

## PLANNING & DEVELOPMENT COMMITTEE MEETING

## **AGENDA**

### **29 JANUARY 2014**

Your attendance is required at a meeting of the Planning & Development Committee to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 29 January 2014 commencing at 10:00 am for transaction of the enclosed business.

CHIEF EXECUTIVE OFFICER

22 January 2014

Next Meeting Date: 12.02.14

#### Please note:

In accordance with the *Local Government Regulation 2012*, please be advised that all discussion held during the meeting is recorded for the purpose of verifying the minutes. This will include any discussion involving a Councillor, staff member or a member of the public.

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#### 1 OPENING

#### 2 PRESENT

#### Members Present:

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

#### In Attendance:

Mr E Pardon – Chief Executive Officer Mr R Holmes – General Manager Regional Services

#### 3 APOLOGIES AND LEAVE OF ABSENCE

#### 4 CONFIRMATION OF MINUTES

Councillor N K Fisher

Minutes of the Planning & Development Committee held 19 November 2013

## 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** 

Responsible 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.

#### 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: 29 January 2014

**Attachment No: 1** 

Date	Report Title	Resolution	Responsible Officer	Due Date	Notes
05 November 2013	Drainage issues - DXL Projects 661 Montgomerie Street, Lakes Creek	THAT the matter be referred to the next Ordinary Council meeting for consideration pending a further report from officers which identifies the scope for the design of the optimal stormwater management solution for the site and surrounding areas.		12/11/2013	
19 November 2013	D/588-2012 Development Application for a Preliminary Approval varying the effect of the Planning Scheme for a Material Change of Use for Residential Purposes and Development Permit for Reconfiguring a Lot (two lots into 198 lots) – Gracemere Springs Estate Stages One to Seven		Petrus Barry	03/12/2013	

#### 7 PUBLIC FORUMS/DEPUTATIONS

Nil

#### 8 OFFICERS' REPORTS

#### 8.1 RRC PLANNING SCHEME DECEMBER 2013 QUARTERLY REPORT

File No: RRPS-PRO-2010/03

Attachments: 1. Planning Scheme Work Schedule

2. Community Engagement Strategy

Responsible Officer: Robert Holmes - General Manager Regional Services

Author: Bob Truscott - Operations Manager Strategic Planning

#### **SUMMARY**

Rockhampton Regional Council resolved to continue making a planning scheme for the continuing Council planning area on 10 April 2013. A proposed scheme has been submitted to the Minister for State Development, Infrastructure and Planning for a State Interest Review. This report updates Councillors on current status and next steps. It also seeks formal endorsement for the public consultation stage, Community Engagement Strategy.

#### OFFICER'S RECOMMENDATION

- 1. THAT the RRC Planning Scheme December 2013 Quarterly Report be received.
- 2. THAT the Community Engagement Strategy for the Public Consultation stage of preparing a new planning scheme as presented is adopted.

#### **BACKGROUND**

Council resolved to make a new whole of area planning scheme in 2010. A project team and external planning specialist support contract were established. The making of the planning scheme is being completed in accordance with 'Statutory Guideline 01/13 Making and amending local planning instruments (MALPI)'. This includes complying with the requirements of 'Queensland Planning Provisions (Version 3) (QPP)'. The QPP Version 3 has finally been formally gazetted by the State Government. Adjustments to the scheme have been made to ensure compliance.

Following the decision regarding de-amalgamation it was resolved on 10 April 2013 to continue preparing a planning scheme for the continuing Council area. It was also resolved to cease preparation of a planning scheme for the Livingstone Shire Council planning area pending direction from the Transfer Committee.

Work has continued on the Rockhampton Regional Council scheme and a draft scheme was submitted to the Minister for State Development, Infrastructure and Planning on 1 November, 2013.

Following direction from the Transfer Committee, work to separate and prepare a draft planning scheme for the new Livingstone Shire Council focussed on separating a draft Strategic Framework, including mapping. This work progressed up to the transfer date.

#### **COMPLETED TASKS (LAST 6 MONTHS)**

The following summarises the tasks completed for the last quarter.

- Legal due diligence of high risk elements of the draft scheme and resultant changes made. No major policy matters were discovered.
- Informal meetings with Councillors to resolve specific outstanding items were held as required.
- Completed draft Priority Infrastructure Plan as part of draft planning scheme.
- Completed final draft planning scheme mapping, except some hazard overlay mapping.
- Completed and proposed to Council a complete draft planning scheme (including mapping and Priority Infrastructure Plan {PIP}).

- Formal Council approval obtained on 28 October to submit the planning scheme for state interest review.
- Draft planning scheme submitted for State Interest Review on 1 November 2013.
- Arranged and conducted a State Agency workshop on 21 November.
- Prepared sample marketing documentation to inform Council workshop on the scope and content of the formal public consultation stage.
- Conducted a Councillor workshop on 10 December to get direction and endorsement for the public consultation engagement strategy.
- Completed a draft Strategic Framework, consistent with established policy settings for the Livingstone Shire Planning area (including mapping).

#### **RELATED TASKS (IMPACTING PROGRAM)**

Additional tasks have been made necessary by legislative change or at the request of Council that were not included in the original work scope as below

Additional associated tasks	Separate trunk infrastructure charging	Complete
not originally scheduled	arrangements from the	
	Priority Infrastructure Plan in response to new draft State	
	Planning Regulatory	
	Provision (AICR 1)	
	Make a Temporary Local	Complete (did not
	Planning Instrument for the	proceed)
	Gracemere Industrial Area	Commission
	Complete a review of AICR 1 in response to final State	Complete
	Planning Regulatory	
	Provision (AICR 2 adopted).	
	Provide support for the CQ	Complete
	Regional Plan development	
	Make a major amendment	Complete
	for the Fitzroy Shire Council	
	Planning Scheme Gracemere Stanwell Zone	
	Conduct an additional round	Complete
	of community consultation	Complete
	to update the community on	
	policy and progress	
	Rework the whole of region	• Draft RRC Scheme
	scheme following a decision	complete
	to de-amalgamate LSC	Draft LSC strategic
		framework complete
		as at date of transfer.

#### **LEGAL IMPLICATIONS**

A legal due diligence review of the higher risk components of the planning scheme has been carried out and changes to ensure legal compliance and functionality were made. The review did not result in the need for any significant policy review.

#### **NEXT STEP**

The attached work schedule lays out the tasks still required to complete the preparation and ultimate adoption of a new planning scheme for the Rockhampton Regional Council planning area.

The program assumes no major policy or regulatory obstacle is encountered, but makes some allowance for resolving more complex matters raised during public consultation. It is not uncommon to receive several hundred submissions. The Sunshine Coast received over

3,000. Council must respond to all properly made submissions. Matters associated with the application and accuracy of some natural hazard overlays remain the most likely to extend the program.

It is a policy of Council that a community engagement of the scope and significance of the public consultation stage for a new planning scheme be adopted by Council. A draft strategy was workshopped with Council prior to Christmas. Changes have been made and the strategy attached is now presented to Council for adoption. This will allow the preparation of the substantial supporting documentation and other collateral to proceed.

#### **COST CONTROL**

	Budget 2010/11	Actual 2010/11	Budget 2011/12	Actual 2011/12	Budget 2012/13	Actual 2012/13
Planning Scheme	\$2,521,522	\$1,482,279	\$2,147,972	\$1,680,132	\$1,560,116	\$979,479
Priority Infrastructure Plan	\$780,000	\$836,597	\$904,200	\$829,285	\$829,285	\$675,799
Total	\$3,301,522	\$2,318,876	\$3,052,172.00	\$2,509,417.00	\$2,389,401.00	\$1,655,278.00
	Budget 2013/14	YTD 31/12/13				
Planning Scheme	\$1,205,907	\$390,500				
Priority Infrastructure Plan	\$513,923	\$325,506				
Total	\$1,719,830.00	\$716,006.00				

Note: Cost of additional tasks identified have been absorbed in these budgets.

#### CONCLUSION

The final half of 2013 saw the project achieve a very significant milestone. The proposed scheme was submitted to the State Government for a formal review of its interests on 1 November.

Council should receive a response and conditional approval to proceed to formal public consultation from the Minister for State Development Infrastructure and Planning in the first quarter of 2014.

The resolution of natural hazard overlays and matters raised during the public consultation remain the greatest risk to achieving adoption of the planning scheme in 2014.

## RRC PLANNING SCHEME DECEMBER 2013 QUARTERLY REPORT

## **Planning Scheme Work Schedule**

Meeting Date: 29 January 2014

**Attachment No: 1** 

## RRC PLANNING SCHEME DECEMBER 2013 QUARTERLY REPORT

## **Community Engagement Strategy**

Meeting Date: 29 January 2014

**Attachment No: 2** 

### Community Engagement Plan Rockhampton Region Planning Scheme

### Growing a stronger future

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#### Appendix A

Extract from the Sustainable Planning Act 2009 - 118 Content of guideline for making or amending local planning instrument

#### Appendix B

Extract from the Statutory Guideline 01/13 Making and amending local planning instruments

#### Appendix C

Extract from the Sustainable Planning Act 2009 - Properly made submission definition

#### Appendix D

Example Planning Scheme Brochure
Example Locality Fact Sheet

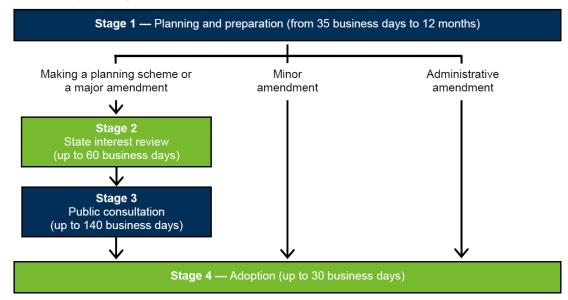
#### 1. Trigger for Community Engagement

Rockhampton Regional Council passed a resolution on 28 September 2010 as follows:

That the Council resolve to prepare the Rockhampton Regional Planning Scheme pursuant to the requirements of the *Sustainable Planning Act 2009*, and the *Statutory Guideline Making or amending local planning instruments 01/13*.

In relation to preparing a planning scheme, there is a legislative requirement under the Sustainable Planning Act 2009 to carry out public consultation about a proposal to make a planning scheme. (See Appendix A). Stage 3, Step 7 of the Statutory guideline 01/13 Making and amending local planning instruments details the process and timeframes to deliver public consultation of a proposed planning scheme under the Sustainable Planning Act 2009. (See Appendix B). Public consultation phase, is shown in Step 3 of the below diagram from the Statutory Guideline 01/13 Making and amending local planning instruments.

Figure 1 Process for making or amending (major, minor or administrative) a planning scheme



Stage 3, Step 7 – Local government commences public consultation of a proposed planning scheme is triggered by approval from the Minister for State Development, Infrastructure and Planning to proceed to public consultation after the state interest review (stage 2) has been completed.

Council will then formally resolve to undertake public consultation once changes to the proposed planning scheme as a result of the state interest review have been considered and agreed upon.

#### 2. Reason for Engagement

Rockhampton Regional Council has completed drafting a Planning Scheme for the Rockhampton Regional Local Government Area that will replace the existing, Fitzroy, Mount Morgan and Rockhampton City planning schemes. According to Council's Community Engagement Procedure — Community Engagement Matrix, proposing a new planning scheme is categorized as having a 'high regional' level of real or perceived impact across our Region.

Council endeavors to ensure that the Rockhampton Regional Council Planning Scheme is developed to accurately reflect the community's expectations and continue to meet the evolving needs of the people who live here, whilst allowing and enhancing growth opportunities.

Council has gone beyond the legislative community and state department consultation requirements when developing the Rockhampton Regional Planning Scheme by implementing additional informal engagement opportunities leading into the formal period, developing supporting information resources and additional marketing aims to raise its profile with the community and ensure engagement of a comprehensive range of stakeholders for the formal submission phase, thus establishing a relevant and interested stakeholder group.

#### 3. Background

Following amalgamation in 2008, land use planning continued to be regulated by the four existing Rockhampton City, Fitzroy, Livingstone and Mount Morgan Shire planning schemes. The State Government gazetted the 'Queensland Planning Provisions' (QPP) which contains standard planning scheme provisions, providing a consistent format and structure for local government planning schemes across Queensland. To comply with QPP and create consistency for all parts of the amalgamated community, Rockhampton Regional Council escalated the development of a new, local government area planning scheme as a high priority.

Council was also required to assist the community to produce a 'Community Plan' by December 2011. A comprehensive engagement process "BE HEARD" was completed in the first half of 2011 to help generate a 'Community Plan' that outlines community objectives and strategies to be utilised in the preparation of the Community Plan and also the Planning Scheme.

Local elections occurred in early 2012 and the elected Council table raised a request to relaunch the progress of making the new scheme and undertake further consultation with the community to encourage feedback and issue identification prior to the formal consultation period. Feedback on the Strategic Directions – Land Use preliminary consultation document was gathered through an online and hard copy feedback form, distributed at a number of advertised information displays at shopping centres, markets and community group presentations and promoted via dedicated website pages and targeted social media channels. The feedback has been used to inform the ongoing refinements to the draft Strategic Framework and elements of the new scheme in preparation to progress to the next major milestones, state interest and formal public consultation.

The Gracemere Industrial Area (GIA)was identified as a high priority by the Council to enable our Region to respond to opportunities for industrial economic growth, commenced in early 2012 as a proposed Temporary Local Planning Instrument (TLPI) but was resolved not to proceed as the community felt they had not been consulted and Council received significant backlash from the community and media coverage. Prior to progressing, Mayor Strelow and Councillor Smith met individually with property owners and residents to establish a workable solution. Council proposed a major amendment to the Fitzroy Shire Planning Scheme in late 2012 and held a public meeting. The formal consultation period for the major amendment commenced Monday 11 February and was completed Friday 22 March 2013. The major amendment to the Fitzroy Scheme was adopted on Tuesday 13 August 2013 and the intent for this area has been reflected in the new planning scheme.

On Monday 11 March 2013, the final decision was made by the Minister for Local Government, Community Recovery and Resilience to de-amalgamate the former Livingstone Shire local government area from the Rockhampton Regional Council. Council decided in March 2013 to separate the drafted scheme into two, one for the continuing Rockhampton Regional Council LGA and one for the new Livingstone Council. This meant that is was not necessary for the continuing Rockhampton Regional Council to complete the Iconic Panel step of the making a new scheme process. However, the *Livingstone Shire Planning Scheme* has been included as part of Council's submission to the State to ensure Council's planning scheme applies to all of the local government's area and will be withdrawn from the process as of 1 January 2014.

The draft Strategic Framework for the continuing Rockhampton Regional Council's new planning scheme was made available to the public from 28 June 2013.

Local Creek Catchment Studies will likely be adopted by Council and released to the public prior to the planning scheme consultation period. The release of the studies will require a form of engagement that may link to the South Rockhampton Flood Levee engagement plan. The studies will assist in determining a Defined Flood Event for use in the planning scheme creek catchment flood overlay mapping and therefore, the engagement that occurs with the release of the Local Creek Catchment Studies will be reflected as part of the planning scheme consultation.

Ongoing feedback has been encouraged throughout the making of the new scheme and Strategic Planning staff have regularly met with residents and stakeholders upon request since the commencement of the project. Internal preparation for the new planning scheme has included:

- Multiple Councillor group and individual Workshops
- Council Department review program
- Council Development Assessment testing program
- Legal and due diligence review
- Informal and formal State Interest Review
- Multiple software integration projects

#### 4. Objectives

- To undertake the public notification period pursuant to the legislative requirements of the Sustainable Planning Act 2009 and the Statutory Guideline 01/13 Making and amending local planning instruments.
- To create community awareness about the formal consultation period and how to make a properly made submission to the proposed Rockhampton Region Planning Scheme.
- Identify and engage with a range of residents and stakeholders throughout the making of the Rockhampton Region Planning Scheme, leading into and during the formal public consultation period.
- To implement appropriate change management techniques that will assist the community to prepare for change – focusing in areas where significant change is proposed.
- Promote the clear linkages between community feedback and benefits of the new scheme
- To provide the community a range of online and traditional information sources and feedback/submission methods.

#### 5. Target audiences

#### Community

- General community any person can make a submission
- Properties in current planning scheme areas
- Property owners and residents of Rockhampton City Plan area
- Property owners and residents of Fitzroy Shire Planning Scheme area
- Property owners and residents of Mt Morgan Shire Planning Scheme area
- Locality Areas

(Allenstown) (Alton Downs, Nine Mile, Pink Lily) (Bajool, Marmor, Midgee, Port Alma) (Baree & Walterhall) (Berserker) (Boulder Creek & The Mine) (Bouldercombe) (Bushley, Dalma & Kalapa) (Depot Hill) (Fairy Bower) (Fletcher Creek, Limestone, nine Mile, Oackey & Trotter Creeks, Walmul and Wura) (Garnant, Ridgelands, South Yaamba) (Glenroy, Morinish, Morinish South) (Gogango, Westwood & Wycarbah) (Gracemere) (Gracemere Industrial Area) (Hamilton Creek, Horse Creek) (Johnsons Hill, Leydens Hill, Moongan & Struck Oil) (Kabra) (Kawana) (Koongal) (Lakes Creek) (Limestone Creek & Mount Archer) (Mount Morgan) (Norman Gardens) (Park Avenue) (Parkhurst Industrial Area) (Parkhurst) (Port Curtis) (Ridgelands) (Rockhampton City) (Stanwell) (The Common) (The Range) (Trotter Creek) (Wandal) (West Rockhampton)

#### Rate payer Associations

- Capricorn Chamber of Commerce
- Fitzroy Northern Area Ratepayers Association
- Regional Western District Area Ratepayers Association
- Bouldercombe Rate Payers Association
- Bajool /Marmor Rate Payer Association

#### Specific Interest

- Hazard Overlay Consultation Groups
- Capricorn Enterprise
- Gracemere Community Voice
- Environmental Groups Great barrier reef marine authority
- Historical Groups
- Housing groups i.e. Anglicare CQ, REACH ltd
- Community organisations
- CQ Mining Women's Support Group
- Private Education & University
- Mount Morgan Promotion & Development Group
- Multicultural Groups
- Access & Equity groups
- Indigenous Groups

#### **Business / Developers**

- Council's Developers Forum
- Real Estate Agents
- Solicitors & Building Certifiers

#### **Major Industry**

- Resource Industry Committee
- Capricorn Enterprise Industry Group
- Gracemere Industry Group
- Major Industry employers: Stanwell, Hasting Deering, Meatworks etc

#### **Surrounding Local Governments**

- Central Highlands Regional Council
- Banana Shire Council
- Gladstone Regional Council
- Livingstone Shire Council
- Woorabinda Shire Council

#### State Government Referral Agencies

- Department of State Development, Infrastructure and Planning (DSDIP) Coordinates:
- Housing and Public Works
- Transport & Main Roads
- Natural Resources and Mines
- Environment & Heritage Protection
- State Development, Infrastructure and Planning
- Agriculture, Fisheries and Forestry
- Community Safety
- Communities Child Safety and Disability Services
- National Parks, Recreation, Sport and Racing
- Health
- Education, Training and Employment
- Police
- Queensland Reconstruction Authority
- Justice and Attorney General
- Aboriginal and Torres Strait Islander and Multicultural Affairs
- Science, Information Technology, Innovation and the Arts

#### Government owned corporations

- Queensland Rail
- Ergon

- Gladstone Ports Corporation
- Powerlink
- Stanwell

#### **Federal Government Agencies**

Australian Defense Force Service – Military

#### 6. Key messages

#### General community

#### (Mass media messages)

#### Prior to consultation period commencing:

- A new planning scheme has been drafted for the Rockhampton Regional Council Local Government Area.
- Public consultation period commences Date TBA 2014 and concludes Date TBA 2014.
- The new planning scheme will replace the Fitzroy Shire, Mount Morgan Shire and Rockhampton City planning schemes.
- The new planning scheme provides a consistent and standardised approach for new development in our local government area.

