



# **PLANNING & DEVELOPMENT COMMITTEE MEETING**

## **AGENDA**

**10 NOVEMBER 2015**

*Your attendance is required at a meeting of the Planning & Development Committee to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 10 November 2015 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**  
4 November 2015

Next Meeting Date: 24.11.15

**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:

The Mayor, Councillor M F Strelow (Chairperson)  
Councillor C E Smith  
Councillor C R Rutherford  
Councillor G A Belz  
Councillor S J Schwarten  
Councillor A P Williams  
Councillor R A Swadling  
Councillor N K Fisher

In Attendance:

Mr E Pardon – Chief Executive Officer

**3 APOLOGIES AND LEAVE OF ABSENCE**

**4 CONFIRMATION OF MINUTES**

Minutes of the Planning & Development Committee held 27 October 2015

**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

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#### **SUMMARY**

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

#### **OFFICER'S RECOMMENDATION**

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

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

## **Business Outstanding Table for Planning and Development Committee**

**Meeting Date: 10 November 2015**

**Attachment No: 1**

Date	Report Title	Resolution	Responsible Officer	Due Date	Notes
28 April 2015	Montgomerie Street	THAT the previous report regarding Montgomerie Street be presented to the next Planning and Development Committee meeting for Councillors information.	Robert Holmes	12/05/2015	Matter is being further investigated and the modelling has now been obtained from the developer's consultants to assist in the review.
25 August 2015	Request for a Negotiated Decision Notice for Development Permit D/69-2015 for a Material Change of Use for a Commercial Premises	THAT Council request its legal advisor to prepare a clarification document on the Building Act, Sustainable Planning Act and Planning Scheme application on Building works and Operational works that can be provided to the public.	Corina Hibberd	08/09/2015	Advice is being prepared by McInnes Wilson Lawyers and should be to hand in the next few weeks.

**7 PUBLIC FORUMS/DEPUTATIONS**

Nil

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## 8 OFFICERS' REPORTS

### 8.1 DRAINAGE INFRASTRUCTURE AT RIVERSIDE ESTATE

**File No:** D1500-2002, D1177-2003, D784-2004, D138-2005  
**Attachments:** 1. Location Plan  
**Authorising Officer:** Robert Holmes - General Manager Regional Services  
**Author:** Martin Crow - Manager Engineering Services

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#### SUMMARY

*Further to the Council meeting on the 8<sup>th</sup> September 2015, Council Officers have undertaken an investigation of the overland flow paths and water quality devices constructed as part of the initial stages of the Riverside Estate.*

#### OFFICER'S RECOMMENDATION

1. THAT maintenance occurs for the drainage channel adjacent to Riverside Drive and the channel and water quality devices at the end of Plover Street as a priority and that it be listed for appropriate periodic maintenance.
2. THAT these items be included in Council's asset management database (Conquest) including maintenance requirements and frequency.

#### COMMENTARY

The Council meeting resolution dated 8<sup>th</sup> September 2015 stated that "a further report on the drainage associated with Riverside Estate be presented to the Planning and Development Committee meeting."

An item of general business for the above meeting was regarding the drainage channel adjacent to Riverside Drive and also the channel at the end of Plover Street. A number of the residents located in the vicinity of these channels have raised concerns regarding water ponding and the potential for this to encourage mosquito breeding. It is noted that residents have stated that every day on dusk, the area was generally thick with mosquitos.

Council have investigated the details associated with the original design of the channels that was approved over a decade ago and also have conducted site inspections of the area in question. It was clear from the site inspections that the channels are in need of maintenance.

The drainage channel located adjacent to Riverside Drive starts from the outlet on the western side of Bellbird Drive and runs approximately parallel to the road reserve and terminates at the natural gully just to the west of the current development extents. This drainage channel caters for approximately 30 lots upstream that also includes some of the runoff from Belmont Road.

From the outlet, the design included rip rap directly downstream of the cross drainage structures and then a grassed channel to convey flows downstream to the natural watercourse which then would work its way to the Fitzroy River. Sediment would be captured in the channel before it got to the river. However, maintenance of the channel would be required each year to remove the sediment / silt build up to ensure water did not pond.

Unfortunately this has not occurred, the rip rap no longer exists and remains can be identified downstream in the channel. Sediment / silt build up is now causing the water to pond in the channel, and as a consequence the channel now requires a re-grade.

The channel downstream of Plover Street starts from the outlet adjacent to the cul-de-sac then heads directly south and connects into the above channel that runs approximately parallel to Riverside Drive. This channel caters for approximately 20 lots upstream

The design included a number of water quality devices downstream of the outlet such as a rock apron, gross pollutant trap, sediment basin and rock gabion. The intention was that

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gross pollutants would be captured as well as sediment prior to the water being discharged downstream ultimately entering into the Fitzroy River. Again, maintenance of the water quality devices was required annually.

Unfortunately this has not occurred, none of the water quality devices are visible and it appears as though a significant tree has fallen into the channel possibly as a consequence of cyclone Marcia. This channel is in need of maintenance.

As-constructed information for these channels and water quality devices is limited with only the channels being identified.

Council's Parks Department does have a maintenance program for Council's open space areas surrounding the drainage infrastructure however, does not maintain the drainage channels or quality devices.

Council's Civil Operations Department does not have a maintenance program for the known drainage channels and water quality devices. Currently any maintenance requirements are reactive and based on complaints received. In order to be more proactive regarding identifying and maintaining the drainage channels and quality devices Civil Operations will endeavor to work with Assets to develop a maintenance program. However, limited resources are preventing this from occurring in the near future. The issue of ongoing drainage channel maintenance budgets needs to be addressed if Council wish to be more pro-active in this area.

Unfortunately there may be many assets that were never identified on as-constructed information handed over to Council over a decade ago. The Assets Section is working on identifying these and conquest will be continually updated, inclusive of a maintenance schedule.

The current as-constructed requirement for new developments includes submission in accordance with the Asset Design As-Constructed (ADAC) manual. This includes details being provided for all water quality devices and drainage channels. At on-defects stage the Parks and Civil Operations Departments are advised of the new infrastructure now handed over to Council. Further, Council requires maintenance criteria be provided for these structures as part of the stormwater management plan submissions with the development applications.

## **BACKGROUND**

The Riverside Estate is a rural residential development consisting of allotments generally around the 2000m<sup>2</sup>. The initial stages being 1, 2 and 3 were developed some 10 years ago, and this is when the drainage infrastructure the subject of this report was constructed. Further development of the estate has occurred over the years with the most recent approved for Operational Works in Jun 2014 being the final stage, stage 8.

