



ORDINARY MEETING

AGENDA

8 MARCH 2016

Your attendance is required at an Ordinary meeting of Council to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 8 March 2016 commencing at 9.00am for transaction of the enclosed business.

A handwritten signature in black ink, appearing to be the initials "C R" followed by a long horizontal stroke.

CHIEF EXECUTIVE OFFICER
2 March 2016

Please note:

In accordance with the *Local Government Regulation 2012*, please be advised that all discussion held during the meeting is recorded for the purpose of verifying the minutes. This will include any discussion involving a Councillor, staff member or a member of the public.

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1 OPENING

The opening prayer will be presented by Father Bryan Hanifin from the Catholic Parish of Rockhampton South.

2 PRESENT

Members Present:

The Mayor, Councillor M F Strelow (Chairperson)
Councillor C E Smith
Councillor C R Rutherford
Councillor G A Belz
Councillor S J Schwarten
Councillor A P Williams
Councillor R A Swadling
Councillor N K Fisher

In Attendance:

Mr E Pardon – Chief Executive Officer

3 APOLOGIES AND LEAVE OF ABSENCE**4 CONFIRMATION OF MINUTES**

Minutes of the Ordinary Meeting held 23 February 2016

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 BUSINESS OUTSTANDING

Nil

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 PRESENTATION OF PETITIONS

Nil

9 COMMITTEE REPORTS**9.1 AUDIT AND BUSINESS IMPROVEMENT COMMITTEE MEETING - 29 FEBRUARY 2016****RECOMMENDATION**

THAT the Minutes of the Audit and Business Improvement Committee meeting, held on 29 February 2016 as circulated, be received and that the recommendations contained within these minutes be adopted.

(Note: The complete minutes are contained in the separate Minutes document)

Recommendation of the Audit and Business Improvement Committee, 29 February 2016

9.1.1 2016 EXTERNAL AUDIT PLAN

File No: 8151
Attachments: 1. External Audit Plan - RRC 2015-16
Authorising Officer: Ross Cheesman - General Manager Corporate Services
Author: Alicia Cutler - Manager Finance

SUMMARY

The External Audit Plan has been provided by Deloitte Touche Tohmatsu for the audit of the 2015/16 Financial Statements.

COMMITTEE RECOMMENDATION

THAT the 2016 External Audit Plan be 'received'.

Recommendation of the Audit and Business Improvement Committee, 29 February 2016

9.1.2 UPDATE ON VARIOUS OPEN AUDIT MATTERS

File No: 8151
Attachments: Nil
Authorising Officer: Ross Cheesman - General Manager Corporate Services
Author: Alicia Cutler - Manager Finance

SUMMARY

Finance Manager providing an update on progress on various open Audit Matters.

COMMITTEE RECOMMENDATION

THAT the Update on Various Open Audit Matters Report be 'received'.

Recommendation of the Audit and Business Improvement Committee, 29 February 2016**9.1.3 FINANCIAL SERVICES UPDATE - ASSET ITEMS OUTSTANDING****File No:** 8151**Attachments:**

1. Valuation Methodology used for Airport & Bridges Valuation
2. Proposed Decision Tool to aid the Indexation of Assets

Authorising Officer: Ross Cheesman - General Manager Corporate Services**Author:** Alicia Cutler - Manager Finance

SUMMARY

Update from Finance Manager in regards to asset items from the 2014-15 Final Management Report.

COMMITTEE RECOMMENDATION

THAT the Financial Services Update – Asset Items Outstanding report be received.

Recommendation of the Audit and Business Improvement Committee, 29 February 2016**9.1.4 ANNUAL AUDIT PLAN UPDATE**

File No: 5207
Attachments: 1. AAP Updated Jan 2016
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: John Wallace - Chief Audit Executive

SUMMARY

An update to the Annual Audit Plan is presented for the information of the Committee. Significant changes to the plan should be brought to the attention of the Committee.

COMMITTEE RECOMMENDATION

THAT the Annual Audit Plan report be received.

Recommendation of the Audit and Business Improvement Committee, 29 February 2016**9.1.5 INTERNAL AUDIT PLAN - PROGRESS**

File No: 5207
Attachments: 1. Annual Audit Plan Progress
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: John Wallace - Chief Audit Executive

SUMMARY

The progress of work against the Annual Internal Audit Plan is presented for the information of the Committee.

COMMITTEE RECOMMENDATION

THAT the Internal Audit Plan – Progress report be received.

Recommendation of the Audit and Business Improvement Committee, 29 February 2016**9.1.6 PAVERS TENDER - COMPLIANCE REVIEW**

File No: 5207
Attachments: 1. Pavers Tender TEN11854 - Compliance Review Report
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: John Wallace - Chief Audit Executive

SUMMARY

This review has been completed as a CEO requested adjustment to the approved annual audit plan.

COMMITTEE RECOMMENDATION

THAT the Pavers Tender – Compliance Review report be received.

Recommendation of the Audit and Business Improvement Committee, 29 February 2016**9.1.7 COMMITTEE MEETING DATE(S)**

File No: 5207
Attachments: Nil
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: John Wallace - Chief Audit Executive

SUMMARY

The Committee should consider and formally decide any date(s) for the next meeting.

COMMITTEE RECOMMENDATION

THAT the report be received and the next Audit and Business Improvement Committee Meeting be held onsite at 10.00am on Friday 27 May 2016.

Recommendation of the Audit and Business Improvement Committee, 29 February 2016

9.1.8 CEO DISCUSSION (PLACEHOLDER) - FOR ANY MATTERS OF INTEREST

File No: 5207
Attachments: Nil
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: John Wallace - Chief Audit Executive

SUMMARY

The Chief Executive Officer will update the Committee on any matters of importance.

COMMITTEE RECOMMENDATION

THAT the Chief Executive Officer's update be received and noted where relevant.

10 COUNCILLOR/DELEGATE REPORTS

Nil

11 OFFICERS' REPORTS

11.1 D/69-2015 - APPLICATION UNDER THE DEVELOPMENT INCENTIVES POLICY FOR DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR COMMERCIAL PREMISES

File No:	D/69-2015
Attachments:	1. Proposed Site/Area Plan 2. Locality Plan
Authorising Officer:	Tarnya Fitzgibbon - Manager Development and Building Robert Holmes - General Manager Regional Services
Author:	Corina Hibberd - Planning Officer

SUMMARY

<i>Development Application Number:</i>	<i>D/69-2015</i>
<i>Applicant:</i>	<i>Mary McKenzie C/- DesignTek</i>
<i>Real Property Address:</i>	<i>Lot 6 on SP274657 (Previously Lot 3 on RP600207), Parish of Rockhampton</i>
<i>Common Property Address:</i>	<i>91 Denham Street, Rockhampton City</i>
<i>Rockhampton City Plan Area:</i>	<i>Central Business District Commercial Area (Precinct 3 - Mixed Use Precinct - Central Business District City Frame) - Rockhampton City Plan 2005</i>
<i>Type of Approval:</i>	<i>Development Permit for a Material Change of Use for Commercial Premises</i>
<i>Date of Decision:</i>	<i>25 August 2015</i>
<i>Application Lodgement Fee:</i>	<i>\$2,389.00</i>
<i>Infrastructure Charges:</i>	<i>\$10,115.00</i>
<i>Infrastructure charges incentive:</i>	<i>Precinct 2 (unchanged GFA) – 50% (\$5,057.50)</i>
<i>Incentives sought:</i>	<i>Development facilitation Refund of Development Application Fees Refund of service and connection fees</i>

OFFICER'S RECOMMENDATION

THAT in relation to the application under the Development Incentives Policy for a Development Permit for a Material Change of Use for Commercial Premises, on Lot 6 on SP274657 (Previously Lot 3 on RP600207), Parish of Rockhampton, located at 91 Denham Street, Rockhampton City, Council resolves to Approve the following incentives if the use commences prior to 25 August 2018:

- a) A fifty per cent (50%) reduction of infrastructure charges to the amount of \$5,057.50;
- b) A refund of the application lodgement fee amounting to \$2,389.00 on completion of the development; and
- c) That Council enter into an agreement with the applicant in relation to (a) and (b).

BACKGROUND

The application was approved by Council on 18 June 2015. A negotiated Decision Notice was later approved on 25 August 2015. The proposal involves the front of the existing dwelling to be converted to a commercial premises for a beauty therapist. The use area for the commercial premises includes a reception/waiting room, treatment room, new verandah (which involves the partial demolition of the enclosed sunroom) and a new ramp to the two (2) car spaces. The car spaces are in tandem due to the size and layout of the site. Vehicle and pedestrian access is to Denham Street. The rear of the building will remain as a house, at a size of 59 square metres.

