



PLANNING AND REGULATORY COMMITTEE MEETING

AGENDA

14 MAY 2019

Your attendance is required at a meeting of the Planning and Regulatory Committee to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 14 May 2019 commencing at 9.00am for transaction of the enclosed business.

A handwritten signature in black ink, appearing to be "C. P.", written in a cursive style.

CHIEF EXECUTIVE OFFICER
8 May 2019

Next Meeting Date: 28.05.19

Please note:

In accordance with the *Local Government Regulation 2012*, please be advised that all discussion held during the meeting is recorded for the purpose of verifying the minutes. This will include any discussion involving a Councillor, staff member or a member of the public.

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	OPENING.....	1
2	PRESENT	1
3	APOLOGIES AND LEAVE OF ABSENCE	1
4	CONFIRMATION OF MINUTES.....	1
5	DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA	1
6	BUSINESS OUTSTANDING	2
	NIL	2
7	PUBLIC FORUMS/DEPUTATIONS	3
	NIL	3
8	OFFICERS' REPORTS	4
8.1	RESCINDMENT OF THE UNLICENSED BUSINESS RESPONSE POLICY	4
9	NOTICES OF MOTION	9
	NIL	9
10	URGENT BUSINESS/QUESTIONS	10
11	CLOSED SESSION	11
12.1	REQUEST FOR A REDUCTION IN THE DEVELOPMENT ASSESSMENT FEE	11
12	CONFIDENTIAL REPORTS.....	12
12.1	REQUEST FOR A REDUCTION IN THE DEVELOPMENT ASSESSMENT FEE	12
13	CLOSURE OF MEETING.....	13

1 OPENING

2 PRESENT

Members Present:

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

In Attendance:

Ms C Worthy – General Manager Community Services (Executive Officer)
Mr E Pardon – Chief Executive Officer

3 APOLOGIES AND LEAVE OF ABSENCE

4 CONFIRMATION OF MINUTES

Minutes of the Planning and Regulatory Committee held 30 April 2019

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 BUSINESS OUTSTANDING

Nil

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 OFFICERS' REPORTS

8.1 RESCINDMENT OF THE UNLICENSED BUSINESS RESPONSE POLICY

File No:	11979
Attachments:	1. Unlicensed Business Response Policy
Authorising Officer:	Steven Gatt - Acting General Manager Community Services
Author:	Karen Moody - Coordinator Health and Environment

SUMMARY

This report presents for Council's consideration a proposal to rescind the Unlicensed Business Response Policy.

OFFICER'S RECOMMENDATION

THAT Council rescinds the Unlicensed Business Response Policy.

COMMENTARY

Under a number of legislative provisions enforced by Councils Health and Environment team, certain businesses, for example, food premises, tattooist, cosmetic tattooists and environmentally relevant activities require a licence or authority to be able to operate the business.

At times, Council is made aware of a business that is operating whilst they do not hold the correct license. In order to ensure that Environmental Health Officers were acting consistently, an Unlicensed Business Policy was developed and adopted by Committee on the 6 October 2015 and by Council on the 13 October 2015.

Working in conjunction with the legislation and the policy was council's Enforcement Strategy which was recently reviewed and approved by the CEO. The Enforcement Strategy is an in depth guide to all aspects of licensing and covers a range of non-compliances, including operating without a licence when required.

A review of this policy and the Enforcement Strategy has revealed that both documents document the process by which an unlicensed business may be identified and the actions that will be taken by Council officers to gain compliance. In addition, the unit is in the process of developing work instruction to deal with unlicensed premises, which will align with the Enforcement Strategy.

BUDGET IMPLICATIONS

There are no budget implications for rescinding this policy.

LEGISLATIVE CONTEXT

This policy is not required by any of the laws under which the Public and Environmental Health Unit work to be in place. Other documents and processes, for example, work instructions and the Enforcement Strategy ensures that a consistent approach to dealing with unlicensed premises is maintained.

STAFFING IMPLICATIONS

There are no staffing implications.

CONCLUSION

The management of unlicensed businesses under various Acts that Councils Environment and Public Health Unit deal with are adequately addressed in the approved Enforcement Strategy and associated under development work instructions. This removes the need for a dedicated policy on this topic.

RESCINDMENT OF THE UNLICENSED BUSINESS RESPONSE POLICY

Unlicensed Business Response Policy

Meeting Date: 14 May 2019

Attachment No: 1



UNLICENSED BUSINESS RESPONSE POLICY (COMMUNITY POLICY)

1 Scope:

This policy applies to businesses providing higher risk personal appearance services and licensable food businesses within the Rockhampton Regional Council Region.

The policy excludes environmentally relevant activities (ERAs).

