



PLANNING & DEVELOPMENT COMMITTEE MEETING

AGENDA

21 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 21 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 title of the Chief Executive Officer.

CHIEF EXECUTIVE OFFICER
15 October 2014

Next Meeting Date: 11.11.14

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 R A Swadling
Councillor N K Fisher

In Attendance:

Mr E Pardon – Chief Executive Officer

3 APOLOGIES AND LEAVE OF ABSENCE

4 CONFIRMATION OF MINUTES

Minutes of the Planning & Development Committee held 7 October 2014

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 BUSINESS OUTSTANDING

Nil

7 PUBLIC FORUMS/DEPUTATIONS

7.1 D165-2014 - DEPUTATION - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A HOUSE

File No: D165-2014
Attachments: Nil
Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Russell Claus - Manager Planning
Robert Holmes - General Manager Regional Services
Author: Corina Hibberd - Planning Officer

SUMMARY

Rebecca Doak of BAEL Building Design on behalf of T. Warne, has requested an opportunity to attend a meeting of Council's Planning and Development Committee to discuss any concerns or issues Council may have for a Material Change of Use for an House over 65 Farm Street, Kawana - Lot 2 on RP607631 (Development Application D/165-2014).

OFFICER'S RECOMMENDATION

THAT the deputation by Rebecca Doak of BAEL Building Design be received.

BACKGROUND

An application for a Material Change of Use for a House was received on 1 July 2014 over the above mentioned property. The applicant was advised in the information request, dated 24 July 2014, that Council was not prepared to support the application, due to the site being severely constrained by flooding, and that sufficient planning grounds were not provided justifying the proposal despite several conflicts with the Rockhampton City Plan 2005. The application is recommended for refusal.

7.2 D166-2014 - DEPUTATION - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A HOUSE

File No: D166-2014
Attachments: Nil
Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Russell Claus - Manager Planning
Robert Holmes - General Manager Regional Services
Author: Corina Hibberd - Planning Officer

SUMMARY

Rebecca Doak of BAEL Building Design on behalf of S. Walton, has requested an opportunity to attend a meeting of Council's Planning and Development Committee to discuss any concerns or issues Council may have for a Material Change of Use for an House over 63 Farm Street, Kawana - Lot 1 on RP607631 (Development Application D/166-2014).

OFFICER'S RECOMMENDATION

THAT the deputation by Rebecca Doak of BAEL Building Design be received.

BACKGROUND

An application for a Material Change of Use for a House was received on 1 July 2014 over the above mentioned property. The applicant was advised in the information request, dated 24 July 2014, that Council was not prepared to support the application, due to the site being severely constrained by flooding, and that sufficient planning grounds were not provided justifying the proposal despite conflicts with the Rockhampton City Plan 2005. The application is recommended for refusal.

8 OFFICERS' REPORTS

8.1 D/165-2014 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A HOUSE

File No: D/165-2014

Attachments:

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

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/165-2014

Applicant: T. Warne

Real Property Address: Lot 2 on RP607631, Parish of Livingstone

Common Property Address: 65 Farm Street, Kawana

Area of Site: 567 square metres

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: Parkhurst Rural Area

Existing Development: Vacant

Existing Approvals: Subdivision sealed 29 January 1959

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

Level of Assessment: Code Assessable

Submissions: Not Applicable

Referral Agency(s): Not Applicable

Adopted Infrastructure Charges Area: Charge Area Three

Application Progress:

| | |
|--|-------------------|
| <i>Application Lodged:</i> | 1 July 2014 |
| <i>Request for Extension to Information Request Period</i> | 10 July 2014 |
| <i>Request for Further Information sent:</i> | 24 July 2014 |
| <i>Request for Further Information responded to:</i> | 4 September 2014 |
| <i>Last receipt of information from applicant:</i> | 30 September 2014 |
| <i>Council request for additional time:</i> | 29 September 2014 |
| <i>Statutory Due date:</i> | 31 October 2014 |

OFFICER'S RECOMMENDATION

THAT in relation to the application for a Development Permit for a Material Change of Use for a House, made by T. Warne, on Lot 2 on RP607631, Parish of Livingstone, located at 65 Farm Street, Kawana, Council resolves to Refuse the application for the following reasons:

- 1.0 Intensification of residential uses on small lots in a high hazard flood area is not envisaged in the current scheme or in the draft strategic framework for the new planning scheme;
- 2.0 Access to the site is cut off in a range of flood events. Cramb Street, Haynes Street and Farm Street are completely inundated in a range of flood events, isolating the subject site and causing a risk to persons and property;
- 3.0 There is not an overwhelming need for residential growth in this area and other more suitable, accessible and flood free locations exist in the Rockhampton scheme area;
- 4.0 The site is not connected to appropriate water infrastructure and has no sewer infrastructure connections;
- 5.0 The proposal cannot demonstrate compliance with *State Planning Policy 2014*, or the Flood Prone Land Code within the *Rockhampton City Plan 2005*; and

The proposal directly compromises the achievement of eight (8) Desired Environmental Outcomes within the *Rockhampton City Plan 2005*.

BACKGROUND**PROPOSAL IN DETAIL**

The proposal is for a highset dwelling house on a vacant lot in a flood prone rural area. The proposed dwelling includes four (4) bedrooms, living, kitchen, bathroom and ensuite, and deck areas. Underneath the house will not be enclosed. No covered car spaces are provided. Access is proposed from Farm Street.

SITE AND LOCALITY

The subject site is located in a semi-rural area, about four (4) kilometres north-northwest of the Rockhampton Central Business District and is 567 square metres in area. Access to the site is gained from Farm Street. This area is prone to flooding and is designated as a high hazard flood area under the Flood Hazard Map of the *Rockhampton City Plan 2005*. The site is inundated in a range of flood events, particularly in Fitzroy River flooding, and is completely isolated, whereby all access from the site via Farm Street and Haynes Street is cut off.

The site is not connected to any reticulated sewer infrastructure, and the water service connections are not suitable for residential development.

The surrounds are characterised predominantly by rural uses, some low density residential uses and some industrial uses. The Fitzroy River is approximately 380 metres west of the subject 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 – (18 September 2014)

Recommend Refusal.

As demonstrated in the comments below, the application does not comply with the Flood Prone Land Code and as such the Infrastructure Operations Unit recommends the application be refused. The Infrastructure Operations Unit has assessed the above mentioned application and wishes to advise the proposed development conflicts with the intentions of the *Rockhampton City Plan* and the Flood Prone Land (in particular does not comply with Performance Criteria P2, P4, P9 and P10). The applicant has incorrectly adopted the 1991 Fitzroy River Flood level in the vicinity in an attempt to address Performance Criterion P2 and demonstrate safe access to the development, instead of using the localised Splitters Creek flood levels - which show that safe access is not achievable. This was highlighted as part of Council's Information Request and there has been no attempt to address this item in their response. The Infrastructure Operations Unit requested the applicant to demonstrate that there will be no intensification of the overall flood impacts within the community in accordance with Performance Criterion P4. The response focused on the fact that any impacts were not the direct responsibility of Council and as such, the criterion had been met, however, Council does not consider this to be an appropriate response as there will clearly be works required with respect to electricity connection, the potential for road repairs and other clean-up activities, and possible evacuations, following a flood event. Similarly, the applicant was also asked to provide further information regarding compliance with Performance Criterion P10, however, the response was focused on the fact that previous approvals had been granted in the area and did not actually demonstrate that the proposed development met the performance criterion.

The depth of inundation has been calculated, over the subject lot during a 1 in 100 year Fitzroy River flood event to be slightly in excess of the maximum of 800 millimetres specified in Acceptable Solution A10.1 of the Flood Prone Land Code whereas the applicant disputes this by selecting a natural surface level over the land at the highest point to claim that the depth of inundation is less than that specified in the aforementioned acceptable solution. Additionally, Council's latest flooding information shows that the water velocity in the vicinity is in excess of the 0.5 metres/second originally provided to the applicant (closer to 0.8 metres/second), which results in a depth/velocity product exceeding the maximum of 0.5 specified in A10.1. This information, as well as a request to address Council's concerns, was provided to the applicant as part of Council's Information Request, however, in the response, the applicant has not acknowledged Council's findings and information, and has adopted the original velocity information and inundation depths associated with the highest point of the subject allotment. As such, the applicant has not adequately addressed the Flood Prone Land Code.

Infrastructure Operations Unit's (sewer and water) Comments – (3 July 2014)

Conditions provided.

Strategic Planning Comments - (23 July 2014)

Recommend Refusal.

Lot 2 on RP607631 is located in the Parkhurst Rural Area under the *Rockhampton City Plan 2005*. The intent for this area is to retain the rural character without further subdivision for urban purposes. The lot is contained within an historic subdivision of sixteen residential sized land parcels. One dwelling house is currently located over two lots within this area.

The intent of the rural character of the area is to protect against loss of property and to ensure properties are not alienated during times of flood, given that much of the area is liable to inundation from flooding. Contrary to the statement in Section 5 of the applicant's planning report, this area is not a residential planning area of the *Rockhampton City Plan 2005*, or land designated for residential purposes. The subject land is also located in a high hazard flood area under the *Rockhampton City Plan 2005* flood hazard map and the Fitzroy River Flood Study 2011 flood modelling classifies the flood hazard level for the subject land as extreme hazard (Average Recurrence Interval (ARI) 100). Further intensification of residential uses which are not for a rural purpose, particularly on small lots in a high/extreme hazard flood area does not comply with the current scheme or with the draft strategic framework for the proposed draft planning scheme, which states the following:

“Development maximises flood immunity by avoiding high or extreme hazard areas and is not to increase flood impacts within existing areas.

Development within the defined flood event inundation area is avoided in high or extreme areas unless it can be demonstrated that the risk has been mitigated to an acceptable level, including impacts on other areas.

Significant areas of Rockhampton are already established within the Fitzroy River floodplain. Within these areas, the flood risk will be managed by avoiding the intensification of development and the subdivision of land in high or extreme hazard areas.”

The development would be non-compliant with all of the requirements of the proposed planning scheme’s draft Flood Hazard Overlay code. This overlay code appropriately reflects the latest state interests for natural hazards, the State Planning Policy (SPP) requires development to:

(1) Avoid natural hazard areas or mitigate the risk of the natural hazard.

The proposed development is in conflict with the *State Planning Policy 2014* as the development is not avoiding or mitigating the risk of the natural hazard, it is in fact increasing the risk and locating in a **known natural hazard area**.

(2) Supports, and does not unduly burden, disaster management response or recovery capacity and capabilities.

The proposed development is in conflict with the State Planning Policy as the development will actually **increase** the burden on disaster management response and recovery capacity and capabilities. In particular if more residential development occurs in this area this increases the number of people emergency services may have to evacuate during a flood event.

(3) Directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties.

The proposed development may directly and cumulatively increase the severity of the natural hazard and the potential for damage to site and other properties. In particular if the surrounding area is intensified.

The State Planning Policy, the current and proposed draft planning scheme(s) seek to restrict development in areas adversely affected by flooding and reduce the intensity of existing development on flood prone land. Allowing a dwelling house on a small lot within this rural area is in direct conflict with Council’s desire to reduce the impacts of flooding on people, property and emergency services. It would be irresponsible and in conflict with all of Council’s and the State Government’s flood management policies to support further development on this land. This application should be refused to ensure residential development does not occur in an extreme/ high flood risk area where it will almost certainly be an additional burden on the community, Council and emergency services during a flood event.

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.

Matters of State Interest:

Liveable communities

Does Not Comply. The site is not located within an urban area and is, therefore, an inconsistent use given the severity of flooding.

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

Does Not Comply. The site is affected by the Q100 Flood Hazard overlay which is addressed in the *Rockhampton City Plan 2005*. Council is not satisfied that the Flood Prone Land Code has been adequately addressed by the applicant and the proposal is, therefore in direct conflict with the State Planning Policy as well as the current planning scheme and proposed planning scheme.

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.

Rockhampton City Plan Strategic Framework

This application is situated within the rural designation under Council's Strategic Framework Map.

The following Desired Environmental Outcomes, as identified within Chapter 2 of the *Rockhampton City Plan 2005* are applicable:

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

Not applicable: A single dwelling house will not affect Rockhampton as a centre in the Region.

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

Not applicable: The proposed use will not impede the conservation of any valuable natural resources required for economic growth as operations will be wholly located within the subject site.

- (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: Although the proposal is considered an inconsistent use within the area, the scale of the development is not considered to significantly impede the scenic or biological value of the area.

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

Does Not Comply: The site is within a severe flood prone area, which is completely isolated in a flood event. A house is likely to contribute to the displacement of water and add to debris hazard and cause a risk to persons and property. The use has the potential to cause impacts on the environment due to the nature of the activity.

- (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 include commercial uses and is not located within a Commercial Area.

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

Not Applicable: The proposal does not include commercial uses and is not located within a Commercial Area.

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

Not applicable: The proposal does not involve industrial activity.

- (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 known significant cultural 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.*

Does Not Comply: The site is located in a high hazard flood area. This site is inundated and isolated in a range of flood events. The development is not considered to positively contribute to the built environment, being located in a flood prone area and increasing risk to life and damage to property. This is not a satisfactory outcome in providing housing options to the community. On-site sewerage facilities or connections to the reticulated sewer and water network will be costly and, therefore, does not contribute to affordability. The site does not have access to urban services, including reticulated water and sewer generally, or roads in a flood event.

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

Does Not Comply: In a range of flood events the site does not have trafficable access, whereby Cramb Street, Farm Street and Haynes Street are completely inundated. Therefore, important community uses and health care facilities are not readily accessible to all members of the community.

- (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.*

Does Not Comply: Parkhurst Rural Area is designated for low density residential uses and rural uses. Although the site was subdivided in 1959, it is no longer an area

where small residential lots are supported. The site does not enjoy access to urban services, and is not an area where residential growth is forecast or planned.

- (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.*

Does Not Comply: The site is not connected to appropriate water infrastructure and has no sewer infrastructure connections.

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

Does Not Comply: Cramb Street, Farm Street and Hayes Street are entirely cut off in a flood event.

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

Does Not Comply: The site is not in an area where residential uses on small lots are encouraged. There is no easy access to public open spaces from this lot.

The performance assessment of the proposal demonstrates that the development conflicts with a number of Desired Environmental Outcomes given the site is not within a residential area and is severely flood prone.

Parkhurst Rural Area Intent

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

*"It is intended that the Area retain its rural character, consequently, **it is not intended that land in the Area be subdivided and developed for urban purposes**, except for land identified in the Residential Precinct, known as the Parkhurst Rural Residential Precinct. Existing allotments may be developed with a house, and duplex development will be consistent with the intent for the Area (except within the Parkhurst Rural Residential Precinct), where the dwelling units are detached from one another and located at least 100m apart. **It is intended to retain the rural character of the Area to:***

- ***Protect against loss of property***, given that much of **the area is liable to inundation from flooding**;
- *Retain the landscape character of the Area in terms of the **broad acre rural edge** adjacent to the Fitzroy River and the City;*
- ***Provide flood plain capacity for floodwater flow*** and storage in times of flood, given that part of the Area is either identified as floodway low hazard or flood storage low hazard; and
- ***Maintain water quality upstream of the Fitzroy barrage*** as Rockhampton City's **main water supply**.

The potential for the normal urban subdivision (Reconfiguring a Lot) of land in this Area is further limited by:

- ***The lack of trafficable, flood free access*** for most of the Area;
- ***The lack of urban services such as water supply and sewerage***;
- ***The remoteness of normal urban services***; and
- ***The suitability of preferred locations for residential growth in the City.***

Furthermore, the neighbouring Splitters Creek Residential Area intent also states:

“Land located to the west of this Area is contained within the Parkhurst Rural Area, which is unsuitable for more intense residential development, given that it is susceptible to flooding. It is also in close proximity to the Fitzroy River Barrage, which is the City’s water supply storage area. Consequently, the expansion of residential development into that Area on the argument that it is a logical expansion of this Area, is not consistent with the intent for either this Planning Area or the Parkhurst Rural Area.”

The use is not consistent in this Area. Development on this lot, and any of the smaller lots in this vicinity will not protect against loss of property in a flood event, can not retain the character style of the rural landscapes, interferes with the flood plain capacity in a high hazard flood area, and could contribute toward possible interruption of quality water supply, (there is no reticulated sewer connections available).

The proposed use cannot be considered a consistent use within the Parkhurst Rural Area. 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, the assessment of this application concludes that there are not considered to be ‘sufficient grounds’ in this instance, to justify Council approving the development despite its conflict with the Desired Environmental Outcomes and the Area Intent. The grounds for refusal are as follows:

- 1.0 Intensification of residential uses on small lots in a high hazard flood area is not envisaged in the current scheme or in the draft strategic framework for the new planning scheme;
- 2.0 Access to the site is cut off in a range of flood events. Cramb Street, Haynes Street and Farm Street are completely inundated in a range of flood events, isolating the subject site and causing a risk to persons and property;
- 3.0 There is not an overwhelming need for residential growth in this area and other more suitable, accessible and flood free locations exist in the Rockhampton scheme area;
- 4.0 The site is not connected to appropriate water infrastructure and has no sewer infrastructure connections;
- 5.0 The proposal cannot demonstrate compliance with *State Planning Policy 2014*, or the Flood Prone Land Code within the *Rockhampton City Plan 2005*; and
- 6.0 The proposal directly compromises the achievement of eight (8) Desired Environmental Outcomes within the *Rockhampton City Plan 2005*.

