



# **PLANNING AND REGULATORY COMMITTEE MEETING**

## **MINUTES**

**11 FEBRUARY 2020**

## TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	OPENING.....	1
2	PRESENT .....	1
3	APOLOGIES AND LEAVE OF ABSENCE .....	1
4	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	1
5	DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA .....	1
6	BUSINESS OUTSTANDING .....	2
	NIL .....	2
7	PUBLIC FORUMS/DEPUTATIONS .....	3
	NIL .....	3
8	OFFICERS' REPORTS .....	4
8.2	CHANGES TO PUBLIC HEALTH REGULATION 2018.....	4
8.1	D/78-2019 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A HIGH IMPACT INDUSTRY (POULTRY ABATTOIR) .....	5
9	NOTICES OF MOTION .....	12
	NIL .....	12
10	URGENT BUSINESS\QUESTIONS .....	13
11	CLOSURE OF MEETING.....	14

**REPORT OF THE PLANNING AND REGULATORY COMMITTEE MEETING  
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON  
ON TUESDAY, 11 FEBRUARY 2020 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 A Cutler – Acting General Manager Community Services (Executive Officer)  
Mr E Pardon – Chief Executive Officer  
Mr D Scott – Manager Planning and Regulatory Services  
Mr D Morrison – Executive Coordinator to the Mayor  
Ms K Moody – Coordinator Health and Environment  
Ms A O'Mara – Acting Coordinator Development Assessment  
Mr B Koelmeyer – Planning Officer  
Ms K McDonald – Planning Assistant  
Ms G Dwyer – Media Officer  
Ms S Friske – 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 28 January 2020 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**

Councillor Neil Fisher informed the meeting of an interest in Item 8.1 - *D/78 – Development Application for a Material Change of Use for a high impact industry (poultry abattoir)* and declared the following:

*“I declare that I have a perceived conflict of interest as Greg Emmert is an acquaintance and I will be dealing with this declared interest by leaving the meeting while this matter is discussed and voted on.”*

## **6 BUSINESS OUTSTANDING**

Nil

## **7 PUBLIC FORUMS/DEPUTATIONS**

Nil

## 8 OFFICERS' REPORTS

**THAT** pursuant to s5.3 *Council Meeting Procedures* the Order of Business be amended to consider Item 8.2 – Changes to Public Health Regulations 2018 next.

### 8.2 CHANGES TO PUBLIC HEALTH REGULATION 2018

**File No:** 4894

**Attachments:** 1. **Clandestine Drug Laboratories: A management guide for public health regulators**

**Authorising Officer:** Doug Scott - Manager Planning & Regulatory Services  
Alicia Cutler - Acting General Manager Community Services

**Author:** Karen Moody - Coordinator Health and Environment

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#### SUMMARY

*This report presents to Council an update on changes to the Public Health Regulation 2018 and the implementation of the Clandestine Drug Laboratories: A management guide for public health regulators.*

*The implementation of these documents has significantly changed the manner in which Rockhampton Regional Council will deal with notifications from Queensland Police Service that a property is suspected of having a clandestine laboratory within it.*

9:12AM Councillor Rutherford attended the meeting

#### COMMITTEE RECOMMENDATION

THAT Rockhampton Regional Council follows the Management Guideline provided by Queensland Health to response to Clandestine Laboratory notifications from Queensland Police Service.

THAT any outstanding records relating to Public Health Orders be advised as part of any property search.

