



# **PLANNING & DEVELOPMENT COMMITTEE MEETING**

## **AGENDA**

**14 JULY 2015**

*Your attendance is required at a meeting of the Planning & Development Committee to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 14 July 2015 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**  
7 July 2015

Next Meeting Date: 28.07.15

**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 9 June 2015

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

## **6 BUSINESS OUTSTANDING**

### **6.1 BUSINESS OUTSTANDING TABLE FOR PLANNING AND DEVELOPMENT COMMITTEE**

**File No:** 10097

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

**Authorising Officer:** Evan Pardon - Chief Executive Officer

**Author:** Evan Pardon - Chief Executive Officer

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#### **SUMMARY**

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

#### **OFFICER'S RECOMMENDATION**

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

# **BUSINESS OUTSTANDING TABLE FOR PLANNING AND DEVELOPMENT COMMITTEE**

## **Business Outstanding Table for Planning and Development Committee**

**Meeting Date: 14 July 2015**

**Attachment No: 1**

Date	Report Title	Resolution	Responsible Officer	Due Date	Notes
28 April 2015	Montgomerie Street	THAT the previous report regarding Montgomerie Street be presented to the next Planning and Development Committee meeting for Councillors information.	Robert Holmes	12/05/2015	
26 May 2015	D/188-2014 - Development Application for a Material Change of Use for an Educational Establishment	THAT the matter lay on the table, seek an extension of the decision period, and that Mayor Strelow and Councillor Swadling request a meeting with the appropriate people from the school to discuss layout options.	Corina Hibberd	09/06/2015	

## 7 PUBLIC FORUMS/DEPUTATIONS

### 7.1 D/222-2014 - DEPUTATION - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A CARETAKER'S RESIDENCE

**File No:** D/222-2014  
**Attachments:** Nil  
**Authorising Officer:** Tarnya Fitzgibbon - Manager Development and Building  
Robert Holmes - General Manager Regional Services  
**Author:** Corina Hibberd - Planning Officer

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#### SUMMARY

*Flinders Hyder, have requested an opportunity to attend a meeting of Council's Planning and Development Committee to present information on the proposed Material Change of Use for a Caretakers Residence over 20 Fiddes Street, Port Curtis - Lot 77 on LN112, Lot 71 on R2613, Lot 437 on R2613, Lot 2 on RP605363 and Lot 3 on RP606792 (Development Application D/222-2014).*

#### OFFICER'S RECOMMENDATION

THAT the deputation by Flinders Hyder be received.

#### BACKGROUND

The application is recommended for refusal due to flooding impacts.

**7.2 D/300-2014 - DEPUTATION - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A MULTI UNIT DWELLING (FOURTEEN UNITS)**

**File No:** D/300-2014  
**Attachments:** Nil  
**Authorising Officer:** Tarnya Fitzgibbon - Manager Development and Building  
Robert Holmes - General Manager Regional Services  
**Author:** Corina Hibberd - Planning Officer

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**SUMMARY**

*Flinders Hyder, have requested an opportunity to attend a meeting of Council's Planning and Development Committee to present information on the proposed Material Change of Use for a Multi Unit Dwelling (fourteen units) over 12 Ann Street and 14 Ann Street, West Rockhampton - Lot 21 on RP602602 and Lot 22 on RP602602 (Development Application D/300-2014).*

**OFFICER'S RECOMMENDATION**

THAT the deputation by Flinders Hyder be received.

**BACKGROUND**

The application is inconsistent with the Intent for The Range South Residential Area, and has triggered an impact assessable town planning application. Five (5) submissions were made against the proposal; however there are sufficient grounds for Council to support the development. The application will be recommended for approval for twelve (12) units only.

## 8 OFFICERS' REPORTS

### 8.1 D/222-2014 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A CARETAKER'S RESIDENCE

**File No:** D/222-2014

**Attachments:**

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

**Authorising Officer:** Tarnya Fitzgibbon - Manager Development and Building  
Robert Holmes - General Manager Regional Services

**Author:** Corina Hibberd - Planning Officer

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#### SUMMARY

*Development Application Number:* D/222-2014

*Applicant:* MV and EJ Neale

*Real Property Address:* Lot 77 on LN112, Lot 71 on R2613, Lot 437 on R2613, Lot 2 on RP605363 and Lot 3 on RP606792, Parish of Rockhampton

*Common Property Address:* 20 Fiddes Street, Port Curtis

*Area of Site:* 46.2317 hectares

*Planning Scheme:* Rockhampton City Plan 2005

*Rockhampton City Plan Area:* South Rockhampton Rural Area

*Planning Scheme Overlays:* Q100 Flood Prone Land – Floodway High Hazard  
Environmentally Sensitive Location – Wetlands (RRC)

*Existing Development:* Vacant farm land

*Existing Approvals:* Nil

*Approval Sought:* Development Permit for a Material Change of Use for a Caretakers Residence

*Level of Assessment:* Impact Assessable

*Submissions:* Twenty-six (26) properly made submissions

*Referral Agency(s):* Nil

*Adopted Infrastructure Charges Area:* Charge Area Three

*Application Progress:*

<i>Application Lodged:</i>	2 August 2014
<i>Acknowledgment Notice issued:</i>	8 August 2014
<i>Request for Further Information sent:</i>	19 September 2014
<i>Request to Extend Information Request response period</i>	11 March 2015
<i>Request for Further Information responded to:</i>	1 April 2015
<i>Submission period commenced:</i>	2 April 2015
<i>Submission period end:</i>	24 April 2015

<i>Last receipt of information from applicant:</i>	<i>14 May 2015</i>
<i>Committee meeting date:</i>	<i>23 June 2015</i>
<i>Statutory due determination date:</i>	<i>24 June 2015</i>

## OFFICER'S RECOMMENDATION

### RECOMMENDATION A

That in relation to the application for a Development Permit for a Material Change of Use for a Caretaker's Residence, made by Flinders Hyder on behalf of MV and EJ Neale, located at 20 Fiddes Street, Port Curtis, described as Lot 77 on LN112, Lot 71 on R2613, Lot 437 on R2613, Lot 2 on RP605363 and Lot 3 on RP606792, Parish of Rockhampton, Council resolves to Refuse the application for the following reasons:

- 1.0 Intensification of residential uses in a high hazard flood area is not supported by the current scheme or in the draft strategic framework for the proposed planning scheme;
- 2.0 Access to the site is cut off in a range of flood events. All access roads are completely inundated in a range of flood events, isolating the subject site and causing a risk to persons and property, also putting strain on emergency services and Council. Local disaster recovery is more expensive than prevention; which has been indicated in recent floods, including 2008, 2011, and 2013 events;
- 3.0 The site is not connected to reticulated water infrastructure and has no available sewer infrastructure connections. Onsite sewer infrastructure has the potential to affect the health of the riverine water in a flood event;
- 4.0 The proposal is in direct conflict with the area intent for the South Rockhampton Rural Area, which expressly states that where the need for additional residential uses are required, the land must be flood free with flood free access;
- 5.0 The proposal is for a caretaker's residence, however the design and scale indicates that its function is a large dwelling house on a rural lot;
- 6.0 The proposal cannot demonstrate compliance with State Planning Policy 2014 (in relation to flood hazard), the Flood Prone Land Code or the Flood Plain Management Planning Policy 14 within the *Rockhampton City Plan 2005*, as well as other applicable codes; and
- 7.0 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 caretakers residence to be constructed on the south-western corner of the property. The caretakers residence is associated with an existing rural activity (grazing) on the site. The proposal includes five (5) bedrooms, two (2) bathrooms, a study, kitchen, large living area and multiple verandahs. A two (2) space carport, a boat docking station and large water tanks are also proposed. The access is via Depot Street. The building has a floor area of approximately 370 square metres and a maximum height of nine (9) metres. The building will be on stumps, with the floor height being three (3) metres from natural ground surface.

### SITE AND LOCALITY

The subject site is located in a rural area, about 1.8 kilometres south of the Rockhampton Central Business District and is 46.2317 hectares in area. The site has proposed access to Depot Street.

The area is severely flood prone 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, and is completely isolated in a Q100 event, where all access from the site is cut off. The site also contains wetlands and lagoons.

The site is not connected to any reticulated sewer or water infrastructure.

The area is characterised predominantly by rural uses, some historic existing residential uses and some industrial uses to the west. The Fitzroy River is approximately 1.3 kilometres north-east 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 – 22 May 2015**

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 (IOU) recommends the application be refused. The Infrastructure Operations Unit has assessed the above mentioned application and advises that the proposed development conflicts with the intentions of the *Rockhampton City Plan 2005* and the Flood Prone Land Code (in particular, it does not comply with Performance Criteria P1 and P2, as well as P4, P8, P9 and P10). Performance Criterion P1 states "The capacity and function of flood ways and flood storage areas are preserved in high and low hazard areas." Acceptable solution A1.1 states that no building works occur in a floodway. The proposal cannot satisfy this solution, and it is Council's view that the development puts life and property at high risk and is not located appropriately for a residential use where the maximum depth of water over the site would be approximately 2.25 metres (based on a Q100 riverine flood of 7.785 metres).

Performance Criteria P2 states "Safe access from the development site to the CBD or the Gracemere Township is available during the defined flood event." As the flood depth during a Q50 and Q100 flood event is over two (2) metres, safe access and egress is not possible, therefore this application cannot be approved, noting that Council cannot condition that tenants must evacuate at a certain time. The applicant's response to Council's Information Request did not adequately address Council's concerns with respect to the above mentioned performance criteria. It was stated the flooding impacts can be managed; however it is Council's position that the use will endanger lives and property.

Furthermore, the site is not connected to Council's reticulated water and sewer networks. This infrastructure is not readily available in this area, as it is a Rural Zone and not intended for residential uses (when there is flood free land elsewhere), as per the planning response below. The site and surrounding area is outside the Priority Infrastructure Area (PIA) and therefore there are no plans for Council to provide reticulated services to this area in the next fifteen (15) years.

#### **Public and Environmental Health Comments – (5 September 2014)**

No comment.

#### **Strategic Planning Comments - (31 October 2014)**

Recommend Refusal.

The site at 20 Fiddes Street, Port Curtis is located in the South Rockhampton Rural Area under the *Rockhampton City Plan 2005*. The intent for this area is that it continues to be used for agricultural purposes, including grazing, livestock and cropping. However, the area

is unsuitable for other forms of development as the majority of the land is subject to flooding, with some parts far more prone to flooding than others. In particular the intent states:

*“As this is a rural area, there should be limited need for additional houses, however, where a need can be demonstrated, the land will be flood free and flood free access will be available to the land.”*

The land the development is proposed on is not flood free (being up 2.25 metres in depth during a flood event) and does not have flood free access. The subject land is located in a Floodway - High Hazard under the *Rockhampton City Plan 2005* flood hazard map. The Fitzroy River Flood Study 2011 flood modelling classifies the flood hazard level for the subject land as extreme hazard (ARI 100). Further intensification of residential uses within this area in a high/extreme hazard flood area does not comply with the current scheme or with the draft strategic framework for the proposed 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; where 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 as the development is not avoiding or mitigating the risk of the natural hazard; it is in fact increasing the risk and located 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 S as the development will increase the burden on disaster management response and recovery capacity and capabilities.

*(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 the site and other properties. It is hard to manage the storage of outside goods or equipment once the development is approved. There is a real chance goods or equipment stored outside may contribute to damage, or impact adversely on surrounding properties during a flood event.

The proposed development is to be located in proximity to a mapped wetland identified by the state government as a Matter of State Environmental Significance (MSES) – Wetlands. It is noted in the planning report that the proposed development is to be located within 30 metres of the Matter of State Environmental Significance Wetland. The model code provisions under the State Planning Policy Biodiversity guidance material AO3.1 state:

**AO3.1** *A buffer for an area of state environmental significance (wetland protection area) has a minimum width of:*

*(a) 200 m where the area is located outside an urban area or*

*(b) 50 m where the area is located within an urban area*

OR

**AO3.2** *A buffer for an area of state environmental significance is applied and maintained, the width of which is supported by an evaluation of the environmental values, including the function and threats to matters of environmental significance.*

The proposed planning scheme biodiversity overlay code supports the state guidelines and facilitates the protection of environmentally significant wetlands by including wetland buffers where development must be located 100 metres either side of the mapped wetland. The development is considered non-compliant with the intent of the State Planning Policy Biodiversity regarding protection of wetlands, regardless of a referral not being required.

The State Planning Policy and the current and proposed planning scheme seek to restrict development in areas adversely affected by flooding and reduce the intensity of existing development on flood prone land. Allowing a caretakers residence within this rural area is in conflict with Council's and the State Planning Policy desired outcome of reducing the impacts of flooding on people, property and emergency services.

## **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 flooding issues.

#### **Mining and extractive resources**

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

#### **Biodiversity**

Does Not Comply. The development is considered non-compliant with the intent of the State Planning Policy Biodiversity regarding protection of wetlands.

#### **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 and proposed planning schemes.

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.

**Queensland Floods Commission of Inquiry – Final Report**

After the 2011 floods throughout Queensland, the following information was released and recommendations made, by the Floods Commission of Inquiry in their Final Report:

*“The Standing Committee on Agriculture and Resource Management Report, Floodplain Management in Australia: Best Practice Principles and Guidelines, states that **residential development should be located in areas of low hazard, or medium hazard where justified by careful planning, design and construction which takes account of the potential flood damage and provides safe evacuation. The ‘hazard’ referred to is the loss of life, injury and economic loss which may be caused by future floods.***

*This standard is given effect, at least in part, in State Planning Policy Guideline 1/03: Mitigating the Adverse Impacts of Flood, Bushfire and Landslide, which provides that planning schemes should discourage residential development in areas of high or medium hazard, unless the scheme includes a clear requirement that people and property be protected from the relevant hazard. It contains proposed solutions in support of this aim. In particular, the guideline suggests that houses be located so that habitable floor levels are above the defined flood event level. These solutions are mirrored in planning schemes across Queensland (and throughout Australia): flood related planning controls typically require that residential buildings be constructed so that their habitable floor levels are located at or above the level of a 1% AEP flood. An additional freeboard of (usually) between 300 millimetres and 500 millimetres may also be required.*

***But whether the 1% AEP flood constitutes an acceptable level of risk for development, and in particular residential development, is a vexed issue. The consequences of flooding are likely to be at their most disastrous for residents and homeowners. Floodplain Management in Australia recognises this: according to it, the community must play a role in determining what level of flood risk it is prepared to live with. The Commission endorses consideration being given to this issue. To determine what amounts to an acceptable level of risk for residential development, it is necessary to understand the consequences associated with floods across the full range of probabilities. Only once this understanding has been gained is it appropriate to canvas what level of risk from flooding the community is prepared to tolerate.’***

Port Curtis forms part of Rockhampton’s flood plain, and is therefore one of the first areas of the region to be inundated, in a range of flood events. The flood hazard in a Q100 event (or 1% AEP) is ‘high’ under the current scheme (and ‘extreme’ under the proposed scheme). Access is cut from the site even in a Q10 flood event and therefore there is a real risk to the loss of life, injury and economic loss, caused by flooding. This has been demonstrated during previous floods in the region.

**Rockhampton City Plan 2005**

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 (caretakers residence) will not affect Rockhampton’s role 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.*

**Does not Comply:** While the development is located as far as practicable from the mapped wetlands, it is not compliant with the buffer areas required under the State Planning Policy for biodiversity.

- (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 high hazard flood prone area, which is completely isolated in a flood event. A dwelling is likely to contribute to the displacement of water, 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 all adjoining and adjacent access routes 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:** South Rockhampton Rural Area is designated for rural uses and is not identified as an appropriate area for new residential development due to the severe flooding that affects this region.

- (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 Council's reticulated water and sewer infrastructure. On-site infrastructure may contribute to damage of property and water quality during a flood event.

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

**Does Not Comply:** All access roads that adjoin or adjacent to this site are entirely cut off in a range of flood events, including Depot Street, Dunlop Street, Fiddes Street, O'Connell Street, Lucius Street and West Street. This area is flooded at a depth of approximately 2.5 metres during a Q100 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 are encouraged. There is no 'easy' access to public open spaces from this site.

The performance assessment of the proposal demonstrates that the development will compromise the *Rockhampton City Plan 2005* Desired Environmental Outcomes.

### **South Rockhampton Rural Area Intent**

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

*It is intended that the Area continue to be used for agricultural purposes, including grazing livestock, and cropping. **The Area is unsuitable for other forms of development as the majority of land is subject to flooding, with some parts far more prone to flooding than others.** The only other uses consistent with the intent of the Area, include low impact uses such as rural activities, and outdoor sport and recreation uses. These uses are only consistent with the intent of the Area, where it can be demonstrated that the following impacts have been adequately addressed. **No other development**, including commercial and industrial development, **is consistent with the intent of the Area.** Any structures in this location have the potential to impede the flow of water across the land, which is undesirable. Commercial uses seeking highway exposure are more desirably located in the "South Rockhampton Highway Commercial Area", and industrial uses requiring large parcels of land to operate, are more desirably located at Parkhurst. **Residential uses**, including Reconfiguring a Lot, which creates additional allotments or residential sized allotments, **are not consistent with the intent of the Area either.** In fact, wherever possible, smaller land parcels will be encouraged to amalgamate into consolidated larger land parcels. **As this is a rural area, there should be limited need for additional houses, however, where a need can be demonstrated, the land will be flood free and flood free access will be available to the land.** This Area contains a number of lagoons, which are an ancient part of the Fitzroy River system. Some or all of these lagoons may have indigenous cultural heritage significance. In addition, these lagoons may contain areas of ecological significance and*

*interference from development should, therefore, be avoided, to minimise impact on the water body and its surrounds.*

The use is not consistent in this Area. Development on this lot will not protect against loss of property in a flood event, interferes with the flood plain capacity in a high hazard flood area, and could contribute towards possible interruption of quality water supply (there is no reticulated sewer connections available).

