



PLANNING & DEVELOPMENT COMMITTEE MEETING

AGENDA

23 SEPTEMBER 2014

Your attendance is required at a meeting of the Planning & Development Committee to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 23 September 2014 commencing at 1.30pm for transaction of the enclosed business.

A handwritten signature in black ink, appearing to be "C. R.", is positioned above the title of the Chief Executive Officer.

CHIEF EXECUTIVE OFFICER
16 September 2014

Next Meeting Date: 07.10.14

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.

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	OPENING.....	1
2	PRESENT	1
3	APOLOGIES AND LEAVE OF ABSENCE	1
4	CONFIRMATION OF MINUTES	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/8-2014 APPLICATION UNDER THE DEVELOPMENT INCENTIVES POLICY FOR DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A CHILD CARE CENTRE	4
8.2	DEVELOPMENT COMPLIANCE ENFORCEMENT STRATEGY	8
9	STRATEGIC REPORTS	11
9.1	PLANNING SECTION - MONTHLY OPERATIONS REPORT.....	11
10	NOTICES OF MOTION	21
	NIL	21
11	URGENT BUSINESS/QUESTIONS	22
12	CLOSURE OF MEETING	23

1 OPENING

2 PRESENT

Members Present:

Acting Mayor, Councillor A P Williams (Acting Chairperson)
Councillor C E Smith
Councillor C R Rutherford
Councillor G A Belz
Councillor S J Schwarten
Councillor R A Swadling
Councillor N K Fisher

In Attendance:

Mr E Pardon – Chief Executive Officer

3 APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence for the meeting was previously granted to Mayor Margaret Strelow.

4 CONFIRMATION OF MINUTES

Minutes of the Planning & Development Committee held 9 September 2014

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 BUSINESS OUTSTANDING

Nil

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 OFFICERS' REPORTS

8.1 D/8-2014 APPLICATION UNDER THE DEVELOPMENT INCENTIVES POLICY FOR DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A CHILD CARE CENTRE

File No: D/8-2014
Attachments: 1. Locality Plan
Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Russell Claus - Manager Planning
Robert Holmes - General Manager Regional Services
Author: Amanda O'Mara - Planning Officer

SUMMARY

Development Application Number: D/8-2014
Applicant: Frenchville Villas
Real Property Address: Lot 1 on RP607276 and Lot 2 on RP894268, Parish of Archer
Common Property Address: 171 and 175 Frenchville Road, Frenchville
Rockhampton City Plan Area: Berserker Foothills Residential Area
Type of Approval: Development Permit for a Material Change of Use for a Child Care Centre
Date of Decision: 13 May 2014
Application Lodgement Fee: \$4,865.00
Infrastructure Charges: \$83,290.00
Infrastructure Charges Incentive: All other areas – 50% discount
Incentives Sought: Infrastructure Charges Concession
Refund of Development Application Fees
Refund of service and connection fees

OFFICER'S 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 on Lot 1 on RP607276 and Lot 2 on RP894268, located at 171 and 175 Frenchville Road, Frenchville, Council resolves to approve the following incentives if the use commences prior to 19 May 2017:

- a) A fifty percent reduction of infrastructure charges to the amount of \$41,645.00;
- b) A refund of the application lodgement fee of \$4,865.00 on completion of the development; and
- c) A refund of Council's water meter and service connection fees on completion of the development.

BACKGROUNDProject outcomes anticipated by applicant

The approved development is the construction of a child care centre on the corner of Frenchville and Norman Roads, Frenchville by Morrison Construction Services. The child care centre will cater for a maximum of eighty-nine (89) children.

New jobs and investment

The project will create sixteen (16) new carer positions and project construction is estimated to cost \$1.6 million.

Benefits of project for applicant's business

This is a new business which cares for eighty-nine (89) children in one of Rockhampton's rapidly expanding areas. The business will be well used and appreciated by young families, particularly from residential suburbs along Norman Road and in Frenchville.

Research shows that nine out of every ten four years olds in Australia attend some type of formal care. This centre will add to the choice that is available in North Rockhampton.

