



# **PLANNING AND REGULATORY COMMITTEE MEETING**

## **MINUTES**

**7 AUGUST 2018**

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**REPORT OF THE PLANNING AND REGULATORY COMMITTEE MEETING  
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON  
ON TUESDAY, 7 AUGUST 2018 COMMENCING AT 9.06AM**

## **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)  
Ms T Fitzgibbon – Coordinator Development Assessment  
Mr M Mansfield – Coordinator Media and Communications  
Mr B Diplock – Planning Officer  
Ms L Leeder – Senior Committee Support Officer  
Ms K Walsh – Committee 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 17 July 2018 be taken as read and adopted as a correct record.

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

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

### **9:08AM**

Pursuant to section 175E of the *Local Government Act 2009*, Councillor Ellen Smith declared a conflict of interest in regard to Item 8.3 – Committee Report Delegations – June 2018. The nature of the interest is that Councillor Smith's brother is the applicant for Development Application D63/2018 – MCU for Extractive Industry, which may be impact assessable, and the land adjoins her sister's property.

Councillor Smith left the room while Council considered the conflict of interest, and Mayor Strelow assumed the Chair.

**COMMITTEE RESOLUTION**

THAT Council considers there is a real conflict of interest in the matter between Councillor Smith and her brother who is the applicant for Development Application D63/2018 – MCU for Extractive Industry in regard to Item 8.3 – Committee Report Delegations – June 2018. Councillor Smith may not participate in the meeting while this matter is discussed and voted on.

**Moved by:** Councillor Wickerson

**Seconded by:** Councillor Rutherford

**MOTION CARRIED**

9:10AM Councillor Smith returned to the meeting and resumed the Chair.

## 6 BUSINESS OUTSTANDING

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

**File No:** 10097  
**Attachments:** 1. Business Outstanding Table  
**Authorising Officer:** Colleen Worthy - General Manager Community Services  
**Author:** Colleen Worthy - General Manager Community Services

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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 Regulatory Committee is presented for Councillors' information.*

#### COMMITTEE RECOMMENDATION

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

**Moved by:** Councillor Fisher  
**Seconded by:** Councillor Wickerson  
**MOTION CARRIED**

## **7 PUBLIC FORUMS/DEPUTATIONS**

Nil

## 8 OFFICERS' REPORTS

### 8.1 D/94-2017/A - DEVELOPMENT INCENTIVES APPLICATION FOR DEVELOPMENT PERMIT D/94-2017 FOR A MATERIAL CHANGE OF USE FOR A MEDIUM IMPACT INDUSTRY

**File No:** D/94-2017/A

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

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

**Author:** Brandon Diplock - Planning Officer

#### SUMMARY

*Development Application Number:* D/94-2017/A

*Applicant:* Beesa Investments Pty Ltd

*Real Property Address:* Lot 34 and Lot 35 on RP603516, Parish of Murchison

*Common Property Address:* 26 Hempenstall Street, Kawana

*Planning Scheme Zone:* Low Impact Industry Zone

*Type of Approval:* Development Permit for a Development Incentives Application for D/94-2017 for a Medium Impact Industry

*Date of Decision:* 22 November 2017

*Application Lodgement Fee:* \$2,941.00

*Infrastructure Charges:* \$6,783.00

*Infrastructure charges incentive:* Precinct 2 increased GFA – 50%  
\$3,391.50

*Incentives sought:* Development facilitation  
Refund of Development Application Fees  
Infrastructure Charges Refund

#### COMMITTEE RECOMMENDATION

THAT in relation to the application under the Development Incentives Policy for a Development Permit D/94-2017 for a Material Change of Use for a Medium Impact Industry, located at 26 Hempenstall Street, Kawana and described as Lot 34 and Lot 35 on RP603516, Parish of Murchison, Council resolves to Approve the following incentives if the use commences prior to 22 November 2020:

- a) A fifty (50) percent reduction of infrastructure charges to the amount of \$3,391.50;
- b) \$2,941.00 general incentives being a refund of application fees; and
- c) That Council enter into an agreement with the applicant in relation to (a) and (b).

