



# **PLANNING & DEVELOPMENT COMMITTEE MEETING**

## **MINUTES**

**9 SEPTEMBER 2014**

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**REPORT OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING HELD AT  
COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON ON TUESDAY,  
9 SEPTEMBER 2014 COMMENCING AT 1.30PM**

## **1 OPENING**

## **2 PRESENT**

### **Members Present:**

Acting Mayor, Councillor A P Williams (Acting Chairperson)  
Councillor C E Smith  
Councillor C R Rutherford  
Councillor G A Belz  
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  
Ms T Fitzgibbon – Coordinator Development Assessment  
Mr J Herron – Coordinator Infrastructure Operations  
Mr P Barry – Senior Planning Officer  
Ms R DeVries – Senior Planning Officer  
Ms A McLellan - Planning Officer  
Ms C Hibberd – Planning Officer  
Ms L Price – Community Awareness Officer  
Ms K Mahon – Committee Support Team Leader

## **3 APOLOGIES AND LEAVE OF ABSENCE**

Leave of Absence for the meeting was previously granted to Mayor Margaret Strelow.  
Leave of Absence for the meeting was previously granted to Councillor Stephen Schwarten.

## **4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

### **COMMITTEE RESOLUTION**

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

**Moved by:** Councillor Smith  
**Seconded by:** Councillor Swadling  
**MOTION CARRIED**

## **5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA**

## 6 BUSINESS OUTSTANDING

### 6.1 BUSINESS OUTSTANDING TABLE FOR PLANNING AND DEVELOPMENT COMMITTEE

**File No:** 10097

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

**Responsible Officer:** Evan Pardon - Chief Executive Officer

**Author:** Evan Pardon - Chief Executive Officer

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#### SUMMARY

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

#### COMMITTEE RESOLUTION

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

**Moved by:** Councillor Swadling

**Seconded by:** Councillor Smith

**MOTION CARRIED**

**6.2 LIFTING MATTERS LAYED ON THE TABLE**

**File No:** 1370  
**Attachments:** Nil  
**Responsible Officer:** Evan Pardon - Chief Executive Officer  
**Author:** Evan Pardon - Chief Executive Officer

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**SUMMARY**

*The Business Outstanding table is used as a tool to identify when reports are due back to the table. Items lying on the table require a report to be lifted from the table before being dealt with. This report is designed to lift all necessary reports from the table to be dealt with at this meeting.*

**COMMITTEE RESOLUTION**

THAT the following matter, "lying on the table" in the Business Outstanding table due to return to the Planning and Development Committee Meeting, be lifted from the table and be dealt with accordingly:

1. Development Application for a Material Change of Use for a House

**Moved by:** Acting Mayor Williams

**Seconded by:** Councillor Rutherford

**MOTION CARRIED**

**6.3 D/100-2014 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A HOUSE**

**File No:** D/100-2014

**Attachments:**

1. Locality Plan
2. Overall Site Plan - d12.102-SP1 Rev 1
3. Building Location Envelope

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

**Author:** Petrus Barry - Senior Planning Officer

**SUMMARY**

*This matter was presented at the Planning and Development Committee on 26 August 2014, however was layed on the table pending a site inspection. This inspection was scheduled for 8 September 2014.*

*Development Application Number:* D/100-2014

*Applicant:* A R Clarke

*Real Property Address:* Lot 4 on RP603374, Lot 5 on RP603374, Lot 14 on RP603374 and Lot 15 on RP603374, Parish of Archer

*Common Property Address:* 625 Montgomerie Street, Lakes Creek

*Area of Site:* 5,179 hectares

*Planning Scheme:* Rockhampton City Plan 2005

*Rockhampton City Plan Area:* Berserker Range Environmental Protection Area

*Planning Scheme Overlays:* Steep and Unstable Land, Bushfire Hazard and Remnant Vegetation

*Existing Development:* Vacant

*Existing Approvals:* Nil

*Approval Sought:* Development Permit for a Material Change of Use for a House

*Level of Assessment:* Impact Assessable

*Submissions:* One (1) submission

*Referral Agency(s):* Nil

*Adopted Infrastructure Charges Area:* Charge Area three

*Application Progress:*

<i>Application Lodged:</i>	29 April 2014
<i>Acknowledgment Notice issued:</i>	6 May 2014
<i>Request for Further Information sent:</i>	20 May 2014
<i>Request for Further Information responded to:</i>	26 June 2014
<i>Submission period commenced:</i>	8 July 2014
<i>Submission period end:</i>	29 July 2014

<i>Last receipt of information from applicant:</i>	31 July 2014
<i>Statutory due determination date:</i>	27 August 2014 extended to 24 September 2014

**COMMITTEE RESOLUTION****RECOMMENDATION A**

That in relation to the application for a Development Permit for a Material Change of Use for a House, made by A R Clarke on Lot 4 on RP603374, Lot 5 on RP603374, Lot 14 on RP603374 and Lot 15 on RP603374, Parish of Archer, located at 625 Montgomerie Street, Lakes Creek, Council resolves under section 304(1) of the *Sustainable Planning Act 2009*:

- a) that it is satisfied that the non-compliances with the public notification procedures have not:
  - (i) adversely affected the awareness of the public of the existence and nature of the application; or
  - (ii) restricted the opportunity of the public to make properly made submissions; and
- b) to assess and decide the application despite some of the requirements for public notification not being complied with.

**RECOMMENDATION B**

That in relation to the application for a Development Permit for a Material Change of Use for a House, made by A R Clarke on Lot 4 on RP603374, Lot 5 on RP603374, Lot 14 on RP603374 and Lot 15 on RP603374, Parish of Archer, located at 625 Montgomerie 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 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 Works;
    - (iii) Stormwater Works;
    - (iv) Roof and Allotment Drainage Works; and
    - (v) Site 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.
- 1.10 Lot 4 on RP603374, Lot 5 on RP603374, Lot 14 on RP603374 and Lot 15 on RP603374, Parish of Archer must be amalgamated and registered as one lot prior to the issue of a Development Permit for Building Works.
- 1.11 All conditions, works, or requirements of this development approval relating to the existing unlawful earthworks must be undertaken and completed by obtaining a Development Permit for Operational Works (site works) that must be accompanied by an earthworks plan:
- 1.11.1 to Council's satisfaction;
- 1.11.2 at no cost to Council; and
- 1.11.3 within six (6) months of the date of this Decision Notice, unless otherwise stated.