Benefits of project to Rockhampton regional economy

The child care centre is located in the centre of one of Rockhampton's growing areas and should be well used by young families from surrounding suburbs. Child care is an important element of the Region's community infrastructure, as it enables both parents to be productive.

The centre will provide employment for sixteen (16) carers, many of whom may have gained qualifications at Rockhampton educational establishments. It is important for such carers, who have taken the time to be appropriately educated, to be able to find positions within the community in which they live.

The Rockhampton Region has been well served by the construction sector in the past eighteen (18) months. The construction of this child care centre will provide a welcome addition to the Region's construction activity and provide work for a range of trades people.

The builder, Morrison Construction Services, is based in Red Hill after shifting to Rockhampton from the Gold Coast to build an aged person complex. It's principal Scott Morrison said he would be using a Rockhampton based workforce and trades people to complete this project.

COMMENTS FROM RELEVANT UNITS**Infrastructure Operations Unit's Comments – 20 August 2014**

Support, subject to comments.

Economic Development Unit's Comments – 13 August 2014

Support, subject to comments.

CONCLUSION

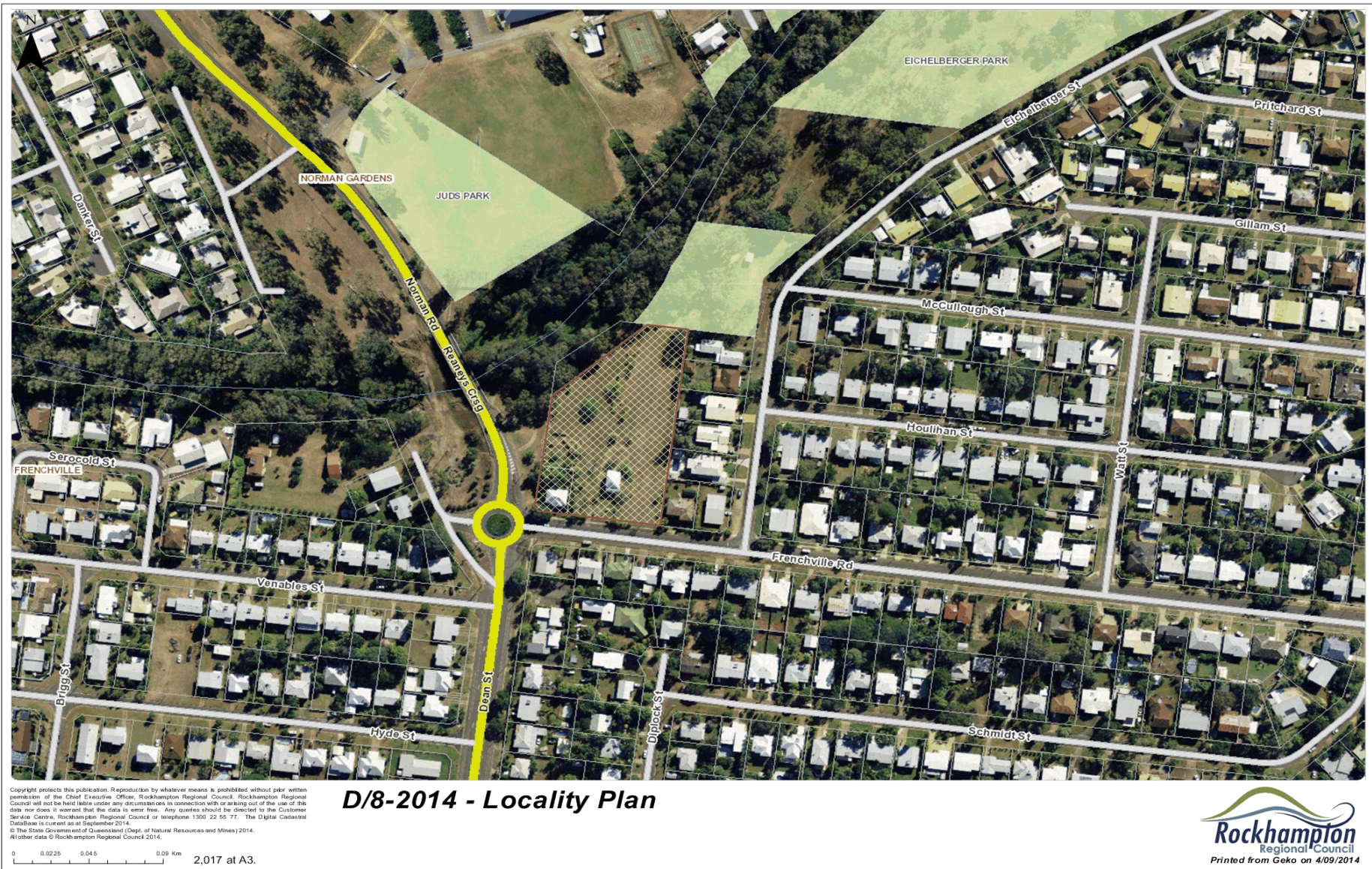
The development meets the eligibility criteria under the Development Incentives Policy and the applicant has demonstrated some economic benefits arising from the development.

