

8 OFFICERS' REPORTS

8.1 D/151-2016 - DEVELOPMENT APPLICATION FOR OPERATIONAL WORKS FOR AN ADVERTISING DEVICE (BILLBOARD SIGN)

File No: D/151-2016

Attachments:

1. Locality Plan
2. East Street Elevation
3. Fitzroy Street Elevation
4. Photoshopped Image

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Steven Gatt - Manager Planning & Regulatory Services
Michael Rowe - General Manager Community Services

Author: Anton de Klerk - Acting Coordinator Development Assessment

SUMMARY

Development Application Number: D/151-2016

Applicant: Bishopp Outdoor Advertising C/- Vision Surveys

Real Property Address: Lot 1 on RP608458, Parish of Rockhampton

Common Property Address: 36 East Street, Rockhampton City

Area of Site: 1,993 square metres

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Principal Centre Zone

Planning Scheme Overlays: Not Applicable

Existing Development: Office Building

Existing Approvals: Office Building

Approval Sought: Development Permit for Operational Works for an Advertising Device (billboard sign)

Level of Assessment: Code Assessable

Submissions: Not Applicable

Referral Agency(s): Nil

Infrastructure Charges Area: Charge Area 2

Application Progress:

<i>Application Lodged:</i>	21 September 2016
<i>Application Properly Made:</i>	26 September 2016
<i>Council request for additional time (until 22 November 2016):</i>	20 October 2016
<i>Government Agency Response (as an advice agency, requested by Council):</i>	12 October 2016
<i>Last receipt of information from applicant:</i>	1 November 2016
<i>Council request for additional time (until 20 December 2016):</i>	15 November 2016

<i>Statutory due determination date:</i>	<i>20 December 2016</i>
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COMMITTEE RECOMMENDATION

THAT in relation to the application for a Development Permit for Operational Works for an Advertising Device (billboard), made by Bishopp Outdoor Advertising c/- Vision Surveys on behalf of Smith Bros. Investments Pty Ltd, on land described as Lot 1 on RP608458, Parish of Rockhampton, located at 36 East Street, Rockhampton City, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer and his employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 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 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 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.4.1 Building Works.
- 1.5 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.

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 Number</u>	<u>Dated</u>
Level 2 Floor Plan	SK 01, Amendment A	27 October 2016
Fitzroy Street Elevation	SK 02, Amendment A	27 October 2016
East Street Elevation & Details	SK 03, Amendment A	27 October 2016
Unnamed (a photoshopped image illustrating the proposed sign on the building)	Unnumbered	Undated

- 2.2 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.
- 2.3 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.
- 2.4 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.
- 3.0 DIGITAL SCREEN DISPLAY FEATURES**
- 3.1 The digital display screen of the Advertising Device must incorporate an automatic error detection system which will turn off the screen display or display a blank screen should the Advertising Device malfunction.

- 3.2 The Advertising Device display screen must incorporate a minimum of two (2) automated ambient light sensors capable of supporting a minimum of five (5) levels of stepped dimming to ensure display screen luminance can adjust automatically in response to surrounding ambient light conditions from dark of night to fully sunlit conditions.
- 3.3 The Advertising Device display screen must provide for on site control, operation, configuration and diagnosis of the screen display.
- 3.4 Messages must remain static for a minimum dwell time of nine (9) seconds, and are not to scroll across the screen or incorporate flashing, blinking, revolving, pulsating, high contrast or rotating effects animation.
- 3.5 Each change of advertisement is to be completed instantaneously (i.e. within 0.1 of a second).

4.0 DIGITAL SCREEN ADVERTISEMENTS AND MOVEMENT

- 4.1 The Advertising Device display screen must not be split to display multiple advertisements on the one display screen.
- 4.2 Advertisements must not display text, photographs or symbols depicting, mimicking or that could be reasonably interpreted as a traffic control device.
- 4.3 Advertisements must not invite traffic to move contrary to any traffic control device, or turn where there is fast moving traffic.
- 4.4 Advertisements must only promote a single, self-contained advertising message that is clear, succinct, legible and easily understood at a glance. The use of text components in a sequential manner, whereby text refers to or is reliant on previous or successive screen displays in order to convey an advertising message is not permitted.

Note: An advertising message refers to the main point the advertisement is attempting to convey to its target audience. This condition seeks to ensure that drivers in particular are not required to spend an excessive amount of time reading and interpreting advertisements.

