



# **PLANNING & DEVELOPMENT COMMITTEE MEETING**

## **AGENDA**

**12 AUGUST 2014**

*Your attendance is required at a meeting of the Planning & Development Committee to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 12 August 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**  
6 August 2014

Next Meeting Date: 26.08.14

**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.

## TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	OPENING.....	1
2	PRESENT .....	1
3	APOLOGIES AND LEAVE OF ABSENCE .....	1
4	CONFIRMATION OF MINUTES .....	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	D/23-2014 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A MULTI UNIT DWELLING (EIGHTEEN UNITS) .....	4
9	STRATEGIC REPORTS .....	25
	NIL .....	25
10	NOTICES OF MOTION.....	26
	NIL .....	26
11	URGENT BUSINESS/QUESTIONS .....	27
12	CLOSED SESSION .....	28
13	CONFIDENTIAL REPORTS .....	29
13.1	D1636-2008 PROGRESS OF DEVELOPMENT AND COMPLIANCE AT PORT CURTIS .....	29
14	CLOSURE OF MEETING .....	30



**1 OPENING**

**2 PRESENT**

Members Present:

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

In Attendance:

Mr E Pardon – Chief Executive Officer

**3 APOLOGIES AND LEAVE OF ABSENCE**

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

Councillor Neil Fisher has tendered his apology and will not be in attendance

**4 CONFIRMATION OF MINUTES**

Minutes of the Planning & Development Committee held 29 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 D/23-2014 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A MULTI UNIT DWELLING (EIGHTEEN UNITS)

**File No:** D/23-2014

**Attachments:**

1. Locality Plan
2. Proposal Plan
3. Floor Plan (Units 1 to 6)
4. Elevations (Units 1 to 6)

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

**Author:** Rebecca De Vries - Senior Planning Officer

#### SUMMARY

*Development Application Number:* D/23-2014

*Applicant:* Bailey Property Fund Pty Ltd A.C.N. 165 291 850

*Real Property Address:* Lot 172 on SP260355 (formerly Lot 302 on SP261803), Parish of Murchison

*Common Property Address:* 790-812 Norman Road, Norman Gardens

*Area of Site:* 3,939 square metres

*Planning Scheme:* Rockhampton City Plan 2005

*Rockhampton City Plan Area:* Norman Road Residential Area

*Existing Development:* Vacant

*Existing Approvals:* Nil

*Approval Sought:* Development Permit for a Material Change of Use for a Multi Unit Dwelling (eighteen units)

*Level of Assessment:* Impact Assessable

*Submissions:* Nil

*Referral Agency(s):* Not Applicable

*Adopted Infrastructure Charges Area:* Charge Area 1

*Application Progress:*

<i>Application Lodged:</i>	3 February 2014
<i>Acknowledgement Notice sent:</i>	11 February 2014
<i>Request for Further Information sent:</i>	12 February 2014
<i>Request for Further Information responded to:</i>	16 June 2014
<i>Submission period commenced:</i>	18 June 2014
<i>Submission period end:</i>	11 July 2014
<i>Committee meeting date:</i>	12 August 2014
<i>Statutory determination date:</i>	20 August 2014

**OFFICER'S RECOMMENDATION****RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Multi Unit Dwelling (eighteen units), made by Bailey Property Fund Pty Ltd A.C.N 165 291 850, on Lot 172 on SP260355 (formerly Lot 302 on SP261803), Parish of Murchison, located at 790-812 Norman Road, Norman Gardens, 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 is proximal to the university, providing additional choice in the form of residential accommodation available to support a high demand facility;
- b) The Norman Road Residential Area identifies that if a need is demonstrated, multi-unit dwelling development can be consistent in this area where it is located on larger lots. The site is of a size which is considered capable of supporting multi unit development without compromising the character of the area;
- c) There is also an identified shortfall in alternative housing types in the Norman Road Residential Area, which demonstrates the need for this development which is able to support student accommodation or accommodation for others in various stages of life.
- d) The proposed use does not compromise the achievement of the Desired Environmental Outcomes in the *Rockhampton City Plan 2005*;
- e) Assessment of the development against the relevant area intent, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and
- f) The proposed development does not compromise the relevant State Planning Policy.