Project outcomes anticipated by applicant:

The applicant sought to establish a new, high quality beauty and spa business called 'Carmel Mary'. This business is to be located in existing residential premises at 91 Denham Street, Rockhampton.

This business will provide professional beauty, hair and nail treatments for males and females. It will cater for wedding and formal spa parties, high teas with beauty services and fashion and beauty events together with tuition for singles and groups of disadvantaged young adults and women. It will also enable the disadvantaged, those with mobility problems and the elderly to take part in a range of beauty services.

New jobs and investment:

Initially the applicant expects to employ one full-time employee and two part-time employees to run the beauty and spa business.

It is projected this employment may grow by a part-time employee in Year 1, by another person in Year 2 and by a further two people in Year 3.

The applicant expects to spend \$300,000 setting up the business and estimated all of these funds will be spent with Rockhampton Region service providers and suppliers, including Norris and Beatopia.

Benefits of project for applicant's business:

The applicant is establishing Carmel Mary in 2016 as a new business. She hopes within five years the business will have grown to have become the identified beauty and spa market leader with a true Australian identity. She expects Carmel Mary will have become a colourful, innovative and vibrant cottage delivering industry benchmark standards in service, technology and professional practice.

Benefits of project to Rockhampton Regional economy:

A range of health and spa businesses have been established in the Rockhampton Region. Carmel Mary will add to that choice with a concentration on the provision of high quality services.

Carmel Mary employs a comparatively small initial workforce, which may grow should its growth aspirations be realised.

The services and fit-out to establish Carmel Mary's operational base will provide welcome expenditure, principally for a range of Rockhampton Region service providers.

The renovation of the house premises at 91 Denham Street should see the conversion of an old fashioned home from one of Rockhampton's busiest commercial streets into a contemporary cottage business.

CONCLUSION

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

**D/69-2015 - APPLICATION UNDER THE
DEVELOPMENT INCENTIVES POLICY
FOR DEVELOPMENT PERMIT FOR A
MATERIAL CHANGE OF USE FOR
COMMERCIAL PREMISES**

Proposed Site/Area Plan

Meeting Date: 8 March 2016

Attachment No: 1

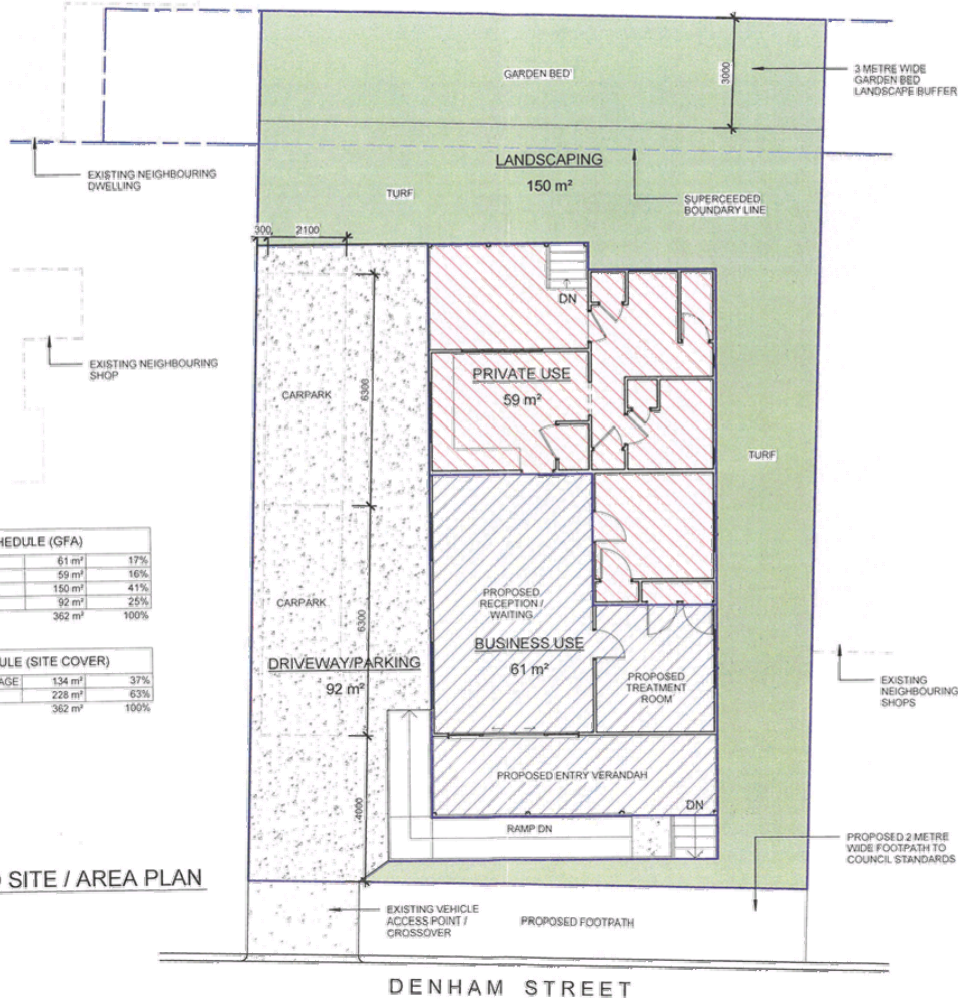
ROCKHAMPTON REGIONAL COUNCIL
 These plans are approved subject to the current conditions of approval associated with Development Permit No. **D164-8015** Detail **anloebous**

AREA SCHEDULE (GFA)		
BUSINESS USE	61 m ²	17%
PRIVATE USE	59 m ²	16%
LANDSCAPING	150 m ²	41%
DRIVEWAY/PARKING	92 m ²	25%
Grand total	362 m ²	100%

AREA SCHEDULE (SITE COVER)		
PROPOSED SITE COVERAGE	134 m ²	37%
OPEN SPACE	228 m ²	63%
Grand total	362 m ²	100%



PROPOSED SITE / AREA PLAN
 1 : 100



REVISION		
REV	DESCRIPTION	DATE
A	FOR APPROVAL	23.04.2015

COLOUR
 PLEASE NOTE DRAWINGS PRODUCED IN COLOUR. NON-COLOUR COPIES MAY REDUCE INFORMATION, DETAIL & CLARITY.

A3 DRAWING
 NOTED SCALES RELATE TO A3 DRAWINGS

REAL PROPERTY DESCRIPTION
 AMAGLAMATED LOT & RP TO BE ADVISED
 PARISH OF ROCKHAMPTON
 COUNTY OF LIVINGSTONE
 PROPOSED SITE AREA 362m²

project:
PROPOSED MCU AT 91 DENHAM STREET, ROCKHAMPTON, QLD, 4700

client:
MARY MCKENZIE

Shop 5113 Denham St
 Rockhampton
 QLD, 4700
designtek p 0749 222880
 building design - documentation

QBCC MEM. NO # 1123040
 QDC BDAQ MEM. NO # 0000761

title:
PROPOSED SITE / AREA PLAN

scale: 1 : 100	project no: 1501-03
sheet no: 02 of 05	drawing no: rev: 01
drawn: kw	MCU-02 A

**D/69-2015 - APPLICATION UNDER THE
DEVELOPMENT INCENTIVES POLICY
FOR DEVELOPMENT PERMIT FOR A
MATERIAL CHANGE OF USE FOR
COMMERCIAL PREMISES**

Locality Plan

Meeting Date: 8 March 2016

Attachment No: 2



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11.2 D/79-2015 - APPLICATION UNDER THE DEVELOPMENT INCENTIVES POLICY FOR DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR VEHICLE DEPOT

File No: D/79-2015

Attachments: 1. Locality Plan
2. Proposal Plan

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

Author: Corina Hibberd - Planning Officer

SUMMARY

Development Application Number: D/79-2015

Applicant: Glen Lawrence Reynolds

Real Property Address: Lot 14 on R26286, Parish of Murchison

Common Property Address: 44 Robison Street, Park Avenue

Rockhampton City Plan Area: Park Avenue Industrial Area – Precinct 1, Industrial precinct (park Avenue Low Impact Industry)

Type of Approval: Development Permit for a Material Change of Use for Vehicle Depot

Date of Decision: 18 December 2015

Application Lodgement Fee: \$2,359.00

Infrastructure Charges: \$13,260.00

Infrastructure charges incentive: Precinct 2 expanded GFA – 50%
Value of discount: \$6,630

Incentives sought: Refund of Development Application Fees
Refund of service and connection fees

OFFICER'S RECOMMENDATION

THAT in relation to the application under the Development Incentives Policy for a Development Permit for a Material Change of Use for Vehicle Depot, on Lot 14 on R26286, located at 44 Robison Street, Park Avenue, Council resolves to Approve the following incentives if the use commences prior to 18 December 2018:

- a) A fifty per cent (50%) reduction of infrastructure charges to the amount of \$6,630;
- b) \$2,359.00 general incentives;
- c) Service and Connection fees; and
- d) That Council enter into an agreement with the applicant in relation to (a) and (b)

BACKGROUND

Economic Development Unit's Comments – 21 January 2016

Support, subject to conditions.

