



**PLANNING & DEVELOPMENT
COMMITTEE MEETING**

MINUTES

9 DECEMBER 2014

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	OPENING.....	1
2	PRESENT	1
3	APOLOGIES AND LEAVE OF ABSENCE	1
4	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	1
5	DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA	2
6	BUSINESS OUTSTANDING	3
6.1	BUSINESS OUTSTANDING TABLE FOR PLANNING AND DEVELOPMENT COMMITTEE	3
7	PUBLIC FORUMS/DEPUTATIONS	4
7.1	D/168-2014 - DEPUTATION - DEVELOPMENT APPLICATION FOR DWELLING HOUSE AT 6 CRAMB STREET, KAWANA	4
6	BUSINESS OUTSTANDING	5
6.2	LIFTING MATTERS LAYED ON THE TABLE	5
8	OFFICERS' REPORTS	6
8.1	D/423-2013 REQUEST FOR A NEGOTIATED DECISION NOTICE FOR A DEVELOPMENT PERMIT FOR A VEHICLE DEPOT.....	6
8.2	D/433-2013 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A VEHICLE DEPOT	15
8.3	D/200-2014 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A HIGH IMPACT INDUSTRY	23
8.4	D/168-2014 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A HOUSE	29
9	STRATEGIC REPORTS	31
	NIL	31
10	NOTICES OF MOTION	32
	NIL	32
11	URGENT BUSINESS\QUESTIONS	33
12	CLOSURE OF MEETING.....	34

**REPORT OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING HELD AT
COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON ON TUESDAY,
9 DECEMBER 2014 COMMENCING AT 1.35PM**

1 OPENING

2 PRESENT

Members Present:

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

In Attendance:

Mr E Pardon – Chief Executive Officer
Mr R Holmes - General Manager Regional Services
Ms M Barrett – Acting General Manager Community Services
Mr R Palmer – Manager Economic Development
Ms T Fitzgibbon – Coordinator Development Assessment
Mr J Herron – Coordinator Infrastructure Operations
Ms R De Vries – Senior Planning Officer
Ms S Barber – Strategic Planning Officer
Mr A de Klerk – Planning Officer
Ms C Hibberd – Planning Officer
Ms L Price – Community Awareness Officer
Ms E Brodel – Media and Communications Officer
Ms L Leeder – Senior Governance Support Officer
Ms T Jacobsen – Planning Administration Officer

3 APOLOGIES AND LEAVE OF ABSENCE

Councillor Fisher has tendered his apology and will not be in attendance.
Councillor Schwarten has tendered his apology and will not be in attendance.

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COMMITTEE RESOLUTION

THAT the minutes of the Planning & Development Committee held on 25 November 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

1:36PM

In accordance with s172(2) of the *Local Government Act 2009*, Mayor Strelow disclosed a material personal interest in respect of Item 8.3 - due to her business receiving a donation from the party concerned, the Mayor will not take part in the debate and will leave the meeting when the item is discussed.

.

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

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 Smith

Seconded by: Councillor Williams

MOTION CARRIED

7 PUBLIC FORUMS/DEPUTATIONS

7.1 D/168-2014 - DEPUTATION - DEVELOPMENT APPLICATION FOR DWELLING HOUSE AT 6 CRAMB STREET, KAWANA

File No: D168-2014
Attachments: Nil
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Evan Pardon - Chief Executive Officer

SUMMARY

Rebecca Doak of BAEL Building Design has requested an opportunity to attend the meeting to speak and make a presentation to the Committee and discuss any concerns or issues Council may have with the application (Development Application D/168-2014).

1:40PM The deputation from Rebecca Doak and Jason Spence commenced
1:41PM Councillor Rutherford attended the meeting
1:50PM The deputation concluded

COMMITTEE RESOLUTION

THAT the deputation by Rebecca Doak of BAEL Building Design and Jason Spence be received.

Moved by: Councillor Rutherford
Seconded by: Councillor Smith

MOTION CARRIED

6 BUSINESS OUTSTANDING

6.2 LIFTING MATTERS LAYED ON THE TABLE

File No: 10097
Attachments: Nil
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Evan Pardon - Chief Executive Officer

SUMMARY

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 the current meeting 9 December 2014.

COMMITTEE RESOLUTION

THAT the following matter, "lying on the table" be lifted from the table and be dealt with accordingly:

- D/423-2013 – Request for a negotiated decision notice for a development permit for a vehicle depot.

