

unless otherwise stated.

1.2 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.

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

1.3.1 Operational Works:

- (i) Road Works;
- (ii) Access and Parking Works;
- (iii) Sewerage Works;
- (iv) Water Works;
- (v) Stormwater Works;
- (vi) Site Works; and
- (vii) Landscaping Works.

1.4 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.

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

1.4 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 any condition of this development approval:

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Site Plan	01C	15 June 2017
Traffic Impact Assessment Report	16-002904 Rev B	19 April 2017
Intersection Details Plan	16-002904 Rev C	June 2017
Site Stormwater Management Plan	103 Rev C	5 June 2017
Proposed Water Layout	SK103 Rev B	April 2017
Proposed Sewer Layout Plan	16-002904 Rev B	June 2017
Noise Assessment Report	1082R1-R0	20 February 2017
Unit 2 Elevations	17	7 March 2017
Unit 1 Elevations	14	7 March 2017

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.

2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of an

application for a Development Permit for Operational Works.

3.0 ROAD WORKS

- 3.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works required by this development approval.
- 3.2 All road works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, <and> relevant *Australian Standards* and *Austrroads Guidelines* and the provisions of a Development Permit for Operational Works (road works).
- 3.3 A 100 metre long and 3.5 metre wide deceleration lane as shown on the approved plans (refer to condition 2.1), must comply with the requirements of the *Capricorn Municipal Development Guidelines*, relevant *Australian Standards*, *Austrroads Guidelines* and the provisions of a Development Permit for Operational Works (road works).
- 3.4 Traffic signs and pavement markings must be provided in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*. Where necessary, existing traffic signs and pavement markings must be modified in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*.

4.0 ACCESS AND PARKING WORKS

- 4.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the development site.
- 4.2 All access and 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 (access and parking works).
- 4.3 All car parking and access areas must be paved or sealed to Council's satisfaction. Design and construction must be in accordance with the provisions of a Development Permit for Operational Works (access and parking works).
- 4.4 Access to the site must be limited to 'left in, left out' only.
- 4.5 All vehicles must ingress and egress the development in a forward gear.
- 4.6 Universal access parking spaces must be provided on-site in accordance with *Australian Standard AS2890.6 "Parking facilities - Off-street parking for people with disabilities"*.
- 4.7 Parking spaces must be line-marked in accordance with the approved 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).
- 4.8 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 development site including refuse collection vehicles.
- 4.9 All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"* and *Australian Standard AS2890.1 "Parking facilities – Off-street car parking"*.
- 4.10 Road signage and pavement markings must be installed in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"*.
- 4.11 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.

4.12 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.

4.13 Bicycle parking facilities must be provided in accordance with *AUSTROADS Guide to Traffic Engineering Practice, Part 14 – Bicycles*.

5.0 SEWERAGE WORKS

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

5.2 All sewerage 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 2008, Plumbing and Drainage Act 2002* and the provisions of a Development Permit for Operational Works (sewerage works).

5.3 The development must be connected to Council's reticulated sewerage network.

5.4 A new sewerage rising main of a fifty (50) millimetre diameter is to be provided along McColl Street and an on-site package pump station must be constructed as proposed in 'Proposed Sewer Layout Plan Rev. B dated 06/2017'. The discharge location will be determined at Operational Works stage.

5.5 Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's reticulated sewerage network. Arrestor traps must be provided where commercial or non-domestic waste is proposed to be discharged into the sewer system.

6.0 WATER WORKS

6.1 A Development Permit for Operational Works (water works) must be obtained prior to the commencement of any water works required by this development approval.

6.2 All water 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 2008, Plumbing and Drainage Act 2002* and the provisions of a Development Permit for Operational Works (water works).

6.3 The development must be connected to Council's reticulated water network in the existing 100 millimetre water main along McColl Street in accordance with the approved plans (refer to condition 2.1). A new 150 millimetre diameter water main must be constructed along Moores Creek Road from Feez Steet to Hassell Street in accordance with the approved plans (refer to condition 2.1). This non-trunk infrastructure is conditioned under section 665 of the *Sustainable Planning Act 2009*

6.4 All proposed services in the park area owned by council must be installed underground, shade trees must be retained and pathways, bollards, grassed areas must be returned to a serviceable standard after the works.