- 4.5 Changeover animation effects such as 'fade', 'zoom', or 'fly-in' between advertisements must not be used.
- 4.6 A blank black, white, or any coloured screen must not be displayed between advertisements.
- 4.7 Advertisement that comprise of, or incorporate moving visual images, such as videos or animations must not be displayed.

Note: Video refers to a recording or the streaming of moving visual images captured by or using a video camera. Animation refers to a simulation of movement created by displaying a series of pictures or frames either digitally or otherwise.

- 4.8 The Advertising Device must not be capable of playing audio nor synchronised with any outdoor sound system utilised for advertising purposes.

5.0 ILLUMINANCE AND LUMINANCE

- 5.1 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*'.
- 5.2 Luminance levels of the Advertising Device must not exceed the applicable levels listed in *Table 1* below.

Table 1: Luminance levels Advertising Device

			All Colours		Bailey's Sign Nit Setting	
Ambient Condition Description	Dimming Level	Advertising Device Illuminance Vertical Component (lx)	Screen Luminance (Cd/m ²) Max	Screen Luminance (Cd/m ²) Min	Max (nit)	Min (nit)
Sunny Day	5	40,000	6,300	2,800	6,000	2,800
Cloudy Day	4	4,000	1,100	500	1,100	500
Twilight	3	400	480	260	480	260
Dusk	2	40	380	120	380	120
Night	1	< 4	340	80	270	80

Note: Illuminance refers to the intensity of light falling at a given place on a lighted surface when measured by a lux meter and expressed as luminous flux per unit area (otherwise known as lux (lx)). Luminance refers to the intensity of light per unit area of its source when measured by a luminance meter and expressed as candela per square metre (cd/m²). It is often used to describe the perceived brightness of a light source.

6.0 ASSET MANAGEMENT

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

7.0 OPERATING PROCEDURES

7.1 When requested by Council, a lighting investigation must be undertaken by a qualified person to investigate any complaint of light nuisance, and the results notified within twenty-eight (28) days to Council.

7.2 The lighting investigation must be carried out generally in accordance with the relevant test methods contained section 5 of 'Australian Standard AS4282 – Control of the obtrusive effects of outdoor lighting' and Appendix A of 'Australian Standard AS4852.2:2009: Variable Message Signs - Portable Signs' as applicable to determine whether or not the illuminance and luminance levels listed within this Permit have been exceeded.

8.0 ADVERTISING DEVICE CONSTRUCTION AND MAINTENANCE

8.1 Council reserves the right for uninterrupted access to the site at all times during construction.

8.2 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 1994* and *Environmental Protection Regulations 2008* must be observed at all times.

8.3 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site.

8.4 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.

- 8.5 The Advertising Device (Digital Billboard Sign) must be designed and certified by a Registered Professional Engineer of Queensland and constructed in accordance with the requirements of the Queensland Development Code and the Building Code of Australia.
- 8.6 All conduits, wiring, switches or other control apparatus installed on an Advertising Device must be concealed from general view, with control apparatus secured in a manner to prevent unauthorised entry and display setting tampering.
- 8.7 All electrical services and systems must comply with '*Australian and New Zealand Standard AS/NZS 3000:2007 - Electrical Installations*'.
- 8.8 The Advertising Device, including its display screen and supporting structure, must meet applicable wind loading requirements as specified in '*Australian Standard AS 1170.2: 2011 - Structural Design Actions Part 2 - Wind Actions*'.
- 8.9 The Advertising Device must be installed in such a fashion so that in the event that the advertising device is removed, the underlying wall surface is able to be made good. Upon removal of the Advertising Device, the wall surface must be restored to an original condition.
- 8.10 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.
- 8.11 The Advertising Device (Digital Billboard Sign) must be maintained in a safe, clean, tidy and sightly condition at all times.
- 8.12 Digital advertising devices are an emerging technology and provide the opportunity for real time, attractive, changeable messaging to the public, including community information and emergency communications. The Developer must enter into an agreement with Council, prior to operation of the advertising device, clarifying guidelines / limitations to third party advertising, including potential advertising time for Council.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. General Environmental Duty

General environmental duty under the *Environmental Protection Act 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.

