



SOUTHERN DOWNS REGIONAL COUNCIL

SPECIAL MEETING OF COUNCIL

Dear Councillors

Your attendance is hereby requested at the Special Meeting of Council to be held in the Council Chambers, Southern Downs Regional Council, 64 Fitzroy Street, Warwick on **Friday, 14 November 2014 at 9.00AM.**

Notice is hereby given of the business to be transacted at the meeting.

David Tuxford

ACTING CHIEF EXECUTIVE OFFICER

11 November 2014

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1. **ATTENDANCE**
2. **APOLOGIES**
3. **DECLARATIONS OF CONFLICTS OF INTEREST**

4. PLANNING & ENVIRONMENT DEPARTMENT REPORTS

4.1 Material Change of Use - Rose City Centre Pty Ltd, 71-81 Grafton Street and 76-84 Fitzroy Street, Warwick

Document Information

 Southern Downs REGIONAL COUNCIL	Report To: Special Council Meeting	
	Reporting Officer:	Meeting Date: 14 November 2014
	Senior Planning Officer	File Ref: MCU\01583

APPLICANT:	Rose City Centre Pty Ltd
OWNER:	Rose City Centre Pty Ltd
ADDRESS:	71-81 Grafton Street and 76-84 Fitzroy Street, Warwick
RPD:	Lot 60 SP100924, Lot 101 SP238548, Lot 1 RP40226, Lots 1 & 2 RP97879, Lots 1 & 2 RP100863, Lot 1 RP90982, Lots 1, 2 & 3 RP5801, Lot 1 RP94676 and volumetric Lot 101 SP238548, Parish of Warwick, County of Merivale
ZONE:	Principal centre zone
PROPOSAL:	Food and drink outlet, Office, and Shop (Extension to existing use)
LEVEL OF ASSESSMENT:	Code
REFERRALS:	Department of State Development, Infrastructure and Planning

Recommendation Summary

THAT the application for Material Change of Use for the purpose of a Food and drink outlet, Office, and Shop (Extension to existing use) on Lot 60 SP100924, Lot 101 SP238548, Lot 1 RP40226, Lots 1 & 2 RP97879, Lots 1 & 2 RP100863, Lot 1 RP90982, Lots 1, 2 & 3 RP5801, Lot 1 RP94676 and volumetric Lot 101 SP238548, Parish of Warwick, County of Merivale, located at 71-81 Grafton Street and 76-84 Fitzroy Street, Warwick, be approved subject to conditions.

Report

Locality map and Proposal



The applicant proposes the following development at the Rose City Shoppingworld:

- An additional 3,456 square metres gross floor area, increasing from 18,601 square metres to 21,517 square metres, for food and drink outlets, office and shop uses, including provision for a new full line supermarket (Coles) and an expansion to the existing discount department store (Big W).
- The redevelopment of the Palmerin and Fitzroy Street corner, resulting in a new pedestrian entry point to the Rose City Shoppingworld located at this corner.
- A net increase of 108 vehicular parking spaces as part of an expanded basement car park, including new access point from Fitzroy Street. This will result in a total of 598 car parking spaces.

The proposed development will be in two stages:

- Stage 1: 2,904 square metres gross floor area that includes the construction of the new basement car park and all components of the expanded retail development, excluding the expansion of the Big W tenancy; and
- Stage 2: 552 square metres gross floor area, involving the expansion of Big W (including new loading dock)..

The development will also result in demolition of the existing Bi-Lo store and buildings at 76-82 Fitzroy Street and 71-75 Palmerin Street to facilitate the proposed expansion. It is noted that the majority of the buildings have now been demolished.

On 31 August 2009 Council agreed in principle to allow an access ramp within the Fitzroy Street road reserve to cater for the proposed extension to the Rose City Shoppingworld.



