



# **PLANNING & DEVELOPMENT COMMITTEE MEETING**

## **MINUTES**

**14 JULY 2015**

## TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	OPENING.....	1
2	PRESENT .....	1
3	APOLOGIES AND LEAVE OF ABSENCE .....	1
4	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	1
5	DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA .....	2
6	BUSINESS OUTSTANDING .....	3
6.1	BUSINESS OUTSTANDING TABLE FOR PLANNING AND DEVELOPMENT COMMITTEE .....	3
7	PUBLIC FORUMS/DEPUTATIONS .....	4
7.1	D/222-2014 - DEPUTATION - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A CARETAKER'S RESIDENCE.....	4
8.1	D/222-2014 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A CARETAKER'S RESIDENCE .....	5
7.2	D/300-2014 - DEPUTATION - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A MULTI UNIT DWELLING (FOURTEEN UNITS).....	7
8	OFFICERS' REPORTS .....	8
8.2	D/300-2014 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A MULTI UNIT DWELLING (FOURTEEN UNITS) .....	8
8.3	D/37-2015 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR AN INDOOR SPORT AND RECREATION (EXTENSION OF OPERATING HOURS) .....	10
8.4	D/221-2014 - APPLICATION UNDER THE DEVELOPMENT INCENTIVES POLICY FOR A DEVELOPMENT PERMIT FOR BUILDING WORKS ASSESSABLE AGAINST A PLANNING SCHEME FOR HIGH IMPACT INDUSTRY FOR TWO PRODUCTION STORAGE SHEDS .....	13
8.2	D/300-2014 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A MULTI UNIT DWELLING (FOURTEEN UNITS) .....	15
9	STRATEGIC REPORTS .....	24
9.1	MOUNT MORGAN STATE HIGH SCHOOL .....	24
9.2	DEVELOPMENT AND BUILDING - MAY OPERATIONS REPORT .....	25
10	NOTICES OF MOTION .....	26
	NIL .....	26

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<b>11</b>	<b>URGENT BUSINESS\QUESTIONS .....</b>	<b>27</b>
<b>12</b>	<b>CLOSED SESSION .....</b>	<b>28</b>
13.1	ENFORCEMENT PROCEEDINGS FOR DEVELOPMENT OFFENCES .....	28
13.2	ENFORCEMENT PROCEEDINGS FOR DEVELOPMENT OFFENCES .....	28
<b>13</b>	<b>CONFIDENTIAL REPORTS.....</b>	<b>29</b>
13.1	ENFORCEMENT PROCEEDINGS FOR DEVELOPMENT OFFENCES .....	29
13.2	ENFORCEMENT PROCEEDINGS FOR DEVELOPMENT OFFENCES .....	30
<b>14</b>	<b>CLOSURE OF MEETING.....</b>	<b>31</b>

**REPORT OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING  
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON  
ON TUESDAY, 14 JULY 2015 COMMENCING AT 1:30PM**

## **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 A P Williams  
Councillor R A Swadling  
Councillor N K Fisher

**In Attendance:**

Mr E Pardon – Chief Executive Officer  
Mr R Holmes – General Manager Regional Services  
Ms T Fitzgibbon – Manager Development and Building  
Ms P Barry – Senior Planning Officer  
Ms C Hibberd – Planning Officer  
Ms J Noland – Development Compliance Officer  
Ms S Barber – Strategic Planning Officer  
Ms L Price – Community Awareness Officer  
Ms I Taylor – Governance Support Officer

## **3 APOLOGIES AND LEAVE OF ABSENCE**

### **COMMITTEE RESOLUTION**

THAT the apologies tendered for the absence of Councillor Schwarten be 'received'.

**Moved by:** Councillor Fisher  
**Seconded by:** Councillor Rutherford

**MOTION CARRIED**

## **4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

### **COMMITTEE RESOLUTION**

THAT the minutes of the Planning & Development Committee held on 9 June 2015 be taken as read and adopted as a correct record.

**Moved by:** Councillor Smith  
**Seconded by:** Councillor Rutherford

**MOTION CARRIED**

## **5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA**

### **1.33PM**

In accordance with s173(2) of the Local Government Act 2009, The Mayor, Councillor StreLOW disclosed a conflict of interest in respect of Item 7.1 - D/222-2014 – Deputation – Development Application for a Material Change of Use for a Caretaker's Residence and 8.1 – D/222-2014 Development Application for a Material Change of Use for a Caretaker's Residence due to a friendship with the applicant, Mayor StreLOW considered her position and will leave the meeting when the matter is discussed.

