



PLANNING & DEVELOPMENT COMMITTEE MEETING

AGENDA

26 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 26 August 2014 commencing at 1.30pm for transaction of the enclosed business.

A handwritten signature in black ink that reads "R Chessman".

ACTING CHIEF EXECUTIVE OFFICER
20 August 2014

Next Meeting Date: 09.09.14

Please note:

In accordance with the *Local Government Regulation 2012*, please be advised that all discussion held during the meeting is recorded for the purpose of verifying the minutes. This will include any discussion involving a Councillor, staff member or a member of the public.

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1 OPENING

2 PRESENT

Members Present:

Councillor A P Williams (Acting Chairperson)
Councillor C E Smith
Councillor C R Rutherford
Councillor G A Belz
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.

Mayor Margaret Strelow tendered her apology and will not be in attendance.

4 CONFIRMATION OF MINUTES

Minutes of the Planning & Development Committee held 12 August 2014

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 BUSINESS OUTSTANDING

Nil

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 OFFICERS' REPORTS

8.1 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR COMMERCIAL PREMISES

File No: D/121-2014

Attachments:

1. Locality Plan
2. Overall Site Plan - SK-01 Rev 3
3. Proposed Floor Plan - SK-03 Rev 4

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

Author: Corina Hibberd - Planning Officer

SUMMARY

Development Application Number: D/121-2014

Applicant: Cascade Retail No.2 Pty Ltd

Real Property Address: 109-113 George Street, Rockhampton City

Common Property Address: Lot 4 on SP266029 (Formerly known as Lot 1 on SP197268)

Area of Site: 341 square metres (Lease Area D)

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: South Rockhampton Highway Commercial Area

Planning Scheme Overlays: Nil

Existing Development: 'One-Eleven On George' Convenience Centre

Existing Approvals: D-1673/2005/B Material Change of Use (Convenience centre – Shops, Restaurants and Take-away Food Stores)
 D11-2014 Material Change of Use for Indoor Sport and Recreation

Approval Sought: Development Permit for a Material Change of Use for Commercial Premises

Level of Assessment: Impact Assessable

Submissions: Nil

Referral Agency(s): Department of Transport and Main Roads

Adopted Infrastructure Charges Area: Charge Area One

Application Progress:

<i>Application Lodged:</i>	20 May 2014
<i>Acknowledgment Notice issued:</i>	27 May 2014
<i>Request for Further Information sent:</i>	11 June 2014
<i>Request for Further Information responded to:</i>	19 June 2014
<i>Submission period commenced:</i>	26 June 2014

<i>Submission period end:</i>	<i>16 July 2014</i>
<i>Council request for additional time:</i>	<i>8 August 2014</i>
<i>Government Agency Response:</i>	<i>16 July 2014</i>
<i>Last receipt of information from applicant:</i>	<i>17 July 2014</i>
<i>Statutory due determination date:</i>	<i>11 September 2014</i>

OFFICER'S RECOMMENDATION

RECOMMENDATION A

That in relation to the application for a Development Permit for a Material Change of Use for Commerical Premises, made by Flinders Hyder on behalf of Cascade Retail No.2 Pty Ltd, on Lot 4 on SP266029 (formerly known as Lot 1 on SP197268), Parish of Rockhampton, located at 109-113 George Street, Rockhampton City, Council resolves to Approve the application despite its conflict with the planning scheme and provide the following grounds to justify the decision despite the conflict:

- (a) The application is for a destination activity which is an intended use for this area as per the South Rockhampton Highway Commercial Area and unlikely that it would undermine the role of the CBD.
- (b) The use can be appropriately located at the site and is not likely to compromise the existing convenience centre complex functions.
- (c) Adequate parking is available on site having regard to the mix of uses and alternative peak parking demands in the complex. The site is also easily accessible via footpaths and bikeways which may reduce the reliance on the number of parking spaces required for the proposed use.
- (d) The proposed use does not compromise the achievements of the Desired Environmental Outcomes in the *Rockhampton City Plan 2005*.
- (e) Assessment of the development against the relevant planning scheme codes demonstrates that the proposed development will not cause significant adverse impacts 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 a Development Permit for a Material Change of Use for Commerical Premises, made by Flinders Hyder on behalf of Cascade Retail No.2 Pty Ltd, on Lot 4 on SP266029 (formerly known as Lot 1 on SP197268), Parish of Rockhampton, located at 109-113 George Street, Rockhampton City, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

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

- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior to the commencement of the use, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.6.1 Plumbing and Drainage Works; and
- 1.6.2 Building Works.
- 1.7 All Development Permits for 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.

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	SK-01 Rev 3	19 May 2014
Proposed Floor Plans	SK-03 Rev 4	19 May 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 commencement of the use.

3.0 PLUMBING AND DRAINAGE WORKS

- 3.1 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* and the provisions of a Development Permit for Plumbing and Drainage Works.
- 3.2 The development must be connected to Council's reticulated sewerage and water networks.
- 3.3 The existing sewerage and water connection point(s) must be retained, and upgraded if necessary, to service the development.
- 3.4 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.
- 3.5 Alteration or relocation of internal sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act*.
- 3.6 Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's sewerage reticulation. Arrestor traps must be provided where commercial or non-domestic waste water is proposed to be discharged into the system.

4.0 BUILDING WORKS

- 4.1 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*.
- 4.2 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development 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"'.

5.0 ASSET MANAGEMENT

- 5.1 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.

6.0 OPERATING PROCEDURES

- 6.1 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 George Street, Fitzroy Street, or Campbell Lane.
- 6.2 The hours of operations must be limited to:
- (i) 0800 hours to 1800 hours on Monday to Wednesday and Friday, and
 - (ii) 0800 hours to 2100 hours on Thursday; and
 - (iii) 0800 hours to 1600 hours on Saturday and Sunday.
- 6.3 The development must comply with the *Environmental Protection (Waste Management) Regulation* for the storage and collection of general and clinical wastes.
- 6.4 All waste storage areas must be kept in a clean, tidy condition in accordance with *Environmental Protection (Waste Management) Regulations*.
- 6.5 Clinical wastes must be serviced by qualified commercial contractors.
- 6.6 Noise from the activity must not cause an environmental nuisance.
- 6.7 When requested by the administering authority, noise monitoring must be undertaken and recorded to investigate any complaint of nuisance caused by noise. The monitoring data, an analysis of the data and a report, including noise mitigation measures, must be provided to the administering authority within fourteen (14) days of the completion of the investigation.

Noise measurements must be compared with the acoustic quality objectives specified in the most recent edition of the Environmental Protection (Noise) Policy and noise monitoring conducted in accordance with the most recent edition of Department of Environment and Heritage Protection Noise Measurement Manual.

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 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. Infrastructure Charges

Council has resolved not to issue an infrastructure charges notice for this development because the new infrastructure charges arising from the development are less than the credits applicable to the new development.

RECOMMENDATION C

That in relation to the application for a Development Permit for a Material Change of Use for Commerical Premises, made by Flinders Hyder on behalf of Cascade Retail No. 2 Pty Ltd, on Lot 4 on SP266029 (formerly known as Lot 1 on SP197268), Parish of Rockhampton, located at 109-113 George Street, Rockhampton City, Council resolves to not issue an Infrastructure Charges Notice.

BACKGROUND**PROPOSAL IN DETAIL**

The proposal is for a Medical Centre to be located in Lease Area D (now Lot 4 of the complex) at the 'One-Eleven On George' convenience centre complex, which is the tenancy at the northern corner of the site. The medical practice will incorporate four (4) consultancy rooms for general practitioners, a room for QML pathology, a reception, waiting room, bathrooms amenities, and rooms for storage, cleaning, records, staff room, and medical treatment procedures. No external changes to the façade will be made, with only minor internal alterations. The hours of operation will be 8am to 6pm Monday to Friday, 8am to 9pm on Thursday, and 8am to 4pm on Saturday and Sunday. The shops, restaurants etcetera at the centre have similar hours of operation. No additional car parking is proposed, as the centre parking can accommodate all tenancies' demand for car parking. Access is gained from George Street.

SITE AND LOCALITY

The subject site is located on the northern side of the road at the corner of George Street and Fitzroy Street. The site is 4,045 square metres in area and is improved by an existing convenience centre which comprises nine (9) tenancies, including Pizza Hut, Wok Me, Night Owl, Cold Rock, Australian Sports Nutrition, Discount Drug Store and The Coffee Club. The site gains access from George Street only, with an exit at George Street and Fitzroy Street. There are a number of car parks at the rear of the site which gain access from Campbell Lane. There is sufficient car parking on site to accommodate the demand from each tenancy. There is a mix of commercial, light industrial, residential and restaurants in the vicinity.

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 – 27 May 2014

Support, subject to conditions.

Infrastructure Operations Unit's (sewer and water) Comments – 23 June 2014

Support, subject to conditions.

Public and Environmental Health Comments – 22 May 2014

Support, subject to conditions.

TOWN PLANNING COMMENTS**Central Queensland Regional Plan 2013**

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

State Planning Policy 2014

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

Liveable communities

Not Applicable. The development has appropriate access to fire hydrant infrastructure and unimpeded access to emergency vehicles for the protection of people and property from fire and chemical incidents.

Mining and extractive resources

Not Applicable. The site is not within a key resource area or a transport route separation area of a key resource area.

Biodiversity

Not Applicable. The land does not relate to a matter of state environmental significance.

Coastal environment

Not Applicable. The land is not within a coastal management district.

Water quality

Not Applicable. The application does not involve receiving waters, or the water supply catchment in South East Queensland.

Natural hazard, risk and resilience

Not Applicable. The site is not affected by any flood, landslide or bushfire hazard.

Emissions and hazardous activities

Not Applicable. The use is not a sensitive land use and the site is not within a management area for the above listed activities.

State transport infrastructure

Not Applicable. The land is not located within 400 metres of a public or future public passenger transport facility.

Strategic airports and aviation facilities

Not Applicable. The use does not encroach into operational airspace of a strategic airport.

Rockhampton City Plan 2005

Rockhampton City Plan Strategic Framework This application is situated within the Commercial designation under the scheme's Strategic Framework Map. The 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 upon 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 important 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.
Complies. The proposal coincides with the intent of Highway Business Areas, being a destination activity.
- (6) Rockhampton's commercial centres are safe, attractive and readily accessible spaces for all members of the community.
Complies. The site is already developed and well integrated with existing commercial uses fronting onto George Street. The proposal is to change the use operating out of one of the existing tenancies.
- (7) Rockhampton's industrial development is consolidated in identified industrial locations throughout the City.
Complies: The proposal does not impinge upon Rockhampton's industrial areas.
- (8) Rockhampton's cultural and urban heritage, both indigenous and post European, is retained and conserved for future generations.
Not applicable. The subject land is not identified on the State or Local 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.
Not applicable. It is not expected that the development will detract from the amenity of existing residential lots as the proposed use is to locate within an existing convenience centre.
- (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.
Complies. This proposal increases the opportunity for more community members to readily access an additional local doctors surgery, in a prominent positions for visitors using the highway to access as well.
- (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 development does not involve residential development or the subdivision of land for residential use.

- (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 proposal will not impact on the provision of infrastructure. The site is already connected to the standard suite of urban services.

- (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 both the George Street and Fitzroy Street frontage.

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

Not applicable. The proposal will not impact on any existing public open space networks.

The performance assessment of the proposal demonstrates that the development will not compromise the *Rockhampton City Plan 2005* Desired Environmental Outcomes.

