



PLANNING AND REGULATORY COMMITTEE MEETING

MINUTES

31 OCTOBER 2017

The Committee Recommendations contained within these Minutes are due to be adopted at the next Council meeting on 7 November 2017.

These Minutes are due to be confirmed at the next Planning and Regulatory Committee meeting on 14 November 2017.

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**REPORT OF THE PLANNING AND REGULATORY COMMITTEE MEETING
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON
ON TUESDAY, 31 OCTOBER 2017 COMMENCING AT 9:06AM**

1 OPENING

2 PRESENT

Members Present:

Councillor C E Smith (Chairperson)
The Mayor, Councillor M F Strelow
Councillor M D Wickerson

In Attendance:

Mr E Pardon – Chief Executive Officer
Ms C Worthy – General Manager Community Services
Mr S Gatt – Manager Planning & Regulatory Services
Ms K Moody – Coordinator Health and Environment
Ms T Fitzgibbon – Coordinator Development Assessment
Ms A O'Mara – Acting Coordinator Development Assessment
Mr T Gardiner – Senior Planning Officer
Mr J Trevett-Lyall – Planning Officer
Ms A Johnson – Planning Officer
Ms K Talbot – Senior Media Officer
Ms S Friske – Governance Support Officer

3 APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence for the meeting was previously granted to Councillor N K Fisher
Leave of Absence for the meeting was previously granted to Councillor C R Rutherford

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COMMITTEE RESOLUTION

THAT the minutes of the Planning and Regulatory Committee held on 3 October 2017 be taken as read and adopted as a correct record.

Moved by: Councillor Wickerson

Seconded by: Councillor Smith

MOTION CARRIED

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

In accordance with s173(2) of the Local Government Act 2009, Mayor Margaret Strelow disclosed a conflict of interest in respect of Item 8.1 – *D/155-2014 - Application under the Development Incentives Policy for Development Permit D/155-2014 for a Material Change of Use for a Multi-Unit Dwelling (fifty-six units) and a Restaurant*, due to Ownership of adjacent property and proposed purchase of one unit at Gallery Apartments.

6 BUSINESS OUTSTANDING

6.1 BUSINESS OUTSTANDING TABLE FOR PLANNING AND REGULATORY COMMITTEE

File No: 10097
Attachments: 1. Business Outstanding Table
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 Regulatory Committee is presented for Councillors' information.

COMMITTEE RECOMMENDATION

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

Moved by: Councillor Wickerson
Seconded by: Councillor Smith

MOTION CARRIED

7 PUBLIC FORUMS/DEPUTATIONS

Nil

UNCONFIRMED

8 OFFICERS' REPORTS

9:08AM

In accordance with s173(6) of the *Local Government Act 2009*, The Mayor Councillor Margaret Strelow disclosed a conflict of interest in respect of Item 8.1 -D/155-2014 - *Application under the Development Incentives Policy for Development Permit D/155-2014 for a Material Change of Use for a Multi-Unit Dwelling (fifty-six units) and a Restaurant* due to Ownership of adjacent property and proposed purchase of one unit at Gallery Apartments.

If the Councillor left the meeting quorum would be lost and the meeting would be unable to continue. As such, the matter was referred to the Ordinary Council meeting on 7 November 2017.

8.1 D/155-2014 - APPLICATION UNDER THE DEVELOPMENT INCENTIVES POLICY FOR DEVELOPMENT PERMIT D/155-2014 FOR A MATERIAL CHANGE OF USE FOR A MULTI UNIT DWELLING (FIFTY-SIX UNITS) AND A RESTAURANT

File No: D/155-2014/A
Attachments: 1. Locality Plan
Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
 Steven Gatt - Acting General Manager Community Services
Author: Amanda O'Mara - Senior Planning Officer

SUMMARY

Development Application Number: D/155-2014
Applicant: Riddell Developments Pty Ltd
Real Property Address: Lot 2 on RP602577, Lot 17 on CP897263 and Lot 18 on CP897263, Parish of Rockhampton
Common Property Address: 50, 52 and 58 Victoria Parade, Rockhampton City
Type of Approval: Development Permit for a Material Change of Use for a Multi Unit Dwelling (fifty-six units) and a Restaurant
Date of Decision: 24 November 2014
Application Lodgement Fee: \$29,075.00
Infrastructure Charges: \$286,769.00 (Stage 1)
Infrastructure charges incentive: Inner City North Cultural Special Use Precinct – Residential Development – 50%
Incentives sought: Infrastructure Charges Concession of 50%
 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/155-2014 for a Material Change of Use for a Multi Unit Dwelling (fifty-six units) and a Restaurant, on Lot 2 on RP602577, Lot 17 on CP897263 and Lot 18 on CP897263, Parish of Rockhampton, located at 50, 52 and 58 Victoria Parade, Rockhampton City, Council resolves to Approve the following incentives if the use commences prior to 24 November 2018:

- a) A fifty percent (50%) reduction of infrastructure charges to the amount of \$143,384.50;
- b) A refund of the development application fee of \$29,075.00 and service and connection fees on commencement of the use; and
- c) That Council enter into an agreement with the applicant in relation to (a) and (b).

