



PLANNING & DEVELOPMENT COMMITTEE MEETING

AGENDA

22 SEPTEMBER 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 22 September 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 printed name of the Chief Executive Officer.

CHIEF EXECUTIVE OFFICER
15 September 2015

Next Meeting Date: 13.10.15

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.

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	OPENING.....	1
2	PRESENT	1
3	APOLOGIES AND LEAVE OF ABSENCE	1
4	CONFIRMATION OF MINUTES.....	1
5	DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA	1
6	BUSINESS OUTSTANDING	2
6.1	BUSINESS OUTSTANDING TABLE FOR PLANNING AND DEVELOPMENT COMMITTEE	2
7	PUBLIC FORUMS/DEPUTATIONS	5
	NIL	5
8	OFFICERS' REPORTS	6
8.1	ADOPTION OF INFRASTRUCTURE CHARGES RESOLUTION (AICR NO 5)	6
8.2	D/32-2015 - APPLICATION UNDER THE DEVELOPMENT INCENTIVES POLICY FOR DEVELOPMENT PERMIT FOR RECONFIGURING A LOT FOR FIVE LOTS INTO FIVE LOTS OVER TWO STAGES.....	7
8.3	D/58-2015 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A CHILD CARE CENTRE	13
9	STRATEGIC REPORTS	35
	NIL	35
10	NOTICES OF MOTION	36
	NIL	36
11	URGENT BUSINESS/QUESTIONS	37
12	CLOSURE OF MEETING.....	38

1 OPENING

2 PRESENT

Members Present:

The Mayor, Councillor M F Strelow (Chairperson)
Councillor C E Smith
Councillor C R Rutherford
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

The Mayor, Councillor Margaret Strelow has tendered her apology and will not be in attendance.

Councillor Greg Belz - Leave of Absence from 20 September 2015 to 2 October 2015

4 CONFIRMATION OF MINUTES

Minutes of the Planning & Development Committee held 8 September 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

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: 22 September 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	
25 August 2015	Development Impacts on Council's Hunter Street Property	THAT Council seek an extension of time of the decision making period to allow the completion of modelling work for a fully developed airport precinct.	Martin Crow	08/09/2015	

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 OFFICERS' REPORTS

8.1 ADOPTION OF INFRASTRUCTURE CHARGES RESOLUTION (AICR NO 5)

File No: RRPS-PRO-2010/01/01/05

Attachments: 1. Draft Adopted Infrastructure Charges Resolution (No 5)

Authorising Officer: Russell Claus - Executive Manager Regional Development
Robert Holmes - General Manager Regional Services

Author: Robert Truscott - Coordinator Strategic Planning

SUMMARY

The report proposes a new AICR No 5 as a result of the commencement of the Rockhampton Region Planning Scheme.

OFFICER'S RECOMMENDATION

THAT the draft Adopted Infrastructure Charges Resolution (No 5) 2015 be adopted to commence on 28 September 2015.

COMMENTARY

Since adoption of AICR No. 1 on 22 November 2011 Council has updated the resolution on three occasions to reflect legislative changes, most recently in response to the opportunity to implement Fair Value charges and secure co-investment in major trunk infrastructure by Economic Development Queensland.

Up until adoption of the new planning scheme the AICR has relied upon the Priority Infrastructure Area (PIA) attached to the State Planning Regulatory Provision and a Schedule of Works (SOW) contained within the AICR. This is because up until adoption of the new planning scheme Council did not have a Local Government Infrastructure Plan (LGIP). This was previously called a Priority Infrastructure Plan (PIP).

Upon adoption of the new planning scheme the PIA and SOW contained in the LGIP (Part 4 of the new planning scheme) must be used in preparing an Infrastructure Charges Notice.

There is also a need to update the development categories in the AICR to reflect the use definitions within the new planning scheme.

LEGISLATIVE CONTEXT

The proposed AICR No.5 removes parts of the AICR made redundant by the adoption of the new planning scheme, properly references the LGIP PIA and ensures use definitions are consistent with the Queensland Planning Provisions and the new planning scheme.

CONCLUSION

Adoption of the new planning scheme automatically made parts of the current AICR redundant and also gave force to a new PIA and use definitions. There is a need to adopt a new AICR No. 5 to reflect these changes.

8.2 D/32-2015 - APPLICATION UNDER THE DEVELOPMENT INCENTIVES POLICY FOR DEVELOPMENT PERMIT FOR RECONFIGURING A LOT FOR FIVE LOTS INTO FIVE LOTS OVER TWO STAGES

File No: D/32-2015

Attachments:

1. Locality Plan
2. Proposed five into five lot boundary realignment

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/32-2015

Applicant: The Corporation Of The Synod Of Diocese Of Rockhampton

Real Property Address: Lot 1 on RP600680, Lot 1 on RP602271, Lot 5 on RP604623, Lot 24 on RP603331 and Lot 25 on 603331, Parish of Rockhampton

Common Property Address: 12 Athelstane Street, The Range

Rockhampton City Plan Area: The Range North Residential Area

Type of Approval: Development Permit for Reconfiguring a Lot for five lots into five lots over two stages

Date of Decision: 2 June 2015

Application Lodgement Fee: \$830.00 (as discounted for religious organisations)

Infrastructure Charges: \$21,000.00

Infrastructure charges incentive: Other areas (50%)

Incentives sought: Development facilitation: \$10,500.00

Refund of Development Application Fees: \$830

Refund of service and connection fees

OFFICER'S RECOMMENDATION

THAT in relation to the application under the Development Incentives Policy for a Development Permit for a Reconfiguring a Lot for five lots into five lots over two stages, on Lot 1 on RP600680, Lot 1 on RP602271, Lot 5 on RP604623, Lot 24 on RP603331 and Lot 25 on 603331, Parish of Rockhampton, located at 12 Athelstane Street, The Range, Council resolves to Refuse the application under the Development Incentives Policy for the following reasons:

1. The Reconfiguring a Lot does not meet the eligibility criteria under the Development Incentives Policy;
2. Residential development on this premises does not meet the eligibility criteria under the Development Incentives Policy; and
3. The applicant has not demonstrated sufficient economic benefits arising from the realignment.

