



PLANNING AND REGULATORY COMMITTEE MEETING

MINUTES

14 NOVEMBER 2017

The Committee Recommendations contained within these minutes
were adopted at the Council meeting on 21 November 2017,
excluding the following:
Item 8.2 - D/19-2017 Development Application for Reconfiguring a Lot
(two lots into five lots) and Access Easement

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	OPENING.....	1
2	PRESENT	1
3	APOLOGIES AND LEAVE OF ABSENCE	1
4	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	1
5	DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA.....	1
6	BUSINESS OUTSTANDING	2
6.1	BUSINESS OUTSTANDING TABLE FOR PLANNING AND REGULATORY COMMITTEE	2
7	PUBLIC FORUMS/DEPUTATIONS	3
	NIL	3
8	OFFICERS' REPORTS.....	4
8.1	D/32-2017 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR INDOOR SPORT AND RECREATION (PERSONAL TRAINING GYM).....	4
8.2	D/19-2017 - DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT (TWO LOTS INTO FIVE LOTS) AND ACCESS EASEMENT.....	9
8.3	D/93-2017 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR HEALTH CARE SERVICES AND OFFICE AND OPERATIONAL WORKS FOR AN ADVERTISING DEVICE	17
8.4	D/77-2017 - DEVELOPMENT APPLICATION FOR A FOOD AND DRINK OUTLET	24
8.5	MONTHLY OPERATIONS REPORT FOR PLANNING AND REGULATORY SERVICES - SEPTEMBER 2017	27
8.6	MONTHLY OPERATIONS REPORT FOR PLANNING AND REGULATORY SERVICES - OCTOBER 2017	28
8.7	RECONFIGURATION OF A LOT INCENTIVES POLICY	29
9	NOTICES OF MOTION.....	30
	NIL	30
10	URGENT BUSINESS\QUESTIONS	31
11	CLOSED SESSION	32
12.1	DEVELOPMENT INCENTIVES	32
12.2	PARKING OCCUPANCY AND TURNOVER - PILBEAM THEATRE.....	32
12	CONFIDENTIAL REPORTS.....	33

12.1	DEVELOPMENT INCENTIVES	33
12.2	PARKING OCCUPANCY AND TURNOVER - PILBEAM THEATRE.....	34
13	CLOSURE OF MEETING	35

**REPORT OF THE PLANNING AND REGULATORY COMMITTEE MEETING
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON
ON TUESDAY, 14 NOVEMBER 2017 COMMENCING AT 9.00AM**

1 OPENING

2 PRESENT

Members Present:

Councillor C E Smith (Chairperson)
Acting Mayor, Councillor A P Williams
Councillor M D Wickerson

In Attendance:

Ms C Worthy – General Manager Community Services (Executive Officer)
Mr R Cheesman – Acting Chief Executive Officer
Mr T Cullen – General Manager Advance Rockhampton
Mr S Gatt – Manager Planning and Regulatory Services
Ms T Fitzgibbon – Coordinator Development Assessment
Ms N Ellawala – Coordinator Local Laws
Ms K Moody – Coordinator Health and Environment
Mr T Gardiner – Senior Planning Officer
Mr B Koelmeyer – Planning Officer
Mr J Trevett-Lyall – Planning Officer
Mr D Morrison – Executive Coordinator to the Mayor
Mr M Mansfield – Supervisor Media and Engagement
Ms L Leeder – Senior Governance Support Officer

3 APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence for the meeting was previously granted to Councillor Cherie Rutherford.

Councillor Neil Fisher tendered his apology and was not in attendance.

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COMMITTEE RESOLUTION

THAT the minutes of the Planning and Regulatory Committee held on 31 October 2017 be taken as read and adopted as a correct record.

Moved by: Councillor Wickerson

Seconded by: Councillor Smith

MOTION CARRIED

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 BUSINESS OUTSTANDING

6.1 BUSINESS OUTSTANDING TABLE FOR PLANNING AND REGULATORY COMMITTEE

File No: 10097
Attachments: 1. Business Outstanding Table
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Evan Pardon - Chief Executive Officer

SUMMARY

The Business Outstanding table is used as a tool to monitor outstanding items resolved at previous Council or Committee Meetings. The current Business Outstanding table for the Planning and Regulatory Committee is presented for Councillors' information.

