



PLANNING AND REGULATORY COMMITTEE MEETING

MINUTES

13 FEBRUARY 2018

The Committee Recommendations contained within these Minutes
were adopted at the Council meeting on 20 February 2018.

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**REPORT OF THE PLANNING AND REGULATORY COMMITTEE MEETING
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON
ON TUESDAY 13 FEBRUARY 2018 COMMENCING AT 9:02AM**

1 OPENING

2 PRESENT

Members Present:

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

In Attendance:

Ms C Worthy – General Manager Community Services (Executive Officer)
Mr E Pardon – Chief Executive Officer
Mr T Cullen – General Manager Advance Rockhampton/Acting General
Manager Aviation Services
Mr S Gatt – Manager Planning and Regulatory Services
Mr C Wyatt – Manager Strategic Planning
Ms K Moody – Coordinator Health and Environment
Ms T Fitzgibbon – Coordinator Development Assessment
Mr J McCaul – Coordinator Development Engineering
Ms A O'Mara – Senior Planning Officer
Mr T Gardiner – Senior Planning Officer
Mr B Koelmeyer – Planning Officer
Mr B Diplock – Planning Officer
Mr J Trevett-Lyall – Planning Officer
Ms C Steinberger – Media Officer
Ms K Walsh – Governance Support Officer
Ms L Leeder – Senior 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 5 December 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: Colleen Worthy - General Manager Community Services

Author: Colleen Worthy - General Manager Community Services

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 Meeting be received.

Moved by: Councillor Fisher

Seconded by: Councillor Wickerson

MOTION CARRIED .

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 OFFICERS' REPORTS

8.1 SHARED SERVICE AGREEMENT BETWEEN CAPRICORN PEST MANAGEMENT GROUP AND ROCKHAMPTON REGIONAL COUNCIL

File No: 1379

Attachments: 1. Shared Service Agreement Between
Capricorn Pest Management Group and
Rockhampton Regional Council

Authorising Officer: Steven Gatt - Manager Planning and Regulatory
Services

Author: Karen Moody - Coordinator Health and Environment

SUMMARY

Formal adoption by Council is required for the Shared Service Agreement between Capricorn Pest Management Group and Rockhampton Regional Council for administrative support given by Administration Officers within the Health and Environment Unit. The attached agreement outlines the services provided, terms of agreement and agreed compensation amounts.

9:04AM Mayor Strelow attended the meeting

COMMITTEE RECOMMENDATION

THAT the proposed Shared Service Agreement between Capricorn Pest Management Group and Rockhampton Regional Council is endorsed by Council and the Chief Executive Officer sign the contract attached to the report.

Moved by: Councillor Fisher

Seconded by: Councillor Wickerson

MOTION CARRIED

8.2 D/14-2017/A - APPLICATION UNDER THE DEVELOPMENT INCENTIVES POLICY FOR DEVELOPMENT PERMIT D/14-2017 FOR A MATERIAL CHANGE OF USE FOR A SHOP AND RECONFIGURING A LOT (ACCESS EASEMENT)

File No: D/14-2017/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: Amanda O'Mara - Senior Planning Officer

SUMMARY

Development Application Number: D/14-2017

Applicant: Aldi Stores (A Limited Partnership)

Real Property Address: Lot 1 on SP161848 and Lot 1 on SP191827, Parish of Rockhampton

Common Property Address: 143-167 Gladstone Road, Allenstown

Type of Approval: Application under the Development Incentives Policy for Development Permit D/14-2017 for a Material Change of Use for a Shop and Reconfiguring a Lot (access easement)

Date of Decision: 12 May 2017

Application Lodgement Fee: \$9,641.00

Infrastructure Charges: \$351,232.00

Infrastructure charges incentive: All other areas – 50%

Incentives sought: Refund of Development Application Fee
Refund of Service and Connection Fees

COMMITTEE RECOMMENDATION

THAT in relation to the application under the Development Incentives Policy for Development Permit D/14-2017 for a Material Change of Use for a Shop and Reconfiguring a Lot (access easement), on Lot 1 on SP161848 and Lot 1 on SP191827, Parish of Rockhampton, located at 143-167 Gladstone Road, Allenstown, Council resolves to Approve the following incentives if the use commences prior to 12 May 2020:

- a) A fifty per cent (50%) reduction of infrastructure charges to the amount of \$175,616.00;
- b) A refund of the development application fee of \$9,641.00 on commencement of the use;
- c) A refund of service and connection fees on completion of the development; and
- d) That Council enter into an agreement with the applicant in relation to (a),(b) and (c).

Moved by: Mayor Strelow
Seconded by: Councillor Wickerson
MOTION CARRIED UNANIMOUSLY

8.3 D/32-2017/A - APPLICATION UNDER THE DEVELOPMENT INCENTIVES POLICY FOR DEVELOPMENT PERMIT D/32-2017 FOR A MATERIAL CHANGE OF USE FOR INDOOR SPORT AND RECREATION (PERSONAL TRAINING GYM)

File No: D/32-2017/A

Attachments: 1. Locality Plan
2. Floor 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/32-2017/A

Applicant: XO Fitness Centre Pty Ltd

Real Property Address: Lot 2 on RP619304, Parish of Rockhampton

Common Property Address: 121 Kent Street, Rockhampton City

Planning Scheme Zone: Low-medium density residential zone

Type of Approval: Development Permit for a Material Change of Use for Indoor Sport and Recreation (personal training gym)

Date of Decision: 27 July 2017

Application Lodgement Fee: \$2,378.00

Infrastructure Charges: \$1,047.99

Infrastructure charges incentive: Non-residential development throughout the region (Maximum Concession: 50%)

Incentives sought: Refund of Development Application Fees; and
Refund of service and connection fees.

COMMITTEE RECOMMENDATION

THAT in relation to the application made under the Development Incentives Policy for Development Permit D/32-2017 for a Material Change of Use for an Indoor Sport and Recreation (Personal Training Gym), located on Lot 2 on RP619304, Parish of Rockhampton, located at 121 Kent Street, Rockhampton City - Should the use commence prior to 27 July 2020, Council resolves to approve the following incentives:

- a) A 50 percent concession of the infrastructure charges in the amount of \$523.99;
- b) A reimbursement of the development application fees in the amount of \$2,378.00, upon commencement of the use;
- c) A refund of service and connection fees upon completion of the development; and
- d) That Council enter into an agreement with the applicant in relation to (a), (b) and (c).