#### **During consultation period:**

- View the new scheme online from Council's website or at Customer Service Centres.
- Lodge a formal submission online, via email, mail or in person at Council's Customer Service Centres.
- Find out about the planning scheme by visiting an information display at a local shopping centre, registering to attend a public meeting or booking a meeting with a planner at Customer Service Centres.

#### After consultation period concludes:

- All properly made submissions will be considered by Council and responded to as part of the development of the planning scheme.
- The new planning scheme deals with new development and will not change established land uses.
- The life of a planning scheme is ten (10) years from the date of adoption before a review is required; however the strategic elements of the planning scheme have at least a twenty-five (25) year planning horizon.
- Development applications submitted after the adoption of the new planning scheme can be requested to be assessed by Council under the provisions of previous relevant planning schemes for a period of 12 months.

#### Properties in current planning scheme areas

-Residents of former Rockhampton City Plan area

- Rockhampton City Plan divided land into planning areas which have been changed to zones and precincts under the proposed scheme in accordance with Queensland Planning Provisions.
- Mapping has been improved to show more detail for individual lots.
- The new scheme provides more information at the strategic level to allow greater guidance for development, including the introduction of a clear settlement pattern, strategic goals and built form provisions.
- Even if you have provided feedback previously, you have

	to make a formal submission during public consultation if you still want your matters considered.
-Residents of former Fitzroy Shire Planning Scheme area  -Residents of former Mt Morgan Shire Planning Scheme area	Overarching changes for the area:  Hazard Overlays & Special Management Area Overlay  Identified new and future urban growth area – North Parkhurst  Reduction of areas with character provisions  Zone categories have been translated in accordance with the Queensland Planning Provisions, meaning that names may be different but it is likely land use intents remain similar.  Mapping has been improved to show more detail for individual lots.  New planning scheme provides more information at the strategic level to allow greater guidance for development, including the introduction of a clear settlement pattern, strategic goals and built form provisions.  Even if you have provided feedback previously, you have to make a formal submission during public consultation if you still want your matters considered.  Overarching changes for the area:  Hazard Overlays & Special Management Area Overlay  Identified new and future urban growth area — South Gracemere  Dual Occupancy now self assessable  Gracemere Industrial Area  Zone categories have been translated in accordance with the Queensland Planning Provisions, meaning that names may be different but it is likely land use intents remain similar.  Mapping has been improved to show more detail for individual lots.  New planning scheme provides more information at the strategic level to allow greater guidance for development, including the introduction of a clear settlement pattern, strategic goals and built form provisions.  If you have provided feedback previously, you have to make a formal submission during public consultation. Overarching changes for the area:  Hazard Overlays - Bushfire  Reduction in rural residential areas  Baree & Walterhall Precinct introduced – change in zone from Residential to Rural Residential
Localities of RRC	For more specific information about your locality - view a locality fact sheet on the website  Each locality's messages provided within fact sheets (see list on page 9)
-Example: Allenstown	<ul> <li>Identified areas of Allenstown encourage urban infill and intensification meaning that multiple dwellings such as unit complexes up to three storeys are encouraged in the identified low/medium density zone.</li> <li>The extent of the residential character area has been</li> </ul>

	reduced and is proposed to be wholly contained within the locality of The Range Change to minimum lot sizes in Specialised Centre Zone Gladstone Road and George Street Precinct – from 1000m2 to 450m2 when reconfiguring a lot.
-Example: Alton Downs  -Example: Baree & Walterhall	<ul> <li>Rural land is recognised as having important economic, environmental and scenic values so minimum lot sizes have been established to reduce the potential for further fragmentation and maintain the productive capacity of rural lands.</li> <li>Change to minimum lot size when reconfiguring a lot in Rural Zone – Alton Downs precinct from 8 hectares in the current Alton Downs Zone – Precinct 1 and 2 - changed to 16 hectares to reduce potential for further fragmentation.</li> <li>Change to minimum lot size when reconfiguring a lot from 50 hectares in the current Alton Downs Precinct 2 to 100 hectares in the Rural Zone.</li> <li>Intensive Horticulture Precinct is new and allows for slightly smaller lot sizes in recognition of the economic potential of intensive horticulture (cropping) production potential in this area.</li> <li>Many properties are situated on elevated, sloping land and with limited infrastructure in place. A significant portion of historically subdivided residential lots have been included in a rural residential precinct. Within this precinct development for a dwelling house can only occur once a number of specific requirements have been met.</li> <li>The extent of rural residential land throughout the region has been reviewed and reduced in a number of localities to preserve the productive capacity of rural lands by reducing the potential for further fragmentation. As a result, a number of lots zoned residential but depicting the aspects of rural residential land (unformed dirt roads and requiring onsite sewer and water services) have now have been translated to a rural residential precinct with special requirements including:         -higher level of assessment (self assessable to code assessable)         -increased minimum lot size</li> </ul>
Rate payer Associations	
-Capricorn Chamber of Commerce	Key messages for locality of Rockhampton City
-Fitzroy Northern District/Area Ratepayers Association	<ul> <li>Key messages for localities of Pink Lily, Alton Downs, Ridgelands, Morish, Morish South, Dalma, South Yaamba, Glenroy, Garnant</li> </ul>
-Regional Western District Area Ratepayers Association	<ul> <li>Key messages for the locality of Wycarbah, Westwood, Gogango, Bushley</li> </ul>
-Bouldercombe Rate	Key messages for locality of Bouldercombe

Payers Association	
-Bajool /Marmor Rate Payer Association	Key messages for localities of Bajool, Marmor
Specific Interest	
-Hazard Overlay Consultation Groups	The proposed scheme includes Hazard Overlay Maps that identifies planning areas likely to be subject to, for example, flooding or bushfires and an appropriate planning response.
-Capricorn Enterprise	Key messages Business & tourism
-Gracemere Community Voice	<ul> <li>Key messages for the localities of Gracemere and Gracemere Industrial Area.</li> </ul>
-Environmental Groups	<ul> <li>A network of environmental areas and linking ecological corridors of high environmental value are identified within the planning scheme for protection and enhancement.</li> </ul>
-Historical Groups	Areas of character housing are conserved and enhanced. The extent of the residential character area has been reduced and is proposed to be wholly contained within the locality of The Range.
-Housing groups i.e. Anglicare CQ, REACH ltd	<ul> <li>Strategic objectives for access &amp; mobility with specific outcomes required in relevant zone and development codes.</li> <li>Population and demographic projections for the region responded to by settlement pattern and Priority Infrastructure Plan.</li> <li>More housing choice available through reduction in minimum lot size and reduced levels of assessment.</li> <li>Planning scheme aims to enhance quality of life of residents through equitable access to social infrastructure, community services and facilities necessary to support community health and well-being.</li> </ul>
-Community organisations	<ul> <li>Tailored messages for focus of the organisation as required.</li> </ul>
-CQ Mining Women's Support Group	The planning scheme provides for a variety of dwelling types particularly in close proximity to services such as Hospitals and Schools.
-Private Education & University	<ul> <li>State identified Priority Development Area (PDA) established on CQUni land</li> </ul>
-Mount Morgan Promotion & Development Group	<ul> <li>Key messages for the localities within former Mount Morgan Shire Planning Scheme</li> </ul>
-Aging Groups & Access & Equity groups	<ul> <li>Strategic objectives for access &amp; mobility and development in proximity to services</li> <li>Population and demographic projections for the region responded to by settlement pattern and Priority Infrastructure Plan.</li> </ul>

-Multicultural Groups -Indigenous Groups	<ul> <li>Protection of cultural heritage</li> <li>Established heritage values, including indigenous cultural heritage values, places, buildings, features and landscapes reflecting the history and identity of the planning scheme area, are protected and enhanced by development.</li> <li>More affordable housing choices available through reduction in minimum lot size and reduced levels of assessment</li> <li>Planning scheme aims to enhance quality of life of residents through equitable access to social infrastructure, community services and facilities necessary to support community health and well-being.</li> </ul>
Business / Developers Council's Developers Forum Real Estate Agents Solicitors & Building Certifiers	<ul> <li>Centers hierarchy</li> <li>Building heights</li> <li>Tables of assessment</li> <li>Minimum lot sizes</li> <li>ROL design</li> <li>Structure planning and centre concepts</li> <li>Urban infill and intensification areas</li> <li>Urban residential growth areas</li> <li>Urban industrial growth / restriction</li> <li>Zones and codes related to the above</li> <li>Development Applications with the new Planning Scheme (Strategic Framework)</li> <li>Viewing the scheme in ICON</li> <li>Planning Certificates, Constraints, Flood Searches</li> <li>Role of the Priority Infrastructure Plan</li> </ul>
Major Industry	
<ul> <li>Resource Industry         Committee</li> <li>Capricorn Enterprise         Industry Group</li> <li>Gracemere Industry         Group</li> <li>Major employers e.g.         Meatworks, Stanwell,         Hastings Deering</li> </ul>	<ul> <li>Role of the Priority Infrastructure Plan and impact on infrastructure charges</li> <li>Gracemere Industrial Area – extent of industry zone</li> <li>Proposed future Industrial (Restriction in Parkhurst)</li> <li>Viewing the scheme in ICON</li> <li>Strategic Framework growth areas, industry corridors, future infrastructure</li> <li>Response to regulations</li> <li>Special Management Area</li> </ul>
Surrounding Local	
Governments  ■ Central Highlands Regional Council ■ Banana Shire Council ■ Gladstone Regional Council ■ Livingstone Shire Council ■ Woorabinda Shire Council	<ul> <li>A new planning scheme has been drafted for the Rockhampton Regional Council area.</li> <li>Public consultation period commences Date TBA 2014 and concludes Date TBA 2014.</li> <li>View the new scheme on Council's website or at Customer Service Centers.</li> <li>Lodge a formal submission online, via email, mail or in person at Council's Customer Service Centres.</li> </ul>
State Government Referral Agencies	
■ Department of State Development,	A new planning scheme has been drafted for the Rockhampton Regional Council area.

Infrastructure and Planning (DSDIP)	<ul> <li>Public consultation period commences Date TBA 2014 and concludes Date TBA 2014.</li> <li>View the new scheme on Council's website or at Customer Service Centers.</li> </ul>
Federal Government Agencies	
<ul><li>Australian Defense Force Service – Military</li></ul>	<ul> <li>A new planning scheme has been drafted for the Rockhampton Regional Council area.</li> <li>Public consultation period commences Date TBA 2014 and concludes Date TBA 2014.</li> <li>View the new scheme on Council's website or at Customer Service Centers.</li> </ul>

#### 7. Level of Engagement

There are different public participation levels ranging from inform, consult, involve, collaborate & empower.

The Rockhampton Regional Council Planning Scheme's Community Engagement is deemed 'high regional' according to the Community Engagement Matrix. The engagement will involve 'informing' and 'consulting' the whole local government area, also including a wider audience as any person from any location may make a submission. To inform and consult the community and the wider audience, a range of traditional and social media methods will be used.

#### 8. Methods of Engagement

#### Inform:

#### Internal Communications

Internal training sessions, Round the Ridges, Council wide email/notices for outside workers, Intranet

#### Public Notice (legislative requirement)

TMB & QLD Telegraph – Saturday prior to consultation period & prior to conclusion (6 week minimum)

R'ton Mirror & Argus – Week commencing consultation period & prior to conclusion (6 week minimum)

Around the Ridges (Alton Downs/Ridgelands/Dalma going west) – note that this needs to be submitted early the month prior

#### Website (RRCPS Pages) & ICON (legislative requirement)

Planning Scheme Project Milestones

Online planning scheme tool – View planning scheme & make an online formal submission Library of key documents & fact sheets

Frequently Asked Questions (FAQs)

#### Customer Service Office Displays (legislative requirement)

Full copy of the scheme must be made available at Customer Service Offices. Supported by information resources (fact sheets and brochures) and a professional display including the submission box. Strategic Planning Officer available on rotation between Rockhampton & Gracemere during the consultation period.

#### Facebook & Twitter

RRC Facebook page—Scheduled updates and advertising RRC Twitter

#### E-Newletters

Current contact lists, Regional Voice and established contact lists for target audiences Rate payer Associations, Specific Interest, Business / Developers and Major Industry groups leading into consultation period and times for information sessions locations.

#### YouTube Video

2 minute (estimate) video on promoting about the planning scheme, consultation dates, how to submit.

#### Direct Mail

All property owners within RRC LGA Identifiable renters with the RRC LGA

Standardised letter detailing: release of the new draft planning scheme, consultation period commencement/conclusion dates, viewing the scheme, information stall & session times and locations, customised direct links to relevant (mail merge) online fact sheet, high level key message.

#### Print Advertisement - Promotion

Advertising schedule – Targeting Thursday Commercial Real Estate section & Saturday Domain Real Estate Insert/Feature

#### Online Advertising

Realestate.com targeted to QLD or Central Queensland

#### Radio Advertisement

Leading into and throughout consultation period – schedule with SFM, HOT FM and interview 4RO.

Focus on peak placements for 'start of consultation' (where, when & how to submit) & 'end of consultation' (date of consultation completion).

#### On hold messages

Council's call centre on hold messages throughout the consultation period.

#### Poster

Information session times and locations, displayed in shop fronts, Real Estate offices, community notice boards, schools particularly in rural areas.

#### Rates insert

Depends on timing of consultation. Potential DL inserts – register your email/details to the Regional Voice to find out about upcoming public consultation events

#### Fact Sheets / Guidelines

The following suite of resources is proposed to support the engagement plan:

About the Planning Scheme Brochure		Strategic Framework		
Viewing and using the planning scheme online		Priority Infrastructure Plan		
Locality	Brochures (using zone map) Allenstown	Tables of Assessment		
	Alton Downs, Nine Mile, Pink Lily Bajool, Marmor, Midgee, Port Alma Baree & Walterhall Berserker Boulder Creek & The Mine	Zones:  Residential zones category  Environmental zones category  Centres zones category  Industrial zones category		
:	Bouldercombe Bushley, Dalma & Kalapa Depot Hill	<ul><li>Recreation zones category</li><li>Other zones category</li></ul>		
:	Fairy Bower Fletcher Creek, Limestone, Nine	Development Codes		
Mile, Oa	Glenroy, Morinish, Morinish South Gogango, Westwood and Wycarbah Gracemere Hamilton Creek, Horse Creek	Overlays:  Airport  Bushfire hazard  Flood hazard  Special Management Area  Neighbourhood Character Areas		
Moonga •	Johnsons Hill, Leydens Hill, an & Struck Oil Kabra			
:	Kawana Koongal Lakes Creek Limestone Creek & Mt Archer Mount Morgan			

	Norman Gardens
•	Park Avenue
•	Parkhurst Industrial Area
•	Parkhurst
•	Port Curtis
•	Ridgelands
•	Rockhampton City
•	Stanwell
•	The Common
•	The Range
•	Trotter Creek
•	Wandal
•	West Rockhampton
	•

#### Consult

#### Formal Submission Form

Submitted via website, by email, by mail or in person at Customer Service Centers. Properly made submissions are collated into a submission report which is considered by Council and submitters are responded to. The consultation report is provided to the Minister for State Development, Infrastructure and Planning for consideration and needs to be approved by the Minister before moving to next step in the process.

#### Planning Information Booth & Display at Customer Service Centers

Strategic Planning Officer available on rotation between Rockhampton & Gracemere to provide information and assistance about how to submit submissions throughout the consultation period. Full copy of the scheme must be available at Customer Service Offices. Supported by information resources (fact sheets and brochures) and a professional display including the submission box.

#### Staffed Information Displays

Major Shopping Precincts. Professional display equipment, staff shirts, online access and viewing electronically of the planning scheme, all information resources provided.

