



**PLANNING AND DEVELOPMENT
COMMITTEE MEETING**

MINUTES

29 JANUARY 2014

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**REPORT OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON
ON WEDNESDAY, 29 JANUARY 2014 COMMENCING AT 10:00 AM**

1 OPENING**2 PRESENT**

Members Present:

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

In Attendance:

Mr E Pardon – Chief Executive Officer
Mr R Holmes – General Manager Regional Services
Mr R Truscott – Coordinator Strategic Planning
Ms T Fitzgibbon – Coordinator Development Assessment
Ms C Hibberd – Planning Officer
Ms A McLellan – Planning Officer
Ms L Price – Community Awareness Officer
Ms L Leeder – Committee Support Officer

3 APOLOGIES AND LEAVE OF ABSENCE**4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING****COMMITTEE RESOLUTION**

THAT the minutes of the Planning & Development Committee held on 19 November 2013 be taken as read and adopted as a correct record.

Moved by: Mayor Strelow
Seconded by: Councillor Williams

MOTION CARRIED

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 BUSINESS OUTSTANDING

6.1 BUSINESS OUTSTANDING TABLE FOR PLANNING AND DEVELOPMENT COMMITTEE

File No: 10097

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

Responsible Officer: Evan Pardon - Chief Executive Officer

Author: Evan Pardon - Chief Executive Officer

SUMMARY

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

10.02am Councillor Fisher attended the meeting

COMMITTEE RESOLUTION

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

Moved by: Councillor Rutherford

Seconded by: Councillor Schwarten

MOTION CARRIED

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 OFFICERS' REPORTS

8.1 RRC PLANNING SCHEME DECEMBER 2013 QUARTERLY REPORT

File No: RRPS-PRO-2010/03

Attachments:

1. Planning Scheme Work Schedule
2. Community Engagement Strategy

Responsible Officer: Robert Holmes - General Manager Regional Services

Author: Bob Truscott - Operations Manager Strategic Planning

SUMMARY

Rockhampton Regional Council resolved to continue making a planning scheme for the continuing Council planning area on 10 April 2013. A proposed scheme has been submitted to the Minister for State Development, Infrastructure and Planning for a State Interest Review. This report updates Councillors on current status and next steps. It also seeks formal endorsement for the public consultation stage, Community Engagement Strategy.

10.03am Councillor Swadling attended the meeting
10.07am Councillor Smith attended the meeting

COMMITTEE RESOLUTION

1. THAT the RRC Planning Scheme December 2013 Quarterly Report be received.
2. THAT the Community Engagement Strategy for the Public Consultation stage of preparing a new planning scheme as presented is adopted.

Moved by: Mayor Strelow
Seconded by: Councillor Fisher

MOTION CARRIED

8.2 D223-2013 REQUEST FOR A NEGOTIATED DECISION FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A SHOWROOM AND RESTAURANT, AND A REQUEST FOR A NEGOTIATED INFRASTRUCTURE CHARGES NOTICE

File No: D/223-2013
Attachments: 1. Locality Plan
2. Site and Floor Plan
Responsible Officer: Robert Holmes - General Manager Regional Services
Author: Corina Hibberd - Planning Officer

SUMMARY

Development Application Number: D/223-2013
Applicant: Rockhampton Harley Davidson
Real Property Address: Lot 5 on SP115212, Parish of Rockhampton
Common Property Address: 125 William Street, Rockhampton City
Area of Site: 2099 square metres
Planning Scheme: Rockhampton City Plan 2005
Rockhampton City Plan Area: Central Business District Commercial Area, Precinct 3 - Mixed Use Precinct
Existing Development: Showroom and Restaurant, and ancillary workshop
Existing Approvals: Development Permit for a Material Change of Use for a Showroom and Restaurant
Multiple building and plumbing permits from 1946 to current
T-21/1996 Motor Vehicle Repair, Panel Beating and Spray Painting (including Fuel Storage and Bowsers) 18 December 1996
Approval Sought: Negotiated Decision Notice for a Development Permit for a Material Change of Use for a Showroom and Restaurant and a Negotiated Infrastructure Charges Notice for a Development Permit for a Material Change of Use for a Showroom and Restaurant
Level of Assessment: Impact Assessable and Code Assessable
Submissions: Nil
Referral Agency(s): Nil
Adopted Infrastructure Charges Area: Charge Area One

10.36am Councillor Schwarten left the meeting
10.39am Councillor Schwarten return to the meeting

COMMITTEE RESOLUTION

THAT the matter lay on the table to be discussed in Closed Session.

Moved by: Councillor Swadling

Seconded by: Councillor Smith

MOTION CARRIED

8.3 D498-2013 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A MEDIUM IMPACT INDUSTRY (SMASH REPAIRS)

File No: D/498-2013

Attachments:

1. Locality Plan
2. Site Plan
3. Elevations

Responsible Officer: Robert Holmes - General Manager Regional Services

Author: Alyce McLellan - Planning Officer

SUMMARY

Development Application Number: D/498-2013

Applicant: Peter Smith Panel Beating

Real Property Address: Lot 12 on RP900394, Parish of Murchison

Common Property Address: 3 Waurm Street, Kawana QLD

Area of Site: 2000 square metres

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: Parkhurst Industrial Area – Low Impact Precinct

Existing Development: Vacant Land

Existing Approvals: Nil

Approval Sought: Development Permit for a Material Change of Use for a Medium Impact Industry (Smash Repairs)

Level of Assessment: Impact Assessable

Submissions: Four

Referral Agency(s): Nil

Adopted Infrastructure Charges Area: Charge Area One

Application Progress:

<i>Application Lodged:</i>	22 October 2013
<i>Acknowledgement Notice issued:</i>	31 October 2013
<i>Submission period commenced:</i>	7 November 2013
<i>Submission period end:</i>	29 November 2013
<i>Last receipt of information from applicant:</i>	9 December 2013
<i>Statutory determination date:</i>	14 January 2014

COMMITTEE RESOLUTION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for a Material Change of Use for a Medium Impact Industry (Smash Repairs), made by Peter Smith Panel Beating on Lot 12 on RP900394, Parish of Murchison and located at 3 Waurm Street, Kawana, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of the use, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior, to the commencement of the use, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:

1.6.1 Operational Works:

- (i) Access and Parking Works;
- (ii) Stormwater Works;
- (iii) Roof and Allotment Drainage Works; and
- (iv) Site Works.

