



PLANNING AND REGULATORY COMMITTEE MEETING

MINUTES

4 JULY 2017

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**REPORT OF THE PLANNING AND REGULATORY COMMITTEE MEETING
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON
ON TUESDAY, 4 JULY 2017 COMMENCING AT 9.01AM**

1 OPENING**2 PRESENT**

Members Present:

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

In Attendance:

Mr M Rowe – General Manager Community Services (Executive Officer)
Mr E Pardon – Chief Executive Officer
Mr S Turner – Acting Manager Planning and Regulatory Services
Mr P Harrison – Coordinator Building, Plumbing and Compliance
Mr J McCaul – Coordinator Development Engineering
Ms T Fitzgibbon – Coordinator Development Assessment
Mr T Gardiner – Planning Officer
Mr B Koelmeyer – Planning Officer
Ms C Steinberger – Media 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 Neil Fisher

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

THAT the minutes of the Planning and Regulatory Committee held on 6 June 2017 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

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.

9:02AM Chief Executive Officer attended the meeting

COMMITTEE RECOMMENDATION

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

Moved by: Councillor Rutherford
Seconded by: Councillor Smith

MOTION CARRIED

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 OFFICERS' REPORTS

8.1 COMMITTEE REPORT DELEGATIONS - MAY 2017

File No: 7028
Attachments: Nil
Authorising Officer: Steven Gatt - Manager Planning & Regulatory Services
Michael Rowe - General Manager Community Services
Author: Tarnya Fitzgibbon - Coordinator Development Assessment

SUMMARY

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

COMMITTEE RECOMMENDATION

THAT the Committee Report Delegations – May 2017 report be received.

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

8.2 D/184-2015/A - APPLICATION UNDER THE DEVELOPMENT INCENTIVES POLICY FOR DEVELOPMENT PERMIT D/184-2015 FOR A MATERIAL CHANGE OF USE FOR A MULTIPLE DWELLING (TWENTY-THREE UNITS) AND FOOD AND DRINK OUTLET

File No: D/184-2015/A
Attachments: 1. Locality Plan
Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
 Steven Gatt - Manager Planning & Regulatory Services
 Michael Rowe - General Manager Community Services
Author: Thomas Gardiner - Planning Officer

SUMMARY

Development Application Number: D/184-2015/A
Applicant: Eightco Investments Pty Ltd C/- Adams + Sparkes Town Planning
Real Property Address: Lot 3 on RP607653, Parish of Rockhampton
Common Property Address: 12 Archer Street, Rockhampton City
Planning Scheme Zoning: High Density Residential Zone
Type of Approval: Development Permit for a Material Change of Use for a Multiple Dwelling (twenty-three units) and Food and Drink Outlet
Date of Decision: 5 August 2016
Application Lodgement Fee: \$12,580.00
Infrastructure Charges: \$196,631.50
Infrastructure charges incentive: Rockhampton Central Business District – Precinct 2 – 50% discount
Incentives sought: Refund of Development Application Fees
 Refund of service and connection fees

9:09AM Councillor Wickerson attended the meeting
 9:10AM Chief Executive Officer left the meeting

COMMITTEE RECOMMENDATION

THAT in relation to the application under the Development Incentives Policy for a Development Permit for a Material Change of Use for a Multiple dwelling (twenty-three units) and a Food and Drink Outlet, located at 12 Archer Street, Rockhampton City, described as Lot 3 on RP607653, Parish of Rockhampton, Council resolves to Approve the following incentives if the use commences prior to 5 August 2019:

- a) A fifty (50) per cent reduction of infrastructure charges to the amount of \$94,065.75;
- b) A refund of the development application fee of \$12,580.00;

- c) A refund of service and connection fees upon completion of the development; and
- d) That Council enter into an agreement with the applicant in relation to (a), (b) and (c).

