



## **FINAL MINUTES**

11 November 2009

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<u>Folio</u>	<u>Date</u>	<u>Particulars</u>
8698	11.11.09	Ordinary Meeting

## Declaration of Potential Conflict of Interest

CR MENG (Item 7.2 Ordinary Meeting)

CR CAMILLERI (Item 7.2 Ordinary Meeting)

CR HATFIELD (Item 7.2 Ordinary Meeting)

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## **ORDINARY MEETING MINUTES**

### **1. ATTENDANCE:**

His Worship the Mayor, Cr C Meng (Chairperson), Crs G R Christensen, D T Comerford, D J Perkins, D R Hatfield, D E Camilleri, W A Cameron, G R Thomsen, K J Casey and K L May were in attendance at the commencement of the meeting. Also present was Mr P Franks (Chief Executive Officer) and Ms D Jeffery (Minute Secretary).

The meeting commenced at 10:01am.

### **2. APOLOGIES:**

THAT the apology on behalf of Cr Steindl be accepted.

Moved Cr Camilleri

Seconded Cr Hatfield

**CARRIED**

### **3. CONDOLENCES:**

Nil

### **4. CONFIRMATION OF MINUTES:**

#### **4.1 ORDINARY MEETING MINUTES - 4 NOVEMBER 2009**

THAT the Minutes of the Ordinary Meeting held on 4 November 2009 be confirmed.

Moved Cr Cameron

Seconded Cr Perkins

**CARRIED**

### **5. BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETING:**

Nil

**6. MAYORAL MINUTES:**

Nil.

**7. CORRESPONDENCE AND OFFICERS' REPORTS:****7.1 MATERIAL CHANGE OF USE (URBAN RESIDENTIAL USE) & RECONFIGURING 1 LOT TO CREATE 12 RESIDENTIAL LOTS - MACKAY CHRISTIAN COLLEGES LTD - 42 VALLEY STREET, NORTH MACKAY (907629-050-DA-2009-249)**

<b>Application Number:</b>	DA-2009-249
<b>Date Received:</b>	19 June 2009
<b>Action Officer:</b>	Shane Kleve (Planning Officer) Renan Solatan (Engineering Officer)
<b>Applicant's Details:</b>	GHD Pty Ltd PO Box 494 MACKAY QLD 4740
<b>Proposal:</b>	Material Change of Use (Urban Residential) and Reconfiguring 1 lot to create 12 Residential lots
<b>Site Address:</b>	42 Valley Street, Evans Avenue North and Elizabeth Street, North Mackay
<b>Property Description:</b>	Lot 50 on RP907629
<b>Owner's Details:</b>	Mackay Christian Colleges Limited
<b>Area:</b>	10.9179 Ha
<b>Planning Scheme:</b>	Mackay City Planning Scheme (24 April 1999)
<b>Planning Scheme Designations:</b>	
Locality:	Mackay Frame
Precinct:	Goosepond Greek
Zone:	Rural
<b>Assessment Level:</b>	Impact
<b>Submissions:</b>	Seven (7)
<b>Referral Agencies:</b>	Nil
<b>Attachments:</b>	Attachment A: Locality Plan Attachment B: Proposal Plan Attachment C: Approved Site Plan for DA-

2005-332/A

**Recommendation:**

Approved Subject to Conditions

**ASSESSMENT OF APPLICATION****Purpose**

The applicant is seeking approval for a Material Change of Use and Reconfiguration of a Lot to create 12 residential lots on land at 42 Valley Street, Evans Avenue North and Elizabeth Street, North Mackay. Refer to the Locality Plan included as Attachment 'A'.

The application is Impact Assessable and received seven (7) properly made submissions objecting to the proposal. The submissions have raised concerns that are not directly related to this application; rather they relate to a previous approval on this property.

The application is recommended for approval.

**Background**

The subject property has a current development approval over the site for the development of an Educational Establishment, Place of Worship and a 20 lot residential subdivision. The educational establishment is to be the location of the Mackay Christian College Primary School Campus, with the relocation of Prep to Year 7 classes from the existing school campus in Quarry Street, North Mackay. The development also incorporates a multi use building that has been approved as a Place of Worship, but will be used for indoor sports and as a school hall among other activities. The school component has a maximum permissible enrolment of 896 students at completion.

This application raised serious concerns with Council officers due to the subject site being subject to inundation during large storm events and the likely impact from traffic generated from the proposed school.

The proposal involved the importation of a large amount of fill material (around 80,000m<sup>3</sup>). As part of the application process, the applicant undertook flood studies that demonstrated no increase in flooding.

The proposal would also contribute large traffic volumes onto a local road network that was already congested due to the existence of Mackay North High School and Fitzgerald Primary School in the surrounding area. Conditions for external works were included in the approval to ensure the traffic generation from the school component would not adversely affect the surrounding street network. The conditions require the applicant to undertake traffic calming on local streets to restrict 'rat running', as well as a major upgrade to the intersection of the Glenpark/Evans Avenue/Short Street intersection complex.

The application received numerous submissions during the required Public Notification period. The main issues raised by the submitters were traffic impact, flooding and stormwater, loss of vegetation and loss of perceived 'open space areas'.

Subsequent to the resolution of the major issues (i.e. stormwater, flooding, traffic) the application was approved subject to conditions.

After the issue of the Negotiated Decision Notice for the application, the applicant redesigned the layout in an effort to obtain Federal Government funding for the multi use building under the Building the Education Revolution (BER) program. The building was changed from being primarily a 'church' building, to one that could accommodate a range of sports and activities. The amended building was considerably smaller than the originally proposed church. This allowed the rearrangement of some of the buildings to free up some additional land area. That land area is the subject of this current application.

In recent weeks the applicant has received approval for the Operational Works application to construct the approved development. Bulk earthworks are currently being undertaken on site and civil works are expected to commence soon. These works have generated some complaints.

### **Subject Site and Surrounds**

The subject property has an area of about 10.9ha. The site is encumbered by three easements; two are for stormwater drainage and the other is for access to a set of units located in the south western corner of the site. Refer to Attachment 'A' Locality Plan.

The site has frontages to Evans Avenue, located along the north eastern boundary, Valley Street to the south west and Elizabeth Street midway along the southern boundary.

The vegetation on the site has recently been cleared and earthworks/filling commenced on site as per the approvals associated with the Educational Establishment and Place of Worship.

The site contains two significant drainage paths that flow through the site, eventually draining into the drain associated with the Multi Modal Corridor. The land is low lying, becoming inundated on a regular basis. The low lying and flood prone nature of this site is the reason why development for residential purposes has not been favoured by Council by way of the current and previous Planning Scheme documents.

The property is surrounded by residential dwellings to the south and south east. North Mackay State High School is located to the immediate west of the site. To the north and north east, beyond Evans Avenue, is land owned by Queensland Rail and Department of Main Roads that is intended to form part of the Multi Modal Corridor.

### **Proposal**

The application now with Council is seeking approval of a Material Change of Use / Reconfiguration of a Lot for 12 Residential Lots. Refer to Attachment 'B' for the Overall Site Plan and other proposal plans. The proposed 12 lots are shown on Drawing SK001.

The residential allotments are proposed to be located on the northern side of the new residential street approved as part of DA-2005-332/A. The proposed residential lots will gain access via the construction of the new street, coming off the northern end of Elizabeth Street.

### **PLANNING SCHEME ASSESSMENT**

The subject site is zoned Rural and is located within the Goosepond Creek precinct of the Mackay Frame Locality. The subject site is identified as being affected by the following Overlays:

- Bushfire Management Overlay
- Landscape Character Overlay
- Acid Sulfate Soils Overlay
- Development in the Vicinity of Mackay Airport Overlay

In addition to the above Overlay Codes, the application has been assessed against the following Codes of the Planning Scheme:

- Reconfiguration of a Lot Code
- Environment and Infrastructure Code

In terms of the Rural zoning of the property, the proposed development is not consistent with the intent of the Planning Scheme. However, given that Council has previously approved an application for an Educational Establishment, Place of Worship and 20 residential lots on this property, it is considered that the Council has determined that a portion of the property is suitable for development for residential purposes.

The current applicant proposes an extension to the previously approved residential component. The location of the additional residential lots in the centre of the subject land results in any potential impact from the proposed development being isolated from the existing residential properties adjacent the southern boundary.

The proposed residential allotments are located on an area of the subject site that already has approval to be filled, and access to the lots is to be from a new road that was also previously approved. It is considered that the proposed development will not create any undue impact on surrounding properties owners. Therefore, it is considered that the application is consistent with previous Council approvals and can be approved subject to the imposition of relevant conditions.

## **INFRASTRUCTURE CONSIDERATIONS**

All necessary infrastructure (i.e. services, roads, etc) will be provided to the proposed development during the construction of the works approved in the previous applications (DA-2005-332/A and OW-2009-37). The current application will connect to the provided services. The construction/development of the lots proposed in this application will require only the provision of individual water, sewerage and stormwater connection points from the already approved service extensions.

## **REFERRAL AGENCIES**

There were no referral agencies for this application.

## **SUBMISSIONS**

The application submitted by the applicant was Impact Assessable and therefore was required to be publicly notified in accordance with the requirements of the *Integrated Planning Act 1997*. During this period seven (7) submissions were received.

The submissions received, expressed opposition to the proposal. The principle concerns raised from the submissions are summarised and discussed below.

As a general comment, the majority of the issues raised in the submissions relate to the new school campus and the fill proposed as part of that previously approved development.

## **1. Increased Traffic movement**

Increased student pedestrian, bicycle and car traffic on road access and congestion at all Glenpark Road and Malcomson Street intersections in the immediate area, particularly in the wet season.

Valley Street should be extended to join Norris Road to provide another access into/out of the already congested area and also a dedicated setdown area for the adjacent schools.

### Applicants Response:

Proposed subdivision will not increase pedestrian numbers, as the new school is already approved. The application under consideration is to create additional residential lots. The new lots may in fact reduce the traffic to the school as some students may reside on the new lots.

### Officers Comments:

The current application is proposing the development of 12 residential lots, each to contain a dwelling house. The development of 12 new lots will not create the traffic congestion or pedestrian movements as suggested by the submissions. The issues raised by the submitters are related to the previous approvals for the development of a school, church and 20 residential lots. Council cannot impose conditions on this application that are related to the previous approval granted over this site.

## **2. Flooding & Stormwater Drainage**

- Increased risk of flooding, including ovals at Mackay North High school.
- Likelihood that parts of Evans Avenue North will be closed for longer periods due to flooding putting more pressure on local access roads including Elizabeth Street.
- It is understood that the current drain and pond is being backfilled to include a car park and portion of the extra allotments.
- The proposed open drain will pose a safety risk to children and will turn into a mosquito breeding habitat and a rubbish tip and may become a liability for private land owners adjoining the drain. A solution could be to have an underground stormwater pipe instead of having an open drain. Possibly the drain should be fenced to stop children accessing this area.

### Applicants Response:

- The footprint of the area to be filled as approved for the new school campus will not increase as a result of the proposed new lots as no filling is proposed within the flood area.
- The concerns relating to the flooding were adequately addressed in the previous application, hence the approval of the Material Change of Use to establish the new campus and the approval of the reconfiguration to create 20 additional lots.
- No fill is proposed other than what is already approved.
- Any mosquito breeding ground will also pose a risk to students and the college will exercise standard mosquito control measures.

Officers Comments:

The current application proposes to locate new residential allotments on an area of the subject site that will be filled to the appropriate level and provided with necessary infrastructure as part of the development of two previous approvals (DA-2005-332/A and OW-2009-37).

The applicant will not have to provide additional fill on site nor change any stormwater systems from that which has been approved previously. Therefore, the proposal will not change the development footprint from that which has been previously approved. The issues raised by the submitters were assessed and conditioned appropriately (if necessary) during the review and approval of the previous applications.

**3. Vermin and Fire Risks**

The subject site is currently unused and the long grass poses a fire risk and a breeding ground for vermin.

Applicant's Response:

The site will be maintained in accordance with Council standards until the development is implemented. The concern of vermin on the site in its undeveloped state should not be considered as a ground for objection against the future development of the site.

Officers Comments:

This issue will not be an ongoing concern after the completion of the current and previously approved applications. Upon completion, the school maintenance staff will be responsible for the maintenance of grassed or vegetated areas and these will be maintained to a standard appropriate for a school environment.

**4. Proposed Access Location to School**

The school neglected to state that the entrance to the school would be via Evans Avenue North, as it proposed to enter via Valley Street. The current amount of traffic at the intersection of Valley Street and Evans Avenue is already over congested during peak times.

Applicants Response:

The proposed school is not under consideration as part of this application. No changes to the approved access are proposed as part of the application under consideration.

Officers Comments:

The access location to the school component of the previously approved application was clearly delineated. It has always been intended that the primary access to the school would be from Evans Avenue North, with an access in times of flooding from Elizabeth Street.

Traffic generation from the proposed development is considered relatively minor in comparison to the current traffic levels in the surrounding street network and this associated increase will not adversely impact on traffic levels.

The issues raised by the submitters are generally related to the previous application seeking approval for the school, church and 20 residential lots. The issues surrounding the previous application have been assessed and it was resolved to approve that application. Council cannot revisit the conditions the previous approval in this current application.

## **RESOURCES IMPLICATIONS**

There are no resource implications for Council as a result of this recommendation.

