



PLANNING AND REGULATORY COMMITTEE MEETING

MINUTES

20 SEPTEMBER 2016

The Committee Recommendations contained within these Minutes
were adopted at the Council meeting on 27 September 2016, excluding items:

- 8.3 Applications to be Decided Under Delegation; and
- 8.5 D/174-2015 Application Under the Development Incentives Policy for Development Permit
for a Material Change of Use for a Residential Care Facility

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	OPENING.....	1
2	PRESENT	1
3	APOLOGIES AND LEAVE OF ABSENCE	1
4	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	1
5	DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA.....	1
6	BUSINESS OUTSTANDING	2
6.1	BUSINESS OUTSTANDING TABLE FOR PLANNING AND REGULATORY COMMITTEE	2
7	PUBLIC FORUMS/DEPUTATIONS	3
	NIL	3
8	OFFICERS' REPORTS.....	4
8.1	PLANNING SECTION - AUGUST OPERATIONS REPORT	4
8.2	DELIVERY OF CONSISTENT STANDARD BUILDING SERVICES AND FURTHER REPORT FOR PLANNING SERVICES - JULY OPERATIONS REPORT.....	5
8.3	APPLICATIONS TO BE DECIDED UNDER DELEGATION	6
8.4	D/3-2016 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE A MULTIPLE DWELLING (EIGHT UNITS).....	7
8.5	D/174-2015 - APPLICATION UNDER THE DEVELOPMENT INCENTIVES POLICY FOR DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A RESIDENTIAL CARE FACILITY	16
9	NOTICES OF MOTION.....	18
	NIL	18
10	URGENT BUSINESS\QUESTIONS	19
11	CLOSURE OF MEETING	20

**REPORT OF THE PLANNING AND REGULATORY COMMITTEE MEETING
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON
ON TUESDAY, 20 SEPTEMBER 2016 COMMENCING AT 9:01AM**

1 OPENING

2 PRESENT

Members Present:

Councillor C E Smith (Chairperson)
Acting Mayor, Councillor C R Rutherford
Councillor N K Fisher
Councillor M D Wickerson

In Attendance:

Mr M Rowe – General Manager Community Services (Executive Officer)
Mr E Pardon – Chief Executive Officer
Mr S Gatt – Manager Planning and Regulatory Services
Ms T Fitzgibbon – Coordinator Development Assessment
Mr A de Klerk – Senior Planning Officer
Ms A James – Planning Officer
Mr T Gardiner – Planning Officer
Mr B Robson – Building Surveyor
Mr A Wratten – Communication and Marketing Supervisor
Ms S Friske – Governance Support Officer

3 APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence for the meeting was previously granted to Councillor Margaret Strelow

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COMMITTEE RESOLUTION

THAT the minutes of the Planning and Regulatory Committee held on 6 September 2016 be taken as read and adopted as a correct record.

Moved by: Councillor Rutherford

Seconded by: Councillor Wickerson

MOTION CARRIED

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 BUSINESS OUTSTANDING

6.1 BUSINESS OUTSTANDING TABLE FOR PLANNING AND REGULATORY COMMITTEE

File No: 10097
Attachments: 1. Business Outstanding Table
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 Regulatory Committee is presented for Councillors' information.

COMMITTEE RECOMMENDATION

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

Moved by: Councillor Wickerson
Seconded by: Councillor Fisher

MOTION CARRIED

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 OFFICERS' REPORTS

8.1 PLANNING SECTION - AUGUST OPERATIONS REPORT

File No: 7028
Attachments: 1. Monthly Report - August 2016
Authorising Officer: Trevor Green - Manager Planning & Regulatory Services
Michael Rowe - General Manager Community Services
Author: Tarnya Fitzgibbon - Coordinator Development Assessment

SUMMARY

The monthly operations report for the Planning Section (Development Assessment and Building Compliance) as at 31 August 2016 is presented for Councillors information.

COMMITTEE RECOMMENDATION

THAT the Planning Section (Development Assessment and Building Compliance) report for August 2016 be received.