## 6 BUSINESS OUTSTANDING

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

**File No:** 10097

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

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

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

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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.*

#### COMMITTEE RESOLUTION

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

**Moved by:** Councillor Swadling

**Seconded by:** Councillor Smith

**MOTION CARRIED**

- 1.35PM THAT in accordance with s165(1)(a) of the Local Government Act 2009 and s14(1)(2) Council Meeting Procedures, the Deputy Mayor Councillor Williams be appointed Chairperson of the Planning and Development Committee meeting for the period of the Mayor, Councillor Strelow's absence.
- 1.35PM Mayor Strelow declared a conflict of interest in respect of Item 7.1 - D/222-2014 – Deputation – Development Application for a Material Change of Use for a Caretaker's Residence and 8.1 – D/222-2014 Development Application for a Material Change of Use for a Caretaker's Residence and left the meeting.

## **7 PUBLIC FORUMS/DEPUTATIONS**

### **7.1 D/222-2014 - DEPUTATION - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A CARETAKER'S RESIDENCE**

**File No:** D/222-2014  
**Attachments:** Nil  
**Authorising Officer:** Tarnya Fitzgibbon - Manager Development and Building  
Robert Holmes - General Manager Regional Services  
**Author:** Corina Hibberd - Planning Officer

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#### **SUMMARY**

*Flinders Hyder have requested an opportunity to attend a meeting of Council's Planning and Development Committee to present information on the proposed Material Change of Use for a Caretakers Residence over 20 Fiddes Street, Port Curtis - Lot 77 on LN112, Lot 71 on R2613, Lot 437 on R2613, Lot 2 on RP605363 and Lot 3 on RP606792 (Development Application D/222-2014).*

- 1.35PM The deputation from Gideon Genade of Flinders Hyder commenced.  
1.56PM The deputation concluded.

#### **COMMITTEE RESOLUTION**

THAT the deputation by Flinders Hyder be received.

**Moved by:** Councillor Swadling  
**Seconded by:** Councillor Rutherford  
**MOTION CARRIED**

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

**File No:** D/222-2014

**Attachments:**

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

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

**Author:** Corina Hibberd - Planning Officer

### SUMMARY

*Development Application Number:* D/222-2014

*Applicant:* MV and EJ Neale

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

*Common Property Address:* 20 Fiddes Street, Port Curtis

*Area of Site:* 46.2317 hectares

*Planning Scheme:* Rockhampton City Plan 2005

*Rockhampton City Plan Area:* South Rockhampton Rural Area

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

*Existing Development:* Vacant farm land

*Existing Approvals:* Nil

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

*Level of Assessment:* Impact Assessable

*Submissions:* Twenty-six (26) properly made submissions

*Referral Agency(s):* Nil

*Adopted Infrastructure Charges Area:* Charge Area Three

*Application Progress:*

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



<i>Committee meeting date:</i>	<i>23 June 2015</i>
<i>Statutory due determination date:</i>	<i>24 June 2015</i>

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

- The Caretakers Residence is associated with the existing rural use (grazing) of the land.
- The proposal includes five (5) allotments that will be amalgamated into one (1) large rural allotment.
- The proposed Caretakers Residence will be designed so as not to impede the flow of water across the site.
- A Flood Evacuation Plan has been developed to ensure the safety of occupants, cattle grazing on the property and any other assets.
- Locating a Caretakers Residence on the subject site is considered necessary to prevent vandalism and theft occurring to any property.
- The proposed development will maintain the traditional rural character, and will contribute positively to the outlook of the rural edge and the landscape character.
- The establishment of the Caretakers Residence will ensure better land management practices and maintenance of the land.

## DIVISION

**Councillors Smith, Councillor Fisher and Councillor Swadling voted in the affirmative. Councillors Rutherford, Councillor Belz and Councillor Williams voted in the negative. The chair used his casting vote in the negative, the motion is lost.**

## COMMITTEE RESOLUTION

That the matter lay on the table pending further discussions to return to the Planning and Development Committee in August 2015.

**Moved by: Councillor Rutherford**

**Seconded by: Councillor Swadling**

**MOTION CARRIED**

2.39PM Mayor Strelow returned to the meeting and assumed the Chair.

**7.2 D/300-2014 - DEPUTATION - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A MULTI UNIT DWELLING (FOURTEEN UNITS)**

**File No:** D/300-2014  
**Attachments:** Nil  
**Authorising Officer:** Tarnya Fitzgibbon - Manager Development and Building  
Robert Holmes - General Manager Regional Services  
**Author:** Corina Hibberd - Planning Officer

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**SUMMARY**

*Flinders Hyder, have requested an opportunity to attend a meeting of Council's Planning and Development Committee to present information on the proposed Material Change of Use for a Multi Unit Dwelling (fourteen units) over 12 Ann Street and 14 Ann Street, West Rockhampton - Lot 21 on RP602602 and Lot 22 on RP602602 (Development Application D/300-2014).*

2.40PM The deputation from Gideon Genade of Flinders Hyder commenced.  
2.47PM The deputation concluded.

**COMMITTEE RESOLUTION**

THAT the deputation by Flinders Hyder be received.