## **CONSULTATION**

External

Nil

Internal

- Development Assessment – Engineering in relation to the setting of conditions and the status of the Operational Works approval for the previous approval.
- DART - The application was discussed with representatives from various Departments at the “Development Assessment Review Team” (DART) meeting on 18<sup>th</sup> August 2009. This meeting stated that the application could be supported pending the acceptance of the stormwater/flooding reports provided by the applicant as part of the Operational Works application.

## **CONCLUSION**

The application is recommended for approval, as the proposed development is an extension to a recently approved residential estate and the development of the proposed residential lots will not affect any of the surrounding properties. Further, the submissions received against the application have raised issues that are not directly related to this current application, rather they related to the previous approvals granted over the site.

## **Director's Recommendation**

- A. THAT Council approve the application for a Material Change of Use (Urban Residential Use) and Reconfiguring 1 lot to create 12 Residential Lots located at 42

Valley Street, Evans Avenue North & Elizabeth Street, North Mackay, described as Lot 50 on RP907629, subject to the following conditions:

1. Plan of Development

The approved Material Change of Use (Urban Residential Use) and Reconfiguring 1 lot to create 12 Residential lots must generally comply with the Plan of Development (identified in the Table below) and supporting documentation which forms part of this application, except as otherwise specified by any condition of this approval.

<b>Drawing Number</b>	<b>Title of Plan</b>	<b>Issue</b>	<b>Prepared by</b>	<b>Date</b>
MP01	Subdivision at Evans Avenue, North Mackay	A	STP Consultants	12/06/09
SK001	Proposed Subdivision	A	GHD	June 2009

2. Amended Plans Required

The approved plans of subdivision must be amended to comply with the following matters:

- a) The approved plan is to be amended in accordance with the requirements/recommendations contained in 'Mackay Christian College Flooding Investigation' prepared by Water Technology, issued 11 June 2009 and the revised HEC RAS model by SPT Consultants dated 6 August 2009.

The amended plans must be lodged with Council for written approval prior to the lodgement of Operational Works approval.

3. Conflict between plans and written conditions

Where a discrepancy or conflict exists between the written conditions(s) of the approval and the approved plans, the requirements of the written condition(s) will prevail.

4. Endorsement of Survey Plan

The Plan of Survey with associated documents will not be endorsed by Council until all of the conditions of this approval have been complied with, as well as the Reconfiguration of a Lot conditions contained in DA-2005-332/A.

Development Contributions

5. Water and Sewerage Headworks

Headworks contributions for Water Supply and Sewerage Services must be paid in accordance with Council's Policy on Developer Contributions

for Water Supply and Sewerage Services. Headworks will be applied based on 12 ET's.

6. Parkland Contribution

A parkland contribution must be paid in accordance with the Council's Policy on Developer Contributions for Parkland, based on an additional 33.6 E.P.'s.

7. Transport Network Contributions

A transport network contribution must be paid in accordance with Councils Policy on Transport Network Contributions. The transport network contribution will be applied based on 78 vehicle movements per day (vpd's).

8. Contributions Payment Timing

All contributions must be paid at the rate applicable at the date of endorsement of the Survey Plan.

Streetworks

9. Streetworks

The developer shall provide the following streetworks: -

Internal

Provision of kerb to kerb bitumen streets to widths approved by Council, as detailed below: -

Elizabeth Street Extension

- ACCESS STREET – 12.0 metre wide carriageway within a 20 metre wide reserve to match the existing road form of Elizabeth Street.
- Provision of kerb and channel to match the existing form in Elizabeth Street.
- Provision of a splitter island at the intersection of Elizabeth Street extension and Road 1.

Road 1 – Residential Street

- ACCESS STREET – Minimum 5.5 metre wide carriageway within a minimum 13.5 metre wide reserve, generally in accordance with Council Standard Drawing A3-3618 (Amend B). Road 1 is to terminate at the western end at a cul-de-sac, with the road reserve extending to intersect with Valley Street. Barrier kerb and channel and bollards / fencing are to be installed to prevent vehicular traffic moving between this road and Valley Street.

## External

- Provision of splitter islands on the northern and southern legs of the intersection of Zammit Street and Elizabeth Street. Streetlighting is to be installed where required by Council's Engineering Design Guidelines and the relevant current Australian Standards.
- Provision of 20m wide extension to Valley Street for the full length of the western property boundary.
- Provision of road reserve widening at the current termination of Valley Street to include the existing bus turnaround area within road reserve. The road reserve is to provide a minimum 3.5m wide verge to the carriageway.

### 10. Streetlighting

Streetlighting must be provided in accordance with Council's Engineering Design Guidelines and the relevant current Australian Standards.

## Stormwater

### 11. Stormwater

All stormwater associated with the approved development must be controlled, with provision being made for the following in accordance with Council's Standard Drawing PA3-870:

- i) External catchments
- ii) Inter-allotment drainage
- iii) Downstream drainage to a lawful and practical point of discharge that has been nominated as the boundary between Lot 2 on RP736456 and Lot 1 on RP736456.

### 12. Ponding and Diversion of Stormwater

Ponding of stormwater resulting from the development must not occur on adjacent sites and stormwater formerly flowing onto the site must not be diverted onto other sites. The site shall be graded so that it is free draining.

### 13. Drainage – rear boundary to street

Except where otherwise approved by Council, allotments must be drained from the rear boundary to front street in accordance Council's Standard drawing PA3-870. Attention is drawn to preferred footpath and allotment slopes as follows:

Footpath slope:	Preferred	1:50
Allotment Slope:	Minimum	1:200
	Maximum	1:12

Filling is to be provided where applicable in accordance with Council's Engineering Design Guidelines.

14. Drainage easement and reserves

Drainage easements are to be provided over all drainage systems entering the development site from the termination of both Valley Street and Elizabeth Street. The open drain entering the site from Valley Street is to be covered by a 20m wide road reserve.

Drainage easements and reserves are to be in accordance with Council's Engineering Design Guidelines. Reserves are to be transferred to Council in Fee Simple at no cost Council.

15. Finished Allotment Levels

All allotments approved herein are to have a minimum finished level equivalent to the post development  $Q_{100}$  level established by the Flood Impact Assessment prepared by Max Winders & Associated dated 02 August 2007 (i.e. minimum of 6.1m AHD).

Water Supply and Sewerage

16. Water connections

Existing water mains located in Valley Street and Elizabeth Street are to be extended to form a loop main, generally as shown on drawing C28 and C29, prepared by STP Consultants. Separate Water connections must be installed for the newly created Lots in accordance with Council's Engineering Design Guidelines.

17. Design of Sewer Main extension

A fully detailed design of the sewer main extension that will service the lots must be submitted to Council as part of the Operational Work Application. The plan must be generally in accordance with drawing C30, C31, C32 and C33 prepared by STP Consultants.

18. Live Connection Work

Mackay Water is to carry out all water connection and live sewer work at the developer's expense.

19. Easements

An easement (minimum width of 3.0m) is to be provided over all sewer mains not located adjacent to the front boundary of the lots.

Telecommunications & Electricity Infrastructure

## 20. Electricity Services

Infrastructure necessary for the provision of underground reticulated power to all proposed lots must be provided and written evidence of a service agreement from the infrastructure provider to demonstrate compliance must be provided to Council.

## 21. Telecommunications Services

All proposed lots must be connected to telecommunications and written evidence from Telstra to demonstrate the connection must be provided. Above ground switching station cubicles are to be located clear of footpath areas and parkland areas.

## Landscaping

### 22. Street Planting

Street planting must be provided in accordance with Council Policy, with a plan submitted to Council for separate approval by Council.

### 23. Landscape Plan Required

A detailed site and footpath landscaping plan must be prepared by a qualified Landscape Designer and must be submitted with Operational Works Approval application. Any proposed landscaped works within Council's Road Reserve must comply with Planning Scheme Policy No.11 – Landscaping.

### 24. Completion of Landscaping

All of the landscaping works shown on the approved plan must be completed before the endorsement of the plan of subdivision.

## Traffic Management Plan – Construction Phase

### 25. Provide a Traffic Management Plan for the control of construction traffic associated with all aspects and stages of this development. This is to include:

- the identification of haul routes for filling of the site, including return journeys
- Restriction on hours of movement for construction related vehicles. Movements are to be restricted during peak hours for school drop off/set down (i.e. 7.30am – 9.00am and 2.30pm – 4.00pm)
- Construction access is to be from Evans Avenue. With Council approval, access may be permitted from Valley Street with restrictions on vehicle size and timing.

A draft Plan is to be submitted with the application for Operational Works for review and comment. The final plan is to be submitted to Council for approval prior to the commencement of any works on the subject site.

The requirements of this condition are to be included in the Tender Documents for the construction of works approved in this Decision Notice.

#### Miscellaneous

##### 26. Construction Access

All construction vehicles must enter and exit the subject site from the Evans Avenue frontage of the site. No construction access is permitted from Elizabeth Street or Valley Street.

##### 27. Damage

Any damage which is caused to Council's infrastructure as a result of the construction and / or establishment of the proposed development must be repaired immediately.

##### 28. Compliance with Council Standards

All design and construction for the development must be in accordance with Council's Policies, Engineering Design Guidelines, Standard drawings and standard specifications.

#### B. THAT the applicant be provided with the following Assessment Manager Advice:

##### 1. Local laws

The approved development must also comply with Council's Local Laws under the Local Government Act 1993 from time and other controls.

##### 2. Hours of Work

It is the applicant/owner's responsibility to ensure compliance with Section 6W of the Environmental Protection Regulation 1998, which prohibits any construction, building and earthworks activities likely to cause nuisance noise (including the entry and departure of heavy vehicles) between the hours of 6:30pm and 6:30am from Monday to Saturday and at all times on Sundays or Public Holidays.

##### 3. Dust Control

It is the applicant/owner's responsibility to ensure compliance with Part 2A – Environmental Nuisance of the Environmental Protection Regulation 1998, which prohibits unlawful environmental nuisance caused by dust, ash, fumes, light, odour or smoke beyond the boundaries

of the property during all stages of the development including earthworks and construction.

4. Sedimentation Control

It is the applicant/owner's responsibility to ensure compliance with Section 32 of the Environmental Protection (Water) Policy 1997 to prevent soil erosion and contamination of the stormwater drainage system and waterways.

5. Noise during Construction and Noise in General

It is the applicant/owner's responsibility to ensure compliance with Section 6S General Emission Criteria and Section 6T Noise Emission Criteria of the Environmental Protection Regulation 1998.

6. General Safety of Public during Construction

It is the principal contractor's responsibility to ensure compliance with Section 31 of the Workplace Health and Safety Act 1995. Section 31(1) (c) states that the principal contractor is obliged on a construction workplace to ensure that work activities at the workplace are safe and without risk of injury or illness to members of the public at or near the workplace.

It is the responsibility of the person in control of the workplace to ensure compliance with Section 30 of the Workplace Health and Safety Act 1995. Section 31(1) (c) states that the person in control of the workplace is obliged to ensure there is appropriate, safe access to and from the workplace for persons other than the person's workers.

7. Contaminated Land

It is strictly the applicant/owner's responsibility to source information regarding contaminated land from the Environmental Protection Agency, Contaminated Land Section as Council has not conducted detailed studies and does not hold detailed information pertaining to contaminated land.

8. Adjoining Owners Liaison

Prior to undertaking any works associated with the sewer extension, the developer will be required to liaise with adjoining property owners and address any issues arising.

9. Summary of Developer Contributions as at date of approval.

Note: Contributions paid at the time nominated in the relevant condition will be re-calculated at current applicable rate, at that time.

<b>Infrastructure</b>	<b>Catchment</b>	<b>Basis of Calculation</b>	<b>Number of Units/ ET's/ EP's/ VPD</b>
Water Supply	#1 – North Mackay, Andergrove, etc	12 residential lots @ 1 E.T. per lot	<b>12 E.T.'s</b>
Sewerage Supply	#1 – North Mackay, Andergrove, etc	12 residential lots @ 1 E.T. per lot	<b>12 E.T.'s</b>
Parks	#3 – Mt Pleasant, Glenella, etc	12 residential lots @ 2.8 E.P per lot	<b>33.6 E.P.'s</b>
Transport Network	Whole of City	12 residential lots @ 6.5vpd per lot	<b>78 vpd's</b>

In order to calculate the quantum of the contribution at the time of payment. Please refer to Council's website for the indexed Policy Contribution rates.

### **Council Resolution**

THAT the Director's Recommendation be adopted.