VIEW TOWARDS NEW CENTRE ENTRY - FITZROY & PALMERIN STREET



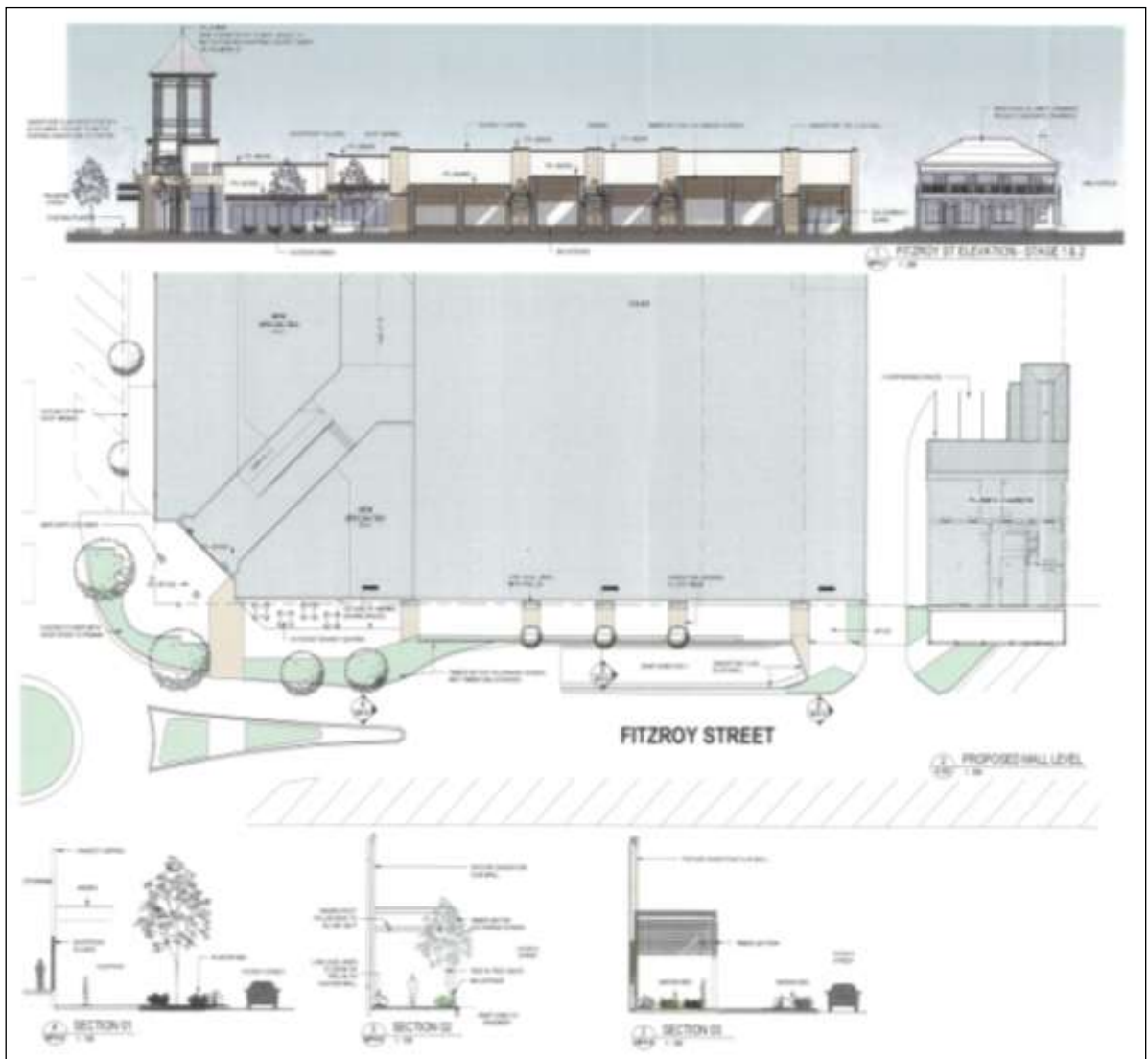
PLUMB CHAMBERS & NEW CENTRE - FITZROY STREET



NEW CENTRE EXTENSION - PALMERIN STREET



VIEW INSIDE NEW COLONNADE



Stage One



Stage Two

Assessment criteria

The proposed development complies with the Southern Downs Planning Scheme, 2012 in relation to the Strategic framework and Principal centre zone purposes.

The application required assessment against the following codes:

- Principal centre zone code
- Heritage overlay code
- Car parking and loading code
- Landscaping code
- Outdoor lighting code
- Physical infrastructure code
- Healthy waters code

The proposed development generally complies with the provisions associated with the abovementioned codes, except for the provisions detailed as follows.

Addressing non-compliant codes

Principal centre zone code

The proposal does not comply with all relevant Acceptable outcomes of the Principal centre zone code.

Building form and design: The relevant Performance outcomes and Acceptable outcomes of the Principal centre zone code state as follows:

- PO3 Building facades incorporate elements including windows and doors that have a human scale.
- PO4 (a) The top level of the building and the roof form is shaped to -
(i) reduce apparent bulk and provide a visually attractive skyline; and
(ii) screen mechanical plant from view.
(b) Parapets are stepped or undulated and incorporate transitional elements to achieve a graded skyline.
- AO7.1 Development does not include long, unbroken façade elements which exceed 50 metres in length. The impression of bulkiness may be reduced through the use of projections and recesses or changes in materials.
- AO7.2 Where a building fronts the following streets no more than 20% of the front of the building comprises blank walls at ground level.
- Palmerin Street between Albert and Percy Streets Warwick; and
 - Fitzroy Street between Albion and Guy Streets Warwick; and
 - Grafton Street between Albion and Guy Streets Warwick; and
 - King Street between Palmerin and Albion Streets Warwick; and
 - High Street Stanthorpe; and
 - Maryland Street Stanthorpe.
- PO7 The architectural treatment of facades and elevations avoids large blank walls. Openings, windows and setbacks are used to articulate building surfaces and contribute positively to the streetscape.