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

8.3 D/19-2017 - DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT (TWO LOTS INTO FIVE LOTS) AND ACCESS EASEMENT

File No: D/19-2017

Attachments: 1. Locality Plan
2. Site Plan

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Shane Turner - Acting Manager Planning and Regulatory Services
Michael Rowe - General Manager Community Services

Author: Bevan Koelmeyer - Planning Officer

SUMMARY

Development Application Number: D/19-2017

Applicant: Vicki Heilbronn

Real Property Address: Lot 1844 on LIV40662 and Lot 485 on LIV40112, Parish of Murchison

Common Property Address: 277 Yeppoon Road and 66 Alfred Road, Parkhurst

Area of Site: 39.255 hectares

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Zone: Yeppoon Road Corridor Environmental Protection Area

Planning Scheme Overlays:

- Bushfire Prone Land
- Environmentally Sensitive Location (Remnant Vegetation)
- Waterway Corridor

Existing Development: Dwelling house and ancillary domestic outbuilding

Existing Approvals: D/121-2016 - Approval for application of superseded planning scheme request
D/20-2017 - Development Permit for Reconfiguring a Lot (one lot into three lots) and an access easement

Approval Sought: Development Permit for Reconfiguring a Lot (two lots into five Lots) and an access easement

Level of Assessment: Impact Assessable

Submissions: Nil

Referral Agency(s): Department of Infrastructure, Local Government and Planning

Adopted Infrastructure Charges Area: Charge Area 3

Application Progress:

<i>Application Lodged:</i>	<i>20 February 2017</i>
<i>Acknowledgment Notice issued:</i>	<i>1 March 2017</i>
<i>Request for Further Information sent:</i>	<i>8 March 2017</i>
<i>Request for Further Information responded to:</i>	<i>31 March 2017</i>
<i>Submission period commenced:</i>	<i>26 April 2017</i>
<i>Submission period end:</i>	<i>18 May 2017</i>
<i>Council request for additional time:</i>	<i>13 June 2017</i>
<i>Government Agency Response:</i>	<i>4 May 2017</i>
<i>Last receipt of information from applicant:</i>	<i>25 May 2017</i>
<i>Statutory due determination date:</i>	<i>20 July 2017</i>

COMMITTEE RECOMMENDATION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for a Reconfiguring a Lot for (two lots into five Lots) and Access Easement, made by Vicki Heilbronn, Parish of Murchison, located at 277 Yeppoon Road and 66 Alfred Road, Parkhurst at Lot 1844 on LIV40662 and Lot 485 on LIV40112, 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 proposed development does not meet the prescribed minimum lot size of ten (10) hectares for the Yeppoon Road Corridor Environmental Protection Area. Despite this, the proposed size of each of the new lots will allow large rural residential style lots to be maintained as the primary development pattern in the surrounding area and is unlikely to negatively affect the character of the area or compromise the future use of the land for rural purposes.
- b) The subject site contains a number of overlay constraints including Steep or Unstable Land, Bushfire Hazard, Flood Hazard, as well as lack of access to urban services. Despite this, the applicant has provided several technical reports including a Bushfire Management Plan, an Ecological Assessment Report and a Flood Hazard Assessment which have identified appropriate mitigation measures to negate any potential impacts resulting from the identified overlays.
- c) The proposed development will result in the clearing of vegetation in an area identified as an environmentally sensitive location. However, common lot boundaries as well as the design and location of BLE's have been suitably sited and designed to minimise the amount of remnant vegetation clearing necessary to accommodate the development. Clearing is proposed to occur generally on the edges of the vegetation corridor and is not anticipated to have adverse effects on the function to protect existing vegetation and wildlife habitats. Therefore the proposed subdivision and the subsequent construction of a dwelling house on the vacant lots will not negatively impact the scenic values of the area.
- d) The proposed access easement for Lots 12 and 13 will be partially located in an area located in flood prone land associated with Limestone Creek. Despite this, the proposal will be conditioned to install flood markers which will provide future residents of proposed Lots 12 and 13 with adequate warning time to evacuate in a flood emergency.
- e) The proposed use does not compromise the achievements of the Desired Environmental Outcomes in the *Rockhampton City Plan 2005*;