1.6.2 Building Works; and

1.6.3 Plumbing and Drainage Works

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

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Site Plan	SK-01 Rev 3	October 2013
Proposed Ground Floor	SK-02 Rev 2	October 2013
Elevations	SK-03 Rev 2	October 2013
Elevation & Section AA	SK-04 Rev 2	October 2013
Concept Stormwater Plan	SK05 Rev 2	October 2013

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

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

3.0 ACCESS AND PARKING WORKS

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

3.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Parking Facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).

3.3 A new access must be constructed for the subject site.

3.4 A minimum of seven (7) parking spaces must be provided on-site.

3.5 Universal access parking spaces must be provided in accordance with *Australian Standard AS2890.6 "Parking Facilities - Off-Street parking for people with disabilities"*.

4.0 PLUMBING AND DRAINAGE WORKS

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

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

4.3 The existing sewerage and water connection point(s) must be retained, and upgraded if necessary, to service the development.

4.4 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 trafficable lids.

4.5 Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's sewerage reticulation. Arrester traps must be provided where commercial or non-domestic waste water is proposed to be discharged into the system.

5.0 STORMWATER WORKS

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

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

5.3 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect adjoining land or infrastructure by way of blocking, altering or diverting existing stormwater runoff patterns or have the potential to cause damage to other infrastructure.

5.4 The proposed development must not increase peak stormwater runoff for a selected range of storm events up to and including the one in one hundred year storm event (100 year Average Recurrence Interval) for the post development condition.

- 5.5 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by a Stormwater Drainage Report, prepared and certified by a Registered Professional Engineer of Queensland, which as a minimum includes:
- 5.5.1 identification of drainage catchment and drainage sub-catchment areas for the pre-development and post-development scenarios including a suitably scaled stormwater plan showing the aforementioned catchment details and lawful point(s) of discharge that comply with the requirements of the *Queensland Urban Drainage Manual*;
 - 5.5.2 an assessment of the peak discharges for all rainfall events up to and including the one in one hundred year rainfall event (100 year Average Recurrence Interval) for the pre-development and post-development scenarios;
 - 5.5.3 details of any proposed on-site detention / retention systems and associated outlet systems required to mitigate the impacts of the proposed development on downstream lands and existing upstream and downstream drainage systems;
 - 5.5.4 identification and conceptual design of all new drainage systems, and modifications to existing drainage systems required to adequately manage stormwater collection and discharge from the proposed development;
 - 5.5.5 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*;
 - 5.5.6 details of all calculations, assumptions and data files (where applicable).
- 6.0 ROOF AND ALLOTMENT DRAINAGE WORKS
- 6.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the site.
- 6.2 All roof and allotment drainage must be in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.
- 6.3 All roof and allotment drainage must be discharged such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties or infrastructure.
- 7.0 SITE WORKS
- 7.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works.
- 7.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks' plan which clearly identifies the following:
- 7.2.1 the location of cut and/or fill;
 - 7.2.2 the type of fill to be used and the manner in which it is to be compacted;
 - 7.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - 7.2.4 details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and
 - 7.2.5 the maintenance of access roads to and from the site so that they are free of all cut and/or fill material and cleaned as necessary.
- 7.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.

- 7.4 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.
- 7.5 The structural design of all retaining walls above one (1) metre in height must be separately and specifically certified by a Registered Professional Engineer of Queensland as part of the Operational Works submission. A Registered Professional Engineer of Queensland must on completion certify that all works are compliant with the approved design.
- 7.6 Any vegetation cleared or removed must be:
- (i) mulched on-site and utilised on-site for landscaping purposes, in accordance with the landscaping plan approved by Council; or
 - (ii) removed for disposal at a location approved by Council;
- within sixty (60) days of clearing. Any vegetation removed must not be burnt.
- 7.7 All site works must be undertaken to ensure that there is:
- 7.7.1 no increase in upstream or downstream flood levels for all levels of immunity up to Q100;
 - 7.7.2 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
 - 7.7.3 a lawful point of discharge to which the developed flows from the land drain. Easements will be required over any other land to accommodate the flows.
- 8.0 **BUILDING WORKS**
- 8.1 All waste storage areas must be:
- 8.1.1 Surrounded by at least a 1.8 metre high fence that obstructs from view the contents of the bin compound by any member of the public from any public place; and
 - 8.1.2 of a minimum size to accommodate one commercial type bin, with a capacity of three (3) cubic metres in accordance with the *Environmental Protection (Waste Management) Regulations*.
- 8.2 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 9.0 **LANDSCAPING WORKS**
- 9.1 Landscaping must be established in accordance with the approved plans (refer to condition 2.1).
- 9.2 The landscaped areas must be subject to an ongoing maintenance and replanting programme (if necessary).
- 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 at full cost to the Developer.
- 10.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in

association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.

- 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 Manual for Submission of Digital As Constructed Information.

11.0 ENVIRONMENTAL

- 11.1 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.

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

- 11.3 Waste oil must be stored in an appropriately covered bunded area. The bund must have a total storage capacity of 100 percent of the largest package item plus twenty-five percent of the total volume to be stored within the area.

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

- 12.2 All waste storage areas must be kept in a clean, tidy condition in accordance with *Environmental Protection (Waste Management) Regulations*.

- 12.3 Any waste or contaminant from the use must not:

- (i) be buried at the premises; or
- (ii) be in contact with soil at the premises; or
- (iii) directly or indirectly seep or penetrate into the soil or groundwater at the premises.

- 12.4 Any spillage of environmentally hazardous liquids or other materials must be cleaned up as quickly as practicable. Spillage of waste and/or contaminants must not be hosed or swept to any stormwater drainage system, roadside gutter or waters.

- 12.5 Surface coating or spray painting must be carried out with controls to ensure minimal emissions of overspray and volatile organic compounds (VOCs) to the environment.

ADVISORY NOTES**NOTE 1. Aboriginal Cultural Heritage**

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

NOTE 2. General Environmental Duty

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

NOTE 3. Licensable Activities

Should an activity licensable by Rockhampton Regional Council be proposed for the premises, Council's Environment and Public Health Unit should be consulted to determine whether any approvals are required. Such activities may include storage of flammable and combustible liquid and environmentally relevant activities such as motor vehicle workshop operations. Approval for such activities is required before 'fitout' and operation.

