



ORDINARY MEETING

MINUTES

9 OCTOBER 2018

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**REPORT OF THE ORDINARY MEETING
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON
ON TUESDAY, 9 OCTOBER 2018 COMMENCING AT 9.04AM**

1 OPENING

The opening prayer presented by Rev Tom Henderson-Brooks from All Saints, North Rockhampton Parish.

2 PRESENT

Members Present:

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

In Attendance:

Mr E Pardon – Chief Executive Officer
Mr R Cheesman – Deputy Chief Executive Officer
Mr P Kofod – General Manager Regional Services
Ms C Worthy – General Manager Community Services
Mr C Ireland – Acting General Manager Advance Rockhampton
Mr S Gatt – Manager Planning and Regulatory Services
Mr D Stevenson – Manager Corporate and Technology Services
Ms T Sweeney – Manager Workforce and Governance
Mr J Webb – Acting Manager Communities and Culture
Mr D Morrison – Executive Coordinator to the Mayor
Ms T Fitzgibbon – Coordinator Development Assessment
Ms K Anderson – Coordinator Property and Insurance
Mr M Mansfield – Coordinator Media and Communications
Ms N Brownless – Acting Coordinator Library and Child Services
Ms K Ramm – Senior Risk and Assurance Officer
Mr B Diplock – Planning Officer
Mr B Koelmeyer – Planning Officer
Mr J Trevett-Lyall – Planning Officer
Ms E Brodel – Media Officer
Ms L Leeder – Senior Committee Support Officer

3 APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence for the meeting was previously granted to Councillor Rose Swadling.

3.1 LEAVE OF ABSENCE FOR COUNCILLOR DREW WICKERSON

SUMMARY

Councillor Drew Wickerson is seeking leave of absence from Monday 1 October 2018 to Friday 12 October 2018 inclusive.

COUNCIL RESOLUTION

THAT Councillor Wickerson be granted leave of absence from Monday 1 October 2018 to Friday 12 October 2018 inclusive.

Moved by: Councillor Smith
Seconded by: Councillor Schwarten
MOTION CARRIED

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held on 25 September 2018 be taken as read and adopted as a correct record.

Moved by: Councillor Smith
Seconded by: Councillor Fisher
MOTION CARRIED

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

9:09AM

Councillor Ellen Smith informed the meeting of an interest in Item 9.2.8 – D/63-2018 Development Application for a Material Change of Use for an Extractive Industry and declared the following:

“I declare that I have a material personal interest in this matter as my brother John McEvoy is the applicant for D/63-2018 Development Application for a Material Change of Use for an Extractive Industry, and the land adjoins my sister Patricia McKinnon and my brother-in-law Donald McKinnon’s property, and I will be dealing with this declared material personal interest by leaving the meeting while this matter is discussed and voted on.”

6 BUSINESS OUTSTANDING

Nil

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 PRESENTATION OF PETITIONS

Nil

9 COMMITTEE REPORTS

9.1 AUDIT AND BUSINESS IMPROVEMENT COMMITTEE MEETING – 28 SEPTEMBER 2018

COUNCIL RESOLUTION

THAT the Minutes of the Audit and Business Improvement Committee meeting, held on 28 September 2018 as circulated, be received and that the recommendations contained within these minutes be adopted.

Moved by: Mayor Strelow
Seconded by: Councillor Smith
MOTION CARRIED

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

Recommendation of the Audit and Business Improvement Committee, 28 September 2018**9.1.1 ANNUAL FINANCIAL STATEMENTS 30 JUNE 2018**

File No: 9509

Attachments:

1. 2017/18 Draft Financial Statements
2. Management Representation Letter 2018

Authorising Officer: Drew Stevenson - Acting General Manager Corporate Services

Author: Alicia Cutler - Chief Financial Officer

SUMMARY

Chief Financial Officer presenting the Audited Financial Statements to the Audit and Business Improvement Committee prior to final signing by Council and the Queensland Audit Office.

COMMITTEE RECOMMENDATION

THAT the Financial Statements 2017/18 report be received.

Recommendation of the Audit and Business Improvement Committee, 28 September 2018**9.1.2 2018 CLOSING REPORT**

File No: 9509
Attachments: 1. Rockhampton Regional Council - 2018 Closing Report
Authorising Officer: Drew Stevenson - Acting General Manager Corporate Services
Author: Alicia Cutler - Chief Financial Officer

SUMMARY

The attached report from Thomas Noble Russell is provided in regards to the final audit for 2018.

COMMITTEE RECOMMENDATION

THAT the 2018 Closing Report be received.

Recommendation of the Audit and Business Improvement Committee, 28 September 2018**9.1.3 PLACEHOLDER - CEO INTRODUCTION**

File No: 5207
Attachments: Nil
Authorising Officer: Ross Cheesman - Acting Chief Executive Officer
Author: John Wallace - Chief Audit Executive

SUMMARY

The CEO will update the committee on any matters of importance.

COMMITTEE RECOMMENDATION

THAT the CEO's update be received.

Recommendation of the Audit and Business Improvement Committee, 28 September 2018**9.1.4 ANNUAL AUDIT PLAN FY 2018-2019 PROGRESS**

File No: 5207
Attachments: 1. Audit Plan Progress
Authorising Officer: Ross Cheesman - Acting Chief Executive Officer
Author: John Wallace - Chief Audit Executive

SUMMARY

The status of the approved annual audit plan is presented for the information of the committee.

COMMITTEE RECOMMENDATION

THAT Annual Audit Plan FY 2018-2019 Progress report be received and progress noted.

Recommendation of the Audit and Business Improvement Committee, 28 September 2018**9.1.5 ACTION PROGRESS REPORT**

File No: 5207
Attachments: 1. Action Progress Report as at 17 September 2018
Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer
Author: John Wallace - Chief Audit Executive

SUMMARY

The quarterly Action Progress Report is provided for the information of the Committee.

COMMITTEE RECOMMENDATION

THAT the report be received and management's updates on progress of outstanding actions be noted.

Recommendation of the Audit and Business Improvement Committee, 28 September 2018**9.1.6 PLACEHOLDER - CHAIR TO UPDATE COMMITTEE ON PLANNED MEETING DATES FOR 2019 CALENDAR YEAR**

File No: 5207
Attachments: Nil
Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer
Author: John Wallace - Chief Audit Executive

SUMMARY

The Chair will indicate planned dates for committee meetings for the 2019 calendar year.

COMMITTEE RECOMMENDATION

THAT the Chair's update be received and meeting dates below be formally noted:

- 7 February 2019
- 20 June 2019
- 26 September 2019
- 21 November 2019

9.2 PLANNING AND REGULATORY COMMITTEE MEETING - 2 OCTOBER 2018**COUNCIL RESOLUTION**

THAT the Minutes of the Planning and Regulatory Committee meeting, held on 2 October 2018 as circulated, be received and that the recommendations contained within these minutes be adopted, excluding Item 9.2.8 – D/63-2018 Development Application for a Material Change of Use for an Extractive Industry.

Moved by: Councillor Smith

Seconded by: Councillor Fisher

MOTION CARRIED

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

Recommendation of the Planning and Regulatory Committee, 2 October 2018**9.2.1 BUSINESS OUTSTANDING TABLE FOR PLANNING AND REGULATORY COMMITTEE**

File No: 10097
Attachments: 1. Business Outstanding Table
Authorising Officer: Colleen Worthy - General Manager Community Services
Author: Colleen Worthy - General Manager Community Services

SUMMARY

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

COMMITTEE RECOMMENDATION

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

Recommendation of the Planning and Regulatory Committee, 2 October 2018
9.2.2 D/19-2017 - MINOR CHANGE TO DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (TWO LOTS INTO FIVE LOTS) AND ACCESS EASEMENT

File No: D/19-2017

Attachments:

1. Locality Plan
2. Site Plan

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Steven Gatt - Manager Planning and Regulatory Services
Colleen Worthy - General Manager Community Services

Author: Bevan Koelmeyer - Planning Officer

SUMMARY

Development Application Number: D/19-2017

Applicant: Vicki Heilbronn

Real Property Address: Lot 1844 on LIV40662 and Lot 485 on LIV40112, Parish of Murchison

Common Property Address: 277 Yeppoon Road and 66 Alfred Road, Parkhurst

Planning Scheme: Rockhampton City Plan 2005

Planning Scheme Area: Yeppoon Road Corridor Environmental Protection Area

Approval Sought: Minor Change to Development Permit D/19-2017 for Reconfiguring a Lot (two lots into five Lots) and Access Easement

Level of Assessment: Code Assessable

Submissions: Not Applicable

Referrals: The Department of State Development, Manufacturing, Infrastructure and Planning

Infrastructure Charges Area: Charge Area 3

COMMITTEE RECOMMENDATION
RECOMMENDATION A

THAT That in relation to the application for a Minor Change to Development Permit D/19-2017 for Reconfiguring a Lot (two lots into five Lots) and Access Easement, made by V Heilbronn, located at 277 Yeppoon Road and 66 Alfred Road, Parkhurst, described as Lot 1844 on LIV40662 and Lot 485 on LIV40112, Parish of Murchison, Council resolves that:

1. Condition 4.3 be amended by replacing:

As part of Stage 2, Olive Street must be constructed to a Rural Access standard from the intersection with McMillan Avenue to the access point for Lot 11.

With

As part of Stage 2 of the development, Olive Street must be designed and constructed from the intersection with McMillan Avenue to the access point for Lot 11 to the following parameters:

- 4.3.1 a minimum 4.5 metre wide gravel formation;
- 4.3.2 a pavement depth suitable for the in-situ subgrade conditions and expected traffic loadings but no less than 150 millimetres;
- 4.3.3 a desirable minimum design speed of 50 kilometres/per hour with a minimum design speed for individual elements of 30 kilometres/per hour;
- 4.3.4 a turning area to permit vehicle U-Turns opposite the access point for Lot 11;
- 4.3.5 with appropriate road furniture and signage to the *Manual of Uniform Traffic Control Devices – Queensland*; and
- 4.3.6 the horizontal alignment is permitted to vary around the existing road reserve centreline by plus/minus 5 metres.

2. Condition 4.4 be amended by replacing:

As part of Stage 2 of the development, McMillan Avenue must be designed and constructed as a half road construction, with a minimum width of 5.5 metres from the end of the existing seal to the intersection with Olive Street. The edge line of the new construction must match the alignment of the existing kerb and channel on the western side of McMillan Avenue. Council will accept a two-coat seal in accordance with the requirements of the Capricorn Municipal Development Guidelines in lieu of asphalt surfacing for this section of roadway, with no kerb and channel construction required in this instance.

With

As part of Stage 2 of the development, McMillan Avenue must be designed and constructed from the end of the existing seal in McMillan Avenue to the intersection with Olive Street to the following parameter:-

- 4.4.1 a minimum 4.5 metre wide gravel formation and a two-coat bitumen seal;
- 4.4.2 a pavement depth suitable for the in-situ subgrade conditions and expected traffic loadings but no less than 150 millimetres;
- 4.4.3 a desirable minimum design speed of 50 kilometres/per hour with a minimum design speed for individual elements of 30 kilometres/per hour;
- 4.4.4 with appropriate road furniture and signage to the *Manual of Uniform Traffic Control Devices – Queensland*; and
- 4.4.5 the horizontal alignment must generally align with the centre of the existing seal in McMillan Avenue.

3. Condition 4.5 be amended by replacing:

As part of Stage 2 of the development, the intersection of McMillan Avenue and Olive Street must be sealed with a minimum of a two-coat seal in accordance with the requirements of the Capricorn Municipal Development Guidelines such that it has a minimum width of 6.5 metres within the Olive Street road reserve and extends a minimum of ten (10) metres to the east along Olive Street.

With

As part of Stage 2 of the development, the intersection of McMillan Avenue and Olive Street must be designed and constructed such that there is a minimum width of 5.5 metres for a distance of ten (10) metres to the east along Olive Street and ten (10) metres to the south along McMillan Avenue. The pavement depth must be suitable for the in-situ subgrade conditions but no less than 150 millimetres and be sealed with a minimum two-coat bitumen

seal.

RECOMMENDATION B

That in relation to the application for a Minor Change to Development Permit D/19-2017 for Reconfiguring a Lot (two lots into five Lots) and Access Easement, made by V Heilbronn, Lot 1844 on LIV40662 and Lot 485 on LIV40112, Parish of Murchison, located at 277 Yeppoon Road and 66 Alfred Road, Parkhurst - Council resolves to Approve the application subject to the following conditions:

1.0 **ADMINISTRATION**

1.1 The Developer and his employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.

1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.

1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:

1.3.1 to Council's satisfaction;

1.3.2 at no cost to Council; and

1.3.3 prior to the issue of the Compliance Certificate for the Survey Plan, unless otherwise stated.

1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the issue of the Compliance Certificate for the Survey Plan, unless otherwise stated.

1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:

1.5.1 Operational Works:

(i) Road Works; and

(ii) Access Works.

1.6 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.

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

1.8 The access to Lot 12 and Lot 13 must be via Easement B over Lot 485 and Easement C over Lot 13. Easement documents must accompany the Survey Plan for endorsement by Council, prior to the issue of the Compliance Certificate for the Survey Plan.