6.5 A new water connection point must be provided for the proposed use. A hydraulic engineer or other suitably qualified person must determine the size of connection required.

6.6 Adequate domestic and firefighting protection must be provided to the development, and must be certified by a hydraulic engineer or other suitably qualified person.

6.7 Water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.

7.0 STORMWATER WORKS

7.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.

7.2 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*, and sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 7.3 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.
- 7.4 The proposed catch drains (concrete invert) surrounding the site collecting flows from 355 Moores Creek Road must be sufficiently sized to convey the upstream one (1) per cent Annual Exceedance Probability flows.
- 7.5 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by engineering plans with detailed calculations of the capacity of stormwater pits and pipes to take major and minor storm flows.
- 7.6 Capacity of table drain to take the additional flow in a one (1) per cent Annual exceedance probability storm event must be determined at Operational Works stage and if not sufficient, improvements in table drain must be proposed. Proposed location of High flow discharge outlet must be revised at Operational Works Stage to discharge stormwater towards the table drain without affecting surrounding land or infrastructure.
- 8.0 SITE WORKS
- 8.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works on the development site.
- 8.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan that clearly identifies the following:
- 8.2.1 the location of cut and/or fill;
 - 8.2.2 the type of fill to be used and the manner in which it is to be compacted;
 - 8.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - 8.2.4 details of any proposed access routes that are intended to be used to transport fill to or from the development site; and
 - 8.2.5 the maintenance of access roads to and from the development site so that they are free of all cut and/or fill material and cleaned as necessary.
- 8.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 8.4 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.
- 8.5 Retaining structures above one (1) metre in height that are not incidental works to a Development Permit for Building Works, must not be constructed unless separately and specifically certified by a Registered Professional Engineer of Queensland and must be approved as part of a Development Permit for Operational Works (site works).
- 8.6 Retaining structures close to or crossing sewerage infrastructure must comply with *Queensland Development Code, Mandatory Part 1.4 "Building over or near relevant infrastructure."* The structure must be self-supporting and no additional load must be applied to Council's sewerage infrastructure.
- 8.7 Details of vegetation proposed to be cleared must be provided as part of the Environmental Management Plan.

- 8.8 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.
- 8.9 All site works must be undertaken to ensure that there is:
- 8.9.1 no increase in upstream or downstream flood levels for all levels of immunity up to a one per cent (1%) Annual exceedance probability flood event;
 - 8.9.2 no increase in velocity profiles, for which no remedy exists to prevent erosion and/or scouring. In the event that modelling shows non-compliance with the above, works must be undertaken within the system to satisfy the above criteria for development; and
 - 8.9.3 a lawful point of discharge to which the approved works drain during construction phase.

Easements will be required over any other land to accommodate the flows.

9.0 BUILDING WORKS

- 9.1 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"*.
- 9.2 All external elements, such as air conditioners and associated equipment, must be adequately screened from public view, to Council's satisfaction.
- 9.3 The development site must be fenced in accordance with the approved plans (refer to condition 2.1). All fencing must be constructed of materials and finishes that are aesthetically pleasing and commensurate with the surrounding residential area.
- 9.4 Impervious paved waste storage area/s must be provided in accordance with the approved plans (refer to condition 2.1) and the *Environmental Protection Regulation 2008* and must be:
- 9.4.1 designed and located so as not to cause a nuisance to neighbouring properties;
 - 9.4.2 screened so as not to be visible from a public space;
 - 9.4.3 of a sufficient size to accommodate commercial type bins that will be serviced by a commercial contractor plus clearances around the bins for manoeuvring and cleaning;
 - 9.4.4 setback a minimum of two (2) metres from any road frontage; and
 - 9.4.5 provided with a suitable hosecock and hoses at the refuse container area, and washdown must be drained to the sewer and fitted with an approved stormwater diversion valve arrangement in accordance with the Sewerage Trade Waste provisions and the *Plumbing and Drainage Act 2002*.