NOTE 4. 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.

NOTE 5. Adopted Infrastructure Charges Notice

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

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for a Medium Impact Industry (Smash Repairs), made by Peter Smith Panel Beating on Lot 12 on RP900394, Parish of Murchison and located at 3 Waurin Street, Kawana, Council resolves to issue an adopted infrastructure charges notice for the sum of \$22,090.00.

Moved by: Mayor Strelow

Seconded by: Councillor Fisher

MOTION CARRIED

Councillor Schwarten recorded his vote against the motion.

8.4 D483-2013 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A MULTI UNIT DWELLING (FOUR UNITS)

File No: D483-2013

Attachments:

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

Responsible Officer: Robert Holmes - General Manager Regional Services

Author: Alyce McLellan - Planning Officer

SUMMARY

Development Application Number: D/483-2013

Applicant: B & J Harth

Real Property Address: Lot 4 on SP153692, Parish of Rockhampton

Common Property Address: 9 Palmer Street, Allenstown

Area of Site: 1,080 square metres

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: The Range South Residential Area

Existing Development: Single Dwelling

Existing Approvals: Nil

Approval Sought: Development Permit for a Material Change of Use for a Multi Unit Dwelling (four units)

Level of Assessment: Impact Assessable

Submissions: One Properly Made Submission

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

Adopted Infrastructure Charges Area: Charge Area One

Application Progress:

<i>Application Lodged:</i>	10 October 2013
<i>Acknowledgement Notice issued:</i>	23 October 2013
<i>Government Agency Response:</i>	8 November 2013
<i>Submission period commenced:</i>	18 November 2013
<i>Submission period end:</i>	11 December 2013
<i>Last receipt of information from applicant:</i>	12 December 2013
<i>Statutory determination date:</i>	17 January 2013

COMMITTEE RESOLUTION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for a Multi Unit Dwelling (four units), made by B and J Harth, on Lot 4 on SP153692, Parish of Rockhampton, and located at 9 Palmer Street, Allenstown, Council resolves to Approve the application despite its conflict with the planning scheme and provide the following grounds to justify the decision despite the conflict:

- a) The development utilises sensitive design and building materials that support the intent to protect and enhance the pre-war residential character of the Area. Therefore, the development will not adversely impact upon the unique aesthetic residential character of the Area;
- b) The development does not fragment the existing large allotment, therefore preserving the mixture of allotments sizes supported in the Area;
- c) The single storey development proposes landscaping as well as parking well in excess of the requirements and furthermore proposes a total building site coverage of approximately forty-eight percent of the total site area which is consistent with surrounding residential densities on Palmer Street and the locality in general;
- d) Assessment of the development demonstrates that the Planning Scheme's Desired Environmental Outcomes will not be compromised.
- e) Assessment of the development against the relevant planning scheme codes, demonstrates that the proposed development will not cause significant adverse impact on the surrounding natural environment, built environment and infrastructure, community facilities or local character and amenity.
- f) The proposed development does not compromise relevant State Planning Policies.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for a Multi Unit Dwelling (four units), made by B and J Harth, on Lot 4 on SP153692, Parish of Rockhampton, and located at 9 Palmer Street, Allenstown, Council resolves to approve the application subject to the following conditions:

1.0 ADMINISTRATION

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

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

1.6.1 Operational Works:

- (i) Road Works;
- (ii) Access and Parking Works;
- (iii) Stormwater Works; and
- (iv) Site Works.

1.6.2 Plumbing and Drainage Works; and

1.6.3 Building Works.

1.7 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.

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

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

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Number</u>	<u>Dated</u>
Site Plan	SD.01 Revision P5 Sheet 1 of 5	16 May 2013
Floor Plan	SD.02 Revision P5 Sheet 2 of 5	16 May 2013
Elevations	SD.04 Revision P5 Sheet 4 of 5	16 May 2013
Stormwater Management Report	R13178	October 2013
Stormwater Plan	R13178-SK03	Not Dated

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

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

3.0 ROAD WORKS

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

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

- 3.3 A concrete pathway, with a minimum width of 1.2 metres, must be constructed on the development side of Palmer Street for the full frontage of the site.
- 3.4 All pathways and access ramps must be designed and constructed in accordance with *Australian Standard AS1428 "Design for Access and Mobility"*. All pathways located within a road reserve or public use land must be provided with public space lighting in accordance with *Australian Standard AS1158 "Lighting for Roads and Public Spaces"*.
- 3.5 All pathways must incorporate kerb ramps at all road crossing points.
- 3.6 Traffic signs and pavement markings must be provided in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*. Where necessary, existing traffic signs and pavement markings must be modified in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*.
- 4.0 ACCESS 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 site.
- 4.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Parking Facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 4.3 A single access must be constructed on Palmer Street. Redundant accesses along the frontage must be reinstated with kerb and channel.
- 4.4 Seven (7) parking spaces must be provided on site. Three (3) spaces must be designated for visitor parking.
- 5.0 PLUMBING AND DRAINAGE WORKS
- 5.1 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, *Plumbing and Drainage Act*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 5.2 The development must be connected to Council's reticulated water and sewerage network.
- 5.3 The existing water connection point(s) must be capped off. A new water connection point must be provided for the development from existing infrastructure located within Palmer Street.
- 5.4 The existing sewerage connection point(s) must be retained and upgraded, if necessary, to service the development.
- 5.5 Adequate domestic and fire fighting protection must be provided to the proposed development. An internal pillar hydrant, water tanks, and pumps may be required. The fire fighting protection must be certified by a suitably qualified hydraulic engineer.
- 5.6 The development must be provided with a master meter at the property boundary and sub-meters for each sole occupancy unit in accordance with the Queensland Plumbing and Wastewater Code and Council's Sub-metering Policy.
- 5.7 Water meter boxes and sewer connections located within trafficable areas must be raised or lowered to suit the finished surface level and must be provided with heavy duty trafficable lids.
- 5.8 All internal plumbing and sanitary drainage works must be in accordance with regulated work under the *Plumbing and Drainage Act*.

