



PLANNING AND REGULATORY COMMITTEE MEETING

AGENDA

4 JULY 2017

Your attendance is required at a meeting of the Planning and Regulatory Committee to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 4 July 2017 commencing at 9.00am for transaction of the enclosed business.

A handwritten signature in black ink, appearing to be the initials "CR" followed by a long horizontal stroke.

CHIEF EXECUTIVE OFFICER
28 June 2017

Next Meeting Date: 18.07.17

Please note:

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

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1 OPENING

2 PRESENT

Members Present:

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

In Attendance:

Mr E Pardon – Chief Executive Officer

3 APOLOGIES AND LEAVE OF ABSENCE

Councillor Neil Fisher - Leave of Absence from 4 July – 5 July 2017

4 CONFIRMATION OF MINUTES

Minutes of the Planning and Regulatory Committee held 6 June 2017

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 BUSINESS OUTSTANDING

6.1 BUSINESS OUTSTANDING TABLE FOR PLANNING AND REGULATORY COMMITTEE

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

SUMMARY

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

OFFICER'S RECOMMENDATION

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

BUSINESS OUTSTANDING TABLE FOR PLANNING AND REGULATORY COMMITTEE

Business Outstanding Table

Meeting Date: 4 July 2017

Attachment No: 1

Date	Report Title	Resolution	Responsible Officer	Due Date	Notes
14 February 2017	Riverine Aquatic weed control	1. THAT Council contact the State member regarding our concerns in relation to the weed infestation in the Fitzroy River and our desire to form a partnership with the State Government and Livingstone Shire Council to address the problem. 2. THAT Council investigate funding options to address the matter.	Michael Rowe	28/02/2017	Letter forwarded to State member and awaiting response.
06 June 2017	New dog breeder legislation under the Animal Management (Cats and Dogs) Act 2008	THAT Council approve the commencement of enforcement activities on the amendments to the Animal Management (Cats and Dogs) Act incorporating the <i>Animal Management (Protecting Puppies) and Other Legislation Amendment Act 2008</i> from 31 July 2017.	Steven Gatt	20/06/2017	

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 OFFICERS' REPORTS

8.1 COMMITTEE REPORT DELEGATIONS - MAY 2017

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

SUMMARY

This report outlines the development applications received in May 2017 and whether they will be decided under delegation or decided by Council.

OFFICER'S RECOMMENDATION

THAT the Committee Report Delegations – May 2017 report be received.

BACKGROUND

Matters are referred to Committee for decision where:

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

The following applications were received in May 2017. They will be decided in the following manner:

Application type	Address	Decision
D/2-2017 – Operational Works for Earthworks	3 Hill Street, Lakes Creek	Delegation
D/43-2017 – Material Change of Use for Agricultural Supplies Store (ancillary carpark)	143 Stanley Street and 66 Gladstone Road, Allenstown	Committee
D/48-2017 – Material Change of Use for Community Use (Wandal Community Garden)	13 Cavell Street, Wandall	Impact assessable so may go to Committee
D/49-2017 – Operational Works for Road Works, Stormwater, Water Infrastructure, Drainage Works, Earthworks, Sewerage Infrastructure, Landscaping and Clearing Vegetation under the Planning Scheme	5-71 Olive Street, Parkhurst	Delegation
D/50-2017 – Operational Works for Drainage Works, Stormwater and Access and Parking	24 Victoria Parade, Rockhampton City	Delegation
D/51-2017 – Material Change of Use for Dual Occupancy	87 Bennett Street, Berserker	Already decided under delegation
D/52-2017 – Reconfiguration of a Lot (two lots into two lots)	66 Wandal Road, Wandal	Delegation
D/54-2017 – Material Change of Use for Multiple Dwelling (8 units)	41 Edward Street, Berserker	Delegation

D/55-2017 – Material Change of Use for a Dwelling House	42 Wentworth Terrace, The Range	Delegation
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For some matters it is not possible to determine if they will go to Committee until the notification period ends. If there have been submissions the application will go to Committee to be decided.

CONCLUSION

The report on applications received in May 2017 and the manner in which they will be decided be received.

8.2 D/184-2015/A - APPLICATION UNDER THE DEVELOPMENT INCENTIVES POLICY FOR DEVELOPMENT PERMIT D/184-2015 FOR A MATERIAL CHANGE OF USE FOR A MULTIPLE DWELLING (TWENTY-THREE UNITS) AND FOOD AND DRINK OUTLET

File No: D/184-2015/A
Attachments: 1. Locality Plan
Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Steven Gatt - Manager Planning & Regulatory Services
Michael Rowe - General Manager Community Services
Author: Thomas Gardiner - Planning Officer

SUMMARY

Development Application Number: D/184-2015/A
Applicant: Eightco Investments Pty Ltd C/- Adams + Sparkes Town Planning
Real Property Address: Lot 3 on RP607653, Parish of Rockhampton
Common Property Address: 12 Archer Street, Rockhampton City
Planning Scheme Zoning: High Density Residential Zone
Type of Approval: Development Permit for a Material Change of Use for a Multiple Dwelling (twenty-three units) and Food and Drink Outlet
Date of Decision: 5 August 2016
Application Lodgement Fee: \$12,580.00
Infrastructure Charges: \$196,631.50
Infrastructure charges incentive: Rockhampton Central Business District – Precinct 2 – 50% discount
Incentives sought: Refund of Development Application Fees
Refund of service and connection fees

OFFICER'S RECOMMENDATION

THAT in relation to the application under the Development Incentives Policy for a Development Permit for a Material Change of Use for a Multiple dwelling (twenty-three units) and a Food and Drink Outlet, located at 12 Archer Street, Rockhampton City, described as Lot 3 on RP607653, Parish of Rockhampton, Council resolves to Approve the following incentives if the use commences prior to 5 August 2019:

- a) A fifty (50) per cent reduction of infrastructure charges to the amount of \$94,065.75;
- b) A refund of the development application fee of \$12,580.00;
- c) A refund of service and connection fees upon completion of the development; and
- d) That Council enter into an agreement with the applicant in relation to (a), (b) and (c).

BACKGROUND**Project outcomes anticipated by applicant:**

The applicant proposes to construct a multi-storey complex containing twenty-three (23) units and a food and drink outlet.

New jobs and investment:

The complex is expected to cost \$8.25 million and will provide a further twenty-three (23) residential units in Rockhampton's Central Business District.

The project will provide employment for the applicant's workforce of twelve (12) employees for a year. There is also the prospect the applicant may increase the size of its workforce. The applicant expects to use up to eighty (80) Rockhampton Region sub-contractors, suppliers and local businesses in the construction of the complex.

Benefits of project for applicant's business:

The applicant has built a number of multi-story complexes in South Rockhampton beside the Fitzroy River. The current project will add to the supply of architect-designed units available in Rockhampton's Central Business District and encourage more residents to live in the area.

Benefits of project to Rockhampton Regional economy:

The project will add a further medium-size construction job in the Rockhampton Region and will add a further twenty-three (23) units in the Central Business District.

Rockhampton CBD activation:

The complex will provide a useful addition to the Central Business District's bank of existing units which will attract more people into the Central Business District, especially in the morning and evening.

