

COMMITTEE RESOLUTION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into two lots), made by 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

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.

Moved by: Councillor Williams

Seconded by: Councillor Fisher

MOTION CARRIED

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

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

SUMMARY

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

COMMITTEE RESOLUTION

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

Moved by: Councillor Swadling

Seconded by: Councillor Smith

MOTION CARRIED

9 STRATEGIC REPORTS

Nil

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 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.

Moved by: Councillor Williams

Seconded by: Councillor Swadling

MOTION CARRIED

2.01PM Councillor Rutherford left the meeting and did not return.

COMMITTEE RESOLUTION

2.01PM

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 Swadling

Seconded by: Councillor Williams

MOTION CARRIED

COMMITTEE RESOLUTION

2.28PM

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 Swadling

Seconded by: Councillor Fisher

MOTION CARRIED

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.

SUMMARY

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

COMMITTEE RESOLUTION

1. THAT a penalty infringement notice be issued for non-compliance with the development approval.
2. THAT Council communicate with the developer and indicate will consider a reasonable change to the development approval conditions.
3. THAT Council declare that all documents in regards to this matter are not confidential.

Moved by: Mayor Strelow

Seconded by: Councillor Williams

MOTION CARRIED UNANIMOUSLY

14 CLOSURE OF MEETING

There being no further business the meeting closed at 2.31pm.

SIGNATURE

CHAIRPERSON

DATE