



**PLANNING & DEVELOPMENT  
COMMITTEE MEETING**

**MINUTES**

**9 JUNE 2015**

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**REPORT OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING  
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON ON  
TUESDAY, 9 JUNE 2015 COMMENCING AT 1.32PM**

**1 OPENING**

**2 PRESENT**

Members Present:

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

In Attendance:

Mr E Pardon – Chief Executive Officer  
Mr R Holmes – General Manager Regional Services  
Ms T Fitzgibbon – Manager Development and Building  
Ms A O'Mara – Senior Planning Officer  
Mr A de Klerk – Acting Operations Works Administrator  
Ms C Steinberger – Media and Communications Officer  
Ms I Taylor – Governance Support Officer

**3 APOLOGIES AND LEAVE OF ABSENCE**

**4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**COMMITTEE RESOLUTION**

THAT the minutes of the Planning & Development Committee held on 26 May 2015 be taken as read and adopted as a correct record.

**Moved by:** Councillor Smith

**Seconded by:** Councillor Fisher

**MOTION CARRIED**

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

## **6 BUSINESS OUTSTANDING**

Nil

## **7 PUBLIC FORUMS/DEPUTATIONS**

Nil

## 8 OFFICERS' REPORTS

### 8.1 D/229-2014 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A SHOWROOM (MOTORCYCLES)

**File No:** D/229-2014

**Attachments:**

1. Locality Plan
2. Proposed Showroom
3. First Floor

**Authorising Officer:** Tarnya Fitzgibbon - Manager Development and Building  
Robert Holmes - General Manager Regional Services

**Author:** Anton de Klerk - Acting Operational Works Administrator

#### SUMMARY

*Development Application Number:* D/229-2014

*Applicant:* Oasis New Life Centre Property Ltd

*Real Property Address:* Lot 9 on RP600117, Parish of Rockhampton

*Common Property Address:* 152 George Street, Rockhampton City

*Area of Site:* 1,143 square metres

*Planning Scheme:* Rockhampton City Plan 2005

*Rockhampton City Plan Area:* South Rockhampton Highway Commercial Area

*Existing Development:* Motorcycle showroom

*Existing Approvals:* Place of Worship and Community Facilities and a Third Party Sign (Development Permit D/204-2011)

*Approval Sought:* Development Permit for a Material Change of Use for a Showroom (motorcycles)

*Level of Assessment:* Impact Assessable

*Submissions:* Three (3) submissions were received

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

*Adopted Infrastructure Charges Area:* Charge Area 1

#### *Application Progress:*

<i>Application Lodged:</i>	12 September 2014
<i>Application Properly Made:</i>	24 September 2014
<i>Acknowledgment Notice issued:</i>	3 October 2014
<i>Request for Further Information sent:</i>	15 October 2014
<i>Request for Further Information responded to:</i>	13 February 2015
<i>Submission period commenced:</i>	9 March 2015
<i>Submission period end:</i>	30 March 2015
<i>Council request for additional time (until 28 May 2015):</i>	30 April 2015
<i>Council request for additional time (until 9 June 2015):</i>	11 May 2015

2015):	
Government Agency Response:	12 December 2014
Last receipt of information from applicant:	7 April 2015
Statutory due determination date:	9 June 2015

## COMMITTEE RESOLUTION

### RECOMMENDATION A

That in relation to the application for a Development Permit for a Material Change of Use for a Showroom (motorcycles), made by Oasis New Life Centre Property Ltd, on land described as Lot 9 on RP600117, Parish of Rockhampton, located at 152 George Street, Rockhampton City, Council resolves to Approve the application despite its conflict with the planning scheme and provide the following grounds to justify the decision despite the conflict:

- a) The proposal is for a commercial use located within the South Rockhampton Highway Commercial Area;
- b) The proposal is for a Showroom (motorcycles) which relies on the highway for exposure and will require less on-site parking spaces than other consistent uses within the area;
- c) A similar use occupies the neighbouring site to the north;
- d) The proposed use does not compromise the achievements of the Desired Environmental Outcomes in the *Rockhampton City Plan 2005*;
- e) The proposal can be considered a consistent use within the proposed Planning Scheme, except for not being able to meet the required on-site parking requirements;
- f) Assessment of the development against the relevant area intent, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and
- g) The proposed development does not compromise the relevant State Planning Policy.

### RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for a Showroom (motorcycles) , made by Oasis New Life Centre Property Ltd, on land described as Lot 9 on RP600117, Parish of Rockhampton, located at 152 George Street, Rockhampton City, Council resolves to Approve the application subject to the following conditions:

#### 1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed within six (6) 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 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>Plan/Document Number</u>	<u>Dated</u>
Proposed Showroom – Ground Floor	Site Plan One	Undated
First Floor	Site Plan Two	Undated
Proposed Showroom (depicting walkway to showroom)	Unnumbered	Undated

- 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 PLUMBING AND DRAINAGE 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, Water Supply (Safety and Reliability) Act* and the *Plumbing and Drainage Act*.
- 3.2 Alteration or relocation of internal sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act*.
- 3.3 Sewerage/Amended Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's sewerage reticulation. Arrestor traps must be provided where commercial or non-domestic waste water is proposed to be discharged into the system.

## 4.0 ASSET MANAGEMENT

- 4.1 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.
- 4.2 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.

## 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 All waste storage areas must be:

5.2.1 Aesthetically screened from any frontage or adjoining property; and

5.2.2 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.

6.0 OPERATING PROCEDURES

6.1 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 nearby streets.

6.2 The hours of operations must be limited to:

(i) 0700 hours to 1800 hours on Monday to Friday, and

(ii) 0800 hours to 1200 hours on Saturdays; with

(iii) no operations on Sunday or Public Holidays

6.3 No 'ride-days' from this site will be encouraged, unless all participants can be accommodated on site. No parking of staff on adjacent properties will be allowed, unless agreed with the owner(s).

6.4 Noise emitted from the activity must not cause an environmental nuisance.

6.5 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.

6.6 All waste storage areas must be:

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

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

6.6.3 Kept in a clean and tidy condition.

6.7 No washing of vehicles is permitted at this premises unless an approved washdown bay is built to prevent contamination of land and the stormwater system.

6.8 No contaminants are permitted to be released to land or water, including soil, silt, oils, detergents, etcetera. Any washdown areas used for the maintenance or cleaning of equipment (including vehicles) must be appropriately bunded and drained to the sewer network in accordance with a trade waste permit.

6.9 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 per cent (25%) of the total storage capacity.

6.10 An appropriate spill kit must be kept on-site for neutralising or decontaminating spills. The spill kit must be clearly identifiable, maintained regularly and stored in a central location that is easily accessible to employees. Staff must be adequately trained in the use of these materials. The spill kit may consist of:

(i) a bin with a tight-fitting lid, partially filled with non-combustible absorbent

- material such as vermiculite;
- (ii) a broom, shovel, face shield, chemically-resistant boots and gloves; and
  - (iii) waste bags and ties.
- 6.11 Any spillage of environmentally hazardous liquids or other materials must be cleaned up as quickly as practicable. Any spillage of waste and/or contaminants must not be hosed or swept to any stormwater drainage system, roadside gutter or waters.
- 6.12 All traceable regulated waste must be removed from the premises by a licensed regulated waste transporter.
- 6.13 Where regulated waste is removed from the premises, records must be maintained for a period of five (5) years, and include the following:
- 6.13.1 the date, quantity and type of waste removed;
  - 6.13.2 a copy of any licensed waste transport vehicle dockets;
  - 6.13.3 the name of the licensed regulated waste removalist and/or disposal operator; and
  - 6.13.4 the intended treatment and/or disposal destination of the waste.
- These records must be available for inspection by Council when requested.
- 6.14 All signs must be maintained at all times on the premises by the owner of the premises to the same standard as it was when it was installed and secured to any supporting structure or device.

#### 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 Environment and Resource Management website [www.derm.qld.gov.au](http://www.derm.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* and *Manual of Uniform Traffic Control Devices* must be complied with in carrying out any construction works, and to ensure safe traffic control and safe public access in respect of works being constructed on a road.

