



**PLANNING & DEVELOPMENT
COMMITTEE MEETING**

MINUTES

28 JULY 2015

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**REPORT OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON
ON TUESDAY 28 JULY 2015 COMMENCING AT 1:30PM**

1 OPENING

2 PRESENT

Members Present:

Acting Mayor, Councillor A P Williams (Chairperson)
Councillor C E Smith
Councillor C R Rutherford
Councillor S J Schwarten
Councillor R A Swadling
Councillor N K Fisher

In Attendance:

Mr E Pardon – Chief Executive Officer
Mr R Holmes – General Manager Regional Services
Ms T Fitzgibbon – Manager Development and Building
Ms A O'Mara – Senior Planning Officer
Ms C Hibberd – Planning Officer
Mr T Gardiner – Planning Officer
Ms L Price – Community Awareness Officer
Ms I Taylor – Governance Support Officer

3 APOLOGIES AND LEAVE OF ABSENCE

COMMITTEE RESOLUTION

THAT the apologies from The Mayor, Councillor Margaret Strelow and Councillor Greg Belz be received.

Moved by: Councillor Schwarten

Seconded by: Councillor Smith

MOTION CARRIED

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COMMITTEE RESOLUTION

THAT the minutes of the Planning & Development Committee held on 14 July 2015 be taken as read and adopted as a correct record.

Moved by: Councillor Smith

Seconded by: Councillor Williams

MOTION CARRIED

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

1.31PM

In accordance with s173(2) of the *Local Government Act 2009*, Councillor Rutherford disclosed a conflict of interest in respect of Item 8.3 – D/293-2014 – Application under the Development Incentives Policy for a Development Permit for a Material Change of Use for a Vehicle Depot and Bulk Store due to a personal association with the owner of NPM Constructions Pty Ltd, the Councillor considered her position, will not take part in the debate and will leave the meeting when the matter is discussed.

6 BUSINESS OUTSTANDING

6.1 BUSINESS OUTSTANDING TABLE FOR PLANNING AND DEVELOPMENT COMMITTEE

File No: 10097

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

Authorising Officer: 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.

COMMITTEE RESOLUTION

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

Moved by: Councillor Swadling
Seconded by: Councillor Rutherford

MOTION CARRIED

6.2 LIFTING MATTERS LAYED ON THE TABLE

File No: 10097
Attachments: Nil
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Evan Pardon - Chief Executive Officer

SUMMARY

Items lying on the table require a report to be lifted from the table before being dealt with. This report is designed to lift all necessary reports from the table to be dealt with at the current meeting 28 July 2015.

COMMITTEE RESOLUTION

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

- D/188-2014 Development Application for a Material Change of Use for an Educational Establishment.

Moved by: Councillor Williams

Seconded by: Councillor Smith

MOTION CARRIED

7 PUBLIC FORUMS/DEPUTATIONS

7.1 D/188-2014 - DEPUTATION - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR AN EDUCATIONAL ESTABLISHMENT (EXTENSIONS)

File No: D/188-2014
Attachments: Nil
Authorising Officer: Tarnya Fitzgibbon - Manager Development and Building
Robert Holmes - General Manager Regional Services
Author: Corina Hibberd - Planning Officer

SUMMARY

Mr R. McCamley, Mr J. Ross, and Mrs D. Huntly have requested an opportunity to attend a meeting of Council's Planning and Development Committee to discuss their opposition to the development for a Material Change of Use for an Educational Establishment over 390 Feez Street, Norman Gardens - Lot 6 on SP123558, Lot 7 on RP618703 and Lot 45 on RP615945 (Development Application D/188-2014).

1.34PM The deputation from Mr McCamley, Mr Ross and Mrs Huntly commenced.
2.00PM The deputation concluded.

COMMITTEE RESOLUTION

THAT the deputation by Mr McCamley, Mr Ross and Mrs Huntly be received.

