



PLANNING AND REGULATORY COMMITTEE MEETING

MINUTES

5 DECEMBER 2017

The Committee Recommendations contained within these Minutes
were adopted at the Council meeting on 12 December 2017.

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**REPORT OF THE PLANNING AND REGULATORY COMMITTEE MEETING
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON
ON TUESDAY, 5 DECEMBER 2017 COMMENCING AT 9.06AM**

1 OPENING

2 PRESENT

Members Present:

Councillor C E Smith (Chairperson)
Councillor C R Rutherford
Councillor N K Fisher
Councillor M D Wickerson

In Attendance:

Ms C Worthy – General Manager Community Services (Executive Officer)
Mr E Pardon – Chief Executive Officer
Mr S Gatt – Manager Planning and Regulatory Services
Mr C Wyatt – Manager Strategic Planning
Ms T Fitzgibbon – Coordinator Development Assessment
Mr J McCaul – Coordinator Development Engineering
Ms K Moody – Coordinator Health and Environment
Mr T Gardiner – Senior Planning Officer
Mr B Koelmeyer – Planning Officer
Mr B Diplock – Planning Officer
Mr J Trevett-Lyall – Planning Officer
Mr M Mansfield – Supervisor Media and Engagement
Ms L Leeder – Senior Governance Support Officer

3 APOLOGIES AND LEAVE OF ABSENCE

The Mayor, Councillor Margaret Strelow tendered her apology and was not in attendance.

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COMMITTEE RESOLUTION

THAT the minutes of the Planning and Regulatory Committee held on 14 November 2017 be taken as read and adopted as a correct record.

Moved by: Councillor Smith
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 for Planning and Regulatory Committee

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: Councillor Wickerson

Seconded by: Councillor Rutherford

MOTION CARRIED

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 OFFICERS' REPORTS

8.1 D/20-2017 - DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT (ONE LOT INTO THREE LOTS) AND ACCESS EASEMENT

File No: D/20-2017

Attachments: 1. Locality Plan
2. Site Plan

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Steven Gatt - Manager Planning and Regulatory Services
Colleen Worthy - General Manager Community Services

Author: Bevan Koelmeyer - Planning Officer

SUMMARY

Development Application Number: D/20-2017

Applicant: Capehead Pty Ltd Tte

Real Property Address: Lot 485 on LIV40112, Parish of Murchison

Common Property Address: 66 Alfred Road, Parkhurst

Area of Site: 31.92 hectares

Planning Scheme: Rockhampton City Plan 2005

Planning Scheme Zone: Yeppoon Road Corridor Environmental Protection Area

Planning Scheme Overlays: Bushfire Prone Land; Environmentally Sensitive Location (Remnant Vegetation), Waterway Corridor, and Steep and Unstable Land

Existing Development: Two (2) Dwelling Houses and ancillary domestic outbuildings

Existing Approvals: D/121-2016 – Approval for application of superseded planning scheme request

Approval Sought: Development Permit for Reconfiguring a Lot for (one lot into three lots) and an Access Easement

Submissions: None

9:11AM Councillor Fisher attended the meeting

COMMITTEE RECOMMENDATION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Reconfiguring a Lot for (one lot into three lots) and an Access Easement, made by Capehead Pty Ltd Tte, located at 66 Alfred Road, Parkhurst, on Lot 485 on LIV40112, Parish of Murchison - Council resolves that:

1. Item 8 and Condition 2.1 be amended by replacing:

<i>Plan/Document Name</i>	<i>Plan Number</i>	<i>Dated</i>
<i>Proposed Subdivision Layout</i>	<i>R17006-001, Revision B</i>	<i>29 March 2017</i>

With

<i>Plan/Document Name</i>	<i>Plan Number</i>	<i>Dated</i>
<i>Proposed Subdivision Layout</i>	<i>R17006-001, Revision C</i>	<i>19 October 2017</i>

2. Condition 3.0 (inclusive) be inserted:**3.0 STAGED DEVELOPMENT****3.1** This development approval is for a development to be undertaken in two (2) discrete stages, namely:

3.1.1 Lot 3 (Stage One – one [1] lot); and

3.1.2 Lots 1 to 2 (Stage Two – two [2] lots).

in accordance with the approved proposed subdivision layout plan (refer to condition 2.1).

The stages are not required to be undertaken in any chronological order.

3.2 Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.**3. Condition 4.0 to be amended by replacing:****4.0 ROAD WORKS****With****4.0 ROAD WORKS (STAGE 2)****4. Condition 5.3 to be amended by replacing:**

New sealed accesses must be constructed for proposed Lots 1 and 3.

With

New sealed accesses must be constructed for proposed Lots 2 and 3.

