



# **LATE ITEMS ORDINARY MEETING**

## **AGENDA**

**7 MARCH 2017**

*Your attendance is required at an Ordinary meeting of Council to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 7 March 2017 commencing at 9.00 am for transaction of the enclosed business.*

*R Chesman*

**ACTING CHIEF EXECUTIVE OFFICER**  
3 March 2017

Next Meeting Date: 21.03.17

**Please note:**

In accordance with the *Local Government Regulation 2012*, please be advised that all discussion held during the meeting is recorded for the purpose of verifying the minutes. This will include any discussion involving a Councillor, staff member or a member of the public.

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## 11 OFFICERS' REPORTS

### 11.3 REQUEST FOR A PERMISSIBLE CHANGE TO DEVELOPMENT PERMIT D-R/116-2008 FOR A WAREHOUSE

<b>File No:</b>	<b>D-R/116-2008</b>
<b>Attachments:</b>	<b>Nil</b>
<b>Authorising Officer:</b>	<b>Tarnya Fitzgibbon - Coordinator Development Assessment Steven Gatt - Manager Planning &amp; Regulatory Services Michael Rowe - General Manager Community Services</b>
<b>Author:</b>	<b>Thomas Gardiner - Planning Officer</b>
<b>Previous Items:</b>	<b>9.2.1 - D/116-2008 - Request for a Permissible Change to Development Permit for a Material Change of Use for a Warehouse - Planning and Regulatory Committee - 28 Feb 2017 9.00 am</b>

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#### SUMMARY

*A request for a permissible change to Development Permit D-R/116-2008 for a Warehouse was tabled to the Planning and Regulatory Committee on 28 February 2017.*

*The request emanated from noise complaints received by Council from one complainant, caused by the operators of the site, PFD Food Services Pty Ltd.*

*On 1 March 2017, Thomas Gardiner (Planning Officer) and Philip Harrison (Coordinator Building, Plumbing and Compliance) had a face-to-face meeting with the complainant and current occupier of the premises.*

*The Officers outlined the preventative measures that PFD Food Services Pty Ltd would be required to implement, prior to commencing twenty-four (24) hour operations from the site, from Monday to Friday, as outlined in the amended Acoustic Report.*

*The complainant stated that PFD Food Services Pty Ltd had already begun to alter their operations to reduce noise emissions, including reducing the times when trucks enter and exit the site, and was appreciative of the efforts the company have gone to towards protecting the existing residential amenity since the complaint was made.*

*After reviewing each of the thirteen (13) noise mitigation measures outlined in the acoustic report, the complainant was satisfied that by implementing each of the recommendations that the proposal for PFD Food Services Pty Ltd to operate twenty-four (24) hours Monday to Friday would not cause an unacceptable noise nuisance.*

*The complainant thanked and acknowledged council for consulting prior to making a formal decision.*

*Following further consideration to mitigate the concerns of a 24 hour operation at the site into the future. Council's Planning Officer proposes to include the following amendment to condition 12.5 relating to the approval to operate twenty-four (24) hours.*

*The following condition is proposed as part of an amended Decision Notice:*

*The hours of operation for the use of the premises must occur in accordance with the following requirements*

- (i) Monday to Friday twenty-four (24) hours to a period up until 7 March 2022*

*Note: In the event that the applicant wishes to extend the approval period, Council will not unreasonably refuse an extension provided that there are no noise or nuisance complaints received.*

*The amendment to this condition is to safeguard any future noise nuisances which may*

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*result from the future sale of the property. The timeframe for twenty-four (24) hour operation can only be extended on the proviso that there are no nuisance complaints made to Council.*

**OFFICER'S RECOMMENDATION**

THAT the proposal to operate twenty-four (24) hours from Monday to Friday is approved on the basis that the complainant is satisfied with the preventative measures outlined in the amended Acoustic Report; and

THAT condition 12.5 be amended to allow PFD Food Services to operate twenty-four (24) hours from Monday to Friday to a period up until 7 March 2022 which can be extended provided that Council does not receive any future nuisance complaints.

