



PLANNING & DEVELOPMENT COMMITTEE MEETING

AGENDA

9 SEPTEMBER 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 9 September 2014 commencing at 1.30pm for transaction of the enclosed business.

A handwritten signature in black ink, appearing to be "C. R.", is positioned above the printed name of the Chief Executive Officer.

CHIEF EXECUTIVE OFFICER
3 September 2014

Next Meeting Date: 23.09.14

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.

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	OPENING.....	1
2	PRESENT	1
3	APOLOGIES AND LEAVE OF ABSENCE	1
4	CONFIRMATION OF MINUTES	1
5	DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA.....	1
6	BUSINESS OUTSTANDING	2
6.1	BUSINESS OUTSTANDING TABLE FOR PLANNING AND DEVELOPMENT COMMITTEE	2
6.2	LIFTING MATTERS LAYED ON THE TABLE	5
6.3	D/100-2014 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A HOUSE.....	6
7	PUBLIC FORUMS/DEPUTATIONS	26
	NIL	26
8	OFFICERS' REPORTS.....	27
8.1	D/107-2014 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A MEDIUM IMPACT INDUSTRY AND ENVIRONMENTALLY RELEVANT ACTIVITY.....	27
8.2	D/149-2014 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A HOUSE.....	42
8.3	D/589-2013 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR EXTRACTIVE INDUSTRY (EXTENSION).....	62
8.4	D/17-2014 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A MULTI UNIT DWELLING (SIX UNITS).....	84
9	STRATEGIC REPORTS	109
	NIL	109
10	NOTICES OF MOTION.....	110
	NIL	110
11	URGENT BUSINESS/QUESTIONS	111
12	CLOSED SESSION	112
13.1	D/1322-2008 PROGRESS OF COMPLIANCE AT PORT CURTIS.....	112
13	CONFIDENTIAL REPORTS	113
13.1	D/1322-2008 PROGRESS OF COMPLIANCE AT PORT CURTIS.....	113
14	CLOSURE OF MEETING	114

1 OPENING

2 PRESENT

Members Present:

Acting Mayor, 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 Mayor Margaret Strelow. Councillor Stephen Schwarten tendered his apology and was not in attendance.

4 CONFIRMATION OF MINUTES

Minutes of the Planning & Development Committee held 26 August 2014

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 BUSINESS OUTSTANDING

6.1 BUSINESS OUTSTANDING TABLE FOR PLANNING AND DEVELOPMENT COMMITTEE

File No: 10097

Attachments: 1. Business Outstanding Table for Planning and Development Committee

Responsible Officer: Evan Pardon - Chief Executive Officer

Author: Evan Pardon - Chief Executive Officer

SUMMARY

The Business Outstanding table is used as a tool to monitor outstanding items resolved at previous Council or Committee Meetings. The current Business Outstanding table for the Planning and Development Committee is presented for Councillors' information.

OFFICER'S RECOMMENDATION

THAT the Business Outstanding Table for the Planning and Development Committee be received.

BUSINESS OUTSTANDING TABLE FOR PLANNING AND DEVELOPMENT COMMITTEE

Business Outstanding Table for Planning and Development Committee

Meeting Date: 9 September 2014

Attachment No: 1

Date	Report Title	Resolution	Responsible Officer	Due Date	Notes
26 August 2014	Development Application for a Material Change of Use for a House	That the matter lay on the table pending a site inspection to return to the Planning and Development Committee Meeting on 9 September 2014.	Petrus Barry	09/09/2014	

6.2 LIFTING MATTERS LAYED ON THE TABLE

File No: 1370
Attachments: Nil
Responsible Officer: Evan Pardon - Chief Executive Officer
Author: Evan Pardon - Chief Executive Officer

SUMMARY

The Business Outstanding table is used as a tool to identify when reports are due back to the table. Items lying on the table require a report to be lifted from the table before being dealt with. This report is designed to lift all necessary reports from the table to be dealt with at this meeting.

OFFICER'S RECOMMENDATION

THAT the following matter, "lying on the table" in the Business Outstanding table due to return to the Planning and Development Committee Meeting, be lifted from the table and be dealt with accordingly:

1. Development Application for a Material Change of Use for a House

6.3 D/100-2014 - 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

This matter was presented at the Planning and Development Committee on 26 August 2014, however was layed on the table pending a site inspection. This inspection was scheduled for 8 September 2014.

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: Nil

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

Statutory due determination date:	27 August 2014 extended to 24 September 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	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

	downstream water quality and minimises disturbance to natural drainage.	<p>these issues and the plans appropriately conditioned.</p> <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>
--	---	--

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. 4) 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.

D/100-2014 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A HOUSE

Locality Plan

Meeting Date: 9 September 2014

Attachment No: 1

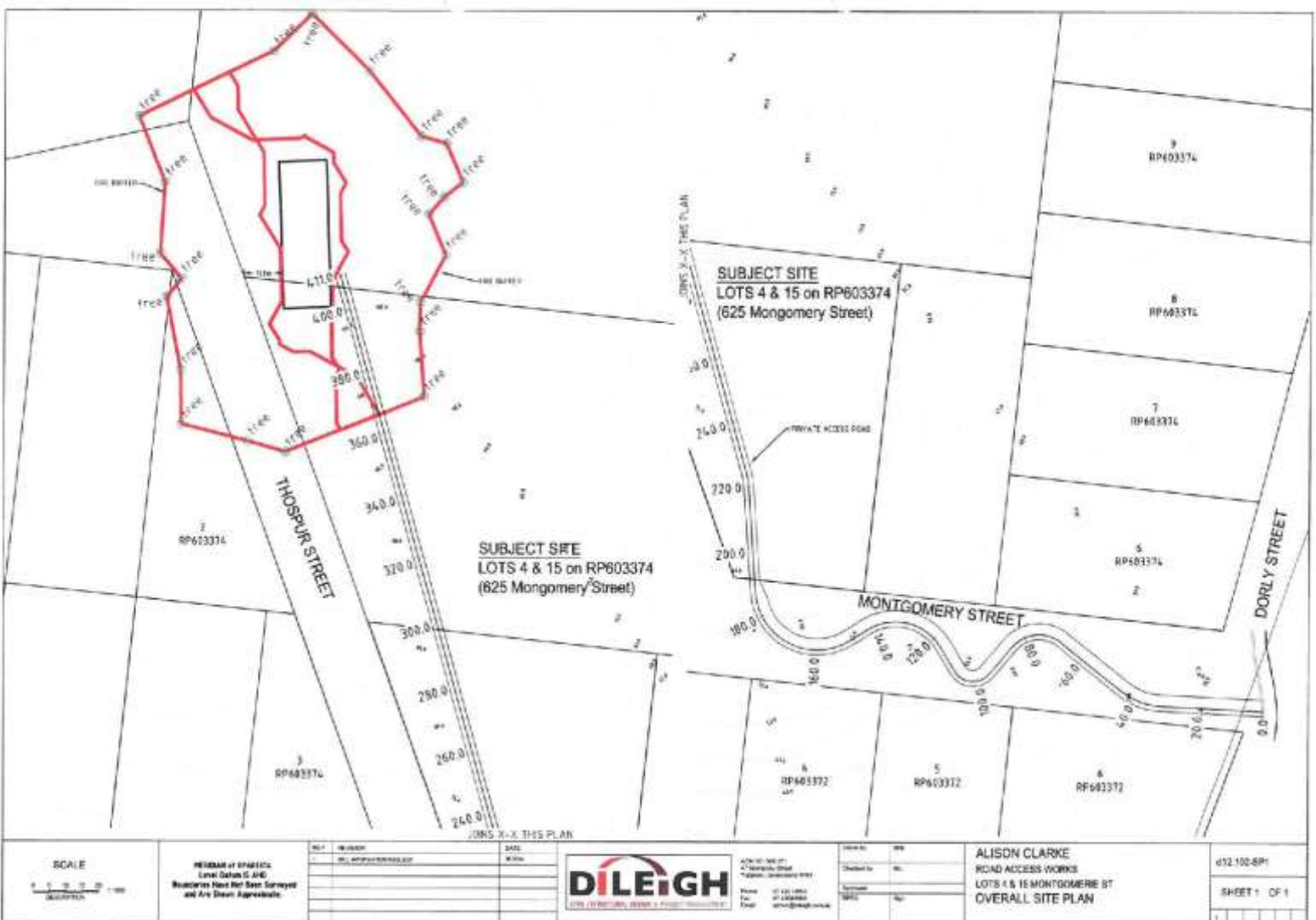


**D/100-2014 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A HOUSE**

Overall Site Plan - d12.102-SP1 Rev 1

Meeting Date: 9 September 2014

Attachment No: 2

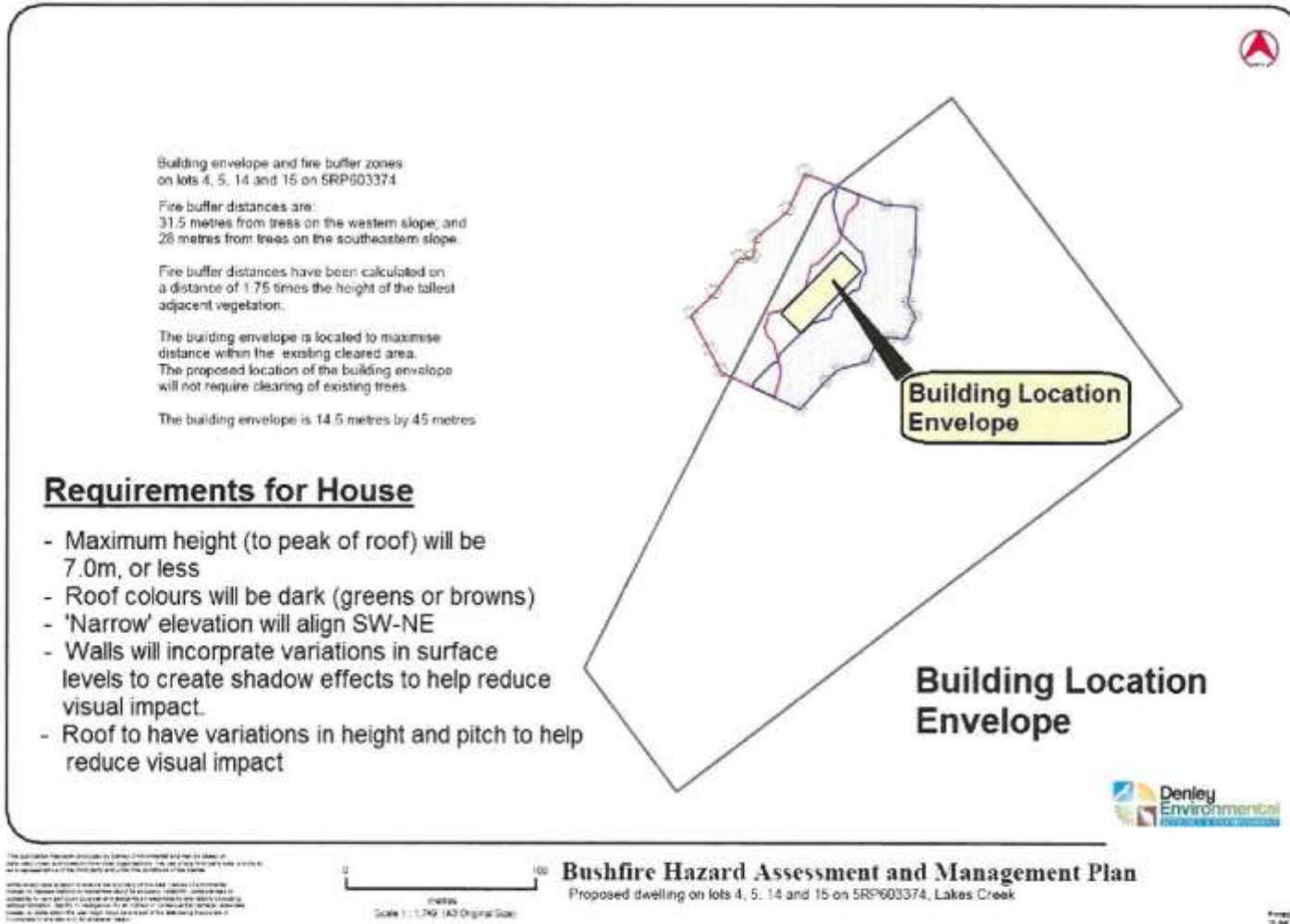


D/100-2014 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A HOUSE

Building Location Envelope

Meeting Date: 9 September 2014

Attachment No: 3



7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 OFFICERS' REPORTS

8.1 D/107-2014 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A MEDIUM IMPACT INDUSTRY AND ENVIRONMENTALLY RELEVANT ACTIVITY

File No: D/107-2014

Attachments:

1. Locality Plan
2. Site Plan
3. Floor Plan

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

Author: Alyce McLellan - Planning Officer

SUMMARY

Development Application Number: D/107-2014

Applicant: Macegate Pty Ltd

Real Property Address: Lot 2 on RP609239, Parish of Murchison

Common Property Address: 1 Gray Street, Park Avenue

Area of Site: 2.669 hectares

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: Splitters Creek Residential Area – Precinct 1 – Special Use

Planning Scheme Overlays: Railway Noise Code

Existing Development: Low Impact Industry

Existing Approvals: Material Change of Use for a Low Impact Industry approved 24 October 2011 (Development Application D/210-2011)

Approval Sought: Development Permit for a Material Change of Use for a Medium Impact Industry and Environmentally Relevant Activity

Level of Assessment: Impact Assessable

Submissions: Ten (10) properly made submissions and five (5) not properly made submissions

Referral Agency(s): Department of State Development, Infrastructure and Planning

Adopted Infrastructure Charges Area: Charge Area One

Application Progress:

<i>Application Lodged:</i>	2 May 2014
<i>Acknowledgment Notice issued:</i>	15 May 2014
<i>Acknowledgment Notice reissued:</i>	2 June 2014
<i>Submission period commenced:</i>	30 June 2014
<i>Submission period end:</i>	21 July 2014

<i>Government Agency Response:</i>	<i>1 July 2014</i>
<i>Last receipt of information from applicant:</i>	<i>22 July 2014</i>
<i>Council request for additional time:</i>	<i>31 July 2014</i>
<i>Statutory due determination date:</i>	<i>16 September 2014</i>

OFFICER'S RECOMMENDATION

THAT in relation to the application for a Development Permit for a Material Change of Use for a Medium Impact Industry and Environmentally Relevant Activity, made by Macegate Pty Ltd, on Lot 2 on RP609239, Parish of Murchison, located at 1 Gray Street, Park Avenue, 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) Road Works;
 - (ii) Access and Parking Works;
 - 1.6.2 Building Works; and
 - 1.6.3 Plumbing and Drainage 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>Plan/Document Reference</u>	<u>Dated</u>
Site Layout Plan	1727.001 Revision 1	30 April 2014
Plant Layout Plan	1727.006	2 April 2014
Gray Street Plastic Product Manufacturing Facility – Environmental Management	1727_DA1_310_001	April 2014

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

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

3.0 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, *Capricorn Municipal Development Guidelines* and relevant *Australian Standards*.