There are square topped parapets proposed along the Fitzroy Street frontage.

The Fitzroy Street elevation includes windows toward the Palmerin Street corner, including an outdoor seating area, however there is a large section of unbroken wall. The applicant has proposed a variation in building materials and heights of the awnings, street trees and trelliss to reduce the bulkiness of the elevation.

The speciality tenancy which has frontage to Fitzroy Street, has approximately 18 metres of glass shop front. There is approximately 45 metres of blank wall along the Fitzroy Street elevation, which equates to 64% of the total elevation.

It should be noted that the blank wall is associated with the Coles supermarket tenancy. It is not unusual for supermarkets to have up to three solid walls, to include area for back of house and coldrooms, such as seen in the recent Aldi and Supa IGA developments and the existing Woolworths and Bi-Lo operations. Even if windows were conditioned along the Fitzroy Street elevation, they could still be covered as part of the internal fitout, as Council has no jurisdiction over this. It is recommended that a range of treatment of the blank wall be incorporated.

It is considered that the variety of proposed treatments will ensure the development will not appear bulky in nature and will interact with the streetscape in Fitzroy Street. It is recommended that conditions be imposed to further enhance the Fitzroy Street elevation of the building.

Councillors have raised concerns with officers regarding the potential for increased crime along the Fitzroy Street frontage, as there are limited windows within the elevation. Crime in the city centre generally occurs after business hours, after midnight such as the recent burglary of the Palmerin Street Jewellery store. Additional windows in that facade will not assist in reducing crime as the business will not be operational when crime takes place. Council's Information Services department have reviewed the proposal and the current CCTV CBD system. It is considered appropriate that CCTV cameras are installed to ensure surveillance coverage of the footpath area under the awning along Fitzroy Street.

Public spaces and pedestrian areas: the Code requires awnings over the footpaths. The Acceptable outcome states as follows:

- AO11 (a) Awnings are provided over footpaths. The awning extends along the full frontage of the site from the front property boundary (or front of the building if it is set back) to 750mm back from the kerb. The awning has a height of 2.7 m from finished pavement level.
- (b) The footpath adjoining the site is fully constructed with paving materials that reflect the standard and style of footpath works in the centre for the full width of the site from the kerb and channel to the property boundary.
- (c) Specific pedestrian routes are provided, lit and clearly marked.
- (d) Paving materials are durable, low maintenance, avoid glare and reflection and are non-slip.

The applicant proposes awnings over the Fitzroy Street footpath, however the awnings are broken to allow for the trellis protrusion.

The associated Performance outcome states as follows:

- PO11 Pedestrian paths are comfortable and safe to use, adequately sheltered and provided to give convenient and safe access to car parking areas and any development located at the rear of the site.

The applicant has provided the following information:

The proposed development includes a cantilevered awning over Fitzroy Street and Palmerin Street, which is designed to complement and be consistent with the existing awnings which improve the current Rose City Shoppingworld. The additional speciality retail proposed fronting Grafton Street will also feature an awning. In addition, an arbour is proposed for part of the Fitzroy Street frontage which will provide shelter for pedestrians, whilst also acting to impede pedestrians access to the basement tunnel. This is intended to enhance pedestrian safety. The width of these awnings are approximately:

- Fitzroy Street awning - 2.97 metres
- Fitzroy Street arbour - 4.1 metres
- Palmerin Street awning - 2.97 metres

- *Grafton Street awning - to match existing awning width*

The style of the proposed awning is desirable, and provides a great level of variation to the Fitzroy Street elevation. It should be a condition of any approval that the awning is continuous along the entire Fitzroy Street footpath of the new building.

Car parking and loading code

The current shopping centre has a retail floor area (gross leasable area) of 16,897 square metres, and 490 car parking spaces, which includes 419 basement spaces, 29 spaces above ground, and 42 spaces on the southern side of Grafton Street. It is noted that the number of basement spaces reduces to 381 car parking spaces as part of the changes.

The additional retail floor area is 3,792 square metres following the completion of Stage 2, equating to a total of 20,689 square metres of retail floor area. The additional retail floor area requires an additional 152 car parking spaces. The applicant has proposed a total of 598 car parking spaces, which includes 547 basement spaces, 19 spaces above ground, and 42 spaces on the southern side of Grafton Street.

