



# **ORDINARY MEETING**

## **MINUTES**

**8 NOVEMBER 2016**

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**REPORT OF THE ORDINARY MEETING  
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON  
ON TUESDAY, 8 NOVEMBER 2016 COMMENCING AT 9.00AM**

## **1 OPENING**

Opening prayer presented by Reverend Scott Ballment from Rockhampton South Uniting Church.

## **2 PRESENT**

Members Present:

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

In Attendance:

Mr E Pardon – Chief Executive Officer  
Mr R Cheesman – Deputy CEO/General Manager Corporate Services  
Mr M Rowe – General Manager Community Services  
Mr P Kofod – General Manager Regional Services  
Ms S Reeves – Manager Regional Promotions  
Mr S Gatt – Manager Planning and Regulatory Services  
Ms T Sweeney – Manager Workforce and Strategy  
Mr J McCaul – Coordinator Development Engineering  
Ms T Fitzgibbon – Coordinator Development Assessment  
Mr R Truscott – Coordinator Strategic Planning  
Mr C Wyatt – Senior Strategic Planner  
Mr A de Klerk – Senior Planning Officer  
Ms C Hibberd – Planning Officer  
Ms A James – Planning Officer  
Ms J Noland – Development Compliance Officer  
Ms J Barrett – Media and Communications Officer  
Ms L Leeder – Senior Governance Support Officer

## **3 APOLOGIES AND LEAVE OF ABSENCE**

Leave of Absence for the meeting granted to Councillor Rose Swadling as she is representing Council at the International Cities, Town Centres and Communities Conference in Launceston.

Leave of Absence for the meeting granted to Councillor Drew Wickerson as he is representing Council at the Queensland Pest Animal Symposium 2016 in Townsville.

Leave of Absence for the meeting was previously granted to Councillor Stephen Schwarten.

Councillor Tony Williams tendered his apology and was not in attendance.

#### **4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

##### **COUNCIL RESOLUTION**

THAT the minutes of the Ordinary Meeting held on 25 October 2016 be taken as read and adopted as a correct record.

**Moved by: Councillor Smith**

**Seconded by: Councillor Fisher**

**MOTION CARRIED**

#### **5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA**

**6 BUSINESS OUTSTANDING**

Nil

**7 PUBLIC FORUMS/DEPUTATIONS**

Nil

**8 PRESENTATION OF PETITIONS**

Nil



**9 COMMITTEE REPORTS**

Nil

**10 COUNCILLOR/DELEGATE REPORTS**

Nil

## 11 OFFICERS' REPORTS

### 11.1 D/71-2016 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A FUNCTION FACILITY

<b>File No:</b>	<b>D/71-2016</b>
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. <b>Locality Plan</b></li> <li>2. <b>Site Plan</b></li> <li>3. <b>Floor Plan</b></li> <li>4. <b>Elevations</b></li> </ol>
<b>Authorising Officer:</b>	<b>Tarnya Fitzgibbon - Coordinator Development Assessment</b> <b>Steven Gatt - Manager Planning &amp; Regulatory Services</b> <b>Michael Rowe - General Manager Community Services</b>
<b>Author:</b>	<b>Alyce James - Planning Officer</b>

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#### SUMMARY

<i>Development Application Number:</i>	<i>D/71-2016</i>
<i>Applicant:</i>	<i>Korte Nominees Pty Ltd</i>
<i>Real Property Address:</i>	<i>Lot 21 on SP171783</i>
<i>Common Property Address:</i>	<i>984-986 Yaamba Road, Parkhurst</i>
<i>Area of Site:</i>	<i>3.8 hectares</i>
<i>Planning Scheme:</i>	<i>Rockhampton Region Planning Scheme 2015</i>
<i>Planning Scheme Zone:</i>	<i>Low Density Residential Zone</i>
<i>Planning Scheme Overlays:</i>	<i>Transport Noise Corridor Category 2</i>
<i>Existing Development:</i>	<i>Cabin Park and Accommodation Building</i>
<i>Existing Approvals:</i>	<i>Preliminary Approval for Material Change of Use (Motel and Caravan Park) and Reconfiguration of a Lot (two lot subdivision) – Application D/500-2005</i>  <i>Material Change of Use for an Accommodation Building (40 Room Motel and Managers Residence) – Stage One – Application D/1747-2009</i>  <i>Material Change of Use for a Cabin Park (thirty seven cabins and ancillary buildings) – Stage Two - Application D/389-2010</i>
<i>Approval Sought:</i>	<i>Development Permit for a Material Change of Use for a Function Facility</i>
<i>Level of Assessment:</i>	<i>Impact Assessable</i>
<i>Submissions:</i>	<i>One Properly Made Submission</i>
<i>Referral Agency(s):</i>	<i>Department of Infrastructure, Local Government and Planning</i>

Infrastructure Charges Area:

Charge Area 1

Application Progress:

<i>Application Lodged:</i>	20 May 2016
<i>Application Properly Made:</i>	20 May 2016
<i>Acknowledgment Notice issued:</i>	26 May 2016
<i>Request for Further Information sent:</i>	6 June 2016
<i>Government Agency Response:</i>	11 July 2016
<i>Request for Further Information responded to:</i>	27 July 2016
<i>Submission period commenced:</i>	1 August 2016
<i>Submission period end:</i>	23 August 2016
<i>Last receipt of information from applicant:</i>	25 August 2016
<i>Council request for additional time (until 21 October 2016):</i>	16 September 2016
<i>Council requested for additional time (until 18 November 2016):</i>	18 October 2016
<i>Statutory due determination date:</i>	18 November 2016

