



# **PLANNING & DEVELOPMENT COMMITTEE MEETING**

## **AGENDA**

**27 JANUARY 2015**

*Your attendance is required at a meeting of the Planning & Development Committee to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 27 January 2015 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 printed name of the Chief Executive Officer.

**CHIEF EXECUTIVE OFFICER**  
20 January 2015

Next Meeting Date: 10.02.15

**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.

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**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

**3 APOLOGIES AND LEAVE OF ABSENCE**

**4 CONFIRMATION OF MINUTES**

Minutes of the Planning & Development Committee held 9 December 2014

**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

**Responsible Officer:** Evan Pardon - Chief Executive Officer

**Author:** Evan Pardon - Chief Executive Officer

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#### **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.*

#### **OFFICER'S RECOMMENDATION**

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

# **BUSINESS OUTSTANDING TABLE FOR PLANNING AND DEVELOPMENT COMMITTEE**

## **Business Outstanding Table for Planning and Development Committee**

**Meeting Date: 27 January 2015**

**Attachment No: 1**

Date	Report Title	Resolution	Responsible Officer	Due Date	Notes
07 October 2014	D/69-2014 - Development Application for Reconfiguring a Lot (three lots into three lots)	That the matter lay on the table pending further discussions to return to the Planning and Development Committee on 11 November 2014.	Alyce McLellan	21/10/2014	
25 November 2014	Enforcement proceedings for development offences	THAT the matter lay on the table pending the outcome of the Flood Study report to return to the Planning and Development Committee in early 2015.	Judith Noland	09/12/2014	



## **7 PUBLIC FORUMS/DEPUTATIONS**

Nil

## 8 OFFICERS' REPORTS

### 8.1 D/122-2014 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A DUPLEX

**File No:** D/122-2014

**Attachments:**

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

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

**Author:** Corina Hibberd - Planning Officer

#### SUMMARY

*Development Application Number:* D/122-2014

*Applicant:* BJ Homes Pty Ltd

*Real Property Address:* Lot 24 on SP239023, Parish of Rockhampton

*Common Property Address:* 100 Alma Lane, Rockhampton City

*Area of Site:* 394 square metres

*Planning Scheme:* Rockhampton City Plan 2005

*Rockhampton City Plan Area:* Central Business District Commercial Area – Precinct 2 – Central Business District Business Services

*Planning Scheme Overlays:* Railway Noise Code Map (Noise affected area 80 metres)

*Existing Development:* Unlawful Duplex

*Existing Approvals:* Building and Plumbing permits for the two dwellings

*Approval Sought:* Development Permit for a Material Change of Use for Duplex

*Level of Assessment:* Impact Assessable

*Submissions:* Nil

*Referral Agency(s):* Department of State Development and Infrastructure Planning (State-controlled Road)

*Adopted Infrastructure Charges Area:* Charge Area 2

*Application Progress:*

<i>Application Lodged:</i>	20 May 2014
<i>Acknowledgment Notice issued:</i>	27 May 2014
<i>Request for Further Information sent:</i>	11 June 2014
<i>Application Revived (lapsed due to non-referral)</i>	1 July 2014
<i>Request for Further Information responded to:</i>	28 October 2014
<i>Submission period commenced:</i>	11 November 2014

<i>Submission period end:</i>	<i>5 December 2014</i>
<i>Council request for additional time:</i>	<i>9 February 2015</i>
<i>Government Agency request for additional time:</i>	<i>Not Applicable</i>
<i>Government Agency Response:</i>	<i>1 August 2014</i>
<i>Last receipt of information from applicant:</i>	<i>9 December 2014</i>
<i>Committee Meeting date:</i>	<i>27 January 2015</i>
<i>Statutory due determination date:</i>	<i>9 February 2015</i>

**OFFICER'S RECOMMENDATION****RECOMMENDATION A**

That in relation to the application for a Development Permit for a Material Change of Use for a Duplex, made by BJ Homes Pty Ltd, on Lot 24 on SP239023, Parish of Rockhampton, located at 100 Alma Lane, Rockhampton, 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 small lot size limits the opportunity for commercial development given that all adjoining small lots are also improved by dwelling houses, and that this development has already been constructed.
- b) There are a number of other residential dwellings located on Little Alma Street and Alma Lane. The lot adjoins existing residential premises which coexist with mixed use residential and commercial uses in the precinct.
- c) The use does not adversely affect the streetscape or the amenity of residential or commercial uses in the vicinity.
- d) Assessment of the development demonstrates that the Planning Scheme's Desired Environmental Outcomes will not be compromised.
- e) Assessment of the development against the relevant planning scheme codes 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.
- f) The proposed development does not compromise the State Planning Policy.

**RECOMMENDATION B**

That in relation to the application for a Development Permit for a Material Change of Use for a Duplex, made by BJ Homes Pty Ltd, on Lot 24 on SP239023, Parish of Rockhampton, located at 100 Alma Lane, Rockhampton, 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 of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of the use, unless otherwise stated.

- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior to the commencement of the use, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.6.1 Operational Works:
- (i) Access Works;
- 1.6.2 Plumbing and Drainage Works; and
- 1.6.3 Building Works (if required).
- 1.7 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.8 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>Plan/Document Number</u>	<u>Dated</u>
Site Plan	2010-0059 Sheet 6 of 6 Rev A	27 October 2014
Floor Plan	2010-0059 Sheet 1 of 6 Rev A	29 June 2010
Elevations	2010-0059 Sheet 2 of 6 Rev A	29 June 2010

- 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 Operational Works.

## 3.0 ACCESS AND PARKING WORKS

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

## 4.0 PLUMBING AND DRAINAGE WORKS

- 4.1 All 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*, *Plumbing and Drainage Act* Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 4.2 The development must be connected to Council's reticulated sewerage and water networks.
- 4.3 The existing sewerage and water connection point(s) must be retained, and

upgraded if necessary, to service the development.

- 4.4 Water meter boxes and sewer connections located within trafficable areas must be raised or lowered to suit the finished surface level and must be provided with heavy duty trafficable lids.
- 4.5 All internal plumbing and sanitary drainage works must be in accordance with regulated work under the *Plumbing and Drainage Act* and Council's Plumbing and Drainage Policies must be completely independent for each unit.
- 4.6 The development must be provided with a master meter at the property boundary and sub-meters for each sole occupancy unit in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Sub-metering Policy.

#### 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 windows facing onto the adjoining residential properties must be properly glazed or screened to not intrude on the privacy of residents.

#### 8.0 LANDSCAPING WORKS

- 8.1 Landscaping, or any part thereof, upon reaching full maturity, must not:
  - (i) obstruct sight visibility zones as defined in the *Austroads 'Guide to Traffic Engineering Practice'* series of publications;
  - (ii) adversely affect any road lighting or public space lighting; or
  - (iii) adversely affect any Council infrastructure, or public utility plant.

#### 9.0 ELECTRICITY AND TELECOMMUNICATIONS

- 9.1 Electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.

#### 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 at full cost to the Developer.
- 10.2 Any damage to existing 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.

**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 site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Little Alma Street and Alma Lane.
- 11.2 Residential waste storage and collection including wheelie bins and recyclable bins are required in accordance with the *Environmental Protection Regulation 2008*.

**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](http://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.

**NOTE 4. 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 5. 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 Guideline Drawings*) may be accepted in place of the Development Permit for Operational Works (access works).

**NOTE 6. 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 Duplex, made by BJ Homes Pty Ltd, on Lot 24 on SP239023, Parish of Rockhampton, located at 100 Alma Lane, Rockhampton, Council resolves to not issue an Infrastructure Charges Notice.

**BACKGROUND**

The development contains an older two bedroom cottage and a new two bedroom house, which is unlawful and has resulted in a compliance investigation. Any residential use in this

precinct is impact assessable and inconsistent with the area intent under the current planning scheme. Furthermore, the applicant amalgamated two lots when constructing the newer dwelling, which has resulted in an unlawful duplex. This is being remedied through this application, which can be supported as a house was recently approved on an adjacent lot.

