



# **PLANNING AND REGULATORY COMMITTEE MEETING**

## **MINUTES**

**17 JULY 2018**

The Committee Recommendations contained within these Minutes  
were adopted at the Council meeting on 24 July 2018, excluding:

Item 8.3 - D/146-2017 Development Application for a Material Change of Use  
for a Service Station and Ancillary Food and Drink Outlet

Item 12.1 - Customer Requests with Councillor or Public Interest at Building,  
Plumbing and Compliance

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**REPORT OF THE PLANNING AND REGULATORY COMMITTEE MEETING  
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON  
ON TUESDAY, 17 JULY 2018 COMMENCING AT 9.03AM**

**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 R Cheesman – Acting Chief Executive Officer  
Mr P Kofod – General Manager Regional Services  
Mr S Gatt – Manager Planning and Regulatory Services  
Ms T Fitzgibbon – Coordinator Development Assessment  
Mr J McCaul – Coordinator Development Engineering  
Ms N Ellawala – Coordinator Local Laws  
Mr P Harrison – Coordinator Building, Plumbing and Compliance  
Mr P Harth – Acting Coordinator Health and Environment  
Mr T Mudalige – Development Engineer  
Mr B Diplock – Planning Officer  
Mr J Trevett-Lyall – Planning Officer  
Mr B Koelmeyer – Planning Officer  
Ms K Talbot – Senior Media Officer  
Ms L Leeder – Senior Committee 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 3 July 2018 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  
**Authorising Officer:** Colleen Worthy - General Manager Community Services  
**Author:** Colleen Worthy - General Manager Community Services

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#### **SUMMARY**

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

#### **COMMITTEE RECOMMENDATION**

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

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

## **7 PUBLIC FORUMS/DEPUTATIONS**

Nil

## 8 OFFICERS' REPORTS

### 8.1 D/12-2018 - REQUEST FOR A NEGOTIATED DECISION NOTICE FOR DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A FOOD AND DRINK OUTLET

**File No:** D/12-2018

**Attachments:**

1. Locality Plan
2. Proposed Plan

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

**Author:** Brandon Diplock - Planning Officer

#### SUMMARY

*Development Application Number:* D/12-2018

*Applicant:* Kele Property Group (Qld) Pty Ltd

*Real Property Address:* Lot 2 and 3 on RP619302 and Lot 3 on RP602746, Parish of Rockhampton

*Common Property Address:* 106 George Street and 73 Archer Street, Rockhampton City

*Area of Site:* 1,686 square metres

*Planning Scheme:* Rockhampton Region Planning Scheme 2015

*Planning Scheme Zone:* Specialised Centre Zone (Gladstone Road and George Street Precinct) and Low-medium Density Residential Zone

*Planning Scheme Overlays:* Transport Noise Corridor (Category 2-4)

*Existing Development:* Office and Residential Dwelling

*Existing Approvals:* D/12-2018

*Approval Sought:* Negotiated Decision Notice for Development Permit D/12-2018 for a Material Change of Use for a Food and Drink Outlet

*Level of Assessment:* Impact Assessable

*Submissions:* Two (2)

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

*Infrastructure Charges Area:* Charge Area 1

#### COMMITTEE RECOMMENDATION

**A1** THAT in relation to the application for a Negotiated Decision Notice for a Development Permit D/12-2018 for a Material Change of Use for a Food and Drink Outlet, made by Kele Property Group (QLD) Pty Ltd, on land located at 106 George Street and 73 Archer Street, Rockhampton City, formally described as Lot 2 and 3 on RP619302 and Lot 3 on RP602746, Parish of Rockhampton Council resolves that:

1. Conditions 2.1, 3.3, 3.5, 4.5, 4.6, 4.10, 9.7 and 16.2 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 any condition of this development approval:

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Demolition Plan	SK-003 Rev 4	8 March 2018
Proposal Plan	SK-004 Rev 4	8 March 2018
Elevations	SK-005 Rev 4	8 March 2018
Elevations	SK-006 Rev 4	8 March 2018
Conceptual Images	SK-008 Rev 4	8 March 2018
Site Layout	0711718-SK-0001 Rev B	1 March 2018
Preliminary Stormwater Pre Development	0711718-SK-0002 Rev B	1 March 2018
Preliminary Stormwater Post Development	0711718-SK-0003 Rev B	1 March 2018
Preliminary Roadworks and Swept Paths	0711718-SK-0004 Rev B	1 March 2018

- 3.3 An Auxiliary Left Turn and Channelised Right Turn into George Lane must be constructed along the Archer Street frontage of the site generally in accordance with McMurtrie Consulting Engineers Drawing 0711718-SK-0004 Rev B dated 1 March 2018.
- 3.5 Suitable pavement marking and signage must be installed in George Lane for the pedestrian crossing between the car park and the restaurant.
- 4.5 All service and delivery vehicles, including refuse collection vehicles must exit via Archer Street only. The Developer must install suitable signage that prevents patrons using the drive-through from exiting onto Archer Street.
- 4.6 All service and delivery vehicles must only access the site outside the approved operating hours.
- 4.10 Any application for a Development Permit for Operational Works (access and parking works) must demonstrate the provision of a minimum of seventeen (17) off-street parking spaces within the site.
- 9.7 A minimum 2.1 metre high acoustic screen fence must be erected along the common boundary of the subject development site and any adjoining residential properties.
- 16.2 The loading and/or unloading of delivery and waste collection vehicles is limited between the hours of 0700 and 1900 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.

