



PLANNING & DEVELOPMENT COMMITTEE MEETING

AGENDA

13 MAY 2014

Your attendance is required at a meeting of the Planning & Development Committee to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 13 May 2014 commencing at 1:30pm for transaction of the enclosed business.

A handwritten signature in black ink, appearing to be "C. R.", written over a horizontal line.

CHIEF EXECUTIVE OFFICER
6 May 2014

Next Meeting Date: 27.05.14

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 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

3 APOLOGIES AND LEAVE OF ABSENCE

The Mayor, Councillor Margaret Strelow, has tendered her apology and will not be in attendance

4 CONFIRMATION OF MINUTES

Minutes of the Planning & Development Committee held 22 April 2014

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 BUSINESS OUTSTANDING

Nil

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 OFFICERS' REPORTS

8.1 D/320-2013 REQUEST FOR A NEGOTIATED ADOPTED INFRASTRUCTURE CHARGES NOTICE FOR A MATERIAL CHANGE OF USE FOR A MULTI UNIT DWELLING (TWELVE UNITS)

File No: D/320-2013

Attachments: 1. Locality Plan

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Russell Claus - Manager Planning
Robert Holmes - General Manager Regional Services

Author: Alyce McLellan - Planning Officer

SUMMARY

Development Application Number: D/320-2013

Applicant: MPD QLD

Real Property Address: Lot 20 on SP191824, Parish of Archer

Common Property Address: 7-9 Card Street, Berserker

Area of Site: 2,425 square metres

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: North Rockhampton Residential Consolidation Area

Existing Development: Vacant

Existing Approvals: D1034/2005 – Multi Unit Dwellings (twelve units) – Approved 6 February 2006 – Application has lapsed

Approval Sought: Development Permit for a Material Change of Use for a Multi Unit Dwelling (twelve units)

Level of Assessment: Code Assessable

Submissions: Not Applicable

Referral Agency(s): Nil

Adopted Infrastructure Charges Area: Charge Area One

OFFICER'S RECOMMENDATION

THAT the Adopted Infrastructure Charges Notice issued on 1 November 2013 remains unchanged.

BACKGROUND

Council, under delegation, approved a Development Application for a Material Change of Use for a Multi Unit Dwelling (twelve units) over Lot 20 on SP191824, Parish of Archer and located at 7-9 Card Street, Berserker, (Development Permit D/320-2013).

The applicant has made representations in accordance with Section 677 of the *Sustainable Planning Act 2009* for a Negotiated Adopted Infrastructure Charges Notice.

SITE AND LOCALITY

The subject site is located at the end of Card Street in Berserker, on the western side of Musgrave Street and approximately forty (40) metres from the centreline of Moores Creek. The site measures 2,425 square metres in area and is reasonably flat.

The rear, western corner is shown within the low and high hazard flood fringe of the Flood Hazard Area Map in the *Rockhampton City Plan 2005*.

The area is characterised by single houses, however, the adjoining lot contains five (5) multi unit dwellings and there are two (2) other unit developments within Card Street. The site is approximately 350 metres from Musgrave Street which is a commercial 'strip'.

PLANNING ASSESSMENT

TOWN PLANNING COMMENTS

The applicant has requested a Negotiated Infrastructure Charges Notice in accordance with section 677 of the Sustainable Planning Act 2009.

Council's Adopted Infrastructure Charges Notice issued on 1 November 2013 states:

"The contribution required to be paid is \$231,000.00. This charge will be indexed in line with Consumer Price Index on an annual basis."

Council's Adopted Infrastructure Charges Resolution (No. 2) 2012 for residential development applies to the application as it falls within Charge Area 1. A charge of \$252,000.00 is applicable for seventeen single bedroom units. However, the development was also granted a credit of \$21,000.00 for the existing allotments, bringing the total charge payable to \$231,000.00. This was reflected in an Adopted Infrastructure Charges Notice for the development.

The applicant argues that a reduction in adopted infrastructure charges is warranted based on the following:

1. There was a previous development approval over the subject site for a Material Change of Use (12 Unit Multiple Dwelling) which was approved on 6 February 2006 (Application D/1034-2005). This lapsed in February 2010.
2. The contribution fees associated with the lapsed application totalled \$16,773.00, therefore, the charges have increased by \$214,227.00.
3. The subject site previously comprised two allotments.
4. The sewerage network does not extend to the subject site. To enable the development to be appropriately serviced and connected to Council's reticulated sewerage network, the proposal must be subject to a special arrangement that requires the provision of a privately owned sewerage pump station within the subject site and the construction of a sewerage rising main along the northern side of Card Street. The estimate cost of sewerage works is \$95,000.00.
5. The applicant is required to upgrade the electricity network at a cost of \$107,048.00. Even though this is not Council infrastructure, it is a substantial cost that is burdening the development.

The applicant requests a reduction of \$154,613.50 (which is fifty percent of the Adopted Infrastructure Charge less the original contribution and slightly greater than fifty percent of the estimate of the sewerage works), which would equate to a total Adopted Infrastructure Charge of \$59,613.50. In response to the applicant's representations, the following points are noted:

- It is recognised that the sewer works highlighted by the applicant are a result of the development and are not identified as trunk infrastructure. Further, the sewer works are not identified as being required to benefit any other site. The infrastructure provision will be solely for the benefit of the development site;

- Council has an Adopted Infrastructure Charges Resolution, where the first resolution has been in effect since 2011. This resolution has had a substantial amount of work undertaken in its development to ensure it complies with statutory requirements and is a cost recovery mechanism for the impacts of development on Council's infrastructure. The cost of development was greatly subsidised by Council prior to the implementation of the resolution, and subsequently has meant that the infrastructure costs are now borne by the developers;
- The two lots mentioned by the applicant were amalgamated in March 2006. The applicant purchased the development site as one lot in 2008. It is considered that there are no grounds to provide an additional credit for a lot which does not form part of this application and has not existed since 2006;
- As a purchaser of property, due diligence should be conducted. The purchaser should be aware of the timeframes remaining on any development approval applying to the land. The approval on the land when purchased had between one and two years remaining. No action was taken towards the development of the now lapsed approval; and
- Council is not responsible for electricity infrastructure and the burden of this cost is not Council's responsibility. It is noted that the developer should contact the responsible electricity authority if there are concerns which relate to electricity infrastructure.

If Council was to consider an offset for works which are not trunk infrastructure, Council sets a precarious precedent for all future development applications to be eligible for offsets which will result in a substantial loss to the revenue required to maintain Council infrastructure. If Council considers a reduction in costs with limited justification, a more precarious precedent is set again.

It is a statutory requirement for an Adopted Infrastructure Charges Notice to be issued in accordance with Council's Adopted Infrastructure Charges Resolution. Accordingly, it is not considered that there are any grounds on which to negotiate the charges which are applied in accordance with the Adopted Infrastructure Charges Resolution (No. 2) 2012.

CONCLUSION

The representations made by Flinders Group have been assessed and taken into consideration when making the recommendation as detailed below. It is considered that there are no grounds to support a Negotiated Adopted Infrastructure Charges Notice being issued and that the charges applied to the development are relevant and are to remain unchanged.

