



**PLANNING & DEVELOPMENT  
COMMITTEE MEETING**

**MINUTES**

**12 FEBRUARY 2014**

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## TABLE OF CONTENTS

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ITEM	SUBJECT	PAGE NO
1	OPENING.....	1
2	PRESENT .....	1
3	APOLOGIES AND LEAVE OF ABSENCE .....	1
4	CONFIRMATION OF MINUTES OF PREVIOUS MEETING .....	1
5	DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA.....	1
6	BUSINESS OUTSTANDING .....	2
6.1	BUSINESS OUTSTANDING TABLE FOR PLANNING AND DEVELOPMENT COMMITTEE .....	2
7	PUBLIC FORUMS/DEPUTATIONS .....	3
	NIL .....	3
8	OFFICERS' REPORTS.....	4
8.1	D/514-2013 - DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT (ONE LOT INTO TWO LOTS).....	4
8.2	D418-2013 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A DUAL OCCUPANCY (TEN DUAL OCCUPANCIES).....	9
8.3	D/535-2013 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR INDOOR SPORTS AND RECREATION.....	17
9	STRATEGIC REPORTS.....	22
	NIL .....	22
10	NOTICES OF MOTION.....	23
	NIL .....	23
11	URGENT BUSINESS\QUESTIONS .....	24
12	CLOSURE OF MEETING .....	25

**REPORT OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING  
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON  
ON WEDNESDAY, 12 FEBRUARY 2014 COMMENCING AT 10:05AM**

## **1 OPENING**

## **2 PRESENT**

Members Present:

Councillor A P Williams (Acting Chairperson)  
Councillor C E Smith  
Councillor C R Rutherford  
Councillor G A Belz  
Councillor S J Schwarten  
Councillor R A Swadling  
Councillor N K Fisher

In Attendance:

Mr E Pardon – Chief Executive Officer  
Mr R Holmes – General Manager Regional Services  
Mr P Barry – Senior Planning Officer  
Ms A O'Mara – Planning Officer  
Ms C Hibberd – Planning Officer  
Ms L Price – Community Awareness Officer  
Ms K Mahon – Committee Support Team Leader

## **3 APOLOGIES AND LEAVE OF ABSENCE**

Mayor Strelow tendered her apology and was not in attendance.

## **4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

### **COMMITTEE RESOLUTION**

THAT the minutes of the Planning & Development Committee held on 29 January 2014 be taken as read and adopted as a correct record.

**Moved by: Councillor Swadling**

**Seconded by: Councillor Belz**

**MOTION CARRIED**

## **5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA**

## 6 BUSINESS OUTSTANDING

### 6.1 BUSINESS OUTSTANDING TABLE FOR PLANNING AND DEVELOPMENT COMMITTEE

**File No:** 10097  
**Attachments:** 1. Business Outstanding Table - Planning and Development Committee  
**Responsible Officer:** Evan Pardon - Chief Executive Officer  
**Author:** Evan Pardon - Chief Executive Officer

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#### 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 Development Committee is presented for Councillors' information.*

#### COMMITTEE RESOLUTION

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

**Moved by:** Councillor Fisher  
**Seconded by:** Councillor Rutherford

**MOTION CARRIED**

**7 PUBLIC FORUMS/DEPUTATIONS**

Nil

## 8 OFFICERS' REPORTS

### 8.1 D/514-2013 - DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT (ONE LOT INTO TWO LOTS)

**File No:** D/514-2013

**Attachments:**

1. Locality Plan
2. Proposed Reconfiguration of a Lot

**Responsible Officer:** Robert Holmes - General Manager Regional Services

**Author:** Amanda O'Mara - Planning Officer

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#### SUMMARY

Development Application Number: D/514-2013

Applicant: Neil Joseph Tulau

Real Property Address: Lot 22 on RP602339, Parish of Archer

Common Property Address: 310 Waterloo Street, Frenchville

Area of Site: 1,234 square metres

Planning Scheme: *Rockhampton City Plan 2005*

Rockhampton City Plan Area: Frenchville Residential Area

Existing Development: House

Existing Approvals: Building Permit for a House

Approval Sought: Development Permit for Reconfiguring a Lot (one lot into two lots)

