



PLANNING AND REGULATORY COMMITTEE MEETING

MINUTES

6 SEPTEMBER 2016

The Committee Recommendations contained within these Minutes were adopted at the Council meeting on 13 September 2016, excluding:

Item 8.5 - D/25-2015 Request for a Negotiated Decision Notice for Development Permit for a Material Change of Use for a Vehicle Depot

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**REPORT OF THE PLANNING AND REGULATORY COMMITTEE MEETING HELD AT
COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON ON
TUESDAY, 6 SEPTEMBER 2016 COMMENCING AT 9.02AM**

1 OPENING

2 PRESENT

Members Present:

Councillor C E Smith (Chairperson)
The Mayor, Councillor M F Strelow
Councillor N K Fisher
Councillor C R Rutherford
Councillor M D Wickerson

Observer:

Councillor S J Schwarten

In Attendance:

Mr M Rowe – General Manager Community Services (Executive Officer)
Mr R Cheesman – Deputy Chief Executive Officer/ General Manager Corporate Services
Mr M Crow – Acting General Manager Regional Services
Mr J Plumb – Manager Fitzroy River Water
Mr T Green – Manager Planning & Regulatory Services
Mr C Wyatt – Coordinator Strategic Planning
Mr J McCaul – Coordinator Development Engineering
Mr A Russell – Coordinator Strategic Infrastructure
Mr A Gibson – Airport Facilities Coordinator
Mr A de Klerk – Senior Planning Officer
Ms C Hibberd – Planning Officer
Ms A James – Planning Officer
Ms J Noland – Development Compliance Officer
Mr A Wratten – Communication and Marketing Supervisor
Ms J O'Neill – Communications and Marketing Officer
Ms S Friske – Governance Support Officer

3 APOLOGIES AND LEAVE OF ABSENCE

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COMMITTEE RESOLUTION

THAT the minutes of the Planning and Regulatory Committee held on 16 August 2016 be taken as read and adopted as a correct record.

Moved by: Councillor Wickerson

Seconded by: Councillor Fisher

MOTION CARRIED

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 BUSINESS OUTSTANDING

6.1 BUSINESS OUTSTANDING TABLE FOR PLANNING AND REGULATORY COMMITTEE

File No: 10097
Attachments: 1. Business Outstanding Table
Authorising 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 Regulatory Committee is presented for Councillors' information.

COMMITTEE RECOMMENDATION

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

Moved by: Mayor Strelow
Seconded by: Councillor Rutherford
MOTION CARRIED

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 OFFICERS' REPORTS

8.1 PLANNING SECTION - JULY OPERATIONS REPORT

File No: 7028
Attachments: 1. Monthly Report - July 2016
Authorising Officer: Trevor Green - Manager Planning & Regulatory Services
Michael Rowe - General Manager Community Services
Author: Tarnya Fitzgibbon - Coordinator Development Assessment

SUMMARY

The monthly operations report for the Planning Section as at 31 July 2016 is presented for Councillors' information.

COMMITTEE RECOMMENDATION

THAT a report for the delivery of consistent standard building services be presented to the next Planning and Regulatory Committee Meeting.

Moved by: Mayor Strelow
Seconded by: Councillor Wickerson

MOTION CARRIED

COMMITTEE RECOMMENDATION

THAT the Planning Section report for July be received.

Moved by: Councillor Fisher
Seconded by: Councillor Wickerson

MOTION CARRIED

8.2 MONTHLY OPERATIONS REPORT FROM COMMUNITY STANDARDS AND COMPLIANCE UNIT FOR JULY 2016**File No:** 1464**Attachments:**

1. Monthly Operations Report for July 2016
2. Traffic Light Report for July 2016
3. Financial Matters Report for July 2016

Authorising Officer: Michael Rowe - General Manager Community Services**Author:** Trevor Green - Manager Planning & Regulatory Services

SUMMARY

The monthly Operations Report for Community Standards and Compliance Section as at 31 July 2016 is presented for Councillor's information.

COMMITTEE RECOMMENDATION

THAT the Community Standards and Compliance Monthly Operations Report for July 2016 be 'received'.

Moved by: Councillor Wickerson**Seconded by:** Councillor Rutherford**MOTION CARRIED UNANIMOUSLY**

8.3 D/67-2016 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A MULTIPLE DWELLING (TEN UNITS)

File No: D/67-2016

Attachments:

1. Locality Plan
2. Site Plan
3. Floor Plans
4. Elevation Plan

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Trevor Green - Manager Planning & Regulatory Services
Michael Rowe - General Manager Community Services

Author: Alyce McLellan - Planning Officer

SUMMARY

Development Application Number: D/67-2016

Applicant: Bailey Property Fund Pty Ltd

Real Property Address: Lot 172 on SP260355, Parish of Murchison

Common Property Address: Lot 172 Foulkes Street, Norman Gardens

Area of Site: 3,943 square metres

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Low Density Residential Zone

