

# BUSINESS PAPER

## Special Meeting

**Thursday 2 July 2020**

Ernest Brock Room - Roma Cultural Centre

### NOTICE OF MEETING

Date: 29 June 2020

Mayor:

Councillor T D Golder

Deputy Mayor:  
Councillors:

Councillor G B McMullen  
Councillor J R P Birkett  
Councillor M C Edwards  
Councillor J L Guthrie  
Councillor J M Hancock  
Councillor W L Ladbrook  
Councillor C J O'Neil  
Councillor W M Taylor

Chief Executive Officer:

Ms Julie Reitano

Executive Management:

Mr Rob Hayward (Deputy Chief Executive Officer/Director  
Development, Facilities & Environmental Services)  
Ms Sharon Frank (Director Corporate & Community Services)

Attached is the agenda for the **Special Meeting** to be held at the Ernest Brock Room - Roma Cultural Centre on **2 July, 2020 at 8:00AM**



Julie Reitano  
**Chief Executive Officer**

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**NOTICE OF REPEAL OR AMENDMENT OF RESOLUTION**

**Meeting:** Special 2 July 2020

**Date:** 26 June 2020

**Item Number:** 5.1

**File Number:** D20/61502

**SUBJECT HEADING:** Development Application for a Material Change of Use "Indoor sport and recreation" (Snap Fitness) - 2020/20088

**Classification:** Open Access

**Officers' Titles:** Chief Executive Officer  
Manager - Planning & Building Development

**Original Resolution Meeting Date:** 24 June 2020

**Resolution Number:** GM/06.2020/100

**FROM:**

**Original resolution:**

That the application for a Material Change of Use "Indoor sport and recreation" (gymnasium) located at 35 Hawthorne Street, Roma, being Lot 2 of RP41286 and Lot 2 of R94533, be approved subject to the following conditions from (a) through until (k).

**TO:**

**Resolution amendment recommendation:**

That:

1. The Council decision made at the Council Meeting on 24 June 2020 be amended to approve the development application for a material change of use "Indoor sport and recreation" (Snap Fitness) – 2020/20088 in respect of land which has a real property description of Lot 2 on RP41286 and Lot 2 on RP94533 subject to conditions 1 to 52 (inclusive) and general advice (a) to (k) (inclusive) as listed in the **Officer's recommendation** (Pages 2 to 10 of this notice).
2. Notice of the decision be given to the applicant as soon as possible, having regard to the requirements of the *Planning Act 2016* and the Development Assessment Rules.

**Background:**

The original resolution referenced conditions from (a) through until (k). (a) to (k) could be considered preamble conditions or general advice.

Whilst the debate and voting indicated that there were no concerns with the recommendation presented, for completeness, confirmation is sought of Council's intent to include all conditions as listed in the officer's recommendation (as detailed below).

To minimise the risk of this occurring again, the template is being changed so that the specific conditions appear first, and the general advice appears at the end of the report.

### Officer's recommendation

The application for a Material Change of Use for "Indoor sport and recreation" (gymnasium) located at 35 Hawthorne Street, Roma, being Lot 2 on RP41286 and Lot 2 on R94533, be approved subject to the following conditions:

#### Conditions:

##### Use

1. The approved development is a Material Change of Use - "Indoor sport and recreation" as defined in the Planning Scheme and as shown on the approved plans.

##### Amalgamation of lots

2. The lots comprising the development site (Lot: 2 RP: 41286 & Lot 2: RP: 94533) must be amalgamated within 3 months of the commencement of the use.

##### Compliance inspection

3. All conditions relating to the establishment of the approved development must be fulfilled prior to the approved use commencing, unless otherwise noted in these conditions.
4. Prior to the commencement of the use, the applicant shall contact Council to arrange a development compliance inspection.

##### Approved plans and documents

5. The approved development is to be carried out generally in accordance with the following approved plans/documents and subject to approval conditions. Where there is any conflict between the approval conditions and the details shown on the approved plans, the approval conditions prevail.

Plan/Document Number	Plan/Document Name	Date
205584 V1	Project Plan	21.05.2020
001	Parking and Access plan	

### Detailed plans

6. Detailed design plans, generally in accordance with the approved plans, must be submitted to and approved by Council prior to the commencement of use. The detailed plans must include elevation/s and site plan/s, drawn to scale, and clearly identifying any improvements proposed as part of the development.

The approved design plans shall form part of the approved documents for the development.

