



# **PLANNING & DEVELOPMENT COMMITTEE MEETING**

## **MINUTES**

**7 OCTOBER 2014**

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**REPORT OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING  
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON  
ON TUESDAY 7 OCTOBER 2014 COMMENCING AT 1:36PM**

**1 OPENING****2 PRESENT**

## Members Present:

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

## In Attendance:

Mr E Pardon – Chief Executive Officer  
Mr R Holmes – General Manager Regional Services  
Mr R Claus – Manager Planning  
Ms T Fitzgibbon – Coordinator Development Assessment  
Mr J Herron – Coordinator Infrastructure Operations  
Mr P Barry – Senior Planning Officer  
Ms R De Vries – Senior Planning Officer  
Mr A De Klerk – Planning Officer  
Ms C Hibberd – Planning Officer  
Ms A McLennan – Planning Officer  
Ms L Price – Community Awareness Officer  
Ms I Taylor – Governance Support Officer

**3 APOLOGIES AND LEAVE OF ABSENCE**

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

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

THAT the minutes of the Planning & Development Committee held on 23 September 2014 be taken as read and adopted as a correct record.

**Moved by:** Councillor Smith  
**Seconded by:** Councillor Williams

**MOTION CARRIED**

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

## **6 BUSINESS OUTSTANDING**

Nil

## **7 PUBLIC FORUMS/DEPUTATIONS**

Nil

## 8 OFFICERS' REPORTS

### 8.1 D/158-2014 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A COMMERCIAL PREMISES

**File No:** D/158-2014

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

#### SUMMARY

*Development Application Number:* D/158-2014

*Applicant:* P & M Medical Services Pty Ltd

*Real Property Address:* Lot 1 on RP601856, Parish of Rockhampton

*Common Property Address:* 247 William Street, Allenstown

*Area of Site:* 405 square metres

*Planning Scheme:* Rockhampton City Plan 2005

*Rockhampton City Plan Area:* Allenstown Residential Consolidation Area

*Planning Scheme Overlays:* Airport Code: Obstacle Height Limitation – no building over 30 metres  
 Height Limit (3 Storeys or 12 metres)

*Existing Development:* House with ancillary shed

*Existing Approvals:* Nil

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

*Level of Assessment:* Impact Assessable

*Submissions:* Nil

*Referral Agency(s):* Nil

*Adopted Infrastructure Charges Area:* Charge Area 1

*Application Progress:*

<i>Application Lodged:</i>	25 June 2014
<i>Acknowledgment Notice issued:</i>	3 July 2014
<i>Request for Further Information sent:</i>	14 July 2014
<i>Request for Further Information responded to:</i>	13 August 2014
<i>Submission period commenced:</i>	14 August 2014
<i>Submission period end:</i>	4 September 2014
<i>Notice to extend Decision Period sent:</i>	9 September 2014
<i>Committee Meeting date:</i>	7 October 2014

Statutory due determination date:	31 October 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 Commercial Premises, made by P & M Medical Services Pty Ltd, on Lot 1 on RP601856, Parish of Rockhampton, located at 247 William Street, Allenstown, 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 proposal maintains the opportunity for a future consolidated development on the site being orientated towards Canning Street to occur in line with the Allenstown Residential Consolidation Area intent as construction required for the proposal is limited;
- b) The development maintains the residential character of the area;
- c) The development is small scale with the number of client vehicle trips per day being limited to around 10 trips, therefore not detracting from the residential amenity of the area;
- d) The site is located within the expansion area of the commercial precinct and there is a reasonable level of community expectation that the site will be developed in some way for a commercial use. This has been supported by the fact that no submission were received during the submission period;
- e) The proposed development is consistent with the proposed Rockhampton Region Planning Scheme;
- f) The proposed use does not compromise the achievements of the Desired Environmental Outcomes in the *Rockhampton City Plan 2005*;
- g) 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
- h) The proposed development does not compromise the relevant State Planning Policy.

**RECOMMENDATION B**

That in relation to the application for a Development Permit for a Material Change of Use for a Commercial Premise, made by P & M Medical Services Pty Ltd, on Lot 1 on RP601856, Parish of Rockhampton, located at 247 William Street, Allenstown, 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; and
  - (ii) Access and Parking Works.
- 1.6.2 Plumbing and Drainage Works.
- 1.7 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the 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 Number</u>	<u>Dated</u>
Site Plan	SK-01 Rev.3	29 July 2014
Floor Plan	SK-03 Rev.3	29 July 2014
Landscape Plan	SK-04 Rev.3	29 July 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 minimum 1.2 metre wide pedestrian pathway must be constructed for the full frontage of the property along both William and Allen Street. This non-trunk infrastructure is conditioned under section 665 of the *Sustainable Planning Act 2009*.

