



# **PLANNING AND REGULATORY COMMITTEE MEETING**

## **MINUTES**

**17 MAY 2016**

The Committee Recommendations contained within these Minutes  
were adopted at the Council meeting on 24 May 2016

Excluding the following items:

8.1 D/106-2015 - Development Application for a Material Change of Use for an Undefined Use  
(Rural Entertainment and Function Facility with Ancillary Accommodation)

10.2 Animal Management - Systematic Inspections in Bouldercombe Township

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**REPORT OF THE PLANNING AND REGULATORY COMMITTEE MEETING  
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON  
ON TUESDAY, 17 MAY 2016 COMMENCING AT 9.07AM**

**1 OPENING****2 PRESENT**

Members Present:

Councillor C E Smith (Chairperson)  
The Mayor, Councillor M F Strelow  
Councillor N K Fisher  
Councillor C R Rutherford  
Councillor M D Wickerson

In Attendance:

Mr R Holmes – General Manager Regional Services (Executive Officer)  
Mr E Pardon – Chief Executive Officer  
Mr M Rowe – General Manager Community Services  
Ms C Hayes – Manager Community Standards and Compliance  
Ms T Fitzgibbon – Manager Development and Building  
Mr J McCaul – Coordinator Development Engineering  
Ms Corina Hibberd – Senior Planning Officer  
Ms J Noland – Development Compliance Officer  
Mr T Gardiner – Planning Officer  
Ms L Price – Community Awareness Officer  
Ms C Steinberger – Media and Communications Officer  
Ms L Leeder – Senior Governance Support Officer  
Ms S Friske – Governance Support Officer

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

THAT the minutes of the Planning and Regulatory Committee held on 3 May 2016 be as taken and adopted as a correct record.

**Moved by: Councillor Fisher**

**Seconded by: Councillor Wickerson**

**MOTION CARRIED**

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

## **6 BUSINESS OUTSTANDING**

Nil

**7 PUBLIC FORUMS/DEPUTATIONS**

Nil

## 8 OFFICERS' REPORTS

### 8.1 D/106-2015 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR AN UNDEFINED USE (RURAL ENTERTAINMENT AND FUNCTION FACILITY WITH ANCILLARY ACCOMMODATION)

**File No:** D/106-2015

**Attachments:**

1. Locality Plan
2. Site Plan

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

**Author:** Thomas Gardiner - Planning Officer

#### SUMMARY

*Development Application Number:* D/106-2015

*Applicant:* Cashmia Investments

*Real Property Address:* Lot 2330 on LIV40846, Parish of Calioran

*Common Property Address:* Lot 2330 South Yaamba Road, South Yaamba

*Area of Site:* 64.8 hectares

*Planning Scheme:* Fitzroy Shire Planning Scheme 2005

*Planning Scheme Zoning:* Rural zone

*Planning Scheme Overlays:* Agricultural Land Class Overlay (GQAL Class A1 and Class C1)  
Bushfire Prone Land (Low Risk)

*Existing Development:* Two (2) Accommodation Buildings, Outdoor Covered Function Area, Shed, Gazebo and Barbecue Hit

*Existing Approvals:* Nil

*Approval Sought:* Development Permit for a Material Change of Use for an Undefined Use (Rural Entertainment and Function Facility with ancillary accommodation)

*Level of Assessment:* Impact Assessable

*Submissions:* Six (6) submissions

*Referral Agency(s):* Nil

*Adopted Infrastructure Charges Area:* Charge Area 3

#### *Application Progress:*

|  |                  |
|--|------------------|
| <i>Application Lodged:</i>                         | 17 November 2015 |
| <i>Acknowledgment Notice issued:</i>               | 25 November 2015 |
| <i>Submission period commenced:</i>                | 11 January 2016  |
| <i>Submission period end:</i>                      | 1 February 2016  |
| <i>Council request for additional time:</i>        | 22 February 2016 |
| <i>Last receipt of information from applicant:</i> | 1 February 2016  |
| <i>Statutory due determination date:</i>           | 30 March 2016    |

9.09AM Councillor Rutherford attended the meeting  
9.30AM Chief Executive Officer left the meeting

