



PLANNING AND REGULATORY COMMITTEE MEETING

MINUTES

18 JULY 2017

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**REPORT OF THE PLANNING AND REGULATORY COMMITTEE MEETING
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON
ON TUESDAY, 18 JULY 2017 COMMENCING AT 9.04AM**

COMMITTEE RESOLUTION**9:04AM**

THAT in accordance with s267(3) of the *Local Government Regulation 2012*, and s8.1 *Council Meeting Procedures*, Councillor Wickerson be appointed Chairperson of the Planning and Regulatory Committee meeting.

Moved by: Councillor Rutherford

Seconded by: Councillor Fisher

MOTION CARRIED

1 OPENING**2 PRESENT**

Members Present:

Councillor M D Wickerson (Chairperson)
Councillor N K Fisher
Councillor C R Rutherford

In Attendance:

Mr M Rowe – General Manager Community Services (Executive Officer)
Mr E Pardon – Chief Executive Officer
Mr S Gatt – Manager Planning and Regulatory Services
Ms A Cutler – Manager Finance
Ms T Fitzgibbon – Coordinator Development Assessment
Ms C Hayes – Coordinator Health and Environment
Ms K Moody – Acting Coordinator Local Laws
Ms A O'Mara – Senior Planning Officer
Mr Brandon Diplock – Planning Officer
Ms L Leeder – Senior Governance Support Officer

3 APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence for the meeting was previously granted to Councillor Ellen Smith.

Mayor Margaret Strelow is attending Council business in Brisbane and was not in attendance.

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**COMMITTEE RESOLUTION**

THAT the minutes of the Planning and Regulatory Committee held on 4 July 2017 be taken as read 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

6.1 BUSINESS OUTSTANDING TABLE FOR PLANNING AND REGULATORY COMMITTEE

File No: 10097
Attachments: 1. Business Outstanding Table
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Evan Pardon - Chief Executive Officer

SUMMARY

The Business Outstanding table is used as a tool to monitor outstanding items resolved at previous Council or Committee Meetings. The current Business Outstanding table for the Planning and Regulatory Committee is presented for Councillors' information.

COMMITTEE RECOMMENDATION

THAT the Business Outstanding Table for the Planning and Regulatory Committee be received.

Moved by: Councillor Rutherford
Seconded by: Councillor Fisher

MOTION CARRIED

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 OFFICERS' REPORTS

8.1 MONTHLY OPERATIONS REPORT FOR PLANNING AND REGULATORY SERVICES FOR MAY AND JUNE 2017

File No: 1464

Attachments:

1. Financial Matters Report for May 2017
2. Financial Matters Report - June 2017
3. Traffic Light Report for May 2017
4. Traffic Light Report for June 2017
5. Monthly Operations Report for Health and Environment - May/June 2017
6. Monthly Operations Report for Local Laws - May/June 2017
7. Monthly Operations Report for Planning, Building and Plumbing - May 2017
8. Monthly Operations Report for Planning, Building and Plumbing - June 2017

Authorising Officer: Shane Turner - Acting Manager Planning and Regulatory Services
Michael Rowe - General Manager Community Services

Author: Rebecca Phelan - Supervisor Support Services

SUMMARY

The monthly operations report for the Planning and Regulatory Services Section as at 30 June 2017 is presented for Councillors information.

COMMITTEE RECOMMENDATION

THAT the Planning and Regulatory Services Monthly Operations Report for May and June 2017 be 'received'.

Moved by: Councillor Fisher
Seconded by: Councillor Rutherford

MOTION CARRIED

8.2 COMMITTEE REPORT DELEGATIONS - JUNE 2017

File No: 7028
Attachments: Nil
Authorising Officer: Shane Turner - Acting Manager Planning and
Regulatory Services
Michael Rowe - General Manager Community Services
Author: Tarnya Fitzgibbon - Coordinator Development
Assessment

SUMMARY

This report outlines the development applications received in June 2017 and whether they will be decided under delegation or decided by Council.

COMMITTEE RECOMMENDATION

THAT the Committee Report Delegations report for June 2017 be received.

Moved by: Councillor Rutherford

Seconded by: Councillor Fisher

MOTION CARRIED

8.3 D/138-2015/A - APPLICATION UNDER THE DEVELOPMENT INCENTIVES POLICY FOR DEVELOPMENT PERMIT D/138-2015 FOR A MATERIAL CHANGE OF USE FOR AN EDUCATIONAL ESTABLISHMENT (EXTENSION)

File No: D/138-2015/A
Attachments: 1. Locality Plan
Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Shane Turner - Acting Manager Planning and Regulatory Services
Michael Rowe - General Manager Community Services
Author: Amanda O'Mara - Senior Planning Officer

SUMMARY

Development Application Number: D/138-2015
Applicant: Heights College Ltd
Real Property Address: Lot 2 on RP613996, Parish of Murchison
Common Property Address: 276 Carlton Street, Kawana
Rockhampton City Plan Area: Community Facilities Zone
Type of Approval: Development Permit for a Material Change of Use for an Educational Establishment (extension)
Date of Decision: 5 September 2016
Application Lodgement Fee: \$1,528.00
Infrastructure Charges: \$72,523.53
Infrastructure charges incentive: All other areas – 50% discount
Incentives sought: Infrastructure Charges Concession of 100%
Refund of Development Application Fees
Refund of Service and Connection Fees