## 4.0 ACCESS AND PARKING WORKS

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



- 4.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Parking Facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 4.3 The major access driveway to the parking area fronting Allen Street must be a minimum of 5.5 metres wide.
- 4.4 All parking, access and manoeuvring areas must be paved or sealed.
- 4.5 A universal access parking space must be provided in accordance with *Australian Standard AS2890.6 "Parking Facilities - Off-Street parking for people with disabilities"*.

#### 5.0 PLUMBING AND DRAINAGE WORKS

- 5.1 Alteration or relocation of internal sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act*.
- 5.2 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.

#### 6.0 STORMWATER WORKS

- 6.1 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.

#### 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 Provide a 1.2 metre high fence along Allen Street for the full frontage to Allen Street which is a continuation of the existing fence fronting to William Street.
- 7.4 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.

#### 8.0 LANDSCAPING WORKS

- 8.1 All landscaping must be constructed and or established, in accordance with the approved plans, prior to the commencement of the use.
- 8.2 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.

**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 water supply or sewerage infrastructure, 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 Implement and maintain an Erosion Control and Stormwater Control Management Plan 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 William Street or Allen Street.
- 12.2 No more than two (2) medical practitioners are permitted to practice from the premises at any one time.
- 12.3 The hours of operations, including the loading and/or unloading of delivery and waste collection vehicles, must be limited to:
- (i) 0800 hours to 1800 hours on Monday to Saturday; with
  - (ii) no operations on Sunday or Public Holidays.
- 12.4 Noise from the activity must not cause an environmental nuisance.
- 12.5 When requested by the administering authority, noise monitoring must be undertaken within three months, and recorded to investigate any complaint of nuisance caused by noise. The monitoring data, an analysis of the data and a report, including noise mitigation measures, must be provided to Council within fourteen days of the completion of the investigation. Noise measurements must be compared with the acoustic quality objectives specified in the most recent edition of the Environmental Protection (Noise) Policy and noise monitoring conducted in accordance with the most recent edition of Department of Environment and Heritage Protection Noise Measurement Manual.
- 12.6 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 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. Licensable Activities**

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

**NOTE 5. 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.

**RECOMMENDATION C**

That in relation to the application for a Development Permit for a Material Change of Use for a Commercial Premises, made by P & M Medical Services Pty Ltd, on Lot 1 on RP601856, Parish of Rockhampton, located at 247 William Street, Allenstown, Council resolves not to issue an Infrastructure Charges Notice.

**Moved by:** Councillor Smith

**Seconded by:** Councillor Belz

**MOTION CARRIED**

## 8.2 D/134-2014 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A CHILD CARE CENTRE

**File No:** D/134-2014

**Attachments:**

1. Locality Plan
2. Site Plan
3. Floor Plan
4. North and South Elevation
5. East and West Elevation

**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/134-2014

*Applicant:* Hebbard Property Trust

*Real Property Address:* Lot 10 on SP246192, Parish of Murchison

*Common Property Address:* 16 Bean Avenue, Parkhurst

*Area of Site:* 2,692 square metres

*Planning Scheme:* Rockhampton City Plan 2005

*Rockhampton City Plan Area:* Parkhurst East Residential Area

*Planning Scheme Overlays:* Nil

*Existing Development:* Child Care Centre

*Existing Approvals:* D/493-2010 Development Permit for a Material Change of Use for a Child Care Centre; D-R/31-1994 Town Planning Consent for a Child Care Centre (TPC2446).