## COMMITTEE RESOLUTION

### RECOMMENDATION A

THAT in relation to the application for a Development Permit for a Material Change of Use for an Undefined Use (Rural Entertainment and Function Facility with ancillary accommodation) made by Cashmia Investments on Lot 2330 on LIV40846, Parish of Calioran, located at Lot 2330 South Yaamba Road, South Yaamba, 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 for an Undefined Use (Rural Entertainment and Function Facility with ancillary accommodation) holds regional significance and is a form of development that was not anticipated by the *Fitzroy Shire Planning Scheme 2005*. Despite its non-compliance with the Rural zone code, the proposed development provides a unique venue which will accommodate a range of events that capitalise on the environmental and scenic amenity values defining the region's rural setting, making the proposed development considerably distinct from existing urban and town-based function venues. Therefore, the proposed development is regarded to be regionally significant as it is unique to the area and there are currently no similar function venues promoting the distinct rural amenity values which define the Rockhampton region;
- b) The activities associated with the proposed function facility are more suitably located on large lots within the Rural zone, in comparison to existing residential, commercial and industrial zones in the region. The location of the site in the Rural zone is situated in an area that is considered suitable for the activities associated with the proposed function facility as they coincide with the environmental and landscape values which define the Rural zone;
- c) The majority of activities associated with the proposal will be for receptions and functions which are small-scale in nature. The proposed facility is restricted to accommodate ten (10) events per calendar year where the number of persons attending an event is greater than two-hundred (200), but less than five hundred (500) persons. Large scale events with a capacity of greater than five hundred (500) persons are restricted to twice in a calendar year and must be the subject of a Temporary Events Application to Council. As such, due to the infrequent nature of large scale events on the site, there are expected to be minimal impacts on the local rural amenity as the facility will largely accommodate small-scale receptions and functions;
- d) The use area of the proposal is sufficiently setback from the nearest residential dwellings and is considered appropriate to mitigate impacts on rural amenity which may result from the proposed use;
- e) The size of the use area (approximately three per cent (3%) of the subject site) for the proposed function facility will ensure that the majority of the subject site can be utilised for its productive capacity and remains viable for agricultural and rural activities which are consistent with the Rural zone and will not unduly compromise the rural amenity or primary activities of the surrounding area;
- f) The proposed function facility will not compromise the viability of good quality agricultural land as the site proposed use area is not affected by the Agricultural Land Class Overlay under the *Fitzroy Shire Planning Scheme 2005*, or located in an area identified as Class A or Class B on the Agricultural Land Classification mapping;
- g) The outdoor entertainment and recreational activities accommodated on the subject site are considered to be compatible with the environmental and scenic amenity features which define the surrounding rural landscape;
- h) Mitigation measures to reduce impacts on the amenity and lifestyle values of surrounding

properties have been incorporated as part of the development conditions. This includes establishing a cap on the maximum number of persons per function or event, hours of operation, noise and nuisance monitoring, and dust mitigation measures;

- i) An annual road maintenance contribution is conditioned to ensure that the efficiency of the gravel road network used to access the subject site is maintained to mitigate traffic impacts resulting from the proposed development on the local road network, community and the environment;
- j) The proposed use does not compromise the achievements of the Desired Environmental Outcomes in the *Fitzroy Shire Planning Scheme 2005*;
- k) An assessment of the development against the relevant zone outcomes, planning scheme codes and local planning policies demonstrates that the proposed development will not cause significant adverse impacts on the rural amenity of the surrounding area, the surrounding natural environment, built environment and infrastructure, community facilities, or local character; and
- l) 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 Undefined Use (Rural Entertainment and Function Facility with ancillary accommodation) made by Cashmia Investments on Lot 2330 on LIV40846, Parish of Calioran, located at Lot 2330 South Yaamba Road, South Yaamba, Council resolves to Approve the application subject to the following conditions:

#### 1.0 **ADMINISTRATION**

- 1.1 The proposed development must be carried out in accordance with the following use definition:

##### **Rural Entertainment and Function Facility with ancillary accommodation**

“The use of the premises in a rural setting for social, recreational or festive occasions involving the primary conduct of:

- Receptions or functions; and
- Outdoor entertainment events that are held wholly or mainly outdoors and may include charity or corporate events involving rural or leisure pastimes and arena demonstrations or spectacles (such as competitor sports for rodeos or the like).

Ancillary to the primary land use are the following:

- The preparation and provision of food and liquor for consumption on-site;
- The provision of amenities, storage facilities and car parking associated with the use; and
- Short-term accommodation.

- 1.2 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.
- 1.3 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.
- 1.4 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.5 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of the use, unless otherwise stated.

- 1.6 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.
- 1.7 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
  - 1.7.1 Operational Works:
    - (i) Road Works;
  - 1.7.2 Plumbing and Drainage Works; and
  - 1.7.3 Building Works.
- 1.8 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.
- 1.9 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.10 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.
- 1.11 All conditions, works, or requirements of this development approval relating to the existing non-compliant Rural Entertainment and Function Facility with ancillary accommodation must be undertaken and completed:
  - 1.11.1 to Council's satisfaction;
  - 1.11.2 at no cost to Council; and
  - 1.11.3 within six (6) months of the date of this development approval.