The Code requires one space per 25 square metres of gross floor area. This equates to 152 spaces for the additional retail space, however the applicant proposes 108 additional spaces. This equates to a shortfall of 44 car parking spaces.

The associated Performance outcome states as follows:

- PO1 Sufficient carparking is provided to accommodate the number and type of vehicles likely to be generated by the development having regard to the following:
- (a) The nature and operation of the use;
 - (b) The likely number of users including residents and employees;
 - (c) The hours of operation and the peak parking demand periods;
 - (d) The availability of alternative parking in the vicinity including on street car parking;
 - (e) In the case of residential development, the proximity to the Principal centre zone and the facilities contained within that zone or the availability of public transport;
 - (f) The feasibility of physically providing parking on site including access restrictions and size of the site; and
 - (g) The provisions of Planning Scheme Policy–Off Street Carparking.

The applicant has provided the following information:

This parking supply rate is considered excessive given the Rose City Shoppingworld is located within the town centre and as such is considered to be part of a larger retail/commercial precinct of the town centre.

Accordingly it is more appropriate to adopt a parking supply which reflects existing utilisation and demand rather than applying the planning scheme policy. This approach ensures an appropriate car parking supply (i.e. neither oversupply nor undersupply) for the expanded shopping centre whilst minimising the likelihood of parking overflow on the surrounding local network.

The detailed car parking supply assessment undertaken for the assessment of the proposed centre expansion, a new basement car park is to be constructed increasing the parking supply to a total of 598 spaces. The additional car park spaces will be constructed as part of Stage 1.

The additional parking represents a car parking supply rate of 2.78 spaces/100 square metres GFA (= 598 spaces per 21,517 square metres GFA x 100 square metres of GFA) when considering the full development (i.e. Stages 1 and 2).

The parking supply rates are considered to be appropriate given:

- *The proposed parking supply rate is slightly higher than the current parking supply rate of 2.71 spaces per 100 square metres GFA; and*

- *The proposed parking supply rate is higher than the surveyed peak car parking demand (at 2.63 spaces per 100 square metres GFA) of the existing shopping centre recorded during the peak hour periods.*

Given that the proposed development is located in the CBD and carparking associated with the shopping centre is necessary.

Council has three options with regards to carparking:

1. Accept the shortfall based on the justification provided by the applicant.
2. Enter into an Infrastructure Agreement with the developer, requiring the payment to Council of \$2000 per parking space that cannot be provided on site.
3. Require the developer to construct any shortfall of onsite car parking, on the land owned by Council for the extension of the Acacia Avenue car park.

It is considered appropriate that the applicant constructs any shortfall of onsite car parking, on the land owned by Council for the extension of the Acacia Avenue car park. This will ensure that there is adequate car parking for the development, however it also has the added benefit of this parking being under Council's control and available for general public car parking at no cost to Council.

The expansion of the Acacia Avenue car park is also a logical proposal, as this car park adjoins the Rose City Shoppingworld car park, which is located on the southern side of Fitzroy Street.

Physical infrastructure code

There are a number of sewers located within the site. Most of these will become obsolete once all of the existing buildings have been demolished. The services can be removed from the site where appropriate or decommissioned and capped off.

There is currently a sewer main in the location of the proposed extension. Council's Engineering Services department require all wastewater infrastructure to be diverted away from the building footprint.

The applicant's consultants and representatives have had meetings with Council officers and area aware that external upgrades and relocation of some services, e.g. stormwater, and sewer, will be required. The details of the upgrades will be assessed as part of the Operational works application.

Referral

The application required referral to the Department of State Development, Infrastructure and Planning (DSDIP) as the development will include a Queensland heritage place, being 84 Fitzroy Street, Warwick. The DSDIP have no requirements with regards to the application.

Adopted Infrastructure Charges

Stage 1

Development Type	Network	Rate	Existing	Proposed	Charge
Credit - Commercial	Stormwater	\$5/impervious m ²	2,450m ²		-\$12,250
	Other	\$70/m ² GFA	1,990m ²		-\$139,300
Proposed Commercial - Stage 1	Stormwater	\$5/impervious m ²		2,885m ²	\$14,425
	Other	\$70/m ² GFA		4,358m ²	\$305,060
TOTAL:					\$167,935

Stage 2

Development Type	Network	Rate	Existing	Proposed	Charge
Proposed Commercial - Stage 2	Stormwater	\$5/impervious m ²		Nil additional	\$0
	Other	\$70/m ² GFA		349m ²	\$24,430
TOTAL:					\$24,430

The adopted infrastructure charge is payable prior to the change of use of the land happening in accordance with Section 648H of the *Sustainable Planning Act 2009*.