Rockhampton City Plan Codes

The following codes are applicable to this application:

- House Code
- Flood Prone Land Code

An assessment has been made against the requirement of the abovementioned codes and the following has not been met:

| House Code | | |
|----------------------|--|--|
| Performance Criteria | | Officer’s Response |
| P5 | <p>The house and ancillary structures are protected from adverse flooding and do not:</p> <p>(a) significantly interfere with the passage, storage or quality of stormwater or the natural functions of a waterway; or</p> | <p>Does Not Comply</p> <p>The site is affected by the flood hazard overlay and is designated as being in a high hazard flood area. A house in such a location is not an acceptable development, as it puts property and persons at high risk. Developments in such areas also lead to</p> |

| | | |
|-----|--|--|
| | (b) put loss of life at risk; or (c) put life at risk of injury; or (d) put damage to property at high risk, and complies with the Flood Prone Land Code . | possible damage of property from debris and etcetera, and potential loss of life. |
| P6 | Habitable rooms, non-habitable areas (eg utility areas, garage, laundry and storage room) and car parking do not significantly interfere with the passage or storage of stormwater or the natural functions of a waterway and complies with the Flood Prone Land Code . | Does Not Comply Although the house is on stumps, it is still located within a flood way and may interfere in the natural function of the Fitzroy River in a flood event. |
| P8 | Houses are serviced with basic but essential infrastructure to ensure good health; hygiene; protection of the environment, quick access to communications and water (for fire fighting) in case of an emergency and the like that also does not become a maintenance burden for the Council. | Does Not Comply The development cannot efficiently connect to reticulated sewerage networks. It can be conditioned to connect to an appropriately designed on-site sewerage treatment plant, however, the site is above the barrage and, therefore, in the vicinity of Rockhampton's main water supply. In the case of an emergency such as a fire or flood, the development would likely be a burden to Council and emergency services. |
| P13 | A house and ancillary structures in a Rural Area or Rural Residential Precinct are located on a site in a manner that is consistent with the character of the streetscape. | Does Not Comply The lot size and, therefore, the proposed house do not comply with the character of the rural area. The size of lot does not allow for a fifteen (15) metre setback, as it has a six (6) metre setback consistent with a residential area. |

| Flood Prone Land Code | | |
|------------------------------|---|---|
| Performance Criteria | | Officer's Response |
| P1 | <p>The capacity and function of floodways and flood storage areas are preserved in high and low hazard areas.</p> <p>(A1.1 In a high hazard or low hazard floodway, development involving;</p> <p>(i) building works, or</p> <p>(ii) filling or excavation, or</p> <p>(iii) changes in the natural surface level of the land; or</p> <p>(iv) the storage of materials, goods, equipment or the like on the land that cannot be easily and quickly removed from the site; does</p> | <p>Does not Comply</p> <p>The subject site is identified as being within the Q100 flood area and is further classified as a High Hazard flood area. The locality is completely isolated during a defined event with up to 800 millimetres of water inundating the subject site itself.</p> <p>The acceptable solution states that development in a high hazard flood area does not occur. The development puts life and property at high risk and is not an acceptable location for non rural, residential uses.</p> |

| | | |
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| | not occur.) | |
| P2 | <p>Safe access from the development site to the Central Business District or the Gracemere township is available during the defined flood event.</p> <p><i>Note: Development not on flood prone land must still comply with this Performance Criterion.</i></p> | <p>Does Not Comply</p> <p>Access to the site is cut off during a range of flood events. Cramb Street, Farm Street and Haynes Street are inundated during a Fitzroy River Flood event, with the access via Farm Street and Haynes Street also being inundated during a localised Splitters Creek storm flood event. This Performance Criterion specifically requires that Type 1 access (maximum of 0.3 metres depth) is provided during localised or creek flooding for a Q50 event. Council's most recent Local Creek Flooding data shows the depth of inundation in Farm Street and Haynes Street during this event to be between 0.75 metres and 1 metre, which clearly exceeds the maximum for a Type 1 – Low Hazard access. Therefore, trafficable access is not available during the Defined Flood Event as required in this Code.</p> |
| P4 | <p>The proposal prevents the intensification of the overall flood impacts within the community by:</p> <p>(a) not significantly increasing the overall level of flood damage and community disruption in high hazard areas, and</p> <p>(b) not creating any unacceptable impacts on flood levels and flows in a high hazard area i.e. a zero net loss in flood storage; and</p> <p>(c) ensuring the outside storage of any goods or equipment will not contribute to the overall level of flood damage and community disruption in both high and low hazard areas.</p> | <p>Does Not Comply</p> <p>Development on this lot ultimately intensifies flood impacts within the community. Flood damage to the proposed use and community disruption is certain given that access to the property is severed in a range of flood events.</p> <p>The construction of the dwelling and future carport should not have any significant effects on flood levels or flows. However, it is difficult to ensure the outside storage of goods or equipment such as garden sheds, greenhouses, old cars or trailers will not cause flood damage as these are the responsibility of the occupant at the time of the event. The applicant cannot ensure compliance with item (c) as there is no area on the parcel above the 1 in 100 Average Recurrence Interval (ARI) Flood Event to store goods.</p> |
| P10 | <p>Development for a residential building in any Rural Area or Special Use Area is carried out when unavoidably necessary, having proper regard to mitigating the effects, impacts and consequences of flooding.</p> | <p>The development does not comply with Acceptable Solution A10.1 of the Code. It is acknowledged that the Q100 Fitzroy River flooding velocity information originally provided to the applicant is less than that shown in the latest flooding data (0.5 m/s versus 0.8m/s), however, this information was provided to the applicant as part of Council's Information Request to allow them to respond appropriately.</p> <p>The applicant's response did not acknowledge or reflect the new and more correct information. The new velocity</p> |

| | | |
|--|--|---|
| | | <p>information resulted in a depth/velocity product in excess of 0.5 m/s, which when combined with an inundation depth greater than 800 millimetres (in some parts of the lot where the house is to be situated), demonstrates a non-compliance with A10.1.</p> <p>The development does not comply with the Acceptable Solution A10.2 as the house is not essential for the bona-fide rural use of the land. Design and construction of the house and carport to the appropriate Finished Floor Level and standard will mitigate some of the impacts of a 1 in 100 ARI flood event. However, it is pointed out that the parcel does not have flood free access and downstream damage could be caused if goods stored on the site are not removed prior to a flood and are washed away. The effect of a flood event on Council Infrastructure should be considered, such as a sewerage pump station if development of other parcels in the historic subdivision are also approved.</p> |
|--|--|---|

| Rockhampton | City | Plan | – | Planning | Policies |
|------------------------------------|-------------|--|----------|-----------------|-----------------|
| Planning Scheme Policy | | Staff Comment | | | |
| 14 – Flood Plain Management | | <p>The subject site is located within the Q100 Flood area and is further classified as a High Hazard area under the Flood Prone Land Code. Accordingly, the applicant was asked to demonstrate compliance with the Planning Scheme Policy. An assessment of the proposal by Council engineers has indicated the predicted 1 in 100 ARI level at the site to be 10.2 metres Australian Height Datum, which is up to 0.8 metres of inundation. The applicant has provided a response to the Planning Scheme Policy, however, this relies solely on relocation of equipment off-site during an event and contains little mitigation measures for non-removable items on site. None of the site is above the 1 in 100 ARI flood level.</p> | | | |

Having regard to all of the above, it is recommended Council, from a land use perspective, does not consider the proposed development favourably as there are considered to be insufficient grounds to approve the land uses proposed.

INFRASTRUCTURE CHARGES

Adopted Infrastructure Charges Resolution (No. 4) 2014 for residential development applies to the application and it falls within Charge Area 3. The land use does not attract an infrastructure charge.

Therefore, an Infrastructure Charges Notice will not be issued for the development.

CONSULTATION

The proposal was not subject to public notification as part of this application.

REFERRALS

The application did not require referral to any Advice or Concurrence agencies.

CONCLUSION

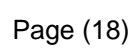
The application for a Material Change of Use for a House cannot be considered a consistent use within the Parkhurst Rural Area. Furthermore, the subject site is severely flood affected and property and life cannot be entirely protected from the impacts of a flood. As such, the assessment of this application resulted in it being recommended 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/165-2014 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A HOUSE

Locality Plan

Meeting Date: 21 October 2014

Attachment No: 1



D/165-2014 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A HOUSE

Site Plan

Meeting Date: 21 October 2014

Attachment No: 2

SITE & TOWN PLANNING INFORMATION
It is the Owner's/Builder's responsibility to comply with all sections of Deakin's Notice

| | |
|---|---------------|
| DA/MCU Required Y/N & who to complete | Sent 21-05-14 |
| DA/MCU Type (if required) | |
| DA/MCU Decision Notice # | |
| Boundary Relaxation Requested Y/N & who to complete | |
| Sewer Line Located & marked on Plan Y/N | |

JOB SPECIFICATIONS
Notes: All BSC's to Victorian standard at 200mm total depth unless noted otherwise

| | |
|-------------------|-------------------|
| Roof Material | Colorbond |
| Roof Pitch | 21.5° |
| Ceiling Height | 2400 |
| External Walls | Timber |
| Wall Size | 70 |
| Footings/Flooring | Timber & Concrete |

RP Data

Lot Number: 2
 RP/SP Number: RP 607631
 Parish: MURCHISON
 County: Livingstone
 Area: 566 m²
 Site Cover: 33.2%

3 Site Plan
1:200

4 Area Plan
1:250

2 Property Description
1:100

PRELIMINARY ONLY

Rev. **Description** **Date**

| | | |
|---|-------------------|----------|
| A | Preliminary Issue | 21/05/14 |
| B | MCU Approval | 25/06/14 |

PRELIMINARY DRAWINGS
CLIENT APPROVAL

| | | |
|---------------|-------------|-------------|
| Project Issue | Sign: _____ | Date: _____ |
| MCU Approval | Sign: _____ | Date: _____ |
| Self Approval | Sign: _____ | Date: _____ |

By signing the above you agree that there are no other parties involved in the project, the design and any further amendments once signed off by client will be charged at an hourly rate and will be subject to the Terms, Conditions and Conditions of Service Agreement & Contract.

Capricorn Engineering and Training Services
 10/100 High Street, Rockhampton, QLD 4700
 Email: darryl@ceads.com.au

Job Description
New Dwelling

Design
Custom

CLIENT
Tim Warne

ADDRESS
Lot 2 Farm St, North Rockhampton

CEADS (CAPRICORN ENGINEERING AND TRAINING SERVICES)
 RESIDENTIAL 3/72 High Street, Rockhampton, QLD 4700
 Tel: 08 9399720 Email: darryl@ceads.com.au
 BSA-1126593

PRODUCTION
 PO Box 1754, Yppoon, QLD 4703
 PH: 08 9399722 Fax: 08 9399720
 Email: info@ceads.com.au

BSA-1126594
 www.ceads.com.au

DATE: 21/05/14

DRAWN BY: ACH **CHECKED BY:** DEL

SCALE: As indicated **WIND RATING:** C1

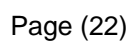
DWG No: 14-135-R **SHEET No:** 000

D/165-2014 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A HOUSE

Floor Plan

Meeting Date: 21 October 2014

Attachment No: 3



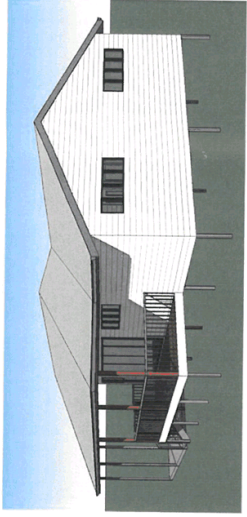
D/165-2014 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A HOUSE

3D Views

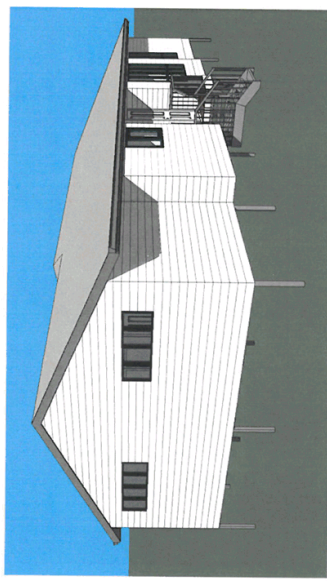
Meeting Date: 21 October 2014

Attachment No: 4

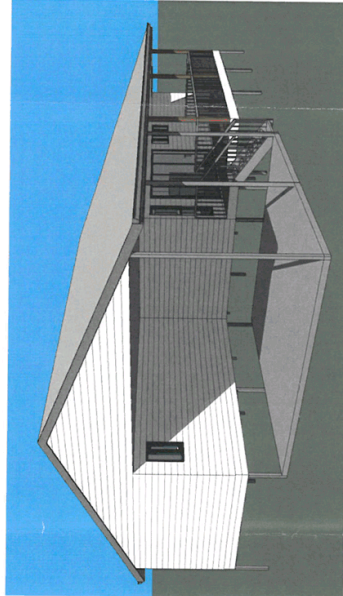
PRELIMINARY ONLY



1 3D View 1



2 3D View 2



3 3D View 3

| | | |
|---|-------------------|----------|
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| Rev. | Description | Date |
| A | Preliminary Issue | 21/05/14 |
| B | Client Approved | 26/05/14 |
| C | NCU Approved | 29/05/14 |

| | |
|-----------------------------|-------------------------|
| PRELIMINARY DRAWINGS | |
| CLIENT APPROVAL | |
| 1st Amend. | Sign: _____ Date: _____ |
| 2nd Amend. | |

By signing the above you agree that there are no longer any changes to this preliminary drawing and that the client has accepted the hourly rate as per clause 3.00 of the Work. Captech Engineering and Drafting Services on this occasion with Building Approval documentation and is approved.

| |
|--|
| Job Description |
| Design |
| CLIENT Scott Walton |
| ADDRESS Lot 1, Crn Cramb & Farm Street, North Rockhampton |

CEADS
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 AND DRAFTING SERVICES
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| | |
|------------------|--------------------|
| DATE: 21/05/14 | |
| DRAWN BY: ACH | CHECKED BY: DEL |
| SCALE: | WIND RATING: |
| | C1 |

DWG No. 14-134-R
SHEET No. 400

8.2 D/166-2014 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A HOUSE

File No: D/166-2014

Attachments:

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

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/166-2014

Applicant: S. Walton

Real Property Address: Lot 1 on RP607631, Parish of Livingstone

Common Property Address: 63 Farm Street, Kawana

Area of Site: 582 square metres

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: Parkhurst Rural Area

Existing Development: Vacant

Existing Approvals: Subdivision sealed 29 January 1959

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

Level of Assessment: Code Assessable

Submissions: Not Applicable

Referral Agency(s): Not Applicable

Adopted Infrastructure Charges Area: Charge Area Three

Application Progress:

| | |
|--|-------------------|
| <i>Application Lodged:</i> | 1 July 2014 |
| <i>Request for Further Information sent:</i> | 24 July 2014 |
| <i>Request for Further Information responded to:</i> | 4 August 2014 |
| <i>Council request for additional time:</i> | 29 September 2014 |
| <i>Last receipt of information from applicant:</i> | 30 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 a Material Change of Use for a House, made by S. Walton, on Lot 1 on RP607631, Parish of Livingstone, located at 63 Farm Street, Kawana, Council resolves to Refuse the application for the following reasons:

- 1.0 Intensification of residential uses on small lots in a high hazard flood area is not envisaged in the current scheme or in the draft strategic framework for the new planning scheme;
- 2.0 Access to the site is cut off in a range of flood events. Cramb Street, Haynes Street and Farm Street are completely inundated in a range of flood events, isolating the subject site and causing a risk to persons and property;
- 3.0 There is not an overwhelming need for residential growth in this area and other more suitable, accessible and flood free locations exist in the Rockhampton scheme area;
- 4.0 The site is not connected to appropriate water infrastructure and has no sewer infrastructure connections;
- 5.0 The proposal cannot demonstrate compliance with *State Planning Policy 2014*, or the Flood Prone Land Code within the *Rockhampton City Plan 2005*; and
- 6.0 The proposal directly compromises the achievement of eight (8) Desired Environmental Outcomes within the *Rockhampton City Plan 2005*.

BACKGROUND

PROPOSAL IN DETAIL

The proposal is for a highset dwelling house on a vacant lot in a flood prone rural area. The proposed dwelling includes four (4) bedrooms, living, kitchen, bathroom and ensuite, and deck areas. Underneath the house will not be enclosed. Access is proposed from Farm Street.

SITE AND LOCALITY

The subject site is located in a semi-rural area, about four (4) kilometres north-northwest of the Central Business District and is 567 square metres in area. Access to the site is gained from Farm Street. This area is prone to flooding and is designated as a high hazard flood area under the Flood Hazard Map of the *Rockhampton City Plan 2005*. The site is inundated in flood events, and is completely isolated, whereby all access from the site via Farm Street and Haynes Street is cut off.

The site is not connected to any reticulated sewer infrastructure, and the water service connections are not suitable for residential development.

The surrounds are characterised predominantly by rural uses, some low density residential uses and some industrial uses. The Fitzroy River is approximately 380 metres west of the subject 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 – (18 September 2014)

Recommend Refusal.

As demonstrated in the comments below, the application does not comply with the Flood Prone Land Code and as such the Infrastructure Operations Unit recommends the application be refused. The Infrastructure Operations Unit has assessed the above mentioned application and wishes to advise the proposed development conflicts with the intentions of the *Rockhampton City Plan* and the Flood Prone Land (in particular does not

comply with Performance Criteria P2, P4, P9 and P10). The applicant has incorrectly adopted the 1991 Fitzroy River Flood level in the vicinity in an attempt to address Performance Criterion P2 and demonstrate safe access to the development, instead of using the localised Splitters Creek flood levels - which show that safe access is not achievable. This was highlighted as part of Council's Information Request and there has been no attempt to address this item in their response. The Infrastructure Operations Unit requested the applicant to demonstrate that there will be no intensification of the overall flood impacts within the community in accordance with Performance Criterion P4. The response focused on the fact that any impacts were not the direct responsibility of Council and as such, the criterion had been met, however Council does not consider this to be an appropriate response as there will clearly be works required with respect to electricity connection, the potential for road repairs and other clean-up activities, and possible evacuations, following a flood event. Similarly, the applicant was also asked to provide further information regarding compliance with Performance Criterion P10 however the response was focused on the fact that previous approvals had been granted in the area and did not actually demonstrate that the proposed development met the performance criterion.

The depth of inundation has been calculated, over the subject lot during a 1 in 100 year Fitzroy River flood event to be slightly in excess of the maximum of 800 millimetres specified in Acceptable Solution A10.1 of the Flood Prone Land Code whereas the applicant disputes this by selecting a natural surface level over the land at the highest point to claim that the depth of inundation is less than that specified in the aforementioned acceptable solution. Additionally, Council's latest flooding information shows that the water velocity in the vicinity is in excess of the 0.5 metres/second originally provided to the applicant (closer to 0.8 metres/second) which results in a depth/velocity product exceeding the maximum of 0.5 specified in A10.1. This information, as well as a request to address Council's concerns, was provided to the applicant as part of Council's Information Request however in the response, the applicant has not acknowledged Council's findings and information, and has adopted the original velocity information and inundation depths associated with the highest point of the subject allotment. As such, the applicant has not adequately addressed the Flood Prone Land Code.

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

Conditions provided.

Strategic Planning Comments - (23 July 2014)

Recommend Refusal.

Lot 2 on RP607631 is located in the Parkhurst Rural Area under the *Rockhampton City Plan 2005*. The intent for this area is to retain the rural character without further subdivision for urban purposes. The lot is contained within an historic subdivision of sixteen residential sized land parcels. One dwelling house is currently located over two lots within this area.

The intent of the rural character of the area is to protect against loss of property and to ensure properties are not alienated during times of flood, given that much of the area is liable to inundation from flooding. Contrary to the statement in Section 5 of the applicants planning report, this area is not a residential planning area of the *Rockhampton City Plan 2005*, or land designated for residential purposes. The subject land is also located in a high hazard flood area under the *Rockhampton City Plan 2005* flood hazard map and the Fitzroy River Flood Study 2011 flood modelling classifies the flood hazard level for the subject land as extreme hazard (Average Recurrence Interval (ARI) 100). Further intensification of residential uses which are not for a rural purpose, particularly on small lots in a high/extreme hazard flood area does not comply with the current scheme or with the draft strategic framework for the proposed draft planning scheme, which states the following:

“Development maximises flood immunity by avoiding high or extreme hazard areas and is not to increase flood impacts within existing areas.

Development within the defined flood event inundation area is avoided in high or extreme areas unless it can be demonstrated that the risk has been mitigated to an acceptable level, including impacts on other areas.

Significant areas of Rockhampton are already established within the Fitzroy River floodplain. Within these areas, the flood risk will be managed by avoiding the intensification of development and the subdivision of land in high or extreme hazard areas.”

The development would be non-compliant with all of the requirements of the proposed planning schemes draft Flood Hazard Overlay code. This overlay code appropriately reflects the latest state interests for natural hazards, the State Planning Policy (SPP) requires development to:

(1) Avoid natural hazard areas or mitigate the risk of the natural hazard.

The proposed development is in conflict with the *State Planning Policy 2014* as the development is not avoiding or mitigating the risk of the natural hazard, it is in fact increasing the risk and locating in a **known natural hazard area**.

(2) Supports, and does not unduly burden, disaster management response or recovery capacity and capabilities.

The proposed development is in conflict with the State Planning Policy as the development will actually **increase** the burden on disaster management response and recovery capacity and capabilities. In particular if more residential development occurs in this area this increases the number of people emergency services may have to evacuate during a flood event.

(3) Directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties.

The proposed development may directly and cumulatively increase the severity of the natural hazard and the potential for damage to site and other properties. In particular if the surrounding area is intensified.

The State Planning Policy, the current and proposed draft planning scheme(s) seek to restrict development in areas adversely affected by flooding and reduce the intensity of existing development on flood prone land. Allowing a dwelling house on a small lot within this rural area is in direct conflict with Council's desire to reduce the impacts of flooding on people, property and emergency services. It would be irresponsible and in conflict with all of Council's and the State Government's flood management policies to support further development on this land. This application should be refused to ensure residential development does not occur in an extreme/ high flood risk area where it will almost certainly be an additional burden on the community, Council and emergency services during a flood event.

