



# **PLANNING AND REGULATORY COMMITTEE MEETING**

## **MINUTES**

**16 MAY 2017**

These Committee Recommendations contained within these minutes were adopted at the Council Meeting on 23 May 2017.

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**REPORT OF THE PLANNING AND REGULATORY COMMITTEE MEETING  
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON  
ON TUESDAY 16 MAY 2017 COMMENCING AT 9.05 AM**

## **1 OPENING**

## **2 PRESENT**

Members Present:

Councillor C E Smith (Chairperson)  
The Mayor, Councillor M F Strelow  
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 & Regulatory Services  
Ms T Fitzgibbon – Coordinator Development Assessment  
Mr J McCaul – Coordinator Development Engineering  
Ms M Dansie – Supervisor Local Laws  
Mr M Mansfield – Supervisor Media and Engagement  
Mr T Gardiner – Senior Planning Officer  
Mr B Koelmeyer – Planning Officer  
Ms J Curran – Community Engagement Officer  
Ms S Friske – Acting Senior Governance Support Officer

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

Councillor Rutherford was not in attendance

## **4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

### **COMMITTEE RECOMMENDATION**

THAT the minutes of the Planning and Regulatory Committee held on 2 May 2017 be taken as read and adopted as a correct record.

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

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

In accordance with s173(2) of the *Local Government Act 2009*, Councillor Neil Fisher disclosed a “perceived” conflict of interest in respect of Item 8.3 - D/190-2016 - Development Application for Material Change of Use for a Dwelling House and Reconfiguring a Lot (one lot into two lots and access easement) due to his having performed work for a previous owner and holding an acquaintance with the applicant. Councillor Fisher considered his position and was of the opinion that he could participate in the debate and vote on the matter in the public interest.

## 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

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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 Regulatory Committee is presented for Councillors' information.*

9:08am Mayor Strelow attended the meeting

#### COMMITTEE RECOMMENDATION

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

**Moved by:** Councillor Fisher  
**Seconded by:** Councillor Wickerson

**MOTION CARRIED**

## **7 PUBLIC FORUMS/DEPUTATIONS**

Nil

## 8 OFFICERS' REPORTS

### 8.1 MONTHLY OPERATIONS REPORT FOR PLANNING AND REGULATORY SERVICES FOR APRIL 2017

**File No:** 1464

**Attachments:**

1. Traffic Light Report for April 2017
2. Financial Matters Report for April 2017
3. Monthly Operations Report for Local Laws - April 2017
4. Monthly Operations Report - Health and Environment - April 2017
5. Monthly Operations Report - Development Assessment - April 2017

**Authorising Officer:** Michael Rowe - General Manager Community Services

**Author:** Steven Gatt - Manager Planning & Regulatory Services

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#### SUMMARY

*The monthly operations report for the Planning and Regulatory Service Section as at 30 April 2017 is presented for Councillors information.*

#### COMMITTEE RECOMMENDATION

THAT the Planning and Regulatory Services Monthly Operations Report for April 2017 be 'received'.

**Moved by:** Mayor Strelow

**Seconded by:** Councillor Fisher

**MOTION CARRIED**

**8.2 DRAFT STREET PERFORMING POLICY**

**File No:** 11979  
**Attachments:** 1. DRAFT Street Performing Policy  
**Authorising Officer:** Michael Rowe - General Manager Community Services  
**Author:** Steven Gatt - Manager Planning & Regulatory Services

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**SUMMARY**

*A draft policy has been developed to provide a framework to guide the appropriate use of areas for street performing to encourage vibrancy and promote arts and culture within the community in the Rockhampton CBD and other centres.*

**COMMITTEE RECOMMENDATION**

THAT Council adopts the Draft Street Performing Policy.