2.0 **APPROVED PLANS AND DOCUMENTS**

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Flood Hazard Assessment	K3925-0002	21 February 2017
Proposed Subdivision Layout	R17006-001, Revision D	Undated

Bushfire Hazard Assessment & Bushfire Management Plan	Version 2	10 March 2017
Regulated Vegetation Impact Assessment and Mitigation	Version 2	29 March 2017

- 2.2 Where there is any conflict between the conditions of this development approval and the details shown on the approved plans and documents, the conditions of this development approval must prevail.
- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of an application for a Development Permit for Operational Works.
- 3.0 STAGED DEVELOPMENT
- 3.1 This development approval is for a development to be undertaken in two (2) discrete stages, namely:
- 3.1.1 Lots 12, 13 and Lot 14 (Stage One – three [3] lots); and
- 3.1.2 Lot 11 (Stage Two – one [1] lot).
- in accordance with the approved proposed subdivision layout plan (refer to condition 2.1).
- The stages are not required to be undertaken in any chronological order.
- 3.2 Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.
- 4.0 ROAD WORKS
- 4.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works required by this development approval for Stage 2.
- 4.2 All road works for Stage 2 of the development must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, and relevant *Australian Standards* and *Austrroads Guidelines* and the provisions of a Development Permit for Operational Works (road works).
- 4.3 As part of Stage 2 of the development, Olive Street must be designed and constructed from the intersection with McMillan Avenue to the access point for Lot 11 to the following parameters:-
- 4.3.1 A minimum 4.5 metre wide gravel formation;
- 4.3.2 A pavement depth suitable for the in-situ subgrade conditions and expected traffic loadings but no less than 150 millimetres;
- 4.3.3 A desirable minimum design speed of 50 kilometres/per hour with a minimum design speed for individual elements of 30 kilometres/per hour;
- 4.3.4 A turning area to permit vehicle U-Turns opposite the access point for Lot 11;
- 4.3.5 With appropriate road furniture and signage to the *Manual of Uniform Traffic Control Devices – Queensland*; and
- 4.3.6 The horizontal alignment is permitted to vary around the existing road reserve centreline by plus/minus 5 metres.
- 4.4 As part of Stage 2 of the development, McMillan Avenue must be designed and constructed from the end of the existing seal in McMillan Avenue to the intersection with Olive Street to the following parameter:-

- 4.4.1 A minimum 4.5 metre wide gravel formation and a two-coat bitumen seal;
 - 4.4.2 A pavement depth suitable for the in-situ subgrade conditions and expected traffic loadings but no less than 150 millimetres;
 - 4.4.3 A desirable minimum design speed of 50 kilometres/per hour with a minimum design speed for individual elements of 30 kilometres/per hour;
 - 4.4.4 With appropriate road furniture and signage to the *Manual of Uniform Traffic Control Devices – Queensland*; and
 - 4.4.5 The horizontal alignment must generally align with the centre of the existing seal in McMillan Avenue.
- 4.5 As part of Stage 2 of the development, the intersection of McMillan Avenue and Olive Street must be designed and constructed such that there is a minimum width of 5.5 metres for a distance of ten (10) metres to the east along Olive Street and ten (10) metres to the south along McMillan Avenue. The pavement depth must be suitable for the in-situ subgrade conditions but no less than 150 millimetres and be sealed with a minimum two-coat bitumen seal.
- 4.6 Traffic signs and pavement markings must be provided in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*. Where necessary; existing traffic signs and pavement markings must be modified in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*.
- 5.0 ACCESS WORKS
- 5.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access works required by this development approval.
- 5.2 All access works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), and *Capricorn Municipal Development Guidelines*, and the provisions of a Development Permit for Operational Works (access works).
- 5.3 The internal access to Lot 12 and Lot 13 must be constructed from the end of Alfred Road to the southern boundary of Lot 12. Construction must be a minimum of four (4) metres wide with a low flow pipe and concrete spillway with a one (1) year ARI immunity through the existing natural channel.
- 5.4 A new access must be constructed for Lot 11 for Stage 2 of the development in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.
- 5.5 Flood height markers must be installed along the access to Lot 12 and Lot 13, for the full extent of the 1% Average Exceedance Probability inundation area.
- 6.0 PLUMBING AND DRAINAGE WORKS
- 6.1 On-site sewage treatment and disposal must be in accordance with the Queensland Plumbing and Wastewater Code and Council's Plumbing and Drainage Policies. This can be completed at the building works application stage.
- 6.2 On-site water supply for domestic and firefighting purposes must be provided and may include the provision of a bore, dams, water storage tanks or a combination of each. This can be completed at the building works application stage.
- 7.0 STORMWATER WORKS
- 7.1 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.

8.0 SITE WORKS

- 8.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 8.2 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.
- 8.3 Vegetation must not be cleared unless and until written approval has been provided by Council. A Development Permit for Operational Works constitutes written approval, only for the purposes of clearing vegetation directly pertinent to the operational works that are the subject of the Development Permit.
- 8.4 All site works must be undertaken to ensure that there is:
- 8.4.1 no increase in upstream or downstream flood levels for all levels of immunity up to a one per cent (1%) Annual exceedance probability defined flood event;
 - 8.4.2 no increase in velocity profiles, for which no remedy exists to prevent erosion and/or scouring. In the event that modelling shows non-compliance with the above, works must be undertaken within the system to satisfy the above criteria for development; and
 - 8.4.3 a lawful point of discharge to which the approved works drain during the construction phase.

9.0 ELECTRICITY

- 9.1 Electricity services must be provided in accordance with the standards and requirements of the relevant service provider, prior to the issue of the Compliance Certificate for the Survey Plan.

10.0 TELECOMMUNICATIONS

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

11.0 ASSET MANAGEMENT

- 11.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.
- 11.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.
- 11.3 'As Constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the issue of the Compliance Certificate for the Survey Plan. This information must be provided in accordance with the Asset Design and As Constructed Manual (ADAC).

12.0 ENVIRONMENTAL

- 12.1 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan that addresses, but is not limited to, the following:
- (i) objectives;

- (ii) site location and topography
- (iii) vegetation;
- (iv) site drainage;
- (v) soils;
- (vi) erosion susceptibility;
- (vii) erosion risk;
- (viii) concept;
- (ix) design; and
- (x) implementation,

for the construction and post-construction phases of work.

- 12.2 The Erosion Control and Stormwater Control Management Plan prepared by a Registered Professional Engineer of Queensland in accordance with the *Capricorn Municipal Design Guidelines*, must be implemented, monitored and maintained for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The plan must be available on-site for inspection by Council Officers whilst all works are being carried out.
- 12.3 The development must be undertaken in accordance with the recommendations in the approved Bushfire Management Plan (refer to condition 2.1).
- 12.4 The maintenance of the fire management trail must be the responsibility of the owner of the land (the Developer) until the subdivision is accepted by Council as being 'off defects' whereupon it must be the responsibility of the relevant property owners. All future owners of the proposed lots must be advised by the Developer in writing of their responsibility to comply with the requirements of the approved Bushfire Management Plan (refer to condition 2.1).
- 12.5 All future buildings on the proposed lots must be constructed in accordance with *Australian Standard AS3959 "Construction of buildings in bushfire-prone areas"* and the approved Bushfire Management Plan (refer to condition 2.1). A property note to this effect will be entered against Lots 11, 12, 13 and 14.

ADVISORY NOTES

NOTE 1. General Environmental Duty

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

NOTE 2. General Safety Of Public During Construction

The *Work Health and Safety Act 2011* and *Manual of Uniform Traffic Control Devices* must be complied with in carrying out any construction works, and to ensure safe traffic control and safe public access in respect of works being constructed on a road.

NOTE 3. Property Note (Bushfire)

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

NOTE 4. Infrastructure Charges Notice

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

NOTE 5. Clearing within Road Reserve

An approval for a Tree Clearing Permit, issued by the Department of Environment and Heritage Protection in addition to the Operational Works (road works) permit, will be required when constructing the proposed new roads.

It is a requirement under the *Nature Conservation Act 1992* that an approved Tree Clearing Permit is obtained from the Department of Environment and Heritage Protection, prior to any tree clearing activities that are to occur within a road reserve that is under Council control.

NOTE 6. Provision for Sewer and Water services

Each lot must be provided with on-site sewerage treatment and disposal systems at the time of house construction. All systems must comply with the *Queensland Plumbing and Wastewater Code, Australian Standard AS1547:2012 "On-site domestic wastewater management"* and Council Plumbing and Drainage Policies. Sustainable Water sources including rainwater tanks, and a bore or small dam must be provided.

NOTE 7. Rural Addressing

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

Recommendation of the Planning and Regulatory Committee, 2 October 2018**9.2.3 D/36-2018 - NEGOTIATED DECISION NOTICE FOR DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A SHOWROOM AND OPERATIONAL WORKS FOR AN ADVERTISING DEVICE (PYLON SIGN)**

File No: D/36-2018

Attachments:

1. Locality Plan
2. Site Plan
3. Elevation Plan

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Steven Gatt - Manager Planning and Regulatory Services
Colleen Worthy - General Manager Community Services

Author: Bevan Koelmeyer - Planning Officer

SUMMARY

Development Application Number: D/36-2018

Applicant: ARB Corporation Ltd

Real Property Address: Lots 4, 5 and 6 on RP853443 and Lot 2 on RP602840, Parish of Rockhampton

Common Property Address: 123 Gladstone Road and 46 John Street, Allenstown

Area of Site: 4,190 square metres

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Specialised Centre Zone

Planning Scheme Overlays: Flood Hazard (Fitzroy River Flood – Medium and Low)

Existing Development: Office and Workshop

Approval Sought: Negotiated Decision Notice for Development Permit D/36-2018 for a Material Change of Use for a Showroom and Operational Works for an Advertising Device (Pylon Sign)

Level of Assessment: Code Assessable

Referral Agency(s): Department of State Development, Manufacturing, Infrastructure and Planning

Infrastructure Charges Area: Charge Area 1

COMMITTEE RECOMMENDATION**RECOMMENDATION A**

THAT in relation to the application for a request for a Negotiated Decision Notice for Development Permit D/36-2018 for a Material Change of Use for a Showroom and Operational Works for an Advertising Device (Pylon Sign), made by ARB Corporation Ltd, located at 123 Gladstone Road and

46 John Street, Allentown on Lots 4, 5 and 6 on RP853443 and Lot 2 on RP602840, Parish of Rockhampton - Council resolves that:

1. Condition 17.5 be amended by replacing The hours of operations for the development site must be limited to:

- (i) 0800 hours to 1730 hours on Monday to Friday, and
- (ii) 0800 hours to 1200 hours on Saturday,

with no operations on Sundays or Public Holidays.

With

The hours of operations for the development site must be limited to:

- i. 0700 hours to 1800 hours on Monday to Friday, and
- ii. 0700 hours to 1400 hours on Saturday,

with no operations on Sundays or Public Holidays.

2. Conditions 3.14 and 6.8 be deleted.

3. The Infrastructure Charges be amended by replacing:

Column 1 Use Schedule		Column 2 Charge Area	Column 3 Adopted Infrastructure Charge		Column 4 Adopted Infrastructure Charge for stormwater network		Calculated Charge
			(\$)	Unit	(\$)	Unit	
Commercial (Bulk Goods)	All uses as per AICN 4/14 Table 2.2.1	Area 1	119	per m ² of GFA			\$265,370.00
					8.50	per m ² of impervious area	\$34,161.50
			Total				\$299,531.50
			Less credit				\$84,000.00
			TOTAL CHARGE				\$215,531.50

This is based on the following calculations:

- a) A charge of \$265,370.00 for Gross Floor Area for a Showroom being 2,230 square metres;
- b) A charge of \$34,161.50 for Impervious Area being 4,019 square metres (roof area, hardstand areas, access and parking areas); and
- c) An Infrastructure Credit of \$84,000.00, made up as follows:
 - (i) \$84,000.00 - Infrastructure Credit applicable for the existing four (4) allotments;

Therefore, a total charge of \$215,531.50 is payable and will be reflected in an Infrastructure Charges Notice for the development.

With

Column 1 Use Schedule		Column 2 Charge Area	Column 3 Adopted Infrastructure Charge		Calculated Charge
			(\$)	Unit	
Commercial (Bulk Goods)	All uses as per AICN 4/14 Table 2.2.1	Charge Area 1	119	per m ² of GFA	\$72,590.00
Industry	All other uses as per AICN 4/14 Table 2.2.1	Charge Area 1	42.50	per m ² of GFA	\$68,850.00
+ \$8.50 per m ² of impervious area					\$34,161.50
Total					\$175,601.50
Less credit					\$84,000.00
TOTAL CHARGE					\$91,601.50

This is based on the following calculations:

- a) A charge of \$141,440.00 for Gross Floor Area made up as follows:
 - (i) 610 square metres (showroom and staff areas);
 - (ii) 1620 square metres (warehouse and fitment centre); and
- b) A charge of \$34,161.50 for Impervious Area being 4,019 square metres (roof area, hardstand areas, access, and parking areas); and
- c) An Infrastructure Credit of \$84,000.00 is applicable for the existing four (4) allotments.

Therefore, a total charge of \$91,601.50 is payable and will be reflected in the Negotiated Infrastructure Charges Notice for the development.