**Moved by:** Councillor Smith  
**Seconded by:** Councillor Rutherford  
**MOTION CARRIED**

## 8 OFFICERS' REPORTS

### 8.2 D/300-2014 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A MULTI UNIT DWELLING (FOURTEEN UNITS)

**File No:** D/300-2014

**Attachments:**

1. Locality Plan
2. Site Plan 1
3. Site Plan 2
4. Boundary Elevations
5. Dwelling Unit Banksia
6. Dwelling Unit Wattle
7. Dwelling Unit Paperbark

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

**Author:** Corina Hibberd - Planning Officer

#### SUMMARY

*Development Application Number:* D/300-2014

*Applicant:* Kele Property Group (QLD) Pty Ltd c/- Flinders Hyder

*Real Property Address:* Lot 21 on RP602602 and Lot 22 on RP602602, Parish of Rockhampton

*Common Property Address:* 12 Ann Street and 14 Ann Street, West Rockhampton

*Area of Site:* 4,452 square metres

*Planning Scheme:* Rockhampton City Plan 2005

*Rockhampton City Plan Area:* The Range South Rockhampton Area

*Planning Scheme Overlays:* Nil

*Existing Development:* Dwelling House (Lot 21 on RP602602) and Duplex (Lot 22 on RP602602)

*Existing Approvals:* 27748/RHISTC Dwelling House, approved 8 October 1976  
12633/RHISTC Flats, approved 19 November 1958

*Approval Sought:* Development Permit for a Material Change of Use for a Multi Unit Dwelling (fourteen units)

*Level of Assessment:* Impact Assessable

*Submissions:* five (5) properly made submissions

*Referral Agency(s):* Not Applicable

*Adopted Infrastructure Charges Area:* Charge Area One

#### *Application Progress:*

<i>Application Lodged:</i>	9 December 2014
<i>Acknowledgment Notice issued:</i>	19 December 2014
<i>Request for Further Information sent:</i>	6 January 2015

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<i>Request for Further Information responded to:</i>	<i>31 March 2015</i>
<i>Submission period commenced:</i>	<i>2 April 2015</i>
<i>Submission period end:</i>	<i>24 April 2015</i>
<i>Council request for additional time:</i>	<i>22 May 2015 (extended to 24 June 2015)</i>
<i>Last receipt of information from applicant:</i>	<i>25 May 2015</i>
<i>Committee Meeting date:</i>	<i>23 June 2015</i>
<i>Statutory due determination date:</i>	<i>24 June 2015</i>

Voting on this matter occurred following item 8.4.

3.03PM Mayor Strelow left the meeting.

3.03PM THAT in accordance with s165(1)(a) of the Local Government Act 2009 and s14(1)(2) Council Meeting Procedures, the Deputy Mayor Councillor Williams be appointed Chairperson of the Planning and Development Committee meeting for the period of the Mayor, Councillor Strelow's absence.

### 8.3 D/37-2015 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR AN INDOOR SPORT AND RECREATION (EXTENSION OF OPERATING HOURS)

**File No:** D/37-2015

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

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

**Author:** Corina Hibberd - Planning Officer

#### SUMMARY

*Development Application Number:* D/37-2015

*Applicant:* Goodlife Health Club

*Real Property Address:* Lot 25 on SP238738, Parish of Archer

*Common Property Address:* 16 Alan Drive, Frenchville

*Area of Site:* 1.629 hectares

*Planning Scheme:* Rockhampton City Plan 2005

*Rockhampton City Plan Area:* Frenchville Residential Area

*Planning Scheme Overlays:* Nil

*Existing Development:* Indoor Sport and Recreation (Goodlife Health Club) and Child Care Centre

*Existing Approvals:* D-R/473-2003/A, Modification to Existing Approval (Indoor Entertainment, Outdoor Entertainment, Professional Office and Caretakers Residence), approved 5 March 2004

*Approval Sought:* Development Permit for a Material Change of Use for Indoor Sport and Recreation (Extension of Operating Hours)

*Level of Assessment:* Impact Assessable

*Submissions:* One (properly made) submission

*Referral Agency(s):* Nil

*Adopted Infrastructure Charges Area:* Charge Area One

*Application Progress:*

<i>Application Lodged:</i>	24 March 2015
<i>Acknowledgment Notice issued:</i>	2 April 2015
<i>Request for Further Information sent:</i>	Not Applicable

<i>Submission period commenced:</i>	24 April 2015
<i>Submission period end:</i>	20 May 2015
<i>Council request for additional time:</i>	19 June 2015 (extended to 17 July 2015)
<i>Statutory due determination date:</i>	17 July 2015
<i>Committee Meeting Date</i>	14 July 2015

## COMMITTEE RESOLUTION

### RECOMMENDATION A

THAT in relation to the application for a Development Permit for a Material Change of Use for Indoor Sport and Recreation (Extension of Operating Hours), made by Capricorn Survey Group (CQ) Pty Ltd on behalf of Goodlife Health Club, on Lot 25 on SP238738, Parish of Archer, located at 16 Alan Drive, Frenchville, 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.

