



**PLANNING & DEVELOPMENT
COMMITTEE MEETING**

MINUTES

11 NOVEMBER 2014

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**REPORT OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON
ON TUESDAY, 11 NOVEMBER 2014 COMMENCING AT 1.41PM**

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 R Holmes – General Manager Regional Services
Mr R Claus – Manager Planning
Ms T Fitzgibbon – Coordinator Development Assessment
Ms R De Vries – Senior Planning Officer
Ms A McLennan – Planning Officer
Ms J Noland – Development Compliance 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 21 October 2014 be taken as read and adopted as a correct record.

Moved by: Councillor Belz

Seconded by: Councillor Smith

MOTION CARRIED

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 BUSINESS OUTSTANDING

6.1 LIFTING MATTERS LAYED ON THE TABLE

File No: 10097
Attachments: Nil
Authorising Officer: Evan Pardon - Chief Executive Officer
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 November 2014.

COMMITTEE RECOMMENDATION

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

- D/69-2014 – Development Application for Reconfiguring a Lot (Three Lots into Three Lots)

COMMITTEE RESOLUTION

THAT pursuant to s15(2) *Council Meeting Procedures* the Order of Business be amended to consider Item 8.2 - D/191-2014 Development Application for Building Works assessable against a planning scheme for a house next.

Moved by: Councillor Swadling

Seconded by: Councillor Smith

MOTION CARRIED

1:42PM Councillor Williams & Councillor Fisher attended the meeting.
1:43PM Councillor Rutherford left the meeting.
1:43PM Councillor Rutherford returned to the meeting.

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 OFFICERS' REPORTS

8.2 D/191-2014 DEVELOPMENT APPLICATION FOR BUILDING WORKS ASSESSABLE AGAINST A PLANNING SCHEME FOR A HOUSE

File No: D/191-2014

Attachments:

1. Locality Plan
2. Site Plan
3. Floor Plan
4. Elevation Plan
5. Elevation Plan (2)

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Russell Claus - Manager Planning
Robert Holmes - General Manager Regional Services

Author: Rebecca De Vries - Senior Planning Officer

SUMMARY

Development Application Number: D/191-2014

Applicant: Thomas Bartlem

Real Property Address: Lot 15 on RP601650, Parish of Rockhampton

Common Property Address: 8 Barnes Street, Port Curtis

Area of Site: 1,173 square metres

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: Port Curtis Rural Area

Planning Scheme Overlays: Flood Prone Land Code: High hazard floodway and Airport Affected Land: No buildings over 20 metres in height

Existing Development: House

Existing Approvals: Building Permit 2554-2012 for an as constructed shed issued by a Private Certifier on 17 October 2012.

Approval Sought: Development Permit for Building Works Assessable against a Planning Scheme for a House

Level of Assessment: Impact Assessable

Submissions: Nil

Referral Agency(s): Not Applicable

Adopted Infrastructure Charges Area: Charge Area 3

Application Progress:

<i>Application Lodged:</i>	22 July 2014
<i>Acknowledgment Notice issued:</i>	4 August 2014
<i>Request for Further Information sent:</i>	8 August 2014
<i>Request for Further Information responded to:</i>	3 September 2014
<i>Submission period commenced:</i>	11 September 2014

<i>Submission period end:</i>	<i>1 October 2014</i>
<i>Council request for additional time:</i>	<i>10 October 2014</i>
<i>Committee meeting date:</i>	<i>11 November 2014</i>
<i>Statutory due determination date:</i>	<i>4 December 2014</i>

COMMITTEE RESOLUTION

RECOMMENDATION A

That in relation to the application for a Development Permit for Building Works Assessable against a Planning Scheme for a House, made by Thomas Bartlem, on Lot 15 on RP601650, Parish of Rockhampton, located at 8 Barnes Street, Port Curtis, Council resolves to Approve the application despite its conflict with the planning scheme and provide the following grounds to justify the decision despite the conflict:

- a) The development will not increase the risk to life, being that no additional residents are able to be accommodated on site;
- b) The shed is constructed of durable materials which are able to withstand a flood event;
- c) The structure will not significantly interfere with the passage, storage or quality of stormwater in a flood event;
- d) The burden on disaster management is not anticipated to be increased by the development, being that the site is already developed with a House and that the shed is an ancillary structure;
- e) The proposed use does not compromise the achievement of the Desired Environmental Outcomes in the Rockhampton City Plan 2005;
- f) Assessment of the development against the relevant area intent, 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
- g) The proposed development has reasonably responded to the requirements of the State Planning Policy.

RECOMMENDATION B

That in relation to the application for a Development Permit for Building Works Assessable against a Planning Scheme for a House, made by Thomas Bartlem, on Lot 15 on RP601650, Parish of Rockhampton, located at 8 Barnes Street, Port Curtis, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 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 of the Council 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 approval relating to the existing non-compliant Building Works Assessable Against the Scheme must be undertaken and

completed to the satisfaction of Council, at no cost to Council and within six months of the date of this approval.

- 1.4 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council within six months of the date of this approval, unless otherwise stated.
- 1.5 The following further Development Permit must be obtained prior to the commencement of any works:
 - 1.5.1 Building Works.
- 1.6 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.7 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

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 the conditions of this permit:

<u>Plan/Document Name</u>	<u>Reference</u>	<u>Dated</u>
Site Plan	SK-01	2 July 2014
Floor Plan	SK-02	2 July 2014
Elevations	SK-03	2 July 2014
Elevations	SK-04	2 July 2014
Plan of Contour Survey Lot 15 on RP601650	9051-33434	4 June 2014
Structural Engineering Assessment on Existing Steel-Framed Shed at 8 Barnes Street, Port Curtis	D14.057_0	22 July 2014

- 2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.
- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council prior to the submission of a Development Application for Building Works.