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

10.0 LANDSCAPING WORKS

- 10.1 A Development Permit for Operational Works (landscaping works) must be obtained prior to the commencement of any landscaping works required by this development approval.

A Landscaping Plan must be submitted with the first application for a Development Permit for Operational Works. The landscaping must be constructed and/or established prior to the commencement of the use and the landscape areas must predominantly contain plant species that are locally native to the Central Queensland

- region due to their low water dependency.
- 10.2 All landscaping must be constructed and/or established, in accordance with the requirements of the Development Permit for Operational Works (landscaping works), prior to the commencement of the use.
- 10.3 Any application for a Development Permit for Operational Works (landscaping works) must be generally in accordance with the approved plans (refer to condition 2.1) and must include, but is not limited to, the following:
- 10.3.1 A plan documenting the “Extent of Works” and supporting documentation that includes:
- (i) location and name of existing trees, including those to be retained (the location of the trees must 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 must 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 (stabilisation of batters, retaining walls, 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.
- 10.3.2 A “Planting Plan” and supporting documentation that includes:
- (i) landscape areas predominantly containing plant species that are locally native to the Central Queensland region due to their low water dependency;
 - (ii) trees, shrubs and groundcovers to all areas to be landscaped;
 - (iii) position and canopy spread of all trees and shrubs;
 - (iv) the extent and type of works (including but not limited to paving, fences and garden bed edging). Edging must be provided for all garden beds;
 - (v) a plant schedule with the botanic and common names, total plant numbers and pot sizes at the time of planting; and
 - (vi) mature screen planting to the rear and side boundaries.
- 10.4 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.
- 10.5 Landscaping, or any part thereof, upon reaching full maturity, must not:
- (i) obstruct sight visibility zones as defined in the *Austrroads ‘Guide to Traffic Engineering Practice’* series of publications;
 - (ii) adversely affect any road lighting or public space lighting; or
 - (iii) adversely affect any Council infrastructure, or public utility plant.
- 10.6 The landscaped areas must be subject to:
- 10.6.1 a watering and maintenance plan during the establishment moment; and
- 10.6.2 an ongoing maintenance and replanting programme.
- 11.0 ELECTRICITY

11.1 Underground electricity services must be provided to the development in accordance with the approved Operational Works Plans and the standards and requirements of the relevant service provider.

11.2 Evidence of acceptance of the works from the relevant service provider must be provided to Council, prior to the commencement of the use.

12.0 TELECOMMUNICATIONS

12.1 Underground telecommunications services must be provided to the development in accordance with the approved Operational Works Plans and the standards and requirements of the relevant service provider.

12.2 Evidence of acceptance of the works from the relevant service provider must be provided to Council, prior to the commencement of the use.

13.0 ASSET MANAGEMENT

13.1 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 undertaken and completed at no cost to Council.

13.2 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.

14.0 ENVIRONMENTAL

14.1 Any application for a Development Permit for Operational Works must be accompanied by a detailed Environmental Management Plan that addresses, but is not limited to, the following:

- (i) water quality and drainage;
- (ii) erosion and silt/sedimentation management;
- (iii) acid sulfate soils;
- (iv) fauna management;
- (v) vegetation management and clearing;
- (vi) top soil management;
- (vii) interim drainage plan during construction;
- (viii) construction programme;
- (ix) geotechnical issues;
- (x) weed control;
- (xi) bushfire management;
- (xii) emergency vehicle access;
- (xiii) noise and dust suppression; and
- (xiv) waste management.

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

- (i) objectives;
- (ii) site location and 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.

- 14.3 The Environmental Management Plan approved as part of a Development Permit for Operational Works must be part of the contract documentation for the development works.
- 14.4 The Erosion Control and Stormwater Control Management Plan prepared by a Registered Professional Engineer of Queensland in accordance with the *Capricorn Municipal Design Guidelines*, must be implemented, monitored and maintained for the duration of the development works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The plan must be available on-site for inspection by Council Officers whilst all works are being carried out.