**D/320-2013 REQUEST FOR A
NEGOTIATED ADOPTED
INFRASTRUCTURE CHARGES NOTICE
FOR A MATERIAL CHANGE OF USE
FOR A MULTI UNIT DWELLING
(TWELVE UNITS)**

Locality Plan

Meeting Date: 13 May 2014

Attachment No: 1



D/320-2013 Locality Plan

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8.2 D/21-2014 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A SMALL LOT HOUSE

File No: D/21-2014

Attachments:

1. Locality Plan
2. Site Plan
3. 3D View
4. Floor Plan and Elevations

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Russell Claus - Manager Planning
Robert Holmes - General Manager Regional Services

Author: Corina Hibberd - Planning Officer

SUMMARY

Development Application Number: D/21-2014

Applicant: Guru Dhipac Balasubramanian

Real Property Address: Lot 26 on RP600096, Parish of Rockhampton

Common Property Address: 104 Alma Lane, Rockhampton City

Area of Site: 228 square metres

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: Central Business District Commercial Area – Precinct 2 – Central Business District Business Services

Existing Development: Vacant

Existing Approvals: Nil

Approval Sought: Development Permit for a Small Lot House

Level of Assessment: Impact Assessable

Submissions: Nil

Referral Agency(s): Department of State Development and Infrastructure Planning (State Controlled Road)

Adopted Infrastructure Charges Area: Charge Area 2

Application Progress:

<i>Application Lodged:</i>	12 February 2014
<i>Acknowledgement Notice issued:</i>	18 February 2014
<i>Corrected Acknowledgement Notice issued:</i>	3 March 2014
<i>Information Request issued:</i>	4 March 2014
<i>Response to Information Request received:</i>	20 March 2014
<i>Request for Additional Information sent (informal):</i>	14 March 2014
<i>Response to Request for Further Information</i>	25 March 2014
<i>Public Notification Commenced:</i>	26 March 2014
<i>Public Notification period ended:</i>	18 April 2014
<i>Notice of Compliance:</i>	20 April 2014

<i>Committee date:</i>	<i>13 May 2014</i>
<i>Statutory determination date:</i>	<i>20 May 2014</i>

OFFICER'S RECOMMENDATION**RECOMMENDATION A**

That in relation to the application for a Development Permit for a Small Lot House, made by Guru Dhipac Balasubramanian on Lot 26 on RP600096, Parish of Rockhampton and situated at 104 Alma Lane, Rockhampton City, Council resolves to approve the application despite the conflict with the planning scheme and provides the following grounds to justify the decision despite the conflict:

- a) The small lot size limits the opportunity for commercial development given that all adjoining small lots are also improved by dwelling houses.
- b) There are a number of other residential dwellings located on Little Alma Street and Alma Lane. The lot adjoins existing residential premises and coexists with mixed use residential and commercial uses in the precinct.
- c) The use does not adversely affect the streetscape or the amenity of residential or commercial uses in the vicinity.
- d) Assessment of the development demonstrates that the Planning Scheme's Desired Environmental Outcomes will not be compromised.
- e) 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.
- f) The proposed development does not compromise the State Planning Policy.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Small Lot House, made by Guru Dhipac Balasubramanian on Lot 26 on RP600096, Parish of Rockhampton and situated at 104 Alma Lane, 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 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 their purposes:

- 1.6.1 Operational Works:
 - (i) Access Works;
- 1.6.2 Plumbing and Drainage Works; and
- 1.6.3 Building Works.
- 1.7 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.9 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 Number</u>	<u>Dated</u>
Site Plan	AQHR-397 Sheet 4	17 January 2014
Site Plan (2)	AQHR-397 Sheet 4	14 March 2014
3D View	AQHR-397 Sheet 16	14 March 2014
Floor Plan and Elevations	AQHR-397 Sheet 1	24 January 2014
Plan Sheet	20389-Dhipac	13 January 2014

- 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 endorsement 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 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 "Parking Facilities"* and the provisions of a Development Permit for Operational Works (access works).
- 3.3 Two (2) car parking spaces must be provided on-site, one (1) of which must be covered.

4.0 PLUMBING AND DRAINAGE WORKS

- 4.1 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, *Plumbing and Drainage Act* Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 4.2 The development must be connected to Council's reticulated sewerage and water networks.

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- 4.3 Water meter boxes and sewer connections located within trafficable areas must be raised or lowered to suit the finished surface level and must be provided with heavy duty trafficable lids.
- 5.0 ROOF AND ALLOTMENT DRAINAGE WORKS
- 5.1 All roof and allotment drainage must be in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.
- 5.2 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.
- 6.0 SITE WORKS
- 6.1 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.
- 7.0 BUILDING WORKS
- 7.1 The two outermost windows on the south-eastern side of the house, and the window on the north-western side of the house must be shaded with window awnings.
- 7.2 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"*.
- 7.3 All windows facing onto the adjoining residential properties must be properly glazed or screened to not intrude on the privacy of residents.
- 7.4 A 1.8 metre high fence must be provided between the subject site and adjacent residential properties of the development.
- 8.0 LANDSCAPING WORKS
- 8.1 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;
 - (ii) adversely affect any road lighting or public space lighting; or
 - (iii) adversely affect any Council infrastructure, or public utility plant.
- 9.0 ELECTRICITY AND TELECOMMUNICATIONS
- 9.1 Electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.
- 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 at full cost to the Developer.
- 10.2 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.
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11.0 OPERATING PROCEDURES

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

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. 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 3. 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 4. 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).

RECOMMENDATION C

That in relation to the application for a Development Permit for a Small Lot House, made by Guru Dhipac Balasubramanian on Lot 26 on RP600096, Parish of Rockhampton and situated at 104 Alma Lane, Rockhampton City, Council resolves not to issue an adopted infrastructure charges notice.

BACKGROUND

PROPOSAL IN DETAIL

The proposal is for a single storey three bedroom house, which will be oriented towards Little Alma Street with vehicle access to one (1) covered and one (1) uncovered parking space provided from Alma Lane. Two (2) modest private open space areas are provided on each road frontage.

The rear and side fencing is an existing 1.8 metre raw timber paling fence and a new 1.2 metre high fence is proposed along the street frontages where appropriate. The house includes some character design elements to compliment the character of the laneway, including variation and gables in the roof pitch, decorative features on the carport, window awnings, and appropriate fencing.

SITE AND LOCALITY

The subject site is located in the Rockhampton Central Business District Commercial Area, approximately eighty (80) metres from the City Centre Plaza and approximately 350 metres

from the East Street Mall. Measuring 228 square metres in area, the site has frontages to both Alma Lane and Little Alma Lane and recently had a shed removed, leaving the site vacant. The site is bound by residential uses and the two laneways. Generally, the street is characterised by residential uses and small cottages, with some commercial uses at the Fitzroy Street and Archer Street boundaries.

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 Policies; 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.

Infrastructure Operations Unit's Comments – 24 February 2014

Support, subject to conditions.

Infrastructure Operations Unit's (sewer / water) Comments – 19 February 2014

Support, subject to conditions.

Public and Environmental Health Comments – 14 February 2014

Support, subject to conditions.

TOWN PLANNING COMMENTS

Central Queensland Regional Plan 2013

The Central Queensland Regional Plan is a statutory document which came into effect on 18 October 2013. The development is not required to be assessed against the regional plan as 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 2013

This policy came into effect on 2 December 2013 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.

Mining and extractive resources

Not Applicable.

Biodiversity

Not Applicable.

Coastal environment

Not Applicable.

Water quality

Not Applicable.

Emissions and hazardous activities

Not Applicable.

Natural hazards

Not Applicable.

State transport infrastructure

Not Applicable. The Department of Transport and Mains Roads have provided comments and conditions in support of the development.

Strategic airports and aviation facilities

Not Applicable.

ROCKHAMPTON CITY PLAN 2005

Rockhampton City Plan Strategic Framework

This application is situated within the Central Business District designation under Council's Strategic Framework Map. The following 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 proposal does not affect the role of Rockhampton being a capital city within the region. The development is not likely to negatively affect any existing commercial operations in the Central Business District.

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

Not Applicable: The subject site is not within proximity of any significant natural resources considered vital to economic growth within the region.

- (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 proposal will not adversely impact any natural assets.

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

Complies: The proposal does not adversely impact the environment, or the region's biodiversity as the subject site is located within an existing urban area with limited biodiversity values.

- (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.*

Complies: Although the proposed development is located within a commercial precinct, the site has previously been used for residential purposes, and is surrounded by residential uses such as historic cottages, new homes, and some units. The site is 228 square metres in area and adjoined by dwelling houses, therefore any commercial development would be limited by the small lot size and would not likely meet the requirements in the applicable codes. A house is an appropriate use for this site.

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

Complies: The proposed house is located in a commercial precinct, however the street is generally residential in nature, typically comprised of small lot houses. Nevertheless, the development allows for casual surveillance and does not emit high levels of noise, light or pollution.

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

Not Applicable: The proposal does not relate to industrial development.