**With**

- 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>
Demolition Plan	SK-003 Rev 4	15 June 2018
Proposal Plan	SK-004 Rev 5	15 June 2018
Elevations	SK-005 Rev 5	15 June 2018
3D Views	SK-006 Rev 5	15 June 2018
Conceptual Images	SK-008 Rev 4	8 March 2018
Site Layout	0711718-SK-0001 Rev B	1 March 2018
Preliminary Stormwater Pre Development	0711718-SK-0002 Rev B	1 March 2018
Preliminary Stormwater Post Development	0711718-SK-0003 Rev B	1 March 2018
Preliminary Roadworks and Swept Paths	0711718-SK-0004 Rev C	12 June 2018

- 3.3 An Auxiliary Left Turn and Channelised Right Turn into George Lane must be constructed along the Archer Street frontage of the site generally in accordance with McMurtrie Consulting Engineers Drawing 0711718-SK-0004 Rev C dated 12 June 2018.
- 3.5 Suitable pavement marking and signage must be installed in George Lane for both the pedestrian crossing between the car park and the restaurant, and the loading bay.
- 4.5 All service and delivery vehicles, including refuse collection vehicles must exit via Archer Street only. Any persons using the disabled parking bay must also exit the site via Archer Street only. The Developer must install suitable signage that facilitates these movements while preventing patrons using the drive-through from exiting onto Archer Street.
- 4.6 Service and delivery vehicles must only use the loading/waiting bay adjacent to the dining area outside of the approved operating hours.
- 4.10 Any application for a Development Permit for Operational Works (access and parking works) must demonstrate the provision of a minimum of fourteen (14) off-street parking spaces within the site.
- 9.7 An acoustic assessment must be undertaken to determine the height and type of fence required to be erected along the common boundary of the subject development site and any adjoining residential properties. The acoustic assessment must be provided to Council prior to the commencement of use.
- 16.2 The loading and/or unloading of delivery vehicles within the designated George Lane loading bay is limited between the hours of 0700 and 1900 Monday to Saturday and between the hours of 0800 and 1500 on Sundays. No heavy vehicles must use the loading bay outside these times to wait for unloading/loading.
- 2. Condition 1.5.1 be removed.**
- A2 That to reflect the above amendments, Kele Property Group (Qld) Pty Ltd be issued with a Negotiated Decision Notice for Development Permit D/12-2018 for a Material Change of Use for a Food and Drink Outlet.**

## 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;
    - 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 Lots 2 and 3 on RP619302 and Lot 3 on RP602746 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>
Demolition Plan	SK-003 Rev 4	15 June 2018
Proposal Plan	SK-004 Rev 5	15 June 2018
Elevations	SK-005 Rev 5	15 June 2018
3D Views	SK-006 Rev 5	15 June 2018
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Preliminary Stormwater Post Development	0711718-SK-0003 Rev B	1 March 2018
Preliminary Roadworks and Swept Paths	0711718-SK-0004 Rev C	12 June 2018

- 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 An Auxiliary Left Turn and Channelised Right Turn into George Lane must be constructed along the Archer Street frontage of the site generally in accordance with McMurtrie Consulting Engineers Drawing 0711718-SK-0004 Rev C dated 12 June 2018.
- 3.4 Where the existing bicycle lane along the Archer Street frontage of the site is diverted onto the footpath area, the existing pedestrian footpath must be widened to a minimum of 2.5 metres wide.
- 3.5 Suitable pavement marking and signage must be installed in George Lane for both the pedestrian crossing between the car park and the restaurant, and the loading bay.
- 3.6 Dedicated pedestrian linkages through the proposed development linking the car parking areas to the restaurant dining areas must be provided.
- 3.7 All pathways and access ramps must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.

- 3.8 All pathways located within a road reserve or Public use land must be provided with public space lighting in accordance with *Australian Standard AS1158 "Lighting for roads and public spaces"*.
- 3.9 All pathways must incorporate kerb ramps at all road crossing points.
- 3.10 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 All vehicular access to and from the development must be via George Lane only.
- 4.5 All service and delivery vehicles, including refuse collection vehicles must exit via Archer Street only. Any persons using the disabled parking bay must also exit the site via Archer Street only. The Developer must install suitable signage that facilitates these movements while preventing patrons using the drive-through from exiting onto Archer Street.
- 4.6 Service and delivery vehicles must only use the loading/waiting bay adjacent to the dining area outside of the approved operating hours.
- 4.7 Any redundant vehicular crossovers must be replaced by Council standard kerb and channel.
- 4.8 All vehicles must ingress and egress the development in a forward gear.
- 4.9 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"*.
- 4.10 Any application for a Development Permit for Operational Works (access and parking works) must demonstrate the provision of a minimum of fourteen (14) off-street parking spaces within the site.
- 4.11 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"*.
- 4.12 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).
- 4.13 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.

- 4.14 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"*.
- 4.15 Wheel stops must be included for all parking spaces in accordance with *Australian Standard AS2890.1 "Parking facilities – Off-street car parking"*.
- 4.16 Road signage and pavement markings must be installed in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"*.
- 4.17 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.
- 4.18 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.
- 4.19 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 *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2002*, and Council's Plumbing and Drainage Policies.
- 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 Internal Plumbing and Sanitary Drainage of existing buildings must be contained within the lot it serves.
- 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 buildings 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 buildings must be in accordance with regulated work under the *Plumbing and Drainage Act 2002* and Council's Plumbing and Drainage Policies.
- 5.10 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.