RECOMMENDATION B

That in relation to the application for a request for a Negotiated Decision Notice for Development Permit D/36-2018 for a Material Change of Use for a Showroom and Operational Works for an Advertising Device (Pylon Sign), made by ARB Corporation Ltd, located at 123 Gladstone Road and 46 John Street, Allentown on Lots 4, 5 and 6 on RP853443 and Lot 2 on RP602840, Parish of Rockhampton - Council resolves to Approve the application subject to the following conditions:

Part A - Material Change Of Use for a Showroom

1.0 ADMINISTRATION

- 1.1 The Developer and his employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:
 - 1.3.1 to Council's satisfaction;
 - 1.3.2 at no cost to Council; and
 - 1.3.3 prior to the commencement of the use

unless otherwise stated.

- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.5.1 Operational Works:
- (i) Access and Parking Works;
 - (ii) Sewerage Works;
 - (iii) Stormwater Works;
 - (iv) Roof and Allotment Drainage;
- 1.5.2 Plumbing and Drainage Works; and
- 1.5.3 Building Works:
1. Demolition Works; and
 2. Building Works.
- 1.6 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.7 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.8 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant Australian Standards and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 1.9 Lots 4, 5 and 6 on RP853443 and Lot 2 on RP602840 must be amalgamated and registered as one lot prior to the commencement of the use.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Drawing/report title</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference number</u>	<u>Version/issue</u>
Proposed Site Layout	Tony Cosentino Architect	29 June 2018	TP02-A	-
Proposed Elevations	Tony Cosentino Architect	17 March 2018	TP03	-
Existing Site Plan & Demolition Plan	Tony Cosentino Architect	17 March 2017	TP01-1	-
Preliminary Sewerage Reticulation and Stormwater Quality	McMurtrie Consulting Engineers	22 August 2018	062-17-18-P-0004	C

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

application for a Development Permit for Operational Works/Building Works.

3.0 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 and parking works on the development site.
- 3.2 All access and parking works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 3.3 All car parking and access areas must be paved or sealed to Council's satisfaction. Design and construction must be in accordance with the provisions of a Development Permit for Operational Works (access and parking works).
- 3.4 The existing access to the development from John Street must be closed.
- 3.5 A new access to the development must be provided from John Street as per the approved drawings.
- 3.6 Any redundant vehicular crossovers must be replaced by Council standard kerb and channel.
- 3.7 All vehicles must ingress and egress the development in a forward gear.
- 3.8 Adequate sight distances must be provided for all ingress and egress movements at the access driveways in accordance with *Australian Standard AS2890.2 "Parking facilities - Off street commercial vehicle facilities"*.
- 3.9 A minimum of thirty (30) parking spaces must be provided on-site.
- 3.10 Universal access parking spaces must be provided on-site in accordance with *Australian Standard AS2890.6 "Parking facilities - Off-street parking for people with disabilities"*.
- 3.11 Parking spaces must be line-marked in accordance with the approved plans (refer to condition 2.1) and in accordance with the *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 3.12 All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"* and *Australian Standard AS2890.1 "Parking facilities - Off-street car parking"*.
- 3.13 Road signage and pavement markings must be installed in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"*.
- 3.14 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.

4.0 SEWERAGE WORKS

- 4.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any sewerage works on the development site.
- 4.2 All sewerage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2002* and the provisions of a Development Permit for Operational Works (sewerage works).
- 4.3 The development must be connected to Council's reticulated sewerage network.
- 4.4 Sewerage works must be carried out generally in accordance with McMurtrie Consulting Engineers Drawing 062-17-18-P-0004 Revision B dated 29 June 2018.
- 4.5 The finished sewerage access chamber or lamphole surface must be at a sufficient level to avoid ponding of stormwater above the top of the chamber. A heavy duty trafficable lid must be provided in the trafficable area.
- 4.6 Sewer connections located within trafficable areas must be raised or lowered to suit the

finished surface levels and must be provided with heavy duty trafficable lids.

4.7 All works must be undertaken in accordance with *Queensland Development Code, Mandatory Part 1.4 "Building over or near relevant infrastructure."*

4.8 The development must comply with Council's Building Over/Adjacent to Local Government Sewerage Infrastructure Policy. Any permit associated with the Building Over/Adjacent to Local Government Sewerage Infrastructure Policy must be obtained prior to the issue of a Development Permit for Building Works.

5.0 WATER WORKS

5.1 All water works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008*, and *Plumbing and Drainage Act*

5.2 The development must be connected to Council's reticulated water network.

5.3 The existing water connection point fronting Gladstone Road must be retained and upgraded, if necessary, to service the development.

5.4 The existing water connection for Lot 2 on RP602840 must be disconnected.

5.5 Water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.

6.0 PLUMBING AND DRAINAGE WORKS

6.1 A Development Permit for Plumbing and Drainage Works must be obtained for the removal and/or demolition of any existing structure on the development site.

6.2 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2002*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.

6.3 The development must be connected to Council's reticulated sewerage and water networks.

6.4 Sewer connections and water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.

6.5 Alteration or relocation of internal sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act 2002*.

6.6 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act 2002* and Council's Plumbing and Drainage Policies.

6.7 All sanitary drainage works must comply with *Australian Plumbing and Drainage Standard AS3500 Part 2 section 3 and 4* for flood affected areas.

7.0 STORMWATER WORKS

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

7.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).

7.3 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.

7.4 The development must not increase peak stormwater runoff for a selected range of storm

events up to and including a one per cent (1%) Annual exceedance probability storm event, for the post-development conditions.

- 7.5 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by engineering plans with details of any new drainage systems including retention systems, inlet and outlet structures, or the amendment and upgrading of existing drainage systems to implement the proposed drainage strategy.

8.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 8.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the development site.
- 8.2 All roof and allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (roof and allotment drainage works).
- 8.3 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance to surrounding land or infrastructure.
- 8.4 The development must not increase peak stormwater runoff for a selected range of storm events up to and including a one per cent (1%) Annual exceedance probability storm event, for the post-development conditions.

9.0 SITE WORKS

- 9.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 9.2 Any application for a Development Permit for Operational Works must be accompanied by a preliminary site investigation into acid sulfate soils. If preliminary testing indicates that acid sulfate soils are present in the areas to be excavated or filled, a more detailed acid sulfate soil investigation must be completed, and an appropriate management plan submitted to Council as part of any application for a Development Permit for Operational Works (site works). The detailed investigation and associated management plan must be carried out in accordance with the *Queensland Acid Sulfate Soil Technical Manual* and *State Planning Policy 2017*.
- 9.3 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.
- 9.4 Retaining structures above one (1) metre in height that are not incidental works to a Development Permit for Building Works, must not be constructed unless separately and specifically certified by a Registered Professional Engineer of Queensland and must be approved as part of a Development Permit for Operational Works (site works).
- 9.5 Retaining structures close to or crossing sewerage infrastructure must comply with *Queensland Development Code, Mandatory Part 1.4 "Building over or near relevant infrastructure."* The structure must be self-supporting and no additional load must be applied to Council's sewerage infrastructure.
- 9.6 Large trees must not be planted within one (1) metre of the centreline of any sewerage and/or water infrastructure; small shrubs and groundcover are acceptable.

10.0 BUILDING WORKS

- 10.1 A Development Permit for Building Works must be obtained for the removal and/or demolition of any existing structures on the development site.
- 10.2 All external elements, such as air conditioners and associated equipment, must be adequately screened from public view, to Council's satisfaction.

11.0 LANDSCAPING WORKS

- 11.1 All landscaping must be established generally in accordance with the approved plans (refer to

condition 2.1). The landscaping must be constructed and/or established prior to the commencement of the use and the landscape areas must predominantly contain plant species that are locally native to the Central Queensland region due to their low water dependency.

11.2 The landscaped areas must be subject to:

11.2.1 a watering and maintenance plan during the establishment moment; and

11.2.2 an ongoing maintenance and replanting programme.

12.0 ELECTRICITY

12.1 Electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.

13.0 TELECOMMUNICATIONS

13.1 Telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service provider. Unless otherwise stipulated by telecommunications legislation at the time of installation, this includes all necessary pits and pipes, and conduits that provide a connection to the telecommunications network.

14.0 ASSET MANAGEMENT

14.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.

14.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.

14.3 'As Constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of the use. This information must be provided in accordance with the *Asset Design and As Constructed Manual (ADAC)*.

15.0 ENVIRONMENTAL

15.1 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan that addresses, but is not limited to, the following:

- (i) objectives;
- (ii) site location and topography;
- (iii) vegetation;
- (iv) site drainage;
- (v) soils;
- (vi) erosion susceptibility;
- (vii) erosion risk;
- (viii) concept;
- (ix) design; and
- (x) implementation,

for the construction and post-construction phases of work.

15.2 The Erosion Control and Stormwater Control Management Plan prepared by a Registered Professional Engineer of Queensland in accordance with the *Capricorn Municipal Design Guidelines*, must be implemented, monitored and maintained for the duration of the

development works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The plan must be available on-site for inspection by Council Officers whilst all works are being carried out.

16.0 ENVIRONMENTAL HEALTH

16.1 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.

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

16.3 Operations on the site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise, odour or dust.

16.4 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.

17.0 OPERATING PROCEDURES

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

17.2 All waste storage areas must be:

17.2.1 kept in a clean and tidy condition; and

17.2.2 maintained in accordance with *Environmental Protection Regulation 2008*.

17.3 No panel beating, spray-painting or any body works must be carried out on-site.

17.4 No washing of plant equipment and vehicles is permitted on the development site unless an approved washdown bay is built to prevent contamination of land and the stormwater system.

17.5 The hours of operations for the development site must be limited to:

(i) 0700 hours to 1800 hours on Monday to Friday, and

(ii) 0700 hours to 1400 hours on Saturday,

with no operations on Sundays or Public Holidays.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. 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 development site during all stages of the development including earthworks, construction and operation.

NOTE 4. Licensable Activities

Should an activity licensable by Rockhampton Regional Council be proposed for the development site, Council's Environment and Public Health Unit must be consulted to determine whether any approvals are required. Such activities may include food preparation, storage of dangerous goods or environmentally relevant activities. Approval for such activities is required before 'fit out' and operation.

NOTE 5. General Safety Of Public During Construction

The *Work Health and Safety Act 2011* and *Manual of Uniform Traffic Control Devices* must be complied with in carrying out any construction works, and to ensure safe traffic control and safe public access in respect of works being constructed on a road.

NOTE 6. Infrastructure Charges Notice

This application is subject to infrastructure charges in accordance with Council policies. The charges are presented on a Negotiated Infrastructure Charges Notice.

Part B – Operational Works for an Advertising Device (Pylon Sign)

18.0 ADMINISTRATION

18.1 The approved signage must be completed and maintained generally in accordance with the approved drawings and documents, except where amended by the conditions of this permit.

<u>Drawing/report title</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference number</u>	<u>Version/issue</u>
Proposed Site Layout	Tony Cosentino Architect	29 June 2018	TP02-A	-
External Signage 8m Pylon	-	-	-	-
External Signage ARB Illuminated Logo	-	-	-	-
Grey ACM Clad Shoebox Style Illuminated Box for 8m Pylon	-	-	-	-

18.2 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.

18.3 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 Building Works.

18.4 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.

18.5 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.

18.6 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.

18.7 The following further development permits are required prior to the commencement of any works on the site:

18.7.1 Building Works.

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

19.0 ILLUMINANCE AND LUMINANCE

19.1 Luminance levels of the Advertising Device(s) must not exceed the applicable levels listed in Table 1 below.

Table 1: Luminance levels Advertising Device

			All Colours		Bailey's Sign Nit Setting	
Ambient Condition Description	Dimming Level	Advertising Device Illuminance Vertical Component (lx)	Screen Luminance (Cd/m ²) Max	Screen Luminance (Cd/m ²) Min	Max (nit)	Min (nit)
Sunny Day	5	40,000	6,300	2,800	6,000	2,800
Cloudy Day	4	4,000	1,100	500	1,100	500
Twilight	3	400	480	260	480	260
Dusk	2	40	380	120	380	120
Night	1	< 4	340	80	270	80

Note: Illuminance refers to the intensity of light falling at a given place on a lighted surface when measured by a lux meter and expressed as luminous flux per unit area (otherwise known as lux (lx)). Luminance refers to the intensity of light per unit area of its source when measured by a luminance meter and expressed as candela per square metre (cd/m²). It is often used to describe the perceived brightness of a light source.

20.0 ADVERTISING DEVICE CONSTRUCTION

20.1 All Construction work and other associated activities are permitted only between 0700 hours and 1800 hours Monday to Saturday. No work is permitted on Sundays or public holidays. All requirements of the *Environmental Protection Act 1994* and *Environmental Protection Regulations 2008* must be observed at all times.

20.2 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site.

20.3 The Advertising Device must be designed and certified by a Registered Professional Engineer of Queensland and constructed in accordance with the requirements of the *Queensland Development Code* and the *Building Code of Australia*.

20.4 All electrical services and systems must comply with 'Australian and New Zealand Standard AS/NZS 3000:2007 - Electrical Installations'.

20.5 Any damage to, or alterations necessary, to electricity, telephone, water mains, sewerage mains, stormwater drains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken immediately at full cost to the Developer.

