



PLANNING & DEVELOPMENT COMMITTEE MEETING

MINUTES

9 APRIL 2014

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**REPORT OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING HELD AT
COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON ON WEDNESDAY,
9 APRIL 2014 COMMENCING AT 10:05AM**

1 OPENING**2 PRESENT**

Members Present:

The Mayor, Councillor M F Strelow (Chairperson)
Councillor C E Smith
Councillor C R Rutherford
Councillor S J Schwarten
Councillor A P Williams
Councillor N K Fisher

In Attendance:

Mr E Pardon – Chief Executive Officer
Mr R Holmes – General Manager Regional Services
Mr R Claus – Manager Planning
Mr M Crow – Manager Engineering Services
Ms T Fitzgibbon – Coordinator Development Assessment
Mr P Barry – Senior Planning Officer
Ms A O'Mara – Planning Officer
Ms C Hibberd – Planning Officer
Ms H Tiegs – Compliance Assessment Administrator
Ms L Price – Community Awareness Officer
Ms L Leeder – Committee Support Officer

3 APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence for the meeting was previously granted to Councillor Rose Swadling

Leave of Absence for the meeting was previously granted to Councillor Greg Belz

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**COMMITTEE RESOLUTION**

THAT the minutes of the Planning & Development Committee held on 26 March 2014 be taken as read and adopted as a correct record.

Moved by: Councillor Williams

Seconded by: Councillor Smith

MOTION CARRIED

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 BUSINESS OUTSTANDING

6.1 BUSINESS OUTSTANDING TABLE FOR PLANNING AND DEVELOPMENT COMMITTEE

File No: 10097

Attachments: 1. Business Outstanding Table for Planning and Development Committee

Responsible Officer: Evan Pardon - Chief Executive Officer

Author: Evan Pardon - Chief Executive Officer

SUMMARY

The Business Outstanding table is used as a tool to monitor outstanding items resolved at previous Council or Committee Meetings. The current Business Outstanding table for the Planning and Development Committee is presented for Councillors' information.

COMMITTEE RESOLUTION

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

Moved by: Councillor Williams

Seconded by: Councillor Smith

MOTION CARRIED

7 PUBLIC FORUMS/DEPUTATIONS

Nil

Pursuant to s15(2) *Council Meeting Procedures*, the Order of Business be amended to consider Item 8.4 - D/574-2013 Development Application for a Material Change of Use for a Showroom, Reconfiguring a Lot (Six Lots into Two Lots) and Operational Works for Advertising Signs next.

10:09AM Mayor Strelow disclosed a conflict of interest and left the meeting

10:09AM In accordance with s165(1)(a) of the *Local Government Act 2009* and s14(2) *Council Meeting Procedures*, the Deputy Mayor Councillor Williams be appointed Chairperson of the Planning and Development Committee meeting for the period of the Mayor, Councillor Strelow's absence.

8 OFFICERS' REPORTS

8.4 D/574-2013 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A SHOWROOM, RECONFIGURING A LOT (SIX LOTS INTO TWO LOTS) AND OPERATIONAL WORKS FOR ADVERTISING SIGNS

File No: D/574-2013

Attachments:

1. Locality Plan
2. Site Plan - DA102
3. E1 Elevations - DA201
4. E2 Elevations - DA202

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Robert Holmes - General Manager Regional Services

Author: Amanda O'Mara - Planning Officer

SUMMARY

Development Application Number: D/574-2013

Applicant: Rocky Motors Property Partnership

Real Property Address: Lot 21 on SP263875 (previously Lot 6 on RP603013 and Lot 11 on RP603013), Lot 7 on RP603013, Lot 8 on RP603013, Lot 9 on RP603013, Lot 10 on RP603013, Parish of Rockhampton

Common Property Address: 66 Derby Street, 68 Derby Street, 70 Derby Street, 72 Derby Street and 74 Derby Street, Rockhampton City

Area of Site: 1,131 square metres

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: Depot Hill Residential Area, Precinct 2 – Residential Precinct, Western Depot Hill

Existing Development: Four Dwelling Houses and Commercial Premises with Caretaker's Residence

Existing Approvals: Various building permits for the existing houses

Approval Sought: Development Permit for a Material Change of Use for a Showroom, Reconfiguring of a Lot (six lots into two lots) and Operational Works for Advertising Signs

<i>Level of Assessment:</i>	<i>Impact Assessable (Material Change of Use and Operational Works)</i>
	<i>Code Assessable (Reconfiguring a Lot)</i>
<i>Submissions:</i>	<i>One submission</i>
<i>Referral Agency(s):</i>	<i>Nil</i>
<i>Adopted Infrastructure Charges Area:</i>	<i>Charge Area 1</i>
<i>Application Progress:</i>	

<i>Application Lodged:</i>	<i>11 December 2013</i>
<i>Application properly made:</i>	<i>6 January 2014</i>
<i>Acknowledgement Notice issued:</i>	<i>9 January 2014</i>
<i>Submission period commenced:</i>	<i>6 February 2014</i>
<i>Notice of commencement of public notification:</i>	<i>7 February 2014</i>
<i>Submission period end:</i>	<i>28 February 2014</i>
<i>Notice of compliance of public notification:</i>	<i>3 March 2014</i>
<i>Council request for additional time:</i>	<i>18 March 2014</i>
<i>Statutory determination date:</i>	<i>1 May 2014</i>

COMMITTEE RESOLUTION

RECOMMENDATION A

That in relation to the application for a Development Permit for a Material Change of Use for a Showroom, Reconfiguring a Lot (six lots into two lots) and Operational Works for an Advertising Sign (plyon sign), made by Rocky Motors Property Partnership, on Lot 21 on SP263875 (previously Lot 6 on RP603013 and Lot 11 on RP603013), Lot 7 on RP603013, Lot 8 on RP603013, Lot 9 on RP603013, Lot 10 on RP603013, Parish of Rockhampton, located at 66 Derby Street, 68 Derby Street, 70 Derby Street, 72 Derby Street and 74 Derby Street, Rockhampton City, Council resolves to approve the application despite the conflict with the planning scheme and provides the following grounds to justify the decision despite the conflict:

- a) The proposed development will reduce residential densities within a flood affected area;
- b) The proposal has been designed to ensure the surrounding residential amenity will not be negatively impacted in terms of noise, light, traffic, odours, visual impact or the like;
- c) The proposed use can be considered compatible with the surrounding uses in the area;
- d) The proposed use is an expansion of an existing showroom which is neighbouring and adjacent to the site.
- e) The proposed use does not compromise the achievements of the Desired Environmental Outcomes in the *Rockhampton City Plan 2005*;
- f) Assessment of the development against the relevant area intent, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and

- g) The proposed development does not compromise the relevant State Planning Policy.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for a Showroom, Reconfiguring a Lot (six lots into two lots) and Operational Works for Advertising Signs, made by Rocky Motors Property Partnership, on Lot 21 on SP263875 (previously Lot 6 on RP603013 and Lot 11 on RP603013), Lot 7 on RP603013, Lot 8 on RP603013, Lot 9 on RP603013, Lot 10 on RP603013, Parish of Rockhampton, located at 66 Derby Street, 68 Derby Street, 70 Derby Street, 72 Derby Street and 74 Derby Street, Rockhampton City, Council resolves to Approve the application subject to the following conditions:

MATERIAL CHANGE OF USE

1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of the use, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior to the commencement of the use, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.6.1 Operational Works:
- (i) Road Works;
 - (ii) Access and Parking Works;
 - (iii) Stormwater Works; and
 - (iv) Roof and Allotment Drainage Works.
- 1.6.2 Plumbing and Drainage Works; and
- 1.6.3 Building Works:
- (i) Demolition and
 - (ii) Building works.
- 1.7 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.9 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Number</u>	<u>Dated</u>
Site Plan	DA102, Issue 04	21 October 2013
E1 Elevations	DA201, Issue 04	21 October 2013
E2 Elevations	DA202, Issue 04	21 October 2013

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

3.0 ROAD WORKS

- 3.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works on the site.
- 3.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, relevant *Australian Standards* and the provisions of a Development Permit for Operational Works (road works).
- 3.3 A concrete pathway, with a minimum width of 1.2 metres, must be constructed for the full frontage of the development to George Street and Derby Street.
- 3.4 All pathways and access ramps must be designed and constructed in accordance with *Australian Standard AS1428 "Design for Access and Mobility"*. All pathways located within a road reserve or public use land must be provided with public space lighting in accordance with *Australian Standard AS1158 "Lighting for Roads and Public Spaces"*.
- 3.5 All pathways must incorporate kerb ramps at all road crossing points.
- 3.6 Traffic signs and pavement markings must be provided in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*. Where necessary, existing traffic signs and pavement markings must be modified in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*.