- f) Assessment of the development against the relevant area intent, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and
- g) The proposed development does not compromise the relevant State Planning Policy.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Reconfiguring a Lot (two lots into five Lots) and Access Easement, made by Vicki Heilbronn, located at 277 Yeppoon Road and 66 Alfred Road, Parkhurst, described as Lot 1844 on LIV40662 and Lot 485 on LIV40112, Parish of Murchison, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer and his employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:
 - 1.3.1 to Council's satisfaction;
 - 1.3.2 at no cost to Council; and
 - 1.3.3 prior to the issue of the Compliance Certificate for the Survey Plan, unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the issue of the Compliance Certificate for the Survey Plan, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
 - 1.5.1 Operational Works:
 - (i) Road Works;
 - (ii) Access Works;
- 1.6 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.7 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 1.8 The access to Lots 12 and 13 must be via Easement B over Lot 485 and Easement C over Lot 13. Easement documents must accompany the Survey 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 any condition of this development approval:

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Flood Hazard Assessment	K3925-0002	21 February 2017
Proposed Subdivision Layout	R17006-001, Revision B	29 March 2017
Bushfire Hazard Assessment & Bushfire Management Plan	Version 2	10 March 2017
Regulated Vegetation Impact Assessment and Mitigation	Version 2	29 March 2017

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

- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of an application for a Development Permit for Operational Works.

3.0 ROAD WORKS

- 3.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works required by this development approval.

- 3.2 All road works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, and relevant *Australian Standards* and *Austroads Guidelines* and the provisions of a Development Permit for Operational Works (road works).

- 3.3 Olive Street must be constructed to Rural Access standard from the intersection with McMillan Avenue to the access point for Lot 11.

- 3.4 McMillan Avenue must be designed and constructed as a half road construction, with a minimum width of 5.5 metres from the end of the existing seal to the intersection with Olive Street. The edge line of the new construction must match the alignment of the existing kerb and channel on the western side of McMillan Avenue. Council will accept a two-coat seal in accordance with the requirements of the *Capricorn Municipal Development Guidelines* in lieu of asphalt surfacing for this section of roadway, with no kerb and channel construction required in this instance.

- 3.5 The intersection of McMillan Avenue and Olive Street must be sealed with a minimum of a two-coat seal in accordance with the requirements of the *Capricorn Municipal Development Guidelines* such that it has a minimum width of 6.5 metres within the Olive Street road reserve and extends a minimum of ten (10) metres to the east along Olive Street.

- 3.6 Traffic signs and pavement markings must be provided in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*. Where necessary, existing traffic signs and pavement markings must be modified in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*.

4.0 ACCESS WORKS

- 4.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access works required by this development approval.

- 4.2 All access works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), and *Capricorn Municipal Development Guidelines*, and the provisions of a Development Permit for Operational Works (access works).
- 4.3 The internal access to proposed Lots 12 and 13 must be constructed from the end of Alfred Road to the southern boundary of Lot 12. Construction must be a minimum of four (4) metres wide with a low flow pipe and concrete spillway with a one (1) year ARI immunity through the existing natural channel.
- 4.4 A new access must be constructed for proposed Lot 11 in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.
- 4.5 Flood height markers must be installed along the access to Lots 12 and 13 for the full extent of the 1% Average Exceedance Probability inundation area.

5.0 PLUMBING AND DRAINAGE WORKS

- 5.1 On-site sewage treatment and disposal must be in accordance with the Queensland Plumbing and Wastewater Code and Council's Plumbing and Drainage Policies. This can be completed at the building works application stage.
- 5.2 On-site water supply for domestic and firefighting purposes must be provided and may include the provision of a bore, dams, water storage tanks or a combination of each. This can be completed at the building works application stage.

6.0 STORMWATER WORKS

- 6.1 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 conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.

7.0 SITE WORKS

- 7.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 7.2 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.
- 7.3 Vegetation must not be cleared unless and until written approval has been provided by Council. A Development Permit for Operational Works constitutes written approval, only for the purposes of clearing vegetation directly pertinent to the operational works that are the subject of the Development Permit.
- 7.4 All site works must be undertaken to ensure that there is:
- 7.4.1 no increase in upstream or downstream flood levels for all levels of immunity up to a one per cent (1%) Annual exceedance probability defined flood event;
 - 7.4.2 no increase in velocity profiles, for which no remedy exists to prevent erosion and/or scouring. In the event that modelling shows non-compliance with the above, works must be undertaken within the system to satisfy the above criteria for development; and
 - 7.4.3 a lawful point of discharge to which the approved works drain during the construction phase.

