PLANNING & DEVELOPMENT COMMITTEE MEETING NO 1 WEDNESDAY 9 MARCH, 2011

Councillors Barbara Hovard (Chairperson), Julie Arthur, Sue Brooks, David Dalgleish, Linda Harris, Debbie Hawes, Mick Kruger, Belinda McNeven, Les MucKan, Anne Nioa, Gerard O'Connell.

Councillors are advised that a **PLANNING & DEVELOPMENT COMMITTEE MEETING** will be held in the Fraser Coast Regional Council Chambers, Maryborough City Hall, Kent Street, Maryborough on **WEDNESDAY 9 March, 2011** at **9.00AM.**

Desmond

LISA DESMOND
ACTING CHIEF EXECUTIVE OFFICER

3 March, 2011

ITEM NO	BUSINESS	FILE NO	PAGE NO
P&D 1	**APOLOGIES**		
P&D 2	**DISCLOSURE OF INTERESTS** In accordance with the provisions of the *Local Government Act 2009*, Councillors are required to declare a "Conflict of Interest" or "Material Personal Interest" that may exist on any item on the agenda of the Council or Committee Meeting.		

ITEM NO		FILE NO	PAGE NO
P&D 3	**CONFIRMATION OF MINUTES OF MEETINGS**		
	Nil		
P&D 4	**PUBLIC PARTICIPATION (AGENDA ITEMS ONLY)**		
P&D 5	**OFFICERS' REPORTS – DEVELOPMENT ASSESSMENT**		
P&D 5.1	Application for Material Change of Use (Multiple Units exceeding 2 storeys in height), Reconfiguring a Lot (creation of an access easement) and Operational Works (vegetation removal) – CJHA Pty Ltd c/- Urban Planet Town Planning Consultants – located at 38-44 Hillyard Street, Pialba	MCU-101067	To be distributed
P&D 5.2	Application for Preliminary Approval overriding the Planning Scheme - Material Change of Use - Low Density Residential, Development Permit – Reconfiguring 1 lot into 4 lots - located at 12 Turrum Street, Scarness - VB Pohlmann	MCU-101226	4 - 14
P&D 5.3	Application for Material Change of Use – Community Facility (Hospital) and Medical Centre – located at 182-198 & 124-200 Nissen Street and 9 Medical Place, Urraween – The Uniting Church in Australia Property Trust c/- KHA Development Managers	MCU-101325	To be distributed
P&D 6	**OFFICERS' REPORTS – STRATEGIC PLANNING**		
	Nil		
P&D 7	**OFFICERS' REPORTS – OTHER ITEMS**		
P&D 7.1	Open Resolutions Register – Planning & Development Committee – February 2011		15 – 18
P&D 8	**QUESTIONS ON NOTICE**		
P&D 8.1	Questions on Notice Register		19
P&D 8.2	Response to Question on Notice – New State Government Pool Safety Laws		20 - 22
P&D 9	**CONFIDENTIAL**		
	Nil		

FRASER COAST REGIONAL COUNCIL

STANDING COMMITTEE

PUBLIC PARTICIPATION PROCEDURAL GUIDELINES

Please switch off mobile phones. The use of mobile phones is not permitted in the Council Chamber during meetings.

Taping of Committee Meetings by the public is not permitted unless the Chairperson has been notified and approval given by a majority of Councillors present at the meeting.

Public Participation is a Fraser Coast Regional Council initiative to provide an opportunity for the Community to discuss or bring issues directly before Council.

1. At each Committee Meeting a period of time is allocated for Public Participation to be conducted.

2. Public Participation at Committee Meetings is **limited to Agenda Items only**.

3. The presentation during Public Participation must be restricted to **five (5) minutes**. At the discretion of Council an extension of time may be granted.

4. Participants must **state their name and address** for the purpose of recording the minutes which will be published on Council's web-site.

5. **Issues arising from Public Participation are not to be debated;** however Councillors may make statements to the Meeting or ask questions. The presenter is allowed to provide brief answers, and if necessary, Council may invite additional information to be submitted to the relevant Councillor/s. Matters arising from Public Participation that Council wishes to address may be referred to the appropriate Department/Director.

6. Public Participation **is not a venue to voice complaints or personal statements against any individual Councillor or Officer**.

7. The Chairperson may order a person to cease speaking if he considers the presentation to be disrespectful, abusive, outside these procedural guidelines or otherwise not in the public interest.

8. If you lodge any questions 24 hours prior to the meeting, relevant information may be able to be provided at the Meeting.

9. Questions requiring written response from Council Officers are to be submitted in writing and should include name, address and telephone number for contact purposes.