#### Forums and presentations to targeted community groups

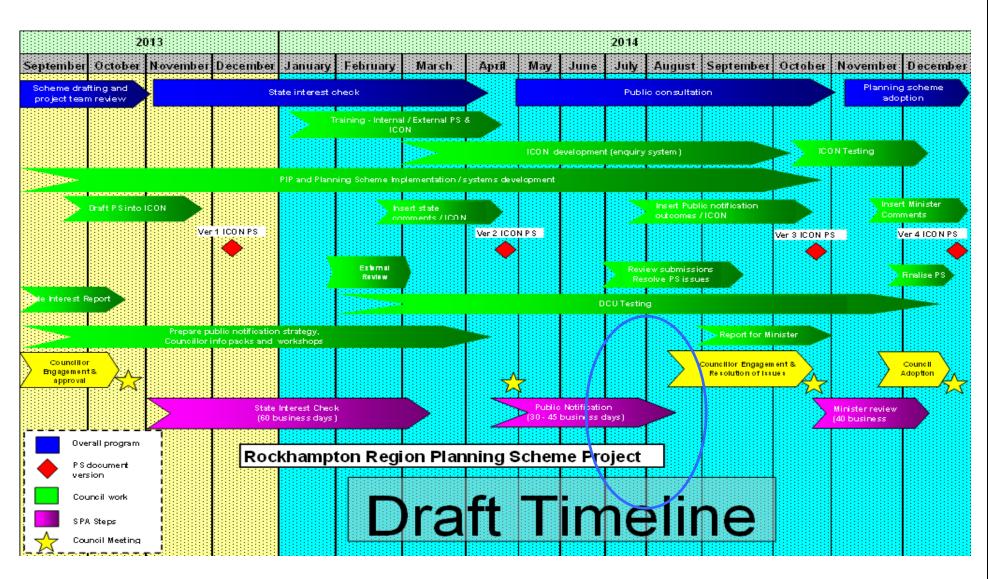
Targeted Forums (RSVP attendance) to, Ratepayer Association, Business & Development and Major Industry Groups. Present at meetings Specific Interest Groups and community groups upon request. Appropriate information resources provided to targeted information sessions.

#### Customer Survey – Engagement Feedback

Link to be sent with E-Newsletter at the end of consultation period for improvement purposes. Current contact lists, Regional Voice, Developers Forum, Capricorn Enterprise & Submitter list.

#### 10. Implementation Schedule – Public Notification & Response

Rockhampton Regional Council Planning Scheme Project Plan (Current as of Jan 2014) identifies the formal public notification consultation period:



Page (25)

The following phases were developed for the purposes of displaying the project development from the commencement of the project to provide context for the consultation activities conducted with the community in addition to the Stages provided in the Statutory Guideline. The following Key Milestones phases were identified in 2012 and have been modified as required to reflect updated timelines for use in communication resources:



Formal consultation period dates are resolved through a Council report. The report is triggered by receiving the Minister's advice and potential conditions to proceed after the first State Interest Check.

	What	When	Who
✓ Stage 1 Planning and preparation	Planning Studies Community Consultation (BE HEARD)	✓ Completed 2010 ✓ Completed 2010/2011	Strategic Planning Communities/ Strategic Planning
	Draft Strategic Framework  Community Consultation (Strategic Directions)	✓ Completed 2012 ✓ Completed 2012	Strategic Planning Strategic Planning / Marketing & Engagement
✓ <u>Stage 2</u> State	Draft Planning Scheme	✓ Completed 2013	Strategic Planning
Interest	First State Interest Check	✓ Submitted 2013	Strategic Planning
Review	Informal consultation with target groups	Feb 2014	Strategic Planning
	Internal Staff Training Schedule	Feb 2014	Strategic Planning
	Council consideration and adoption of planning scheme for public consultation after complying with minister's conditions. NOTE: Before proceeding to Public consultation all conditions imposed must be complied with Step 7.1	TBA	Strategic Planning & Full Council Meeting
Stage 3 Public consultation	Formal Public Notification and Community Consultation	DATE TBA – DATE TBA	Strategic Planning + Marketing & Engagement
phase	Rates insert – register for E- Newsletter (Regional Voice sign up)	Early February 2014	Community Awareness Officer
	Regional Voice Update – Newsletter	February / March 2014	Community Awareness Officer / Engagement Officer
	Contact all Ratepayer Associations, Specific Interest, Business, Major Industry groups of engagement timings via phone or email.	February / March 2014	Community Awareness Officer

Invitations to Business, Government Reference, Developers, Major Industry, Specific Interest to attend scheduled information sessions and booked Ratepayer association meetings.	Month prior to commencement date	Community Awareness Officer / Strategic Planning Administration
Media Release from Report that sets consultation dates	Prior to commencement date	Community Awareness Officer / Communications Officer
E-Newsletter sent to distribution lists	Prior to commencement date – ongoing fortnightly	Community Awareness Officer / Strategic Planning Administration
On Hold message updated to include planning scheme 'have your say'.	Prior to commencement date	Customer Service / Community Awareness Officer
Customer Service Centres Displays set up including copy of scheme for viewing or purchase, public notice, (Step 7.4) submission box, brochures and fact sheets, banners, posters.	Week prior to commencement date	Community Awareness Officer / Strategic Planning Administration / Customer Service
Strategic Planning Booth at Customer Service Centres (alternate Rockhampton & Gracemere).		As per schedule
Internal communications	Week prior to commencement date	Community Awareness Officer
Formal Public Notice in all local papers (including mandatory information as outlined in legislation) (Step 7.3)	Week/end prior to commencement date	Community Awareness Officer
Formal notification on RRC website (Step 7.3), Website information - all fact sheets available and YouTube video viewable, planning scheme available for download (Step 7.5) and online formal submission enabled.	Week prior to commencement date	Community Awareness Officer / Strategic Planning Officer
Official Start of Public Consultation Phase – (Stat Guideline 02/12 – Making and amending local planning instruments Step 7) Must be at least 30 business days in duration (Step 7.2)	DATE TBA	
Media & Photo Opportunity Launch of public consultation	FIRST DAY OF CONSULTATION	Mayor / Councillors / General Manager / Strategic Planning Unit / Community Awareness Officer
Media Release (ongoing schedule)	First day of consultation (ongoing)	Community Awareness Officer / Communication Officer
Facebook / Twitter update (ongoing schedule)	First day of consultation (ongoing)	Community Awareness Officer / Communication Officer

Paper Advertising schedule with mapping & information stalls and	First week of consultation	Community Awareness Officer
Posters displaying information stalls and session times up in street shopping thoroughfares including a phone number for contact. (Step 7.4)	First day of consultation	Strategic Planning Administration
Radio Advertising schedule commences	First week of consultation	Community Awareness Officer / Communication Officer
Direct Mail - All property owners and rental properties within RRC LGA	First week of consultation	Mail Company / Community Awareness Officer / Strategic Planning Administration
Paper Advertising – Feature / lift out	Week 2 of consultation	
Public Location Staffed Information Displays  Stockland Rockhampton Northside Plaza City Centre Plaza Allenstown Plaza Gracemere Shopping World Mount Morgan Main Street Rockhampton Arcade Markets Heritage Village Markets Gracemere Markets	Commencing Week 2 – ongoing	Mayor / Councilors / Strategic Planning Unit / Land Use Section Management / Community Awareness Officer
Scheduled Forums and presentations to community groups:  Ratepayer Associations  Fitzroy Northern Area Ratepayers Association Regional Western District Area Ratepayers Association Bouldercombe Rate Payers Association Gracemere Community Voice Bajool /Marmor Rate Payer Association Business / Developers Capricorn Enterprise Rockhampton Chamber of Commerce Council's Developers Forum Real Estate Agents Solicitors Major Industry Resource Industry Committee Capricorn Enterprise Industry Group Major employers, Hasting Dering Meatworks	Commencing week 2 – ongoing	Mayor / Councilors / Strategic Planning Unit / Land Use Section Management / Community Awareness Officer

		1
Presentation to group upon		
request or need:		
Specific Interest		
<ul><li>Hazard Overlay Consultation</li></ul>		
Groups		
<ul> <li>Capricorn Enterprise</li> </ul>		
<ul> <li>Gracemere Community Voice</li> </ul>		
<ul><li>Environmental Groups – Great</li></ul>		
barrier reef marine authority		
<ul> <li>Historical Groups</li> </ul>		
<ul> <li>Housing groups i.e. Anglicare</li> </ul>		
CQ, REACH ltd		
<ul> <li>Community organisations</li> </ul>		
CQ Mining Women's Support		
Group		
<ul> <li>Private Education &amp; University</li> </ul>		
■ Mount Morgan Promotion &		
Development Group		
Ageing Groups     Malking Harral Consumer		
Multicultural Groups     Access & Fauity groups		
Access & Equity groups		
Indigenous Groups	Torre consists of the	0
Newspaper advertising –	Two weeks prior to	Community
Consultation closing reminder	consultation	Awareness Officer /
Daile at adds 197	conclusion	Communication Officer
Radio advertising – consultation	Two weeks prior to	Community
closing reminder	consultation	Awareness Officer /
Makasa III. I a a a a a a a	conclusion	Communication Officer
Website Update - Consultation	Last day of	,
Period Closed	consultation	Awareness Officer
E-Newsletter – Including survey		Community
on engagement teedback		Awareness Officer
on engagement feedback		Awareness Officer
Response to Submissions		Awareness officer
Response to Submissions and potential amendments		Awareness Officer
Response to Submissions and potential amendments must be at least 55 business		Awareness Officer
Response to Submissions and potential amendments		Awareness Officer
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Response to Submissions and potential amendments must be at least 55 business days in duration. Step 8  Acknowledgement of received submission - letter mailed or emailed  Submission summary - Council report  Response to submissions - letter mailed or emailed	receiving submission throughout consultation period. Date TBA	Strategic Planning Administration  Strategic Planning Officer  Strategic Planning Administration / Community Awareness Officer
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Stage 4	Final Drafting and Council		
Stage 4 Adoption	Adoption and Council		
	Internal communications	Date TBA	Community Awareness Officer
	Media release	Date TBA	Community Awareness Officer
	Website update	Date TBA	Community Awareness Officer
	E-Newsletter – State & Federal informed	Date TBA	Community Awareness Officer
	Notice in the Gazette (Step 10.2(c))	Date TBA	Strategic Planning Administration
	Public notice in the local newspapers (including mandatory information as outlined in legislation) (Step 10.2(c)). Also include contact phone number	Date TBA	Community Awareness Officer
	Website information updated must include information from public notice (Step 10.2(c)). Also include contact phone number	Date TBA	Community Awareness Officer
	Direct Mail - All property owners and renters within RRC LGA	Date TBA	Strategic Planning Administration / Community Awareness Officer
	Notify all ratepayer associations	Date TBA	Community Awareness Officer
	Regional Voice update	Date TBA	Community Awareness Officer / Engagement Officer

#### **Appendix A**

Extract from Page 105, 106 & 107 of the Sustainable Planning Act 2009 - Reprint effective 7 November 2013

**Chapter 3 Local planning instruments** 

Part 5 Making, amending or repealing local planning instruments

#### 118 Content of guideline for making or amending local planning instrument

- (1) The guideline mentioned in section 117(1) must make provision for—
- (a) the local government to publish at least once in a newspaper circulating in the local government's area, notice about a proposal to make—
- (i) a planning scheme; or
- (ii) a planning scheme policy; and
- (b) the local government to carry out public consultation about a proposal mentioned in paragraph (a) for a period (the *consultation period*) of at least—
- (i) for a proposed planning scheme—30 business days; and
- (ii) for a proposed planning scheme policy—20 business days; and
- (c) if public consultation about a proposal mentioned in paragraph (a) must be carried out—
- (i) the local government to have available for inspection and purchase during all of the consultation period a copy of the proposed planning scheme or planning scheme policy; and (ii) members of the public to make submissions to the local government about the proposed planning scheme or planning scheme policy; and [s 119]
- (iii) the local government to consider all properly made submissions about the proposed planning scheme or planning scheme policy; and
- (iv) the local government to advise persons who make a properly made submission about how the local government has dealt with the submission; and
- (v) the local government to give the Minister a notice containing a summary of matters raised in the properly made submissions and stating how the local government dealt with the matters; and
- (d) any proposed planning scheme to be approved by the Minister; and
- (e) the making of a proposed planning scheme, or amendment of a planning scheme, to be notified in the gazette; and
- (f) the making of a proposed planning scheme policy, or amendment of a planning scheme policy, to be notified in a newspaper circulating generally in the local government's area.
- (2) The guideline mentioned in section 117(2) must make provision for—
- (a) any proposed temporary local planning instrument to be approved by the Minister; and
- (b) the making of a proposed temporary local planning instrument to be notified in the gazette.

#### **Appendix B**

#### Statutory Guideline for making or amending a planning instrument 01/13

Stage 3 — Public consultation
Step 7. Local government commences public consultation of a proposed planning scheme

Responsible entity	Processes to which this step applies	Step		Performance indicator timeframe
Local government	Planning 7.1 scheme     Major amendment	7.1	Before publicly consulting on the proposed planning scheme the local government must comply with any condition imposed by the minister under Step 6.3(b).	45 business days (incorporating a 30 business day Consultation
		7.2	The local government must carry out public consultation about the proposed planning scheme for a period ( <i>consultation period</i> ) of at least 30 business days.	period)
		7.4 7.5	The local government must notify the public that the proposed planning scheme is available for public consultation by, at a minimum, placing a notice in a locally circulating newspaper and on the local government's website, stating:  (a) the name of the local government  (b) the title of the proposed planning scheme  (c) for a proposed major amendment:  (i) the purpose and general effect of the proposed planning scheme, and  (ii) the location details of the area where it applies, if it only relates to part of the local government area  (d) if having undertaken Step 4, that the advisory panel has been given an impact report evaluating the effect of the proposed planning scheme on the place's iconic values and a copy of the proposed planning scheme  (e) where the proposed planning scheme is available for inspection and purchase  (f) that written submissions about any aspect of the proposed planning scheme may be made to the local government by any person  (g) the consultation period during which a submission may be made  (h) the requirements for making a properly made submission, and  (i) a contact telephone number for information about the proposed planning scheme.  During the consultation period, the local government must display a copy of the notice in an obvious place in the local government's public office and have a copy of the proposed planning scheme available for inspection and purchase.  The notice and proposed planning scheme must also be available for download on the local government's website.	

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
Local government	<ul><li>Planning scheme</li><li>Major amendment</li></ul>	<b>8.1</b> The local government must consider every properly made submission about the proposed planning scheme.	55 business days (planning scheme)
		8.2 After considering the submissions, the local government:  (a) may make changes to the proposed planning scheme to:  (i) address issues raised in a properly made submission  (ii) amend a drafting error, or  (iii) address new or changed planning circumstances or information  (b) must ensure any changes continue to appropriately integrate any relevant regional plan or SPP, including the state interests expressed in those instruments, as confirmed by the Minister under Step 2A.1, and  (c) must advise each person in writing who made a properly made submission about how the local government has dealt with their submission.	
		8.3 If the local government changes the proposed planning scheme and the changes result in the proposed planning scheme being significantly different to the version released for public consultation, the local government must go back to Step 7 and repeat the process.	
		<b>8.4</b> Despite Step 8.3, public consultation may be limited to those aspects of the proposed planning scheme which have changed.	
		<ul> <li>8.5 After complying with Steps 8.1 to 8.4, where relevant, the local government must decide to: <ul> <li>(a) proceed with the proposed planning scheme with changes including changes which it reasonably believes do not result in the proposed planning scheme being significantly different to a version released on public consultation, or</li> <li>(b) proceed with the proposed planning scheme with changes including changes which it reasonably believes do not result in the proposed planning scheme being significantly different to a version released on public consultation, or</li> <li>(c) not proceed with the proposed planning scheme.</li> </ul> </li> <li>8.6 If proceeding with the proposed planning scheme, the local government must write to the Minister seeking approval to adopt the proposed planning scheme and proceed to Step 10.</li> <li>8.7 If proceeding with the proposed planning scheme with changes</li> </ul>	
		under 8.5 (b), the written notice given to the Minister under Step 8.6 must include:  (a) a summary of matters raised in the properly made submissions and how the local government has dealt with the matters  (b) identification of any changes to the proposed planning scheme that relate to relevant SPIs as nominated by the minister under Step 2A.1  (c) information about whether the local government considers the changes to the proposed planning scheme affect a state interest  (d) an electronic copy of the proposed planning scheme (and a hard copy if requested by the minister) that clearly identifies the changes that have been made to the proposed planning scheme since the state interest review.  (e) confirmation that the local government does not believe the proposed planning scheme is significantly different from a version which has undertaken public consultation and that additional public consultation under Step 8.3 has been undertaken, if applicable.	

### **Appendix C**

### Requirements for a properly made submission

Extract from Page 673, 674 of the Sustainable Planning Act 2009 - Reprint effective 7 November 2013

Schedule 3

**Dictionary** 

### properly made submission means a submission that—

(a) is in writing and, unless the submission is made electronically under this Act, is signed by each person

who made the submission; and

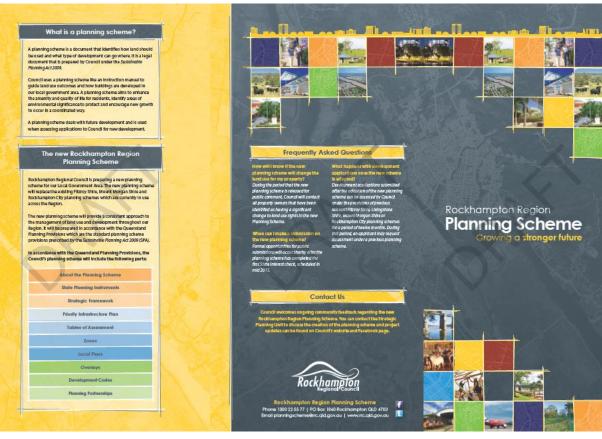
- (b) is received—
- (i) if the submission is about a draft EIS or a designation—on or before the last day for making

the submission; or

- (ii) if the submission is about a development application—during the notification period; or
- (iii) otherwise—during the consultation period; and
- (c) states the name and residential or business address of each person who made the submission; and
- (d) states the grounds of the submission and the facts and circumstances relied on in support of the grounds; and
- (e) is made—
- (i) if the submission is about a proposed State planning regulatory provision or an amendment of a State planning regulatory provision being made by the regional planning Minister—to the regional planning Minister; or
- (ii) if the submission is about a proposed State planning regulatory provision or an amendment of a State planning regulatory provision being made by the Minister—to the Minister; or
- (iii) if the submission is about a proposed State planning regulatory provision or an amendment of a State planning regulatory provision being made jointly by the Minister and an eligible Minister—to the eligible Minister; or
- (iv) if the submission is about a designated region's regional plan—to the regional planning Minister for the region; or
- (v) if the submission is about a proposed State planning policy or an amendment of a State planning policy being made by the Minister—to the Minister; or
- (vi) if the submission is about a proposed State planning policy or an amendment of a State planning policy being made jointly by the Minister and an eligible Minister—to the eligible Minister; or
- (vii) if the submission is about the proposed standard planning scheme provisions or an amendment of the standard planning scheme provisions being made by the Minister—to the Minister; or
- (viii) if the submission is about a ministerial designation—to the Minister; or
- (ix) if the submission is about a proposed planning scheme or planning scheme policy or an amendment of a planning scheme or planning scheme policy—to the local government; or
- (x) if the submission is about a proposed planning scheme or an amendment of a planning scheme being carried out by the Minister or regional planning Minister—to the Minister or regional planning Minister; or
- (xi) if the submission is about a development application—to the assessment manager.