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

Does Not Comply. The site is not located within an urban area and is therefore an inconsistent use given the severity of flooding.

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

Does Not Comply. The site is affected by the Q100 Flood Hazard overlay which is addressed in the *Rockhampton City Plan 2005*. Council is not satisfied that the Flood Prone Land Code has been adequately addressed by the applicant and the proposal is therefore in direct conflict with the State Planning Policy as well as the current planning scheme and proposed planning scheme.

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.

Rockhampton City Plan Strategic Framework

This application is situated within the rural designation under Council's Strategic Framework Map.

The following Desired Environmental Outcomes, as identified within Chapter 2 of the *Rockhampton City Plan 2005* are applicable:

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

Not applicable: A single dwelling house will not affect Rockhampton as a centre in the Region.

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

Not applicable: The proposed use will not impede the conservation of any valuable natural resources required for economic growth as operations will be wholly located within the subject site.

- (2) *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: Although the proposal is considered an inconsistent use within the area, the scale of the development is not considered to significantly impede the scenic or biological value of the area.

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

Does Not Comply: The site is within a severe flood prone area, which is completely isolated in a flood event. A house is likely to contribute to the displacement of water and add to debris hazard and cause a risk to persons and property. The use has the potential to cause impacts on the environment due to the nature of the activity.

- (4) *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 include commercial uses and is not located within a Commercial Area.

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

Not Applicable: The proposal does not include commercial uses and is not located within a Commercial Area.

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

Not applicable: The proposal does not involve industrial activity.

- (7) *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 known significant cultural or urban heritage values.

- (8) *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.*

Does Not Comply: The site is located in a high hazard flood area. This site is inundated and isolated in a range of flood events. The development is not considered to positively contribute to the built environment, being located in a flood prone area and increasing risk to life and damage to property. This is not a satisfactory outcome in providing housing options to the community. On-site sewerage facilities or connections to the reticulated sewer and water network will be costly and therefore does not contribute to affordability. The site does not have access to urban services, including reticulated water and sewer generally, or roads in a flood event.

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

Does Not Comply: In a range of flood events the site does not have trafficable access, whereby Cramb Street, Farm Street and Haynes Street are completely inundated. Therefore important community uses and health care facilities are not readily accessible to all members of the community.

- (10) *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.*

Does Not Comply: Parkhurst Rural Area is designated for low density residential uses and rural uses. Although the site was subdivided in 1959, it is no longer an area

where small residential lots are supported. The site does not enjoy access to urban services, and is not an area where residential growth is forecast or planned.

- (11) *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.*

Does Not Comply: The site is not connected to appropriate water infrastructure and has no sewer infrastructure connections.

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

Does Not Comply: Cramb Street, Farm Street and Hayes Street are entirely cut off in a flood event.

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

Does Not Comply: The site is not in an area where residential uses on small lots are encouraged. There is no easy access to public open spaces from this lot.

The performance assessment of the proposal demonstrates that the development conflicts with a number of Desired Environmental Outcomes given the site is not within a residential area and is severely flood prone.

Parkhurst Rural Area Intent

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

*"It is intended that the Area retain its rural character, consequently, **it is not intended that land in the Area be subdivided and developed for urban purposes**, except for land identified in the Residential Precinct, known as the Parkhurst Rural Residential Precinct. Existing allotments may be developed with a house, and duplex development will be consistent with the intent for the Area (except within the Parkhurst Rural Residential Precinct), where the dwelling units are detached from one another and located at least 100m apart. **It is intended to retain the rural character of the Area to:***

- ***Protect against loss of property***, given that much of **the area is liable to inundation from flooding**;
- *Retain the landscape character of the Area in terms of the **broad acre rural edge** adjacent to the Fitzroy River and the City;*
- ***Provide flood plain capacity for floodwater flow*** and storage in times of flood, given that part of the Area is either identified as floodway low hazard or flood storage low hazard; and
- ***Maintain water quality upstream of the Fitzroy barrage*** as Rockhampton City's **main water supply**.

The potential for the normal urban subdivision (Reconfiguring a Lot) of land in this Area is further limited by:

- ***The lack of trafficable, flood free access*** for most of the Area;
- ***The lack of urban services such as water supply and sewerage***;
- ***The remoteness of normal urban services***; and
- ***The suitability of preferred locations for residential growth in the City.***

Furthermore, the neighbouring Splitters Creek Residential Area intent also states:

“Land located to the west of this Area is **contained within the Parkhurst Rural Area, which is unsuitable for more intense residential development, given that it is susceptible to flooding.** It is also in close proximity to the Fitzroy River Barrage, which is the City’s water supply storage area. Consequently, the expansion of residential development into that Area on the argument that it is a logical expansion of this Area, is not consistent with the intent for either this Planning Area or the Parkhurst Rural Area.”

The use is not consistent in this Area. Development on this lot, and any of the smaller lots in this vicinity will not protect against loss of property in a flood event, can not retain the character style of the rural landscapes, interferes with the flood plain capacity in a high hazard flood area, and could contribute toward possible interruption of quality water supply, (there is no reticulated sewer connections available).

The proposed use cannot be considered a consistent use within the Parkhurst Rural Area. 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, the assessment of this application concludes that there are not considered to be ‘sufficient grounds’ in this instance, to justify Council approving the development despite its conflict with the Desired Environmental Outcomes and the Area Intent. The grounds for refusal are as follows:

- 1.0 Intensification of residential uses on small lots in a high hazard flood area is not envisaged in the current scheme or in the draft strategic framework for the new planning scheme;
- 2.0 Access to the site is cut off in a range of flood events. Cramb Street, Haynes Street and Farm Street are completely inundated in a range of flood events, isolating the subject site and causing a risk to persons and property;
- 3.0 There is not an overwhelming need for residential growth in this area and other more suitable, accessible and flood free locations exist in the Rockhampton scheme area;
- 4.0 The site is not connected to appropriate water infrastructure and has no sewer infrastructure connections;
- 5.0 The proposal cannot demonstrate compliance with *State Planning Policy 2014*, or the Flood Prone Land Code within the *Rockhampton City Plan 2005*; and
- 6.0 The proposal directly compromises the achievement of eight (8) Desired Environmental Outcomes within the *Rockhampton City Plan 2005*.

Rockhampton City Plan Codes

The following codes are applicable to this application:

- House Code
- Flood Prone Land Code

An assessment has been made against the requirement of the abovementioned codes and the following has not been met:

| House Code | | |
|----------------------|--|--|
| Performance Criteria | | Officer’s Response |
| P5 | <p>The house and ancillary structures are protected from adverse flooding and do not:</p> <p>(a) significantly interfere with the passage, storage or quality of stormwater or the natural functions of a waterway; or</p> | <p>Does Not Comply</p> <p>The site is affected by the flood hazard overlay and is designated as being in a high hazard flood area. A house in such a location is not an acceptable development, as it puts property and persons at high risk. Developments in such areas also lead to</p> |

| | | |
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| | (b) put loss of life at risk; or (c) put life at risk of injury; or (d) put damage to property at high risk, and complies with the Flood Prone Land Code . | possible damage of property from debris and potential loss of life. |
| P6 | Habitable rooms, non habitable areas (eg utility areas, garage, laundry and storage room) and car parking do not significantly interfere with the passage or storage of stormwater or the natural functions of a waterway and complies with the Flood Prone Land Code . | Does Not Comply Although the house is on stumps, it is still located within a flood way and may interfere in the natural function of the Fitzroy River in a flood event. |
| P8 | Houses are serviced with basic but essential infrastructure to ensure good health; hygiene; protection of the environment, quick access to communications and water (for fire fighting) in case of an emergency and the like that also does not become a maintenance burden for the Council. | Does Not Comply The development cannot efficiently connect to reticulated sewerage networks. It can be conditioned to connect to an appropriately designed on-site sewerage treatment plant, however the site is above the barrage and therefore in the vicinity of Rockhampton's main water supply. In the case of an emergency such as a fire or flood, the development would likely be a burden to Council and emergency services. |
| P13 | A house and ancillary structures in a Rural Area or Rural Residential Precinct are located on a site in a manner that is consistent with the character of the streetscape. | Does Not Comply The lot size and therefore the proposed house do not comply with the character of the rural area. The size of lot does not allow for a fifteen (15) metre setback, as it has a six (6) metre setback consistent with a residential area. |

| Flood Prone Land Code | | |
|------------------------------|---|---|
| Performance Criteria | | Officer's Response |
| P1 | <p>The capacity and function of floodways and flood storage areas are preserved in high and low hazard areas.</p> <p>(A1.1 In a high hazard or low hazard floodway, development involving;</p> <p>(i) building works, or</p> <p>(ii) filling or excavation, or</p> <p>(iii) changes in the natural surface level of the land; or</p> <p>(iv) the storage of materials, goods, equipment or the like on the land that cannot be easily and quickly removed from the site; does</p> | <p>Does Not Comply</p> <p>The subject site is identified as being within the Q100 flood area and is further classified as a High Hazard flood area. The locality is completely isolated during a defined event with up to 850 millimetres of water inundating the subject site itself.</p> <p>The acceptable solution states that development in a high hazard flood area does not occur. The development puts life and property at high risk and is not an acceptable location for non rural, residential uses.</p> |

| | | |
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| | not occur.) | |
| P2 | <p>Safe access from the development site to the Central Business District or the Gracemere township is available during the defined flood event.</p> <p><i>Note: Development not on flood prone land must still comply with this Performance Criterion.</i></p> | <p>Does Not Comply</p> <p>Access to the site is cut off during a range of flood events. Cramb Street, Farm Street and Haynes Street are inundated during a Fitzroy River Flood event, with the access via Farm Street and Haynes Street also being inundated during a localised Splitters Creek storm flood event. This Performance Criterion specifically requires that Type 1 access (maximum of 0.3 metres depth) is provided during localised or creek flooding for a Q50 event. Council's most recent Local Creek Flooding data shows the depth of inundation in Farm Street and Haynes Street during this event to be between 0.75 metres and 1 metre, which clearly exceeds the maximum for a Type 1 – Low Hazard access. Therefore, trafficable access is not available during the Defined Flood Event as required in this Code.</p> |
| P4 | <p>The proposal prevents the intensification of the overall flood impacts within the community by:</p> <p>(a) not significantly increasing the overall level of flood damage and community disruption in high hazard areas, and</p> <p>(b) not creating any unacceptable impacts on flood levels and flows in a high hazard area i.e. a zero net loss in flood storage; and</p> <p>(c) ensuring the outside storage of any goods or equipment will not contribute to the overall level of flood damage and community disruption in both high and low hazard areas.</p> | <p>Does Not Comply</p> <p>Development on this lot ultimately intensifies flood impacts within the community. Flood damage to the proposed use and community disruption is certain given that access to the property is severed in a range of flood events.</p> <p>The construction of the dwelling and future carport should not have any significant effects on flood levels or flows. However it is difficult to ensure the outside storage of goods or equipment such as garden sheds, greenhouses, old cars or trailers will not cause flood damage as these are the responsibility of the occupant at the time of the event. The applicant cannot ensure compliance with item (c) as there is no area on the parcel above the 1 in 100 Average Recurrence Interval (ARI) Flood Event to store goods.</p> |
| P10 | <p>Development for a residential building in any Rural Area or Special Use Area is carried out when unavoidably necessary, having proper regard to mitigating the effects, impacts and consequences of flooding.</p> | <p>The development does not comply with Acceptable Solution A10.1 of the Code. It is acknowledged that the Q100 Fitzroy River flooding velocity information originally provided to the applicant is less than that shown in the latest flooding data (0.5 m/s versus 0.8m/s) however this information was provided to the applicant as part of Council's Information Request to allow them to respond appropriately.</p> <p>The applicant's response did not acknowledge or reflect the new and more</p> |

| | | |
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| | | <p>correct information. The new velocity information resulted in a depth/velocity product in excess of 0.5 m/s, which when combined with an inundation depth greater than 800 millimetres (in some parts of the lot where the house is to be situated), demonstrates a non-compliance with A10.1.</p> <p>The development does not comply with the Acceptable Solution A10.2 as the house is not essential for the bona-fide rural use of the land. Design and construction of the house and carport to the appropriate Finished Floor Level and standard will mitigate some the impacts of a 1 in 100 ARI flood event. However it is pointed out that the parcel does not have flood free access and downstream damage could be caused if goods stored on the site are not removed prior to a flood and are washed away. The effect of a flood event on Council Infrastructure should be considered, such as a sewerage pump station if development of other parcels in the historic subdivision are also approved.</p> |
|--|--|---|

| Rockhampton | City | Plan | – | Planning | Policies |
|------------------------------------|-------------|-------------|---|-----------------|-----------------|
| Planning Scheme Policy | | | Staff Comment | | |
| 14 – Flood Plain Management | | | <p>The subject site is located within the Q100 Flood area and is further classified as a High Hazard area under the Flood Prone Land Code. Accordingly, the applicant was asked to demonstrate compliance with the Planning Scheme Policy. An assessment of the proposal by Council engineers has indicated the predicted 1 in 100 ARI level at the site to be 10.2 metres Australian Height Datum, which is up to 0.85 metres of inundation. The applicant has provided a response to the Planning Scheme Policy however this relies solely on relocation of equipment off-site during an event and contains little mitigation measures for non-removable items on site. None of the site is above the 1 in 100 ARI flood level.</p> | | |

Having regard to all of the above, it is recommended Council, from a land use perspective, does not consider the proposed development favourably as there are considered to be insufficient grounds to approve the land uses proposed.

INFRASTRUCTURE CHARGES

Adopted Infrastructure Charges Resolution (No. 4) 2014 for residential development applies to the application and it falls within Charge Area 3. The land use does not attract an infrastructure charge.

Therefore, an Infrastructure Charges Notice will not be issued for the development.

CONSULTATION

The proposal was not subject to public notification as part of this application.

REFERRALS

The application did not require referral to any Advice or Concurrence agencies.

CONCLUSION

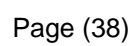
The application for a Material Change of Use for a House cannot be considered a consistent use within the Parkhurst Rural Area. Furthermore, the subject site is severely flood affected and property and life cannot be entirely protected from the impacts of a flood. As such, the assessment of this application resulted in it being recommended 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/166-2014 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A HOUSE

Locality Plan

Meeting Date: 21 October 2014

Attachment No: 1



D/166-2014 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A HOUSE

Site Plan

Meeting Date: 21 October 2014

Attachment No: 2

SITE & TOWN PLANNING INFORMATION
It is the Council's/Builder's responsibility to comply with all sections of Deakin's Notice

| | |
|--|--|
| DA/MCU Required Y/N & who to complete | |
| DA/MCU Type (if required) | |
| DA/MCU Decision Notice # | |
| Boundary Relaxation required Y/N & who to complete | |
| Sewer Line Located & marked on Plan Y/N | |

JOB SPECIFICATIONS
Please: All notes & variations are at 2000 (Road Height unless noted otherwise)

| | |
|-------------------|----------------|
| Roof Material | Colorbond |
| Roof Pitch | 21.5° |
| Ceiling Height | 2400 |
| External Walls | Timber |
| Wall Size | 70 |
| Footings/Flooring | Timber & Conc. |

2 **Property Description**
1 : 100

RP Data
Lot Number : 1
RP/SP Number : RP607631
Parish : MURCHISON
County : Livingstone
Area : 582 m²
Site Cover : 28.6 %

3 **Site Plan**
1 : 200

4 **Area Plan**
1 : 250

PRELIMINARY ONLY

CRAMB STREET
FARM STREET

98m² DISPOSAL AREA

325° 04' 00"
145° 04' 00"
235° 04' 05"
16757
35204
31181
4000
6000
12734
55° 04' 00"
100° 04' 00"
5690
6934
6491

Carport 36.00 m²
Deck 18.91 m²
Dwelling 110.33 m²
Landing 1.22 m²

By signing the above you agree that there are no longer any changes to this preliminary design and that the design is to be signed off by client will be charged at an hourly rate as per clause 3.00 of the Work. Capricorn Engineering and Drafting Services can now continue with the Building Approval documentation and is approved.

PRELIMINARY DRAWINGS
CLIENT APPROVAL

| | | |
|------|-------------------|----------|
| Rev. | Description | Date |
| A | Preliminary Issue | 21/05/14 |
| B | Client Approval | 28/05/14 |
| C | MCU Approval | 25/06/14 |

1st Amend. Sign: _____ Date: _____
2nd Amend. Sign: _____ Date: _____

CEADS CAPRICORN ENGINEERING AND DRAFTING SERVICES
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BSA - 1126593

INDUSTRIAL/COMMERCIAL PO Box 1734, Yorgans QLD 4701
PH: 08 9399 5939 FAX: 08 9399 5938 Email: info@ceads.com.au
BSA - 1126594
www.ceads.com.au

DATE 21/05/14

DRAWN BY: ACH **CHECKED BY:** DEL

SCALE: As indicated **WIND RATING:** C1

DWG No: 14-134-R SHEET No: 000

D/166-2014 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A HOUSE

Floor Plan

Meeting Date: 21 October 2014

Attachment No: 3



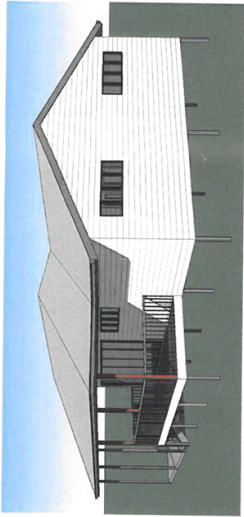
D/166-2014 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A HOUSE

3D Views

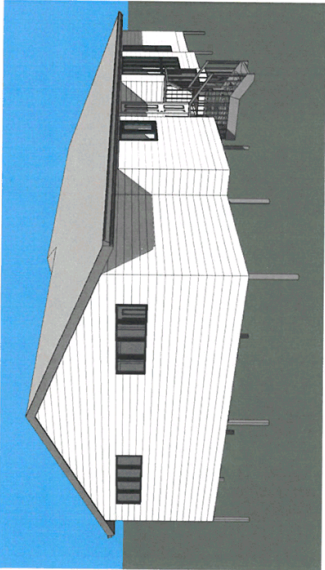
Meeting Date: 21 October 2014

Attachment No: 4

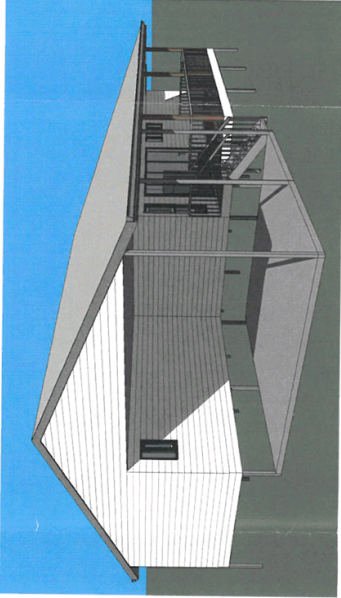
PRELIMINARY ONLY



1 3D View 1



2 3D View 2



3 3D View 3

| | | |
|---|-------------------|----------|
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| Rev. | Description | Date |
| A | Preliminary Issue | 21/05/14 |
| B | Client Approved | 26/05/14 |
| C | NCU Approved | 29/05/14 |

| | |
|---|----------------------------|
| PRELIMINARY DRAWINGS | |
| CLIENT APPROVAL | |
| Prelim Issue: _____ 1st Amend: _____ 2nd Amend: _____ | Sign: _____ Date: _____ |