Stage 8 will extend the drainage channel constructed adjacent to Riverside Drive to the west towards the Fitzroy River.

## **CONCLUSION**

A lack of maintenance is the reason for the water ponding in the channel adjacent to Riverside Drive. Further, it is noted that the channel directly downstream of Plover Street is in need of maintenance as soon as possible.

However, the as-constructed information received at the survey plan stage for the development many years ago did not provide sufficient information to ensure an accurate and efficient maintenance program could be developed. No information was provided to the Civil Operations Department or the Parks Department regarding maintenance requirements.

Today, the submission of as-constructed information under the ADAC Manual ensures that all water quality and quantity devices are identified. Further, Council requires maintenance criteria to be provided including what maintenance is required and the frequency.

In summary, it is recommended that Council ensure that maintenance occurs for the drainage channel adjacent to Riverside Drive and the channel and water quality devices at

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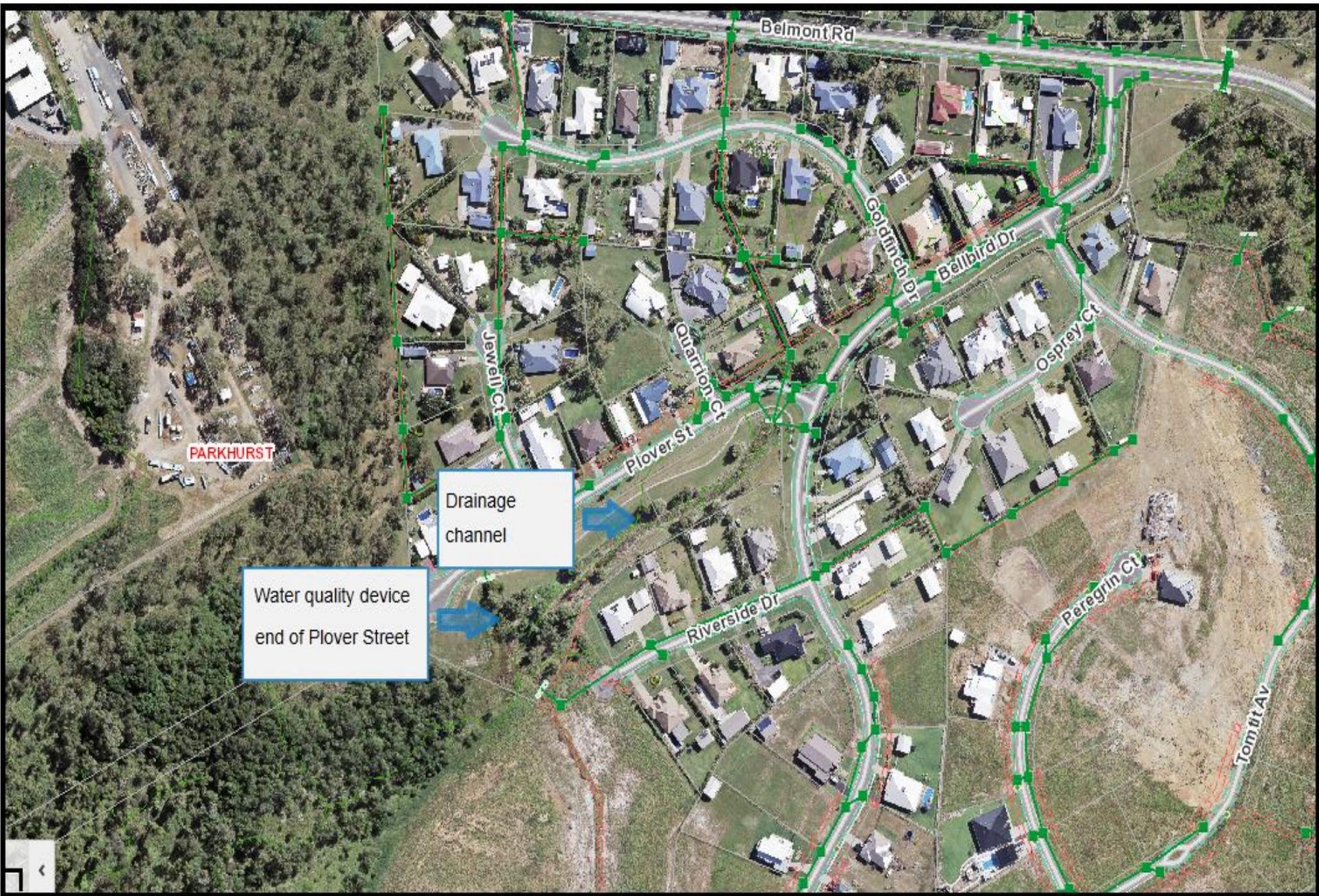
the end of Plover Street as a priority. Further, that these items are included in Council's asset database with future maintenance requirements.

# **DRAINAGE INFRASTRUCTURE AT RIVERSIDE ESTATE**

## **Location Plan**

**Meeting Date: 10 November 2015**

**Attachment No: 1**



## 8.2 D/75-2015 - APPLICATION UNDER THE DEVELOPMENT INCENTIVES POLICY FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A BULK STORE

**File No:** D/75-2015  
**Attachments:** 1. Locality Plan  
**Authorising Officer:** Tarnya Fitzgibbon - Manager Development and Building  
 Robert Holmes - General Manager Regional Services  
**Author:** Thomas Gardiner - Planning Officer

### SUMMARY

*Development Application Number:* D/75-2015  
*Applicant:* J & S Drilling  
*Real Property Address:* Lot 68 on RP604012, Parish of Gracemere  
*Common Property Address:* 89 Douglas Street, Gracemere RP604012  
*Planning scheme zoning:* Gracemere-Stanwell Zone – Medium Impact Industry Precinct  
*Type of Approval:* Development Permit for a Material Change of Use for a Bulk Store  
*Date of Decision:* 28 July 2015  
*Application Lodgement Fee:* \$1,635.00  
*Infrastructure Charges:* \$11,662.00  
*Infrastructure charges incentive:* Precinct 2 – 50% discount  
*Incentives sought:* Development facilitation  
 Refund of Development Application Fees  
 Refund of service and connection fees

### OFFICER'S RECOMMENDATION

THAT in relation to the application under the Development Incentives Policy for a Development Permit for a Material Change of Use for Bulk Store, at Lot 68 on RP604012, Parish of Gracemere, located at 89 Douglas Street, Gracemere, Council resolves to Approve the following incentives if the use commences prior to 29 July 2018:

- a) A fifty (50) per cent reduction of infrastructure charges to the amount of \$5,831.00;
- b) A refund of the development application fee of \$1,635.00 upon commencement of the use;
- c) A refund of service and connection fees on completion of the development; and
- d) That Council enter into an agreement with the applicant in relation to (a), (b) and (c).