Level of Assessment: Impact Assessable

Submissions: One submission

Referral Agency(s): Nil

Adopted Infrastructure Charges Area: Charge Area 1

Application Progress:

Application Lodged:	31 October 2013
Acknowledgement Notice sent:	14 November 2013
No further information request letter sent:	21 November 2013
Submission period commenced:	26 November 2013
Submission period end:	19 December 2013
Notice of compliance received:	20 December 2013
Council request for additional time:	28 January 2014
Statutory determination date:	25 February 2014

**COMMITTEE RESOLUTION****RECOMMENDATION A**

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into two lots), made by Neil Joseph Tulau, on Lot 22 on RP6022339, Parish of Archer, and located at 310 Waterloo Street, Frenchville, Council resolves to Approve the application subject to the following conditions:

1.0 **ADMINISTRATION**

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 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 of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the issue of the Compliance Certificate for the Survey Plan, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior, to the issue of the Compliance Certificate for the Survey Plan, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
- 1.6.1 Operational Works:
- (i) Access Works.
- 1.7 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.8 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 **APPROVED PLANS AND DOCUMENTS**

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

<u>Plan/Document Name</u>	<u>Reference</u>	<u>Dated</u>
Proposed Reconfiguration of a Lot	4923 PROP	23 October 2013

- 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.
- 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 a Development Application for Operational Works.

### 3.0 ACCESS WORKS

- 3.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access works on the site.
- 3.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1) and the *Capricorn Municipal Development Guidelines*.
- 3.3 Two (2) car parking spaces, one (1) of which must be covered, must be provided on Lot 11 for the existing house.
- 3.4 Access to Lot 11 must be provided for the existing house.

### 4.0 SEWERAGE WORKS

- 4.1 All works must be designed and constructed in accordance with the approved plans, *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act* and the *Plumbing and Drainage Act*.
- 4.2 All lots within the development must be connected to Council's reticulated sewerage network. Each of the proposed lots must be provided with its own separate sewerage connection point, located wholly within its respective property boundaries.
- 4.3 The existing sewerage connection provided for the site must be retained for Lot 11. A new sewerage connection point must be provided to Lot 10 from where the existing sewerage infrastructure traverses the site. A connection point for Lot 10 must be located within the access handle.
- 4.4 Easements must be provided over all sewerage infrastructure located within private property. The easement location(s) and width(s) must be in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.
- 4.5 Sewer connections located within trafficable areas must be raised or lowered to suit the finished surface levels and provided with trafficable lids.

### 5.0 WATER WORKS

- 5.1 All works must be designed and constructed in accordance with the approved plans, *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act* and the *Plumbing and Drainage Act*.
- 5.2 All lots within the development must be connected to Council's reticulated water supply network.
- 5.3 Each lot must be provided with its own separate water connection point, located wholly within its respective property boundaries.
- 5.4 The existing water connection provided for the site must be retained for Lot 11. A new water connection point must be provided to Lot 10 from the existing reticulated water network located within Waterloo Street.

### 6.0 PLUMBING AND DRAINAGE WORKS

- 6.1 Internal Plumbing and Sanitary Drainage of the existing building located within Lot 11 must be contained within the lot it serves.
- 6.2 Any alterations to the Internal Plumbing and Sanitary Drainage for the existing building that may be required as a result of the proposed development must be in accordance with regulated work under the *Plumbing and Drainage Act* and Council's Plumbing and Drainage Policies.

### 7.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 7.1 All roof and allotment drainage must be in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.



7.2 All roof and allotment drainage must be discharged such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties or infrastructure.

#### 8.0 BUILDING WORKS

8.1 A Development Permit for Building Works (demolition) must be obtained for the removal of any structure.

8.2 The existing carport on the subject site must be demolished prior to the issue of the Compliance Certificate for the Survey Plan.