## 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>
Overall Site Plan	D12-102.SP1 Rev 1	June 2014
Access Set-out Option 2 Sheet 1 of 2	D12-102.SK7 Rev 1	June 2014
Access Set-out Option 2 Sheet 2 of 2	D12-102.SK8 Rev 1	June 2014
Long Section Option 2 Sheet 1 of 2	D12-102.SK9 Rev 1	June 2014
Long Section Option 2 Sheet 2 of 2	D12-102.SK10 Rev 1	June 2014
Cross Section Option 2 Sheet 1 of 2	D12-102.SK11 Rev 1	June 2014
Cross Section Option 2 Sheet 2 of 2	D12-102.SK12 Rev 1	June 2014
Building Location Envelope	untitled	15 April 2014
Bushfire Hazard Assessment and Management Plan	40700 bha Clarke v2.docx	26 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 ROAD WORKS

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

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

3.3 A three (3) metre wide concrete access must be constructed from the intersection of Montgomerie Street and Dorly Street to the access point for the subject allotment. The access must be constructed such that future widening to a total width of 5.5 metres can be achieved within the existing road reserve. The access must be constructed prior to the commencement of the construction of the House.

3.4 The existing bollards at the intersection of Dorly Street and Montgomerie Street must be relocated to a point immediately north of the internal access driveway at the cost of the applicant.

### 4.0 ACCESS WORKS

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

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

4.3 The internal access driveway associated with the proposed development must be concrete paved or asphalted and be constructed prior to the commencement of the construction of the House.

### 5.0 WATER WORKS

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

5.2 The development must be connected to Council's reticulated water network via a 'Special Water supply arrangement'.

### 6.0 PLUMBING AND DRAINAGE WORKS

6.1 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.

6.2 On-site sewage treatment and disposal must be in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Plumbing and Drainage Policies.

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

### 7.0 STORMWATER WORKS

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

- 7.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 7.3 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect adjoining land or infrastructure in comparison to the pre-development condition by way of blocking, altering or diverting existing stormwater runoff patterns or have the potential to cause damage to other infrastructure.
- 8.0 ROOF AND ALLOTMENT DRAINAGE WORKS
- 8.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the site.
- 8.2 All roof and allotment drainage must be in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.
- 8.3 All roof and allotment drainage must be discharged such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties or infrastructure.
- 9.0 SITE WORKS
- 9.1 A Development Permit for Operational Works (site works) must be obtained in accordance with condition 1.11 for the site works that have already been undertaken.
- 9.2 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any further site works.
- 9.3 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan which clearly identifies the following:
- 9.3.1 the location of cut and/or fill;
  - 9.3.2 the type of fill to be used and the manner in which it is to be compacted; and
  - 9.3.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels.
- 9.4 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 9.5 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.
- 9.6 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.
- 9.7 The approved design and/or the construction of the retaining walls must not be modified or altered without Council's prior written approval.
- 9.8 Vegetation must not be cleared unless and until written approval has been provided by Council. A Development Permit for Operational Works constitutes written approval, only for the purposes of clearing vegetation directly pertinent to the operational works which are the subject of the Development Permit. Details of vegetation proposed to be cleared should be provided as part of the Environmental Management Plan.
- 10.0 BUILDING WORKS
- 10.1 All structures must be wholly located within the designated building location envelope

as shown on the approved plans (refer to condition 2.1).

- 10.2 All structures must not be located within the on-site sewerage treatment and disposal area or conflict with the separation distances, in accordance with the *Queensland Plumbing and Wastewater Code*.

- 10.3 The house must be constructed in compliance with *Australian Standard AS3959 "Construction of buildings in bushfire-prone areas"* and the approved Bushfire Hazard Assessment and Management Plan (refer to condition 2.1).

#### 11.0 ELECTRICITY AND TELECOMMUNICATIONS

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

- 11.2 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.

#### 12.0 ASSET MANAGEMENT

- 12.1 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.

- 12.2 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.

- 12.3 '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.

#### 13.0 ENVIRONMENTAL

- 13.1 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.

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

Plan must be available on-site for inspection by Council Officers during those works.

#### 14.0 OPERATING PROCEDURES

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

#### ADVISORY NOTES

##### NOTE 1. Aboriginal Cultural Heritage

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

##### NOTE 2. General Environmental Duty

General environmental duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the property during all stages of the development including earthworks, construction and operation.

##### NOTE 3. General Safety Of Public During Construction

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

##### NOTE 4. Infrastructure Charges Notice

Council has resolved not to issue an Infrastructure Charges Notice for this development because the new infrastructure charges arising from the development are \$7,000.00 and the credits applicable for the new development are \$28,000.00.

##### NOTE 5. Bushfire

All future buildings must be constructed in compliance with *Australian Standard AS3959 "Construction of buildings in bushfire-prone areas"* and the approved Bushfire Hazard Assessment and Management Plan.

#### **RECOMMENDATION C**

That in relation to the application for a Development Permit for a Material Change of Use for a House, made by A R Clarke on Lot 4 on RP603374, Lot 5 on RP603374, Lot 14 on RP603374 and Lot 15 on RP603374, Parish of Archer, located at 625 Montgomerie Street, Lakes Creek, Council resolves to not issue an Infrastructure Charges Notice for the development.

**Moved by:** Councillor Smith

**Seconded by:** Councillor Rutherford

**MOTION CARRIED**

Acting Mayor Williams recorded his vote against the motion

## **7 PUBLIC FORUMS/DEPUTATIONS**

Nil

## 8 OFFICERS' REPORTS

### 8.1 D/107-2014 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A MEDIUM IMPACT INDUSTRY AND ENVIRONMENTALLY RELEVANT ACTIVITY

**File No:** D/107-2014

**Attachments:**

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

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

**Author:** Alyce McLellan - Planning Officer

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#### SUMMARY

*Development Application Number:* D/107-2014

*Applicant:* Macegate Pty Ltd

*Real Property Address:* Lot 2 on RP609239, Parish of Murchison

*Common Property Address:* 1 Gray Street, Park Avenue

*Area of Site:* 2.669 hectares

*Planning Scheme:* Rockhampton City Plan 2005

*Rockhampton City Plan Area:* Splitters Creek Residential Area – Precinct 1 – Special Use