“The amount of infrastructure charges involved in this application isn’t large (\$6,630). The applicant won’t employ additional staff, but completion of the project enables him to better provide services to the Rockhampton Region’s construction industry.”

Project outcomes anticipated by applicant:

The applicant has constructed a commercial shed in which he can store earthmoving equipment such as his truck and trailer, excavators and bobcats, and where he can undertake regular service and maintenance of his vehicles.

New jobs and investment:

The project does not result in the applicant employing additional staff. The purchase of the shed and its erection has resulted in useful spending in the Rockhampton Region economy.

Benefits of project for applicant’s business:

The shed will enable the applicant to store, service and maintain his equipment, which he uses to provide development-related services for the Rockhampton Region construction industry.

Benefits of project to Rockhampton Regional economy:

The construction of the shed enables the applicant to better carry out the services which he provides to the Rockhampton Region construction industry.

CONCLUSION

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

**D/79-2015 - APPLICATION UNDER THE
DEVELOPMENT INCENTIVES POLICY
FOR DEVELOPMENT PERMIT FOR A
MATERIAL CHANGE OF USE FOR
VEHICLE DEPOT**

Locality Plan

Meeting Date: 8 March 2016

Attachment No: 1

D/79-2015 - Locality Plan

A4 Page scale at 1: 2,238.75



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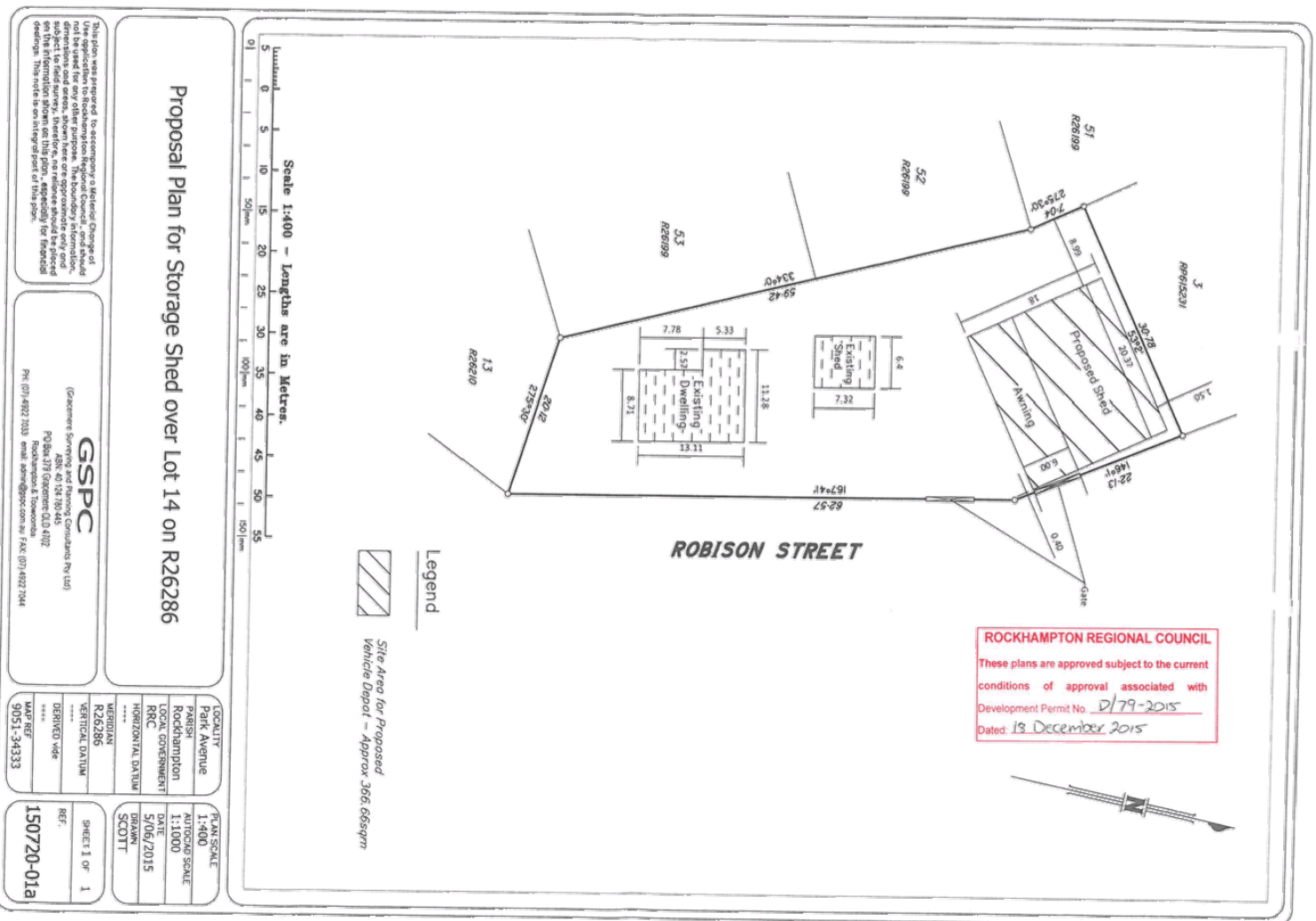


**D/79-2015 - APPLICATION UNDER THE
DEVELOPMENT INCENTIVES POLICY
FOR DEVELOPMENT PERMIT FOR A
MATERIAL CHANGE OF USE FOR
VEHICLE DEPOT**

Proposal Plan

Meeting Date: 8 March 2016

Attachment No: 2



This plan was prepared to accompany a Material Change of Use application to the Rockhampton Regional Council, and should not be used for any other purpose. The plan shows the proposed dimensions and areas, shown here are approximate only, and are for information only. Therefore, no reliance should be placed on this plan for any other purpose. For technical drawings, this note is an integral part of this plan.

GSPC
 (Geospatial Surveying and Planning Consultants Pty Ltd)
 100 Bulwer Street, Rockhampton QLD 4702
 Ph: (07) 4922 7033 Fax: (07) 4922 7044
 Email: admin@gspc.com.au

LOCALITY	Park Avenue	PLAN SCALE	1:400
PARISH	Rockhampton	AUTOCAD SCALE	1:1000
LOCAL GOVERNMENT	RRC	DATE	5/06/2015
HORIZONTAL DATUM	METRODAN	DRAWN	SCOTT
VERTICAL DATUM	R26286	SHEET 1 OF 1	
OBSCURED VIDE	****	REF.	150720-01a
DRAWN REF	9051-34333		

11.3 D/155-2015 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR SHORT-TERM ACCOMMODATION (SIX UNITS) AND OPERATIONAL WORKS FOR AN ADVERTISING SIGN (PYLON SIGN)

File No: D/155-2015

Attachments: 1. Locality Plan
2. Site Plan

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

Author: Thomas Gardiner - Planning Officer

SUMMARY

Development Application Number: D/155-2015

Applicant: G & M Demedio

Real Property Address: Lot 3 on RP619710, Parish of Murchison

Common Property Address: 1014-1016 Yaamba Road, Parkhurst

Area of Site: 8.415 hectares

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Low Density Residential Zone

Planning Scheme Overlays: Steep Land Overlay – 15-20% slope
Steep Land Overlay – 20-25% slope
Steep Land Overlay – 25%+ slope

Existing Development: Dwelling House, Twelve (12) Motel Units, Barbecue Hut and Pool House, and Swimming Pool and Fence

Existing Approvals: Development Permit for a Material Change of Use (D/30-2014) for Accommodation Building (twelve motel units)

