



PLANNING AND REGULATORY COMMITTEE MEETING

MINUTES

7 JUNE 2016

These Committee Recommendations contained within these minutes were adopted at the Council Meeting on 28 June 2016.

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	OPENING.....	1
2	PRESENT	1
3	APOLOGIES AND LEAVE OF ABSENCE	1
4	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	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	D/58-2015 - APPLICATION UNDER THE DEVELOPMENT INCENTIVES POLICY FOR DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A CHILD CARE CENTRE.....	4
8.2	D/62-2016 - REQUEST FOR APPLICATION OF SUPERSEDED PLANNING SCHEME FOR A STORAGE SHED	6
8.3	D/69-2016 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A HANGAR AT THE AIRPORT - COUNCIL TO MAKE DONATION TO THE CAPRICORN HELICOPTER RESCUE SERVICE	7
8.4	D/177-2015 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR AN EDUCATIONAL ESTABLISHMENT	8
8.5	MONTHLY OPERATIONS REPORT COMMUNITY STANDARDS AND COMPLIANCE UNIT FOR APRIL 2016.....	16
8.6	AMENDMENT SUBORDINATE LOCAL LAW NO. 5 (PARKING) 2011	17
9	NOTICES OF MOTION	18
	NIL	18
10	URGENT BUSINESS\QUESTIONS	19
11	CLOSED SESSION	20
12.1	PROPOSED ENFORCEMENT PROCEEDINGS.....	20
12.2	PROPOSED ENFORCEMENT PROCEEDINGS NO. 2.....	20
12	CONFIDENTIAL REPORTS.....	21
12.1	PROPOSED ENFORCEMENT PROCEEDINGS.....	21
12.2	PROPOSED ENFORCEMENT PROCEEDINGS NO. 2.....	22

13 CLOSURE OF MEETING..... 23

**REPORT OF THE PLANNING AND REGULATORY COMMITTEE MEETING
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON
ON TUESDAY, 7 JUNE 2016 COMMENCING AT 9.04 AM**

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

Observers Present:

Councillor S J Schwarten

In Attendance:

Mr M Rowe – General Manager Community Services (Executive Officer)
Mr E Pardon – Chief Executive Officer
Mr R Holmes – General Manager Regional Services
Ms C Hibberd – Acting Manager Development and Building
Ms H Chadwick – Compliance Assessment Administrator
Ms L Price – Community Awareness Officer
Ms L Leeder – Senior Governance Support Officer
Ms S Friske - Governance Support Officer

3 APOLOGIES AND LEAVE OF ABSENCE**4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING****COMMITTEE RESOLUTION**

THAT the minutes of the Planning and Regulatory Committee held on 17 May 2016 be as taken and adopted as a correct record.

Moved by: Councillor Rutherford

Seconded by: Councillor Fisher

MOTION CARRIED

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 BUSINESS OUTSTANDING

Nil

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 OFFICERS' REPORTS

8.1 D/58-2015 - APPLICATION UNDER THE DEVELOPMENT INCENTIVES POLICY FOR DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A CHILD CARE CENTRE

File No:	D/58-2015
Attachments:	1. Locality Plan 2. Site Plan
Authorising Officer:	Tarnya Fitzgibbon - Manager Development and Building Robert Holmes - General Manager Regional Services
Author:	Corina Hibberd - Acting Senior Planning Officer

SUMMARY

<i>Development Application Number:</i>	<i>D/58-2015</i>
<i>Applicant:</i>	<i>Natural Wonders Berserker Pty Ltd</i>
<i>Real Property Address:</i>	<i>Lot 89 on SP171776, Parish of Archer</i>
<i>Common Property Address:</i>	<i>85-87 High Street, Berserker</i>
<i>Rockhampton City Plan Area 2005:</i>	<i>Frenchville Residential Area (now Low Density Residential Area)</i>
<i>Type of Approval:</i>	<i>Development Permit for a Material Change of Use for Child Care Centre</i>
<i>Date of Decision:</i>	<i>22 September 2015</i>
<i>Application Lodgement Fee:</i>	<i>\$5,782.00</i>
<i>Infrastructure Charges:</i>	<i>\$76,478.00</i>
<i>Infrastructure charges incentive:</i>	<i>"All other Area's" 50% discount</i> <i>(\$38,239.00 discount)</i>
<i>Incentives sought:</i>	<i>Development facilitation</i> <i>Refund of Development Application Fees</i> <i>Refund of service and connection fees</i>
9.05AM	Councillor Wickerson attended the meeting
9.06AM	Chief Executive Officer attended the meeting

