



PLANNING & DEVELOPMENT COMMITTEE MEETING

MINUTES

22 APRIL 2014

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**REPORT OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING HELD AT
COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON ON TUESDAY,
22 APRIL 2014 COMMENCING AT 1:40PM**

1 OPENING**2 PRESENT**

Members Present:

The Mayor, Councillor M F Strelow (Chairperson)
Councillor C E Smith
Councillor C R Rutherford
Councillor G A Belz
Councillor A P Williams
Councillor R A Swadling
Councillor N K Fisher

In Attendance:

Mr R Cheesman – Acting Chief Executive Officer
Mr R Claus – Manager Planning
Ms T Fitzgibbon – Coordinator Development Assessment
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 granted to Councillor Stephen Schwarten

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

THAT the minutes of the Planning & Development Committee held on 9 April 2014 be taken as read and adopted as a correct record.

Moved by: Councillor Smith
Seconded by: Councillor Williams

MOTION CARRIED

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 BUSINESS OUTSTANDING

Nil

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 OFFICERS' REPORTS

8.1 D/11-2014 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR INDOOR SPORT AND RECREATION (GYMNASIUM)

File No: D/11-2014

Attachments:

1. Locality Plan
2. Overall Site Plan
3. Floor Plan

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

Author: Rebecca De Vries - Senior Planning Officer

SUMMARY

Development Application Number: D/11-2014

Applicant: Cascade Retail No.2 Pty Ltd

Real Property Address: Lot 1 on SP197268, Parish of Rockhampton

Common Property Address: 109-113 George Street, Rockhampton

Area of Site: 4,045 square metres

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: South Rockhampton Highway Commercial Area

Existing Development: Commercial complex

Existing Approvals: D-R/1673-2005/B, Development Permit for a Material Change of Use (Convenience Centre - Shops, Restaurants and Take-away Food Stores)

Approval Sought: Development Permit for a Material Change of Use for Indoor Sport and Recreation (gymnasium)

Level of Assessment: Impact assessable

Submissions: Nil

Referral Agency(s): State Assessment and Referral Agency

Adopted Infrastructure Charges Area: Charge Area 1

Application Progress:

<i>Application Lodged:</i>	16 January 2014
<i>Government Agency Response:</i>	20 January 2014
<i>Submission period commenced:</i>	28 February 2014
<i>Submission period end:</i>	20 March 2014
<i>Notice of compliance received:</i>	24 March 2014
<i>Council request for additional time:</i>	7 April 2014

Statutory determination date:

22 May 2014

COMMITTEE RESOLUTION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for Indoor Sport and Recreation (gymnasium), made by Cascade Retail No.2 Pty Ltd ATF The Cascade Retail No. 2 Unit Trust, on Lot 1 on SP197268, Parish of Rockhampton, located at 109 to 113 George Street, Rockhampton, 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.
- 1.7 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>Reference</u>	<u>Dated</u>
Overall Site Plan	SK-01 Rev. 2	18 December 2013
Proposed Floor Plan	SK-02 Rev. 3	28 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.

3.0 PLUMBING AND DRAINAGE WORKS

- 3.1 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*.
- 3.2 The development must be connected to Council's reticulated sewerage and water networks.
- 3.3 The existing sewerage and water connection point(s) must be retained, and upgraded if necessary, to service the development.
- 3.4 Alteration or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act* and *Council's Plumbing and Drainage Policies*.

4.0 ELECTRICITY AND TELECOMMUNICATIONS

- 4.1 Electricity and telecommunication connections must be provided to the tenancy to the standards of the relevant authorities.

5.0 BUILDING WORKS

- 5.1 All external elements, such as air conditioners, must be adequately screened from public view, to Council's satisfaction. Noise from any external elements, such as air conditioners, must not exceed 5dB(A) (decibels) above the background ambient noise level, measured at the boundaries of the subject site.
- 5.2 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"*.

6.0 ASSET MANAGEMENT

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

7.0 OPERATING PROCEDURES

- 7.1 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, Fitzroy Street or Campbell Lane.
- 7.2 Noise from the use must not cause an environmental nuisance.
- 7.3 When requested by the administering authority, noise monitoring must be undertaken and recorded to investigate any complaint of nuisance caused by noise. The monitoring data, an analysis of the data and a report, including noise mitigation measures, must be provided to Council within fourteen days of the completion of the investigation.
- 7.4 Noise measurements must be compared with the acoustic quality objectives specified in the most recent edition of the Environmental Protection (Noise) Policy and noise monitoring conducted in accordance with the *Noise Measurement Manual*.