*Approval Sought:* Development Permit for a Material Change of Use for a Child Care Centre

*Level of Assessment:* Impact Assessable

*Submissions:* One properly-made submission

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

*Adopted Infrastructure Charges Area:* Charge Area 1

*Application Progress:*

<i>Application Lodged:</i>	2 June 2014
<i>Acknowledgment Notice issued:</i>	16 June 2014
<i>No Further Information required sent:</i>	16 June 2014
<i>Submission period commenced:</i>	6 August 2014
<i>Submission period end:</i>	12 September 2014
<i>Government Agency Response:</i>	28 August 2014
<i>Committee date:</i>	7 October 2014

Statutory due determination date:	14 October 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 Child Care Centre, made by Hebbard Property Trust, on Lot 10 on SP246192, Parish of Murchison, located at 16 Bean Avenue, Parkhurst, 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 Child Care Centre, made by Hebbard Property Trust, on Lot 10 on SP246192, Parish of Murchison, located at 16 Bean Avenue, Parkhurst, 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; and
    - (ii) Roof and Allotment Drainage Works.
  - 1.6.2 Plumbing and Drainage Works; and
  - 1.6.3 Building Works.
- 1.7 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.

- 1.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.9 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

## 2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Number</u>	<u>Dated</u>
Site Plan	A101 Rev. B	18 June 2014
Floor Plan	A102 Rev. A	26 May 2014
North and South Elevations	A103 Rev. A	26 May 2014
East and West Elevations	A104 Rev. A	26 May 2014
Plant Schedule	A117 Rev. A	26 May 2014

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

## 3.0 ACCESS AND PARKING WORKS

- 3.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the site.
- 3.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Parking Facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 3.3 All parking, access and manoeuvring areas must be paved or sealed.
- 3.4 A new egress from the development must be provided to Nellie Street.
- 3.5 All vehicles must ingress and egress the development in a forward gear.
- 3.6 A minimum of two (2) additional parking spaces must be provided on-site.
- 3.7 Universal access parking spaces must be provided in accordance with *Australian Standard AS2890.6 "Parking Facilities - Off-Street parking for people with disabilities"*.
- 3.8 All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Australian Standard AS1742.1 "Manual of Uniform Traffic Control Devices"* and *Australian Standard AS2890.1 "Parking Facilities – Off-street Car Parking"*.
- 3.9 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for Access and Mobility"*.

## 4.0 SEWERAGE WORKS

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

- 4.2 The development must be connected to Council's reticulated sewerage network.
- 4.3 The existing sewerage connection point(s) must be retained and upgraded, if necessary, to service the development.
- 4.4 All works must be undertaken in accordance with a Council Building Over/Adjacent to Local Government Sewerage Infrastructure Policy.
- 4.5 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.
- 4.6 Sewer connections located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with trafficable lids.

#### 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*, the *Plumbing and Drainage Act*.
- 5.2 The development must be connected to Council's reticulated water network.
- 5.3 The existing water connection point(s) must be retained and upgraded, if necessary, to service the development.
- 5.4 Water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface level and must be provided with heavy duty trafficable lids.
- 5.5 The applicant must ensure adequate fire fighting protection is available from the existing hydrants within Bean Avenue and Nellie Close road reserve and also from the on-site fire fighting equipment for the proposed development. Where adequate protection can not be achievable, upgrade of on-site fire fighting equipment, internal pillar hydrant, water tanks, and pumps will be required.

#### 6.0 PLUMBING AND DRAINAGE WORKS

- 6.1 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.
- 6.2 Disconnection, alteration or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act*.
- 6.3 Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's sewerage reticulation. Arrester traps must be provided where commercial or non-domestic waste water is proposed to be discharged into the system.

#### 7.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 7.1 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.
- 7.2 All roof and allotment drainage must be in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.
- 7.3 The proposed development must achieve no increase in 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.
- 7.4 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.

## 8.0 SITE WORKS

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

8.2 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.

8.3 Any vegetation cleared or removed must be:

(i) mulched on-site and utilised on-site for landscaping purposes, in accordance with the landscaping plan approved by Council; or

(ii) removed for disposal at a location approved by Council;

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

## 9.0 BUILDING WORKS

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

9.2 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.

9.3 All waste storage areas must be:

9.3.1 provided with a suitable hose-cock (with backflow prevention) and hoses at the refuse container area, and wash-down must be drained to the sewer and fitted with an approved stormwater diversion valve arrangement;

9.3.2 of a sufficient size to accommodate commercial sized bins to be serviced by a commercial contractor plus clearances around the bins for manoeuvring and cleaning; and

9.3.3 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.

9.4 All external elements, such as air conditioners, must be adequately screened from public view, to Council's satisfaction. Noise from any external elements, such as air conditioners, must not exceed the limits specified in the *Environmental Protection Act*.

9.5 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.