### Parking and manoeuvring

7. A designated onsite car parking area with provision for 10 car parking spaces, including one car park for persons with disabilities, is to be provided within the development site area. The onsite car parking area shall provide exclusive access from Hawthorne Street.
8. Development plans showing swept paths for vehicles accessing the car parking area and demonstrating that the car park achieves compliance with the requirements listed below, must be submitted to, and approved by Council prior to the commencement of use:
  - a. Car park design, including car parking spaces (widths and lengths), vehicle access lanes and manoeuvring areas are to comply with Australian Standard AS/NZS 2890 Part 1: Off-street car parking;
  - b. A disabled car parking bay is to be provided in accordance with Australian Standard AS/NZS 2890.6:2009 Parking Facilities - Off-street car parking for people with disabilities (minimum 2 PWD spaces);
  - c. Appropriate vehicle barriers are to be provided to prevent vehicles from travelling into existing/proposed structures and buildings;
  - d. Vehicle movements within the site are to be clear of proposed parking areas, buildings and landscape treatments;
  - e. Vehicle parking bays must not encroach into swept paths for vehicle movements;
  - f. Vehicles accessing the designated onsite parking area must be able to enter and leave in forward direction. All vehicle manoeuvres to and from the onsite parking spaces must be totally contained within the development site boundaries and must not encroach onto the adjacent road way;
  - g. Sufficient manoeuvring areas are to be provided to facilitate the turnaround of vehicles within the site ensuring vehicles can exit to Hawthorne Street in forward direction;

The approved development plans required by 8.a. to 8.g. (inclusive) above shall form part of the approved documents for the development.

### Access

9. Vehicle access to the development site is to be provided from Hawthorne Street, generally in the location shown on approved drawing 001 Parking and Access Plan. Signage shall be erected internal to the development site, generally in the location of the proposed on-site car park, advising customers that they are prohibited from entering or leaving the development site from the access easement from Quintin Street.
10. Signage is to be erected internally within the development site generally in the location of the driveway from the proposed on-site car park, providing clear instruction to vehicles exiting the site that they must give way to vehicles entering the development site from Hawthorne Street.
11. Signage/line-marking and/or other warning devices are to be erected internally within the proposed on-site car parking area making pedestrians and vehicles aware of the potential of vehicles entering/exiting the site.
12. The landowner shall be responsible for the maintenance of vehicle crossovers from the property boundary to the external road networks and access ways, and for obtaining any approvals that may be required and for complying with the applicable designs and standards.

### No external building works

13. No external building works are permitted to be carried out at the premises without the prior written consent of Council, unless otherwise permitted by the Planning Scheme or as prescribed by the *Planning Regulation 2017*.

Note: all other permits and licences required to carry out works on the building, including, but not limited to, any building or plumbing works, must be obtained prior to the commencement of works.

### Works in road reserve

14. A Works in a Road Reserve Permit will be required from Council for any works associated with the development that are undertaken within the Council road reserve by private contractor/entity. Works include, but are not limited to, linemarking, signage, footpath or cutting work, kerb and channel and site access/crossovers. All works on or near roadways shall be adequately signed in accordance with the "Manual for Uniform Traffic Control Devices – Part 3, Works on Roads".
15. An Operational Works application must be submitted to and approved by Council for infrastructure works external to the development site prior to any works taking place, where works are undertaken by private contractor/entity.

### Development works

16. During the course of constructing the works, the developer shall ensure that all works are carried out by appropriately qualified persons and the developer and the persons carrying out and supervising the work shall be responsible for all aspects of the works, including public and worker safety, and shall ensure adequate barricades, signage and other warning devices are in place at all times.

17. The developer is responsible for locating and protecting any Council and public utility services, infrastructure and assets that may be impacted on during construction of the development. Any damage to existing infrastructure (kerb, road pavement, existing underground assets, etc.) that is attributable to the progress of works on the site or vehicles associated with the development of the site shall be immediately rectified in accordance with the asset owners' requirements and specifications and to the satisfaction of the asset owners' representative(s).

#### **Applicable standards**

18. All works must comply with:
- a) the development approval conditions;
  - b) any relevant provisions in the Planning Scheme and the Capricorn Municipal Development Guidelines;
  - c) any relevant Australian Standard that applies to that type of work; and
  - d) any alternative specifications that Council has agreed to in writing and which the developer must ensure do not conflict with any requirements imposed by any applicable laws and standards.

#### **Avoiding nuisance**

19. No unreasonable nuisance is to be caused to adjoining properties and occupiers by the way of noise, smoke, dust, rubbish, contaminant, stormwater discharge or siltation at any time during or after the establishment of the approved development.