15.0 ENVIRONMENTAL HEALTH

- 15.1 Noise emitted from the activity must not cause an environmental nuisance.
- 15.2 When requested by Council, noise monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise. The monitoring data, an analysis of the data and a report, including noise mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation. Council may require any noise mitigation measures identified in the assessment to be implemented within appropriate timeframes. Noise measurements must be compared with the acoustic quality objectives specified in the most recent edition of the *Environmental Protection (Noise) Policy 2008*.
- 15.3 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.
- 15.4 Noise mitigation measures must be constructed and implemented in accordance with the recommendations in the report titled Noise Assessment Report (refer to condition 2.1).
- 15.5 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. 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.
- 15.6 No contaminants are permitted to be released to land or water, including soil, silt, oils, detergents, etcetera. Any wash-down areas used for the maintenance or cleaning of equipment (including vehicles) must be appropriately bunded and drained to the sewer network in accordance with a trade waste permit.
- 15.7 All chemicals and/or environmentally hazardous liquids must be contained within a covered, bunded storage area that has a volume of at least that of the largest container in the bund plus twenty-five percent (25%) of the total storage capacity.
- 15.8 An appropriate spill kit must be kept on-site for neutralising or decontaminating spills.

The spill kit must be clearly identifiable, maintained regularly and stored in a central location that is easily accessible to employees. Staff must be adequately trained in the use of these materials. The spill kit may consist of:

- 15.8.1 a bin with a tight-fitting lid, partially filled with non-combustible absorbent material such as vermiculite;
 - 15.8.2 a broom, shovel, face shield, chemically-resistant boots and gloves; and
 - 15.8.3 waste bags and ties.
- 15.9 All fuel dispensing areas must be drained to a holding tank or the sewer through a trade waste approved oil interceptor/separation system.
- 16.0 OPERATING PROCEDURES
- 16.1 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 Moores Creek Road or McColl Street.
- 16.2 The hours of operations for the Food and Drink Outlet must be limited to:
- (i) 0600 hours to 2100 hours on Sunday to Thursday, and
 - (ii) 0600 hours to 2200 hours on Friday and Saturday.
- 16.3 The hours of operations for the shops must be limited to:
- (i) 0600 hours to 2100 hours on Monday to Sunday.
- 16.4 The hours of operations for the Service Station must be limited to:
- (i) 0600 hours to 2200 hours on Monday to Sunday.
- 16.5 Access to, and use of, the loading area must be limited to between 0800 and 1700 hours, Monday to Friday (inclusive) only. Access to, and use of, the loading dock area must not occur on Saturday or Sunday or any public holiday.

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 Partnerships website www.datsip.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. Licensable Activities

Should an activity licensable by Rockhampton Regional Council be proposed for the development site, Council's Environment and Public Health Unit must be consulted to determine whether any approvals are required. Such activities may include food preparation, storage of dangerous goods or environmentally relevant activities. Approval for such activities is required before 'fit out' and operation.

NOTE 4. General Safety Of Public During Construction

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

NOTE 5. Infrastructure Charges Notice

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

RECOMMENDATION C

That in relation to the application for a Development Permit for a Material Change of Use for a Service Station, Food and Drink Outlet and Shops, made by Ravcorp Developments Pty Ltd ATF Bluewater Property Trust, on Lot 2 on RP619938, Parish of Murchison, located at 353 Moores Creek Road, Norman Gardens, Council resolves to issue an Infrastructure Charges Notice for the amount of \$117,672.14.

Moved by: Mayor Strelow
Seconded by: Councillor Wickerson

MOTION CARRIED

Councillor Smith recorded her vote against the motion

In accordance with s173(2) of the *Local Government Act 2009*, Councillor Neil Fisher disclosed a perceived conflict of interest in respect of Item 8.2 – D/48-2017 – Development Application for a Material Change of Use for a Community Use due to ongoing volunteering interests and the supply of plants from his personal business, the Councillor considered his position, was of the opinion that he could participate in the debate and vote on the matter in the public interest.