Moved by: Councillor Belz
Seconded by: Councillor Smith

MOTION CARRIED

8 OFFICERS' REPORTS

8.1 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
Authorising Officer:	Tarnya Fitzgibbon - Coordinator Development Assessment Russell Claus - Manager Planning Robert Holmes - General Manager Regional Services
Author:	Anton de Klerk - Planning Officer
Previous Items:	8.3 - D/423-2013 Request for a Negotiated Decision Notice for a Development Permit for a Vehicle Depot - Planning & Development Committee - 07 Oct 2014 1.30 pm

SUMMARY

This matter was layed on the table at the Planning and Development Committee Meeting on 7 October 2014 and the report is now due to be returned to the table to be dealt with.

<i>Development Application Number:</i>	<i>D/423-2013</i>
<i>Applicant:</i>	<i>Red Truck Pty Ltd C/- ADAMS + SPARKES Town Planning + Development</i>
<i>Real Property Address:</i>	<i>Lot 70 on RP604012, Parish of Gracemere</i>
<i>Common Property Address:</i>	<i>78 Foster Street, Gracemere</i>
<i>Area of Site:</i>	<i>2.125 hectares</i>
<i>Planning Scheme</i>	<i>Fitzroy Shire Planning Scheme 2005</i>
<i>Planning Scheme Zoning:</i>	<i>Gracemere Stanwell Zone - Low Impact Industry Precinct</i>
<i>Planning Scheme Overlays:</i>	<i>Nil</i>
<i>Existing Development:</i>	<i>House with an ancillary shed and an Industrial shed</i>
<i>Existing Approvals:</i>	<i>House</i>
<i>Approval Sought:</i>	<i>Negotiated Decision Notice for a Development Permit for a Material Change of Use for a Vehicle Depot</i>
<i>Level of Assessment:</i>	<i>Code Assessable</i>
<i>Submissions:</i>	<i>Not Applicable</i>
<i>Referral Agency(s):</i>	<i>Nil</i>
<i>Adopted Infrastructure Charges Area:</i>	<i>Charge Area 1</i>

COMMITTEE RESOLUTION

A1 That in relation to the request for a Negotiated Decision Notice for Development Permit D/423-2013, made by Red Truck Pty Ltd C/- ADAMS and SPARKES Town Planning and Development, on land described as Lot 70 on RP604012, Parish of Gracemere, located at 78 Foster Street, Gracemere, Council resolves that:

1. Condition 1.4 be amended by replacing

"All conditions, works, or requirements of this approval must be undertaken and completed within six (6) months of this approval, unless otherwise stated."

with

All conditions, works, or requirements of this approval must be undertaken and completed within twelve (12) months of this approval, unless otherwise stated.

2. Condition 1.6.1(i) be added

3. Condition 2.1 be amended by replacing

"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>
Material Change of Use Vehicle Depot (Site Plan)	5830-01-MCU Sheet 1 of 2 Revision B	27 August 2013
Material Change of Use Vehicle Depot (Elevations)	5830-01-MCU Sheet 2 of 2 Revision B	27 August 2013
Access, Manoeuvring and Vehicle Parking	K2452 Issue A	29 August 2013
Stormwater management Plan	K2452-0005A	5 November 2013

with

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>
Access, Vehicle Manoeuvring, Parking and Lay Down Area Plan	P007, Issue B	27 November 2014
Material Change of Use Vehicle Depot (Elevations)	5830-01-MCU Sheet 2 of 2 Revision B	27 August 2013
Access, Manoeuvring and Vehicle Parking	K2452 Issue A	29 August 2013
Stormwater management Plan	K2452-0005A	5 November 2013

4. **Condition 3.1 be added**

5. **Condition 3.2 be added**

6. **Condition 4.3 be amended by replacing**

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

with

Access, parking and vehicle manoeuvring areas must be constructed and surface treated in accordance with the approved site plan (refer to condition 2.1). The sealed area indicated on the plan must either be concreted, asphalt sealed or two coat bitumen seal. All truck manoeuvring areas must be surface treated to minimise dust/sediment leaving the site. The surface treatment must be designed to minimise potential nuisances created by the frequency of vehicle movements. All areas identified as being for the storage of goods and vehicles must be surface treated to minimise dust/sediment leaving the site. All surface treatments must be constructed, operated and maintained in a manner that no significant impact on the amenity of adjoining premises or the surrounding area is caused due to the emission of dust or results in sediment laden water.

7. **Condition 4.5 be added**

8. **Condition 9.3 be added**

9. **Condition 13.3 be amended by replacing**

“No washing of vehicles is permitted at this premise unless an approved wash down bay is built to prevent contamination of land and the stormwater system.”

with

No washing of vehicles and/or cleaning of plant equipment is permitted at this premise unless an approved wash down bay is built to prevent contamination of land and the stormwater system.

