



PLANNING AND REGULATORY COMMITTEE MEETING

AGENDA

16 MAY 2017

Your attendance is required at a meeting of the Planning and Regulatory Committee to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 16 May 2017 commencing at 9.00am for transaction of the enclosed business.

A handwritten signature in black ink, appearing to be "C. R.", is positioned above the title of the Chief Executive Officer.

CHIEF EXECUTIVE OFFICER
9 May 2017

Next Meeting Date: 06.06.17

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 REGULATORY COMMITTEE	2
7	PUBLIC FORUMS/DEPUTATIONS	5
	NIL	5
8	OFFICERS' REPORTS.....	6
8.1	MONTHLY OPERATIONS REPORT FOR PLANNING AND REGULATORY SERVICES FOR APRIL 2017	6
8.2	DRAFT STREET PERFORMING POLICY	26
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)	33
8.4	D/20-2017 - DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT (ONE LOT INTO THREE LOTS AND ACCESS EASEMENT)	60
9	NOTICES OF MOTION.....	76
	NIL	76
10	URGENT BUSINESS/QUESTIONS	77
11	CLOSURE OF MEETING	78

1 OPENING

2 PRESENT

Members Present:

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

In Attendance:

Mr M Rowe – General Manager Community Services (Executive Officer)
Mr E Pardon – Chief Executive Officer

3 APOLOGIES AND LEAVE OF ABSENCE

4 CONFIRMATION OF MINUTES

Minutes of the Planning and Regulatory Committee held 2 May 2017

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.

OFFICER'S RECOMMENDATION

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

BUSINESS OUTSTANDING TABLE FOR PLANNING AND REGULATORY COMMITTEE

Business Outstanding Table

Meeting Date: 16 May 2017

Attachment No: 1

Date	Report Title	Resolution	Responsible Officer	Due Date	Notes
14 February 2017	Telecommunication capacity	THAT Council advocate strongly for additional telecommunication capacity in both Parkhurst and Gracemere Industrial Areas and that urgent action be sought from Federal members to ensure that we are not missing opportunities in our business communities.	Ross Cheesman	28/02/2017	
14 February 2017	Riverine Aquatic weed control	<ol style="list-style-type: none">1. THAT Council contact the State member regarding our concerns in relation to the weed infestation in the Fitzroy River and our desire to form a partnership with the State Government and Livingstone Shire Council to address the problem.2. THAT Council investigate funding options to address the matter.	Michael Rowe	28/02/2017	

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

SUMMARY

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

OFFICER'S RECOMMENDATION

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

COMMENTARY

The monthly operations report for the Planning and Regulatory Section is attached for Council's consideration. The performance information contained within the attached report relates directly to the adopted 2016/17 Operational Plan Key Performance Indicators.

Health and Environment

The Health and Environment Unit effectively responded to the flood event by undertaking inspections of licensed premises and premises of environmental concern and undertaking surveillance and treatment of local freshwater zones and misting of adult mosquitoes and black fly.

Local Laws

The Local Laws Team have commenced the Mount Morgan Systematic Inspection Program which was delayed due to the recent flood event. The following month will be a busy period for the officers who will be looking at achieving attendance to the designated properties under this program, and taking appropriate enforcement action where necessary, in order to gain compliance with regards to its main focus, dog registration.

Officers have also commenced preparations for the move into their new office accommodation which is completed within the Ranger Street office at Gracemere.

Development Assessment

The DA team met all targets except for decisions being made within 20 business days. There were a few decisions that were made just outside of the 20 business days.

Building, Plumbing and Compliance

Building has received 23 new applications over the reporting period and Plumbing has received 26; the section continues to provide 100% delivery of decisions within the required timeframes.

The section is now currently running with a full complement of staff; in addition to meeting the decision notice time frames this is also allowing the section to review and action our outstanding Customer Requests.

CONCLUSION

It is recommended that the monthly operations report for the Planning and Regulatory Services Section be received.

MONTHLY OPERATIONS REPORT FOR PLANNING AND REGULATORY SERVICES FOR APRIL 2017

Traffic Light Report for April 2017

Meeting Date: 16 May 2017

Attachment No: 1



All Monthly Requests (Priority 3) Planning & Regulatory Services 'Traffic Light' report April 2017

	Balance B/F	Completed in Current Mth	Current Month NEW Requests		TOTAL INCOMPLETE REQUESTS BALANCE	Under Long Term Investigation	Completion Standard (days)	Avg Completion Time (days) Current Mth	Avg Completion Time (days) 6 Months	Avg Completion Time (days) 12 Months	Avg Duration (days) 12 Months (complete and incomplete)
			Received	Completed							
Dog Registration Enquiry	36	36	83	82	1	0	10	● 4.38	● 16.97	● 7.62	6.99
Animals (more than permitted number)	7	3	12	0	10	0	30	● 0.00	● 14.57	● 10.89	10.22
Building Inspection Booking	0	0	0	0	0	0	1	● 0.00	● 1.00	● 6.20	0.33
Building Enquiry - General Info/Admin etc	48	12	17	11	42	0	5	● 3.64	● 8.90	● 11.37	3.36
Living in Illegal Premises	8	0	0	0	8	0	4	● 0.00	● 2.00	● 25.67	1.00
Other Building Compliant Issue	55	13	0	0	42	0	1	● 0.00	● 23.53	● 31.77	2.40
Poor Condition of Building	25	13	2	0	13	0	4	● 0.00	● 37.27	● 47.13	13.56
Pool Fence Issues	23	5	0	0	18	0	4	● 0.00	● 17.86	● 25.77	5.07
Retaining Wall Issues	8	3	0	0	5	0	4	● 0.00	● 9.50	● 19.00	9.50
Storm Water Complaint	30	18	4	1	15	0	4	● 3.00	● 14.05	● 23.42	9.58
Comm Compliance Barking Letter/Visitors Advice	0	0	9	8	0	0	5	● 0.63	● 2.27	● 2.43	1.58
Complaints MGM Landuse. (Section Use Only)	0	0	0	0	0	0	10	● 0.00	● 0.00	● 0.00	0.00
Planning Compliance Request/Enquiry	67	18	28	5	70	0	45	● 5.60	● 24.55	● 22.96	21.20
Dog Attack on Animal (Confirmed)	0	0	0	0	0	0	10	● 0.00	● 0.00	● 0.00	0.00
Dog Attack on Person (Fear) CSO	15	9	11	1	16	0	20	● 2.00	● 14.12	● 17.69	11.03
Dog Attack on Animal (Alleged) CSO	12	10	11	1	12	0	20	● 6.00	● 13.95	● 16.55	9.78
Dog Attack on Person (Bite) CSO	9	3	4	1	9	0	20	● 7.00	● 12.96	● 15.76	10.43
Duty Planner (New Enquiry)	2	2	56	52	1	0	1	● 0.54	● 0.93	● 0.88	0.52
Temporary Relocation of Business DueTo Disaster	0	0	0	0	0	0	5	● 0.00	● 0.00	● 0.00	0.00
Plan Sign Sealling - Contributions	0	0	0	0	0	0	10	● 0.00	● 14.00	● 8.00	8.00
Telephone Enquiry (Existing Application/Call Back)	2	2	15	13	0	0	1	● 0.62	● 0.77	● 0.98	0.41
GIA Moratorium (Compliance)	0	0	0	0	0	0	45	● 0.00	● 0.00	● 0.00	0.00
Heavy Vehicle Parking	1	0	0	0	1	0	10	● 0.00	● 25.50	● 11.06	6.79
Overgrown Allotments	38	31	85	26	27	0	45	● 4.04	● 28.37	● 22.96	20.55
Regulated Parking	12	12	27	12	14	0	10	● 2.83	● 5.84	● 10.02	7.27
Dust Complaint	0	0	0	0	0	0	10	● 0.00	● 2.00	● 4.63	1.71
Litter/Illegal Dumping	2	1	3	2	2	0	20	● 2.00	● 4.81	● 34.51	33.60
Noise Complaint	0	0	7	5	1	0	10	● 2.00	● 2.45	● 2.86	2.52
Plumbing Inspection Booking	0	0	0	0	0	0	1	● 0.00	● 0.20	● 0.45	0.45
P&D Works without a Plumbing Permit	3	0	0	0	3	0	5	● 0.00	● 2.00	● 1.50	1.50
Requests for Toilet Counts	1	1	0	0	0	0	5	● 0.00	● 12.80	● 20.69	56.00
Onsite (Private) Treatment Plant Odours	1	0	1	0	2	0	5	● 0.00	● 21.00	● 34.50	4.00
P&D Waste Water Leaking to Adjoining Properties	1	0	1	0	2	0	5	● 0.00	● 7.00	● 9.33	5.00
Plumbing and Drainage - Quote Required	0	0	0	0	0	0	5	● 0.00	● 0.00	● 0.00	0.00
Plumbing and Drainage - Sanitary Drainage Plan	0	0	23	21	2	0	5	● 0.90	● 0.91	● 1.07	0.66
Plumbing Issues General	6	1	4	1	8	0	5	● 3.00	● 9.33	● 11.09	2.39

	Balance B/F	Completed in Current Mth	Current Month NEW Requests		TOTAL INCOMPLETE REQUESTS BALANCE	Under Long Term Investigation	Completion Standard (days)	Avg Completion Time (days) Current Mth	Avg Completion Time (days) 6 Months	Avg Completion Time (days) 12 Months	Avg Duration (days) 12 Months (complete and incomplete)
			Received	Completed							
Barking Dog Complaint - Stage 1	13	11	43	33	7	0	3	● 3.21	● 4.38	● 3.33	0.90
Barking Dog Complaint - Stage 2 LLEO Use Only	9	5	6	1	6	0	30	● 1.00	● 14.44	● 13.42	11.48
Vector Misting	84	84	51	47	0	0	7	● 4.62	● 3.14	● 2.44	2.40
Nuisance Vehicle	10	8	17	10	8	0	10	● 4.10	● 6.94	● 7.45	5.84
Wandering Animals (dogs, cats, poultry)	41	38	82	50	18	0	10	● 1.10	● 1.04	● 1.00	0.93
Wandering Stock	5	5	16	13	2	0	10	● 1.23	● 2.19	● 3.44	1.99