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 B

That in relation to the application for a Development Permit for a Material Change of Use for Indoor Sport and Recreation (gymnasium), made by Cascade Retail No.2 Pty Ltd ATF The Cascade Retail No. 2 Unit Trust, on Lot 1 on SP197268, Parish of Rockhampton, located at 109 to 113 George Street, Rockhampton, Council resolves not to issue an Adopted Infrastructure Charges Notice.

Moved by: Councillor Fisher

Seconded by: Councillor Swadling

MOTION CARRIED

8.2 D/296-2013 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A VEHICLE DEPOT

File No: D/296-2013

Attachments:

1. Locality Plan
2. Site Plan
3. Proposal Plan

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

Author: Anton de Klerk - Planning Officer

SUMMARY

Development Application Number: D/296-2013

Applicant: MR and SL Inslay

Real Property Address: Lot 22 on RP603372, Lot 25 on RP603372 and Lot 221 on SP258039 (formerly Lot 21 on RP603372), Parish of Archer

Common Property Address: 633 Norbank Street, Lakes Creek

Area of Site: 1.662 hectares

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: Norbank Estate Special Use Area, Precinct 4 - Vestey Street/Lower Darly Street/Totteridge Street Precinct - Norbank Estate Vestey Street/Lower Darly Street/ Totteridge Street

Existing Development: House and shed and vehicle depot

Existing Approvals: House and shed

Approval Sought: Development Permit for a Material Change of Use for a Vehicle Depot

Level of Assessment: Impact Assessable

Submissions: Nil

Referral Agency(s): Department of Transport and Main Roads

Adopted Infrastructure Charges Area: Charge Area 3

Application Progress:

<i>Application Lodged:</i>	28 June 2013
<i>Properly made application:</i>	5 July 2013
<i>Acknowledgement Notice:</i>	11 July 2013
<i>Request for Further Information sent:</i>	25 July 2013
<i>Request for Further Information responded to:</i>	24 January 2014
<i>Submission period commenced:</i>	13 February 2014

<i>Submission period end:</i>	<i>7 March 2014</i>
<i>Council request for additional time (until 8 May 2014):</i>	<i>3 April 2014</i>
<i>Government Agency request for addition information:</i>	<i>15 August 2013</i>
<i>Government Agency Response:</i>	<i>6 March 2014</i>
<i>Last receipt of information from applicant (Notice of Compliance):</i>	<i>10 March 2014</i>
<i>Council meeting date:</i>	<i>23 April 2014</i>

COMMITTEE RESOLUTION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for a Material Change of Use for a Vehicle Depot, made by MR and SL Inslay, on Lot 22 on RP603372, Lot 25 on RP603372 and Lot 221 on SP258039, Parish of Archer, located at 633 Norbank Street, Lakes Creek, Council resolves to Approve the application despite its conflict with the planning scheme and provide the following grounds for justification:

- a) The majority of the subject site is at risk of flood events, making the site less suitable for residential uses. The proposal will not adversely affect adjoining land or infrastructure by way of blocking, altering or diverting existing stormwater runoff patterns or flood storage areas.
- b) The site is located proximate to other non-residential activities.
- c) The proposal will predominantly be for the overnight storage of six (6) rigid trucks within an open six-bay shed and will not include a workshop, wash-down facility or any ancillary administrative or operational activities.
- d) The proposal provides appropriate screening, landscaping buffers and setbacks to protect the amenity of existing and future uses and will, therefore, not compromise the amenity of any other existing uses in the locality.
- e) The development proposal will include the amalgamation of all three (3) allotments into one (1) allotment, encouraging the existing house to remain as the dominant use on the site.
- f) Assessment of the development demonstrates that the Planning Scheme's Desired Environmental Outcomes will not be compromised.
- g) Assessment of the development against the relevant planning scheme codes, in particular the Flood Prone Land Code, 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.
- h) 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 Vehicle Depot, made by MR and SL Inslay, on Lot 22 on RP603372, Lot 25 on RP603372 and Lot 221 on SP258039, Parish of Archer, located at 633 Norbank Street, Lakes Creek, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken and completed and be accompanied by a Compliance Certificate for any operational works required by the approval:
- 1.3.1 to Council's satisfaction;
 - 1.3.2 at no cost to Council;
 - 1.3.3 prior to the commencement of the use; and
 - 1.3.4 within six (6) months of the issue of this Development Permit,
- unless otherwise stated.
- 1.4 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained:
- 1.5.1 Operational Works:
 - (i) Access and Parking Works;
 - (ii) Roof and Allotment Drainage Works.
 - 1.5.2 Building Works
- 1.6 All Development Permits for Operational Works must be obtained prior to the issue of a Development Permit for Building 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.
- 1.9 Lot 22 on RP603372, Lot 25 on RP603372 and Lot 221 on SP258039 must be amalgamated and registered as one lot within six (6) months of the issuing of this Development Permit.