**RECOMMENDATION B**

That in relation to the application for a Development Permit for a Multi Unit Dwelling (eighteen units), made by Bailey Property Fund Pty Ltd A.C.N 165 291 850, on Lot 172 on SP260355 (formerly Lot 302 on SP261803), Parish of Murchison, located at 790-812 Norman Road, Norman Gardens, Council resolves to Approve the application subject to the following conditions:

**1.0 ADMINISTRATION**

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

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

## 2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Number</u>	<u>Dated</u>
Overall Site Plan	W-L172 / DA01 Issue C	07/04/2014
Part Site Plan	W-L172 / DA02 Issue C	07/04/2014
Part Site Plan	W-L172 / DA03 Issue C	07/04/2014
Floor Plan: Units 1 – 6	W-L172 / DA04 Issue B	24/03/2014
Elevations: Units 1 – 6	W-L172 / DA05 Issue B	24/03/2014
Floor Plan: Units 7 – 11	W-L172 / DA06 Issue B	16/12/2013
Elevations: Units 7 – 11	W-L172 / DA07 Issue B	24/03/2014
Floor Plan: Units 12 – 18	W-L172 / DA08 Issue B	24/03/2014
Elevations: Units 12 – 18	W-L172 / DA09 Issue B	24/03/2014

- 2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.
- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council prior to the submission of a Development Application for Operational Works.
- ## 3.0 ACCESS AND PARKING WORKS
- 3.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the site.
- 3.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Parking Facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 3.3 Any application for a Development Permit for Operational Works (access and parking works) must be accompanied by detailed and scaled plans which demonstrate the turning movements/swept paths of the largest vehicle to access the site including refuse collection vehicles.

#### 4.0 PLUMBING AND DRAINAGE WORKS

- 4.1 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act, Plumbing and Drainage Act*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 4.2 The development must be connected to Council's reticulated water supply and sewerage network.
- 4.3 The existing water supply and sewerage connection point(s) must be retained and upgraded, if necessary, to service the development.
- 4.4 Adequate domestic and fire fighting protection must be provided to the development and must be certified by a hydraulic engineer or other suitably qualified person.
- 4.5 All internal plumbing and sanitary drainage works must be completely independent for each unit.
- 4.6 The development must be provided with a master meter at the property boundary and sub meters for each sole occupancy unit in accordance with the *Queensland Plumbing and Wastewater Code and Council's Sub-metering Policy*.
- 4.7 Any water meter box or sewer connection located within trafficable areas must be raised or lowered to suit the finished surface level and must be provided with heavy duty trafficable lids.
- 4.8 The finished lamphole surface must be at a sufficient level to avoid ponding of stormwater above the top of the chamber. A heavy duty trafficable lid must be provided in the trafficable area.
- 4.9 All works must be undertaken in accordance with a *Queensland Development Code MP1.4* for building over or near relevant infrastructure.

#### 5.0 STORMWATER WORKS

- 5.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.
- 5.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 5.3 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect adjoining land or infrastructure 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.
- 5.4 Any application for a Development Permit for Operational Works (stormwater works) must include an assessment of how the development meets the water quality design objectives and performance outcomes of Appendix two (2) of the *State Planning Policy 2013*.

#### 6.0 ROOF AND ALLOTMENT DRAINAGE WORKS

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

**7.0 SITE WORKS**

- 7.1 All earthworks must be undertaken in accordance with *Australian Standards, AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 7.2 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.
- 7.3 Any vegetation cleared or removed must be:
- (i) mulched on-site and utilised on-site for landscaping purposes, in accordance with the landscaping plan approved by Council; or
  - (ii) removed for disposal at a location approved by Council;
- within sixty (60) days of clearing. Any vegetation removed must not be burnt.

**8.0 BUILDING WORKS**

- 8.1 All external elements, such as air conditioners, must be adequately screened from public view, to Council's satisfaction. Noise from any external elements, such as air conditioners, must not exceed the limits specified in the *Environmental Protection Act*.
- 8.2 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 8.3 Private open space areas provided for each unit must be fenced with a 1.8 metre high fence. The fence must be constructed of materials and finishes that are aesthetically pleasing and commensurate with the surrounding residential area.
- 8.4 All units must be provided with open-air clothes drying facilities and the facilities must be screened from public view.
- 8.5 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.
- 8.6 All waste storage areas must be:
- 8.6.1 provided with a suitable hose-cock (with backflow prevention) and hoses at the refuse container area, and wash-down must be drained to the sewer and fitted with an approved stormwater diversion valve arrangement;
  - 8.6.2 of a sufficient size to accommodate commercial sized bins to be serviced by a commercial contractor plus clearances around the bins for manoeuvring and cleaning; and
  - 8.6.3 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.

**9.0 LANDSCAPING WORKS**

- 9.1 Landscaping must be provided generally in accordance with the approved plans (refer to condition 2.1).
- 9.2 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure. Small shrubs and groundcover are acceptable.
- 9.3 The landscaped areas must be subject to an ongoing maintenance and replanting programme (if necessary).