*Planning Scheme Overlays:* Railway Noise Code

*Existing Development:* Low Impact Industry

*Existing Approvals:* Material Change of Use for a Low Impact Industry approved 24 October 2011 (Development Application D/210-2011)

*Approval Sought:* Development Permit for a Material Change of Use for a Medium Impact Industry and Environmentally Relevant Activity

*Level of Assessment:* Impact Assessable

*Submissions:* Ten (10) properly made submissions and five (5) not properly made submissions

*Referral Agency(s):* Department of State Development, Infrastructure and Planning

*Adopted Infrastructure Charges Area:* Charge Area One

*Application Progress:*

<i>Application Lodged:</i>	2 May 2014
<i>Acknowledgment Notice issued:</i>	15 May 2014
<i>Acknowledgment Notice reissued:</i>	2 June 2014
<i>Submission period commenced:</i>	30 June 2014

<i>Submission period end:</i>	<i>21 July 2014</i>
<i>Government Agency Response:</i>	<i>1 July 2014</i>
<i>Last receipt of information from applicant:</i>	<i>22 July 2014</i>
<i>Council request for additional time:</i>	<i>31 July 2014</i>
<i>Statutory due determination date:</i>	<i>16 September 2014</i>

## COMMITTEE RESOLUTION

THAT in relation to the application for a Development Permit for a Material Change of Use for a Medium Impact Industry and Environmentally Relevant Activity, made by Macegate Pty Ltd, on Lot 2 on RP609239, Parish of Murchison, located at 1 Gray Street, Park Avenue, Council resolves to Approve the application subject to the following conditions:

### 1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
  - 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
  - 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
  - 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of the use, unless otherwise stated.
  - 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior, to the commencement of the use, unless otherwise stated.
  - 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
    - 1.6.1 Operational Works:
      - (i) Road Works;
      - (ii) Access and Parking Works;
    - 1.6.2 Building Works; and
    - 1.6.3 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>Plan/Document Reference</u>	<u>Dated</u>
Site Layout Plan	1727.001 Revision 1	30 April 2014
Plant Layout Plan	1727.006	2 April 2014
Gray Street Plastic Product Manufacturing Facility – Environmental Management	1727_DA1_310_001	April 2014

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

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

### 3.0 ROAD WORKS

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

3.2 All works must be designed and constructed in accordance with the approved plans, *Capricorn Municipal Development Guidelines* and relevant *Australian Standards*.

3.3 The intersection of Gray Street and Alexandra Street must be upgraded to cater for a B-double access in accordance with the *Manual of Uniform Traffic Control Devices - Queensland*, *Austroads 'Guide to Traffic Management'*, and *Australian Standard AS1742, AS1743, AS2890*.

### 4.0 ACCESS AND PARKING WORKS

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

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

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

4.4 All parking, access and manoeuvring areas must be paved or sealed.

### 5.0 PLUMBING AND DRAINAGE WORKS

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

5.2 The development must be connected to Council's reticulated sewerage and water networks.

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

5.4 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.
- 5.5 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.
- 5.6 The applicant must ensure adequate fire fighting protection is available from the existing hydrant within the Gray Street 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 may be required.
- 5.7 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.
- 5.8 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.
- 6.0 STORMWATER WORKS
- 6.1 All stormwater discharge must be lawful and must not adversely affect adjoining land or infrastructure by way of blocking, altering or diverting existing stormwater runoff patterns or have the potential to cause damage to other infrastructure.
- 6.2 Any hazardous material, waste or contaminated water must not be discharged into the stormwater drainage system. Any such items must be disposed to the satisfaction of Council.
- 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.
- 8.0 BUILDING WORKS
- 8.1 All waste storage areas must be:
- 8.1.1 Aesthetically screened from any frontage or adjoining property;
  - 8.1.2 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;
  - 8.1.3 of a minimum size to accommodate skip type bins in accordance with the *Environmental Protection (Waste Management) Regulations*.
- 8.2 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.
- 8.3 A bunded covered area must be provided for the storage of all chemicals and environmentally hazardous fluids. The bunded storage area must have a volume of at least that of the largest container in the bund.
- 8.4 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"*.
- 8.5 Noise mitigation measures must be constructed and implemented in accordance with the recommendations in the report titled Gray Street Plastic Product Manufacturing

Facility Planning Assessment Report – Environmental Management (refer to condition 2.1). Should the development be found to be creating a noise nuisance, then the report must be revised by the owner/operator within three (3) months and submitted to Council for approval with additional mitigation measures. Council may require any noise mitigation measures identified in the assessment to be implemented within appropriate and reasonable timeframes as determined by Council.

- 8.6 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.

- 8.7 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.

#### 9.0 LANDSCAPING WORKS

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

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

#### 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.

#### 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 Gray Street.

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

- 12.3 Cleaning of plant equipment and vehicles must be carried out in an area where waste water can be suitably managed so as not to cause contaminants to release into waterways or overland flow paths.

- 12.4 There must be no release of emissions that may cause an environmental nuisance, including but not limited to noise, odour, dust and fumes.

- 12.5 Plant and equipment must be maintained at all times and in proper working order.

- 12.6 An appropriate spill kit must be maintained on the premises and located in an easily accessible location. The kit must be clearly identifiable.

#### 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](http://www.datsima.qld.gov.au).

NOTE 2. General Environmental Duty

General environmental duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the property during all stages of the development including earthworks, construction and operation.

NOTE 3. General Safety Of Public During Construction

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

Moved by: **Councillor Swadling**

Seconded by: **Councillor Smith**

**MOTION CARRIED**

## 8.2 D/149-2014 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A HOUSE

**File No:** D/149-2014

**Attachments:**

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

**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/149-2014

*Applicant:* GJ Gardner Homes Yeppoon

*Real Property Address:* Lot 12 on RP618774, Parish of Karkol

*Common Property Address:* 196 (formerly 193A) Edmistone Road, Pink Lily

*Area of Site:* 9.506 hectares

*Planning Scheme:* Fitzroy Shire Planning Scheme 2005

*Planning Scheme Zoning:* Alton Downs Zone Code – Precinct 2

*Planning Scheme Overlays:* Flood Prone Land

*Existing Development:* Vacant

*Existing Approvals:* Nil

*Approval Sought:* Development Permit for a Material Change of Use for a House

*Level of Assessment:* Impact Assessable

*Submissions:* Nil

*Referral Agency(s):* Nil

*Adopted Infrastructure Charges Area:* Charge Area 3

*Application Progress:*

<i>Application Lodged:</i>	24 June 2014
<i>Acknowledgment Notice issued:</i>	25 June 2014
<i>Further Information Request issued:</i>	3 July 2014
<i>Response to Further Information Request received:</i>	15 July 2014
<i>Submission period commenced:</i>	23 July 2014
<i>Submission period end:</i>	15 August 2014
<i>Notice of Compliance received:</i>	18 August 2014
<i>Statutory due determination date:</i>	15 September 2014