21.0 ADVERTISING DEVICE SPECIFICATIONS

21.1 Content displayed on the advertising device(s) must not incorporate video or animated images.

Note: Video refers to a recording or the streaming of moving visual images captured by or using a video camera. Animation refers to a simulation of movement created by displaying a series of pictures or frames either digitally or otherwise.

21.2 The advertising device(s) must not be capable of playing audio nor synchronised with any

outdoor sound system utilised for advertising purposes.

22.0 OPERATING PROCEDURE

- 22.1 All text and images displayed on the Pylon Sign must be static, not imitate a traffic control device or include traffic instructions (for example 'stop'), and not involve moving parts or flashing lights.
- 22.2 All signage must only display or advertise a matter associated with the primary purpose for which the premises are used, or the purpose stated in this approval.
- 22.3 All signage must be maintained by the premises owner, to a standard that ensures public safety and does not adversely impact the visual amenity.
- 22.4 Any lighting devices associated with the signage, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents or motorists. Night lighting must be designed, constructed and operated in accordance with 'Australian Standard AS4282 – Control of the obtrusive effects of outdoor lighting'.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage Act, 2003

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.datsip.qld.gov.au.

NOTE 2. General Safety of Public During Construction

The Workplace 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.

RECOMMENDATION C

That in relation to the application for a request for a Negotiated Decision Notice for Development Permit D/36-2018 for a Material Change of Use for a Showroom and Operational Works for an Advertising Device (Pylon Sign), made by ARB Corporation Ltd, located at 123 Gladstone Road and 46 John Street, Allenstown on Lots 4, 5 and 6 on RP853443 and Lot 2 on RP602840, Parish of Rockhampton - Council resolves to issue a Negotiated Infrastructure Charges Notice for the amount of \$91,601.50.

COMMITTEE RECOMMENDATION

THAT the authority to issue Infrastructure Charges that recognise different uses on the same site be delegated to the Chief Executive Officer.

Recommendation of the Planning and Regulatory Committee, 2 October 2018
9.2.4 D/85-2018 - DEVELOPMENT APPLICATION FOR OPERATIONAL WORKS FOR AN ADVERTISING DEVICE (ROOF SIGN)

File No: D/85-2018

Attachments:

1. Locality Plan
2. Site Plan
3. Elevation Plan

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Steven Gatt - Manager Planning and Regulatory Services
Colleen Worthy - General Manager Community Services

Author: Brandon Diplock - Planning Officer

SUMMARY

Development Application Number: D/85-2018

Applicant: Apex Digital Billboards C/- Ethos Urban

Real Property Address: Lot 1 on RP604875, Parish of Rockhampton

Common Property Address: 190 Bolsover Street, Rockhampton City

Area of Site: 1,012 square metres

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Principal Centre Zone (Core Precinct)

Planning Scheme Overlays: Not Applicable

Existing Development: Commercial

Existing Approvals: Not Applicable

Approval Sought: Development Permit for Operational Works for an Advertising Device (Roof Sign)

Level of Assessment: Code Assessable

Infrastructure Charges Area: Charge Area 1

Application Progress:

<i>Application Lodged:</i>	6 August 2018
<i>Request for Further Information sent:</i>	13 August 2018
<i>Request for Further Information responded to:</i>	16 August 2018
<i>Last receipt of information from applicant:</i>	16 August 2018
<i>Statutory due determination date:</i>	5 October 2018

COMMITTEE RECOMMENDATION

THAT officers negotiate with the applicant to seek a more sympathetic design in keeping with the surrounding environment.

Recommendation of the Planning and Regulatory Committee, 2 October 2018
9.2.5 D/20-2017 - MINOR CHANGE TO DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (ONE LOT INTO THREE LOTS) AND ACCESS EASEMENT

File No: D/20-2017

Attachments: 1. Locality Plan
2. Site Plan

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Steven Gatt - Manager Planning and Regulatory Services
Colleen Worthy - General Manager Community Services

Author: Bevan Koelmeyer - Planning Officer

SUMMARY

Development Application Number: D/20-2017

Applicant: Capehead Pty Ltd

Real Property Address: Lot 485 on LIV40112, Parish of Murchison

Common Property Address: 66 Alfred Road, Parkhurst

Planning Scheme: Rockhampton City Plan 2005

Planning Scheme Area: Yeppoon Road Corridor Environmental Protection Area

Approval Sought: Minor Change for Development Permit D/20-2017 for Reconfiguring a Lot (one lot into three lots) and Access Easement

Level of Assessment: Code Assessable

Submissions: Not Applicable

Referrals: Nil

Infrastructure Charges Area: Charge Area 3

COMMITTEE RECOMMENDATION
RECOMMENDATION A

THAT in relation to the application for a Minor Change to Development Permit D/19-2017 for Reconfiguring a Lot (two lots into five Lots) and Access Easement, made by Capehead Pty Ltd, Lot 485 on LIV40112, Parish of Murchison, located at 66 Alfred Road, Parkhurst - Council resolves that:

1. Condition 4.3 be amended by replacing:

As part of Stage 2, Olive Street must be constructed to a Rural Access standard from the intersection with McMillan Avenue to the access point for Lot 11.

With

As part of Stage 2 of the development, Olive Street must be designed and constructed from

the intersection with McMillan Avenue to the access point for Lot 11 to the following parameters:-

- 4.3.1 A minimum 4.5 metre wide gravel formation;
- 4.3.2 A pavement depth suitable for the in-situ subgrade conditions and expected traffic loadings but no less than 150 millimetres;
- 4.3.3 A desirable minimum design speed of 50 kilometres/per hour with a minimum design speed for individual elements of 30 kilometres/per hour;
- 4.3.4 A turning area to permit vehicle U-Turns opposite the access point for Lot 11;
- 4.3.5 With appropriate road furniture and signage to the *Manual of Uniform Traffic Control Devices – Queensland*; and
- 4.3.6 The horizontal alignment is permitted to vary around the existing road reserve centreline by plus/minus 5 metres.

2. Condition 4.4 be amended by replacing:

As part of Stage 2 of the development, McMillan Avenue must be designed and constructed as a half road construction, with a minimum width of 5.5 metres from the end of the existing seal to the intersection with Olive Street. The edge line of the new construction must match the alignment of the existing kerb and channel on the western side of McMillan Avenue. Council will accept a two-coat seal in accordance with the requirements of the Capricorn Municipal Development Guidelines in lieu of asphalt surfacing for this section of roadway, with no kerb and channel construction required in this instance.

With

As part of Stage 2 of the development, McMillan Avenue must be designed and constructed from the end of the existing seal in McMillan Avenue to the intersection with Olive Street to the following parameter:-

- 4.4.1 A minimum 4.5 metre wide gravel formation and a two-coat bitumen seal;
- 4.4.2 A pavement depth suitable for the in-situ subgrade conditions and expected traffic loadings but no less than 150 millimetres;
- 4.4.3 A desirable minimum design speed of 50 kilometres/per hour with a minimum design speed for individual elements of 30 kilometres/per hour;
- 4.4.4 With appropriate road furniture and signage to the *Manual of Uniform Traffic Control Devices – Queensland*; and
- 4.4.5 The horizontal alignment must generally align with the centre of the existing seal in McMillan Avenue.

3. Condition 4.5 be amended by replacing:

As part of Stage 2 of the development, the intersection of McMillan Avenue and Olive Street must be sealed with a minimum of a two-coat seal in accordance with the requirements of the Capricorn Municipal Development Guidelines such that it has a minimum width of 6.5 metres within the Olive Street road reserve and extends a minimum of ten (10) metres to the east along Olive Street.

With

As part of Stage 2 of the development, the intersection of McMillan Avenue and Olive Street must be designed and constructed such that there is a minimum width of 5.5 metres for a distance of ten (10) metres to the east along Olive Street and ten (10) metres to the south along McMillan Avenue. The pavement depth must be suitable for the in-situ subgrade conditions but no less than 150 millimetres and be sealed with a minimum two-coat bitumen seal.

RECOMMENDATION B

That in relation to the above changes, Council resolves to issue an Amended Decision Notice:

ADMINISTRATION

- 1.1 The Developer and his employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:
- 1.3.1 to Council's satisfaction;
- 1.3.2 at no cost to Council; and
- 1.3.3 prior to the issue of the Compliance Certificate for the Survey Plan, unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the issue of the Compliance Certificate for the Survey Plan, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.5.1 Operational Works:
- (i) Road Works; and
- (ii) Access Works.
- 1.6 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.7 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 1.8 The access to proposed Lot 3 must be via the proposed Easement A over proposed Lot 2. Easement documents must accompany the Survey Plan for endorsement by Council, prior to the issue of the Compliance Certificate for the Survey Plan.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Proposed Subdivision Layout	R17003-001, Revision C	19 October 2017

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

application for a Development Permit for Operational Works.

3.0 STAGED DEVELOPMENT

3.1 This development approval is for a development to be undertaken in two (2) discrete stages, namely:

3.1.1 Lot 3 (Stage One – one [1] lot); and

3.1.2 Lots 1 to 2 (Stage Two – two [2] lots).

in accordance with the approved proposed subdivision layout plan (refer to condition 2.1).

The stages are not required to be undertaken in any chronological order.

3.2 Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.

4.0 ROAD WORKS (STAGE 2)

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

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

4.3 As part of Stage 2 of the development, Olive Street must be designed and constructed from the intersection with McMillan Avenue to the access point for Lot 11 to the following parameters:-

4.3.1 A minimum 4.5 metre wide gravel formation;

4.3.2 A pavement depth suitable for the in-situ subgrade conditions and expected traffic loadings but no less than 150 millimetres;

4.3.3 A desirable minimum design speed of 50 kilometres/per hour with a minimum design speed for individual elements of 30 kilometres/per hour;

4.3.4 A turning area to permit vehicle U-Turns opposite the access point for Lot 11;

4.3.5 With appropriate road furniture and signage to the *Manual of Uniform Traffic Control Devices – Queensland*; and

4.3.6 The horizontal alignment is permitted to vary around the existing road reserve centreline by plus/minus 5 metres.

4.4 As part of Stage 2 of the development, McMillan Avenue must be designed and constructed from the end of the existing seal in McMillan Avenue to the intersection with Olive Street to the following parameter:-

4.4.1 A minimum 4.5 metre wide gravel formation and a two-coat bitumen seal;

4.4.2 A pavement depth suitable for the in-situ subgrade conditions and expected traffic loadings but no less than 150 millimetres;

4.4.3 A desirable minimum design speed of 50 kilometres/per hour with a minimum design speed for individual elements of 30 kilometres/per hour;

4.4.4 With appropriate road furniture and signage to the *Manual of Uniform Traffic Control Devices – Queensland*; and

4.4.5 The horizontal alignment must generally align with the centre of the existing seal in McMillan Avenue.

- 4.5 As part of Stage 2 of the development, the intersection of McMillan Avenue and Olive Street must be designed and constructed such that there is a minimum width of 5.5 metres for a distance of ten (10) metres to the east along Olive Street and ten (10) metres to the south along McMillan Avenue. The pavement depth must be suitable for the in-situ subgrade conditions but no less than 150 millimetres and be sealed with a minimum two-coat bitumen seal.
- 4.6 Traffic signs and pavement markings must be provided in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*. Where necessary, existing traffic signs and pavement markings must be modified in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*.
- 5.0 ACCESS WORKS
- 5.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access works required by this development approval.
- 5.2 All access works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), and *Capricorn Municipal Development Guidelines*, and the provisions of a Development Permit for Operational Works (access works).
- 5.3 New sealed accesses must be constructed for proposed Lots 2 and 3.
- 6.0 PLUMBING AND DRAINAGE WORKS
- 6.1 On-site sewage treatment and disposal must be in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Plumbing and Drainage Policies. This can be completed at the building works application stage.
- 6.2 On-site water supply for domestic and firefighting purposes must be provided and may include the provision of a bore, dams, water storage tanks or a combination of each. This can be completed at the building works application stage.
- 7.0 STORMWATER WORKS
- 7.1 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.
- 7.2 Easements must be provided over all land assessed to be within the one (1) per cent Average Annual Exceedance (AEP) probability defined flood event inundation area.
- 8.0 SITE WORKS
- 8.1 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.
- 9.0 ELECTRICITY
- 9.1 Electricity services must be provided to each lot in accordance with the standards and requirements of the relevant service provider.
- 10.0 TELECOMMUNICATIONS
- 10.1 Evidence that the new lots can be provided with telecommunications services from the relevant service provider must be provided to Council, prior to the issue of the Compliance Certificate for the Survey Plan.
- 11.0 ASSET MANAGEMENT
- 11.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with

the development, must be undertaken and completed at no cost to Council.

- 11.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.

12.0 ENVIRONMENTAL

- 12.1 Any application for a Development Permit for Operational Works must be accompanied by a detailed Environmental Management Plan that addresses, but is not limited to, the following:
- (i) water quality and drainage;
 - (ii) erosion and silt/sedimentation management;
 - (iii) fauna management;
 - (iv) vegetation management and clearing;
 - (v) top soil management;
 - (vi) interim drainage plan during construction;
 - (vii) construction programme;
 - (viii) geotechnical issues;
 - (ix) weed control;
 - (x) bushfire management;
 - (xi) emergency vehicle access;
 - (xii) noise and dust suppression; and
 - (xiii) waste management.
- 12.2 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan that addresses, but is not limited to, the following:
- (i) objectives;
 - (ii) site location and topography
 - (iii) vegetation;
 - (iv) site drainage;
 - (v) soils;
 - (vi) erosion susceptibility;
 - (vii) erosion risk;
 - (viii) concept;
 - (ix) design; and
 - (x) implementation,
- for the construction and post-construction phases of work.
- 12.3 The Environmental Management Plan approved as part of a Development Permit for Operational Works must be part of the contract documentation for the development works.