The proposed use cannot be considered a consistent use within the South Rockhampton 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 reasons for refusal are as follows:

- 1.0 Intensification of residential uses in a high hazard flood area is not supported by the current scheme or in the draft strategic framework for the proposed planning scheme;
- 2.0 As per the final report of the Queensland Floods Commission of Inquiry, Local Government has a duty to protect communities affected by an identified flood hazard, particularly as a high hazard flood area is not an acceptable location for residential uses;
- 3.0 Allowing any residential use to occur in one of Rockhampton's highest hazard flood areas encourages a community belief that Council will support other forms of development within the flood plain or in high hazard flood areas;
- 4.0 Council support for residential uses in high hazard flood areas which is in conflict with current and proposed planning schemes (and other statutory documents) does not reinforce good land use management or community focussed outcomes;
- 5.0 Access to the site is cut off in a range of flood events. All access roads are completely inundated in a range of flood events, isolating the subject site and causing a risk to persons and property, also putting strain on emergency services and Council. Local disaster recovery is more expensive than prevention; which has been indicated in recent floods, including 2008, 2011, 2013 and 2015 events;
- 6.0 The site is not connected to reticulated water infrastructure and has no available sewer infrastructure connections. Onsite sewer infrastructure has the potential to affect the health of the riverine water in a flood event;
- 7.0 The proposal is in direct conflict with the area intent for the South Rockhampton Rural Area, which expressly states that where the need for additional residential uses are required, the land must be flood free with flood free access;
- 8.0 The proposal is for a caretakers house, however the design and scale indicates that its function is rather a large dwelling house on a rural lot;
- 9.0 The proposal cannot demonstrate compliance with State Planning Policy 2014 (in relation to flood hazard), the Flood Prone Land Code or the Flood Plain Management Planning Policy 14 within the *Rockhampton City Plan 2005*, as well as other applicable codes; and
- 10.0 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: -

- Caretakers Residence Code;
- External Works and Servicing Code;
- Flood Prone Land Code;
- Parking and Access Code; and

- Water Quality and Quantity Code.

An assessment has been made against the requirement of the abovementioned codes and the proposed development does not comply with the relevant Performance Criteria and Acceptable Solutions. An assessment of the Performance Criteria which the application is in conflict with, is outlined below:

<b>Caretakers Residence Code</b>		
<b>Performance Criteria</b>		<b>Officer's Response</b>
P2	<p>A Caretakers Residence is;</p> <p>(a) integrated with the non residential use by locating it in close proximity to the main work area or building of the non residential use; and</p> <p>(b) of a scale and size that reflects its intended function; and</p> <p>(c) is not located in close proximity to non residential vehicle routes and non residential adjoining uses.</p>	<p><b>Does Not Comply</b></p> <p>While the house design is climate sensitive and visually appealing, it can be argued that it is not of a scale that reflects its function of being a caretakers residence. The floor area is approximately 370 square metres which is generally bigger than an average house in the region. Furthermore, a caretakers residence must be caretaking a use. If the rural use was to discontinue, then the caretakers residence would be unlawful, which also indicates that the use proposed is the scale of a a house. Nevertheless, Council will not support residential uses in a high hazard flood area.</p>
P6	<p>The Caretakers Residence:</p> <p>(a) is protected from adverse flooding and does not:</p> <p>(1) significantly interfere with the passage, storage or quality of stormwater or the natural functions of a waterway; and</p> <p>(2) put loss of life at risk; and</p> <p>(3) put life at risk of injury; and</p> <p>(4) put damage to property at high risk; and</p> <p>(b) complies with the requirements of the Flood Prone Land Code:</p>	<p><b>Does Not Comply</b></p> <p>The site is affected by the Q100 flood hazard overlay and is designated as being in a high hazard floodway as per the planning scheme mapping and extreme hazard under the proposed planning scheme. A high hazard area is subject to risk of loss of life and property in a Q100 event.</p> <p>Given that the depth of water exceeds two (2) metres in a Q100 event, there is considerable risk for any resident and the property.</p>
P7	<p>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.</p>	<p><b>Does Not Comply</b></p> <p>Although the house is on stumps, it is still located within a high hazard flood way and therefore may interfere in the natural function of the Fitzroy River in a flood event.</p>



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><b>Does Not Comply</b></p> <p>The site is affected by the Q100 flood hazard overlay and is designated as being in a high hazard floodway as per the planning scheme mapping. A high hazard area is subject to risk of loss of life and property in a Q100 flood event.</p> <p>The locality is completely isolated during a defined event with over two (2) metres of water inundating the subject site itself, according to Council's most up to date data. The maximum depth of water over the site would be approximately 2.25 metres based on a Q100 riverine flood of 7.785 metres.</p> <p>The acceptable solution states that development in a high hazard flood area does not occur. The development puts life and property at risk and is not an acceptable location for a residential use even when in connection to an existing rural use.</p>
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><b>Does Not Comply</b></p> <p>Access to the site is cut off during a range of flood events. Depot Street, Dunlop Street, Fiddes Street, and Port Curtis Road are inundated during a Q100 Fitzroy River Flood event. The access via these roads is also cut, up to and including a Q10 event (0.54 metres of water over the road, which exceeds the maximum for low hazard access). This Performance Criterion specifically requires that Type 1 access (maximum of 0.3 metres depth) is provided during a Q50 event. Council's most recent flooding data shows the depth of inundation at Depot Street, Dunlop Road and Fiddes Street during this event to be between 1.83 and 1.96 metres, which clearly exceeds the maximum for a Type 1 – Low Hazard access.</p> <p>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</p>	<p><b>Does Not Comply</b></p> <p>Development on this lot ultimately intensifies flood impacts within the community. Flood damage to the proposed use and community disruption is likely, given that access to the property is severed</p>

	<p>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>in a range of flood events for up to and over a week.</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, cars, boats 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 subject site above the 1 in 100 Average Recurrence Interval (ARI) Flood Event to store goods.</p>
P8	<p>Flood damage, damage to property and social disruption to residential landowners and the community in general is avoided by using the appropriate design, location and construction techniques for buildings and structures within the floodplain.</p>	<p><b>Does Not Comply</b></p> <p>While the applicant has satisfied the acceptable solution respective to this performance criteria (being that the floor levels are at least 500 millimetres above the Q100 flood level), the performance criterion has not been addressed. It is not possible to guarantee compliance, as the flood classification is high hazard (classified as extreme under the proposed planning scheme based on the most recent flood modelling adopted by Council), and flood damage and social disruption is likely to occur during a Q100 flood event.</p>
P9	<p>New residential buildings and re-classifications of buildings or parts of a building from a non-residential use to a residential use do not exacerbate the impacts and consequences caused by flooding.</p>	<p><b>Does Not Comply</b></p> <p>As stated above, the applicant has not adequately addressed the performance criterion. It is not possible to guarantee compliance as the flood classification is high hazard (classified as extreme in the proposed planning scheme), and flood damage and social disruption is unavoidable in a range of flood events, including a Q100 event.</p> <p>It is Council Officer's position that there is a real risk to loss of life and damage to property, should a dwelling be approved at this site. The proposal does not comply with any of the relevant acceptable solutions, being A9.1.1, A9.2, A9.3 and A9.6. Therefore, compliance with this performance criterion has not been met.</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><b>Does Not Comply</b></p> <p>The development does not comply with Acceptable Solution A10.1 of the Code.</p> <p>The velocity information resulted in a depth/velocity product in excess of 0.53 metres per second (0.53m/s), which when</p>

	<p><i>Note: The development will need to be carried out in accordance with an approved flood statement in accordance with Planning Scheme Policy No. 14 – Flood Plain Management</i></p>	<p>combined with an inundation depth greater than two (2) metres, demonstrates a non-compliance with A10.1.</p> <p>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 Average Recurrence Interval (ARI) flood event. However, it is pointed out that the parcel does not have flood free access, and flood plain and downstream damage could be caused if goods stored on the site are not removed prior to a flood and are washed away.</p>
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<b>Water Quality and Water Quantity Code</b>		
<b>Performance Criteria</b>		<b>Officer's Response</b>
P2	Development maintains the natural values of waterways and wetlands.	<p>The proposed development is located in proximity to a mapped wetland identified by the state government as a Matter of State Environmental Significance– Wetlands. It is noted in the planning report that the proposed development is to be located within thirty (30) metres of the Matter of State Environmental Significance wetland. The model code provisions under the State Planning Policy Biodiversity guidance material AO3.1 states:</p> <p><b>AO3.1</b> <i>A buffer for an area of state environmental significance (wetland protection area) has a minimum width of:</i></p> <p><u><i>(a) 200 m where the area is located outside an urban area or</i></u></p> <p><i>(b) 50 m where the area is located within an urban area</i></p> <p>OR</p> <p><b>AO3.2</b> <i>A buffer for an area of state environmental significance is applied and maintained, the width of which is supported by an evaluation of the environmental values, including the function and threats to matters of environmental significance.</i></p> <p>The proposed planning scheme biodiversity overlay code supports the state guidelines and facilitates the protection of environmentally significant wetlands, by including wetland buffers where development must be located 100 metres either side of the mapped wetland. The development is considered non-compliant with the intent of the State Planning Policy Biodiversity and this Code, regarding protection of wetlands, regardless of referral not being required.</p>

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

### Planning Scheme Policies

Planning Scheme Policy	Staff Comment
<b>14 – Flood Plain Management</b>	<p><b>Does Not Comply</b></p> <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. An assessment of the proposal by Council engineers has indicated the predicted 1 in 100 Average Recurrence Interval (ARI) level at the site to be 7.785 metres Australian Height Datum, which is up to and above 2.25 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 for non-removable items on site. None of the site is above the 1 in 100 Average Recurrence Interval (ARI) flood level.</p>

As evident from the above assessment, the proposal does not comply with the requirements of the applicable planning scheme policy.

### 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 the subject of public notification between 2 April 2015 and 24 April 2015, as per the requirements of the *Sustainable Planning Act 2009*, and twenty-six (26) properly made submissions were received.

Twenty-four (24) of the submissions received are an identical template, which support the development. Two (2) of the submissions are in objection to the development.

The following is a summary of the submissions lodged in objection to the development, with Council Officer comments:

Issue	Officer's Response
The site and surrounding area is extremely flood affected; allowing intensification of development in this area does not achieve good community outcomes.	Council does not support residential uses in areas that are constrained by natural hazard, in particular flood hazard. In this instance, the site is within a floodway high hazard area which is the highest risk category of flooding, with a depth for a Q100 event being 2.25 metres. The depth and velocity of the water creates an extremely high risk situation for people and property. This area can remain flooded for up to and over 1 - 2 weeks during a Q100 event, which displaces the household and puts pressure on emergency and recovery resources.
Allowing development in areas that are prone to natural disaster does not align with the Regions Disaster Management	The dwelling floor height is proposed as 2.6 metres from natural ground level, due to the water being approximately 2.25 metres in a

Issue	Officer's Response
objectives, and further places additional strain on emergency resources during the event.	Q100 event. The household would be required to evacuate in a range of flood events as this area is one of the first in the region to be inundated, being a flood plain. Flood damage to the proposed use and community disruption is likely, given that access to the property is severed in a range of flood events. The current and proposed planning schemes both outline that residential development 'does not occur' in an extreme/high flood risk area, in this case it is highly likely that the development will be an additional burden on the community, Council and emergency services during a flood event. Furthermore, safe access for evacuation is considered to be 0.3 metres of water or less.
The evacuation point is designated at the highest point of the land, however even this point is inundated in a minor event.	Councils flood model shows that the site floods at a depth of 2.25 metres during a Q100 flood event and an approximate level of 0.75 metres during a Q10 event. The road used for an evacuation route is flooded with a depth of 0.54 metres in a Q10 event, and 2.15 metres in a Q100 event. Therefore, any evacuation points on the site, as well as all evacuation routes are inundated and inaccessible in a range of flood events. This is not an acceptable outcome for a residential use, considering that Port Curtis is flooded frequently.
Allowing dwellings on land which is constrained will encourage 'development creep' and set a precedent in the community for development to go ahead in these areas.	By allowing the approval of one residential dwelling in an extremely dangerous flood area, the community may have an expectation that Council supports this type of development. Based on recent events, it can be assumed that if this dwelling is approved, Council is likely to receive comparable applications in the immediate area for the same or similar use. The current and proposed schemes are very clear that Council does not intend to expand residential uses into high risk flood areas.
The site contains wetlands and special habitat for water birds, providing breeding areas, food sources and shelter, in particular the Endangered Australian Painted Snipe and therefore the land should remain as rural and not subject to the placement of dwellings.	The proposed development is located in proximity to a mapped wetland identified by the state government as a Matter of State Environmental Significance—Wetlands. It is noted in the planning report that the proposed development is to be located within thirty (30) metres of the Matter of State Environmental Significance Wetland. The proposed planning scheme biodiversity overlay code supports the state guidelines and facilitates the protection of environmentally significant wetlands by including wetland buffers where development must be located 100 metres either side of the mapped wetland. The development is considered non-compliant with the intent of the

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Issue	Officer's Response
	State Planning Policy Biodiversity regarding protection of wetlands, regardless of referral not being required.

**REFERRALS**

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

**CONCLUSION**

The application for a Material Change of Use for a Caretakers Residence cannot be considered a consistent use within the South Rockhampton Rural Area. Furthermore, the subject site is flood affected and property and life cannot be entirely protected from the impacts of a flood event. 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/222-2014 - DEVELOPMENT  
APPLICATION FOR A MATERIAL  
CHANGE OF USE FOR A  
CARETAKER'S RESIDENCE**

**Locality Plan**

**Meeting Date: 14 July 2015**

**Attachment No: 1**







**D/222-2014 - DEVELOPMENT  
APPLICATION FOR A MATERIAL  
CHANGE OF USE FOR A  
CARETAKER'S RESIDENCE**

**Site Plan**

**Meeting Date: 14 July 2015**

**Attachment No: 2**



**D/222-2014 - DEVELOPMENT  
APPLICATION FOR A MATERIAL  
CHANGE OF USE FOR A  
CARETAKER'S RESIDENCE**

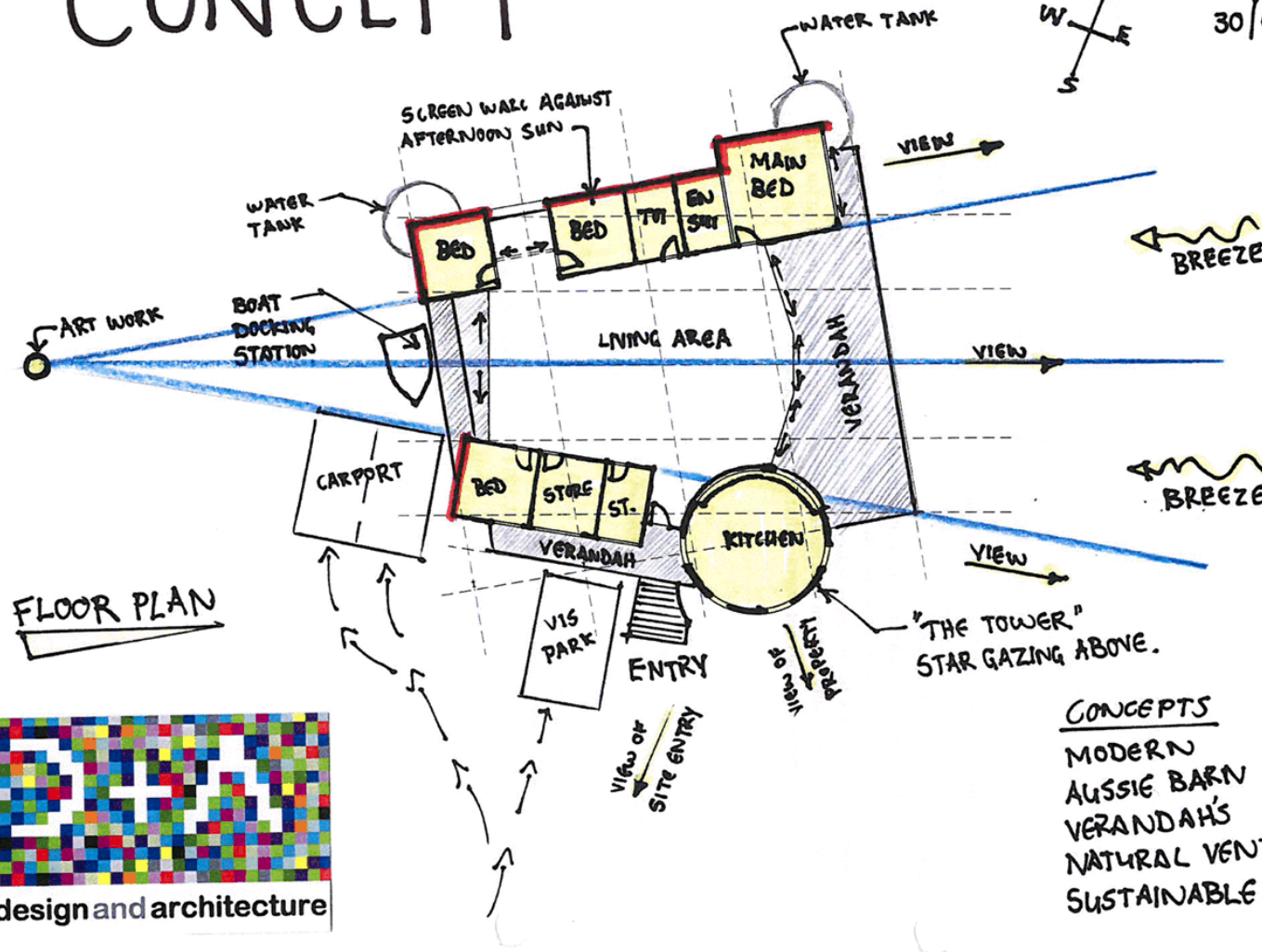
**Floor Plan**

**Meeting Date: 14 July 2015**

**Attachment No: 3**

# CONCEPT

20 Fiddes St.  
HO-014  
30/08/2014.



FLOOR PLAN



CONCEPTS  
MODERN  
AUSSIE BARN  
VERANDAH'S  
NATURAL VENTILATION  
SUSTAINABLE.