MONTHLY OPERATIONS REPORT FOR PLANNING AND REGULATORY SERVICES FOR APRIL 2017

Financial Matters Report for April 2017

Meeting Date: 16 May 2017

Attachment No: 2



End of Month General Ledger - (Operating Only) - Planning and Regulat

As At End Of April

Report Run: 04-May-2017 16:14:31 Excludes Nat Accs: 2802,2914,2917,2924

	Adopted Budget \$	Revised Budget \$	EOM Commitments \$	YTD Actual \$	Commit + Actual \$	Variance %	On target 83.3% of Year Gone
COMMUNITY SERVICES							
Planning and Regulatory Services							
<u>Development Assessment</u>							
Revenues	(726,750)	(726,750)	0	(650,607)	(650,607)	90% ✓	
Expenses	1,608,204	1,544,870	697,382	1,192,543	1,889,925	122% ✗	
Transfer / Overhead Allocation	35,000	35,000	0	(40,787)	(40,787)	-117% ✓	
Total Unit: Development Assessment	916,454	853,120	697,382	501,148	1,198,530	140% ✗	
<u>Building Compliance</u>							
Revenues	(745,000)	(745,000)	0	(620,983)	(620,983)	83% ✓	
Expenses	975,699	925,011	30,672	659,098	689,770	75% ✓	
Transfer / Overhead Allocation	(220,920)	(220,920)	40,591	(181,934)	(141,343)	64% ✗	
Total Unit: Building Compliance	9,779	(40,909)	71,263	(143,819)	(72,556)	177% ✓	
<u>Health & Environment</u>							
Revenues	(177,750)	(177,750)	0	(103,931)	(103,931)	58% ✗	
Expenses	2,378,254	2,292,465	377,568	1,268,631	1,646,198	72% ✓	
Transfer / Overhead Allocation	317,400	317,400	0	191,603	191,603	60% ✓	
Total Unit: Health & Environment	2,517,904	2,432,115	377,568	1,356,303	1,733,871	71% ✓	
<u>Local Laws</u>							
Revenues	(1,379,700)	(1,379,700)	0	(1,087,745)	(1,087,745)	79% ✗	
Expenses	2,569,848	2,652,320	1,809,705	1,438,822	3,248,527	122% ✗	
Transfer / Overhead Allocation	251,600	251,600	0	167,481	167,481	67% ✓	
Total Unit: Local Laws	1,441,748	1,524,220	1,809,705	518,557	2,328,262	153% ✗	
<u>Planning and Regulatory Services Management</u>							
Revenues	0	0	0	(54)	(54)	0% ✓	
Expenses	682,948	797,381	107,899	660,488	768,387	96% ✗	
Transfer / Overhead Allocation	0	0	0	1,621	1,621	0% ✗	
Total Unit: Planning and Regulatory Services Management	682,948	797,381	107,899	662,054	769,953	97% ✗	
Total Section: Planning and Regulatory Services	5,568,834	5,565,927	3,063,815	2,894,244	5,958,060	107% ✗	

	Adopted Budget \$	Revised Budget \$	EOM Commitments \$	YTD Actual \$	Commit + Actual \$	Variance %	On target 83.3% of Year Gone
Total Department: COMMUNITY SERVICES	5,568,834	5,565,927	3,063,815	2,894,244	5,958,060	107%	✖
Grand Total:	5,568,834	5,565,927	3,063,815	2,894,244	5,958,060	107%	✖

MONTHLY OPERATIONS REPORT FOR PLANNING AND REGULATORY SERVICES FOR APRIL 2017

Monthly Operations Report for Local Laws - April 2017

Meeting Date: 16 May 2017

Attachment No: 3

MONTHLY OPERATIONS REPORT

PLANNING AND REGULATORY SERVICES

Period Including April 2017

VARIATIONS, ISSUES AND INNOVATIONS

Recruitment

The process of vetting and advising successful candidates for both the Local Law Officer positions and Supervisor Local Laws vacancy has resulted in the formal appointment of both a Local Law Officer and Supervisor Local Laws to the team. The process is still continuing to formally appoint officers to the remaining positions.

Recent Training

A number of Local Law Officers have just completed the last 2 days of the Certificate IV Government (Investigations) training which will now see them continue with their research and studies to acquire the qualification in the coming months.

Relocation of Pound

As a result of the local flood situation dissipating the pound relocated and established itself to its original Quay Street location becoming fully operational and providing customer service the day after it was re-installed.

Improvements/Deterioration in Levels of Services or Cost Drivers

Systematic Inspection Program

The Systematic Inspection Program which had been delayed due to the recent flood event has commenced.

Customer Service Requests

Local Laws received a total of 417 recorded customer service requests for the month of April. This can be largely attributed to the lead up and finalisation of the flood event.

Upcoming Events

Local Laws Officers will be manning an information booth at the RSPCA Million Paws Walk to be held Sunday 21 May 2017 at Rigalsford Park Koongal. As a result the Pets in the Park Microchipping Day has been pushed back to the 4 June 2017 at Rigalsford Park.

LINKAGES TO OPERATIONAL PLAN

1. COMPLIANCE WITH CUSTOMER SERVICE REQUESTS

The response times for completing the predominant customer requests in the reporting period of April 2017 are as outlined in the Planning and Regulatory Traffic Light Report attached.

Comments & Additional Information

April 2017 Traffic Light Report includes all Planning and Regulatory Services. The following departments fall under this unit: Development Assessment, Building and Plumbing Compliance. Local Laws, Pound, Environment and Public Health, Pest Management, Vector Management and Support Services.

The following Local Laws areas have been highlighted as exceeding completion rates set with respect to each request type, namely:

Barking Dog Complaint Stage 1

Barking Dog Complaint – Stage 1 requests, whilst request type can be time consuming from time to time, it would appear that time lapses in closing a minor number of these request types has allowed for the excess completion rates only slight beyond the set standard of 3 days.

2. COMPLIANCE WITH STATUTORY AND REGULATORY REQUIREMENTS***Legislative Compliance & Standards***

Legislative Compliance Matter	Due Date	% Completed	Comments
Local Laws Power of Entry Training	Various	100%	Completed
Cert IV (Government Investigations)	Various	100%	Completed
Animal Management	Various	100%	Completed

4. ACHIEVEMENT OF OPERATIONAL PROJECTS WITHIN ADOPTED BUDGET AND APPROVED TIMEFRAME

Project	Revised Budget	Actual (incl. committals)	% Budget Expended	Explanation
Issue of Dog Registration Renewals	\$20 000.00	\$12783.68	63.9%	No Renewals issued
Micro Chipping Days	\$17 000.00	\$7614.41	44.7%	Held 31/10/2016

Registered Dogs/Declared Dog Totals

Description	Registrations January	Registrations February	Registrations March	Registrations April	Current total
Dogs Registered	252	186	319	207	15420
Dangerous Dogs	0	1	0	1	34
Menacing Dogs	0	3	0	1	47
Restricted Dog	0	0	0	0	1

Infringements Issued

Description	January	February	March	April	Financial YTD
Parking Infringements	661	716	481	140	5588
Animal Infringements	95	57	61	16	775
Local Law Infringements	11	12	8	3	77
Total	767	785	550	159	6440

FINANCIAL MATTERS

The Financial Matters reports for Month Year are outlined in Attachments.

MONTHLY OPERATIONS REPORT FOR PLANNING AND REGULATORY SERVICES FOR APRIL 2017

Monthly Operations Report – Health and Environment - April 2017

Meeting Date: 16 May 2017

Attachment No: 4

MONTHLY OPERATIONS REPORT

HEALTH AND ENVIRONMENT

April 2017

VARIATIONS, ISSUES AND INNOVATIONS

Innovations

Improvements / Deterioration in Levels of Services or Cost Drivers

Environment and Public Health

The Environmental Health Unit undertook visits to 35 food premises and 17 premises of environmental concern to follow up on legislative requirements and provide assistance where needed.

Rockhampton Regional Council hosted the Central Queensland Environmental Health Australia Conference on 21 and 22 April. The Friday session was a State Government update and included presentations by Queensland Health (Food Safety Unit and Communicable Disease Unit), LGAQ and Gas Inspectorate.

The conference was opened on the Saturday by the Mayor and included presentations from Rockhampton Regional Council, other Councils, other local organisations and Queensland Health Officers. The conference was a success with 25 delegates participating from as far away as Gympie.

Vector Management Team

Vector Management Officers undertook surveillance and treatment of local freshwater and salt marsh zones in response to the recent rain event and flood. Proactive and reactive misting was undertaken to address the potential impacts of adult mosquitoes and black fly.

Media and Facebook posts were issued to advise residents of the best ways to avoid mosquito biting, to reduce mosquito breeding around their homes and advise that Council was undertaking misting. These actions with the dedication of the officers, who worked outside their normal hours, significantly reduced the impacts of mosquitoes and black fly on the residents.

Pest Management Team

The flood following Cyclone Debbie removed a lot of floating weeds from the Fitzroy River and lagoon systems unfortunately for a lot of the Pastoralists a large amount of fence damage has occurred and the mats that remain on dry areas will smother grass and potentially carry other weed seeds so monitoring of the flood plain will again become a focus of the Pest Management Unit. Pest Management Officers recommenced control on the river when conditions allowed.