8.2 D/48-2017 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A COMMUNITY USE

File No: D/48-2017

Attachments:

1. **Locality Plan**
2. **Site Plan, [Concept Site Master Plan /1194-1 CON01]**
3. **Floor Plan, [Concept Site Master Plan /1194-1 CON02]**

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

Author: Bevan Koelmeyer - Planning Officer

SUMMARY

Development Application Number: D/48-2017

Applicant: Bauhinia Architects Pty Ltd

Real Property Address: Lot 12 on SP227126, Parish of Rockhampton

Common Property Address: 13 Cavell Street, Wandal

Area of Site: 2,558 square metres

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Low Density Residential zone

Planning Scheme Overlays: Nil Applicable

Existing Development: Office of Not for Profit Organisation (Home Support Association Inc.) with an ancillary community garden

Existing Approvals: D-R/2009-949: Development Permit for a Material Change of Use for a Community Facility (Community Garden) and an Educational Establishment

Approval Sought: Development Permit for a Material Change of Use for a Community Use

Level of Assessment: Impact

Submissions: Nil

Referral Agency(s): Department of Infrastructure, Local Government and Planning

Infrastructure Charges Area: Charge Area 1

Application Progress:

<i>Application Lodged:</i>	<i>28 April 2017</i>
<i>Acknowledgment Notice issued:</i>	<i>15 May 2017</i>
<i>Request for Further Information sent:</i>	<i>Not Applicable</i>
<i>Request for Further Information responded to:</i>	<i>Not Applicable</i>
<i>Submission period commenced:</i>	<i>12 June 2017</i>
<i>Submission period end:</i>	<i>3 July 2017</i>
<i>Council request for additional time:</i>	<i>26 July 2017</i>
<i>Government Agency request for additional time:</i>	<i>Not Applicable</i>
<i>Government Agency Response:</i>	<i>26 June 2017</i>
<i>Last receipt of information from applicant:</i>	<i>4 July 2017</i>
<i>Statutory due determination date:</i>	<i>29 August 2017</i>

COMMITTEE RECOMMENDATION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for a Community Use, made by Bauhinia Architects Pty Ltd on behalf of Home Support Association Inc., located at 13 Cavell Street, Wandal, described as Lot 12 on SP227126, Parish of Rockhampton, 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, works, or requirements of this development approval must be undertaken, 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) Stormwater 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 issue of a Development Permit for Building Works.
- 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 any condition of this development approval:

<u>Plan/Document Name</u>	<u>Plan No / Rev</u>	<u>Dated</u>
Concept Site Master Plan	1194-1 CON01 / P3	13 March 2017
Concept Proposed Floor Plan	1194-1 CON02 / P3	13 March 2017
Engineering Infrastructure Report	17-000629 / Issue A	April 2017

- 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.
- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of an application for a Development Permit for Operational Works.

3.0 PARKING WORKS

- 3.1 All parking works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, and *Australian Standard AS2890 "Parking facilities"*.
- 3.2 The existing two parking bays located towards the southern side of the concrete carpark off Haig Street must be relocated to the northern side to align with the existing aisle. Chevron must be provided on the bay closest to the existing gate with a removable bollard in accordance with *Australian Standard AS2890 "Parking facilities"* requirements.
- 3.3 Universal access parking spaces must be provided on-site in accordance with *Australian Standard AS2890.6 "Parking facilities - Off-street parking for people with disabilities"*.
- 3.4 Parking spaces must be line-marked in accordance with the approved 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 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.

4.0 PLUMBING AND DRAINAGE WORKS

- 4.1 All 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 2008*, *Plumbing and Drainage Act 2002*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.

