



PLANNING & DEVELOPMENT COMMITTEE MEETING

MINUTES

13 MAY 2014

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	OPENING.....	1
2	PRESENT	1
3	APOLOGIES AND LEAVE OF ABSENCE	1
4	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	1
5	DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA.....	1
6	BUSINESS OUTSTANDING	2
	NIL	2
7	PUBLIC FORUMS/DEPUTATIONS	3
	NIL	3
8	OFFICERS' REPORTS.....	4
8.1	D/320-2013 REQUEST FOR A NEGOTIATED ADOPTED INFRASTRUCTURE CHARGES NOTICE FOR A MATERIAL CHANGE OF USE FOR A MULTI UNIT DWELLING (TWELVE UNITS)	4
8.2	D/21-2014 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A SMALL LOT HOUSE	5
8.3	D/8-2014 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A CHILD CARE CENTRE AND RECONFIGURING A LOT (TWO LOTS INTO TWO LOTS) AND ACCESS EASEMENT.....	10
9	STRATEGIC REPORTS	21
	NIL	21
10	NOTICES OF MOTION.....	22
	NIL	22
11	URGENT BUSINESS\QUESTIONS	23
12	CLOSURE OF MEETING	24

**REPORT OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON
ON TUESDAY, 13 MAY 2014 COMMENCING AT 1:30PM**

1 OPENING**2 PRESENT**

Members Present:

Councillor A P Williams (Acting Chairperson)
Councillor C E Smith
Councillor C R Rutherford
Councillor G A Belz
Councillor S J Schwarten
Councillor R A Swadling
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 J Herron – Coordinator Infrastructure Operations
Ms A O'Mara – Planning Officer
Ms A McLellan – Planning Officer
Ms L Price – Community Awareness Officer
Ms L Leeder – Committee Support Officer

3 APOLOGIES AND LEAVE OF ABSENCE

The Mayor, Councillor Margaret Strelow, has tendered her apology and did not attend.

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

THAT the minutes of the Planning & Development Committee held on 22 April 2014 be taken as read and adopted as a correct record.

Moved by: Councillor Swadling

Seconded by: Councillor Belz

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/320-2013 REQUEST FOR A NEGOTIATED ADOPTED INFRASTRUCTURE CHARGES NOTICE FOR A MATERIAL CHANGE OF USE FOR A MULTI UNIT DWELLING (TWELVE UNITS)

File No: D/320-2013

Attachments: 1. Locality Plan

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

Author: Alyce McLellan - Planning Officer

SUMMARY

Development Application Number: D/320-2013

Applicant: MPD QLD

Real Property Address: Lot 20 on SP191824, Parish of Archer

Common Property Address: 7-9 Card Street, Berserker

Area of Site: 2,425 square metres

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: North Rockhampton Residential Consolidation Area

Existing Development: Vacant

Existing Approvals: D1034/2005 – Multi Unit Dwellings (twelve units) – Approved 6 February 2006 – Application has lapsed

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

Level of Assessment: Code Assessable

Submissions: Not Applicable

Referral Agency(s): Nil

Adopted Infrastructure Charges Area: Charge Area One

COMMITTEE RESOLUTION

THAT the Adopted Infrastructure Charges Notice issued on 1 November 2013 remains unchanged.

Moved by: Councillor Rutherford

Seconded by: Councillor Fisher

MOTION CARRIED

Councillor Smith recorded her vote against the motion.

8.2 D/21-2014 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A SMALL LOT HOUSE

File No: D/21-2014

Attachments:

1. Locality Plan
2. Site Plan
3. 3D View
4. Floor Plan and Elevations

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

Author: Corina Hibberd - Planning Officer

SUMMARY

Development Application Number: D/21-2014

Applicant: Guru Dhipac Balasubramanian

Real Property Address: Lot 26 on RP600096, Parish of Rockhampton

Common Property Address: 104 Alma Lane, Rockhampton City

Area of Site: 228 square metres

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: Central Business District Commercial Area – Precinct 2 – Central Business District Business Services

Existing Development: Vacant

Existing Approvals: Nil

Approval Sought: Development Permit for a Small Lot House

Level of Assessment: Impact Assessable

Submissions: Nil

Referral Agency(s): Department of State Development and Infrastructure Planning (State Controlled Road)

Adopted Infrastructure Charges Area: Charge Area 2

Application Progress:

<i>Application Lodged:</i>	12 February 2014
<i>Acknowledgement Notice issued:</i>	18 February 2014
<i>Corrected Acknowledgement Notice issued:</i>	3 March 2014
<i>Information Request issued:</i>	4 March 2014
<i>Response to Information Request received:</i>	20 March 2014
<i>Request for Additional Information sent (informal):</i>	14 March 2014
<i>Response to Request for Further Information</i>	25 March 2014
<i>Public Notification Commenced:</i>	26 March 2014
<i>Public Notification period ended:</i>	18 April 2014
<i>Notice of Compliance:</i>	20 April 2014