3.3 The intersection of Gray Street and Alexandra Street must be upgraded to cater for a B-double access in accordance with the *Manual of Uniform Traffic Control Devices - Queensland, Austroads 'Guide to Traffic Management'*, and *Australian Standard AS1742, AS1743, AS2890*.

4.0 ACCESS AND PARKING WORKS

4.1 A Development Permit for Operational Works (access and parking 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 and parking works).

4.3 Universal access parking spaces must be provided in accordance with *Australian Standard AS2890.6 "Parking Facilities - Off-Street parking for people with disabilities"*.

4.4 All parking, access and manoeuvring areas must be paved or sealed.

5.0 PLUMBING AND DRAINAGE 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*, *Plumbing and Drainage Act* Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.

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

5.3 The existing sewerage and water connection point(s) must be retained, and upgraded if necessary, to service the development.

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

- 5.5 The finished sewerage access chamber surface must be at a sufficient level to avoid ponding of stormwater above the top of the chamber. A heavy duty trafficable lid must be provided in the trafficable area.
- 5.6 The applicant must ensure adequate fire fighting protection is available from the existing hydrant within the Gray Street road reserve and also from the on-site fire fighting equipment for the proposed development. Should adequate protection not be achievable, upgrade of on-site fire fighting equipment, internal pillar hydrant, water tanks, and pumps may be required.
- 5.7 Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's sewerage reticulation. Arrester traps must be provided where commercial or non-domestic waste water is proposed to be discharged into the system.
- 5.8 Hoses must be provided at the refuse container area, and washdown must be drained to the sewer in accordance with a Plumbing and Drainage Permit and Sewerage Trade Waste Permit.

6.0 STORMWATER WORKS

- 6.1 All stormwater discharge must be lawful 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.
- 6.2 Any hazardous material, waste or contaminated water must not be discharged into the stormwater drainage system. Any such items must be disposed to the satisfaction of Council.

7.0 SITE WORKS

- 7.1 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.

8.0 BUILDING WORKS

- 8.1 All waste storage areas must be:
 - 8.1.1 Aesthetically screened from any frontage or adjoining property;
 - 8.1.2 Surrounded by at least a 1.8 metre high fence that obstructs from view the contents of the bin compound by any member of the public from any public place;
 - 8.1.3 of a minimum size to accommodate skip type bins in accordance with the *Environmental Protection (Waste Management) Regulations*.
- 8.2 Impervious paved and drained washdown areas to accommodate all refuse containers must be provided. The areas must be aesthetically screened from any road frontage or adjoining property.
- 8.3 A bunded covered area must be provided for the storage of all chemicals and environmentally hazardous fluids. The bunded storage area must have a volume of at least that of the largest container in the bund.
- 8.4 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 8.5 Noise mitigation measures must be constructed and implemented in accordance with the recommendations in the report titled Gray Street Plastic Product Manufacturing Facility Planning Assessment Report – Environmental Management (refer to condition 2.1). Should the development be found to be creating a noise nuisance,

then the report must be revised by the owner/operator within three (3) months and submitted to Council for approval with additional mitigation measures. Council may require any noise mitigation measures identified in the assessment to be implemented within appropriate and reasonable timeframes as determined by Council.

- 8.6 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 days of the completion of the investigation.

- 8.7 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.

9.0 LANDSCAPING WORKS

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

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

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 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 Gray Street.

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

- 12.3 Cleaning of plant equipment and vehicles must be carried out in an area where waste water can be suitably managed so as not to cause contaminants to release into waterways or overland flow paths.

- 12.4 There must be no release of emissions that may cause an environmental nuisance, including but not limited to noise, odour, dust and fumes.

- 12.5 Plant and equipment must be maintained at all times and in proper working order.

- 12.6 An appropriate spill kit must be maintained on the premises and located in an easily accessible location. The kit must be clearly identifiable.

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.

BACKGROUND**PROPOSAL IN DETAIL**

The proposal is for a Plastic Product Manufacturing Facility which produces plastic products manufactured from expandable polystyrene. The expandable polystyrene is used to produce items such as packaging, insulation, consumer goods and safety products. The proposal will be conducted within an existing shed, and does not seek to establish any additional gross floor area, car parking, manoeuvring or landscaping areas.

The use will operate from 6am to 6pm Monday to Saturday with no operation on Sundays. The proposed operation will result in four (4) on site staff.

The site will be accessed from the existing access from Gray Street.

SITE AND LOCALITY

The subject site contains nine (9) large constructed sheds which are divided into different lease areas. These are utilised by a number of different businesses within the separated shed spaces. The site also accommodates all required car parking on site to service the various businesses and provides ample landscaping and lawn areas comparatively to other industrial uses.

A railway corridor adjoins the site to the rear and both properties to the north and south are low impact industrial uses constructed with a character comparable to what exists on the subject site. Adjoining the site to the east are residential uses, typically single houses on single lots which are located more than 90 metres away from the proposed use.

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 – 13 May 2014

Support, subject to conditions.

Public and Environmental Health Comments – 20 May 2014 and 20 August 2014

Support, subject to conditions.

Other Staff Technical Comments

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

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

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

State Planning Policy 2014

This policy came into effect 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.

Biodiversity

Not Applicable.

Coastal environment

Not Applicable.

Water quality

Not Applicable.

Natural hazard, risk and resilience

Not Applicable.

Emissions and hazardous activities

Not Applicable.

State transport infrastructure

Not Applicable.

Strategic airports and aviation facilities

Not Applicable.

Rockhampton City Plan 2005**Splitters Creek Residential Area Intent**

The subject site is situated within the Splitters Creek Residential Area – Special Use Precinct under the *Rockhampton City Plan 2005*. The intent of the Precinct 1 - Special Use Precinct identifies that: -

'...a number of options will be made available to land located within this precinct, to facilitate its redevelopment and improvement. The proximity of the precinct to residential development around much of its perimeter and the location of the railway corridor dividing the precinct almost down the middle demands an approach to future land uses that has those industries with the least impact on residential land uses located around the perimeter with those that have greater impacts located adjacent to the rail corridor. However, given the proximity of the precinct to residential land uses, it is also intended to allow in this precinct non industrial uses to occur as extensions of the surrounding residential area, provided any impacts can be mitigated.

For any industrial development proposed in the precinct, it is intended that only industrial uses that have a low degree of impacts be accommodated, such as Low Impact Industries, Bulk Stores, Vehicle Depots or Warehouses. The exception is however that Medium Impact Industries can be accommodated in the precinct if at locations that are at least 50 metres from the boundary of an allotment used for a residential land use.'

This application is consistent with the intent of the Area. The use is located approximately ninety-seven (97) metres from the boundary of any allotment accommodating a residential use. It is also considered that the proposal will not impact on the amenity of the surrounding residents.

Rockhampton City Plan Codes

The following codes are applicable to this application:

- Industrial Use Code
- Parking and Access Code
- Landscaping Code
- Crime Prevention Through Environmental Design Code

An assessment has been made against the requirement of the abovementioned codes and the proposed development is generally consistent with the Acceptable Solutions and Performance Criteria of the Rockhampton City Plan 2005.

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	
Industry	Areas 1	50	per m ² of GFA	10	per m ² of impervious area	\$89,500
Less credit						\$89,500
TOTAL CHARGE						Nil

This is based on the following calculations:

- (a) A charge of \$89,500 for Gross Floor Area being 1,790 square metres (storage area, manufacturing area, office and associated structures);
- (b) An Infrastructure Credit of \$89,500 is applicable for the existing industrial structures (1,790 square metres); and

(c) There are no additional impervious areas.

Therefore, no Infrastructure Charges are applicable for the development.

CONSULTATION

The proposal was the subject of public notification between 30 June 2014 and 21 July 2014, as per the requirements of the *Sustainable Planning Act 2009*. Ten (10) properly made submissions and five (5) not properly made submissions were received. All submissions received were in support of the proposal.

REFERRALS

The application was referred to the Department of State Development, Infrastructure and Planning as the site is located within twenty-five metres of a railway. The department provided conditions supporting the application on 1 July 2014.

CONCLUSION

The application is for a Medium Impact Industry and the proposal is a consistent use when considering the intent of the Special Use Precinct in the Splitters Creek Residential Area of the *Rockhampton City Plan 2005*. As demonstrated in the above report, the proposal is generally in accordance with the intent of, and identified outcomes of the various applicable codes. It is located on a site which is suited to the proposed development and which is generally accessible to services. The application is therefore recommended for approval subject to the conditions outlined in the recommendation.

**D/107-2014 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A MEDIUM
IMPACT INDUSTRY AND
ENVIRONMENTALLY RELEVANT
ACTIVITY**

Locality Plan

Meeting Date: 9 September 2014

Attachment No: 1



**D/107-2014 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A MEDIUM
IMPACT INDUSTRY AND
ENVIRONMENTALLY RELEVANT
ACTIVITY**

Site Plan

Meeting Date: 9 September 2014

Attachment No: 2



**D/107-2014 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A MEDIUM
IMPACT INDUSTRY AND
ENVIRONMENTALLY RELEVANT
ACTIVITY**

Floor Plan

Meeting Date: 9 September 2014

Attachment No: 3



8.2 D/149-2014 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A HOUSE

File No: D/149-2014

Attachments:

1. Locality Plan
2. Site Plan
3. Floor Plan
4. 3D View

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

Author: Rebecca De Vries - Senior Planning Officer

SUMMARY

Development Application Number: D/149-2014

Applicant: GJ Gardner Homes Yeppoon

Real Property Address: Lot 12 on RP618774, Parish of Karkol

Common Property Address: 196 (formerly 193A) Edmistone Road, Pink Lily

Area of Site: 9.506 hectares

Planning Scheme: Fitzroy Shire Planning Scheme 2005

Planning Scheme Zoning: Alton Downs Zone Code – Precinct 2

Planning Scheme Overlays: Flood Prone Land

Existing Development: Vacant

Existing Approvals: Nil

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

Level of Assessment: Impact Assessable

Submissions: Nil

Referral Agency(s): Nil

Adopted Infrastructure Charges Area: Charge Area 3

Application Progress:

<i>Application Lodged:</i>	24 June 2014
<i>Acknowledgment Notice issued:</i>	25 June 2014
<i>Further Information Request issued:</i>	3 July 2014
<i>Response to Further Information Request received:</i>	15 July 2014
<i>Submission period commenced:</i>	23 July 2014
<i>Submission period end:</i>	15 August 2014
<i>Notice of Compliance received:</i>	18 August 2014
<i>Statutory due determination date:</i>	15 September 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 GJ Gardner Homes Yeppoon, on Lot 12 on RP618774, Parish of Karkol, located at 196 (formerly 193A) Edmestone Road, Pink Lily, 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 density of the development being a single house on a rural allotment, is of a character which is expected for a rural area;
- b) The development will be constructed above any flood height and is clear of the mapped flood area;
- c) An emergency flood management plan has been provided to demonstrate that the occupants are suitably able to manage a flood event without increasing demand on emergency services, and that the development will not result in an increased risk of damage to property or risk to life;
- d) The proposed use does not compromise the achievements of the Desired Environmental Outcomes in the *Fitzroy Shire Planning Scheme 2005*;
- e) Assessment of the development against the relevant zone outcomes and 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; and
- f) The proposed development does not compromise the relevant State Planning Policy.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for a House, made by GJ Gardner Homes Yeppoon, on Lot 12 on RP618774, Parish of Karkol, located at 196 (formerly 193A) Edmestone Road, Pink Lily, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

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

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

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Reference</u>	<u>Dated</u>
Emergency Management and Recovery Plan	Revision 1	July 2014
Site Plan	14-069-R Sheet 000 Rev. A	11 March 2014
Floor Level	14-069-R Sheet 100 Rev. C	30 April 2014
Elevation 1 and 2	14-069-R Sheet 200 Rev. B	12 March 2014
Elevation 3 and 4	14-069-R Sheet 201 Rev. B	12 March 2014
3D View	14-069-R Sheet 400 Rev. B	12 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 ACCESS WORKS

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

4.0 PLUMBING AND DRAINAGE WORKS

- 4.1 All internal plumbing and sanitary drainage works must be in accordance with regulated work under the *Plumbing and Drainage Act* and Council's Plumbing and Drainage Policies and *Australian Plumbing and Drainage Standard AS3500: Section 3 and 4*.
- 4.2 On-site sewage treatment and disposal must be in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Plumbing and Drainage Policies.
- 4.3 On-site water supply for domestic and fire fighting purposes must be provided and may include the provision of a bore, dams, water storage tanks or a combination of each.