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

8.4 D/125-2017 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A HOTEL

File No: D/125-2017

Attachments:

1. Locality Plan
2. Site Plan
3. Floor 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/125-2017

Applicant: Red Lion Property Holdings Pty Ltd

Real Property Address: Lot 1 and 2 on RP600326, Parish of Rockhampton

Common Property Address: 138 and 140 Denham Street, Allenstown

Area of Site: 1,400 square metres

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Low-Medium Density Residential Zone

Planning Scheme Overlays: Nil Applicable

Existing Development: Hotel

Existing Approvals: Lot 1 on RP600326 - Hotel and associated building and plumbing approvals; and
Lot 2 on RP600326 – Dwelling House

Approval Sought: Development Permit for a Material Change of Use for a Hotel

Level of Assessment: Impact

Submissions: One (1) submission

Referral Agency(s): Nil

Infrastructure Charges Area: Charge Area 1

Application Progress:

<i>Application Lodged:</i>	11 October 2017
<i>Acknowledgment Notice issued:</i>	24 October 2017
<i>Request for Further Information sent:</i>	24 October 2017
<i>Request for Further Information responded to:</i>	23 November 2017
<i>Submission period commenced:</i>	28 November 2017
<i>Submission period end:</i>	19 December 2017
<i>Council request for additional time:</i>	1 February 2018

<i>Last receipt of information from applicant:</i>	<i>23 January 2018</i>
<i>Statutory due determination date:</i>	<i>27 February 2018</i>

COMMITTEE RECOMMENDATION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for a Material Change of Use for a Hotel, made by Red Lion Property Holdings Pty, Lot 1 and 2 on RP600326, Parish of Rockhampton, located at 138 and 140 Denham Street, Allenstown - Council resolves to Approve the application despite its conflict with the planning scheme and provide the following merits to justify the decision despite the conflict:

- a) The development is an extension of an existing use which is of a scale and design that does not adversely impact on the residential character or amenity of the surrounding area;
- b) The proposed carpark will meet the demands generated by the development whilst protecting the safety and capacity of the road network;
- c) The application only received one (1) properly made submission which related to noise. The application demonstrated that the noise generated by the development would be within acceptable levels in accordance with the standards of the *Environmental Protection Policy (Noise) 2008*;
- d) The proposed use does not compromise the strategic framework in the *Rockhampton Region Planning Scheme 2015*;
- e) 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
- f) The proposed development does not compromise the relevant State Planning Policy.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for a Hotel, made by Red Lion Property Holdings Pty Ltd, Lot 1 and 2 on RP600326, Parish of Rockhampton, located at 138 and 140 Denham Street, Allenstown - Council resolves to Approve the application subject to the following conditions:

Part A: General Conditions (Applicable to both Stages One and Two)

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 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.
- 1.6 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 1 and Lot 2 on RP600326 must be amalgamated and registered as one lot prior to the commencement of the use for Stage Two.

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>Drawing/report title</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference number</u>
Proposed Site Plan	Lotus	23 January 2018	Nil, Revision E
Floor Plan & Elevations	Lotus	23 January 2018	Nil, Revision E
Proposed Carpark and Swept Path Analysis	McMurtrie	18 July 2017	0071718-SK-0001, Revision A
Noise Impact Assessment	Alpha Acoustics	25 September 2017	Nil

- 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 and/or Building Works.

3.0 STAGED DEVELOPMENT

- 3.1 This approval is for a development to be undertaken in two (2) stages, namely:
- 3.1.1 Cocktail room and hotel room (Stage One); and
- 3.1.2 Beer garden, storeroom, bar and grill and carpark (Stage Two).
- in accordance with the approved Site Plan (refer to condition 2.1).
- 3.2 Stage One must be completed prior to the commencement of use for Stage Two.
- 3.3 Unless otherwise expressly stated, the conditions must be read as being applicable only to the particular stages(s) being developed.

4.0 PLUMBING AND DRAINAGE WORKS

- 4.1 A Development Permit for Plumbing and Drainage Works must be obtained for both Stages One and Two. This also applies to the removal and/or demolition of any existing dwelling structure on the development site.

- 4.2 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act 2002* and Council's Plumbing and Drainage Policies.
- 4.3 Amended sewerage/Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's reticulated sewerage network. Arrestor traps must be provided where commercial or non-domestic waste is proposed to be discharged into the sewer system.
- 5.0 ROOF AND ALLOTMENT DRAINAGE WORKS
- 5.1 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 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 BUILDING WORKS
- 7.1 A Development Permit for Building Works must be obtained for the proposed extensions on the development site for both Stages One and Two.
- 8.0 LANDSCAPING
- 8.1 All landscaping must be established generally in accordance with the approved plans (refer to condition 2.1). The landscaping must be constructed and/or established prior to the commencement of the use and the landscape areas must predominantly contain plant species that are locally native to the Central Queensland region due to their low water dependency.
- 8.2 Large trees must not be planted within one (1) metre of the centreline of any sewerage and/or water infrastructure; small shrubs and groundcover are acceptable.
- 8.3 The landscaped areas must be subject to:
- 8.3.1 a watering and maintenance plan during the establishment moment; and
 - 8.3.2 an ongoing maintenance and replanting programme.
- 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 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, 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*.

10.0 ASSET MANAGEMENT

- 10.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.
- 10.2 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.
- 10.3 '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)*.

11.0 OPERATING PROCEDURES

- 11.1 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 Denham Street, West 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. 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

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

Part B: Stage One**12.0 ADMINISTRATION**

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

12.1.1 Plumbing and Drainage Works; and

12.1.2 Building Works.

Part C: Stage Two**13.0 ADMINISTRATION**

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

13.1.1 Operational Works:

(i) Access and Parking Works;

(ii) Stormwater Works;

(iii) Site Works;

13.1.2 Plumbing and Drainage Works; and

13.1.3 Building Works.

14.0 ACCESS AND PARKING WORKS

14.1 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.

14.2 All access and parking works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, and *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).

14.3 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).

14.4 The existing access from Denham Street to the development must be upgraded to a commercial access standard to comply with the requirements of the *Capricorn Municipal Development Guidelines*.

14.5 Service and delivery vehicles including for the purpose of refuse collection, are not permitted to enter the site.

14.6 Any redundant vehicular crossovers must be replaced by Council standard kerb and channel.

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

14.8 The access driveway to the site's proposed carpark on Denham Street must be confined within the extent of the development site's boundaries.

14.9 Adequate sight distances must be provided for all ingress and egress movements at the access driveways in accordance with *Australian Standard AS2890.2 "Parking facilities - Off street commercial vehicle facilities"*.

14.10 A minimum of 11 parking spaces must be provided on-site.

14.11 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"*.

- 14.12 Parking spaces must be line-marked in accordance with the approved Site Plan (refer to condition 2.1) and in accordance with the *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 14.13 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"*.
- 14.14 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.
- 14.15 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.

15.0 SEWERAGE WORKS

- 15.1 All sewerage 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*, and *Plumbing and Drainage Act 2002*.
- 15.2 The development must be connected to Council's reticulated sewerage network and the existing sewerage connection point(s) must be retained and upgraded, if necessary, to service the development.
- 15.3 Compliance with the Build Over Sewer Compliance Permit (Reference: 583-2017) is required, in particular:
 - 15.3.1 The space around the subject access chamber must be constructed with all new walls/gates with a minimum offset of 1.2 metres from the centre of the access chamber.
 - 15.3.2 Suitable ventilation must be provided with a minimum opening of 2.1 metres from the breezeway to the carpark.
 - 15.3.3 The subject access chamber must have a gas tight sealed lid to ensure gases are not released into the covered area.