10. **Condition 13.5 be added**

11. **Condition 13.6 be added**

12. **Condition 13.7 be added**

13. **Condition 13.8 be added**

14. **Condition 13.9 be added**

A2 That to reflect the above amendments, Red Truck Pty Ltd C/- ADAMS and SPARKES Town Planning and Development, be issued with a Negotiated Decision Notice for Development Permit D/423-2013 for a Material Change of Use for a Vehicle Depot.

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 within twelve (12) months of this approval, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council within six (6) months of this approval, 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; and
 - (iii) Landscaping Works
- 1.6.2 Plumbing and Drainage Works; and
- 1.6.3 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>Plan/Document Reference</u>	<u>Dated</u>
Access, Vehicle Manoeuvring, Parking and Lay Down Area Plan	P007, Issue B	27 November 2014
Material Change of Use Vehicle Depot (Elevations)	5830-01-MCU Sheet 2 of 2 Revision B	27 August 2013
Access, Manoeuvring and Vehicle Parking	K2452 Issue A	29 August 2013
Stormwater management Plan	K2452-0005A	5 November 2013

- 2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.
- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of a Development Application for Operational Works.
- ## 3.0 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 Foster Street (half in width on the development side) must be upgraded to an Industrial Access standard for the full frontage of Lot 70 on RP604012 in accordance with the *Capricorn Municipal Development Guidelines*.

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 "Off Street Car Parking"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 4.3 Access, parking and vehicle manoeuvring areas must be constructed and surface treated in accordance with the approved site plan (refer to condition 2.1). The sealed area indicated on the plan must either be concreted, asphalt sealed or two coat bitumen seal. All truck manoeuvring areas must be surface treated to minimise dust/sediment leaving the site. The surface treatment must be designed to minimise potential nuisances created by the frequency of vehicle movements. All areas identified as being for the storage of goods and vehicles must be surface treated to minimise dust/sediment leaving the site. All surface treatments must be constructed, operated and maintained in a manner that no significant impact on the amenity of adjoining premises or the surrounding area is caused due to the emission of dust or results in sediment laden water.
- 4.4 The existing accesses from Foster Street must be upgraded to comply with the requirements of the *Capricorn Municipal Development Guidelines*.
- 4.5 All vehicles must ingress and egress the development in a forward gear.

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 level and must be provided with trafficable lids.
- 5.5 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.

6.0 ROOF AND ALLOTMENT DRAINAGE WORKS

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

7.0 SITE WORKS

- 7.1 All outside storage areas must be constructed of a compacted, dust-free surface to the satisfaction of Council.
- 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 All site works must be undertaken to ensure that there is:
- 7.3.1 no increase in upstream or downstream flood levels for all levels of immunity up to Q100;
 - 7.3.2 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; and
 - 7.3.3 a lawful point of discharge to which the developed flows from the land drain. Easements will be required over any other land to accommodate the flows.

8.0 BUILDING WORKS

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

9.0 LANDSCAPING WORKS

- 9.1 A Development Permit for Operational Works (landscaping works) must be obtained prior to the commencement of any works on the site.
- 9.2 The landscape plan must include, but is not limited to, the following
- 9.2.1 A plan documenting the "Extent of Works" and supporting documentation which includes:
 - (i) location and name of existing trees, including those to be retained (the location of the trees shall be overlaid 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 shall 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 (for example stabilisation of batters, retaining walls, podium/balcony planters, trees in car park areas, fences);
 - (vi) details of landscape structures including areas of deep planting; and
 - (vii) specification notes on mulching and soil preparation.
 - 9.2.2 A "Planting Plan" and supporting documentation which includes:
 - (i) trees, shrubs and groundcovers to all areas to be landscaped;
 - (ii) position and canopy spread of all trees and shrubs;
 - (iii) the extent and type of works (for example paving, fences, garden bed edging etc). All plants shall be located within an edged garden; and

- (iv) a plant schedule with the botanic and common names, total plant numbers and pot sizes at the time of planting.

9.3 The western boundary of the site must be densely vegetated, screening the industrial use from the neighbouring properties and also acting as a buffer between the Industrial and Rural / Village Balance Precinct.

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

10.0 ELECTRICITY AND TELECOMMUNICATIONS

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

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 issue of the Compliance Certificate for the Survey Plan. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

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 Foster Street or Oxley Street.

13.2 Any waste storage areas must be:

13.2.1 Designed and maintained in accordance with the *Environmental Protection (Waste Management) Regulation*;

13.2.2 Concealed from public view such that the contents of the bin compound are not visible from any public place; and

13.2.3 Kept in a clean and tidy condition.

13.3 No washing of vehicles and/or cleaning of plant equipment is permitted at this premise unless an approved wash down bay is built to prevent contamination of land and the stormwater system.