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

Complies: Council is not aware of any cultural or urban heritage at this site. The proposal has been design with some character elements to compliment the surrounding cottages.

- (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.*

Complies. Although the lot is only 228 square metres in area, the proposal provides two courtyard private open spaces as well as sufficient car parking. Some basic character design elements have been incorporated into the house design to improve the aesthetic value of the house and laneway. The site is in an excellent location for accessibility to shopping centres, health care and public transport.

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

Not Applicable: The proposal does not include any current or future community uses or health care facilities.

- (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.*

Not Applicable: The proposal does not involve residential subdivision, nor will it impact on environmentally valuable features within Rockhampton.

- (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 subject site is connected to all standard urban infrastructure services.

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

Complies: The proposal does not include and will not impact upon any transport systems. The Department of Transport and Main Roads support the proposal subject to conditions.

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

Not Applicable: The proposal does not form part of, nor compromise any future, open space and associated facilities.

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

Central Business District Commercial Area Intent

Precinct 2 – Central Business District Business Services

The subject site is situated within Precinct 2 of the Central Business District Commercial Area under the *Rockhampton City Plan 2005*. The intent of this precinct identifies that: -

It is intended that the Central Business District Business Services Precinct will develop as the primary office/administration area of the Central Business District Commercial Area, and of Rockhampton and the region, particularly accommodating medium and large scale commercial premises (office activities) defined developments. It is also intended that this Precinct will contain a range of accommodation types, particularly for tourists, but also for permanent residents, educational uses, and limited low impact industrial development.

Whilst accommodation for both tourists and permanent residents is encouraged in this Precinct, it should be part of a mixed-use development, where convenience retail uses such as a newsagency, chemist, bakery, etc. are provided at ground floor level, along with takeaway food stores, restaurants, and/or cafés.

The proposed use cannot be considered a consistent use within the Central Business District Commercial Area – Precinct 2 as it does not form part of a mixed-use development. In response to the above, 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. In this instance it is considered that there are sufficient grounds which are summarised as follows:

- a) The small lot size limits the opportunity for commercial development given that all adjoining small lots are also improved by dwelling houses.
- b) There are a number of other residential dwellings located on Little Alma Street and Alma Lane. The lot adjoins existing residential premises which coexist with mixed use residential and commercial uses in the precinct.
- c) The use does not adversely affect the streetscape or the amenity of residential or commercial uses in the vicinity.
- d) Assessment of the development demonstrates that the Planning Scheme's Desired Environmental Outcomes will not be compromised.
- e) 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.
- f) The proposed development does not compromise the 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, pursuant to Section 326(1)(b) of *Sustainable Planning Act 2009*, there are considered to be sufficient grounds to justify a decision that favours the alternative land use proposed herein and the development is capable of occurring in a manner that is not likely to conflict with Council's Desired Environmental Outcomes.

Rockhampton City Plan Codes

The following primary and secondary codes are applicable to this application:

- Residential – Small Lot Code;
- City Centre Code;
- Crime Prevention Through Environmental Design; and
- Parking and Access Code.

The original design submitted to Council did not comply with many aspects of the applicable codes, particularly with regard to open space provision and character design. Through negotiation, the applicant and Council have reached an appropriate solution, with revised plans which reflect an appropriate character for the streetscape. An assessment against the requirements of the abovementioned codes demonstrates that the design and site layout is now compliant with the relevant codes.

INFRASTRUCTURE CHARGES

Adopted Infrastructure Charges Resolution (No. 3) 2014 for residential development applies to the application and it falls within Charge Area 2. The Adopted Infrastructure Charges are as follows:

Use Schedule	Charge Area	Adopted Infrastructure Charge for residential development (\$/dwelling unit)	Unit	Calculated Charge
		3 or more bedroom dwelling		
Residential	Area 2	12,000	per dwelling	\$12,000.00

No charge is payable for the subject development due to the infrastructure credit of \$12,000.00 being applicable to the existing lot.

CONSULTATION

The proposal was the subject of public notification between 27 March 2014 and 17 April 2014, as per the requirements of the *Sustainable Planning Act 2009*, and no submissions were received.

REFERRALS

The Application triggered referral to the Department of State Development and Infrastructure Planning as the site is proximal to Fitzroy Street being a State-controlled Road. The Department provided conditions of approval which will be attached to the Decision Notice.

CONCLUSION

It is recognised that the proposal is not a consistent use within the *Central Business District Commercial Area – Precinct 2 (Commercial Precinct - Central Business District Business Services)* under the *Rockhampton City Plan 2005*. However, the assessment of this application concludes that the proposed development, subject to conditions, is not likely to conflict with the Planning Scheme's Desired Environmental Outcomes. As demonstrated in the above report, the proposal is generally consistent with the code requirements prescribed by the planning scheme and the use will not compromise the intent of the area or the viability of surrounding uses, where a high number of residential uses exist. It is located on a site which is suited to the development and which is accessible to all relevant services.

The proposal is therefore recommended for approval.

**D/21-2014 DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A SMALL LOT
HOUSE**

Locality Plan

Meeting Date: 13 May 2014

Attachment No: 1



**D/21-2014 DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A SMALL LOT
HOUSE**

Site Plan

Meeting Date: 13 May 2014

Attachment No: 2

**D/21-2014 DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A SMALL LOT
HOUSE**

3D View

Meeting Date: 13 May 2014

Attachment No: 3



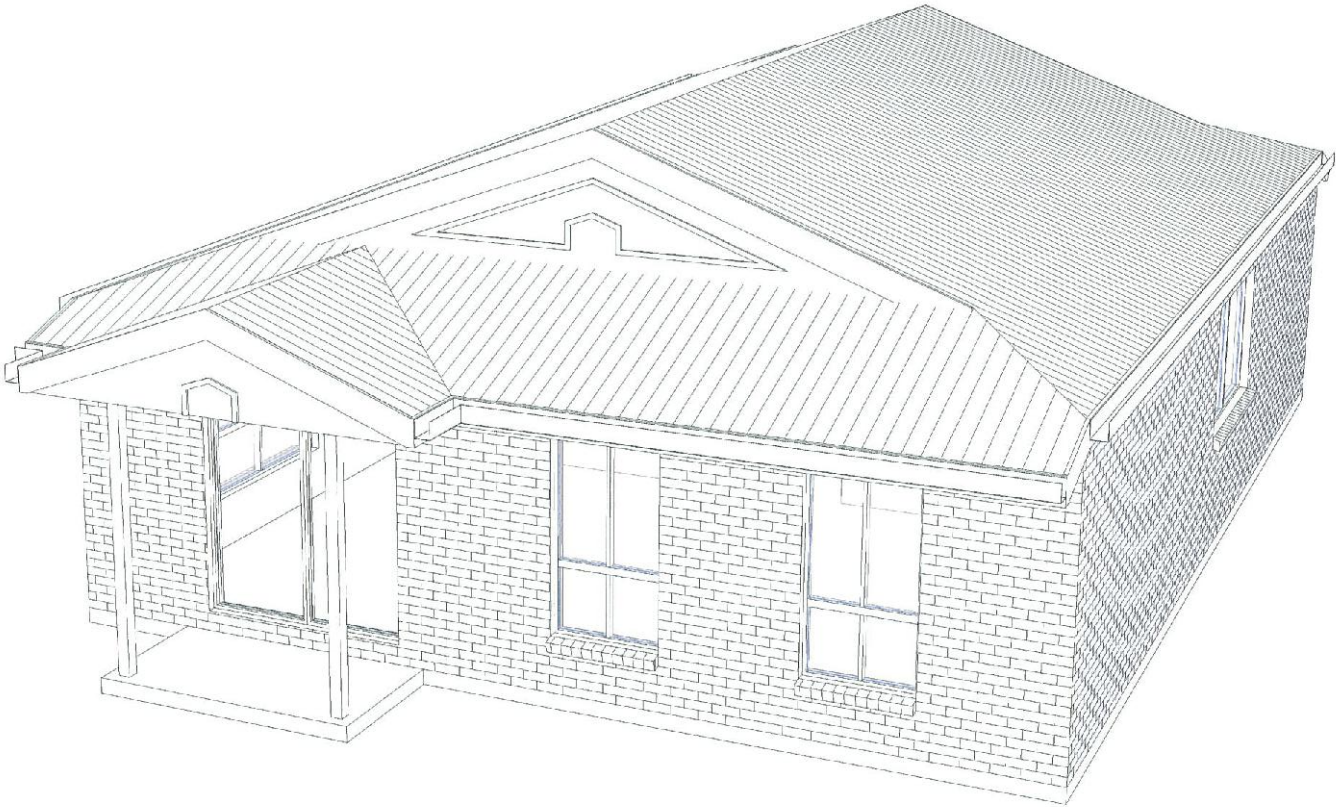
PO BOX 5294 COM, Rockhampton QLD,
Phone / Fax: 49261800
0851 4 20879 ACN 092190404