BORSEKER RANGES

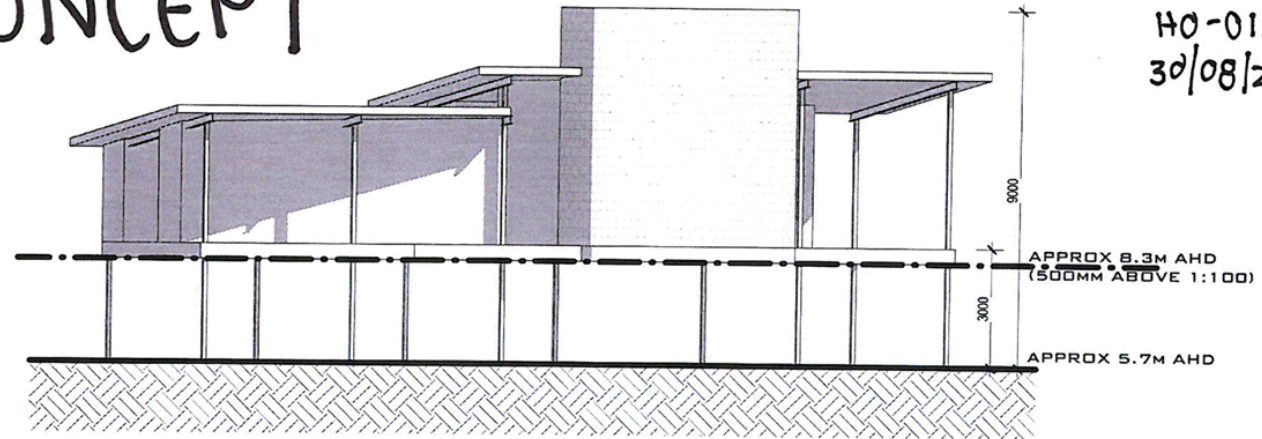
**D/222-2014 - DEVELOPMENT  
APPLICATION FOR A MATERIAL  
CHANGE OF USE FOR A  
CARETAKER'S RESIDENCE**

**Elevations**

**Meeting Date: 14 July 2015**

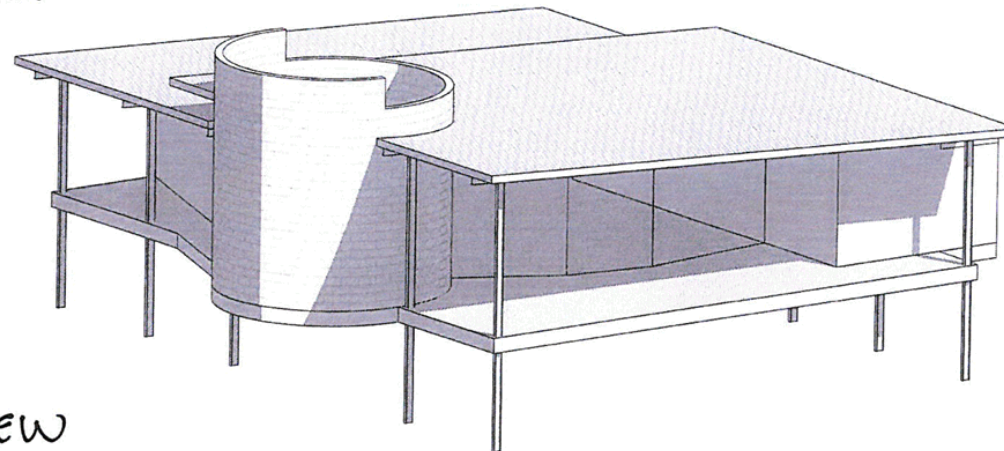
**Attachment No: 4**

# CONCEPT



20 Fiddes St.  
HO-014  
30/08/2014

ELEVATION



3D VIEW



design and architecture

## 8.2 D/300-2014 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A MULTI UNIT DWELLING (FOURTEEN UNITS)

**File No:** D/300-2014

**Attachments:**

1. Locality Plan
2. Site Plan 1
3. Site Plan 2
4. Boundary Elevations
5. Dwelling Unit Banksia
6. Dwelling Unit Wattle
7. Dwelling Unit Paperbark

**Authorising Officer:** Tarnya Fitzgibbon - Manager Development and Building  
Robert Holmes - General Manager Regional Services

**Author:** Corina Hibberd - Planning Officer

### SUMMARY

*Development Application Number:* D/300-2014

*Applicant:* Kele Property Group (QLD) Pty Ltd c/- Flinders Hyder

*Real Property Address:* Lot 21 on RP602602 and Lot 22 on RP602602, Parish of Rockhampton

*Common Property Address:* 12 Ann Street and 14 Ann Street, West Rockhampton

*Area of Site:* 4,452 square metres

*Planning Scheme:* Rockhampton City Plan 2005

*Rockhampton City Plan Area:* The Range South Rockhampton Area

*Planning Scheme Overlays:* Nil

*Existing Development:* Dwelling House (Lot 21 on RP602602) and Duplex (Lot 22 on RP602602)

*Existing Approvals:* 27748/RHISTC Dwelling House, approved 8 October 1976  
12633/RHISTC Flats, approved 19 November 1958

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

*Level of Assessment:* Impact Assessable

*Submissions:* five (5) properly made submissions

*Referral Agency(s):* Not Applicable

*Adopted Infrastructure Charges Area:* Charge Area One

### Application Progress:

<i>Application Lodged:</i>	9 December 2014
<i>Acknowledgment Notice issued:</i>	19 December 2014
<i>Request for Further Information sent:</i>	6 January 2015
<i>Request for Further Information responded to:</i>	31 March 2015
<i>Submission period commenced:</i>	2 April 2015

<i>Submission period end:</i>	<i>24 April 2015</i>
<i>Council request for additional time:</i>	<i>22 May 2015 (extended to 24 June 2015)</i>
<i>Last receipt of information from applicant:</i>	<i>25 May 2015</i>
<i>Committee Meeting date:</i>	<i>23 June 2015</i>
<i>Statutory due determination date:</i>	<i>24 June 2015</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 (fourteen units), made by Flinders Hyder on behalf of Kele Property Group (Qld) Pty Ltd, on Lot 21 on RP602602 and Lot 22 on RP602602, Parish of Rockhampton, located at 12 Ann Street and 14 Ann Street, West Rockhampton, 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 utilises sensitive design and building materials that support the intent to protect and enhance the pre-war residential character of the Area. Therefore, the development will likely compliment the surrounding unique aesthetic residential character of the Area;
- b) The development encourages sustainable in-fill development in an area that has full access to social and medical amenities;
- c) Assessment of the development demonstrates that the Planning Scheme's Desired Environmental Outcomes will not be compromised;
- d) Assessment of the development against the relevant planning scheme codes, demonstrates that the proposed development will not cause significant adverse impact on the surrounding natural environment, built environment and infrastructure, community facilities or local character and amenity; and
- e) The proposed development does not compromise relevant State Planning Policies.

### RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for a Multi Unit Dwelling (fourteen units), made by Flinders Hyder on behalf of Kele Property Group (Qld) Pty Ltd, on Lot 21 on RP602602 and Lot 22 on RP602602, Parish of Rockhampton, located at 12 Ann Street and 14 Ann Street, West Rockhampton, Council resolves to Approve the application subject to the following conditions:

#### 1.0 ADMINISTRATION

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



unless otherwise stated.

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

1.6.1 Operational Works:

- (i) Access and Parking Works;
- (ii) Stormwater Works;
- (iii) Inter-allotment Drainage Works;
- (iv) Roof and Allotment Drainage Works;
- (v) Site Works; and
- (vi) Landscape Works

1.6.2 Plumbing and Drainage Works; and

1.6.3 Building Works:

- (i) Demolition works for existing structures; and
- (ii) Building works for new development.

- 1.7 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.

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

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

- 1.10 Lot 21 on RP602602 and Lot 22 on RP602602 must be amalgamated and registered as one title prior to the commencement of the use.

- 1.11 The approval is for twelve (12) units only and must be in accordance with approved site plan 1408-08 DA-03 Issue DA1.1 (2 December 2014).

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 Layout Plan: Landscaping and details	1408-08, DA-03, Issue DA1.1	2 December 2014
Site Layout Plan: Car Parking (Amended by Council)	1408-08, DA-04, Issue DA1.1	2 December 2014
Site Layout Plan: Car Parking (Amended by Council)	1408-08, DA-04, Issue DA1.3	13 March 2015
Dwelling Unit – Banskia	1408-08, DA-05, Issue DA1.3	13 March 2015
Dwelling Unit – Wattle	1408-08, DA-07, Issue DA1.3	13 March 2015
Boundary Elevations	1408-08, DA-08, Issue DA1.3	13 March 2015

Proposed Site Plan	D14.153-02, Sheet 2 of 6, Rev A	December 2014
External Catchment Plan	D14.153-03, Sheet 3 of 6, Rev A	December 2014
Stormwater Detention Calculations	D14.153-06, Sheet 6 of 6, Rev A	December 2014
Stormwater Management Plan (Amended by Council)	D14.153-04, Sheet 4 of 9, Rev B	February 2015
Stormwater Details	D14.153-05, Sheet 5 of 9, Rev B	February 2015
Proposed Inlet Details	D14.153-07, Sheet 7 of 9, Rev B	February 2015
Kerb Weir Calculations	D14.153-08, Sheet 8 of 9, Rev B	February 2015
Sewer Connection Strategy (Amended by Council)	D14.153-09, Sheet 9 of 9, Rev B	February 2015

2.2 A full set of amended plans must be submitted to Council, prior to the lodgement of any Operational Works permit. The amended plans must reflect the most recent façade designs for twelve (12) units only.

2.3 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.

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

### 3.0 ACCESS AND PARKING WORKS

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

3.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Off Street Car Parking"* and the provisions of a Development Permit for Operational Works (access and parking works).

3.3 All parking spaces, access driveway(s), and vehicular manoeuvring areas associated with this proposed development must be concrete paved.

3.4 Any redundant vehicular crossover must be replaced by Council standard kerb and channel.

3.5 All vehicles including bin collection vehicles must ingress and egress the development in a forward gear.

3.6 A minimum of twenty-one (21) parking spaces must be provided on-site. This includes twelve (12) covered car parking spaces and seven (7) visitor's car parking spaces.

3.7 Any gate structure on the access must be located a minimum of six (6) metres inside the boundary to avoid vehicles blocking the through traffic (pedestrian and vehicle) on Ann Street.

### 4.0 PLUMBING AND DRAINAGE WORKS

4.1 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal*

*Development Guidelines, Water Supply (Safety and Reliability) Act, Plumbing and Drainage Act, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.*

- 4.2 A Development Permit for Plumbing and Drainage Works must be obtained for the removal and/or demolition of any existing structure on the development site.
- 4.3 All internal plumbing and sanitary drainage works must be completely independent for each unit/tenancy.
- 4.4 The development must be connected to Council's reticulated water supply and sewerage networks.
- 4.5 The existing two (2) sewerage connection point(s) must be disconnected. A new sewerage connection point must be provided from the existing access chamber located within the development site.
- 4.6 The existing two (2) water connection point(s) must be disconnected. A new water connection point must be provided to the development. A hydraulic engineer or other suitably qualified person must determine the size of connection required.
- 4.7 Internal fire hydrant must be installed fifty (50) metres from front boundary. This must include a combined fire and domestic meter.
- 4.8 The development must be provided with a master meter at the development site boundary and sub-meters for each sole occupancy building in accordance with the *Queensland Plumbing and Drainage Code* and Council's Sub-metering Policy
- 4.9 Adequate domestic and fire fighting protection must be provided to the development, and must be certified by a hydraulic engineer or other suitably qualified person.
- 4.10 Water meter boxes and sewerage connection points located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 4.11 The finished sewerage access chamber surface must be at a sufficient level to avoid ponding of stormwater above the top of the chamber. A heavy duty trafficable lid must be provided in the trafficable area.
- 4.12 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act* and Council's Plumbing and Drainage Policies.

## 5.0 STORMWATER WORKS

- 5.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.
- 5.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 5.3 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development condition, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.
- 5.4 The development must not increase peak stormwater runoff for a selected range of storm events up to and including a one percent (1%) Annual Exceedance Probability defined flood event, for the post development condition.
- 5.5 The development must comply with the requirements of post construction – stormwater management design objectives of the *State Planning Policy 2014*.

5.6 The installation of bio-retention and detention cells must be in accordance with relevant Standards and all maintenance of the proposed bio-retention and detention cells must be the responsibility of the property owner or body corporate.

5.7 Safety screen (Grate) must be required on top of the proposed masonry channel located along the southern boundary of development site and all maintenance of the proposed masonry channel must be the responsibility of the property owner or body corporate.

#### 6.0 INTER-ALLOTMENT DRAINAGE WORKS

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

6.2 All inter-allotment 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 (inter-allotment drainage works).

6.3 Inter-allotment drainage systems and overland flow paths must be wholly contained within a Council easement, with a minimum width of three (3) metres.

6.4 Safety screen (Grate) must be required on top of the proposed vegetated channel and all maintenance of the proposed vegetated channel must be the responsibility of the property owner or body corporate.

#### 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 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 (roof and allotment drainage works).

7.3 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance to surrounding land or infrastructure.

7.4 The development must not increase peak stormwater runoff for a selected range of storm events up to and including a one percent (1%) Annual Exceedance Probability defined flood event, for the post development condition.

#### 8.0 SITE WORKS

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

8.2 All earthworks must be undertaken in accordance with *Australian Standards, AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.

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

8.4 The structural design of all retaining walls above one (1) metre in height must be separately and specifically certified by a Registered Professional Engineer of Queensland as part of the Operational Works submission. A Registered Professional Engineer of Queensland must on completion certify that all works are compliant with the approved design.

8.5 Retaining structures close to or crossing sewerage infrastructure must comply with

*Queensland Development Code, Mandatory Part 1.4 "Building over or near relevant infrastructure."* The structure must be self-supporting and no additional load must be applied to Council's sewerage infrastructure.

9.0 **BUILDING WORKS**

- 9.1 The existing structures must be demolished.
- 9.2 A Development Permit for Building Works must be obtained for the removal and/or demolition of any existing structure on the development site.
- 9.3 All buildings and structures must maintain a clearance of two (2) metres to sewer access chambers and connection points.
- 9.4 All building works must be undertaken in accordance with *Queensland Development Code, Mandatory Part 1.4* for building over or near relevant infrastructure.
- 9.5 The finished floor level of all the buildings must be a minimum of 500 millimetres above a one percent (1%) Annual Exceedance Probability flood inundation level calculated for proposed masonry and vegetated channel.
- 9.6 Impervious paved waste storage area/s must be provided in accordance with the *Environmental Protection Regulation 2008* and must be:
- 9.6.1 Aesthetically screened from any frontage or adjoining property;
  - 9.6.2 Designed and located so as not to cause a nuisance to neighbouring properties;
  - 9.6.3 Surrounded by at least a 1.8 metre high fence that obstructs from view the contents of the waste storage area by any member of the public from any public place;
  - 9.6.4 Of a sufficient size to accommodate commercial type bins that will be serviced by a commercial contractor plus clearances around the bins for manoeuvring and cleaning;
  - 9.6.5 Setback a minimum of two (2) metres from any road frontage; and
  - 9.6.6 Provided with a suitable hosecock and hoses at the refuse container area, and washdown must be drained to the sewer and fitted with an approved stormwater diversion valve arrangement in accordance with the Sewerage Trade Waste provisions and the *Plumbing and Drainage Act*.
- As an alternative to a washdown facility, a fully contained commercial bin cleaning service is acceptable provided no wastewater is discharged from the site to the sewer.
- 9.7 All external elements, such as air conditioners, must be adequately screened from public view, to Council's satisfaction. Noise from any external elements, such as air conditioners, must not exceed 5dB(A) (decibels) above the background ambient noise level, measured at the boundaries of the subject site.
- 9.8 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"*.
- 9.9 All windows facing onto the adjoining residential properties must be properly glazed or screened to not intrude on the privacy of residents.
- 9.10 All fencing on side and rear boundaries must be a minimum 1.8 meters in height. The fencing may be graduated down to 1.2 metres towards the road frontage. All side and rear boundary, and internal fencing must ensure privacy and security to adjoining residential properties. The fencing must be constructed of materials and finishes that prevent light spillage of vehicle headlights and are commensurate with the

surrounding residential area.

- 9.11 All units must be provided with open-air clothes drying facilities and the facilities must be screened from public view.
- 9.12 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 and must be set back a minimum of two (2) metres from any road frontage. A suitable hosecock (with backflow prevention) and hoses must be provided at the refuse container area, and washdown must be drained to the sewer and fitted with an approved stormwater diversion valve arrangement, in accordance with a Plumbing and Drainage Permit and Sewerage Trade Waste Permit.