8.0 ELECTRICITY

- 8.1 Electricity services must be provided to each lot in accordance with the standards and requirements of the relevant service provider, prior to the issue of the Compliance Certificate for the Survey Plan.

9.0 TELECOMMUNICATIONS

- 9.1 Evidence that the new lots can be provided with telecommunications services from the relevant service provider must be provided to Council, prior to the issue of the Compliance Certificate for the Survey Plan.

10.0 ASSET MANAGEMENT

- 10.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.
- 10.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.
- 10.3 '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 Asset Design and As Constructed Manual (ADAC).

11.0 ENVIRONMENTAL

- 11.1 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan that addresses, but is not limited to, the following:
- (i) objectives;
 - (ii) site location and topography
 - (iii) vegetation;
 - (iv) site drainage;
 - (v) soils;
 - (vi) erosion susceptibility;
 - (vii) erosion risk;
 - (viii) concept;
 - (ix) design; and
 - (x) implementation,
- for the construction and post-construction phases of work.
- 11.2 The Erosion Control and Stormwater Control Management Plan prepared by a Registered Professional Engineer of Queensland in accordance with the *Capricorn Municipal Design Guidelines*, must be implemented, monitored and maintained for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The plan must be available on-site for inspection by Council Officers whilst all works are being carried out.
- 11.3 The development must be undertaken in accordance with the recommendations in the approved Bushfire Management Plan (refer to condition 2.1).
- 11.4 The maintenance of the fire management trail must be the responsibility of the owner of the land (the Developer) until the subdivision is accepted by Council as being 'off defects' whereupon it must be the responsibility of the relevant property owners. All future owners of the proposed lots must be advised by the Developer in writing of

their responsibility to comply with the requirements of the approved Bushfire Management Plan (refer to condition 2.1).

- 11.5 All future buildings on the proposed lots must be constructed in accordance with *Australian Standard AS3959 "Construction of buildings in bushfire-prone areas"* and the approved Bushfire Management Plan (refer to condition 2.1). A property note to this effect will be entered against Lots 11, 12, 13 and 14.

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

NOTE 2. General Safety Of Public During Construction

The *Work Health and Safety Act 2011* and *Manual of Uniform Traffic Control Devices* must be complied with in carrying out any construction works, and to ensure safe traffic control and safe public access in respect of works being constructed on a road.

NOTE 3. Property Note (Bushfire)

All future buildings on the proposed lots must be constructed in accordance with *Australian Standard AS3959 "Construction of buildings in bushfire-prone areas"* and the approved Bushfire Management Plan.

NOTE 4. Infrastructure Charges Notice

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

NOTE 5. Clearing within Road Reserve

An approval for a Tree Clearing Permit, issued by the Department of Environment and Heritage Protection in addition to the Operational Works (road works) permit, will be required when constructing the proposed new roads.

It is a requirement under the *Nature Conservation Act 1992* that an approved Tree Clearing Permit is obtained from the Department of Environment and Heritage Protection, prior to any tree clearing activities that are to occur within a road reserve that is under Council control.

NOTE 6. Provision for Sewer and Water services

Each lot must be provided with on-site sewerage treatment and disposal systems at the time of house construction. All systems must comply with the *Queensland Plumbing and Wastewater Code, Australian Standard AS1547:2012 "On-site domestic wastewater management"* and Council Plumbing and Drainage Policies. Sustainable Water sources including rainwater tanks, and a bore or small dam must be provided.

NOTE 7. Rural Addressing

Rural addressing must be provided to each lot in accordance with Council's rural addressing procedures.