#### 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 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by a detailed Stormwater Management Plan, prepared and certified by a Registered Professional Engineer of Queensland. The Stormwater Management Plan must clearly demonstrate that:
- 6.5.1 all content of the stormwater management plan is in accordance with the *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, stormwater management design objectives in *State Planning Policy 2017*, and sound engineering practice;
  - 6.5.2 the Stormwater discharge is to a lawful point of discharge in accordance with the *Queensland Urban Drainage Manual*;
  - 6.5.3 each part of every lot is self-draining;
- 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 detention 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.
- 7.4 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.
- 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.

## 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 The existing dwellings on the subject land must be demolished and a Development Permit for Building Works (demolition) must be obtained prior to the commencement of demolition works on the development site.
- 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 All external elements, such as air conditioners, pool and spa pumps and associated equipment, must be adequately screened from public view, to Council's satisfaction.
- 9.5 Access to and use of the land the subject of this application must comply with the provisions of the *Disability Discrimination Act 1992* and/or the *Anti-Discrimination Act 1991*. If either of those statutes require the provision of access or facilities in a way that is inconsistent with this development approval, those facilities must be provided.
- 9.6 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:
- 9.6.1 designed and located so as not to cause a nuisance to neighbouring properties;
  - 9.6.2 aesthetically screened from any road frontage or adjoining property;
  - 9.6.3 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;
  - 9.6.4 setback a minimum of two (2) metres from any road frontage; and
  - 9.6.5 provided with a suitable hosecock and hoses at the refuse container area, and washdown must be drained to the sewer 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.
- 9.7 An acoustic assessment must be undertaken to determine the height and type of fence required to be erected along the common boundary of the subject development site and any adjoining residential properties. The acoustic assessment must be provided to Council prior to the commencement of use.
- 9.8 Any advertising device associated with or attached to the development must be carried out in accordance with the applicable Advertising Devices Code in the *Rockhampton Region Planning Scheme 2015*.

## 10.0 LANDSCAPING WORKS

- 10.1 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 landscaped areas must predominantly contain plant species that are locally native to the Central Queensland region due to their low water dependency.
- 10.2 All landscaping must be of a mature height to ensure the amenity of surrounding land uses is maintained.
- 10.3 The landscaped areas must be subject to:

- 10.3.1 a watering and maintenance plan during the establishment moment; and
- 10.3.2 an ongoing maintenance and replanting programme.
- 10.4 Council approval must be obtained prior to the removal of or interference with street trees located on Council land in accordance with Council's street tree policy.
- 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.
- 11.0 ELECTRICITY
- 11.1 Electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 12.0 TELECOMMUNICATIONS
- 12.1 Telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service provider. Unless otherwise stipulated by telecommunications legislation at the time of installation, this includes all necessary pits and pipes, and conduits that provide a connection to the telecommunications network.
- 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*.

16.0 HOURS OF OPERATION

16.1 The hours of operations for the food and drink outlet must be limited to:

- (i) 0800 hours to 2300 hours on Monday to Thursday and Sunday, and
- (ii) 0800 hours to 2400 hours on Friday and Saturday

16.2 The loading and/or unloading of delivery vehicles within the designated George Lane loading bay is limited between the hours of 0700 and 1900 Monday to Saturday and between the hours of 0800 and 1500 on Sundays. No heavy vehicles must use the loading bay outside these times to wait for unloading/loading.

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. General Safety Of Public During Construction

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

**NOTE 4.   Infrastructure Charges Notice**

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

**NOTE 5.   Licensable Activities**

Should an activity licensable by Rockhampton Regional Council be proposed for the premises, Council's Health and Environment Unit should be consulted to determine whether any approvals are required. Such activities may include the storage, preparation, serving of food to the public.

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

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

**File No:** D/19-2017

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

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

*Planning Scheme:* Rockhampton City Plan 2005

*Planning Scheme Area:* Yeppoon Road Corridor Environmental Protection Area

*Approval Sought:* Minor Change to a Development Permit for Reconfiguring a Lot (two lots into five Lots) and Access Easement

*Submissions:* Nil

*Referral Agency(s):* Nil Applicable

*Infrastructure Charges Area:* Charge Area 3

### COMMITTEE RECOMMENDATION

#### RECOMMENDATION A:

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

#### 1. Item 9 and Condition 2.1 to be amended by replacing:

Plan/Document Name	Plan Number	Dated
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

**With**

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

**2. Condition 3.1 to be amended by replacing:**

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.

**With**

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

3.1.1 Lots 12, 13 and 14 (Stage One – three [3] lots); and

3.1.2 Lot 11 (Stage Two – one [1] lot).

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. The Infrastructure Charges Notice (Item 5) to be amended by replacing:**

The contribution required to be paid is **\$21,000.00** this charge may be subject to automatic increases from when the charges are levied until when they are paid in accordance with section 631 of the *Sustainable Planning Act 2009* and Council's Adopted Infrastructure Charges Resolution (No. 5) 2015.

The property falls within Charge Area 3 and the Infrastructure Charges have been calculated as follows:

(a) Stage 1 - A charge of \$14,000.00 for two (2) allotments; and

Stage 2 - A charge of \$14,000.00 for two (2) allotments.

(b) An Infrastructure Credit of \$7,000.00 for the existing allotment.