Note: In most instances, Council is responsible for investigating complaints and enforcing the controls for nuisances. When investigating a complaint, Council will consider amongst other matters, the amount, duration, characteristics and qualities of the nuisance, as well as the sensitivity of the receptor and the potential impact of the nuisance on adjacent properties.

20. Lighting of the site, including any security lighting, shall be such that the lighting intensity does not exceed 8.0 lux at a distance of 1.5 metres from the site at any property boundary.
21. All lighting shall be directed or shielded so as to ensure that no glare directly affects nearby properties.

Note: The Queensland Government *Environmental Protection Act 1994* includes controls for light nuisances. Council is responsible for investigating light pollution complaints and enforcing the controls for light nuisances. When investigating a lighting complaint, Council will consider amongst other matters, the amount, duration, characteristics and qualities of the lighting, as well as the sensitivity of the receptor and the potential impact of lighting on adjacent properties.

22. The area and its surrounds shall be kept in an orderly fashion, free of rubbish and clear of weeds and long grasses. The approved development and the premises are to be maintained in a clean and tidy condition and not to pose any health and safety risks to the community.
23. Any dust emanating as a result of operations carried out onsite must be continually monitored and suppressed in order to prevent any dust drifting onto road networks, nearby properties and sensitive land uses.

### **Footpath lighting**

24. The development is to incorporate lighting on the Hawthorne Street building elevation to illuminate the footpath and building access outside of daylight hours. Lighting is to accord with Australian Standard AS/NZ1158 – Lighting for roads and public spaces.

### **Refuse storage**

25. At all times while the use continues, waste containers shall be provided on the site and maintained in a clean and tidy state and shall be emptied and the waste removed from the site on a regular basis.
26. Refuse storage areas are to be located behind the front building line and screened from view from the street.

### **Screening mechanical equipment**

27. All mechanical equipment (including air conditioners and the like) and rainwater tanks are to be screened from the adjoining roadway and nearby properties.

### **Stormwater and drainage**

28. Stormwater must not be discharged to adjoining properties and must not pond on the property being developed, or adjoining properties during the development process or after the development has been completed.
29. There must be no increases in any silt loads or contaminants in any overland flow from the property being developed during the development process and after the development has been completed.
30. The stormwater disposal system must be designed to include appropriate pollution control devices or methods to ensure no contamination or silting of creeks or other waterways.

### **Services**

31. The approved development is to be connected to Council's reticulated water supply network in accordance with the Water Services Association of Australia (WSAA) publication and the CMDG Design Guidelines – D11 'Water Reticulation', at no cost to Council.
32. The approved development is to be connected to Council's reticulated sewerage disposal system in accordance with the Sewerage Code of Australia and the CMDG Design Guideline - D12 'Sewerage Reticulation', at no cost to Council.
33. Any connection to, or works associated with Council's sewerage infrastructure must be completed by a qualified plumber/drainlayer under Council supervision. No works are to be undertaken on Council's sewerage infrastructure without first obtaining the express permission of Council.
34. The premises is to be connected to Council's reticulated gas network prior to the commencement of use.



35. Connection of the development to a telecommunication service must be undertaken in accordance with the relevant service provider's requirements and specifications along with relevant building standards, requirements and specifications.
36. The development must be connected to an electricity reticulation service in accordance with the relevant service provider's requirements and specifications along with relevant building standards, requirements and specifications.

Note: Any renewable energy systems integrated into the development are to contribute to the supply and use of electricity to and from the grid.

37. All services installation, including sewer, water, gas, electricity and telecommunications connections to the respective networks, must comply with (i) the development approval conditions, (ii) any relevant provisions in the planning scheme for the area, (iii) Council's standard designs for such work where such designs exist (iv) the Capricorn Municipal Development Guidelines (CMDG) where it applies (v) any relevant Australian Standard that applies to that type of work and (vi) any alternative specifications that Council has agreed to in writing and which the developer must ensure do not conflict with any requirements imposed by any applicable laws and standards.
38. Any conflicts associated with proposed and existing services shall be forwarded by the developer to the appropriate controlling authority for approval for any proposed changes.

