PLANNING & DEVELOPMENT COMMITTEE MEETING NO 3 WEDNESDAY 11 MAY, 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 in Hervey Bay, 77 Tavistock Street, Torquay on **WEDNESDAY 11 MAY, 2011 at 9.30AM.**

Desmond

LISA DESMOND
CHIEF EXECUTIVE OFFICER

4 MAY, 2011

Fraser Coast Regional Council acknowledges the traditional owners of the land upon which we meet today.

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.		

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P&D 5	**OFFICERS' REPORTS – DEVELOPMENT ASSESSMENT**		
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P&D 5.2	Application for Development Permit - Material Change of Use - Outdoor Sales Premises at 91-93 Islander Road, Pialba - Stirling North Pty Ltd	MCU-111021	To be distributed
P&D 6	**OFFICERS' REPORTS – STRATEGIC PLANNING**		
	Nil		
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	Council resolves that the Meeting be closed to the public in accordance with Section 463(1)(h) - 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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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 3.1

MINUTES OF PLANNING & DEVELOPMENT COMMITTEE MEETING NO 2
HELD IN THE FRASER COAST REGIONAL COUNCIL CHAMBERS,
77 TAVISTOCK STREET, TORQUAY, HERVEY BAY
ON WEDNESDAY 13 APRIL, 2011 COMMENCING AT 9.30AM

PRESENT:
Councillor Barb Hovard (Chairperson)
Councillor Julie Arthur
Councillor Sue Brooks
Councillor David Dalgleish
Councillor Linda Harris
Councillor Debbie Hawes
Councillor Mick Kruger
Councillor Belinda McNeven
Councillor Les MucKan
Councillor Anne Nioa
Councillor Gerard O'Connell

Councillor Kruger was not present when the meeting commenced.

STAFF IN ATTENDANCE:
Acting Chief Executive Officer, Ms Lisa Desmond
Director Community & Development, Mr Peter Smith
Director Infrastructure & Environment, Mr Wayne Sweeney
Executive Manager Development Assessment, Mr Michael Ellery
Senior Planner, Mr Paul Rice
Executive Manager Strategic Planning, Ms Rosalyn Acworth
Senior Planner Strategic Planning, Mr Jeff Brannan
Senior Planner Strategic Planning, Ms Lee-Anne Manski
Meeting Secretary, Mrs Julie Schoonderwoerd

P&D 1 APOLOGIES

RESOLUTION (McNeven / Nioa)

That the apology from Councillor Kruger, who is absent on Council business and may not be able to attend the meeting, be accepted.

Carried Unanimously
P&D 2/10/04/11

P&D 2 DISCLOSURE OF INTERESTS

Councillor MucKan declared a possible Conflict of Interest in Item P&D 5.1.

P&D 3 CONFIRMATION OF MINUTES OF MEETINGS

P&D 3.1 Planning and Development Committee Meeting No. 1 – 9 March, 2011

RESOLUTION (Hawes / Arthur)

That the Minutes of Planning and Development Committee Meeting No. 1 held on 9 March, 2011, be confirmed.

Carried Unanimously
P&D 2/11/04/11

P&D 4 PUBLIC PARTICIPATION (AGENDA ITEMS ONLY)

Nil

CONFLICT OF INTEREST

Councillor MucKan declared a possible Conflict of Interest in Item P&D 5.1 in relation to cultural heritage issues.

RESOLUTION (O'Connell / Nioa)

That Councillor MucKan did not have a conflict of interest in Item P&D 5.1.

Carried Unanimously
P&D 2/12/04/11

P&D 5 OFFICERS' REPORTS – DEVELOPMENT ASSESSMENT

P&D 5.1 Preliminary Approval Overriding the Planning Scheme – Material Change of Use - House, Minor Public Utility, Park Facility, Public Utility and New Road; and Reconfiguring a Lot – One (1) Lot into 114 Lots – Lot 4 Doolong South Road, Wondunna Qld 4655

RESOLUTION (O'Connell / Brooks)

That the application by City Pacific Ltd as Responsible Entity for the City Pacific First Mortgage Fund as Mortgagee in Possession for Material Change of Use - Preliminary Approval pursuant to section 3.1.6 of the Integrated Planning Act 1997 to override the Hervey Bay City Planning Scheme 2006 ('IPA Scheme') for House, Minor Public Utility, Park Facility, Public Utility and Road; and Reconfiguring a Lot - 1 lot into 114 lots at Lot 4, Doolong South Road, Wondunna being Lot 4 on RP35335 be approved generally in accordance with the plan titled 'Proposed Subdivision Layout Plan', Plan No. H9423-01, Revision D, prepared by VDM Consulting and dated 6 October 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 Overlay Assessment Tables 2.3 - Bushfire Hazard Areas Overlay and 2.7 - Natural Areas Overlay do not apply to future development on proposed Low Density Residential lots 1-114.

