



PLANNING & DEVELOPMENT COMMITTEE MEETING

MINUTES

29 JULY 2014

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	OPENING.....	1
2	PRESENT	1
3	APOLOGIES AND LEAVE OF ABSENCE	1
4	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	1
5	DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA.....	1
6	BUSINESS OUTSTANDING	2
	NIL	2
7	PUBLIC FORUMS/DEPUTATIONS	3
	NIL	3
8	OFFICERS' REPORTS.....	4
8.1	PROPOSED ROCKHAMPTON REGION PLANNING SCHEME COMMUNITY CONSULTATION PERIOD	4
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.....	5
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)	13
9	STRATEGIC REPORTS.....	23
	NIL	23
10	NOTICES OF MOTION.....	24
	NIL	24
11	URGENT BUSINESS\QUESTIONS	25
12	CLOSED SESSION	26
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.....	26
13	CONFIDENTIAL REPORTS.....	27
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.....	27
14	CLOSURE OF MEETING	28

**REPORT OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON
ON TUESDAY, 29 JULY 2014 COMMENCING AT 1.44PM**

1 OPENING**2 PRESENT**

Members Present:

The Mayor, Councillor M F Strelow (Chairperson)
Councillor C E Smith
Councillor C R Rutherford
Councillor A P Williams
Councillor R A Swadling
Councillor N K Fisher

In Attendance:

Mr E Pardon – Chief Executive Officer
Mr R Holmes – General Manager Regional Services
Mr R Cheesman – General Manager Corporate Services
Mr R Claus – Manager Planning
Mr M Crow – Manager Engineering Services
Ms T Fitzgibbon – Coordinator Development Assessment
Mr C Wyatt – Senior Strategic Planner
Mr M Coughlan – Infrastructure Planning Engineer
Ms A O'Mara – Planning Officer
Ms A McLellan – Planning Officer
Ms L Price - Community Awareness Officer
Ms J Barrett – Communications Officer
Ms L Leeder – Committee Support Officer

3 APOLOGIES AND LEAVE OF ABSENCE

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

Leave of Absence for the meeting was previously granted to Councillor Stephen Schwarten

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**COMMITTEE RESOLUTION**

THAT the minutes of the Planning & Development Committee held on 8 July 2014 be taken as read and adopted as a correct record.

Moved by: Councillor Fisher

Seconded by: Councillor Swadling

MOTION CARRIED

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.

COMMITTEE RESOLUTION

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

Moved by: Councillor Smith
Seconded by: Mayor Strelow

MOTION CARRIED

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

COMMITTEE RESOLUTION**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.

Moved by: Councillor Swadling

Seconded by: Councillor Fisher

MOTION CARRIED

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

COMMITTEE RESOLUTION**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 USE11.0 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.

Moved by: Councillor Fisher

Seconded by: Councillor Smith

MOTION CARRIED

9 STRATEGIC REPORTS

Nil

10 NOTICES OF MOTION

Nil

11 URGENT BUSINESS\QUESTIONS

12 CLOSED SESSION

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

COMMITTEE RESOLUTION

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

13.1 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.

Moved by: Councillor Fisher

Seconded by: Councillor Swadling

MOTION CARRIED

COMMITTEE RESOLUTION

1:54PM

THAT pursuant to s341)(k) and s44 *Council Meeting Procedures* the meeting moves into Closed Session and be closed to the public.

Moved by: Councillor Fisher

Seconded by: Councillor Swadling

MOTION CARRIED

COMMITTEE RESOLUTION

1:56PM

THAT pursuant to s34(1)(k) and s44 *Council Meeting Procedures* the meeting moves out of Closed Session and be opened to the public.

Moved by: Councillor Fisher

Seconded by: Councillor Swadling

MOTION CARRIED

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.

COMMITTEE RESOLUTION

THAT in relation to the request to remove the Local Government Agreement requiring Lot 7 on RP617844 and Lot 8 on RP617844 to remain under a single ownership, Council resolves to accede to the request, subject to the owner of said titles paying Council's costs associated with the release of the Agreement.

Moved by: Councillor Rutherford

Seconded by: Councillor Smith

MOTION CARRIED

14 CLOSURE OF MEETING

There being no further business the meeting closed at 1:59pm.

SIGNATURE

CHAIRPERSON

DATE