**Moved Cr Hatfield**

**Seconded Cr Casey**

**CARRIED**

**Cr Meng declared a potential perceived conflict of interest in respect to Item No. 7.2 (as he received an election gift from someone who is associated with the application), and remained in the Council Chambers whilst the item was being discussed and a decision taken thereon.**

**Cr Camilleri declared a potential perceived conflict of interest in respect to Item No. 7.2 (as he has a relative who has acted as a consultant for the applicant), and remained in the Council Chambers whilst the item was being discussed and a decision taken thereon.**

**Cr Hatfield declared a potential perceived conflict of interest in respect to Item No. 7.2 (as she resides in Field Street which is in the same locality as the development), and remained in the Council Chambers whilst the item was being discussed and a decision taken thereon.**

**7.2 MATERIAL CHANGE OF USE (DEVELOPMENT PERMIT) FOR PARKLANDS AN INTEGRATED MIXED USE (RESIDENTIAL, COMMERCIAL & TOURISM) DEVELOPMENT – PROPERTY & PROJECTS INTERNATIONAL PTY LTD - 239 NEBO ROAD, WEST MACKAY (172401-006-DA-2008-614)**

<b>Application Number:</b>	DA-2008-614
<b>Action Officer:</b>	Linda Pearson
<b>Applicant's Details:</b>	Property & Projects International Pty Ltd C/-Conics (Mackay) Pty Ltd PO Box 1895 MACKAY QLD 4740
<b>Proposal:</b>	Material Change of Use 'Parklands' Mixed Use Development, 191 Multiple Dwelling units, Catering Hop, Shop and Health Care Centre, Commercial Premises (2550m <sup>2</sup> ), Motel 148 rooms and Indoor Entertainment (Conference Centre)
<b>Site Address:</b>	239 Nebo Road, West Mackay
<b>Property Description:</b>	Lot 1 on RP720043 and Lot 20 on M915
<b>Owner's Details:</b>	Nebo Road Pty Ltd
<b>Area:</b>	Total area 3.8 hectares
<b>Planning Scheme:</b>	Mackay City Planning Scheme
<b>Planning Scheme Designations:</b>	
Locality:	Mackay Frame
Precinct:	Pioneer River (Urban)
Zone:	Public Purposes
<b>Assessment Level:</b>	Impact
<b>Submissions:</b>	Ninety-seven (97) submissions and one (1) petition
<b>Referral Agencies:</b>	Dept. Main Road EPA - Heritage Branch EPA - Contaminated Land Unit
<b>Attachments:</b>	Attachment A: Locality Plan Attachment B: Proposal Plan Attachment C: Referral Agency Response

**Recommendation:**

Approved Subject to Conditions

**ASSESSMENT OF APPLICATION****Purpose**

Public Notification was required as the application was impact assessable and there were many submissions received, hence the purpose of this report is to facilitate a determination by Council.

**Executive Summary**

The application is for a Material Change of Use for a mixed use development including multi-dwelling units, retail and commercial uses, hotel and conference centre. The zoning of the subject site is Public Purposes, which reflects the previous use of the site for the Sugar Research Institute. Hence the application was impact assessable and received 97 submissions with a wide range of issues being raised. The main issues regarding this proposal are heritage values, traffic and access, amenity, building bulk and scale. The proposal involves buildings up to 5 storeys, located behind the Karl Langer Building which is effectively 3 storeys height.

While this site present an opportunity for intense in fill development, it is considered that the scale of the proposed development is excessive and that changes need to be made regarding the scale and intensity of the proposed development. Taking into account the required changes as per condition 2 it is recommended that approval be given for the development permit.

The subject site is unique being of a size to offer the potential for re-development in close proximity to the CBD with access to public transport and an outcome which would provide diversity to the housing stock of Mackay with an integrated development.

**Background**

Last year Council approved a Medical Centre contained within the Karl Langer Building. The rest of the Karl Langer Building has been converted to commercial premises (offices) and is now being advertised as the 'Hub at Parklands' providing office space.

**Subject Site and Surrounds**

The subject site is bounded on three sides by road, being Nebo Road to the west, Thorning Street to the north and Field Street to the east. (refer attachment A: Locality Plan) Directly abutting the southern common boundary are dwellings. There are two titles making up the subject site, which contains 7 buildings and is formally known as the Sugar Research Institute. The Karl Langer Building and the Directors Residence are listed on the Heritage Register. At the rear of the site abutting Field Street there is vacant land which has grown sugar cane in the past. The main access to the existing buildings is via Nebo Road. There are some substantial Palm Trees along the frontage of the site to Nebo road, along with the Karl Langer Building form an important vista.

The surrounding development mainly consists of detached dwellings with some multi-dwelling units located directly to the south.

## Proposal

As stated the proposal is an integrated mixed use development made up of the following components (refer attachment B: Proposal Plans);

- Hotel building (5 storeys) with 148 rooms, conference facility (contained within existing Lecture Theatre building), café/bar, restaurant, pre-function room and kiosk;
- Commercial Building (4 storeys majority 2-3 storeys) with a floor area of 2550m<sup>2</sup>;
- Apartment Building A (5 storeys) with commercial/retail on ground floor and apartments above, total dwelling units 72;
- Apartment Building B (5 storeys) with total dwelling units 56;
- Townhouse (2 and half storey), total 63 dwelling units.

The development is centred around an internal spine running south from Thorning Street. The proposed mixed use buildings (Apartment Buildings A) will be located on the eastern side of this spine with the Karl Langer Building being located on the western side. The proposed commercial building is located at the northern end abutting Thorning Street. The townhouses are proposed to be located around the eastern end of the subject site, adjacent to Field Street and directly abutting dwellings located to the south. The proposed tenure arrangements are for Group Titles and Building Format Plans, there is no subdivision proposed as part of this application.

The application was supported with the following specialist reports being submitted;

- Planning Assessment Report by Conics (Mackay)
- Economic Impact Assessment by Urban Economics
  - The assessment concluded that there was a demand for such services in this vicinity.
- Landscape Concept Design by Vivo Design
  - The landscape design is an integral part of the proposal.
- Environmental Noise Assessment Report by TTM
  - Key recommendations regarding noise impacts has been conditioned
- Traffic Assessment by TTM
- Engineering Report by Opus Qantec McWilliam
- Heritage Impact Report prepared by Ruth Woods
- Community Consultation Report
  - Community consultation was undertaken by the applicant prior to lodgement of the application. The report outlines the key findings.

The application was supported with the following specialist reports being submitted;

- Planning Assessment Report by Conics (Mackay)
- Economic Impact Assessment by Urban Economics
- Landscape Concept Design by Vivo Design
- Environmental Noise Assessment Report by TTM
- Traffic Assessment by TTM
- Engineering Report by Opus Qantec McWilliam
- Community Consultation Report

## **Legislative Requirements**

The application commenced Public Notification for a period of 30 business days prior to Christmas with the closing date being 23 January 2009. There were additional days taking into account the public holidays in this period which complied with IPA and a notice of compliance was submitted by the applicant.

## **PLANNING SCHEME ASSESSMENT**

The subject site is zoned Public Purposes and is affected by the following overlays;

- Image corridors
- Airport Development Distances
- Development within the Vicinity of the Mackay Airport
- Flooding and Inundation Overlay

The following components of the Planning Scheme are particularly relevant to the application:

- Desired Environmental Outcomes;
- Mackay Frame Locality Code;
- Public Purposes Zone Code;
- Environmental and Infrastructure Code;
- Retail and Commercial Code (Hotel, Catering Shop, Commercial Premises, Shop);
- Multiple Dwellings, Accommodation units and Dual Occupancy Code (Multiple Dwellings).

The proposed development was assessed against the provisions of the Mackay City Planning Scheme. The current zoning of the land is considered historical given the previous land use and the public ownership and has in effect been overtaken by events. Within the Mackay Locality Code (Division 6 (2)(a)) there is the ability to consider the re-development of the site;

*“Urban development occurs on land included in an urban zone (e.g. Urban Residential, urban Expansion, Commercial, Industry (Low Impact) and possibly Public Purposes if in an urban setting) in preference to land included in non-urban zones, and is serviced with the full range of development infrastructure.....”*

The subject site is located within an urban setting and is fully serviced.

Under the Public Purposes zone the following land uses are code assessable:

- Child Care Facility
- Educational Establishment
- Hospital
- Institution
- Kennels
- Machinery and Vehicle Sales Showroom
- Place of Worship
- Rail Transport Terminal
- Sport and Recreation

- Transport Depot
- Transport Terminal

The above demonstrate that there are land uses which are code assessable where the community would not have any input and may result in more impact than the current proposal.

Apart from the zoning of the land the proposal generally complies with the intent and acceptable solutions of the relevant codes. The main area of non-compliance is the Multi Dwelling Unit, Accommodation Unit and Dual Occupancy Code. The density and height of the proposed buildings are outside the acceptable solutions of the Code, however the intent of the code is satisfied. The density for the higher density residential code is 1 dwelling unit per 200m<sup>2</sup>. The proposed density for the plans submitted is higher than the acceptable solution and this will be discussed further later in the report.

The acceptable solution for the building height is 8.5 m (2-storey) with the proposed building height being 5 storeys. This site is fairly unique as it is zoned Public Purposes (although as stated is considered historic), so the proposal is stepping outside the acceptable solutions however justification has been provided to approve above the required height.

## **PLANNING SCHEME CONTRIBUTIONS POLICIES**

The following contribution policies are applicable to the development:

Developer Contributions are applicable to the proposed development and will be applied based on the individual policy. The applicable developer contributions are as follows:

- Water and Sewer Headworks Contribution;
- Transport Network Contribution; and
- Parklands Contribution.

The above will be conditioned to be paid prior to the issuing of the classification certificate issued by the Private Building Certifier.

## **INFRASTRUCTURE CONSIDERATIONS**

### Traffic and Parking

The proposed development will increase the traffic to all surrounding streets and intersections. The traffic report prepared by TTM Consulting Engineers has identified the impacts on Council and the Department of Main Roads road network as well as treatments to mitigate the impact back to acceptable levels. The proposed treatments however must be considered individually to ensure the design will provide safe and efficient access for all modes of traffic and integrates well with the surrounding land uses.

The development site is bounded by Nebo Road (DMR) to the west, Thorning St to the north and Field St to the east. The Department of Main Roads had concerns relating to the potential impact of the proposed development on safety, efficiency and operating performance of traffic movements in Nebo Road. However DMR has given conditions of approval which are detailed in the DMR letter dated 25 May 2009. (Refer Appendix C – Referral Agency Responses).

The site access of the development and traffic facilities proposed in the TTM report into Council's road network has been investigated. It is considered the following works are appropriate:-

1. The developer must upgrade the frontage of the development in Field St, from Thorning St to 132m south of Thorning St according to the existing profile of road between Steinbeck Ct and Podosky St.
2. Provision must be made to design and construct a roundabout in Field St/Thorning St intersection. The design must ensure to cater for a design vehicle of a single unit truck with a turning path radius of 12.5m.
3. The developer must design and construct a traffic island and linemarking at the intersection of Thorning St , Thompson St and the development access point to satisfy the following:-
  - a) Left-in turning movement only from Thorning St into Thompson St.
  - b) No direct access from the development into Thompson St.
  - c) No direct access from Thompson St into Thorning St.
4. Provision must be made for the developer to contribute for the upgrading works of Webberley St/ Paradise St intersection. The contribution must be equivalent to the contributing future traffic generated by the development
5. The developer must amend the Traffic Impact Assessment (TIA) of the intersection in Webberley St, Lagoon St and Nebo Rd prepared by TTM Consulting (Qld) Pty Ltd, to take into account the opening of the new Hospital Bridge.
6. Provision must be made to implement the recommendations of the TIA in relation to the impact of the development towards the upgrade of the intersection of Webberley St, Lagoon St and Nebo Rd.

#### Stormwater

The development will increase the impervious area of the site and hence stormwater runoff to Council streets and underground stormwater system. The developer is required to attenuate the developed flows back to existing condition. The engineering report prepared by Opus QANTEC McWilliam for the development suggest provisions to mitigate the increase in stormwater runoff from the site back to existing conditions.

Opus QANTEC McWilliam used DRAINS modelling to undertake the hydraulics analysis. The modelling has calculated various storm durations up to 2 hours and over a range of return periods (Q2, 10, 20, 50 and 100) of the existing and ultimate development. The result of the modelling has been compared against the rational method and found to be conservative. The report proposed 2 detention basins catering for two (2) catchments (1B & 5B) with two (2) lawful and practical point of discharges (existing 450mm & 600mm dia RCP in Field St). The report proposed to detain 2,385 m<sup>3</sup> consisting of 1440 m<sup>3</sup> with 570 mm dia orifice for Catchment 5B and 945 m<sup>3</sup> with 370 mm dia orifice for Catchment 1B. The preliminary layout of the detention basins are shown on Opus QANTEC McWilliam 07B239-SW01-P1. The detention volume and outlet sizing is acceptable as they are within the accuracy of the model.

Council's Stormwater Quality Risk Classification has classified this development as "High Risk" as defined Mackay City Council's Engineering Design Guidelines - Soil and Water Quality Management – Planning Scheme Policy No. 15.07.

The SBSMP prepared by Opus QANTEC McWilliam dated December 2008 is not acceptable because the MUSIC model did not use the correct parameters. The MUSIC model must be amended and the location of the Stormwater Quality Installed Devices (SQIDs) identified prior to the application of an Operational Works Permit. The SQIDs must be located within the site and must be of a private nature.

The MUSIC modelling must be in accordance with Council's MUSIC Guidelines – Version 1.1 - September 2008. The modelling must ensure to achieve the revised pollutant reduction targets of TSS – 75%, TP – 60%, TN – 40% and Gross Pollutant – 90%.

### Water

The proposed development will increase demand on Council's Water network.

Opus QANTEC McWilliam (December 2008) has calculated 910 EP of water loading with a peak flow of 8.9 L/s is required to service the development according to the current proposal. Council (Water Services) has investigated the proposal in Opus QANTEC McWilliam report and found that the required demand can be catered for using Council's current infrastructure in the surrounding area. The development will be required to connect into Council's network from one (1) of the three (3) connection points in the area.

### Sewer

The proposed development will increase the sewerage load on Council's Sewer network. The development will connect into the existing 225mm dia sewer main in Bronte St. The preliminary layout of the sewer main extension is shown on 07B239-SW01-P1. Council's existing pump station and infrastructure downstream of the development is running with no spare capacity.