Planning Scheme Overlays: Bushfire Hazard Buffer

Existing Development: Vacant Land

Existing Approvals: Development Permit D/23-2014 for a Material Change of Use for Multi Dwelling Units (eighteen units)

Approval Sought: Development Permit for a Material Change of Use for Multiple Dwelling (ten units)

Level of Assessment: Impact Assessable

Submissions: Two (2) Properly Made Submissions and One (1) Not Properly Made Submission

Referral Agency(s): Nil

Infrastructure Charges Area: Charge Area 1

Application Progress:

<i>Application Lodged:</i>	6 May 2016
<i>Acknowledgment Notice issued:</i>	11 May 2016
<i>Submission period commenced:</i>	14 June 2016
<i>Submission period end:</i>	8 July 2016
<i>Council request for additional time (until 9 September 2016):</i>	4 August 2016
<i>Last receipt of information from applicant:</i>	15 July 2016
<i>Statutory due determination date:</i>	9 September 2016

COMMITTEE RECOMMENDATION

THAT in relation to the application for a Development Permit for a Material Change of Use for a Multiple Dwelling (ten units), made by Bailey Property Fund Pty Ltd, on Lot 172 on SP260355, Parish of Murchison, located at Lot 172 Foulkes Street, Norman Gardens, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer and his employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
 - 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 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) Access and Parking Works;
 - (ii) Stormwater Works; and
 - (iii) Roof and Allotment Drainage Works.
 - 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 No / Revision</u>	<u>Dated</u>
Overall Site Plan	L172/01 Issue A	5 April 2016
Part Site Plan	L172/02 Issue A	5 April 2016
Part Site Plan	L172/03 Issue A	5 April 2016
Floor Plans Dwellings 1 - 7	L172/05 Issue A	5 April 2016
Floor Plans Dwellings 8 - 10	L172/06 Issue A	5 April 2016
Street Elevations	L172/07 Issue A	5 April 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 endorsement by Council prior to the submission of a Development Application for Operational Works.
- 3.0 ACCESS AND PARKING WORKS
- 3.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the site.
- 3.2 All access and parking works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Parking Facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 3.3 All parking spaces, access driveway(s), and vehicular manoeuvring areas associated with this proposed development must be concrete paved.
- 3.4 All vehicular access to and from the development must be via Academic Court. Direct vehicular access to Springfield Drive or Foulkes Street is prohibited.
- 3.5 A minimum of fifteen (15) car parking spaces must be provided on-site. This includes ten (10) covered car parking spaces and five (5) visitor's car parking spaces. Visitor's car parking spaces must be clearly indicated.
- 3.6 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 site.
- 3.7 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).
- 3.8 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for Access and Mobility"*.
- 4.0 PLUMBING AND DRAINAGE WORKS
- 4.1 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.
- 4.2 The development must be connected to Council's reticulated sewerage and water networks.
- 4.3 The existing sewerage and water connection point(s) must be retained, and

upgraded if necessary, to service the development.

- 4.4 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.
- 4.5 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.
- 4.6 All internal plumbing and sanitary drainage works must be completely independent for each unit.
- 4.7 Sewer connections and water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 4.8 The finished lamphole surface must be at a sufficient level to avoid ponding of stormwater above the top of the lamphole. A heavy duty trafficable lid must be provided in the trafficable area.

5.0 STORMWATER WORKS

- 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), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, 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 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 2014*.

6.0 ROOF AND ALLOTMENT DRAINAGE WORKS

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

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.

7.3 Any vegetation cleared or removed must be:

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

8.0 BUILDING WORKS

8.1 All building works must be undertaken in accordance with *Queensland Development Code, Mandatory Part 1.4* for building over or near relevant infrastructure.

8.2 A General Waste Bin and Recyclable Bin must be stored separately at each unit.

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

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

8.5 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"*.

9.0 ELECTRICITY

9.1 Evidence that the development is provided with electricity services from the relevant service provider must be provided to Council, prior to the commencement of the use.

9.2 Evidence must be provided that electricity services are available to the development in accordance with the standards and requirements of the relevant service provider, prior to the commencement of the use.

10.0 TELECOMMUNICATIONS

10.1 Evidence that the development is provided with telecommunications services from the relevant service provider must be provided to Council, prior to the commencement of the use.

Note: The *Telecommunications Act 1997* (Cth) specifies where the deployment of optical fibre and the installation of fibre-ready facilities is required.

Note: For telecommunications services, written evidence must be in the form of either a "Telecommunications Infrastructure Provisioning Confirmation" where such services are provided by Telstra or a "Notice of Practical Completion" where such services are provided by the NBN.

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 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.

12.0 ENVIRONMENTAL

12.1 An Erosion Control and Stormwater Control Management Plan in accordance with the *Capricorn Municipal Design Guidelines*, must be:

12.1.1 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

12.1.2 available on-site for inspection by Council Officers whilst all works are being carried out.

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 Foulkes Street, Academic Court or Springfield Drive.