**Moved by:** Councillor Smith

**Seconded by:** Mayor Strelow

**MOTION CARRIED**

## 8.2 D/45-2018 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A PARKING STATION

**File No:** D/45-2018

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

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

**Author:** Brandon Diplock - Planning Officer

### SUMMARY

*Development Application Number:* D/45-2018

*Applicant:* Rockhampton Regional Council

*Real Property Address:* Lot 11 on RP602506 and Lot 307 on R1675, Parish of Rockhampton

*Common Property Address:* 135 and 143 Alma Street, Rockhampton City

*Area of Site:* 3,035 Square Metres

*Planning Scheme:* Rockhampton Region Planning Scheme 2015

*Planning Scheme Zone:* Principal Centre Zone (Core Precinct)

*Planning Scheme Overlays:* Not Applicable

*Existing Development:* Vacant Land

*Existing Approvals:* Not Applicable

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

*Level of Assessment:* Impact Assessable

*Submissions:* Nil

*Infrastructure Charges Area:* Charge Area 1

*Application Progress:*

<i>Application Lodged:</i>	18 May 2018
<i>Acknowledgment Notice issued:</i>	29 May 2018
<i>Submission period commenced:</i>	8 June 2018
<i>Submission period end:</i>	29 June 2018
<i>Last receipt of information from applicant:</i>	6 July 2018
<i>Statutory due determination date:</i>	17 August 2018



**COMMITTEE RECOMMENDATION****RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for a Parking Station, made by Rockhampton Regional Council, on land located at 135 and 143 Alma Street, Rockhampton City, described as Lot 11 on RP602506 and Lot 307 on R1675, Parish of Rockhampton, 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 commencement of the use,  
unless otherwise stated.

1.4 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:

1.4.1 Operational Works:

(i) Access and Parking Works;

(ii) Stormwater Works;

(iii) Sewerage Works; and

(iv) Site Works

1.5 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.

1.6 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.

1.7 Lot 11 on RP602506 and Lot 307 on R1675 must be amalgamated and registered as one lot 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 any condition of this development approval:

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Overall Layout, Typical Sections & Details	2018-088-01 Rev A	5 July 2018

General Layout Plan	2018-088-03 Rev A	5 July 2018
Stormwater Management Plan		May 2018

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 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 development site.

3.2 All access and parking works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).

3.3 All car parking and access areas must be paved or sealed to Council's satisfaction. Design and construction must be in accordance with the provisions of a Development Permit for Operational Works (access and parking works).

3.4 The existing access from Alma Street to the development must be upgraded to comply with the requirements of the *Capricorn Municipal Development Guidelines*.

3.5 All vehicular access to and from the development must be via Alma Street only.

3.6 Any redundant vehicular crossovers must be replaced by Council standard kerb and channel.

3.7 All vehicles must ingress and egress the development in a forward gear.

3.8 Universal access parking spaces must be provided on-site in accordance with *Australian Standard AS2890.6 "Parking facilities - Off-street parking for people with disabilities"*.

3.9 Any application for a Development Permit for Operational Works (access and parking works) must be accompanied by detailed and scaled plans, which demonstrate the turning movements/swept paths of the largest vehicle to access the development site.

3.10 All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"* and *Australian Standard AS2890.1 "Parking facilities – Off-street car parking"*.

3.11 Road signage and pavement markings must be installed in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"*.

### 4.0 SEWERAGE WORKS

4.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any sewerage works on the development site.

4.2 The existing sewer lines within Lot 11 are to be made redundant back to the access chamber located in the northern corner of Lot 11, near Bolsover Lane. Existing access chambers within the abandoned sections are to be removed.

4.3 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.

## 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 required by this development approval.
- 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 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.
- 5.4 The development must not increase peak stormwater runoff for a selected range of storm events up to and including a one per cent (1%) Annual exceedance probability storm event, for the post-development conditions.
- 5.5 The installation of Stormwater treatment tanks must be in accordance with the manufacturer's specifications and all maintenance of the proposed stormwater treatment tanks must be the responsibility of the property owner or body corporate (if applicable).
- 5.6 The provision of water quality devices must ensure that the proposed development meets the stormwater management objectives identified in the *State Planning Policy 2017*.

