



PLANNING & DEVELOPMENT COMMITTEE MEETING

AGENDA

12 FEBRUARY 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 12 February 2014 commencing at 10:00am for transaction of the enclosed business.

A handwritten signature in black ink, appearing to be "C. R.", is positioned above the printed name of the Chief Executive Officer.

CHIEF EXECUTIVE OFFICER
5 February 2014

Next Meeting Date: 26.02.14

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
Councillor N K Fisher

In Attendance:

Mr E Pardon – Chief Executive Officer

3 APOLOGIES AND LEAVE OF ABSENCE

4 CONFIRMATION OF MINUTES

Minutes of the Planning & Development Committee held 29 January 2014

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 - 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 - Planning and Development Committee

Meeting Date: 12 February 2014

Attachment No: 1

Date	Report Title	Resolution	Responsible Officer	Due Date	Notes
29 January 2014	RRC Planning Scheme December 2013 Quarterly Report	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.	Bob Truscott	12/02/2014	
29 January 2014	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	As per Committee Resolution.	Corina Hibberd	05/02/2014	
29 January 2014	D350-2013 Development Application for a Material Change of use for a House	As per Committee Resolution.	Corina Hibberd	17/02/2014	

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 OFFICERS' REPORTS

8.1 D/514-2013 - DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT (ONE LOT INTO TWO LOTS)

File No: D/514-2013
Attachments: 1. Locality Plan
 2. Proposed Reconfiguration of a Lot
Responsible Officer: Robert Holmes - General Manager Regional Services
Author: Amanda O'Mara - Planning Officer

SUMMARY

Development Application Number: D/514-2013
Applicant: Neil Joseph Tulau
Real Property Address: Lot 22 on RP602339, Parish of Archer
Common Property Address: 310 Waterloo Street, Frenchville
Area of Site: 1,234 square metres
Planning Scheme: Rockhampton City Plan 2005
Rockhampton City Plan Area: Frenchville Residential Area
Existing Development: House
Existing Approvals: Building Permit for a House
Approval Sought: Development Permit for Reconfiguring a Lot (one lot into two lots)
Level of Assessment: Impact Assessable
Submissions: One submission
Referral Agency(s): Nil
Adopted Infrastructure Charges Area: Charge Area 1
Application Progress:

<i>Application Lodged:</i>	31 October 2013
<i>Acknowledgement Notice sent:</i>	14 November 2013
<i>No further information request letter sent:</i>	21 November 2013
<i>Submission period commenced:</i>	26 November 2013
<i>Submission period end:</i>	19 December 2013
<i>Notice of compliance received:</i>	20 December 2013
<i>Council request for additional time:</i>	28 January 2014
<i>Statutory determination date:</i>	25 February 2014

OFFICER'S RECOMMENDATION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into two lots), made by Neil Joseph Tulau, on Lot 22 on RP6022339, Parish of Archer, and located at 310 Waterloo Street, Frenchville, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

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

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Reference</u>	<u>Dated</u>
Proposed Reconfiguration of a Lot	4923 PROP	23 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 WORKS

- 3.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access works on the site.
- 3.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1) and the *Capricorn Municipal Development Guidelines*.
- 3.3 Two (2) car parking spaces, one (1) of which must be covered, must be provided on Lot 11 for the existing house.
- 3.4 Access to Lot 11 must be provided for the existing house.

4.0 SEWERAGE WORKS

- 4.1 All works must be designed and constructed in accordance with the approved plans, *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act* and the *Plumbing and Drainage Act*.
- 4.2 All lots within the development must be connected to Council's reticulated sewerage network. Each of the proposed lots must be provided with its own separate sewerage connection point, located wholly within its respective property boundaries.
- 4.3 The existing sewerage connection provided for the site must be retained for Lot 11. A new sewerage connection point must be provided to Lot 10 from where the existing sewerage infrastructure traverses the site. A connection point for Lot 10 must be located within the access handle.
- 4.4 Easements must be provided over all sewerage infrastructure located within private property. The easement location(s) and width(s) must be in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.
- 4.5 Sewer connections located within trafficable areas must be raised or lowered to suit the finished surface levels and provided with trafficable lids.

5.0 WATER WORKS

- 5.1 All works must be designed and constructed in accordance with the approved plans, *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act* and the *Plumbing and Drainage Act*.
- 5.2 All lots within the development must be connected to Council's reticulated water supply network.
- 5.3 Each lot must be provided with its own separate water connection point, located wholly within its respective property boundaries.
- 5.4 The existing water connection provided for the site must be retained for Lot 11. A new water connection point must be provided to Lot 10 from the existing reticulated water network located within Waterloo Street.

6.0 PLUMBING AND DRAINAGE WORKS

- 6.1 Internal Plumbing and Sanitary Drainage of the existing building located within Lot 11 must be contained within the lot it serves.
- 6.2 Any alterations to the Internal Plumbing and Sanitary Drainage for the existing building that may be required as a result of the proposed development must be in accordance with regulated work under the *Plumbing and Drainage Act* and Council's Plumbing and Drainage Policies.

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 BUILDING WORKS

- 8.1 A Development Permit for Building Works (demolition) must be obtained for the removal of any structure.
- 8.2 The existing carport on the subject site must be demolished prior to the issue of the Compliance Certificate for the Survey Plan.

9.0 SITE WORKS

- 9.1 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.

10.0 ELECTRICITY AND TELECOMMUNICATIONS

- 10.1 Electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.
- 10.2 Evidence must be provided of a certificate of supply with the relevant service providers to provide each lot with live electricity and telecommunication connections, in accordance with the requirements of the relevant authorities prior to the issue of the Compliance Certificate for the Survey Plan.

11.0 ASSET MANAGEMENT

- 11.1 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.
- 11.2 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.

12.0 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 Waterloo Street.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. Asbestos Removal

1.0 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

1.0 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

2.0 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. Works in Road Reserve Permit

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

NOTE 6. Adopted Infrastructure Charges Notice

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

RECOMMENDATION B

That in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into two lots), made by Neil Joseph Tulau, on Lot 22 on RP6022339, Parish of Archer, and located at 310 Waterloo Street, Frenchville, Council resolves to issue an Adopted Infrastructure Charges Notice for the amount of \$21,000.00.

BACKGROUND**Proposal in Detail**

The proposal is for the creation of a hatchet allotment of 761 square metres with a five (5) metre wide access strip. The front allotment will be 473 square metres and encompass the existing dwelling. The small existing carport adjoining the northern façade of the existing dwelling will be removed to allow driveway access to the rear allotment. A new access driveway for the front lot will be provided on the southern side of the lot.

Site and Locality

The site has an area of 1,234 square metres and has an existing single storey house. The site is relatively flat and is connected to all the necessary infrastructure and services. The area is primarily residential, with a range of associated community and recreation uses located throughout.

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 – 6 November 2013

Support, subject to conditions.

Infrastructure Operations Unit's (sewer / water) Comments – 6 November 2013

Support, subject to conditions.

Public and Environmental Health Comments – 19 November 2013

Support, no comments.

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

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

State Planning Policy 2013

This policy came into effect on 2 December 2013 and replaced all former State Planning Policies. This policy requires development applications to be assessed against its requirements until the identified state interests have been appropriately reflected in the local planning scheme.

Mining and extractive resources

Not Applicable.

Biodiversity

Not Applicable.

Coastal environment

Not Applicable.

Water quality

Not Applicable.

Emissions and hazardous activities

Not Applicable.

Natural hazards

Not Applicable.

State transport infrastructure

Not Applicable.

Strategic airports and aviation facilities

Not Applicable.

Frenchville Residential Area Intent

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

'...the Frenchville Residential Area will retain a residential character, dominated by houses on individual allotments. More intense forms of residential development, such as multi-unit dwelling development, is inconsistent with the intent for the Area, however, duplex development is compatible, as long as it does not dominate, and does not compromise the primary residential character of the Area, which is houses on individual allotments.'

The proposal will have no impact on the residential character of the area, therefore is considered consistent with the intent of the area.

Rockhampton City Plan Codes

The following codes are applicable to this application:

- Reconfiguring a Lot Code
- Crime Prevention through Environmental Design Code

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

Reconfiguring a Lot Code		
Performance Criteria		Officer's Response
P8	In a subdivision, the allotment design and layout enhances personal safety and minimises the potential for crime, vandalism and fear through the achievement of casual surveillance by those living or working at each allotment, drivers of passing vehicles and pedestrians.	The proposal is for a hatchet allotment therefore only the access driveway is visible from the street frontage. However, the surrounding allotments are all developed allowing casual surveillance from adjoining properties.

