



**PLANNING & DEVELOPMENT
COMMITTEE MEETING**

MINUTES

26 MAY 2015

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**REPORT OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON
ON TUESDAY, 26 MAY 2015 COMMENCING AT 1.35PM**

1 OPENING

2 PRESENT

Members Present:

The Mayor, Councillor M F Strelow (Chairperson)
Councillor C E Smith
Councillor G A Belz
Councillor A P Williams
Councillor N K Fisher

In Attendance:

Mr E Pardon – Chief Executive Officer
Mr R Holmes – General Manager Regional Services
Ms T Fitzgibbon – Manager Development and Building
Mr M Riordan – Coordinator Building, Plumbing and Drainage
Mr P Harrison – Senior Development Compliance Officer
Mr A de Klerk – Operational Works Administrator
Ms J Noland – Development Compliance Officer
Ms C Hibberd – Planning Officer
Ms L Price – Community Awareness Officer
Ms I Taylor – Governance Support Officer

3 APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence for the meeting was previously granted to Councillor Cherie Rutherford

Leave of Absence for the meeting was previously granted to Councillor Rose Swadling.

COMMITTEE RESOLUTION

THAT the apologies tendered for the absence of Councillor Stephen Schwarten be 'received'.

Moved by: Councillor Belz
Seconded by: Councillor Williams
MOTION CARRIED

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COMMITTEE RESOLUTION

THAT the minutes of the Planning & Development Committee held on 28 April 2015 be taken as read and adopted as a correct record.

Moved by: Councillor Smith
Seconded by: Councillor Williams
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 for Planning and Development Committee

Authorising Officer: Evan Pardon - Chief Executive Officer

Author: Evan Pardon - Chief Executive Officer

SUMMARY

The Business Outstanding table is used as a tool to monitor outstanding items resolved at previous Council or Committee Meetings. The current Business Outstanding table for the Planning and 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 Smith
Seconded by: Councillor Williams

MOTION CARRIED

COMMITTEE RESOLUTION

THAT the Planning and Development Committee meeting be closed to the public in accordance with s275(1)(h) of the *Local Government (Operations) Regulation 2012*, as it is considered necessary to close the meeting to discuss Item 7.1 – D/33-2014 and D/189-2014 – Deputation – Development Compliance in Rockhampton City.

Moved by: Mayor Strelow

Seconded by: Councillor Smith

MOTION CARRIED

COMMITTEE RESOLUTION

1.38PM

THAT pursuant to s34(1)(k) and s44 *Council Meeting Procedures* the meeting moves into Closed Session and be closed to the public.

Moved by: Councillor Williams

Seconded by: Councillor Fisher

MOTION CARRIED

1.38PM The deputation commenced.

1.54PM The deputation concluded.

COMMITTEE RESOLUTION

2.02PM

THAT pursuant to s34(1)(k) and s44 *Council Meeting Procedures* the meeting moves out of Closed Session and be opened to the public.

Moved by: Councillor Fisher

Seconded by: Councillor Smith

MOTION CARRIED

7 PUBLIC FORUMS/DEPUTATIONS

7.1 D/33-2014 AND D/189-2014 - DEPUTATION - DEVELOPMENT COMPLIANCE IN ROCKHAMPTON CITY

File No: 8038 /4781 / 8431
Attachments: Nil
Authorising Officer: Tarnya Fitzgibbon - Manager Development and Building
Robert Holmes - General Manager Regional Services
Author: Judith Noland - Development Compliance Officer

SUMMARY

At the Planning and Development Committee meeting on 28 April 2015 Council resolved that the owners of the property (the subject of non-compliant development at a property in Rockhampton City) be invited to a Planning and Development Committee meeting to discuss their development.

COMMITTEE RESOLUTION

THAT the deputation by owners and the occupant operators of the subject property be received.

Moved by: Councillor Smith
Seconded by: Councillor Fisher

MOTION CARRIED

8 OFFICERS' REPORTS

8.1 D/84-2014 - DEVELOPMENT APPLICATION FOR A PRELIMINARY APPROVAL TO VARY THE EFFECT OF THE PLANNING SCHEME FOR A MATERIAL CHANGE OF USE FOR RESIDENTIAL PURPOSES AND A DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (THREE LOTS INTO 201 LOTS AND PUBLIC USE LAND)

File No: D/84-2014

Attachments:

1. Locality Plan
2. Subdivision Plan
3. Landscaping Plan

Authorising Officer: Tarnya Fitzgibbon - Manager Development and Building
Robert Holmes - General Manager Regional Services

Author: Anton de Klerk - Planning Officer

SUMMARY

Development Application Number: D/84-2014

Applicant: Glenmore Holdings (Aust) Pty Ltd C/- Adams and Sparks Town Planning

Real Property Address: Lot 2 on RP609985, Lot 102 on RP860099 and Lot 129 on PL4021, Parish of Murchison

Common Property Address: 46-48, 54-102 and 263 Belmont Road, Parkhurst

Area of Site: 59.021 hectares

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: Parkhurst Rural Area

Planning Scheme Overlays: Flood Prone Land (floodway high hazard); Airport Obstacle Height Limitation (no buildings over 45 metres); Environmentally Sensitive Location (remnant vegetation)

Existing Development: Glenmore Homestead (heritage site) and grazing

Existing Approvals: Nil

Approval Sought: Preliminary Approval to vary the effect of the Planning Scheme for a Material Change of Use for Residential Purposes and a Development Permit for Reconfiguring a Lot (three lots into 201 lots and public use land)