BACKGROUND**Project outcomes anticipated by applicant:**

Boundary realignment to have all the resultant lots with easy access from the street and have the ability to accommodate a residential dwelling with ancillary structures on each lot. The project is seen by the applicant as an opportunity to address operational deficits.

New jobs and investment:

Inapplicable

Benefits of project for applicant's business:

Non-profit organisation. Inapplicable

Benefits of project to Rockhampton Regional economy:

Inapplicable, although applicant, as a not-for-profit organisation has a range of CQ services and initiatives and responds to emerging needs during emergencies.

PLANNING ASSESSMENT**COMMENTS FROM RELEVANT UNITS****Development Engineering Unit's Comments**

IOU does not support this request as the Development Incentive Policy is applicable to Material Change of Use or Building Works applications. The subject application is a Reconfiguration of 5 lots into 5 lots application which doesn't qualify for development incentives. A final decision on this will be taken by Planning and Economic Development sections of Council.

Economic Development Unit's Comments

This application seeks the refund of half the infrastructure charges relating to this reconfiguring of a lot application.

This application relates to residential land. As Rockhampton Regional Council's Development Incentives do not apply to residential developments, this application cannot be successful.

CONCLUSION

The Development Incentives Policy does not apply to residential development or Reconfiguring a Lot applications outside the CBD and the application is, therefore, not consistent with the policy.

The Reconfiguring a Lot does not meet the eligibility criteria under the Development Incentives Policy and the applicant has not demonstrated sufficient economic benefits arising from the development and is not supported.

**D/32-2015 - APPLICATION UNDER THE
DEVELOPMENT INCENTIVES POLICY
FOR DEVELOPMENT PERMIT FOR
RECONFIGURING A LOT FOR FIVE
LOTS INTO FIVE LOTS OVER TWO
STAGES**