ITEM NO: P&D 5.2

FRASER COAST REGIONAL COUNCIL
PLANNING & DEVELOPMENT COMMITTEE MEETING NO. 1

WEDNESDAY 9 MARCH 2011

SUBJECT: **APPLICATION FOR PRELIMINARY APPROVAL OVERRIDING THE PLANNING SCHEME - MATERIAL CHANGE OF USE - LOW DENSITY RESIDENTIAL DEVELOPMENT PERMIT – RECONFIGURING 1 LOT INTO 4 LOTS - LOCATED AT 12 TURRUM STREET, SCARNESS - VB POHLMANN**

DIRECTORATE: **COMMUNITY AND DEVELOPMENT**

RESPONSIBLE OFFICER: **EXECUTIVE MANAGER DEVELOPMENT ASSESSMENT – Michael Ellery**

AUTHOR: **SENIOR PLANNER – Paul Rice**

APPLICATION NO: **MCU-101226**

REFERENCE: **DOCS#1999564**

APPLICATION SUMMARY

PROPOSAL:	Preliminary Approval to vary the effect of the Planning Scheme Material Change of Use - Low Density Residential; and Development Permit – Reconfiguring 1 lot into 4 lots
PROPERTY DESCRIPTION:	Lot 1 on RP889393
ADDRESS:	12 Turrum Street, Scarness
APPLICANT:	VB Pohlmann
OWNER:	Violet Beryl Pohlmann
SITE AREA:	3,050m^2
ZONING:	Urban Locality Open Space Zone
CURRENT USE:	Vacant land
DATE RECEIVED:	2 September 2010
CONCURRENCE AGENCIES:	Department of Infrastructure and Planning
STATUS:	Second 20 business days decision period expired 21 February 2011
ISSUES:	• Inconsistent use in the Open Space zone
SUMMARY:	• Creation of Residential Low Density allotments is consistent with the surrounding land uses and will not detract from Council's plans for Open Space provision.
RECOMMENDATION:	Approval subject to conditions

1. INTRODUCTION

1.1 Proposal

This application seeks Preliminary Approval to Override the Planning Scheme for a Material Change of Use for Low Density Residential purposes and a Development Permit for reconfiguring one (1) lot into four (4) lots. The proposal seeks to allow land identified in the Open Space zone to be used for Low Density Residential purposes. This will vary the way the Planning Scheme affects the subject land in that any future development undertaken will be in accordance with the provisions for the Low Density Residential zone.

The lots are proposed to be reconfigured as follows:

Lot	Area	Frontage	Depth/Frontage Ratio
Lot 1	691m^2	5.9m	2.3:1
Lot 2 (hatchet style)	889m^2	5.0m	1.5:1
Lot 3	789m²	9.5m	1.4:1
Lot 4	670m²	20.1m	1.4:1

1.2 History

The subject site was created on 4 May 1995 after the amalgamation of four (4) residential lots. This was immediately prior to the Transitional Hervey Bay City Planning Scheme 1996 taking effect. The Open Space zoning within the current Hervey Bay City Planning Scheme 2006 appears to have been carried over from the Transitional Hervey Bay City Planning Scheme 1996.

1.3 Site Description

The subject site is an irregular shaped lot that extends from Turrum Street south to Koloi Street and west to Jovi Court. The site is adjoined on all sides by Low Density Residential zoned land improved by single detached dwellings and ancillary structures.

The site is predominantly clear of vegetation and is not affected by the Natural Areas Overlay. The site is relatively flat at 26m AHD. The land is not constrained by any easements and no sewer gravity mains traverse the site.

2. PLANNING ASSESSMENT

Assessment of the proposal has been undertaken in accordance with the considerations outlined in Section 316 (4) of the *Sustainable Planning Act* 2009, a summary of which is outlined below.

<u>Effect of proposed variation on right of a submitter</u>

The proposal seeks to subdivide the land for low density residential uses and vary the level of assessment of further development to be in accordance with the tables of assessment for the Low Density Residential Zone.

It is considered that the proposed variations would not likely have an adverse effect on the right of a submitter, given that the common material made available to the public for scrutiny included the proposed development of the land into Low Density Residential allotments. As there were no submitters for this application it is considered unlikely that any further development would attract submitters.

No alternative tables of assessment or codes have been sought. The tables of assessment within the Planning Scheme for the Low Density Residential Zone would apply to the reconfigured lots.

Consistency of the proposed variation on other aspects of the scheme not sought to be varied

Due to the proposal not seeking to create alternate tables of assessment or codes applicable to further development the proposal will not impact upon the operation of other aspects of the Planning Scheme as the proposal is to effectively 'rezone' the reconfigured lots. The proposal will be subject to all other provisions of the Planning Scheme including the tables of assessment of applicable Overlay Codes, which will remain unaffected. Furthermore, the proposed variation sought is considered to not offend the Desired Environmental Outcomes of the Planning Scheme.

2.1 Hervey Bay City Planning Scheme 2006

Locality: Urban
Zone: Open Space
Level of Assessment: Code
Applicable Overlays: Airport Buffer Radius 3-6km and Obstacle Limitation Surface 61.5mAHD

The Hervey Bay City Planning Scheme 2006 identifies the site within the Open Space Zone. The following codes have been identified as relevant to the assessment of the proposal.

- Urban Locality Code (Open Space Zone);
- Reconfiguration of a Lot Code;
- Landscaping Code; and
- Works, Services and Infrastructure Code.

Relevant Overlay Codes are:

- Airport Environs Overlay Code.

The following is an assessment of the proposal against the applicable planning scheme provisions.

2.2 Desired Environmental Outcomes (DEO's)

An assessment of the proposed development against Desired Environmental Outcomes 1-6 has determined that the proposal generally supports the relevant outcomes and strategies.