COMMITTEE RECOMMENDATION

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

Moved by: Councillor Smith
Seconded by: Councillor Wickerson

MOTION CARRIED

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 OFFICERS' REPORTS

8.1 D/32-2017 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR INDOOR SPORT AND RECREATION (PERSONAL TRAINING GYM)

File No: D/32-2017

Attachments:

1. Locality Plan
2. Site Plan, Revised Parking Layout 170889-03

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

Author: Bevan Koelmeyer - Planning Officer

SUMMARY

Development Application Number: D/32-2017

Applicant: XO Fitness Centre Pty Ltd

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

Common Property Address: 121 Kent Street, Rockhampton City

Area of Site: 1,012 square metres

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Low-Medium Density Residential Zone

Planning Scheme Overlays: Nil Applicable

Existing Development: Existing Workshop

Existing Approvals: Various Building Permits

Approval Sought: Development Permit for a Material Change of Use for Indoor Sport and Recreation (Personal Training Gym)

Level of Assessment: Impact Assessable

Submissions: One (1)

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

Infrastructure Charges Area: Charge Area 2

COMMITTEE RECOMMENDATION

RECOMMENDATION A

THAT in relation to the application for a request for a Negotiated Decision Notice to Development Permit D/32-2017 for a Material Change of Use for Indoor Sport and Recreation (personal training gym), made by XO Fitness Centre Pty Ltd, on Lot 2 on RP619304, Parish of Rockhampton, located at 121 Kent Street, Rockhampton City, Council resolves that:

1. Conditions 1.5, 1.6, 3.1, 3.7 be deleted.

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

1.5.1 Operational Works:

(i) Access and Parking Works;

1.5.2 Plumbing and Drainage Works;

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

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

- 3.7 Parking spaces must be line-marked in accordance with the Australian Standard AS2890 "Parking facilities" and the provisions of a Development Permit for Operational Works (access and parking works).

2. Conditions 3.2, 3.3 and 4.1 be amended by replacing:

- 3.2 All access and parking works must be designed and constructed in accordance with the *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).

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

- 4.1 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act 2008*, *Plumbing and Drainage Act 2002*, and Council's Plumbing and Drainage Policies.

With

- 3.2 All access and parking works must be designed and constructed in accordance with the *Capricorn Municipal Development Guidelines*, and *Australian Standard AS2890 "Parking facilities"* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

- 3.3 All car parking and access areas must be paved or sealed to Council's satisfaction.

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

3. Item 8 be amended by replacing:**FURTHER DEVELOPMENT PERMITS REQUIRED**

Type of development permit required	Subject of the required development permit
Operational Works	<i>Access and Parking Works</i>
Plumbing and Drainage Works	

With**FURTHER DEVELOPMENT PERMITS REQUIRED**

NIL

RECOMMENDATION B

THAT in relation to the above changes, Council resolves to issue a Negotiated Decision Notice:

1.0 ADMINISTRATION

- 1.1 The Developer and his employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken and completed:
- 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 works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.6 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Plan Showing Revised Parking Layout Proposed over part of Lot 2 on RP619304	170889-03	23 June 2017
Proposed Gymnasium – Floor Plan	170216-02	26 February 2017

- 2.2 Where there is any conflict between the conditions of this development approval and the details shown on the approved plans and documents, the conditions of this development approval must prevail.
- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the prompt commencement of the use.

3.0 ACCESS AND PARKING WORKS

- 3.1 All access and parking works must be designed and constructed in accordance with the *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Parking facilities"* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

- 3.2 All car parking and access areas must be paved or sealed to Council's satisfaction.
- 3.3 All vehicles must ingress and egress the development in a forward gear.
- 3.4 All vehicular access must be via Kent Street, with all egress via Denison Lane only.
- 3.5 A minimum of six (6) car parking spaces must be provided on-site.
- 3.6 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.
- 4.0 PLUMBING AND DRAINAGE WORKS
- 4.1 All internal plumbing and drainage works must be designed and constructed in accordance with the *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2002*, and Council's Plumbing and Drainage Policies.
- 4.2 Alteration 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*.
- 4.3 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act 2002* and Council's Plumbing and Drainage Policies.
- 5.0 ROOF AND ALLOTMENT DRAINAGE WORKS
- 5.1 All roof and allotment 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 ASSET MANAGEMENT
- 6.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.
- 6.2 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.
- 7.0 ENVIRONMENTAL HEALTH
- 7.1 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"*.
- 7.2 Noise emitted from the activity must not cause an environmental nuisance.
- 7.3 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.
- 7.4 When requested by Council, nuisance monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise, dust or light. 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.
- 7.5 The hours of operations for the Indoor Sport and Recreation (personal training gym) on the development site must be limited to:

0515 hours to 1900 hours on Monday to Friday, and
0630 hours to 1900 hours on Saturday,
with no operations on Sundays or Public Holidays.

7.6 Roller doors are to be kept closed outside the hours of 7:00AM and 10:00PM.

8.0 OPERATING PROCEDURES

8.1 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 Kent Street or Denison Lane.