**COMMITTEE RESOLUTION****RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for a House, made by GJ Gardner Homes Yeppoon, on Lot 12 on RP618774, Parish of Karkol, located at 196 (formerly 193A) Edmestone Road, Pink Lily, 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 density of the development being a single house on a rural allotment, is of a character which is expected for a rural area;
- b) The development will be constructed above any flood height and is clear of the mapped flood area;
- c) An emergency flood management plan has been provided to demonstrate that the occupants are suitably able to manage a flood event without increasing demand on emergency services, and that the development will not result in an increased risk of damage to property or risk to life;
- d) The proposed use does not compromise the achievements of the Desired Environmental Outcomes in the *Fitzroy Shire Planning Scheme 2005*;
- e) Assessment of the development against the relevant zone outcomes and 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; and
- f) The proposed development does not compromise the relevant State Planning Policy.

**RECOMMENDATION B**

That in relation to the application for a Development Permit for a Material Change of Use for a House, made by GJ Gardner Homes Yeppoon, on Lot 12 on RP618774, Parish of Karkol, located at 196 (formerly 193A) Edmestone Road, Pink Lily, 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; 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>Reference</u>	<u>Dated</u>
Emergency Management and Recovery Plan	Revision 1	July 2014
Site Plan	14-069-R Sheet 000 Rev. A	11 March 2014
Floor Level	14-069-R Sheet 100 Rev. C	30 April 2014
Elevation 1 and 2	14-069-R Sheet 200 Rev. B	12 March 2014
Elevation 3 and 4	14-069-R Sheet 201 Rev. B	12 March 2014
3D View	14-069-R Sheet 400 Rev. B	12 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 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 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 and *Australian Plumbing and Drainage Standard AS3500: Section 3 and 4*.
- 4.2 On-site sewage treatment and disposal must be in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Plumbing and Drainage Policies.
- 4.3 On-site water supply for domestic and fire fighting purposes must be provided and may include the provision of a bore, dams, water storage tanks or a combination of each.

## 5.0 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 All earthworks must be undertaken in accordance with *Australian Standards, AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.

6.2 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.

## 7.0 BUILDING WORKS

7.1 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 the limits specified in the *Environmental Protection Act*.

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 waste storage areas must be aesthetically screened from any frontage or adjoining property.

7.4 All buildings must be constructed in accordance with the Building Code of Australia – Volume 2, and the *Queensland Development Code MP3.5 Construction of Buildings in Flood Hazard Areas*.

7.5 Finished floor levels of the habitable rooms of the proposed house must be at or above a height of 11.7 metres Australian Height Datum (600 millimetres above the Q100 flood level of 11.1 metres Australian Height Datum) and the non-habitable areas (i.e. kitchen, laundry) must be at or above a height of 11.4 metres Australian Height Datum (300 millimetres above the Q100 flood level).

## 8.0 LANDSCAPING WORKS

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

## 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.

9.2 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.

## 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 Edmiston Road.

11.2 Council acknowledges the 'Emergency Management and Recovery Plan' that has been submitted as part of the development application. Note: Council is not required to approve contingency plans (even though it appears in the approved documents list) and does not accept any liability for loss of or damage of property, or injury or loss of life as a result of any person using or relying on this plan, or failing to use this plan during a flood event.

11.3 It is the responsibility of the owner or occupier of the land to implement the 'Emergency Management and Recovery Plan' during a flood event or if there is a risk of flooding near the land.

11.4 A review and amendment of the 'Emergency Management and Recovery Plan' must be undertaken with any change in the owner or occupier of the land to demonstrate appropriate evacuation routes and preparation procedures during a flood event or if there is a risk of flooding near the land.

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

NOTE 4. Property Notes

A complete copy of the Development Approval and any documents conditioned by this approval (including the 'Emergency Management and Recovery Plan' or any updated version of this plan) must be given to the proposed purchaser when entering into a contract of sale or to the new registered proprietor prior to any transfer of land for this lot.

**NOTE 5. Works in Road Reserve Permit**

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

**RECOMMENDATION C**

That in relation to the application for a Development Permit for a Material Change of Use for a House, made by GJ Gardner Homes Yeppoon, on Lot 12 on RP618774, Parish of Karkol, located at 196 (formerly 193A) Edmestone Road, Pink Lily, Council resolves not to issue an Infrastructure Charges Notice.

**Moved by:** Councillor Rutherford

**Seconded by:** Councillor Fisher

**MOTION CARRIED**

### 8.3 D/589-2013 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR EXTRACTIVE INDUSTRY (EXTENSION)

**File No:** D/589-2013

**Attachments:**

1. Locality Plan
2. Site Plan
3. Sand Extraction Plan

**Authorising Officer:** Tarnya Fitzgibbon - Coordinator Development Assessment  
Russell Claus - Manager Planning  
Martin Crow - Acting General Manager Regional Services

**Author:** Corina Hibberd - Planning Officer

#### SUMMARY

*Development Application Number:* D/589-2013

*Applicant:* John Foxlee

*Real Property Address:* Lot 250 on R2621, Parish of Rockhampton

*Common Property Address:* 473 Nine Mile Road, Fairy Bower

*Area of Site:* 36.422 hectares

*Planning Scheme:* Rockhampton City Plan 2005

*Rockhampton City Plan Area:* South Rockhampton Rural Area

*Planning Scheme Overlays:* Q100 Flood affected land

*Existing Development:* Extractive Industry

*Existing Approvals:* Material Change of Use for an Extractive Industry (D/225-2010) approved on 13 March 2012

*Approval Sought:* Development Permit for a Material Change of Use for Extractive Industry (extension)

*Level of Assessment:* Impact Assessable

*Submissions:* Nil

*Referral Agency(s):* Department of State Development, Infrastructure and Planning

