



# **PLANNING AND REGULATORY COMMITTEE MEETING**

## **MINUTES**

**5 SEPTEMBER 2017**

These Committee Recommendations contained within these minutes were adopted  
at the Council Meeting on 12 September 2017.

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**REPORT OF THE PLANNING AND REGULATORY COMMITTEE MEETING  
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON  
ON TUESDAY, 5 SEPTEMBER 2017 COMMENCING AT 9.00AM**

**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

In Attendance:

Mr M Rowe – General Manager Community Services (Executive Officer)  
Mr E Pardon – Chief Executive Officer  
Mr S Gatt – Manager Planning & Regulatory Services  
Mr S Harvey – Coordinator Strategic Infrastructure  
Mr J McCaul – Coordinator Development Engineering  
Ms N Ellawala – Coordinator Local Laws  
Ms T Fitzgibbon – Coordinator Development Assessment  
Mr P Harrison – Coordinator Building, Plumbing and Compliance  
Mr L Sunderland – Senior Executive Economic and Business Development  
Ms A O'Mara – Senior Planning Officer  
Mr B Koelmeyer – Planning Officer  
Ms E Brodel – Media Officer  
Ms C Steinberger – Media 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 15 August 2017 be taken as read and adopted as a correct record.

**Moved by:** Councillor Fisher  
**Seconded by:** Councillor Wickerson  
**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

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#### 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:** Councillor Smith  
**Seconded by:** Councillor Wickerson

**MOTION CARRIED**

## **7 PUBLIC FORUMS/DEPUTATIONS**

Nil

## 8 OFFICERS' REPORTS

### 8.1 D/42-2017 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A TELECOMMUNICATIONS FACILITY

**File No:** D/42-2017

**Attachments:**

1. Locality Plan
2. Site Plan
3. Elevation Plan

**Authorising Officer:** Tarnya Fitzgibbon - Coordinator Development Assessment  
Steven Gatt - Manager Planning & Regulatory Services  
Michael Rowe - General Manager Community Services

**Author:** Bevan Koelmeyer - Planning Officer

#### SUMMARY

*Development Application Number:* D/42-2017

*Applicant:* Telstra Corporation Ltd C/- Visionstream Pty Ltd

*Real Property Address:* Lot 1 on RP600990, Parish of Rockhampton

*Common Property Address:* 169 Gladstone Road, Allenstown

*Area of Site:* 7,480 square metres

*Planning Scheme:* Rockhampton Region Planning Scheme 2015

*Planning Scheme Zone:* Rural Zone

*Planning Scheme Overlays (Applicable):* Airport Environs Overlay and Flood Hazard Overlay

*Existing Development:* Vacant Land

*Existing Approvals:* None

*Approval Sought:* Development Permit for a Material Change of Use for a Telecommunications Facility

*Level of Assessment:* Impact Assessable

*Submissions:* Nil

*Referral Agency(s):* Department of Infrastructure, Local Government and Planning

*Infrastructure Charges Area:* Charge Area 3

*Application Progress:*

<i>Application Lodged:</i>	10 April 2017
<i>Acknowledgment Notice issued:</i>	26 April 2017
<i>Request for Further Information sent:</i>	Not Applicable
<i>Request for Further Information responded to:</i>	Not Applicable
<i>Submission period commenced:</i>	22 June 2017
<i>Submission period end:</i>	13 July 2017
<i>Council request for additional time:</i>	2 August 2017
<i>Government Agency request for additional time:</i>	Not Applicable

<i>Government Agency Response:</i>	<i>5 June 2017</i>
<i>Last receipt of information from applicant:</i>	<i>14 July 2017</i>
<i>Statutory due determination date:</i>	<i>25 September 2017</i>

9:03AM Councillor Rutherford attended the meeting

9:06AM Executive Officer attended the meeting

## COMMITTEE RECOMMENDATION

### **RECOMMENDATION A**

THAT in relation to the application for a Development Permit for Material Change of Use for a Telecommunications Facility, made by Telstra Corporation Ltd C/- Visionstream Pty Ltd, on Lot 1 on RP600990, Parish of Rockhampton, located at 169 Gladstone Road, Allenstown, Council resolves to Approve the application despite its conflict with the planning scheme and provide the following grounds to justify the decision despite the conflict:

- a) The development does not adversely impact on the rural character of the site or amenity of the locality. The scale and design of the proposed Telecommunications Facility is appropriate for the subject site and appropriately located away from existing residences, residentially zoned land and the structure will integrate with existing infrastructure such as light poles.
- b) The proposed use will have negligible impact to flood velocities and levels on and off-site. Furthermore as the use is unmanned and only requires up to four (4) maintenance visits per annum, the associated risks to people and property are acceptable.
- c) The proposed use does not compromise the strategic framework in the *Rockhampton Region Planning Scheme 2015*;
- d) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and
- e) The proposed development does not compromise the relevant State Planning Policy.