Therefore a total charge of \$21,000.00 is payable for the development.

**With**

The contribution required to be paid is **\$21,000.00** this charge may be subject to automatic increases from when the charges are levied until when they are paid in accordance with section 121 of the *Planning Act 2016* and Council's Adopted Infrastructure Charges Resolution (No. 5) 2015.

The property falls within Charge Area 3 and the Infrastructure Charges have been calculated as follows:

(a) Stage 1 - A charge of \$21,000.00 for three (3) allotments; and

Stage 2 - A charge of \$7,000.00 for one (1) allotment.

(b) An Infrastructure Credit of \$7,000.00 for the existing allotment.

Therefore \$14,000.00 is payable in Stage 1 and \$7,000.00 is payable in Stage 2 for a total overall charge of \$21,000.00 payable for the development.

### **RECOMMENDATION B:**

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

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:

3.1.1 Lots 12, 13 and Lot 14 (Stage One – three [3] lots); and

3.1.2 Lot 11 (Stage Two – one [1] lot).

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 *Austroads 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 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. 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:** Mayor Strelow

**Seconded by:** Councillor Wickerson

**MOTION CARRIED**

9:15AM Chairperson Councillor Ellen Smith declared Item 8.3 – D/146-2017 - Development Application for a Material Change of Use for a Service Station and Ancillary Food and Drink Outlet to be dealt with later in the meeting

#### **8.4 MONTHLY OPERATIONS REPORT FOR PLANNING AND REGULATORY SERVICES - MAY 2018**

**File No:** 1464

**Attachments:**

1. **Monthly Operations Report for Planning and Regulatory Services - May 2018**
2. **Traffic Light Report - May 2018**

**Authorising Officer:** Colleen Worthy - General Manager Community Services

**Author:** Steven Gatt - Manager Planning & Regulatory Services

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#### **SUMMARY**

*The Monthly Operations Report for the Planning and Regulatory Services Section for May 2018 is presented for Councillor's information.*

9:20AM Acting Chief Executive Officer attended the meeting  
9:29AM Acting Chief Executive Officer left the meeting  
9:32AM Councillor Fisher attended the meeting  
9:36AM Acting Chief Executive Officer returned to the meeting

#### **COMMITTEE RECOMMENDATION**

THAT the Planning and Regulatory Services Monthly Operations Report for May 2018 be 'received'.

**Moved by:** Mayor Strelow

**Seconded by:** Councillor Smith

**MOTION CARRIED**

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**8.5 MONTHLY OPERATIONS REPORT FOR PLANNING AND REGULATORY SERVICES - JUNE 2018****File No:** 1464**Attachments:**

1. Monthly Operations Report for Planning and Regulatory Services - June 2018
2. Traffic Light Report - June 2018

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

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**SUMMARY**

*The Monthly Operations Report for the Planning and Regulatory Services Section for June 2018 is presented for Councillor's information.*

9:43AM Acting Chief Executive Officer left the meeting

**COMMITTEE RECOMMENDATION**

THAT the Planning and Regulatory Services Monthly Operations Report for June 2018 be 'received'.

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

### 8.3 D/146-2017 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A SERVICE STATION AND ANCILLARY FOOD AND DRINK OUTLET

**File No:** D/146-2017

**Attachments:**

1. Locality Plan
2. Proposed Site Plan
3. Proposed Building Floor Plan
4. Proposed Building - Elevations Sheet 1
5. Proposed Building - Elevations Sheet 2
6. Proposed Car Canopy - Elevations Sheet 1
7. Proposed Car Canopy - Elevations Sheet 2
8. Proposed Truck Canopy - Elevations Sheet 1
9. Proposed Truck Canopy - Elevations Sheet 2
10. Pre-Development Flood Storage Plan
11. Post-Development Flood Storage Plan

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

**Author:** Jonathon Trevett-Lyall - Planning Officer

#### SUMMARY

*Development Application Number:* D/146-2017

*Applicant:* Corbet Property Pty Ltd

*Real Property Address:* Lots 1 and 2 on RP617280, Parish of Gracemere

*Common Property Address:* Lot 1 Capricorn Highway, Gracemere

*Area of Site:* 19,614 square metres

*Planning Scheme:* Rockhampton Region Planning Scheme 2015

*Planning Scheme Zone:* Rural Zone

*Planning Scheme Overlays:* Flood Hazard Overlay

*Existing Development:* Vacant Land

*Existing Approvals:* Nil

*Approval Sought:* Development Permit for a Material Change of Use for a Service Station and Ancillary Food and Drink Outlet

*Level of Assessment:* Impact Assessable

*Submissions:* Two (2) properly made submissions

*Referral Agency:* Department of State Development, Manufacturing, Infrastructure and Planning

*Infrastructure Charges Area:* Charge Area 3

*Application Progress:*

<i>Application Lodged:</i>	19 December 2017
<i>Confirmation Notice issued:</i>	9 January 2018
<i>Request for Further Information sent:</i>	23 January 2018
<i>Request for Further Information responded to:</i>	18 April 2018

<i>Submission period commenced:</i>	<i>8 May 2018</i>
<i>Submission period end:</i>	<i>31 May 2018</i>
<i>Government Agency Response:</i>	<i>8 May 2018</i>
<i>Last receipt of information from applicant:</i>	<i>14 June 2018</i>
<i>Statutory due determination date:</i>	<i>3 August 2018</i>