- 13.4 All chemical drum storage (including, but not limited to, oil or waste oil, paint, lacquers, thinners, adhesives and cleaning solvents) must be bunded so that the capacity of the bund is sufficient to contain at least one hundred percent (100%) of the largest container plus twenty-five percent (25%) of the total storage capacity.
- 13.5 Where un-sealed surface treatments are utilised in access, parking and vehicle manoeuvring areas, contaminants such as oils or chemical must not be released onto the surface treatment.
- 13.6 All surface treatments must be operated and maintained in a manner that no significant impact on the amenity of adjoining premises or the surrounding area is caused due to the emission of dust or result in sediment laden water.
- Note: If the amenity impacts cannot be mitigated, the area must be sealed to Council's satisfaction.
- 13.7 Operations on the site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise or dust.
- 13.8 When requested by Council, nuisance monitoring must be undertaken and recorded within three (3) months, to investigate any complaint of nuisance caused by noise, light or dust. An analysis of the monitoring data and a report, including nuisance mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation.
- 13.9 The hours of operations must be limited to:
- (i) 0700 hours to 1800 hours on Monday to Saturday, and
 - (ii) no operations on Sunday or Public Holidays.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. General Environmental Duty

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

NOTE 3. General Safety Of Public During Construction

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

NOTE 4. Adopted Infrastructure Charges Notice

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

Moved by: Councillor Smith

Seconded by: Mayor Strelow

MOTION CARRIED UNANIMOUSLY

8.2 D/433-2013 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A VEHICLE DEPOT

File No: D/433-2013

Attachments:

1. Locality Plan
2. Site Plan
3. Conceptual Vehicle Turning Plan
4. Elevations Plan

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

Author: Anton de Klerk - Planning Officer

SUMMARY

Development Application Number: D/433-2013

Applicant: Francis Freighters Pty Ltd

Real Property Address: Lot 1 on RP611490 and Lot 2 on RP611490, Parish of Gracemere

Common Property Address: 22 Hall Road, Gracemere

Area of Site: 7,269 square metres

Planning Scheme: Fitzroy Shire Planning Scheme 2005

Planning Scheme Zoning: Gracemere-Stanwell Zone, Precinct K – Rural / Village Balance

Planning Scheme Overlays: Agricultural Land Classification (C2); Bushfire Prone Land – Low Risk; and Obstacle Height Limitation – No Buildings over 45 metres.

Existing Development: House and a Vehicle Depot (including industrial sheds)

Existing Approvals: House and garage

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

Level of Assessment: Impact Assessable

Submissions: Five (5) submissions were received

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

Adopted Infrastructure Charges Area: Charge Area 3

Application Progress:

<i>Application Lodged:</i>	16 September 2013
<i>Acknowledgment Notice issued:</i>	30 September 2013
<i>Request for Further Information sent:</i>	14 October 2013
<i>Applicant Request an Extension to the Information Response Period (until 14 July 2014)</i>	28 March 2014
<i>Applicant Request an Extension to the Information Response Period (until 15 September 2014)</i>	14 July 2014

<i>Request for Further Information responded to:</i>	<i>15 September 2014</i>
<i>Submission period commenced:</i>	<i>22 September 2014</i>
<i>Submission period end:</i>	<i>15 October 2014</i>
<i>Council request for additional time (to go to Committee Meeting on 9 December 2014):</i>	<i>12 November 2014</i>
<i>Government Agency Response:</i>	<i>29 October 2013</i>
<i>Last receipt of information from applicant:</i>	<i>15 September 2014</i>
<i>Council Meeting Date</i>	<i>9 December 2014</i>

