



PLANNING AND REGULATORY COMMITTEE MEETING

MINUTES

14 FEBRUARY 2017

These Committee Recommendations contained within these minutes were adopted at the Council Meeting on 21 February 2017.

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**REPORT OF THE PLANNING AND REGULATORY COMMITTEE MEETING
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON ON
TUESDAY, 14 FEBRUARY 2017 COMMENCING AT 9.09AM**

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:

Mr M Rowe – General Manager Community Services
Mr S Gatt – Manager Planning & Regulatory Services
Ms T Fitzgibbon – Coordinator Development Assessment
Ms M Dansie – Supervisor Local Laws
Ms A OMara – Senior Planning Officer
Mr A de Klerk – Senior Planning Officer
Mr T Gardiner – Planning Officer
Mr B Diplock – Planning Officer
Ms F McRae – Media Officer
Ms E Brodel – Media Officer
Ms S Friske – Governance 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 17 January 2017 be taken as read and adopted as a correct record.

Moved by: Councillor Rutherford

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 PLANNING SECTION - NOVEMBER 2016 OPERATIONS REPORT

File No: 7028
Attachments: 1. Monthly Report - November 2016
Authorising Officer: Michael Rowe - General Manager Community Services
Author: Steven Gatt - Manager Planning & Regulatory Services

SUMMARY

The monthly operations report for the Planning Section (Development Assessment and Building Compliance) as at 30 November 2016 is presented for Councillors information.

COMMITTEE RECOMMENDATION

THAT the Planning Section (Development Assessment and Building Compliance) for November 2016 be received.

Moved by: Councillor Smith
Seconded by: Councillor Fisher

MOTION CARRIED

8.2 PLANNING SECTION - DECEMBER 2016 OPERATIONAL REPORT

File No: 7028
Attachments: 1. Monthly Report - December 2016
Authorising Officer: Michael Rowe - General Manager Community Services
Author: Steven Gatt - Manager Planning & Regulatory Services

SUMMARY

The monthly operations report for the Planning Section (Development Assessment and Building Compliance) as at 31 December 2016 is presented for Councillors information.

COMMITTEE RECOMMENDATION

THAT the Planning Section (Development Assessment and Building Compliance) for December 2016 be received.

Moved by: Councillor Rutherford

Seconded by: Councillor Wickerson

MOTION CARRIED

8.3 MONTHLY OPERATIONS REPORT FOR PLANNING AND REGULATORY SERVICES FOR JANUARY 2017

File No: 1464

Attachments:

1. Monthly Operations Report for Planning and Regulatory Services for January 2017
2. Traffic Light Report for January 2017
3. Financial Matters Report for January 2017

Authorising Officer: Michael Rowe - General Manager Community Services

Author: Steven Gatt - Manager Planning & Regulatory Services

SUMMARY

The Monthly Operations Report for Planning and Regulatory Services Section for January 2017 is presented for Councillor's information.

9:20AM Mayor Strelow left the meeting
9:23AM Mayor Strelow returned to the meeting

COMMITTEE RECOMMENDATION

THAT the Planning and Regulatory Services Monthly Operations Report for January 2017 be 'received'.

Moved by: Councillor Fisher
Seconded by: Councillor Rutherford

MOTION CARRIED

8.4 NOVEMBER 2016 DECISIONS UNDER DELEGATION REPORT

File No: 7028
Attachments: Nil
Authorising Officer: Steven Gatt - Manager Planning & Regulatory Services
Michael Rowe - General Manager Community Services
Author: Tarnya Fitzgibbon - Coordinator Development Assessment

SUMMARY

This report outlines the development applications received in November 2016 and whether they will be decided under delegation or decided by Council.

COMMITTEE RECOMMENDATION

THAT the November 2016 Decisions Under Delegation Report be received.

Moved by: Councillor Fisher
Seconded by: Councillor Wickerson

MOTION CARRIED

8.5 DECEMBER 2016 DECISIONS UNDER DELEGATION REPORT

File No: 7028
Attachments: Nil
Authorising Officer: Steven Gatt - Manager Planning & Regulatory Services
Michael Rowe - General Manager Community Services
Author: Tarnya Fitzgibbon - Coordinator Development Assessment

SUMMARY

This report outlines the development applications received in December 2016 and whether they will be decided under delegation or decided by Council.

