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- 6.1 All external elements, such as air conditioners, refrigerators, pumps and associated equipment, must be adequately screened from public view, to Council's satisfaction.
- 6.2 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"*.
- 6.3 A minimum 1.8 metre high solid screen fence must be erected between the subject development site and the adjacent residential property north of the development. The fence must be constructed of materials and finishes that are aesthetically pleasing and commensurate with the surrounding residential area.
- 6.4 All electrical and telecommunication services and utilities connected to the development, 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 flood level.

## 7.0 LANDSCAPING WORKS

- 7.1 Landscaping must be provided along the full frontage of Quay Street with a minimum width of one (1) metre and a minimum mature height of 1.8 metres. Species selected must upon full maturity create a dense screen/ hedge.
- 7.2 Large trees must not be planted within one (1) metre of the centreline of any sewerage and/or water infrastructure; small shrubs and groundcover are acceptable.
- 7.3 The landscaped areas must be subject to:
- 7.3.1 a watering and maintenance plan during the establishment moment; and
  - 7.3.2 an ongoing maintenance and replanting programme.

## 8.0 ELECTRICITY

- 8.1 Electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 8.2 Evidence that the development is provided with electricity services from the relevant service provider must be provided to Council, prior to the commencement of the use.

## 9.0 TELECOMMUNICATIONS

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

## 10.0 ASSET MANAGEMENT

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



## 11.0 ENVIRONMENTAL HEALTH

- 11.1 Noise emitted from the activity must not cause an environmental nuisance.
- 11.2 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.
- 11.3 When requested by Council, nuisance monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise, light or dust generated by this development. An analysis of the monitoring data and a report, including nuisance mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation.
- 11.4 Odour and visible contaminants, including but not limited to dust, fume, smoke, aerosols, overspray or particulates, must not be released to the environment in a manner that will or may cause environmental nuisance or harm unless such release is authorised by Council.

## 12.0 OPERATING PROCEDURES

- 12.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials or parking of construction machinery or contractors' vehicles must not occur within Quay Street or Quay Lane.
- 12.2 The hours of operations for this Shop (bait and tackle) must be limited to:
- (i) 0700 hours to 1800 hours on Monday to Saturday, and
  - (ii) 0800 hours to 1800 hours on Sundays and Public Holidays.
- 12.3 The loading and/or unloading of delivery vehicles is limited between the hours of 0700 and 1800 Monday to Saturday and between the hours of 0800 and 1500 on Sundays. No heavy vehicles must enter the development site outside these times to wait for unloading/loading.
- 12.4 All waste storage areas must be:
- 12.4.1 kept in a clean and tidy condition; and
  - 12.4.2 maintained in accordance with *Environmental Protection Regulation 2008*.
- 12.5 The applicant must ensure that a flood management plan is developed for this development. This may include provisions for removal of merchandise, equipment stored above the inundation extents etc. It is the applicant's responsibility to ensure that measures are put in place to avoid damage to property during the major event.
- 12.6 It is the responsibility of the owner or occupier of the land from time to time to implement the contingency plan during a flood event or if there is a risk of flooding near the land.

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

NOTE 3. General Safety Of Public During Construction

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

NOTE 4. Charges Notice

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

**Operational Works for Advertising Device (fence sign)**

13.0 ADMINISTRATION

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

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

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

13.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of the use, unless otherwise stated.

13.5 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.

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

13.6.1 Building Works.

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

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

14.0 APPROVED PLANS AND DOCUMENTS

14.1 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 Number</u>	<u>Dated</u>
Site Plan	960371/01, Sheet 1 of 1 Revision B	May 2016
Signage Plan	Unnumbered	18 May 2016

14.2 A set of the above approved plans are returned to you as the Consultant. The Consultant is to supply one (1) Approved set to the contractor to be retained on site at all times during construction.

14.3 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.

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

15.0 ASSET MANAGEMENT

- 15.1 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.

16.0 OPERATING PROCEDURES

- 16.1 All signage must only display or advertise a matter associated with the purpose for which the premises is used.
- 16.2 All signage must be maintained at all times on the premises by the owner of the premises to the same standard as it was when it was installed.
- 16.3 Any lighting devices associated with the signage, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents or motorists. Night lighting must be designed, constructed and operated in accordance with 'Australian Standard AS4282 – Control of the obtrusive effects of outdoor lighting'.