**10.0 ELECTRICITY AND TELECOMMUNICATIONS**

- 10.1 Underground electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.
- 10.2 Evidence must be provided of a 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.

**11.0 ASSET MANAGEMENT**

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

**12.0 ENVIRONMENTAL**

- 12.1 An Erosion Control and Stormwater Control Management Plan must be implemented and maintained on-site for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The prepared Erosion Control and Stormwater Control Management Plan must be available on-site for inspection by Council Officers during those works.

**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 Academic Court, Foulkes Street or Springfield Drive.
- 13.2 Waste collection must be by commercial arrangement, with the loading and/or unloading of waste collection vehicles limited between the hours of 0700 and 1900 Monday to Saturday and between the hours of 0800 and 1500 on Sundays.
- 13.3 All waste storage areas must be kept in a clean and tidy condition in accordance with *Environmental Protection (Waste Management) Regulations*.
- 13.4 No waste material is permitted to be stored external to the waste storage enclosures.

**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](http://www.datsima.qld.gov.au).

**NOTE 2. General Environmental Duty**

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

**NOTE 3. 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 4. Infrastructure Charges Notice**

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

**RECOMMENDATION C**

That in relation to the application for a Development Permit for a Multi Unit Dwelling (eighteen units), made by Bailey Property Fund Pty Ltd A.C.N 165 291 850, on Lot 172 on SP260355 (formerly Lot 302 on SP261803), Parish of Murchison, located at 790-812 Norman Road, Norman Gardens, Council resolves to issue an infrastructure charges notice for the amount of **\$357,000.00**.

**BACKGROUND****PROPOSAL IN DETAIL**

The proposal is for a multi-unit complex comprising eighteen double storey units. One to two covered parking spaces will be constructed for each unit along with six visitor spaces located towards the Springfield Drive frontage and five other visitor spaces dispersed between the units.

A variety of floor plans are proposed for the units which include:

- Two units with four bedrooms, an ensuite and shared bathroom;
- Three units of three bedrooms, an ensuite and shared bathroom; and
- Thirteen units of three bedrooms with each bedroom containing an ensuite bathroom.

Each unit will contain a kitchen, dining and lounge area, laundry and garage and wash closet on the ground floor. Each unit will have private open space available on the ground floor in the form of a patio and courtyard which will also accommodate open air clothes drying.

**SITE AND LOCALITY**

The subject site is currently vacant, fairly regular in shape with very little slope. The site is bound by roads to the north, east and south and a drainage reserve adjoins the site to the west. Access to the site will be obtained from Academic Court.

The surrounding area is typically comprised of single houses and the occasional duplex. The majority of lots in the vicinity of this site are still vacant and in the process of having residential uses constructed. Further to the west of the subject site is the Central Queensland University and further to the south is a large portion of land which is to be developed as public open space.

**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 – 19 June 2014**

Support, subject to conditions.

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

Support, subject to conditions.

**Public and Environmental Health Comments**

No comments provided.

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

**State Planning Policy 2013**

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

**Mining and extractive resources**

Not Applicable.

**Biodiversity**

Not Applicable.

**Coastal environment**

Not Applicable.

**Water quality**

Not Applicable.

**Emissions and hazardous activities**

Not Applicable.

**Natural hazards**

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

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

**Complies.** The proposal does not impinge on Rockhampton's role within the region.

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

**Not applicable.** The subject site is not proximal to any natural resources.

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

**Not applicable.** The proposal does not impact on any natural assets.

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

**Complies.** The proposal does not impact upon the environment or the region's biodiversity.

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

**Not applicable.** The proposal does not involve any commercial development and will not impact on the centres hierarchy.

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

**Not applicable.** The proposal does not involve any commercial development and will not impact on commercial centres within the region.

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

**Not applicable.** The proposal does not involve any industrial development and will not impact on industrial uses within the region.

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

**Complies.** The subject land is not identified on the State Heritage Register nor is it adjoining a Heritage Place.

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

**Complies.** The proposal provides an alternative accommodation type which will satisfy a community need having regard to the proximity to the university.

- (10) *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 will not impact on the function or operation of Rockhampton's community or health care uses.

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

**Not applicable:** The proposal does not entail subdivision of land.

- (12) *Infrastructure is provided and augmented in a sequenced manner in Rockhampton, resulting in appropriate, efficient, affordable, reliable, timely and lasting infrastructure*

*provision that is not compromised by new development and is sensitive to the environment.*

**Complies.** The development will not affect the provision of infrastructure and will be connected to the suite of appropriate infrastructure networks.