*Adopted Infrastructure Charges Area:* Charge Area Three

*Application Progress:*

<i>Application Lodged:</i>	17 December 2013
<i>Acknowledgment Notice issued:</i>	7 January 2014
<i>Request for Further Information sent:</i>	Not Applicable
<i>Submission period commenced:</i>	5 May 2014
<i>Submission period end:</i>	26 May 2014
<i>Council request for additional time:</i>	18 July 2014 and, 15 August 2014
<i>Government Agency request for additional time:</i>	28 May 2014

<i>Government Agency Response:</i>	<i>24 June 2014</i>
<i>Last receipt of information from applicant:</i>	<i>15 August 2014</i>
<i>Statutory due determination date:</i>	<i>16 September 2014</i>

## COMMITTEE RESOLUTION

### **RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for Extractive Industry (extension), made by ADAMS + SPARKES Town Planning + Development on behalf of John Foxlee, on Lot 250 on R2621, Parish of Rockhampton, located at 473 Nine Mile Road, Fairy Bower, 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) An approval for the same use already exists on this site at a smaller scale;
- b) The applicable Environmentally Relevant Activity (ERA) permit allows for up to 100,000 tonnes to be extracted per year under the existing ERA approval;
- c) The site is strategically located in a rural area with natural resources available for extraction and is located proximal to other extractive operations;
- d) The proposal will not compromise other rural pursuits in the locality, and will be managed in accordance with a Site Based Management Plan;
- e) The use will cease operations once the resource has been extracted from the site. Rehabilitation upon completion of the use will allow agricultural uses to recommence;
- f) The increase in vehicle movements on the existing road network will be minimal and will not adversely result in traffic congestion or safety issues;
- g) 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, infrastructure, community facilities or local character and amenity.
- h) The proposed development does not compromise relevant State Planning Policies.

### **RECOMMENDATION B**

That in relation to the application for a Development Permit for a Material Change of Use for Extractive Industry (extension), made by ADAMS + SPARKES Town Planning + Development on behalf of John Foxlee, on Lot 250 on R2621, Parish of Rockhampton, located at 473 Nine Mile Road, Fairy Bower, 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 Works;
  - (iii) Stormwater Works; and
  - (iv) Site Works.
- 1.7 The Environmentally Relevant Activity Permit must be amended to reflect this development approval, and approved by the Department of Environment and Heritage 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>
Proposed Site Development Layout	WD 1057.2 Rev. A	September 2010
Proposed Sand Extraction from Lot 250 on R2621	5652-07 (Minor Change to plan - 15 August 2014)	30 August 2013
Site Based Management Plan	4363	27 November 2013
Road Impact Assessment report by McMurtrie Consulting Engineers	026-10-11	29 November 2010

- 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 twelve (12) discrete stages in accordance with the approved Site Development Layout plan (refer to condition 2.1).
- 3.2 Stage one must be completed prior to any other Stage. All other stages are not required to be undertaken in chronological order.
- 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 of Fogarty Road and Nine Mile Road must be upgraded to a sealed basic left-turn intersection with an adequate turning radius to accommodate all vehicles associated with the extractive industry. The intersection must be asphalt sealed to an extent that no damage is caused to Nine Mile Road.

Alternatively, the Developer may enter into an Infrastructure Agreement with Council to pay half the cost of the intersection works for Fogarty Road and Nine Mile Road, Fairy Bower. The agreement must be prepared and finalised by Council's solicitors at no cost to Council (including the payment of any State tax) and must be executed by the Developer. The agreed repayment date must be negotiated between Council and the Developer as part of the Infrastructure Agreement process.

- 4.4 A road maintenance agreement must be entered into with the Rockhampton Regional Council. The agreement must provide for payments, from the start of the operations, on a six monthly basis, for the duration of this activity calculated by the owner/operator of the development, based on audited returns of the tonnage transported per period. The calculation is based on this clause:

"A maintenance levy must be paid on a six monthly basis on the following calculation. The amount shown below dates to March 2014 values and will be calculated in future years adjusted each year by the Consumer Price Index (All Groups Brisbane)."

Tonnage (in 6 month period)	Rate
0-100,000 tonnes	\$0.4326 per tonne

Note: CPI of March 2014 – 105.2

#### 5.0 ACCESS WORKS

- 5.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access 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*, relevant *Australian Standards* and the provisions of a Development Permit for Operational Works (access works).
- 5.3 The access must be sealed to the satisfaction of Council and must be designed and constructed in accordance with the *Capricorn Municipal Development Guidelines* and the provisions of a Development Permit for Operational Works (access works).

#### 6.0 STORMWATER WORKS

- 6.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any drainage works on the site.
- 6.2 All stormwater drainage 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 (stormwater works).
- 6.3 All stormwater 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.

- 6.4 A detailed Stormwater Treatment Strategy must be prepared and submitted as part of the application for a Development Permit for Operational Works (stormwater works).
- 7.0 SITE WORKS
- 7.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works.
- 7.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan which clearly identifies the following:
- 7.2.1 the location of cut and/or fill;
  - 7.2.2 the type of fill to be used and the manner in which it is to be compacted;
  - 7.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
  - 7.2.4 details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and
  - 7.2.5 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.
- 7.3 A Rehabilitation Management Plan must be submitted to Council for approval along with any application for a Development Permit for Operational Works (site works).
- 7.4 Further testing for acid sulphate soils must be completed in accordance with the Site Based Management Plan (refer to Condition 2.1), the *State Planning Policy 2014*, the *Guidelines for Sampling and Analysis of Lowland Acid Sulphate Soils in Queensland 1998* and *Queensland Acid Sulphate Soil Technical Manual – Soil Management Guidelines*. The results of this further testing must be submitted to Council as part of any application for a Development Permit for Operational Works (site works).
- 7.5 Groundwater extraction activities (including drainage, pumping or other activity that removes groundwater) carried out in association with excavation activities require a groundwater investigation in accordance with *State Planning Policy 2014*. The results of this investigation must be submitted as part of any application for a Development Permit for Operational Works (site works).
- 7.6 Sampling associated with the acid sulphate soils investigation should follow the *Guidelines for Sampling and Analysis of Lowland Acid Sulphate Soils in Queensland (Ahern et al 1998)*. Laboratory analysis associated with the acid sulphate soils investigation should follow the *Laboratory Methods Guidelines of the Queensland Acid Sulphate Soil Technical Manual*.
- 7.7 If Acid Sulphate Soils are found to be present an appropriate management plan must be submitted to Council for approval along with any application for a Development Permit for Operational Works (site works).
- 7.8 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.
- 7.9 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.
- 7.10 All site works must be undertaken to ensure that there is:
- 7.10.1 no increase in upstream or downstream flood levels for all levels of immunity up to Q100; and

- 7.10.2 No increase in velocity profiles, for which no remedy exists to prevent erosion and/or scouring. In the event that modelling shows non-compliance with the above, works must be undertaken within the system to satisfy the above criteria for development.