5. Condition 9.1 to remain unchanged.**6. Condition 9.2 to be deleted.****7. Condition 10.1 to be deleted.****8. Infrastructure Charges be amended as follows:**

Column 1 Charge Area	Column 2 Infrastructure Charge (\$/lot)	Column 3 Unit	Calculated Charge
Charge Area 3	7,000	per lot	
Total			\$21,000.00
Less credit			\$7,000.00
TOTAL CHARGE			\$14,000.00

With

Column 1 Charge Area	Column 2 Infrastructure Charge (\$/lot)	Column 3 Unit	Calculated Charge
Charge Area 3	7,000	per lot	
Total			\$21,000.00
Less credit			\$14,000.00
TOTAL CHARGE			\$7,000.00

RECOMMENDATION B

THAT in relation to the application for a Development Permit for a Reconfiguring a Lot for (one lot into three lots) and an Access Easement, made by Capehead Pty Ltd Tte, located at 66 Alfred Road, Parkhurst, on Lot 485 on LIV40112, Parish of Murchison, Council resolves to Approve the negotiated 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 issue of the Compliance Certificate for the Survey Plan, 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 issue of the Compliance Certificate for the Survey Plan, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
 - 1.5.1 Operational Works:
 - (i) Road Works; and
 - (ii) Access 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 The access to proposed Lot 3 must be via the proposed Easement A over proposed Lot 2. Easement documents must accompany the Survey Plan for endorsement by Council, prior to the issue of the Compliance Certificate for the Survey Plan.

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 Subdivision Layout	R17003-001, Revision C	19 October 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 STAGED DEVELOPMENT

- 3.1 This development approval is for a development to be undertaken in two (2) discrete stages, namely:

- 4.1.1 Lot 3 (Stage One – one [1] lot); and
- 4.1.2 Lots 1 to 2 (Stage Two – two [2] lots).

in accordance with the approved proposed subdivision layout plan (refer to condition 2.1).

The stages are not required to be undertaken in any chronological order.

- 3.2 Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.

4.0 ROAD WORKS (STAGE 2)

- 4.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works required by this development approval.
- 4.2 All road works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, and relevant *Australian Standards* and *Austroads Guidelines* and the provisions of a Development Permit for Operational Works (road works).
- 4.3 Olive Street must be constructed to Rural Access standard from the intersection with McMillan Avenue to the access point for Lot 1.
- 4.4 McMillan Avenue must be designed and constructed to Major Urban Collector standard, with half road construction, with a minimum width of 5.5 metres from the end of the existing seal to the intersection with Olive Street. The edge line of the new construction must match the alignment of the existing kerb and channel on the western side of McMillan Avenue. Council will accept a two-coat seal in accordance with the requirements of the Capricorn Municipal Development Guidelines in lieu of

asphalt surfacing for this section of roadway, with no kerb and channel construction required in this instance.

- 4.5 The intersection of McMillan Avenue and Olive Street must be sealed with a minimum of a two-coat seal in accordance with the requirements of the Capricorn Municipal Development Guidelines such that it has a minimum width of 6.5 metres within the Olive Street road reserve and extends a minimum of ten (10) metres to the east along Olive Street.

- 4.6 Traffic signs and pavement markings must be provided in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*. Where necessary, existing traffic signs and pavement markings must be modified in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*.

5.0 ACCESS WORKS

- 5.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access works required by this development approval.

- 5.2 All access works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), and *Capricorn Municipal Development Guidelines*, and the provisions of a Development Permit for Operational Works (access works).

- 5.3 New sealed accesses must be constructed for proposed Lots 2 and 3.

6.0 PLUMBING AND DRAINAGE WORKS

- 6.1 On-site sewage treatment and disposal must be in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Plumbing and Drainage Policies. This can be completed at the building works application stage.

- 6.2 On-site water supply for domestic and firefighting purposes must be provided and may include the provision of a bore, dams, water storage tanks or a combination of each. This can be completed at the building works application stage.

7.0 STORMWATER WORKS

- 7.1 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.

- 7.2 Easements must be provided over all land assessed to be within the one (1) per cent Average Annual Exceedance (AEP) probability defined flood event inundation area.

8.0 SITE WORKS

- 8.1 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 ELECTRICITY

- 9.1 Electricity services must be provided to each lot in accordance with the standards and requirements of the relevant service provider.

10.0 TELECOMMUNICATIONS

- 10.1 Evidence that the new lots can be provided with telecommunications services from the relevant service provider must be provided to Council, prior to the issue of the Compliance Certificate for the Survey Plan.

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 undertaken and completed at no cost to Council.

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 Any application for a Development Permit for Operational Works must be accompanied by a detailed Environmental Management Plan that addresses, but is not limited to, the following:

- (i) water quality and drainage;
- (ii) erosion and silt/sedimentation management;
- (iii) fauna management;
- (iv) vegetation management and clearing;
- (v) top soil management;
- (vi) interim drainage plan during construction;
- (vii) construction programme;
- (viii) geotechnical issues;
- (ix) weed control;
- (x) bushfire management;
- (xi) emergency vehicle access;
- (xii) noise and dust suppression; and
- (xiii) waste management.

12.2 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan that addresses, but is not limited to, the following:

- (i) objectives;
- (ii) site location and topography
- (iii) vegetation;
- (iv) site drainage;
- (v) soils;
- (vi) erosion susceptibility;
- (vii) erosion risk;
- (viii) concept;
- (ix) design; and
- (x) implementation,

for the construction and post-construction phases of work.

12.3 The Environmental Management Plan approved as part of a Development Permit for Operational Works must be part of the contract documentation for the development works.