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

**Complies.** The proposal will be appropriately connected with Rockhampton's transport network. A pedestrian path exists along Foulkes Street.

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

**Complies.** The proposal will have convenient access to public open spaces.

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

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

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

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

*The Area is not intended to accommodate more intense forms of residential development, particularly on the steeper land, however if a need can be demonstrated for aged or student accommodation in this Area then it will be located on larger allotments of generally greater than 4000m<sup>2</sup> with frontage to Norman Road, as compared to existing allotments which are generally of an average 700m<sup>2</sup> in size, to enable development to be appropriately designed and sited to minimise impacts on adjoining development.*

The proposed use cannot be considered a consistent use within the Norman Road Residential Area.

### **Rockhampton City Plan Codes**

The following codes are applicable to this application:

- Multi Unit Dwelling, Accommodation Building and Duplex Code;
- Crime Prevention Through Environmental Design Code;
- Parking and Access Code;
- Landscape Code; and
- Airport 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.	It can be reasonably expected that there is an opportunity to construct a multi unit development on a larger allotment such as this and would not be an unreasonable development to occur in a residential area where there is a lack of variety in housing.
P13	Any multi unit dwelling or duplex provides sufficient open space for the needs of residents housed within the development that: <ul style="list-style-type: none"> <li>a) are clearly defined for private use;</li> <li>b) are of dimensions to suit the projected requirements of the occupants, and to accommodate some outdoor recreational needs as well as providing space for service functions; and</li> <li>c) contain a part of the private open space that is capable of serving as an extension of the dwelling unit for relaxation, dining, entertainment, recreation and children's play, and is accessible from a main living area of the dwelling.</li> </ul>	All units provide greater than thirty (30) square metres private open space except for three units which provide 29.6 square metres and one unit which provides 28.2 square metres of private open space.  Private open space provided is considered to be sufficient for the development having regard to the proximity of the site to public open space areas and sporting facilities.
P18	Areas for waste disposal, storage and collection: <ul style="list-style-type: none"> <li>a) are located so as to avoid adverse amenity impacts on neighbouring dwelling units; and</li> <li>b) do not detract from the character and amenity of the streetscape; and</li> <li>c) are easily accessible by waste collection vehicles or persons.</li> </ul>	The development provides areas which are aesthetically screened from view for waste disposal and storage, however the development proposes to store up to thirty-six wheelie bins on the kerb on collection day. This number of bins is not an issue from the perspective of Council's waste collection service, however is considered to have an adverse impact on amenity.  It is considered an appropriate solution for the development to be serviced by commercial waste collection which can be provided on site. A condition has been provided in the recommendation below to reflect this waste management strategy.

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. Sufficient grounds to support the development are as follows:

- a) The development is proximal to the university, providing additional choice in the form of residential accommodation available to support a high demand facility;
- b) The Norman Road Residential Area identifies that if a need is demonstrated, multi-unit dwelling development can be consistent in this area where it is located on larger lots. The site is of a size which is considered capable of supporting multi unit development without compromising the character of the area;
- c) There is also an identified shortfall in alternative housing types in the Norman Road Residential Area, which demonstrates the need for this development which is able to support student accommodation or accommodation for others in various stages of life;
- d) The proposed use does not compromise the achievement of the Desired Environmental Outcomes in the *Rockhampton City Plan 2005*;
- e) Assessment of the development against the relevant area intent, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and
- f) The proposed development does not compromise the relevant State Planning Policy.

Having regard to all of the above, it is recommended that Council consider the proposed development favourably in this instance.

### INFRASTRUCTURE CHARGES

Adopted Infrastructure Charges Resolution (No.3) 2014 for residential development applies to the application and it falls within Charge Area 1. The Adopted Infrastructure Charges are as follows:

Column 1 Use Schedule	Column 2 Charge Area	Column 3 Adopted Infrastructure Charge (\$/unit)	Column 4 Unit
		3 or more bedroom dwelling	
Residential	Area 1	21,000	per dwelling
Total			\$378,000.00
Less credit			\$21,000.00
<b>TOTAL CHARGE</b>			<b>\$357,000.00</b>

This is based on the following calculations:

- (a) A calculated charge of \$378,000.00 for eighteen units with three bedrooms; and
- (b) A credit of \$21,000.00 for the existing allotment.

Therefore a total charge of **\$357,000.00** is payable and will be reflected in an Infrastructure Charges Notice for the development.

### CONSULTATION

The proposal was the subject of public notification between 18 June 2014 and 11 July 2014, as per the requirements of the *Sustainable Planning Act 2009*, and no submissions were received.

**REFERRALS**

No referral agencies were triggered by the proposed development.