<i>Committee date:</i>	<i>13 May 2014</i>
<i>Statutory determination date:</i>	<i>20 May 2014</i>

COMMITTEE RESOLUTION**RECOMMENDATION A**

That in relation to the application for a Development Permit for a Small Lot House, made by Guru Dhipac Balasubramanian on Lot 26 on RP600096, Parish of Rockhampton and situated at 104 Alma Lane, 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 small lot size limits the opportunity for commercial development given that all adjoining small lots are also improved by dwelling houses.
- b) There are a number of other residential dwellings located on Little Alma Street and Alma Lane. The lot adjoins existing residential premises and coexists with mixed use residential and commercial uses in the precinct.
- c) The use does not adversely affect the streetscape or the amenity of residential or commercial uses in the vicinity.
- d) Assessment of the development demonstrates that the Planning Scheme's Desired Environmental Outcomes will not be compromised.
- e) Assessment of the development against the relevant planning scheme codes 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.
- f) The proposed development does not compromise the State Planning Policy.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Small Lot House, made by Guru Dhipac Balasubramanian on Lot 26 on RP600096, Parish of Rockhampton and situated at 104 Alma Lane, 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 must be obtained prior to the commencement of any works associated with their purposes:

- 1.6.1 Operational Works:
(i) Access Works;
- 1.6.2 Plumbing and Drainage Works; and
- 1.6.3 Building Works.
- 1.7 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.8 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	AQHR-397 Sheet 4	17 January 2014
Site Plan (2)	AQHR-397 Sheet 4	14 March 2014
3D View	AQHR-397 Sheet 16	14 March 2014
Floor Plan and Elevations	AQHR-397 Sheet 1	24 January 2014
Plan Sheet	20389-Dhipac	13 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 endorsement 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 works) must be obtained prior to the commencement of any access 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 works).
- 3.3 Two (2) car parking spaces must be provided on-site, one (1) of which must be covered.

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* Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 4.2 The development must be connected to Council's reticulated sewerage and water networks.

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

5.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 5.1 All roof and allotment drainage must be in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.
- 5.2 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.

6.0 SITE WORKS

- 6.1 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.

7.0 BUILDING WORKS

- 7.1 The two outermost windows on the south-eastern side of the house, and the window on the north-western side of the house must be shaded with window awnings.
- 7.2 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 7.3 All windows facing onto the adjoining residential properties must be properly glazed or screened to not intrude on the privacy of residents.
- 7.4 A 1.8 metre high fence must be provided between the subject site and adjacent residential properties of the development.

8.0 LANDSCAPING WORKS

- 8.1 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.

9.0 ELECTRICITY AND TELECOMMUNICATIONS

- 9.1 Electricity and telecommunication connections must be provided to the proposed development 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 OPERATING PROCEDURES

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

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 Small Lot House, made by Guru Dhipac Balasubramanian on Lot 26 on RP600096, Parish of Rockhampton and situated at 104 Alma Lane, Rockhampton City, Council resolves not to issue an adopted infrastructure charges notice.

Moved by: Councillor Swadling

Seconded by: Councillor Fisher

MOTION CARRIED

8.3 D/8-2014 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A CHILD CARE CENTRE AND RECONFIGURING A LOT (TWO LOTS INTO TWO LOTS) AND ACCESS EASEMENT

File No: D/8-2014

Attachments:

1. Locality Plan
2. Areas Plan
3. General Arrangement Plan
4. Elevations 1
5. Elevations 2

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

Author: Amanda O'Mara - Planning Officer

SUMMARY

Development Application Number: D/8-2014

Applicant: Frenchville Villas Pty Ltd

Real Property Address: Lot 1 on RP607276 and Lot 2 on RP894268, Parish of Archer

Common Property Address: 171 and 175 Frenchville Road, Frenchville

Area of Site: 8,612 square metres

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: Berserker Foothills Residential Area

Existing Development: Vacant land

Existing Approvals: Development Permit for a Material Change of Use for Multi Unit Dwelling (nineteen units)

Approval Sought: Development Permit for a Material Change of Use for a Child Care Centre and Reconfiguring a Lot (two lots into two lots) and Access Easement

Level of Assessment: Impact Assessable and Code Assessable

Submissions: Fourteen (14) properly made and five (5) not properly made submissions

Referral Agency(s): Nil

Adopted Infrastructure Charges Area: Charge Area one

Application Progress:

<i>Application Lodged:</i>	13 January 2014
<i>Acknowledgement Notice issued:</i>	28 January 2014
<i>Request for Further Information sent:</i>	28 January 2014
<i>Request for Further Information responded to:</i>	4 February 2014
<i>Notice of Commencement of Public Notification:</i>	13 February 2014
<i>Submission period commenced:</i>	13 February 2014

<i>Submission period end:</i>	<i>5 March 2014</i>
<i>Notice of Compliance of Public Notification</i>	<i>11 March 2014</i>
<i>Council request for additional time:</i>	<i>18 March 2014</i>
<i>Applicant's Request for change to application:</i>	<i>21 March 2014</i>
<i>Council request for additional time by agreement:</i>	<i>29 April 2014</i>
<i>Statutory determination date:</i>	<i>21 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 Child Care Centre and Reconfiguring a Lot (two lots into two lots) and Access Easement, made by Frenchville Villas Pty Ltd, on Lot 1 on RP607276 and Lot 2 on RP894268, Parish of Archer, and located at 171 and 175 Frenchville Road, Frenchville, Council resolves to Approve the application subject to the following conditions:

RECONFIGURING A LOT

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 issue of the Compliance Certificate for the Survey Plan, 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 issue of the Compliance Certificate for the Survey Plan, 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 Operational Works:
 - i. Access 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 Easement documentation associated with the access must be submitted with the application for a Compliance Certificate for the Survey Plan.

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>
Lot Reconfiguration (2 lots into 2 lots)	5799-02-ROL, Revision A	8 September 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.

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 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).

4.0 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* Council's Plumbing and Drainage Policies.
- 4.2 The development must be connected to Council's reticulated sewerage and water networks.
- 4.3 The existing sewerage and water connection point(s) must be retained, and upgraded if necessary, to service the development.
- 4.4 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.

5.0 SITE WORKS

- 5.1 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.

6.0 ELECTRICITY AND TELECOMMUNICATIONS

- 6.1 Underground electricity and telecommunication connections must be provided to each lot within 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 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.

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.

- 7.3 '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.

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 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 Norman Road or Frenchville Road.

MATERIAL CHANGE OF USE

10.0 ADMINISTRATION

- 10.1 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.
- 10.2 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.
- 10.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 10.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of the use, unless otherwise stated.
- 10.5 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.
- 10.6 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 10.6.1 Operational Works:
- (i) Road Works;
 - (ii) Access and Parking Works;
 - (iii) Stormwater Works;
 - (iv) Roof and Allotment Drainage Works; and
 - (v) Site Works.
- 10.6.2 Plumbing and Drainage Works; and
- 10.6.3 Building Works.
- 10.7 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.

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

10.9 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.

11.0 APPROVED PLANS AND DOCUMENTS

11.1 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>
General Arrangement Plan	YC0378-DA2-300, Revision C	6 November 2013
Catchment Plan	YC0378-DA2-400, Revision C	6 November 2013
Traffic Impact Assessment	YC0378, Revision 6	21 March 2014
Areas Plan	101 Rev - E	5 November 2013
Elevations 1	200 Rev - E	5 November 2013
Elevations 2	201 Rev - E	5 November 2013

11.2 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.

11.3 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.

12.0 ROAD WORKS

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

12.2 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).

12.3 Any application for Operational Works (road works) must demonstrate that the refuse collection vehicles can enter the site from Frenchville Road without damaging the proposed signage within the splitter island located at the throat of the access road to the development.

12.4 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"*.

12.5 All pathways must incorporate kerb ramps at all road crossing points.

12.6 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*.

13.0 ACCESS AND PARKING WORKS

13.1 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.

13.2 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).

13.3 A minimum of twenty-five (25) parking spaces must be provided on-site.

14.0 SEWERAGE WORKS

14.1 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*.

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

14.3 All works must be undertaken in accordance with Council's Building Over/Adjacent to Local Government Sewerage Infrastructure Policy.

14.4 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*.

14.5 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.

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

15.0 WATER WORKS

15.1 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*, the *Plumbing and Drainage Act*.

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

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

15.4 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.

15.5 The applicant must ensure adequate fire fighting protection is available from the existing hydrant within Frenchville Road reserve and also from the on-site fire fighting equipment for the proposed development. Where adequate protection can not be achievable, upgrade of on-site fire fighting equipment, internal pillar hydrant, water tanks, and pumps will be required.

16.0 PLUMBING AND DRAINAGE WORKS

16.1 All internal plumbing and sanitary drainage works must be in accordance with regulated work under the *Plumbing and Drainage Act* and Council's Plumbing and Drainage Policies.

16.2 Disconnection, alteration or relocation of internal sanitary drainage works associated with the existing dwelling house must be in accordance with regulated work under the *Plumbing and Drainage Act*.