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>
Developed Site Plan	D13.077.02 Rev. A Sheet 2 of 8	November 2013
Q100 Flood Depths	D13.077.03 Rev. A Sheet 3 of 8	November 2013
Vehicle Swept Paths	D13.077.04 Rev. B Sheet 4 of 8	January 2014

Site Drainage Flows	D13.077.05 Rev. A Sheet 5 of 8	November 2013
Stormwater Management Plan	D13.077.06 Rev. A Sheet 6 of 8	November 2013
Stormwater Calculations (associated with Stormwater Management Plan)	D13.077.07 Rev. A Sheet 7 of 8	November 2013
Proposed Site Plan	FL-002 Rev 4	21 January 2014
Proposed Shed (floor plan, side elevation and front elevation)	FL-002 Rev 2	21 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 ACCESS AND PARKING WORKS

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

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

3.3 All vehicular access to and from the site associated with the vehicle depot must be via Norbank Street.

3.4 A commercial driveway for two way access must be designed and constructed in accordance with the *Capricorn Municipal Development Guidelines*, standard drawing 'CMDG-R-042'.

3.5 All access and parking and manoeuvring areas must be sealed with either reinforced concrete not less than one hundred (100) millimetres thick, or a compacted gravel pavement not less than one hundred (100) millimetres deep, sealed with twenty-five (25) millimetres of asphaltic concrete.

4.0 PLUMBING AND DRAINAGE WORKS

4.1 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.

5.0 STORMWATER WORKS

5.1 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.

6.0 ROOF AND ALLOTMENT DRAINAGE WORKS

6.1 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.

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

6.3 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.

7.0 SITE WORKS

7.1 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.

7.2 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.

8.0 BUILDING WORKS

8.1 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'.

8.2 The structure must not be located within the on-site sewerage treatment and disposal area or conflict with the separation distance as detailed with the *Queensland Plumbing and Wastewater Code*.

8.3 All the services and utilities connected to the development, including electrical outlets, must be designed and installed at such a height that they are a minimum of 500 millimetres above the Q100 flood level of 7.4 metres (that is 7.9 metres Australian Height Datum).

9.0 ELECTRICITY AND TELECOMMUNICATIONS

9.1 Any electricity and telecommunication connections to be provided to the proposed development must be to the standards of the relevant authorities.

10.0 ASSET MANAGEMENT

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

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

11.0 ENVIRONMENTAL

11.1 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.

- 11.2 A vegetated buffer of 10 metres wide must be developed on the cross-hatched area marked on the Developed Site Plan (drawing no. D13.077.02 Revision A).
- 12.0 OPERATING PROCEDURES
- 12.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Norbank Street or Totteridge Street.
- 12.2 The hours of operations must be limited to:
- (i) 0700 hours to 1800 hours on Monday to Fridays;
 - (ii) 0800 hours to 1700 hours on Saturdays; and
 - (iii) no operations on Sunday or Public Holidays.
- 12.3 The approval is for the overnight storage of six (6) light rigid trucks only and must not include any ancillary workshop, wash-down facility or administration or operational activities.
- 12.4 Noise from the activity must not cause an environmental nuisance.
- 12.5 When requested by the administering authority, noise monitoring must be undertaken and recorded to investigate any complaint of nuisance caused by noise. The monitoring data, an analysis of the data and a report, including noise mitigation measures, must be provided to the administering authority within fourteen days of the completion of the investigation.
- 12.6 Noise measurements must be compared with the acoustic quality objectives specified in the most recent edition of the Environmental Protection (Noise) Policy and noise monitoring conducted in accordance with the most recent edition of Department of Environment and Heritage Protection Noise Measurement Manual.
- 12.7 All refuse waste management must be in accordance with the *Environmental Protection (Waste Management) Regulation*.
- 12.8 Contaminants must not be permitted to discharge into water courses, drainage lines or onto adjoining properties

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.

NOTE 4. 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).