**CONCLUSION**

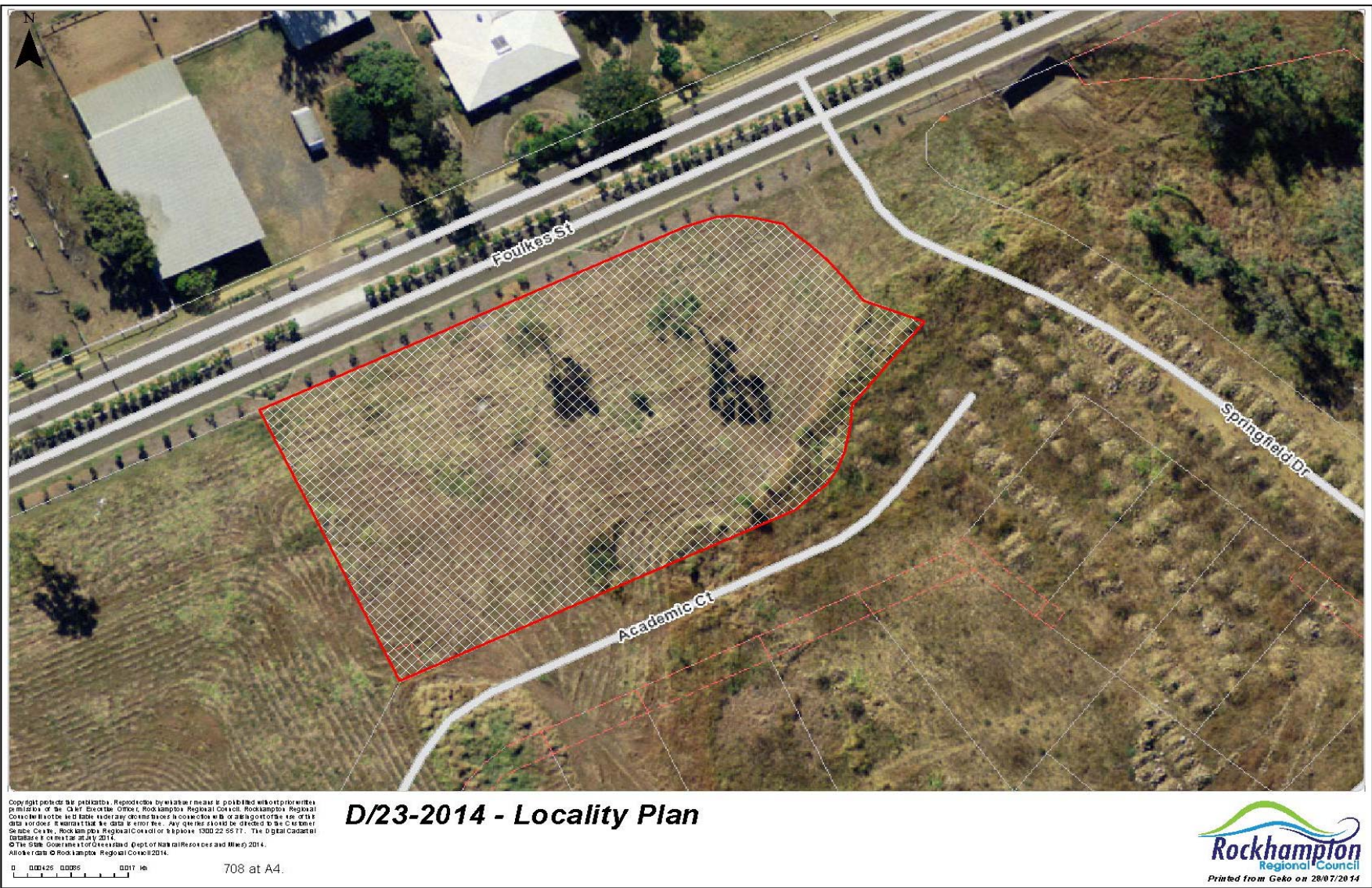
The proposed development is inconsistent with the Norman Road Residential Area however has been assessed against the relevant statutory documents, and the codes under the *Rockhampton City Plan 2005* and it is considered that there are sufficient grounds to justify a decision that favours the proposed development. The proposal is located on a site which is suited to the development and is not anticipated to have any adverse impacts on the surrounding uses. The development is therefore recommended for approval subject to conditions outlined below.