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

**MOTION CARRIED**

## 8.1 D/78-2019 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A HIGH IMPACT INDUSTRY (POULTRY ABATTOIR)

9:15AM Councillor Fisher left the meeting room having earlier declared an interest

**File No:** D/78-2019

**Attachments:**

1. Locality Plan
2. Site Plan
3. Floor and Elevations Plan

**Authorising Officer:** Tarnya Fitzgibbon - Coordinator Development Assessment  
Doug Scott - Manager Planning & Regulatory Services  
Alicia Cutler - Acting General Manager Community Services

**Author:** Bevan Koelmeyer - Planning Officer

### SUMMARY

*Development Application Number:* D/78-2019

*Applicant:* G Emmert

*Real Property Address:* Lot 19 on P4052, Parish of Faraday

*Common Property Address:* 56 Emmert Lane, Ridgeland

*Area of Site:* 20.23 hectares

*Planning Scheme:* Rockhampton Region Planning Scheme 2015

*Planning Scheme Zone:* Rural Zone (Cropping and Intensive Horticulture Precinct)

*Planning Scheme Overlays:* Nil

*Existing Development:* Dwelling house and ancillary domestic outbuildings

*Existing Approvals:* Nil Applicable

*Approval Sought:* Development Permit for a Material Change of Use for a High Impact Industry (poultry abattoir)

*Level of Assessment:* Impact Assessable

*Submissions:* Three (3)

*Referral Agency(s):* Nil

*Infrastructure Charges Area:* Charge Area 3

*Application Progress:*

<i>Application lodged:</i>	26 August 2019
<i>Confirmation Notice issued:</i>	10 September 2019
<i>Informal request for further information sent:</i>	25 September 2019
<i>Informal request for further information responded to:</i>	22 October 2019
<i>Submission period commenced:</i>	7 November 2019
<i>Submission period end:</i>	27 November 2019
<i>Council request for additional time:</i>	20 January 2020

	<i>(Applicant agreed to extend)</i>
<i>Last receipt of information from applicant:</i>	12 December 2019 <i>(Response to submissions)</i>
<i>Statutory due determination date:</i>	21 February 2020

## COMMITTEE RECOMMENDATION

### **RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for a High Impact Industry (poultry abattoir), made by G Emmert, described as Lot 19 on P4052, Parish of Faraday, located at 56 Emmert Lane, Ridgeland – 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) Site Works
  - 1.5.2 Plumbing and Drainage Works; and
  - 1.5.3 Building Works:
    - (i) 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 The approved use of the premises is for a High Impact Industry (poultry abattoir) to process (excluding cooking), a maximum of one-thousand (1,000) birds per calendar week. The type of birds approved for the poultry abattoir are limited to quails and pigeons.

1.10 The development must be designed, constructed and operated in accordance with *AS4465 'Australian standard for construction of premises and hygienic production of poultry meat for human consumption'*.

## 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	Issue
Site Plan	Capricorn Survey Group	21 October 2019	7466-01-MCU (Sheet 1 of 2)	B
Layout & Elevations	Capricorn Survey Group	21 October 2019	7466-01-MCU (Sheet 2 of 2)	B

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 Building Works.

## 3.0 ACCESS WORKS

3.1 All surface treatments must be constructed, operated and maintained in a manner so that there is no significant impact on the amenity of adjoining premises or the surrounding area being caused due to the emission of dust or resulting in sediment laden water.

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

4.2 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.

4.3 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.

4.4 On-site sewerage treatment and disposal must be designed and constructed to achieve the performance objectives in *AS/NZS 1547 'On-site domestic wastewater management'*. The design must be undertaken by a Registered Professional Consultant with on-site sewerage qualifications in accordance with *AS/NZS 1547* and the *Queensland Plumbing and Wastewater Code*.

4.5 Arrestor traps must be installed on any non-domestic discharges to protect the on-site sewerage facilities.

4.6 All contaminated water must be directly piped to the on-site sewerage treatment and

disposal system. Contaminants / wash-down is not permitted to discharge into drainage lines or onto adjoining properties.

#### 5.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 5.1 All roof and allotment runoff from the development must not restrict, impair or change the natural flow of runoff water or cause a nuisance to surrounding land or infrastructure.

#### 6.0 SITE WORKS

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

- 6.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan that clearly identifies the following:

6.2.1 the location of cut and/or fill;

6.2.2 the type of fill to be used and the manner in which it is to be compacted; and

6.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels.