Note: In the event of a sewer surcharge or the access chamber lid becoming unsealed, please contact Fitzroy River Water (FRW) immediately to rectify.

16.0 WATER WORKS

- 16.1 All water 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*, and *Plumbing and Drainage Act 2002*.
- 16.2 The development must be connected to Council's reticulated water network and the existing water connection point(s) must be retained and upgraded, if necessary, to service the development.
- 16.3 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.

17.0 STORMWATER WORKS

- 17.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.
- 17.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, and sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).

- 17.3 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.
- 17.4 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.
- 17.5 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by engineering plans with details of any new drainage systems including retention systems, inlet and outlet structures, or the amendment and upgrading of existing drainage systems to implement the proposed drainage strategy. In particular please indicate the location of the detention tank as outlined in the Stormwater Management Plan.
- 18.0 ROOF AND ALLOTMENT DRAINAGE WORKS
- 18.1 All roof and allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, and sound engineering practice.
- 19.0 SITE WORKS
- 19.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works on the development site.
- 19.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan that clearly identifies the following:
- 19.2.1 the location of cut and/or fill;
 - 19.2.2 the type of fill to be used and the manner in which it is to be compacted;
 - 19.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - 19.2.4 details of any proposed access routes that are intended to be used to transport fill to or from the development site; and
 - 19.2.5 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.
- 19.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 19.4 Retaining structures above one (1) metre in height that are not incidental works to a Development Permit for Building Works, must not be constructed unless separately and specifically certified by a Registered Professional Engineer of Queensland and must be approved as part of a Development Permit for Operational Works (site works).
- 19.5 Any retaining 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.
- 20.0 BUILDING WORKS
- 20.1 The proposed building must be designed to suit the Building Over/Adjacent to Local Government Sewerage Infrastructure Permit (Reference: 583-2017) conditions/plans.

20.2 Impervious paved waste storage area/s must be provided in accordance with the approved plans (refer to condition 2.1) and the *Environmental Protection Regulation 2008* and must be:

20.2.1 designed and located so as not to cause a nuisance to neighbouring properties;

20.2.2 surrounded by at least a 1.8 metre high screen fence that obstructs from view the contents of the waste storage area by any member of the public from any public place;

20.2.3 of a sufficient size to accommodate commercial type bins that will be serviced by a commercial contractor as Kerbside collection. No Waste Service Vehicles are permitted entry into the site.

20.2.4 setback a minimum of two (2) metres from any road frontage; and

20.2.5 provided with a suitable hosecock and hoses at the refuse container area, and washdown must be drained to the sewer and fitted with an approved stormwater diversion valve arrangement in accordance with the Sewerage Trade Waste provisions and the *Plumbing and Drainage Act 2002*.

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

21.0 ENVIRONMENTAL HEALTH

19.1 All recommendations included in the Noise Impact Assessment (refer to condition 2.1) are to be implemented prior to the commencement of use of Stage Two and maintained thereafter.

Note: Any air-conditioning units proposed for the beer garden area (including the storeroom, bar and grill areas) must be located, installed and maintained at all times, so as not to cause a nuisance.

RECOMMENDATION C

That in relation to the application for a Development Permit for a Material Change of Use for a Hotel, made by Red Lion Property Holdings Pty Ltd, Lot 1 and 2 on RP600326, Parish of Rockhampton, located at 138 and 140 Denham Street, Allenstown, Council resolves to issue an Infrastructure Charges Notice for the amount of \$17,628.25.

Moved by: Councillor Smith

Seconded by: Councillor Wickerson

MOTION CARRIED UNANIMOUSLY

8.5 D/135-2016/A - APPLICATION UNDER THE DEVELOPMENT INCENTIVES POLICY FOR DEVELOPMENT PERMIT D/135-2016 FOR A MATERIAL CHANGE OF USE FOR COMMERCIAL PREMISES, SHOP AND INDOOR SPORT AND RECREATION AND OPERATIONAL WORKS FOR ADVERTISING DEVICES, EARTHWORKS, STORMWATER, ACCESS AND PARKING WORKS AND ROAD WORKS

File No: D/135-2016/A

Attachments: 1. 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/135-2016/A

Applicant: Kele Property Group (Qld) Pty Ltd

Real Property Address: Lot 1 on RP604994, Lot 2 on RP604994 and Lot 3 on RP604994, Parish of Rockhampton

Common Property Address: 49 Archer Street, Rockhampton City QLD 4700

Planning Scheme Zone: Low-Medium Density Residential

Type of Approval: Development Permit for a Material Change of Use for Commercial Premises, Shop and Indoor Sport and Recreation and Operational Works for Advertising Devices, Earthworks, Stormwater, Access and Parking Works and Road Works

Date of Decision: 17 October 2016

Application Lodgement Fee: \$5,006.00

Infrastructure Charges: \$81,198.45

Infrastructure charges incentive: All other areas – 50%
Amount of discount - \$40,599.22

Incentives sought: Development facilitation
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 Commercial Premises, Shop and Indoor Sport and Recreation and Operational Works for Advertising Devices, Earthworks, Stormwater, Access and Parking Works and Road Works, on land located at 49 Archer Street, Rockhampton City QLD 4700 described as Lot 1 on RP604994, Lot 2 on RP604994 and Lot 3 on RP604994, Parish of Rockhampton, Council resolves to Approve the following

incentives if the use commences prior to 23 February 2021:

- a) A fifty (50) percent reduction of infrastructure charges to the amount of \$40,599.22;
- b) A refund of the development application fee of \$5,006.00; and
- c) That Council enter into an agreement with the applicant in relation to (a) and (b)

Moved by: Councillor Wickerson

Seconded by: Councillor Fisher

MOTION CARRIED UNANIMOUSLY

8.6 D/188-2014 - CHANGE APPLICATION TO DEVELOPMENT PERMIT D/188-2014 FOR A MATERIAL CHANGE OF USE FOR EDUCATIONAL ESTABLISHMENT

File No: D/188-2014

Attachments: 1. Locality Plan
2. Site Plan (Acoustic Fence)

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/188-2014

Applicant: Roman Catholic Trust Corp. For The Diocese of Rockhampton

Real Property Address: Lot 6 on SP123558, Lot 7 on RP618703 and Lot 45 on RP615945, Parish of Murchison

Common Property Address: 390 Feez Street, Norman Gardens

Area of Site: 6.8311 hectares

Planning Scheme: Rockhampton City Plan 2005 (superseded)

Planning Scheme Zone: Richardson Road Residential Area

Planning Scheme Overlays: Nil

Existing Development: Church and Primary School

Existing Approvals: Town Planning Consent 912 for a School, Primary School and Administration Block: granted 3 December 1980;
Town Planning Consent 42 for Rezoning land from Residential A to Special Purpose: granted 21 November 1988; and
Various associated building and plumbing approvals

