



PLANNING AND REGULATORY COMMITTEE MEETING

MINUTES

9 APRIL 2019

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	OPENING.....	1
2	PRESENT	1
3	APOLOGIES AND LEAVE OF ABSENCE	1
4	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	1
5	DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA	1
6	BUSINESS OUTSTANDING	2
	NIL	2
7	PUBLIC FORUMS/DEPUTATIONS	3
	NIL	3
8	OFFICERS' REPORTS	4
8.1	D/78-2018 - DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR HIGH IMPACT INDUSTRY (SWEAT FURNACE)	4
9	NOTICES OF MOTION	11
	NIL	11
10	URGENT BUSINESS\QUESTIONS	12
11	CLOSURE OF MEETING.....	13

**REPORT OF THE PLANNING AND REGULATORY COMMITTEE MEETING
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON
ON TUESDAY, 9 APRIL 2019 COMMENCING AT 9.00AM**

1 OPENING

2 PRESENT

Members Present:

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

In Attendance:

Mr S Gatt – Manager Planning and Regulatory Services (Executive Officer)
Mr E Pardon – Chief Executive Officer
Ms T Fitzgibbon – Coordinator Development Assessment
Ms S Joyner – Supervisor Environmental Health
Mr B Diplock – Planning Officer
Ms L Leeder – Senior Committee Support Officer

3 APOLOGIES AND LEAVE OF ABSENCE

Councillor Fisher tendered his apology as he is representing Council at the Western Queensland Local Government Association Conference in Longreach.

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COMMITTEE RESOLUTION

THAT the minutes of the Planning and Regulatory Committee held on 26 March 2019 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

Nil

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 OFFICERS' REPORTS

8.1 D/78-2018 - DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR HIGH IMPACT INDUSTRY (SWEAT FURNACE)

File No: D/78-2018

Attachments:

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

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

Author: Brandon Diplock - Planning Officer

SUMMARY

Development Application Number: D/78-2018

Applicant: Bowes Investments Pty Ltd T/A Zebra Metals Environmental Services

Real Property Address: Lot 1 on RP609889, Parish of Gracemere

Common Property Address: 227 Somerset Road, Gracemere

Area of Site: 29,610 square metres

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Medium Impact Industry Zone

Planning Scheme Overlays: Creek Catchment Flood Overlay - Area 2
Steep Land Overlay - 15-25%+ slope
Transport Noise Corridor Overlay

Existing Development: Wrecking Yard

Existing Approvals: D-Y/2008-184 Medium Impact Industry
D/228-2012 Medium Impact Industry (wrecking yard)

Approval Sought: Development Permit for a Material Change of Use for High Impact Industry (Sweat Furnace)

Level of Assessment: Impact Assessable

Submissions: Three (3)

Referral Agency(s): Department of State Development, Manufacturing, Infrastructure and Planning

Infrastructure Charges Area: Charge Area 1

Application Progress:

<i>Application Lodged:</i>	<i>19 July 2018</i>
<i>Acknowledgment Notice issued:</i>	<i>30 July 2018</i>
<i>Submission period commenced:</i>	<i>21 August 2018</i>
<i>Submission period end:</i>	<i>11 September 2018</i>
<i>Applicant stop period:</i>	<i>26 September 2018</i>
<i>Applicant stop period:</i>	<i>22 October 2018</i>
<i>Council request for additional time:</i>	<i>11 March 2019</i>
<i>Government Agency Response:</i>	<i>10 August 2018</i>
<i>Last receipt of information from applicant:</i>	<i>11 March 2019</i>
<i>Statutory due determination date:</i>	<i>19 April 2019</i>

COMMITTEE RECOMMENDATION

RECOMMENDATION A

That in relation to the application for a Development Permit for a Material Change of Use for High Impact Industry, made by Bowes Investments Pty Ltd T/A Zebra Metals Environmental Services, on land located at 227 Somerset Road, Gracemere, described as Lot 1 on RP609889, 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 Plumbing and Drainage Works (if required); and
 - 1.5.2 Building Works.
- 1.6 All Development Permits for Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works, if required.
- 1.7 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.

- 1.8 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Location Plan	SK-001, Rev 4	4 April 2019
Floor Plan	SK-002, Rev 4	4 April 2019
Environmental Report	Steer Environmental Consulting	13 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/Building Works.

3.0 ACCESS AND PARKING WORKS

- 3.1 All access, parking and vehicle manoeuvring areas must be constructed and surface treated in accordance with the approved site plan (refer to condition 2.1). All surface treatments must be constructed, 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: Should genuine complaints about dust be received, the access, parking and vehicle manoeuvring area may be requested to be sealed to Council's satisfaction.