BY **SCOTT KILPATRICK**

PROJ
ADDRESS
Guru Balasubramanian & Sujatha Raveenthiran
104 Alma Lane
Rockhampton

SHEET: 16
DATE: 14/01/14
SCALE:
DRAWN: R.Loreney
DWG No: ACHR-397
CHECKED: (EA)

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C1
3D VIEW

**D/21-2014 DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A SMALL LOT
HOUSE**

Floor Plan and Elevations

Meeting Date: 13 May 2014

Attachment No: 4



PO BOX 9254 CONN, Rockhampton, QLD.
 Ph: 07 49261000
 095A # 190079 ACN 062 190 404

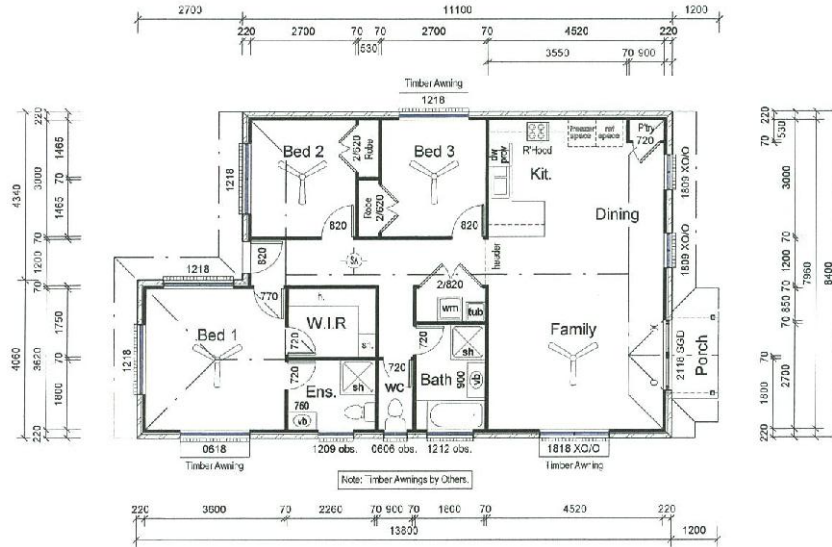
SCOTT KILPATRICK

FR ADDRESS
 Guru Balasubramanian & Sujathe Raveenthiran
 104 Alma Lane
 Rockhampton

SHEET: 1
 DATE: 2/1/14
 SCALE: 1:100
 DRAWN: RLorray
 DWG No.: AHR-337
 CHECKED: ISM

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Inswing door to W.C. to be hung on lift-off hinges.
 Smoke detectors are ionisation type hard wired with battery backup.
 Sotted guttering to be used.
 DP's to concrete splashpads or bubblers 3m away from footings.
 Clothes hoist supplied & installed by Builder.
 Safety screens to all windows & external doors.



**C1
 FLOOR PLAN
 ELEVATIONS**



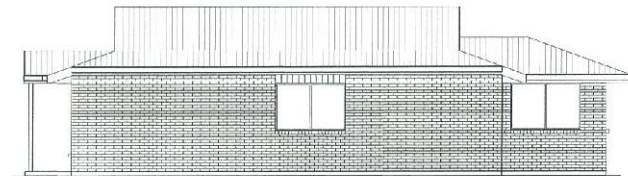
ELEVATION 1



ELEVATION 2



ELEVATION 3



ELEVATION 4

All gables are dutch gables.
 Metal roofing at 20° pitch.
 Windows are poly vinyl clad aluminium sliding clear glass windows.
 All external walls are 220 brick veneer.
 230mm smooth hardplank to box gables (unless noted above).

8.3 D/8-2014 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A CHILD CARE CENTRE AND RECONFIGURING A LOT (TWO LOTS INTO TWO LOTS) AND ACCESS EASEMENT

File No: D/8-2014

Attachments:

1. Locality Plan
2. Areas Plan
3. General Arrangement Plan
4. Elevations 1
5. Elevations 2

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Russell Claus - Manager Planning
Robert Holmes - General Manager Regional Services

Author: Amanda O'Mara - Planning Officer

SUMMARY

Development Application Number: D/8-2014

Applicant: Frenchville Villas Pty Ltd

Real Property Address: Lot 1 on RP607276 and Lot 2 on RP894268, Parish of Archer

Common Property Address: 171 and 175 Frenchville Road, Frenchville

Area of Site: 8,612 square metres

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: Berserker Foothills Residential Area

Existing Development: Vacant land

Existing Approvals: Development Permit for a Material Change of Use for Multi Unit Dwelling (nineteen units)

Approval Sought: Development Permit for a Material Change of Use for a Child Care Centre and Reconfiguring a Lot (two lots into two lots) and Access Easement

Level of Assessment: Impact Assessable and Code Assessable

Submissions: Fourteen (14) properly made and five (5) not properly made submissions

Referral Agency(s): Nil

Adopted Infrastructure Charges Area: Charge Area one

Application Progress:

<i>Application Lodged:</i>	13 January 2014
<i>Acknowledgement Notice issued:</i>	28 January 2014
<i>Request for Further Information sent:</i>	28 January 2014
<i>Request for Further Information responded to:</i>	4 February 2014
<i>Notice of Commencement of Public Notification:</i>	13 February 2014
<i>Submission period commenced:</i>	13 February 2014
<i>Submission period end:</i>	5 March 2014

<i>Notice of Compliance of Public Notification</i>	<i>11 March 2014</i>
<i>Council request for additional time:</i>	<i>18 March 2014</i>
<i>Applicant's Request for change to application:</i>	<i>21 March 2014</i>
<i>Council request for additional time by agreement:</i>	<i>29 April 2014</i>
<i>Statutory determination date:</i>	<i>21 May 2014</i>

OFFICER'S RECOMMENDATION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for a Material Change of Use for a Child Care Centre and Reconfiguring a Lot (two lots into two lots) and Access Easement, made by Frenchville Villas Pty Ltd, on Lot 1 on RP607276 and Lot 2 on RP894268, Parish of Archer, and located at 171 and 175 Frenchville Road, Frenchville, Council resolves to Approve the application subject to the following conditions:

RECONFIGURING A LOT

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 are required prior to the commencement of any works on the site:
 - 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.
- 1.9 Easement documentation associated with the access must be submitted with the application for a 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 the conditions of this permit:

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Lot Reconfiguration (2 lots into 2 lots)	5799-02-ROL, Revision A	8 September 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.

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, Australian Standard AS2890 "Parking Facilities"* and the provisions of a Development Permit for Operational Works (access works).

4.0 PLUMBING AND DRAINAGE WORKS

4.1 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act, Plumbing and Drainage Act* 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 Sewer connections and water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with trafficable lids.

5.0 SITE WORKS

5.1 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.

6.0 ELECTRICITY AND TELECOMMUNICATIONS

6.1 Underground electricity and telecommunication connections must be provided to each lot within the proposed development to the standards of the relevant authorities.

6.2 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.

7.0 ASSET MANAGEMENT

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

7.2 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.

7.3 '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 Manual for Submission of Digital As Constructed Information.

8.0 ENVIRONMENTAL

8.1 An 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.

9.0 OPERATING PROCEDURES

9.1 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 Norman Road or Frenchville Road.