1.0 Based on a performance assessment of the abovementioned codes it is determined that the proposal is acceptable and generally complies with the relevant Performance Criteria. Where there is deviation, suitable justification has been provided.

Infrastructure Charges

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

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

Based on the following calculations:

- (a) \$42,000.00 – A charge of \$21,000.00 each for the proposed two (2) lots; and
- (b) \$21,000.00 – Infrastructure Credit applicable for the existing allotment.

A total contribution of **\$21,000.00** 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 26 November 2013 and 19 December 2013, as per the requirements of the *Sustainable Planning Act 2009*, and one (1) properly made submission was received.

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

Issue	Officer Comment
Hatchet allotments are undesirable and inappropriate and larger lots should be preserved.	<p>The proposal provides for infill development where all necessary services and infrastructure are readily available. In addition due to the area being developed it is not feasible or possible for the site to be subdivided without the creation of a hatchet allotment.</p> <p>The proposed lot sizes are of a sufficient size for residential development and are consistent with the surrounding area, therefore the proposal will not affect the amenity or character of the surrounding area.</p>
Impact on privacy of adjoining lots and property values.	The proposal is not likely to compromise future use and development or redevelopment of adjoining properties. In addition it is anticipated a future dwelling could be located on the rear allotment such that the amenity of the area would not be compromised. A future dwelling could be designed to avoid overlooking adjoining properties which could be achieved through thoughtful placement of windows and window treatments.
Concerns of noise from construction and vehicle access along boundary to the rear allotment.	<p>The proposal will be required to comply with general environmental duty under the <i>Environmental Protection Act</i> which prohibits unlawful environmental nuisance caused by noise, beyond the boundaries of the property during all stages of the development including earthworks, construction and operation.</p> <p>The proposal is only for the creation of one (1) additional allotment, therefore the vehicle movements for the rear lot would be minimal and unlikely to impact the amenity of the adjoining properties.</p>
Concerns of congestion in the street due to existing flats and development occurring.	<p>The density of the proposal is compatible with the local amenity.</p> <p>In addition the proposal has been conditioned to provide car parking on site.</p>

CONCLUSION

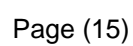
The proposal is consistent with the intent of the Frenchville Residential Area and generally complies with the provisions included in the applicable codes and where there is deviation adequate justification has been provided. The proposal is therefore recommended for approval in accordance with the approved plans and subject to the conditions outlined in the recommendation.

**D/514-2013 - DEVELOPMENT
APPLICATION FOR RECONFIGURING
A LOT (ONE LOT INTO TWO LOTS)**

Locality Plan

Meeting Date: 12 February 2014

Attachment No: 1



**D/514-2013 - DEVELOPMENT
APPLICATION FOR RECONFIGURING
A LOT (ONE LOT INTO TWO LOTS)**

Proposed Reconfiguration of a Lot

Meeting Date: 12 February 2014

Attachment No: 2



8.2 D418-2013 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A DUAL OCCUPANCY (TEN DUAL OCCUPANCIES)

File No: D/418-2013

Attachments: 1. Locality Plan
2. Site Plan

Responsible Officer: Robert Holmes - General Manager Regional Services

Author: Corina Hibberd - Planning Officer

SUMMARY

Development Application Number: D/418-2013

Applicant: Lamb Avenue Pty Ltd A.C.N 161 721 231
Trustee Under Instrument 714948848

Real Property Address: Lot 116 on SP199407, Parish of Gracemere

Common Property Address: Lot 116 Gavial - Gracemere Road Gracemere QLD 4702

Area of Site: 1.288 hectares

Planning Scheme Fitzroy Shire Planning Scheme 2005

Planning Scheme Zoning: Town Zone - Residential Precinct

Planning Scheme Overlays: Bushfire Prone Land – Low Risk;

Existing Development: Vacant

Existing Approvals: D54-2010 Reconfiguring a Lot (one lot into 12 lots) and Operational Works – lapsed – REVIVED through a court order
D104-2010 Reconfiguring a Lot (one lot into two lots) – lapsed
D486-2010 Reconfiguring a Lot (one lot into five lots) – approved 4 August 2011
D412-2011 Material Change of Use for a Dual Occupancy (ten) – Cancelled

Approval Sought: Material Change of Use for a Dual Occupancy (Ten Dual Occupancies)

Level of Assessment: Impact Assessable

Submissions: Nil

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

Adopted Infrastructure Charges Area: Charge Area One

Application Progress:

<i>Application Lodged:</i>	4 September 2013
<i>Acknowledgement Notice sent:</i>	13 September 2013
<i>Submission period commenced:</i>	27 November 2014
<i>Submission period end:</i>	20 December 2013
<i>Government Agency Response:</i>	9 December 2013

<i>Last receipt of information from applicant:</i>	<i>26 December 2013</i>
<i>Council request for additional time:</i>	<i>24 January 2014</i>
<i>Committee Meeting date:</i>	<i>12 February 2014</i>

OFFICER'S RECOMMENDATION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for a Dual Occupancy (Ten Dual Occupancies), made by Capricorn Survey Group on behalf of Lamb Avenue Pty Ltd A.C.N. 161 721 231 trustee Under Instrument 714948848, on Lot 116 on SP199407, Parish of Gracemere, located at Lot 116 Gavial - Gracemere Road, Gracemere, 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 use is highly compatible with the surrounding residential uses and integrates well with the built and natural environment;
- b) The availability of land, the amenity, and the operational needs of different uses in the residential precinct are not compromised by the proposed development;
- c) The development is of a scale, size, appearance and built form which is consistent with the residential amenity of the area;
- d) There is a high demand and need for higher density residential uses in the Gracemere area, the proposal is well designed, and provides for a variety of residential housing types;
- e) Assessment of the development demonstrates that the Planning Scheme's Desired Environmental Outcomes will not be compromised;
- f) Assessment of the development against the relevant planning scheme codes demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and
- g) The proposed development does not compromise any relevant State Planning Policy.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for a Dual Occupancy (Ten Dual Occupancies), made by Capricorn Survey Group on behalf of Lamb Avenue Pty Ltd A.C.N. 161 721 231 trustee Under Instrument 714948848, on Lot 116 on SP199407, Parish of Gracemere, located at Lot 116 Gavial - Gracemere Road Gracemere, 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 Works; and
 - (ii) Roof and Allotment Drainage Works;
- 1.6.2 Building Works
- 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.
- 1.9 The Compliance Certificate for the proposed survey plan, in accordance with Development Approval D/54-2010, on Lot 116 on SP199407 must be issued prior to the commencement of the use.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Overall Site Plan	BP360/MP/DD01 Issue B	13 December 2011
Streetscape Elevations	BP360/MP/DD02 Issue B	13 December 2011
Elevations – Lot 29 Type A – Dwelling A	BP360/L29A/DD02 Issue A	17 August 2011
Floor Plan – Lot 29 Type A – Dwelling A	BP360/L29A/DD01 Issue A	17 August 2011
Elevations – Lot 29 Type B – Dwelling B	BP360/L29B/DD02 Issue A	17 August 2011
Floor Plan – Lot 29 Type B – Dwelling B	BP360/L29B/DD01 Issue A	17 August 2011
Elevations – Lot 30 Type A – Dwelling A	BP360/L30A/DD02 Issue A	17 August 2011
Floor Plan – Lot 30 Type A – Dwelling A	BP360/L30A/DD01 Issue A	17 August 2011
Elevations – Lot 30 Type B – Dwelling B	BP360/L30B/DD02 Issue A	17 August 2011
Floor _Plan - Lot 30 Type B – Dwelling B	BP360/L30B/DD01 Issue A	17 August 2011
Elevations – Lot 31 Type C	BP360/L31/DD02 Issue A	17 August 2011
Floor Plan – Lot 31 Type C	BP360/L31/DD01 Issue A	17 August 2011
Elevations – Lot 32 Type D	BP360/L32/DD02 Issue A	17 August 2011