2.3 Urban Locality

The proposal is seeking to allow the creation of Low Density Residential allotments within the Open Space zone. The following is an assessment against the relevant Overall Outcomes of the Urban Locality code:

- The proposal provides for the creation of a residential type that will ultimately provide for a range of accommodation types across the City;
- The proposal will result in utilisation of land not zoned for Low Density Residential subdivision however, the site is located to be suitably serviced by the adjoining development and thus maximising the use of infrastructure that is orderly and sequential; and

- The proposal provides for Low Density allotments consistent with the desired dwelling unit density of one per 600m² consistent with the outcomes sought by the Urban Locality Code.

The land is not identified in the Plans for Trunk Infrastructure in Planning Scheme Policy 4 and thus does not form part of the existing or future Public Parks and Community Land network under the current Planning Scheme. The proposal is therefore consistent with the Overall Outcomes of the Urban Locality Code.

2.4 Open Space Zone

The proposal has been assessed against the Urban Locality Code – Open Space Zone which has demonstrated compliance with the Code with the exception of PC 1 requiring further assessment as no acceptable solution is specified.

PC1 – List of inconsistent uses

The proposal is seeking to vary the level of assessment for uses to be consistent with the Low Density Zone tables of assessment. This is primarily to allow House's to be constructed Self Assessable on reconfigured land that is zoned Open Space. The Open Space Zone lists residential uses as inconsistent within this zone.

Despite the inconsistency with PC1 the proposal has adequately demonstrated that the proposal achieves the Overall Outcomes of the Urban Locality Code and therefore should be supported.

2.5 Reconfiguration of a Lot Code

The proposal has been assessed against the Reconfiguration of a Lot Code which has demonstrated compliance with the relevant provisions of the Code with the exception of PC3, which requires further assessment as no acceptable solution is specified. The following is an assessment against the applicable Performance Criteria.

PC3 – Lot frontages must address the street and open space areas to allow casual surveillance

Proposed lots 1, 3 and 4 address the street while proposed lot 2 forms a hatchet lot, which is a commonly accepted configuration for infill development. All lots will allow for casual surveillance of roadways and is therefore considered to be consistent with the Overall Outcomes of the Reconfiguration of a Lot Code.

2.6 Landscaping Code

The proposal has been assessed against the Landscaping Code which has demonstrated compliance with the Acceptable Solutions. PC1, PC9 and PC12 provide no Acceptable Solution, however the proposal satisfies these Performance Criteria. The proposal is therefore considered to generally comply with the Overall Outcomes of the Landscaping Code.

2.7 Works Service and Infrastructure Code

It is considered that the proposal meets the overall outcomes of the Works, Services and Infrastructure Code in that the development is provided with the level of services expected by the community and unacceptable off site impacts are prevented.

2.8 Airport Environs Overlay Code

The proposal is consistent with the Overall Outcomes of the Airport Environs Overlay Code in that the development is not incompatible with the airport use and the safety and efficiency of the operational airspace of the Maryborough and Hervey Bay airports is protected.

2.9 Planning Scheme Policies

The following Planning Scheme Policies are applicable to this development:

Planning Scheme Policy	Proposed Development	Applicable?
PSP 2 – Development Manual	The development manual sets out design standards for all development.	Yes, subject to a condition of approval.
PSP4 – Infrastructure Contributions	Contributions are applicable to the development pursuant to PSP 4 – appropriate conditions have been recommended.	Yes, subject to conditions of approval.
PSP 15 – Development Procedures	PSP 15 provides supporting information to applicants on development procedures for all development.	Yes, subject to a condition of approval.

The subject land previously comprised four (4) lots, being part of a larger subdivision approval in 1994, which included dedication of land for drainage purposes. These four (4) lots were amalgamated into a single parcel in 1995. Given the 1994 subdivision was not subject to an infrastructure contributions policy and previous land dedication was for drainage purposes, it is deemed appropriate that under the current Planning Scheme Policy 4, headworks contributions be applied for water, sewer, transport, stormwater and open space. Credit of one (1) equivalent dwelling unit (EDU) will be attributed to the existing lot and infrastructure contributions required for the additional three (3) allotments.

2.10 State Planning Policies

No State Planning Policies are relevant to the assessment of this application.

3. REFERRALS

3.1 Internal

Development Engineering

Council's Development Engineer had no objections to the proposal subject to conditions.

Strategic Planning

Council's Strategic Planning section advised that the proposed reconfiguration is inconsistent with the Overall Outcomes sought for the Open Space zone of the IPA Scheme 2006. However, the subject site is not required for future open space purposes and the submitted plan forms a logical infill development that is consistent with the pattern of development in the locality. It is therefore considered that despite the conflict with the Open Space Zone, sufficient planning grounds exist to support the proposed development, subject to suitable conditions requiring that future development is undertaken in accordance with the Low Density Residential Zone Table of Assessment and all applicable Overlay Tables of Assessment. Appropriate conditions have been included in the recommendation to this effect.

3.2 External

Department of Infrastructure and Planning

The application was referred to the Department of Infrastructure and Planning as a Concurrence Agency in relation to the proposal seeking Preliminary Approval overriding the Planning Scheme. The Department of Infrastructure and Planning responded on 1 November 2010 with no objection to or requirements on the proposal.

