



PLANNING & DEVELOPMENT COMMITTEE MEETING

AGENDA

29 JULY 2014

Your attendance is required at a meeting of the Planning & Development Committee to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 29 July 2014 commencing at 1.30pm 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
23 July 2014

Next Meeting Date: 12.08.14

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 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

Leave of Absence for the meeting was previously granted to Councillor Greg Belz.

4 CONFIRMATION OF MINUTES

Minutes of the Planning & Development Committee held 8 July 2014

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 BUSINESS OUTSTANDING

Nil

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 OFFICERS' REPORTS

8.1 PROPOSED ROCKHAMPTON REGION PLANNING SCHEME COMMUNITY CONSULTATION PERIOD

File No: RRPS-PRO-2010/01/01/05
Attachments: Nil
Authorising Officer: Russell Claus - Manager Planning
Robert Holmes - General Manager Regional Services
Author: Robert Truscott - Coordinator Strategic Planning

SUMMARY

The report proposes the formal public consultation period for the proposed Rockhampton Region Planning Scheme be extended by 1 month to conclude on 12 September, 2014.

OFFICER'S RECOMMENDATION

THAT the Public consultation stage of the preparation of the Rockhampton Region Planning Scheme be extended to conclude on 12 September, 2014.

BACKGROUND

Council resolved on 24 June 2014 to commence Public consultation of the proposed new planning scheme on 7 July 2014 and end it on 15 August 2014. Public consultation commenced on 7 July 2014. All statutory requirements, additional notifications and correspondence were completed as agreed. A number of associated community consultation events have followed and others will follow.

COMMENTARY

Following approaches from members of the community, Council has requested consideration of a one month extension of the Public notification period. There does not appear to be any statutory impediment to making this change. Confirmation has been requested from the Department of State Development Infrastructure and Planning, but has not been received at time of preparing this report.

CONCLUSION

In responding to requests from the community, the Council endorsement of this extension of the public consultation period is recommended.

8.2 D/95-2014 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A DUPLEX AND RECONFIGURING A LOT (ONE LOT INTO TWO LOTS) AND ACCESS EASEMENT

File No: D/95-2014

Attachments:

1. Locality Plan
2. Site Plan
3. Front and Rear Elevations

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Russell Claus - Manager Planning
Robert Holmes - Acting Chief Executive Officer

Author: Amanda O'Mara - Planning Officer

SUMMARY

Development Application Number: D/95-2014

Applicant: Statewide Property Corporation Pty Ltd

Real Property Address: Lot 22 on RP600325, Parish of Rockhampton

Common Property Address: 13 Oxford Street, Allenstown

Area of Site: 930 square metres

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: Allenstown Residential Consolidation Area

Existing Development: Multi Unit Dwelling (three units)

Existing Approvals: Development Permit for a Material Change of Use for a Multi Unit Dwelling (three units)

Approval Sought: Development Permit for a Material Change of Use for a Duplex and Reconfiguring a Lot (one lot into two lots) and Access Easement

Level of Assessment: Code Assessable - Material Change of Use
Impact Assessable - Reconfiguring a Lot

Submissions: Two (2) submissions

Referral Agency(s): Nil

Adopted Infrastructure Charges Area: Charge Area 1

Application Progress:

<i>Application Lodged:</i>	23 April 2014
<i>Acknowledgment Notice issued:</i>	2 May 2014
<i>Request for Further Information sent:</i>	14 May 2014
<i>Request for Further Information responded to:</i>	28 May 2014
<i>Submission period commenced:</i>	3 June 2014
<i>Notice of commencement of public notification:</i>	3 June 2014
<i>Submission period end:</i>	30 June 2014
<i>Notice of compliance of public notification:</i>	3 July 2014
<i>Committee Meeting date:</i>	29 July 2014
<i>Statutory due determination date:</i>	31 July 2014

OFFICER'S RECOMMENDATION**RECOMMENDATION A**

That in relation to the application for a Material Change of Use for a Duplex and Reconfiguring a Lot (one lot into two lots), made by Statewide Property Corporation Pty Ltd, on Lot 22 on RP600325, Parish of Rockhampton, located at 13 Oxford Street, Allenstown, Council resolves to Approve the application subject to the following conditions:

MATERIAL CHANGE OF USE**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; 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>
Reconfiguring a Lot (1 Lot into 2 Lots + Easements) Material Change of Use (New Development – Duplex)	5935-03-MCU, Revision C	28 May 2014
Ground Floor Plan	WD-2276, Sheet 2 of 11	29 October 2013
First Floor Plan	WD-2276, Sheet 3 of 11	29 October 2013
<u>Plan/Document Name</u>	<u>Plan/Document Number</u>	<u>Dated</u>
Front and Rear Elevations	WD-2276, Sheet 4 of 11	29 October 2013
Left and Right Elevations	WD-2276, Sheet 5 of 11	29 October 2013

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

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

3.0 ACCESS AND PARKING WORKS

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

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

4.0 SEWERAGE WORKS

4.1 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, *Plumbing and Drainage Act*

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

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

4.4 Sewer connections located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with trafficable lids.

5.0 WATER WORKS

5.1 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, the *Plumbing and Drainage Act*.

5.2 The proposed development must be provided with a master meter at the property boundary and sub meters for each sole occupancy building in accordance with the *Queensland Plumbing and Drainage 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.

5.4 The development must be connected to Council's reticulated water network.

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.

7.0 ROOF AND ALLOTMENT DRAINAGE WORKS

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

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

8.0 SITE WORKS

8.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.

8.2 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.

9.0 BUILDING WORKS

9.1 All structures must maintain a clearance of two (2) metres to any sewerage infrastructure.

9.2 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*.

9.3 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"*.

9.4 The private open space for each unit must be adequately screened to prevent viewing from adjoining properties.

9.5 All windows facing onto the adjoining residential properties must be properly glazed or screened to not intrude on the privacy of residents.

9.6 Provide a fence between the subject site and adjacent residential properties of the development in accordance with the approved plans (refer to condition 2.1).

9.7 All units must be provided with open-air clothes drying facilities and the facilities must be screened from public view.

9.8 All waste storage areas must be aesthetically screened from any road frontage or adjoining property.

10.0 LANDSCAPING WORKS

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

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

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

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

11.0 ELECTRICITY AND TELECOMMUNICATIONS

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

12.0 ASSET MANAGEMENT

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

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

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 Oxford Street.

