



# **PLANNING AND REGULATORY COMMITTEE MEETING**

## **MINUTES**

**19 JULY 2016**

The Committee Recommendations contained within these Minutes were adopted at the Council meeting on 26 July 2016, excluding the following items:

- 8.2 - Request for a Council resolution regarding applications to be assessed under a Superseded Planning Scheme for storage sheds along Bowlin Road, Port Curtis;
- 8.4 - Development Application for a Material Change of Use for Outdoor Sport and Recreation (Open Garden)

---

## TABLE OF CONTENTS

---

ITEM	SUBJECT	PAGE NO
1	OPENING.....	1
2	PRESENT .....	1
3	APOLOGIES AND LEAVE OF ABSENCE .....	1
4	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	1
5	DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA .....	1
6	BUSINESS OUTSTANDING.....	2
6.1	BUSINESS OUTSTANDING TABLE FOR PLANNING AND REGULATORY COMMITTEE.....	2
7	PUBLIC FORUMS/DEPUTATIONS .....	3
	NIL .....	3
8	OFFICERS' REPORTS .....	4
8.1	D/34-2016 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR HEALTH CARE SERVICES .....	4
8.2	REQUEST FOR A COUNCIL RESOLUTION REGARDING APPLICATIONS TO BE ASSESSED UNDER A SUPERSEDED PLANNING SCHEME FOR STORAGE SHEDS ALONG BOWLIN ROAD, PORT CURTIS .....	10
8.3	APPLICATION UNDER THE DEVELOPMENT INCENTIVES POLICY FOR DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR BULK LANDSCAPING SUPPLIES.....	11
8.4	DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR OUTDOOR SPORT AND RECREATION (OPEN GARDEN).....	12
8.5	ROCKHAMPTON REGIONAL COUNCIL ANIMAL MANAGEMENT STRATEGY .....	18
9	NOTICES OF MOTION .....	19
	NIL .....	19
10	URGENT BUSINESS\QUESTIONS .....	20
	NIL .....	20
11	CLOSURE OF MEETING.....	21

**REPORT OF THE PLANNING AND REGULATORY COMMITTEE MEETING  
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON  
ON TUESDAY, 19 JULY 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 P Owens – Acting General Manager Community Services  
Mr T Green – Acting Manager Regulatory Services  
Mr A Wratten – Communications and Marketing Supervisor  
Mr A de Klerk – Senior Planning Officer  
Ms C Hibberd – Planning 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 5 July 2016 be taken as read and adopted as a correct record.

**Moved by: Councillor Rutherford**

**Seconded by: Councillor Smith**

**MOTION CARRIED**

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

---

## 6 BUSINESS OUTSTANDING

### 6.1 BUSINESS OUTSTANDING TABLE FOR PLANNING AND REGULATORY COMMITTEE

**File No:** 10097  
**Attachments:** 1. Business Outstanding Table  
**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 Regulatory Committee is presented for Councillors' information.*

#### COMMITTEE RECOMMENDATION

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

**Moved by:** Mayor Strelow  
**Seconded by:** Councillor Wickerson

**MOTION CARRIED**

**7 PUBLIC FORUMS/DEPUTATIONS**

Nil

## 8 OFFICERS' REPORTS

### 9.07AM

In accordance with s173(2) of the Local Government Act 2009, Mayor Strelow disclosed a conflict of interest in respect of Item 8.1 – Development Application for a Material Change of Use for Health Care Services due to having a residence nearby and previously owning an adjoining property. The Mayor considered her position, did not take part in the debate and left the meeting.