- 12.4 The 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 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). The plan must be 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 development site. Storage of materials, or parking of construction machinery or contractors' vehicles must not occur within McMillan Avenue and Olive Street.

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.

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 (Bushfire)

All future buildings on the proposed lots must be constructed in accordance with *Australian Standard AS3959 "Construction of buildings in bushfire-prone areas"*.

NOTE 5. Works in Road Reserve Permit

It is advised that a Works in Road Reserve Permit (including a fee for the vehicle crossover and compliant with Standard *Capricorn Municipal Development Guidelines*, Standard Drawings) may be accepted in place of the application for a Development Permit for Operational Works (access works).

NOTE 6. Infrastructure Charges Notice

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

RECOMMENDATION C

THAT in relation to the application for a Development Permit for a Reconfiguring a Lot for (one lot into three lots) and an Access Easement, made by Capehead Pty Ltd Tte, located at 66 Alfred Road, Parkhurst, on Lot 485 on LIV40112, Parish of Murchison, Council resolves to issue a negotiated Adopted Infrastructure Charges Notice for the amount of \$7,000.00.

Moved by: Councillor Smith

Seconded by: Councillor Wickerson

MOTION CARRIED

8.2 D/112-2017 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A DWELLING HOUSE

File No: D/112-2017

Attachments: 1. Locality Plan
2. Site Plan

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Steven Gatt - Manager Planning and Regulatory Services
Colleen Worthy - General Manager Community Services

Author: Jonathon Trevett-Lyall - Planning Officer

SUMMARY

Development Application Number: D/112-2017

Applicant: Brett Prothero & Gina Zuidanbaan

Real Property Address: Lot 30 on RP603372, Parish of Archer

Common Property Address: 13 Totteridge Street, Lakes Creek

Area of Site: 4,451 square metres

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Rural residential zone

Planning Scheme Overlays: Special management area overlay

Existing Development: Vacant land

Existing Approvals: Nil

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

Level of Assessment: Impact

Submissions: Nil

Referral Agency(s): Nil

Infrastructure Charges Area: Charge Area 3

Application Progress:

<i>Application Lodged:</i>	13 September 2017
<i>Confirmation Notice issued:</i>	26 September 2017
<i>Submission period commenced:</i>	16 October 2017
<i>Submission period end:</i>	7 November 2017
<i>Last receipt of information from applicant:</i>	8 November 2017
<i>Statutory due determination date:</i>	15 December 2017

COMMITTEE RECOMMENDATION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material change of use for a Dwelling house, made by Brett Prothero & Gina Zuidanbaan on behalf of A E Datt, on land located at 13 Totteridge Street, Lakes Creek, formally described as Lot 30 on RP603372 Parish of Archer, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer and their 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;
 - 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 any condition of this development approval:

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Site Plan	17-274-R Sheet A02 Version B	14 September 2017
Floor Level	17-274-R Sheet A03 Version C	14 September 2017
Elevation 1 & 2	17-274-R Sheet A04 Version A	14 September 2017
Elevation 3 & 4	17-274-R Sheet A05 Version A	14 September 2017
3D View	17-274-R Sheet A07 Version A	14 September 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 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*, *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access works).

3.3 A new access to the development must be provided within the Totteridge Street road reserve.

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 2008*, *Plumbing and Drainage Act 2002*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.

4.2 The development must be connected to Council's reticulated water network.

4.3 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.

Note: The on-site sewerage treatment and disposal area must not be located within the existing water course or conflict with the separation distance as detailed with the *Queensland Plumbing and Wastewater Code*.

4.4 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.

5.0 ROOF AND ALLOTMENT DRAINAGE WORKS

5.1 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*.

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 SITE WORKS

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

6.2 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.

7.0 ELECTRICITY

7.1 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.

8.0 TELECOMMUNICATIONS

8.1 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.

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.

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 Totteridge Street.

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.

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. Works in Road Reserve Permit

It is advised that a Works in Road Reserve Permit (including a fee for the vehicle crossover and compliant with Standard *Capricorn Municipal Development Guidelines, Standard Drawings*) may be accepted in place of the application for a Development Permit for Operational Works (access works).

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.

NOTE 6. Noise and Odour

The lot the subject of this development approval is located within a Special Management Area. This area is expressly identified as being impacted by lawful non-residential uses. In commencing a residential use within the area, the owner(s) acknowledges and accepts that the use will be potentially impacted by emissions from the lawful non-residential uses.

It is the responsibility of the property owner(s) to take all measures necessary to ensure that the proposed dwelling is developed and maintained in such a way as to mitigate odour and noise impacts from the surrounding lawful non-residential uses. These measures must be undertaken at the expense of the property owner(s).

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material change of use for a Dwelling house, made by Brett Prothero & Gina Zuidanbaan on behalf of A E Datt, on land located at 13 Totteridge Street, Lakes Creek, formally described as Lot 30 on RP603372 Parish of Archer, Council resolves not to issue an Infrastructure Charges Notice.