**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>     |
|---|-----------------------------|------------------|
| Engineering Report  | Austin Grillmeier           | July 2015        |
| Property Location Plan                                    | Dwg 01                      | July 2015        |
| Property Layout Plan                                      | Dwg 02                      | July 2015        |
| Site Plan   | Dwg 03                      | July 2015        |
| Site 3D View  | Dwg 04                      | July 2015        |
| Accommodation Building 1                                  | Dwg 05                      | July 2015        |
| Accommodation Bldg 1 Elevs                                | Dwg 06                      | July 2015        |
| Accommodation Building 2                                  | Dwg 07                      | July 2015        |
| Accommodation Bldg 2 Elevs                                | Dwg 08                      | July 2015        |
| Covered Function Area                                     | Dwg 09                      | July 2015        |
| Function Area Elevs 1                                     | Dwg 10                      | July 2015        |
| Function Area Elevs 2                                     | Dwg 11                      | July 2015        |
| Gazebo / BBQ  | Dwg 12                      | July 2015        |
| Site Based Management Plan (SBMP) for Rural Entertainment | -                           | 17 November 2015 |

|  |  |  |
|--|--|--|
| and Function Facility with ancillary accommodation |  |  |
|--|--|--|

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 Install 'Give Way' signage on one (1) of the approaches to both floodways on Seymour Road, with advanced warning signs depicting 'Floodway' and 'One Lane' on both approaches to both floodways.

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

3.5 The developer must pay a contribution to Council of \$6,000.00 per annum towards the maintenance of the gravel road network used to access the facility.

Note: Council reserves the right to change this contribution if the scale and intensity of the development, and the vehicle movements on the gravel road network, increase.

4.0 ACCESS AND PARKING WORKS

4.1 Parking of vehicles associated with the proposed use activities is restricted to the parking areas (patron parking and spillover parking) as shown on the approved site plan.

5.0 PLUMBING AND DRAINAGE WORKS

5.1 All sanitary drainage works must be in accordance with regulated work under the *Plumbing and Drainage Act* and Council's Plumbing and Drainage Policies.

5.2 All internal plumbing and sanitary drainage works must be in accordance with regulated work under the *Plumbing and Drainage Act*.

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

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

5.5 On-site water supply for domestic and fire-fighting purposes must be provided and may include the provision of a bore, dams, water storage tanks or a combination of each.

5.6 The two (2) accommodation buildings must be provided with water storage tanks and couplings for fire-fighting purposes in accordance with *Plumbing and Drainage Act* and Council's adopted *Bushfire Risk Study, Performance Criteria and Acceptable Solutions, Bushfire minimisation methods*.

## 6.0 STORMWATER WORKS

- 6.1 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.

## 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 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.

## 9.0 ASSET MANAGEMENT

- 9.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.
- 9.2 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.

## 10.0 ENVIRONMENTAL HEALTH

- 10.1 Operations on the development site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise or dust.
- 10.2 Noise from the activity must not cause an environmental nuisance.
- 10.3 The activity must not be conducted in a manner that achieves the acoustic quality objectives outlined in Schedule 1 of the *Environmental Protection (Noise) Policy*.
- 10.4 In the event of a genuine noise complaint being made to Council, conduct an appropriate investigation to determine whether the operation has exceeded the acoustic quality objectives outlined in Schedule 1 of the *Environmental Protection (Noise) Policy*.
- 10.5 If the acoustic quality objectives outlined in Schedule 1 of the *Environmental Protection (Noise) Policy* have been exceeded, and when requested by Council, noise monitoring must be undertaken and recorded within three (3) months, to investigate the genuine complaint of nuisance (as determined by Council) caused by noise. The monitoring data, an analysis of the data and a report, including noise mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation. Council may require any noise mitigation measures identified in the assessment to be implemented within appropriate timeframes. Noise measurements must be compared with the acoustic quality objectives specified in the most recent edition of the *Environmental Protection (Noise) Policy*.
- 10.6 Appropriate dust suppression measures in the form of constant water spraying or other dust suppressants must be applied to the surrounding gravel road network prior

- to, and at the conclusion of, each event on the site to prevent dust nuisance to surrounding properties.
- 10.7 A suitable dust suppressant must be applied to the internal road network, parking area, and any unsealed use areas within the site for the duration of each event to prevent dust from leaving the site.
- 10.8 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 10.9 When requested by Council, nuisance monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance (as determined by Council) caused by noise, light or dust. An analysis of the monitoring data and a report, including nuisance mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation.
- 10.10 The hours of operations for the Rural Entertainment and Function Facility component of the proposed use must be limited to:
- 10.10.1 1000 hours to 2200 hours on Monday to Thursday, and
- 10.10.2 0800 hours to 2400 hours on Friday to Sunday.
- Note: This excludes the operation of the ancillary accommodation component of the application which may occur for the duration of a specific function or event. The two (2) large scale events specified in condition 11.5 are also excluded from these hours of operation.
- 10.11 The use of the premises for short-term accommodation and camping, where not associated with the Rural Entertainment and Function Facility with ancillary accommodation, is not permitted.
- 10.12 The activity must be conducted in accordance with a site based management plan approved by Council and be in accordance with the approved plans (refer to condition 2.1).
- 10.13 Odour and visible contaminants, including but not limited to dust, fume, smoke, aerosols, overspray or particulates, must not be released to the environment in a manner that will or may cause environmental harm unless such release is authorised by Council.
- 10.14 All waste is to be collected from the site by a commercial waste collection contractor.
- 10.15 Waste and regulated waste and any other waste must not be released to the environment, stored, transferred or disposed of in such a manner that it will or may cause environmental harm or nuisance. This includes any waste being burnt or incinerated at the premises.
- 10.16 All traceable regulated waste must be removed from the premises by a licensed regulated waste transporter.
- 10.17 Where regulated waste is removed from the premises, records must be maintained for a period of five (5) years, and include the following:
- 10.17.1 the date, quantity and type of waste removed;
- 10.17.2 a copy of any licensed waste transport vehicle dockets;
- 10.17.3 the name of the licensed regulated waste removalist and/or disposal operator; and
- 10.17.4 the intended treatment and/or disposal destination of the waste.
- 11.0 OPERATING PROCEDURES