### BACKGROUND

#### Project outcomes anticipated by applicant:

J & S Drilling has been granted approval to establish a large storage space for equipment associated with a drilling and rigging company. The storage area is an unenclosed hard-stand area which will store drilling rigs, containers, lifting equipment and bollards associated with the company's drilling and rigging activities offsite.

**New jobs and investment:**

The proposed use will have limited impacts on jobs and investments. Further, the proposed use will effectively utilise this existing block in the Gracemere Industrial Area by acting as an operational base for the transportation of the abovementioned equipment to projects throughout Queensland.

**Benefits of project for applicant's business:**

The Bulk Store use will have positive impacts on the applicant's business as the stored equipment will be used in conjunction with LNG projects in Gladstone and throughout Central Queensland.

**Benefits of project to Rockhampton Regional economy:**

The proposed use will not generate a large amount of additional employment for the Rockhampton region. Despite this, the proposal has the potential to generate significant future investment in the Gracemere Industrial Area and will continue to support large scale industrial projects throughout Rockhampton and Central Queensland.

**COMMENTS FROM RELEVANT UNITS****Development Engineering Unit's Comments – 30 September 2015**

Support, subject to comments.

**Economic Development Unit's Comments – 25 September 2015**

Support, subject to comments.

**CONCLUSION**

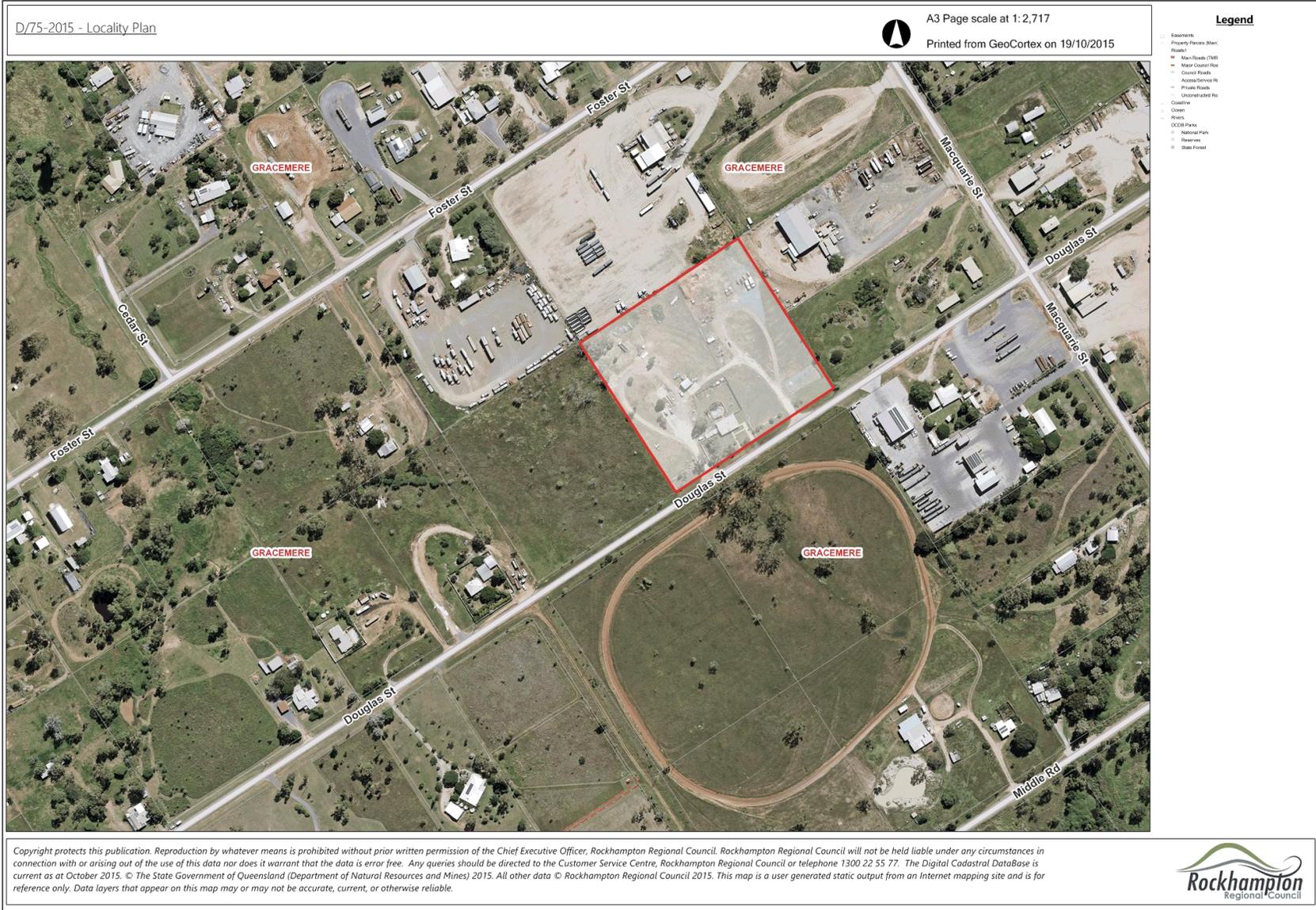
The development meets the eligibility criteria under the Development Incentives Policy and the applicant has demonstrated some economic benefits arising from the development. Therefore, in accordance with the policy, a fifty (50) per cent discount will be applied to the infrastructure charge and a refund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

**D/75-2015 - APPLICATION UNDER THE  
DEVELOPMENT INCENTIVES POLICY  
FOR A DEVELOPMENT PERMIT FOR A  
MATERIAL CHANGE OF USE FOR A  
BULK STORE**

**Locality Plan**

**Meeting Date: 10 November 2015**

**Attachment No: 1**



**8.3 D/103-2015 DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT (ONE LOT INTO TWO LOTS)**

**File No:** D/103-2015

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

**Authorising Officer:** Tarnya Fitzgibbon - Manager Development and Building  
Robert Holmes - Acting Chief Executive Officer

