



PLANNING AND REGULATORY COMMITTEE MEETING

MINUTES

3 OCTOBER 2017

These Committee Recommendations contained within these minutes
were adopted at the Council Meeting on 10 October 2017

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**REPORT OF THE PLANNING AND REGULATORY COMMITTEE MEETING
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON
ON TUESDAY, 3 OCTOBER 2017 COMMENCING AT 9.04AM**

1 OPENING**2 PRESENT**

Members Present:

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

In Attendance:

Mr S Gatt – Manager Planning and Regulatory Services (Executive Officer)
Mr E Pardon – Chief Executive Officer
Ms T Fitzgibbon – Coordinator Development Assessment
Mr T Gardiner – Senior Planning Officer
Ms K Talbot – Senior Media Advisor
Ms L Leeder – Senior Governance Support Officer

3 APOLOGIES AND LEAVE OF ABSENCE

Apology – Councillor Neil Fisher

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**COMMITTEE RESOLUTION**

THAT the minutes of the Planning and Regulatory Committee held on 19 September 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

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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: Mayor Strelow
Seconded by: Councillor Wickerson

MOTION CARRIED

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7 PUBLIC FORUMS/DEPUTATIONS

Nil

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8 OFFICERS' REPORTS

8.1 RECONFIGURATION OF LOT INCENTIVES 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

There is an opportunity to introduce an incentive for reconfiguration of a lot approvals, by allowing the developer to pay infrastructure charges on a per lot basis either when the lot is sold or within two years of the approval (whichever is the earlier).

COMMITTEE RECOMMENDATION

THAT Council develop a policy in relation to reconfiguration of lot approvals to allow developers to pay infrastructure charges on a per lot basis either when a lot is sold or within two (2) years, whichever is the earlier.

Moved by: Mayor Strelow
Seconded by: Councillor Smith

MOTION CARRIED

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were adopted at the Council Meeting on 10 October 2017

8.2 D/66-2017 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A DWELLING HOUSE

File No: D/66-2017

Attachments: 1. Locality Plan
2. Site Plan

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Steven Gatt - Manager Planning & Regulatory Services
Cheryl Haughton - Acting General Manager Community Services

Author: Thomas Gardiner - Planning Officer

SUMMARY

Development Application Number: D/66-2017

Applicant: Bob Caton

Real Property Address: Lot 43 on SP133747, Parish of Gracemere

Common Property Address: 121 Boongary Road, Gracemere

Area of Site: Ten (10) Hectares

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Rural Zone

Planning Scheme Overlays: Special Management Area Overlay
Creek Catchment Flood Overlay – Planning Area 1
Creek Catchment Flood Overlay – Planning Area 2
Agricultural Land Classification Overlay

Existing Development: Shed

Existing Approvals: Building Approval for a Shed

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

Level of Assessment: Impact Assessable

Submissions: Nil

Infrastructure Charges Area: Charge Area 3

Application Progress:

<i>Application Lodged:</i>	22 June 2017
<i>Acknowledgment Notice issued:</i>	14 July 2017
<i>Request for Further Information sent:</i>	25 July 2017
<i>Request for Further Information responded to:</i>	3 August 2017
<i>Submission period commenced:</i>	14 August 2017
<i>Submission period end:</i>	4 September 2017

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<i>Council request for additional time:</i>	<i>12 September 2017</i>
<i>Last receipt of information from applicant:</i>	<i>11 September 2017</i>
<i>Statutory due determination date:</i>	<i>31 October 2017</i>

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 Bob Caton located at 121 Boongary Road, Gracemere, described as Lot 43 on SP133747, Parish of Gracemere, 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 subject site is located within the Rural Zone. The proposal for a Dwelling House will not compromise the future intent of the area for uses including primary production, mining and tourism nor will it alienate the productive agricultural capacity of the land.
- b) The proposal is located within the Special Management Area Overlay. Notwithstanding, the site is not located in proximity to any existing industrial development which will not cause any adverse impacts on the health, well-being, amenity and safety of communities and individuals from the impacts of air, light, noise and odour emissions.
- c) The proposed use does not compromise the strategic framework in the *Rockhampton Region Planning Scheme 2015*;
- d) Assessment of the development against the relevant zone purpose, 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
- e) The proposed development does not compromise the relevant State Planning Policy.

