



# **PLANNING & DEVELOPMENT COMMITTEE MEETING**

## **MINUTES**

**21 OCTOBER 2014**

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**REPORT OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING  
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON  
ON TUESDAY 21 OCTOBER 2014 COMMENCING AT 1.43 PM**

## **1 OPENING**

### **COMMITTEE RESOLUTION**

**THAT** in accordance with s165(1)(a) of the *Local Government Act 2009* and s14(2) *Council Meeting Procedures*, the Deputy Mayor Councillor Williams be appointed Chairperson of the Planning and Development meeting for the period of the Mayor, Councillor Strelow's absence.

**Moved by:** Councillor Rutherford

**Seconded by:** Councillor Smith

**MOTION CARRIED**

## **2 PRESENT**

Members Present:

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

In Attendance:

Mr E Pardon – Chief Executive Officer  
Mr R Holmes – General Manager Regional Services  
Mr M Crow – Manager Engineering Services  
Mr R Claus – Manager Planning  
Mr J Herron – Coordinator Infrastructure Operations  
Mr P Barry – Senior Planning Officer  
Mr A De Klerk – Planning Officer  
Ms C Hibberd – Planning Officer  
Ms S Barber – Strategic Planning Officer  
Ms I Taylor – Governance Support Officer

## **3 APOLOGIES AND LEAVE OF ABSENCE**

Councillor Rose Swadling tendered her apology and was not in attendance.

**4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING****COMMITTEE RESOLUTION**

THAT the minutes of the Planning & Development Committee held on 7 October 2014 be taken as read and adopted as a correct record.

**Moved by:** Councillor Smith

**Seconded by:** Councillor Rutherford

**MOTION CARRIED**

**5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA**

## **6 BUSINESS OUTSTANDING**

Nil

**COMMITTEE RESOLUTION**

**THAT** pursuant to s15(2) *Council Meeting Procedures* the Order of Business be amended to consider Item 8.3 – D/161-2014 – Development Application for Reconfiguring a Lot (One into two lots), Item 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 and Item 8.5 D/82-2014 – Development Application for Material Change of Use for a Multi-Unit Dwelling (Retirement Village – 53 units) next.

**Moved by:** Councillor Smith  
**Seconded by:** Councillor Rutherford  
**MOTION CARRIED**

1:47PM Councillor Belz attended the meeting.

**8 OFFICERS' REPORTS****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>   | 25 September 2014 |
| <i>Statutory due determination date:</i>             | 20 October 2014   |
| <i>Standard Extension</i>                            | 3 November 2014   |

1:48PM Chief Executive Officer left the meeting.

1:49PM Chief Executive Officer returned to the meeting.

## COMMITTEE RESOLUTION

### 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](http://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.

**Moved by:** Councillor Smith

**Seconded by:** Councillor Fisher

**MOTION CARRIED**

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**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

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**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

**COMMITTEE 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](http://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.

## 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>   |

2:00PM Mayor Strelow attended the meeting.

## COMMITTEE RESOLUTION

### 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](http://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**.

**Moved by:** Councillor Fisher

**Seconded by:** Councillor Rutherford

**MOTION CARRIED**

2:01PM The Mayor, Councillor Strelow attended the meeting and assumed the chair.

## 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

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#### 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).*

2:01PM The deputation from Rebecca Doak of BAEL Building Design commenced.  
2:19PM Chief Executive Officer and Councillor Schwarten left the meeting.  
2:20PM Chief Executive Officer returned to the meeting.  
2:22PM Councillor Schwarten returned to the meeting.  
2:32PM The deputation concluded.

#### COMMITTEE RESOLUTION

THAT the deputation by Rebecca Doak of BAEL Building Design regarding Development Applications D/165-2014 and D/166-2014 be received.

**Moved by:** Councillor Rutherford  
**Seconded by:** Councillor Smith  
**MOTION CARRIED**

**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

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**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).*

**COMMITTEE RECOMMENDATION**

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

## 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

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#### 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   |

**COMMITTEE RESOLUTION**

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*.

**Moved by:** Councillor Rutherford

**Seconded by:** Councillor Williams

**MOTION CARRIED**

Councillor Schwarten recorded his vote against the motion.

**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   |

**COMMITTEE RESOLUTION**

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*.

**Moved by:** Councillor Rutherford

**Seconded by:** Councillor Williams

**MOTION CARRIED**

Councillor Schwarten recorded his vote against the motion.



## 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

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#### 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.*

#### COMMITTEE RESOLUTION

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

**Moved by:** Councillor Fisher  
**Seconded by:** Councillor Williams

**MOTION CARRIED**

## **10 NOTICES OF MOTION**

Nil

## **11 URGENT BUSINESS\QUESTIONS**

## 12 CLOSURE OF MEETING

There being no further business the meeting closed at 3:08pm.

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SIGNATURE

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CHAIRPERSON

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DATE