8.2 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 or noise.

8.3 Group class sizes are restricted to ten (10) members per class.

ADVISORY NOTES

NOTE 1. 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 2. Licensable Activities

Should an activity licensable by Rockhampton Regional Council be proposed for the premises, Council's Environment and Public Health Unit should be consulted to determine whether any approvals are required. Such activities may include preparation and sale of food to the public. Approval for such activities is required before 'fitout' and operation.

NOTE 3. Works in Road Reserve Permit

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

NOTE 4. Infrastructure Charges Notice

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

RECOMMENDATION C

THAT in relation to the application for a request for a Negotiated Decision Notice to Development Permit D/32-2017 for a Material Change of Use for Indoor Sport and Recreation (personal training gym), made by XO Fitness Centre Pty Ltd, on Lot 2 on RP619304, Parish of Rockhampton, located at 121 Kent Street, Rockhampton City, Council resolves to issue a Negotiated Infrastructure Charges Notice for the amount of \$1,047.99.

Moved by: Councillor Wickerson

Seconded by: Councillor Williams

MOTION CARRIED

8.2 D/19-2017 - DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT (TWO LOTS INTO FIVE LOTS) AND ACCESS EASEMENT

File No: D/19-2017

Attachments: 1. Locality Plan
2. Site Plan-Proposed Subdivision Layout-R17006-001 Rev C

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

Author: Bevan Koelmeyer - Planning Officer

SUMMARY

Development Application Number: D/19-2017

Applicant: Vicki Heilbronn

Real Property Address: Lot 1844 on LIV40662 and Lot 485 on LIV40112, Parish of Murchison

Common Property Address: 277 Yeppoon Road and 66 Alfred Road, Parkhurst

Area of Site: 39.255 hectares

Planning Scheme: Rockhampton City Plan 2005

Planning Scheme Zone: Yeppoon Road Corridor Environmental Protection Area

Planning Scheme Overlays: Bushfire Prone Land
Environmentally Sensitive Location (Remnant Vegetation)
Waterway Corridor

Existing Development: Dwelling house and ancillary domestic outbuilding

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

Approval Sought: Development Permit for Reconfiguring a Lot for (two lots into five Lots) and an Access Easement

COMMITTEE RECOMMENDATION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for Reconfiguring a Lot for (two lots into five Lots) and an Access Easement, made by Vicki Heilbronn, located at 277 Yeppoon Road and 66 Alfred Road, Parkhurst, on Lot 1844 on LIV40662 and Lot 485 on LIV40112, Parish of Murchison Council resolves that:

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

Plan/Document Name	Plan Number	Dated
<i>Flood Hazard Assessment</i>	<i>K3925-0002</i>	<i>21 February 2017</i>
<i>Proposed Subdivision Layout</i>	<i>R17006-001, Revision B</i>	<i>29 March 2017</i>
<i>Bushfire Hazard Assessment & Bushfire Management Plan</i>	<i>Version 2</i>	<i>10 March 2017</i>
<i>Regulated Vegetation Impact Assessment and Mitigation</i>	<i>Version 2</i>	<i>29 March 2017</i>

With

Plan/Document Name	Plan/Document Reference	Dated
<i>Flood Hazard Assessment</i>	<i>K3925-0002</i>	<i>21 February 2017</i>
<i>Proposed Subdivision Layout</i>	<i>R17006-001, Revision C</i>	<i>10 October 2017</i>
<i>Bushfire Hazard Assessment & Bushfire Management Plan</i>	<i>Version 2</i>	<i>10 March 2017</i>
<i>Regulated Vegetation Impact Assessment and Mitigation</i>	<i>Version 2</i>	<i>29 March 2017</i>

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

3.1.1 Lot 13 to Lot 14 (Stage One – two [2] lots); and

3.1.2 Lot 11 to Lot 12 (Stage Two – two [2] lots),

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

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

3.2 Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.**3. Conditions 4.1, 4.2, 4.3, 4.4 and 4.5 to be amended by replacing:**

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, and relevant Australian Standards and Austroads Guidelines and the provisions of a Development Permit for Operational Works (road works).*

3.3 *Olive Street must be constructed to Rural Access standard from the intersection with McMillan Avenue to the access point for Lot 11.*

3.4 *McMillan Avenue must be designed and constructed as a half road construction, with a minimum width of 5.5 metres from the end of the existing seal to the intersection with Olive Street. The edge line of the new construction must match the alignment of the existing kerb and channel on the western side of McMillan Avenue. Council will accept a two-coat seal in accordance with the requirements of the Capricorn Municipal Development Guidelines in lieu of asphalt surfacing for this section of roadway, with no kerb and channel construction required in this instance.*