- 5.9 All Internal Plumbing and Sanitary Drainage must be completely independent for each dwelling unit.
- 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 on the site.
- 6.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 6.3 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect adjoining land or infrastructure by way of blocking, altering or diverting existing stormwater runoff patterns or have the potential to cause damage to other infrastructure.
- 6.4 The proposed development must not increase peak stormwater runoff for a selected range of storm events up to and including the one in one hundred year storm event (100 year Average Recurrence Interval) for the post development condition.
- 6.5 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by a Stormwater Drainage Report, prepared and certified by a Registered Professional Engineer of Queensland, which as a minimum includes:
- 6.5.1 identification of drainage catchment and drainage sub-catchment areas for the pre-development and post-development scenarios including a suitably scaled stormwater master plan showing the aforementioned catchment details and lawful point(s) of discharge that comply with the requirements of the *Queensland Urban Drainage Manual*;
 - 6.5.2 an assessment of the peak discharges for all rainfall events up to and including the one in one hundred year rainfall event (100 year Average Recurrence Interval) for the pre-development and post-development scenarios;
 - 6.5.3 details of any proposed on-site detention/retention systems and associated outlet systems required to mitigate the impacts of the proposed development on downstream lands and existing upstream and downstream drainage systems;
 - 6.5.4 identification and conceptual design of all new drainage systems, and modifications to existing drainage systems required to adequately manage stormwater collection and discharge from the proposed development;
 - 6.5.5 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*;
 - 6.5.6 details of all calculations, assumptions and data files (where applicable).
- 7.0 ROOF AND ALLOTMENT DRAINAGE WORKS
- 7.1 All roof and allotment drainage must be in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.
- 7.2 All roof and allotment drainage must be discharged such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties or infrastructure.

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.
- 8.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks' plan which clearly identifies the following:
- 8.2.1 the location of cut and/or fill;
 - 8.2.2 the type of fill to be used and the manner in which it is to be compacted;
 - 8.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - 8.2.4 details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and
 - 8.2.5 the maintenance of access roads to and from the site so that they are free of all cut and/or fill material and cleaned as necessary.
- 8.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 8.4 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 adjoining properties or infrastructure.
- 8.5 Any vegetation cleared or removed must be:
- (i) mulched on-site and utilised on-site for landscaping purposes, in accordance with the landscaping plan approved by Council; or
 - (ii) removed for disposal at a location approved by Council;
- within sixty (60) days of clearing. Any vegetation removed must not be burnt.
- 8.6 All site works must be undertaken to ensure that there is:
- 8.6.1 no increase in upstream or downstream flood levels for all levels of immunity up to Q100;
 - 8.6.2 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
 - 8.6.3 a lawful point of discharge to which the developed flows from the land drain. Easements will be required over any other land to accommodate the flows.

9.0 BUILDING WORKS

- 9.1 All external elements, such as air conditioners, must be adequately screened from public view, to Council's satisfaction. Noise from any external elements, such as air conditioners, must not exceed 5dB(A) (decibels) above the background ambient noise level, measured at the boundaries of the subject site.
- 9.2 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 9.3 All windows facing onto the adjoining residential properties must be properly glazed or screened to not intrude on the privacy of residents.
- 9.4 All fencing on side and rear boundaries must be a minimum 1.8 meters in height. The fencing may be graduated down to 1.2 metres towards the road frontage. All side and

rear boundaries, and internal fencing must ensure privacy and security to adjoining residential properties. The fencing must be constructed of materials and finishes that prevent light spillage of vehicle headlights and are commensurate with the surrounding residential area.

9.5 All units must be provided with open-air clothes drying facilities and the facilities must be screened from public view.

9.6 All structures must maintain a clearance of two (2) metres to any sewerage infrastructure including connection point in accordance with Council's Building Over/Adjacent to Local Government Sewerage Infrastructure Policy.

10.0 LANDSCAPING WORKS

10.1 Landscaping of the development must be generally in accordance with the approved plans (refer to condition 2.1).

10.2 All species used in landscaping must be in accordance with Planning Scheme Policy 6 – Planting Species.

10.3 Landscaping, or any part thereof, upon reaching full maturity, must not:

- (i) obstruct sight visibility zones as defined in the *Austroads 'Guide to Traffic Engineering Practice'* series of publications;
- (ii) adversely affect any road lighting or public space lighting; or
- (iii) adversely affect any Council infrastructure, or public utility plant.

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

11.0 ELECTRICITY AND TELECOMMUNICATIONS

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

12.0 ASSET MANAGEMENT

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

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

12.3 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 Manual for Submission of Digital As Constructed Information.

13.0 ENVIRONMENTAL

13.1 Any application for a Development Permit for Operational Works must be accompanied by a detailed Environmental Management Plan, which addresses, but is not limited to, the following matters:

- (i) water quality and drainage;
- (ii) erosion and silt/sedimentation management;
- (iii) acid sulphate soils;
- (iv) fauna management;

- (v) vegetation management and clearing;
 - (vi) top soil management;
 - (vii) interim drainage plan during construction;
 - (viii) construction programme;
 - (ix) geotechnical issues;
 - (x) weed control;
 - (xi) bushfire management;
 - (xii) emergency vehicle access;
 - (xiii) noise and dust suppression; and
 - (xiv) waste management.
- 13.2 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.
- 13.3 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.
- 13.4 The Erosion Control and Stormwater Control Management Plan must be implemented and maintained on-site for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The prepared Erosion Control and Stormwater Control Management Plan must be available on-site for inspection by Council Officers during those works.
- 14.0 OPERATING PROCEDURES
- 14.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Palmer Street.
- 14.2 All waste storage areas must be kept in a clean, tidy condition in accordance with *Environmental Protection (Waste Management) Regulations*.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

It is advised that under *Section 23 of the Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage (the

“cultural heritage duty of care”). Maximum penalties for breaching the duty of care are listed in the Aboriginal Cultural Heritage legislation. The information on Aboriginal Cultural Heritage is available on the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs website www.datsima.qld.gov.au

NOTE 2. Asbestos Removal

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

NOTE 3. General Environmental Duty

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

NOTE 4. 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.