**Author:** Thomas Gardiner - Planning Officer

**SUMMARY**

*Development Application Number:* D/103-2015

*Applicant:* Zach Jones

*Real Property Address:* Lot 28 on RP618145, Parish of Murchison

*Common Property Address:* 9 Belmont Road, Parkhurst

*Area of Site:* 1.496 hectares

*Planning Scheme:* Rockhampton City Plan 2005

*Rockhampton City Plan Area:* Parkhurst Rural Area – Residential Precinct

*Planning Scheme Overlays:* Nil

*Existing Development:* Two Dwellings and Shed

*Existing Approvals:* Building Permit for Two Dwellings and Shed

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

*Level of Assessment:* Impact Assessable

*Submissions:* Nil

*Referral Agency(s):* Nil

*Adopted Infrastructure Charges Area:* Charge Area 3

*Application Progress:*

<i>Application Lodged:</i>	12 August 2015
<i>Acknowledgment Notice issued:</i>	19 August 2015
<i>Request for Further Information sent:</i>	19 August 2015
<i>Request for Further Information responded to:</i>	8 September 2015
<i>Submission period commenced:</i>	11 September 2015
<i>Submission period end:</i>	6 October 2015
<i>Council request for additional time:</i>	22 October 2015
<i>Last receipt of information from applicant:</i>	8 October 2015
<i>Statutory due determination date:</i>	3 December 2015

**OFFICER'S RECOMMENDATION****RECOMMENDATION A**

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into two lots), made by Zach Jones, on Lot 28 on RP618145, Parish of Murchison, located at 9 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 despite the conflict:

- a) Proposed Lot 281 is consistent with the existing development pattern within the Residential Precinct of the Parkhurst Rural Area and will maintain the rural character of the surrounding area. This non-compliance is unlikely to negatively implicate the intent of the surrounding area;
- b) The proposal is consistent with the future growth intent of the Parkhurst area and coincides with existing subdivision approvals to the north of the subject site;
- c) The proposed use does not compromise the achievements of the Desired Environmental Outcomes in the *Rockhampton City Plan 2005*;
- d) 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
- e) The proposed development does not compromise the relevant State Planning Policy.

### **RECOMMENDATION B**

That in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into two lots), made by Zach Jones, on Lot 28 on RP618145, Parish of Murchison, located at 9 Belmont Road, Parkhurst, Council resolves to Approve the application subject to the following conditions:

#### 1.0 ADMINISTRATION

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

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>
Proposal Plan	15325-PD1 Rev B Sheet 2 of 2	7 September 2015

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

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

3.0 ACCESS WORKS

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

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

3.3 The existing access for proposed Lot 282 must be upgraded to comply with the requirements of the *Capricorn Municipal Development Guidelines*.

3.4 The access to proposed Lot 282 must be constructed to a sealed or equivalent standard to the northern boundary of Lot 27 on RP618145 to prevent dust nuisance to adjoining property owners.

3.5 Any new access that is associated with a future Dwelling House on proposed Lot 281 must be constructed in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.

4.0 SEWERAGE WORKS

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

4.2 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* and the provisions of a Development Permit for Operational Works (sewerage works).

4.3 All lots within the development must be connected to Council's reticulated sewerage network.

4.4 A new sewerage connection point must be provided for proposed Lot 281 via a new 150 millimetre diameter sewer that connects to the existing reticulated sewerage network located within Lot 282.

4.5 All works must be undertaken in accordance with a Council Building Over/Adjacent to Local Government Sewerage Infrastructure Policy and any amendments.

4.6 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*.

5.0 WATER WORKS

5.1 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.*

- 5.2 All lots within the development must be connected to Council's reticulated water network.
- 5.3 The connection to Council's reticulated water supply must be a combined fire and domestic metered connection located at a point nominated by Council.
- 5.4 A new water connection point must be provided for proposed Lot 281 from the existing reticulated water network located in Gremalis Drive.

#### 6.0 INTER-ALLOTMENT DRAINAGE

- 6.1 A Development Permit for Operational Works (inter-allotment drainage works) must be obtained prior to the commencement of any drainage works on the site.
- 6.2 The roofwater from any future dwelling constructed on Lot 281 must be conveyed and piped to the new stormwater inlet located within Lot 281.
- 6.3 Inter-allotment drainage systems and overland flow paths 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 roofwater drainage associated with building construction on that lot, could not reasonably be directed to the frontage kerb and channel or alternative lawful point of discharge.
- 6.4 Inter-allotment drainage systems and overland flow paths must be wholly contained within a Council easement, with a minimum width of three (3) metres.

#### 7.0 SITE WORKS

- 7.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 7.2 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.
- 7.3 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.
- 7.4 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure. Small shrubs and groundcover are acceptable.

#### 8.0 ELECTRICITY AND TELECOMMUNICATIONS

- 8.1 Above-ground electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.
- 8.2 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.

#### 9.0 ASSET MANAGEMENT

- 9.1 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.
- 9.2 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.

- 9.3 '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.

#### 10.0 ENVIRONMENTAL

- 10.1 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.

#### 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 Aboriginal and Torres Strait Islander Partnerships website [www.datsip.qld.gov.au](http://www.datsip.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. Works in Road Reserve Permit

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

##### NOTE 4. 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 C

That in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into two lots), made by Zach Jones, on Lot 28 on RP618145, Parish of Murchison, located at 9 Belmont Road, Parkhurst, Council resolves to issue an Infrastructure Charges Notice for the amount of \$7,000.00.

#### **BACKGROUND**

##### PROPOSAL IN DETAIL

The proposal is for a Reconfiguring of a Lot (one lot into two lots) on land located at 9 Belmont Road, Parkhurst.

Proposed Lot 282 will have an area of 1.239 hectares and will retain the two (2) existing residential dwellings and shed, while proposed Lot 281 will occupy an area 2,568 square metres and will accommodate a future Dwelling House.

Access to the proposed lots will be from Gremalis Drive and Belmont Road. Proposed Lot 281 will have a new access constructed from Gremalis Drive in conjunction with the construction of a future Dwelling House, while proposed Lot 282 will gain access from an existing driveway crossover which will be required to be upgraded to comply with the Capricorn Municipal Development Guidelines.

A combined sewer and stormwater easement has been proposed to service proposed Lot 281. The easement will contain a 150 millimetre diameter sewer connection from a proposed sewer inlet on Lot 281 which will run fifty (50) metres to connect to the existing sewerage infrastructure located on Lot 282. Further, the same easement will contain an inter-allotment drainage line which will discharge any overland flow from Lot 281 to Belmont Road as the Lawful Point of Discharge.

### **SITE AND LOCALITY**

The subject site occupies an area of 1.496 hectares and is located in the Residential Precinct of the Parkhurst Rural Area under the Rockhampton City Plan 2005. The site is currently used for residential purposes with two existing dwellings and a shed positioned in the middle of the subject site.

Existing sewerage infrastructure runs parallel to the existing driveway and continues through the subject site to service other properties located on Gremalis Drive. Water and stormwater infrastructure is also located on the road reserves of both Belmont Road and Gremalis Drive.

