



PLANNING & DEVELOPMENT COMMITTEE MEETING

AGENDA

27 MAY 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 27 May 2014 commencing at 1:30pm for transaction of the enclosed business.

A handwritten signature in black ink, appearing to be "C. R.", written in a cursive style.

CHIEF EXECUTIVE OFFICER
20 May 2014

Next Meeting Date: 10.06.14

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:

Councillor A P Williams (Acting Chairperson)
Councillor C E Smith
Councillor G A Belz
Councillor S J Schwarten
Councillor R A Swadling
Councillor N K Fisher

In Attendance:

Mr E Pardon – Chief Executive Officer

3 APOLOGIES AND LEAVE OF ABSENCE

Councillor Cherie Rutherford - Leave of Absence from 26 May 2014 to 1 June 2014.

The Mayor, Councillor Margaret Strelow, has tendered her apology and will not be in attendance.

4 CONFIRMATION OF MINUTES

Minutes of the Planning & Development Committee held 13 May 2014

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 BUSINESS OUTSTANDING

Nil

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 OFFICERS' REPORTS

8.1 D/571-2013 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR AN EDUCATIONAL ESTABLISHMENT

File No: D/571-2013

Attachments:

1. Locality Plan
2. Site Plan
3. Floor Plans
4. Elevations

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Russell Claus - Manager Planning
Robert Holmes - General Manager Regional Services

Author: Amanda O'Mara - Planning Officer

SUMMARY

Development Application Number: D/571-2013

Applicant: Rockhampton Grammar School

Real Property Address: Lot 9 on CP908779, Parish of Rockhampton

Common Property Address: 124 Quarry Street, The Range

Area of Site: 1.1513 hectares

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: The Range North Residential Area, Precinct 2 – Special Use Precinct, The Range – North Educational

Planning Scheme Overlays: Nil

Existing Development: Educational Establishment

Existing Approvals: Building Permit for the existing Early Learning Centre and the Boarding Accommodation and a Development Permit for Building Works Assessable against the Planning Scheme (relocation of grounds shed)

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

Level of Assessment: Impact Assessable

Submissions: One properly made submission

Referral Agency(s): Nil

Adopted Infrastructure Charges Area: Charge Area 1

Application Progress:

<i>Application Lodged:</i>	10 December 2013
<i>Acknowledgment Notice issued:</i>	20 December 2013
<i>Request for Further Information sent:</i>	13 January 2014
<i>Request for Further Information responded to:</i>	13 March 2014
<i>Submission period commenced:</i>	14 March 2014

<i>Notice of commencement of public notification:</i>	<i>21 March 2014</i>
<i>Submission period end:</i>	<i>8 April 2014</i>
<i>Notice of compliance of public notification:</i>	<i>15 April 2014</i>
<i>Council request for additional time:</i>	<i>7 May 2014</i>
<i>Statutory due determination date:</i>	<i>17 June 2014</i>

OFFICER'S RECOMMENDATION

RECOMMENDATION A

That in relation to the application for a Development Permit for a Material Change of Use for an Educational Establishment, made by Rockhampton Grammar School, on Lot 9 on CP908779, Parish of Rockhampton, located at 124 Quarry Street, The Range, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

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

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Number</u>	<u>Dated</u>
Stage 1 and Stage 2, Site Plan, MCU Application	MCU 01, Revision 2	5 December 2013
RGS ELC Stage 1 & 2, Floor Plans, MCU Application	MCU 02, Revision 2	5 December 2013
Stage 1 and Stage 2, Elevations, MCU Application	MCU 03, Revision 2	5 December 2013
Intersection Concept Plan	R12310	Undated
Infrastructure Report	R12310	December 2013

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

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

3.0 STAGED DEVELOPMENT

- 3.1 This approval is for a development to be undertaken in two (2) discrete stages, namely:

3.1.1 Room 1, Room 2 and carpark (Stage One); and

3.1.2 Room 3, Room 4 and Room 5 (Stage Two).

in accordance with the approved Site Plan (refer to condition 2.1).

- 3.2 Stage one must be completed prior to Stage two.

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

4.0 ROAD WORKS

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

- 4.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, relevant *Australian Standards* and the provisions of a Development Permit for Operational Works (road works).

- 4.3 The Intersection Concept Plan (refer to condition 2.1) must be amended prior to submission of the Operational Works (road works) application as follows:

4.3.1 The proposed chevron treatment shown on Intersection Concept Plan (refer to condition 2.1) must be constructed as raised concrete medians that incorporate relocated pedestrian crossing points located at the eastern and western extents of the central median in Archer Street.