- 11.1 The developer must prepare a Flood Contingency Plan for the subject site that addresses but is not limited to the following:
- 11.1.1 Evacuation times;
  - 11.1.2 Evacuation routes
  - 11.1.3 Types of vehicles required for evacuation purposes; and
  - 11.1.4 Details the storage or removal of materials, goods or equipment during times of flood.
- 11.2 It is the responsibility of the owner or occupier of the land to implement the contingency plan during a flood event or if there is a risk of flooding near the land.
- 11.3 The maximum number of persons attending each event must not exceed two hundred (200) persons for receptions or functions and outdoor entertainment events.
- 11.4 There are to be no more than ten (10) events per calendar year where the number of persons attending the event exceeds two hundred (200) persons, and is not greater than five hundred (500) persons.
- 11.5 Large-scale events where the persons attending exceeds five hundred (500) persons, must not exceed two thousand (2000) persons, are limited to two (2) events per calendar year. Such events must be the subject of a Temporary Events Application approved by Council.
- 11.6 Any camping activities are restricted to the designated camping areas as shown on the approved site plan (refer to condition 2.1). No camping is permitted outside of the designated camping area.
- 11.7 The proposed development must not include any motorised forms of recreation and sport, unless it is ancillary to a primary outdoor entertainment event (for example: during the interval of an outdoor entertainment event).

#### ADVISORY NOTES

NOTE 1. 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 2. 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 'fit-out' and operation.

NOTE 3. General Safety Of Public During Construction

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

NOTE 4. Contingency Plans

Council is not required to approve contingency plans and Council does not accept any liability for loss of or damage to 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.

NOTE 5. Works in Road Reserve Permit

It is advised that a Works in Road Reserve Permit may be accepted in place of the Development Permit for Operational Works (roadworks).

**Moved by: Mayor Strelow**

**Seconded by: Councillor Rutherford**

**MOTION CARRIED**

## 8.2 D/151-2015 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A CHILD CARE CENTRE

**File No:** D/151-2015

**Attachments:**

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

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

**Author:** Corina Hibberd - Acting Senior Planning Officer

### SUMMARY

*Development Application Number:* D/151-2015

*Applicant:* G. Shuker

*Real Property Address:* Lot 25 on SP238738, Parish of Archer

*Common Property Address:* 16 Alan Drive, Frenchville

*Area of Site:* 1.629 hectares

*Planning Scheme:* Rockhampton Region Planning Scheme 2015

*Planning Scheme Zone:* Sport and Recreation Zone

*Planning Scheme Overlays:* Nil Applicable

*Existing Development:* Little Zebra Child Care Centre and Goodlife Health Club

*Existing Approvals:* D-R/473-2003 Material Change of Use for Indoor Entertainment, Outdoor Entertainment, Professional Office and Caretakers – approved 21 October 2003 (and associated operational works)

D/37-2015 Indoor Sport and Recreation (amendment to hours of operation), approved 17 July 0251.

*Approval Sought:* Development Permit for a Material Change of Use for a Child Care Centre

*Level of Assessment:* Impact Assessable

*Submissions:* One Properly Made Submission

*Referral Agency(s):* Nil

*Infrastructure Charges Area:* Charge Area One

*Application Progress:*

|  |                  |
|--|------------------|
| <i>Application Lodged:</i>                           | 6 November 2015  |
| <i>Acknowledgment Notice issued:</i>                 | 20 November 2015 |
| <i>Request for Further Information sent:</i>         | 4 December 2015  |
| <i>Request for Further Information responded to:</i> | 1 March 2016     |

|   |                           |
|---|---------------------------|
| <i>Submission period commenced:</i>         | <i>3 March 2016</i>       |
| <i>Submission period end:</i>               | <i>30 March 2016</i>      |
| <i>Council request for additional time:</i> | <i>Sent 27 April 2016</i> |
| <i>Statutory due determination date:</i>    | <i>30 May 2016</i>        |