## 10.0 LANDSCAPING WORKS

10.1 All landscaping must be constructed and established in accordance with the approved plans (refer to condition 2.1), prior to the commencement of the use.

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

## 11.0 ELECTRICITY AND TELECOMMUNICATIONS

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



**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.

**13.0 ENVIRONMENTAL**

- 13.1 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.

**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 Bean Street or Nellie Close.
- 14.2 The hours of operations must be limited to:
- (i) 0630 hours to 1830 hours on Monday to Friday, and
  - (ii) no operations on Saturday, Sunday or Public Holidays.
- 14.3 All waste storage areas must be kept in a clean, tidy condition in accordance with *Environmental Protection (Waste Management) Regulations*.

**ADVISORY NOTES****NOTE 1. Aboriginal Cultural Heritage**

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

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

**RECOMMENDATION C**

That in relation to the application for a Development Permit for a Material Change of Use for a Child Care Centre, made by Hebbard Property Trust, on Lot 10 on SP246192, Parish of Murchison, located at 16 Bean Avenue, Parkhurst, Council resolves to issue an Infrastructure Charges Notice for the amount of \$26,555.96.

**Moved by:** Councillor Fisher

**Seconded by:** Councillor Smith

**MOTION CARRIED**

**8.3 D/423-2013 REQUEST FOR A NEGOTIATED DECISION NOTICE FOR A DEVELOPMENT PERMIT FOR A VEHICLE DEPOT**

**File No:** D/423-2013

**Attachments:**

1. Locality Plan
2. Site Plan
3. Access, Manoeuvring and Vehicle Parking

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

**Author:** Anton de Klerk - Planning Officer

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**SUMMARY**

*Development Application Number:* D/423-2013

*Applicant:* Red Truck Pty Ltd C/- ADAMS + SPARKES  
Town Planning + Development

*Real Property Address:* Lot 70 on RP604012, Parish of Gracemere

*Common Property Address:* 78 Foster Street, Gracemere

*Area of Site:* 2.125 hectares

*Planning Scheme* Fitzroy Shire Planning Scheme 2005

*Planning Scheme Zoning:* Gracemere Stanwell Zone - Low Impact Industry Precinct

*Planning Scheme Overlays:* Nil

*Existing Development:* House with an ancillary shed and an Industrial shed

*Existing Approvals:* House

*Approval Sought:* Negotiated Decision Notice for a Development Permit for a Material Change of Use for a Vehicle Depot

*Level of Assessment:* Code Assessable

*Submissions:* Not Applicable

*Referral Agency(s):* Nil

*Adopted Infrastructure Charges Area:* Charge Area 1

**COMMITTEE RESOLUTION**

That the matter lay on the table pending further discussions with the applicant and to return to the Planning and Development Committee on 11 November 2014.

**Moved by:** Mayor Strelow  
**Seconded by:** Councillor Smith  
**MOTION CARRIED**

#### 8.4 D/69-2014 - DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT (THREE LOTS INTO THREE LOTS)

**File No:** D/69-2014

**Attachments:** 1. Locality Plan  
2. Site Plan

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

**Author:** Alyce McLellan - Planning Officer

#### SUMMARY

*Development Application Number:* D/69-2014

*Applicant:* John Brydon

*Real Property Address:* Lot 14 on RP603512 and Lot 15 on RP603512 and Lot 16 on RP803410, Parish of Murchison

*Common Property Address:* 2 Sturt Street, Parkhurst

*Area of Site:* 1.38 hectares

*Planning Scheme:* Rockhampton City Plan 2005

*Rockhampton City Plan Area:* Parkhurst Industrial Area – Low Impact Industrial Precinct

*Planning Scheme Overlays:* Flood Prone Land

*Existing Development:* Single Dwelling

*Existing Approvals:* Nil

*Approval Sought:* Development Permit for Reconfiguring a Lot (three lots into three lots)

*Level of Assessment:* Code Assessable

*Submissions:* Not Applicable

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

*Adopted Infrastructure Charges Area:* Charge Area One

*Application Progress:*

<i>Application Lodged:</i>	19 March 2014
<i>Acknowledgment Notice issued:</i>	26 March 2014
<i>Request for Further Information sent:</i>	31 March 2014
<i>Request for Further Information responded to:</i>	23 May 2014
<i>Government Agency Response:</i>	29 April 2014
<i>Last receipt of information from applicant:</i>	23 May 2014
<i>Council request for additional time:</i>	17 June 2014
<i>Council request for additional time:</i>	16 July 2014
<i>Council request for additional time:</i>	20 August 2014

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<i>Council request for additional time:</i>	<i>11 September 2014</i>
<i>Statutory due determination date:</i>	<i>7 October 2014</i>

**COMMITTEE RESOLUTION**

That the matter lay on the table pending further discussions to return to the Planning and Development Committee on 11 November 2014.