- 4.2 The development must be connected to Council's reticulated sewerage and water networks.
- 4.3 The existing sewerage and water connection point(s) must be retained, and upgraded if necessary, to service the development.
- 4.4 Adequate domestic and fire-fighting protection must be provided to the development, and must be certified by a hydraulic engineer or other suitably qualified person.
- 4.5 Sewer connections and water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with 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 2002* and Council's Plumbing and Drainage Policies.
- 4.7 Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's reticulated sewerage network. Arrestor traps must be provided where commercial or non-domestic waste is proposed to be discharged into the sewer system.
- 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 required by this development approval.
- 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 stormwater must drain to a lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development conditions, 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 The development must not increase peak stormwater runoff for a selected range of storm events up to and including a one per cent (1%) Annual exceedance probability storm event, for the post-development conditions.
- 6.0 ROOF AND ALLOTMENT DRAINAGE WORKS
- 6.1 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.
- 6.2 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance to surrounding land or infrastructure.
- 7.0 SITE WORKS
- 7.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 7.2 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.
- 7.3 Any vegetation cleared or removed must be:
- (i) mulched on-site and utilised on-site for landscaping purposes to Council's

- satisfaction, or in accordance with the approved landscaping plan; or
- (ii) removed for disposal at a location approved by Council, within sixty (60) days of clearing. Any vegetation removed must not be burnt.

8.0 BUILDING WORKS

- 8.1 All building works must be undertaken in accordance with *Queensland Development Code, Mandatory Part 1.4 "Building over or near relevant infrastructure."*
- 8.2 Impervious paved waste storage area/s must be provided in accordance with the *Environmental Protection Regulation 2008* and must be:
- 8.2.1 designed and located so as not to cause a nuisance to neighbouring properties;
- 8.2.2 surrounded by at least a 1.8 metre high screen fence that obstructs from view the contents of the waste storage area by any member of the public from any public place;
- 8.2.3 should the residential-type bins not be adequate for the development; commercial-type bins are required and must be serviced by a commercial contractor;
- 8.2.4 of a sufficient size to accommodate bins and clearances around the bins for manoeuvring and cleaning;
- 8.2.5 setback a minimum of two (2) metres from any road frontage; and
- 8.2.6 provided with a suitable hosecock and hoses at the refuse container area, and washdown must be drained to the sewer and fitted with an approved stormwater diversion valve arrangement in accordance with the Sewerage Trade Waste provisions and the *Plumbing and Drainage Act 2002*.

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

9.0 ELECTRICITY

- 9.1 Electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 9.2 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.

10.0 TELECOMMUNICATIONS

- 10.1 Telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 10.2 Evidence that the development is provided with telecommunications services from the relevant service provider must be provided to Council, prior to the commencement of the use.

Note: The *Telecommunications Act 1997* (Cth) specifies where the deployment of optical fibre and the installation of fibre-ready facilities is required.

Note: For telecommunications services, written evidence must be in the form of either a "Telecommunications Infrastructure Provisioning Confirmation" where such services are provided by Telstra or a "Notice of Practical Completion" where such services are provided by the NBN.

11.0 ASSET MANAGEMENT

- 11.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.

11.2 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.

12.0 ENVIRONMENTAL

12.1 An Erosion Control and Stormwater Control Management Plan in accordance with the *Capricorn Municipal Design Guidelines*, must be implemented, monitored and maintained for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The plan must be available on-site for inspection by Council Officers whilst all works are being carried out.

13.0 ENVIRONMENTAL HEALTH

13.1 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"*.

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

13.3 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.

13.4 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. 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.

14.0 OPERATING PROCEDURES

14.1 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 Haig Street or Cavell Street.

14.2 The hours of operations for the development site must be limited to:

- (i) 0830 hours to 1630 hours on Monday to Saturday,
with no operations on Sundays or Public Holidays.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

Should an activity licensable by Rockhampton Regional Council be proposed for the development site, Council's Environment and Public Health Unit must be consulted to determine whether any approvals are required. Such activities may include food preparation, storage of dangerous goods or environmentally relevant activities. Approval for such activities is required before 'fit out' and operation.