#### 2.0 BUILDING WORKS

- 2.1 All external elements, such as air conditioners, must be adequately screened from public view, to Council's satisfaction. Noise from any external elements, such as air conditioners, must not exceed the limits specified in the *Environmental Protection Act*.
- 2.2 The existing 1.8 metre high fence located on the western boundary must remain.

#### 3.0 OPERATING PROCEDURES

- 3.1 The use can operate twenty-four (24) hours a day, seven (7) days a week, unless otherwise expressly stated.
- 3.2 The hours of operation for uses located outside of the building are limited to 0630 to 2200, seven (7) days a week.
- 3.3 The loading and/or unloading of delivery and waste collection vehicles must be limited to: between 0800 and 1700 hours, Monday to Friday only.
- 3.4 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development 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"*.
- 3.5 Noise emitted from the activity must not cause an environmental nuisance.
- 3.6 When requested by Council, nuisance monitoring must be undertaken and recorded

within three (3) months, to investigate any genuine complaint of nuisance caused by noise, light or dust. An analysis of the monitoring data and a report, including nuisance mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation.

- 3.7 When requested by Council, noise monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise. The monitoring data, an analysis of the data and a report, including noise mitigation measures, must be provided Council within fourteen (14) days of the completion of the investigation. Council may require any noise mitigation measures identified in the assessment to be implemented within appropriate timeframes. Noise measurements must be compared with the acoustic quality objectives specified in the most recent edition of the *Environmental Protection (Noise) Policy*.

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

#### RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for Indoor Sport and Recreation (Extension of Operating Hours), made by Capricorn Survey Group (CQ) Pty Ltd on behalf of Goodlife Health Club, on Lot 25 on SP238738, Parish of Archer, located at 16 Alan Drive, Frenchville, Council resolves to not issue an Infrastructure Charges Notice.

**Moved by:** Councillor Swadling

**Seconded by:** Councillor Fisher

**MOTION CARRIED**

#### 8.4 D/221-2014 - APPLICATION UNDER THE DEVELOPMENT INCENTIVES POLICY FOR A DEVELOPMENT PERMIT FOR BUILDING WORKS ASSESSABLE AGAINST A PLANNING SCHEME FOR HIGH IMPACT INDUSTRY FOR TWO PRODUCTION STORAGE SHEDS

**File No:** D/221-2014

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

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

**Author:** Petrus Barry - Senior Planning Officer

#### SUMMARY

*Development Application Number:* D/221-2014

*Applicant:* The Planning Place

*Real Property Address:* Lot 3 on RP601934, Parish of Murchison

*Common Property Address:* 368 McLaughlin Street, Parkhurst

*Rockhampton City Plan Area:* Parkhurst Industrial Area, High Impact Industrial Precinct

*Type of Approval:* Development Permit for Building Works Assessable against a Planning Scheme for High Impact Industry for two production storage sheds

*Date of Decision:* 24 September 2014

*Application Lodgement Fee:* \$18,613.00

*Infrastructure Charges:* \$130,560.00 (Stage 1)  
\$146,880.00 (Stage 2)

*Infrastructure charges incentive:* All other areas, new GFA – 50% discount  
*Value of discount:*  
\$65,280.00 (Stage 1)  
\$73,440.00 (Stage 2)

*General Incentives sought:* Refund of Development Application Fees

3.10PM Councillor Belz left the meeting.

3.10PM Mayor Strelow returned to the meeting and assumed the Chair.

3.15PM Councillor Belz returned to the meeting.



**COMMITTEE RESOLUTION****RECOMMENDATION**

THAT in relation to the application under the Development Incentives Policy for a Development Permit for Building Works Assessable against a Planning Scheme for High Impact Industry for two production storage sheds, on Lot 3 on RP601934, Parish of Murchison, located at 368 McLaughlin Street, Parkhurst, Council resolves to Approve the following incentives if the use commences by 24 September 2017:

- a) A fifty (50) per cent reduction of infrastructure charges to the amount of \$138,720.00 (\$65,280.00 for Stage 1 and \$73,440.00 for Stage 2.);
- b) A refund of the application lodgement fee amounting to \$18,613.00 on completion of the development; and
- c) Council enter into an agreement with the applicant in relation to (a) and (b).