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

RECONFIGURING A LOT

14.0 ADMINISTRATION

- 14.1 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.

- 14.2 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.

- 14.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.

- 14.4 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.

- 14.5 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.

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

14.6.1 Operational Works:

- (i) Road Works; and
- (ii) Access Works.

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

- 14.8 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.

15.0 APPROVED PLANS AND DOCUMENTS

- 15.1 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>
Reconfiguring a Lot (1 Lot into 2 Lots + Easements) Material Change of Use (New Development – Duplex)	5935-03-MCU, Revision C	28 May 2014

- 15.2 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.

- 15.3 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.

16.0 ROAD WORKS

- 16.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any works on the site.
- 16.2 Construct a 1.2 metre wide concrete footpath along the full frontage of the subject site in the road reserve.
- 16.3 All pathways must comply with *Australian Standard AS1428 'Design for Access and Mobility'* and the *Capricorn Municipal Development Guidelines*.
- 16.4 The finished surface of all pathways must be flush with all existing services. In some cases, this may require alterations to existing public utility infrastructure. The developer must be responsible for obtaining all relevant approvals and undertaking these modifications if required.

17.0 ACCESS WORKS

- 17.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access works on the site.
- 17.2 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 works).
- 17.3 The existing access for proposed Lot 5 must be upgraded to comply with the requirements of the *Capricorn Municipal Development Guidelines*.

18.0 PLUMBING AND DRAINAGE WORKS

- 18.1 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, *Plumbing and Drainage Act* Council's Plumbing and Drainage Policies.
- 18.2 The development must be connected to Council's reticulated sewerage and water networks.
- 18.3 A new water service connection and a new sewerage connection must be provided to the proposed Lot 6.

- 18.4 The existing sewerage and water connection point(s) must be retained to service the proposed Lot 5.
- 18.5 Internal Plumbing and Sanitary Drainage of existing buildings must be contained within the lot it serves.
- 18.6 Sewer connections and water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with trafficable lids.

19.0 SITE WORKS

- 19.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 19.2 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.

20.0 ELECTRICITY AND TELECOMMUNICATIONS

- 20.1 Underground electricity and telecommunication connections must be provided to each lot within the proposed development to the standards of the relevant authorities.
- 20.2 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.

21.0 ASSET MANAGEMENT

- 21.1 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.
- 21.2 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.
- 21.3 'As constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the issue of the Compliance Certificate for the Survey Plan. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

22.0 OPERATING PROCEDURES

- 22.1 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 Oxford 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 the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs website: www.datsima.qld.gov.au.

NOTE 2. General Environmental Duty

General environmental duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles dust, ash, fumes, light, odour or smoke beyond the boundaries of the property during all stages of the development including earthworks, construction and operation.

NOTE 3. General Safety Of Public During Construction

The *Work Health and Safety Act 2011* 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 B:

That in relation to the application for a Material Change of Use for a Duplex and Reconfiguring a Lot (one lot into two lots), made by Statewide Property Corporation Pty Ltd, on Lot 22 on RP600325, Parish of Rockhampton, located at 13 Oxford Street, Allenstown, Council resolves not to issue an Adopted Infrastructure Charges Notice.

BACKGROUND

The site has an existing approval for a multi unit dwelling (three units). The units are currently under construction and are almost complete. The purpose of this application is to provide a separate title for the house at the front of the site from the two (2) units at the rear of the site.

PROPOSAL IN DETAIL

The proposal will retain the existing dwelling and proposes to subdivide the lot to create a hatchet allotment with an easement providing access to the rear of the site.

The subdivision will create a front lot of 500 square metres and a rear lot of 429 square metres. The subdivision will result in the multi unit dwelling being split into a house on the front lot and a two (2) storey duplex on the rear lot, which is currently under construction. Each proposed unit will have three (3) bedrooms and two (2) covered car parking spaces in tandem.

SITE AND LOCALITY

The subject site is 930 square metres and has a single road frontage of approximately twenty (20) metres onto Oxford Street. The site is of a regular shape and is relatively flat with an existing two (2) storey dwelling house at the front of the site and two additional units currently under construction at the rear of the site.

The area surrounding the site is predominately residential with a mixture of single detached houses, duplexes and multi unit dwellings.

PLANNING ASSESSMENT**MATTERS FOR CONSIDERATION**

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

Infrastructure Operations Unit's Comments – 11 June 2014

Support, subject to conditions.

Infrastructure Operations Unit's (sewer and water) Comments – 16 June 2014

Support, subject to conditions.

Public and Environmental Health Comments – 1 May 2014

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 2014

This policy came into effect on 2 December 2013 (amended 2014) and replaced all former State Planning Policies. This policy requires development applications to be assessed against its requirements until the identified state interests have been appropriately reflected in the local planning scheme.

Liveable communities

Not Applicable.

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, risk and resilience

Not Applicable.

State transport infrastructure

Not Applicable.

Strategic airports and aviation facilities

Not Applicable.

Rockhampton City Plan 2005**Allenstown Residential Consolidation Area Intent**

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

The area will retain and consolidate its residential character, providing for a range of residential accommodation, including houses, duplexes, aged care accommodation and multi-unit dwelling developments, up to building heights consistent with Planning Scheme Map 3 (Height Limitation Map). The area is particularly suitable for additional multi-unit dwellings developments, given its close proximity to employment, entertainment, and services offered in the Central Business District, and given there

is little to no remaining land available in South Rockhampton for broad acre residential development, including Reconfiguring a Lot, that is flood free.

This application is consistent with the intent of the Area.

Rockhampton City Plan Codes

The following codes are applicable to this application:

- Multi Unit Dwelling, Accommodation Building and Duplex Code;
- Reconfiguration of Lot Code;
- Residential Design - Character Code;
- Parking and Access Code;
- Crime Prevention through Environmental Design Code;
- External Works and Servicing 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. An assessment of the Performance Criteria which the application is in conflict with is outlined below:

Multi Unit Dwelling, Accommodation Building and Duplex Code		
Performance Criteria		Officer's Response
P8	Building design; (a) is orientated towards the primary street frontage of the site contributing to an attractive streetscape and safe urban environment; and (b) integrates the development with other existing and approved land uses to allow pedestrian movement and the opportunity for all to know or meet each other using connections that are wide enough to preserve sight lines and are safe.	The proposed duplex is within a hatchet allotment and is not orientated towards the primary street frontage, however the existing house is to remain on the front lot. The existing house is orientated towards the street frontage, therefore ensuring the proposal will have no impact on the streetscape and will be contributing to a safe urban environment.