Approval Sought: Development Permit for a Material Change of Use for Short-term Accommodation (six units) and Operational Works for an Advertising Sign (Pylon Sign)

Level of Assessment: Impact Assessable

Submissions: Nil

Referral Agency(s): Department of Infrastructure, Local Government and Planning

Infrastructure Charges Area: Charge Area 1

Application Progress:

<i>Application Lodged:</i>	10 November 2015
<i>Acknowledgment Notice issued:</i>	17 November 2015
<i>Applicant requested a Major Amendment:</i>	25 November 2015
<i>Acknowledgment Notice issued:</i>	26 November 2015
<i>Request for Further Information sent:</i>	1 December 2015
<i>Request for Further Information responded to:</i>	23 December 2015

<i>Submission period commenced:</i>	<i>12 January 2016</i>
<i>Submission period end:</i>	<i>4 February 2016</i>
<i>Council request for additional time:</i>	<i>10 February 2016</i>
<i>Government Agency Response:</i>	<i>7 January 2016</i>
<i>Last receipt of information from applicant:</i>	<i>5 February 2016</i>
<i>Statutory due determination date:</i>	<i>5 April 2016</i>

OFFICER'S RECOMMENDATION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for a Material Change of Use for Short-term Accommodation (six units) and Operational Works for an Advertising Sign (Pylon Sign), made by G & M Demedio, on Lot 3 on RP619710, Parish of Murchison, located at 1014-1016 Yaamba 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:

- a) The proposal is for an additional six (6) Short-term accommodation units as an extension to an existing approval on the subject site for an Accommodation Building (twelve motel units) (D/30-2014). As such, the extension is consistent with the existing development on the subject site, and the development on adjoining Lot 5 on RP619210;
- b) The proposal will not compromise the strategic intent of the region's urban areas in providing for a range of housing options. It is an extension to an existing, approved use on the subject site. While the proposal is not consistent with the intent of the Low density residential zone, the use is urban in nature and is unlikely to compromise the intent of the surrounding area in facilitating greenfield development opportunities for a range of residential uses;
- c) The proposed use does not compromise the strategic framework in the *Rockhampton Region Planning Scheme 2015*;
- d) 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
- 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 a Material Change of Use for Short-term Accommodation (six units) and Operational Works for an Advertising Sign (Pylon Sign), made by G & M Demedio, on Lot 3 on RP619710, Parish of Murchison, located at 1014-1016 Yaamba Road, Parkhurst, Council resolves to Approve the application subject to the following conditions:

MATERIAL CHANGE OF USE

1.0 **ADMINISTRATION**

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

- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of the use, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior to the commencement of the use, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.6.1 Operational Works:
- (i) Stormwater Works;
 - (ii) Roof and Allotment Drainage Works; and
 - (iii) Site Works;
- 1.6.2 Plumbing and Drainage Works; and
- 1.6.3 Building Works.
- 1.7 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.9 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan Number / Rev</u>	<u>Dated</u>
Setout Plan	150810-02	3 November 2015
Units Floor Plan	150810-05	3 November 2015
Units Elevations	150810-06	3 November 2015
Reception Building Floor Plans	150810-03	3 November 2015
Reception Building Elevations	150810-04	3 November 2015
Stormwater Management Plan	D150171-01 / A	December 2015
Stormwater Management Plan Report	D15.171 / 01	23 December 2015

- 2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.
- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council prior to the submission of a Development Application for Operational Works.
- 3.0 ACCESS AND PARKING WORKS
- 3.1 All access and parking works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines* and *Australian Standard AS2890 "Parking Facilities"*.
- 3.2 All parking spaces, access driveway(s), and vehicular manoeuvring areas associated with this proposed development must be concrete paved or asphalted.

4.0 PLUMBING AND DRAINAGE WORKS

- 4.1 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act, Plumbing and Drainage Act*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 4.2 The development must be connected to Council's reticulated sewerage and water networks.
- 4.3 The existing sewerage and water connection point(s) must be retained, and upgraded if necessary, to service the development.
- 4.4 The proposed development must be provided with a master meter at the development site boundary and sub-meters for each sole occupancy building in accordance with the *Queensland Plumbing and Drainage Code* and Council's Sub-metering Policy.
- 4.5 Sewer connections and water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 4.6 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act* and Council's Plumbing and Drainage Policies.
- 4.7 Amended sewerage/Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's sewerage reticulation network. Arrestor traps must be provided where commercial or non-domestic waste is proposed to be discharged into the sewer system.

5.0 STORMWATER WORKS

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

6.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 6.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the development site.
- 6.2 All roof and allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (roof and allotment drainage works).
- 6.3 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance or worsening 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.
- 7.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks' plan which 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 to the site which are intended to be used to transport fill to or from the site; and
 - 7.2.5 the maintenance of access roads to and from the site so that they are free of all cut and/or fill material and cleaned as necessary.
- 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 vegetation cleared or removed must be:
- (i) mulched on-site and utilised on-site for landscaping purposes, in accordance with the landscaping plan approved by Council; 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 BUILDING WORKS

- 8.1 Impervious paved waste storage area/s must be provided in accordance with the approved plans (refer to condition 2.1) and the *Environmental Protection Regulation 2008* and must be:
- 8.1.1 designed and located so as not to cause a nuisance to neighbouring properties;
 - 8.1.2 surrounded by at least a 1.8 metre high fence that obstructs from view the contents of the waste storage area by any member of the public from any public place;
 - 8.1.3 of a sufficient size to accommodate commercial type bins that will be serviced by a commercial contractor plus clearances around the bins for manoeuvring and cleaning;
 - 8.1.4 setback a minimum of two (2) metres from any road frontage; and
 - 8.1.5 provided with a suitable hosecock and hoses at the refuse container area, and washdown must be drained to the sewer and fitted with an approved stormwater diversion valve arrangement in accordance with the Sewerage Trade Waste provisions and the *Plumbing and Drainage Act*.
- As an alternative to a washdown facility, a fully contained commercial bin cleaning service is acceptable provided no wastewater is discharged from the site to the sewer.

9.0 ASSET MANAGEMENT

- 9.1 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.

9.2 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.

10.0 ENVIRONMENTAL

10.1 An Erosion Control and Stormwater Control Management Plan 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.

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 site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Yaamba Road.

11.2 The owner must ensure that all waste storage areas are:

11.2.1 kept in a clean, tidy condition;

11.2.2 maintained in accordance with *Environmental Protection (Waste Management) Regulations*; and

11.2.3 no waste material (for example pallets, cardboard) is stored external to waste storage enclosures.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. General Environmental Duty

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

NOTE 3. 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. Infrastructure Charges Notice

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

NOTE 5. Water Quality

The impervious area associated with the subject development must be combined with any additional impervious areas associated with future development with

respect to the triggers in the State Planning Policy July 2014 relating to water quality.

NOTE 6. Written Consent

Evidence of written consent from the Department of Transport and Main Roads must be provided to Council for any works located within a State-controlled road.

OPERATIONAL WORKS

12.0 ADMINISTRATION

- 12.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 12.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 12.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 12.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the issue of the Certificate of Classification for the Building Works.
- 12.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:

12.5.1 Building Works.

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

13.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan Number</u>	<u>Dated</u>
New Sign	1115-195 / A	19 November 2015

- 13.2 A set of the above approved plans are returned to you as the Consultant. The Consultant is to supply one (1) approved set to the contractor to be retained on site at all times during construction.
- 13.3 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.
- 13.4 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council prior to the submission of a Development Application for Building Works.

14.0 ASSET MANAGEMENT

- 14.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.

15.0 OPERATING PROCEDURES

- 15.1 All signage must only display or advertise a matter associated with the primary purpose for which the premises is used.
- 15.2 All signage must be maintained at all times on the premises by the owner of the premises to the same standard as it was when it was installed.
- 15.3 Any lighting devices associated with the signage, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other

nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.

16.0 CONSTRUCTION PROCEDURES

- 16.1 Council reserves the right for uninterrupted access to the site at all times during construction.
- 16.2 All Construction work and other associated activities are permitted only between 0630 hours and 1800 hours Monday to Saturday. No work is permitted on Sundays or public holidays. All requirements of the *Environmental Protection Act* and *Environmental Protection Regulations* must be observed at all times.
- 16.3 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. General Environmental Duty

General environmental duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the 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 a Material Change of Use for Short-term Accommodation (six units) and Operational Works for an Advertising Sign (Pylon Sign), made by G & M Demedio, on Lot 3 on RP619710, Parish of Murchison, located at 1014-1016 Yaamba Road, Parkhurst, Council resolves to issue an Infrastructure Charges Notice for the amount of \$45,000.00.