#### 9.0 SITE WORKS

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

#### 10.0 ELECTRICITY AND TELECOMMUNICATIONS

10.1 Electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.

10.2 Evidence must be provided of a certificate of supply with the relevant service providers to provide each lot with live electricity and telecommunication connections, in accordance with the requirements of the relevant authorities prior to the issue of the Compliance Certificate for the Survey Plan.

#### 11.0 ASSET MANAGEMENT

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

11.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.

#### 12.0 OPERATING PROCEDURES

12.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Waterloo Street.

#### ADVISORY NOTES

##### NOTE 1. Aboriginal Cultural Heritage

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

##### NOTE 2. Asbestos Removal

1.0 Any demolition and/or removal works involving asbestos materials must be undertaken in accordance with the requirements of the *Workplace Health and Safety* legislation and *Public Health Act 2005*.

**NOTE 3. General Environmental Duty**

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

**NOTE 4. General Safety Of Public During Construction**

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

**NOTE 5. Works in Road Reserve Permit**

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

**NOTE 6. Adopted Infrastructure Charges Notice**

3.0 This application is subject to infrastructure contributions in accordance with Council policies. The contributions are presented on an Adopted Infrastructure Charges Notice which has been supplied with this Decision Notice.

**RECOMMENDATION B**

That in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into two lots), made by Neil Joseph Tulau, on Lot 22 on RP6022339, Parish of Archer, and located at 310 Waterloo Street, Frenchville, Council resolves to issue an Adopted Infrastructure Charges Notice for the amount of \$21,000.00.

**Moved by: Councillor Fisher**

**Seconded by: Councillor Swadling**

**MOTION CARRIED UNANIMOUSLY**

## 8.2 D418-2013 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A DUAL OCCUPANCY (TEN DUAL OCCUPANCIES)

**File No:** D/418-2013

**Attachments:** 1. Locality Plan  
2. Site Plan

**Responsible Officer:** Robert Holmes - General Manager Regional Services

**Author:** Corina Hibberd - Planning Officer

### SUMMARY

*Development Application Number:* D/418-2013

*Applicant:* Lamb Avenue Pty Ltd A.C.N 161 721 231  
Trustee Under Instrument 714948848

*Real Property Address:* Lot 116 on SP199407, Parish of Gracemere

*Common Property Address:* Lot 116 Gavial - Gracemere Road Gracemere  
QLD 4702

*Area of Site:* 1.288 hectares

*Planning Scheme* Fitzroy Shire Planning Scheme 2005

*Planning Scheme Zoning:* Town Zone - Residential Precinct

*Planning Scheme Overlays:* Bushfire Prone Land – Low Risk;

*Existing Development:* Vacant

*Existing Approvals:* D54-2010 Reconfiguring a Lot (one lot into 12 lots) and Operational Works – lapsed – REVIVED through a court order

D104-2010 Reconfiguring a Lot (one lot into two lots) – lapsed

D486-2010 Reconfiguring a Lot (one lot into five lots) – approved 4 August 2011

D412-2011 Material Change of Use for a Dual Occupancy (ten) – Cancelled

*Approval Sought:* Material Change of Use for a Dual Occupancy (Ten Dual Occupancies)

*Level of Assessment:* Impact Assessable

*Submissions:* Nil

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

*Adopted Infrastructure Charges Area:* Charge Area One

*Application Progress:*

<i>Application Lodged:</i>	4 September 2013
<i>Acknowledgement Notice sent:</i>	13 September 2013
<i>Submission period commenced:</i>	27 November 2014
<i>Submission period end:</i>	20 December 2013
<i>Government Agency Response:</i>	9 December 2013

<i>Last receipt of information from applicant:</i>	<i>26 December 2013</i>
<i>Council request for additional time:</i>	<i>24 January 2014</i>
<i>Committee Meeting date:</i>	<i>12 February 2014</i>