COMMENTS FROM RELEVANT UNITS**Development Engineering Unit's Comments – 3 April 2017**

Support, subject to comments.

Economic Development Unit's Comments – 29 March 2017

Support, subject to comments.

Other Staff Technical Comments

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

CONCLUSION

The development meets the eligibility criteria under the Development Incentives Policy and the applicant has demonstrated some economic benefits arising from the development. Therefore, in accordance with the policy, a fifty per cent (50%) discount will be applied to the infrastructure charges and a refund of the development application fee and service and connection fees will be provided.

**D/184-2015/A - APPLICATION UNDER
THE DEVELOPMENT INCENTIVES
POLICY FOR DEVELOPMENT PERMIT
D/184-2015 FOR A MATERIAL CHANGE
OF USE FOR A MULTIPLE DWELLING
(TWENTY-THREE UNITS) AND FOOD
AND DRINK OUTLET**

Locality Plan

Meeting Date: 4 July 2017

Attachment No: 1

D/184-2015/A - Locality Plan



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8.3 D/19-2017 - DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT (TWO LOTS INTO FIVE LOTS) AND ACCESS EASEMENT

File No: D/19-2017

Attachments: 1. Locality Plan
2. Site Plan

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Shane Turner - Acting Manager Planning and Regulatory Services
Michael Rowe - General Manager Community Services

Author: Bevan Koelmeyer - Planning Officer

SUMMARY

Development Application Number: D/19-2017

Applicant: Vicki Heilbronn

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

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

Area of Site: 39.255 hectares

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Zone: Yeppoon Road Corridor Environmental Protection Area

Planning Scheme Overlays:

- Bushfire Prone Land
- Environmentally Sensitive Location (Remnant Vegetation)
- Waterway Corridor

Existing Development: Dwelling house and ancillary domestic outbuilding

Existing Approvals: D/121-2016 - Approval for application of superseded planning scheme request
D/20-2017 - Development Permit for Reconfiguring a Lot (one lot into three lots) and an access easement

Approval Sought: Development Permit for Reconfiguring a Lot (two lots into five Lots) and an access easement

Level of Assessment: Impact Assessable

Submissions: Nil

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

Adopted Infrastructure Charges Area: Charge Area 3

Application Progress:

<i>Application Lodged:</i>	<i>20 February 2017</i>
<i>Acknowledgment Notice issued:</i>	<i>1 March 2017</i>
<i>Request for Further Information sent:</i>	<i>8 March 2017</i>
<i>Request for Further Information responded to:</i>	<i>31 March 2017</i>
<i>Submission period commenced:</i>	<i>26 April 2017</i>
<i>Submission period end:</i>	<i>18 May 2017</i>
<i>Council request for additional time:</i>	<i>13 June 2017</i>
<i>Government Agency Response:</i>	<i>4 May 2017</i>
<i>Last receipt of information from applicant:</i>	<i>25 May 2017</i>
<i>Statutory due determination date:</i>	<i>20 July 2017</i>

OFFICER'S RECOMMENDATION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for a Reconfiguring a Lot for (two lots into five Lots) and Access Easement, made by Vicki Heilbronn, Parish of Murchison, located at 277 Yeppoon Road and 66 Alfred Road, Parkhurst at Lot 1844 on LIV40662 and Lot 485 on LIV40112, Council resolves to Approve the application despite its conflict with the planning scheme and provide the following grounds to justify the decision despite the conflict:

- a) The proposed development does not meet the prescribed minimum lot size of ten (10) hectares for the Yeppoon Road Corridor Environmental Protection Area. Despite this, the proposed size of each of the new lots will allow large rural residential style lots to be maintained as the primary development pattern in the surrounding area and is unlikely to negatively affect the character of the area or compromise the future use of the land for rural purposes.
- b) The subject site contains a number of overlay constraints including Steep or Unstable Land, Bushfire Hazard, Flood Hazard, as well as lack of access to urban services. Despite this, the applicant has provided several technical reports including a Bushfire Management Plan, an Ecological Assessment Report and a Flood Hazard Assessment which have identified appropriate mitigation measures to negate any potential impacts resulting from the identified overlays.
- c) The proposed development will result in the clearing of vegetation in an area identified as an environmentally sensitive location. However, common lot boundaries as well as the design and location of BLE's have been suitably sited and designed to minimise the amount of remnant vegetation clearing necessary to accommodate the development. Clearing is proposed to occur generally on the edges of the vegetation corridor and is not anticipated to have adverse effects on the function to protect existing vegetation and wildlife habitats. Therefore the proposed subdivision and the subsequent construction of a dwelling house on the vacant lots will not negatively impact the scenic values of the area.
- d) The proposed access easement for Lots 12 and 13 will be partially located in an area located in flood prone land associated with Limestone Creek. Despite this, the proposal will be conditioned to install flood markers which will provide future residents of proposed Lots 12 and 13 with adequate warning time to evacuate in a flood emergency.
- e) The proposed use does not compromise the achievements of the Desired Environmental Outcomes in the *Rockhampton City Plan 2005*;
- f) Assessment of the development against the relevant area intent, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and

- g) The proposed development does not compromise the relevant State Planning Policy.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Reconfiguring a Lot (two lots into five Lots) and Access Easement, made by Vicki Heilbronn, located at 277 Yeppoon Road and 66 Alfred Road, Parkhurst, described as Lot 1844 on LIV40662 and Lot 485 on LIV40112, Parish of Murchison, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer and his employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:
- 1.3.1 to Council's satisfaction;
 - 1.3.2 at no cost to Council; and
 - 1.3.3 prior to the issue of the Compliance Certificate for the Survey Plan, unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the issue of the Compliance Certificate for the Survey Plan, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.5.1 Operational Works:
 - (i) Road Works;
 - (ii) Access Works;
- 1.6 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.7 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 1.8 The access to Lots 12 and 13 must be via Easement B over Lot 485 and Easement C over Lot 13. Easement documents must accompany the Survey Plan for endorsement by Council, prior to the issue of the Compliance Certificate for the Survey Plan.
- ### **2.0 APPROVED PLANS AND DOCUMENTS**
- 2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by any condition of this development approval:

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Flood Hazard Assessment	K3925-0002	21 February 2017
Proposed Subdivision Layout	R17006-001, Revision B	29 March 2017
Bushfire Hazard Assessment & Bushfire Management Plan	Version 2	10 March 2017
Regulated Vegetation Impact Assessment and Mitigation	Version 2	29 March 2017

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

2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of an application for a Development Permit for Operational Works.

3.0 ROAD WORKS

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

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

3.3 Olive Street must be constructed to Rural Access standard from the intersection with McMillan Avenue to the access point for Lot 11.

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

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

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

4.0 ACCESS WORKS

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

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

4.3 The internal access to proposed Lots 12 and 13 must be constructed from the end of Alfred Road to the southern boundary of Lot 12. Construction must be a minimum of four (4) metres wide with a low flow pipe and concrete spillway with a one (1) year ARI immunity through the existing natural channel.