MATERIAL CHANGE OF USE

10.0 ADMINISTRATION

10.1 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.

10.2 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.

10.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.

10.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of the use, unless otherwise stated.

10.5 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.

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

10.6.1 Operational Works:

- (i) Road Works;
- (ii) Access and Parking Works;
- (iii) Stormwater Works;
- (iv) Roof and Allotment Drainage Works; and
- (v) Site Works.

10.6.2 Plumbing and Drainage Works; and

10.6.3 Building Works.

10.7 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.

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

10.9 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.

11.0 APPROVED PLANS AND DOCUMENTS

11.1 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 Number</u>	<u>Dated</u>
General Arrangement Plan	YC0378-DA2-300, Revision C	6 November 2013
Catchment Plan	YC0378-DA2-400, Revision C	6 November 2013
Traffic Impact Assessment	YC0378, Revision 6	21 March 2014
Areas Plan	101 Rev - E	5 November 2013
Elevations 1	200 Rev - E	5 November 2013
Elevations 2	201 Rev - E	5 November 2013

11.2 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.

11.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council prior to the submission of a Development Application for Operational Works.

12.0 ROAD WORKS

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

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

12.3 Any application for Operational Works (road works) must demonstrate that the refuse collection vehicles can enter the site from Frenchville Road without damaging the proposed signage within the splitter island located at the throat of the access road to the development.

12.4 All pathways and access ramps must be designed and constructed in accordance with *Australian Standard AS1428 "Design for Access and Mobility"*. All pathways located within a road reserve or public use land must be provided with public space lighting in accordance with *Australian Standard AS1158 "Lighting for Roads and Public Spaces"*.

12.5 All pathways must incorporate kerb ramps at all road crossing points.

12.6 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*.

13.0 ACCESS AND PARKING WORKS

- 13.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the site.
- 13.2 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 "Parking Facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 13.3 A minimum of twenty-five (25) parking spaces must be provided on-site.

14.0 SEWERAGE WORKS

- 14.1 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, *Plumbing and Drainage Act*.
- 14.2 The development must be connected to Council's reticulated sewerage network.
- 14.3 All works must be undertaken in accordance with Council's Building Over/Adjacent to Local Government Sewerage Infrastructure Policy.
- 14.4 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*.
- 14.5 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.
- 14.6 Sewer connections located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with trafficable lids.

15.0 WATER WORKS

- 15.1 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, the *Plumbing and Drainage Act*.
- 15.2 The development must be connected to Council's reticulated water network.
- 15.3 The existing water connection point(s) must be retained and upgraded, if necessary, to service the development.
- 15.4 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.
- 15.5 The applicant must ensure adequate fire fighting protection is available from the existing hydrant within Frenchville Road reserve and also from the on-site fire fighting equipment for the proposed development. Where adequate protection can not be achievable, upgrade of on-site fire fighting equipment, internal pillar hydrant, water tanks, and pumps will be required.

16.0 PLUMBING AND DRAINAGE WORKS

- 16.1 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.
- 16.2 Disconnection, alteration or relocation of internal sanitary drainage works associated with the existing dwelling house must be in accordance with regulated work under the *Plumbing and Drainage Act*.
- 16.3 Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's sewerage reticulation. Arrester traps must be provided where commercial or non-domestic waste water is proposed to be discharged into the system.
-

-
- 16.4 Hoses must be provided at the refuse container area and washdown must be drained to the sewer in accordance with a Plumbing and Drainage Permit and Sewerage Trade Waste Permit.
- 17.0 STORMWATER WORKS
- 17.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.
- 17.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 17.3 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect adjoining land or infrastructure by way of blocking, altering or diverting existing stormwater runoff patterns or have the potential to cause damage to other infrastructure.
- 17.4 The proposed development must not increase peak stormwater runoff for a selected range of storm events up to and including the one in one hundred year storm event (100 year Average Recurrence Interval) for the post development condition.
- 17.5 Each allotment must be designed so as to be flood free in a one in one hundred year flood event (100 year Average Recurrence Interval).
- 17.6 Easements must be provided over all land assessed to be within the one in one hundred year rainfall event (100 year Average Recurrence Interval) inundation area.
- 18.0 ROOF AND ALLOTMENT DRAINAGE WORKS
- 18.1 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.
- 18.2 All roof and allotment drainage must be in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.
- 18.3 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.
- 19.0 SITE WORKS
- 19.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works.
- 19.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks' plan which clearly identifies the following:
- 19.2.1 the location of cut and/or fill;
 - 19.2.2 the type of fill to be used and the manner in which it is to be compacted;
 - 19.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - 19.2.4 details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and
 - 19.2.5 the maintenance of access roads to and from the site so that they are free of all cut and/or fill material and cleaned as necessary.
- 19.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 19.4 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.

- 19.5 The structural design of all retaining walls above one (1) metre in height must be separately and specifically certified by a Registered Professional Engineer of Queensland as part of the Operational Works submission. A Registered Professional Engineer of Queensland must on completion certify that all works are compliant with the approved design.
- 19.6 A detailed inspection and as constructed record must be provided to Council by the consultant Registered Professional Engineer of Queensland prior to acceptance of the works. The consultant must include in the certification confirmation that the wall's foundation ground conditions nominated in the design were inspected and achieved during construction.
- 19.7 The detailed inspection and As Constructed record must demonstrate to Council that the wall construction work was closely monitored throughout construction by the Registered Professional Engineer of Queensland including the achieved foundation ground conditions.
- 19.8 The approved design and/or the construction of the retaining walls must not be modified or altered without Council's prior written approval.

20.0 BUILDING WORKS

- 20.1 All structures must maintain a clearance of two (2) metres to any sewerage infrastructure.
- 20.2 All external elements, such as air conditioners, must be adequately screened from public view, to Council's satisfaction. Noise from any external elements, such as air conditioners, must not exceed the limits specified in the *Environmental Protection Act*.
- 20.3 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"*.
- 20.4 Proposed Lot 101 must be fenced along the north and east boundaries with a solid fence. The fence must be constructed of materials and finishes that are aesthetically pleasing and commensurate with the surrounding residential area.
- 20.5 Childproof fencing must be provided between play areas and roads, carparks, driveways and neighbouring properties.
- 20.6 All waste storage areas must be:
- 20.6.1 Surrounded by at least a 1.2 metre high fence that obstructs from view the contents of the bin compound by any member of the public from any public place; and
- 20.6.2 of a minimum size to accommodate skip type bins in accordance with the *Environmental Protection (Waste Management) Regulations*.
- 20.7 Impervious paved and drained washdown areas to accommodate all refuse containers must be provided. The areas must be aesthetically screened from any road frontage or adjoining property.

21.0 LANDSCAPING WORKS

- 21.1 Landscaping must be established generally in accordance with the approved plans (refer to condition 2.1).
- 21.2 All landscaping must predominantly contain plant species that are locally native to the Central Queensland region.
- 21.3 Landscaping, or any part thereof, upon reaching full maturity, must not:
- (i) obstruct sight visibility zones as defined in the *Austrroads 'Guide to Traffic*

Engineering Practice' series of publications;

- (ii) adversely affect any road lighting or public space lighting; or
- (iii) adversely affect any Council infrastructure, or public utility plant.

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

21.5 The landscaped areas must be subject to an ongoing maintenance and replanting programme (if necessary).

22.0 ELECTRICITY AND TELECOMMUNICATIONS

22.1 Underground electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.

22.2 Evidence must be provided of a Telecommunications Infrastructure Provisioning Confirmation and Certificate of Electricity Supply with the relevant service providers to provide the use with telecommunication and live electricity connections, in accordance with the requirements of the relevant authorities prior to the commencement of the use.

23.0 ASSET MANAGEMENT

23.1 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.

23.2 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.

23.3 As constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of the use. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

24.0 ENVIRONMENTAL

24.1 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan which addresses, but is not limited to, the following:

- (i) objectives;
- (ii) site location / topography;
- (iii) vegetation;
- (iv) site drainage;
- (v) soils;
- (vi) erosion susceptibility;
- (vii) erosion risk;
- (viii) concept;
- (ix) design; and
- (x) implementation, for the construction and post construction phases of work.