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- 4.3.2 Construct a Channelised Right (short) and Auxiliary Lane (short) intersection arrangement in accordance with *Transport and Main Roads Road Planning and Design Manual* at the intersection of Archer Street and Reservoir Street.
 - 4.3.3 The on-street parking on the south-western side of the Archer Street/Reservoir Street must be reinstated following the proposed intersection upgrade. Any associated widening of the Archer Street roadway to facilitate this is the responsibility of the Developer.
 - 4.3.4 The proposed slip lane from Reservoir Street onto Archer Street must be amended such that the island is removed and the turn radius tightened to narrow the entry into Archer Street.
 - 4.4 All pathways and access ramps must be designed and constructed in accordance with *Australian Standard AS1428 "Design for Access and Mobility"*. All pathways located within a road reserve or public use land must be provided with public space lighting in accordance with *Australian Standard AS1158 "Lighting for Roads and Public Spaces"*.
 - 4.5 All pathways must incorporate kerb ramps at all road crossing points.
 - 4.6 Traffic signs and pavement markings must be provided in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*. Where necessary, existing traffic signs and pavement markings must be modified in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*.
 - 5.0 ACCESS AND PARKING WORKS
 - 5.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the site.
 - 5.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Parking Facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
 - 5.3 The existing access for the proposed development must be upgraded to accommodate two-way traffic and comply with the requirements of the *Capricorn Municipal Development Guidelines*.
 - 5.4 A minimum of thirty-two (32) parking spaces must be provided on-site.
 - 6.0 SEWERAGE WORKS
 - 6.1 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, *Plumbing and Drainage Act*.
 - 6.2 The development must be connected to Council's reticulated sewerage network.
 - 6.3 The existing sewerage connection point(s) must be retained and upgraded, if necessary, to service the development.
 - 6.4 Sewer connections located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with trafficable lids.
 - 7.0 WATER WORKS
 - 7.1 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, the *Plumbing and Drainage Act*.
 - 7.2 The development must be connected to Council's reticulated water network.
 - 7.3 The existing water connection point(s) must be retained and upgraded, if necessary, to service the development.
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- 7.4 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.
- 7.5 The applicant must ensure adequate fire fighting protection is available from the existing hydrant within the Reservoir Road reserve and also from the on-site fire fighting equipment for the proposed development. Should adequate protection not be achievable, upgrade of on-site fire fighting equipment, internal pillar hydrant, water tanks, and pumps will be required. The fire fighting strategy must be approved by a suitably qualified Hydraulic Consultant.
- 8.0 PLUMBING AND DRAINAGE WORKS
- 8.1 All 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.
- 8.2 Alteration, disconnection or relocation of internal sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act*.
- 8.3 Sewerage/amended sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's sewerage reticulation. Arrester traps must be provided where commercial or non-domestic waste water is proposed to be discharged into the system.
- 8.4 Hoses must be provided at the refuse container area, and washdown must be drained to the sewer in accordance with a Plumbing and Drainage Permit and Sewerage Trade Waste Permit.
- 9.0 STORMWATER WORKS
- 9.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.
- 9.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 9.3 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect adjoining land or infrastructure by way of blocking, altering or diverting existing stormwater runoff patterns or have the potential to cause damage to other infrastructure.
- 9.4 The Operational Works (stormwater works) application must include an assessment of how the development meets the water quality objectives of the *State Planning Policy*.
- 9.5 The proposed development must not increase peak stormwater runoff for a selected range of storm events up to and including the one in one hundred year storm event (100 year Average Recurrence Interval) for the post development condition.
- 9.6 Easements must be provided over all land assessed to be within the one in one hundred year rainfall event (100 year Average Recurrence Interval) inundation area.
- 9.7 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by a Drainage Strategy, prepared and certified by a Registered Professional Engineer of Queensland, which as a minimum includes:
- 9.7.1 details of any proposed on-site detention/retention systems and associated outlet systems required to mitigate the impacts of the proposed development on downstream lands and existing upstream and downstream drainage systems;
- 9.7.2 identification and conceptual design of all new drainage systems, and modifications to existing drainage systems required to adequately manage stormwater collection and discharge from the proposed development;

- 9.7.3 demonstration of how major design storm flows are conveyed through the subject development to a lawful point of discharge in accordance with the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*;
- 9.7.4 identification of the area of land inundated as a consequence of the minor and major design storm events in the catchment for both the pre-development and post-development scenarios; and
- 9.7.5 details of all calculations, assumptions and data files (where applicable).
- 10.0 ROOF AND ALLOTMENT DRAINAGE WORKS
- 10.1 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.
- 10.2 All roof and allotment drainage must be in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.
- 10.3 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.
- 11.0 SITE WORKS
- 11.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 11.2 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.
- 11.3 Any vegetation cleared or removed must be:
- (i) mulched on-site and utilised on-site for landscaping purposes, in accordance with the landscaping plan approved by Council; or
 - (ii) removed for disposal at a location approved by Council;
- within sixty (60) days of clearing. Any vegetation removed must not be burnt.
- 11.4 All site works must be undertaken to ensure that there is a lawful point of discharge to which the developed flows from the land drain. Easements will be required over any other land to accommodate the flows.
- 12.0 BUILDING WORKS
- 12.1 The existing demountable building and storage shed on the subject land must be removed.
- 12.2 All external elements, such as air conditioners, must be adequately screened from public view, to Council's satisfaction. Noise from any external elements, such as air conditioners, must not exceed the limits specified in the *Environmental Protection Act*.
- 12.3 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"*.
- 12.4 Childproof fencing must be provided between play areas and roads, carparks, driveways and neighbouring properties.
- 12.5 Provide a 1.8 metre high solid fence between the subject site and adjacent residential properties north-west of the development. The fence must be constructed of materials and finishes that are aesthetically pleasing and commensurate with the

surrounding residential area.

12.6 All waste storage areas must be 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.

12.7 Impervious paved and drained washdown areas to accommodate all refuse containers must be provided. The areas must be aesthetically screened from any road frontage or adjoining property.

13.0 LANDSCAPING WORKS

13.1 Landscaping must be established generally in accordance with the approved plans (refer to condition 2.1).

13.2 All landscaping must predominantly contain plant species that are locally native to the Central Queensland region.

13.3 Landscaping, or any part thereof, upon reaching full maturity, must not:

(i) obstruct sight visibility zones as defined in the *Austrroads 'Guide to Traffic Engineering Practice'* series of publications;

(ii) adversely affect any road lighting or public space lighting; or

(iii) adversely affect any Council infrastructure, or public utility plant.

13.4 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure. Small shrubs and groundcover are acceptable.

13.5 The landscaped areas must be subject to an ongoing maintenance and replanting programme (if necessary).

14.0 ELECTRICITY AND TELECOMMUNICATIONS

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

15.0 ASSET MANAGEMENT

15.1 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.

15.2 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.

15.3 As constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of the use. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

16.0 ENVIRONMENTAL

16.1 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.

17.0 OPERATING PROCEDURES

- 17.1 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 Archer Street, Quarry Street or Reservoir Street.
- 17.2 Noise from the activity must not cause an environmental nuisance.
- 17.3 All waste storage areas must be kept in a clean, tidy condition in accordance with *Environmental Protection (Waste Management) Regulations*.

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

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

The proposed activity will most likely require amendment to both the premises Food Business Licence and Food Safety Program, Council's Environment and Public Health Unit must be consulted to determine whether any amendment approvals are required prior to each stage of the development.

NOTE 5. 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 6. Adopted Infrastructure Charges Notice

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

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for an Educational Establishment, made by Rockhampton Grammar School, on Lot 9 CP 908779, Parish of Rockhampton, located at 124 Quarry Street, The Range - Council resolves to issue an Adopted Infrastructure Charges Notice for the amount of \$62,280.00.

BACKGROUND

Proposal in Detail

The proposal is for an expansion to the Grammar School Early Learning Centre. The expansion consists of a two (2) staged development comprising of the following:

- Stage one (1) will entail the construction of a building providing two (2) extra rooms for the centre. Each room has capacity for up to twenty-two (22) children, toilets, storeroom and other spaces. The building will be a single storey structure with a total of 210 square metres of gross floor area.
- Stage two (2) will entail the construction of another building providing three (3) rooms for the centre. Each room similarly has capacity for up to twenty-two (22) children, toilets, storeroom and other spaces. The building will also be a single storey structure with a total of 372 square metres of gross floor area.
- An art terrace will be designed between stages one (1) and two (2).
- The existing 214 square metre demountable building and twenty (20) square metre storage facility will be removed.
- The car park to the south of the new buildings will be improved and enlarged. The car park will provide for a total of thirty-two (32) spaces to be completed in Stage one (1).