South Rockhampton Highway Commercial Area Intent

The subject site is situated within the South Rockhampton Highway Commercial Area under the *Rockhampton City Plan 2005*. The intent of the Area identifies that:

"The South Rockhampton Highway Commercial Area is a Highway Business Centre in the hierarchy of centres in Rockhampton. Accordingly, it is intended that this Area will incorporate destination activities that act as a frame for the higher order centres and accommodate commercial development that relies significantly on having a highway exposure. Commercial development has existed in this location for a number of years and, as expected, has developed in a strip / linear fashion. Given that this is the main arterial road through the City, with businesses focussing on and taking advantage of the highway exposure, it is intended to be developed with a variety of uses that rely on the highway for exposure.

The intent for the northern portion of the Area is to primarily accommodate motels, service stations, and fast food outlets, which primarily attract or service visitors passing through the City.

Further, it is not intended to accommodate office activities within the commercial premises definition or other activities that would undermine the role of the CBD or other centres."

The proposed use cannot be considered consistent use within the South Rockhampton Highway Commercial Area. Council should note, however, that the assessment manager's decision may conflict with a relevant instrument if there are sufficient grounds to justify the decision despite the conflict with the planning scheme, please see the sufficient grounds section below.

Rockhampton City Plan Codes

The following codes are applicable to this application: -

- Activity Centres Code
- Crime Prevention Through Environmental Design Code
- Landscape Code
- Parking and Access 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 each code is outlined below:

Landscape Code

The proposal does not achieve the minimum ten per cent landscaping area on site as identified in acceptable solution A2.1, however is considered to comply with the performance criteria. The site has an existing 5.5 per cent landscaped area as approved under the original material change of use application. The proposal is to be located within an existing convenience centre and it is not a community expectation that further landscaping be provided when there is a change of tenants. Having regard to this development formerly being approved with the reduced landscaping, it is considered reasonable that the maintenance of the existing landscaping be required of the proposed use, however no further landscaping is required in this instance.

Parking and Access Code

The proposal will not be providing additional car parking spaces as it will be located within an existing tenancy of the convenience centre. The site has already been assessed and approved with the number of car parking spaces which currently exist. The proposed use is expected to have the same car parking demands as uses which are consistent and supported in this location. As a commercial premises, the number of car parking spaces required (based on the gross floor area) would be twelve (12). The convenience centre contains a total of sixty-four (64) off-street car parking spaces and therefore it is considered that the existing parking arrangements are adequate for the proposed use.

Crime Prevention through Environmental Design Code

The proposal complies with the relevant outcomes of this code. The existing building has excellent casual street surveillance and is generally a safe complex.

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 explicitly 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. It is considered that there are sufficient grounds to support the use albeit the area intent does not identify the use as being specifically consistent or inconsistent with the area intent. Sufficient grounds to support the development are as follows:

- (a) The application is for a destination activity which is an intended use for this area as per the South Rockhampton Highway Commercial Area and unlikely that it would undermine the role of the CBD.
- (b) The use can be appropriately located at the site and is not likely to compromise the existing convenience centre complex functions.
- (c) Adequate parking is available on site having regard to the mix of uses and alternative peak parking demands in the complex. The site is also easily accessible via footpaths and bikeways which may reduce the reliance on the number of parking spaces required for the proposed use.
- (d) The proposed use does not compromise the achievements of the Desired Environmental Outcomes in the *Rockhampton City Plan 2005*.
- (e) Assessment of the development against the relevant planning scheme codes demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity.

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

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

INFRASTRUCTURE CHARGES

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

Column 1 Use Schedule	Column 2 Charge Area	Column 3 Adopted Infrastructure Charge		Column 4 Adopted Infrastructure Charge for stormwater network		Calculated Charge
		(\$)	Unit	(\$)	Unit	
Essential Services	Areas 1	140	per m ² of GFA	10	per m ² of impervious area	\$47,740.00

This is based on the following calculations:

- (a) An amount of \$47,740.00 applies for 341 square metres of gross floor area involved in the tenancy charged at a rate of \$140 per square metre; and
- (b) An Infrastructure Credit of \$61,380.00 applies for 341 square metres of gross floor area for the previous Shop use of the tenancy, charged at a rate of \$180 per square metre.

It is noted that there is a recently approved application over this site for a gym (D11/2014 Material Change of Use for Indoor Sport and Recreation). This use had the same charge as this application, however the use never commenced. Therefore, the previous use was a 'Shop' and the charge and credit is based on this. There is a remaining credit of \$13,640.00 over this site.

Having regard to the total credit available, there are no Infrastructure Charges payable in this instance.

CONSULTATION

The proposal was the subject of public notification between 26 June 2014 and 16 July 2014, as per the requirements of the *Sustainable Planning Act 2009*, and no submissions were received.

REFERRALS

The application was referred to the State Assessment and Referral Agency as a concurrence agency as the development site adjoins a State-controlled road. The application was referred to the agency on 4 June 2014. The agency supported the application subject to conditions on 16 July 2014.

CONCLUSION

As demonstrated in the above report, the proposed development for a Material Change of Use for a Commercial Premises is considered consistent with the various requirements prescribed by the planning scheme. The only area of conflict with the provisions of the scheme pertains to the South Rockhampton Highway Commercial Area intent. In this instance, it is considered that sufficient grounds exist for approving the application.

The use is appropriately located at this site, being within an existing convenience commercial centre and does not compromise the role and function of the Centres Hierarchy.

The proposal is therefore recommended for approval in accordance with the approved plans and subject to the conditions outlined in the recommendation.

DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR COMMERICAL PREMISES

Locality Plan

Meeting Date: 26 August 2014

Attachment No: 1

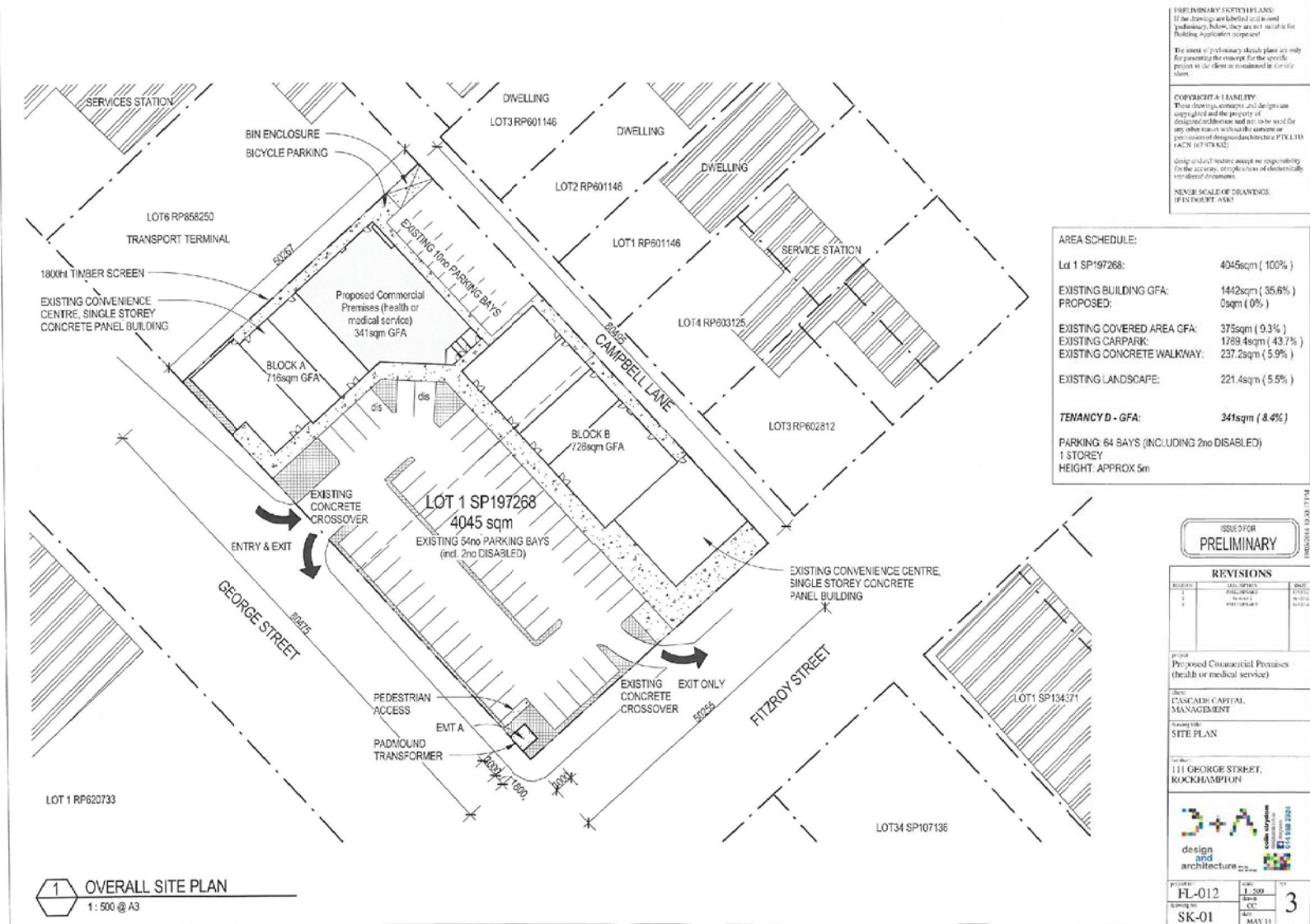


DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR COMMERICAL PREMISES

Overall Site Plan - SK-01 Rev 3

Meeting Date: 26 August 2014

Attachment No: 2

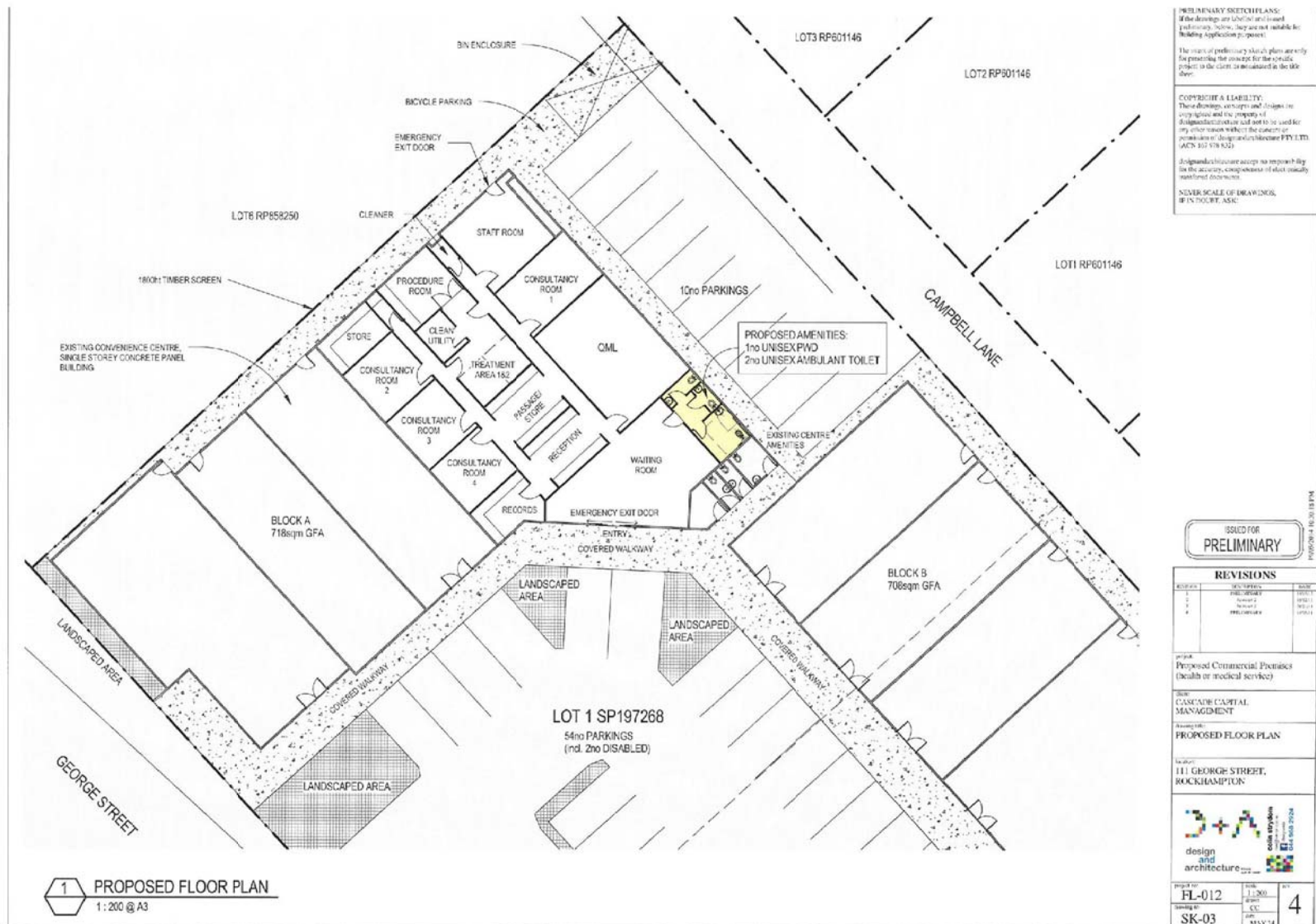


DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR COMMERICAL PREMISES

Proposed Floor Plan - SK-03 Rev 4

Meeting Date: 26 August 2014

Attachment No: 3



8.2 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A HOUSE

File No: D/100-2014

Attachments:

1. Locality Plan
2. Overall Site Plan - d12.102-SP1 Rev 1
3. Building Location Envelope

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

Author: Petrus Barry - Senior Planning Officer

SUMMARY

Development Application Number: D/100-2014

Applicant: A R Clarke

Real Property Address: Lot 4 on RP603374, Lot 5 on RP603374, Lot 14 on RP603374 and Lot 15 on RP603374, Parish of Archer

Common Property Address: 625 Montgomerie Street, Lakes Creek

Area of Site: 5,179 hectares

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: Berserker Range Environmental Protection Area

Planning Scheme Overlays: Steep and Unstable Land, Bushfire Hazard and Remnant Vegetation

Existing Development: Vacant

Existing Approvals: Dwelling House (lapsed)

Approval Sought: Development Permit for a Material Change of Use for a House

Level of Assessment: Impact Assessable

Submissions: One (1) submission

Referral Agency(s): Nil

Adopted Infrastructure Charges Area: Charge Area three

Application Progress:

<i>Application Lodged:</i>	29 April 2014
<i>Acknowledgment Notice issued:</i>	6 May 2014
<i>Request for Further Information sent:</i>	20 May 2014
<i>Request for Further Information responded to:</i>	26 June 2014
<i>Submission period commenced:</i>	8 July 2014
<i>Submission period end:</i>	29 July 2014
<i>Last receipt of information from applicant:</i>	31 July 2014
<i>Statutory due determination date:</i>	27 August 2014

OFFICER'S RECOMMENDATION**RECOMMENDATION A**

That in relation to the application for a Development Permit for a Material Change of Use for a House, made by A R Clarke on Lot 4 on RP603374, Lot 5 on RP603374, Lot 14 on RP603374 and Lot 15 on RP603374, Parish of Archer, located at 625 Montgomerie Street, Lakes Creek, Council resolves under section 304(1) of the *Sustainable Planning Act 2009*:

- a) that it is satisfied that the non-compliances with the public notification procedures have not:
 - (i) adversely affected the awareness of the public of the existence and nature of the application; or
 - (ii) restricted the opportunity of the public to make properly made submissions; and
- b) to assess and decide the application despite some of the requirements for public notification not being complied with.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for a House, made by A R Clarke on Lot 4 on RP603374, Lot 5 on RP603374, Lot 14 on RP603374 and Lot 15 on RP603374, Parish of Archer, located at 625 Montgomerie Street, Lakes Creek, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of the use, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior to the commencement of the use, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
 - 1.6.1 Operational Works:
 - (i) Road Works;
 - (ii) Access Works;
 - (iii) Stormwater Works;
 - (iv) Roof and Allotment Drainage Works; and
 - (v) Site 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.
- 1.10 Lot 4 on RP603374, Lot 5 on RP603374, Lot 14 on RP603374 and Lot 15 on RP603374, Parish of Archer must be amalgamated and registered as one lot prior to the issue of a Development Permit for Building Works.
- 1.11 All conditions, works, or requirements of this development approval relating to the existing unlawful earthworks must be undertaken and completed by obtaining a Development Permit for Operational Works (site works) that must be accompanied by an earthworks plan:
- 1.11.1 to Council's satisfaction;
- 1.11.2 at no cost to Council; and
- 1.11.3 within six (6) months of the date of this Decision Notice, unless otherwise stated.

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	D12-102.SP1 Rev 1	June 2014
Access Set-out Option 2 Sheet 1 of 2	D12-102.SK7 Rev 1	June 2014
Access Set-out Option 2 Sheet 2 of 2	D12-102.SK8 Rev 1	June 2014
Long Section Option 2 Sheet 1 of 2	D12-102.SK9 Rev 1	June 2014
Long Section Option 2 Sheet 2 of 2	D12-102.SK10 Rev 1	June 2014
Cross Section Option 2 Sheet 1 of 2	D12-102.SK11 Rev 1	June 2014
Cross Section Option 2 Sheet 2 of 2	D12-102.SK12 Rev 1	June 2014
Building Location Envelope	untitled	15 April 2014
Bushfire Hazard Assessment and Management Plan	40700 bha Clarke v2.docx	26 March 2014

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

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

3.0 ROAD WORKS

- 3.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road 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*, relevant *Australian Standards* and the provisions of a Development Permit for Operational Works (road works).
- 3.3 A three (3) metre wide concrete access must be constructed from the intersection of Montgomerie Street and Dorly Street to the access point for the subject allotment. The access must be constructed such that future widening to a total width of 5.5 metres can be achieved within the existing road reserve.

4.0 ACCESS WORKS

- 4.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access works on the site.
- 4.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Parking Facilities"* and the provisions of a Development Permit for Operational Works (access works).
- 4.3 The internal access driveway associated with the proposed development must be concrete paved or asphalted.

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* and the *Plumbing and Drainage Act*.
- 5.2 The development must be connected to Council's reticulated water network via a 'Special Water supply arrangement'.

6.0 PLUMBING AND DRAINAGE WORKS

- 6.1 All plumbing and sanitary drainage works must be in accordance with regulated work under the *Plumbing and Drainage Act* and Council's Plumbing and Drainage Policies.
- 6.2 On-site sewage treatment and disposal must be in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Plumbing and Drainage Policies.
- 6.3 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.

7.0 STORMWATER WORKS

- 7.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.
- 7.2 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).
- 7.3 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.

8.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 8.1 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.
- 8.2 All roof and allotment drainage must be in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.
- 8.3 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.

9.0 SITE WORKS

- 9.1 A Development Permit for Operational Works (site works) must be obtained in accordance with condition 1.11 for the site works that have already been undertaken.
- 9.2 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any further site works.
- 9.3 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan which clearly identifies the following:
- 9.3.1 the location of cut and/or fill;
 - 9.3.2 the type of fill to be used and the manner in which it is to be compacted; and
 - 9.3.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels.
- 9.4 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 9.5 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.
- 9.6 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.
- 9.7 The approved design and/or the construction of the retaining walls must not be modified or altered without Council's prior written approval.
- 9.8 Vegetation must not be cleared unless and until written approval has been provided by Council. A Development Permit for Operational Works constitutes written approval, only for the purposes of clearing vegetation directly pertinent to the operational works which are the subject of the Development Permit. Details of vegetation proposed to be cleared should be provided as part of the Environmental Management Plan.

10.0 BUILDING WORKS

- 10.1 All structures must be wholly located within the designated building location envelope as shown on the approved plans (refer to condition 2.1).
- 10.2 All structures must not be located within the on-site sewerage treatment and disposal area or conflict with the separation distances, in accordance with the *Queensland Plumbing and Wastewater Code*.
- 10.3 The house must be constructed in compliance with *Australian Standard AS3959 "Construction of buildings in bushfire-prone areas"* and the approved Bushfire Hazard Assessment and Management Plan (refer to condition 2.1).

11.0 ELECTRICITY AND TELECOMMUNICATIONS

- 11.1 Above-ground electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.
- 11.2 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.

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

13.0 ENVIRONMENTAL

- 13.1 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan which addresses, but is not limited to, the following:
- (i) objectives;
 - (ii) site location / topography;
 - (iii) vegetation;
 - (iv) site drainage;
 - (v) soils;
 - (vi) erosion susceptibility;
 - (vii) erosion risk;
 - (viii) concept;
 - (ix) design; and
 - (x) implementation, for the construction and post construction phases of work.
- 13.2 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.

14.0 OPERATING PROCEDURES

- 14.1 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 Montgomerie Street.

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 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.

NOTE 4. Infrastructure Charges Notice

Council has resolved not to issue an Infrastructure Charges Notice for this development because the new infrastructure charges arising from the development are \$7,000.00 and the credits applicable for the new development are \$28,000.00.

NOTE 5. Bushfire

All future buildings must be constructed in compliance with *Australian Standard AS3959 “Construction of buildings in bushfire-prone areas”* and the approved Bushfire Hazard Assessment and Management Plan.

RECOMMENDATION C

That in relation to the application for a Development Permit for a Material Change of Use for a House, made by A R Clarke on Lot 4 on RP603374, Lot 5 on RP603374, Lot 14 on RP603374 and Lot 15 on RP603374, Parish of Archer, located at 625 Montgomerie Street, Lakes Creek, Council resolves to not issue an Infrastructure Charges Notice for the development.

BACKGROUND**PROPOSAL IN DETAIL**

The proposal is for the construction of one House over the four lots at the top of the steep allotments. The house will be primarily single storey with use of colours to reduce visually prominence and blending in with the bushland. The four lots will be amalgamated and a 14.5 metre by 45 metre building envelope within an existing cleared area established for the house and fire buffer zone. The area where the house will be built has been prematurely cleared and levelled by moving dirt from higher up to the now flattened area. The proposal includes a new access consisting of the construction of a 150 metre concrete access from Dorly Street and continued by a private driveway from the Montgomerie Street road reserve up to the position of the house, which is about 250 metres from the edge of the property.

SITE AND LOCALITY

The subject site is vacant, densely vegetated and located on the lower hills of the Berserker Range.

The topography consists of a northeast to southwest sloping fifteen per cent (15%) ridgeline which has been cleared in part. There are also steeper southeast and northwest facing slopes that are inaccessible for development purposes. The ridgeline and part of the northwest slope have been cleared. The site slopes down from the proposed location of the house with a slope of approximately twenty-five per cent (25%). Remnant vegetation consists of three dry woodland communities. No essential habitat has been identified on the property.

The proposed development is not within the Priority Infrastructure Area and there is no water and sewerage infrastructure associated with this site. The locality is characterised by houses on individual allotments to the south, southeast and further to the west. The north and northeast are mostly undeveloped apart from the Rockhampton Pistol Club to the northeast.