Moved by: Councillor Smith
Seconded by: Councillor Rutherford

MOTION CARRIED

8.2 REQUEST TO EXTEND THE RELEVANT PERIOD TO DEVELOPMENT PERMIT D/533-2008 FOR A MATERIAL CHANGE OF USE FOR MULTI UNIT DWELLINGS (FOUR UNITS)

File No: D/533-2008
Attachments: 1. Locality Plan
Authorising Officer: Anton de Klerk - Acting Coordinator Development Assessment
Steven Gatt - Manager Planning & Regulatory Services
Michael Rowe - General Manager Community Services
Author: Alyce James - Planning Officer

SUMMARY

Development Application Number: D-R/533-2008
Applicant: R G Cooper
Real Property Address: Lot 43 on RP603342
Common Property Address: 369 Paterson Avenue, Koongal
Area of Site: 1,196 square metres
Current Planning Scheme: Rockhampton Region Planning Scheme 2015
Current Planning Scheme Zone: Low Density Residential Zone
Superseded Planning Scheme: Rockhampton City Plan 2005
Superseded Planning Scheme Zone/Area: Lakes Creek Residential Area
Planning Scheme Overlays: Nil
Existing Development: Dual Occupancy
Approval Sought: Extension to the Relevant Period to Development Permit D/533-2008 for a Material Change of Use for Multi Unit Dwellings (four units)
Referral Agency(s): Nil
Infrastructure Charges Area: Charge Area 1

COMMITTEE RECOMMENDATION

THAT in relation to the request to extend the relevant period for Development Permit D-R/533-2008 for a Material Change of Use for Multi Unit Dwellings (four units), made by R G Cooper, on land described as Lot 43 on RP603342, Parish of Archer located at 369 Paterson Avenue, Koongal, Council resolves that:

1. Condition 1.8 be amended by replacing the following condition:

“This approval is valid for a period of eight (8) years from the day the approval takes effect. If the use has not commenced in accordance with the approved conditions within eight (8) years the approval will lapse.”

With

This approval is valid for a period of ten (10) years from the day the approval takes effect. If the use has not commenced in accordance with the approved conditions within ten (10) years the approval will lapse.

2. Condition 9.1 be deleted;
“Contributions must be paid to Council prior to the issue of a Development Permit for Building Works.”

3. Condition 9.2 be deleted; and
“The contributions must be paid in accordance with the Council Policy rates at the date of payment. The following table sets out the contributions required to be paid:

<i>Policy</i>	<i>Contribution</i>	<i>Current Total*</i>
<i>LPP5</i>	<i>Water Supply Headworks</i>	<i>\$1,852.00</i>
<i>LPP5</i>	<i>Sewerage Headworks</i>	<i>\$2,178.00</i>
<i>PSP5</i>	<i>Park Contribution</i>	<i>\$2,350.00</i>
	<i>Footpath</i>	<i>\$2,988.25</i>

**The sums of money quoted will remain firm for a period of twelve (12) months, after which time, Council reserves the right to review same in accordance with the policies and rates and charges current at the time of payment.”*

4. Note 5 be added:
“This application is subject to infrastructure charges in accordance with Council policies. The charges are presented on an Infrastructure Charges Notice.”

5. Council issue an Infrastructure Charges Notice for the amount of \$42,000.00.

That to reflect the above changes to conditions, R G Cooper, be issued with an Amended Decision Notice for Development Permit D-R/533-2008 for a Material Change of Use for Multi Unit Dwellings (four units).

ADMINISTRATION

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

Plan/Document Name	Plan Number	Dated
Concept Landscape Plan	CF1001 DA Plan 1	06/2008
Planting Plan	CF1001 DA Plan 2	06/2008
Specifications	CF1001 DA Plan 3	06/2008
Details	CF1001 DA Plan 4	06/2008
Lower Floor Plan	M28007 Sheet 1	13/06/2008
Upper Floor Plan	M28007 Sheet 2	13/06/2008
Front and Right Elevation	M28007 Sheet 3	13/06/2008
Left and Rear Elevation	M28007 Sheet 4	13/06/2008
Site Plan	M28007 Sheet 5	13/06/2008
Vehicle Manoeuvring	M28007 Sheet 6	13/06/2008
Floor Plan	M28007 Sheet 7	13/06/2008
Existing Dwelling	M28007 Sheet 8	13/06/2008