### 8.1 D/34-2016 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR HEALTH CARE SERVICES

**File No:** D/34-2016

**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/34-2016

*Applicant:* Templeton Wholesale Pty Ltd

*Real Property Address:* Lot 6, Lot 7 and Lot 8 on RP600278, Parish of Rockhampton

*Common Property Address:* 233 Murray Street, Rockhampton City

*Area of Site:* 1,022 square metres

*Planning Scheme:* Rockhampton Region Planning Scheme 2015

*Planning Scheme Zone:* Low Density Residential Zone

*Planning Scheme Overlays:* Fitzroy River Flood Overlay – Low Hazard  
Fitzroy River Flood Overlay – Medium Hazard  
Fitzroy River Flood Overlay – High Hazard

*Existing Development:* Dwelling House

*Existing Approvals:* Dwelling House

*Approval Sought:* Development Permit for a Material Change of Use for Health Care Services

*Level of Assessment:* Impact Assessable

*Submissions:* Nil

*Infrastructure Charges Area:* Charge Area 1

#### *Application Progress:*

<i>Application Lodged:</i>	16 March 2016
<i>Acknowledgment Notice issued:</i>	30 March 2016
<i>Extension of Information Request Period (until 13 May 2016)</i>	14 April 2016
<i>Request for Further Information sent:</i>	22 April 2016
<i>Request for Further Information responded to:</i>	16 May 2016

<i>Submission period commenced:</i>	<i>19 May 2016</i>
<i>Submission period end:</i>	<i>10 June 2016</i>
<i>Notice of Compliance Received:</i>	<i>13 June 2016</i>
<i>Last receipt of information from applicant:</i>	<i>13 June 2016</i>

## COMMITTEE RECOMMENDATION

### **RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for Health Care Services, made by Templeton Wholesale Pty Ltd, on Lot 6 on RP600278, Lot 7 on RP600278 and Lot 8 on RP600278, Parish of Rockhampton, located at 233 Murray Street, Rockhampton City, 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 proposal is for a small-scale Health Care facility for repairing and maintaining wheelchairs and other mobility aids only, which is located under an existing Dwelling House and occupies a maximum Gross Floor Area of 130 square metres;
- b) The proposed development will not compromise the primary purpose of the Low Density Residential Zone from providing predominantly dwelling houses supported by small-scale services and facilities that cater for local residents;
- c) The appearance of the existing Dwelling House will be maintained as a result of the proposal, and the scale and intensity of the use will not detract from the existing streetscape and residential amenity of the surrounding area;
- d) The proposed use does not compromise the strategic framework in the *Rockhampton Region Planning Scheme 2015*;
- e) 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
- f) The proposed development does not compromise the relevant State Planning Policy.

### **RECOMMENDATION B**

That in relation to the application for a Development Permit for a Material Change of Use for Health Care Services, made by Templeton Wholesale Pty Ltd, on Lot 6 on RP600278, Lot 7 on RP600278 and Lot 8 on RP600278, Parish of Rockhampton, located at 233 Murray Street, Rockhampton City, Council resolves to Approve the application subject to the following conditions:

#### 1.0 **ADMINISTRATION**

- 1.1 The Developer is responsible for ensuring compliance with the conditions of this development 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, works, or requirements of this development approval must be undertaken and completed and be accompanied by a Compliance Certificate for any operational works required by this development approval:

- 1.3.1 to Council's satisfaction;
- 1.3.2 at no cost to Council; and
- 1.3.3 prior to the commencement of the use,  
unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.5.1 Operational Works:
- (i) Parking Works; and
- (ii) Stormwater Works
- 1.5.2 Plumbing and Drainage Works; and
- 1.5.3 Building Works
- 1.6 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.7 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 1.8 Lots 6, 7 and 8 on RP600278 must be amalgamated and registered as one lot prior to the commencement of the use.

## 2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Proposed Site Plan	6387-99-MCU, Revision A	29 February 2016
Elevation and Floor Plan	6387-99-MCU, Revision A	29 February 2016
Stormwater Flooding Report (prepared by Davey Engineering Solutions)	Unnumbered	11 May 2016

- 2.2 Where there is any conflict between the conditions of this development approval and the details shown on the approved plans and documents, the conditions of this development approval must prevail.
- ## 3.0 PARKING WORKS
- 3.1 A Development Permit for Operational Works (parking works) must be obtained prior to the commencement of any parking works on the development site.
- 3.2 All parking works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (parking works).
- 3.3 All car parking, access and vehicle manoeuvring areas associated with the proposed development must be concrete paved or asphalted.