COMMITTEE RESOLUTION

RECOMMENDATION A

That in relation to the application for a Development Permit for a Material Change of Use for a Vehicle Depot, made by Francis Freighters Pty Ltd, on Lot 1 on RP611490 and Lot 2 on RP611490, Parish of Gracemere, located at 22 Hall Road, Gracemere, 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 subject site is strategically and ideally located adjacent to the Capricorn Highway, allowing easier and safer vehicular access and minimising potential risks and conflicts between industrial land and surrounding sensitive land uses;
- b) The proposed operations of the Vehicle Depot are not anticipated to create any greater impacts onto the surrounding area than that of an Agriculture, Animal Husbandry and/or Grazing use which are considered consistent and Self Assessable within this area;
- c) The Strategic Framework within the new proposed Planning Scheme acknowledges the suitability for Low Impact Industrial uses within this area. *"The small area of elevated land north of the Capricorn Highway and south west of the saleyards opposite the Gracemere industrial area, which is unaffected by flooding, may be suitable for future service and low impact industrial uses"*;
- 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, planning scheme codes and local planning 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 Vehicle Depot, made by Francis Freighters Pty Ltd, on Lot 1 on RP611490 and Lot 2 on RP611490, Parish of Gracemere, located at 22 Hall Road, Gracemere, 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 relating to the existing non-compliant vehicle depot must be undertaken and completed:
- 1.4.1 to Council's satisfaction;
- 1.4.2 at no cost to Council; and
- 1.4.3 within six (6) months of the date of this Decision Notice, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council within six (6) months of the date of this Decision Notice, 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;
- (ii) Stormwater Works; and
- 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 within six (6) months of the date of this Decision Notice.
- 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 1 on RP611490 and Lot 2 on RP611490 must be amalgamated and registered as one lot within six (6) months of the date of this Decision Notice.
- 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	SK-01, Rev 1	21 August 2014
Conceptual Vehicle Turning Paths	SK-02	August 2014
Material Change of Use Vehicle Depot (Site Plan)	5889-01-MCU, Rev B	26 August 2013
Material Change of Use Vehicle Depot (Elevations)	5889-01-MCU, Rev B	26 August 2013
Francis Freighters 22 Hall Road Gracemere Traffic Impact	Version 2	15 September 2014

	Assessment Report		
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	<u>ACCESS AND PARKING WORKS</u>		
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 access and parking works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), <i>Capricorn Municipal Development Guidelines</i> , <i>Australian Standard AS2890 "Parking Facilities"</i> and the provisions of a Development Permit for Operational Works (access and parking works).		
3.3	All access, parking and vehicle manoeuvring areas must be sealed with either concrete, asphalt or two-coat bitumen spray seal and be maintained to the constructed standard. A dust free compacted gravel pavement is acceptable for trailer parking and the storage of goods (such as containers and equipment) as indicated on the approved plans (refer to condition 2.1).		
3.4	All vehicles must ingress and egress the development in a forward gear.		
4.0	<u>PLUMBING AND DRAINAGE WORKS</u>		
4.1	All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), <i>Capricorn Municipal Development Guidelines</i> , <i>Water Supply (Safety and Reliability) Act</i> and the <i>Plumbing and Drainage Act</i> .		
4.2	All internal plumbing and sanitary drainage works must be in accordance with regulated work under the <i>Plumbing and Drainage Act</i> and Council's Plumbing and Drainage Policies.		
4.3	On-site sewerage treatment and disposal must be provided in accordance with the <i>Queensland Plumbing and Wastewater Code</i> and Council's Plumbing and Drainage Policies.		
4.4	No structures must be located within the on-site sewerage treatment and disposal area or conflict with the separation distances, in accordance with the <i>Queensland Plumbing and Wastewater Code</i> .		
4.5	Arrestor traps must be provided on any non-domestic discharges to protect the on-site sewerage facilities.		
4.6	A Site Elevation Report in accordance with the <i>Queensland Plumbing and Wastewater Code</i> for on-site sewerage must be submitted with the Plumbing and Drainage application for the Building.		
4.7	Adequate fire fighting protection must be available for the proposed development. Should adequate protection not be achievable, upgrade of on-site fire fighting equipment, water tanks, and pumps may be required.		
5.0	<u>STORMWATER WORKS</u>		
5.1	A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.		
5.2	All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), <i>Queensland Urban Drainage Manual</i> , <i>Capricorn Municipal Development Guidelines</i> , sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).		

- 5.3 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development condition, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.
- 5.4 The 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.
- 5.5 The Operational Works (stormwater works) application must include an assessment of how the development meets the water quality design objectives and performance outcomes in *State Planning Policy 2014*.
- 5.6 Any application for a Development Permit for Operational Works (Stormwater Works) must be accompanied by a detailed Stormwater Drainage Report, prepared and certified by a Registered Professional Engineer of Queensland that as a minimum includes:
 - 5.6.1 identification of drainage catchment and drainage sub-catchment areas for the pre-development and post-development scenarios including a suitably scaled stormwater master plan showing the aforementioned catchment details and lawful point(s) of discharge that comply with the requirements of the Queensland Urban Drainage Manual;
 - 5.6.2 an assessment of the peak discharges for all rainfall events up to and including the one in one hundred year rainfall event (100 year Average Recurrence Interval) for the pre-development and post-development scenarios;
 - 5.6.3 details of any proposed on-site detention/retention systems and associated outlet systems required to mitigate the impacts of the proposed development on downstream lands and existing upstream and downstream drainage systems;
 - 5.6.4 identification and conceptual design of all new drainage systems, and modifications to existing drainage systems required to appropriately and adequately manage stormwater collection and discharge from the proposed development;
 - 5.6.5 demonstration of how major design storm flows are conveyed through the subject development to a lawful point of discharge in accordance with the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*;
 - 5.6.6 identification of the area of land inundated as a consequence of the minor and major design storm events in the catchment for both the pre-development and post-development scenarios;
 - 5.6.7 identification of all areas of the proposed development, and all other land (which may include land not under the control of the Developer) that need to be dedicated to, or encumbered in favour of Council or other statutory authority, in order to provide a lawful point of discharge for the proposed development. The areas identified must satisfy the requirements of the *Queensland Urban Drainage Manual*. All land proposed as major overland flow paths must include appropriate freeboard, access and maintenance provisions consistent with the *Queensland Urban Drainage Manual*; and
 - 5.6.8 details of all calculations, assumptions and data files (where applicable).