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.

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.

INFRASTRUCTURE CHARGES

Adopted Infrastructure Charges Resolution (No. 3) 2014 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	\$21,000.00

Adopted Infrastructure Charges Resolution (No. 3) 2014 for residential development also 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
		1 or 2 bedroom dwelling	3 or more bedroom dwelling		
Residential	Area 1	Nil	21,000	per dwelling	\$42,000.00

This is based on the following calculations:

- (a) A charge of \$21,000.00 for the additional lot;
- (b) A charge of \$42,000.00 for two (2) three (3) bedroom units; and
- (c) An infrastructure credit of \$63,000.00 applicable for the existing multi unit dwelling (three units).

The total infrastructure charge is \$63,000.00 with an infrastructure credit of \$63,000.00, therefore no infrastructure charges are payable.

CONSULTATION

The proposal was the subject of public notification between 3 June 2014 and 30 June 2014, as per the requirements of the *Sustainable Planning Act 2009*, and one (1) properly made submission and one (1) not properly made submission was received.

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

Issue	Officer's Response
Concerns the two (2) storey units will overlook neighbouring properties and privacy will be affected due to building setbacks.	No balconies are proposed for the units and all windows facing onto the adjoining residential properties have been conditioned to be properly glazed or screened to not intrude on the privacy of residents.
Raised that parking, wheelie bin placement on the street, noise, density and fence height should be considered to minimise impacts.	The proposed duplex will be proposing two (2) car parking spaces for each unit which is in accordance with the <i>Rockhampton City Plan 2005</i> . Refuse collection can be achieved from the

Issue	Officer's Response
	<p>street frontage.</p> <p>Fencing has been proposed between 1.2 and 1.8 metres which is considered adequate for the proposed use.</p> <p>The density of the proposal is compatible with the local area and will have minimal impact on the surrounding residential amenity.</p>

CONCLUSION

The proposed development is considered to be in keeping with the intent of the Allenstown Residential Consolidation Area. Furthermore, the proposal generally 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/95-2014 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A DUPLEX AND
RECONFIGURING A LOT (ONE LOT
INTO TWO LOTS) AND ACCESS
EASEMENT**

Locality Plan

Meeting Date: 29 July 2014

Attachment No: 1

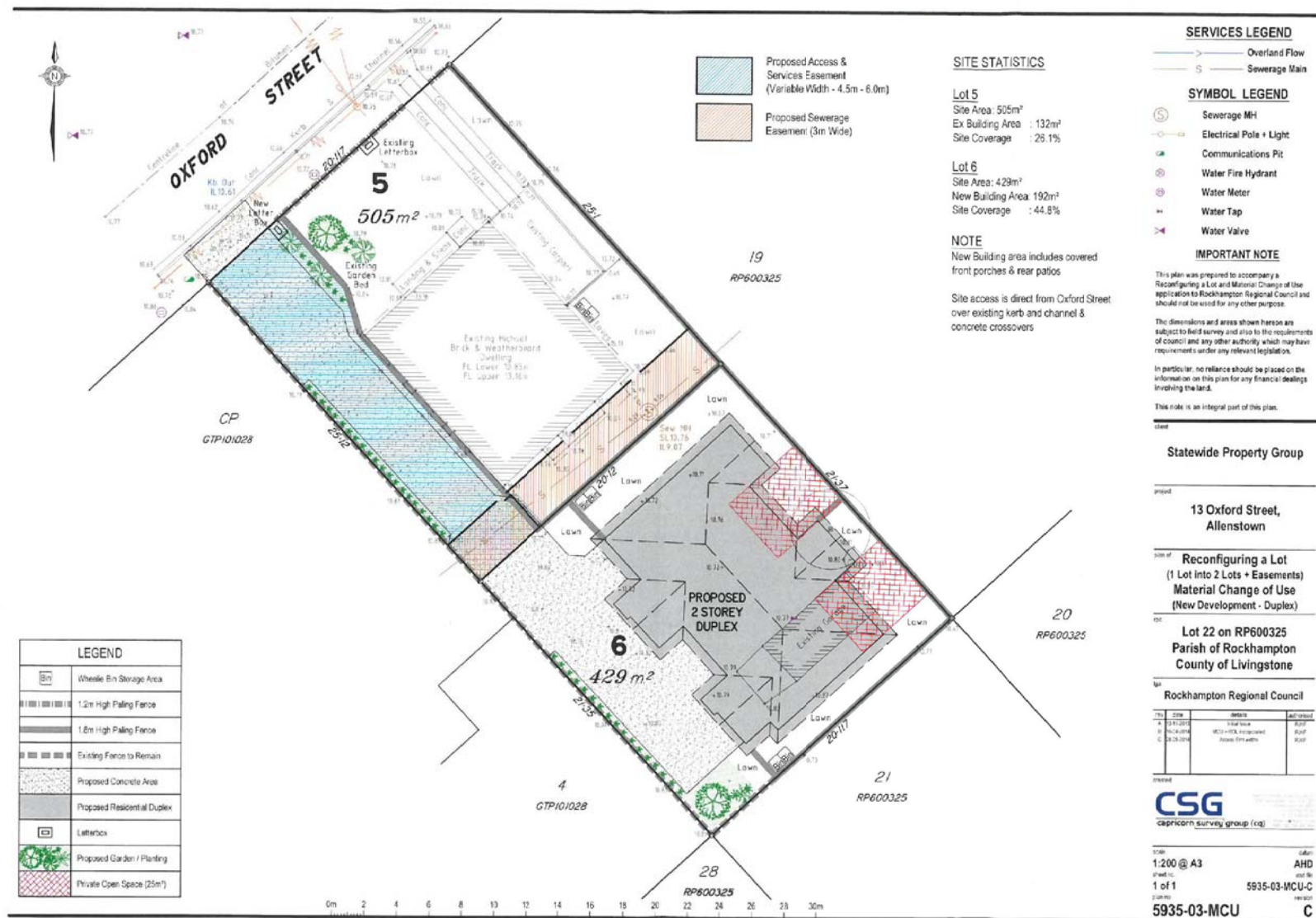


**D/95-2014 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A DUPLEX AND
RECONFIGURING A LOT (ONE LOT
INTO TWO LOTS) AND ACCESS
EASEMENT**