COMMITTEE RECOMMENDATION

THAT in relation to the application under the Development Incentives Policy for a Development Permit for a Material Change of Use for a Child Care Centre, on Lot 89 on SP171776, Parish of Archer, located at 85-87 High Street, Berserker, Council resolves to Approve the following incentives if the use commences prior to 22 September 2018

- A fifty per cent (50%) reduction of infrastructure charges to the amount of \$38,239.00;
- A refund of the application lodgement fee amounting to \$5,782.00 on completion of the development;
- A refund of the Service and Connection fees; and
- That Council enter into an agreement with the applicant in relation to (a), (b) and (c).

Moved by: Councillor Rutherford

Seconded by: Councillor Fisher

MOTION CARRIED

8.2 D/62-2016 - REQUEST FOR APPLICATION OF SUPERSEDED PLANNING SCHEME FOR A STORAGE SHED

File No: D/62-2016
Attachments: 1. Locality Plan
Authorising Officer: Tarnya Fitzgibbon - Manager Development and Building
 Robert Holmes - General Manager Regional Services
Author: Corina Hibberd - Acting Senior Planning Officer

SUMMARY

Development Application Number: D/62-2016
Applicant: Ricky Allan Buckley
Real Property Address: Lot 46 on RP601383
Common Property Address: Lot 46 Bowlin Road, Port Curtis
Area of Site: 5,160 square metres
Superseded Planning Scheme: Fitzroy Shire Planning Scheme 2005
Zone: Rural Zone
Planning Scheme Overlays: Flood Prone Land Overlay
Existing Development: Vacant
Existing Approvals: Nil
Approval Sought: Request for application of superseded planning scheme for a storage shed
Nature of Approval: To accept a development application for development that is prohibited development under the planning scheme and was assessable development under a superseded planning scheme; and assess and decide the application under the superseded planning scheme

Application Progress:

<i>Application Lodged:</i>	5 May 2016
<i>Planning and Regulatory Committee Meeting:</i>	7 June 2016
<i>Council Meeting:</i>	14 June 2016
<i>Statutory due determination date:</i>	16 June 2016

9.29AM Chief Executive Officer left the meeting

COMMITTEE RECOMMENDATION

THAT in relation to the Request for Application of a Superseded Planning Scheme, made by Ricky Allan Buckley on Lot 46 on RP601383, Parish of Gavial, located at Lot 46 Bowlin Road, Port Curtis, Council resolves to accept the request and assess the application under the Superseded Planning Scheme.

Moved by: Mayor Strelow
Seconded by: Councillor Fisher
MOTION CARRIED

8.3 D/69-2016 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A HANGAR AT THE AIRPORT - COUNCIL TO MAKE DONATION TO THE CAPRICORN HELICOPTER RESCUE SERVICE

File No: D/69-2016

Attachments: 1. Letter from Capricorn Helicopter Rescue Service

Authorising Officer: Robert Holmes - General Manager Regional Services

Author: Tarnya Fitzgibbon - Manager Development and Building

SUMMARY

Capricorn Helicopter Rescue lodged a development application for a Material Change of Use for a Hangar at the Airport. It paid application fees and is requesting that those application fees be paid back as a donation to the Capricorn Helicopter Rescue.

COMMITTEE RECOMMENDATION

THAT Council make a donation to the Capricorn Helicopter Rescue Service in the amount of 100% of the applicable fee.

