



**PLANNING AND REGULATORY  
COMMITTEE MEETING**

**MINUTES**

**25 JUNE 2019**

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**REPORT OF THE PLANNING AND REGULATORY COMMITTEE MEETING  
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON  
ON TUESDAY, 25 JUNE 2019 COMMENCING AT 9.03AM**

## **1 OPENING**

## **2 PRESENT**

Members Present:

Councillor C E Smith (Chairperson)  
The Mayor, Councillor M F Strelow  
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  
Ms T Fitzgibbon – Coordinator Development Assessment  
Mr B Koelmeyer – Planning Officer  
Ms G Dwyer – Media Officer  
Ms L Leeder – Senior Committee Support Officer

## **3 APOLOGIES AND LEAVE OF ABSENCE**

Leave of absence for the meeting was previously granted to Councillor Neil Fisher

## **4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

### **COMMITTEE RESOLUTION**

THAT the minutes of the Planning and Regulatory Committee held on 28 May 2019 be taken as read and adopted as a correct record.

**Moved by: Councillor Smith**  
**Seconded by: Councillor Wickerson**

**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/41-2018 - MINOR CHANGE TO DEVELOPMENT PERMIT FOR OPERATIONAL WORKS FOR AN ADVERTISING DEVICE (BILLBOARD SIGN)

<b>File No:</b>	<b>D/41-2018</b>
<b>Attachments:</b>	<b>1. Locality Plan 2. Site Plan 3. Elevations Plan</b>
<b>Authorising Officer:</b>	<b>Amanda O'Mara - Acting Coordinator Development Assessment Steven Gatt - Manager Planning and Regulatory Services Colleen Worthy - General Manager Community Services</b>
<b>Author:</b>	<b>Bevan Koelmeyer - Planning Officer</b>

#### SUMMARY

<i>Development Application Number:</i>	<i>D/41-2018</i>
<i>Applicant:</i>	<i>Matzin Capital Pty Ltd C/- Jensen Bowers Group Consultants Pty Ltd</i>
<i>Real Property Address:</i>	<i>Lots 0, 1 and 2 on BUP100002, Parish of Rockhampton</i>
<i>Common Property Address:</i>	<i>102, 1/102 and 2/102 Denham Street, Rockhampton City</i>
<i>Area of Site:</i>	<i>696 square metres</i>
<i>Planning Scheme:</i>	<i>Rockhampton Region Planning Scheme 2015</i>
<i>Planning Scheme Zone:</i>	<i>Specialised Centre Zone</i>
<i>Planning Scheme Overlays:</i>	<i>None Applicable</i>
<i>Existing Development:</i>	<i>Two (2) office units</i>
<i>Existing Approvals:</i>	<i>Various building approvals</i>
<i>Approval Sought:</i>	<i>Minor Change to Development Permit D/41-2018 for Operational Works for an Advertising Device (Billboard Sign)</i>
<i>Level of Assessment:</i>	<i>Code Assessable</i>
<i>Referral Agency(s):</i>	<i>None Applicable</i>
<i>Infrastructure Charges Area:</i>	<i>Charge Area 1</i>

#### COMMITTEE RECOMMENDATION

##### RECOMMENDATION A:

THAT in relation to the application for a request for a Minor Change to Development Permit D/41-2018 for Operational Works for an Advertising Device (Billboard Sign), made by Matzin Capital 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 that:

**1. Item 5 and Condition 2.1 be amended by replacing:**

<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	-

**With**

<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	17 May 2019	S1 of 2	Rev 4
Site and Plan View	Espin Capital Pty Ltd	17 May 2019	S2 of 2	Rev 4
Traffic Engineering Assessment	Pekol Traffic & Transport	19 July 2018	18-403	Version 2
Material Selection	Maarch*	13 July 2018	18021	-

**2. Condition 7.5 be amended by replacing:**

*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.*

**With**

The Advertising Device (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.

**3. Condition 7.8 be amended by replacing:**

*The Advertising Device (Digital Billboard Sign) must be maintained in a safe, clean, tidy and sightly condition at all times.*

**With**

The Advertising Device (Billboard Sign) must be maintained in a safe, clean, tidy and sightly condition at all times.

**RECOMMENDATION B:**

That in relation to the above changes, Council resolves to issue an Amended Decision Notice:

**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	17 May 2019	S1 of 2	Rev 4
Site and Plan View	Espin Capital Pty Ltd	17 May 2019	S2 of 2	Rev 4
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 (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 (Billboard Sign) must be maintained in a safe, clean and tidy 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](http://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 *Workplace 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. Trees on Public Land

Please note that if the billboard sign is obscured by trees on public land, the trees will not be removed.

**Moved by:** Mayor Strelow  
**Seconded by:** Councillor Smith  
**MOTION CARRIED**

**COMMITTEE RECOMMENDATION**

THAT Council workshop billboard and digital signs in the Rockhampton Region.

**Moved by:** Mayor Strelow  
**Seconded by:** Councillor Wickerson  
**MOTION CARRIED**

**8.2 DECISIONS UNDER DELEGATION - MAY 2019**

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

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**SUMMARY**

*This report outlines the properly made development applications received in May 2019 and whether they will be decided under delegation or decided by Council.*

**COMMITTEE RECOMMENDATION**

THAT this report into the applications lodged in May 2019 be received.

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

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**8.3 MONTHLY OPERATIONS REPORT FOR PLANNING & REGULATORY SERVICES - MAY 2019**

**File No:** 1464  
**Attachments:** 1. Monthly Operations Report for Planning & Regulatory Services - May 2019  
**Authorising Officer:** Colleen Worthy - General Manager Community Services  
**Author:** Steven Gatt - Manager Planning and Regulatory Services

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**SUMMARY**

*The Monthly Operations Report for the Planning & Regulatory Services Section for May 2019 is presented for Councillor's information.*

**COMMITTEE RECOMMENDATION**

1. THAT the Planning & Regulatory Services Monthly Operations Report for May 2019 be 'received'.
2. Council expressed its thanks and congratulations to Manager Steven Gatt, noting that this is the last report that he will present to Council, and the report is a fitting summary of outstanding achievements under his leadership and thanked him for his service.

**Moved by:** Councillor Smith

**Seconded by:** Mayor Strelow

**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 9:40am.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
DATE