4. PUBLIC NOTIFICATION

Public Notification procedures were carried out by the applicant in accordance with the provisions of the *Sustainable Planning Act* 2009. Public Notification was commenced on 20 October 2010 and completed on 3 December 2010. Council received written notice from the applicant on 15 December 2010 confirming compliance in respect to the public notification requirements of the Act. No properly made submissions were received during the notification period.

5. CONCLUSION

The application seeks Preliminary Approval to Override the Planning Scheme to allow for further development to be assessed in accordance with the Low Density Residential Zone and a Development Permit to reconfigure one (1) lot into four (4) lots.

The proposal has demonstrated that sufficient planning grounds exist to depart from the Planning Scheme being:

- The proposal will utilise an allotment which is considered to have a redundant zoning that provides for the best fit with regard to future use of the site considering its context;
- The proposal is considered to be generally consistent with the DEO's and Overall Outcomes of the Urban Locality Code despite the conflict with PC1 of the Open Space Zone Code;
- The proposal will not have a detrimental affect on the operation of the Planning Scheme; and
- The proposal is unlikely to result in submitter appeal rights being lost as the proposal was publiclly notified and no submissions were received.

In assessing the proposed use of the land, the relevant provisions of the Hervey Bay City Planning Scheme 2006 and the *Sustainable Planning Act* 2009, it is considered that the proposal should be approved subject to the following recommendation.

6. RECOMMENDATION

That the application by VB Pohlmann for a Preliminary Approval to vary the effect of the Hervey Bay City Planning Scheme 2006 and Development Permit for Reconfiguration of a Lot – 1 into 4 lots at 12 Turrum Street, Scarness being Lot 1 on RP889393 be approved generally in accordance with the plan titled 'Proposed Configuration', Plan No. 10063-RECONF, prepared by Urban Planet Town Planning Consultants and dated September 2010 subject to the following conditions which must be met prior to endorsement of the plan of survey, or at such other time as may be specified in any particular condition. These conditions must be implemented at no cost to Council or Wide Bay Water Corporation unless specified in any particular condition.

MATERIAL CHANGE OF USE

1. This approval varies the effect of the Hervey Bay City Planning Scheme 2006 to the extent that further development on proposed Lots 1-4 must be undertaken in accordance with the tables of assessment for the Urban Locality - Low Density Residential Zone.

2. The relevant period for varying the effect of the Hervey Bay City Planning Scheme 2006 to the extent determined in Condition 1 of this approval is not limited and starts the day the approval takes effect.

RECONFIGURATION OF A LOT

PRE-CONSTRUCTION

General

3. Carry out the development in accordance with Council's Planning Scheme Policy 2 - Development Manual and Planning Scheme Policy 15 - Development Procedures.

Stormwater Discharge

4. Design the stormwater drainage such that no restriction to existing or developed stormwater flow from upstream properties or ponding of stormwater within upstream properties occurs as a result of the development, as set out in Planning Scheme Policy 2.

5. Design stormwater drainage such that the development will not make material changes to the pre-development location, duration, frequency or concentration of overland stormwater flow at the point of discharge to all downstream properties including road reserves. Measures taken to prevent detrimental effects to neighbouring properties are to be included with any application for Operational Works.

Electricity

6. Enter into an agreement with an approved electricity supplier to ensure that electricity will be available to each lot under standard tariff conditions and without further capital contributions, prior to the endorsement of the plan of survey.

Administration

7. Meet the costs of all development works including any necessary alteration, relocation of services, public utility mains or installations. Ensure all existing services are accurately located before any development works commence.

CONSTRUCTION

General

8. Stabilise all disturbed or filled areas with approved grassing as detailed in Council Policy. Such approved grassing must be maintained by the Developer for a period of six months after the required coverage is achieved.

9. Provide concrete driveway (or approved equivalent) construction to lots 1 and 2 in accordance with Planning Scheme Policy 2 "Development Manual".

Sewer

10. Construct a reticulated sewerage system, to serve each lot, to the standards contained in the Wide Bay Water Corporation's Guidelines. The system must be to a design approved by Council. Provide easements over all trunk sewers as defined in Council's policy.

Water

11. Construct a reticulated water supply system, to serve each lot, to the standards contained in the Wide Bay Water Corporation's Guidelines. The system must be to a design approved by Council. The reticulation system must be constructed for the full frontage of the land.

Electricity

12. Provide for reticulation of underground electricity including provision for street lights to serve each lot in the subdivision. The electricity reticulation must be designed and constructed to comply with all requirements of Ergon Energy.

13. Provide all easements required by Ergon Energy over existing or proposed power lines, cables and equipment in the development site.

Environmental Health

14. Confine on site all dust and other emissions such as ash, fumes, light, odour or smoke from the building site and take all reasonable steps to prevent a release to neighbouring properties.

15. Do not undertake any works during the following hours:
    (a) on a Sunday or public holiday, at any time; or
    (b) on a Saturday or business day, before 6.30 am or after 6.30 pm.

16. Carry out works in accordance with a Sediment Control Management Plan approved by the Assessment Manager.

17. Remove any spills of soil or other material from the road or gutter upon completion of each days work during construction. These material spills and accumulated sediment deposits must be managed in a way that minimises environmental harm and/or damage to public and private property.