Moved by: Councillor Smith

Seconded by: Councillor Wickerson

MOTION CARRIED

8.4 D/177-2015 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR AN EDUCATIONAL ESTABLISHMENT

File No: D/177-2015

Attachments:

1. Locality Plan
2. Site Plan
3. Floor Plan and Elevations
4. 3D Views

Authorising Officer: Tarnya Fitzgibbon - Manager Development and Building
Robert Holmes - General Manager Regional Services

Author: Hayley Chadwick - Compliance Assessment Administrator

SUMMARY

Development Application Number: D/177-2015

Applicant: Masimo Holdings TA New Horizons Safety and Training c/- Reel Planning CQ

Real Property Address: Lot 3 on RP600250, Parish of Rockhampton

Common Property Address: 241 Bolsover Street, Rockhampton City

Area of Site: 506 square metres

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: South Rockhampton Low Impact Industrial Area

Planning Scheme Overlays: Flood Storage High Hazard Overlay

Existing Development: House and outbuildings

Existing Approvals: Nil

Approval Sought: Development Permit for a Material Change of Use for an Educational Establishment

Level of Assessment: Impact Assessable

Submissions: One (in support)

Referral Agency(s): Nil

Adopted Infrastructure Charges Area: Charge Area 1

Application Progress:

<i>Application Lodged:</i>	15 December 2015
<i>Acknowledgment Notice issued:</i>	6 January 2016
<i>Request for Further Information sent:</i>	20 January 2016
<i>Request for Further Information responded to:</i>	1 March 2016
<i>Submission period commenced:</i>	22 March 2016
<i>Submission period end:</i>	14 April 2016
<i>Notice of Compliance received:</i>	15 April 2016
<i>Council request for additional time:</i>	17 May 2016
<i>Statutory due determination date:</i>	14 June 2016

COMMITTEE RECOMMENDATION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for Educational Establishment, made by Masimo Holdings TA New Horizons Safety and Training c/- Reel Planning CQ on Lot 3 on RP600250, Parish of Rockhampton, located at 241 Bolsover Street, Rockhampton City, Council resolves to Approve the application despite its conflict with the planning scheme and provide the following grounds to justify the decision despite the conflict:

- a) An Educational Establishment for workplace/ industry training such as forklift licensing, working safely at heights and entering and working in confined spaces, is considered appropriate and complementary to the industrial nature and intent of the area;
- b) The development results in the removal of a residential use from an industrial area and flood prone land;
- c) Assessment of the development against the relevant area intent, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and
- d) The proposed development does not compromise the relevant State Planning Policy.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for Educational Establishment, made by Masimo Holdings TA New Horizons Safety and Training c/- Reel Planning CQ on Lot 3 on RP600250, Parish of Rockhampton, located at 241 Bolsover Street, Rockhampton City, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 This Development Approval is for an Educational Establishment for workplace/ industry education and training only.
- 1.2 The Developer and his employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 1.3 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.4 All conditions, works, or requirements of this development approval must be undertaken and completed and be accompanied by a Compliance Certificate for any operational works required by this development approval;
 - 1.4.1 to Council's satisfaction;
 - 1.4.2 at no cost to Council; and
 - 1.4.3 prior to the commencement of the use.unless otherwise stated.
- 1.5 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
 - 1.6.1 Operational Works:

- (i) Access and Parking Works;
- (ii) Sewerage Works;
- 1.6.2 Plumbing and Drainage Works; and
- 1.6.3 Building Works:
 - (i) Demolition Works; and
 - (ii) Building Works.
- 1.7 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.8 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.9 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

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

Plan/Document Name	Plan/Document Reference	Dated
Site Plan and Mezzanine	SK-003 Revision 5	17 November 2015
Plan and Elevations	SK-004 Revision 5	17 November 2015
Section and 3D Views	SK-006 Revision 5	17 November 2015
Engineering Report	K3328-0005/B	29 February 2016
Conceptual Hydraulic Impact Assessment	K3328-0002	8 September 2015

- 2.2 Where there is any conflict between the conditions of this development approval and the details shown on the approved plans and documents, the conditions of this development approval must prevail.
- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the prompt commencement of the use.

3.0 ACCESS AND PARKING WORKS

- 3.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the site.
- 3.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Capricorn Municipal Development Guidelines, *Australian Standard AS2890 "Parking Facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 3.3 All parking spaces, access driveway(s), and vehicular manoeuvring areas associated with this proposed development must be concrete paved or asphalted.
- 3.4 Any redundant vehicular crossovers must be replaced by Council standard kerb and channel.
- 3.5 A minimum of four (4) car parking spaces must be provided in accordance with the approved plans (Refer to Condition 2.1).