3.0 PLUMBING AND DRAINAGE WORKS

- 3.1 Any internal plumbing and sanitary drainage works must be undertaken in accordance with regulated work under the *Plumbing and Drainage Act* and Council's Plumbing and Drainage Policies and *Australian Plumbing and Drainage Standard AS3500 section 3 and 4*.
- 3.2 Alteration or relocation of internal plumbing or sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act*.
- 3.3 On-site sewage treatment and disposal must be in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Plumbing and Drainage Policies.

4.0 STORMWATER WORKS

- 4.1 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect adjoining land or infrastructure in comparison to the pre-development condition by way of blocking, altering or diverting existing stormwater runoff patterns or have the potential to cause damage to other infrastructure.

5.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 5.1 All roof and allotment drainage must be in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.
- 5.2 All roof and allotment drainage must be discharged such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties or infrastructure.

6.0 SITE WORKS

- 6.1 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 adjoining properties or infrastructure.

7.0 BUILDING WORKS

- 7.1 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the 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"*.
- 7.2 All non-habitable areas subjected to flood inundation during a Q100 flood event must be designed and constructed using suitable flood resilient materials.
- 7.3 All services and utilities connected to the development, including electrical outlets, must be designed or installed at such a height that they are a minimum of 500 millimetres above the Q100 flood level.
- 7.4 All recommendations provided in the Structural Engineering Assessment (refer to condition 2.1) must be completed within six months of the date of this approval.

8.0 ASSET MANAGEMENT

- 8.1 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 at full cost to the Developer.
- 8.2 Any damage to existing water supply or sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.

9.0 ENVIRONMENTAL

- 9.1 Implement and maintain an Erosion Control and Stormwater Control Management Plan on-site for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The prepared Erosion Control and Stormwater Control Management Plan must be available on-site for inspection by Council Officers during those works.

10.0 OPERATING PROCEDURES

- 10.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking

of construction machinery or contractors' vehicles will be permitted in Barnes Street.

- 10.2 Any chemicals or other environmentally hazardous liquids which may be kept on site must be stored a minimum of 500 millimetres above the Q100 flood level.

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 Multicultural Affairs website: www.datsima.qld.gov.au.

NOTE 2. 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 property during all stages of the development including earthworks, construction and operation.

NOTE 3. 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.

RECOMMENDATION C

That in relation to the application for a Development Permit for Building Works Assessable against a Planning Scheme for a House, made by Thomas Bartlem, on Lot 15 on RP601650, Parish of Rockhampton, located at 8 Barnes Street, Port Curtis, Council resolves not to issue an Infrastructure Charges Notice.

Moved by: Councillor Smith

Seconded by: Councillor Belz

MOTION CARRIED

9 STRATEGIC REPORTS

9.1 DEVELOPMENT ASSESSMENT INNOVATION PROJECT - FASTTRACK APPLICATIONS

File No: 8037

Attachments: 1. Duplex FastTrack Kit

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

Author: Tarnya Fitzgibbon - Coordinator Development Assessment

SUMMARY

Council has made substantial progress towards achieving the rating of Fully Advanced for its development assessment system by 30 June 2015, as part of the Development Assessment Innovation Project. Substantial progress has been made toward achieving the overall goal of being rated as an Emerging Premium system by 30 June 2016. This report provides an update on the progress of this project over the last six months.

1:44PM Councillor Rutherford left the meeting.

1:48PM Councillor Rutherford returned to the meeting.

COMMITTEE RESOLUTION

- 1) THAT the report on progress with the Development Assessment Innovation Project be received; and
- 2) THAT Council express it's appreciation to the team.

Moved by: Mayor Strelow

Seconded by: Councillor Rutherford

MOTION CARRIED

10 NOTICES OF MOTION

Nil

11 URGENT BUSINESS QUESTIONS

12 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.

13.1 Enforcement Proceedings for Development Offences

This report is considered confidential in accordance with section 275(1)(g), of the *Local Government Regulation 2012*, as it contains information relating to any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act.

Moved by: Mayor Strelow

Seconded by: Councillor Swadling

MOTION CARRIED

COMMITTEE RESOLUTION

1:53PM

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 Rutherford

MOTION CARRIED

COMMITTEE RESOLUTION

2:14PM

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 Swadling

Seconded by: Councillor Smith

MOTION CARRIED

13 CONFIDENTIAL REPORTS

13.1 ENFORCEMENT PROCEEDINGS FOR DEVELOPMENT OFFENCES

File No: 8431

Attachments:

1. Locality Plan
2. Site Photo (1)
3. Site Photo (2)
4. Site Photo (3)
5. D/141-2013 Approved Access & Parking Plan

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

Author: Judith Noland - Development Compliance Officer

This report is considered confidential in accordance with section 275(1)(g), of the *Local Government Regulation 2012*, as it contains information relating to any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act.

SUMMARY

This report discusses the continuing unlawful use of a premise in North Rockhampton contrary to the conditions of a Development Permit for a Home Based Business.

COMMITTEE RESOLUTION

- 1) THAT Option Two be adopted with a six month period; and
- 2) THAT the Home Based Business Code in the proposed Planning Scheme be reviewed with a view to clarifying number of staff and vehicles.

Moved by: Councillor Swadling

Seconded by: Councillor Smith

MOTION CARRIED

14 CLOSURE OF MEETING

There being no further business the meeting closed at 2:17pm.

SIGNATURE

CHAIRPERSON

DATE