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

With

- 4.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works required by this development approval for Stage 2.
- 4.2 All road works for Stage 2 of the development must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, and relevant *Australian Standards* and *Austrroads Guidelines* and the provisions of a Development Permit for Operational Works (road works).
- 4.3 As part of Stage 2, Olive Street must be constructed to a Rural Access standard from the intersection with McMillan Avenue to the access point for Lot 11.
- 4.4 As part of Stage 2 of the development, McMillan Avenue must be designed and constructed as a half road construction, with a minimum width of 5.5 metres from the end of the existing seal to the intersection with Olive Street. The edge line of the new construction must match the alignment of the existing kerb and channel on the western side of McMillan Avenue. Council will accept a two-coat seal in accordance with the requirements of the *Capricorn Municipal Development Guidelines* in lieu of asphalt surfacing for this section of roadway, with no kerb and channel construction required in this instance.
- 4.5 As part of Stage 2 of the development, the intersection of McMillan Avenue and Olive Street must be sealed with a minimum of a two-coat seal in accordance with the requirements of the *Capricorn Municipal Development Guidelines* such that it has a minimum width of 6.5 metres within the Olive Street road reserve and extends a minimum of ten (10) metres to the east along Olive Street.

4. Condition 5.4 be amended by replacing:

A new access must be constructed for proposed Lot 11 in accordance with the requirements of the Capricorn Municipal Development Guidelines.

With

A new access must be constructed for Lot 11 for Stage 2 of the development in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.

5. Condition 9.1 to remain unchanged.

RECOMMENDATION B

THAT in relation to the application for a Development Permit for Reconfiguring a Lot for (two lots into five Lots) and an Access Easement, made by Vicki Heilbronn, located at 277 Yeppoon Road and 66 Alfred Road, Parkhurst, on Lot 1844 on LIV40662 and Lot 485 on LIV40112, Parish of Murchison Council resolves to Approve the application subject to the following conditions:

ADMINISTRATION

- 1.1 The Developer and his employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.

- 1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:
- 1.3.1 to Council's satisfaction;
 - 1.3.2 at no cost to Council; and
 - 1.3.3 prior to the issue of the Compliance Certificate for the Survey Plan, unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the issue of the Compliance Certificate for the Survey Plan, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.5.1 Operational Works:
 - (i) Road Works;
 - (ii) Access Works;
- 1.6 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.7 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 1.8 The access to Lot 12 and Lot 13 must be via Easement B over Lot 485 and Easement C over Lot 13. Easement documents must accompany the Survey Plan for endorsement by Council, prior to the issue of the Compliance Certificate for the Survey Plan.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Flood Hazard Assessment	K3925-0002	21 February 2017
Proposed Subdivision Layout	R17006-001, Revision C	10 October 2017
Bushfire Hazard Assessment & Bushfire Management Plan	Version 2	10 March 2017
Regulated Vegetation Impact Assessment and Mitigation	Version 2	29 March 2017

- 2.2 Where there is any conflict between the conditions of this development approval and the details shown on the approved plans and documents, the conditions of this development approval must prevail.
- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of an application for a Development Permit for Operational Works.

3.0 STAGED DEVELOPMENT

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

3.2.1 Lot 13 to Lot 14 (Stage One – two [2] lots); and

3.2.2 Lot 11 to Lot 12 (Stage Two – two [2] lots),

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

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

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

4.0 ROAD WORKS

4.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works required by this development approval for Stage 2.

4.2 All road works for Stage 2 of the development must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, and relevant *Australian Standards* and *Austroroads Guidelines* and the provisions of a Development Permit for Operational Works (road works).

4.3 As part of Stage 2, Olive Street must be constructed to a Rural Access standard from the intersection with McMillan Avenue to the access point for Lot 11.

4.4 As part of Stage 2 of the development, McMillan Avenue must be designed and constructed as a half road construction, with a minimum width of 5.5 metres from the end of the existing seal to the intersection with Olive Street. The edge line of the new construction must match the alignment of the existing kerb and channel on the western side of McMillan Avenue. Council will accept a two-coat seal in accordance with the requirements of the *Capricorn Municipal Development Guidelines* in lieu of asphalt surfacing for this section of roadway, with no kerb and channel construction required in this instance.

4.5 As part of Stage 2 of the development, the intersection of McMillan Avenue and Olive Street must be sealed with a minimum of a two-coat seal in accordance with the requirements of the *Capricorn Municipal Development Guidelines* such that it has a minimum width of 6.5 metres within the Olive Street road reserve and extends a minimum of ten (10) metres to the east along Olive Street.