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

7.2 D/188-2014 - DEPUTATION - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR AN EDUCATIONAL ESTABLISHMENT (EXTENSIONS)

File No: D/188-2014
Attachments: Nil
Authorising Officer: Tarnya Fitzgibbon - Manager Development and Building
Robert Holmes - General Manager Regional Services
Author: Corina Hibberd - Planning Officer

SUMMARY

Development Application Number: D/188-2014
Applicant: Roman Catholic Trust Corporation for the Diocese of Rockhampton
Real Property Address: Lot 6 on SP123558, Lot 7 on RP618703 and Lot 45 on RP615945, Parish of Murchison
Common Property Address: 390 Feez Street, Norman Gardens
Approval Sought: Development Permit for a Material Change of Use for Educational Establishment (Extension)

2.00PM The deputation from Catholic Education and Tony Madden Architects be received.
2.41PM The deputation concluded.

COMMITTEE RESOLUTION

THAT the deputation by Mr Michael McLaughlin from Diocese Catholic Education and Mr Tony Madden from Tony Madden Architects be received.

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

COMMITTEE RESOLUTION

2.41PM
Councillor Williams declared that the meeting be adjourned until 2.55pm.

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

COMMITTEE RESOLUTION**2.55PM**

Councillor Williams declared that the meeting be resumed.

Moved by: Councillor Swadling

Seconded by: Councillor Smith

MOTION CARRIED

Members Present:

Acting Mayor, Councillor A P Williams (Chairperson)
Councillor C E Smith
Councillor C R Rutherford
Councillor S J Schwarten
Councillor R A Swadling
Councillor N K Fisher

In Attendance:

Mr E Pardon – Chief Executive Officer
Mr R Holmes – General Manager Regional Services
Ms T Fitzgibbon – Manager Development and Building
Ms A O'Mara – Senior Planning Officer
Ms C Hibberd – Planning Officer
Mr T Gardiner – Planning Officer
Ms L Price – Community Awareness Officer
Ms I Taylor – Governance Support Officer

8 OFFICERS' REPORTS

8.1 D/188-2014 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR AN EDUCATIONAL ESTABLISHMENT

File No: D/188-2014

Attachments:

1. Locality Plan
2. Site Plan
3. Floor Plan - Kindy
4. Elevation Plan - Kindy
5. Floor Plan - Prep
6. Elevation Plan - Prep

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

Author: Corina Hibberd - Planning Officer

SUMMARY

Development Application Number: D/188-2014

Applicant: Roman Catholic Trust Corporation for the Diocese of Rockhampton

Real Property Address: Lot 6 on SP123558, Lot 7 on RP618703 and Lot 45 on RP615945, Parish of Murchison

Common Property Address: 390 Feez Street, Norman Gardens

Area of Site: 6.8311 hectares

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: Richardson Road Residential Area

Planning Scheme Overlays: Nil

Existing Development: Church and Primary School

Existing Approvals: Town Planning Consent 912 for a School, Primary School and Administration Block: granted 3 December 1980; Town Planning Consent 42 for Rezoning land from Residential A to Special Purpose: granted 21 November 1988; and various associated building and plumbing approvals

Approval Sought: Development Permit for a Material Change of Use for an Educational Establishment

Level of Assessment: Impact Assessable

Submissions: Five (5) properly made submissions and one (1) not properly made submission.

Referral Agency(s): Nil

Adopted Infrastructure Charges Area: Charge Area 1

Application Progress:

<i>Application Lodged:</i>	31 July 2014
<i>Acknowledgment Notice issued:</i>	26 August 2014

