



# **PLANNING & DEVELOPMENT COMMITTEE MEETING**

## **MINUTES**

**8 SEPTEMBER 2015**

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**REPORT OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING  
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON  
ON TUESDAY, 8 SEPTEMBER 2015 COMMENCING AT 1:34PM**

## **1 OPENING**

## **2 PRESENT**

**Members Present:**

Acting Mayor, Councillor A P Williams (Chairperson)  
Councillor C E Smith  
Councillor C R Rutherford  
Councillor G A Belz  
Councillor R A Swadling

**In Attendance:**

Mr E Pardon – Chief Executive Officer  
Mr R Holmes – General Manager Regional Services  
Mr J McCaul – Coordinator Development Engineering  
Ms A O'Mara – Senior Planning Officer  
Ms C Hibberd – Planning Officer  
Ms L Price – Community Awareness Officer  
Ms I Taylor – Governance Support Officer

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

### **COMMITTEE RESOLUTION**

THAT the apologies from the Mayor, Councillor Margaret Strelow and Councillor Stephen Schwarten be received.

**Moved by:** Councillor Belz  
**Seconded by:** Councillor Williams  
**MOTION CARRIED**

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

### **COMMITTEE RESOLUTION**

THAT the minutes of the Planning & Development Committee held on 25 August 2015 be taken as read and adopted as a correct record.

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

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

## **6 BUSINESS OUTSTANDING**

### **6.1 BUSINESS OUTSTANDING TABLE FOR PLANNING AND DEVELOPMENT COMMITTEE**

**File No:** 10097

**Attachments:** 1. Business Outstanding Table for Planning and Development Committee

**Authorising Officer:** Michael Rowe - Acting Chief Executive Officer

**Author:** Michael Rowe - Acting Chief Executive Officer

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#### **SUMMARY**

*The Business Outstanding table is used as a tool to monitor outstanding items resolved at previous Council or Committee Meetings. The current Business Outstanding table for the Planning and Development Committee is presented for Councillors' information.*

#### **COMMITTEE RESOLUTION**

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

**Moved by:** Councillor Belz

**Seconded by:** Councillor Smith

**MOTION CARRIED**

## **7 PUBLIC FORUMS/DEPUTATIONS**

Nil

## 8 OFFICERS' REPORTS

### 8.1 D/125-2014 - APPLICATION UNDER THE DEVELOPMENT INCENTIVES POLICY FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A LOW IMPACT INDUSTRY

**File No:** D/125-2014  
**Attachments:** 1. Locality Plan  
**Authorising Officer:** Tarnya Fitzgibbon - Manager Development and Building  
 Robert Holmes - General Manager Regional Services  
**Author:** Amanda O'Mara - Senior Planning Officer

#### SUMMARY

*Development Application Number:* D/125-2014  
*Applicant:* G M & J A Heazlewood P/L (Coxon's Radiator Service)  
*Real Property Address:* Lot 35 on SP263881, Parish of Murchison  
*Common Property Address:* 232-272 Alexandra Street, Kawana  
*Rockhampton City Plan Area:* Parkhurst Industrial Area, Precinct 1 – Industrial Precinct – Parkhurst Low Impact Industry  
*Type of Approval:* Development Permit for a Material Change of Use for a Low Impact Industry  
*Date of Decision:* 30 June 2014  
*Application Lodgement Fee:* \$7,180.00  
*Infrastructure Charges:* \$49,631.00  
*Infrastructure charges incentive:* All other areas – 50% discount  
*Incentives sought:* Infrastructure Charges Concession  
 Refund of Development Application Fees  
 Refund of Service and Connection Fees

#### COMMITTEE RESOLUTION

THAT in relation to the application under the Development Incentives Policy for a Development Permit for a Material Change of Use for a Low Impact Industry, on Lot 35 on SP263881, Parish of Murchison, located at 232-272 Alexandra Street, Kawana, Council resolves to Approve the following incentives if the use commences prior to 30 June 2017:

- a) A fifty per cent reduction of infrastructure charges to the amount of \$24,815.50;
- b) A refund of the development application fee of \$7,180.00 on commencement of the use;
- c) A refund of service and connection fees on completion of the development; and
- d) That Council enter into an agreement with the applicant in relation to (a), (b) and (c).