**Moved by:** Mayor Strelow

**Seconded by:** Councillor Fisher

**MOTION CARRIED**

## 8.2 D/300-2014 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A MULTI UNIT DWELLING (FOURTEEN UNITS)

**File No:** D/300-2014

**Attachments:**

1. Locality Plan
2. Site Plan 1
3. Site Plan 2
4. Boundary Elevations
5. Dwelling Unit Banksia
6. Dwelling Unit Wattle
7. Dwelling Unit Paperbark

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

**Author:** Corina Hibberd - Planning Officer

### SUMMARY

*Development Application Number:* D/300-2014

*Applicant:* Kele Property Group (QLD) Pty Ltd c/- Flinders Hyder

*Real Property Address:* Lot 21 on RP602602 and Lot 22 on RP602602, Parish of Rockhampton

*Common Property Address:* 12 Ann Street and 14 Ann Street, West Rockhampton

*Area of Site:* 4,452 square metres

*Planning Scheme:* Rockhampton City Plan 2005

*Rockhampton City Plan Area:* The Range South Rockhampton Area

*Planning Scheme Overlays:* Nil

*Existing Development:* Dwelling House (Lot 21 on RP602602) and Duplex (Lot 22 on RP602602)

*Existing Approvals:* 27748/RHISTC Dwelling House, approved 8 October 1976  
12633/RHISTC Flats, approved 19 November 1958

*Approval Sought:* Development Permit for a Material Change of Use for a Multi Unit Dwelling (fourteen units)

*Level of Assessment:* Impact Assessable

*Submissions:* five (5) properly made submissions

*Referral Agency(s):* Not Applicable

*Adopted Infrastructure Charges Area:* Charge Area One

#### *Application Progress:*

<i>Application Lodged:</i>	9 December 2014
<i>Acknowledgment Notice issued:</i>	19 December 2014
<i>Request for Further Information sent:</i>	6 January 2015
<i>Request for Further Information responded to:</i>	31 March 2015
<i>Submission period commenced:</i>	2 April 2015

<i>Submission period end:</i>	<i>24 April 2015</i>
<i>Council request for additional time:</i>	<i>22 May 2015 (extended to 24 June 2015)</i>
<i>Last receipt of information from applicant:</i>	<i>25 May 2015</i>
<i>Committee Meeting date:</i>	<i>23 June 2015</i>
<i>Statutory due determination date:</i>	<i>24 June 2015</i>

## COMMITTEE RESOLUTION

### RECOMMENDATION A

That in relation to the application for a Development Permit for a Material Change of Use for a Multi Unit Dwelling (fourteen units), made by Flinders Hyder on behalf of Kele Property Group (Qld) Pty Ltd, on Lot 21 on RP602602 and Lot 22 on RP602602, Parish of Rockhampton, located at 12 Ann Street and 14 Ann Street, West 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 development utilises sensitive design and building materials that support the intent to protect and enhance the pre-war residential character of the Area. Therefore, the development will likely compliment the surrounding unique aesthetic residential character of the Area;
- b) The development encourages sustainable in-fill development in an area that has full access to social and medical amenities;
- c) Assessment of the development demonstrates that the Planning Scheme's Desired Environmental Outcomes will not be compromised;
- d) Assessment of the development against the relevant planning scheme codes, demonstrates that the proposed development will not cause significant adverse impact on the surrounding natural environment, built environment and infrastructure, community facilities or local character and amenity; and
- e) The proposed development does not compromise relevant State Planning Policies.

### RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for a Multi Unit Dwelling (fourteen units), made by Flinders Hyder on behalf of Kele Property Group (Qld) Pty Ltd, on Lot 21 on RP602602 and Lot 22 on RP602602, Parish of Rockhampton, located at 12 Ann Street and 14 Ann Street, West 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 and Parking Works;
- (ii) Stormwater Works;
- (iii) Inter-allotment Drainage Works;
- (iv) Roof and Allotment Drainage Works;
- (v) Site Works; and
- (vi) Landscape Works

1.6.2 Plumbing and Drainage Works; and

1.6.3 Building Works:

- (i) Demolition works for existing structures; and
- (ii) Building works for new development.

- 1.7 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.

- 1.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.

- 1.9 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.

- 1.10 Lot 21 on RP602602 and Lot 22 on RP602602 must be amalgamated and registered as one title prior to the commencement of the use.

## 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 Layout Plan: Proposed	1408-08, DA-02 Issue DA1.3	13 March 2015
Site Layout Plan: Landscape	1408-08, DA-03, Issue DA1.3	13 March 2015
Site Layout Plan: Car Parking	1408-08, DA-04, Issue DA1.3	13 March 2015
Dwelling Unit – Banksia	1408-08, DA-05, Issue DA1.3	13 March 2015
Dwelling Unit - Paperbark	1408-08, DA-06, Issue DA1.3	13 March 2015
Dwelling Unit – Wattle	1408-08, DA-07, Issue DA1.3	13 March 2015
Boundary Elevations	1408-08, DA-08, Issue DA1.3	13 March 2015

Proposed Site Plan	D14.153-02, Sheet 2 of 6, Rev A	December 2014
External Catchment Plan	D14.153-03, Sheet 3 of 6, Rev A	December 2014
Stormwater Detention Calculations	D14.153-06, Sheet 6 of 6, Rev A	December 2014
Stormwater Management Plan	D14.153-04, Sheet 4 of 9, Rev B	February 2015
Stormwater Details	D14.153-05, Sheet 5 of 9, Rev B	February 2015
Proposed Inlet Details	D14.153-07, Sheet 7 of 9, Rev B	February 2015
Kerb Weir Calculations	D14.153-08, Sheet 8 of 9, Rev B	February 2015
Sewer Connection Strategy	D14.153-09, Sheet 9 of 9, Rev B	February 2015

2.3 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.