**D/8-2014 APPLICATION UNDER THE
DEVELOPMENT INCENTIVES POLICY
FOR DEVELOPMENT PERMIT FOR A
MATERIAL CHANGE OF USE FOR A
CHILD CARE CENTRE**

Locality Plan

Meeting Date: 23 September 2014

Attachment No: 1



8.2 DEVELOPMENT COMPLIANCE ENFORCEMENT STRATEGY

File No: 5241

Attachments: 1. Development Compliance Enforcement Strategy Table

Authorising Officer: Russell Claus - Manager Planning
Robert Holmes - General Manager Regional Services

Author: Tarnya Fitzgibbon - Coordinator Development Assessment

SUMMARY

This report seeks approval of the Development Assessment unit's enforcement strategy, which is to become part of the whole of Council Enforcement Strategy that is currently being drafted. The whole of Council Enforcement Strategy will be subordinate to the Infringement Notice Policy adopted by Council on 26 August 2006.

OFFICER'S RECOMMENDATION

THAT Council adopt the Development Assessment unit's enforcement strategy, which will be an appendix to the whole of Council Enforcement Strategy.

BACKGROUND

Council adopted the Infringement Notice Policy on 26 August 2006. The whole of Council Enforcement Strategy is being developed and will be subordinate to the Infringement Notice Policy. It will outline the approach to all enforcement activities undertaken by Council, including the issue of infringement notices. Various Council units are in the process of drafting their enforcement strategies for their particular areas of compliance, which will be incorporated in to the whole of Council Enforcement Strategy as appendices.

The Development Compliance Officers for the Planning section are now part of the Development Assessment unit. As such, an enforcement strategy has been developed to provide guidelines in relation to the actions the Development Assessment unit may undertake in relation to compliance investigations and actions under the *Sustainable Planning Act 2009* and *Environmental Protection Act 1994*.

The strategy has been developed so that the level of seriousness of the complaint or non-compliance, and the number of occurrences of substantiated complaints or non-compliances is used to determine the enforcement actions that Council may take.

CONCLUSION

The attached enforcement strategy for the Development Assessment unit has been developed to ensure that enforcement action taken by Development Compliance Officers is proportionate to the enforcement issue. This will become an appendix to the whole of Council Enforcement Strategy, which seeks to ensure good enforcement principles to enable the protection of the region's natural, built and social environment.

DEVELOPMENT COMPLIANCE ENFORCEMENT STRATEGY

Development Compliance Enforcement Strategy Table

Meeting Date: 23 September 2014

Attachment No: 1

Development Compliance Enforcement Strategy					
Complaints and Non-Compliance Response/Action					
Amenity or Other Impact	1 st Action	2 nd Action	3 rd Action	4 th Action	Unsubstantiated
		20 days	20 days	20 days	
Low	Site Inspection Formal Contact Letter	Site Inspection Show Cause Notice and/or Infringement Notice	Site Inspection Enforcement Notice and/or Infringement Notice	Site Inspection Prosecution and/or Infringement Notice	No Action Letter
Medium	Site Inspection Show Cause Notice and/or Infringement Notice	Site Inspection Enforcement Notice and/or Infringement Notice	Site Inspection Prosecution and/or Infringement Notice		No Action Letter
High	Site Inspection Enforcement Notice and/or Infringement Notice	Site Inspection Prosecution and/or Infringement Notice			No Action Letter

Extension of time may be given before the next compliance action is taken, depending on response and actions taken.