Site Plan

Meeting Date: 29 July 2014

Attachment No: 2

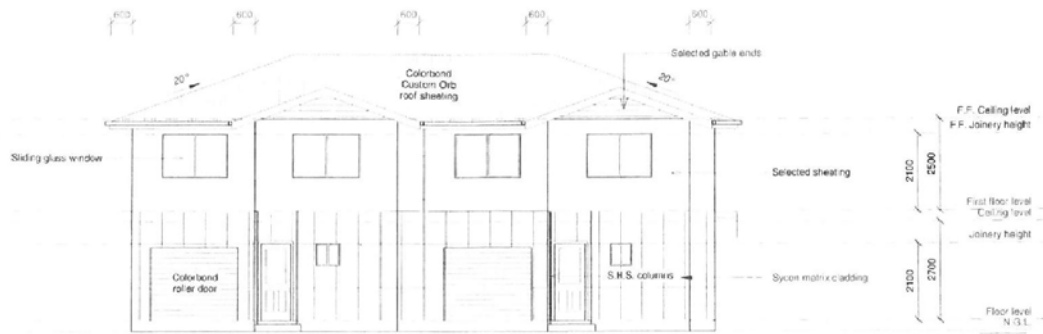


**D/95-2014 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A DUPLEX AND
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EASEMENT**

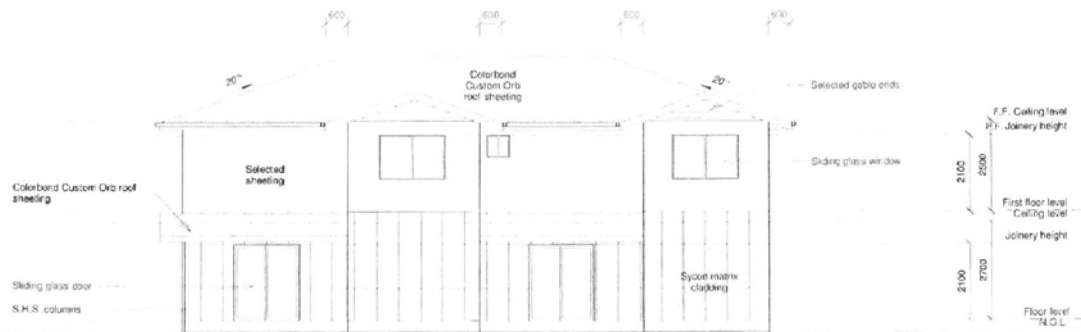
Front and Rear Elevations

Meeting Date: 29 July 2014

Attachment No: 3



1 FRONT ELEVATION
1 : 100



2 REAR ELEVATION
1 : 100

PROPOSED UNITS
AT 13 OXFORD STREET, ROCKHAMPTON.
FOR APOLLO CMS



CENTRAL DRAFTING SERVICES
the design professionals
2 / 263 Richardson Rd.
North Rockhampton
Ph. 48-264342
Lic No. 24305 QBSA Act 1991



Copyright 29/10/13
Scale 1 : 100
Drawn A.G.
Amended 04/07/12

Orig No. WD-2276
Designer
Sheet No. 4 of 11
FRONT & REAR
ELEVATIONS

8.3 D/36-2014 DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT (ONE LOT INTO TWO LOTS) AND MATERIAL CHANGE OF USE FOR A MULTI UNIT DWELLING (FOUR UNITS)

File No: D/36-2014

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 - Acting Chief Executive Officer

Author: Alyce McLellan - Planning Officer

SUMMARY

Development Application Number: D/36-2014

Applicant: Ms Dearne Pearson

Real Property Address: Lot 1 on RP605752, Parish of Archer

Common Property Address: 135 Elphinstone Street, Berserker

Area of Site: 1,265 square metres

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: Frenchville Residential Area

Planning Scheme Overlays: Nil

Existing Development: Single Dwelling

Existing Approvals: Nil

Approval Sought: Development Permit for Reconfiguring a Lot (one lot into two lots) and Material Change of Use for a Multi Unit Dwelling (four units)

Level of Assessment: Impact Assessable

Submissions: Nil

Referral Agency(s): Not Applicable

Adopted Infrastructure Charges Area: Charge Area One

Application Progress:

<i>Application Lodged:</i>	17 February 2014
<i>Acknowledgment Notice issued:</i>	27 February 2014
<i>Request for Further Information sent:</i>	4 March 2014
<i>Request for Further Information responded to:</i>	14 May 2014
<i>Submission period commenced:</i>	22 May 2014
<i>Submission period end:</i>	16 June 2014
<i>Last receipt of information from applicant:</i>	17 June 2014
<i>Council request for additional time:</i>	2 July 2014
<i>Statutory due determination date:</i>	12 August 2014

OFFICER'S RECOMMENDATION**RECOMMENDATION A**

That in relation to the application for Reconfiguring a Lot (one lot into two lots) and Material Change of Use for a Multi Unit Dwelling (four units), made by Ms Dearne Pearson, on Lot 1 on RP605752, Parish of Archer, located at 135 Elphinstone Street, Berserker, Council resolves to Approve the application despite its conflict with the planning scheme and provide the following grounds to justify the decision despite the conflict:

- a) The development proposes a total building site coverage of approximately forty-nine percent of the total site area which is consistent with surrounding residential densities on Elphinstone Street and the locality in general;
- b) The car parking and landscaping requirements have been achieved in accordance with the relevant codes. The landscaping has been provided in such a manner that it is considered that it will sufficiently soften the built form of the development and prevent the site from appearing overdeveloped.
- c) The use is for residential purposes and contributes to providing a mix of accommodation options within Rockhampton which is supported through the Desired Environmental Outcomes in the *Rockhampton City Plan 2005*.
- d) Assessment of the development demonstrates that the Planning Scheme's Desired Environmental Outcomes will not be compromised.
- e) Assessment of the development against the relevant planning scheme codes, demonstrates that the proposed development will not cause significant adverse impact on the surrounding natural environment, built environment and infrastructure, community facilities or local character and amenity.
- f) The proposed development does not compromise the relevant State Planning Policy.