COMMITTEE RECOMMENDATION

THAT the December 2016 Decisions Under Delegation Report be received.

Moved by: Mayor Strelow
Seconded by: Councillor Rutherford

MOTION CARRIED

8.6 COMMITTEE REPORT DELEGATIONS - JANUARY 2017

File No: 7028
Attachments: Nil
Authorising Officer: Steven Gatt - Manager Planning & Regulatory Services
Michael Rowe - General Manager Community Services
Author: Tarnya Fitzgibbon - Coordinator Development Assessment

SUMMARY

This report outlines the development applications received in January 2017 and whether they will be decided under delegation or decided by Council.

COMMITTEE RECOMMENDATION

THAT the Committee Report Delegations – January 2017 be received.

Moved by: Councillor Wickerson

Seconded by: Councillor Fisher

MOTION CARRIED

8.7 D/97-2015/A - APPLICATION UNDER THE DEVELOPMENT INCENTIVES POLICY FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A COMMERCIAL PREMISES (MEDICAL CENTRE) AND A COMMUNITY PURPOSE (CHILD CARE CENTRE)

File No: D/97-2015/A
Attachments: 1. Locality Plan
Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Steven Gatt - Manager Planning & Regulatory Services
Michael Rowe - General Manager Community Services
Author: Thomas Gardiner - Planning Officer

SUMMARY

Development Application Number: D/97-2015
Applicant: Brown Family Trust – Day Care of Auz
Real Property Address: Lot 505 on R2642, Parish of Gracemere
Common Property Address: 4-6 John Street, Gracemere
Planning Scheme Zoning: Town Zone – Commercial Precinct
Type of Approval: Development Permit for a Material Change of Use for a Commercial Premises (Medical Centre) and a Community Purpose (Child Care Centre)
Date of Decision: 29 March 2016
Application Lodgement Fee: \$7,984.00
Infrastructure Charges: \$148,243.50
Infrastructure charges incentive: All other areas – 50% discount
Incentives sought: Refund of Development Application Fee
Refund of Service and Connection Fees

COMMITTEE RECOMMENDATION

THAT in relation to the application under the Development Incentives Policy for a Development Permit for a Material Change of Use for a Commercial Premises (Medical Centre) and a Community Purpose (Child Care Centre), at 4-6 John Street, Gracemere, described as Lot 505 on R2642, Parish of Gracemere, Council resolves to Approve the following incentives if the use commences prior to 29 March 2019:

- a) A fifty (50) per cent reduction of infrastructure charges to the amount of \$74,121.75;
- b) A refund of the development application fee of \$7,984.00 upon commencement of the use;
- c) A refund of service and connection fees upon completion of the development; and
- d) That Council enter into an agreement with the applicant in relation to (a), (b) and (c).

Moved by: Councillor Smith

Seconded by: Councillor Fisher

MOTION CARRIED

9:45AM

In accordance with s173(2) of the *Local Government Act 2009*, Councillor Neil Fisher disclosed a personal interest in respect of Item 8.8 - D/299-2014/A - Application under the Development Incentives Policy for a Development Permit for a Material Change of Use for Aged Care Accommodation (extension) due to his wife's employment with the Applicant. The Councillor considered his position, was of the opinion that he could participate in the debate and vote on the matter in the public interest.

8.8 D/299-2014/A - APPLICATION UNDER THE DEVELOPMENT INCENTIVES POLICY FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR AGED CARE ACCOMMODATION (EXTENSION)

File No: D/299-2014/A
Attachments: 1. Locality Plan
Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Steven Gatt - Manager Planning & Regulatory Services
Michael Rowe - General Manager Community Services
Author: Thomas Gardiner - Planning Officer

SUMMARY

Development Application Number: D/299-2014
Applicant: The Presbyterian Church of Queensland
Real Property Address: Lot 101 on SP267888 (Previously known as Lot 100 on SP259326), Parish of Murchison
Common Property Address: 137-151 Farm Street, Kawana
Planning Scheme: Rockhampton Region Planning Scheme 2015
Planning Scheme Zoning: Low Density Residential Zone
Type of Approval: Development Permit D/299-2014 for a Material Change of Use for Aged Care Accommodation (extension)
Date of Decision: 2 June 2015
Application Lodgement Fee: \$24,191.50
Infrastructure Charges: \$1,000,000.00
Infrastructure charges incentive: All other areas – 50% discount
Incentives sought: Refund of Development Application Fee