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 contributions are presented on an Infrastructure Charges Notice.

Moved by: Mayor Strelow

Seconded by: Councillor Fisher

MOTION CARRIED UNANIMOUSLY

8.4 D/51-2016 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A VETERINARY SERVICE

File No: D/51-2016

Attachments:

1. Locality Plan
2. Site Plan
3. Floor Plan
4. 3D Views
5. Elevations
6. Landscaping Plan

Authorising Officer: Trevor Green - Manager Planning & Regulatory Services
Michael Rowe - General Manager Community Services
Tarnya Fitzgibbon - Coordinator Development Assessment

Author: Corina Hibberd - Planning Officer

SUMMARY

Development Application Number: D/51-2016

Applicant: Animality Pty Ltd

Real Property Address: Lot 6 on SP210592, Parish of Gracemere

Common Property Address: 1 Alexander Court, Gracemere

Area of Site: 1,489 square metres

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Low Impact Industry Zone

Planning Scheme Overlays: Nil Applicable

Existing Development: Vacant

Existing Approvals: Nil

Approval Sought: Development Permit for a Material Change of Use for a Veterinary Service

Level of Assessment: Impact Assessable

Submissions: Nil

Infrastructure Charges Area: Charge Area 1

Application Progress:

<i>Application Lodged:</i>	12 April 2016
<i>Acknowledgment Notice issued:</i>	26 April 2016
<i>Confirming no Information Request is required:</i>	10 May 2016
<i>Request to Extend the Public Notification Period (until 22 June 2016):</i>	25 May 2016
<i>Submission period commenced:</i>	22 June 2016
<i>Submission period end:</i>	13 July 2016
<i>Council request for additional time to the Decision Making Period (16 August 2016):</i>	16 August 2016 (1 st extension)
<i>Last receipt of information from applicant:</i>	21 July 2016

<i>Planning and Regulatory meeting date:</i>	<i>6 September 2016</i>
<i>Council meeting date:</i>	<i>13 September 2016</i>
<i>Statutory due determination date:</i>	<i>15 September 2016</i>

COMMITTEE RECOMMENDATION

RECOMMENDATION A

That in relation to the application for a Development Permit for a Material Change of Use for a Veterinary Service, made by BEAT Architects on behalf of Animality Pty Ltd, on Lot 6 on SP210592, Parish of Gracemere, located at 1 Alexander Court, Gracemere, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer and his employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
 - 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 may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
 - 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
 - 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of the use, unless otherwise stated.
 - 1.5 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.
 - 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
 - 1.6.1 Operational Works:
 - (i) Road Works;
 - (ii) Access and Parking Works;
 - (iii) Stormwater Works; and
 - (iv) Roof and Allotment Drainage Works;
 - 1.6.2 Plumbing and Drainage Works; and
 - 1.6.3 Building Works.
 - 1.7 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
 - 1.8 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
 - 1.9 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- #### 2.0 APPROVED PLANS AND DOCUMENTS
- 2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this permit:

<u>Plan/Document Name</u>	<u>Document Number / Rev</u>	<u>Dated</u>
Site Plan	BT150478, CD.201, Rev 1	11 April 2016
Proposed Floor Plan	BT150478, CD.202, Rev 1	11 April 2016
Elevations	BT150478, CD.401, Rev 1	11 April 2016
Stormwater Drainage Plan	K3582, P002, Issue A	23 March 2016
Sediment and Erosion Control Plan and Details	K3582, P003, Issue A	23 March 2016
Conceptual Stormwater Management Plan	K3582-0002/A	18 April 2016
Landscape Plan	A16-007, LA1.00, Rev 01	4 April 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 endorsement by Council prior to the submission of a Development Application for Operational Works.

3.0 ROAD WORKS

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

3.2 All road 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 northern side of Alexander Court and eastern side of Old Capricorn Highway 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.

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), pedestrian pathway and vehicular manoeuvring areas associated with this proposed development must be concrete paved or sealed.

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

4.5 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for Access and Mobility"*.

4.6 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).

4.7 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.

5.0 PLUMBING AND DRAINAGE WORKS

5.1 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.

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 connection and water meter box located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.

5.5 The finished sewerage access chamber surface must be at a sufficient level to avoid ponding of stormwater above the top of the chamber. A heavy duty trafficable lid must be provided in the trafficable area.

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

6.0 STORMWATER WORKS

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

6.2 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).

6.3 The existing grated inlet pit must be raised or lowered, if required, to suit new finished surface level.

7.0 ROOF AND ALLOTMENT DRAINAGE WORKS

7.1 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* and sound engineering practice.

7.2 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.

8.0 SITE WORKS

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

- 8.2 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.

9.0 BUILDING WORKS

- 9.1 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:

- 9.1.1 designed and located so as not to cause a nuisance to neighbouring properties;
- 9.1.2 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;
- 9.1.3 of a sufficient size to accommodate all bins (residential and/or commercial type bins) plus clearances around the bins for manoeuvring and cleaning;
- 9.1.4 Medical, Clinical and Pharmaceutical wastes must be serviced by qualified commercial contractors;
- 9.1.5 setback a minimum of two (2) metres from any road frontage; and
- 9.1.6 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*.