NOTE 5. Adopted Infrastructure Charges Notice

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

RECOMMENDATION C

That in relation to the application for a Development Permit for a Material Change of Use for Multi Unit Dwellings (four units) , made by B and J Harth, on Lot 4 on SP153692, Parish of Rockhampton, and located at 9 Palmer Street, Allenstown, Council resolves to issue an Adopted Infrastructure Charges Notice of the sum of \$51,000.00.

Moved by: Councillor Fisher

Seconded by: Councillor Belz

MOTION CARRIED

8.5 D518-2013 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A MULTI UNIT DWELLING (THREE UNITS)

File No: D518-2013

Attachments:

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

Responsible Officer: Robert Holmes - General Manager Regional Services

Author: Alyce McLellan - Planning Officer

SUMMARY

Development Application Number: D/518-2013

Applicant: Capricorn Engineering and Drafting Services

Real Property Address: Lot 12 on SP216105, Parish of Murchison

Common Property Address: 18 Bruce Hiskens Court, Norman Gardens

Area of Site: 1,031 square metres

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: Norman Road Residential Area

Existing Development: Vacant Land

Existing Approvals: Nil

Approval Sought: Development Permit for a Material Change of Use for a Multi Dwelling Unit (three units)

Level of Assessment: Impact Assessable

Submissions: One Properly Made Submission

Referral Agency(s): Nil

Adopted Infrastructure Charges Area: Charge Area One

Application Progress:

<i>Application Lodged:</i>	4 November 2013
<i>Acknowledgement Notice:</i>	6 November 2013
<i>Submission period commenced:</i>	28 November 2013
<i>Submission period end:</i>	19 December 2013
<i>Last receipt of information from applicant:</i>	20 December 2013
<i>Statutory determination date:</i>	28 January 2014

COMMITTEE RESOLUTION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for a Material Change of Use for a Multi Unit Dwelling (three units), made by Capricorn Engineering and Drafting Services, on Lot 12 on SP216105, Parish of Archer and located at 18 Bruce Hiskens Court, Norman Gardens, Council resolves to Approve the application despite its conflict with the planning scheme and provides the following grounds to justify the decision despite the conflict:

- (a) The proposal is located within an area designated to accommodate Rockhampton's residential growth.
- (b) The use is for residential purposes and contributes to providing a mix of accommodation options within Rockhampton which is supported through the Desired Environmental Outcomes in the *Rockhampton City Plan 2005*.
- (c) Having regard to the size of the allotment which is subject to the proposal, being 1,031 square metres (providing an average area of 343 square metres per unit); it is considered reasonable to accommodate the proposed use when compared with the minimum lot size of 300 square metres achievable for this area.
- (d) The proposed use does not compromise the achievements of the Desired Environmental Outcomes in the *Rockhampton City Plan 2005*.
- (e) Assessment of the development against the relevant planning scheme codes, demonstrates that the proposed development will not cause significant adverse impact on the surrounding natural environment, built environment and infrastructure, community facilities or local character and amenity.
- (f) The proposed development does not compromise any relevant State Planning Policies.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for a Multi Unit Dwelling (three units), made by Capricorn Engineering and Drafting Services, on Lot 12 on SP216105, Parish of Archer and located at 18 Bruce Hiskens Court, Norman Gardens, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of the use, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior to the commencement of the use, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
 - 1.6.1 Operational Works:
 - (i) Access and Parking Works;
 - (ii) Roof and Allotment Drainage Works; and
 - (iii) Site Works.
 - 1.6.2 Plumbing and Drainage Works; and
 - 1.6.3 Building Works.
- 1.7 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.

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

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Number</u>	<u>Dated</u>
Site Plan	13-302-C Sheet No. 001 Revision 3	30 October 2013
Carparking and Landscaping Plan	13-302-C Sheet No. 002 Revision 1	30 October 2013
Ground Floor Plan	13-302-C Sheet No. 100 Revision 3	30 October 2013
Roof Plan	13-302-C Sheet No. 101 Revision 1	30 October 2013

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

3.0 ACCESS AND PARKING WORKS

- 3.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the site.
- 3.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Parking Facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 3.3 Five (5) parking spaces must be provided on site. Two (2) spaces must be designated for visitor parking.

4.0 PLUMBING AND DRAINAGE WORKS

- 4.1 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, *Plumbing and Drainage Act*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 4.2 The development must be connected to Council's reticulated water and sewerage network.
- 4.3 The existing water connection point(s) must be retained and upgraded, if necessary, to service the development.
- 4.4 The existing sewerage connection point(s) must be retained and upgraded, if necessary, to service the development.

- 4.5 Adequate domestic and fire fighting protection must be provided to the proposed development. An internal pillar hydrant, water tanks, and pumps may be required. The fire fighting protection must be certified by a suitably qualified hydraulic engineer.
- 4.6 The development must be provided with a master meter at the property boundary and sub-meters for each sole occupancy unit in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Sub-metering Policy.
- 4.7 Water meter boxes and sewer connections located within trafficable areas must be raised or lowered to suit the finished surface level and must be provided with heavy duty trafficable lids.
- 4.8 All internal plumbing and sanitary drainage must be completely independent for each dwelling unit.
- 5.0 ROOF AND ALLOTMENT DRAINAGE WORKS
- 5.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the site.
- 5.2 All roof and allotment drainage must be in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.
- 5.3 All roof and allotment drainage must be discharged such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties or infrastructure.
- 6.0 SITE WORKS
- 6.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works.
- 6.2 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 adjoining properties or infrastructure.
- 7.0 BUILDING WORKS
- 7.1 All external elements, such as air conditioners, must be adequately screened from public view, to Council's satisfaction. Noise from any external elements, such as air conditioners, must not exceed 5dB(A) (decibels) above the background ambient noise level, measured at the boundaries of the subject site.
- 7.2 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 7.3 All windows facing onto the adjoining residential properties must be properly glazed or screened to not intrude on the privacy of residents.
- 7.4 All fencing on side and rear boundaries must be a minimum 1.8 meters in height. The fencing may be graduated down to 1.2 metres towards the road frontage. All side and rear boundaries, and internal fencing must ensure privacy and security to adjoining residential properties. The fencing must be constructed of materials and finishes that prevent light spillage of vehicle headlights and are commensurate with the surrounding residential area.
- 7.5 All units must be provided with open-air clothes drying facilities and the facilities must be screened from public view.