### **RECOMMENDATION B**

THAT in relation to the application for a Development Permit for Material Change of Use for a Telecommunications Facility, made by Telstra Corporation Ltd C/- Visionstream Pty Ltd, on Lot 1 on RP600990, Parish of Rockhampton, located at 169 Gladstone Road, Allenstown, 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, 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 Works;
    - (ii) Site Works;
  - 1.5.2 Building Works:
    - (i) Building Works.
- 1.6 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the commence work on site.
- 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 any condition of this development approval:

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Site Layout and Access	Q111181 Sheet No S1	23 February 2017
Antenna Layout	Q111181 Sheet No S2	23 February 2017
North West Elevation	Q111181 Sheet No S3	23 February 2017

- 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 approval by Council prior to the submission of an application for a Development Permit for Operational Works.
- ## 3.0 ACCESS WORKS
- 3.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access works on the development site.
  - 3.2 All access works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, and the provisions of a Development Permit for Operational Works (access works).
  - 3.3 All access areas must be paved or sealed to Council's satisfaction. Design and construction must be in accordance with the provisions of a Development Permit for Operational Works (access works).
  - 3.4 A new access to the development must be provided at Port Curtis Road.



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

4.0 STORMWATER WORKS

4.1 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.

4.2 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 conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.

4.3 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 storm event, for the post-development conditions.

5.0 SITE WORKS

5.1 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan which clearly identifies the following:

5.1.1 the location of cut and/or fill;

5.1.2 the type of fill to be used and the manner in which it is to be compacted;

5.1.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;

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

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

5.4 All site works must be undertaken to ensure that there is:

5.4.1 no increase in upstream or downstream flood levels for all levels of immunity up to Q100;

5.4.2 no increase in velocity profiles, for which no remedy exists to prevent erosion and/or scouring. In the event that modelling shows non-compliance with the above, works must be undertaken within the system to satisfy the above criteria for development; and

5.4.3 a lawful point of discharge to which the developed flows from the land drain. Easements will be required over any other land to accommodate the flows.

6.0 BUILDING WORKS

6.1 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.

7.0 ELECTRICITY

7.1 Electricity services must be provided to the development in accordance with the approved Operational Works Plans and the standards and requirements of the relevant service provider.

8.0 TELECOMMUNICATIONS

8.1 Telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.

9.0 ASSET MANAGEMENT

- 9.1 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 undertaken and completed at no cost to Council.
- 9.2 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.
- 9.3 '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 *Asset Design and As Constructed Manual (ADAC)*.

#### 10.0 ENVIRONMENTAL HEALTH

- 10.1 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 10.2 Noise emitted from the activity must not cause an environmental nuisance.
- 10.3 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.

#### 11.0 AIRPORT OPERATIONS

- 11.1 The development is not to be constructed with any materials that could have extensive and/or cumulative glare effects.
- 11.2 Rockhampton Airport Operations are required to be advised of the details of any crane used in the construction and/or erection of the telecommunications monopole/tower.

Note: This requires the completion of Council's *Rockhampton Airport Temporary Crane/Obstacle Notification Form* to be received with a minimum of forty-eight (48) hours notification.

#### 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 Port Curtis Road.

#### ADVISORY NOTES

##### NOTE 1. Aboriginal Cultural Heritage

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

##### NOTE 2. General Environmental Duty

General environmental duty under the *Environmental Protection Act 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. Duty to Notify of Environmental Harm

If a person becomes aware that serious or material environmental harm is caused or threatened by an activity or an associated activity, that person has a duty to notify Rockhampton Regional Council.

NOTE 5. Rockhampton Airport (Future Works)

To ensure the proposal does not infringe on the Obstacle Limitation Surface (OLS), Rockhampton Airport Operations are required to be notified and approve any changes to the monopole/tower and/or additional antennas in future that will alter the maximum height of the monopole/tower structure.

**RECOMMENDATION C**

THAT in relation to the application for a Development Permit for Material Change of Use for a Telecommunications Facility, made by Telstra Corporation Ltd C/- Visionstream Pty Ltd, on Lot 1 on RP600990, Parish of Rockhampton, located at 169 Gladstone Road, Allenstown, Council resolves not to issue an Infrastructure Charges Notice.