9 STRATEGIC REPORTS

9.1 PLANNING SECTION - MONTHLY OPERATIONS REPORT

File No: 7028
Attachments: 1. Monthly Report August
Authorising Officer: Robert Holmes - General Manager Regional Services
Author: Russell Claus - Manager Planning

SUMMARY

The monthly operations report for the Planning Section (Development Assessment, Strategic Planning and Building Compliance) as at 31 August 2014 is presented for Councillors information.

OFFICER'S RECOMMENDATION

THAT the Planning Section (Development Assessment, Strategic Planning and Building Compliance) report as at 31 August 2014 be received.

COMMENTARY

The monthly operations report for the Planning Section is attached for Council's consideration. The performance information contained within the attached report relates directly to the adopted 2014/15 Operational Plan Key Performance Indicators.

The Manager's performance summary for each of the abovementioned Sections is provided below.

Strategic Planning

- The planning scheme public consultation public notification phase ended at 5:00 pm on 12 September. As of 11 September we have received 450 submissions, but that number is expected to increase further in the final day.
- The focus will be now on preparing for workshops to inform and make recommendations to the Councillors on the way forward. The first workshop for this purpose is scheduled for 14 October. It is envisaged a number of workshops will be required before a final complete set of recommended changes can be put before Council. The goal remains to complete this process and hopefully submit for final Ministerial review before Christmas.
- We attended a two day workshop with other Councils and the Department of State Development, Infrastructure and Planning in early September. The workshop was to review and inform their policy making for transitional arrangements for the new Planning and Development Act. It was particularly focused on SPA schemes at advanced stages of development such as the proposed RRC scheme. The biggest issue for Council may be the requirement to translate the current assessment levels to the new levels in the P&D Bill. Some adjustments to Codes may be also warranted, depending on the final policy settings in the Act. This has the potential to cause delays to the scheme preparation.

Development Assessment

The Planning and Development Bill is currently undergoing public consultation until the end of September 2014. During this time, the State has been running a number of workshops with various local government officers, including officers from Council's Strategic Planning Unit and Development Assessment Unit about the potential impacts of the new legislation. To date, the State has not released the Regulations or Guidelines (which include the development assessment rules) to support the Bill. The Bill amends the level of assessment for most development and removes the requirement for public notification in many circumstances (although the State has not yet provided details about these circumstances).

If the Bill is passed by Parliament it will require Council to develop new processes, templates and workflows for assessing development applications. It may also have major implications for the Strategic Planning Unit in terms of the planning scheme, with the State being asked by many local governments to clarify these requirements given Council's progress with its new planning scheme.

CONCLUSION

It is recommended that the monthly operations report for the Planning Section (Development Assessment, Strategic Planning and Building Compliance) be received.

PLANNING SECTION - MONTHLY OPERATIONS REPORT

Monthly Report August

Meeting Date: 23 September 2014

Attachment No: 1

MONTHLY OPERATIONS REPORT
PLANNING SECTION
Period Ended August 2014

VARIATIONS, ISSUES AND INNOVATIONS***Innovations***

Following up on the CBD revitalisation conversation led by Gilbert Rochecouste, staff has developed an internal working structure to organise, refine, and expand on the findings and comments received during Gilbert's visit. Next steps include meeting with the internal Council working group that forms part of this structure to determine roles and responsibilities for Council officers, and initial priorities. This will be followed by a meeting with the private individuals who stepped up to volunteer as leaders to work on their future working structure and lines of communication/collaboration with Council, and initial priorities from their perspective. While pursuing initial priorities, staff will develop a longer term strategic action plan that clearly defines avenues for collaboration between Council and the private sector, as well as respective separate responsibilities. This action plan will also identify resourcing opportunities, procedures for refining approach and priorities (internal and external), and timelines for priority actions. We are aiming to have this plan completed by the end of 2014.