4.0 SEWERAGE WORKS

- 4.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any sewerage works on the site.

Note: As an alternative to Operational Works (sewerage works), the required works may be constructed via a Private Works Quote.

- 4.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act, Plumbing and Drainage Act and the provisions of a Development Permit for Operational Works (sewerage works).
- 4.3 The development must be connected to Council's reticulated sewerage network.
- 4.4 The existing sewerage connection point(s) located adjacent to the northern boundary must be disconnected.
- 4.5 A new sewerage connection point must be provided from the trunk sewerage main located within East Lane. An access chamber must be constructed as a direct connection to trunk sewerage main is not permitted.
- 4.6 The finished sewerage access chamber surface must be at a sufficient level to avoid ponding of stormwater above the top of the chamber. A heavy duty trafficable lid must be provided in the trafficable area.
- 4.7 Sewer connections located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with trafficable lids.
- 4.8 Any proposed sewerage access chambers located below a ten per cent (10%) Annual Exceedance Probability level must be provided with bolt down lids.

5.0 PLUMBING AND DRAINAGE WORKS

- 5.1 A Development Permit for Plumbing and Drainage Works must be obtained for the removal and/or demolition of any existing structure on the development site.
- 5.2 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Capricorn Municipal Development Guidelines, *Water Supply (Safety and Reliability) Act, Plumbing and Drainage Act*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 5.3 The development must be connected to Council's reticulated water network.
- 5.4 The existing water connection point(s) must be retained, and upgraded if necessary, to service the development.
- 5.5 Water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 5.6 All sanitary drainage works must comply with *Australian Plumbing and Drainage Standard AS3500 Part 2 section 3 and 4 for flood affected areas*.
- 5.7 Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's sewerage reticulation network. Arrestor traps must be provided where commercial or non-domestic waste is proposed to be discharged into the sewer system.

6.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 6.1 All roof and allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines, sound engineering practice and the provisions of a Development Permit for Operational Works (roof and allotment drainage works).

- 6.2 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance or worsening to surrounding land or infrastructure.
- 6.3 The development must not increase peak stormwater runoff for a selected range of storm events up to and including a one per cent (1%) Annual Exceedance Probability defined flood event, for the post development condition.
- 6.4 All roof water must be collected and discharged to the kerb and channel in Bolsover Street.
- 7.0 SITE WORKS
- 7.1 All earthworks must be undertaken in accordance with Australian Standards, AS3798 "Guidelines on Earthworks for Commercial and Residential Developments".
- 7.2 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.
- 8.0 BUILDING WORKS
- 8.1 A Development Permit for Building Works must be obtained for the removal and/or demolition of any existing structure on the development site.
- 8.2 The existing dwelling on the subject land must be demolished or removed from the site.
- 8.3 All building works must be undertaken in accordance with Council's Building Over/Adjacent to Local Government Sewerage Infrastructure Policy.
- 8.4 Any application for Building Works must be accompanied by a detailed structural engineering report and a building certificate prepared by a suitably qualified Registered Professional Engineer of Queensland, which demonstrates that the building has been designed to withstand the forces created by floodwaters and debris loading.
- 8.5 All electrical and telecommunication services and utilities connected to the property, including electrical outlets, must be designed and installed at such a height that they are a minimum of 500 millimetres above a one per cent (1%) Annual Exceedance Probability defined flood event.
- 8.6 Areas below the 1 in 100 year Average Recurrence Interval Fitzroy River Flood level must be designed and constructed using flood resilient materials.
- 8.7 All buildings must be constructed in accordance with the *Building Code of Australia – Volume 2*, and the *Queensland Development Code MP3.5 Construction of Buildings in Flood Hazard Area*.
- 8.8 All external elements, such as air conditioners and similar equipment, must be adequately screened from public view, to Council's satisfaction.
- 8.9 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 8.10 Impervious paved waste storage area/s must be provided in accordance with the approved plans (refer to condition 2.1) and the *Environmental Protection Regulation 2008* and must be:
- 8.10.1 designed and located so as not to cause a nuisance to neighbouring properties;
- 8.10.2 surrounded by at least a 1.8 metre high fence that obstructs from view the

contents of the waste storage area by any member of the public from any public place;