Floor Plan – Lot 32 Type D	BP360/L32/DD01 Issue A	17 August 2011
Elevations – Lot 33 Type E Dwelling A	BP360/L33A/DD02 Issue A	17 August 2011
Floor Plan – Lot 33 Type E Dwelling A	BP360/L33A/DD01 Issue A	17 August 2011
Elevations – Lot 33 Type F Dwelling B	BP360/L33B/DD02 Issue A	17 August 2011
Floor Plan – Lot 33 Type F Dwelling B	BP360/L33B/DD01 Issue A	17 August 2011
Elevations – Lot 36 Type I – Dwelling A	BP360/L36A/DD02 Issue A	17 August 2011
Floor Plan – Lot 36 Type I – Dwelling A	BP360/L36A/DD01 Issue A	17 August 2011
Elevations – Lot 36 Type B(mr) – Dwelling B	BP360/L36B/DD02 Issue A	17 August 2011
Floor Plan – Lot 36 Type B(mr) – Dwelling B	BP360/L36B/DD01 Issue A	17 August 2011
Elevations – Lot 37 Type A(mr) – Dwelling A	BP360/L37A/DD01 Issue A	17 August 2011
Floor Plan – Lot 37 Type A(mr) – Dwelling A	BP360/L37A/DD01 Issue A	17 August 2011
Elevations – Lot 37 Type J – Dwelling B	BP360/L37B/DD02 Issue A	17 August 2011
Floor Plan – Lot 37 Type J – Dwelling B	BP360/L37B/DD01 Issue A	17 August 2011
Elevations – Lot 38 Type A(mr) – Dwelling A	BP360/L38A/DD02 Issue A	17 August 2011
Floor Plan – Lot 38 Type A(mr) – Dwelling A	BP360/L38A/DD01 Issue A	17 August 2011
Elevations – Lot 38 Type J – Dwelling B	BP360/L38B/DD02 Issue A	17 August 2011
Floor Plan – Lot 38 Type J – Dwelling B	BP360/L38B/DD01 Issue A	17 August 2011
Elevations – Lot 39 Type A(mr) – Dwelling A	BP360/L39A/DD02 Issue A	17 August 2011
Floor Plan – Lot 39 Type A(mr) – Dwelling A	BP360/L39A/DD01 Issue A	17 August 2011
Elevations – Lot 39 Type J – Dwelling B	BP360/L39B/DD02 Issue A	17 August 2011
Floor Plan – Lot 39 Type J – Dwelling B	BP360/L39B/DD01 Issue A	17 August 2011
Elevations – Lot 58 Type K – Dwelling A	BP360/L58A/DD03 Issue A	17 August 2011
Elevations – Lot 58 Type K – Dwelling A	BP360/L58A/DD04 Issue A	17 August 2011

Ground Flr Plan – Lot 58 Type K – Dwelling A	BP360/L58A/DD01 Issue A	17 August 2011
First Flr Plan – Lot 58 Type K – Dwelling A	BP360/L58A/DD02 Issue A	17 August 2011
Elevations – Lot 58 Type L – Dwelling B	BP360/L58B/DD03 Issue A	17 August 2011
Elevations – Lot 58 Type L – Dwelling B (2)	BP360/L58B/DD03 Issue A	17 August 2011
Ground Flr Plan – Lot 58 Type L – Dwelling B	BP360/L58B/DD01 Issue A	17 August 2011
First Flr Plan – Lot 58 Type L – Dwelling B	BP360/L58B/DD02 Issue A	17 August 2011

- 2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.
- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of a Development Application for Operational Works.
- 3.0 ACCESS WORKS
- 3.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access works on the site.
- 3.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, and *Australian Standard AS2890 "Parking Facilities"*.
- 4.0 SEWERAGE WORKS
- 4.1 All lots within the development must be connected to Council's reticulated sewerage network.
- 4.2 The finished sewerage access chamber surface must be at a sufficient level to avoid ponding of stormwater above the top of the chamber. A heavy duty trafficable lid must be provided in the trafficable area.
- 4.3 Sewer connections located within trafficable areas must be raised or lowered to suit the finished surface levels and be provided with trafficable lids.
- 4.4 All structures must maintain a clearance of two (2) metres to any sewerage infrastructure, including connection point, in accordance with a Council Building Over/Adjacent to Local Government Sewerage Infrastructure Policy.
- 5.0 WATER WORKS
- 5.1 The development must be connected to Council's reticulated water network.
- 5.2 Individual tenancy or sole occupancy units must be provided with sub metering in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Sub Metering Policy.
- 5.3 Water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface level and must be provided with heavy duty trafficable lids.
- 6.0 PLUMBING AND DRAINAGE WORKS
- 6.1 All Internal Plumbing and Sanitary Drainage works must be in accordance with regulated work under the *Plumbing and Drainage Act* and Council's Plumbing and Drainage Policies.

- 6.2 All Internal Plumbing and Sanitary Drainage must be completely independent for each unit

7.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 7.1 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.
- 7.2 All roof and allotment drainage must be in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.
- 7.3 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.

8.0 SITE WORKS

- 8.1 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.

9.0 LANDSCAPING WORKS

- 9.1 A Landscaping Plan for the Dual Occupancies must be submitted with the Operational Works permit.
- 9.2 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure. Small shrubs and groundcover are acceptable.
- 9.3 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;
 - (i) adversely affect any road lighting or public space lighting; or
 - (ii) adversely affect any Council infrastructure, or public utility plant.

10.0 ELECTRICITY AND TELECOMMUNICATIONS

- 10.1 Underground electricity and telecommunication connections must be provided to the proposed development to the requirements of the relevant authority, prior to the commencement of the use.

11.0 ASSET MANAGEMENT

- 11.1 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.
- 11.2 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.

12.0 ENVIRONMENTAL

- 12.1 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.

13.0 OPERATING PROCEDURES

- 13.1 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 Lamb Avenue and Eveline Street.

ADVISORY NOTES**NOTE 1. Aboriginal Cultural Heritage**

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

NOTE 2. Asbestos Removal

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

NOTE 3. General Environmental Duty

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

NOTE 4. 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. Property Notes

All vehicular access to and from the development must be via Lamb Avenue only. Direct vehicular access to Gavial-Gracemere Road is prohibited.

NOTE 6. Works in Road Reserve Permit

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

NOTE 7. 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 Application for a Material Change of Use for a Dual Occupancy (Ten Dual Occupancies), made by Capricorn Survey Group on behalf of Lamb Avenue Pty Ltd A.C.N. 161 721 231 trustee Under Instrument 714948848, on Lot 116 on SP199407, Parish of Gracemere, located at Lot 116 Gavial - Gracemere Road Gracemere, Council resolves to issue an Adopted Infrastructure Charges Notice.

BACKGROUND

This lot forms Stage 3 of Hawthorn Park Estate. The application for D54-2010 Reconfiguring a Lot (one into twelve lots) and Operational Works lapsed on 14 March 2012. The application was then re-enlivened through the Planning and Environment Court on 7 September 2012. An application was submitted in 2011 for ten dual occupancies, however was withdrawn after an information request was sent to the applicant. D54-2010 will lapse on 14 March 2014, and is currently in survey plan endorsement stage.

PROPOSAL IN DETAIL

The application is for ten (10) dual occupancies in the extension for Lamb Avenue (a cul-de-sac) in Gracemere. Eighteen (18) of the twenty (20) dwelling units will be three (3) bedrooms, and are single storey, while the two (2) dwelling units on lot 58 will be four (4) bedrooms each and two (2) storeys. Two (2) single dwelling houses make up the rest of the cul-de-sac but are exempt from planning assessment. Eight (8) Dual Occupancies will be detached, while lot 31 and lot 32 will include attached dual occupancies. All lots have shared driveways except for lot 58 which is on a corner and has an access driveway to each road frontage.

SITE AND LOCALITY

The site is within an existing residential area and is an extension to Hawthorne Park Estate, which is under construction. This portion of the estate is made up of twelve lots; ten of these lots will contain a dual occupancy. Each lot ranges in size from approximately 802 square metres to 1,356 square metres. There is no significant vegetation and the site is adjacent to Gavial -Gracemere Road. The lots are not affected by any waterways and are generally flat. The area is characterised by low-density residential uses.