4.0 ACCESS AND PARKING WORKS

- 4.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the site.
- 4.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Parking Facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 4.3 A new access and egress point must be constructed for the proposed development generally in accordance with the approved drawings (refer to condition 2.1).
- 4.4 All redundant vehicle crossovers must be removed and replaced with Council's standard kerb and channel.

5.0 SEWERAGE WORKS

- 5.1 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act* and *Plumbing and Drainage Act*.
- 5.2 The development must be connected to Council's reticulated sewerage network.
- 5.3 All works must be undertaken in accordance with a Council Building Over/Adjacent to Local Government Sewerage Infrastructure Policy.
- 5.4 Easements must be provided over all sewerage infrastructure located within private property. The easement location(s) and width(s) must be in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.
- 5.5 Sewerage access chambers located within a park or reserve, or below a Q100 flood event, must be provided with bolt down lids.
- 5.6 The finished sewerage access chamber surface must be at a sufficient level to avoid ponding of stormwater above the top of the chamber. A heavy duty trafficable lid must be provided in the trafficable area.
- 5.7 Sewer connections located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with trafficable lids.

6.0 WATER WORKS

- 6.1 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act* and the *Plumbing and Drainage Act*.
- 6.2 The development must be connected to Council's reticulated water network.
- 6.3 The existing water connection point(s) must be retained and upgraded, if necessary, to service the development.
- 6.4 Water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface level and must be provided with heavy duty trafficable lids.

7.0 PLUMBING AND DRAINAGE WORKS

- 7.1 Alteration or relocation of internal plumbing and sanitary drainage works associated with the existing buildings must be in accordance with regulated work under the *Plumbing and Drainage Act, Australian Plumbing and Drainage Standard AS3500 section 3 and 4* and the provisions of a Development Permit for Plumbing and Drainage Works.
- 7.2 Internal Plumbing and Sanitary Drainage of existing buildings must be contained within the lot it serves.

8.0 STORMWATER WORKS

- 8.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.
- 8.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 8.3 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect adjoining land or infrastructure by way of blocking, altering or diverting existing stormwater runoff patterns or have the potential to cause damage to other infrastructure.
- 8.4 The proposed development must not increase peak stormwater runoff for a selected range of storm events up to and including the one in one hundred year storm event

(100 year Average Recurrence Interval) for the post development condition.

- 8.5 Easements must be provided over all land assessed to be within the one in one hundred year rainfall event (100 year Average Recurrence Interval) inundation area.

9.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 9.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the site.

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

- 9.3 All roof and allotment drainage must be discharged such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties or infrastructure.

10.0 SITE WORKS

- 10.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.

- 10.2 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.

- 10.3 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.

- 10.4 All site works must be undertaken to ensure that there is:

- 10.4.1 no increase in upstream or downstream flood levels for all levels of immunity up to Q100;
- 10.4.2 no increase in velocity profiles, for which no remedy exists to prevent erosion and/or scouring. In the event that modelling shows non-compliance with the above, works must be undertaken within the system to satisfy the above criteria for development; and
- 10.4.3 a lawful point of discharge to which the developed flows from the land drain. Easements will be required over any other land to accommodate the flows.

11.0 BUILDING WORKS

- 11.1 All structures must maintain a clearance of two (2) metres to any sewerage infrastructure.

- 11.2 The existing dwelling houses on the subject land must be demolished. A development permit for building works (demolition) must be obtained prior to the demolition of the existing dwelling houses.

- 11.3 All waste storage areas must be:

- 11.3.1 Aesthetically screened from any frontage or adjoining property.

- 11.4 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 five (5) dB (A) above the background ambient noise level, measured at the boundaries of the subject site.

- 11.5 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"*.

- 11.6 Provide a 1.8 metre high acoustic screen fence along the common boundary of the subject site and any adjoining residential properties.

- 11.7 A minimum of thirty percent (30%) of the gross floor area must be at least 500 millimetres above the level of the one in one hundred year flood event (100 year Average Recurrence Interval).

12.0 LANDSCAPING WORKS

- 12.1 Landscaping of the development must be generally in accordance with the approved plans (refer to condition 2.1).

- 12.2 All landscaping must predominantly contain plant species that are locally native to the Central Queensland region due to their low water dependency.

- 12.3 Landscaping, or any part thereof, upon reaching full maturity, must not:

- (i) obstruct sight visibility zones as defined in the *Austroads 'Guide to Traffic Engineering Practice'* series of publications;
- (ii) adversely affect any road lighting or public space lighting; or
- (iii) adversely affect any Council infrastructure, or public utility plant.

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

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

13.0 ELECTRICITY AND TELECOMMUNICATIONS

- 13.1 Above-ground electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.

14.0 ASSET MANAGEMENT

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

- 14.2 Any damage to existing 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.

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

15.0 ENVIRONMENTAL

- 15.1 Any application for a Development Permit for Operational 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.

15.2 The Erosion Control and Stormwater Control Management Plan must be implemented and maintained on-site for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The prepared Erosion Control and Stormwater Control Management Plan must be available on-site for inspection by Council Officers during those works.

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 site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in George Street or Derby Street.

16.2 The hours of operations must be limited to:

16.2.1 0800 hours to 1800 hours on Monday to Saturday, and

16.2.2 no operations on Sunday or Public Holidays.

16.3 All waste storage areas must be kept in a clean, tidy condition in accordance with *Environmental Protection (Waste Management) Regulations*.

RECONFIGURING A LOT

17.0 ADMINISTRATION

17.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.

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

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

17.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the issue of the Compliance Certificate for the Survey Plan, unless otherwise stated.

17.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council, prior to the issue of the Compliance Certificate for the Survey Plan, unless otherwise stated.

17.6 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.

17.7 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

17.8 No development application for Building Works associated with this approval can be

submitted unless and until the Compliance Certificate for the Survey Plan for proposed Lot 111 and Lot 110 has been issued.

- 17.9 A three-chord truncation must be provided to the intersection of the property boundaries of proposed Lot 111 on the corner of George Street and Derby Street.

18.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Site Survey Plan	DA101, Issue 04	21 October 2013

- 18.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.

19.0 SEWERAGE WORKS

- 19.1 All works must be designed and constructed in accordance with the approved plans (refer to condition 18.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act and Plumbing and Drainage Act*.
- 19.2 All lots within the development must be connected to Council's reticulated sewerage network.
- 19.3 The existing sewerage connection point located within the proposed Lot 110 must be retained to service Lot 110.
- 19.4 Proposed Lot 111 must be connected to the reticulated sewerage network via a single sewerage service connection point and all other existing sewerage service connections must be disconnected.
- 19.5 Sewerage access chambers located below a Q100 flood event, must be provided with bolt down lids.
- 19.6 The finished sewerage access chamber surface must be at a sufficient level to avoid ponding of stormwater above the top of the chamber. A heavy duty trafficable lid must be provided in the trafficable area.
- 19.7 Easements must be provided over all sewerage infrastructure located within private property. The easement location(s) and width(s) must be in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.