#### 10.0 LANDSCAPING WORKS

- 10.1 A Development Permit for Operational Works (landscaping works) must be obtained prior to the commencement of any landscaping works on the development site.
- 10.2 All landscaping must be constructed and/or established, in accordance with the requirements of the Development Permit for Operational Works (landscaping works), prior to the commencement of the use.
- 10.3 Landscaping of the development must be generally in accordance with the approved plans (refer to condition 2.1).
- 10.4 The landscape plans must be designed to specifically reduce the perceived scale of the buildings and must include advanced plant stock, to create an immediate effect.
- 10.5 All species used in landscaping must be in accordance with Planning Scheme Policy 6 – Planting Species.
- 10.6 Landscaping, or any part thereof, upon reaching full maturity, must not:
- (i) obstruct sight visibility zones as defined in the *Austroads 'Guide to Traffic Engineering Practice'* series of publications;
  - (ii) adversely affect any road lighting or public space lighting; or
  - (iii) adversely affect any Council infrastructure, or public utility plant.
- 10.7 The landscaped areas must be subject to an ongoing maintenance and replanting programme (if necessary).

#### 11.0 ELECTRICITY AND TELECOMMUNICATIONS

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

#### 12.0 ASSET MANAGEMENT

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

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

13.0 ENVIRONMENTAL

- 13.1 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, hydro-mulched, 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 Ann Street.

ADVISORY NOTES

(i) 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 Heritage Protection's website [www.ehp.qld.gov.au](http://www.ehp.qld.gov.au)

(ii) Asbestos Removal

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

(iii) General Environmental Duty

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

(iv) General Safety Of Public During Construction

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

(v) Infrastructure Charges Notice

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

**BACKGROUND**

The applicant had originally proposed sixteen (16) units at a pre-lodgement meeting, held on 18 November 2014. At this meeting, Council recommended that this density was too high for this area, and that Council would more likely support the proposal if the number of units was decreased. On 9 December Council received the application, for twelve (12) units. Council then sent an information request to address the character design as these were elements lacking.

At a meeting held on 8 January 2015, John Kele (Developer), Rebecca Doak and Scott Matveyeff (Building Designers), Gideon Genade (Town Planning Consultant, Corina Hibberd (Council Planning Officer), and Russell Claus (Council Manager Planning) met to discuss the design, layout and density of the proposal. It was negotiated that if the front two (2) detached units were to become highset and the proposal includes additional character elements, then an increased density of fourteen (14) units could be accepted.

The information request response was received; which did not include any high set units to the frontage, but did include two (2) additional units. Council is not willing to support the additional density in this area considering the character element of a high set design was not incorporated. The building designer argues that by raising the front verandahs by under one metre the unit is now high set. Therefore, the application is for fourteen (14) units; however it is recommended that only twelve (12) units be approved, in accordance with the original building layout plan, but including the updated façade designs of each unit as per the information response.

### **PROPOSAL IN DETAIL**

The proposal is for fourteen (14) units, which was increased from twelve (12) units at information request response stage. The two (2) units at the front of the site are detached with three (3) bedrooms in each. The remaining twelve (12) units are effectively six (6) attached duplexes with two (2) bedrooms in each unit. All units have one (1) covered car park, with access from Ann Street via a gated internal road.

### **SITE AND LOCALITY**

The site is generally flat and contains a number of large and mature trees, which will be removed for this development. The subject site is in a character area of The Range. The street is characterised by a mix of character houses (from varying eras) with a limited number of modern houses and a state government unit complex in the street. Ann Street is one of the main thoroughfares for traffic to reach the Botanic Gardens and the Rockhampton Zoo.

### **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 – (9 April 2015)**

Support, subject to conditions.

#### **Public and Environmental Health Comments – (6 January 2015)**

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 development is suitably located and has access to all standard urban services.

**Mining and extractive resources**

Not Applicable. The development is not near or affected by mining or extractive resources.

**Biodiversity**

Not Applicable. The development does not relate to a matter of State Environmental Significance.

**Coastal environment**

Not Applicable. The development does not relate to a coastal management area.

**Water quality**

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

**Natural hazard, risk and resilience**

Not Applicable. The site is not affected by bushfire hazard, flood hazard or steep land.

**Emissions and hazardous activities**

Not Applicable. The development is not affected by a hazardous activity as it is in a residential zone.

**State transport infrastructure**

Not Applicable. The development is not within 400 metres of a public passenger transport facility.

**Strategic airports and aviation facilities**

Not Applicable. The single storey development does not affect a strategic airport.

**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 supports continued population growth within Rockhampton through residential consolidation within established urban areas which enjoy all standard services.
- (2) Valuable natural resources are conserved or, where required to support economic growth in Rockhampton, used sustainably.  
**Complies** The subject site is not within proximity of any significant natural resources considered vital to economic growth within the region.
- (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 proposal will not adversely impact 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 adversely impact the environment, or the region's biodiversity as the subject site is located within an existing urban area with limited biodiversity values.

- (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 is not for a commercial or retail development.

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

**Not applicable** The proposal is not located within or near a commercial centre and does not involve commercial and/or retail development.

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

**Not applicable** The proposal does not relate to industrial development.

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

**Complies** The proposal does not impact upon any 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.

**Complies** The proposal adopts sensitive design elements which are aimed to compliment adjoining residential uses and contribute to the range of housing types and densities within an established residential area. As such, the proposal supports a diversity of residents and lifestyle choices with compatible urban services and facilities within proximity of the site.

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

**Not applicable** The proposal does not include any current or future community uses or health care facilities. The site is in proximity to a range of health care and community use facilities and therefore the development provides additional residential uses in an area where access to these facilities is available.

- (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.

**Complies** The proposal does not involve residential subdivision, nor will it impact on environmentally valuable features within Rockhampton.

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

**Complies** The subject site is connected to all standard urban infrastructure services.

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

**Complies** The proposal does not include and will not impact upon any transport systems.

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

**Complies:** The site is within walking distance to the Rockhampton Botanic Gardens, Rockhampton Zoo and the Rockhampton Golf Club.

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

### **The Range South Residential Area Intent**

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

*"It is intended that the Area will retain its unique residential character, in terms of materials used and design of buildings, associated with existing pre-war housing constructed prior to 1946. This housing includes a number of timber Queenslanders that are intended, wherever possible, to remain. The factors that contribute to the Area's unique character, therefore, includes pre-war buildings, and also a mixture of allotment sizes, including larger allotments. On the steeper parts of the Range, the allotments are generally larger and the dwellings more generous in size. To preserve this character, it is not intended that larger allotments will be subdivided, or that other forms of residential development will be constructed, except for relative's apartments and Bed and Breakfast establishments, where they do not compromise the existing pre-war residential character of the Area."*

The proposed use cannot be considered a consistent use within The Range South Residential 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.

### **Sufficient Grounds**

In response to the above, the assessment of this application concludes that the proposed development, subject to conditions, is not likely to conflict with Council's Desired Environmental Outcomes. Furthermore, there are considered to be 'sufficient grounds' in this instance, to justify Council approving the development despite its conflict with the Area Intent.

Sufficient grounds of justification are as follows:

- a) The development utilises sensitive design and building materials that support the intent to protect and enhance the pre-war residential character of the Area. Therefore, the development will likely compliment the surrounding unique aesthetic residential character of the Area;
- b) The development encourages sustainable in-fill development in an area that has full access to social and medical amenities;
- c) Assessment of the development demonstrates that the Planning Scheme's Desired Environmental Outcomes will not be compromised;
- d) Assessment of the development against the relevant planning scheme codes, demonstrates that the proposed development will not cause significant adverse impact on the surrounding natural environment, built environment and infrastructure, community facilities or local character and amenity; and
- e) The proposed development does not compromise relevant State Planning Policies.

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

### **Rockhampton City Plan Codes**

The following codes are applicable to this application:

- Multi Unit Dwelling, Accommodation Building and Duplex Code;
- Parking and Access Code;
- Landscaping Code;
- Crime Prevention Through Environmental Design Code;
- External Works and Servicing Code; and
- Residential Design - Character Code.

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

Multi Unit Dwelling, Accommodation Building and Duplex Code		
Performance Criteria		Officer's Response
P1	The density of the development is consistent with the scale and density of development expected and intended for an Area.	<b>Justified.</b> The typical density in this area is one dwelling per lot (typically a larger lot). This development results in a density to the equivalent of one dwelling per 371 square metres (for twelve (12) units). There are a number of other unit developments in proximity to the site. This development has been designed to compliment the existing character and street amenity, while providing new residential options in a popular area close to social amenities.
P4	The appearance of the building is enhanced and its bulk reduced by using design elements that reflect the residential nature and purpose of the building as well as the area.	<b>Justified.</b> The original design was not compliant with the existing character qualities in the street. The amended design incorporates additional character elements on the facades of the buildings as well as an improved streetscape including fencing and landscaping treatments. The development is intended to present to the street as two (2) dwelling houses, which is the equivalent to the existing site layout. Landscaping and roof design will minimise the scale and bulk of any units to the rear of the two (2) front dwellings.

(iv) Residential Design - Character Code		
Performance Criteria		Officer's Response
P1	The building form is consistent with pre 1946 houses in the street and contains features (such as roof styles and pitch, and verandahs) consistent with other houses in the street.	<b>Justified.</b> The original design was not compliant with the character design of a pre-1946 house. The amended design incorporates additional character elements including façade treatments, traditional colours and decorative features. Furthermore, the front two units have incorporated a slightly raised private open space area facing the street, so that it appears to be a verandah rather than a patio. The verandahs also include traditional french doors, verandah railings and heritage fencing. As discussed above, the building is not 'high set' which would increase the character attributes, and therefore the development is supported for twelve (12) units only, and not fourteen (14) units.
P2	The building size and bulk is consistent with other houses in the street.	<b>Justified.</b> The buildings are one storey in height and are non-intrusive to neighbouring houses. The front setbacks are consistent with other homes in the street. Landscaping will be conditioned to soften the visual impact of 'new' dwellings in an older street.
P5	The form of lightweight construction elements apparent in the street are reflected in new development (such as verandahs, stairs, window hoods, timber balustrade).	<b>Justified.</b> The amended design now includes a new façade treatment of cladding only (where it was brick and cladding originally), with added window awnings, altered roof pitch and decorative treatments to the facades. The change of the front fence from a solid timber fence to a heritage pylon and pole fence has greatly improved the streetscape of the development and added further heritage appeal.

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.

### INFRASTRUCTURE CHARGES

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

Column 1 Use Schedule	Column 2 Charge Area	Column 3 Adopted Infrastructure Charge for residential development (\$/dwelling unit)		Column 4 Unit	Calculated Charge
		1 or 2 bedroom dwelling	3 or more bedroom dwelling		
Residential	Area 1	15,000		per dwelling	\$150,000.00
			21,000	per dwelling	\$42,000.00
Total					\$192,000.00
Less credit					\$51,000.00
<b>TOTAL CHARGE</b>					<b>\$141,000.00</b>

This is based on the following calculations:

- (a) A charge of \$180,000.00 for ten (10) units, with two (2) bedrooms in each;
- (b) A charge of \$42,000.00 for two (2) units, with three (3) bedrooms in each; and
- (c) An Infrastructure Credit of \$51,000.00, made up as follows:
  - (i) \$21,000.00 for the existing allotment (Lot 21 on RP602602); and
  - (ii) \$30,000.00 for the existing duplex (two bedrooms in each unit) (Lot 22 on RP602602)

Therefore, a total charge of \$141,000.00 is payable and will be reflected in an Infrastructure Charges Notice for the development.

*N.B. Alternatively, if Council decides to approve fourteen (14) units, rather than the recommendation for twelve (12) units, the total infrastructure charge will be \$171,000.00.*

## CONSULTATION

The proposal was the subject of public notification between 2 April 2015 and 24 April 2015, as per the requirements of the *Sustainable Planning Act 2009*, and five (5) properly made submissions were received, which were all in objection to the development.

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

Issue	Officer's Response
Heritage and Character <ul style="list-style-type: none"> <li>- The modern house designs do not compare to the existing heritage features in the street</li> <li>- Fencing is not in accordance with existing streetscape and will be unsightly</li> <li>- One long driveway the length of the site without mature vegetation will be unsightly</li> </ul>	The original design was not compliant with the character streetscape in the area. The amended design has incorporated additional character elements, with particular focus to the street facing dwelling facades. Additionally, semi-mature landscaping will be conditioned to have an immediate effect to soften the impact of the new development, including the fence and driveway.

Issue	Officer's Response
<p>Amenity and Lifestyle</p> <ul style="list-style-type: none"> <li>- Changing the use from three (3) dwellings over two (2) lots to fourteen (14) units on one lot will change the quiet and peaceful lifestyle features of the large allotment living which is the reason residents have purchased these houses</li> <li>- Over-development of the site has a negative impact on adjoining landowners lifestyle, especially when there is available land elsewhere in the region more suited for this use</li> <li>- Multi units in a low density residential area will decrease property values as pockets of units are unsightly</li> <li>- Most regular residential lots have three (3) to four (4) neighbours, this development will cause the adjoining neighbours to have up to ten (10) or more dwellings surrounding their site</li> <li>- Higher density in this area will result in audible noise from additional dwellings and may create neighbourhood disputes</li> </ul>	<p>The site is ideally located and of sufficient size to cater for this type of development. Infill development is important to Rockhampton's growth and should be encouraged where there is easy access to social amenities such as the nearby Botanic Gardens, Rockhampton Golf Club and Rockhampton Zoo. The units are only single storey and will not be visually or audibly intrusive to the neighbouring dwellings. The development is of a high quality design and is not likely to contribute to the decrease of any property values in the area.</p>
<p>Vegetation and landscaping</p> <ul style="list-style-type: none"> <li>- Removal of mature trees will have a negative impact on the residents access to shade and their views</li> <li>- These trees contain important wildlife</li> </ul>	<p>It will be conditioned that semi-mature landscaping must be included for an immediate visual effect. The developer has indicated that some existing landscaping on the site will be re-used which indicates that care will be taken in removing any landscaping and wildlife habitat on site.</p>
<p>Traffic, Access, and Parking</p> <ul style="list-style-type: none"> <li>- Ann Street is relatively narrow with a high volume of traffic. Traffic calming measures may be required.</li> <li>- The gated access may impact on the traffic flows, and is out of character with other homes in the street</li> <li>- Visitors and second vehicles will likely park on the street which will restrict traffic flow and will be dangerous</li> </ul>	<p>Ann Street is an urban access order street, which is capable of handling on street car parking on both sides of the road, as well as sufficient space for traffic to operate normally. The development is compliant with the Parking and Access Code and includes the number of car parks required, being one (1) covered space per unit and 0.5 visitors space per unit.</p>
<p>Infrastructure Services</p> <ul style="list-style-type: none"> <li>- Water and sewer networks cannot</li> </ul>	<p>The sewer, water and fire hydrant infrastructure in this street is capable of</p>

Issue	Officer's Response
<p>cope with more connections</p> <ul style="list-style-type: none"> <li>- The electricity network is old and requires an upgrade as it often fails nearby residents</li> <li>- There may not be adequate access to water for emergencies for fire-fighting</li> <li>- Stormwater runoff is a major issue in this part of the street and the development will increase the negative impacts to neighbouring residents</li> <li>- Waste collection for up to twenty eight (28) bins on the street is not acceptable for amenity (visual, noise and smell)</li> </ul>	<p>servicing this development and does not require an upgrade. Electricity connections are available and are the responsibility of Ergon Energy only.</p> <p>Stormwater is an identified issue in this street and has been addressed during the application process. A new stormwater drain and upgrades to other infrastructure is proposed and will likely improve the stormwater issues in the rest of the street, as well as on site.</p> <p>This number of bins (twenty-eight (28) bins) is not an issue from the perspective of Council's waste collection service, however is considered to have an adverse impact on amenity. It is considered an appropriate solution for the development to be serviced by commercial waste collection which can be provided on site. A condition has been provided in the recommendation below to reflect this waste management strategy including appropriate setback, fencing, wash-down area and storm water diversion valve.</p>

## REFERRALS

The application was not referred to any State Government Department as part of this application.

## CONCLUSION

It is recognised that the proposal is not a consistent use within The Range South Residential Area under the *Rockhampton City Plan 2005*. However, the assessment of this application concludes that the proposed development, subject to conditions, is not likely to conflict with the Planning Scheme's Desired Environmental Outcomes. As demonstrated in the above report, the proposal is generally consistent with the code requirements prescribed by the planning scheme and the use will not compromise the intent of the area or the viability of surrounding uses.