Recommendation

THAT the application for Material Change of Use for the purpose of a Food and drink outlet, Office, and Shop (Extension to existing use) on Lot 60 SP100924, Lot 101 SP238548, Lot 1 RP40226, Lots 1 & 2 RP97879, Lots 1 & 2 RP100863, Lot 1 RP90982, Lots 1, 2 & 3 RP5801, Lot 1 RP94676 and volumetric Lot 101 SP238548, Parish of Warwick, County of Merivale, located at 71-81 Grafton Street and 76-84 Fitzroy Street, Warwick, be approved subject to the following conditions:

Schedule 1 - Southern Downs Regional Council conditions

Approved Plans

1. The development of the site is to be generally in accordance with the following proposal plans submitted with the application, and subject to the final development being amended in accordance with the conditions of this approval.

Plan Name	Plan No.	Date
3D Views	MP421, Rev. 1	8 October 2014
Elevations	MP413, Rev. 1	8 October 2014
Fitzroy Street facade	MP414, Rev. 1	8 October 2014
Proposed Mall Level - Stage 1	MP411, Rev. 1	8 October 2014
Proposed Basement Level - Stage 1	MP401, Rev. 1	8 October 2014
Proposed Mall Level - Stage 2	MP412, Rev. 1	8 October 2014
Proposed Basement Level - Stage 2	MP402, Rev. 1	8 October 2014

2. The development may proceed in stages, provided that any road access and infrastructure services required to service the particular stage are constructed with that stage.

Land Use and Planning Controls

3. No materials or goods associated with the development are to be displayed or stored within the car park or landscaped areas, or outside the boundaries of the site, unless relevant approvals are obtained under Council's Local Laws.

Reconfiguration of a Lot

4. The existing allotments are to be amalgamated into one allotment and a new Certificate of Title issued to cover the newly created allotment prior to the new uses of the site commencing.

Renovation of Plumb's Chambers - 84 Fitzroy Street, Warwick

5. Conservation works, generally in accordance with the Conservation Assessment Report (2012) and Statement of Heritage Impact, both prepared by Watson Architects and submitted to Council with the application, are to be carried out to the building at 84 Fitzroy Street, Warwick, including structural stabilization works, so as to ensure the building is fit for occupation, prior to the completion of the extension of Rose City Shoppingworld. The building is to be continually maintained.

The conservation works are to accord with any standards and requirements of the Department of Environment and Heritage Protection

Security

6. The applicant must install CCTV cameras to ensure surveillance coverage of the footpath area under the awnings on the Fitzroy Street elevation. The CCTV cameras must be capable of capturing a field of view so as to cover the footpath area, to provide adequately identifiable footage of any recorded incident. The CCTV cameras will form part of the SDRC CBD CCTV system, and as such must be installed by a Council authorised contractor. These cameras will be operated in accordance with *Southern Downs Regional Council Policy PL-IS071 – CCTV Objectives and Operating Policy*. **Details of the design, contractor, and the specification of the proposed cameras are to be submitted to and approved by the Director Business and Community Services.**

Building and Site Design

7. All existing drainage (including sewer house connection, stormwater drainage and interallotment drainage) and services (including electricity and telephone) associated with the former buildings are to be removed from the site.
8. The design, colours and materials of the building and footpath pavement are to be in accordance with the character of the area and the existing Rose City Shoppingworld building, and subject to the following changes:
 - The awnings on the Palmerin Street and Fitzroy Street frontages of the new building are to be extended to allow weather protection for pedestrians to the new pedestrian entrance to the Shopping centre.
 - The awning is to extend along the full frontage of the Fitzroy Street frontage of the new building. There are to be no breaks/gaps in the awning, i.e. breaks to allow for the trellis.
 - The blank wall under the awning, along the Fitzroy Street frontage of the new building, is to be treated with a variety of design elements to enhance the appearance of this wall. These works are to include variations to surface treatments, colours, materials, and other design elements, and at least two additional colourback glass windows are to be included within the Fitzroy Street elevation of the building, under the awning.

Details of the changes to design, and the colours and materials of the building and pavement are to be submitted to and approved by the Director Planning and Environment prior to the issue of any Development Permit for Building Work. The building and footpath pavement are to be constructed in the approved design, colours and materials.

9. The external facing windows associated with two proposed specialties tenancies, located on either side of the entrance located on the corner of Palmerin Street and Fitzroy Street, are to be kept such that any window tinting or treatments do not adversely affect the view to both Fitzroy Street and Palmerin Street from within the building.
10. A copy of the Certificate of Compliance for Plumbing and Drainage Works is to be provided to Council. (See advisory note below.)
11. A copy of the Form 11 (Certificate of Classification) issued for the building works is to be provided to Council prior to the use commencing. (See advisory note below.)