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

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 development site. Storage of materials, or parking of construction machinery or contractors' vehicles must not occur within McMillan Avenue and Olive Street.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. General Environmental Duty

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

NOTE 3. General Safety Of Public During Construction

The *Work Health and Safety Act 2011* and *Manual of Uniform Traffic Control Devices* must be complied with in carrying out any construction works, and to ensure safe traffic control and safe public access in respect of works being constructed on a road.

NOTE 4. Property Note (Bushfire)

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

NOTE 5. Works in Road Reserve Permit

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

NOTE 6. Infrastructure Charges Notice

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

Recommendation of the Planning and Regulatory Committee, 2 October 2018**9.2.6 D/125-2017 - MINOR CHANGE TO DEVELOPMENT PERMIT FOR A HOTEL (EXTENSIONS FOR AN ANCILLARY CAR PARK AND BEER GARDEN)**

File No: D/125-2017

Attachments:

1. Locality Plan
2. Site Plan
3. Floor Plan

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Steven Gatt - Manager Planning and Regulatory Services
Colleen Worthy - General Manager Community Services

Author: Bevan Koelmeyer - Planning Officer

SUMMARY

Development Application Number: D/125-2017

Applicant: Red Lion Property Holdings Pty Ltd

Real Property Address: Lot 1 and Lot 2 on RP600326, Parish of Rockhampton

Common Property Address: 138 Denham Street, Allenstown

Area of Site: 1,400 square metres

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Low-Medium Density Residential Zone

Planning Scheme Overlays: Nil Applicable

Existing Development: Hotel

Approval Sought: Minor Change to a Development Permit for a Material Change of Use for a Hotel (extensions for an ancillary car park and beer garden)

Level of Assessment: Impact Assessable

Submissions: One (1) submission

Infrastructure Charges Area: Charge Area 1

COMMITTEE RECOMMENDATION**RECOMMENDATION A**

THAT in relation to the application for a request for a Minor Change to a Development Permit for a Material Change of Use for a Hotel (extensions for an ancillary car park and beer garden), made by Red Lion Property Holdings Pty Ltd, located at 138 Denham Street, Allenstown, described as Lot 1 and 2 on RP600326, Parish of Rockhampton, Council resolves that:

1. Condition 2.1 be amended by replacing:

The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by any condition of this development approval:

<u>Drawing/report title</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference number</u>
Proposed Site Plan	Lotus	23 January 2018	Nil, Revision E
Floor Plan & Elevations	Lotus	23 January 2018	Nil, Revision E
Proposed Carpark and Swept Path Analysis	McMurtrie	18 July 2017	0071718-SK-0001, Revision A
Noise Impact Assessment	Alpha Acoustics	25 September 2017	Nil

With

The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by any condition of this development approval:

<u>Drawing/report title</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference number</u>
Proposed Site Plan	Lotus	6 September 2018	Nil, Revision F
Floor Plan & Elevations	Lotus	6 September 2018	Nil, Revision F
Proposed Carpark and Swept Path Analysis	McMurtrie	18 July 2017	0071718-SK-0001, Revision A
Noise Impact Assessment	Alpha Acoustics	25 September 2017	Nil

2. Condition 21.1 be amended by replacing:

All recommendations included in the Noise Impact Assessment (refer to condition 2.1) are to be implemented prior to the commencement of use of Stage Two and maintained thereafter.

Note: Any air-conditioning units proposed for the beer garden area (including the storeroom, bar and grill areas) must be located, installed and maintained at all times, so as not to cause a nuisance.

With

All recommendations included in the Noise Impact Assessment (refer to condition 2.1) are to be implemented prior to the commencement of use of Stage Two and maintained thereafter.

In lieu of glass louvres, a core filled block wall with a minimum depth of 110 millimetres may be constructed in accordance with the 'Floor Plan & Elevations' (refer to Condition 2.1), such that the set noise criteria as stipulated in the 'Noise Impact Assessment' (refer to Condition 2.1) at a minimum, is achieved.

Note: Any air-conditioning units proposed for the beer garden area (including the storeroom, bar and grill areas) must be located, installed and maintained at all times, so as not to cause a nuisance.

RECOMMENDATION B

That in relation to the above changes, Council resolves to issue an Amended Decision Notice:

PART A: GENERAL CONDITIONS (APPLICABLE TO BOTH STAGES ONE AND TWO)**1.0 ADMINISTRATION**

- 1.1 The Developer and his employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:
- 1.3.1 to Council's satisfaction;
- 1.3.2 at no cost to Council; and
- 1.3.3 prior to the commencement of the use,
unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
- 1.5 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.6 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.7 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 1.8 Lot 1 and Lot 2 on RP600326 must be amalgamated and registered as one lot prior to the commencement of the use for Stage Two.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Drawing/report title</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference number</u>
Proposed Site Plan	Lotus	6 September 2018	Nil, Revision F
Floor Plan & Elevations	Lotus	6 September 2018	Nil, Revision F
Proposed Carpark and Swept Path Analysis	McMurtrie	18 July 2017	0071718-SK-0001, Revision A
Noise Impact Assessment	Alpha Acoustics	25 September 2017	Nil

- 2.2 Where there is any conflict between the conditions of this development approval and the details shown on the approved plans and documents, the conditions of this development approval must prevail.
- 2.3 Where conditions require the above plans or documents to be amended, the revised

document(s) must be submitted for approval by Council prior to the submission of an application for a Development Permit for Operational Works and/or Building Works.

3.0 STAGED DEVELOPMENT

3.1 This approval is for a development to be undertaken in two (2) stages, namely:

3.1.1 Cocktail room and hotel room (Stage One); and

3.1.2 Beer garden, storeroom, bar and grill and carpark (Stage Two).

in accordance with the approved Site Plan (refer to condition 2.1).

3.2 Stage One must be completed prior to the commencement of use for Stage Two.

3.3 Unless otherwise expressly stated, the conditions must be read as being applicable only to the particular stages(s) being developed.

4.0 PLUMBING AND DRAINAGE WORKS

4.1 A Development Permit for Plumbing and Drainage Works must be obtained for both Stages One and Two. This also applies to the removal and/or demolition of any existing dwelling structure on the development site.

4.2 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 2002* and Council's Plumbing and Drainage Policies.

4.3 Amended sewerage/Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's reticulated sewerage network. Arrestor traps must be provided where commercial or non-domestic waste is proposed to be discharged into the sewer system.

5.0 ROOF AND ALLOTMENT DRAINAGE WORKS

5.1 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance to surrounding land or infrastructure.

6.0 SITE WORKS

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

7.0 BUILDING WORKS

7.1 A Development Permit for Building Works must be obtained for the proposed extensions on the development site for both Stages One and Two.

8.0 LANDSCAPING

8.1 All landscaping must be established generally in accordance with the approved plans (refer to condition 2.1). The landscaping must be constructed and/or established prior to the commencement of the use and the landscape areas must predominantly contain plant species that are locally native to the Central Queensland region due to their low water dependency.

8.2 Large trees must not be planted within one (1) metre of the centreline of any sewerage and/or water infrastructure; small shrubs and groundcover are acceptable.

8.3 The landscaped areas must be subject to:

8.3.1 a watering and maintenance plan during the establishment moment; and

8.3.2 an ongoing maintenance and replanting programme.

9.0 ENVIRONMENTAL HEALTH

- 9.1 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 9.2 Noise emitted from the activity must not cause an environmental nuisance.
- 9.3 Operations on the site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise or dust.
- 9.4 When requested by Council, noise monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise. The monitoring data, an analysis of the data and a report, including noise mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation. Council may require any noise mitigation measures identified in the assessment to be implemented within appropriate timeframes. Noise measurements must be compared with the acoustic quality objectives specified in the most recent edition of the *Environmental Protection (Noise) Policy 2008*.

10.0 ASSET MANAGEMENT

- 10.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.
- 10.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.
- 10.3 'As Constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of the use. This information must be provided in accordance with the *Asset Design and As Constructed Manual (ADAC)*.

11.0 OPERATING PROCEDURES

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

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. 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 development site 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.

NOTE 5. Infrastructure Charges Notice

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

PART B: STAGE ONE**12.0 ADMINISTRATION**

12.1 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:

- 12.1.1 Plumbing and Drainage Works; and
- 12.1.2 Building Works.

PART C: STAGE TWO**13.0 ADMINISTRATION**

13.1 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:

- 13.1.1 Operational Works:
 - (i) Access and Parking Works;
 - (ii) Stormwater Works;
 - (iii) Site Works;
- 13.1.2 Plumbing and Drainage Works; and
- 13.1.3 Building Works.

14.0 ACCESS AND PARKING WORKS

- 14.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the development site.
- 14.2 All access and parking works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, and *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 14.3 All car parking and access areas must be paved or sealed to Council's satisfaction. Design and construction must be in accordance with the provisions of a Development Permit for Operational Works (access and parking works).
- 14.4 The existing access from Denham Street to the development must be upgraded to a

- commercial access standard to comply with the requirements of the *Capricorn Municipal Development Guidelines*.
- 14.5 Service and delivery vehicles including for the purpose of refuse collection, are not permitted to enter the site.
- 14.6 Any redundant vehicular crossovers must be replaced by Council standard kerb and channel.
- 14.7 All vehicles must ingress and egress the development in a forward gear.
- 14.8 The access driveway to the site's proposed carpark on Denham Street must be confined within the extent of the development site's boundaries.
- 14.9 Adequate sight distances must be provided for all ingress and egress movements at the access driveways in accordance with *Australian Standard AS2890.2 "Parking facilities - Off street commercial vehicle facilities"*.
- 14.10 A minimum of 11 parking spaces must be provided on-site.
- 14.11 Universal access parking spaces must be provided on-site in accordance with *Australian Standard AS2890.6 "Parking facilities - Off-street parking for people with disabilities"*.
- 14.12 Parking spaces must be line-marked in accordance with the approved Site Plan (refer to condition 2.1) and in accordance with the *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 14.13 All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"* and *Australian Standard AS2890.1 "Parking facilities – Off-street car parking"*.
- 14.14 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.
- 14.15 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.
- 15.0 **SEWERAGE WORKS**
- 15.1 All sewerage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act 2008*, and *Plumbing and Drainage Act 2002*.
- 15.2 The development must be connected to Council's reticulated sewerage network and the existing sewerage connection point(s) must be retained and upgraded, if necessary, to service the development.
- 15.3 Compliance with the Build Over Sewer Compliance Permit (Reference: 583-2017) is required, in particular:
- 15.3.1 The space around the subject access chamber must be constructed with all new walls/gates with a minimum offset of 1.2 metres from the centre of the access chamber.
- 15.3.2 Suitable ventilation must be provided with a minimum opening of 2.1 metres from the breezeway to the carpark.
- 15.3.3 The subject access chamber must have a gas tight sealed lid to ensure gases are not released into the covered area.
- Note:** In the event of a sewer surcharge or the access chamber lid becoming unsealed, please contact Fitzroy River Water (FRW) immediately to rectify.

16.0 WATER WORKS

- 16.1 All water works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008*, and *Plumbing and Drainage Act 2002*.
- 16.2 The development must be connected to Council's reticulated water network and the existing water connection point(s) must be retained and upgraded, if necessary, to service the development.
- 16.3 Water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.

17.0 STORMWATER WORKS

- 17.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.
- 17.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, and sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 17.3 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.
- 17.4 The development must not increase peak stormwater runoff for a selected range of storm events up to and including a one per cent (1%) Annual exceedance probability storm event, for the post-development conditions.
- 17.5 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by engineering plans with details of any new drainage systems including retention systems, inlet and outlet structures, or the amendment and upgrading of existing drainage systems to implement the proposed drainage strategy. In particular please indicate the location of the detention tank as outlined in the Stormwater Management Plan.

18.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 18.1 All roof and allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, and sound engineering practice.

19.0 SITE WORKS

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

they are free of all cut and/or fill material and cleaned as necessary.

- 19.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 19.4 Retaining structures above one (1) metre in height that are not incidental works to a Development Permit for Building Works, must not be constructed unless separately and specifically certified by a Registered Professional Engineer of Queensland and must be approved as part of a Development Permit for Operational Works (site works).
- 19.5 Any retaining structures close to or crossing sewerage infrastructure must comply with *Queensland Development Code, Mandatory Part 1.4 "Building over or near relevant infrastructure."* The structure must be self-supporting and no additional load must be applied to Council's sewerage infrastructure.