The late rain has also increased the extent of Parthenium control works in the Kalapa, Wycarbah, Rosewood and Westwood localities.

Management Summary

Example from Section Risk Register (excludes risks accepted/ALARP)

Risk	Current Risk Rating	Future Control & Risk Treatment Plans	Due Date	% Completed
Pest Management -Council does not have appropriate and implemented pest management planning for pest plants and pest animal management leading to public complaints about service delivery, localised damage to Council's reputation, temporary redirection/addition of staff/resources required.	Moderate	Legislative changes occurring in 2016. Review and realign plan with newly identified changes. Review of service level arrangements/requirements	2016	40%

Legislative Compliance & Standards

Legislative Compliance Matter	Due Date	% Completed	Comments
Council's Ground Distribution Contract Licence	6 April 2020	100%	Completed
Pest Management Officers AC/DC Licenses	Various	100%	Completed
Vector Management Officers Pest Management Technicians Licenses	Various	100%	Completed

2. ACHIEVEMENT OF CAPITAL PROJECTS WITHIN ADOPTED BUDGET AND APPROVED TIMEFRAME

No capital projects.

3. ACHIEVEMENT OF OPERATIONAL PROJECTS WITHIN ADOPTED BUDGET AND APPROVED TIMEFRAME

No operational projects.

4. DELIVERY OF SERVICES AND ACTIVITIES IN ACCORDANCE WITH COUNCIL'S ADOPTED SERVICE LEVELS**Adopted/Operational Service Level Standards & Performance**

Service Level	Target	Apr
Annual inspection of licensed food businesses undertaken.	100%	82%
Annual inspection of licensed businesses that provide higher risk personal appearance services undertaken.	100%	33%
Annual inspection of devolved licensed environmentally relevant activities undertaken.	100%	31%

Please note the service levels depicted in the above table are operational standards only and have not been formally adopted by Council.

FINANCIAL MATTERS

The Financial Matters report for April 2017 is outlined in the Attachments.

MONTHLY OPERATIONS REPORT FOR PLANNING AND REGULATORY SERVICES FOR APRIL 2017

Monthly Operations Report - Development Assessment - April 2017

Meeting Date: 16 May 2017

Attachment No: 5

MONTHLY OPERATIONS REPORT
PLANNING SECTION
Period Ended APRIL 2017

VARIATIONS, ISSUES AND INNOVATIONS***Innovations***

This would include any innovative practices commencing or being investigated during the reporting period. This could include plant, resourcing or processes.

Improvements / Deterioration in Levels of Services or Cost Drivers

What may have impacted on service responses reported later in this report. The good and the bad. For example, improvements implemented to streamline processes and create efficiencies for our customers.

1. COMPLIANCE WITH STATUTORY AND REGULATORY REQUIREMENTS INCLUDING SAFETY, RISK AND OTHER LEGISLATIVE MATTERS***Risk Management Summary***

Example from Section Risk Register (excludes risks accepted/ALARP)

Please Note: The risks listed below are 'what if' scenarios and do not necessarily reflect what has occurred.

Potential Risk	Current Risk Rating	Future Control & Risk Treatment Plans	Due Date	% Completed	Comments
Failure to address general long term planning needs for the community will result in lower quality development, less development overall, continued poor economic and community performance indicators, and lost opportunities in pursuit of achieving elevation of Rockhampton's reputation to an exceptional regional city.	Very High	Develop strategies to address threat, train existing staff to address, and hire staff with required skill sets. Educate community, develop strategic partnerships, and identify external resources.	31/12/2017	Ongoing	Developing strategies to meet resourcing need to address threats, community education programs and strategic partnership development in accordance with resourcing.
Changes to State law that reduce revenues for essential Council services, e.g. Development Assessment will result in less capacity to provide planning services, requiring supplemental funding from other sources, e.g. increased rates.	High 4	Monitor and respond when and as appropriate	N/A		
Failure to collect revenue results in fewer funds available and lack of confidence in Council business practices.	High 5	Process and workflow to address has been developed and approved by Council.	31/12/2016	70%	Report going to Committee
Continuing changes to state legislation and regulatory requirements on Council increase the risk of Council not being able to fully comply with all requirements. Consequences include	Moderate 5	Respond as events occur and provide submissions to articulate impacts on RRC operations	N/A	Ongoing	

Potential Risk	Current Risk Rating	Future Control & Risk Treatment Plans	Due Date	% Completed	Comments
possible fines, further limitations on Council functions, failure to provide essential resources to enable Council to achieve regional development objectives.					

Legislative Compliance & Standards

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

2. ACHIEVEMENT OF CAPITAL PROJECTS WITHIN ADOPTED BUDGET AND APPROVED TIMEFRAME

No capital projects are relevant to the Planning Section.

3. ACHIEVEMENT OF OPERATIONAL PROJECTS WITHIN ADOPTED BUDGET AND APPROVED TIMEFRAME

Project	Revised Budget	Actual (incl. committals)	% budget expended	Explanation
Rockhampton Regional Planning Scheme	N/A	N/A	N/A	<i>This project is a large operational plan that spans over several years</i>

4. DELIVERY OF SERVICES AND ACTIVITIES IN ACCORDANCE WITH COUNCIL'S ADOPTED SERVICE LEVELS

Service Delivery Standard	Target	Current Performance
Development Assessment		
Applications received: 11		
Applications decided: 8		
Acknowledgement notices (where required) sent out within 10 business days of application being properly made	100%	100%
Information requests (where required) sent out within timeframes required under SPA	100%	100%
Decisions are made within 20 business day timeframe once decision stage commences (or extended timeframe permitted under SPA)	100%	75%
Decision notices are issued within 5 business days of the decision being made	100%	100%
Building		
Applications received: 23		
Applications decided: 8		
Building Approvals - Decisions are made within 20 business day timeframe	100%	100%
Plumbing		
Applications received: 26		
Applications decided: 11		
Compliance request are decided within 20 business day timeframe	100%	100%

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

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.

OFFICER'S RECOMMENDATION

THAT Council adopts the Draft Street Performing Policy.

COMMENTARY

This policy will guide activities, whilst ensuring there are no adverse impacts on nearby properties and pedestrian flow or compromise safety. The development of this policy is presented to Council for consideration.

BACKGROUND

A well-managed public space supports local businesses and promotes creating places and streets that are amenable and attractive to all visitors and encourage social, cultural and economic amenity and vitality.

Changes to Council policy in regard to busking have occurred to encourage this vibrancy and promote arts and culture within the community. Council resolved to encourage street performances via a fee free permit.

A revised version of the proposed policy has been prepared in line with previous decisions.

PREVIOUS DECISIONS

At the Council meeting 13 December 2016 Council resolved that changes to Council policy in regard to busking are required. Incorporating the following recommendations:

- That any applicable changes be made to the Local Laws;
- That a policy for busking be developed, to include permitted locations and a monthly busking permit which can be withdrawn at the sole discretion of Council;
- That the renewal form be simplified so that it can be processed by customer service;
- That the permit application fee and permit renewal fee be free;
- That resourcing is improved, as per the suggestions outlined under resources;
- Changes to the fees and charges are undertaken to reflect permits are free; and
- The necessary Insurance be available via Council.

Further, on 10 January 2017 Council resolved to have a revised version of the draft busking policy return to council for deliberation incorporating the following considerations.

- The policy be titled - Street Performing Policy
 - Permit the use of fire and pyrotechnics –specify conditions designating area/s for these activities.
 - Allow for busking in front of occupied shops and buildings too with the owner/occupiers consent
 - Adopt a 3 months approval period
-

- Incorporate permissible advertising and amplification devices
- Permit the sale of items characterised by the performance style i.e. CD's or an artwork.
- Add Lawrie Street, Gracemere permit area

CONCLUSION

The Policy draft is presented to achieve the desired outcome to accommodate and encourage vibrancy to the Region.

DRAFT STREET PERFORMING POLICY

DRAFT Street Performing Policy

Meeting Date: 16 May 2017

Attachment No: 1



STREET PERFORMING POLICY (COMMUNITY POLICY)

1 Scope:

This policy applies to any person requesting to undertake street performing within Rockhampton Regional Council controlled areas or roads.

2 Purpose:

To encourage street performing to create vibrancy and promote arts and culture within the community, whilst ensuring there are no adverse impacts on nearby properties and the community.

3 Related Documents:

Primary

Nil

Secondary

Local Law No. 1 (Administration) 2011

Subordinate Local Law No.1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2011

Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads)

Street Performing Fact Sheet

Commercial Use of Roads Application Form – Street Performing

Uninsured Performers Public Liability Policy

4 Definitions:

To assist in interpretation, the following definitions apply:

Business Hours	The hours of the day during which, a given business is open.
Street Performing	A musical, theatrical or other type of performance undertaken by a person- <ul style="list-style-type: none"> ▪ to entertain the public; and ▪ seeking voluntary reward for the performance.
Street Performer	An entertainer who provides performances for the public by dancing, singing, miming, puppetry, playing an instrument, reciting a story or poetry, or doing other acts of a similar nature in public places.
Council	Rockhampton Regional Council
Dangerous Materials and Implements	Materials and implements that pose risk, hazard or uncertain outcomes for people. <i>Dangerous materials</i> can include flammable materials and chemicals, fire, fireworks, smoke, flares, heated elements or anything giving off a level of heat or toxicity that poses a threat of harm or damage to members of the public and property. <i>Dangerous implements</i> include knives, spears, swords, spike and sharp implements of any kind that pose a threat

	of harm to the general public.
Fees and Charges	Fees and charges contained within the schedule adopted annually by Council in accordance with the <i>Local Government Regulation 2012</i> .
Footpath	As defined in the <i>Transport Operations (Road Use Management) Act 1995</i>

5 Policy Statement:

Council recognises that:

- Street performers contribute to a sense of place; provide entertainment and thought provoking experiences to tourists and members of the general public.
- Street performing is recognised as a valid means for people to make a living.
- Street performers make an important contribution to the cultural life of a city by reflecting styles, values and the issues of society at large.
- Street performing should not interfere with pedestrian traffic or the conduct of business, or create perceived safety concerns.

