



PLANNING & DEVELOPMENT COMMITTEE MEETING

AGENDA

7 OCTOBER 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 7 October 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
1 October 2014

Next Meeting Date: 21.10.14

Please note:

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

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1 OPENING

2 PRESENT

Members Present:

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

In Attendance:

Mr E Pardon – Chief Executive Officer

3 APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence for the meeting was previously granted to Councillor Rose Swadling.

4 CONFIRMATION OF MINUTES

Minutes of the Planning & Development Committee held 23 September 2014

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 BUSINESS OUTSTANDING

Nil

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 OFFICERS' REPORTS

8.1 D/158-2014 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A COMMERCIAL PREMISES

File No: D/158-2014

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: Rebecca De Vries - Senior Planning Officer

SUMMARY

Development Application Number: D/158-2014

Applicant: P & M Medical Services Pty Ltd

Real Property Address: Lot 1 on RP601856, Parish of Rockhampton

Common Property Address: 247 William Street, Allentown

Area of Site: 405 square metres

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: Allentown Residential Consolidation Area

Planning Scheme Overlays: Airport Code: Obstacle Height Limitation – no building over 30 metres
 Height Limit (3 Storeys or 12 metres)

Existing Development: House with ancillary shed

Existing Approvals: Nil

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

Level of Assessment: Impact Assessable

Submissions: Nil

Referral Agency(s): Nil

Adopted Infrastructure Charges Area: Charge Area 1

Application Progress:

<i>Application Lodged:</i>	25 June 2014
<i>Acknowledgment Notice issued:</i>	3 July 2014
<i>Request for Further Information sent:</i>	14 July 2014
<i>Request for Further Information responded to:</i>	13 August 2014
<i>Submission period commenced:</i>	14 August 2014
<i>Submission period end:</i>	4 September 2014
<i>Notice to extend Decision Period sent:</i>	9 September 2014

Committee Meeting date:	7 October 2014
Statutory due determination date:	31 October 2014

OFFICER'S RECOMMENDATION**RECOMMENDATION A**

That in relation to the application for a Development Permit for a Material Change of Use for a Commercial Premises, made by P & M Medical Services Pty Ltd, on Lot 1 on RP601856, Parish of Rockhampton, located at 247 William Street, Allenstown, 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 proposal maintains the opportunity for a future consolidated development on the site being orientated towards Canning Street to occur in line with the Allenstown Residential Consolidation Area intent as construction required for the proposal is limited;
- b) The development maintains the residential character of the area;
- c) The development is small scale with the number of client vehicle trips per day being limited to around 10 trips, therefore not detracting from the residential amenity of the area;
- d) The site is located within the expansion area of the commercial precinct and there is a reasonable level of community expectation that the site will be developed in some way for a commercial use. This has been supported by the fact that no submission were received during the submission period;
- e) The proposed development is consistent with the proposed Rockhampton Region Planning Scheme;
- f) The proposed use does not compromise the achievements of the Desired Environmental Outcomes in the *Rockhampton City Plan 2005*;
- g) 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
- h) 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 Commercial Premise, made by P & M Medical Services Pty Ltd, on Lot 1 on RP601856, Parish of Rockhampton, located at 247 William Street, Allenstown, 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; and
 - (ii) Access and Parking Works.
- 1.6.2 Plumbing and Drainage 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 Number</u>	<u>Dated</u>
Site Plan	SK-01 Rev.3	29 July 2014
Floor Plan	SK-03 Rev.3	29 July 2014
Landscape Plan	SK-04 Rev.3	29 July 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 minimum 1.2 metre wide pedestrian pathway must be constructed for the full frontage of the property along both William and Allen Street. This non-trunk infrastructure is conditioned under section 665 of the *Sustainable Planning Act 2009*.

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).
- 4.3 The major access driveway to the parking area fronting Allen Street must be a minimum of 5.5 metres wide.
- 4.4 All parking, access and manoeuvring areas must be paved or sealed.
- 4.5 A universal access parking space must be provided in accordance with *Australian Standard AS2890.6 "Parking Facilities - Off-Street parking for people with disabilities"*.

5.0 PLUMBING AND DRAINAGE WORKS

- 5.1 Alteration or relocation of internal sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act*.
- 5.2 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.

6.0 STORMWATER WORKS

- 6.1 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.

7.0 BUILDING WORKS

- 7.1 All external elements, such as air conditioners, must be adequately screened from public view, to Council's satisfaction. Noise from any external elements, such as air conditioners, must not exceed the limits specified in the *Environmental Protection Act*.
- 7.2 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 7.3 Provide a 1.2 metre high fence along Allen Street for the full frontage to Allen Street which is a continuation of the existing fence fronting to William Street.
- 7.4 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.

8.0 LANDSCAPING WORKS

- 8.1 All landscaping must be constructed and or established, in accordance with the approved plans, prior to the commencement of the use.
- 8.2 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.

10.0 ASSET MANAGEMENT

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

11.0 ENVIRONMENTAL

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

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 William Street or Allen Street.
- 12.2 No more than ten (10) appointments are permitted for clients per day; comprising of no more than five (5) appointments per medical practitioner.
- 12.3 The hours of operations, including the loading and/or unloading of delivery and waste collection vehicles, must be limited to:
- (i) 0800 hours to 1800 hours on Monday to Saturday; with
 - (ii) no operations on Sunday or Public Holidays.
- 12.4 Noise from the activity must not cause an environmental nuisance.
- 12.5 When requested by the administering authority, noise monitoring must be undertaken within three months, 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 Council within fourteen days of the completion of the investigation. Noise measurements must be compared with the acoustic quality objectives specified in the most recent edition of the Environmental Protection (Noise) Policy and noise monitoring conducted in accordance with the most recent edition of Department of Environment and Heritage Protection Noise Measurement Manual.
- 12.6 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 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. Licensable Activities

Should an activity licensable by Rockhampton Regional Council be proposed for the premises, Council's Environment and Public Health Unit should be consulted to determine whether any approvals are required. Such activities may include storage of flammable and combustible liquid and environmentally relevant activities such as motor vehicle workshop operations. Approval for such activities is required before 'fitout' and operation.

NOTE 5. General Safety Of Public During Construction

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

RECOMMENDATION C

That in relation to the application for a Development Permit for a Material Change of Use for a Commercial Premises, made by P & M Medical Services Pty Ltd, on Lot 1 on RP601856, Parish of Rockhampton, located at 247 William Street, Allentown, Council resolves not to issue an Infrastructure Charges Notice.

BACKGROUND**PROPOSAL IN DETAIL**

The proposal is to convert the existing house into a specialist medical office consisting of three offices, waiting areas, reception area, storage area, lunchroom and amenities. The use is proposed to operate from 8:00 am to 5:00 pm from Monday to Saturday.

Two medical practitioners will be operating from the site with shared administration. Each practitioner will have between 4 and 5 appointments per day.

The development will provide four off-street car parking spaces for the use. Additional parking space is available along William Street. Two access points exist along Allen Street which are to be utilised by the proposed development.

SITE AND LOCALITY

The subject site contains a high set dwelling with ancillary shed at the rear of the lot. The site has two street frontages, the main frontage being William Street and the side boundary facing onto Allen Street. The site is relatively flat and clear of vegetation. Two driveway crossovers have been constructed to Allen Street.

The surrounding land uses are typically low density residential with character features such as pitched roof tops, front balconies, eaves, sunhoods, lattice screens and batten panels. The adjoining lots similarly reflect these features which are also reflected consistently throughout the area.

Commercial uses operate to the west of the site, fronting to Canning Street and beyond the site to the south is a major shopping centre.

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 – 4 July 2014

Support, subject to conditions.

Infrastructure Operations Unit's (sewer and water) Comments – 1 July 2014

Support, subject to conditions.

Public and Environmental Health Comments – 21 July 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 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.

Liveable Communities

Not Applicable.

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, risk and resilience

Not Applicable.

State transport infrastructure

Not Applicable.

Strategic airports and aviation facilities

Not Applicable.

Other Acts

Not Applicable.

Proposed Rockhampton Region Planning Scheme

The site is located in the District Centre Zone in the proposed Rockhampton Region Planning Scheme. The proposed use would be defined as Health Care Services and may be self assessable as the proposed use involves the re-use of an existing building on site.

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

This application is situated within the Residential Consolidation designation under the scheme's Strategic Framework Map. The Desired Environmental Outcomes, as identified within Chapter 2 of the *Rockhampton City Plan 2005* are applicable:

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

Complies. The proposed use functions as a destination activity and serves a local need within the Rockhampton City Area.

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

Complies. The subject site is not proximal to any significant 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.

Complies. The subject site is not proximal to any significant 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, nor the region's biodiversity. The subject site is located within an existing urban area.

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

Complies. The scale and design of the proposal is considered appropriate for its location, being within the expansion area of the Allenstown Commercial Precinct. The existing house is being converted into a commercial premises that maintains a scale which is considered appropriate for the residential area. The scale of the proposed development also maintains future prospects for the site to be developed in a coordinated manner fronting to Canning Street.

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

Complies. The subject site is responsive to the character of the area and incorporates traditional materials and design elements. Passive surveillance is supported through the low fence height, contributing to the perceived safety of the area. The site is also well connected with two street frontages and two access points from Allen Street.

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

Not applicable. The development is not for industrial purposes.

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

Complies. The proposal does not impede upon any significant cultural or urban heritage values. The proposed development is on a site which is already developed.

- 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 is not for a residential purpose, however is located in a predominantly residential area. The proposal is to convert the existing house on the site to a commercial premises, maintaining the residential appearance and character of the area.

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

Complies. The proposal is for a commercial premises to be located within the expansion area of the Allentown Residential Consolidation Area – Commercial Precinct. The site is easy to access and locate due to its proximity to the Allentown Plaza.

- 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 the 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 subject site and existing premises is connected to the full suite of urban infrastructure services.

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

Complies. The site fronts William Street and Allen Street and gains access from Allen Street.

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

Complies. The proposal does not propose, nor compromise any open space facilities.

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

Allenstown Residential Consolidation Area Intent

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

The Area will continue to accommodate a District Centre at Allenstown, providing for the major weekly or fortnightly shopping trip of surrounding residents.

The District Centre will provide for the major weekly or fortnightly shopping, service and community needs of the surrounding residents as well as local communities south of Rockhampton, including the residents of Gracemere. However, it will contain a limited range of commercial, community and entertainment facilities, ensuring that it does not undermine the intended role and function of the CBD.

It is intended that the Commercial Precinct will expand beyond its defined boundaries in the future into the locations identified as the 'Precinct 1 Expansion Area' so that the intent for the Precinct as separately described can be realised. Expansion into the 'Precinct 1 Expansion Area' is however intended only to occur if:

- (i) it is part of a commercial development obtaining vehicular access only from Canning Street, Upper Dawson Road or Derby Street; and*
- (ii) it includes land as a part of the commercial development (not including land used only for access, parking, signage or servicing) that is itself located within Precinct 1.*

The proposed development is inconsistent with the intent of the area, being that the development is not an extension of the commercial buildings on Canning Street and proposes to gain access via William Street.

Rockhampton City Plan Codes

The following codes are applicable to this application:

- Activity Centres Code
- Crime Prevention Through Environmental Design Code
- Landscape Code
- Parking and Access Code
- Residential Design - Character Code

An assessment of the Performance Criteria which the application is in conflict with is outlined below:

Activity Centres Code		
Performance Criteria		Officer's Response
P1	The form of development is consistent with the Centres Hierarchy.	<p>The scale and design of the proposal is considered appropriate for its location, being within the expansion area of the Allenstown Commercial Precinct. The existing house is being converted into a commercial premises that maintains a scale which is considered appropriate for the residential area.</p> <p>The scale of the proposed development also maintains future prospects for the site to be developed in a coordinated manner with frontage to Canning Street in accordance with the Centres Hierarchy.</p>
P8	Pedestrians are protected from the sun and rain in public spaces adjoining a development	The development is maintaining its residential appearance and is considered a better outcome than if the development was for a commercial use which fronted onto William Street – which would be in greater conflict with the Centres Hierarchy.

Parking and Access Code		
Performance Criteria		Officer's Response
P6	An adequate number of car parking spaces are provided on the site to service the use having regard to the existing use of the site and buildings on the site proposed to be re-used.	Five parking spaces are required, however only four are provided on site. Considering the site is located within the expansion area for the Allenstown commercial precinct, it is reasonable to expect on street parking to be available also. There are two spaces available on William Street within the frontage of the site. This provides six spaces for the proposed use and is considered adequate to service the use.

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

Sufficient Grounds

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

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 proposal maintains the opportunity for a future consolidated development on the site being orientated towards Canning Street to occur in line with the Allenstown Residential Consolidation Area intent as construction required for the proposal is limited;
- b) The development maintains the residential character of the area;
- c) The development is small scale with the number of client vehicle trips per day being limited to around 10 trips, therefore not detracting from the residential amenity of the area;
- d) The site is located within the expansion area of the commercial precinct and there is a reasonable level of community expectation that the site will be developed in some way for a commercial use. This has been supported by the fact that no submission were received during the submission period;
- e) The proposed development is consistent with the proposed Rockhampton Region Planning Scheme;
- f) The proposed use does not compromise the achievements of the Desired Environmental Outcomes in the *Rockhampton City Plan 2005*;
- g) 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
- h) 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. 4) 2014 for non-residential development applies to the application and it falls within Charge Area 1. The Adopted Infrastructure Charges are as follows:

Column 1 Use Schedule	Column 2 Charge Area	Column 3 Adopted Infrastructure Charge		Column 4 Adopted Infrastructure Charge for stormwater network		Calculated Charge
		(\$)	Unit	(\$)	Unit	
Essential Services	Area 1	119	per m ² of GFA			16,184.00
				8.50	per m ² of impervious area	2,711.50
Total						18,895.50
Less credit						21,000.00
TOTAL CHARGE						-\$2,104.50

This is based on the following calculations:

- (a) A charge of \$16,184.00 for Gross Floor Area being 136 square metres (operating theatre, patient recovery areas, staff areas and plant areas);
- (b) A charge of \$2,711.50 for Impervious Area being 319 square metres (roof area, access, and parking areas); and
- (c) An Infrastructure Credit of \$21,000 applicable for the existing dwelling.

Therefore, as the total calculated charge is less than the total credit, no infrastructure charges are payable for this development.

CONSULTATION

The proposal was the subject of public notification between 14 August 2014 and 4 September 2014, as per the requirements of the *Sustainable Planning Act 2009*, and no submissions were received.

REFERRALS

There are no referral agencies triggered by this development application.

CONCLUSION

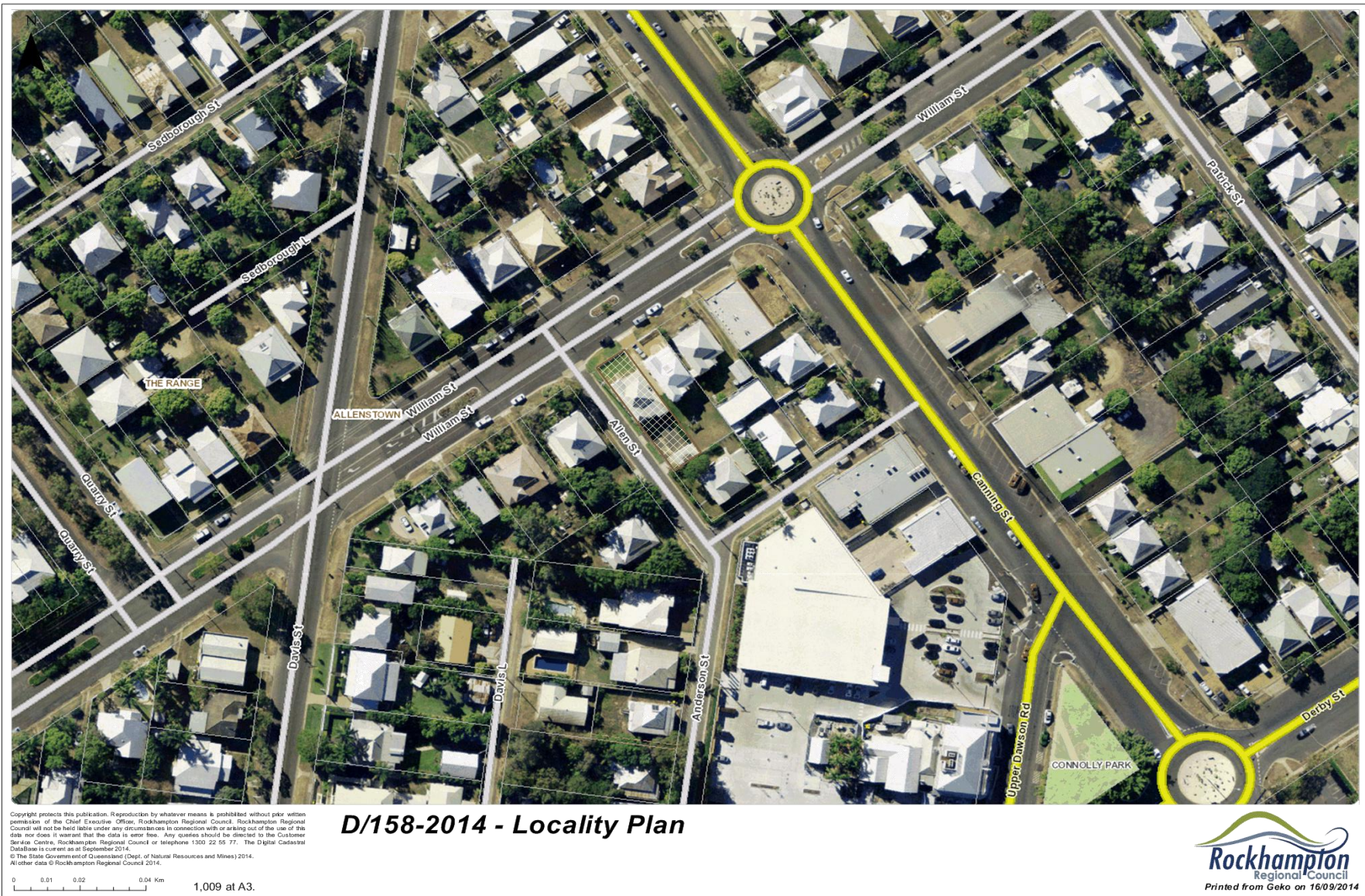
The proposed development is inconsistent with the Allenstown Residential Consolidation Area, however has been assessed against the relevant statutory documents, and the codes under the *Rockhampton City Plan 2005* and it is considered that there are sufficient grounds to justify a decision that favours the proposed 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.

