



PLANNING AND REGULATORY COMMITTEE MEETING

MINUTES

21 AUGUST 2018

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**REPORT OF THE PLANNING AND REGULATORY COMMITTEE MEETING
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON
ON TUESDAY, 21 AUGUST 2018 COMMENCING AT 9.06AM**

1 OPENING

2 PRESENT

Members Present:

Councillor C E Smith (Chairperson)
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
Mr S Gatt – Manager Planning and Regulatory Services
Mr J McCaul – Coordinator Development Engineering
Ms T Fitzgibbon – Coordinator Development Assessment
Ms K Moody – Coordinator Health and Environment
Ms N Ellawala – Coordinator Local Laws
Mr P Harrison – Coordinator Building, Plumbing and Compliance
Mr M Mansfield – Coordinator Media and Communications
Mr T Gardiner – Senior Planning Officer
Ms A O'Mara – Senior Planning Officer
Mr B Diplock – Planning Officer
Ms A Johnson – Planning Officer
Ms L Leeder – Senior Committee Support Officer

3 APOLOGIES AND LEAVE OF ABSENCE

The Mayor, Councillor Margaret Strelow granted leave of absence to attend the Northern Alliance of Councils Conference in Ingham.

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COMMITTEE RESOLUTION

THAT the minutes of the Planning and Regulatory Committee held on 7 August 2018 be taken as read and adopted as a correct record.

Moved by: Councillor Smith
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: Steven Gatt - Acting General Manager Community Services
Author: Steven Gatt - Acting General Manager Community Services

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 Wickerson
MOTION CARRIED

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 OFFICERS' REPORTS

8.1 REQUEST FOR EXTENSION TO THE RELEVANT PERIOD FOR DEVELOPMENT INCENTIVES APPLICATION FOR D/75-2015/A FOR A BULK STORE

File No: D/75-2015/A

Attachments:

1. Locality Plan
2. Applicant's request letter

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Steven Gatt - Acting General Manager Community Services

Author: Thomas Gardiner - Planning Officer

SUMMARY

Development Application Number: D/75-2015

Applicant: J & S Drilling

Real Property Address: Lot 68 on RP604012, Parish of Gracemere

Common Property Address: 89 Douglas Street, Gracemere

Planning scheme zoning: Gracemere-Stanwell Zone – Medium Impact Industry Precinct

Type of Approval: Development Permit for a Material Change of Use for a Bulk Store

Date of Decision: 28 July 2015

Application Lodgement Fee: \$1,635.00

Infrastructure Charges: \$11,662.00

Infrastructure charges incentive: Precinct 2 – 50% discount

Incentives sought: Development facilitation
Refund of Development Application Fees
Refund of service and connection fees

COMMITTEE RECOMMENDATION

THAT Council choose Option 2 as outlined in the report.

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

8.2 D/117-2017 - INFRASTRUCTURE CHARGES FOR DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (ONE LOT INTO 126 LOTS) (121 RESIDENTIAL LOTS, 2 MANAGEMENT LOTS, 1 ACTIVE OPEN SPACE LOT, 1 LINEAR OPEN SPACE LOT, AND 1 BALANCE LOT)

File No: D/117-2017

Attachments: 1. Locality Plan
2. Site Plan

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Steven Gatt - Acting General Manager Community Services

Author: Thomas Gardiner - Planning Officer

SUMMARY

Development Application Number: D/117-2017

Applicant: Stockland Development Pty Ltd C/O RPS

Real Property Address: 23-27 William Palfrey Road, 923-947 Yaamba Road and 985-1005 Yaamba Road, Parkhurst

Common Property Address: Lot 5 on SP238731, Lot 22 and Lot 23 on SP134380, Lot 49 on SP129857 and Lot 41 on SP226571, Parish of Murchison

Area of Site: 77.36 hectares

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Low-Medium Density Residential Zone

Planning Scheme Overlays: Bushfire Hazard Overlay (Medium, High and Very High Hazard)
Creek Catchment Flood Overlay (Planning Area 1 and 2)
Steep Land Overlay (15-20%, 20-25% and 25%+ slope)
Biodiversity Waterways Overlay

Existing Development: Nil

Existing Approvals: D/89-2014 – Earthworks and Landscaping (Ellida Estate – Stages 1, 2 and 3)
D/171-2014 – Road Works, Drainage Works, Stormwater Works, Water Infrastructure and Sewer Infrastructure
Development Application for Reconfiguring a Lot (one lot into 126 lots) (121 residential lots, 2 management lots, 1 active open space lot, 1 linear open space lot, and 1 balance lot)