<i>Request for Further Information sent:</i>	<i>1 September 2014</i>
<i>Request for Further Information responded to:</i>	<i>22 October 2014</i>
<i>Submission period commenced:</i>	<i>30 October 2014</i>
<i>Submission period end:</i>	<i>20 November 2014</i>
<i>Notice of Compliance received:</i>	<i>21 November 2014</i>
<i>Council request for additional time:</i>	<i>21 November 2014 (extended to 20 January 2015)</i>
<i>Council request for additional time:</i>	<i>11 December 2014 (extended to 27 January 2015)</i>
<i>Council request for additional time:</i>	<i>18 December 2014 (extended to 30 April 2015)</i>
<i>Council request for additional time:</i>	<i>14 April 2015 (extended to 28 May 2015)</i>
<i>Planning and Development Committee date:</i>	<i>12 May 2015 (laid on the table)</i>
<i>Council request for additional time:</i>	<i>26 May 2015 (extended to 24 July 2015)</i>
<i>Council request for additional time:</i>	<i>16 July 2015 (extended to 21 August 2015)</i>
<i>Planning and Development Committee date:</i>	<i>28 July 2015</i>
<i>Statutory determination date:</i>	<i>21 August 2015</i>

COMMITTEE RESOLUTION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for a Material Change of Use for an Educational Establishment, made by the Roman Catholic Trust Corporation for the Diocese of Rockhampton, on Lot 6 on SP123558, Lot 7 on RP618703 and Lot 45 on RP615945, Parish of Murchison, located at 390 Feez Street, Norman Gardens, 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 proposed development is considered appropriately located and is designed to mitigate any impacts such as noise, ensuring that the amenity of the surrounding residents is not adversely affected.
- b) Assessment of the development against the relevant area intent, planning scheme codes and planning scheme policies demonstrates that the proposed development, subject to conditions, will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity;
- c) The proposed use does not compromise the achievements of the Desired Environmental Outcomes in the *Rockhampton City Plan 2005*; and
- d) The proposed development does not compromise the relevant State Planning Policy.

RECOMMENDATION B

THAT in relation to the application for a Development Permit for a Material Change of Use for an Educational Establishment, made by the Roman Catholic Trust Corporation for the Diocese of Rockhampton, on Lot 6 on SP123558, Lot 7 on RP618703 and Lot 45 on RP615945, Parish of Murchison, located at 390 Feez Street, 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) Stormwater Works; and
 - (iii) Roof and Allotment Drainage 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.
- 1.10 Lot 45 on RP615945, Lot 7 on RP618703 and Lot 6 on SP123558 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 the conditions of this permit:

<u>Plan/Document Name</u>	<u>Plan/Document Number</u>	<u>Dated</u>
Proposed Overall Site Plan	1988 SK-02	November 2013
Existing Main Carpark	1988 SK-03	November 2013
Proposed Main Carpark	1988 SK-04	November 2013
Existing Staff Carpark and Kindy	1988 SK-05	November 2013

Proposed Staff Carpark and Kindy	1988 SK-06	November 2013
Existing Prep and Carpark	1988 SK-07	November 2013
Proposed Prep and Carpark	1988 SK-08	November 2013
Plan/Document Name	Plan/Document Number	Dated
Proposed Floor Plan	1988 SK-09	December 2013
Proposed Floor Plan	1988 SK-11	December 2013
Elevations – Kindergarten	1988 SK-10	December 2013
Elevations – New Prep	1988 SK-12	December 2013
Noise Impact Assessment St Anthony's School 390 Feez Street, Norman Gardens	SP0578-0, Revision 0	9 April 2015
St Anthony's Catholic Primary School – Transport Impact Assessment	14B1125000, Issue A	13 October 2014

- 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 All parking spaces, access driveway(s), and vehicular manoeuvring areas associated with this proposed development must be concrete paved or asphalted.
- 3.4 The car parking areas must include traffic calming measures to reduce the noise level and speed of vehicles within the car park.
- 3.5 The existing access from Bruigom Street to the development must be widened to allow unimpeded two-way access / egress to and from the site without any queuing occurring in Bruigom Street.
- 3.6 All vehicles must ingress and egress the development in a forward gear.
- 3.7 Universal access parking spaces must be provided in accordance with *Australian Standard AS2890.6 "Parking Facilities - Off-Street parking for people with disabilities"*.
- 3.8 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"*.