Locality Plan

Meeting Date: 22 September 2015

Attachment No: 1

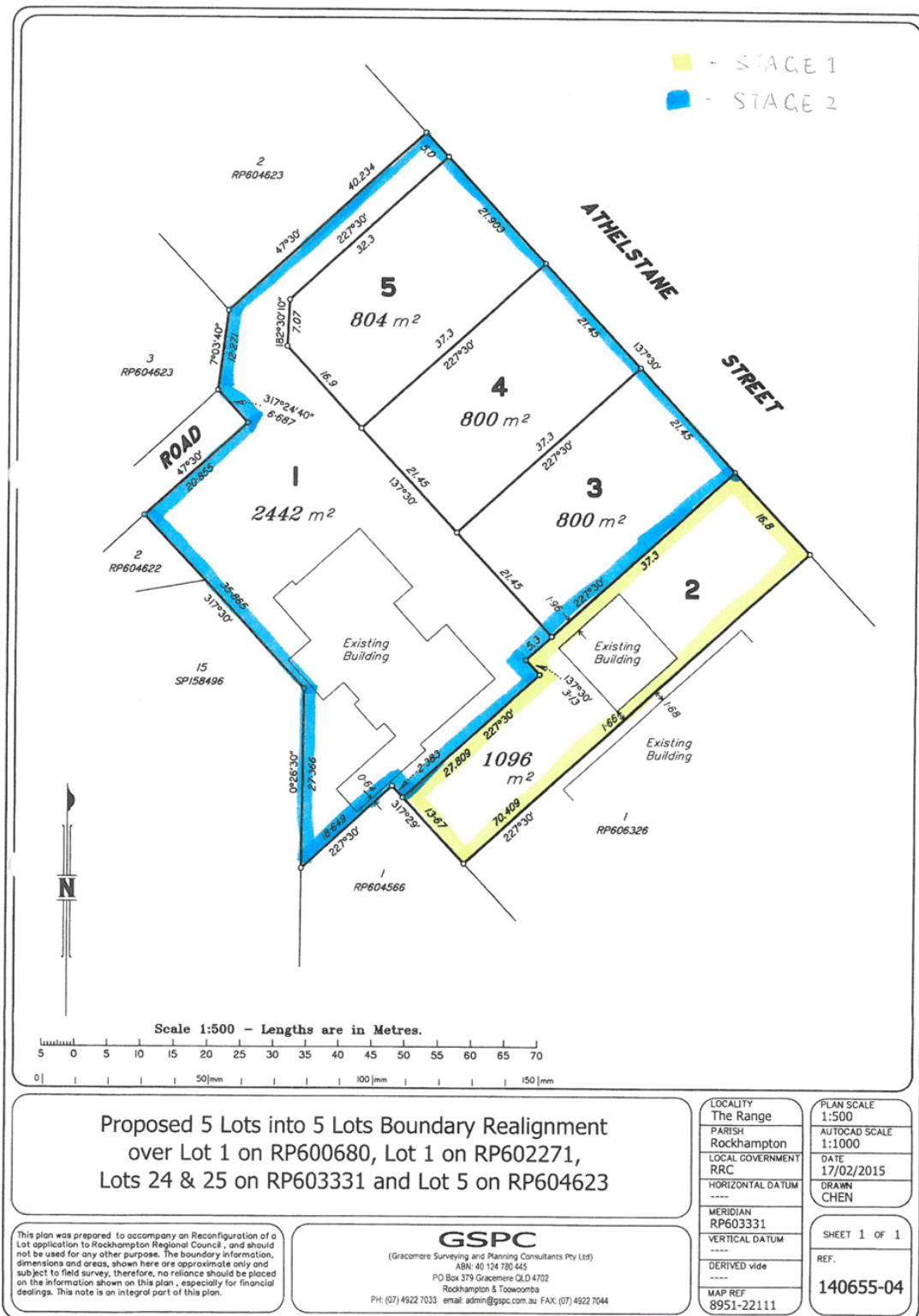


**D/32-2015 - APPLICATION UNDER THE
DEVELOPMENT INCENTIVES POLICY
FOR DEVELOPMENT PERMIT FOR
RECONFIGURING A LOT FOR FIVE
LOTS INTO FIVE LOTS
OVER TWO STAGES**

**Proposed five into five lot boundary
realignment**

Meeting Date: 22 September 2015

Attachment No: 2



8.3 D/58-2015 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A CHILD CARE CENTRE

File No: D/58-2015

Attachments:

1. Locality Plan
2. Site Plan
3. Floor Plan
4. Elevations 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/58-2015

Applicant: Natural Wonders Berserker Pty Ltd

Real Property Address: Lot 89 on SP171776, Parish of Archer

Common Property Address: 85-87 High Street, Berserker

Area of Site: 2,839 square metres

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: Frenchville Residential Area

Planning Scheme Overlays: Nil

Existing Development: Vacant

Existing Approvals: Nil

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

Level of Assessment: Impact Assessable

Submissions: Two (2)

Referral Agency(s): Nil

Adopted Infrastructure Charges Area: Charge Area 1

Application Progress:

<i>Application Lodged:</i>	6 May 2015
<i>Acknowledgment Notice issued:</i>	15 May 2015
<i>Request for Further Information sent:</i>	29 May 2015
<i>Request for Further Information responded to:</i>	29 July 2015
<i>Submission period commenced:</i>	6 August 2015
<i>Submission period end:</i>	27 August 2015
<i>Council request for additional time:</i>	Not Applicable
<i>Notice of Compliance received:</i>	2 September 2015
<i>Statutory due determination date:</i>	30 September 2015

OFFICER'S RECOMMENDATION**RECOMMENDATION A**

That in relation to the application for a Development Permit for a Material Change of Use for a Child Care Centre, made by Scot Stewart Planning on behalf of Natural Wonders Berserker Pty Ltd, on Lot 89 on SP171776, Parish of Archer, located at 85-87 High Street, Berserker, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of the use, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior to the commencement of the use, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
 - 1.6.1 Operational Works:
 - (i) Road Works;
 - (ii) Access and Parking Works;
 - (iii) Stormwater Works;
 - (iv) Roof and Allotment Drainage Works; and
 - (v) Site Works.
 - 1.6.2 Plumbing and Drainage Works; and
 - 1.6.3 Building Works.
- 1.7 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.9 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Number</u>	<u>Dated</u>
Site Plan	Project 15517 drawing DD01 Issue DPU	7 July 2015

Floor Plan	Project 15517 drawing DD02 Issue CPU	7 July 2015
Elevations and Section	Project 15517 drawing DD05 Issue BPU	15 April 2015
Concept Landscape Plan	Project 15517 drawing DD07 Issue APU	7 July 2015
Engineering Services Plan	PEG010-S1-SK03 Rev. C	28 April 2015
Site Based Stormwater Management Plan	PEG0010 Revision 3	15 June 2015

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

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

3.0 ROAD WORKS

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

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

3.3 A concrete pathway, with a minimum width of 1.2 metres, must be constructed for the full frontage of the site.

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

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

3.6 A single continuous barrier line must be marked at the centre line of High Street for a portion of the frontage of the property to restrict 'right turning' movements to the development site.

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

4.0 ACCESS AND PARKING WORKS

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

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

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

- 4.4 The proposed full movement access is not approved. The proposed access to the Child Care Centre must be limited to 'left in, left out' only with construction of a raised island on the proposed driveway to prohibit and discourage a right turn out.
- 4.5 All vehicles must ingress and egress the development in a forward gear.
- 4.6 Any redundant vehicular crossover must be replaced by Council standard kerb and channel.
- 4.7 Adequate sight distances must be provided for all ingress and egress movements at the access driveway in accordance with *Australian Standard 2890.2 "Parking Facilities - Off Street Commercial Facilities"*.
- 4.8 A minimum of twenty-nine (29) car parking spaces must be provided on-site. This includes eleven (11) car parking spaces for parents and eighteen (18) car parking spaces for staff.
- 4.9 Nine (9) car-parking bays closest to High Street must be marked as Staff Parking. No staff car parking is allowed along the northern section of the car park along the entrance to the building.
- 4.10 Universal access parking spaces must be provided in accordance with *Australian Standard AS2890.6 "Parking Facilities - Off-Street parking for people with disabilities"*.
- 4.11 Any application for a Development Permit for Operational Works (access and parking works) must be accompanied by detailed and scaled plans which demonstrate the turning movements/swept paths of the largest vehicle to access the site.
- 4.12 All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Australian Standard AS1742.1 "Manual of Uniform Traffic Control Devices"* and *Australian Standard AS2890.1 "Parking Facilities – Off-street Car Parking"*.
- 4.13 Road signage and pavement markings must be installed in accordance with the *Australian Standard AS1742.1 "Manual of Uniform Traffic Control Devices"*.
- 4.14 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for Roads and Public Spaces"*.
- 4.15 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for Access and Mobility"*.
- 5.0 **PLUMBING AND DRAINAGE WORKS**
- 5.1 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.
- 5.2 The development must be connected to Council's reticulated water and sewerage network.
- 5.3 The existing sewerage points must be retained, and upgraded if necessary, to service the development.
- 5.4 The existing water connection point(s) must be disconnected. A new water connection point must be provided to the development. A hydraulic engineer or other suitably qualified person must determine the size of connection required.
- 5.5 Sewer connections and water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.