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

## 8.2 D/307-2014 - DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT (ONE LOT INTO TEN LOTS)

**File No:** D/307-2014  
**Attachments:** 1. Locality Plan  
**Authorising Officer:** Tarnya Fitzgibbon - Manager Development and Building  
 Robert Holmes - General Manager Regional Services  
**Author:** Amanda O'Mara - Senior Planning Officer

### SUMMARY

*Development Application Number:* D/307-2014  
*Applicant:* Perpetual Property Group Pty Ltd  
*Real Property Address:* Lot 503 on SP266431, Parish of Murchison  
*Common Property Address:* Lot 500/1040-1060 Yaamba Road, Parkhurst  
*Area of Site:* 3.255 hectares  
*Planning Scheme:* Rockhampton City Plan 2005  
*Rockhampton City Plan Area:* Parkhurst Future (Post 2015) Residential Area  
*Planning Scheme Overlays:* Nil  
*Existing Development:* Vacant Land  
*Existing Approvals:* D/2651-2007 - Preliminary Approval overriding the Planning Scheme for a Material Change of Use (Residential and Open Space)  
*Approval Sought:* Development Permit for Reconfiguring a Lot (one lot into ten lots)  
*Level of Assessment:* Code Assessable  
*Submissions:* Not Applicable  
*Referral Agency(s):* Department of State Development, Infrastructure and Planning  
*Adopted Infrastructure Charges Area:* Charge Area one  
*Application Progress:*

<i>Application Lodged:</i>	16 December 2014
<i>Acknowledgment Notice issued:</i>	7 January 2015
<i>Request for Further Information sent:</i>	21 January 2015
<i>Government Agency Response:</i>	30 April 2015
<i>Request for Further Information responded to:</i>	20 July 2015
<i>Last receipt of information from applicant:</i>	6 August 2015
<i>Extension Letter to Decision Period:</i>	14 August 2015
<i>Statutory due determination date:</i>	8 September 2015

1.42PM Councillor Swadling attended the meeting.

**COMMITTEE RESOLUTION**

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into ten lots), made by Perpetual Property Group Pty Ltd, on Lot 503 on SP266431, Parish of Murchison, located at Lot 500/1040-1060 Yaamba Road, Parkhurst, Council resolves to refuse the application as directed by the Department of State Development, Infrastructure and Planning for the following reason:

- The development would compromise the safe and efficient management or operation of the state-controlled road.

**Moved by:**                      **Councillor Belz**  
**Seconded by:**              **Councillor Smith**

**MOTION CARRIED**



### 8.3 D/10-2015 - DEVELOPMENT APPLICATION FOR A RECONFIGURING A LOT (ONE LOT INTO TWO LOTS)

**File No:** D/10-2015

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

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

**Author:** Corina Hibberd - Planning Officer

#### SUMMARY

*Development Application Number:* D/10-2015

*Applicant:* Tanya Buckley

*Real Property Address:* Lot 21 on RP888679, Parish of Murchison

*Common Property Address:* 85 Grigg Road, Limestone Creek

*Area of Site:* 28.38 hectares

*Planning Scheme:* Rockhampton City Plan 2005

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

*Planning Scheme Overlays:* Bushfire Hazard and Steep or Unstable Land

*Existing Development:* Dwelling House

*Existing Approvals:* New Dwelling, approved with conditions on 22 March 2004

*Approval Sought:* Development Permit for a Reconfiguring a Lot for (one into two lots)

*Level of Assessment:* Impact Assessable

*Submissions:* Nil

*Referral Agency(s):* State Assessment Referral Agency

*Adopted Infrastructure Charges Area:* Charge Area Three

*Application Progress:*

<i>Application Lodged:</i>	28 January 2015
<i>Amended Acknowledgment Notice issued:</i>	5 March 2015
<i>Request for Further Information sent:</i>	6 March 2015
<i>Request for Further Information responded to:</i>	13 July 2015
<i>Submission period commenced:</i>	21 July 2015
<i>Submission period end:</i>	11 August 2015
<i>Council request for additional time:</i>	Not Applicable
<i>Amended Government Agency response:</i>	15 July 2015
<i>Last receipt of information from applicant:</i>	20 August 2015
<i>Statutory due determination date:</i>	17 September 2015

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

That in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into two lots), made by Tanya Buckley, on Lot 21 on RP888679, Parish of Murchison, located at 85 Grigg Road, Limestone Creek, Council resolves to Approve the application despite its conflict with the planning scheme and provide the following grounds to justify the decision despite the conflict:

- a) Proposed lot 2 is only 5,000 square metres below the minimum lot size for this zone, being ten (10) hectares. This non-compliance is not likely to negatively affect the amenity of the area;
- b) Any future development on the proposed lots will highly likely trigger a Material Change of Use application to deal with the overlays, which include steep land and bushfire hazard;
- c) The proposed use does not compromise the achievements of the Desired Environmental Outcomes in the *Rockhampton City Plan 2005*;
- d) Assessment of the development against the relevant area intent, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and
- e) The proposed development does not compromise the relevant State Planning Policy.