Moved by: Councillor Fisher

Seconded by: Councillor Rutherford

MOTION CARRIED

8.3 D/126-2017 - DEVELOPMENT APPLICATION FOR OPERATIONAL WORKS FOR AN ADVERTISING DEVICE (BILLBOARD)

File No: D/126-2017

Attachments:

1. Locality Plan
2. Structural Plans
3. Proposed Street View Image

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Steven Gatt - Manager Planning and Regulatory Services
Colleen Worthy - General Manager Community Services

Author: Brandon Diplock - Planning Officer

SUMMARY

Development Application Number: D/126-2017

Applicant: Paradise Outdoor Advertising

Real Property Address: Lot 1 on RP600141, Parish of Rockhampton

Common Property Address: 35 Fitzroy Street, Rockhampton

Area of Site: 1,012 square metres

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Principal centre zone

Planning Scheme Overlays: Not applicable

Existing Development: Commercial office

Existing Approvals: Commercial office

Approval Sought: Development Permit for Operational Works for an Advertising Device (Billboard)

Level of Assessment: Code Assessable

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

Infrastructure Charges Area: Charge Area 1

Application Progress:

<i>Application Lodged:</i>	12 October 2017
<i>Acknowledgment Notice issued:</i>	Not Applicable
<i>Council request for additional time:</i>	14 November 2017
<i>Government Agency Response:</i>	20 October 2017
<i>Last receipt of information from applicant:</i>	12 October 2017
<i>Statutory due determination date:</i>	22 December 2017

COMMITTEE RECOMMENDATION

THAT in relation to the application for a Development Permit for Operational Works for an Advertising Device (Billboard), made by Paradise Outdoor Advertising on behalf of Vector Properties Pty Ltd, on land located at 35 Fitzroy Street, Rockhampton, formally described as Lot 1 on RP600141, Parish of Rockhampton, 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 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.4.1 Building Works.
- 1.5 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 Number</u>	<u>Dated</u>
Site Plan	S01-01, Rev A	10 October 2017
Structure Plan	BSV_PARAROCK0917Y_001, Edition A, Sheet 1 of 1	20 September 2017
Traffic Impact Assessment		18 October 2017

- 2.2 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.
- 2.3 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.
- 2.4 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.

3.0 DIGITAL SCREEN DISPLAY FEATURES

- 3.1 The digital display screen of the Advertising Device must incorporate an automatic error detection system which will turn off the screen display or display a blank screen should the Advertising Device malfunction.
- 3.2 The Advertising Device display screen must incorporate a minimum of two (2) automated ambient light sensors capable of supporting a minimum of five (5) levels of stepped dimming to ensure display screen luminance can adjust automatically in response to surrounding ambient light conditions from dark of night to fully sunlit conditions.

- 3.3 The Advertising Device display screen must provide for onsite control, operation, configuration and diagnosis of the screen display.
- 3.4 Messages must remain static for a minimum dwell time of eight (8) seconds, and are not to scroll across the screen or incorporate flashing, blinking, revolving, pulsating, high contrast or rotating effects animation.
- 3.5 Each change of advertisement is to be completed instantaneously (i.e. within 0.1 of a second).

4.0 DIGITAL SCREEN ADVERTISEMENTS AND MOVEMENT

- 4.1 The Advertising Device display screen must not be split to display multiple advertisements on the one display screen.
- 4.2 Advertisements must not display text, photographs or symbols depicting, mimicking or that could be reasonably interpreted as a traffic control device.
- 4.3 Advertisements must not invite traffic to move contrary to any traffic control device, or turn where there is fast moving traffic.
- 4.4 Advertisements must not use colours in combinations or shapes that could be reasonably interpreted as a traffic control device.
- 4.5 Advertisements must only promote a single, self-contained advertising message that is clear, succinct, legible and easily understood at a glance. The use of text components in a sequential manner, whereby text refers to or is reliant on previous or successive screen displays in order to convey an advertising message is not permitted.

Note: An advertising message refers to the main point the advertisement is attempting to convey to its target audience. This condition seeks to ensure that drivers in particular are not required to spend an excessive amount of time reading and interpreting advertisements.

- 4.6 Changeover animation effects such as 'fade', 'zoom', or 'fly-in' between advertisements must not be used.
- 4.7 A blank black, white, or any coloured screen must not be displayed between advertisements.
- 4.8 Advertisement that comprise of, or incorporate moving visual images, such as videos or animations must not be displayed.

Note: Video refers to a recording or the streaming of moving visual images captured by or using a video camera. Animation refers to a simulation of movement created by displaying a series of pictures or frames either digitally or otherwise.

- 4.9 The Advertising Device must not be capable of playing audio nor synchronised with any outdoor sound system utilised for advertising purposes.

5.0 ILLUMINANCE AND LUMINANCE

- 5.1 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*'.
- 5.2 Luminance levels of the Advertising Device must not exceed the applicable levels listed in *Table 1* below.

Table 1: Luminance levels Advertising Device

			All Colours		Bailey's Sign Nit Setting	
Ambient Condition Description	Dimming Level	Advertising Device Illuminance Vertical Component (lx)	Screen Luminance (Cd/m ²) Max	Screen Luminance (Cd/m ²) Min	Max (nit)	Min (nit)
Sunny Day	5	40,000	6,300	2,800	6,000	2,800
Cloudy Day	4	4,000	1,100	500	1,100	500
Twilight	3	400	480	260	480	260
Dusk	2	40	380	120	380	120
Night	1	< 4	340	80	270	80

Note: Illuminance refers to the intensity of light falling at a given place on a lighted surface when measured by a lux meter and expressed as luminous flux per unit area (otherwise known as lux (lx)). Luminance refers to the intensity of light per unit area of its source when measured by a luminance meter and expressed as candela per square meter (cd/m²). It is often used to describe the perceived brightness of a light source.