Site and Locality

The subject site contains the existing Early Learning Centre, which is a single storey structure, demountable building, an ancillary grounds shed, a storage shed and a two (2) storey residential building. The site has a total area of approximately 1.5 hectares and the shape of the lot is of a generally triangular form with the Early Learning Centre fronting Reservoir Street and the residential building fronting Quarry Street.

There is an established vehicle parking area to the south of the existing Early Learning Centre. The Early Learning Centre portion of the site is relatively flat and has a slight fall to the west towards Reservoir Street and south of the site towards the Rockhampton Girls Grammar School site. The western portion of the site falls towards Quarry Street.

Immediately to the north, west and east of the Early Learning Centre site is residential housing and to the south is the rear oval of the Girls Grammar School. The surrounding area includes various educational establishments and facilities such as the Rockhampton Grammar School, the Girls Grammar School and the TAFE. The area is otherwise predominately characterised by established residential developments.

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 – (20 March 2014)

Support, subject to conditions.

Infrastructure Operations Unit's (sewer and water) Comments – (14 March 2014)

Support, subject to conditions.

Public and Environmental Health Comments – (19 December 2013)

Support, subject to conditions.

Town Planning Comments

Central Queensland Regional Plan 2013

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

State Planning Policy 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

Complies. The proposed system achieves the relevant requirements set out in the State Planning Policy.

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

The Range North Residential Area

Precinct 2 – Special Use Precinct, The Range – North Educational Intent

The subject site is situated within The Range – North Educational, Special Use Precinct under the *Rockhampton City Plan 2005*. The intent of The Range – North Educational, Special Use Precinct identifies that: -

“.....this Special Use Educational Precinct supports uses relating to school activities such as specialist teaching facilities, offices for school administration, after school care facilities, etc., as long as they do not have a detrimental impact on the residential amenity of the locality. Boarding school accommodation will also be consistent with the intent for this Precinct, as long as its design does not have a detrimental impact on the residential amenity of the locality. Rockhampton Grammar and Rockhampton Girls’ Grammar Schools are both located in this Precinct. Future development plans in relation to both schools should take account of:

- *Traffic and parking management;*
- *Heritage issues; and*

- *The location of noise generating activities to minimise impacts on nearby residential development.”*

This application is for the expansion of an existing Early Learning Centre. The proposed expansion will not have a detrimental impact on the residential amenity of the area, therefore can be considered consistent with the intent of the precinct.

Rockhampton City Plan Codes

The following codes are applicable to this application: -

- Community Use Code;
- Parking and Access Code;
- Crime Prevention Through Environmental Design Code; and
- Landscape Code.

An assessment has been made against the requirements of the abovementioned codes and the proposed development generally complies with the relevant Performance Criteria and Acceptable Solutions.

Infrastructure Charges

Adopted Infrastructure Charges Resolution (No. 3) 2014 for non-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		Column 4 Adopted Infrastructure Charge for stormwater network		Calculated Charge
		(\$)	Unit	(\$)	Unit	
Education Facility	Areas 1	140	per m ² of GFA	10	per m ² of impervious area	
Total						\$104,830.00
Less credit						\$42,550.00
TOTAL CHARGE						\$62,280.00

This is based on the following calculations:

- A charge of \$81,480.00 for Gross Floor Area being 582 square metres;
- A charge of \$23,350.00 for Impervious Area being 2,335 square metres (roof area, hardstand areas, access, and parking areas); and
- An Infrastructure Credit of \$42,550.00, made up as follows:
 - \$32,760.00 - Infrastructure Credit applicable for the existing gross floor area of the demountable building (214 square metres) and storage shed (20 square metres) to be removed; and
 - \$9,790.00 - Infrastructure Credit applicable for the existing impervious areas which includes the existing car park area (707 square metres) and roof area of the demountable building (252 square metres) and storage shed (20 square metres) to be removed.

Therefore, a total charge of \$62,280.00 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 14 March 2014 and 8 April 2014, 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's Response
Requested that no yellow lines be marked on the west side of Reservoir Street as this would restrict personal parking for the residents of the street.	The proposed development will not be conditioned to include line markings and is not proposing to restrict parking in Reservoir Street, therefore will not impact on street parking for surrounding residents.
Requested building heights to remain at the same gutter height and ridge cap height as currently in place so as not to obscure the city views of owners in Reservoir Street.	The proposed buildings will be single storey and have a maximum height of approximately 5.6 metres high, therefore complies and is well below the height limitation requirement of nine (9) metres as per the <i>Rockhampton City Plan 2005</i> .
That all staff parking and construction vehicles be on the grounds and not in the street, to limit impacts on the nearby residents.	The proposed development will provide for sufficient car parking on site to accommodate staff parking as a total of thirty-two (32) car parking spaces will be provided. In addition a condition will be included that all machinery and contractors' vehicles must be parked within the site.
Suggested that access to the site should be via Quarry Street (consideration be given to making this a one way street for safety reasons) with the exit via Reservoir to reduce the impact of traffic on residents.	The proposed development is only proposing access to and from the site via Reservoir Street as the access from Quarry Street will be utilised for the boarding accommodation. However conditions have been proposed that an amended design and upgrade for the intersection for Archer Street and Reservoir Street be required as part of the Operational Works application to ensure traffic impacts are managed and minimised.

CONCLUSION

The proposed use is consistent with the intent of The Range – North Educational, Special Use Precinct as the proposal is merely an extension to the existing Educational Establishment and complies with the provisions included in the applicable codes. The proposal is therefore recommended for approval in accordance with the approved plans and subject to the conditions outlined in the recommendation.