- 3.9 Road signage and pavement markings must be installed in accordance with the *Australian Standard AS1742.1 "Manual of Uniform Traffic Control Devices"*.
- 3.10 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for Access and Mobility"*.
- 4.0 **PLUMBING AND DRAINAGE WORKS**
- 4.1 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act*, the *Plumbing and Drainage Act*.
- 4.2 All internal plumbing and sanitary drainage works must be in accordance with regulated work under the *Plumbing and Drainage Act* and Council's Plumbing and Drainage Policies.
- 4.3 The development must be connected to Council's reticulated water network and sewerage network.
- 4.4 The existing sewerage and water connection point(s) must be retained, and upgraded if necessary, to service the development.
- 4.5 Sewer connections and water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with trafficable lids.
- 4.6 Adequate domestic and fire fighting protection must be provided to the development, and must be certified by a hydraulic engineer or other suitably qualified person.
- 4.7 Alteration 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*.
- 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 Any application for a Development Permit for Operational Works (stormwater works) must include a revised stormwater strategy that incorporates some form of detention such that there is no increase in peak runoff to Bruigom Street.
- 5.4 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect adjoining land or infrastructure in comparison to the pre-development condition by way of blocking, altering or diverting existing stormwater runoff patterns or have the potential to cause damage to other infrastructure.
- 5.5 Any application for a Development Permit for Operational Works (stormwater works) must include an assessment of how the development meets the water quality objectives of the *State Planning Policy*.
- 5.6 The proposed development must achieve no increase in peak stormwater runoff for a selected range of storm events up to and including the one in one hundred year storm event (100 year Average Recurrence Interval) for the post development condition.
- 6.0 **ROOF AND ALLOTMENT DRAINAGE WORKS**
- 6.1 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 All earthworks must be undertaken in accordance with *Australian Standards, AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.

- 7.2 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.

8.0 BUILDING WORKS

- 8.1 All external elements, such as air conditioners and associated equipment, must be adequately screened from public view to Council's satisfaction.

- 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"*.

- 8.3 External privacy screening must be applied to the windows of the proposed classrooms which face to the south-east boundary to prevent overlooking into the private open space of the adjoining residential dwellings.

- 8.4 All windows facing onto the adjoining residential properties must be properly glazed or screened to not intrude on the privacy of residents.

- 8.5 Provide a 2.1 metre high acoustic screen fence along the common boundary of the subject site and any adjoining residential properties.

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

- 8.7 Impervious paved and drained washdown areas to accommodate all refuse containers must be provided. The areas must be aesthetically screened from any road frontage or adjoining property.

- 8.8 That the Prep building be sited a further 5 metres to the north of what is shown on the approved plans and additional screening be provided on the southern end of the building.

9.0 LANDSCAPING WORKS

- 9.1 Landscaping must be provided between and around the buildings and new car parking areas, particularly toward the south east boundary. The planting must be designed to specifically reduce the perceived scale of the buildings and must include advanced plant stock, to create an immediate effect.

- 9.2 All landscaping must be constructed and or established prior to the commencement of the use.

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

10.0 ELECTRICITY AND TELECOMMUNICATIONS

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

- 10.2 Evidence must be provided of a Telecommunications Infrastructure Provisioning Confirmation and Certificate of Electricity Supply with the relevant service providers

to provide the use with telecommunication and live electricity connections, in accordance with the requirements of the relevant authorities prior to the commencement of the use.

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

12.0 ENVIRONMENTAL

12.1 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.

12.2 Implement and maintain the Erosion Control and Stormwater Control Management Plan 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.

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 Bruigom Street, Feez Street, Langford Street or Agnew Avenue.

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

13.3 Noise mitigation measures must be implemented in accordance with the recommendations in the Noise Impact Assessment (refer to condition 2.1). Should the development be found to be creating a noise nuisance, then the report must be revised by the owner/operator within three (3) months and submitted to Council for approval with additional mitigation measures. Council may require any noise mitigation measures identified in the assessment to be implemented within appropriate timeframes.

13.4 When requested by the administering authority, noise monitoring must be undertaken and recorded to investigate any 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 the administering authority within fourteen days of the completion of the investigation.