- 6.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.

- 6.4 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.

#### 7.0 BUILDING WORKS

- 7.1 All buildings and structures must not be located within the on-site sewerage treatment and disposal area or conflict with the separation distance as detailed within the *Queensland Plumbing and Wastewater Code*.

- 7.2 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"*.

- 7.3 The compost shed building must not exceed the height above ground level of the meat processing shed being 3.582 metres to the pitch of the structure, in accordance with the approved plans (refer to condition 2.1).

#### 8.0 LANDSCAPING WORKS

- 8.1 Landscaping must be established on top of and for the entire extent of the vegetated mounds, as shown on the approved plans (refer to condition 2.1). The landscaping must be established prior to the commencement of the use; and

8.1.1 Must be of a height and density to provide a visual buffer between the development and surrounding properties;

8.1.2 Must only use plant species that have a low water dependency; and

8.1.3 Must be the subject of a watering and maintenance plan from establishment and an ongoing maintenance and replanting programme.

#### 9.0 ELECTRICITY

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

#### 10.0 ASSET MANAGEMENT

- 10.1 Any alteration necessary to electricity, telephone 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.

#### 11.0 ENVIRONMENTAL

- 11.1 An Erosion Control and Stormwater Control Management Plan 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.

#### 12.0 ENVIRONMENTAL HEALTH

- 12.1 Noise emitted from the activity must not cause an environmental nuisance.
- 12.2 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, odour or dust.
- 12.3 Odour and visible contaminants, including but not limited to dust, fume, smoke, aerosols, overspray or particulates, must not be released to the environment in a manner that will or may cause environmental nuisance or harm unless such release is authorised by Council.
- 12.4 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, light, odour or dust. 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.
- 12.5 Where any genuine complaint of nuisance is received by Council in relation to odour or the ingress or harbourage of feral pests or vermin:
- 12.5.1 The compost activity must be ceased immediately when requested by Council;
- 12.5.2 All organic solid waste must be immediately stored in air-tight containers within the compost shed and be removed from the premises as soon as practical by a licensed regulated waste transporter; and
- 12.5.3 The compost activity may recommence only once nuisance monitoring is undertaken, recorded, and an analysis of the monitoring data with a report including mitigation measures is provided to Council, and Council advises that it is satisfied with the mitigation measures. The aforementioned must be undertaken by a suitably qualified professional consultant with expertise in abattoir waste management methods.
- 12.6 There shall be an effective and continuous program for the control of feral pests and vermin at all times to ensure the use is not an attractant and effectively prevents the ingress or harbourage of feral pests and vermin.
- 12.7 All plant and equipment including compressors, air conditioners and the like must be housed and maintained in proper working order at all times, in accordance with manufacturer's directions.
- 12.8 No contaminants are permitted to be released to land or water, including soil, silt, oils, detergents, etcetera. All contaminated water, including from any wash-down areas used for the maintenance or cleaning of equipment (including vehicles), must be directed to the on-site sewerage treatment and disposal system.
- 12.9 Regulated waste and any other waste must not be released to the environment, stored, transferred or disposed of in such a manner that it will or may cause environmental harm or nuisance. This includes any waste being burnt or incinerated at the premises.
- 12.10 Where regulated waste is removed from the premises, records must be maintained

for a period of five (5) years, and include the following:

12.10.1 the date, quantity and type of waste removed;

12.10.2 a copy of any licensed waste transport vehicle docket;

12.10.3 the name of the licensed regulated waste removalist and/or disposal operator; and

12.10.4 the intended treatment and/or disposal destination of the waste.

These records must be available for inspection by Council when requested.

### 13.0 OPERATING PROCEDURES

13.1 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 Emmert Lane.

13.2 The hours of operations for the High Impact Industry (poultry abattoir) must be limited to:

(i) 0700 hours to 1700 hours on Monday to Saturday,  
with no operations on Sundays or Public Holidays.