20.0 WATER WORKS

- 20.1 All works must be designed and constructed in accordance with the approved plans (refer to condition 18.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act and Plumbing and Drainage Act*.
- 20.2 All lots within the development must be connected to Council's reticulated water network.
- 20.3 The existing water connection point located within the proposed Lot 110 must be retained to service Lot 110.
- 20.4 Proposed Lot 111 must be connected to the reticulated water supply network via a single water service connection point and all other existing water service connections must be disconnected.

21.0 PLUMBING AND DRAINAGE WORKS

- 21.1 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated

work under the *Plumbing and Drainage Act* and *Australian Plumbing and Drainage Standard AS3500 section 3 and 4*.

22.0 ELECTRICITY AND TELECOMMUNICATIONS

22.1 Above-ground electricity and telecommunication connections must be provided to each lot within the proposed development to the standards of the relevant authorities.

22.2 Evidence must be provided of a certificate of supply with the relevant service providers to provide each lot with live electricity and telecommunication connections, in accordance with the requirements of the relevant authorities prior to the issue of the Compliance Certificate for the Survey Plan.

23.0 ASSET MANAGEMENT

23.1 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.

23.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.

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

24.0 OPERATING PROCEDURES

24.1 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 Derby Street or George Street.

OPERATIONAL WORKS

25.0 ADMINISTRATION

25.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.

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

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

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

25.5 The following further development permits are required prior to the commencement of any works on the site:

25.5.1 Building Works.

25.6 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.

26.0 APPROVED PLANS

- 26.1 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.

<u>Plan/Document Name</u>	<u>Plan/Document Number</u>	<u>Dated</u>
Site Plan	DA102, Issue 04	21 October 2013
E1 Elevations	DA201, Issue 04	21 October 2013
E2 Elevations	DA202, Issue 04	21 October 2013

- 26.2 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.
- 26.3 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.
- 26.4 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.

27.0 ASSET MANAGEMENT

- 27.1 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.

28.0 OPERATING PROCEDURE

- 28.1 All signage must only display or advertise a matter associated with the primary purpose for which the premises is used.
- 28.2 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.
- 28.3 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*'.

29.0 CONSTRUCTION PROCEDURES

- 29.1 Council reserves the right for uninterrupted access to the site at all times during construction.
- 29.2 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.
- 29.3 Any proposed works within the vicinity (or zone of influence) of existing Council infrastructure must 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.
- 29.4 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in George Street

or Derby Street.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. Asbestos Removal

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

NOTE 3. General Environmental Duty

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

NOTE 4. General Safety Of Public During Construction

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

RECOMMENDATION C

That in relation to the application for a Development Permit for a Material Change of Use for a Showroom, Reconfiguring a Lot (six lots into two lots) and Operational Works for Advertising Signs, made by Rocky Motors Property Partnership, on Lot 21 on SP263875 (previously Lot 6 on RP603013 and Lot 11 on RP603013), Lot 7 on RP603013, Lot 8 on RP603013, Lot 9 on RP603013, Lot 10 on RP603013, Parish of Rockhampton, located at 66 Derby Street, 68 Derby Street, 70 Derby Street, 72 Derby Street and 74 Derby Street, Rockhampton City, Council resolves that an Adopted Infrastructure Charges Notice will not be issued.

Moved by: Councillor Smith

Seconded by: Councillor Fisher

MOTION CARRIED

10:12AM Mayor Strelow returned to the meeting and resumed the Chair.

8.1 D/440-2013 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR TELECOMMUNICATION FACILITY/TOWER

File No: D/440-2013

Attachments:

1. Locality Plan
2. Site Layout
3. Elevation Plan

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Robert Holmes - General Manager Regional Services

Author: Petrus Barry - Senior Planning Officer

SUMMARY

Development Application Number: D/440-2013

Applicant: Telstra Corporation Ltd

Real Property Address: Lot 1 on RP 864505, Parish of Archer

Common Property Address: 239 Rockonia Road, Koongal

Area of Site: 3.3343 hectares

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: Berserker Heights Residential Area

Existing Development: Public Open Space

Existing Approvals: Nil

Approval Sought: Development Permit for a Telecommunication Facility/Tower

Level of Assessment: Impact Assessable

Submissions: One and one petition

Referral Agency(s): Not Applicable

Adopted Infrastructure Charges Area: Charge Area one

Application Progress:

<i>Application Lodged:</i>	19 September 2013
<i>Request for extension to start public notification</i>	26 November 2013
<i>Submission period commenced:</i>	4 February 2014
<i>Submission period end:</i>	25 February 2014
<i>Last receipt of information from applicant:</i>	21 March 2013
<i>Statutory determination date:</i>	22 April 2014

10:28AM Councillor Schwarten attended the meeting

COMMITTEE RESOLUTION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Telecommunication Facility/Tower, made by Telstra Corporation Ltd on behalf of Rockhampton Regional Council, on Lot 1 on RP864505, Parish of Archer, located at 239 Rockonia Road, Koongal, Council resolves to Approve the application despite the conflict with the planning scheme and provides the following grounds to justify the decision despite the conflict:

- (a) The proposed facility is a response to an essential community need and regarded as a necessity for improved wireless telecommunication infrastructure and will provide essential data transmission in the growing telecommunications sector to the benefit of the area and the wider community;
- (b) Assessment of the development against the relevant planning scheme codes demonstrates that the proposed development will not cause significant adverse impact on the surrounding natural environment, built environment and infrastructure, community facilities or local character and amenity;
- (c) Assessment of the development demonstrates that the Planning Scheme Wide Desired Environmental Outcomes will not be compromised; and
- (d) The proposed development does not compromise the relevant State Planning Policy.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Telecommunication Facility/Tower, made by Telstra Corporation Ltd on behalf of Rockhampton Regional Council, on Lot 1 on RP864505, Parish of Archer, located at 239 Rockonia Road, Koongal, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of the use, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior, to the commencement of the use, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
 - 1.6.1 Buildings Works.
- 1.7 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.8 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Site Layout and Access	Q110902 Sheet S1	21 August 2013
Site Set-out Plan	Q110902 Sheet S1-1	5 December 2012
Site Elevation	Q110902 Sheet S3	5 December 2012

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

3.0 STORMWATER WORKS

- 3.1 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.

- 3.2 The Developer must submit a Flood Study prior to any Building Works that addresses the following items:

- 3.2.1 Demonstration that practical access to the site can be achieved during a range of flood events in accordance with the *Flood Prone Land Code* in the *Rockhampton City Plan*;
- 3.2.2 Determination of the expected flood height for the subject land during a 1 in 100 year Average Recurrence Interval flood event;
- 3.2.3 Demonstration that all electrical infrastructure is located a minimum of 500 millimetres above the 1 in 100 year Average Recurrence Interval flood event; and
- 3.2.4 Demonstration that no actionable nuisance is caused by the proposed fencing or structures that are located within the Frenchmans Creek flowpath.

- 3.3 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect adjoining land or infrastructure in comparison to the pre-development condition by way of blocking, altering or diverting existing stormwater runoff patterns or have the potential to cause damage to other infrastructure.

4.0 SITE WORKS

- 4.1 All earthworks must be undertaken in accordance with *Australian Standard, AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.

- 4.2 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.

- 4.3 Any vegetation cleared or removed must be:

- (i) cleared only within the leased area;
- (ii) mulched on-site and utilised on-site for landscaping purposes, in accordance with the landscaping plan approved by Council; or
- (iii) removed for disposal at a location approved by Council;

within sixty (60) days of clearing. Any vegetation removed must not be burnt.