**Moved by:** Councillor Fisher  
**Seconded by:** Councillor Wickerson

**MOTION CARRIED UNANIMOUSLY**

### 8.3 D/190-2016 - DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR A DWELLING HOUSE AND RECONFIGURING A LOT (ONE LOT INTO TWO LOTS AND ACCESS EASEMENT)

**File No:** D/190-2016

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

**Authorising Officer:** Tarnya Fitzgibbon - Coordinator Development Assessment  
Steven Gatt - Manager Planning & Regulatory Services  
Michael Rowe - General Manager Community Services

**Author:** Thomas Gardiner - Planning Officer

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#### SUMMARY

**Development Application Number:** D/190-2016

**Applicant:** C Seemungal-Dass

**Real Property Address:** Lot 27 on SP247221, Parish of Archer

**Common Property Address:** 304 Frenchville Road, Frenchville

**Area of Site:** 2.352 hectares

**Planning Scheme:** *Rockhampton Region Planning Scheme 2015*

**Planning Scheme Zone:** Low Density Residential Zone  
Environmental Management and Conservation Zone

**Planning Scheme Overlays:** Biodiversity Areas Overlay – MLES General  
Biodiversity Areas Overlay – MLES High  
Biodiversity Overlay – MSES Wildlife Habitats  
Bushfire Hazard Overlay – Very High Hazard  
Steep Land Overlay – 15-20% slope  
Steep Land Overlay – 20-25% slope  
Steep Land Overlay – 25%+ slope

**Existing Development:** Dwelling House (10573/RHISTC)  
New Shed (D/411-2002)

**Existing Approvals:** Development Permit (D/426-2010) for Reconfiguring a Lot (one lot into three lots)

**Approval Sought:** Development Permit for a Material Change of Use for a Dwelling House and Reconfiguring a Lot (one lot into two lots and access easement)

**Level of Assessment:** Impact Assessable

**Submissions:** Nil

**Referral Agency(s):** Nil

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Infrastructure Charges Area:

Charge Area 1

Application Progress:

Application Lodged:	5 December 2016
Acknowledgment Notice issued:	12 December 2016
Request for Further Information sent:	21 December 2016
Request for Further Information responded to:	20 March 2017
Submission period commenced:	21 March 2017
Submission period end:	13 April 2017
Council request for additional time:	26 April 2017
Last receipt of information from applicant:	19 April 2017
Statutory due determination date:	16 June 2017

**COMMITTEE RECOMMENDATION****RECOMMENDATION A**

THAT in relation to the application for a Development Permit for Material Change of Use (Dwelling House) and Reconfiguring a Lot (one lot into two lots and access easement), made by C. Seemungal-Dass, on Lot 27 on SP247221, Parish of Archer, located at 304 Frenchville Road, 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 proposed subdivision will not result in the fragmentation of habitat as an Environmental Management Plan has demonstrated that this area does not contain significant fauna;
- b) The location of the proposed building envelope will not disrupt any existing ecological functions as an Environmental Management Plan has demonstrated that the development will maintain biodiversity corridors and other habitat linkages;
- c) A Bushfire Management Plan has been conditioned which includes mitigation measures including suitable hazard reduction areas between any future Dwelling House and the hazard to negate any potential impacts resulting from bushfire;
- 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 Material Change of Use for a Dwelling House and Reconfiguring a Lot (one lot into two lots and access easement), made by C. Seemungal-Dass, on Lot 27 on SP247221, Parish of Archer, located at 304 Frenchville Road, Council resolves to Approve the application subject to the following conditions:

**RECONFIGURING A LOT 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, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:
- 1.3.1 to Council's satisfaction;
  - 1.3.2 at no cost to Council; and
  - 1.3.3 prior to the issue of the Compliance Certificate for the Survey Plan, unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the issue of the Compliance Certificate for the Survey Plan, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.5.1 Operational Works:
    - (i) Access Works; and
    - (ii) Stormwater Works.
- 1.6 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.7 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.
- 1.8 The access to Lot 29 must be via the Easement over Lot 28. Easement documents must accompany the Survey Plan for endorsement by Council, prior to the issue of the Compliance Certificate for the Survey Plan. The purpose of this easement must be for access and services in favour of Lot 28 and 29.
- 1.9 The existing easement documents for easement A and B on SP247221 must be updated to include the proposed Lot 29.