9:47AM Acting Chief Executive Officer returned to the meeting

## COMMITTEE RECOMMENDATION

THAT in relation to the application for a Development Permit for a Material Change of Use for a Service Station with Ancillary Food and Drink Outlet, made by Corbet Property Pty Ltd, on land located at Lot 1 Capricorn Highway, Gracemere, described as Lots 1 and 2 on RP617280, Parish of Gracemere, Council resolves to Approve the application subject to the following conditions:

### 1.0 ADMINISTRATION

- 1.1 The Developer and his employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, 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) Sewerage Works;
    - (iv) Water Works;
    - (v) Stormwater Works;
    - (vi) Roof and Allotment Drainage;
    - (vii) Site Works; and
    - (viii) Advertising device.
  - 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.
- 1.9 Lot 1 on RP617280 and Lot 2 on RP617280 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>
Contour and Detail Survey of Lot 1 & 2 on RP617280	R17005-1, Rev A1	23 Feb 2017
Proposed Site Plan	16273 D03, Rev B	11 Apr 2018
Proposed Building Floor Plan	16273 D04, Rev A	30 Nov 2017
Proposed Building Elevations Sheet 1	16273 D05, Rev A	30 Nov 2017
Proposed Building Elevations Sheet 2	16273 D06, Rev A	30 Nov 2017
Proposed Car Canopy Elevations Sheet 1	16273 D07, Rev A	30 Nov 2017
Proposed Car Canopy Elevations Sheet 2	16273 D08, Rev A	30 Nov 2017
Proposed Truck Canopy Elevations Sheet 1	16273 D09, Rev A	30 Nov 2017
Proposed Truck Canopy Elevations Sheet 2	16273 D10, Rev A	30 Nov 2017
Swept Path Analysis – Fuel Delivery Tankers	16273 D11, Rev B	11 Apr 2018
Swept Path Analysis – Service Vehicle	16273 D12, Rev B	11 Apr 2018
Swept Path Analysis – Truck parking	16273 D13, Rev B	11 Apr 2018
Swept Path Analysis – Queuing Plan	16273 D14, Rev B	11 Apr 2018
Conceptual Stormwater Management Plan	16273 D17, Rev B	11 Apr 2018
Post- Development Flood Storage Plan	16273 D18, Rev B	16 Apr 2018
Concept Landscape Plan	16273 D20, Rev B	11 Apr 2018

Turn Lane Concept – Channelised Right Turn	B17141-SK-003, Rev A	19 Mar 2018
Site Based Stormwater Management Plan	16273, Rev D	9 May 2018
Environmental Noise Impact Report	17061 Report rev.1	1 Dec 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*, and relevant *Australian Standards* and *Austroads Guidelines* and the provisions of a Development Permit for Operational Works (road works).

3.3 Wy Wurry Road must be upgraded to rural minor collector standard level with a minimum seal width of 6.5 metres to accommodate B-Triple vehicles for the full frontage of the development site.

Note: the existing crown elevation of the Wy Wurry Road must be maintained for the full frontage of the development site, no filling is permitted. Hydraulic capacity of the existing box culvert at Wy Wurry Road must be maintained.

3.4 The existing Malchi Nine Mile Road/Wy Wurry Road intersection must be upgraded to accommodate safe turning movements in all directions for multiple B-Triple vehicles at the same time.

3.5 The existing channelised right (CHR) from Malchi Nine Mile Road into Wy Wurry Road must be upgraded to accommodate B-Triple vehicles in accordance with the approved plans (refer to condition 2.1).

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*.

3.7 Any proposed retaining structure/retaining wall (irrespective of height) within a road reserve must be separately and specifically certified by a Registered Professional Engineer of Queensland and must be approved as part of a Development Permit for Operational Works (road works).

### 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 A new two-way access cross-over to the development must be provided at Wy Wurry Road in accordance with the approved plans (refer to condition 2.1) to comply with the requirements of the *Capricorn Municipal Development Guidelines*.
- 4.5 An 'Exit only' cross-over to the development must be provided at Wy Wurry Road in accordance with the approved plans (refer to condition 2.1) to comply with the requirements of the *Capricorn Municipal Development Guidelines*.
- 4.6 Articulated Vehicles or higher must only egress from the development site via the 'Exit Only' crossover to Wy Wurry Road (refer to condition 2.1).
- 4.7 Direct vehicle access to the development from Malchi Nine Mile Road is prohibited.
- 4.8 All vehicles must ingress and egress the development in a forward gear.
- 4.9 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"*.
- 4.10 A minimum of sixteen (16) parking spaces must be provided on-site for passenger cars in accordance with the approved plans (refer to condition 2.1). This includes a minimum of one (1) universal access parking space.
- 4.11 A minimum of fourteen (14) truck parking spaces must be provided on-site in accordance with the approved plans (refer to condition 2.1).
- 4.12 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"*.
- 4.13 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).
- 4.14 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.
- 4.15 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"*.
- 4.16 Road signage and pavement markings must be installed in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"*.
- 4.17 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.
- 4.18 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.
- 5.0 SEWERAGE WORKS
- 5.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any sewerage works on the development site.

- 5.2 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, Plumbing and Drainage Act 2002* and the provisions of a Development Permit for Operational Works (sewerage works).
- 5.3 The development must be connected to Council's reticulated sewerage network via a 'Special Sewerage Arrangement'.
- 5.4 All sewerage infrastructure associated with the 'special sewerage arrangement' must be privately owned and maintained.
- 5.5 A 'Trade Waste Permit' 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.