RECOMMENDATION B

That in relation to the application for Reconfiguring a Lot (one lot into two lots) and Material Change of Use for a Multi Unit Dwelling (four units), made by Ms Dearne Pearson, on Lot 1 on RP605752, Parish of Archer, located at 135 Elphinstone Street, Berserker, Council resolves to Approve the application subject to the following conditions:

RECONFIGURING A LOT**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.

1.6.2 Building Works (demolition).

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>
Lot Reconfig Plan	M13 – 4261 Sheet No. A100	17 April 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 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*, *Australian Standard AS2890 "Off Street Car Parking"* and the provisions of a Development Permit for Operational Works (access works).

3.3 The access to proposed Lot 2 must be constructed to a sealed or equivalent standard to the northern boundary of proposed Lot 1.

3.4 A new access must be constructed for proposed Lot 1.

3.5 The existing access for Lot 2 must be upgraded to comply with the requirements of the *Capricorn Municipal Development Guidelines*.

4.0 PLUMBING AND DRAINAGE WORKS

4.1 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, *Plumbing and Drainage Act* Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works

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

4.3 A new water service connection and a new sewerage connection must be provided to proposed Lot 2.

4.4 The existing sewerage and water connection point(s) must be retained to service proposed Lot 1.

4.5 Sewer connections and water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with trafficable lids.

4.6 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.

5.0 ROOF AND ALLOTMENT DRAINAGE WORKS

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

5.2 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.

6.0 BUILDING WORKS

6.1 A Development Permit for Building Works (demolition) must be obtained for the removal of any structure.

6.2 The existing carport on the subject site must be demolished prior to the issue of the Compliance Certificate for the Survey Plan.

7.0 SITE WORKS

7.1 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.

8.0 ELECTRICITY AND TELECOMMUNICATIONS

8.1 Underground electricity and telecommunication connections must be provided to each lot within the proposed development to the standards of the relevant authorities.

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

9.0 ASSET MANAGEMENT

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

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

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 Elphinstone Street.

MATERIAL CHANGE OF USE

11.0 ADMINISTRATION

11.1 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.

- 11.2 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.
- 11.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 11.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of the use, unless otherwise stated.
- 11.5 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.
- 11.6 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 11.6.1 Operational Works:
- (ii) Access and Parking Works; and
 - (iii) Roof and Allotment Drainage Works.
- 11.6.2 Plumbing and Drainage Works; and
- 11.6.3 Building Works.
- 11.7 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.
- 11.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 11.9 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.

12.0 APPROVED PLANS AND DOCUMENTS

- 12.1 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>
Proposed Site Plan	M13-4261 Sheet A101	14 May 2014
Proposed Layout Plan	M13-4261 Sheet A102	17 April 2014
Layout Level 2	M13-4261 Sheet A103	17 April 2014
Front and Rear Elevation	M13-4261 Sheet A104	17 April 2014
East and West	M13-4261 Sheet A105	17 April 2014
Landscape Plan – General Layout	L01 Issue 3	15 April 2014

- 12.2 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.
- 12.3 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.

13.0 ACCESS AND PARKING WORKS

- 13.1 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.
- 13.2 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).
- 13.3 All parking spaces, access driveway(s), and vehicular manoeuvring areas associated with this proposed development must be concrete paved or asphalted.
- 13.4 Any redundant vehicular crossover must be replaced by Council standard kerb and channel.
- 13.5 All vehicles must ingress and egress the development in a forward gear.
- 13.6 Adequate sight distances must be provided for all ingress and egress movements at the access driveways in accordance with *Australian Standard 2890.2 "Parking Facilities - Off Street Commercial Facilities"*.
- 13.7 Road signage and pavement markings must be installed in accordance with the *Australian Standard AS1742.1 "Manual of Uniform Traffic Control Devices"*.

14.0 PLUMBING AND DRAINAGE WORKS

- 14.1 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, *Plumbing and Drainage Act*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 14.2 The development must be connected to Council's reticulated water and sewerage network.
- 14.3 All internal plumbing and sanitary drainage works must be in accordance with regulated work under the *Plumbing and Drainage Act*.
- 14.4 The development must be provided with a master meter at the property boundary and sub-meters for each sole occupancy unit in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Sub-metering Policy.
- 14.5 Water meter boxes and sewer connections located within trafficable areas must be raised or lowered to suit the finished surface level and must be provided with heavy duty trafficable lids.

15.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 15.1 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.
- 15.2 All roof and allotment drainage must be in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.
- 15.3 The proposed development must achieve no increase in 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.
- 15.4 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect adjoining land or infrastructure in comparison to the pre-development condition by way of blocking, altering or diverting existing stormwater runoff patterns or have the potential to cause damage to other infrastructure.

16.0 SITE WORKS

- 16.1 All earthworks must be undertaken in accordance with Australian Standards, AS3798 "Guidelines on Earthworks for Commercial and Residential Developments".
- 16.2 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.
- 16.3 The structural design of all retaining walls above one (1) metre in height must be separately and specifically certified by a Registered Professional Engineer of Queensland as part of the Operational Works submission. A Registered Professional Engineer of Queensland must on completion certify that all works are compliant with the approved design.
- 16.4 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.

17.0 BUILDING WORKS

- 17.1 The building must have a variation in textures, materials and colours. In particular, a variation of building form along the eastern and western side of the building. Amended Plans must be submitted to Council prior to commencement of the use.
- 17.2 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 5dB(A) (decibels) above the background ambient noise level, measured at the boundaries of the subject site.
- 17.3 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"*.
- 17.4 All windows facing onto the adjoining residential properties must be properly glazed or screened to not intrude on the privacy of residents.
- 17.5 All fencing on side and rear boundaries must be a minimum 1.8 metres in height. The fencing may be graduated down to 1.2 metres towards the road frontage. All side and rear boundaries, and internal fencing must ensure privacy and security to adjoining residential properties. The fencing must be constructed of materials and finishes that prevent light spillage of vehicle headlights and are commensurate with the surrounding residential area.
- 17.6 The fencing that separates the units from the car parking area is not approved and must not be constructed.
- 17.7 All units must be provided with open-air clothes drying facilities and the facilities must be screened from public view.
- 17.8 All structures must maintain a clearance of two (2) metres to any sewerage infrastructure including connection point in accordance with Council's Building Over/Adjacent to Local Government Sewerage Infrastructure Policy.
- 17.9 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 and must be set back a minimum of two (2) metres from any road frontage. A suitable hosecock (with backflow prevention) and

hoses must be provided at the refuse container area, and washdown must be drained to the sewer and fitted with an approved stormwater diversion valve arrangement, in accordance with a Plumbing and Drainage Permit and Sewerage Trade Waste Permit.