2.4 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 and parking works) must be obtained prior to the commencement of any access and parking 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 "Off Street Car Parking"* and the provisions of a Development Permit for Operational Works (access and parking works).

3.3 All parking spaces, access driveway(s), and vehicular manoeuvring areas associated with this proposed development must be concrete paved.

3.4 Any redundant vehicular crossover must be replaced by Council standard kerb and channel.

3.5 All vehicles including bin collection vehicles must ingress and egress the development in a forward gear.

3.6 A minimum of twenty-one (21) parking spaces must be provided on-site. This includes fourteen (14) covered car parking spaces and seven (7) visitor's car parking spaces.

3.7 Any gate structure on the access must be located a minimum of six (6) metres inside the boundary to avoid vehicles blocking the through traffic (pedestrian and vehicle) on Ann Street.

### 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*, *Plumbing and Drainage Act*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.

- 4.2 A Development Permit for Plumbing and Drainage Works must be obtained for the removal and/or demolition of any existing structure on the development site.
- 4.3 All internal plumbing and sanitary drainage works must be completely independent for each unit/tenancy.
- 4.4 The development must be connected to Council's reticulated water supply and sewerage networks.
- 4.5 The existing two (2) sewerage connection point(s) must be disconnected. A new sewerage connection point must be provided from the existing access chamber located within the development site.
- 4.6 The existing two (2) water connection point(s) must be disconnected. A new water connection point must be provided to the development. A hydraulic engineer or other suitably qualified person must determine the size of connection required.
- 4.7 Internal fire hydrant must be installed fifty (50) metres from front boundary. This must include a combined fire and domestic meter.
- 4.8 The development must be provided with a master meter at the development site boundary and sub-meters for each sole occupancy building in accordance with the *Queensland Plumbing and Drainage Code* and Council's Sub-metering Policy
- 4.9 Adequate domestic and fire fighting protection must be provided to the development, and must be certified by a hydraulic engineer or other suitably qualified person.
- 4.10 Water meter boxes and sewerage connection points located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 4.11 The finished sewerage access chamber surface must be at a sufficient level to avoid ponding of stormwater above the top of the chamber. A heavy duty trafficable lid must be provided in the trafficable area.
- 4.12 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act* and Council's Plumbing and Drainage Policies.
- 5.0 STORMWATER WORKS
- 5.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.
- 5.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 5.3 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development condition, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.
- 5.4 The development must not increase peak stormwater runoff for a selected range of storm events up to and including a one percent (1%) Annual Exceedance Probability defined flood event, for the post development condition.
- 5.5 The development must comply with the requirements of post construction – stormwater management design objectives of the *State Planning Policy 2014*.
- 5.6 The installation of bio-retention and detention cells must be in accordance with relevant Standards and all maintenance of the proposed bio-retention and detention cells must be the responsibility of the property owner or body corporate.

- 5.7 Safety screen (Grate) must be required on top of the proposed masonry channel located along the southern boundary of development site and all maintenance of the proposed masonry channel must be the responsibility of the property owner or body corporate.

6.0 INTER-ALLOTMENT DRAINAGE WORKS

- 6.1 A Development Permit for Operational Works (inter-allotment drainage works) must be obtained prior to the commencement of any drainage works on the development site.
- 6.2 All inter-allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (inter-allotment drainage works).
- 6.3 Inter-allotment drainage systems and overland flow paths must be wholly contained within a Council easement, with a minimum width of three (3) metres.
- 6.4 Safety screen (Grate) must be required on top of the proposed vegetated channel and all maintenance of the proposed vegetated channel must be the responsibility of the property owner or body corporate.

7.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 7.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the site.
- 7.2 All roof and allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (roof and allotment drainage works).
- 7.3 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance to surrounding land or infrastructure.
- 7.4 The development must not increase peak stormwater runoff for a selected range of storm events up to and including a one percent (1%) Annual Exceedance Probability defined flood event, for the post development condition.

8.0 SITE WORKS

- 8.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works.
- 8.2 All earthworks must be undertaken in accordance with *Australian Standards, AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 8.3 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.
- 8.4 The structural design of all retaining walls above one (1) metre in height must be separately and specifically certified by a Registered Professional Engineer of Queensland as part of the Operational Works submission. A Registered Professional Engineer of Queensland must on completion certify that all works are compliant with the approved design.
- 8.5 Retaining structures close to or crossing sewerage infrastructure must comply with *Queensland Development Code, Mandatory Part 1.4 "Building over or near relevant infrastructure."* The structure must be self-supporting and no additional load must be applied to Council's sewerage infrastructure.