Level of Assessment: Impact Assessable

Submissions: One (1) submission received

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

Adopted Infrastructure Charges Area: Charge Area 3

Application Progress:

| | |
|----------------------------|--------------|
| <i>Application Lodged:</i> | 3 April 2014 |
|----------------------------|--------------|

| | |
|--|-------------------------|
| <i>Application Properly Made</i> | <i>2 May 2014</i> |
| <i>Acknowledgment Notice issued:</i> | <i>12 May 2014</i> |
| <i>Request for Further Information issued:</i> | <i>22 May 2014</i> |
| <i>Applicant request an extension to the Information Response period (until 22 February 2015):</i> | <i>10 November 2014</i> |
| <i>Request for Further Information response received:</i> | <i>12 January 2015</i> |
| <i>Submission period commenced:</i> | <i>15 January 2015</i> |
| <i>Submission period ended:</i> | <i>27 February 2015</i> |
| <i>Council request for additional time (until 1 May 2015):</i> | <i>30 March 2015</i> |
| <i>Council request for additional time (until 26 May 2015):</i> | <i>29 April 2015</i> |
| <i>Government Agency Response:</i> | <i>27 January 2015</i> |
| <i>Last receipt of information from applicant (Landscape Plans):</i> | <i>27 March 2015</i> |
| <i>Statutory determination due date:</i> | <i>26 May 2015</i> |

- 2.03PM Chief Executive Officer left the meeting.
 2.03PM Chief Executive Officer returned to the meeting.
 2.18PM Councillor Williams left the meeting.
 2.18PM Councillor Williams returned to the meeting.

COMMITTEE RESOLUTION

RECOMMENDATION A1

THAT in relation to the application for a Development Application for a Preliminary Approval to vary the effect of the Planning Scheme for a Material Change of Use for Residential Purposes and a Development Permit for Reconfiguring a Lot (three lots into 201 lots and public use land), made by Glenmore Holdings (Aust) Pty Ltd C/- Adams and Sparks Town Planning, on land described as Lot 2 on RP609985, Lot 102 on RP860099 and Lot 129 on PL4021, Parish of Murchison, located at 46-48, 54-102 and 263 Belmont Road, Parkhurst, Council resolves to Approve the application despite its conflict with the planning scheme and provide the following grounds to justify the decision:

- 1) The surrounding character and amenity supports the scale of development proposed and it is considered a logical progression of the surrounding residential development on individual lots in the locality.
- 2) This proposal represents an orderly expansion of Rockhampton towards the north.
- 3) All new residential allotments forming part of this application will not be affected by the one (1) in one hundred (100) year flood event.
- 4) The site is able to connect to services and infrastructure to provide an appropriate level of service consistent with the intended use and surrounding locality.
- 5) The site and the adjoining rural properties are not of a sufficient size or agricultural land quality to support intensive agricultural uses, therefore, the proposed development will not impinge on existing economic values of any natural resources.
- 6) The proposed use does not compromise the achievement of the Desired Environmental Outcomes in the *Rockhampton City Plan 2005*;

- 7) Assessment of the development against the relevant area intent, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and
- 8) The proposed development does not compromise the relevant State Planning Policy.

RECOMMENDATION A2

That in relation to the application for a Development Application for a Preliminary Approval to vary the effect of the Planning Scheme for a Material Change of Use for Residential Purposes and a Development Permit for Reconfiguring a Lot (three lots into 201 lots and public use land), made by Glenmore Holdings (Aust) Pty Ltd C/- Adams and Sparks Town Planning, on land described as Lot 2 on RP609985, Lot 102 on RP860099 and Lot 129 on PL4021, Parish of Murchison, located at 46-48, 54-102 and 263 Belmont Road, Parkhurst, Council resolves to Approve the application subject to the following conditions:

PART A – PRELIMINARY APPROVAL VARYING THE EFFECT OF THE PLANNING SCHEME FOR RESIDENTIAL DEVELOPMENT

1.0 DEFINITIONS AND INTERPRETATION

1.1 In this approval:

- 1.1.1 **Applicant** means Glenmore Holdings (Aust) Pty Ltd C/- ADAMS and SPARKES Town Planning and Development being the applicant for the application for preliminary approval with respect to the Subject Land.
- 1.1.2 **Approval** means the approval of the Application by the Council on 26 May 2015.
- 1.1.3 **Application** means the Application made by the Applicant to Council dated 3 April 2014 over the Subject Land for Preliminary Approval varying the effect of Council's Planning Scheme and Reconfiguring a Lot (three lots into two hundred and one lots).
- 1.1.4 **Conditions** mean the conditions of this approval including any attachment referred to in these conditions.
- 1.1.5 **Council** means Rockhampton Regional Council. Where 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.
- 1.1.6 **Developer** means the Glenmore Holdings (Aust) Pty Ltd or the registered proprietor and any occupier of the Subject Land.
- 1.1.7 **Environmental Management Plan** means a plan prepared and approved in accordance with Condition 21.0.
- 1.1.8 **Infrastructure** means infrastructure reasonably required to service the proposed development including roads (internal, external and access), parks, open space and conservation areas, water and sewerage services, stormwater, drainage and community facilities.
- 1.1.9 **Sustainable Planning Act 2009** means the *Sustainable Planning Act 2009* as amended from time to time.
- 1.1.10 **Subject Land** means Lot 2 on RP609985, Lot 102 on RP860099 and Lot 129 on PL4021, Parish of Murchison, situated at 46-48, 54-102 and 263 Belmont Road, Parkhurst, having a total area of 59.021 hectares.
- 1.1.11 **Planning Scheme** means *Rockhampton City Plan 2005* as amended from time to time, or any other subsequent replaced planning scheme.

1.1.12 **Preamble** means an introduction which provides guidance and background to a condition. While a preamble does not form part of the condition it can be used for the purpose of understanding and interpreting a condition.

1.1.13 **Master Plan Development Document** means the Riverside Estate Development Document which includes the assessment table, definitions and development codes being a plan of the proposed development for a material change of use which affects Council’s Planning Scheme with respect to the subject land which in particular:

- (i) states what development is:
 - (a) Assessable Development (requiring code or impact assessment); or
 - (b) Self-assessable Development; or
 - (c) Exempt Development; and
- (ii) Identifies codes for the development.

2.0 ADMINISTRATION

2.1 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.

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

2.3 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.