17.10 All waste storage areas must be:

17.10.1 Aesthetically screened from any frontage or adjoining property;

17.10.2 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;

17.10.3 Of a sufficient size to accommodate skip type bins to be serviced by a commercial contractor at no cost to Council; and

17.10.4 Designed to provide clearances around the bins for manoeuvring and cleaning.

18.0 LANDSCAPING WORKS

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

18.2 All species used in landscaping must be in accordance with Planning Scheme Policy 6 – Planting Species.

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

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

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

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

18.4 Landscaping fronting the units must reach a minimum height of 1.5 metres at full maturity. All landscaping must reach maturity within 12 months of the commencement of the use.

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

19.0 ELECTRICITY AND TELECOMMUNICATIONS

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

19.2 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.

20.0 ASSET MANAGEMENT

20.1 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.

20.2 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.

21.0 ENVIRONMENTAL

- 21.1 Implement and maintain an Erosion Control and Stormwater Control Management Plan 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.

22.0 OPERATING PROCEDURES

- 22.1 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 Elphinstone Street.
- 22.2 All waste storage areas must be kept in a clean, tidy condition in accordance with *Environmental Protection (Waste Management) Regulations*. In particular, all waste must be stored within a waste bin compound, for example general waste, recyclable waste.

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 *Work Health and Safety* legislation and *Public Health Act 2005*.

NOTE 3. General Environmental Duty

General environmental duty under the *Environmental Protection Act 1994* 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 *Work Health and Safety Act 2011* and *Manual of Uniform Traffic Control Devices* must be complied with in carrying out any construction works, and to ensure safe traffic control and safe public access in respect of works being constructed on a road.

NOTE 5. Adopted Infrastructure Charges Notice

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

RECOMMENDATION C

That in relation to the application for Reconfiguring a Lot (one lot into two lots) and Material Change of Use for a Multi Unit Dwelling (four units), made by Ms Dearne Pearson, on Lot 1 on RP605752, Parish of Archer, located at 135 Elphinstone Street, Berserker, Council resolves to issue an Adopted Infrastructure Charges Notice for the amount of \$60,000.00.

BACKGROUND

Proposal in Detail

The proposal is for a one lot into two lot subdivision which will result in a hatchet-shaped allotment. Lot 1 will have an area of 416.10 square metres and contain the existing house with a street frontage of seventeen metres. Lot 2 will have an area of 849.90 square metres and contain four proposed units. Lot 2 is a hatchet lot with an access handle of 8.1 metres.

The four units will consist of two bedrooms, with the living areas located on the ground floor and the bedrooms/bathrooms located on the second floor. The proposed development has a total gross floor area of approximately 361 square metres (forty-two percent of the total site area). A total of six (6) vehicle parking spaces will be provided consisting of four (4) resident parking spaces and two (2) visitor spaces. Vehicle access to the site is via a single crossover on Elphinstone Street.

Site and Locality

The subject site is rectangular in shape with a total area of 1,265 square metres. The site contains an existing double storey house and shed. The site is relatively flat and is connected to all the necessary infrastructure and services.

The surrounding area primarily accommodates houses; however, there are also some multi-unit dwelling developments dispersed throughout the area, as well as some commercial, community and recreation 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 Policy; State Government guidelines; the Council's Town Planning Scheme, Planning Policies and other general policies and procedures, as well as other documents as considered relevant.

Infrastructure Operations Unit's Comments – 21 May 2014

Support, subject to conditions.

Infrastructure Operations Unit's (sewer and water) Comments – 19 May 2014

Support, subject to conditions.

Public and Environmental Health Comments – 6 March 2014

Support, subject to conditions.

Other Staff Technical Comments

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

Town Planning Comments

Central Queensland Regional Plan 2013

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

State Planning Policy 2014

This policy came into effect on 2 December 2013 (amended 2014) and replaced all former State Planning Policies. This policy requires development applications to be assessed against its requirements until the identified state interests have been appropriately reflected in the local planning scheme.

Liveable Communities

Not Applicable

Mining and extractive resources

Not Applicable.

Biodiversity

Not Applicable.

Coastal environment

Not Applicable.

Water quality

Not Applicable.

Natural hazards, risk and resilience

Not Applicable.

Emissions and hazardous activities

Not Applicable.

State transport infrastructure

Not Applicable.

Strategic airports and aviation facilities

Not Applicable.

Other Acts

Not Applicable.

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

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

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

Complies: The proposal supports continued population growth within Rockhampton through residential consolidation within established urban areas which enjoy all standard services.

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

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

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

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

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

Complies: The proposal does not adversely impact the environment, or the region's biodiversity as the subject site is located within an existing urban area with limited biodiversity values.

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

Not Applicable: The proposal is not for a commercial or retail development.

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

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

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

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

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

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

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

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

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

Not Applicable: The proposal does not include any current or future community uses or health care facilities. The site is in proximity to a range of health care and community use facilities and therefore the development provides additional residential uses in an area where access to these facilities is available.

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

Complies: The proposal will not impact on environmentally valuable features within Rockhampton. The proposed lot sizes are of a consistent size for the Frenchville Residential Area.

- (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 connected to all standard urban infrastructure services.

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

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

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

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

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

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:

It is intended 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.

This application is not consistent with the intent of the Area.

Rockhampton City Plan Codes

The following codes are applicable to this application:

- Multi Unit Dwelling, Accommodation Building and Duplex Code;
- Parking and Access Code;
- Crime Prevention Through Environmental Design Code; and
- Landscape Code.

An assessment has been made against the requirement of the abovementioned codes and the proposed development generally complies with the relevant Performance Criteria and Acceptable Solutions. An assessment of the Performance Criteria which the application is in conflict with is outlined below:

Multi Unit Dwelling, Accommodation Building and Duplex Code		
Performance Criteria		Officer's Response
P1	The density of the development is consistent with the scale and density of development expected and intended for an Area.	Although Multi Unit Dwellings are not considered a consistent use within the area, the scale and density of the development is considered sympathetic to the adjoining uses in terms of building orientation and layout. In addition, the development incorporates sufficient landscaping which will soften the built form. The proposal achieves a site density of forty-two (42) percent which is consistent with the scale of development in this area.

