



PLANNING & DEVELOPMENT COMMITTEE MEETING

MINUTES

12 AUGUST 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.....	2
6	BUSINESS OUTSTANDING	3
	NIL	3
7	PUBLIC FORUMS/DEPUTATIONS	4
	NIL	4
8	OFFICERS' REPORTS.....	5
8.1	D/23-2014 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A MULTI UNIT DWELLING (EIGHTEEN UNITS)	5
8.2	ADOPTION OF INFRASTRUCTURE CHARGES RESOLUTION (NO. 4)	12
9	STRATEGIC REPORTS.....	13
	NIL	13
10	NOTICES OF MOTION.....	14
	NIL	14
11	URGENT BUSINESS\QUESTIONS	15
12	CLOSED SESSION	16
13.1	D1636-2008 PROGRESS OF DEVELOPMENT AND COMPLIANCE AT PORT CURTIS	16
13	CONFIDENTIAL REPORTS.....	17
13.1	D1636-2008 PROGRESS OF DEVELOPMENT AND COMPLIANCE AT PORT CURTIS	17
14	CLOSURE OF MEETING	18

**REPORT OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING HELD AT
COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON ON TUESDAY,
12 AUGUST 2014 COMMENCING AT 1.30PM**

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 A P Williams
Councillor R A Swadling

In Attendance:

Mr E Pardon – Chief Executive Officer
Mr R Holmes – General Manager Regional Services
Mr R Claus – Manager Planning
Mr R Truscott – Coordinator Strategic Planning
Ms T Fitzgibbon – Coordinator Development Assessment
Ms R DeVries – Senior Planning Officer
Ms L Price – Community Awareness Officer
Ms K Mahon – Committee Support Team Leader

3 APOLOGIES AND LEAVE OF ABSENCE

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

COMMITTEE RESOLUTION

That the apologies tendered for the absence of Councillor Fisher be 'received'.

Moved by: Mayor Strelow

Seconded by: Councillor Smith

MOTION CARRIED

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COMMITTEE RESOLUTION

THAT the minutes of the Planning & Development Committee held on 29 July 2014 be taken as read and adopted as a correct record.

Moved by: Councillor Smith

Seconded by: Councillor Rutherford

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 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

COMMITTEE RESOLUTION**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.

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**.

Moved by: Councillor Swadling

Seconded by: Councillor Rutherford

MOTION CARRIED

8.2 ADOPTION OF INFRASTRUCTURE CHARGES RESOLUTION (NO. 4)

File No: RRPS-PRO-2010/01/01/05

Attachments: 1. Draft Adopted Infrastructure Charges Resolution (No. 4)

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

Author: Robert Truscott - Coordinator Strategic Planning

SUMMARY

On 4 July statutory changes to infrastructure charging arrangements commenced as a result of a review conducted by the State Government. The State also introduced the possibility of their co-investment in priority development infrastructure in council jurisdictions that adopted charges not greater than 'Fair Value' charges. This report proposes a new infrastructure charges resolution to reflect the statutory changes and to respond to the 'Fair Value' charge opportunity.

COMMITTEE RESOLUTION

1. THAT the attached draft Adopted Infrastructure Charges Resolution (No 4) 2014 that has charges set no greater than the proposed "Fair Value Schedule of Charges" be adopted to commence on 25 August, 2014.
2. THAT the Minister of State Development Infrastructure and Planning and Economic Development Queensland be notified that Council has set infrastructure charges to be no greater than the "Fair Value Schedule of Charges".
3. That the non-residential charges as contained in Adopted Infrastructure Charges Resolution (No 4) are indexed annually from the date of commencement using the Producer Price Index – Road and Bridge Construction Index for Queensland up to the regulated maximum charges.

Moved by: Mayor Strelow

Seconded by: Councillor Swadling

MOTION CARRIED UNANIMOUSLY

9 STRATEGIC REPORTS

Nil

10 NOTICES OF MOTION

Nil

11 URGENT BUSINESS\QUESTIONS

2:01PM

In accordance with s173(2) of the *Local Government Act 2009*, Councillor Swadling disclosed a conflict of interest in respect of Item 13.1 – D1636-2008 Progress of development and compliance at Port Curtis due to a family member being employed by the company, the Councillor considered her position, did not take part in the debate and left the 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.

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 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.

Moved by: Mayor Strelow

Seconded by: Councillor Smith

MOTION CARRIED

COMMITTEE RESOLUTION**2:01PM**

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 Smith

Seconded by: Councillor Williams

MOTION CARRIED

COMMITTEE RESOLUTION**2:24PM**

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 Rutherford

Seconded by: Councillor Williams

MOTION CARRIED

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.

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.

COMMITTEE RESOLUTION

1. That the report be received and that the site be monitored to ensure compliance
2. That Council sends a letter to remind the landholder that compliance is expected

Moved by: Mayor Strelow
Seconded by: Councillor Smith

MOTION CARRIED

14 CLOSURE OF MEETING

There being no further business the meeting closed at 2:24pm.

SIGNATURE

CHAIRPERSON

DATE