- 3.4 Parking spaces must be line-marked as shown in the Site Plan (refer to condition 2.1) and in accordance with the *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 3.5 Any application for a Development Permit for Operational Works (parking works) must be accompanied by detailed and scaled plans, which demonstrate the turning movements/swept paths of the largest vehicle to access the development site.
- 4.0 PLUMBING AND DRAINAGE WORKS
- 4.1 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act, Plumbing and Drainage Act* and Council's Plumbing and Drainage Policies.
- 4.2 The development must be remained connected to Council's reticulated water supply and sewerage network.
- 4.3 The existing sewerage and water connection point(s) must be retained, and upgraded if necessary, to service the development.
- 4.4 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.
- 4.5 Sewer connection and water meter box located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 4.6 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act* and Council's Plumbing and Drainage Policies.
- 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 development site.
- 5.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 5.3 All roof water including runoff water from car park must be collected and drained to the kerb and channel in Murray Street.
- 5.4 All roof and allotment runoff from the development must be discharge such that it must not restrict, impair or change the natural flow of runoff water or cause a nuisance or worsening to surrounding land or infrastructure.
- 6.0 SITE WORKS
- 6.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 6.2 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.
- 7.0 BUILDING WORKS
- 7.1 All building works must be undertaken in accordance with *Queensland Development Code, Mandatory Part 1.4* for building over or near relevant infrastructure.
- 7.2 All electrical and telecommunication services and utilities connected to the property,

including electrical outlets, must be designed and installed at such a height that they are a minimum of 500 millimetres above a one percent (1%) Annual Exceedance Probability defined flood event.

- 7.3 Any application for a Development Permit for Building Works must be accompanied by a detailed structural engineering report and a building certificate prepared by a suitably qualified Registered Professional Engineer of Queensland, which demonstrates that the building has been designed to withstand the forces created by floodwaters and debris loading.

#### 8.0 ASSET MANAGEMENT

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

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

#### 9.0 OPERATING PROCEDURES

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

- 9.2 The use does not generate traffic exceeding ten (10) vehicle trips per day and the trips are not by a vehicle exceeding a gross vehicle mass of 4.5 tonnes tare weight.

- 9.3 The hours of operation for the Health Care Services must be limited to:

9.3.1 0900 to 1700 on Monday to Friday; and

9.3.2 No operations on a Saturday, Sunday, or Public Holiday.

#### 10.0 ENVIRONMENTAL HEALTH

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

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

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

- 10.4 Any waste storage areas must be:

10.4.1 maintained in accordance with the *Environmental Protection (Waste Management) Regulation*; and

10.4.2 kept in a clean and tidy condition

#### ADVISORY NOTES

##### NOTE 1. Aboriginal Cultural Heritage

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

Aboriginal cultural heritage is available on the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs website [www.datsima.qld.gov.au](http://www.datsima.qld.gov.au).

NOTE 2. Asbestos Removal

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

NOTE 3. General Environmental Duty

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

NOTE 4. General Safety Of Public During Construction

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

**RECOMMENDATION C**

That in relation to the application for a Development Permit for a Material Change of Use for Health Care Services, made by Templeton Wholesale Pty Ltd, on Lot 6 on RP600278, Lot 7 on RP600278 and Lot 8 on RP600278, Parish of Rockhampton, located at 233 Murray Street, Rockhampton City, Council resolves not to issue an Infrastructure Charges Notice.