**RECOMMENDATION B**

That in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into two lots), made by Tanya Buckley, on Lot 21 on RP888679, Parish of Murchison, located at 85 Grigg Road, Limestone Creek, Council resolves to Approve the application subject to the following conditions:

**1.0 ADMINISTRATION**

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the issue of the Compliance Certificate for the Survey Plan, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior, to the issue of the Compliance Certificate for the Survey Plan, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
  - 1.6.1 Operational Works:
    - (i) Access Works;
- 1.7 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.

- 1.8 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

## 2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Proposal Plan (v2a) of Lots 1 – 2	PPRL-001v2a	20 June 2015
Extract of Proposal Plan (v2a)	PPRL-001v2a extract	20 June 2015
Effluent Disposal Field Monitoring	Cardno - CRE19842B	10 July 2015

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

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

## 3.0 ACCESS WORKS

- 3.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access works on the site.

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

- 3.3 A new access must be constructed for proposed Lot 1 and must comply with the requirements of the *Capricorn Municipal Development Guidelines*.

- 3.4 The existing access for proposed Lot 2 must be upgraded to comply with the requirements of the *Capricorn Municipal Development Guidelines*.

- 3.5 The proposed access track to the Building Location Envelope (BLE) must be sealed or gravel surface treated for the prevention of dust generation.

- 3.6 Rural addressing must be provided to each lot in accordance with Council's rural addressing procedures

## 4.0 PLUMBING AND DRAINAGE WORKS

- 4.1 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act* and Council's Plumbing and Drainage Policies.

- 4.2 Internal Plumbing and Sanitary Drainage of existing buildings located within the proposed Lot 2 must be contained within the Lot it serves.

- 4.3 Submission of a Development Application for Operational Works.

## 5.0 SITE WORKS

- 5.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.

5.2 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.

5.3 Any vegetation cleared or removed must be:

(i) mulched on-site and utilised on-site for landscaping purposes, in accordance with the landscaping plan approved by Council; or

(ii) removed for disposal at a location approved by Council;

within sixty (60) days of clearing. Any vegetation removed must not be burnt.

## 6.0 ELECTRICITY

6.1 Electricity and telecommunications services must be provided to each lot in accordance with the standards and requirements of the relevant service provider.

6.2 Evidence must be provided of a Telecommunications Infrastructure Provisioning Confirmation and Certificate of Electricity Supply with the relevant service providers to provide each lot with telecommunication and live electricity connections, in accordance with the requirements of the relevant authorities, prior to the issue of the Compliance Certificate for the Survey Plan.

## 7.0 ASSET MANAGEMENT

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

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

## 8.0 ENVIRONMENTAL

8.1 An Erosion Control and Stormwater Control Management Plan must be implemented and maintained on-site for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The prepared Erosion Control and Stormwater Control Management Plan must be available on-site for inspection by Council Officers during those works.

## 9.0 OPERATING PROCEDURES

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

## ADVISORY NOTES

### NOTE 1. Aboriginal Cultural Heritage

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

### NOTE 2. General Environmental Duty

General environmental duty under the *Environmental Protection Act* prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash,

fumes, light, odour or smoke beyond the boundaries of the property during all stages of the development including earthworks, construction and operation.

NOTE 3. General Safety Of Public During Construction

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

NOTE 4. Property Notes

Any future house on proposed Lot 2 will require a town planning application for a Material Change of Use for a Dwelling House in accordance with the *Rockhampton Region Planning Scheme 2015*. It is likely that it will have to be constructed in compliance with *Australian Standard AS3959 "Construction of buildings in bushfire-prone Areas"*.

NOTE 5. Provision for Sewer and Water services

For any future dwelling proposed on Lot 1 the construction of internal sanitary drainage works must be in accordance with regulated work under the *Plumbing and Drainage Act* and including the provision of on-site sewerage and disposal in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Plumbing and Drainage Policies.

For any future dwelling proposed on Lot 1 the construction of internal plumbing works must be in accordance with regulated work under the *Plumbing and Drainage Act*. Including the provision of adequate on-site water storage for domestic and fire fighting purposes and may include bore, dam, water storage tanks or a combination of each. The water storage must be easily accessible having regard to pedestrian and vehicular access.