**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 any condition of this development approval:

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Reconfiguration of Lot (with Ortho Underlay)	6560-01-ROL Rev B Sheet 1 of 2	23 February 2017
Reconfiguration of Lot (with Contours Underlay)	6560-01-ROL Rev B Sheet 2 of 2	23 February 2017
Layout Plan	0751617-SK01 Rev A	20 March 2017

Longitudinal Section	0751617-SK02 Rev A	20 March 2017
Cross Sections	0751617-SK03 Rev A	20 March 2017
Bushfire Hazard Assessment and Management Plan	Prepared by Denley Environmental	21 November 2016
Slope Stability Report	R14272A	16 September 2010
Biodiversity and Nature Conservation Assessment	40545	12 February 2011

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

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

### 3.0 ACCESS WORKS

3.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access works required by this development approval.

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

3.3 The existing access road within the existing easement A and B must be sealed to a minimum width of 4.0 metres and the entire length of the proposed Access Road 1 (within the proposed access easement - from the northern boundary of Lot 28 up to the Access Road 2) must be sealed to a minimum of 4.0 metres in accordance with the *Capricorn Municipal Development Guidelines*.

3.4 The entire length of the proposed Access Road 2 must be bitumen sealed to a minimum of 2.5 metres and the turnaround area must be constructed in accordance with the *Capricorn Municipal Development Guidelines*.

3.5 The width of the proposed access easement, created within the proposed Lot 28, in favour of Lot 28 and Lot 29 must be suitably sized to include all road drainage channels as well as any stormwater directed onto the easement and cater for all upstream stormwater surface runoff generated by a one (1) in 100 year Average Recurrence Interval rainfall event.

3.6 A registered professional engineer must supervise the works on behalf of the applicant. A certificate of construction compliance must be submitted by a registered professional engineer verifying that all works have been carried out in accordance with Council approved drawings, approval conditions and specifications.

Note: The existing access road within the existing easement A and B and to the constructed section of Frenchville Road including any drainage structures / culverts will not be maintained by Council and must remain the responsibility of the owners of Lots 25, 26, 28 and 29 as per previous approval D/426-2010. The existing access easement documentations must be updated to include new Lot 29 and such maintenance responsibilities.

The new proposed Access Road 2 within the proposed access easement on Lot 28 will not be maintained by Council and must remain the responsibility of the owners of Lots 28 and 29. Access easement documentations must provide for such maintenance responsibilities.

### 4.0 SEWERAGE WORKS

4.1 All sewerage 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, Plumbing and Drainage Act 2002*.

- 4.2 Temporary onsite sewage treatment must be provided and disposed of in accordance with the provisions of the *Plumbing and Drainage Act 2002* until reticulated sewerage service is made available. A separate Plumbing and Drainage Permit must be obtained at the building application stage.

#### 5.0 WATER WORKS

- 5.1 All water 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, Plumbing and Drainage Act 2002*.
- 5.2 All lots within the development must be connected to Council's reticulated water network.
- 5.3 The proposed Lot 29 must be connected to the reticulated water supply network via 'Special Water Supply Arrangement' with the connection point and water meter within the existing easement B.
- 5.4 The internal plumbing works associated with the existing dwelling house on Lot 28 must be relocated such that it is located within the Lot it serves, where required.

#### 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 required by this development approval.
- 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 surrounding land or infrastructure in comparison to the pre-development conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.
- 6.4 All stormwater drainage works must adhere to the recommendation of the approved Slope Stability Report (refer to condition 2.1).

#### 7.0 SITE WORKS

- 7.1 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan that clearly identifies the following:
- 7.1.1 the location of cut and/or fill;
  - 7.1.2 the type of fill to be used and the manner in which it is to be compacted;
  - 7.1.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
  - 7.1.4 details of any proposed access routes that are intended to be used to transport fill to or from the development site; and
  - 7.1.5 the maintenance of access roads to and from the development site so that they are free of all cut and/or fill material and cleaned as necessary.
- 7.2 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 7.3 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.

- 7.4 Any retaining structures above one (1) metre in height that are not incidental works to a Development Permit for Building Works, must not be constructed unless separately and specifically certified by a Registered Professional Engineer of Queensland and must be approved as part of a Development Permit for Operational Works (site works).
- 7.5 All site works must adhere to the recommendation of the approved Slope Stability Report.
- 7.6 Any vegetation cleared or removed must be:
- (i) mulched on-site and utilised on-site for landscaping purposes to Council's satisfaction, or in accordance with the approved landscaping plan; or
  - (ii) removed for disposal at a location approved by Council,
- within sixty (60) days of clearing. Any vegetation removed must not be burnt.