Amenity and Environmental Controls

12. The carrying out of the activity must not result in the release of emissions or contaminants that cause an environmental nuisance or harm. This includes but is not limited to:
 - a) Noise;
 - b) Odour;
 - c) Dust;
 - d) Liquids; and
 - e) Light.
13. During the construction phase of the development, all wastes must be separated into recyclables (where possible) and landfill wastes, and disposed of at a suitably licensed Waste Disposal Facility.
14. During construction, no works are to be done on ANZAC Day or on the Friday and Saturday of the Warwick Rodeo weekend (last weekend in October).
15. Adopt 'quiet' practices for any night-time unloading activities. This should include avoiding leaving trucks idling unnecessarily; avoid revving engines; position operating refrigeration units to face away from residences; avoid banging pallets on the ground, etc.
16. All wastes are to be suitably collected and disposed of so as not to adversely impact on the

environment.

17. There must be no release of waters or any material, that has been in contact with any contaminants at the site, to any waters, roadside gutter or stormwater drain.
18. The waste storage area is to be of hardstand construction and within a screened enclosure constructed from solid materials with a height of at least 2.0 metres.
19. A sufficient number of suitable waste receptacles must be provided on site at all times. Waste receptacles must be regularly serviced to prevent unsightly accumulations of waste or environmental harm being caused.
20. All regulated waste must be removed from the site by a regulated waste removal contractor authorised under the *Environmental Protection Act 1994*. The records for this disposal must be kept on site and be available for viewing by an authorised officer.
21. Provision shall be made for the storage and removal of refuse and recyclables in accordance with the *Waste Reduction and Recycling Act 2011* to the satisfaction of the Director Planning and Environment. General waste and recyclables are to be disposed of on a regular basis so as not to adversely impact on the environment.
22. All service equipment and refrigeration units are to be screened, positioned and housed so as not to cause nuisance or disturbance to persons or property not connected with the development. This may involve locating the fixed noise emitting device within an acoustic enclosure.
23. All equipment, goods and materials must be located in a building or screened from view from all road, other public places and adjoining land by fencing and/or dense landscaping.
24. Advertising Devices relating to the Shopping centre may **only** be erected on the subject land. No advertising signs or devices are to be located on any other land, unless all applicable approvals are obtained under the Planning Scheme and the relevant local laws. No advertising signs or devices are to be located on or over the road reserve, unless in accordance with Councils Local Laws.
25. Any lighting device is to be so positioned and shielded so as not to cause any glare nuisance to any nearby residential property or passing motorist.
26. Lighting is to be provided within the basement car park.

Fencing, Landscaping and Buffers

27. The ramp within the Fitzroy Street road reserve, to access the underground car park, is to be defined by a solid physical barrier of no more than 400 millimetres in height, with an open style fence located on top of the solid barrier, to achieve an overall height of at least 1.0 metres. The access ramp is to complement the streetscape. **Details of the barrier and fencing are to be submitted to and approved by the Director Planning and Environment prior to the issue of any Development Permit for Building Work.**
28. Advanced tree plantings (i.e. minimum height of 3 metres at the time of planting) are to be provided such that there are at least two trees in the landscaping to the north of the outdoor seating on Fitzroy Street.
29. Hedging is to be provided adjacent to the solid physical barrier required by Condition 27.
30. Landscaped areas are to be provided on the site in accordance with Plan No. MP1414, Rev. 1, dated 8 October 2014, prepared by Thomson Adsett.
31. Street trees with a minimum height of 3 metres at the time of planting, are to be provided in accordance with the streetscape general design detailed in Condition 51, on the landscaped areas adjoining both ends of the car parking ramp, and also between the ramp and footpath.
32. The street trees within the road reserve of Palmerin Street and Fitzroy Street are to be retained. These trees are to be protected during construction. If it is not possible to design the development to preserve all the trees in their current locations, the tree/s must be

relocated as the developer's cost. The relocation of the tree/s is to be carried out by a suitably qualified and experienced person. If the tree/s die within 12 months of the relocation, the dead tree must be replaced with an advanced tree of the same species and height.

33. **A Landscaping Plan is to be submitted to and approved by the Director Planning and Environment prior to the issue of any Development Permit for Building Work.** The Landscaping Plan must include details of the location and species of plants, the irrigation system and the height and material of fencing. Plants are to be generally frost resistant and drought hardy, and must not include weed species. Root barriers are to be installed around trees that are located within 3 metres of any underground infrastructure. The site is to be landscaped and maintained in accordance with the approved Landscaping Plan.