3.0 APPROVED PLANS AND DOCUMENTS

3.1 This is a preliminary approval for a Material Change of Use to vary the affect of Council’s Planning Scheme under section 242 of the *Sustainable Planning Act 2009* for Residential development, on the subject land, generally in accordance with the following 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> |
|--|--|------------------|
| Concept Plan (201 Lots + Public Use Land) | 5892-01-CPT Revision G Sheet 1 of 1 | 10 December 2013 |
| Riverside Estate Development Document – Preliminary Approval for a Material Change of Use for Residential Purposes | Revision B | December 2014 |

3.2 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.

4.0 PLANNING FRAMEWORK

4.1 All development must be in accordance with the Riverside Estate Development Document (refer to condition 2.1) unless otherwise conditioned.

- 4.2 To remove any doubt:
- 4.2.1 any development on the Subject Land, which is not identified in the Riverside Estate Development Document must be:
- (i) if it is a Material Change of Use – impact assessable (pursuant to the Level of Assessment Table in the Master Plan Development Document); or
 - (ii) for all other forms of development – subject to the level of assessment established in the Planning Scheme; and
- 4.2.2 any development on the Subject Land, which is identified in the Riverside Estate Development Document and which conflicts with the purpose of the applicable codes or conditions of this Approval, must be:
- (i) if it is a Material Change of Use – impact assessable; or
 - (ii) for all other forms of development – subject to the level of assessment established in the Planning Scheme.
- 4.3 An amended Development Document for Riverside Estate must be lodged for Council’s consideration and approval prior to the first Operational Works permit.
- 5.0 RELEVANT PERIOD
- 5.1 The standard relevant periods stated in section 341 and 343 of the *Sustainable Planning Act 2009* apply to each aspect of development in this approval.
- 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 the 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.
- 6.3 ‘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.

PART B – RECONFIGURING A LOT (THREE LOTS INTO 201 LOTS)

- 7.0 ADMINISTRATION
- 7.1 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.
- 7.2 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.
- 7.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 7.4 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.

- 7.5 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.
- 7.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
- 7.6.1 Operational Works:
- (i) Road Works;
 - (ii) Access Works;
 - (iii) Sewerage Works;
 - (iv) Water Works;
 - (v) Stormwater Works;
 - (vi) Inter-allotment Drainage Works;
 - (vii) Site Works; and
 - (viii) Landscaping Works
- 7.6.2 Building Works; and
- 7.6.3 Plumbing and Drainage Works.
- 7.7 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 7.8 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.
- 8.0 APPROVED PLANS AND DOCUMENTS
- 8.1 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> |
|--|--|------------------|
| Concept Plan (201 Lots + Public Use Land) | 5892-01-CPT Revision G Sheet 1 of 1 | 10 December 2013 |
| Proposed Staging Plan | R12394 - Staging | Undated |
| Landscape Concept Plan | S1501822 Dwg No 1 of 3 | 27 March 2015 |
| Landscape Concept Plan – Park Detail | S1501822 Dwg No 2 of 3 | 27 March 2015 |
| Landscape Concept Plan – Northern Shelter and Active Play Park Area Detail | S1501822 Dwg No 3 of 3 | 27 March 2015 |
| Riverside Estate Development Document – Preliminary Approval for a Material Change of Use for Residential Purposes | Revision B | December 2014 |

| | | |
|---|--------------------|------------------|
| Stormwater Management Report – Riverside Estate | R12394, Issue C | December 2014 |
| Infrastructure Report – Riverside Estate | R1294 – Revision C | December 2014 |
| Traffic Impact Assessment Report | R12394, Issue A | 12 December 2014 |
| Water and Sewer Network Analysis report | 1335 | 16 January 2015 |

8.2 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.

8.3 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.

9.0 STAGED DEVELOPMENT

9.1 This approval is for a development to be undertaken in fourteen (14) discrete stages, namely:

9.1.1 Lot 1, 2, 18, 19, 53 to 58, and Lot 94 to 97 (Stage 9A);

9.1.2 Lot 59 to 64, and Lot 81 to 93 (Stage 9B);

9.1.3 Lot 3 to 9, and Lot 13 to 17 (Stage 10);

9.1.4 Lot 20, 39, 40, and Lot 46 to 52 (Stage 11A);

9.1.5 Lot 65 to 80 (Stage 11B);

9.1.6 Lot 21 to 25, Lot 34 to 38, Lot 41 to 45, and Public Use Land (Stage 12A);

9.1.7 Lot 10 to 12, Lot 26 to 33, and Public Use Land (Stage 12B);

9.1.8 Lot 98 to 101, Lot 121 to 128, Lot 137 to 140, and Public Use Land (Stage 13);

9.1.9 Lot 156, 157, and Lot 181 to 191 (Stage 14A);

9.1.10 Lot 142 to 145, Lot 152 to 155, Lot 158 to 161, Lot 192 to 194, and Public Use Land (Stage 14B);

9.1.11 Lot 102 to 109, and Lot 117 to 120 (Stage 15A);

9.1.12 Lot 110 to 116, Lot 129 to 136, and Lot 171 to 174 (Stage 15B);

9.1.13 Lot 146 to 151, Lot 167 to 170, and Lot 175 to 178 (Stage 16A);

9.1.14 Lot 162 to 166, Lot 179, 180, and Lot 195 to 201 (Stage 16B);

Staging must take place in a coordinated and a planned manner having regard to the orderly sequence in provision of access and infrastructure and having regard to condition 12.7.

9.2 Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.

9.3 The “Public Use Land” must be dedicated as “Drainage Reserve/Public Use Land” on the Survey Plan for Stage 12A, 12B, 13 and 14B.