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

10.0 LANDSCAPING WORKS

- 10.1 Landscaping must be established in accordance with the approved plans (refer to condition 2.1).
- 10.2 All landscaping must predominantly contain plant species that are locally native to the Central Queensland region due to their low water dependency.
- 10.3 The landscaped areas must be subject to an ongoing maintenance and replanting programme (if necessary).

11.0 ELECTRICITY

- 11.1 Electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 11.2 Evidence that the development is provided with electricity services from the relevant service provider must be provided to Council, prior to the commencement of the use.

12.0 TELECOMMUNICATIONS

- 12.1 Telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service provider. Unless otherwise stipulated by telecommunications legislation at the time of installation, this includes all necessary pits and pipes, and conduits that provide a connection to the telecommunications network.
- 12.2 Evidence that the development is provided with telecommunications services from the relevant service provider must be provided to Council, prior to the commencement of the use.

Note: The *Telecommunications Act 1997* (Cth) specifies where the deployment of optical fibre and the installation of fibre-ready facilities is required.

Note: For telecommunications services, written evidence must be in the form of either a "Telecommunications Infrastructure Provisioning Confirmation" where such services are provided by Telstra or a "Notice of Practical Completion" where such services are provided by the NBN.

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 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.

14.0 ENVIRONMENTAL

14.1 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:

14.1.1 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

14.1.2 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 Alexander Court or Old Capricorn Highway.

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*.

15.3 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"*.

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

15.5 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.

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 contributions are presented on an Infrastructure Charges Notice.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for a Veterinary Service, made by BEAT Architects on behalf of Animality Pty Ltd, on Lot 6 on SP210592, Parish of Gracemere, located at 1 Alexander Court, Gracemere, Council resolves to issue an Infrastructure Charges Notice for the amount of \$39,440.10.

Moved by: Councillor Wickerson

Seconded by: Mayor Strelow

MOTION CARRIED UNANIMOUSLY

8.5 D/25-2015 - REQUEST FOR A NEGOTIATED DECISION NOTICE FOR DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A VEHICLE DEPOT

File No: D/25-2015

Attachments: 1. Locality Plan
2. Site Plan

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Trevor Green - Manager Planning & Regulatory Services
Michael Rowe - General Manager Community Services

Author: Anton de Klerk - Senior Planning Officer

SUMMARY

Development Application Number: D/25-2015

Applicant: RS Pamenter

Real Property Address: Lot 1 on RP616167, Parish of Gracemere

Common Property Address: 179 Somerset Road, Gracemere

Area of Site: 5,407 square metres

Planning Scheme: Fitzroy Shire Planning Scheme 2005

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

Planning Scheme Overlays: Nil

Existing Development: House and Vehicle Depot (compliance matter)

Existing Approvals: House and various additions

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

COMMITTEE RECOMMENDATION

Council resolves that:

- A. In relation to the application for a Negotiated Decision Notice for Development Permit D/25-2015 for a Material Change of Use for a Vehicle Depot, made by Designtek on behalf of RS Pamenter, on Lot 1 on RP616167, Parish of Gracemere, located at 179 Somerset Road, Gracemere:
1. Condition 2.1 be amended.
 2. Condition 5.3 be amended.
 3. Condition 5.6 be deleted.
 4. Condition 8.5 be amended.
 5. Condition 9.1 be amended.
 6. Condition 9.2 be added.
 7. Condition 9.3 be added.
 8. Condition 14.2 be deleted.
 9. Condition 14.4 be amended.

10. Condition 14.5 be amended.

- B. To reflect the above amendments, RS Pamerter, be issued with a Negotiated Decision Notice for Development Permit D/25-2015 for a Material Change of Use for a Vehicle Depot.

