



PLANNING AND REGULATORY COMMITTEE MEETING

MINUTES

29 OCTOBER 2019

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**REPORT OF THE PLANNING AND REGULATORY COMMITTEE MEETING
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON
ON TUESDAY 29 OCTOBER 2019 COMMENCING AT 9.01AM**

1 OPENING

2 PRESENT

Members Present:

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

In Attendance:

Ms C Worthy – General Manager Community Services (Executive Officer)
Mr E Pardon – Chief Executive Officer
Mr D Scott – Manager Planning and Regulatory Services
Ms K Moody – Coordinator Health and Environment
Ms T Fitzgibbon – Coordinator Development Assessment
Mr B Koelmeyer – Senior Planning Officer
Ms G Dwyer – Media Officer
Ms L Leeder – Senior Committee Support Officer

3 APOLOGIES AND LEAVE OF ABSENCE

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COMMITTEE RESOLUTION

THAT the minutes of the Planning and Regulatory Committee held on 24 September 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/65-2019 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A DWELLING HOUSE

File No: D/65-2019

Attachments:

1. Site Plan
2. Ground Floor Plan
3. Storage Loft Floor Plan
4. Elevations Plan
5. Locality Plan

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Doug Scott - Manager Planning & Regulatory Services
Aaron Pont - Acting General Manager Community Services

Author: Bevan Koelmeyer - Planning Officer

SUMMARY

Development Application Number: D/65-2019

Applicant: Wendy Lawrence

Real Property Address: Lot 75 on RP603370, Parish of Archer

Common Property Address: 608 Montgomerie Street, Lakes Creek

Area of Site: 1,012 square metres

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Rural Residential Zone

Planning Scheme Overlays: Airport environs overlay;
Bushfire hazard overlay;
Special management area overlay; and
Steep land overlay.

Existing Development: Vacant Land

Existing Approvals: Nil Applicable

Approval Sought: Development Permit for a Material Change of Use for a Dwelling House

Level of Assessment: Impact Assessable

Submissions: Nil

Referral Agency(s): None Applicable

Infrastructure Charges Area: Charge Area 3

Application Progress:

<i>Application Lodged:</i>	29 July 2019
<i>Confirmation Notice issued:</i>	8 August 2019
<i>Submission period commenced:</i>	15 August 2019
<i>Submission period end:</i>	4 September 2019
<i>Statutory due determination date:</i>	8 November 2019

COMMITTEE RECOMMENDATION

THAT in relation to the application for a Development Permit for a Material Change of Use for a Dwelling House, made by Wendy Lawrence, located at 608 Montgomerie Street, Lakes Creek, described as Lot 75 on RP603370, Parish of Archer, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer and their 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 Works.
 - 1.5.2 Plumbing and Drainage Works; and
 - 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.
- 1.9 All conditions, works, or requirements of this development approval relating to the existing non-compliant Dwelling House must be undertaken and completed by obtaining the Development Permits:
 - 1.9.1 to Council's satisfaction;
 - 1.9.2 at no cost to Council; and
 - 1.9.3 by lodging the applications within three (3) months of the date of this development approval, and completion of the works within six (6) months from date of the approval of those works, 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 any condition of this development approval:

Drawing/report title	Prepared by	Date	Reference number	Revision /Issue
Cover Page	Plan a Building	8 January 2019	19.01, Sheet 1 of 5	-
Ground Floor Plan	Plan a Building	8 January 2019	19.01, Sheet 2 of 5	-
Storage Loft Floor Plan	Plan a Building	8 January 2019	19.01, Sheet 3 of 5	-
Elevations	Plan a Building	8 January 2019	19.01, Sheet 4 of 5	-
Site Plan	Plan a Building	8 January 2019	19.01, Sheet 5 of 5	-

- 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 commencement of the use or prior to the submission of an application for a Development Permit for Operational Works or Building Works, whichever is the earlier.

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.

Note: 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).

- 3.2 The existing access from Montgomerie Street to the development must be upgraded. All access works must comply with the requirements of the *Capricorn Municipal Development Guidelines* and *Australian Standard AS2890 "Parking facilities"*.

