



PLANNING AND REGULATORY COMMITTEE MEETING

MINUTES

17 APRIL 2018

The Committee Recommendations contained within these Minutes
were adopted at the Council meeting on 26 April 2018

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**REPORT OF THE PLANNING AND REGULATORY COMMITTEE MEETING
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON
ON TUESDAY, 17 APRIL 2018 COMMENCING AT 9.09AM**

1 OPENING

2 PRESENT

Members Present:

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

In Attendance:

Ms C Worthy – General Manager Community Services (Executive Officer)
Mr E Pardon – Chief Executive Officer
Mr T Cullen – General Manager Advance Rockhampton/Acting General
Manager Aviation Services
Mr S Gatt – Manager Planning and Regulatory Services
Mr D Morrison – Executive Coordinator to the Mayor
Ms T Fitzgibbon – Coordinator Development Assessment
Mr J McCaul – Coordinator Development Engineering
Ms K Moody – Coordinator Health and Environment
Ms N Ellawala – Coordinator Local Laws
Mr T Gardiner – Senior Planning Officer
Ms A Johnson – Acting Planning Officer
Mr P Benfield – Operational Works Administrator
Mr M Mansfield – Coordinator Media and Communications
Ms L Leeder – Senior Governance Support Officer

3 APOLOGIES AND LEAVE OF ABSENCE

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COMMITTEE RESOLUTION

THAT the minutes of the Planning and Regulatory Committee held on 3 April 2018 be taken as read and adopted as a correct record.

Moved by: Councillor Smith
Seconded by: Councillor Rutherford

MOTION CARRIED

9:09AM Mayor Strelow attended the meeting

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 BUSINESS OUTSTANDING

Nil

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 OFFICERS' REPORTS

8.1 D/136-2017 - DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT (ONE LOT INTO TWO LOTS)

File No: D/136-2017

Attachments:

1. Zoning Plan
2. Locality Plan
3. Site Plan

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Steven Gatt - Manager Planning and Regulatory Services
Colleen Worthy - General Manager Community Services

Author: Amy Johnson - Acting Planning Officer

SUMMARY

Development Application Number: D/136-2017

Applicant: Diawyn Pty Ltd

Real Property Address: Lot 2 on RP885689, Parish of Gracemere

Common Property Address: 9 Kelly Road, Gracemere

Area of Site: 41.53 hectares

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Low Impact Industry Zone and Rural Zone

Planning Scheme Overlays: Flood hazard overlay
Special management area overlay

Existing Development: Transportable building hire and sales business and rural land

Existing Approvals: AF-31-16.318 – Material Change of Use for a Low Impact Industry (Industrial Shed Enclosure)

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

Level of Assessment: Impact Assessable

Submissions: Nil

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

Infrastructure Charges Area: Charge Area 3

Application Progress:

<i>Application Lodged:</i>	9 November 2017
<i>Confirmation Notice issued:</i>	21 November 2017
<i>Request for Further Information sent:</i>	23 November 2017
<i>Request for Further Information responded to:</i>	23 February 2018
<i>Submission period commenced:</i>	5 March 2018

<i>Submission period end:</i>	<i>23 March 2018</i>
<i>Last receipt of information from applicant:</i>	<i>28 March 2018</i>
<i>Statutory due determination date:</i>	<i>8 May 2018</i>

COMMITTEE RECOMMENDATION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into two lots), made by Diawyn Pty Ltd, located at 9 Kelly Road, Gracemere, described as Lot 2 on RP885689, Parish of Gracemere, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer and his employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development 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 Approval 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) 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 An easement over the One Percent Average Recurrence Interval Neerkol Creek flood extents must be created over Lot 2. Easement documents must accompany the Survey Plan for endorsement by Council, prior to the issue of the Approval Certificate for the Survey Plan.
- 1.9 The access to Lot 2 must be via the proposed access easement over Lot 1. 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:

Drawing/report title	Prepared by	Date	Reference number	Version/issue
Site Plan	Design & Architecture	7 November 2017	GG-011	Rev 1

- 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 ACCESS WORKS

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

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

- 3.3 All access areas must be constructed in accordance with the approved site plan (refer to condition 2.1). The access must be constructed, operated and maintained in a manner so that there is no significant impact on the amenity of adjoining premises or the surrounding area being caused due to the emission of dust or resulting in sediment laden water. In the event the surface does not perform adequately, or the amenity impacts cannot be mitigated, the access must be sealed to Council's satisfaction.

- 3.4 The existing access for Lot 1 must be upgraded to comply with the requirements of the *Capricorn Municipal Development Guidelines*.

4.0 ASSET MANAGEMENT

- 4.1 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.

- 4.2 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.

5.0 OPERATING PROCEDURES

- 5.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials or parking of construction machinery or contractors' vehicles must not occur within Kelly Road or Hall Road.

ADVISORY NOTES**NOTE 1. Property Note - Flood Risk**

It is advised that the majority of the subject site is inundated by a one percent (1%) average exceedance probability flood. The flood modelling for this area has only recently been completed as at 3 April 2018 and has not been adopted by Council or been made publically available at this time. Council advises against the construction of any habitable structures within the affected areas of Lot 2 due to the risks associated with flooding.

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.