Level of Assessment: Code Assessable

Referral Agency(s):

*Department of Infrastructure, Local Government
and Planning*

Ergon Energy (Advice Agency)

Infrastructure Charges Area:

Charge Area 1

COMMITTEE RECOMMENDATION

THAT in relation to the infrastructure charges associated with a Development Permit (D/117-2017) for Reconfiguring a Lot (one lot into 126 lots) (121 residential lots, 2 management lots, 1 active open space lot, 1 linear open space lot and 1 balance lot) made by Stockland Development Pty Ltd C/o RPS, located at 23-27 William Palfrey Road, Parkhurst, described as Lot 5 on SP238731, Lot 22 and Lot 23 on SP134380, Lot 49 on SP129857 and Lot 41 on SP226571, Parish of Murchison, Council resolves to issue an Infrastructure Charges Notice containing the following:

- (a) A total charge of \$2,646,000.00 applicable for the creation of 126 allotments;
- (b) An infrastructure credit of \$4,951,340.31 applicable for the construction of the trunk infrastructure networks conditioned as part of the approval;
- (c) An infrastructure credit of \$21,000.00 applicable for the existing allotment; and
- (d) A refund of \$2,326,340.31 to be paid after five (5) years following the delivery of the trunk infrastructure networks which have been conditioned as part of the approval.

Moved by: Councillor Smith

Seconded by: Councillor Fisher

MOTION CARRIED

8.3 D/90-2015 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A HOUSE

File No: D/90-2015

Attachments: 1. Locality Plan
2. Proposed Site Plan

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Steven Gatt - Acting General Manager Community Services

Author: Amanda O'Mara - Senior Planning Officer

SUMMARY

Development Application Number: D/90-2015

Applicant: St Luke's Healing Foundation

Real Property Address: Lot 153 on RP866052, Parish of Archer

Common Property Address: 342-350 Holt Street, Frenchville

Area of Site: 12.11 Hectares

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: Berserker Foothills Residential Area and Berserker Range Environmental Protection Area

Planning Scheme Overlays: Airport Height Limitations; Remnant Vegetation; Steep Land; and Bushfire Hazard

Existing Development: Vacant Land

Existing Approvals: Nil

Approval Sought: Development Permit for a Material Change of Use for a House (assessed under the superseded planning scheme)

Level of Assessment: Impact Assessable

Submissions: Thirty-nine (39) submissions received

Referral Agency(s): Nil

Adopted Infrastructure Charges Area: Charge Area 3

COMMITTEE RECOMMENDATION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for a House, made by Beal Building Design on behalf of St Luke's Healing Foundation, on land described as Lot 153 on RP866052, Parish of Archer, located at 342-350 Holt Street, Frenchville, 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 issue of the Certificate of Classification for the Building Works, 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 issue of the Certificate of Classification for the Building Works, 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 Works;
 - (ii) Stormwater Works;
 - (iii) Roof and Allotment Drainage; and
 - (iv) Site Works.
 - 1.5.2 Plumbing and Drainage Works
 - 1.5.3 Building Works
- 1.6 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.
- 1.7 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>
Bushfire Assessment and Management Plan	QEJ16019 Rev 1	18 June 2018
Layout & Details	0731415-01 Rev F	26 June 2018
Longsection	0731415-02 Rev F	26 June 2018
Cross Sections 1	0731415-03 Rev F	26 June 2018
Cross Sections 2	0731415-04 Rev F	26 June 2018
Proposed Site Plan	1402-01 DA1.1	3 July 2018

Slope Stability Assessment	16064-001-Rev 0	1 April 2016
Stormwater Management Plan	Revision B	2 September 2016

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 submission of an application for a Development Permit for Operational Works/Building Works.

3.0 ACCESS WORKS

3.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access works on the development site.

3.2 All access 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 works).

3.3 Suitable guardrails must be installed along the downslope side of the proposed access as per the requirements of Austroads. Details of the guardrails must be submitted with the Operational Works application.

3.4 The access must be privately owned and maintained by the owner of Lot 153 on RP866052.

3.5 All 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 works).

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

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*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.