5.1 Prohibited Activities, Materials and Implements

Due to the broad nature of activities that street performing can include, Council will assess the merit and suitability of each application individually as it relates to the purpose and terms of this policy. Council reserves the right to deny an application if the proposed activity is deemed not to align with the purpose and terms of this policy.

Vending and fundraising such as the sale of raffle tickets, food or personal services are not considered to be forms of street performing under the terms of this policy and as such an approval will not be issued. Any materials or implements prohibited or deemed dangerous by any legislative act or regulation will not be approved unless otherwise agreed with Council.

- The use of fire, pyrotechnics and the like will be assessed based on an individual applicant basis and will require relevant safety precautions, licenses and location restrictions.

5.2 Locations Not Permitted

All residential zones and any location deemed unsuitable by Council.

Street performing will not be permitted within 10 metres of footpath dining facilities or licensed venues during business hours, unless otherwise supported and approved by management of the business and Council.

5.3 Permitted Hours, Duration and Areas

Street performing is permitted between the hours of:

- 9.00am to 9.00pm Sunday to Thursday; and
- 9.00am to 12.00am Friday and Saturday.

The duration of performances must not exceed 45 minutes per set and there must be a minimum interval of 15 minutes between sets.

Street performances maybe permitted within the above-mentioned hours in the following areas:

- Rockhampton central business district, bounded by the Fitzroy River; Albert, Stanley and Denison Streets;

- Conaghan Park, 5 Lawrie Street, Gracemere; and
- Morgan Street, between Central and East Streets, Mount Morgan

In the case where the street performance is being conducted in front of a business during business hours, written consent from the business owner must be obtained.

5.4 Specific Requirements

5.4.1 Approval Terms

Approvals will be valid for a 3 month period after date of issue, after which a new application will be required. Approvals are not transferable or refundable.

5.4.2 Conditions

Approvals are subject to conditions outlined in schedule 1 of Council's Subordinate Local Law 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2011. The following conditions also apply.

The approval holder must:

- Limit the operation of the approved activity so it does not cause undue obstruction to pedestrian or vehicular traffic, for example, by obstructing pedestrian or vehicular access at the entrance to a shop or building;
- Remove all equipment from the area identified in the approval upon ceasing the approved activity unless otherwise agreed with Council;
- Ensure any form of amplification is approved by Council and meets relevant public noise restrictions;
- Not undertake the approved activity during the conduct of and within the vicinity of an activity which is the subject of a Council approval (other approval) without the written consent of the holder of the other approval. For example, a street festival or event;
- Not sell, offer or expose for sale any articles or commodity other than those as part of the approved street performance as approved by Council; and
- Comply with directions issued by Council's authorised persons and members of the QLD Police Service, Ambulance, Fire and any other Emergency Service.

The approval holder may be restricted to permitted locations based on the form of street performing they are wishing to undertake.

Council reserves the right to cease an approval holder's performance at any time, or cancel an approval indefinitely, if the approval holder does not adhere to the above conditions, or if a reasonable complaint from the public is made.

5.5 Public Liability Insurance

Council holds an Uninsured Performers Public Liability Policy which provides street performing approval holders cover for approved activities within the Council Local Government area.

The insurance is subject to terms, conditions, excesses and exclusions as detailed in the Uninsured Performers Public Liability Policy, which is available on Council's website.

Approval holders are only covered by Council insurance when the approval holder:

- does not have a current Public Liability Policy for the activity they are undertaking;
- holds a valid approval issued by Council;
- is operating within the Council Local Government Area; and
- has followed their approval conditions.

The policy is limited to \$20 million for any one loss, in the event of a claim the approval holder is responsible for payment of the excess being \$1,000 each and every loss.

5.6 Application Procedure

Applications must be submitted on the Commercial Use of Roads Application Form – Street Performing.

For the purposes of identification, applicants will be required to provide the following items at the time of application before a street performing approval will be issued:

- Proof of identity in one of the following forms:
 - Australian Passport;
 - Birth Certificate;
 - Drivers Licence;
 - 18+ Card; or
 - School ID (birth certificate also to be supplied if under the age of 18)
- Proof of parental consent for applicants under the age of 18 years, written consent signed by applicants' parents or guardians.

Relevant application fees are to be paid with the application and are detailed in Council's Fees and Charges schedule.

6 Review Timelines:

This policy will be reviewed when any of the following occur:

- 6.1.** The related information is amended or replaced; or
- 6.2.** Other circumstances as determined from time to time by Council.

7 Responsibilities:

Sponsor	Chief Executive Officer
Business Owner	General Manager Community Services
Policy Owner	Manager Planning and Regulatory Services
Policy Quality Control	Corporate Improvement and Strategy

EVAN PARDON
CHIEF EXECUTIVE OFFICER

-

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

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

Infrastructure Charges Area: Charge Area 1

Application Progress:

<i>Application Lodged:</i>	5 December 2016
<i>Acknowledgment Notice issued:</i>	12 December 2016

<i>Request for Further Information sent:</i>	<i>21 December 2016</i>
<i>Request for Further Information responded to:</i>	<i>20 March 2017</i>
<i>Submission period commenced:</i>	<i>21 March 2017</i>
<i>Submission period end:</i>	<i>13 April 2017</i>
<i>Council request for additional time:</i>	<i>26 April 2017</i>
<i>Last receipt of information from applicant:</i>	<i>19 April 2017</i>
<i>Statutory due determination date:</i>	<i>16 June 2017</i>

OFFICER'S 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.

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 CONDITIONS1.0 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.

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.

BACKGROUND**PROPOSAL IN DETAIL**

The proposal is for a combined development application for a Material Change of Use for a Dwelling House and a Reconfiguring a Lot one lot into two lots, located at 304 Frenchville Road, Frenchville.

The Reconfiguring a Lot component of the application will create one additional allotment, with an area of approximately 1.215 hectares for proposed Lot 29 and 1.137 hectares for proposed Lot 28 which contains the existing Dwelling House. Both allotments will gain access from a proposed access easement as indicated on the proposed plans.

The applicant has also applied for a building location envelope (BLE) for a future Dwelling House on proposed Lot 29. The BLE is situated in the south-eastern corner of this allotment with dimensions of forty (40) square metres on each side, with a fifteen (15) metre setback from the southern and eastern property boundaries.

SITE AND LOCALITY

The subject site is located in both the Low Density Residential Zone (LDRZ) and the Environmental Management and Conservation Zone (EMCZ) under the *Rockhampton Region Planning Scheme 2015*. The northern and western sections of the site predominantly contain land in the LDRZ, while the south-eastern corner is identified within the EMCZ.

Several overlays also affect the subject site. The Very High Bushfire Hazard Overlay encompasses the entire site, while the land is largely affected by the Steep Land Overlay, with a gradient larger than twenty-five per cent (25%). Overlay mapping also indicates that the site is located within a Biodiversity Areas Overlay, containing areas of local and State Environmental Significance. However, an Environmental Management Plan, which was submitted as part of the application, demonstrates that the location of the new allotment and the building envelope does not contain any threatened or vulnerable species. These species are located in the Riparian Zone of Frenchman's Creek, north of the subject site.

An existing Dwelling House is located on the western side of the subject site, which is accessible via an access easement through Lot 26 on SP247221.

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 – 29 March 2017

Support, subject to conditions.

Public and Environmental Health Comments – 7 December 2016

Support, subject to comments.

Other Staff Technical Comments

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

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 on 2 December 2013 (amended 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.

Rockhampton Region Planning Scheme 2015

Strategic framework

This application is situated within the Urban Area and Nature Conservation and Open Space designations under the scheme's strategic framework map. The strategic framework themes and their strategic outcomes, as identified within Part 3 of the *Rockhampton Region Planning Scheme 2015* are applicable:

(i) Settlement pattern

- (1) The pattern of settlement is reinforced in accordance with the Strategic framework – settlement pattern maps (SFM-1 to SFM-4) and as defined in Table 3.3.2.2 – Strategic map designations and descriptions. Sufficient land has been allocated for residential, commercial, industrial and community uses to meet the needs of the region for at least twenty-five (25) years.
- (2) Residential development within Rockhampton and Gracemere will occur in urban areas, urban infill and intensification areas and new urban areas (greenfield areas). These areas are shown on the strategic framework maps SFM-2 to SFM-3.
- (3) Urban development in Mount Morgan will only occur within the urban area and local centre as shown on strategic framework map SFM-4.
- (4) Residential development is compact, encourages strong neighbourhoods with attractive places for residents, makes efficient use of land and optimises the delivery and use of infrastructure and services. Expansion beyond these identified areas will not occur to ensure a focus on urban infill and intensification areas and to avoid further encroachment on natural assets and ecologically vulnerable areas.
- (5) Sufficient land for employment growth has been identified in industrial areas, new industrial areas and centres (including proposed centres) at locations that can be most efficiently serviced with infrastructure and facilities.
- (6) Future urban areas and future industrial areas are the preferred location for greenfield development beyond 2026.
- (7) The settlement pattern provides for a diverse range of housing to meet changing demographic needs, and creates opportunities for more affordable living close to services and facilities. These housing options will help stimulate

centres and community focal points, and assist in making the most efficient use of infrastructure and other public investment.