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**9.0 BUILDING WORKS**

- 9.1 The existing structures must be demolished.
- 9.2 A Development Permit for Building Works must be obtained for the removal and/or demolition of any existing structure on the development site.
- 9.3 All buildings and structures must maintain a clearance of two (2) metres to sewer access chambers and connection points.
- 9.4 All building works must be undertaken in accordance with *Queensland Development Code, Mandatory Part 1.4* for building over or near relevant infrastructure.
- 9.5 The finished floor level of all the buildings must be a minimum of 500 millimetres above a one percent (1%) Annual Exceedance Probability flood inundation level calculated for proposed masonry and vegetated channel.
- 9.6 Impervious paved waste storage area/s must be provided in accordance with the *Environmental Protection Regulation 2008* and must be:
- 9.6.1 Aesthetically screened from any frontage or adjoining property;
  - 9.6.2 Designed and located so as not to cause a nuisance to neighbouring properties;
  - 9.6.3 Surrounded by at least a 1.8 metre high fence that obstructs from view the contents of the waste storage area by any member of the public from any public place;
  - 9.6.4 Of a sufficient size to accommodate commercial type bins that will be serviced by a commercial contractor plus clearances around the bins for manoeuvring and cleaning;
  - 9.6.5 Setback a minimum of two (2) metres from any road frontage; and
  - 9.6.6 Provided with a suitable hosecock and hoses at the refuse container area, and washdown must be drained to the sewer and fitted with an approved stormwater diversion valve arrangement in accordance with the Sewerage Trade Waste provisions and the *Plumbing and Drainage Act*.
- As an alternative to a washdown facility, a fully contained commercial bin cleaning service is acceptable provided no wastewater is discharged from the site to the sewer.
- 9.7 All external elements, such as air conditioners, must be adequately screened from public view, to Council's satisfaction. Noise from any external elements, such as air conditioners, must not exceed 5dB(A) (decibels) above the background ambient noise level, measured at the boundaries of the subject site.
- 9.8 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"*.
- 9.9 All windows facing onto the adjoining residential properties must be properly glazed or screened to not intrude on the privacy of residents.
- 9.10 All fencing on side and rear boundaries must be a minimum 1.8 meters in height. The fencing may be graduated down to 1.2 metres towards the road frontage. All side and rear boundary, and internal fencing must ensure privacy and security to adjoining residential properties. The fencing must be constructed of materials and finishes that prevent light spillage of vehicle headlights and are commensurate with the surrounding residential area.
- 9.11 All units must be provided with open-air clothes drying facilities and the facilities must



be screened from public view.

- 9.12 Impervious paved and drained washdown areas to accommodate all refuse containers must be provided. The areas must be aesthetically screened from any road frontage or adjoining property and must be set back a minimum of two (2) metres from any road frontage. A suitable hosecock (with backflow prevention) and hoses must be provided at the refuse container area, and washdown must be drained to the sewer and fitted with an approved stormwater diversion valve arrangement, in accordance with a Plumbing and Drainage Permit and Sewerage Trade Waste Permit.

#### 10.0 LANDSCAPING WORKS

- 10.1 A Development Permit for Operational Works (landscaping works) must be obtained prior to the commencement of any landscaping works on the development site.
- 10.2 All landscaping must be constructed and/or established, in accordance with the requirements of the Development Permit for Operational Works (landscaping works), prior to the commencement of the use.
- 10.3 Landscaping of the development must be generally in accordance with the approved plans (refer to condition 2.1).
- 10.4 The landscape plans must be designed to specifically reduce the perceived scale of the buildings and must include advanced plant stock, to create an immediate effect.
- 10.5 All species used in landscaping must be in accordance with Planning Scheme Policy 6 – Planting Species.
- 10.6 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.
- 10.7 The landscaped areas must be subject to an ongoing maintenance and replanting programme (if necessary).

#### 11.0 ELECTRICITY AND TELECOMMUNICATIONS

- 11.1 Underground Electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.
- 11.2 Evidence must be provided of a Telecommunications Infrastructure Provisioning Confirmation and Certificate of Electricity Supply with the relevant service providers to provide the use with telecommunication and live electricity connections, in accordance with the requirements of the relevant authorities prior to the commencement of the use.

#### 12.0 ASSET MANAGEMENT

- 12.1 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.
- 12.2 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.
- 12.3 '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 commencement of the use. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

### 13.0 ENVIRONMENTAL

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

### 14.0 OPERATING PROCEDURES

- 14.1 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 Ann Street.