The subject site has a gradual slope downwards from Gremalis Drive, with a fall of approximately four (4) per cent, and is clear of any vegetation. Furthermore, the subject site is largely surrounded by large rural residential blocks and smaller residential allotments across from Belmont Road

### **PLANNING ASSESSMENT**

#### **MATTERS FOR CONSIDERATION**

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

#### **Development Engineering Comments – 14 September 2015**

Support, subject to conditions.

#### **Public and Environmental Health Comments – 17 August 2015**

Support, subject to comments.

### **TOWN PLANNING COMMENTS**

#### **Central Queensland Regional Plan 2013**

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

#### **State Planning Policy 2014**

This policy came into effect in July 2014 and replaced all former State Planning Policies. This policy requires development applications to be assessed against its requirements until the identified state interests have been appropriately reflected in the local planning scheme.

#### **Liveable communities**

Not Applicable.

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Mining and extractive resources

Not Applicable.

Biodiversity

Not Applicable.

Coastal environment

Not Applicable.

Water quality

Not Applicable.

Natural hazard, risk and resilience

Not Applicable.

Emissions and hazardous activities

Not Applicable.

State transport infrastructure

Not Applicable.

Strategic airports and aviation facilities

Not Applicable.

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

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

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

**Complies.** The proposal for the creation of an additional lot will not compromise Rockhampton's capacity as the 'Capital of Central Queensland'.

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

**Complies.** The proposal will not affect any of the region's valuable natural resources that are used to support economic growth in Rockhampton.

- (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 subject site does not contain any natural assets that are of scenic or biological value and as such, the proposal will retain the region's natural assets to maximise biodiversity.

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

**Complies.** The proposal will not compromise any of the region's environmental or 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.

**Not applicable.** The proposal does not involve any commercial or retail development.

- 
- (6) Rockhampton's commercial centres are safe, attractive and readily accessible spaces for all members of the community.
- Not applicable.** The proposal is not commercial in nature and will not compromise the ability of Rockhampton's commercial centres to provide safe, attractive and readily accessible spaces for the community.
- (7) Rockhampton's industrial development is consolidated in identified industrial locations throughout the City.
- Not applicable.** The subject site is not located in an industrial area and the proposal will not compromise the region's industrial activity.
- (8) Rockhampton's cultural and urban heritage, both indigenous and post European, is retained and conserved for future generations.
- Complies.** The subject site does not contain any indigenous or non-indigenous cultural heritage values and the proposal will not compromise any such values for future generations.
- (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.** The proposal involves the creation of a new lot which will accommodate a future Dwelling House. The creation of the additional lot is consistent with the existing rural residential lots located in the surrounding area and the new lot will have access to existing urban services.
- (10) Rockhampton's important community uses and health care facilities are provided and maintained in locations where they are readily accessible to all members of the community.
- Complies.** The subject site is located in close proximity to existing community uses and healthcare facilities and the proposal will not impact upon the function of these 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.
- Complies.** The subject site is located in an area which has been identified as suitable for future residential subdivision in the Rockhampton region. While the lot size for proposed Lot 281 is less than the minimum lot size requirements the proposal will still maintain the rural residential character of the surrounding area.
- (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 located in an existing serviced area and the proposal will be connecting to existing sewer and stormwater infrastructure.
- (13) Safe, accessible, efficient and convenient transport systems are provided in Rockhampton.
- Complies.** The subject site has existing access to Belmont Road, while a new access will be constructed from Gremalis Drive to service proposed Lot 281. The proposal will not implicate the safety or efficiency of the region's transport systems.
- (14) Readily accessible and safe Open Space and facilities for active and passive recreational purposes are accommodated within Rockhampton City.
-

**Not applicable.** The subject site is not located in proximity to any open space areas.

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

**Parkhurst Rural Area, Residential Precinct Intent**

The subject site is situated within the Parkhurst Rural Area, Residential Precinct under the *Rockhampton City Plan 2005*. The intent of the Parkhurst Rural Area, Residential Precinct identifies that: -

*“It is intended that the Parkhurst Rural Residential Precinct be developed for houses only. All allotments will be required to be connected to Council’s water and sewerage network. Other forms of more intense residential development are not consistent with the intent for the Precinct.”*

The lot size for proposed Lot 281 does not comply with the minimum lot size of the Residential Precinct of the Parkhurst Rural Area. Therefore the application is not consistent with the intent of the Precinct.

**Rockhampton City Plan Codes**

The following code is applicable to this application: -

- Reconfiguration of Lot Code

An assessment of the Performance Criteria which the application is in conflict with, is outlined below:

<b>Reconfiguration of Lot Code</b>	
<b>Performance Criteria</b>	<b>Officer’s Response</b>
P9 Lots are of an area and dimension that provides for; a) the efficient development of land for its intended use; and b) on site services and/or facilities such as septic trenches, private open space; vehicle garages, fire fighting supplies, etc; and c) good accessibility with road reserve wide to provide that degree of accessibility; and d) the accommodation of a building location envelope.	<p><b>Justified.</b></p> <p>The minimum lot size requirement for the Residential Precinct of the Parkhurst Rural Area is 4,000 square metres. The area of proposed Lot 281 is 2,568 square metres which is not compliant with the minimum lot size requirement of this precinct.</p> <p>Despite this non-compliance, the subject site is surrounded by existing lots, particularly along Belmont Road, which vary in size between 2,000 square metres to 4,000 square metres. Given the proximity of the subject site to existing smaller lots it is deemed that the proposal is consistent with the existing development pattern within the Residential Precinct of the Parkhurst Rural Area. Further, the small scale nature of the proposal will not compromise the rural character of the Parkhurst Rural Area and will enhance its capacity as a rural residential area.</p> <p>As such, the proposal is considered to be generally consistent with the planning scheme and the overall intent of the Residential Precinct.</p>

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

**Sufficient Grounds**

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

- a) Proposed Lot 281 is consistent with the existing development pattern within the Residential Precinct of the Parkhurst Rural Area and will maintain the rural character of the surrounding area. This non-compliance is unlikely to negatively implicate the intent of the surrounding area;
- b) The proposal is consistent with the future growth intent of the Parkhurst area and coincides with existing subdivision approvals to the north of the subject site;
- c) The proposed use does not compromise the achievements of the Desired Environmental Outcomes in the *Rockhampton City Plan 2005*;
- d) 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
- e) The proposed development does not compromise the relevant State Planning Policy.

