



**MINUTES OF THE  
SPECIAL MEETING OF COUNCIL  
14 NOVEMBER 2014**

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**MINUTES OF THE SPECIAL COUNCIL MEETING OF  
SOUTHERN DOWNS REGIONAL COUNCIL HELD ON 14 NOVEMBER 2014 IN THE  
COUNCIL CHAMBERS, SOUTHERN DOWNS REGIONAL COUNCIL,  
64 FITZROY STREET, WARWICK AT 9.00AM**

**1. ATTENDANCE**

Present: Crs Blundell (Chair), Bartley, Gow, Ingram, Mackenzie, McNally, Meiklejohn, Pennisi and Rees.

Officers: David Tuxford (Acting Chief Executive Officer), Eric Kraak (Acting Director Engineering Services), Ken Harris (Director Planning & Environment), Cassie Martinez (Acting Director Business & Community Services), Marion Seymour (Minute Secretary)

**2. APOLOGIES**

Nil.

**3. DECLARATIONS OF CONFLICTS OF INTEREST**

Nil.

**4. PLANNING & ENVIRONMENT DEPARTMENT REPORTS**

**4.1.1 Procedural Motion - Material Change of Use: Rose City Centre Pty Ltd**

**Resolution**

**Moved Cr C Gow**

**Seconded Cr R Bartley**

THAT the motion in relation to the application for Material Change of Use for the 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 put.

**Carried**

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

##### Resolution

Moved Cr N Meiklejohn

Seconded Cr D Ingram

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

- 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

- 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

- 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

- 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

- 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

- 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 reserve, 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](http://www.datsima.qld.gov.au)

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

Nil.

**Carried**

### **MEETING CLOSURE**

There being no further business, the meeting closed at 10.05am.