**D/158-2014 DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A
COMMERCIAL PREMISES**

Locality Plan

Meeting Date: 7 October 2014

Attachment No: 1

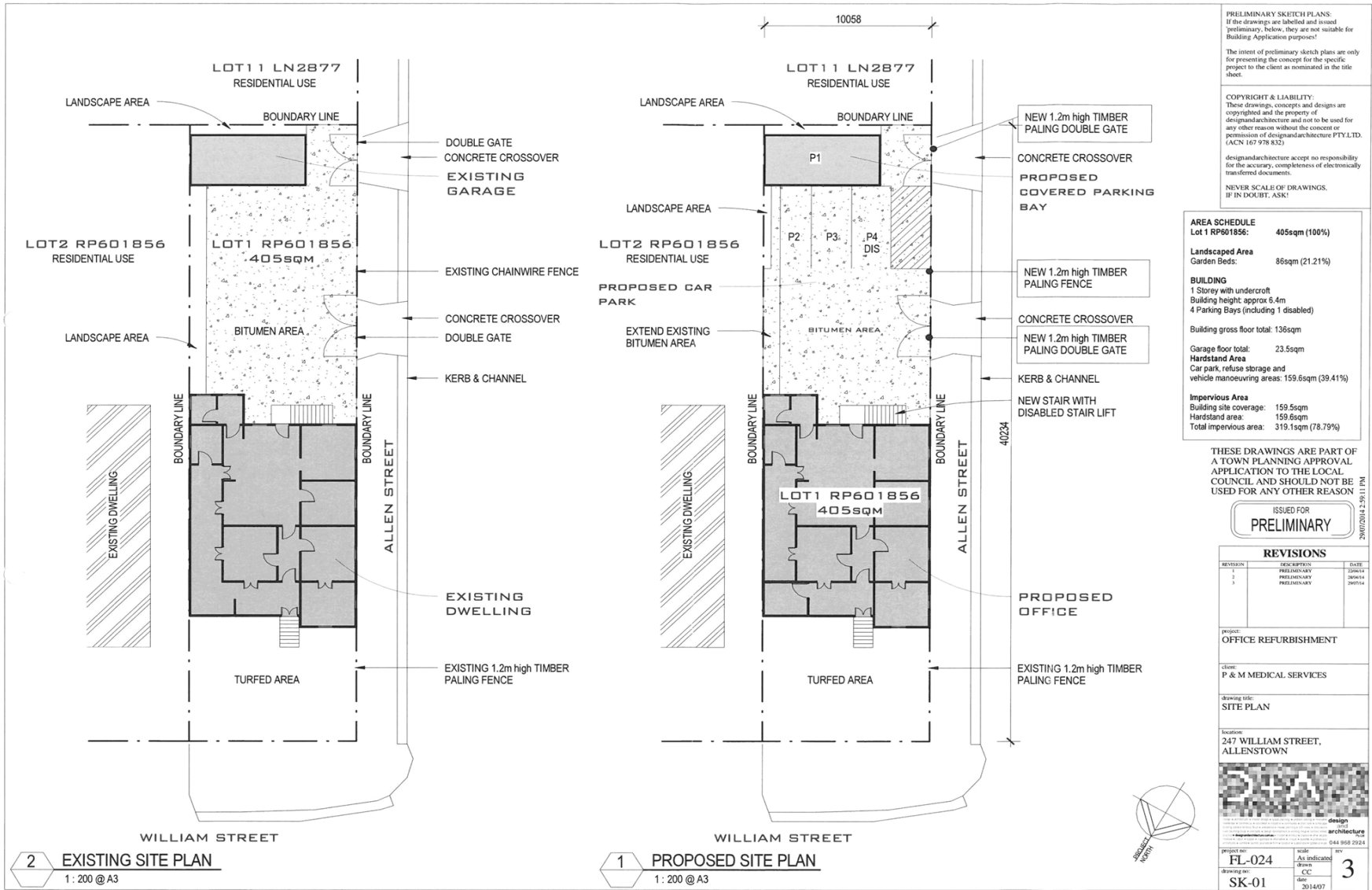


**D/158-2014 DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A
COMMERCIAL PREMISES**

Site Plan

Meeting Date: 7 October 2014

Attachment No: 2



**D/158-2014 DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A
COMMERCIAL PREMISES**

Floor Plan

Meeting Date: 7 October 2014

Attachment No: 3



8.2 D/134-2014 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A CHILD CARE CENTRE

File No: D/134-2014

Attachments:

1. Locality Plan
2. Site Plan
3. Floor Plan
4. North and South Elevation
5. East and West Elevation

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/134-2014

Applicant: Hebbard Property Trust

Real Property Address: Lot 10 on SP246192, Parish of Murchison

Common Property Address: 16 Bean Avenue, Parkhurst

Area of Site: 2,692 square metres

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: Parkhurst East Residential Area

Planning Scheme Overlays: Nil

Existing Development: Child Care Centre

Existing Approvals: D/493-2010 Development Permit for a Material Change of Use for a Child Care Centre; D-R/31-1994 Town Planning Consent for a Child Care Centre (TPC2446).

Approval Sought: Development Permit for a Material Change of Use for a Child Care Centre

Level of Assessment: Impact Assessable

Submissions: One properly-made submission

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

Adopted Infrastructure Charges Area: Charge Area 1

Application Progress:

<i>Application Lodged:</i>	2 June 2014
<i>Acknowledgment Notice issued:</i>	16 June 2014
<i>No Further Information required sent:</i>	16 June 2014
<i>Submission period commenced:</i>	6 August 2014
<i>Submission period end:</i>	12 September 2014
<i>Government Agency Response:</i>	28 August 2014
<i>Committee date:</i>	7 October 2014

Statutory due determination date:	14 October 2014
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OFFICER'S RECOMMENDATION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for a Child Care Centre, made by Hebbard Property Trust, on Lot 10 on SP246192, Parish of Murchison, located at 16 Bean Avenue, Parkhurst, 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 Child Care Centre, made by Hebbard Property Trust, on Lot 10 on SP246192, Parish of Murchison, located at 16 Bean Avenue, Parkhurst, 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; and
 - (ii) Roof and Allotment Drainage Works.
 - 1.6.2 Plumbing and Drainage Works; and
 - 1.6.3 Building Works.
- 1.7 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.

- 1.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.9 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Number</u>	<u>Dated</u>
Site Plan	A101 Rev. B	18 June 2014
Floor Plan	A102 Rev. A	26 May 2014
North and South Elevations	A103 Rev. A	26 May 2014
East and West Elevations	A104 Rev. A	26 May 2014
Plant Schedule	A117 Rev. A	26 May 2014

- 2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.
- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council prior to the submission of a Development Application for Operational Works.

3.0 ACCESS AND PARKING WORKS

- 3.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the site.
- 3.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Parking Facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 3.3 All parking, access and manoeuvring areas must be paved or sealed.
- 3.4 A new egress from the development must be provided to Nellie Street.
- 3.5 All vehicles must ingress and egress the development in a forward gear.
- 3.6 A minimum of two (2) additional parking spaces must be provided on-site.
- 3.7 Universal access parking spaces must be provided in accordance with *Australian Standard AS2890.6 "Parking Facilities - Off-Street parking for people with disabilities"*.
- 3.8 All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Australian Standard AS1742.1 "Manual of Uniform Traffic Control Devices"* and *Australian Standard AS2890.1 "Parking Facilities – Off-street Car Parking"*.
- 3.9 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for Access and Mobility"*.

4.0 SEWERAGE WORKS

- 4.1 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act* and the *Plumbing and Drainage Act*.

- 4.2 The development must be connected to Council's reticulated sewerage network.
- 4.3 The existing sewerage connection point(s) must be retained and upgraded, if necessary, to service the development.
- 4.4 All works must be undertaken in accordance with a Council Building Over/Adjacent to Local Government Sewerage Infrastructure Policy.
- 4.5 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.
- 4.6 Sewer connections located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with trafficable lids.

5.0 WATER WORKS

- 5.1 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act*, the *Plumbing and Drainage Act*.
- 5.2 The development must be connected to Council's reticulated water network.
- 5.3 The existing water connection point(s) must be retained and upgraded, if necessary, to service the development.
- 5.4 Water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface level and must be provided with heavy duty trafficable lids.
- 5.5 The applicant must ensure adequate fire fighting protection is available from the existing hydrants within Bean Avenue and Nellie Close road reserve and also from the on-site fire fighting equipment for the proposed development. Where adequate protection can not be achievable, upgrade of on-site fire fighting equipment, internal pillar hydrant, water tanks, and pumps will be required.

6.0 PLUMBING AND DRAINAGE WORKS

- 6.1 All internal plumbing and sanitary drainage works must be in accordance with regulated work under the *Plumbing and Drainage Act* and Council's Plumbing and Drainage Policies.
- 6.2 Disconnection, alteration or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act*.
- 6.3 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.

7.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 7.1 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.
- 7.2 All roof and allotment drainage must be in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.
- 7.3 The proposed development must achieve no increase in peak stormwater runoff for a selected range of storm events up to and including the one in one hundred year storm event (100 year Average Recurrence Interval) for the post development condition.
- 7.4 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.

8.0 SITE WORKS

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

9.0 BUILDING WORKS

- 9.1 All structures must maintain a clearance of two (2) metres to any sewerage infrastructure.
- 9.2 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.
- 9.3 All waste storage areas must be:
- 9.3.1 provided with a suitable hose-cock (with backflow prevention) and hoses at the refuse container area, and wash-down must be drained to the sewer and fitted with an approved stormwater diversion valve arrangement;
 - 9.3.2 of a sufficient size to accommodate commercial sized bins to be serviced by a commercial contractor plus clearances around the bins for manoeuvring and cleaning; and
 - 9.3.3 surrounded by at least a 1.8 metre high fence that obstructs from view the contents of the bin compound by any member of the public from any public place.
- 9.4 All external elements, such as air conditioners, must be adequately screened from public view, to Council's satisfaction. Noise from any external elements, such as air conditioners, must not exceed the limits specified in the *Environmental Protection Act*.
- 9.5 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"*.

10.0 LANDSCAPING WORKS

- 10.1 All landscaping must be constructed and established in accordance with the approved plans (refer to condition 2.1), prior to the commencement of the use.
- 10.2 The landscaped areas must be subject to an ongoing maintenance and replanting programme (if necessary).

11.0 ELECTRICITY AND TELECOMMUNICATIONS

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

12.0 ASSET MANAGEMENT

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

13.0 ENVIRONMENTAL

- 13.1 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.

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 Bean Street or Nellie Close.
- 14.2 The hours of operations must be limited to:
- (i) 0630 hours to 1830 hours on Monday to Friday, and
 - (ii) no operations on Saturday, Sunday or Public Holidays.
- 14.3 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 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the property during all stages of the development including earthworks, construction and operation.

NOTE 4. General Safety Of Public During Construction

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

NOTE 5. Infrastructure Charges Notice

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

RECOMMENDATION C

That in relation to the application for a Development Permit for a Material Change of Use for a Child Care Centre, made by Hebbard Property Trust, on Lot 10 on SP246192, Parish of Murchison, located at 16 Bean Avenue, Parkhurst, Council resolves to issue an Infrastructure Charges Notice for the amount of **\$26,555.96**.

BACKGROUND**PROPOSAL IN DETAIL**

The proposal is to extend an existing child care centre. The extension will be in the form of a standalone, single storey play area with brick veneer and steel roof, complementing the existing play area constructed immediately adjacent. The two play structures will appear in all aspects to operate as one facility and are detached to accommodate the sewerage infrastructure which runs through the site.

The proposal will result in a ninety-three (93) place child care centre with six staff. The extension will comprise of 262 square metres, giving the child care centre a total gross floor area of 612 square metres.

The proposal will provide two additional car parking spaces, providing a total of seventeen (17) car parking spaces. Access to the child care centre will be from Frenchville Road via Bean Avenue with a one way traffic flow through the car park, exiting onto Nellie Close.

SITE AND LOCALITY

The subject site is located directly east of Yaamba Road which is a State-controlled road, within the Parkhurst East Residential Area under the *Rockhampton City Plan 2005*. The site has an area of 2,692 square metres, is generally flat and fully serviced by urban services. A pedestrian link with a constructed footpath from Nellie Close to Yaamba Road forms the southern boundary of the property.

The surrounding area is dominated by dwelling houses to the north, east and south. The western side of Yaamba Road is an industrial area and is dominated by the Queensland Magnesium and Cement Australia (QMAG) factory. A Major Shopping Centre is also approved just beyond the site to the south.

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 – 12 June 2014

Support, subject to conditions.

Infrastructure Operations Unit's (sewer and water) Comments – 16 June 2014

Support, subject to conditions.

Public and Environmental Health Comments – 12 June 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 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.

Other Acts

Not Applicable.

Rockhampton City Plan 2005**Parkhurst East Residential Area Intent**

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

There are some community / educational uses and sporting facilities located in the Area, including the Parkhurst State School, a childcare centre, a hall, tennis and horse riding facilities. The expansion of existing community / recreation use category uses and the provision of additional community / recreation use category uses will be assessed on their merits. These uses will only be consistent with the intent for the Area where it can be demonstrated that they will not have a detrimental impact on residential amenity. Amongst other things, community / recreation use category uses will need to demonstrate that:

- *Sufficient car parking can be provided on site;*
- *Buildings will not adversely overshadow or overlook adjacent residential dwellings; and*
- *The hours of operation of the use or the placement of facilities will not disturb the residential amenity of surrounding residents.*

This application is consistent with the intent of the Area. Sufficient parking spaces have been provided on site. The structures are single storey and low set, removing the risk of overshadowing or overlooking of any residential property. The use is existing and improves the amenity of the area. It is further anticipated that the extension proposed herein will similarly operate with minimal impact on the nearby residential uses and will not disturb the residential amenity.

Rockhampton City Plan Codes

The following codes are applicable to this application:

- Child Care Centre Code
- Landscape Code
- Parking and Access Code

An assessment has been made against the requirement of the abovementioned codes and the proposed development generally complies with the relevant Performance Criteria and Acceptable Solutions.

INFRASTRUCTURE CHARGES

Adopted Infrastructure Charges Resolution (No. 4) 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	
Education Facility	Area 1	119	per m ² of GFA			\$72,867.27
				8.50	per m ² of impervious area	\$10,406.47
Total						\$83,273.74
Less credit						\$56,717.78
TOTAL CHARGE						\$26,555.96

This is based on the following calculations:

- (a) A charge of \$72,867.27 for Gross Floor Area being 612.33 square metres (staff and learning areas, and storage space);
- (b) A charge of \$10,406.465 for Impervious Area being 1,224.29 square metres (roof area, access, and parking areas); and
- (c) An Infrastructure Credit of \$56,717.78, made up as follows:
 - (i) \$48,801.90 - Infrastructure Credit applicable for the existing Gross Floor Area (410.1 square metres); and
 - (ii) \$7,915.88 - Infrastructure Credit applicable for the existing impervious roof area, access, and parking areas (931.28 square metres).

Therefore, a total charge of **\$26,555.96** is payable and will be reflected in an Infrastructure Charges Notice for the development.

CONSULTATION

The proposal was the subject of public notification between 6 August 2014 and 12 September 2014.

The public notification which commenced on 6 August 2014 had complied with the requirements of the *Sustainable Planning Act 2009* in all aspects except that the applicant had not placed a sign on the Yaamba Road frontage. The applicant rectified this issue on 20 August 2014 and extended the public notification to be conducted for a further seventeen business days from this date.

The public notification which was undertaken between 20 August 2014 and 12 September 2014 fully complied with the requirements of *Sustainable Planning Act 2009*.

It is considered that whilst the sign had not been placed on the Yaamba Road frontage for the period between 6 August 2014 and 20 August 2014, the awareness of the proposal and the opportunity for any party to make a submission had not been compromised. This is further supported by the applicant rectifying the non-compliance and extending the public notification from the date that the sign had been placed on the Yaamba Road frontage.

One properly-made submission was received during the public notification period. The following is a summary of the concerns raised in the submission, with Council officer comments:

Issue	Officer's Response
The existing entry and exit to the centre is hazardous and has seen many near-miss situations caused by the traffic.	The proposal involves changing the parking area to have a separate entry and exit point and one way direction of traffic through the site to address this issue.
There is a 40km/h speed sign which many road users are not adhering to.	This is a matter which Council cannot rectify and should be taken up with the Queensland Police.
Road users do not adhere to road rules, particularly those who are entering and exiting from the centre and are required to give way to traffic on Bean Avenue.	This is a matter which Council cannot rectify and should be taken up with the Queensland Police.
The chartered accountant business next door also creates additional traffic in the street.	The site mentioned is not part of this development application.

Issue	Officer's Response
On street parking on Bean Avenue and Nellie Close proximal to the development poses a traffic hazard with reduced road space for other users and two way access is reduced.	Two site inspections were conducted at various times which did not indicate that there was an increased traffic hazard caused by the development. There is ample parking space for the development. Safe driving attitudes can not be conditioned and is a matter which should be taken up with the Queensland Police.
Staff parking should be provided on the development site, especially during operating hours.	It is considered that sufficient parking has been provided on site and that staff should be using these parking areas.
The proposal should provide additional parking spaces.	The proposal includes two additional car parking spaces.
The access point should be made a left hand turn only.	The proposal involves changes to traffic movement through the parking area, providing ingress from Bean Avenue and a new egress to Nellie Close with a one way direction of traffic through the site.

REFERRALS

The Department of State Development, Infrastructure and Planning have been referred the application as the site being developed is proximal to a State-controlled road. The Department provided conditions of approval on 28 August 2014.

CONCLUSION

The proposed development is considered to be in keeping with the intent of the Parkhurst East Residential Area. Furthermore, the proposal 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 conditions outlined in the recommendation.

**D/134-2014 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A
CHILD CARE CENTRE**

Locality Plan

Meeting Date: 7 October 2014

Attachment No: 1



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2,713 at A4.