#### 8.0 ELECTRICITY

- 8.1 Underground electricity services must be provided to each lot in accordance with the approved Operational Works Plans and the standards and requirements of the relevant service provider.
- 8.2 Evidence of acceptance of the works from the relevant service provider must be provided to Council, prior to the issue of the Compliance Certificate for the Survey Plan.

#### 9.0 TELECOMMUNICATIONS

- 9.1 Underground telecommunications services must be provided to each lot in accordance with the approved Operational Works Plans and 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.
- 9.2 Evidence of acceptance of the works from the relevant service provider must be provided to Council, prior to the issue of the Compliance Certificate for the Survey Plan.

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.

#### 10.0 ASSET MANAGEMENT

- 10.1 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 undertaken and completed at no cost to Council.
- 10.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.

#### 11.0 OPERATING PROCEDURES

- 11.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of

materials or parking of construction machinery or contractors' vehicles must not occur within Frenchville Road.

- 11.2 All refuse bin collection location for any future use on the proposed Lots must be at Frenchville Road.

### 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 Partnerships website [www.datsip.qld.gov.au](http://www.datsip.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.

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. Property Note (Bushfire)

All future buildings on the proposed lots must be constructed in accordance with *Australian Standard AS3959 "Construction of buildings in bushfire-prone areas"* and the approved Bushfire Management Plan.

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.

### MATERIAL CHANGE OF USE 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, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:
- 1.3.1 to Council's satisfaction;
  - 1.3.2 at no cost to Council; and
  - 1.3.3 prior to the commencement of the use,
- unless otherwise stated.

- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.5.1 Operational Works:
- (i) Site Works;
- 1.5.2 Plumbing and Drainage Works; and
- 1.5.3 Building Works:
- 1.6 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.
- 1.7 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.8 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.

## 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 any condition of this development approval:

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Reconfiguration of Lot (with Ortho Underlay)	6560-01-ROL Rev B Sheet 1 of 2	23 February 2017
Reconfiguration of Lot (with Contours Underlay)	6560-01-ROL Rev B Sheet 2 of 2	23 February 2017
Bushfire Hazard Assessment and Management Plan	Prepared by Denley Environmental	21 November 2016
Slope Stability Report	R14272A	16 September 2010
Biodiversity and Nature Conservation Assessment	40545	12 February 2011

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

## 3.0 WATER WORKS

- 3.1 All water 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, Plumbing and Drainage Act 2002*.
- 3.2 The development must be connected to Council's reticulated water network via a 'Special Water Supply Arrangement'.
- 3.3 Adequate domestic and fire fighting protection must be provided to the development, and must be certified by an hydraulic engineer or other suitably qualified person.

#### 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 2008*, *Plumbing and Drainage Act 2002*, Council's Plumbing and Drainage Policies.
- 4.2 A separate Plumbing and Drainage permit must be obtained for the proposed dwelling house at building stage.
- 4.3 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing Dwelling House on Lot 28 must be in accordance with regulated work under the *Plumbing and Drainage Act 2002* and Council's Plumbing and Drainage Policies.
- 4.4 Temporary onsite sewerage treatment must be provided and disposed of in accordance with the provisions of the *Plumbing and Drainage Act 2002* until reticulated sewerage service is made available.
- 4.5 The onsite sewerage treatment facility must be located within the approved Building Location Envelope.
- 4.6 The on-site sewerage treatment and disposal area must not be located within the existing water course or conflict with the separation distance as detailed within the *Queensland Plumbing and Wastewater Code*.

#### 5.0 STORMWATER WORKS

- 5.1 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*, and sound engineering practice.
- 5.2 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 conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.

#### 6.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 6.1 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.
- 6.2 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.