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 – (7 July 2014)

Support, subject to conditions.

Infrastructure Operations Unit's (sewer and water) Comments – (7 May 2014)

Support, subject to conditions.

Public and Environmental Health Comments

No Comments

Other Staff Technical Comments

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

TOWN PLANNING COMMENTS

Central Queensland Regional Plan 2013

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

State Planning Policy 2014

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

Liveable communities

Not Applicable.

Mining and extractive resources

Not Applicable. The proposal does not include any and is not positioned close to mining activities or extractive industries.

Biodiversity

Complies. The subject land is covered by the *Rockhampton City Plan 2005* Environmentally Sensitive Location Overlay. The proposal is for a single dwelling house which is exempt from this state interest.

However, clearing on site should be confined to the house site and a ten (10) metre fire break around the perimeter of the house. The area where the house will be built has already been cleared albeit unlawfully and provides sufficient space for a fire break.

Coastal environment

Not Applicable. The proposed house does not affect a coastal environment.

Water quality

Not Applicable. The proposed development does not trigger the threshold for receiving waters.

Natural hazard, risk and resilience

Complies. The State Planning Policy is appropriately reflected in the Steep or Unstable Land Code under the *Rockhampton City Plan 2005*. The proposal has been assessed against the Performance Criteria of this Code and has been found to generally comply with these requirements. In addition, the steep winding driveway has been engineered to be practical, accessible by a two wheel drive vehicle and to comply with the slope and all retaining walls are required to be certified by a Registered Professional Engineer of Queensland prior to the issue of a Building Permit.

A Bushfire Hazard Assessment and Management Plan has been supplied and the area where the house will be built has already been cleared, albeit unlawfully, and provides sufficient space for fire buffer zones.

Emissions and hazardous activities

Not Applicable. The proposal does not include any activity that has dangerous emissions or deemed as hazardous.

State transport infrastructure

Not Applicable. The proposed development does not involve or affect any state transport infrastructure.

Strategic airports and aviation facilities

Not Applicable. The proposed development does not involve or affect any strategic airports or aviation's facilities.

Rockhampton City Plan 2005**Berserker Range Environmental Protection Area Intent**

The subject site is situated within the Berserker Range Environmental Protection Area under the *Rockhampton City Plan 2005*. The intent of the Area inter alia identifies that: -

"It is intended to preserve the visual, ecological, and landscape character values associated with this Area. To this end, it is intended that only a limited range of new development will occur in this Area. As its title suggests, this Area is of significance to the City and also the region, consequently, new development will be restricted to ensure the preservation of:

- *The landform as a visually prominent and sparsely settled part of the City;*
- *The ecological values of the Area and the City;*
- *Mount Archer and the Berserker Ranges as a landscape backdrop to Rockhampton;*

- *The Area as an attraction and resource for residents and visitors for its natural values;*
- *The land's slopes and the stability of those slopes; and*
- *The water quality of many of Rockhampton's Creeks;*

Additional houses across the whole of the Area, excluding Precinct 1, to what existed on the Commencement Day are also inconsistent with the intent for this Area. Where an allotment is partly located in this Area and partly in any other Area (except the Yeppoon Road Corridor Environmental Protection Area) it is intended that any house be located in the part of the allotment, where reasonably and practicably possible, not in the Environmental Protection Area. The only exceptions to this, where a new house can occur on land located in an Environmental Protection Area, are;

- (a) where there was an existing house and it is to be replaced by a new house in the same location as, or immediately adjacent to, the original house location; or*
- (b) where the site is wholly located in this Area and;*
 - (i) has an area of at least 5 hectares; and*
 - (ii) there is no existing house on the site; and*
 - (iii) the house is located in a part of the site that is reasonably and practicably accessible by a standard 2WD motor vehicle; and*
 - (iv) the house is located where it will have no measurable impact on the environmental and visual values of the Area sought to be protected and avoiding constraints such as bushfire risk, slope instability and the like.*
- (c) where the site is partly located in this Area and another Area (excluding the Yeppoon Road Corridor Environmental Protection Area) and the site has never been used to accommodate a house and the house cannot be reasonably and practicably located on a part of the site outside of this Area; it is located on the site in accordance with clause (b)(iii) and (iv) immediately above.*

All new development in the Area will, therefore, need to demonstrate that:

- *The important City wide visual qualities associated with the foothills of the Berserker Ranges and Mount Archer are not compromised;*
- *Ecological values, including those associated with the Creeks and their banks, and landscape character in the Area is not adversely compromised;*
- *Properties will not be subject to flooding from the Creeks;*
- *Slope stability is not adversely impacted;*
- *Bushfire risk in the Area can be managed;*
- *Allotments can be adequately serviced with water and sewerage services;*
- *Safe and accessible access can be provided to allotments; and*
- *Fauna friendly fencing is provided along property boundaries.*

Development intensity will, therefore, be determined by:

- *The visual impact of the proposed building/s, including colour and building design, on the view shed towards the Berserker Ranges and Mount Archer;*
- *The retention of significant and remnant vegetation, particularly native vegetation;*
- *The stability of the slopes and the potential exposure to instability;*
- *The retention and protection of the creeks and their banks;*
- *The measures proposed to protect properties from localised flooding;*

- *The measures proposed to manage bushfire risk and feral and native animals; and*
- *The location and proposed treatments to minimise the visual impact of access points.”*

This application is generally consistent with the intent of the Area. The house on the amalgamated four (4) lots with a total area in excess of five (5) hectares will be sited and designed so as to have the least impact upon the amenity and help ensure environmental values of the area are not affected by also retaining the majority of vegetation on site. A practical driveway accessible by two wheel drive vehicles has been engineered to a Building Location Envelope that is level and able to accommodate a house and will also be in line with the recommendations in the Bushfire Management Plan that accompanied the application.

Rockhampton City Plan Codes

The following codes are applicable to this application:

- Biodiversity and Nature Conservation Code;
- Bushfire Risk Minimisation Code;
- Crime Prevention Through Environmental Design Code;
- External Works and Servicing Code;
- House Code;
- Parking and Access Code; and
- Steep or Unstable Land 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:

House Code		
Performance Criteria		Officer's Response
P8	Houses are serviced with basic but essential infrastructure to ensure good health; hygiene; protection of the environment, quick access to communications and water (for fire fighting) in case of an emergency and the like that also does not become a maintenance burden for the Council.	The proposed house is not able to connect to reticulated services. An engineering report has been submitted that provides sufficient alternative means through on-site services. Therefore, the proposal is considered to meet Performance Criterion P8.
Steep or Unstable Land Code		
Performance Criteria		Officer's Response
P2	Development does not require major changes to, or result in impacts on, the topography of the site and its associated natural functions, and is carried out in a manner that maintains on-site and downstream water quality and minimises disturbance to natural drainage.	The proposal requires significant earthworks to facilitate the 250 metre internal access to the building envelope, which in itself has been the subject of unlawful earthworks in the past. A services report has been provided that addressed these issues and the plans appropriately conditioned.

		<p>A further development permit for Site Works is also required to ensure the works are in compliance with the abovementioned report and to ensure erosion and sediment control is adequate.</p> <p>Therefore, the proposal is considered to meet Performance Criterion P2.</p>
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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.

Planning Scheme Policies

Policy	Officer's Response
PSP 1 Preparation of Ecological Assessment Reports and Environmental Management Plans	The application was supported by a Vegetation Survey and Assessments of Impacts Plan. Given the subject site is identified as being within an Environmentally Sensitive Location, this Plan has been reviewed by Council officers and recommendations included within conditions for this development.
PSP 2 Erosion and Sediment Control	The application was not supported by a plan that included Erosion and Sediment Control, although partially addressed in the Services Plan and response to the Information Request. Given the subject site and in particular the internal access road is identified as containing slopes greater than fifteen per cent (15%), an Erosion and Sediment Control Plan must be submitted and approved by Council as part of subsequent operational works as conditioned in the recommendation.
PSP 12 Assessment of Bushfire Hazard and Preparation of Bushfire Management Plans	The application was supported by a Bushfire Hazard Assessment and Management Plan prepared in accordance with this policy, which addressed the bushfire risks and recommended appropriate means to minimise risk and prevent loss of life

As evident from the above assessment, the proposal generally complies with the requirements of the applicable planning scheme policies.

INFRASTRUCTURE CHARGES

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

Column 1 Use Schedule	Column 2 Charge Area	Column 3 Adopted Infrastructure Charge for residential development (\$/dwelling unit)		Column 4 Unit	Calculated Charge
		1 or 2 bedroom dwelling	3 or more bedroom dwelling		
Residential	Area 3	5,000	7,000	per dwelling	\$7,000

The proposal is for a residential use (a single dwelling). As the development is proposed over four (4 lots), four (4) credits amounting to \$28,000.00 are currently available. Therefore, no contributions are payable and an Infrastructure Charges Notice is not required for the development.

A credit of \$21,000.00 is still applicable for the amalgamated lot.

CONSULTATION

The proposal was the subject of public notification between 3 July and 30 July 2014, as per the requirements of the *Sustainable Planning Act 2009*.

One of the letters to the adjoining landowners was incorrectly addressed by the applicant and did not reach the intended recipient. The applicant visited the adjoining neighbour ten (10) calendar days before the expiry date for submissions to discuss the development. It is argued that the impact of the error did not adversely affect the awareness of the adjacent landowner of the existence and nature of the application nor did it restrict the opportunity of the adjacent landowner to make properly made submissions, albeit that the time frame to lodge a submission was reduced somewhat. It is therefore, determined that the public notification undertaken by the applicant was compliant with the provisions of Section 304 the *Sustainable Planning Act 2009*.

One (1) properly made submission was received.

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

Issue	Officer's Response
The application shows no road access into the property.	The applicant's response to the information request has provided a proposal that would provide sufficient access and includes a private access (that can be widened in future if required) constructed of concrete within the road reserve of Montgomerie Street.
The amalgamation of the lots is not achievable and only a ploy to reduce rates.	The four (4) lots must be amalgamated prior to the issue of Building Permits. A condition that will enforce this has been included in the recommendation.
The proposal is in a fire zone.	The property is affected by the bushfire overlay in the planning scheme. The application has, however, addressed this hazard in a report, the recommendations of which will be included in the Decision Notice.

Issue	Officer's Response
An area has already been cleared without permits.	The submitter is correct. The actions were, however, ceased when Council's compliance officers took up the matter with the owner.
After the last rains landslides occurred onto the submitter's property after the clearing had been done and no compensation was forthcoming.	<p>There is no evidence that the landslides were solely as a result of the clearing as scouring of the hillside could have been as a result of the heavy rains. Furthermore, Council cannot enforce compensation as a result of civil disputes.</p> <p>The owner will be required to (within six months) obtain a Development Permit for Operational Works for the earthworks that have been undertaken unlawfully. This permit will ensure that further sediment runoff does not occur in the meantime.</p> <p>The owner will be required to obtain a Development Permit for Roof and Allotment Drainage works as part of the construction of the house. This will require that all roof and allotment drainage must not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining, surrounding or downstream land or infrastructure.</p> <p>The applicant has also provided calculations demonstrating that the catchment from the new access does not discharge to neighbouring properties and flow from the new access will be within parameters set by the <i>Queensland Urban Drainage Manual</i>.</p>

REFERRALS

No referral agencies were triggered by this application.