10.0 ROAD WORKS

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

- 10.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 7.1), *Capricorn Municipal Development Guidelines*, relevant Australian Standards and the provisions of a Development Permit for Operational Works (road works).
- 10.3 Any application for a Development Permit for Operational Works (road works) must demonstrate that all new roads and road reserves included in the application connect with existing constructed road(s) within and road reserve(s) at the time of making the application.
- 10.4 Belmont Road must be designed and constructed to a Major Urban Collector standard, with half road construction along the development side and having a minimum width of ten (10) metres of the carriageway width. Kerb and channel, pedestrian pathways and drainage infrastructure must be included. This non-trunk infrastructure is conditioned under section 665 of the *Sustainable Planning Act 2009*.
- 10.5 All new roads shown on the approved plans (refer to condition 7.1), must comply with all requirements for road classification of "Access Place" or a "Access Street" or a "Minor Collector" in accordance with the requirements of the *Capricorn Municipal Development Guidelines*. All roads must be above Q100 flood inundation level.
- 10.6 A turning area must be provided at the road end at the boundary of each stage(s) prior to the commencement of the use for such stage(s). Details of the turning areas, including practical vehicular and pedestrian access to lots, parking for adjacent lots and manoeuvring for a Council refuse collection vehicle must be demonstrated in any application for a Development Permit for Operational Works (road works).
- 10.7 Construct a roundabout at the intersection of Belmont Road, Samuel Crescent and Road A in accordance with the requirements of the *Capricorn Municipal Development Guidelines* and the *Main Roads Planning and Design Manual*. This non-trunk infrastructure is conditioned under section 665 of the *Sustainable Planning Act 2009*.
- 10.8 Construct a roundabout at the intersection of Road A, Road B and Road C in accordance with the requirements of the *Capricorn Municipal Development Guidelines* and the *Main Roads Planning and Design Manual*. This non-trunk infrastructure is conditioned under section 665 of the *Sustainable Planning Act 2009*.
- 10.9 Additional land area must be dedicated along the Belmont Road development side to be able to provide a minimum verge width of five (5) metres between property boundaries and the edge of the carriageway. The alignment must be determined in consultation with Council and location details must be demonstrated in any application for a Development Permit for Operational Works (road works).
- 10.10 All pathways must incorporate kerb ramps at all road crossings.
- 10.11 Traffic calming devices must be provided to control vehicle speeds within the Minor Collector and Access Streets. Details of traffic calming devices and practical access to adjacent allotments must be demonstrated in any application for a Development Permit for Operational Works (road works).
- 10.12 A bus set-down area, including all weather shelter must be designed and constructed in accordance with the *Public Transport Infrastructure Manual*. The bus set-down area must be located within Belmont Road. Details of the bus set-down area must be provided with any application for a Development Permit for Operational Works (road works).
- 10.13 All new traffic signs and pavement markings must be provided in accordance with the *Manual of Uniform Traffic Control Devices – Queensland* and where necessary, existing traffic signs and pavement markings must be modified in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*.
- 10.14 Any application for a Development Permit for Operational Works (road works) must include details of the Council approved road names for all new roads.

- 10.15 Any retaining structures within road reserves must not be constructed unless approved as part of a Development Permit for Operational Works (road works). Retaining walls must be wholly contained within the proposed private allotments and not be constructed as Council-owned infrastructure.
- 11.0 ACCESS WORKS
- 11.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access works on the site.
- 11.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 7.1), *Capricorn Municipal Development Guidelines, Australian Standard AS2890 "Off Street Car Parking"* and the provisions of a Development Permit for Operational Works (access works).
- 11.3 All vehicular access to and from proposed Lot 1 to 9, Lot 88 to 107 and Lot 116 (inclusive) must be obtained via the proposed new internal roads only. Direct vehicular access to Belmont Road is prohibited. A property note to this effect will be entered against Lot 1 to 9, Lot 88 to 107 and Lot 116 (inclusive).
- 11.4 Vehicular access to and from proposed Lot 1 and 18 must be via the proposed Road C and for Lot 55 and 97 must be via the proposed Road B.
- 11.5 Access to proposed Lot 1, 18, 55, 72, 73, 87, 88, 97 and 107 must be constructed to a sealed or equivalent standard.
- 12.0 SEWERAGE WORKS
- 12.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any sewerage works on the site.
- 12.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 7.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act, Plumbing and Drainage Act* and the provisions of a Development Permit for Operational Works (sewerage works).
- 12.3 All lots within the development must be connected to Council's reticulated sewerage network.
- 12.4 The initial three stages (stage 9A, 9B and 10) of the development must be serviced via a gravity sewerage main and the connection to the existing reticulated sewerage network must be at the northern side of the Belmont Road Sewerage Pump Station (SP038) in accordance with the Sewerage Network Analysis report (refer to condition 7.1).
- 12.5 A non-trunk sewerage pump station within the site and associated 100 millimetre diameter non-trunk sewerage rising main within the development must be constructed to discharge to the proposed gravity sewerage network under stage 9A, 9B and 10. The remaining eleven stages (stage 11A, 11B, 12A, 12B, 13, 14A, 14B, 15A, 15B, 16A and 16B) must be connected to the reticulated sewerage network via this sewerage pump station in accordance with Sewerage Network Analysis report (refer to condition 7.1). This non-trunk infrastructure is conditioned under section 665 of the *Sustainable Planning Act 2009*.
- 12.6 A twenty (20) metre by twenty (20) metre freehold allotment area for a sewerage pump station site and adequate access easement for the sewerage pump station site must be dedicated in favour of Council.
- 12.7 In accordance with the Sewerage Network Analysis report (refer to condition 7.1), the final sewerage strategy must be as follows:
- 12.7.1 a limit of ninety (90) allotments can be connected while the Edenbrook development remains connected to the Belmont Road Sewerage Pump Station network.