- 7.6 All structures must maintain a clearance of two (2) metres to any sewerage infrastructure including connection point in accordance with Council's Building Over/Adjacent to Local Government Sewerage Infrastructure Policy.
- 8.0 LANDSCAPING WORKS
- 8.1 Landscaping of the development must be generally in accordance with the approved plans (refer to condition 2.1).
- 8.2 All species used in landscaping must be in accordance with Planning Scheme Policy 6 – Planting Species.
- 8.3 Landscaping, or any part thereof, upon reaching full maturity, must not:
- (i) obstruct sight visibility zones as defined in the *Austroads 'Guide to Traffic Engineering Practice'* series of publications;
 - (ii) adversely affect any road lighting or public space lighting; or
 - (iii) adversely affect any Council infrastructure, or public utility plant.
- 8.4 The landscaped areas must be subject to an ongoing maintenance and replanting programme (if necessary).
- 9.0 ELECTRICITY AND TELECOMMUNICATIONS
- 9.1 Underground electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.
- 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 at full cost to the Developer.
- 10.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.
- 11.0 ENVIRONMENTAL
- 11.1 An Erosion Control and Stormwater Control Management Plan must be implemented and maintained on-site for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The prepared Erosion Control and Stormwater Control Management Plan must be available on-site for inspection by Council Officers during those works.
- 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 site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Bruce Hiskins Court.
- 12.2 All waste storage areas must be kept in a clean, tidy condition in accordance with *Environmental Protection (Waste Management) Regulations*.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

It is advised that under *Section 23 of the Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of

care are listed in the Aboriginal Cultural Heritage legislation. The information on Aboriginal Cultural Heritage is available on the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs website: www.datsima.qld.gov.au.

NOTE 2. Asbestos Removal

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

NOTE 3. General Environmental Duty

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

NOTE 4. 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.

NOTE 5. Adopted Infrastructure Charges Notice

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

RECOMMENDATION C

That in relation to the application for a Development Permit for a Material Change of Use for a Multi Unit Dwelling (three units), made by Capricorn Engineering and Drafting Services, on Lot 12 on SP216105, Parish of Archer and located at 18 Bruce Hiskens Court, Norman Gardens, Council resolves to issue an Adopted Infrastructure Charges Notice for the sum of \$42,000.00.

Moved by: Councillor Swadling

Seconded by: Councillor Smith

MOTION CARRIED

8.6 D350-2013 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A HOUSE

File No: D/350-2013

Responsible Officer: Robert Holmes - General Manager Regional Services

Author: Corina Hibberd - Planning Officer

SUMMARY

This matter was referred from the Ordinary Council Meeting on 28 January 2014 to the Planning and Development Committee Meeting on 29 January 2014.

This matter was layed on the table at the Ordinary Council Meeting on 12 November 2013 pending a deputation. Bael Building Design presented a deputation at the Council Meeting on 10 December 2013, and the report is now due to be returned to the table to be dealt with.

Development Application Number: D/350-2013

Applicant: M Ruckert and T Spence

Real Property Address: Lot 9 on RP607631, Parish of Livingstone

Common Property Address: 73C Farm Street, Kawana

Area of Site: 749 square metres

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: Parkhurst Rural Area

Existing Development: Storage Sheds (containers)

Existing Approvals: Subdivision sealed 29 January 1959

Approval Sought: Development Permit for a Material Change of Use for a House

Level of Assessment: Code Assessable

Submissions: Not Applicable

Referral Agency(s): Not Applicable

Adopted Infrastructure Charges Area: Charge Area Three

Application Progress:

<i>Application Lodged:</i>	<i>30 July 2013</i>
<i>Request for Further Information sent:</i>	<i>13 August 2013</i>
<i>Request for Further Information responded to:</i>	<i>23 September 2013</i>
<i>Submission period commenced:</i>	<i>Not Applicable</i>
<i>Submission period end:</i>	<i>Not Applicable</i>
<i>Government Agency request for addition time:</i>	<i>Not Applicable</i>
<i>Government Agency Response:</i>	<i>Not Applicable</i>
<i>Last receipt of information from applicant:</i>	<i>23 September 2013</i>
<i>Council request for additional time:</i>	<i>4 October 2013</i>
<i>Committee Meeting date:</i>	<i>5 November 2013</i>

COMMITTEE RESOLUTION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of use for a House, made by M Ruckert and T Spence, on Lot 9 on RP607631, Parish of Livingstone, located at 73C Farm Street, Kawana, Council resolves to approve the application as it considers that the submitted completed evacuation plan together with the reasonable and relevant conditions in Recommendation B despite conflict with the planning scheme, because the risks associated with flooding can be suitably ameliorated through the evacuation plan.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of use for a House, made by M Ruckert and T Spence, on Lot 9 on RP607631, Parish of Livingstone, located at 73C Farm Street, Kawana, if the Council resolves to approve the application, the following conditions must form part of the Development Approval:

1.0 ADMINISTRATION

- 1.1 The Developer and owner are responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer and/or owner.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of the use, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior to the commencement of the use, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
 - 1.6.1 Operational Works:
 - (i) Access Works;
 - 1.6.2 Plumbing and Drainage Works; and
 - 1.6.3 Building Works (retrospective demolition permit)
 - 1.6.4 Building Works.
- 1.7 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.9 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 1.10 A complete copy of the Development Approval and any documents conditioned by this approval (including the Contingency Plan or an updated Contingency plan) must be given to the proposed purchaser when entering into a contract of sale or to the new registered proprietor upon any transfer of land for this lot.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Number</u>	<u>Dated</u>
Proposed Site Plan	1306-02 Issue No. BA1.0	26 July 2013
Floor Plan	The St George Dwg No. 1	March 2013
Unnamed	The St George Dwg No. 2	March 2013

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

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

3.0 ROAD WORKS

- 3.1 The developer must pay a contribution of \$18,750.00 towards the construction of Cramb Street to an urban access street standard. Payment must be received prior to occupation of the dwelling.

4.0 ACCESS WORKS

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

- 4.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Australian Standard AS2890 "Parking Facilities"* and the provisions of a Development Permit for Operational Works (access works).