### **PROPOSAL IN DETAIL**

The proposal is for a duplex, which includes two (2) dwellings (detached) being an original timber cottage, and a newer brick home. Each dwelling has car accommodation with access from Little Alma Street.

### **SITE AND LOCALITY**

The subject site is located in the Rockhampton Central Business District Commercial Area, approximately eighty (80) metres from the City Centre Plaza and approximately 350 metres from the East Street Mall. Measuring 394 square metres in area, the site has frontages to both Alma Lane and Little Alma Lane. The site is bound by residential uses and the two laneways. Generally, the street is characterised by residential uses and small cottages, with some commercial uses at the Fitzroy Street and Archer Street boundaries.

### **PLANNING ASSESSMENT**

#### **MATTERS FOR CONSIDERATION**

This application has been assessed by relevant Council planning, engineering, environmental health, and other technical officers as required. The assessment has been in accordance with the Integrated Development Assessment System provisions of the *Sustainable Planning Act 2009*, based on consideration of the relevant State Planning Policy; State Government guidelines; the Council's Town Planning Scheme, Planning Policies and other general policies and procedures, as well as other documents as considered relevant.

#### **Infrastructure Operations Unit's Comments – 21 May 2014**

Support, subject to condition.

#### **Infrastructure Operations Unit's (sewer and water) Comments – 21 May 2014**

Support, subject to conditions.

#### **Public and Environmental Health Comments – 14 May 2014**

Support, subject to conditions.

### **TOWN PLANNING COMMENTS**

#### **Central Queensland Regional Plan 2013**

The *Central Queensland Regional Plan 2013* is a statutory document which came into effect on 18 October 2013. The development is not required to be assessed against the regional plan if this document is appropriately reflected in the local planning scheme. It is considered that the regional plan is appropriately reflected in the current local planning scheme.

#### **State Planning Policy 2014**

This policy came into effect in July 2014 and replaced all former State Planning Policies. This policy requires development applications to be assessed against its requirements until the identified state interests have been appropriately reflected in the local planning scheme.

#### Liveable communities

Complies. The development complies with the requirements in the State Planning Policy.

#### Mining and extractive resources

Not Applicable. The development is not near or affected by mining or extractive resources.

Biodiversity

Not Applicable. The development does not relate to a matter of State Environmental Significance.

Coastal environment

Not Applicable. The development does not relate to a coastal management area.

Water quality

Not Applicable. The application does not affect receiving waters or the water supply in South East Queensland.

Natural hazard, risk and resilience

Not Applicable. The site is not affected by bushfire hazard, flood hazard or steep land.

Emissions and hazardous activities

Not Applicable. The development is not affected by a hazardous activity as it is in a residential zone.

State transport infrastructure

Not Applicable. The Department of Transport and Main Roads has advised that it has no requirements relating to the application.

Strategic airports and aviation facilities

Not Applicable. The single storey development does not affect a strategic airport.

**Rockhampton City Plan 2005****Rockhampton City Plan Strategic Framework**

This application is situated within the Central Business District designation under Council's Strategic Framework Map. The following Desired Environmental Outcomes, as identified within Chapter 2 of the Rockhampton City Plan 2005 are applicable:

- (1) *Rockhampton continues to consolidate its 'Capital of Central Queensland' role in the region.*

**Complies.** The proposal does not affect the role of Rockhampton being a capital city within the region. The development is not likely to negatively affect any existing commercial operations in the Central Business District.

- (2) *Valuable natural resources are conserved or, where required to support economic growth in Rockhampton, used sustainably.*

**Not Applicable:** The subject site is not within proximity of any significant natural resources considered vital to economic growth within the region.

- (3) *Important natural assets are, as far as is practically possible, retained in a natural state to maximise biodiversity and to maintain their scenic and biological value.*

**Complies:** The proposal will not adversely impact any natural assets.

- (4) *New development in Rockhampton City is designed and managed to minimise adverse impacts on the environment, and biodiversity.*

**Complies:** The proposal does not adversely impact the environment, or the region's biodiversity as the subject site is located within an existing urban area with limited biodiversity values.

- (5) *Commercial and retail development is accommodated in a hierarchy of centres throughout Rockhampton, which provide for a range of services, retail, commercial, entertainment and employment activities.*

**Complies:** Although the proposed development is located within a commercial precinct, the site has previously been used for residential purposes, and is



surrounded by residential uses such as historic cottages, new homes, and some units. The site is 394 square metres in area and adjoined by dwelling houses, therefore any commercial development would be limited by the small lot size and would not likely meet the requirements in the applicable codes. A duplex is an appropriate use for this site.

- (6) *Rockhampton's commercial centres are safe, attractive and readily accessible spaces for all members of the community.*

**Complies:** The proposed house is located in a commercial precinct, however the street is generally residential in nature, typically comprised of small lot houses. Nevertheless, the development allows for casual surveillance and does not emit high levels of noise, light or pollution.

- (7) *Rockhampton's industrial development is consolidated in identified industrial locations throughout the City.*

**Not Applicable:** The proposal does not relate to industrial development.

- (8) *Rockhampton's cultural and urban heritage, both indigenous and post European, is retained and conserved for future generations.*

**Complies:** Council is not aware of any cultural or urban heritage at this site. The proposal has been designed with some character elements to compliment the surrounding cottages.

- (9) *Residential communities are attractive places to live, providing a range of housing types at different densities that positively contributes to the built environment, satisfies the needs of all members of the community in terms of life stages, lifestyle choices and affordability, are free from incompatible development and have access to a range of compatible urban services and facilities.*

**Complies.** Although the lot is only 394 square metres in area, the proposal provides two courtyard private open spaces as well as sufficient car parking for both dwellings. The dwellings are both constructed and are aesthetically sound. The site is in an excellent location for accessibility to shopping centres, health care and public transport.

- (10) *Rockhampton's important community uses and health care facilities are provided and maintained where they are readily accessible to all members of the community.*

**Not Applicable:** The proposal does not include any current or future community uses or health care facilities.

- (11) *New residential land subdivision and development occurs in identified areas within the City where environmentally valuable features are retained and protected, and urban services, recreational opportunities and parks are provided, along with a range of allotment sizes.*

**Not Applicable:** The proposal does not involve residential subdivision, nor will it impact on environmentally valuable features within Rockhampton.

- (12) *Infrastructure is provided and augmented in a sequenced manner in Rockhampton, resulting in appropriate, efficient, affordable, reliable, timely and lasting infrastructure provision that is not compromised by new development and is sensitive to the environment.*

**Complies:** The subject site is connected to all standard urban infrastructure services.

- (13) *Safe, accessible, efficient and convenient transport systems are provided in Rockhampton.*

**Complies:** The proposal does not include and will not impact upon any transport systems. The Department of Transport and Main Roads do not have any requirements for this development.

- (14) *Readily accessible and safe Open Space and facilities for active and passive recreational purposes are accommodated within Rockhampton City.*

**Not Applicable:** The proposal does not form part of, nor compromise any future, open space and associated facilities.

The performance assessment of the proposal demonstrates that the development will not compromise the Rockhampton City Plan Desired Environmental Outcomes.

### **Central Business District Commercial Area Intent**

#### **Precinct 2 – Central Business District Business Services**

The subject site is situated within Precinct 2 of the Central Business District Commercial Area under the *Rockhampton City Plan 2005*. The intent of this precinct identifies that: -

*It is intended that the Central Business District Business Services Precinct will develop as the primary office/administration area of the Central Business District Commercial Area, and of Rockhampton and the region, particularly accommodating medium and large scale commercial premises (office activities) defined developments. It is also intended that this Precinct will contain a range of accommodation types, particularly for tourists, but also for permanent residents, educational uses, and limited low impact industrial development.*

*Whilst accommodation for both tourists and permanent residents is encouraged in this Precinct, it should be part of a mixed-use development, where convenience retail uses such as a newsagency, chemist, bakery, etc. are provided at ground floor level, along with takeaway food stores, restaurants, and/or cafés.*

The proposed use cannot be considered a consistent use within the Central Business District Commercial Area – Precinct 2 as it does not form part of a mixed-use development. In response to the above, pursuant to Section 326(1)(b) of the *Sustainable Planning Act 2009*, the assessment manager's decision may conflict with the Planning Scheme if there are sufficient grounds to justify the decision despite the conflict. In this instance it is considered that there are sufficient grounds, which are summarised as follows:

- a) The small lot size limits the opportunity for commercial development given that all adjoining small lots are also improved by dwelling houses, and that this development has already been constructed.
- b) There are a number of other residential dwellings located on Little Alma Street and Alma Lane. The lot adjoins existing residential premises which coexist with mixed use residential and commercial uses in the precinct.
- c) The use does not adversely affect the streetscape or the amenity of residential or commercial uses in the vicinity.
- d) Assessment of the development demonstrates that the Planning Scheme's Desired Environmental Outcomes will not be compromised.
- e) Assessment of the development against the relevant planning scheme codes 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.
- f) The proposed development does not compromise the State Planning Policy.