Locality Plan

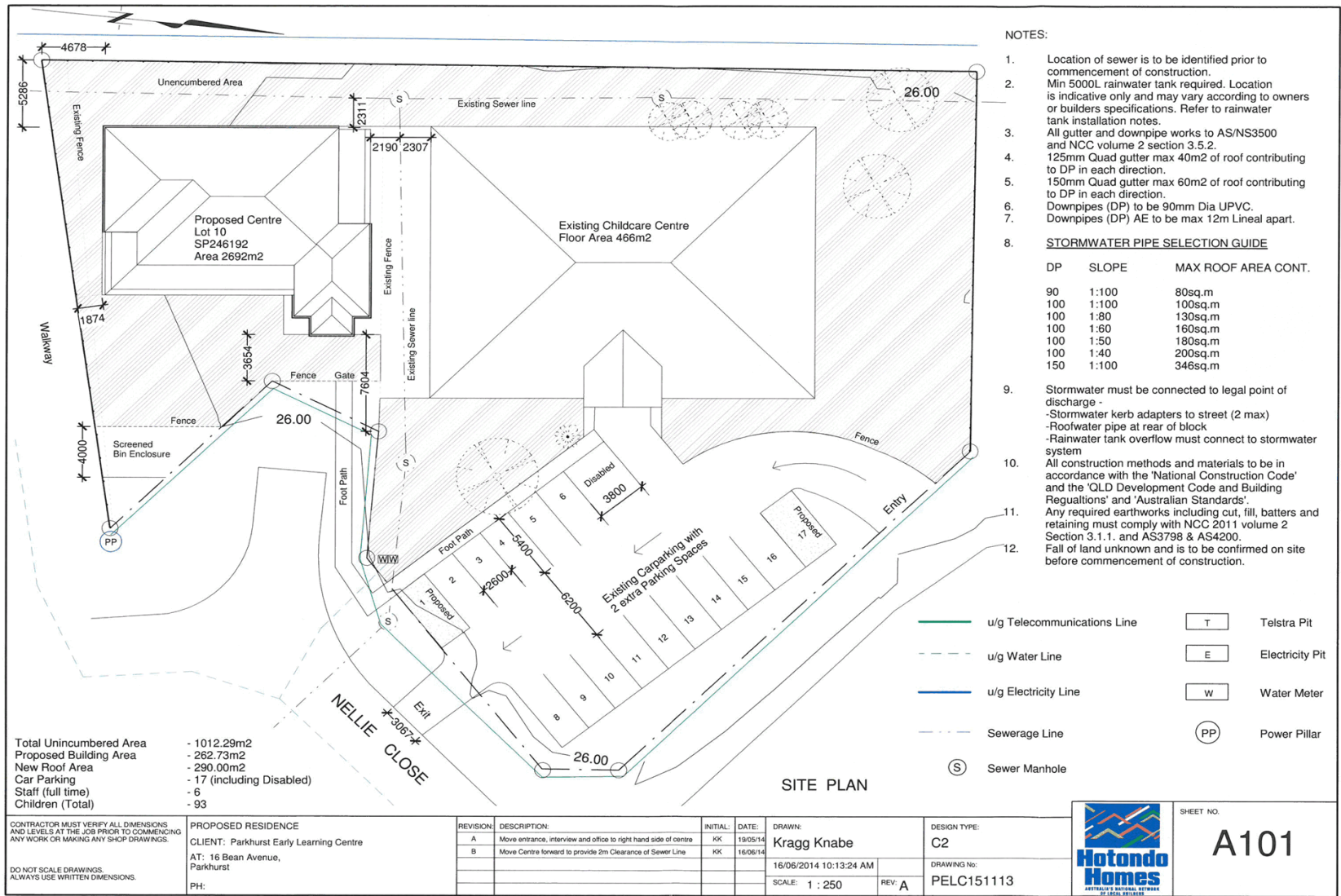
Rockhampton
Regional Council
Printed from Geko on 17/09/2014

**D/134-2014 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A
CHILD CARE CENTRE**

Site Plan

Meeting Date: 7 October 2014

Attachment No: 2



**D/134-2014 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A
CHILD CARE CENTRE**

Floor Plan

Meeting Date: 7 October 2014

Attachment No: 3

ALL DIMENSIONS AND DETAILS TO BE CONFIRMED BEFORE COMMENCEMENT OF CONSTRUCTION AND RESPONSIBLE PEOPLE NOTIFIED OF ANY DISCREPANCIES.

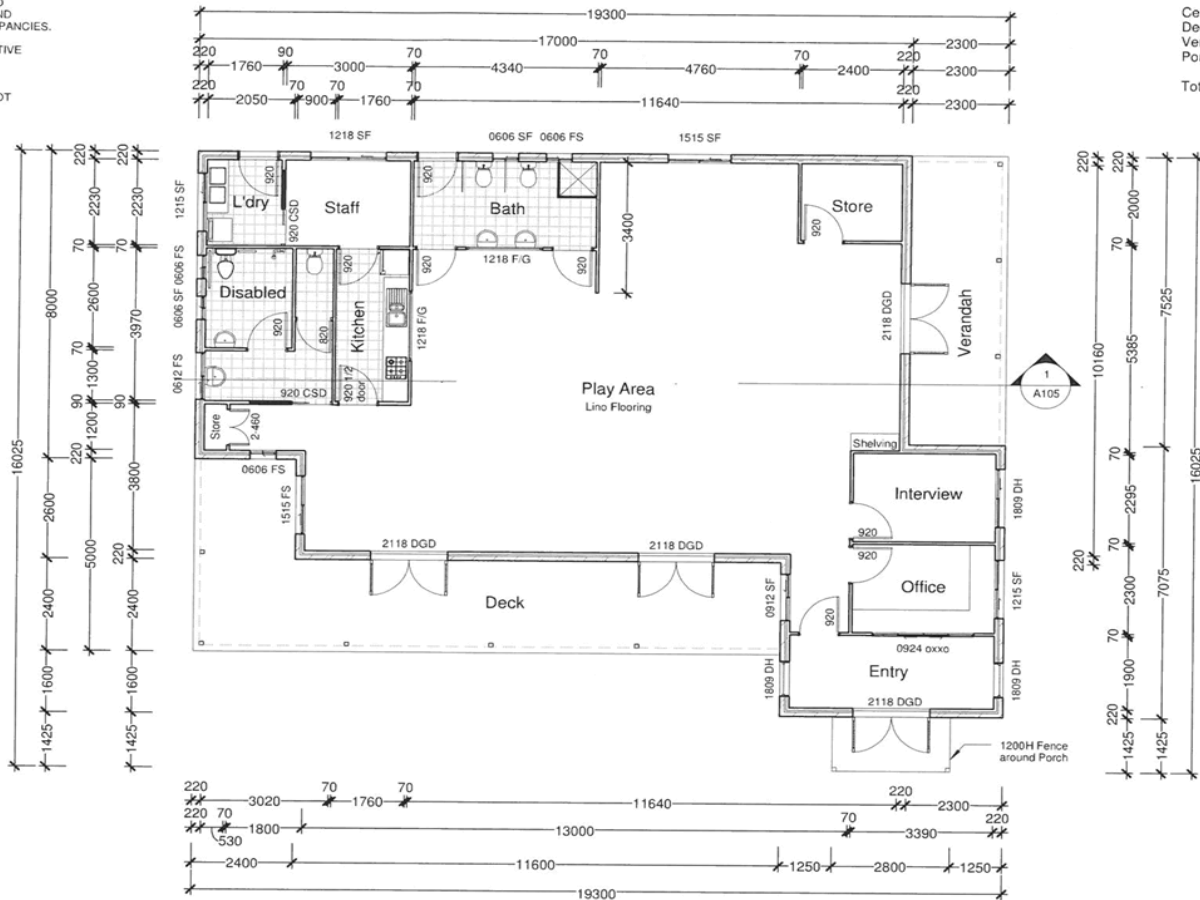
WALL FINISHES AND WINDOW TYPES ARE INDICATIVE ONLY AND ARE NOT PRESCRIPTIVE. REFER TO BUILDERS SPECIFICATIONS FOR DETAILS.

GROUND LINES SHOWN ON ELEVATIONS DOES NOT RELATE TO ACTUAL SLOPE OF SITE.

NOTES: Misc.

1. Class 10a buildings attached to Class 1 buildings must have an external fabric that achieves the same values of that of the class 1 building.
2. Hot water supply must comply with section R of AS/NZ3500.4 or clause 3.38 of AS/NZ S 3500.5. Solar hot water systems are not required to comply.
3. Thermal insulation of services is to be protected against the effects of weather and sunlight and be able to withstand the temperatures within the piping or ductwork.
4. Insulation of internal piping is to have a minimum R-Value of 0.2. All other is to be 0.3.
5. Dwelling must have energy efficient lighting for a minimum of 80% of total fixed internal lighting.
6. All hard-wired air conditioners must have an E.E.R. of at least 2.9.
7. All shower roses are to be a minimum of a 5 star rating.
8. Toilet cisterns to have a dual flush function and have a minimum 5 star water efficiency labeling and standard ratings.
9. Tapware in laundries, kitchen sinks and basins are to be a minimum of a 5 star rating.
10. Exhaust fans must be provided with a flap that can be closed when in conditioned spaces.
11. All garage doors & other large access doors to be in accordance with AS/NZS 4505:2012.

FLOOR PLAN



Centre.....202.23m2
 Deck.....39.84m2
 Verandah.....17.31m2
 Porch.....3.99m2
 Total Area.....263.37m2

CONTRACTOR MUST VERIFY ALL DIMENSIONS AND LEVELS AT THE JOB PRIOR TO COMMENCING ANY WORK OR MAKING ANY SHOP DRAWINGS.
 DO NOT SCALE DRAWINGS.
 ALWAYS USE WRITTEN DIMENSIONS.

PROPOSED RESIDENCE
 CLIENT: Parkhurst Early Learning Centre
 AT: 16 Bean Avenue,
 Parkhurst
 PH:

REVISION	DESCRIPTION	INITIAL	DATE	DRAWN
A	Move entrance, interview and office to right hand side of centre	KK	19/05/14	Kragg Knabe
				26/05/2014 9:26:28 AM
				SCALE: 1 : 100

DESIGN TYPE:
 C2
 DRAWING No:
 PELC151113



SHEET NO.

A102

**D/134-2014 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A
CHILD CARE CENTRE**

North and South Elevation

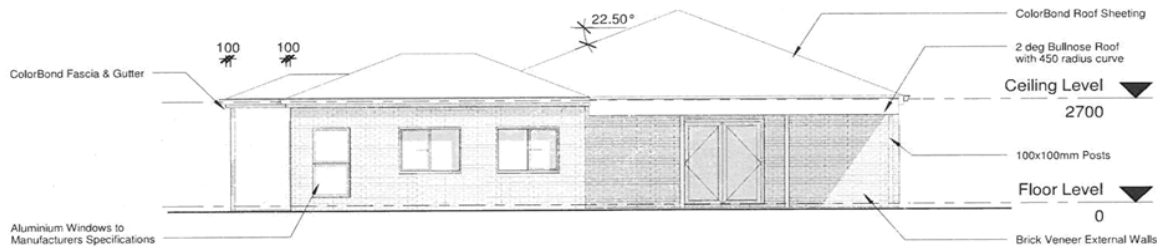
Meeting Date: 7 October 2014

Attachment No: 4

ALL DIMENSIONS AND DETAILS TO BE CONFIRMED
BEFORE COMMENCEMENT OF CONSTRUCTION AND
RESPONSIBLE PEOPLE NOTIFIED OF ANY DISCREPANCIES.

WALL FINISHES AND WINDOW TYPES ARE INDICATIVE
ONLY AND ARE NOT PRESCRIPTIVE. REFER TO
BUILDERS SPECIFICATIONS FOR DETAILS.

GROUND LINES SHOWN ON ELEVATIONS DOES NOT
RELATE TO ACTUAL SLOPE OF SITE.



NORTH ELEVATION



SOUTH ELEVATION

CONTRACTOR MUST VERIFY ALL DIMENSIONS
AND LEVELS AT THE JOB PRIOR TO COMMENCING
ANY WORK OR MAKING ANY SHOP DRAWINGS.

DO NOT SCALE DRAWINGS.
ALWAYS USE WRITTEN DIMENSIONS.

PROPOSED RESIDENCE
CLIENT: Parkhurst Early Learning Centre
AT: 16 Bean Avenue,
Parkhurst
PH:

REVISION	DESCRIPTION	INITIAL	DATE
A	Move entrance, interview and office to right hand side of centre	KK	19/05/14

DRAWN:
Kragg Knabe
26/05/2014 9:26:29 AM
SCALE: 1 : 100

DESIGN TYPE:
C2
DRAWING No:
PELC151113
REV: A



SHEET NO.

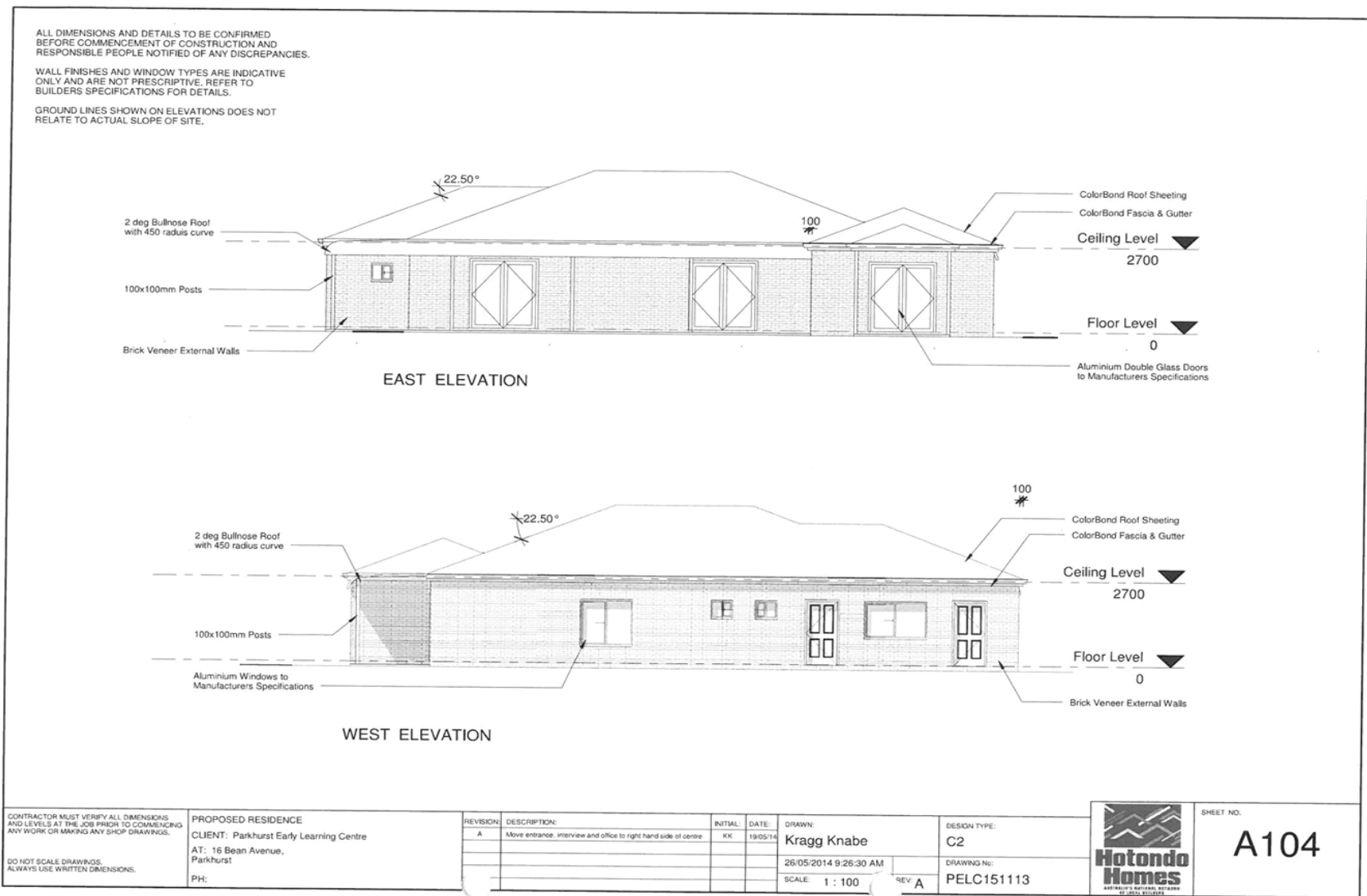
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**D/134-2014 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A
CHILD CARE CENTRE**

East and West Elevation

Meeting Date: 7 October 2014

Attachment No: 5



8.3 D/423-2013 REQUEST FOR A NEGOTIATED DECISION NOTICE FOR A DEVELOPMENT PERMIT FOR A VEHICLE DEPOT

File No: D/423-2013

Attachments:

1. Locality Plan
2. Site Plan
3. Access, Manoeuvring and Vehicle Parking

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

Author: Anton de Klerk - Planning Officer

SUMMARY

Development Application Number: D/423-2013

Applicant: Red Truck Pty Ltd C/- ADAMS + SPARKES Town Planning + Development

Real Property Address: Lot 70 on RP604012, Parish of Gracemere

Common Property Address: 78 Foster Street, Gracemere

Area of Site: 2.125 hectares

Planning Scheme Fitzroy Shire Planning Scheme 2005

Planning Scheme Zoning: Gracemere Stanwell Zone - Low Impact Industry Precinct

Planning Scheme Overlays: Nil

Existing Development: House with an ancillary shed and an Industrial shed

Existing Approvals: House

Approval Sought: Negotiated Decision Notice for a Development Permit for a Material Change of Use for a Vehicle Depot

Level of Assessment: Code Assessable

Submissions: Not Applicable

Referral Agency(s): Nil

Adopted Infrastructure Charges Area: Charge Area 1

OFFICER'S RECOMMENDATION

A1 That in relation to the request for a Negotiated Decision Notice for Development Permit D/423-2013, made by Red Truck Pty Ltd C/- ADAMS + SPARKES Town Planning + Development, on land described as Lot 70 on RP604012, Parish of Gracemere, located at 78 Foster Street, Gracemere, Council resolves that:

1. Condition 1.4 be amended by replacing

“All conditions, works, or requirements of this approval must be undertaken and completed within six (6) months of this approval, unless otherwise stated.”

With

All conditions, works, or requirements of this approval must be undertaken and completed within twelve (12) months of this approval, unless otherwise stated.

2. Condition 4.3 be amended by replacing

“All parking and manoeuvring areas must be sealed with either reinforced concrete not less than hundred (100) millimetres deep or a compacted gravel pavement not less than hundred (100) millimetres deep, sealed with twenty-five (25) millimetres of asphaltic concrete.”

with

All access, parking and vehicle manoeuvring areas must be sealed with either concrete, asphalt or two-coat bitumen spray seal and be maintained to the constructed standard. A dust free compacted gravel pavement is acceptable for trailer parking and the storage of goods (such as containers and equipment) only.

A2 That to reflect the above amendments, Red Truck Pty Ltd C/- ADAMS + SPARKES Town Planning + Development, be issued with a Negotiated Decision Notice for Development Permit D/423-2013 for a Material Change of Use for a Vehicle Depot.

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 within twelve (12) months of this approval, unless otherwise stated.

1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council within six (6) months of this approval, unless otherwise stated.

1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:

1.6.1 Operational Works:

(i) Access and Parking Works; and

(ii) Landscaping Works

1.6.2 Plumbing and Drainage Works; and

1.6.3 Building Works.

1.7 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.

1.8 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Material Change of Use Vehicle Depot (Site Plan)	5830-01-MCU Sheet 1 of 2 Revision B	27 August 2013
Material Change of Use Vehicle Depot (Elevations)	5830-01-MCU Sheet 2 of 2 Revision B	27 August 2013
Access, Manoeuvring and Vehicle Parking	K2452 Issue A	29 August 2013
Stormwater management Plan	K2452-0005A	5 November 2013

- 2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.
- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of a Development Application for Operational Works.

3.0 ROAD WORKS

- 3.1 Foster Street (half in width on the development side) must be upgraded to an Industrial Access standard for the full frontage of Lot 70 on RP604012 in accordance with the *Capricorn Municipal Development Guidelines*.