#### 6.0 WATER WORKS

- 6.1 A Development Permit for Operational Works (water works) must be obtained prior to the commencement of any water works required by this development approval.
- 6.2 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* and the provisions of a Development Permit for Operational Works (water works).
- 6.3 The development must be connected to Council's reticulated water network via a 'Special Water Supply Arrangement'.
- 6.4 All water supply infrastructure associated with 'special water supply arrangement' must be privately owned and maintained.
- 6.5 Adequate firefighting protection must be provided to the development, and must be certified by a hydraulic engineer or other suitably qualified person in accordance with the *Capricorn Municipal Development Guidelines* and *Water Supply (Safety and Reliability) Act 2008*.

Note: This may include the provision of water storage tanks and connection to the reticulated water supply network.

#### 7.0 PLUMBING AND DRAINAGE WORKS

- 7.1 A Development Permit for Plumbing and Drainage Works must be obtained for the development prior to commencement of any plumbing and drainage works within the development site.
- 7.2 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 and the provisions of a Development Permit for Plumbing and Drainage Works.

#### 8.0 STORMWATER WORKS

- 8.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.
- 8.2 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).

- 8.3 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.
- 8.4 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.
- 8.5 The installation of gross pollutant traps and filters must be in accordance with the relevant *Australian Standards* and all maintenance of the proposed gross pollutant traps and filters must be the responsibility of the property owner or operator.
- 8.6 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.
- 8.7 The detention basin/bio basin as identified on the approved plans (refer to condition 2.1) must be landscaped in accordance with Council's requirements. Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by detailed plans and specifications for the detention basin/proposed within the development site, and the design must:
- 8.7.1 be suitable to the climate and incorporate predominately native species;
  - 8.7.2 maximise areas suitable for on-site infiltration of stormwater;
  - 8.7.3 incorporate shade trees;
  - 8.7.4 demonstrate that all areas apart from garden beds are fully turfed or hydromulched;
  - 8.7.5 include a maintenance plan for the proposed detention basin system; and
  - 8.7.6 ensure the safety of the public and/or tenants and where applicable include all required safety measures and facilities (for example, child proof fences).
- 9.0 ROOF AND ALLOTMENT DRAINAGE WORKS
- 9.1 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.
- 9.2 All roof and allotment drainage works must be designed and constructed in accordance with the *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, and sound engineering practice and the provisions of a Development Permit for Operational Works (roof and allotment drainage works).
- 9.3 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.
- 10.0 SITE WORKS
- 10.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works on the development site.
- 10.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan that clearly identifies the following:
- 10.2.1 the location of cut and/or fill;
  - 10.2.2 the type of fill to be used and the manner in which it is to be compacted;

- 10.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
- 10.2.4 details of any proposed access routes that are intended to be used to transport fill to or from the development site; and
- 10.2.5 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.
- 10.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 10.4 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.
- 10.5 Any 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).
- 10.6 All site works must be undertaken to ensure that there is:
  - 10.6.1 no increase in upstream or downstream flood levels for all levels of immunity up to a one per cent (1%) Annual exceedance probability flood event;
  - 10.6.2 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
  - 10.6.3 a lawful point of discharge to which the approved works drain during construction phase.
- 11.0 **BUILDING WORKS**
- 11.1 A Development Permit for Building Works must be obtained prior to commencement of any works within the development site.
- 11.2 All fuel bowzers must be located such that they are resilient to the 1% AEP inundation level.
- 11.3 The underground petroleum storage system and associated structures must be designed and constructed as per *Australian Standard AS4897 "The design, installation and operation of underground petroleum storage systems"*. The design must be carried out and signed by a suitably qualified Registered Professional Engineer of Queensland.
- 11.4 The underground petroleum storage system must have measures implemented that will mitigate the potential buoyancy of the underground tanks during a flood event.

Note: This may include increasing the burial depth, the use of deadmen anchors, adding extra weight with a concrete collar, using hold down straps attached to a bottom hold down pad, or a combination of these measures.
- 11.5 All practicable measures must be taken to prevent loss of containment from any underground petroleum storage system. A leak detection system must be installed, maintained and documented in compliance with *Australian Standard AS4897 "The design, installation and operation of underground petroleum storage systems"* and manufacturer's instructions. The leak detection system must be inspected at a sufficient frequency, sensitivity and reliability to provide a high level of confidence that any release of a petroleum product will be detected.

- 11.6 Stage 1 Vapour Recovery Systems must be installed for all tanks used for the storage of petroleum products. The Vapour Recovery System must be designed and installed in accordance with the following:
- 11.6.1 mixing of product must be prevented in pipework common to more than one tank;
  - 11.6.2 spring-loaded vapour return adaptor, which closes when the hose is disconnected, must be installed in the top of the riser; and
  - 11.6.3 the vapour recovery point must be located within 2 metres of the respective fill point.
- 11.7 Impervious paved waste storage area/s must be provided for the development in accordance with the *Environmental Protection Regulation 2008* and must be:
- 11.7.1 designed and located so as not to cause a nuisance to neighbouring properties;
  - 11.7.2 screened so as not to be visible from a public space;
  - 11.7.3 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;
  - 11.7.4 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*.
- Note: 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.
- 11.8 The finished floor level (refer to condition 2.1) must be a minimum of 500 millimetres above a one per cent (1%) Annual exceedance probability flood inundation level.
- 11.9 All non-habitable areas subjected to flood inundation during a one per cent (1%) Annual exceedance probability flood event, must be designed and constructed using suitable flood resilient materials.
- 11.10 All electrical and telecommunication services and utilities connected to the property, including electrical outlets, must be designed and installed at such a height that they are a minimum of 500 millimetres above a one per cent (1%) Annual exceedance probability flood level.
- 11.11 A Development Permit for Operational Works (Advertising device) must be submitted for approval by Council for the signage; other than those that are exempt or self-assessable under the applicable Advertising Devices Code in the Council Planning Scheme.
- 12.0 ELECTRICITY
- 12.1 Electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 13.0 TELECOMMUNICATIONS
- 13.1 Telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service provider. Unless otherwise stipulated by telecommunications legislation at the time of installation, this includes all necessary pits and pipes, and conduits that provide a connection to the telecommunications network.