RECOMMENDATION B

THAT in relation to the application for a Development Permit for a Material Change of Use for a Dwelling House, made by Bob Caton located at 121 Boongary Road, Gracemere, described as Lot 43 on SP133747, Parish of Gracemere, 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, completed, and be accompanied by a Compliance Certificate for any operation or works required by the development approval.
 - 1.3.1 These Committee Recommendations contained within these minutes were adopted at the Council Meeting on 10 October 2017 to Council's satisfaction;
 - 1.3.2 at no cost to Council; and

1.3.3 prior to the issue of the Certificate of Classification for the Building Works, 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 issue of the Certificate of Classification for the Building Works, 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 Operational Works:

(i) Access Works;

1.5.2 Plumbing and Drainage Works; and

1.5.3 Building Works:

1.6 All Development Permits for Operational Works and 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:

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Site Plan	17.71, Sheet 1 of 1	11 September 2017

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 Operational Works/Building Works.

3.0 ACCESS WORKS

3.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access works on the development site.

3.2 All access works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access works).

3.3 All car parking and access areas must be designed and constructed to Council's satisfaction. Design and construction must be in accordance with the provisions of a Development Permit for Operational Works (access and parking works).

- 3.4 The existing access from Boongary Road to the development must be upgraded to comply with the requirements of the *Capricorn Municipal Development Guidelines*.
- 3.5 All vehicles must ingress and egress the development in a forward gear.
- 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 Adequate domestic and fire-fighting protection must be provided to the development, and must be certified by an hydraulic engineer or other suitably qualified person.
- 4.3 All sanitary drainage works must comply with *Australian Plumbing and Drainage Standard AS3500* Part 2 section 3 and 4 for flood affected areas.
- 4.4 On-site sewerage treatment and disposal must be provided in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Plumbing and Drainage Policies. The on-site sewerage treatment and disposal area must not be located within the 1% A.E.P. (Annual Exceedance Probability) Gracemere Creek flood inundation extents or conflict with the separation distance as detailed with the *Queensland Plumbing and Wastewater Code*.
- 5.0 SITE WORKS
- 5.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 5.2 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.
- 5.3 All site works must be undertaken to ensure that there is:
- 5.3.1 no increase in upstream or downstream flood levels for all levels of immunity up to a one per cent (1%) Annual exceedance probability flood event; and
- 5.3.2 no increase in velocity profiles, for which no remedy exists to prevent erosion and/or scouring. In the event that modelling shows non-compliance with the above, works must be undertaken within the system to satisfy the above criteria for development.
- 6.0 BUILDING WORKS
- 6.1 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*.
- 6.2 The finished floor level for habitable areas (refer to condition 2.1) must be a minimum of 500 millimetres above a one per cent (1%) Annual exceedance probability flood inundation level.
- 6.3 All non-habitable areas subjected to flood inundation during a one per cent (1%) Annual exceedance probability flood event, must be designed and constructed using suitable flood resilient materials.

6.4 All electrical and telecommunication services and utilities connected to the property, including electrical outlets, must be designed and installed at such a height that they are a minimum of 500 millimetres above a one per cent (1%) Annual exceedance probability flood level.

7.0 ELECTRICITY

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

7.2 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.

8.0 TELECOMMUNICATIONS

8.1 Telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service provider. Unless otherwise stipulated by telecommunications legislation at the time of installation, this includes all necessary pits and pipes, and conduits that provide a connection to the telecommunications network.

8.2 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.

9.0 ASSET MANAGEMENT

9.1 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.

9.2 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.

10.0 ENVIRONMENTAL

10.1 An Erosion Control and Stormwater Control Management Plan prepared in accordance with the *Capricorn Municipal Design Guidelines*, must be implemented, monitored and maintained for the duration of the development works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The plan must be available on-site for inspection by Council Officers whilst all works are being carried out.

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 Boongary Road.

These Committee Recommendations contained within these minutes
ADVISORY NOTES

were adopted at the Council Meeting on 10 October 2017

NOTE 1. 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 2. 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 3. Works in Road Reserve Permit

It is advised that a Works in Road Reserve Permit (including a fee for the vehicle crossover and compliant with Standard *Capricorn Municipal Development Guidelines*, Standard Drawings) may be accepted in place of the application for a Development Permit for Operational Works (access works).

NOTE 4. Infrastructure Charges Notice

Council has resolved not to issue an Infrastructure Charges Notice for this development because the new infrastructure charges arising from the development are less than the credits applicable for the new development.

RECOMMENDATION C

THAT in relation to the application for a Development Permit for a Material Change of Use for a Dwelling House, made by Bob Caton located at 121 Boongary Road, Gracemere, described as Lot 43 on SP133747, Parish of Gracemere, Council resolves not to issue an Infrastructure Charges Notice.

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

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were adopted at the Council Meeting on 10 October 2017

9 NOTICES OF MOTION

Nil

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10 URGENT BUSINESS\QUESTIONS

These Committee Recommendations contained within these minutes
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11 CLOSURE OF MEETING

There being no further business the meeting closed at 9:36am.

SIGNATURE

CHAIRPERSON

DATE

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