Approval Sought: Change Application to Development Permit D/188-2014 for a Material Change of Use for Educational Establishment

Infrastructure Charges Area: Charge Area 1

COMMITTEE RECOMMENDATION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for an Educational Establishment, made by the Roman Catholic Trust Corporation for the Diocese of Rockhampton, on Lot 6 on SP123558, Lot 7 on RP618703 and Lot 45 on RP615945, Parish of Murchison, located at 390 Feez Street, Norman Gardens, Council resolves that:

1. Conditions 2.1 and 8.5 be amended by replacing:

- 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>
<i>Proposed Overall Site Plan</i>	<i>1988 SK-02</i>	<i>November 2013</i>
<i>Existing Main Carpark</i>	<i>1988 SK-03</i>	<i>November 2013</i>
<i>Proposed Main Carpark</i>	<i>1988 SK-04</i>	<i>November 2013</i>
<i>Existing Staff Carpark and Kindy</i>	<i>1988 SK-05</i>	<i>November 2013</i>
<i>Proposed Staff Carpark and Kindy</i>	<i>1988 SK-06</i>	<i>November 2013</i>
<i>Existing Prep and Carpark</i>	<i>1988 SK-07</i>	<i>November 2013</i>
<i>Proposed Prep and Carpark</i>	<i>1988 SK-08</i>	<i>November 2013</i>
<i>Proposed Floor Plan</i>	<i>1988 SK-09</i>	<i>December 2013</i>
<i>Proposed Floor Plan</i>	<i>1988 SK-11</i>	<i>December 2013</i>
<i>Elevations – Kindergarten</i>	<i>1988 SK-10</i>	<i>December 2013</i>
<i>Elevations – New Prep</i>	<i>1988 SK-12</i>	<i>December 2013</i>
<i>Noise Impact Assessment St Anthony's School 390 Feez Street, Norman Gardens</i>	<i>SP0578-0, Revision 0</i>	<i>9 April 2015</i>
<i>St Anthony's Catholic Primary School – Transport Impact Assessment</i>	<i>14B1125000, Issue A</i>	<i>13 October 2014</i>

- 8.5 *Provide a 2.1 metre high acoustic screen fence along the common boundary of the subject site and any adjoining residential properties.*

With

- 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>
<i>Proposed Overall Site Plan</i>	<i>1988 SK-02</i>	<i>November 2013</i>
<i>Existing Main Carpark</i>	<i>1988 SK-03</i>	<i>November 2013</i>
<i>Proposed Main Carpark</i>	<i>1988 SK-04</i>	<i>November 2013</i>

Existing Staff Carpark and Kindy	1988 SK-05	November 2013
Proposed Staff Carpark and Kindy	1988 SK-06	November 2013
Existing Prep and Carpark	1988 SK-07	November 2013
Proposed Prep and Carpark	1988 SK-08	November 2013
Proposed Floor Plan	1988 SK-09	December 2013
Proposed Floor Plan	1988 SK-11	December 2013
Elevations – Kindergarten	1988 SK-10	December 2013
Elevations – New Prep	1988 SK-12	December 2013
Noise Impact Assessment St Anthony's School 390 Feez Street, Norman Gardens	SP0578-0, Revision 0	9 April 2015
St Anthony's Catholic Primary School – Transport Impact Assessment	14B1125000, Issue A	13 October 2014
Acoustic Fence	1988 SP-20 Rev B	September 2017

- 8.5 Provide a five (5) metre wide landscape buffer along the common boundary of the subject site and adjoining residential properties situated on Thomas Street in accordance with the approved plans (refer to condition 2.1).

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for an Educational Establishment, made by the Roman Catholic Trust Corporation for the Diocese of Rockhampton, on Lot 6 on SP123558, Lot 7 on RP618703 and Lot 45 on RP615945, Parish of Murchison, located at 390 Feez Street, Norman Gardens, 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 and Parking Works;
 - (ii) Stormwater Works; and
 - (iii) Roof and Allotment Drainage Works
- 1.6.2 Plumbing and Drainage Works; and
- 1.6.3 Building Works.
- 1.7 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.8 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.
- 1.10 Lot 45 on RP615945, Lot 7 on RP618703 and Lot 6 on SP123558 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 the conditions of this permit:

<u>Plan/Document Name</u>	<u>Plan/Document Number</u>	<u>Dated</u>
Proposed Overall Site Plan	1988 SK-02	November 2013
Existing Main Carpark	1988 SK-03	November 2013
Proposed Main Carpark	1988 SK-04	November 2013
Existing Staff Carpark and Kindy	1988 SK-05	November 2013
Proposed Staff Carpark and Kindy	1988 SK-06	November 2013
Existing Prep and Carpark	1988 SK-07	November 2013
Proposed Prep and Carpark	1988 SK-08	November 2013
Proposed Floor Plan	1988 SK-09	December 2013
Proposed Floor Plan	1988 SK-11	December 2013
Elevations – Kindergarten	1988 SK-10	December 2013
Elevations – New Prep	1988 SK-12	December 2013
Noise Impact Assessment St Anthony's School 390 Feez Street, Norman Gardens	SP0578-0, Revision 0	9 April 2015

St Anthony's Catholic Primary School – Transport Impact Assessment	14B1125000, Issue A	13 October 2014
Acoustic Fence	1988 SP-20 Rev B	September 2017

2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.

2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council prior to the submission of a Development Application for Operational Works.

3.0 ACCESS AND PARKING WORKS

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

3.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Parking Facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).

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

3.4 The car parking areas must include traffic calming measures to reduce the noise level and speed of vehicles within the car park.

3.5 The existing access from Bruigom Street to the development must be widened to allow unimpeded two-way access / egress to and from the site without any queuing occurring in Bruigom Street.

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

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

3.8 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"*.

3.9 Road signage and pavement markings must be installed in accordance with the *Australian Standard AS1742.1 "Manual of Uniform Traffic Control Devices"*.

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

4.0 PLUMBING AND DRAINAGE WORKS

4.1 All 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*, the *Plumbing and Drainage Act*.

4.2 All internal plumbing and sanitary drainage works must be in accordance with regulated work under the *Plumbing and Drainage Act* and Council's Plumbing and Drainage Policies.

4.3 The development must be connected to Council's reticulated water network and sewerage network.

4.4 The existing sewerage and water connection point(s) must be retained, and upgraded if necessary, to service the development.

- 4.5 Sewer connections and water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with trafficable lids.
- 4.6 Adequate domestic and fire fighting protection must be provided to the development, and must be certified by a hydraulic engineer or other suitably qualified person.
- 4.7 Alteration or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act*.