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 "Off Street Car Parking"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 4.3 All access, parking and vehicle manoeuvring areas must be sealed with either concrete, asphalt or two-coat bitumen spray seal and be maintained to the constructed standard. A dust free compacted gravel pavement is acceptable for trailer parking and the storage of goods (such as containers and equipment) only.
- 4.4 The existing accesses from Foster Street must be upgraded to comply with the requirements of the *Capricorn Municipal Development Guidelines*.

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 level and must be provided with trafficable lids.
- 5.5 The proposed development must be provided with a master meter at the property boundary and sub meters for each sole occupancy building in accordance with the *Queensland Plumbing and Drainage Code* and Council's Sub-metering Policy.

6.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 6.1 All roof and allotment drainage must be in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.
- 6.2 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.

7.0 SITE WORKS

- 7.1 All outside storage areas must be constructed of a compacted, dust-free surface to the satisfaction of Council.
- 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 All site works must be undertaken to ensure that there is:
 - 7.3.1 no increase in upstream or downstream flood levels for all levels of immunity up to Q100;
 - 7.3.2 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; and
 - 7.3.3 a lawful point of discharge to which the developed flows from the land drain. Easements will be required over any other land to accommodate the flows.

8.0 BUILDING WORKS

- 8.1 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.

9.0 LANDSCAPING WORKS

- 9.1 A Development Permit for Operational Works (landscaping works) must be obtained prior to the commencement of any works on the site.
- 9.2 The landscape plan must include, but is not limited to, the following
 - 9.2.1 A plan documenting the "Extent of Works" and supporting documentation which includes:
 - (i) location and name of existing trees, including those to be retained (the location of the trees shall be overlayed or be easily compared with the proposed development design);
 - (ii) the extent of soft and hard landscape proposed;

- (iii) important spot levels and/or contours. The levels of the trees to be retained shall be provided in relation to the finished levels of the proposed buildings and works;
- (iv) underground and overhead services;
- (v) typical details of critical design elements (for example stabilisation of batters, retaining walls, podium/balcony planters, trees in car park areas, fences);
- (vi) details of landscape structures including areas of deep planting; and
- (vii) specification notes on mulching and soil preparation.

9.2.2 A "Planting Plan" and supporting documentation which includes:

- (i) trees, shrubs and groundcovers to all areas to be landscaped;
- (ii) position and canopy spread of all trees and shrubs;
- (iii) the extent and type of works (for example paving, fences, garden bed edging etc). All plants shall be located within an edged garden; and
- (iv) a plant schedule with the botanic and common names, total plant numbers and pot sizes at the time of planting.

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

10.0 ELECTRICITY AND TELECOMMUNICATIONS

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

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 issue of the Compliance Certificate for the Survey Plan. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

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 Foster Street or Oxley Street.

- 13.2 Any waste storage areas must be:
- 13.2.1 Designed and maintained in accordance with the *Environmental Protection (Waste Management) Regulation*;
 - 13.2.2 Concealed from public view such that the contents of the bin compound are not visible from any public place; and
 - 13.2.3 Kept in a clean and tidy condition.
- 13.3 No washing of vehicles is permitted at this premise unless an approved wash down bay is built to prevent contamination of land and the stormwater system.
- 13.4 All chemical drum storage (including, but not limited to, oil or waste oil, paint, lacquers, thinners, adhesives and cleaning solvents) must be bunded so that the capacity of the bund is sufficient to contain at least one hundred percent (100%) of the largest container plus twenty-five percent (25%) of the total storage capacity.

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 *Workplace Health and Safety Act* 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. Adopted Infrastructure Charges Notice

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

BACKGROUND

Council, under delegation, approved a Development Application for a Vehicle Depot over Lot 70 on RP604012, Parish of Gracemere, located at 78 Foster Street, Gracemere, on 20 December 2013.

The applicant has made representations in accordance with Section 361 of the *Sustainable Planning Act 2009* for a Negotiated Decision Notice pertaining to condition 1.4 and condition 4.3.

Condition 1.4 relates to the timeframe when all conditions and works must be completed by as the use has already commenced and condition 4.3 relates to the standard of sealing of all access, parking and manoeuvring areas.

Council is willing to amend condition 1.4 to allow twelve (12) months for all conditions and works to be completed.

However, after numerous meetings and discussions with the applicant, a consensus could not be reached regarding the level of sealing to access, parking and vehicle manoeuvring areas as stipulated within condition 4.3. The applicant insists on a lesser seal to certain vehicle manoeuvring areas, consisting of a compacted gravel or road base pavement (for example PolyCom Stabilising Aid) instead of being concreted, asphalt or a two-coat bitumen spray seal.

PLANNING ASSESSMENT

TOWN PLANNING COMMENTS

The applicant has requested conditions 1.4 and 4.3 be amended.

Condition 1.4

“All conditions, works, or requirements of this approval must be undertaken and completed within six (6) months of this approval, unless otherwise stated.”

Applicant's request:

Easyhaul are currently operating a vehicle depot from the site. Given the substantial financial cost of completing all conditions of this development approval, the applicant requested that the timeframe stipulated within this condition be extended from six (6) months to twelve (12) months, as this will better enable the business to meet its financial obligations.

Council response:

It is not an ideal situation to have a specific use operating from a site before all required approvals are obtained. However, Council can agree to the proposed extension from six (6) months to twelve (12) months for the completion and compliance with all conditions set out within the approved Development Application.

Recommendation:

This condition is to be amended to reflect the above mentioned.

Condition 4.3

“All parking and manoeuvring areas must be sealed with either reinforced concrete not less than hundred (100) millimetres deep or a compacted gravel pavement not less than hundred (100) millimetres deep, sealed with twenty-five (25) millimetres of asphaltic concrete.”

Applicant's request:

All vehicle parking and manoeuvring areas have been sealed with PolyCom Stabilising Aid which provides a stable, robust and dust free surface which is suitable for the proposed Vehicle Depot. The applicant has requested to rather amend condition 4.3 by placing significant and clear accountability upon the applicant for maintaining the current surface to a standard which is to the satisfaction of Council. The applicant, therefore, recommended amending the condition to read:

“All parking and manoeuvring areas are to be sealed with reinforced concrete not less than 100 millimetres deep or a compacted gravel pavement not less than hundred (100) millimetres deep, sealed with twenty-five (25) millimetres of asphaltic concrete. Alternatively, a sealed compacted gravel or road base pavement, not less than 60mm deep, may be used for those areas of the site that are to be utilised for storage and trailer parking only. Where such pavement treatments are proposed, there is to be no opportunity for contaminants or wastes (e.g. oils, chemicals) to be discharged onto this pavement and any dust generated is suppressed in accordance with the relevant planning scheme provisions, to ensure there are no dust emissions generated from the site. In the event that this surface is not performing adequately, the area must be sealed.”

After numerous further negotiations with the applicant, this condition was amended again by the applicant to read:

“Access, parking and associated vehicle manoeuvring areas must be sealed, where identified on the site plan. The proposed trailer parking, storage and heavy vehicle manoeuvring areas identified on the site plan are to comprise of compacted gravel or road base pavement. Where such pavement treatments are proposed, there is to be no opportunity for contaminants or waste (e.g. oils, chemicals) to be discharged onto this pavement and any dust generated is suppressed in accordance with the relevant planning scheme provisions. In the even that this surface does not perform adequately, the area/s must be sealed.”

Council response:

Council is not convinced that the proposed sealing will adequately suppress dust. There is also a question on the lifespan to such a product (PolyCom Stabilising Aid). Council did agree to allow for a dust free compacted gravel pavement seal to be acceptable for trailer parking and the storage of goods (such as containers and equipment) only. Council insists that all access, parking and vehicle manoeuvring areas be sealed with either concrete, asphalt or two-coat bitumen spray seal. Therefore, Council is willing to amend the condition to exclude the parking and storage areas of goods from the standard sealing condition. Ideally, Council wants these specific areas of parking and storage of goods to be indicated on their plans, but this can be conditioned and clarified within the Operational Works stage.

Recommendation:

This condition can be amended to some extent, but Council still insists on sealing all vehicle access, parking and manoeuvring areas.

COMMUNICATION

Pursuant to section 334 of the *Sustainable Planning Act 2009*, Council will provide a copy of the decision notice to the applicant within five business days of the decision being made.

CONCLUSION

The proposal to amend condition 1.4 can be supported by Council, but unfortunately a consensus with the applicant could not be reached for the amendment to condition 4.3 relating to the level of sealing required. Council is not convinced that the proposed sealing will adequately suppress dust and be of a standard appropriate to the new Industrial Estate. Council can, however, agree to allow for a dust free compacted gravel pavement seal to be acceptable for trailer parking and the storage of goods (such as containers and equipment) only. However, Council still insists that all access, parking and vehicle manoeuvring areas be sealed with either concrete, asphalt or two-coat bitumen spray seal.

The Gracemere Industrial Area is a prime area of growth and accepting sub-standard sealing at vehicle depot's will potentially create problems for Council in future at this and other similar developments in the industrial area. It is therefore recommended that Council reject the proposed amendment to condition 4.3 requested by the applicant and retain the condition that stipulates that all access, parking and vehicle manoeuvring areas be sealed with either concrete, asphalt or two-coat bitumen spray seal.

**D/423-2013 REQUEST FOR A
NEGOTIATED DECISION NOTICE FOR
A DEVELOPMENT PERMIT FOR
A VEHICLE DEPOT**

Locality Plan

Meeting Date: 7 October 2014

Attachment No: 1



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D/423-2013 - Locality Plan

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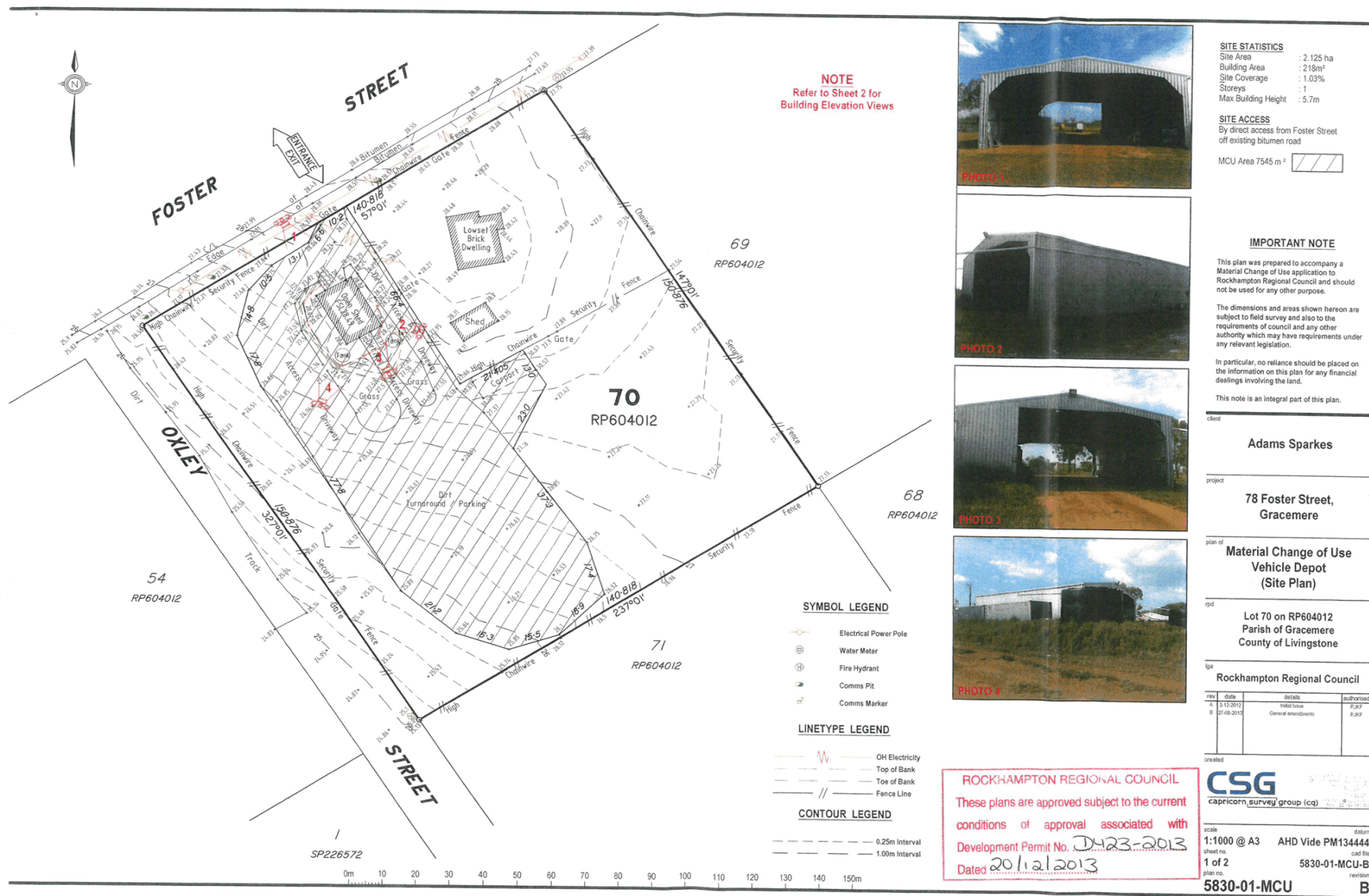
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 Regional Council
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**D/423-2013 REQUEST FOR A
NEGOTIATED DECISION NOTICE FOR
A DEVELOPMENT PERMIT FOR
A VEHICLE DEPOT**

Site Plan

Meeting Date: 7 October 2014

Attachment No: 2

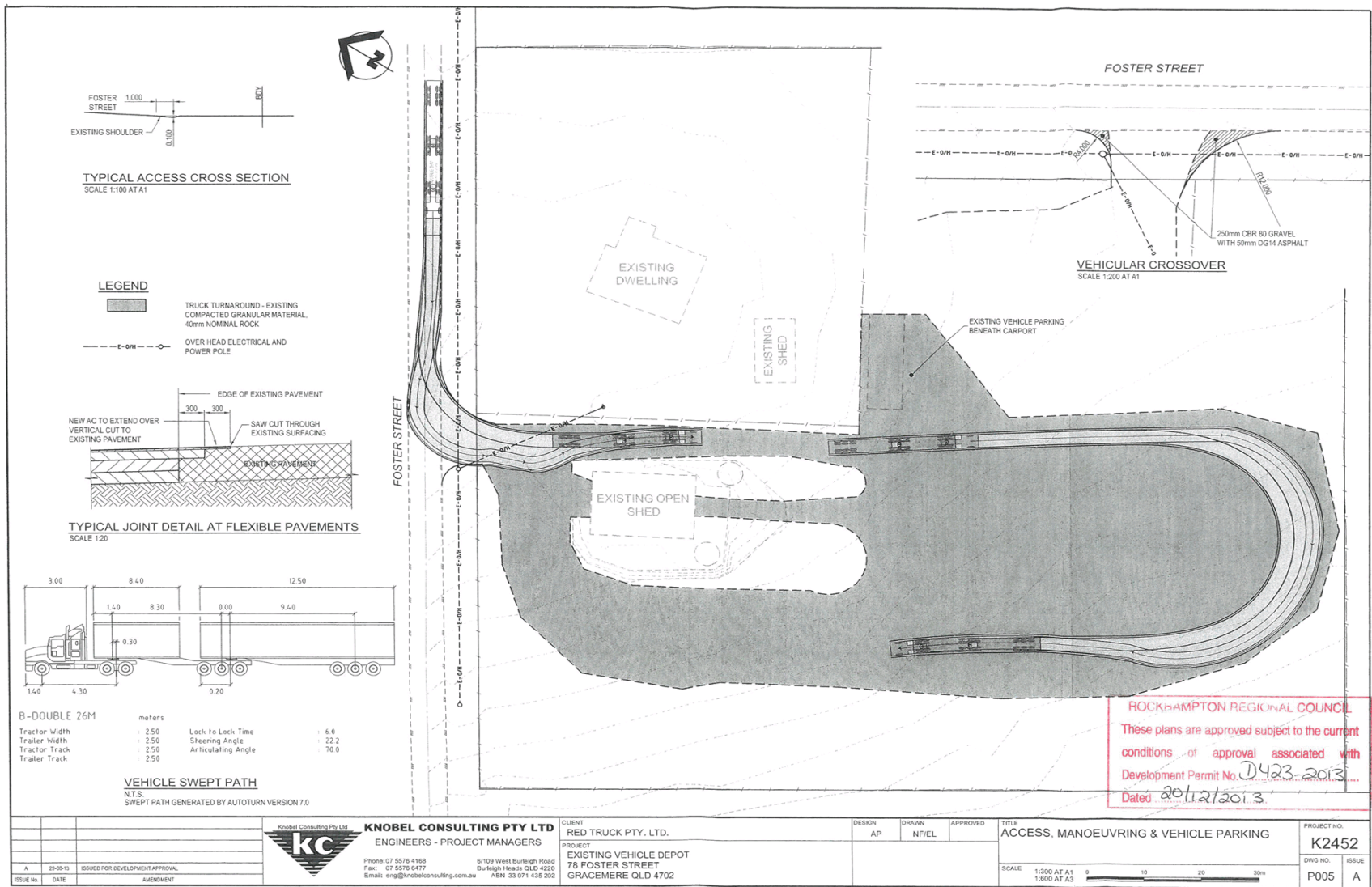


**D/423-2013 REQUEST FOR A
NEGOTIATED DECISION NOTICE FOR
A DEVELOPMENT PERMIT FOR
A VEHICLE DEPOT**

**Access, Manoeuvring and Vehicle
Parking**

Meeting Date: 7 October 2014

Attachment No: 3



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8.4 D/69-2014 - DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT (THREE LOTS INTO THREE LOTS)

File No: D/69-2014

Attachments: 1. Locality Plan
2. Site 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/69-2014

Applicant: John Brydon

Real Property Address: Lot 14 on RP603512 and Lot 15 on RP603512 and Lot 16 on RP803410, Parish of Murchison

Common Property Address: 2 Sturt Street, Parkhurst

Area of Site: 1.38 hectares

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: Parkhurst Industrial Area – Low Impact Industrial Precinct

Planning Scheme Overlays: Flood Prone Land

Existing Development: Single Dwelling

Existing Approvals: Nil

Approval Sought: Development Permit for Reconfiguring a Lot (three lots into three lots)

Level of Assessment: Code Assessable

Submissions: Not Applicable

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

Adopted Infrastructure Charges Area: Charge Area One

Application Progress:

<i>Application Lodged:</i>	19 March 2014
<i>Acknowledgment Notice issued:</i>	26 March 2014
<i>Request for Further Information sent:</i>	31 March 2014
<i>Request for Further Information responded to:</i>	23 May 2014
<i>Government Agency Response:</i>	29 April 2014
<i>Last receipt of information from applicant:</i>	23 May 2014
<i>Council request for additional time:</i>	17 June 2014
<i>Council request for additional time:</i>	16 July 2014
<i>Council request for additional time:</i>	20 August 2014
<i>Council request for additional time:</i>	11 September 2014

Statutory due determination date:	7 October 2014
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OFFICER'S RECOMMENDATION

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (three lots into three lots), made by John Brydon, on Lot 14 on RP603512, Lot 15 on RP603512 and Lot 16 on RP803410, Parish of Murchison, located at 2 Sturt Street, Parkhurst, Council resolves to Refuse the application for the following reasons:

- (i) The existing lots are not within a Water Supply Service Area or Sewerage Service Area and consequently the site is not connected to appropriate water and sewerage infrastructure;
- (ii) The proposed lots are not of a sufficient size to accommodate flood free, on-site sewerage treatment and disposal for any future development. Consequently, compliance with the *Queensland Plumbing and Wastewater Code (On-Site Sewerage Code)* has not been demonstrated;
- (iii) The proposal does not have access to adequate fire fighting protection; and
- (iv) Further development of the proposed lots will not comply with the Industry Self-Assessment Code or the Industrial Use Code of the *Rockhampton City Plan 2005* as no provision has been made for water and sewerage infrastructure.