**Moved by:** Mayor Strelow  
**Seconded by:** Councillor Fisher  
**MOTION CARRIED**

## 8.5 D/152-2014 - DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT (ONE LOT INTO TWO LOTS)

**File No:** D/152-2014

**Attachments:** 1. Locality Plan  
2. Proposal Plan

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

**Author:** Corina Hibberd - Planning Officer

### SUMMARY

*Development Application Number:* D/152-2014

*Applicant:* Mr John Owen

*Real Property Address:* Lot 2 on RP608585, Parish of Karkol

*Common Property Address:* 202 Alton Downs - Nine Mile Road, Alton Downs

*Area of Site:* 34.39 hectares

*Planning Scheme:* Fitzroy Shire Planning Scheme 2005

*Planning Scheme Zoning:* Alton Downs Zone - Precinct 2

*Planning Scheme Overlays:* Agricultural Land Classification Class C1; and Low Risk Bushfire Hazard

*Existing Development:* House and agricultural pursuits

*Existing Approvals:* 3116329-2008 Material Change of Use for a House Approved 21 October 2008

*Approval Sought:* Development Permit for Reconfiguring a Lot (one lot into two lots)

*Level of Assessment:* Impact Assessable

*Submissions:* Three properly made submissions

*Referral Agency(s):* Nil

*Adopted Infrastructure Charges Area:* Charge Area Three

*Application Progress:*

<i>Application Lodged:</i>	17 June 2014
<i>Acknowledgment Notice issued:</i>	27 June 2014
<i>Request for Further Information sent:</i>	8 July 2014
<i>Request for Further Information responded to:</i>	1 August 2014
<i>Submission period commenced:</i>	11 August 2014
<i>Submission period end:</i>	1 September 2014
<i>Council request for additional time:</i>	4 September 2014
<i>Statutory due determination date:</i>	31 October 2014

- 2:23PM In accordance with s165(1)(a) of the *Local Government Act 2009* and s14(2) *Council Meeting Procedures*, the Deputy Mayor Councillor Williams was appointed Chairperson of the Planning and Development Committee meeting for the period of the Mayor, Councillor Strelow's absence.
- 2:23PM Mayor Strelow left the meeting.
- 2:23PM Mayor Strelow returned to the meeting and resumed the chair.
- 2:24PM Councillor Schwarten left the meeting.
- 2:27PM Councillor Schwarten returned to the meeting.

### COMMITTEE RESOLUTION

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into two lots), made by Hoffmann Surveyors on behalf of Mr John Owens, on Lot 2 on RP608585, Parish of Karkol, located at 202 Alton Downs - Nine Mile Road, Alton Downs, Council resolves to Refuse the application for the following reasons:

- a) Fragmentation of existing rural lots is not considered to be consistent with the current scheme or the proposed planning scheme.
- b) The proposal does not comply with many of the requirements in the Alton Downs Zone Code and Reconfiguring a Lot Code, including the minimum lot size of fifty (50) hectares.
- c) There is not an overwhelming need for increased supply of small rural lots in this area, as other more suitable locations exist in the scheme area, specifically Alton Downs Zone - Precinct 1A and 1B.
- d) The proposal directly compromises the achievement of seven (7) Desired Environmental Outcomes within the *Fitzroy Shire Planning Scheme 2005*.
- e) The site is mapped as being good quality agricultural land under the *Fitzroy Shire Planning Scheme 2005* and the State Planning Policy 2014, and therefore directly compromises the outcomes for the Scheme and State Planning Policy.

**Moved by:** Mayor Strelow

**Seconded by:** Councillor Schwarten

### MOTION CARRIED

Councillor Smith recorded her vote against the motion.