5.0 STORMWATER WORKS

- 5.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.
- 5.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 5.3 Any application for a Development Permit for Operational Works (stormwater works) must include a revised stormwater strategy that incorporates some form of detention such that there is no increase in peak runoff to Bruigom Street.
- 5.4 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect adjoining land or infrastructure in comparison to the pre-development condition by way of blocking, altering or diverting existing stormwater runoff patterns or have the potential to cause damage to other infrastructure.
- 5.5 Any application for a Development Permit for Operational Works (stormwater works) must include an assessment of how the development meets the water quality objectives of the *State Planning Policy*.
- 5.6 The proposed development must achieve no increase in peak stormwater runoff for a selected range of storm events up to and including the one in one hundred year storm event (100 year Average Recurrence Interval) for the post development condition.

6.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 6.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the site.
- 6.2 All roof and allotment drainage must be in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.
- 6.3 All roof and allotment drainage must be discharged such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties or infrastructure.

7.0 SITE WORKS

- 7.1 All earthworks must be undertaken in accordance with *Australian Standards, AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 7.2 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.

8.0 BUILDING WORKS

- 8.1 All external elements, such as air conditioners and associated equipment, must be adequately screened from public view to Council's satisfaction.

- 8.2 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 8.3 External privacy screening must be applied to the windows of the proposed classrooms which face to the south-east boundary to prevent overlooking into the private open space of the adjoining residential dwellings.
- 8.4 All windows facing onto the adjoining residential properties must be properly glazed or screened to not intrude on the privacy of residents.
- 8.5 Provide a five (5) metre wide landscape buffer along the common boundary of the subject site and adjoining residential properties situated on Thomas Street in accordance with the approved plans (refer to condition 2.1).
- 8.6 All waste storage areas must be aesthetically screened from any frontage or adjoining property.
- 8.7 Impervious paved and drained washdown areas to accommodate all refuse containers must be provided. The areas must be aesthetically screened from any road frontage or adjoining property.
- 9.0 LANDSCAPING WORKS
- 9.1 Landscaping must be provided between and around the buildings and new car parking areas, particularly toward the south east boundary. The planting must be designed to specifically reduce the perceived scale of the buildings and must include advanced plant stock, to create an immediate effect.
- 9.2 All landscaping must be constructed and or established prior to the commencement of the use.
- 9.3 The landscaped areas must be subject to an ongoing maintenance and replanting programme (if necessary).
- 10.0 ELECTRICITY AND TELECOMMUNICATIONS
- 10.1 Underground electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.
- 10.2 Evidence must be provided of a Telecommunications Infrastructure Provisioning Confirmation and Certificate of Electricity Supply with the relevant service providers to provide the use with telecommunication and live electricity connections, in accordance with the requirements of the relevant authorities prior to the commencement of the use.
- 11.0 ASSET MANAGEMENT
- 11.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.
- 11.2 Any damage to existing water supply or sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.
- 12.0 ENVIRONMENTAL
- 12.1 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan which addresses, but is not limited to, the following:

- (i) objectives;
 - (ii) site location / 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.
- 12.2 Implement and maintain the Erosion Control and Stormwater Control Management Plan on-site for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The prepared Erosion Control and Stormwater Control Management Plan must be available on-site for inspection by Council Officers during those works.
- 13.0 **OPERATING PROCEDURES**
- 13.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Bruigom Street, Feez Street, Langford Street or Agnew Avenue.
- 13.2 Noise from the activity must not cause an environmental nuisance.
- 13.3 Noise mitigation measures must be implemented in accordance with the recommendations in the Noise Impact Assessment (refer to condition 2.1). Should the development be found to be creating a noise nuisance, then the report must be revised by the owner/operator within three (3) months and submitted to Council for approval with additional mitigation measures. Council may require any noise mitigation measures identified in the assessment to be implemented within appropriate timeframes.
- 13.4 When requested by the administering authority, noise monitoring must be undertaken and recorded to investigate any 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 the administering authority within fourteen days of the completion of the investigation.
- Noise measurements must be compared with the acoustic quality objectives specified in the most recent edition of the Environmental Protection (Noise) Policy and noise monitoring conducted in accordance with the most recent edition of *Department of Environment and Heritage Protection Noise Measurement Manual*.
- 13.5 The air-conditioning plant for the proposed Preparatory and Kindergarten buildings must be selected and installed to meet a combined noise level of 47dBA at the nearby residential dwellings at point R1 as shown on *Appendix A- Figures within the Noise Impact Assessment (Figure 1: Aerial photograph of site, Revision 0 – 9 April 2015, by Savery and Associates Pty Ltd)*. Noise testing is recommended to ascertain the noise emissions from the air-conditioning plants after installation. Acoustic enclosures or barriers may be required in case the noise exceeds the limit.
- 13.6 All waste storage areas must be kept in a clean, tidy condition in accordance with *Environmental Protection (Waste Management) Regulations*.

ADVISORY NOTESNOTE 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. 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 property 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. Property Notes

All vehicular access to and from the development must be via the Bruigom Street and Feez Street only. Direct vehicular access to Langford Street and Agnew Avenue is prohibited.

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.

Moved by: Councillor Fisher

Seconded by: Councillor Wickerson

MOTION CARRIED

8.7 D/114-2017 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR SERVICE STATION

File No: D/114-2017

Attachments:

1. Locality Plan
2. Site Plan, DA-102A
3. Floor Plan, DA-201A
4. Elevation Plan, DA-301A

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/114-2017

Applicant: Gondor Investments Pty Ltd C/- Adams + Sparkes Town Planning

Real Property Address: Lot 1 on RP606047 and Lot 2 on SP195031, Parish of Rockhampton

Common Property Address: 40 Alma Street and 23 Albert Street, Rockhampton City

Area of Site: 2,018 square metres

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Low-medium density residential zone

Planning Scheme Overlays: Acid Sulfate Soils – Above 5m and below 20m AHD
Transport Noise Corridor – Main Roads Cat 2 and 3

Existing Development: Commercial office and dwelling house

Existing Approvals: D/495-1996 New office
D-R/2-1996 Residential B to Special Facilities (Kit Garage Display)
D-R/218-2007 Carparking and Caretaker's Residence

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

Level of Assessment: Impact Assessable

Submissions: Nil

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

Infrastructure Charges Area: Charge Area 1

Application Progress:

<i>Application Lodged:</i>	<i>27 September 2017</i>
<i>Confirmation Notice issued:</i>	<i>12 October 2017</i>
<i>Submission period commenced:</i>	<i>6 November 2017</i>
<i>Submission period end:</i>	<i>27 November 2017</i>
<i>Council request for additional time:</i>	<i>16 January 2018</i>
<i>Government Agency Response:</i>	<i>30 October 2017</i>
<i>Last receipt of information from applicant:</i>	<i>28 November 2017</i>
<i>Statutory due determination date:</i>	<i>22 February 2018</i>