NOTE 6. Infrastructure Charges Notice

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

NOTE 7. Works in Road Reserve Permit

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

**RECOMMENDATION C**

That in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into two lots), made by Tanya Buckley, on Lot 21 on RP888679, Parish of Murchison, located at 85 Grigg Road, Limestone Creek, Council resolves to issue an Infrastructure Charges Notice for the amount of \$7,000.00.

**Moved by:** Councillor Swadling

**Seconded by:** Councillor Rutherford

**MOTION CARRIED**

#### 8.4 D/16-2015 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A VEHICLE DEPOT

**File No:** D/16-2015

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

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

**Author:** Corina Hibberd - Planning Officer

#### SUMMARY

*Development Application Number:* D/16-2015

*Applicant:* Jeff Thompson Excavator Hire Pty Ltd

*Real Property Address:* Lot 202 on SP123566, Parish of Karkol

*Common Property Address:* 49 Six Mile Road, Pink Lily

*Area of Site:* 17.6 hectares

*Planning Scheme:* Fitzroy Shire Planning Scheme 2005

*Planning Scheme Zoning:* Alton Downs Zone - Precinct 2

*Planning Scheme Overlays:* Good Quality Agricultural Land, Bushfire Low Risk Hazard and Flood Prone Land

*Existing Development:* House and unlawful vehicle depot

*Existing Approvals:* Development Application No. 265 (AF-31-16.265) Material Change of Use for a House, approved 11 July 2006  
D46-2015 Operational Works for Earthworks (previously unlawful), approved 21 May 2015

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

*Level of Assessment:* Impact Assessable

*Submissions:* Nil

*Referral Agency(s):* State Assessment and Referral Agency

*Adopted Infrastructure Charges Area:* Charge Area Three

*Application Progress:*

<i>Application Lodged:</i>	6 February 2015
<i>Acknowledgment Notice issued:</i>	25 February 2015
<i>Request for Further Information sent:</i>	25 February 2015
<i>Request to extend information request response period</i>	21 May 2015 (to 27 July 2015)
<i>Request for Further Information responded to:</i>	23 July 2015
<i>Submission period commenced:</i>	29 July 2015
<i>Submission period end:</i>	21 August 2015
<i>Council request for additional time:</i>	Not Applicable

<i>Government Agency request for additional time:</i>	<i>Not Applicable</i>
<i>Government Agency Response:</i>	<i>16 April 2015</i>
<i>Last receipt of information from applicant:</i>	<i>26 August 2015</i>
<i>Statutory due determination date:</i>	<i>23 September 2015</i>

## COMMITTEE RESOLUTION

### RECOMMENDATION A

That in relation to the application for a Development Permit for a Material Change of Use for a Vehicle Depot, made by Capricorn Survey Group (CQ) Pty Ltd on behalf of Jeff Thompson Excavator Hire Pty Ltd, over Lot 202 on SP123566, located at 49 Six Mile Road, Pink Lily, Council resolves to Approve the application despite its conflict with the planning scheme and provide the following grounds to justify the decision:

- a) The use can be approved at a low scale to mitigate any amenity issues;
- b) There are similar scale vehicle depots in the area that have existing use rights and that do not compromise the key rural character of the area;
- c) The use has operated at this site for approximately eleven (11) years and no complaints have been received regarding the use;
- d) The proposed use does not compromise the achievements of the Desired Environmental Outcomes in the *Fitzroy Shire Planning Scheme 2005*;
- e) Assessment of the development against the relevant zone outcomes, planning scheme codes and local planning policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and
- f) The proposed development does not compromise the relevant State Planning Policy.

### RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for a Vehicle Depot, made by Capricorn Survey Group (CQ) Pty Ltd on behalf of Jeff Thompson Excavator Hire Pty Ltd, over Lot 202 on SP123566, located at 49 Six Mile Road, Pink Lily, Council resolves to Approve the application subject to the following conditions:

#### 1.0 ADMINISTRATION

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

- 1.4.3 within six (6) months of the date of this Decision Notice, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council within six (6) months of the date of this Decision Notice, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.6.1 Operational Works:
- (i) Access and Parking Works.
- 1.6.2 Plumbing and Drainage Works; and
- 1.6.3 Building Works.
- 1.7 All Development Permits for Operational Works, Plumbing and Drainage Works and Building Works must be obtained within six (6) months of the date of this Decision Notice.
- 1.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.9 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 2.0 APPROVED PLANS AND DOCUMENTS
- 2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this permit:
- | <u>Plan/Document Name</u> | <u>Plan/Document Number</u>    | <u>Dated</u>    |
|---------------------------|--------------------------------|-----------------|
| Elevations                | 6158-04-MCU Rev A Sheet 2 of 2 | 29 January 2015 |
| Site Plan                 | 6158-04-MCU Rev A Sheet 1 of 2 | 29 January 2015 |
- 2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.
- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council prior to the submission of a Development Application for Operational Works.
- 3.0 ACCESS AND PARKING WORKS
- 3.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access works on the site.
- 3.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Parking Facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 3.3 The existing access to the development must be upgraded at Six Mile Road to comply with the requirements of the *Capricorn Municipal Development Guidelines*.
- 3.4 All vehicles must ingress and egress the development in a forward gear.



#### 4.0 PLUMBING AND DRAINAGE WORKS

- 4.1 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act*, the *Plumbing and Drainage Act*, Council's Plumbing and Drainage Policies, and *Australian Plumbing and Drainage Standard AS3500 section 3 and 4* and the provisions of a Development Permit for Plumbing and Drainage Works.
- 4.2 All internal plumbing and sanitary drainage works must be in accordance with regulated work under the *Plumbing and Drainage Act* and Council's Plumbing and Drainage Policies.
- 4.3 On-site sewage treatment and disposal must be in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Plumbing and Drainage Policies.
- 4.4 On-site water supply for domestic and fire fighting purposes must be provided and may include the provision of a bore, dams, water storage tanks or a combination of each.

#### 5.0 STORMWATER WORKS

- 5.1 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines* and sound engineering practice.
- 5.2 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect adjoining land or infrastructure in comparison to the pre-development condition by way of blocking, altering or diverting existing stormwater runoff patterns or have the potential to cause damage to other infrastructure.
- 5.3 The proposed development must achieve no increase in peak stormwater runoff for a selected range of storm events up to and including the one in one hundred year storm event (100 year Average Recurrence Interval) for the post development condition.

#### 6.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 6.1 All roof and allotment drainage must be in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.
- 6.2 All roof and allotment drainage must be discharged such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties or infrastructure.

#### 7.0 SITE WORKS

- 7.1 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.
- 8.0 No further filling is approved on the site due to any reason beyond the area and the site levels indicated on the approved plans (refer to condition 2.1).
- 8.1 All earthworks must be undertaken in accordance with *Australian Standards, AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.

#### 9.0 BUILDING WORKS

- 9.1 All external elements, such as air conditioners and associated equipment, must be adequately screened from public view to Council's satisfaction.
- 9.2 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and

operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.

9.3 All waste storage areas must be aesthetically screened from any frontage or adjoining property.

9.4 All pollutants such as oil, fuel etcetera must be stored a minimum of 500 millimetres above the Riverine Flood from the Fitzroy River.

9.5 Electrical outlets and communication outlets are to be installed at such a height that they are a minimum of 500 millimetres above the Riverine Flood level from the Fitzroy River.

#### 10.0 LANDSCAPING WORKS

10.1 A three (3) metre wide landscaping buffer must be established around the use area, particularly to screen the use which may be visible from any road frontage.

10.2 All landscaping must predominantly contain plant species that are locally native to the Central Queensland region due to their low water dependency.

10.3 The landscaped areas must be subject to an ongoing maintenance and replanting programme (if necessary).

#### 11.0 ELECTRICITY AND TELECOMMUNICATIONS

11.1 Electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.

#### 12.0 ASSET MANAGEMENT

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

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

#### 13.0 OPERATING PROCEDURES

13.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Six Mile Road, Martin Road and Ridgeland Road.

13.2 Noise emitted from the activity must not cause an environmental nuisance.

13.3 When requested by Council, nuisance monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise, light or dust. An analysis of the monitoring data and a report, including nuisance mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation.

13.4 No contaminants are permitted to be released to land or water, including soil, silt, oils, detergents, etcetera. Any wash-down areas used for the maintenance or cleaning of equipment (including vehicles) must be appropriately bunded and drained to the sewer network in accordance with a Trade Waste Permit.

13.5 All chemicals and/or environmentally hazardous liquids must be contained within a covered, bunded storage area that has a volume of at least that of the largest container in the bund plus twenty-five percent (25%) of the total storage capacity.