4.0 PLUMBING AND DRAINAGE WORKS

- 4.1 Any alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act 2002* and Council's Plumbing and Drainage Policies.
- 4.2 On-site water supply for domestic and fire fighting purposes must be provided and may include the provision of a bore, dams, water storage tanks or a combination of each.
- 4.3 Adequate domestic and fire fighting protection must be provided to the development, and must be certified by a hydraulic engineer or other suitably qualified person.
- 4.4 On-site sewerage treatment and disposal must be provided in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Plumbing and Drainage Policies.

5.0 STORMWATER WORKS

- 5.1 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.

6.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 6.1 All roof and allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, and sound engineering practice.
- 6.2 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance to surrounding land or infrastructure.

7.0 SITE WORKS

- 7.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 7.2 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.

8.0 LANDSCAPING WORKS.

- 8.1 All landscaping must be established generally in accordance with the approved plans (refer to condition 2.1). The landscaping must be constructed and/or established prior to the commencement of the use and the landscape areas must predominantly contain plant species that have low water dependency. All landscaping must be of a mature age and height to ensure the development is appropriately screened prior to commencement of the use.
- 8.2 Large trees must not be planted within one (1) metre of the centreline of any sewerage and/or water infrastructure; small shrubs and groundcover are acceptable.
- 8.3 The landscaped areas must be subject to:
- 8.3.1 a watering and maintenance plan during the establishment moment; and
 - 8.3.2 an ongoing maintenance and replanting programme.

9.0 ELECTRICITY

- 9.1 Electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 9.2 A *Certificate of Electricity Supply* from the relevant service provider must be provided to Council, prior to the commencement of the use.

Note: The applicant can enter into a *Negotiated Connection Establishment Contract* with the Supplier for the provisioning of electrical services and/or street lighting. Provided the Applicant has undertaken all the conditions of the contract, including providing performance security, the Supplier will issue a *Certificate of Electricity Supply*.

10.0 TELECOMMUNICATIONS

- 10.1 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.

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

- 10.2 Evidence of acceptance of the works from the relevant service provider must be provided to Council, prior to the commencement of the use.

Note: This will be a letter from either:

NBN a 'Certificate of Practical Completion';

Telstra a "Telecommunications Agreement/Provisioning Letter"; or

A Licenced Carrier under the Telecommunications Act 1997 - *signed documentation from a Registered Professional Engineer of Queensland - electrical engineer.*

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 commencement of the use. This information must be provided in accordance with the *Asset Design and As Constructed Manual (ADAC)*.

12.0 ENVIRONMENTAL HEALTH

- 12.1 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"*.
- 12.2 Noise emitted from the activity must not cause an environmental nuisance.
- 12.3 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.

13.0 OPERATING PROCEDURES

- 13.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials or parking of construction machinery or contractors' vehicles must not occur within Somerset Road.
- 13.2 The hours of operations must be limited to:
- (i) 0630 hours to 1830 hours on Monday to Saturday, and
 - (ii) no operations on Sunday or Public Holidays.
- 13.3 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.
- 13.4 All waste must be stored within a waste storage area (for example, general waste, recyclable waste, pallets, empty drums etcetera). The owner of the land must ensure that:
- 13.4.1 the area is kept in a clean and tidy condition;
 - 13.4.2 fences and screens are maintained;

- 13.4.3 no waste material is stored external to the waste storage area/s;
- 13.4.4 all wash down of refuse containers takes place in the existing washdown facility;
- 13.4.5 contaminants/washdown does not discharge into surface water, water courses, drainage lines or onto adjoining properties; and
- 13.4.6 the area is maintained in accordance with *Environmental Protection Regulation 2008*.

14.0 FENCE

- 14.1 A 2.1 metre high solid fence (such as colourbond or similar) must be constructed along the entire eastern boundary of the subject site and along the southern boundary as far as the proposed car parks as shown on Location Plan SK-001 Rev 4.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. Asbestos Removal

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

NOTE 3. General Environmental Duty

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

NOTE 4. Duty to Notify of Environmental Harm

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

NOTE 5. 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 6. Infrastructure Charges Notice

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

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for High Impact Industry, made by Bowes Investments Pty Ltd T/A Zebra Metals Environmental Services, on land located at 227 Somerset Road, Gracemere, described as Lot 1 on RP609889, Parish of Gracemere, Council resolves to issue an Infrastructure Charges Notice for the amount of \$31,552.00.

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

9 NOTICES OF MOTION

Nil

10 URGENT BUSINESS\QUESTIONS

11 CLOSURE OF MEETING

There being no further business the meeting closed at 9:33am.

SIGNATURE

CHAIRPERSON

DATE