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

5.0 ACCESS WORKS

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

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

5.3 The internal access to Lot 12 and Lot 13 must be constructed from the end of Alfred Road to the southern boundary of Lot 12. Construction must be a minimum of four (4) metres wide with a low flow pipe and concrete spillway with a one (1) year ARI immunity through the existing natural channel.

5.4 A new access must be constructed for Lot 11 for Stage 2 of the development in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.

5.5 Flood height markers must be installed along the access to Lot 12 and Lot 13, for the full extent of the 1% Average Exceedance Probability inundation area.

6.0 PLUMBING AND DRAINAGE WORKS

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

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

7.0 STORMWATER WORKS

7.1 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.

8.0 SITE WORKS

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

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

8.3 Vegetation must not be cleared unless and until written approval has been provided by Council. A Development Permit for Operational Works constitutes written approval, only for the purposes of clearing vegetation directly pertinent to the operational works that are the subject of the Development Permit.

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

8.4.1 no increase in upstream or downstream flood levels for all levels of immunity up to a one per cent (1%) Annual exceedance probability defined flood event;

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

8.4.3 a lawful point of discharge to which the approved works drain during the construction phase.

9.0 ELECTRICITY

9.1 Electricity services must be provided in accordance with the standards and requirements of the relevant service provider, prior to the issue of the Compliance Certificate for the Survey Plan.

10.0 TELECOMMUNICATIONS

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

11.0 ASSET MANAGEMENT

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

- 11.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.
- 11.3 'As Constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the issue of the Compliance Certificate for the Survey Plan. This information must be provided in accordance with the Asset Design and As Constructed Manual (ADAC).
- 12.0 ENVIRONMENTAL
- 12.1 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.
- 12.2 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 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.
- 12.3 The development must be undertaken in accordance with the recommendations in the approved Bushfire Management Plan (refer to condition 2.1).
- 12.4 The maintenance of the fire management trail must be the responsibility of the owner of the land (the Developer) until the subdivision is accepted by Council as being 'off defects' whereupon it must be the responsibility of the relevant property owners. All future owners of the proposed lots must be advised by the Developer in writing of their responsibility to comply with the requirements of the approved Bushfire Management Plan (refer to condition 2.1).
- 12.5 All future buildings on the proposed lots must be constructed in accordance with *Australian Standard AS3959 "Construction of buildings in bushfire-prone areas"* and the approved Bushfire Management Plan (refer to condition 2.1). A property note to this effect will be entered against Lots 11, 12, 13 and 14.

ADVISORY NOTESNOTE 1. 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 2. 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 3. Property Note (Bushfire)

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

NOTE 4. 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 5. Clearing within Road Reserve

An approval for a Tree Clearing Permit, issued by the Department of Environment and Heritage Protection in addition to the Operational Works (road works) permit, will be required when constructing the proposed new roads.

It is a requirement under the *Nature Conservation Act 1992* that an approved Tree Clearing Permit is obtained from the Department of Environment and Heritage Protection, prior to any tree clearing activities that are to occur within a road reserve that is under Council control.

NOTE 6. Provision for Sewer and Water services

Each lot must be provided with on-site sewerage treatment and disposal systems at the time of house construction. All systems must comply with the *Queensland Plumbing and Wastewater Code, Australian Standard AS1547:2012 "On-site domestic wastewater management"* and Council Plumbing and Drainage Policies. Sustainable Water sources including rainwater tanks, and a bore or small dam must be provided.

NOTE 7. Rural Addressing

Rural addressing must be provided to each lot in accordance with Council's rural addressing procedures.

Moved by: Councillor Williams

Seconded by: Councillor Wickerson

MOTION CARRIED

8.3 D/93-2017 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR HEALTH CARE SERVICES AND OFFICE AND OPERATIONAL WORKS FOR AN ADVERTISING DEVICE

File No: D/93-2017

Attachments:

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

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

Author: Bevan Koelmeyer - Planning Officer

SUMMARY

Development Application Number: D/93-2017

Applicant: RD Virtue

Real Property Address: Lot 1 on RP603291, Parish of Rockhampton

Common Property Address: 224 Canning Street, Allenstown QLD 4700

Area of Site: 809 square metres

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Low-Medium Density Residential Zone

Planning Scheme Overlays: Nil Applicable

Existing Development: Dwelling House

Existing Approvals: Various Building Permits related to the Dwelling House

Approval Sought: Development Permit for a Material Change of Use for Health Care Services and/or Office; and Operational Works for Advertising Devices

Level of Assessment: Impact

Submissions: One (1)