4.4 All site works must be undertaken to ensure that there is:

- 4.4.1 no increase in upstream or downstream flood levels for all levels of immunity up to Q100;
- 4.4.2 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
- 4.4.3 a lawful point of discharge to which the developed flows from the land drain. Easements will be required over any other land to accommodate the flows.

5.0 BUILDING WORKS

- 5.1 The proposed equipment shelter must have a minimum floor level that is 500 millimetres above the 1 in 100 year Average Recurrence Interval flood level.
- 5.2 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 5.3 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*'.

6.0 ELECTRICITY AND TELECOMMUNICATIONS

- 6.1 Underground electricity connections must be provided to the proposed development to the standards of the relevant authorities.
- 6.2 Evidence must be provided of a certificate of supply with the relevant service providers to provide the development with live electricity connections, in accordance with the requirements of the relevant authorities prior to the commencement of the use.

7.0 ASSET MANAGEMENT

- 7.1 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.
- 7.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.

8.0 ENVIRONMENTAL

- 8.1 An Erosion Control and Stormwater Control Management Plan must be implemented and maintained on-site for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The prepared Erosion Control and Stormwater Control Management Plan must be available on-site for inspection by Council Officers during those works.

9.0 OPERATING PROCEDURES

- 9.1 All fencing must be maintained to the satisfaction of Council, at no cost to Council.
- 9.2 The telecommunication facility must at all times comply with the Australian Communications and Media Authority mandatory limits for general public exposure to

radiofrequency and electronic energy.

- 9.3 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 Elphinstone Street.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. General Environmental Duty

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

NOTE 3. General Safety Of Public During Construction

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

RECOMMENDATION C

That in relation to the application for a Development Permit for a Telecommunication Facility/Tower, made by Telstra Corporation Ltd on behalf of Rockhampton Regional Council, on Lot 1 on RP864505, Parish of Archer, located at 239 Rockonia Road, Koongal, Council resolves to not issue an Adopted Infrastructure Charges Notice.

Moved by: Councillor Fisher

Seconded by: Councillor Smith

MOTION CARRIED

10:43AM Councillor Williams left the meeting

8.2 D/441-2013 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A TELECOMMUNICATION FACILITY/TOWER

File No: D/441-2013

Attachments:

1. Locality Plan
2. Site Layout Plan
3. Elevation Plan

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Robert Holmes - General Manager Regional Services

Author: Petrus Barry - Senior Planning Officer

SUMMARY

Development Application Number: D/441-2013

Applicant: Telstra Corporation Ltd

Real Property Address: Lot 5 on RP616382, Parish of Murchison

Common Property Address: 362 Moores Creek Road, Norman Gardens

Area of Site: 2.879 hectares

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: Richardson Road Residential Area

Existing Development: Public Open Space

Existing Approvals: Nil

Approval Sought: Development Permit for a Telecommunication Facility/Tower

Level of Assessment: Impact Assessable

Submissions: Eight

Referral Agency(s): Not Applicable

Adopted Infrastructure Charges Area: Charge Area one

Application Progress:

<i>Application Lodged:</i>	19 September 2013
<i>Request for extension to start public notification</i>	26 November 2013
<i>Submission period commenced:</i>	4 February 2014
<i>Submission period end:</i>	25 February 2014
<i>Last receipt of information from applicant:</i>	21 March 2013
<i>Statutory determination date:</i>	22 April 2014

COMMITTEE RESOLUTION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for a Telecommunication Facility/Tower, made by Telstra Corporation Ltd on behalf of Rockhampton Regional

Council, on Lot 5 on RP616382, Parish of Murchison, located at 362 Moores Creek Road, Norman Gardens, Council resolves to Approve the application despite the conflict with the planning scheme and provides the following grounds to justify the decision despite the conflict:

- (a) The proposed facility is a response to an essential community need and regarded as a necessity for improved wireless telecommunication infrastructure and will provide essential data transmission in the growing telecommunications sector to the benefit of the area and the wider community;
- (b) Assessment of the development against the relevant planning scheme codes demonstrates that the proposed development will not cause significant adverse impact on the surrounding natural environment, built environment and infrastructure, community facilities or local character and amenity;
- (c) Assessment of the development demonstrates that the Planning Scheme Wide Desired Environmental Outcomes will not be compromised; and
- (d) The proposed development does not compromise the relevant State Planning Policy.

RECOMMENDATION B

THAT in relation to the application for a Development Permit for a Telecommunication Facility/Tower, made by Telstra Corporation Ltd on behalf of Rockhampton Regional Council, on Lot 5 on RP616382, Parish of Murchison, located at 362 Moores Creek Road, Norman Gardens, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of the use, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior, to the commencement of the use, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
 - 1.6.1 Operational Works:
 - (ii) Access Works; and
 - (iii) Site Works
 - 1.6.2 Buildings Works.
- 1.7 All Development Permits for Operational Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.9 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved,

supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Site Layout and Access	Q110913 Sheet S1	7 December 2012
Site Set-out Plan	Q110913 Sheet S1-1	7 December 2012
Site Elevation	Q110913 Sheet S3	7 December 2012

- 2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.

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

3.0 ACCESS WORKS

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

- 3.2 Informal access to the proposed telecommunications facility must be provided from the edge of Moores Creek Road to the perimeter of the fenced compound for the purposes of the construction and maintenance of the telecommunications facility.

- 3.3 The informal access crossing of the existing pathway must be reinforced and the area must be reinstated to the condition that it was before the access was created.

4.0 STORMWATER WORKS

- 4.1 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.

- 4.2 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect adjoining land or infrastructure in comparison to the pre-development condition by way of blocking, altering or diverting existing stormwater runoff patterns or have the potential to cause damage to other infrastructure.

5.0 SITE WORKS

- 5.1 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks' plan which clearly identifies the following:

- 5.1.1 the location of cut and/or fill;
- 5.1.2 the type of fill to be used and the manner in which it is to be compacted;
- 5.1.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;

- 5.2 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.

- 5.3 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.

- 5.4 Vegetation must not be cleared unless and until written approval has been provided by Council. A Development Permit for Operational Works constitutes written

approval, only for the purposes of clearing vegetation directly pertinent to the operational works which are the subject of the Development Permit.

5.5 Any vegetation cleared or removed must be:

- (i) cleared only within the leased area;
- (ii) mulched on-site and utilised on-site for landscaping purposes, in accordance with the landscaping plan approved by Council; or
- (iii) removed for disposal at a location approved by Council;

within sixty (60) days of clearing. Any vegetation removed must not be burnt.

5.6 All site works must be undertaken to ensure that there is:

- 5.6.1 no increase in upstream or downstream flood levels for all levels of immunity up to Q100;
- 5.6.2 no increase in velocity profiles, for which no remedy exists to prevent erosion and/or scouring. In the event that modelling shows non-compliance with the above, works must be undertaken within the system to satisfy the above criteria for development; and
- 5.6.3 a lawful point of discharge to which the developed flows from the land drain. Easements will be required over any other land to accommodate the flows.

6.0 BUILDING WORKS

6.1 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

6.2 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*'.

7.0 ELECTRICITY AND TELECOMMUNICATIONS

7.1 Underground electricity connections must be provided to the proposed development to the standards of the relevant authorities.

7.2 Evidence must be provided of a certificate of supply with the relevant service providers to provide the development with live electricity connections, in accordance with the requirements of the relevant authorities prior to the commencement of the use.

8.0 ASSET MANAGEMENT

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

8.2 Any damage to existing 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.

9.0 ENVIRONMENTAL

9.1 Any application for a Development Permit for Operational 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.

9.2 The Erosion Control and Stormwater Control Management Plan must be implemented and maintained on-site for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The prepared Erosion Control and Stormwater Control Management Plan must be available on-site for inspection by Council Officers during those works.