CONCLUSION

The proposed use is consistent with the intent of the Berserker Range Environmental Protection Area and generally complies with the provisions included in the applicable codes. The proposal is, therefore, recommended for approval in accordance with the approved plans and subject to the specific conditions outlined in the Recommendation.

DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A HOUSE

Locality Plan

Meeting Date: 26 August 2014

Attachment No: 1

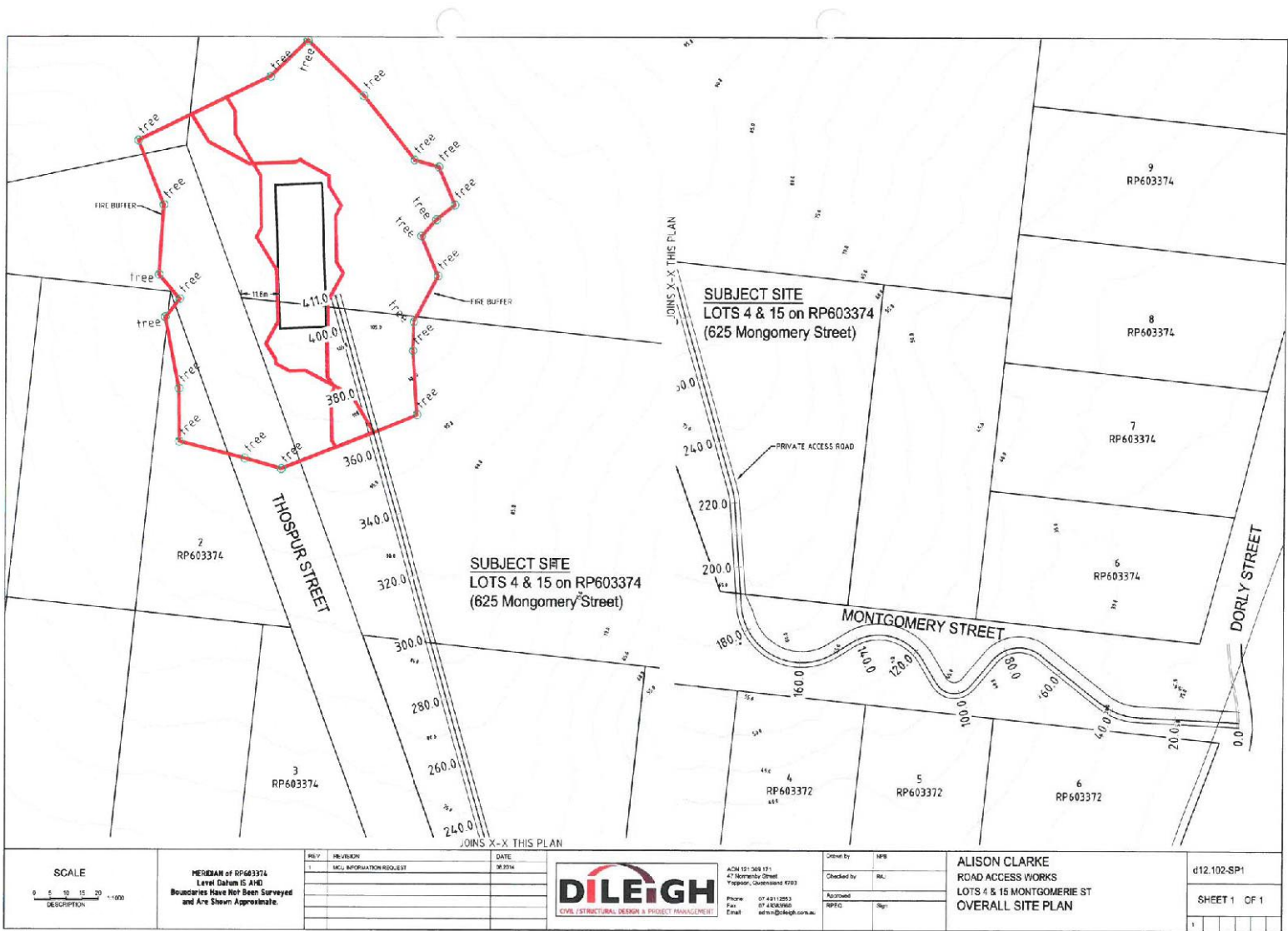


DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A HOUSE

Overall Site Plan - d12.102-SP1 Rev 1

Meeting Date: 26 August 2014

Attachment No: 2

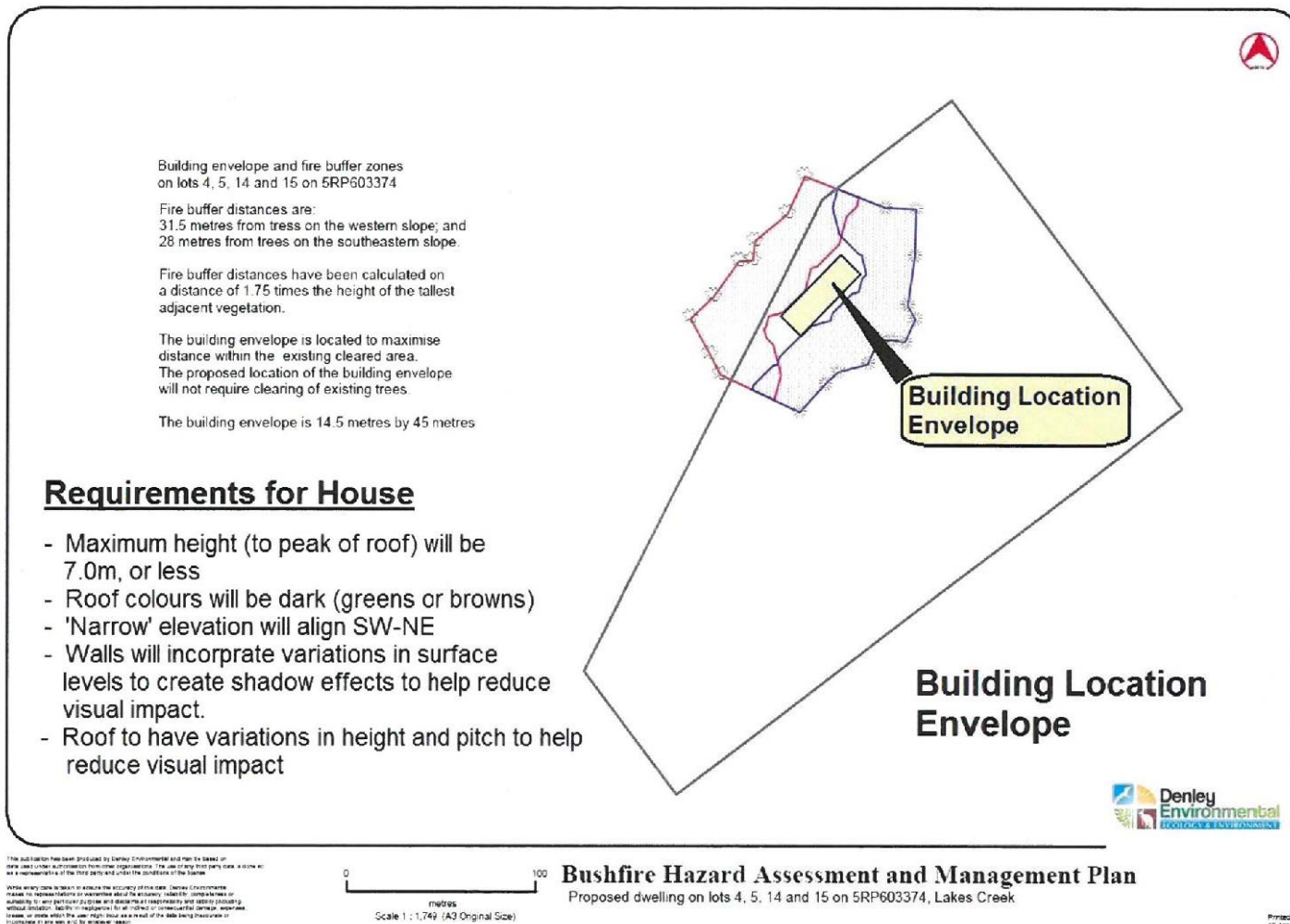


DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A HOUSE

Building Location Envelope

Meeting Date: 26 August 2014

Attachment No: 3



8.3 D/102-2014 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A MULTI UNIT DWELLING (THREE UNITS)

File No: D/102-2014

Attachments:

1. Locality Plan
2. Site Plan
3. Floor Plan
4. Elevations
5. 3D Views

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

Author: Anton de Klerk - Planning Officer

SUMMARY

Development Application Number: D/102-2014

Applicant: Capricorn Engineering and Drafting Services

Real Property Address: Lot 11 on RP603329, Parish of Rockhampton

Common Property Address: 8 Athelstane Terrace, The Range

Area of Site: 1,012 square metres

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: The Range North Residential Area

Planning Scheme Overlays: Nil

Existing Development: Vacant

Existing Approvals: Nil

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

Level of Assessment: Impact Assessable

Submissions: Nil

Referral Agency(s): Nil

Adopted Infrastructure Charges Area: Charge Area 1

Application Progress:

<i>Application Lodged:</i>	1 May 2014
<i>Properly Made Application:</i>	2 May 2014
<i>Acknowledgment Notice issued:</i>	13 May 2014
<i>Notice that no Further Information is required:</i>	22 May 2014
<i>Submission period commenced:</i>	10 June 2014
<i>Submission period end:</i>	3 July 2014
<i>Council request for additional time:</i>	6 August 2014
<i>Last receipt of information from applicant:</i>	13 August 2014
<i>Council Meeting date:</i>	26 August 2014

OFFICER'S RECOMMENDATION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for a Multi Unit Dwelling (three units), made by Capricorn Engineering and Drafting Services, on Lot 11 on RP603329, Parish of Rockhampton, located at 8 Athelstane Terrace, The Range, Council resolves to Approve the application despite its conflict with the planning scheme and provide the following grounds for justification:

- a) The proposal provides alternative accommodation type within the area proximal to essential community uses such as educational facilities (Girls Grammar School and CQ Tafe) as well as health services (Rockhampton Hospital) and Kerr Park;
- b) The proposed use does not compromise the achievement of the Desired Environmental Outcomes in the *Rockhampton City Plan 2005*;
- c) 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
- d) 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 Material Change of Use for a Multi Unit Dwelling (three units), made by Capricorn Engineering and Drafting Services, on Lot 11 on RP603329, Parish of Rockhampton, located at 8 Athelstane Terrace, The Range, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

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

- 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>
Site Plan	14-031-C Sheet 001 Revision 3	11 August 2014
Floor Plan	14-031-C Sheet 100 Revision 3	11 August 2014
Elevations	14-031-C Sheet 200 Revision 3	11 August 2014
3D Views	14-031-C Sheet 400 Revision 3	11 August 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 AND PARKING WORKS

- 3.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the site.
- 3.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Parking Facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 3.3 All parking, access and manoeuvring areas must be paved or sealed.

4.0 PLUMBING AND DRAINAGE WORKS

- 4.1 All plumbing and sanitary drainage 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 The existing sewerage connection point(s) must be retained, and upgraded if necessary, to service the development.
- 4.4 Sewer connections and 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.

- 4.5 The 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 Wastewater Code* and Council's Sub-metering Policy.

- 4.6 All internal plumbing and sanitary drainage works must be completely independent for each unit.

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* and sound engineering practice.

- 5.3 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect adjoining land or infrastructure by way of blocking, altering or diverting existing stormwater runoff patterns or have the potential to cause damage to other infrastructure.