BACKGROUND**PROPOSAL IN DETAIL**

The proposal is for a boundary realignment; three lots into three lots. Currently Lot 14 on RP603512 and Lot 15 on RP603512 are bound by Limestone Creek and are inaccessible. The proposal is to allow the realignment of these boundaries so they have access to Leichhardt Street and potentially be developed for Industrial purposes.

Proposed Lot 1 will have an area of 12,290 square metres and contain the existing dwelling house. Proposed Lot 2 will have an area of 3,180 square metres and Lot 3 will have an area of 3,640 square metres.

Access to Lot 1 will be via Sturt Street, and access to Lot 2 and Lot 3 will be via Leichhardt Street.

SITE AND LOCALITY

The subject site is irregular in shape with an area of 1.38 hectares. The site is bound by Sturt Street, Leichhardt Street and Alexandra Street. Limestone Creek traverses the site, making Lot 14 and Lot 15 inaccessible.

The existing house is located on Lot 16 and is connected to Council's reticulated water supply (via a Special Water Supply Arrangement) and on-site sewerage system.

The site is prone to flooding (except for an area facing Leichardt Street) and is designated as a high hazard floodway area under the Flood Hazard Map of the *Rockhampton City Plan 2005*.

The area is dominated by industrial related activities including a variety of light and medium industrial uses such as, recycling, steel fabrication, towing/wrecking businesses. There are also two residential uses located south of the site.

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 – 26 March 2014

The application is supported subject to conditions.

Infrastructure Operations Unit's (sewer and water) Comments – 16 June 2014

The application is recommended refusal.

The information provided in the information request response is not satisfactory, therefore a refusal is recommended.

There is no water supply within the vicinity of these lots. The nearest water supply is from Gregory Street which is approximately 140 metres east of the site. The existing Lot 16 is connected to Council's reticulated water supply via a Special Water Supply arrangement. A Special Water Supply arrangement would not be sufficient for an Industrial use. The applicant would be required to construct water supply from the intersection of Gregory Street and Sturt Street.

Each lot must be provided with an on-site sewerage system in accordance with the *Queensland Plumbing and Wastewater Code*. Given the majority of the site is affected by Q100 flooding, compliance with the *Queensland Plumbing and Wastewater Code* is questionable. A Site Evaluation Report in accordance with the *Queensland Plumbing and Wastewater Code* for on-site Sewerage is required. The report must address the flooding implications and must be prepared by a qualified person in accordance with the *Queensland Plumbing and Wastewater Code*. The applicant was required to provide a Sewerage Strategy as per Council's Information Request dated 31 March 2014. This information was not provided.

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

Complies. The State Planning Policy is appropriately reflected within the *Rockhampton City Plan 2005*. The proposal has been assessed against these requirements and is considered compliant. The site still provides safe and efficient access during a flood event and there is adequate land that is not flood affected should any future structures be erected.

Emissions and hazardous activities

Not Applicable.

State transport infrastructure

Not Applicable.

Strategic airports and aviation facilities

Not Applicable.

Rockhampton City Plan 2005**Parkhurst Industrial Area Intent**

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

"The intent of this Area is that it will accommodate industries of varying degrees and intensities, including High Impact Industries, to the exclusion of other land uses that by their nature and purpose are incompatible with being located close to industry. The Area is, and will remain as, the principal Industrial Area for the City, providing opportunities for linkages and synergies between different industries, irrespective of whether they are existing or new, in an appropriate location. It is intended that High Impact Industries including Queensland Magnesium and Cement Australia will remain within the Area and that additional High Impact Industries may locate within the core of the Area and are to be protected from the encroachment of incompatible land uses. While it is recognised that many High Impact Industries would be best located in the Gracemere – Stanwell Industrial Corridor, the Parkhurst Industrial Area will continue to provide an alternative location, primarily for those that are smaller in scale or rely on direct access to a railway corridor."

This application is consistent with the intent of the Area.

Rockhampton City Plan Codes

The following codes are applicable to this application: -

- Reconfiguration a Lot Code;
- Flood Prone Land Code;
- Parking and Access Code; and
- External Works and Servicing 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:

Reconfiguring a Lot Code		
Performance Criteria		Officer's Response
P14	For any subdivision;	<u>Does not comply</u>
	(a) The provision of public utilities, including sewerage, water, electricity, street lighting, and communication services, are cost effective over their life	No provision has been made for reticulation of water supply and sewerage supply to each allotment. Further, Council have no Plans for Trunk

	<p>cycle and incorporate provisions to minimise adverse environmental impact in the short and long term; and</p> <p>(b) Transportation, treatment and disposal of sewage wastes uses best practice to meet minimum health and environmental standards; and</p> <p>(c) Subdivision occurs where there is an adequate water supply for domestic and fire fighting purposes; and</p> <p>(d) Subdivision is staged to ensure that each stage is fully serviced before a new area is released; and</p> <p>(e) Water supply and sewerage networks are accessible, easy to maintain, and cost-effective based on life-cycle costs; and</p> <p>(f) Adequate buffers are maintained between utilities and houses to protect residential amenity and health; and</p> <p>(g) The feasibility of using water from the sewage system on a localised basis (usually not on individual allotments) for irrigation is established during the design process of the subdivision.</p>	<p>Infrastructure for Water and Sewerage trunks associated with these properties.</p>
P15	<p>Subdivision unable to be connected to the reticulated sewerage system results in allotments that are each able to efficiently dispose of domestic effluent in a manner that:</p> <p>(a) minimises any potential adverse ecological impacts, particularly on any nearby sensitive receiving environments; and</p> <p>(b) limits any health risks during a system failure; and</p> <p>(c) ensures the water quality of existing and/or proposed water supplies remains unaffected; and</p> <p>(d) ensures the sustainable disposal of domestic effluent; and</p>	<p><u>Does not comply</u></p> <p>Each lot must be provided with an on-site sewerage system in accordance with the <i>Queensland Plumbing and Wastewater Code</i>. Given the majority of the site is affected by Q100 flooding, compliance with the <i>Queensland Plumbing and Wastewater Code</i> is questionable as the area not affected by flooding is not of a sufficient size to accommodate on-site sewerage.</p>

	(e) does not impose a higher than normal cost to future land owners of the site for the installation and maintenance of pipes, pumps, etc and ensure that systems are easily able to be properly maintained.	
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INFRASTRUCTURE CHARGES

Adopted Infrastructure Charges Resolution (No. 4) 2014 for Reconfiguring a Lot applies to the application and it falls within Charge Area 1. The Adopted Infrastructure Charges are as follows:

Column 1 Charge Area	Column 2 Infrastructure Charge (\$/lot)	Column 3 Unit	Calculated Charge
Charge Area 1	21,000	per lot	\$63,000.00
Total			\$63,000.00
Less credit			\$63,000.00
TOTAL CHARGE			\$Nil

Therefore, no charges are applicable.

CONSULTATION

The proposal was not subject to public notification.

REFERRALS

The application was referred to the Department of State Development and Infrastructure Planning as the site is affected by contaminated land. The department assessed the application and provided conditions supporting the application on 29 April 2014.

CONCLUSION

The application for Reconfiguring a Lot (three lots into three lots) cannot be considered favourably as the site is not connected to appropriate water and sewerage infrastructure. As such, the assessment of this application has resulted in a recommendation for refusal, as the proposal conflicts with the Planning Scheme, and it is considered that there are insufficient grounds to justify approving the application.

**D/69-2014 - DEVELOPMENT
APPLICATION FOR RECONFIGURING
A LOT (THREE LOTS INTO THREE
LOTS)**

Locality Plan

Meeting Date: 7 October 2014

Attachment No: 1



Locality Plan

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0 0.0325 0.065 0.13 Km

5,426 at A4.

Rockhampton
Regional Council
Printed from Geko on 18/09/2014

**D/69-2014 - DEVELOPMENT
APPLICATION FOR RECONFIGURING
A LOT (THREE LOTS INTO THREE
LOTS)**

Site Plan

Meeting Date: 7 October 2014

Attachment No: 2



IMPORTANT NOTE

This plan was prepared to accompany a reconfiguration of a lot application to Rockhampton Regional Council and should not be used for any other purpose.

The dimensions and areas shown hereon are subject to field survey and also to the requirements of council and any other authority which may have requirements under any relevant legislation.

In particular, no reliance should be placed on the information on this plan for any financial dealings involving the land.

This note is an integral part of this plan.

client

J. Brydon

project

2 Sturt Street,
Parkhurst

plan of

Lot Reconfiguration
(3 Lots into 3 Lots)
(with Ortho Underlay)

rd

Lots 14 & 15 on RP603512
& Lot 16 on RP803410
Parish of Murchison
County of Livingstone

lga

Rockhampton Regional Council

rev	date	details	authorised
1	17-05-2014	initial issue	RLG

created

CSG
capricorn survey group (cq)

scale

1:1000 @ A3

sheet no

1 of 1

plan no

6005-05-ROL

datum

RRC

read file

6005-05-ROL-A

revision

A

8.5 D/152-2014 - DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT (ONE LOT INTO TWO LOTS)

File No: D/152-2014

Attachments: 1. Locality Plan
2. Proposal Plan

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

Author: Corina Hibberd - Planning Officer

SUMMARY

Development Application Number: D/152-2014

Applicant: Mr John Owen

Real Property Address: Lot 2 on RP608585, Parish of Karkol

Common Property Address: 202 Alton Downs - Nine Mile Road, Alton Downs

Area of Site: 34.39 hectares

Planning Scheme: Fitzroy Shire Planning Scheme 2005

Planning Scheme Zoning: Alton Downs Zone - Precinct 2

Planning Scheme Overlays: Agricultural Land Classification Class C1; and Low Risk Bushfire Hazard

Existing Development: House and agricultural pursuits

Existing Approvals: 3116329-2008 Material Change of Use for a House Approved 21 October 2008

Approval Sought: Development Permit for Reconfiguring a Lot (one lot into two lots)

Level of Assessment: Impact Assessable

Submissions: Three properly made submissions

Referral Agency(s): Nil

Adopted Infrastructure Charges Area: Charge Area Three

Application Progress:

<i>Application Lodged:</i>	17 June 2014
<i>Acknowledgment Notice issued:</i>	27 June 2014
<i>Request for Further Information sent:</i>	8 July 2014
<i>Request for Further Information responded to:</i>	1 August 2014
<i>Submission period commenced:</i>	11 August 2014
<i>Submission period end:</i>	1 September 2014
<i>Council request for additional time:</i>	4 September 2014
<i>Statutory due determination date:</i>	31 October 2014

OFFICER'S RECOMMENDATION

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into two lots), made by Hoffmann Surveyors on behalf of Mr John Owens, on Lot 2 on RP608585, Parish of Karkol, located at 202 Alton Downs - Nine Mile Road, Alton Downs, Council resolves to Refuse the application for the following reasons:

- a) Fragmentation of existing rural lots is not considered to be consistent with the current scheme or the proposed planning scheme.
- b) The proposal does not comply with many of the requirements in the Alton Downs Zone Code and Reconfiguring a Lot Code, including the minimum lot size of fifty (50) hectares.
- c) There is not an overwhelming need for increased supply of small rural lots in this area, as other more suitable locations exist in the scheme area, specifically Alton Downs Zone - Precinct 1A and 1B.
- d) The proposal directly compromises the achievement of seven (7) Desired Environmental Outcomes within the *Fitzroy Shire Planning Scheme 2005*.
- e) The site is mapped as being good quality agricultural land under the *Fitzroy Shire Planning Scheme 2005* and the State Planning Policy 2014, and therefore directly compromises the outcomes for the Scheme and State Planning Policy.

BACKGROUND

An information request was sent to the applicant on 8 July 2014, regarding the non-compliance of the application with the minimum lot size of fifty (50) hectares, the overall outcomes for the zone, and the resulting fragmentation of good quality agricultural land.

The applicant provided a response to the information request stating his qualifications in agricultural studies and experience in this field. The applicant made reference to a number of blocks that were apparently sold recently (however no specific locations were given) that do not comply with Council's desire to keep arable land. The applicant also provided information regarding the proposed development site currently producing hay and running up to thirty (30) head of cattle which produces income. The applicant identifies that the subdivision of rural land helps to maintain positive cash flow, which is his intention in this instance. It is assumed that these agricultural activities are carried out over the whole lot and not a 16-18 hectare portion which is what is proposed in this application.

It may be that these lots referenced by the applicant were in the neighbouring precinct 1A and 1B – which allow for lots of 8 hectares under the current scheme and may have been created at any period of time prior to the current planning scheme. The financial management of a development is not a relevant consideration in a planning assessment.

PROPOSAL IN DETAIL

The proposal is for the reconfiguration of an allotment of 34.39 hectares, from one lot into two hatchet allotments. The two proposed lots will have the following sizes:

Lot 1: 16.81 hectares

Lot 2: 17.59 hectares

The existing lot is a 'U' shape around a smaller lot of 6.07 hectares. The existing lot and the smaller lot were created historically via a boundary realignment which occurred in 1965.

The proposed subdivision appears to follow an existing fence line. There are no structures proposed as part of this application, however there is an existing dwelling house and associated farm sheds within proposed lot 2.

SITE AND LOCALITY

The site is located approximately eleven (11) kilometres from the Gracemere town centre and approximately twelve (12) kilometres from the Rockhampton CBD, and has an area of 34.49 hectares.

It contains sparse vegetation, a house, and farming sheds. There is an easement that runs through the property from northeast to southwest for the purpose of an underground pipeline. The lot has two separate accesses to Alton Downs–Nine Mile Road, therefore both proposed lots have a frontage to this road. The site is mapped as good quality agricultural land with an agricultural classification of C1 (Good Quality Pasture Land) in the Scheme.

The site is generally flat and has access to bore water. The surrounding land uses are predominantly rural pursuits and some low density residential uses.

PLANNING ASSESSMENT

MATTERS FOR CONSIDERATION

This application has been assessed by relevant Council planning, engineering, environmental health, and other technical officers as required. The assessment has been in accordance with the Integrated Development Assessment System provisions of the *Sustainable Planning Act 2009*, based on consideration of the relevant State Planning Policy; State Government guidelines; the Council's Town Planning Scheme, Planning Policies and other general policies and procedures, as well as other documents as considered relevant.

Infrastructure Operations Unit's Comments – 19 June 2014

Conditions provided.

Infrastructure Operations Unit's (sewer and water) Comments – 20 June 2014

Conditions provided.

Public and Environmental Health Unit's Comments – 20 June 2014

No requirements.

Strategic Planning Unit's Comments – 11 September 2014

Strategic planning does not support this application due to the following:

The current *Fitzroy Shire Planning Scheme* clearly seeks to reduce further fragmentation of lots in Precinct 2 by maintaining a minimum lot size of 50 hectares. The overall outcomes for Precinct 2 specifically state:

- 1. The precinct has a rural character created by large rural parcels, low population densities and basic services, and*
- 2. Only development and subdivision of land which is associated with uses in the Rural Use Class occurs in this precinct.*

This application is in direct conflict with this, as an approval will reduce an existing larger rural parcel into two smaller lots, and increase the population density and impacts on basic services. The proposed new planning scheme seeks to increase the minimum lot size in this area to 100 hectares. This increase in lot size was considered and approved by Council during drafting of the new scheme. The increase is in recognition of the current outcomes sought for the Alton Downs locality and takes into consideration the State's emphasis on the importance of increasing economic growth in agriculture by protecting good quality agricultural land. Furthermore, to decrease fragmentation in neighbouring Precinct 1A and 1B the proposed planning scheme is seeking to increase the minimum lot size for subdivision in this area from eight (8) hectares to sixteen (16) hectares.

The specific outcomes for the rural element of the proposed strategic framework specifically state that:

- 1. Subdivision of rural land will be regulated by minimum lot sizes established to maintain land in viable sized parcels (no further fragmentation), aimed at maximising the productive potential of the land.*
- 2. Subdivision of rural land into rural residential lots will not be supported, including areas adjoining land designated for rural residential development.*

3. *Development is directed away from historical subdivisions where residential or rural residential would result in development being subject to constraints (such as flooding), expectations of an uneconomic extension of services and infrastructure and social isolation from community and other urban facilities.*

Council recognises that this area is already fragmented by smaller allotments. The Alton Downs area is a historic subdivision located on good quality agricultural land where the potential for agricultural growth has already been impacted by ongoing subdivision. A desktop analysis of Precinct 1A and 1B shows that under the current planning scheme provisions (accessibility to a sealed road) there is potential for a further 113 (8 hectare) lots to be created. If Council started to allow subdivision in Precinct 2 to 16 hectares there is potential for approximately 399 (16 hectare) lots to be created. If Council maintains the current scheme minimum lot size of 50 hectares only 54 lots could be further created. Under the proposed planning scheme, the minimum lot size in Precinct 2 of 100 hectares would only allow an additional 8 lots to be created. The analysis of Precinct 2 was based purely on lot size and not accessibility.

If Council allow subdivision of land into smaller allotments outside of the existing precincts, fragmentation will continue and the Alton Downs area will become characterised by rural lifestyle blocks, further eroding capacity to contribute to our agricultural economy. Further reduction of lot sizes and increasing population densities also impacts on the existing community and current infrastructure. As part of the public notification process for the new planning scheme strategic planning officers have spoken to existing property owners in Precinct 2 who support the proposed increase in minimum lot size to 100 hectares. These property owners are already being negatively impacted by the increase in densities in both of the Alton Downs precincts. In particular the increase in traffic has impacts on the quality of the existing roads and also on their amenity, more dust and noise. The population increase has also significantly reduced the level of the underground water supply which is already struggling to keep up with the existing community demand.

It is understandable that property owners wish to subdivide their land and sell a portion to make a return on their investment. However, the future impacts of allowing ongoing fragmentation in this area on Council services, productive potential economic loss, ground water supply and the existing community amenity must be taken into consideration; rather than individual benefit.