4.2 The development must be connected to Council's reticulated sewerage and water networks. The owner must enter into a special water supply and sewerage arrangement for the provision of these services.

4.3 Adequate domestic and fire-fighting protection must be provided to the development, and must be certified by a hydraulic engineer or other suitably qualified person. This may include on-site storage tanks and associated pumping equipment.

4.4 Sewer connections and 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.

4.5 The development must comply with *Queensland Development Code, Mandatory Part 1.4 "Building over or near relevant infrastructure."* Any permit associated with the Building Over/Adjacent to Local Government Sewerage Infrastructure Policy must be obtained prior to the issue of a Development Permit for Building Works.

5.0 STORMWATER WORKS

5.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.

- 5.2 All stormwater 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 (stormwater works).
- 5.3 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.
- 5.4 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by an amended Stormwater Management Plan, prepared and certified by a Registered Professional Engineer of Queensland. The amended Stormwater Management Plan must clearly demonstrate that:
- 5.4.1 all content of the stormwater management plan is in accordance with the *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, stormwater management design objectives in *State Planning Policy 2014* and sound engineering practice;
 - 5.4.2 the Stormwater discharge is to a lawful point of discharge in accordance with the *Queensland Urban Drainage Manual*;
 - 5.4.3 it includes detailed engineering plans with details of any new drainage systems, or the amendment and upgrading of existing drainage systems to implement the proposed drainage strategy.
- 6.0 ROOF AND ALLOTMENT DRAINAGE WORKS
- 6.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the development site.
- 6.2 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).
- 6.3 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.
- 7.0 SITE WORKS
- 7.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works on the development site.
- 7.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan that clearly identifies the following:
- 7.2.1 the location of cut and/or fill;
 - 7.2.2 the type of fill to be used and the manner in which it is to be compacted;
 - 7.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - 7.2.4 details of any proposed access routes that are intended to be used to transport fill to or from the development site; and
 - 7.2.5 the maintenance of access roads to and from the development site so that they are free of all cut and/or fill material and cleaned as necessary.

- 7.3 Cut and fill of the subject allotment must only be undertaken in areas where site-specific slope stability assessments have been carried out by a *Registered Professional Engineer of Queensland* experienced in Geotechnical investigations. In this regard, any works must comply with the recommendations of the site-specific assessments as approved by Council.
- 7.4 Cut and fill of the subject allotment must be undertaken in accordance with the recommendations of the *Slope Stability Report* (refer to condition 2.1).
- 7.5 Slope stability must be managed as follows:
- 7.5.1 all engineering drawings/specifications and designs must be in accordance with the requirements of the relevant *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"* and must be approved by a Registered Professional Engineer of Queensland;
 - 7.5.2 site inspections must be undertaken by a Registered Professional Engineer of Queensland to confirm the design; and
 - 7.5.3 full engineering certification must be undertaken by a Registered Professional Engineer of Queensland.
- 7.6 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 7.7 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.
- 7.8 Vegetation must not be cleared unless and until written approval has been provided by Council. A Development Permit for Operational Works constitutes written approval, only for the purposes of clearing vegetation directly pertinent to the operational works that are the subject of the Development Permit.
- 7.9 Any vegetation cleared or removed must be:
- (i) mulched on-site and utilised on-site for landscaping purposes to Council's satisfaction, or in accordance with the approved landscaping plan; or
 - (ii) removed for disposal at a location approved by Council,
- within sixty (60) days of clearing. Any vegetation removed must not be burnt.
- 8.0 **BUILDING WORKS**
- 8.1 The House must be constructed in accordance with *Australian Standard AS3959 "Construction of buildings in bushfire-prone areas"* and the approved Bushfire Assessment and Management Plan (refer to condition 2.1).
- 9.0 **GEOTECHNICAL**
- 9.1 All construction works must be designed and completed in accordance with the recommendations in the Slope Stability Assessment report (refer to condition 2.1).
- 9.2 Slope stability must be managed as follows:
- 9.2.1 all engineering drawings/specifications and designs must be in accordance with the requirements of relevant *Australian Standards* and must be approved by a Registered Professional Engineer of Queensland;
 - 9.2.2 site inspections must be undertaken by a Registered Professional Engineer of Queensland to confirm the design; and
 - 9.2.3 full engineering certification must be undertaken by a Registered Professional Engineer of Queensland.

10.0 ELECTRICITY

- 10.1 Electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.