- 5.4 All structures must maintain a clearance of two (2) metres to any council infrastructure (that is, stormwater pipe). Any construction works proposed in the vicinity of Council's existing stormwater infrastructure must not adversely affect the integrity of the infrastructure or impact upon the operation, maintenance, replacement or structural integrity of the infrastructure. Protection around and along the stormwater pipe must be constructed to ensure its integrity and prevent impacts as a result of failure of the infrastructure.

- 5.5 An easement must be provided over all stormwater infrastructure within the development site.

6.0 SITE WORKS

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

- 6.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan which clearly identifies the following:

6.2.1 the location of cut and/or fill;

6.2.2 the type of fill to be used and the manner in which it is to be compacted;

6.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;

6.2.4 details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and

6.2.5 the maintenance of access roads to and from the site so that they are free of all cut and/or fill material and cleaned as necessary.

- 6.3 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.

- 6.4 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.

7.0 BUILDING WORKS

- 7.1 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*.
- 7.2 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"*.
- 7.3 Provide a 1.8 metre high fence between the subject site and the adjacent properties to the development. The fence must be constructed of materials and finishes that are aesthetically pleasing and commensurate with the surrounding area.
- 7.4 Storage and collection of solid wastes must comply with the *Environmental Protection (Waste Management) Regulation*. All waste storage areas must:
- 7.4.1 provide impervious paved and drained wash-down areas to accommodate all refuse containers;
 - 7.4.2 provide 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;
 - 7.4.3 be of a sufficient size to accommodate wheelie bins and recyclable bins plus clearances around the bins for manoeuvring and cleaning;
 - 7.4.4 be aesthetically screened from any frontage or adjoining property;
 - 7.4.5 be surrounded by at least a 1.8 metre high fence that obstructs from view the contents of the bin compound by any member of the public from any public place; and
 - 7.4.6 not be located within 2 metres of a road frontage.

8.0 LANDSCAPING WORKS

- 8.1 All landscaping works must be generally in accordance with the approved plans (refer to condition 2.1).
- 8.2 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure. Small shrubs and groundcover are acceptable.
- 8.3 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.
- 8.4 The landscaped areas must be subject to an ongoing maintenance and replanting programme (if necessary).

9.0 ELECTRICITY AND TELECOMMUNICATIONS

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

10.0 ASSET MANAGEMENT

- 10.1 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.

- 10.2 Any damage to existing water supply and sewerage infrastructure, 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.

11.0 ENVIRONMENTAL

- 11.1 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.

12.0 OPERATING PROCEDURES

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

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. 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.

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 Material Change of Use for a Multi Unit Dwelling (three units), made by Capricorn Engineering and Drafting Services, on Lot 11 on RP603329, Parish of Rockhampton, located at 8 Athelstane Terrace, The Range, Council resolves to issue an Infrastructure Charges Notice for the amount of \$42,000.00.

BACKGROUND**PROPOSAL IN DETAIL**

The proposal is for a Material Change of Use for a Multi Unit Dwelling (three units) over Lot 11 on RP603329. The proposal will consist of a single storey building which will be terraced, causing the front unit to portray a highset house. The proposal will have a site cover of approximately 40.35 percent.

Each unit will consist of three (3) bedrooms, two bathrooms, open plan kitchen, dining and living area and include a double bay garage which also serves as a laundry.

All proposed units will obtain vehicular access from a single point off Athelstane Terrace.

SITE AND LOCALITY

The site is currently vacant and is clear of any significant vegetation. The site contains a slope of less than ten (10) percent, sloping to the south towards Athelstane Terrace.

The site abuts Rockhampton Girls Grammar School to the northwest with single houses to either side on the west and east. Another multi unit dwelling (seven units) has also been developed on Quarry Street in proximity to the development site to the northeast. Further beyond the site to the south is typically residential development comprising houses on individual lots. Further to the east is the CQ TAFE Facility and Kerr Park.

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

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 – 13 May 2014

Support, subject to conditions.

Infrastructure Operations Unit's (sewer and water) Comments – 7 May 2014

Support, subject to conditions.

Public and Environmental Health Comments – 10 July 2014

Support, subject to conditions.

TOWN PLANNING COMMENTS**Central Queensland Regional Plan 2013**

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

State Planning Policy 2014

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

Liveable Communities

Not Applicable.

Mining and extractive resources

Not Applicable.

Biodiversity

Not Applicable.

Coastal environment

Not Applicable.

Water quality

Not Applicable.

Natural hazards, risk and resilience

Not Applicable.

Emissions and hazardous activities

Not Applicable.

State transport infrastructure

Not Applicable.

Strategic airports and aviation facilities

Not Applicable.

Other Acts

Not Applicable.

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

This application is situated within the Residential 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 within proximity 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.*

1.0 **Not applicable.** The proposal does not impact on any important 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 or Local 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 within the area proximal to essential community uses. The proposal will satisfy a community need having regard to the proximity to Rockhampton Girls Grammar School and the CQ Tafe facility within proximity to the development site.

- (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.*

1.0 **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 proposal will not affect the provision of any infrastructure. The proposal will be provided with an appropriate standard and type of infrastructure including sewer, water, electricity and telecommunications.

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

Complies. The proposal is appropriately connected to Rockhampton's transport network. A pedestrian path exists along the northern side of Denham Street (located approximately 50 metres south of the site) and bus stops are proximal to the site, along Agnes 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 not impact on any existing public open space networks.

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

The Range North Residential Area Intent

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

Houses will continue to be the primary form of residential development in the Area, however, some alternative forms of residential development such as duplex, multi-unit dwellings and aged care accommodation is consistent with the intent of the Area, but only in particular locations in the Area, as outlined in this intent. However, these alternative forms of residential development will only be consistent with the intent of the Area, when they incorporate pre-war architectural themes, to complement existing residential development.

Multi-unit dwelling development will only be consistent with the intent of this Area, where it is constructed in proximity to the hospitals and the TAFE facility, and where the existing character of the Area is not compromised. To this end, two precincts have been identified in this Area, where multi-unit dwelling development may be constructed. They are:

- *Precinct 1 – Special Use Precinct, The Range – North Medical; and*
- *Precinct 2 – Special Use Precinct, The Range – North Educational.*

The site is not located within either of the identified precincts, therefore, the proposed development cannot be considered consistent with the intent of the Area.

Rockhampton City Plan Codes

The following codes are applicable to this application:

- Multi Unit Dwelling, Accommodation Building and Duplex Code;
- Residential Design – Character Code;
- Parking and Access Code;
- Landscape Code; and
- Crime Prevention Through Environmental Design 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.	<p>Justified</p> <p>The overall outcome of this area supports multi unit dwelling development if located within the Medical and Educational precinct. The proposed development is located just outside of these precincts and is therefore considered being inconsistent with the intent of the area.</p> <p>However, the proposed development is considered being within reasonable proximity to the educational facilities (Girls Grammar School and CQ Tafe) as well as</p>

		<p>health services (Rockhampton Hospital) and Kerr Park to contribute in achieving the desired intent of the area. The proposal has been amended and will consist of a single storey building which will be terraced, causing the front unit to portray a highset house which will contribute to the character of the area. Furthermore, the proposal will have a site cover of approximately 40.35 percent, which is similar to the density of one dwelling house and will thus be consistent with densities within the area. The material used for the proposed development will also be consistent with the general pre-1946 building form of the area and will not visually compromise the amenity of the locality.</p> <p>Furthermore, it could also be noted that another multi unit dwelling (seven units) has also been developed on Quarry Street in proximity to the development site. The multi unit dwellings will increase housing choice by recognising different levels of affordability, changing household structures and the physical needs of residents during their lifetime.</p>
Residential Design – Character Code		
Performance Criteria		Officer's Response
P2	The building size and bulk is consistent with other houses in the street.	<p>Justified</p> <p>2.0 The proposal will consist of a single storey building which will be terraced, causing the front unit to portray a highset house which will contribute to the character of the area. Furthermore, the proposal will have a site cover of approximately 40.35 percent which will be consistent to building sizes and densities within this area.</p> <p>3.0 However, a portion of proposed unit 2 will have a wall length measuring 8.78 metres without variations of recesses, stairs or balconies. This wall will however not be visible directly from the street frontage and will front onto the private courtyards of each unit. The continuity of this wall will be broken down by a back door via the laundry as well as windows from the bathroom and toilet. The aesthetics to the wall will be further broken down by the boundary fence and landscaping.</p>

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 proposal provides alternative accommodation type within the area proximal to essential community uses such as educational facilities (Girls Grammar School and CQ Tafe) as well as health services (Rockhampton Hospital) and Kerr Park;
- b) The proposed use does not compromise the achievement of the Desired Environmental Outcomes in the *Rockhampton City Plan 2005*;
- c) 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
- d) The proposed development does not compromise the relevant State Planning Policy.

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

INFRASTRUCTURE CHARGES

Adopted Infrastructure Charges Resolution (No. 3) 2014 for 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 for residential development (\$/dwelling unit)	Column 4 Unit	Calculated Charge
		3 or more bedroom dwelling		
Residential	Area 1	21,000 (3 units)	per dwelling	\$63,000.00
Total				\$63,000.00
Less credit				\$21,000.00
TOTAL CHARGE				\$42,000.00

This is based on the following calculations:

- (a) A charge of \$63,000.00 for three units with three bedrooms each; and
- (b) An Infrastructure Credit of \$21,000.00 for the existing allotment.

Therefore, a total charge of **\$42,000.00** is payable and will be reflected in an Infrastructure Charges Notice for the development.

CONSULTATION

The proposal was the subject of public notification between 10 June 2014 and 3 July 2014, as per the requirements of the *Sustainable Planning Act 2009*, and no submissions were received.

REFERRALS

The proposed development was not required to be referred to any other agency.

CONCLUSION

The proposal is an inconsistent use within The Range North Residential Area, but is considered to be suitably located despite the inconsistency with the area intent. As demonstrated in the above report, the proposal is generally consistent with the code requirements prescribed by the planning scheme and the use will contribute to achieving the desired intent of the Area by providing a range of housing options in proximity to essential community uses such as educational facilities (Girls Grammar School and CQ Tafe) as well as health services (Rockhampton Hospital) and Kerr Park. An assessment of this application also identifies that the proposed development is not likely to conflict with Council's Desired Environmental Outcomes, subject to conditions.

Consequently, the proposal is reasonable and should be approved subject to conditions.