**Moved by:** Councillor Rutherford

**Seconded by:** Councillor Smith

**MOTION CARRIED**

9:12AM Chief Executive Officer left the meeting

9:12AM Chief Executive Officer and Mayor Strelow returned to the meeting

---

**8.2 REQUEST FOR A COUNCIL RESOLUTION REGARDING APPLICATIONS TO BE ASSESSED UNDER A SUPERSEDED PLANNING SCHEME FOR STORAGE SHEDS ALONG BOWLIN ROAD, PORT CURTIS**

**File No:** 3565  
**Attachments:** 1. Locality Plan  
**Authorising Officer:** Tarnya Fitzgibbon - Manager Development and Building  
Robert Holmes - General Manager Regional Services  
**Author:** Anton de Klerk - Planning Officer

---

**SUMMARY**

*An audit was undertaken by Council's Development Compliance Section to determine which structures were constructed on properties on Bowlin Road prior to the commencement of the Rockhampton Region Planning Scheme 2015; eleven (11) Class 10 structures were found on eleven (11) allotments (as listed below). A departmental decision was made that any application to apply the superseded planning scheme for these existing structures would be supported as they were exempt under the planning scheme which was applicable at that point in time. It was further decided that no new development on these lots would be supported due to the new zoning and severe flooding impacts; however, subsequent recommendations by the Planning and Regulatory Committee have supported that development as it was in compliance with the previous Planning Scheme which could still be applied until late August 2016. A Committee direction is sought on the direction to be taken on application that may be received for that area prior to the expiration of the opportunity to utilise the previous Planning Scheme.*

**COMMITTEE RECOMMENDATION**

That the matter lay on the table pending further information and is to return to the next Planning and Regulatory Committee meeting on 2 August 2016.

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

**8.3 APPLICATION UNDER THE DEVELOPMENT INCENTIVES POLICY FOR DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR BULK LANDSCAPING SUPPLIES**

**File No:** D/167-2015

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

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

**Author:** Corina Hibberd - Planning Officer

**SUMMARY**

*Development Application Number:* D/167-2015

*Applicant:* K Anderson and P L Anderson

*Real Property Address:* Lot 3 on RP894582, Parish of Wiseman

*Common Property Address:* 320 Nicholson Road, Alton Downs

*Planning Scheme:* Rockhampton Region Planning Scheme 2015

*Planning Scheme Zones:* Rural Zone - Alton Downs Precinct

*Type of Approval:* Development Permit for a Material Change of Use for Bulk Landscaping Supplies

*Date of Decision:* 3 May 2016

*Application Lodgement Fee:* \$6,896.00

*Infrastructure Charges:* \$385.00

*Infrastructure charges incentive:* Not Eligible

*Incentives sought:* Development facilitation - 'all other areas' (50% discount for infrastructure charges)  
Refund of Development Application Fees (100%)

**COMMITTEE RECOMMENDATION**

THAT in relation to the application under the Development Incentives Policy for a Development Permit for a Material Change of Use for Bulk Landscaping Supplies, on Lot 3 on RP894582, Parish of Nicolson, located at 320 Nicholson Road, Alton Downs, Council recommends the following:

Option 2. Council resolves to Approve the following incentives if the use commences prior to 3 May 2019:

- a. A fifty per cent (50%) reduction of infrastructure charges to the amount of \$192.50;
- b. A refund of the application lodgement fee amounting to \$6,896.00 on completing the development; and

That Council enter into an agreement with the applicant in relation to 2(a) and 2(b).

**Moved by:** Councillor Smith  
**Seconded by:** Councillor Fisher

**MOTION CARRIED**

#### 8.4 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR OUTDOOR SPORT AND RECREATION (OPEN GARDEN)

**File No:** D/176-2015

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

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

**Author:** Corina Hibberd - Planning Officer

#### SUMMARY

*Development Application Number:* D/176-2015

*Applicant:* Ross and Carol Mylrea C/- Reel Planning Pty Ltd

*Real Property Address:* Lot 3 on SP264078, Parish of Murchison

*Common Property Address:* 72 McMillan Avenue, Parkhurst

*Area of Site:* 8.209 hectares

*Planning Scheme:* Rockhampton City Plan 2005

*Planning Scheme Zone:* Parkhurst Future (Post 2015) Residential Area

*Planning Scheme Overlays:* Steep or Unstable Land, Waterways

*Existing Development:* House and established gardens and outbuildings

*Existing Approvals:* House and outbuildings

*Approval Sought:* Development Permit for a Material Change of Use for Outdoor Sport and Recreation (Open Garden)