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 – 5 September 2013

Support, Subject to Conditions

Infrastructure Operations (Sewer and Water) Unit's Comments – 11 September 2013

Support, Subject to Conditions

TOWN PLANNING COMMENTS**State Planning Policy 2013****Mining and extractive resources:**

Not Applicable. The development does not include any mining or extractive resources activities and will not compromise any such uses in the area.

Biodiversity:

Complies. The proposal will not impact on matters of state environmental significance, and it is not expected that any damage to the environment will be caused by the subdivision.

Coastal environment:

Not Applicable. The development does not impact on a coastal environment.

Water quality:

Not Applicable. The development does not impact on any acid sulphate soils or water courses listed in the policy.

Natural hazards:

Not Applicable. The site is not mapped as having a bushfire hazard. The site is mapped under the planning scheme as having a low risk bushfire hazard and complies with the planning scheme requirements.

Emissions and hazardous activities:

Not Applicable. The proposal does not involve a hazardous activity and this site is not in proximity to such a use.

State transport infrastructure:

Not Applicable. The site is not within 400 metres to a public passenger transport facility.

Strategic airports and aviation facilities

Not Applicable. The development will not compromise any strategic airports or aviation facilities as defined by the policy.

Fitzroy Planning Scheme Shire Outcomes

The Shire Desired Environmental Outcomes are based on the achievement of ecological sustainability as outlined by the *Sustainable Planning Act 2009* and are the basis for the measures of the planning scheme.

Each Desired Environmental Outcome is sought to be achieved to the extent practicable having regard to each of the other Desired Environmental Outcomes, noting that in many instances there is an overlap between each of the social, environmental and economic elements.

The Desired Environmental Outcomes are written from the perspective of reporting on Fitzroy Shire in 2012. This is the eight (8) year planning horizon adopted in the planning scheme. The Desired Environmental Outcomes for Fitzroy Shire are as follows:

Social Elements

- a) The Shire's residential communities are preserved in character, well serviced, enjoy high levels of safety and amenity, able to accommodate growth and offer a range of housing options to meet the diverse needs of all members of the community.

Complies: The proposal will not detrimentally affect the safety and amenity currently experienced in the Gracemere community. This development accommodates the diverse needs of the community in relation to housing options.

- b) Gracemere is the main business centre, providing higher order services and a range of community and civic functions.

Complies: The proposal will not remove the focus of Gracemere as the main business centre in the community.

- c) Communities of Bouldercombe, Bajool, Marmor, Kabra, Stanwell, Westwood, Gogango, Alton Downs and Ridglands have access to facilities and services that meet local needs, and where appropriate also provide some higher order services and functions important to the Shire.

Not Applicable: The subject site is not located within any of the above mentioned communities.

- d) Rural Residential areas are located and consolidated to provide suitably serviced, alternative rural living options that are close to townships.

Not Applicable: The subject site is not located within the Rural Residential Zone and will not impact upon the outcomes of this zone.

- e) The park and recreation opportunities for residents and visitors of the Shire are enhanced and expanded.

Complies: The subject site is located within an existing residential estate. Therefore, residents of the proposed development will be located proximal to open space, and will be able to utilise its services. The site is approximately 170 metres from Christy Seierup Park and 536 metres from Ted Price Park.

- f) Development is located and managed where ever possible to ensure the long term protection and conservation of the significant cultural heritage values of the Shire.

Complies: No cultural heritage values exist on site to Council's knowledge.

- g) The risks to persons and property due to flood, bushfire and landslide are minimised.

Complies: The subject site is located in an existing urban area and does not experience flood, landslide or bushfire hazard.

Environmental Elements

- a) Sustainable measures for the use of the Shire's water resources including the Fitzroy River system, are implemented to ensure the provision of an adequate water supply and ongoing water quality.

Complies: The subject site is located in an existing urban area and is connected to all standard infrastructure services. Therefore, the location and nature of the development will not disrupt the supply of water in the area.

- b) The potential downstream impacts of development, are minimised so as to reduce risks to the Great Barrier Reef catchment, which drains into the Great Barrier Reef World Heritage Area.

Complies: The location and nature of the development will not result in any adverse impacts upon the Great Barrier Reef catchment.

- c) Existing and planned water resources, including watercourses, water bodies, groundwater and tidal wetlands are managed and protected against the detrimental impacts of development.

Complies: No water courses will be affected by this development, and conditions will ensure that all storm water run-off is captured on site.

- d) The recognised values and integrity of significant natural features, conservation areas and open space networks for example Conservation Parks, National Parks, native forests, are protected.

Complies: The site of the proposed development is not located within proximity of any significant natural features.

- e) The biodiversity and scenic values of native vegetation, which accommodates sensitive fauna and flora habitats, are protected.

Complies: There is no significant vegetation found on site. Conditions will ensure the adjacent vegetation will not be affected by the development.

- f) Development is located and managed to ensure the long term protection and conservation of the significant cultural heritage values of the Shire.

Complies: The nature and location of the proposed development will not adversely impact the cultural heritage values of the surrounding communities.

- g) Public health and the environment are protected from environmental harm from waste and contaminated land. Efficient resource use and waste minimisation and management are promoted whilst allowing for ecologically sustainable development.

Complies: The proposed development will not result in any adverse public health or environmental impacts.

- h) Air quality is maintained or enhanced whilst allowing for ecologically sustainable development.
Complies: The proposed development will not adversely impact or affect existing air quality levels experienced.
- i) The quality of the acoustic environment is maintained or enhanced whilst allowing for ecologically sustainable development
Complies: The quality of the acoustic environment will not be affected by the development. The development will include fencing and landscaping to buffer noise and lighting. An acoustic report was included in the application as a response to an information request from the Department of Transport and Main Roads regarding noise from Gavial-Gracemere Road.
- j) The spread or increase of weeds and pest animals is prevented
Complies: The nature and location of the proposed development will not result in the spread or increase of weeds or pest animals.

Economic Elements

- a) Industrial land in the Gracemere-Stanwell Zone is maintained and developed as a regionally significant industrial area providing for a wide range of industrial activities, including higher order industries serving the wider Central Queensland region and, providing significant local and regional employment opportunities.
Not Applicable: The subject site is not located within the Gracemere – Stanwell Zone and will not affect the availability of land within the Zone.
- b) Industrial development opportunities are planned so as to balance economic values against the values of the natural environment, transport network and residential amenity.
Complies. The proposal does not detract from industrial development opportunities, as it is a residential use within an established residential area.
- c) The rural areas of the Shire accommodate a diverse range of agricultural and rural activities which are viable and operate sustainably.
Complies: The location and nature of the proposed development is within an existing residential area and will not impede the agricultural and rural activities of the Shire.
- d) Port Alma remains an important port and industrial node in the Shire through ensuring adjoining land and vital transport routes are managed by the Planning Scheme to protect against the encroachment of incompatible land uses.
Complies: The development is not located at or near Port Alma.
- e) Resources and areas of economic value, such as Good Quality Agricultural Land, extractive materials, and forestry, are not compromised.
Complies: The land is not regarded as Good Quality Agricultural Land, and being located in an existing residential area, the values of such and will not be compromised.
- f) The efficiency of infrastructure, including telecommunication, electricity transmission and distribution networks, and transport networks, is maintained and future extensions are established to a high standard to meet the needs of the Shire and to effectively manage potential impacts on the community and the environment.
Complies: The site is able to be connected to all appropriate infrastructure.
- g) Water, sewer and stormwater infrastructure is planned and provided in a cost effective and timely manner to meet the needs of the Shire.
Complies: The site is able to be connected to all appropriate infrastructure.

- h) Waste disposal facilities which are adequate for the Shire's needs, are maintained and protected from the encroachment of inappropriate land uses.

Complies: The proposed development is located within an existing urban area, and is not within close proximity to the Council's waste disposal facilities.

- i) The interface between industrial lands and surrounding sensitive land uses is managed to protect the health, wellbeing, amenity and safety of the community and to protect industrial activities from incompatible development. The establishment of new sensitive uses is prevented from encroaching into or near industrial land and their associated freight (road and rail) corridors, to ensure ongoing efficient operation, minimise risks and avoid conflicts.

Complies: The proposed development is located within an existing urban area, and is not likely to affect or be affected by any industrial activity in the area.

The proposal is for a residential use in a residential precinct and is not likely to detrimentally affect any of the desired environmental outcomes for the *Fitzroy Shire Planning Scheme 2005*.