RECOMMENDATION C

That in relation to the application for a Development Permit for a Reconfiguring a Lot (two lots into five Lots) and Access Easement, made by Vicki Heilbronn, located at 277 Yeppoon Road and 66 Alfred Road, Parkhurst, described as Lot 1844 on LIV40662 and Lot 485 on LIV40112, Parish of Murchison, Council resolves to issue an Infrastructure Charges Notice for the amount of \$21,000.00.

Moved by: Councillor Smith

Seconded by: Councillor Rutherford

MOTION CARRIED UNANIMOUSLY

9 NOTICES OF MOTION

Nil

10 URGENT BUSINESS\QUESTIONS

ORDER OF BUSINESS

THAT pursuant to s5.7 *Council Meeting Procedures* the Order of Business be amended to consider Item 12.2 - Riverine scouring and slip at Reaney Street, Berserker as the next item of Business.

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

11 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 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.

12.2 Riverine scouring and slip at Reaney Street, Berserker

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.

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

COMMITTEE RECOMMENDATION

9:28AM

THAT pursuant to s7.11 *Council Meeting Procedures* the meeting moves into Closed Session and be closed to the public.

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

9:34AM Chief Executive Officer returned to the meeting

COMMITTEE RECOMMENDATION

9:42AM

THAT pursuant to s7.11 *Council Meeting Procedures* the meeting moves out of Closed Session and be opened to the public.

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

12 CONFIDENTIAL REPORTS

12.2 RIVERINE SCOURING AND SLIP AT REANEY STREET, BERSERKER

File No: 4842

Attachments:

1. OPW Approval
2. Aerial 2010
3. Aerial 2013
4. Aerial 2016
5. Ground level comparison

Authorising Officer: Shane Turner - Acting Manager Planning and Regulatory Services

Michael Rowe - General Manager Community Services

Author: Philip Harrison - Coordinator Building Plumbing and Compliance

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.

SUMMARY

The purpose of this report is to apprise Councillors of the Development Control issues due to riverine flooding cause scouring and land slip in the Reaney Street area of Berserker.

COMMITTEE RECOMMENDATION

THAT the information regarding the Development Control issues following the riverine flooding at 32 and 36 Reaney Street, Berserker be 'received'.

Moved by: Mayor Strelow

Seconded by: Councillor Smith

MOTION CARRIED

9:42AM

In accordance with s173(2) of the *Local Government Act 2009*, Mayor Margaret Strelow disclosed a conflict of interest in respect of Item 12.2 – The Gallery Apartments – Development issues for Council due to Ownership of adjacent property and proposed purchase of one unit at Gallery Apartments, the Mayor considered her position, did not take part in the debate and left the meeting.

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 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.

12.1 The Gallery Apartments - Development Issues for Council

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.

Moved by: Councillor Wickerson

Seconded by: Councillor Rutherford

MOTION CARRIED

COMMITTEE RECOMMENDATION**9:43AM**

THAT pursuant to s7.11 *Council Meeting Procedures* the meeting moves into Closed Session and be closed to the public.

Moved by: Councillor Rutherford

Seconded by: Councillor Smith

MOTION CARRIED

COMMITTEE RECOMMENDATION**10:08AM**

THAT pursuant to s7.11 *Council Meeting Procedures* the meeting moves out of Closed Session and be opened to the public.

Moved by: Councillor Rutherford

Seconded by: Councillor Smith

MOTION CARRIED

12.1 THE GALLERY APARTMENTS - DEVELOPMENT ISSUES FOR COUNCIL**File No:** 4842**Attachments:** Nil**Authorising Officer:** Steven Gatt - Manager Planning & Regulatory Services
Michael Rowe - General Manager Community Services**Author:** Philip Harrison - Coordinator Building Plumbing and Compliance

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.

SUMMARY

The purpose of this report is to apprise Councillors of the Development Control issues at a major development in Rockhampton. These issues have come to the attention of Building, Plumbing and Compliance through the monitoring of the construction by Council officers.

COMMITTEE RECOMMENDATION

THAT the information regarding the Development Control issues at the Gallery Apartments be 'received'.

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

13 CLOSURE OF MEETING

There being no further business the meeting closed at 10:08am.

SIGNATURE

CHAIRPERSON

DATE