



PLANNING & DEVELOPMENT COMMITTEE MEETING

MINUTES

27 MAY 2014

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

1 OPENING

2 PRESENT

Members Present:

Councillor A P Williams (Acting Chairperson)
Councillor C E Smith
Councillor G A Belz
Councillor R A Swadling
Councillor N K Fisher

In Attendance:

Mr R Claus – Manager Planning
Ms T Fitzgibbon – Coordinator Development Assessment
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

Leave of Absence for the meeting was previously granted to Councillor Cherie Rutherford

Leave of Absence for the meeting was previously granted to Councillor Stephen Schwarten

The Mayor, Councillor Margaret Strelow, has tendered her apology and will not be in attendance

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COMMITTEE RESOLUTION

THAT the minutes of the Planning & Development Committee held on 13 May 2014 be taken as read and adopted as a correct record.

Moved by: Councillor Swadling

Seconded by: Councillor Smith

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/571-2013 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR AN EDUCATIONAL ESTABLISHMENT

File No: D/571-2013

Attachments:

1. Locality Plan
2. Site Plan
3. Floor Plans
4. Elevations

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/571-2013

Applicant: Rockhampton Grammar School

Real Property Address: Lot 9 on CP908779, Parish of Rockhampton

Common Property Address: 124 Quarry Street, The Range

Area of Site: 1.1513 hectares

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: The Range North Residential Area, Precinct 2 – Special Use Precinct, The Range – North Educational

Planning Scheme Overlays: Nil

Existing Development: Educational Establishment

Existing Approvals: Building Permit for the existing Early Learning Centre and the Boarding Accommodation and a Development Permit for Building Works Assessable against the Planning Scheme (relocation of grounds shed)

Approval Sought: Development Permit for a Material Change of Use for an Educational Establishment

Level of Assessment: Impact Assessable

Submissions: One properly made submission

Referral Agency(s): Nil

Adopted Infrastructure Charges Area: Charge Area 1

Application Progress:

<i>Application Lodged:</i>	10 December 2013
<i>Acknowledgment Notice issued:</i>	20 December 2013
<i>Request for Further Information sent:</i>	13 January 2014
<i>Request for Further Information responded to:</i>	13 March 2014

<i>Submission period commenced:</i>	<i>14 March 2014</i>
<i>Notice of commencement of public notification:</i>	<i>21 March 2014</i>
<i>Submission period end:</i>	<i>8 April 2014</i>
<i>Notice of compliance of public notification:</i>	<i>15 April 2014</i>
<i>Council request for additional time:</i>	<i>7 May 2014</i>
<i>Statutory due determination date:</i>	<i>17 June 2014</i>

COMMITTEE RESOLUTION

RECOMMENDATION A

That in relation to the application for a Development Permit for a Material Change of Use for an Educational Establishment, made by Rockhampton Grammar School, on Lot 9 on CP908779, Parish of Rockhampton, located at 124 Quarry Street, The Range, 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) 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.
- 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>
Stage 1 and Stage 2, Site Plan, MCU Application	MCU 01, Revision 2	5 December 2013
RGS ELC Stage 1 & 2, Floor Plans, MCU Application	MCU 02, Revision 2	5 December 2013
Stage 1 and Stage 2, Elevations, MCU Application	MCU 03, Revision 2	5 December 2013
Intersection Concept Plan	R12310	Undated
Infrastructure Report	R12310	December 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 STAGED DEVELOPMENT

- 3.1 This approval is for a development to be undertaken in two (2) discrete stages, namely:
- 3.1.1 Room 1, Room 2 and carpark (Stage One); and
- 3.1.2 Room 3, Room 4 and Room 5 (Stage Two).
- in accordance with the approved Site Plan (refer to condition 2.1).

- 3.2 Stage one must be completed prior to Stage two.
- 3.3 Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.

4.0 ROAD WORKS

- 4.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road 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*, relevant *Australian Standards* and the provisions of a Development Permit for Operational Works (road works).
- 4.3 The Intersection Concept Plan (refer to condition 2.1) must be amended prior to submission of the Operational Works (road works) application as follows:
- 4.3.1 The proposed chevron treatment shown on Intersection Concept Plan (refer to condition 2.1) must be constructed as raised concrete medians that incorporate relocated pedestrian crossing points located at the eastern and western extents of the central median in Archer Street.