COMMITTEE RECOMMENDATION

THAT in relation to the application under the Development Incentives Policy for a Development Permit for a Material Change of Use for Aged Care Accommodation (extension), at 137-151 Farm Street, Kawana, described as Lot 101 on SP267888 (Previously known as Lot 100 on SP259326), Parish of Murchison, Council resolves to Approve the following incentives if the use commences prior to 2 June 2018:

- a) A fifty (50) per cent reduction of infrastructure charges to the amount of \$500,000.00;
- b) A refund of the development application fee of \$24,191.50 upon commencement of the use;
- c) That Council enter into an agreement with the applicant in relation to (a) and (b); and
- d) That the concession only apply to the portion of development that is completed within 3 years.

Moved by: Councillor Rutherford

Seconded by: Councillor Smith

MOTION CARRIED UNANIMOUSLY

8.9 D/143-2015/A - APPLICATION UNDER THE DEVELOPMENT INCENTIVES POLICY FOR DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A CHILD CARE CENTRE

File No: D/143-2015/A
Attachments: 1. Locality Plan
Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Steven Gatt - Manager Planning & Regulatory Services
Michael Rowe - General Manager Community Services
Author: Thomas Gardiner - Planning Officer

SUMMARY

Development Application Number: D/143-2015/A
Applicant: Powercat Developments Pty Ltd
Real Property Address: Lot 1 on RP607946, Lot 2 on RP607946, Lot 1 on RP620251, Lot 2 on RP620251 and Lot 2 on RP617448, Parish of Murchison
Common Property Address: 28 Main Street, Park Avenue
Planning Scheme Zoning: Neighbourhood Centre Zone
Type of Approval: Development Permit for a Material Change of Use for a Child Care Centre
Date of Decision: 25 May 2016
Application Lodgement Fee: \$7,815.00
Infrastructure Charges: \$101,243.50
Infrastructure charges incentive: All other areas – 50% discount
Incentives sought: Refund of Development Application Fees
Refund of service and connection fees

COMMITTEE RECOMMENDATION

THAT in relation to the application under the Development Incentives Policy for a Development Permit for a Material Change of Use for a Child Care Centre at 28 Main Street, Park Avenue, described as Lot 1 on RP607946, Lot 2 on RP607946, Lot 1 on RP620251, Lot 2 on RP620251 and Lot 2 on RP617448, Council resolves to Approve the following incentives if the use commences prior to 25 May 2019:

- a) A fifty (50) per cent reduction of infrastructure charges to the amount of \$50,621.75;
- b) A refund of the development application fee of 7,815.00 upon commencement of the use;
- c) A refund of service and connection fees upon completion of the development; and
- d) That Council enter into an agreement with the applicant in relation to (a), (b) and (c).

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

8.10 D/51-2016 - APPLICATION UNDER THE DEVELOPMENT INCENTIVES POLICY FOR DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A VETERINARY SERVICE

File No: D/51-2016

Attachments: 1. Locality Plan
2. Site Plan

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Steven Gatt - Manager Planning & Regulatory Services
Michael Rowe - General Manager Community Services

Author: Amanda O'Mara - Senior Planning Officer

SUMMARY

Development Application Number: D/51-2016/A

Applicant: Alma Street Veterinary Hospital

Real Property Address: Lot 6 on SP210592, Parish of Gracemere

Common Property Address: 1 Alexander Court, Gracemere

Rockhampton City Plan Area: Rockhampton Region Planning Scheme 2015

Type of Approval: Development Permit for a Material Change of Use for a Veterinary Service

Date of Decision: 13 September 2016

Application Lodgement Fee: \$3,633.00

Infrastructure Charges: \$39,440.10

Infrastructure charges incentive: All other areas – 50%

Incentives sought: Infrastructure Charges Concession
Refund of Development Application Fees
Refund of Service and Connection Fees