1.0 ADMINISTRATION

- 1.1 The Developer and his employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 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 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 approval must be undertaken and completed within six (6) months of this approval taking effect, 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.
- 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) Stormwater Works;
 - (iv) Roof and Allotment Drainage; and
 - (v) Landscaping Works.
- 1.5.2 Plumbing and Drainage Works; and
- 1.5.3 Building Works.
- 1.6 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.7 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.
- 1.8 All conditions, works, or requirements of this development approval relating to the existing non-compliant Vehicle Depot must be undertaken and completed by obtaining the Development Permits:
- 1.8.1 to Council's satisfaction;
 - 1.8.2 at no cost to Council; and
 - 1.8.3 by lodging the applications within six (6) months of the date of this development approval, and completion of the works within six (6) months from the date of the approval of those works, unless otherwise stated.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
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	Proposed Site Area Plan	WD-01 Revision A	7 September 2015
2.2	Where there is any conflict between the conditions of this development approval and the details shown on the approved plans and documents, the conditions of this development 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>ROAD WORKS</u>		
3.1	A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works for the development site.		
3.2	All road works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), <i>Capricorn Municipal Development Guidelines</i> and relevant <i>Australian Standards</i> and the provisions of a Development Permit for Operational Works (road works).		
3.3	Stewart Street must be upgraded to an Industrial Access standard for the full frontage of Lot 1 on RP616167, with half road construction along the development side. Kerb and channel and drainage infrastructure must be included.		
3.4	Traffic signs and pavement markings must be provided in accordance with the <i>Manual of Uniform Traffic Control Devices – Queensland</i> . Where necessary, existing traffic signs and pavement markings must be modified in accordance with the <i>Manual of Uniform Traffic Control Devices – Queensland</i> .		
4.0	<u>ACCESS AND PARKING WORKS</u>		
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 development site.		
4.2	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> and <i>Australian Standard AS2890 "Parking facilities"</i> 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 or asphalted.		
4.4	The existing access to the development must be upgraded to comply with the requirements of the <i>Capricorn Municipal Development Guidelines</i> .		
4.5	All vehicles must ingress and egress the development in a forward gear.		
5.0	<u>PLUMBING AND DRAINAGE WORKS</u>		
5.1	All internal plumbing and drainage 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> , <i>Plumbing and Drainage Act</i> , Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.		
5.2	Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the <i>Plumbing and Drainage Act</i> and Council's Plumbing and Drainage Policies.		
5.3	The development must be connected to Council's reticulated water network via special water supply arrangements. Alternatively, adequate on-site water storage for domestic purposes must be provided and must be certified by a hydraulic engineer or other suitably qualified person.		

- 5.4 On-site sewerage treatment and disposal must be provided in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Plumbing and Drainage Policies.
- 5.5 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*.
- 6.0 **STORMWATER WORKS**
- 6.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the development site.
- 6.2 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* and sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 6.3 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.
- 6.4 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 2014*.
- 6.5 The development must not increase peak stormwater runoff for a selected range of storm events up to and including a one per cent (1%) Annual Exceedance Probability defined flood event, for the post development condition.
- 6.6 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by a Stormwater Drainage Report, prepared and certified by a Registered Professional Engineer of Queensland that as a minimum includes:
- 6.6.1 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*;
 - 6.6.2 an assessment of the peak discharges for all rainfall events up to and including a one percent (1%) Annual Exceedance Probability defined flood event, for the pre-development and post-development scenarios;
 - 6.6.3 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;
 - 6.6.4 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;
 - 6.6.5 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*;
 - 6.6.6 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;

- 6.6.7 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
- 6.6.8 details of all calculations, assumptions and data files (where applicable).

7.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 7.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the development site.
- 7.2 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).
- 7.3 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 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 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.
- 8.3 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"*.
- 8.4 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:
 - 8.4.1 designed and located so as not to cause a nuisance to neighbouring properties;
 - 8.4.2 surrounded by at least 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; and
 - 8.4.3 setback a minimum of two (2) metres from any road frontage
- 8.5 A minimum 1.8 metre high solid fence (i.e. corrugated, trimdek, colorbond or similar standard profile) must be erected between the subject development site and the adjacent residential property south of the development.

9.0 LANDSCAPING WORKS

- 9.1 Landscaping must be provided along the full frontage of Stewart Street with a minimum width of one (1) metre and a minimum mature height of 1.2 metres. Species selected must upon full maturity create a dense screen/ hedge.
- 9.2 Landscaping must be provided along the southern boundary with a minimum width of

one (1) metre and a minimum mature height of three (3) metres. Species selected must upon full maturity create a dense screening.

- 9.3 Landscaping must be provided along the south-eastern boundary (from the southern side of the covered parking area up to the southern boundary line) with a minimum width of one (1) metre and a minimum mature height of 1.8 metres. Species selected must upon full maturity create a dense screen/ hedge.

- 9.4 All landscaping must predominantly contain plant species that are locally native to the Central Queensland region due to their low water dependency.

- 9.5 The landscaped areas must be subject to an ongoing maintenance and replanting programme.

10.0 ELECTRICITY AND TELECOMMUNICATIONS

- 10.1 Underground electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities (if required).

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 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.

- 11.3 'As Constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of the use. This information must be provided in accordance with the *Manual for Submission of Digital As Constructed Information*.

12.0 ENVIRONMENTAL

- 12.1 No contaminants are permitted to be released to land or water, including soil, silt, oils, detergents, and et cetera. Any wash-down areas used for the maintenance or cleaning of equipment (including vehicles) must be appropriately bunded and drained to a holding tank and evaporated.

13.0 ENVIRONMENTAL HEALTH

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

- 13.2 Operations on the development 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.

- 13.3 When requested by Council, noise monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise. The monitoring data, an analysis of the data and a report, including noise mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation. Council may require any noise mitigation measures identified in the assessment to be implemented within appropriate timeframes. Noise measurements must be compared with the acoustic quality objectives specified in the most recent edition of the *Environmental Protection (Noise) Policy*.