**COUNCIL RESOLUTION****RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for Function Facility, made by Korte Nominees Pty Ltd on behalf of K & T Holdings Pty Ltd, on Lot 21 on SP171783, located at 984-986 Yaamba Road, Parkhurst, Council resolves to Approve the application subject to the following conditions:

1.0 **ADMINISTRATION**

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

<u>Plan/Document Name</u>	<u>Plan/Document Number</u>	<u>Dated</u>
Site Location – Proposed Korte’s Lakehouse	Not Numbered	Not Dated
Floor Plan Lakehouse	DA.201 Revision A	27 April 2016
Elevations Lakehouse	DA.401 Revision A	27 April 2016
Preliminary Schematic Footing Layout and Detail	D16.169-SK1	July 2016
Stormwater Management Plan as a part of Information Request	D16.169	26 July 2016

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

## 3.0 PLUMBING AND DRAINAGE WORKS

- 3.1 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, *Plumbing and Drainage Act*, Council’s Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 3.2 The development must be connected to Council’s reticulated sewerage and water networks.
- 3.3 The existing sewerage and water connection point(s) must be retained, and upgraded if necessary, to service the development.
- 3.4 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.
- 3.5 Sewer connections and water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 3.6 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* and Council's Plumbing and Drainage Policies.

- 3.7 Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's sewerage reticulation network. Arrestor traps must be provided where commercial or non-domestic waste is proposed to be discharged into the sewer system.

#### 4.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 4.1 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*, sound engineering practice.

- 4.2 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 or worsening to surrounding land or infrastructure.

#### 5.0 SITE WORKS

- 5.1 All earthworks must be undertaken in accordance with *Australian Standards, AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.

- 5.2 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.

#### 6.0 BUILDING WORKS

- 6.1 All building works must be undertaken in accordance with *Queensland Development Code, Mandatory Part 1.4* for building over or near relevant infrastructure.

- 6.2 The finished floor level of proposed Function Facility must be a minimum of 500 millimetres above a one per cent (1%) Annual Exceedance Probability flood inundation level.

- 6.3 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 defined flood event.

#### 7.0 LANDSCAPING WORKS

- 7.1 All landscaping must be established generally in accordance with the approved plans (refer to condition 2.1). The landscaping must be constructed and/or established prior to the commencement of the use and the landscape areas must predominantly contain plant species that are locally native to the Central Queensland region due to their low water dependency.

#### 8.0 ELECTRICITY

- 8.1 Electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.

#### 9.0 TELECOMMUNICATIONS

- 9.1 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.

#### 10.0 ASSET MANAGEMENT

- 10.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with

the development, must be at full cost to the Developer.

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

#### 11.0 ENVIRONMENTAL

- 11.1 An Erosion Control and Stormwater Control Management Plan in accordance with the *Capricorn Municipal Design Guidelines*, must be:

11.1.1 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); and

11.1.2 available on-site for inspection by Council Officers whilst all works are being carried out.

#### 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 or dust.

- 12.4 All mechanical plant equipment installed, including air-conditioning, must be checked for noise nuisance compliance prior to installation and certified compliant by testing by a suitably qualified acoustic consultant. Testing to be in accordance with acoustic quality objectives specified in the most recent addition of the Environmental Protection (Noise) Policy.

#### 13.0 OPERATING PROCEDURES

- 13.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Yaamba Road.

- 13.2 All waste storage areas must be:

13.2.1 kept in a clean and tidy condition; and

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

#### ADVISORY NOTES

##### NOTE 1. Aboriginal Cultural Heritage

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

##### NOTE 2. General Environmental Duty

(2) 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

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

NOTE 4. General Safety Of Public During Construction

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

NOTE 5. Infrastructure Charges Notice

This application is subject to infrastructure contributions in accordance with Council policies. The contributions 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 Function Facility, made by Korte Nominees Pty Ltd on behalf of K & T Holdings Pty Ltd, on Lot 21 on SP171783, located at 984-986 Yaamba Road, Parkhurst, Council resolves to issue an Infrastructure Charges Notice for the amount of \$29,283.35.

**Moved by:** Councillor Fisher

**Seconded by:** Councillor Smith

**MOTION CARRIED UNANIMOUSLY**



## 11.2 D/110-2016 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A TRANSPORT DEPOT

**File No:** D/110-2016

**Attachments:**

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

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

**Author:** Corina Hibberd - Planning Officer

### SUMMARY

*Development Application Number:* D/110-2016

*Applicant:* Scott Walton

*Real Property Address:* Lot 1 on RP607631, Parish of Murchison

*Common Property Address:* 63 Farm Street, Kawana

*Area of Site:* 582 square metres

*Planning Scheme:* Rockhampton Region Planning Scheme 2015

*Planning Scheme Zone:* Rural Zone

*Planning Scheme Overlays:* Bushfire Hazard (buffer), Fitzroy River Flood (high to extreme hazard), and Water Resource Catchments

*Existing Development:* Vacant land

*Existing Approvals:* D/166-2014 Material Change of Use for a House, refused 23 October 2014

*Approval Sought:* Development Permit for a Material Change of Use for a Transport Depot