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- 4.4 A new access must be constructed for proposed Lot 11 in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.
- 4.5 Flood height markers must be installed along the access to Lots 12 and 13 for the full extent of the 1% Average Exceedance Probability inundation area.
- 5.0 PLUMBING AND DRAINAGE WORKS
- 5.1 On-site sewage treatment and disposal must be in accordance with the Queensland Plumbing and Wastewater Code and Council's Plumbing and Drainage Policies. This can be completed at the building works application stage.
- 5.2 On-site water supply for domestic and firefighting purposes must be provided and may include the provision of a bore, dams, water storage tanks or a combination of each. This can be completed at the building works application stage.
- 6.0 STORMWATER WORKS
- 6.1 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.
- 7.0 SITE WORKS
- 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.
- 7.3 Vegetation must not be cleared unless and until written approval has been provided by Council. A Development Permit for Operational Works constitutes written approval, only for the purposes of clearing vegetation directly pertinent to the operational works that are the subject of the Development Permit.
- 7.4 All site works must be undertaken to ensure that there is:
- 7.4.1 no increase in upstream or downstream flood levels for all levels of immunity up to a one per cent (1%) Annual exceedance probability defined flood event;
- 7.4.2 no increase in velocity profiles, for which no remedy exists to prevent erosion and/or scouring. In the event that modelling shows non-compliance with the above, works must be undertaken within the system to satisfy the above criteria for development; and
- 7.4.3 a lawful point of discharge to which the approved works drain during the construction phase.
- 8.0 ELECTRICITY
- 8.1 Electricity services must be provided to each lot in accordance with the standards and requirements of the relevant service provider, prior to the issue of the Compliance Certificate for the Survey Plan.
- 9.0 TELECOMMUNICATIONS
- 9.1 Evidence that the new lots can be provided with telecommunications services from the relevant service provider must be provided to Council, prior to the issue of the Compliance Certificate for the Survey Plan.
- 10.0 ASSET MANAGEMENT
- 10.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.
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- 10.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.
- 10.3 'As Constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the issue of the Compliance Certificate for the Survey Plan. This information must be provided in accordance with the Asset Design and As Constructed Manual (ADAC).
- 11.0 ENVIRONMENTAL
- 11.1 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan that addresses, but is not limited to, the following:
- (i) objectives;
 - (ii) site location and topography
 - (iii) vegetation;
 - (iv) site drainage;
 - (v) soils;
 - (vi) erosion susceptibility;
 - (vii) erosion risk;
 - (viii) concept;
 - (ix) design; and
 - (x) implementation,
- for the construction and post-construction phases of work.
- 11.2 The Erosion Control and Stormwater Control Management Plan prepared by a Registered Professional Engineer of Queensland in accordance with the *Capricorn Municipal Design Guidelines*, must be implemented, monitored and maintained for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The plan must be available on-site for inspection by Council Officers whilst all works are being carried out.
- 11.3 The development must be undertaken in accordance with the recommendations in the approved Bushfire Management Plan (refer to condition 2.1).
- 11.4 The maintenance of the fire management trail must be the responsibility of the owner of the land (the Developer) until the subdivision is accepted by Council as being 'off defects' whereupon it must be the responsibility of the relevant property owners. All future owners of the proposed lots must be advised by the Developer in writing of their responsibility to comply with the requirements of the approved Bushfire Management Plan (refer to condition 2.1).
- 11.5 All future buildings on the proposed lots must be constructed in accordance with *Australian Standard AS3959 "Construction of buildings in bushfire-prone areas"* and the approved Bushfire Management Plan (refer to condition 2.1). A property note to this effect will be entered against Lots 11, 12, 13 and 14.

ADVISORY NOTES

NOTE 1. General Environmental Duty

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

NOTE 2. General Safety Of Public During Construction

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

NOTE 3. Property Note (Bushfire)

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

NOTE 4. Infrastructure Charges Notice

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

NOTE 5. Clearing within Road Reserve

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

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

NOTE 6. Provision for Sewer and Water services

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

NOTE 7. Rural Addressing

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

RECOMMENDATION C

That in relation to the application for a Development Permit for a Reconfiguring a Lot (two lots into five Lots) and Access Easement, made by Vicki Heilbronn, located at 277 Yeppoon Road and 66 Alfred Road, Parkhurst, described as Lot 1844 on LIV40662 and Lot 485 on LIV40112, Parish of Murchison, Council resolves to issue an Infrastructure Charges Notice for the amount of \$21,000.00.

BACKGROUND

PROPOSAL IN DETAIL

The proposal is for Reconfiguring a Lot (two (2) lots into five (5) lots) and an access easement. The proposal seeks to create four (4) separate allotments on existing Lot 1844 on LIV40662 and to provide an access easement over existing Lot 485 on LIV40112 for proposed Lot 12 and Lot 13 to gain access via Alfred Road.

Proposed Lot 12 will gain access via McMillan Avenue (Olive Street) while proposed Lot 14 will retain its existing access via Yeppoon Road. The proposal will create three (3) vacant land parcels being proposed Lot 11, Lot 12 and Lot 13 all of which include Building Location Envelopes (BLE's) while the existing detached dwelling will be located on proposed Lot 14.

This is an application for assessment under a superseded planning scheme, *Rockhampton City Plan 2005*. The proposed lot reconfiguration will result in lot sizes of approximately 9.25 hectares for Lot 11, 9.55 hectares for Lot 12, 12.24 hectares for Lot 13 and 9.11 hectares for Lot 14.

SITE AND LOCALITY

The subject site is located at 277 Yeppoon Road and 66 Alfred Road, Parkhurst described as Lot 1844 on LIV40662 and Lot 485 on LIV40112. The total site area for Lot 1844 on LIV40662 applicable to the lot reconfiguration is 39.255 hectares. The inclusion of Lot 485 on LIV40112 in the proposal is for the provision of site access.

The site is currently improved with one (1) detached dwelling house and an associated domestic outbuilding which will be sited on proposed Lot 14. There are three (3) existing dams on the subject site which are located on proposed Lot 12 and Lot 13. The subject site is adjacent to the Limestone Creek watercourse on the southern boundary. The site has access to two (2) Council roads; McMillan Avenue (Olive Street) abutting the northern boundary and Yeppoon Road for access via the southern boundary. Proposed Lot 12 and Lot 13 will access Alfred Road via an access easement abutting the western boundary of Lot 485 on LIV40112.

PLANNING ASSESSMENT

MATTERS FOR CONSIDERATION

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

Development Engineering Comments – 10 April 2017

Support, subject to conditions and comments.

Public and Environmental Health Comments – 27 February 2017

Support, no conditions or comments.

TOWN PLANNING COMMENTS

Central Queensland Regional Plan 2013

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

State Planning Policy 2014

This policy was last updated in April 2016 and replaced all former State Planning Policies. This policy requires development applications to be assessed against its requirements until the identified state interests have been appropriately reflected in the local planning scheme.

Liveable communities

Not Applicable.

Mining and extractive resources

Not Applicable.

Biodiversity

Complies.