- (8) Higher density development is focussed around centres and public transport nodes and corridors. Increased residential densities will be encouraged in the urban infill and intensification areas in a range of dwelling types that are located to make public transport, walking and cycling more convenient, safe and viable.
- (9) The design of the built environment (including buildings, streets and public spaces) is consistent with the existing or desired character of the area and buildings are oriented to the street and public places. Development is undertaken in accordance with urban design principles.
- (10) Centres provide for employment, retail, accommodation, entertainment and community services that meet the needs of residential communities that are well connected by the public transport network.
- (11) Centres are based on a hierarchy that ensures the scale and form of development is appropriate to the location, and that the centres' roles and functions are appropriate within the wider planning scheme area.
- (12) Centres are consolidated within designated areas, and expansion does not occur into adjoining residential areas.
- (13) An integrated and high quality public open space network caters for the needs of residents, particularly in and around centres and higher density areas.
- (14) The continuing viability of areas that provide for economic development such as industrial and specific use areas is protected from incompatible land uses.
- (15) Limited rural residential areas provide for semi-rural living; however, these areas do not expand beyond the areas designated.
- (16) The productive capacity of all rural land is protected.
- (17) Rural lands and natural areas are maintained for their rural and landscape values.
- (18) The scenic and environmental values of areas identified as nature conservation or natural corridor link are protected.
- (19) The cultural heritage of Rockhampton is conserved for present and future communities.
- (20) Development responds to natural hazards (flooding, bushfire, steep land, storm tide inundation and coastal erosion) by avoiding, mitigating, adapting and building resilience to natural hazards in areas mapped as being susceptible.

Complies. The proposal is for the creation of one new allotment and the formation of a building envelope for a future Dwelling House which acts as a form of residential development which is located in the Urban Area designation as outlined on the Strategic Framework map.

(ii) **Natural environment and hazards**

- (1) The natural environment and landscape are highly valued by the community for their contribution to the planning scheme area's biodiversity, economic prosperity, culture, character and sense of place. These areas are to be protected from incompatible development.
- (2) Development does not create unsustainable impacts on:
 - (a) the natural functioning of floodplains;
 - (b) environmentally significant areas, including areas of state and locally significant vegetation, which provide fauna habitat and support biodiversity; and

- (c) the quality of water entering waterways, wetlands and local catchments.
- (3) Development does not increase the risk to human life and property in areas that are affected, or potentially affected, by storm-surge, erosion, sea-level rise or other coastal processes, flooding, bushfire, or landslide. This occurs through the avoidance of natural hazards in new development areas, particularly greenfield areas and the mitigation of risks in existing built up areas.
- (4) Strategic and iconic scenic and landscape values are protected from potential adverse impacts of development.

Complies. The subject site contains split zoning, with part of the existing allotment located in the Environmental Management and Conservation Zone. The proposal is for the subdivision of land, creating one additional allotment, with the new lot containing a building envelope for the construction of a future Dwelling House. The location of the building envelope will be partly located in the Nature Conservation and Open Space designation.

An Environmental Management Plan, which was submitted as part of the application, demonstrates that the location of the new allotment and the building envelope does not contain any threatened or vulnerable species. On-site surveys have revealed the presence of endangered *Cycas ophiolitica* and *Eucalyptus raveretiana* in the riparian zone of Frenchman's Creek, and not in proximity to the location of the new allotment or building envelope. The survey revealed that the area subject of the proposal contained the following species of plants which are not considered to be endangered, vulnerable or significant:

- Grassy Open Woodland – *Eucalyptus crebra*
- Guinea Grass – *Megathyrsus maximus*
- Spear Grass – *Heteropogon contortus*
- Lantana – *Lantana camara*
- Stylo – *Stylosanthes scabra*

Given this information, the proposal will not generate any unsustainable impacts on environmentally significant areas which provide fauna habitat and support biodiversity.

(iii) **Community identity and diversity**

- (1) The quality of life of residents is enhanced through equitable access to social infrastructure, community services and facilities necessary to support community health and well-being.
- (2) The community is self-sufficient and does not rely on services and facilities located in other regions. Development contributes to the provision of new social infrastructure, including land.
- (3) Cultural heritage including character housing and heritage buildings are conserved and enhanced.
- (4) Public places are safe, functional, characterised by good urban design, and include a range of facilities to encourage healthy and active lifestyles.
- (5) Crime prevention through environmental design is achieved in urban areas including public spaces to improve public safety.

Not applicable.

(iv) **Access and mobility**

- (1) Connectivity is achieved between residential uses, employment centres and services through the provision of active transport infrastructure integrated with efficient public transport services.

- (2) The trunk transport network (as shown on the strategic framework maps SFM-9 to SFM-12 and in plans for trunk infrastructure in the local government infrastructure plan) supports the settlement pattern and the local economy by facilitating the efficient and safe movement of people and goods both within the planning scheme area (especially between the main urban centres of Rockhampton and Gracemere), and to and from other locations.
- (3) The transport network encourages and supports active living in centres by providing for integrated walking, cycling, and public transport infrastructure to support a progressive reduction in car dependency.
- (4) The safety and efficiency of transport infrastructure, including the Bruce and Capricorn highways and other state and local roads, rail, airport and seaports, are not compromised by development.

Not applicable. The proposal will not result in the creation of any new connections between residential uses, employment centres and services via the provision of active transport infrastructure.

(v) **Infrastructure and services**

- (1) Infrastructure and services are planned and delivered in a logical and cost efficient manner in support of the planned settlement pattern. It is fit for purpose and is sensitive to cultural and environmental values. In particular:
 - (a) efficient, affordable, reliable, timely and lasting infrastructure makes best use of public resources;
 - (b) the long-term needs of the community, industry and business are met; and
 - (c) the desired standards of service in Part 4 — Local government infrastructure plan are achieved.

Not applicable. The proposal will not cause any unreasonable impacts on Council's infrastructure networks.

(vi) **Natural resources and economic development**

- (1) The economy of the planning scheme area continues to grow and provides the community with diverse and new employment opportunities. Rockhampton continues to strengthen as the retail, service, cultural and administrative centre for both the planning scheme area and the wider Central Queensland region.
- (2) The strategic importance of Rockhampton for transport and logistics industries is fostered, given its central location at the junction of the Bruce Highway, the Capricorn Highway (through to the Landsborough Highway) and the Burnett Highway (through to the Leichhardt Highway).
- (3) The local community continues to value its traditional economic assets and natural resources and protects and conserves them and the contribution they make to maintaining and growing the region's economic prosperity, culture, character and sense of place. The region's traditional economic sectors of tourism and agriculture (including the iconic beef industry) continue to strengthen.
- (4) Development protects and, where possible, leverages the intrinsic economic value of the region's natural resources, including productive grazing, agricultural and forestry land, extractive and mineral resources, marine and coastal resources, and existing and planned water resources, including watercourses, water bodies and groundwater.
- (5) Natural assets identified by this planning scheme are protected as they underpin current and emerging tourism opportunities and important lifestyle values for residents.

Not applicable. The proposal has no direct implications on the Rockhampton region's natural resources or economic development.

The performance assessment of the proposal demonstrates that the development will not compromise the *Rockhampton Region Planning Scheme 2015* strategic outcomes.

Low Density Residential Zone and Environmental Management and Conservation Zones

The subject site is situated within the Low Density Residential Zone and Environmental Management and Conservation Zones under the *Rockhampton Region Planning Scheme 2015*. The purpose of the Low Density Residential Zone and Environmental Management and Conservation Zones identifies that: -

Low Density Residential Zone

- (1) The purpose of the low density residential zone code is to provide for predominantly dwelling houses supported by community related activities and small-scale services and facilities that cater for local residents.
- (2) The local government purpose of the zone code is to:
 - (a) provide locations where residential uses, predominantly in the form and type of single detached one (1) storey and two (2) storey dwelling houses on individual lots are preferred to develop;
 - (b) provide for the development of a mixture of other residential land use types that provide for long-term residency, where they are sited and designed to maintain the existing urban form (low rise and low density) and amenity of the surrounding area;
 - (c) minimise land use conflict and ensure that community and recreation facilities develop only where they are consistent with amenity and characteristics of the surrounding area; and
 - (d) ensure that development within the zone has appropriate standards of infrastructure and essential services.
- (3) The purposes of the zone will be achieved through the following overall outcomes:
 - (a) development provides for predominantly single detached dwellings and dual occupancies on individual lots of varying sizes maintaining a generally a low-rise built form and low density character;
 - (b) residential development within the zone is of a type which primarily provides for the long-term accommodation of residents;
 - (c) low-rise multiple dwellings, relocatable home parks, residential care facilities, retirement facilities and tourist parks develop in the zone when they are situated in proximity (convenient walking distance) to parks, centres and major community facilities (hospital, university, etcetera) and have access to higher order roads (minor urban collector or higher), or public transport;
 - (d) non-residential uses only occur within the zone where they:
 - (i) do not compromise the residential character and existing amenity of the surrounding area;
 - (ii) are small-scale and consistent with the surrounding urban form;
 - (iii) primarily function to service the needs of the immediate local residential community;
 - (iv) do not detract from the role and function of centres;
 - (v) do not result in the expansion of a centre zone; and
 - (vi) in proximity to higher order roads (minor urban collector or higher);

Editor's note—To remove any doubt a centre zone includes specialised centres.

- (e) no additional local centres or higher order centres are required within the low density residential zone. South Gracemere is to accommodate a neighbourhood centre commensurate with the population of the immediate catchment;
- (f) new proposed centres within greenfield areas are not intended to accommodate full-line supermarkets;
- (g) development maximises opportunities for surveillance, activation of street fronts, integration with surrounding streetscapes, and presents an attractive appearance to the street with variations in built form, shape and colour;
- (h) development maintains a high level of residential amenity having regard to traffic, noise, dust, odour, lighting and other locally specific impacts;
- (i) new residential developments are not located in proximity to existing incompatible uses such as rural uses, industrial uses and major community facilities without separation distances, landscaping and screening that minimise impacts on amenity in relation to noise, odour, dust, light, loss of privacy or other adverse impacts;
- (j) new residential developments are located and integrated with existing neighbourhoods;
- (k) development is sited and designed to respond to the region's climate (sustainable practices for maximising energy efficiency, water conservation and public/active transport use), local heritage features, natural landscape features and environmental constraints (including but not limited to topography, bushfire and flooding);
- (l) development provides connection to pathways, cycle ways, roads and public transport infrastructure commensurate with the needs of the use;
- (m) development is serviced by infrastructure that is commensurate with the needs of the use; and
- (n) the establishment of one (1) precinct within the zone where particular requirements are identified:
 - (i) residential stables precinct.