Having regard to all of the above, it is recommended Council, from a land use perspective, consider the proposed development favourably as, pursuant to Section 326(1)(b) of *Sustainable Planning Act 2009*, there are considered to be sufficient grounds to justify a decision that favours the alternative land use proposed herein and the development is capable of occurring in a manner that is not likely to conflict with Council's Desired Environmental Outcomes.

## Rockhampton City Plan Codes

The following primary and secondary codes apply to this application:

- Multi Unit Dwelling, Accommodation Building and Duplex Code
- City Centre Code;
- Landscape Code
- Crime Prevention Through Environmental Design Code; and
- Parking and Access Code.

An assessment has been made against the requirement of the abovementioned codes and the proposed development generally complies with the relevant Performance Criteria and Acceptable Solutions. An assessment of the Performance Criteria which the application is in conflict with, is outlined below:

<b>Multi Unit Dwelling, Accommodation Building and Duplex Code</b>		
<b>Performance Criteria</b>		<b>Officer's Response</b>
P1	The density of the development is consistent with the scale and density of development expected and intended for an Area.	<b>Justified.</b> A duplex is not a consistent use in this precinct, however, the lot is surrounded by residential uses, and the lot was previously two (2) residential lots before being amalgamated in recent years. Although it is a commercial precinct, a commercial use would not be expected to establish in between existing houses or on a lot that contains an existing residential use.
P2	The building bulk and scale of a development delivers a density of development that is consistent with that intended for the area and prevents the appearance and impacts associated with an overdevelopment of a site, a streetscape or an Area.	<b>Justified.</b> It is intended that a residential use should not exceed fifty percent (50%) site cover, however the City Centre Code allows for sixty percent (60%). The site area of the two dwellings is 217 square metres which is approximately fifty-five percent (55%) site cover. Due to the lot being a small lot, this can be considered as an appropriate site cover for the development.
P15	Within a development; (a) Vehicle access is safe and convenient for residents and visitors; and (b) Parking spaces are provided in accordance with residents and visitor's needs; and (c) Consideration of off street parking numbers includes: (A) the number and type of dwelling units proposed; (B) the availability of kerb side parking; (C) local traffic or parking management; and (D) the target market for the dwelling units.	<b>Justified.</b> The original cottage has sufficient room for two (2) cars to park on site, however does not provide any covered spaces due to the original site layout. There is no restriction that they cannot add a carport to the house, however it is considered that this arrangement is sufficient for this specific development. The newer dwelling has one covered space and one uncovered space for a second vehicle on site.

City Centre Code		
Performance Criteria		Officer's Response
P1	Commercial uses are established in the appropriate precincts defined for the City Centre; (a) to create precincts that have a clear role and identity; and (b) to reduce the fragmentation of commercial activity within the City Centre, and (c) to strengthen the role and functions of the City Centre.	<b>Justified.</b> There are a number of other residential dwellings located on Little Alma Street and Alma Lane. The lot adjoins existing residential premises which coexist with mixed use residential and commercial uses in the precinct.  The development will not detract from the role of the City Centre and there is sufficient land and vacant buildings throughout the city and this precinct to accommodate commercial uses.

Parking and Access Code		
Performance Criteria		Officer's Response
P6	An adequate number of car parking spaces are provided on the site to service the use having regard to the existing use of the site and buildings on the site proposed to be re-used.	<b>Justified.</b> Each dwelling of the duplex has sufficient space for two (2) cars to park on-site, however the original cottage does not have a covered car space. It is considered that this arrangement is sufficient for this specific development.

Based on a performance assessment of the above mentioned codes, it is determined that the proposal is acceptable and generally complies with the relevant Performance Criteria and where there is deviation from the codes, sufficient justification has been provided.

### SUFFICIENT GROUNDS

The proposed development cannot be considered consistent with the *Rockhampton City Plan 2005*. Council should note, however, that pursuant to Section 326(1)(b) of the *Sustainable Planning Act 2009*, the assessment manager's decision may conflict with the planning scheme if there are sufficient grounds to justify the decision despite the conflict. Sufficient grounds to support the development are as follows:

- The small lot size limits the opportunity for commercial development given that all adjoining small lots are also improved by dwelling houses, and that this development has already been constructed.
- There are a number of other residential dwellings located on Little Alma Street and Alma Lane. The lot adjoins existing residential premises which coexist with mixed use residential and commercial uses in the precinct.
- The use does not adversely affect the streetscape or the amenity of residential or commercial uses in the vicinity.
- Assessment of the development demonstrates that the Planning Scheme's Desired Environmental Outcomes will not be compromised.
- Assessment of the development against the relevant planning scheme codes 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.
- The proposed development does not compromise the State Planning Policy.

Having regard to all of the above, it is recommended Council, from a land use perspective, consider the proposed development favourably as there are considered to be sufficient grounds to justify a decision that favours the alternative land uses proposed herein.

### INFRASTRUCTURE CHARGES

Adopted Infrastructure Charges Resolution (No. 4) 2014 for residential development applies to the application and it falls within Charge Area 2. The Infrastructure Charges are as follows:

Column 1 Use Schedule	Column 2 Charge Area	Column 3 Adopted Infrastructure Charge for residential development (\$/dwelling unit)	Column 4 Unit	Calculated Charge
		1 or 2 bedroom dwelling		
Residential	Area 2	8,500	per dwelling	17,000.00
Total				
Less credit				24,000.00
<b>TOTAL CHARGE</b>				<b>\$0.00</b>

This is based on the following calculations:

- (a) A charge of \$8,500.00 for two (2) dwellings each with two (2) bedrooms;
- (b) An Infrastructure Credit of \$24,000.00 made up of a lot credit of \$12,000.000 for each lot (which were amalgamated recently).

Therefore, no charge is payable and there is a lot credit of \$7,000.00 remaining on the lot. An Infrastructure Charges Notice will not be issued.

### CONSULTATION

The proposal was the subject of public notification between 11 November 2014 and 5 December 2014, as per the requirements of the *Sustainable Planning Act 2009*, and no submissions were received.

### REFERRALS

The Application triggered referral to the Department of State Development and Infrastructure Planning as the site is proximal to Fitzroy Street being a State-controlled Road. The Department provided comment that there are no requirements for this development.

### CONCLUSION

It is recognised that the proposal is not a consistent use within the *Central Business District Commercial Area – Precinct 2 (Commercial Precinct - Central Business District Business Services)* under the *Rockhampton City Plan 2005*. However, the assessment of this application concludes that the proposed development, subject to conditions, is not likely to conflict with the Planning Scheme's Desired Environmental Outcomes. As demonstrated in the above report, the proposal is generally consistent with the code requirements prescribed by the planning scheme and the use will not compromise the intent of the area or the viability of surrounding uses, where a high number of residential uses exist. It is located on a site which is suited to the development and which is accessible to all relevant services.

The proposal is therefore recommended for approval.