11.0 TELECOMMUNICATIONS

- 11.1 Telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service provider. Unless otherwise stipulated by telecommunications legislation at the time of installation, this includes all necessary pits and pipes, and conduits that provide a connection to the telecommunications network.

12.0 ASSET MANAGEMENT

- 12.1 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.
- 12.2 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.
- 12.3 'As Constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of the use. This information must be provided in accordance with the *Asset Design and As Constructed Manual (ADAC)*.

13.0 ENVIRONMENTAL

- 13.1 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan that addresses, but is not limited to, the following:
- (i) objectives;
 - (ii) site location and topography;
 - (iii) vegetation;
 - (iv) site drainage;
 - (v) soils;
 - (vi) erosion susceptibility;
 - (vii) erosion risk;
 - (viii) concept;
 - (ix) design; and
 - (x) implementation,
- for the construction and post-construction phases of work.
- 13.2 The Erosion Control and Stormwater Control Management Plan prepared by a Registered Professional Engineer of Queensland in accordance with the *Capricorn Municipal Design Guidelines*, must be implemented, monitored and maintained for the duration of the development works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The plan must be available on-site for inspection by Council Officers whilst all works are being carried out.

- 13.3 The development must be undertaken in accordance with the recommendations in the approved Bushfire Hazard Assessment and Management Plan (refer to condition 2.1).
- 13.4 An Environmental Management Plan must be prepared and submitted with the submission of the first application for a Development Permit for Operational Works / prior to the commencement of any works on the development site. The Environmental Management Plan must be supported by an Ecological Report, identifying all ecologically attributes and values of the site in addition to the potential impacts (with the necessary mitigation and rehabilitation measures) as set out in *Planning Scheme Policy No. 1 Preparation of Ecological Assessment Report and Environmental Management Plans* in the *Rockhampton City Plan 2005*.
- 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 development site. Storage of materials or parking of construction machinery or contractors' vehicles must not occur within Woodland Drive.
- 14.2 The owner or occupier must place Council's standard 240 litre wheelie bins at the end of Woodland Drive for collection.

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 Partnerships website www.datsip.qld.gov.au.

NOTE 2. 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 3. General Safety Of Public During Construction

The *Work Health and Safety Act 2011* 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 4. Infrastructure Charges Notice

Council has resolved not to issue an Infrastructure Charges Notice for this development because the new infrastructure charges arising from the development are less than the credits applicable for the new development.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for a House, made by Beal Building Design on behalf of St Luke's Healing Foundation, on land described as Lot 153 on RP866052, Parish of Archer, located at 342-350 Holt Street, Frenchville, Council resolves not to issue an Infrastructure Charges Notice.

Moved by: Councillor Smith

Seconded by: Councillor Fisher

MOTION CARRIED

Councillors Wickerson and Rutherford voted against the motion

Chairperson Councillor Smith exercised her casting vote in the affirmative

8.4 D/91-2017/A - APPLICATION UNDER THE DEVELOPMENT INCENTIVES POLICY FOR DEVELOPMENT PERMIT D/91-2017 FOR A MATERIAL CHANGE OF USE FOR AN OFFICE

File No: D/91-2017/A

Attachments: 1. Locality Plan
2. Site Plan

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Steven Gatt - Acting General Manager Community Services

Author: Amy Johnson - Acting Planning Officer

SUMMARY

Development Application Number: D/91-2017/A

Applicant: DR Moore Construction Pty Ltd

Real Property Address: Lot 1 on RP602561, Parish of Rockhampton

Common Property Address: 248 George Street, Rockhampton City

Planning Scheme Zone: Low Density Residential Zone

Type of Approval: Development Permit for a Material Change of Use for an Office

Date of Decision: 22 November 2017

Application Lodgement Fee: \$2,561.00

Infrastructure Charges: \$3,193.12

Infrastructure charges incentive: All other areas - 50%
Eg. Precinct 2 unchanged GFA – 50%
Amount of discount - \$1,596.56

Incentives sought: Refund of Development Application Fees
50% discount on Infrastructure Charges

COMMITTEE RECOMMENDATION

THAT in relation to the application under the Development Incentives Policy for Development Permit for a Material Change of Use for an Office, situated at 248 George Street, Rockhampton City, described as Lot 1 on RP602561, Parish of Rockhampton. Council resolves to Approve the following incentives if the use commences prior to 22 November 2020:

- a) A 50% percent reduction of infrastructure charges to the amount of \$1,596.56;
- b) A refund of the development application fee of \$2,561.00; and
- c) That Council enter into an agreement with the applicant in relation to (a) and (b).