This application is consistent with the purpose of the Zone as it is for the construction of a single Dwelling House on one allotment.

Environmental Management and Conservation Zone

- (1) The purpose of the environmental management and conservation zone code is to provide for the protection and maintenance of natural areas that are undeveloped and environmentally significant.
- (2) The local government purpose of the zone code is to:
 - (a) protect regionally significant environmental areas, such as national parks, resource reserves, conservation parks and world heritage areas;
 - (b) protect other significant natural features such as creeks, gullies, waterways, wetlands, habitats, vegetation and bushland areas, in public or private ownership from the negative impacts of development; and
 - (c) provide for limited development to occur where it is compatible with the significant environmental values of the land and can be developed in a sustainable way.
- (3) The purposes of the zone will be achieved through the following overall outcomes:
 - (a) the conservation values of the land are maintained or enhanced;

- (b) areas within the zone remain undeveloped except for small-scale facilities that support conservation, small-scale rural living, low impact nature based recreational uses and essential infrastructure where they are:
 - (i) compatible with maintaining environmental values;
 - (ii) located to avoid natural hazard constraints and do not expose property or people to an unacceptable level of risk; and
 - (iii) located to avoid visual impacts from public viewer places;
- (c) adverse impacts on ecological features and processes are avoided;
- (d) the scenic values and landscape character of the Mount Archer National Park, Goodedulla National Park and Bouldercombe Gorge Resource Reserve are protected from negative impacts of development;
- (e) emergency services, utility installations and infrastructure corridors (such as telecommunication or electricity and water supply corridors) are appropriate where the use does not detract from the scenic amenity and environmental importance of the area; and
- (f) land is retained in large holdings to limit development opportunities and no new lots are created.

The application is not consistent with the purpose of the Environmental Management and Conservation Zone. The proposal will result in the creation of an additional allotment through subdivision, while also proposing to construct a future Dwelling House on the new lot which will be less than five (5) hectares. Despite this, an Environmental Management Plan provided by the applicant has demonstrated that the area subject to the application does not contain any significant vegetation.

Rockhampton Regional Planning Scheme Codes

The following codes are applicable to this application: -

- Low Density Residential Zone code;
- Environmental Management and Conservation Zone code;
- Access, Parking and Mobility code;
- Biodiversity Overlay code;
- Bushfire Hazard Overlay code;
- Reconfiguring a Lot code;
- Steep Land Overlay code;
- Waste Management code; and
- Water and Sewer code.

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

Environmental Management and Conservation Code		
Performance Outcome/s		Officer's Response
PO1	Development is limited to uses which: <ul style="list-style-type: none"> (a) facilitate conservation activities on the land; (b) provide visitors with information 	<p>The proposed Building Location Envelope (BLE) is wholly located within the EMCZ, and does not facilitate the development of specific conservation activities.</p> <p>However, the proposed location of the BLE</p>

	<p>or education directly connected to the values of the land;</p> <p>(c) are ancillary to and directly support visitation to the land for conservation or recreation purposes consistent with (a) and (b);</p> <p>(d) comprise infrastructure that can not practicably be located elsewhere;</p> <p>(e) do not include tourist park activities; and</p> <p>(f) may include a caretaker's accommodation.</p>	<p>is situated in an area which contains minor steep land, in contrast to the northern section of the site which predominantly contains steep land with a gradient larger than twenty-five per cent (25%), where it is not practical to develop. Further, an Environmental Management Plan demonstrated that the BLE area did not contain significant flora or fauna, with significant vegetation located in the riparian zone of Frenchman's Creek to the north of the site.</p> <p>The proposal is also considered to be small-scale in nature, for a Dwelling House only, and not a significant intensification of development on the site.</p>
PO2	<p>The development of a dwelling house only occurs when either replacing an existing dwelling house or where new buildings, associated structures and vehicle access meets the following:</p> <p>(a) has sufficient land area to accommodate the use;</p> <p>(b) does not impact upon environmental values;</p> <p>(c) does not create a visual impact upon elevated areas;</p> <p>(d) is not subject to constraints (including bushfire and landslide) and does not result in a risk to people and property; and</p> <p>(e) has access to adequate infrastructure and services.</p>	<p>The proposed development is for the siting of a BLE for a future Dwelling House, on a newly subdivided lot, where the BLE is wholly located within the EMCZ. Further, the site is also affected by overlays including Bushfire Hazard, Steep Land and Biodiversity.</p> <p>Several technical reports were provided as part of the application including a Bushfire Management Plan (BMP) and Environmental Management Plan (EMP).</p> <p>The BMP outlined that while the bushfire hazard surrounding the BLE was high, that the hazard could be mitigated by providing suitable hazard reduction areas between any future Dwelling House and the hazard. The BMP will be conditioned as part of any approval and outlines mitigation measures relating to on-site water storage; establishment of fire trails and breaks; and construction standards for the future Dwelling House. The proposed development must adhere to all of the outcomes contained in the BMP prior to the commencement of the use.</p> <p>An Environmental Management Plan, which was submitted as part of the application, demonstrates that the location of the new allotment and the building envelope does not contain any threatened or vulnerable species. On-site surveys have revealed the presence of endangered <i>Cycas ophiolitica</i> and <i>Eucalyptus raveretiana</i> in the riparian zone of Frenchman's Creek, and not in proximity to the location of the new allotment or building envelope.</p>
PO7	The land is not further subdivided.	The proposal involves the creation of an

		<p>additional allotment as part of subdivision. It is important to acknowledge that the newly subdivided lot contains split zoning, with the site containing land located in the EMCZ towards the south, and land located in the LDRZ towards the north. The proposed subdivision complies with the lot size requirement of the LDRZ, but results in the creation of an additional allotment which is partially located in the EMCZ. Notwithstanding, technical reports submitted as part of the application have demonstrated that the site does not contain significant vegetation in the area subject to the subdivision and will not result in the degradation or loss of locally or state significant flora or fauna. Further, the newly created lot is predominantly situated in the LDRZ and complies with the subdivision requirements for this zone.</p>
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Biodiversity Overlay Code		
Performance Outcome/s		Officer's Response
PO1	<p>Development avoids significant impacts on matters of state or local (high) environmental significance unless the development is for the following:</p> <ul style="list-style-type: none"> (a) urban purposes within an urban area; (b) works associated with a port or airport; (c) extraction purposes within a key resource area, only where: <ul style="list-style-type: none"> (i) it is located, designed and operated to avoid adverse impacts on areas of high environmental significance; or (ii) avoidance is not feasible, adverse impacts are minimised and an environmental offset is provided for any residual impact. 	<p>An Environmental Management Plan, which was submitted as part of the application, demonstrates that the location of the new allotment and the building envelope does not contain any threatened or vulnerable species. On-site surveys have revealed the presence of endangered <i>Cycas ophiolitica</i> and <i>Eucalyptus raveretiana</i> in the riparian zone of Frenchman's Creek, and not in proximity to the location of the new allotment or building envelope. The survey revealed that the area subject to the proposal contained the following species of plants which are not considered to be endangered, vulnerable or significant:</p> <ul style="list-style-type: none"> • Grassy Open Woodland – <i>Eucalyptus crebra</i> • Guinea Grass – <i>Megathyrsus maximus</i> • Spear Grass – <i>Heteropogon contortus</i> • Lantana – <i>Lantana camara</i> • Stylo – <i>Stylosanthes scabra</i> <p>Given this information, the proposal will not generate any unsustainable impacts on environmentally significant areas which provide fauna habitat and support biodiversity.</p>
PO6	Development maintains and	Council's Overlay mapping indicates that

	<p>protects biodiversity corridors and other habitat linkages by providing corridor dimensions and characteristics to support:</p> <ul style="list-style-type: none"> (a) evolutionary and genetic processes that allow the natural change in distributions of species and connectivity between populations of species over long periods of time; (b) ecological responses to climate change; (c) maintenance of large-scale seasonal/migratory species processes and movement of fauna; (d) connectivity between large tracts and patches of remnant vegetation and habitat areas; and (e) effective and continuous movement of terrestrial and aquatic fauna. 	<p>the subject site contains a Biodiversity Corridor.</p> <p>An Environmental Management Plan, which was submitted as part of the application, demonstrates that the location of the new allotment and the building envelope does not contain any threatened or vulnerable species. On-site surveys have revealed the presence of endangered <i>Cycas ophiolitica</i> and <i>Eucalyptus raveretiana</i> in the riparian zone of Frenchman's Creek, and not in proximity to the location of the new allotment or building envelope.</p>
PO19	<p>The ecological function and biodiversity values of existing habitat are maintained by ensuring that reconfiguring a lot does not result in the fragmentation of habitat.</p>	<p>The proposal involves the subdivision of land which is partially located in the EMCZ, and is identified as containing biodiversity corridors on Council's Biodiversity Overlay Mapping. However, the proposed subdivision will not fragment any ecological functions, biodiversity values or natural habitats as an EMP, submitted with the application, has demonstrated that the area subject to the development does not contain significant flora or fauna.</p>

Reconfiguring a Lot Code		
Performance Outcome/s		Officer's Response
PO7	<p>Lots have a regular shape and consistent dimensions to facilitate the efficient development of the land for its intended purpose, and have sufficient area to provide for:</p> <ul style="list-style-type: none"> (a) appropriate buildings and structures; (b) adequate usable open space and landscaping; (c) ventilation and sunlight; (d) privacy for residents; (e) suitable vehicle access and on-site parking where required; and 	<p>The proposal does not comply with the lot size and dimension requirements for the EMCZ, where it specifically states that no new lots are to be created. However, it is important to acknowledge that the site contains split zoning, with the northern section of the site located in the LDRZ, where the proposal complies with the lot size and dimension requirements for this zone.</p> <p>However, the proposed subdivision will not fragment any ecological functions, biodiversity values or natural habitats as an EMP, submitted with the application, has demonstrated that the area subject to the</p>

	(f) any required on-site services and infrastructure such as effluent disposal areas.	development does not contain significant flora or fauna. As such, the proposal to subdivide land which is partially located in the EMCZ is considered to be acceptable.
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Based on a performance assessment of the above mentioned codes, it is determined that the proposal is acceptable and generally complies with the relevant Performance outcomes and where there is deviation from the codes, sufficient justification has been provided.