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

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 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.
- 1.5 All conditions, works, or requirements of this approval must be undertaken and completed to the satisfaction of Council, prior to the commencement of the use or release of the building format plan, whichever occurs the sooner.
- 1.6 The following further development permits are required prior to the commencement of any works on the site:
- 1.6.1 Operational Works:
- (i) Access and Parking;
 - (ii) Sewerage Works;
 - (iii) Water Works;
 - (iv) Stormwater Works;
 - (v) Site Works; and
 - (vi) Landscaping;
- 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 This approval is valid for a period of ten (10) years from the day the approval takes effect. If the use has not commenced in accordance with the approved conditions within ten (10) years the approval will lapse.
- 1.9 Any outstanding rates, charges or expenses levied by the Council over the subject land must be paid prior to the issue of a Development Permit for Building Works.
- 2.0 ACCESS AND PARKING
- 2.1 A Development Permit for Operational Works (access and parking) must be obtained prior to the commencement of any works on the site.
- 2.2 All car parking and access areas must be paved or sealed to the satisfaction of Council. Design and construction must be in accordance with the provisions of a Development Permit for Operational Works (access and parking). The layout must be generally in accordance with the endorsed plans (refer to condition 1.1).
- 3.0 SEWERAGE WORKS
- 3.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any works on the site.
- 3.2 The development must be connected to Council's reticulated sewerage network in accordance with the provisions of the *Water Act* and *Plumbing and Drainage Act*.
- 3.3 Construction works proposed in the vicinity of Council's existing sewer infrastructure must not adversely affect the integrity of the infrastructure.
- 3.4 The proposed units must discharge into the combined sewer line down stream of the existing building's connection point.
- 3.5 All sanitary drainage works must be in accordance with regulated work under the *Plumbing and Drainage Act*.

4.0 WATER WORKS

- 4.1 A Development Permit for Operational Works (water works) must be obtained prior to the commencement of any works on the site.
- 4.2 Construction works proposed in the vicinity of Council's existing water infrastructure must not adversely affect the integrity of the infrastructure.
- 4.3 The existing water connection point must be retained to service the proposed development.
- 4.4 In accordance with *Queensland Plumbing and Wastewater Code*, the proposed development must be provided with a master water meter at the property boundary and sub meters for each sole occupancy unit.
- 4.5 All plumbing works must be in accordance with regulated work under the *Plumbing and Drainage Act*.

5.0 STORMWATER WORKS

- 5.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any works on the site.
- 5.2 All stormwater drainage works must be designed and constructed in accordance with the Queensland Urban Drainage Manual and the Capricorn Municipal Design Guidelines, and sound Engineering practice.
- 5.3 All stormwater runoff from the subject site, and roofwater and water from paved surfaces, must be collected within the site and directed to a lawful point of discharge (id est, the kerb and channel in Paterson Avenue), in accordance with Council's requirements. Design and construction must be in accordance with a Development Permit for Operational Works (stormwater works).

6.0 SITE WORKS

- 6.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any works on the site.
- 6.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks' plan which clearly identifies the following:
- (i) the location of cut and/or fill;
 - (ii) the type of fill to be used and the manner in which it is to be compacted;
 - (iii) the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - (iv) details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and
 - (v) 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.
- 6.3 Any vegetation cleared or removed must be:
- (i) mulched on-site and utilised on-site for landscaping purposes, in accordance with the landscaping plan approved by Council; or
 - (ii) removed for disposal at a location approved by Council;
- within sixty (60) days of clearing. Any vegetation removed must not be burnt

7.0 BUILDING

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

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

7.3 A waste bin compound must be provided in the nominated position as indicated on the approved plan (refer to condition 1,1).

7.3.1 The waste compound must be:

- (i) located at least three (3) metres from any road frontage;
- (ii) surrounded by a fence, minimum 1.8 metres in height, which obstructs from view the contents of the compound from any public place;
- (iii) of a minimum size to accommodate four standard domestic wheelie bins;
- (iv) kept in a clean, tidy condition; and
- (v) provided with impervious paved and drained washdown areas

7.3.2 The refuse containers must be:

- (i) stored within the bin compound area;
- (ii) securely covered at all times; and
- (iii) maintained in a clean condition and in good repair.