#### 7.0 SITE WORKS

- 7.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works on the development site.
- 7.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan that clearly identifies the following:
- 7.2.1 the location of cut and/or fill;
  - 7.2.2 the type of fill to be used and the manner in which it is to be compacted;
  - 7.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
  - 7.2.4 details of any proposed access routes that are intended to be used to transport fill to or from the development site; and

- 7.2.5 the maintenance of access roads to and from the development site so that they are free of all cut and/or fill material and cleaned as necessary.
- 7.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 7.4 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 surrounding land or infrastructure.
- 7.5 Any retaining structures above one (1) metre in height that are not incidental works to a Development Permit for Building Works, must not be constructed unless separately and specifically certified by a Registered Professional Engineer of Queensland and must be approved as part of a Development Permit for Operational Works (site works).
- 7.6 All site works must adhere to the recommendation of the approved Slope Stability Report (refer to condition 2.1).
- 8.0 BUILDING WORKS
- 8.1 A Development Permit for Building Works must be obtained for the construction of the proposed dwelling house on the development site.
- 8.2 The proposed dwelling house must be constructed in accordance with *Australian Standard AS3959 "Construction of buildings in bushfire-prone areas"* and the approved Bushfire Management Plan (refer to condition 2.1).
- 9.0 ELECTRICITY
- 9.1 Underground electricity services must be provided to the development in accordance with the approved Operational Works Plans and the standards and requirements of the relevant service provider.
- 9.2 Evidence of acceptance of the works from the relevant service provider must be provided to Council, prior to the commencement of the use.
- 10.0 TELECOMMUNICATIONS
- 10.1 Underground telecommunications services must be provided to the development in accordance with the approved Operational Works Plans and the standards and requirements of the relevant service provider.
- 10.2 Evidence of acceptance of the works from the relevant service provider must be provided to Council, prior to the commencement of the use.
- 11.0 ASSET MANAGEMENT
- 11.1 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 undertaken and completed at no cost to Council.
- 11.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.
- 11.3 '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 *Asset Design and As Constructed Manual (ADAC)*.
- 12.0 OPERATING PROCEDURES

- 12.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials or parking of construction machinery or contractors' vehicles must not occur within Frenchville Road.

#### 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 Partnerships website [www.datsip.qld.gov.au](http://www.datsip.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.

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.

#### RECOMMENDATION C

That in relation to the application for a Development Permit for Material Change of Use for a Dwelling House and Reconfiguring a Lot (one lot into two lots and access easement), made by C. Seemungal-Dass, on Lot 27 on SP247221, Parish of Archer, located at 304 Frenchville Road, Council resolves to issue an Infrastructure Charges Notice for the amount of \$11,200.00.

Moved by: **Councillor Smith**

Seconded by: **Mayor Strelow**

**MOTION CARRIED UNANIMOUSLY**

#### 8.4 D/20-2017 - DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT (ONE LOT INTO THREE LOTS AND ACCESS EASEMENT)

**File No:** D/20-2017

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

**Authorising Officer:** Tarnya Fitzgibbon - Coordinator Development Assessment  
Steven Gatt - Manager Planning & Regulatory Services  
Michael Rowe - General Manager Community Services

**Author:** Bevan Koelmeyer - Planning Officer

#### SUMMARY

**Development Application Number:** D/20-2017

**Applicant:** Capehead Pty Ltd C/- Reel Planning CQ

**Real Property Address:** 66 Alfred Road, Parkhurst; Parish of Murchison

**Common Property Address:** Lot 485 on LIV40112

**Area of Site:** 31.925 hectares

**Planning Scheme:** Rockhampton City Plan 2005

**Rockhampton City Plan Area:** Yeppoon Road Corridor Environmental Protection Area

**Planning Scheme Overlays (applicable):** Bushfire Prone Land, Environmentally Sensitive Location (Remnant Vegetation), Waterway Corridor and Steep and Unstable Land

**Existing Development:** Two (2) Dwelling Houses and ancillary domestic outbuildings

**Existing Approvals:** Nil

**Approval Sought:** Development Permit for Reconfiguring a Lot (one (1) lot into three (3) lots) and an access easement

**Level of Assessment:** Impact Assessable

**Submissions:** Nil

**Referral Agency(s):** Nil

**Adopted Infrastructure Charges Area:** Charge Area 3

**Application Progress:**

Application Lodged:	20 February 2016
Acknowledgment Notice issued:	1 March 2017
Request for Further Information sent:	8 March 2017
Request for Further Information responded to:	15 March 2017
Submission period commenced:	23 March 2017
Submission period end:	12 April 2017
Council request for additional time:	24 April 2017