BACKGROUND

PROPOSAL IN DETAIL

The proposal is for a Material Change of Use for Short-term accommodation (six units) and Operational Works for an Advertising Sign (Pylon Sign) located at 1014-1016 Yaamba Road, Parkhurst. The proposed six (6) units are an extension to an existing approval (D/30-2014) for an Accommodation Building (twelve motel units) located on the subject site.

The additional units are located in proximity to the existing twelve (12) motel units and are situated directly across from existing units three and four. Each unit contains one bedroom, a bathroom facility and a carport located at the front of each unit. The proposal also includes an ancillary restaurant, for the exclusive use of guests only, a reception and Manager's Residence which are located at the front of the premises adjoining Yaamba Road located to the west of the subject site.

A Pylon Sign is also proposed to be located on the Yaamba Road frontage located at the west of the subject site. The proposed sign will have an overall height of six (6) metres and occupies a face area of nine (9) square metres on both sides.

SITE AND LOCALITY

The subject site is located in the Low Density Residential zone under the *Rockhampton Region Planning Scheme 2015*. The site is a hatchet shaped allotment with an area of 8.4 hectares. A single access point to the subject site is gained from Yaamba Road to the west of the site.

Twelve (12) motel units currently exist along the northern boundary. The eastern point of the site contains an existing house, shed and pool structure which gains access via a gravel track to Yaamba Road. The site is located next to the existing True Blue Motel located on the adjoining lot (Lot 5 on RP619210) with the remainder of the surrounding area largely undeveloped with some industrial uses located opposite Yaamba Road.

An easement owned by the Capricornia Electricity Board traverses through the lot but does not affect the proposal at all.

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 – 11 January 2016

Support, subject to conditions.

Public and Environmental Health Comments – 11 November 2015

Support, subject to conditions.

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 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.

Water quality

The subject site is located within a climatic region for stormwater management as identified on the Department's broad scale mapping. The proposal for six (6) Short-term accommodation units will not affect the environmental values of any surrounding watercourses or compromise the achievement of water quality objectives for Queensland Waters. Further, the proposal will be conditioned to ensure that stormwater does not adversely affect the surrounding land or infrastructure in comparison to the pre-development condition.

Natural Hazards, Risk and Resilience

The subject site is located within a Flood Hazard Area (Local Government flood mapping area). Under the *Rockhampton Region Planning Scheme 2015*, the subject site is not located within a defined flood event hazard as shown on the flood hazard overlay mapping. As such, the proposal will not result in any adverse risk to human life or property as the flood hazard is negligible on the subject site.

State Transport Infrastructure

The subject site is located within twenty-five (25) metres of a state-controlled road (Yaamba Road). The application was referred to the Department of Infrastructure, Local Government and Planning who on 7 January 2016 proposed conditions to attach to the approval.

Rockhampton Region Planning Scheme 2015**Part 3 Strategic Framework**

This application is situated within the urban and new urban designation 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:

- (1) Urban and new urban areas are characterised by walkability between housing and activity nodes, such as a park, shop or bus stop. They offer a choice of housing types, including dwelling houses, semi-detached or dual occupancy housing, row or terrace houses, some multiple dwellings and possibly live/work buildings. While dwelling houses are the most common use, many dwelling houses are on a range of smaller lots.

Complies: The proposed development, for an additional six (6) Short-term accommodation units, will not compromise the ability of designated urban and new urban areas to provide a range of walking options between different activity nodes. This application is for an extension to an existing Accommodation Building (twelve motel units) use and will not affect the ability of the Low Density Residential zone to provide for a range of housing types. The location of the proposed development is situated in an area which is in proximity to existing Short-term accommodation uses on adjoining and nearby premises.

- (2) Urban and new urban areas allow for adaptable small-scale multiple dwellings that provide intergenerational housing options catering to young people, families and support for ageing in place. In this regard, development for multiple dwellings is directed to the low-medium and high density residential zones or where located in proximity to centres, services and the public transport network.

Complies: The proposed development is located in the Low Density Residential zone and does not involve the construction of small-scale multiple dwellings. The proposal for an additional six (6) units as an extension to an existing Accommodation Building (twelve motel units) use on the subject site and will not compromise the ability for the region's urban and new urban areas to provide for a range of intergenerational housing options.

- (3) Urban and new urban areas have a feel of openness at the street level. Streets are characterised by street trees which provide shade and character, footpaths for walking trips, and streets shared by cars and bikes. New streets are laid out on a grid-based pattern in order to provide good connectivity and legibility and to reduce the need to drive.

Complies: The proposed development will not inhibit the ability of the region's urban and new urban areas from creating a feeling of openness at the street level, and will maintain the existing streetscape frontage along Yaamba Road. Further, the proposal does not involve the construction of any new streets as it is an extension to an existing Accommodation Building (twelve motel units) use.

- (4) The planning scheme has identified sufficient land supply for future greenfield development up to 2026. No further residential development is to occur beyond the areas designated as urban and new urban as shown on the strategic framework maps (SFM-1 to SFM-4) before 2026. Future urban areas will only be considered for future residential development when addressing the outcomes identified under section 3.3.9.

Complies: The proposed development is an extension to an existing Accommodation Building (twelve motel units) use and is located wholly within an urban area as identified under Strategic Framework Map 2

- (5) Urban development is contained within the urban and new urban areas to achieve the following outcomes:
- (a) the impacts from natural hazards are mitigated or avoided, including the potential future impacts resulting from climate change;
 - (b) biophysical values and green breaks are maintained;
 - (c) land identified on the Agricultural Land Classification (ALC) overlay maps is protected and not compromised by urban development;
 - (d) rural, natural asset, landscape and environmental values are protected;
 - (e) a coordinated sequence that ensures the efficient delivery of infrastructure and services;
 - (f) safe and efficient access to retail goods and services, community and recreational facilities and employment opportunities;
 - (g) a range of housing and lifestyle options consistent with the forecast changing demographic characteristics and expectations;
 - (h) the opportunity for increasingly sustainable and healthy lifestyles, including a reduced dependence on motor vehicles by providing convenient access to public transport, walking and cycling; and
 - (i) infill and intensification is focused around centres and transport facilities.

Complies: The proposed development, for Short-term accommodation is located wholly within an Urban Area as identified under Strategic Framework Map 2. The proposal will not exacerbate the impacts of any natural hazards, deteriorate any biophysical and landscape values, or compromise any agriculturally viable land in the region. The proposed development provides an alternate lifestyle option by way of a Short-term accommodation use which takes into account the location of the subject site and the changing demographic characteristics of the region.

- (6) Housing other than dwelling houses are preferred on lots with particular attributes, like corner lots, lots with rear lane access, and lots located near open space, centres or public transport and are within easy walking and cycling distance to a range of local facilities, like shops, schools and parks.

Complies: The proposed development is for an extension to an existing Accommodation Building (twelve motel units) use and does not involve the construction of housing. As such, the proposed development will not compromise the ability of the region's urban and new urban areas from providing a range of housing options which have access to various activity nodes.

- (7) A variety of residential lot sizes and designs is provided to cater for diverse and changing housing needs within the community.

Not applicable: The proposal does not involve the reconfiguration of a lot.

- (8) Urban and new urban areas contain existing land uses that provide for a localised service function such as small-scale food and drink outlets and services. These land uses can continue; however, the expansion of these uses or the establishment of new uses must provide for a local convenience function, not conflict with sensitive land

uses, not compromise the role and function of designated centres and be consistent with the relevant zone code.

Complies: The proposal is for an extension to an existing Accommodation Building (twelve motel units) use for six (6) additional units and is in proximity to an existing Motel on the adjoining lot. The location of the proposed development does not conflict with any sensitive land uses nor will it compromise the ability of the region's designated centres from servicing the region's population.

- (9) No expansion of existing centres or industrial areas will occur into residential zoned areas (unless otherwise identified within the planning scheme). This will:
- (a) maintain the viability and sustainability of existing centres and industrial areas;
 - (b) provide certainty to the owners and occupants;
 - (c) encourage the reinvestment and redevelopment of existing centres and industrial areas; and
 - (d) prevent the spread of 'ribbon' development along state controlled roads and major roads.

Complies: The proposed development is not located in an existing centre or an industrial area.

