



PLANNING AND REGULATORY COMMITTEE MEETING

MINUTES

18 OCTOBER 2016

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**REPORT OF THE PLANNING AND REGULATORY COMMITTEE MEETING
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON
ON TUESDAY, 18 OCTOBER 2016 COMMENCING AT 9.00 AM**

1 OPENING

2 PRESENT

Members Present:

Councillor C E Smith (Chairperson)
The Mayor, Councillor M F Strelow
Councillor N K Fisher

In Attendance:

Mr M Rowe – General Manager Community Services (Executive Officer)
Mr E Pardon – Chief Executive Officer
Mr S Gatt – Manager Planning and Regulatory Services
Mr J McCaul – Coordinator Development Engineering
Ms T Fitzgibbon – Coordinator Development Assessment
Mr A de Klerk – Senior Planning Officer
Mr A Wratten – Communication and Marketing Supervisor
Ms J Curran – Community Engagement Officer
Ms S Friske – Acting Senior Governance Support Officer

3 APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence for the meeting was previously granted to Councillor Cherie Rutherford.

Leave of Absence for the meeting was previously granted to Councillor Drew Wickerson appointed by Council to attend the LGAQ Annual Conference at Broadbeach.

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COMMITTEE RESOLUTION

THAT the minutes of the Planning and Regulatory Committee held on 4 October 2016 be taken as read and adopted as a correct record.

Moved by: Councillor Fisher

Seconded by: Councillor Smith

MOTION CARRIED

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 BUSINESS OUTSTANDING

6.1 BUSINESS OUTSTANDING TABLE FOR PLANNING AND REGULATORY COMMITTEE

File No: 10097
Attachments: 1. Business Outstanding Table
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Evan Pardon - Chief Executive Officer

SUMMARY

The Business Outstanding table is used as a tool to monitor outstanding items resolved at previous Council or Committee Meetings. The current Business Outstanding table for the Planning and Regulatory Committee is presented for Councillors' information.

COMMITTEE RESOLUTION

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

Moved by: Councillor Fisher
Seconded by: Councillor Smith

MOTION CARRIED

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 OFFICERS' REPORTS

8.1 PLANNING SECTION - SEPTEMBER OPERATIONS REPORT

File No: 1464

Attachments: 1. Monthly Operations Report

Authorising Officer: Michael Rowe - General Manager Community Services

Author: Steven Gatt - Manager Planning & Regulatory Services

SUMMARY

The monthly operations report for the Planning and Regulatory as at 30 September 2016 is presented for Councillors information.

COMMITTEE RESOLUTION

THAT Planning and Regulatory Section report for September 2016 be received.

Moved by: Councillor Smith

Seconded by: Councillor Fisher

MOTION CARRIED

8.2 D/137-2016 - DEVELOPMENT APPLICATION FOR A REQUEST TO APPLY A SUPERSEDED PLANNING SCHEME FOR AN OPERATIONAL WORKS APPLICATION

File No: D/137-2016
Attachments: 1. Locality Plan
Authorising Officer: Steven Gatt - Manager Planning & Regulatory Services
Michael Rowe - General Manager Community Services
Author: Philip Benfield - Operational Works Administrator

SUMMARY

This report outlines the decision process undertaken to assess a request for assessment under a superseded planning scheme for proposed operational works (D/137-2016) at 2 Pilbeam Drive, Frenchville.

COMMITTEE RESOLUTION

THAT the report on D/137-2016 Development Application for a Request to Apply a Superseded Planning Scheme for an Operational Works Application be received.