- 12.7.2 an additional sixty-one (61) allotments can be connected once the Edenbrook development is disconnected.
- 12.7.3 the final fifty (50) allotments can be connected once the Belmont Road rising main has been redirected to the Edenbrook Sewerage Pump Station.
- 12.8 In accordance with the Sewerage Network Analysis report (refer to condition 7.1), the last fifty (50) allotments of the development must complete the following works to ultimately redirect the Belmont Road Sewerage Pump Station to the Edenbrook Sewerage Pump Station:
- 12.8.1 a new section of 100 millimetre diameter sewerage rising main must be constructed from the Belmont Road Sewerage Pump Station to the discharge chamber of the existing Edenbrook rising main.
- 12.8.2 a new discharge chamber must be constructed in Edenbrook Drive to discharge into the Edenbrook gravity sewerage network.
- 12.9 Sewerage infrastructure must be provided to the development boundary for connectivity.
- 12.10 Any proposed sewerage access chambers located within a park or reserve, or below a Q100 flood event, must be provided with bolt down lids.
- 12.11 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*.
- 13.0 WATER WORKS
- 13.1 A Development Permit for Operational Works (water works) must be obtained prior to the commencement of any water works on the site.
- 13.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 7.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, *Plumbing and Drainage Act* and the provisions of a Development Permit for Operational Works (water works).
- 13.3 All lots within the development must be connected to Council's reticulated water network.
- 13.4 A non-trunk water main not less than 200 millimetres in diameter must be constructed along the Belmont Road road reserve at the development side from the Belmont Road and Bellbird Drive intersection to the Belmont Road and Samuel Crescent intersection to service the development (in accordance with the Water Network Analysis report (refer to condition 7.1)). The connection point must be from the 200 millimetre water main at the intersection of Belmont Road and Bellbird Drive. This non-trunk infrastructure is conditioned under section 665 of the *Sustainable Planning Act 2009*.
- 13.5 The final sizes of the internal water mains must not be less than those detailed in the water supply network analysis report (refer to condition 7.1).
- 13.6 Water infrastructure must be provided to the development boundaries for connectivity.
- 13.7 All proposed water reticulation mains within the development site must be interconnected to eliminate dead ends and looped mains are permitted in cul-de-sacs.
- 13.8 Easements must be provided over all water supply 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*.

14.0 STORMWATER WORKS

- 14.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.
- 14.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 7.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 14.3 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.
- 14.4 The Operational Works (stormwater works) application must include an assessment of how the development meets the water quality objectives of the *State Planning Policy 2014*.
- 14.5 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.
- 14.6 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).
- 14.7 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.
- 14.8 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by a Stormwater Drainage Report, prepared and certified by a Registered Professional Engineer of Queensland, which as a minimum includes:
- 14.8.1 identification of drainage catchment and drainage sub-catchment areas for the pre-development and post-development scenarios including a suitably scaled stormwater master plan showing the aforementioned catchment details and lawful point(s) of discharge that comply with the requirements of the *Queensland Urban Drainage Manual*;
 - 14.8.2 an assessment of the peak discharges for all rainfall events up to and including the one in one hundred year rainfall event (100 year Average Recurrence Interval) for the pre-development and post-development scenarios;
 - 14.8.3 details of any proposed on-site detention / retention systems and associated outlet systems required to mitigate the impacts of the proposed development on downstream lands and existing upstream and downstream drainage systems;
 - 14.8.4 identification and conceptual design of all new drainage systems, and modifications to existing drainage systems required to adequately manage stormwater collection and discharge from the proposed development;
 - 14.8.5 demonstration of how major design storm flows are conveyed through the subject development to a lawful point of discharge in accordance with the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*;
 - 14.8.6 identification of the area of land inundated as a consequence of the minor and major design storm events in the catchment for both the pre-development and post-development scenarios;

- 14.8.7 identification of all areas of the proposed development, and all other land (which may include land not under the control of the developer), which needs to be dedicated to, or encumbered in favour of Council or another statutory authority, in order to provide a lawful point of discharge for the proposed development. The areas identified must satisfy the requirements of the *Queensland Urban Drainage Manual*. All land proposed as major overland flow paths must include appropriate freeboard, access and maintenance provisions consistent with the *Queensland Urban Drainage Manual*; and
- 14.8.8 details of all calculations, assumptions and data files (where applicable).
- 14.9 Proposed Public Use Lands and Stormwater Channels as identified on the approved plans (refer to condition 7.1) must be dedicated as detention basin and must be landscaped in accordance with Council's requirements. Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by detailed plans and specifications for proposed Stormwater Channels and Bio-retention basins and the design must:
- 14.9.1 be suitable to the climate and incorporate predominately native species;
- 14.9.2 maximise areas suitable for on-site infiltration of stormwater;
- 14.9.3 incorporate shade trees; and
- 14.9.4 demonstrate that all areas apart from garden beds are fully turfed or hydromulched.

The detailed design of the detention basins must include all required safety measures and facilities (for example child proof fences) to ensure the safety of the public and/or tenants (in particular young children). A management plan for the proposed detention basin system must be submitted as part of any application for a Development Permit for Operational Works (stormwater works).

15.0 INTER-ALLOTMENT DRAINAGE

- 15.1 A Development Permit for Operational Works (inter-allotment drainage works) must be obtained prior to the commencement of any drainage works on the site.
- 15.2 All inter-allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 7.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, and sound engineering practice and the provisions of a Development Permit for Operational Works (inter-allotment drainage works).
- 15.3 Inter-allotment drainage, must be designed and constructed in accordance with the *Queensland Urban Drainage Manual* and must be provided to any lot where it cannot be satisfactorily demonstrated that roof and allotment runoff associated with building construction on that lot, could not reasonably be directed to the frontage kerb and channel or alternative lawful point of discharge.
- 15.4 Inter-allotment drainage systems and overland flow paths must be wholly contained within a Council easement, with a minimum width of three (3) metres. Easement documents must accompany the plan for endorsement by Council prior to the issue of the Compliance Certificate for the Survey Plan.