### **Appendix D**

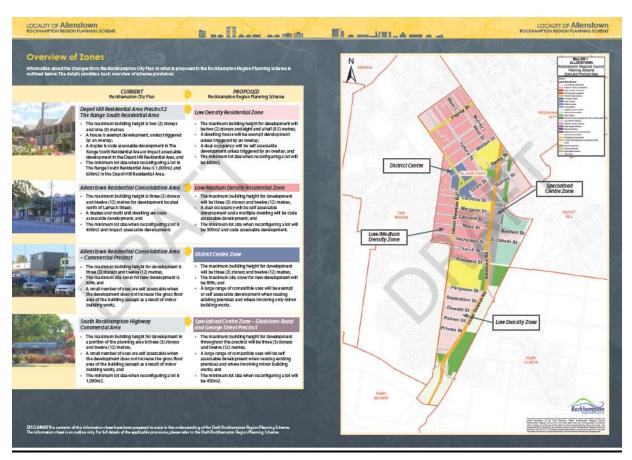
### **Example Planning Scheme Brochure**





### **Example Locality Fact Sheet**





8.2 D223-2013 REQUEST FOR A NEGOTIATED DECISION FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A SHOWROOM AND RESTAURANT, AND A REQUEST FOR A NEGOTIATED INFRASTRUCTURE CHARGES NOTICE

File No: D/223-2013

Attachments: 1. Locality Plan

2. Site and Floor Plan

Responsible Officer: Robert Holmes - General Manager Regional Services

Author: Corina Hibberd - Planning Officer

**SUMMARY** 

Development Application Number: D/223-2013

Applicant: Rockhampton Harley Davidson

Real Property Address: Lot 5 on SP115212, Parish of Rockhampton

Common Property Address: 125 William Street, Rockhampton City

Area of Site: 2099 square metres

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: Central Business District Commercial Area,

Precinct 3 - Mixed Use Precinct

Existing Development: Showroom and Restaurant, and ancillary

workshop

Existing Approvals: Development Permit for a Material Change of

Use for a Showroom and Restaurant

Multiple building and plumbing permits from

1946 to current

T-21/1996 Motor Vehicle Repair, Panel Beating and Spray Painting (including Fuel Storage and

Bowsers) 18 December 1996

Approval Sought: Negotiated Decision Notice for a Development

Permit for a Material Change of Use for a Showroom and Restaurant and a Negotiated Infrastructure Charges Notice for a Development Permit for a Material Change of

Use for a Showroom and Restaurant

Level of Assessment: Impact Assessable and Code Assessable

Submissions: Nil Referral Agency(s): Nil

Adopted Infrastructure Charges Area: Charge Area One

### OFFICER'S RECOMMENDATION

- A1 THAT in relation to the request for a Negotiated Decision Notice for Development Permit D/223-2013, made by DesignTek on behalf of Trewin Holdings Pty Ltd Tte, on Lot 5 on SP115212, Parish of Rockhampton, located at 125 William Street, Rockhampton City, Council resolves that:
  - 1. Condition 1.5 remain unchanged
  - 2. Condition 1.6 remain unchanged.
  - 3. Condition 1.7 remain unchanged.
  - 4. Condition 1.8 remain unchanged.
  - 5. Condition 3.5 remain unchanged.
  - 6. Condition 4.1 be deleted.
  - 7. Condition 4.2 remain unchanged.
  - 8. Condition 6.3 be deleted.
  - 9. Condition 7.2 amended
  - 10. Condition 7.3 remain unchanged.
- A2 That to reflect the above amendments, Rocky Harley Davidson on behalf of Trewin Holdings Pty Ltd Tte, be issued with a Negotiated Decision Notice for Development Permit D/223-2013 for a Showroom and Restaurant

### 1.0 ADMINISTRATION

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

### 2.0 APPROVED PLANS AND DOCUMENTS

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

Plan/Document Name	Plan/Document Reference	<u>Dated</u>
Site Plan / Floor Plan	1201-03 Sheet 1 of 3 Rev B	15 January 2013
Elevations	1201-03 Sheet 2 of 3 Rev B	19 December 2012

- 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 PLUMBING AND DRAINAGE WORKS

- 3.1 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act, Plumbing and Drainage Act, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 3.2 The development must be connected to Council's reticulated sewerage and water networks.
- 3.3 The existing sewerage and water connection point(s) must be retained, and upgraded if necessary, to service the development.
- 3.4 Sewerage/amended sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's sewerage reticulation. Arrester traps must be provided where commercial or non-domestic waste water is proposed to be discharged into the system.
- 3.5 Hoses must be provided at the refuse container area, and washdown must be drained to the sewer in accordance with a Development Permit for Plumbing and Drainage Works and a Sewerage Trade Waste Permit.

### 4.0 ROOF AND ALLOTMENT DRAINAGE WORKS

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

### 5.0 BUILDING WORKS

- 5.1 All external elements, such as air conditioners, must be adequately screened from public view, to Council's satisfaction. Noise from any external elements, such as air conditioners, must not exceed 5dB(A) (decibels) above the background ambient noise level, measured at the boundaries of the subject site.
- 5.2 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.

### 6.0 ASSET MANAGEMENT

- Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.
- 6.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.

### 7.0 OPERATING PROCEDURES

- 7.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in William Street, Campbell Street or Kent Lane.
- 7.2 The hours of operations must be limited to:
  - 7.2.1 The Restaurant:
    - (i) Monday to Friday 0600 to 1700;
    - (ii) Saturday 0800 to 1200; and
    - (iii) Sundays or Public Holidays 0800 to 1200.
  - 7.2.2 The Showroom:
    - (i) Monday to Friday 0800 to 1700;
    - (ii) Saturday 0900 to 1200; and
    - (iii) Sundays or Public Holidays 0800 to 1200.
- 7.3 All waste storage areas must be:
  - 7.3.1 Aesthetically screened from any frontage or adjoining property or surrounded by a minimum 1.8 metre high fence that obstructs from view the contents of the bin compound by any member of the public from any public place:
  - 7.3.2 of a minimum size to accommodate appropriately sized bins; and
  - 7.3.3 in accordance with the *Environmental Protection (Waste Management)*Regulations.

### **ADVISORY NOTES**

### NOTE 1. Aboriginal Cultural Heritage

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

### NOTE 2. Asbestos Removal

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

### NOTE 3. General Environmental Duty

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

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

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

### NOTE 5. Adopted Infrastructure Charges Notice

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

- A3 That in relation to the request for a Negotiated Infrastructure Charges Notice for Development Permit D/223-2013, made by DesignTek on behalf of Trewin Holdings Pty Ltd Tte, on Lot 5 on SP115212, Parish of Rockhampton, located at 125 William Street, Rockhampton City, Council resolves that:
  - 1. The request be refused.

### **BACKGROUND**

Council, under delegation, approved a Development Application for a Showroom and Restaurant over Lot 5 on SP115212, Parish of Rockhampton, located at 125 William Street, Rockhampton City, (Development Permit D/223-2013). Council also issued a corresponding Infrastructure Charges Notice to the amount of \$81,567.00.

The applicant has made representations in accordance with Section 361 of the *Sustainable Planning Act 2009* for a Negotiated Decision Notice, and Section 677 of the *Sustainable Planning Act 2009* for a Negotiated Infrastructure Charges Notice. It was also agreed on 21 January 2013 that condition 7.2 should be amended so that the hours of operation include Sunday and public holiday trading.

The applicant was contacted on 9 January 2014, and compromised that condition 1.5, 1.6, 1.7, 1.8, 3.5, 4.2 and 7.3 can remain. After further discussion with the Infrastructure Operations Unit, it was decided that Condition 4.1 and 6.3 can be removed. An agreement was made and therefore this matter can be decided under delegated authority.

The request for a negotiated decision for the infrastructure charges notice is recommended for refusal and must be presented to Council at the Planning and Development Committee Meeting.

### PLANNING ASSESSMENT

### **Town Planning Comments**

### Part A – Negotiated Decision Notice

The applicant has requested that conditions be either amended or deleted.

### **Condition 1.5**

Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior, to the commencement of the use, unless otherwise stated.

**Applicant Response:** "There are no modifications to existing council infrastructure proposed or required in this application as the use is existing within an existing building."

**Officer Comment:** The condition states "where applicable", and therefore if it does not apply to the development compliance can be met.

**Recommendation:** That the condition remain, as a 'standard condition'.

### **Condition 1.6**

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

- 1.6.1 Plumbing and Drainage Works; and
- 1.6.2 Building Works.

**Applicant Response**: "The works are as constructed and plumbing approval has already been obtained for rectification works done for the café. The show room is within an existing building and no building works have been under taken. An as constructed building approval can be sort for the café if council considers it necessary."

Officer Comment: The Infrastructure Operations (Water and Sewer) Unit, stated that although the Plumbing and Drainage Permit was issued by Council, the final inspection had not been carried out at the time when the Decision Notice was issued. Please note, the final certificate was finalised on 6 December 2013, after the Negotiated Decision Notice request was submitted. The condition is however a standard condition and will remain for compliance purposes. If the permits have already been obtained, then compliance is met.

**Recommendation:** That the condition remain.

### **Condition 1.7**

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

**Applicant Response**: "The use is existing and operational and plumbing and drainage approval is available."

**Officer Comment**: The Infrastructure Operations (Water and Sewer) Unit stated that although the Plumbing and Drainage Permit was issued by Council, the final inspection had not been carried out at the time when the Decision Notice was issued. Please note, the final certificate was finalised on 6 December 2013, after the Negotiated Decision Notice request was submitted. The condition is however a standard condition and will remain for compliance purposes. If the permits have already been obtained, then compliance is met.

**Recommendation:** That the condition remain.

### **Condition 1.8**

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

**Applicant Response**: "Please clarify any other issues that are required to be addressed. This condition is not a clear instruction of what is required to complete the MCU."

**Officer Comment**: The condition is a standard condition and is included for legal purposes. The intention of this condition is not to provide instruction of outstanding information.

**Recommendation:** That the condition remain.

### **Condition 3.5**

Hoses must be provided at the refuse container area, and washdown must be drained to the sewer in accordance with a Development Permit for Plumbing and Drainage Works and a Sewerage Trade Waste Permit.

**Applicant Response**: "The building is existing and existing waste management is in place. Please confirm that the existing system meets the requirements of this approval."

**Officer Comment:** It is the applicant/developers responsibility to provide compliance with the condition. They must provide evidence of compliance.

**Recommendation:** That the condition remain.

### Condition 4.1

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

**Applicant Response**: "The building is existing and there is no proposal to modify the original roof and allotment drainage. This clause should be removed."

**Officer Comment**: The Infrastructure Operations Unit has advised that the condition can be removed as the building is existing and does not need to comply with the listed guidelines.

**Recommendation:** The condition be removed.

### Condition 4.2

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

**Applicant Response**: "The building is existing and there is no proposal to modify the original roof and allotment drainage. This clause should be removed."

**Officer Comment**: The condition was imposed to ensure there are no adverse impacts to surrounding properties by the discharge of roof and allotment drainage. It does not impose any additional requirements on the applicant. An on-site inspection has shown that the existing discharge is unlikely to affect any other properties. The condition is however a standard condition and will remain for compliance purposes.

**Recommendation:** That the condition remain.

### Condition 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.

**Applicant Response**: "No new building works – clause should be removed"

**Officer Comment**: The Infrastructure Operations Unit has advised that this condition can be removed if necessary.

**Recommendation:** That the condition be removed.

### Condition 7.2

- 7.2 The hours of operations must be limited to:
- 7.2.1 The Restaurant:
  - i) Monday to Friday 0600 to 1700;
  - ii) Saturday 0800 to 1200; and
  - iii) Sunday and Public Holidays 0800 to 1200.
- 7.2.2 The Showroom:
  - i) Monday to Friday 0800 to 1700;
  - ii) Saturday 0900 to 1200; and
  - iii) Sunday and Public Holidays 0900 to 1200.

**Applicant Response**: The applicant agreed with Councils recommendation that the condition be changed to include Sunday and public holiday trading hours.

**Officer Comment**: The condition unnecessarily restricts trading hours on Sunday's and Public Holidays for non-invasive commercial and industrial uses.

**Recommendation:** That the condition be amended.

### Condition 7.3

All waste storage areas must be:

- 7.3.1 Aesthetically screened from any frontage or adjoining property or surrounded by a minimum 1.8 metre high fence that obstructs from view the contents of the bin compound by any member of the public from any public place,
- 7.3.2 of a minimum size to accommodate appropriately sized bins; and
- 7.3.3 in accordance with the Environmental Protection (Waste Management) Regulations.

**Applicant Response**: "Waste management screening is existing please confirm that the existing facilities are adequate"

**Officer Comment**: The condition is a standard condition, included for legal purposes. If the development meets the requirements outlined in the condition, then compliance is merited. The applicant must provide Council with the information outlining the waste disposal (including but not limited to waste storage methods, bin types, collection method etc.). The applicant can request a full Town Planning Certificate to confirm compliance of conditions of development.

**Recommendation:** That the condition remain.

### Part B – Negotiated Infrastructure Charges Notice

The applicant has requested an amended Infrastructure Charges Notice in accordance with section 677 of the *Sustainable Planning Act 2009*.

Council's Adopted Infrastructure Charges Notice dated 24 October 2013 states that:

"A total contribution of **\$81,567.00** is payable and will be reflected in an Adopted Infrastructure Charges Notice for the development."

Column 1 Use Schedule	Column 2 Charge Area	Column 3 Adopted Infrastructure Charge		Column 4  Adopted Infrastructure Charge for stormwater network		Calculated Charge
		(\$)	Unit	(\$)	Unit	
Commercial (Bulk Goods)	Areas 1	140	per m <sup>2</sup> of GFA			\$126,882.00
				10	per m <sup>2</sup> of impervious area	Not Applicable
Commercial (Retail)	Areas 1	180	per m <sup>2</sup> of GFA			\$45,936.00
				10	per m <sup>2</sup> of impervious area	Not Applicable
Total					\$172,818.00	

A total contribution of **\$81,567.00** is payable and will be reflected in an Adopted Infrastructure Charges Notice for the development.

This is based on the following calculations:

(a) \$126,882.00 - Gross Floor Area being 906.3 square metres (new showroom including office and stores);

- (b) \$45,936.00 Gross Floor Area being 255.2 square metres (coffee shop including stores and facilities):
- (c) \$0 Impervious Area no increase to any impervious areas; and
- (d) \$91,251.00 Infrastructure Credit applicable for the:
  - Previous approved workshop area, at \$50 per square metre of gross floor area, being 906.3 square metres; and
  - previous physiotherapy area defined under the superseded and current City Plan as 'commercial premises' at \$180 per square metre of gross floor area, being 255.2 square metres

**Applicant Response**: "The applicant is very disappointed with the infrastructure charges given that the works are wholly within an existing building and the new use as a motor cycle show room and workshop has in reality a significantly lower impact to council infrastructure than the original use being a large mechanical work shop servicing cars trucks and machinery."

**Officer Comment**: The infrastructure charges were calculated in accordance with the current Adopted Infrastructure Charges Resolution (No. 2) 2012, and credits were applied for the existing workshop uses. Therefore, the request to negotiate the infrastructure charges should be refused.

**Recommendation:** That the infrastructure charges remain unchanged.

### CONCLUSION

That the Decision Notice be issued in accordance with the recommendation below, and that the request for a negotiated Infrastructure Charges Notice be refused based on the reasons mentioned above.

# D223-2013 REQUEST FOR A NEGOTIATED DECISION FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A SHOWROOM AND RESTAURANT, AND A REQUEST FOR A NEGOTIATED INFRASTRUCTURE CHARGES NOTICE

# **Locality Plan**

Meeting Date: 29 January 2014

**Attachment No: 1** 



1,505 at A4.