24.2 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.

25.0 OPERATING PROCEDURES

- 25.1 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 Norman Road or Frenchville Road.
- 25.2 The hours of operations must be limited to:
- 25.2.1 0630 hours to 1830 hours on Monday to Friday, with
- 25.2.2 no operations on Saturday, Sunday or Public Holidays.
- 25.3 Noise from the activity must not cause an environmental nuisance.
- 25.4 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.
- 25.5 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*.
- 25.6 All waste storage areas must be kept in a clean, tidy condition in accordance with *Environmental Protection (Waste Management) Regulations*.
- 25.7 The development must comply with *Environmental Protection (Waste Management) Regulations* for storage of solid wastes. In particular, all waste must be stored within a waste bin compound, for example general waste, recyclable waste.
- 25.8 All wastes generated within the site must be disposed via a private contractor at no cost to Council.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. 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. Licensable Activities

Should an activity licensable by Rockhampton Regional Council be proposed for the premises, Council's Environment and Public Health Unit should be consulted

to determine whether any approvals are required. Such activities may include providing food at the premises. Approval for such activities is required before 'fitout' and operation.

NOTE 5. 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 6. Adopted Infrastructure Charges Notice

This application is subject to infrastructure contributions in accordance with Council policies. The contributions are presented in 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 a Material Change of Use for a Child Care Centre and Reconfiguring a Lot (two lots into two lots) and Access Easement, made by Frenchville Villas Pty Ltd, on Lot 1 on RP607276 and Lot 2 on RP894268, Parish of Archer, and located at 171 and 175 Frenchville Road, Frenchville, Council resolves to issue an Adopted Infrastructure Charges Notice.

BACKGROUND

Proposal in Detail

The proposal is for an eighty-nine (89) place child care centre, boundary realignment and an access easement. The child care centre will have a gross floor area of 635 square metres with an additional 683 square metres of play areas. The proposal will provide for a total of twenty-five (25) car parking spaces.

The boundary realignment (two lots into two lots) will consist of proposed Lot 101 for the child care centre with a total area of 2,222 square metres and proposed Lot 100 with a total area of 6,391 square metres for the recently approved multi unit dwelling development.

Access to the child care centre will be from Frenchville Road via the proposed access easement which will also be utilised for the multi unit dwelling development. Exit from the child care centre will be via Norman Road.

Site and Locality

The subject site consists of two lots with a total area of 8,612 square metres. The site has frontage to Frenchville Road and Norman Road with the rear of the site adjoining Moores Creek. The site has only gentle to moderate slopes and contains little vegetation as the site has been recently cleared. Individual houses on each lot have also recently been demolished.

The locality is largely residential in use and characterised primarily by houses on individual allotments with a scattering of duplex development. The locality contains several recreation, commercial and community uses including schools and shops.

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.

Infrastructure Operations Unit's Comments – 26 March 2014

Support, subject to conditions.

Infrastructure Operations Unit's (sewer and water) Comments – 11 February 2014

Support, subject to conditions.

Public and Environmental Health Comments – 20 January 2014

Support, subject to conditions.

Town Planning Comments**Central Queensland Regional Plan 2013**

The Central Queensland Regional Plan 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 2013

This policy came into effect on 2 December 2013 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.

Mining and extractive resources

Not Applicable.

Biodiversity

Not Applicable.

Coastal environment

Not Applicable.

Water quality

Not Applicable.

Emissions and hazardous activities

Not Applicable.

Natural hazards

Not Applicable.

State transport infrastructure

Not Applicable.

Strategic airports and aviation facilities

Not Applicable.

Berserker Foothills Residential Area Intent

The subject site is situated within the Berserker Foothills Residential Area under the *Rockhampton City Plan 2005*. The intent of the Berserker Foothills Residential Area identifies that: -

The expansion of existing community/recreation use category uses and the provision of additional community/recreation use category uses will be assessed on their merits. These uses will only be consistent with the intent for the Area where it can be demonstrated that they will not have a detrimental impact on residential amenity. Amongst other things, community/recreation use category uses will need to demonstrate that:

- Sufficient parking can be provided on site;
- Buildings will not adversely overshadow or overlook adjacent residential dwellings; and
- The hours of operation of the use or the placement of facilities will not disturb the residential amenity of surrounding residents.

The proposed development will provide for sufficient car parking and will not adversely impact the residential amenity of surrounding residents, therefore can be considered consistent with the intent of the Area.

Rockhampton City Plan Codes

The following codes are applicable to this application: -

- Child Care Code;
- Reconfiguring a Lot Code;
- Parking and Access Code;
- Crime Prevention Through Environmental Design Code;
- Landscape Code; and
- External Works and Servicing Code.

Based on a performance assessment of the abovementioned codes it is determined that the proposal is acceptable, as it generally complies with the relevant Performance Criteria.

Infrastructure Charges

Adopted Infrastructure Charges Resolution (No. 3) 2014 for reconfiguring a lot and for non-residential development applies to the application and it falls within Charge Area 1. The Adopted Infrastructure Charges are as follows:

Column 1 Charge Area	Column 2 Infrastructure Charge (\$/lot)	Column 3 Unit	Calculated Charge
Charge Area 1	21,000	per lot	\$42,000.00

The proposal is for a boundary realignment (two lots into two lots) and an access easement. As no additional lots are created, the existing credits apply therefore no infrastructure charges are applicable for the reconfiguring a lot component of the development.

Column 1 Use Schedule	Column 2 Charge Area	Column 3 Adopted Infrastructure Charge		Column 4 Adopted Infrastructure Charge for stormwater network		Calculated Charge
		(\$)	Unit	(\$)	Unit	
Education Facility	Area 1	140	per m ² of GFA (635 m ²)	10	per m ² of impervious area (1,539 m ²)	\$104,290.00

This is based on the following calculations:

- (a) \$88,900.00 – Gross Floor Area being 635 square metres;
- (b) \$15,390.00 – Impervious Area being 1,539 square metres (access, parking and roof area); and
- (c) \$21,000.00 – Infrastructure Credit applicable for the existing allotment.

A total contribution of \$83,290.00 is payable and will be reflected in an Infrastructure Charges Notice for the development.

Consultation

The proposal was the subject of public notification between 13 February 2014 and 5 March 2014, as per the requirements of the *Sustainable Planning Act 2009*, and fourteen (14) properly made submissions and five (5) not properly made submissions were received.

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

Issue	Officer Comment
<p>Concerns were raised that the proposed development will exacerbate the already congested traffic conditions within the area and in addition the increased traffic will impinge on pedestrian safety.</p>	<p>Due to the numerous submissions received with concerns regarding traffic and pedestrian safety the applicant changed the application to have ingress to the site via Frenchville Road and egress via Norman Road. The provision of this arrangement will effectively reduce the traffic numbers on Frenchville Road due to the child care centre customers using the designated exit to Norman Road. Furthermore the proposed ‘exit only’ arrangement will have little to no impact on the operation of the roundabout. In addition the updated traffic report provided demonstrated that the proposed development will have minimal impact on the surrounding area and the proposed development has been conditioned accordingly.</p>
<p>The proposed development is not consistent with the area and does not meet all the requirements of the <i>Rockhampton City Plan 2005</i>.</p>	<p>The proposed development will not adversely impact the residential amenity of surrounding residents, therefore can be considered consistent with the intent of the Area. In addition the surrounding area has similar and compatible uses, such as schools, child care centres and commercial uses dispersed throughout the area.</p> <p>Furthermore, based on a performance assessment of the relevant codes in the <i>Rockhampton City Plan 2005</i> it can be determined that the proposal is acceptable, as it generally complies with the relevant Performance Criteria and can be conditioned to mitigate potential impacts on residential amenity.</p>
<p>Property values will be reduced proximal to the development site.</p>	<p>This is not a planning matter and cannot be considered in the assessment of the development application.</p>
<p>There are several child care centres located within this area. There is no need for an additional child care centre at this location.</p>	<p>The proposed development is considered consistent with the intent of the Berserker Foothills Residential Area. It is reasonable that an applicant can lodge an application for a use which is consistent with the planning scheme. It</p>