8.10.3 of a sufficient size to accommodate bins and clearances around the bins for manoeuvring and cleaning;

8.10.4 setback a minimum of two (2) metres from any road frontage; and

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

OR

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

9.0 LANDSCAPING WORKS

9.1 A Landscaping Plan must be submitted with the first application for a Development Permit for Operational Works for approval. The landscaping must be constructed and/or established prior to the commencement of the use and the landscape areas must predominantly contain plant species that are locally native to the Central Queensland region due to their low water dependency.

9.2 The planting must be designed to specifically soften the built form by incorporating a variety of species including some plants with a minimum mature height of three (3) metres.

9.3 Screening plant species must be incorporated along the north-western property boundary within the landscaping area.

9.4 Garden edging with a minimum height of fifty (50) millimetres must be provided around the landscaping area to contain soil and mulch.

9.5 The shape of the landscaping area must be amended to accommodate the turning movements of vehicles.

9.6 The landscaped areas must be subject to:

9.6.1 a watering and maintenance plan during establishment; and

9.6.2 an ongoing maintenance and replanting programme.

10.0 ELECTRICITY AND TELECOMMUNICATIONS

10.1 Electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.

10.2 Evidence must be provided of a Telecommunications Infrastructure Provisioning Confirmation and Certificate of Electricity Supply with the relevant service providers to provide the use with telecommunication and live electricity connections, in accordance with the requirements of the relevant authorities prior to the commencement of the use.

11.0 ASSET MANAGEMENT

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

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

markings that may have been removed or damaged.

12.0 ENVIRONMENTAL HEALTH

- 12.1 Noise emitted from the activity must not cause an environmental nuisance.
- 12.2 Operations on the site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise or dust

13.0 ENVIRONMENTAL

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

13.1.1 implemented, monitored and maintained for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped); and

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

14.0 OPERATING PROCEDURES

- 14.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Bolsover Street or East Lane.

- 14.2 All waste storage areas must be:

14.2.1 kept in a clean and tidy condition; and

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

- 14.3 The hours of operations must be limited to:

(i) 0800 hours to 1700 hours on Monday to Friday, and

(ii) 0800 hours to 1200 hours on Saturday,

with no operations on Sundays or Public Holidays.

- 14.4 The applicant must prepare a Contingency Plan for flooding. Council is not required to approve contingency plans and Council does not accept any liability for loss of or damage to property, or injury or loss of life as a result of any person using or relying on the contingency plan, or failing to use the contingency plan during a flood event.

- 14.5 It is the responsibility of the owner or occupier of the land from time to time to implement the contingency plan during a flood event or if there is a risk of flooding near the land.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. Asbestos Removal

Any demolition and/or removal works involving asbestos materials must be undertaken in accordance with the requirements of the *Work Health and Safety* legislation and *Public Health Act 2005*.

NOTE 3. General Environmental Duty

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

NOTE 4. General Safety Of Public During Construction

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

NOTE 5. Infrastructure Charges Notice

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

RECOMMENDATION C

That in relation to the application for a Development Permit for a Material Change of Use for Educational Establishment, made by Masimo Holdings TA New Horizons Safety and Training c/- Reel Planning CQ on Lot 3 on RP600250, Parish of Rockhampton, located at 241 Bolsover Street, Rockhampton City, Council resolves to issue an Infrastructure Charges Notice for the amount of \$34,479.50

Moved by: Councillor Rutherford

Seconded by: Councillor Wickerson

MOTION CARRIED UNANIMOUSLY

8.5 MONTHLY OPERATIONS REPORT COMMUNITY STANDARDS AND COMPLIANCE UNIT FOR APRIL 2016**File No:** 1464**Attachments:**

1. Monthly Operations Report from Community Standards and Compliance Unit for April 2016
2. Traffic Light Report for April 2016
3. Financial Matters Report for April 2016

Authorising Officer: Michael Rowe - General Manager Community Services**Author:** Catherine Hayes - Manager Community Standards and Compliance

SUMMARY

The monthly Operations Report for Community Standards and Compliance Unit as at 30 April 2016 is presented for Councillor's information.