Page (47)

D223-2013 Locality Plan

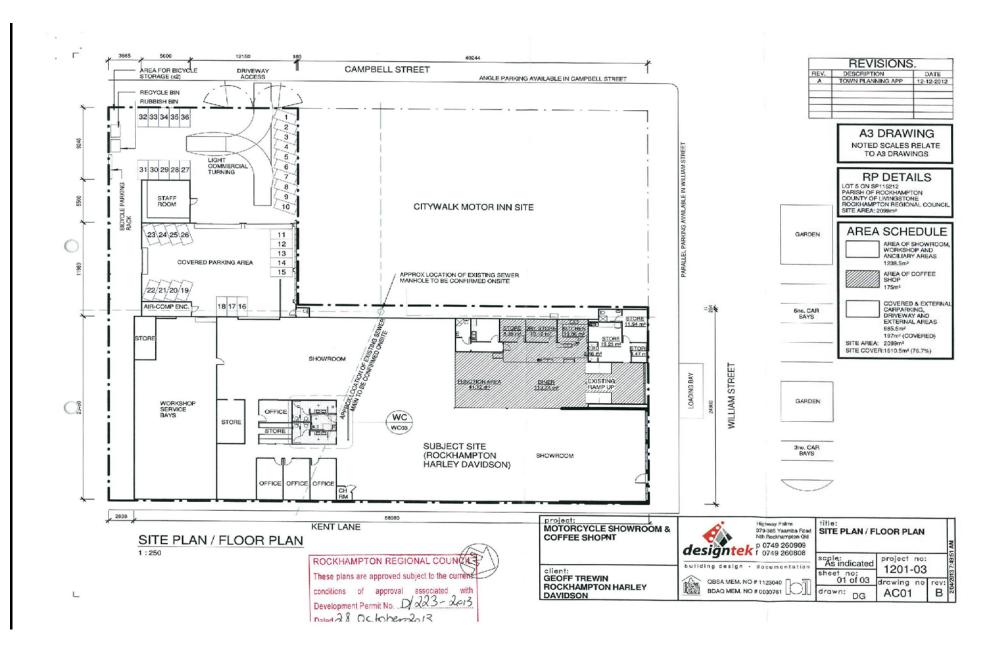


# D223-2013 REQUEST FOR A NEGOTIATED DECISION FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A SHOWROOM AND RESTAURANT, AND A REQUEST FOR A NEGOTIATED INFRASTRUCTURE CHARGES NOTICE

## Site and Floor Plan

Meeting Date: 29 January 2014

**Attachment No: 2** 



# 8.3 D498-2013 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A MEDIUM IMPACT INDUSTRY (SMASH REPAIRS)

File No: D/498-2013

Attachments: 1. Locality Plan

Site Plan
 Elevations

Responsible Officer: Robert Holmes - General Manager Regional Services

Author: Alyce McLellan - Planning Officer

### **SUMMARY**

Development Application Number: D/498-2013

Applicant: Peter Smith Panel Beating

Real Property Address: Lot 12 on RP900394, Parish of Murchison

Common Property Address: 3 Waurn Street, Kawana QLD

Area of Site: 2000 square metres

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: Parkhurst Industrial Area – Low Impact Precinct

Existing Development: Vacant Land

Existing Approvals: Nil

Approval Sought: Development Permit for a Material Change of

Use for a Medium Impact Industry (Smash

Repairs)

Level of Assessment: Impact Assessable

Submissions: Four Referral Agency(s): Nil

Adopted Infrastructure Charges Area: Charge Area One

Application Progress:

Application Lodged:	22 October 2013
Acknowledgement Notice issued:	31 October 2013
Submission period commenced:	7 November 2013
Submission period end:	29 November 2013
Last receipt of information from applicant:	9 December 2013
Statutory determination date:	14 January 2014

### OFFICER'S RECOMMENDATION

### **RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for a Medium Impact Industry (Smash Repairs), made by Peter Smith Panel Beating on Lot 12 on RP900394, Parish of Murchison and located at 3 Waurn Street, Kawana, Council resolves to Approve the application subject to the following conditions:

### 1.0 ADMINISTRATION

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

### 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:

Plan/Document Name	Plan/Document Reference	<u>Dated</u>
Site Plan	SK-01 Rev 3	October 2013
Proposed Ground Floor	SK-02 Rev 2	October 2013
Elevations	SK-03 Rev 2	October 2013
Elevation & Section AA	SK-04 Rev 2	October 2013
Concept Stormwater Plan	SK05 Rev 2	October 2013

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

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

### 3.0 ACCESS AND PARKING WORKS

- 3.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access works on the site.
- 3.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Capricorn Municipal Development Guidelines, Australian Standard AS2890 "Parking Facilities" and the provisions of a Development Permit for Operational Works (access and parking works).
- 3.3 A new access must be constructed for the subject site.
- 3.4 A minimum of seven (7) parking spaces must be provided on-site.
- 3.5 Universal access parking spaces must be provided in accordance with Australian Standard AS2890.6 "Parking Facilities Off-Street parking for people with disabilities".

### 4.0 PLUMBING AND DRAINAGE WORKS

- 4.1 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act, Plumbing and Drainage Act Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works
- 4.2 The development must be connected to Council's reticulated sewerage and water networks.
- 4.3 The existing sewerage and water connection point(s) must be retained, and upgraded if necessary, to service the development.
- 4.4 Sewer connections and water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with trafficable lids.
- 4.5 Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's sewerage reticulation. Arrester traps must be provided where commercial or non-domestic waste water is proposed to be discharged into the system.

### 5.0 STORMWATER WORKS

- 5.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.
- 5.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 5.3 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.
- 5.4 The proposed development must not increase peak stormwater runoff for a selected range of storm events up to and including the one in one hundred year storm event (100 year Average Recurrence Interval) for the post development condition.
- 5.5 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:

- 5.5.1 identification of drainage catchment and drainage sub-catchment areas for the pre-development and post-development scenarios including a suitably scaled stormwater plan showing the aforementioned catchment details and lawful point(s) of discharge that comply with the requirements of the *Queensland Urban Drainage Manual*;
- 5.5.2 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:
- 5.5.3 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;
- 5.5.4 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;
- 5.5.5 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:
- 5.5.6 details of all calculations, assumptions and data files (where applicable).

### 6.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 6.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the site.
- 6.2 All roof and allotment drainage must be in accordance with the requirements of the Queensland Urban Drainage Manual and the Capricorn Municipal Development Guidelines.
- 6.3 All roof and allotment drainage must be discharged such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties or infrastructure.

### 7.0 SITE WORKS

- 7.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works.
- 7.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks' plan which clearly identifies the following:
  - 7.2.1 the location of cut and/or fill;
  - 7.2.2 the type of fill to be used and the manner in which it is to be compacted;
  - 7.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels:
  - 7.2.4 details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and
  - 7.2.5 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.
- 7.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798* "Guidelines on Earthworks for Commercial and Residential Developments".
- 7.4 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.

- 7.5 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.
- 7.6 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.
- 7.7 All site works must be undertaken to ensure that there is:
  - 7.7.1 no increase in upstream or downstream flood levels for all levels of immunity up to Q100;
  - 7.7.2 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
  - 7.7.3 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.

### 8.0 BUILDING WORKS

- 8.1 All waste storage areas must be:
  - 8.1.1 Surrounded by at least a 1.8 metre high fence that obstructs from view the contents of the bin compound by any member of the public from any public place; and
  - 8.1.2 of a minimum size to accommodate one commercial type bin, with a capacity of three (3) cubic metres in accordance with the *Environmental Protection (Waste Management) Regulations*.
- 8.2 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting".
- 9.0 LANDSCAPING WORKS
- 9.1 Landscaping must be established in accordance with the approved plans (refer to condition 2.1).
- 9.2 The landscaped areas must be subject to an ongoing maintenance and replanting programme (if necessary).
- 10.0 ASSET MANAGEMENT
- 10.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.
- 10.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.

10.3 '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.

### 11.0 ENVIRONMENTAL

- 11.1 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan which addresses, but is not limited to, the following:
  - (i) objectives;
  - (ii) site location / topography;
  - (iii) vegetation;
  - (iv) site drainage;
  - (v) soils;
  - (vi) erosion susceptibility;
  - (vii) erosion risk;
  - (viii) concept;
  - (ix) design; and
  - (x) implementation, for the construction and post construction phases of work.
- 11.2 The Erosion Control and Stormwater Control Management Plan must be implemented and maintained on-site for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The prepared Erosion Control and Stormwater Control Management Plan must be available on-site for inspection by Council Officers during those works.
- 11.3 Waste oil must be stored in an appropriately covered bunded area. The bund must have a total storage capacity of 100 percent of the largest package item plus twenty-five percent of the total volume to be stored within the area.

### 12.0 OPERATING PROCEDURES

- 12.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Waurn Street.
- 12.2 All waste storage areas must be kept in a clean, tidy condition in accordance with *Environmental Protection (Waste Management) Regulations*.
- 12.3 Any waste or contaminant from the use must not:
  - (i) be buried at the premises; or
  - (ii) be in contact with soil at the premises; or
  - (iii) directly or indirectly seep or penetrate into the soil or groundwater at the premises.
- 12.4 Any spillage of environmentally hazardous liquids or other materials must be cleaned up as quickly as practicable. Spillage of waste and/or contaminants must not be hosed or swept to any stormwater drainage system, roadside gutter or waters.
- 12.5 Surface coating or spray painting must be carried out with controls to ensure minimal emissions of overspray and volatile organic compounds (VOCs) to the environment.

### **ADVISORY NOTES**

### NOTE 1. Aboriginal Cultural Heritage

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

### 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. Licensable Activities

Should an activity licensable by Rockhampton Regional Council be proposed for the premises, Council's Environment and Public Health Unit should be consulted to determine whether any approvals are required. Such activities may include storage of flammable and combustible liquid and environmentally relevant activities such as motor vehicle workshop operations. Approval for such activities is required before 'fitout' and operation.

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

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

### NOTE 5. Adopted Infrastructure Charges Notice

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

### **RECOMMENDATION B**

That in relation to the application for a Development Permit for a Material Change of Use for a Medium Impact Industry (Smash Repairs), made by Peter Smith Panel Beating on Lot 12 on RP900394, Parish of Murchison and located at 3 Waurn Street, Kawana, Council resolves to issue an adopted infrastructure charges notice for the sum of \$22,090.00.

### **BACKGROUND**

### **Proposal in Detail**

The proposal is for a Medium Impact Industry that involves smash repair and spray painting activities. The proposal includes the establishment of a five bay shed with a gross floor area of 612 square metres for the panel beating operations and also includes an office, reception, staff amenities and a store room.

The proposal will provide seven (7) parking spaces of which one (1) parking space is a universal space. Sufficient manoeuvring space is provided for all vehicles associated with the use.

The proposal provides for a total of 751 square metres of landscaped area which includes a three (3) metre buffer along the boundaries, screening the hardstand area.

### **Site and Locality**

The subject site is rectangular in shape and has a total area of 2000 square metres and has a frontage to Waurn Street of approximately forty (40) metres. The topography of the site is generally flat with a slight fall towards the southern corner. There is no established vegetation on the site and the site is currently vacant. The site is connected to reticulated water and sewerage infrastructure.

The area is dominated by industrial related activities including a variety of light and medium industrial uses including, transport terminals, waste recycling, mechanical workshop and welding/machining.

### PLANNING ASSESSMENT

### **Matters for Consideration**

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

### <u>Infrastructure Planning Unit's Comments</u> – 29 October 2013

The application is supported subject to conditions.

### Commercial Services' (Fitzroy River Water) Comments - 28 October 2013

The application is supported subject to conditions.

### Public and Environmental Health's Comments - 13 December 2013

The application is supported subject to conditions.

### **Other Staff Technical Comments**

Not applicable as the application was not referred to any other technical staff.

### **Town Planning Comments**

### **State Government Planning Policies**

<u>State Planning Policy 2/02 – Planning and Managing Development involving Acid Sulfate</u> Soils

Not Applicable. This policy lapsed on 2 December 2013; however the development application was lodged on 22 October 2013 making this a relevant policy.

### State Planning Policy 2/07 – Protection of Extractive Resources

Not Applicable. This policy lapsed on 2 December 2013; however the development application was lodged on 22 October 2013 making this a relevant policy.

### State Planning Policy - December 2013

This policy came into effect on 2 December 2013. The development complies with the relevant policies outlined in the five themes of the current State Planning Policy.

### Parkhurst Industrial Area Intent

The subject site is situated within the Parkhurst Industrial Area under the *Rockhampton City Plan 2005*. This application is wholly located in the Low Impact Industry precinct. The intent of the Parkhurst Industrial Area identifies that: -

"... this area will accommodate industries of varying degrees and intensities, including High Impact Industries, to the exclusion of other land uses that by their nature and purpose are incompatible with being located close to industry. The Area is, and will remain as, the principal Industrial Area for the City, providing opportunities for linkages and synergies between different industries, irrespective of whether they are existing or new, in an appropriate location."

### Precinct 1 - Parkhurst Low Impact Precinct

"The intent of this Precinct is to facilitate the development and expansion of industrial development and ancillary activities that will not cause inconvenience or disruption to the amenity and / or livability, beyond the tolerance levels, of its host community. As this Precinct is located on the fringe of the Parkhurst Industrial Area, some of the land in this Precinct is located adjacent to non-industrial land uses. Low impact industries are defined in Chapter 3. In developing the self-assessment and code assessment codes for these industries, a number of elements have been identified as relevant to ensuring that the level of impact of any given operation falling within the definition is at an appropriately low level. These are:

- Traffic generation and associated impacts;
- Risk to the health and safety of members of the general community;
- Hazards from material used, processes employed or products and by-products produced to any person or environment;
- Noise:
- Emissions such as chemical, etc;
- Odours:
- Visual Appearance;
- Wastes Generated;
- Lighting;
- Effects or impacts on the Natural Environment;
- Effects or impacts on existing or proposed infrastructure.

Industries that do not fall within the definition of Low Impact Industry, but whose impacts meet the requirements of the relevant codes and have no impacts in respect to the elements mentioned above, will be given consideration as being consistent with the intent for this Precinct."

The proposed medium impact industry use is considered to be consistent with the intent of Precinct 1 as the proposed activities are not anticipated to have unacceptable adverse impacts on the surrounding area with respect to the elements mentioned in the intent.

The subject site is located over 600 metres from the nearest residential development. The site is adjoined by existing low impact and medium impact industrial uses which are not expected to experience additional amenity and traffic impacts as a result of the proposed development.

Health and safety risks will be managed through the appropriate regulatory measures including dust extraction systems and any potential air contaminants from spray painting activities are contained and filtered by the DNA spray booth's purification system.

Furthermore, the proposed development has been conditioned to ensure the use will not negatively impact on the environment and surrounding development with regard to noise, chemical emissions, odours, waste disposal and lighting.

### **Rockhampton City Plan Codes**

The following codes are applicable to this application: -

- Industrial Use Code
- · Parking and Access Code
- Landscaping Code

- Crime Prevention through Environmental Design Code
- · External Works and Servicing Code

An assessment has been made against the requirements of the abovementioned codes and the proposal has been found to generally comply with all requirements. In instances of deviation, the proposal is able to satisfy the applicable Performance Criteria, as detailed below.

Landscape Code					
Perfor	manc	e Criteria	Officer's Response		
P14	area	de is provided to carparking s within a site, driveways and nal roadways to;	The development has been conditioned to provide shade trees or an alternative form of shade structures over the proposed car		
	(a)	improve their appearance; and	parking areas.		
	(b)	introduce shade to the area to reduce the amount of glare otherwise generated; and			
	(c)	reduce the amount of heat stored in hard surfaces; and			
	(d)	ensure that vehicles can park out of the sun reducing internal heat 'build up' and therefore the need for mechanical cooling, and			
	(e)	properly reflect the climate conditions of Rockhampton.			

### **Adopted Infrastructure Charges**

Adopted Infrastructure Charges Resolution (No.2) 2012 for Non-residential development applies to the application and it falls within Charge Area One (1). The Adopted Infrastructure Charges are as follows:

Column 1 Use Schedule	Column 2 Charge Area	Column 3 Adopted Infrastructure Charge		Adopte	Column 4 ed Infrastructure e for stormwater network	Total
		(\$)	Unit	(\$)	Unit	
Industry	Area 1	50	per m² of GFA			\$30,600
				10	per m² of impervious area	\$12,490
						\$43,090

This is based on the following calculation:

(a) \$30,600.00 – Adopted Infrastructure Charge based on a Gross Floor Area of 612 square metres, being the showroom and warehouse;

- (b) \$12,490.00 Adopted Infrastructure Charge for the stormwater network based on an impervious are of 1,249 square metres, being the carparking, driveways, and gross floor area.
- (c) \$21,000.00 Infrastructure Credit applicable for the existing lot.

A total contribution of **\$22,090.00** is payable and will be reflected in an Infrastructure Charges Notice for the development.

### Consultation

The proposal was the subject of public notification between 7 November 2013 to 29 November 2013, as per the requirements of the *Sustainable Planning Act 2009*, and four properly-made submissions were received.

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

### Issue Officer Comment Concerns raised that the proposed use The Rockhampton City Plan 2005 states conflicts with the planning scheme as the "Industries that do not fall within the site is located within a Low Impact Precinct definition of Low Impact Industry, but whose and the proposed use is for a Medium impacts meet the requirements of the Impact Industry. relevant codes and have no impacts in respect to the elements mentioned above, will be given consideration as being consistent with the intent for this Precinct." The proposed medium impact industry use is considered to be consistent with the intent of Precinct 1 - Low Impact Precinct as the proposed activities are not anticipated to have unacceptable adverse impacts on the surrounding area with respect to the elements mentioned in the intent. The subject site is located over 600 metres from the nearest residential development which is buffered to the industrial precinct. The site is adjoined by existing low impact and medium impact industrial uses which are not expected to experience additional amenity and traffic impacts as a result of the proposed development. Health and safety risks will be managed appropriate regulatory through the measures including dust extraction systems and any potential air contaminants from spray painting activities are contained and filtered by the DNA spray booth's purification system. Furthermore, the proposed development has been conditioned to ensure the use will not negatively impact on the environment and surrounding development with regard to noise, chemical emissions, odours, waste disposal and lighting. Concerns raised that the building plans nor Council has conditioned а further stormwater plans indicate that there is Operational Works permit for Stormwater. drainage or a detention basin that prevents The applicant will need to provide details of

Issue	Officer Comment
release into waterways or the stormwater drainage system to mitigate environmental harm that could occur due to flooding or an accident.	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.
	Further, the applicant will need to demonstrate 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 as part of an application for operational works.
Concerns raised that bin area is visible from the adjoining property to the north. And the bin area is not of a sufficient size to accommodate all waste.	The applicant has identified that the proposed use will only require one commercial bin with a capacity of three cubic metres.
	Council is satisfied with the proposed waste storage; the storage area is not located within three metres to any road frontage and is screened by a 1.8 metre high fence. All waste storage will need to be in accordance with the Environmental Protection (Waste Management) Regulations.
Concerns raised that the use must comply with the Building Code and Environmental Protection Act approval.	The proposed building will require Building Approval in accordance with the Building Code of Australia.
	In regards to Environmental Protection Act approval, from 31 March 2013, certain Environmentally Relevant Activities ceased under the <i>Environmental Protection Regulation 2008</i> . In particular, ERA38 threshold 2(a) 'surface coating – coating', painting or powder coating using 1 tonne-100tonne/year of surface coating materials' was removed from the regulation. Therefore the applicant does not require a permit for an Environmentally Relevant Activity.