- 13.4 Odour and visible contaminants, including but not limited to dust, fume, smoke, aerosols, overspray or particulates, must not be released to the environment in a manner that will or may cause environmental nuisance or harm unless such release is authorised by Council.

- 13.5 No contaminants are permitted to be released to land or water, including soil, silt, oils, detergents, etcetera. Any wash-down 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.
- 13.6 All chemicals and/or 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 percent (25%) of the total storage capacity.
- 13.7 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:
- 13.7.1 a bin with a tight-fitting lid, partially filled with non-combustible absorbent material such as vermiculite;
 - 13.7.2 a broom, shovel, face shield, chemically-resistant boots and gloves; and
 - 13.7.3 waste bags and ties.
- 13.8 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.
- 14.0 OPERATING PROCEDURES
- 14.1 The vehicle depot is limited to the storage of five (5) body trucks and associated machinery and trailers.
- 14.2 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials or parking of construction machinery or contractors' vehicles must not occur within Somerset Road or Stewart Street.
- 14.3 The hours of operations for the development site must be limited to:
- 14.3.1 0700 hours to 1730 hours on Monday to Friday;
 - 14.3.2 0800 hours to 1300 hours Saturdays; and
 - 14.3.3 No operations on Sundays or Public Holidays
- 14.4 Operations limited by the hours of operation in Condition 14.3 includes all operations such as loading/ unloading of machinery, starting and manoeuvring vehicles and any maintenance of vehicles and machinery.

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 development site during all stages of the development including earthworks, construction and operation.

NOTE 3. General Safety Of Public During Construction

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

NOTE 4. Property Note (Audit of conditions)

An inspection of the property to ascertain compliance with conditions will be undertaken twelve (12) months after the approval takes effect. If the works are completed prior to this time please contact Council for an earlier inspection. A property note to this effect will be placed on Council's records.

NOTE 5. Infrastructure Charges Notice

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

Moved by: Mayor Strelow

Seconded by: Councillor Wickerson

MOTION CARRIED UNANIMOUSLY

8.6 D/74-2016 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A SHOP (BAIT AND TACKLE) AND AN OPERATIONAL WORKS FOR AN ADVERTISING DEVICE (FENCE SIGN)

File No: D/74-2016

Attachments:

1. Locality Plan
2. Site Plan
3. Signage Plan

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Trevor Green - Manager Planning & Regulatory Services
Michael Rowe - General Manager Community Services

Author: Anton de Klerk - Senior Planning Officer

SUMMARY

Development Application Number: D/74-2016

Applicant: JAL Concrete Works Pty Ltd c/- Reel Planning CQ

Real Property Address: Lot 1 on RP801335, Parish of Rockhampton

Common Property Address: 342 Quay Street, Depot Hill

Area of Site: 1,617.68 square metres

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Low Density Residential Zone

Planning Scheme Overlays: Acid Sulphate Soils - Above 5m and below 20m AHD;
Fitzroy River Flood Overlay - Extreme Hazard;
Fitzroy River Flood Overlay - High Hazard;
ROCK Defined Storm Tide Event - Zone 6;
ROCK Defined Storm Tide Event - Zone 7; and
Steep Land Overlay - 15-20% slope

Existing Development: Dwelling House and an Industrial Storage Shed

Existing Approvals: 11325/HISTS – Steel Storage Shed
15622/RHISTC - New Storage Shed
36984/RHISTC - New Storage Shed
D-R/12-1996 - Special Facilities (Building Material Distribution Centre)

Approval Sought: Development Permit for a Material Change of Use for a Shop (bait and tackle) and Operational Works for an Advertising Device (fence sign)

Level of Assessment: Impact Assessable

Submissions: One

Referral Agency(s): Nil

Infrastructure Charges Area: Charge Area 1

Application Progress:

<i>Application Lodged:</i>	<i>31 May 2016</i>
<i>Application Properly Made:</i>	<i>2 June 2016</i>
<i>Acknowledgment Notice issued:</i>	<i>9 June 2016</i>
<i>Advised Applicant that no further information will be required:</i>	<i>15 June 2016</i>
<i>Submission period commenced:</i>	<i>22 June 2016</i>
<i>Submission period end:</i>	<i>13 July 2016</i>
<i>Council request for additional time (until 8 September 2016):</i>	<i>4 August 2016</i>
<i>Council request for additional time (until 20 September 2016):</i>	<i>16 August 2016</i>
<i>Last receipt of information from applicant:</i>	<i>2 August 2016</i>
<i>Application to go to Planning and Regulatory Meeting:</i>	<i>6 September 2016</i>
<i>Statutory due determination date:</i>	<i>20 September 2016</i>

COMMITTEE RECOMMENDATION**RECOMMENDATION A**

That in relation to the application for a Development Permit for a Material Change of Use for a Shop (bait and tackle) and Operational Works for an Advertising Device (fence sign), made by Reel Planning CQ on behalf of JAL Super Investments No 1 Pty Ltd Tte, on Lot 1 on RP801335, Parish of Rockhampton, located at 342 Quay Street, Depot Hill, Council resolves to approve the application subject to the following conditions:

Material Change of Use for a Shop (bait and tackle):**1.0 ADMINISTRATION**

- 1.1 The Developer and his employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 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 may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of the use, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior to the commencement of the use, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
 - 1.6.1 Plumbing and Drainage Works; and
 - 1.6.2 Building Works.