# **D/122-2014 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A DUPLEX**

## **Locality Plan**

**Meeting Date: 27 January 2015**

**Attachment No: 1**





**D/122-2014 DEVELOPMENT  
APPLICATION FOR A MATERIAL  
CHANGE OF USE FOR A DUPLEX**

**Site Plan**

**Meeting Date: 27 January 2015**

**Attachment No: 2**



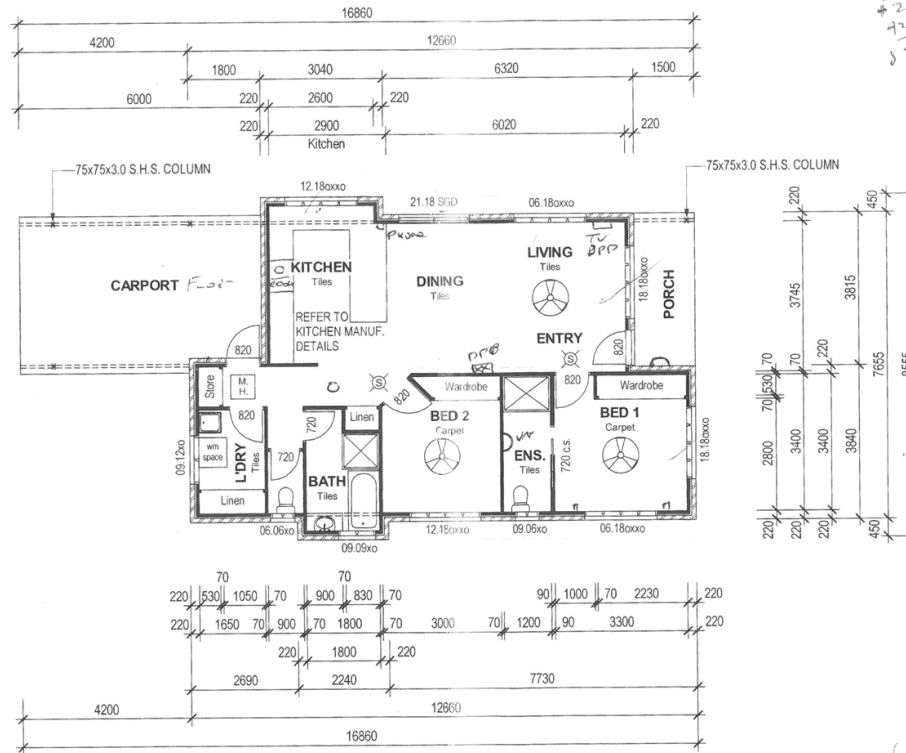


**D/122-2014 DEVELOPMENT  
APPLICATION FOR A MATERIAL  
CHANGE OF USE FOR A DUPLEX**

**Floor Plan**

**Meeting Date: 27 January 2015**

**Attachment No: 3**



FLOOR AREA	
Lockable	87.18 m <sup>2</sup>
Carport	22.85 m <sup>2</sup>
Porch	5.72 m <sup>2</sup>
Grand total	115.75 m <sup>2</sup>



PROPOSED DWELLING  
FOR  
E. R. ESGUERRA  
LOT-20  
ALMA LANE  
ROCKHAMPTON

building designers  
association of  
queensland inc.  
MEMBER

David Mills  
Lic. No. 61700  
Lic. under  
QBSA Act 1991

**ROCKHAMPTON  
DRAFTING  
SERVICES**  
David Mills  
Lic. No. 61700  
Lic. under  
QBSA Act 1991  
PHONE: (07) 49267111 FAX: (07) 49267122  
199 HONOUR ST, NORTH ROCKHAMPTON

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DATE:-	29/06/2010	PROJECT NUMBER	2010-0059
SIGNED		SHEET 1 OF 6 SHEETS	

FLOOR PLAN

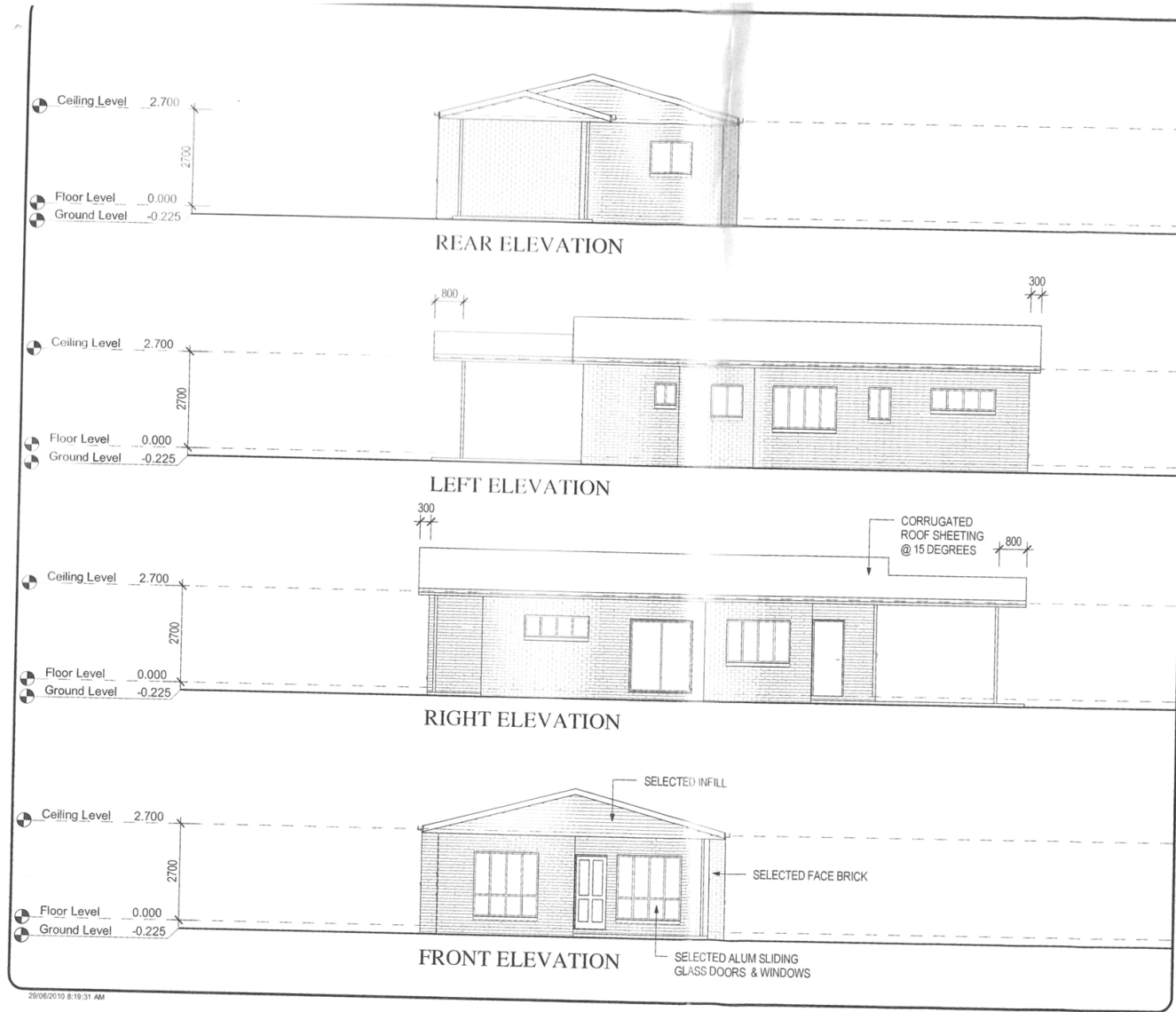
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# **D/122-2014 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A DUPLEX**

## **Elevations**

**Meeting Date: 27 January 2015**

**Attachment No: 4**



**PROPOSED DWELLING**  
FOR  
**E. R. ESGUERRA**  
**LOT-20**  
**ALMA LANE**  
**ROCKHAMPTON**

**building designers**  
association of  
queensland inc.  
MEMBER

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**ROCKHAMPTON**  
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CHECKED:-	D.M.	SHEET SIZE:-	A3 REV:- A
DATE:-	29/06/2010	PROJECT NUMBER	
SIGNED		<b>2010-0059</b>	
		SHEET 2 OF 6 SHEETS	