## COMMITTEE RESOLUTION

### **RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for a Dual Occupancy (Ten Dual Occupancies), made by Capricorn Survey Group on behalf of Lamb Avenue Pty Ltd A.C.N. 161 721 231 trustee Under Instrument 714948848, on Lot 116 on SP199407, Parish of Gracemere, located at Lot 116 Gavial - Gracemere Road, Gracemere, Council resolves to Approve the application despite its conflict with the planning scheme and provide the following grounds to justify the decision despite the conflict:

- a) The use is highly compatible with the surrounding residential uses and integrates well with the built and natural environment;
- b) The availability of land, the amenity, and the operational needs of different uses in the residential precinct are not compromised by the proposed development;
- c) The development is of a scale, size, appearance and built form which is consistent with the residential amenity of the area;
- d) There is a high demand and need for higher density residential uses in the Gracemere area, the proposal is well designed, and provides for a variety of residential housing types;
- e) Assessment of the development demonstrates that the Planning Scheme's Desired Environmental Outcomes will not be compromised;
- f) Assessment of the development against the relevant planning scheme codes 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 any relevant State Planning Policy.

### **RECOMMENDATION B**

That in relation to the application for a Development Permit for a Material Change of Use for a Dual Occupancy (Ten Dual Occupancies), made by Capricorn Survey Group on behalf of Lamb Avenue Pty Ltd A.C.N. 161 721 231 trustee Under Instrument 714948848, on Lot 116 on SP199407, Parish of Gracemere, located at Lot 116 Gavial - Gracemere Road Gracemere, Council resolves to Approve the application subject to the following conditions:

#### 1.0 **ADMINISTRATION**

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 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 of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of the use, unless otherwise stated.

- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior, to the commencement of the use, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
- 1.6.1 Operational Works:
- (i) Access Works; and
- (ii) Roof and Allotment Drainage Works;
- 1.6.2 Building Works
- 1.6.3 Plumbing and Drainage Works
- 1.7 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.8 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 1.9 The Compliance Certificate for the proposed survey plan, in accordance with Development Approval D/54-2010, on Lot 116 on SP199407 must be issued prior to the commencement of the use.

## 2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Overall Site Plan	BP360/MP/DD01 Issue B	13 December 2011
Streetscape Elevations	BP360/MP/DD02 Issue B	13 December 2011
Elevations – Lot 29 Type A – Dwelling A	BP360/L29A/DD02 Issue A	17 August 2011
Floor Plan – Lot 29 Type A – Dwelling A	BP360/L29A/DD01 Issue A	17 August 2011
Elevations – Lot 29 Type B – Dwelling B	BP360/L29B/DD02 Issue A	17 August 2011
Floor Plan – Lot 29 Type B – Dwelling B	BP360/L29B/DD01 Issue A	17 August 2011
Elevations – Lot 30 Type A – Dwelling A	BP360/L30A/DD02 Issue A	17 August 2011
Floor Plan – Lot 30 Type A – Dwelling A	BP360/L30A/DD01 Issue A	17 August 2011
Elevations – Lot 30 Type B – Dwelling B	BP360/L30B/DD02 Issue A	17 August 2011
Floor Plan – Lot 30 Type B – Dwelling B	BP360/L30B/DD01 Issue A	17 August 2011
Elevations – Lot 31 Type C	BP360/L31/DD02 Issue A	17 August 2011
Floor Plan – Lot 31 Type C	BP360/L31/DD01 Issue A	17 August 2011