**CONCLUSION**

That the above two (2) recommendations be endorsed.

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**11.4 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A MULTIPLE DWELLING (THIRTEEN UNITS)**

<b>File No:</b>	<b>D/141-2016</b>
<b>Attachments:</b>	<b>Nil</b>
<b>Authorising Officer:</b>	<b>Tarnya Fitzgibbon - Coordinator Development Assessment Steven Gatt - Manager Planning &amp; Regulatory Services Michael Rowe - General Manager Community Services</b>
<b>Author:</b>	<b>Amanda O'Mara - Senior Planning Officer</b>
<b>Previous Items:</b>	<b>9.2.3 - D/141-2016 - Development Application for a Material Change of Use for a Multiple Dwelling (thirteen units) - Planning and Regulatory Committee - 28 Feb 2017 9.00 am</b>

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**SUMMARY**

*The application was presented to the Planning and Regulatory Committee meeting on 28 February 2017. This report outlines conditions of approval, as requested.*

**OFFICER'S RECOMMENDATION**

THAT in relation to the application for a Development Permit for a Material Change of Use for a Multiple Dwelling (thirteen units), made by GSPC on behalf of Aeon Projects Pty Ltd Tte, on Lot 20 on SP262830, Parish of Rockhampton, located at 37 Alma Street, Rockhampton City, Council resolves to Approve the application subject to the following conditions:

**1.0 ADMINISTRATION**

- 1.1 The Developer is responsible for ensuring compliance with the conditions of this development 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, works, or requirements of this development approval must be undertaken and completed and be accompanied by a Compliance Certificate for any operational works required by this development approval:
  - 1.3.1 to Council's satisfaction;
  - 1.3.2 at no cost to Council; and
  - 1.3.3 prior to the commencement of the use,  
unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
  - 1.5.1 Operational Works:
    - (i) Road Works;
    - (ii) Access and Parking Works;
    - (iii) Sewerage Works;

- (iv) Stormwater Works; and
- (v) Roof and Allotment Drainage;
- 1.5.2 Plumbing and Drainage Works; and
- 1.5.3 Building Works:
- 1.6 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.
- 1.7 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.8 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

## 2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan /Document Reference</u>	<u>Dated</u>
Site Plan	140704-02, Sheet 02	2 November 2016
Ground Floor Plan – Units 1 - 8	140704-03, Sheet 03	2 November 2016
First Floor Plan – Units 1 - 8	140704-04, Sheet 04	2 November 2016
Elevations – Units 1-8	140704-05, Sheet 05	2 November 2016
Floor Plan – Units 9 - 13	140704-06, Sheet 06	2 November 2016
Elevations – Units 9-13	140704-07, Sheet 07	2 November 2016
Landscaping Plan	140704-09, Sheet 09	2 November 2016

- 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 an application for a Development Permit for Operational Works/Building Works.
- 3.0 ROAD WORKS
- 3.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works on the site.
- 3.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, relevant *Australian Standards* and the provisions of a Development Permit for Operational Works (road works).
- 3.3 A concrete pathway, with a minimum width of 1.2 metres, must be constructed on the eastern side of Alma Street for the full frontage of the development site.
- 3.4 All pathways and access ramps must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.
- 3.5 All pathways must incorporate kerb ramps at all road crossing points.
- 3.6 Traffic signs and pavement markings (if required) must be provided in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*. Where necessary, existing traffic signs and pavement markings must be modified in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*.
- 3.7 Any application for a Development Permit for Operational Works (road works) must

include a Traffic Impact Assessment report addressing the impacts of traffic generated by the development, and how these impacts will be catered by the existing infrastructure and/or what measures are proposed to ameliorate any impacts. The report must be prepared and certified by a Registered Professional Engineer of Queensland (RPEQ), suitably experienced and qualified in this discipline of engineering.