13.6 The hours of operations must be limited to 0630 hours to 1730 hours.

- 13.7 The scale of the use is limited to the current scale, being: Eight (8) x excavators (two (2) x twenty tonne (20t), one (1) x twelve tonne (12t), one (1) x thirteen tonne (13t), four (4) x five tonne (5t), one (1) x 1.7 tonne); Seven (7) x trucks (five (5) x 'tandem tippers', two (2) x 'single axle tippers'); one (1) x bobcat; one (1) x Manitou forklift; one (1) x bogie axle tag trailer; one (1) x tri axle tag trailer; one (1) x dog trailer; one (1) x dozer; and one (1) x grader.

#### ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. Asbestos Removal

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

NOTE 3. General Environmental Duty

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

NOTE 4. General Safety Of Public During Construction

The *Work Health and Safety Act 2011* and *Manual of Uniform Traffic Control Devices* must be complied with in carrying out any construction works, and to ensure safe traffic control and safe public access in respect of works being constructed on a road. It is the responsibility of the property owner(s) to take all measures necessary to ensure that the proposed dwelling is developed and maintained in such a way as to mitigate odour and noise impacts from the surrounding lawful non-residential uses. These measures must be undertaken at the expense of the property owner(s).

NOTE 5. Infrastructure Charges Notice

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

#### **RECOMMENDATION C**

That in relation to the application for a Development Permit for a Material Change of Use for a Vehicle Depot, made by Capricorn Survey Group (CQ) Pty Ltd on behalf of Jeff Thompson Excavator Hire Pty Ltd, over Lot 202 on SP123566, located at 49 Six Mile Road, Pink Lily, Council resolves to issue an Infrastructure Charges Notice for the amount of \$1,575.00

**Moved by:** Councillor Rutherford

**Seconded by:** Councillor Smith

**MOTION CARRIED**

## **9 STRATEGIC REPORTS**

Nil

## **10 NOTICES OF MOTION**

Nil

## **11 URGENT BUSINESS\QUESTIONS**

## 12 CLOSED SESSION

In accordance with the provisions of section 275 of the *Local Government Regulation 2012*, a local government may resolve to close a meeting to the public to discuss confidential items, such that its Councillors or members consider it necessary to close the meeting.

### COMMITTEE RESOLUTION

THAT the meeting be closed to the public to discuss the following items, which are considered confidential in accordance with section 275 of the *Local Government Regulation 2012*, for the reasons indicated.

#### 13.1 D/69-2014 - Planning and Environment Court Appeal

This report is considered confidential in accordance with section 275(1)(f), of the *Local Government Regulation 2012*, as it contains information relating to starting or defending legal proceedings involving the local government.

**Moved by:** Councillor Williams

**Seconded by:** Councillor Swadling

**MOTION CARRIED**

### COMMITTEE RESOLUTION

**1.54PM**

**THAT** pursuant to s34(1)(k) and s44 *Council Meeting Procedures* the meeting moves into Closed Session and be closed to the public.

**Moved by:** Councillor Swadling

**Seconded by:** Councillor Belz

**MOTION CARRIED**

### COMMITTEE RESOLUTION

**2.05PM**

**THAT** pursuant to s34(1)(k) and s44 *Council Meeting Procedures* the meeting moves out of Closed Session and be opened to the public.

**Moved by:** Councillor Swadling

**Seconded by:** Councillor Smith

**MOTION CARRIED**

## 13 CONFIDENTIAL REPORTS

### 13.1 D/69-2014 - PLANNING AND ENVIRONMENT COURT APPEAL

**File No:** D/69-2014

**Attachments:** 1. Locality Plan

**Authorising Officer:** Robert Holmes - General Manager Regional Services

**Author:** Tarnya Fitzgibbon - Manager Development and Building

This report is considered confidential in accordance with section 275(1)(f), of the *Local Government Regulation 2012*, as it contains information relating to starting or defending legal proceedings involving the local government.

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#### SUMMARY

*A summary of the appeal and possible resolution will be provided.*

#### COMMITTEE RESOLUTION

THAT the amended application to reconfigure three (3) lots into two (2) lots be supported for approval, for officers to resolve the appeal by providing the Court with reasonable and relevant conditions of approval.

**Moved by:** Councillor Swadling

**Seconded by:** Councillor Belz

**MOTION CARRIED**



## **14 CLOSURE OF MEETING**

There being no further business the meeting closed at 2.06pm.

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SIGNATURE

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CHAIRPERSON

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DATE