If Council continues to allow fragmentation of lots in this area then Council must consider the cost of the increased infrastructure services (water and sealed roads) that this community will require and expect. Before any further fragmentation of these areas is given serious consideration by Council the financial viability should be better understood. It is highly unlikely the additional rates revenue would support the construction and maintenance of services required.

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 (SPP)

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.

The site is mapped under the State Planning Policy 2014 mapping as being Agricultural Land Classification (ALC) – Class A and Class B (Cropping and Pasture Land, based on soil type, topographic and climatic limitations). Page 21 of the State Planning Policy states:

(2) *protecting Agricultural Land Classification (ALC) Class A and Class B land for sustainable agricultural use by:*

- a) *avoiding fragmentation of ALC Class A or Class B land into lot sizes inconsistent with the current or potential use of the land for agriculture*

Therefore, the proposal directly compromises the achievement of protecting good quality agricultural land under the State Planning Policy.

Matters of State Interest:

Liveable communities

Not Applicable. The site is not located within an urban area.

Mining and extractive resources

Not Applicable. The application is not for an extractive resource industry and is not within a Key Resource Area.

Biodiversity

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

Coastal environment

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

Water quality

Not Applicable. The site is not related to any receiving waters or water supply catchment in South East Queensland.

Emissions and hazardous activities

Not Applicable. The proposal does not include a sensitive land use within a management area.

Natural hazard, risk and resilience

Complies. The site is affected by the low risk bushfire hazard overlay which is adequately addressed in the *Fitzroy Shire Planning Scheme 2005*.

State transport infrastructure

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

Strategic airports and aviation facilities

Not Applicable. The proposal is not affected by a strategic airport.

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.

Does not comply. The character of Alton Downs will be detrimentally affected by allowing further fragmentation of good quality agricultural land. Residents who live in this area would be negatively affected by way of increased local traffic and further strain on existing service such as the roads and water availability. There is ample housing stock in Gracemere for residential purposes.

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

Complies. The proposal does not detract from Gracemere and its role of being a main business centre.

- 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.

Does not comply. Alton Downs is a rural community, where the intent is not to allow lots (in Precinct 2) under 50 hectares to protect the agricultural land and maintain the lifestyle for the community in its current rural setting. The proposal will compromise this outcome.

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

Does not comply. Alton Downs Zone - Precinct 2 is not intended to be a rural residential area. By allowing this proposed development to occur sets an expectation for other land owners to attempt to subdivide good quality agricultural land. Furthermore, this area is not serviced to provide for a rural residential zone, which would result in the Council having to upgrade water, sewer and road infrastructure.

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

Complies. Local parks are not affected by this development.

- 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.

Not applicable. The site is not affected by significant cultural heritage values.

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

Complies. The site is affected by low impact bushfire hazard, which is appropriately addressed in the planning scheme codes for certain development.

Environmental Elements

- h) 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.

Does not comply. There is no reticulated water network in this area. The underground water table is allegedly already under pressure from current bores and further subdivision would place additional strain on the water supply.

- i) 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. The proposal will not affect the Great Barrier Reef catchment.

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

Does not comply. Council has been made aware from current residents in this area that the ground water in this area is under pressure from the current number of bores using ground water and that additional properties should not be created which may worsen the situation.

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

Complies. The proposal will not affect any significant natural features such as state forests or national parks.

- l) The biodiversity and scenic values of native vegetation, which accommodates sensitive fauna and flora habitats, are protected.
Complies. The proposal does not seek to clear any vegetation or construct any buildings at this stage, therefore not affecting the biodiversity and scenic values.
- m) Development is located and managed to ensure the long term protection and conservation of the significant cultural heritage values of the Shire.
Complies. The site is not affected by heritage values.
- n) 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 site is not listed as contaminated land.
- o) Air quality is maintained or enhanced whilst allowing for ecologically sustainable development.
Complies. The application is for a subdivision which will not affect air quality.
- p) The quality of the acoustic environment is maintained or enhanced whilst allowing for ecologically sustainable development.
Complies. The application is for a subdivision which will not affect the quality of the acoustic environment.
- q) The spread or increase of weeds and pest animals is prevented
Complies. The application is for a subdivision which will not increase the spread of weeds or pest animals.

Economic Elements

- r) Industrial land in the Gracemere-Stanwell Zone is maintained and developed as a regionally significant industrial area providing for a wide range of industrial activities, including higher order industries serving the wider Central Queensland region and, providing significant local and regional employment opportunities.
Not applicable. The site is not in an industrial zone.
- s) Industrial development opportunities are planned so as to balance economic values against the values of the natural environment, transport network and residential amenity.
Not applicable. The site is not in an industrial zone.
- t) The rural areas of the Shire accommodate a diverse range of agricultural and rural activities which are viable and operate sustainably.
Does not comply. The minimum lot size in this precinct is 50 hectares so that the good quality agricultural land is not further fragmented and that rural activities can be viable and operate sustainably.
- u) 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.
Not applicable. The application does impact on the operations of Port Alma.
- v) Resources and areas of economic value, such as Good Quality Agricultural Land, extractive materials, and forestry, are not compromised.
Does not comply. Good Quality Agricultural Land is directly compromised by this proposal which further fragments productive agricultural land.

- w) The efficiency of infrastructure, including telecommunication, electricity transmission and distribution networks, and transport networks, is maintained and future extensions to infrastructure networks are established to a high standard to meet the needs of the Shire and to effectively manage potential impacts on the community and the environment.

Does not comply. The local infrastructure in this area is not designed for a rural residential capacity. The proposed subdivision if approved would set a precarious expectation that other lots are able to be subdivided to less than the minimum lot size and would result in additional costs to Council for the maintenance of infrastructure.

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

Not Applicable This area is not serviced by reticulated water, sewer or stormwater networks. No immediate upgrades from Council are planned.

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

Complies. The shire's waste disposal facilities are not affected by this development.

- z) The interface between industrial lands and surrounding sensitive land uses is managed to protect the health, wellbeing, amenity and safety of the community and to protect industrial activities from incompatible development. The establishment of new sensitive uses is prevented from encroaching into or near industrial land and their associated freight (road and rail) corridors, to ensure ongoing efficient operation, minimise risks and avoid conflicts.

Not applicable. The site is not adjacent to an industrial area.

The performance assessment of the proposal demonstrates that the development will compromise seven (7) of the *Fitzroy Shire Planning Scheme 2005* Desired Environmental Outcomes.

Alton Downs Zone

The purpose of the Alton Downs Zone Code is to achieve the following overall outcomes:

- (i) *Future development and subdivision of land in the Zone does not further fragment land into unsustainable lot sizes, and therefore;*
 - (a) *Does not further compromise the natural values of the land; and*
 - (b) *Does not place greater pressure for the provision of urban services;*
- (ii) *The land in the Zone has a semi-rural character and amenity, where;*
 - (a) *The fragmentation of property ownership is reduced by restricted subdivision and development rights;*
 - (b) *No impediment exists to the consolidation of existing lots by road closures and the amalgamation of lots; and*
 - (c) *Dwelling units have adequate access and essential services, including secure and quality water supply for domestic, non-domestic and emergency purposes;*
- (iii) *Development incorporates waste disposal methods which do not adversely impact on ground and surface water quality;*
- (iv) *Native vegetation is retained and protected from further clearance and fragmentation;*
- (v) *Commercial and industrial uses are generally inconsistent with the residential nature of land within the Zone, except for land in the immediate vicinity of the Alton Downs community hall.*
- (vi) *Land capabilities and constraints are recognised by the delineation of different Precincts; the overall outcomes for each being specified below;*

Alton Downs – Precinct 2

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 not consistent with the overall outcomes of the Zone.

Fitzroy Shire Planning Scheme Codes

The following codes are applicable to this application:

- Alton Downs Zone Code
- Development Standards – Reconfiguring a Lot Code
- Reconfiguring a Lot Code

An assessment of the Specific Outcomes which the application is in conflict with is outlined below:

Alton Down Zone Code		
Specific Outcomes		Officer's Response
S1	Land uses and works are located and designed so as not to have significant negative impacts on natural values of the environment including; <ul style="list-style-type: none"> (i) Natural fauna and flora habitats; (ii) Water quality, watercourse integrity and, ground water resources, and (iii) Soil and land resources. 	Does not comply. The fragmentation of good quality agricultural land below the minimum lot size will put further pressure on the underground water table, and land resource for farming purposes.
S2	Land uses and works have no significant impact on the amenity of adjoining premises or surrounding area; <ul style="list-style-type: none"> (i) By their design, orientation or construction materials; (ii) Due to the operation of machinery or electrical equipment; or (iii) Due to the emission of light, noise, vibration, odour, fumes, smoke, vapour, steam, soot, ash, grit, oil, dust, waste water, waste products, or electrical interference. 	Does not comply. Allowing smaller lots amongst rural lots can potentially compromise the amenity of residents through the increase in dust and noise emissions occurring from agricultural pursuits. An increase in the number of lots will likely increase traffic volumes. This will put greater pressure on the quality of road infrastructure that is already impacted by current levels of use.
S4	Land uses and works are located, and include mitigation measures that: <ul style="list-style-type: none"> (i) are sufficient to protect the 	Does not comply. The proposed lot size is well under the minimum lot size as required in the scheme and therefore reduces the capacity of the

	<p>amenity of the area;</p> <p>(ii) Are sufficient to protect the capacity for existing and approved uses to continue to operate; and</p> <p>(iii) Are sufficient to protect the opportunities for existing and approved uses to expand in allocated /zoned land; and</p> <p>(iv) For agricultural uses, are outlined in Planning Guidelines: Separating Agricultural and Residential Land Uses DNR and DLGP, 1997;and</p> <p>(v) For the keeping of cattle, are outlined in Section 4 of the DPI Reference Manual for the Establishment and Operation of Beef Cattle Feedlots in Queensland, 2000; and</p> <p>(vi) For the keeping of poultry, are outlined in the Guidelines for Poultry Farming in Queensland;</p> <p>(vii) For the keeping of pigs, are outlined in the Separation Guidelines for Queensland Piggeries (2001); and</p> <p>(viii) For development in proximity to watercourses and water bodies, are outlined in the SEQWATER Development Assessment Guidelines, prepared as a collaboration of State Government Departments;</p> <p>(ix) Are consistent with the Guidelines to minimise mosquito and biting midge problems in new development areas; and</p> <p>(x) Take into account the following variables:</p> <p>a) The nature of the proposed land use; and</p> <p>b) The existing and future amenity of the area; and</p> <p>c) The existing and future development in the area; and</p> <p>d) The location of any existing</p>	<p>site to operate a sustainable and viable agricultural activity. It is also noted that the proposed Rockhampton Region Planning Scheme proposes to increase the minimum lot size further, for this reason.</p>
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	<p>vegetation which would buffer the proposed use; and</p> <p>e) Predominant wind directions; and</p> <p>f) The topography of the site.</p>	
S5	Development densities of dwelling units reflect the desired character of the Zone, as described in the Overall Outcomes for the Zone.	<p>Does not comply.</p> <p>The minimum lot size in this precinct is 50 hectares. Therefore, the density expected for this precinct is 1 dwelling per 50 hectares. The development would allow for 1 house on 16 hectares and 17 hectares respectively.</p>
S9	Development involves the amalgamation of lots wherever possible.	<p>Does not comply.</p> <p>The scheme requires amalgamation of lots where possible. The proposal for further fragmentation of an existing lot is clearly in conflict with the intent of the area and zone requirement.</p>

Reconfiguring a Lot Code

Specific Outcomes

Officer's Response

Lot Size and Configuration

S1	<p>The configuration of lots;</p> <p>(i) Have a sustainable level of impact on the natural environment, having regard to water supply and water quality, effluent disposal, potential erosion and natural habitat;</p> <p>(ii) Retain significant landscape features, views and vegetation cover;</p> <p>(iii) Provide for a high level of residential amenity, access to services and facilities, and safety from risk of natural hazards such as flooding and bushfire.</p>	<p>Does not comply.</p> <p>Local residents have concerns that the water table is already under enough pressure and the creation of a new lot will have detrimental effects on the ground water.</p> <p>Additional lots in this precinct would also trigger the need for upgrades to services such as roads.</p>
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Reconfiguring a Lot in the Alton Downs Zone

Lot Size and Configuration

S18	<p>Lots are of an appropriate size and configuration to;</p> <p>(i) Sustain the intended uses for</p>	<p>Does not comply.</p> <p>The application does not meet the minimum lot size requirement of 50 hectares (with a</p>
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	<p>the Zone;</p> <p>(ii) Ensure necessary separation of uses;</p> <p>(iii) Maintain the semi-rural character in Precincts 1A & 1B, and</p> <p>(iv) Maintain the rural character in Precinct 2; whilst having regard for whether the proposed lot boundaries are derived from one or more of the following;</p> <p>(v) The configuration of the existing and proposed lots;</p> <p>(vi) The nature of any existing use on the land;</p> <p>(vii) The natural landforms and topography of the land including soil types, slopes, flooding and drainage characteristics and the location of existing vegetation;</p> <p>(viii) The existence of any natural topographical features such as watercourses and gullies which traverse or constrain the land;</p> <p>(ix) the existence of any native vegetation which should have minimal disturbance due to boundary fence lines and provision of access tracks; and</p> <p>(x) The location of existing road reserves and access to proposed and existing lots.</p>	<p>minimum frontage of 800 metres). Any deviation from this is only acceptable if no additional lots are created. The proposal does not appropriately sustain the intended use for the zone which is rural uses on lots over 50 hectares. While there are existing lots under this size, historically subdivided lots do not provide justification for the further subdivision of rural land, or good quality agricultural land.</p>
S19	<p>Development densities of dwelling units reflect the desired character of the Zone, as described in the Overall Outcomes for the Zone.</p>	<p>Does not comply.</p> <p>When considering the overall outcomes for the precinct, the proposal does not reflect the character intended for this area, where lots under 50 hectares in size are not consistent.</p>
S20	<p>The subdivision of land in Alton Downs – Precinct 2;</p> <p>(i) Does not further fragment the historical subdivision of the area; and</p> <p>(ii) Does not result in increased pressures for road upgrades and the provision of services.</p>	<p>Does not comply.</p> <p>The acceptable solution specifically states that there is to be no additional lots created in Precinct 2. The proposal is to further fragment the existing historically subdivided lot and will eventually result in the demand for road upgrades and other Council services.</p>

Based on a performance assessment of the above mentioned codes, it is determined that the proposal is not acceptable and does not comply with the relevant Specific Outcomes.

Having regard to all of the above, it is recommended Council, from a land use perspective, does not consider the proposed development favourably as it is argued that there are not sufficient grounds to justify the proposed development in this instance.

INFRASTRUCTURE CHARGES

Adopted Infrastructure Charges Resolution (No. 4) 2014 for Reconfiguring a Lot applies to the application and it falls within Charge Area 3. The Adopted Infrastructure Charges are as follows:

Column 1 Charge Area	Column 2 Infrastructure Charge (\$/lot)	Column 3 Unit	Calculated Charge
Charge Area 3	7,000	per lot	\$14,000.00
Less credit			\$7,000.00
TOTAL CHARGE			\$7,000.00

The recommendation is for a refusal, therefore an infrastructure charges notice will not be required.

CONSULTATION

The proposal was the subject of public notification between 11 August 2014 and 1 September 2014, as per the requirements of the *Sustainable Planning Act 2009*, and three properly made submissions were received. Two submissions were in support of the development and one submission was opposed to it.

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

Issue	Officer's Response
Planning Scheme conflict: Submitter has outlined that the proposal does not comply with requirements in the current and proposed scheme.	The proposal does not comply with many of the requirements in the current scheme as outlined above, and also does not comply with the proposed Rockhampton Region Planning Scheme. The minimum lot size in the proposed planning scheme is to be increased to 100 hectares to protect rural pursuits.
Land supply: Submitter affirms that there are ample rural lots in the vicinity to construct dwelling houses rather than further subdivide lots.	There are many vacant lots in the Alton Downs Zone. Within Precinct 1A and 1B the lots are generally smaller (minimum lot size is currently 8 hectares) to suit the semi-rural character. It is consistent to have a single dwelling on each of these lots subject to a Material Change of Use application. There is no obvious demand for additional lots under the minimum lot size to be created in Precinct 2.
Council services and infrastructure: Submitter informs that the roads in the area are not of good quality and that it appears that Council is struggling to provide good quality roads or maintain them adequately.	If Council allows subdivisions under the minimum lot size then it would be expected by the land owners that upgrades would occur to accommodate this perceived change in character to the zone. Additional traffic caused by additional allotments will also contribute to the road network requiring upgrades.

Issue	Officer's Response
<p>Ground water:</p> <p>The submitted believes that the ground water has reached its capacity for demand. They do not oppose the use of it for basic stock and domestic purposes, however have noticed over twenty (20) years the water table has dropped significantly, and further subdivision of the lots in the vicinity is contributing to the 'obvious diminishment' of the valuable resource.</p>	<p>The water table is not a Council controlled resource. While the claim might reflect reality, this is not a matter Council can comment on.</p>
<p>Rural outcomes:</p> <p>Submitters believe that a minimum of at least forty (40) hectares (as a small block) would be needed to successfully run rural pursuits such as livestock and hobby farming, especially in light of recent climatic conditions.</p>	<p>The minimum lot size is currently 50 hectares and will be increased to 100 hectares under the proposed planning scheme, so that the existing rural pursuits can continue.</p>

REFERRALS

The application did not require referral to any other agency.

CONCLUSION

The application for Reconfiguring a Lot (one lot into two lots) cannot be considered a consistent use within the Alton Downs Zone – Precinct 2. Furthermore the proposal does not comply with a number of requirements in the applicable codes, as well as the Desired Environmental Outcomes, and the State Planning Policy. As such, the assessment of this application results in it being recommended for refusal, as the proposal conflicts with the *Fitzroy Shire Planning Scheme 2005*, and it is considered that there are insufficient grounds to justify approving the application.