5.0 ROOF AND ALLOTMENT DRAINAGE WORKS

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

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

6.0 SITE WORKS

- 6.1 All earthworks must be undertaken in accordance with *Australian Standards, AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 6.2 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.

7.0 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 All waste storage areas must be aesthetically screened from any frontage or adjoining property.
- 7.4 All buildings must be constructed in accordance with the Building Code of Australia – Volume 2, and the *Queensland Development Code MP3.5 Construction of Buildings in Flood Hazard Areas*.
- 7.5 Finished floor levels of the habitable rooms of the proposed house must be at or above a height of 11.7 metres Australian Height Datum (600 millimetres above the Q100 flood level of 11.1 metres Australian Height Datum) and the non-habitable areas (i.e. kitchen, laundry) must be at or above a height of 11.4 metres Australian Height Datum (300 millimetres above the Q100 flood level).

8.0 LANDSCAPING WORKS

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

9.0 ELECTRICITY AND TELECOMMUNICATIONS

- 9.1 Electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.
- 9.2 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.

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 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 OPERATING PROCEDURES

- 11.1 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 Edmestone Road.
- 11.2 Council acknowledges the 'Emergency Management and Recovery Plan' that has been submitted as part of the development application. Note: Council is not required to approve contingency plans (even though it appears in the approved documents list) and does not accept any liability for loss of or damage of property, or injury or loss of life as a result of any person using or relying on this plan, or failing to use this plan during a flood event.
- 11.3 It is the responsibility of the owner or occupier of the land to implement the 'Emergency Management and Recovery Plan' during a flood event or if there is a risk of flooding near the land.
- 11.4 A review and amendment of the 'Emergency Management and Recovery Plan' must be undertaken with any change in the owner or occupier of the land to demonstrate appropriate evacuation routes and preparation procedures during a flood event or if there is a risk of flooding near the land.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. General Environmental Duty

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

NOTE 3. General Safety Of Public During Construction

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

NOTE 4. Property Notes

A complete copy of the Development Approval and any documents conditioned by this approval (including the 'Emergency Management and Recovery Plan' or any updated version of this plan) must be given to the proposed purchaser when entering into a contract of sale or to the new registered proprietor prior to any transfer of land for this lot.

NOTE 5. Works in Road Reserve Permit

It is advised that a Works in Road Reserve Permit (including a fee for the vehicle crossover and compliant with Standard *Capricorn Municipal Development Guideline* Drawings) may be accepted in place of the Development Permit for Operational Works (access works).

RECOMMENDATION C

That in relation to the application for a Development Permit for a Material Change of Use for a House, made by GJ Gardner Homes Yeppoon, on Lot 12 on RP618774, Parish of Karkol, located at 196 (formerly 193A) Edmestone Road, Pink Lily, Council resolves not to issue an Infrastructure Charges Notice.

BACKGROUND**PROPOSAL IN DETAIL**

The proposal is for a high set dwelling with four bedrooms, two bathrooms, laundry and open plan living, dining and kitchen space. An open carport will be attached to the house. The house is proposed to face towards the south with stairs up to the main entrance landing and an entertaining deck facing towards the west.

SITE AND LOCALITY

The subject site is 9.506 hectares. The site is relatively flat and gains access from Edmestone Road.

The surrounding area is rural in character with houses, hobby farms and other rural uses in the vicinity of the site. The area is typically characterised by single houses on rural sized allotments which is in response to the flood impacts known in this area.

The subject site also contains two small wetlands towards the south of where the house is proposed to be located.

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 – 17 June 2014

Support, subject to conditions.

Infrastructure Operations Unit's (sewer and water) Comments – 17 June 2014

Support, subject to conditions.

Public and Environmental Health Comments – 18 June 2014

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 on 2 December 2013 (amended 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.

Mining and extractive resources

Not Applicable.

Biodiversity

Not Applicable.

Coastal environment

Not Applicable.

Water quality

Not Applicable.

Emissions and hazardous activities

Not Applicable.

Natural hazards

Complies. The proposed house to be constructed mitigates the risks associated with a flood event by being elevated above the one in 100 year flood height. The house is to be constructed on stilts as opposed to slab on ground to maintain natural processes and will not increase the severity of impacts in a flood event. The applicant has provided a flood management plan which will be conditioned upon approval to reduce the burden on disaster management response teams.

State transport infrastructure

Not Applicable.

Strategic airports and aviation facilities

Not Applicable.

Other Acts

Not Applicable.

Fitzroy Shire Planning Scheme 2005

The Desired Environmental Outcomes for Fitzroy Shire are as follows:

Social Elements

- a) The Shire's residential communities are preserved in character, well serviced, enjoy high levels of safety and amenity, able to accommodate growth and offer a range of housing options to meet the diverse needs of all members of the community.

Not Applicable: the development is not located in a residential zone and will not impact on the character of residential land.

- b) Gracemere is the main business centre, providing higher order services and a range of community and civic functions.

Not Applicable: the development will not impact on the commercial operations in appropriate zones, the proposal is for a House in a rural area.

- c) Communities of Bouldercombe, Bajool, Marmor, Kabra, Stanwell, Westwood, Gogango, Alton Downs and Ridgeland have access to facilities and services that meet local needs, and where appropriate also provide some higher order services and functions important to the Shire.

Not Applicable: the development is not located in the above communities.

- d) Rural Residential areas are located and consolidated to provide suitably serviced, alternative rural living options that are close to townships.

Not Applicable: the development is not located in a Rural Residential area.

- e) The park and recreation opportunities for residents and visitors of the Shire are enhanced and expanded.

Complies: the development will have no impact on the open space networks.

- f) Development is located and managed where ever possible to ensure the long term protection and conservation of the significant cultural heritage values of the Shire.

Complies: the development will have no impact on any significant heritage values within the region.

- g) The risks to persons and property due to flood, bushfire and landslide are minimised.

Complies: whilst the allotment is partially located in a flood prone area, the development site specifically will be located outside of the mapped flood area. It will also be conditioned that the development must be constructed above any expected potential flood height by providing habitable floor levels at a height of 11.7 metres Australian Height Datum.

Environmental Elements

- a) Sustainable measures for the use of the Shire's water resources including the Fitzroy River system, are implemented to ensure the provision of an adequate water supply and ongoing water quality.

Complies: the development will not adversely affect the region's water supply network.

- b) The potential downstream impacts of development, are minimised so as to reduce risks to the Great Barrier Reef catchment, which drains into the Great Barrier Reef World Heritage Area.

Complies: stormwater runoff from the development will not impact on the Great Barrier Reef catchment.

- c) Existing and planned water resources, including watercourses, water bodies, groundwater and tidal wetlands are managed and protected against the detrimental impacts of development.

Complies: the development will not impact on any watercourses or wetlands.

- d) The recognised values and integrity of significant natural features, conservation areas and open space networks eg. Conservation Parks, National Parks, native forests, are protected.

Not Applicable: the development will have no impact on the open space networks.

- e) The biodiversity and scenic values of native vegetation, which accommodates sensitive fauna and flora habitats, are protected.

Not Applicable: no sensitive flora or fauna will be impacted by the development.

- f) Development is located and managed to ensure the long term protection and conservation of the significant cultural heritage values of the Shire.

Complies: the development will have no impact on any significant heritage values within the region.

- g) Public health and the environment are protected from environmental harm from waste and contaminated land. Efficient resource use and waste minimisation and management are promoted whilst allowing for ecologically sustainable development.

Complies: the development will not place risk on public or environmental health from contaminated land.

- h) Air quality is maintained or enhanced whilst allowing for ecologically sustainable development.

Complies: air quality will not be affected by the proposed development.

- i) The quality of the acoustic environment is maintained or enhanced whilst allowing for ecologically sustainable development

Complies: the development is not expected to have any impact on the acoustic environment being for a single House only.

- j) The spread or increase of weeds and pest animals is prevented.

Complies: the use will not contribute to the spread of pests or weeds.

Economic Elements

- a) Industrial development opportunities are available, including new industrial lands in the Gracemere – Stanwell Zone, and are planned so as to balance economic values against the values of the natural environment, transport network and residential amenity.

Not Applicable: the proposal is not for an industrial use.

- b) The rural areas of the Shire accommodate a diverse range of agricultural and rural activities which are viable and operate sustainably.

Complies: the development is able to support rural operations on the site by providing a dwelling on a rural property which can assist property management.

- c) Port Alma remains an important port and industrial node in the Shire through ensuring adjoining land and vital transport routes are managed by the Planning Scheme to protect against the encroachment of incompatible land uses.

Complies: the use will not impact on the role of Port Alma.

- d) Resources and areas of economic value, such as Good Quality Agricultural Land, extractive materials, and forestry, are not compromised.

Complies: the development will not adversely affect the economic value of the rural area.

- e) The efficiency of infrastructure, including telecommunication, electricity transmission and distribution networks, and transport networks, is maintained and future extensions are well planned.

Complies: the use is able to be connected with the services required for a rural development.

- f) Water, sewer and stormwater infrastructure is planned and provided in a cost effective and timely manner to meet the needs of the Shire.

Complies: the site is not connected to, and will not impact on the water, sewer or stormwater networks.

- g) Waste disposal facilities which are adequate for the Shire's needs, are maintained and protected from the encroachment of inappropriate land uses.

Complies: the use will not impact on the waste disposal facilities of the region.

The above assessment demonstrates that the development generally complies with the Desired Environmental Outcomes for the region.

Alton Downs Zone – Precinct 2

The subject site is situated within the Alton Downs Zone – Precinct 2 under the *Fitzroy Shire Planning Scheme 2005*. The overall outcomes for this precinct identify that:

The overall outcomes are:

- (i) *The Precinct has a rural character created by large rural parcels, low population densities and basic services; and*

- (ii) *Only development and subdivision of land which is associated with uses in the Rural Use Class occurs in the Precinct.*

The application is inconsistent with the overall outcomes of the Alton Downs Zone – Precinct 2. A house is a use listed within the Residential use class, however the density of the development being a single house on a rural allotment, is of a character which is expected for a rural area.

Fitzroy Shire Planning Scheme Codes

The following codes are applicable to this application:

- Alton Downs Zone Code
- Natural Disasters Overlay Code
- Development Standards Code
- House Code

An assessment has been made against the requirements of the abovementioned codes and the proposed development generally complies with the relevant Specific Outcomes. An assessment of the Specific Outcomes which the application is in conflict with is outlined below:

Alton Downs Zone Code		
Specific Outcomes		Officer's Response
S5	<i>Development densities of dwelling units reflect the desired character of the Zone, as described in the Overall Outcomes for the Zone.</i>	<p>The site is approximately 9 hectares and the density intended for this area is for one dwelling per 16 hectares. Whilst the site is not 16 hectares, most adjoining allotments are vacant. Therefore the dwelling density for this area is generally still achieved.</p> <p>It is also identified in the Alton Downs Zone Code that deviation from the intended density is acceptable in the instance that the subject allotment was approved prior to 1996, and the siting of the dwelling unit is clear of the flood water levels. The site was created well prior to 1996 and the applicant has demonstrated that the development will be clear of the flood water levels.</p>

Natural Disasters Overlay Code (All Flood Prone Land)		
Specific Outcomes		Officer's Response
S1	<i>Development must be protected from adverse flooding and must not interfere with the passage, storage or quality of storm water, overland flow or the natural flow of a waterway.</i>	Whilst the development is cut off from the Central Business District in a flood event, the development site will not interfere with the flood levels nor will it result in any changes to the flows or storage of water.
S2	<i>Structures have acceptable levels of flood immunity.</i>	The applicant has demonstrated that the proposed dwelling will have an acceptable level of flood immunity, being built on the portion of the site which is not mapped as being flood prone, and also by constructing the house on stilts.

Based on a performance assessment of the above mentioned codes, it is determined that the proposal is acceptable and generally complies with the relevant Specific Outcomes and where there is deviation from the codes, sufficient justification has been provided.

Sufficient Grounds

The proposed development cannot be considered consistent with the *Fitzroy Shire Planning Scheme 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 density of the development being a single house on a rural allotment, is of a character which is expected for a rural area;
- b) The development will be constructed above any flood height and is clear of the mapped flood area;
- c) An emergency flood management plan has been provided to demonstrate that the occupants are suitably able to manage a flood event without increasing demand on emergency services, and that the development will not result in an increased risk of damage to property or risk to life;
- d) The proposed use does not compromise the achievements of the Desired Environmental Outcomes in the *Fitzroy Shire Planning Scheme 2005*;
- e) Assessment of the development against the relevant zone outcomes and 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; and
- 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 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
		3 or more bedroom dwelling		
Residential	Area 3	7,000	per dwelling	\$7,000.00
Total				\$7,000.00
Less credit				\$7,000.00
TOTAL CHARGE				NIL

This is based on the following calculations:

- (a) A charge of \$7,000.00 applies for a residential dwelling in Charge Area 3;
- (b) An Infrastructure Credit of \$7,000.00 applies for the existing allotment.