**Moved by: Councillor Wickerson**

**Seconded by: Councillor Smith**

**MOTION CARRIED UNANIMOUSLY**

## 8.2 D/43-2017 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR AN AGRICULTURAL SUPPLIES STORE (ANCILLARY CAR PARK)

**File No:** D/43-2017

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

**Authorising Officer:** Tarnya Fitzgibbon - Coordinator Development Assessment  
Steven Gatt - Manager Planning & Regulatory Services  
Michael Rowe - General Manager Community Services

**Author:** Amanda O'Mara - Senior Planning Officer

### SUMMARY

#### INTRODUCTION

*Development Application Number:* D/43-2017

*Applicant:* Lumel Pty Ltd

*Real Property Address:* Lot 23 on RP603294, Lots 2, 3 and 7 on RP603294, and Lots 1 and 2 on RP603161, Parish of Rockhampton

*Common Property Address:* 143 Stanley Street and 66 Gladstone Road, Allenstown

*Area of Site:* 405 square metres (car park site)

*Planning Scheme:* Rockhampton Region Planning Scheme 2015

*Planning Scheme Zone:* Low-Medium Density Residential Zone

*Planning Scheme Overlays:* Flood Hazard Overlay (High Hazard)

*Existing Development:* Dwelling House

*Existing Approvals:* Building Permit for a Dwelling House

*Approval Sought:* Development Permit for a Material Change of Use for an Agricultural Supplies Store (ancillary car park)

*Level of Assessment:* Impact Assessable

*Submissions:* Six (6) Submissions

*Referral Agency(s):* Nil

*Infrastructure Charges Area:* Charge Area 1

*Application Progress:*

<i>Application Lodged:</i>	18 May 2017
<i>Acknowledgment Notice issued:</i>	30 May 2017
<i>Submission period commenced:</i>	28 June 2017
<i>Submission period end:</i>	19 July 2017
<i>Council request for additional time:</i>	17 August 2017
<i>Statutory due determination date:</i>	15 September 2017

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

THAT in relation to the application for a Development Permit for a Material Change of Use for an Agricultural Supplies Store (ancillary car park), made by Lumel Pty Ltd, on Lot 23 on RP603294, Lots 2, 3 and 7 on RP603294, and Lots 1 and 2 on RP603161, Parish of Rockhampton, located at 143 Stanley Street and 66 Gladstone Road, Allenstown, Council resolves to Approve the application despite its conflict with the planning scheme and provide the following grounds to justify the decision despite the conflict:

- a) The proposed development will have minimal impact on the residential amenity or change the role or function of the adjoining centre as there will be no intensification or expansion of the existing activities.
- b) The utilisation of the site for a car park is a preferred use due to the site being subject to flood events than the existing residential use.
- c) The proposed development has incorporated appropriate acoustic and landscape treatments to the site to mitigate any impact upon adjoining residential uses.
- d) The proposed development will provide an interface between the residential uses and the non-residential uses.
- e) The proposed use does not compromise the strategic framework in the *Rockhampton Region Planning Scheme 2015*;
- f) Assessment of the development against the relevant zone purpose, 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 an Agricultural Supplies Store (ancillary car park), made by Lumel Pty Ltd, on Lot 23 on RP603294, Lots 2, 3 and 7 on RP603294, and Lots 1 and 2 on RP603161, Parish of Rockhampton, located at 143 Stanley Street and 66 Gladstone Road, Allenstown, 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, 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) Site Works;

1.5.2 Plumbing and Drainage Works; and

1.5.3 Building Works:

- (i) Demolition 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 Lot 23 on RP603294, Lots 2, 3, 7 on RP603294 and Lots 1, 2 on RP603161 must be amalgamated and registered as one lot prior to the commencement of the use.

## 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>
Proposed Site Plan	TP-02 Revision TP2	23 March 2017

- 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 approval by Council prior to the submission of an application for a Development Permit for Operational Works/Building 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 development site.

- 3.2 All access and parking works must be designed and constructed in accordance with the approved plan (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 car parking and access areas must be paved or sealed to Council's satisfaction. Design and construction must be in accordance with the provisions of a Development Permit for Operational Works (access and parking works).

- 3.4 The existing access from Stanley Street to the development must be upgraded to commercial standards to comply with the requirements of the *Capricorn Municipal Development Guidelines*.