POST CONTRUCTION

Administrative

18. Pay all outstanding rates, sewerage, cleaning or water charges or other charges due to Council, prior to endorsement of the plan of survey.

19. Arrange for the supervising engineer to collect and submit to Council digital "as constructed" information for the works, prior to acceptance of the works on maintenance. The digital information must comply with Council's "Submission of Digital As Constructed Manual" and must be certified as specified in the Manual. As constructed data must include finished surface levels sufficient to enable digital terrain modelling.

20. Provide a plan sealing report and supporting documentation demonstrating compliance with each condition of this approval prior to the sealing of any plan of survey to create separate titles. The plan sealing report shall accompany the application for plan sealing.

Contributions

21. Pay a contribution toward Water Supply Infrastructure to Council in accordance with Planning Scheme Policy 4 or the policy current at the time of payment. Payment of contributions must be made prior to the endorsement of the plan of survey.

22. Pay a contribution toward Sewerage Infrastructure to Council in accordance with Planning Scheme Policy 4 or the policy current at the time of payment. Payment of contributions must be made prior to the endorsement of the plan of survey.

23. Pay a contribution toward Transport Infrastructure (including State Controlled Roads (Local Function), Council Roads, Public Transport, Pedestrian Paths and Cycleways) to Council in accordance with Planning Scheme Policy 4 or the policy current at the time of payment. Payment of contributions must be made prior to the endorsement of the plan of survey.

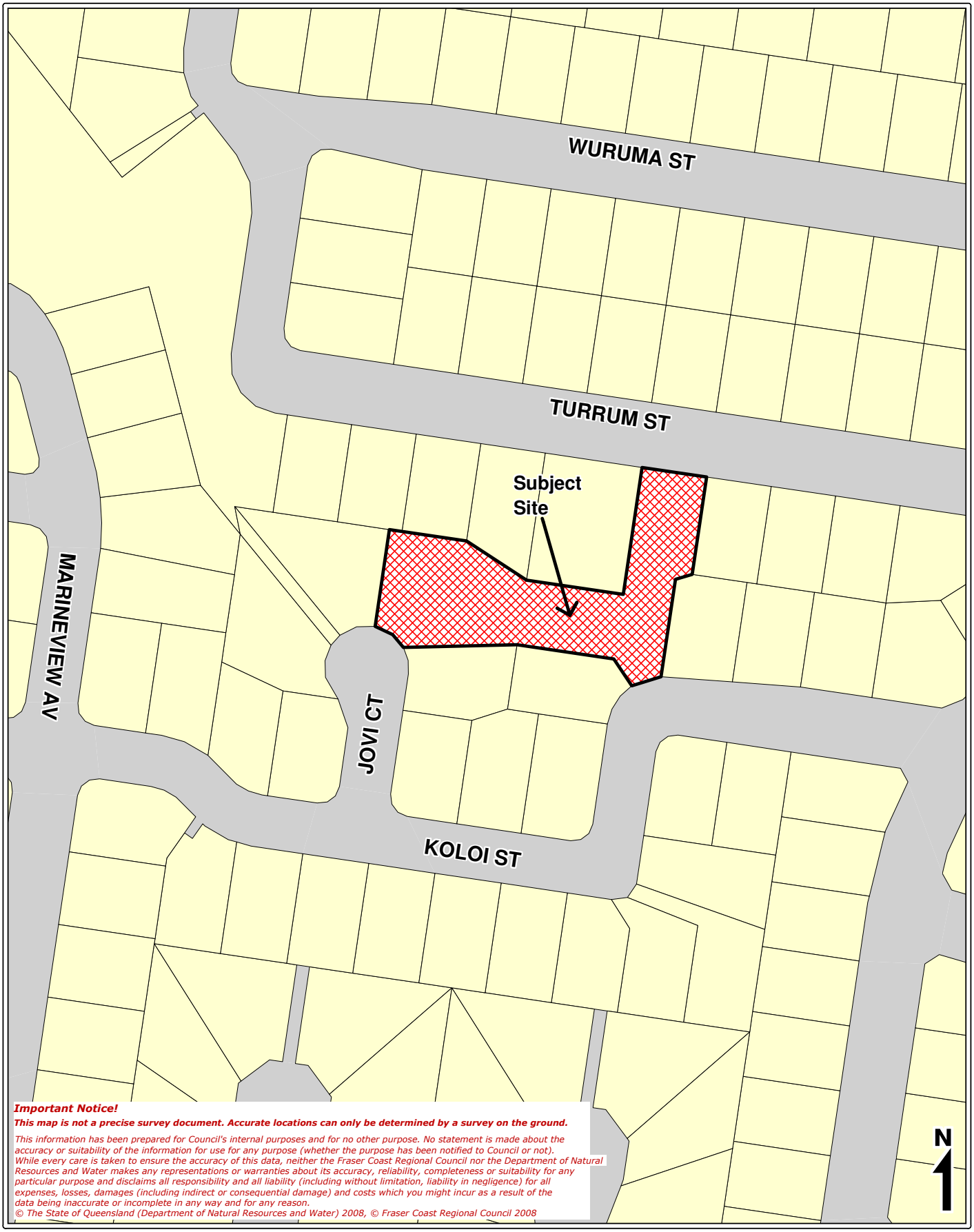
24. Pay a contribution toward Stormwater Infrastructure to Council in accordance with Planning Scheme Policy 4 or the Policy current at the time of payment. Payment of contributions must be made prior to the endorsement of the plan of survey.