6.0 ROOF AND ALLOTMENT DRAINAGE WORKS

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

6.2 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.

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, surrounding land or infrastructure.

8.0 BUILDING WORKS

8.1 No structures must 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*.

8.2 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"*.

8.3 All waste storage areas must be provided in accordance with *Environmental Protection Regulation 2008* and must be:

8.3.1 aesthetically screened from any frontage or adjoining property;

8.3.2 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;

8.3.3 of a sufficient size to accommodate commercial type bins that will be serviced by a commercial contractor plus clearances around the bins for manoeuvring and cleaning; and

8.3.4 located more than two (2) metres from the road frontage.

9.0 LANDSCAPING WORKS

9.1 All landscaping must be established generally in accordance with the approved plans (refer to condition 2.1). The landscaping must be constructed and/or established within six (6) months of the date of this Decision Notice. The landscape areas must predominantly contain plant species that are locally native to the Central Queensland region due to their low water dependency.

9.2 The western and eastern boundary of the site must be densely vegetated, screening the industrial use from the neighbouring properties and also acting as a buffer between the Industrial use and the adjoining Rural / Village Precinct.

9.3 The densely vegetated landscaping area along the road frontage, between the dedicated ingress and egress access points must be maintained, providing additional screening from the road.

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

10.0 ELECTRICITY AND TELECOMMUNICATIONS

- 10.1 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 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.

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, water supply and sewerage infrastructure, 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.

12.0 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 Operations on the site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise or dust.
- 13.2 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 Hall Road.
- 13.3 The hours of operations must be limited to:
- (i) 0700 hours to 1800 hours on Monday to Saturdays, and
 - (ii) no operations on Sundays or Public Holidays.
- 13.4 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.
- 13.5 No washing of vehicles is permitted at this premises unless an approved washdown bay is built to prevent contamination of land and stormwater systems.
- 13.6 Where un-sealed surface treatments are utilised in access, parking and vehicle manoeuvring areas, contaminants such as oils or chemicals must not be released onto the surface treatment.
- 13.7 Noise emitted from the activity must not cause an environmental nuisance.
- 13.8 When requested by Council, nuisance monitoring must be undertaken and recorded within three (3) months, to investigate any complaint of nuisance caused by noise, light or dust. An analysis of the monitoring data and a report, including nuisance mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation.

13.9 All surface treatments must be operated and maintained in a manner that no significant impact on the amenity of adjoining premises or the surrounding area is caused due to the emission of dust or result in sediment laden water.

Note: If the amenity impacts cannot be mitigated, the area must be sealed to Council's satisfaction.

13.10 All chemicals and other environmentally hazardous liquids must be contained within a covered, bunded storage area that has a volume of at least that of the largest container in the bund plus twenty-five (25) percent of the total storage capacity.

13.11 Any waste storage areas must be:

13.11.1 maintained in accordance with the *Environmental Protection (Waste Management) Regulation*; and

13.11.2 kept in a clean and tidy condition

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. General Environmental Duty

General environmental duty under the *Environmental Protection Act 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

This application is subject to infrastructure contributions 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 Vehicle Depot, made by Francis Freighters Pty Ltd, on Lot 1 on RP611490 and Lot 2 on RP611490, Parish of Gracemere, located at 22 Hall Road, Gracemere, Council resolves to issue an Infrastructure Charges Notice for the amount of **\$1,700.00**.

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

MOTION CARRIED

1:57PM In accordance with s165(1)(a) of the *Local Government Act 2009* and s14(2) *Council Meeting Procedures*, the Deputy Mayor Councillor Williams be appointed Chairperson of the Council Ordinary meeting for the period of Mayor Strelow's absence.

1:57PM Mayor Strelow declared a Material Personal Interest in regards to Item 8.3 - D/200-2014 – Development Application for a Material Change of Use for a High Impact Industry and left the meeting.