### Referrals

This application did not require referral to any other agencies.

### CONCLUSION

The proposed Material Change of Use is considered to be in keeping with the intent of the Parkhurst Industrial Area of the *Rockhampton City Plan 2005*. Furthermore, the proposal generally complies with the provisions included in the applicable codes. The proposed medium impact industry use is considered to be consistent with the intent of Precinct 1 as the proposed activities are not anticipated to have unacceptable adverse impacts on the surrounding area with respect to the elements mentioned in the intent. The proposal is therefore recommended for approval in accordance with the approved plans and subject to the conditions outlined in the recommendation.

# D498-2013 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A MEDIUM IMPACT INDUSTRY (SMASH REPAIRS)

# **Locality Plan**

Meeting Date: 29 January 2014

**Attachment No: 1** 



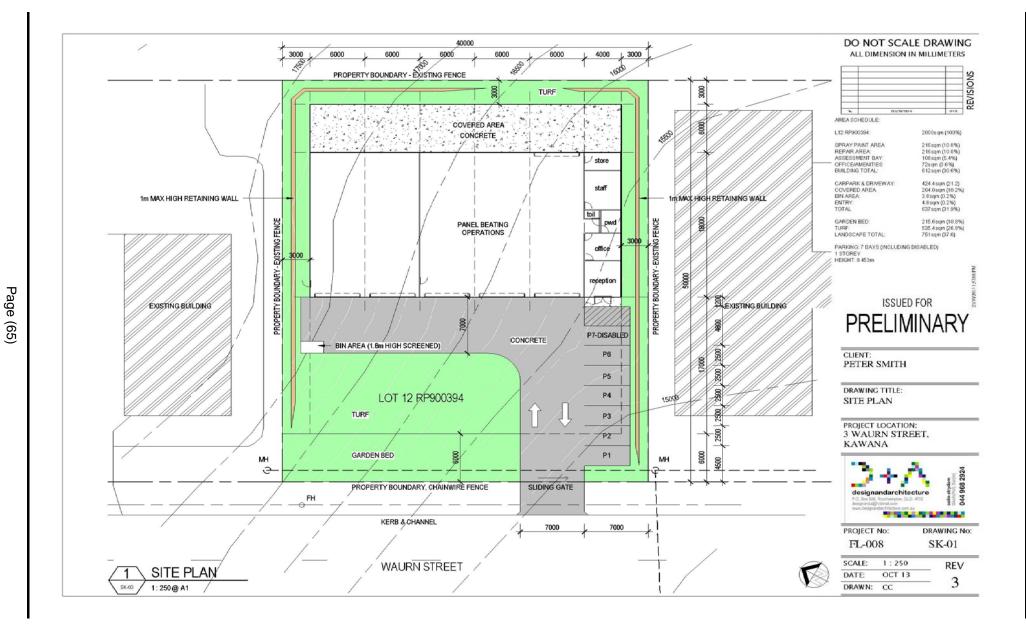
Page (63)

# D498-2013 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A MEDIUM IMPACT INDUSTRY (SMASH REPAIRS)

## Site Plan

Meeting Date: 29 January 2014

**Attachment No: 2** 

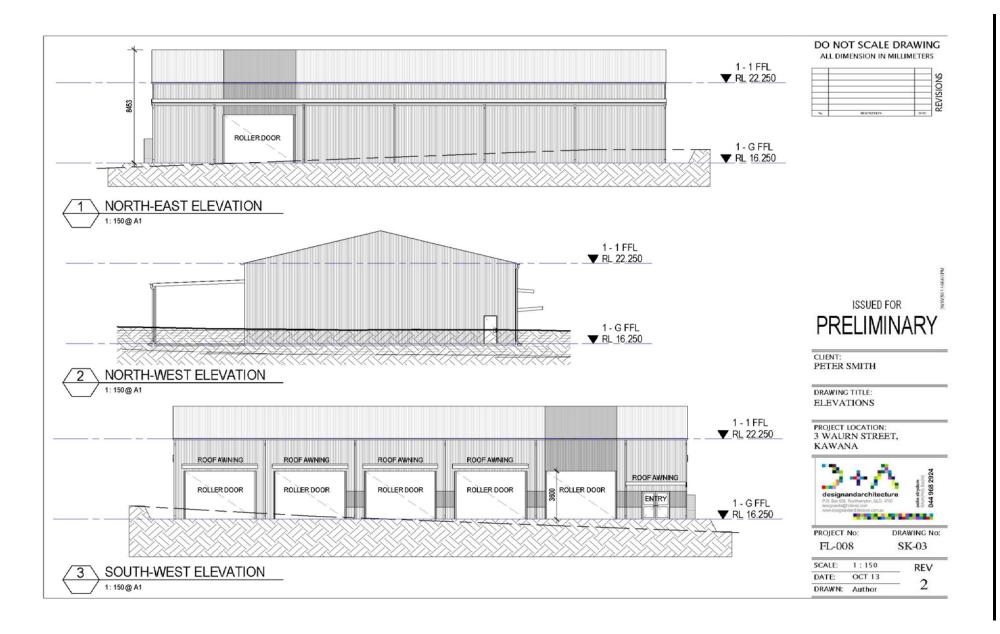


# D498-2013 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A MEDIUM IMPACT INDUSTRY (SMASH REPAIRS)

## **Elevations**

Meeting Date: 29 January 2014

**Attachment No: 3** 



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# 8.4 D483-2013 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A MULTI UNIT DWELLING (FOUR UNITS)

File No: D483-2013

Attachments: 1. Locality Plan

Site Plan
 Floor Plan
 Elevations

Responsible Officer: Robert Holmes - General Manager Regional Services

Author: Alyce McLellan - Planning Officer

### **SUMMARY**

Development Application Number: D/483-2013
Applicant: B & J Harth

Real Property Address: Lot 4 on SP153692, Parish of Rockhampton

Common Property Address: 9 Palmer Street, Allenstown

Area of Site: 1,080 square metres

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: The Range South Residential Area

Existing Development: Single Dwelling

Existing Approvals: Nil

Approval Sought: Development Permit for a Material Change of

Use for a Multi Unit Dwelling (four units)

Level of Assessment: Impact Assessable

Submissions: One Properly Made Submission
Referral Agency(s): Department of State Development,

Infrastructure and Planning

Adopted Infrastructure Charges Area: Charge Area One

Application Progress:

Application Lodged:	10 October 2013
Acknowledgement Notice issued:	23 October 2013
Government Agency Response:	8 November 2013
Submission period commenced:	18 November 2013
Submission period end:	11 December 2013
Last receipt of information from applicant:	12 December 2013
Statutory determination date:	17 January 2013

### OFFICER'S RECOMMENDATION

### **RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for a Multi Unit Dwelling (four units), made by B and J Harth, on Lot 4 on SP153692, Parish of Rockhampton, and located at 9 Palmer Street, Allenstown, Council resolves to Approve the application despite its conflict with the planning scheme and provide the following grounds to justify the decision despite the conflict:

- a) The development utilises sensitive design and building materials that support the intent to protect and enhance the pre-war residential character of the Area. Therefore, the development will not adversely impact upon the unique aesthetic residential character of the Area;
- b) The development does not fragment the existing large allotment, therefore preserving the mixture of allotments sizes supported in the Area;
- c) The single storey development proposes landscaping as well as parking well in excess of the requirements and furthermore proposes a total building site coverage of approximately forty-eight percent of the total site area which is consistent with surrounding residential densities on Palmer Street and the locality in general;
- d) Assessment of the development demonstrates that the Planning Scheme's Desired Environmental Outcomes will not be compromised.
- e) Assessment of the development against the relevant planning scheme codes, demonstrates that the proposed development will not cause significant adverse impact on the surrounding natural environment, built environment and infrastructure, community facilities or local character and amenity.
- f) The proposed development does not compromise relevant State Planning Policies.

#### **RECOMMENDATION B**

That in relation to the application for a Development Permit for a Material Change of Use for a Multi Unit Dwelling (four units), made by B and J Harth, on Lot 4 on SP153692, Parish of Rockhampton, and located at 9 Palmer Street, Allenstown, Council resolves to approve the application subject to the following conditions:

#### 1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of the use, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior to the commencement of the use, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
  - 1.6.1 Operational Works:
    - (i) Road Works:
    - (ii) Access and Parking Works;
    - (iii) Stormwater Works; and
    - (iv) Site Works.
  - 1.6.2 Plumbing and Drainage Works; and
  - 1.6.3 Building Works.

- 1.7 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.9 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

#### 2.0 <u>APPROVED PLANS AND DOCUMENTS</u>

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:

Plan/Document Name	Plan/Document Number	Dated
Site Plan	SD.01 Revision P5 Sheet 1 of 5	16 May 2013
Floor Plan	SD.02 Revision P5 Sheet 2 of 5	16 May 2013
Elevations	SD.04 Revision P5 Sheet 4 of 5	16 May 2013
Stormwater Management Report	R13178	October 2013
Stormwater Plan	R13178-SK03	Not Dated

- 2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.
- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council prior to the submission of a Development Application for Operational Works.

#### 3.0 ROAD WORKS

- 3.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works on the site.
- 3.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, relevant *Australian Standards* and the provisions of a Development Permit for Operational Works (road works).
- 3.3 A concrete pathway, with a minimum width of 1.2 metres, must be constructed on the development side of Palmer Street for the full frontage of the site.
- 3.4 All pathways and access ramps must be designed and constructed in accordance with *Australian Standard AS1428 "Design for Access and Mobility"*. All pathways located within a road reserve or public use land must be provided with public space lighting in accordance with *Australian Standard AS1158 "Lighting for Roads and Public Spaces"*.
- 3.5 All pathways must incorporate kerb ramps at all road crossing points.
- 3.6 Traffic signs and pavement markings must be provided in accordance with the *Manual of Uniform Traffic Control Devices Queensland*. Where necessary, existing traffic signs and pavement markings must be modified in accordance with the *Manual of Uniform Traffic Control Devices Queensland*.

#### 4.0 ACCESS AND PARKING WORKS

- 4.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the site.
- 4.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Capricorn Municipal Development Guidelines, Australian Standard AS2890 "Parking Facilities" and the provisions of a Development Permit for Operational Works (access and parking works).
- 4.3 A single access must be constructed on Palmer Street. Redundant accesses along the frontage must be reinstated with kerb and channel.
- 4.4 Seven (7) parking spaces must be provided on site. Three (3) spaces must be designated for visitor parking.

#### 5.0 PLUMBING AND DRAINAGE 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, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 5.2 The development must be connected to Council's reticulated water and sewerage network.
- 5.3 The existing water connection point(s) must be capped off. A new water connection point must be provided for the development from existing infrastructure located within Palmer Street.
- 5.4 The existing sewerage connection point(s) must be retained and upgraded, if necessary, to service the development.
- 5.5 Adequate domestic and fire fighting protection must be provided to the proposed development. An internal pillar hydrant, water tanks, and pumps may be required. The fire fighting protection must be certified by a suitably qualified hydraulic engineer.
- 5.6 The development must be provided with a master meter at the property boundary and sub-meters for each sole occupancy unit in accordance with the Queensland Plumbing and Wastewater Code and Council's Sub-metering Policy.
- 5.7 Water meter boxes and sewer connections located within trafficable areas must be raised or lowered to suit the finished surface level and must be provided with heavy duty trafficable lids.
- 5.8 All internal plumbing and sanitary drainage works must be in accordance with regulated work under the *Plumbing and Drainage Act*.
- 5.9 All Internal Plumbing and Sanitary Drainage must be completely independent for each dwelling unit.

#### 6.0 STORMWATER WORKS

- 6.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.
- 6.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 6.3 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.

- 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.
- 6.5 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:
  - 6.5.1 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:
  - 6.5.2 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:
  - 6.5.3 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:
  - 6.5.4 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;
  - 6.5.5 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;
  - 6.5.6 details of all calculations, assumptions and data files (where applicable).

#### 7.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 7.1 All roof and allotment drainage must be in accordance with the requirements of the Queensland Urban Drainage Manual and the Capricorn Municipal Development Guidelines.
- 7.2 All roof and allotment drainage must be discharged such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties or infrastructure.

#### 8.0 SITE WORKS

- 8.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works.
- 8.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks' plan which clearly identifies the following:
  - 8.2.1 the location of cut and/or fill;
  - 8.2.2 the type of fill to be used and the manner in which it is to be compacted;
  - 8.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels:
  - 8.2.4 details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and
  - 8.2.5 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.

- 8.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798* "Guidelines on Earthworks for Commercial and Residential Developments".
- 8.4 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.
- 8.5 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.
- 8.6 All site works must be undertaken to ensure that there is:
  - 8.6.1 no increase in upstream or downstream flood levels for all levels of immunity up to Q100;
  - 8.6.2 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
  - 8.6.3 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.

#### 9.0 BUILDING WORKS

- 9.1 All external elements, such as air conditioners, must be adequately screened from public view, to Council's satisfaction. Noise from any external elements, such as air conditioners, must not exceed 5dB(A) (decibels) above the background ambient noise level, measured at the boundaries of the subject site.
- 9.2 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting".
- 9.3 All windows facing onto the adjoining residential properties must be properly glazed or screened to not intrude on the privacy of residents.
- 9.4 All fencing on side and rear boundaries must be a minimum 1.8 meters in height. The fencing may be graduated down to 1.2 metres towards the road frontage. All side and rear boundaries, and internal fencing must ensure privacy and security to adjoining residential properties. The fencing must be constructed of materials and finishes that prevent light spillage of vehicle headlights and are commensurate with the surrounding residential area.
- 9.5 All units must be provided with open-air clothes drying facilities and the facilities must be screened from public view.
- 9.6 All structures must maintain a clearance of two (2) metres to any sewerage infrastructure including connection point in accordance with Council's Building Over/Adjacent to Local Government Sewerage Infrastructure Policy.

#### 10.0 LANDSCAPING WORKS

- 10.1 Landscaping of the development must be generally in accordance with the approved plans (refer to condition 2.1).
- 10.2 All species used in landscaping must be in accordance with Planning Scheme Policy 6 Planting Species.

- 10.3 Landscaping, or any part thereof, upon reaching full maturity, must not:
  - (i) obstruct sight visibility zones as defined in the *Austroads 'Guide to Traffic Engineering Practice'* series of publications;
  - (ii) adversely affect any road lighting or public space lighting; or
  - (iii) adversely affect any Council infrastructure, or public utility plant.
- 10.4 The landscaped areas must be subject to an ongoing maintenance and replanting programme (if necessary).

#### 11.0 ELECTRICITY AND TELECOMMUNICATIONS

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

#### 12.0 ASSET MANAGEMENT

- 12.1 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.
- 12.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.
- 12.3 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.

#### 13.0 ENVIRONMENTAL

- 13.1 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.
- 13.2 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) implementation, for the construction and post construction phases of work.
- 13.3 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.
- 13.4 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.

#### 14.0 OPERATING PROCEDURES

- 14.1 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 Palmer Street.
- 14.2 All waste storage areas must be kept in a clean, tidy condition in accordance with *Environmental Protection (Waste Management) Regulations*.

#### **ADVISORY NOTES**

#### NOTE 1. Aboriginal Cultural Heritage

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

#### NOTE 2. Asbestos Removal

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

#### NOTE 3. General Environmental Duty

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

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

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

#### NOTE 5. Adopted Infrastructure Charges Notice

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

#### RECOMMENDATION C

That in relation to the application for a Development Permit for a Material Change of Use for Multi Unit Dwellings (four units), made by B and J Harth, on Lot 4 on SP153692, Parish of Rockhampton, and located at 9 Palmer Street, Allenstown, Council resolves to issue an Adopted Infrastructure Charges Notice of the sum of \$51,000.00.

#### **BACKGROUND**

#### **Proposal in Detail**

The proposal is for four units; two (2) three bedroom units and two (2) two bedroom units which are single storey. The proposed development has a total gross floor area of approximately 443 square metres (forty-eight percent of the total site area). Approximately 229 square metres of the site will be landscaped. A total of seven (7) vehicle parking spaces will be provided consisting of four (4) resident parking spaces and three (3) visitor spaces. Vehicle access to the site is via a single crossover on Palmer Street.

#### **Site and Locality**

The site is rectangular in shape with a total area of 1,080 square metres and has a 21.50 metre road frontage. The topography of the site is generally level with a slight fall to the south-east corner of the site. The site contains a single storey house and a shed to the rear of the allotment. The site is void of any vegetation with the exception of a few mature trees located towards the front boundary.

The surrounding area is characterised by a mix of single dwelling houses and higher density development such as units and accommodation buildings. The site is located eighty (80) metres to Lower Dawson Road which is part of the national highway.

#### PLANNING ASSESSMENT

#### **Matters for Consideration**

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

#### Infrastructure Operations Unit's Comments – 21 October 2013

The application is supported subject to conditions.

#### Infrastructure Operations Unit's (sewer and water) Comments – 25 October 2013

The application is supported subject to conditions.

#### Public and Environmental Health Comments - 16 October 2013

The application is supported subject to conditions.

#### **Other Staff Technical Comments**

Not applicable as the application was not referred to any other technical staff.

#### **Town Planning Comments**

#### **State Government Planning Policies**

<u>State Planning Policy 2/02 – Planning and Managing Development involving Acid Sulfate</u> Soils

Not Applicable. This policy lapsed on 2 December 2013; however the development application was lodged on 10 October 2013 making this a relevant policy.

#### State Planning Policy 2/07 – Protection of Extractive Resources

Not Applicable. This policy lapsed on 2 December 2013; however the development application was lodged on 10 October 2013 making this a relevant policy.

#### State Planning Policy - December 2013

This policy came into effect on 2 December 2013. The development complies with the relevant policies outlined in the five themes of the current State Planning Policy.