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

**INFRASTRUCTURE CHARGES**

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

<b>Column 1 Charge Area</b>	<b>Column 2 Infrastructure Charge (\$/lot)</b>	<b>Column 3 Unit</b>	<b>Calculated Charge</b>
Charge Area 3	7,000	per lot	\$14,000.00
Total			\$14,000.00
Less credit			\$7,000.00
<b>TOTAL CHARGE</b>			<b>\$7,000.00</b>

This is based on the following calculations:

- (a) A charge of \$14,000.00 for two new lots; and
- (b) An Infrastructure credit of \$7,000.00 applicable for the existing allotment.

Therefore, a total charge of \$7,000.00 is payable and will be reflected in an Infrastructure Charges Notice for the development.

**CONSULTATION**

The proposal was the subject of public notification between 11 September 2015 and 6 October 2015, as per the requirements of the *Sustainable Planning Act 2009*, and no submissions were received.

**REFERRALS**

This application did not trigger any referral to a concurrence or advice agency.

**CONCLUSION**

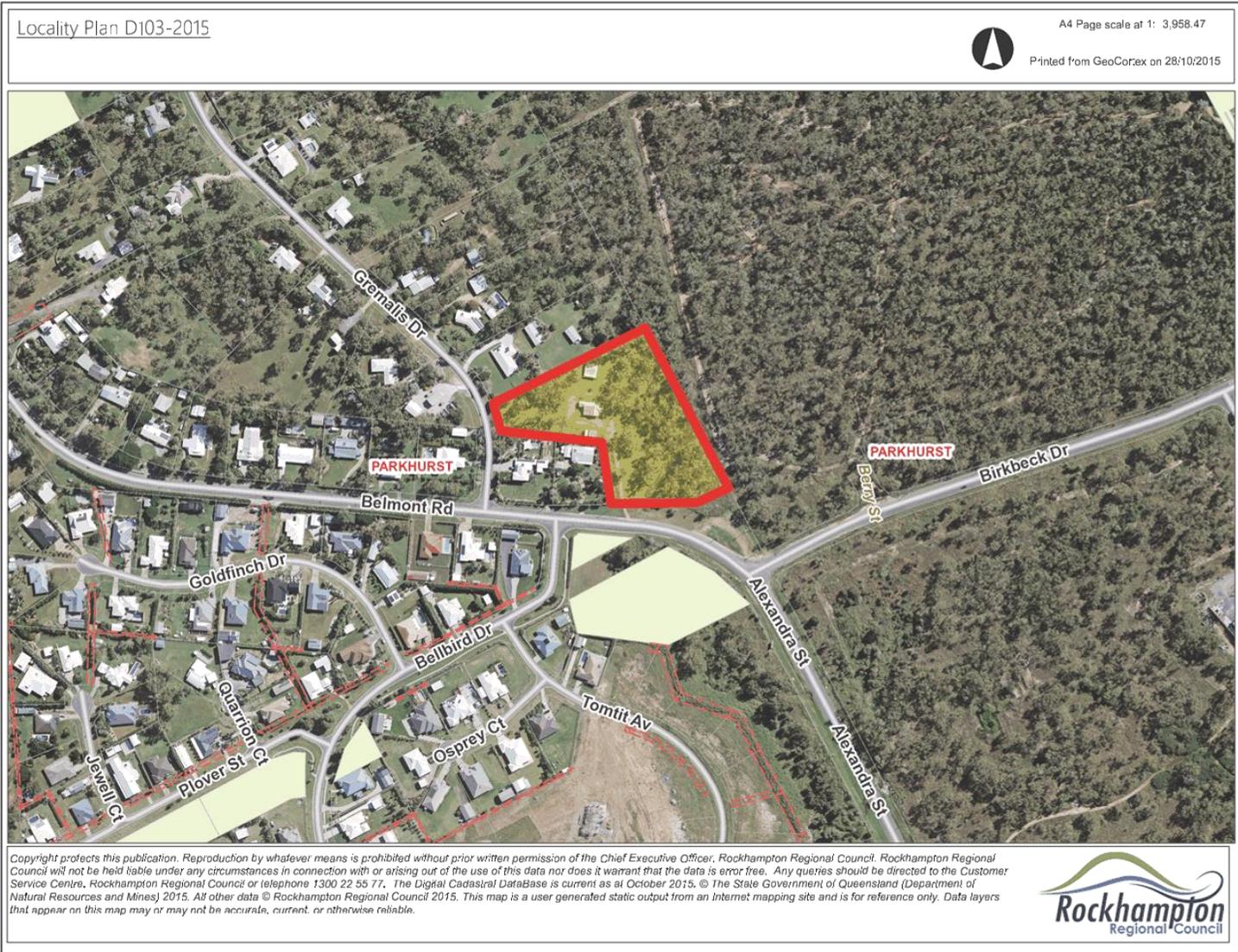
The application for Reconfiguring a Lot (one lot into two lots) does not comply with the minimum lot size of the Residential Precinct of the Parkhurst Rural Area and is therefore not consistent with the intent of this precinct. As demonstrated above, there are sufficient grounds to justify the conflict with the planning scheme and the proposal is also considered to be generally compliant with the relevant codes. Therefore, the application is recommended for approval subject to the conditions outlined in the recommendation.