2. The Preliminary Approval for Material Change of Use lapses on the day that a new planning scheme that includes the subject site takes effect or four (4) years from the date the approval takes effect, whichever is the sooner.

RECONFIGURING A LOT

PLAN OF DEVELOPMENT

3. Submit an amended plan of development for consideration and approval by the Assessment Manager, prior to the submission of any Operational Works application, in accordance with the following:

   (a) (i) Delete irregular shaped lots 79 and 81 and amalgamate into surrounding lots; or

   (ii) Reconfigure the plan of development to ensure lots 79 and 81 are capable of containing a 10.0 metre x 15.0 metre rectangular building envelope within boundary setback requirements;

   (b) Amalgamate lot 114 with lot 113 and provide a minimum ten (10) metre wide bushfire buffer within the property along the western boundary; and

   (c) Amalgamate lot 88 with lot 89 and provide a minimum ten (10) metre wide bushfire buffer within the property along the western boundary.

LAND DEDICATION

4. Dedicate the portion of land indicated as Open Space on the endorsed plan of development (39.293Ha) for the purposes of Drainage Reserve, as part of the first survey plan for the development.

5. All land to be dedicated for Environmental Corridor purposes must be confirmed as free of all Class 1, 2 and 3 weeds identified in the *Land Protection (Pest and Stock Route Management) Act,* 2002 prior to acceptance off maintenance.

DEVELOPMENT SEQUENCE

6. Do not undertake the development of Lots 1 - 62 until such time as road access is available from Doolong South Road via the adjoining Lot 3 RP35335.

CULTURAL HERITAGE

7. Undertake an archaeological investigation of the subject site to establish the type, extent and cultural significance of the site (Kanaka graves and Hansen and Jorgensen juice mill) and submit a Risk Management Strategy prepared by a suitably qualified Archaeologist for consideration and approval by the Assessment Manager, prior to commencement of any works. The Strategy must include, but may not be limited to a full archaeological assessment; remote sensing; consultation with the local South Sea Islander community; identify and define curtilage(s) of archaeological features and detail how archaeological features will be managing during development of the site. The development must be carried out in accordance with the recommendations of the strategy endorsed by Council.

GENERAL

8. Submit an Operational Works application for consideration and approval by the Assessment Manager, prior to commencement of any works on site. Prior to the approval of Operational Works, all engineering drawings and engineering reports submitted to Council for the design of Operational Works must bear the name, number and signature of a Registered Professional Engineer of Queensland (RPEQ) responsible for the design.

9. Provide easements or drainage reserves over stormwater structures as required.

10. Submit a plan sealing report and supporting documentation demonstrating compliance with each condition of this approval and all related approvals to Council prior to the sealing of any survey plan to create separate titles. The plan sealing report must accompany the application for plan sealing.

11. Dedicate as new road, the corner truncations and any additional localised widening to accommodate traffic facilities such as roundabouts and turn lanes as may be required generally in accordance with the approved layout plans and the detailed engineering plans to be submitted for Operational Works.

12. Meet the costs of all development works including any necessary alteration or relocation of services, public utility mains or installations. The Developer is responsible to accurately locate all existing services before any development works commence.

13. Rectify to the satisfaction of the Assessment Manager (prior to commencement of the use) any damage to Council infrastructure (including pavement damage) as a result of the development works.

WATER

14. Construct all water supply works internal and external to the development as required to service the development. The works must be in accordance with engineering design plans and other documentation approved by Council. Such engineering plans are to be in accordance with Wide Bay Water Corporation's water supply strategy and design guidelines and must include provision to service future upstream development.

15. 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. Provide easements over all trunk water mains as defined in Council's policy.

16. Provide a DN 150 main cross connection between the east and west areas of the development. The cross connection main should be generally co-located with the sewer mains.