Referral Agency(s): Nil

Infrastructure Charges Area: Charge Area 1

Application Progress:

<i>Application Lodged:</i>	31 July 2017
<i>Confirmation Notice issued:</i>	16 August 2017
<i>Request for Further Information sent:</i>	Not Applicable
<i>Request for Further Information responded to:</i>	Not Applicable
<i>Submission period commenced:</i>	15 September 2017
<i>Submission period end:</i>	6 October 2017
<i>Council request for additional time:</i>	Not Applicable
<i>Government Agency request for additional time:</i>	Not Applicable

<i>Government Agency Response:</i>	<i>Not Applicable</i>
<i>Last receipt of information from applicant:</i>	<i>16 October 2017</i>
<i>Statutory due determination date:</i>	<i>5 December 2017</i>

COMMITTEE RECOMMENDATION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for a Material Change of Use for Health Care Services and/or an Office and Operational Works for Advertising Devices, made by RD Virtue, located on Lot 1 on RP603291, Parish of Rockhampton, located at 224 Canning Street, Allenstown - Council resolves to Approve the application subject to the following conditions:

Part A – Material Change of Use for Health Care Services and/or an Office

1.0 ADMINISTRATION

- 1.1 The Developer and his employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to “Council” in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:
 - 1.3.1 to Council’s satisfaction;
 - 1.3.2 at no cost to Council; and
 - 1.3.3 prior to the commencement of the use unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
 - 1.5.1 Operational Works:
 - (i) Access and Parking Works;
 - 1.5.2 Plumbing and Drainage Works; and
 - 1.5.3 Building Works.
- 1.6 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.7 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.8 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Site Plan	217-1224, Sheet No.1, Rev. 1	27 July 2017
Lower Floor Plan	217-1224, Sheet No.2, Rev. 1	27 July 2017
Elevations	217-1224, Sheet No.3, Rev. 1	27 July 2017
Elevations	217-1224, Sheet No.4, Rev. 1	27 July 2017

- 2.2 Where there is any conflict between the conditions of this development approval and the details shown on the approved plans and documents, the conditions of this development approval must prevail.
- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of an application for a Development Permit for Operational Works/Building Works.

3.0 ACCESS AND PARKING WORKS

- 3.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access works on the development site.
- 3.2 All access works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 3.3 All car parking and access areas must be paved or sealed to Council's satisfaction. Design and construction must be in accordance with the provisions of a Development Permit for Operational Works (access and parking works).
- 3.4 The existing access from Canning Street to the development must be upgraded to comply with the requirements of the *Capricorn Municipal Development Guidelines*.
- 3.5 All vehicles must ingress and egress the development in a forward gear.
- 3.6 A minimum of four (4) parking spaces must be provided on-site.
- 3.7 Universal access parking spaces must be provided on-site in accordance with *Australian Standard AS2890.6 "Parking facilities - Off-street parking for people with disabilities"*.
- 3.8 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).

4.0 PLUMBING AND DRAINAGE WORKS

- 4.1 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act 2008*, *Plumbing and Drainage Act 2002*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 4.2 Internal Plumbing and Sanitary Drainage of existing buildings must be contained within the lot it serves.

- 4.3 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*.

5.0 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 All external elements, such as air conditioners, must be adequately screened from public view, to Council's satisfaction.
- 7.2 A minimum 1.8 metre high solid screen fence must be erected along the side and rear boundaries of the development site and any adjoining residential properties. The fence must be constructed of materials and finishes that are aesthetically pleasing and commensurate with the surrounding residential area.

8.0 ASSET MANAGEMENT

- 8.1 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.
- 8.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.

9.0 ENVIRONMENTAL

- 9.1 An Erosion Control and Stormwater Control Management Plan prepared 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.

10.0 ENVIRONMENTAL HEALTH

- 10.1 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 10.2 Noise emitted from the activity must not cause an environmental nuisance.
- 10.3 Operations on the site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise or dust.
- 10.4 When requested by Council, nuisance monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise, light or dust. An analysis of the monitoring data and a report, including nuisance mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation.

10.5 Air-conditioning units must be located so as not to cause a noise nuisance and maintained in proper working order at all times.

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 Canning Street or William Street.