Improvements / Deterioration in Levels of Services or Cost Drivers

The Building and Plumbing Unit has struggled for some time to stay ahead of difficult, in many cases long standing compliance issues. This should begin to improve with the appointment of a new Coordinator, who is developing strategies for addressing this situation.

LINKAGES TO OPERATIONAL PLAN

1. COMPLIANCE WITH CUSTOMER SERVICE REQUESTS

The response times for completing the predominant customer requests in the reporting period for August are as below:

	Incomplete Requests as at Start of Mth		Current Month NEW Requests		TOTAL INCOMPLETE REQUESTS BALANCE	Incomplete Requests in Progress		TOTAL UNACTIONED REQUESTS	Completion Standard (days)	Avg Completion Time (days) YTD
	Balance B/F	Completed in Current Mth	Received	Completed		Works Orders Issued	Under Investigation			
Building enquiry	56	10	37	30	53	0	0		5	2.41
Other building compliant issues	46	7	6	1	44	0	0		1	12.34
Planning compliance request/enquiry	91	12	17	6	90	0	0		45	14.65
Duty planner (new enquiry)	5	4	192	185	8	0	4		1	0.44
Telephone enquiry	0	0	39	37	2	0	1		1	0.45
Plumbing issues general	57	3	15	9	90	0	0		5	2.84
Strat planning development certificates	0	0	35	35	0	0	0		3	4.26

COMMENTS

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Comments & Additional Information

2. COMPLIANCE WITH STATUTORY AND REGULATORY REQUIREMENTS INCLUDING SAFETY, RISK AND OTHER LEGISLATIVE MATTERS

Safety Statistics

The safety statistics for the reporting period are:

	FIRST QUARTER		
	July	Aug	Sept
Number of Lost Time Injuries	0	0	
Number of Days Lost Due to Injury	0	0	
Total Number of Incidents Reported	0	0	
Number of Incomplete Hazard Inspections	0	0	

Risk Management Summary

Example from Section Risk Register (excludes risks accepted/ALARP)

Risk	Current Risk Rating	Future Control & Risk Treatment Plans	Due Date	% Completed	Comments
Failure to address general long term planning needs for the community will result in lower quality development, less development overall, continued poor economic and community performance indicators, and lost opportunities in pursuit of achieving elevation of Rockhampton's reputation to an exceptional regional city.	Very High	Develop strategies to address threat, train existing staff to address, and hire staff with required skill sets. Educate community, develop strategic partnerships, and identify external resources.	31/12/2014	5%	This is a very long term issue
Changes to State law that reduce revenues for essential Council services, e.g. Development Assessment will result in less capacity to provide planning services, requiring supplemental funding from other sources, e.g. increased rates.	High 4	Monitor and respond when and as appropriate	N/A	N/A	Actively being monitored. Nothing immediate to respond to.

Risk	Current Risk Rating	Future Control & Risk Treatment Plans	Due Date	% Completed	Comments
Failure to collect revenue results in fewer funds available and lack of confidence in Council business practices.	High 5	Process and workflow to address has been developed and approved by Council.	31/12/2015	0%	Working on logistics of collection
Continuing changes to state legislation and regulatory requirements on Council increase the risk of Council not being able to fully comply with all requirements. Consequences include possible fines, further limitations on Council functions, failure to provide essential resources to enable Council to achieve regional development objectives.	Moderate 5	Respond as events occur and provide submissions to articulate impacts on RRC operations	N/A	N/A	Staff have been monitoring proposed changes and have provided several submissions and alerted Council to potential impacts
Failure to manage hazard conditions and negative impacts on environmental resources will result in increased property damage and loss of environmental functionality and aesthetic amenity which will damage the reputation of Council for management of these services, as well as possible lawsuits for property damage.	Moderate 5	Have incorporated relevant measures in proposed Planning Scheme. Provided information to citizens and Councillors re purpose for inclusion and impacts.	31/12/2015	70%	Additional improvements will depend on future analysis and subsequent amendments of the Planning Scheme, development of effective public outreach messaging, and hiring of staff to specifically address additional analysis needs, particularly environmental and design.