25. Pay a contribution toward the provision of Public Parks and Community Land in accordance with Planning Scheme Policy 4 or the Policy current at the time of payment. Payment must be made prior to the endorsement of the plan of survey.

ATTACHMENTS:

1. **Locality Plan**
2. **Plan of Development**

13



Important Notice!

This map is not a precise survey document. Accurate locations can only be determined by a survey on the ground.

This information has been prepared for Council's internal purposes and for no other purpose. No statement is made about the accuracy or suitability of the information for use for any purpose (whether the purpose has been notified to Council or not). While every care is taken to ensure the accuracy of this data, neither the Fraser Coast Regional Council nor the Department of Natural Resources and Water makes any representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the data being inaccurate or incomplete in any way and for any reason.

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Fraser Coast REGIONAL COUNCIL

Aerial Photography: June 2006

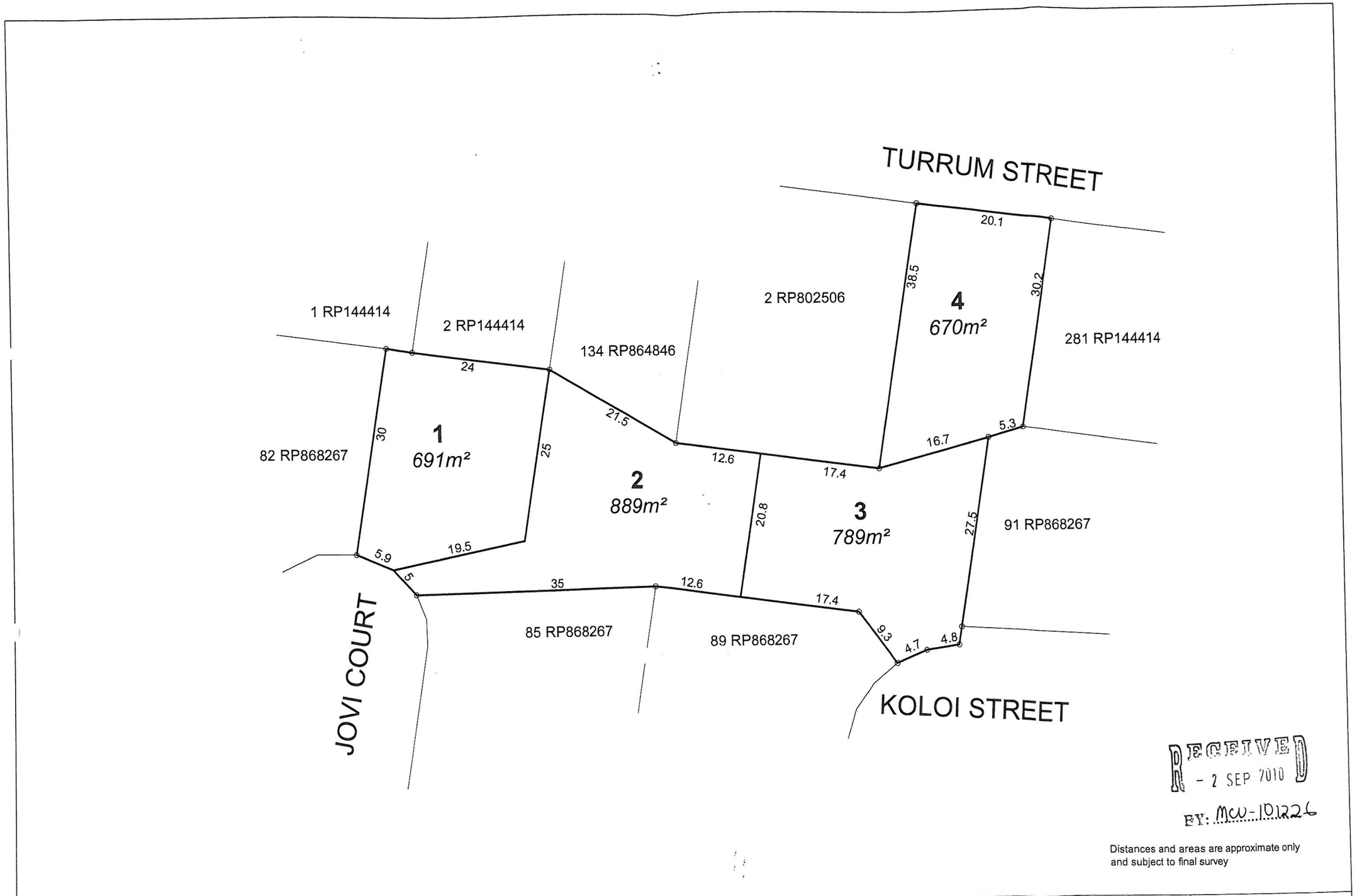
Printed : 17/02/2011

Locality Plan

10 0 10 20 30m

Scale: 1:500

14



RECEIVED
- 2 SEP 2010
BY: MCU-101226

Distances and areas are approximate only and subject to final survey

TITLE: LOT 1 RP889393, 12 TURRUM STREET, SCARNESS PROPOSED RECONFIGURATION	DATE: SEPTEMBER 2010 REVISED:		SCALE: 1:500 @A3 METRES 0 5 10 20 30
CLIENT: G POHLMANN	PLAN NO: 10063 - RECONF DRAWN: ME		