This is applicable to mapped regulated vegetation on Lot 13, regulated vegetation (intersecting a watercourse) Lot 12 and 13 and identified wildlife habitat areas on Lot 13. Lot 12 proposes a lot boundary position which intersects with regulated vegetation (intersecting a watercourse), whilst Lot 13 proposes minor clearing of areas identified as a wildlife habitat to facilitate future structures. The proposed work, in the context of the site, is considered to be minor in nature and ensures the vast majority of biodiversity on-site is retained. The development intends to manage and protect these associated areas and maintains linkages to biodiversity habitat areas as a result of fragmentation.

Coastal environment

Not Applicable.

Water quality

Not Applicable.

Natural hazard, risk and resilience

Complies.

This site is wholly mapped as a bushfire hazard area (bushfire prone area). However, all Building Location Envelopes have been located in the lowest risk areas on site identified as being located in the 'potential impact buffer'. The development demonstrates that the risks associated with the natural hazard areas are at an acceptable level and where vegetative clearing is necessary to manage these risks such as with the lot boundaries and BLE's include proposed vegetative clearing to provide buffers between potential buildings and the identified areas of high risk, with vegetation retained where possible and clearing minimised with appropriate siting of buildings.

Emissions and hazardous activities

Not Applicable.

State transport infrastructure

Not Applicable.

Strategic airports and aviation facilities

Not Applicable.

Rockhampton City Plan 2005**Rockhampton City Plan Strategic Framework**

This application is situated within the Environmental Protection Areas designation under the scheme's Strategic Framework Map. The Desired Environmental Outcomes, as identified within Chapter 2 of the *Rockhampton City Plan 2005* are applicable:

- (1) Rockhampton continues to consolidate its 'Capital of Central Queensland' role in the region.

Complies: The development seeks to locate an existing dwelling house on Lot 14 and three (3) vacant parcels of land for Lots 11, 12 and 13. The vacant land parcels are likely to be improved by dwelling houses in future as indicated by the inclusion of BLE's in the application. The subject application and intended future land use are not anticipated to affect the city's capacity to consolidate its status as the 'Capital of Central Queensland'.

- (2) Valuable natural resources are conserved or, where required to support economic growth in Rockhampton, used sustainably.

Not applicable.

- (3) Important natural assets are, as far as is practically possible, retained in a natural state to maximise biodiversity and to maintain their scenic and biological value.

Complies: The layout of the proposed development retains on-site ecological values. There is proposed clearing to occur in specific areas in proximity for the purpose of ensuring safety to people and property associated with the siting of future structures with the use of BLE's and common lot boundaries.

- (4) New development in Rockhampton City is designed and managed to minimise adverse impacts on the environment, and biodiversity.

Complies: The site is mapped in an environmentally sensitive location (remnant vegetation) and where possible, the development appropriately protects on-site environment and biodiversity. The development does not compromise the integrity of the area and mitigates the impacts of bushfire and landslide with suitably designed and sited BLE's. Where necessary however bushfire hazard mitigation measures required clearance of some on-site remnant vegetation however a significant amount of vegetation has been retained to minimise adverse impacts to environment and biodiversity.

- (5) Commercial and retail development is accommodated in a hierarchy of centres throughout Rockhampton which provide for a range of services, retail, commercial, entertainment and employment activities.

Not applicable.

- (6) Rockhampton's commercial centres are safe, attractive and readily accessible spaces for all members of the community.

Not applicable.

- (7) Rockhampton's industrial development is consolidated in identified industrial locations throughout the City.

Not applicable.

- (8) Rockhampton's cultural and urban heritage, both indigenous and post European, is retained and conserved for future generations.

Not applicable.

- (9) Residential communities are attractive places to live, providing a range of housing types at different densities that positively contributes to the built environment, satisfies the needs of all members of the community in terms of life stages, lifestyle choices and affordability, are free from incompatible development and have access to a range of compatible urban services and facilities.

Not applicable.

- (10) Rockhampton's important community uses and health care facilities are provided and maintained in locations where they are readily accessible to all members of the community.

Not applicable.

- (11) New residential land subdivision and development occurs in identified areas within the City where environmentally valuable features are retained and protected, and urban services, recreational opportunities and parks are provided, along with a range of allotment sizes.

Complies: The development increases the range of allotment sizes available while maintaining environmentally valuable features. The site does not have access to urban services such as water and sewer however the development demonstrates that these services are able to be provided on-site. The subject site is restricted by a number of constraints including remnant vegetation. The development manages these constraints effectively and protects and maintains these environmentally valuable features whilst providing a more diverse availability of allotment sizes.

- (12) Infrastructure is provided and augmented in a sequenced manner in Rockhampton, resulting in appropriate, efficient, affordable, reliable, timely and lasting infrastructure provision that is not compromised by new development and is sensitive to the environment.

Complies: The application demonstrated the development is capable of providing on-site services such as water and sewer whilst the provision of electricity and telecommunications services has been suitably conditioned. Likewise life and property is adequately protected from bushfire with any new buildings on the allotments to be constructed in accordance with *Australian Standard AS3959 "Construction of buildings in bushfire-prone areas"* and the approved Bushfire Management Plan.

- (13) Safe, accessible, efficient and convenient transport systems are provided in Rockhampton.

Complies: Proposed Lot 14 will retain its existing access to Yeppoon Road, Lot 11 will gain access from MacMillan Avenue (Olive Street) and Lots 12 and 13 will utilise the access easement via Alfred Road. The development due to its minor scale and its location as a small rural style area will not require providing public transport or bicycle/pedestrian connectivity however the application has demonstrated that the proposed lots are provided with safe and accessible access to Council Roads.

- (14) Readily accessible and safe Open Space and facilities for active and passive recreational purposes are accommodated within Rockhampton City.

Not applicable.

The performance assessment of the proposal demonstrates that the development will not compromise the *Rockhampton City Plan 2005* Desired Environmental Outcomes.

Yeppoon Road Corridor Environmental Protection Area Intent

The subject site is situated within the Yeppoon Road Corridor Environmental Protection Area under the *Rockhampton City Plan 2005*. The intent of the Yeppoon Road Corridor Environmental Protection Area identifies that: -

It is intended that the Yeppoon Road Corridor Environmental Protection Area remain as broad hectare land for the life of this Planning Scheme, for the following reasons:

- *Its ecological values;*
- *Its topographical features, which have a physical and visual association with the adjoining Berserker Ranges;*
- *Its scenic values;*
- *Its value as a rural area on the fringe of the City; and*
- *Its possible future use for urban purposes, beyond the life of this plan.*

Existing undeveloped allotments may be developed with one house, however, it is not intended that land be further subdivided to allotments less than ten (10) hectares in area to allow for the construction of additional houses. This also includes land that is already developed with one house. Current growth estimates for the life of this Planning Scheme indicate that there is no identified need for more intense residential development within this Planning Area, given that there is sufficient land in other Planning Areas already serviced or more easily able to be serviced, to accommodate predicted growth within the City. The land is largely un-serviced, without town water or sewerage. Other reasons the land is considered undesirable for more intense residential development at this time include:

Its remoteness from urban services;

- *Its proximity to the Peak Hill quarry, approved to operate until 2015;*

- *The high number of properties in the Area potentially affected by unexploded ordinances (UXO'S);*
- ***The steepness of the land;***
- ***The bushfire risk; and***
- ***The contribution of this area to the scenic amenity and ecological values of the City.***

In all, more intense residential development in this Area would be premature, inefficient, and out of sequence.