Opus QANTEC McWilliam has calculated the predicted sewer flow to be 12.5 L/s @ PWWF. This flow can be accommodated via a 225mm diameter sewer main connected onto the existing 225 mm diameter sewer main in Bronte St. Currently, Paget SPS is running with no spare capacity. Paget SPS is receiving flows from 160 residential blocks and Nebo Rd. A sewer network modelling is required to assess the impact of the proposed increased flow placed into the existing pump station and infrastructures downstream of the development. The result of the modelling will identify the required upgrading works to accommodate the proposed flows from the development. Council will undertake the modelling at the developer's expense.

### **Engineering Outcomes:**

1. The application has not satisfied the Stormwater Quality as prescribed in the Engineering Design Guidelines. Council's Stormwater Quality Risk Classification has classified this development as "high risk" as defined in Section 1.3 of Council's Engineering Design Guidelines "Soil and Water Quality Management – D7". In accordance with the requirements of Section 1.10 of the guidelines, the developer will need to amend the SBSMP, MUSIC modelling and the plan of development.

2. The developer is required to undertake a sewer network modelling to identify the upgrading works required to accommodate the sewerage load from the development into Council's sewer network. Council has provided a quote to Opus QANTEC McWilliams dated 16 December 2008 for the sewer network modelling.
3. The developer is to undertake external roadworks to accommodate vehicle and pedestrian traffic generated by the development.

There are no engineering reasons to refuse the proposal.

### **REFERRAL AGENCIES**

The Department of Main Roads and EPA – Heritage branch both issued concurrence agency responses in December 2008 with conditional support. The applicant then suspended the Decision Making Period dated 10 March 2009 to allow negotiations to occur with both Department of Main Roads and EPA. Both agencies issued amended responses which included the requirement to amend the proposal. There was no response from the Contaminated Land Unit. (Refer attachment C: Referral Agency Responses).

### **SUBMISSIONS**

The application was notified in accordance with the requirements of the *Integrated Planning Act 1997* and as a result of this process, a total of 97 submissions and one (1) petition submission were received.

The submissions received, expressed opposition to the proposal. The principle concerns raised from the submissions are summarised and discussed below.

#### **Ground 1: Traffic and Parking**

*All submitters are concerned traffic generated by the proposal will adversely impact on the safety, efficiency and amenity of existing residents. Specifically, pedestrian & children safety, on-site parking, on-street parking, increased traffic volumes & the capacity of road infrastructure, deterioration of road infrastructure, location, design & timing of proposed road infrastructure upgrades and an increase in the number of b-double trucks in this area have all been noted as issues. A few submitters have made specific suggestions how potential traffic problems could be resolved.*

#### Applicants Response

The applicant stands by the Traffic Impact Assessment submitted with the application, which finds the proposal with associated road network upgrades should not cause adverse traffic or parking problems. Council officers only made minor information requests about this issue, which indicates they have no major concern with traffic or parking.

However, the applicant agrees to work with Council officers to address the concerns of submitters in relation to traffic and parking, including consideration of specific suggestions made by submitters.

#### Engineering Officer's Comment:

See comments in engineering section of report.

**Ground 2: Building Bulk and Scale**

Nearly all submitters are concerned about the proposed height, bulk and density of the proposed development.

Applicant's Response

The applicant stands by the professional drawings and reports submitted with the application, which support the scale of the proposed development based on sound architectural, town planning and engineering principles. Council officers made no information request about this matter, which indicates they had no major concern with the proposed scale of the development.

However, the applicant agrees to work with Council officers to address the concerns of submitters in relation to the scale of the development.

Planning Officer's Comment:

Just because Council officers did not issue an Information Request it did not mean that there were no concerns, it was just that there was sufficient documentation to assess the Development application, further in an Information Request Council cannot require redesign of a proposal. Council officers had several pre-lodgement meetings regarding the proposal with the proposed heights of new buildings being discussed at length. The highest buildings (5 storeys) have been located towards the middle of the subject site therefore limiting likely impacts on adjoining properties. The orientation of the Karl Langer building has determined the layout of the remainder of the site. The vista and grounds in front of the Karl Langer building has been protected with emphasis being placed on sympathetic design.

However the bulk and intensity of the proposal does raise some concerns, and the removal of two of the apartment buildings (type B) is considered an appropriate outcome.

**Ground 3: Amenity and Character**

Many submitters are concerned the proposal will have adverse visual, social and environmental impacts on the amenity and character of the locality, which they consider to be quiet, low set and well established suburbia.

Applicant's Response

The applicant stands by the professional drawings and reports submitted with the application, which address the issues of character and amenity. Importantly, in addition to the existing quiet residential area referred to by submitters, the character and amenity of the locality is influenced by the existing use, form and structure of the subject site's buildings, the highway (Nebo Road) & associated highway strip development, the State railway and the Regional Botanical Gardens. In time, the existing residential area is expected to intensify through incremental infill development, including small lots and multiple dwellings (up to 3 storeys), to achieve outcomes sought by the planning scheme.

However, the applicant agrees to work with Council officers to address the concerns of submitters in relation to the impact of the proposal on the character and amenity of the adjoining residential area.

**Planning Officer's Comment:**

It is acknowledged that the proposed development would have an impact and change the existing neighbourhood. For this reason amended plans are required to be submitted which reduces the density (numbers of units) and removes two of the 5 storey buildings. This will reduce the visual bulk and scale of the development, although the heights of the 5 storey buildings with retail/ mixed use on the ground floor will remain the same.

**Ground 4: Noise**

A number of submitters are specifically concerned noise generated by the proposal will adversely impact on the quiet surrounding areas. In particular, construction noise during all 6 stages of development and general noise from the functioning of the site post construction including increased traffic, licensed premises and retail and commercial facilities.

**Applicant's Response**

The applicant stands by the Noise Assessment Report submitted with the application, which finds the proposal can be managed to comply with the noise standards set by government. Council officers made no information request about this matter, which indicates they had no major concern with noise generated by the proposed development.

However, the applicant agrees to work with Council officers to address the concerns of submitters in relation to the issue of noise.

**Planning Officer's Comment:**

Just because Council officers did not issue an Information Request it did not mean that there were no concerns, it was just that there was sufficient documentation to assess the Development application. Noise generated from construction activities are regulated by the Environmental Protection Act and those standards will need to be complied with. There was an Environmental Noise Impact Assessment Report prepared by TTM Consulting Pty Ltd submitted with the application. The report addressed impact of noise with a number of recommendations:

- 2.4m high acoustic barriers around the hotel service area and other plant areas
- Commercial waste collection should be conducted during the daytime period between 7 am and 6pm
- No deliveries should be conducted during the night time period between 10pm-7am
- Amplified music should be limited to 75dB(C) for any proposed retail, café or restaurant, with no music played in outdoor areas.
- Mechanical Plants should be treated to achieve noise targets by selecting the quietest plant possible or treating the plant equipment with enclosures, barriers, duct lining and silencers, if required.

Additionally there were acoustic treatments of the building shell, walls, glazing and ceilings for the nominated façades of the hotel building and Apartment Type A buildings. This will be conditioned in any approval.

**Ground 5: Privacy**

Some submitters are specifically concerned their privacy will be lost as a result of the proposed development. Specifically, the heights of the proposed development would provide clear vantage points over existing homes and backyards in adjacent streets. In addition the

general increase in population in the immediate vicinity of this area would contribute to loss of privacy.

#### Applicant's Response

The applicant stands by the professional drawings and reports submitted with the application, which address the issue of privacy. Importantly, all the proposed taller buildings are located towards the middle of the site away from existing residences. Council officers made no information request about this matter, which indicates they had no major concern with privacy.

However, the applicant agrees to work with Council officers to address the concerns of submitters in relation to the issue of privacy.

#### Planning Officer's Comment:

Just because Council officers did not issue an Information Request it did not mean that there were no concerns, it was just that there was sufficient documentation to assess the Development application. It is acknowledged that privacy is a concern with the proposed heights of the development and should be addressed.

The proposed changes to the residential development around the southern and eastern sides of the subject site diminish the risk of privacy issues. The changing of townhouses to detached small lot residential development is considered to have a similar impact. Additionally the removal of the two buildings (apartment building type B) is considered to be a satisfactory outcome on several fronts, including privacy, bulk and scale of the development.

### **Ground 6: Liquor Licensing and Gambling**

Some submitters are concerned about the close proximity of liquor licenses and gambling facilities to the existing residential area. Submitters expect increased levels of crime and property damage as a result of having licensed premises in close proximity to residential areas. In addition, concerns have been raised that due to the accessibility it will result in increased frequency of use from local residents that may have detrimental social outcomes related to antisocial behavior and gambling addictions. In contrast to this, submitters have indicated that 2 licensed and gaming facilities already exist within walking distance of this site, Boomerang Hotel, Shamrock Hotel, and raise the question is there the demand for a 3rd hotel in West Mackay?

#### Applicant's Response

The proposed licensed premises, restaurant and function rooms are secondary activities associated with the primary function of the proposed hotel, which is high quality, short term accommodation. While open to the general public, the licensed premises are to be used primarily by hotel and convention centre guests. It is expected to be more akin to the Ocean International Hotel than the nearby tavern style Boomerang & Shamrock Hotels, with a culture less likely to support anti-social behaviour or social issues that may otherwise result from the proprietor of such facilities not practicing R.S.A and R.S.G in accordance with the Liquor Act 1975.

Planning Officer's Comment

The proposed hotel component of the development is designed to service the needs of the accommodation component of the hotel, however it is acknowledged that it will service the remainder of the development site and broader community. It is considered that due to the location of the hotel component, it will not have a detrimental impact on the surrounding residences.

**Ground 7: Zoning**

*Some submitters questioned the proposal's compatibility / consistency with the current zoning and planning scheme.*

Applicant's Response

The applicant stands by the professional drawings and reports submitted with the application, which find the proposal is supported by the strategic level outcomes sought by the planning scheme, despite some inconsistencies with lower level outcomes; and sound town planning principles.

Planning Officer's Comment

As already stated in this report, the current zoning of the subject site is considered historical as it reflects the previous land uses and public ownership and are no longer appropriate.

**Ground 8: Flooding and Drainage**

*Many submitters are concerned the large amount of impervious surfaces of the proposal will lead to accelerated stormwater runoff to surrounding streets and contribute to localized flooding. In particular, Steinbeck/Michener Court, Podosky, Thorning, Paget Streets and confined areas of Paradise Street have been identified as streets of concern. Submitters have asked for a guarantee that this development would not contribute/increase the likelihood of flooding in the surrounding areas. There is a further concern that the 2 detention basins are not sufficient to accommodate the generated wet seasonal runoff volumes.*

Applicant's Response

The applicant stands by the Engineering Report & Stormwater Management Plan submitted with the application and information request response, which finds the proposal should not cause flood or drainage problems. However, the applicant agrees to work with Council officers if they still have concerns in relation to this matter.

Engineering Officer's Comment

See comments in engineering section of report.

**Ground 9: Sewerage**

*Some submitters are concerned increased loads from the proposal will adversely impact on sewerage infrastructure given the Paget pump station is already at maximum capacity and will require upgrading to accommodate the proposed development. Submitters are concerned the Engineering Report indicates upgrades to the existing system only be undertaken once it is*

*calculated to be overloaded and ask why these figures can't be projected and dealt with as part of the construction phase to minimize roadwork's, on-costs to rate payers and inconvenience. Reports say that this area already suffers from sewerage back-up.*

Applicant's Response

The impact on the sewerage network and the works necessary to accommodate the development will be negotiated with Council's Engineers and Mackay Water, to allow the approval to be conditioned accordingly.

Planning Officer's Comment

See comments in engineering section of report.

**Ground 10: Water Demand**

A submitter expressed concern over the demand that such a development would place on water supply and pipe pressure in the area.

Applicant's Response

The applicant stands by the Engineering Report submitted with the application, which finds the proposal can be connected to the reticulated water supply network without adversely impacting on the capacity of the network. Council officers made no information request about this issue, which indicates they have no major concern with water supply.

Planning Officer's Comment

See comments in engineering section of report.

**Ground 11: Economics**

*Some submitters are concerned the current economic downturn may impact negatively on the development and the community will be left with a derelict / ghetto development that would be a disgrace to Mackay and the city's reputation as a tourist destination.*

Applicant's Response

The proposed staged development over time in response to demand reduces the risk associated with the economic downturn for the developer and the community. Each stage has been designed so it can stand alone if necessary.

Planning Officer's Comment

The risk of developments started stalling due to financial situations comes with any type of development. The developers have outlined a staging plan for delivering the project and each stage will be conditioned to ensure they can stand alone.

**Ground 12: Land Prices**

*Concerns were raised regarding the proposed development may impact on surrounding land prices.*

Applicant's Response

This is not a relevant matter for assessing the development application. The proposal may in fact have the opposite effect.

Planning Officer's Comment

The impact on land values is not a planning matter and hence is not taken into consideration.

**Ground 13: Rates**

*A submitter is concerned that the costs to meet the added demand on infrastructure will be passed onto the rate payer.*

Applicant's Response

Added demand on infrastructure generated by the project will be paid for the developer through infrastructure upgrades and contributions.

Planning Officer's Comment

Any extra demand or external works required as a result of the proposed development will be met through contributions or completion of any required external works at the developer's expense.

**Ground 14: Timing of Notifications**

*The timing of the public notification period extending over the Christmas holiday period was unfair to submitters.*

Applicant's Response

Public notification of the application has been undertaken in accordance with the Integrated Planning Act 1997.