**D/103-2015 DEVELOPMENT  
APPLICATION FOR RECONFIGURING  
A LOT (ONE LOT INTO TWO LOTS)**

**Locality Plan**

**Meeting Date: 10 November 2015**

**Attachment No: 1**

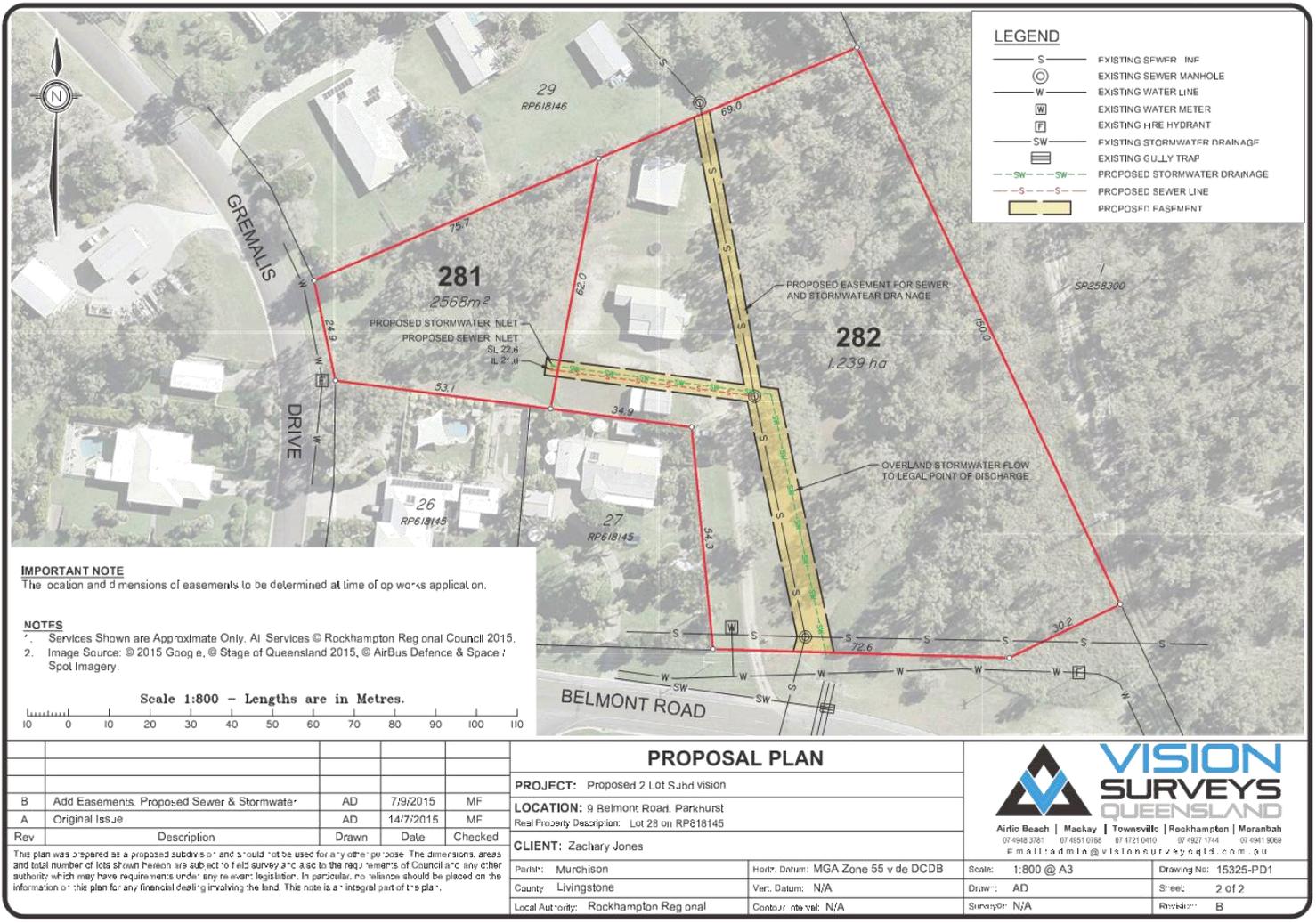


**D/103-2015 DEVELOPMENT  
APPLICATION FOR RECONFIGURING  
A LOT (ONE LOT INTO TWO LOTS)**

**Site Plan**

**Meeting Date: 10 November 2015**

**Attachment No: 2**



**IMPORTANT NOTE**  
The location and dimensions of easements to be determined at time of works application.

- NOTES**
- Services Shown are Approximate Only. All Services © Rockhampton Regional Council 2015.
  - Image Source: © 2015 Google, © Stage of Queensland 2015, © Airbus Defence & Space / Spot Imagery.

Scale 1:800 - Lengths are in Metres.

10 0 10 20 30 40 50 60 70 80 90 100 110

**PROPOSAL PLAN**

B	Add Easements, Proposed Sewer & Stormwater	AD	7/9/2015	MF
A	Original Issue	AD	14/7/2015	MF

**PROJECT:** Proposed 2 Lot Subdivision  
**LOCATION:** 9 Belmont Road, Parkhurst  
**Real Property Description:** Lot 28 on RP618145

**VISION SURVEYS QUEENSLAND**  
 Airlie Beach | Mackay | Townsville | Rockhampton | Moranbah  
 07 4948 3761 | 07 4851 0768 | 07 4721 0410 | 07 4827 1744 | 07 4941 9368  
 Email: admin@visionsurveysqld.com.au

This plan was prepared as a proposed subdivision and should not be used for any other purpose. The dimensions, areas and total number of lots shown herein are subject to field survey and also to the requirements of Council and any other authority which may have requirements under any relevant legislation. In particular, no reliance should be placed on the information on this plan for any financial dealing involving the land. This note is an integral part of this plan.

<b>CLIENT:</b> Zachary Jones	<b>Scale:</b> 1:800 @ A3	<b>Drawing No:</b> 15325-PD1
<b> Parish:</b> Murchison	<b> Horiz. Datum:</b> MGA Zone 55 v de DCDB	<b> Drawing:</b> AD
<b> County:</b> Livingstone	<b> Ver. Datum:</b> N/A	<b> Sheet:</b> 2 of 2
<b> Local Authority:</b> Rockhampton Regional	<b> Contour interval:</b> N/A	<b> Surveyor:</b> N/A
		<b> Revision:</b> B

#### 8.4 D/41-2015 - APPLICATION UNDER THE DEVELOPMENT INCENTIVES POLICY FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR INDOOR SPORT AND RECREATION

<b>File No:</b>	<b>D/41-2015</b>
<b>Attachments:</b>	<b>1. Locality Plan</b>
<b>Authorising Officer:</b>	<b>Tarnya Fitzgibbon - Manager Development and Building Robert Holmes - General Manager Regional Services</b>
<b>Author:</b>	<b>Amanda O'Mara - Senior Planning Officer</b>

#### SUMMARY

<i>Development Application Number:</i>	<i>D/41-2015</i>
<i>Applicant:</i>	<i>Vida Fit Pty Ltd</i>
<i>Real Property Address:</i>	<i>Lot 6 on RP910382, Parish of Murchison</i>
<i>Common Property Address:</i>	<i>403 Yaamba Road, Park Avenue</i>
<i>Rockhampton City Plan Area:</i>	<i>Yaamba Road South Commercial Area</i>
<i>Type of Approval:</i>	<i>Development Permit for a Material Change of Use</i>
<i>Date of Decision:</i>	<i>8 July 2015</i>
<i>Application Lodgement Fee:</i>	<i>\$3,083.00</i>
<i>Infrastructure Charges:</i>	<i>\$15,981.00</i>
<i>Infrastructure charges incentive:</i>	<i>All other areas – 50% discount</i>
<i>Incentives sought:</i>	<i>Infrastructure Charges Concession Refund of Development Application Fees</i>

#### OFFICER'S RECOMMENDATION

THAT in relation to the application under the Development Incentives Policy for a Development Permit for a Material Change of Use for Indoor Sport and Recreation, on Lot 6 on RP910382, Parish of Murchison, located at 403 Yaamba Road, Park Avenue - Council resolves to Approve the following incentives if the use commences prior to 8 July 2018:

- A fifty per cent reduction of infrastructure charges to the amount of \$7,990.50;
- A refund of the development application fee of \$3,083.00 on commencement of the use; and
- That Council enter into an agreement with the applicant in relation to (a) and (b).