20.0 BUILDING WORKS

- 20.1 The proposed building must be designed to suit the Building Over/Adjacent to Local Government Sewerage Infrastructure Permit (Reference: 583-2017) conditions/plans.
- 20.2 Impervious paved waste storage area/s must be provided in accordance with the approved plans (refer to condition 2.1) and the *Environmental Protection Regulation 2008* and must be:
- 20.2.1 designed and located so as not to cause a nuisance to neighbouring properties;
- 20.2.2 surrounded by at least a 1.8 metre high screen fence that obstructs from view the contents of the waste storage area by any member of the public from any public place;
- 20.2.3 of a sufficient size to accommodate commercial type bins that will be serviced by a commercial contractor as Kerbside collection. No Waste Service Vehicles are permitted entry into the site.
- 20.2.4 setback a minimum of two (2) metres from any road frontage; and
- 20.2.5 provided with a suitable hosecock and hoses at the refuse container area, and washdown must be drained to the sewer and fitted with an approved stormwater diversion valve arrangement in accordance with the Sewerage Trade Waste provisions and the *Plumbing and Drainage Act 2002*.

As an alternative to a washdown facility, a fully contained commercial bin cleaning service is acceptable provided no wastewater is discharged from the site to the sewer.

21.0 ENVIRONMENTAL HEALTH

- 21.1 All recommendations included in the Noise Impact Assessment (refer to condition 2.1) are to be implemented prior to the commencement of use of Stage Two and maintained thereafter.

In lieu of glass louvres, a core filled block wall with a minimum depth of 110 millimetres may be constructed abutting the northern boundary, in accordance with the 'Floor Plan & Elevations' (refer to Condition 2.1) such that the noise criteria stipulated in the 'Noise Impact Assessment' (refer to Condition 2.1) at a minimum, is achieved.

Note: Any air-conditioning units proposed for the beer garden area (including the storeroom, bar and grill areas) must be located, installed and maintained at all times, so as not to cause a nuisance.

Recommendation of the Planning and Regulatory Committee, 2 October 2018**9.2.7 DECISIONS UNDER DELEGATION - AUGUST 2018**

File No: 7028
Attachments: Nil
Authorising Officer: Steven Gatt - Manager Planning and Regulatory Services
Colleen Worthy - General Manager Community Services
Author: Tarnya Fitzgibbon - Coordinator Development Assessment

SUMMARY

This report outlines the properly made development applications received in August 2018 and whether they will be decided under delegation or decided by Council.

COMMITTEE RECOMMENDATION

THAT this report into the applications lodged in August 2018 be received.

Recommendation of the Planning and Regulatory Committee, 2 October 2018
9.2.9 D/71-2018 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A HOTEL (ANCILLARY CARPARK)

File No: D/71-2018

Attachments:

1. Locality Plan
2. Carpark Layout Plan
3. Stormwater Management Plan

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Steven Gatt - Manager Planning and Regulatory Services
Colleen Worthy - General Manager Community Services

Author: Jonathon Trevett-Lyall - Planning Officer

SUMMARY

Development Application Number: D/71-2018

Applicant: Maroon Holdings Pty Ltd

Real Property Address: Lot 1 on RP604056 and Lot 1 on RP858373, Parish of Gracemere

Common Property Address: 2-8 Old Capricorn Highway and 2 McLaughlin Street, Gracemere

Area of Site: 3,288 square metres

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Low Impact Industry Zone
District Centre Zone

Planning Scheme Overlays: Nil

Existing Development: Dwelling House and Hotel

Existing Approvals: 3103333-2007 – Dwelling House
D/665-2012 – Hotel (extension)

Approval Sought: Development Permit for a Material Change of Use for a Hotel (Ancillary Carpark)

Level of Assessment: Impact Assessable

Submissions: One (1) not properly made submission

Referral Agency(s): Department of State Development, Manufacturing, Infrastructure and Planning

Infrastructure Charges Area: Charge Area 1

Application Progress:

<i>Application Lodged:</i>	29 June 2018
<i>Confirmation Notice issued:</i>	12 July 2018
<i>Request for Further Information sent:</i>	16 July 2018
<i>Request for Further Information responded to:</i>	31 July 2018
<i>Submission period commenced:</i>	2 August 2018

<i>Submission period end:</i>	<i>24 August 2018</i>
<i>Government Agency Response:</i>	<i>7 August 2018</i>
<i>Last receipt of information from applicant:</i>	<i>29 August 2018</i>
<i>Statutory due determination date:</i>	<i>11 October 2018</i>

COMMITTEE RECOMMENDATION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for a Material Change of Use for a Hotel (Ancillary Carpark), made by Maroon Holdings Pty Ltd, on land located at 2-8 Old Capricorn Highway and 2 McLaughlin Street, Gracemere, described as Lot 1 on RP604056 and Lot 1 on RP858373, Parish of Gracemere, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer and his employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:
 - 1.3.1 to Council's satisfaction;
 - 1.3.2 at no cost to Council; and
 - 1.3.3 prior to the commencement of the use, unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
 - 1.5.1 Operational Works:
 - (i) Road Works;
 - (ii) Access and Parking Works;
 - (iii) Stormwater Works; and
 - (iv) Site Works.
- 1.6 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.7 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Carpark Layout Plan	0941718-SK-001, Rev C	22 August 2018
Stormwater Management Plan	0941718-SK-002, Rev A	22 August 2018

Note: Stormwater Management Plan (Report no: 094-17-18, dated 22/08/2018, Rev B) has not been approved.

- 2.2 Where there is any conflict between the conditions of this development approval and the details shown on the approved plans and documents, the conditions of this development approval must prevail.
- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the commencement of the use.

3.0 ROAD WORKS

- 3.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works required by this development approval.
- 3.2 All road works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, relevant *Australian Standards*, *Austrroads Guidelines* and the provisions of a Development Permit for Operational Works (road works).
- 3.3 Right-in traffic movements from the Old Capricorn Highway to the development site must be via suitably designed Basic Right turn treatment (BAR) for the intended design vehicle.

Note: Sufficient pavement width is to be provided for the through vehicle (Articulated Vehicle) to pass a vehicle waiting to turn right.

- 3.4 Traffic signs and pavement markings must be provided in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*. Where necessary, existing traffic signs and pavement markings must be modified in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*.

4.0 ACCESS AND PARKING WORKS

- 4.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the development site.
- 4.2 All access and parking works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Parking facilities"*, SC6.12 Landscape design and street trees planning scheme policy of the *Rockhampton Region Planning Scheme 2015* and the provisions of a Development Permit for Operational Works (access and parking works).
- 4.3 All driveway accesses within the road reserve must be concrete paved.
- 4.4 All car parking, internal access and vehicle manoeuvring area must be concrete paved or asphalt sealed.
- 4.5 Any redundant vehicular crossovers must be replaced by Council standard kerb and channel.

- 4.6 All vehicles must ingress and egress the development in a forward gear.
- 4.7 Parking spaces must be line-marked in accordance with the approved Site Plan (refer to condition 2.1) and in accordance with the *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 4.8 The existing universal access parking spaces, located at the southern end of the on-street parking area adjacent to the Gracemere Hotel, must be upgraded to be in accordance with *Australian Standard AS2890.6 "Parking facilities - Off-street parking for people with disabilities"*.
- 4.9 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.
- 4.10 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.
- 4.11 The developer must undertake a traffic count prior to applying for operational works for either roadworks or access and parking works.
- 5.0 PLUMBING AND DRAINAGE WORKS
- 5.1 All sewerage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008*, and *Plumbing and Drainage Act 2002*.
- 5.2 The existing sewerage connection point(s) for the existing dwelling must be relocated to ensure they are located outside of the proposed swales and detention basin.
- 5.3 The finished sewerage access chamber surface must be at a sufficient level to avoid ponding of stormwater above the top of the chamber. A heavy duty trafficable lid must be provided in the trafficable area.
- 5.4 Sewer connection and water meter box located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 6.0 STORMWATER WORKS
- 6.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.
- 6.2 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by a detailed Stormwater Management Plan, prepared and certified by a Registered Professional Engineer of Queensland. The Stormwater Management Plan must clearly demonstrate that:
- 6.2.1 all content of the stormwater management plan is in accordance with the *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, stormwater management design objectives in *State Planning Policy 2017*, and sound engineering practice;
- 6.2.2 the Stormwater discharge is to a lawful point of discharge in accordance with the *Queensland Urban Drainage Manual*;
- 6.2.3 the volume of detention is sufficient to attenuate the peak discharge from the development site to ensure non-worsening for a range of design rainfall events up to and including a one per cent (1%) Annual exceedance probability flood event, in accordance with the provisions of the *Queensland Urban Drainage Manual*;
- 6.2.4 the potential pollutants in stormwater discharged from the development site are managed in accordance with current water quality best industry

practices and in accordance with *State Planning Policy 2017*;

- 6.2.5 the stormwater management plan is accompanied by full calculations; including electronic modelling files from industry standard modelling software, (including both electronic model files and results files) and all details of the modelling assumptions to support both the proposed water quantity and quality management strategy; and
 - 6.2.6 it includes detailed engineering plans with details of any new drainage systems, or the amendment and upgrading of existing drainage systems to implement the proposed drainage strategy.
- 6.3 All roof water from the existing dwelling house must be collected and drained to the proposed grass swale to be constructed along northern boundary.
- 6.4 A grass swale must be constructed in the Armstrong Lane road reserve, parallel to the eastern boundary of the site, for the full frontage of the development site. The road reserve area between the grass swale and the eastern boundary of the site must be appropriately turfed.
- 6.5 An appropriately designed rock pad must be provided at the outlet of the low flow outlet pipes to minimise the risk of erosion.
- 6.6 The detention basin/bio basin as identified on the approved plans (refer to condition 2.1) must be landscaped in accordance with Council's requirements. Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by detailed plans and specifications for the detention basin, and the design must:
- 6.6.1 be suitable to the climate and incorporate predominately native species;
 - 6.6.2 maximise areas suitable for on-site infiltration of stormwater;
 - 6.6.3 incorporate shade trees; and
 - 6.6.4 demonstrate that all areas apart from garden beds are fully turfed or hydromulched.

Note: The detailed design of the detention basin must ensure the safety of the public and/or tenants and where applicable include all required safety measures and facilities (for example, child proof fences). A maintenance plan for the proposed detention basin system must be submitted as part of any application for a Development Permit for Operational Works (stormwater works).

7.0 SITE WORKS

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

- 7.4 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.
- 7.5 Retaining structures above one (1) metre in height must not be constructed unless separately and specifically certified by a Registered Professional Engineer of Queensland and must be approved as part of a Development Permit for Operational Works (site works).
- 8.0 ASSET MANAGEMENT
- 8.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.
- 8.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.
- 8.3 'As Constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of the use. This information must be provided in accordance with the *Asset Design and As Constructed Manual (ADAC)*.
- 9.0 ENVIRONMENTAL
- 9.1 Any application for a Development Permit for Operational Works must be accompanied by a detailed Environmental Management Plan that addresses, but is not limited to, the following:
- (i) water quality and drainage;
 - (ii) erosion and silt/sedimentation management;
 - (iii) top soil management;
 - (iv) interim drainage plan during construction;
 - (v) construction programme;
 - (vi) geotechnical issues;
 - (vii) weed control;
 - (viii) noise and dust suppression; and
 - (ix) waste management.
- 9.2 The Environmental Management Plan approved as part of a Development Permit for Operational Works must be part of the contract documentation for the development works.
- 9.3 An Erosion Control and Stormwater Control Management Plan prepared by a Registered Professional Engineer of Queensland in accordance with the *Capricorn Municipal Design Guidelines*, must be:
- 9.3.1 implemented, monitored and maintained for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped); and
 - 9.3.2 available on-site for inspection by Council Officers whilst all works are being carried out.

10.0 ENVIRONMENTAL HEALTH

- 10.1 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 10.2 Noise emitted from the activity must not cause an environmental nuisance.
- 10.3 Operations on the site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise or dust.
- 10.4 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.

11.0 OPERATING PROCEDURES

- 11.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials or parking of construction machinery or contractors' vehicles must not occur within Old Capricorn Highway and Armstrong Lane.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. 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 development site 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.

NOTE 5. Infrastructure Charges Notice

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

RECOMMENDATION B

THAT in relation to the application for a Development Permit for a Material Change of Use for a Hotel (Ancillary Carpark), made by Maroon Holdings Pty Ltd, on land located at 2-8 Old Capricorn Highway and 2 McLaughlin Street, Gracemere, described as Lot 1 on RP604056 and Lot 1 on RP858373, Parish of Gracemere, Council resolves to issue an Infrastructure Charges Notice for the amount of \$20,517.30.

Recommendation of the Planning and Regulatory Committee, 2 October 2018**9.2.10 ENFORCEMENT PROCEEDINGS FOR DEVELOPMENT OFFENCES****File No:** 4842**Attachments:**

1. OPW Approval
2. Aerial 2010
3. Aerial 2013
4. Aerial 2016
5. Ground level Comparison
6. Further Fill Introduced

Authorising Officer: Philip Harrison - Coordinator Building Plumbing and Compliance
Steven Gatt - Manager Planning and Regulatory Services
Colleen Worthy - General Manager Community Services**Author:** Steven Hill - Development Compliance Officer

SUMMARY

This report summarises the continued failure to comply with a Development approval regarding illegal filling of the property.

COMMITTEE RECOMMENDATION

THAT Council adopt Option 2 as detailed in the report, with the matter to return to Council in 12 months.