*Level of Assessment:* Impact Assessable

*Submissions:* Nil

*Referral Agency(s):* Not Applicable

*Infrastructure Charges Area:* Charge Area 3

*Application Progress:*

<i>Application Lodged:</i>	12 July 2016
<i>Acknowledgment Notice issued:</i>	26 July 2016
<i>Request for Further Information sent:</i>	26 July 2016
<i>Request for Further Information responded to:</i>	18 August 2016
<i>Submission period commenced:</i>	24 August 2016
<i>Submission period end:</i>	16 September 2016

<i>Council request for additional time:</i>	<i>4 October 2016</i>
<i>Last receipt of information from applicant:</i>	<i>19 September 2016</i>
<i>Statutory due determination date:</i>	<i>15 November 2016</i>

## COUNCIL RESOLUTION

### **RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for a Transport Depot, made by Capricorn Engineering and Drafting on behalf of Scott Walton, on Lot 1 on RP607631, Parish of Murchison, located at 63 Farm Street, Kawana, Council resolves to Approve the application despite its conflict with the planning scheme and provide the following grounds to justify the decision despite the conflict:

- a) The use is considered to be low intensity and scale in nature and it is not considered to significantly impact on the amenity or character of the surrounding area;
- b) The use does not adversely affect the amenity of the natural environment or of residential uses in the vicinity. The use will be further buffered through conditioned landscaping and has good separation distances from residential uses;
- c) The residential sized lot is not suitable for residential uses due to the extreme flood hazard;
- d) The site is appropriately serviced by adequate transport and water infrastructure;
- e) The use will be managed sustainably through on-site rainwater tanks, landscaping, and the supporting contingency plan and as such the environmental impacts are limited;
- f) The site is not mapped as Good Quality Agricultural Land and is not of a sufficient size or agricultural land quality to support intensive agricultural uses, therefore the proposed development will not impinge on existing economic values of any natural resources;
- g) The proposed use does not compromise the strategic framework in the *Rockhampton Region Planning Scheme 2015*;
- h) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and
- i) The proposed development does not compromise the relevant State Planning Policy.

### **RECOMMENDATION B**

That in relation to the application for a Development Permit for a Material Change of Use for a Transport Depot, made by Capricorn Engineering and Drafting Services on behalf of Scott Walton, on Lot 1 on RP607631, Parish of Murchison, located at 63 Farm Street, Kawana, Council resolves to Approve the application subject to the following conditions:

#### 1.0 **ADMINISTRATION**

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve

or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.

- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of the use, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior to the commencement of the use, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.6.1 Operational Works:
- (i) Access and Parking Works;
  - (ii) Roof and Allotment Drainage Works;
- 1.6.2 Plumbing and Drainage Works; and
- 1.6.3 Building Works.
- 1.7 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.9 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

## 2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Number</u>	<u>Dated</u>
Site Plan	16-207-C Sheet 001 Rev 2	6 July 2016
Landscape Plan	16-207-C Sheet 002 Rev 1	6 July 2016
Ground Floor Plan	16-207-C Sheet 100 Rev 2	6 July 2016
Elevations Plan	16-207-C Sheet 200 Rev 3	6 July 2016
Elevations Plan	16-207-C Sheet 201 Rev 3	6 July 2016
Stormwater Management Plan – Title Sheet	D16.188-00	
Stormwater Management Plan – Pre-Development Plan	D16.188-01 Sheet 1 of 3 Rev A	August 2016
Stormwater Management Plan – Post-Development Plan	D16.188-02 Sheet 2 of 3 Rev A	August 2016
Stormwater Management Plan – Stormwater Calculations	D16.188-03 Sheet 3 of 3 Rev A	August 2016
Investigation and Design for On-site Sewerage Facility	CQ11820	27 July 2016

- 2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.
- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council prior to the submission of a Development Application for Operational Works.
- 3.0 ACCESS AND PARKING WORKS
- 3.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the site.
- 3.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Parking Facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 3.3 The new driveway crossover must be constructed such that there is no impediment to stormwater flows within the existing swale in Farm Street.
- 3.4 All parking spaces, access driveway(s), and vehicular manoeuvring areas associated with this proposed development must be concrete paved or asphalted.
- 3.5 All vehicles must ingress and egress the development in a forward gear.
- 4.0 WATER WORKS
- 4.1 The development must be connected to Council's reticulated water network.
- 4.2 Water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface level and must be provided with heavy duty trafficable lids.
- 5.0 PLUMBING AND DRAINAGE WORKS
- 5.1 All sanitary drainage works must be in accordance with regulated work under the *Plumbing and Drainage Act* and Council's Plumbing and Drainage Policies.
- 5.2 All internal plumbing and sanitary drainage works must be in accordance with regulated work under the *Plumbing and Drainage Act*.
- 5.3 Internal Plumbing and Sanitary Drainage of existing buildings must be contained within the lot it serves.
- 5.4 On-site sewage treatment and disposal must be in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Plumbing and Drainage Policies.
- 6.0 ROOF AND ALLOTMENT DRAINAGE WORKS
- 6.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the site.
- 6.2 All roof and allotment drainage must be in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.
- 6.3 The proposed development must achieve no increase in peak stormwater runoff for a selected range of storm events up to and including the one in one hundred year storm event (100 year Average Recurrence Interval) for the post development condition.
- 6.4 All roof and allotment drainage must be discharged such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties or infrastructure.
- 7.0 SITE WORKS
- 7.1 All earthworks must be undertaken in accordance with *Australian Standards, AS3798*

*“Guidelines on Earthworks for Commercial and Residential Developments”.*

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

#### 8.0 BUILDING WORKS

8.1 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 “Control of the obtrusive effects of outdoor lighting”*.