**D/23-2014 - DEVELOPMENT  
APPLICATION FOR A MATERIAL  
CHANGE OF USE FOR A MULTI UNIT  
DWELLING (EIGHTEEN UNITS)**

**Locality Plan**

**Meeting Date: 12 August 2014**

**Attachment No: 1**

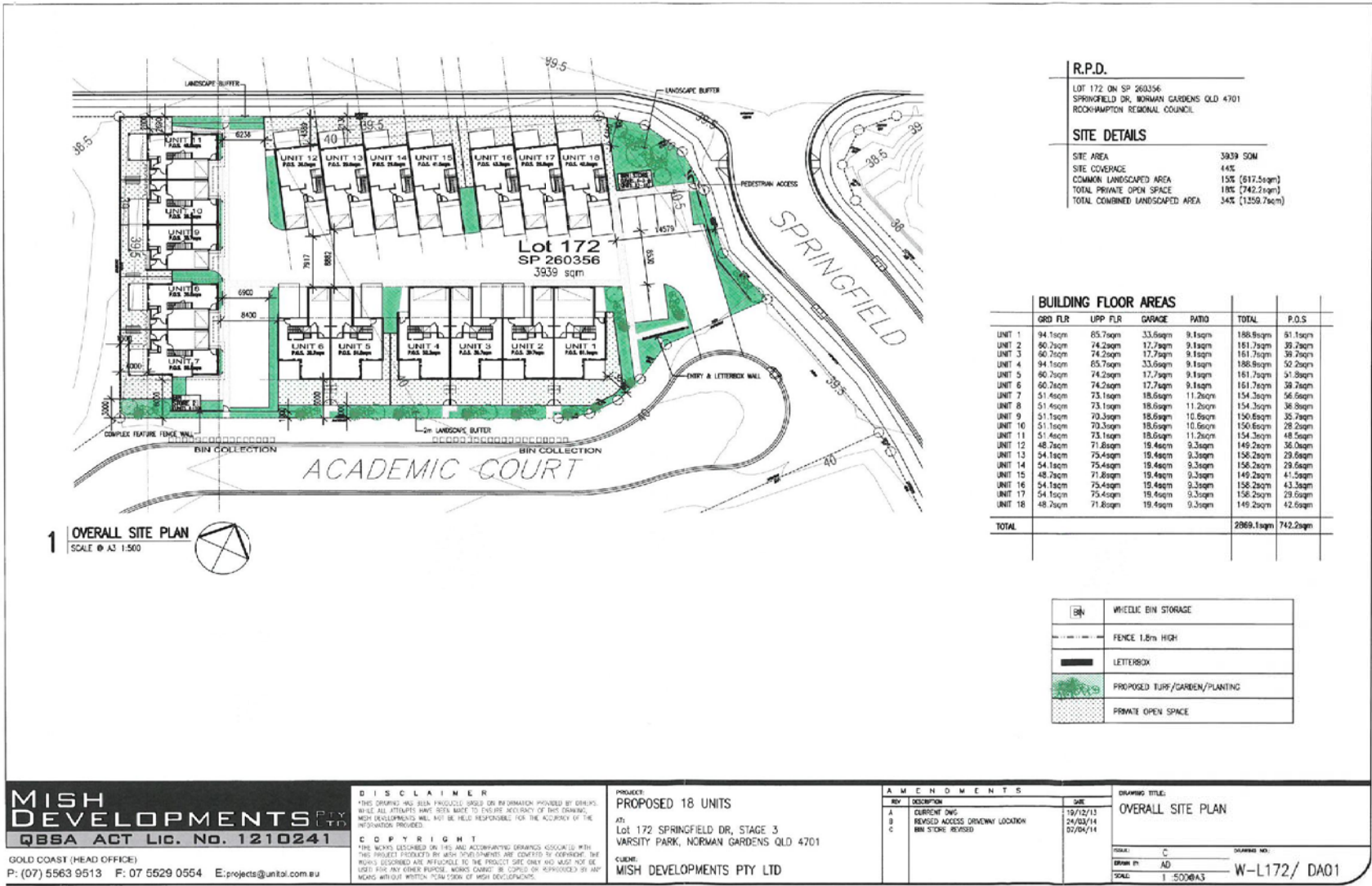


**D/23-2014 - DEVELOPMENT  
APPLICATION FOR A MATERIAL  
CHANGE OF USE FOR A MULTI UNIT  
DWELLING (EIGHTEEN UNITS)**

**Proposal Plan**

**Meeting Date: 12 August 2014**

**Attachment No: 2**

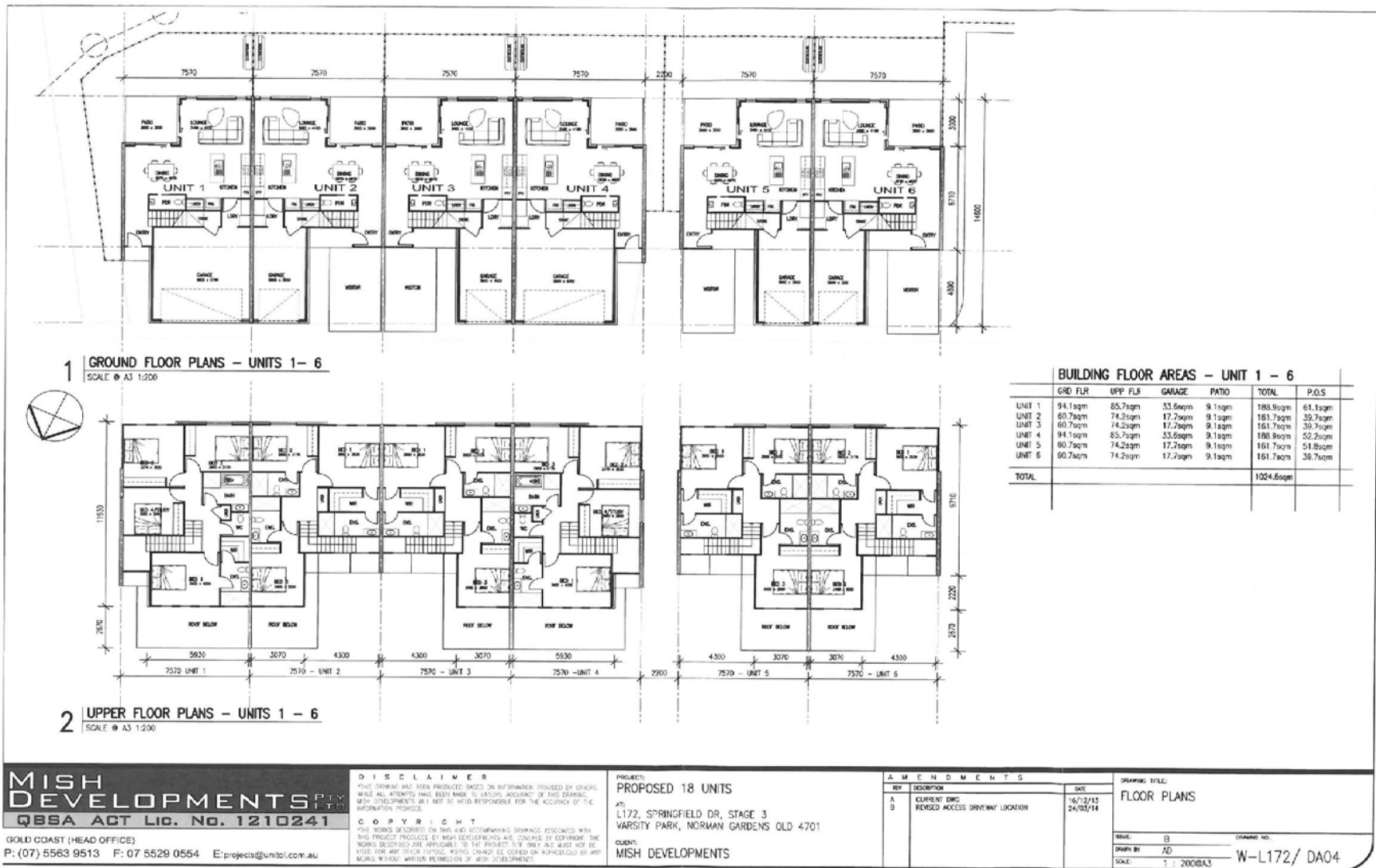


**D/23-2014 - DEVELOPMENT  
APPLICATION FOR A MATERIAL  
CHANGE OF USE FOR A MULTI UNIT  
DWELLING (EIGHTEEN UNITS)**

**Floor Plan (Units 1 to 6)**

**Meeting Date: 12 August 2014**

**Attachment No: 3**

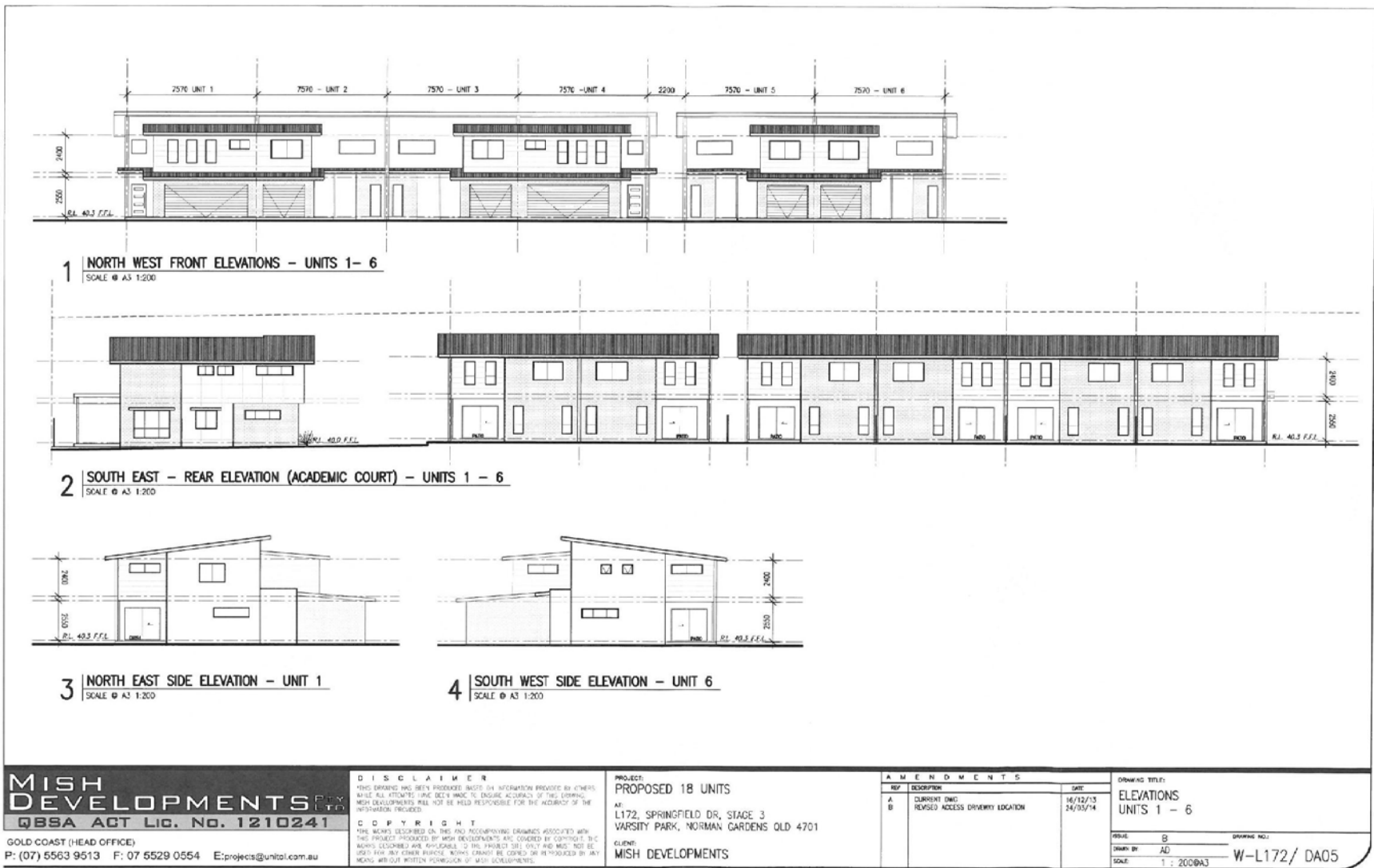


**D/23-2014 - DEVELOPMENT  
APPLICATION FOR A MATERIAL  