6.0 ASSET MANAGEMENT

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

7.0 OPERATING PROCEDURES

- 7.1 When requested by Council, a lighting investigation must be undertaken by a qualified person to investigate any complaint of light nuisance, and the results notified within twenty-eight (28) days to Council.
- 7.2 The lighting investigation must be carried out generally in accordance with the relevant test methods contained section 5 of 'Australian Standard AS4282 – Control of the obtrusive effects of outdoor lighting' and Appendix A of 'Australian Standard AS4852.2:2009: Variable Message Signs - Portable Signs' as applicable to determine whether or not the illuminance and luminance levels listed within this Permit have been exceeded.

8.0 ADVERTISING DEVICE CONSTRUCTION AND MAINTENANCE

- 8.1 Council reserves the right for uninterrupted access to the site at all times during construction.
- 8.2 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 1994* and *Environmental Protection Regulations 2008* must be observed at all times.
- 8.3 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site.

- 8.4 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 the developer's expense.
- 8.5 The Advertising Device (Digital Billboard Sign) must be designed and certified by a Registered Professional Engineer of Queensland and constructed in accordance with the requirements of the Queensland Development Code and the Building Code of Australia.
- 8.6 All conduits, wiring, switches or other control apparatus installed on an Advertising Device must be concealed from general view, with control apparatus secured in a manner to prevent unauthorised entry and display setting tampering.
- 8.7 All electrical services and systems must comply with '*Australian and New Zealand Standard AS/NZS 3000:2007 - Electrical Installations*'.
- 8.8 The Advertising Device, including its display screen and supporting structure, must meet applicable wind loading requirements as specified in '*Australian Standard AS 1170.2: 2011 - Structural Design Actions Part 2 - Wind Actions*'.
- 8.9 Upon removal of the Advertising Device, the wall surface must be restored to its original condition.
- 8.10 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.
- 8.11 The Advertising Device (Digital Billboard Sign) must be maintained in a safe, clean, tidy and sightly condition at all times.

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.

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

8.4 D158-2016 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR EXTRACTIVE INDUSTRY, HIGH IMPACT INDUSTRY, WAREHOUSE, ENVIRONMENTALLY RELEVANT ACTIVITY 16 (EXTRACTIVE AND SCREENING ACTIVITIES) AND ENVIRONMENTALLY RELEVANT ACTIVITY 53 (COMPOSTING AND SOIL CONDITIONER MANUFACTURING)

File No: D/158-2016

Attachments:

1. Locality Plan
2. Location Plan
3. Activity Area A - Extractive Industry (Screening), High Impact Industry (Composting) and Warehouse
4. Activity Area B - Extractive Industry (Quarrying)
5. Activity Area C - Extractive Industry (Dredging, Deposit and Short Term Stockpile Area)

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Steven Gatt - Manager Planning and Regulatory Services
Colleen Worthy - General Manager Community Services

Author: Amanda O'Mara - Senior Planning Officer

SUMMARY

Development Application Number: D/158-2016

Applicant: Hopeman Pty Ltd

Real Property Address: Lot 91 on SP224420, Lot 1743 on LIV40543, Lot 1918 on LIV40627, Lot 2 on RP601957, Lot 138 and 139 on PL4021

Common Property Address: 263A Belmont Road, Parkhurst, Lots 138, 139, 1743 & 1918 D Berrys Road and Lot 2 Belmont Road, Glenlee

Area of Site: 613.55 Hectares

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Rural Zone

Planning Scheme Overlays: Biodiversity Overlay, Bushfire Hazard Overlay, Extractive Resources Overlay, Steep Land Overlay and Flood Hazard Overlay

Existing Development: Sand Quarry

Existing Approvals: Development Permit for Operational Works for Earthworks (D/56-2016) and Building Permits for a House and Farm Shed

Approval Sought: Development Permit for a Material Change of Use for an Extractive Industry, High Impact Industry, Warehouse, Environmentally Relevant Activity 16 (Extractive and Screening Activities) and Environmentally Relevant Activity 53 (Composting and Soil Conditioner Manufacturing)

<i>Level of Assessment:</i>	<i>Impact Assessable</i>
<i>Submissions:</i>	<i>One (1) Submission</i>
<i>Referral Agency(s):</i>	<i>Department of Infrastructure, Local Government and Planning and Livingstone Shire Council</i>
<i>Infrastructure Charges Area:</i>	<i>Not applicable</i>
<i>Application Progress:</i>	

<i>Application Lodged:</i>	<i>10 October 2016</i>
<i>Acknowledgment Notice issued:</i>	<i>24 October 2016</i>
<i>Request for Further Information sent:</i>	<i>7 November 2016</i>
<i>Request for Further Information responded to:</i>	<i>7 July 2017</i>
<i>Submission period commenced:</i>	<i>24 July 2017</i>
<i>Submission period end:</i>	<i>11 August 2017</i>
<i>Government Agency Response:</i>	<i>3 November 2017</i>
<i>Council request for additional time:</i>	<i>23 November 2017</i>
<i>Statutory due determination date:</i>	<i>8 January 2018</i>