While it is not intended that the character of the Area will alter significantly during the life of this Planning Scheme, there are some uses which may be consistent with the intent of the Area, as long as they are of a scale, size, and character, consistent with the current rural character and feel of the Area. These uses include:

- *Farm stay;*
- *Tourist facilities;*
- *Tourist shop;*
- *Ecotourism facilities;*
- *Farm forestry;*
- *Agriculture;*
- *Recreation / Open space facilities; and*
- *Extractive Industry.*

These uses will only be consistent with the intent for the Area where it can be demonstrated that:

- *Landscape character / scenic amenity and ecological values are not compromised by new development;*
- *The development is sensitive to the natural topography of the land;*
- *Existing significant remnant vegetation is retained and protected;*
- *The land can be adequately serviced;*
- *Stormwater is managed so as not to impact on downstream properties; and*
- *Bushfire risk can be adequately managed.*

Uses inconsistent with the intent for the Area include all commercial and industrial uses, other than those mentioned previously as being consistent. Both commercial and industrial development will be located in designated commercial and industrial areas in the City.

The existing Peak Hill quarry located at the southern end of this Planning Area has approval to operate for a period of fifteen (15) years, which will expire on 26 April 2015. Consequently, uses that threaten the ongoing viability of the quarry when operating, in accordance with its operating conditions, will not be consistent with the intent for the Area. Additional quarry operations within the Area are not anticipated to be approved for the life of this Planning Scheme, however, should a particular resource be identified in the Area, then the extractive industry will be considered on its merits, having regard to:

- *The impact on the surrounding residents;*
- *The natural environment;*
- *The future urban development; and*
- *The rural character of the Area.*

It is not intended that the scale of the existing Go-kart premises located within the Area, be expanded in the future, given the potential for noise emanating from the use to have a detrimental impact on the amenity of residents located in proximity to the premises, as is currently experienced.

There are a number of sites located within this Area, which are potentially contaminated by unexploded ordnances. The majority of sites affected are located on the southern side of the Rockhampton-Yeppoon Road. Sites affected will, therefore, require investigation and if necessary, remediation, prior to any development taking place.

The Rockhampton-Yeppoon Road is a major arterial road in Rockhampton, linking the Area and the City of Rockhampton to the Capricorn Coast and the former Livingstone Shire. It, therefore, carries a large amount of traffic on a daily basis, which will only increase in the future, as development and tourism in the Capricorn region increases. Consequently, it is critical that its functionality as a major arterial road is not compromised by inappropriate development and additional access points. Any development that compromises the function or efficiency of the road will not, therefore, be supported.

Significant remnant vegetation has been identified within this Planning Area, particularly adjacent to the Rockhampton-Yeppoon Road corridor, and extending out from this corridor in fingers. This vegetation is identified as having significance to the regional ecosystem and, consequently, its retention and protection is important and a necessary consideration of any development. To this end, applicants will need to demonstrate that existing remnant vegetation communities within this Planning Area are not compromised by new development.

Riparian corridors adjacent to all Council's waterways will be protected from development. In this instance, it applies to development adjacent to that portion of Limestone Creek, located within this Area. However, where environmentally and culturally appropriate, it is intended to allow public access to these areas, generally in the form of walkways, for the enjoyment of the entire community. Where possible and appropriate, these walkways will connect with Council's parks, open spaces, and recreation facilities.

Proposed Lots 11, 12 and 14 cannot be considered wholly consistent with the intent of the Yeppoon Road Corridor Environmental Protection Area, as they do not meet the minimum lot size requirements of ten (10) hectares prescribed under *Rockhampton City Plan 2005*, with Lot 11 proposed at 9.24 hectares, Lot 12 at 9.54 hectares and Lot 14 at 9.1 hectares.

However, it is noted Lot 14 has an existing dwelling house while Lots 11 and 12 will create vacant land parcels to accommodate a future dwelling house on each with the inclusion of BLE's as part of the proposal. Additional access points are not proposed to Rockhampton-Yeppoon Road with Lot 14 retaining its existing access to this road and Lots 11, 12 and 13 gaining access from either Alfred Road or Macmillan Avenue (Olive Street). The site has a number of constraints impeding its ability to be developed more intensely in the future such as steep land, bushfire risk, remnant vegetation and lack of access to urban services. Furthermore, because of the aforementioned constraints the land is not anticipated to support effective rural purpose in the future and therefore the proposed rural residential style allotments are considered appropriate with consideration of both the area intent and the site's individual constraints and characteristics in keeping with the intent of the area.

Rockhampton City Plan Codes

The following codes are applicable to this application: -

- Reconfiguration of Lot Code;
- Biodiversity and Nature Conservation Code;
- Bushfire Risk Minimisation Code;
- Flood Prone Land Code;
- Water Quality and Quantity Code;

- Landscape Code; and
- Parking and Access Code.

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

Reconfiguring a Lot Code	
Performance Criteria	Officer's Response
<p>P2</p> <p>The subdivision is responsive to, and takes into proper consideration, the characteristics, features, constraints, and location of the site including:</p> <p>(a) Integration and/or buffering to surrounding land uses; and</p> <p>(b) Topography (including the protection of steep slopes and scenic views); and</p> <p>(c) Minimising risk associated with or caused by natural hazards such as bushfire, flooding and landslip; and</p> <p>(d) Protection of areas of ecological significance.</p>	<p>Justified: The proposed development integrates with the surrounding land uses and subdivision pattern to the west of the site. The existing development pattern is of a more dense scale comprising around four (4) hectare rural residential lots compared with around ten (10) hectare lots for the proposed development. The proposal will provide an alternative lot size option for the area to diversify the land options available.</p> <p>It is noted the topography of the site has been considered in the subdivision pattern with the inclusion of BLE's seeking to mitigate issues associated with appropriate siting of future structures. This strategy has also been applied to mitigate the risk of other natural hazards such as bushfire and the protection of on-site remnant vegetation. Some clearing will be necessary to manage the associated bushfire hazard risk to provide a clearance area surrounding BLE's and common lot boundaries as identified in the Bushfire Management Plan.</p> <p>The risks associated with creek catchment flooding have been mitigated and addressed for the access easement in favour of Lot 12 and Lot 13. In a minor rainfall event of 1 in 1 year the access has been designed to be trafficable. The maximum period of inundation for a major rainfall event up to the Q100 will be six (6) hours. This is considered appropriate to allow sufficient time for landowners to make provisions to stay or evacuate should forecasts indicate significant periods of inundation. Furthermore, to notify any residents, flood markers have been conditioned to be installed to notify residents of flood depths during rain events.</p>
<p>P5</p> <p>Subdivision does not occur in areas:</p> <p>(a) where there is the potential for slope instability; and</p> <p>(b) where it will adversely impact on the scenic, environmental and/or natural values of the land; and</p>	<p>Justified: The proposal is for the creation of large ten (10) hectare rural residential style allotments with designated BLE's appropriately located to avoid areas identified steep slopes on the subject site. The proposal states there will be no impact on the scenic, environmental and natural values of the land</p>