8.2 All 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 the Q100 flood level.

8.3 Any application for a Development Permit for Building Works must be accompanied by a detailed structural engineering report and a building certificate prepared by suitably qualified Registered Professional Engineer of Queensland, which demonstrates that the building has been designed to withstand the forces created by floodwaters and debris loading.

#### 9.0 LANDSCAPING WORKS

9.1 All landscaping must be established generally in accordance with the approved plans (refer to condition 2.1). The landscaping must be constructed and/or established prior to the commencement of the use and the landscape areas must predominantly contain plant species that are locally native to the Central Queensland region due to their low water dependency.

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

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

9.3 The landscaped areas must be subject to:

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

#### 10.0 ELECTRICITY AND TELECOMMUNICATIONS

10.1 Above-ground electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.

#### 11.0 ASSET MANAGEMENT

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

11.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.

#### 12.0 ENVIRONMENTAL

12.1 The developer must implement and maintain an Erosion Control and Stormwater

Control Management Plan on-site for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The prepared Erosion Control and Stormwater Control Management Plan must be available on-site for inspection by Council Officers during those works.

### 13.0 OPERATING PROCEDURES

- 13.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Farm Street or Cramb Street.
- 13.2 Noise emitted from the activity must not cause an environmental nuisance.
- 13.3 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.
- 13.4 No contaminants are permitted to be released to land or water, including soil, silt, oils, detergents, et cetera.
- 13.5 Regulated waste and any other waste must not be released to the environment, stored, transferred or disposed of in such a manner that it will or may cause environmental harm or nuisance. This includes any waste being burnt or incinerated at the premises.
- 13.6 Cleaning of plant equipment and vehicles must be carried out in an area where waste water can be suitably managed so as not to cause contaminants to release into waterways or overland flow paths.
- 13.7 All waste storage areas must be:
- 13.7.1 kept in a clean and tidy condition; and
  - 13.7.2 maintained in accordance with *Environmental Protection Regulation 2008*.
- 13.8 All non-habitable areas subjected to flood inundation during a Q100 flood event must be designed and constructed using suitable flood resilient materials.
- 13.9 The applicant must prepare a contingency plan for flooding. Council is not required to approve contingency plans and 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.
- 13.10 It is the responsibility of the owner or occupier of the land from time to time to implement the contingency plan during a flood event or if there is a risk of flooding near the land.

### ADVISORY NOTES

#### NOTE 1. Aboriginal Cultural Heritage

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

#### NOTE 2. General Environmental Duty

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

**NOTE 3. General Safety Of Public During Construction**

The *Work Health and Safety Act 2014* and *Manual of Uniform Traffic Control Devices* must be complied with in carrying out any construction works, and to ensure safe traffic control and safe public access in respect of works being constructed on a road.

**RECOMMENDATION C**

That in relation to the application for a Development Permit for a Material Change of Use for a Transport Depot, made by Capricorn Engineering and Drafting Services on behalf of Scott Walton, on Lot 1 on RP607631, Parish of Murchison, located at 63 Farm Street, Kawana, Council resolves to not issue an Infrastructure Charges Notice.

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

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**11.3 D/131-2016 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR HEALTH CARE SERVICES AND A SHOP AND FOR OPERATIONAL WORKS FOR ADVERTISING DEVICES (AWNING FASCIA SIGN, WALL SIGN AND BILLBOARD SIGN)**

**File No:** D/131-2016

**Attachments:**

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

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

**Author:** Anton de Klerk - Senior Planning Officer

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**SUMMARY**

*Development Application Number:* D/131-2016

*Applicant:* Saachi Investments Pty Ltd ATF the PPS Investment Trust ABN 36 813 044 069

*Real Property Address:* Lot 1 on RP602231, Parish of Gracemere

*Common Property Address:* 3 O'Shanesy Street, Gracemere

*Area of Site:* 4,085 square metres

*Planning Scheme:* Rockhampton Region Planning Scheme 2015

*Planning Scheme Zone:* Low-medium density residential zone

*Planning Scheme Overlays:* Airport Obstacle - Height Limit 30m  
Airport Wildlife Hazard Buffer Area - 8km  
Road Hierarchy Overlay - Minor urban collector  
Road Hierarchy Overlay - Urban access street  
Steep Land Overlay - 15-20% slope  
Steep Land Overlay - 20-25% slope  
Transport Noise Corridor - Railway noise buffer

*Existing Development:* Vacant land

*Existing Approvals:* Nil

*Approval Sought:* Development Permit for a Material Change of Use for Health Care Services and a Shop and for Operational Works for Advertising Devices (Awning Fascia Sign, Wall Sign and Billboard Sign)

*Level of Assessment:* Impact Assessable

*Submissions:* Four (4) submissions received

*Referral Agency(s):* Nil

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Infrastructure Charges Area:

Charge Area 1

Application Progress:

<i>Application Lodged:</i>	<i>18 August 2016</i>
<i>Acknowledgment Notice issued:</i>	<i>29 August 2016</i>
<i>Confirm that no further information is required:</i>	<i>12 September 2016</i>
<i>Submission period commenced:</i>	<i>16 September 2016</i>
<i>Submission period end:</i>	<i>7 October 2016</i>
<i>Council request for additional time (until 5 December 2016):</i>	<i>20 October 2016</i>
<i>Last receipt of information from applicant:</i>	<i>10 October 2016</i>
<i>Statutory due determination date:</i>	<i>5 December 2016</i>