Elevations – Lot 32 Type D	BP360/L32/DD02 Issue A	17 August 2011
Floor Plan – Lot 32 Type D	BP360/L32/DD01 Issue A	17 August 2011
Elevations – Lot 33 Type E Dwelling A	BP360/L33A/DD02 Issue A	17 August 2011
Floor Plan – Lot 33 Type E Dwelling A	BP360/L33A/DD01 Issue A	17 August 2011
Elevations – Lot 33 Type F Dwelling B	BP360/L33B/DD02 Issue A	17 August 2011
Floor Plan – Lot 33 Type F Dwelling B	BP360/L33B/DD01 Issue A	17 August 2011
Elevations – Lot 36 Type I – Dwelling A	BP360/L36A/DD02 Issue A	17 August 2011
Floor Plan – Lot 36 Type I – Dwelling A	BP360/L36A/DD01 Issue A	17 August 2011
Elevations – Lot 36 Type B(mr) – Dwelling B	BP360/L36B/DD02 Issue A	17 August 2011
Floor Plan – Lot 36 Type B(mr) – Dwelling B	BP360/L36B/DD01 Issue A	17 August 2011
Elevations – Lot 37 Type A(mr) – Dwelling A	BP360/L37A/DD01 Issue A	17 August 2011
Floor Plan – Lot 37 Type A(mr) – Dwelling A	BP360/L37A/DD01 Issue A	17 August 2011
Elevations – Lot 37 Type J – Dwelling B	BP360/L37B/DD02 Issue A	17 August 2011
Floor Plan – Lot 37 Type J – Dwelling B	BP360/L37B/DD01 Issue A	17 August 2011
Elevations – Lot 38 Type A(mr) – Dwelling A	BP360/L38A/DD02 Issue A	17 August 2011
Floor Plan – Lot 38 Type A(mr) – Dwelling A	BP360/L38A/DD01 Issue A	17 August 2011
Elevations – Lot 38 Type J – Dwelling B	BP360/L38B/DD02 Issue A	17 August 2011
Floor Plan – Lot 38 Type J – Dwelling B	BP360/L38B/DD01 Issue A	17 August 2011
Elevations – Lot 39 Type A(mr) – Dwelling A	BP360/L39A/DD02 Issue A	17 August 2011
Floor Plan – Lot 39 Type A(mr) – Dwelling A	BP360/L39A/DD01 Issue A	17 August 2011
Elevations – Lot 39 Type J – Dwelling B	BP360/L39B/DD02 Issue A	17 August 2011
Floor Plan – Lot 39 Type J – Dwelling B	BP360/L39B/DD01 Issue A	17 August 2011
Elevations – Lot 58 Type K – Dwelling A	BP360/L58A/DD03 Issue A	17 August 2011
Elevations – Lot 58 Type K	BP360/L58A/DD04 Issue	17 August 2011

– Dwelling A	A	
Ground Flr Plan – Lot 58 Type K – Dwelling A	BP360/L58A/DD01 Issue A	17 August 2011
First Flr Plan – Lot 58 Type K – Dwelling A	BP360/L58A/DD02 Issue A	17 August 2011
Elevations – Lot 58 Type L – Dwelling B	BP360/L58B/DD03 Issue A	17 August 2011
Elevations – Lot 58 Type L – Dwelling B (2)	BP360/L58B/DD03 Issue A	17 August 2011
Ground Flr Plan – Lot 58 Type L – Dwelling B	BP360/L58B/DD01 Issue A	17 August 2011
First Flr Plan – Lot 58 Type L – Dwelling B	BP360/L58B/DD02 Issue A	17 August 2011

- 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.
- 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 a Development Application for Operational Works.
- 3.0 ACCESS WORKS
- 3.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access works on the site.
- 3.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, and *Australian Standard AS2890 "Parking Facilities"*.
- 4.0 SEWERAGE WORKS
- 4.1 All lots within the development must be connected to Council's reticulated sewerage network.
- 4.2 The finished sewerage access chamber surface must be at a sufficient level to avoid ponding of stormwater above the top of the chamber. A heavy duty trafficable lid must be provided in the trafficable area.
- 4.3 Sewer connections located within trafficable areas must be raised or lowered to suit the finished surface levels and be provided with trafficable lids.
- 4.4 All structures must maintain a clearance of two (2) metres to any sewerage infrastructure, including connection point, in accordance with a Council Building Over/Adjacent to Local Government Sewerage Infrastructure Policy.
- 5.0 WATER WORKS
- 5.1 The development must be connected to Council's reticulated water network.
- 5.2 Individual tenancy or sole occupancy units must be provided with sub metering in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Sub Metering Policy.
- 5.3 Water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface level and must be provided with heavy duty trafficable lids.
- 6.0 PLUMBING AND DRAINAGE WORKS
- 6.1 All Internal Plumbing and Sanitary Drainage works must be in accordance with regulated work under the *Plumbing and Drainage Act* and Council's Plumbing and

Drainage Policies.