Therefore, no infrastructure charge is payable for this development.

CONSULTATION

The proposal was the subject of public notification between 23 July 2014 and 15 August 2014, as per the requirements of the *Sustainable Planning Act 2009*, and no submissions were received.

REFERRALS

There are no referral agencies relevant to this development application.

CONCLUSION

The proposed development is inconsistent with the Alton Downs Zone – Precinct 2 however has been assessed against the relevant statutory documents, and the codes under the *Fitzroy Shire Planning Scheme 2005* and it is considered that there are sufficient grounds to justify a decision that favours the proposed alternative land use. The proposal is located on a site which is suited to the development and is not anticipated to have any adverse impacts on the surrounding uses. The development is therefore recommended for approval subject to conditions outlined below.

D/149-2014 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A HOUSE

Locality Plan

Meeting Date: 9 September 2014

Attachment No: 1



**D/149-2014 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A HOUSE**

Site Plan

Meeting Date: 9 September 2014

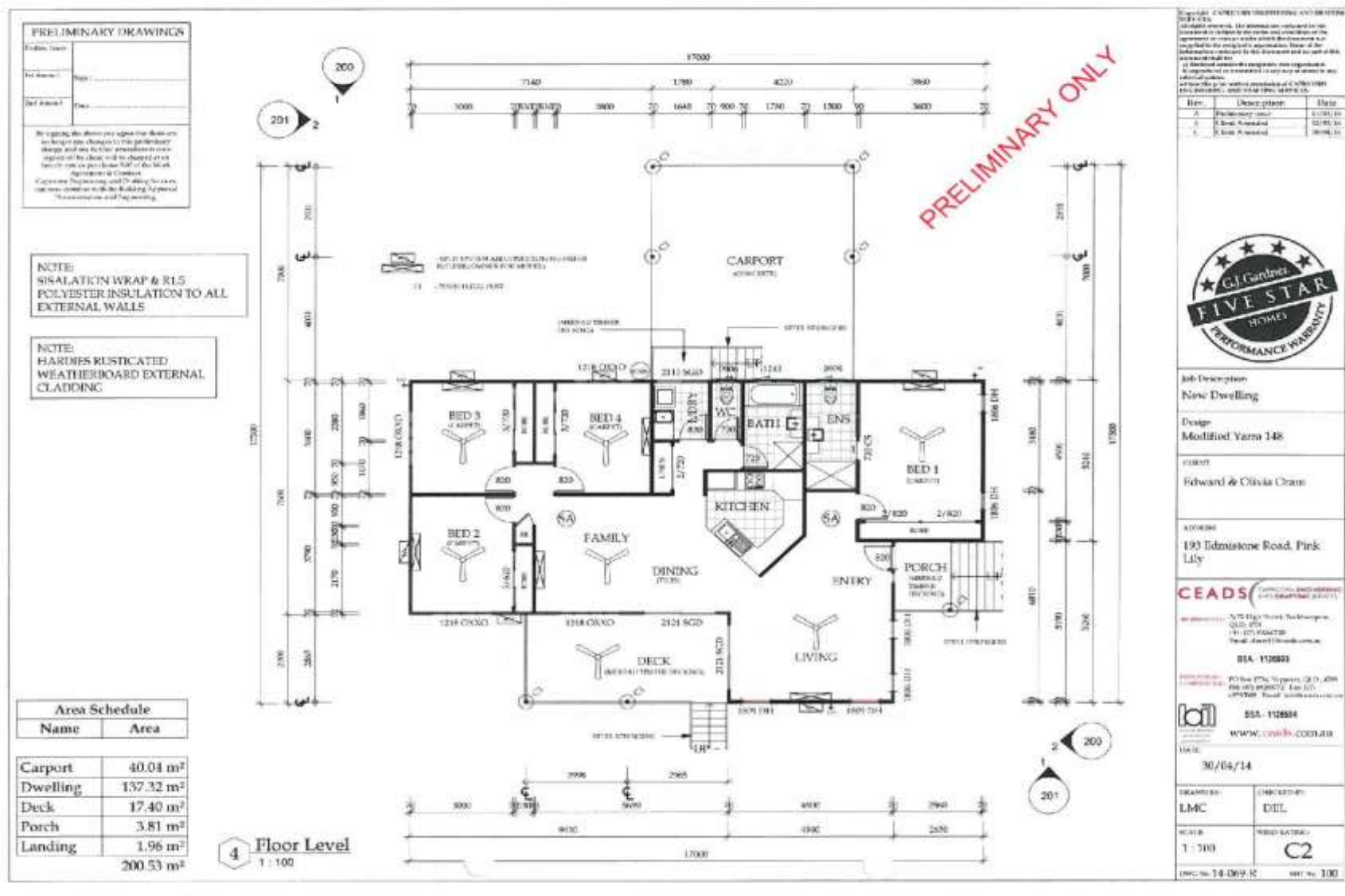
Attachment No: 2

**D/149-2014 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A HOUSE**

Floor Plan

Meeting Date: 9 September 2014

Attachment No: 3



**D/149-2014 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A HOUSE**

3D View

Meeting Date: 9 September 2014

Attachment No: 4



1 3D View 1



2 3D View 2



3 3D View 3

PRELIMINARY ONLY



100 Description New Dwelling	
Design Modified Yarra 148	
CLIENT Edward & Olivia Cram	
ADDRESS 193 Edmechme Road, Pink Lily	
 CEADS <small>Civil Engineering & Design Services</small>	
3/72 Highview Road, East Hampton VIC 3785 Tel: 03 57 564769 Email: ceads@ceads.com.au	
BSA - 910003	
100 Highview Road, East Hampton VIC 3785 Tel: 03 57 564769 Email: ceads@ceads.com.au	
 BSA - 910004 www.ceads.com.au	
DATE 11/05/14	
DRAWN BY LMC	CHECKED BY DEL
SCALE 1:100	PROJECT NO. C2
DATE 11-05-14	DATE 11-05-14

8.3 D/589-2013 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR EXTRACTIVE INDUSTRY (EXTENSION)

File No: D/589-2013

Attachments:

1. Locality Plan
2. Site Plan
3. Sand Extraction Plan

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Russell Claus - Manager Planning
Martin Crow - Acting General Manager Regional Services

Author: Corina Hibberd - Planning Officer

SUMMARY

Development Application Number: D/589-2013

Applicant: John Foxlee

Real Property Address: Lot 250 on R2621, Parish of Rockhampton

Common Property Address: 473 Nine Mile Road, Fairy Bower

Area of Site: 36.422 hectares

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: South Rockhampton Rural Area

Planning Scheme Overlays: Q100 Flood affected land

Existing Development: Extractive Industry

Existing Approvals: Material Change of Use for an Extractive Industry (D/225-2010) approved on 13 March 2012

Approval Sought: Development Permit for a Material Change of Use for Extractive Industry (extension)

Level of Assessment: Impact Assessable

Submissions: Nil

Referral Agency(s): Department of State Development, Infrastructure and Planning

Adopted Infrastructure Charges Area: Charge Area Three

Application Progress:

<i>Application Lodged:</i>	17 December 2013
<i>Acknowledgment Notice issued:</i>	7 January 2014
<i>Request for Further Information sent:</i>	Not Applicable
<i>Submission period commenced:</i>	5 May 2014
<i>Submission period end:</i>	26 May 2014
<i>Council request for additional time:</i>	18 July 2014 and, 15 August 2014

<i>Government Agency request for additional time:</i>	<i>28 May 2014</i>
<i>Government Agency Response:</i>	<i>24 June 2014</i>
<i>Last receipt of information from applicant:</i>	<i>15 August 2014</i>
<i>Statutory due determination date:</i>	<i>16 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 Extractive Industry (extension), made by ADAMS + SPARKES Town Planning + Development on behalf of John Foxlee, on Lot 250 on R2621, Parish of Rockhampton, located at 473 Nine Mile Road, Fairy Bower, 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) An approval for the same use already exists on this site at a smaller scale;
- b) The applicable Environmentally Relevant Activity (ERA) permit allows for up to 100,000 tonnes to be extracted per year under the existing ERA approval;
- c) The site is strategically located in a rural area with natural resources available for extraction and is located proximal to other extractive operations;
- d) The proposal will not compromise other rural pursuits in the locality, and will be managed in accordance with a Site Based Management Plan;
- e) The use will cease operations once the resource has been extracted from the site. Rehabilitation upon completion of the use will allow agricultural uses to recommence;
- f) The increase in vehicle movements on the existing road network will be minimal and will not adversely result in traffic congestion or safety issues;
- g) 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, infrastructure, community facilities or local character and amenity.
- h) The proposed development does not compromise relevant State Planning Policies.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for Extractive Industry (extension), made by ADAMS + SPARKES Town Planning + Development on behalf of John Foxlee, on Lot 250 on R2621, Parish of Rockhampton, located at 473 Nine Mile Road, Fairy Bower, 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; and
 - (iv) Site Works.
- 1.7 The Environmentally Relevant Activity Permit must be amended to reflect this development approval, and approved by the Department of Environment and Heritage prior to the commencement of the use.
- 1.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.9 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant Australian Standards and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Number</u>	<u>Dated</u>
Proposed Site Development Layout	WD 1057.2 Rev. A	September 2010
Proposed Sand Extraction from Lot 250 on R2621	5652-07	30 August 2013
Site Based Management Plan	4363	27 November 2013
Road Impact Assessment report by McMurtrie Consulting Engineers	026-10-11	29 November 2010

- 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 STAGED DEVELOPMENT

- 3.1 This approval is for a development to be undertaken in twelve (12) discrete stages in accordance with the approved Site Development Layout plan (refer to condition 2.1).
- 3.2 Stage one must be completed prior to any other Stage. All other stages are not required to be undertaken in chronological order.
- 3.3 Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.

4.0 ROAD WORKS

- 4.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road 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*, relevant *Australian Standards* and the provisions of a Development Permit for Operational Works (road works).
- 4.3 The intersection of Fogarty Road and Nine Mile Road must be upgraded to a sealed basic left-turn intersection with an adequate turning radius to accommodate all vehicles associated with the extractive industry. The intersection must be asphalt sealed to an extent that no damage is caused to Nine Mile Road.

Alternatively, the Developer may enter into an Infrastructure Agreement with Council to pay half the cost of the intersection works for Fogarty Road and Nine Mile Road, Fairy Bower. The agreement must be prepared and finalised by Council's solicitors at no cost to Council (including the payment of any State tax) and must be executed by the Developer. The agreed repayment date must be negotiated between Council and the Developer as part of the Infrastructure Agreement process.

- 4.4 A road maintenance agreement must be entered into with the Rockhampton Regional Council. The agreement must provide for payments, from the start of the operations, on a six monthly basis, for the duration of this activity calculated by the owner/operator of the development, based on audited returns of the tonnage transported per period. The calculation is based on this clause:

"A maintenance levy must be paid on a six monthly basis on the following calculation. The amount shown below dates to March 2014 values and will be calculated in future years adjusted each year by the Consumer Price Index (All Groups Brisbane)."

Tonnage (in 6 month period)	Rate
0-100,000 tonnes	\$0.4326 per tonne

Note: CPI of March 2014 – 105.2

5.0 ACCESS WORKS

- 5.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access works on the site.
- 5.2 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 (access works)
- 5.3 The access must be sealed to the satisfaction of Council and must be designed and constructed in accordance with the *Capricorn Municipal Development Guidelines* and the provisions of a Development Permit for Operational Works (access works).

6.0 STORMWATER WORKS

- 6.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any drainage works on the site.
- 6.2 All stormwater drainage 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 (stormwater works).
- 6.3 All stormwater drainage must be discharged such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties or infrastructure.

- 6.4 A detailed Stormwater Treatment Strategy must be prepared and submitted as part of the application for a Development Permit for Operational Works (stormwater works).
- 7.0 SITE WORKS
- 7.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works.
- 7.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan which clearly identifies the following:
- 7.2.1 the location of cut and/or fill;
 - 7.2.2 the type of fill to be used and the manner in which it is to be compacted;
 - 7.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - 7.2.4 details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and
 - 7.2.5 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.
- 7.3 A Rehabilitation Management Plan must be submitted to Council for approval along with any application for a Development Permit for Operational Works (site works).
- 7.4 Further testing for acid sulphate soils must be completed in accordance with the Site Based Management Plan (refer to Condition 2.1), the *State Planning Policy 2014*, the *Guidelines for Sampling and Analysis of Lowland Acid Sulphate Soils in Queensland 1998* and *Queensland Acid Sulphate Soil Technical Manual – Soil Management Guidelines*. The results of this further testing must be submitted to Council as part of any application for a Development Permit for Operational Works (site works).
- 7.5 Groundwater extraction activities (including drainage, pumping or other activity that removes groundwater) carried out in association with excavation activities require a groundwater investigation in accordance with *State Planning Policy 2014*. The results of this investigation must be submitted as part of any application for a Development Permit for Operational Works (site works).
- 7.6 Sampling associated with the acid sulphate soils investigation should follow the *Guidelines for Sampling and Analysis of Lowland Acid Sulphate Soils in Queensland (Ahern et al 1998)*. Laboratory analysis associated with the acid sulphate soils investigation should follow the *Laboratory Methods Guidelines of the Queensland Acid Sulphate Soil Technical Manual*.
- 7.7 If Acid Sulphate Soils are found to be present an appropriate management plan must be submitted to Council for approval along with any application for a Development Permit for Operational Works (site works).
- 7.8 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.
- 7.9 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.
- 7.10 All site works must be undertaken to ensure that there is:
- 7.10.1 no increase in upstream or downstream flood levels for all levels of immunity up to Q100; and
-

- 7.10.2 No increase in velocity profiles, for which no remedy exists to prevent erosion and/or scouring. In the event that modelling shows non-compliance with the above, works must be undertaken within the system to satisfy the above criteria for development.