2 Purpose:

To establish a consistent equitable approach in responding to a person that does not hold a licence under the *Public Health (Infection Control for Personal Appearances Services) Act 2003* or the *Food Act 2006*.

3 Related Documents:

Primary

Nil

Secondary

Food Act 2006

Public Health (Infection Control for Personal Appearances Services) Act 2003

Food Business Licence Application Form

Personal Appearance Service Licence Application Form

4 Definitions:

To assist in interpretation, the following definitions apply:

Council	Rockhampton Regional Council
Person	Includes an individual or a corporation
Licensable Business	A business or service required to be licensed under section 49 of the <i>Food Act 2006</i> or section 22 the <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i> .
Properly Made Application	An application that is: a) Made on the approved form; b) With all required sections of the form completed; c) Accompanied by the prescribed fee for administering the application; and d) Accompanied by any additional information or requirements as detailed in the relevant act.

Corporate Improvement and Strategy Office use only

Adopted/Approved: Adopted, 13 October 2015

Version: 3

Reviewed Date: 14 November 2017

Department: Community Services

Section: Planning and Regulatory Services

Page No.: Page 1 of 3

5 Policy Statement:

Legislation stipulates the need for a person to hold a licence to undertake a licensable business.

Where a licence has not been obtained and notwithstanding legislative obligations, Council will provide an opportunity for a person to apply for a licence prior to taking formal action under the relevant legislation.

5.1 Identification of No Licence

Upon identifying that a person does not hold a current licence to carry on the licensable business, Council will advise the person of the following in writing:

- (a) The person is operating without an appropriate licence;
- (b) An application must be made within 14 days of the date of the letter or the licensable business must cease operating;
- (c) If an application is not made within 14 days and the licensable business continues, Council will take formal action under the relevant legislation.

NOTE: For a licensable food business that has not renewed their food business licence, this step commences after the renewal period is complete.

5.2 Legislative Notice

If an application is not submitted within the 14 days, the licensable business has not ceased and a notice is available under the relevant legislation, Council advises the person of the following in the approved form:

- (a) The person is operating without an appropriate licence;
- (b) An application must be made within seven days of date of notice or the licensable business must cease operating;
- (c) If the licensable business continues and an application for a licence is not made within seven days, Council takes action under the relevant legislation.

5.3 New Application

A properly made application submitted to Council is assessed within legislative timeframes and a response provided to the person. Approval is not guaranteed.

5.4 Action under Legislation

If an application is not made in accordance with section 5.1 and 5.2 and the licensable business has not ceased or changed hands, Council will take action as provided in the relevant legislation.

6 Review Timelines:

This policy is reviewed when any of the following occur:

- (a) The related information is amended or replaced; or
- (b) Other circumstances as determined from time to time by the Council.

Corporate Improvement and Strategy Office use only

Adopted/Approved:	Adopted, 13 October 2015	Department:	Community Services
Version:	3	Section:	Planning and Regulatory Services
Reviewed Date:	14 November 2017	Page No.:	Page 2 of 3

7 Responsibilities:

Sponsor	Chief Executive Officer
Business Owner	General Manager Community Services
Policy Owner	Manager Planning and Regulatory Services
Policy Quality Control	Corporate Improvement and Strategy

**EVAN PARDON
CHIEF EXECUTIVE OFFICER**

Corporate Improvement and Strategy Office use only

Adopted/Approved: Adopted, 13 October 2015 **Department:** Community Services
Version: 3 **Section:** Planning and Regulatory Services
Reviewed Date: 14 November 2017 **Page No.:** Page 3 of 3

9 NOTICES OF MOTION

Nil

10 URGENT BUSINESS/QUESTIONS

Urgent Business is a provision in the Agenda for members to raise questions or matters of a genuinely urgent or emergent nature, that are not a change to Council Policy and can not be delayed until the next scheduled Council or Committee Meeting.

11 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.

RECOMMENDATION

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.

12.1 Request for a reduction in the development assessment fee

This report is considered confidential in accordance with section 275(1)(g) (h), of the *Local Government Regulation 2012*, as it contains information relating to any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act; AND 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.

12 CONFIDENTIAL REPORTS

12.1 REQUEST FOR A REDUCTION IN THE DEVELOPMENT ASSESSMENT FEE

File No: D/278-2013

Attachments:

1. Locality Plan
2. Developer Request Email

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Steven Gatt - Manager Planning and Regulatory

Author: Amanda O'Mara - Senior Planning Officer

This report is considered confidential in accordance with section 275(1)(g) (h), of the *Local Government Regulation 2012*, as it contains information relating to any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act; AND 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

This report discusses a proposal for consideration of a reduction in the development assessment fee relating to a proposed Material Change of Use to extend an Extractive Industry.

13 CLOSURE OF MEETING