## 8.0 ASSET MANAGEMENT

- 8.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.
- 8.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.

## 9.0 ENVIRONMENTAL

- 9.1 A detailed Environmental Management Plan must form part of the ongoing operating procedure, which addresses, but is not limited to, the following matters:
- (i) water quality and drainage;
  - (ii) erosion and silt/sedimentation management;
  - (iii) sodosol (sodic) soils;
  - (iv) fauna management;
  - (v) vegetation management, clearing and revegetation;
  - (vi) top soil management;
  - (vii) interim drainage plan during extraction;
  - (viii) extraction programme;
  - (ix) geotechnical issues;
  - (x) weed control;
  - (xi) bushfire management;
  - (xii) emergency vehicle access;
  - (xiii) noise and dust suppression; and
  - (xiv) waste and refuse management.
- 9.2 An Erosion and Sediment Control Plan must form part of the ongoing operating procedure which addresses, but is not limited to, the following:
- (i) objectives;
  - (ii) site location / topography;
  - (iii) vegetation;
  - (iv) site drainage;
  - (v) soils;
  - (vi) sodosol (sodic) soils;
  - (vii) erosion susceptibility;
  - (viii) erosion risk;
  - (ix) concept;



- (x) design; and
- (xi) implementation, for the extraction and post extraction phases of work.

The erosion and sediment control plan must incorporate detailed plans, control measures, monitoring programmes and maintenance procedures to ensure appropriate development and management practices within and adjacent to the site.

- 9.3 A copy of the Environmental Management Plan and Erosion and Sediment Control Plan must be kept on site for inspection at any time during business hours.
- 9.4 No works can commence on the site unless and until an Environmental Management Plan and an Erosion and Sediment Control Plan have been approved by Council.
- 9.5 Vegetation must not be cleared, removed or damaged unless it is in accordance with the approved plans. Any additional vegetation clearing on the subject site must be in accordance with the requirements of the *Vegetation Management Act 1999* and the planning scheme current at the time of the proposed clearing.
- 9.6 Each stage must be rehabilitated and revegetated, using appropriate species endemic to the area. Initial rehabilitation and revegetation must be completed within six (6) months of the commencement of extraction in the next stage and the rehabilitated area must be the subject of ongoing management and maintenance.
- 9.7 All plant and equipment involved in the extraction and transportation of the top soil and gravel must be washed down, for the control of weed infestation, prior to leaving the site. The wash down area must be designed to capture and treat contaminants from the plant and equipment. Contaminants must not be permitted to discharge into water courses or drainage lies or onto adjoining properties.

#### 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 Fogarty Road or Nine Mile Road.
- 10.2 This approval is for the extraction and transportation of sand from the subject premises which must be undertaken in accordance with the endorsed plans (refer to condition 2.1) and at an extraction rate of no more than 100,000 tonnes per annum.
- 10.3 The hours of operations must be limited to:
  - (i) 0600 hours to 1800 hours on Monday to Saturday; and
  - (ii) no operations on Sunday or Public Holidays
- 10.4 A detailed record of the extraction, including date, quantity extracted and transported from site must be maintained on site for inspection by Council.
- 10.5 There must be no servicing or maintenance of vehicles on the site.
- 10.6 Excavation and filling must be located sufficiently clear of the boundary so that there is no damage to adjoining properties or road reserves due to the effects of erosion.
- 10.7 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with '*Australian Standard AS4282 – Control of the obtrusive effects of outdoor lighting*'.
- 10.8 Dust suppression:
  - (i) Measures must be implemented to suppress dust during the operation. There must be no visible dust emissions onto any adjoining properties during excavation, processing loading or transport of the material. All haulage trucks associated with the transportation of material extracted by this operation must

have their loads covered by dust-proof material, to prevent sand and dust loss during transportation.

- (ii) If any dust creates a nuisance to neighbouring properties, all activities must cease until corrective measures have been implemented to Council's satisfaction.

10.9 No contaminated water must be directly or indirectly released from the premises on to the ground, into groundwater or natural run-off systems.

10.10 Cleaning of plant and trucks must be carried out in an area where contaminants cannot be released into the environment.

## NOTES

### NOTE 1.      *Aboriginal Cultural Heritage Act, 2003*

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](http://www.datsima.qld.gov.au)

### NOTE 2.      *Dust Control*

It is the developer's responsibility to ensure compliance with Part 2A - Environmental Nuisance of the *Environmental Protection Regulation 1998* which prohibits unlawful environmental nuisance caused by dust, ash, fumes, light, odour or smoke beyond the boundaries of the property during all stages of the development including earthworks and construction.

### NOTE 3.      *General Environmental Duty*

General environmental duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the property during all stages of the development including earthworks, construction and operation.

### NOTE 4.      *Sedimentation Control*

It is the developer's responsibility to ensure compliance with Section 32 of the *Environmental Protection (Water) Policy 1997* to prevent soil erosion and contamination of the stormwater drainage system and waterways.

### NOTE 5.      *Noise During Construction And Noise In General*

It is the developer's responsibility to ensure compliance with Section 6S General Emission Criteria and Section 6T Noise Emission Criteria of the *Environmental Protection Regulation 1998*.

### NOTE 6.      *General Safety Of Public During Construction*

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

### NOTE 7.      *General Safety Of Public During Operation*

It is the principal contractor's responsibility to ensure compliance with Section 31 of the *Work Health and Safety Act 2011*. Section 31(1)(c) states that the principal contractor is obliged on a construction workplace to ensure that work activities at the workplace are safe and without risk of injury or illness to

members of the public at or near the workplace.

It is the responsibility of the person in control of the workplace to ensure compliance with Section 30 of the *Work Health and Safety Act 2011*. Section 30(1)(c) states that the person in control of the workplace is obliged to ensure there is appropriate, safe access to and from the workplace for persons other than the person's workers.