Sufficient Grounds

The proposed development cannot be considered consistent with the *Rockhampton Region Planning Scheme 2015*. Council should note, however, that pursuant to Section 326(1)(b) of the *Sustainable Planning Act 2009*, the assessment manager's decision may conflict with the planning scheme if there are sufficient grounds to justify the decision despite the conflict. Sufficient grounds to support the development are as follows:

- 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.

Having regard to all of the above, it is recommended Council, from a land use perspective, consider the proposed development favourably as there are considered to be sufficient grounds to justify a decision that favours the alternative land uses proposed herein.

INFRASTRUCTURE CHARGES

Adopted Infrastructure Charges Resolution (No. 5) 2015 for Reconfiguring a Lot applies to the application and it falls within Charge Area 1. The Infrastructure Charges are as follows:

Column 1 Charge Area	Column 2 Infrastructure Charge (\$/lot)	Column 3 Unit	Calculated Charge
Charge Area 3	7,000.00	per lot	\$14,000.00
Total			\$14,000.00
Water Supply Network Charge			\$4,200.00
Less credit			\$7,000.00
TOTAL CHARGE			\$11,200.00

This is based on the following calculations:

- (a) A charge of \$14,000.00 for two (2) allotments;
- (b) An Infrastructure Credit of \$7,000.00 applicable for the existing allotment; and
- (c) A Water Supply Network Charge of \$4,200.00 as the site is partially located within the Priority Infrastructure Area and will need to be connected to Council's water supply network via a special water arrangement.

Therefore, a total charge of \$11,200.00 is payable and will be reflected in an Infrastructure Charges Notice for the development.

CONSULTATION

The proposal was the subject of public notification between 21 March 2017 and 13 April 2017, as per the requirements of the *Sustainable Planning Act 2009*, and no submissions were received.

REFERRALS

The application was not subject to any referrals.

CONCLUSION

The proposal is not consistent with the intent of the Environmental Management and Conservation Zone. Despite this, an Environmental Management Plan provided by the applicant has demonstrated that the area subject of the application does not contain any significant vegetation, with any development not adversely affecting any biodiversity values. Further, a Bushfire Management Plan has provided appropriate measures to mitigate any potential bushfire hazard. As such, the proposal can be supported subject to the conditions outlined in the assessment report.

**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)**

Locality Plan

Meeting Date: 16 May 2017

Attachment No: 1

D/190-2016 - Locality Plan



A4 Page scale at 1: 6,967.35

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**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)**

Site Plan

Meeting Date: 16 May 2017

Attachment No: 2



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:

<i>Application Lodged:</i>	20 February 2016
<i>Acknowledgment Notice issued:</i>	1 March 2017
<i>Request for Further Information sent:</i>	8 March 2017
<i>Request for Further Information responded to:</i>	15 March 2017
<i>Submission period commenced:</i>	23 March 2017
<i>Submission period end:</i>	12 April 2017
<i>Council request for additional time:</i>	24 April 2017
<i>Government Agency request for additional time:</i>	Not Applicable

<i>Government Agency Response:</i>	<i>Not Applicable</i>
<i>Last receipt of information from applicant:</i>	<i>13 April 2017</i>
<i>Statutory due determination date:</i>	<i>14 June 2017</i>

OFFICER'S 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 *Austroads 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.

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.

BACKGROUND

PROPOSAL IN DETAIL

The proposal is for Reconfiguring a Lot (one (1) lot into three (3) lots) and an access easement. The proposal seeks to create three (3) separate lots. There are two (2) existing detached dwellings to be sited on their own parcels of land, proposed Lots 1 and 2. The proposal will create the vacant land parcel of Lot 3 which includes a building envelope. The proposed lot reconfiguration will result in lot sizes of approximately 9.66 hectares for Lot 1, 11.33 hectares for Lot 2 and 11.16 hectares for Lot 3. Lot 1 proposes to gain access via McMillan Avenue (Olive Street) whilst Lot 2 and Lot 3 will use the proposed access easement to gain access via Alfred Road.

SITE AND LOCALITY

The subject site is located at 66 Alfred Road, Parkhurst described as Lot 485 on LIV40112 and has a total area of approximately 31.925 hectares. The site is currently improved with two (2) detached dwelling houses and associated domestic outbuildings located in proximity to the existing dwellings. There is an existing large dam approximately 8000 square metres in area which straddles the eastern adjoining lot. The site is adjacent to the Limestone Creek watercourse on the southern boundary. The site has access to two (2) Council roads; McMillan Avenue (Olive Street) abutting the northern boundary and Alfred Street abutting the western boundary.

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 – 6 March 2017

Support, subject to conditions and comments.

Public and Environmental Health Comments – 27 February 2017

Support, subject to 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 2016

This policy came into effect in April 2016 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.

Mining and extractive resources

Not Applicable.

Biodiversity

Not Applicable.

Coastal environment

Not Applicable.

Water quality

Not Applicable.

Natural hazard, risk and resilience

Complies. The bushfire hazard is relevant to proposed Lot 3 as the building envelope is sited in an area identified as a bushfire hazard buffer. However this area is not affected by the bushfire hazard which demonstrates the development is able to avoid and appropriately mitigate the identified risk where necessary.

Emissions and hazardous activities

Not Applicable.

State transport infrastructure

Not Applicable.

Strategic airports and aviation facilities

Not Applicable.

Rockhampton City Plan 2005**Rockhampton City Plan Strategic Framework**

This application is situated within the Environmental Protection Areas designation under the scheme's Strategic Framework Map. The Desired Environmental Outcomes, as identified within Chapter 2 of the *Rockhampton City Plan 2005* are applicable:

- (1) Rockhampton continues to consolidate its 'Capital of Central Queensland' role in the region.

Complies: The development will site two (2) existing detached dwelling houses on separate allotments, Lots 1 and 2. Lot 3 is likely in future to be improved by a dwelling house. This land use will not affect the city's capacity as a capital city.

- (2) Valuable natural resources are conserved or, where required to support economic growth in Rockhampton, used sustainably.

Not Applicable.

- (3) Important natural assets are, as far as is practically possible, retained in a natural state to maximise biodiversity and to maintain their scenic and biological value.

Complies: The proposed subdivision layout retains the ecological value of on-site remnant vegetation and is sited clear of the Limestone Creek waterway.

- (4) New development in Rockhampton City is designed and managed to minimise adverse impacts on the environment, and biodiversity.

Complies: The proposed subdivision layout has been appropriately designed to avoid impacts to on-site remnant vegetation and the mapped waterway Limestone Creek.

- (5) Commercial and retail development is accommodated in a hierarchy of centres throughout Rockhampton which provide for a range of services, retail, commercial, entertainment and employment activities.

Not Applicable.

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

Not Applicable.

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

Not Applicable.

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

Not Applicable.

- (9) Residential communities are attractive places to live, providing a range of housing types at different densities that positively contributes to the built environment, satisfies the needs of all members of the community in terms of life stages, lifestyle choices and affordability, are free from incompatible development and have access to a range of compatible urban services and facilities.

Not Applicable.

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

Not Applicable.

- (11) New residential land subdivision and development occurs in identified areas within the City where environmentally valuable features are retained and protected, and urban services, recreational opportunities and parks are provided, along with a range of allotment sizes.

Complies: The proposed development increases the range of allotment sizes available while maintaining environmentally valuable features, without compromising urban services and recreational opportunities. The subject site is generally considered unsupportive of further residential development due to a number of factors which include biological constraints such as remnant vegetation and waterways and not having access to urban services such as water and sewer. However the biological constraints have been avoided and appropriate services proposed for on-site water, sewer and electricity.

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

Complies. The application demonstrates the provision of adequate on-site services such as water and sewer.

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

Not Applicable.

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

Not Applicable.

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

Yeppoon Road Corridor Environmental Protection Area Intent

The subject site is situated within the Yeppoon Road Corridor Environmental Protection Area under the *Rockhampton City Plan 2005*. The intent of the Yeppoon Road Corridor Environmental Protection Area identifies that: -

"It is intended that the Yeppoon Road Corridor Environmental Protection Area remain as broad hectare land for the life of this Planning Scheme, for the following reasons:

- *Its ecological values;*
- *Its topographical features, which have a physical and visual association with the adjoining Berserker Ranges;*
- *Its scenic values;*
- *Its value as a rural area on the fringe of the City; and*
- *Its possible future use for urban purposes, beyond the life of this plan.*

Existing undeveloped allotments may be developed with one house, however, it is not intended that land be further subdivided to allotments less than ten (10) hectares in area to allow for the construction of additional houses."