Moved by: Councillor Fisher

Seconded by: Councillor Rutherford

MOTION CARRIED

8.5 D/41-2018 - DEVELOPMENT APPLICATION FOR OPERATIONAL WORKS FOR AN ADVERTISING DEVICE (BILLBOARD SIGN)

File No: D/41-2018

Attachments:

1. Locality Plan
2. Site Plan
3. 3D Images

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Steven Gatt - Acting General Manager Community Services

Author: Amy Johnson - Acting Planning Officer

SUMMARY

Development Application Number: D/41-2018

Applicant: Matzin Capital Pty Ltd C/- Jensen Bowers Group Consultants Pty Ltd

Real Property Address: Lots 0, 1 and 2 on BUP100002, Parish of Rockhampton

Common Property Address: 102, 1/102 and 2/102 Denham Street, Rockhampton City

Area of Site: 696 square metres

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Specialised Centre Zone

Planning Scheme Overlays: None Applicable

Existing Development: Two (2) office units

Existing Approvals: Various building approvals

Approval Sought: Development Permit for Operational Works for an Advertising Device (billboard sign)

Level of Assessment: Code Assessable

Referral Agency(s): None Applicable

Infrastructure Charges Area: Charge Area 1

Application Progress:

<i>Application Lodged:</i>	4 May 2018
<i>Request for Further Information sent:</i>	21 May 2018
<i>Request for Further Information responded to:</i>	24 July 2018
<i>Last receipt of information from applicant:</i>	24 July 2018
<i>Statutory due determination date:</i>	7 September 2018

9:57AM Chief Executive Officer left the meeting
 9:58AM Councillor Fisher left the meeting and did not return
 9:59AM Chief Executive Officer returned to the meeting

COMMITTEE RECOMMENDATION

THAT in relation to the application for a Development Permit for Operational Works for an Advertising Device (Billboard Sign), made by Matzin Capital Pty Ltd C/- Jensen Bowers Group Consultants Pty Ltd, on land located at 102, 1/102 and 2/102 Denham Street, Rockhampton City, described as Lots 0-2 on BUP100002, 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 of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.4.1 Building Works.
- 1.5 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.

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>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version/Issue</u>
Site Plan	Espin Capital Pty Ltd	2 July 2018	S1 of 2	Rev 3
Site and Plan View	Espin Capital Pty Ltd	2 July 2018	S2 of 2	Rev 3
Traffic Engineering Assessment	Pekol Traffic & Transport	19 July 2018	18-403	Version 2
Material Selection	Maarch*	13 July 2018	18021	-

- 2.2 A set of the above approved plans are returned to you as the Consultant. The Consultant is to supply one (1) Approved set to the contractor to be retained on site at all times during construction.
- 2.3 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.
- 2.4 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council prior to the submission of a Development Application for Building Works.

- 2.5 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.

3.0 OPERATING PROCEDURES

- 3.1 All text and images displayed on the billboard must be static, not imitate a traffic control device or include traffic instructions (for example 'stop'), and not involve moving parts or flashing lights.
- 3.2 Any lighting devices associated with the signage, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents or motorists. Night lighting must be designed, constructed and operated in accordance with '*Australian Standard AS4282 – Control of the obtrusive effects of outdoor lighting*'.

4.0 DIGITAL SCREEN DISPLAY FEATURES

- 4.1 The digital display screen of the Advertising Device must incorporate an automatic error detection system which will turn off the screen display or display a blank screen should the Advertising Device malfunction.
- 4.2 The Advertising Device display screen must incorporate a minimum of two (2) automated ambient light sensors capable of supporting a minimum of five (5) levels of stepped dimming to ensure display screen luminance can adjust automatically in response to surrounding ambient light conditions from dark of night to fully sunlit conditions.
- 4.3 The Advertising Device display screen must provide for on-site, operation, configuration and diagnosis of the screen display.
- 4.4 Messages must remain static for a minimum dwell time of 10 seconds and are not to scroll across the screen or incorporate flashing, blinking, revolving, pulsating, high contrast or rotating effects animation.
- 4.5 Each change of advertisement is to be completed instantaneously (i.e. within 0.1 of a second).