10.0 OPERATING PROCEDURES

10.1 All fencing must be maintained to the satisfaction of Council, at no cost to Council.

10.2 The telecommunication facility must at all times comply with the Australian Communications and Media Authority mandatory limits for general public exposure to radiofrequency and electronic energy.

10.3 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 Moores Creek Road.

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

NOTE 3. General Safety Of Public During Construction

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

RECOMMENDATION C

That in relation to the application for a Development Permit for a Telecommunication Facility/Tower, made by Telstra Corporation Ltd on behalf of Rockhampton Regional Council, on Lot 5 on RP616382, Parish of Murchison, located at 362 Moores Creek Road, Norman Gardens, Council resolves to not issue an Adopted Infrastructure Charges Notice.

Moved by: Mayor Strelow

Seconded by: Councillor Smith

MOTION CARRIED UNANIMOUSLY

8.3 D/564-2013 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A MULTI UNIT DWELLING (FOUR UNITS)

File No: D/564-2013

Attachments:

1. Locality Plan
2. Site and Landscaping Plan
3. Elevations

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Robert Holmes - General Manager Regional Services

Author: Corina Hibberd - Planning Officer

SUMMARY

Applicant: Bell Business Co Pty Ltd & Hooper Constructions Pty Ltd

Real Property Address: Lot 3 on RP608464, Parish of Archer

Common Property Address: 153 Kerrigan Street, Frenchville

Area of Site: 1,313 square metres

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: Frenchville Residential Area

Existing Development: Single Dwelling House

Existing Approvals: 2013 Demolition Permit for the house

Approval Sought: Development Permit for a Material Change of Use for a Multi Unit Dwelling (four units)

Level of Assessment: Impact Assessable

Submissions: Nil

Referral Agency(s): Nil

Adopted Infrastructure Charges Area: Charge Area One

Application Progress:

<i>Application Lodged:</i>	12 December 2013
<i>Request for Further Information sent:</i>	8 January 2014
<i>Request for Further Information responded to:</i>	14 February 2014
<i>Submission period commenced:</i>	17 February 2014
<i>Submission period end:</i>	7 March 2014
<i>Last receipt of information from applicant:</i>	14 March 2014
<i>Statutory determination date:</i>	11 April 2014

COMMITTEE RESOLUTION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for a Material Change of Use for a Multi Unit Dwelling (four units), made by Bell Business Co Pty Ltd & Hooper

Constructions Pty Ltd, on Lot 3 on RP608464, Parish of Archer, located at 153 Kerrigan Street, Frenchville, Council resolves to Approve the application despite its conflict with the planning scheme and provides the following grounds to justify the decision despite the conflict:

- (a) The proposal is located within an area designated to accommodate Rockhampton's residential growth;
- (b) The use is for residential purposes and contributes to providing a mix of accommodation options within Rockhampton which is supported through the Desired Environmental Outcomes in the *Rockhampton City Plan 2005*;
- (c) Having regard to the size of the allotment which is subject to the proposal, being 1,313 square metres (providing an average area of approximately 330 square metres per unit); it is considered reasonable to accommodate the proposed use when compared with the minimum lot size of 300 square metres achievable for this area;
- (d) The proposed use does not compromise the achievements of the Desired Environmental Outcomes in the *Rockhampton City Plan 2005*;
- (e) Assessment of the development against the relevant planning scheme codes, demonstrates that the proposed development will not cause significant adverse impact on the surrounding natural environment, built environment and infrastructure, community facilities or local character and amenity; and
- (f) The proposed development does not compromise the relevant State Planning Policy.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Multi Unit Dwelling (four units), made by Bell Business Co Pty Ltd & Hooper Constructions Pty Ltd, on Lot 3 on RP608464, Parish of Archer, located at 153 Kerrigan Street, Frenchville, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of the use, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior, to the commencement of the use, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
 - 1.6.1 Plumbing and Drainage Works;
 - 1.6.2 Building Works;
 - 1.6.3 Operational Works:
 - (i) Road Works;

- (ii) Access Works;
- (iii) Roof and Allotment Drainage Works; and
- (iv) Site Works.

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

1.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.

1.9 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Site and Landscaping Plan	T13-0802-01 Sheet 1 of 7, Rev 03	23 January 2014
Floor Plan – Unit 1 (Unit 4 Similar)	T13-0802-02 Sheet 2 of 7, Rev 03	23 January 2014
Floor Plan – Unit 2 (Unit 3 Similar)	T13-0802-03 Sheet 3 of 7, Rev 03	23 January 2014
Elevation 1 (West) and Elevation 2 (South)	T13-0802-04 Sheet 4 of 7, Rev 03	23 January 2014
Elevation 3 (East) and Elevation 4 (North)	T13-0802-05 Sheet 5 of 7, Rev 03	23 January 2014
Site Works Plan	T13-0802-07 Sheet 7 of 7, Rev 03	23 January 2014

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

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

3.0 ROAD WORKS

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

3.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, relevant *Australian Standards* and the provisions of a Development Permit for Operational Works (road works).

3.3 A concrete pathway, with a minimum width of 1.2 metres, must be constructed on the northern side of Kerrigan Street for the full frontage of the site.

3.4 All pathways and access ramps must be designed and constructed in accordance with *Australian Standard AS1428 "Design for Access and Mobility"*.

3.5 All pathways located within a road reserve or public use land must be provided with public space lighting in accordance with *Australian Standard AS1158 "Lighting for Roads and Public Spaces"*.

4.0 ACCESS WORKS

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

4.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Parking Facilities"* and the provisions of a Development Permit for Operational Works (access works).

4.3 The new driveway crossover must be a minimum of 5.5 metres wide for 5.5 metres, measured from the Kerrigan Street kerb and channel toward the front property boundary and taper to 4.5 metres at the site boundary to allow two vehicles to pass each other whilst entering/exiting the site.

4.4 All redundant driveway crossovers must be removed and replaced with Council's standard kerb and channel.

5.0 SEWERAGE WORKS

5.1 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, and *Plumbing and Drainage Act*.

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

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

5.4 Sewer connections located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with trafficable lids.

6.0 WATER WORKS

6.1 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, and *Plumbing and Drainage Act*.

6.2 The development must be connected to Council's reticulated water network.

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

6.4 The development must be provided with a master meter at the property boundary and sub meters for each sole occupancy building in accordance with the *Queensland Plumbing and Drainage Code* and Council's Sub-metering Policy.

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

7.0 PLUMBING AND DRAINAGE WORKS

7.1 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, *Plumbing and Drainage Act* and Council's Plumbing and Drainage Policies.

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

8.0 ROOF AND ALLOTMENT DRAINAGE WORKS

8.1 A Development Permit for Operational Works (roof and allotment drainage works)

- must be obtained prior to the commencement of any drainage works on the site.
- 8.2 All roof and allotment drainage must be in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.
- 8.3 The development must not increase peak stormwater runoff for a selected range of storm events up to and including the one in one hundred year storm event (100 year Average Recurrence Interval) for the post development condition.
- 8.4 All roof and allotment drainage must be discharged such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties or infrastructure.
- 9.0 SITE WORKS
- 9.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works.
- 9.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks' plan which clearly identifies the following:
- 9.2.1 the location of cut and/or fill;
 - 9.2.2 the type of fill to be used and the manner in which it is to be compacted;
 - 9.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - 9.2.4 details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and
 - 9.2.5 the maintenance of access roads to and from the site so that they are free of all cut and/or fill material and cleaned as necessary.
- 9.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 9.4 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.
- 9.5 The structural design of all retaining walls above one (1) metre in height must be separately and specifically certified by a Registered Professional Engineer of Queensland as part of an Operational Works submission. A Registered Professional Engineer of Queensland must on completion certify that all works are compliant with the approved design.
- 9.6 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.
- 9.7 All site works must be undertaken to ensure that there is:
- 9.7.1 no increase in upstream or downstream flood levels for all levels of immunity up to Q100;
 - 9.7.2 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
 - 9.7.3 a lawful point of discharge to which the developed flows from the land drain. Easements will be required over any other land to accommodate the flows.