Issue	Officer Comment
	is also recognised that a developer would have undertaken their own feasibility study prior to choosing to progress with such a development.
The application fails to adequately address the potential impact from the siting of car parking areas and the use on the amenity of future adjoining residential development.	<p>The proposal has been adequately conditioned to ensure minimal impact on the surrounding residential amenity.</p> <p>Conditions have been proposed to ensure the amenity of the surrounding residents is protected, such as solid fencing to the north and east boundaries of the site, hours of operation and noise mitigation measures.</p>

CONCLUSION

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

**D/8-2014 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A CHILD CARE
CENTRE AND RECONFIGURING A LOT
(TWO LOTS INTO TWO LOTS) AND
ACCESS EASEMENT**

Locality Plan

Meeting Date: 13 May 2014

Attachment No: 1



**D/8-2014 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A CHILD CARE
CENTRE AND RECONFIGURING A LOT
(TWO LOTS INTO TWO LOTS) AND
ACCESS EASEMENT**

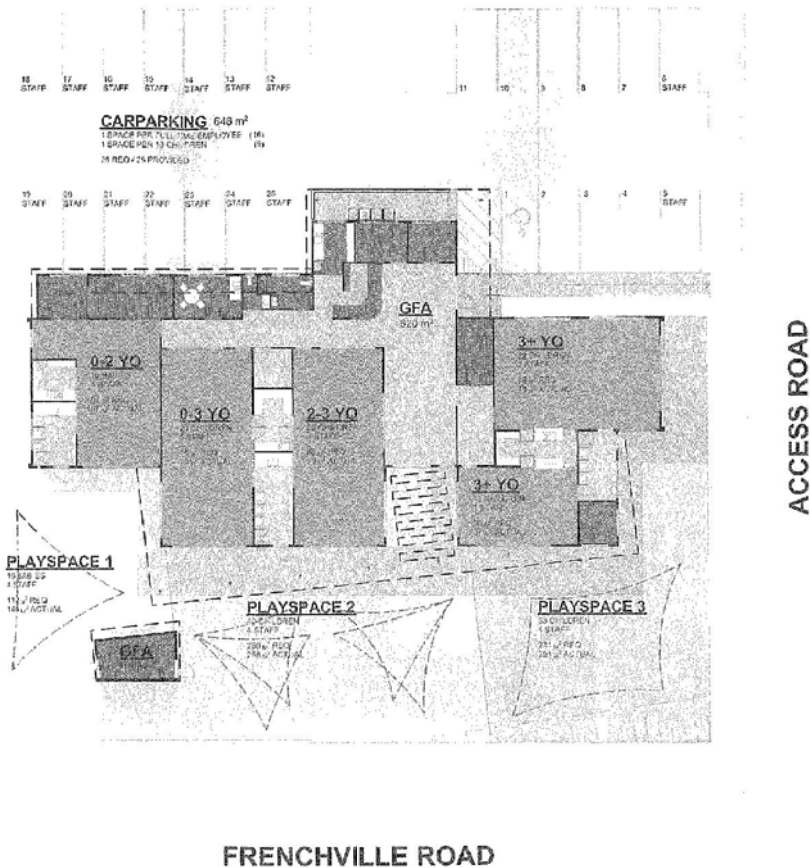
Areas Plan

Meeting Date: 13 May 2014

Attachment No: 2

AREA SCHEDULE

SITE COVER	35 %
BUILDING FOOTPRINT:	767 m ²
SITE AREA	2.222 m ²
GFA	
CHILDCARE	820 m ²
OUTDOOR STORE:	15 m ²
CARPARK:	840 m ²
PLAY AREAS:	833 m ²
OTHER	259 m ²
POPULATION:	
CHILDREN	89
STAFF CARERS	18



AREAS PLAN

FRENCHVILLE CHILDCARE CENTRE
 (89 PLACES)
 for FRENCHVILLE VILLAS PTY.LTD.

RALNIK
 ARCHITECTS
 44 Ashcroft Road, Brixton, QLD 4217
 PO Box 7488, GCMC, QLD 4228
 400 74 387 845

Architectural Institute of Queensland
 Registered Architect

project no: 13763
 dwg no: 101 REV - E
 issue date: 5/11/2013
 scale: 1:250 @ A3

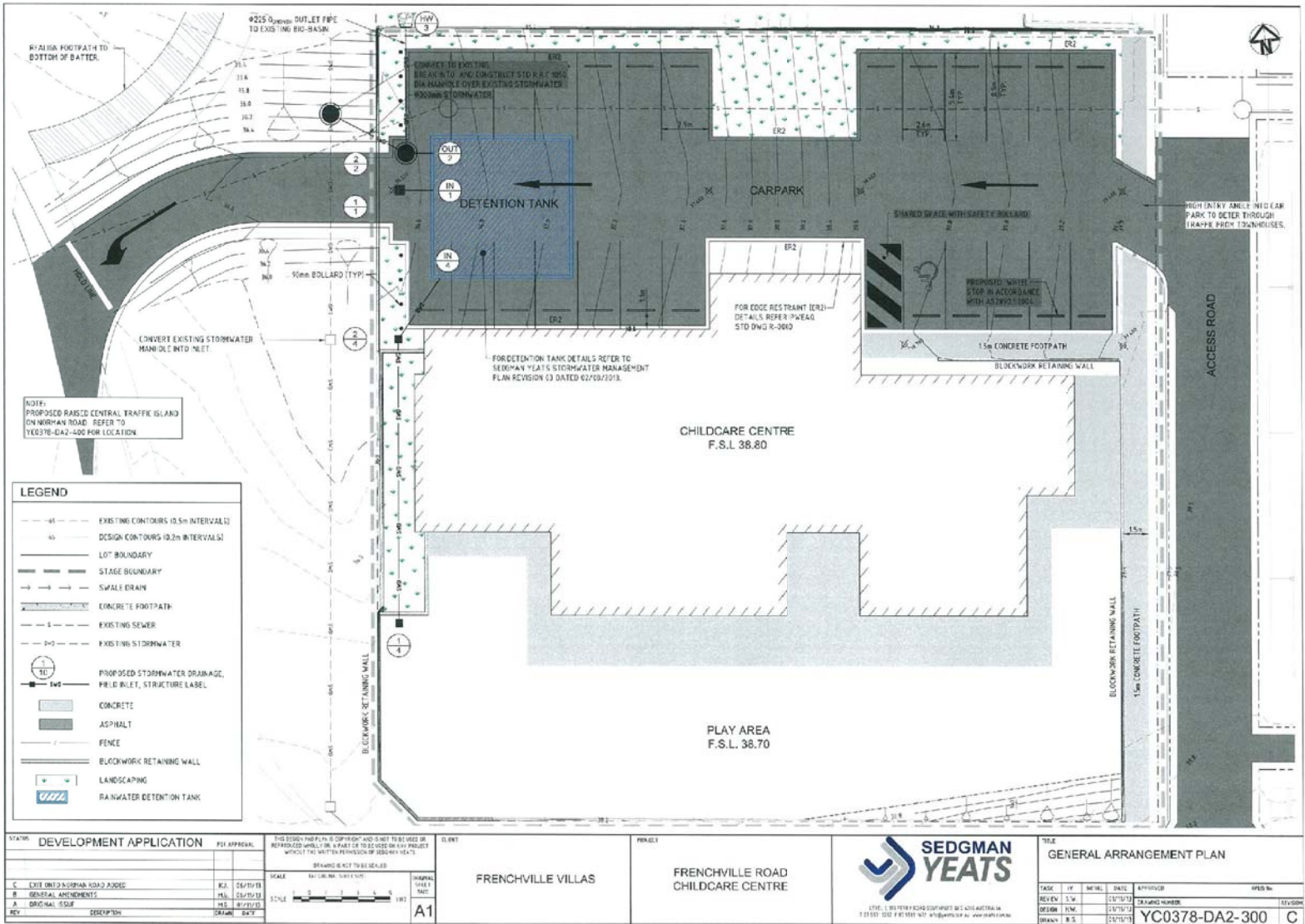
DA ISSUE
 NOT FOR CONSTRUCTION

**D/8-2014 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A CHILD CARE
CENTRE AND RECONFIGURING A LOT
(TWO LOTS INTO TWO LOTS) AND
ACCESS EASEMENT**