**D/300-2014 - DEVELOPMENT  
APPLICATION FOR A MATERIAL  
CHANGE OF USE FOR A MULTI UNIT  
DWELLING (FOURTEEN UNITS)**

**Locality Plan**

**Meeting Date: 14 July 2015**

**Attachment No: 1**



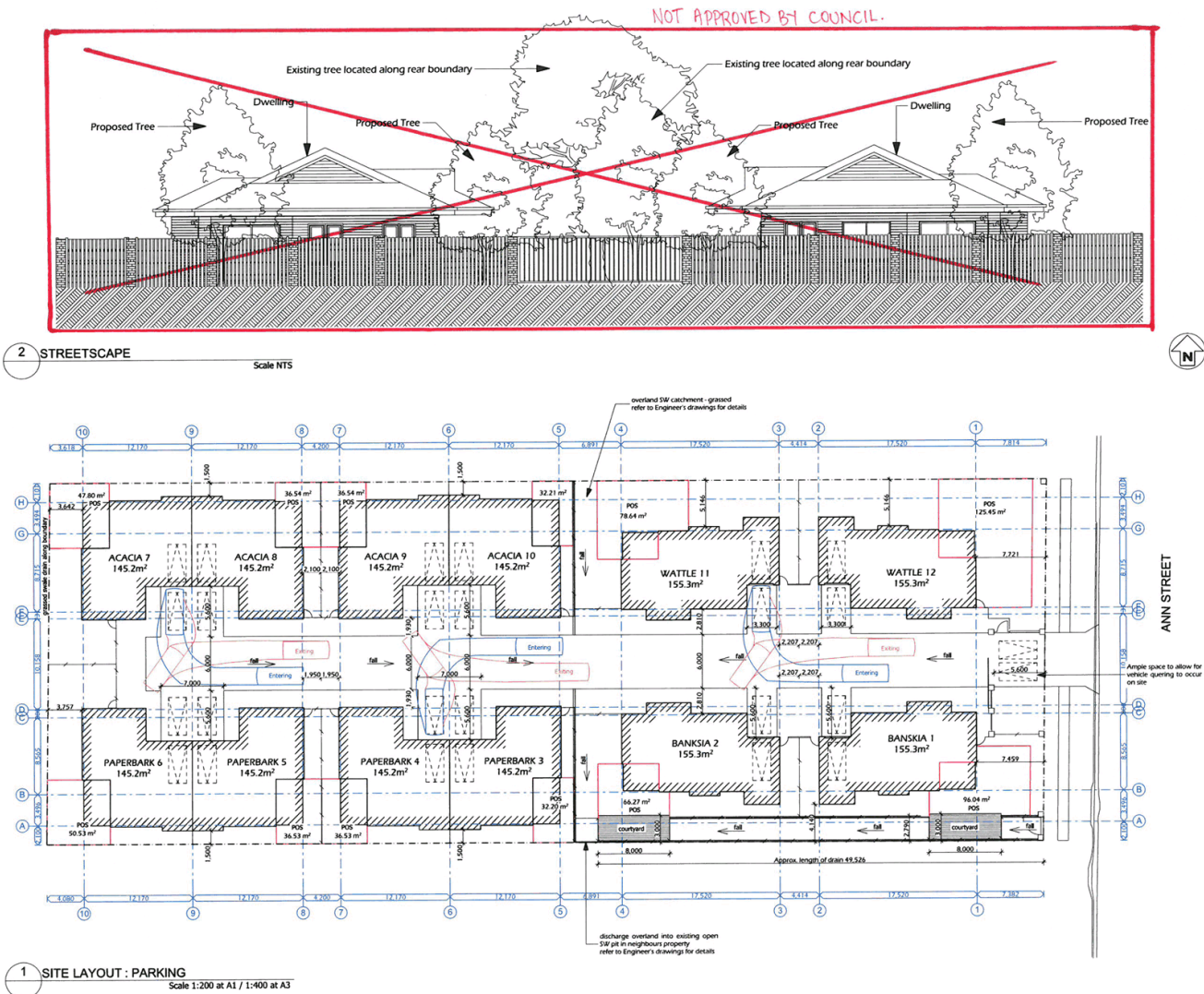
**D/300-2014 - DEVELOPMENT  
APPLICATION FOR A MATERIAL  
CHANGE OF USE FOR A MULTI UNIT  
DWELLING (FOURTEEN UNITS)**

**Site Plan 1**

**Meeting Date: 14 July 2015**

**Attachment No: 2**





Description	Date
DA1.0	24.10.2014
DA1.1	10.11.2014
DA1.2	11.11.2014
DA1.3	10.11.2014
DA1.4	10.11.2014
DA1.5	10.11.2014
DA1.6	10.11.2014
DA1.7	10.11.2014
DA1.8	10.11.2014
DA1.9	10.11.2014
DA1.10	10.11.2014
DA1.11	10.11.2014
DA1.12	10.11.2014
DA1.13	10.11.2014
DA1.14	10.11.2014
DA1.15	10.11.2014
DA1.16	10.11.2014
DA1.17	10.11.2014
DA1.18	10.11.2014
DA1.19	10.11.2014
DA1.20	10.11.2014
DA1.21	10.11.2014
DA1.22	10.11.2014
DA1.23	10.11.2014
DA1.24	10.11.2014
DA1.25	10.11.2014
DA1.26	10.11.2014
DA1.27	10.11.2014
DA1.28	10.11.2014
DA1.29	10.11.2014
DA1.30	10.11.2014
DA1.31	10.11.2014
DA1.32	10.11.2014
DA1.33	10.11.2014
DA1.34	10.11.2014
DA1.35	10.11.2014
DA1.36	10.11.2014
DA1.37	10.11.2014
DA1.38	10.11.2014
DA1.39	10.11.2014
DA1.40	10.11.2014
DA1.41	10.11.2014
DA1.42	10.11.2014
DA1.43	10.11.2014
DA1.44	10.11.2014
DA1.45	10.11.2014
DA1.46	10.11.2014
DA1.47	10.11.2014
DA1.48	10.11.2014
DA1.49	10.11.2014
DA1.50	10.11.2014
DA1.51	10.11.2014
DA1.52	10.11.2014
DA1.53	10.11.2014
DA1.54	10.11.2014
DA1.55	10.11.2014
DA1.56	10.11.2014
DA1.57	10.11.2014
DA1.58	10.11.2014
DA1.59	10.11.2014
DA1.60	10.11.2014
DA1.61	10.11.2014
DA1.62	10.11.2014
DA1.63	10.11.2014
DA1.64	10.11.2014
DA1.65	10.11.2014
DA1.66	10.11.2014
DA1.67	10.11.2014
DA1.68	10.11.2014
DA1.69	10.11.2014
DA1.70	10.11.2014
DA1.71	10.11.2014
DA1.72	10.11.2014
DA1.73	10.11.2014
DA1.74	10.11.2014
DA1.75	10.11.2014
DA1.76	10.11.2014
DA1.77	10.11.2014
DA1.78	10.11.2014
DA1.79	10.11.2014
DA1.80	10.11.2014
DA1.81	10.11.2014
DA1.82	10.11.2014
DA1.83	10.11.2014
DA1.84	10.11.2014
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DA1.89	10.11.2014
DA1.90	10.11.2014
DA1.91	10.11.2014
DA1.92	10.11.2014
DA1.93	10.11.2014
DA1.94	10.11.2014
DA1.95	10.11.2014
DA1.96	10.11.2014
DA1.97	10.11.2014
DA1.98	10.11.2014
DA1.99	10.11.2014
DA1.100	10.11.2014

Building Designers Association of Queensland Inc.
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**The Garden VILLAS**

Project Name: **PROPOSED MULTIPLE DWELLINGS**

Client: **KELE PROPERTY GROUP (QLD) PTY LTD**

Project Address: **12-14 ANN STREET, WEST ROCKHAMPTON 4700**

Drawing Title: **SITE LAYOUT PLAN : CAR PARKING**

Issue # DA1.1 Job Number: **1408-08**

Scale: as shown Page Number: **DA - 04**

Sheet: 4 of 6

Drawn By: dj

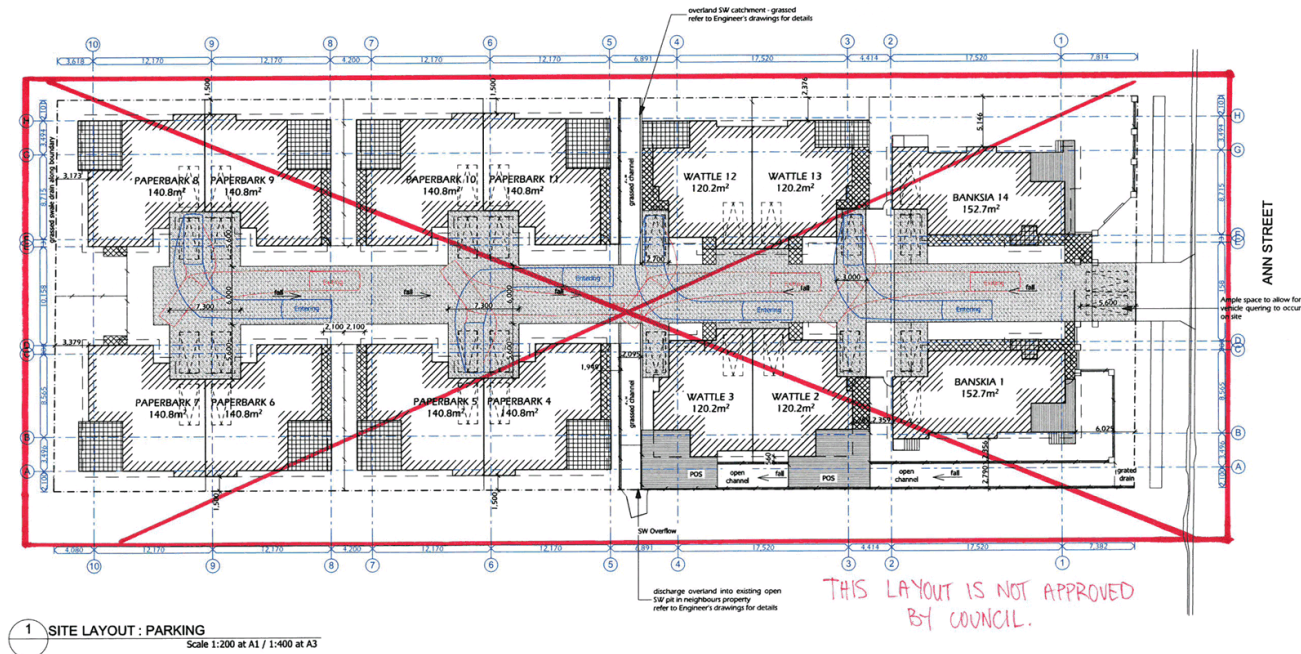
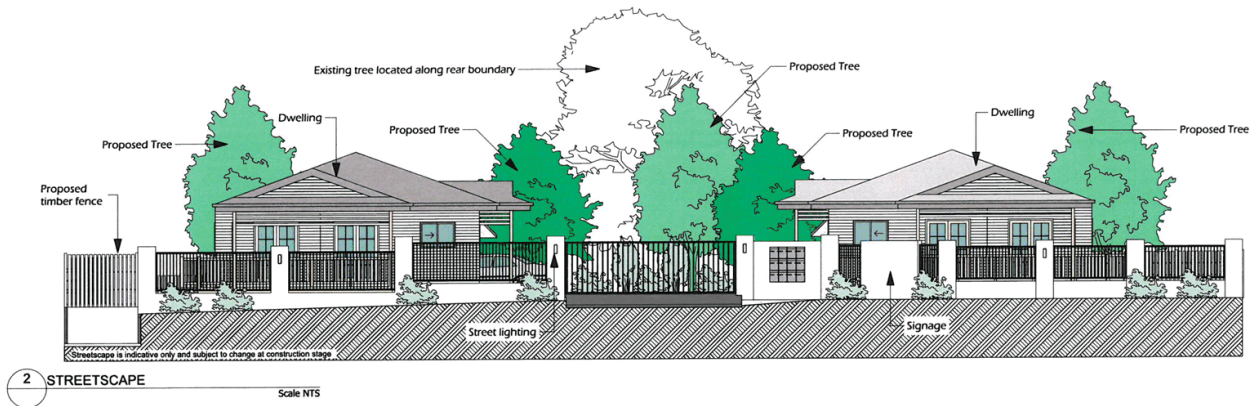
DATE: 10.11.2014

**D/300-2014 - DEVELOPMENT  
APPLICATION FOR A MATERIAL  
CHANGE OF USE FOR A MULTI UNIT  
DWELLING (FOURTEEN UNITS)**

**Site Plan 2**

**Meeting Date: 14 July 2015**

**Attachment No: 3**



Description	Date
DA1.0	04.10.2014
DA1.1	05.11.2014
DA1.2	13.11.2014
DA1.3	16.11.2014
DA1.4	02.12.2014
DA1.5	09.02.2015
DA1.6	17.02.2015

**BAEL BUILDING DESIGN**

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BDAQ Member #0001235

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**The Garden VILLAS**

Project Name: **PROPOSED MULTIPLE DWELLINGS**  
Client: **KELE PROPERTY GROUP (QLD) PTY LTD**  
Project Address: **12-14 ANN STREET, WEST ROCKHAMPTON 4700**  
Drawing Title: **SITE LAYOUT PLAN - CAR PARKING**  
Status: Development Application Issue  
Issue # DA1.3  
Job Number: **1408-08**  
Scale: as shown  
Sheet: 4 of 8  
Page Number: **DA - 04**  
Drawn By: jf

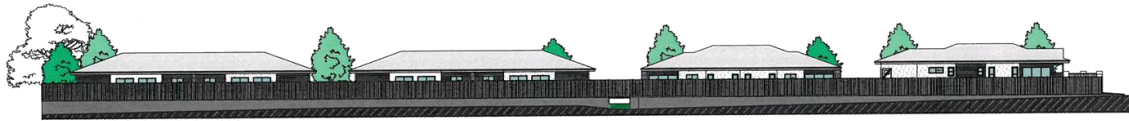
**D/300-2014 - DEVELOPMENT  
APPLICATION FOR A MATERIAL  
CHANGE OF USE FOR A MULTI UNIT  
DWELLING (FOURTEEN UNITS)**

**Boundary Elevations**

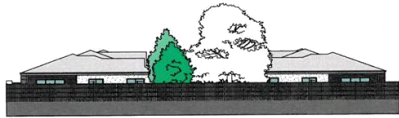
**Meeting Date: 14 July 2015**

**Attachment No: 4**

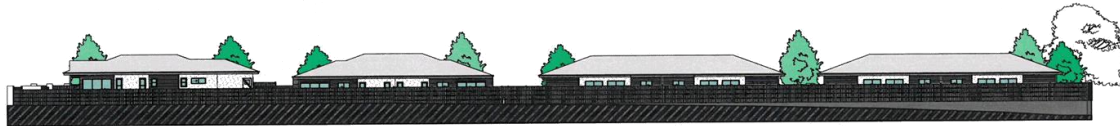




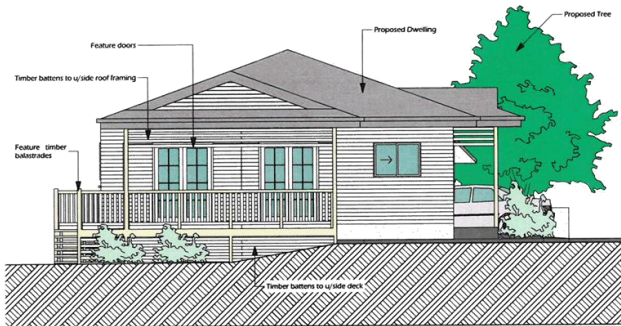
1 SOUTHERN BOUNDARY ELEVATION  
Scale 1:200 at A1 / 1:400 at A3



2 WESTERN BOUNDARY ELEVATION  
Scale 1:200 at A1 / 1:400 at A3



3 NORTHERN BOUNDARY ELEVATION  
Scale 1:200 at A1 / 1:400 at A3



4 BANKSIA UNIT STREETSCAPE  
Scale 1:50 at A1 / 1:100 at A3

Description	Date
DA1.0	24.10.2014
DA1.1	24.10.2014
DA1.2	13.11.2014
DA1.3	26.11.2014
DA1.4	02.12.2014
DA1.5	08.02.2015
DA1.6	13.03.2015



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BDAQ Member #0001235

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Project Name:  
**PROPOSED MULTIPLE DWELLINGS**  
Client:  
**KELE PROPERTY GROUP (QLD) PTY LTD**  
Project Address:  
**12-14 ANN STREET, WEST ROCKHAMPTON 4700**  
Drawing Title:

BOUNDARY ELEVATIONS	
Status: Development Application Issue	
Issue # DA1.3	Job Number: 1408-08
Scale: as shown	Page Number: DA - 08
Sheet: 8 of 8	Drawn By: dj

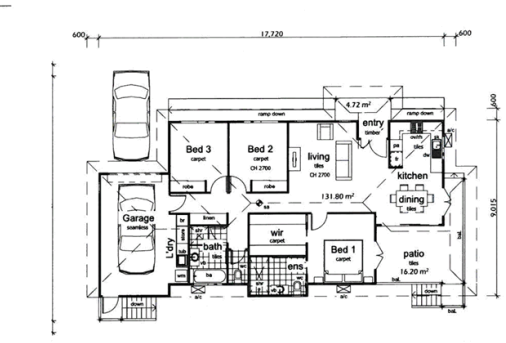


**D/300-2014 - DEVELOPMENT  
APPLICATION FOR A MATERIAL  
CHANGE OF USE FOR A MULTI UNIT  
DWELLING (FOURTEEN UNITS)**

**Dwelling Unit Banksia**

**Meeting Date: 14 July 2015**

**Attachment No: 5**



- LEGEND**
- A/C SELECTED AIR CONDITIONER UNIT
  - BR BROOD CUPBOARD
  - COL COLUMN
  - CP 10mm GSA DOWNPIPE
  - DR DRYER
  - DW DISHWASHER (UNDER BENCH)
  - HWS HOT WATER SYSTEM
  - P PANTRY
  - PTT SW DRAINAGE PTT
  - REF REFRIGERATOR
  - RDR WARDROBE
  - SA WARDROBE SMOKE ALARM
  - SHR SHOWER
  - SK SINK
  - SL SPLY LIGHT
  - ST STOVE / OVEN / RANGEHOOD
  - TUB WASHTUB
  - VB VANITY BASIN
  - W WASHING MACHINE
  - WC DUAL FLUSH TOILET
  - WD WALL COVER
- AREA SCHEDULE**
- |                                     |                      |
|-------------------------------------|----------------------|
| Banksia and Wattle Area             | 5.8m <sup>2</sup>    |
| Single Storey Dwelling Unit (3 Bed) | 131.80m <sup>2</sup> |
| Max. Building Height                | 4.2m <sup>2</sup>    |
| Lockable                            | 16.2m <sup>2</sup>   |
| Entry                               | 16.2m <sup>2</sup>   |
| Patio                               | 16.2m <sup>2</sup>   |
| Gross Floor Area                    | 182.7m <sup>2</sup>  |
- NOTE:**  
REFER TO DRAWING SHEET AD-7 FOR COMPLETE DIMENSIONS.