11.2 All waste storage areas must be:

11.2.1 kept in a clean and tidy condition; and

11.2.2 maintained in accordance with *Environmental Protection Regulation 2008*.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. General Environmental Duty

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

NOTE 3. General Safety Of Public During Construction

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

NOTE 4. Works in Road Reserve Permit

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

NOTE 5. Infrastructure Charges Notice

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

Part B – Operational Works for Advertising Devices

12.0 ADMINISTRATION

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Site Plan	217-1224, Sheet No.1, Rev. 1	27 July 2017

- 12.2 A set of the above approved plans are returned to you as the Consultant. The Consultant is to supply one (1) Approved set to the contractor to be retained on site at all times during construction.
- 12.3 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of this development approval must prevail.
- 12.4 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council.
- 12.5 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.
- 12.6 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.
- 12.7 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 12.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 12.9 Any proposed changes to the approved stamped plans during the works will be generally considered minor amendments and require Council's approval. The stamped amended plans and a covering letter will be forwarded to the applicant.
- 13.0 OPERATING PROCEDURE
- 13.1 All signage must only display or advertise a matter associated with the primary purpose for which the premises are used, or the purpose stated in this approval.
- 14.0 ASSET MANAGEMENT
- 15.0 Any damage to, or alterations necessary, to electricity, telephone, water mains, sewerage mains, stormwater drains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken immediately and completed at no cost to Council.
- 16.0 CONSTRUCTION AND MAINTENANCE
- 16.1 All signage must be installed flush with the fence and must not extend above the height of the fence at the location (refer to Condition 11) where the sign is affixed.
- 16.2 All signage must be maintained at all times on the premises by the owner to the same standard as it was when it was installed to ensure public safety and not adversely impact the visual amenity.
- 16.3 All Construction work and other associated activities are permitted only between 0630 hours and 1800 hours Monday to Saturday. No work is permitted on Sundays or public holidays. All requirements of the Environmental Protection Act 1994 and Environmental Protection Regulations 2008 must be observed at all times.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

Torres Strait Islander and Partnerships website www.datsip.qld.gov.au.

NOTE 2. General Environmental Duty - *Environmental Protection Act 1994, sec.319*

A person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm (the *general environmental duty*).

In deciding the measures required to be taken, regard must be had to, for example—

- (a) the nature of the harm or potential harm; and
- (b) the sensitivity of the receiving environment; and
- (c) the current state of technical knowledge for the activity; and
- (d) the likelihood of successful application of the different measures that might be taken; and
- (e) the financial implications of the different measures as they would relate to the type of activity.

NOTE 3. General Safety Of Public During Construction

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

RECOMMENDATION B

THAT in relation to the application for a Development Permit for a Material Change of Use for Health Care Services and/or an Office and Operational Works for Advertising Devices, made by RD Virtue, located on Lot 1 on RP603291, Parish of Rockhampton, located at 224 Canning Street, Allenstown. Council resolves to issue an Infrastructure Charges Notice for the amount of \$11,990.00.

Moved by: Councillor Wickerson

Seconded by: Councillor Williams

MOTION CARRIED

8.4 D/77-2017 - DEVELOPMENT APPLICATION FOR A FOOD AND DRINK OUTLET

File No: D/77-2017

Attachments: 1. Locality Plan
2. Floor Plan

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

Author: Jonathon Trevett-Lyall - Planning Officer

SUMMARY

Development Application Number: D/77-2017

Applicant: The Olive Catering Group

Real Property Address: Lot 0 on GTP60042 and Lot 5 on GTP60042, Parish of Rockhampton

Common Property Address: 116 William Street and 124 William Street, Rockhampton City

Area of Site: 180 square metres

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Low-Medium Density Residential Zone

Planning Scheme Overlays: Not applicable

Existing Development: Shop

Existing Approvals: Nil

Approval Sought: Development Permit for a Material Change of Use for a Food and Drink Outlet

Level of Assessment: Impact Assessable

Submissions: Seven (7) submissions

Referral Agency(s): Nil

Infrastructure Charges Area: Charge Area 2

Application Progress:

<i>Application Lodged:</i>	30 June 2017
<i>Acknowledgment Notice issued:</i>	12 July 2017
<i>Submission period commenced:</i>	18 September 2017
<i>Submission period end:</i>	9 October 2017
<i>Council request for additional time:</i>	24 October 2017
<i>Last receipt of information from applicant:</i>	16 October 2017
<i>Statutory due determination date:</i>	11 December 2017

COMMITTEE RECOMMENDATION

THAT in relation to the application for a Development Permit for a Material Change of Use for a Food and Drink Outlet, made by The Olive Catering Group, on land located at 116 William Street and 124 William Street, Rockhampton City, formally described as Lot 0 on GTP60042 and Lot 5 on GTP60042, Parish of Rockhampton, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer and their employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions 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 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.

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>
Location Plan	SK-001 Rev 1	22 June 2017
Existing Floor Plan of Previous Use and Proposed Alterations	SK-002 Rev 1	22 June 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.

3.0 ASSET MANAGEMENT

- 3.1 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.
- 3.2 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.