COMMITTEE RECOMMENDATION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for a Material Change of Use for an Extractive Industry, High Impact Industry, Warehouse, Environmentally Relevant Activity 16 (Extractive and Screening Activities) and Environmentally Relevant Activity 53 (Composting and Soil Conditioner Manufacturing), made by Hopeman Pty Ltd on behalf of Loukin Pty Ltd Tte, on Lot 91 on SP224420, Lot 1743 on LIV40543, Lot 1918 on LIV40627, Lot 2 on RP601957, Lot 138 and 139 on PL4021, located at 263A Belmont Road, Parkhurst, Lots 138, 139, 1743 and 1918 D Berrys Road and Lot 2 Belmont Road, Glenlee, Council resolves to Approve the application and provide the following grounds to justify the decision:

- a) The subject site is strategically located in a rural area adjacent to the Fitzroy River floodplain and forms a large part of Key Resource Area 22, which has been identified as containing fine to coarse grained sand and gravel.
- b) The subject site can be rehabilitated once the quarry and associated operations cease, therefore not restricting the land for rural uses in the future. In addition, it is not anticipated that the proposed activities will restrict or adversely impact on the ongoing safe and efficient use of the nearby rural uses.
- c) The proposal is well buffered to sensitive uses by both distance and topographic screening.
- d) The proposed development will not detract from the scenic landscape features and environmental characteristics of the locality.
- 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 Extractive Industry, High Impact Industry, Warehouse, Environmentally Relevant Activity 16 (Extractive and Screening Activities) and Environmentally Relevant Activity 53 (Composting and Soil Conditioner Manufacturing), made by Hopeman Pty Ltd on behalf of Loukin Pty Ltd Tte, on Lot 91 on SP224420, Lot 1743 on LIV40543, Lot 1918 on LIV40627, Lot 2 on RP601957, Lot 138 and 139 on PL4021, located at 263A Belmont Road, Parkhurst, Lots 138, 139, 1743 and 1918 D Berrys Road and Lot 2 Belmont Road, Glenlee, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed 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 Operational Works:
 - (i) Access Works;
 - 1.6.2 Building Works (office).
- 1.7 All Development Permits for Operational Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.9 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

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>
Flood Evacuation Management Plan	K3181-0007	28 July 2016
Pavement Impact Analysis	K3181-0036	6 July 2017
Vehicle Swept Path Plan	K3181-R001 Issue A	28 April 2017
Stormwater Management, Sediment and Erosion Control Plan	K3181-SE001 Issue A	28 July 2016
Stormwater Management, Sediment and Erosion Control Details	K3181-SE002 Issue A	28 July 2016
Location Plan	SK-001 Rev 4	28 July 2016
Activity Area A – Extractive Industry (Screening) & High Impact Industry (Composting) & Warehouse	SK-002 Rev 4	28 July 2016
EA/DA Environmental Report	Steer Environmental Consulting	29 July 2016
Activity Area B – Extractive Industry (Quarrying)	SK-003 Rev 4	29 July 2016
Activity Area C – Extractive Industry (Dredging & Deposit & Short term Stockpile Area)	SK-004 Rev 4	29 July 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 The Developer must pay a Road Maintenance Levy of \$0.299 per tonne hauled towards the maintenance of Belmont Road. In this regard, the Developer must submit to Council a record of the tonnage of material hauled every six (6) months to facilitate invoicing and payment of the Road Maintenance Levy.

3.2 The Developer must pay a contribution of \$41,275.00 towards the upgrade and widening of Belmont Road.

3.3 Traffic signs and pavement markings must be provided in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*. Where necessary, existing traffic signs and pavement markings must be modified in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*.

4.0 ACCESS WORKS

4.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access 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 works).
- 4.3 The existing access to the development must be upgraded to comply with the requirements of the *Capricorn Municipal Development Guidelines* and must be sealed from the edge of the existing seal on Belmont Road to the front property boundary of the subject site.
- 4.4 In order to achieve sufficient site distance requirements, tree clearing within the verge area to the south of the existing access must be undertaken. The Developer must include all relevant details regarding the trees to be removed and how the area will be stabilised / re-vegetated with the submission of the Operational Works application.
- 4.5 Adequate sight distances must be provided for all ingress and egress movements at the access driveways in accordance with *Austrroads "Guide to Road Design Part 4A – Unsignalised and Signalised Intersections"*.
- 4.6 Road signage and pavement markings must be installed in accordance with the *Australian Standard AS1742.1 "Manual of Uniform Traffic Control Devices"*.
- 5.0 PLUMBING AND DRAINAGE WORKS
- 5.1 On-site water supply for domestic and fire-fighting purposes must be provided and may include the provision of a bore, dams, water storage tanks or a combination of each.
- 6.0 SITE WORKS
- 6.1 All earthworks must be undertaken in accordance with *Australian Standards, AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 6.2 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.
- 6.3 Vegetation must not be cleared unless and until written approval has been provided by Council. A Development Permit for Operational Works constitutes written approval, only for the purposes of clearing vegetation directly pertinent to the operational works which are the subject of the Development Permit.
- 7.0 ASSET MANAGEMENT
- 7.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.
- 7.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.
- 8.0 ENVIRONMENTAL
- 8.1 Composting activities must be limited to the processing of uncontaminated soil and/or green waste. The following activities are not permitted as part of the activities:
- 8.1.1 Sewerage sludges or septic wastes liquid or solid;
 - 8.1.2 Oily or greasy wastes from trade waste generating activities;
 - 8.1.3 All petroleum hydrocarbons;