Noise measurements must be compared with the acoustic quality objectives specified in the most recent edition of the Environmental Protection (Noise) Policy and noise monitoring conducted in accordance with the most recent edition of *Department of Environment and Heritage Protection Noise Measurement Manual*.

- 13.5 The air-conditioning plant for the proposed Preparatory and Kindergarten buildings must be selected and installed to meet a combined noise level of 47dBA at the nearby residential dwellings at point R1 as shown on *Appendix A- Figures within the Noise Impact Assessment (Figure 1: Aerial photograph of site, Revision 0 – 9 April 2015, by Savery and Associates Pty Ltd)*. Noise testing is recommended to ascertain the noise emissions from the air-conditioning plants after installation. Acoustic enclosures or barriers may be required in case the noise exceeds the limit.
- 13.6 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 *Work Health and Safety Act 2011* and *Public Health Act 2005*.

NOTE 3. General Environmental Duty

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

NOTE 4. General Safety Of Public During Construction

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

NOTE 5. Property Notes

All vehicular access to and from the development must be via the Bruigom Street and Feez Street only. Direct vehicular access to Langford Street and Agnew Avenue is prohibited.

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 C

That in relation to the application for a Development Permit for a Material Change of Use for an Educational Establishment, made by the Roman Catholic Trust Corporation for the

Diocese of Rockhampton, on Lot 6 on SP123558, Lot 7 on RP618703 and Lot 45 on RP615945, Parish of Murchison, located at 390 Feez Street, Norman Gardens, Council resolves to issue an Infrastructure Charges Notice for the amount of \$60,066.00.

Moved by: Councillor Williams

Seconded by: Councillor Rutherford

MOTION CARRIED

Councillor Fisher recorded his vote against the motion.

3.09PM Councillor Schwarten left the meeting and did not return.

3.09PM Chief Executive Officer left the meeting.

3.11PM Chief Executive Officer returned to the meeting.

8.2 D/200-2014 - APPLICATION UNDER THE DEVELOPMENT INCENTIVES POLICY FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A HIGH IMPACT INDUSTRY

File No: D/200-2014
Attachments: 1. Locality Plan
Authorising Officer: Tarnya Fitzgibbon - Manager Development and Building
Robert Holmes - General Manager Regional Services
Author: Amanda O'Mara - Senior Planning Officer

SUMMARY

Development Application Number: D/200-2014
Applicant: Michalis Group Pty Ltd
Real Property Address: Lot 6 on SP153339, Parish of Murchison
Common Property Address: 17 Dooley Street, Park Avenue
Rockhampton City Plan Area: Park Avenue Industrial Area, Precinct 2 - Park Avenue Medium Impact Industry
Type of Approval: Development Permit for a Material Change of Use for a High Impact Industry
Date of Decision: 9 December 2014
Application Lodgement Fee: \$17,105.00
Infrastructure Charges: \$30,804.00
Infrastructure charges incentive: All other areas – 50% discount
Incentives sought: Infrastructure Charges Concession
Refund of Development Application Fees

COMMITTEE RESOLUTION

THAT in relation to the application under the Development Incentives Policy for a Development Permit for a Material Change of Use for a High Impact Industry, on Lot 6 on SP153339, Parish of Murchison, located at 17 Dooley Street, Park Avenue - Council resolves to Approve the following incentives if the use commences prior to 1 August 2016:

- a) A fifty per cent reduction of infrastructure charges to the amount of \$15,402.00;
- b) A refund of the development application fee of \$17,105.00 on commencement of the use; and
- c) That Council enter into an agreement with the applicant in relation to (a) and (b).

Moved by: Councillor Smith
Seconded by: Councillor Fisher

MOTION CARRIED

3.19PM In accordance with s173(2) of the *Local Government Act 2009*, Councillor Rutherford disclosed a conflict of interest in respect of Item 8.3 – D/293-2014 – Application under the Development Incentives Policy for a Development Permit for a Material Change of Use for a Vehicle Depot and Bulk Store due to a personal association with the owner of NPM Constructions Pty Ltd and left the meeting.