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

6.0 STORMWATER WORKS

- 6.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.
- 6.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 6.3 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect adjoining land or infrastructure in comparison to the pre-development condition by way of blocking, altering or diverting existing stormwater runoff patterns or have the potential to cause damage to other infrastructure.
- 6.4 The proposed development must achieve no increase in peak stormwater runoff for a selected range of storm events up to and including the one in one hundred year storm event (100 year Average Recurrence Interval) for the post development condition.

7.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 7.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the site.
- 7.2 All roof and allotment drainage must be in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.
- 7.3 All roof and allotment drainage must be discharged such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties or infrastructure.

8.0 SITE WORKS

- 8.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works.
- 8.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks' plan which clearly identifies the following:
- 8.2.1 the location of cut and/or fill;
 - 8.2.2 the type of fill to be used and the manner in which it is to be compacted;
 - 8.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - 8.2.4 details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and
 - 8.2.5 the maintenance of access roads to and from the site so that they are free of all cut and/or fill material and cleaned as necessary.
- 8.3 All earthworks must be undertaken in accordance with *Australian Standard, AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 8.4 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.

9.0 BUILDING WORKS

- 9.1 Provide a 1.8 metre high fence between the subject site and adjacent properties of the development. The fence must be constructed of materials and finishes that are aesthetically pleasing. The fence must taper down to 1.2 metres in height between the façade of the building and the front boundary (to High Street).
- 9.2 All building works must be undertaken in accordance with Council's *Building Over/Adjacent to Local Government Sewerage Infrastructure Policy*.
- 9.3 The refuse bins (wheelie bins) must be kept within the 'bin service court' as per the approved plans (see condition 2.1), except for the refuse collection day, where the bins must be located for collection on the western corner of the street frontage of High Street.

10.0 LANDSCAPING WORKS

- 10.1 All landscaping must be established generally in accordance with the approved plans (refer to condition 2.1). The landscaping must be constructed and/or established prior to the commencement of the use and the landscape areas must predominantly contain plant species that are locally native to the Central Queensland region due to their low water dependency.
- 10.2 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure; small shrubs and groundcover are acceptable.
- 10.3 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.
- 10.4 The landscaped areas must be subject to:
- 10.4.1 a watering and maintenance plan during the establishment moment; and
 - 10.4.2 an ongoing maintenance and replanting programme.

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.

13.0 ENVIRONMENTAL

- 13.1 Any application for a Development Permit for Operational Works must be

accompanied by an Erosion and Sediment Control Plan which addresses, but is not limited to, the following:

- (i) objectives;
- (ii) site location / topography;
- (iii) vegetation;
- (iv) site drainage;
- (v) soils;
- (vi) erosion susceptibility;
- (vii) erosion risk;
- (viii) concept;
- (ix) design; and
- (x) implementation, for the construction and post construction phases of work.

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

14.0 OPERATING PROCEDURES

- 14.1 The hours of operations must be limited to:

- (i) 0630 hours to 1830 hours on Monday to Friday, and
- (ii) no operations on Saturday, Sunday or Public Holidays.

- 14.2 All external elements, such as air conditioners, pool and spa pumps and associated equipment, must be adequately screened from public view to Council's satisfaction.

- 14.3 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"*.

- 14.4 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 any streets/roads.

- 14.5 The loading and/or unloading of delivery vehicles is limited between the hours of 0700 and 1830 Monday to Friday. No heavy vehicles must enter the site outside these times to wait for unloading/loading.

- 14.6 All waste storage areas must be:

- 14.6.1 kept in a clean and tidy condition; and
- 14.6.2 maintained in accordance with *Environmental Protection Regulation 2008*.

- 14.7 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.

NOTE 2. General Environmental Duty

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

NOTE 3. Licensable Activities

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

NOTE 4. General Safety Of Public During Construction

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

NOTE 5. Infrastructure Charges Notice

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

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for a Child Care Centre, made by Scot Stewart Planning on behalf of Natural Wonders Berserker Pty Ltd, on Lot 89 on SP171776, Parish of Archer, located at 85-87 High Street, Berserker, Council resolves to issue an Adopted Infrastructure Charges Notice for the amount of **\$76,478.00**.

BACKGROUND**PROPOSAL IN DETAIL**

The proposal is for a new childcare centre with a capacity of 108 children and up to 18 staff members. The centre will have a gross floor area of 358 square metres, and will also include covered play areas, a sandpit and outdoor grassy play area, and ancillary structures such as storage sheds. The proposal includes twenty-nine (29) car spaces, including one (1) universal car park. Access will be gained from High Street.