CHANGE OF USE FOR A MULTI UNIT  
DWELLING (EIGHTEEN UNITS)**

**Elevations (Units 1 to 6)**

**Meeting Date: 12 August 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 D1636-2008 Progress of development and compliance at Port Curtis

This report is considered confidential in accordance with section 275(1)(f) (g), of the *Local Government Regulation 2012*, as it contains information relating to starting or defending legal proceedings involving the local government; AND any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act.

## 13 CONFIDENTIAL REPORTS

### 13.1 D1636-2008 PROGRESS OF DEVELOPMENT AND COMPLIANCE AT PORT CURTIS

**File No:** D1636-2008

**Attachments:**

1. Attachment 1
2. Attachment 2
3. Attachment 3

**Authorising Officer:** Russell Claus - Manager Planning  
Robert Holmes - General Manager Regional Services

**Author:** Tarnya Fitzgibbon - Coordinator Development Assessment

This report is considered confidential in accordance with section 275(1)(f) (g), of the *Local Government Regulation 2012*, as it contains information relating to starting or defending legal proceedings involving the local government; AND any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act.

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#### SUMMARY

*An update will be provided in relation to the compliance and enforcement issues with the Vehicle Depot use and the Salvage Yard use undertaken at Port Curtis by the Busby Group.*

## **14 CLOSURE OF MEETING**