8.3 D/293-2014 - APPLICATION UNDER THE DEVELOPMENT INCENTIVES POLICY FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A VEHICLE DEPOT AND BULK STORE

File No: D/293-2014
Attachments: 1. Locality Plan
Authorising Officer: Tarnya Fitzgibbon - Manager Development and Building
Robert Holmes - General Manager Regional Services
Author: Amanda O'Mara - Senior Planning Officer

SUMMARY

Development Application Number: D/293-2014
Applicant: NPM Constructions Pty Ltd
Real Property Address: Lot 102 on SP269986 (previously Lot 74 on RP604012), Parish of Gracemere
Common Property Address: 29 Macquarie Street, Gracemere
Rockhampton City Plan Area: Gracemere-Stanwell Zone – Medium Impact Industry Precinct
Type of Approval: Development Permit for a Material Change of Use for a Vehicle Depot and Bulk Store
Date of Decision: 14 April 2015
Application Lodgement Fee: \$5,255.00
Infrastructure Charges: \$84,521.46
Infrastructure charges incentive: All other areas – 50% discount
Incentives sought: Infrastructure Charges Concession
Refund of Development Application Fees

COMMITTEE RESOLUTION

THAT in relation to the application under the Development Incentives Policy for a Development Permit for a Material Change of Use for a Vehicle Depot and Bulk Store, on Lot 102 on SP269986 (previously Lot 74 on RP604012), Parish of Gracemere, located at 29 Macquarie Street, Gracemere - Council resolves to Approve the following incentives if the use commences prior to 1 August 2016:

- a) A fifty per cent reduction of infrastructure charges to the amount of \$42,260.73;
- b) A refund of the development application fee of \$5,255.00 on commencement of the use; and
- c) That Council enter into an agreement with the applicant in relation to (a) and (b).

Moved by: Councillor Smith

Seconded by: Councillor Swadling

MOTION CARRIED

3.22PM Councillor Rutherford returned to the meeting.

9 STRATEGIC REPORTS

9.1 DEVELOPMENT & BUILDING SECTION - JUNE OPERATIONS REPORT

File No: 7028
Attachments: 1. Monthly Report - June 2015
Authorising Officer: Robert Holmes - General Manager Regional Services
Author: Tarnya Fitzgibbon - Manager Development and Building

SUMMARY

The monthly operations report for the Development and Building Section as at 30 June 2015 is presented for Councillors information.

COMMITTEE RESOLUTION

THAT the Development and Building Section report for June be received.

Moved by: Councillor Williams

Seconded by: Councillor Rutherford

MOTION CARRIED

10 NOTICES OF MOTION

Nil

11 URGENT BUSINESS QUESTIONS

12 CLOSED SESSION

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

COMMITTEE RESOLUTION

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

13.1 Confidential Development Status Report

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 Smith
Seconded by: Councillor Williams

MOTION CARRIED

COMMITTEE RESOLUTION

3.25PM

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

Moved by: Councillor Williams
Seconded by: Councillor Swadling

MOTION CARRIED

COMMITTEE RESOLUTION

3.31PM

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 Fisher
Seconded by: Councillor Rutherford

MOTION CARRIED

13 CONFIDENTIAL REPORTS

13.1 CONFIDENTIAL DEVELOPMENT STATUS REPORT

File No: 8038 / 4781 / 8431

Attachments:

1. Locality Plan
2. D/1723-2007 - Incomplete Development

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

Author: Judith Noland - Development Compliance 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

This report summarises the development non-compliance of an industrial premises in Kawana.

COMMITTEE RESOLUTION

THAT Council resolve to adopt Option One.

Moved by: Councillor Fisher

Seconded by: Councillor Swadling

MOTION CARRIED

14 CLOSURE OF MEETING

There being no further business the meeting closed at 3.31pm.

SIGNATURE

CHAIRPERSON

DATE