*Level of Assessment:* Impact Assessable

*Submissions:* Nil

*Referral Agency(s):* Nil

*Infrastructure Charges Area:* Charge Area 3

#### Application Progress:

<i>Application Lodged:</i>	10 December 2015
<i>Application Properly Made:</i>	16 December 2015
<i>Acknowledgment Notice issued:</i>	5 January 2016
<i>Request for Further Information sent:</i>	8 January 2016
<i>Request for Further Information responded to:</i>	27 May 2016
<i>Submission period commenced:</i>	2 June 2016
<i>Submission period end:</i>	24 June 2016
<i>Last receipt of information from applicant:</i>	27 June 2016
<i>Statutory due determination date:</i>	25 July 2016

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

That in relation to the application for a Development Permit for a Material Change of Use for Outdoor Sport and Recreation (Open Garden), made by Ross and Carol Mylrea C/- Reel Planning Pty Ltd, on Lot 3 on SP264078, located at 72 McMillan Avenue Parkhurst, 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 gardens are already fully established and will allow for guided tours only;
- b) The guided tours will be limited in size per day to minimise any traffic or infrastructure impacts;
- c) The use is unique and will create a tourism driven interest niche in Rockhampton;
- d) The proposed use does not compromise the strategic framework in the Rockhampton City Plan 2005;
- e) Assessment of the development against the relevant area intent, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and
- f) The proposed development does not compromise the relevant State Planning Policy.

**RECOMMENDATION B**

That in relation to the application for a Development Permit for a Material Change of Use for Outdoor Sport and Recreation (Open Garden), made by Ross and Carol Mylrea C/- Reel Planning Pty Ltd, on Lot 3 on SP264078, Parish of Murchison, located at 72 McMillan Avenue, Parkhurst, 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, works, or requirements of this development approval must be undertaken and completed and be accompanied by a Compliance Certificate for any operational works required by this development approval:
  - 1.3.1 to Council's satisfaction;
  - 1.3.2 at no cost to Council; and
  - 1.3.3 prior to the commencement of the use, unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
  - 1.5.1 Operational Works:
    - (i) Access and Parking Works.

- 1.5.2 Plumbing and Drainage Works; and
- 1.5.3 Building Works.
- 1.6 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the commencement of the use.
- 1.7 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.8 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant Australian Standards and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Number</u>	<u>Dated</u>
Site Plan	1087 SKSA01	25 September 2015
Proposed recovery shelter	1087 MD02	22 February 2010
Ross and Carol Mylrea Information Request Response On-site Sewerage Facility	Steer Environmental Consulting Document D176-2015	20 May 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 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 sealed.
- 3.4 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.
- 3.5 A minimum of nineteen (19) parking spaces must be provided on-site. This includes two (2) universal access parking spaces and one (1) bus parking spaces.
- 3.6 Parking spaces must be line-marked as shown in the Site Plan (refer to condition 2.1) and in accordance with the Australian Standard AS2890 "Parking facilities" and the provisions of a Development Permit for Operational Works (access and parking works).



#### 4.0 PLUMBING AND DRAINAGE WORKS

- 4.1 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act, Plumbing and Drainage Act, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 4.2 On-site water supply for domestic and firefighting purposes must be provided and may include the provision of a bore, dams, water storage tanks or a combination of each. This must be certified by a hydraulic engineer or other suitably qualified person.
- 4.3 The existing on-site sewerage facilities must be adequate for the proposed development. Should the existing on-site sewerage facilities not be adequate; an upgrade of the system must be provided. The upgrade must be in accordance with the Queensland Plumbing and Wastewater Code and Council's Plumbing and Drainage Policies
- 4.4 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the Plumbing and Drainage Act and Council's Plumbing and Drainage Policies.
- 4.5 In accordance with the Site Evaluation Report (refer to condition 2.1) for on-site sewerage facility, the septic tank must be de-sludged each year and desludging must be in accordance with Australian Standard AS1547:2000 "On-site domestic-wastewater management".