NOTE 3. General Safety Of Public During Construction

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

NOTE 4. Works in Road Reserve Permit

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

NOTE 5. 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 6. Rural Addressing

Rural addressing must be provided to Lot 2 in accordance with Council's rural addressing procedures.

RECOMMENDATION B

That in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into two lots), made by Diawyn Pty Ltd, located at 9 Kelly Road, Gracemere, described as Lot 2 on RP885689, Parish of Gracemere, Council resolves to issue an Infrastructure Charges Notice for the amount of \$7,000.00.

Moved by: Councillor Smith

Seconded by: Councillor Fisher

MOTION CARRIED

8.2 D/135-2017 - DEVELOPMENT APPLICATION FOR OPERATIONAL WORKS FOR EARTHWORKS AND A RETAINING WALL**File No:** D/135-2017**Attachments:**

1. Locality Plan
2. Plan View and Elevations of Retaining Wall
3. Construction Details of Retaining Wall

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Steven Gatt - Manager Planning and Regulatory Services
Colleen Worthy - General Manager Community Services**Author:** Philip Benfield - Operational Works Administrator

SUMMARY

The proposal is to construct up to a two (2) metre high concrete block retaining wall, topped with a 1.5 metre high timber fence, along the western boundary of 9 Rogar Avenue.

COMMITTEE RECOMMENDATION

THAT in relation to the application for a Development Permit for Operational Works for Earthworks and a Retaining Wall on Lot 1 on RP618772 and located at 9 Rogar Avenue, Frenchville, Council resolves to Refuse the application for the following reasons:

1. The visual character and amenity of the adjoining property owners will be adversely affected as a result of the construction of the retaining wall;
2. The proposed retaining wall is of a scale and size which is not appropriate for the Low Density Residential Zone;
3. Access to natural light and ventilation for adjoining property owners will be compromised as a direct result of the construction of the retaining wall.

Further, if a related application to achieve a similar outcome is received by Council within 6 months, application fees will be waived.

Moved by: Mayor Strelow**Seconded by:** Councillor Fisher**MOTION CARRIED UNANIMOUSLY**

9:30AM Chief Executive Officer left the meeting

8.3 DECISION UNDER DELEGATION - MARCH 2018

File No: 7028
Attachments: Nil
Authorising Officer: Steven Gatt - Manager Planning and Regulatory Services
Colleen Worthy - General Manager Community Services
Author: Tarnya Fitzgibbon - Coordinator Development Assessment

SUMMARY

This report outlines the properly made development applications received in March 2018 and whether they will be decided under delegation or decided by Council.

COMMITTEE RECOMMENDATION

THAT this report into the applications lodged in March 2018 be received.

Moved by: Councillor Rutherford

Seconded by: Councillor Wickerson

MOTION CARRIED

8.4 MONTHLY OPERATIONS REPORT FOR PLANNING AND REGULATORY SERVICES - MARCH 2018

File No: 1464

Attachments: 1. Monthly Operations Report - March 2018
2. Traffic Light Report - March 2018

Authorising Officer: Colleen Worthy - General Manager Community Services

Author: Steven Gatt - Manager Planning and Regulatory Services

SUMMARY

The Monthly Operations Report for the Planning and Regulatory Services Section for March 2018 is presented for Councillor's information.

COMMITTEE RECOMMENDATION

THAT the Planning and Regulatory Services Monthly Operations Report for March 2018 be 'received'.

Moved by: Councillor Fisher

Seconded by: Councillor Wickerson

MOTION CARRIED

9 NOTICES OF MOTION

Nil

10 URGENT BUSINESS\QUESTIONS

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 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.

12.1 Parking Occupancy and Turnover - Alma Street

This report is considered confidential in accordance with section 275(1)(e), of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by it.

Moved by: Councillor Smith

Seconded by: Councillor Rutherford

MOTION CARRIED

COMMITTEE RESOLUTION

10:14AM

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

10:15AM

In accordance with s173(2) of the *Local Government Act 2009*, The Mayor, Councillor Margaret Strelow disclosed a conflict of interest in respect of Item 12.1 – Parking Occupancy and Turnover – Alma Street due to ownership of property in the vicinity of the Pilbeam Theatre. The Mayor considered her position, did not take part in the debate and left the meeting.

COMMITTEE RESOLUTION

10:31AM

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 CONFIDENTIAL REPORTS

12.1 PARKING OCCUPANCY AND TURNOVER - ALMA STREET

File No: 1464
Attachments: Nil
Authorising Officer: Steven Gatt - Manager Planning and Regulatory Services
Colleen Worthy - General Manager Community Services
Author: Nishu Ellawala - Coordinator Local Laws
Previous Items: 9.1.6 - Parking Occupancy and Turnover - Pilbeam Theatre - Planning and Regulatory Committee - 14 Nov 2017 9.00 am

This report is considered confidential in accordance with section 275(1)(e), of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by it.

SUMMARY

This report provides an analysis of the parking occupancy and the current revenue and expenses of the parking infrastructure at the Alma Street Car Park.

COMMITTEE RECOMMENDATION

THAT the Committee adopts Option 2 as detailed in the report.

Moved by: Councillor Rutherford

Seconded by: Councillor Wickerson

MOTION CARRIED

13 CLOSURE OF MEETING

There being no further business the meeting closed at 10:32am.

SIGNATURE

CHAIRPERSON

DATE