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

- 3.6 Universal access parking spaces must be provided on-site in accordance with

*Australian Standard AS2890.6 "Parking facilities - Off-street parking for people with disabilities".*

- 3.7 Parking spaces must be line-marked in accordance with the approved 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 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.
- 3.9 All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"* and *Australian Standard AS2890.1 "Parking facilities – Off-street car parking"*.

#### 4.0 PLUMBING AND DRAINAGE WORKS

- 4.1 A Development Permit for Plumbing and Drainage Works must be obtained for the removal and/or demolition of any existing dwelling house on the development site.
- 4.2 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plan (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act 2008*, *Plumbing and Drainage Act 2002*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 4.3 The existing water supply connection and sewerage connection point(s) must be disconnected.
- 4.4 The finished sewerage access chamber surface must be at a sufficient level to avoid ponding of stormwater above the top of the chamber. A heavy duty trafficable lid must be provided in the trafficable area.

#### 5.0 STORMWATER WORKS

- 5.1 All stormwater drainage works must be designed and constructed in accordance with the approved plan (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, and sound engineering practice.
- 5.2 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 conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.

#### 6.0 SITE WORKS

- 6.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works on the development site.
- 6.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan that clearly identifies the following:
  - 6.2.1 the location of cut and/or fill;
  - 6.2.2 the type of fill to be used and the manner in which it is to be compacted;
  - 6.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
  - 6.2.4 details of any proposed access routes that are intended to be used to transport fill to or from the development site; and
  - 6.2.5 the maintenance of access roads to and from the development site so that

they are free of all cut and/or fill material and cleaned as necessary.

6.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.

6.4 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.

6.5 Acoustic Fence structures close to or crossing sewerage infrastructure must comply with *Queensland Development Code, Mandatory Part 1.4 "Building over or near relevant infrastructure."* The structure must be self-supporting and no additional load must be applied to Council's sewerage infrastructure. Any permit associated with the Building Over/Adjacent to Local Government Sewerage Infrastructure Policy must be obtained prior to the issue of a Development Permit for Operational Works.

## 7.0 BUILDING WORKS

7.1 The existing dwelling on the subject land must be demolished and a Development Permit for Building Works (demolition) must be obtained prior to the commencement of demolition works on the development site.

7.2 A minimum 1.8 metre high acoustic screen fence must be erected along the common boundary of the subject development site and any adjoining residential properties.

## 8.0 LANDSCAPING WORKS

8.1 All landscaping must be established generally in accordance with the approved plan (refer to condition 2.1). The landscaping must be constructed and/or established prior to the commencement of the use and the landscape areas must predominantly contain plant species that are locally native to the Central Queensland region due to their low water dependency.

8.2 The landscaped areas must be subject to:

8.2.1 a watering and maintenance plan during the establishment moment; and

8.2.2 an ongoing maintenance and replanting programme.

## 9.0 ASSET MANAGEMENT

9.1 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 undertaken and completed at no cost to Council.

9.2 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.

9.3 '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 *Asset Design and As Constructed Manual (ADAC)*.

## 10.0 OPERATING PROCEDURES

10.1 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 Stanley Street.

10.2 Storage of materials / goods must not occur within any car parking areas.

10.3 Access to, and use of, the proposed car park must be limited between the hours of



0700 and 1800 Monday to Friday. Access to, and use of, the proposed car park must not occur on Saturday or Sunday or any public holiday.

#### 11.0 ENVIRONMENTAL HEALTH

- 11.1 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 11.2 Noise emitted from the activity must not cause an environmental nuisance.
- 11.3 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.
- 11.4 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 2008*.

#### ADVISORY NOTES

##### NOTE 1. Aboriginal Cultural Heritage

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

##### NOTE 2. Asbestos Removal

Any demolition and/or removal works involving asbestos materials must be undertaken in accordance with the requirements of the *Work Health and Safety Act 2011* and *Public Health Act 2005*.

##### NOTE 3. General Environmental Duty

General environmental duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the development site during all stages of the development including earthworks, construction and operation.

##### NOTE 4. General Safety Of Public During Construction

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

##### NOTE 5. Infrastructure Charges Notice

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

#### RECOMMENDATION C

That in relation to the application for a Development Permit for a Material Change of Use for

an Agricultural Supplies Store (ancillary car park), made by Lumel Pty Ltd, on Lot 23 on RP603294, Lots 2, 3 and 7 on RP603294, and Lots 1 and 2 on RP603161, Parish of Rockhampton, located at 143 Stanley Street and 66 Gladstone Road, Allentown, Council resolves not to issue an Infrastructure Charges Notice for the development.