4.3.2 – Town Zone Code

(1) Town Zone Code

The provisions in this division comprise the Town Zone Code. They are:

- (i) the Purpose of the Town Zone Code – Section (2); and
- (ii) the Specific Outcomes, Probable Solutions and Acceptable Solutions for the Town Zone – Table 4.3.2. Town Zone.

(2) The Purpose of the Town Zone Code

The purpose of the Town Zone Code is to achieve the following overall outcomes:

- (i) Gracemere remains as the key service town which serves the Shire;
- (ii) Commercial, community and public uses are consolidated within Gracemere, ensuring that the town is an easily identifiable and accessible community centre;
- (iii) The Precincts each perform a different function within the Town Zone and represent distinct areas or groupings of compatible land uses;
- (iv) The availability of land, the amenity, and the operational needs of different uses in each Precinct are not compromised by the inclusion or encroachment of inappropriate development;
- (v) Land on the boundaries of each of the Precincts is of a nature, design and appearance that respects the scale and nature of uses in the adjoining Precinct; and
- (vi) The overall outcomes specific to each of the Precincts within the Town Zone listed below, are achieved;

(a) Town – Residential Precinct

The overall outcomes are:

- (i) Land within the Precinct is predominantly used for detached housing;
- (ii) Land is generally provided with urban standard services;
- (iii) Development on land which is not intended to be provided with a reticulated sewerage system, uses on-site effluent disposal systems which do not adversely impact on ground or surface water resources;
- (iv) Uses that are not in the Residential Use Class such as churches, community facilities, and local recreation facilities are only located in the Precinct where such uses are of a scale, size, appearance and built form which is consistent with residential amenity of the area; and

- (v) Other uses not in the Residential Use Class are not generally located within the Precinct

The proposal is not solely detached housing and is therefore in conflict with the area purpose for the Town Zone – Residential Precinct of the *Fitzroy Shire Planning Scheme 2005*. Council should note, however, that pursuant to Section 326(1)(b) of the *Sustainable Planning Act 2009*, the assessment manager's decision may conflict with the Planning Scheme if there are sufficient grounds to justify the decision despite the conflict.

There are considered to be 'sufficient grounds' in this instance, to justify Council approving the development despite its conflict with the Purpose of the Town Zone Code. Sufficient grounds of justification are as follows:

- a) The use is highly compatible with the surrounding residential uses and integrates well with the built and natural environment;
- b) The availability of land, the amenity, and the operational needs of different uses in the residential precinct are not compromised by the proposed development;
- c) The site is provided with urban standard services;
- d) The development is of a scale, size, appearance and built form which is consistent with the residential amenity of the area;
- e) There is a high demand and need for higher density residential uses in the Gracemere area; and
- f) The development is well designed and provides for a demand of a variety of residential needs in the region.

Fitzroy Shire Planning Scheme Code Requirements

The applicable codes are as follows:

- Town Zone Code
- Residential Accommodation Code
- Development Standards Code

An assessment has been made against the requirements of these codes and the development generally complies, although the following has not been met:

Town Zone Code		
Specific Outcomes		Response
Amenity		
S3	Land uses are located such that the potential impacts of noise from major roads and rail lines are reduced.	Justified The site adjoins the road reserve of Gavial-Gracemere Road. The site was approved for a residential subdivision and the Department of Transport and Main Roads have provided conditions on 9 December 2013.

Residential Accommodation Code		
Specific Outcomes		Response
Development on sites with frontage to a Main Road		
S10	Development on sites with a frontage to a main road are designed such that the negative effects of traffic noise are	Justified The site adjoins the road reserve of Gavial-Gracemere Road. The site was

Residential Accommodation Code		
Specific Outcomes		Response
	minimised and resident privacy is protected, having regard to: (i) Building siting; (ii) The use of front fences and walls; (iii) Internal layout of buildings; (iv) The location of communal and private open space areas	approved for a residential subdivision and the Department of Transport and Main Roads has provided conditions on 9 December 2013. Conditions will be imposed for specific fencing along this boundary. Only one (1) dual occupancy will have a direct boundary to this road.

INFRASTRUCTURE CHARGES

Adopted Infrastructure Charges Resolution (No.2) 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	\$420,000.000

A credit of \$21,000 is applicable to each lot. Therefore, a total contribution of **\$210,000.00** is payable and will be reflected in an Infrastructure Charges Notice for the development.

CONSULTATION

The proposal was the subject of public notification between 27 November 2013 and 20 December 2013, as per the requirements of the *Sustainable Planning Act 2009*, and no submissions were received.

REFERRALS

The application was referred to the Department of Transport and Main Roads, as the site is within 100 metres to a State-controlled road. The department responded with comments on 9 December 2013.

CONCLUSION

It is recognised that the proposal is impact assessable within the Town Zone – Residential Precinct, *Fitzroy Shire Planning Scheme 2005*. 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 in accordance with the overall outcomes and probable solutions of the applicable codes. It is located on a site which is suited to the proposed development and which is accessible to services and infrastructure.

Sufficient grounds of justification are as follows:

- The use is highly compatible with the surrounding residential uses and integrates well with the built and natural environment;
- The availability of land, the amenity, and the operational needs of different uses in the residential precinct are not compromised by the proposed development;

- c) The development is of a scale, size, appearance and built form which is consistent with the residential amenity of the area;
- d) There is a high demand and need for higher density residential uses in the Gracemere area, the proposal is well designed, and provides for a variety of residential housing types;
- e) Assessment of the development demonstrates that the Planning Scheme's Desired Environmental Outcomes will not be compromised;
- f) Assessment of the development against the relevant planning scheme codes demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and
- g) The proposed development does not compromise any relevant State Planning Policy.

Consequently, the proposal is reasonable and should be approved.