## 6.0 SITE WORKS

- 6.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works on the development site.
- 6.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan that clearly identifies the following:
  - 6.2.1 the location of cut and/or fill;
  - 6.2.2 the type of fill to be used and the manner in which it is to be compacted;
  - 6.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
  - 6.2.4 details of any proposed access routes that are intended to be used to transport fill to or from the development site; and
  - 6.2.5 the maintenance of access roads to and from the development site so that they are free of all cut and/or fill material and cleaned as necessary.
- 6.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 6.4 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.

## 7.0 LANDSCAPING WORKS

- 7.1 All landscaping must be established generally in accordance with the approved plans (refer to condition 2.1). The landscaping must be constructed and/or established within two (2) years from the date of completion.

## 8.0 ASSET MANAGEMENT

- 8.1 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.
- 8.2 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.

## 9.0 ENVIRONMENTAL

- 9.1 An Erosion Control and Stormwater Control Management Plan in accordance with the *Capricorn Municipal Design Guidelines*, must be implemented, monitored and maintained for the duration of the development 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.

## 10.0 ENVIRONMENTAL HEALTH

- 10.1 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"*.
- 10.2 Noise emitted from the activity must not cause an environmental nuisance.

## 11.0 OPERATING PROCEDURES

- 11.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials or parking of construction machinery or contractors' vehicles must not occur within Alma Street or Bolsover Lane.

## 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 Partnerships website [www.datsip.qld.gov.au](http://www.datsip.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.

### 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.    Infrastructure Charges Notice**

Council has resolved not to issue an Infrastructure Charges Notice for this development because the new infrastructure charges arising from the development are less than the credits applicable for the new development.

**RECOMMENDATION B**

That in relation to the application for a Development Permit for a Material Change of Use for a Parking Station, made by Rockhampton Regional Council, on land located at 135 and 143 Alma Street, Rockhampton City, described as Lot 11 on RP602506 and Lot 307 on R1675, Parish of Rockhampton, Council resolves not to issue an Infrastructure Charges Notice.

**Moved by:                    Mayor Strelow**

**Seconded by:            Councillor Wickerson**

**MOTION CARRIED UNANIMOUSLY**

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**8.3 COMMITTEE REPORT DELEGATIONS - JUNE 2018**

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

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**SUMMARY**

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

**COMMITTEE RECOMMENDATION**

THAT this report into the applications lodged in June 2018, excluding application D63/2018 – MCU for Extractive Industry, be received.

**Moved by:** Councillor Rutherford

**Seconded by:** Councillor Wickerson

**MOTION CARRIED**

9:26AM Councillor Smith left the room having earlier in the meeting declared a conflict of interest in this matter. Mayor Strelow assumed the Chair.

**COMMITTEE RECOMMENDATION**

THAT this report into the application D63/2018 MCU for Extractive Industry be received.

**Moved by:** Councillor Fisher

**Seconded by:** Councillor Rutherford

**MOTION CARRIED**

9:27AM Councillor Smith returned to the meeting and resumed the Chair.

## **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 Write Off Contributions (pre 2002)

This report is considered confidential in accordance with section 275(1)(g) (h), 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; AND other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

**Moved by:** Councillor Wickerson

**Seconded by:** Councillor Smith

**MOTION CARRIED**

### COMMITTEE RESOLUTION

**9:28AM**

**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 Fisher

**MOTION CARRIED**

### COMMITTEE RESOLUTION

**9:31AM**

**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 Wickerson

**MOTION CARRIED**

## 12 CONFIDENTIAL REPORTS

### 12.1 WRITE OFF CONTRIBUTIONS (PRE 2002)

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

This report is considered confidential in accordance with section 275(1)(g) (h), 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; AND other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

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#### SUMMARY

*Council is in the process of collecting outstanding infrastructure charges and contributions from 1 January 2002 onwards. Part of this process also involved reconciling amounts outstanding in Pathways. This report seeks Council approval to write off a number of outstanding contributions for development approvals pre-2002 in order to reconcile these amounts in Pathways.*

#### COMMITTEE RECOMMENDATION

THAT the amounts set out in the tables in the report be written off and recorded as a nil balance in Pathways.

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

### **13 CLOSURE OF MEETING**

**There being no further business the meeting closed at 9:32am.**

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SIGNATURE

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CHAIRPERSON

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DATE