COMMITTEE RECOMMENDATION

THAT in relation to the application under the Development Incentives Policy for a Development Permit for a Material Change of Use for an Educational Establishment (extension), on Lot 2 on RP613996, Parish of Murchison, located at 276 Carlton Street, Kawana, Council resolves to Approve the following incentives if the use commences prior to 5 September 2019:

- a) A fifty per cent reduction of infrastructure charges to the amount of \$36,261.75;
- b) A refund of the development application fee of \$1,528.00 and service and connection fees on commencement of the use; and
- c) That Council enter into an agreement with the applicant in relation to (a) and (b).

Moved by: Councillor Wickerson

Seconded by: Councillor Fisher

MOTION CARRIED

8.4 D/32-2017 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR INDOOR SPORT AND RECREATION (PERSONAL TRAINING GYM)

File No: D/32-2017

Attachments:

1. Locality Plan
2. Site Plan - Revised Parking Layout

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Shane Turner - Acting Manager Planning and Regulatory Services
Michael Rowe - General Manager Community Services

Author: Bevan Koelmeyer - Planning Officer

SUMMARY

Applicant: XO Fitness Centre Pty Ltd

Real Property Address: Lot 2 on RP619304, Parish of Rockhampton

Common Property Address: 121 Kent Street, Rockhampton City

Area of Site: 1,012 square metres

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Low-Medium Density Residential Zone

Planning Scheme Overlays: None Applicable

Existing Development: Existing Workshop

Existing Approvals: Not Applicable

Approval Sought: Development Permit for a Material Change of Use for Indoor Sport and Recreation (Personal Training Gym)

Level of Assessment: Impact

Submissions: One (1)

Referral Agency(s): Department of Infrastructure, Local Government and Planning

Infrastructure Charges Area: Charge Area 2

Application Progress:

<i>Application Lodged:</i>	20 March 2017
<i>Acknowledgment Notice issued:</i>	29 March 2017
<i>Request for Further Information sent:</i>	6 April 2017
<i>Request for Further Information responded to:</i>	19 April 2017
<i>Submission period commenced:</i>	5 May 2017
<i>Submission period end:</i>	30 May 2017
<i>Council request for additional time:</i>	4 July 2017
<i>Government Agency request for additional time:</i>	Not Applicable
<i>Government Agency Response:</i>	27 April 2017

<i>Last receipt of information from applicant:</i>	<i>28 June 2017</i>
<i>Statutory due determination date:</i>	<i>7 August 2017</i>

COMMITTEE RECOMMENDATION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for a Material Change of Use for Indoor Sport and Recreation (personal training gym), made by XO Fitness Centre Pty Ltd, located at 121 Kent Street, Rockhampton City, described as Lot 2 on RP619304, Parish of Rockhampton, Council resolves to Approve the application subject to the following conditions:

1.0 **ADMINISTRATION**

- 1.1 The Developer and his employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 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 may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:
 - 1.3.1 to Council's satisfaction;
 - 1.3.2 at no cost to Council; and
 - 1.3.3 prior to the commencement of the use, unless otherwise stated.
- 1.4 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.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
 - 1.5.1 Operational Works:
 - (i) Access and Parking Works;
 - 1.5.2 Plumbing and Drainage Works;
- 1.6 All Development Permits for Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.7 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.8 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:

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Plan Showing Revised Parking Layout Proposed over part of Lot 2 on RP619304	170889-03	23 June 2017
Proposed Gymnasium – Floor Plan	170216-02	26 February 2017

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 development site.

3.2 All access and parking works must be designed and constructed in accordance with the *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 car parking and access areas must be paved or sealed to Council's satisfaction. Design and construction must be in accordance with the provisions of a Development Permit for Operational Works (access and parking works).

3.4 All vehicles must ingress and egress the development in a forward gear.

3.5 All vehicular access must be via Kent Street, with all egress via Denison Lane only.

3.6 A minimum of six (6) car parking spaces must be provided on-site.

3.7 Parking spaces must be line-marked in accordance with the *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).

3.8 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.

4.0 PLUMBING AND DRAINAGE WORKS

4.1 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 2008*, *Plumbing and Drainage Act 2002*, and Council's Plumbing and Drainage Policies.

4.2 Alteration or relocation of internal sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act 2002*.

4.3 Alteration, disconnection 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 2002* and Council's Plumbing and Drainage Policies.

5.0 ROOF AND ALLOTMENT DRAINAGE WORKS

5.1 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 to surrounding land or infrastructure.

6.0 ASSET MANAGEMENT

- 6.1 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 undertaken and completed at no cost to Council.
- 6.2 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.