- 4.3.2 Construct a Channelised Right (short) and Auxiliary Lane (short) intersection arrangement in accordance with *Transport and Main Roads Road Planning and Design Manual* at the intersection of Archer Street and Reservoir Street.
- 4.3.3 The on-street parking on the south-western side of the Archer Street/Reservoir Street must be reinstated following the proposed intersection upgrade. Any associated widening of the Archer Street roadway to facilitate this is the responsibility of the Developer.
- 4.3.4 The proposed slip lane from Reservoir Street onto Archer Street must be amended such that the island is removed and the turn radius tightened to narrow the entry into Archer Street.
- 4.4 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"*.
- 4.5 All pathways must incorporate kerb ramps at all road crossing points.
- 4.6 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*.
- 5.0 ACCESS AND PARKING WORKS
- 5.1 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.
- 5.2 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).
- 5.3 The existing access for the proposed development must be upgraded to accommodate two-way traffic and comply with the requirements of the *Capricorn Municipal Development Guidelines*.
- 5.4 A minimum of thirty-two (32) parking spaces must be provided on-site.
- 6.0 SEWERAGE 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*, *Plumbing and Drainage Act*.
- 6.2 The development must be connected to Council's reticulated sewerage network.
- 6.3 The existing sewerage connection point(s) must be retained and upgraded, if necessary, to service the development.
- 6.4 Sewer connections located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with trafficable lids.
- 7.0 WATER 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*, the *Plumbing and Drainage Act*.
- 7.2 The development must be connected to Council's reticulated water network.
- 7.3 The existing water connection point(s) must be retained and upgraded, if necessary, to service the development.

7.4 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.

7.5 The applicant must ensure adequate fire fighting protection is available from the existing hydrant within the Reservoir Road reserve and also from the on-site fire fighting equipment for the proposed development. Should adequate protection not be achievable, upgrade of on-site fire fighting equipment, internal pillar hydrant, water tanks, and pumps will be required. The fire fighting strategy must be approved by a suitably qualified Hydraulic Consultant.

8.0 PLUMBING AND DRAINAGE WORKS

8.1 All 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.

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

8.3 Sewerage/amended 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.

8.4 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.

9.0 STORMWATER WORKS

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

9.2 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).

9.3 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.

9.4 The Operational Works (stormwater works) application must include an assessment of how the development meets the water quality objectives of the *State Planning Policy*.

9.5 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.

9.6 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.

9.7 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by a Drainage Strategy, prepared and certified by a Registered Professional Engineer of Queensland, which as a minimum includes:

9.7.1 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;

9.7.2 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;
- 9.7.3 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*;
- 9.7.4 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; and
- 9.7.5 details of all calculations, assumptions and data files (where applicable).
- 10.0 ROOF AND ALLOTMENT DRAINAGE WORKS
- 10.1 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.
- 10.2 All roof and allotment drainage must be in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.
- 10.3 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.
- 11.0 SITE WORKS
- 11.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 11.2 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.
- 11.3 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.
- 11.4 All site works must be undertaken to ensure that there is 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.
- 12.0 BUILDING WORKS
- 12.1 The existing demountable building and storage shed on the subject land must be removed.
- 12.2 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*.
- 12.3 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"*.
- 12.4 Childproof fencing must be provided between play areas and roads, carparks, driveways and neighbouring properties.
- 12.5 Provide a 1.8 metre high solid fence between the subject site and adjacent

residential properties north-west of the development. The fence must be constructed of materials and finishes that are aesthetically pleasing and commensurate with the surrounding residential area.

- 12.6 All waste storage areas must be surrounded by at least a 1.8 metre high fence that obstructs from view the contents of the bin compound by any member of the public from any public place.

- 12.7 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.

13.0 LANDSCAPING WORKS

- 13.1 Landscaping must be established generally in accordance with the approved plans (refer to condition 2.1).

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

- 13.3 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.

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

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

14.0 ELECTRICITY AND TELECOMMUNICATIONS

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

15.0 ASSET MANAGEMENT

- 15.1 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.

- 15.2 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.

- 15.3 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.

16.0 ENVIRONMENTAL

- 16.1 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.

17.0 OPERATING PROCEDURES

- 17.1 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 Archer Street, Quarry Street or Reservoir Street.
- 17.2 Noise from the activity must not cause an environmental nuisance.
- 17.3 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. Licensable Activities

The proposed activity will most likely require amendment to both the premises Food Business Licence and Food Safety Program, Council's Environment and Public Health Unit must be consulted to determine whether any amendment approvals are required prior to each stage of the development.

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 on an Adopted Infrastructure Charges Notice.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for an Educational Establishment, made by Rockhampton Grammar School, on Lot 9 CP 908779, Parish of Rockhampton, located at 124 Quarry Street, The Range - Council resolves to issue an Adopted Infrastructure Charges Notice for the amount of \$62,280.00.