**D/102-2014 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A MULTI UNIT
DWELLING (THREE UNITS)**

Locality Plan

Meeting Date: 26 August 2014

Attachment No: 1



**D/102-2014 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A MULTI UNIT
DWELLING (THREE UNITS)**

Site Plan

Meeting Date: 26 August 2014

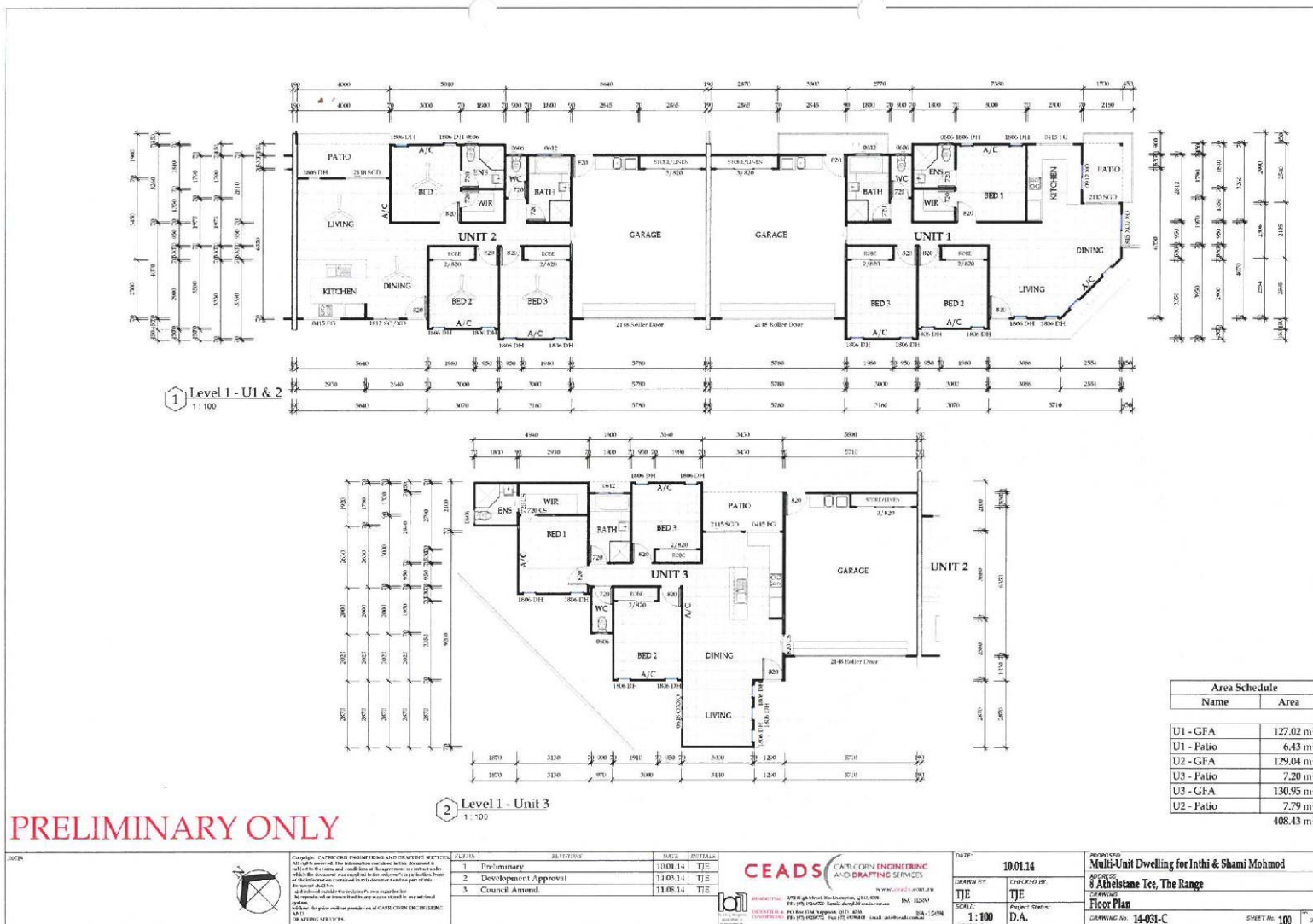
Attachment No: 2

**D/102-2014 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A MULTI UNIT
DWELLING (THREE UNITS)**

Floor Plan

Meeting Date: 26 August 2014

Attachment No: 3

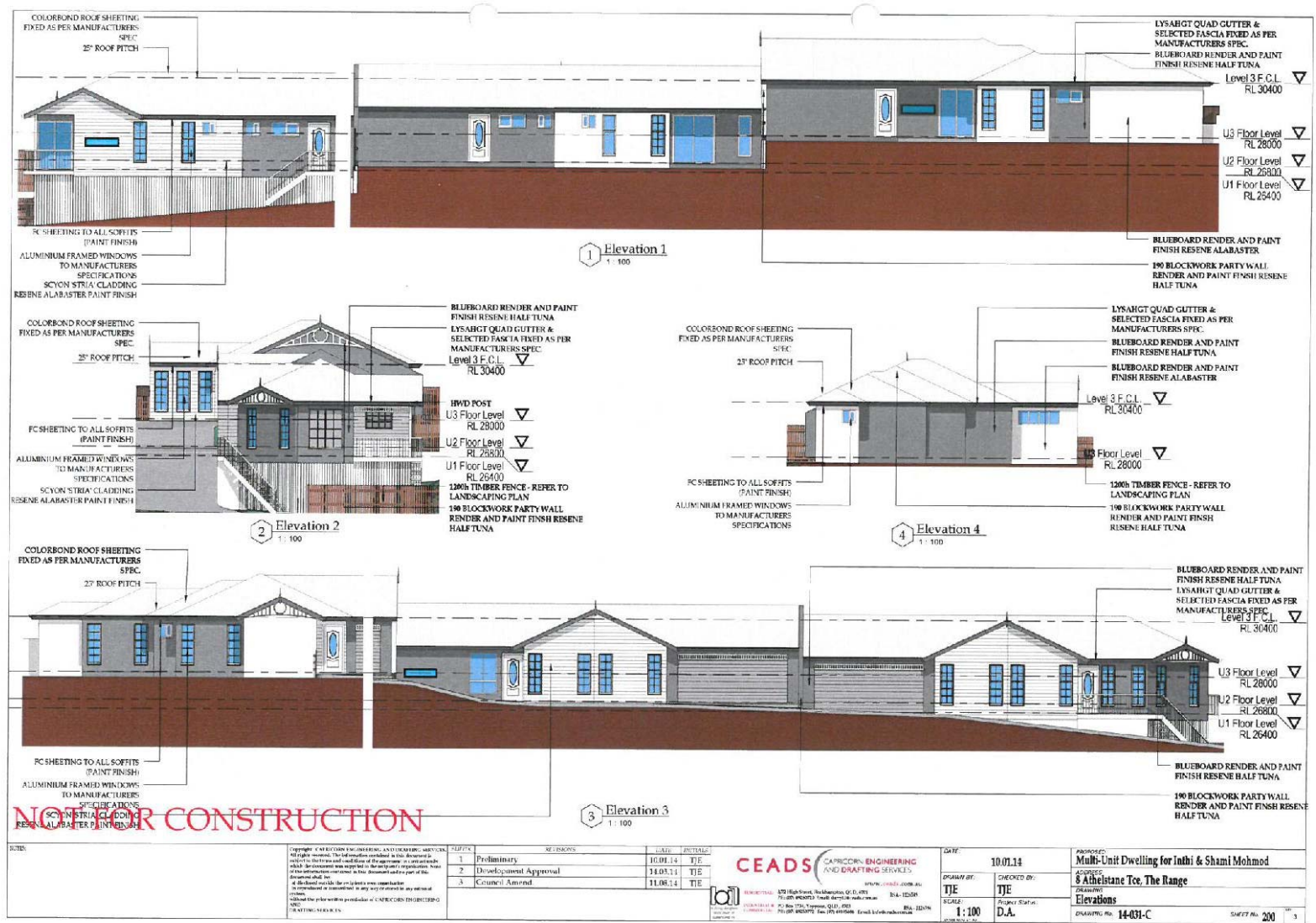


**D/102-2014 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A MULTI UNIT
DWELLING (THREE UNITS)**

Elevations

Meeting Date: 26 August 2014

Attachment No: 4

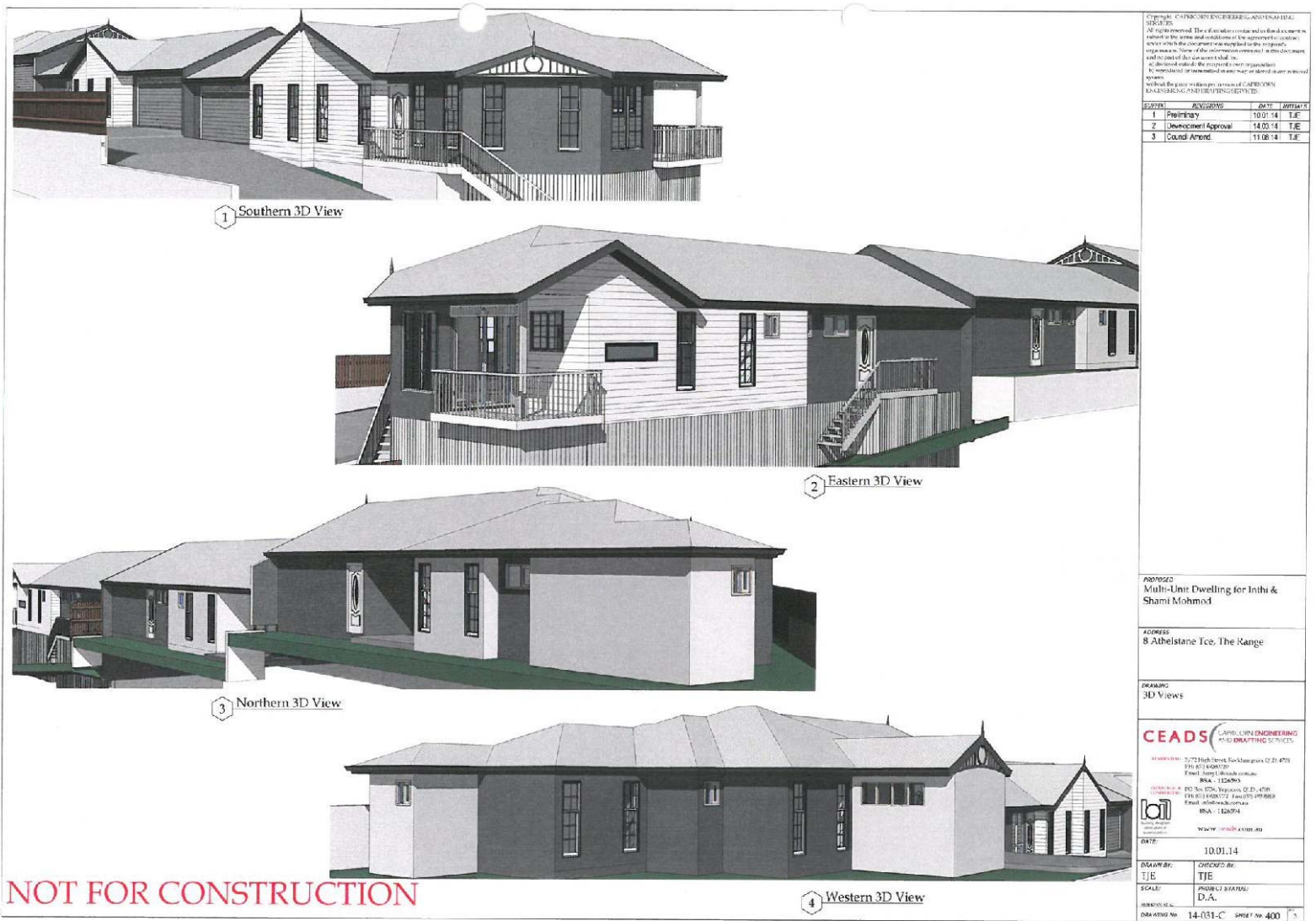


**D/102-2014 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A MULTI UNIT
DWELLING (THREE UNITS)**

3D Views

Meeting Date: 26 August 2014

Attachment No: 5



9 STRATEGIC REPORTS

9.1 PLANNING SECTION - MONTHLY OPERATIONS REPORT

File No: 7028
Attachments: 1. Monthly Report - July 2014
Authorising Officer: Robert Holmes - General Manager Regional Services
Author: Russell Claus - Manager Planning

SUMMARY

The monthly operations report for the Planning Section (Development Assessment, Strategic Planning and Building Compliance) as at 31 July 2014 is presented for Councillors' information.