17.0 CONSTRUCTION PROCEDURES

- 17.1 Council reserves the right for uninterrupted access to the site at all times during construction.
- 17.2 All Construction work and other associated activities are permitted only between 0630 hours and 1800 hours Monday to Saturday. No work is permitted on Sundays or public holidays. All requirements of the Environmental Protection Act and Environmental Protection Regulations must be observed at all times.
- 17.3 Any proposed works within the vicinity (or zone of influence) of existing Council infrastructure will not adversely affect the integrity of the infrastructure. Any restoration works required on existing Council infrastructure as a result of proposed works will be at developer's expense.
- 17.4 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site.

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

NOTE 3. General Safety Of Public During Construction

The *Work Health and Safety Act 2011* and *Manual of Uniform Traffic Control*

*Devices must be complied with in carrying out any construction works, and to ensure safe traffic control and safe public access in respect of works being constructed on a road.*

**RECOMMENDATION B**

That in relation to the application for a Development Permit for a Material Change of Use for a Shop (bait and tackle) and Operational Works for an Advertising Device (fence sign), made by Reel Planning CQ on behalf of JAL Super Investments No 1 Pty Ltd Tte, on Lot 1 on RP801335, Parish of Rockhampton, located at 342 Quay Street, Depot Hill Council resolves to issue an Infrastructure Charges Notice for the amount of \$5,138.25.

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

**MOTION CARRIED UNANIMOUSLY**

UNCONFIRMED

**9 NOTICES OF MOTION**

Nil

UNCONFIRMED

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## 10 URGENT BUSINESS\QUESTIONS

### 10.1 REQUEST FOR INVESTIGATIONS INTO PARKING REQUIREMENTS AND STREET SAFETY

**File No:** 377

**Responsible Officer:** Martin Crow – Acting General Manager Regional Services

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#### SUMMARY

*Councillor Fisher requested that an investigation is conducted into safety and on street parking, specifically at the intersections of Foulkes Street and Springfield Drive, Norman Gardens, and Stewart Street and Somerset Road, Gracemere.*

#### COMMITTEE RECOMMENDATION

THAT a request for an investigation into parking requirements and street safety at the intersections of Foulkes Street and Springfield Drive, Norman Gardens and Stewart Street and Somerset Road, Gracemere be referred to Infrastructure committee.

**Moved by:** Councillor Fisher

**Seconded by:** Councillor Wickerson

**MOTION CARRIED**

## 11 CLOSED SESSION

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

### COMMITTEE RESOLUTION

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

#### 12.1 Review of Land Use for a Property at Kabra

This report is considered confidential in accordance with section 275(1)(g), of the *Local Government Regulation 2012*, as it contains information relating to any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act.

**Moved by:** Councillor Wickerson

**Seconded by:** Councillor Smith

**MOTION CARRIED**

### COMMITTEE RESOLUTION

**10:09AM**

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

**Moved by:** Councillor Wickerson

**Seconded by:** Councillor Smith

**MOTION CARRIED**

### COMMITTEE RESOLUTION

**10:15AM**

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

**Moved by:** Councillor Wickerson

**Seconded by:** Councillor Rutherford

**MOTION CARRIED**

## 12 CONFIDENTIAL REPORTS

### 12.1 REVIEW OF LAND USE FOR A PROPERTY AT KABRA

**File No:** 8038 / 4781 / 8431

**Attachments:**

1. Locality Plan
2. Report presented 21 June 2016
3. Deed of Agreement

**Authorising Officer:** Tarnya Fitzgibbon - Coordinator Development Assessment  
Trevor Green - Manager Planning & Regulatory Services  
Michael Rowe - General Manager Community Services

**Author:** Judith Noland - Development Compliance Officer

This report is considered confidential in accordance with section 275(1)(g), of the *Local Government Regulation 2012*, as it contains information relating to any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act.

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#### SUMMARY

*This report provides a review of unapproved land use of a property at Kabra.*

#### COMMITTEE RECOMMENDATION

THAT the status report be received.

**Moved by:** Councillor Rutherford

**Seconded by:** Councillor Wickerson

**MOTION CARRIED**



**13 CLOSURE OF MEETING**

There being no further business the meeting closed at 10:16am.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
DATE

UNCONFIRMED