SITE AND LOCALITY

The subject site is 2,839 square metres in area and is located in a semi commercial area within the Frenchville Residential Area. The site is relatively flat and is currently vacant. There is no vegetation on the site. The two (2) existing cross-overs will be removed and replaced with a new access.

The site is 150 metres from the Northside Shopping Plaza and Musgrave Street Commercial Area, and approximately 630 metres from the North Rockhampton State High School. The area is characterised by low to medium residential uses and commercial 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.

Development Engineering Comments – 14 August 2015

Support, subject to conditions.

Public and Environmental Health Comments – 7 September 2015

Support, subject to conditions / comments.

TOWN PLANNING COMMENTS

Central Queensland Regional Plan 2013

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

State Planning Policy 2014

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

Liveable communities

Not Applicable. 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 Frenchville Residential Area identifies that: -

It is intended that the Frenchville Residential Area will retain a residential character, dominated by houses on individual allotments. More intense forms of residential development, such as multi-unit dwelling development, is inconsistent with the intent for the Area, however, duplex development is compatible, as long as it does not dominate, and does not compromise the primary residential character of the Area, which is houses on individual allotments.

*There is a range of **community / recreation use category uses located** throughout the Area, including schools, **childcare facilities**, churches, parks, and sporting facilities, etc. The expansion of existing community / recreation use category uses and the **provision of additional community / recreation use category uses** will be **assessed on their merits**. These uses will only be consistent with the intent for the Area where it can be **demonstrated that they will not have a detrimental impact on residential amenity**. Amongst other things, community / recreation use category uses **will need to demonstrate that:***

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

This application is consistent with the intent of the Area.

Rockhampton City Plan Codes

The following codes are applicable to this application:

- Child Care Centre Code
The centre is located conveniently for families requiring the service, being close to the Musgrave Street Commercial Area and the Frenchville and Berserker residential suburbs. It will not be affected by the airport or railway noise and all setbacks to boundaries adjoining residential sites are compliant. Furthermore, fencing and landscaping will be used appropriately to enhance the streetscape and act as a noise and visual buffer. The size of the site is appropriate for a capacity of over fifty (50) children, and provides adequate parking for both staff and parents, being twenty-nine (29) car parks.
- Community Use Code
The site is located appropriately, positioned amongst existing commercial, community and residential uses. All amenity issues have been addressed within the Child Care Centre Code.
- Crime Prevention Through Environmental Design Code
The development will be complimentary to the existing mix of uses in the street and will encourage a public presence at different times of the day. This will aid in optimising safety on site, and minimising the likelihood of crime nearby. All play areas are located at the rear of the site and will be appropriately fenced, while the open car park will be located at the front for casual surveillance.

This area will be landscaped suitably to establish an easily identifiable building and a separation between public and private spaces. The car park will be open air and will include applicable signage to increase driver awareness of the layout. There will be no areas for concealment. No public facilities such as public toilets, ATM's, alleyways and the like are proposed. The entire site will be fenced with 'child-proof' fencing, which will create a private and safe play area on site. The fence will taper from 1.8 metres to 1.2 metres from the façade of the building to the road frontage to allow for casual surveillance.

- Environmental Nuisance by Noise and Light Code
It will be conditioned that the development must comply with the applicable noise and light requirements of the *Environmental Protection Act 1994* and *Environmental Protection Regulation 1998*.
- External Works and Servicing Code
The development has access to a constructed road, being High Street. The site is able to connect to all infrastructure services required, including reticulated water, sewer and stormwater, road ways for access and waste disposal, and pedestrian access. Further, operational works approvals will be required and conditioned accordingly.
- Landscape Code
The proposed landscaping is fitting for the local climate and will likely enhance the streetscape. The gardens to the road frontage will act as a buffer and a screen to the car park. A concept landscaping plan will be conditioned.
- Parking and Access Code
The development is required to have twenty-nine (29) car parks, and the proposal complies. One (1) universal car space is located at the entry of the building. Eighteen (18) of the car parks will be in tandem, which is not desirable but with appropriate signage will be acceptable. It will be conditioned that staff must park in the 'nose in first' car parks so that parents and guardians do not get parked in.

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

Child Care Centre Code		
Performance Criteria		Officer's Response
P1	<p>Child care centres are :</p> <p>conveniently located for parents and guardians by being close to commercial uses, community facilities, educational establishments; and very accessible via pedestrian paths or public transport services</p>	<p>Justified.</p> <p>While the site is formally located with the Frenchville Residential Area, it is only 120 metres from the boundary of the Musgrave Street highway commercial area, adjoins existing commercial uses (Salvation Army, a vet, bike shop, and dentist); and is approximately 150 metres from the Northside Shopping Plaza, 160 metres to the Frenchville Sports Club, and 630 metres to North Rockhampton State High School. Although the site is in a residential zone, it is ideally located, as it is close to main roads, shopping centres, and residential suburbs.</p>
P9	<p>Traffic generated by a child care centre:</p> <ul style="list-style-type: none"> • does not detract from or adversely impact on the residential amenity of 	<p>Justified.</p> <p>There are twenty-nine (29) car parks provided on site, in accordance with the</p>

	any Area or street; or <ul style="list-style-type: none"> • does not compromise the operating efficiency or function of any street; or • is not subjected to immediate conflict with heavy vehicle traffic; or • is able to gain access to and from the child care centre in a safe manner and location. 	Parking and Access Code. Eighteen (18) of these car parks are in a tandem arrangement. Council does not view this favourably, however, the layout has not been amended due to a detention basin on the eastern boundary of the site frontage. It will be conditioned that staff must park in the 'first nose in' car parks of this arrangement, and signage must reflect this. It will also be conditioned that no staff will be allowed to park in the car parks along the entrance of the building.
--	---	---