Government Agency request for additional time:	Not Applicable
Government Agency Response:	Not Applicable
Last receipt of information from applicant:	13 April 2017
Statutory due determination date:	14 June 2017

## COMMITTEE RECOMMENDATION

### **RECOMMENDATION A**

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (one (1) lot into three (3) lots) and an access easement, made by Reel Planning CQ on behalf of Capehead Pty Ltd, on Lot 485 on LIV40112, Parish of Murchison, located at 66 Alfred Road, Parkhurst, 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.

Sufficient grounds to support the development are as follows:

- a) Proposed lot 1 is only approximately 0.34 hectares below the minimum lot size for this zone, being ten (10) hectares. This lot has already been improved with a dwelling house and it is unlikely that further intensification of development will occur on this parcel in future. This non-compliance is unlikely to negatively affect the character of the area.
- b) The proposed boundaries and the building envelope are located clear of regulated vegetation and the mapped waterway to ensure that the ecological values of the Site and Area are retained. The site is located on the low ground of the Area and does not form part of the low hills that characterise much of the Area to the east and, as such, the proposed subdivision and the subsequent construction of a dwelling house on the vacant lot will not negatively impact the scenic values of the Area;
- c) The proposed use does not compromise the achievements of the Desired Environmental Outcomes in the *Rockhampton City Plan 2005*;
- d) Assessment of the development against the relevant area intent, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and
- e) The proposed development does not compromise the relevant State Planning Policy.

### **RECOMMENDATION B**

That in relation to the application for a Development Permit for Reconfiguring a Lot (one (1) lot into three (3) lots) and an access easement, made by Reel Planning CQ on behalf of Capehead Pty Ltd, on Lot 485 on LIV40112, Parish of Murchison, located at 66 Alfred Road, Parkhurst, 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, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:
- 1.3.1 to Council's satisfaction;
  - 1.3.2 at no cost to Council; and
  - 1.3.3 prior to the issue of the Compliance Certificate for the Survey Plan, unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the issue of the Compliance Certificate for the Survey Plan, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.5.1 Operational Works:
    - (i) Road Works; and
    - (ii) Access Works.
- 1.6 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.7 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.
- 1.8 The access to proposed Lot 3 must be via the proposed Easement A over proposed Lot 2. Easement documents must accompany the Survey Plan for endorsement by Council, prior to the issue of the Compliance Certificate for the Survey Plan.

## 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 any condition of this development approval:

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Proposed Subdivision Layout	R17003-001 Revision B	29 March 2017

- 2.2 Where there is any conflict between the conditions of this development approval and the details shown on the approved plans and documents, the conditions of this development approval must prevail.
- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of an application for a Development Permit 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 required by this development approval.
- 3.2 All road works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, and relevant *Australian Standards* and *Austroroads Guidelines* and the provisions of a Development Permit for Operational Works (road works).
- 3.3 Olive Street must be constructed to Rural Access standard from the intersection with McMillan Avenue to the access point for Lot 1.