- 4.3 A new access must be constructed for the subject Lot that complies with the requirements of the *Capricorn Municipal Development Guidelines*.

5.0 SEWERAGE WORKS

- 5.1 The proposed development is required to have an on-site sewerage treatment and disposal system in accordance with the *Queensland Plumbing and Wastewater Code*.

6.0 WATER WORKS

- 6.1 The proposed development must be connected to the Council's reticulated water supply network via special water supply arrangement. Connection to the existing reticulated water supply network must be via a 150 millimetre diameter water main at Farm Street road reserve.

7.0 PLUMBING AND DRAINAGE WORKS

- 7.1 All internal plumbing and sanitary drainage works must be in accordance with regulated work under the *Plumbing and Drainage Act* and Council's Plumbing and Drainage Policies and *Australian Plumbing and Drainage Standard AS3500 section 3 and 4*.

- 7.2 Temporary On-site sewerage treatment and disposal must be in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Plumbing and Drainage Policies.

- 7.3 Temporary On-site sewerage treatment and disposal system must be solely owned and operated by the property owner at no cost to Council at all times including any

maintenance or reinstate costs.

- 7.4 Until reticulated water supply is available for the development, the dwelling must be provided with water storage tanks and couplings for fire fighting purposes in accordance with *Plumbing and Drainage Act*.

8.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 8.1 All roof and allotment drainage must be in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.

- 8.2 All roof and allotment drainage must be discharged such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties or infrastructure.

9.0 BUILDING WORKS

- 9.1 Filling of the subject land is not permitted.

- 9.2 The floor level of any proposed dwelling must be a minimum of 500 millimetre above the 1 in 100 year Average Recurrence Interval Fitzroy River Flood level.

- 9.3 All services and utilities connected to the property, including electrical outlets, are to be installed at such a height that they are a minimum of 500mm above the 1 in 100 year Average Recurrence Interval Fitzroy River Flood level.

- 9.4 Non-liveable room areas below the 1 in 100 year Average Recurrence Interval Fitzroy River Flood level must be designed and constructed using flood resilient materials.

- 9.5 All structures must maintain a clearance of two (2) metres to any sewerage infrastructure.

- 9.6 The former shed over this lot was not lawfully demolished. A retrospective application for a demolition permit must be obtained prior to the commencement of the use.

- 9.7 All external elements, such as air conditioners, must be adequately screened from public view, to Council's satisfaction. Noise from any external elements, such as air conditioners, must not exceed 5dB(A) (decibels) above the background ambient noise level, measured at the boundaries of the subject site.

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

10.0 ELECTRICITY AND TELECOMMUNICATIONS

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

- 10.2 No additional electricity poles are permitted to be installed in the road reserve.

- 10.3 Evidence must be provided of a certificate of supply with the relevant service providers to provide each lot with live electricity and telecommunication connections, in accordance with the requirements of the relevant authorities 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 at full cost to the Developer.

- 11.2 Any damage to existing kerb and channel, pathway or roadway (including removal of

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

12.0 ENVIRONMENTAL

12.1 The applicant must prepare a Contingency Plan for flooding.

12.2 Council Acknowledges that a 'Flood Evacuation Plan – Lot 9 Cramb St' has been submitted as a contingency plan as part of the development application. Council is not required to approve contingency plans and Council does not accept any liability for loss of or damage of property, or injury or loss of life as a result of any person using or relying on the contingency plan, or failing to use the contingency plan during a flood event.

12.3 It is the responsibility of the owner or occupier of the land from time to time to implement to contingency plan during a flood event or if there is a risk of flooding near the land.

12.4 All buildings must be constructed in accordance with the *Building Code of Australia – Volume 2*, and the *Queensland Development Code MP3.5 Construction of Buildings in Flood Hazard Areas*.

13.0 OPERATING PROCEDURES

13.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Cramb 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 Multicultural Affairs website www.datsima.qld.gov.au

NOTE 2. Asbestos Removal

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

NOTE 3. General Environmental Duty

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

NOTE 4. 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.

NOTE 5. Property Notes

A complete copy of the Development Approval and any documents conditioned by this approval (including the Contingency Plan or an updated Contingency plan) must be given to the proposed purchaser when entering into a contract of sale or to the new registered proprietor upon any transfer of land for this lot.

NOTE 6. Works in Road Reserve Permit

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

NOTE 7. Plumbing and Drainage Act

The special water supply connection must be disconnected once the reticulated water main is available for connectivity and the development must be connected to the reticulated water supply network at no cost to Council.

The temporary on-site sewerage system must be disconnected once the pressure sewer main (sewer rising main) is available for connectivity and the development must be connected to the pressure sewer main (sewer rising main) via private sewer pump at no cost to Council.

RECOMMENDATION C

That Council waive the application fee for the Permit to Demolish.

RECOMMENDATION D

That Council prepare a submission to LGAQ to seek some reasonable balance as to whether a Demolition Permit is required.

Moved by: Councillor Schwarten

Seconded by: Councillor Smith

MOTION CARRIED

Councillor Williams recorded his vote against the motion.

11.27AM Mayor Strelow declared that the meeting be adjourned.
11.41AM Mayor Strelow declared that the meeting resume.

PRESENT

Members Present:

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

In Attendance:

Mr E Pardon – Chief Executive Officer
Mr R Holmes – General Manager Regional Services
Mr R Truscott – Coordinator Strategic Planning
Ms T Fitzgibbon – Coordinator Development Assessment
Ms C Hibberd – Planning Officer
Ms L Leeder – Committee Support Officer

9 STRATEGIC REPORTS

Nil

10 NOTICES OF MOTION

Nil

11 URGENT BUSINESS QUESTIONS

8.2 LIFTING MATTERS LAYED ON THE TABLE

File No: D/223-2013

Responsible Officer: Corina Hibberd – Planning Officer

SUMMARY

This report is designed to lift the following report layed on the table earlier in the meeting from the table to be dealt with.

COMMITTEE RESOLUTION

THAT the following matter, “lying on the table”, be lifted from the table and be dealt with accordingly:

1. D223-2013 Request for a Negotiated Decision for a Development Permit for a Material Change of Use for a Showroom and Restaurant, and a Request for a Negotiated Infrastructure Charges Notice.