Car Parking and Vehicle Access

34. Concrete industrial crossings are to be constructed at the Fitzroy Street entrance to the site in accordance with Council's standard. (Council's Engineering Services Department can provide details regarding Council's standard.)
35. Car parking shall be provided on site in accordance Stage 1: Plan No. MP401, Rev. 1, dated 8 October 2014, prepared by Thomson Adsett; and Stage 2: Plan No. MP402, Rev. 1, dated 8 October 2014, prepared by Thomson Adsett. All car parking, driveway and loading areas shall be constructed, sealed, line marked, drained, laid out and regularly maintained.
36. A minimum of 598 additional car parking spaces are to be provided on site of the Shopping centre. Provision is to be made for disabled parking.
37. For each carparking space that is required in accordance with the Southern Downs Planning Scheme and is not provided on the owners land as part of the development, shall be provided at the owner's cost in accordance with an infrastructure agreement that is to be entered into with Council. The shortfall of car parking spaces are to be constructed on the land owned by Council for the extension of the Acacia Avenue car park (located on the southern side of Fitzroy Street). The agreement will require the full construction, including sealing, line marking, drainage, landscaping, signage and lighting of the car parking spaces, linking it with the existing car park. The agreement is to be prepared by Council's solicitor at the developer's cost. The construction of the car park is to be completed prior to the new uses of the site commencing.
38. All loading and unloading of goods related to the development must be carried out within the confines of the allotment's boundary. Under no circumstances will the loading or unloading of goods on the public roadway system or footpath be permitted.

Roadworks and Stormwater Drainage

39. Any footpaths, kerbing and channelling, roadworks and drainage works damaged during construction of the development are to be reinstated to the pre-existing condition, unless otherwise required by the Director Engineering Services.
40. All road resurfacing must be done with hot asphalt.
41. The owner, the Rose City Shoppingworld, is to be responsible for the on-going maintenance of the Fitzroy Street access ramp including surfacing, cleaning, graffiti removal, painting and maintenance of the structure and any architectural treatments.
42. The applicant is to relocate all existing services within the Fitzroy Street road reserve to allow for the construction of the Fitzroy Street access ramp, to the satisfaction of the Director Engineering Services and all relevant public utility providers.
43. All signage associated with the vehicle access ramp must accord with the required streetscape standards to the satisfaction of the Director Engineering Services.
44. The redundant vehicle crossings in Fitzroy Street are to be reinstated back to kerbing and channelling, and the footpath reinstated.
45. A Traffic Management Plan, in accordance with the MUTCD, must be submitted to Council

for all works to be carried out in the road reverse, prior to any works commencing.

46. Appropriate line marking is to be carried out along Fitzroy Street to delineate areas where parking can no longer occur due to the construction of the ramp into the car park and the loading dock entrance.
47. A stormwater drainage system serving the development is to be constructed and the stormwater disposed of to a legal point of discharge, in accordance with the Queensland Urban Drainage Manual (QUDM). Where necessary, suitable easements may be required over adjoining properties. The easements shall be provided to Council, at the developer's cost. All drainage works should meet the requirements of the Queensland Urban Drainage Manual (QUDM).

Water Supply and Sewerage

48. The proposed building is to be connected to Council's reticulated water supply system and sewerage system in accordance with the *Queensland Plumbing and Wastewater Code*. All conditions to all Council's existing services must be to the satisfaction of the Director Engineering Services.
49. Divert all existing Council wastewater infrastructure away from the Rose City Shoppingworld building footprint or as otherwise approved by the Director Engineering Services.
50. Demonstrate that there is adequate capacity from the existing water and wastewater infrastructure to service the development. This is to include the completion of a water and wastewater network analysis. Any required works identified in the analysis, upon confirmation with the Director Engineering Services, are to be undertaken.

Pedestrian Works

51. Both the Palmerin Street and Fitzroy Street frontages of the proposed development and Plumb's Chambers are to be constructed in accordance with the Warwick streetscape general design, to match Palmerin Street to the south. This is to include the reconstruction of the Palmerin Street footpath of the new building. The construction of the footpaths will include gold honed concrete footpath, black coloured service trench adjacent to the property boundaries, and flying saucer lighting. Tree planting and road furniture such as seats and bins are to be provided in accordance with the Warwick streetscape general design, to also match Palmerin Street to the south. All design and products details are to be submitted and approved by the Director Engineering Services. (Council's Engineering Services Department can provide details regarding the Warwick streetscape general design).
52. A full existing condition survey including video and still photography is to be carried out by the developer to Council's requirements to verify the conditions of the footpath streetscape prior to any works commencing. Any deterioration caused by construction work must be restored back to a similar condition to that identified in the condition survey.
53. Pedestrian movements must be clearly identified and signed to the satisfaction of the Director Engineering Services.

