



PLANNING AND REGULATORY COMMITTEE MEETING

MINUTES

3 MAY 2016

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**REPORT OF THE PLANNING AND REGULATORY COMMITTEE MEETING
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON ON
TUESDAY, 3 MAY 2016 COMMENCING AT 9.00AM**

1 OPENING**2 PRESENT**

Members Present:

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

In Attendance:

Mr M Rowe - General Manager Community Services (Executive Officer)
Mr E Pardon – Chief Executive Officer
Mr R Holmes - General Manager Regional Services
Mr R Cheesman – General Manager Corporate Services
Mr T Gardiner - Planning Officer
Ms T Fitzgibbon - Manager Development and Building
Ms L Price - Community Awareness Officer
Ms L Leeder - Senior Governance Support Officer
Ms C Grills - Governance Support Officer

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

THAT the minutes of the Planning and Development Committee Meeting held on 27 January 2016 be as taken and adopted as a correct record.

THAT the minutes of the Health and Compliance Committee Meeting held on 2 February 2016 be as taken and adopted as a correct record.

Moved by: Councillor Fisher

Seconded by: Councillor Smith

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/183-2015 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR HEALTH CARE SERVICES

File No: D/183-2015

Attachments: 1. Locality Plan
2. Site Plan

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

Author: Thomas Gardiner - Planning Officer

SUMMARY

Development Application Number: D/183-2015

Applicant: Anna and David Houghton

Real Property Address: Lot 1 on RP602720, Parish of Rockhampton

Common Property Address: 176 Campbell Street, Rockhampton City

Area of Site: 341 square metres

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Low-medium density residential zone

Planning Scheme Overlays: Nil

Existing Approvals: Building permits for a Domestic Garage and Enclosed Veranda

Approval Sought: Development Permit for a Material Change of Use for Health Care Services

Level of Assessment: Impact Assessable

Submissions: Nil

Referral Agency(s): Not applicable

Infrastructure Charges Area: Charge Area 1

Application Progress:

<i>Application Lodged:</i>	22 December 2015
<i>Acknowledgment Notice issued:</i>	7 January 2016
<i>Submission period commenced:</i>	27 January 2016
<i>Submission period end:</i>	16 February 2016
<i>Council request for additional time:</i>	17 March 2016
<i>Last receipt of information from applicant:</i>	22 February 2016
<i>Statutory due determination date:</i>	20 May 2016

9:02am Councillor Rutherford attended the meeting
9:04am Mayor Strelow attended the meeting

COMMITTEE RESOLUTION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for Health Care Services, made by Anna and David Houghton, on Lot 1 on RP602720, Parish of Rockhampton, located at 176 Campbell 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) The proposed Health Care Services use will not involve the construction of a new facility in a residential area as it is located in an existing building which is small in scale and has previously been used for commercial and retail operations;
- b) Several existing retail and commercial businesses located on Campbell Street are located in proximity to the site and as such, the proposed development is consistent with the surrounding built form and streetscape;
- c) The proposed development will not compromise the primary purpose of the low-medium density residential zone from providing a range and mix of low-medium density dwelling types as the proposal is small-scale and consistent with the surrounding urban form;
- d) The proposed use does not compromise the strategic framework in the *Rockhampton Region Planning Scheme 2015*;
- e) Assessment of the development against the relevant zone purpose, 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
- f) 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 Health Care Services, made by Anna and David Houghton, on Lot 1 on RP602720, Parish of Rockhampton, located at 176 Campbell Street, Rockhampton City, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 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 of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of the use, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to

the relevant authorities, 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 Plumbing and Drainage Works; and

1.6.2 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 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.

1.9 All engineering drawings/specifications, design and construction works must comply 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 the conditions of this permit:

<u>Plan/Document Name</u>	<u>Plan/Document Number</u>	<u>Dated</u>
Proposed Podiatry Clinic	079-14-15-01, Revision A	9 June 2015

2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.

3.0 PLUMBING AND DRAINAGE WORKS

3.1 Alteration or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act*.

4.0 ROOF AND ALLOTMENT DRAINAGE WORKS

4.1 All roof and allotment drainage must be discharged such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties or infrastructure.

5.0 ASSET MANAGEMENT

5.1 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.

5.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines), water and sewerage infrastructure which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.

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.

Moved by: Councillor Rutherford

Seconded by: Councillor Wickerson

MOTION CARRIED UNANIMOUSLY

8.2 MONTHLY OPERATIONS REPORT FROM COMMUNITY STANDARDS AND COMPLIANCE UNIT UP TO MARCH 2016

File No: 1464

Attachments:

1. Monthly Operations Report Community Standards and Compliance Section - March 2016
2. Traffic Light Report March 2016
3. Financial Matters Report up to March 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 31 March 2016 is presented for Councillor's information.

COMMITTEE RESOLUTION

THAT the Community Standards and Compliance Monthly Operations Report up to March 2016 be 'received'.

Moved by: Councillor Fisher
Seconded by: Councillor Wickerson

MOTION CARRIED UNANIMOUSLY

9 NOTICES OF MOTION

Nil

10 URGENT BUSINESS QUESTIONS

11 CLOSURE OF MEETING

There being no further business the meeting closed at 9:24am.

SIGNATURE

CHAIRPERSON

DATE