9.38AM Chief Executive Officer returned to the meeting

COMMITTEE RECOMMENDATION

THAT the Community Standards and Compliance Monthly Operations Report for April 2016 be 'received'.

Moved by: Councillor Rutherford**Seconded by:** Councillor Smith**MOTION CARRIED UNANIMOUSLY**

8.6 AMENDMENT SUBORDINATE LOCAL LAW NO. 5 (PARKING) 2011

File No: 7806
Attachments: 1. **Map of Additional Areas to be Included (Riverside Carparks).**
Authorising Officer: Michael Rowe - General Manager Community Services
Author: Catherine Hayes - Manager Community Standards and Compliance

SUMMARY

Approval is sought to amend Schedule 2 Subordinate Local Law No.5 (Parking) 2011 – Declared off-street regulated parking areas by inserting the Quay Street Carpark as a declared off-street regulated parking area.

COMMITTEE RECOMMENDATION

THAT Council take the necessary actions in accordance with the *Local Government Act 2009* to amend Schedule 2 Subordinate Local Law No.5 (Parking) 2011 to give effect to the insertion of Quay and Denham Street Carpark Lot 1 RP607540 as a declared off-street regulated parking area.

Moved by: Mayor Strelow
Seconded by: Councillor Rutherford

MOTION CARRIED UNANIMOUSLY

9 NOTICES OF MOTION

Nil

10 URGENT BUSINESS QUESTIONS

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.

COMMITTEE RESOLUTION

THAT the meeting be closed to the public to discuss the following items, which are considered confidential in accordance with section 275 of the *Local Government Regulation 2012*, for the reasons indicated.

12.1 Proposed Enforcement Proceedings

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

12.2 Proposed Enforcement Proceedings No. 2

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

Moved by: Councillor Wickerson

Seconded by: Councillor Smith

MOTION CARRIED

COMMITTEE RESOLUTION

9.43AM

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

Moved by: Councillor Wickerson

Seconded by: Councillor Smith

MOTION CARRIED

COMMITTEE RESOLUTION

9.51AM

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

Moved by: Councillor Rutherford

Seconded by: Councillor Wickerson

MOTION CARRIED

12 CONFIDENTIAL REPORTS

12.1 PROPOSED ENFORCEMENT PROCEEDINGS

File No: 11098
Attachments: Nil
Authorising Officer: Michael Rowe - General Manager Community Services
Author: Catherine Hayes - Manager Community Standards and Compliance

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

SUMMARY

This report seeks approval to commence proceedings in the Magistrate Court for failing to park completely within the confines of a parking bay as required by section 211(2) of the Transport Operations (Road Use Management – Road Rules) Regulation 2009. The alleged offender has requested that the matter be heard in Court

COMMITTEE RECOMMENDATION

That Council resolve not to proceed with Magistrate Court prosecutions for failing to park completely within the confines of a parking bay as required by section 211(2) of the *Transport Operations (Road Use Management – Road Rules) Regulation 2009*.

Moved by: Councillor Rutherford
Seconded by: Councillor Wickerson

MOTION CARRIED

12.2 PROPOSED ENFORCEMENT PROCEEDINGS NO. 2

File No: 11098
Attachments: Nil
Authorising Officer: Michael Rowe - General Manager Community Services
Author: Catherine Hayes - Manager Community Standards and Compliance

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

SUMMARY

This report seeks approval to commence proceedings in the Magistrate Court against for stopping in an area with a no stopping sign as required by section 167 of the Transport Operations (Road Use Management – Road Rules) Regulation 2009. The alleged offender has requested that the matter be heard in Court.

COMMITTEE RECOMMENDATION

THAT Council resolve to proceed with Magistrate Court prosecutions for stopping in an area with a no stopping sign as required by section 167 of the *Transport Operations (Road Use Management – Road Rules) Regulation 2009*.

Moved by: Mayor Strelow
Seconded by: Councillor Smith

MOTION CARRIED UNANIMOUSLY

13 CLOSURE OF MEETING

There being no further business the meeting closed at 9.54am.

SIGNATURE

CHAIRPERSON

DATE