- PLEASE NOTE:**  
THE SUBSTITUTION OF ANY STRUCTURAL MEMBER AND/OR ANY VARIATION TO ANY PART OF THE DESIGN WILL VOID THE DESIGNERS RESPONSIBILITY FOR THE INTEGRITY AND PERFORMANCE OF THE BUILDING.
- FLOOR PLAN NOTES:**
- Any changes made to the approved plans must be submitted to the Designer for approval.
  - All materials and building products are to be installed in accordance with the Manufacturer's specifications.
  - All workmanship and materials are to comply with the Building Code of Australia, relevant Australian Standards and all other relevant Building Laws.
  - All components and connections including trussing, tie-downs, girths, doors and windows are to be of a standard not less than that required by the relevant Customer Version Category CL.
  - All smoke alarms are to be supplied and installed in compliance with the BCA Volume 2 Part 3.7.2.
  - All WC doors are to be fully accessible or open upwards in accordance with the Standard Building Regulations.
  - Builder and Contractor are to confirm all dimensions, site levels and finished floor levels on site before commencing construction.
  - All construction details not shown on the plans are to be carried out in accordance with the Timber Framing Manual A1104.
  - All work is to comply with the Local Authority requirements.

A1 DRAWING  
NOTED SCALES RELATE  
TO A1 DRAWINGS

Description	Date
DA1.0 Sketch issue	04.10.2014
DA1.1 Sketch issue	05.11.2014
DA1.2 Sketch issue	11.11.2014
DA1.3 Development application issue	16.11.2014
DA1.1 Development application issue	03.12.2014
DA1.2 Response to information request	09.02.2015
DA1.3 Further response to information request	13.02.2015



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Project Name:  
**PROPOSED MULTIPLE DWELLINGS**

Client:  
**KELE PROPERTY GROUP (QLD) PTY LTD**

Project Address:  
**12-14 ANN STREET,  
WEST ROCKHAMPTON 4700**

Drawing Title:

**DWELLING UNIT : BANKSIA**

Issue: Development Application Issue

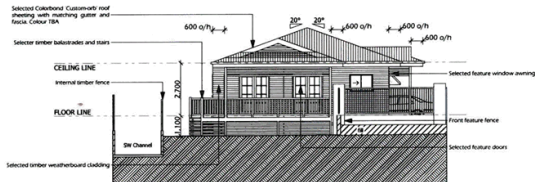
Issue # DA1.3 Job Number:

Scale: as shown **1408-08**

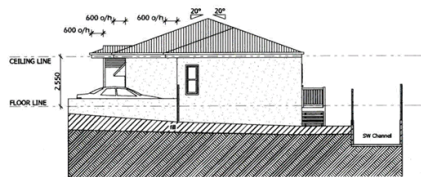
Sheet: 5 of 8 Page Number:

Drawn By: gl **DA - 05**

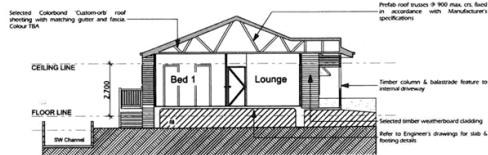
1 PROPOSED FLOOR PLAN  
Scale 1:100 at A1 / 1:200 at A3



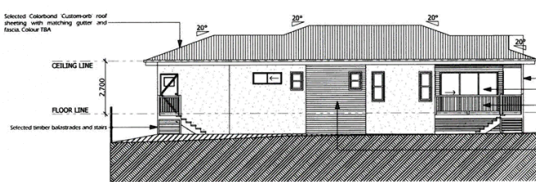
2 BANKSIA : EAST (ROAD) ELEVATION  
Scale 1:100 at A1 / 1:200 at A3



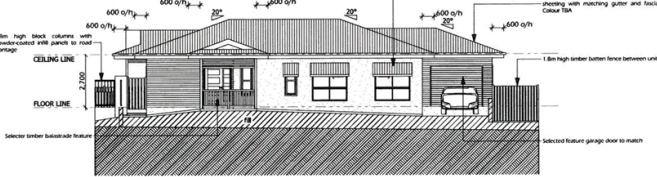
4 BANKSIA : WEST (REAR) ELEVATION  
Scale 1:100 at A1 / 1:200 at A3



6 SECTION A  
Scale 1:100 at A1 / 1:200 at A3



3 BANKSIA : SOUTH (SIDE) ELEVATION  
Scale 1:100 at A1 / 1:200 at A3



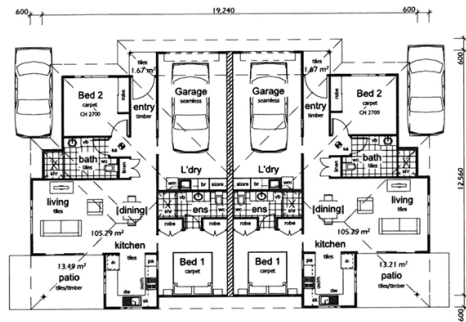
5 BANKSIA : NORTH (DRIVEWAY) ELEVATION  
Scale 1:100 at A1 / 1:200 at A3

**D/300-2014 - DEVELOPMENT  
APPLICATION FOR A MATERIAL  
CHANGE OF USE FOR A MULTI UNIT  
DWELLING (FOURTEEN UNITS)**

**Dwelling Unit Wattle**

**Meeting Date: 14 July 2015**

**Attachment No: 6**



- LEGEND:**
- A/C SELECTED AIR CONDITIONER UNIT
  - BK BROOM CUPBOARD
  - COL COLUMN
  - DP DOWNPUMP
  - DR DRYER
  - DW DOWNSIDE (UNDER BENCH)
  - HWS HOT WATER SYSTEM
  - P PANTRY
  - PIT SW DRAINAGE PIT
  - REF REFRIGERATOR
  - ROBE WARDROBE
  - SA HANDWIRED SMOKE ALARM
  - SKR SHOWER
  - SK SINK
  - SL SKY LIGHT
  - ST STOVE / OVEN / RANGEHOOD
  - TUB WASHTUB
  - VB VANITY BASIN
  - W WASHING MACHINE
  - WC DUAL FLUSH TOILET
  - WO WALL OVEN

**AREA SCHEDULE**

Wattle Area	
Single Storey Duplex Unit (2 Bed)	5.4m
Max. Building Height	105.3m
Lottable	1.7m
Entry	13.2m
Patio	13.2m
Gross Floor Area	138.2m

**NOTE:**  
REFER TO DRAWING SHEET AD-7 FOR COMPLETE DIMENSIONS.

**PLEASE NOTE:**  
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- FLOOR PLAN NOTES:**
- Any changes made to the approved plans must be submitted to the Designer for approval.
  - All materials and building products are to be installed in accordance with the Manufacturer's specifications.
  - All workmanship and materials are to comply with the Building Code of Australia, relevant Australian Standards and all other standard building codes.
  - All components and connections including framing, bracing, gable ends and eaves are to be of a standard not less than that required by the relevant Code of Practice Category C1.
  - All work is to be in accordance with the relevant Code of Practice Category C1.
  - All work is to be in accordance with the relevant Code of Practice Category C1.
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**A1 DRAWING**  
NOTED SCALES RELATE TO A1 DRAWINGS

description	date
DA1.2 sketch issue	24.10.2014
DA1.1 sketch issue	03.11.2014
DA1.2 sketch issue	13.11.2014
DA1.3 development application issue	24.11.2014
DA1.2 response to information request	09.02.2015
DA1.3 further response to information request	11.03.2015



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Project Name:  
**PROPOSED MULTIPLE DWELLINGS**

Client:  
**KELE PROPERTY GROUP (QLD) PTY LTD**

Project Address:  
**12-14 ANN STREET, WEST ROCKHAMPTON 4700**

Drawing Title:

**DWELLING UNIT : WATTLE**

Status: Development Application Issue

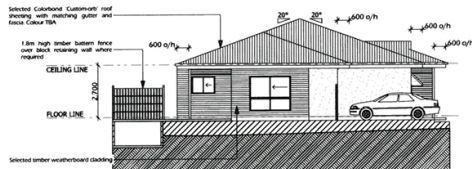
Issue # DA1.3 Job Number:

Scale: as shown **1408-08**

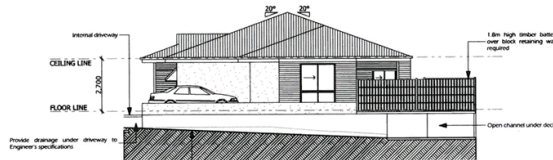
Sheet: 7 of 8 Page Number:

Drawn By: dj **DA - 07**

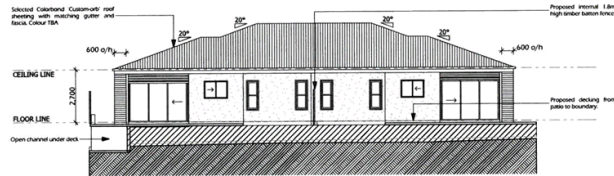
**1 PROPOSED FLOOR PLAN**  
Scale 1:100 at A1 / 1:200 at A3



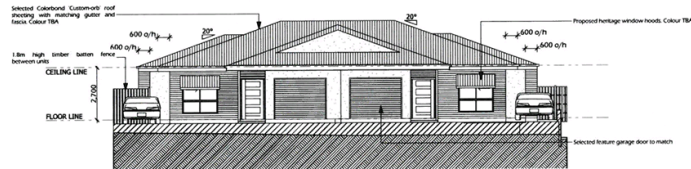
**2 WATTLE : EAST (ROAD) ELEVATION**  
Scale 1:100 at A1 / 1:200 at A3



**4 WATTLE : WEST (REAR) ELEVATION**  
Scale 1:100 at A1 / 1:200 at A3



**3 WATTLE : SOUTH (SIDE) ELEVATION**  
Scale 1:100 at A1 / 1:200 at A3



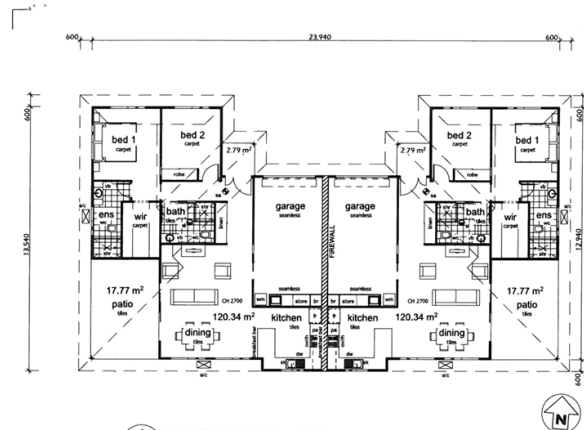
**5 WATTLE : NORTH (DRIVEWAY) ELEVATION**  
Scale 1:100 at A1 / 1:200 at A3

**D/300-2014 - DEVELOPMENT  
APPLICATION FOR A MATERIAL  
CHANGE OF USE FOR A MULTI UNIT  
DWELLING (FOURTEEN UNITS)**

**Dwelling Unit Paperbark**

**Meeting Date: 14 July 2015**

**Attachment No: 7**



- LEGEND**
- AC SELECTED AIR CONDITIONER UNIT
  - BR BROOM CUPBOARD
  - COL COLUMN
  - OP DOWNHILL DOWNWALL
  - DR DRYER
  - DW DOWNWALL (UNDER BENCH)
  - HWS HOT WATER SYSTEM
  - P PANTRY
  - PTT SW DRAINAGE PITY
  - REF REFRIGERATOR
  - ROB WARDROBE
  - SA HANDWASHED SINK ALARM
  - SHR SHOWER
  - SK SINK
  - SL SKY LIGHT
  - ST STOVE / OVEN / RANGEHOOD
  - TUB WASHTUB
  - VB VANITY BASIN
  - W WASHING MACHINE
  - WC DUAL FLUSH TOILET
  - WO WALL OVEN

**AREA SCHEDULE**

Paperbark and Acadia Area	5.4m
Single Storey Duplex Unit (2 Bed)	122.06m <sup>2</sup>
Max. Building Height	2.8m
Locable	17.77m <sup>2</sup>
Entry	17.77m <sup>2</sup>
Patio	145.6m <sup>2</sup>
Gross Floor Area	

**NOTE:**  
REFER TO DRAWING SHEET AD-7 FOR COMPLETE DIMENSIONS.

**PLEASE NOTE:**  
THE SUBSTITUTION OF ANY STRUCTURAL MEMBER AND/OR ANY VARIATION TO ANY PART OF THE DESIGN WILL VOID THE DESIGNER'S RESPONSIBILITY FOR THE INTEGRITY AND PERFORMANCE OF THE BUILDING.

- FLOOR PLAN NOTES:**
- Any changes made to the approved plans must be submitted to the Designer for approval.
  - All materials and building products are to be installed in accordance with the Manufacturer's specifications.
  - All workmanship and materials are to comply with the Building Code of Australia, relevant Australian Standards and all other standard building laws.
  - All components and connections including bracing, tendons, girths and bolts are to be of a standard not less than that required by the relevant Code of Practice for the relevant material.
  - All structural elements are to be designed and installed to comply with the BCA Volume 2 Part 3.2.
  - All structural elements are to be designed and installed to comply with the relevant Australian Standards.
  - Builder and Contractor are to confirm all dimensions, site levels and finished floor levels on the building commencing construction.
  - All construction details not shown on the plans are to be carried out in accordance with the Timber Framing Manual AS1684.
  - All work is to comply with the local authority requirements.

**A1 DRAWING**  
NOTED SCALES RELATE TO A1 DRAWINGS

Description	Date
SK1.0 Sketch Issue	24.10.2014
SK1.1 Sketch Issue	21.11.2014
SK1.2 Sketch Issue	11.12.2014
DA1.0 Development Application Issue	28.11.2014
DA1.1 Development Application Issue	12.12.2014
DA1.2 Response to Information Request	28.02.2015
DA1.3 Further response to information request	11.03.2015



PO BOX 6267  
RED HILL ROCKHAMPTON Q 4701  
M: 0438 166 530  
E: rebecca@bael.com.au  
BSA Licence: #118584  
BDAQ Member: #0001235

The Designer reserves the rights to their copyright and moral law. No licence (implied or expressed) can be inferred by the Client until full payment is required under the conditions of contract has been made to the Designer.  
The Builder shall check and verify all dimensions. All errors and omissions must be verified with the Designer. Do not scale from the drawings. Drawings shall not be used for construction purposes and issued by the Designer 'For Construction'.

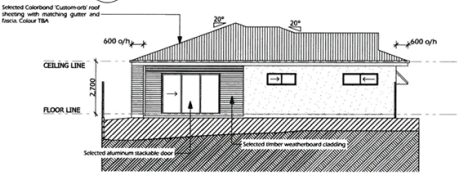


Project Name  
**PROPOSED MULTIPLE DWELLINGS**  
Client  
**KELE PROPERTY GROUP (QLD) PTY LTD**  
Project Address  
**12-14 ANN STREET, WEST ROCKHAMPTON 4700**  
Drawing Title

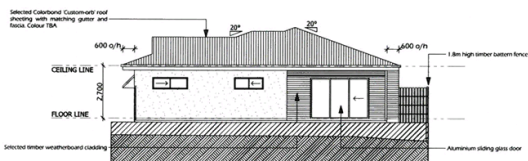
**DWELLING UNIT : PAPERBARK**

Status: Development Application Issue	
Issue # DA1.3	Job Number: 1408-08
Scale: as shown	Page Number: 6 of 6
Sheet: 6 of 6	Page Number: DA - 06
Drawn By: jf	

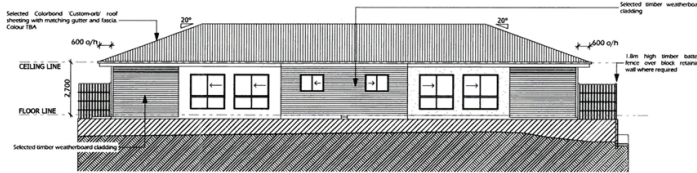
**1 PROPOSED FLOOR PLAN**  
Scale 1:100 at A1 / 1:200 at A3



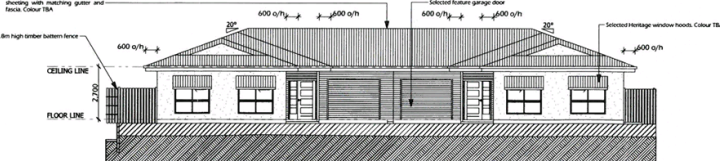
**2 PAPERBARK : EAST (ROAD) ELEVATION**  
Scale 1:100 at A1 / 1:200 at A3



**4 PAPERBARK : WEST (REAR) ELEVATION**  
Scale 1:100 at A1 / 1:200 at A3



**3 PAPERBARK : SOUTH (SIDE) ELEVATION**



**5 PAPERBARK : NORTH (DRIVEWAY) ELEVATION**  
Scale 1:100 at A1 / 1:200 at A3

### 8.3 D/37-2015 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR AN INDOOR SPORT AND RECREATION (EXTENSION OF OPERATING HOURS)

**File No:** D/37-2015

**Attachments:** 1. Locality Plan  
2. Site Plan

**Authorising Officer:** Tarnya Fitzgibbon - Manager Development and Building  
Robert Holmes - General Manager Regional Services

**Author:** Corina Hibberd - Planning Officer

#### SUMMARY

*Development Application Number:* D/37-2015

*Applicant:* Goodlife Health Club

*Real Property Address:* Lot 25 on SP238738, Parish of Archer

*Common Property Address:* 16 Alan Drive, Frenchville

*Area of Site:* 1.629 hectares

*Planning Scheme:* Rockhampton City Plan 2005

*Rockhampton City Plan Area:* Frenchville Residential Area

*Planning Scheme Overlays:* Nil

*Existing Development:* Indoor Sport and Recreation (Goodlife Health Club) and Child Care Centre

*Existing Approvals:* D-R/473-2003/A, Modification to Existing Approval (Indoor Entertainment, Outdoor Entertainment, Professional Office and Caretakers Residence), approved 5 March 2004

*Approval Sought:* Development Permit for a Material Change of Use for Indoor Sport and Recreation (Extension of Operating Hours)

*Level of Assessment:* Impact Assessable

*Submissions:* One (properly made) submission

*Referral Agency(s):* Nil

*Adopted Infrastructure Charges Area:* Charge Area One

*Application Progress:*

<i>Application Lodged:</i>	24 March 2015
<i>Acknowledgment Notice issued:</i>	2 April 2015
<i>Request for Further Information sent:</i>	Not Applicable
<i>Submission period commenced:</i>	24 April 2015
<i>Submission period end:</i>	20 May 2015
<i>Council request for additional time:</i>	19 June 2015 (extended to 17 July 2015)
<i>Statutory due determination date:</i>	17 July 2015
<i>Committee Meeting Date</i>	14 July 2015



**OFFICER'S RECOMMENDATION****RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for Indoor Sport and Recreation (Extension of Operating Hours), made by Capricorn Survey Group (CQ) Pty Ltd on behalf of Goodlife Health Club, on Lot 25 on SP238738, Parish of Archer, located at 16 Alan Drive, Frenchville, Council resolves to Approve the application subject to the following conditions:

**1.0 ADMINISTRATION**

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

**2.0 BUILDING WORKS**

- 2.1 All external elements, such as air conditioners, must be adequately screened from public view, to Council's satisfaction. Noise from any external elements, such as air conditioners, must not exceed the limits specified in the *Environmental Protection Act*.
- 2.2 The existing 1.8 metre high fence located on the western boundary must remain.