6.2 All Internal Plumbing and Sanitary Drainage must be completely independent for each unit

#### 7.0 ROOF AND ALLOTMENT DRAINAGE WORKS

7.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the site.

7.2 All roof and allotment drainage must be in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.

7.3 All roof and allotment drainage must be discharged such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties or infrastructure.

#### 8.0 SITE WORKS

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

#### 9.0 LANDSCAPING WORKS

9.1 A Landscaping Plan for the Dual Occupancies must be submitted with the Operational Works permit.

9.2 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure. Small shrubs and groundcover are acceptable.

9.3 Landscaping, or any part thereof, upon reaching full maturity, must not:

- (i) obstruct sight visibility zones as defined in the *Austroads 'Guide to Traffic Engineering Practice'* series of publications;
- (i) adversely affect any road lighting or public space lighting; or
- (ii) adversely affect any Council infrastructure, or public utility plant.

#### 10.0 ELECTRICITY AND TELECOMMUNICATIONS

10.1 Underground electricity and telecommunication connections must be provided to the proposed development to the requirements of the relevant authority, prior to the commencement of the use.

#### 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 at full cost to the Developer.

11.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.

#### 12.0 ENVIRONMENTAL

12.1 The Erosion Control and Stormwater Control Management Plan must be implemented and maintained on-site for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The prepared Erosion Control and Stormwater Control Management Plan must be available on-site for inspection by Council Officers during those works.



### 13.0 OPERATING PROCEDURES

- 13.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Lamb Avenue and Eveline Street.

### ADVISORY NOTES

#### NOTE 1. Aboriginal Cultural Heritage

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

#### NOTE 2. Asbestos Removal

Any demolition and/or removal works involving asbestos materials must be undertaken in accordance with the requirements of the *Workplace Health and Safety* legislation and *Public Health Act 2005*.

#### NOTE 3. General Environmental Duty

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

#### NOTE 4. General Safety Of Public During Construction

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

#### NOTE 5. Property Notes

All vehicular access to and from the development must be via Lamb Avenue only. Direct vehicular access to Gavial-Gracemere Road is prohibited.

#### NOTE 6. Works in Road Reserve Permit

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

#### NOTE 7. Adopted Infrastructure Charges Notice

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

### RECOMMENDATION C

That in relation to the application for a Development Application for a Material Change of Use for a Dual Occupancy (Ten Dual Occupancies), made by Capricorn Survey Group on behalf of Lamb Avenue Pty Ltd A.C.N. 161 721 231 trustee Under Instrument 714948848, on Lot 116 on SP199407, Parish of Gracemere, located at Lot 116 Gavial - Gracemere Road Gracemere, Council resolves to issue an Adopted Infrastructure Charges Notice.

**Moved by: Councillor Smith**

**Seconded by: Councillor Fisher**

**MOTION CARRIED**

### 8.3 D/535-2013 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR INDOOR SPORTS AND RECREATION

**File No:** D/535-2013

**Attachments:**

1. Locality Plan
2. Site Plan
3. Floor Plan

**Responsible Officer:** Robert Holmes - General Manager Regional Services

**Author:** Corina Hibberd - Planning Officer

#### SUMMARY

*Development Application Number:* D/535-2013

*Applicant:* Crossfit CQ Pty Ltd

*Real Property Address:* Lot 2 on RP602029 and Lot 2 on RP603892, Parish of Rockhampton

*Common Property Address:* 54, 56-60 Bolsover Street, Rockhampton City

*Area of Site:* 489 square metres (Lot 2 on RP602029)