Moved by: Councillor Smith
Seconded by: Councillor Rutherford

MOTION CARRIED

8.2 DELIVERY OF CONSISTENT STANDARD BUILDING SERVICES AND FURTHER REPORT FOR PLANNING SERVICES - JULY OPERATIONS REPORT

File No: 7028

Attachments:

1. Old Report for Building Approvals Stats
2. New Report for Building Approval Stats
3. Further Monthly Report for July 2016

Authorising Officer: Trevor Green - Manager Planning & Regulatory Services
Michael Rowe - General Manager Community Services

Author: Tarnya Fitzgibbon - Coordinator Development Assessment

SUMMARY

This report is provided on request of the Planning and Regulatory Committee and explains how Council delivers consistent standard building certification services.

An updated monthly operations report for Planning Section (Development Assessment & Building Compliance) as at 31 July 2016 is presented for Councillors information.

COMMITTEE RECOMMENDATION

THAT this report and the updated Planning Section (Development Assessment and Building Compliance) report for July 2016 be received.

Moved by: Councillor Rutherford

Seconded by: Councillor Wickerson

MOTION CARRIED

8.3 APPLICATIONS TO BE DECIDED UNDER DELEGATION

File No: 7028
Attachments: Nil
Authorising Officer: Trevor Green - Manager Planning & Regulatory Services
Michael Rowe - General Manager Community Services
Author: Tarnya Fitzgibbon - Coordinator Development Assessment

SUMMARY

This report outlines the development applications received in August 2016 and whether they will be decided under delegation or decided by Council.

COMMITTEE RECOMMENDATION

THAT this report be received and the manner in which the applications be determined be endorsed.

Moved by: Councillor Wickerson

Seconded by: Councillor Smith

MOTION CARRIED

Councillor Fisher recorded his vote against the motion

8.4 D/3-2016 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE A MULTIPLE DWELLING (EIGHT UNITS)

File No: D/3-2016

Attachments: 1. Locality Plan
2. Site Plan

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Trevor Green - Manager Planning & Regulatory Services
Michael Rowe - General Manager Community Services

Author: Thomas Gardiner - Planning Officer

SUMMARY

Development Application Number: D/3-2016

Applicant: Kascol Design Studios

Real Property Address: Lot 13 on RP603409 and Lot 15 on RP603409, Parish of Archer

Common Property Address: 110 and 112 Clifton Street, Berserker

Area of Site: 2,266 square metres

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Low Density Residential Zone

Planning Scheme Overlays: Nil

Existing Development: Two (2) Dwelling Houses

Existing Approvals: New Dwelling (3780/RHISTC), and New Dwelling (3781/RHISTC)

Approval Sought: Development Permit for a Material Change of Use for a Multiple Dwelling (eight units)

Level of Assessment: Impact Assessable

Submissions: Nil

Infrastructure Charges Area: Charge Area 1

Application Progress:

<i>Application Lodged:</i>	11 January 2016
<i>Acknowledgment Notice issued:</i>	25 January 2016
<i>Request for Further Information sent:</i>	9 February 2016
<i>Request for Further Information responded to:</i>	22 June 2016
<i>Submission period commenced:</i>	20 July 2016
<i>Submission period end:</i>	17 August 2016
<i>Last receipt of information from applicant:</i>	22 August 2016
<i>Council request for additional time (until 17 October 2016)</i>	1 September 2016
<i>Statutory due determination date:</i>	18 October 2016

COMMITTEE RECOMMENDATION**RECOMMENDATION A**

That in relation to the application for a Development Permit for a Material Change of Use for Multiple Dwelling (eight units), made by Kascol Design Studios, located at 110 Clifton Street and 112 Clifton Street, Berserker, described as Lot 13 on RP603409 and Lot 15 on RP603409, Council resolves to Approve the application despite its conflict with the planning scheme (subject to Recommendations B and C) and provide the following grounds to justify the decision despite the conflict:

- a) A mixture of residential land use types that provide for long-term residency are promoted as a result of the proposal, while also maintaining the existing low rise urban form which is predominant in the surrounding area;
- b) The proposal will result in the formation of low-rise multiple dwellings which are located in proximity to parks and public transport nodes;
- c) The development encourages sustainable in-fill development in an area that has full access to social and medical amenities;
- d) The proposed use does not compromise the strategic framework in the *Rockhampton Region Planning Scheme 2015*;
- e) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and
- f) The proposed development does not compromise the relevant State Planning Policy.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for Multiple Dwelling (eight units), made by Kascol Design Studios, located at 110 Clifton Street and 112 Clifton Street, Berserker, described as Lot 13 on RP603409 and Lot 15 on RP603409, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer and his employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 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 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 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.9 All engineering drawings/specifications, design and construction works must be in accordance 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 13 RP 603409 and Lot 15 RP 603409 must be amalgamated and registered as one title prior to issue of a Development Permit for Building Works.

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	DAJC050915, Sheet A101, Revision C	8 March 2016
Landscaping Plan	DAJC050915, Sheet A102, Revision C	8 March 2016
Floor Plan Units 1, 2, 7, 8	DAJC050915, Sheet A103, Revision C	8 March 2016
Floor Plan Units 3 - 6	DAJC050915, Sheet A104, Revision C	8 March 2016
North and South Elevation Unit 2, 7	DAJC050915, Sheet A105, Revision C	8 March 2016
North and South Elevation Unit 9	DAJC050915, Sheet A106, Revision C	8 March 2016
North and South Elevation Unit 4 - 7	DAJC050915, Sheet A107, Revision C	8 March 2016
East and West Elevation Unit 1	DAJC050915, Sheet A108, Revision C	8 March 2016
East and West Elevation Unit 7	DAJC050915, Sheet A109, Revision C	8 March 2016
East and West Elevation Unit 4 - 7	DAJC050915, Sheet A110, Revision C	8 March 2016
Swept Paths Analysis Plan	K3384, Drawing P006, Issue B	15 April 2016
Conceptual Stormwater Management Plan	K3384-0003/A	15 April 2016

- 2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.
- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council prior to the submission of a Development Application for Operational Works.
- 3.0 ROAD WORKS
- 3.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works on the site.
- 3.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, relevant *Australian Standards* and the provisions of a Development Permit for Operational Works (road works).
- 3.3 A concrete pathway, with a minimum width of 1.2 metres, must be constructed on the southern side of Clifton Street for the full frontage of the site.
- 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 existing access to the development at Lot 13 on RP603409 and Lot 15 on RP603409 must be closed.
- 4.5 A new access to the development must be provided at Clifton Street in accordance with the *Capricorn Municipal Development Guidelines* standards.
- 4.6 Any redundant vehicular crossovers must be replaced by Council standard kerb and channel.
- 4.7 All vehicles must ingress and egress the development in a forward gear.
- 4.8 Adequate sight distances must be provided for all ingress and egress movements at the access driveways in accordance with *Australian Standard 2890.2 "Parking Facilities - Off Street Commercial Facilities"*.
- 4.9 A minimum of twelve (12) parking spaces must be provided on-site. This includes eight (8) covered car parking spaces and four (4) visitor's car parking spaces.
- 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 including refuse collection vehicles.
- 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 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for Roads and Public Spaces"*.

5.0 SEWERAGE WORKS

- 5.1 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008* and the *Plumbing and Drainage Act 2002*.
- 5.2 The development must be connected to Council's reticulated sewerage network via single service connection point. All other redundant service connection point(s) must be removed.
- 5.3 The existing sewerage connection point(s) must be retained and upgraded, if necessary, to service the development.
- 5.4 The finished sewerage access chamber surface must be at a sufficient level to avoid ponding of stormwater above the top of the chamber. A heavy duty trafficable lid must be provided in the trafficable area.
- 5.5 Sewer connections located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with trafficable lids.