8.0 ASSET MANAGEMENT

- 8.1 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.
- 8.2 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.

9.0 ENVIRONMENTAL

- 9.1 A detailed Environmental Management Plan must form part of the ongoing operating procedure, which addresses, but is not limited to, the following matters:
- (i) water quality and drainage;
 - (ii) erosion and silt/sedimentation management;
 - (iii) sodosol (sodic) soils;
 - (iv) fauna management;
 - (v) vegetation management, clearing and revegetation;
 - (vi) top soil management;
 - (vii) interim drainage plan during extraction;
 - (viii) extraction programme;
 - (ix) geotechnical issues;
 - (x) weed control;
 - (xi) bushfire management;
 - (xii) emergency vehicle access;
 - (xiii) noise and dust suppression; and
 - (xiv) waste and refuse management.
- 9.2 An Erosion and Sediment Control Plan must form part of the ongoing operating procedure which addresses, but is not limited to, the following:
- (i) objectives;
 - (ii) site location / topography;
 - (iii) vegetation;
 - (iv) site drainage;
 - (v) soils;
 - (vi) sodosol (sodic) soils;
 - (vii) erosion susceptibility;
 - (viii) erosion risk;
 - (ix) concept;
 - (x) design; and
-

(xi) implementation, for the extraction and post extraction phases of work.

The erosion and sediment control plan must incorporate detailed plans, control measures, monitoring programmes and maintenance procedures to ensure appropriate development and management practices within and adjacent to the site.

- 9.3 A copy of the Environmental Management Plan and Erosion and Sediment Control Plan must be kept on site for inspection at any time during business hours.
- 9.4 No works can commence on the site unless and until an Environmental Management Plan and an Erosion and Sediment Control Plan have been approved by Council.
- 9.5 Vegetation must not be cleared, removed or damaged unless it is in accordance with the approved plans. Any additional vegetation clearing on the subject site must be in accordance with the requirements of the *Vegetation Management Act 1999* and the planning scheme current at the time of the proposed clearing.
- 9.6 Each stage must be rehabilitated and revegetated, using appropriate species endemic to the area. Initial rehabilitation and revegetation must be completed within six (6) months of the commencement of extraction in the next stage and the rehabilitated area must be the subject of ongoing management and maintenance.
- 9.7 All plant and equipment involved in the extraction and transportation of the top soil and gravel must be washed down, for the control of weed infestation, prior to leaving the site. The wash down area must be designed to capture and treat contaminants from the plant and equipment. Contaminants must not be permitted to discharge into water courses or drainage lies or onto adjoining properties.

10.0 OPERATING PROCEDURES

- 10.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Fogarty Road or Nine Mile Road.
- 10.2 This approval is for the extraction and transportation of sand from the subject premises which must be undertaken in accordance with the endorsed plans (refer to condition 2.1) and at an extraction rate of no more than 100,000 tonnes per annum.
- 10.3 The hours of operations must be limited to:
- (i) 0600 hours to 1800 hours on Monday to Saturday; and
 - (ii) no operations on Sunday or Public Holidays
- 10.4 A detailed record of the extraction, including date, quantity extracted and transported from site must be maintained on site for inspection by Council.
- 10.5 There must be no servicing or maintenance of vehicles on the site.
- 10.6 Excavation and filling must be located sufficiently clear of the boundary so that there is no damage to adjoining properties or road reserves due to the effects of erosion.
- 10.7 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*'.
- 10.8 Dust suppression:
- (i) Measures must be implemented to suppress dust during the operation. There must be no visible dust emissions onto any adjoining properties during excavation, processing loading or transport of the material. All haulage trucks associated with the transportation of material extracted by this operation must have their loads covered by dust-proof material, to prevent sand and dust loss during transportation.

- (ii) If any dust creates a nuisance to neighbouring properties, all activities must cease until corrective measures have been implemented to Council's satisfaction.
- 10.9 No contaminated water must be directly or indirectly released from the premises on to the ground, into groundwater or natural run-off systems.
- 10.10 Cleaning of plant and trucks must be carried out in an area where contaminants cannot be released into the environment.

NOTES

NOTE 1. *Aboriginal Cultural Heritage Act, 2003*

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. *Dust Control*

It is the developer's responsibility to ensure compliance with Part 2A - Environmental Nuisance of the *Environmental Protection Regulation 1998* which prohibits unlawful environmental nuisance caused by dust, ash, fumes, light, odour or smoke beyond the boundaries of the property during all stages of the development including earthworks and construction.

NOTE 3. *General Environmental Duty*

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

NOTE 4. *Sedimentation Control*

It is the developer's responsibility to ensure compliance with Section 32 of the *Environmental Protection (Water) Policy 1997* to prevent soil erosion and contamination of the stormwater drainage system and waterways.

NOTE 5. *Noise During Construction And Noise In General*

It is the developer's responsibility to ensure compliance with Section 6S General Emission Criteria and Section 6T Noise Emission Criteria of the *Environmental Protection Regulation 1998*.

NOTE 6. *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 7. *General Safety Of Public During Operation*

It is the principal contractor's responsibility to ensure compliance with Section 31 of the *Work Health and Safety Act 2011*. Section 31(1)(c) states that the principal contractor is obliged on a construction workplace to ensure that work activities at the workplace are safe and without risk of injury or illness to members of the public at or near the workplace.

It is the responsibility of the person in control of the workplace to ensure

compliance with Section 30 of the *Work Health and Safety Act 2011*. Section 30(1)(c) states that the person in control of the workplace is obliged to ensure there is appropriate, safe access to and from the workplace for persons other than the person's workers.

RECOMMENDATION C

That in relation to the application for a Development Permit for a Material Change of Use for Extractive Industry (extension), made by ADAMS + SPARKES Town Planning + Development on behalf of John Foxlee, on Lot 250 on R2621, Parish of Rockhampton, located at 473 Nine Mile Road, Fairy Bower, Council resolves to not issue an Infrastructure Charges Notice

BACKGROUND

PROPOSAL IN DETAIL

The proposal is for an extension to an existing extractive industry operation (approved by Council in 2013, refer D/225-2010) at the site, which includes excavation activities for the collection, screening and washing of fine to medium sand products for commercial purposes. The use will comprise a topsoil and overburden stockpiling area, wash and screening plant, excavation pit, sediment basins (settling pond), washed product stockpile area ready for delivery, weighbridge, car park, site office, amenities, and equipment office.

The existing environmental authority provides an approval for Environmentally Relevant Activity 16(3)(a) which provides for screening of 5,000 tonnes to 100,000 tonnes of material per annum. The request is for the use to increase in scale and intensity to accommodate a maximum of 100,000 tonnes per annum, to be undertaken in twelve (12) stages along the eastern boundary (refer to approved plans). Currently the existing Material Change of Use application allows for up to 52,000 tonnes to be extracted per annum. Stage 1 will begin in the north-eastern corner of the site and the stages will extend to stage twelve (12) at the south-eastern corner of the site.

The use will occupy no more than two (2) hectares of the total site area. The use will continue to utilise Fogarty Road and Nine Mile Road for the transportation of the product. It is estimated that the use will dispatch approximately 34 vehicle movements per day for delivery of materials to external sites (predominantly a tandem truck with quad dog trailer and smaller vehicles). No fuel or oil will be stored on site. No wash bays or workshops are proposed.

Upon completion of the extraction of each stage, the disturbed area will be rehabilitated to its predevelopment state.

SITE AND LOCALITY

The subject site is approximately 36.4 hectares in size and is located in the South Rockhampton Rural Area – 1.5 kilometres west of Rockhampton Airport. The site is affected by Q100 flooding and contains an existing extractive industry. The topography of the site is flat with slopes of less than five (5) per cent, sloping south-easterly. The surrounding area is generally characterised by rural pursuits and quarries.

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 – 20 December 2013

Support, subject to conditions.

Infrastructure Operations Unit's (sewer and water) Comments – 2 January 2014

Support, subject to conditions.

Public and Environmental Health Comments – 6 January 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. The site is not within an urban area.

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.

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.

Natural hazards, risk and resilience

Complies. The land is affected by flooding, however due to the nature of the use (quarry), the flood capacity is not unduly affected by the extractive industry. These hazards are captured appropriately within the *Rockhampton City Plan 2005*.

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 subject site is situated within the South Rockhampton Rural Area designation under Council's Strategic Framework Map. The following Desired Environmental Outcomes, as identified within Chapter 2 of the *Rockhampton City Plan 2005*:

- (a) *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.

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

Complies: The subject site does not contain any mapped remnant vegetation, water courses or good quality agricultural land. Upon completion of the sand extraction, the disturbed area will be levelled to grazing land, and any voids left will be battered and used for water storage.

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

Complies: The area proposed to be excavated will be located approximately 700 metres from the nearest mapped wetland area. It will be conditioned to revegetate the excavated area after completion. During operation potential pollution and erosion hazards will be managed in accordance with an approved Site Based Management Plan.

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

Complies: The proposed extractive industry is located within a rural area and has an approval for an Environmentally Relevant Activity. All potential sources of environmental harm will be managed in accordance with an approved Site Based Management Plan.

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

Not Applicable: The proposal does not involve or negatively affect commercial or retail development.

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

Complies: The proposal does not impinge upon Rockhampton's commercial centre.

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

Does Not Comply: The proposal is located in a rural area and the use is already approved at a smaller scale. Due to the location of the resource this site is strategically more appropriate than locating it in an industrial area. The proposed use can be managed to reduce impacts on the surrounding rural environment. Another approved Extractive Industry is also located approximately 800 metres east of the subject site.

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

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

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

Not Applicable: The proposal does not impinge upon any residential areas.

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

Not Applicable: The proposal does not entail community uses or health care facilities.

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

Not Applicable: The development does not involve residential development.

- (l) *Infrastructure is provided and augmented in a sequenced manner in Rockhampton, resulting in appropriate, efficient, affordable, reliable, timely and lasting infrastructure provision that is not compromised by new development and is sensitive to the environment.*

Complies: Required upgrade of the road network is conditioned to accommodate the traffic movement associated with the use. No other infrastructure is required.

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

Complies: Access to the site will be via Fogarty Road which will be upgraded to accommodate additional traffic movements.

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

Not Applicable: The proposal does not impinge upon open space facilities.

The performance assessment of the proposal demonstrates that the development will compromise one (1) of the Planning Scheme Wide Desired Environmental Outcomes. The proposed development is for a sand extractive industry located within a rural area. The site has limited agricultural capacity and is located proximate to other extractive operations. The proposal will not compromise other rural allotments in the locality.

South Rockhampton Rural Area Intent

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

It is intended that the Area continue to be used for agricultural purposes, including grazing livestock, and cropping. The Area is unsuitable for other forms of development as the majority of land is subject to flooding, with some parts far more prone to flooding than others. However, intensive rural activities such as feed lots will not be supported in this Area, given its proximity to built-up residential areas; the capacity of the land to flood; and the potential degradation of the ecological assets in this Area.

The only other uses consistent with the intent of the Area, include low impact uses such as rural activities, and outdoor sport and recreation uses. These uses are only consistent with the intent of the Area, where it can be demonstrated that the following impacts have been adequately addressed:

- *Flooding (including impediments to the flow of flood waters);*
- *Stormwater quality;*
- *The maintenance of the rural character and amenity; and*
- *Noise, light and traffic impacts, particularly associated with outdoor sport and recreation uses.*

No other development, including commercial and industrial development, is consistent with the intent of the Area. Any structures in this location have the potential to impede the flow of water across the land, which is undesirable.

Any development in proximity to the Airport runway will also be required to ensure that the operation of the Airport is not compromised by the development. Elements of development which may compromise the operation of the Airport, include the height of buildings or structures, lighting, and the potential of the development to attract bird life.

This Area contains a number of lagoons, which are an ancient part of the Fitzroy River system. Some or all of these lagoons may have indigenous cultural heritage significance. In addition, these lagoons may contain areas of ecological significance and interference from development should, therefore, be avoided, to minimise impact on the water body and its surrounds.

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) An approval for the same use already exists on this site at a smaller scale;
- b) The applicable Environmentally Relevant Activity (ERA) permit allows for up to 100,000 tonnes to be extracted per year under the existing ERA approval;
- c) The site is strategically located in a rural area with natural resources available for extraction and is located proximal to other extractive operations;
- d) The proposal will not compromise other rural pursuits in the locality, and will be managed in accordance with a Site Based Management Plan;
- e) The use will cease operations once the resource has been extracted from the site. Rehabilitation upon completion of the use will allow agricultural uses to recommence;
- f) The increase in vehicle movements on the existing road network will be minimal and will not adversely result in traffic congestion or safety issues;
- g) 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, infrastructure, community facilities or local character and amenity.
- h) The proposed development does not compromise relevant State Planning Policies.