- 1.7 All Development Permits for Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.8 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Number</u>	<u>Dated</u>
Site Plan	960371/01, Sheet 1 of 1 Revision B	May 2016
Signage Plan	Unnumbered	18 May 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 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"*.
- 3.2 All parking spaces, access driveway(s) and vehicular maneuvering areas associated with this development must be concrete paved or asphalted.
- 3.3 Parking spaces must be line-marked in accordance with the approved Site Plan (refer to condition 2.1) and in accordance with the *Australian Standard AS2890 "Parking facilities"*.
- 3.4 A minimum of two (2) parking spaces, associated with this development must be provided on-site.
- 3.5 All vehicles must ingress and egress the development in a forward gear.

4.0 PLUMBING AND DRAINAGE WORKS

- 4.1 All internal plumbing and drainage works must be designed and constructed in accordance with the *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act 2008*, *Plumbing and Drainage Act 2002* and Council's Plumbing and Drainage Policies.
- 4.2 Alteration, disconnection 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 2002* and Council's Plumbing and Drainage Policies.

5.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 5.1 All roof and allotment drainage works must be designed and constructed in accordance with the *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, and sound engineering practice.
- 5.2 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 to surrounding land or infrastructure.

6.0 BUILDING WORKS

- 6.1 All external elements, such as air conditioners, refrigerators, pumps and associated equipment, must be adequately screened from public view, to Council's satisfaction.
- 6.2 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"*.
- 6.3 A minimum 1.8 metre high solid screen fence must be erected between the subject development site and the adjacent residential property north of the development. The fence must be constructed of materials and finishes that are aesthetically pleasing and commensurate with the surrounding residential area.
- 6.4 All electrical and telecommunication services and utilities connected to the development, including electrical outlets, must be designed and installed at such a height that they are a minimum of 500 millimetres above a one percent (1%) Annual Exceedance Probability flood level.

7.0 LANDSCAPING WORKS

- 7.1 Landscaping must be provided along the full frontage of Quay Street with a minimum width of one (1) metre and a minimum mature height of 1.8 metres. Species selected must upon full maturity create a dense screen/ hedge.
- 7.2 Large trees must not be planted within one (1) metre of the centreline of any sewerage and/or water infrastructure; small shrubs and groundcover are acceptable.
- 7.3 The landscaped areas must be subject to:
- 7.3.1 a watering and maintenance plan during the establishment moment; and
 - 7.3.2 an ongoing maintenance and replanting programme.

8.0 ELECTRICITY

- 8.1 Electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 8.2 Evidence that the development is provided with electricity services from the relevant service provider must be provided to Council, prior to the commencement of the use.

9.0 TELECOMMUNICATIONS

- 9.1 Telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service provider. Unless otherwise stipulated by telecommunications legislation at the time of installation, this includes all necessary pits and pipes, and conduits that provide a connection to the telecommunications network.

10.0 ASSET MANAGEMENT

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

11.0 ENVIRONMENTAL HEALTH

- 11.1 Noise emitted from the activity must not cause an environmental nuisance.
- 11.2 Operations on the development 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.
- 11.3 When requested by Council, nuisance monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise, light or dust generated by this development. 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.
- 11.4 Odour and visible contaminants, including but not limited to dust, fume, smoke, aerosols, overspray or particulates, must not be released to the environment in a manner that will or may cause environmental nuisance or harm unless such release is authorised by Council.

12.0 OPERATING PROCEDURES

- 12.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials or parking of construction machinery or contractors' vehicles must not occur within Quay Street or Quay Lane.
- 12.2 The hours of operations for this Shop (bait and tackle) must be limited to:
- (i) 0700 hours to 1800 hours on Monday to Saturday, and
 - (ii) 0800 hours to 1800 hours on Sundays and Public Holidays.
- 12.3 The loading and/or unloading of delivery vehicles is limited between the hours of 0700 and 1800 Monday to Saturday and between the hours of 0800 and 1500 on Sundays. No heavy vehicles must enter the development site outside these times to wait for unloading/loading.
- 12.4 All waste storage areas must be:
- 12.4.1 kept in a clean and tidy condition; and
 - 12.4.2 maintained in accordance with *Environmental Protection Regulation 2008*.
- 12.5 The applicant must ensure that a flood management plan is developed for this development. This may include provisions for removal of merchandise, equipment stored above the inundation extents etc. It is the applicant's responsibility to ensure that measures are put in place to avoid damage to property during the major event.
- 12.6 It is the responsibility of the owner or occupier of the land from time to time to implement the contingency plan during a flood event or if there is a risk of flooding near the land.