**COUNCIL RESOLUTION****RECOMMENDATION A**

That in relation to the application for a Development Permit for a Material Change of Use for Health Care Services and a Shop and Operational Works for Advertising Devices (Awning Fascia Sign, Wall Sign and Billboard Sign), made by Saachi Invest Pty Ltd ATF the PPS Investment Trust ABN 36 813 044 069 c/- Reel Planning CQ on behalf of VP Medical Services Pty Ltd Tte, on land described as Lot 1 on RP602231, Parish of Gracemere, located at 3 O'Shanesy Street, Gracemere, Council resolves to Approve the application despite its conflict with the planning scheme and provide the following grounds to justify the decision despite the conflict:

- a) The standalone Health Care Facility is of a type and size that will not undermine the role and function of Gracemere's District Centre for retail purposes. It is further noted that the long-standing status of existing commercial development in the District Centre, and the unavailability of suitably sized and configured commercial tenancies or land parcels, compromises the fit-for-purpose design and location of the health care facility on District Centre Zoned land.
- b) The Health Care Facility delivers an essential service to the immediate Gracemere community as the predominant catchment, but secondly, will also service the health care needs of the peripheral rural areas;
- c) The proposed use does not compromise the strategic framework in the Rockhampton Region Planning Scheme 2015, which encourages improved accessibility to non-residential uses around low-medium density residential areas;
- d) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and
- e) The proposed development does not compromise the relevant State Planning Policy 2016.

**RECOMMENDATION B**

That in relation to the application for a Development Permit for a Material Change of Use for Health Care Services and a Shop and Operational Works for Advertising Devices (Awning

Fascia Sign, Wall Sign and Billboard Sign), made by Saachi Invest Pty Ltd ATF the PPS Investment Trust ABN 36 813 044 069 c/- Reel Planning CQ on behalf of VP Medical Services Pty Ltd Tte, on land described as Lot 1 on RP602231, Parish of Gracemere, located at 3 O'Shanesy Street, Gracemere, Council resolves to Approve the application subject to the following conditions:

***Condition for Material Change of Use***

1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with the conditions of this development approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken and 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; and
    - (iv) Site Works
  - 1.5.2 Plumbing and Drainage Works; and
  - 1.5.3 Building Works:
- 1.6 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.7 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.8 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 2.0 APPROVED PLANS AND DOCUMENTS
- 2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this permit:

<u>Plan/Document Name</u>	<u>Plan/Document Number</u>	<u>Dated</u>
Proposed Site Plan	SK-002; Revision 7	17 August 2016
Floor Plan	SK-003; Revision 7	17 August 2016
Elevations	SK-004; Revision 7	17 August 2016
Elevations	SK-005; Revision 7	17 August 2016
Signage	SK-006; Revision 7	17 August 2016
3D Views	3D-001; Revision 7	17 August 2016
3D Views	3D-002; Revision 7	17 August 2016
3D Views	3D-003; Revision 7	17 August 2016
3D Views	3D-004; Revision 7	17 August 2016
Conceptual Stormwater Management Plan	K3733-0004	15 August 2016
Traffic Impact Assessment	K3733-0003	12 August 2016

- 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 on for the development site.
- 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 the provisions of a Development Permit for Operational Works (road works).
- 3.3 Pierce Street must be upgraded to an Access Place standard for the full frontage of Lot 1 on RP616167, with half road construction along the development side. Kerb and channel and drainage infrastructure must be included.
- 3.4 All new road works must connect with existing constructed road(s) and smooth transition must be provided between these two sections.
- 3.5 A concrete pathway, with a minimum width of 1.2 metres, must be constructed on the western side of Pierce Street for the full frontage of the development site.
- 3.6 All pathways and access ramps must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.
- 3.7 All pathways must incorporate kerb ramps at all road crossing points.
- 3.8 Traffic signs (if required) 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 parking spaces, access driveway(s), and vehicular manoeuvring areas associated with the proposed development must be concrete paved or asphalted.
- 4.4 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”*.
- 4.5 Parking spaces must be line-marked as shown in the 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).
- 4.6 Any application for a Development Permit for Operational Works (access and parking works) must be accompanied by revised detailed and scaled plans, which demonstrate the turning movements/swept paths of the largest vehicle to access the development site including refuse collection vehicles. Encroachment onto the car parking spaces will not be supported.
- 4.7 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 “Design for access and mobility”*.
- 4.8 Signs and pavement markings must be provided on the approach and departure sides of the access to allow safe ingress and egress movements and must be in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*.
- 4.9 A minimum of forty-eight (48) parking spaces must be provided on-site. This includes two (2) universal access parking spaces, one (1) space for special use vehicles and one (1) space for emergency ambulance space.

#### 5.0 PLUMBING AND DRAINAGE WORKS

- 5.1 A Development Permit for Plumbing and Drainage Works must be obtained for the removal and/or demolition of any existing structure on the development site.
- 5.2 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2002*, Council’s Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 5.3 The development must be connected to Council’s reticulated sewerage and water networks.
- 5.4 The existing sewerage point(s) must be retained, and upgraded if necessary, to service the development.
- 5.5 Sewerage connection point must be located minimum of one (1) metre clear of the proposed bio-detention basin and must be raised to suit the finished surface levels.
- 5.6 A new water connection point must be provided to the development. A hydraulic engineer or other suitably qualified person must determine the size of connection required.
- 5.7 All internal plumbing and sanitary drainage works must be completely independent

for each tenancy.

