



**PLANNING & DEVELOPMENT
COMMITTEE MEETING**

MINUTES

11 AUGUST 2015

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**REPORT OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON
ON TUESDAY, 11 AUGUST 2015 COMMENCING AT 1:31PM**

1 OPENING

2 PRESENT

Members Present:

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

In Attendance:

Mr E Pardon – Chief Executive Officer
Mr P Barry – Acting Manager Development and Building
Mr J McCaul – Coordinator Development Engineering
Ms A O'Mara – Senior Planning Officer
Ms C Hibberd – Planning Officer
Ms S Barber – Strategic Planning Officer
Ms L Price – Community Awareness Officer
Ms I Taylor – Governance Support Officer

3 APOLOGIES AND LEAVE OF ABSENCE

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COMMITTEE RESOLUTION

THAT the minutes of the Planning & Development Committee held on 28 July 2015 be taken as read and adopted as a correct record.

Moved by: Councillor Rutherford

Seconded by: Councillor Belz

MOTION CARRIED

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 BUSINESS OUTSTANDING

6.1 BUSINESS OUTSTANDING TABLE FOR PLANNING AND DEVELOPMENT COMMITTEE

File No: 10097

Attachments: 1. Business Outstanding Table for Planning and Development Committee

Authorising Officer: Evan Pardon - Chief Executive Officer

Author: Evan Pardon - Chief Executive Officer

SUMMARY

The Business Outstanding table is used as a tool to monitor outstanding items resolved at previous Council or Committee Meetings. The current Business Outstanding table for the Planning and Development Committee is presented for Councillors' information.

COMMITTEE RESOLUTION

THAT the Business Outstanding Table for the Planning and Development Committee be received.

Moved by: Councillor Swadling

Seconded by: Councillor Rutherford

MOTION CARRIED

7 PUBLIC FORUMS/DEPUTATIONS

7.1 DEPUTATION - D/4-2015 - APPLICATION UNDER THE DEVELOPMENT INCENTIVES POLICY FOR DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR INDOOR SPORT AND RECREATION

File No: D/4-2015
Attachments: Nil
Authorising Officer: Petrus Barry - Acting Manager Development and Planning
Robert Holmes - General Manager Regional Services
Author: Amanda O'Mara - Senior Planning Officer

SUMMARY

Simon Price has requested an opportunity to attend a meeting of Council's Planning and Development Committee to discuss the application under the Development Incentives Policy for a Development Permit for a Material Change of Use for Indoor Sport and Recreation over 10 Derby Street, Rockhampton - Lot 12 on R2652 (Development Application D/4-2015).

1.36PM The deputation from Simon Price of Positive Existence Personal Training commenced.
1.45PM The deputation concluded.

COMMITTEE RESOLUTION

THAT the deputation by Simon Price of Positive Existence Personal Training be received.

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

8 OFFICERS' REPORTS

8.1 D/4-2015 APPLICATION UNDER THE DEVELOPMENT INCENTIVES POLICY FOR DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR INDOOR SPORT AND RECREATION

File No: D/4-2015
Attachments: 1. Locality Plan
Authorising Officer: Tarnya Fitzgibbon - Manager Development and Building
 Robert Holmes - General Manager Regional Services
Author: Amanda O'Mara - Senior Planning Officer

SUMMARY

Development Application Number: D/4-2015
Applicant: Simon Price
Real Property Address: Lot 12 on R2652, Parish of Rockhampton
Common Property Address: 10 Derby Street, Rockhampton
Rockhampton City Plan Area: Central Business District Commercial Area, Precinct 1 - Commercial Precinct, Central Business District Retail Core
Type of Approval: Development Permit for a Material Change of Use for Indoor Sport and Recreation
Date of Decision: 25 February 2015
Application Lodgement Fee: \$2,359.00
Infrastructure Charges: \$30,590.00
Infrastructure charges incentive: CBD Precinct 1 unchanged GFA – 100%
Incentives sought: Infrastructure Charges Concession
 Refund of Development Application Fees

COMMITTEE RESOLUTION

THAT in relation to the application under the Development Incentives Policy for a Material Change of Use for Indoor Sport and Recreation, on Lot 12 on R2652, Parish of Rockhampton, located at 10 Derby Street, Rockhampton, Council resolves to approve the following incentives if the use commences by 25 February 2018:

- a) A 100 per cent reduction of infrastructure charges to the amount of \$30,590.00;
- b) A refund of the application lodgement fee amounting to \$2,359.00 on commencement of the use; and
- c) Council enter into an agreement with the applicant in relation to (a) and (b).

THAT the current policy be rewritten to reflect Council's position on economic activation.

Moved by: Councillor Schwarten
Seconded by: Councillor Swadling
MOTION CARRIED

1.54PM

In accordance with s173(2) of the Local Government Act 2009, The Mayor, Councillor Strelow disclosed a conflict of interest in respect of Item 8.2 - D/222-2014 Development Application for a Material Change of Use for a Caretaker's Residence due to a friendship with the applicant, Mayor Strelow considered her position and left the meeting.

Deputy Mayor, Councillor Williams assumed the Chair

8.2 LIFTING MATTERS LAYED ON THE TABLE

File No: 10097

Author: Evan Pardon – Chief Executive Officer

SUMMARY

Items lying on the table require a report to be lifted from the table before being dealt with. This report is designed to lift all necessary reports from the table to be dealt with at the current meeting 11 August 2015.

COMMITTEE RESOLUTION

THAT the following matter, "lying on the table" be lifted from the table and be dealt with accordingly:

- D/188-2014 Development Application for a Material Change of Use for a Caretaker's Residence.