	(c) where access to a building site on an allotment will be difficult.	however there is some impact to these features with vegetation clearance required around BLE's and common lot boundaries to manage associated bushfire hazard risks. The access easement will be provided in favour of Lot 12 and Lot 13, with a total length of around 272 metres. The access easement has been appropriately conditioned to be of a suitable design and standard to accommodate emergency vehicles and appropriately manages the associated flood hazard risks.
P9	<p>Lots are of an area and dimension that provides for;</p> <p>(a) the efficient development of land for its intended use; and</p> <p>(b) on site services and/or facilities such as septic trenches, private open space; vehicle garages, fire-fighting water supplies, etc; and</p> <p>(c) good accessibility with road reserve wide enough to provide that degree of accessibility; and</p> <p>(d) the accommodation of a building location envelope.</p>	<p>Justified: The proposed development achieves lot sizes do not meet the prescribed minimum lot size requirement of ten (10) hectares. Three (3) of the four (4) proposed allotments are under the prescribed minimum lot size.</p> <p>Even though the development does not comply with the acceptable solution to meet the minimum lot size requirements the inclusion of BLE's that are of a suitable design and size have demonstrated structures are able to be sited in areas where there are minimal constraints and are of a size which allows for the provision of on-site services such as sewer and water.</p>
Biodiversity & Nature Conservation Code		
Performance Criteria		Officer's Response
P1	<p>The ecological values of an environmentally sensitive location are protected or enhanced from the possible adverse impacts of development.</p> <p><i>Note: This can be achieved by carrying out development in accordance with an approved Environmental Management Plan (EMP) which includes:</i></p> <p><i>(i) identification of the processes threatening the area to be protected; and</i></p> <p><i>(ii) a design that is site specific to minimise the impact of threatening processes and which encompasses the area over which each separate threat operates; and</i></p> <p><i>(iii) measures to reduce threatening processes.</i></p>	<p>Justified: There is proposed to be clearing of vegetation from an area of twenty-seven (27) metres buffer to accommodate the proposed BLE's and 10 metres either side of the common lot boundaries. Vegetation clearing is required to mitigate the bushfire hazard risks on-site to reduce the safety and risk to future residents and the greater community for a suitable location to site future structures on the allotments.</p> <p>Where possible the development has avoided the clearing of vegetation and the total proposed clearance represents around 7.2% of the total on-site remnant vegetation and the siting of BLE's are in areas generally already cleared for future structures and on the fringes of the on-site ecological corridors. In the context of the site, the proposed clearing is considered appropriate and is only proposed as a bushfire hazard risk mitigation measure limited to clearing for purposes to establish fencing, firebreaks, roads or vehicular tracks and for construction necessary for built infrastructures such as a clearance to BLE's for the siting of future dwellings. For the aforementioned reasons, this non-compliance</p>

		has been justified against the performance criteria.
P2	<p>Development maintains, enhances or contributes to the existence of viable and functional;</p> <p>(a) networks of ecological corridors; and</p> <p>(b) significant habitats</p>	<p>Justified: The Ecological Assessment Report indicates a total clearing area of around 1.6 hectares of the site out of the estimated 22.2 hectares of the existing vegetative area. This represents a clearance of only approximately 7.2% of the total vegetative area on site. However, it should be noted the areas indicated for vegetation clearing contain generally sparse vegetation relative to other areas on site and could be described as generally on the fringes of the ecological corridors that exist on-site.</p> <p>The proposal cannot be considered to comply with the acceptable solutions as there is proposed to be some clearance of remnant vegetation on site to accommodate the development. However, this involves no significant fragmentation of ecological corridors and is justified as a mitigation measure to facilitate structures sited on BLE's as well as to provide a buffer for fencing on the common lot boundaries. The location of the BLE's are appropriately designed and sited to reduce the amount of clearing necessary and this is accepted as an adequate solution to justify and address the performance criteria.</p>
Bushfire Risk Minimisation Code		
Performance Criteria		Officer's Response
P6	<p>Firebreaks are provided with development;</p> <p>(a) to ensure that adequate access is provided for fire-fighting and other emergency vehicles; and</p> <p>(b) to ensure that there are proper setbacks between assets and hazardous vegetation; and</p> <p>(c) are secure in tenure and maintained.</p>	<p>Justified: The proposal does not comply with the acceptable solutions to provide a side (or perimeter) road located between the common lot boundaries and identified hazardous vegetation with of a constructed road standard and width. However, as an alternative solution a clearance area of twenty (20) metres in width is provided with a ten (10) metre buffer either side of the common lot boundaries. The intent of this clearance area is to act as a firebreak to mitigate bushfire hazard risks associated with existing hazardous vegetation and the proposed development's assets (i.e. proposed allotments).</p> <p>Access for fire-fighting and other emergency vehicles services is already provided with the development. Lot 14 has existing access to Yeppoon Road, Lot 11 proposes to gain access to Olive Street and Lots 12 and 13 will gain access to Alfred Road via an access easement designed according to fire safety requirements to allow emergency vehicles. As per the Bushfire Hazard Assessment</p>

		<p>driveways/tracks for Lot 12 and 13 will be a 3.5 metre formed road to each individual lot with a height clearance of 4.8 metres and vegetation cleared for a width of two (2) metres either side of the driveway to gain access to the access easement.</p> <p>This solution is considered to be appropriate and adequate for bushfire hazard mitigation risk associated with people, property and assets.</p>
<p>P7</p>	<p>Where development involves reconfiguring a lot and opening a new road, the road layout, location and design provides;</p> <p>(a) easy, effective and safe movement away from any encroaching fire for the evacuation of residents and/or emergency vehicles; and</p> <p>(b) an alternative safe access routes should access in one location be blocked in the event of a bushfire; and</p> <p>(c) for the safe and effective operational use of fire-fighting vehicles.</p>	<p>Justified: The proposed development will utilise single access arrangements for all proposed lots in conflict with the performance criteria. However, proposed Lot 11 will gain direct access to Olive Street and Lot 14 will retain its access via Yeppoon Road. These proposed lots will not be required to provide alternative safe access routes with safe access directly to a Council Road being available.</p> <p>Proposed Lots 12 and 13 will gain access to Alfred Road via an access easement. The proposal is considered to provide an appropriate alternative solution with the design of the access easement and inclusion of a fire trail incorporated into the design of the driveway/track access for the BLE's to get to the access easement which will provide a cleared area of two (2) metres on either side of the formed driveway/track access. Furthermore the proposed access easement and driveway/tracks will be within the allowable <12.5% gradient.</p>
<p>P8</p>	<p>Allotments created as a result of development for reconfiguration of a lot are designed to;</p> <p>(a) mitigate bushfire hazard; and</p> <p>(b) provide safe sites for Houses or other intended uses of the allotment; and</p> <p>(c) prevent the fragmentation of land with a high bushfire hazard severity.</p>	<p>Justified: The proposal does not comply with the acceptable solution to not have new allotments created in areas that have a high bushfire hazard or within one-hundred (100) linear metres of an area that has a high bushfire hazard severity. However an alternative solution is considered sufficient to mitigate the risks associated with the siting of future buildings to be sited on identified BLE's which will incorporate twenty-seven (27) metres of clearance from vegetation associated with the mapped high bushfire hazard area. The BLE's have been located within the lowest area of risk on-site partially within the bushfire hazard buffer area therefore reducing the amount of on-site clearance necessary to accommodate future structures.</p> <p>Whilst locating the new allotments outside of the hazard area was unfeasible, the subject development included strategically sited and designed BLE's with this the application</p>

		demonstrated the bushfire hazard risk could be appropriately managed and mitigated as per the <i>(Bushfire Hazard Assessment & Bushfire Management Plan: Version 2)</i> .
P11	Development that materially intensifies the use of High bushfire hazard areas incorporates effective siting, design and management measures to minimise bushfire hazard	Justified: Whilst the development cannot be considered to comply with the acceptable solution to not increase the number of people living, working or congregating in the high bushfire hazard area, through the bushfire hazard assessment conducted, the application sufficiently demonstrated effective siting, design and management measures to minimise bushfire hazard can be achieved and therefore justified against the performance criteria.