16.0 SITE WORKS

- 16.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works.
- 16.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks' plan which clearly identifies the following:
- 16.2.1 the location of cut and/or fill;

- 16.2.2 the type of fill to be used and the manner in which it is to be compacted;
- 16.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
- 16.2.4 details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and
- 16.2.5 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.
- 16.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 16.4 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.
- 16.5 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.
- 16.6 Vegetation must not be cleared unless and until written approval has been provided by Council. A Development Permit for Operational Works constitutes written approval, only for the purposes of clearing vegetation directly pertinent to the operational works which are the subject of the Development Permit.
- 16.7 Any vegetation cleared or removed must be:
- (i) mulched on-site and utilised on-site for landscaping purposes, in accordance with the landscaping plan approved by Council; or
 - (ii) removed for disposal at a location approved by Council;
- within sixty (60) days of clearing. Any vegetation removed must not be burnt.
- 16.8 All site works must be undertaken to ensure that there is:
- 16.8.1 no increase in upstream or downstream flood levels for all levels of immunity up to Q100;
- 16.8.2 no increase in velocity profiles, for which no remedy exists to prevent erosion and/or scouring. In the event that modelling shows non-compliance with the above, works must be undertaken within the system to satisfy the above criteria for development; and
- 16.8.3 a lawful point of discharge to which the developed flows from the land drain. Easements will be required over any other land to accommodate the flows.
- 17.0 LANDSCAPING
- 17.1 Development permit for Operational Works (landscaping works) will be required to be lodged prior to the commencement of any landscaping works on this site.
- 17.2 The proposed development must have a minimum total area of at least 2.9 hectares dedicated to being suitable parkland as defined by *Planning Policy 5 – Open Space Infrastructure Policy* and must be generally in accordance with the approved plan (refer to condition 7.1). Any application for a Development Permit for Operational Works (landscaping works) must be accompanied by detailed plans and all public land along Ramsay Creek must comply with the following:
- 17.2.1 no development must occur within fifty (50) meters of the river bank. The riverbank is to be maintained as public open space and natural riparian wetland in accordance with state development conditions.

- 17.2.2 be maintained to encourage nature regeneration of native forbs and grasses with small to medium trees and shrubs. Mature riparian canopy species are to be retained wherever possible to assist in maintaining the scenic amenity of this residential estate.
- 17.2.3 all grassed open spaces must be accessible for maintenance purposes. Service access/s must be at least three (3) metres wide and secured by a lockable gate or pole.
- 17.3 Any application for a Development Permit for Operational Works (landscaping works) must be generally in accordance with the approved plans (refer to condition 7.1) and must include, but is not limited to, the following:
- 17.3.1 A plan documenting the “Extent of Works” and supporting documentation which includes:
- (i) location and name of existing trees, including those to be retained (the location of the trees shall be overlaid or be easily compared with the proposed development design);
 - (ii) the extent of soft and hard landscape proposed;
 - (iii) important spot levels and/or contours. The levels of the trees to be retained shall be provided in relation to the finished levels of the proposed buildings and works;
 - (iv) underground and overhead services;
 - (v) typical details of critical design elements (stabilisation of batters, retaining walls, podium/balcony planters, trees in car park areas, fences);
 - (vi) details of landscape structures including areas of deep planting; and
 - (vii) specification notes on mulching and soil preparation.
- 17.3.2 A “Planting Plan” and supporting documentation which includes:
- (i) trees, shrubs and groundcovers to all areas to be landscaped;
 - (ii) position and canopy spread of all trees and shrubs;
 - (iii) the extent and type of works (inclusive but not limited to paving, fences and garden bed edging). All plants shall be located within an edged garden; and
 - (iv) a plant schedule with the botanic and common names, total plant numbers and pot sizes at the time of planting.
- 17.4 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.
- 17.5 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure. Small shrubs and groundcover are acceptable.
- 17.6 The establishment of the park and all landscaping must be constructed and or established, in accordance with the requirements of the Development Permit for Operational Works (landscaping works), prior to the issue of the Compliance Certificate for the Survey Plan applicable to that stage.
- 17.7 The landscaped areas must be subject to an ongoing maintenance and replanting programme to be provided in writing prior to the sealing of plans.

- 17.8 The Children's Play Equipment Area with additional Park Amenities must be constructed within the dedicated Active Park Area as illustrated within the Landscaping Plans (refer to condition 7.1). The Active Park and the Children's Play Equipment Area must comply with the following:
- 17.8.1 a playground area is constructed in accordance with revised Landscape Concept Plan (refer to condition 7.1);
 - 17.8.2 the playground is suitable for children between the ages of two (2) and twelve (12) and constructed in accordance with a local destination play space as defined by the Rockhampton Regional Council Playground Strategy;
 - 17.8.3 the active recreational playground area must be turfed and equipped with an installed irrigation system;
 - 17.8.4 additional park amenities be provided, for example picnic shelters, tables and benches;
 - 17.8.5 adequate vehicle parking must be provided (for consideration by Council at Operational Works stage);
 - 17.8.6 the playground area must be wheel chair accessible and have a grade no greater than one (1) in twenty (20) slope for eighty per cent (80%) of the area.

Note: Council may consider a cash contribution to be negotiated in lieu of construction of a Children's Play Equipment area with additional Park Amenities.

- 17.9 Vehicle barriers must be constructed around all areas of public land with road frontage.
- 17.10 All allotments bordering onto Belmont Road (Lot 1 to 9, Lot 88 to 107 and Lot 116) must have a minimum two (2) metre high, double lapped and capped acoustic timber fence (having a minimum surface area density of ten (10) kilograms per square metre) along the full frontage of Belmont Road.
- 17.10.1 A minimum 0.75 metre wide landscaped strip must be provided for the full frontage of the acoustic fence facing Belmont Road to reduce the visual impact of the fence. The landscaped strip must be established within six (6) months of the approved operational works applicable to that stage.
- 17.11 The bike and pedestrian paths and the public open space area located in the main stormwater drain corridor must be generally in accordance with the approved plans (refer to condition 7.1).
- 17.12 All grassed landscaped areas must be established within six (6) months of the approved operational works applicable to that stage.
- 17.13 Bike and pedestrian paths must not be constructed on land that is susceptible to inundation by floodwaters.
- Note: If the bike and pedestrian path along Ramsay Creek on the north-western portion of the development is susceptible to inundation by floodwaters, it must follow Road G, connecting onto the bike and pedestrian path within Road I.
- 17.14 The proposed northern picnic shelter is not approved due the access pathway being susceptible to inundation by floodwaters. Alternative and/or additional picnic shelter locations (including public benches) must be demonstrated in the application for a Development Permit for Operational Works (landscaping works).