**D/152-2014 - DEVELOPMENT
APPLICATION FOR RECONFIGURING
A LOT (ONE LOT INTO TWO LOTS)**

Locality Plan

Meeting Date: 7 October 2014

Attachment No: 1



**D/152-2014 - DEVELOPMENT
APPLICATION FOR RECONFIGURING
A LOT (ONE LOT INTO TWO LOTS)**

Proposal Plan

Meeting Date: 7 October 2014

Attachment No: 2



8.6 D/24-2014 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A MULTI UNIT DWELLING (FOUR UNITS)

File No: D/24-2014

Attachments:

1. Locality Plan
2. Site Plan Lower
3. Upper and Set-out
4. Floor Plan
5. Elevations

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

Author: Petrus Barry - Senior Planning Officer

SUMMARY

Development Application Number: D/24-2014

Applicant: Nat B Designs

Real Property Address: Lot 5 on RP614403, Parish of Archer

Common Property Address: 418 Thozet Road, Frenchville

Area of Site: 1,200 square metres

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: Berserker Foothills Residential Area

Planning Scheme Overlays: Steep land

Existing Development: Vacant

Existing Approvals: Town Planning Consent 1981 - D-R/1008-1900 - four units

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

Level of Assessment: Impact Assessable

Submissions: Two properly made submissions and one not properly made submission

Referral Agency(s): Nil

Adopted Infrastructure Charges Area: Charge Area One

Application Progress:

<i>Application Lodged:</i>	4 February 2014
<i>Acknowledgment Notice issued:</i>	12 February 2014
<i>Request for Further Information sent:</i>	26 February 2014
<i>Request for Further Information responded to:</i>	14 August 2014
<i>Submission period commenced:</i>	15 August 2014
<i>Submission period end:</i>	10 September 2014
<i>Last receipt of information from applicant:</i>	12 September 2014
<i>Statutory due determination date:</i>	13 October 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 (four units), made by Nat B Designs on behalf of P A Peirano and H J Peirano, on Lot 5 on RP614403, Parish of Archer, located at 418 Thozet Road, Frenchville, 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 proposal contributes to providing a mix of accommodation options within Rockhampton, which is supported through the Desired Environmental Outcomes in the *Rockhampton City Plan 2005*;
- b) Having regard to the size of the allotment, being 1,200 square metres, it is considered reasonable to accommodate the proposal for four (4) units, which is not dissimilar to two (2) potential duplexes, when compared with the minimum lot size of 600 square metres achievable for this area;
- c) The proposal is sited and designed with a site coverage of only thirty one (31) per cent and furthermore has minimal impact upon the amenity of adjoining uses and the Berserker Ranges through its internal orientation and ample provision of landscaping;
- d) The proposal is a marked improvement to the previous approval for four (4) units in 1981;
- e) The proposed use does not compromise the achievements of the Desired Environmental Outcomes in the *Rockhampton City Plan 2005*;
- f) 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
- g) 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 (four units), made by Nat B Designs on behalf of P A Peirano and H J Peirano, on Lot 5 on RP614403, Parish of Archer, located at 418 Thozet Road, Frenchville, 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.
- 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.
- 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 Works;
 - (iii) Water Works;
 - (iv) Stormwater Works;
 - (v) Roof and allotment Drainage Works;
 - (vi) Site Works; and
 - (vii) Landscaping Works.
- 1.6.2 Plumbing and Drainage Works; and
- 1.6.3 Building Works.
- 1.7 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.9 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 2.0 APPROVED PLANS AND DOCUMENTS
- 2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this permit:

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Title and Notes	1304-012	14 August 2014
Proposed Site Plan - Lower	Drawing SP-02 Rev B	14 August 2014
Proposed Site Plan – Upper and Set-out	Drawing SP-03 Rev B	14 August 2014
Landscape Plan	Drawing LS-01 Rev B	14 August 2014
Site Plan and Notes. Floor Plans	Drawing BD-01 Rev A	2 February 2014
Elevations	Drawing BD-02 Rev B	14 August 2014
Slope Stability Assessment	CQ11855	03 July 2014
Conceptual Stormwater Management Plan	K2788-0003	07 July 2014
Stormwater Drainage and Sewer Reticulation Plan	K2788 P003 Issue B	09 July 2014
Sediment and Erosion Control Plan and Details	K2788 P004 Issue B	9 July 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 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.

3.4 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.

A detailed inspection and 'as constructed' record must be provided to Council by a Registered Professional Engineer of Queensland, prior to acceptance of the works, including certification that the wall's foundation ground conditions nominated in the design were inspected and achieved during construction.

The approved design and/or construction of the retaining walls must not be modified or altered without Council's prior written approval.

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 A new access must be constructed for the proposed development.

5.0 SEWERAGE 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 *Plumbing and Drainage Act*.

5.2 The development must be connected to Council's reticulated sewerage network.

5.3 Easements must be provided over all sewerage infrastructure located within private property. The easement location(s) and width(s) must be in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.

5.4 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.

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

6.0 WATER WORKS

- 6.1 A Development Permit for Operational Works (water works) must be obtained prior to the commencement of any water works on the site.
- 6.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act*, the *Plumbing and Drainage Act* and the provisions of a Development Permit for Operational Works (water works).
- 6.3 The development must be connected to Council's reticulated water network
- 6.4 A 100 millimetre non-trunk water main must be constructed across Thozet Road and a fire hydrant must be installed at the end of the water main. The fire hydrant must be located within the eastern side of the Thozet Road road reserve. This non-trunk infrastructure is conditioned under section 665 of the *Sustainable Planning Act 2009*.
- 6.5 The proposed development must be provided with a master meter at the property boundary and sub meters for each sole occupancy building in accordance with the *Queensland Plumbing and Drainage Code* and Council's Sub-metering Policy.
- 6.6 Water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface level and must be provided with heavy duty trafficable lids.

7.0 PLUMBING AND DRAINAGE WORKS

- 7.1 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.

8.0 STORMWATER WORKS

- 8.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.
- 8.2 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).
- 8.3 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect adjoining land or infrastructure by way of blocking, altering or diverting existing stormwater runoff patterns or have the potential to cause damage to other infrastructure.
- 8.4 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.
- 8.5 Easements must be provided over all land assessed to be within the one in one hundred year rainfall event (100 year Average Recurrence Interval) inundation area.

9.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 9.1 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.
- 9.2 All roof and allotment drainage must be in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.
- 9.3 Trench grates or a similar device that prevents the sheet flow of water from the driveway area flowing across the footpath must be installed in the interests of safety for pedestrians. Details of these provisions must be included with the Operational Works application (roof and allotment drainage).

- 9.4 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.
- 10.0 SITE WORKS
- 10.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works.
- 10.2 All site works must be carried out in accordance with the approved Slope Stability Assessment (refer to condition 2.1).
- 10.3 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks' plan which clearly identifies the following:
- 10.3.1 the location of cut and/or fill;
 - 10.3.2 the type of fill to be used and the manner in which it is to be compacted;
 - 10.3.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - 10.3.4 details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and
 - 10.3.5 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.
- 10.4 Cut and fill of the subject allotment must only be undertaken in areas where site-specific slope stability assessments have been carried out by a Registered Professional Engineer of Queensland experienced in geotechnical investigations. In this regard, any works must comply with the recommendations of the site-specific assessments as approved by Council.
- 10.5 Slope stability must be managed as follows:
- 10.5.1 all engineering drawings/specifications and designs must comply with the requirements of the relevant *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"* and must be approved by a Registered Professional Engineer of Queensland;
 - 10.5.2 site inspections must be undertaken by a Registered Professional Engineer of Queensland to confirm the design; and
 - 10.5.3 full engineering certification must be undertaken by a Registered Professional Engineer of Queensland.
- 10.6 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 10.7 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.
- 10.8 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.
- 10.9 A detailed inspection and as constructed record must be provided to Council by the consultant Registered Professional Engineer of Queensland prior to acceptance of the works. The consultant must include in the certification confirmation that the wall's foundation ground conditions nominated in the design were inspected and achieved during construction.
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10.10 The detailed inspection and As Constructed record must demonstrate to Council that the wall construction work was closely monitored throughout construction by the Registered Professional Engineer of Queensland including the achieved foundation ground conditions.

10.11 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.

11.0 BUILDING WORKS

11.1 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*.

11.2 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.

11.3 A minimum 1.8 metre high fence must be erected between the subject development site and adjacent residential properties.

11.4 The private open space area provided for each unit must be fenced with a 1.8 metre high fence. The fence must be constructed of appropriate material and to Council's satisfaction to prevent viewing of the private open space from a public space and adjoining units and properties.

11.5 All units must be provided with open-air clothes drying facilities and the facilities must be screened from public view.

12.0 LANDSCAPING WORKS

12.1 A Development Permit for Operational Works (landscaping works) must be obtained prior to the commencement of any landscaping works on or associated with the development site.

12.2 Any application for a Development Permit for Operational Works (landscaping works) must be generally in accordance with the approved plans (refer to condition 2.1) and must include, but is not limited to, the following:

12.2.1 A plan documenting the "Extent of Works" and supporting documentation that includes:

- (i) location and name of existing trees, including those to be retained (the location of the trees must be overlayed or be easily compared with the proposed development design);
- (ii) the extent of soft and hard landscape proposed;
- (iii) important spot levels and/or contours. The levels of the trees to be retained must be provided in relation to the finished levels of the proposed buildings and works;
- (iv) underground and overhead services;
- (v) typical details of critical design elements (stabilisation of batters, retaining walls, podium/balcony planters, fences);
- (vi) details of landscape structures including areas of deep planting; and

- (vii) specification notes on mulching and soil preparation.
- 12.2.2 A "Planting Plan" and supporting documentation that includes:
- (i) landscape areas predominantly containing plant species that are locally native to the Central Queensland region due to their low water dependency;
 - (ii) trees, shrubs and groundcovers to all areas to be landscaped;
 - (iii) position and canopy spread of all trees and shrubs;
 - (iv) the extent and type of works (inclusive but not limited to paving, fences and garden bed edging). All plants must be located within an edged garden; and
 - (v) a plant schedule with the botanic and common names, total plant numbers and pot sizes at the time of planting.
- 12.3 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure; small shrubs and groundcover are acceptable.
- 12.4 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.
- 12.5 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.
- 12.6 The landscaped areas must be:
- 12.6.1 subject to a watering and maintenance plan during the establishment moment; and
 - 12.6.2 subject to an ongoing maintenance and replanting programme.
- 13.0 ELECTRICITY AND TELECOMMUNICATIONS
- 13.1 Above-ground electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.
- 13.2 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.
- 14.0 ASSET MANAGEMENT
- 14.1 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.
- 14.2 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.
- 15.0 ENVIRONMENTAL
- 15.1 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan which addresses, but is not
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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.

- 15.2 The 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.

16.0 OPERATING PROCEDURES

- 16.1 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 Thozet Road.

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

NOTE 4. Infrastructure Charges Notice

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

BACKGROUND**PROPOSAL IN DETAIL**

The proposal is for a Material Change of Use for a Multi Unit Dwelling (four units) at 418 Thozet Road, Frenchville. The proposal will consist of a double storey terraced building with single pitched roofs for each unit that are stepped between the units to break up the bulk of the building. The units are also designed to be single storey towards the back of each unit due to the natural slope. The proposal will have a total site cover of approximately thirty-one (31) per cent. The front of the development will have tiered, landscaped retaining walls. Each unit will have a Gross Floor Area of 137 square metres and consist of two (2) bedrooms, a rumpus, two (2) bathrooms, open plan kitchen, dining and living area, laundry, a screened private balcony, ground floor private open space and a double bay garage.

All proposed units will obtain vehicular access from a single point off Thozet Road via a shared double driveway leading up to each of the units.

SITE AND LOCALITY

The site is currently vacant and is clear of any significant vegetation. The site contains a slope of approximately fifteen (15) per cent, sloping to the west towards Thozet Road.

The site is surrounded by dwelling houses on the south, west and north. A six (6) unit residential development also abuts the proposed development on the north east. The eastern side of the lot is taken up by a single large residential lot that is well vegetated. A Council water reservoir site that also contains WIN Television, Optus and Telstra equipment, is approximately 230 metres to the east of the premises.

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

PLANNING ASSESSMENT**MATTERS FOR CONSIDERATION**

This application has been assessed by relevant Council planning, engineering, environmental health, and other technical officers as required. The assessment has been in accordance with the Integrated Development Assessment System provisions of the *Sustainable Planning Act 2009*, based on consideration of the relevant State Planning Policy; State Government guidelines; the Council's Town Planning Scheme, Planning Policies and other general policies and procedures, as well as other documents as considered relevant.

Infrastructure Operations Unit's Comments – (26 August 2014)

Support, subject to conditions

Infrastructure Operations Unit's (sewer and water) Comments – (27 August 2014)

Support, subject to conditions.

Public and Environmental Health Comments – (14 February 2014)

No comments.

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

Not Applicable. The proposal is for a four (4) unit multi unit development, which is exempt from this state interest.

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. Additionally, the Slope Stability Assessment by AW Geotechnical has classified the site as low risk in its natural state. This Report (and its recommendations) has been conditioned in the approval.

Emissions and hazardous activities

Not Applicable. The proposal does not include any activity that has dangerous emissions or is 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 facilities.

Rockhampton City Plan 2005

This application is situated within the Residential designation under the scheme's Strategic Framework Map. The Desired Environmental Outcomes, as identified within Chapter 2 of the *Rockhampton City Plan 2005* are applicable:

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

Complies. The proposed development offers an alternative form of living, choice and density in the region and 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 located within an established urban area and 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 with biodiversity values.

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

Complies. The subject site is located within an established urban area and is cleared of significant vegetation. The proposal is appropriately designed to not impact upon existing adjoining developments and 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 throughout Rockhampton.

- (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 and will not impede any known cultural and/or urban heritage values.

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

Complies. The proposal provides an alternative accommodation type within the area proximal to essential community uses, bus routes etcetera. The density and site cover are consistent with other residential uses in the area and the proposal will satisfy a community need having regard to housing choice in the area.

- (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; on the contrary it is well positioned to support such uses in the area.

- (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 is located within an established urban area with available services and will also be provided with an appropriate standard and type of infrastructure including sewer, water, electricity and telecommunications.

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

Complies. The proposal is appropriately connected to Rockhampton's transport network and will not affect the functioning of the network. The site is within 400 metres of a bus route.

- (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.

Berserker Foothills Residential Area Intent

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

"It is intended that the Area continue to develop as a Residential Area with primarily houses and compatible community uses. Duplex development will also be consistent with the intent for the Area, however, all multi-unit dwelling development is inconsistent with the intent for this Area, as is all types of commercial and industrial development. All development in the Area will be effected by the following constraints:

- *The visual impact of development on the Berserker Ranges;*
- *The steepness of the land;*
- *The retention of native vegetation which is important to the landscape character of the Area;*
- *Localised flooding associated with Moores and Frenchmans Creek, and the ecological values associated with the Creeks and their banks;*
- *The bushfire risk in the adjoining Berserker Range Environmental Protection Planning Area; and, therefore, the ability to manage wildfire hazard to dwellings and other key infrastructure; and*
- *Feral and native animals in the Area and in the adjoining Berserker Range Environmental Protection Area.*

It is intended to preserve the visual, ecological, and landscape character values in this Area, and in the adjoining Berserker Range Environmental Protection Area, consequently, additional allotments will only be consistent with the intent for the Area where they contain slopes less than 25%. Duplex and other forms of development will only be consistent where they are located on allotments with slopes of less than 15%.

Further to the above, new development will only occur where it can be demonstrated 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 and surrounding Areas is not adversely compromised;*
- *Properties will not be subject to flooding from the creeks;*

- *Slope stability is not adversely impacted;*
- *Bushfire risk from the adjoining Area can be managed;*
- *Allotments can be adequately serviced with a gravity fed water supply and also sewerage services;*
- *Safe and practicable access can be provided to allotments; and*
- *Common boundaries with the Berserker Range Environmental Protection Area are minimised and fauna friendly fencing is provided along this boundary, with development focused on minimising the potential for 'edge effects'.*

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;*
- *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 from the adjoining Area;*
- *The location and proposed treatments to minimise the visual impact of access points; and*
- *The number and location of common boundaries proposed with the Berserker Foothills Residential Area.*

Given the topography of the land within this Area, all development on a site must ensure that stormwater is properly managed and discharged in accordance with best practice to a lawful point of discharge to ensure that it does not adversely impact upon or affect any adjoining site or downstream infrastructure. In addition to this, large batters or embankments of exposed soil created as a result of development, must be properly stabilized by either dense landscaping or engineering solutions such as a retaining wall."

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

Rockhampton City Plan Codes

The following codes are applicable to this application: -

- Crime Prevention Through Environmental Design Code;
- External Works and Servicing Code;
- Landscape Code;
- Multi Unit Dwelling, Accommodation Building and Duplex 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:

Multi Unit Dwelling, Accommodation Building and Duplex Code		
Performance Criteria		Officer's Response
P1	The density of the development is consistent with the scale and density of development expected and intended for an Area.	<p>Complies</p> <p>Although a Multi Unit Dwelling is not considered a consistent use within the area, the scale and density of the development are considered sympathetic towards the adjoining developments due to its orientation, height, design and density as well as the consideration of the contours. Furthermore, the proposal will have a site cover of approximately thirty one (31) per cent, which is lower than a typical dwelling or duplex in the area and will thus be consistent with densities within the area.</p> <p>The multi unit dwelling will increase housing choice by recognising different levels of affordability, changing household structures and the physical needs of residents during their lifetime.</p>
P8	<p>Building design:</p> <p>(a) is orientated towards the primary street frontage of the site contributing to an attractive streetscape and safe urban environment; and</p> <p>(b) integrates the development with other existing and approved land uses to allow pedestrian movement and the opportunity for all to know or meet each other using connections that are wide enough to preserve sight lines and are safe.</p>	<p>Complies</p> <p>Due to the long shape of the lot an internal facing design is unavoidable. If balconies were facing the street it would impinge on the privacy of lower lying neighbours in Thozet Road and consequently the balconies which are orientated towards the access driveway assist in casual surveillance. The prominent landscaped entrance to the complex, also with mailboxes on the street frontage, clearly identifies the pedestrian entrance and nature of the use.</p> <p>Therefore, an attractive streetscape is achieved and pedestrian movements are integrated with the surrounding area.</p>
P9	Pedestrian entry points are clear and well defined.	<p>Complies</p> <p>There is a visible pathway, with contrasting concrete colours leading to each of the units. Furthermore, the prominent landscaped entrance to the complex, also with mailboxes on the street frontage, clearly identifies the pedestrian entrance and nature of the use.</p> <p>Therefore, pedestrian entry points are clear and well defined.</p>

Steep or Unstable Land Code		
Performance Criteria		Officer's Response
P1	Development on the site is limited to a confined area where visual amenity and ecological values can be maintained with a Building Location Envelope nominated having regard to the following criteria in determining its location;	Complies While the site is identified as steep the design utilised in the development demonstrates that it is readily accessible and capable of suitable drainage. The small footprint and site cover are not visually intrusive and the contour sensitive design that creates transition zones, further assists in this respect. The stability assessment report sufficiently addresses the structural integrity of the proposed development.

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 2 Erosion and Sediment Control	Due to the natural slope there is potential that the site work will have some disturbances on the ground surface. To prevent environmental harm the applicant has provided sufficient plans to mitigate this by lodging a stormwater plan and erosion and sediment control plans will form part of the operational works permits.
PSP 3 Preparation of Geotechnical Reports	While the site is identified as steep the design utilised in the development demonstrates that it is readily accessible and capable of suitable drainage. The Geotechnical report has been prepared to address the stability of the site to ensure that the development is unlikely to affect land stability. The small footprint and site cover is not visually intrusive and the contour sensitive design that creates transition zones further assists in this respect. The stability assessment report sufficiently addresses the structural integrity of the proposed development.
PSP 6 Planting Species	A concept landscaping plan has been provided and will be implemented through an Operational works application.