## 8.2 D/159-2014 DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT (ONE LOT INTO TWO LOTS)

**File No:** D/159-2014

**Attachments:** 1. Locality Plan  
2. Site Plan

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

**Author:** Corina Hibberd - Planning Officer

### SUMMARY

*Development Application Number:* D/159-2014

*Applicant:* Hanz John Barth

*Real Property Address:* Lot 5 on RP605717, Parish of Archer

*Common Property Address:* 178 Dean Street, Berserker

*Area of Site:* 1,212 square metres

*Planning Scheme:* Rockhampton City Plan 2005

*Rockhampton City Plan Area:* Frenchville Residential Area

*Planning Scheme Overlays:* Nil

*Existing Development:* Dwelling House

*Existing Approvals:* Material Change of Use for a Duplex

*Approval Sought:* Development Permit for Reconfiguring a Lot (one lot into two lots)

*Level of Assessment:* Impact Assessable

*Submissions:* One (properly made)

*Referral Agency(s):* Not Applicable

*Adopted Infrastructure Charges Area:* Charge Area One

*Application Progress:*

<i>Application Lodged:</i>	25 June 2014
<i>Acknowledgment Notice issued:</i>	3 July 2014
<i>Request for Further Information sent:</i>	17 July 2014
<i>Request for Further Information responded to:</i>	10 October 2014
<i>Submission period commenced:</i>	29 October 2014
<i>Submission period end:</i>	21 November 2014
<i>Council request for additional time:</i>	29 January 2015
<i>Last receipt of information from applicant:</i>	24 November 2014
<i>Committee Meeting date:</i>	27 January 2015
<i>Statutory due determination date:</i>	29 January 2015

**OFFICER'S RECOMMENDATION****RECOMMENDATION A**

That in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into two lots), made by Hanz John Barth, on Lot 5 on RP605717, Parish of Archer, located at 178 Dean Street, Berserker, 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 of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the issue of the Compliance Certificate for the Survey Plan, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior, to the issue of the Compliance Certificate for the Survey Plan, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
  - 1.6.1 Operational Works:
    - (i) Access Works;
- 1.7 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.8 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.
- 1.9 Easement A must be registered as an 'Access and Service Easement'. Easement documents must accompany the plan for endorsement by Council, prior to the issue of the Compliance Certificate for the Survey Plan.

**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>Plan/Document Reference</u>	<u>Dated</u>
Proposed Reconfiguration of a Lot	5083 PROP Rev2	7 October 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 approval by Council prior to the issue of the Compliance Certificate for the Survey Plan.

### 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 site.
- 3.2 All 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 A minimum 5.5 metre wide concrete driveway must be constructed in accordance with the approved plans (refer to condition 2.1) from Dean Street to proposed lot 2, except the length beside the existing house, where it must be minimum three (3) metres wide.

### 4.0 SEWERAGE WORKS

- 4.1 All 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* and *Plumbing and Drainage Act*.
- 4.2 All lots within the development must be connected to Council's reticulated sewerage network.
- 4.3 The existing sewerage connection point located within the proposed Lot 1 must be retained to service Lot 1. A new sewerage connection point must be provided for proposed Lot 2 from the existing reticulated sewerage network located within proposed Lot 1.
- 4.4 Easements must be provided over all sewerage infrastructure located within private property. The easement location(s) and width(s) must be in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.

### 5.0 WATER WORKS

- 5.1 All 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* and *Plumbing and Drainage Act*.
- 5.2 All lots within the development must be connected to Council's reticulated water network.
- 5.3 The existing water connection point located within the proposed Lot 1 must be retained to service Lot 1. A new water connection point must be provided for proposed Lot 2 from the existing reticulated water network located within the Dean Street road reserve.

### 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 The existing shed as reflected on the approved plans (refer to condition 2.1), must be demolished.

### 8.0 ELECTRICITY AND TELECOMMUNICATIONS

- 8.1 Electricity and telecommunication connections must be provided to each lot within the proposed development to the standards of the relevant authorities.
- 8.2 Evidence must be provided of a certificate of supply with the relevant service providers to provide each lot with live electricity and telecommunication connections, in accordance with the requirements of the relevant authorities prior to the issue of the Compliance Certificate for the Survey Plan.



**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 at full cost to the Developer.
- 9.2 Any damage to existing 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.
- 9.3 'As constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the issue of the Compliance Certificate for the Survey Plan. This information must be provided in accordance with the Manual for Submission of Digital as Constructed Information.

**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 Dean Street or Elphinstone Street.

**ADVISORY NOTES****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 property 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. Infrastructure Charges Notice**

This application is subject to infrastructure contributions in accordance with Council policies. The contributions are presented on an Infrastructure Charges Notice.

**NOTE 4. 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 Guideline* Drawings) may be accepted in place of the Development Permit for Operational Works (access works).

**RECOMMENDATION B**

That in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into two lots), made by Hanz John Barth, on Lot 5 on RP605717, Parish of Archer, located at 178 Dean Street, Berserker, Council resolves to issue an Infrastructure Charges Notice for the amount of \$21,000.00.

**BACKGROUND****PROPOSAL IN DETAIL**

The proposal is for Reconfiguring a Lot (one lot into two lots) to create two lots, being:

- a. Lot 1 at the front of the site with an area of 497 square metres (excluding the access easement) and containing the existing house; and
- b. Lot 2, a hatchet rear lot with an area of 568 square metres.

Lot 1 will contain the access easement to Lot 2, with an area of 147 square metres and a width varying from six (6) metres which then reduces down to 4.5 metres past the house and widens back to six (6) metres again. Any future house on the hatchet allotment will be exempt and not require a town planning approval.

**SITE AND LOCALITY**

The subject site is a large residential site in Frenchville with excellent access to urban services. The site is currently improved by a single dwelling house and some larger trees toward the rear of the site. The site has a gentle slope and does not contain any significant vegetation. The area is characterised by older houses and is within 400 metres to the Elphinstone Street Commercial Precinct.

**PLANNING ASSESSMENT****MATTERS FOR CONSIDERATION**

This application has been assessed by relevant Council planning, engineering, environmental health, and other technical officers as required. The assessment has been in accordance with the Integrated Development Assessment System provisions of the *Sustainable Planning Act 2009*, based on consideration of the relevant State Planning Policy; State Government guidelines; the Council's Town Planning Scheme, Planning Policies and other general policies and procedures, as well as other documents as considered relevant.

**Infrastructure Operations Unit's Comments – 21 October 2014**

Support, subject to conditions .

**Infrastructure Operations Unit's (sewer and water) Comments – 2 July 2014**

Support, subject to conditions.

**TOWN PLANNING COMMENTS****Central Queensland Regional Plan 2013**

The *Central Queensland Regional Plan 2013* is a statutory document which came into effect on 18 October 2013. The development is not required to be assessed against the regional plan if this document is appropriately reflected in the local planning scheme. It is considered that the regional plan is appropriately reflected in the current local planning scheme.

**State Planning Policy 2014**

This policy came into effect in July 2014 and replaced all former State Planning Policies. This policy requires development applications to be assessed against its requirements until the identified state interests have been appropriately reflected in the local planning scheme.

**Liveable communities**

Not Applicable. The development complies with the requirements in the State Planning Policy.

**Mining and extractive resources**

Not Applicable. The development is not near or affected by mining or extractive resources.

Biodiversity

Not Applicable. The development does not relate to a matter of State Environmental Significance.

Coastal environment

Not Applicable. The development does not relate to a coastal management area.

Water quality

Not Applicable. The application does not affect receiving waters or the water supply in South East Queensland.

Natural hazard, risk and resilience

Not Applicable. The site is not affected by bushfire hazard, flood hazard or steep land.

Emissions and hazardous activities

Not Applicable. The development is not affected by a hazardous activity as it is in a residential zone.

State transport infrastructure

Not Applicable. The development is not within 400 metres of a public passenger transport facility.

Strategic airports and aviation facilities

Not Applicable. The single storey development does not affect a strategic airport.