- 8.1.4 Any chemical sludges or wastes that contain known quantities of heavy metals;
- 8.1.5 Any animal wastes (e.g. manures) that have the potential to contain elevated loads of microbial pathogens such as *Giardia*, *Cryptosporidium* or other faecal pathogens;
- 8.1.6 Any wastes that contain strongly acidic or alkali chemicals that have the potential to alter the pH of the receiving waters in the Fitzroy River Barrage storage.
- 8.2 The Developer must implement and maintain the Stormwater Management, Sediment and Erosion Control Plan on-site for the duration of the activity. The prepared Stormwater Management, Sediment and Erosion Control Plan must be available on-site for inspection by Council Officers during those works.
- 9.0 ENVIRONMENTAL HEALTH
- 9.1 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"*.
- 9.2 Noise emitted from the activity must not cause an environmental nuisance.
- 9.3 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.
- 9.4 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. 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.
- 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 site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Belmont Road.
- 10.2 The hours of operations for the development site must be limited to:
 - 10.2.1 0600 hours to 1800 hours on Mondays to Saturdays; and
 - 10.2.2 No operations on Sundays or Public Holidays.
- 10.3 Truck movements (to and from the site) is limited to a maximum of sixteen (16) trips per day.
- 10.4 Cleaning of plant equipment and vehicles must be carried out in an area where waste water can be suitably managed so as not to cause contaminants to release into waterways or overland flow paths.
- 10.5 All waste storage areas must be kept in a clean, tidy condition in accordance with *Environmental Protection (Waste Management) Regulations*.
- 10.6 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.
- 10.7 Security fencing must be provided for the full length of the perimeter of the site and around extractive industry stockpiles and operations.

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.

NOTE 2. General Environmental Duty

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

NOTE 3. General Safety Of Public During Construction

The *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 C

That in relation to the application for a Development Permit for a Material Change of Use for an Extractive Industry, High Impact Industry, Warehouse, Environmentally Relevant Activity 16 (Extractive and Screening Activities) and Environmentally Relevant Activity 53 (Composting and Soil Conditioner Manufacturing), made by Hopeman Pty Ltd on behalf of Loukin Pty Ltd Tte, on Lot 91 on SP224420, Lot 1743 on LIV40543, Lot 1918 on LIV40627, Lot 2 on RP601957, Lot 138 and 139 on PL4021, located at 263A Belmont Road, Parkhurst, Lots 138, 139, 1743 and 1918 D Berrys Road and Lot 2 Belmont Road, Glenlee, Council resolves to not issue an Adopted Infrastructure Charges Notice.

Moved by: Councillor Smith

Seconded by: Councillor Wickerson

MOTION CARRIED

8.5 APPLICATION UNDER THE DEVELOPMENT INCENTIVES POLICY FOR DEVELOPMENT PERMIT D/72-2017 - MATERIAL CHANGE OF USE FOR INDOOR SPORT AND RECREATION

File No: D/72-2017/A

Attachments: 1. Locality Plan
2. Site Plan

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Steven Gatt - Manager Planning and Regulatory Services
Colleen Worthy - General Manager Community Services

Author: Brandon Diplock - Planning Officer

SUMMARY

Development Application Number: D/72-2017/A

Applicant: DNL Enterprises

Real Property Address: 12 Power Street, Kawana

Common Property Address: Lot 7 on RP620247 – Parish of Murchison

Planning Scheme Zone: Low impact industry

Type of Approval: Development Permit for a Development Incentives Application for D/72-2017 - Material Change of Use for Indoor Sport and Recreation

Date of Decision: 25 July 2017

Application Lodgement Fee: \$2,288.00

Infrastructure Charges: Nil

Infrastructure charges incentive: Non-residential development in Rockhampton Region
Maximum concession: 50%

Incentives sought: Refund of Development Application Fees

COMMITTEE RECOMMENDATION

THAT in relation to the application under the Development Incentives Policy for a Development Permit for a Material Change of Use for Indoor Sport and Recreation, on land located at 12 Power Street, Kawana, described as Lot 7 on RP620247, Parish of Murchison, Council resolves to Approve the following incentives:

- a) A refund of development application fees to the amount of \$2,288.00.

