



PLANNING AND REGULATORY COMMITTEE MEETING

AGENDA

16 AUGUST 2016

Your attendance is required at a meeting of the Planning and Regulatory Committee to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 16 August 2016 commencing at 9.00am for transaction of the enclosed business.

A handwritten signature in black ink, appearing to be the initials "C R" followed by a long horizontal stroke.

CHIEF EXECUTIVE OFFICER
10 August 2016

Next Meeting Date: 06.09.16

Please note:

In accordance with the *Local Government Regulation 2012*, please be advised that all discussion held during the meeting is recorded for the purpose of verifying the minutes. This will include any discussion involving a Councillor, staff member or a member of the public.

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1 OPENING

2 PRESENT

Members Present:

The Mayor, Councillor M F Strelow
Councillor N K Fisher
Councillor C R Rutherford
Councillor M D Wickerson

In Attendance:

Mr M Rowe – General Manager Community Services (Executive Officer)

3 APOLOGIES AND LEAVE OF ABSENCE

Leave of absence previously granted to Councillor Ellen Smith from 15 to 19 August 2016 inclusive.

4 CONFIRMATION OF MINUTES

Minutes of the Planning and Regulatory Committee held 2 August 2016

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 BUSINESS OUTSTANDING

Nil

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 OFFICERS' REPORTS

8.1 D/94-2016 - REQUEST FOR AN APPLICATION OF SUPERSEDED PLANNING SCHEME FOR A STORAGE SHED

File No: D/94-2016

Attachments:

1. Locality Plan
2. Site Plan

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Michael Rowe - General Manager Community Services

Author: Anton de Klerk - Planning Officer

SUMMARY

Application Number: D/94-2016

Applicant: Pamela Stephenson

Real Property Address: Lot 60 on RP601383, Parish of Gavial

Common Property Address: Lot 60 Bowlin Road, Port Curtis

Area of site: 7,518 square metres

Superseded Planning Scheme: Fitzroy Shire Planning Scheme 2005

Superseded Zone: Rural Zone – Historically Subdivided Area

Superseded Overlays: Nil

Existing Development: Vacant

Existing Approval: Nil

Nature of Request: To accept a development application for development that is prohibited development under the planning scheme and was assessable development under a superseded planning scheme; and assess and decide the application under the superseded planning scheme.

Application Progress:

<i>Application Lodged:</i>	21 June 2016
<i>Request for an Extension to the Decision Making Period (until 30 August 2016)</i>	26 July 2016
<i>Planning and Regulatory Committee Meeting:</i>	16 August 2016
<i>Council Meeting:</i>	23 August 2016
<i>Statutory due determination date:</i>	30 August 2016

OFFICER'S RECOMMENDATION

RECOMMENDATION A

That in relation to the Request for Application of a Superseded Planning Scheme, made by Rockhampton Building Approvals, on behalf of Pamela Stephenson on Lot 60 on RP601383, Parish of Gavial, located at Lot 60 Bowlin Road, Port Curtis, Council resolves to refuse the request for the following reasons:

- (1) The current *Rockhampton Region Planning Scheme 2015* changed the zone to

Limited Development Zone. There was no request made to the Strategic Planning department regarding this lot during the public consultation period of the scheme.

- (2) The proposal is in conflict with the new *Rockhampton Region Planning Scheme 2015* – strategic framework, zone and overlay codes.
- (3) The current scheme changes the level of assessment of the application to impact assessable.
- (4) The current zone limits development in this zone due to the severe flooding impacts.
- (5) Access to the site during a flood event will be cut-off for extended periods of time.
- (6) There is no connection made between a rural use on the land and the proposed shed.
- (7) The possible impacts that the shed will have on the inundation extents in this area is unknown.
- (8) There is no guarantee that the shed will be able to withstand a major flood event (and the debris could also have further impacts downstream).
- (9) There could also be an expectation for Council to design and construct a road to service these properties which could be in excess of \$3.9 million (excluding maintenance costs).