- 3.4 McMillan Avenue must be designed and constructed to Major Urban Collector standard, with half road construction, with a minimum width of 5.5 metres from the end of the existing seal to the intersection with Olive Street. The edge line of the new construction must match the alignment of the existing kerb and channel on the western side of McMillan Avenue. Council will accept a two-coat seal in accordance with the requirements of the Capricorn Municipal Development Guidelines in lieu of asphalt surfacing for this section of roadway, with no kerb and channel construction required in this instance.
- 3.5 The intersection of McMillan Avenue and Olive Street must be sealed with a minimum of a two-coat seal in accordance with the requirements of the Capricorn Municipal Development Guidelines such that it has a minimum width of 6.5 metres within the Olive Street road reserve and extends a minimum of ten (10) metres to the east along Olive Street.
- 3.6 Traffic signs and pavement markings must be provided in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*. Where necessary, existing traffic signs and pavement markings must be modified in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*.
- 4.0 ACCESS WORKS
- 4.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access works required by this development approval.
- 4.2 All access works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), and *Capricorn Municipal Development Guidelines*, and the provisions of a Development Permit for Operational Works (access works).
- 4.3 New sealed accesses must be constructed for proposed Lots 1 and 3.
- 5.0 PLUMBING AND DRAINAGE WORKS
- 5.1 On-site sewage treatment and disposal must be in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Plumbing and Drainage Policies. This can be completed at the building works application stage.
- 5.2 On-site water supply for domestic and firefighting purposes must be provided and may include the provision of a bore, dams, water storage tanks or a combination of each. This can be completed at the building works application stage.
- 6.0 STORMWATER WORKS
- 6.1 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 conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.
- 6.2 Easements must be provided over all land assessed to be within the one (1) per cent Average Annual Exceedance (AEP) probability defined flood event inundation area.
- 7.0 SITE WORKS
- 7.1 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.
- 8.0 ELECTRICITY
- 8.1 Electricity services must be provided to each lot in accordance with the standards and requirements of the relevant service provider.
- 8.2 Evidence that the new lots can be provided with electricity services from the relevant service provider must be provided to Council, prior to the issue of the Compliance Certificate for the Survey Plan.

**9.0 TELECOMMUNICATIONS**

- 9.1 Telecommunications services must be provided to each lot 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.
- 9.2 Evidence that the new lots can be provided with telecommunications services from the relevant service provider must be provided to Council, prior to the issue of the Compliance Certificate for the Survey Plan.

**10.0 ASSET MANAGEMENT**

- 10.1 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 undertaken and completed at no cost to Council.
- 10.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.

**11.0 ENVIRONMENTAL**

- 11.1 Any application for a Development Permit for Operational Works must be accompanied by a detailed Environmental Management Plan that addresses, but is not limited to, the following:
- (i) water quality and drainage;
  - (ii) erosion and silt/sedimentation management;
  - (iii) fauna management;
  - (iv) vegetation management and clearing;
  - (v) top soil management;
  - (vi) interim drainage plan during construction;
  - (vii) construction programme;
  - (viii) geotechnical issues;
  - (ix) weed control;
  - (x) bushfire management;
  - (xi) emergency vehicle access;
  - (xii) noise and dust suppression; and
  - (xiii) waste management.
- 11.2 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan that addresses, but is not limited to, the following:
- (i) objectives;
  - (ii) site location and 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.

11.3 The Environmental Management Plan approved as part of a Development Permit for Operational Works must be part of the contract documentation for the development works.

11.4 The Erosion Control and Stormwater Control Management Plan prepared by a Registered Professional Engineer of Queensland in accordance with the *Capricorn Municipal Design Guidelines*, must be implemented, monitored and maintained for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The plan must be available on-site for inspection by Council Officers whilst all works are being carried out.

## 12.0 OPERATING PROCEDURES

12.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials, or parking of construction machinery or contractors' vehicles must not occur within McMillan Avenue and Olive Street.

## 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 Partnerships website [www.datsip.qld.gov.au](http://www.datsip.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.

### 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. Property Note (Bushfire)

All future buildings on the proposed lots must be constructed in accordance with *Australian Standard AS3959 "Construction of buildings in bushfire-prone areas"*.

**NOTE 5. Works in Road Reserve Permit**

It is advised that a Works in Road Reserve Permit (including a fee for the vehicle crossover and compliant with Standard *Capricorn Municipal Development Guidelines*, Standard Drawings) may be accepted in place of the application for a Development Permit for Operational Works (access works).

**NOTE 6. 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 Reconfiguring a Lot (one (1) lot into three (3) lots) and an access easement, made by Reel Planning CQ on behalf of Capehead Pty Ltd, on Lot 485 on LIV40112, Parish of Murchison, located at 66 Alfred Road, Parkhurst, Council resolves to issue an Infrastructure Charges Notice for the amount of \$14,000.00.

**Moved by: Councillor Fisher**

**Seconded by: Councillor Smith**

**MOTION CARRIED UNANIMOUSLY**

## **9 NOTICES OF MOTION**

Nil

## **10 URGENT BUSINESS\QUESTIONS**

## 11 CLOSURE OF MEETING

There being no further business the meeting closed at 9:45am.

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SIGNATURE

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CHAIRPERSON

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DATE