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

Sufficient Grounds

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

- a) The proposal contributes to providing a mix of accommodation options within Rockhampton, which is supported through the Desired Environmental Outcomes in the *Rockhampton City Plan 2005*;
- b) Having regard to the size of the allotment, being 1,200 square metres, it is considered reasonable to accommodate the proposal for four (4) units, which is not dissimilar to two (2) potential duplexes, when compared with the minimum lot size of 600 square metres achievable for this area;
- c) The proposal is sited and designed with a site coverage of only thirty one (31) per cent and furthermore has minimal impact upon the amenity of adjoining uses and the Berserker Ranges through its internal orientation and ample provision of landscaping;
- d) The proposal is a marked improvement to the previous approval for four (4) units in 1981;
- e) The proposed use does not compromise the achievements of the Desired Environmental Outcomes in the *Rockhampton City Plan 2005*;
- f) 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
- g) 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. 4) 2014 for residential development applies to the application and it falls within Charge Area 1. The Adopted Infrastructure Charges are as follows:

Column 1 Use Schedule	Column 2 Charge Area	Column 3 Adopted Infrastructure Charge for residential development (\$/dwelling unit)		Column 4 Unit	Calculated Charge
		1 or 2 bedroom dwelling	3 or more bedroom dwelling		
Residential	Area 1		21,000	per dwelling	\$84,000.00
Total					\$84,000.00
Less credit					\$21,000.00
TOTAL CHARGE					\$63,000.00

This is based on the following calculations:

- (a) A charge of \$21,000.00 per residential unit (two-bedroom units plus a rumpus that can be used for sleeping); and
- (b) An Infrastructure Credit of \$21,000.00 for the existing allotment.

Therefore, a total charge of \$63,000.00 is payable and will be reflected in an Infrastructure Charges Notice for the development.

CONSULTATION

The proposal was the subject of public notification between 15 August 2014 and 10 September 2014, as per the requirements of the *Sustainable Planning Act 2009*, and two (2) properly made submissions and one (1) not properly made submission were received.

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

Issue	Officer's Response
Will be an eye sore and greatly devalue the property values in the area.	<p>The issue of property value is an extremely complex one, with fluctuations in price being subject to a vast number of factors - many of which are subjective.</p> <p>The submitters have not provided credible evidence from a reputable professional that the values are likely to decrease if the four (4) units are erected.</p> <p>It is also noted that property values are not a relevant ground when deciding development applications.</p>
The lot size of 1,200 square metres is not suitable for this size development.	It is considered reasonable to accommodate the proposal for four (4) units on the lot as it is not dissimilar to two (2) new duplexes, when compared with the minimum lot size of 600 square metres achievable for this area.
<p>The development will damage the landscape.</p> <p>The driveway area will dominate the street frontage and over develop the streetscape. The development is not easily accessible/well landscaped.</p> <p>Headlights will be an issue and will become very invading.</p>	The proposal is not much different from any other large residential house or a duplex and is designed to suit the contours. The proposed single drive way with headlights of vehicles exiting in a forward direction will be no different from the driveway for a single dwelling house on the site. The proposed tiered landscaping will improve the streetscape.
<p>The natural slope of the land was interfered with in 2006 and 2012.</p> <p>The steep slope raises concerns regarding landslide, drainage, foundations, and retaining walls.</p>	The proposal includes an assessment against the Steep and Unstable Land Code that includes an updated survey plan with current contours. The current slope has, therefore, been included in the design and the report has sufficiently addressed these matters.
The colourbond fence will be an eyesore.	Fencing is a personal preference but it can be stated that the proposed fencing is a combination of timber and colourbond and will break the bulk of the retaining walls. Further, the front boundary will not be a colourbond fence but be improved by the proposed integrated, tiered landscaping that will also improve the streetscape.
Adequate screening has not been provided to protect the privacy of neighbours and balconies will look straight into neighbour's windows.	Due to the narrow nature of the lot an internal facing design is unavoidable. The balconies do thus not face the street and do not impinge on the privacy of lower lying neighbours in Thozet Road. Consequently, the design and orientation of the screened private balconies towards the access driveway and the back private space

Issue	Officer's Response
	together with ample setbacks assist in casual surveillance. The privacy of neighbours will thus not be affected.
There will not be enough parking for residents and guests and the access will be too steep for normal vehicles. This will lead to parking in the street and make it dangerous for pedestrians and guests in the area as there is no consideration for off-street parking and the street was not built for this type of infrastructure. The street is simply not wide enough to also accommodate bikes and walkers with dogs.	The proposal has made provision for eight (8) parking bays, which is two (2) bays per unit and is more than what is required in the planning scheme. Access has been designed for and is possible by means of normal vehicles. The entrances to each of the garages are on a levelled out area of the site and access to units will be achievable. The road has sufficient capacity to cater for the additional traffic to and from this vacant lot.
Not enough space for waste and recycle bins, also because the footpath is too steep for the bins and pedestrians.	The proposal provides for a minimum two (2) metre wide verge area which is no steeper than 2.5 per cent (2.5%). The area and slope available on the footpath is, therefore, sufficient for the limited number of bins on bin days.
Retaining walls on the footpath will make it dangerous for pedestrians.	The application has been amended to remove the retaining walls from the footpath and replaced those with tiered landscaping retaining walls within the development.
The total height of the development will be over 8.5 metres and is barely legal.	The two (2) storey development is in line with the height restrictions for the area and similar to any other residential development, including a new House.
The development and reports provided have not met Council's requirements of a stability report.	Whilst the submitted Slope Stability Report doesn't contain a comprehensive list of site-specific recommendations that typically accompanies these reports, Council engineers are generally satisfied that the consultant has identified that the site has a low risk of instability, despite having a site classification of 'P', and recommends that the project proceeds subject to best construction and engineering practise. This report has included a condition that requires the works to be carried out with the recommendations of the report.
Electricity will be an issue. The infrastructure in this area has not quite caught up with the growth in Frenchville in the last ten (10) years.	The proposal will not affect the provision of any infrastructure. The proposal is located within an established urban area with available services and will also be provided with an appropriate standard and type of infrastructure including sewer, water, electricity and telecommunications.
Concern about the landslip risk generated by increased stormwater. Neighbouring stormwater runoff already causes problems and this development will worsen the situation as there have	The stormwater detention as proposed is adequate to cater for the proposal. The stormwater management of the site including the underground tanks, proposed swales and proposed easement will all form part of the Operational Works for Stormwater to ensure

Issue	Officer's Response
been no stormwater drain upgrades in the street.	that it does not increase peak stormwater runoff.
The proposed implementation measures such as erosion control and soil settlement will not be met, noise generated during construction will be a major issue and the number of trucks will make the street unusable.	Council imposes all the relevant standards and requirements that must be met during construction to ensure that the surrounding area is not adversely affected.
<p>Traffic problems: the proposed development could lead to unsafe road conditions. Street parking on this narrow road will exacerbate the traffic patterns and cause visibility problems, and worsen exiting from driveways from surrounding residential properties.</p> <p>Insufficient parking on the site will cause parking problems in the street if there are three cars for each unit.</p>	The proposal has made provision for eight (8) parking bays, which is two (2) bays per unit and is more than what is required in the planning scheme. The proposal is very similar to any other similar types of residential development like a duplex if it were developed on this vacant lot. The proposed four (4) units should not adversely affect the general functioning and traffic movements in the area. Additionally, the road has sufficient capacity to cater for the expected traffic to and from the development on the lot.
Impact on amenity: the character of the area should remain as it is at the moment, with houses on large blocks with backyards. The development taking up the entire block will be an eyesore and is not compatible.	It is considered reasonable to accommodate the proposal for four (4) units on the lot as it is not dissimilar to potentially two (2) new duplexes, when compared with the minimum lot size of 600 square metres achievable for this area. The staggered height variation and setbacks create a building that should be compatible with the area and is not regarded as overbearing.
No mention of how existing boundary fences will be affected.	<p>The proposal includes fencing around the sides and rear. A minimum 1.8 metre high fence has nonetheless been conditioned in the recommendation.</p> <p>The private open space area provided for each unit must also be fenced with a 1.8 metre high fence. The fence must be constructed of appropriate material and to Council's satisfaction to prevent viewing of the private open space from a public space and adjoining units and properties.</p>
The units all go higher than the next on the continuous slope but the block actually has a flat house pad put there by the previous owner five (5) years ago.	<p>The proposal is sited and designed with a site coverage of only thirty one (31) per cent, includes ample landscaping and furthermore has minimal impact upon the amenity of adjoining uses and the Berserker Ranges through its internal orientation and contour sensitive design.</p> <p>The existing flattened area might have created an expectation that it would be used for a new house but this can unfortunately not be imposed upon the owner. It must also be noted that the lot had an approval for four (4) units</p>

Issue	Officer's Response
	dating back to 1981, albeit that the approval has lapsed. This proposal has a better outcome than the previous approval.
<p>The development encompasses the full length of the block and will impact considerably upon the available light from the deck of the neighbouring back deck of 416 Thozet Road. The glare and reflection from the large roof would have a detrimental impact on birdlife and affect mountain views and birdlife enjoyment.</p>	<p>The design and orientation of the building is essentially towards the driveway with the southern side being mostly at a single storey level due to the natural slope. Therefore, the side facing the submitter has the private space accessible from the natural ground level and also makes provision for sufficient setbacks in this area. Together with the fencing the privacy of neighbours will thus not be affected. The new development will possibly take away some of the sunlight but this is expected since the submitter is directly south of the proposal. A double storey house may have had a similar effect on the neighbouring property. Having said that though the building design (one storey in parts) is such that the impact of the building will be mitigated by the contour sensitive design.</p> <p>The lot has been vacant for a while and it is generally expected that it would be developed sometime and the glare from one additional building should not affect the birdlife in the area or the overall enjoyment of the landscape.</p>

REFERRALS

The application did not trigger any referral agencies.

CONCLUSION

It is recognised that the proposal is not a consistent use within Berserker Foothills Residential Area under the *Rockhampton City Plan 2005*. However, the assessment of this application concludes that the proposed development, 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 generally consistent with the code requirements prescribed by the planning scheme and the use will not compromise the intent of the area. It is located on a site which is suited to the proposed development and which is able to be serviced by all necessary services.

**D/24-2014 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A MULTI UNIT
DWELLING (FOUR UNITS)**

Locality Plan

Meeting Date: 7 October 2014

Attachment No: 1



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D/24-2014 - Locality Plan

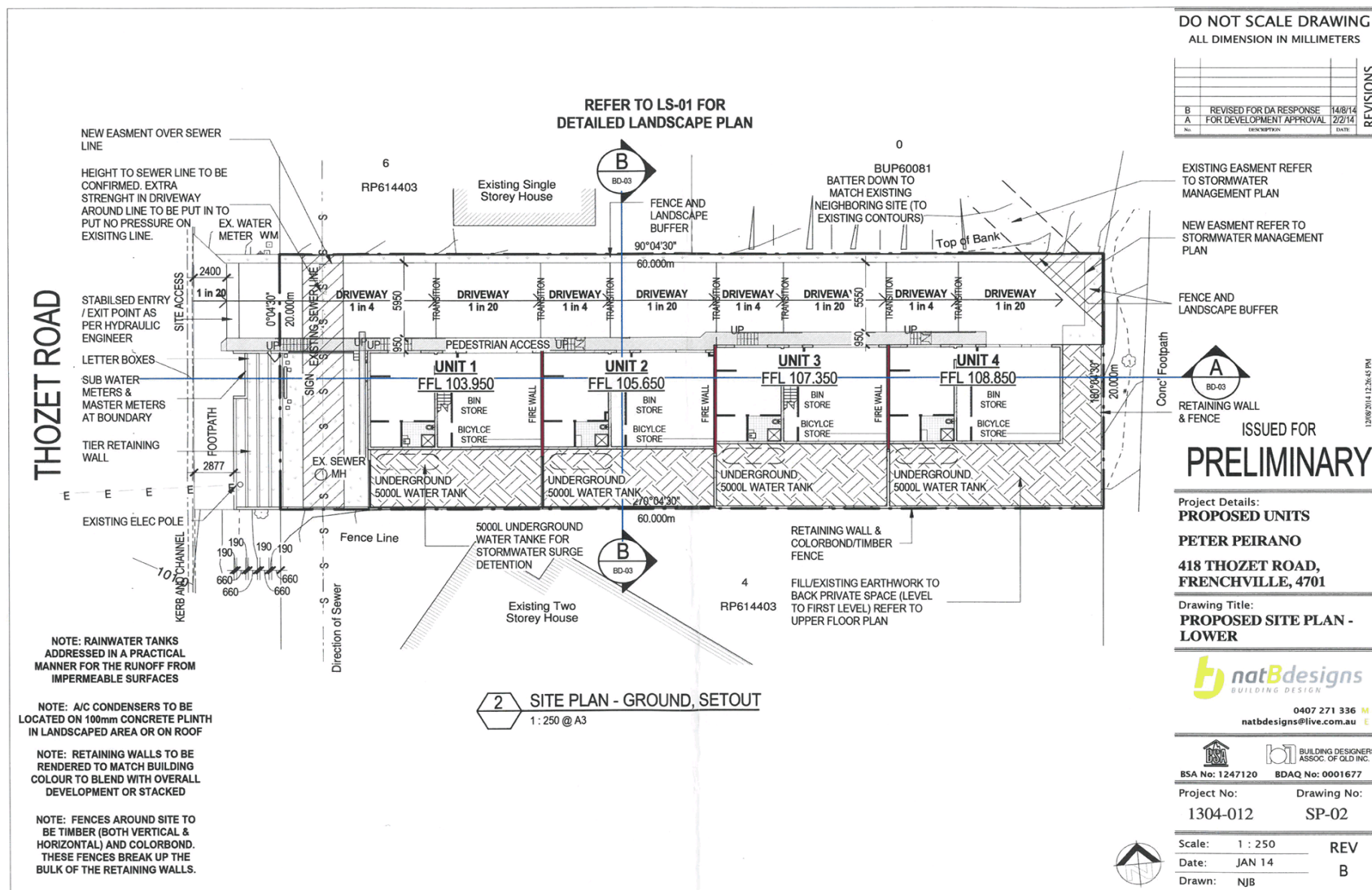
Rockhampton
Regional Council
Printed from Geko on 23/09/2014

**D/24-2014 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A MULTI UNIT
DWELLING (FOUR UNITS)**

Site Plan Lower

Meeting Date: 7 October 2014

Attachment No: 2

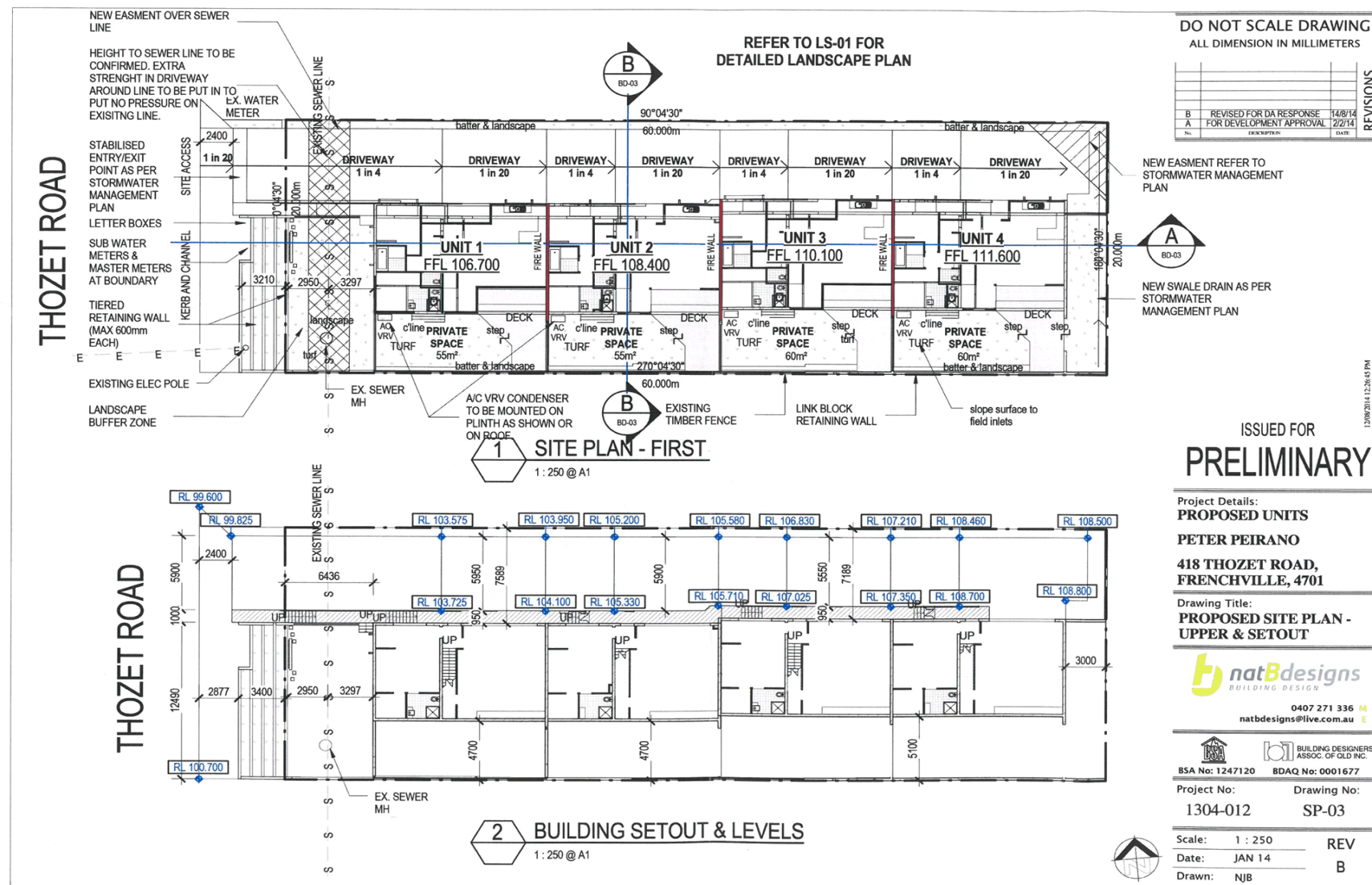


**D/24-2014 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A MULTI UNIT
DWELLING (FOUR UNITS)**

Upper and Set-out

Meeting Date: 7 October 2014

Attachment No: 3

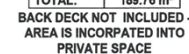


**D/24-2014 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A MULTI UNIT
DWELLING (FOUR UNITS)**

Floor Plan

Meeting Date: 7 October 2014

Attachment No: 4



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**D/24-2014 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A MULTI UNIT
DWELLING (FOUR UNITS)**

Elevations

Meeting Date: 7 October 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 CLOSURE OF MEETING