**D/571-2013 DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR AN
EDUCATIONAL ESTABLISHMENT**

Locality Plan

Meeting Date: 27 May 2014

Attachment No: 1



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D/571-2013 Locality Plan

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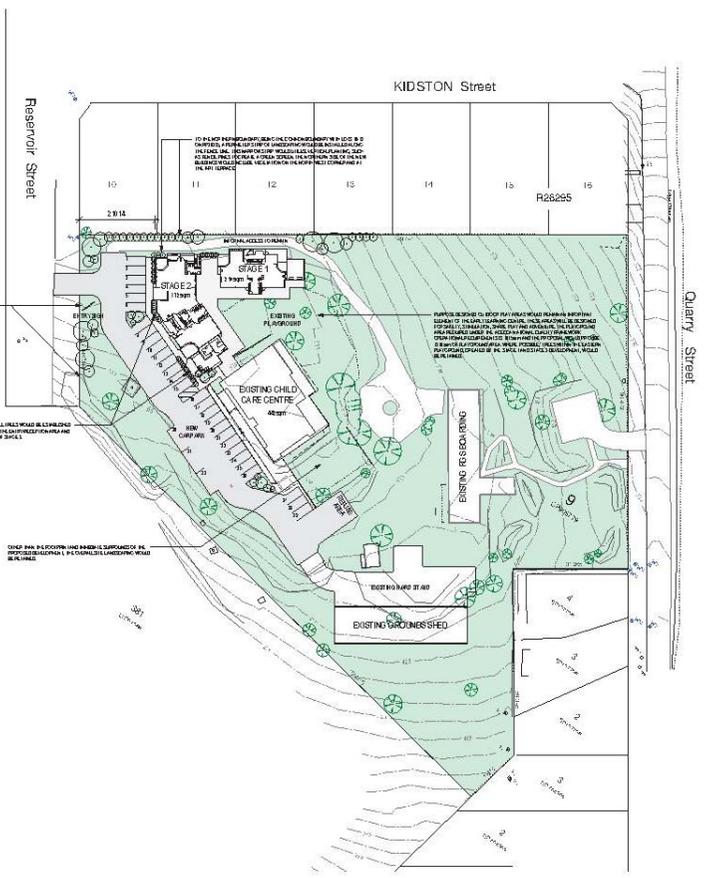


**D/571-2013 DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR AN
EDUCATIONAL ESTABLISHMENT**

Site Plan

Meeting Date: 27 May 2014

Attachment No: 2



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REV	DATE	DESCRIPTION	BY	CHKD	DATE
1	11/05/14	ISSUE FOR PERMIT	THOMSON ADSETT		

PROJECT	THE ROCKHAMPTON GRAMMAR SCHOOL 5 YEAR DEVELOPMENT PLAN 3 RESERVOIR STREET / 124 QUARRY STREET ROCKHAMPTON
STAGE	STAGE 1 AND STAGE 2 SITE PLAN MCU APPLICATION
DESIGNER	Thomson Adsett Level 1, 220 Quay St. Rockhampton P.O. Box 1479 Rockhampton Q 4700 www.thomsonadsett.com
DATE	11/05/14

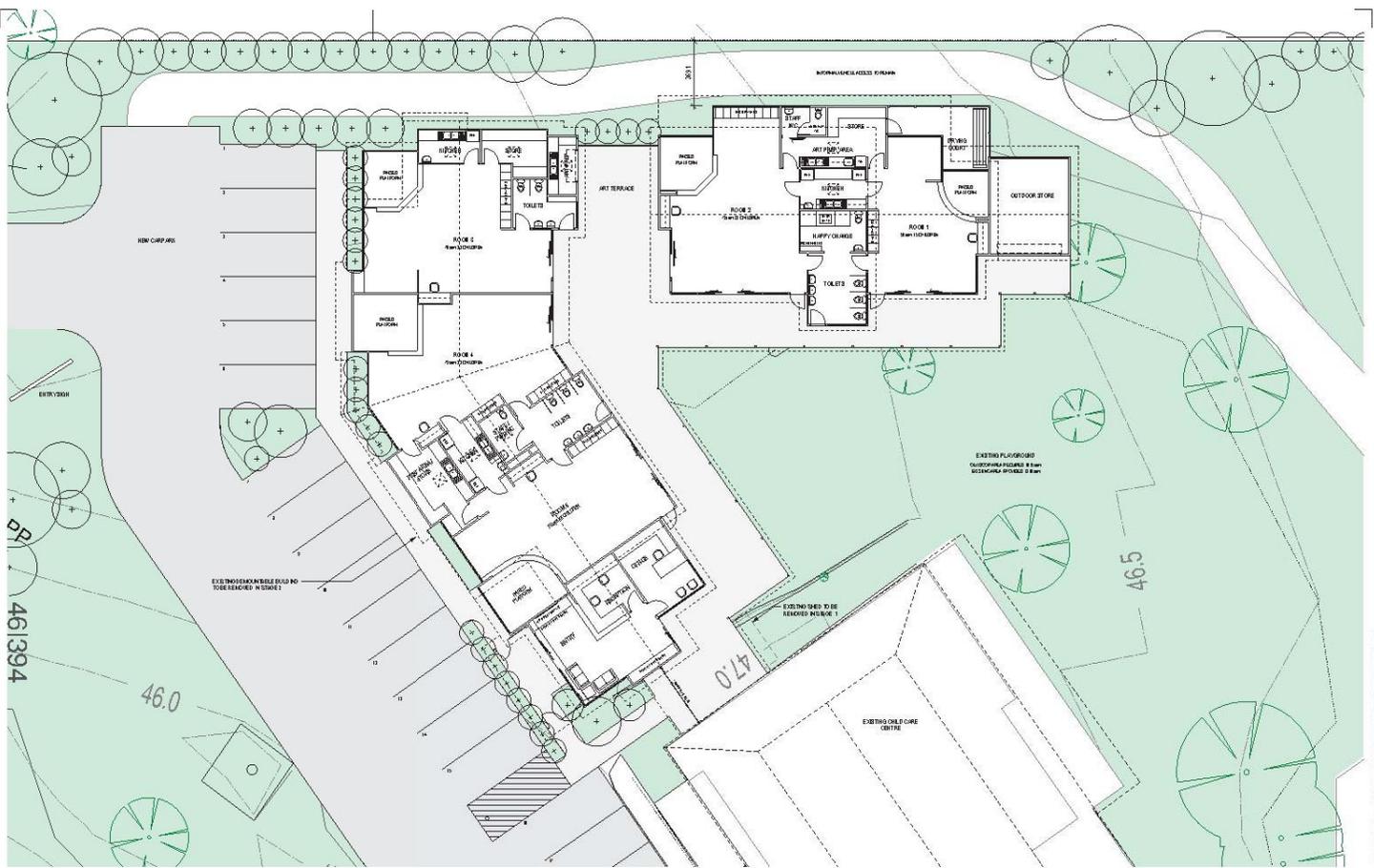
PROJECT NO.	11095
MCU NO.	MCU 01
DATE	11/05/14
SCALE	AS SHOWN
DATE	11/05/14
SCALE	AS SHOWN
DATE	11/05/14
SCALE	AS SHOWN