- (10) Neighbourhood centres do not expand to service a wider local centre catchment.

Not applicable: The proposed development is not located in a Neighbourhood Centre.

- (11) Greenfield urban and new urban areas in Rockhampton and Gracemere will provide at least fifteen (15) dwellings per hectare of land (net developable area). On larger sites, a structure plan must be provided in accordance with the relevant zone code and planning scheme policies.

Does not comply: The proposed development does not provide the fifteen (15) dwellings per hectare of land required for the region's greenfield urban and new urban areas. Notwithstanding, the proposal is for an additional six (6) units as an extension to an existing Accommodation Building (twelve motel units) use on the subject site. As such, the proposed development is not seen to unduly compromise the ability for the region's greenfield areas to accommodate a range of housing options or adversely affect future greenfield development opportunities throughout the region.

- (12) These new communities are well planned and demonstrate the following:
- (a) subdivision occurs in a sequenced manner in coordination with future planned infrastructure and services;
 - (b) the land does not have significant environmental or ecological values, including but not limited to areas of environmental significance, wildlife and environmental corridors and waterways and wetlands;
 - (c) the physical characteristics of the land are suitable for development. If the land is subject to adverse impacts from natural hazards, development in greenfield areas is avoided unless the risk can be mitigated to protect people and property to an acceptable level;
 - (d) development will not result in visual impacts, loss of scenic values and permanent scarring of the landscape;
 - (e) future social and economic needs and characteristics are catered for;
 - (f) development does not cause or exacerbate existing land use conflicts with respect to major industrial uses (including the Gracemere and Parkhurst industrial areas) or other land uses such as existing intensive rural land uses or extractive industry;
 - (g) development provides for a variety of residential lot sizes and designs;

- (h) the balance of land or future stages of large greenfield sites are retained in large parcels;
- (i) development occurs in a way that provides for the most efficient connection and maintenance of trunk infrastructure; and
- (j) development is consistent with the strategic framework maps (SFM-1 to SFM-4).

Complies: The proposed development will not have any adverse impacts on ecological or environmental values, result in the loss of scenic amenity or exacerbate any land use conflicts with sensitive land uses. The additional six (6) units are an extension to an existing Accommodation Building (twelve motel units) use on the subject site and the physical characteristics of the land are suitable for the development.

- (13) Greenfield urban and new urban areas may provide higher residential densities (generally in accordance with the urban infill and intensification section) when adjoining a new centre that is designated within this strategic framework.

Complies: The proposed development does not involve the creation of higher residential densities and the subject site is not adjoining a new centre.

- (14) Until planned and developed, urban and new urban areas are maintained in large parcels to prevent fragmentation which will compromise the future coordination of urban development.

Complies: The proposed development does not involve the subdivision of land which may compromise the coordination of future urban development.

Rockhampton

- (15) Future greenfield development in Rockhampton is directed to Norman Gardens and Parkhurst to avoid areas affected by flooding to the south and west and steep land/environmental constraints to the east.

Complies: The proposed development is located in Parkhurst and will not exacerbate any flood or steep land constraints.

- (16) The planned Central Queensland University (CQU) priority development area is a significant greenfield development site within the urban area which will provide additional opportunities to accommodate residential growth.

Complies: The proposed development is not located in proximity to the planned Central Queensland University priority development area.

- (17) Infill development is encouraged in existing urban areas, particularly within proximity to centres, transport, and community and recreation facilities.

Complies: The proposed development is an extension to an Accommodation Building (twelve motel units) use on the subject site, providing an additional six (6) units, and as such, can be seen as a form of infill development in an urban area.

- (18) The residential stables precinct will continue to be a suitable location for the stabling of horses within proximity to Callaghan Park, provided that impacts upon surrounding sensitive land uses are mitigated.

Complies: The subject site is not located in the residential stables precinct.

- (19) No additional local centres or higher order centres are required within greenfield areas with the exception of a local centre in North Parkhurst (along William Palfrey Road on Lot 5 SP238731) that develops commensurate with the population of the immediate catchment.

Complies: The proposed development does not involve the creation of an additional local centre or higher order centre within the region's designated greenfield areas.

The performance assessment of the proposal demonstrates that the development generally complies with the Strategic Framework of the *Rockhampton Region Planning Scheme 2015*.

The proposal is for an extension to an existing Accommodation Building (twelve motel units) use on the subject site. As such, the proposal is not seen to unduly compromise the ability of the region's urban and new urban areas from providing a range of housing options by way of greenfield development opportunities.

Low Density Residential Zone

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

- (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 not consistent with the purpose of the Zone. However, the proposal is an extension to an existing, approved Accommodation building (twelve motel units) use on the subject site. Further, the proposal is urban in nature and is positioned in an area which is unlikely to compromise the future intent of the zone in accommodating predominantly dwelling houses and community related activities.

Rockhampton Regional Planning Scheme Codes

The following codes are applicable to this application: -

- Low density residential zone code;
- Access, parking and mobility code;
- Advertising devices code;
- Filling and excavation code;
- Landscape code;
- Stormwater 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:

Low density residential zone code	
Performance Outcome/s	Officer's Response
<p>PO11 The development is located and designed so that buildings and structures make provision for:</p> <ul style="list-style-type: none"> (a) an appropriate scale and size that reflects the purpose of the zone; (b) access to natural light and ventilation; (c) landscaping; (d) privacy and noise attenuation; (e) screening of materials when stored outside buildings; (f) integration with the streetscape and built form; (g) oriented to the street frontage; (h) landscape features of the site; and (i) access to open space. 	<p>The length of the exterior walls for the Manager's residence located at the west of the subject site, parallel to Yaamba Road, exceeds the maximum exterior wall length of twelve (12) metres as outlined in Acceptable Outcome 11.3. Despite this, the scale and size of the residence, and the additional six (6) units, will not unduly compromise the integrity of the Low Density Residential zone as it is consistent with existing developments in proximity to the subject site and is of a scale that is suitable for its location on Yaamba Road.</p>

Advertising devices code	
Performance Outcome/s	Officer's Response
<p>PO1 The advertising device is designed and sited in a manner that:</p> <ul style="list-style-type: none"> (a) results in a size that does not adversely impact on: <ul style="list-style-type: none"> (i) the visual amenity and character of a building, streetscape, locality or natural landscape setting; (ii) the safety of a road or footpath; (iii) the operations of an airport; and (iv) the visual amenity of a main transport entrance into an urban area or township. (b) is integrated with the design of other development on the premises; (c) does not visually dominate the premises, streetscape, locality or natural landscape setting; (d) is constructed of durable materials; 	<p>The proposed Pylon Sign exceeds the height requirements for this type of sign as outlined in Table 9.4.2.3.2. The proposed height of the Pylon Sign is six (6) metres, with the height requirements in the specific sign outcome being a maximum height of five (5) metres above the surface of the ground.</p> <p>The size, face area and height of the proposed sign are not expected to create a hindrance upon the overall proposed development or compromise the integrity of the Low Density Residential zone. Further, the location of the Pylon Sign, on a subject site which is in proximity to a major state-controlled infrastructure corridor in the form of Yaamba Road, is seen to be consistent with the surrounding area and not in proximity to any existing or proposed residential developments. Further, existing Pylon Signs are located in proximity to the proposed sign on Yaamba Road, which include the adjoining True Blue Motor Inn and Korte's Resort.</p>

	<p>(e) does not impede vehicle or pedestrian movements or reduce safety levels;</p> <p>(f) does not resemble traffic or road signs; and</p> <p>(g) does not result in the proliferation of unnecessary advertising.</p>	
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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 proposal is for an additional six (6) Short-term accommodation units as an extension to an existing approval on the subject site for an Accommodation Building (twelve motel units) use (D/30-2014). As such, the extension is consistent with the existing development on the subject site, and the development on adjoining Lot 5 on RP619210;
- b) The proposal will not compromise the strategic intent of the region's urban areas in providing for a range of housing options. It is an extension to an existing, approved use on the subject site. While the proposal is not consistent with the intent of the Low density residential zone, the use is urban in nature and is unlikely to compromise the intent of the surrounding area in facilitating greenfield development opportunities for a range of residential uses;
- c) The proposed use does not compromise the strategic framework in the *Rockhampton Region Planning Scheme 2015*;
- d) 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
- 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 accommodation (short and long term) applies to the application and it falls within Charge Area 1. The Infrastructure Charges are as follows:

Column 1 Use Schedule	Column 1A Use (QPP)	Column 2 Charge Area	Column 3 Adopted Infrastructure Charge for residential development (\$/dwelling unit)			Column 4 Unit	Calculated Charge
			1 bedroom	2 bedrooms	3 or more bedrooms		
Accommodation (Short Term)	Short-term Accommodation	Areas 1 and 2	7,500 (<6 beds per room); 8,500 (6+ beds per room)	8,500	12,000	Per bedroom or suite	\$45,000.00
Total							\$45,000.00
Less credit							\$0.00
TOTAL CHARGE							\$45,000.00

This is based on the following calculations:

A Charge of \$7,500.00 per unit (6 units), containing one (1) bedroom each.