COMMITTEE RECOMMENDATION

THAT in relation to the application under the Development Incentives Policy for Development Permit D/51-2016 for a Material Change of Use for a Veterinary Service, on Lot 6 on SP210592, Parish of Gracemere, located at 1 Alexander Court, Gracemere, Council resolves to Approve the following incentives if the use commences prior to 13 September 2019:

- a) A fifty per cent (50%) reduction of infrastructure charges to the amount of \$19,720.05;
- b) A refund of the development application fee of \$3,633.00 on commencement of the use;
- c) A refund of service and connection fees on completion of the development; and
- d) That Council enter into an agreement with the applicant in relation to (a), (b) and (c).

Moved by: Councillor Smith

Seconded by: Councillor Fisher

MOTION CARRIED

8.11 D/216-2014 - APPLICATION UNDER THE DEVELOPMENT INCENTIVES POLICY FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A VEHICLE DEPOT

File No: D/216-2014

Attachments: 1. Locality Plan
2. Site Plan

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Steven Gatt - Manager Planning & Regulatory Services
Michael Rowe - General Manager Community Services

Author: Amanda O'Mara - Senior Planning Officer

SUMMARY

Development Application Number: D/216-2014/A

Applicant: Schwarz Excavations Pty Ltd

Real Property Address: Lot 50 on SP270249, Parish of Gracemere

Common Property Address: 245 Somerset Road, Gracemere

Rockhampton City Plan Area: Gracemere-Stanwell Zone, Medium Impact Industry

Type of Approval: Development Permit for a Material Change of Use for a Vehicle Depot

Date of Decision: 18 November 2014

Application Lodgement Fee: \$9,461.00

Infrastructure Charges: \$59,410.00

Infrastructure charges incentive: All other areas – 50%

Incentives sought: Refund of Development Application Fees
Refund of Service and Connection Fees

COMMITTEE RECOMMENDATION

THAT in relation to the application under the Development Incentives Policy for Development Permit D/216-2014 for a Material Change of Use for a Vehicle Depot, on Lot 50 on SP270249, Parish of Gracemere, located at 245 Somerset Road, Gracemere, Council resolves to Approve the following incentives if the use commences prior to 18 November 2017:

- a) A fifty per cent (50%) reduction of infrastructure charges to the amount of \$29,705.00;
- b) A refund of the development application fee of \$9,461.00 on commencement of the use;
- c) A refund of service and connection fees on completion of the development; and
- d) That Council enter into an agreement with the applicant in relation to (a), (b) and (c).

Moved by: Councillor Smith
Seconded by: Councillor Fisher

MOTION CARRIED UNANIMOUSLY

8.12 D/185-2015 - APPLICATION UNDER THE DEVELOPMENT INCENTIVES POLICY FOR A DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR BULK LANDSCAPE SUPPLIES

File No: D/185-2015

Attachments:

1. Locality Plan
2. Site Plan

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Steven Gatt - Manager Planning & Regulatory Services
Michael Rowe - General Manager Community Services

Author: Amanda O'Mara - Senior Planning Officer

SUMMARY

Development Application Number: D/185-2015/A

Applicant: JNK Roadways Pty Ltd

Real Property Address: Lot 3 on SP198265, Parish of Bouldercombe

Common Property Address: 49 Gum Tree Avenue, Bouldercombe

Rockhampton City Plan Area: Rockhampton Region Planning Scheme 2015

Type of Approval: Development Permit for a Material Change of Use for Bulk Landscape Supplies

Date of Decision: 11 May 2016

Application Lodgement Fee: \$7,454.00

Infrastructure Charges: Nil

Infrastructure charges incentive: Not applicable

Incentives sought: Refund of Development Application Fees

COMMITTEE RECOMMENDATION

THAT in relation to the application under the Development Incentives Policy for Development Permit D/185-2015 for a Material Change of Use for Bulk Landscape Supplies, on Lot 3 on SP198265, Parish of Bouldercombe, located at 49 Gum Tree Avenue, Bouldercombe, Council can consider the following options:

- a) A refund of the development application fee of \$7,454.00 on commencement of the use; and
- b) That Council enter into an agreement with the applicant for the refund if approved.