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

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

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 development site 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. Charges Notice

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

Operational Works for Advertising Device (fence sign)

13.0 ADMINISTRATION

13.1 The Developer and his employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.

13.2 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 may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.

13.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.

13.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of the use, unless otherwise stated.

13.5 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.

13.6 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:

13.6.1 Building Works.

13.7 All Development Permits for Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.

13.8 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.

14.0 APPROVED PLANS AND DOCUMENTS

14.1 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 Number</u>	<u>Dated</u>
Site Plan	960371/01, Sheet 1 of 1 Revision B	May 2016
Signage Plan	Unnumbered	18 May 2016

14.2 A set of the above approved plans are returned to you as the Consultant. The Consultant is to supply one (1) Approved set to the contractor to be retained on site at all times during construction.

14.3 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.

- 14.4 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 Building Works.

15.0 ASSET MANAGEMENT

- 15.1 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.

16.0 OPERATING PROCEDURES

- 16.1 All signage must only display or advertise a matter associated with the purpose for which the premises is used.
- 16.2 All signage 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.
- 16.3 Any lighting devices associated with the signage, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents or motorists. Night lighting must be designed, constructed and operated in accordance with 'Australian Standard AS4282 – Control of the obtrusive effects of outdoor lighting'.

17.0 CONSTRUCTION PROCEDURES

- 17.1 Council reserves the right for uninterrupted access to the site at all times during construction.
- 17.2 All Construction work and other associated activities are permitted only between 0630 hours and 1800 hours Monday to Saturday. No work is permitted on Sundays or public holidays. All requirements of the Environmental Protection Act and Environmental Protection Regulations must be observed at all times.
- 17.3 Any proposed works within the vicinity (or zone of influence) of existing Council infrastructure will not adversely affect the integrity of the infrastructure. Any restoration works required on existing Council infrastructure as a result of proposed works will be at developer's expense.
- 17.4 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site.

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 development site 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.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for a Shop (bait and tackle) and Operational Works for an Advertising Device (fence sign), made by Reel Planning CQ on behalf of JAL Super Investments No 1 Pty Ltd Tte, on Lot 1 on RP801335, Parish of Rockhampton, located at 342 Quay Street, Depot Hill Council resolves to issue an Infrastructure Charges Notice for the amount of \$5,138.25.

Moved by: Councillor Fisher

Seconded by: Councillor Wickerson

MOTION CARRIED UNANIMOUSLY

9 NOTICES OF MOTION

Nil

10 URGENT BUSINESS\QUESTIONS

10.1 REQUEST FOR INVESTIGATIONS INTO PARKING REQUIREMENTS AND STREET SAFETY

File No: 377

Responsible Officer: Martin Crow – Acting General Manager Regional Services

SUMMARY

Councillor Fisher requested that an investigation is conducted into safety and on street parking, specifically at the intersections of Foulkes Street and Springfield Drive, Norman Gardens, and Stewart Street and Somerset Road, Gracemere.

COMMITTEE RECOMMENDATION

THAT a request for an investigation into parking requirements and street safety at the intersections of Foulkes Street and Springfield Drive, Norman Gardens and Stewart Street and Somerset Road, Gracemere be referred to Infrastructure committee.

Moved by: Councillor Fisher

Seconded by: Councillor Wickerson

MOTION CARRIED

11 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.

12.1 Review of Land Use for a Property at Kabra

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

Moved by: Councillor Wickerson

Seconded by: Councillor Smith

MOTION CARRIED

COMMITTEE RESOLUTION

10:09AM

THAT pursuant to s7(11) *Council Meeting Procedures* the meeting moves into Closed Session and be closed to the public.

Moved by: Councillor Wickerson

Seconded by: Councillor Smith

MOTION CARRIED

COMMITTEE RESOLUTION

10:15AM

THAT pursuant to s7(11) *Council Meeting Procedures* the meeting moves out of Closed Session and be opened to the public.

Moved by: Councillor Wickerson

Seconded by: Councillor Rutherford

MOTION CARRIED

12 CONFIDENTIAL REPORTS

12.1 REVIEW OF LAND USE FOR A PROPERTY AT KABRA

File No: 8038 / 4781 / 8431

Attachments:

1. Locality Plan
2. Report presented 21 June 2016
3. Deed of Agreement

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Trevor Green - Manager Planning & Regulatory Services
Michael Rowe - General Manager Community Services

Author: Judith Noland - Development Compliance Officer

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

SUMMARY

This report provides a review of unapproved land use of a property at Kabra.

COMMITTEE RECOMMENDATION

THAT the status report be received.

Moved by: Councillor Rutherford

Seconded by: Councillor Wickerson

MOTION CARRIED

13 CLOSURE OF MEETING

There being no further business the meeting closed at 10:16am.

SIGNATURE

CHAIRPERSON

DATE