**Rockhampton City Plan 2005****Frenchville Residential Area Intent**

The subject site is situated within the Frenchville Residential Area under the *Rockhampton City Plan 2005*. The intent of the Area identifies that: -

*"It is intended that the Frenchville Residential Area will retain a residential character, dominated by houses on individual allotments. More intense forms of residential development, such as multi-unit dwelling development, is inconsistent with the intent for the Area, however, duplex development is compatible, as long as it does not dominate, and does not compromise the primary residential character of the Area, which is houses on individual allotments. This application is consistent with the intent of the Area."*

**Rockhampton City Plan Codes**

The following codes are applicable to this application: -

- Reconfiguration of Lot Code

An assessment has been made against the requirement of the abovementioned codes and the proposed development generally complies with the relevant Performance Criteria and Acceptable Solutions. An assessment of the Performance Criteria which the application is in conflict with, is outlined below:

Reconfiguring a Lot Code		
Performance Criteria		Officer's Response
P9	Lots are of an area and dimension that provides for; (a) the efficient development of land for its intended use; and (b) on site services and/or facilities such as septic trenches, private open space; vehicle garages, fire fighting water supplies, etc; and	<b>Justified.</b> The minimum lot size for this Area is 300 square metres, however a hatchet allotment is required to have a lot size of at least 800 square metres. In this instance, a hatchet allotment is the only suitable subdivision option for this lot, and is arranged to create sufficient area

	<p>(c) good accessibility with road reserve wide enough to provide that degree of accessibility; and</p> <p>(d) the accommodation of a building location envelope.</p>	<p>for both the existing and future dwelling to have a similar sized yard, approximately 500 square metres or greater.</p> <p>It is not desirable nor practicable for the subject land and adjoining land to be otherwise reconfigured; the siting of buildings on a proposed hatchet allotment will in the opinion of the Council not be detrimental to the amenity of the area and the existing premises in the area will not have a detrimental effect on buildings to be sited on the proposed hatchet allotments.</p>
--	--	--

Based on a performance assessment of the above mentioned codes, it is determined that the proposal is acceptable and generally complies with the relevant Performance Criteria and where there is deviation from the codes, sufficient justification has been provided.

### INFRASTRUCTURE CHARGES

Adopted Infrastructure Charges Resolution (No. 4) 2014 for Reconfiguring a Lot applies to the application and it falls within Charge Area 1. The Infrastructure Charges are as follows:

Column 1 Charge Area	Column 2 Infrastructure Charge (\$/lot)	Column 3 Unit	Calculated Charge
Charge Area 1	21,000	per lot	42,000.00
Total			42,000.00
Less credit			21,000.00
<b>TOTAL CHARGE</b>			<b>\$21,000.00</b>

This is based on the following calculations:

- (a) A charge of \$42,000.00 for two (2) lots;
- (b) An Infrastructure Credit of \$21,000.00 for the existing lot.

Therefore, a total charge of \$21,000.00 is payable and will be reflected in an Infrastructure Charges Notice for the development.

### CONSULTATION

The proposal was the subject of public notification between 29 October 2014 and 21 November 2014, as per the requirements of the *Sustainable Planning Act 2009*, and one (1) properly made submission was received.

The following is a summary of the submission lodged, with Council officer comments:

Issue	Officer's Response
That fact that properties are able to be subdivided in this area when there are already enough houses, with new house blocks already developed.	Under the <i>Rockhampton City Plan 2005</i> minimum lot sizes are prescribed for lots throughout the region. While there are new housing developments, the owner retains the right to develop his property. The

Issue	Officer's Response
	development is generally consistent with the Reconfiguring a Lot Code. Furthermore, there is an existing development approval for a duplex over this lot which is also considered consistent and would not require public notification under the current scheme.
The fact that a house may be built on the proposed lot was left off the application.	The application is for a subdivision only. Once a new lot is created, a house is exempt from requiring a town planning permit in this area and therefore was not included in the application.

**REFERRALS**

Nil

**CONCLUSION**

The application for Reconfiguring a Lot (one lot into two lots) is consistent with the intent of the Frenchville Residential Area. As demonstrated above, the proposal is also considered to be generally compliant with the relevant codes. Therefore, the application is recommended for approval subject to the conditions outlined in the recommendation.

**D/159-2014 DEVELOPMENT  
APPLICATION FOR RECONFIGURING  
A LOT (ONE LOT INTO TWO LOTS)**

**Locality Plan**

**Meeting Date: 27 January 2015**

**Attachment No: 1**





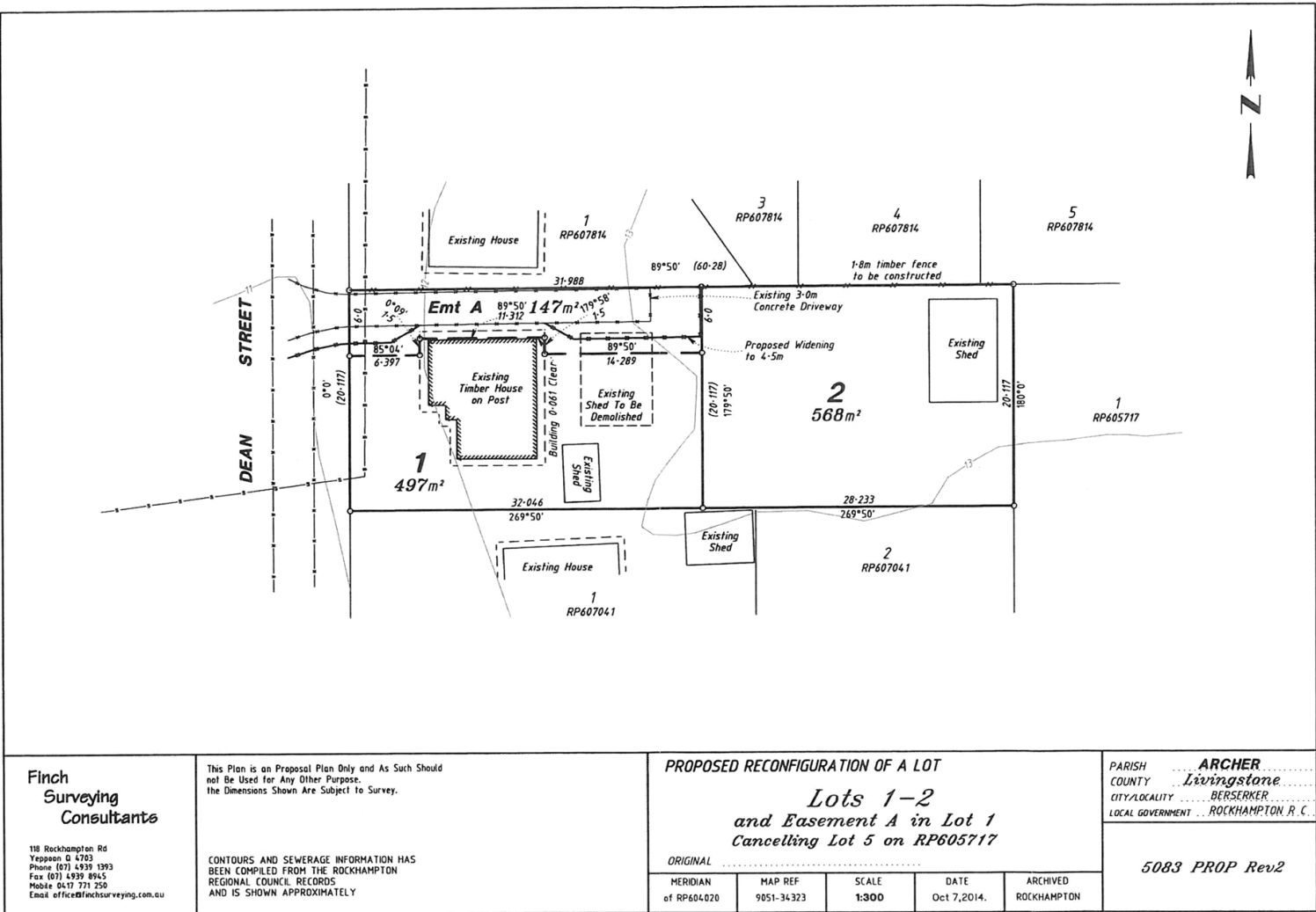
**D/159-2014 DEVELOPMENT  
APPLICATION FOR RECONFIGURING  
A LOT (ONE LOT INTO TWO LOTS)**

**Site Plan**

**Meeting Date: 27 January 2015**

**Attachment No: 2**





## 9 STRATEGIC REPORTS

### 9.1 PLANNING SECTION - NOVEMBER MONTHLY OPERATIONS REPORT

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

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#### SUMMARY

*The monthly operations report for the Planning Section (Development Assessment, Strategic Planning and Building Compliance) as at 30 November 2014 is presented for Councillors information.*

#### OFFICER'S RECOMMENDATION

THAT the Planning Section (Development Assessment, Strategic Planning and Building Compliance) report for November 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.