**NOTE 4. Infrastructure Charges Notice**

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

#### **RECOMMENDATION C**

That in relation to the application for a Development Permit for a Material Change of Use for a Showroom (motorcycles) , made by Oasis New Life Centre Property Ltd, on land described as Lot 9 on RP600117, Parish of Rockhampton, located at 152 George Street, Rockhampton

City, Council resolves to issue an Infrastructure Charges Notice for the amount of **\$16,258.50**.

**Moved by:** Mayor Strelow

**Seconded by:** Councillor Swadling

**MOTION CARRIED**

Councillor Belz recorded his vote against the motion.

## 9 STRATEGIC REPORTS

### 9.1 DEVELOPMENT ASSESSMENT INNOVATION PROJECT - FASTTRACK APPLICATIONS

**File No:** 8037  
**Attachments:** 1. Duplex FastTrack Kit  
**Authorising Officer:** Robert Holmes - General Manager Regional Services  
**Author:** Tarnya Fitzgibbon - Manager Development and Building

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#### SUMMARY

*Council has made substantial progress towards achieving the rating of Fully Advanced for its development assessment system by 30 June 2015, as part of the Development Assessment Innovation Project. Substantial progress has been made toward achieving the overall goal of being rated as an Emerging Premium system by 30 June 2016. This report provides an update on the progress of this project over the last six months.*

#### COMMITTEE RESOLUTION

THAT the report on progress with the Development Assessment Innovation Project be received and that the staff be congratulated on their efforts in achieving the results.

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

## **10 NOTICES OF MOTION**

Nil

## **11 URGENT BUSINESS\QUESTIONS**

1.51PM Councillor Schwarten attended the meeting.

## 12 CLOSED SESSION

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

### COMMITTEE RESOLUTION

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

#### 13.1 D/1603-2005 - Drainage Issues

This report is considered confidential in accordance with section 275(1)(f) (g) (h), of the *Local Government Regulation 2012*, as it contains information relating to starting or defending legal proceedings involving the local government; AND any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act; AND other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

Moved by: Councillor Smith  
Seconded by: Councillor Swadling

**MOTION CARRIED**

### COMMITTEE RESOLUTION

1.52PM

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

Moved by: Councillor Fisher  
Seconded by: Councillor Swadling

**MOTION CARRIED**

### COMMITTEE RESOLUTION

2.11PM

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

Moved by: Councillor Swadling  
Seconded by: Councillor Fisher

**MOTION CARRIED**

## 13 CONFIDENTIAL REPORTS

### 13.1 D/1603-2005 - DRAINAGE ISSUES

**File No:** D/1603-2005

**Attachments:**

1. Locality Plan
2. D/1603-2005 - Reconfiguring a Lot - Decision Notice - 6 June 2008
3. Planning and Development Committee Report - 24 April 2013
4. Planning and Development Committee - Action Notice - 24 April 2013
5. Planning and Development Committee - Action Notice - 5 November 2013
6. Ordinary Council Report - 12 November 2013
7. Ordinary Council Action Notice - 12 November 2013
8. D/1603-2005 - Reconfiguring a Lot - Amended Decision Notice - 5 February 2014
9. Survey Plan - Reflecting Stages 1A and 1B
10. D/1553-2009 - On-Defects Notice Letter - 10 February 2015

**Authorising Officer:** Tarnya Fitzgibbon - Manager Development and Building  
Robert Holmes - General Manager Regional Services

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

This report is considered confidential in accordance with section 275(1)(f) (g) (h), of the *Local Government Regulation 2012*, as it contains information relating to starting or defending legal proceedings involving the local government; AND any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act; AND other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

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### SUMMARY

*The report provides information on the approvals of the developments in the vicinity of Montgomerie Street, Lakes Creek, where rain events have caused flooding.*

### COMMITTEE RESOLUTION

THAT the report on the background to the approvals of the development in the vicinity of Montgomerie Street, Lakes Creek, be noted and further investigations be undertaken with the view to remedying drainage issues associated with the new development. That no further approvals or endorsements be granted for stages 2 and 3 until Council is satisfied.

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



## **14 CLOSURE OF MEETING**

There being no further business the meeting closed at 2.15pm.

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SIGNATURE

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CHAIRPERSON

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DATE