7.0 ENVIRONMENTAL HEALTH

- 7.1 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"*.
- 7.2 Noise emitted from the activity must not cause an environmental nuisance.
- 7.3 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.
- 7.4 When requested by Council, nuisance monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise, dust or light. An analysis of the monitoring data and a report, including nuisance mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation.
- 7.5 The hours of operations for the Indoor Sport and Recreation (Personal Training Gym) on the development site must be limited to:
0515 hours to 1900 hours on Monday to Friday, and
0630 hours to 1900 hours on Saturday,
with no operations on Sundays or Public Holidays.
- 7.6 Roller doors are to be kept closed outside the hours of 7:00AM and 10:00PM.

8.0 OPERATING PROCEDURES

- 8.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials or parking of construction machinery or contractors' vehicles must not occur within Kent Street or Denison Lane.
- 8.2 Operations on the development site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light or noise.
- 8.3 Group class sizes are restricted to ten (10) members per class.

ADVISORY NOTES

NOTE 1. General Environmental Duty

General environmental duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the development site during all stages of the development including earthworks, construction and operation.

NOTE 1. Licensable Activities

Should an activity licensable by Rockhampton Regional Council be proposed for the premises, Council's Environment and Public Health Unit should be consulted to determine whether any approvals are required. Such activities may include preparation and sale of food to the public. Approval for such activities is required before 'fitout' and operation.

NOTE 2. Works in Road Reserve Permit

It is advised that a Works in Road Reserve Permit (including a fee for the vehicle crossover and compliant with Standard *Capricorn Municipal Development Guidelines, Standard Drawings*) may be accepted in place of the application for a Development Permit for Operational Works (access works).

NOTE 3. 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 B

That in relation to the application for a Development Permit for a Material Change of Use for Indoor Sport and Recreation (personal training gym), made by XO Fitness Centre Pty Ltd, located at 121 Kent Street, Rockhampton City, described as Lot 2 on RP619304, Parish of Rockhampton, Council resolves to issue an Adopted Infrastructure Charges Notice for the amount of \$21,050.25.

Moved by: Councillor Fisher
Seconded by: Councillor Rutherford
MOTION CARRIED

8.5 WILD DOG MANAGEMENT PLAN

File No: 7099
Attachments: 1. Draft Wild Dog Management Plan 2017-2021
Authorising Officer: Shane Turner - Acting Manager Planning and Regulatory Services
Michael Rowe - General Manager Community Services
Author: Catherine Hayes - Coordinator Health and Environment

SUMMARY

This report presents the Rockhampton Regional Council Draft Vector Management Plan 2017-2021 for Council's consideration and adoption. The Plan builds on current activities and provides an adopted proactive, strategic approach to managing wild dogs and provides a clear direction for Pest Management Officers and the community for the next 4 years.

COMMITTEE RECOMMENDATION

THAT Council adopts the Draft Wild Dog Management Plan 2017-2021.

Moved by: Councillor Rutherford

Seconded by: Councillor Fisher

MOTION CARRIED

8.6 DRAFT VECTOR MANAGEMENT PLAN 2017 - 2021

File No: 2200
Attachments: 1. Draft Vector Management Plan 2017 - 2021
Authorising Officer: Shane Turner - Acting Manager Planning and Regulatory Services
Michael Rowe - General Manager Community Services
Author: Catherine Hayes - Coordinator Health and Environment

SUMMARY

This report presents the Rockhampton Regional Council Draft Vector Management Plan 2017-2021 for Council's consideration and adoption. The Plan builds on current activities and provides an adopted proactive, strategic approach to managing vectors and provides a clear direction for Vector Management Officers and the community for the next four years.

COMMITTEE RECOMMENDATION

THAT Council adopts the Draft Vector Management Plan 2017-2021.

Moved by: Councillor Rutherford

Seconded by: Councillor Wickerson

MOTION CARRIED

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 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 Outstanding Developer Contributions Report

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.

Moved by: Councillor Rutherford

Seconded by: Councillor Fisher

MOTION CARRIED

COMMITTEE RECOMMENDATION

9:47AM

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

Moved by: Councillor Rutherford

Seconded by: Councillor Fisher

MOTION CARRIED

9:55AM Chief Executive Officer left the meeting

COMMITTEE RECOMMENDATION

9:59AM

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 Fisher

MOTION CARRIED

12 CONFIDENTIAL REPORTS

12.1 OUTSTANDING DEVELOPER CONTRIBUTIONS REPORT

File No: 1464
Attachments: 1. Flowchart for Collection of Fees
Authorising Officer: Steven Gatt - Manager Planning & Regulatory Services
Michael Rowe - General Manager Community Services
Author: Tarnya Fitzgibbon - Coordinator Development Assessment

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

For a number of years the collection of Developer contributions has required review and improvement. A report was recently provided to Audit and Business Improvement Committee that showed the results of an independent review of the processes as well as a number of recommendations. This report deals with the planned collection of the outstanding amounts.

COMMITTEE RECOMMENDATION

THAT the matter be referred to full Council for determination.

Moved by: Councillor Rutherford

Seconded by: Councillor Fisher

MOTION CARRIED

13 CLOSURE OF MEETING

There being no further business the meeting closed at 10:00am.

SIGNATURE

CHAIRPERSON

DATE