Moved by: Councillor Smith

Seconded by: Councillor Fisher

MOTION CARRIED

8.6 APPLICATION UNDER THE DEVELOPMENT INCENTIVES POLICY FOR DEVELOPMENT PERMIT D/578-2013 - MATERIAL CHANGE OF USE FOR HEALTH CARE (EXTENSIONS)

File No: D/578-2013/A

Attachments: 1. Proposed Site Plan
2. Locality Plan

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Steven Gatt - Manager Planning and Regulatory Services
Colleen Worthy - General Manager Community Services

Author: Brandon Diplock - Planning Officer

SUMMARY

Development Application Number: D/578-2013/A

Applicant: Mercy Health and Aged Care Central Queensland Ltd

Real Property Address: 31 Ward Street and 14, 16 and 18 Spencer Street, The Range – Lot 1 and Lot 2 on RP607678, Lot 1, Lot 2 and Lot 3 on RP604754, Parish of Rockhampton

Common Property Address: 31 Ward Street and 14, 16 and 18 Spencer Street, The Range – Lot 1 and Lot 2 on RP607678, Lot 1, Lot 2 and Lot 3 on RP604754

Rockhampton City Plan Area: The Range South Residential Area

Type of Approval: Development Permit for a Development Incentives Application for D/578-2013 - Material Change of Use for Health Care (extensions)

Date of Decision: 3 March 2014

Infrastructure Charges: \$195,672.00

Infrastructure charges incentive: Precinct 2 expanded GFA – 50%
Value of discount - \$97,836.00

Incentives sought: Infrastructure Charges Concession 50%

9:46AM

In accordance with s172(2) of the *Local Government Act 2009*, Councillor Neil Fisher disclosed a material personal interest in respect of Item 8.6 – Application under the Development Incentives Policy for Development Permit D/578-2013 – Material Change of Use for Health Care (Extensions) due to his business being engaged by Mercy Health to do work at the Mater Hospital, the Councillor did not take part in the debate and left the meeting.

COMMITTEE RECOMMENDATION

THAT in relation to the application under the Development Incentives Policy for a Development Permit for a Material Change of Use for Health Care (extensions), on land located at 31 Ward Street and 14, 16 and 18 Spencer Street, The Range, formally described as Lot 1 and Lot 2 on RP607678, Lot 1, Lot 2 and Lot 3 on RP604754, Parish of Rockhampton, Council resolves to Approve the following incentives if the use commences prior to 3 March 2018:

- a) A fifty (50) percent reduction of infrastructure charges to the amount of \$97,836.00; and
- b) That Council enter into an agreement with the applicant in relation to (a).

Moved by: Councillor Rutherford

Seconded by: Councillor Wickerson

MOTION CARRIED

9:47AM Councillor Fisher returned to the meeting

8.7 COMMITTEE REPORT DELEGATIONS - OCTOBER 2017

File No: 7028
Attachments: Nil
Authorising Officer: Steven Gatt - Manager Planning and Regulatory Services
Colleen Worthy - General Manager Community Services
Author: Tarnya Fitzgibbon - Coordinator Development Assessment

SUMMARY

This report outlines the development applications received in October 2017 and whether they will be decided under delegation or decided by Council.

COMMITTEE RECOMMENDATION

THAT this report into the applications lodged in October 2017 be received.

Moved by: Councillor Smith
Seconded by: Councillor Wickerson
MOTION CARRIED

8.8 BIOSECURITY PLAN 2017-2021**File No: 7099****Attachments: 1. Biosecurity Plan for Pest Management 2017 - 2021****Authorising Officer: Steven Gatt - Manager Planning and Regulatory Services
Colleen Worthy - General Manager Community Services****Author: Karen Moody - Coordinator Health and Environment**

SUMMARY

This report presents the Rockhampton Regional Council Biosecurity Plan 2017-2021 (The Plan) for Council's consideration and adoption.

COMMITTEE RECOMMENDATION

THAT Council adopts the Biosecurity Plan 2017-2021.

Moved by: Councillor Smith**Seconded by: Councillor Fisher****MOTION CARRIED UNANIMOUSLY**

9 NOTICES OF MOTION

Nil

10 URGENT BUSINESS\QUESTIONS

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 Request for Infrastructure Agreement

This report is considered confidential in accordance with section 275(1)(g) (h), 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; AND other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

Moved by: Councillor Rutherford

Seconded by: Councillor Wickerson

MOTION CARRIED

COMMITTEE RESOLUTION

10:11AM

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

Moved by: Councillor Rutherford

Seconded by: Councillor Wickerson

MOTION CARRIED

COMMITTEE RESOLUTION

10:19AM

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 Wickerson

MOTION CARRIED

12 CONFIDENTIAL REPORTS

12.1 REQUEST FOR INFRASTRUCTURE AGREEMENT

File No: D/14-2017
Attachments: 1. Letter from Applicant
Authorising Officer: Steven Gatt - Manager Planning and Regulatory Services
Colleen Worthy - General Manager Community Services
Author: Tarnya Fitzgibbon - Coordinator Development Assessment

This report is considered confidential in accordance with section 275(1)(g) (h), 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; AND other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

SUMMARY

The applicant for a development in South Rockhampton is requesting to enter into an Infrastructure Agreement with Council.

COMMITTEE RECOMMENDATION

THAT Council adopt Option one (1) as detailed in the report.

Moved by: Councillor Smith
Seconded by: Councillor Wickerson
MOTION CARRIED

13 CLOSURE OF MEETING

There being no further business the meeting closed at 10:20am.

SIGNATURE

CHAIRPERSON

DATE