**Moved by:** Councillor Wickerson

**Seconded by:** Councillor Fisher

**MOTION CARRIED UNANIMOUSLY**

**8.3 RECONFIGURING A LOT (4 LOTS INTO 2 LOTS) - 158 FOSTER STREET, GRACEMERE - LAND OWNER'S CONSENT REQUIRED****File No:** D/104-2017**Attachments:**

1. Decision Notice Approval - Animal Keeping  
158 Foster Street
2. Plan - Animal Keeping - 158 Foster Street
3. Survey Plan - Animal Keeping - 158 Foster  
Street

**Authorising Officer:** Michael Rowe - General Manager Community Services**Author:** Steven Gatt - Manager Planning & Regulatory Services

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**SUMMARY**

*The Development approval sought is for a Development Permit for a Reconfiguration of a Lot by Boundary Realignment of 4 Lots into 2 Lots.*

**COMMITTEE RECOMMENDATION**

THAT Council provide land owners consent for the Boundary Realignment of 4 Lots into 2 Lots for D/104- 2017.

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

**8.4 CARBINE RESOURCES ROAD USE DIRECTION**

**File No:** 5252  
**Attachments:** 1. Road Use Direction - Mount Morgan Mine  
**Authorising Officer:** Martin Crow - Manager Engineering Services  
Peter Kofod - General Manager Regional Services  
**Author:** Stuart Harvey - Coordinator Strategic Infrastructure  
Jamie McCaul - Coordinator Development Engineering

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**SUMMARY**

*Carbine Resources have submitted a Road Use Notification to Council proposing a haul route from Mt Morgan to Gladstone utilising Razorback Road and several other roads on the Local Government Network. Engineering Services have proposed a road use direction, including haulage conditions to be imposed on Carbine Resources for review and endorsement by Council.*

9:57AM Chief Executive Officer left the meeting  
10:11AM Chief Executive Officer returned to the meeting

**COMMITTEE RECOMMENDATION**

THAT Council endorse the Road Use Direction as detailed in the report, for submission to Carbine Resources

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

## **9 NOTICES OF MOTION**

Nil

## 10 URGENT BUSINESS\QUESTIONS

### 10.1 FLOOD IMMUNITY COST OPTIONS - POISON CREEK ROAD

**File No:** 3565

**Authorising Officer:** Peter Kofod – General Manager Regional Services

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#### **SUMMARY**

*Mayor Strelow suggested that Council investigate the cost options to increase the flood immunity at the Poison Creek Road western and eastern creek crossings.*

#### **COMMITTEE RECOMMENDATION**

THAT Council requests a report of flood immunity cost options to be delivered in conjunction with the Carbine Resource upgrade of impacted Poison Creek Road creek crossings.

**Moved by:** Mayor Strelow

**Seconded by:** Councillor Smith

**MOTION CARRIED UNANIMOUSLY**

## 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 Enforcement Proceedings for Development Offences

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 Smith

**Seconded by:** Mayor Strelow

**MOTION CARRIED**

### COMMITTEE RESOLUTION

**10:27AM**

**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 Rutherford

**MOTION CARRIED**

10:27AM Chief Executive Office left the meeting and did not return

### COMMITTEE RESOLUTION

**10:36AM**

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

**Moved by:** Councillor Smith

**Seconded by:** Councillor Fisher

**MOTION CARRIED**

## 12 CONFIDENTIAL REPORTS

### 12.1 ENFORCEMENT PROCEEDINGS FOR DEVELOPMENT OFFENCES

**File No:** 4842

**Attachments:**

1. Copy Court Order 1999
2. Site Plan for Court Order

**Authorising Officer:** Steven Gatt - Manager Planning & Regulatory Services  
Michael Rowe - General Manager Community Services

**Author:** Philip Harrison - Coordinator Building Plumbing and Compliance

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.

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#### SUMMARY

*This report summarises Council's issues with the operation of a business at a residential premises that have been an ongoing concern for Council since 1995.*

#### COMMITTEE RECOMMENDATION

THAT Council accept the payment order from the owner of the premises and bring the current enforcement actions to a close; and

THAT Council officers review issues on public land and report on options to remove goods from the reserve.

**Moved by:** Mayor Strelow

**Seconded by:** Councillor Fisher

**MOTION CARRIED UNANIMOUSLY**



### **13 CLOSURE OF MEETING**

There being no further business the meeting closed at 10:37am.

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SIGNATURE

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CHAIRPERSON

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DATE