8.0 LANDSCAPING

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

8.2 Any application for a Development Permit for Operational Works (landscaping) must be in accordance with the Rockhampton City Plan Landscape Code and include, but is not limited to, the following:

8.2.1 A plan documenting the "Extent of Works" and supporting documentation which includes:

- (i) location and name of existing trees, including those to be retained (the location of the trees shall be overlaid or be easily compared with the proposed development design);
- (ii) the extent of soft and hard landscape proposed;
- (iii) important spot levels and/or contours. The levels of the trees to be retained shall be provided in relation to the finished levels of the proposed buildings and works;
- (iv) underground and overhead services;
- (v) typical details of critical design elements (eg stabilisation of batters, retaining walls, podium/balcony planters, trees in car park areas, fences);
- (vi) details of landscape structures including areas of deep planting; and
- (vii) specification notes on mulching and soil preparation.

8.2.2 A "Planting Plan" and supporting documentation which includes:

- (i) trees, shrubs and groundcovers to all areas to be landscaped;
- (ii) position and canopy spread of all trees and shrubs;
- (iii) the extent and type of works (i.e. paving, fences, garden bed edging

etc). All plants shall be located within an edged garden; and

- (iv) a plant schedule with the botanic and common names, total plant numbers and pot sizes at the time of planting.

8.3 All fencing depicted on the approved plans along the western boundary must be of a solid construction, with no openings.

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

9.0 CONTRIBUTIONS/COSTS

9.1 Deleted.

9.2 Deleted.

9.3 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.

9.4 '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 commence of the use or the release of the Building Format Plan, whichever occurs the sooner.

10.0 ENVIRONMENTAL

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

- (i) water quality and drainage;
- (ii) erosion and silt/sedimentation management;
- (iii) vegetation management and clearing;
- (iv) top soil management;
- (v) interim drainage plan during construction;
- (vi) construction programme;
- (vii) weed control;
- (viii) emergency vehicle access;
- (ix) noise and dust suppression; and
- (x) waste management.

10.2 Any application for a Development Permit for Operational Works or Development Permit for Building Works must be accompanied by an Erosion and Sediment Control Plan which addresses, but is not limited to, the following:

- (i) objectives;
- (ii) site location / topography;
- (iii) vegetation;
- (iv) site drainage;
- (v) soils;
- (vi) erosion susceptibility;
- (vii) erosion risk;
- (viii) concept;
- (ix) design; and

- (x) implementation, for the construction and post construction phases of work.

The erosion and sediment control plan must incorporate detailed plans, control measures, monitoring programmes and maintenance procedures to ensure appropriate development and management practices within and adjacent to the site.

10.3 The Environmental Management Plan and the Erosion and Sediment Control Plan approved as part of a Development Permit for Operational Works must be part of the contract documentation for the development works.

10.4 No works can commence on the site unless and until an Environmental Management Plan and an Erosion and Sediment Control Plan has been approved by Council as part of Development Permit for Operational Works.

11.0 OPERATING PROCEDURES

11.1 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 Paterson Avenue.

NOTES

NOTE 1: Dust Control

It is the developer's responsibility to ensure compliance with Part 2A - Environmental Nuisance of the Environmental Protection Regulation 1998 which prohibits unlawful environmental nuisance caused by dust, ash, fumes, light, odour or smoke beyond the boundaries of the property during all stages of the development including earthworks and construction.

NOTE 2: Sedimentation Control

It is the developer's responsibility to ensure compliance with Section 32 of the Environmental Protection (Water) Policy 1997 to prevent soil erosion and contamination of the stormwater drainage system and waterways.

NOTE 3: Noise During Construction And Noise In General

It is the developer's responsibility to ensure compliance with Section 6S General Emission Criteria and Section 6T Noise Emission Criteria of the Environmental Protection Regulation 1998.

NOTE 4: General Safety Of Public During Construction

It is the principal contractor's responsibility to ensure compliance with Section 31 of the Workplace Health and Safety Act 1995. Section 31(1)(c) states that the principal contractor is obliged on a construction workplace to ensure that work activities at the workplace are safe and without risk of injury or illness to members of the public at or near the workplace.

It is the responsibility of the person in control of the workplace to ensure compliance with Section 30 of the Workplace Health and Safety Act 1995. Section 30(1)(c) states that the person in control of the workplace is obliged to ensure there is appropriate, safe access to and from the workplace for persons other than the person's workers.

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.