**D418-2013 DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A DUAL
OCCUPANCY (TEN DUAL
OCCUPANCIES)**

Locality Plan

Meeting Date: 12 February 2014

Attachment No: 1

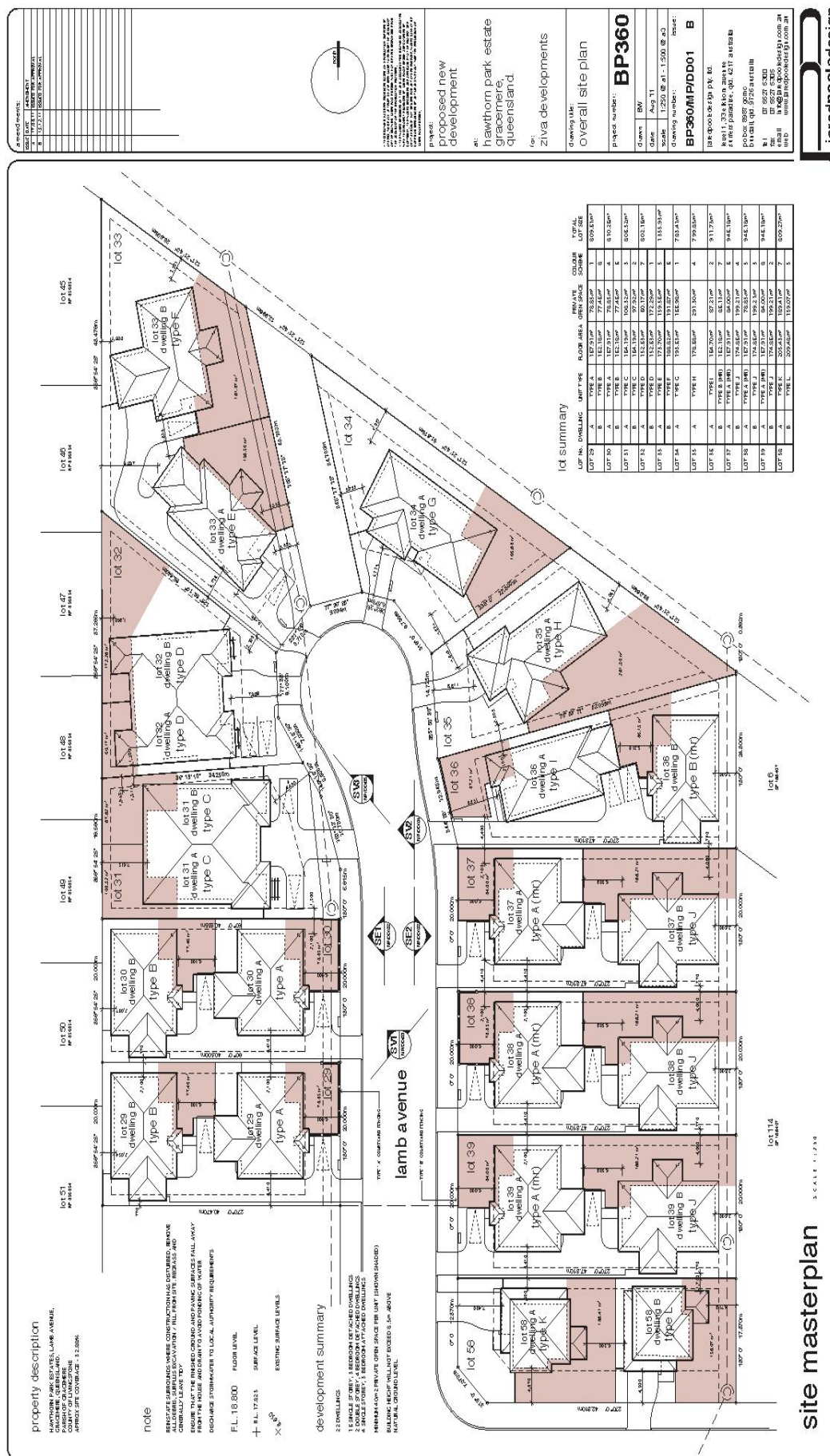


**D418-2013 DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A DUAL
OCCUPANCY (TEN DUAL
OCCUPANCIES)**

Site Plan

Meeting Date: 12 February 2014

Attachment No: 2



8.3 D/535-2013 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR INDOOR SPORTS AND RECREATION

File No: D/535-2013

Attachments:

1. Locality Plan
2. Site Plan
3. Floor Plan

Responsible Officer: Robert Holmes - General Manager Regional Services

Author: Corina Hibberd - Planning Officer

SUMMARY

Development Application Number: D/535-2013

Applicant: Crossfit CQ Pty Ltd

Real Property Address: Lot 2 on RP602029 and Lot 2 on RP603892, Parish of Rockhampton

Common Property Address: 54, 56-60 Bolsover Street, Rockhampton City

Area of Site: 489 square metres (Lot 2 on RP602029)

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: Inner City North Residential Consolidation Area - Precinct 1 - Special Use Precinct - Inner City North Cultural

Existing Development: Commercial Building, and Carpark

Existing Approvals: Material Change of Use (Commercial Premises and Professional Office) Approved with Conditions 6 August 2001

Approval Sought: Development Permit for Indoor Sport and Recreation

Level of Assessment: Impact Assessable

Submissions: Five (5) properly made submissions and four (4) not properly made submissions

Referral Agency(s): Nil

Adopted Infrastructure Charges Area: Charge Area Two

Application Progress:

<i>Application Lodged:</i>	15 November 2013
<i>Acknowledgment Notice sent:</i>	20 November 2013
<i>Submission period commenced:</i>	12 December 2013
<i>Submission period end:</i>	16 January 2014
<i>Government Agency Response:</i>	3 December 2013
<i>Last receipt of information from applicant:</i>	16 January 2014
<i>Statutory determination date:</i>	14 February 2014

OFFICER'S RECOMMENDATION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for Indoor Sport and Recreation, made by Crossfit Central Queensland on Lot 2 on RP602029 and Lot 2 on RP603892, Parish of Rockhampton, and located at 54 and 56-60 Bolsover Street, Rockhampton City, 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 site was previously approved for a non-residential use, and this application does not propose to dramatically increase the scale or intensity of the building or hours of operation.
- b) The proposed use is to be low scale, with the number of staff, class sizes, and hours of operation to be limited. The use will therefore not greatly affect the neighbouring residential area by means of noise, light or dust.
- c) There are a number of other commercial buildings located on Bolsover Street which also operate at a low scale. The lot adjoins existing commercial premises and coexists with mixed use residential and commercial uses.
- d) The use does not adversely affect the amenity of the natural environment or of residential uses in the vicinity.
- e) Assessment of the development demonstrates that the Planning Scheme's Desired Environmental Outcomes will not be compromised.
- f) Assessment of the development against the relevant planning scheme codes demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity.
- g) The proposed development does not compromise any relevant State Planning Policy.

RECOMMENDATION B

That in relation to the application for a Development Permit for Indoor Sport and Recreation, made by Crossfit Central Queensland on Lot 2 on RP602029 and Lot 2 on RP603892, Parish of Rockhampton, and located at 54 and 56-60 Bolsover Street, Rockhampton City, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
 - 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
 - 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
 - 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the issue of the Compliance Certificate for the Survey Plan, unless otherwise stated.
 - 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior, to the issue of the Compliance Certificate for the Survey Plan, unless otherwise stated.
 - 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
-

1.6.1 Operational Works:

(i) Access and Parking Works

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

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

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Crossfit CQ Proposed Site Plan	Appendix E 1.0	6 November 2013
Crossfit CQ Proposed Floor Plan	Appendix E 2.1	6 November 2013
Crossfit CQ Parking Detail	Appendix E 3.0	6 November 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 "Off Street Car Parking"* and the provisions of a Development Permit for Operational Works (access and parking works).

3.3 An easement in favour of Lot 2 on RP602029 must be provided over the existing nine (9) car parking spaces on adjacent lot 2 on RP603892 for the purposes of parking.

3.4 The owner must install additional on-street parking along the Bolsover Street frontage of the site. Details of the new parking spaces must be included in the Operational Works application for parking and access works.

3.5 The staff car parking spaces along the rear (Bolsover Lane) frontage of the site must be arranged such that vehicles reverse into these spaces in order to accommodate a forward movement when leaving the site. This arrangement must be formally conveyed to staff and appropriate signage detailing this requirement must be erected prior to commencement of the use.

4.0 PLUMBING AND DRAINAGE WORKS

4.1 All works must be designed and constructed in accordance with the approved plans, *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, *Plumbing and Drainage Act* and Council's Plumbing and Drainage Policies.

4.2 The development must be connected to Council's reticulated sewerage and water networks.

- 4.3 The existing sewerage and water connection point(s) must be retained, and upgraded if necessary, to service the development.
- 4.4 Alteration or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under Plumbing and Drainage Act and Council's Plumbing and Drainage Policies.

5.0 BUILDING WORKS

- 5.1 Compliance with the Environmental Protection (Waste Management) Regulation for storage and collection of solid wastes. All waste storage area must be:
 - 5.1.1 Aesthetically screened from any frontage or adjoining property;
 - 5.1.2 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;
 - 5.1.3 of a minimum size to accommodate residential type bins in accordance with the Environmental Protection (Waste Management) Regulations.
- 5.2 Noise from the activity must not cause an environmental nuisance.
- 5.3 When requested by the administering authority, noise monitoring must be undertaken and recorded to investigate any complaint of nuisance caused by noise. The monitoring data, an analysis of the data and a report, including noise mitigation measures, must be provided to the administering authority within fourteen days of the completion of the investigation. Noise measurements must be compared with the acoustic quality objectives specified in the most recent edition of the Environmental Protection (Noise) Policy and noise monitoring conducted in accordance with the most recent edition of Department of Environment and Heritage Protection Noise Measurement Manual.
- 5.4 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

- 6.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at 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 Bolsover Street or Bolsover Lane.
- 7.2 The car parking spaces at the rear (Bolsover Lane) frontage of the site must be a reverse-in arrangement.
- 7.3 Class sizes are limited to fifteen persons, plus the applicable number of trainers for these classes

7.4 Hours of operation are limited to the following:

7.4.1 Monday to Friday: 0600 to 1000, and 1730 to 1930;

7.4.2 Saturday and Sunday: 0800 to 1000

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

8.0It is advised that under Section 23 of the *Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage (the “cultural heritage duty of care”). Maximum penalties for breaching the duty of care are listed in the Aboriginal Cultural Heritage legislation. The information on Aboriginal Cultural Heritage is available on the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs website www.datsima.qld.gov.au

NOTE 2. Asbestos Removal

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

NOTE 3. General Environmental Duty

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

NOTE 4. 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.