#### 5.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 5.1 All roof and allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines, and sound engineering practice.
- 5.2 All roof and allotment runoff from the development must be discharged such that it must not restrict, impair or change the natural flow of runoff water or cause a nuisance or worsening to surrounding land or infrastructure.
- 5.3 Stormwater runoff from the car park must be discharged such that it must not cause a nuisance or worsening to surrounding land or infrastructure in comparison to the pre-development condition, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.
- 5.4 Easements must be provided over all land assessed to be within a one percent (1%) Annual Exceedance Probability defined flood inundation area.

#### 6.0 SITE WORKS

- 6.1 All earthworks must be undertaken in accordance with Australian Standards, AS3798 "Guidelines on Earthworks for Commercial and Residential Developments".
- 6.2 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.

#### 7.0 BUILDING WORKS

- 7.1 No structures must be located within the on-site sewerage treatment and disposal area or conflict with the separation distances, in accordance with the Queensland Plumbing and Wastewater Code.

- 7.2 Impervious paved waste storage area must be provided in accordance with the approved plans (refer to condition 2.1) and the Environmental Protection Regulation 2008 and must be:
- 7.2.1 designed and located so as not to cause a nuisance to neighbouring properties;
  - 7.2.2 aesthetically screened from any road frontage or adjoining property;
  - 7.2.3 should the residential type bins not be adequate for the development; commercial type bins must be required and must be serviced by a commercial contractor.

## 8.0 ELECTRICITY AND TELECOMMUNICATIONS

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

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

## 10.0 OPERATING PROCEDURES

- 10.1 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 McMillan Avenue or Alfred Road.
- 10.2 All waste storage areas must be:
- 10.2.1 kept in a clean and tidy condition; and
  - 10.2.2 maintained in accordance with Environmental Protection Regulation 2008.
- 10.3 No more than twenty (20) visitors are allowed on site on any given day.

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

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

**RECOMMENDATION C**

That in relation to the application for a Development Permit for a Material Change of Use for Outdoor Sport and Recreation (Open Garden), made by Ross and Carol Mylrea C/- Reel Planning Pty Ltd, on Lot 3 on SP264078, Parish of Murchison, located at 72 McMillan Avenue, Parkhurst, Council resolves not to issue an Infrastructure Charges Notice.

**Moved by: Councillor Fisher**

**Seconded by: Councillor Rutherford**

**MOTION CARRIED UNANIMOUSLY**

---

**8.5 ROCKHAMPTON REGIONAL COUNCIL ANIMAL MANAGEMENT STRATEGY**

**File No:** 1464  
**Attachments:** 1. Draft Rockhampton Regional Council Animal Management Strategy  
**Authorising Officer:** Evan Pardon - Chief Executive Officer  
**Author:** Peter Owens - Acting General Manager Community Services

---

**SUMMARY**

*The Rockhampton Regional Council Animal Management Strategy is presented for adoption by Council following the Councillor Workshop held on Tuesday 5 July 2016.*

*The strategy will provide an agreed direction designed to inform and guide Council operations, delivering industry best practice animal management in line with Council's Corporate Plan objectives.*

**COMMITTEE RECOMMENDATION**

THAT the Rockhampton Regional Council Animal Management Strategy, as attached to the report, be adopted and the CEO be authorised to take such action as required to implement the strategy so as to align with Council's Corporate Plan, Operational Plan, Budget and organisational resources; and

THAT the matter of combining Council awareness programs for school visitations and presentations be further investigated.

**Moved by:** Councillor Smith  
**Seconded by:** Councillor Wickerson

**MOTION CARRIED UNANIMOUSLY**

9.55AM Mayor Strelow left the meeting and did not return.

**9 NOTICES OF MOTION**

Nil

**10 URGENT BUSINESS QUESTIONS**

Nil

**11 CLOSURE OF MEETING**

There being no further business the meeting closed at 10.00am.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
DATE