## 8.6 D/24-2014 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A MULTI UNIT DWELLING (FOUR UNITS)

**File No:** D/24-2014

**Attachments:**

1. Locality Plan
2. Site Plan Lower
3. Upper and Set-out
4. Floor Plan
5. Elevations

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

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

### SUMMARY

*Development Application Number:* D/24-2014

*Applicant:* Nat B Designs

*Real Property Address:* Lot 5 on RP614403, Parish of Archer

*Common Property Address:* 418 Thozet Road, Frenchville

*Area of Site:* 1,200 square metres

*Planning Scheme:* Rockhampton City Plan 2005

*Rockhampton City Plan Area:* Berserker Foothills Residential Area

*Planning Scheme Overlays:* Steep land

*Existing Development:* Vacant

*Existing Approvals:* Town Planning Consent 1981 - D-R/1008-1900  
- four units

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

*Level of Assessment:* Impact Assessable

*Submissions:* Two properly made submissions and one not properly made submission

*Referral Agency(s):* Nil

*Adopted Infrastructure Charges Area:* Charge Area One

*Application Progress:*

<i>Application Lodged:</i>	4 February 2014
<i>Acknowledgment Notice issued:</i>	12 February 2014
<i>Request for Further Information sent:</i>	26 February 2014
<i>Request for Further Information responded to:</i>	14 August 2014
<i>Submission period commenced:</i>	15 August 2014
<i>Submission period end:</i>	10 September 2014
<i>Last receipt of information from applicant:</i>	12 September 2014
<i>Statutory due determination date:</i>	13 October 2014



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

THAT in relation to the application for a Development Permit for a Material Change of Use for a Multi Unit Dwelling (four units), made by Nat B Designs on behalf of P A Peirano and H J Peirano, on Lot 5 on RP614403, Parish of Archer, located at 418 Thozet Road, Frenchville, 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 proposal contributes to providing a mix of accommodation options within Rockhampton, which is supported through the Desired Environmental Outcomes in the *Rockhampton City Plan 2005*;
- b) Having regard to the size of the allotment, being 1,200 square metres, it is considered reasonable to accommodate the proposal for four (4) units, which is not dissimilar to two (2) potential duplexes, when compared with the minimum lot size of 600 square metres achievable for this area;
- c) The proposal is sited and designed with a site coverage of only thirty one (31) per cent and furthermore has minimal impact upon the amenity of adjoining uses and the Berserker Ranges through its internal orientation and ample provision of landscaping;
- d) The proposal is a marked improvement to the previous approval for four (4) units in 1981;
- e) The proposed use does not compromise the achievements of the Desired Environmental Outcomes in the *Rockhampton City Plan 2005*;
- f) Assessment of the development against the relevant area intent, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and
- g) The proposed development does not compromise the relevant State Planning Policy.

**RECOMMENDATION B**

That in relation to the application for a Development Permit for a Material Change of Use for a Multi Unit Dwelling (four units), made by Nat B Designs on behalf of P A Peirano and H J Peirano, on Lot 5 on RP614403, Parish of Archer, located at 418 Thozet Road, Frenchville, Council resolves to Approve the application subject to the following conditions:

**1.0 ADMINISTRATION**

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of the use.
- 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.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:

- 1.6.1 Operational Works:
- (i) Road Works;
  - (ii) Access Works;
  - (iii) Water Works;
  - (iv) Stormwater Works;
  - (v) Roof and allotment Drainage Works;
  - (vi) Site Works; and
  - (vii) Landscaping Works.
- 1.6.2 Plumbing and Drainage Works; and
- 1.6.3 Building Works.
- 1.7 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.9 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 2.0 APPROVED PLANS AND DOCUMENTS
- 2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this permit:
- | <u>Plan/Document Name</u>                       | <u>Plan/Document Reference</u> | <u>Dated</u>    |
|---|--------------------------------|-----------------|
| Title and Notes                                 | 1304-012                       | 14 August 2014  |
| Proposed Site Plan - Lower                      | Drawing SP-02 Rev B            | 14 August 2014  |
| Proposed Site Plan – Upper and Set-out          | Drawing SP-03 Rev B            | 14 August 2014  |
| Landscape Plan                                  | Drawing LS-01 Rev B            | 14 August 2014  |
| Site Plan and Notes. Floor Plans                | Drawing BD-01 Rev A            | 2 February 2014 |
| Elevations                                      | Drawing BD-02 Rev B            | 14 August 2014  |
| Slope Stability Assessment                      | CQ11855                        | 03 July 2014    |
| Conceptual Stormwater Management Plan           | K2788-0003                     | 07 July 2014    |
| Stormwater Drainage and Sewer Reticulation Plan | K2788 P003 Issue B             | 09 July 2014    |
| Sediment and Erosion Control Plan and Details   | K2788 P004 Issue B             | 9 July 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 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.
- 3.4 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.