3.8 Kerb and Channel must be installed along the western side of Bolsover Lane, for the full frontage of the development site.

#### 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 All parking spaces, access driveway(s), and vehicular manoeuvring areas associated with this proposed development must be concrete paved.

4.4 Any redundant vehicular crossover must be replaced by Council standard kerb and channel.

4.5 All vehicles must ingress and egress the development in a forward gear.

4.6 A minimum of twenty (20) parking spaces must be provided on-site. This includes thirteen (13) covered car parking spaces and seven (7) visitor's parking spaces.

4.7 The proposed access must not be located within one (1) metre of any street signage, power poles, street lights, stormwater gully pits, manholes or other council asset.

4.8 Parking spaces must be line-marked as shown in the Site Plan (refer to condition 2.1) and in accordance with the *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).

4.9 Any application for a Development Permit for Operational Works (access and parking works) must be accompanied by detailed and scaled plans, which demonstrate the turning movements/swept paths of the largest vehicle to access the development site including refuse collection vehicles.

4.10 Appropriate signage must be installed on the approach and departure sides of the Bolsover Lane access to allow safe egress movement and must be in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*.

#### 5.0 SEWERAGE WORKS

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

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

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

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 heavy duty trafficable lids.

5.6 The existing sewerage main must be re-aligned from the proposed sewerage access chamber located within southern boundary and must be redirected to the standard

alignment along the southern, eastern and northern western boundary in accordance with *Capricorn Municipal Development Guidelines* requirements. The section of redundant sewerage main and access chamber must be removed from the site.

#### 6.0 PLUMBING AND DRAINAGE WORKS

- 6.1 All internal plumbing and drainage 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.
- 6.2 The development must be connected to Council's reticulated water network.
- 6.3 The existing water connection point(s) must be disconnected. A new water connection point must be provided to the development. A hydraulic engineer or other suitably qualified person must determine the size of connection required.
- 6.4 Adequate domestic and fire fighting protection must be provided to the development, and must be certified by a hydraulic engineer or other suitably qualified person.
- 6.5 The proposed development must be provided with a master meter at the development site 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 All internal plumbing and sanitary drainage works must be completely independent for each unit/tenancy.
- 6.7 Water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 6.8 A fire hydrant must be installed on the existing 100 millimetre diameter water main located within Alma Street, at the frontage of the proposed driveway.

#### 7.0 STORMWATER WORKS

- 7.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the development site.
- 7.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 7.3 All stormwater must drain to a 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.
- 7.4 Any application for a Development Permit for Operational Works (stormwater works) must include an assessment of how the development meets the stormwater management design objectives in *State Planning Policy 2016*.
- 7.4.1 The installation of detention tank and water quality devices must be in accordance with relevant Australian Standards and all maintenance of the approved stormwater system must be the responsibility of the property owner or body corporate.
- 7.5 Any application for a Development Permit for Operational works (stormwater works) must include a revised stormwater management plan that demonstrates the development does not increase peak stormwater runoff for a selected range of storm events up to and including a one percent (1%) Annual Exceedance Probability defined storm event, for the post development condition.
- 7.5.1 All stormwater (roof and allotment runoff) must be discharged to the existing 375 millimetre diameter stormwater main located within Bolsover Lane, fronting the development site.

- 7.5.2 Access chamber must be constructed over the stormwater main to allow for a connection point.

Note: Revised stormwater management plan must calculate the detention tank size utilising the runoff-routing methodology and must provide outlet details and location of outlet from tank.

## 8.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 8.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the development site.
- 8.2 All roof and allotment 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 (roof and allotment drainage works).
- 8.3 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance or worsening to surrounding land or infrastructure.

## 9.0 SITE WORKS

- 9.1 All earthworks must be undertaken in accordance with *Australian Standards, AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 9.2 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.