5.0 DIGITAL SCREEN ADVERTISEMENTS AND MOVEMENT

- 5.1 The Advertising Device display screen must not be split to display multiple advertisements on the one display screen.
- 5.2 Advertisements must not display text, photographs or symbols depicting, mimicking or that could be reasonably interpreted as a traffic control device.
- 5.3 Advertisements must not invite traffic to move contrary to any traffic control device, or turn where there is fast moving traffic.
- 5.4 Advertisements must only promote a single, self-contained advertising message that is clear, succinct, legible and easily understood at a glance. The use of text components in a sequential manner, whereby text refers to or is reliant on previous or successive screen displays in order to convey an advertising message is not permitted.

Note: An advertising message refers to the main point the advertisement is attempting to convey to its target audience. This condition seeks to ensure that drivers in particular are not required to spend an excessive amount of time reading and interpreting advertisements.

- 5.5 Changeover animation effects such as 'fade', 'zoom', or 'fly-in' between advertisements must not be used.
- 5.6 A blank black, white, or any coloured screen must not be displayed between advertisements.

- 5.7 Advertisement that comprise of, or incorporate moving visual images, such as videos or animations must not be displayed.

Note: Video refers to a recording or the streaming of moving visual images captured by or using a video camera. Animation refers to a simulation of movement created by displaying a series of pictures or frames either digitally or otherwise.

- 5.8 The Advertising Device must not be capable of playing audio nor synchronised with any outdoor sound system utilised for advertising purposes.

6.0 ASSET MANAGEMENT

- 6.1 Any damage to, or alterations necessary, to electricity, telephone, water mains, sewerage mains, stormwater drains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken immediately at full cost to the Developer.

7.0 ADVERTISING DEVICE CONSTRUCTION AND MAINTENANCE

- 7.1 Council reserves the right for uninterrupted access to the site at all times during construction.
- 7.2 All Construction work and other associated activities are permitted only between 0630 hours and 1800 hours Monday to Saturday. No work is permitted on Sundays or public holidays. All requirements of the Environmental Protection Act 1994 and Environmental Protection Regulations 2008 must be observed at all times.
- 7.3 Construction materials, waste, waste skips, machinery and contractors' vehicles must not be located and stored or parked in George Street.
- 7.4 Any proposed works within the vicinity (or zone of influence) of existing Council infrastructure will not adversely affect the integrity of the infrastructure. Any restoration works required on existing Council infrastructure as a result of proposed works will be at developer's expense.
- 7.5 The Advertising Device (Digital Billboard Sign) must be designed and certified by a Registered Professional Engineer of Queensland and constructed in accordance with the requirements of the Queensland Development Code and the Building Code of Australia.
- 7.6 All conduits, wiring, switches or other control apparatus installed on an Advertising Device must be concealed from general view, with control apparatus secured in a manner to prevent unauthorised entry and display setting tampering.
- 7.7 All electrical services and systems must comply with 'Australian and New Zealand Standard AS/NZS 3000:2007 - Electrical Installations'.
- 7.8 The Advertising Device (Digital Billboard Sign) must be maintained in a safe, clean, tidy and sightly condition at all times.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage Act, 2003

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 *Workplace Health and Safety* legislation and *Public Health Act 2005*.

NOTE 3. General Environmental Duty- *Environmental Protection Act 1994, sec.319*

A person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm (the *general environmental duty*).

In deciding the measures required to be taken, regard must be had to, for example—

- (a) the nature of the harm or potential harm; and
- (b) the sensitivity of the receiving environment; and
- (c) the current state of technical knowledge for the activity; and
- (d) the likelihood of successful application of the different measures that might be taken; and
- (e) the financial implications of the different measures as they would relate to the type of activity.

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.

RECOMMENDATION B

That in relation to the application for a Development Permit for Operational Works for an Advertising Device (Billboard Sign), made by Matzin Capital Pty Ltd C/- Jensen Bowers Group Consultants Pty Ltd, on land located at 102, 1/102 and 2/102 Denham Street, Rockhampton City, described as Lots 0-2 on BUP100002, Parish of Rockhampton, Council resolves not to issue an Infrastructure Charges Notice.