Moved by: **Councillor Belz**

Seconded by: **Councillor Swadling**

MOTION CARRIED

8.2 D/566-2013 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A COMMERCIAL PREMISES AND INDOOR SPORT AND RECREATION

File No: D/566-2013

Attachments:

1. Locality Plan
2. Site Plan
3. Floor Plan
4. Elevation 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/566-2013

Applicant: G. Shuker

Real Property Address: Lot 1 on RP865994, Parish of Rockhampton

Common Property Address: 1 Kent Street, Rockhampton City

Area of Site: 2,035 square metres

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: Inner City North Residential Consolidation Area

Existing Development: Church

Existing Approvals: Town Planning Consent D/1505-1900 – Establishment of Church Purposes approved 26 June 1985
 Town Planning Consent D/524-1900 – Conduct of shop in conjunction with warehouse approved 15 March 1977

Approval Sought: Development Permit for a Material Change of Use for a Commercial Premises and Indoor Sport and Recreation

Level of Assessment: Impact Assessable

Submissions: Nil

Referral Agency(s): Nil

Adopted Infrastructure Charges Area: Charge Area One

Application Progress:

<i>Application Lodged:</i>	5 December 2013
<i>Acknowledgment Notice issued:</i>	17 December 2013
<i>Request for Further Information sent:</i>	20 December 2013
<i>Request for Further Information responded to:</i>	3 March 2014
<i>Submission period commenced:</i>	5 March 2014
<i>Submission period end:</i>	28 March 2014
<i>Last receipt of information from applicant:</i>	1 April 2014

<i>Council request for additional time:</i>	<i>1 May 2014</i>
<i>Statutory determination date:</i>	<i>30 May 2014</i>

COMMITTEE RESOLUTION**RECOMMENDATION A**

That in relation to the application for a Development Permit for a Commercial Premises and Indoor Sport and Recreation, made by G. Shuker, on Lot 1 on RP865994, Parish of Archer, and 1 Kent Street, Rockhampton City, Council resolves to Approve the application despite its conflict with the planning scheme and provide the following grounds to justify the decision despite the conflict:

- a) The commercial use will not result in a change to the hierarchy of Commercial Centres as the use is located within an established building previously approved for non-residential purposes.
- b) The proposed use, providing a health service, has a direct link to the Base Hospital and health precinct further to the south-west of the subject site and is directly accessible from this site along North Street. These services are required to be easily accessible by clients to operate in an efficient manner.
- c) The change of use is not expected to have any significant change in impacts on the surrounding area by way of amenity or traffic, having regard to the previous non-residential nature of the site (involving previously a warehouse and church) and therefore will have no worsening of amenity on the surrounding premises.
- d) The proposed development does not compromise 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 or local character and amenity.
- 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 Commercial Premises and Indoor Sport and Recreation, made by G. Shuker, on Lot 1 on RP865994, Parish of Archer, and 1 Kent 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 must be obtained prior to the commencement of any works associated with their purposes:

1.6.1 Operational Works:

- (i) Access and Parking Works.

1.6.2 Plumbing and Drainage Works.

- 1.7 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the commencement of the use.

- 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	5883-05-MCU Rev B	3 March 2014
Internal Layout	5883-05-MCU Rev B	3 March 2014
Elevations	5883-05-MCU Rev B	3 March 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 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 parking, access and manoeuvring areas must be paved or sealed.

- 3.4 A minimum of seven (7) parking spaces must be provided on-site. This must include a minimum of one (1) universal access parking space.

- 3.5 Universal access parking spaces must be provided in accordance with *Australian Standard AS2890.6 "Parking Facilities - Off-Street parking for people with disabilities"*.

4.0 PLUMBING AND DRAINAGE WORKS

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

- 4.2 Sewerage/amended 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.

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 five (5) dB (A) 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 adjoining 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 LANDSCAPING WORKS

- 6.1 The existing landscaped areas must be retained subject to an ongoing maintenance and replanting programme (if necessary).
- 7.0 Any new proposed plantings must be wholly undertaken within the property boundaries and in accordance with the species list in Planning Policy No. 6 – Planting Species of the Rockhampton City Plan.

8.0 ELECTRICITY AND TELECOMMUNICATIONS

- 8.1 Above-ground electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.
- 8.2 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.

9.0 ASSET MANAGEMENT

- 9.1 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.
- 9.2 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.

10.0 OPERATING PROCEDURES

- 10.1 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 Kent Street, North Street or Denison Lane.
- 10.2 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. 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.

RECOMMENDATION C

That in relation to the application for a Development Permit for a Commercial Premises and Indoor Sport and Recreation, made by G. Shuker, on Lot 1 on RP865994, Parish of Archer, and 1 Kent Street, Rockhampton City, Council resolves to issue an Adopted Infrastructure Charges Notice for the amount of \$74,060.00.

Moved by: Councillor Belz
Seconded by: Councillor Smith
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 1:37pm.

CHAIRPERSON

SIGNATURE

DATE