9:24AM Councillor Rutherford attended the meeting

COMMITTEE RECOMMENDATION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for Service Station, made by Gondor Investments Pty Ltd C/- Adams + Sparkes Town Planning, on land located at 40 Alma Street and 23 Albert Street, Rockhampton City, formally described as Lot 1 on RP606047 and Lot 2 on SP195031, Parish of Rockhampton, 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 site's locational characteristics provide an appropriate opportunity to accommodate a service related land use that is designed and sited to complement and not adversely impact on nearby sensitive land uses;
- b) The proposal takes advantage of the site's high exposure and accessibility to the Bruce Highway and the Rockhampton CBD servicing the needs of local residents and travellers passing through Rockhampton;
- c) The proposed development will provide a localised convenience function and will not result in an 'out of centre' development;
- d) The proposed use does not compromise the Strategic framework in the *Rockhampton Region Planning Scheme 2015*;
- e) 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
- f) 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 Service Station, made by Gondor Investments Pty Ltd C/- Adams + Sparkes Town Planning, on land located at 40 Alma Street and 23 Albert Street, Rockhampton City, formally described as Lot 1 on RP606047 and Lot 2 on SP195031, 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, 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) Road Works;
 - (ii) Access and Parking Works;
 - (iii) Stormwater Works;
 - (iv) Roof and Allotment Drainage;
 - (v) Site Works;
 - (vi) Landscaping Works;
 - (vii) Advertising Signage;
 - 1.5.2 Plumbing and Drainage Works; and
 - 1.5.3 Building Works:
 - (i) Demolition Works; and
 - (ii) 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.
- 1.9 Lot 1 on RP606047 and Lot 2 on SP195031 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>
Cover Sheet & Artist Impression	DA-000, Issue A	13 September 2017
Existing Conditions & Demolition Plan	DA-101, Issue A	13 September 2017
Site Plan	DA-102, Issue A	13 September 2017
Ground Floor Plan	DA-201, Issue A	13 September 2017
Elevations	DA-301, Issue A	13 September 2017
Section	DA-302, Issue P3	12 September 2017
Signage Details	DA-801, Issue A	13 September 2017
Engineering Services Report	Revision B	16 September 2017
Technical Design Note	17750	20 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.

3.0 ROAD WORKS

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

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

- 3.3 A concrete pathway, with a minimum width of 1.2 metres, must be constructed on the western side of Alma Street for the full frontage of the development site.

- 3.4 All pathways and access ramps must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.

- 3.5 All pathways must incorporate kerb ramps at all road crossing points.

- 3.6 Traffic signs and pavement markings 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 AND PARKING WORKS

- 4.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the development site.
- 4.2 All access and parking works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 4.3 All 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).
- 4.4 The two (2) existing access points to the site from Alma Lane must be closed.
- 4.5 Any redundant vehicular crossovers must be replaced by Council standard kerb and channel.
- 4.6 All vehicles must ingress and egress the development in a forward gear.
- 4.7 Adequate sight distances must be provided for all ingress and egress movements at the access driveways in accordance with *Australian Standard AS2890.2 "Parking facilities - Off street commercial vehicle facilities"*.
- 4.8 A minimum of nine (9) parking spaces must be provided on-site.
- 4.9 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"*.
- 4.10 Parking spaces must be line-marked in accordance with the approved Site Plan (refer to condition 2.1) and in accordance with the *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 4.11 Any application for a Development Permit for Operational Works (access and parking works) must be accompanied by detailed and scaled plans, which demonstrate the turning movements/swept paths of the largest vehicle to access the development site including refuse collection vehicles.
- 4.12 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"*.
- 4.13 Road signage and pavement markings must be installed in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"*.
- 4.14 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.
- 4.15 Bicycle parking facilities must be provided in accordance with *AUSTROADS Guide to Traffic Engineering Practice, Part 14 – Bicycles*. The bicycle parking facilities must be located at basement or ground floor level and encourage casual surveillance.

5.0 PLUMBING AND DRAINAGE WORKS

- 5.1 A Development Permit for Plumbing and Drainage Works must be obtained for the removal and/or demolition of any existing structure on the development site.

- 5.2 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.
- 5.3 The development must be connected to Council's reticulated sewerage and water networks.
- 5.4 The existing sewerage and water connection point(s) must be retained, and upgraded if necessary, to service the development.
- 5.5 The redundant water connection point(s) must be disconnected. A new water connection point must be provided to the development. An hydraulic engineer or other suitably qualified person must determine the size of connection required.
- 5.6 Adequate domestic and fire fighting protection must be provided to the development, and must be certified by an hydraulic engineer or other suitably qualified person.
- 5.7 Sewer connections and water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 5.8 Alteration or relocation of internal sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act 2002*.
- 5.9 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act 2002* and Council's Plumbing and Drainage Policies.
- 5.10 The development must comply with *Queensland Development Code, Mandatory Part 1.4 "Building over or near relevant 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 Building Works.
- 6.0 STORMWATER WORKS
- 6.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.
- 6.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 6.3 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.
- 6.4 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.
- 6.5 The installation of gross pollutant traps must be in accordance with relevant *Australian Standards* and all maintenance of the proposed gross pollutant traps must be the responsibility of the property owner or body corporate (if applicable).

- 6.6 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by engineering plans with details of any new drainage systems including retention systems, inlet and outlet structures, or the amendment and upgrading of existing drainage systems to implement the proposed drainage strategy.

7.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 7.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the development site.
- 7.2 All roof and allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (roof and allotment drainage works).
- 7.3 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance to surrounding land or infrastructure.

8.0 SITE WORKS

- 8.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works on the development site.
- 8.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan that clearly identifies the following:
- 8.2.1 the location of cut and/or fill;
 - 8.2.2 the type of fill to be used and the manner in which it is to be compacted;
 - 8.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - 8.2.4 details of any proposed access routes that are intended to be used to transport fill to or from the development site; and
 - 8.2.5 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.
- 8.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 8.4 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.

9.0 BUILDING WORKS

- 9.1 A Development Permit for Building Works must be obtained for the removal and/or demolition of any existing structure on the development site.
- 9.2 All building works for Class 2 to Class 9 buildings must be undertaken in accordance with *Queensland Development Code, Mandatory Part 1.4 "Building over or near relevant infrastructure."*
- 9.3 All building works must be undertaken in accordance with Council's *Building Over/Adjacent to Local Government Sewerage Infrastructure Policy* and any permit obtained in respect of this policy.
- 9.4 Impervious paved waste storage area/s must be provided in accordance with the approved plans (refer to condition 2.1) and the *Environmental Protection Regulation 2008* and must be:

- 9.4.1 designed and located so as not to cause a nuisance to neighbouring properties;
- 9.4.2 screened so as not to be visible from a public space;
- 9.4.3 of a sufficient size to accommodate commercial type bins that will be serviced by a commercial contractor plus clearances around the bins for manoeuvring and cleaning;
- 9.4.4 setback a minimum of two (2) metres from any road frontage; and
- 9.4.5 provided with a suitable hosecock and hoses at the refuse container area, and washdown must be drained to the sewer and fitted with an approved stormwater diversion valve arrangement in accordance with the Sewerage Trade Waste provisions and the *Plumbing and Drainage Act 2002*.