PLANNING ASSESSMENT

TOWN PLANNING COMMENTS

Fitzroy Shire Planning Scheme

Definition:	Rural Use Class (Building Works)
Zone/ Area:	Rural Zone – Historically Subdivided Area
Level of Assessment:	Exempt
Overlays:	Nil

Rockhampton Region Planning Scheme 2015

Definition:	Warehouse/Undefined
Zone/ Area:	Limited Development Zone
Level of Assessment:	Impact
Overlays:	Extreme Flood Hazard

Development Assessment Comments:

An audit was undertaken by Council's Development Compliance Section to determine which structures were constructed on properties on Bowlin Road prior to the commencement of the *Rockhampton Region Planning Scheme 2015*; eleven (11) Class 10 structures were found. A departmental decision was made that any application to apply under the superseded planning scheme for these existing structures would be supported as they were exempt under the superseded Planning Scheme. However, no new development on these lots would be supported due to the severe flooding impacts.

Furthermore, the application material does not indicate that the shed will be used in relation to a rural pursuit occurring on the property. A site visit on 16 May 2016 concluded that there was no rural activity occurring on any of the sites located within the historic subdivision area.

Strategic Planning Comments:

The subject site is zoned limited development. The purpose of this zone is to identify land that is significantly affected by one or more development constraints. In the *Rockhampton Region Planning Scheme 2015*, the allotment is impacted by riverine flood overlay mapping which indicates predominantly high and extreme flood hazard levels. Under the

Rockhampton Region Planning Scheme 2015, new buildings or structures are not supported in high and extreme flood hazard areas. The strategic framework clearly indicates that development is avoided in high and extreme flood hazard riverine areas.

The Fitzroy River flood modelling was updated in 2014 to include the infrastructure upgrades to Yeppen North and South. The study area was extended to incorporate most of Port Curtis, including the subject lot. It is part of state interest requirements and the recommendation of the Queensland Flood Commissions of Inquiry that the latest available flood hazard mapping is utilised in planning instruments. This mapping was included within the *Rockhampton Region Planning Scheme 2015*.

Development within areas of historic subdivisions is proposed to be limited to small scale rural uses and a limited range of development that does not require urban standards of infrastructure. There is no indication of any rural use being conducted within the historic subdivision area, including the subject site.

When determining whether to approve requests for assessment under a superseded planning scheme, it is important for the intents of forward planning instruments such as the Rockhampton Region Planning Scheme to be considered.

It is recommended that this request to be assessed under the superseded planning scheme not be supported for the following reasons:

- it is in conflict with the new *Rockhampton Planning Scheme 2015* – strategic framework, zone and overlay codes;
- it is located in a high to extreme flood hazard area;
- access during a flood event is cut-off for extended periods of time;
- the cumulative impacts that the shed will have on the inundation extents in this area is unknown;
- it is not guaranteed that the shed will be able to withstand a major floor event (and the debris could also have further impacts downstream); and
- there could be an expectation for Council to design and construct a road to service these properties which could be in excess for \$3.9 million (excluding maintenance costs).

In addition, Council would unlikely be liable for compensation under the *Sustainable Planning Act 2009*, refer section 706 (i):

“compensation is not payable if the change affects development that, had it happened under the superseded planning scheme, would have led to significant risk to persons or property from natural processes (including flooding, land slippage or erosion) and the risk could not have been significantly reduced by conditions attached to a development approval.”

CONCLUSION

Having regard to all of the above, it is recommended Council, from a land use perspective, does not consider the proposed development favourably as it is argued that there are not sufficient grounds to justify the proposed development in this instance.

**D/94-2016 - REQUEST FOR AN
APPLICATION OF SUPERSEDED
PLANNING SCHEME FOR A STORAGE
SHED**

Locality Plan

Meeting Date: 16 August 2016

Attachment No: 1



Legend

- Easements
- Property Parcels (Man)
- Roads
 - Main Roads (TMR)
 - Major Council Rd
 - Council Roads
 - Access/Service Rd
 - Private Roads
 - Unimproved Rd
- Cookings
- Ocean
- Rivers
- DCCSR Parks
 - National Park
 - Reserves
 - Bush Forest