Moved by: Councillor Rutherford

Seconded by: Mayor Strelow

MOTION CARRIED

9 NOTICES OF MOTION

Nil

10 URGENT BUSINESS QUESTIONS

10.1 TELECOMMUNICATION CAPACITY

File No: 2094

Authorising Officer: Ross Cheesman – Acting Chief Executive Officer

SUMMARY

Councillor Fisher raised concerns regarding the telecommunication capacity in Parkhurst and Gracemere Industrial Areas.

COMMITTEE RECOMMENDATION

THAT Council advocate strongly for additional telecommunication capacity in both Parkhurst and Gracemere Industrial Areas and that urgent action be sought from Federal members to ensure that we are not missing opportunities in our business communities.

Moved by: Councillor Fisher

Seconded by: Mayor Strelow

MOTION CARRIED

10.2 URBAN WATERWAY WEED CONTROL**File No:** 1171**Authorising Officer:** Steven Gatt – Manager Planning & Regulatory Services

SUMMARY

Councillor Fisher raised concerns regarding the weed control in Frenchman's Creek and other various creeks.

COMMITTEE RECOMMENDATION

THAT funds be reallocated in the revised budget to enable Council's pest management team to do spot control in Frenchman's Creek, and an inspection of other waterways be conducted as per Pest Management requirements.

Moved by: Councillor Fisher**Seconded by:** Councillor Wickerson**MOTION CARRIED**

10:13AM Mayor Strelow left the meeting

10.3 RIVERINE AQUATIC WEED CONTROL**File No:** 1171**Authorising Officer:** Ross Cheesman – Acting Chief Executive Officer

SUMMARY

Councillor Smith expressed a desire to form a partnership with the State Government and Livingstone Shire Council to address the weed infestation in the Fitzroy River.

COMMITTEE RECOMMENDATION

1. THAT Council contact the State member regarding our concerns in relation to the weed infestation in the Fitzroy River and our desire to form a partnership with the State Government and Livingstone Shire Council to address the problem.
2. THAT Council investigate funding options to address the matter.

Moved by: Councillor Fisher**Seconded by:** Councillor Wickerson**MOTION CARRIED**

10:30AM Mayor Strelow returned to the meeting

11 CLOSED SESSION

In accordance with the provisions of section 275 of the *Local Government Regulation 2012*, a local government may resolve to close a meeting to the public to discuss confidential items, such that its Councillors or members consider it necessary to close the meeting.

COMMITTEE RESOLUTION

THAT the meeting be closed to the public to discuss the following items, which are considered confidential in accordance with section 275 of the *Local Government Regulation 2012*, for the reasons indicated.

12.1 Options for the location of the Pound Facility

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

Moved by: Mayor Strelow
Seconded by: Councillor Wickerson

MOTION CARRIED

COMMITTEE RESOLUTION

10:31AM

THAT pursuant to s7.11 *Council Meeting Procedures* the meeting moves into Closed Session and be closed to the public.

Moved by: Councillor Rutherford
Seconded by: Councillor Smith

MOTION CARRIED

COMMITTEE RESOLUTION

10:47AM

THAT pursuant to s7.11 *Council Meeting Procedures* the meeting moves out of Closed Session and be opened to the public.

Moved by: Councillor Rutherford
Seconded by: Councillor Wickerson

MOTION CARRIED

12 CONFIDENTIAL REPORTS

12.1 OPTIONS FOR THE LOCATION OF THE POUND FACILITY

File No: 3275

Attachments:

1. Planning Assessment Report
2. Cost estimate
3. Due Diligence Comments
4. Cost Estimate
5. Due Diligence Comments

Authorising Officer: Michael Rowe - General Manager Community Services

Author: Steven Gatt - Manager Planning & Regulatory Services

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

SUMMARY

Manager Planning and Regulatory Services reporting on the Gracemere Animal Management Facility siting options.

COMMITTEE RECOMMENDATION

THAT the report be received and the actions of the CEO be endorsed.

Moved by: Mayor Strelow

Seconded by: Councillor Smith

MOTION CARRIED UNANIMOUSLY

13 CLOSURE OF MEETING

There being no further business the meeting closed at 10:47am.

SIGNATURE

CHAIRPERSON

DATE