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

- 9.5 All external elements, such as air conditioners, pool and spa pumps and associated equipment, must be located in accordance with DA-102A, Site Plan Rev A.
- 9.6 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"*.
- 9.7 Any Advertising device associated with or attached to the development must be carried out in accordance with the applicable Advertising Devices Code in the Council Planning Scheme and a development permit for Operational Works (Advertising Device).

10.0 LANDSCAPING WORKS

- 10.1 A Development Permit for Operational Works (landscaping works) must be obtained prior to the commencement of any landscaping works required by this development approval.
- 10.2 A Landscaping Plan must be submitted with the first application for a Development Permit for Operational Works. 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.
- 10.3 All landscaping must be constructed and/or established, in accordance with the requirements of the Development Permit for Operational Works (landscaping works), prior to the commencement of the use.
- 10.4 Any application for a Development Permit for Operational Works (landscaping works) must be generally in accordance with the approved plans (refer to condition 2.1) and must include, but is not limited to, the following:
 - 10.4.1 A plan documenting the "Extent of Works" and supporting documentation that includes:
 - (i) location and name of existing trees, including those to be retained (the location of the trees must be overlayed or be easily compared with the proposed development design);
 - (ii) the extent of soft and hard landscape proposed;
 - (iii) important spot levels and/or contours. The levels of the trees to be retained must be provided in relation to the finished levels of the proposed buildings and works;

- (iv) underground and overhead services;
- (v) typical details of critical design elements (stabilisation of batters, retaining walls, trees in car park areas, fences);
- (vi) details of landscape structures including areas of deep planting; and
- (vii) specification notes on mulching and soil preparation.

10.4.2 A "Planting Plan" and supporting documentation that includes:

- (i) landscape areas predominantly containing plant species that are locally native to the Central Queensland region due to their low water dependency;
- (ii) trees, shrubs and groundcovers to all areas to be landscaped;
- (iii) position and canopy spread of all trees and shrubs;
- (iv) the extent and type of works (including but not limited to paving, fences and garden bed edging). Edging must be provided for all garden beds;
- (v) a plant schedule with the botanic and common names, total plant numbers and pot sizes at the time of planting; and
- (vi) mature screen planting to the rear and side boundaries.

10.5 Large trees must not be planted within one (1) metre of the centreline of any sewerage and/or water infrastructure; small shrubs and groundcover are acceptable.

10.6 Landscaping, or any part thereof, upon reaching full maturity, must not:

- (i) obstruct sight visibility zones as defined in the *Austroads 'Guide to Traffic Engineering Practice'* series of publications;
- (ii) adversely affect any road lighting or public space lighting; or
- (iii) adversely affect any Council infrastructure, or public utility plant.

10.7 The landscaped areas must be subject to:

- (i) a watering and maintenance plan during the establishment moment; and
- (ii) an ongoing maintenance and replanting programme.

11.0 ELECTRICITY

11.1 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.

12.0 TELECOMMUNICATIONS

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

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

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

13.0 ASSET MANAGEMENT

13.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.

- 13.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.
- 13.3 'As Constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of the use. This information must be provided in accordance with the *Asset Design and As Constructed Manual (ADAC)*.
- 14.0 ENVIRONMENTAL
- 14.1 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.
- 14.2 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 development 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.
- 15.0 ENVIRONMENTAL HEALTH
- 15.1 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"*.
- 15.2 Noise emitted from the activity must not cause an environmental nuisance.
- 15.3 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.
- 15.4 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*.

- 15.5 Noise mitigation methods recommended in the Town Planning Report – Development Application for Material Change of Use to establish a Service Station, 23 Albert Street & 40 Alma Street, Rockhampton City prepared for Gondor Investment Pty Ltd, September 2017 R170501 and as incorporated in Report Noise Assessment Report Proposed Service Station, Albert Street, Rockhampton, Report 1097R1-RO dated 8th September 2017 by ROADPRO acoustics, are to be implemented prior to commencement of operations.
- 15.6 Plant, equipment and air-conditioning units must be located so as not to cause a noise nuisance and maintained in proper working order at all times. Installation is to be as per manufacturers' directions to ensure the efficiency of the equipment.
- 15.7 When requested by Council, nuisance monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by 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.
- 15.8 Stormwater must be prevented from entering contaminated work areas. Any stormwater which may enter into a contaminated area must not be drained to the stormwater drainage system.
- 15.9 No contaminants are permitted to be released to land or water, including soil, silt, oils, detergents, etcetera. Any wash-down areas used for the maintenance or cleaning of equipment (including vehicles) must be appropriately bunded and drained to the sewer network in accordance with a trade waste permit.
- 15.10 All chemicals and/or environmentally hazardous liquids must be contained within a covered, bunded storage area that has a volume of at least that of the largest container in the bund plus twenty-five percent (25%) of the total storage capacity.
- 15.11 An appropriate spill kit must be kept on-site for neutralising or decontaminating spills. The spill kit must be clearly identifiable, maintained regularly and stored in a central location that is easily accessible to employees. Staff must be adequately trained in the use of these materials. The spill kit may consist of:
- 15.11.1 a bin with a tight-fitting lid, partially filled with non-combustible absorbent material such as vermiculite;
 - 15.11.2 a broom, shovel, face shield, chemically-resistant boots and gloves; and
 - 15.11.3 waste bags and ties.
- 15.12 Where regulated waste is removed from the premises, records must be maintained for a period of five (5) years, and include the following:
- 15.12.1 the date, quantity and type of waste removed;
 - 15.12.2 a copy of any licensed waste transport vehicle dockets;
 - 15.12.3 the name of the licensed regulated waste removalist and/or disposal operator; and
 - 15.12.4 the intended treatment and/or disposal destination of the waste.
- These records must be available for inspection by Council when requested.
- 16.0 **OPERATING PROCEDURES**
- 16.1 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 Albert Street, Alma Lane or Alma Street.

- 16.2 Operations on the development site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise or dust.
- 16.3 Access to the site for loading/unloading including refuelling of the Service Station must be between 0800 and 1700 hours, Monday to Saturday (inclusive) only. Access to the site for loading/unloading including refuelling of the Service Station must not occur on Sunday or any public holiday.
- 16.4 All waste must be stored within a waste storage area (for example, general waste, recyclable waste, pallets, empty drums etcetera). The owner of the land must ensure that:
- 16.4.1 the area is kept in a clean and tidy condition;
 - 16.4.2 fences and screens are maintained;
 - 16.4.3 no waste material is stored external to the waste storage area/s;
 - 16.4.4 all wash down of refuse containers takes place in the existing washdown facility;
 - 16.4.5 the area is maintained in accordance with *Environmental Protection Regulation 2008*.
- 17.0 CHEMICAL STORAGE (ERA 8)
- 17.1 Adequate procedures and measures (including an inventory control system) must be in place to monitor the storage volumes within chemical tanks to prevent overflow and to detect leaks and for the inspection and maintenance of environmental control measures, for example, bunding, wastewater containment devices, interceptors and acoustic enclosures.
- 17.2 All fuel dispensing areas must be drained to a holding tank or the sewer through a trade waste approved oil interceptor/separation system.