Having regard to all of the above, it is recommended Council, from a land use perspective, consider the proposed development favourably as, pursuant to Section 326(1)(b) of *Sustainable Planning Act 2009*, there are considered to be sufficient grounds to justify a decision that favours the alternative land uses proposed herein and the development is capable of occurring in a manner that is not likely to conflict with Council's Desired Environmental Outcomes.

Rockhampton City Plan Codes

The following codes are applicable to this application:

- *Industrial Use Code;*
- *Flood Prone Land Code;*
- *Airport Code;*
- *Filling And Excavation Code;*
- *Water Quality And Water Quantity Code;*

- *Parking and Access Code; and*
- *Crime Prevention Through Environmental Design Code*

An assessment has been made against the requirements of the abovementioned codes and the proposed development generally complies with the Acceptable Solutions with the exception of certain Performance Criteria in the following codes; Industrial Use Code and Parking and Access Code. An assessment of the Performance Criteria which the application is in conflict with is outlined below:

Industrial Use Code		
Performance Criteria		Officer's Response
P1	Industrial activities are located in Areas set aside for industrial purposes.	Extractive Industry cannot be relocated due to the location of the resource. The site is in a suitable location despite the inconsistency with the rural zoning of the site.
P2	Vehicular access to an industrial premises is made via Sub-Arterial Roads or higher order roads.	Due to the subject site being located on the southern side of the Fitzroy River, vehicles are likely to pass through the city to reach the destination of delivery. A Road Impact Assessment was provided and Council engineers have appropriately conditioned suitable road works.
Flood Prone Land Code		
Performance Criteria		Officer's Response
P1	The capacity and function of floodways and flood storage areas are preserved in high and low hazard areas.	Neither the capacity of the floodway, nor its storage, is likely to be affected. The function of the floodway is unlikely to be affected either.
Filling and Excavation Code		
Performance Criteria		Officer's Response
P4	Excavation or Filling is carried out in a manner that ensures that in areas that may host Acid Sulphate Soils; <ul style="list-style-type: none"> (a) there is no worsening of water quality or reduction in the ecological health of a sensitive receiving environment; and (b) environmentally sensitive areas are not detrimentally affected; and (c) assets are not subjected to an accelerated rate of corrosion caused by changes in water quality. 	It is a requirement in the conditions that further testing must be submitted to Council as part of any application for a Development Permit for Operational Works (site works).
P7	Traffic generated by excavation or filling does not adversely impact on the amenity of the surrounding area.	A Road Impact Assessment Report, submitted as part of the application concluded that the increase in traffic volumes on the existing road network will be less than five per cent (5 per cent) of the background traffic volume which is considered to be consistent with expected

		traffic generation patterns. Fogarty Road will be upgraded to a rural road standard. The intersection of Fogarty Road and Nine Mile Road will also be upgraded with an adequate turning radius.
--	--	---

Rockhampton City Plan – Planning Policies

Policy	Staff Comment
PSP 2 Erosion and Sediment Control	The proposed use will be conditioned to comply with this policy.
PSP 14 Flood Plain Management	<p>Although the site is located within a flood affected rural area, extractive industries cannot be relocated due to the location of the valuable resources. Appropriate measures will be implemented to address any potential flood risks.</p> <p>All operations associated with the proposed use will be managed in accordance with an approved Site Based Management Plan which addresses water flow, erosion and potential flood risks. Small bund walls are proposed to prevent stormwater damage and erosion problems from excavation sites. The use on site is not expected to affect the severity of impacts on the surrounding area in a flood event.</p> <p>Furthermore, there is considered to be sufficient time to predict a flood event which will give ample time to evacuate the site of all necessary equipment.</p>

INFRASTRUCTURE CHARGES

An extractive industry, as per the Adopted Infrastructure Charges Resolution (No. 3), is a Specialised Use; therefore it is necessary for Council officers at time of assessment to exercise their discretion in determining the appropriate infrastructure charges. This is consistent with section 4.2 (iii) of Council's Adopted Infrastructure Charges Resolution (No. 3) 2014, which allows Council to determine the requisite charge by identifying a corresponding/similar use from Table 5 (Column 1) of the Resolution.

The proposal is located in Charge Area 3; Transport and Parks trunk infrastructure network charges are only applicable. Based on an assessment of the use and the infrastructure demand it is likely to generate, officers have determined that a nil charge should be applied, considering there is no increased gross floor area or impervious area resulting from the proposed development. This is also consistent with other similar Extractive Industries assessed in the past.

CONSULTATION

The proposal was the subject of public notification between 5 May 2014 and 26 May 2014, as per the requirements of the *Sustainable Planning Act 2009*, and no submissions were received.

REFERRALS

The application was referred to the Department of State Development, Infrastructure and Planning for a number of triggers. The department provided a response on 24 June 2014.

CONCLUSION

It is recognised that the proposal is not a consistent use within the South Rockhampton Rural Area and thus conflicts with the *Rockhampton City Plan 2005*. However, the assessment of this application concludes that the proposed development being an extension of an existing development and subject to conditions, is not likely to conflict with the Planning Scheme's Desired Environmental Outcomes. As demonstrated in the above report, the proposal is in accordance with the specific outcomes and probable solutions of the applicable codes. It is located on a site which is suited to the proposed development.

**D/589-2013 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR EXTRACTIVE
INDUSTRY (EXTENSION)**

Locality Plan

Meeting Date: 9 September 2014

Attachment No: 1



**D/589-2013 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR EXTRACTIVE
INDUSTRY (EXTENSION)**

Site Plan

Meeting Date: 9 September 2014

Attachment No: 2

**D/589-2013 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR EXTRACTIVE
INDUSTRY (EXTENSION)**

Sand Extraction Plan

Meeting Date: 9 September 2014

Attachment No: 3



8.4 D/17-2014 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A MULTI UNIT DWELLING (SIX UNITS)

File No: D/14-2014

Attachments:

1. Locality Plan
2. Site Plan
3. Floor Plan
4. Elevations
5. Landscape Design Plan

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
 Russell Claus - Manager Planning
 Martin Crow - Acting General Manager Regional Services

Author: Rebecca De Vries - Senior Planning Officer

SUMMARY

Development Application Number: D/17-2014

Applicant: Mish Developments Pty Ltd A.B.N 40 11 405 944

Real Property Address: 23 Canning Street, The Range

Common Property Address: Lot 2 on RP605286, Parish of Rockhampton

Area of Site: 1,136 square metres

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: The Range North Residential Area

Existing Development: House

Existing Approvals: Nil

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

Level of Assessment: Impact Assessable

Submissions: Nil

Referral Agency(s): Not applicable

Adopted Infrastructure Charges Area: Charge Area 1

Application Progress:

<i>Application Lodged:</i>	28 January 2014
<i>Acknowledgement Notice sent:</i>	6 February 2014
<i>Request for Further Information sent:</i>	10 February 2014
<i>Request for Further Information responded to:</i>	2 May 2014
<i>Submission period commenced:</i>	8 May 2014
<i>Submission period end:</i>	2 June 2014
<i>Notice of Compliance received:</i>	10 June 2014
<i>Council request for additional time:</i>	19 June 2014
<i>Council further request for additional time:</i>	22 July 2014

Statutory determination date:	25 September 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 (six units), made by Mish Developments Pty Ltd A.B.N 40 11 405 944, on Lot 2 on RP605286, Parish of Rockhampton, located at 23 Canning Street, The Range, Council resolves to Approve the application despite its conflict with the planning scheme and provide the following grounds to justify the decision despite the conflict:

- a) The development is proximal to the hospital, providing additional choice in the form of residential accommodation available to support such a high demand facility;
- b) The Range North Residential Area identifies that multi-unit dwelling development can be consistent in this area where it is constructed in proximity to the hospital. Although the site is not located within one of the precincts specifically identified for this density of residential development, it is considered that the site shares the same characteristics which caused the precincts to be selected as being appropriate locations;
- c) The development incorporates architectural features which are sympathetic to the pre-war character identified in the area. This character is identified in the *Rockhampton City Plan 2005* as being a feature to be protected and maintained in this area;
- d) The proposed use does not compromise the achievement of the Desired Environmental Outcomes in the *Rockhampton City Plan 2005*;
- e) Assessment of the development against the relevant area intent, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and
- f) The proposed development does not compromise the relevant State Planning Policy.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for a Multi Unit Dwelling (six units), made by Mish Developments Pty Ltd A.B.N 40 11 405 944, on Lot 2 on RP605286, Parish of Rockhampton, located at 23 Canning Street, 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) Road Works;
 - (ii) Access and Parking Works;
 - (iii) Roof and Allotment Drainage Works; and
 - (iv) Landscaping Works.
- 1.6.2 Plumbing and Drainage Works; and
- 1.6.3 Building Works:
- (i) Demolition Works; and
 - (ii) 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	W-23C/DA01 Issue E	13 August 2014
Floor Plans	W-23C/DA02 Issue E	13 August 2014
Elevations	W-23C/DA03 Issue E	13 August 2014
Elevations	W-23C/DA04 Issue E	13 August 2014
Landscape Design Plan	Mish-Can-LP1	29 March 2014
Stormwater Management Plan	14134 Sk.1 Issue B	April 2014
Stormwater Management Details	14134 Sk.2 Issue A	April 2014

- 2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.
- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of a Development Application for Operational Works.
- ## 3.0 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 concrete pathway, with a minimum width of two (2) metres, must be constructed on the eastern side of Canning Street for the full frontage of the site.
- 3.4 All pathways and access ramps must be designed and constructed in accordance with *Australian Standard AS1428 "Design for Access and Mobility"*. All pathways located within a road reserve or public use land must be provided with public space lighting in accordance with *Australian Standard AS1158 "Lighting for Roads and Public Spaces"*.
- 3.5 All pathways must incorporate kerb ramps at all road crossing points.
- 3.6 Traffic signs and pavement markings must be provided in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*. Where necessary, existing traffic signs and pavement markings must be modified in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*.
- 3.7 Any retaining structures within road reserves must not be constructed unless approved as part of a Development Permit for Operational Works (road works). Retaining walls must be wholly contained within the proposed private allotments and not be constructed as Council-owned infrastructure.
- 3.8 Any retaining structures above one metre in height must be separately approved for structural adequacy by a Registered Professional Engineer of Queensland at design submission and certified on completion of construction for compliance with the design.

4.0 ACCESS AND PARKING WORKS

- 4.1 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.
- 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 and parking works).

5.0 PLUMBING AND DRAINAGE WORKS

- 5.1 The development must be connected to Council's reticulated water supply and sewerage network.
- 5.2 The existing sewerage connection point(s) must be retained and upgraded, if necessary, to service the development.
- 5.3 The existing water connection point(s) must be disconnected. A new water connection point must be provided to the development. A hydraulic engineer or other suitably qualified person must determine the size of connection required.
- 5.4 Adequate domestic and fire fighting protection must be provided to the development, which is to be certified by a hydraulic engineer or other suitably qualified person.
- 5.5 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.
- 5.6 Any water meter or sewer connection located within a trafficable area must be raised or lowered to suit the finished surface level and must be provided with heavy duty trafficable lids.
- 5.7 All internal plumbing and sanitary drainage works must be completed in accordance with regulated work under the *Plumbing and Drainage Act* and Council's Plumbing and Drainage Policies and must be completely independent for each unit.
- 5.8 Disconnection of internal plumbing and sanitary drainage for the dwelling to be demolished must be completed in accordance with regulated works under the *Plumbing and Drainage Act* and Council's Plumbing and Drainage Policies.

- 5.9 The development must comply with Council's Building Over/Adjacent to Local Government Sewerage Infrastructure Policy. Any permit associated with the Building Over / Adjacent to Local Government Sewerage Infrastructure Policy must be obtained prior to the issue of a Development Permit for Building Works.

6.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 6.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the site.
- 6.2 All roof and allotment drainage must be in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.
- 6.3 The 150 millimetre diameter outlet pipe from the detention tank to the kerb and channel must be replaced with two (2) smaller pipes with a similar overall capacity.
- 6.4 All roof and allotment drainage must be discharged such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties or infrastructure.
- 6.5 The proposed development must not increase peak stormwater runoff for a selected range of storm events up to and including the one in one hundred year storm event (100 year Average Recurrence Interval) for the post development condition.

7.0 SITE WORKS

- 7.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 7.2 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.
- 7.3 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.
- 7.4 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.

8.0 BUILDING WORKS

- 8.1 The existing dwelling on the subject land must be demolished.
- 8.2 All works must be undertaken in accordance with the Council Building Over / Adjacent to Local Government Sewerage Infrastructure Policy and any permit obtained in respect of this Policy.
- 8.3 All external elements, such as air conditioners, must be adequately screened from public view, to Council's satisfaction. Noise from any external elements, such as air conditioners, must not exceed the limits specified in the *Environmental Protection Act*.
- 8.4 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.

- 8.5 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.
- 8.6 Storage and collection of solid wastes must comply with the *Environmental Protection (Waste Management) Regulation*. All waste storage areas must:
- 8.6.1 provide an impervious paved area to accommodate all refuse containers;
 - 8.6.2 be of a sufficient size to accommodate wheelie bins and recyclable bins plus clearances around the bins for manoeuvring and cleaning;
 - 8.6.3 be aesthetically screened from any frontage or adjoining property;
 - 8.6.4 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
 - 8.6.5 not be located within 2 metres of a road frontage.