Planning Officer's Comment

There was compliance with the requirements of Integrated Planning Act 1997.

**Ground 15: Crime**

One submitter is concerned the transient population and young single mine workers that are most likely to populate this type of residence, would increase the likelihood of crime.

Applicant's Response

The proposed development could have a positive influence on crime prevention through:-

- Increase surveillance
- Improved lighting
- Controlled access to the subject site

This issue is also partially addressed by the response to submitter's concerns about Liquor Licenses and gambling facilities.

Planning Officer's Comment

The proposal has been designed to allow for a high level of surveillance and complies with the Crime Prevention Through Environmental Design (CPTED) principles.

**Ground 16: Fire**

A submitter is concerned with how a fire would be managed within the site.

Applicant's Response

Fire management is not expected to be a significant issue for the project. Design and construction requirements for fire safety are provided in the Building Act and are assessed as part of a Building Works application.

Planning Officer's Comment

Agree with the applicant's response.

**RESOURCES IMPLICATIONS**

There are no resource implications for Council as a result of this recommendation.

**CONSULTATION**

The following internal and external departments and agencies have been consulted during the assessment process of this development application.

*Internal*

- Water Services
- Development Assessment - engineering
- Technical Services

*External*

- Referrals required pursuant to IPA
- Extensive Consultation with the community prior to lodgement of the application
- Meeting with representatives from the community to discuss proposed changes

Recently a meeting was held at Council with representatives of the community to discuss changes to the proposal as a result of the issues raised in submissions. As a result of that meeting there has been further correspondence re-stating objection to the project even with the changes. The developer has drawn up an option '10' which forms the basis of condition 2. These outcomes were discussed with council officers and it is agreed that the changes would significantly reduce the impact on the surrounding areas and make the proposal acceptable.

**GENERAL COMMENTS****Heritage**

The Karl Langer Building forming part of the Sugar Research Institute has been part of the fabric of Mackay for many years. This value was recognised when it was listed on the State Heritage Register. It is

acknowledged that the architectural values of the site were given considerable weight when designing the proposed new buildings. This is reflected with the EPA – Heritage giving the proposed approval as a concurrence agency. Having the heritage buildings retained and being incorporated into the proposed development is considered a desired outcome.

### **Building Height**

The proposed building height of 5 storeys is considered appropriate for the site and with the placement of those buildings being located centrally within the site there will be minimal impact on adjoining properties. The proposal will result in change of the visual landscape of the area, however the design has been completed in a way to ensure that the Karl Langer building character is retained. Loss of privacy has been raised as an issue by submitters', however with the distances between the actual location of the 5 storey buildings and the adjacent properties there will be minimal loss of privacy. Additionally the deletion of the two apartment buildings B will further increase the distance between adjoining residences and the 5 storey component of the proposal.

### **Density**

With the removal of the apartment buildings type B and the majority of the townhouses around the east and southern bounds, there has been reduction of the density. With proposed changes to the development the density will be appropriate. Mackay is faced with a shortage of housing stock and a lack of choice. This site is considered an appropriate site to achieve a higher outcome in relation to density as it is located suitably and can accommodate the density.

Density calculations

<b>Type of Dwelling</b>	<b>Numbers of Units (as submitted)</b>	<b>Proposed Changes</b>
Apartment Building Type A (x3)	72 dwelling units (5-6 bedrooms units)	<i>96 (2-3 bedroom units= same amount of bedroom)</i>
Apartment Building Type B (x2)	56 dwelling units	<i>DELETED (This area is to be open space and at grade car parking)</i>
Townhouses	63 town houses	<i>15 (attached) town houses 20 (small lots dwellings)</i>
Total Number of Dwellings	191 dwelling units	<i>131 dwelling units</i>

Based on a total of 131 dwellings (as conditioned) located on approximately half of the subject site (1.9 hectares) produces a density of 1 dwelling unit per 145m<sup>2</sup>.

### **Amended Plans Required**

Taking into account the issues raised in the submissions and in particular the proposed building heights and density, there have been discussions with the developers to indicate that approval would only be granted with a condition to remove some of the buildings and reduce density. These changes will result in an interface to surrounding development being more compatible and less intrusive.

The development should be supported on the following grounds:

- The development provides an opportunity to consolidate urban growth within the existing urban footprint
- The subject site is located with good access to Nebo Road and provide tourist accommodation in the form of a Hotel.
- The building scale and height will have minimal impact given the height of the 3 storeys of the Karl Langer Building.

## CONCLUSION

The proposed integrated mixed use development is an opportunity to deliver a re-development outcome which is limited to this site. This subject site is located with good access to Nebo Road, airport, university and the Mackay city. Based on the above, approval is recommended however, it is considered that the shape and form of the development as submitted requires some changes in order to justify this recommendation.

## Director's Recommendation

- A. THAT Council approve the application for a Material Change of Use for 'Parklands' Mixed Use Development, Multiple Dwelling Units, Catering shop, Shop and Health Care Centre, Commercial Premises, Motel and Indoor Entertainment (Conference Centre) located at 239 Nebo Road, West Mackay, described as Lot 1 on RP720043 and Lot 20 on M915, subject to the following conditions:

1. Plan of Development

The approved Mixed Use Integrated development must be completed and maintained generally in accordance with the Plan of Development (identified in the Table below) and supporting documentation which forms part of this application, except as otherwise specified by any condition of this approval.

Drawing No.	Description	Prepared by	Date
DA.01	Master Plan	Croneskou Architecture Studios	24/05/2008
DA.02	Site Ground Floor and Parking Allocation Plan	Croneskou Architecture Studios	08/07/2008
DA.03	Basement and Parking Allocation	Croneskou Architecture Studios	08/07/2008
DA.04	Area and Carpark Schedule	Croneskou Architecture Studios	01/07/2008
DA.11	Waste Management Site Plan	Croneskou Architecture Studios	08/07/2008
DA.12	Waste Management Site Plan	Croneskou Architecture Studios	08/07/2008
DA.13	Demolition Plan	Croneskou Architecture Studios	01/07/2008
DA.14	Building Phases – Staging Plan	Croneskou Architecture Studios	08/07/2008
DA.100	Thorning Street Elevation, Nebo Road Elevation	Croneskou Architecture Studios	30/06/2008
DA.103	Field Street Elevation, Inner Street Elevation	Croneskou Architecture Studios	08/07/2008

Drawing No.	Description	Prepared by	Date
DA.104	Site Elevation Boulevard North, Site Elevation Boulevard South	Croneskou Architecture Studios	30/06/2008
DA.106	Site Section A, Site Section B	Croneskou Architecture Studios	30/06/2008
DA.140	Heritage Demolition Plan	Croneskou Architecture Studios	05/06/2008
DA.141	Heritage Demolition Plan	Croneskou Architecture Studios	05/06/2008
DA.150	Existing Ground Floor Plan	Croneskou Architecture Studios	05/06/2008
DA.158	Karl Langer Building First Floor Proposed Plan	Croneskou Architecture Studios	30/06/2008
DA.161	Elevations of Karl Langer	Croneskou Architecture Studios	30/06/2008
DA.162	Karl Langer Building Section	Croneskou Architecture Studios	06/06/2008
DA.202	Hotel Ground Floor Plan, Hotel First and Second Floor Plan	Croneskou Architecture Studios	30/06/2008
DA.205	Hotel Third Floor Plan, Fourth Floor Plan	Croneskou Architecture Studios	30/06/2008
DA.207	Hotel Roof Plan, Hotel Unit A, Hotel Unit B	Croneskou Architecture Studios	30/06/2008
DA.208	Hotel North Elevation	Croneskou Architecture Studios	01/07/2008
DA.211	Hotel West Elevation	Croneskou Architecture Studios	01/07/2008
DA.214	Hotel East Elevation	Croneskou Architecture Studios	01/07/2008
DA.212	Hotel Section A	Croneskou Architecture Studios	01/07/2008
DA.213	Hotel Section B	Croneskou Architecture Studios	30/06/2008
DA.300	Commercial Ground Floor Plan	Croneskou Architecture Studios	01/07/2008
DA.301	Commercial First Floor Plan	Croneskou Architecture Studios	01/07/2008
DA.302	Commercial Second Floor Plan	Croneskou Architecture Studios	01/07/2008
DA.303	Commercial Third Floor Plan	Croneskou Architecture Studios	30/06/2008
DA.304	Commercial Roof Plan	Croneskou Architecture Studios	30/06/2008
DA.305	Commercial Building Section B	Croneskou Architecture Studios	01/07/2008
DA.307	Commercial South Elevation	Croneskou Architecture Studios	01/07/2008
DA.308	Commercial Northeast Elevation	Croneskou Architecture Studios	01/07/2008
DA.309	Commercial West Elevation	Croneskou Architecture Studios	01/07/2008
DA.310	Commercial Building Section A	Croneskou Architecture Studios	06/06/2008
DA.400	Apartment A Ground Floor Plan	Croneskou Architecture Studios	01/07/2008
DA.401	Apartment A Level 1 and 2 Floor Plan	Croneskou Architecture Studios	01/07/2008

Drawing No.	Description	Prepared by	Date
DA.402	Apartment A Level 3 and 4	Croneskou Architecture Studios	01/07/2008
DA.403	Apartment A Lower Roof Plan	Croneskou Architecture Studios	01/07/2008
DA.404	Apartment A Section A	Croneskou Architecture Studios	01/07/2008
DA.405	Apartment A Upper Roof	Croneskou Architecture Studios	01/07/2008
DA.406	Apartment A South, Section West	Croneskou Architecture Studios	01/07/2008
DA.407	Apartment A West, North Elevation	Croneskou Architecture Studios	01/07/2008
DA.500	Ground Floor Plan	Croneskou Architecture Studios	30/06/2008
DA.501	Apartment B Level 1 – 3 Floor Plan	Croneskou Architecture Studios	30/06/2008
DA.502	Apartment B Level 4 Floor Plan	Croneskou Architecture Studios	30/06/2008
DA.503	Apartment B Lower Roof Plan and Penthouse	Croneskou Architecture Studios	01/07/2008
DA.504	Apartment B Upper Roof Plan and Penthouse	Croneskou Architecture Studios	30/06/2008
DA.505	Apartment B Section A	Croneskou Architecture Studios	06/06/2008
DA.507	Elevation South, Elevation North, Elevation East	Croneskou Architecture Studios	30/06/2008
DA.600	Townhouse A Typical Ground, Level 1, Level 2, Roof	Croneskou Architecture Studios	30/06/2008
DA.601	Townhouse A Public Street Elevation, Inner Street Elevation, Section	Croneskou Architecture Studios	30/06/2008
DA.700	Townhouse B First Floor, Second Floor, Roof	Croneskou Architecture Studios	30/06/2008
DA.701	Townhouse B Courtyard Elevation, Inner Street Elevation and Section	Croneskou Architecture Studios	30/06/2008
DA.800	Townhouse C Ground Floor, First Floor, Roof	Croneskou Architecture Studios	30/06/2008
DA.801	Section, Public Street Elevation, Courtyard Elevation	Croneskou Architecture Studios	06/06/2008
DA.900	Shadow Study	Croneskou Architecture Studios	24/06/2008
DA.1000	Perspective One	Croneskou Architecture Studios	23/06/2008
DA.1001	Perspective Two	Croneskou Architecture Studios	23/06/2008
DA.1002	Perspective Three	Croneskou Architecture Studios	01/07/2008
DA.1003	Perspective Four	Croneskou Architecture Studios	01/07/2008

## 2. Amended Plan Required - Reduction in Scale and Intensity

Prior to the lodgement of the Operational Works application the approved plans of development must be amended in accordance with the following:

- a. Apartment Buildings B (two total) must be deleted from the proposal.

- b. The remaining new development must comply with the following development table;

Area	As submitted	Approved Total Area/ units	Floor Total	Maximum Height
Commercial Premises	2550m <sup>2</sup>	1600m <sup>2</sup> GFA	new	As per EPA heritage conditions
Retail	2232	2133m <sup>2</sup>		Contained within 5 storey residential towers and the commercial component
Hotel	148	120 rooms		5 storeys
Apartment Buildings A(x3)	72 dwelling units	96 total		5 Storeys
Townhouses	63 townhouses	35 townhouses (15 attached 20 small lot dwellings )		2 Storeys

- c. The development must comply with the car parking provisions contained within the Mackay City Planning Scheme.
- d. Any relevant report, for example Traffic Report must be amended to reflect the above changes.
- e. Any commercial / retail traffic will not access or egress the subject site from Field Street. Basement carparking must be designed to not allow this to occur.

Amended plans must be submitted to council within 40 business days of the end of the appeal period or prior to the lodgement of any subsequent applications (Operational Works) whichever occurs first in time. The amended plans must be approved in writing by Council prior to the lodgement of any subsequent applications.

3. Lapsing of Approval

The approval will lapse if the amended plans required in condition 2 are not submitted within the time specified in condition 2.

4. Amended Staging Plan

An amended staging plan must be submitted to reflect the changes conditioned above.

5. Approved Commercial Land Uses

The ground floor of the residential towers will have a limited tenancy area of 500m<sup>2</sup> and may include the following land uses: shop, catering shop, convenience shop and the like.

The ground floor of the commercial building will be mainly retail and have limited tenancy of 500m<sup>2</sup>. The upper levels of the commercial building will contain commercial premises with no limitation on tenancy area.

6. Relevant Period

Stage 1 must be completed within 3 years of the effective date of this approval or as otherwise agreed with Council.