**D/571-2013 DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR AN
EDUCATIONAL ESTABLISHMENT**

Floor Plans

Meeting Date: 27 May 2014

Attachment No: 3



REV	DATE	DESCRIPTION	BY	CHKD
1		ISSUED FOR PERMIT		

PROJECT	THE ROCKHAMPTON GRAMMAR SCHOOL 5 YEAR DEVELOPMENT PLAN 3 RESERVOIR STREET / 124 QUARRY STREET ROCKHAMPTON
TITLE	RGS ELC STAGE 1 & 2 FLOOR PLANS MCU APPLICATION
DESIGNER	Thomson Adsetts Level 1, 220 Quay St. Rockhampton P.O. Box 1479 Rockhampton Q 4700 www.thomsonadsetts.com
DATE	11/05/14
SCALE	AS SHOWN
PROJECT NO.	11095
MCU NO.	MCU 02
NO. OF SHEETS	2
SHEET NO.	1

**D/571-2013 DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR AN
EDUCATIONAL ESTABLISHMENT**

Elevations

Meeting Date: 27 May 2014

Attachment No: 4



NORTH-WEST ELEVATION



SOUTH ELEVATION

<table border="1"> <tr> <th>REV</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> </tr> <tr> <td>1</td> <td>3/12/13</td> <td>ISSUE FOR PERMIT APPLICATION</td> <td>TP</td> </tr> <tr> <td>2</td> <td>12/12/13</td> <td>ISSUE FOR PERMIT APPLICATION</td> <td>TP</td> </tr> </table>	REV	DATE	DESCRIPTION	BY	1	3/12/13	ISSUE FOR PERMIT APPLICATION	TP	2	12/12/13	ISSUE FOR PERMIT APPLICATION	TP	<p>THE ROCKHAMPTON GRAMMAR SCHOOL 5 YEAR DEVELOPMENT PLAN 3 RESERVOIR STREET / 124 QUARRY STREET ROCKHAMPTON</p>	<p>STAGE 1 AND STAGE 2 ELEVATIONS MCU APPLICATION</p>	<p>Thomson Adsett Level 1, 226 Quay St. Rockhampton PO Box 1479 Rockhampton Q 4700 www.thomsonadsett.com</p> <p>Phone: (07) 4921 2559 Fax: (07) 4921 2544 Email: info@thomsonadsett.com</p>	<p>ThomsonAdsett accepts no responsibility for the suitability, completeness or accuracy of the attached drawings. It is the responsibility of the client to ensure that the drawings are used in accordance with the intended purpose. All dimensions to be used on site.</p> <p>Copyright © Thomson Adsett These drawings and designs are the property of Thomson Adsett Pty Ltd and must not be used, reproduced or otherwise disseminated without the written permission of Thomson Adsett Pty Ltd. Trading as ThomsonAdsett.</p>	<table border="1"> <tr> <td>DATE</td> <td>05.12.2013</td> </tr> <tr> <td>SCALE</td> <td>1:100</td> </tr> <tr> <td>DRAWN</td> <td>SLP</td> </tr> <tr> <td>CHECKED</td> <td></td> </tr> <tr> <td>NOTED</td> <td></td> </tr> <tr> <td>PROJECT NO.</td> <td>11095</td> </tr> <tr> <td>CLIENT NO.</td> <td>MCU 03</td> </tr> <tr> <td>SHEET NO.</td> <td>2</td> </tr> <tr> <td>TOTAL SHEETS</td> <td>2</td> </tr> </table>	DATE	05.12.2013	SCALE	1:100	DRAWN	SLP	CHECKED		NOTED		PROJECT NO.	11095	CLIENT NO.	MCU 03	SHEET NO.	2	TOTAL SHEETS	2
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8.2 D/566-2013 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A COMMERCIAL PREMISES AND INDOOR SPORT AND RECREATION

File No: D/566-2013

Attachments:

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

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Russell Claus - Manager Planning
Robert Holmes - General Manager Regional Services

Author: Alyce McLellan - Planning Officer

SUMMARY

Development Application Number: D/566-2013

Applicant: G. Shuker

Real Property Address: Lot 1 on RP865994, Parish of Rockhampton

Common Property Address: 1 Kent Street, Rockhampton City

Area of Site: 2,035 square metres

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: Inner City North Residential Consolidation Area

Existing Development: Church

Existing Approvals: Town Planning Consent D/1505-1900 – Establishment of Church Purposes approved 26 June 1985
Town Planning Consent D/524-1900 – Conduct of shop in conjunction with warehouse approved 15 March 1977

Approval Sought: Development Permit for a Material Change of Use for a Commercial Premises and Indoor Sport and Recreation

Level of Assessment: Impact Assessable

Submissions: Nil

Referral Agency(s): Nil

Adopted Infrastructure Charges Area: Charge Area One

Application Progress:

<i>Application Lodged:</i>	5 December 2013
<i>Acknowledgment Notice issued:</i>	17 December 2013
<i>Request for Further Information sent:</i>	20 December 2013
<i>Request for Further Information responded to:</i>	3 March 2014
<i>Submission period commenced:</i>	5 March 2014
<i>Submission period end:</i>	28 March 2014
<i>Last receipt of information from applicant:</i>	1 April 2014

Council request for additional time:	1 May 2014
Statutory determination date:	30 May 2014

OFFICER'S RECOMMENDATION

RECOMMENDATION A

That in relation to the application for a Development Permit for a Commercial Premises and Indoor Sport and Recreation, made by G. Shuker, on Lot 1 on RP865994, Parish of Archer, and 1 Kent 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 commercial use will not result in a change to the hierarchy of Commercial Centres as the use is located within an established building previously approved for non-residential purposes.
- b) The proposed use, providing a health service, has a direct link to the Base Hospital and health precinct further to the south-west of the subject site and is directly accessible from this site along North Street. These services are required to be easily accessible by clients to operate in an efficient manner.
- c) The change of use is not expected to have any significant change in impacts on the surrounding area by way of amenity or traffic, having regard to the previous non-residential nature of the site (involving previously a warehouse and church) and therefore will have no worsening of amenity on the surrounding premises.
- d) The proposed development does not compromise the Desired Environmental Outcomes in the *Rockhampton City Plan 2005*.
- e) Assessment of the development against the relevant planning scheme codes, demonstrates that the proposed development will not cause significant adverse impact on the surrounding natural environment, built environment and infrastructure or local character and amenity.
- f) The proposed development does not compromise the relevant State Planning Policy.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Commercial Premises and Indoor Sport and Recreation, made by G. Shuker, on Lot 1 on RP865994, Parish of Archer, and 1 Kent 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 commencement of the use, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior to the commencement of the use, unless otherwise stated.