Moved by: Councillor Smith

Seconded by: Mayor Strelow

MOTION CARRIED

Councillor Fisher recorded his vote against the motion

8.3 D/90-2015 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A HOUSE

File No: D/90-2015

Attachments:

1. Locality Plan
2. Proposed Site Plan
3. Floor Plan and Elevation

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Steven Gatt - Manager Planning & Regulatory Services
Michael Rowe - General Manager Community Services

Author: Anton de Klerk - Senior Planning Officer

SUMMARY

Development Application Number: D/90-2015

Applicant: St Luke's Healing Foundation

Real Property Address: Lot 153 on RP866052, Parish of Archer

Common Property Address: 342-350 Holt Street, Frenchville

Area of Site: 12.11 hectares

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: Berserker Foothills Residential Area and Berserker Range Environmental Protection Area

Planning Scheme Overlays: Airport Height Limitations; Remnant Vegetation; Steep Land; and Bushfire Hazard

Existing Development: Vacant Land

Existing Approvals: Nil

Approval Sought: Development Permit for a Material Change of Use for a House (assessed under the superseded planning scheme)

Level of Assessment: Impact Assessable

Submissions: Thirty-nine (39) submissions received

Referral Agency(s): Nil

Adopted Infrastructure Charges Area: Charge Area 3

Application Progress:

<i>Application Lodged:</i>	3 July 2015
<i>Application Properly Made:</i>	21 July 2015
<i>Acknowledgment Notice issued:</i>	28 July 2015
<i>Request for Further Information sent:</i>	11 August 2015
<i>Applicant Request an extension to the Information Response Period (until 25 February 2016)</i>	12 February 2016
<i>Request for Further Information responded to:</i>	24 February 2016
<i>Council Requested further clarification as per items detailed within the original Information Request:</i>	3 March 2016

<i>Applicant Requested to Extend the Time Period to Commence Public Notification (until 22 April 2016)</i>	21 March 2016
<i>Submission period commenced:</i>	22 April 2016
<i>Submission period end:</i>	18 May 2016
<i>Notice of Compliance to Public Notification received:</i>	25 May 2016
<i>Applicant request for additional time to the Decision Making period: (until 21 July 2016):</i>	20 June 2016
<i>Applicant request additional time to the Decision Making period: (until 15 September 2016):</i>	21 July 2016
<i>Council requested additional time (until 28 October 2016):</i>	15 September 2016
<i>Last receipt of information from applicant:</i>	2 September 2016
<i>Statutory due determination date:</i>	28 October 2016

COMMITTEE RESOLUTION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for a Material Change of Use for a House, made by Beal Building Design on behalf of St Luke's Healing Foundation, on land described as Lot 153 on RP866052, Parish of Archer, located at 342-350 Holt Street, Frenchville, Council resolves under section 304(1) of the *Sustainable Planning Act 2009*:

- a) that it is satisfied that the non-compliances with the public notification procedures have not:
 - (i) adversely affected the awareness of the public of the existence and nature of the application; or
 - (ii) restricted the opportunity of the public to make properly made submissions; and
- b) to assess and decide the application despite a requirement for public notification not being complied with.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for a House, made by Beal Building Design on behalf of St Luke's Healing Foundation, on land described as Lot 153 on RP866052, Parish of Archer, located at 342-350 Holt Street, Frenchville, Council resolves to Refuse the application for the following reasons:

- a) The *State Planning Policy 2015* and the new *Rockhampton Regional Planning Scheme 2015* seeks to restrict development in areas adversely affected by natural hazards.
- b) The site-specific Bushfire Management Plan which supported this proposal, indicates the development to remain a high risk;
- c) The proposal did not adequately address all aspects of the development vs supporting documentation and contains a number of discrepancies between the Bushfire Management Report and the engineering solutions / drawings; and
- d) The proposal fails to comply with a number of Specific Outcomes within the Biodiversity / Nature Conservation Code and the Bushfire Risk Minimisation Code as per the *Rockhampton City Plan 2005*.

Moved by: Councillor Smith

Seconded by: Mayor Strelow

MOTION CARRIED UNANIMOUSLY

9 NOTICES OF MOTION

Nil

10 URGENT BUSINESS\QUESTIONS

11 CLOSURE OF MEETING

There being no further business the meeting closed at 9.25am.

SIGNATURE

CHAIRPERSON

DATE