OFFICER'S RECOMMENDATION

THAT the Planning Section (Development Assessment, Strategic Planning and Building Compliance) report as at 31 July 2014 be received.

COMMENTARY

The monthly operations report for the Planning Section is attached for Council's consideration. The performance information contained within the attached reports relates directly to the adopted 2014/15 Operational Plan Key Performance Indicators.

The Manager's performance summary for each of the abovementioned Sections is provided below.

Development Assessment

The Development Assessment Unit has performed well over the last month. There have been some issues with referral responses coming back to the unit late, which has compromised the timeframes in relation to information requests and decisions being made. These issues are in the process of being addressed. The kits for the Development Assessment Innovation Project have nearly been completed.

Strategic Planning

July 7 saw the start of the public consultation for the proposed new single planning scheme for the whole RRC jurisdiction. The formal consultation period will now conclude on 12 September. This is a major milestone for this project and the team now looks forward to addressing the public submissions on the draft scheme. To achieve a seamless and comprehensive release of the scheme many parts of Council had to collaborate effectively. It is a credit to all involved that the release was achieved and there has been minimal public criticism of the process or quality of information received. This is especially pleasing given this is the first time Council has released a draft scheme on line. The release also included an interactive mapping service which will greatly improve the legibility of the scheme for customers. Once a proposed response to all submissions has been completed Council will be asked to consider and adopt the responses so that all submitters can be properly informed. The impacts of new hazard overlays are shaping as one of the major issues.

July 4 also saw the commencement of the Sustainable Planning (Infrastructure Charges) and Other Amendments Act. As a result Council has adopted a new Infrastructure Charges Resolution (No.4) on 12 August to ensure compliance.

Building Compliance

The Building Act and the Plumbing and Drainage Act are currently under review by the State Government. Officers have been completing surveys, compiling information and have provided a response to the State through the consultation period.

CONCLUSION

It is recommended that the monthly operations report for the Planning Section (Development Assessment, Strategic Planning and Building Compliance) be received.

PLANNING SECTION - MONTHLY OPERATIONS REPORT

Monthly Report - July 2014

Meeting Date: 26 August 2014

Attachment No: 1

MONTHLY OPERATIONS REPORT
PLANNING SECTION
Period Ended JULY 2014

VARIATIONS, ISSUES AND INNOVATIONS

Innovations

The Planning Section continues to work through the DA Innovation Project process to streamline approval of low impact applications. Outside of this State guided process, staff have been encouraged to pursue an outcomes based approach to review of applications, and to find other avenues to improve approval times for development where it accords with the Scheme and enhances development and community outcomes for the Region.

Planning staff are working on a range of initiatives to enhance the CBD area, including basic data gathering on current CBD performance indicators, as well as review of lighting, wayfinding signage, pedestrian accessibility, safety issues, multiple potential activation initiatives, and redevelopment opportunities. Staff are also evaluating design options to guide residential laneway development, and address the issue of medical centre staff parking on residential streets on The Range. The role of planning will continue to evolve from what has been largely a Scheme and reaction approach to one much more focused on a comprehensive and innovative approach to planning, with attendant goals of facilitating enhanced economic development, more aggressively pursuing quality of life initiatives, and generally transitioning the culture of the city from one of relatively low expectations to one that embraces and supports entrepreneurial change, in accord with the considerable natural assets that the city and region possess.

As the Planning Scheme and associated hazard overlays are rolled out from July through September for public consultation, this will generate public queries and concerns, some of which could be directed at Councillors.

LINKAGES TO OPERATIONAL PLAN

1. COMPLIANCE WITH CUSTOMER SERVICE REQUESTS

The response times for completing the predominant customer requests in the reporting period for *July* are as below:

	Incomplete Requests as at Start of Mth		Current Month NEW Requests		TOTAL INCOMPLETE REQUESTS BALANCE	Incomplete Requests in Progress		TOTAL UNACTIONED REQUESTS	Completion Standard (days)	Avg Completion Time (days) YTD
	Balance B/F	Completed in Current Mth	Received	Completed		Works Orders Issued	Under Investigation			
Building enquiry	52	16	59	39	0	N/A	0		1	1.46
Other building compliant issues	45	1	2	0	46	N/A	0		1	26.23
Planning compliance request/enquiry	86	15	28	9	90	N/A	0		45	23.61
Duty planner (new enquiry)	5	2	175	173	5	N/A	1		1	0.79
Telephone enquiry	1	1	38	38	0	N/A	0		1	0.89
Plumbing issues general	63	10	17	13	57	N/A	0		5	6.36
Strat planning development certificates	0	0	39	39	0	N/A	0		3	6.41

COMMENTS

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2. COMPLIANCE WITH STATUTORY AND REGULATORY REQUIREMENTS INCLUDING SAFETY, RISK AND OTHER LEGISLATIVE MATTERS

Safety Statistics

The safety statistics for the reporting period are:

	FIRST QUARTER		
	July	Aug	Sept
Number of Lost Time Injuries	0		
Number of Days Lost Due to Injury	0		
Total Number of Incidents Reported	0		
Number of Incomplete Hazard Inspections	0		

Risk Management Summary

Risk	Current Risk Rating	Future Control & Risk Treatment Plans	Due Date	% Completed	Comments
Failure to address general long term planning needs for the community will result in lower quality development, less development overall, continued poor economic and community performance indicators, and lost opportunities in pursuit of achieving elevation of Rockhampton's reputation to an exceptional regional city.	Very High	Develop strategies to address threat, train existing staff to address, and hire staff with required skill sets. Educate community, develop strategic partnerships, and identify external resources.	31/12/2014	5%	This is a very long term issue
Changes to State law that reduce revenues for essential Council services, e.g. Development Assessment will result in less capacity to provide planning services, requiring supplemental funding from other sources, e.g.	High 4	Monitor and respond when appropriate	N/A	N/A	Actively being monitored. Nothing immediate to respond to.

Risk	Current Risk Rating	Future Control & Risk Treatment Plans	Due Date	% Completed	Comments
increased rates.					
Failure to collect revenue results in fewer funds available and lack of confidence in Council business practices.	High 5	Process and workflow to address has been developed and approved by Council.	31/12/2015	0%	Working on logistics of collection
Continuing changes to state legislation and regulatory requirements on Council increase the risk of Council not being able to fully comply with all requirements. Consequences include possible fines, further limitations on Council functions, failure to provide essential resources to enable Council to achieve regional development objectives.	Moderate 5	Respond as events occur and provide submissions to articulate impacts on RRC operations	N/A	N/A	Staff have been monitoring proposed changes and have provided several submissions and alerted Council to potential impacts
Failure to manage hazard conditions and negative impacts on environmental resources will result in increased property damage and loss of environmental functionality and aesthetic amenity which will damage the reputation of Council for management of these services, as well as possible lawsuits for property damage.	Moderate 5	Have incorporated relevant measures in proposed Planning Scheme. Provided information to citizens and Councillors re purpose for inclusion and impacts.	31/12/2015	70%	Additional improvements will depend on future analysis and subsequent amendments of the Planning Scheme, development of effective public outreach messaging, and hiring of staff to specifically address additional analysis needs,

Risk	Current Risk Rating	Future Control & Risk Treatment Plans	Due Date	% Completed	Comments
					particularly environmental and design.

Legislative Compliance & Standards

Legislative Compliance Matter	Due Date	% Completed	Comments
Outdated employee immunisations, tickets, and/or licenses	Various	76%	As at 31 July 2014 Council records indicate that 7 Planning employees are yet to obtain/complete immunisations, tickets, and/or licenses deemed necessary for their roles
Outdated legislative compliance mandatory training and/or qualifications	Various	97%	As at 31 July 2014 Council records indicate that 1 Planning employee is non-compliant in this regard
Overdue performance reviews	Various	91%	As at 31 July 2014 Council records indicate that 3 performance reviews are yet to be finalized. Comment – These were completed but lost through deamalgamation.

3. ACHIEVEMENT OF CAPITAL PROJECTS WITHIN ADOPTED BUDGET AND APPROVED TIMEFRAME

No capital projects are relevant to the Planning Section.

4. ACHIEVEMENT OF OPERATIONAL PROJECTS WITHIN ADOPTED BUDGET AND APPROVED TIMEFRAME

Project	Revised Budget	Actual (incl. committals)	% budget expended	Explanation
Rockhampton Regional Planning Scheme	N/A	N/A	N/A	<i>This project is a large operational plan that spans over several years</i>

5. DELIVERY OF SERVICES AND ACTIVITIES IN ACCORDANCE WITH COUNCIL'S ADOPTED SERVICE LEVELS

Service Delivery Standard	Target	Current Performance
Development Assessment		
Acknowledgement notices (where required) sent out within 10 business days of application being properly made	100%	100%
Information requests (where required) sent out within timeframes required under SPA	100%	82%
Decisions are made within 20 business day timeframe once decision stage commences (or extended timeframe permitted under SPA)	100%	89%
Decision notices are issued within 5 business days of the decision being made	100%	100%
Building		
Building Approvals - Decisions are made within 10 business day timeframe	100%	100%
Inspection Certificates - Certificates are issued within 5 business day timeframe	100%	NIL
Plumbing		
Compliance request are decided within 20 business day timeframe	100%	100%
Strategic Planning		
Property Search – Planning and Development certificate sent out within timeframes required under SPA	100%	96%

FINANCIAL MATTERS



Budget Management Report OPCHART - PLANNING

As At 30-Jul-2014

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Adopted Budget \$		Revised Budget \$	YTD Actual \$	Committals \$	Total Committals \$	Budget Variance %
Control - Land Use Strategic Manager						
	Expenses					
715,679	Total Expenses	0	26,352	44,015	70,367	10%
	Transfer / Overhead Allocation					
0	Total Transfer / Overhead Allocation	0	103	0	103	10300%
715,679	Total Control - Land Use Strategic	0	26,455	44,015	70,470	10%
715,679	Total	0	26,455	44,015	70,470	10%
Control - Strategic Planning						
	Revenues					
(151,500)	Total Revenues	0	(4,854)	0	(4,854)	3%
	Expenses					
1,175,820	Total Expenses	0	67,704	31,825	99,529	8%
	Transfer / Overhead Allocation					
32,288	Total Transfer / Overhead Allocation	0	351	0	351	1%
1,056,608	Total Control - Strategic Planning	0	63,201	31,825	95,026	9%
1,056,608	Total	0	63,201	31,825	95,026	9%
Control - Development Assessment						
	Revenues					
(2,150,500)	Total Revenues	0	(123,728)	0	(123,728)	6%
	Expenses					
1,593,539	Total Expenses	0	56,195	64,631	120,826	8%
	Transfer / Overhead Allocation					
34,850	Total Transfer / Overhead Allocation	0	916	0	916	3%
(522,111)	Total Control - Development	0	(66,617)	64,631	(1,986)	0%
(522,111)	Total	0	(66,617)	64,631	(1,986)	0%
OPERATIONAL PRControl - Development Compliance						
	Revenues					
(1,333,929)	Total Revenues	0	(73,379)	0	(73,379)	6%
	Expenses					
1,279,980	Total Expenses	0	47,604	70,303	117,907	9%
	Transfer / Overhead Allocation					
145,629	Total Transfer / Overhead Allocation	0	6,741	0	6,741	5%
91,680	Total OPERATIONAL PRControl -	0	(19,034)	70,303	51,270	56%
91,680	Total	0	(19,034)	70,303	51,270	56%

10 NOTICES OF MOTION

Nil

11 URGENT BUSINESS/QUESTIONS

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

12 CLOSURE OF MEETING