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

1.6.1 Operational Works:

(i) Access and Parking Works.

1.6.2 Plumbing and Drainage Works.

1.7 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the commencement of the use.

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

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

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Number</u>	<u>Dated</u>
Site Plan	5883-05-MCU Rev B	3 March 2014
Internal Layout	5883-05-MCU Rev B	3 March 2014
Elevations	5883-05-MCU Rev B	3 March 2014

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

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

3.0 ACCESS AND PARKING WORKS

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

3.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Parking Facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).

3.3 All parking, access and manoeuvring areas must be paved or sealed.

3.4 A minimum of seven (7) parking spaces must be provided on-site. This must include a minimum of one (1) universal access parking space.

3.5 Universal access parking spaces must be provided in accordance with *Australian Standard AS2890.6 "Parking Facilities - Off-Street parking for people with disabilities"*.

4.0 PLUMBING AND DRAINAGE WORKS

4.1 Alteration or relocation of internal sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act*.

4.2 Sewerage/amended sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's sewerage reticulation. Arrester traps must be provided where commercial or non-domestic waste water is proposed to be discharged into the system.

5.0 BUILDING WORKS

5.1 All external elements, such as air conditioners, must be adequately screened from public view, to Council's satisfaction. Noise from any external elements, such as air conditioners, must not exceed five (5) dB (A) above the background ambient noise level, measured at the boundaries of the subject site.

5.2 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to adjoining 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 LANDSCAPING WORKS

6.1 The existing landscaped areas must be retained subject to an ongoing maintenance and replanting programme (if necessary).

7.0 Any new proposed plantings must be wholly undertaken within the property boundaries and in accordance with the species list in Planning Policy No. 6 – Planting Species of the Rockhampton City Plan.

8.0 ELECTRICITY AND TELECOMMUNICATIONS

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

8.2 Evidence must be provided of a Telecommunications Infrastructure Provisioning Confirmation and Certificate of Electricity Supply with the relevant service providers to provide the use with telecommunication and live electricity connections, in accordance with the requirements of the relevant authorities prior to the commencement of the use.

9.0 ASSET MANAGEMENT

9.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.

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

10.0 OPERATING PROCEDURES

10.1 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 Kent Street, North Street or Denison Lane.

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

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

It is advised that under *Section 23 of the Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable

measures to ensure the activity does not harm Aboriginal Cultural Heritage (the “cultural heritage duty of care”). Maximum penalties for breaching the duty of care are listed in the Aboriginal Cultural Heritage legislation. The information on Aboriginal Cultural Heritage is available on the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs website www.datsima.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. Adopted Infrastructure Charges Notice

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

RECOMMENDATION C

That in relation to the application for a Development Permit for a Commercial Premises and Indoor Sport and Recreation, made by G. Shuker, on Lot 1 on RP865994, Parish of Archer, and 1 Kent Street, Rockhampton City, Council resolves to issue an Adopted Infrastructure Charges Notice for the amount of \$74,060.00.

BACKGROUND

Proposal in Detail

The proposal is for a physiotherapist, podiatrist, and fitness training centre defined as a Commercial Premises and Indoor Sport and Recreation under the *Rockhampton City Plan 2005*. The proposal will formalise the establishment of these existing unlawful land uses that have been operating from the site for a number of years.

The use will be carried out within a large single storey structure, principally comprising brick and sheet metal, with a floor area of approximately 1,058 square metres. There are two smaller buildings located towards the south-eastern corner of the site which will accommodate the storage of goods associated with the use.

There are seven (7) on-site parking spaces located from Denison Lane. Pedestrian access to the premises is from Kent Street with vehicular access from Denison Lane.

Site and Locality

The subject site is rectangular in shape with an area of 2,035 square metres. The site is bound by North Street, Kent Street and Denison Lane. The topography of the site is relatively flat and landscaping consists of a few mature trees, maintained shrubs and turf on site and within the road reserve.

The site is currently occupied by three (3) buildings, of which the largest building is located along the northern boundary, and the two smaller buildings towards the south-eastern corner of the site.

The surrounding area incorporates a mix of residential and commercial development including aged care facilities, service stations and other office uses. The site is located approximately 160 metres south of Albert Street which contains a number of motels and commercial uses with highway exposure. There is also a direct link along North Street to other medical services to the south-west including the Base Hospital.

The site is serviced by all necessary infrastructure such as telecommunication, electricity, reticulated water and sewerage systems.

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 – 10 March 2014

Support, subject to conditions.

Infrastructure Operations Unit's (sewer / water) Comments – 16 December 2013

Support, subject to conditions.

Public and Environmental Health Comments – 19 December 2013

Support, subject to conditions.

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 local planning scheme. It is considered that the regional plan 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.

Rockhampton City Plan Strategic Framework

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

The Desired Environmental Outcomes, as identified by Section 2.3 of the *Rockhampton City Plan 2005* are as follows:

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

Complies: The proposal does not impinge upon Rockhampton's role within the region.

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

Not applicable: The subject site is not within proximity of any natural resources.

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

Not applicable: The subject site is not within proximity of any important natural asset.

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

Complies: The proposal does not impact upon the environment, nor the region's biodiversity. The subject site is located within an existing urbanised area.

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

Does not comply: 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. The proposed development provides a service to the community without undermining the role of the Central Business District.

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

Complies: The proposal makes for surveillance of the street and has easy direct access.

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

Not applicable: The proposal does not entail industrial development.

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

Complies: The proposal does not impinge upon any cultural or urban heritage.

- (i) *Residential communities are attractive places to live, providing a range of housing types at different densities that positively contributes to the built environment, satisfies the needs of all members of the community in terms of life stages, lifestyle choices and affordability, are free from incompatible development and have access to a range of compatible urban services and facilities.*

Not applicable: The proposal is not for a residential use.

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

Complies: The proposal is not for a community use however it does provide a health service. The location of this facility is considered appropriate having regard to the previous non-residential use of the site and the direct link from the site to the Base Hospital accessible from North Street.