The total development must be completed with 6 years of the effective date of this approval or as otherwise agreed with Council.

7. Staging Plan

If the development is built in stages, each stage must incorporate the associated infrastructure necessary to effectively service the development in accordance with this approval and the levels of service nominated within the Mackay City Planning Scheme, as agreed with Council.

8. Compliance with Conditions

All conditions relevant to each stage, must be complied with prior to the occupancy of the building for the approved use for the relevant stage, unless specified in an individual condition unless otherwise stated in other conditions.

9. Compliance with Council Standards

All design and construction for the development must be in accordance with Council's Policies, Engineering Design Guidelines, Standard drawings and standard specifications.

10. Maintenance of Development

Maintain the approved development (including landscaping, car parking, driveways and other external spaces) in accordance with the approved drawing(s) and/or documents, and any relevant Council engineering or other approval required by the conditions.

11. Conflict between plans and written conditions

Where a discrepancy or conflict exists between these condition(s) and the approved plans, the requirements of the written condition(s) will prevail.

12. Notice of Intention to Commence the Use

Prior to the commencement of the use on the site, written notice must be given to Council that the use (development and / or works) fully complies with the decision notice issued in respect of the use (please see attached notice for your completion).

13. Water and Sewerage Headworks

Headworks contributions for Water Supply and Sewerage Services must be paid in accordance with Council's Policy on Developer Contributions for Water Supply and Sewerage Services

14. Parkland Contribution

A parkland contribution must be paid in accordance with the Council's Policy on Developer Contributions for Parkland.

15. Transport Network Contributions

A transport network contribution must be paid in accordance with Council's Policy on Transport Network Contributions.

16. Contributions Payment Timing

All contributions and charges must be paid prior to the date of issue of the Development Permit for Building Works for the relevant stage, at the rate applicable at the time of payment.

17. Concrete Footpath

Provision must be made to construct a 2.0m shared path for:

- a) The full frontage of the development site in Field St and Thorning St.
- b) Along the western side of Field St from Webberley St to Thorning St.
- c) The developer must ensure that all existing driveways along the western side of Field St from Webberley St to Thorning St affected by the construction of the shared path must be assessed individually to make certain the grades of the shared path and driveways will match. If upgrading works is required, the developer must seek consent to the affected property owner prior to any upgrading works and all cost must be borne solely by the developer.
- d) The shared path must be constructed in accordance with Council's standard drawing A2-500.

18. External Road Works

The developer must undertake the following:

- a) Upgrade the frontage of the development in Field St, from Thorning St to 132m south of Thorning St to match the existing profile of road

between Steinbeck Ct and Podosky St. This upgrading will include pavement widening, kerb and channel and underground stormwater drainage.

- b) Design and construct a roundabout in Field St/Thorning St intersection. The design must cater for a design vehicle of a single unit truck with a turning path radius of 12.5m.
- c) Design and construct a traffic island and linemarking at the intersection of Thorning St, Thompson St and the development access point to satisfy the following:-
  - Left-in turning movement only from Thorning St into Thompson St.
  - No direct access from the development into Thompson St.
  - No direct access from Thompson St into Thorning St.
- d) Amend the Traffic Impact Assessment (TIA) of the intersection of Webberley St, Lagoon St and Nebo Rd and the intersection of Webberley St and Paradise St prepared by TTM Consulting (Qld) Pty Ltd, to take into account the opening of the new Hospital Bridge.
- e) Contribute to the upgrading works of Webberley St and Paradise St intersection as identified in the amended TIA (condition 18d). The contribution must be proportional to the amount of traffic generated as a result of this development and the total growth in traffic.
- f) Implement the recommendations of the TIA in relation to the impact of the development on the intersection of Webberley St, Lagoon St and Nebo Rd.
- g) Provision must be made to provide street lighting in accordance with Council's Engineering Design Guidelines and the relevant current Australian Standards. Streetlighting must be provided at the following locations:-
  - Thorning St and Field St intersection
  - Thorning St, Thompson St and Access point of the development intersection
  - Podosky St and Field St intersection

#### 19. Invert Crossing

All accesses into the development must be constructed in accordance with Council's Engineering Design Guidelines.

#### 20. Damage

Any damage which is caused to Council's infrastructure as a result of the proposed development must be repaired by the developer immediately, at the developer's expense.

21. Compliance to Council's standard

All design and construction for the development must be in accordance with Council's Policies, Engineering Design Guidelines, Standard drawings and standard specifications.

22. Electricity and Telecommunications

The approved development must be provided with electricity and telecommunications infrastructure.

23. Local Flood level

The developer must assess the local flooding conditions of the streets around the development site to identify the Q<sub>100</sub> local flooding level prior to the issue of any building approval.

24. Floor Level

The minimum habitable floor level of the proposed development must be the higher of:

- 300 mm above the Q<sub>100</sub> local flooding level
- 300 mm above the top of the kerb
- 300 mm above the crown of the road
- 225 mm above ground level

25. Car Parking Spaces

The approved development must comply with the minimum number of car parking spaces required pursuant to the Mackay Planning Scheme. The exact numbers required will be determined once amended plans have been submitted and approved by Council. The car parking is to be designed in accordance with Australian Standard AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009. All car parking spaces and aisle widths shall be accessible by B99 design vehicles.

26. Lighting of Car Park Areas

Install and maintain a suitable system of lighting to illuminate car parking and other outdoors areas during operating hours. The car park lighting system and any other outdoor lighting, must comply with Australian Standard AS4282 – 1997 – Control of the Obtrusive Effects of Outdoor lighting.

27. Speed Control in Car Parking Area

All driveways serving car parking areas located within the site, must feature a physical means of speed control at the exit point near the front alignment.

28. Vehicle Manoeuvring

All car parking areas within the subject site, must be designed to allow all vehicles to drive forwards both when entering and leaving the property.

29. Car Parking Signage

A sign/signs to the satisfaction of the Council must be provided directing drivers to the area(s) set aside for car parking and must be located and maintained to the satisfaction of the Council. The area of each sign must not exceed 0.3 m<sup>2</sup>.

30. Stormwater Drainage

Stormwater from the site (including roofwater) shall be collected within the property boundaries and discharge via Council's underground system. The internal stormwater system are to be generally in accordance with Opus QANTEC McWilliam drawing 07B239-SW01-P1.

31. Ponding and Diversion of Water

Ponding of stormwater resulting from the development must not occur on adjacent sites and stormwater formerly flowing onto the site must not be diverted onto other sites. The site shall be graded so that it is free draining.

32. On-Site Detention

The developer must implement the design of the on-site stormwater detention system for the development prepared by Opus QANTEC McWilliam as part of the engineering report dated December 2008 and shown on drawing 07B239-SW01-P1.

33. Stormwater Treatment

Council's Stormwater Quality Risk Classification has classified this development as "High Risk" as defined Mackay City Council's Engineering Design Guidelines – Soil and Water Quality Management – Planning Scheme Policy No. 15.07.

The Site Based Stormwater Management Plan (SBSMP) prepared by Opus QANTEC McWilliam dated December 2008 is not acceptable. Amend the SBSMP and MUSIC modelling according to the following:-

- The MUSIC modelling must be in accordance with Council's MUSIC Guidelines – Version 1.1 – September 2008.
- The developer must ensure to achieve Council's revised pollutant reduction targets of TSS – 75%, TP – 60%, TN – 40% and Gross Pollutant – 90%.
- The developer must identify the locations of the Stormwater Quality Improvement Devices (SQIDs) in the treatment train of the SBSMP,

prior to the application of an Operational Works Permit. The SQIDs must be located within the site and must be of a private nature.

- The developer must design the SQIDs to capture all stormwater runoff from the applicable contributing catchments identified in the treatment train of the SBSMP.

34. Fire Fighting Water Supply

Pumping direct from Council water mains for potable or fire fighting supply is not permitted and break tanks must be installed in accordance with Council's and Fire Authority's requirements.

35. Connect to Water services

- Provision must be made to provide a new water service for the development. The new water service must connect onto the existing watermain in Field St and terminate 1.0 m inside the property boundary.
- Provision must be made to provide one (1) bulk meter to service the development. This meter must accommodate the metering of both potable supply and fire fighting purposes.
- Provision must be made to provide sub-meters for each dwelling in accordance with the Sub-Meter Guidelines of Queensland Government – Department of Infrastructure and Planning. Sub-meters must be approved by Council as part of the Plumbing and Drainage – Compliance Permit.
- The developer must ensure the location of the bulk meter and sub-meters is accessible to Council at any time.

36. Sewer Network Modelling and Upgrading Works

Council's downstream sewer infrastructure receiving the sewerage load from the development is running with no spare capacity.

The developer is required to carry out a sewer network modelling to assess the impact and identify the upgrading works required to accommodate the increase in sewerage load into Council's sewerage network. Council will undertake the modelling at the developer's expense.

The developer is required to upgrade Council's downstream sewer infrastructure according to the recommendations of the sewer network modelling. The cost of the upgrading works must be borne solely by the developer.

The sewer network modelling and the upgrading works must be completed prior to the issue of any building approvals.

37. Design of Sewer Main Extension

The developer must design and construct a sewer main extension to connect to Council's sewer network.

The design must be generally in accordance with Opus QANTEC McWilliam drawing 07B239 – SW04 or as modified by the sewer network modelling.

38. Redundant Sewers

The developer must removed redundant sewer mains and manholes from site.

39. Clearances to Mackay Water Assets

All upgrading works must comply with the clearances to Mackay Water Policy MW16 “Clearance to Water and Sewerage Assets”.

40. Sewer Policy

All building work is to comply with Council’s Policy MW02 – “Building Over and Adjacent to Sewers”.

41. Live Connection

Mackay Water is to carry out all water connection and live sewer work at the developer’s expense.

42. Acid Sulphate Soils

The proposed works and development trigger the application and implementation of SSP 2/02 Planning and Managing Development in acid Sulphate Soils. A site Based Acid Sulphate Soil Management Plan must be prepared by a suitably qualified professional and submitted to Council for approval at the time of the Operational Works application.

43. Protection of Landscape areas from Carparking

The landscaping areas adjoining the carparking area must be protected from vehicles by a 150mm high vertical concrete kerb or similar obstruction.

44. Landscape Plan

The developer must complete image corridor and verge landscaping in accordance with a plan prepared by a qualified Landscape Designer and submitted to Council for approval. The plan must show for all areas identified on the approved plan of development the following:

Landscape specification of sufficient detail so that landscape works are to be carried out:

- Plant schedule detailing number of plants, species, pot size and height at planting;
- Details of soil and mulch types, including depths, areas or turf, garden edges and paving finishes;
- Details of the irrigation system.

Any proposed landscaped works within Council's Road Reserve must comply with Planning Scheme Policy No.11 – Landscaping.

45. Completion of Landscaping

All of the landscaping works shown on the approved plan must be completed before the development is occupied.

46. No Nuisance to adjoining properties

All service equipment, lighting and air-conditioning units shall be located so as not to cause a nuisance to neighbouring properties.

47. Noise Impact Reductions

The recommendations contained within TTM Acoustics Report dated 10 September 2008 must be implemented. The following outcomes must be implemented:

- a. 2.4m high acoustic barriers as detailed in Appendix C of the report. The minimum density of the acoustic barrier material is to be 12.5kg/m<sup>2</sup>;
- b. Commercial waste collection must be conducted during the daytime period between 7am and 6 pm;
- c. No deliveries are to be conducted during the night time period between 10 pm and 7 am;
- d. Amplified music is must not exceed 75dB(C) for any proposed retail, café or restaurant, with no music played in outdoor areas; and
- e. Proposed building treatments to attenuate the traffic noise impacts.

Furthermore, any construction, building and earthworks activities likely to cause nuisance noise (including the entry and departure of heavy vehicles) is prohibited between the between the hours of 6:30pm and 6:30am from Monday to Saturday and at all times on Sundays or Public Holidays or as approved in writing by Council.

48. Waste Collection

The developer is required to submit a Waste Management Plan for approval and enter into an agreement with a Council certified waste collection contractor. This agreement must include the method for collecting both waste and recycling bins.

49. Waste Storage Area

The waste storage areas must be provided in the location shown on the approved plan, must contain an impervious surface and aesthetically screened so as not to be visible from outside the subject site.

50. Dust Control

It is the applicant/owner's responsibility to ensure compliance with Part 2A – Environmental Nuisance of the Environmental Protection Regulation 1998 which prohibits unlawful environmental nuisance caused by dust, ash, fumes, light, odour or smoke beyond the boundaries of the property during all stages of the development including earthworks and construction.

51. Sedimentation Control

It is the applicant/owner's responsibility to ensure compliance with Section 32 of the Environmental Protection (Water) Policy 1997 to prevent soil erosion and contamination of the stormwater drainage system and waterways.

52. Noise During Construction and Noise in General

It is the applicant/owner's responsibility to ensure compliance with Section 6S General Emission Criteria and Section 6T Noise Emission Criteria of the Environmental Protection Regulation 1998.

B. THAT applicant is provided with the following Assessment Managers Advice:

1. Local laws

The approved development must also comply with Council's Local Laws under the Local Government Act 1993 from time and other controls.

2. General Safety of Public During Construction

It is the principal contractor's responsibility to ensure compliance with Section 31 of the Workplace Health and Safety Act 1995. Section 31(1)(c) states that the principal contractor is obliged on a construction workplace to ensure that work activities at the workplace are safe and without risk of injury or illness to members of the public at or near the workplace.