By signing the above you agree that there are no longer any changes to this preliminary drawing and that the client has approved the design and construction of the building as shown on the drawings. The client agrees to pay the hourly rate as per clause 3.00 of the Work Order. Captech Engineering and Drafting Services on this occasion is not providing Building Approval documentation and is not responsible for any errors or omissions in the drawings.

| |
|---|
| Job Description |
| Design |
| CLIENT Scott Walton |
| ADDRESS Lot 1, Crn Cramb & Farm Street, North Rockhampton |

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 AND DRAFTING SERVICES
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| | |
|------------------|--------------------|
| DATE: 21/05/14 | |
| DRAWN BY: ACH | CHECKED BY: DEL |
| SCALE: | WIND RATING: |
| C1 | |

DWG No. 14-134-R SHEET No. 400

8.3 D/161-2014 - DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT (ONE INTO TWO LOTS)

File No: D/161-2014

Attachments:

1. Locality Plan
2. Site Plan
3. Layout Plan

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/139-2014

Applicant: Aurizon Operations Limited

Real Property Address: Lot 2 on RP616504, Parish of Stanwell

Common Property Address: 366 Meteor Park Road, Kabra

Area of Site: 483.187 hectares

Planning Scheme: Fitzroy Shire Planning Scheme 2005

Planning Scheme Zoning: Gracemere-Stanwell Zone - General Industry Precinct F

Planning Scheme Overlays: Natural Disasters Overlay Code- Bushfire Prone land (Low Risk)

Existing Development: Vacant

Existing Approvals: D/139-2014 - Material Change of Use for a Transport Terminal (approved on 5 September 2014)

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

Level of Assessment: Impact Assessable

Submissions: One (not properly made)

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

Adopted Infrastructure Charges Area: Charge Area Three (3)

Application Progress:

| | |
|--|-------------------|
| <i>Application Lodged:</i> | 25 June 2014 |
| <i>Acknowledgment Notice issued:</i> | 10 July 2014 |
| <i>Request for Further Information sent:</i> | 15 July 2014 |
| <i>Request for Further Information responded to:</i> | 11 August 2014 |
| <i>Submission period commenced:</i> | 27 August 2014 |
| <i>Submission period end:</i> | 17 September 2014 |
| <i>Government Agency Response:</i> | 22 August 2014 |

| | |
|--|--------------------------|
| <i>Last receipt of information from applicant:</i> | <i>25 September 2014</i> |
| <i>Statutory due determination date:</i> | <i>20 October 2014</i> |
| <i>Standard Extension</i> | <i>3 November 2014</i> |

OFFICER'S RECOMMENDATION**RECOMMENDATION A**

That in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into two lots), made by Aurizon Operations on Lot 2 on RP616504, Parish of Stanwell, located at 366 Meteor Park Road, Kabra, 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 Reconfiguring a Lot (one lot into two lots), made by Aurizon Operations on Lot 2 on RP616504, Parish of Stanwell, located at 366 Meteor Park Road, Kabra, 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 strategically located subdivision is ideally positioned next to a rail corridor and next to an overpass to maximise intermediate train crew operations as well as access to the lot for customers and the wider community;
- b) The proposed lot will not preclude the majority of industrial land in the Gracemere-Stanwell Zone from being developed as a regional significant industrial area over time;
- c) The proposed use does not compromise the achievements of the Desired Environmental Outcomes in the *Fitzroy Shire Planning Scheme 2005*;
- d) Assessment of the development against the relevant zone outcomes, planning scheme codes and local planning 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
- e) The proposed development does not compromise the relevant State Planning Policy.

RECOMMENDATION C

That in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into two lots), made by Aurizon Operations on Lot 2 on RP616504, Parish of Stanwell, located at 366 Meteor Park Road, Kabra, 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 issue of the Compliance Certificate for the Survey Plan, 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 issue of the Compliance Certificate for the Survey Plan, unless otherwise stated.
- 1.6 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.7 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> |
|------------------------------------|--------------------------------|---------------|
| Concept Design – Land Requirements | 41-27674-SK102 Issue 5 | 5 August 2014 |
| Layout Plan | AUR-Q-0598-0101 Issue 5 | 1 August 2014 |

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

3.0 ROAD WORKS

- 3.1 A thirty (30) metre wide road reserve must be dedicated through the lot prior to the issue of the Compliance Certificate for the Survey Plan. The road reserve must be able to provide practical connection from E Williams Road to Power Station Road generally in accordance with the approved plans (refer to condition 2.1). This non-trunk infrastructure is conditioned under section 665 of the *Sustainable Planning Act 2009*.

4.0 ACCESS WORKS

- 4.1 Unimpeded access to the existing rail underpass must be available at all times in accordance with the approved plans (refer to condition 2.1).
- 4.2 Rural addressing must be provided to each lot in accordance with Council's Local Law for Roads.

5.0 ELECTRICITY AND TELECOMMUNICATIONS

- 5.1 Electricity and telecommunication connections must be provided to each lot within the proposed development to the standards of the relevant authorities.

- 5.2 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 issue of the Compliance Certificate for the Survey Plan.

6.0 ASSET MANAGEMENT

- 6.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.
- 6.2 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.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

It is advised that under *Section 23 of the Aboriginal Cultural Heritage Act*, 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 Environment and Resource Management website www.derm.qld.gov.au

NOTE 2. Infrastructure Charges Notice

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

RECOMMENDATION D

That in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into two lots), made by Aurizon Operations on Lot 2 on RP616504, Parish of Stanwell, located at 366 Meteor Park Road, Kabra, Council resolves to issue an Infrastructure Charges Notice for the amount of \$7,000.00.

BACKGROUND

PROPOSAL IN DETAIL

The proposal is for the creation of a lot of approximately 4.8 hectares to facilitate the development of an intermediate train crew depot. The newly created lot will be used by Aurizon operational staff to perform crew change operations in the adjacent rail corridor. The new depot will replace the temporary depot at Stanwell about 2.5 km to the west of the site. The larger facility is required to accommodate the expected increased demand as a result of additional coal hauling in early 2015 to the new Wiggins Island Coal Export Terminal currently under construction west of Gladstone.

The subdivision proposal is associated with the recently approved Material Change of Use application to establish the Transport Terminal. That proposal included:

- a demountable administration building (319 square metres Gross Floor Area) comprising office, kitchen, lunchroom, meeting and training areas, showers, and locker room for up to six (6) permanent staff and up to ten (10) transient train crew per hour amounting to 55 transient crew per day;
- sealed private access road and parking area with 84 car spaces;
- security fencing and gates;

- waste removal area and external storage area; and
- all weather pedestrian pathway and vehicle track to the adjacent rail corridor.
- The proposal also makes provision for the future realignment of E Williams Road by dedicating a thirty (30) metre wide area for a road reserve.

As a result of the proposal and the required unhindered access to the rail corridor, E Williams Road will have to be permanently closed and realigned to the south of the site to ensure the connection between E Williams Road and Power Station Road can still take place in future. The thirty (30) metre road reserve dedication is conditioned as part of this permit.

SITE AND LOCALITY

The site is situated on the south-western corner of the intersection of the Capricorn Highway/Blackwater Railway Line and the Power Station Road overpass. The subject site fronts Power Station Road and E Williams Road, with the latter being an unconstructed road. Power Station Road provides vehicle access between the Capricorn Highway and the nearby Stanwell Power Station and will also be used for vehicular access to the facility and continued access to the underpass. The lot has historically been used for rural purposes, particularly the agistment of cattle. There are currently no structures on the site. The site is undulated, sparsely vegetated and a small farm dam exists to the south of the proposed lot.

The surrounding area consists of a number of rural allotments with only a few containing houses of which the closest house is approximately 1.5 kilometres to the east. The Capricorn Sandstone Quarry is approximately 1.8 kilometres south-west of the premises.

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 – (1 July 2014)

Support, subject to conditions.

Public and Environmental Health Comments – (4 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 in July 2014 and replaced all former State Planning Policies. This policy requires development applications to be assessed against its requirements until the identified state interests have been appropriately reflected in the local planning scheme.

Liveable communities

Not applicable. The subject site is not located within any of the mapped Priority Living Areas.

Mining and extractive resources

Not Applicable. The proposal for Reconfiguring a Lot does not include any and is not expected to affect any mining activities or extractive industries.

Biodiversity

Not Applicable. The State interest regarding any biodiversity protection will be supported and furthermore, the applicant's Pre-clearance and Weed Survey Report identified that the subject site is clear of any protected flora and habitat.

Coastal environment

Not Applicable. The proposal does not affect a coastal environment.

Water quality

Not Applicable. The operations will not have a detrimental effect on the region's water quality.

Natural hazard, risk and resilience

Not Applicable. The subject site is located clear of the known flood hazard area and is situated in a low bushfire risk area.

Emissions and hazardous activities

Not Applicable. The proposal does not involve a hazardous activity and this site is not in proximity to such a use. The application furthermore, includes an Environmental Management Plan, which satisfied all requirements regarding applicable activities.

State transport infrastructure

Not applicable. The proposal provides safe and direct access to existing facilities for maintenance and operational purposes and does not affect integration of services or passenger facilities.

Strategic airports and aviation facilities

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

Fitzroy Shire Planning Scheme 2005

The Desired Environmental Outcomes for Fitzroy Shire are as follows:

Social Elements

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

Not Applicable: The subject site is not located in a residential area.

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

Complies: The proposal is twelve (12) kilometres west of Gracemere and will not detract from Gracemere's function as the 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.

Complies: The proposal will not affect the availability of services and facilities available to local communities.

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

Complies: The proposal will not affect existing or nominated Rural Residential Areas.

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

Complies: There are no existing parks or public open spaces in the vicinity. The proposed subdivision will allow for uses which will not have any notable impact on residential density, it is therefore considered that the proposed use does not need to contribute to the recreational opportunities available in the region.

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

Complies: The applicant has already collaborated with the landowner and representatives of the Darumbal people. No cultural heritage features have been identified on the site. It is still the applicant's responsibility to take the appropriate measures in the instance that cultural heritage values are identified.

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

Complies: The proposed Reconfiguring a Lot is not expected to increase the risk to persons or property resulting from flood, bushfire or landslide. The subject site is not identified as being subject to flood risk or landslide. The site is identified as having a low bushfire hazard, being mostly cleared of woody vegetation and generally cleared.

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.

Complies: The proposal will not impact on the water supply available in the region. Sufficient water supply can be provided on site and will be obtained from the Sunwater pipeline servicing the nearby Stanwell Power Station.

- 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 proposed reconfiguration will have no impact on 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.

Complies: The proposed development is not expected to have any significant impact on any water resources or other significant bodies of water as it is reasonably remote from any natural water courses, water bodies and tidal wetlands.

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

Complies: The proposed development will not impact on any parks or conservation estates. There are no areas of significant natural features proximal to the site.

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

Complies: There are no sensitive habitats identified on or near the subject site. The site is also already generally disturbed from an environmental perspective due to the past construction of the overpass.

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

Complies: There are no known significant cultural heritage values on the site. This has been confirmed by the applicant after collaboration with the landowner and representatives of the Darumbal people. It still remains the applicant's responsibility to take the appropriate measures in the instance that cultural heritage values are identified.

- 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 does not contain any contaminated land and the proposed reconfiguration will not result in any contaminated land matters.

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

Complies: The air quality will not be affected by the proposed Reconfiguring a Lot.

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

Complies: The site is located in an area with a rural character and is not anticipated to generate noise which will affect the amenity of the surrounding area.

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

Complies: The applicant's Pre-clearance and Weed Survey Report identified five (5) declared weed species which will be treated prior to construction. It is therefore, not expected that there will be any increase or further spread of weeds or pest animals as a result of the subdivision.

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.

Complies: The site is located in the Gracemere-Stanwell Zone - General Industry Precinct F. The subdivision due to its location next to an overpass and next to a railway line for obvious operational reasons, will not preclude the majority of industrial land in the Gracemere-Stanwell Zone from being developed as a regional significant industrial area in future.

- s) Industrial development opportunities are planned so as to balance economic values against the values of the natural environment, transport network and residential amenity.

Complies: The created lot will be of an appropriate size for the train crew depot, whilst the balance of the lot will still be available for the higher order industry uses envisaged for the future. The reconfiguration will therefore, not significantly impact on the amenity or economic values of the region.

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

Complies: The site is not located in the Rural Zone but in the Gracemere-Stanwell Zone - General Industry Precinct F although some rural activities are accommodated in the form of agistment of cattle. The subject site is however, not good quality agricultural land and is not located in a Key Resource Area. Although the proposed lot size in the application is not in accordance with an approved Precinct Master Plan, it is considered that the intent of the Zone and Precinct reflects the intention over time to replace the current rural activities. The proposed reconfiguration will not detrimentally affect the viability or sustainability of existing rural activities in the area.

- 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.

Complies: The proposed reconfiguration will not encroach Port Alma or affect the associated transport routes.

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

Complies: The subject site is not good quality agricultural land and is not located in a Key Resource Area. The land is also not used for forestry purposes. It is considered that the outcomes for the zone are not unduly compromised by the proposed development.

- 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.

Complies: The proposal will not impact on telecommunications or electricity infrastructure in the region.

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

Complies: The proposal will not impact on infrastructure provision in the region and due to the relative isolation of the proposed lot, it will have private water supply and wastewater treatment and disposal.

- 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 proposal will include on-site waste treatment and will not impact on waste disposal facilities in the region.

- 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.

Complies: The proposed reconfiguration to accommodate the train crew depot, is required to be located next to the rail corridor for operational reasons. The proposed use to be accommodated on the site is not a sensitive use. It is unlikely that the use will have any detrimental impact upon the health, wellbeing, amenity and safety of the community and will not be incompatible to the future industrial development that may occur in the surrounding Gracemere-Stanwell Zone.

The performance assessment of the proposal demonstrates that the development will not compromise the *Fitzroy Shire Planning Scheme 2005* Desired Environmental Outcomes.

4.8.2 – Assessment criteria for the Gracemere-Stanwell Zone Code**(1) Gracemere – Stanwell Zone Code**

The provisions in this division comprise the Gracemere – Stanwell Zone Code. They are:

- (i) the Purpose of the Gracemere – Stanwell Zone Code – Section (2); and*
- (ii) the Specific Outcomes, Probable Solutions and Acceptable Solutions for the Gracemere – Stanwell Zone – Table 4.8.2 Gracemere – Stanwell Zone.*

(2) The Purpose of the Gracemere – Stanwell Zone Code

The purpose of the Gracemere – Stanwell Zone Code is to achieve the following overall outcomes:

- (i) 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 and economic opportunities.*
- (ii) Development generally provides for low impact industry uses closest to potentially sensitive uses with medium and high impact industry uses, including potential for 24 hour operations, substantially separated from sensitive non-industrial uses.*
- (iii) Industrial land is designed, and remains available, for intended industrial uses and is protected from encroachment by development that is potentially sensitive to the impacts of industrial development.*
- (iv) The subdivision of land for industrial areas provide for a mix of lot sizes and, in particular, provide for larger lots sizes in the Medium Impact Industry Precinct and High Impact Industry Precinct.*
- (v) Development may include non-industrial uses that support industrial activities in the Zone where they do not compromise the long term use of the land for industrial purposes and the scale of these uses do not compromise the role and function of existing or future planned commercial centres.*
- (vi) It is anticipated that one local service centre will be required to support the needs of industry and service the day to day needs of people working or visiting the industrial area. Development is of a scale and is located so that the principal trade catchment does not extend beyond the Gracemere industrial area.*
- (vii) The interface between industrial lands, their freight (road and rail) corridors 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. In particular,*
 - (1) industrial development minimises adverse impacts on surrounding sensitive nonindustrial uses through building design, hours of operation, screening, landscaping and management practices; and*
 - (2) buffers are provided to prevent impacts of medium and high impact industrial uses on surrounding sensitive non-industrial uses.*
- (viii) Development maintains safety to people and avoids significant adverse effects on the natural environment.*

- (ix) *Development incorporates sustainable practices including maximising opportunities for energy efficiency, water conservation and public and active transport use.*
- (x) *Development incorporates drainage, stormwater, waste water and soil erosion management measures that protect ground and surface water quality and the environmental values of waterways as specified in the Environmental Protection (Water) Policy 2009.*
- (xi) *Development does not have direct access to or from the Overpass Access Road.*
- (xii) *Industrial development maximises the use of existing and planned transport infrastructure and has safe and practical access to all modes of transport infrastructure including roads and railways. Development provides for all future road corridors consistent with the road hierarchy and network.*
- (xiii) *Development of industrial land is staged to match planned infrastructure provision, and is staged generally from east to west.*
- (xiv) *Development maintains and protects the safe and efficient operation or use of infrastructure installations and corridors and avoids the encroachment of sensitive or inappropriate land use. These facilities include:*
 - (1) *energy related infrastructure including high voltage electricity transmission lines, substations, gas pipelines and the like;*
 - (2) *transport and freight networks (road and rail);*
 - (3) *water and waste water treatment plants; and*
 - (4) *stormwater management infrastructure such as detention basins.*
- (xv) *Major infrastructure corridors are co-located wherever possible. In particular, the preferred location for a potential future gas pipeline corridor is co-located within or adjacent to, the alignment of the existing high voltage electricity transmission corridor.*
- (xvi) *Development responds to topography, bushfire and flooding constraints in a manner in which permanent structures and infrastructure are located and designed so as to minimise potential adverse effects to life, property, and infrastructure.*
- (xvii) *Within the Gracemere-Stanwell Zone:*
 - (1) *development maintains the operational, safety, and efficiency of State-controlled roads;*
 - (2) *stormwater run-off from the site is collected and discharged such that it has no adverse impacts on State-controlled roads; and*
 - (3) *noise sensitive development located near a transport noise corridor is designed in accordance with the Department of Transport and Main Roads' Road Traffic Noise Management: Code of Practice, and the Department of Transport and Main Roads' Policy Position Statement: Development on Land Affected by Environmental Emissions from Transport and Transport Infrastructure.*
- (xviii) *Development on land adjacent to, or highly visible from the Capricorn Highway, maintains high standards of appearance through appropriate siting, signage, design, building and structural finishes and landscaping.*

(c) Gracemere – Stanwell Zone – General Industry Precinct F

The overall outcomes are:

- (i) *General industrial activities which have some synergy with any major industrial facility established in nearby Special Industry Precincts such as tool*

or die making, transport related activities and service industries, are the dominant uses in the Precinct;

- (ii) *Industrial land uses are established once infrastructure servicing is provided, namely;*
 - (a) *major augmentation of the Stanwell water supply schemes; and*
 - (b) *either on-site effluent treatment or connection to a treatment plant provided to service premises in Precinct E.*
- (iii) *Infrastructure servicing is achieved in the long term future due to servicing constraints;*
- (iv) *Land uses take advantage of the Precinct's good access and exposure to the Capricorn Highway and rail facilities, whilst maintaining high standards through appropriate siting, design, building and structure finishes and landscaping; and*
- (v) *Land uses do not generate significant sulphur dioxide (SO₂) or nitrogen dioxide (NO₂) emissions*

This application for subdivision is generally consistent with the intent of the Area. While a master plan for the area has not been developed yet, it results in a positive outcome as a Transport Terminal due to its location next to an overpass and next to a railway line for obvious operational reasons and will not compromise future master plans or preclude the majority of industrial land in the Gracemere-Stanwell Zone from being developed as a regional significant industrial area in the future.

Fitzroy Shire Planning Scheme Codes

The following codes are applicable to this application:

- Gracemere - Stanwell Zone Code;
- Natural Features and Conservation Overlays Code;
- Natural Disasters Overlay Code – Bushfire Prone Land Overlay;
- Development Standards – Reconfiguring a Lot Code; and
- Reconfiguring a Lot Code.