9.0 LANDSCAPING WORKS

- 9.1 A Development Permit for Operational Works (landscaping works) must be obtained prior to the commencement of any landscaping works on the site.
- 9.2 Landscaping must be provided generally in accordance with the approved plans (refer to condition 2.1).
- 9.3 The approved landscape plans must be augmented with additional planting located along the driveway on the north-western boundary and between and around the visitor parking areas. The additional planting must be designed to specifically reduce the perceived scale of the buildings and must include advanced plant stock, to create an immediate effect.
- 9.4 All landscaping must be constructed and or established, in accordance with the requirements of the Development Permit for Operational Works (landscaping works), prior to the commencement of the use.
- 9.5 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure. Small shrubs and groundcover are acceptable.
- 9.6 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.
- 9.7 The landscaped areas must be subject to an ongoing maintenance and replanting programme (if necessary).

10.0 ELECTRICITY AND TELECOMMUNICATIONS

- 10.1 Underground electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.
- 10.2 Evidence must be provided of a certificate of supply with the relevant service providers to provide each lot with live electricity and telecommunication connections, in accordance with the requirements of the relevant authorities prior to the commencement of the use.

11.0 ASSET MANAGEMENT

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

- 11.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.
- 11.3 '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.
- 12.0 ENVIRONMENTAL
- 12.1 An Erosion Control and Stormwater Control Management Plan must be implemented and maintained on-site for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The prepared Erosion Control and Stormwater Control Management Plan must be available on-site for inspection by Council Officers during those works.
- 13.0 OPERATING PROCEDURES
- 13.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Canning Street.
- 13.2 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. Asbestos Removal

Any demolition and/or removal works involving asbestos materials must be undertaken in accordance with the requirements of the *Work Health and Safety Act 2011* and *Public Health Act 2005*.

NOTE 3. General Environmental Duty

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

NOTE 4. General Safety Of Public During Construction

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

NOTE 5. Adopted Infrastructure Charges Notice

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

RECOMMENDATION C

That in relation to the application for a Development Permit for a Material Change of Use for a Multi Unit Dwelling (six units), made by Mish Developments Pty Ltd A.B.N 40 11 405 944, on Lot 2 on RP605286, Parish of Rockhampton, located at 23 Canning Street, The Range, Council resolves to issue an adopted infrastructure charges notice for the amount of **\$105,000.00**.

BACKGROUND**PROPOSAL IN DETAIL**

The proposal is for a multi-unit complex comprising six (6) double storey units of three bedrooms each. One covered parking space for each unit will be provided with three visitor spaces on the site.

Each unit will contain a kitchen, dining and lounge area, laundry and garage. A shared bathroom is proposed with an ensuite bathroom for each master bedroom for four of the units. The front two units will have an ensuite for each bedroom and a communal toilet on the ground floor.

Each unit will have private open space available on the ground floor in the form of a patio and courtyard which will also accommodate open air clothes drying.

SITE AND LOCALITY

The subject site is a regular shape with a slope from the rear to the front of the site. Currently there is a single dwelling house on the allotment with ancillary structures. Access to the site is obtained from Canning Street. The site is bound by residential allotments; typically comprising single houses in the surrounding area, however to the rear of the site is an aged care facility. Adjacent to the site is the Rockhampton Base Hospital and nurse's quarters which have a very modern design. The character of houses in the surrounding area varies and typically host pre-war features.

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 – 12 May 2014

Support, subject to conditions.

Public and Environmental Health Comments – 4 February 2014

Support, subject to conditions.

Other Staff Technical Comments

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

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

The Central Queensland Regional Plan 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 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.

Mining and extractive resources

Not Applicable.

Biodiversity

Not Applicable.

Coastal environment

Not Applicable.

Water quality

Not Applicable.

Emissions and hazardous activities

Not Applicable.

Natural hazards

Not Applicable.

State transport infrastructure

Not Applicable.

Strategic airports and aviation facilities

Not Applicable.

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.*

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 proximal to essential community uses. This will satisfy a community need having regard to proximity to the hospital.

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

Not applicable. The proposal will not impact on the function or operation of Rockhampton's community or health care uses.

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

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

- (12) *Infrastructure is provided and augmented in a sequenced manner in Rockhampton, resulting in appropriate, efficient, affordable, reliable, timely and lasting infrastructure provision that is not compromised by new development and is sensitive to the environment.*

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

- (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 the western side of Canning Street and bus stops are proximal to the site.

- (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. 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.

This application is not technically consistent with the intent of the Area, being located outside of the two identified precincts. As the application is for six units to be constructed proximal to the hospital, the use can be considered favourably as it is achieving this facet of the intent.

Development is also required to reflect the pre-war character of the area to be considered consistent with the area intent. It is considered that the proposal reflects architectural features which are sympathetic to the pre-war character in the area and is reasonably complying with this additional facet of the area intent.

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
- Crime Prevention Through Environmental Design Code
- Airport Code

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

Multi Unit Dwelling, Accommodation Building and Duplex Code		
Performance Criteria		Officer's Response
P1	The density of the development is consistent with the scale and density of development expected and intended for an Area.	The proposal is not at a density which is intended for a residential area, however the area intent identifies that multi-unit development can be supported in the precincts identified in The Range North Residential Area. The site is not located in one of the precincts however, meets the same characteristics of the identified precincts. These are proximal to health and

		education facilities. The site is adjacent to the Rockhampton Base Hospital and to the rear of the site is an aged care facility.
P5	The front setback of new buildings complements other building setbacks prevailing in the street.	The development has achieved a 6 metre setback to the eaves and a 7.5 metre setback to the front wall. This is considered to suitably complement the existing setback of development on Canning Street.
P10	<p>Front fences and walls:</p> <p>(a) have a design and are constructed of materials that are compatible with the associated development and with attractive fences and walls in the nearby visible locality.</p> <p>(b) are compatible with facilities in the street frontage area, such as mail boxes and garbage collection areas.</p> <p>(c) where overland water flows are probable, provide for the movement of surface stormwater.</p>	The front retaining wall is set back three metres from the front boundary and has a height of approximately 2 metres. A partially transparent fence is also proposed on top of the retaining wall which accommodates the private open space for the front unit on the ground floor. It is considered that the proposed works are appropriately able to accommodate passive surveillance from the front unit whilst protecting the privacy of the residents of the site. The front three metres of the site before the retaining wall will also be landscaped to soften the appearance of the retaining wall and prevent the structure from appearing as an overdevelopment.
P13	<p>Any multi unit dwelling or duplex provides sufficient open space for the needs of residents housed within the development that:</p> <p>(a) are clearly defined for private use;</p> <p>(b) are of dimensions to suit the projected requirements of the occupants, and to accommodate some outdoor recreational needs as well as providing space for service functions; and</p> <p>(c) contain a part of the private open space that is capable of serving as an extension of the dwelling unit for relaxation, dining, entertainment, recreation and children's play, and is accessible from a main living area of the dwelling.</p>	The development achieves the minimum open space area of 25 square metres per dwelling for all except Unit 3. This unit has been provided with an open space of 22.3 square metres. It is considered that the open space which is proposed for this unit is suitable based on its dimensions and that the space is clearly defined and accessible from the ground floor living area.

Based on a performance assessment of the above mentioned codes, it is determined that the proposal is acceptable and generally complies with the relevant Performance Criteria and where there is deviation from the codes, sufficient justification has been provided.

Sufficient Grounds

The proposed development cannot be considered entirely consistent with the *Rockhampton City Plan 2005*. Council should note, however, that pursuant to Section 326(1)(b) of the *Sustainable Planning Act 2009*, the assessment manager's decision may conflict with the planning scheme if there are sufficient grounds to justify the decision despite the conflict.

In response to the above, there are considered to be 'sufficient grounds' in this instance, to justify Council approving the development despite its conflict with the *Rockhampton City Plan 2005*. Sufficient grounds are as follows:

- a) The development is proximal to the hospital, providing additional choice in the form of residential accommodation available to support such a high demand facility;
- b) The Range North Residential Area identifies that multi-unit dwelling development can be consistent in this area where it is constructed in proximity to the hospital. Although the site is not located within one of the precincts specifically identified for this density of residential development, it is considered that the site shares the same characteristics which caused the precincts to be selected as being appropriate locations;
- c) The development incorporates architectural features which are sympathetic to the pre-war character identified in the area. This character is identified in the *Rockhampton City Plan 2005* as being a feature to be protected and maintained in this area;
- d) The proposed use does not compromise the achievement of the Desired Environmental Outcomes in the *Rockhampton City Plan 2005*;
- e) Assessment of the development against the relevant area intent, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and
- f) The proposed development does not compromise the relevant State Planning Policy.

Having regard to all of the above, it is recommended that Council, 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 use 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 (\$/unit)	Column 4 Unit
		3 or more bedroom dwelling	
Residential	Area 1	21,000	per dwelling

This is based on the following calculations:

- (a) A calculated charge of \$126,000.00 for six units with three bedrooms; and
- (b) A credit of \$21,000.00 for the existing house on the site to be demolished for the development.

Therefore, a total charge of **\$105,000.00** is payable and will be reflected in an Adopted Infrastructure Charges Notice for the development.

CONSULTATION

The proposal was the subject of public notification between 8 May 2014 and 2 June 2014, as per the requirements of the *Sustainable Planning Act 2009*, and no submissions were received.

REFERRALS

No referral agencies were triggered by the proposed development.

CONCLUSION

The proposed development is considered to be generally consistent with the relevant statutory documents, The Range North Residential Area and the codes under the *Rockhampton City Plan 2005*. It is located on a site which is suited to the proposed development and is not anticipated to have any adverse impacts on the surrounding uses. The development is therefore recommended for approval subject to conditions outlined below.