18.0 PUBLIC LAND:

- 18.1 All public land must be designed and constructed generally in accordance with the approved plans (refer to condition 7.1).

18.2 Eighty per cent (80%) of all natural grass cover and other designated grassed area must be covered within six (6) months of the subdivision works being placed on maintenance.

18.3 The owner of land will be required to provide a maintenance bond to be decided under an operational works permit to be held for the maintenance and establishment of the public open space for twelve (12) months after the sealing of any plans relating to Lots 102 on RP860099 and Lot 129 on PL4021.

19.0 ELECTRICITY AND TELECOMMUNICATIONS

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

19.2 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.

20.0 ASSET MANAGEMENT

20.1 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.

20.2 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.

20.3 '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.

21.0 ENVIRONMENTAL

21.1 Any application for a Development Permit for Operational Works must be accompanied by a detailed Environmental Management Plan, which addresses, but is not limited to, the following matters:

- (i) water quality and drainage;
- (ii) erosion and silt/sedimentation management;
- (iii) acid sulphate soils;
- (iv) fauna management;
- (v) vegetation management and clearing;
- (vi) top soil management;
- (vii) interim drainage plan during construction;
- (viii) construction programme;
- (ix) geotechnical issues;
- (x) weed control;
- (xi) bushfire management;
- (xii) emergency vehicle access;
- (xiii) noise and dust suppression; and

- (xiv) waste management.
- 21.2 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) staged implementation, for the construction and post construction phases of work.
- 21.3 The Environmental Management Plan approved as part of a Development Permit for Operational Works must be part of the contract documentation for the development works.
- 21.4 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.
- 22.0 OPERATING PROCEDURES
- 22.1 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 Council owned roadways.
- 23.0 INFRASTRUCTURE COSTS
- 23.1 The development is located completely outside the priority infrastructure area. As per section 650 of the *Sustainable Planning Act 2009* Council requires additional trunk infrastructure costs. As the development is adjacent to and will be serviced to the desired standard of service for charge area 1, as outlined in the *Adopted Infrastructure Charges Resolution, 2014 (No. 4)*, the calculation of the establishment cost of trunk infrastructure for charge area 1 applies. An additional charge of \$14,000.00 per lot is required and is payable to Council prior to the issue of the Compliance Certificate for the Survey Plan for each stage.

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 the Department of Environment and Resource Management website www.derm.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 *Work 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. Property Notes

- (i) All vehicular access to and from proposed Lot 1 to 9, Lot 88 to 107 and Lot 116 (inclusive) must be obtained via the proposed new internal roads only. Direct vehicular access to Belmont Road is prohibited.
- (ii) All allotments bordering onto Belmont Road (Lot 1 to 9, Lot 88 to 107 and Lot 116) must have a minimum two (2) metre high, double lapped and capped acoustic timber fence (having a minimum surface area density of ten (10) kilograms per square metre) along the full frontage of Belmont Road. This must be constructed by the developer and maintained by the owner of each applicable allotment.

NOTE 5. Adopted Infrastructure Charges Notice

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

RECOMMENDATION A3

That in relation to the application for a Development Application for a Preliminary Approval to vary the effect of the Planning Scheme for a Material Change of Use for Residential Purposes and a Development Permit for Reconfiguring a Lot (three lots into 201 lots and public use land), made by Glenmore Holdings (Aust) Pty Ltd C/- Adams and Sparks Town Planning, on land described as Lot 2 on RP609985, Lot 102 on RP860099 and Lot 129 on PL4021, Parish of Murchison, located at 46-48, 54-102 and 263 Belmont Road, Parkhurst, Council resolves to issue an Infrastructure Charges Notice for the amount of **\$1,386,000.00**.

Moved by: Mayor Strelow
Seconded by: Councillor Fisher
MOTION CARRIED

8.2 D/188-2014 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR AN EDUCATIONAL ESTABLISHMENT

File No: D/188-2014

Attachments:

1. Locality Plan
2. Site Plan
3. Floor Plan - Kindy
4. Elevation Plan - Kindy
5. Floor Plan - Prep
6. Elevation Plan - Prep

Authorising Officer: Tarnya Fitzgibbon - Manager Development and Building
Robert Holmes - General Manager Regional Services

Author: Corina Hibberd - Planning Officer

SUMMARY

Development Application Number: D/188-2014

Applicant: Roman Catholic Trust Corporation for the Diocese of Rockhampton

Real Property Address: Lot 6 on SP123558, Lot 7 on RP618703 and Lot 45 on RP615945, Parish of Murchison

Common Property Address: 390 Feez Street, Norman Gardens

Area of Site: 6.8311 hectares

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: Richardson Road Residential Area

Planning Scheme Overlays: Nil

Existing Development: Church and Primary School

Existing Approvals: Town Planning Consent 912 for a School, Primary School and Administration Block: granted 3 December 1980; Town Planning Consent 42 for Rezoning land from Residential A to Special Purpose: granted 21 November 1988; and various associated building and plumbing approvals

Approval Sought: Development Permit for a Material Change of Use for an Educational Establishment

Level of Assessment: Impact Assessable

Submissions: Five (5) properly made submissions and one (1) not properly made submission.