ADVISORY NOTES

NOTE 1. 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 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. Licensable Activities

Should an activity licensable by Rockhampton Regional Council be proposed for the development site, Council's Environment and Public Health Unit must be consulted to determine whether any approvals are required. Such activities may include food preparation, storage of dangerous goods or environmentally relevant activities. Approval for such activities is required before 'fit out' 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. Property Note (Audit of conditions)

An inspection of the property to ascertain compliance with conditions will be undertaken three (3) months after the use commences. If the works are completed prior to this time please contact Council for an earlier inspection. A property note to this effect will be placed on Council's records.

NOTE 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.

NOTE 7. 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.

RECOMMENDATION C

THAT in relation to the application for a Development Permit for a Material Change of Use for Service Station, made by Gondor Investments Pty Ltd C/- Adams + Sparkes Town Planning, on land located at 40 Alma Street and 23 Albert Street, Rockhampton City, formally described as Lot 1 on RP606047 and Lot 2 on SP195031, Parish of Rockhampton, Council resolves not to issue an Infrastructure Charges Notice.

Moved by: Councillor Wickerson

Seconded by: Councillor Smith

MOTION CARRIED UNANIMOUSLY

8.8 D/270-2013 - REQUEST TO EXTEND THE CURRENCY PERIOD TO DEVELOPMENT PERMIT D/270-2013 FOR A SHOWROOM

File No: D/270-2013

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/270-2013

Applicant: Bingford Pty Ltd

Real Property Address: Lot 1 on RP605479 and Lot 1 on SP125027, Parish of Rockhampton

Common Property Address: 320 Lower Dawson Road, Allenstown

Area of Site: 2,614 square metres

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Low Density Residential Zone

Existing Development: Vacant Land

Existing Approvals: Development Permit (D/270-2013) for a Material Change of Use for a Showroom

Approval Sought: Extension to the Currency Period for a Development Permit for a Material Change of Use for a Showroom

Level of Assessment: Impact

Submissions: Nil

Referral Agency: Department of Transport and Main Roads

Infrastructure Charges Area: Charge Area 1

COMMITTEE RECOMMENDATION

THAT in relation to the request to extend the currency period for Development Permit D/270-2013 for a Showroom, made by Bingford Pty Ltd, located at 320 Lower Dawson Road, Allenstown on land described as Lot 1 on RP605479, Lot 1 on SP125027 and Lot 1 on RP608196, Parish of Rockhampton, Council resolves to approve the request to extend the currency period.

Moved by: Councillor Smith

Seconded by: Mayor Strelow

MOTION CARRIED

8.9 COMMITTEE REPORT DELEGATIONS - NOVEMBER 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 November 2017 and whether they will be decided under delegation or decided by Council.

COMMITTEE RECOMMENDATION

THAT the report into the applications lodged in November 2017 be received, and request that Application D/135-2017 be presented to the Committee for decision and an inspection of the property be held.

Moved by: Councillor Fisher

Seconded by: Councillor Smith

MOTION CARRIED

8.10 COMMITTEE REPORT DELEGATIONS - DECEMBER 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 December 2017 and whether they will be decided under delegation or decided by Council.

COMMITTEE RECOMMENDATION

THAT the report into the applications lodged in December 2017 be received.

Moved by: Councillor Rutherford

Seconded by: Councillor Fisher

MOTION CARRIED

8.11 MONTHLY OPERATIONS REPORT FOR PLANNING AND REGULATORY SERVICES - NOVEMBER 2017**File No:** 1464**Attachments:**

1. Monthly Operations Report for Planning and Regulatory Services - November 2017
2. Traffic Light Report - November 2017

Authorising Officer: Colleen Worthy - General Manager Community Services**Author:** Steven Gatt - Manager Planning and Regulatory Services

SUMMARY

The Monthly Operations Report for the Planning and Regulatory Services Section for November 2017 is presented for Councillor's information.

COMMITTEE RECOMMENDATION

THAT the Planning and Regulatory Services Monthly Operations Report for November 2017 be 'received'.

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

8.12 MONTHLY OPERATIONS REPORT FOR PLANNING AND REGULATORY SERVICES - DECEMBER 2017**File No:** 1464**Attachments:**

1. Monthly Operations Report for Planning and Regulatory Services - December 2017
2. Traffic Light Report - December 2017

Authorising Officer: Colleen Worthy - General Manager Community Services**Author:** Steven Gatt - Manager Planning and Regulatory Services

SUMMARY

The Monthly Operations Report for the Planning and Regulatory Services Section for December 2017 is presented for Councillor's information.

COMMITTEE RECOMMENDATION

THAT the Planning and Regulatory Services Monthly Operations Report for December 2017 be 'received'.

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

8.13 OVERVIEW OF THE FLYING FOX COLONY AT WESTWOOD**File No:** 3247**Attachments:**

1. Urban Flying Fox Management Area - Westwood Locality
2. Urban Flying Fox Management Area

Authorising Officer: Colleen Worthy - General Manager Community Services**Author:** Steven Gatt - Manager Planning and Regulatory Services

SUMMARY

In late January 2018 Council became aware flying fox numbers in the Westwood area were beginning to increase. Reports were received from Councillors that residents were becoming impacted and concerns were being raised regarding water supplies and the use of community facilities. Appropriate steps to manage the issue are underway.

Officers are currently acting in accordance with the adopted Flying Fox Statement of Management Intent. Council will work with the relevant landholder/s to manage the flying fox roost and provide assistance where available.

COMMITTEE RECOMMENDATION

THAT the report Overview of the Flying Fox Colony at Westwood be received and noted, and the subsequent verbal report be received.

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

10:10AM Councillor Fisher left the meeting

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 Access Easement Frenchville

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to 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: Mayor Strelow

Seconded by: Councillor Smith

MOTION CARRIED

COMMITTEE RESOLUTION

10:12AM

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

Moved by: Mayor Strelow

Seconded by: Councillor Smith

MOTION CARRIED

COMMITTEE RESOLUTION

10:24AM

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 ACCESS EASEMENT FRENCHVILLE

File No: 7028

Attachments:

1. Reconfiguration Plan
2. Aerial Map
3. Zoning Map

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)(h), of the *Local Government Regulation 2012*, as it contains information relating to 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

A property in North Rockhampton has no lawful access due to the inclusion of an Access Restriction Strip condition in a development approval from 1992.

COMMITTEE RECOMMENDATION

THAT Council adopt Option One as detailed in the report.

Moved by: Councillor Wickerson

Seconded by: Mayor Strelow

MOTION CARRIED

13 CLOSURE OF MEETING

There being no further business the meeting closed at 10:25am.

SIGNATURE

CHAIRPERSON

DATE