Electricity, Street Lighting and Telecommunications

54. In accordance with the Federal Government's National Broadband Network (NBN) initiatives, the Developer (at the Developer's expense) is to install a fibre ready pit and pipe network (including trenching and ducting, design and third party certification) to NBN Co's specifications, to allow for the installation of Fibre-to-the-Premises (FTTP) broadband services. Any fibre provider may be used, provided they meet NBN specifications and open access requirements. Ownership of the infrastructure is to be transferred to Telstra in exchange for the provision of fibre within that pit and pipe network. Prior to commencement of the use, written advice is to be provided from Telstra that the pit and pipe network has been installed in accordance with NBN Co's specifications.

Operational Works

55. All operational works are to be accepted on-maintenance prior to the use of the land

commencing. (See advisory note below.)

Adopted Infrastructure Charges Notice

56. Payment is to be made to Council in accordance with the Adopted Infrastructure Charges Notice attached to the decision notice.

Advisory Notes

- (i) Unless otherwise stated, all conditions of this approval are to be complied with to the satisfaction of the Director Planning and Environment, prior to the use commencing, and then compliance maintained at all times while the use continues.
- (ii) Any proposal to increase the scale or intensity of the use on the subject land, that is assessable development under the Planning Scheme, would be subject to a separate application for assessment in accordance with the *Sustainable Planning Act 2009* and would have to comply with the requirements of the Planning Scheme.
- (iii) Applications for Design Approval and Approval to Operate (including applications for licence under the *Food Act 2006*) are to be submitted to and approved by Council for the food premise, including deli within a supermarket, prior to the issue of a Development Permit for Building Work.
- (iv) **Plumbing and Drainage Approval is to be obtained** in accordance with the *Plumbing and Drainage Act 2002* for the proposed plumbing and drainage works. The application for Plumbing and Drainage approval must be submitted to Council with the appropriate **forms, plans and fees** associated with this application. **A Certificate of Compliance must be issued** for the works prior to the use commencing.
- (v) **Building Approval is to be obtained** in accordance with the *Sustainable Planning Act 2009* for the proposed building work. The building application must be submitted to a Building Certifier with the appropriate **forms, plans and fees** associated with this application. The building plans are to accord with the plans approved in this approval. The building is to be constructed in accordance with the Building Approval prior to the commencement of the use. **A Form 11 (Certificate of Classification) must be issued for the building works prior to the use commencing.**
- (vi) Provision shall be made for the storage and removal of refuse in accordance with the *Environmental Protection (Waste Management) Regulation 2000* to the satisfaction of the Director Planning and Environment.
- (vii) The disposal of waste classified as Trade Waste under the *Plumbing and Drainage Act 2002* is to be in accordance with Council's Trade Waste Policy.
- (viii) A Development Permit for Operational Works associated with the development must be obtained in accordance with the *Sustainable Planning Act 2009*. This application must be submitted with the following:
 - Relevant IDAS Forms;
 - The relevant fee in accordance with Council's Schedule of General Fees and Charges;
 - Design, schedules and specifications for all Operational Works, certified by a Registered Professional Engineer in Queensland (RPEQ);
 - A car parking plan showing the location and dimension of all parking areas, details of the proposed pavement treatment, and full engineering specifications of layout, construction, sealing, drainage and line marking;
 - A car parking plan for the Acacia Avenue car park works, showing the location and dimension of all parking areas, details of the proposed pavement treatment, and full engineering specifications of layout, construction, sealing, drainage and line marking;
 - A plan of the ingress ramp from Fitzroy Street, into the underground car park;
 - A plan showing ingress and egress wheel and swept turning paths associated with the ingress ramp and the loading dock;

- A plan showing the line marking works on Fitzroy Street;
- A plan indicating the pedestrian footpath works for both street frontages, including road furniture and lighting;
- A Stormwater Management Plan;
- An Erosion and Sediment Control Plan;
- A geotechnical report addressing the filling of the site and make recommendations as to how it will be possible for such filling to achieve compliance with AS3798-2007 (as amended) "*Guidelines on Earthworks for Commercial and Residential Developments*".

Operational Works shall be subject to a 12 months Defect Liability Period commencing from the day the works are accepted on-maintenance. A bond will be held by Council as security, and refunded following a defect-free inspection at the end of the Defect Liability Period.

Aboriginal Cultural Heritage

- (ix) All reasonable and practicable measures must be taken to ensure that no harm is caused to Aboriginal cultural heritage (the "cultural heritage duty of care"). The cultural heritage duty of care is met if the development is conducted in accordance with gazetted cultural heritage duty of care guidelines. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from www.datsima.qld.gov.au

Schedule 2 - Department of State Development, Infrastructure and Planning conditions as a Concurrence agency

Nil.

Attachments

Nil