#### **Other Acts**

Not Applicable

#### Rockhampton City Plan Strategic Framework

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

- (a) Rockhampton continues to consolidate its 'Capital of Central Queensland' role in the region.
  - **Complies:** The proposal supports continued population growth within Rockhampton through residential consolidation within established urban areas which enjoy all standard services.
- (b) Valuable natural resources are conserved or, where required to support economic growth in Rockhampton, used sustainably.
  - **Not Applicable:** The subject site is not within proximity of any significant natural resources considered vital to economic growth within the region.
- (c) Important natural assets are, as far as is practically possible, retained in a natural state to maximise biodiversity and to maintain their scenic and biological value.
  - **Complies:** The proposal will not adversely impact any natural assets.
- (d) New development in Rockhampton City is designed and managed to minimise adverse impacts on the environment, and biodiversity.
  - **Complies:** The proposal does not adversely impact the environment, or the region's biodiversity as the subject site is located within an existing urban area with limited biodiversity values.
- (e) 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 is not for a commercial or retail development.
- (f) Rockhampton's commercial centres are safe, attractive and readily accessible spaces for all members of the community.
  - **Not Applicable:** The proposal is not located within or near a commercial centre and does not involve commercial and/or retail development.

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

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

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

**Complies:** The proposal does not impact upon any cultural or urban heritage values.

(i) 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 adopts sensitive design elements compatible to adjoining residential uses and will contribute to the range of housing types and densities within an established residential area. As such, the proposal supports a diversity of residents and lifestyle choices with compatible urban services and facilities within proximity of the site.

- (j) Rockhampton's important community uses and health care facilities are provided and maintained where they are readily accessible to all members of the community.
  - **Not Applicable:** The proposal does not include any current or future community uses or health care facilities. The site is in proximity to a range of health care and community use facilities and therefore the development provides additional residential uses in an area where access to these facilities is available.
- (k) 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 proposal does not involve residential subdivision, nor will it impact on environmentally valuable features within Rockhampton.
- (I) Infrastructure is provided and augmented in a sequenced manner in Rockhampton, resulting in appropriate, efficient, affordable, reliable, timely and lasting infrastructure provision that is not compromised by new development and is sensitive to the environment.
  - **Complies:** The subject site is connected to all standard urban infrastructure services.
- (m) Safe, accessible, efficient and convenient transport systems are provided in Rockhampton.
  - **Not Applicable:** The proposal does not include and will not impact upon any transport systems.
- (n) Readily accessible and safe Open Spaces and facilities for active and passive recreational purposes are accommodated within Rockhampton City.
  - **Not Applicable:** The proposal does not form part of, nor compromise any future, open space and associated facilities.

The performance assessment of the proposal demonstrates that the proposal will not compromise the achievement of the Desired Environmental Outcomes.

#### The Range South Residential Area Intent

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

"It is intended that the Area will retain its unique residential character, in terms of materials used and design of buildings, associated with existing pre-war housing constructed prior to 1946. This housing includes a number of timber Queenslanders that are intended, wherever

possible, to remain. The factors that contribute to the Area's unique character, therefore, includes pre-war buildings, and also a mixture of allotment sizes, including larger allotments. On the steeper parts of the Range, the allotments are generally larger and the dwellings more generous in size. To preserve this character, it is not intended that larger allotments will be subdivided, or that other forms of residential development will be constructed, except for relative's apartments and Bed and Breakfast establishments, where they do not compromise the existing pre-war residential character of the Area."

The proposed use cannot be considered a consistent use within The Range South Residential Area. 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.

In response to the above, the assessment of this application concludes that the proposed development, subject to conditions, is not likely to conflict with Council's Desired Environmental Outcomes. Furthermore, there are considered to be 'sufficient grounds' in this instance, to justify Council approving the development despite its conflict with the Area Intent.

Sufficient grounds of justification are as follows:

- a) The development utilises sensitive design and building materials that support the intent to protect and enhance the pre-war residential character of the Area. Therefore, the development will not adversely impact upon the unique aesthetic residential character of the Area;
- b) The development does not fragment the existing large allotment, therefore preserving the mixture of allotments sizes supported in the Area;
- c) The single storey development proposes landscaping as well as parking well in excess of the requirements and furthermore proposes a total building site coverage of approximately forty-eight percent of the total site area which is consistent with surrounding residential densities on Palmer Street and the locality in general;
- d) Assessment of the development demonstrates that the Planning Scheme's Desired Environmental Outcomes will not be compromised.
- e) Assessment of the development against the relevant planning scheme codes, demonstrates that the proposed development will not cause significant adverse impact on the surrounding natural environment, built environment and infrastructure, community facilities or local character and amenity.
- f) The proposed development does not compromise relevant State Planning Policies.

Having regard to all of the above, it is recommended Council, from a land use perspective, consider the proposed development favourably as, pursuant to Section 326(1)(b) of Sustainable Planning Act 2009, there are considered to be sufficient grounds to justify a decision that favours the alternative land uses proposed herein and the development is capable of occurring in a manner that is not likely to conflict with Council's Desired Environmental Outcomes.

#### **Rockhampton City Plan Codes**

The following codes are applicable to this application: -

- Multi Unit Dwelling, Accommodation Building and Duplex Code;
- Parking and Access Code;
- Landscaping Code;
- Crime Prevention Through Environmental Design Code; and
- External Works and Servicing Code.

An assessment has been made against the requirements of the abovementioned codes and the following has not been met: -

Perfor	mance Criteria	Response
P1	The density of the development is consistent with the scale and density of development expected and intended for an Area.	The proposed development is consistent with the scale of the surrounding area with a site coverage of forty-eight (48) percent which is consistent with a Residential Area or Residential Precinct. The units will utilise sensitive design and building materials, such as pitched roofs and variation in building design, that support the intent to protect and enhance the pre-war residential character of the Area. The Allenstown Residential Consolidation Area is located within 400 metres to the site which accommodates high density development.

#### **Adopted Infrastructure Charges**

Adopted Infrastructure Charges Resolution (No.2) 2012 for residential development applies to the application and it falls within Charge Area 1. The Adopted Infrastructure Charges are as follows:

Column 1 Use Schedule	Column 2 Charge Area	Column 3  Adopted Infrastructure Charge for residential development (\$/dwelling unit)		Column 4 Unit	Calculated Charge
	Alea	1 or 2 bedroom dwelling	3 or more bedroom dwelling		
Residential	Area 1	15,000		per dwelling	\$30,000.00
	Area 1		21,000	per dwelling	\$42,000.00
				TOTAL	\$72,000.00

This is based on the following calculation:

- a) \$30,000.00 two (2), two-bedroom units;
- b) \$42,000.00 two (2), three-bedroom units; and
- c) \$21,000.00 credit for existing allotment.

A total contribution of **\$51,000.00** is payable and will be reflected in an Adopted Infrastructure Charges Notice for the development for the development.

#### Consultation

The proposal was the subject of public notification between 18 November 2013 and 11 December 2013, as per the requirements of the *Sustainable Planning Act 2009*, and one properly made submission was received.

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

Issue	Officer Comment
Concerns raised with the number of vehicles parked within Palmer Street due to insufficient parking onsite from the Rocky Gardens Motel and the Apartments on Palmer.	It is noted that there are concerns with onstreet parking within Palmer Street from other uses which are not relevant to this application. This application is assessed against the relevant provisions under the Rockhampton City Plan 2005. Under the Parking and Access Code of the Rockhampton City Plan 2005, the proposal is required to have a minimum of six (6) on-site parking spaces. A total of seven (7) spaces have been provided including three (3) visitor parking spaces. Therefore sufficient on-site parking has been provided.
Concerns also raised with the number of trucks parked along Lower Dawson Road and Palmer Street which causes a visibility issue when entering on to Lower Dawson Road.	Council cannot regulate lawful on-street parking. Should vehicles park within ten metres of an intersection causing visibility issues standard road rules apply and enforcement action can be undertaken from Queensland Police or Local Laws.

#### Referrals

The application was referred to the Department of State Development, Infrastructure and Planning as a concurrence agency as the site abuts a road that intersects with a State-controlled road within 100 metres of the land. The department supports the proposal and provided comments on 8 November 2013.

#### CONCLUSION

It is recognised that the proposal is not a consistent use within The Range South Residential Area under the *Rockhampton City Plan 2005*. However, the assessment of this application concludes that the proposed development, subject to conditions, is not likely to conflict with the Planning Scheme's Desired Environmental Outcomes. As demonstrated in the above report, the proposal is generally consistent with the code requirements prescribed by the planning scheme and the use will not compromise the intent of the area or the viability of surrounding uses. It is located on a site which is suited to the proposed development and which is generally accessible to services.

## D483-2013 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A MULTI UNIT DWELLING (FOUR UNITS)

**Locality Plan** 

Meeting Date: 29 January 2014

**Attachment No: 1** 



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# D483-2013 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A MULTI UNIT DWELLING (FOUR UNITS)

## Site Plan

Meeting Date: 29 January 2014

**Attachment No: 2** 

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Site Plan



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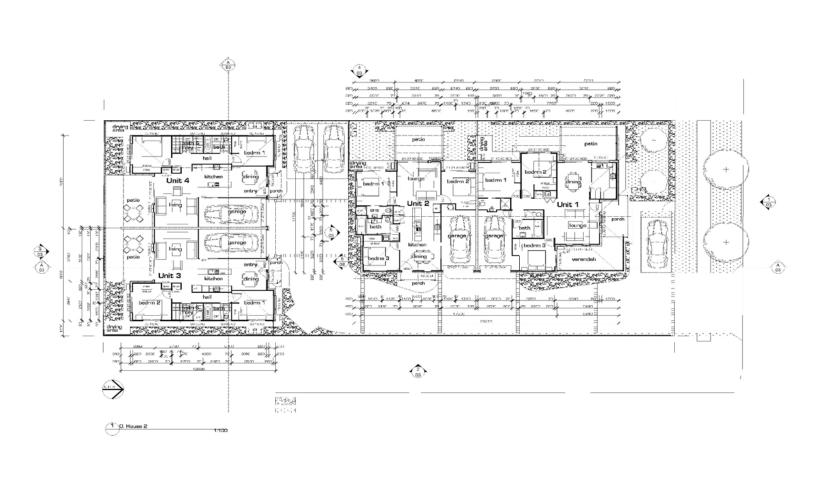
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# D483-2013 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A MULTI UNIT DWELLING (FOUR UNITS)

## Floor Plan

Meeting Date: 29 January 2014

**Attachment No: 3** 



If in doubt, ASK Project Details Lot 4 Palmer Street Floor Plan

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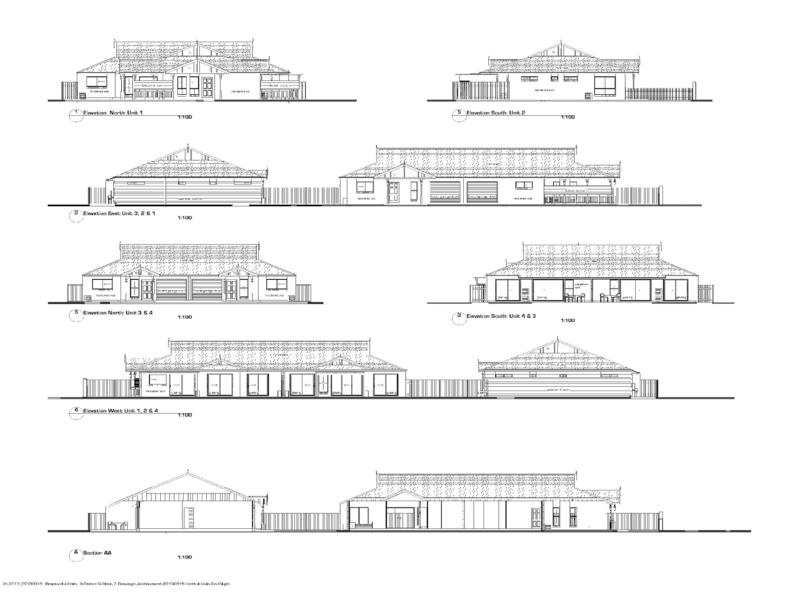
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# D483-2013 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A MULTI UNIT DWELLING (FOUR UNITS)

## **Elevations**

Meeting Date: 29 January 2014

**Attachment No: 4** 



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Elevation



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## 8.5 D518-2013 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A MULTI UNIT DWELLING (THREE UNITS)

File No: D518-2013

Attachments: 1. Locality Plan

Site Plan
 Floor Plan
 Elevations

Responsible Officer: Robert Holmes - General Manager Regional Services

Author: Alyce McLellan - Planning Officer

#### **SUMMARY**

Development Application Number: D/518-2013

Applicant: Capricorn Engineering and Drafting Services
Real Property Address: Lot 12 on SP216105, Parish of Murchison
Common Property Address: 18 Bruce Hiskens Court, Norman Gardens

Area of Site: 1,031 square metres

Planning Scheme: Rockhampton City Plan 2005
Rockhampton City Plan Area: Norman Road Residential Area

Existing Development: Vacant Land

Existing Approvals: Nil

Approval Sought: Development Permit for a Material Change of

Use for a Multi Dwelling Unit (three units)

Level of Assessment: Impact Assessable

Submissions: One Properly Made Submission

Referral Agency(s):

Adopted Infrastructure Charges Area: Charge Area One

Application Progress:

Application Lodged:	4 November 2013
Acknowledgement Notice:	6 November 2013
Submission period commenced:	28 November 2013
Submission period end:	19 December 2013
Last receipt of information from applicant:	20 December 2013
Statutory determination date:	28 January 2014

#### OFFICER'S RECOMMENDATION

#### **RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for a Multi Unit Dwelling (three units), made by Capricorn Engineering and Drafting Services, on Lot 12 on SP216105, Parish of Archer and located at 18 Bruce Hiskens Court, Norman Gardens, Council resolves to Approve the application despite its conflict with the planning scheme and provides the following grounds to justify the decision despite the conflict:

(a) The proposal is located within an area designated to accommodate Rockhampton's residential growth.

- (b) The use is for residential purposes and contributes to providing a mix of accommodation options within Rockhampton which is supported through the Desired Environmental Outcomes in the *Rockhampton City Plan 2005*.
- (c) Having regard to the size of the allotment which is subject to the proposal, being 1,031 square metres (providing an average area of 343 square metres per unit); it is considered reasonable to accommodate the proposed use when compared with the minimum lot size of 300 square metres achievable for this area.
- (d) The proposed use does not compromise the achievements of the Desired Environmental Outcomes in the *Rockhampton City Plan 2005.*
- (e) Assessment of the development against the relevant planning scheme codes, demonstrates that the proposed development will not cause significant adverse impact on the surrounding natural environment, built environment and infrastructure, community facilities or local character and amenity.
- (f) The proposed development does not compromise any relevant State Planning Policies.

#### **RECOMMENDATION B**

That in relation to the application for a Development Permit for a Material Change of Use for a Multi Unit Dwelling (three units), made by Capricorn Engineering and Drafting Services, on Lot 12 on SP216105, Parish of Archer and located at 18 Bruce Hiskens Court, Norman Gardens, Council resolves to Approve the application subject to the following conditions:

#### 1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of the use, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior to the commencement of the use, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
  - 1.6.1 Operational Works:
    - (i) Access and Parking Works;
    - (ii) Roof and Allotment Drainage Works; and
    - (iii) Site Works.
  - 1.6.2 Plumbing and Drainage Works; and
  - 1.6.3 Building Works.
- 1.7 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.

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

#### 2.0 APPROVED PLANS AND DOCUMENTS

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

Plan/Document Name	Plan/Document Number	Dated
Site Plan	13-302-C Sheet No. 001 Revision 3	30 October 2013
Carparking and Landscaping Plan	13-302-C Sheet No. 002 Revision 1	30 October 2013
Ground Floor Plan	13-302-C Sheet No. 100 Revision 3	30 October 2013
Roof Plan	13-302-C Sheet No. 101 Revision 1	30 October 2013

- 2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.
- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council prior to the submission of a Development Application for Operational Works.

#### 3.0 ACCESS AND PARKING WORKS

- 3.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the site.
- 3.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Capricorn Municipal Development Guidelines, Australian Standard AS2890 "Parking Facilities" and the provisions of a Development Permit for Operational Works (access and parking works).
- 3.3 Five (5) parking spaces must be provided on site. Two (2) spaces must be designated for visitor parking.

#### 4.0 PLUMBING AND DRAINAGE WORKS

- 4.1 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act, Plumbing and Drainage Act, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 4.2 The development must be connected to Council's reticulated water and sewerage network.
- 4.3 The existing water connection point(s) must be retained and upgraded, if necessary, to service the development.
- 4.4 The existing sewerage connection point(s) must be retained and upgraded, if necessary, to service the development.
- 4.5 Adequate domestic and fire fighting protection must be provided to the proposed development. An internal pillar hydrant, water tanks, and pumps may be required. The fire fighting protection must be certified by a suitably qualified hydraulic engineer.

- 4.6 The development must be provided with a master meter at the property boundary and sub-meters for each sole occupancy unit in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Sub-metering Policy.
- 4.7 Water meter boxes and sewer connections located within trafficable areas must be raised or lowered to suit the finished surface level and must be provided with heavy duty trafficable lids.
- 4.8 All internal plumbing and sanitary drainage must be completely independent for each dwelling unit.

#### 5.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 5.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the site.
- 5.2 All roof and allotment drainage must be in accordance with the requirements of the Queensland Urban Drainage Manual and the Capricorn Municipal Development Guidelines.
- 5.3 All roof and allotment drainage must be discharged such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties or infrastructure.

#### 6.0 SITE WORKS

- 6.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works.
- 6.2 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.