RECOMMENDATION C

That in relation to the application for a Development Permit for Indoor Sport and Recreation, made by Crossfit Central Queensland on Lot 2 on RP602029 and Lot 2 on RP603892, Parish of Rockhampton, and located at 54 and 56-60 Bolsover Street, Rockhampton City, Council resolves to issue an adopted infrastructure charges notice.

BACKGROUND

PROPOSAL IN DETAIL

The proposal is for an existing commercial building to be used for an indoor group fitness business, more commonly known as CrossFit. The building has a floor area of 281.6 square metres and has access to Bolsover Street and Bolsover Lane. The proposal includes floor areas for weightlifting and cardio, change room and amenities, and office and foyer area. The use will operate between 6am to 8am and 5.30pm to 7.30pm on weekdays, and 8am to 10am on Saturdays. Six (6) staff will be employed. Each class runs for an hour and will have a maximum of fifteen (15) persons. Four (4) vehicles can be accommodated on the site at the Bolsover Lane boundary, while nine (9) cars and one (1) motorbike can be accommodated at the existing car park on Lot 2 on RP603892, subject to an access easement.

SITE AND LOCALITY

The subject site is 489 square metres in area and is improved by an existing commercial building. The site has access to Bolsover Street and Bolsover Lane.

The site is within a Residential Precinct, however this street is characterised by a mixture of commercial and residential uses.

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 – 26 November 2013

Support, subject to conditions.

Infrastructure Operations Unit's (sewer and water) Comments – 18 November 2013

Support, subject to conditions.

Public and Environmental Health Comments – 6 January 2014

Support, subject to conditions.

TOWN PLANNING COMMENTS

State Planning Policy 2013

This policy came into effect on 2 December 2013 and replaced all former State planning policies. This policy requires development applications to be assessed against its requirements until identified state interests have been properly reflected in the local planning scheme.

Mining and extractive resources

Not Applicable.

Biodiversity

Not Applicable.

Coastal environment

Not Applicable.

Water quality

Not Applicable.

Emissions and hazardous activities

Not Applicable

Natural hazards

Not Applicable.

State transport infrastructure

Not Applicable.

Strategic airports and aviation facilities

Not Applicable.

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

This application is situated within the Residential designation under Council's Strategic Framework Map.

The following Desired Environmental Outcomes, as identified within Chapter 2 of the *Rockhampton City Plan 2005* are applicable:

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

Complies. The proposal supports the continued use of an existing commercial building. The site adjoins other commercial uses, and is within an established urban area which is improved by all standard services.

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

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

- (3) *Important natural assets are, as far as is practically possible, retained in a natural state to maximise biodiversity and to maintain their scenic and biological value.*

Complies: The proposal will not adversely impact any natural assets.

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

Complies: The proposal does not adversely impact the environment, or the region's biodiversity as the subject site is located within an existing urban area with limited biodiversity values. The development re-uses an existing building and parking and therefore will not alter the site dramatically.

- (5) *Commercial and retail development is accommodated in a hierarchy of centres throughout Rockhampton, which provide for a range of services, retail, commercial, entertainment and employment activities.*

Complies: Although the proposal is located within a residential consolidation area, it has been used for non-residential uses including as a commercial office in the past. The adjoining sites are also commercial buildings.

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

Complies: The development is located adjacent to a commercial precinct and is improved by an existing commercial building. The development allows for sound casual surveillance and does not emit high levels of noise, light or pollution. The development will provide easy access for all necessary vehicles, staff and customers.

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

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

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

Complies: The proposal does not impact upon any cultural or urban heritage values, as it will be operating within an existing commercial building and will be conditioned regarding noise and light levels etc. The building is not proposed to change.

- (9) *Residential communities are attractive places to live, providing a range of housing types at different densities that positively contributes to the built environment, satisfies the needs of all members of the community in terms of life stages, lifestyle*

choices and affordability, are free from incompatible development and have access to a range of compatible urban services and facilities.

Complies: The assessment below determines that the use is unlikely to detrimentally affect any nearby residential uses, the hours of operation, class sizes and noise levels will be conditioned.

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

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

- (11) *New residential land subdivision and development occurs in identified areas within the City where environmentally valuable features are retained and protected, and urban services, recreational opportunities and parks are provided, along with a range of allotment sizes.*

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

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

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

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

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

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

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

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

Inner City North Residential Consolidation Area (Precinct 1 - Special Use Precinct - Inner City North Cultural) Intent

"The subject site is situated within the Inner City North Residential Consolidation Area (Precinct 1 - Special Use Precinct - Inner City North Cultural) under the Rockhampton City Plan. The intent of the Area identifies that:

This Area is well suited to accommodate an increased density and variety of housing, such as multi-unit dwellings. The Area is suitable for this purpose given its close proximity to employment, entertainment and services offered in the Central Business District. Commercial uses are not consistent with the intent for this Area, given the availability of land in the Central Business District Commercial Area for this purpose, with the exception of some commercial uses along Albert Street. Albert Street, where it traverses this Area, is the only exception given that it is part of the National Highway and, therefore, is subjected to impacts associated with traffic and vehicle noise."

"It is intended that this precinct will be the focus of multi-storey residential development in the immediate future, orientated towards the Fitzroy River. Mixed-use developments with non-residential uses located only at ground level will also be consistent with the intent for this precinct where the non-residential uses are focused at supporting the consumptive or entertainment needs of residential development, including uses such as restaurants, take-away food stores and the like."

The proposed use cannot be considered a consistent use within the Inner City North Residential Consolidation Area (Precinct 1 - Special Use Precinct - Inner City North Cultural). 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:

- (a) the decision does not compromise the achievement of the desired environmental outcomes for the planning scheme area; and
- (b) 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 site was previously approved for a non-residential use, and this application does not propose to dramatically increase the scale or intensity of the building or hours of operation.
- b) The proposed use is to be low scale, with the number of staff, class sizes, and hours of operation to be limited. The use will therefore not greatly affect the neighbouring residential area by means of noise, light or dust.
- c) There are a number of other commercial buildings located on Bolsover Street which also operate at a low scale. The lot adjoins existing commercial premises and coexists with mixed use residential and commercial uses.
- d) The use does not adversely affect the amenity of the natural environment or of residential uses in the vicinity.
- e) Assessment of the development demonstrates that the Planning Scheme's Desired Environmental Outcomes will not be compromised.
- f) Assessment of the development against the relevant planning scheme codes demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity.
- g) The proposed development does not compromise any relevant State Planning Policy.

Having regard to all of the above, it is recommended Council, from a land use perspective, consider the proposed development favourably as, 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 primary and secondary codes are applicable to this application:

- Sports and Recreation Code
- Activity Centres Code
- Crime Prevention Through Environmental Design Code
- Landscape code
- Parking and Access Code

An assessment has been made against the requirement of the abovementioned codes and the proposal generally complies, however the following has not been met:

Activity Centres Code		
Performance Criteria		Officer's Response
P1	The form of development is consistent with the Centres Hierarchy.	The use is not located within a centre as designated by the city plan. It is within a residential consolidation area; however the building was previously approved for non-residential uses, and adjoins other commercial buildings. The use can be conditioned so that the number of staff, class sizes and hours of operation are limited, so that the surrounding residential amenity is not negatively affected. The use will provide a service for the residents in nearby areas.

INFRASTRUCTURE CHARGES

Adopted Infrastructure Charges Resolution (No.2) 2012 for non-residential development applies to the application and it falls within Charge Area 2. The Adopted Infrastructure Charges are as follows, noting that two options are available.

Option 1:

This option charges the development at the full infrastructure charge rate of \$200 per square metre of gross floor area, plus \$10 per square metre of impervious area, which is the applicable charge for 'indoor sport and recreation facility'.

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	
Indoor Sport & Recreational Facility	Areas 2	200, court areas 20	per m ² of GFA			
			281.6			\$56,320.00
				10	per m ² of impervious area	
					489	\$4,890.00
					TOTAL	\$61,210.00

A total contribution of **\$16,896.00 is payable** and will be reflected in an Infrastructure Charges Notice for the development.

This is based on the following calculations:

- (a) \$61,210.00 – Gross Floor Area being 281.6 square metres;
- (b) \$4,890.00 – Impervious Area being 281.6 square metres (access, parking and roof area); and
- (c) \$44,314.00 – Infrastructure Credit applicable for the existing structures (previously approved commercial premises) at the rate of

- \$140 per square metre of gross floor area for commercial premises (281.6 square metres)
- \$10 per square metre of impervious area (489 square metres)

Option 2:

This option charges the development at the infrastructure charge rate of \$20 per square metre of gross floor area for 'court areas', the full rate of \$200 per square metre of gross floor area for the remaining areas, plus \$10 per square metre of impervious area.