8.3 D/200-2014 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A HIGH IMPACT INDUSTRY

File No: D/200-2014

Attachments:

1. Locality Plan
2. Overall Site Plan
3. Ground Floor
4. Mezzanine Floor

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/200-2014

Applicant: Michalis Group Pty Ltd (trading as All-Pro Chemicals)

Real Property Address: Lot 6 on SP153339, Parish of Murchison

Common Property Address: 17 Dooley Street, Park Avenue

Area of Site: 1.019 hectares

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: Park Avenue Industrial Area: Precinct 2 Park Avenue Medium Impact Industry

Planning Scheme Overlays: Railway Noise Code; and Airport Obstacle Height Limitation: no building over 20 metres

Existing Development: Various tenants operating industrial uses on site which formerly operated as a flour mill and bakery

Existing Approvals: Historic approvals for a flour mill and bakery

Approval Sought: Development Permit for a Material Change of Use for a High Impact Industry

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>	<i>14 August 2014</i>
<i>Acknowledgment Notice issued:</i>	<i>14 August 2014</i>
<i>Request for Further Information sent:</i>	<i>3 September 2014</i>
<i>Request for Further Information responded to:</i>	<i>19 September 2014</i>
<i>Concurrence agency response received:</i>	<i>3 October 2014</i>
<i>Submission period commenced:</i>	<i>16 October 2014</i>
<i>Submission period end:</i>	<i>7 November 2014</i>
<i>Council request for additional time:</i>	<i>10 November 2014</i>
<i>Committee meeting date:</i>	<i>9 December 2014</i>
<i>Statutory due determination date:</i>	<i>13 January 2015</i>

COMMITTEE RESOLUTION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for a High Impact Industry, made by Michalis Group Pty Ltd (also trading as All-Pro Chemicals), on Lot 6 on SP153339, Parish of Murchison, located at 17 Dooley Street, Park Avenue, 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 proposed use would generate impacts which are of a scale similar to the existing lawful use of the site and there is not expected to be any worsening of amenity on the surrounding area by the proposed use;
- b) The site is suitably separated from any uses which could have amenity adversely impacted on by a High Impact Industry use;
- c) The proposed use does not compromise the achievements of the Desired Environmental Outcomes in the *Rockhampton City Plan 2005*;
- d) 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
- e) 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 High Impact Industry, made by Michalis Group Pty Ltd (also trading as All-Pro Chemicals), on Lot 6 on SP153339, Parish of Murchison, located at 17 Dooley 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 within six (6) months of the date of approval, 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 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.7 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Reference</u>	<u>Dated</u>
Overall Site Plan	SK-01 Rev. 5	31/07/2014
Ground Floor	SK-02 Rev. 4	08/07/2014
Mezzanine Level	SK-03 Rev. 4	08/07/2014
Bunding and Wash Out Process	No reference	No date

- 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 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines* and *Australian Standard AS2890 "Parking Facilities"*.

4.0 PLUMBING AND DRAINAGE WORKS

- 4.1 The development must be connected to Council's reticulated water supply and sewerage network.
- 4.2 The existing water supply and sewerage connection point(s) must be retained and upgraded, if necessary, to service the development.
- 4.3 Water meter box(es) and sewerage connection point(s) located within trafficable areas must be raised or lowered to suit the finished surface level and must be provided with heavy duty trafficable lids.
- 4.4 Adequate domestic and fire fighting protection must be provided to the development. The domestic and fire fighting protection must be certified by a hydraulic consultant

or a suitably qualified person.

- 4.5 Alteration or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act* and Council's Plumbing and Drainage Policies.

- 4.6 Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's sewerage reticulation. Arrester traps must be provided where commercial or non-domestic waste water is proposed to be discharged into the system.

5.0 BUILDING WORKS

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

- 5.2 Storage and collection of solid wastes must comply with the *Environmental Protection Regulation 2008*. All waste storage areas must be:

5.2.1 aesthetically screened from any frontage or adjoining property;

5.2.2 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; and

5.2.3 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.

- 5.3 Impervious paved and drained wash down areas to accommodate all refuse containers must be provided. The areas must be aesthetically screened from any road frontage or adjoining property.

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

6.0 LANDSCAPING WORKS

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

7.0 ASSET MANAGEMENT

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

- 7.2 Any damage to existing 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.

8.0 ENVIRONMENTAL

- 8.1 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.

9.0 OPERATING PROCEDURES

- 9.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Dooley Street.
- 9.2 No contaminants are permitted to be released to land or water, including soil, silt, oils, detergents, etc. Any wash down areas used for the maintenance or cleaning of equipment (including containers) must be conducted in an approved, appropriately bunded area drained to the sewer network in accordance with a trade waste permit.
- 9.3 All chemical drum storage (including, but not limited to, oil or waste oil, paint, lacquers, thinners, adhesives and cleaning solvents) must be bunded so that the capacity of the bund is sufficient to contain at least one hundred percent (100%) of the largest container plus twenty-five percent (25%) of the total storage capacity.
- 9.4 All waste storage areas must be kept in a clean, tidy condition in accordance with *Environmental Protection (Waste Management) Regulations*.