Moved by: Councillor Swadling

Seconded by: Councillor Belz

MOTION CARRIED

8.3 D/222-2014 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A CARETAKER'S RESIDENCE

File No: D/222-2014

Attachments:

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

Authorising Officer: Tarnya Fitzgibbon - Manager Development and Building
Robert Holmes - General Manager Regional Services

Author: Corina Hibberd - Planning Officer

SUMMARY

Development Application Number: D/222-2014

Applicant: MV and EJ Neale

Real Property Address: Lot 77 on LN112, Lot 71 on R2613, Lot 437 on R2613, Lot 2 on RP605363 and Lot 3 on RP606792, Parish of Rockhampton

Common Property Address: 20 Fiddes Street, Port Curtis

Area of Site: 46.2317 hectares

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: South Rockhampton Rural Area

Planning Scheme Overlays: Q100 Flood Prone Land – Floodway High Hazard
Environmentally Sensitive Location – Wetlands (RRC)

Existing Development: Vacant farm land

Existing Approvals: Nil

Approval Sought: Development Permit for a Material Change of Use for a Caretakers Residence

Level of Assessment: Impact Assessable

Submissions: Twenty-six (26) properly made submissions

Referral Agency(s): Nil

Adopted Infrastructure Charges Area: Charge Area Three

Application Progress:

<i>Application Lodged:</i>	2 August 2014
<i>Acknowledgment Notice issued:</i>	8 August 2014
<i>Request for Further Information sent:</i>	19 September 2014
<i>Request to Extend Information Request response period</i>	11 March 2015
<i>Request for Further Information responded to:</i>	1 April 2015
<i>Submission period commenced:</i>	2 April 2015
<i>Submission period end:</i>	24 April 2015
<i>Last receipt of information from applicant:</i>	14 May 2015

<i>Request to Extend Decision Making Period</i>	<i>22 June 2015 (extended to 22 July 2015)</i>
<i>Committee meeting date:</i>	<i>14 July 2015 (laid on the table)</i>
<i>Request to Extend Decision Making Period:</i>	<i>20 July 2015 (to 19 August 2015)</i>
<i>Committee meeting date</i>	<i>11 August 2015</i>
<i>Statutory due determination date:</i>	<i>19 August 2015</i>

COMMITTEE RESOLUTION

THAT the Planning and Development Committee meeting be closed to the public in accordance with s275(1)(h) of the *Local Government (Operations) Regulation 2012*, as it is considered necessary to close the meeting to discuss legal advice received regarding Item 8.2 - Development Application for a Material Change of Use for a Caretaker's Residence.

Moved by: Councillor Swadling

Seconded by: Councillor Smith

MOTION CARRIED

COMMITTEE RESOLUTION

2.05PM

THAT pursuant to s34(1)(k) and s44 *Council Meeting Procedures* the meeting moves into Closed Session and be closed to the public.

Moved by: Councillor Swadling

Seconded by: Councillor Smith

MOTION CARRIED

COMMITTEE RESOLUTION

2.21PM

THAT pursuant to s34(1)(k) and s44 *Council Meeting Procedures* the meeting moves out of Closed Session and be opened to the public.

Moved by: Councillor Rutherford

Seconded by: Councillor Fisher

MOTION CARRIED

COMMITTEE RESOLUTION**RECOMMENDATION A**

That in relation to the application for a Development Permit for a Material Change of Use for a Caretaker's Residence, made by Flinders Hyder on behalf of MV and EJ Neale, located at 20 Fiddes Street, Port Curtis, described as Lot 77 on LN112, Lot 71 on R2613, Lot 437 on R2613, Lot 2 on RP605363 and Lot 3 on RP606792, Parish of Rockhampton, Council resolves to Refuse the application for the following reasons:

- 1.0 Intensification of residential uses in a high hazard flood area is not supported by the current scheme or in the draft strategic framework for the proposed planning scheme;
- 2.0 Access to the site is cut off in a range of flood events. All access roads are

completely inundated in a range of flood events, isolating the subject site and causing a risk to persons and property, also putting strain on emergency services and Council. Local disaster recovery is more expensive than prevention; which has been indicated in recent floods, including 2008, 2011, and 2013 events;

- 3.0 The site is not connected to reticulated water infrastructure and has no available sewer infrastructure connections. Onsite sewer infrastructure has the potential to affect the health of the riverine water in a flood event;
- 4.0 The proposal is in direct conflict with the area intent for the South Rockhampton Rural Area, which expressly states that where the need for additional residential uses are required, the land must be flood free with flood free access;
- 5.0 The proposal is for a caretaker's residence, however the design and scale indicates that its function is a large dwelling house on a rural lot;
- 6.0 The proposal cannot demonstrate compliance with State Planning Policy 2014 (in relation to flood hazard), the Flood Prone Land Code or the Flood Plain Management Planning Policy 14 within the *Rockhampton City Plan 2005*, as well as other applicable codes; and
- 7.0 The proposal directly compromises the achievement of eight (8) Desired Environmental Outcomes within the *Rockhampton City Plan 2005*.

Moved by: Councillor Williams

Seconded by: Councillor Schwarten

DIVISION

Councillors Swadling, Belz, Schwarten, Rutherford and Williams voted in the affirmative.

Councillors Fisher and Smith voted in the negative.

MOTION CARRIED

2.26PM Mayor Strelow returned to the meeting and assumed the Chair.

9 STRATEGIC REPORTS

Nil

10 NOTICES OF MOTION

Nil

11 URGENT BUSINESS\QUESTIONS

12 CLOSURE OF MEETING

There being no further business the meeting closed at 2.27pm.

SIGNATURE

CHAIRPERSON

DATE