9:14AM Councillor Smith left the meeting room having earlier declared a material personal interest in Item 9.2.8

Recommendation of the Planning and Regulatory Committee, 2 October 2018

9.2.8 D/63-2018 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR AN EXTRACTIVE INDUSTRY

File No: D/63-2018

Attachments:

1. Locality Plan
2. Site Plan

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Steven Gatt - Manager Planning and Regulatory Services
Colleen Worthy - General Manager Community Services

Author: Brandon Diplock - Planning Officer

SUMMARY

Development Application Number: D/63-2018

Applicant: John McEvoy

Real Property Address: Lot 722 on LN1520, Parish of Bouldercombe

Common Property Address: 248 Kabra Road, Kabra

Area of Site: 550 hectares (approximately)

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Rural Zone

Planning Scheme Overlays: Biodiversity Areas – MLES general, MSES, Waterways;
Bushfire Hazard – Buffer, Medium, High, Very High;
Steep Land – 15%-25%+;
Transport Noise Corridor – Category 1-4.

Existing Development: Rural Land

Existing Approvals: Not Applicable

Approval Sought: Development Permit for a Material Change of Use for an Extractive Industry

Level of Assessment: Impact Assessable

Submissions: One

Referral Agency(s): Department of State Development, Manufacturing, Infrastructure and Planning

Infrastructure Charges Area: Charge Area 3

Application Progress:

<i>Application Lodged:</i>	<i>19 June 2018</i>
<i>Acknowledgment Notice issued:</i>	<i>28 June 2018</i>
<i>Request for Further Information sent:</i>	<i>9 July 2018</i>
<i>Request for Further Information responded to:</i>	<i>31 July 2018</i>
<i>Submission period commenced:</i>	<i>3 August 2018</i>
<i>Submission period end:</i>	<i>23 August 2018</i>
<i>Government Agency Response:</i>	<i>24 July 2018</i>
<i>Last receipt of information from applicant:</i>	<i>24 August 2018</i>
<i>Statutory due determination date:</i>	<i>4 October 2018</i>

COUNCIL RESOLUTION

THAT in relation to the application for a Development Permit for a Material Change of Use for an Extractive Industry, made by John McEvoy, on land located at 248 Kabra Road, Kabra, described as Lot 722 on LN1520, Parish of Bouldercombe, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer and his employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:
 - 1.3.1 to Council's satisfaction;
 - 1.3.2 at no cost to Council; and
 - 1.3.3 prior to the commencement of the use, unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
 - 1.5.1 Operational Works:
 - (i) Road Works;
 - (ii) Access and Parking Works;
 - (iii) Stormwater Works;
 - (iv) Allotment Drainage Works; and
 - (v) Site Works.
- 1.6 All Development Permits for Operational Works must be obtained and completed

prior to the commencement of the use.

- 1.7 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.8 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Location Plan	SK-001 Rev 1	21 June 2018
Proposed Site Plan	SK-003 Rev 2	21 June 2018
Technical Memorandum	0861718	8 May 2018
Environmental Report – EA Application	-	1 June 2018

Note: Stormwater Management Plan (Report no: 086-17-18, dated 08/05/2018) has not been approved. An updated SMP is required at Operational Works stage.

- 2.2 Where there is any conflict between the conditions of this development approval and the details shown on the approved plans and documents, the conditions of this development approval must prevail.
- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the commencement of the use.

3.0 ROAD WORKS

- 3.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works required by this development approval.
- 3.2 All road works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, relevant *Australian Standards Austroads Guidelines* and the provisions of a Development Permit for Operational Works (road works).
- 3.3 Right-in traffic movements from Moonmera Road to the development site must be via suitably designed Basic Right turn treatment (BAR) for the intended design vehicle (truck and dog combination).

Note: Sufficient pavement width is to be provided for the through traffic to pass a vehicle (truck and dog combination) waiting to turn right.

- 3.4 Any application for a Development Permit for Operational Works (road works) must be accompanied by an intersection analysis for Moonmera Road / Poison Creek Road, prepared and certified by a Registered Professional Engineer of Queensland that as a minimum includes:
- 3.4.1 detailed and scaled plans which demonstrate the turning movements / swept paths of the design vehicle (truck and dog combination) at the intersection;
- 3.4.2 demonstrate whether left turn and right turn into and out of the intersection can be accommodated safely without impacting on the safety and efficiency of the intersection; and

- 3.4.3 recommendation of mitigation measures to ensure no adverse impact on the safety and efficiency of the intersection.
- 3.5 Traffic signs and pavement markings must be provided in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*. Where necessary, existing traffic signs and pavement markings must be modified in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*.
- 4.0 **ACCESS AND PARKING WORKS**
- 4.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the development site.
- 4.2 All access and parking works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Australian Standard AS2890 “Parking facilities”* and the provisions of a Development Permit for Operational Works (access and parking works).
- 4.3 All driveway accesses within the road reserve must be concrete paved or sealed.
- 4.4 All car parking, internal access, storage and vehicle manoeuvring areas must be constructed of Type 2 Unbound material, Subtype 2.5, with minimum California Bearing Ratio (soaked) of 15. All surface must be constructed, operated and maintained in a manner that no significant impact on the amenity of adjoining premises or the surrounding area is caused due to the emission of dust or results in sediment laden water.
- 4.5 Where Council receive dust complaints, Council will conduct nuisance monitoring, to investigate any genuine complaint of nuisance caused by dust.
- Note: If the complaints are genuine and should it be demonstrated that surface treatment is not effectively controlling the dust generation; the entire driveway including parking spaces and vehicle manoeuvring areas must be paved or sealed to the satisfaction of Council.
- 4.6 A minimum of two (2) parking spaces must be provided on-site for passenger vehicles (B85 and B99).
- 4.7 All vehicles must ingress and egress the development in a forward gear.
- 4.8 Road signage and pavement markings must be installed in accordance with *Australian Standard AS1742.1 “Manual of uniform traffic control devices”*.
- 5.0 **PLUMBING AND DRAINAGE WORKS**
- 5.1 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act, Plumbing and Drainage Act* and Council’s Plumbing and Drainage Policies.
- 5.2 If required, 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. The water storage must be easily accessible having regard to pedestrian and vehicular access.
- 5.3 If required, on-site sewerage treatment and disposal must be provided in accordance with the *Queensland Plumbing and Wastewater Code* and Council’s Plumbing and Drainage Policies.
- 6.0 **STORMWATER WORKS**
- 6.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.

- 6.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 6.3 All stormwater must drain to a lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.
- 6.4 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by an updated Stormwater Management Plan, prepared and certified by a Registered Professional Engineer of Queensland that as a minimum includes:
- 6.4.1 an assessment of the peak discharges for all rainfall events up to and including a one per cent (1%) Annual exceedance probability storm event, for the pre-development and post-development scenarios;
 - 6.4.2 demonstration of how major design storm flows are conveyed through the subject development to a lawful point of discharge in accordance with the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*;
 - 6.4.3 the detail design of the channel; and
 - 6.4.4 the detail design of the Sedimentation Basin at a minimum includes:
 - 6.4.4.1 design flow;
 - 6.4.4.2 size of treatment;
 - 6.4.4.3 type of basin;
 - 6.4.4.4 size and dimension of basin;
 - 6.4.4.5 design inflow and outflow (low /high flow) systems;
 - 6.4.4.6 vegetation specification;
 - 6.4.4.7 maintenance access and plan;
 - 6.4.4.8 sediment disposal method;
 - 6.4.4.9 rehabilitation process for the basin area;
 - 6.4.4.10 basin's operational procedures; and
 - 6.4.4.11 the demonstration of how the flow (major and minor) characteristics from sedimentation basin will be similar to pre-development scenarios for all rainfall events up to and including a one per cent (1%) Annual exceedance probability storm event.
- 7.0 ALLOTMENT DRAINAGE WORKS
- 7.1 A Development Permit for Operational Works (allotment drainage works) must be obtained prior to the commencement of any drainage works on the development site.
- 7.2 All allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (allotment drainage works).
- 7.3 All allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance to surrounding land or infrastructure.

7.4 The development must not increase peak stormwater runoff for a selected range of storm events up to and including a one per cent (1%) Annual exceedance probability storm event, for the post-development conditions.

8.0 SITE WORKS

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

8.2 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.

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

9.0 ASSET MANAGEMENT

9.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.

9.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.

10.0 ENVIRONMENTAL

10.1 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan which addresses, but is not limited to, the following:

- (i) objectives;
- (ii) site location / topography;
- (iii) vegetation;
- (iv) site drainage;
- (v) soils;
- (vi) erosion susceptibility;
- (vii) erosion risk;
- (viii) concept;
- (ix) design; and
- (x) implementation, for the construction and post construction phases of work.

10.2 The Erosion Control and Stormwater Control Management Plan which is to be prepared by a Registered Professional Engineer of Queensland in accordance with the *Capricorn Municipal Design Guidelines*, must be:

- 10.2.1 implemented, monitored and maintained for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped); and
- 10.2.2 available on-site for inspection by Council Officers whilst all works are being carried out.

11.0 ENVIRONMENTAL HEALTH

- 11.1 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 11.2 Noise emitted from the activity must not cause an environmental nuisance.
- 11.3 Operations on the site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise, odour or dust.
- 11.4 Odour and visible contaminants, including but not limited to dust, fume, smoke, aerosols, overspray or particulates, must not be released to the environment in a manner that will or may cause environmental nuisance or harm unless such release is authorised by Council.
- 11.5 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 a holding tank and evaporated.
- 11.6 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.
- 11.7 All fuel dispensing areas must be drained to a holding tank. Contaminants within the holding tank must be removed and disposed of as regulated waste (for example, fuel, oil). Clean water can then be deposited to the stormwater system.

12.0 OPERATING PROCEDURES

- 12.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials or parking of construction machinery or contractors' vehicles must not occur within Moonmera Road and Poison Creek Road.
- 12.2 The hours of operations for the development site must be limited to:
- (i) 0600 hours to 1800 hours on Monday to Saturday, with no operations on Sundays or Public Holidays.
- 12.3 The proposed operations must not extract more than 20,000 tonne of material per annum.
- 12.4 Where un-sealed surface treatments are utilised in access, parking and vehicle manoeuvring areas, contaminants such as oils or chemicals must not be released onto the surface treatment.
- 12.5 All waste storage areas must be:
- 12.5.1 kept in a clean and tidy condition; and
 - 12.5.2 maintained in accordance with *Environmental Protection Regulation 2008*.
- 12.6 Vehicle (Body Truck / Truck and dog combination) movements for deliveries are limited to a maximum of two (2) trips per day.
- Note: One (1) trip equals arriving to and departing the development site or vice versa.
- 12.7 No washing of plant equipment and vehicles is permitted on the development site unless an approved washdown bay is built to prevent contamination of land and the stormwater system.

- 12.8 Cleaning of plant equipment and vehicles must be carried out in an area where wastewater can be suitably managed so as not to cause contaminants to release into waterways or overland flow paths.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. General Environmental Duty

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

NOTE 3. Duty to Notify of Environmental Harm

If a person becomes aware that serious or material environmental harm is caused or threatened the by an activity or an associated activity, that person has a duty to notify Rockhampton Regional Council.

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.

NOTE 5. Infrastructure Charges Notice

Council has resolved not to issue an Infrastructure Charges Notice for this development. Based on an assessment of the use and the infrastructure demand it is likely to generate, Council has determined that a nil charge be applied.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for an Extractive Industry, made by John McEvoy, on land located at 248 Kabra Road, Kabra, described as Lot 722 on LN1520, Parish of Bouldercombe, Council resolves not to issue an Infrastructure Charges Notice.

Moved by: Mayor Strelow
Seconded by: Councillor Fisher

MOTION CARRIED

9:15AM Councillor Smith returned to the meeting room

10 COUNCILLOR/DELEGATE REPORTS

11 OFFICERS' REPORTS

11.1 PROPOSED LOCAL AND SUBORDINATE LOCAL LAWS PRESENTED FOR THE COMMENCEMENT OF THE MAKING OF LOCAL LAWS PROCESS

File No:	11698
Attachments:	<ol style="list-style-type: none">1. Animal Management (Amendment) Local Law (No. 1) 20182. Community and Environmental Management (Amendment) Local Law (No. 1) 20183. Local Government Controlled Areas, Facilities and Roads (Amendment) Local Law (No. 1) 20184. Parking (Amendment) Local Law (No. 1) 20185. Aerodromes (Amendment) Local Law (No. 1) 2018
Authorising Officer:	Colleen Worthy - General Manager Community Services
Author:	Steven Gatt - Manager Planning and Regulatory Services

SUMMARY

In July 2016 the Chief Executive Officer requested that a Local Law Review Project be undertaken to review Local and Subordinate Local Laws for the Rockhampton Regional Council. Reviews have been conducted by internal stakeholders and outdated Local and Subordinate Local Laws have been repealed or amended accordingly.

The Council's Local and Subordinate Local Laws have now reached the stage where they are being presented to Council to formally commence the Local Law making process for the revised Local Laws suite.

COUNCIL RESOLUTION

THAT

1. Council resolve to propose to make:
 - (a) Animal Management (Amendment) Local Law (No. 1) 2018
 - (b) Community and Environmental Management (Amendment) Local Law (No. 1) 2018
 - (c) Local Government Controlled Areas, Facilities and Roads (Amendment) Local Law (No. 1) 2018
 - (d) Parking (Amendment) Local Law (No. 1) 2018
 - (e) Aerodromes (Amendment) Local Law (No. 1) 2018
2. Council resolves to consult with relevant government entities about the overall State interest in each proposed local law under section 29A(3) of the *Local Government Act 2009*.