### **RECOMMENDATION C**

That in relation to the application for a Development Permit for a Material Change of Use for Extractive Industry (extension), made by ADAMS + SPARKES Town Planning + Development on behalf of John Foxlee, on Lot 250 on R2621, Parish of Rockhampton, located at 473 Nine Mile Road, Fairy Bower, Council resolves to not issue an Infrastructure Charges Notice

**Moved by:** Acting Mayor Williams

**Seconded by:** Councillor Fisher

**MOTION CARRIED**

#### 8.4 D/17-2014 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A MULTI UNIT DWELLING (SIX UNITS)

**File No:** D/14-2014

**Attachments:**

1. Locality Plan
2. Site Plan
3. Floor Plan
4. Elevations
5. Landscape Design Plan

**Authorising Officer:** Tarnya Fitzgibbon - Coordinator Development Assessment  
 Russell Claus - Manager Planning  
 Martin Crow - Acting General Manager Regional Services

**Author:** Rebecca De Vries - Senior Planning Officer

#### SUMMARY

*Development Application Number:* D/17-2014

*Applicant:* Mish Developments Pty Ltd A.B.N 40 11 405 944

*Real Property Address:* 23 Canning Street, The Range

*Common Property Address:* Lot 2 on RP605286, Parish of Rockhampton

*Area of Site:* 1,136 square metres

*Planning Scheme:* Rockhampton City Plan 2005

*Rockhampton City Plan Area:* The Range North Residential Area

*Existing Development:* House

*Existing Approvals:* Nil

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

*Level of Assessment:* Impact Assessable

*Submissions:* Nil

*Referral Agency(s):* Not applicable

*Adopted Infrastructure Charges Area:* Charge Area 1

*Application Progress:*

<i>Application Lodged:</i>	28 January 2014
<i>Acknowledgement Notice sent:</i>	6 February 2014
<i>Request for Further Information sent:</i>	10 February 2014
<i>Request for Further Information responded to:</i>	2 May 2014
<i>Submission period commenced:</i>	8 May 2014
<i>Submission period end:</i>	2 June 2014
<i>Notice of Compliance received:</i>	10 June 2014
<i>Council request for additional time:</i>	19 June 2014
<i>Council further request for additional time:</i>	22 July 2014

Statutory determination date:	25 September 2014
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**COMMITTEE RESOLUTION****RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for a Multi Unit Dwelling (six units), made by Mish Developments Pty Ltd A.B.N 40 11 405 944, on Lot 2 on RP605286, Parish of Rockhampton, located at 23 Canning Street, The Range, 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 development is proximal to the hospital, providing additional choice in the form of residential accommodation available to support such a high demand facility;
- b) The Range North Residential Area identifies that multi-unit dwelling development can be consistent in this area where it is constructed in proximity to the hospital. Although the site is not located within one of the precincts specifically identified for this density of residential development, it is considered that the site shares the same characteristics which caused the precincts to be selected as being appropriate locations;
- c) The development incorporates architectural features which are sympathetic to the pre-war character identified in the area. This character is identified in the *Rockhampton City Plan 2005* as being a feature to be protected and maintained in this area;
- d) The proposed use does not compromise the achievement of the Desired Environmental Outcomes in the *Rockhampton City Plan 2005*;
- e) Assessment of the development against the relevant area intent, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and
- 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 Material Change of Use for a Multi Unit Dwelling (six units), made by Mish Developments Pty Ltd A.B.N 40 11 405 944, on Lot 2 on RP605286, Parish of Rockhampton, located at 23 Canning 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 its purposes:

1.6.1 Operational Works:

- (i) Road Works;
- (ii) Access and Parking Works;
- (iii) Roof and Allotment Drainage Works; and
- (iv) Landscaping Works.

1.6.2 Plumbing and Drainage Works; and

1.6.3 Building Works:

- (i) Demolition Works; and
- (ii) 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	W-23C/DA01 Issue E	13 August 2014
Floor Plans	W-23C/DA02 Issue E	13 August 2014
Elevations	W-23C/DA03 Issue E	13 August 2014
Elevations	W-23C/DA04 Issue E	13 August 2014
Landscape Design Plan	Mish-Can-LP1	29 March 2014
Stormwater Management Plan	14134 Sk.1 Issue B	April 2014
Stormwater Management Details	14134 Sk.2 Issue A	April 2014

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

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

3.0 ROAD WORKS

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

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

Works (road works).

- 3.3 A concrete pathway, with a minimum width of two (2) metres, must be constructed on the eastern side of Canning Street for the full frontage of the site.
- 3.4 All pathways and access ramps must be designed and constructed in accordance with *Australian Standard AS1428 "Design for Access and Mobility"*. All pathways located within a road reserve or public use land must be provided with public space lighting in accordance with *Australian Standard AS1158 "Lighting for Roads and Public Spaces"*.
- 3.5 All pathways must incorporate kerb ramps at all road crossing points.
- 3.6 Traffic signs and pavement markings must be provided in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*. Where necessary, existing traffic signs and pavement markings must be modified in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*.
- 3.7 Any retaining structures within road reserves must not be constructed unless approved as part of a Development Permit for Operational Works (road works). Retaining walls must be wholly contained within the proposed private allotments and not be constructed as Council-owned infrastructure.
- 3.8 Any retaining structures above one metre in height must be separately approved for structural adequacy by a Registered Professional Engineer of Queensland at design submission and certified on completion of construction for compliance with the design.

#### 4.0 ACCESS AND PARKING WORKS

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

#### 5.0 PLUMBING AND DRAINAGE WORKS

- 5.1 The development must be connected to Council's reticulated water supply and sewerage network.
- 5.2 The existing sewerage connection point(s) must be retained and upgraded, if necessary, to service the development.
- 5.3 The existing water connection point(s) must be disconnected. A new water connection point must be provided to the development. A hydraulic engineer or other suitably qualified person must determine the size of connection required.
- 5.4 Adequate domestic and fire fighting protection must be provided to the development, which is to be certified by a hydraulic engineer or other suitably qualified person.
- 5.5 The development must be provided with a master meter at the property boundary and sub meters for each sole occupancy building in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Sub-metering Policy.
- 5.6 Any water meter or sewer connection located within a trafficable area must be raised or lowered to suit the finished surface level and must be provided with heavy duty trafficable lids.
- 5.7 All internal plumbing and sanitary drainage works must be completed in accordance with regulated work under the *Plumbing and Drainage Act* and Council's Plumbing and Drainage Policies and must be completely independent for each unit.
- 5.8 Disconnection of internal plumbing and sanitary drainage for the dwelling to be demolished must be completed in accordance with regulated works under the

*Plumbing and Drainage Act* and Council's Plumbing and Drainage Policies.