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

| Reconfiguring a Lot Code | | |
|---------------------------------|---|---|
| Specific Outcomes | | Officer's Response |
| Services | | |
| S7 | <p>Newly created lots are capable of being connected to, or provided for within the lot, an appropriate level of the following;</p> <ul style="list-style-type: none"> (i) Domestic and emergency water supply; (ii) Sewerage disposal; (iii) Drainage; (iv) Electricity supply; and (v) Telecommunications. | <p>Justified</p> <p>The proposed lot will connect to water through a Sunwater supply, which will also include adequate water supply for fire fighting needs. The lot will also have appropriate connections to telecommunications and electricity to the suppliers' standards.</p> <p>The proposal will not be connected to reticulated sewer due to its remote location, instead an on-site sewer treatment and disposal system will be</p> |

| Reconfiguring a Lot Code | | |
|---|--|---|
| Specific Outcomes | | Officer's Response |
| | | <p>installed. Such a system can be accommodated on the site as the lot is large enough to provide for the system and is an acceptable outcome.</p> <p>In addition, the site should be able to connect to appropriate infrastructure in the future when required to do so.</p> |
| Reconfiguring a Lot in the Gracemere – Stanwell Zone – (Lot Size and Configuration) | | |
| S23 | The reconfiguration layout gives the location a strong and positive identity by responding to site characteristics, setting, landmarks, places of cultural heritage significance and views and be establishing clearly legible street and street scaping themes. | <p>Justified</p> <p>The proposed lot size is generally not in character with the larger lot sizes of the surrounding rural areas, however, the proposal will contribute to the overall improved functioning of the rail corridor.</p> <p>The reconfiguration is to create a lot of suitable size and shape to house the proposed train crew depot and is thus required to be located next to the rail corridor for operational reasons. It is considered that the intent of the Zone and Precinct reflects the intention over time to replace the current rural activities. The proposal also includes the provision of land for the re-alignment of the E Williams Road reserve and will improve connectivity in the area in future. Therefore, the lot size is regarded as suitable and desirable at this location for the intended purpose.</p> |

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

Sufficient Grounds

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

- The strategically located subdivision is ideally positioned next to a rail corridor and next to an overpass to maximise intermediate train crew operations as well as access to the lot for customers and the wider community.
- The proposed lot will not preclude the majority of industrial land in the Gracemere-Stanwell Zone from being developed as a regional significant industrial area over time.
- The proposed use does not compromise the achievements of the Desired Environmental Outcomes in the *Fitzroy Shire Planning Scheme 2005*;
- Assessment of the development against the relevant zone outcomes, planning scheme codes and local planning 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

- e) 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 proposed herein.

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 | \$7,000.00 |
| Total | | | \$7,000.00 |
| Less credit | | | nil |
| TOTAL CHARGE | | | \$7,000.00 |

This is based on the following calculations:

- (a) A charge of \$7,000.00 for the new lot and Nil Credits.

Therefore, a total charge of \$7,000.00 is payable and will be reflected in an Infrastructure Charges Notice for the development.

CONSULTATION

The proposal was the subject of public notification between 27 August and 17 September 2014, as per the requirements of the *Sustainable Planning Act 2009*, and one (1) not properly made submission was received.

The applicant erected seven signs on each of the road frontages (both made and unmade) and in some instances sign visibility was somewhat hampered due to the long grass in the road reserves, although the signs followed the approved form as directed under the *Sustainable Planning Act 2009*.

Council received notification by email during the submission period that one of the signs had been removed. The applicant was notified of this and the sign was replaced; the other six (6) signs were still posted during this time.

It is argued that the impact of the minor deficiency (one sign missing for a few days and four signs slightly obscured by grass) did not adversely affect the awareness of the general public of the existence and nature of the application nor did it restrict the opportunity to make properly made submissions. Furthermore, despite the submitter's concerns regarding the signage, the submitter was still able to access information regarding the application from Council (the application was provided via email) the installed signage has achieved its purpose which is to draw a potential submitter's attention to a proposed development. The potential submitter did frame his submission, not from the information in the public notice, but on the basis of an examination of the details of the proposed development.

It is therefore, determined that the public notification undertaken by the applicant was compliant with the provisions of Section 304 the *Sustainable Planning Act 2009*.

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

| Issue | Officer's Response |
|---|---|
| <p>The application sign is in long grass and the face of the sign not fronting the road.</p> | <p>This is not a valid ground for an objection.</p> <p>However, there were seven signs erected on each of the road frontages (both made and unmade) and in some instances sign visibility was somewhat hampered due to the long grass in the road reserves, although the signs followed the approved form as directed under the <i>Sustainable Planning Act 2009</i>.</p> |
| <p>Object to the building of any railway infrastructure at Powerhouse Road (sic) that will house railway employees/members of the public due to the serious fall out of fly ash under the size PM10 (particle matter that is 10 micrometers in diameter) in that area from Stanwell. The railway building will be in the heaviest fall out area for five (5) months of the year according to a report by Katestone.</p> | <p>The relevance of the matter to the reconfiguration of the lot, which is the subject of the advertised application, is questioned. The housing of railway employees is part of a separate Material Change of Use application (D/139-2014), which has been approved by Council.</p> |
| <p>The Department of Environment and Heritage Protection (EHP) investigated fly ash fallout complaints from residents and the report "Stanwell Powerhouse Ash Management" raises concerns if the wind speed is above 4.5 kilometres per second. As a safety precaution to all railway staff in that area this serious risk factor should be taken into account.</p> | <p>The relevance of the matter to the reconfiguration of the lot, which is the subject of the advertised application, is questioned.</p> <p>Aurizon or Council have no direct control in regard to release of contaminants (particularly fly ash) from the Stanwell Power Station, but nonetheless, Aurizon is aware of the reports cited by the submitter and will put measures in place to protect their staff.</p> |
| <p>The document "Stanwell Discussion Paper" also views concerns about the fly ash particle size and suspected corrosion damage to the overhead bridge fifty metres (50m) from the site.</p> | <p>The relevance of the matter to the reconfiguration of the lot, which is the subject of the advertised application, is questioned.</p> <p>Aurizon or Council have no direct control in regard to release of contaminants (particularly fly ash) from the Stanwell Power Station.</p> |
| <p>According to the Council website Council is responsible for monitoring and enforcing its own local laws of the <i>Public Health Act 2005</i>, which the complaint does fall under.</p> | <p>The relevance of the matter to the reconfiguration of the lot, which is the subject of the advertised application, is questioned and Council's Environment and Public Health Unit generally do not look at environmental impacts at a subdivision stage.</p> <p>In any case the Stanwell Power Station is an Environmentally Relevant Activity (ERA) that is not devolved to Local Government and therefore is licensed, regulated and inspected by the State Government (Environment and Heritage Protection). Although Council does look at aspects of</p> |

| Issue | Officer's Response |
|-------|---|
| | the Environmental Protection Act, there are aspects where Council does not have jurisdiction, and this would be one of these cases as the ERA is regulated by the State Government. Any complaints about dust and emissions from Stanwell Power Station on this development would be referred to the Department of Environment and Heritage Protection. |

REFERRALS

The application was referred to the Department of State Development, Infrastructure and Planning as the land affects a railway and a State-controlled road. The department provided a response and conditions on 22 August 2014.

CONCLUSION

The proposed application is for a Development Permit for Reconfiguring a Lot (one lot into two lots) with the new lot being approximately 4.8 hectares in size and will facilitate the development of an intermediate train crew depot (Transport Terminal) for use by Aurizon. Although the lot size has not been specified in the Planning Scheme the proposal is acceptable for the purpose which is consistent with the intent of the Gracemere Stanwell Zone, General Industry Precinct. The proposal, therefore, generally complies with the provisions included in the applicable codes and is therefore, recommended for approval subject to conditions.

D/161-2014 - DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT (ONE INTO TWO LOTS)

Locality Plan

Meeting Date: 21 October 2014

Attachment No: 1

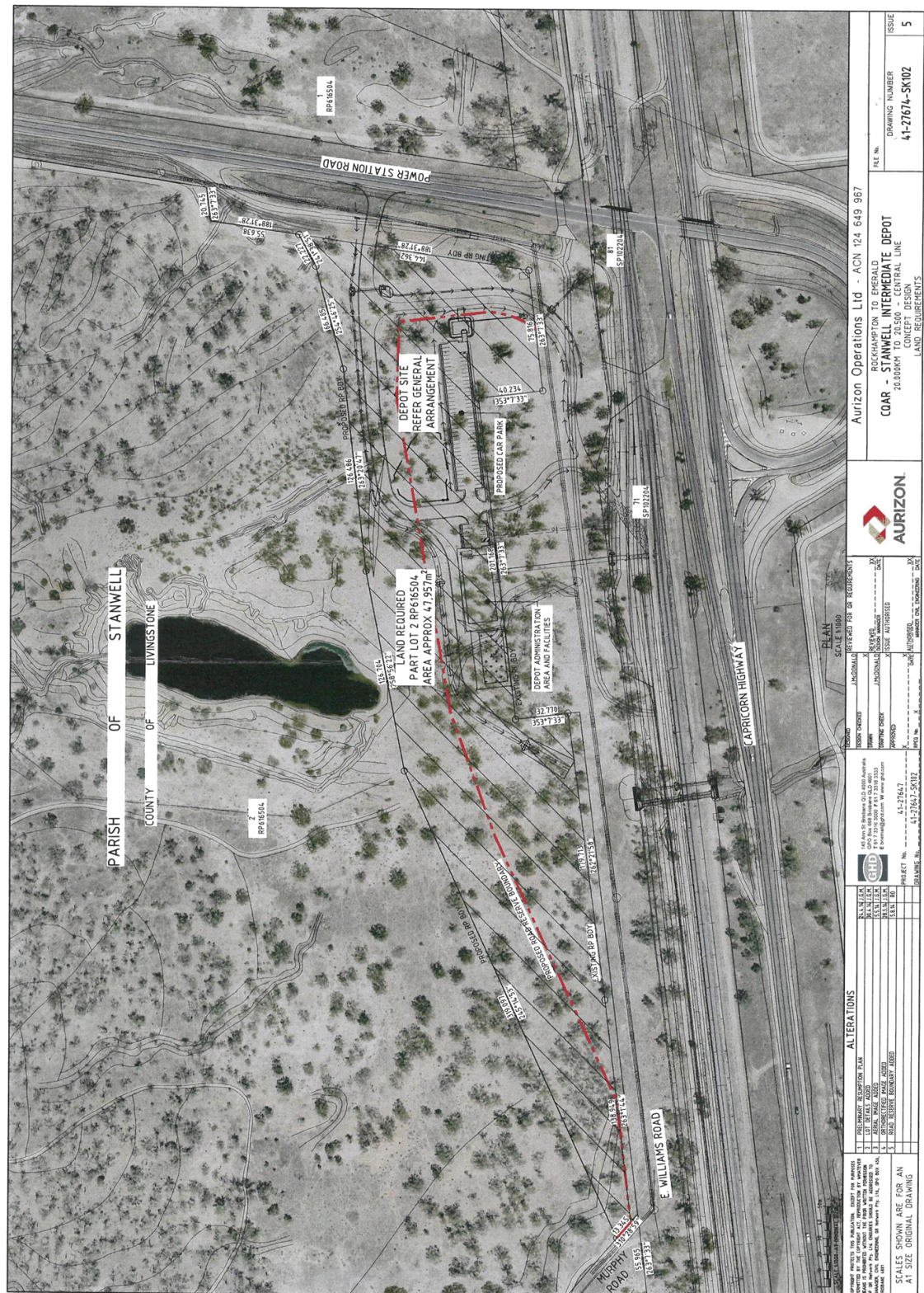


**D/161-2014 - DEVELOPMENT
APPLICATION FOR RECONFIGURING
A LOT (ONE INTO TWO LOTS)**

Site Plan

Meeting Date: 21 October 2014

Attachment No: 2

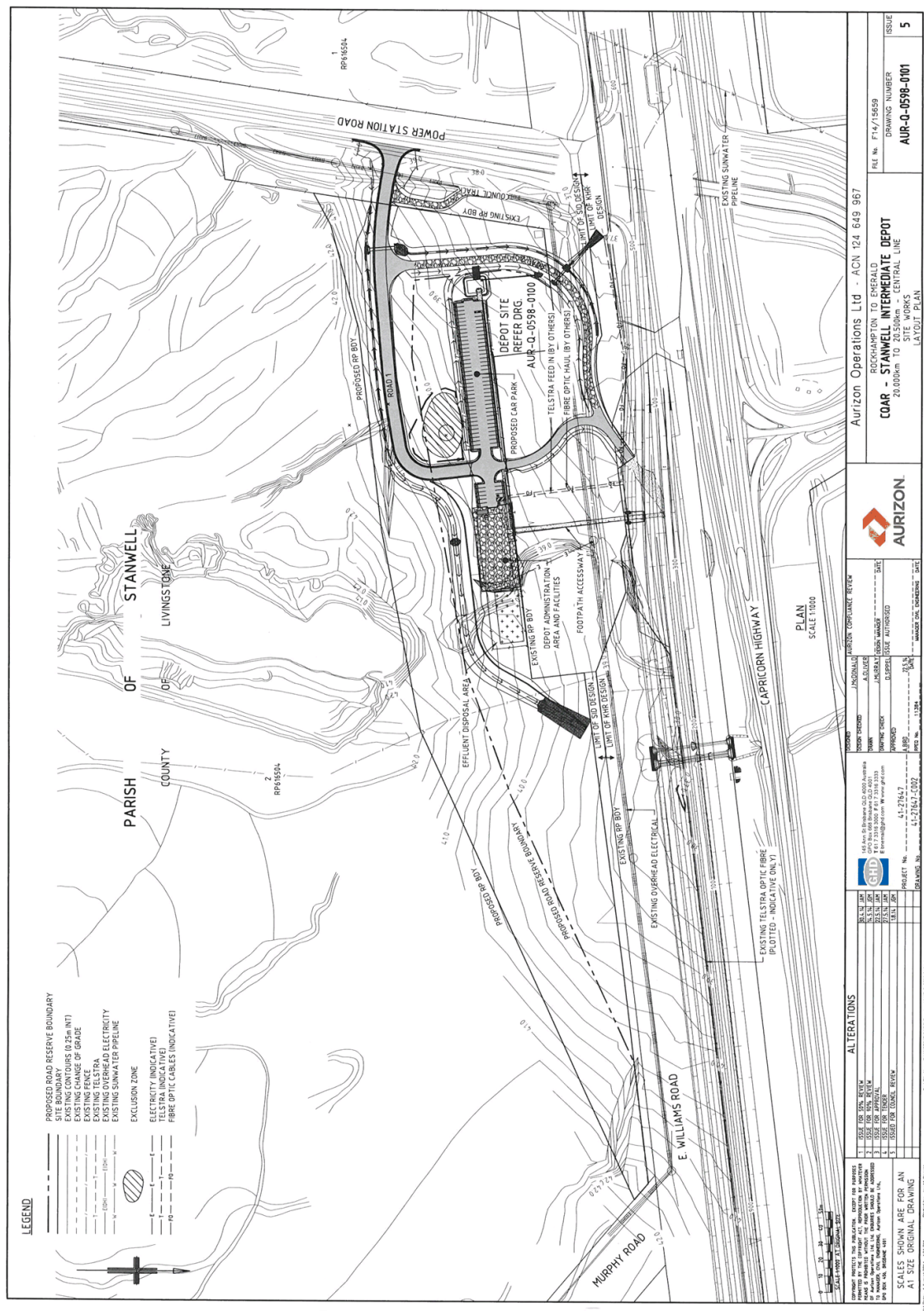


**D/161-2014 - DEVELOPMENT
APPLICATION FOR RECONFIGURING
A LOT (ONE INTO TWO LOTS)**

Layout Plan

Meeting Date: 21 October 2014

Attachment No: 3



8.4 D/65-2014 - REQUEST FOR A NEGOTIATED DECISION NOTICE FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A VEHICLE DEPOT

File No: D/65-2014

Attachments:

1. Locality Plan
2. Overall 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/65-2014

Applicant: Red Truck Pty Ltd

Real Property Address: Lot 3 on SP206688, Parish of Gracemere

Common Property Address: 23 Somerset Road, Gracemere

Area of Site: 4,254 square metres

Planning Scheme: Fitzroy Shire Planning Scheme 2005

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

Planning Scheme Overlays: Nil

Existing Development: Vacant

Existing Approvals: Road Reserve Works Permit (75-2014/OPMISC) for Construction of Urban Property Access

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 application for a Negotiated Decision Notice for Development Permit D/65-2014 for a Material Change of Use for Vehicle Depot, made by Red Truck Pty Ltd, on land described as Lot 3 on SP206688, Parish Gracemere, located at 23 Somerset Road, Gracemere, Council resolves that:

1. Condition 4.3 be amended by replacing:

“All access and parking areas must be sealed with either reinforced concrete not less than one hundred (100) millimetres thick, or a compacted gravel pavement not less than one hundred (100) millimetres deep, sealed with twenty-five (25) millimetres of asphaltic concrete. A two-coat spray seal as per the requirements of the Capricorn Municipal Development Guidelines is acceptable for the manoeuvring areas as indicated on the approved plans (refer to condition 2.1).”

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.

2. Condition 6.3 remain unchanged**3. Condition 6.7 be deleted.****A2 That to reflect the above amendments, Red Truck Pty Ltd be issued with a Negotiated Decision Notice for Development Permit D/65-2014 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 prior to the commencement of the use, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior to the commencement of the use, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
 - 1.6.1 Operational Works:
 - (i) Road Works;
 - (ii) Parking Works;
 - (iii) Stormwater Works; and
 - (iv) 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 commencement of the use.
- 1.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.

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

2.0 APPROVED PLANS AND DOCUMENTS

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

| <u>Plan/Document Name</u> | <u>Plan/Document Number</u> | <u>Dated</u> |
|-----------------------------------|-----------------------------|---------------|
| Overall Site Plan | SK-02 Rev 5 | 5 March 2014 |
| Floor Plans and Elevations | SK-03 Rev 5 | 10 March 2014 |
| Concept Stormwater Plan | SK-04 Rev 4 | 4 March 2014 |
| Vehicle Manoeuvring Plan | SK-05 Rev 4 | 4 March 2014 |
| Sediment and Erosion Control Plan | P004 Issue A | 9 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 ROAD WORKS

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

- 3.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, relevant *Australian Standards* and the provisions of a Development Permit for Operational Works (road works).

- 3.3 A concrete pathway, with a minimum width of 1.2 metres, must be constructed on the southern side of Somerset Road for the full frontage of the site.

- 3.4 All pathways and access ramps must be designed and constructed in accordance with *Australian Standard AS1428 "Design for Access and Mobility"*. All pathways located within a road reserve or public use land must be provided with public space lighting in accordance with *Australian Standard AS1158 "Lighting for Roads and Public Spaces"*.

- 3.5 Traffic signs and pavement markings must be provided in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*. Where necessary, existing traffic signs and pavement markings must be modified in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*.

4.0 PARKING WORKS

- 4.1 A Development Permit for Operational Works (parking works) must be obtained prior to the commencement of any 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 (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 All vehicles must ingress and egress the development in a forward gear.

5.0 PLUMBING AND DRAINAGE WORKS

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

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 Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's sewerage reticulation. Arrestor traps must be provided where commercial or non-domestic waste water is proposed to be discharged into the system.

5.6 Adequate domestic and fire fighting protection must be provided to the development. The domestic and fire fighting protection must be certified by the hydraulic consultant.

6.0 STORMWATER WORKS

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

6.2 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).

6.3 A revised Stormwater Management Plan that addresses the increase in impervious area as a result of fully sealing all the hardstand areas must be submitted with the Operational Works application.

6.4 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.

6.5 Any application for a Development Permit for Operational Works (stormwater works) must include an assessment of how the development meets the water quality design objectives and performance outcomes of Appendix two (2) of the *State Planning Policy 2013*.

6.6 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.