Referral Agency(s): Nil

Adopted Infrastructure Charges Area: Charge Area 1

Application Progress:

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| <i>Application Lodged:</i> | 31 July 2014 |
| <i>Acknowledgment Notice issued:</i> | 26 August 2014 |
| <i>Request for Further Information sent:</i> | 1 September 2014 |

| | |
|--|---|
| <i>Request for Further Information responded to:</i> | <i>22 October 2014</i> |
| <i>Submission period commenced:</i> | <i>30 October 2014</i> |
| <i>Submission period end:</i> | <i>20 November 2014</i> |
| <i>Notice of Compliance received:</i> | <i>21 November 2014</i> |
| <i>Council request for additional time:</i> | <i>21 November 2014 (extended to 20 January 2015)</i> |
| <i>Council request for additional time:</i> | <i>11 December 2014 (extended to 27 January 2015)</i> |
| <i>Council request for additional time:</i> | <i>18 December 2014 (extended to 30 April 2015)</i> |
| <i>Council request for additional time:</i> | <i>14 April 2015 (extended to 28 May 2015)</i> |
| <i>Planning and Development Committee date:</i> | <i>12 May 2015</i> |
| <i>Statutory due determination date:</i> | <i>28 May 2015</i> |

COMMITTEE RESOLUTION

THAT the matter lay on the table, seek an extension of the decision period, and that Mayor Strelow and Councillor Swadling request a meeting with the appropriate people from the school to discuss layout options.

Moved by: Mayor Strelow
Seconded by: Councillor Smith
MOTION CARRIED

9 STRATEGIC REPORTS

9.1 DEVELOPMENT AND BUILDING SECTION - APRIL OPERATIONS REPORT

File No: 7028
Attachments: 1. Monthly Report - April 2015
Authorising Officer: Robert Holmes - General Manager Regional Services
Author: Tarnya Fitzgibbon - Manager Development and Building

SUMMARY

The monthly operations report for the Development and Building Section as at 30 April 2015 is presented for Councillors information.

COMMITTEE RESOLUTION

THAT the Development and Building Section report for April 2015 be received.

Moved by: Mayor Strelow
Seconded by: Councillor Williams

MOTION CARRIED

10 NOTICES OF MOTION

Nil

11 URGENT BUSINESS QUESTIONS

12 CLOSED SESSION

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

COMMITTEE RESOLUTION

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

13.1 Building Issues in South Rockhampton

This report is considered confidential in accordance with section 275(1)(f), of the *Local Government Regulation 2012*, as it contains information relating to starting or defending legal proceedings involving the local government.

13.2 Enforcement Proceedings for Development Offences

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

13.3 Enforcement Proceedings for Development Offences

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

13.4 Enforcement Proceedings for Development Offences

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

Moved by: Councillor Williams

Seconded by: Councillor Smith

MOTION CARRIED

COMMITTEE RESOLUTION

2.57PM

THAT pursuant to s34(1)(k) and s44 *Council Meeting Procedures* the meeting moves into Closed Session and be closed to the public.

Moved by: Councillor Smith

Seconded by: Councillor Williams

MOTION CARRIED

COMMITTEE RESOLUTION

3.16PM

THAT pursuant to s34(1)(k) and s44 *Council Meeting Procedures* the meeting moves out of Closed Session and be opened to the public.

Moved by: **Councillor Smith**

Seconded by: **Councillor Williams**

MOTION CARRIED

13 CONFIDENTIAL REPORTS

13.1 BUILDING ISSUES IN SOUTH ROCKHAMPTON

File No: 8038

Attachments: 1. Photo 1
2. Photo 2

Authorising Officer: Robert Holmes - General Manager Regional Services

Author: Tarnya Fitzgibbon - Manager Development and Building

This report is considered confidential in accordance with section 275(1)(f), of the *Local Government Regulation 2012*, as it contains information relating to starting or defending legal proceedings involving the local government.

SUMMARY

There is a long running history of complaints about breaches of the Building Code of Australia and other legislation dealing with building and plumbing issues. This report summarises the issues and outlines the options available for Council.

COMMITTEE RESOLUTION

THAT Council adopt to undertake Option One as outlined in the report.

Moved by: Mayor Strelow

Seconded by: Councillor Williams

MOTION CARRIED

13.2 ENFORCEMENT PROCEEDINGS FOR DEVELOPMENT OFFENCES

File No: 8031

Attachments: 1. Site Plan
2. Site Photos

Authorising Officer: Tarnya Fitzgibbon - Manager Development and Building
Robert Holmes - General Manager Regional Services

Author: Philip Harrison - Senior Development Compliance Officer

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

SUMMARY

This report summarises the flooding issues caused by the continued non-compliance with the Conditions of the MCU Approval D/567-2012, Bulk Store and Caretakers Residence.

COMMITTEE RESOLUTION

THAT Council resolve to adopt Option One as outlined in the report.

Moved by: Councillor Smith
Seconded by: Councillor Fisher

MOTION CARRIED

13.3 ENFORCEMENT PROCEEDINGS FOR DEVELOPMENT OFFENCES**File No:** 8031**Attachments:**

1. Site Map
2. Aerial Photo 2014
3. Photos Complainant
4. Photos File Note

Authorising Officer: Tarnya Fitzgibbon - Manager Development and Building
Robert Holmes - General Manager Regional Services**Author:** Philip Harrison - Senior Development Compliance Officer

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

SUMMARY

This report summarises the continued unlawful use of premises in the northern suburbs of Rockhampton.

COMMITTEE RESOLUTION

THAT Council adopt Option Two as outlined in the report.

Moved by: Councillor Williams**Seconded by:** Councillor Fisher**MOTION CARRIED**

13.4 ENFORCEMENT PROCEEDINGS FOR DEVELOPMENT OFFENCES**File No:** 8038**Attachments:**

1. Locality Plan
2. Show Cause Notice
3. Enforcement Notice
4. Site Photo 1
5. Site Photo 2

Authorising Officer: Tarnya Fitzgibbon - Manager Development and Building
Robert Holmes - General Manager Regional Services**Author:** Judith Noland - Development Compliance Officer

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

SUMMARY

This report summarises the ongoing non-compliance with a development approval at a premises in Rockhampton City.

COMMITTEE RESOLUTION

THAT Council write to the operator in relation to the non-compliances with a view to resolving the issues raised by Council.

Moved by: Mayor Strelow**Seconded by:** Councillor Smith**MOTION CARRIED**

14 CLOSURE OF MEETING

There being no further business the meeting closed at 3.18pm.

SIGNATURE

CHAIRPERSON

DATE