It is the responsibility of the person in control of the workplace to ensure compliance with Section 30 of the Workplace Health and Safety Act 1995. Section 31(1)(c) states that the person in control of the workplace is obliged to ensure there is appropriate, safe access to and from the workplace for persons other than the person's workers.

3. Contaminated Land

It is strictly the applicant/owner's responsibility to source information regarding contaminated land from the Environmental Protection Agency, Contaminated Land Section as Council has not conducted detailed studies and does not hold detailed information pertaining to contaminated land.

## Council Resolution

THAT the Director's Recommendation be adopted with the following amendments to Conditions 2 and 35:-

### 2. Amended Plan Required - Reduction in Scale and Intensity

Prior to the lodgement of the Operational Works application the approved plans of development must be amended in accordance with the following:

- a. Apartment Buildings B (two total) must be deleted from the proposal.
- b. The maximum Building Height for all proposed buildings is 4 storey.
- c. The remaining new development must comply with the following development table;

Area	As submitted	Approved Total Floor Area/ units	Maximum Height
Commercial Premises	2550m <sup>2</sup>	1600m <sup>2</sup> new GFA	As per EPA heritage conditions 4 Storeys
Retail	2232	2133m <sup>2</sup>	Contained within residential towers and the commercial component
Hotel	148	120 rooms	4 storeys
Apartment Buildings A(x3)	72 dwelling units	96 total	4 Storeys
Townhouses	63 townhouses	35 townhouses (15 attached 20 small lot dwellings )	2 Storeys

- d. The development must comply with the car parking provisions contained within the Mackay City Planning Scheme.
- e. Any relevant report, for example Traffic Report must be amended to reflect the above changes.
- f. Any commercial / retail traffic will not access or egress the subject site from Field Street. Basement carparking must be designed to not allow this to occur.

Amended plans must be submitted to council within 40 business days of the end of the appeal period or prior to the lodgement of any subsequent applications (Operational Works) whichever occurs first in time. The amended plans must be approved in writing by Council prior to the lodgement of any subsequent applications.

## 35. Connect to Water services

- The developer is required to undertake a water network hydraulics analysis to determine the required demand to service the development, assess the impact to Council's water network and identify any upgrading works required to accommodate the increase in water demand from Council's water network.
- The development must connect onto a suitable sized watermain that can cater for the water demand of the development, if the existing watermain cannot cater for the water demand of the development, the developer is to upgrade the watermain. The cost of the design and construction of the watermain upgrade must be borne solely by the developer. The design and construction of the watermain upgrade will be assessed as part of the Operational Works.
- Provision must be made to provide a new water service for the development. The new water service must connect onto the existing watermain in Field St and terminate 1.0 m inside the property boundary.
- Provision must be made to provide one (1) bulk meter to service the development. This meter must accommodate the metering of both potable supply and fire fighting purposes.
- Provision must be made to provide sub-meters for each dwelling in accordance with the Sub-Meter Guidelines of Queensland Government – Department of Infrastructure and Planning. Sub-meters must be approved by Council as part of the Plumbing and Drainage – Compliance Permit.
- The developer must ensure the location of the bulk meter and sub-meters is accessible to Council at any time.

Moved Cr Hatfield

Seconded Cr Camilleri

**CARRIED**

**Crs Meng, Camilleri and Hatfield voted for the motion.**

**Crs Comerford and May recorded their votes against the Motion.**

**7.3 EXTRACTIVE INDUSTRY - KEN VELLA - LOT 676 & LOT 696 BUSSEYS ROAD AND LOT 2 BUSSEYS ROAD, PALMYRA (124900-676-DA-2006-386)**

**Application Number:** DA-2006-386  
**Date Received:** 27 October 2009 - Change of Conditions  
**Action Officer:** Linda Pearson

<b>Applicant's Details:</b>	Development & Planning Approvals PO Box 4499 MACKAY SOUTH QLD 4740
<b>Proposal:</b>	Change of Conditions to existing approval for Extractive Industry
<b>Site Address:</b>	Lots 676 and 696 Busseys Road and Lot 2 Bells Road, Palmyra
<b>Property Description:</b>	L676/K124900 L696/K124900 L2/RP804902
<b>Owner's Details:</b>	Monique Bussey and Alma Bussey
<b>Planning Scheme:</b>	Mackay City Planning Scheme
<b>Planning Scheme Designations:</b>	
Locality:	Hinterland
Precinct:	Pioneer River and Southern Streams
Zone:	Rural
<b>Assessment Level:</b>	Impact
<b>Submissions:</b>	Nil
<b>Referral Agencies:</b>	Nil
<b>Attachments:</b>	Attachment A: Request to change conditions :
<b>Recommendation:</b>	Approved the proposed change to conditions

## ASSESSMENT OF APPLICATION

### Purpose

Council on the 22<sup>nd</sup> of August 2007 approved a Material Change of Use for Extractive Industry on the subject site, subject to conditions. On 27<sup>th</sup> October 2009 a request to change the conditions of approval was received. The proposed changes for conditions 3, 4, 5, 14 and 15 are considered minor.

The proposed changes are recommended to be made to the approval.

### Background

An Operational Works approval has been granted for the extractive industry on the subject site, with the external road works completed. The operators are requesting to commence the use and hence some changes are required to the conditions to reflect variations to outcomes.

The approval was for the following;

- Quarry 1 located on Lot 676 on K123900 will be extracted first over an approximate 5 year period. Access will be via Boomerang Road then Bells Road, Walkerston – Homebush Road and finally onto the Peak Downs Highway. The proposed amount of extraction is up to 100,000 tonnes per year.
- Quarry 2 located on Lot 696 on K124900 will be second stage and will occur over an approximate 5 year period. Access will be the same as Quarry 1. The proposed amount of extraction is up to 100,000 tonnes per year.

The subject site contains two parcels of land

### **Proposal**

The applicant has submitted a change of condition request to change the following conditions:

#### Condition 3

##### Original Condition 3

3. Prior to the commencement of the use on the site the following must be completed:
  - a) A plan must be submitted and approved by Council showing adequate buffer areas (in accordance with the Extractive Industry Code, for each of the sites identified for extraction. This plan must comply with the plan of development requirements as contained in Council's Use Guide to Material Change of Use (as attached);
  - b) Payment of any required monetary contributions for the upgrade of roads as external works;
  - c) Security fencing having a minimum height of 1.8m high must be erected at a safe distance around the excavated areas. This fencing must be adequately maintained for the duration of the quarry; and
  - d) Completion of any external road works.

##### Applicants Proposed Changes

3. Prior to the commencement of the use on the site the following must be completed:
  - a) **No extraction activities are to occur within 20m of the property boundaries;**
  - b) Payment of any required monetary contributions for the upgrade of roads as external works;
  - c) **Existing fencing of the site is to be retained and maintained for the duration of the proposed use;**
  - d) Completion of any external road works.

##### Officer Comments:

The bolded items above reflect the proposed changes to this condition. The 20m buffer is required pursuant to the Extractive Industry Code and should be complied with. This condition allows for enforcement action if any encroachment of the 20m buffer occurs. The original fencing requirement was quite onerous and with the access to the Quarry site has changed to the existing grid in Boomerang Road which already has a locked gated there hence access is

restricted. Additionally the extraction process for this particular quarry is relatively shallow which means there is not a large vertical drop like at many other quarries. Overall the above changes to condition 3 are considered reasonable.

#### Condition 4

##### Original Condition 4

4. The developer must undertake roadworks in Bells Road and Boomerang Road. These works shall include:
  - a) Upgrade the existing intersection of Bells Road and Boomerang Road to a sealed standard. The layout shall be a minimum BAL treatment in accordance with the requirements of the Guide to Traffic Engineering Practice – Part 5: Intersections at Grade;
  - b) Upgrade Boomerang Road from Bells Road to the entry points of Sites 1 and 2 to a sealed standard in accordance with Council's Standard Drawing A3-3606;
  - c) Provide accesses to Sites 1 and 2 in accordance with Council's Standard Drawing A4-25.
  - d) Upgrade Bells (where required) between the intersection of Homebush-Walkerston Road and the intersection of Boomerang Road and Bells Road. This will involve the widening of the existing sealed pavement to a width of 6m with 1m wide gravel shoulders.

##### Applicants Proposed Changes

4. The developer must undertake roadworks in Bells Road and Boomerang Road. These works shall include:
  - a) Upgrade the existing intersection of Bells Road and boomerang Road to a sealed standard. The layout shall be a minimum BAL treatment in accordance with the requirements of the Guide to Traffic Engineering Practice – part 5: Intersections at Grade;
  - b) Upgrade Boomerang Road form Bells Road to the existing grid to a sealed standard in accordance with Council's Standard Drawing A3-3606;
  - c) **Delete**
  - d) Upgrade Bells (where required) between the intersection of Homebush-Walkerston Road and the intersection of Boomerang Road and Bells Road. This will involve the widening of the existing sealed pavement to a width of 6m with 1m wide gravel shoulders.

##### Officer Comments

An operational Works approval has been issued and the above changes reflects the outcomes of the Operational Works application and the actual physical work completed. The above changes are considered reasonable and required.

#### Condition 5

##### Original condition

5. In accordance with Council's Damage to Roads Policy, a road impact assessment has been undertaken to cover the impact of haulage of quarry materials from the nominated sites over the nominated Council roads. The developer shall pay a fee of \$54,284.56 as a result of these haulage operations. This fee shall be paid to Council prior to the commencement of haulage operations.

If the quarry operations cease earlier, upon providing the total haulage amounts a refund may be considered by Council.

#### Applicants Proposed condition

5. In accordance with Council's Damage to Roads Policy, a road impact assessment has been undertaken to cover the impact of haulage of quarry materials from the nominated sites over the nominated Council roads. The developer shall pay a fee of \$54,284.56 as a result of these haulage operations. This fee shall be paid to Council prior to the commencement of haulage operations.

If the quarry operations cease earlier, upon providing the total haulage amounts a refund may be considered by Council.

**Alternatively the fee can be paid in 10 annual instalment of \$5,425.00.**

#### Officer Comments

The above addition to the original condition allows for some flexibility for the applicant. Advice has been received Manager of Technical Service that the alternative is possible with the finance department sending out annual invoices for that amount.

#### Condition 14

##### Original Condition

14. A truck wheel-wash must be installed and used so vehicles leaving the site do not deposit mud or other materials on roadways to the satisfaction of the responsible authority.

##### Applicants Proposed Condition

14. **Delete**

##### Officer Comments

This condition is no longer required with the access to the Quarry site being via the existing grid located in Boomerang Road. The grid will result in a similar outcome, removing excess dirt from the wheels prior to the vehicles using council roads. This deletion is considered reasonable.

##### Original Condition

15. Prior to the commencement of the use security fencing having a minimum height of 1.8m high must be erected at a safe distance around the excavated areas, with a lockable gate at the entrance points to the satisfaction of the Manager of Development Services. The gate

must be closed and locked outside operating hours to ensure the site is secure.

#### Applicants Proposed Condition

15. **Fencing and a lockable gate shall be fitted at the grid in Boomerang Road. The gate must be closed and locked outside of operating hours to ensure the site is secure.**

#### Officer Comments

The proposed changes are considered reasonable and are reflected.

#### **RESOURCES IMPLICATIONS**

There are no resource implications for Council as a result of this recommendation.

#### **CONSULTATION**

##### External

no external consultation required

##### Internal

Technical Services  
DA -Engineering

#### **CONCLUSION**

The proposed changes have been discussed with relevant sections of Council and there are no concerns with approving the changes to required conditions.

#### **Director's Recommendation**

- A. THAT Council approve the proposed changes to conditions 3, 4, 5, 14 and 15 contained in Decision Notice DA2006-386, in accordance with the below:
3. Prior to the commencement of the use on the site the following must be completed:
    - a. **No extraction activities are to occur within 20m of property boundaries;**
    - b. Payment of any required monetary contributions for the upgrade of roads as external works;
    - c. **Existing fencing of the site is to be retained and maintained for the duration of the proposed use;**
    - d. Completion of any external road work
  4. The developer must undertake roadworks in Bells Road and Boomerang Road. These works shall include;

- a. Upgrade the existing intersection of Bells Road and boomerang Road to a sealed standard. The layout shall be a minimum BAL treatment in accordance with the requirements of the Guide to Traffic Engineering Practice – part 5 : Intersections at Grade;
  - b. Upgrade Boomerang Road from Bells Road to the existing grid to a sealed standard in accordance with Council’s Standard Drawing A3-3606;
  - c. **Delete**
  - d. Upgrade Bells Road (where required) between the intersection of Homebush-Walkerston Road and the intersection of Boomerang Road and bells Road. This will involve the widening of the existing sealed pavement to a width of 6m with 1m wide gravel shoulders.
5. In accordance with Council’s Damage to Roads Policy, a road impact assessment has been undertaken to cover the impact of haulage of quarry materials from the nominated sites over the nominated Council roads. The developer shall pay a fee of \$54,284.56 as a result of these haulage operations. This fee shall be paid to Council prior to the commencement of haulage operations.

If the quarry operations cease earlier, upon providing the total haulage amounts a refund may be considered by Council.

**Alternatively the fee can be paid in 10 annual instalment of \$5,425.00 plus interest at 11%.**

14. **Delete**
15. **Fencing and a lockable gate shall be fitted at the grid in Boomerang Road. The gate must be closed and locked outside of operating hours to ensure the site is secure.**

And other conditions remain unchanged.

### **Council Resolution**

THAT the Director's Recommendation be adopted.

