



PLANNING AND REGULATORY COMMITTEE MEETING

MINUTES

26 NOVEMBER 2019

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
8.1	D/82-2019 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR HEALTH CARE SERVICES	4
8.2	AMENDED RECONFIGURATION OF A LOT INCENTIVES POLICY	11
8.3	DECISION UNDER DELEGATION - OCTOBER 2019.....	12
8.4	CHANGES TO THE SUPPLY OF SODIUM FLUOROACETATE (1080) TO LOCAL GOVERNMENT.	13
8.5	MONTHLY OPERATIONS REPORT FOR PLANNING & REGULATORY SERVICES - OCTOBER 2019.....	14
9	NOTICES OF MOTION	15
	NIL	15
10	URGENT BUSINESS\QUESTIONS	16
11	CLOSURE OF MEETING.....	17

**REPORT OF THE PLANNING AND REGULATORY COMMITTEE MEETING
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON ON
TUESDAY, 26 NOVEMBER 2019 COMMENCING AT 9.00AM**

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
Mr D Morrison – Executive Coordinator to the Mayor
Mr M Mansfield – Coordinator Media and Communications
Ms K Moody – Coordinator Health and Environment
Ms A O'Mara – Acting Coordinator Development Assessment
Mr T Gardiner – Senior Planning Officer
Mr M Paudyal – Senior Development Engineer
Ms G Dwyer – Media Officer
Ms L Leeder – Senior Committee Support 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 12 November 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/82-2019 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR HEALTH CARE SERVICES

File No: D/82-2019

Attachments:

1. Locality Plan
2. Site Plan

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Doug Scott - Manager Planning & Regulatory Services
Colleen Worthy - General Manager Community Services

Author: Thomas Gardiner - Planning Officer

SUMMARY

Development Application Number: D/82-2019

Applicant: P & H Peirano

Real Property Address: Lot 2 and Lot 3 on RP606144, Parish of Rockhampton

Common Property Address: 140 William Street, Rockhampton City

Area of Site: 1,388 square metres

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Low-Medium Density Residential Zone

Planning Scheme Overlays: Nil

Existing Development: Structure accommodating a former Motorcycle Sales facility including a workshop and office

Existing Approvals: TPC/742-1900 – Car Repair Station including retail and wholesale of motor accessories
D-R/1031-2006 – Community Facility

Approval Sought: Development Permit for a Material Change of Use for Health Care Services

Level of Assessment: Impact Assessable

Submissions: Nil

Referral Agency(s): Nil

Infrastructure Charges Area: Charge Area 2

Application Progress:

<i>Application Lodged:</i>	28 August 2019
<i>Confirmation Notice issued:</i>	30 August 2019
<i>Submission period commenced:</i>	13 September 2019
<i>Submission period end:</i>	4 October 2019
<i>Council request for additional time:</i>	5 November 2019

Statutory due determination date:	6 December 2019
-----------------------------------	-----------------

COMMITTEE RECOMMENDATION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for Health Care Services, made by P & H Peirano, located at 140 William Street, Rockhampton City, described as Lot 2 and Lot 3 on RP606144, Parish of Rockhampton, Council resolves to Approve the application on its merits:

- a) The proposed use will be located in an existing commercial building on the site and is surrounded by existing commercial premises which will minimise any potential land use conflict;
- b) The proposed use will not detract from the residential amenity of the surrounding area nor compromise the intent of the zone to encourage predominantly low-medium density residential development;
- c) The proposed use does not compromise the strategic framework in the *Rockhampton Region Planning Scheme 2015*;
- d) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and
- e) The proposed development does not compromise the relevant State Planning Policy.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for Health Care Services, made by P & H Peirano, located at 140 William Street, Rockhampton City, described as Lot 2 and Lot 3 on RP606144, Parish of Rockhampton, 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) Road Works;
 - (ii) Access and Parking 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 Lot 2 and 3 on RP606144 must be amalgamated and registered as one lot prior to the commencement of the use.

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>
Proposed Site Plan	S-02, Revision 1	9 September 2019
Floor Plans	S-03, Revision 1	27 August 2019
Elevations	S-04, Revision 1	27 August 2019

- 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.