*Planning Scheme:* Rockhampton City Plan 2005

*Rockhampton City Plan Area:* Inner City North Residential Consolidation Area - Precinct 1 - Special Use Precinct - Inner City North Cultural

*Existing Development:* Commercial Building, and Carpark

*Existing Approvals:* Material Change of Use (Commercial Premises and Professional Office) Approved with Conditions 6 August 2001

*Approval Sought:* Development Permit for Indoor Sport and Recreation

*Level of Assessment:* Impact Assessable

*Submissions:* Five (5) properly made submissions and four (4) not properly made submissions

*Referral Agency(s):* Nil

*Adopted Infrastructure Charges Area:* Charge Area Two

*Application Progress:*

<i>Application Lodged:</i>	15 November 2013
<i>Acknowledgment Notice sent:</i>	20 November 2013
<i>Submission period commenced:</i>	12 December 2013
<i>Submission period end:</i>	16 January 2014
<i>Government Agency Response:</i>	3 December 2013
<i>Last receipt of information from applicant:</i>	16 January 2014
<i>Statutory determination date:</i>	14 February 2014

**COMMITTEE RESOLUTION****RECOMMENDATION A**

THAT in relation to the application for a Development Permit for Indoor Sport and Recreation, made by Crossfit Central Queensland on Lot 2 on RP602029 and Lot 2 on RP603892, Parish of Rockhampton, and located at 54 and 56-60 Bolsover Street, Rockhampton City, 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 site was previously approved for a non-residential use, and this application does not propose to dramatically increase the scale or intensity of the building or hours of operation.
- b) The proposed use is to be low scale, with the number of staff, class sizes, and hours of operation to be limited. The use will therefore not greatly affect the neighbouring residential area by means of noise, light or dust.
- c) There are a number of other commercial buildings located on Bolsover Street which also operate at a low scale. The lot adjoins existing commercial premises and coexists with mixed use residential and commercial uses.
- d) The use does not adversely affect the amenity of the natural environment or of residential uses in the vicinity.
- e) Assessment of the development demonstrates that the Planning Scheme's Desired Environmental Outcomes will not be compromised.
- f) Assessment of the development against the relevant planning scheme codes 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.
- g) The proposed development does not compromise any relevant State Planning Policy.

**RECOMMENDATION B**

That in relation to the application for a Development Permit for Indoor Sport and Recreation, made by Crossfit Central Queensland on Lot 2 on RP602029 and Lot 2 on RP603892, Parish of Rockhampton, and located at 54 and 56-60 Bolsover Street, Rockhampton City, Council resolves to Approve the application subject to the following conditions:

**1.0 ADMINISTRATION**

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 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 of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the issue of the Compliance Certificate for the Survey Plan, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior, to the issue of the Compliance Certificate for the Survey Plan, unless otherwise stated.

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

1.6.1 Operational Works:

(i) Access and Parking Works

1.7 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.

1.8 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

## 2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Crossfit CQ Proposed Site Plan	Appendix E 1.0	6 November 2013
Crossfit CQ Proposed Floor Plan	Appendix E 2.1	6 November 2013
Crossfit CQ Parking Detail	Appendix E 3.0	6 November 2013

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.

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 a Development Application for Operational Works.

## 3.0 ACCESS AND PARKING WORKS

3.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access works on the site.

3.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Off Street Car Parking"* and the provisions of a Development Permit for Operational Works (access and parking works).

3.3 An easement in favour of Lot 2 on RP602029 must be provided over the existing nine (9) car parking spaces on adjacent lot 2 on RP603892 for the purposes of parking.

3.4 The owner must install additional on-street parking along the Bolsover Street frontage of the site. Details of the new parking spaces must be included in the Operational Works application for parking and access works.

3.5 The staff car parking spaces along the rear (Bolsover Lane) frontage of the site must be arranged such that vehicles reverse into these spaces in order to accommodate a forward movement when leaving the site. This arrangement must be formally conveyed to staff and appropriate signage detailing this requirement must be erected prior to commencement of the use.