10.0 BUILDING WORKS

- 10.1 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 five (5)dB(A) above the background ambient noise level, measured at the boundaries of the subject site.
- 10.2 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"*.
- 10.3 The private open space area between Unit 2 and Unit 3 must be fenced with a 1.8 metre high fence, of appropriate material.
- 10.4 All fencing on side and rear boundaries must be a minimum 1.8 metres in height. The fencing may be graduated down to 1.2 metres towards the road frontage. All side and rear boundaries, and internal fencing must ensure privacy and security to adjoining residential properties. The fencing must be constructed of materials and finishes that prevent light spillage of vehicle headlights and are commensurate with the surrounding residential area.
- 10.5 All structures must maintain a clearance of two (2) metres to any sewerage infrastructure including connection point in accordance with Council's *Building Over/Adjacent to Local Government Sewerage Infrastructure Policy*.

11.0 LANDSCAPING WORKS

- 11.1 All landscaping must be established generally in accordance with the approved plans (refer to condition 2.1).
- 11.2 The three existing street trees along the Kerrigan Street frontage must not be removed.
- 11.3 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure. Small shrubs and groundcover are acceptable.
- 11.4 Landscaping, or any part thereof, upon reaching full maturity, must not:
- (i) obstruct sight visibility zones as defined in the *Austroads 'Guide to Traffic Engineering Practice'* series of publications;
 - (ii) adversely affect any road lighting or public space lighting; or
 - (iii) adversely affect any Council infrastructure, or public utility plant.
- 11.5 The landscaped areas must be subject to an ongoing maintenance and replanting programme (if necessary).

12.0 ELECTRICITY AND TELECOMMUNICATIONS

- 12.1 Underground electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.
- 12.2 Evidence must be provided of a certificate of supply with the relevant service providers to provide each unit with live electricity and telecommunication connections, in accordance with the requirements of the relevant authorities prior to 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 at full cost to the Developer.

13.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.

14.0 ENVIRONMENTAL

14.1 Any application for a Development Permit for Operational 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.

14.2 An Erosion Control and Stormwater Control Management Plan must be implemented and maintained on-site for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The prepared Erosion Control and Stormwater Control Management Plan must be available on-site for inspection by Council Officers during those works.

15.0 OPERATING PROCEDURES

15.1 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 Kerrigan Street.

15.2 All waste storage areas must be kept in a clean, tidy condition in accordance with *Environmental Protection (Waste Management) Regulations*.

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. Asbestos Removal

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

NOTE 3. General Environmental Duty

General environmental duty under the *Environmental Protection Act* prohibits

unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the property during all stages of the development including earthworks, construction and operation.

NOTE 4. General Safety Of Public During Construction

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

NOTE 5. Works in Road Reserve Permit

It is advised that a Works in Road Reserve Permit (including a fee for the vehicle crossover and compliant with Standard *Capricorn Municipal Development Guideline* Drawings) may be accepted in place of the Development Permit for Operational Works (access works).

NOTE 6. Adopted Infrastructure Charges Notice

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

RECOMMENDATION C

That in relation to the application for a Development Permit for a Multi Unit Dwelling (four units), made by Bell Business Co Pty Ltd & Hooper Constructions Pty Ltd, on Lot 3 on RP608464, Parish of Archer, located at 153 Kerrigan Street, Frenchville, Council resolves to issue an adopted infrastructure charges notice.

Moved by: Councillor Fisher

Seconded by: Councillor Rutherford

MOTION CARRIED

8.5 D/648-2012 - REQUEST FOR A NEGOTIATED DECISION NOTICE FOR A DEVELOPMENT PERMIT FOR PUBLIC FACILITY (WASTE DISPOSAL STATION) AND AN ENVIRONMENTALLY RELEVANT ACTIVITY (ERA 60 - WASTE DISPOSAL)

File No: D/648-2012

Attachments: 1. Locality Plan

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Robert Holmes - General Manager Regional Services

Author: Hayley Tiegs - Compliance Assessment Administrator

SUMMARY

Development Application Number: D/648-2012

Applicant: JRT Equipment Hire

Real Property Address: Lot 1 on RP604651, Parish of Gracemere

Common Property Address: 231 Lucas Street, Gracemere

Area of Site: 3.81 hectares

Planning Scheme: Fitzroy Shire Planning Scheme 2005

Planning Scheme Zoning: Town Zone – Utilities Precinct

Planning Scheme Overlays: Bushfire Hazard (Low Risk), within 8 kilometres of the Rockhampton Airport

Existing Development: Extractive Industry

Existing Approvals: D/11-2011 – Earthworks

Approval Sought: Development Permit for a Material Change of Use for a Public Facility (Waste Disposal Station) and an Environmentally Relevant Activity (ERA 60 – Waste Disposal)

Level of Assessment: Impact assessable

Submissions: Forty-one (41) properly made submissions and four (4) not properly made submissions were received

Referral Agency(s): Department of Environment and Heritage Protection

Application Progress:

<i>Application lodged:</i>	15 December 2012
<i>Not Properly Made letter sent:</i>	18 December 2012
<i>Owner's Consent received:</i>	20 December 2012
<i>Further plans received, application properly made:</i>	7 January 2013
<i>Acknowledgement Notice issued:</i>	16 January 2013
<i>Information Request issued:</i>	31 January 2013
<i>Response to Information Request received:</i>	28 February 2013
<i>Information Request issued by Department of Environment and Heritage Protection:</i>	11 March 2013

<i>Extension of Information Request period issued by Department of Environment and Heritage Protection:</i>	<i>2 April 2013</i>
<i>Information Request issued by Department of Environment and Heritage Protection:</i>	<i>4 April 2013</i>
<i>Response to Information Request from Department of Heritage Protection received:</i>	<i>5 July 2013</i>
<i>Notice of Commencement of Public Notification received:</i>	<i>15 July 2013</i>
<i>Notice of Compliance received:</i>	<i>6 August 2013</i>
<i>Referral Agency's Assessment Period ended:</i>	<i>30 August 2013</i>
<i>Extension to Decision Making Period issued:</i>	<i>3 September 2013</i>
<i>Conditions received by Department of Environment and Heritage Protection:</i>	<i>11 September 2013</i>
<i>Applicant's Appeal Period for Referral Agency's Response ended:</i>	<i>25 September 2013</i>
<i>Council decision to approve application:</i>	<i>8 October 2013</i>
<i>Decision notice issued:</i>	<i>15 October 2013</i>
<i>Applicant suspended appeal period:</i>	<i>24 October 2013</i>
<i>Request for Negotiate Decision Notice received:</i>	<i>18 November 2013</i>

COMMITTEE RESOLUTION**RECOMMENDATION A**

THAT in relation to the request for a Negotiated Decision Notice for Development Permit D/648-2012, made by JRT Equipment Hire, on land described as Lot 1 on RP604651, Parish of Gracemere and located at 231 Lucas Street, Gracemere, Council resolves that:

1. Condition 1.10 be replaced with the following condition:

The approval is limited to a period of twenty (20) years from the approval effective date. Thereafter the use shall cease to be lawful.

2. Condition 3.7 remains unchanged.
3. Condition 4.3 remains unchanged.
4. Condition 8.3 remains unchanged.
5. Condition 8.4 remains unchanged.

RECOMMENDATION B

THAT to reflect the above amendments, JRT Equipment Hire be issued with a Negotiated Decision Notice for Development Permit D/648-2012 for a Public Facility (Waste Disposal Station) and an Environmentally Relevant Activity (ERA 60 - Waste Disposal), subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.

- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of the use, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior to the commencement of the use, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
- 1.6.1 Operational Works:
- (i) Road Works;
 - (ii) Access Works;
 - (iii) Stormwater Works;
 - (iv) Site Works;
 - (v) Landscaping Works;
- 1.6.2 Building Works; and
- 1.6.3 Plumbing and Drainage Works.
- 1.7 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.9 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant Australian Standards and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 1.10 The approval is limited to a period of twenty (20) years from the approval effective date. Thereafter the use shall cease to be lawful.

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:

Plan/Document Name	Plan/Document Reference	Dated
Cover Sheet	D12.42	Undated
Site Plan	D12.42-01 Revision 1	June 2012
Waste Disposal Facility Plan	D12.42-02 Revision 1	June 2012
Stormwater Management	D12.42-06 Revision 2	March 2013
Waste Disposal Facility Plan	D12.42-08 Revision 1	March 2013
Waste Acceptance Policy	Un-numbered	20 September 2012
Environmental Noise Level Study for Proposed Waste Disposal Facility	Page 11 of 28 R13059/D2804/Rev.0	3 July 2013

- 2.2 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 a Development Application for Operational Works.

3.0 ROAD WORKS

- 3.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works on the site.
- 3.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Capricorn Municipal Development Guidelines, relevant Australian Standards and the provisions of a Development Permit for Operational Works (road works).
- 3.3 Lucas Street must be widened on the development side with kerb and channel, asphalt sealed pavement and stormwater drainage to a minimum standard of six (6) metres of sealed pavement from the road centreline to the kerb invert for the full frontage of the site. Tapers must be provided at either end.
- 3.4 A Basic Right Turn Treatment in accordance with the Department of Main Roads Planning and Design Manual must be provided on the western side of Lucas Street. Widening must consist of an asphalt sealed pavement and appropriate stormwater drainage.
- 3.5 Parking on both sides of Lucas Street must be restricted in the vicinity of the development access to ensure vehicles entering and exiting the site do not obstruct through traffic.
- 3.6 Traffic signs and pavement markings must be provided in accordance with the Manual of Uniform Traffic Control Devices – Queensland. Where necessary, existing traffic signs and pavement markings must be modified in accordance with the Manual of Uniform Traffic Control Devices – Queensland.
- 3.7 Category P3 street lighting must be provided for the full frontage of the site.

4.0 ACCESS WORKS

- 4.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access works on the site.
- 4.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Capricorn Municipal Development Guidelines, Australian Standard AS2890 "Parking Facilities" and the provisions of a Development Permit for Operational Works (access works).
- 4.3 All trafficable areas within the Waste Transfer Area must be sealed and drained.
- 4.4 Any application for a Development Permit for Operational Works (access and parking works) must be accompanied by detailed and scaled plans which demonstrate that the access is of suitable dimensions for a single articulated (nineteen (19) metre) design vehicles to lawfully enter and exit the site.
- 4.5 Any application for a Development Permit for Operational Works (access and parking works) must be accompanied by details of how transportation of soil/ sediment into the road reserve by vehicles leaving the site will be prevented.

5.0 PLUMBING AND DRAINAGE WORKS

- 5.1 On-site water supply for domestic and fire fighting purposes must be provided and may include the provision of a bore, dams, water storage tanks or a combination of each.
- 5.2 On-site sewerage treatment and disposal must be in accordance with the Queensland Plumbing and Wastewater Code and Council's Plumbing and Drainage Policies.

- 5.3 All internal plumbing and sanitary drainage works must be in accordance with regulated work under the Plumbing and Drainage Act.
- 6.0 STORMWATER WORKS
- 6.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.
- 6.2 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by a report prepared by a Registered Professional Engineer of Queensland, demonstrating how the stormwater harvesting proposed will be carried out in accordance with the requirements of the Australian Guidelines for Water Recycling: Managing Health and Environmental Risks (Phase 2) Stormwater Harvesting and Reuse.
- 6.3 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), the Queensland Urban Drainage Manual, the Capricorn Municipal Development Guidelines, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 6.4 All stormwater not collected and harvested on the site must drain to a demonstrated lawful point of discharge and must not adversely affect adjoining land or infrastructure by way of blocking, altering or diverting existing stormwater runoff patterns or have the potential to cause damage to other infrastructure.
- 6.5 Any application for a Development Permit for Operational Works (stormwater works) must include an assessment of how the development meets the water quality objectives of the State Planning Policy 4/10 – Healthy Waters.
- 6.6 The proposed development must not increase peak stormwater runoff for a selected range of storm events up to and including the one in one hundred year storm event (100 year Average Recurrence Interval) for the post development condition.
- 6.7 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by a Stormwater Drainage Report, prepared and certified by a Registered Professional Engineer of Queensland, which as a minimum includes:
- 6.7.1 identification of drainage catchment and drainage sub-catchment areas for the pre-development and post-development scenarios including a suitably scaled stormwater master plan showing the aforementioned catchment details and lawful point(s) of discharge that comply with the requirements of the Queensland Urban Drainage Manual;
 - 6.7.2 an assessment of the peak discharges for all rainfall events up to and including the one in one hundred year rainfall event (100 year Average Recurrence Interval) for the pre-development and post-development scenarios;
 - 6.7.3 details of any proposed on-site detention / retention systems and associated outlet systems required to mitigate the impacts of the proposed development on downstream lands and existing upstream and downstream drainage systems;
 - 6.7.4 identification and conceptual design of all new drainage systems, and modifications to existing drainage systems required to adequately manage stormwater collection and discharge from the proposed development;
 - 6.7.5 demonstration of how major design storm flows are conveyed through the subject development to a lawful point of discharge in accordance with the Queensland Urban Drainage Manual and the Capricorn Municipal Development Guidelines;
 - 6.7.6 identification of the area of land inundated as a consequence of the minor and major design storm events in the catchment for both the pre-

development and post-development scenarios;

6.7.7 identification of all areas of the proposed development, and all other land (which may include land not under the control of the developer), which needs to be dedicated to, or encumbered in favour of Council or another statutory authority, in order to provide a lawful point of discharge for the proposed development. The areas identified must satisfy the requirements of the Queensland Urban Drainage Manual. All land proposed as major overland flow paths must include appropriate freeboard, access and maintenance provisions consistent with the Queensland Urban Drainage Manual; and

6.7.8 details of all calculations, assumptions and data files (where applicable).

7.0 SITE WORKS

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

7.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by a site based management plan which clearly addressed the following:

7.2.1 Dust suppression

7.2.2 Compaction method suitable for future use of the site.

7.2.3 Site filling sequence

7.2.4 Stormwater flow paths and storage during the operational and post operational stages of the development.

7.2.5 Finished surface levels

7.2.6 Cleaning of access roads to and from the site.

7.3 Any application for a Development Permit for Operational Works (site works) must be accompanied by a preliminary site investigation into acid sulphate soils in accordance with State Planning Policy 2/02 – Planning and Managing Development Involving Acid Sulfate Soils. If preliminary testing indicates that acid sulphate soils are present in the areas to be excavated, a more detailed acid sulphate soil investigation must be completed, and an appropriate management plan submitted to Council as part of any application for a Development Permit for Operational Works (site works).

7.3.1 Should preliminary testing demonstrate that acid sulphate soils are present in the areas to be excavated or filled, an acid sulphate soils investigation following the procedure outlined in Step 2 in Section 6 of the guideline should be carried out and a report provided.

7.3.2 Investigation boreholes should be to a depth of one (1) metre below the anticipated depth of disturbance and to at least three (3) metres depth in areas to be filled. Boreholes should be drilled within areas where the road works, water reticulation, sewerage reticulation, and electricity distribution and telecommunications infrastructures will be located.

7.3.3 If there will be groundwater extraction activities (including drainage, pumping or other activity that removes groundwater) carried out in association with excavation activities, then a groundwater investigation will need to be undertaken in accordance with Section 7 of the State Planning Policy 2/02 guideline.