RECOMMENDATION C

That in relation to the application for a Development Permit for a Material Change of Use for a Vehicle Depot, made by MR and SL Inslay, on Lot 22 on RP603372, Lot 25 on RP603372 and Lot 221 on SP258039, Parish of Archer, located at 633 Norbank Street, Lakes Creek, Council resolves to not issue an Adopted Infrastructure Charges Notice.

Moved by: **Mayor Strelow**

Seconded by: **Councillor Smith**

MOTION CARRIED

8.3 D/598-2013 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR MEDIUM IMPACT INDUSTRY (SMASH REPAIRING)

File No: D/598-2013

Attachments: 1. Locality Plan
2. Proposal Plan

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

Author: Anton de Klerk - Planning Officer

SUMMARY

Development Application Number: D/598-2013

Applicant: National Accident Repair Centre (Rockhampton) Pty Ltd

Real Property Address: Lot 2 on RP618857, Parish of Rockhampton

Common Property Address: 219 East Street, Rockhampton City

Area of Site: 809 square metres

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: South Rockhampton Low Impact Industrial Area, Precinct 1 - Industrial Precinct - South Rockhampton Sales and Service Industry

Existing Development: Warehouse

Existing Approvals: Nil (existing use rights to light industry)

Approval Sought: Development Permit for a Material Change of Use for a Medium Impact Industry (smash repairing)

Level of Assessment: Impact Assessable

Submissions: Three (3) properly made submissions and three (3) not properly made submissions

Referral Agency(s): Nil

Adopted Infrastructure Charges Area: Charge Area 1

Application Progress:

<i>Application Lodged:</i>	20 December 2013
<i>Acknowledgment Notice Issued</i>	9 January 2014
<i>Submission period commenced:</i>	30 January 2014
<i>Submission period end:</i>	20 February 2014
<i>Last receipt of information from applicant (Notice of Compliance to Public Notification):</i>	20 March 2014
<i>Council request for additional time (until 20 May 2014):</i>	3 April 2014
<i>Planning and Development Committee Meeting:</i>	22 April 2014

COMMITTEE RECOMMENDATION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for a Medium Impact Industry (smash repairing), made by National Accident Repair Centre (Rockhampton) Pty Ltd, on Lot 2 on RP618857, Parish of Rockhampton, located at 219 East Street, Rockhampton City, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with 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 are required prior to the commencement of any works on the site:
 - 1.6.1 Building 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>Reference</u>	<u>Dated</u>
Site Plan	SK-01 Rev 2	22 November 2013
Proposed Plans	SK-03 Rev 2	22 November 2013
Elevations and Sections	SK-04 Rev 2	22 November 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 approval by Council prior to the submission of a Development Application for Operational Works.

3.0 PLUMBING AND DRAINAGE WORKS

- 3.1 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.
- 3.2 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building(s) must be in accordance with regulated work under the *Plumbing and Drainage Act* and must comply with *Australian Standards AS3500* section 3 and 4.
- 3.3 The development must be connected to Council's reticulated sewerage and water networks.
- 3.4 The existing sewerage and water connection point(s) must be retained, and upgraded if necessary, to service the development.
- 3.5 Sewer connections and water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with trafficable lids.
- 3.6 Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's sewerage reticulation. Arrester traps must be provided where commercial or non-domestic waste water is proposed to be discharged into the system.

4.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 4.1 All roof and allotment drainage must be in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.
- 4.2 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.

5.0 BUILDING WORKS

- 5.1 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"*.
- 5.2 Any signage associated with or attached to the development must be carried out in accordance with the Signage Code in the *Rockhampton City Plan 2005*.
- 5.3 Works must comply with the *Environmental Protection (Waste Management) Regulation* for storage and collection of solid wastes.

6.0 ELECTRICITY AND TELECOMMUNICATIONS

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

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 Waste oil must be stored in an appropriately covered bunded area. The bund must have a total storage capacity of 100 percent of the largest package item plus twenty-five percent of the total volume to be stored within the area.

9.0 OPERATING PROCEDURES

- 9.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in East Street and Quay Lane.

- 9.2 All waste storage areas must be:

- 9.2.1 provided with a suitable hosecock (with backflow prevention) and hoses must be provided at the refuse container area, and washdown must be drained to the sewer; and
- 9.2.2 impervious paved and drained wash-down areas to accommodate all refuse containers;
- 9.2.3 of a minimum size to accommodate commercial sized bins for service by a commercial contractor plus clearances around the bins for manoeuvring and cleaning;
- 9.2.4 kept in a clean and tidy condition.