6.0 WATER WORKS

- 6.1 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008* and the *Plumbing and Drainage Act 2002*.
- 6.2 The development must be connected to Council's reticulated water supply network via single service connection point. All other redundant service connection point(s) must be removed.
- 6.3 The existing water service connection point(s) must be retained and upgraded, if necessary, to service the development.
- 6.4 The proposed development must be provided with a master meter at the property boundary and sub meters for each sole occupancy building in accordance with the *Queensland Plumbing and Drainage Code* and Council's Sub-metering Policy.
- 6.5 Water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface level and must be provided with heavy duty trafficable lids.
- 6.6 A new fire hydrant must be installed on 100 millimetre diameter water main at Clifton Street in front of the common property boundary.

7.0 PLUMBING AND DRAINAGE WORKS

- 7.1 All internal plumbing and sanitary drainage works must be in accordance with regulated work under the *Plumbing and Drainage Act 2002* and Council's Plumbing and Drainage Policies.
- 7.2 Disconnection of internal plumbing and sanitary drainage works associated with the existing dwellings must be in accordance with regulated work under the *Plumbing and Drainage Act 2002*.

8.0 STORMWATER WORKS

- 8.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.
- 8.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).

- 8.3 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect adjoining land or infrastructure in comparison to the pre-development condition by way of blocking, altering or diverting existing stormwater runoff patterns or have the potential to cause damage to other infrastructure.
- 8.4 Stormwater pipe works must be constructed to accommodate stormwater from adjacent eastern property. Detailed design must be finalised and approval must be obtained at Operational Works application stage.
- 8.5 Proposed stormwater detention tank must be re-designed or re-located to maintain adequate distance with existing sewerage main. Detail must be finalised at the Operational Works application stage.
- 8.6 The proposed development must achieve no increase in peak stormwater runoff for a selected range of storm events up to and including the one in one hundred year storm event (100 year Average Recurrence Interval) for the post development condition.
- 9.0 ROOF AND ALLOTMENT DRAINAGE WORKS
- 9.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the site.
- 9.2 All roof and allotment drainage must be in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.
- 9.3 All roof and allotment drainage must be discharged such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties or infrastructure.
- 10.0 SITE WORKS
- 10.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works.
- 10.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan which clearly identifies the following:
- 10.2.1 the location of cut and/or fill;
 - 10.2.2 the type of fill to be used and the manner in which it is to be compacted;
 - 10.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - 10.2.4 details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and
 - 10.2.5 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.
- 10.3 All earthworks must be undertaken in accordance with *Australian Standards, AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 10.4 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.
- 10.5 Proposed retaining walls must be re-designed to suit with proposed stormwater pipe structures for the eastern property. Detailed design must be finalised and approved at the Operational Works application stage.
- 10.6 The structural design of all retaining walls above one (1) metre in height must be separately and specifically certified by a Registered Professional Engineer of Queensland as part of the Operational Works submission. A Registered Professional Engineer of Queensland must on completion certify that all works are compliant with

the approved design.

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

11.0 BUILDING WORKS

- 11.1 The existing dwellings on the subject land must be demolished and a Development Permit for Building Works (demolition) must be obtained prior to the commencement of demolition works on the development site.

- 11.2 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.

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

- 11.4 All building works and proposed car parking roof structures must be undertaken in accordance with *Queensland Development Code, Mandatory Part 1.4* for building over or near relevant infrastructure

12.0 LANDSCAPING WORKS

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

- 12.2 The landscaped areas must be subject to:

12.2.1 a watering and maintenance plan during the establishment moment; and

12.2.2 an ongoing maintenance and replanting programme.

- 12.3 The private open space of each unit must be appropriately screened to Council's satisfaction to prevent viewing of the private open space from a public space and adjoining properties.

13.0 ELECTRICITY

- 13.1 Electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.

- 13.2 Evidence that the development is provided with electricity services from the relevant service provider must be provided to Council, prior to the commencement of the use.

14.0 TELECOMMUNICATIONS

- 14.1 Telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service provider. Unless otherwise stipulated by telecommunications legislation at the time of installation, this includes all necessary pits and pipes, and conduits that provide a connection to the telecommunications network.

- 14.2 Evidence that the development is provided with telecommunications services from the relevant service provider must be provided to Council, prior to the commencement of the use.

Note: The *Telecommunications Act 1997* (Cth) specifies where the deployment of optical fibre and the installation of fibre-ready facilities is required.