Therefore, a total charge of \$45,000.00 is payable and will be reflected in an Infrastructure Charges Notice for the development.

CONSULTATION

The proposal was the subject of public notification between 12 January 2016 and 4 February 2016, as per the requirements of the *Sustainable Planning Act 2009*, and no submissions were received.

REFERRALS

The application was referred to the Department of Infrastructure, Local Government and Planning as a Concurrence Agency. On 7 January 2016, the Department provided conditions to attach to the approval.

CONCLUSION

The application for a Material Change of Use for Short-term accommodation (six units) and Operational Works for an Advertising Sign (Pylon Sign) is not consistent with the intent of the Low density residential zone. As demonstrated above, there are sufficient grounds to justify the conflict with the planning scheme and the proposal is also considered to be generally compliant with the relevant codes. Therefore, the application is recommended for approval subject to the conditions outlined in the recommendation.

**D/155-2015 DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR SHORT-TERM
ACCOMMODATION (SIX UNITS) AND
OPERATIONAL WORKS FOR AN
ADVERTISING SIGN (PYLON SIGN)**

Locality Plan

Meeting Date: 8 March 2016

Attachment No: 1

D/155-2015 - Locality Plan



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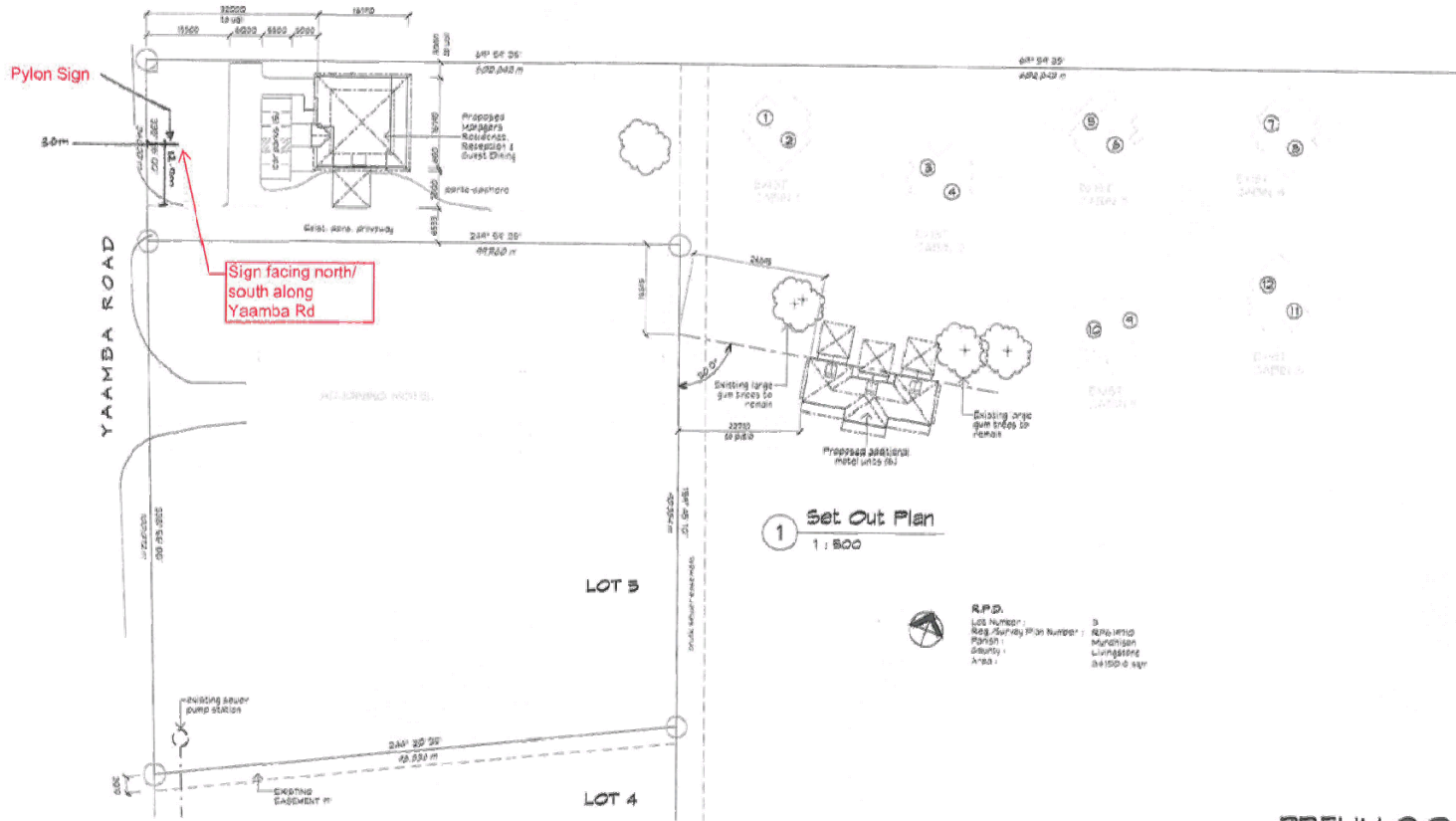
**D/155-2015 DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR SHORT-TERM
ACCOMMODATION (SIX UNITS) AND
OPERATIONAL WORKS FOR AN
ADVERTISING SIGN (PYLON SIGN)**

Site Plan

Meeting Date: 8 March 2016

Attachment No: 2

Amended by GSPC on 25/11/15.
 Pylon sign as shown 3m setback to front boundary.



1 Set Out Plan
 1 : 500

R.P.D.
 Lot Number: 3
 Subj. Survey Plan Number: RPL/1510
 Parish: Murrumbidgee
 Shire: Limestone
 A-50

PRELIM 03
 DATE: 03/11/15

MCU APPLICATION NOT FOR CONSTRUCTION

PROPOSED MOTEL EXTENSIONS FOR S. & M. DEMEDIO AT 1014 - 1016 YAAMBA ROAD, PARKHURST			(Site drawing) SETOUT PLAN		RUFUS GROUP CIVIL & CONSTRUCTION 10/11/15 Telephone 017 49288311 Facsimile 017 49288473 Email: info@rufusgroup.com.au	PROJECT MANAGER ILY	PLAN SPEED C2	PROJECT NUMBER 150810 - 02
NO.	DESCRIPTION	DATE	DATE	BY		CHECKED BY: [] REVISION: []	PLAN SIZE A2	SHEET NO. OF NO. SHEETS 1/1

PRINT DATE: 3/11/2015 4:05:33 PM

11.4 ROCKHAMPTON HOCKEY ASSOCIATION'S REQUEST FOR AN EXTENSION TO ITS LEASED AREA TO PERMIT A SECOND ARTIFICIAL SURFACE

File No:	4199
Attachments:	Attachment 1 (Closed Session)
Authorising Officer:	Margaret Barrett - Manager Parks Michael Rowe - General Manager Community Services
Author:	Sophia Czarkowski - Sports and Education Supervisor
Previous Items:	Rockhampton Hockey Association and Rockhampton Netball Association - Grant Applications under the next round of Get Playing Plus Funding - Ordinary Council - 08 Sep 2015 9:00am

SUMMARY

Rockhampton Hockey Association uses the hockey fields at Birdwood Park (commonly known as Kalka Shades), Water Street, Koongal (being Lot 1 LN2893) during the hockey season (March through September). The Club is seeking funding for the construction of a second artificial surface and requires its Lease area to be extended to accommodate this development.