Parking and Access Code		
Performance Criteria		Officer's Response
P6	An adequate number of car parking spaces are provided on the site to service the use having regard to the existing use of the site and buildings on the site proposed to be re-used.	Justified. There are twenty-nine (29) car parks provided on site, in accordance with the Parking and Access Code. Eighteen (18) of these car parks are in a tandem arrangement. Council does not view this favourably, however the layout has not been amended due to a detention basin on the eastern boundary of the site frontage. It will be conditioned that staff must park in the 'first nose in' car parks of this arrangement, and signage must reflect this. It will also be conditioned that no staff will be allowed to park in the car parks along the entrance of the building.

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 non-residential development applies to the application and it falls within Charge Area 1. The Infrastructure Charges are as follows:

Column 1 Use Schedule		Column 2 Charge Area	Column 3 Adopted Infrastructure Charge		Column 4 Adopted Infrastructure Charge for stormwater network		Calculated Charge
			(\$)	Unit	(\$)	Unit	

Education Facility	All other uses as per AICN 4/14 Table 2.2.1	Area 1	119	per m ² of GFA			\$80,444.00
Education Facility	All other uses as per AICN 4/14 Table 2.2.1	Area 1			8.50	per m ² of impervious area	\$17,034
						Total	\$97,478.00
						Less credit	\$21,000.00
						TOTAL CHARGE	\$76,478.00

This is based on the following calculations:

- (a) A charge of \$80,444.00 for Gross Floor Area being 676 square metres;
- (b) A charge of \$17,034 for Impervious Area being 2,004 square metres (roof area, hardstand areas, access, and parking areas); and
- (c) An Infrastructure Credit of \$21,000.00, applicable for the existing allotment.

Therefore, a total charge of **\$76,478.00** is payable and will be reflected in an Infrastructure Charges Notice for the development.

CONSULTATION

The proposal was the subject of public notification between 6 August 2015 and 27 August 2015 as per the requirements of the *Sustainable Planning Act 2009*, and two (2) properly made submissions were received.

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

Issue	Officer's Response
Submitter requests that earthworks and construction works are undertaken and maintained using appropriate engineering methods and plans and regularly inspected to ensure compliance to avoid damage to adjoining land.	The approval will be conditioned accordingly by Council's Development Engineering unit. This is likely to be conditioned further within the future operational works permit.
89 High Street has approval for 5 Multi Unit Dwellings. Line markings for the proposed access should not restrict access to the existing approved access on the adjoining lot.	The current plans for the development do not indicate that access on adjoining lots will be restricted. The works will be conditioned appropriately, in accordance with relevant standards, guidelines and plans.
The traffic analysis should consider traffic generated by the adjoining approved units.	There was no requirement for the applicant's traffic impact assessment report to consider the adjoining uses; however, the traffic design is based on a 10 year period. Council's development engineering unit are

Issue	Officer's Response
	satisfied with the traffic design and will require further engineering detail at the operational works permit stage.
As part of the existing unit approval on the adjoining lot, the sewer main and manhole are to be decommissioned and removed leaving only one sewer connection available for the child care centre.	The development will be connected to the existing sewer connection point. Council's development engineering unit are satisfied with the design and may require further engineering detail at the operational works permit stage.

REFERRALS

There were no Referral Agencies applicable to this application.