NOTE 5. 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 6. Infrastructure Charges Notice

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

RECOMMENDATION B

THAT in relation to the application for a Development Permit for a Material Change of Use for a Community Use, made by Bauhinia Architects Pty Ltd on behalf of Home Support Association Inc., Parish of Rockhampton, located at 13 Cavell Street, Wandal at Lot 12 on SP227126, Council resolves to issue an Infrastructure Charges Notice for the amount of \$15,062.00.

Moved by: Councillor Rutherford

Seconded by: Councillor Wickerson

MOTION CARRIED UNANIMOUSLY

8.3 MONTHLY OPERATIONS REPORT FOR PLANNING AND REGULATORY SERVICES FOR JULY 2017

File No: 1464
Attachments: 1. Monthly Operations Report for July 2017
2. Traffic Light Report for July 2017
Authorising Officer: Michael Rowe - General Manager Community Services
Author: Steven Gatt - Manager Planning & Regulatory Services

SUMMARY

The Monthly Operations Report for Planning and Regulatory Services Section for July 2017 is presented for Councillor's information.

9:46AM Chief Executive Officer left the meeting and did not return

COMMITTEE RECOMMENDATION

THAT the Planning and Regulatory Services Monthly Operations Report for July 2017 be 'received'.

Moved by: Councillor Fisher
Seconded by: Councillor Smith

MOTION CARRIED UNANIMOUSLY

8.4 COMMITTEE REPORT DELEGATIONS - JULY 2017

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 development applications received in July 2017 and whether they will be decided under delegation or decided by Council.

COMMITTEE RECOMMENDATION

THAT the Committee Report Delegations – July 2017 be received.

Moved by: Councillor Rutherford

Seconded by: Councillor Fisher

MOTION CARRIED

9 NOTICES OF MOTION

Nil

UNCONFIRMED

10 URGENT BUSINESS QUESTIONS

UNCONFIRMED

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 Development Impacts on Council's Hunter Street Property

This report is considered confidential in accordance with section 275(1)(g) (h), 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; AND other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

Moved by: Mayor Strelow
Seconded by: Councillor Smith

MOTION CARRIED

COMMITTEE RESOLUTION

9:55AM

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: Mayor Strelow

MOTION CARRIED

10:00AM

In accordance with s173(2) of the *Local Government Act 2009*, Councillor Ellen Smith disclosed a conflict of interest in respect of Item 12.1 – Development Impacts on Council's Hunter Street Property due to a family member's ownership of two adjacent properties, the Councillor considered her position, did not take part in the debate and left the meeting.

10:00AM

Mayor Strelow assumed the Chair.

COMMITTEE RESOLUTION

10:07AM

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

Moved by: Councillor Fisher
Seconded by: Councillor Wickerson

MOTION CARRIED

12 CONFIDENTIAL REPORTS

12.1 DEVELOPMENT IMPACTS ON COUNCIL'S HUNTER STREET PROPERTY

File No: D579-2013
Attachments: 1. Location Plan
Authorising Officer: Martin Crow - Manager Engineering Services
Peter Kofod - General Manager Regional Services
Author: Jamie McCaul - Coordinator Development Engineering

This report is considered confidential in accordance with section 275(1)(g) (h), 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; AND other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

SUMMARY

Council Officers have undertaken an assessment of revised flood modelling undertaken for an earthworks development application on Hunter Street which may impact on a Council owned property.

The impact on Council's property has been reduced based on a reduced fill platform.

COMMITTEE RECOMMENDATION

THAT Council as the property owner of 45 Hunter Street and as the road authority in control of Hunter Street consider the flood impacts identified in the operational works application for the filling of land (D/579-2013) are acceptable and support the approval of the development application with a reduced fill platform.

Moved by: Mayor Strelow
Seconded by: Councillor Fisher

MOTION CARRIED

Councillor Rutherford her vote against the motion

10:08AM Councillor Smith returned to the meeting and resumed the chair

13 CLOSURE OF MEETING

There being no further business the meeting closed at 10:08am.

SIGNATURE

CHAIRPERSON

DATE

UNCONFIRMED