#### 14.0 ASSET MANAGEMENT

- 14.1 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.
- 14.2 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.
- 14.3 '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)*.

#### 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, odour or dust. Noise mitigation measures must be constructed and implemented in accordance with the recommendations in the report titled "Environmental Noise Impact Report", prepared for Corbet Property Pty Ltd, 1 December 2017, section 6.0, page 10.
- 15.4 When requested by Council, monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise, light, odour or dust. The monitoring data, an analysis of the data and a report, including nuisance mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation. Council may require any nuisance mitigation measures identified in the assessment to be implemented within appropriate timeframes.
- Note: Noise measurements must be compared with the acoustic quality objectives specified in the most recent edition of the *Environmental Protection (Noise) Policy*.
- 15.5 Plant and equipment must be maintained in proper working order at all times, in accordance with the manufacturer's directions to ensure the efficiency of the equipment.
- 15.6 Any spillage of environmentally hazardous liquids or other materials must be cleaned up as quickly as practicable. Any spillage of waste and/or contaminants must not be hosed or swept to any stormwater drainage system, roadside gutter or waters.
- 15.7 As soon as possible after becoming aware of any discrepancy detected by the leak detection system (refer to condition 11.6), action must be taken:
- 15.7.1 to investigate the discrepancy as per *Australian Standard AS4897 "The design, installation and operation of underground petroleum storage systems"*;
  - 15.7.2 if the discrepancy cannot be attributed to anything other than a leak, to confirm the existence of a leak; and
  - 15.7.3 if the existence of a leak is confirmed, to identify the source of the leak and cease using the tank until the leak is appropriately fixed.

- 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 reticulated sewerage network in accordance with a trade waste permit.
- 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 Malchi Nine Mile Road and Wy Wurry Road.
- 16.2 Where un-sealed surface treatments are utilised in access, parking and vehicle manoeuvring areas, contaminants such as oils or chemicals must not be released onto the surface treatment.
- 16.3 Where un-sealed surface treatments are utilised, Council may require these areas to be sealed if the unsealed surface creates a dust nuisance that cannot be rectified by other surface treatments.
- 16.4 All surface treatments must be operated and maintained in a manner so that there is no significant impact on the amenity of adjoining premises or the surrounding area being caused due to the emission of dust or resulting in sediment laden water.
- Note: If the amenity impacts cannot be mitigated, the area must be sealed to Council's satisfaction.
- 16.5 A review of the compacted gravel heavy vehicle parking area is to be undertaken every six (6) months or after a flood event and any issues must be rectified within three (3) months of the review. The review must be part of the site's operational management plan, must be documented, and a copy of the maintenance program must be available for inspection by Council officers on-site at all times.
- 16.6 All waste must be stored within a waste storage area. The owner of the land must ensure that:
- 16.6.1 the area is kept in a clean and tidy condition;
  - 16.6.2 fences and screens are maintained;
  - 16.6.3 no waste material is stored external to the waste storage area/s;
  - 16.6.4 all wash down of refuse containers takes place in the existing washdown facility;
  - 16.6.5 the area is maintained in accordance with *Environmental Protection Regulation 2008*; and
  - 16.6.6 all waste must be disposed via a private contractor.
- 16.7 Prior to a flood event, the owner or occupier must:
- 16.7.1 shut off all power to any underground petroleum storage system related equipment, including dispensers, pumps, and other associated devices;
  - 16.7.2 ensure that all openings on top of any tanks have been fastened and locked securely in place;
  - 16.7.3 ensure that the seals on the spill bucket plungers are operational; and
  - 16.7.4 close the shear valve on pressurised piping.