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

Not Applicable: The proposal does not entail residential development.

- (l) *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 already connected with the full suite of urban infrastructure services.

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

Not applicable: No roads are proposed as part of the development, however the site is readily accessible to the existing road and public transport network.

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

Not applicable: The proposal will not impinge on the provision of open space.

The performance assessment of the proposal demonstrates that the development will not compromise the Planning Scheme's Desired Environmental Outcomes. In all instances where the Desired Environmental Outcomes are applicable, it is evident that the proposed development does not cause offence or compromise the expressed intents.

Inner City North Residential Consolidation Area Intent

The subject site is situated within the Inner City North Residential Consolidation Area under the *Rockhampton City Plan 2005*. The intent of the Inner City North Residential Consolidation 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."

The proposed use cannot be considered a consistent use within the Inner City North Residential Consolidation Area.

Rockhampton City Plan Codes

The following codes are applicable to this application:

- Activity Centres Code;
- Crime Prevention Through Environmental Design Code;
- Parking and Access Code;
- Landscaping Code; and
- Signage Code.

An assessment has been made against the requirements of the abovementioned codes and the development generally complies with the relevant Performance Criteria aside from

Performance Criterion P1 of the Activity Centres Code and Performance Criterion P6 of the Parking and Access Code. The deviation from the Code is justified below:

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. The proposed development provides a service to the community without undermining the role of the Central Business District.
Parking and Access Code		
Performance Criteria		Officer's Response
P6	An adequate number of carparking spaces are provided on the site to service the use having regard to the existing use of the site and buildings on the site proposed to be re-used.	The use is required to provide thirty-five (35) parking spaces, however due to the site cover of the existing building, this is unachievable. There are seven (7) existing spaces provided at the rear of the lot with laneway access from Denison Lane. The site is located on a corner and sufficient on-street parking is available along Kent Street and North Street.

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

Sufficient Grounds

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

In response to the above, there are considered to be 'sufficient grounds' in this instance, to justify Council approving the development despite its conflict with the *Rockhampton City Plan 2005*. Sufficient grounds are as follows:

- a) The commercial use will not result in a change to the hierarchy of Commercial Centres as the use is located within an established building previously approved for non-residential purposes.
- b) The proposed use, providing a health service, has a direct link to the Base Hospital and health precinct further to the south-west of the subject site and is directly accessible from this site along North Street. These services are required to be easily accessible by clients to operate in an efficient manner.
- c) The change of use is not expected to have any significant change in impacts on the surrounding area by way of amenity or traffic, having regard to the previous non-residential nature of the site (involving previously a warehouse and church) and therefore will have no worsening of amenity on the surrounding premises.
- d) The proposed development does not compromise the Desired Environmental Outcomes in the *Rockhampton City Plan 2005*.
- e) Assessment of the development against the relevant planning scheme codes, demonstrates that the proposed development will not cause significant adverse impact

on the surrounding natural environment, built environment and infrastructure or local character and amenity.

- f) The proposed development does not compromise the relevant State Planning Policy.

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

Infrastructure Charges

Adopted Infrastructure Charges Resolution (No. 3) 2014 for non-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		Column 4 Adopted Infrastructure Charge for stormwater network		Calculated Charge
		(\$)	Unit	(\$)	Unit	
Essential Service and Indoor Sport and Recreational Facility	Areas 1	140	per m ² of GFA			\$148,120.00
Essential Service and Indoor Sport and Recreational Facility	Areas 1			10	per m ² of impervious area	\$13,085.50
Total						\$161,205.50
Less Credit						\$87,145.50
TOTAL CHARGE						\$74,060.00

This is based on the following calculations:

- (a) A charge of \$148,120.00 for Gross Floor Area being 1,058 square metres (commercial premises and indoor sport and recreation areas);
- (b) A charge of \$13,085.50 for Impervious Area being 1,308.55 square metres (roof area of 1,058 square metres, hardstand area of 141 square metres and access and parking areas of 109.55 square metres); and
- (c) An Infrastructure Credit of \$87,145.50, made up as follows:
 - (i) \$74,060.00 - Infrastructure Credit applicable for the existing church and structures (1,058 square metres); and
 - (ii) \$13,085.50 - Infrastructure Credit applicable for the existing impervious roof area, hardstand areas, access, and parking areas (1,308.55 square metres).

Therefore, a total charge of \$74,060.00 is payable and will be reflected in an Adopted Infrastructure Charges Notice for the development.

Consultation

The proposal was subject to public notification between 5 March 2014 and 28 March 2014, as per the requirements of the *Sustainable Planning Act 2009*, and no submissions were received.

Referrals

This application did not trigger any referral agencies.

CONCLUSION

Although the proposed use is not specifically intended within the Inner City North Residential Consolidation Area, it represents a logical use for this site and does not compromise the role and function of the Centres Hierarchy. In this instance, it is considered that sufficient grounds exist for approving the application despite the conflict with the Planning Scheme.

**D/566-2013 DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A
COMMERCIAL PREMISES AND
INDOOR SPORT AND RECREATION**

Locality Plan

Meeting Date: 27 May 2014

Attachment No: 1



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D/566-2013 Locality Plan

0 0.0075 0.015 0.03 Km
852 at A3.