General Arrangement Plan

Meeting Date: 13 May 2014

Attachment No: 3

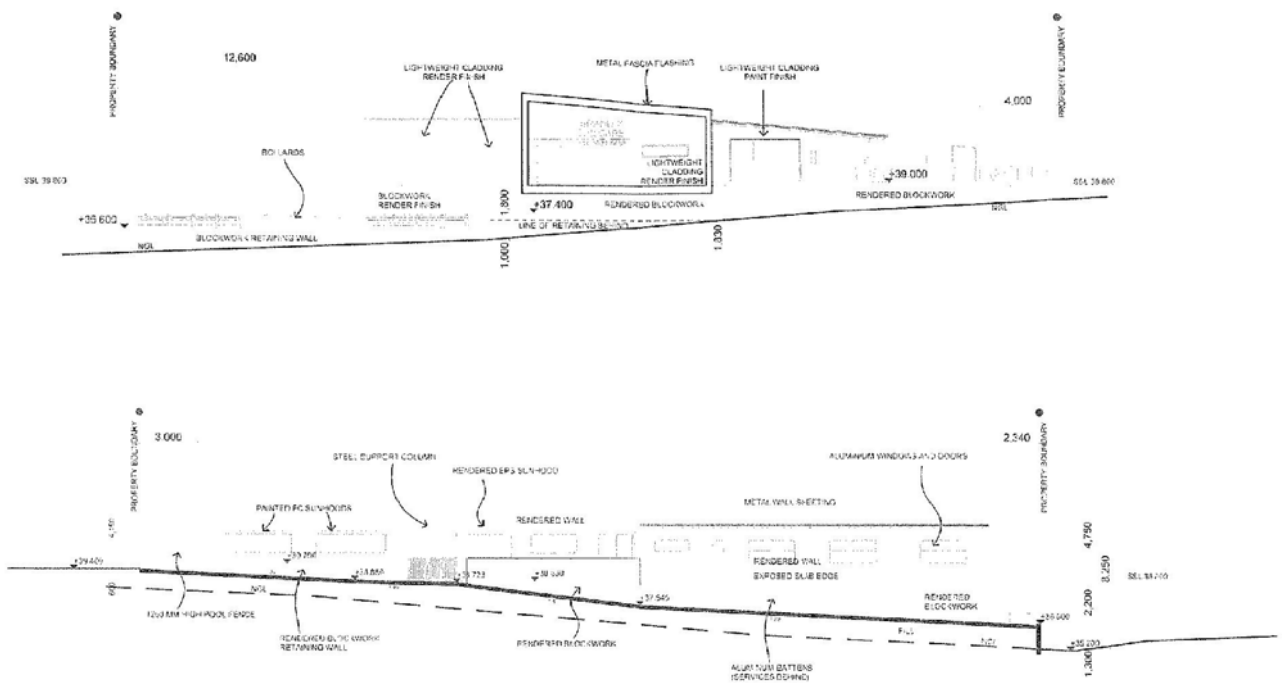


**D/8-2014 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A CHILD CARE
CENTRE AND RECONFIGURING A LOT
(TWO LOTS INTO TWO LOTS) AND
ACCESS EASEMENT**

Elevations 1

Meeting Date: 13 May 2014

Attachment No: 4



ELEVATIONS 1
FRENCHVILLE CHILDCARE CENTRE
 (89 PLACES)
 for FRENCHVILLE VILLAS PTY.LTD.

RALNIK
 ARCHITECTS
 117 5531 6400 P
 117 5573 3625 F
 www.ralnik.com.au
 44 Allumona Road, Frenchville Qld 4217
 PO BOX 7451, GRANGE QLD 4202
 NSW 12 857 683 545



project no: 13763
 dwg no: 200 REV - E
 issue date: 5/11/2013
 scale: 1:200 @ A3

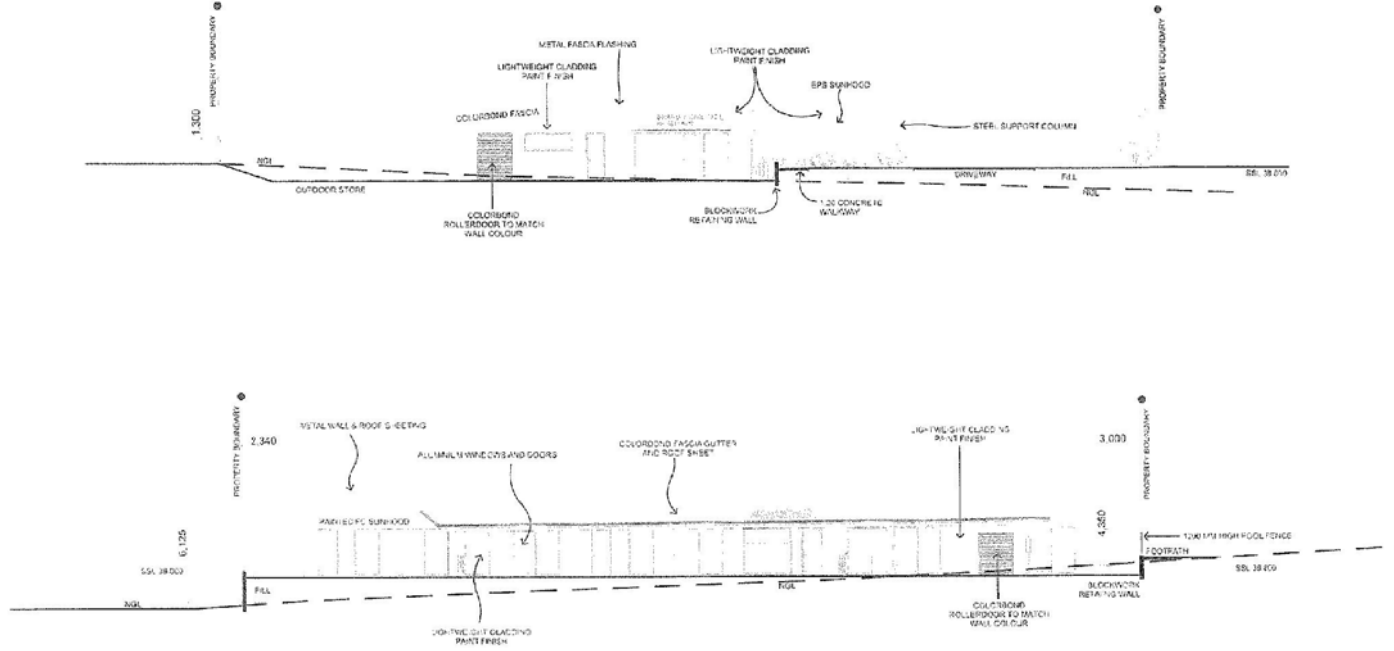
DA ISSUE
 NOT FOR CONSTRUCTION

**D/8-2014 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A CHILD CARE
CENTRE AND RECONFIGURING A LOT
(TWO LOTS INTO TWO LOTS) AND
ACCESS EASEMENT**

Elevations 2

Meeting Date: 13 May 2014

Attachment No: 5



ELEVATIONS 2

FRENCHVILLE CHILDCARE CENTRE
(89 PLACES)
for FRENCHVILLE VILLAS PTY.LTD.

RALNIK
designs

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www.ralnikdesigns.com.au

44 Ashmark Road, Sandral SA 5217
PO Box 7488 GYFC QLD 9726
AB 414 812 882 840



project no: 13763
dwg no: 201 REV - E
issue date: 5/11/2013
scale: 1:200 @ A3

DA ISSUE
MEASUREMENTS

9 STRATEGIC REPORTS

Nil

10 NOTICES OF MOTION

Nil

11 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.

12 CLOSURE OF MEETING