A detailed inspection and 'as constructed' record must be provided to Council by a Registered Professional Engineer of Queensland, prior to acceptance of the works, including certification that the wall's foundation ground conditions nominated in the design were inspected and achieved during construction.

The approved design and/or construction of the retaining walls must not be modified or altered without Council's prior written approval.

### 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 A new access must be constructed for the proposed development.

### 5.0 SEWERAGE WORKS

- 5.1 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act* and *Plumbing and Drainage Act*.
- 5.2 The development must be connected to Council's reticulated sewerage network.
- 5.3 Easements must be provided over all sewerage infrastructure located within private property. The easement location(s) and width(s) must be in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.
- 5.4 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.
- 5.5 Sewer connections located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with trafficable lids.

### 6.0 WATER WORKS

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

- 6.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, the *Plumbing and Drainage Act* and the provisions of a Development Permit for Operational Works (water works).
- 6.3 The development must be connected to Council's reticulated water network
- 6.4 A 100 millimetre non-trunk water main must be constructed across Thozet Road and a fire hydrant must be installed at the end of the water main. The fire hydrant must be located within the eastern side of the Thozet Road road reserve. This non-trunk infrastructure is conditioned under section 665 of the *Sustainable Planning Act 2009*.
- 6.5 The proposed development must be provided with a master meter at the property boundary and sub meters for each sole occupancy building in accordance with the *Queensland Plumbing and Drainage Code* and Council's Sub-metering Policy.
- 6.6 Water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface level and must be provided with heavy duty trafficable lids.
- 7.0 PLUMBING AND DRAINAGE WORKS
- 7.1 All 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.
- 8.0 STORMWATER WORKS
- 8.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.
- 8.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 8.3 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect adjoining land or infrastructure by way of blocking, altering or diverting existing stormwater runoff patterns or have the potential to cause damage to other infrastructure.
- 8.4 The proposed development must not increase peak stormwater runoff for a selected range of storm events up to and including the one in one hundred year storm event (100 year Average Recurrence Interval) for the post development condition.
- 8.5 Easements must be provided over all land assessed to be within the one in one hundred year rainfall event (100 year Average Recurrence Interval) inundation area.
- 9.0 ROOF AND ALLOTMENT DRAINAGE WORKS
- 9.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the site.
- 9.2 All roof and allotment drainage must be in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.
- 9.3 Trench grates or a similar device that prevents the sheet flow of water from the driveway area flowing across the footpath must be installed in the interests of safety for pedestrians. Details of these provisions must be included with the Operational Works application (roof and allotment drainage).
- 9.4 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.

**10.0 SITE WORKS**

- 10.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works.
- 10.2 All site works must be carried out in accordance with the approved Slope Stability Assessment (refer to condition 2.1).
- 10.3 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks' plan which clearly identifies the following:
- 10.3.1 the location of cut and/or fill;
  - 10.3.2 the type of fill to be used and the manner in which it is to be compacted;
  - 10.3.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
  - 10.3.4 details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and
  - 10.3.5 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.
- 10.4 Cut and fill of the subject allotment must only be undertaken in areas where site-specific slope stability assessments have been carried out by a Registered Professional Engineer of Queensland experienced in geotechnical investigations. In this regard, any works must comply with the recommendations of the site-specific assessments as approved by Council.
- 10.5 Slope stability must be managed as follows:
- 10.5.1 all engineering drawings/specifications and designs must comply with the requirements of the relevant *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"* and must be approved by a Registered Professional Engineer of Queensland;
  - 10.5.2 site inspections must be undertaken by a Registered Professional Engineer of Queensland to confirm the design; and
  - 10.5.3 full engineering certification must be undertaken by a Registered Professional Engineer of Queensland.
- 10.6 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 10.7 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.
- 10.8 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.
- 10.9 A detailed inspection and as constructed record must be provided to Council by the consultant Registered Professional Engineer of Queensland prior to acceptance of the works. The consultant must include in the certification confirmation that the wall's foundation ground conditions nominated in the design were inspected and achieved during construction.
- 10.10 The detailed inspection and As Constructed record must demonstrate to Council that the wall construction work was closely monitored throughout construction by the Registered Professional Engineer of Queensland including the achieved foundation ground conditions.