13.3 There are to be no sales of the processed poultry from the premises.

13.4 Access to the development and the loading and/or unloading of delivery vehicles (such as but not limited to water supply trucks and delivery/transport vehicles) is limited between the hours of 0700 and 1700 from Monday to Saturday. No vehicles are to enter the development site outside of these times to wait for unloading/loading.

13.5 From the time of delivery, live poultry must not be kept on site for a period exceeding forty-eight (48) hours. Records of delivery times and processing times must be kept at all times and made available for Council to view when requested.

13.6 The development must obtain and at all times maintain its accreditation with *Safe Food Queensland*.

13.7 Organic solid waste comprising of poultry feathers, viscera, ingesta, faeces etc. for compost must be:

13.7.1 Transported from the meat processing shed to the compost shed on the same day of processing, using air-tight containers;

13.7.2 Processed exclusively within a fully-enclosed, purpose built, compost shed, as shown on the approved plan (refer to condition 2.1); and

13.7.3 In accordance with the recommendations of Food Safe Australia's Newsletter 02/5 Meat Technology Update October 2002 '*Composting of slaughterhouse waste material and dead stock*'.

13.8 All waste storage areas must be kept in a clean and tidy condition and maintained in accordance with *Environmental Protection Regulation 2019*.

13.9 A maximum of one (1) employee, external to the subject site, may be employed by the operator to work on-site in the High Impact Industry (poultry abattoir).

13.10 A maximum of four (4) light vehicle trips per calendar week are permitted for the High Impact Industry (poultry abattoir). This excludes vehicle trips generated by the landowner(s) or an external employee working on-site in the High Impact Industry (poultry abattoir).

Note: One (1) trip equals arriving to and departing the development site or vice versa.

13.11 A maximum of one (1) heavy vehicle trip per calendar week is permitted to occur for the High Impact Industry (poultry abattoir). This trip must not be undertaken by any

heavy vehicle which exceeds a maximum vehicle length of 19 metres, or equivalent to a semitrailer. Records of heavy vehicle movements must be kept at all times and made available for Council to view when requested.

13.12 The compost shed must be kept closed at all times:

13.12.1 Where not being used for processing or maintenance activities; and

13.12.2 Outside of the approved hours of operation (refer to condition 13.2).

13.13 The meat processing shed must be kept closed at all times:

13.13.1 Where not being used for transport, processing or maintenance activities; and

13.13.2 Outside of the approved hours of operation (refer to condition 13.2).

#### 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 Partnerships website: [www.datsip.qld.gov.au](http://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. 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 equal to or less than the credits applicable for the new development.

**NOTE 4. Rating Category**

Please note, a Material Change of Use approval may result in an adjustment to a property’s rating category, particularly in residential and rural zones. Please contact Council’s Rates Department should you require further information.

#### **RECOMMENDATION B**

That in relation to the application for a Development Permit for a Material Change of Use for a High Impact Industry (poultry abattoir), made by G Emmert, described as Lot 19 on P4052, Parish of Faraday, located at 56 Emmert Lane, Ridgeland - Council resolves not to issue an Infrastructure Charges Notice.

**Moved by: Councillor Smith**

**Seconded by: Mayor Strelow**

**MOTION CARRIED**

9:25AM Councillor Fisher returned to the meeting room

## **9 NOTICES OF MOTION**

Nil

## **10 URGENT BUSINESS\QUESTIONS**

## 11 CLOSURE OF MEETING

The Mayor, Councillor Margaret Strelow congratulated Councillor Smith on her chairmanship of the Planning and Regulatory Committee.

Councillor Smith gave thanks to the Officers involved in the Planning and Regulatory Services Committee Meetings and wider team that contribute.

**There being no further business the meeting closed at 9:30am.**

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SIGNATURE

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CHAIRPERSON

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DATE