Moved by: Councillor Wickerson

Seconded by: Councillor Rutherford

MOTION CARRIED

8.6 DECISIONS UNDER DELEGATION - JULY 2018

File No: 7028
Attachments: Nil
Authorising Officer: Steven Gatt - Manager Planning & Regulatory Services
Colleen Worthy - General Manager Community Services
Author: Tarnya Fitzgibbon - Coordinator Development Assessment

SUMMARY

This report outlines the properly made development applications received in July 2018 and whether they will be decided under delegation or decided by Council.

COMMITTEE RECOMMENDATION

THAT this report into the applications lodged in July 2018 be received.

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

8.7 ANIMAL MANAGEMENT - SURRENDERED AND UNCLAIMED ANIMALS POLICY

File No: 1464
Attachments: 1. Animal Management - Surrendered and Unclaimed Animals Policy
Authorising Officer: Steven Gatt - Acting General Manager Community Services
Author: Nishu Ellawala - Coordinator Local Laws

SUMMARY

Manager Planning and Regulatory Services presenting the report on the draft Animal Management – Surrendered and Unclaimed Animals Policy which has been approved.

COMMITTEE RECOMMENDATION

That the report for Animal Management – Surrendered and Unclaimed Animals Policy noted and 'received'.

Moved by: Councillor Smith
Seconded by: Councillor Wickerson
MOTION CARRIED

8.8 PROPOSED ANIMAL INSPECTION PROGRAM

File No: 11741

Attachments:

1. Gracemere Map
2. Notice of Approved Systematic Inspection Program

Authorising Officer: Steven Gatt - Acting General Manager Community Services

Author: Nishu Ellawala - Coordinator Local Laws

SUMMARY

This report presents an Animal Inspection Program for consideration by Council. Prior to Rockhampton Regional Council officers undertaking an inspection program, the Systematic Inspection Program, to monitor compliance with the Animal Management (Cats and Dogs) Act 2008, Rockhampton Regional Council Local Law 1 (Administration) 2011, and Rockhampton Regional Council Local Law 2 (Animal Management) 2011 must be approved by Council.

COMMITTEE RECOMMENDATION

THAT in accordance with the *Animal Management (Cats and Dogs) Act 2008* and *Local Government Act 2009*, Council approves an inspection program, the Systematic Inspection Program, for the locality of Gracemere, between 1 May 2019 and 2 June 2019.

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

8.9 MONTHLY OPERATIONS REPORT FOR PLANNING AND REGULATORY SERVICES - JULY 2018

File No: 1464

Attachments: 1. Monthly Operations Report for Planning and Regulatory Services - July 2018

Authorising Officer: Steven Gatt - Acting General Manager Community Services

Author: Steven Gatt - Acting General Manager Community Services

SUMMARY

The Monthly Operations Report for the Planning and Regulatory Services Section for July 2018 is presented for Councillor's information.

COMMITTEE RECOMMENDATION

THAT the Planning and Regulatory Services Monthly Operations Report for July 2018 be 'received'.

Moved by: Councillor Smith

Seconded by: Councillor Rutherford

MOTION CARRIED

9 NOTICES OF MOTION

Nil

10 URGENT BUSINESS\QUESTIONS

10:49AM Chief Executive Officer left the 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.

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 Customer Requests with Councillor or Public Interest at Building, Plumbing and Compliance

This report is considered confidential in accordance with section 275(1)(g), 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.

Moved by: Councillor Wickerson

Seconded by: Councillor Rutherford

MOTION CARRIED

COMMITTEE RESOLUTION

10:50AM

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

Moved by: Councillor Smith

Seconded by: Councillor Wickerson

MOTION CARRIED

10:52AM Chief Executive Officer returned to the meeting

COMMITTEE RESOLUTION

10:55AM

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 CUSTOMER REQUESTS WITH COUNCILLOR OR PUBLIC INTEREST AT BUILDING, PLUMBING AND COMPLIANCE

File No: 4842

Attachments: Nil

Authorising Officer: Steven Gatt - Acting General Manager Community Services
Philip Harrison - Coordinator Building Plumbing and Compliance

Author: Brett Robson - Building Certifier

This report is considered confidential in accordance with section 275(1)(g), 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.

SUMMARY

This report summarises the continued safety issues around the dilapidated building.

COMMITTEE RECOMMENDATION

THAT Council adopt Option Two as detailed in the report.

Moved by: Councillor Wickerson

Seconded by: Councillor Smith

MOTION CARRIED

13 CLOSURE OF MEETING

There being no further business the meeting closed at 10:55am.

SIGNATURE

CHAIRPERSON

DATE