Moved by: Councillor Schwarten

Seconded by: Councillor Rutherford

MOTION CARRIED

COUNCIL RESOLUTION

THAT the subordinate local law for Animal Management be workshopped again (particularly in relation to barking dogs) prior to public consultation

Moved by: Councillor Schwarten

Seconded by: Councillor Williams

MOTION CARRIED

11.2 RISK REGISTERS - QUARTERLY UPDATE AS AT 24 AUGUST 2018

File No: 8780

Attachments:

1. Corporate Risk Register - Quarterly update as at 24 August 2018
2. Operational Risk Register - Quarterly Update as at 24 August 2018
3. Potential and Current Risk Exposure Profile as at 24 August 2018

Authorising Officer: John Wallace - Chief Audit Executive
Drew Stevenson - Acting General Manager Corporate Services

Author: Kisane Ramm - Senior Risk and Assurance Advisor

SUMMARY

Submission of the quarterly risk register updates, as at 24 August 2018, for Council's consideration.

COUNCIL RESOLUTION

THAT the quarterly risk register updates as at 24 August 2018, as presented in the attachments to this report be adopted, excluding Risk Number 606.

Moved by: Mayor Strelow
Seconded by: Councillor Schwarten
MOTION CARRIED

11.3 GET ONLINE WEEK EVENT GRANT

File No: 12534
Attachments: Nil
Authorising Officer: Colleen Worthy - General Manager Community Services
Author: Naomi Brownless - Acting Coordinator Library and Child Services

SUMMARY

Funding has been sought from the Good Thing Foundation for the Be Connected – Get online week grant. This report seeks retrospective approval for the application to external funding to hold an event in the library for Get Online Week.

COUNCIL RESOLUTION

THAT Council retrospectively approves the Rockhampton Regional Libraries application to apply for \$1,500 from the Good Things Foundation to deliver an event during Get Online Week.

Moved by: Mayor Strelow
Seconded by: Councillor Smith

MOTION CARRIED

11.4 BE CONNECTED: HELPING OLDER AUSTRALIANS THRIVE IN A DIGITAL WORLD - ACTIVATION GRANTS

File No: 12534
Attachments: Nil
Authorising Officer: Colleen Worthy - General Manager Community Services
Author: Naomi Brownless - Acting Coordinator Library and Child Services

SUMMARY

Funding has been sought from the Good Things Foundation for the Be Connected: Helping Older Australians Thrive In A Digital World – Activation Grant. This report seeks retrospective approval for the application to external funding to deliver specifically designed workshops for giving seniors who do not engage with technology access and confidence to use technology using specially designed workshops.

COUNCIL RESOLUTION

THAT Council retrospectively approves the Rockhampton Regional Libraries application to apply for \$2,000 from the Good Things Foundation to deliver specially designed workshops to seniors.

Moved by: Mayor Strelow
Seconded by: Councillor Williams

MOTION CARRIED

11.5 TECH SAVVY SENIORS QUEENSLAND GRANT 2018-19

File No: 12534
Attachments: Nil
Authorising Officer: Colleen Worthy - General Manager Community Services
Author: Naomi Brownless - Acting Coordinator Library and Child Services

SUMMARY

Funding has been sought from the State Library of Queensland for the Tech Savvy Seniors Queensland Grant 2018-19. This report seeks approval for the application to external funding to deliver Tech Savvy Senior sessions throughout the Rockhampton region.

COUNCIL RESOLUTION

THAT Council approves the Rockhampton Regional Libraries application to apply for \$15,000 from the State Library of Queensland, Tech Savvy Seniors Queensland Grant 2018-19 to deliver 43 sessions to an estimated 258 participants.

Moved by: Councillor Schwarten

Seconded by: Councillor Smith

MOTION CARRIED

14 URGENT BUSINESS\QUESTIONS

14.1 MAYORAL MINUTE - FUTURE OPPORTUNITIES AND INITIATIVES FOR MOUNT MORGAN

File No: 1731

Responsible Officer: Damon Morrison – Executive Coordinator to the Mayor

COUNCIL RESOLUTION

THAT Council:

1. Review all programs and literature on tourism related initiatives identified for Mount Morgan and convene a roundtable meeting with the community to identify and consider future opportunities and priority projects;
2. Seek \$60,000.00 in funding in the next revised budget to support the development of a strategy for Mount Morgan;
3. Actively pursue funding from the State and Federal Government's to appoint and embed a dedicated community development officer for Mount Morgan;
4. Work with the State Government to secure access and control of the Fireclay Caverns and relevant parts of the mine site in Mount Morgan for tourism opportunities and that a further report be prepared for Council to consider available options; and
5. Note the State Government's efforts in working with the leaseholder of the Mount Morgan Mine regarding the reprocessing of tailings and associated economic rehabilitation of the site and continues to support opportunities that would see the site as an operational mine.

Moved by: Mayor Strelow

MOTION CARRIED UNANIMOUSLY

11 OFFICERS' REPORTS

11.6 APPOINTMENT OF REGIONAL ARTS DEVELOPMENT FUND (RADF) COMMITTEE

File No: 8944
Attachments: Nil
Authorising Officer: Colleen Worthy - General Manager Community Services
Author: John Webb - Acting Manager Communities and Culture

SUMMARY

Council has undertaken a process calling for applications from suitably qualified and/or experienced members of the local arts community to join the existing RADF Assessment Committee as replacement members to be appointed from October 2018.

9:55AM Councillor Schwarten left the meeting

COUNCIL RESOLUTION

THAT Council appoint Mr Peter Owens, Ms Lynda Dowley, Mr Kevin Hogan and Ms Kat Robinson as replacement members of the Rockhampton RADF Grant Assessment Committee effective from 9 October 2018 until 31 July 2020.

Moved by: Mayor Strelow
Seconded by: Councillor Rutherford

MOTION CARRIED

11.7 SCHEDULE OF COUNCIL AND COMMITTEE MEETINGS - JANUARY TO DECEMBER 2019

File No: 1460
Attachments: 1. Schedule of Meetings - January to December 2019
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Evan Pardon - Chief Executive Officer

SUMMARY

Schedule of Council and Committee meetings for the period January to December 2019 is presented for adoption by Council.

9:58AM Councillor Schwarten returned to the meeting

COUNCIL RESOLUTION

THAT the Schedule of Council and Committee meetings for the period January to December 2019, as attached to the report, be adopted.

Moved by: Councillor Fisher
Seconded by: Councillor Williams

MOTION CARRIED

12 NOTICES OF MOTION

Nil

13 QUESTIONS ON NOTICE

Nil

14 URGENT BUSINESS QUESTIONS

14.2 REQUEST FOR LEAVE OF ABSENCE - COUNCILLOR NEIL FISHER

File No: 10072

Responsible Officer: Evan Pardon – Chief Executive Officer

SUMMARY

Councillor Neil Fisher requesting leave of absence for periods in October and November 2018.

COUNCIL RESOLUTION

THAT Councillor Neil Fisher be granted leave of absence from Tuesday 23 October (after the Council meeting) to 1 November 2018 inclusive; and from 7 November to 12 November 2018 inclusive.

Moved by: Mayor Strelow

Seconded by: Councillor Smith

MOTION CARRIED

15 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.

COUNCIL 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.

16.1 Tender Consideration Plan

This report is considered confidential in accordance with section 275(1)(e), of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by it.

16.2 Proposed Property Disposal

This report is considered confidential in accordance with section 275(1)(e), of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by it.

16.3 Guarantee of Bank Loan to Rockhampton Hockey Association

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

16.4 Chief Executive Officer Performance Review

This report is considered confidential in accordance with section 275(1)(e), of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by it.

Moved by: Councillor Smith
Seconded by: Councillor Rutherford

MOTION CARRIED

COUNCIL RESOLUTION

10:03AM

THAT pursuant to s7.11 *Council Meeting Procedures* the meeting moves into Closed Session and be closed to the public.

Moved by: Councillor Schwarten
Seconded by: Councillor Smith

MOTION CARRIED

10:03AM Mayor Strelow declared a 5 minute recess

10:09AM The meeting resumed

Members Present:

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

In Attendance:

Mr E Pardon – Chief Executive Officer
Mr R Cheesman – Deputy Chief Executive Officer
Mr P Kofod – General Manager Regional Services
Ms C Worthy – General Manager Community Services
Mr C Ireland – Acting General Manager Advance Rockhampton
Mr D Stevenson – Manager Corporate and Technology Services
Ms T Sweeney – Manager Workforce and Governance
Mr D Morrison – Executive Coordinator to the Mayor
Ms K Anderson – Coordinator Property and Insurance
Mr M Mansfield – Coordinator Media and Communications
Ms E Brodel – Media Officer
Ms L Leeder – Senior Committee Support Officer

10:10AM Councillor Fisher left the meeting
10:13AM Councillor Fisher returned to the meeting
10:36AM Chief Executive Officer left the meeting
10:57AM Councillor Schwarten left the meeting
10:57AM Chief Executive Officer returned to the meeting

COUNCIL RESOLUTION**10:58AM**

THAT pursuant to s7.11 *Council Meeting Procedures* the meeting moves out of Closed Session and be opened to the public.

Moved by: Councillor Rutherford

Seconded by: Councillor Fisher

MOTION CARRIED

16 CONFIDENTIAL REPORTS

10:59AM

Councillor Neil Fisher informed the meeting of an interest in Item 16.1 Tender Consideration Plan and declared the following:

“I declare that I have a material personal interest in this matter as I am a columnist and presenter at 4RO and The Morning Bulletin, and may receive a benefit, and I will be dealing with this declared material personal interest by leaving the meeting while this matter is discussed and voted on.”

Councillor Fisher left the meeting room

16.1 TENDER CONSIDERATION PLAN

File No: TEN13165
Attachments: Nil
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Chris Ireland - Acting General Manager Advance Rockhampton

This report is considered confidential in accordance with section 275(1)(e), of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by it.

SUMMARY

This report seeks Council approval for the Tender Consideration Plan for Print Advertising, Television Advertising and Radio Advertising for Council.

COUNCIL RESOLUTION

THAT Council approves the Tender Consideration Plan in accordance with s230 of the *Local Government Regulation*.

Moved by: Councillor Smith
Seconded by: Mayor Strelow

MOTION CARRIED

11:00AM Councillor Fisher returned to the meeting room

16.2 PROPOSED PROPERTY DISPOSAL

File No: 1680
Attachments: 1. Previous Reports & Resolutions
Authorising Officer: Drew Stevenson - Acting General Manager Corporate Services
Author: Kellie Anderson - Coordinator Property and Insurance

This report is considered confidential in accordance with section 275(1)(e), of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by it.

SUMMARY

Coordinator Property & Insurance reporting on a proposal to dispose of a property.

COUNCIL RESOLUTION

THAT Council proceed with Option 3 as outlined in the report and a further report be provided to Council.

Moved by: Councillor Williams

Seconded by: Councillor Fisher

MOTION CARRIED

16.3 GUARANTEE OF BANK LOAN TO ROCKHAMPTON HOCKEY ASSOCIATION**File No:** 6228**Attachments:**

1. RHA Financial Statements 31 October 2016
2. RHA Financial Statements 31 October 2017
3. RHA Ten year Budget 2018-2027
4. RHA Player Numbers 2014-17

Authorising Officer: Drew Stevenson - Acting General Manager Corporate Services**Author:** Alicia Cutler - Chief Financial Officer

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

SUMMARY

Rockhampton Hockey Association Inc. has approached Council to guarantee a bank loan to enable the Association to contribute to the construction of hockey fields and associated infrastructure at Birdwood Park, Kalka. This application is to be considered in terms of Council's Loans / Loan Guarantees to Community Organisations Policy.

COUNCIL RESOLUTION

THAT:

1. Council provides "in principle" consent to the request for the loan guarantee from Rockhampton Hockey Association Inc.; and
2. Council agrees to guarantee the proposed loan to a maximum of \$250,000 from Bendigo and Adelaide Bank Limited to Rockhampton Hockey Association Inc. subject to Council satisfying the State Government's requirements and obtaining the Treasurer's approval for the facility.

Moved by: Councillor Rutherford**Seconded by:** Councillor Fisher**MOTION CARRIED**

16.4 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW**File No:** 6947**Attachments:** Nil**Authorising Officer:** Tracy Sweeney - Manager Workforce and Governance**Author:** Tracy Sweeney - Manager Workforce and Governance

This report is considered confidential in accordance with section 275(1)(e), of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by it.

SUMMARY

This report is presented for Councillors to consider the annual performance review and the proposed contract renewal for the Chief Executive Officer.

COUNCIL RESOLUTION

THAT the recommendations detailed in the report be adopted.

Moved by: Mayor Strelow**Seconded by:** Councillor Rutherford**MOTION CARRIED UNANIMOUSLY**

11:01AM Councillor Schwarten returned to the meeting

17 CLOSURE OF MEETING

There being no further business the meeting closed at 11:01am.

SIGNATURE

CHAIRPERSON

DATE