#### BACKGROUND

##### **Project outcomes anticipated by applicant:**

Vida Fit Pty Ltd has been granted approval to establish an indoor sport and recreation facility. The facility is an open plan gym catering for group training in an existing commercial building.

##### **New jobs and investment:**

The applicant will initially employ two (2) full-time employees and one part-time employee to run the sport and recreation facility. It is projected this employment may grow to ten (10) plus employees within three (3) years.

The applicant spent almost \$100,000 setting up the business and estimated ninety (90) per cent of these funds were spent with Rockhampton Region service providers and suppliers.

**Benefits of project for applicant's business:**

The applicant has established an operational base at which locals and visitors can take part in its exercise program. The applicant hopes to become one of the most pre-eminent and successful service providers of health and fitness programs in Central Queensland.

**Benefits of project to Rockhampton Regional economy:**

A significant number of health and fitness service providers have established operational bases in the Rockhampton Region in the past year. However, another business which provides a greater choice is always welcome.

Vita Fit employs a comparatively small initial workforce, which may grow should its growth aspirations be realised.

The services and fit-out to establish Vita Fit's operational base provided welcome expenditure, principally for a range of Rockhampton Region businesses.

**PLANNING ASSESSMENT****COMMENTS FROM RELEVANT UNITS****Infrastructure Operations Unit's Comments – 28 September 2015**

Support, subject to comments.

**Economic Development Unit's Comments – 7 October 2015**

Support, subject to comments.

**CONCLUSION**

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

**D/41-2015 - APPLICATION UNDER THE  
DEVELOPMENT INCENTIVES POLICY  
FOR A DEVELOPMENT PERMIT FOR A  
MATERIAL CHANGE OF USE FOR  
INDOOR SPORT AND RECREATION**

**Locality Plan**

**Meeting Date: 10 November 2015**

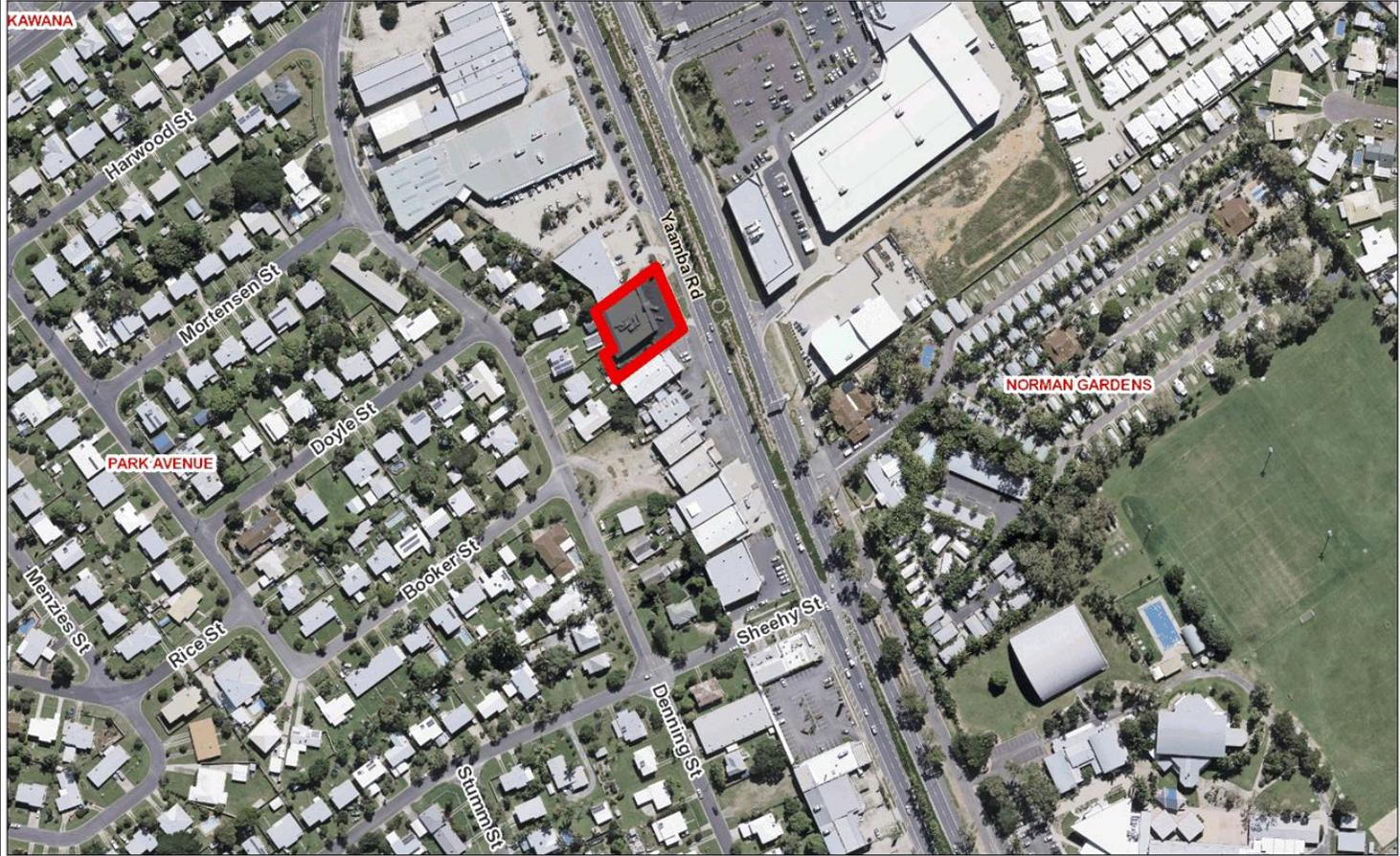
**Attachment No: 1**

D/41-2015 - Locality Plan

A4 Page scale at 1: 2,902.88



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**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 CLOSED SESSION

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

### RECOMMENDATION

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

#### 13.1 Enforcement Proceedings for Development Offences

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 CONFIDENTIAL REPORTS

### 13.1 ENFORCEMENT PROCEEDINGS FOR DEVELOPMENT OFFENCES

**File No:** 8038 / 4781 / 8431

**Attachments:**

1. Locality Plan
2. Committee Report 28.04.2015
3. Letter to Developer from Committee
4. Photo

**Authorising Officer:** Tarnya Fitzgibbon - Manager Development and Building  
Robert Holmes - Acting Chief Executive Officer

**Author:** Judith Noland - Development Compliance Officer

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.

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#### SUMMARY

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

**14 CLOSURE OF MEETING**