UNCONFIRMED

8.2 D/98-2017 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A DWELLING HOUSE

File No: D/98-2017

Attachments:

1. Locality Plan
2. Proposed Development Footprint

Authorising Officer: Amanda O'Mara - Senior Planning Officer
Steven Gatt - Acting General Manager Community Services

Author: Amy Johnson - Acting Planning Officer

SUMMARY

Development Application Number: D/98-2017

Applicant: TLE Coombs

Real Property Address: Lot 240 on P4050, Parish of Stanwell

Common Property Address: 234 Meteor Park Road, Kabra

Area of Site: 57.465 hectares

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: High Impact Industry Zone

Planning Scheme Overlays: Flood Hazard Overlay Code

Existing Development: Neerkol Orphanage and Farming

Existing Approvals: 58-1964/G2HIST – Chapel Neerkol Orphanage

Approval Sought: Development Permit for a Material Change of Use for a Dwelling House

Level of Assessment: Impact Assessable

Submissions: Nil

Referral Agency(s): Nil

Infrastructure Charges Area: Charge Area 1

Application Progress:

<i>Application Lodged:</i>	4 August 2017
<i>Confirmation Notice issued:</i>	16 August 2017
<i>Request for Further Information sent:</i>	22 August 2017
<i>Request for Further Information responded to:</i>	5 September 2017
<i>Submission period commenced:</i>	15 September 2017
<i>Submission period end:</i>	10 October 2017
<i>Last receipt of information from applicant:</i>	13 October 2017
<i>Statutory due determination date:</i>	27 November 2017

COMMITTEE RECOMMENDATION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for a Dwelling House, made by TLE Coombs, located at 234 Meteor Park Road, Kabra, formally described as Lot 240 on P4050, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer and his employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 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 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 development approval must be undertaken and completed:
- 1.3.1 to Council's satisfaction;
- 1.3.2 at no cost to Council; and
- 1.3.3 prior to the commencement of the use, unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.5.1 Plumbing and Drainage Works; and
- 1.5.2 Building Works.
- 1.6 All Development Permits for Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.7 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.8 All engineering drawings/specifications, design and construction works must be in accordance 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 any condition of this development approval:

Drawing / report title	Prepared by	Date	Reference number	Version / issue
Proposed Development Footprint	Design and Architecture	31 July 2017	SP-002	B

- 2.2 Where there is any conflict between the conditions of this development approval and the details shown on the approved plans and documents, the conditions of this development approval must prevail.

- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of an application for a Development Permit for Building Works.
- 3.0 ACCESS WORKS
- 3.1 Flood height marker(s) must be installed along the existing access at appropriate locations.
- 4.0 PLUMBING AND DRAINAGE WORKS
- 4.1 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act 2008*, *Plumbing and Drainage Act 2002*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 4.2 On-site water supply for domestic and firefighting purposes must be provided and may include the provision of a bore, dams, water storage tanks or a combination of each. The water storage must be easily accessible having regard to pedestrian and vehicular access.
- 4.3 The existing on-site sewerage treatment and disposal system must be adequate for the proposed development. Should the existing on-site sewerage treatment and disposal system not be adequate an upgrade of the system is required. The upgrade must be in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Plumbing and Drainage Policies.
- 4.4 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act 2002* and Council's Plumbing and Drainage Policies.
- 4.5 Any new on-site sewerage treatment and disposal areas must not be located within the existing water course or conflict with the separation distance as detailed within the *Queensland Plumbing and Wastewater Code*.
- 5.0 ROOF AND ALLOTMENT DRAINAGE WORKS
- 5.1 All roof and allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, and sound engineering practice.
- 5.2 All roof and allotment runoff from the development must be discharged such that it must not restrict, impair or change the natural flow of runoff water or cause a nuisance to surrounding land or infrastructure.
- 6.0 SITE WORKS
- 6.1 All earthworks, if required, must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 6.2 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 surrounding land or infrastructure.
- 6.3 All earthworks and site works, if required, must be undertaken in accordance with an Erosion Control and Stormwater Control Management Plan. The plan must be prepared in accordance with the *Capricorn Municipal Design Guidelines*, and be:
- 6.3.1 implemented, monitored and maintained for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped); and

6.3.2 available on-site for inspection by Council Officers whilst all works are being carried out.