Legislative Compliance & Standards

All activities are conducted in accordance with relevant legislation and there are no non-compliances to report.

3. ACHIEVEMENT OF CAPITAL PROJECTS WITHIN ADOPTED BUDGET AND APPROVED TIMEFRAME

No capital projects are relevant to the Planning Section.

4. ACHIEVEMENT OF OPERATIONAL PROJECTS WITHIN ADOPTED BUDGET AND APPROVED TIMEFRAME

Project	Revised Budget	Actual (incl. committals)	% budget expended	Explanation
Rockhampton Regional Planning Scheme	N/A	N/A	N/A	<i>This project is a large operational plan that spans over several years</i>

5. DELIVERY OF SERVICES AND ACTIVITIES IN ACCORDANCE WITH COUNCIL'S ADOPTED SERVICE LEVELS

Service Delivery Standard	Target	Current Performance
Development Assessment		
Applications received: 22		
Applications decided: 23		
Acknowledgement notices (where required) sent out within 10 business days of application being properly made	100%	100%
Information requests (where required) sent out within timeframes required under SPA	100%	100%
Decisions are made within 20 business day timeframe once decision stage commences (or extended timeframe permitted under SPA)	100%	100%
Decision notices are issued within 5 business days of the decision being made	100%	100%
Building		
Applications received: 27		
Applications decided: 28		
Building Approvals - Decisions are made within 10 business day timeframe	100%	64%
Plumbing		
Applications received: 51		
Applications decided: 56		
Compliance request are decided within 20 business day timeframe	100%	100%

Service Delivery Standard	Target	Current Performance
Strategic Planning		
Property Search – Planning and Development certificate sent out within timeframes required under SPA	<i>100%</i>	<i>100%</i>

FINANCIAL MATTERS



Budget Management Report OPCHART - PLANNING

As At 03-Sep-2014

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Adopted Budget \$		Revised Budget \$	YTD Actual \$	Committals \$	Total Committals \$	Budget Variance %
Control - Land Use Strategic Manager						
	Expenses					
715,679	Total Expenses	0	57,398	7,810	65,208	9%
	Transfer / Overhead Allocation					
0	Total Transfer / Overhead Allocation	0	103	0	103	10300%
715,679	Total	0	57,501	7,810	65,311	9%
Control - Strategic Planning						
	Revenues					
(151,500)	Total Revenues	0	(10,636)	0	(10,636)	7%
	Expenses					
1,175,820	Total Expenses	0	222,013	5,064	227,077	19%
	Transfer / Overhead Allocation					
32,288	Total Transfer / Overhead Allocation	0	1,124	0	1,124	3%
1,056,608	Total Control - Strategic Planning	0	212,501	5,064	217,565	21%
1,056,608	Total	0	212,501	5,064	217,565	21%
Control - Development Assessment						
	Revenues					
(2,150,500)	Total Revenues	0	(223,581)	0	(223,581)	10%
	Expenses					
1,593,539	Total Expenses	0	194,971	63,875	258,846	16%
	Transfer / Overhead Allocation					
34,850	Total Transfer / Overhead Allocation	0	3,545	0	3,545	10%
(522,111)	Total Control - Development Assessment	0	(25,065)	63,875	38,810	-7%
(522,111)	Total	0	(25,065)	63,875	38,810	-7%
OPERATIONAL PRControl - Development Compliance						
	Revenues					
(1,333,929)	Total Revenues	0	(165,598)	4,545	(161,052)	12%
	Expenses					
1,279,980	Total Expenses	0	152,009	88,682	240,691	19%
	Transfer / Overhead Allocation					
145,629	Total Transfer / Overhead Allocation	0	21,736	0	21,736	15%
91,680	Total OPERATIONAL PRControl - Development Compliance	0	8,147	93,228	101,375	111%
91,680	Total	0	8,147	93,228	101,375	111%

10 NOTICES OF MOTION

Nil

11 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

12 CLOSURE OF MEETING