CONCLUSION

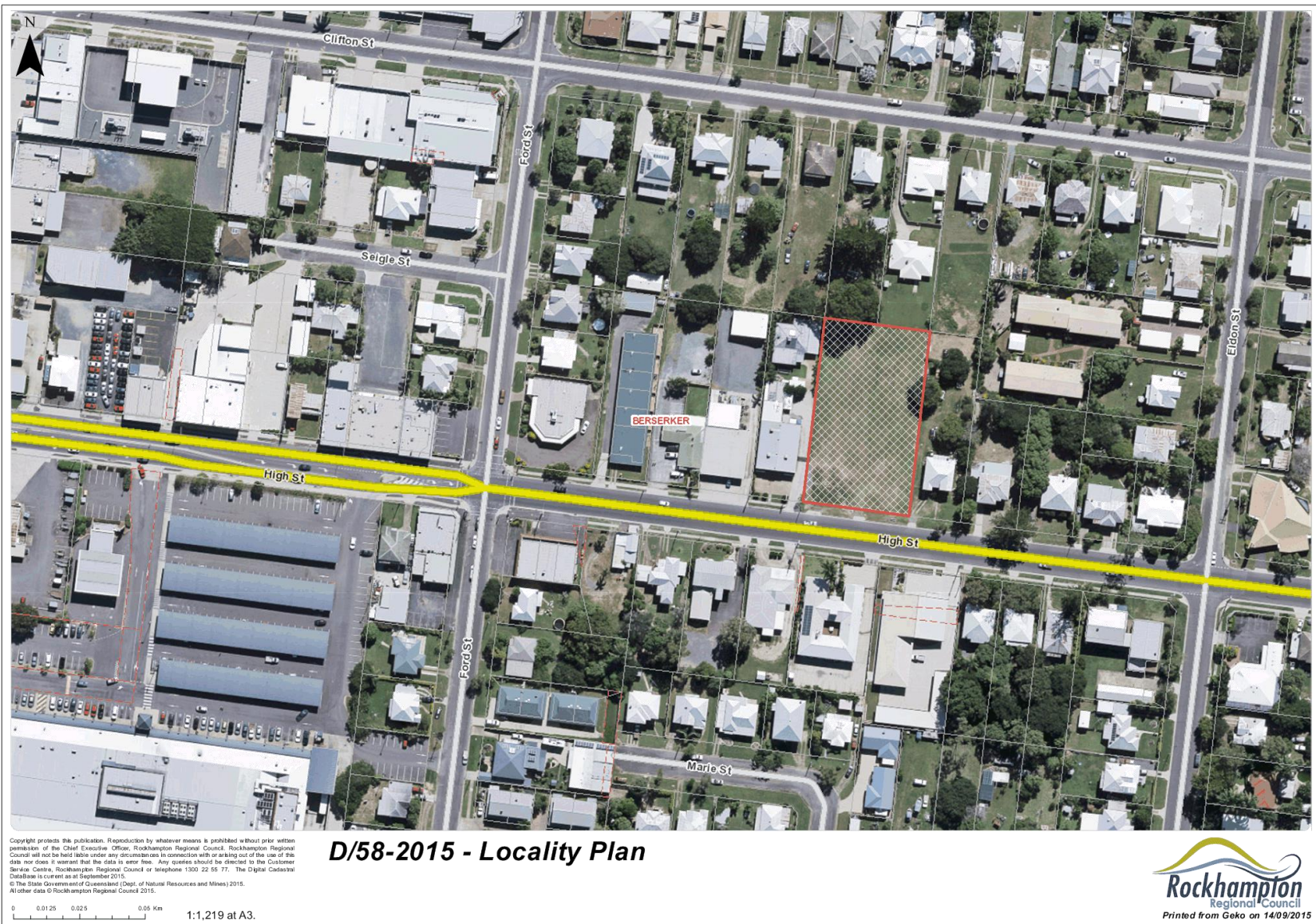
The proposed development is considered to be in keeping with the intent of the Frenchville Residential Area. Furthermore, the proposal generally complies with the provisions included in the applicable codes. The proposal is therefore, recommended for approval in accordance with the approved plans and subject to the conditions outlined in the recommendation.

**D/58-2015 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A
CHILD CARE CENTRE**

Locality Plan

Meeting Date: 22 September 2015

Attachment No: 1



**D/58-2015 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A
CHILD CARE CENTRE**

Site Plan

Meeting Date: 22 September 2015

Attachment No: 2



DATE	ISSUE	AMENDMENT
24.10.2015	APU	CLIENT ISSUE
15.11.2015	WPS	TOWN PLANNER REVIEW ISSUE
27.11.2015	CPV	CARPARK LOCATION REVISION
07.12.2015	CPV	LANDSCAPE & PATH REVISIONS

DEVELOPMENT DATA	
	PROVIDED
NUMBER OF CHILDREN	18 CHILDREN
ECS CAR PARKING	20 SPACES
1 CAR PER 10 CHILDREN	
1 CAR PER STAFF MEMBER	
ECS SPA	678 SQM
ECS OUTDOOR SPACE	874 SQM
TOTAL SITE AREA	2000 SQM
CAR PARKING LEGEND	
D	DISABLED (SHARED) 2000X400
D	DISABLED BAY 2400X400
TB	TURNING BAY
V	VISITOR 2000X400
S	STAFF 2000X400



Architecture | Interior Design | Planning
Unit 1, Ground Floor 345 Ann Street Brisbane 4000
T 07 3229 9322
F 07 3229 2611
E enquiries@jardinearchitects.com.au
www.jardinearchitects.com.au

JARDINE ARCHITECTS PTY LTD

PROJECT
NEW ECS
AT
85-87 HIGH STREET
ROCHAMPTON

CLIENT
NATURAL WONDERS
BERSEKER PTY LTD
DRAWING TITLE
SITE PLAN
DESIGN DEVELOPMENT

SCALE
1:200 @ A1
Use figure dimensions in preference for scaling.
Check and verify all dimensions on site.
CROWN
HH
DATE
FEBRUARY 2015
PROJECT No 15517
DWG No DD01
ISSUE DPU
Copyright © This drawing is owned by Jardine Architects Pty Ltd
488 83 082 261 276



**D/58-2015 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A
CHILD CARE CENTRE**

Floor Plan

Meeting Date: 22 September 2015

Attachment No: 3



DATE	ISSUE	AMENDMENT
24/02/2015	REV	CLIENT TABLE
27/02/2015	REV	CAMPUS LAYOUT REVISION
07/07/2015	REV	LANDSCAPE & PATH REVISIONS

EC & S DATA		
	REQUIRED	PROVIDED
INDOOR SPACE 01	30.00	30.00
12 CHILDREN		
2-30M ²		
INDOOR SPACE 02	30.00	30.00
12 CHILDREN		
2-30M ²		
INDOOR SPACE 03	30.00	30.00
20 CHILDREN		
2-30M ²		
INDOOR SPACE 04	30.00	30.00
20 CHILDREN		
2-30M ²		
INDOOR SPACE 05	71.50	71.50
20 CHILDREN		
20M ² SCHOOL USE		
INDOOR SPACE 06	71.50	71.50
20 CHILDREN		
20M ² SCHOOL USE		
TOTAL INDOOR SPACE	301.00	301.00
3.20M ² PER CHILD		
TOTAL OUTDOOR SPACE	736.00	674.00
73M ² PER CHILD		