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 2018*, and Council's Plumbing and Drainage Policies.
- 4.2 The development must be connected to Council's reticulated water network.
- 4.3 The existing water connection point(s) must be retained, and upgraded if necessary, to service the development.
- 4.4 On-site sewerage treatment and disposal must be provided in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Plumbing and Drainage Policies.
- 4.5 Structures must not be located within the on-site sewerage treatment and disposal area or conflict with the separation distances, in accordance with the *Queensland Plumbing and Wastewater Code*.

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 ELECTRICITY AND TELECOMMUNICATIONS

- 6.1 Electricity and telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service providers.

7.0 ASSET MANAGEMENT

- 7.1 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.
- 7.2 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.

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. Property Note (Audit of conditions)

An inspection of the property to ascertain compliance with conditions will be undertaken three (3) months after the approval takes effect. If the works are completed prior to this time please contact Council for an earlier inspection. A property note to this effect will be placed on Council's records.

NOTE 5. Noise and Odour

The lot the subject of this development approval is located within a Special Management Area. This area is expressly identified as being impacted by lawful non-residential uses. In commencing a residential use within the area, the owner(s) acknowledges and accepts that the use will be potentially impacted by emissions from the lawful non-residential uses.

It is the responsibility of the property owner(s) to take all measures necessary to ensure that the proposed dwelling is developed and maintained in such a way as to mitigate odour and noise impacts from the surrounding lawful non-residential uses. These measures must be undertaken at the expense of the property owner(s).

NOTE 6. 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 or equal to the credits applicable for the new development.

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

8.2 DECISIONS UNDER DELEGATION - SEPTEMBER 2019

File No: 7028
Attachments: Nil
Authorising Officer: Doug Scott - 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 September 2019 and whether they will be decided under delegation or decided by Council.

9:07AM Councillor Fisher attended the meeting

9:07AM Mayor Strelow declared a material personal interest in Application D/90-2019 – MCU for Transport Depot - Aurizon Network Pty Limited: 339-380 Bolsover Street, Depot Hill due to owning property in the vicinity and will leave the meeting when the matter is discussed and voted on.

COMMITTEE RECOMMENDATION

THAT this report into the applications lodged in September 2019 be received, excluding D/90-2019 – MCU for Transport Depot.

Moved by: Councillor Rutherford

Seconded by: Councillor Wickerson

MOTION CARRIED

9:09AM Mayor Strelow left the meeting room

COMMITTEE RECOMMENDATION

THAT this report into application D/90-2019 – MCU for Transport Depot be received.

Moved by: Councillor Fisher

Seconded by: Councillor Wickerson

MOTION CARRIED

9:12AM Mayor Strelow returned to the meeting room

8.3 PIG CONTROL OCTOBER 2019

File No: 2557
Attachments: Nil
Authorising Officer: Doug Scott - Manager Planning & Regulatory Services
Colleen Worthy - General Manager Community Services
Author: Karen Moody - Coordinator Health and Environment

SUMMARY

This report outlines current activities being undertaken to control feral pigs in the Mt Archer Area of Rockhampton.

COMMITTEE RECOMMENDATION

THAT Council receives this report on pig control.

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

8.4 MONTHLY OPERATIONS REPORT FOR PLANNING & REGULATORY SERVICES - SEPTEMBER 2019

File No: 1464
Attachments: 1. Monthly Operations Report for Planning & Regulatory Services - September 2019
Authorising Officer: Aaron Pont - Acting General Manager Community Services
Author: Doug Scott - Manager Planning & Regulatory Services

SUMMARY

The Monthly Operations Report for Planning & Regulatory Services for September 2019 is presented for Councillors information.

COMMITTEE RECOMMENDATION

THAT the Planning & Regulatory Services Monthly Operations Report for September 2019 to be 'received'.

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

9 NOTICES OF MOTION

Nil

10 URGENT BUSINESS\QUESTIONS

11 CLOSURE OF MEETING

There being no further business the meeting closed at 9:44am.

SIGNATURE

CHAIRPERSON

DATE