Flood Prone Land Code

Performance Criteria		Officer's Response
P2	<p>Safe access from the development site to the Central Business District or the Gracemere township is available during the defined flood event.</p> <p><i>Note: Development not on flood prone land must still comply with this Performance Criterion.</i></p>	<p>Justified: The development cannot be considered to comply with the acceptable solution which states no new allotments are created in areas that will be isolated by a high or low hazard floodway within the Defined Flood Event due to proposed Lot 12 and 13 gaining access via an easement intersecting an identified floodway from Limestone Creek. As a residential use is anticipated to occur on site (as indicated by use of BLE's), a flood hazard assessment was required against the Defined Flood Event for Q100.</p> <p>The applicant's assessment demonstrated that the period of inundation during a 1% AEP storm would be a maximum of six (6) hours. Given the relatively short inundation period, and the considerable cost to provide a flood free access across the natural drainage channel, it was deemed not to be practical to ask that flood free access be provided in this instance. The provision of flood markers along this access easement has been conditioned as an additional development requirement to notify residents of the flooding depth during times of inundation.</p>

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

Planning Scheme Policies

Policy	Officer's Response
PSP 1 Preparation of Ecological Assessment Reports and Environmental management Plans	Complies
PSP 2 Erosion and Sediment Control	Not Applicable.
PSP 3 Preparation of Geotechnical Reports	Not Applicable.

PSP 6	Planting Species	Not Applicable.
PSP 7	Provision of bikeway and bicycle facilities	Not Applicable.
PSP 9	Signage	Not Applicable.
PSP 10	Stormwater Contributions	Not Applicable.
PSP 12	Assessment of Bushfire Hazard and Preparation of Bushfire Management Plans	Complies
PSP 13	Road Hierarchy	Not Applicable.
PSP 14	Flood Plain Management	Complies
PSP 16	Carparking Contributions	Not Applicable.

Based on the above assessment, the proposal generally complies with the requirements of the applicable planning scheme policies.

Sufficient Grounds

The proposed development cannot be considered consistent with the *Rockhampton City Plan 2005*. Council should note, however, that pursuant to Section 326(1)(b) of the *Sustainable Planning Act 2009*, the assessment manager's decision may conflict with the planning scheme if there are sufficient grounds to justify the decision despite the conflict. Sufficient grounds to support the development are as follows:

- a) The proposed development does not meet the prescribed minimum lot size of ten (10) hectares for the Yeppoon Road Corridor Environmental Protection Area. Despite this, the proposed size of each of the new lots will allow large rural lots to be maintained as the primary development pattern in the surrounding area and is unlikely to negatively affect the character of the area nor compromise the future use of the land for rural purposes.
- b) The subject site contains a number of overlay constraints including Steep or Unstable Land, Bushfire Hazard, Flood Hazard, as well as lack of access to urban services. Despite this, the applicant has provided several technical reports including a Bushfire Management Plan and Ecological Assessment Report which have identified appropriate mitigation measures to negate any potential impacts resulting from the identified overlays.
- c) The proposed development will result in the clearing of vegetation in an area identified as an environmentally sensitive location. However, common lot boundaries as well as the design and location of BLE's have been suitably sited and designed to minimise the amount of remnant vegetation clearing necessary to accommodate the development. Clearing is proposed to occur generally on the edges of the vegetation corridor and is not anticipated to have adverse effects on the function to protect existing vegetation and wildlife habitats. Therefore the proposed subdivision and the subsequent construction of a dwelling house on the vacant lot will not negatively impact the scenic values of the area.
- d) The proposed access easement for Lots 12 and 13 will be partially located in an area located in flood prone land associated with Limestone Creek. Despite this, the proposal will be conditioned to install flood markers which will enable future residents of proposed Lots 12 and 13 to have adequate warning time to evacuate in a flood emergency.
- e) The proposed use does not compromise the achievements of the Desired Environmental Outcomes in the *Rockhampton City Plan 2005*;
- f) Assessment of the development against the relevant area intent, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built

environment and infrastructure, community facilities, or local character and amenity;
and

- g) The proposed development does not compromise the relevant State Planning Policy.

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

INFRASTRUCTURE CHARGES

Adopted Infrastructure Charges Resolution (No. 5) 2015 for Reconfiguring a Lot applies to the application and it falls within Charge Area 3. The Infrastructure Charges are as follows:

Column 1 Charge Area	Column 2 Infrastructure Charge (\$/lot)	Column 3 Unit	Calculated Charge
Charge Area 3	7,000.00	per lot	\$28,000.00
Total			\$28,000.00
Less credit			\$7,000.00
TOTAL CHARGE			\$21,000.00

This is based on the following calculations:

- (a) A charge of \$28,000.00 for four (4) lots; and
(b) An Infrastructure Credit of \$7,000.00 for the existing allotment;

Therefore, a total charge of **\$21,000.00** is payable and will be reflected in an Infrastructure Charges Notice for the development.

CONSULTATION

The proposal was the subject of public notification between 26 April 2017 and 18 May 2017, as per the requirements of the *Sustainable Planning Act 2009*, and no properly made submissions were received.

REFERRALS

The application was referred to the Department of Infrastructure, Local Government and Planning as a concurrence agency as the development involves operational work that is the clearing of native vegetation on freehold land. On 4 May 2017, the Department provided a concurrency agency response which recommended an approval subject to conditions.

CONCLUSION

The proposal is not considered to be consistent with the intent of the Yeppoon Environmental Corridor Protection Area as the proposal does not meet the minimum lot size requirements. Notwithstanding, the application has provided appropriate justification to mitigate the identified on-site constraints. Further, the proposal generally complies with the provisions included in the applicable codes and where deviations have been identified appropriate alternative solutions with supporting evidence has been provided. The application is, therefore, recommended for approval in accordance with the approved plans and subject to the conditions outlined in the recommendation.