## 4.0 PLUMBING AND DRAINAGE WORKS

4.1 All works must be designed and constructed in accordance with the approved plans, *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, *Plumbing and Drainage Act* and Council's *Plumbing and Drainage Policies*.

- 4.2 The development must be connected to Council's reticulated sewerage and water networks.
- 4.3 The existing sewerage and water connection point(s) must be retained, and upgraded if necessary, to service the development.
- 4.4 Alteration or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under Plumbing and Drainage Act and Council's Plumbing and Drainage Policies.
- 5.0 **BUILDING WORKS**
- 5.1 Compliance with the Environmental Protection (Waste Management) Regulation for storage and collection of solid wastes. All waste storage area must be:
- 5.1.1 Aesthetically screened from any frontage or adjoining property;
- 5.1.2 Surrounded by at least a 1.8 metre high fence that obstructs from view the contents of the bin compound by any member of the public from any public place;
- 5.1.3 of a minimum size to accommodate residential type bins in accordance with the Environmental Protection (Waste Management) Regulations.
- 5.2 Noise from the activity must not cause an environmental nuisance.
- 5.3 When requested by the administering authority, noise monitoring must be undertaken and recorded to investigate any complaint of nuisance caused by noise. The monitoring data, an analysis of the data and a report, including noise mitigation measures, must be provided to the administering authority within fourteen days of the completion of the investigation. Noise measurements must be compared with the acoustic quality objectives specified in the most recent edition of the Environmental Protection (Noise) Policy and noise monitoring conducted in accordance with the most recent edition of Department of Environment and Heritage Protection Noise Measurement Manual.
- 5.4 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with '*Australian Standard AS4282 – Control of the obtrusive effects of outdoor lighting*'.
- 6.0 **ASSET MANAGEMENT**
- 6.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.
- 6.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.
- 7.0 **OPERATING PROCEDURES**
- 7.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Bolsover Street or Bolsover Lane.
- 7.2 The car parking spaces at the rear (Bolsover Lane) frontage of the site must be a reverse-in arrangement.

- 7.3 Class sizes are limited to fifteen persons, plus the applicable number of trainers for these classes
- 7.4 Hours of operation are limited to the following:
- 7.4.1 Monday to Friday: 0600 to 1000, and 1730 to 1930;
- 7.4.2 Saturday and Sunday: 0800 to 1000

#### ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

8.0It is advised that under Section 23 of the *Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are listed in the Aboriginal Cultural Heritage legislation. The information on Aboriginal Cultural Heritage is available on the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs website [www.datsima.qld.gov.au](http://www.datsima.qld.gov.au)

NOTE 2. Asbestos Removal

Any demolition and/or removal works involving asbestos materials must be undertaken in accordance with the requirements of the *Workplace Health and Safety* legislation and *Public Health Act 2005*.

NOTE 3. General Environmental Duty

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

NOTE 4. General Safety Of Public During Construction

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

#### RECOMMENDATION C

That in relation to the application for a Development Permit for Indoor Sport and Recreation, made by Crossfit Central Queensland on Lot 2 on RP602029 and Lot 2 on RP603892, Parish of Rockhampton, and located at 54 and 56-60 Bolsover Street, Rockhampton City, Council resolves to issue an adopted infrastructure charges notice in accordance with option 2 contained within the report.

**Moved by:** Councillor Swadling

**Seconded by:** Councillor Fisher

**MOTION CARRIED**

**9 STRATEGIC REPORTS**

Nil



**10 NOTICES OF MOTION**

Nil

## 11 URGENT BUSINESS\QUESTIONS

10:38AM Councillor Belz left the meeting and did not return.

## 12 CLOSURE OF MEETING

There being no further business the meeting closed at 10:42am.

\_\_\_\_\_  
COUNCILLOR A P WILLIAMS  
ACTING CHAIRPERSON

\_\_\_\_\_  
DATE