle manoeuvring areas are constructed to an all weather standard
- There is sufficient room onsite for parking for operators
- A condition has been imposed to ensure the new crossover to Mulberry Street is provided in accordance with Council's standards
- The site is contained within Blackall's established industrial precinct and is not expected that the use will cause amenity issues for surrounding occupants
- A condition has been included for the management of spills
- The site is serviced by existing reticulated water and sewer as well as electricity and telecommunications services
- A condition has been imposed to ensure stormwater is appropriately managed.

In summary, this planning assessment demonstrates that the development is consistent with the relevant assessment benchmark of the Planning Scheme. Conditions of approval reflect the elements of the assessment benchmarks to ensure on-going compliance in terms of land use, amenity and servicing.

## 6.0 CONCLUSION

Development Permit for a Material Change of Use for a Transport Depot over land at 1 Banksia Street and 3 Mulberry Street, Blackall formally described as Lot 21 & 25 on SP210376, is recommended for approval, subject to the conditions outlined in this report.

This recommendation is based on an assessment of the proposal in accordance with the Planning Act for applications requiring Code assessment, which demonstrates the proposal's consistency with the Planning Scheme and other relevant assessment matters.



In accordance with the requirements for a decision notice under section 63 the Act, the notice must state the reasons for the decision. For this development, the statement of reasons, being the grounds for approval, will feature on the decision notice as follows:

- a) The Transport Depot is an acceptable use in the Industrial Precinct of the Township Zone;
- b) Conditions have been included to manage the operation of the development
- c) The site is sufficiently serviced and has access to telecommunications, electricity, reticulated water and sewer;
- d) Development does not conflict with the State Planning Policy 2017 and Central West Regional Plan 2009.

Assessment Officer (Author):  Tim O'Leary <b>Principal Planner (Reel Planning)</b> 13 June 2023	
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Attachment A – Proposal Plan



Title: Site Plan  
Reference: SK1  
Date: 21/04/2023