## 10.0 BUILDING WORKS

- 10.1 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"*.
- 10.2 All external elements, such as air conditioners, pool and spa pumps and associated equipment, must be adequately screened from public view, to Council's satisfaction.
- 10.3 All units must be provided with open-air clothes drying facilities and the facilities must be screened from public view.
- 10.4 All building works must be undertaken in accordance with *Queensland Development Code, Mandatory Part 1.4* for building over or near relevant infrastructure. Alternatively, an application must be submitted to Council in accordance with Council's *Building Over/Adjacent to Local Government Sewerage Infrastructure Policy*.
- 10.5 All proposed structures (outermost projection of structures) must be located a minimum of 1.5 metres clear from the centre of access chamber in accordance with *Queensland Development Code, Mandatory Part 1.4* for building over or near relevant infrastructure.
- 10.6 All proposed structures must be located a minimum of 1.0 metre from the sewerage connection point in accordance with the *Queensland Development Code, Mandatory Part 1.4* for building over or near relevant infrastructure.
- 10.7 Impervious paved waste storage area/s must be provided in accordance with the approved plans (refer to condition 2.1) and the *Environmental Protection Regulation 2008* and must be:
- 10.7.1 designed and located so as not to cause a nuisance to neighbouring properties;
- 10.7.2 surrounded by at least a 1.8 metre high fence that obstructs from view the

- contents of the waste storage area by any member of the public from any public place;
- 10.7.3 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;
- 10.7.4 setback a minimum of two (2) metres from any road frontage; and
- 10.7.5 provided with a suitable hosecock and hoses at the refuse container area, and washdown must be drained to the sewer and fitted with an approved stormwater diversion valve arrangement in accordance with the Sewerage Trade Waste provisions and the *Plumbing and Drainage Act*.
- 11.0 LANDSCAPING WORKS
- 11.1 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 prior to the commencement of the use and the landscape areas must predominantly contain plant species that are locally native to the Central Queensland region due to their low water dependency.
- 11.2 The landscaped areas must be subject to:
- 11.2.1 a watering and maintenance plan during the establishment moment; and
- 11.2.2 an ongoing maintenance and replanting programme.
- 11.3 The private open space of each unit must be screened to Council's satisfaction with mature vegetation to prevent viewing of the private open space from a public space and adjoining properties.
- 11.4 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure; small shrubs and groundcover are acceptable.
- 12.0 ELECTRICITY AND TELECOMMUNICATIONS
- 12.1 Underground electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.
- 12.2 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.
- 13.0 ASSET MANAGEMENT
- 13.1 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.
- 13.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure) that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.
- 13.3 'As Constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of the use. This information must be provided in accordance with the *Manual for Submission of Digital As Constructed Information*.
- 14.0 ENVIRONMENTAL
- 14.1 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.

- 14.2 An Erosion Control and Stormwater Control Management Plan prepared by a Registered Professional Engineer of Queensland in accordance with the *Capricorn Municipal Design Guidelines*, must be:
- 14.2.1 implemented, monitored and maintained for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped); and
  - 14.2.2 available on-site for inspection by Council Officers whilst all works are being carried out.
- 15.0 OPERATING PROCEDURES
- 15.1 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 Bolsover Lane or Alma Street.
- 15.2 All waste storage areas must be:
- 15.2.1 kept in a clean and tidy condition; and
  - 15.2.2 maintained in accordance with *Environmental Protection Regulation 2008*.

#### 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 Partnerships website [www.datsip.qld.gov.au](http://www.datsip.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. Infrastructure Charges Notice

Council has resolved not to issue an Infrastructure Charges Notice for this development because the new infrastructure charges arising from the development are less than the credits applicable for the new development.

NOTE 5. Electricity Works

Exiting distribution cabinet may require relocation for the safety of the development and pedestrian. Ergon energy maintains this infrastructure and the applicant is requested to contact Ergon Energy, if relocation requires.