#### Development Assessment

The DA team performed well in November meeting all targets except for decisions. There were four applications for operational works that were decided a day or so outside of the decision making period. The decision notices for these applications were sent out on the day they were decided. The DA team continued to bring itself up to speed with the proposed planning legislation and identified flaws in the proposed system and possible solutions to overcome the flaws.

#### Strategic Planning

The team continued to workshop with Councillors issues raised by the community during formal public consultation for the proposed planning scheme. A final workshop scheduled for 20 January will provide a further opportunity for Councillors to clarify or change the draft responses prior to formal consideration of the responses and proposed changes at a Council meeting on 27 January. If Council formally adopts the changes and proposed responses the planning scheme will be updated and submitted for final review by the State during February. An individual response will be sent to each submitter during February. The announced date of the election should mean the election does not impede the progress of the State review to any great extent. The nominal period allowed for the review in the Statutory guideline for making and amending local planning instruments is 40 business days. Experience has been that this does vary quite a bit and is rarely shorter.

#### CONCLUSION

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

# **PLANNING SECTION - NOVEMBER MONTHLY OPERATIONS REPORT**

## **Monthly Report**

**Meeting Date: 27 January 2015**

**Attachment No: 1**

**MONTHLY OPERATIONS REPORT**  
**PLANNING SECTION**  
**Period Ended November 2014**

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**VARIATIONS, ISSUES AND INNOVATIONS**

***Innovations***

*Currently working with CBD stakeholders to develop discussion document re options for formation of CBD Association. Anticipated consideration by broader CBD community first quarter of 2015. Coordinating internally on scoping for consultant to assist with Quay/Victoria Parade/riverfront master planning.*

***Improvements / Deterioration in Levels of Services or Cost Drivers***

*Nil.*

## LINKAGES TO OPERATIONAL PLAN

### 1. COMPLIANCE WITH CUSTOMER SERVICE REQUESTS

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

	Balance B/F	Completed in Current Mth	Current Month NEW Requests		TOTAL INCOMPLETE REQUESTS BALANCE	Under Long Term Investigation	Completion Standard (days)	Avg Completion Time (days) Current Mth	Avg Completion Time (days) 6 Months	Avg Completion Time (days) 12 Months	Avg Duration (days) 12 Months (complete and incomplete)
			Received	Completed							
Building Enquiry - General Info/Admin etc	67	5	41	24	79	0	5	● 1.54	● 3.93	● 7.44	2.48
Other Building Compliant Issue	45	1	10	3	51	0	1	● 6.67	● 12.00	● 32.39	11.87
Planning Compliance Request/Enquiry	88	7	9	3	87	0	45	● 0.67	● 8.79	● 19.05	14.82
Duty Planner (New Enquiry)	4	4	156	149	7	1	1	● 0.39	● 0.35	● 0.51	0.29
Telephone Enquiry (Existing Application/Call Back)	5	4	46	44	3	0	1	● 0.57	● 0.75	● 0.78	0.54
Plumbing Issues General	57	2	5	2	58	0	5	● 5.00	● 4.69	● 7.24	4.15
Strategic Planning Development Certificates	0	0	63	62	1	0	3	● 2.39	● 2.08	● 4.36	4.22

### *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		
	Oct	Nov	Dec
<b>Number of Lost Time Injuries</b>	0	0	
<b>Number of Days Lost Due to Injury</b>	0	0	
<b>Total Number of Incidents Reported</b>	0	0	
<b>Number of Incomplete Hazard Inspections</b>	0	0	

### ***Risk Management Summary***

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

**Please Note:** The risks listed below are 'what if' scenarios and do not necessarily reflect what has occurred.

Potential 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.	N/A	10%	Very long term to resolve
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.	High 4	Monitor and respond when and as appropriate	N/A	50%	Ongoing issues

Potential Risk	Current Risk Rating	Future Control & Risk Treatment Plans	Due Date	% Completed	Comments
increased rates.					
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	90%	
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	50%	Difficult for regional councils to keep up with additional demand created by state mandates
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 Councilors re purpose for inclusion and impacts.	31/12/2015	80%	Largely addressed through new planning scheme

### **Legislative Compliance & Standards**

Legislative Compliance Matter	Due Date	% Completed	Comments
Outdated employee immunisations, tickets, and/or licenses	Various	100%	
Outdated legislative compliance mandatory training and/or qualifications	Various	100%	
Overdue performance reviews	Various	100%	

### 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	This project is a large operational plan that spans over several years

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

Service Delivery Standard	Target	Current Performance
<b>Development Assessment</b>		
Applications received: 21		
Applications decided: 33		
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%	85%
Decision notices are issued within 5 business days of the decision being made	100%	100%
<b>Building</b>		
Applications received: 38		
Applications decided: 13		
Building Approvals - Decisions are made within 20 business day timeframe	100%	85%
<b>Plumbing</b>		
Applications received: 30		
Applications decided: 31		
Compliance request are decided within 20 business day timeframe	100%	100%
<b>Strategic Planning</b>		
Property Search – Planning and Development certificate sent out within timeframes required under SPA	100%	100%



## FINANCIAL MATTERS

	Adopted Budget \$	Adopted Budget (Pro Rata YTD) \$	YTD Actual \$	YTD Commit + Actual \$
<b>PLANNING</b>				
<b>Strategic Planning</b>				
1 - Revenues	(151,500)	(63,125)	(31,722)	(31,722)
2 - Expenses	1,175,820	489,925	491,091	495,692
3 - Transfer / Overhead Allocation	32,288	13,453	3,198	3,198
<b>Total Unit: Strategic Planning</b>	<b>1,056,608</b>	<b>440,253</b>	<b>462,567</b>	<b>467,168</b>
<b>Development Compliance</b>				
1 - Revenues	(1,333,929)	(555,804)	(422,062)	(419,061)
2 - Expenses	1,279,980	533,325	351,635	385,174
3 - Transfer / Overhead Allocation	145,629	60,679	36,032	36,032
<b>Total Unit: Development Compliance</b>	<b>91,680</b>	<b>38,200</b>	<b>(34,394)</b>	<b>2,145</b>
<b>Land Use</b>				
2 - Expenses	715,679	298,199	176,909	181,853
3 - Transfer / Overhead Allocation	0	0	338	338
<b>Total Unit: Land Use</b>	<b>715,679</b>	<b>298,199</b>	<b>177,247</b>	<b>182,191</b>
<b>Development Assessment</b>				
1 - Revenues	(2,150,500)	(896,042)	(647,574)	(647,574)
2 - Expenses	1,593,539	663,975	732,146	757,824
3 - Transfer / Overhead Allocation	34,850	14,521	12,110	12,110
<b>Total Unit: Development Assessment</b>	<b>(522,111)</b>	<b>(217,546)</b>	<b>96,682</b>	<b>122,360</b>
<b>Grand Total:</b>	<b>1,341,855</b>	<b>559,106</b>	<b>702,101</b>	<b>773,864</b>

**9.2 PLANNING SECTION - DECEMBER MONTHLY OPERATIONS REPORT**

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

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**SUMMARY**

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

**OFFICER'S RECOMMENDATION**

THAT the Planning Section (Development Assessment, Strategic Planning and Building Compliance) report for December 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.

**Development Assessment**

The DA team worked hard in December meeting all targets except for decisions. There was one application for the reconfiguration of a lot that was decided one day late. The DA team continued to bring itself up to speed with the new Development Assessment Queensland system as currently drafted and identified flaws in the proposed system.