- 5.8 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act 2002* and Council's Plumbing and Drainage Policies.
- 5.9 The development must be provided with a master meter at the development site boundary and sub-meters for each sole occupancy building in accordance with the *Queensland Plumbing and Drainage Code* and Council's Sub-metering Policy.
- 5.10 Water meter box located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 5.11 Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's sewerage reticulation 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 on the development site.
- 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 be discharged to lawful point and must not adversely affect surrounding land or infrastructure in comparison to the pre-development condition, 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 percent (1%) Annual Exceedance Probability defined storm event, for the post development condition.
- 6.5 The installation of bio-retention basin must be in accordance with relevant *Australian Standards* and all maintenance of the proposed bio-retention basin must be the responsibility of the property owner (VP Medical Services P/L).
- 6.6 Adequate safety measures must be provided around the proposed Bio-retention basin and must comply with the requirement of *Queensland Urban Drainage Manual*.
- 6.7 Energy dissipaters at downstream of stormwater outlet must be provided and must comply with the requirement of *Queensland Urban Drainage Manual*.

## 7.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 7.1 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.
- 7.2 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 or worsening to surrounding land or infrastructure.

## 8.0 SITE WORKS

- 8.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works.
- 8.2 All earthworks must be undertaken in accordance with *Australian Standards, AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.

8.3 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 All structures must maintain a clearance of two (2) metres to any sewerage infrastructure.

9.2 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.

9.3 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:

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

9.3.2 aesthetically screened from any road frontage or adjoining property;

9.3.3 concealed from public view such that the contents of the waste storage area are not visible from any public place;

9.3.4 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;

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

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

#### 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 landscape areas must predominantly contain plant species that are locally native to the Central Queensland region due to their low water dependency.

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

(i) obstruct sight visibility zones as defined in the *Austrroads 'Guide to Traffic Engineering Practice'* series of publications;

(ii) adversely affect any road lighting or public space lighting; or

(iii) adversely affect any Council infrastructure, or public utility plant.

10.3 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.

#### 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.

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

## 12.0 TELECOMMUNICATIONS

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

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

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

## 13.0 ASSET MANAGEMENT

- 13.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.
- 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 *Manual for Submission of Digital As Constructed Information*.

## 14.0 ENVIRONMENTAL

- 14.1 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:
- 14.1.1 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); and
- 14.1.2 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 Sirens from attending ambulances are to be silenced where circumstances allow and as soon as possible as the ambulance enters the site.

Note: Any operations on the site between 10pm to 7am must ensure noise management measures are enforced during this timeframe.

- 15.5 When requested by Council, noise monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise. The monitoring data, an analysis of the data and a report, including noise mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation. Council may require any noise mitigation measures identified in the assessment to be implemented within appropriate timeframes. Noise measurements must be compared with the acoustic quality objectives specified in the most recent edition of the *Environmental Protection (Noise) Policy 2008*.

#### 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 O'Shanesy Street and Pierce Street.
- 16.2 The hours of operations for the development site must be limited to:
- (i) 0700 hours to 1800 hours on Monday to Friday for Radiology Practice,
  - (ii) 0700 hours to 2200 hours on Monday to Sunday for Medical Practice, and
  - (iii) 0700 hours to 2200 hours on Monday to Sunday for Pharmacy.
- 16.3 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.
- 16.4 All waste storage areas must be:
- 16.4.1 kept in a clean and tidy condition; and
  - 16.4.2 maintained in accordance with *Environmental Protection Regulation 2008*.

#### ADVISORY NOTES

##### NOTE 1. Aboriginal Cultural Heritage

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

##### NOTE 2. General Environmental Duty

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

##### NOTE 3. General Safety Of Public During Construction

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



**NOTE 4. Infrastructure Charges Notice**

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

***Conditions for Operational Work - Signage*****17.0 ADMINISTRATION**

17.1 The Developer and his employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.

17.2 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.

17.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.

17.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of the use, unless otherwise stated.

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

17.5.1 Building Works.

17.6 The Operational Works Permit will have a relevant period of four (4) years from the date of approval.

**18.0 APPROVED PLANS AND DOCUMENTS**

18.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this permit:

<u>Plan/Document Name</u>	<u>Plan Number</u>	<u>Dated</u>
Signage	SK-006; Revision 7	17 August 2016

18.2 A set of the above approved plans are returned to you as the Consultant. The Consultant is to supply one (1) Approved set to the contractor to be retained on site at all times during construction.

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

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

**19.0 ASSET MANAGEMENT**

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

**20.0 OPERATING PROCEDURES**

20.1 All signage must only display or advertise a matter associated with the purpose for which the premises is used.

20.2 All signage must be maintained at all times on the premises by the owner of the premises to the same standard as it was when it was installed.

20.3 Any lighting devices associated with the signage, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents or motorists. Night lighting must be designed, constructed and operated in accordance with '*Australian Standard AS4282 – Control of the obtrusive effects of outdoor lighting*'.

#### 21.0 DIGITAL (LED) SIGNAGE - DISPLAY AND MOVEMENT

21.1 The digital display screen of the Advertising Device must incorporate an automatic error detection system which will turn off the screen display or display a blank screen should the Advertising Device malfunction.