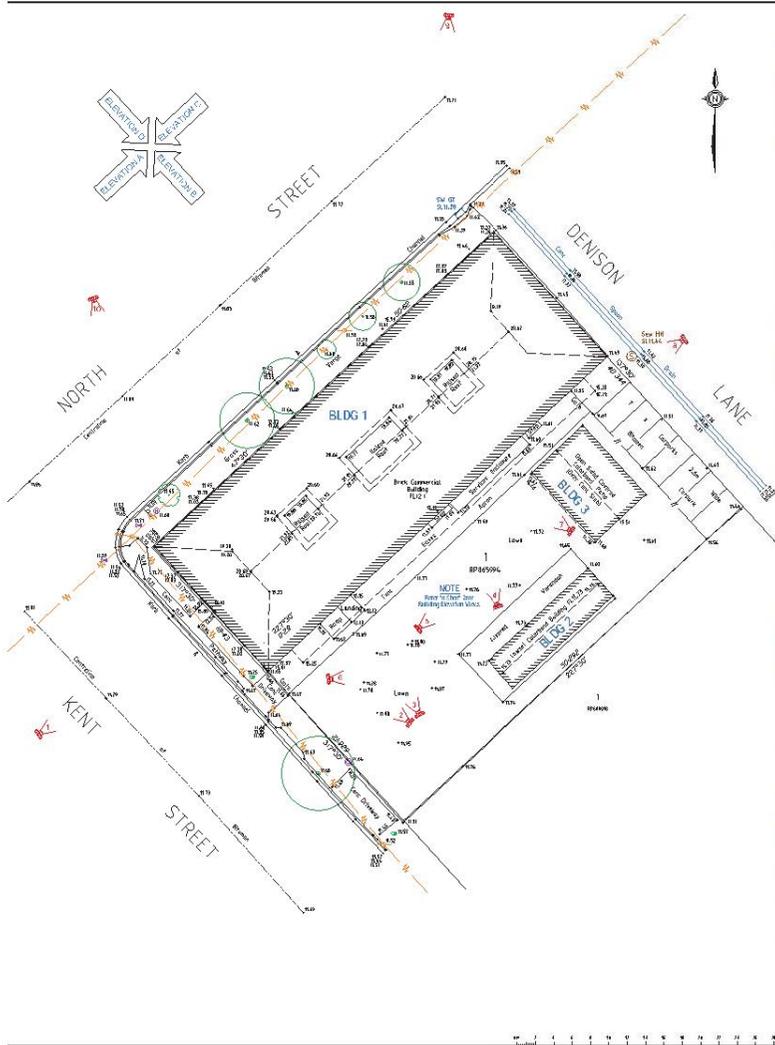


**D/566-2013 DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A
COMMERCIAL PREMISES AND
INDOOR SPORT AND RECREATION**

Site Plan

Meeting Date: 27 May 2014

Attachment No: 2



SITE STATISTICS
 Site Area : 2005m²
 Building Area : 3200m² (Bldg 1)
 600m² (Bldg 2)
 700m² (Bldg 3)
 1000m² (Total)
 Site Coverage : 57%
 Max Building Height : 10.45m (Bldg 3)

SITE ACCESS
 5m frontage from Kent Street to Denison Lane
 - Receding Vehicle Lane

LINETYPE LEGEND
 - - - - - 1m Boundary
 - - - - - 2m Boundary
 - - - - - 3m Boundary
 - - - - - 4m Boundary
 - - - - - 5m Boundary
 - - - - - 6m Boundary
 - - - - - 7m Boundary
 - - - - - 8m Boundary
 - - - - - 9m Boundary
 - - - - - 10m Boundary

IMPORTANT NOTE

This plan is prepared to accompany a Material Change of Use application to the Rockhampton Regional Council and is intended for use for any other purpose.
 The information and data shown herein are subject to field verification and the Rockhampton Regional Council may have requirements, under any other applicable legislation, under any other applicable legislation.
 In particular, the information shown herein is not to be used for any other purpose without the written consent of the author.

Client

G. Shuker

Project

1 Kent Street,
Rockhampton City

Plan of

Material Change of Use
Commercial Premises
(Site Plan)

at

Lot 1 on RP966994
Parish of Rockhampton
County of Livingstone

for

Rockhampton Regional Council

Drawn

Drawn	Scale	Date	Revised
1	1:200@ A1	10/10/14	1
2			2
3			3

Checked

10/10/14

CSG
 Capricorn Survey Group (Csg)
 10/10/14

Scale

1:200@ A1

Sheet No.

1 of 3

Project No.

5883-05-MCU-S

Revision

5883-05-MCU

Author

AHD

Date

27 MAY 2014

**D/566-2013 DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A
COMMERCIAL PREMISES AND
INDOOR SPORT AND RECREATION**

Floor Plan

Meeting Date: 27 May 2014

Attachment No: 3

**D/566-2013 DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A
COMMERCIAL PREMISES AND
INDOOR SPORT AND RECREATION**

Elevation Plan

Meeting Date: 27 May 2014

Attachment No: 4

LEGEND:

- D DOOR
- DA OPEN ACCESS (NO DOOR)
- DB ROLLER DOOR
- E ELEVATOR
- CD CLASS DOOR
- SC SLATE CLOTH

IMPORTANT NOTE

This plan is prepared to accompany a Material Change of Use application to Rockhampton Regional Council and should not be used for any other purpose.

The dimensions shown here are for the purposes of determining the appropriateness and nature of improvements required on the subject land and do not form and are not intended to form part of any other design purposes.

In particular, we refer you to the provisions of the Resource Management Act 1991 and the Resource Management Act 1991 Regulations.

This note is an integral part of this plan.

G. Shuker

project: 1 Kent Street, Rockhampton City

plan of: Material Change of Use Commercial Premises (Elevations)

site: Lot 1 on RP 865994 Parish of Rockhampton County of Livingstone

to: Rockhampton Regional Council

no.	date	description	by
1	27/05/2014	PRELIMINARY	G. SHUKER
2	27/05/2014	REVISED PLAN (FOR COUNCIL REVIEW)	G. SHUKER

CSG

Cape Survey Group (Cape Survey Group Ltd)
 100/102, 104/106, 108/110, 112/114, 116/118, 120/122, 124/126, 128/130, 132/134, 136/138, 140/142, 144/146, 148/150, 152/154, 156/158, 160/162, 164/166, 168/170, 172/174, 176/178, 180/182, 184/186, 188/190, 192/194, 196/198, 200/202, 204/206, 208/210, 212/214, 216/218, 220/222, 224/226, 228/230, 232/234, 236/238, 240/242, 244/246, 248/250, 252/254, 256/258, 260/262, 264/266, 268/270, 272/274, 276/278, 280/282, 284/286, 288/290, 292/294, 296/298, 300/302, 304/306, 308/310, 312/314, 316/318, 320/322, 324/326, 328/330, 332/334, 336/338, 340/342, 344/346, 348/350, 352/354, 356/358, 360/362, 364/366, 368/370, 372/374, 376/378, 380/382, 384/386, 388/390, 392/394, 396/398, 400/402, 404/406, 408/410, 412/414, 416/418, 420/422, 424/426, 428/430, 432/434, 436/438, 440/442, 444/446, 448/450, 452/454, 456/458, 460/462, 464/466, 468/470, 472/474, 476/478, 480/482, 484/486, 488/490, 492/494, 496/498, 500/502, 504/506, 508/510, 512/514, 516/518, 520/522, 524/526, 528/530, 532/534, 536/538, 540/542, 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9 STRATEGIC REPORTS

Nil

10 NOTICES OF MOTION

Nil

11 URGENT BUSINESS/QUESTIONS

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

12 CLOSURE OF MEETING