Moved by: Councillor Swadling

Seconded by: Councillor Smith

MOTION CARRIED

11.1 CLOSED SESSION

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

COMMITTEE RESOLUTION**11.42AM**

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.

8.2 D223-2013 Request for a negotiated decision for a development permit for a material change of use for a showroom and a restaurant, and request for negotiated infrastructure charges notice

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

Moved by: Councillor Swadling
Seconded by: Councillor Schwarten

MOTION CARRIED

COMMITTEE RESOLUTION**12.06PM**

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

Moved by: Councillor Schwarten
Seconded by: Councillor Fisher

MOTION CARRIED

8.2 D223-2013 REQUEST FOR A NEGOTIATED DECISION FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A SHOWROOM AND RESTAURANT, AND A REQUEST FOR A NEGOTIATED INFRASTRUCTURE CHARGES NOTICE**File No:** D/223-2013**Responsible Officer:** Corina Hibberd – Planning Officer

SUMMARY

Development Application Number: D/223-2013

Applicant: Rockhampton Harley Davidson

Real Property Address: Lot 5 on SP115212, Parish of Rockhampton

Common Property Address: 125 William Street, Rockhampton City

Area of Site: 2099 square metres

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: Central Business District Commercial Area, Precinct 3 - Mixed Use Precinct

Existing Development: Showroom and Restaurant, and ancillary workshop

Existing Approvals: Development Permit for a Material Change of Use for a Showroom and Restaurant

Multiple building and plumbing permits from 1946 to current

T-21/1996 Motor Vehicle Repair, Panel Beating and Spray Painting (including Fuel Storage and Bowsers) 18 December 1996

Approval Sought: Negotiated Decision Notice for a Development Permit for a Material Change of Use for a Showroom and Restaurant and a Negotiated Infrastructure Charges Notice for a Development Permit for a Material Change of Use for a Showroom and Restaurant

Level of Assessment: Impact Assessable and Code Assessable

Submissions: Nil

Referral Agency(s): Nil

Adopted Infrastructure Charges Area: Charge Area One

COMMITTEE RESOLUTION

A1 THAT in relation to the request for a Negotiated Decision Notice for Development Permit D/223-2013, made by DesignTek on behalf of Trewin Holdings Pty Ltd Tte, on Lot 5 on SP115212, Parish of Rockhampton, located at 125 William Street, Rockhampton City, Council resolves that:

1. **Condition 1.5 remain unchanged**
2. **Condition 1.6 remain unchanged.**
3. **Condition 1.7 remain unchanged.**
4. **Condition 1.8 remain unchanged.**
5. **Condition 3.5 remain unchanged.**
6. **Condition 4.1 be deleted.**
7. **Condition 4.2 remain unchanged.**
8. **Condition 6.3 be deleted.**
9. **Condition 7.2 amended**
10. **Condition 7.3 remain unchanged.**

A2 That to reflect the above amendments, Rocky Harley Davidson on behalf of Trewin Holdings Pty Ltd Tte, be issued with a Negotiated Decision Notice for Development Permit D/223-2013 for a Showroom and Restaurant

1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of the use, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior, to the commencement of the use, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
 - 1.6.1 Plumbing and Drainage Works; and
 - 1.6.2 Building Works.
- 1.7 All Development Permits for Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.9 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved,

supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Site Plan / Floor Plan	1201-03 Sheet 1 of 3 Rev B	15 January 2013
Elevations	1201-03 Sheet 2 of 3 Rev B	19 December 2012

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

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

3.0 PLUMBING AND DRAINAGE WORKS

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

3.2 The development must be connected to Council’s reticulated sewerage and water networks.

3.3 The existing sewerage and water connection point(s) must be retained, and upgraded if necessary, to service the development.

3.4 Sewerage/amended sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council’s sewerage reticulation. Arrester traps must be provided where commercial or non-domestic waste water is proposed to be discharged into the system.

3.5 Hoses must be provided at the refuse container area, and washdown must be drained to the sewer in accordance with a Development Permit for Plumbing and Drainage Works and a Sewerage Trade Waste Permit.

4.0 ROOF AND ALLOTMENT DRAINAGE WORKS

4.1 All roof and allotment drainage must be discharged such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties or infrastructure.

5.0 BUILDING WORKS

5.1 All external elements, such as air conditioners, must be adequately screened from public view, to Council’s satisfaction. Noise from any external elements, such as air conditioners, must not exceed 5dB(A) (decibels) above the background ambient noise level, measured at the boundaries of the subject site.

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

6.0 ASSET MANAGEMENT

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

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

7.0 OPERATING PROCEDURES

7.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in William Street, Campbell Street or Kent Lane.

7.2 The hours of operations must be limited to:

7.2.1 The Restaurant:

- (i) Monday to Friday 0600 to 1700;
- (ii) Saturday 0800 to 1200; and
- (iii) Sundays or Public Holidays 0800 to 1200.

7.2.2 The Showroom:

- (i) Monday to Friday 0800 to 1700;
- (ii) Saturday 0900 to 1200; and
- (iii) Sundays or Public Holidays 0800 to 1200.

7.3 All waste storage areas must be:

7.3.1 Aesthetically screened from any frontage or adjoining property or surrounded by a minimum 1.8 metre high fence that obstructs from view the contents of the bin compound by any member of the public from any public place;

7.3.2 of a minimum size to accommodate appropriately sized bins; and

7.3.3 in accordance with the *Environmental Protection (Waste Management) Regulations*.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. Asbestos Removal

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

NOTE 3. General Environmental Duty

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

NOTE 4. 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.

NOTE 5. Adopted Infrastructure Charges Notice

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

A3 That in relation to the request for a Negotiated Infrastructure Charges Notice for Development Permit D/223-2013, made by DesignTek on behalf of Trewin Holdings Pty Ltd Tte, on Lot 5 on SP115212, Parish of Rockhampton, located at 125 William Street, Rockhampton City, Council resolves that:

- 1. The request be refused.**

Moved by: Mayor Strelow

Seconded by: Councillor Rutherford

MOTION CARRIED

Councillor Swadling and Councillor Smith recorded their vote against the motion.

12 CLOSURE OF MEETING

There being no further business the meeting closed at 12.07pm.

COUNCILLOR M F STRELOW
CHAIRPERSON

DATE