Urban Planet
Town Planning Consultants
ABN 85 826 004 550
2 / 50 Torquay Rd
PO Box 232 Harvey Bay QLD 4655
P 07 - 4128 2888 F 07 - 4128 2886
info@urbanplanet.com.au

ITEM NO: P&D 7.1

FRASER COAST REGIONAL COUNCIL
PLANNING & DEVELOPMENT COMMITTEE MEETING NO. 1

WEDNESDAY 9 MARCH 2011

SUBJECT: **OPEN RESOLUTIONS REGISTER – PLANNING & DEVELOPMENT COMMITTEE – FEBRUARY 2011**

DIRECTORATE: **COMMUNITY & DEVELOPMENT**

RESPONSIBLE OFFICER: **DIRECTOR, COMMUNITY & DEVELOPMENT, Peter Smith**

AUTHOR: **EXECUTIVE ASSISTANT, COMMUNITY & DEVELOPMENT, Michelle Knapp**

FILE NO: **F004872(P1)**

DOC NO: **#1932139v8**

1. PURPOSE

The purpose of this report is to provide an update on the status of outstanding Community & Development Committee Resolutions, Questions on Notice and General Business.

2. BACKGROUND & PREVIOUS COUNCIL CONSIDERATION

N/A

3. PROPOSAL

Attachment 1 provides details of the status of outstanding Planning & Development Committee Resolutions, Questions on Notice and General Business which require further action as at the reporting date.

4. FINANCIAL & RESOURCE IMPLICATIONS

N/A

5. POLICY & LEGAL IMPLICATIONS

N/A

6. CRITICAL DATES & IMPLEMENTATION

N/A

7. CONSULTATION

N/A

8. CONCLUSION

N/A

9. OFFICER'S RECOMMENDATION

That the report be received and noted.

ATTACHMENT:

1. Open Resolutions Register – Community & Development Committee – February 2011

OPEN RESOLUTIONS REGISTER – PLANNING & DEVELOPMENT COMMITTEE FEBRUARY 2011

Responsible Officer	Action Request	Resolution Details	Status
PUBLIC PARTICIPATION			
Nil			
OFFICER REPORTS			
Rosalyn Acworth	**CP0900408**	Community & Development Meeting - C&D Committee Meeting No. 3 - Wednesday 11 August 2010 (Minutes DOCS #1878872) TIMEFRAME FOR ACTION REQUEST: 20 BUSINESS DAYS C&D 4.3 Crediting of Public Park and Community Land Infrastructure Contributions pursuant to Hervey Bay City Planning Scheme Policy No. 4 (2009) RESOLUTION (Kruger / Dalgleish) That the report be received and that a further report be provided to Councillors to clarify the issues raised during the meeting including a review of the policy. Carried Unanimously C&D 3/54/08/10	**02/03/11** 020311 R Acworth - As agreed at the Councillor Briefing held on 28 Feb 2011, staff will consult with representatives of the development industry in relation to the draft practise note prior to a formal report being presented to a future P&D Committee Meeting. **15/02/11** Briefing to be provided to Councillors on 7/3/11 with a view to presenting a report to a future C&D Meeting. **20/12/10** Advice from Integran has not yet been received; however, Council's Draft PIP for Hervey Bay has been prepared on the basis of the Department of Infrastructure and Planning's template for a Priority Infrastructure Plan and an Infrastructure Charges Schedule; hence the affect of this wording will also be reviewed. It is anticipated that the results will be submitted to a Councillor and Executive Strategic Meeting early in 2011. At this stage, it is intended that a number of practical examples be prepared as guidelines to understanding the current provisions. **01/11/10** Advice is currently being sought from Integran Infrastructure Management regarding the methodology used to determine park contributions in PSP4 and particularly the effect of pre-1990 land dedications being contained within Schedule 4 at present. The outcome of this advice will be presented to the Councillor and Executive Strategic Meeting on 6 December 2010.

OPEN RESOLUTIONS REGISTER – PLANNING & DEVELOPMENT COMMITTEE FEBRUARY 2011

Responsible Officer	Action Request	Resolution Details	Status
			09/09/10 Briefing Note seeking further clarification on the issue of crediting open space was discussed at the Councillor and Executive Meeting on 6 Sep 2010. It was decided that a further report be brought back to the Councillors to discuss examples of crediting for open space dedications. The intent is to clarify the existing crediting provisions available under PSP 4.
QUESTIONS ON NOTICE			
Andy Gaze	**CP0900625**	Community & Development Meeting - Minutes of C&D Committee Meeting No. 2 - Wednesday 9 February 2011 (Minutes DOCS #1996092) ACEO TIMEFRAME FOR ACTION REQUEST: 20 BUSINESS DAYS C&D 8 QUESTIONS ON NOTICE C&D 8.2 New State Government “Pool Safety Laws” Councillor McNeven referred to the new State Government “Pool Safety Laws” and as a question on notice asked for Councillors to be briefed regarding this matter and provided with any fact sheets Council was providing.	02/03/11 Report to be presented to P&D 09/03/11. A Gaze
GENERAL BUSINESS			
Nil			