**Strategic Planning**

The team continued to workshop with Councillors issues raised by the community during formal public consultation for the proposed planning scheme. A table that includes a recommended response to all 637 submissions and any recommended changes to the proposed planning scheme as a result was provided to Councillors on 18 December for their review. A final workshop scheduled for 20 January will provide a further opportunity for Councillors to clarify or change the draft responses prior to formal consideration of the responses and proposed changes at a Council meeting on 27 January. If Council formally adopts the changes and proposed responses the planning scheme will be updated and submitted for final review by the State during February. An individual response will be sent to each submitter during February. The announced date of the election should mean the election does not impede the progress of the State review to any great extent. The nominal period allowed for the review in the Statutory guideline for making and amending local planning instruments is 40 business days. Experience has been that this does vary quite a bit and is rarely shorter.

**CONCLUSION**

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

# **PLANNING SECTION - DECEMBER MONTHLY OPERATIONS REPORT**

## **Monthly Report**

**Meeting Date: 27 January 2015**

**Attachment No: 1**

**MONTHLY OPERATIONS REPORT**  
**PLANNING SECTION**  
**Period Ended December 2014**

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**VARIATIONS, ISSUES AND INNOVATIONS**

***Innovations***

*Currently working with CBD stakeholders to develop discussion document re options for formation of CBD Association. Anticipated consideration by broader CBD community first quarter of 2015. Coordinating internally on scoping for consultant to assist with Quay/Victoria Parade/riverfront master planning.*

***Improvements / Deterioration in Levels of Services or Cost Drivers***

*Nil.*

## LINKAGES TO OPERATIONAL PLAN

1. COMPLIANCE WITH CUSTOMER SERVICE REQUESTS

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

	Balance B/F	Completed in Current Mth	Current Month NEW Requests		TOTAL INCOMPLETE REQUESTS BALANCE	Under Long Term Investigation	Completion Standard (days)	Avg Completion Time (days) Current Mth		Avg Completion Time (days) 6 Months		Avg Completion Time (days) 12 Months		Avg Duration (days) 12 Months (complete and incomplete)	Avg Completion Time (days) Q2	
			Received	Completed												
Building Enquiry - General Info/Admin etc	79	4	17	8	84	0	5	<div></div>	1.00	<div></div>	3.46	<div></div>	7.52	3.05	<div></div>	2.27
Other Building Compliant Issue	52	3	6	2	53	0	1	<div></div>	2.00	<div></div>	10.85	<div></div>	32.26	7.29	<div></div>	4.83
Planning Compliance Request/Enquiry	89	14	16	7	84	0	45	<div></div>	2.00	<div></div>	12.30	<div></div>	19.22	14.39	<div></div>	9.04
Duty Planner (New Enquiry)	6	6	102	101	1	1	1	<div></div>	0.28	<div></div>	0.30	<div></div>	0.44	0.29	<div></div>	0.29
Telephone Enquiry (Existing Application/Call Back)	3	2	34	34	1	0	1	<div></div>	0.76	<div></div>	0.78	<div></div>	0.77	0.60	<div></div>	0.81
Plumbing Issues General	58	8	11	8	53	0	5	<div></div>	0.88	<div></div>	7.42	<div></div>	8.28	4.98	<div></div>	1.67
Strategic Planning Development Certificates	1	1	31	31	0	0	3	<div></div>	1.35	<div></div>	2.03	<div></div>	4.39	4.30	<div></div>	1.97

**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		
	Oct	Nov	Dec
<b>Number of Lost Time Injuries</b>	0	0	0
<b>Number of Days Lost Due to Injury</b>	0	0	0
<b>Total Number of Incidents Reported</b>	0	0	0
<b>Number of Incomplete Hazard Inspections</b>	0	0	0

### ***Risk Management Summary***

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

**Please Note:** The risks listed below are 'what if' scenarios and do not necessarily reflect what has occurred.

Potential 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.	N/A	10%	Very long term to resolve
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.	High 4	Monitor and respond when and as appropriate	N/A	50%	Ongoing issues

Potential Risk	Current Risk Rating	Future Control & Risk Treatment Plans	Due Date	% Completed	Comments
increased rates.					
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	90%	
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	50%	Difficult for regional councils to keep up with additional demand created by state mandates
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 Councilors re purpose for inclusion and impacts.	31/12/2015	80%	Largely addressed through new planning scheme

### ***Legislative Compliance & Standards***

Legislative Compliance Matter	Due Date	% Completed	Comments
Outdated employee immunisations, tickets, and/or licenses	Various	100%	
Outdated legislative compliance mandatory training and/or qualifications	Various	100%	
Overdue performance reviews	Various	100%	

### 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	This project is a large operational plan that spans over several years

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

Service Delivery Standard	Target	Current Performance
<b>Development Assessment</b>		
Applications received: 16		
Applications decided: 21		
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%	92%
Decision notices are issued within 5 business days of the decision being made	100%	100%
<b>Building</b>		
Applications received: 21		
Applications decided: 27		
Building Approvals - Decisions are made within 20 business day timeframe	100%	63%
<b>Plumbing</b>		
Applications received: 26		
Applications decided: 26		
Compliance request are decided within 20 business day timeframe	100%	100%
<b>Strategic Planning</b>		
Property Search – Planning and Development certificate sent out within timeframes required under SPA	100%	100%



## FINANCIAL MATTERS

	Adopted Budget \$	Adopted Budget (Pro Rata YTD) \$	YTD Actual \$	YTD Commit + Actual \$
<b>PLANNING</b>				
<b>Strategic Planning</b>				
1 - Revenues	(151,500)	(75,750)	(36,412)	(36,412)
2 - Expenses	1,175,820	587,910	538,685	542,568
3 - Transfer / Overhead Allocation	32,288	16,144	3,612	3,612
<b>Total Unit: Strategic Planning</b>	<b>1,056,608</b>	<b>528,304</b>	<b>505,885</b>	<b>509,768</b>
<b>Development Compliance</b>				
1 - Revenues	(1,333,929)	(666,965)	(472,798)	(472,798)
2 - Expenses	1,279,980	639,990	418,725	455,240
3 - Transfer / Overhead Allocation	145,629	72,815	42,711	42,711
<b>Total Unit: Development Compliance</b>	<b>91,680</b>	<b>45,840</b>	<b>(11,362)</b>	<b>25,154</b>
<b>Land Use</b>				
2 - Expenses	715,679	357,839	237,467	241,756
3 - Transfer / Overhead Allocation	0	0	338	338
<b>Total Unit: Land Use</b>	<b>715,679</b>	<b>357,839</b>	<b>237,805</b>	<b>242,093</b>
<b>Development Assessment</b>				
1 - Revenues	(2,150,500)	(1,075,250)	(737,905)	(737,905)
2 - Expenses	1,593,539	796,770	845,577	912,848
3 - Transfer / Overhead Allocation	34,850	17,425	14,245	14,245
<b>Total Unit: Development Assessment</b>	<b>(522,111)</b>	<b>(261,056)</b>	<b>121,918</b>	<b>189,189</b>
<b>Grand Total:</b>	<b>1,341,855</b>	<b>670,928</b>	<b>854,245</b>	<b>966,204</b>

## **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 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.

### RECOMMENDATION

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 Building issues in South Rockhampton

This report is considered confidential in accordance with section 275(1)(f), of the *Local Government Regulation 2012*, as it contains information relating to starting or defending legal proceedings involving the local government.

## 13 CONFIDENTIAL REPORTS

### 13.1 BUILDING ISSUES IN SOUTH ROCKHAMPTON

**File No:** 8038

**Attachments:** 1. Letter from Private Certifier dated 2 December 2014

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

**Author:** Tarnya Fitzgibbon - Coordinator Development Assessment

This report is considered confidential in accordance with section 275(1)(f), of the *Local Government Regulation 2012*, as it contains information relating to starting or defending legal proceedings involving the local government.

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#### SUMMARY

*There is a long running history of complaints about breaches of the Building Code of Australia and other legislation dealing with building and plumbing issues. This report summarises the issues and outlines the options available for Council.*

## **14 CLOSURE OF MEETING**