3.0 ROAD WORKS

- 3.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works required by this development approval.
- 3.2 All road works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, and relevant *Australian Standards* and *Austroads Guidelines* and the provisions of a Development Permit for Operational Works (road works).
- 3.3 The existing two (2) northern most accesses to the development site on Campbell Street must be removed and replaced by Council standard kerb and channel.
- 3.4 On-street rear-in parking spaces on Campbell Street must be lined marked for the full frontage of the development site.
- 3.5 One (1) additional parallel on-street parking space along William Street must be line marked to extend the existing two (2) parallel parking spaces.
- 3.6 Traffic signs and pavement markings must be provided in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*. Where necessary, existing traffic signs and pavement markings must be modified in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*.

4.0 ACCESS AND PARKING WORKS

- 4.1 A Development Permit for Operational Works (access and parking works) must be

- obtained prior to the commencement of any access and parking works on the development site.
- 4.2 All access and parking works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, and *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 4.3 All car parking and access areas must be paved or sealed to Council's satisfaction. Design and construction must be in accordance with the provisions of a Development Permit for Operational Works (access and parking works).
- 4.4 An 'Entry Only' sign must be provided at the existing southernmost access to the site from Campbell Street (marked as 'ENTRY' on the approved plan (refer to condition 2.1)).
- 4.5 The existing access to the development site at William Street must be redesigned as an 'exit only' access point (marked as 'EXIT' on the approved plan (refer to condition 2.1)). An 'Exit Only' sign must be provided at this access point.
- 4.6 Any redundant vehicular crossovers must be replaced by Council standard kerb and channel.
- 4.7 All vehicles must ingress and egress the development in a forward gear.
- 4.8 A minimum of eleven (11) parking spaces must be provided on-site.
- 4.9 Universal access parking spaces must be provided on-site in accordance with *Australian Standard AS2890.6 "Parking facilities - Off-street parking for people with disabilities"*.
- 4.10 Parking spaces must be line-marked in accordance with the approved Site Plan (refer to condition 2.1) and in accordance with the *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 4.11 All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"* and *Australian Standard AS2890.1 "Parking facilities – Off-street car parking"*.
- 4.12 Road signage and pavement markings must be installed in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"*.
- 5.0 **PLUMBING AND DRAINAGE WORKS**
- 5.1 A Development Permit for Plumbing and Drainage Works must be obtained for the removal and/or demolition of any existing structure on the development site.
- 5.2 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.
- 5.3 The development must be connected to Council's reticulated sewerage and water networks.
- 5.4 The existing sewerage and water connection point(s) must be retained, and upgraded if necessary, to service the development.
- 5.5 Adequate domestic and firefighting protection must be provided to the development, and must be certified by a hydraulic engineer or other suitably qualified person.
- 5.6 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.

- 5.7 The finished sewerage access chamber surface must be at a sufficient level to avoid ponding of stormwater above the top of the chamber. A heavy duty trafficable lid must be provided in the trafficable area.
- 5.8 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act 2018* and Council's Plumbing and Drainage Policies.
- 5.9 Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's reticulated sewerage network. Arrestor traps must be provided where commercial or non-domestic waste is proposed to be discharged into the sewer system.
- 6.0 ROOF AND ALLOTMENT DRAINAGE WORKS
- 6.1 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*, and sound engineering practice.
- 6.2 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 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.
- 8.0 BUILDING WORKS
- 8.1 A Development Permit for Building Works must be obtained for the development site.
- 9.0 LANDSCAPING WORKS
- 9.1 All landscaping must be established generally in accordance with the approved plans (refer to condition 2.1). The landscaping must be constructed and/or established prior to the commencement of the use and the landscape areas must predominantly contain plant species that have low water dependency.
- 10.0 ASSET MANAGEMENT
- 10.1 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.
- 10.2 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.
- 10.3 '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)*.
- 11.0 ENVIRONMENTAL HEALTH
- 11.1 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of*

the obtrusive effects of outdoor lighting”.