9.33AM Chief Executive Officer returned to the meeting

## COMMITTEE RESOLUTION

### RECOMMENDATION A

That in relation to the application for a Development Permit for a Material Change of Use for Child Care Centre, made by Capricorn Survey Group (CQ) Pty Ltd on behalf of G Shuker, on Lot 25 on SP238738, Parish of Archer, located at 16 Alan Drive, Frenchville, 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 use is highly compatible with the surrounding community and recreational uses and integrates well with the built and natural environment;
- b) The availability of land, the amenity, and the operational needs of different uses in the Sport and Recreation Zone are not compromised by the proposed development;
- c) The development is of a scale, size, appearance and built form which is consistent with amenity of the area;
- d) There is a high demand and need for child care centres in the Rockhampton area;
- e) The proposed use does not compromise the strategic framework in the *Rockhampton Region Planning Scheme 2015*;
- f) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and
- g) 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 Child Care Centre, made by Capricorn Survey Group (CQ) Pty Ltd on behalf of G Shuker, on Lot 25 on SP238738, Parish of Archer, located at 16 Alan Drive, Frenchville, 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;
- 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                             | Project 15928 DA-101 Rev. A | 8 February 2016  |
| Floor Plan                            | Project 15928 DA-102 Rev. A | 23 October 2015  |
| Elevations                            | Project 15928 DA-200 Rev. A | 23 October 2015  |
| Sections                              | Project 15928 DA-300 Rev. A | 23 October 2015  |
| Traffic Impact Assessment Report      | K3513-0002                  | 29 February 2016 |
| Conceptual Stormwater Management Plan | K3513-0003/A                | 29 February 2016 |

- 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 1.5 metre wide pavement widening and sealing for Robinson Street (as shown in Figure 8 of the 'Traffic Impact Assessment Report') with additional tapering length and line marking for a Channelised Right turn into the site, must be provided in accordance with *Austrroads Guidelines – Part 4A*.

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

#### 4.0 ACCESS AND PARKING WORKS

4.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the 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 All parking spaces, access driveway, and vehicular manoeuvring areas associated with this proposed development must be concrete paved or asphalted.

4.4 All vehicles must ingress and egress the development in a forward gear.

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

4.6 Road signage and pavement markings must be installed in accordance with the *Australian Standard AS1742.1 "Manual of Uniform Traffic Control Devices"*.

4.7 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for Roads and Public Spaces"*.

4.8 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for Access and Mobility"*.

4.9 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"*.

4.10 Road signage and pavement markings must be installed in accordance with the *Australian Standard AS1742.1 "Manual of Uniform Traffic Control Devices"*.

4.11 Any application for a Development Permit for Operational Works (access and parking works) must be accompanied by detailed and scaled plans which demonstrate the turning movements/swept paths of the largest vehicle to access the site including refuse collection vehicles.

#### 5.0 PLUMBING AND DRAINAGE WORKS

5.1 All internal plumbing and drainage works must be designed and constructed in accordance with the *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 network.

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

- 5.4 The development must be connected to Council's reticulated sewerage network.
- 5.5 The existing sewerage connection point(s) must be retained and upgraded, if necessary, to service the development.
- 5.6 The proposed development must be provided with a master meter at the property boundary and sub meters for each sole occupancy building in accordance with the *Queensland Plumbing and Drainage Code* and Council's Sub-metering Policy.
- 5.7 Sewer connections and water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 6.0 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 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.
- 6.4 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.
- 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 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 8.2 Noise emitted from the activity must not cause an environmental nuisance.
- 8.3 Operations on the site must have no significant impact on the amenity of adjoining premises
- 8.4 Waste storage and collection must take place within the site.
- 8.5 Impervious paved waste storage area/s must be provided in accordance with the *Environmental Protection Regulation 2008* and must be:
- 8.5.1 designed and located so as not to cause a nuisance to neighbouring properties;
- 8.5.2 surrounded by at least a 1.8 metre high fence that obstructs from view the contents of the waste storage area by any member of the public from any public place;

8.5.3 of a sufficient size to accommodate commercial type bins that will be serviced by a commercial contractor plus clearances around the bins for maneuvering and cleaning.

8.5.4 setback a minimum of two (2) metres from any road frontage; and

8.5.5 provided with a suitable hosecock and hoses at the refuse container area, and washdown must be drained to the sewer and fitted with an approved stormwater diversion valve arrangement in accordance with the Sewerage Trade Waste provisions and the *Plumbing and Drainage Act*.

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

## 9.0 LANDSCAPING WORKS

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

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

9.3 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.

9.4 The landscaped areas must be subject to:

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

9.4.2 an ongoing maintenance and replanting programme.

## 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.

## 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.

11.3 'As constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of the use. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

## 12.0 ENVIRONMENTAL

12.1 Implement and maintain an 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 any streets.

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

13.3 All waste storage areas must be:

13.3.1 kept in a clean and tidy condition; and

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

13.4 The hours of operations for the Child Care Centre (D/151-2015) must be limited to:

13.4.1 0630 hours to 1830 hours on Monday to Friday, and

13.4.2 no operations on Saturdays, Sundays or Public Holidays,

### ADVISORY NOTES

#### NOTE 1. Aboriginal Cultural Heritage

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

#### NOTE 2. General Environmental Duty

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

#### NOTE 3. General Safety Of Public During Construction

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

#### NOTE 4. 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 5. Infrastructure Charges Notice

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

### **RECOMMENDATION C**

That in relation to the application for a Development Permit for a Material Change of Use for Child Care Centre, made by Capricorn Survey Group (CQ) Pty Ltd on behalf of G Shuker, on

Lot 25 on SP238738, Parish of Archer, located at 16 Alan Drive, Frenchville, Council resolves to issue an Infrastructure Charges Notice for the amount of **\$119,102.00**.