4.0 OPERATING PROCEDURES

- 4.1 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 William Street or Kent Street.

- 4.2 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 4.3 The loading and/or unloading of delivery and waste collection vehicles is limited between the hours of 0700 and 1800 Monday to Saturday and between the hours of 0800 and 1500 on Sundays. No heavy vehicles must enter the development site outside these times to wait for unloading/loading.
- 4.4 Noise emitted from the activity must not cause an environmental nuisance.
- 4.5 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.
- 4.6 When requested by Council, nuisance monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise, light or dust. An analysis of the monitoring data and a report, including nuisance mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation.
- 4.7 All waste storage areas must be:
- 4.7.1 kept in a clean and tidy condition; and
 - 4.7.2 maintained in accordance with *Environmental Protection Regulation 2008*.

ADVISORY NOTES

NOTE 1. 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 2. 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.

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

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

1. Monthly Operations Report for Planning and Regulatory Services - September 2017
2. Traffic Light Report - September 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 September 2017 is presented for Councillor's information.

COMMITTEE RECOMMENDATION

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

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

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

1. Monthly Operations Report for Planning and Regulatory Services - October 2017
2. Traffic Light Report - October 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 October 2017 is presented for Councillor's information.

COMMITTEE RECOMMENDATION

1. THAT the Planning and Regulatory Services Monthly Operations Report for October 2017 be 'received'; and
2. THAT Council extends its congratulations to Mr Thomas Gardiner upon being awarded the Planning Institute of Australia "Queensland Young Planner of the Year".

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

8.7 RECONFIGURATION OF A LOT INCENTIVES POLICY

File No: 7028
Attachments: 1. DRAFT - Reconfiguration of a Lot Incentives Policy (V2)
Authorising Officer: Steven Gatt - Manager Planning and Regulatory Services
Author: Tarnya Fitzgibbon - Coordinator Development Assessment

SUMMARY

Council is desirous of introducing an incentive for reconfiguration of a lot approvals, by allowing the developer to pay infrastructure charges on a per lot basis either when the lot is transferred or within two (2) years of the approval (whichever is the earlier). These infrastructure charges are listed as a rate against the property until they are paid, with no penalty interest being payable when paid within the two (2) year timeframe.

COMMITTEE RECOMMENDATION

THAT Council adopt the Reconfiguration of a Lot Incentives Policy.

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

9 NOTICES OF MOTION

Nil

10 URGENT BUSINESS\QUESTIONS

Councillor Drew Wickerson presented a verbal report and showed images from the Tilapia Terminator Day run by the Fitzroy Partnership for River Health at Yeppen Lagoon on Sunday 12 November 2017.

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 Development Incentives

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.

12.2 Parking Occupancy and Turnover - Pilbeam Theatre

This report is considered confidential in accordance with section 275(1)(e), of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by it.

Moved by: Councillor Wickerson

Seconded by: Councillor Williams

MOTION CARRIED

COMMITTEE RESOLUTION

9:54AM

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

Moved by: Councillor Williams

Seconded by: Councillor Wickerson

MOTION CARRIED

COMMITTEE RESOLUTION

10:23AM

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

Moved by: Councillor Williams

Seconded by: Councillor Wickerson

MOTION CARRIED

12 CONFIDENTIAL REPORTS

12.1 DEVELOPMENT INCENTIVES

File No: D/312-2012

Attachments:

1. Streetscape Elevation
2. Final Report Rockhampton Accommodation
3. Development Incentives Application Form

Authorising Officer: Steven Gatt - Manager Planning and Regulatory 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

Mercy Health and Aged Care has constructed a unit complex to enable visiting Doctors and patients to stay at a location beside the Mater Hospital.

COMMITTEE RECOMMENDATION

THAT Council adopts Option 2 as detailed in the report.

Moved by: Councillor Williams

Seconded by: Councillor Wickerson

MOTION CARRIED

12.2 PARKING OCCUPANCY AND TURNOVER - PILBEAM THEATRE

File No: 8041
Attachments: Nil
Authorising Officer: Steven Gatt - Acting General Manager Community Services
Author: Nishu Ellawala - Coordinator Local Laws

This report is considered confidential in accordance with section 275(1)(e), of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by it.

SUMMARY

This report provides an analysis of the parking occupancy and the current revenue and expenses of the parking infrastructure at the Pilbeam Theatre Car Park and the impact of the introduction of 2 hour free parking.

COMMITTEE RECOMMENDATION

THAT the Committee adopts Option 3 as detailed in the report.

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

13 CLOSURE OF MEETING

There being no further business the meeting closed at 10:28am.

SIGNATURE

CHAIRPERSON

DATE