- 5.9 The development must comply with Council's Building Over/Adjacent to Local Government Sewerage Infrastructure Policy. Any permit associated with the Building Over / Adjacent to Local Government Sewerage Infrastructure Policy must be obtained prior to the issue of a Development Permit for Building Works.

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 The 150 millimetre diameter outlet pipe from the detention tank to the kerb and channel must be replaced with two (2) smaller pipes with a similar overall capacity.
- 6.4 All roof and allotment drainage must be discharged such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties or infrastructure.
- 6.5 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.

7.0 SITE WORKS

- 7.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 7.2 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.
- 7.3 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.
- 7.4 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 The existing dwelling on the subject land must be demolished.
- 8.2 All works must be undertaken in accordance with the Council Building Over / Adjacent to Local Government Sewerage Infrastructure Policy and any permit obtained in respect of this Policy.
- 8.3 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*.
- 8.4 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”.*

- 8.5 Provide a 1.8 metre high fence between the subject site and the adjacent properties to the development. The fence must be constructed of materials and finishes that are aesthetically pleasing and commensurate with the surrounding area.
- 8.6 Storage and collection of solid wastes must comply with the *Environmental Protection (Waste Management) Regulation*. All waste storage areas must:
- 8.6.1 provide an impervious paved area to accommodate all refuse containers;
  - 8.6.2 be of a sufficient size to accommodate wheelie bins and recyclable bins plus clearances around the bins for manoeuvring and cleaning;
  - 8.6.3 be aesthetically screened from any frontage or adjoining property;
  - 8.6.4 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; and
  - 8.6.5 not be located within 2 metres of a road frontage.

#### 9.0 LANDSCAPING WORKS

- 9.1 A Development Permit for Operational Works (landscaping works) must be obtained prior to the commencement of any landscaping works on the site.
- 9.2 Landscaping must be provided generally in accordance with the approved plans (refer to condition 2.1).
- 9.3 The approved landscape plans must be augmented with additional planting located along the driveway on the north-western boundary and between and around the visitor parking areas. The additional planting must be designed to specifically reduce the perceived scale of the buildings and must include advanced plant stock, to create an immediate effect.
- 9.4 All landscaping must be constructed and or established, in accordance with the requirements of the Development Permit for Operational Works (landscaping works), prior to the commencement of the use.
- 9.5 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure. Small shrubs and groundcover are acceptable.
- 9.6 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.
- 9.7 The landscaped areas must be subject to an ongoing maintenance and replanting programme (if necessary).

#### 10.0 ELECTRICITY AND TELECOMMUNICATIONS

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

## 11.0 ASSET MANAGEMENT

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

## 12.0 ENVIRONMENTAL

- 12.1 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.

## 13.0 OPERATING PROCEDURES

- 13.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Canning Street.
- 13.2 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](http://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 *Work Health and Safety Act 2011* 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 *Work Health and Safety Act 2011* and *Manual of Uniform Traffic Control Devices* must be complied with in carrying out any construction works, and to ensure safe traffic control and safe public access in respect of works being

constructed on a road.

**NOTE 5. Adopted Infrastructure Charges Notice**

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

**RECOMMENDATION C**

That in relation to the application for a Development Permit for a Material Change of Use for a Multi Unit Dwelling (six units), made by Mish Developments Pty Ltd A.B.N 40 11 405 944, on Lot 2 on RP605286, Parish of Rockhampton, located at 23 Canning Street, The Range, Council resolves to issue an adopted infrastructure charges notice for the amount of **\$105,000.00**.

**Moved by: Councillor Swadling**

**Seconded by: Councillor Smith**

**MOTION CARRIED**

## **9 STRATEGIC REPORTS**

Nil

## **10 NOTICES OF MOTION**

Nil

## **11 URGENT BUSINESS\QUESTIONS**

## 12 CLOSED SESSION

In accordance with the provisions of section 275 of the *Local Government Regulation 2012*, a local government may resolve to close a meeting to the public to discuss confidential items, such that its Councillors or members consider it necessary to close the meeting.

### COMMITTEE RESOLUTION

THAT the meeting be closed to the public to discuss the following items, which are considered confidential in accordance with section 275 of the *Local Government Regulation 2012*, for the reasons indicated.

#### 13.1 D/1322-2008 Progress of compliance at Port Curtis

This report is considered confidential in accordance with section 275(1)(g), of the *Local Government Regulation 2012*, as it contains information relating to any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act.

**Moved by:** Councillor Rutherford

**Seconded by:** Councillor Swadling

**MOTION CARRIED**

### COMMITTEE RESOLUTION

**2:29PM**

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

**Moved by:** Acting Mayor Williams

**Seconded by:** Councillor Swadling

**MOTION CARRIED**

### COMMITTEE RESOLUTION

**2:49PM**

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

**Moved by:** Councillor Swadling

**Seconded by:** Councillor Fisher

**MOTION CARRIED**

## 13 CONFIDENTIAL REPORTS

### 13.1 D/1322-2008 PROGRESS OF COMPLIANCE AT PORT CURTIS

**File No:** D/1322-2008  
**Attachments:** Nil  
**Authorising Officer:** Russell Claus - Manager Planning  
Martin Crow - Acting General Manager Regional Services  
**Author:** Tarnya Fitzgibbon - Coordinator Development Assessment

This report is considered confidential in accordance with section 275(1)(g), of the *Local Government Regulation 2012*, as it contains information relating to any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act.

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#### SUMMARY

*An update will be provided in relation to the compliance and enforcement issues relating to a Transport Terminal at Port Curtis.*

#### COMMITTEE RESOLUTION

THAT Council resolve to proceed with Option One, as outlined in this report.

**Moved by:** Councillor Swadling  
**Seconded by:** Councillor Fisher  
**MOTION CARRIED**



## **14 CLOSURE OF MEETING**

There being no further business the meeting closed at 2:49pm.

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SIGNATURE

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CHAIRPERSON

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DATE