**Moved by: Councillor Fisher**

**Seconded by: Councillor Wickerson**

**MOTION CARRIED UNANIMOUSLY**

### 8.3 D/174-2015 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A RESIDENTIAL CARE FACILITY

**File No:** D/174-2015

**Attachments:**

1. Locality Plan
2. Proposed Site Plan
3. Proposed Floor Plan - Ground
4. Proposed Floor Plan - Level 1
5. Proposed Floor Plan - Level 2
6. Proposed Floor Plan - Basement
7. Proposed Elevations

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

**Author:** Alyce McLellan - Planning Officer

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#### SUMMARY

*Development Application Number:* D/174-2015

*Applicant:* Rockhampton Benevolent Homes Society Incorporated C/- ADAMS + SPARKES Town Planning

*Real Property Address:* Lot 2 on CP890319 and Lot 4 on SP220782, Parish of Rockhampton

*Common Property Address:* 60 West Street, The Range

*Area of Site:* 1.35 hectares

*Planning Scheme:* Rockhampton City Plan 2005

*Rockhampton City Plan Area:* Low Density Residential Area

*Planning Scheme Overlays:* Steep Land

*Existing Development:* Benevolent Aged Care Home

*Existing Approvals:* D/597-2000 – Extension to Aged Persons Home – Approved 16 October 2000  
D/1247-2000 – Aged Persons Home – Approved 21 November 2000  
D/921-2001 – Special Purposes – Benevolent Home – Approved 21 September 2001  
D/1328-2005 – Redevelopment of Aged Care Persons Home - Approved 22 August 2005  
D/1240-2006 Material Change of Use (Aged Care Accommodation – 25 Beds) Approved 22 March 2007

*Approval Sought:* Development Permit for a Material Change of Use for a Residential Care Facility

*Level of Assessment:* Impact Assessable

*Submissions:* One (1) Properly Made Submission

*Referral Agency(s):* Nil

*Adopted Infrastructure Charges Area:* Charge Area One

*Application Progress:*

|  |                         |
|--|-------------------------|
| <i>Application Lodged:</i>                           | <i>8 December 2015</i>  |
| <i>Acknowledgment Notice issued:</i>                 | <i>22 December 2015</i> |
| <i>Request for Further Information sent:</i>         | <i>13 January 2016</i>  |
| <i>Request for Further Information responded to:</i> | <i>28 January 2016</i>  |
| <i>Submission period commenced:</i>                  | <i>5 February 2016</i>  |
| <i>Submission period end:</i>                        | <i>26 February 2016</i> |
| <i>Council request for additional time:</i>          | <i>30 March 2016</i>    |
| <i>Minor Change to Development Application:</i>      | <i>19 April 2016</i>    |
| <i>Last receipt of information from applicant:</i>   | <i>19 April 2016</i>    |
| <i>Request for extension by agreement:</i>           | <i>21 April 2016</i>    |
| <i>Statutory due determination date:</i>             | <i>30 May 2016</i>      |

## COMMITTEE RESOLUTION

### **RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for Residential Care Facility, made by Rockhampton Benevolent Homes Society Incorporated C/- ADAMS + SPARKES Town Planning, on Lot 2 on CP890319 and Lot 4 on SP220782, Parish of Rockhampton, located at 60 West Street, The Range, 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) Sewerage Works;
    - (iv) Stormwater Works;
    - (v) Roof and Allotment Drainage Works; and

- (vi) Site Works.
- 1.6.2 Plumbing and Drainage Works; and
- 1.6.3 Building Works:
  - (i) Demolition Works; and
  - (ii) 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>    |
|---------------------------------------|-----------------------------|-----------------|
| Proposed Floor Plan – Basement        | BEAC0104 A02.02_C           | 6 April 2016    |
| Proposed Floor Plan - Ground          | BEAC0104 A02.03_C           | 6 April 2016    |
| Proposed Floor Plan – Level 1         | BEAC0104 A02.04_C           | 6 April 2016    |
| Proposed Floor Plan – Level 2         | BEAC0104 A02.05_C           | 6 April 2016    |
| Site Sections                         | BEAC0104 A05.01_C           | 6 April 2016    |
| Proposed Elevations                   | BEAC0104 A04.02_C           | 6 April 2016    |
| Schematic Design – Landscaping Plan   | 1407800 SD-02 Issue A       | 23 October 2014 |
| Civil Services Layout Plan            | C01 Rev A                   | 20 January 16   |
| Site Based Stormwater Management Plan | B15-064                     | 30 October 2015 |