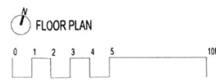
JARDINE ARCHITECTS PTY LTD

Architecture | Interior Design | Planning
Unit 1, Ground Floor 345 Ann Street, Brisbane 4000
T 07 3229 6302
F 07 3229 2811
E email@jardinearchitects.com.au
www.jardinearchitects.com.au

JARDINE ARCHITECTS PTY LTD
PROJECT
NEW ECS
AT
85-87 HIGH STREET
ROCHAMPTON

CLIENT
NATURAL WONDERS
BERSEKER PTY LTD
DESIGNER
FLOOR PLAN
DESIGN DEVELOPMENT

SCALE
1:100 @ A1
Use Imperial dimensions in preference to metric.
Check and verify all dimensions on site.
DATE
FEBRUARY 2015
PROJECT No. 15517
DND No. DD02
ISSUE CPU
Copyright © 2015. All rights reserved. In accordance with the Copyright Act 1968.

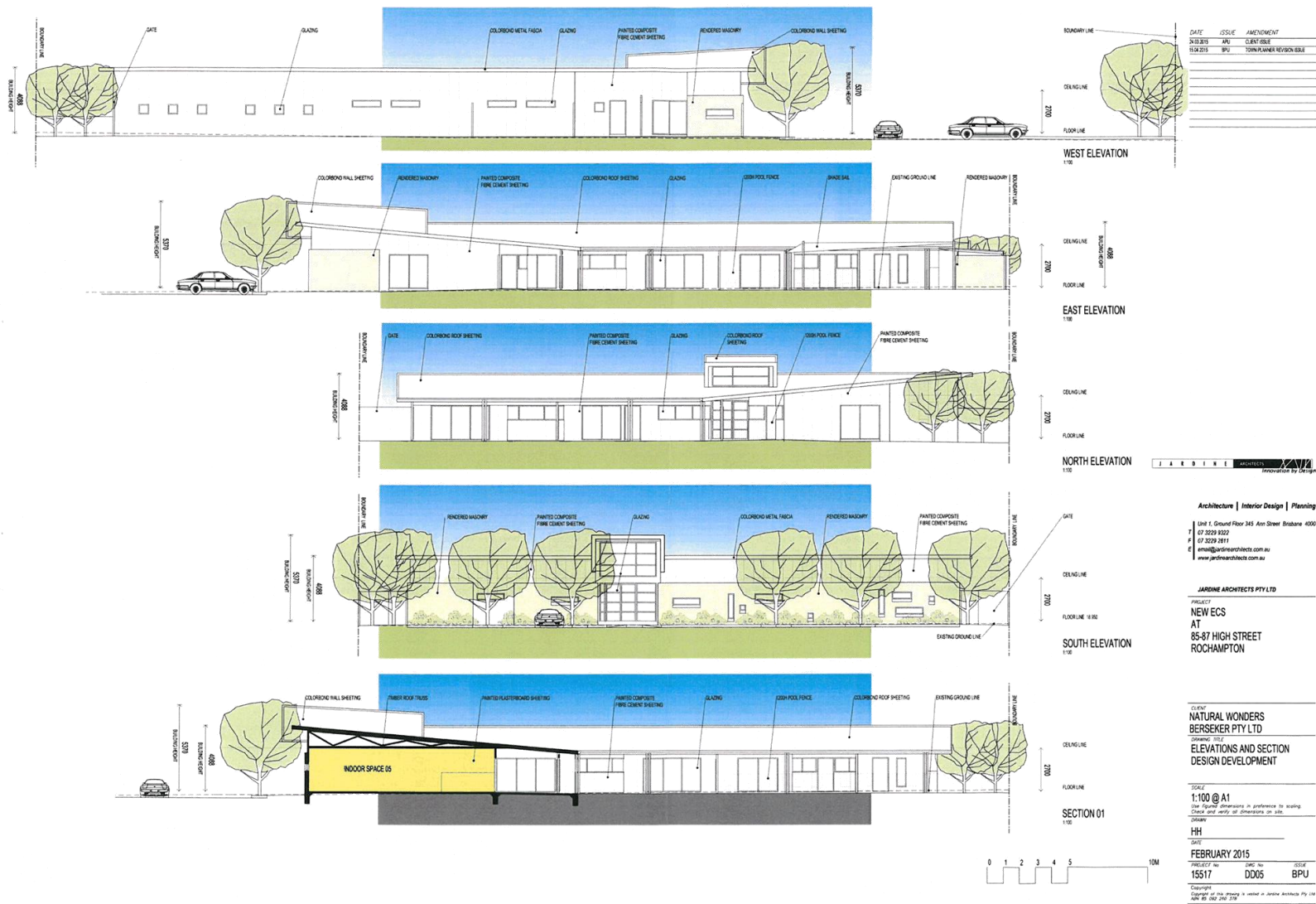


**D/58-2015 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A
CHILD CARE CENTRE**

Elevations Plan

Meeting Date: 22 September 2015

Attachment No: 4



9 STRATEGIC REPORTS

Nil

10 NOTICES OF MOTION

Nil

11 URGENT BUSINESS/QUESTIONS

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

12 CLOSURE OF MEETING