- 16.8 Following a flood event, the owner or occupier must review the integrity of the underground petroleum storage system prior to recommencement of operations. The review of the underground petroleum storage system must follow these guidelines:
- 16.8.1 shut off all power to any underground petroleum storage system related equipment, including dispensers, pumps, and other associated devices;
  - 16.8.2 determine if the underground petroleum storage system has leaked. If a leak is discovered, isolate the area to prevent unauthorised access and notify the local authorities;
  - 16.8.3 determine if water or debris has entered the underground petroleum storage system by using daily inventory control and stock reconciliation as a method of leak detection. If excessive water is found or inventory control shows a loss of product, a suitably qualified person/contractor should be engaged to determine if the liquid should be removed from the tank. A full integrity test should be conducted and any repairs completed before the tank is put back into service;
  - 16.8.4 inspect all measures that have been implemented to mitigate the buoyancy of the underground petroleum storage system ensuring that the tank has not shifted and the integrity of the mitigation measures remain intact;
  - 16.8.5 all equipment including pumps, shear valves, fill pipes, and vent lines must be checked and cleaned;
  - 16.8.6 clean and empty spill boxes and sumps, including those under the dispensers. Inspect the piping and fittings for damage and possible leaks;
  - 16.8.7 drain and flush the interstitial space in double walled tanks and pipe work and check the leak detection system to ensure it is functioning as designed;
  - 16.8.8 any work carried out on the underground petroleum storage system must be conducted by an appropriately qualified person/contractor;
  - 16.8.9 maintain on-site all certification from the qualified person/contractor conducting the work that all aspects of the underground petroleum storage system have been checked and the system is safe to return to service; and
  - 16.8.10 return power to the underground petroleum storage system only after being cleared by a suitably qualified electrical contractor.
- 16.9 A Flood Contingency Plan must be submitted to Council prior to the issue of the Development Permit for Building Works. The plan must demonstrate that the subject development will not increase the flood debris loading of flood waters nor result in environmental harm. The Plan must also include details of how the customers and employees of the business will collect possessions, move their vehicle to appropriately high ground, clear the site and vacate the property in a flood event. The principles of the Contingency Plan will be entered as a property note against the property.
- NOTE: Council is not required to approve Contingency Plans. Council does not accept any liability for loss of or damage to property, or injury, or loss of life as a result of any person using or relying on the Contingency Plan or failing to use the Contingency Plan during a flood event.
- 16.10 It is the responsibility of the owner or occupier of the land from time to time to implement the Flood Contingency Plan during a flood event or if there is a risk of flooding near the land.
- 16.11 A review and amendment of the Flood Contingency Plan must be undertaken with any change in the owner or occupier of the land. The amended Flood Contingency Plan must demonstrate appropriate evacuation routes and preparation procedures during a flood event or if there is a risk of flooding near the land.



- 16.12 A copy of the most up to date version of the Flood Contingency Plan must be available for inspection by Council officers on-site 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](http://www.datsip.qld.gov.au).

NOTE 2. General Environmental Duty

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

NOTE 3. 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 would be the storage, preparation and sale of food. Approval for such activities is required before ‘fitout’ 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 (Access)

All vehicular access to and from the development site must be via Wy Wurry Road. Direct vehicular access to Malchi Nine Mile Road is prohibited.

NOTE 6. Property Note (Contingency Plan)

A complete copy of the Development Approval and any documents conditioned by this development approval (including the Contingency Plan or an updated Contingency Plan) must be given to the proposed purchaser when entering into a contract of sale or to the new registered proprietor upon any transfer of land for this lot.

NOTE 7. 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 8. Clearing within Road Reserve

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.

**RECOMMENDATION B**

THAT in relation to the application for a Development Permit for a Development Permit for a Material Change of Use for a Service Station with Ancillary Food and Drink Outlet, made by Corbet Property Pty Ltd, on land located on Lot 1 Capricorn Highway, Gracemere, described as Lot 1 and Lot 2 on RP617280, Parish of Gracemere, Council resolves to issue an Infrastructure Charges Notice for the amount of \$8,084.65.

**Moved by:** Mayor Strelow

**Seconded by:** Councillor Fisher

**MOTION CARRIED**

Councillor Smith and Councillor Wickerson recorded their vote against the motion

## **9 NOTICES OF MOTION**

Nil

## **10 URGENT BUSINESS\QUESTIONS**

10:12AM      Acting Chief Executive Officer left the meeting

## 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.

### 10:20AM

Pursuant to section 175C of the *Local Government Act 2009*, the Mayor Councillor Margaret Strelow declared a material personal interest in one of the properties mentioned in Item 12.1 – Customer Requests with Councillor or Public Interest at Building, Plumbing & Compliance and may stand to gain a benefit or suffer a loss depending on the outcome of the consideration of the matter at the meeting.

Mayor Strelow left 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 Customer Requests with Councillor or Public Interest at Building, Plumbing & Compliance

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

Moved by: Councillor Smith

Seconded by: Councillor Wickerson

MOTION CARRIED

### COMMITTEE RESOLUTION

#### 10:20AM

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

Moved by: Councillor Wickerson

Seconded by: Councillor Rutherford

MOTION CARRIED

10:25AM Acting Chief Executive Officer returned to the meeting

10:29AM Acting Chief Executive Officer left the meeting

### COMMITTEE RECOMMENDATION

#### 11:05AM

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

Moved by: Councillor Fisher

Seconded by: Councillor Wickerson

MOTION CARRIED

## 12 CONFIDENTIAL REPORTS

### 12.1 CUSTOMER REQUESTS WITH COUNCILLOR OR PUBLIC INTEREST AT BUILDING, PLUMBING & COMPLIANCE

**File No:** 4842  
**Attachments:** Nil  
**Authorising Officer:** Steven Gatt - Manager Planning & Regulatory Services  
Colleen Worthy - General Manager Community Services  
**Author:** Philip Harrison - Coordinator Building Plumbing and Compliance

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

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#### SUMMARY

*The purpose of this report is to apprise Councillors of the Development Control issues subject to investigation at Building, Plumbing & Compliance.*

#### COMMITTEE RECOMMENDATION

THAT the information regarding the Development Control issues be 'received'.

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

**13 CLOSURE OF MEETING**

There being no further business the meeting closed at 11:06am.

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SIGNATURE

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CHAIRPERSON

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DATE