7.0 BUILDING WORKS

7.1 A Development Permit for Building Works must be obtained for the removal, demolition or alteration of any existing structure on the development site.

7.2 Any new structures must not be located within the on-site sewerage treatment and disposal area or conflict with the separation distances, in accordance with the *Queensland Plumbing and Wastewater Code*.

8.0 ELECTRICITY

8.1 Electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.

8.2 Evidence that the development is provided with electricity services from the relevant service provider must be provided to Council, prior to the commencement of the use.

9.0 TELECOMMUNICATIONS

9.1 Underground telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service provider.

Note: The *Telecommunications Act 1997* (Cth) specifies where the deployment of optical fibre and the installation of fibre-ready facilities is required.

Note: For telecommunications services, written evidence must be in the form of either a "Telecommunications Infrastructure Provisioning Confirmation" where such services are provided by Telstra or a "Notice of Practical Completion" where such services are provided by the NBN.

9.2 Evidence that the development is provided with telecommunications services from the relevant service provider must be provided to Council, prior to the commencement of the use.

10.0 ASSET MANAGEMENT

10.1 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 undertaken and completed at no cost to Council.

10.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.

11.0 OPERATING PROCEDURES

11.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials or parking of construction machinery or contractors' vehicles must not occur within Neerkol Quarry Road and Meteor Park Road.

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 Partnerships website www.datsip.qld.gov.au.

NOTE 2. Asbestos Removal

Any demolition and/or removal works involving asbestos materials must be undertaken in accordance with the requirements of the *Work Health and Safety Act 2011* and *Public Health Act 2005*.

NOTE 3. 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 development site during all stages of the development including earthworks, construction and operation.

NOTE 4. 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.

NOTE 5. Flood Contingency Plan

The developer must prepare a Flood Contingency Plan for the subject site that addresses but is not limited to the following:

- (a) Evacuation times;
- (b) Evacuation routes;
- (c) Types of vehicles required for evacuation purposes; and
- (d) Details the storage or removal of materials, goods or equipment during times of flood.

It is the responsibility of the owner or occupier of the land to implement to contingency plan during a flood event or if there is a risk of flooding near the land.

Council is not required to approve contingency plans and Council does not accept any liability for loss of or damage to property, or injury or loss of life as a result of any person using or relying on the contingency plan, or failing to use the contingency plan during a flood event.

RECOMMENDATION B

THAT in relation to the application for a Development Permit for a Material Change of Use for a Dwelling House, made by TLE Coombs, located at 234 Meteor Park Road, Kabra, formally described as Lot 240 on P4050, Council resolves not to issue an Infrastructure Charges Notice.

Moved by: Mayor Strelow
Seconded by: Councillor Wickerson

MOTION CARRIED

8.3 DELEGATIONS REPORT FOR SEPTEMBER 2017

File No: 7028
Attachments: Nil
Authorising Officer: Steven Gatt - Manager Planning & Regulatory Services
Cheryl Haughton - Manager Communities and Facilities
Author: Tarnya Fitzgibbon - Coordinator Development Assessment

SUMMARY

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

COMMITTEE RECOMMENDATION

THAT the Delegations Report for September 2017 be received.

Moved by: Councillor Smith
Seconded by: Councillor Wickerson

MOTION CARRIED

8.4 SURVEILLANCE PROGRAM FOR INVASIVE BIOSECURITY MATTER UNDER THE BIOSECURITY ACT 2014**File No:** 143**Attachments:** 1. **Surveillance Program for Invasive Biosecurity Matter under the Biosecurity Act 2014****Authorising Officer:** Steven Gatt - Manager Planning & Regulatory Services**Author:** Catherine Hayes - Coordinator Health and Environment

SUMMARY

This report presents a Surveillance Program for Invasive Biosecurity Matter under the Biosecurity Act 2014 for Council consideration and approval.

COMMITTEE RECOMMENDATION

THAT in accordance with section 235 (2)(b) *Biosecurity Act 2002*, Council by resolution approves the Surveillance Program for Invasive Biosecurity Matter under the *Biosecurity Act 2014*.

Moved by: Councillor Wickerson**Seconded by:** Mayor Strelow**MOTION CARRIED**

9 NOTICES OF MOTION

Nil

UNCONFIRMED

10 URGENT BUSINESS QUESTIONS

UNCONFIRMED

11 CLOSURE OF MEETING

There being no further business the meeting closed at 9:23am.

SIGNATURE

CHAIRPERSON

DATE

UNCONFIRMED