ADVISORY NOTES

NOTE 1. 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 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. 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 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. Environmentally Relevant Activity

As more than 200 tonnes of soaps, surfactants and cleaning product are being manufactured an Environmental Authority is required to be obtained from the Department of Environment and Heritage Protection within six (6) months of the date of this approval.

NOTE 6. 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 High Impact Industry, made by Michalis Group Pty Ltd (also trading as All-Pro Chemicals), on Lot 6 on SP153339, Parish of Murchison, located at 17 Dooley Street, Park Avenue, Council resolves to issue an Infrastructure Charges Notice for the amount of \$30,804.00.

Moved by: Councillor Rutherford

Seconded by: Councillor Smith

MOTION CARRIED

2:02PM Mayor Strelow returned to the meeting and resumed the Chair.

8.4 D/168-2014 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A HOUSE

File No: D/168-2014

Attachments:

1. Locality Plan
2. Site Plan
3. Elevations
4. Flood Depth Indicator Map

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/168-2014

Applicant: J. and T. Spence

Real Property Address: Lot 8 on RP607631, Parish of Livingstone

Common Property Address: 6 Cramb Street, Kawana (formerly known as 73B Farm Street, Kawana)

Area of Site: 749 square metres

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: Parkhurst Rural Area

Planning Overlays: Flood Prone Land Code – High Hazard Floodway

Existing Development: Vacant

Existing Approvals: Subdivision sealed prior to 29 January 1959

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

Level of Assessment: Code Assessable

Submissions: Not Applicable

Referral Agency(s): Not Applicable

Adopted Infrastructure Charges Area: Charge Area Three

Application Progress:

<i>Application Lodged:</i>	2 July 2014
<i>Extension to Information Request period sent:</i>	10 July 2014
<i>Request for Further Information sent:</i>	24 July 2014
<i>Request for Further Information responded to:</i>	12 November 2014
<i>Last receipt of information from applicant:</i>	12 November 2014
<i>Committee Meeting Date:</i>	9 December 2014
<i>Statutory due determination date:</i>	10 December 2014

- 2:04PM Councillor Swadling attended the meeting
- 2:19PM That pursuant to s34(1)(j) and s43(1) *Council Meeting Procedures* the provisions of the Rockhampton Regional Council Meeting Procedures be suspended to allow adequate time for informal discussion on Item 8.4 - D/168-2014 - Development Application for a Material Change of Use for a House - prior to entering into formal debate.
- Moved by: Councillor Smith
Seconded by: Councillor Belz
MOTION CARRIED
- 2:25PM That pursuant to s34(1)(j) and s43(3) *Council Meeting Procedures* the provisions of the Rockhampton Regional Council Meeting Procedures be resumed.
- Moved by: Councillor Belz
Seconded by: Councillor Swadling
MOTION CARRIED

COMMITTEE RESOLUTION

THAT in relation to the application for a Development Permit for a Material Change of Use for a House, made by J. and T. Spence, on Lot 8 on RP607631, Parish of Livingstone, located at 6 Cramb Street, Kawana, Council resolves to Refuse the application for the following reasons:

- 1.0 Intensification of residential uses in a high hazard flood area is not envisaged in the current scheme or in the draft strategic framework for the new planning scheme;
- 2.0 Access to the site is cut off in a range of flood events. Cramb Street, Haynes Street and Farm Street are completely inundated in a range of flood events, isolating the subject site and causing a risk to persons and property;
- 3.0 There is not an overwhelming need for residential growth in this area and other more suitable, accessible and flood free locations exist in the Rockhampton area;
- 4.0 The site is not connected to appropriate reticulated water infrastructure and has no available sewer infrastructure connections;
- 5.0 The proposal cannot demonstrate compliance with *State Planning Policy 2014*, or the Flood Prone Land Code within the *Rockhampton City Plan 2005*; and
- 6.0 The proposal directly compromises the achievement of eight (8) Desired Environmental Outcomes within the *Rockhampton City Plan 2005*.

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

Councillor Belz recorded his vote against the motion.

9 STRATEGIC REPORTS

Nil

10 NOTICES OF MOTION

Nil

11 URGENT BUSINESS\QUESTIONS

12 CLOSURE OF MEETING

There being no further business the meeting closed at 2:29pm.

SIGNATURE

CHAIRPERSON

DATE