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 development proposes a total building site coverage of approximately forty-nine percent of the total site area which is consistent with surrounding residential densities on Elphinstone Street and the locality in general;
- b) The car parking and landscaping requirements have been achieved in accordance with the relevant codes. The landscaping has been provided in such a manner that it is considered that it will sufficiently soften the built form of the development and prevent the site from appearing overdeveloped.
- c) The use is for residential purposes and contributes to providing a mix of accommodation options within Rockhampton which is supported through the Desired Environmental Outcomes in the *Rockhampton City Plan 2005*.
- d) Assessment of the development demonstrates that the Planning Scheme's Desired Environmental Outcomes will not be compromised.
- e) Assessment of the development against the relevant planning scheme codes, demonstrates that the proposed development will not cause significant adverse impact on the surrounding natural environment, built environment and infrastructure, community facilities or local character and amenity.
- f) The proposed development does not compromise 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 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
Total			\$42,000.00
Less credit			\$21,000.00
TOTAL CHARGE			\$21,000.00

Adopted Infrastructure Charges Resolution (No. 3) 2014 for residential development also 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
		1 or 2 bedroom dwelling		
Residential	Area 1	15,000	per dwelling	\$60,000.00
Total				\$60,000.00
Less credit				\$21,000.00
TOTAL CHARGE				\$39,000.00

This is based on the following calculations:

- (a) A calculated charge of \$21,000.00 for reconfiguring a lot (calculated as \$42,000 less \$21,000 credit for the existing lot); and
- (b) A calculated charge of \$39,000.00 for the four proposed units (calculated as \$15,000 per unit, totalling \$60,000; less a credit of \$21,000 for the creation of new allotment.

Therefore, a total charge of \$60,000.00 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 22 May 2014 and 16 June 2014, as per the requirements of the *Sustainable Planning Act 2009*, and no submissions were received.

Referrals

Not Applicable.

CONCLUSION

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

**D/36-2014 DEVELOPMENT
APPLICATION FOR RECONFIGURING
A LOT (ONE LOT INTO TWO LOTS)
AND MATERIAL CHANGE OF USE FOR
A MULTI UNIT DWELLING (FOUR
UNITS)**

Locality Plan

Meeting Date: 29 July 2014

Attachment No: 1

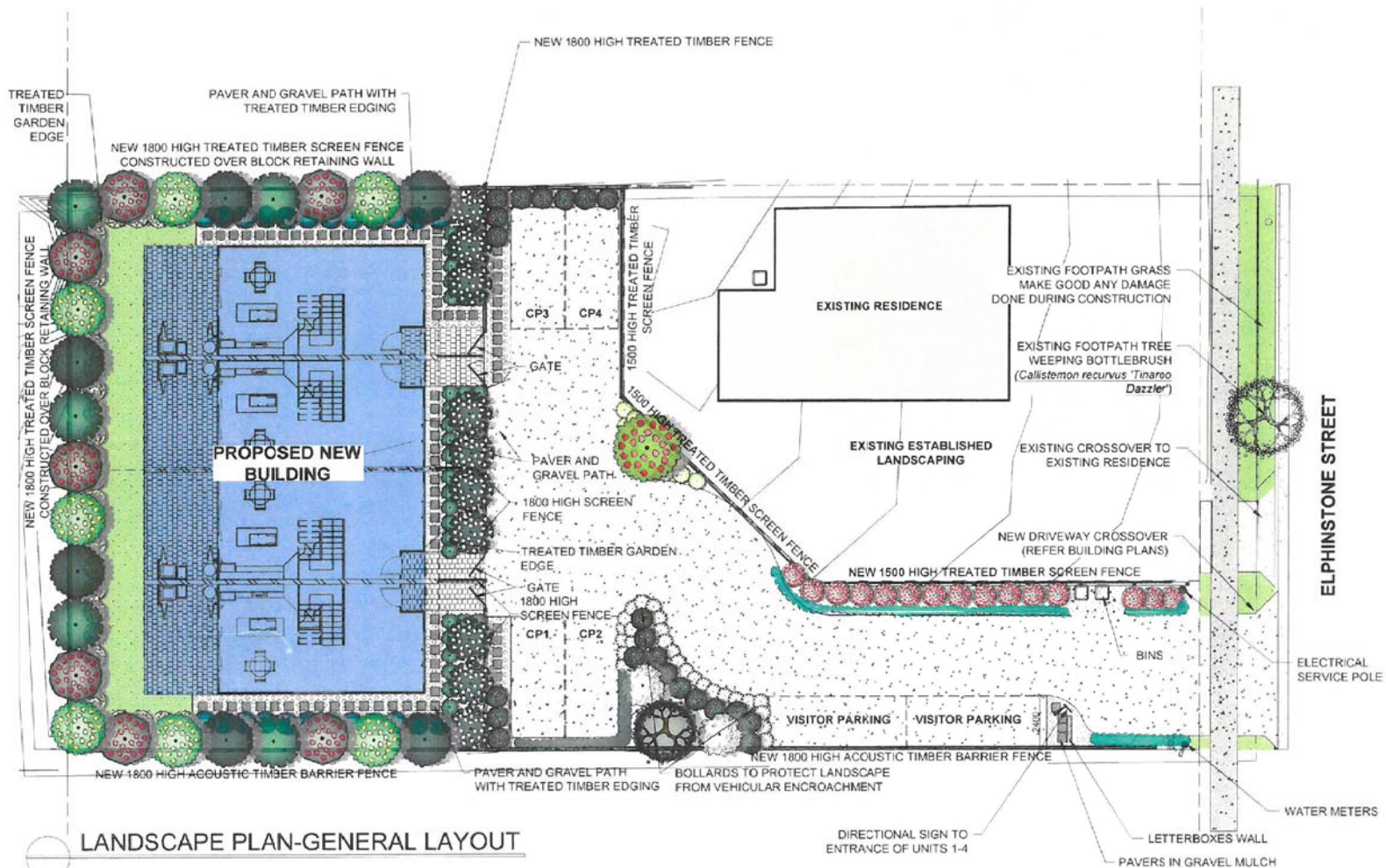


**D/36-2014 DEVELOPMENT
APPLICATION FOR RECONFIGURING
A LOT (ONE LOT INTO TWO LOTS)
AND MATERIAL CHANGE OF USE FOR
A MULTI UNIT DWELLING (FOUR
UNITS)**