**D/17-2014 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A MULTI UNIT
DWELLING (SIX UNITS)**

Locality Plan

Meeting Date: 9 September 2014

Attachment No: 1

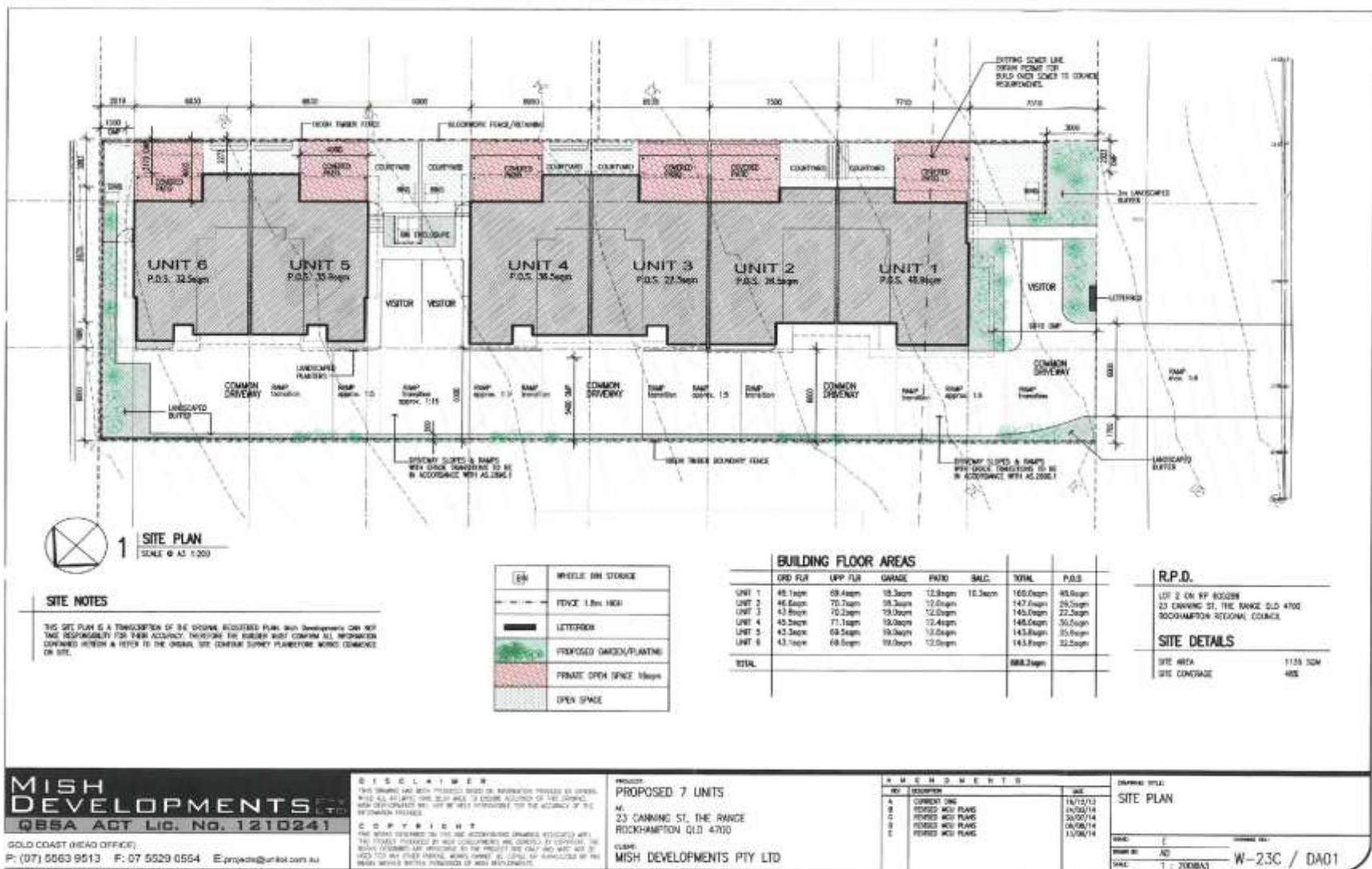


**D/17-2014 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A MULTI UNIT
DWELLING (SIX UNITS)**

Site Plan

Meeting Date: 9 September 2014

Attachment No: 2

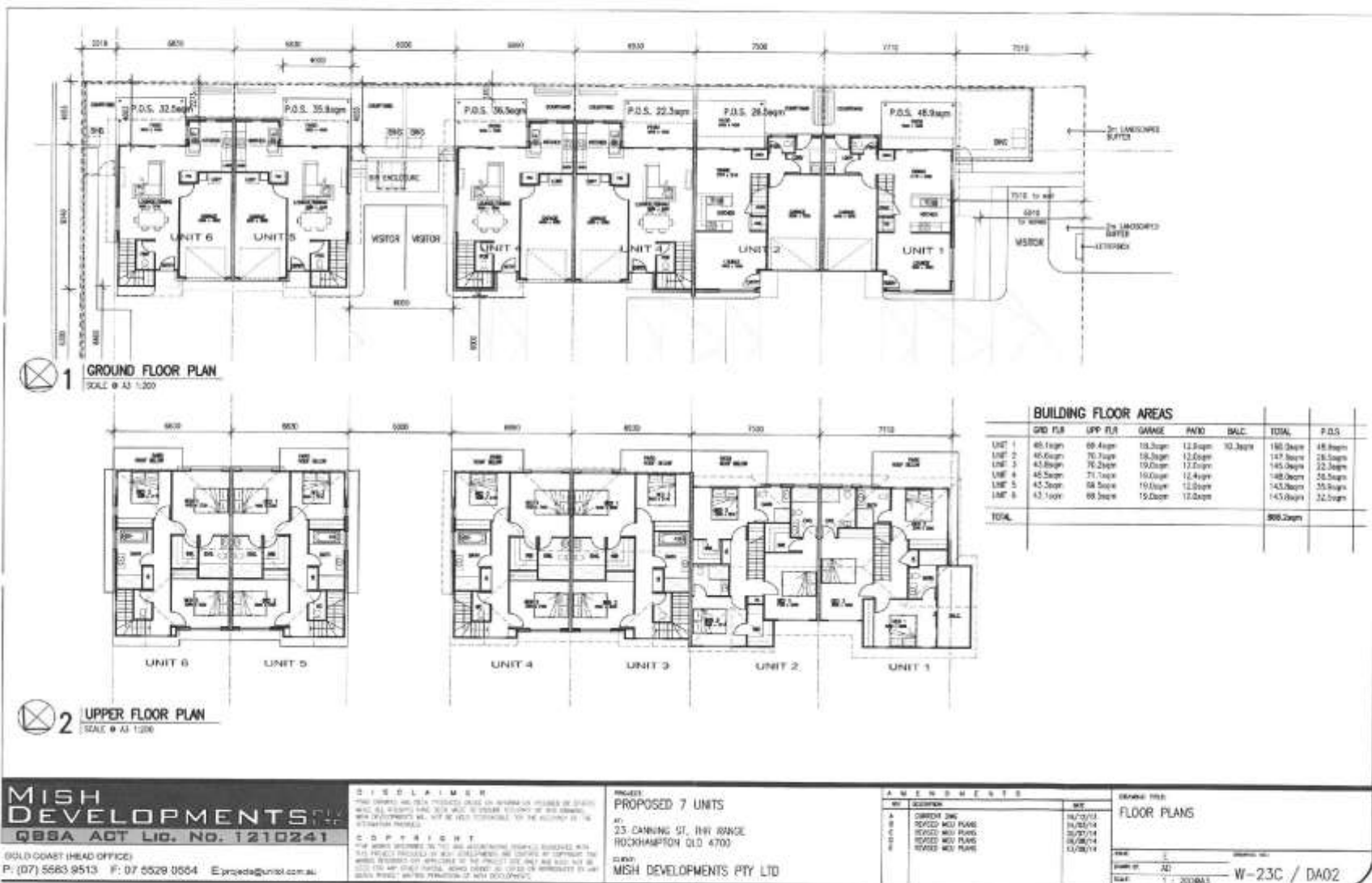


**D/17-2014 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A MULTI UNIT
DWELLING (SIX UNITS)**

Floor Plan

Meeting Date: 9 September 2014

Attachment No: 3

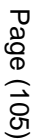


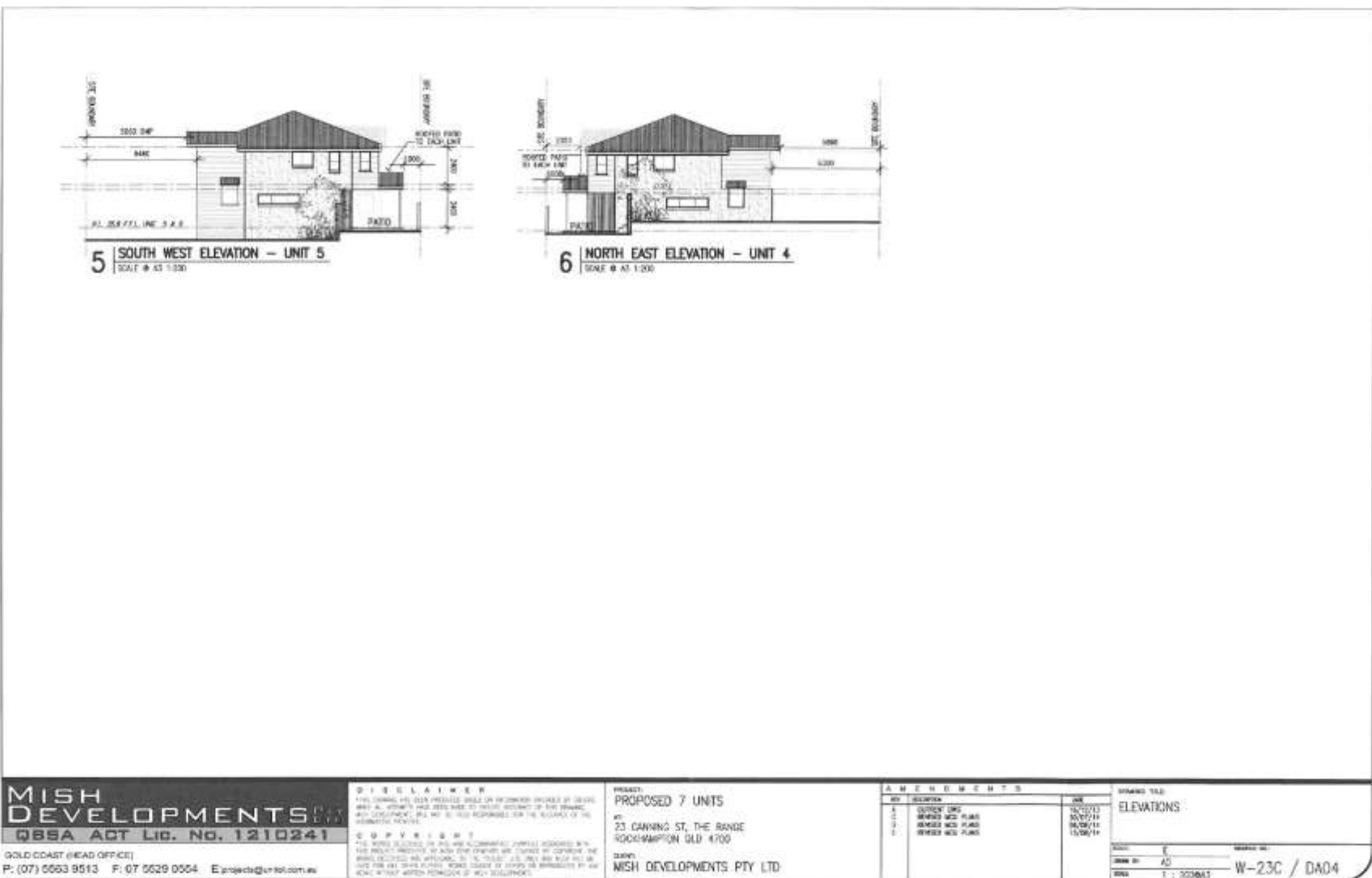
**D/17-2014 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A MULTI UNIT
DWELLING (SIX UNITS)**

Elevations

Meeting Date: 9 September 2014

Attachment No: 4



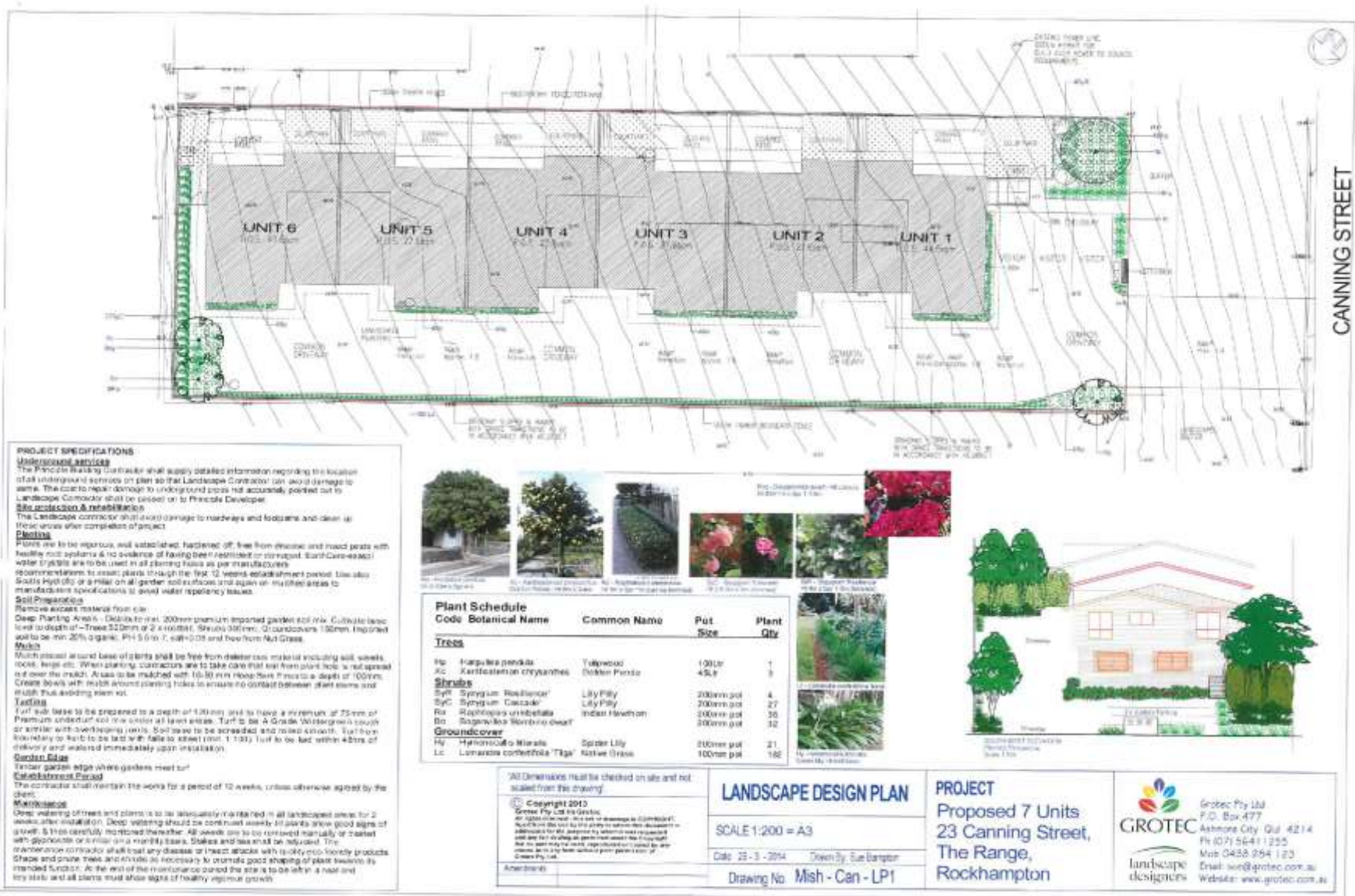


**D/17-2014 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A MULTI UNIT
DWELLING (SIX UNITS)**

Landscape Design Plan

Meeting Date: 9 September 2014

Attachment No: 5



9 STRATEGIC REPORTS

Nil

10 NOTICES OF MOTION

Nil

11 URGENT BUSINESS/QUESTIONS

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

12 CLOSED SESSION

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

RECOMMENDATION

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

13.1 D/1322-2008 Progress of compliance at Port Curtis

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

13 CONFIDENTIAL REPORTS

13.1 D/1322-2008 PROGRESS OF COMPLIANCE AT PORT CURTIS

File No: D/1322-2008

Attachments: Nil

Authorising Officer: Russell Claus - Manager Planning
Martin Crow - Acting General Manager Regional Services

Author: Tarnya Fitzgibbon - Coordinator Development Assessment

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

SUMMARY

An update will be provided in relation to the compliance and enforcement issues relating to a Transport Terminal at Port Curtis.

14 CLOSURE OF MEETING