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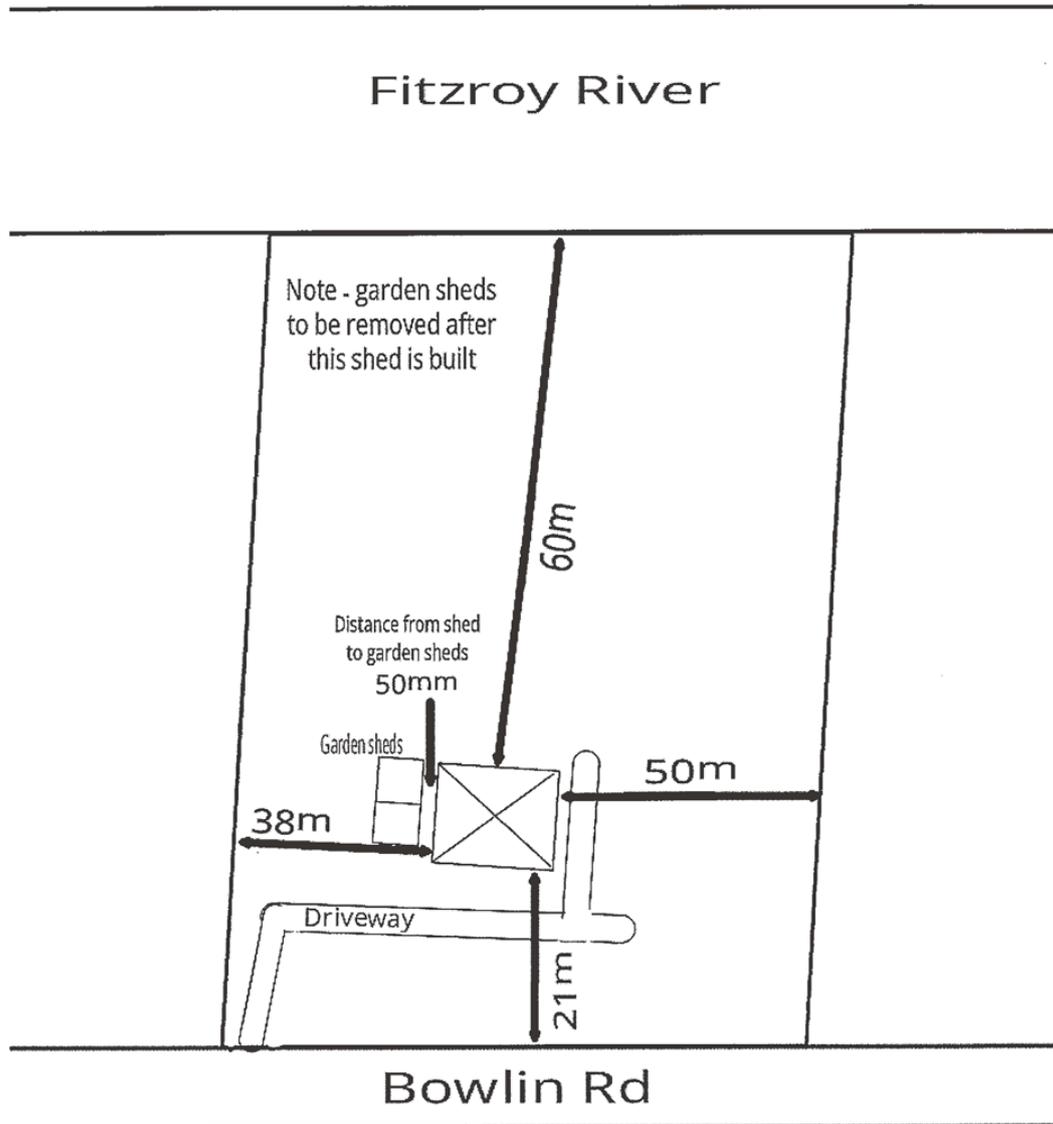


**D/94-2016 - REQUEST FOR AN
APPLICATION OF SUPERSEDED
PLANNING SCHEME FOR A STORAGE
SHED**

Site Plan

Meeting Date: 16 August 2016

Attachment No: 2



Site Plan 693 Bowlin Rd, Port Curtis

9 NOTICES OF MOTION

Nil

10 URGENT BUSINESS/QUESTIONS

Urgent Business is a provision in the Agenda for members to raise questions or matters of a genuinely urgent or emergent nature, that are not a change to Council Policy and can not be delayed until the next scheduled Council or Committee Meeting.

11 CLOSURE OF MEETING