Proposed Lot 2 and Lot 3 meet the minimum lot size prescribed in the *Rockhampton City Plan 2005*. Lot 2 has one (1) existing dwelling house and two (2) domestic outbuildings; Lot 3 is vacant land. Lot 1 is the only lot to not meet the minimum lot size requirements of ten (10) hectares, proposing a lot size of 9.659 hectares. However being for an existing improved lot with one (1) dwelling house it is unlikely to be further developed and is fit for purpose as a 'small' rural lot. The sites ecological values which include remnant vegetation and a waterway with Limestone Creek to the south of the subject site have both been retained in the subdivision design.

However due to the application creating an additional lot less than ten (10) hectares, the proposal cannot be considered consistent with the intent of the Area.

Rockhampton City Plan Codes

The following codes are applicable to this application: -

- Reconfiguring a Lot Code
- Bushfire Risk Minimisation Code
- Biodiversity and Nature Conservation Code
- Flood Prone Land Code
- Steep Slopes Code

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 with which the application is in conflict is outlined below:

Reconfiguring a Lot Code		
Performance Criteria		Officer's Response
P2	<p>The subdivision is responsive to, and takes into proper consideration, the characteristics, features, constraints, and location of the site including:</p> <p>(a) Integration and/or buffering to surrounding land uses; and</p>	<p><u>Justified:</u> It is noted there are natural hazards over the subject site which include bushfire, flooding, biodiversity and steep slopes which conflicts with the acceptable solutions specified for this performance criteria, to not occur on sites with these constraints.</p>

	<p>(b) Topography (including the protection of steep slopes and scenic views); and</p> <p>(c) Minimising risk associated with or caused by natural hazards such as bushfire, flooding and landslip; and</p> <p>(d) Protection of areas of ecological significance.</p>	<p>It is noted however that the lots with existing dwellings and outbuilding, Lot 1 and Lot 2 are unlikely to be further improved. Lot 3 is vacant however the building envelope provided indicates that structures can be sited in an appropriate location on site which avoids these natural hazards and topographical constraints.</p>
P9	<p>Lots are of an area and dimension that provides for;</p> <p>(a) the efficient development of land for its intended use; and</p> <p>(b) on site services and/or facilities such as septic trenches, private open space; vehicle garages, fire-fighting water supplies, etc; and</p> <p>(c) good accessibility with road reserve wide enough to provide that degree of accessibility; and</p> <p>(d) the accommodation of a building location envelope.</p>	<p><u>Justified:</u> Proposed Lot 1 is not compliant with the minimum lot size requirements for this zone of ten (10) hectares, Lot 2 and Lot 3 meet the lot size and dimension requirements. However Lot 1 has an existing dwelling and is unlikely to be improved further but regardless this lot retains adequate land for its intended use. Furthermore Lot 1 retains access to existing on-site services.</p>

Bushfire Risk Minimisation Code

Performance Criteria		Officer's Response
P1	Development does not put the safety and lives of people, and property seriously "at-risk" from bushfire.	<p><u>Justified:</u> Whilst a site-specific bushfire hazard assessment was not conducted on the subject site, Lot 1 and Lot 2 have existing structures sited outside of the bushfire hazard area. Lot 3 has a building envelope for a building footprint within a mapped bushfire hazard buffer. It is noted the bushfire risks have been appropriately mitigated on site with the design and location of the building envelope to avoid and minimise the associated risks with this mapped hazard.</p>
P2	<p>Buildings are sited or able to be sited:</p> <p>(a) in areas where the environmental impacts are minimal; and</p> <p>(b) on land which is the least prone to bushfire risk having regard to aspect, elevation, slope and vegetation type.</p>	
P12	New residents are informed about the nature of the bushfire hazard and mitigation measures.	

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.

Sufficient Grounds

The proposed development cannot be considered consistent with the *Rockhampton City Plan 2005*. Council should note, however, that pursuant to Section 326(1)(b) of the Sustainable Planning Act 2009, the assessment manager's decision may conflict with the planning scheme if there are sufficient grounds to justify the decision despite the conflict. Sufficient grounds 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.

Having regard to all of the above, it is recommended Council, from a land use perspective, consider the proposed development favourably as there are considered to be sufficient grounds to justify a decision that favours the alternative land uses proposed herein.

INFRASTRUCTURE CHARGES

Adopted Infrastructure Charges Resolution (No. 5) 2015 for Reconfiguring a Lot applies to the application and it falls within Charge Area 3. The Infrastructure Charges are as follows:

Column 1 Charge Area	Column 2 Infrastructure Charge (\$/lot)	Column 3 Unit	Calculated Charge
Charge Area 3	7,000	per lot	\$21,000.00
Total			\$21,000.00
Less credit			\$7,000.00
TOTAL CHARGE			\$14,000.00

This is based on the following calculations:

- a) A charge of \$21,000.00 for three (3) allotments; and
- b) An Infrastructure Credit of \$7,000 for the existing allotment.

Therefore, a total charge of \$14,000.00 is payable and will be reflected in an Infrastructure Charges Notice for the development.

CONSULTATION

The proposal was the subject of public notification between 23 March 2017 and 12 April 2017, as per the requirements of the *Sustainable Planning Act 2009*, and no submissions were received.

CONCLUSION

The proposed development is not consistent with the intent of the Yeppoon Road Corridor Environmental Protection Area. As demonstrated above there are sufficient grounds to justify the conflict with the planning scheme. In addition the proposal is generally in accordance with the applicable planning scheme codes. Therefore, the application is recommended for approval subject to the conditions outlined in the recommendation.

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

Locality Plan

Meeting Date: 16 May 2017

Attachment No: 1

D/20-2017 - Locality Plan



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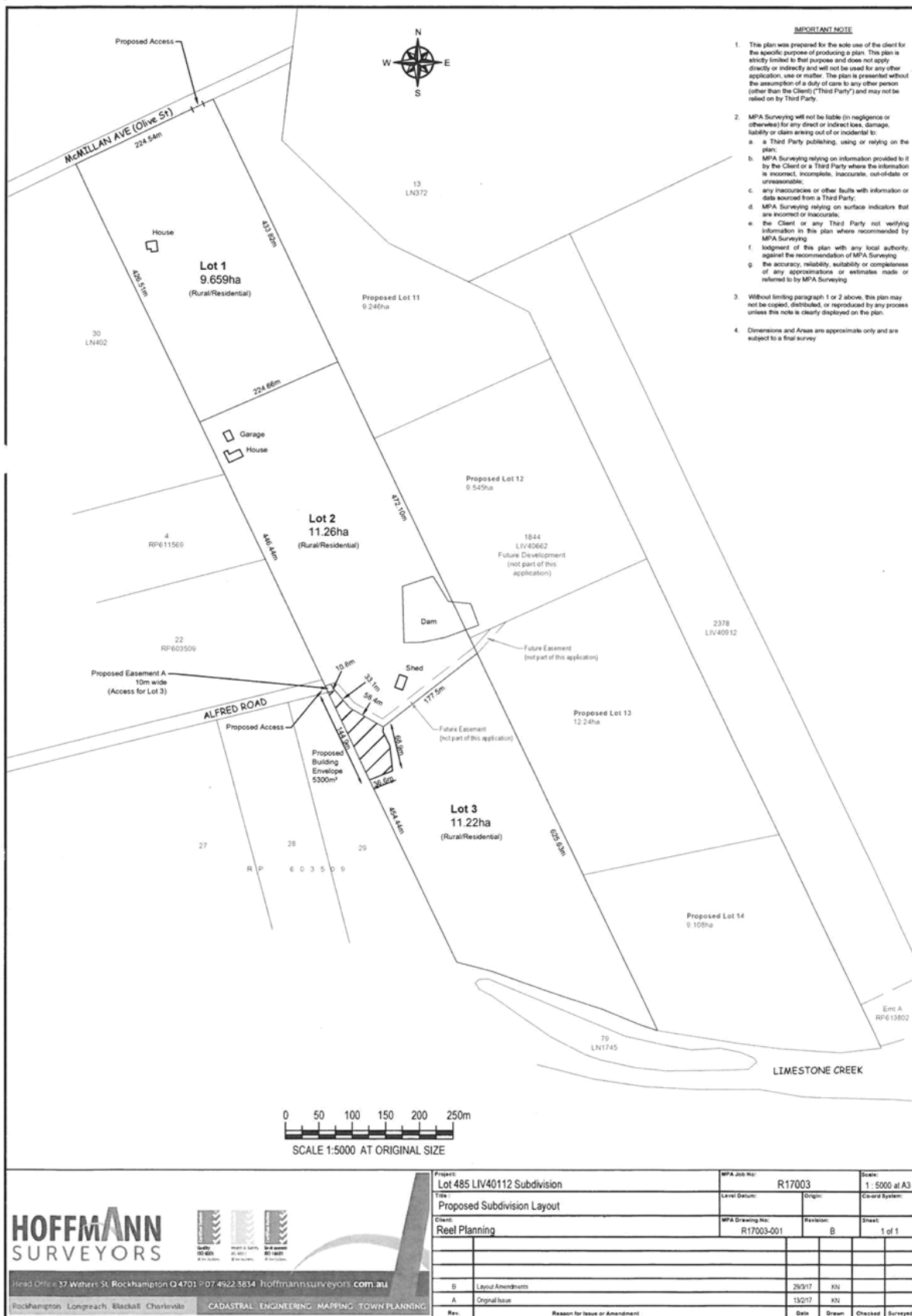


**D/20-2017 - DEVELOPMENT
APPLICATION FOR RECONFIGURING
A LOT (ONE LOT INTO THREE LOTS
AND ACCESS EASEMENT)**

Site Plan

Meeting Date: 16 May 2017

Attachment No: 2



9 NOTICES OF MOTION

Nil

10 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.

11 CLOSURE OF MEETING