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	
Indoor Sport & Recreational Facility	Areas 2	200,	per m ² of GFA			
			73.5			\$14,700.00
		court areas 20				
			208.1			\$4,162.00
				10	per m ² of impervious area	
					489	\$4,890.00
					TOTAL	\$23,752.00

No contribution is payable for this application, as the credit is greater than the infrastructure charge. This is based on the following calculations:

- (d) \$18,862.00 – Gross Floor Area being 208.1 square metres of court area and 73.5 square metres of indoor sport and recreation facility area;
- (e) \$4,890.00 – Impervious Area being \$4,890.00 square metres (access, parking and roof area); and
- (f) \$44,314.00 – Infrastructure Credit applicable for the existing structures (previously approved commercial premises) at the rate of
 - \$140 per square metre of gross floor area for commercial premises (281.6 square metres)
 - \$10 per square metre of impervious area (489 square metres)

CONSULTATION

The proposal was the subject of public notification between 12 December 2013 and 16 January 2014, as per the requirements of the *Sustainable Planning Act 2009*, and nine (9) submissions were received. Of these, five (5) were properly made and four (4) were not properly made. All submissions received were in support of the proposal and did not address any planning issues.

REFERRALS

The application was referred to the Department of Transport and Main Roads via SARA. The department support the application, subject to the conditions provided on 3 December 2013.

CONCLUSION

It is recognised that the proposal is not a consistent use within the *Inner City North Residential Consolidation Area (Precinct 1 - Special Use Precinct - Inner City North Cultural)* under the *Rockhampton City Plan 2005*. However, the assessment of this application concludes that the proposed development, subject to conditions, is not likely to conflict with the Planning Scheme's Desired Environmental Outcomes. As demonstrated in the above report, the proposal is generally consistent with the code requirements prescribed by the planning scheme and the use will not compromise the intent of the area or the viability of surrounding uses, where a number of other commercial premises co-exist with residential uses. It is located on a site which is suited to the development and which is accessible to all relevant services.

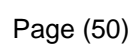
The proposal is therefore recommended for approval.

D/535-2013 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR INDOOR SPORTS AND RECREATION

Locality Plan

Meeting Date: 12 February 2014

Attachment No: 1



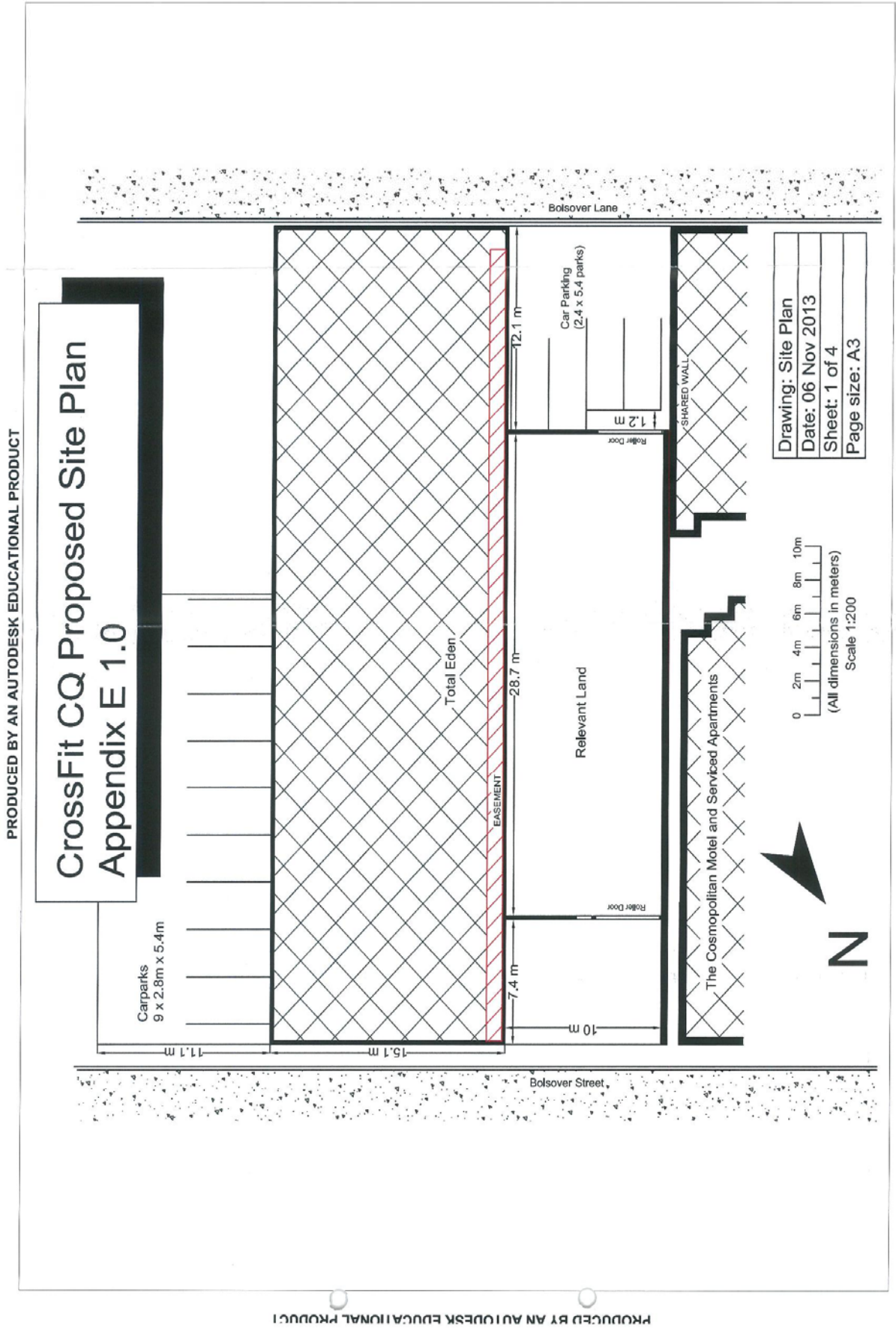
**D/535-2013 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR INDOOR
SPORTS AND RECREATION**

Site Plan

Meeting Date: 12 February 2014

Attachment No: 2

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**D/535-2013 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR INDOOR
SPORTS AND RECREATION**

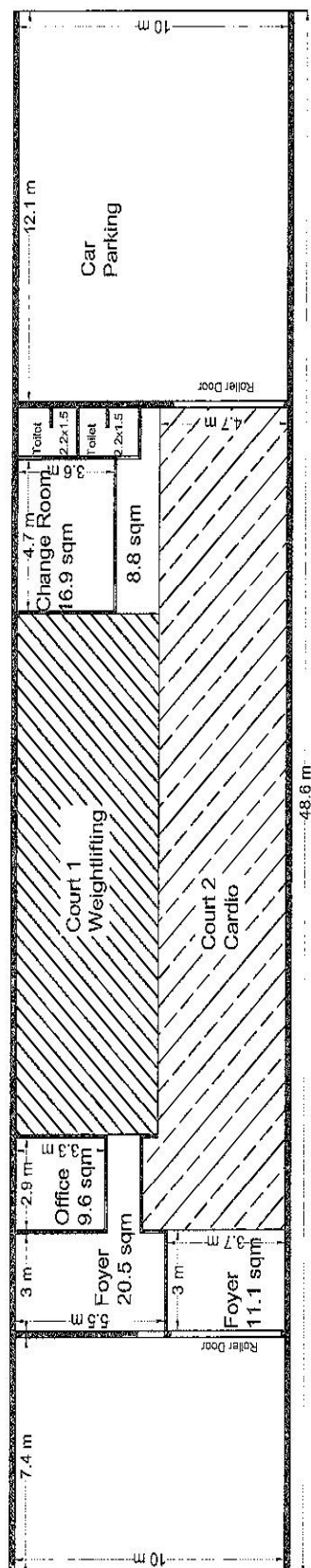
Floor Plan

Meeting Date: 12 February 2014

Attachment No: 3

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CrossFit CQ Proposed Floor Plan Appendix E 2.1



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