Note: For telecommunications services, written evidence must be in the form of either a "Telecommunications Infrastructure Provisioning Confirmation" where such services are provided by Telstra or a "Notice of Practical Completion" where such services are provided by the NBN.

15.0 ASSET MANAGEMENT

- 15.1 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.
- 15.2 Any damage to existing water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.
- 15.3 '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.

16.0 OPERATING PROCEDURES

- 16.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Clifton Street.

17.0 ENVIRONMENTAL HEALTH

- 17.1 Noise emitted from the activity must not cause an environmental nuisance.
- 17.2 Operations on the site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise or dust.

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

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

NOTE 2. Asbestos Removal

Any demolition and/or removal works involving asbestos materials must be undertaken in accordance with the requirements of the *Work Health and Safety Act 2011* and *Public Health Act 2005*.

NOTE 3. General Safety Of Public During Construction

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

NOTE 4. 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.

NOTE 5. Adopted Infrastructure Charges Notice

This application is subject to infrastructure charges in accordance with Council

policies. The charges are presented on an Infrastructure Charges Notice.

RECOMMENDATION C

That in relation to the application for a Development Permit for a Material Change of Use for a Multiple Dwelling (eight units), made by Kascol Design Studios, located at 110 Clifton Street and 112 Clifton Street, Berserker, described as Lot 13 on RP603409 and Lot 15 on RP603409, Council resolves to issue an Infrastructure Charges Notice for the amount of \$102,000.00.

Moved by: Councillor Fisher

Seconded by: Councillor Wickerson

MOTION CARRIED UNANIMOUSLY

8.5 D/174-2015 - APPLICATION UNDER THE DEVELOPMENT INCENTIVES POLICY FOR DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A RESIDENTIAL CARE FACILITY

File No: D/174-2015

Attachments:

1. Locality Plan
2. Proposed Floor Plan

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Trevor Green - Manager Planning & Regulatory Services
Michael Rowe - General Manager Community Services

Author: Alyce James - Planning Officer

SUMMARY

Development Application Number: D/174-2015

Applicant: Rockhampton Benevolent Homes Society Incorporated C/- ADAMS + SPARKES Town Planning

Real Property Address: Lot 2 on CP890319 and Lot 4 on SP220782

Common Property Address: 60 West Street, The Range

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Low Density Residential Zone

Type of Approval: Development Permit for a Material Change of Use for a Residential Care Facility

Date of Decision: 24 May 2016

Application Lodgement Fee: \$3,178.00

Infrastructure Charges: \$229,251.00

Infrastructure charges incentive: Eligible for a 50% discount for infrastructure charges (All other areas)

Refund of Development Application Fees (100%)

Refund of Service and Connection Fees

Incentives sought: Applied for a 75% discount for infrastructure charges

Refund of Development Application Fees (100%)

Refund of Service and Connection Fees

COMMITTEE RECOMMENDATION

THAT in relation to the application under the Development Incentives Policy for a Development Permit for a Material Change of Use for a Residential Care Facility, on Lot 2 on CP890319 and Lot 4 on SP220782, located at 60 West Street, The Range, Council resolves to approve the request as follows:

- a. A seventy-five (75) per cent reduction of infrastructure charges to the amount of \$171,938.25 (therefore the total infrastructure charge would be \$57,312.75);
- b. A refund of the application lodgement fee of \$3,178.00 on completion of the development;
- c. A refund of Council's water meter and service connection fees on completion of the development; and
- d. That Council enter into an agreement with the applicant in relation to (a), (b) and (c).

Moved by: Councillor Wickerson

Seconded by: Councillor Smith

MOTION CARRIED

DIVISION:

Councillors E Smith and D Wickerson voted in the affirmative.

Councillors N Fisher and C Rutherford voted in the negative.

Councillor E Smith exercised her casting vote in the affirmative.

9 NOTICES OF MOTION

Nil

10 URGENT BUSINESS\QUESTIONS

11 CLOSURE OF MEETING

There being no further business the meeting closed at 9:27am.

SIGNATURE

CHAIRPERSON

DATE