10.11 Any vegetation cleared or removed must be:

- (i) mulched on-site and utilised on-site for landscaping purposes, in accordance with the landscaping plan approved by Council; or
  - (ii) removed for disposal at a location approved by Council;
- within sixty (60) days of clearing. Any vegetation removed must not be burnt.

11.0 **BUILDING WORKS**

11.1 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*.

11.2 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.

11.3 A minimum 1.8 metre high fence must be erected between the subject development site and adjacent residential properties.

11.4 The private open space area provided for each unit must be fenced with a 1.8 metre high fence. The fence must be constructed of appropriate material and to Council's satisfaction to prevent viewing of the private open space from a public space and adjoining units and properties.

11.5 All units must be provided with open-air clothes drying facilities and the facilities must be screened from public view.

12.0 **LANDSCAPING WORKS**

12.1 A Development Permit for Operational Works (landscaping works) must be obtained prior to the commencement of any landscaping works on or associated with the development site.

12.2 Any application for a Development Permit for Operational Works (landscaping works) must be generally in accordance with the approved plans (refer to condition 2.1) and must include, but is not limited to, the following:

12.2.1 A plan documenting the "Extent of Works" and supporting documentation that includes:

- (i) location and name of existing trees, including those to be retained (the location of the trees must be overlayed or be easily compared with the proposed development design);
- (ii) the extent of soft and hard landscape proposed;
- (iii) important spot levels and/or contours. The levels of the trees to be retained must be provided in relation to the finished levels of the proposed buildings and works;
- (iv) underground and overhead services;
- (v) typical details of critical design elements (stabilisation of batters, retaining walls, podium/balcony planters, fences);
- (vi) details of landscape structures including areas of deep planting; and
- (vii) specification notes on mulching and soil preparation.

12.2.2 A "Planting Plan" and supporting documentation that includes:

- (i) landscape areas predominantly containing plant species that are locally native to the Central Queensland region due to their low water dependency;
  - (ii) trees, shrubs and groundcovers to all areas to be landscaped;
  - (iii) position and canopy spread of all trees and shrubs;
  - (iv) the extent and type of works (inclusive but not limited to paving, fences and garden bed edging). All plants must be located within an edged garden; and
  - (v) a plant schedule with the botanic and common names, total plant numbers and pot sizes at the time of planting.
- 12.3 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure; small shrubs and groundcover are acceptable.
- 12.4 Landscaping, or any part thereof, upon reaching full maturity, must not:
  - (i) obstruct sight visibility zones as defined in the *Austroads 'Guide to Traffic Engineering Practice'* series of publications;
  - (ii) adversely affect any road lighting or public space lighting; or
  - (iii) adversely affect any Council infrastructure, or public utility plant.
- 12.5 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.
- 12.6 The landscaped areas must be:
  - 12.6.1 subject to a watering and maintenance plan during the establishment moment; and
  - 12.6.2 subject to an ongoing maintenance and replanting programme.
- 13.0 **ELECTRICITY AND TELECOMMUNICATIONS**
- 13.1 Above-ground electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.
- 13.2 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.
- 14.0 **ASSET MANAGEMENT**
- 14.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.
- 14.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.
- 15.0 **ENVIRONMENTAL**
- 15.1 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan which addresses, but is not limited to, the following:
  - (i) objectives;

- (ii) site location / topography;
- (iii) vegetation;
- (iv) site drainage;
- (v) soils;
- (vi) erosion susceptibility;
- (vii) erosion risk;
- (viii) concept;
- (ix) design; and
- (x) implementation, for the construction and post construction phases of work.

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

#### 16.0 OPERATING PROCEDURES

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

#### ADVISORY NOTES

##### NOTE 1. Aboriginal Cultural Heritage

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

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

**Moved by:** Councillor Fisher

**Seconded by:** Councillor Smith

**MOTION CARRIED**



## **9 STRATEGIC REPORTS**

Nil

## **10 NOTICES OF MOTION**

Nil

## **11 URGENT BUSINESS\QUESTIONS**

## **12 CLOSURE OF MEETING**

There being no further business the meeting closed at 2:42pm.

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SIGNATURE

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CHAIRPERSON

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DATE