OFFICER'S RECOMMENDATION

1. THAT Council subject to Rockhampton Hockey Association applying for and successfully receiving the Get Playing Plus grant for which applications close on 1 April 2016 and successfully obtaining all relevant building and planning approvals:
 - a. Commit \$350,000 to the cost of constructing a second artificial hockey playing surface from the *Major Project Seed Funding for Improving Sporting Facilities through Sporting Clubs* for the 2016/17 Financial Year,
 - b. Amend the current leased area held by Rockhampton Hockey Association at Water Street, Koongal to enable the construction of a second artificial hockey playing surface with the terms and conditions of such amended lease being as follows:
 - i. The annual rental fee is to be charged in line with Council's Fees and Charges for Parks – Specialist Area
 - ii. The initial Lease term be 10 years
 - iii. The Lease is subject to the following special conditions:
 1. The Trustee Lessee owns the infrastructure, and the Trustee Lessee is responsible for all maintenance of the infrastructure
 2. Within two (2) years from the commencement date, the Trustee Lessee must complete the construction of the second artificial surface (to the satisfaction of the Trustee, as per Clause 5.4). Failure to fulfil this Special Condition may result in termination of the Trustee Lease
 - iv. Rockhampton Hockey Association is responsible for all survey and registration costs, and Council's reasonable legal costs with regards to the Lease
 - v. The Manager Parks be authorised to negotiate the final layout and plans with Rockhampton Hockey Association

- c. Amend the current leased area held by Rockhampton Cricket Inc. to decrease the area held at Water Street, Koongal to facilitate the construction of a second artificial hockey playing surface and increase the area held at Reaney Street, Rockhampton to facilitate the construction of a turf wicket field with the terms and conditions of such amended lease remaining as per the current lease.
2. THAT Council request that further discussions occur with the Rockhampton Hockey Club, Rockhampton Junior Cricket Association and Council in regards to a proposed extension of the lease area to cater for a second artificial surface.

COMMENTARY

Rockhampton Hockey Association regularly uses Birdwood Park (Kalka Shades) for training and competition during the hockey season.

The following organisations currently hold tenure over part of Birdwood Park:

- Park Avenue Brothers Hockey Club – expires 30 June 2017
- Frenchville Sports Club – expires 31 December 2018
- Wanderers Hockey Club – currently being renewed
- Rockhampton Hockey Association – 30 June 2020
- Rockhampton Cricket Incorporated – waiting on signed agreement to be returned

BACKGROUND

Rockhampton Hockey Association services the Rockhampton Region through the provision of community sport and recreation activities. In 2014 the Club reported having 517 members. Its current synthetic surface is used seven (7) days per week during the hockey season (April to September each year).

Rockhampton Hockey Association approached Council in 2015 to commence discussions over the development of a second synthetic hockey field to increase its opportunity to hold national and international competitions. The second field is currently proposed to be constructed on the northern side of the existing surface. Discussions regarding its final location are ongoing due to the flooding issues at the site.

The development of a synthetic hockey field will result in the loss of one (1) cricket field at Birdwood Park. The remaining four (4) fields are not anticipated to be impacted by the development.

Initial discussions have been held with Rockhampton Cricket Association regarding future relinquishment of a field for the purposes of constructing a second synthetic hockey surface.

PREVIOUS DECISIONS

Rockhampton Hockey Association and Rockhampton Netball Association – Grant applications under the next round of Get Playing Plus – 08 September 2015.

BUDGET IMPLICATIONS

The total project cost is estimated at \$1.3 million and the Club has indicated it will be seeking a financial contribution from Rockhampton Regional Council of \$350,000. The Club will contribute \$300,000 to the project via a loan and the balance will be obtained through Get Playing Plus.

It is proposed the \$350,000 Council contribution be sourced from the Parks' *Major Project Seed Funding for Improving Sporting Facilities through Sporting Clubs* for the 2016/17 Financial Year.

11.5 COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

File No:	4107
Attachments:	1. Instrument of Delegation - Local Government Act 2009
Authorising Officer:	Tracy Sweeney - Manager Workforce and Strategy Ross Cheesman - General Manager Corporate Services
Author:	Travis Pegrem - Coordinator Industrial Relations and Investigations

SUMMARY

This report seeks Council's approval of a delegation under the Local Government Act 2009 to the position of Chief Executive Officer.

OFFICER'S RECOMMENDATION

THAT:

1. Council resolves as per section 257 of the *Local Government Act 2009* to delegate to the Chief Executive Officer, the exercise of powers contained in schedule 1 of the Instrument of Delegation – *Local Government Act 2009* attached to this report;
2. All prior resolutions delegating the same power under the *Local Government Act 2009* to the Chief Executive Officer are repealed;
3. The power must be exercised subject to any limitations contained in schedule 2 of the Instrument of Delegation attached to this report.

COMMENTARY

MacDonnells Law has identified a new delegable power under the *Local Government Act 2009*. Subsequently, the Instrument of Delegation containing the new power has been prepared for Council's consideration and is attached to this report.

Listed below is the section relevant to the *Local Government Act 2009* that has been identified as a new delegable power to be delegated from Council to the position of the Chief Executive Officer (CEO) in the Instrument of Delegation.

New Delegable Power**Attachment 1 – Local Government Act 2009**

MacDonnells Law has identified a new power under the *Local Government Act 2009*. The new power is in addition to the *Local Government Act 2009* delegations previously considered and adopted by Council on 8 September 2015. The new power, section 138(4) is the power to authorise a local government worker.

A local government worker may enter land to exercise the powers in Division 2, Part 2, Chapter 5 of the *Local Government Act 2009*; specifically to enable a local government to perform its responsibilities or to ensure that a person complies with the *Local Government Act 2009* and other local government Acts. A local government worker is defined in the Act as an employee, or agent of the local government who is authorised by the local government to act under this division.

The new power will give the CEO the power to authorise either an employee or an agent of the local government to be a local government worker.

BACKGROUND

Without powers being delegated to the CEO and subsequently sub-delegated to relevant positions, Council operations would be impeded significantly as separate resolutions would be required to allow decisions to be made for a vast number of operational activities that are undertaken on a daily basis.

In relation to the legislation listed, Council's legal advisor, MacDonnells Law, provides a regular service of updates/amendments for relevant state legislation to Council. The information provided herein is as recommended by MacDonnells Law.

PREVIOUS DECISIONS

The previous Instrument of Delegation for the *Local Government Act 2009* was last considered and approved by Council at the 8 September 2015 meeting.

LEGISLATIVE CONTEXT

Section 257 of the *Local Government Act 2009* allows Council to delegate its powers to one or more individuals or standing committees, including to the CEO. Pursuant to section 257(4) of the *Local Government Act 2009* a delegation to the CEO must be reviewed annually by Council.

To further streamline the decision making process, section 259 of the *Local Government Act 2009* allows the CEO to sub-delegate the powers (including those delegated to him by Council) to another Council employee where appropriate.

LEGAL IMPLICATIONS

Important legal principles which apply to the delegation proposal set out in this report are:-

- Council at all times retains power to revoke the delegation. Accordingly, Council retains ultimate control.
- Council, as delegator, has responsibility to ensure that the relevant power is properly exercised. Council will therefore continue to supervise and oversee the exercise of its powers.
- A delegation of power by Council may be subject to any lawful conditions which Council wishes to impose. The imposition of conditions enables Council to impose checks and balances on its delegations. However, the delegated power cannot be unduly fettered.
- The delegate must exercise a delegated power fairly and impartially, without being influenced by or being subject to the discretion of other individuals.

CONCLUSION

This report includes one additional power of the Instrument of Delegation for the *Local Government Act 2009* to be delegated from the Council to the CEO.

COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

Instrument of Delegation – Local Government Act 2009

Meeting Date: 8 March 2016

Attachment No: 1



INSTRUMENT OF DELEGATION

Local Government Act 2009

Under section 257 of the *Local Government Act 2009*, **Rockhampton Regional Council** resolves to delegate the exercise of the power contained in Schedule 1 to the Chief Executive Officer.

The power must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same power to the Chief Executive Officer is repealed.

Schedule 1

Local Government Act 2009 ("LOGA")

Entity power given to	Section of LOGA	Description
CHAPTER 5 - MONITORING AND ENFORCING THE LOCAL GOVERNMENT ACTS		
Part 2 - The Public		
<i>Division 1 - Powers of authorised persons</i>		
Local government	138(4)	Power to authorise a local government worker.

Schedule 2

Limitations to the Exercise of Power	
1.	Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2.	The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3.	The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4.	The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5.	The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6.	The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

12 STRATEGIC REPORTS

Nil

13 NOTICES OF MOTION

Nil

14 QUESTIONS ON NOTICE

Nil

15 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.

16 CLOSURE OF MEETING