7.3.4 Sampling associated with the acid sulfate soils investigation should follow the Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland (Ahern et al 1998). Laboratory analysis associated with the acid sulphate soils investigation should follow the Laboratory Methods Guidelines

of the Queensland Acid Sulphate Soil Technical Manual.

- 7.4 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.
- 7.5 All site works must be undertaken to ensure that there is:
- 7.5.1 no increase in upstream or downstream flood levels for all levels of immunity up to Q100;
 - 7.5.2 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
 - 7.5.3 a lawful point of discharge to which the developed flows from the land drain. Easements will be required over any other land to accommodate the flows.

8.0 LANDSCAPING WORKS

- 8.1 A Development Permit for Operational Works (landscaping works) must be obtained prior to the commencement of any landscaping works on the site.
- 8.2 Landscaping must be provided along the frontage of the site in accordance with the approved plans (refer to condition 2.1) and a Development Permit for Operational Works (Landscaping).
- 8.3 Landscape buffering must be provided along the length of the western boundary on the eastern side of the access easement. The landscaping buffer must be of a minimum width of five (5) metres and must comprise a mixture of trees (minimum mature height of six metres) and shrubs/hedging (minimum mature height of 1.8 metres).
- 8.4 The landscape buffer as required in condition 8.3 must be planted on a 1.2 metre earth mound.
- 8.5 The Landscape buffering required in Condition 8.3 must achieve a minimum level of seventy-five (75) per centum opacity within two (2) years of being planted.
- 8.6 Trees, as required in condition 8.3 must incorporate a minimum of thirty (30) per centum advanced plant stock, to create an immediate effect.
- Note: Trees a minimum of two (2) metres in height constitute 'advanced plant stock'.
- 8.7 The plantings selected for the buffers must incorporate a minimum of seventy (70) per centum species native to the Central Queensland Region.
- 8.8 As part of the Development Permit for Operational Works (landscaping works) a landscaping plan must be submitted addressing the post operational phase of the development.
- 8.9 Landscaping, or any part thereof, upon reaching full maturity, must not:
- (i) obstruct sight visibility zones as defined in the *Austroads 'Guide to Traffic Engineering Practice'* series of publications;
 - (ii) adversely affect any road lighting or public space lighting; or
 - (iii) adversely affect any Council infrastructure, or public utility plant.
- 8.10 The landscaped areas must be subject to an ongoing maintenance and replanting programme (if necessary).
- #### 9.0 BUILDING WORKS
- 9.1 An acoustic barrier must be constructed in accordance with the approved plans (refer condition 2.1) and must be:

- 9.1.1 located behind the landscaping buffer as conditioned in condition 8.2 to improve the visual impact of the barrier;
- 9.1.2 at least 2.4 metres higher than the level of activities on the subject site, both with respect to the landfill and truck movements relative to the waste stockpiles;
- 9.1.3 continuous and gap free (excluding the access);
- 9.1.4 have a minimum surface area density of 10 kilograms per square metre; and
- 9.1.5 constructed of suitable materials which may include:
 - (i) reinforced concrete;
 - (ii) concrete block;
 - (iii) brick;
 - (iv) hebel panel;
 - (v) sheet metal at least two (2) millimetres thick;
 - (vi) minimum 7.5 millimetre thick fibrous cement sheets;
 - (vii) earth mound;
 - (viii) lapped timber palings, for example kiln dried softwood palings at least fifteen (15) millimetres thick and overlapped a minimum of twenty-five (25) millimetre or at least nineteen (19) millimetres thick and overlapped a minimum of fifteen (15) millimetres.

10.0 ELECTRICITY AND TELECOMMUNICATIONS

- 10.1 Electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.
- 10.2 Evidence must be provided of a certificate of supply with the relevant service providers to provide each lot with live electricity and telecommunication connections, in accordance with the requirements of the relevant authorities prior to the commencement of the use.

11.0 ASSET MANAGEMENT

- 11.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.
- 11.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.
- 11.3 'As constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of the use. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

12.0 ENVIRONMENTAL

- 12.1 Any application for a Development Permit for Operational 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) acid sulphate 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.
- 12.2 Any application for a Development Permit for Operational 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.
- 12.3 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.
- 12.4 The Erosion and Stormwater Control Management Plan must be implemented and maintained on-site for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The prepared Erosion Control and Stormwater Control Management Plan must be available on-site for inspection by Council Officers during those works.
- 13.0 OPERATING PROCEDURES
- 13.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Lucas Street.
- 13.2 The use must operate in accordance with the waste acceptance policy (refer condition 2.1).
- 13.3 All waste management systems must be in accordance with the Environmental Protection (Water) Policy and regulations and Council's water management policies.

- 13.4 The hours of operations must be limited to:
- (i) 0700 hours to 1800 hours on Monday to Friday, and
 - (ii) 0800 hours to 1700 hours on Saturday; with
 - (iii) no operations on Sunday or Public Holidays.
- 13.5 Appropriate dust suppression methods, such as water trucks and sprinkler systems must be utilised during the operation of the facility to ensure no increase in dust nuisance to surrounding residents.

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. Asbestos Removal

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

NOTE 3. General Environmental Duty

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

NOTE 4. General Safety Of Public During Construction

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

NOTE 5. Adopted Infrastructure Charges Notice

This application is subject to infrastructure contributions in accordance with Council policies. The contributions are presented on an Adopted Infrastructure Charges Notice which has been supplied with this decision notice.

Moved by: Mayor Strelow

Seconded by: Councillor Rutherford

MOTION CARRIED UNANIMOUSLY

9 STRATEGIC REPORTS

Nil

10 NOTICES OF MOTION

Nil

11 URGENT BUSINESS\QUESTIONS

12 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.

13.1 Stockland Ellida Infrastructure Agreement

This report is considered confidential in accordance with section 275(1)(e) (g) (h), of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by it; AND 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: Councillor Fisher
Seconded by: Councillor Rutherford

MOTION CARRIED

COMMITTEE RESOLUTION

11:16AM

THAT pursuant to s341)(k) and s44 *Council Meeting Procedures* the meeting moves into Closed Session and be closed to the public.

Moved by: Mayor Strelow
Seconded by: Councillor Schwarten

MOTION CARRIED

11:28AM Councillor Schwarten left the meeting
11:29AM Councillor Williams returned to the meeting
11:35AM Councillor Schwarten returned to the meeting

COMMITTEE RESOLUTION

11:40AM

THAT pursuant to s34(1)(k) and s44 *Council Meeting Procedures* the meeting moves out of Closed Session and be opened to the public.

Moved by: Councillor Smith
Seconded by: Councillor Fisher

MOTION CARRIED

13 CONFIDENTIAL REPORTS

13.1 STOCKLAND ELLIDA INFRASTRUCTURE AGREEMENT

File No: D36-2013

Attachments:

1. Stockland Ellida Correspondence
2. Stockland Ellida Email

Authorising Officer: Robert Holmes - General Manager Regional Services

Author: Martin Crow - Manager Engineering Services

This report is considered confidential in accordance with section 275(1)(e) (g) (h), of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by it; AND 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

This report seeks Council's direction in relation to negotiation of an Infrastructure Agreement for the Stockland Ellida Development.

COMMITTEE RESOLUTION

THAT the Council rejects the Stockland proposal for further infrastructure offsets however will support further deferment of infrastructure charges payments in the Infrastructure agreement by entering into a satisfactory commercial agreement to secure the deferred costs.

Moved by: Mayor Strelow

Seconded by: Councillor Fisher

MOTION CARRIED UNANIMOUSLY

14 CLOSURE OF MEETING

There being no further business the meeting closed at 11:40am.

CHAIRPERSON

SIGNATURE

DATE