### ADVISORY NOTES

(i) Aboriginal Cultural Heritage

It is advised that under section 23 of the *Aboriginal Cultural Heritage Act*, 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 Environment Heritage Protection's website [www.ehp.qld.gov.au](http://www.ehp.qld.gov.au)

(ii) Asbestos Removal

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

(iii) General Environmental Duty

General environmental duty under the *Environmental Protection Act* 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.

(iv) General Safety Of Public During Construction

The *Workplace Health and Safety Act* 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.

(v) Infrastructure Charges Notice

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

**Moved by:** Mayor Strelow

**Seconded by:** Councillor Fisher

**MOTION CARRIED**

## 9 STRATEGIC REPORTS

### 9.1 MOUNT MORGAN STATE HIGH SCHOOL

**File No:** 8483

**Attachments:** Nil

**Authorising Officer:** Russell Claus - Executive Manager Regional Development

**Author:** Robert Truscott - Coordinator Strategic Planning

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#### SUMMARY

*The Department of Education and Training have applied to the Department of Environment and Heritage seeking registration of the Mount Morgan State High School as a State Heritage Place. Council has been offered the opportunity to comment.*

#### COMMITTEE RESOLUTION

THAT the Mount Morgan State High School report provided for the information of Council be received.

**Moved by:** Mayor Strelow

**Seconded by:** Councillor Smith

**MOTION CARRIED**

**9.2 DEVELOPMENT AND BUILDING - MAY OPERATIONS REPORT**

**File No:** 7028  
**Attachments:** 1. May 2015 - Monthly Report  
**Authorising Officer:** Robert Holmes - General Manager Regional Services  
**Author:** Tarnya Fitzgibbon - Manager Development and Building

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**SUMMARY**

*The monthly operations report for the Development and Building Section as at 30 May 2015 is presented for Councillors information.*

**COMMITTEE RESOLUTION**

THAT the Development and Building Section report for May be received.

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

## **10 NOTICES OF MOTION**

Nil

## **11 URGENT BUSINESS\QUESTIONS**

## 12 CLOSED SESSION

In accordance with the provisions of section 275 of the *Local Government Regulation 2012*, a local government may resolve to close a meeting to the public to discuss confidential items, such that its Councillors or members consider it necessary to close the meeting.

### COMMITTEE RESOLUTION

THAT the meeting be closed to the public to discuss the following items, which are considered confidential in accordance with section 275 of the *Local Government Regulation 2012*, for the reasons indicated.

#### 13.1 Enforcement proceedings for development offences

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

#### 13.2 Enforcement proceedings for development offences

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.

**Moved by:** Mayor Strelow

**Seconded by:** Councillor Smith

**MOTION CARRIED**

### COMMITTEE RESOLUTION

**3.31PM**

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

**Moved by:** Mayor Strelow

**Seconded by:** Councillor Fisher

**MOTION CARRIED**

### COMMITTEE RESOLUTION

**3.49PM**

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

**Moved by:** Councillor Fisher

**Seconded by:** Councillor Swadling

**MOTION CARRIED**

## 13 CONFIDENTIAL REPORTS

### 13.1 ENFORCEMENT PROCEEDINGS FOR DEVELOPMENT OFFENCES

**File No:** 8038 / 4781 / 8431

**Attachments:**

1. Locality Plan
2. Photo of Culvert
3. Culvert Design Recommended
4. Photo of works in Road Reserve

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

**Author:** Judith Noland - Development Compliance Officer

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

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#### SUMMARY

*This report discusses works undertaken on a premises at Bouldercombe.*

#### COMMITTEE RECOMMENDATION

THAT Council resolve to adopt Option Four to address this matter.

**Moved by:** Councillor Smith

**Seconded by:** Councillor Swadling

**MOTION LOST**

#### COMMITTEE RESOLUTION

THAT Council resolve to adopt Option Three to address this matter.

**Moved by:** Councillor Belz

**Seconded by:** Mayor Strelow

**MOTION CARRIED**



**13.2 ENFORCEMENT PROCEEDINGS FOR DEVELOPMENT OFFENCES****File No:** 8038 / 8431**Attachments:**

1. Locality Plan
2. Time Line
3. Map delineating area "A", "B" and "C" from Planning and Environment Court Order 1999
4. Current Site Photos

**Authorising Officer:** Tarnya Fitzgibbon - Manager Development and Building  
Robert Holmes - General Manager Regional Services**Author:** Judith Noland - Development Compliance Officer

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**

*This report discusses the continuing unlawful use of a premises in North Rockhampton contrary to decisions of the Planning and Environment Court of Queensland.*

**COMMITTEE RESOLUTION**

THAT Council adopt Option Two in this matter.

**Moved by:** Councillor Williams**Seconded by:** Councillor Swadling**MOTION CARRIED**

Mayor Strelow and Councillor Smith recorded their votes against the motion.

## **14 CLOSURE OF MEETING**

There being no further business the meeting closed at 4.01pm.

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SIGNATURE

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CHAIRPERSON

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DATE