21.2 The Advertising Device display screen must incorporate a minimum of two (2) automated ambient light sensors capable of supporting a minimum of five (5) levels of stepped dimming to ensure display screen luminance can adjust automatically in response to surrounding ambient light conditions from dark of night to fully sunlit conditions.

21.3 Advertisements must not display text, photographs or symbols depicting, mimicking or that could be reasonably interpreted as a traffic control device.

21.4 The use of text components in a sequential manner, whereby text refers to or is reliant on previous or successive screen displays in order to convey an advertising message is not permitted.

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

21.5 Messages must remain static for a minimum dwell time of nine (9) seconds, and are not to scroll across the screen or incorporate flashing, blinking, revolving, pulsating, high contrast or rotating effects animation.

21.6 Each change of advertisement is to be completed instantaneously (i.e. within 0.1 of a second).

21.7 Changeover animation effects such as 'fade', 'zoom', or 'fly-in' between advertisements must not be used.

21.8 A blank black, white, or any coloured screen must not be displayed between advertisements.

21.9 Advertisements that comprise of, or incorporate moving visual images, such as videos or animations must not be displayed.

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

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

21.11 The digital (LED) display screen must generally comply with the Outdoor Media Association (OMA) Guidelines where not specifically conditioned by this approval.

#### 22.0 CONSTRUCTION PROCEDURES

22.1 Council reserves the right for uninterrupted access to the site at all times during construction.

22.2 All Construction work and other associated activities are permitted only between 0630 hours and 1800 hours Monday to Saturday. No work is permitted on Sundays or public holidays. All requirements of the Environmental Protection Act and Environmental Protection Regulations must be observed at all times.

- 22.3 Any proposed works within the vicinity (or zone of influence) of existing Council infrastructure will not adversely affect the integrity of the infrastructure. Any restoration works required on existing Council infrastructure as a result of proposed works will be at developer's expense.
- 22.4 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site.

#### ADVISORY NOTES

NOTE 5. Aboriginal Cultural Heritage

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

NOTE 6. 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 7. General Safety Of Public During Construction

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

#### RECOMMENDATION C

That in relation to the application for a Development Permit for a Material Change of Use for Health Care Services and a Shop and Operational Works for Advertising Devices (Awning Fascia Sign, Wall Sign and Billboard Sign), made by Saachi Invest Pty Ltd ATF the PPS Investment Trust ABN 36 813 044 069 c/- Reel Planning CQ on behalf of VP Medical Services Pty Ltd Tte, on land described as Lot 1 on RP602231, Parish of Gracemere, located at 3 O'Shanesy Street, Gracemere, Council resolves to issue an Infrastructure Charges Notice for the amount of \$166,127.50.

**Moved by:** Councillor Smith  
**Seconded by:** Councillor Fisher

**MOTION CARRIED UNANIMOUSLY**

**11.4 ADOPTION OF 2015/16 ANNUAL REPORT**

**File No:** 5042  
**Attachments:** 1. 2015/2016 Annual Report  
**Authorising Officer:** Evan Pardon - Chief Executive Officer  
**Author:** Ross Cheesman - Deputy CEO/General Manager  
Corporate Services

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**SUMMARY**

*Content for the 2015/16 Annual Report is submitted for Council's consideration and approval.*

**COUNCIL RESOLUTION**

THAT in accordance with the *Local Government Act 2009*, the *Local Government Regulation 2012* and the *Water Supply (Safety and Reliability) Act 2008*, the 2015/16 Annual Report as presented be adopted.

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

**MOTION CARRIED**

**11.5 WHOLE OF REGION SIGNAGE & WAYFINDING STRATEGY**

**File No:** 1731  
**Attachments:** Nil  
**Authorising Officer:** Evan Pardon - Chief Executive Officer  
**Author:** Sarah Reeves - Manager Regional Promotions

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**SUMMARY**

*The purpose of this report is to present the final version of the whole of Region Signage & Wayfinding Strategy for Council endorsement.*

**COUNCIL RESOLUTION**

THAT Council approve the designs and handbook for the Regional Wayfinding Strategy and that Council will consider the entry sign and make a determination on that separately.

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

**MOTION CARRIED UNANIMOUSLY**

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**11.6 MAJOR AMENDMENT TO ROCKHAMPTON REGION PLANNING SCHEME - CLASS 10A STRUCTURES**

**File No:** RRPS-PRO-2015/001-01-01  
**Attachments:** Nil  
**Authorising Officer:** Peter Kofod - General Manager Regional Services  
**Author:** Cameron Wyatt - Senior Strategic Planner  
Robert Truscott - Coordinator Strategic Planning

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**SUMMARY**

*Currently, officers are preparing a major amendment to the Rockhampton Region Planning Scheme (RRPS). The changes are in response to an internal review undertaken by strategic planning and initial feedback from internal and external stakeholders. At the 6 September 2016 and 4 October 2016 Councillor forums, issues associated with Class 10a structures (sheds/carports) were discussed. As a result, a further report is presented providing options regarding stormwater / overland flow and amenity issues occurring as a result of these developments.*

**COUNCIL RESOLUTION**

THAT this matter be brought to the next available Council meeting.