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

3.0 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 Cambridge 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*.
- 3.7 Any retaining structures above one metre in height must be separately approved for structural adequacy by a Registered Professional Engineer of Queensland at design submission and certified on completion of construction for compliance with the design.
- 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 All parking spaces, access driveway(s), and vehicular manoeuvring areas associated with this proposed development must be concrete paved or asphalted.
- 4.4 The existing access to the existing dwelling houses located along Cambridge Street must be closed.
- 4.5 Two (2) new accesses to the development must be provided at Cambridge Street and West Street.
- 4.6 Any redundant vehicular crossover must be replaced by Council standard kerb and channel.
- 4.7 All vehicles must ingress and egress the development in a forward gear.
- 4.8 Adequate sight distances must be provided for all ingress and egress movements at the access driveways in accordance with *Australian Standard 2890.2 "Parking Facilities - Off Street Commercial Facilities"*.
- 4.9 A minimum of thirty-two (32) additional parking spaces must be provided on-site.
- 4.10 Universal access parking spaces must be provided in accordance with *Australian Standard AS2890.6 "Parking Facilities - Off-Street parking for people with disabilities"*.
- 4.11 Any application for a Development Permit for Operational Works (access and parking works) must be accompanied by detailed and scaled plans which demonstrate the turning movements/swept paths of the largest vehicle to access the site including refuse collection vehicles.
- 4.12 All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Australian Standard AS1742.1 "Manual of Uniform Traffic Control Devices"* and *Australian Standard AS2890.1 "Parking Facilities – Off-street Car Parking"*.
- 4.13 Road signage and pavement markings must be installed in accordance with the *Australian Standard AS1742.1 "Manual of Uniform Traffic Control Devices"*.
- 4.14 All vehicle operation areas must be illuminated in accordance with the requirements

of Australian Standard AS1158 "Lighting for Roads and Public Spaces".

- 4.15 All internal pedestrian pathways must be designed and constructed in accordance with Australian Standard AS1428 "Design for Access and Mobility".

#### 5.0 SEWERAGE WORKS

- 5.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any sewerage works on the site.
- 5.2 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* and the provisions of a Development Permit for Operational Works (sewerage works).
- 5.3 The development must be connected to Council's reticulated sewerage network.
- 5.4 The existing sewerage connection point(s) at each of the two dwelling houses must be disconnected.
- 5.5 A new sewerage connection point must be provided at proposed sewerage main to service the development.
- 5.6 A 150 millimetre diameter Gravity Sewer Main must be constructed in accordance with the approved plans (refer to condition 2.1).
- 5.7 The finished sewerage access chamber surface must be at a sufficient level to avoid ponding of stormwater above the top of the chamber. A heavy duty trafficable lid must be provided in the trafficable area.
- 5.8 Sewer connections located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with trafficable lids.

#### 6.0 WATER WORKS

- 6.1 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*.
- 6.2 The development must be connected to Council's reticulated water network.
- 6.3 The existing water connection point(s) must be retained and upgraded, if necessary, to service the development.
- 6.4 Water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface level and must be provided with heavy duty trafficable lids.
- 6.5 The applicant must ensure adequate firefighting protection is available from the existing hydrant within Cambridge Street and West Street road reserves and also from the on-site firefighting equipment for the proposed development. Should adequate protection not be achievable, upgrade of on-site firefighting equipment, internal pillar hydrant, water tanks, and pumps may be required.

#### 7.0 PLUMBING AND DRAINAGE WORKS

- 7.1 All 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.
- 7.2 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act*.
- 7.3 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.

- 7.4 Hoses must be provided at the refuse container area, and washdown must be drained to the sewer in accordance with a Plumbing and Drainage Permit and Sewerage Trade Waste Permit.
- 8.0 STORMWATER WORKS
- 8.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.
- 8.2 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).
- 8.3 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.
- 8.4 The Operational Works (stormwater works) application must include an assessment of how the development meets the water quality objectives of the *State Planning Policy 2014*.
- 8.5 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.
- 8.6 The installation of gross pollutant traps must be in accordance with relevant Australian Standards and all maintenance of the proposed gross pollutant traps must be the responsibility of the property owner or body corporate (if applicable).
- 8.7 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by a detailed Stormwater Management Plan, prepared and certified by a Registered Professional Engineer of Queensland. The Stormwater Management Plan must clearly demonstrate that;
- 8.7.1 All content of the stormwater management plan is in accordance with the *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, *Healthy waters guidelines*, and sound engineering practice;
- 8.7.2 The Stormwater discharge is to a lawful point of discharge in accordance with the *Queensland Urban Drainage Manual*;
- 8.7.3 Each part of the lot is self-draining;
- 8.7.4 The volume of detention is sufficient to attenuate the peak discharge from the site to ensure non-worsening for a range of design rainfall events up to and including the 100 year Average Recurrence Interval (ARI) event, in accordance with the provisions of the *Queensland Urban Drainage Manual*;
- 8.7.5 The potential pollutants in stormwater discharged from the site are managed in accordance with current best industry practices and in accordance with *State Planning Policy 2014*.
- 8.7.6 The stormwater management plan is accompanied by full calculations; including electronic modelling files from industry standard modelling software, (including both electronic model files and results files) and all details of the modelling assumptions to support both the proposed water quantity and quality management strategy.
- 8.7.7 It includes detailed engineering plans with details of any new drainage systems, or the amendment and upgrading of exiting drainage systems to implement the proposed drainage strategy.