- 16.3 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.
- 16.4 Hoses must be provided at the refuse container area and washdown must be drained to the sewer in accordance with a Plumbing and Drainage Permit and Sewerage Trade Waste Permit.
- 17.0 STORMWATER WORKS
- 17.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.
- 17.2 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).
- 17.3 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.
- 17.4 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.
- 17.5 Each allotment must be designed so as to be flood free in a one in one hundred year flood event (100 year Average Recurrence Interval).
- 17.6 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.
- 18.0 ROOF AND ALLOTMENT DRAINAGE WORKS
- 18.1 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.
- 18.2 All roof and allotment drainage must be in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.
- 18.3 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.
- 19.0 SITE WORKS
- 19.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works.
- 19.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks' plan which clearly identifies the following:
- 19.2.1 the location of cut and/or fill;
 - 19.2.2 the type of fill to be used and the manner in which it is to be compacted;
 - 19.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - 19.2.4 details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and
 - 19.2.5 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.

- 19.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 19.4 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.
- 19.5 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 the Operational Works submission. A Registered Professional Engineer of Queensland must on completion certify that all works are compliant with the approved design.
- 19.6 A detailed inspection and as constructed record must be provided to Council by the consultant Registered Professional Engineer of Queensland prior to acceptance of the works. The consultant must include in the certification confirmation that the wall's foundation ground conditions nominated in the design were inspected and achieved during construction.
- 19.7 The detailed inspection and As Constructed record must demonstrate to Council that the wall construction work was closely monitored throughout construction by the Registered Professional Engineer of Queensland including the achieved foundation ground conditions.
- 19.8 The approved design and/or the construction of the retaining walls must not be modified or altered without Council's prior written approval.
- 20.0 **BUILDING WORKS**
- 20.1 All structures must maintain a clearance of two (2) metres to any sewerage infrastructure.
- 20.2 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 the limits specified in the *Environmental Protection Act*.
- 20.3 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"*.
- 20.4 Proposed Lot 101 must be fenced along the north and east boundaries with a solid fence. The fence must be constructed of materials and finishes that are aesthetically pleasing and commensurate with the surrounding residential area.
- 20.5 Childproof fencing must be provided between play areas and roads, carparks, driveways and neighbouring properties.
- 20.6 All waste storage areas must be:
- 20.6.1 Surrounded by at least a 1.2 metre high fence that obstructs from view the contents of the bin compound by any member of the public from any public place; and
- 20.6.2 of a minimum size to accommodate skip type bins in accordance with the *Environmental Protection (Waste Management) Regulations*.
- 20.7 Impervious paved and drained washdown areas to accommodate all refuse containers must be provided. The areas must be aesthetically screened from any road frontage or adjoining property.
- 21.0 **LANDSCAPING WORKS**
- 21.1 Landscaping must be established generally in accordance with the approved plans

(refer to condition 2.1).

21.2 All landscaping must predominantly contain plant species that are locally native to the Central Queensland region.

21.3 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.

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

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

22.0 ELECTRICITY AND TELECOMMUNICATIONS

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

22.2 Evidence must be provided of a Telecommunications Infrastructure Provisioning Confirmation and Certificate of Electricity Supply with the relevant service providers to provide the use with telecommunication and live electricity connections, in accordance with the requirements of the relevant authorities prior to the commencement of the use.

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 commencement of the use. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

24.0 ENVIRONMENTAL

24.1 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.
- 24.2 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.
- 25.0 OPERATING PROCEDURES
- 25.1 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 Norman Road or Frenchville Road.
- 25.2 The hours of operations must be limited to:
- 25.2.1 0630 hours to 1830 hours on Monday to Friday, with
 - 25.2.2 no operations on Saturday, Sunday or Public Holidays.
- 25.3 Noise from the activity must not cause an environmental nuisance.
- 25.4 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.
- 25.5 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*.
- 25.6 All waste storage areas must be kept in a clean, tidy condition in accordance with *Environmental Protection (Waste Management) Regulations*.
- 25.7 The development must comply with *Environmental Protection (Waste Management) Regulations* for storage of solid wastes. In particular, all waste must be stored within a waste bin compound, for example general waste, recyclable waste.
- 25.8 All wastes generated within the site must be disposed via a private contractor at no cost to Council.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. 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 providing food at the premises. 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.

NOTE 6. Adopted Infrastructure Charges Notice

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

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for a Child Care Centre and Reconfiguring a Lot (two lots into two lots) and Access Easement, made by Frenchville Villas Pty Ltd, on Lot 1 on RP607276 and Lot 2 on RP894268, Parish of Archer, and located at 171 and 175 Frenchville Road, Frenchville, Council resolves to issue an Adopted Infrastructure Charges Notice.

Moved by: Councillor Schwarten

Seconded by: Councillor Fisher

MOTION CARRIED

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 1:53pm.

CHAIRPERSON

SIGNATURE

DATE