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

**12 NOTICES OF MOTION**

Nil

**13 QUESTIONS ON NOTICE**

Nil



## **14 URGENT BUSINESS\QUESTIONS**

### **14.1 353 MOORES CREEK ROAD - POTENTIAL DEVELOPMENT**

**File No:** 8025

**Responsible Officer:** Evan Pardon – Chief Executive Officer

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#### **SUMMARY**

*A verbal briefing was provided to Council on the potential development at 353 Moores Creek Road.*

## 15 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.

### COUNCIL 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.

#### 16.1 Economic Development Queensland Joint Venture and Strategic Property Acquisition

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

#### 16.2 Confidential report on matters currently in legal process

This report is considered confidential in accordance with section 275(1)(f), of the *Local Government Regulation 2012*, as it contains information relating to starting or defending legal proceedings involving the local government.

#### 16.3 Confidential Legal Proceedings for Development Offences

This report is considered confidential in accordance with section 275(1)(f), of the *Local Government Regulation 2012*, as it contains information relating to starting or defending legal proceedings involving the local government.

#### 16.4 Performance Review - Chief Executive Officer

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

**Moved by:** Councillor Rutherford

**Seconded by:** Councillor Smith

**MOTION CARRIED**

### COUNCIL RESOLUTION

**9:48AM**

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

**Moved by:** Councillor Rutherford

**Seconded by:** Councillor Smith

**MOTION CARRIED**

10:02AM Chief Executive Officer left the meeting  
10:04AM Chief Executive Officer returned to the meeting  
10:43AM Chief Executive Officer left the meeting  
11:11AM Chief Executive Officer returned to the meeting

**COUNCIL RESOLUTION**

**11:11AM**

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

**Moved by:** Councillor Smith

**Seconded by:** Councillor Fisher

**MOTION CARRIED**

## 16 CONFIDENTIAL REPORTS

### 16.1 ECONOMIC DEVELOPMENT QUEENSLAND JOINT VENTURE AND STRATEGIC PROPERTY ACQUISITION

**File No:** 11359

**Attachments:**

1. Correspondence from MVS valuations and property consulting regarding Market Value Range
2. Proposed plans for development

**Authorising Officer:** Scott Waters - Acting Executive Manager Regional Development

**Author:** Cameron Wyatt - Senior Strategic Planner

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

#### SUMMARY

*At Council's Ordinary Council meeting on the 12 July 2016, Council resolved the following:*

1. *Adopt the Community Engagement Plan for progressing economic development projects in partnership with EDQ;*
2. *Commence negotiations to purchase property identified to consolidate and maximise the economic development potential of Council's property interests in the CBD. Final execution of the contract/s to be subject to a further Council resolution; and*
3. *Work with EDQ to develop economic development project opportunities in the CBD.*

*The following report updates Council in relation to planning and ongoing discussions with Economic Development Queensland (EDQ) to form a Joint Venture to progress economic development opportunities in the Rockhampton Central Business District (CBD). The report also recommends a strategic property acquisition for Council's consideration. It is noted that Council's previous resolution provides authority for the CEO to purchase identified properties. It is recommended that if the identified property valuation is accepted in line with Council's offer to purchase that the CEO be authorised to purchase the property.*

#### COUNCIL RESOLUTION

THAT Council resolves to:

1. Continue negotiations with EDQ with the aim of preparing a Joint Venture Agreement to complete agreed economic development works in the CBD.
2. Authorise the CEO to notify EDQ of Council's support for the further development of design concepts and a draft Joint Venture Agreement as described herein.
3. Authorise the CEO to purchase the identified property in accordance with the valuation, an agreed purchase amount higher than the valuation will require a further resolution of Council.

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

**16.2 CONFIDENTIAL REPORT ON MATTERS CURRENTLY IN LEGAL PROCESS****File No:** 8038 / 4781 / 8431**Attachments:** Nil**Authorising Officer:** Michael Rowe - General Manager Community Services**Author:** Judith Noland - Development Compliance Officer

This report is considered confidential in accordance with section 275(1)(f), of the *Local Government Regulation 2012*, as it contains information relating to starting or defending legal proceedings involving the local government.

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**SUMMARY**

*This report provides a review of development compliance investigations currently in legal process.*

**COUNCIL RESOLUTION**

THAT this report be received.

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

**16.3 CONFIDENTIAL LEGAL PROCEEDINGS FOR DEVELOPMENT OFFENCES****File No:** 8038 / 4781 / 8431**Attachments:**

1. Locality Plan
2. Site Photos
3. Aerial Photo

**Authorising Officer:** Michael Rowe - General Manager Community Services**Author:** Judith Noland - Development Compliance Officer

This report is considered confidential in accordance with section 275(1)(f), of the *Local Government Regulation 2012*, as it contains information relating to starting or defending legal proceedings involving the local government.

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**SUMMARY**

*This report discusses proposed legal action relating to a use of land in Lakes Creek.*

**COUNCIL RESOLUTION**

THAT option 1 be adopted and that Council seek early mediation as part of the appeal process.

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

**16.4 PERFORMANCE REVIEW - CHIEF EXECUTIVE OFFICER****File No:** 6947**Attachments:** Nil**Authorising Officer:** Ross Cheesman - Deputy CEO/General Manager  
Corporate Services**Author:** Tracy Sweeney - Manager Workforce and Strategy

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

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**SUMMARY**

*This report is presented for Councillors to consider the annual performance review for the Chief Executive Officer.*

**COUNCIL RESOLUTION**

THAT the recommendations detailed in the report be adopted.

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

**17 CLOSURE OF MEETING**

There being no further business the meeting closed at 11:13am.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
DATE