- 11.2 Noise emitted from the activity must not cause an environmental nuisance.
- 11.3 Operations on the development site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise or dust.
- 11.4 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 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.
- 12.0 OPERATING PROCEDURES
- 12.1 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 Campbell or William Street.
- 12.2 The hours of operations for the development site must be limited to 0700 hours to 1900 hours on Monday to Sunday.
- 12.3 All waste storage areas must be:
- 12.3.1 kept in a clean and tidy condition; and
 - 12.3.2 maintained in accordance with *Environmental Protection Regulation 2008*.

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. Asbestos Removal

Any demolition and/or removal works involving asbestos materials must be undertaken in accordance with the requirements of the *Work Health and Safety Act 2011* and *Public Health Act 2005*.

NOTE 3. 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 4. 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 5. 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 the credits applicable for the new

development.

Moved by: Mayor Strelow

Seconded by: Councillor Fisher

MOTION CARRIED UNANIMOUSLY

8.2 AMENDED RECONFIGURATION OF A LOT INCENTIVES POLICY

File No: 11979

Attachments:

1. Draft Reconfiguration of a Lot Incentives Policy with Track Changes
2. Final Draft Reconfiguration of a Lot Incentives Policy

Authorising Officer: Doug Scott - Manager Planning & Regulatory Services
Colleen Worthy - General Manager Community Services

Author: Tarnya Fitzgibbon - Coordinator Development Assessment

SUMMARY

In 2017 Council introduced an incentive for reconfiguration of a lot approvals, by allowing the developer to pay infrastructure charges on a per lot basis either when the lot is transferred or within two (2) years of the approval (whichever is the earlier).

COMMITTEE RECOMMENDATION

THAT Council adopt the amended Reconfiguration of a Lot Incentives Policy.

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

8.3 DECISION UNDER DELEGATION - OCTOBER 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 October 2019 and whether they will be decided under delegation or decided by Council.

9.10AM

Councillor Cherie Rutherford informed the meeting of a material personal interest in Item 8.3 – Decisions Under Delegation – October 2019 and declared the following:

“I declare that I have a material personal interest in Application D/95-2019 – ROL (three lots into thirteen lots) Aurizon Property Pty Ltd: 33-53 Knight Street, Park Avenue detailed in the report due to my sister and brother-in-law, Maree and Shane Sargent of Sargent Signs, owning adjoining property and will leave the meeting when the matter is discussed and voted on.”

COMMITTEE RECOMMENDATION

THAT this report into the applications lodged in October 2019 be received, excluding D/95-2019.

Moved by: Councillor Fisher
Seconded by: Councillor Wickerson

MOTION CARRIED

9.13 AM – Councillor Cherie Rutherford left the meeting room

COMMITTEE RECOMMENDATION

THAT Application D/95-2019 – ROL (three lots into thirteen lots) Aurizon Property Pty Ltd: 33-53 Knight Street, Park Avenue as detailed in the report be received.

Moved by: Mayor Strelow
Seconded by: Councillor Wickerson

MOTION CARRIED

9:14 AM – Councillor Cherie Rutherford returned to the meeting room

8.4 CHANGES TO THE SUPPLY OF SODIUM FLUOROACETATE (1080) TO LOCAL GOVERNMENT.

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 presents to Council proposed changes to the supply of sodium fluoroacetate (1080) to Council and the associated impacts.

COMMITTEE RECOMMENDATION

THAT Council receives this report on changes to the supply of sodium fluoroacetate (1080) to Local Government.

Moved by: Councillor Smith

Seconded by: Councillor Fisher

MOTION CARRIED

8.5 MONTHLY OPERATIONS REPORT FOR PLANNING & REGULATORY SERVICES - OCTOBER 2019**File No:** 1464**Attachments:** 1. Monthly Operations Report for Planning & Regulatory Services - October 2019**Authorising Officer:** Colleen Worthy - General Manager Community Services**Author:** Doug Scott - Manager Planning & Regulatory Services

SUMMARY

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

COMMITTEE RECOMMENDATION

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

Moved by: Councillor Fisher**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 9.29am.

SIGNATURE

CHAIRPERSON

DATE