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

Locality Plan

Meeting Date: 4 July 2017

Attachment No: 1

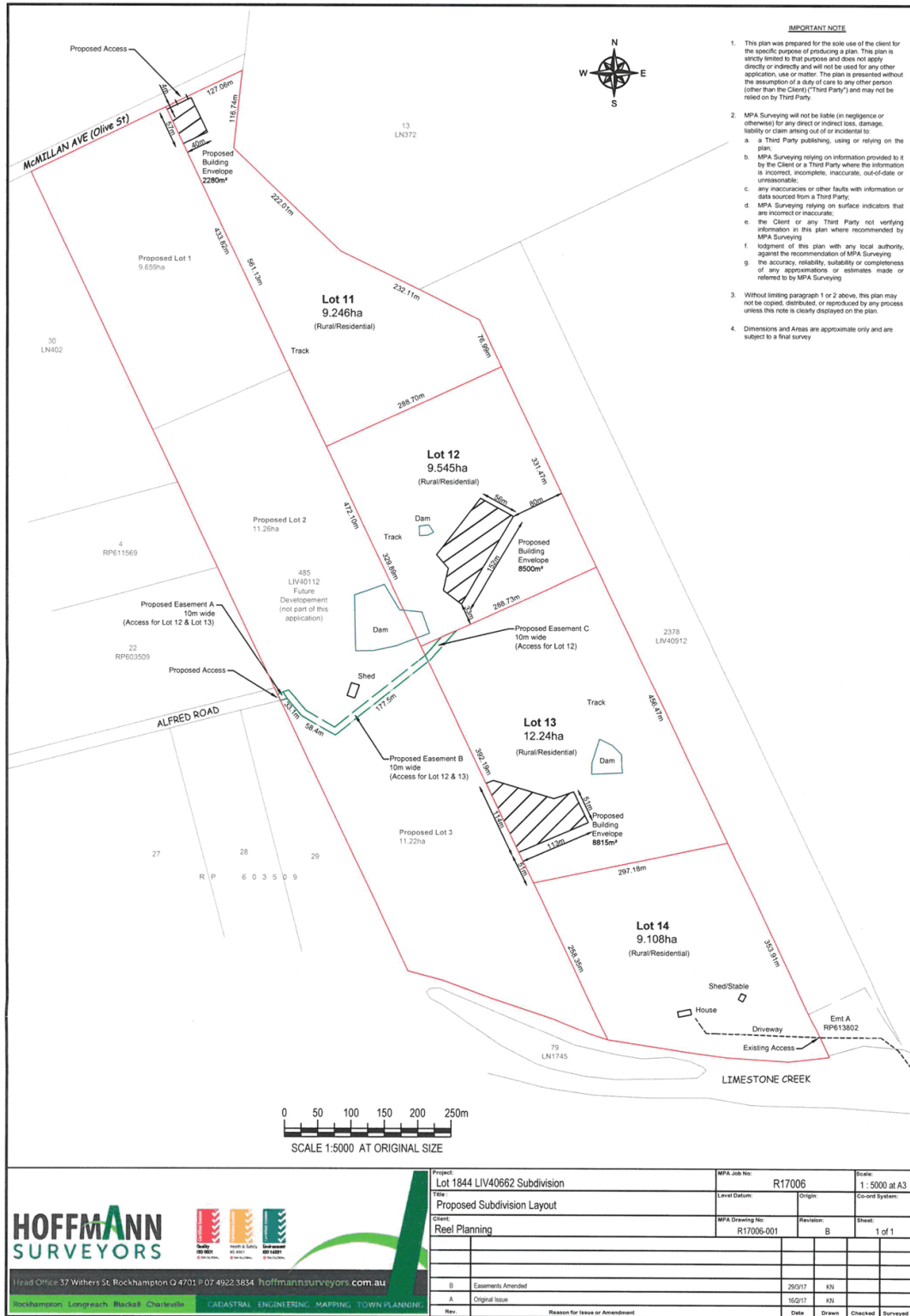


**D/19-2017 - DEVELOPMENT
APPLICATION FOR RECONFIGURING
A LOT (TWO LOTS INTO FIVE LOTS)
AND ACCESS EASEMENT**

Site Plan

Meeting Date: 4 July 2017

Attachment No: 2



		Project: Lot 1844 LIV40682 Subdivision Title: Proposed Subdivision Layout Client: Reel Planning	MPA Job No: R17006 Level Datum: MPA Drawing No: R17006-001	Scale: 1:5000 at A3 Origin: Revision: B Sheet: 1 of 1																		
Head Office: 37 Wethers St, Rockhampton Q 4701 P 07 4922 3834 hoffmannsurveyors.com.au Rockhampton Longreach Blackall Charleville CADASTRAL ENGINEERING, MAPPING, TOWN PLANNING		<table border="1"> <thead> <tr> <th>Rev.</th> <th>Reason for Issue or Amendment</th> <th>Date</th> <th>Drawn</th> <th>Checked</th> <th>Surveyed</th> </tr> </thead> <tbody> <tr> <td>B</td> <td>Easements Amended</td> <td>26/07</td> <td>KN</td> <td></td> <td></td> </tr> <tr> <td>A</td> <td>Original Issue</td> <td>16/07</td> <td>KN</td> <td></td> <td></td> </tr> </tbody> </table>			Rev.	Reason for Issue or Amendment	Date	Drawn	Checked	Surveyed	B	Easements Amended	26/07	KN			A	Original Issue	16/07	KN		
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B	Easements Amended	26/07	KN																			
A	Original Issue	16/07	KN																			

9 NOTICES OF MOTION

Nil

10 URGENT BUSINESS/QUESTIONS

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

11 CLOSED SESSION

In accordance with the provisions of section 275 of the *Local Government Regulation 2012*, a local government may resolve to close a meeting to the public to discuss confidential items, such that its Councillors or members consider it necessary to close the meeting.

RECOMMENDATION

THAT the meeting be closed to the public to discuss the following items, which are considered confidential in accordance with section 275 of the *Local Government Regulation 2012*, for the reasons indicated.

12.1 The Gallery Apartments - Development Issues for Council

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

12.2 Riverine scouring and slip at Reaney Street, Berserker

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

12 CONFIDENTIAL REPORTS

12.1 THE GALLERY APARTMENTS - DEVELOPMENT ISSUES FOR COUNCIL

File No: 4842
Attachments: Nil
Authorising Officer: Steven Gatt - Manager Planning & Regulatory Services
Michael Rowe - General Manager Community Services
Author: Philip Harrison - Coordinator Building Plumbing and Compliance

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

SUMMARY

The purpose of this report is to apprise Councillors of the Development Control issues at a major development in Rockhampton. These issues have come to the attention of Building, Plumbing and Compliance through the monitoring of the construction by Council officers.

12.2 RIVERINE SCOURING AND SLIP AT REANEY STREET, BERSERKER**File No:** 4842**Attachments:**

1. OPW Approval
2. Aerial 2010
3. Aerial 2013
4. Aerial 2016
5. Ground level comparison

Authorising Officer: Shane Turner - Acting Manager Planning and Regulatory Services
Michael Rowe - General Manager Community Services**Author:** Philip Harrison - Coordinator Building Plumbing and Compliance

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

SUMMARY

The purpose of this report is to apprise Councillors of the Development Control issues due to riverine flooding cause scouring and land slip in the Reaney Street area of Berserker.

13 CLOSURE OF MEETING