#### 7.0 BUILDING WORKS

- 7.1 All external elements, such as air conditioners, must be adequately screened from public view, to Council's satisfaction. Noise from any external elements, such as air conditioners, must not exceed 5dB(A) (decibels) above the background ambient noise level, measured at the boundaries of the subject site.
- 7.2 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting".
- 7.3 All windows facing onto the adjoining residential properties must be properly glazed or screened to not intrude on the privacy of residents.
- 7.4 All fencing on side and rear boundaries must be a minimum 1.8 meters in height. The fencing may be graduated down to 1.2 metres towards the road frontage. All side and rear boundaries, and internal fencing must ensure privacy and security to adjoining residential properties. The fencing must be constructed of materials and finishes that prevent light spillage of vehicle headlights and are commensurate with the surrounding residential area.
- 7.5 All units must be provided with open-air clothes drying facilities and the facilities must be screened from public view.
- 7.6 All structures must maintain a clearance of two (2) metres to any sewerage infrastructure including connection point in accordance with Council's Building Over/Adjacent to Local Government Sewerage Infrastructure Policy.

#### 8.0 LANDSCAPING WORKS

8.1 Landscaping of the development must be generally in accordance with the approved plans (refer to condition 2.1).

- 8.2 All species used in landscaping must be in accordance with Planning Scheme Policy 6 Planting Species.
- 8.3 Landscaping, or any part thereof, upon reaching full maturity, must not:
  - (i) obstruct sight visibility zones as defined in the Austroads 'Guide to Traffic Engineering Practice' series of publications;
  - (ii) adversely affect any road lighting or public space lighting; or
  - (iii) adversely affect any Council infrastructure, or public utility plant.
- 8.4 The landscaped areas must be subject to an ongoing maintenance and replanting programme (if necessary).

#### 9.0 ELECTRICITY AND TELECOMMUNICATIONS

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

#### 10.0 ASSET MANAGEMENT

- 10.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.
- 10.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.

#### 11.0 ENVIRONMENTAL

11.1 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.

#### 12.0 OPERATING PROCEDURES

- 12.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Bruce Hiskins Court.
- 12.2 All waste storage areas must be kept in a clean, tidy condition in accordance with Environmental Protection (Waste Management) Regulations.

#### **ADVISORY NOTES**

#### NOTE 1. Aboriginal Cultural Heritage

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

#### NOTE 2. Asbestos Removal

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

#### NOTE 3. General Environmental Duty

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

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

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

#### NOTE 5. Adopted Infrastructure Charges Notice

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

#### **RECOMMENDATION C**

That in relation to the application for a Development Permit for a Material Change of Use for a Multi Unit Dwelling (three units), made by Capricorn Engineering and Drafting Services, on Lot 12 on SP216105, Parish of Archer and located at 18 Bruce Hiskens Court, Norman Gardens, Council resolves to issue an Adopted Infrastructure Charges Notice for the sum of \$42,000.00.

#### **BACKGROUND**

#### **Proposal in Detail**

The proposal is for three (3) three-bedroom units which are single storey. The proposed development has a total gross floor area of approximately 406 square metres (thirty-nine percent of the total site area). Approximately 386 square metres of the site will be landscaped. A total of five (5) vehicle parking spaces will be provided consisting of three (3) resident parking spaces and two (2) visitor parking spaces. Access will be via a single crossover from Bruce Hiskins Court.

#### Site and Locality

The site is rectangular in shape and has a total area of 1,031 square metres. The site has a 28.30 metre frontage to Bruce Hiskins Court. The topography of the site is generally level with a slight fall to the north-western corner of the site. The site is vacant and is void of any vegetation.

The surrounding area is characterised by a mix of single dwelling houses and medium density development such as duplexes. The site is located within proximity to the Central Queensland University.

#### PLANNING ASSESSMENT

#### **Matters for Consideration**

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

#### Infrastructure Operations Unit's Comments – 14 November 2013

The application is supported subject to conditions.

Infrastructure Operations Unit's (sewer / water) Comments - 5 November 2013

The application is supported subject to conditions.

#### Public and Environmental Health Comments - 8 November 2013

The application is supported subject to conditions.

#### Other Staff Technical Comments

Not applicable as the application was not referred to any other technical staff.

#### **Town Planning Comments**

#### **State Government Planning Policies**

<u>State Planning Policy 2/02 – Planning and Managing Development involving Acid Sulfate Soils</u>

Not Applicable. This policy lapsed on 2 December 2013; however the development application was lodged on 4 November 2013 making this a relevant policy.

#### State Planning Policy 2/07 - Protection of Extractive Resources

Not Applicable. This policy lapsed on 2 December 2013; however the development application was lodged on 4 November 2013 making this a relevant policy.

#### <u>State Planning Policy – December 2013</u>

This policy came into effect on 2 December 2013. The development complies with the relevant policies outlined in the five themes of the current State Planning Policy.

#### Rockhampton City Plan Strategic Framework

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

- (a) Rockhampton continues to consolidate its 'Capital of Central Queensland' role in the region.
  - **Complies:** The proposal supports continued population growth within Rockhampton through residential consolidation within established urban areas which enjoy all standard services.
- (b) Valuable natural resources are conserved or, where required to support economic growth in Rockhampton, used sustainably.
  - **Not Applicable:** The subject site is not within proximity of any significant natural resources considered vital to economic growth within the region.
- (c) Important natural assets are, as far as is practically possible, retained in a natural state to maximise biodiversity and to maintain their scenic and biological value.
  - **Complies:** The proposal will not adversely impact any natural assets.
- (d) New development in Rockhampton City is designed and managed to minimise adverse impacts on the environment, and biodiversity.
  - **Complies:** The proposal does not adversely impact the environment, or the region's biodiversity as the subject site is located within an existing urban area with limited biodiversity values.
- (e) 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 is not for a commercial or retail development.
- (f) Rockhampton's commercial centres are safe, attractive and readily accessible spaces for all members of the community.

**Not Applicable:** The proposal is not located within or near a commercial centre and does not involve commercial and/or retail development.

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

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

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

**Complies:** The proposal does not impact upon any cultural or urban heritage values.

(i) 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 adopts sensitive design elements compatible to adjoining residential uses and will contribute to the range of housing types and densities within an established residential area. As such, the proposal supports a diversity of residents and lifestyle choices with compatible urban services and facilities within proximity of the site.

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

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

(k) 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 proposal does not involve residential subdivision, nor will it impact on environmentally valuable features within Rockhampton.

(I) Infrastructure is provided and augmented in a sequenced manner in Rockhampton, resulting in appropriate, efficient, affordable, reliable, timely and lasting infrastructure provision that is not compromised by new development and is sensitive to the environment.

**Complies:** The subject site is connected to all standard urban infrastructure services.

(m) Safe, accessible, efficient and convenient transport systems are provided in Rockhampton.

**Not Applicable:** The proposal does not include and will not impact upon any transport systems.

(n) Readily accessible and safe Open Spaces and facilities for active and passive recreational purposes are accommodated within Rockhampton City.

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

The performance assessment of the proposal demonstrates that the proposal will not compromise the achievement of the Desired Environmental Outcomes.

#### **Norman Road Residential Area Intent**

The subject site is situated within the Norman Road Residential Area under the Rockhampton City Plan 2005. The intent of the Norman Road Residential Area identifies that:

"...this Area is to accommodate Rockhampton's residential growth for the life of this Planning Scheme, and potentially, beyond the life of this Planning Scheme until around the year 2025, if current growth estimates remain accurate. It is intended that the Area primarily accommodate houses, however, duplexes are also consistent with the intent for the Area, (excluding the Precincts), as long as they do not dominate, and do not compromise the primary residential character of the Area, which is houses on individual allotments. The only exceptions to this will be those mentioned later in this Area Intent."

The proposed use cannot be considered a consistent use within the Norman Road Residential Area. Council should note however, that pursuant to Section 326(b) of the *Sustainable Planning Act 2009*, the assessment manager's decision may conflict with the Planning Scheme if there are sufficient grounds to justify the decision despite the conflict.

In response to the above, the assessment of this application concludes that there are considered to be 'sufficient grounds' in this instance, to justify Council approving the development despite its conflict with the Area Intent.

Sufficient grounds of justification are as follows:

- (a) The proposal is located within an area designated to accommodate Rockhampton's residential growth.
- (b) The use is for residential purposes and contributes to providing a mix of accommodation options within Rockhampton which is supported through the Desired Environmental Outcomes in the *Rockhampton City Plan 2005*.
- (c) Having regard to the size of the allotment which is subject to the proposal, being 1,031 square metres (providing an average area of 343 square metres per unit); it is considered reasonable to accommodate the proposed use when compared with the minimum lot size of 300 square metres achievable for this area.
- (d) The proposed use does not compromise the achievements of the Desired Environmental Outcomes in the *Rockhampton City Plan 2005.*
- (e) Assessment of the development against the relevant planning scheme codes, demonstrates that the proposed development will not cause significant adverse impact on the surrounding natural environment, built environment and infrastructure, community facilities or local character and amenity.
- (f) The proposed development does not compromise any relevant State Planning Policies.

Having regard to all of the above, it is recommended Council, from a land use perspective, consider the proposed development favourably as, pursuant to Section 326(b) of *Sustainable Planning Act 2009*, there are considered to be sufficient grounds to justify a decision that favours the alternative land use proposed herein and the development is capable of occurring in a manner that is not likely to conflict with Council's Desired Environmental Outcomes.

#### **Rockhampton City Plan Codes**

The following codes are applicable to this application: -

- Multi Unit Dwelling, Accommodation Building and Duplex Code;
- Norman Road Residential Area Code:
- Parking and Access Code;
- Landscaping Code;
- Crime Prevention through Environmental Design Code; and
- External Works and Servicing Code.

An assessment has been made against the requirement of the abovementioned codes and the following has not been met: -

Multi U	Multi Unit Dwelling, Accommodation Building and Duplex Code		
Perfor	mance Criteria	Officer's Response	
P1	The density of the development is consistent with the scale and density of development expected and intended for an Area.	Although Multi Unit Dwellings are not considered a consistent use within the area, the scale and density of the development is considered sympathetic to the adjoining uses in terms of building orientation and layout. In addition, the development incorporates building articulation which will soften the built form. The proposal achieves a site density of thirty-nine (39) percent which is consistent with the scale of development in this area.	

#### **Infrastructure Charges**

Adopted Infrastructure Charges Resolution (No.2) 2012 for residential development applies to the application and it falls within Charge Area 1. The Adopted Infrastructure Charges are as follows:

Column 1 Use Schedule	Column 2 Charge Area	Column 3  Adopted Infrastructure Charge for residential development (\$/dwelling unit)	Column 4 Unit	Calculated Charge
		3 or more bedroom dwelling		
Residential	Area 1	21,000	per dwelling	\$63,000.00

This is based on the following calculations:

- (a) A charge of \$63,000.00 applies for three (3) three-bedroom units;
- (b) A credit of \$21,000.00 –applies for the existing allotment.

A total contribution of \$42,000.00 is payable and will be reflected in an Adopted Infrastructure Charges Notice for the development.

#### Consultation

The proposal was the subject of public notification between 28 November 2013 and 19 December 2013, as per the requirements of the *Sustainable Planning Act 2009*, and one properly made submission was received.

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

Issue	Officer Comment
Concerns raised that there is insufficient onsite car parking.	This application is assessed against the relevant provisions under the <i>Rockhampton City Plan 2005</i> . Under the Parking and Access Code of the <i>Rockhampton City Plan 2005</i> , the proposal is required to have a minimum of four (4) on-site parking spaces. A total of five (5) spaces have been provided including two (2) visitor parking spaces. Therefore sufficient on-site parking

Issue	Officer Comment
	has been provided.
Concerns raised that Bruce Hiskins Court (which is a cul-de-sac) will become congested with traffic.	Council's Infrastructure engineers have assessed the impact on the increased traffic movements and consider the proposal compliant with the <i>Rockhampton City Plan 2005</i> .
Concerns raised that this proposal would de-value properties in Bruce Hiskens Court.	This is not a town planning matter.
Concerns raised that units of this size will potentially cause more intrastate and drainage problems for residents in Bruce Hiskens Court.	Council's Infrastructure engineers have assessed the proposal and have conditioned that the applicant obtain an Operational Works Permit for Roof and Allotment Drainage. Further, conditions have been imposed to ensure roof and allotment drainage must be discharged such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties.

#### Referrals

The application did not trigger any referral agencies.

#### CONCLUSION

It is recognised that the proposal is not a consistent use within Norman Road Residential Area under the *Rockhampton City Plan 2005*. However, the assessment of this application concludes that the proposed development, subject to conditions, is not likely to conflict with the Planning Scheme's Desired Environmental Outcomes. As demonstrated in the above report, the proposal is generally consistent with the code requirements prescribed by the planning scheme and the use will not compromise the intent of the area. It is located on a site which is suited to the proposed development and which is able to be serviced by all necessary services.

# D518-2013 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A MULTI UNIT DWELLING (THREE UNITS)

## **Locality Plan**

Meeting Date: 29 January 2014

**Attachment No: 1** 

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1201/.

D518-2013 Locality Plan



# D518-2013 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A MULTI UNIT DWELLING (THREE UNITS)

## Site Plan

Meeting Date: 29 January 2014

**Attachment No: 2** 

PLANNING SCHEDULE		
Planning Statistics		
Z one	Norman Road Residential Area	
Applicable Primary Code	Multi Unit Dwelling, Accomodation Building & Duplex Code	
Applicable Sub-Codes	Crime Prevention through Environmental Design Code Parking and Access Code Landscape Code	
Site & Facility Statistics		
Site Area	1031.40 m²	
Sewer	Serviced by Municipal Sewerage System	
Site Usage	Building Footprint	
No. of onsite Carparks		
Required	4.5	
Provided	5	
Building Statistics		
No. ofStories	1	
Building Ground Floor Area	406.94m²	
Building Total Area	406.94m²	
Building Height	\$4000 ic	
Allowable	9.0m	
Proposed	4.23 m	
Tenancy Nett Lattable Areas		
Unit1	129.46 m <sup>2</sup>	
Unit 2	138.61m²	
Unit3 TOT AL	138.87 m <sup>2</sup> 406.94 m <sup>2</sup>	
TOTAL	400.7411	
Setbacks (T o Fascia)	Building to Front Alignment 5.354m	
at to	Building to Left Alignment 3.169m	
	Building to Right Alignment 6.181 m	
	Building to Rear Alignment 1.424m	

#### 1 Planning Schedule

RP Data LotNumber: 12
RP/SP Number: SP216105
Parish: MURCHISON Livingstone 1031m² County: Area:

3 Property Description
1:100

### 153° 45′ 30″ 26205 6631 3169 5180 6181 PROPOSED MULTI 58° 19' 10" 35532 UNIT DWELLING 238" 01' 00" 39455 DRIVEWAY 6181 5301 331" 46' 00" 25360 4000 EMT M 20720

NOT FOR CONSTRUCTION

## BRUCE HISKINS COURT

2 Site Plan
1:200

CHID DEFINAL. 3/72 High Street, Rockhampton, OLD, 4701 PH: (97) 49260720 Email: darry( Direads.com au aī BSA - 1129:04 www.ceads.com.au DATE: 30.10.13 DAMEN BY: гэнгэснэ вү: ТЈЕ SCALE: PROJECT STATUS:
As indicated D.A.
ASSHOWN ATAS

DV/G Mu. 13-302-C SHT No. 001 273

Multi Unit Dwelling (3 Units) for G & L Dunnett And B &

NODRESS 18 Bruce Hiskins Court, Norman Gardens *DRAVING* Site Plan

A Dunnett

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RECURRENCIAS A MO DÉAFTERS É REVICES.

1 Preliminary

2 Client Amend 3 DA Issue

SUE REVISIONS DATE INC.

09.09.13 TJE 24.09.13 TJE

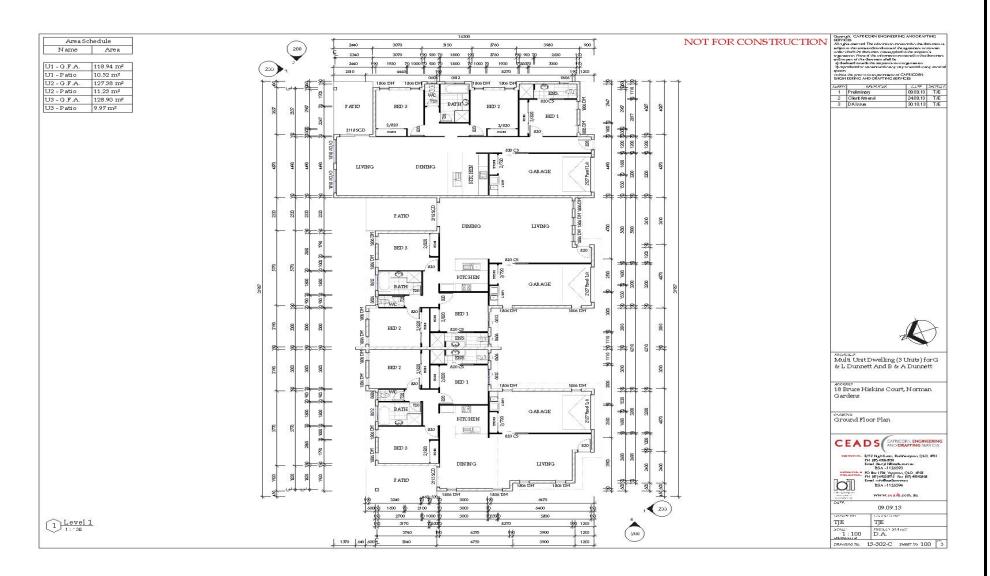
30.10.13 TJE

# D518-2013 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A MULTI UNIT DWELLING (THREE UNITS)

## Floor Plan

Meeting Date: 29 January 2014

**Attachment No: 3** 



# D518-2013 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A MULTI UNIT DWELLING (THREE UNITS)

### **Elevations**

Meeting Date: 29 January 2014

**Attachment No: 4** 



### 9 STRATEGIC REPORTS

Nil

### 10 NOTICES OF MOTION

Nil

### 11 URGENT BUSINESS/QUESTIONS

Urgent Business is a provision in the Agenda for members to raise questions or matters of a genuinely urgent or emergent nature, that are not a change to Council Policy and can not be delayed until the next scheduled Council or Committee Meeting

### 12 CLOSURE OF MEETING