## 9.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 9.1 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.
- 9.2 All roof and allotment drainage must be in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.
- 9.3 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.

## 10.0 SITE WORKS

- 10.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works.
- 10.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks' plan which clearly identifies the following:
- 10.2.1 the location of cut and/or fill;
  - 10.2.2 the type of fill to be used and the manner in which it is to be compacted;
  - 10.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
  - 10.2.4 details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and
  - 10.2.5 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.
- 10.3 All earthworks must be undertaken in accordance with *Australian Standards, AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 10.4 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.
- 10.5 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.
- 10.6 All site works must be undertaken to ensure that there is:
- 10.6.1 no increase in upstream or downstream flood levels for all levels of immunity up to Q100;
  - 10.6.2 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
  - 10.6.3 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.

## 11.0 BUILDING WORKS

- 11.1 The existing dwelling houses on the subject land must be demolished or relocated off-site.
- 11.2 All waste storage areas must be:
- 11.2.1 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;

- 11.2.2 of a minimum size to accommodate Skip type bins in accordance with the *Environmental Protection (Waste Management) Regulations*.
- 11.3 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.
- 11.4 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 11.5 All external elements, such as air conditioners and associated equipment, must be adequately screened from public view, to Council's satisfaction.
- 12.0 LANDSCAPING WORKS
- 12.1 All landscaping must be established generally in accordance with the approved plans (refer to condition 2.1). The landscaping must be constructed and/or established prior to the commencement of the use and the landscape areas must predominantly contain plant species that are locally native to the Central Queensland region due to their low water dependency.
- 13.0 ELECTRICITY AND TELECOMMUNICATIONS
- 13.1 Electricity and telecommunication services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 14.0 ASSET MANAGEMENT
- 14.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.
- 14.2 Any damage to existing water supply and 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.
- 15.0 OPERATING PROCEDURES
- 15.1 Noise emitted from the activity must not cause an environmental nuisance.
- 15.2 Operations on the site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise or dust.
- 15.3 Medical waste including chemicals and sharps etcetera must be stored and disposed of in accordance with the *Environmental Protection (Waste Management) Regulations*. Licensed waste containers and approved contractors only are permitted for the collection and disposal of specialised waste.
- 15.4 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 Cambridge Street or West Street.

#### ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

It is advised that under section 23 of the *Aboriginal Cultural Heritage Act 2003*, a

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

NOTE 2. Asbestos Removal

Any demolition and/or removal works involving asbestos materials must be undertaken in accordance with the requirements of the *Work Health and Safety* 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 *Work Health and Safety Act* and *Manual of Uniform Traffic Control Devices* must be complied with in carrying out any construction works, and to ensure safe traffic control and safe public access in respect of works being constructed on a road.

NOTE 5. Infrastructure Charges Notice

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

**RECOMMENDATION B**

That in relation to the application for a Development Permit for a Material Change of Use for Residential Care Facility, made by Rockhampton Benevolent Homes Society Incorporated C/- ADAMS + SPARKES Town Planning, on Lot 2 on CP890319 and Lot 4 on SP220782, Parish of Rockhampton, located at 60 West Street, The Range, Council resolves to issue an Adopted Infrastructure Charges Notice for the amount of \$229,251.00.

**Moved by: Councillor Smith**

**Seconded by: Councillor Fisher**

**MOTION CARRIED UNANIMOUSLY**

**9 NOTICES OF MOTION**

Nil

**10 URGENT BUSINESS QUESTIONS****10.1 FITZROY BASIN ASSOCIATION - ENVIRONMENTAL IMPACT PROJECT****File No: 3084****Responsible Officer: Robert Holmes – General Manager Regional Services**

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**SUMMARY**

*Councillor Wickerson and Councillor Fisher met with representatives of Fitzroy Basin Association regarding a proposed environmental project.*

**COMMITTEE RECOMMENDATION**

THAT Council invite representatives of Fitzroy Basin Association to outline it's proposed studies into the impact of run off on the environment in general and the Great Barrier Reef.

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

**10.2 ANIMAL MANAGEMENT - SYSTEMATIC INSPECTIONS IN BOULDERCOMBE TOWNSHIP****File No:** 1464**Responsible Officer:** Michael Rowe – General Manager Community Services

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**SUMMARY**

*Councillor Smith has received multiple telephone calls regarding dog attacks in the Bouldercombe township and would like after hours patrols carried out.*

**COMMITTEE RESOLUTION**

THAT the Council conduct an approved systematic inspection under the *Animal Management (Cats and Dogs) Act 2008* for the keeping of animals in the defined Bouldercombe township during the period 01 July – 30 September 2016.

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

**11 CLOSURE OF MEETING**

There being no further business the meeting closed at 10.01am.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
DATE