Moved Cr Perkins

Seconded Cr May

**CARRIED**

### **8. CONSIDERATION OF COMMITTEE REPORTS:**

Nil.

**9. RECEIPT OF PETITIONS:**

Nil.

**10. TENDERS:****10.1 STANDING OFFER ARRANGEMENT - ROAD MARKING PAINT AND MATERIALS**

**File No** MRC 2010-009  
**Author** Manager Procurement and Plant

**Purpose**

To present to Council for approval tenders received for the Road Marking Paint and Materials to compliment Councils Standing Offer Arrangements.

**Background/Discussion**

The current Standing Offer Arrangement expires on 30 November 2009. The proposed commencement date for this contract is 1 December 2009, for a 2 year period.

Tenders were invited on 27 August 2009 with submissions received by 2.30pm on Tuesday 15 September 2009 from Apco Coatings and Luxury Paints.

There were 14 items called as part of this Standing Offer Arrangement with Apco Coatings offering prices on 7 items and Luxury Paints offering prices on 9 items. Five items were not tendered and these will be sourced on a quotation basis. The prices tendered by Apco were cheapest on all seven items tendered and Luxury Paints on two of the nine tendered items.

The Evaluation Panel issued a Tender Information Request to Apco Coatings for the seven items which they were cheapest, to provide the evaluation panel with samples of their paint for testing purposes. The two items tendered by Luxury Paints were items already used by Council and were not required to be tested. The requested items were then issued to Councils line-marking crews to test and assess their performance. Upon completion, it was evidenced that the products supplied by Apco were of equal or better quality to those currently in use.

Consideration was given to the fact that Luxury Paints has a local based agent and Apco only has agencies in Townsville and Brisbane, however the prices submitted on the seven items tendered by Apco were significantly lower than those of Luxury Paints..

**Consultation and Communication**

Evaluation of the tenders was undertaken by Maintenance Supervisor, Maintenance Engineer and Contracts Coordinator from Procurement and Plant.

**Resource Implications**

The total value of this Contract MRC 2010-009, if awarded as recommended, is approximately \$153,516.00 excluding GST for the 2 year period based on the estimated annual usage for the seven items from Apco Coatings and \$1,278.00 excluding GST for the 2 year period based on the estimated annual usage for the two items from Luxury Paints.

**Conclusion**

It is recommended that this Standing Offer Arrangement MRC 2010-009 Road Marking Paint and Materials (SOA) for a 2 year period be awarded to Apco Coatings for seven items and Luxury Paints for two items as specified on the attached schedule.

**Director's Recommendation**

THAT Standing Offer Arrangement MRC 2010-009 Road Marking Paint and Materials (SOA) for a 2 year period be awarded to Apco Coatings for seven items and Luxury Paints for two items.

**Council Resolution**

THAT the Director's Recommendation be adopted.

Moved Cr Casey

Seconded Cr Perkins

**CARRIED**

**11. CONSIDERATION OF NOTIFIED MOTIONS**

Nil.

**12. LATE BUSINESS:**

Nil.

**13. PUBLIC PARTICIPATION:**

Nil.

**14. CONFIDENTIAL REPORTS:**

**14.1 LIST OF VACANT/COMMERCIAL PROPERTIES WITH 1 YEAR OVERDUE RATES FOR COUNCIL CONSIDERATION FOR SALE OF LAND FOR ARREARS OF RATES**

**Council Resolution**

THAT sale action under Part 7 (Division 3) of the Local Government Act 1993 be approved to recover overdue rates on the following assessments:

**1. Assessment #39883-4**

Laguna Land Developments (Turtle Point) P/L  
Girawan, Kunapipi Road, LAGUNA QUAYS QLD 4800  
L9/GTP107249

**2. Assessment #39095-5**

Laguna Land Developments (Turtle Point) P/L  
Bridgewater Estate, 5/61 Kunapipi Road, LAGUNA QUAYS QLD 4800  
L5/GTP107216

**3. Assessment #39096-3**

Laguna Land Developments (Turtle Point) P/L  
Bridgewater Estate, 6/61 Kunapipi Road, LAGUNA QUAYS QLD 4800  
L6/GTP107216

**4. Assessment #39111-0**

Laguna Land Developments (Turtle Point) P/L  
Bridgewater Estate, 21/61 Kunapipi Road, LAGUNA QUAYS QLD 4800  
L21/GTP107216

**5. Assessment #39113-6**

Laguna Land Developments (Turtle Point) P/L  
Bridgewater Estate, 23/61 Kunapipi Road, LAGUNA QUAYS QLD 4800  
L23/GTP107216

**6. Assessment #39119-3**

Laguna Land Developments (Turtle Point) P/L  
Bridgewater Estate, 29/61 Kunapipi Road, LAGUNA QUAYS QLD 4800  
L29/GTP107216

**7. Assessment #39094-8**

Laguna Land Developments (Turtle Point) P/L  
Bridgewater Estate, 4/61 Kunapipi Road, LAGUNA QUAYS QLD 4800  
L4/GTP107216

**8. Assessment #39091-4**

Laguna Land Developments (Turtle Point) P/L  
Bridgewater Estate, 1/61 Kunapipi Road, LAGUNA QUAYS QLD 4800  
L1/GTP107216

**9. Assessment #39884-2**

Laguna Land Developments (Turtle Point) P/L  
Girawan, Kunapipi Road, LAGUNA QUAYS QLD 4800  
L10/GTP107249

**10. Assessment #19277-3**

Laguna Australia Pty Ltd  
L 1 Bruce Highway, BLOOMSBURY QLD 4799  
L1/RP838633, L2/RP838633

**11. Assessment #35701-2**

Laguna Harbour Land Developments Pty Ltd  
67 Marine Parade, LAGUNA QUAYS QLD 4799  
L3/RP846360

**12. Assessment #37858-8**

Laguna Golf (Jagabara) Pty Ltd  
L 4 Kunapipi Road, LAGUNA QUAYS QLD 4800  
L4/SP177196

**13. Assessment #35700-4**

Laguna Golf (Jagabara) Pty Ltd and Others.  
L 3 Kunapipi Road, LAGUNA QUAYS QLD 4800  
L3/SP138999

**14. Assessment #49357-7**

Jubilee Pocket Developments Pty Ltd  
117 Archibald Street, PAGET QLD 4740  
L6/SP126415

**15. Assessment #43993-5**

Morton (QLD) No. 4 Pty Ltd  
213-248 Anzac Avenue, MARIAN QLD 4753  
L1/RP713613, L3/RP713613, L2/RP713613, L3/RP713731

**16. Assessment #19498-5**

Ronie M Hoe  
L 12 Midge Point Road, MIDGE POINT QLD 4799  
L12/RP737299

Moved Cr Camilleri

Seconded Cr Perkins

**CARRIED**

**14.2 ROAD OFF ALIGNMENT - UPPER ALLIGATOR CREEK ROAD, SARINA****Council Resolution**

THAT Council resolve the issue upon the landowners of Lot 1 RP 716212 and Lot 2 RP 716212 a Notice of Intention to Resume for Road Purposes over areas of 5602 m<sup>2</sup> and 4189 m<sup>2</sup>. Similarly commence road closure action to merge areas into Lot 1 RP 716212 and Lot 2 RP 716212 over areas 7477 m<sup>2</sup> and 5658 m<sup>2</sup>.

Moved Cr Camilleri

Seconded Cr Perkins

**CARRIED**

**14.3 MACKAY DEVELOPMENT ADVISORY BOARD - 13 OCTOBER 2009****Council Resolution**

THAT the confidential reports be adopted.

Moved Cr Camilleri

Seconded Cr Perkins

**CARRIED**

**15. MEETING CLOSURE**

The meeting closed at 10:47am.

**16. FOR INFORMATION ONLY****16.1 DEVELOPMENT APPLICATION INFORMATION - 25.10.09 TO 31.10.09**

For Council Information Only - No decision required.

**Development Applications Received**

App no	Address	Applicant	Description	Officer
DA-2009-402	L 1 Horse & Jockey Road, RACECOURSE	Woodman Property Pty Ltd	Material Change of Use - General Industry Premises	Kathryn Goodman
DA-2009-408	18 Apsley Way, ANDERGROVE	Renae L Hastie	Material Change of Use - Home Based Business (Naturopath)	Josephine McCann
DA-2009-401	85-87 Poulsen Drive, MARIAN	Trevor Hufton	Material Change of Use - Shed not complying with the Acceptable Solutions	Kathryn Goodman

App no	Address	Applicant	Description	Officer
DA-2009-404	5 Elizabeth Street, SARINA	Brandon C McCowan and Allison L Harding	Material change of use - Outbuilding	Simon Halcrow
DA-2009-409	119 Finato Road, SARINA	Clayton D MacLean	Reconfiguration of Lot - 1 Rural Lot into 2 Rural Lots	Simon Halcrow
DA-2009-406	10 King Street, NORTH MACKAY	Chris Neale Constructions P/L	Material Change of Use - New Dwelling affected by Flood and Inundation Overlay	Dean Appleton
DA-2006-386	L 676 Busseys Road, PALMYRA	Development Planning & Approvals	Material Change of Use - Extractive Industry	
OW-2009-89	L 30 Cemetery Road, WEST MACKAY	Opus Qantec McWilliam	Operational Works - Roadworks & Stormwater	Colin Kelleher
OW-2009-90	2 David Muir Street, SLADE POINT	Paragon Consulting Engineers Pty Ltd	Operational Works - Roadworks, Landscaping, Eathworks and Stormwater	Peter Bratt
DA-2008-32	L 900 Sologinkin Road, RURAL VIEW	Michael Joseph McEachern Family Trust	Request to Change an Existing Approval - Reconfiguration of 1 lot to create 117 Urban Expansion Lots	Dennis O'Riely
DA-2009-388	11 Inlet Court, CAMPWIN BEACH	William J Paton	Material Change of Use - Total of all Outbuildings exceeding 60m2 in the Village Zone.	Josephine McCann
DA-2009-407	L 602 Leichhardt Road, MIRANI	Pioneer Lakes Pty Ltd	Reconfiguration of 1 Lot into 33 Lots (Stage 8A, 8B Pioneer Lakes)	Dean Appleton

### Development Applications Finalised

App No	Location	Applicant	Description	Officer
<b>Approved Subject to Conditions</b>				-
OW-2007-49A	L 920 Whitehaven Drive BLACKS BEACH QLD 4740	Blacks Beach Cove Pty Ltd	Request to Change the Development Approval - Operational Works for 217 Residential Lots - Blacks Beach Cove Stages 2, 3A & 3B	Colin Kelleher
DA-2009-346	58 Canberra Street NORTH MACKAY QLD 4740	Totalspan Mackay	Residential Storage Shed	Dean Appleton
DA-2009- 259A	1/20-26 Caterpillar Drive PAGET QLD 4740	Roverbury Pty Ltd	Change of Condition (Condition 1 - Plan of Development) Material Change of Use - Catering Shop, Health Care Centre and Commercial Premises	Dennis O'Riely
DA-2007- 272A	20 Platinum Court PAGET QLD 4740	Mr Mick Boyle	Request to Change an Existing Approval - Material Change of Use - Industrial Warehouses	John Caldwell
DA-2008- 492A	25 Macalister Street MACKAY QLD 4740	Carlisle Motors Pty Ltd	Change to Condition of Approval - Material Change of Use - Machinery and Vehicle Sales Showroom and Outdoor Sales Premises	John Caldwell
DA-2008- 226A	L 81 Broad Street SARINA QLD 4737	Champion Engineers	Change to Existing Approval - Sarina Leagues Club	Josephine McCann

App No	Location	Applicant	Description	Officer
DA-2009-317	9 Howard Street MACKAY QLD 4740	Brett M Hutchings	Residential Storage Shed (2 Sheds totalling 111m2 in area).	Josephine McCann
DA-2009-374	9 Rasmussen Court ARMSTRONG BEACH QLD 4737	Russell G Smith	Material Change of Use - Extension to Existing Outbuilding (Exceeding 60m2 in Village Zone and wall length exceeding 9metres).	Josephine McCann
DA-2009-55	L 30 Barrow Hill Road HABANA QLD 4740	Dawson Surveying	Boundary Realignment - 3 Rural Lots	Kathryn Goodman
DA-2009-153A	L 603 Child Street PINNACLE QLD 4741	Karen J Gordon	Change to Conditions of Approval - Boundary Realignment	Leah Sorohan
DA-2008-483A	30 Len Shield Street PAGET QLD 4740	SJ Taylor Constructions Pty Ltd	Request to Change an existing approval - Material Change of Use - Extension of Metal Fabrication Workshop	Shane Kleve
DA-2009-379	209 Boundary Road East PAGET QLD 4740	Sj Taylor Constructions	Reconfiguration of a Lot (Boundary Realignment) - 3 Industry (High Impact) lots into 2 lots	Shane Kleve
DA-2009-240	3 Spinks Court EIMEO QLD 4740	Seeney Dux	Reconfiguration of a Lot - 1 lot into 2 Urban Residential lots AND a Material Change of Use for Dwelling Houses on lots less than 450m2	Sonia Cannell
<b>Negotiated Decision</b>				-
DA-2008-752	24-30 Sweeney Court GLENELLA QLD 4740	Planit Consulting Pty Ltd	Extensions and Carparking to Magpies Sporting Club	Leah Sorohan

Confirmed on Wednesday 18 November 2009.

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MAYOR

**APPENDIX / ATTACHMENTS**