6.7 The installation of gross pollutant traps must be in accordance with relevant Australian Standards and all maintenance of the proposed gross pollutant traps must be the responsibility of the property owner or body corporate (if applicable).

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* and the provisions of a Development Permit for Operational Works (roof and allotment drainage works).

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

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.

9.0 BUILDING WORKS

9.1 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"*

9.2 All waste storage areas must be:

9.2.1 aesthetically screened from any frontage or adjoining property;

9.2.2 surrounded by at least a 1.8 metre high fence that obstructs from view the contents of the bin compound by any member of the public from any public place;

9.2.3 of a minimum size to accommodate one (1) commercial type bin in accordance with the *Environmental Protection (Waste Management) Regulations*; and

9.2.4 located more than two (2) metres from the road frontage.

9.3 A suitable hose-cock (with backflow prevention) and hoses must be provided at the refuse container area, and wash-down must be drained to the sewer and fitted with an approved stormwater diversion valve arrangement.

9.4 No waste material (for example pallets and/or cardboard) is to be stored external to the waste storage enclosures.

9.5 Impervious paved and drained washdown areas to accommodate all refuse containers must be provided. The areas must be aesthetically screened from any road frontage or adjoining property.

10.0 LANDSCAPING WORKS

10.1 All landscaping must be established generally in accordance with the approved plans (refer to condition 2.1). The landscaping must be constructed and/or established prior to the commencement of the use.

10.2 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure. Small shrubs and groundcover are acceptable.

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

11.0 ELECTRICITY AND TELECOMMUNICATIONS

11.1 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.
- 12.3 'As constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of the use. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

13.0 ENVIRONMENTAL

- 13.1 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.

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 Somerset Road.
- 14.2 Cleaning of plant equipment and vehicles must be carried out in an area where waste water can be suitably managed so as not to cause contaminants to release into waterways or overland flow paths.
- 14.3 Noise from the activity must not cause an environmental nuisance.
- 14.4 When requested by the administering authority, noise monitoring must be undertaken and recorded to investigate any complaint of nuisance caused by noise. The monitoring data, an analysis of the data and a report, including noise mitigation measures, must be provided to the administering authority within fourteen days of the completion of the investigation.
- 14.5 Any waste storage areas must be:
- 14.5.1 maintained in accordance with the *Environmental Protection (Waste Management) Regulation*; and
 - 14.5.2 kept in a clean and tidy condition.

ADVISORY NOTES**NOTE 1. Aboriginal Cultural Heritage**

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

NOTE 2. General Environmental Duty

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

NOTE 3. General Safety Of Public During Construction

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

NOTE 4. Adopted Infrastructure Charges Notice

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

BACKGROUND

Council, under delegation, approved a Development Application (Development Permit D/65-2014) for a Material Change of Use for a Vehicle Depot over Lot 3 on SP206688, Parish of Gracemere, located at 23 Somerset Road, Gracemere on 1 July 2014.

The applicant has made representations in accordance with Section 361 of the *Sustainable Planning Act 2009* for a Negotiated Decision Notice pertaining to condition 4.3, 6.3 and 6.7.

Condition 4.3 relates to the standard of sealing of all access, parking and manoeuvring areas

The applicant requested to amend condition 4.3 regarding the standard of sealing to all access, parking and manoeuvring areas. The applicant also requested to amend condition 6.3 relating to stormwater works, specifically reflecting the surface treatment allocation requested in the proposed amendment to condition 4.3 above. It has also been requested to delete condition 6.7 regarding the provision of easements over all land assessed to be within the one in one hundred year flood event (100 year Average Recurrence Interval).

Council is willing to delete condition 6.7 as the stormwater detention associated with this condition does not necessarily fall within Council's Q100 flood extent. 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 instead of being concreted, asphalt or a two-coat bitumen spray seal. Furthermore, condition 6.3 relating to stormwater works reflecting the surface treatment allocation requested in condition 4.3 above should remain as no consensus could be reached on the level of sealing.

PLANNING ASSESSMENT**TOWN PLANNING COMMENTS**

The applicant has requested the following conditions be either amended or deleted:

Condition 4.3

"All access and parking areas must be sealed with either reinforced concrete not less than one hundred (100) millimetres thick, or a compacted gravel pavement not less than one hundred (100) millimetres deep, sealed with twenty-five (25) millimetres of asphaltic concrete. A two-coat spray seal as per the requirements of the Capricorn Municipal Development Guidelines is acceptable for the manoeuvring areas as indicated on the approved plans (refer to condition 2.1)."

Applicant's request:

The applicant requested to amend condition 4.3 regarding the standard of sealing to all access, parking and manoeuvring areas. The applicant proposed to extend the sealed surface approximately thirty-one (31) metres from the existing concrete driveway crossover to the rear of the shed. The remainder of the site will be a compacted road base as it will only be used for the parking of trucks. The applicant believes that the compacted road base will be adequate for heavy vehicles manoeuvring around the shed and parking of trucks in the rear portion of the site without causing any adverse impacts on the industrial amenity, such as dust emissions. The applicant therefore recommended amending the condition to read:

"Access, parking and associated vehicle manoeuvring areas must be sealed, where identified on the site plan. The proposed truck parking area towards the rear of the site is to comprise of compacted 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 event that this surface does not perform adequately, the area must be sealed."

Council response:

This condition was imposed in accordance with Council requirements for industrial development in the region whereby all access, parking and manoeuvring areas are required to be concrete or asphalt sealed. 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. However, in this instance, most of the site area to the rear of the maintenance shed is used for the manoeuvring of trucks and/or heavy vehicles. As such, it is appropriate that these areas be sealed with either concrete, asphalt or two-coat bitumen spray seal as a minimum.

Therefore, Council is willing to amend the condition to exclude the parking and storage areas of goods (such as containers and equipment) from the standard sealing condition, but will insist that all access, parking and vehicle manoeuvring areas be sealed with either concrete, asphalt or two-coat bitumen spray seal. 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.

Condition 6.3

"A revised Stormwater Management Plan that addresses the increase in impervious area as a result of fully sealing all the hardstand areas must be submitted with the Operational Works application."

Applicant's request:

The applicant requested to amend condition 6.3 relating to stormwater works, specifically reflecting the surface treatment allocation requested in the proposed amendment to condition 4.3 above. The applicant will also revise the Stormwater Management Plan to reflect condition 4.3 should Council accept the proposed amendments.

Council response:

The applicant requests that this condition be amended to reflect the requested relaxation in impervious area requirement associated with Condition 4.3 above. As it is recommended by Council that condition 4.3 essentially remain the same, condition 6.3 is still relevant and should remain.

Recommendation:

This condition is to remain.

Condition 6.7

“Easements must be provided over all land assessed to be within the one in one hundred year flood event (100 year Average Recurrence Interval) inundation area.”

Applicant’s request:

The applicant request to delete condition 6.7 as the storage area that has been provided for stormwater detention purposes on-site, as per the Stormwater Management Plan, does not form part of Council’s Q100 flood extent. A bio-retention basin cannot be constructed within Council controlled easements, hence the proposed bio-retention basin is located outside of Council’s existing stormwater easement at the rear of the site.

Council response:

Council agrees with the statement provided by the applicant and is willing to delete condition 6.7.

Recommendation:

This condition is to be deleted.

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 delete condition 6.7 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 depots 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 requirement that stipulates that all access, parking and vehicle manoeuvring areas be sealed with either concrete, asphalt or two-coat bitumen spray seal.

Similarly, as condition 6.3 reflects the surface treatment allocation requested in the proposed amendment to condition 4.3, condition 6.3 is still relevant and should remain.

**D/65-2014 - REQUEST FOR A
NEGOTIATED DECISION NOTICE FOR
A DEVELOPMENT PERMIT FOR A
MATERIAL CHANGE OF USE FOR A
VEHICLE DEPOT**

Locality Plan

Meeting Date: 21 October 2014

Attachment No: 1

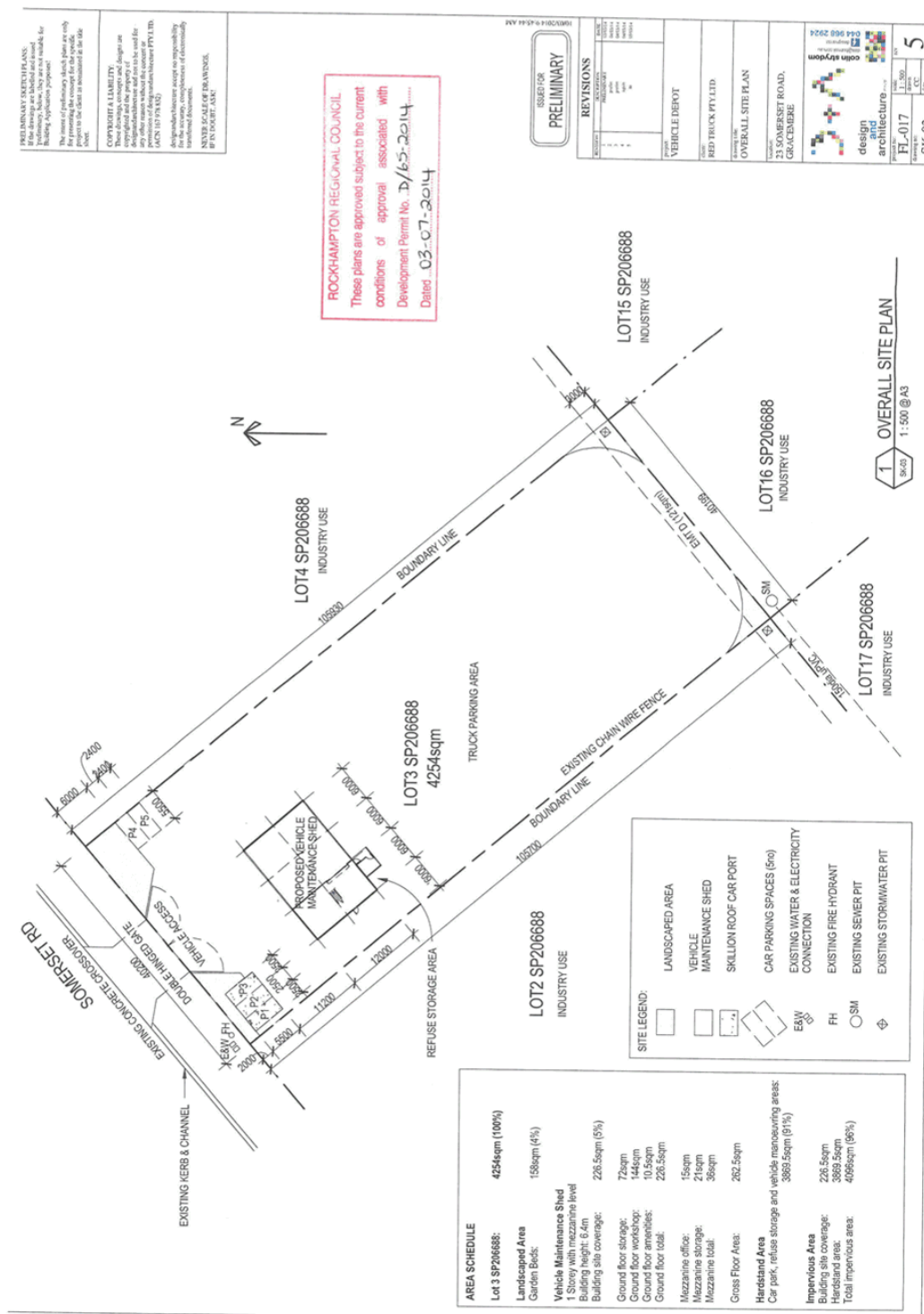


**D/65-2014 - REQUEST FOR A
NEGOTIATED DECISION NOTICE FOR
A DEVELOPMENT PERMIT FOR A
MATERIAL CHANGE OF USE FOR A
VEHICLE DEPOT**

Overall Site Plan

Meeting Date: 21 October 2014

Attachment No: 2

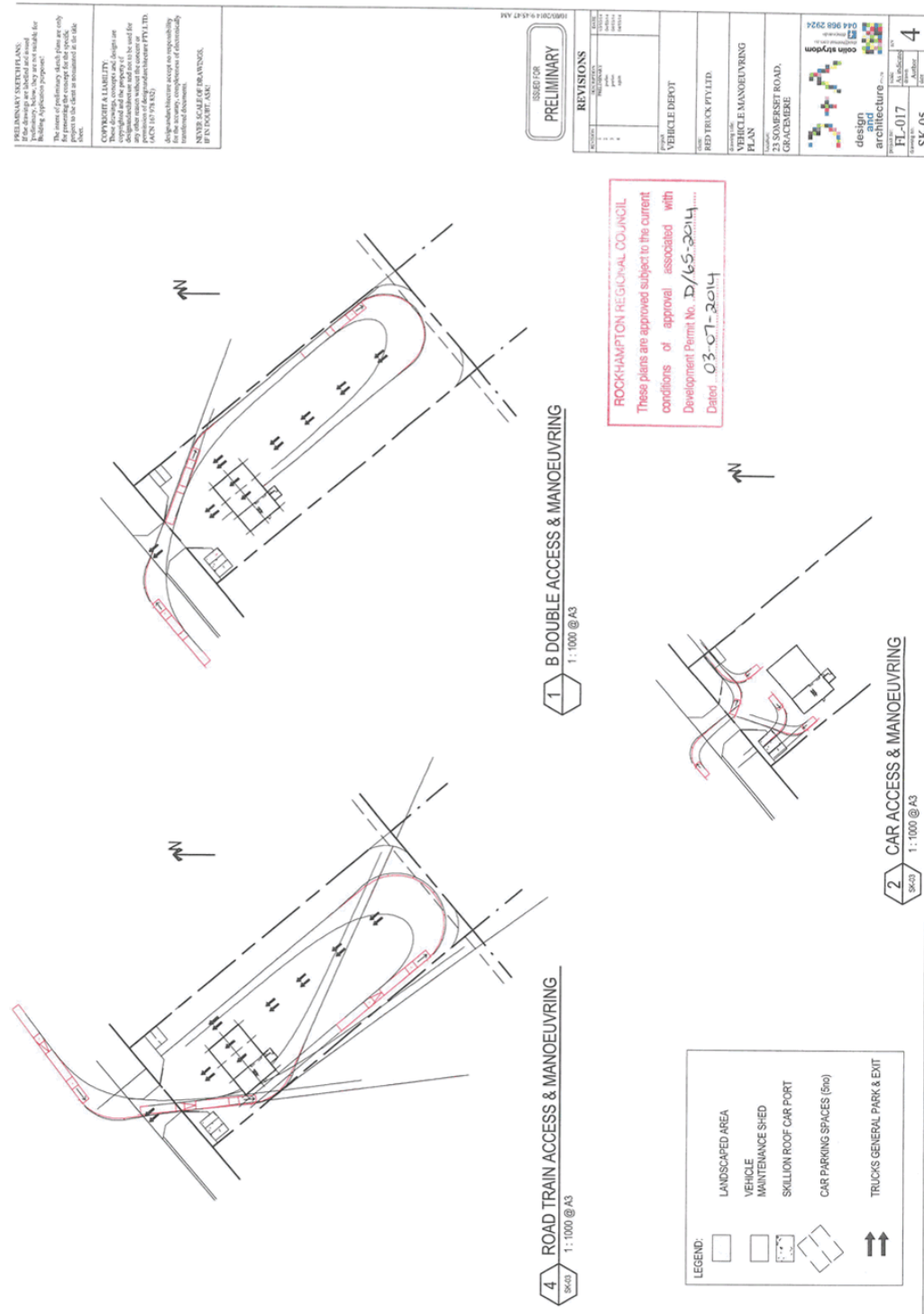


**D/65-2014 - REQUEST FOR A
NEGOTIATED DECISION NOTICE FOR
A DEVELOPMENT PERMIT FOR A
MATERIAL CHANGE OF USE FOR A
VEHICLE DEPOT**

**Access, Manoeuvring and Vehicle
Parking**

Meeting Date: 21 October 2014

Attachment No: 3



8.5 D/82-2014 - DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR A MULTI UNIT DWELLING (RETIREMENT VILLAGE - 53 UNITS)

File No: D/82-2014

Attachments:

1. Locality Plan
2. Site Plan
3. Ground Floor Plan
4. Elevation Plan

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/82-2014

Applicant: Oak Tree Group Pty Ltd C/- Urbis Pty Ltd

Real Property Address: Lot 173 on SP267916, Parish of Murchison

Common Property Address: 40 Foulkes Street, Norman Gardens

Area of Site: 2.697 hectares

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: Norman Road Residential Area

Planning Scheme Overlays: Environmentally Sensitive Location (Remnant Vegetation)

Existing Development: Nil

Existing Approvals: Nil

Approval Sought: Development Permit for a Material Change of Use for a Multi Unit Dwelling (Retirement Village - 53 units)

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 (Not Properly Made):</i> | 1 April 2014 |
| <i>Application Properly Made:</i> | 9 April 2014 |
| <i>Acknowledgment Notice issued:</i> | 16 April 2014 |
| <i>No Further Information Request letter issued:</i> | 2 May 2014 |
| <i>Request received to extend the period for the applicant to give material to a Referral Agency:</i> | 15 May 2014 |
| <i>Extension granted for period for the applicant to give material to a Referral Agency:</i> | 16 May 2014 |

| | |
|---|--------------------------|
| <i>Further request received to extend the period for the applicant to give material to a Referral Agency:</i> | <i>23 June 2014</i> |
| <i>Further extension granted for period for the applicant to give material to a Referral Agency:</i> | <i>24 June 2014</i> |
| <i>Minor Change to application (reflecting the new lot and plan)</i> | <i>22 July 2014</i> |
| <i>New Acknowledgment Notice issued to reflect minor change (new real property address and removal of a Referral Agency):</i> | <i>24 July 2014</i> |
| <i>Application provided to Referral Agency:</i> | <i>25 July 2014</i> |
| <i>Referral Agency response received:</i> | <i>21 August 2014</i> |
| <i>Submission period commenced:</i> | <i>29 August 2014</i> |
| <i>Submission period end:</i> | <i>19 September 2014</i> |
| <i>Notice of Compliance Received:</i> | <i>22 September 2014</i> |
| <i>Statutory due determination date:</i> | <i>21 October 2014</i> |
| <i>Council Meeting Date:</i> | <i>21 October 2014</i> |

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 (Retirement Village - 53 Units), made by Oak Tree Group Pty Ltd on Lot 173 on SP267916, Parish of Murchison, located at 40 Foulkes Street, Norman Gardens, Council resolves to Approve the application despite its conflict with the planning scheme and provide the following grounds to justify the decision despite the conflict:

- a) The development will provide additional choice in the form of residential accommodation to meet the diverse demographic, social, cultural, economic and lifestyle needs of the community;
- b) The Norman Road Residential Area identifies that if a need is demonstrated, aged care accommodation can be consistent in this area where it is located on larger lots. There is an identified shortfall in alternative housing types to support the various stages of life within the Norman Road Residential Area, which demonstrates a need for this development which is able to support a wider demographic living in this area;
- c) The proposed use does not compromise the achievement of the Desired Environmental Outcomes in the *Rockhampton City Plan 2005*;
- d) 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
- e) 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 (Retirement Village - 53 Units), made by Oak Tree Group Pty Ltd on Lot 173 on SP267916, Parish of Murchison, located at 40 Foulkes Street, Norman Gardens, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the

Developer.

- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of the use, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior to the commencement of the use, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
 - 1.6.1 Operational Works:
 - (i) Road Works;
 - (ii) Access Works;
 - (iii) Stormwater Works; and
 - (iv) Site Works.
 - 1.6.2 Plumbing and Drainage Works; and
 - 1.6.3 Building Works.
- 1.7 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.9 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 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 | C0000, A001, Revision 4 | 20 March 2014 |
| Ground Floor Plan | C4042-01a, 01a-01, Revision 1 | 20 March 2014 |
| Elevations | C4042-01a, 01a-02, Revision 1 | 20 March 2014 |
| Ground Floor Plan | C4042-01b, 01b-01, Revision 1 | 20 March 2014 |
| Elevations | C4042-01b, 01b-02, Revision 1 | 20 March 2014 |
| Ground Floor Plan | C4042-02a, 02a-01, Revision 1 | 20 March 2014 |
| Elevations | C4042-02a, 02a-02, Revision 1 | 20 March 2014 |
| Ground Floor Plan | C4042-2b, 02b-01, Revision 1 | 20 March 2014 |
| Elevations | C4042-2b, 02b-02, Revision 1 | 20 March 2014 |
| Ground Floor Plan | C4042-03a, 03a-01, Revision 1 | 20 March 2014 |

| | | |
|-----------------------------------|-------------------------------|----------------|
| Elevations | C4042-03a, 03a-02, Revision 1 | 20 March 2014 |
| Ground Floor Plan | C4042-03, 03-01, Revision 1 | 20 March 2014 |
| Elevations | C4042-03, 03-02, Revision 1 | 20 March 2014 |
| Comm Centre – Cover | C0000, 00-01, Revision 1 | 9 October 2014 |
| Comm Centre – Floor Plan | C0000, 00-02, Revision 1 | 9 October 2014 |
| Comm Centre - Elevations | C0000, 00-05, Revision 1 | 9 October 2014 |
| Comm Centre – Elevations | C0000, 00-06, Revision 1 | 9 October 2014 |
| Draft Landscape Concept | DA01, Issue A | March 2014 |
| Draft Landscape Concept | DA02, Issue A | March 2014 |
| Civil Engineering Services Report | B14013CR001 | 25 March 2014 |
| Concept Civil Services Plan | B14013-CSK02 Rev A | 19 March 2014 |

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

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

3.0 ROAD WORKS

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

3.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, relevant *Australian Standards* and the provisions of a Development Permit for Operational Works (road works).

3.3 A concrete pathway, with a minimum width of 1.2 metres, must be constructed on the southern side of Foulkes Street for the full frontage of the site. This non-trunk infrastructure is conditioned under section 665 of the *Sustainable Planning Act 2009*.

3.4 All pathways and access ramps must be designed and constructed in accordance with *Australian Standard AS1428 "Design for Access and Mobility"*. All pathways located within a road reserve or public use land must be provided with public space lighting in accordance with *Australian Standard AS1158 "Lighting for Roads and Public Spaces"*.

3.5 All pathways must incorporate kerb ramps at all road crossing points.

3.6 Traffic signs and pavement markings must be provided in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*. Where necessary, existing traffic signs and pavement markings must be modified in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*.

3.7 Retaining structures and their foundations must be wholly contained within private allotments and not be constructed as Council-owned infrastructure.

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 All vehicular access to and from the development must be via Foulkes Street only.

4.4 All vehicles must ingress and egress the development in a forward gear.

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 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.

5.4 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 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*.

6.2 The development must be connected to Council's reticulated water network.

6.3 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.

6.4 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.

6.5 The applicant must ensure adequate fire fighting protection is available from the existing hydrant within Foulkes Street road reserve and also from the on-site fire fighting equipment for the proposed development. Should adequate protection not be achievable, upgrade of on-site fire fighting equipment, which may include internal pillar hydrant, water tanks, and pumps, will be required. The fire fighting strategy must be approved by a hydraulic engineer or other suitably qualified person.

7.0 PLUMBING AND DRAINAGE WORKS

7.1 All plumbing and sanitary drainage works must be in accordance with regulated work under the *Plumbing and Drainage Act* and Council's Plumbing and Drainage Policies.

7.2 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.

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 in comparison to the pre-development condition by way of blocking, altering or diverting existing stormwater runoff patterns or have the potential to cause damage to other infrastructure.
- 8.4 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.
- 8.5 Easements must be provided over all land assessed to be within the one in one hundred year storm event (100 year Average Recurrence Interval) inundation area.
- 9.0 SITE WORKS
- 9.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works.
- 9.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan which clearly identifies the following:
- 9.2.1 the location of cut and/or fill;
 - 9.2.2 the type of fill to be used and the manner in which it is to be compacted;
 - 9.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - 9.2.4 details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and
 - 9.2.5 the maintenance of access roads to and from the site so that they are free of all cut and/or fill material and cleaned as necessary.
- 9.3 All earthworks must be undertaken in accordance with *Australian Standards, AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 9.4 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.
- 9.5 All retaining structures within the development must be limited to an overall maximum height of 2.2 metres. All retaining structures above one (1) metre in height must be tiered with intervals of a maximum height of one (1) metre and be landscaped to the satisfaction of Council, at no cost to Council.
- 9.6 The structural design of all retaining structures above one (1) metre in height must be separately and specifically certified by a Registered Professional Engineer of Queensland as part of the Operational Works submission. A Registered Professional Engineer of Queensland must on completion certify that all works are compliant with the approved design.
- 9.7 The approved design and/or the construction of the retaining structures must not be modified or altered without Council's prior written approval.
- 9.8 Retaining structures and their foundations must be wholly contained within private allotments and not encroach onto any easements.
- 9.9 Vegetation must not be cleared unless and until written approval has been provided by Council. A Development Permit for Operational Works constitutes written approval, only for the purposes of clearing vegetation directly pertinent to the operational works which are the subject of the Development Permit. Details of vegetation proposed to be cleared should be provided as part of the Environmental Management Plan.
-

9.10 All site works must be undertaken to ensure that there is:

- 9.10.1 no increase in upstream or downstream flood levels for all levels of immunity up to Q100;
- 9.10.2 no increase in velocity profiles, for which no remedy exists to prevent erosion and/or scouring. In the event that modelling shows non-compliance with the above, works must be undertaken within the system to satisfy the above criteria for development; and
- 9.10.3 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.

10.0 BUILDING WORKS

- 10.1 All external elements, such as air conditioners, pool and spa pumps and associated equipment, must be adequately screened from public view to Council's satisfaction.
- 10.2 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"*.
- 10.3 All units must be provided with open-air clothes drying facilities and the facilities must be screened from public view.
- 10.4 Solid fencing on top of a retaining structure fronting Foulkes Street and/or Jim Goldston Avenue will only be supported when the overall height is less than 1.8 metres above the footpath level. Fencing less than fifty (50) percent transparency or additional landscaping acting as a fence is acceptable.
- 10.5 All fences must be constructed of materials and finishes that are aesthetically commensurate with the surrounding residential area.
- 10.6 Roof lines and materials are to be suitably varied between the three unit types and are of an aesthetic which is commensurate with the surrounding area. The variation is to achieve a look which reduces the bulk appearance of the development.

11.0 LANDSCAPING WORKS

- 11.1 A Landscaping Plan must be submitted with the first application for a Development Permit for Operational Works. The landscaping must be constructed and/or established prior to the commencement of the use and the landscape areas must predominantly contain plant species that are locally native to the Central Queensland region due to their low water dependency.
- 11.2 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure. Small shrubs and groundcover are acceptable.
- 11.3 Landscaping, or any part thereof, upon reaching full maturity, must not:
 - (i) obstruct sight visibility zones as defined in the *Austroads 'Guide to Traffic Engineering Practice'* series of publications;
 - (ii) adversely affect any road lighting or public space lighting; or
 - (iii) adversely affect any Council infrastructure, or public utility plant.
- 11.4 The landscaped areas must be subject to an ongoing maintenance and replanting programme (if necessary), at no cost to Council.

12.0 ELECTRICITY AND TELECOMMUNICATIONS

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

- 12.2 Evidence must be provided of a Telecommunications Infrastructure Provisioning Confirmation and Certificate of Electricity Supply with the relevant service providers to provide the use with telecommunication and live electricity connections, in accordance with the requirements of the relevant authorities prior to the commencement of the use.

13.0 ASSET MANAGEMENT

- 13.1 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.
- 13.2 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.

14.0 ENVIRONMENTAL

- 14.1 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan which addresses, but is not limited to, the following:
- (i) objectives;
 - (ii) site location / topography;
 - (iii) vegetation;
 - (iv) site drainage;
 - (v) soils;
 - (vi) erosion susceptibility;
 - (vii) erosion risk;
 - (viii) concept;
 - (ix) design; and
 - (x) implementation, for the construction and post construction phases of work.
- 14.2 Implement and maintain the 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.
- 15.0 OPERATING PROCEDURES
- 15.1 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 Foulkes Street, Springfield Drive or Jim Goldston Avenue.
- 15.2 Noise from the activity must not cause an environmental nuisance.
- 15.3 All waste generated within the site must be disposed via a private contractor at no cost to Council. The loading and/or unloading of waste collection vehicles must be limited between the hours of 0700 and 1900 Monday to Saturday and between the hours of 0800 and 1500 on Sundays.
- 15.4 All waste storage areas must be kept in a clean, tidy condition in accordance with the *Environmental Protection Regulation 2008*.

ADVISORY NOTES**NOTE 1. Aboriginal Cultural Heritage**

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

NOTE 2. General Environmental Duty

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

NOTE 3. General Safety Of Public During Construction

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

NOTE 4. Infrastructure Charges Notice

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

RECOMMENDATION C

That in relation to the application for a Development Permit for a Material Change of Use for a Multi Unit Dwelling (Retirement Village - 53 Units), made by Oak Tree Group Pty Ltd on Lot 173 on SP267916, Parish of Murchison, located at 40 Foulkes Street, Norman Gardens, Council resolves to issue an Infrastructure Charges Notice for the amount of **\$900,000.00**.

BACKGROUND**PROPOSAL IN DETAIL**

The proposal is for the development of a retirement village consisting of fifty-three (53) single storey units within Norman Gardens. Each unit will have one (1) covered carport with eighteen (18) visitor parking spaces dispersed throughout the retirement village of which six (6) parking spaces will be located in front of the ancillary Community Centre. Thirty-six (36) of the proposed fifty-three (53) units will have the ability to cater for an additional parking space in front of the carport.

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

- Twelve units consisting of two bedrooms, a bathroom, and an open plan kitchen and living area;
- Twenty units consisting of two bedrooms, a bathroom with an additional separate toilet, and an open plan kitchen, dining and living area; and
- Twenty-one units consisting of three bedrooms, a bathroom with a separate toilet, and an open plan kitchen and living area.

Each unit will also have a private patio with direct access from the living room measuring approximately 12.6 square metres.

SITE AND LOCALITY

The subject site is located at 40 Foulkes Street, Norman Gardens, also known as Lot 173 on SP267916, Parish of Murchison and is currently vacant. The subject site is constrained by two (2) easements, namely Easement AD (for sewer) and Easement AE (for drainage), located along the western and southern property boundary. The majority of the site is cleared with patches of remnant vegetation within the drainage easement along the southern boundary.

The site is bounded by Foulkes Street to the north, a drainage channel along Springfield Drive to the west and established vegetation to the south. Part of the eastern side of the site is bounded by Jim Goldston Avenue with the remaining property bounded by vacant residential zoned land. Further to the eastern side is the Berserker Range Environmental Protection Area, including the Mount Archer Nature Reserve. Further to the west of the subject site is the Central Queensland University and further to the southwest is a large portion of land which is currently allocated for public open space.

The surrounding area typically comprises of single houses and an occasional duplex. There is however an approval for eighteen units over the site directly west of Springfield Drive, but has not been constructed yet. The majority of lots in the vicinity of this site are still vacant and in the process of having residential uses constructed.

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 – 16 April 2014

Support, subject to conditions.

Infrastructure Operations Unit's (sewer and water) Comments – 15 April 2014

Support, subject to conditions,

Public and Environmental Health Comments – 14 April 2014

Support, subject to conditions.

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

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

State Planning Policy 2014

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

Liveable communities

Complies. The proposal encourages a mix of land uses to meet the diverse demographic, social, cultural, economic and lifestyle needs of the community.

Mining and extractive resources

Not Applicable.

Biodiversity

Not Applicable.

Coastal environment

Not Applicable.

Water quality

Not Applicable.

Natural hazard, risk and resilience

Not Applicable.

Emissions and hazardous activities

Not Applicable.

State transport infrastructure

Not Applicable.

Strategic airports and aviation facilities

Not Applicable.

Other Acts

Not Applicable

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

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

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

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

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

Complies. The mapped remnant vegetation on the site will remain within the easement (Easement AE) and remain undisturbed. Development will only be over the cleared area (outside the easement). The proposal will therefore not impact on any natural assets.

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

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

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

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

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

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

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

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

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

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

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

Complies. The proposal provides an alternative accommodation type which will satisfy a community need.

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

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

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

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

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

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

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

Complies. The proposal will be appropriately connected with Rockhampton's transport network, including to an existing pedestrian footpath along Foulkes Street.

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

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

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

Norman Road Residential Area Intent

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

"The Area is not intended to accommodate more intense forms of residential development, particularly on the steeper land, however, if a need can be demonstrated for aged or student accommodation in this Area, then it will be located on larger allotments of generally greater than 4000m², with frontage to Norman Road, as compared to existing allotments which are generally of an average 700m² in size, to enable development to be appropriately designed and sited to minimise impacts on adjoining development."

This application is not considered consistent with the intent of the Area as the subject site is not fronting Norman Road. The site is however bigger than 4,000 square metres.

Rockhampton City Plan Codes

The following codes are applicable to this application:

- Multi Unit Dwelling, Accommodation Building and Duplex Code;
- Crime Prevention Through Environmental Design Code;
- Environmental Nuisance by Noise and Light Code;
- Biodiversity and Nature Conservation Code;
- Landscape Code; and
- Parking and Access Code.

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

| Multi Unit Dwelling, Accommodation Building and Duplex Code | |
|---|---|
| Performance Criteria | Officer's Response |
| Density, Building Bulk and Scale | |
| P1 The density of the development is consistent with the scale and density of development expected and intended for an Area. | <p>Justified:</p> <p>It can be reasonably expected that there is an opportunity to construct a multi unit development on a larger allotment such as this and would not be an unreasonable development to occur in a residential area where there is a lack of variety in housing.</p> |
| Building Design | |
| P6 Retaining walls are not over bearing or unsightly in appearance to an adjoining property or to the street. | <p>Justified:</p> <p>The proposed development will require cut and fill to create levels appropriate for the internal driveway and units. A number of retaining walls containing both cut and fill are required along the boundaries of the site, including the Foulkes Street frontage. The overall height of these retaining walls will not exceed 2.2 metres in height, and all retaining structures will be tiered with a maximum of one (1) metres high intervals with landscaping. The restricted height of one (1) metre to the tiered retaining structures with landscaping is considered not to represent an overbearing or unsightly appearance to Foulkes Street and Jim Goldston Avenue.</p> |

| Multi Unit Dwelling, Accommodation Building and Duplex Code | |
|--|---|
| Performance Criteria | Officer's Response |
| Open Space | |
| <p>P13 Any multi unit dwelling or duplex provides sufficient open space for the needs of residents housed within the development that;</p> <p>(a) are clearly defined for private use;</p> <p>(b) are of dimensions to suit the projected requirements of the occupants, and to accommodate some outdoor recreational needs as well as providing space for service functions; and</p> <p>(c) contain a part of the private open space that is capable of serving as an extension of the dwelling unit for relaxation, dining, entertainment, recreation and children's play, and is accessible from a main living area of the dwelling.</p> | <p>Justified:</p> <p>All proposed units will each contain a private patio measuring approximately 12.6 square metres, with a minimum dimension of approximately three metres by four metres, accessed directly from the living area and appropriately screened from public view. All units will also have access to an ancillary Community Centre which will also contain a pool and a lawn bowls green. Therefore, in this instance, the amount of private open space provided in conjunction with the community centre is considered suitable.</p> |
| Car Accommodation | |
| <p>P15 Within a development;</p> <p>(a) Vehicle access is safe and convenient for residents and visitors; and</p> <p>(b) Parking spaces are provided in accordance with residents and visitors needs; and</p> <p>(c) Consideration of off street parking numbers includes:</p> <p>(A) the number and type of dwelling units proposed;</p> <p>(B) the availability of kerb side parking;</p> <p>(C) local traffic or parking management; and</p> <p>(D) the target market for the dwelling units.</p> | <p>Justified:</p> <p>The Parking and Access Code stipulates that Multi Unit Dwelling developments should provide a parking rate of one (1) resident parking space per unit and 0.5 visitor parking spaces per unit.</p> <p>The proposed development comprises of fifty-three (53) units and therefore, it is anticipated to provide fifty-three (53) resident spaces and twenty-seven (27) visitor spaces (based on the parking rate within the Parking and Access Code).</p> <p>The proposed development provides fifty-three (53) covered resident spaces but only eighteen (18) visitor spaces (thus a shortfall of nine (9) visitor parking spaces). However, it should be noted that thirty-six (36) of the units can accommodate an additional parking space in front of the resident carport (in tandem). Furthermore, since the use is for a retirement village, it is also not anticipated that every resident will have a vehicle. Therefore it is considered that the proposal complies with the requirement.</p> |

| Biodiversity and Nature Conservation Code | |
|---|---|
| Performance Criteria | Officer's Response |
| <p>P5 Development layout, planning and construction minimises impacts on the edges of native vegetation (edge effects) as a result of:</p> <ul style="list-style-type: none"> (a) garden plants that are potential bushland weeds; and (b) domestic animals that could prey on native wildlife; and (c) rubbish dumping that could cause pollution of habitat or pose a risk to wildlife that may forage rubbish for food; and (d) light pollution that may pose a risk to wildlife, in particular nocturnal wildlife; and (e) noise pollution that may pose a risk to wildlife; and (f) vandalism that may pose a risk to native vegetation and wildlife. | <p>Justified:</p> <p>Although the Planning Scheme encourages an open space separation or buffering of at least thirty (30) metres to be provided between the boundary of remnant native vegetation and any land use other than Park, the proposed development will be physically and functionally separated from the mapped remnant vegetation areas located within Easement AE at the rear of the site by retaining walls and fences.</p> |

| Parking and Access Code | |
|--|---|
| Performance Criteria | Officer's Response |
| Multi Mode Transport | |
| <p>P6 An adequate number of carparking 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.</p> | <p>Justified:</p> <p>The Parking and Access Code stipulates that Multi Unit Dwelling developments should provide a parking rate of one (1) resident parking space per unit and 0.5 visitor parking spaces per unit.</p> <p>The proposed development comprises of fifty-three (53) units and therefore, it is anticipated to provide fifty-three (53) resident spaces and twenty-seven (27) visitor spaces (based on the parking rate within the Parking and Access Code).</p> <p>The proposed development provides fifty-three (53) covered resident spaces but only eighteen (18) visitor spaces (thus a shortfall of nine (9) visitor parking spaces). However, it should be noted that thirty-six (36) of the units can accommodate an additional parking space in front of the resident carport (in tandem). Furthermore, since the use is for a retirement village, it is also not anticipated that every resident will have a vehicle. Therefore it is</p> |

| Parking and Access Code | |
|---|---|
| Performance Criteria | Officer's Response |
| | considered that the proposal complies with the requirement. |
| Bicycle Facilities | |
| P11 Appropriate and legible bicycle parking facilities are incorporated into uses likely to generate significant numbers of bicycle trips. | <p>Justified:</p> <p>For a multi unit dwelling development, it is required to provide bicycle parking facilities at a rate of two (2) spaces per three (3) units.</p> <p>It should be noted, that the proposed use, being for a retirement village, will accommodate an older population. Therefore it is not expected that the use will generate a significant number of bicycle trips. Any bicycle owned by a resident will be able to be stored within the carport.</p> |
| P12 Bicycle parking facilities are provided in convenient and accessible locations to an appropriate standard, close to entrances and exits to the site. | <p>Justified:</p> <p>The proposed use is for a retirement village and it is not expected that the use will generate a significant number of bicycle trips. Any bicycle owned by a resident will be able to be stored within the carport.</p> |

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

Planning Scheme

| Policies Policy | Officer's Response |
|---|---|
| PSP 6 Planting Species | It is conditioned that any landscaping incorporates appropriate species in accordance with this policy. |
| PSP 7 Provision of bikeway and bicycle facilities | Foulkes Street is identified as an 'other on-road route' on the Bikeways Policy Map. The street is a reasonably new street built as part of Crestwood Estate and no bikeway construction was implemented for this development. It is therefore not considered appropriate or necessary to impose any such condition for this development. |

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:

- The development will provide additional choice in the form of residential accommodation to meet the diverse demographic, social, cultural, economic and lifestyle needs of the community;

- b) The Norman Road Residential Area identifies that if a need is demonstrated, aged care accommodation can be consistent in this area where it is located on larger lots. There is an identified shortfall in alternative housing types to support the various stages of life within the Norman Road Residential Area, which demonstrates a need for this development which is able to support a wider demographic living in this area;
- c) The proposed use does not compromise the achievement of the Desired Environmental Outcomes in the *Rockhampton City Plan 2005*;
- d) 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
- e) 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:

| Use Schedule | Charge Area | Adopted Infrastructure Charge for residential development | | Unit | Calculated Charge |
|---------------------|-------------|---|----------------------------|--------------|---------------------|
| | | 1 or 2 bedroom dwelling | 3 or more bedroom dwelling | | |
| Residential | Area 1 | 15,000 (32) | | per dwelling | \$480,000.00 |
| Residential | Area 1 | | 21,000 (21) | per dwelling | \$441,000.00 |
| Total | | | | | \$921,000.00 |
| Less credit | | | | | \$21,000.00 |
| TOTAL CHARGE | | | | | \$900,000.00 |

This is based on the following calculations:

- (a) A calculated charge of \$480,000.00 for thirty-two (32) units with two bedrooms;
- (b) A calculated charge of \$441,000.00 for twenty-one (21) units with three or more bedrooms; and
- (c) A credit of \$21,000.00 for the existing allotment.