**3.0 OPERATING PROCEDURES**

- 3.1 The use can operate twenty-four (24) hours a day, seven (7) days a week, unless otherwise expressly stated.
- 3.2 The hours of operation for uses located outside of the building are limited to 0630 to 2200, seven (7) days a week.
- 3.3 The loading and/or unloading of delivery and waste collection vehicles must be limited to: between 0800 and 1700 hours, Monday to Friday only.
- 3.4 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 3.5 Noise emitted from the activity must not cause an environmental nuisance.
- 3.6 When requested by Council, nuisance monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise, light or dust. An analysis of the monitoring data and a report, including nuisance mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation.
- 3.7 When requested by Council, noise monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise. The monitoring data, an analysis of the data and a report, including noise mitigation measures, must be provided Council within fourteen (14) days of the completion of the investigation. Council may require any noise mitigation measures identified in the assessment to be implemented within appropriate timeframes. Noise



measurements must be compared with the acoustic quality objectives specified in the most recent edition of the *Environmental Protection (Noise) Policy*.

#### **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 development site during all stages of the development including earthworks, construction and operation.

#### **RECOMMENDATION B**

That in relation to the application for a Development Permit for a Material Change of Use for Indoor Sport and Recreation (Extension of Operating Hours), made by Capricorn Survey Group (CQ) Pty Ltd on behalf of Goodlife Health Club, on Lot 25 on SP238738, Parish of Archer, located at 16 Alan Drive, Frenchville, Council resolves to not issue an Infrastructure Charges Notice.

#### **BACKGROUND**

##### **PROPOSAL IN DETAIL**

The proposal is for an extension to the hours of operation for the existing Goodlife Health Club, originally approved as application D473/2003 (and D473/2003/A). The proposal will result in the hours of operation being increased to 24 hours a day, 7 days a week. No changes are proposed to the layout of the site or use area.

##### **SITE AND LOCALITY**

The subject site is 1.629 hectares and is improved by Goodlife Health Club and Zebra Childcare Centre. The site is relatively flat with no significant environmental features. The site has access to Robinson Road only. The site is bound by Alan Road and residential uses to the north and west, Robinson Road and the North Rockhampton High School to the south, and the North Rockhampton Police Station, Frenchville Childcare Centre and Village Life Retirement Village to the east. The site is generally characterised by low density residential uses with some commercial uses that service the local community such as this site and adjoining uses.

#### **PLANNING ASSESSMENT**

##### **MATTERS FOR CONSIDERATION**

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

**Infrastructure Operations Unit's Comments – (26 March 2015)**

No Comment.

**Public and Environmental Health Comments – (27 March 2015)**

Support, subject to conditions.

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

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

**State Planning Policy 2014**

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

**Liveable communities**

Not Applicable. The development complies with the requirements in the State Planning Policy.

**Mining and extractive resources**

Not Applicable. The development is not near or affected by mining or extractive resources.

**Biodiversity**

Not Applicable. The development does not relate to a matter of State Environmental Significance.

**Coastal environment**

Not Applicable. The development does not relate to a coastal management area.

**Water quality**

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

**Natural hazard, risk and resilience**

Not Applicable. The site is not affected by bushfire hazard, flood hazard or steep land.

**Emissions and hazardous activities**

Not Applicable. The development is not affected by a hazardous activity as it is in a residential zone.

**State transport infrastructure**

Not Applicable. The development is not within 400 metres of a public passenger transport facility.

**Strategic airports and aviation facilities**

Not Applicable. The single storey development does not affect a strategic airport.

**Rockhampton City Plan 2005****Frenchville Residential Area Intent**

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

***“There are some other local shops and commercial uses located throughout this Area. The ongoing use of these premises for non-residential uses that provide a convenience***

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**need or service to the residents of the local area is recognised and consistent with the intent of this Area.** However, extensions to any of these non-residential uses that would constitute a material change in the intensity or scale of the use, beyond what would be reasonably expected or necessary to service the local area, is not consistent with the intent of this Area. Any extension must be consistent with the character of the Area and not adversely affect the amenity of the Area. Any proposal to change the use of one of these premises or any other premises to a new use that by its nature, services more customers from outside the local area than inside it, is a use inconsistent with the intent of this Area. These premises and localities are not intended under any circumstances to develop as rivals or alternatives to the designated Local Shopping / Neighbourhood Centre. Alternatively, any proposal to use these premises for a residential purpose is consistent with the intent of this Area.”

The code assessment and submission response below considers the impacts the use may have on the amenity of the area. The extension to the hours of operation is considered consistent with the community's expectation of the service provided by a local gym. The gym was established lawfully at this site prior to the current planning scheme, and the application is considered a reasonable request. It is not expected that the amenity of the area will be detrimentally affected by the extension to the hours of operation. Therefore, the application is consistent with the intent of the Area.

### Rockhampton City Plan Codes

The following codes are applicable to this application:

- Sports and Recreation Code;
- Crime Prevention Through Environmental Design Code;
- Parking and Access Code; and
- Landscaping Code.

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

Sports and Recreation Code		
Performance Criteria		Officer's Response
P1	The proposal must; (a) not be in proximity to other land uses that are contrary to the best interests of users of either or both land uses; and (b) not adversely impact on the operations of the Rockhampton Airport and Aviation Facilities; and (c) not create a risk to life or property caused by flooding.	<b>Justified.</b> The site is in proximity to residential development. The residential street was established after the indoor sport and recreation facility was approved and established. One (1) submission was made against the development by a resident in this street. The extended hours of operation can be considered consistent as the use was lawfully established on the site prior to the residential development. It is envisioned that this approval will result in the use providing a higher service and better access to surrounding local residents while maintaining the amenity of the adjacent residential street. Noise and lighting conditions will be imposed on the use.
P4	The proposal minimises impacts on residential amenity and is not in proximity to other uses that are contrary to the best interests of users of the proposal; giving consideration	<b>Justified.</b> It is envisioned that the extended hours of the use will result in a safer community appeal, by promoting casual surveillance at all times of the day. The use adjoins the

	to possible measures that include; (a) limited hours of operation; and (b) limited frequency; and (c) separation distances to incompatible uses.	North Rockhampton Police Station, which indirectly contributes to a safe site, and the site is fenced toward all residential uses to maintain a high level of amenity.
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Based on a performance assessment of the above mentioned codes, it is determined that the proposal is acceptable and generally complies with the relevant Performance Criteria and where there is deviation from the codes, sufficient justification has been provided.

### INFRASTRUCTURE CHARGES

The use is not expanding any impervious or gross floor areas. Therefore, no infrastructure charge is payable.

### CONSULTATION

The proposal was the subject of public notification between 24 April 2015 and 20 May 2015, as per the requirements of the *Sustainable Planning Act 2009*, and one (1) properly submission was received.

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

Issue	Officer's Response
The use was established prior to the construction of the residential street consisting of Alan Drive and Tahlani Court. The residents did not fore-see a 24/7 use, and it is not necessary given there are six (6) gyms in the Rockhampton area that have 24/7 operations.	Other gyms (and their business plans) within the region cannot be taken into account as part of this application. It is not Council's position to control the indoor sport and recreation market and competitiveness. The applicant has undergone public notification in compliance with the <i>Sustainable Planning Act 2009</i> , where residents were given a chance to make comment. Only one (1) submission was received. The residential street adjoining the site was created after the gym was established and therefore the occupants were aware that this activity occurred near to their residence prior to buying or occupying a nearby dwelling.
The current lighting is obtrusive and extending the hours that lighting will be on (to 24/7) will create further discomfort to residents. The applicant is not compliant with condition 20 and 21 of the original approval (relating to the Australian Standard AS4282 'Control of obtrusive effects of outdoor lights'; and amenity).	Council is not aware that the use is not-compliant with condition 20 or 21 of the original material change of use application. Furthermore, no complaints have been received by council regarding noise or light nuisance from the existing use.
The customers attending the site have little regard for neighbouring residents by revving their engines, loud music from cars and car alarms going off. Therefore light and noise pollution from the site will increase, which will be particularly disturbing before sunrise and after sunset.	Council is not responsible for the actions of the customers. Council have appropriately conditioned the use; it is the gym's responsibility to encourage quiet behaviour at the site. The development will be strictly conditioned to limit noise and light pollution from the site. The site boundary that adjoins the residential development has been fully fenced to reduce light glare.
There are concerns that the applicant has disregarded the original conditions 'so why	Council does not believe that the use is not compliant with the conditions of the original

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Issue	Officer's Response
would they comply with new conditions'. The applicant has mentioned in the planning report that they do not expect a significant increase in customers using the gym during the extended hours and the submitter does not see the need for the extended hours, especially if there are other 24/7 gyms in Rockhampton.	material change of use application. Furthermore, no complaints have been received by council regarding noise or light nuisance from the existing use. The applicant's advice " <i>that there will not be a significant increase in patrons during the extended hours</i> " demonstrates that the amenity of the residential street will generally be maintained, and that they are providing a service for shift workers in the local community.

## CONCLUSION

The proposed development for a Material Change of Use for Indoor Sport and Recreation is considered to be generally in keeping with the intent of the Frenchville Residential Area, as the application is for the extension to the hours of operation for a use that lawfully exists on the site and provides a service to the local community. Furthermore, the proposal generally complies with the provisions included in the relevant codes. The proposal is therefore recommended for approval in accordance with the approved plans and subject to the conditions outlined in the recommendation.

**D/37-2015 - DEVELOPMENT  
APPLICATION FOR A MATERIAL  
CHANGE OF USE FOR AN INDOOR  
SPORT AND RECREATION  
(EXTENSION OF OPERATING HOURS)**

**Locality Plan**

**Meeting Date: 14 July 2015**

**Attachment No: 1**





**D/37-2015 - DEVELOPMENT  
APPLICATION FOR A MATERIAL  
CHANGE OF USE FOR AN INDOOR  
SPORT AND RECREATION  
(EXTENSION OF OPERATING HOURS)**

**Site Plan**

**Meeting Date: 14 July 2015**

**Attachment No: 2**





#### 8.4 D/221-2014 - APPLICATION UNDER THE DEVELOPMENT INCENTIVES POLICY FOR A DEVELOPMENT PERMIT FOR BUILDING WORKS ASSESSABLE AGAINST A PLANNING SCHEME FOR HIGH IMPACT INDUSTRY FOR TWO PRODUCTION STORAGE SHEDS

**File No:** D/221-2014

**Attachments:** 1. Locality Plan  
2. Site Plan

**Authorising Officer:** Tarnya Fitzgibbon - Manager Development and Building  
Robert Holmes - General Manager Regional Services

**Author:** Petrus Barry - Senior Planning Officer

#### SUMMARY

*Development Application Number:* D/221-2014

*Applicant:* The Planning Place

*Real Property Address:* Lot 3 on RP601934, Parish of Murchison

*Common Property Address:* 368 McLaughlin Street, Parkhurst

*Rockhampton City Plan Area:* Parkhurst Industrial Area, High Impact Industrial Precinct

*Type of Approval:* Development Permit for Building Works Assessable against a Planning Scheme for High Impact Industry for two production storage sheds

*Date of Decision:* 24 September 2014

*Application Lodgement Fee:* \$18,613.00

*Infrastructure Charges:* \$130,560.00 (Stage 1)  
\$146,880.00 (Stage 2)

*Infrastructure charges incentive:* All other areas, new GFA – 50% discount  
*Value of discount:*  
\$65,280.00 (Stage 1)  
\$73,440.00 (Stage 2)

*General Incentives sought:* Refund of Development Application Fees

#### OFFICER'S RECOMMENDATION RECOMMENDATION

THAT in relation to the application under the Development Incentives Policy for a Development Permit for Building Works Assessable against a Planning Scheme for High Impact Industry for two production storage sheds, on Lot 3 on RP601934, Parish of Murchison, located at 368 McLaughlin Street, Parkhurst, Council resolves to Approve the following incentives if the use commences by 24 September 2017:

- a) A fifty (50) per cent reduction of infrastructure charges to the amount of \$138,720.00 (\$65,280.00 for Stage 1 and \$73,440.00 for Stage 2.);
- b) A refund of the application lodgement fee amounting to \$18,613.00 on completion of the development; and

- c) Council enter into an agreement with the applicant in relation to (a) and (b).

## **BACKGROUND**

### **Project outcomes anticipated by applicant:**

The applicant wishes to construct two (2) product storage sheds in which it proposes to store a diverse range of finished packaged magnesia products.

Construction will be undertaken in two (2) stages with the first storage shed, which has a gross floor area of 1,920 square metres, being built in Stage 1, and the second shed, which has a gross floor area of 2,160 square metres, being built in Stage 2.

### **New jobs and investment:**

Construction of both sheds will result in a capital expansion of \$2.48 million on top of strong prior investment by the applicants and the business's predecessor owners.

The applicant estimates local suppliers will contribute \$1.74 million or seventy per cent (70%) of the cost of this project.

The civil site works, including the concrete loading aprons and roadways, will be built by A&A Complete Concrete Services which is based in Gracemere, while the site preparation work will be undertaken by N-Mac Plant Hire (Neil McBryde), which is based at the corner of Murphy Road and Hendy Drive.

Clearspan was the principal contractor and it maximised input from the Rockhampton Region with 30 per cent (30%) of the kit being provided by local contractors. Stramit and Best Doors were significant sub-contractors and crane hire, electrical work and fire safety were provided by local suppliers. Labour, other than the supervisor, was all provided from the Rockhampton Region.

Sibelco's magnesite operations in Parkhurst and Kunwarara contribute in excess of \$30 million annually in both operational and capital works to the coastal Central Queensland economy.

Construction of the two (2) storage sheds will continue the orderly expansion of Sibelco's Parkhurst magnesite plant. The two (2) sheds will reduce the applicant's reliance on rented sheds and reduce rental and double handling costs.

### **Benefits of project for applicant's business:**

Construction of the two (2) storage sheds will continue the orderly development of Sibelco's Parkhurst magnesite plant and secure its long term financial viability. The two (2) sheds will reduce the applicant's reliance on rented sheds and reduce rental and double handling costs.

This project will enable the applicant to increase the use of rail freight and reduce the number of trucks leaving its Parkhurst site.

The project will also enable Sibelco to improve its internal road network and the concrete loading zones and road surfaces will result in fewer fugitive dust emissions.

### **Benefits of project to Rockhampton Regional economy:**

The applicant has estimated local suppliers will be responsible for about seventy per cent (70%) of the project's cost.

The two (2) storage sheds continue the orderly growth of Sibelco's Parkhurst site and help secure the plant's long-term financial viability. The applicant's plants are an important segment of the Rockhampton Region's economy and add to the Region's economic diversity. The applicant's operations at Kunwarara and Parkhurst presently involve 300 employees.

Sibelco spends more than \$30 million each year on operational and capital projects in coastal Central Queensland.

**COMMENTS FROM RELEVANT UNITS****Infrastructure Operations Unit's Comments – (21 April 2015)**

Support.

**Economic Development Unit's Comments – (14 May 2015)**

Support, subject to comments.

**Other Staff Technical Comments**

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

**CONCLUSION**

The development meets the eligibility criteria under the Development Incentives Policy and the applicant has demonstrated some economic benefits arising from the development.