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

- 9.3 The hours of operation must be limited to:

- (i) 0600 hours to 1800 hours on Monday to Saturday, and
- (ii) no operations on Sunday or Public Holidays.

- 9.4 All activities associated with the use must be carried out within the property boundaries of the subject site. The storage of vehicles within Council's road reserve will not be permitted.

- 9.5 The loading and unloading of vehicles associated with the use must be carried out on-site.

- 9.6 Surface coating or spray painting must be carried out with controls to ensure minimal emissions of overspray and volatile organic compounds (VOCs) to the environment.

- 9.7 Surface coating or spray painting must be carried out in a fully enclosed spray painting booth with suitable filters or water scrubbers, sufficient stack height and adequate air velocity that meets the requirements of *Australian Standard AS4114: "Spray painting booths, designated spray painting areas and paint mixing rooms"* parts 1-3.

- 9.8 Installation and operation of noise generating equipment (for example compressors and power tools) must be kept in a manner so that noise nuisance is not caused to surrounding premises. The air compressor must be located in the insulated room within the building.

- 9.9 When requested by Council, noise monitoring must be undertaken and recorded to investigate any complaint of nuisance caused by noise. The monitoring data, an analysis of the data and a report, including noise mitigation measures, must be provided to Council within fourteen days of the completion of the investigation.

- 9.10 Noise measurements must be compared with the acoustic quality objectives specified in the most recent edition of the *Environmental Protection (Noise) Policy*

and noise monitoring conducted in accordance with the most recent edition of *Department of Environment and Heritage Protection Noise Measurement Manual*.

- 9.11 Noise from the activity must not cause an environmental nuisance.
- 9.12 All washing of vehicles must occur in the designated wash bay.
- 9.13 Any spillage of environmentally hazardous liquids or other materials must be cleaned up as quickly as practicable. Spillage of waste and/or contaminants must not be hosed or swept to any stormwater drainage system, roadside gutter or waters.
- 9.14 An appropriate spill kit must be kept on site for neutralizing or decontaminating spills. The spill kit must be clearly identifiable, maintained regularly, and stored in a central location that is easily accessible to employees. Staff are to be adequately trained in the use of these materials. The spill kit may consist of:
 - (i) A bin with a tight-fitting lid, partially filled with non-combustible absorbent material such as vermiculite;
 - (ii) A broom, shovel, face shield, chemically-resistant boots and gloves; and
 - (iii) Waste bags and ties.
- 9.15 All chemicals and other environmentally hazardous liquids must be contained within a covered, bunded storage area that has a volume of at least that of the largest container in the bund.
- 9.16 All smash repair work must be conducted using 'dry procedures' and dust generating power tools such as orbital sanders must have a vacuum extraction system attached to capture dust.

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. Licensable Activities

Should an activity licensable by Rockhampton Regional Council be proposed for the premises, Council's Environment and Public Health Unit should be consulted to determine whether any approvals are required. Such activities may include storage of flammable and combustible liquid and environmentally relevant activities. Approval for such activities is required before 'fitout' and operation.

NOTE 5. 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 B

That in relation to the application for a Development Permit for a Material Change of Use for a Medium Impact Industry (smash repairing), made by National Accident Repair Centre (Rockhampton) Pty Ltd, on Lot 2 on RP618857, Parish of Rockhampton, located at 219 East Street, Rockhampton City, Council resolves not to issue an Adopted Infrastructure Charges Notice.

Moved by: Councillor Smith
Seconded by: Councillor Williams

MOTION LOST

COMMITTEE RESOLUTION

That Council refuse the application as it is inconsistent with the intent for Precinct 1 within the South Rockhampton Low Impact Industrial Area as established in the Rockhampton City Plan 2005.

Moved by: Mayor Strelow
Seconded by: Councillor Belz

MOTION CARRIED

COMMITTEE RESOLUTION

That Council's refusal to the above application reflects:

1. Council's commitment to preserving the Precinct 1 buffer and Council's belief and understanding that smash repair would be inconsistent with Council's desire to form a buffer between low impact uses and the CBD area; and
2. Inconsistency with the parking and access code.

Moved by: Mayor Strelow
Seconded by: Councillor Swadling

MOTION CARRIED

Councillor Smith recorded her vote against the motion.

9 STRATEGIC REPORTS

Nil

10 NOTICES OF MOTION

Nil

11 URGENT BUSINESS\QUESTIONS

12 CLOSURE OF MEETING

There being no further business the meeting closed at 2:27pm.

CHAIRPERSON

SIGNATURE

DATE