Therefore, a total charge of **\$900,000.00** is payable and will be reflected in an Infrastructure Charges Notice for the development.

CONSULTATION

The proposal was the subject of public notification between 29 August 2014 and 19 September 2014, as per the requirements of the *Sustainable Planning Act 2009*, and one (1) properly made submission was received.

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

| Issue | Officer's Response |
|--|--|
| <p>The submitter requests that a quality fence and irrigated, layered landscaping be required along the full frontage of the proposed development.</p> <p>It is also suggested that given the site sits higher than the footpath level, that the fence be limited to 1.5 metres in height to avoid a dominating appearance. It is also requested that the fencing be consistent with fencing used along the northern side of Foulkes Street.</p> | <p>The proposed development complies with the requirements of the Planning Scheme and Planning Policy. Conditions are recommended upon approval to address the matter of fencing along Foulkes Street.</p> |
| <p>The submitter requests that some variations be required to the roofs such as colours, designs, setbacks and overhangs to avoid a long run of the same style of roof.</p> | <p>The proposed development complies with the requirements of the Planning Scheme and Planning Policy. Conditions are recommended upon approval to address the matter of ensuring variations to the roof line.</p> |

REFERRALS

The proposal was referred to the Department of State Development, Infrastructure and Planning as the development met the threshold for development that may impact on State transport infrastructure. The Department provided conditions of approval on 21 August 2014.

CONCLUSION

Although the proposed development is considered inconsistent development with the Norman Road Residential Area, the proposal has been assessed against the relevant statutory documents and the codes under the *Rockhampton City Plan 2005*. It is considered that there are sufficient grounds to justify a decision that favours the proposed development for a Multi Unit Dwelling (retirement village) consisting of fifty-three (53) units. 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/82-2014 - DEVELOPMENT
APPLICATION FOR MATERIAL
CHANGE OF USE FOR A MULTI UNIT
DWELLING (RETIREMENT VILLAGE -
53 UNITS)**

Locality Plan

Meeting Date: 21 October 2014

Attachment No: 1



**D/82-2014 - DEVELOPMENT
APPLICATION FOR MATERIAL
CHANGE OF USE FOR A MULTI UNIT
DWELLING (RETIREMENT VILLAGE -
53 UNITS)**

Site Plan

Meeting Date: 21 October 2014

Attachment No: 2

DEVELOPMENT SUMMARY (TOTAL AREAS)

| UNITS | TOTAL | SITE OVERALL | TOTAL |
|-------------------|-------------|------------------------|---------------|
| 2BEDD99 / 2BEDD99 | 1251 | SITE AREA | 1613.1 |
| 2BEDD79 / 2BEDD79 | 2276 | DEVELOPED AREA | 10492.0 |
| 2BEDD99 | 2627 | UNDEVELOPED AREA | 5621.1 |
| TOTAL | 6149 | LANDSCAPED AREA | 6254.1 |
| COMM CENTRE | 373.0 | CARPARKS (Indiv) | 53 |
| BOWLING GREEN | 210.0 | CARPARKS (Pub) | 18 |
| POOL | 50.0 | TOTAL | 6310 |
| TOTAL | 3710 | | |

BUILDING AREA - UNITS

| UNIT | INT | EXT | CAR | TOTAL |
|--------------|---------------|--------------|--------------|---------------|
| 2BEDD99 | 48.53 | 14.28 | 21.00 | 84.21 |
| 2BEDD79 | 78.54 | 14.28 | 21.00 | 113.82 |
| 2BEDD99 | 89.58 | 14.28 | 21.00 | 124.86 |
| TOTAL | 216.65 | 42.84 | 63.00 | 262.49 |

BUILDING AREA - SITE

| TYPE | INT | EXT | TOTAL |
|---------------|--------------|--------------|--------------|
| COMM CENTRE | 304.8 | 68.2 | 373.0 |
| SHED | - | - | 252 |
| BOWLING GREEN | - | 210.0 | 210.0 |
| POOL | - | 50.0 | 50.0 |
| TOTAL | 304.8 | 328.2 | 633.0 |

SITE DEVELOPMENT DATA

| UNIT | BEES | COUNT | BEES |
|---------------|-----------|------------|------------|
| UNIT | (Indiv) | (Total) | (Total) |
| 2BEDD99 | 2 | 6 | 12 |
| 2BEDD79 | 2 | 6 | 12 |
| 2BEDD99 | 2 | 10 | 20 |
| 2BEDD79 | 2 | 10 | 20 |
| 2BEDD99 | 3 | 20 | 60 |
| 2BEDD79 | 3 | 1 | 3 |
| TOTALS | 53 | 127 | 127 |

PROPOSED LIFESTYLE VILLAGE
ROCKHAMPTON, QLD

OAK TREE GROUP
40 RAFF STREET
SPRING HILL QLD
PO BOX 947
SPRING HILL
QLD 4004
drawings@oaktreegroup.com.au
Ph: 07 3228 4500 Fx: 07 3831 2544

REVISIONS

| NO. | ISSUED FOR | DATE | BY |
|-----|-----------------------------|----------|----------|
| 1 | ISSUED FOR INFO | 10/10/14 | 10/10/14 |
| 2 | ISSUED FOR INFORMATION | 10/10/14 | 10/10/14 |
| 3 | MASTER PLAN REVISED - ISSUE | 10/10/14 | 10/10/14 |
| 4 | FOR INFORMATION | 10/10/14 | 10/10/14 |
| 5 | FOR INFORMATION | 10/10/14 | 10/10/14 |
| 6 | FOR INFORMATION | 10/10/14 | 10/10/14 |
| 7 | FOR INFORMATION | 10/10/14 | 10/10/14 |
| 8 | FOR INFORMATION | 10/10/14 | 10/10/14 |
| 9 | FOR INFORMATION | 10/10/14 | 10/10/14 |
| 10 | FOR INFORMATION | 10/10/14 | 10/10/14 |
| 11 | FOR INFORMATION | 10/10/14 | 10/10/14 |
| 12 | FOR INFORMATION | 10/10/14 | 10/10/14 |
| 13 | FOR INFORMATION | 10/10/14 | 10/10/14 |
| 14 | FOR INFORMATION | 10/10/14 | 10/10/14 |
| 15 | FOR INFORMATION | 10/10/14 | 10/10/14 |
| 16 | FOR INFORMATION | 10/10/14 | 10/10/14 |
| 17 | FOR INFORMATION | 10/10/14 | 10/10/14 |
| 18 | FOR INFORMATION | 10/10/14 | 10/10/14 |
| 19 | FOR INFORMATION | 10/10/14 | 10/10/14 |
| 20 | FOR INFORMATION | 10/10/14 | 10/10/14 |
| 21 | FOR INFORMATION | 10/10/14 | 10/10/14 |
| 22 | FOR INFORMATION | 10/10/14 | 10/10/14 |
| 23 | FOR INFORMATION | 10/10/14 | 10/10/14 |
| 24 | FOR INFORMATION | 10/10/14 | 10/10/14 |
| 25 | FOR INFORMATION | 10/10/14 | 10/10/14 |
| 26 | FOR INFORMATION | 10/10/14 | 10/10/14 |
| 27 | FOR INFORMATION | 10/10/14 | 10/10/14 |
| 28 | FOR INFORMATION | 10/10/14 | 10/10/14 |
| 29 | FOR INFORMATION | 10/10/14 | 10/10/14 |
| 30 | FOR INFORMATION | 10/10/14 | 10/10/14 |
| 31 | FOR INFORMATION | 10/10/14 | 10/10/14 |
| 32 | FOR INFORMATION | 10/10/14 | 10/10/14 |
| 33 | FOR INFORMATION | 10/10/14 | 10/10/14 |
| 34 | FOR INFORMATION | 10/10/14 | 10/10/14 |
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| 36 | FOR INFORMATION | 10/10/14 | 10/10/14 |
| 37 | FOR INFORMATION | 10/10/14 | 10/10/14 |
| 38 | FOR INFORMATION | 10/10/14 | 10/10/14 |
| 39 | FOR INFORMATION | 10/10/14 | 10/10/14 |
| 40 | FOR INFORMATION | 10/10/14 | 10/10/14 |
| 41 | FOR INFORMATION | 10/10/14 | 10/10/14 |
| 42 | FOR INFORMATION | 10/10/14 | 10/10/14 |
| 43 | FOR INFORMATION | 10/10/14 | 10/10/14 |
| 44 | FOR INFORMATION | 10/10/14 | 10/ |

**D/82-2014 - DEVELOPMENT
APPLICATION FOR MATERIAL
CHANGE OF USE FOR A MULTI UNIT
DWELLING (RETIREMENT VILLAGE -
53 UNITS)**

Ground Floor Plan

Meeting Date: 21 October 2014

Attachment No: 3

**D/82-2014 - DEVELOPMENT
APPLICATION FOR MATERIAL
CHANGE OF USE FOR A MULTI UNIT
DWELLING (RETIREMENT VILLAGE -
53 UNITS)**

Elevation Plan

Meeting Date: 21 October 2014

Attachment No: 4

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9 STRATEGIC REPORTS

9.1 PLANNING SECTION - MONTHLY OPERATIONS REPORT

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

SUMMARY

The monthly operations report for the Planning Section (Development Assessment, Strategic Planning and Building Compliance) as at 30 September 2014 is presented for Councillors information.

OFFICER'S RECOMMENDATION

THAT the Planning Section (Development Assessment, Strategic Planning and Building Compliance) report be received.

COMMENTARY

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

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

Strategic Planning

- At the conclusion of the formal public consultation period for the proposed planning scheme Council had received 637 submissions. Unfortunately 152 were not properly made for one reason or another.
- Council workshops are scheduled for 14 and 22 October and 18 November to consider the submissions and agree suitable responses.
- Ultimately Council will have to agree on responses to submissions, update the proposed scheme to incorporate agreed changes, submit the updated the plan to the State Government for final review and respond formally to each submission.

Development Assessment

The Planning and Development Bill went under public consultation in September 2014. During that time, the State had run a number of workshops with various local government officers, including officers from Council's Strategic Planning Unit and Development Assessment Unit about the potential impacts of the new legislation. To date, the State has not released the Regulations or Guidelines (which include the development assessment rules) to support the Bill. The Bill amends the level of assessment for most development and removes the requirement for public notification in many circumstances (although the State has not yet provided details about these circumstances). If the Bill is passed by Parliament it will require Council to develop new processes, templates and workflows for assessing development applications. It may also have major implications for the Strategic Planning Unit in terms of the planning scheme, with the State being asked by many local governments to clarify these requirements given Council's progress with its new planning scheme. Council officers have provided comments on the Bill to both LGAQ and the State.

CONCLUSION

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

PLANNING SECTION - MONTHLY OPERATIONS REPORT

Monthly Report - September

Meeting Date: 21 October 2014

Attachment No: 1

MONTHLY OPERATIONS REPORT
PLANNING SECTION
Period Ended September 2014

VARIATIONS, ISSUES AND INNOVATIONS***Innovations***

Staff met with CBD volunteer stakeholders on September 25th to refine protocols and action priorities for moving forward on CBD revitalisation, following up on the August sessions with Gilbert Rochecouste. This has already resulted in a roundtable discussion on measures and approaches that might be employed to address anti-social behaviour. Other actions will take effect as time and resources permit. In addition to the CBD, Council officers recently met with representatives at the Base Hospital to begin jointly exploring solutions to long standing parking issues emanating from the Hospital.

























Improvements / Deterioration in Levels of Services or Cost Drivers

Nil.

LINKAGES TO OPERATIONAL PLAN

1. COMPLIANCE WITH CUSTOMER SERVICE REQUESTS

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

| | Balance B/F | Completed in Current Mth | Current Month NEW Requests | | TOTAL INCOMPLETE REQUESTS BALANCE | Under Long Term Investigation | Completion Standard (days) | Avg Completion Time (days) Current Mth | | Avg Completion Time (days) 6 Months | | Avg Completion Time (days) 12 Months | | Avg Duration (days) 12 Months (complete and incomplete) |
|--|-------------|--------------------------|----------------------------|-----------|-----------------------------------|-------------------------------|----------------------------|---|------|---|-------|---|-------|---|
| | | | Received | Completed | | | | | | | | | | |
| Building Enquiry - General Info/Admin etc | 56 | 10 | 37 | 30 | 53 | 0 | 5 |  | 1.03 |  | 6.98 |  | 9.15 | 2.41 |
| Other Building Compliant Issue | 46 | 7 | 6 | 1 | 44 | 0 | 1 |  | 5.00 |  | 25.09 |  | 33.80 | 12.34 |
| Planning Compliance Request/Enquiry | 91 | 12 | 17 | 6 | 90 | 0 | 45 |  | 4.00 |  | 11.94 |  | 23.31 | 14.65 |
| Duty Planner (New Enquiry) | 5 | 4 | 192 | 185 | 8 | 4 | 1 |  | 0.31 |  | 0.54 |  | 0.81 | 0.44 |
| Telephone Enquiry (Existing Application/Call Back) | 0 | 0 | 39 | 37 | 2 | 1 | 1 |  | 0.62 |  | 0.68 |  | 0.82 | 0.45 |
| Plumbing Issues General | 57 | 3 | 15 | 9 | 60 | 0 | 5 |  | 1.89 |  | 4.37 |  | 5.85 | 2.84 |
| Strategic Planning Development Certificates | 0 | 0 | 35 | 35 | 0 | 0 | 3 |  | 2.60 |  | 3.10 |  | 4.33 | 4.26 |
| Strategic Planning Enquiry | 0 | 0 | 2 | 1 | 1 | 0 | 3 |  | 0.00 |  | 1.75 |  | 15.06 | 3.00 |

Comments & Additional Information

Nil.

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

Safety Statistics

The safety statistics for the reporting period are:

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

Risk Management Summary

Example from Section Risk Register (excludes risks accepted/ALARP)

Please Note: The risks listed below are 'what if' scenarios and do not necessarily reflect what has occurred.

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

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

Legislative Compliance & Standards

All activities were conducted within legislative provisions and relevant standards.

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

No capital projects are relevant to the Planning Section.

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

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

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

| Service Delivery Standard | Target | Current Performance |
|---|--------|---------------------|
| Development Assessment | | |
| Applications received: 27 | | |
| Applications decided: 27 | | |
| Acknowledgement notices (where required) sent out within 10 business days of application being properly made | 100% | 100% |
| Information requests (where required) sent out within timeframes required under SPA | 100% | 83% |
| Decisions are made within 20 business day timeframe once decision stage commences (or extended timeframe permitted under SPA) | 100% | 100% |
| Decision notices are issued within 5 business days of the decision being made | 100% | 100% |
| Building | | |
| Applications received: 28 | | |
| Applications decided: 26 | | |
| Building Approvals - Decisions are made within 20 business day timeframe | 100% | 92% |
| Plumbing | | |
| Applications received: 50 | | |
| Applications decided: 53 | | |
| Compliance request are decided within 20 business day timeframe | 100% | 100% |
| Strategic Planning | | |
| Property Search – Planning and Development certificate sent out within timeframes required under SPA | 100% | 100% |

FINANCIAL MATTERS

Budget Management Report OPCHART - PLANNING
As At 08-Oct-2014
^06:01:12

| | Revised Budget \$ | YTD Actual \$ | Committals \$ | Total Committals \$ | Budget Variance % |
|---|-------------------------|------------------|------------------|---------------------------|-------------------------|
| Control - Land Use Strategic Manager | | | | | |
| Expenses | | | | | |
| Total Expenses | 0 | 92,338 | 7,499 | 99,838 | 14% |
| Transfer / Overhead Allocation | | | | | |
| Total Transfer / Overhead Allocation | 0 | 103 | 0 | 103 | 10300% |
| Total Control - Land Use Strategic Manager | 0 | 92,441 | 7,499 | 99,941 | 14% |
| Total | 0 | 92,441 | 7,499 | 99,941 | 14% |
| Control - Strategic Planning | | | | | |
| Revenues | | | | | |
| Total Revenues | 0 | (15,328) | 0 | (15,328) | 10% |
| Expenses | | | | | |
| Total Expenses | 0 | 313,411 | 3,585 | 316,996 | 27% |
| Transfer / Overhead Allocation | | | | | |
| Total Transfer / Overhead Allocation | 0 | 1,637 | 0 | 1,637 | 5% |
| Total Control - Strategic Planning | 0 | 299,720 | 3,585 | 303,305 | 29% |
| Total | 0 | 299,720 | 3,585 | 303,305 | 29% |
| Control - Development Assessment | | | | | |
| Revenues | | | | | |
| Total Revenues | 0 | (446,340) | 0 | (446,340) | 21% |
| Expenses | | | | | |
| Total Expenses | 0 | 324,743 | 88,363 | 413,106 | 26% |
| Transfer / Overhead Allocation | | | | | |
| Total Transfer / Overhead Allocation | 0 | 5,180 | 0 | 5,180 | 15% |
| Total Control - Development Assessment | 0 | (116,417) | 88,363 | (28,054) | 5% |
| Total | 0 | (116,417) | 88,363 | (28,054) | 5% |
| OPERATIONAL PRControl - Development Compliance | | | | | |
| Revenues | | | | | |
| Total Revenues | 0 | (264,161) | 3,000 | (261,161) | 20% |
| Expenses | | | | | |
| Total Expenses | 0 | 292,813 | 47,140 | 339,953 | 27% |
| Transfer / Overhead Allocation | | | | | |
| Total Transfer / Overhead Allocation | 0 | 32,193 | 0 | 32,193 | 22% |
| Total OPERATIONAL PRControl - Development Compliance | 0 | 60,845 | 50,140 | 110,985 | 121% |
| Total | 0 | 60,845 | 50,140 | 110,985 | 121% |

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