Moved by: Councillor Wickerson

Seconded by: Councillor Smith

MOTION CARRIED

8.3 APPLICATIONS TO BE DECIDED UNDER DELEGATION

File No: 7028
Attachments: Nil
Authorising Officer: Steven Gatt - Manager Planning & Regulatory Services
Michael Rowe - General Manager Community Services
Author: Tarnya Fitzgibbon - Coordinator Development Assessment

SUMMARY

This report outlines the new development applications that have been received during October 2016 and how the applications will be decided.

COMMITTEE RECOMMENDATION

THAT the report on applications to be decided under delegation be received.

Moved by: Councillor Smith
Seconded by: Councillor Rutherford

MOTION CARRIED

8.4 BUSKING FEE WAIVER

File No: 11359
Attachments: Nil
Authorising Officer: Michael Rowe - General Manager Community Services
Author: Steven Gatt - Manager Planning & Regulatory Services

SUMMARY

The Rockhampton CBD internal reference group has identified the process of applying for a busking permit as an area in need of improvement. Busking is viewed as an important vehicle that can be utilised to showcase the regions talent and diversity.

Currently the application process is unclear and expensive for a busker who often receives very little revenue. Encouraging busking in the Rockhampton CBD and other centres will add vibrancy and promote arts and culture within our community.

An evaluation of processes and fees applied by other local governments has been completed. The results found there is an opportunity to more effectively promote busking in our region.

It is recommended that fees and charges for busking be free and a policy for busking be developed.

COMMITTEE RECOMMENDATION

THAT Changes to Council policy in regard to busking are required. The following recommendations apply:

1. That any applicable changes be made to the Local Laws;
2. That a policy for busking be developed, to include permitted locations and a monthly busking permit which can be withdrawn at the sole discretion of Council;
3. That the renewal form be simplified so that it can be processed by customer service;
4. That the permit application fee and permit renewal fee be free;
5. That resourcing is improved, as per the suggestions outlined under resources;
6. Changes to the fees and charges are undertaken to reflect permits are free; and
7. The necessary Insurance be available via Council.

Moved by: Councillor Wickerson

Seconded by: Councillor Rutherford

MOTION CARRIED

8.5 FOOTPATH DINING FEE WAIVER

File No: 11359
Attachments: Nil
Authorising Officer: Michael Rowe - General Manager Community Services
Author: Steven Gatt - Manager Planning & Regulatory Services

SUMMARY

The Rockhampton CBD internal reference group has identified many towns and cities throughout Australia have introduced fee waivers for outdoor dining precincts (temporarily or permanently) to encourage vibrancy through a more prominent café culture.

To increase and encourage outdoor dining opportunities in the Rockhampton CBD and other centres it is proposed to trial an incentive program whereby footpath (outdoor) dining application fees are waived for a six month period for licenced food businesses in the region.

Footpath (outdoor) dining fees are currently (2016/17) \$237 per year. The trial incentive program would include a fee waiver for all licenced food businesses to trial outdoor dining, particularly within the CBD and other centres. It is requested that the Rockhampton Regional Council Outdoor Dining Incentive Program commence on the 1 January 2017.

COMMITTEE RECOMMENDATION

THAT Council undertakes to waive footpath (outdoor) dining application fees for licenced food businesses in the region for six months until the new financial year.

Moved by: Councillor Wickerson

Seconded by: Councillor Smith

MOTION CARRIED

8.6 AMENDMENT TO SUBORDINATE LOCAL LAW NO. 2 (ANIMAL MANAGEMENT) 2011**File No:** 7437, 1464**Attachments:**

1. Amended Subordinate Local Law No. 2 (Animal Management) 2011
2. Current Subordinate Local Law No. 2 (Animal Management) 2011

Authorising Officer: Michael Rowe - General Manager Community Services**Author:** Margaret Barrett - Manager Parks

SUMMARY

This report provides the results of recent public consultation on the establishment of additional dog off leash areas in Parks and recommends approval for an amended Subordinate Local Law No2 (Animal Management) 2011.

COMMITTEE RECOMMENDATION

THAT Council approve the amended Subordinate Local Law No. 2 (Animal Management) 2011 as attached and resolves to proceed with the making of the subordinate local law with amendments as outlined in the report.

Moved by: Councillor Smith**Seconded by:** Councillor Rutherford**MOTION CARRIED**

9 NOTICES OF MOTION

Nil

10 URGENT BUSINESS\QUESTIONS

11 CLOSURE OF MEETING

There being no further business the meeting closed at 10:28am.

SIGNATURE

CHAIRPERSON

DATE