ITEM NO.: P&D 8.1

QUESTIONS ON NOTICE REGISTER

Meeting Date	Question	Action Request No. & Allocated To
09/02/11	Item C&D 8.2 – Question on Notice – New State Government "Pool Safety Laws" (Councillor McNeven) Councillor McNeven referred to the new State Government "Pool Safety Laws" and as a question on notice asked for Councillors to be briefed regarding this matter and provided with any fact sheets Council was providing.	cp0900625 Andy Gaze

RECOMMENDATION

That the Questions on Notice Register report be received and noted.

ITEM NO: P&D 8.2

FRASER COAST REGIONAL COUNCIL
PLANNING & DEVELOPMENT COMMITTEE MEETING NO. 1

WEDNESDAY, 9 MARCH 2011

SUBJECT: **RESPONSE TO QUESTION ON NOTICE – NEW STATE GOVERNMENT POOL SAFETY LAWS**

DIRECTORATE: **COMMUNITY AND DEVELOPMENT**

RESPONSIBLE OFFICER: **DIRECTOR COMMUNITY AND DEVELOPMENT – Peter Smith**

AUTHOR: **EXECUTIVE MANAGER ENVIRONMENTAL HEALTH & REGULATION – Andy Gaze**

DOC NO: **#2006394**

LINK TO CORPORATE / OPERATIONAL PLAN: **n/a.**

1. PURPOSE

The purpose of this report is to provide Council with information about the new State Government "Pool Safety Laws".

2. BACKGROUND & PREVIOUS COUNCIL CONSIDERATION

At Community & Development Committee Meeting No. 2 held on Wednesday 9 February 2011 the following question on notice was tabled:

C&D 8.2 New State Government "Pool Safety Laws"

Councillor McNeven referred to the new State Government "Pool Safety Laws" and as a question on notice asked for Councillors to be briefed regarding this matter and provided with any fact sheets Council was providing.

3. RESPONSE

The new Pool safety laws were introduced in December last year amid considerable state wide publicity. The new scheme has two main facets one a regulatory compliance/enforcement framework and the other a commercial swimming pool safety inspection service. It was decided that the pool safety inspection service would be offered by Council Building Services department and that the regulatory compliance function would be undertaken within the Environmental Health and Regulation department.

A series of guides which are distributed by the Department of Local Government and Planning detail the reasons behind the legislation and how it is to be interpreted by both the pool owner, Local Government and swimming pool safety inspectors.

The legislation basically places an onus on pool owners to ensure that all pools comply with the current pool safety requirements by 30 November 2015. However if you are selling, renting or leasing a property the pool must comply with earlier timeframes.

From a regulatory compliance perspective Councils must investigate complaints or referrals regarding pools received from either the Department of Infrastructure and Planning, public, and swimming pool safety inspectors. It must also respond to immersion incidences reported to it by Queensland Health.

The Department of Local Government and Planning website provides considerable advice and guidance to pool owners and other stakeholders regarding their obligations under the new legislation. The website information can be accessed on http://www.dip.qld.gov.au/poolsafety.

Finally, due to the recent Queensland floods, a six month extension period has been granted to property owners to obtain a compliance certificate from a swimming pool safety inspector where a rental property containing a non-shared pool is experiencing a change of tenant. The extension is intended to introduce greater flexibility into the rental market during the flood recovery period. For example, in situations where displaced property owners and flood recovery building contractors seek to use rental tenancies during the flood recovery period.

4. FINANCIAL & RESOURCE IMPLICATIONS

Council have already received a number of complaints regarding pool safety fences. It has also received a number of Queensland Health immersion incident notifications that it has had to act upon. This has placed an additional workload on the Environmental Health and Regulation regulatory area. However, at this early stage of implementing the new swimming pool safety laws, it is difficult to quantify what the long term ramifications of this additional workload will be.

In order to facilitate implementation and administration of the new laws, a compliance database will need to be created within Councils TechOne system and other compliance officers need to be trained to undertake the regulatory compliance function. This will be an unbudgeted and as yet unquantifiable addition to the compliance units current costs.

With regard to the pool safety inspection service, the Building Services department have thus far issued 26 pool safety compliance certificates at a commercial charge of $255 per certificate. $30 of this charge is paid to the Department of Infrastructure and Planning in accordance with legislative requirements.

5. POLICY & LEGAL IMPLICATIONS

Nil

6. CRITICAL DATES & IMPLEMENTATION

The legislation is currently being implemented.

7. CONSULTATION

The following officers were consulted in the preparation of this report:

Executive Manager Building Services

8. CONCLUSION

That new legislation has been implemented by the Building Services and Environmental Health and Regulation departments since 1 December 2001. Further refinement and implementation of the new laws will occur in both departments over time. The implementation program has been designed to complement the 30 November 2015 compliance deadline date that will apply to all pools throughout the region.

9. OFFICER'S RECOMMENDATION

That the report be received and noted.

ATTACHMENTS:

Nil