Site Plan

Meeting Date: 29 July 2014

Attachment No: 2



JOB NO: 141100
DWG NO: L01
ISSUE: 3

L. & D. Pearson
Proposed Multi-Unit Development at
135 Elphinstone St, Berserker, Rockhampton

SCALE 1:150 AT A3



15 April 2014
SCALE 1:150 @ A3



Suzan Quigg Landscape Design
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M: 0407 035 351
E: suzquigg@bigpond.com

NOTE: THIS PLAN IS COPYRIGHTED BY SUZAN QUIGG LANDSCAPE DESIGN AND ANY REPRODUCTION, ALTERATION OR OTHER USE

WITHOUT WRITTEN PERMISSION IS NOT PERMITTED

**D/36-2014 DEVELOPMENT
APPLICATION FOR RECONFIGURING
A LOT (ONE LOT INTO TWO LOTS)
AND MATERIAL CHANGE OF USE FOR
A MULTI UNIT DWELLING (FOUR
UNITS)**

Floor Plan

Meeting Date: 29 July 2014

Attachment No: 3

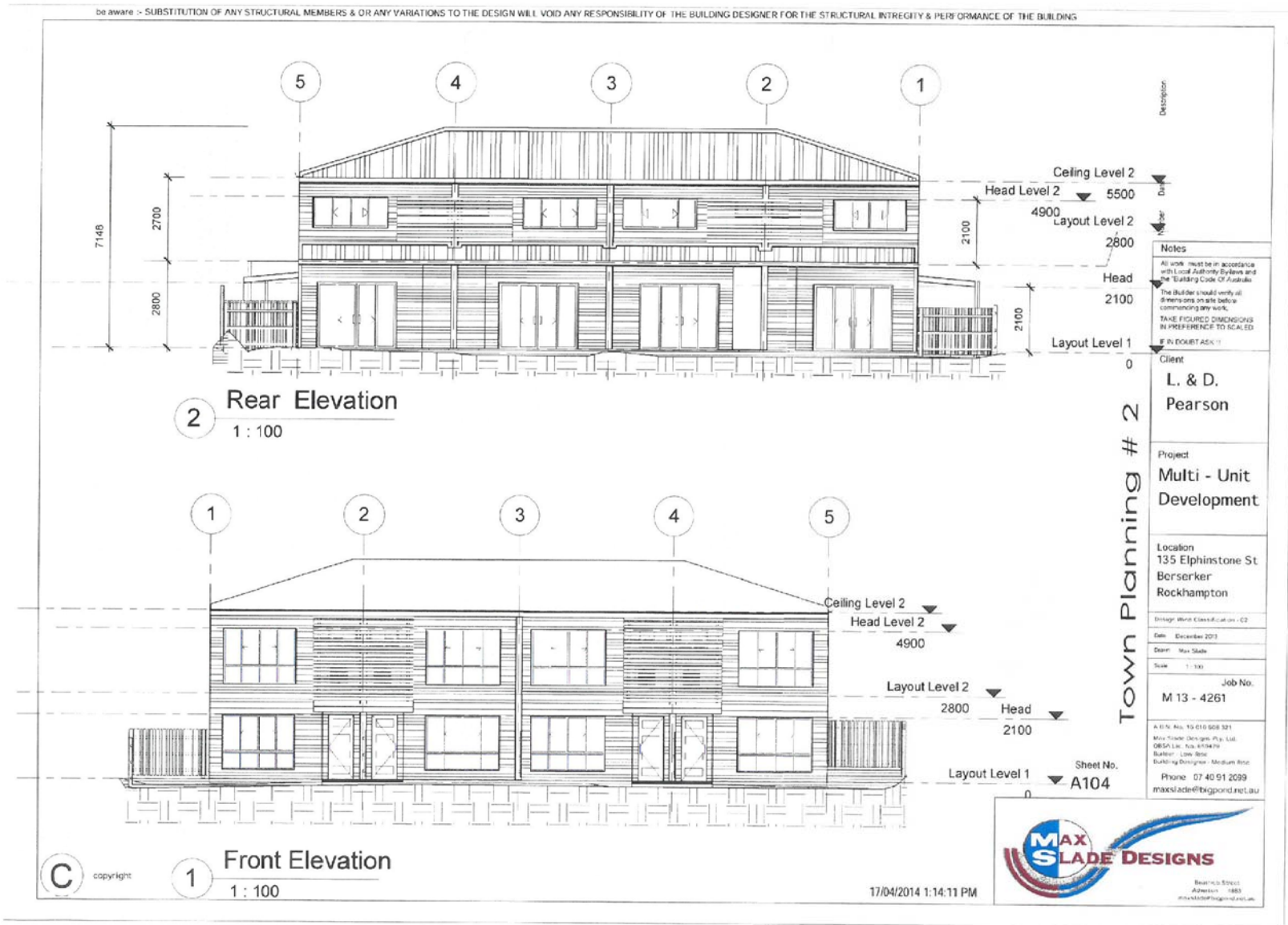


**D/36-2014 DEVELOPMENT
APPLICATION FOR RECONFIGURING
A LOT (ONE LOT INTO TWO LOTS)
AND MATERIAL CHANGE OF USE FOR
A MULTI UNIT DWELLING (FOUR
UNITS)**

Elevation Plan

Meeting Date: 29 July 2014

Attachment No: 4



9 STRATEGIC REPORTS

Nil

10 NOTICES OF MOTION

Nil

11 URGENT BUSINESS/QUESTIONS

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

12 CLOSED SESSION

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

RECOMMENDATION

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

13.1 Request for removal of Local Government Agreement requiring Lot 7 on RP617844 and Lot 8 on RP617844 to be held in the same ownership

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

13 CONFIDENTIAL REPORTS

13.1 REQUEST FOR REMOVAL OF LOCAL GOVERNMENT AGREEMENT REQUIRING LOT 7 ON RP617844 AND LOT 8 ON RP617844 TO BE HELD IN THE SAME OWNERSHIP

File No: 8037

Attachments:

1. Locality Plan
2. Local Government Agreement

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development
Assessment
Russell Claus - Manager Planning
Robert Holmes - Acting Chief Executive Officer

Author: Alyce McLellan - Planning Officer

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

SUMMARY

This report discusses a request which has been received by Council to accede to the removal of a Local Government Agreement requiring two lots to remain under the same ownership.

14 CLOSURE OF MEETING