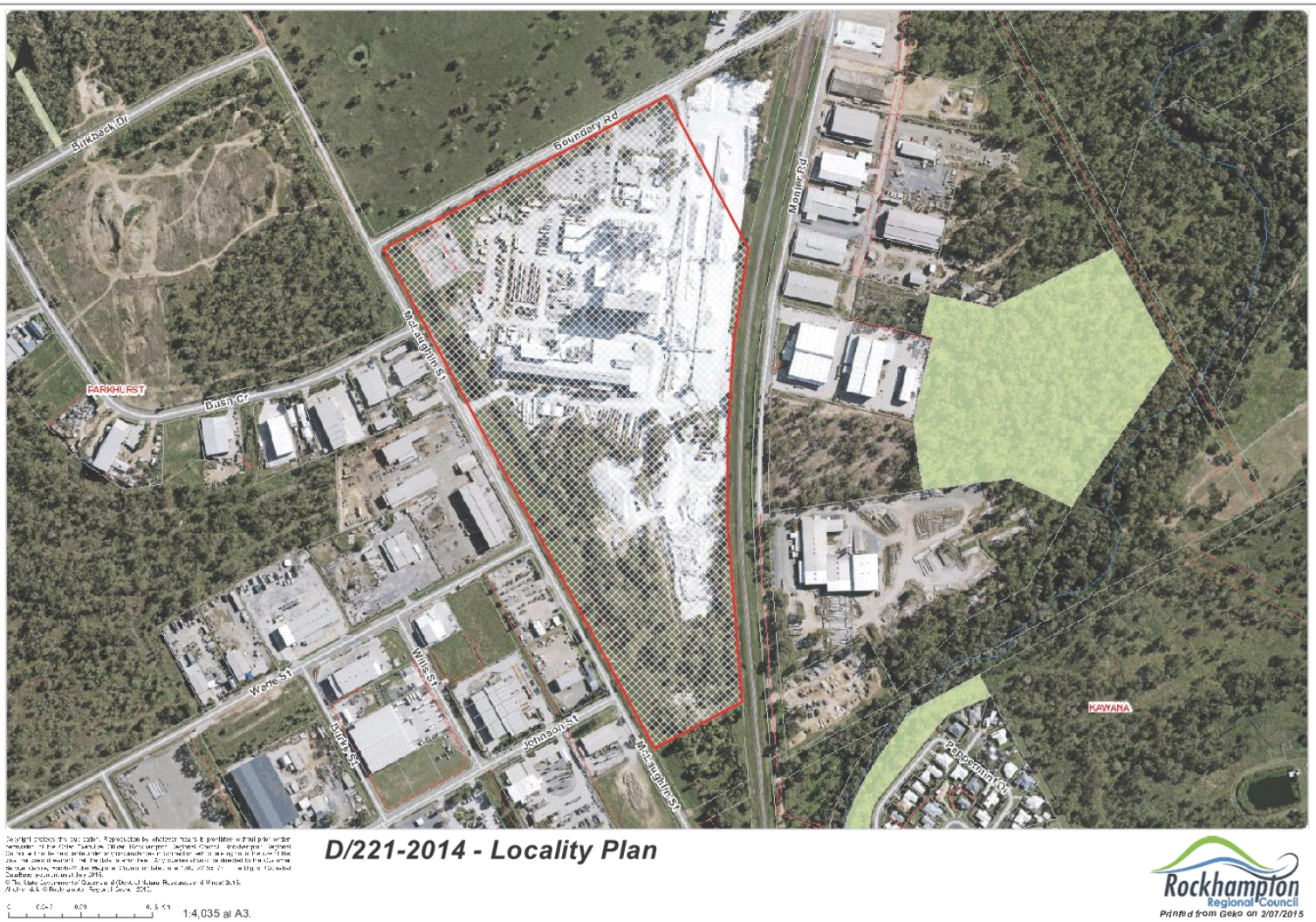
**D/221-2014 - APPLICATION UNDER  
THE DEVELOPMENT INCENTIVES  
POLICY FOR A DEVELOPMENT  
PERMIT FOR BUILDING WORKS  
ASSESSABLE AGAINST A PLANNING  
SCHEME FOR HIGH IMPACT  
INDUSTRY FOR TWO PRODUCTION  
STORAGE SHEDS**

**Locality Plan**

**Meeting Date: 14 July 2015**

**Attachment No: 1**





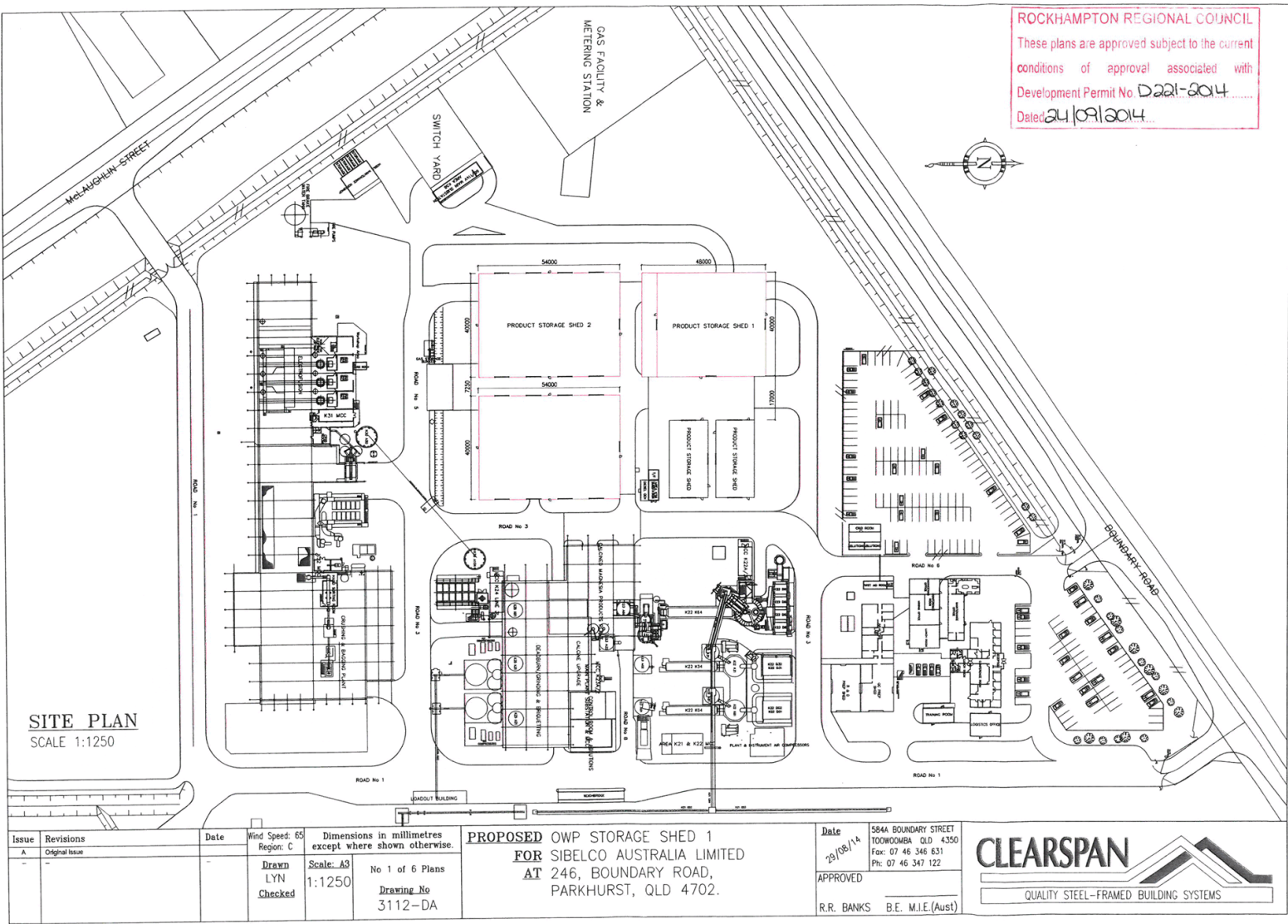
**D/221-2014 - APPLICATION UNDER  
THE DEVELOPMENT INCENTIVES  
POLICY FOR A DEVELOPMENT  
PERMIT FOR BUILDING WORKS  
ASSESSABLE AGAINST A PLANNING  
SCHEME FOR HIGH IMPACT  
INDUSTRY FOR TWO PRODUCTION  
STORAGE SHEDS**

**Site Plan**

**Meeting Date: 14 July 2015**

**Attachment No: 2**





ROCKHAMPTON REGIONAL COUNCIL  
 These plans are approved subject to the current  
 conditions of approval associated with  
 Development Permit No. D221-2014  
 Dated 24/09/2014

Issue	Revisions	Date	Wind Speed: 65 Region: C	Dimensions in millimetres except where shown otherwise.	Scale: A3 1:1250	No 1 of 6 Plans Drawing No 3112-DA	PROPOSED OWP STORAGE SHED 1 FOR SIBELCO AUSTRALIA LIMITED AT 246, BOUNDARY ROAD, PARKHURST, QLD 4702.	Date 29/08/14	584A BOUNDARY STREET TOOWOOMBA QLD 4350 Fax: 07 46 346 631 Ph: 07 46 347 122
A	Original Issue		DRAWN LYN Checked					APPROVED	
								R.R. BANKS	B.E. M.I.E.(Aust)

**CLEARSPAN**

QUALITY STEEL-FRAMED BUILDING SYSTEMS



## 9 STRATEGIC REPORTS

### 9.1 MOUNT MORGAN STATE HIGH SCHOOL

**File No:** 8483  
**Attachments:** Nil  
**Authorising Officer:** Russell Claus - Executive Manager Regional Development  
**Author:** Robert Truscott - Coordinator Strategic Planning

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#### SUMMARY

*The Department of Education and Training have applied to the Department of Environment and Heritage seeking registration of the Mount Morgan State High School as a State Heritage Place. Council has been offered the opportunity to comment.*

#### OFFICER'S RECOMMENDATION

THAT the Mount Morgan State High School report provided for the information of Council be received.

#### COMMENTARY

The Department of Education and Training is proposing inclusion of the Mount Morgan State High School (in particular Blocks A & B) on the Queensland Heritage Register as a State Heritage Place.

The Mount Morgan State High School has been nominated for meeting the following criteria:

- The place is important in demonstrating the evolution or pattern of Queensland's history;
- The place demonstrates rare, uncommon or endangered aspects of Queensland's cultural heritage;
- The place is important in demonstrating the principal characteristics of a particular class of cultural places;
- The place is important because of its aesthetic significance;
- The place has a strong or special association with a particular community or cultural group for social, cultural or spiritual reasons.

#### DISCUSSION

The application has merit in accordance with the criteria above. Council acknowledges the application process and notes the significance of this registration in enhancing Mount Morgan's historic values.

**9.2 DEVELOPMENT AND BUILDING - MAY OPERATIONS REPORT**

**File No:** 7028  
**Attachments:** 1. May 2015 - Monthly Report  
**Authorising Officer:** Robert Holmes - General Manager Regional Services  
**Author:** Tarnya Fitzgibbon - Manager Development and Building

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**SUMMARY**

*The monthly operations report for the Development and Building Section as at 30 May 2015 is presented for Councillors information.*

**OFFICER'S RECOMMENDATION**

THAT the Development and Building Section report for May be received.

**COMMENTARY**

The monthly operations report for the Development and Building Sections is attached for Council's consideration. The performance information contained within the attached report relates directly to the adopted 2014/2015 Operational Plan Key Performance Indicators.

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

**Development Assessment**

The DA team had a productive month, meeting all but one target. Two operational works applications were decided just outside of the twenty (20) business day timeframe. Duty planner enquiries have been consistently high over the month.

**Building Compliance**

Approval activity has been steady in this month. Our team members have been able to deal with a small number of additional customer service requests as well.

We have also provided a number of insurance approvals for re-roofing of people's homes in a type of fast track approval system, specifically to assist in recovery and re-occupation of homes. The type of housing these approvals were for was circa 1940s Queenslanders, with age being a contributing factor in the roof failures.

**CONCLUSION**

It is recommended that the monthly operations report for the Development and Building Section be received.

# **DEVELOPMENT AND BUILDING - MAY OPERATIONS REPORT**

## **May 2015 - Monthly Report**

**Meeting Date: 14 July 2015**

**Attachment No: 1**

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**MONTHLY OPERATIONS REPORT**  
**PLANNING SECTION**  
**Period Ended MAY 2015**

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**VARIATIONS, ISSUES AND INNOVATIONS**

***Innovations***

Nil

***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 May 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	41	7	34	23	45	0	5	1.43	5.12	15.25	3.95
Other Building Compliant Issue	77	4	2	1	74	0	1	0.00	13.92	12.96	23.36
Planning Compliance Request/Enquiry	112	16	11	4	103	0	45	1.50	16.41	19.48	15.71
Duty Planner (New Enquiry)	3	2	156	149	8	3	1	0.44	0.40	0.38	0.32
Telephone Enquiry (Existing Application/Call Back)	4	4	36	34	2	1	1	0.53	0.64	0.91	0.60
Plumbing Issues General	47	2	9	7	47	0	5	2.43	4.15	9.92	2.22
Strategic Planning Development Certificates	0	0	42	42	0	0	3	13.67	7.08	4.35	4.27

**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		
	Mar	Apr	May
<b>Number of Lost Time Injuries</b>	0	0	1
<b>Number of Days Lost Due to Injury</b>	0	0	2
<b>Total Number of Incidents Reported</b>	0	0	0
<b>Number of Incomplete Hazard Inspections</b>	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.

Potential 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.	31/12/2015	10%	Very long term to resolve
Changes to State law that reduce revenues for essential Council services, e.g. Development Assessment will result in less capacity to provide planning services, requiring supplemental funding from other sources, e.g.	High 4	Monitor and respond when and as appropriate	N/A	50%	Ongoing issues

Potential Risk	Current Risk Rating	Future Control & Risk Treatment Plans	Due Date	% Completed	Comments
increased rates.					
Failure to collect revenue results in fewer funds available and lack of confidence in Council business practices.	High 5	Process and workflow to address has been developed and approved by Council.	31/12/2015	90%	
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	50%	Difficult for regional councils to keep up with additional demand created by state mandates
Failure to manage hazard conditions and negative impacts on environmental resources will result in increased property damage and loss of environmental functionality and aesthetic amenity which will damage the reputation of Council for management of these services, as well as possible lawsuits for property damage.	Moderate 5	Have incorporated relevant measures in proposed Planning Scheme. Provided information to citizens and Councillors re purpose for inclusion and impacts.	31/12/2015	80%	Largely addressed through new planning scheme

### ***Legislative Compliance & Standards***

Legislative Compliance Matter	Due Date	% Completed	Comments
Outdated employee immunisations, tickets, and/or licenses	Various	87%	
Outdated legislative compliance mandatory training and/or qualifications	Various	100%	
Overdue performance reviews	Various	100%	

### 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
<b>Development Assessment</b>		
Applications received: 8		
Applications decided: 15		
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%	100%
Decisions are made within 20 business day timeframe once decision stage commences (or extended timeframe permitted under SPA)	100%	91%
Decision notices are issued within 5 business days of the decision being made	100%	100%
<b>Building</b>		
Applications received: 60		
Applications decided: 97		
Building Approvals - Decisions are made within 20 business day timeframe	100%	73%
<b>Plumbing</b>		
Applications received: 20		
Applications decided: 27		
Compliance request are decided within 20 business day timeframe	100%	91%



## FINANCIAL MATTERS

## DEVELOPMENT &amp; BUILDING

## Development Compliance

1 - Revenues	(1,333,929)	(1,222,768)	(813,612)	(813,612)	61%	✘
2 - Expenses	1,279,980	1,173,315	789,118	806,999	63%	✓
3 - Transfer / Overhead Allocation	145,629	133,493	79,729	79,729	55%	✓
<b>Total Unit: Development Compliance</b>	<b>97,680</b>	<b>84,040</b>	<b>55,236</b>	<b>73,776</b>	<b>80%</b>	✓

## Land Use

2 - Expenses	715,679	656,039	646,728	650,714	91%	✓
3 - Transfer / Overhead Allocation	0	0	263	263	0%	✘
<b>Total Unit: Land Use</b>	<b>715,679</b>	<b>656,039</b>	<b>646,990</b>	<b>650,976</b>	<b>91%</b>	✓

## Development Assessment

1 - Revenues	(2,150,500)	(1,971,292)	(1,070,390)	(1,070,390)	50%	✘
2 - Expenses	1,593,539	1,460,744	1,286,558	1,401,864	88%	✓
3 - Transfer / Overhead Allocation	34,850	31,946	24,071	24,071	69%	✓
<b>Total Unit: Development Assessment</b>	<b>(522,111)</b>	<b>(478,602)</b>	<b>240,239</b>	<b>355,545</b>	<b>-68%</b>	✘

<b>Grand Total:</b>	<b>285,248</b>	<b>261,477</b>	<b>942,465</b>	<b>1,079,638</b>	<b>378%</b>	✘
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## **10 NOTICES OF MOTION**

Nil

## **11 URGENT BUSINESS/QUESTIONS**

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

## 12 CLOSED SESSION

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

### RECOMMENDATION

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

#### 13.1 Enforcement proceedings for development offences

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

#### 13.2 Enforcement proceedings for development offences

This report is considered confidential in accordance with section 275(1)(f), of the *Local Government Regulation 2012*, as it contains information relating to starting or defending legal proceedings involving the local government.

## 13 CONFIDENTIAL REPORTS

### 13.1 ENFORCEMENT PROCEEDINGS FOR DEVELOPMENT OFFENCES

**File No:** 8038 / 4781 / 8431

**Attachments:**

1. Locality Plan
2. Photo of Culvert
3. Culvert Design Recommended
4. Photo of works in Road Reserve

**Authorising Officer:** Tarnya Fitzgibbon - Manager Development and Building  
Robert Holmes - General Manager Regional Services

**Author:** Judith Noland - Development Compliance Officer

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

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#### SUMMARY

*This report discusses works undertaken on a premises at Bouldercombe.*

**13.2 ENFORCEMENT PROCEEDINGS FOR DEVELOPMENT OFFENCES****File No:** 8038 / 8431**Attachments:**

1. Locality Plan
2. Time Line
3. Map delineating area "A", "B" and "C" from Planning and Environment Court Order 1999
4. Current Site Photos

**Authorising Officer:** Tarnya Fitzgibbon - Manager Development and Building  
Robert Holmes - General Manager Regional Services**Author:** Judith Noland - Development Compliance Officer

This report is considered confidential in accordance with section 275(1)(f), of the *Local Government Regulation 2012*, as it contains information relating to starting or defending legal proceedings involving the local government.

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**SUMMARY**

*This report discusses the continuing unlawful use of a premises in North Rockhampton contrary to decisions of the Planning and Environment Court of Queensland.*

## **14 CLOSURE OF MEETING**