#### **Construction activities and erosion control**

39. During the course of any construction activities, soil erosion and sediment must be managed in accordance with the CMDG Design Guidelines D-7 'Erosion and Control and Stormwater Management'.
40. If there is a possibility of erosion or silt or other materials being washed off the property during the development process or after the development is completed, the developer must document and implement a management plan that prevents this from occurring.
41. The developer shall immediately clean up and satisfactorily remove any deposited construction material or silt runoff from the development site.
42. Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by the action of running water shall be stored clear of drainage paths and be prevented from entering the road and/or drainage system.
43. Should it be necessary for the road and/or drainage system to be reinstated or cleaned up due to erosion and/or sedimentation from the site, then such works shall be at no cost to Council. Such works shall be undertaken immediately where there is a potential hazard to pedestrians and/or passing traffic.
44. Temporary fencing must be erected and maintained around the perimeter of the development site whilst construction activities are carried out.

### **Bicycle parking**

45. A dedicated area for bicycle parking with a minimum of four spaces, is to be provided internally within the development site area. Bicycle parking areas must be well-lit, sheltered and protected from other use areas and traffic (including vehicle and pedestrian accessways, delivery activities, waste collection etc.). Pedestrian linkages are to be provided between the bicycle parking area and the building entrance.

### **Advertising signage**

46. Any proposed advertising signage in addition to that identified in the approved development plans, is subject to further development approval unless compliant with the requirements for "Accepted development" or "Accepted development subject to requirements" identified in the planning scheme in force at the time.
47. Any advertising signage associated with the approved use must be fully contained within the development site boundaries and must not encroach adjoining properties or roads.

### **Emergency events**

48. A flood evacuation management plan, having regard to the site characteristics and management procedures in the event of flood, shall be prepared prior to the commencement of use. The owner and/or operator and all staff shall be made aware of the flood evacuation management plan, its content, and the procedures that need to be followed in the case of a major flood event.

### **Building materials**

49. Building materials and surface treatments used below the Defined flood level must be resistant to water damage and shall not include wall cavities that would collect water and sediment during a flood event.

### **No cost to Council**

50. The developer is responsible for meeting all costs associated with the approved development unless there is specific agreement by other parties, including the Council, to meeting those costs. This includes the costs of any services and infrastructure required in connection with the establishment of the development.

### **Latest versions**

51. Where another condition refers to a specific published standard, manual or guideline, including specifications, drawings, provisions and criteria within those documents, that condition shall be deemed as referring to the latest versions of those publications that are publicly available at the commencement of the development works, unless a regulation or law requires otherwise.

### **Application documentation**

52. It is the developer's responsibility to ensure that all entities associated with this Development Approval have a legible copy of the Decision Notice, Approved Plans and Approved Documents bearing 'Council Approval'.

**General advice:**

- (a) Refer to <http://www.cmdg.com.au/> for the Capricorn Municipal Development Guidelines (CMDG).
- (b) Refer to <http://www.maranoa.qld.gov.au/council-policies> for Council Policies.
- (c) The relevant planning scheme for this development is Maranoa Planning Scheme 2017. All references to the 'Planning Scheme' and 'Planning Scheme Schedules' within these conditions refer to this Planning Scheme.
- (d) Under the Planning Scheme "Indoor sport and recreation" means the use of premises for a leisure, sport or recreation activity conducted wholly or mainly indoors.
- (e) The *Environmental Protection Act 1994* states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard, persons and entities involved in the operation of the approved development are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm to adjoining premises.
- (f) All Aboriginal Cultural Heritage in Queensland is protected under the *Aboriginal Cultural Heritage Act 2003* and penalty provisions apply for any unauthorised harm. Under the legislation a person carrying out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage. This applies whether or not such places are recorded in an official register and whether or not they are located in, on or under private land. The developer is responsible for implementing reasonable and practical measures to ensure the Cultural Heritage Duty of Care Guidelines are met and for obtaining any clearances required from the responsible entity.
- (g) The development site is identified as being partly affected by Low Flood Hazard in the Roma Flood Hazard Overlay.  
Refer: <http://www.maranoa.qld.gov.au/development/planning-scheme>
- (h) It is the responsibility of the developer to obtain all necessary permits and submit all necessary plans and policies to the relevant authorities for the approved development.
- (i) The development will not increase demand on any of Council's trunk infrastructure networks and therefore a nil infrastructure charge is payable.
- (j) The land use rating category may change upon commencement of any new approved use on the site. Council's current Revenue Statement, which includes the minimum general rate levy for the approved use/s, can be viewed on the Council Website: [www.maranoa.qld.gov.au](http://www.maranoa.qld.gov.au).

- (k) In completing an assessment of the proposed development, Council has relied on the information submitted in support of the development application as true and correct. Any change to the approved plans and documents may require a new or changed development approval. It is recommended to contact Council for advice in the event of any potential change in circumstances.

**Supporting Documentation:**

Nil

**Notice prepared by:** Chief Executive Officer