SEWER

17. Construct all sewerage works internally and externally to the development as necessary to service the development. The works must be in accordance with engineering design plans and other documentation approved by the Assessment Manager. Such engineering plans are to be in accordance with Wide Bay Water Corporation's sewerage reticulation strategy and design guidelines and must include provision to service upstream development.

18. 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 extensions to the mains to the development boundary where applicable to service upstream properties.

19. Co-locate underground infrastructure (i.e. reticulated sewer) within the electricity easement where possible to avoid unnecessary disturbance of areas of environmental and/or cultural/archaeological significance.

20. Provide a 3.0 metre wide easement over all trunk sewer mains and any service mains which are not on a standard alignment.

21. In any lot less than 600m^2, sewer mains must be located within the front building setback or contained within a 3m wide easement.

ROADWORKS

22. Obtain approval from Council for all new street names and erect all street name signs on all roads being constructed. The street name sign must be in accordance with Council's standard drawing. Traffic control and warning devices must be erected as required by the Manual of Uniform Traffic Control Devices.

23. Construct the new roads to the width and standards set out in Councils Road Hierarchy and Development Manual.

24. Construct Raward Road from Gilston Road to the site including kerb and channel, associated pavement and stormwater drainage on an alignment and configuration in accordance with Council's Development Manual.

25. Design and construct all road batters to be contained within the boundaries of the low density residential footprint and exclude all associated works from the area to be dedicated as environmental corridor.

LANDSCAPE AND STREETSCAPE

26. Submit concurrently with Operational Works civil works and gain approval for a Landscape Plan, including details for works proposed for each development stage, streetscape, shared pedestrian/cycle paths and rehabilitation of the Environmental Corridor. The plan must include a schedule of all proposed trees, shrubs and ground cover, including the location and size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface material in accordance with the Hervey Bay City Planning Scheme 2006.

27. Undertake all landscaping in accordance with the endorsed Landscape Plan.

28. Submit concurrently with Operational Works civil works and gain approval for a Rehabilitation Plan for the environmental corridor. The rehabilitation plan must address the following as a minimum:

    (a) Methodology – describe the process used to develop the plan. Include all field surveys, mapping data and literature used. Provide background information and describe the complexity of the project.

    (b) Environmental Values – describe the key environmental values within and adjoining the rehabilitation area. Environmental values may include but not be limited to; significant fauna or flora, vegetation communities, cultural heritage, geological, habitat, environmental corridors or biophysical values.

    (c) Ecosystem Threats – describe the current and future threats to ecosystem and environmental values. Threats may include but not limited to; weed infestation, illegal access, erosion, grazing, inappropriate fire or hydrological regimes, inappropriate access, sedimentation or salinity.

    (d) Ecosystem Condition – identify the condition of ecosystems within the rehabilitation area. The condition assessment will be used to determine management objectives and activities. The current condition should be accompanied with a series of photographs taken from established reference points.

    (e) Rehabilitation Targets - determine appropriate and realistic rehabilitation targets based on assessment of ecosystem threats and condition. Appropriate targets should be discussed with Council prior to the preparation of the rehabilitation plan.

    (f) Overall Rehabilitation Goals – provide an overarching statement of the desired outcome(s) for the rehabilitation plan.

    (g) Rehabilitation Objectives – develop objectives to meet rehabilitation goals. The objectives will form the basis of the rehabilitation plan. Objectives can be used to set milestones and determine rehabilitation progression.

    (h) Rehabilitation Activities – identify and describe all activities that are required to meet the objectives. It must be clear what activities will be undertaken during the project and how they will be implemented.

    (i) Performance Criteria – performance criteria must be measurable, specific and relate directly to rehabilitation goals, objective and activities. The performance criteria may include but not be limited to; floristic and structural vegetation parameters, weed abundance, erosion, natural regeneration, recruitment, vegetation condition and fauna populations as may be appropriate.

(j) Management Zones – for clarity it is important to identify management zones based on rehabilitation activities. Define which parts of the rehabilitation area will be retained, regenerated and or revegetated. The management zones must be provided in a GIS spatial layer or a clearly annotated site map/aerial photograph.

(k) Implementation Schedule – determine an appropriate implementation schedule stating what activities will be undertaken during development and what activities need to be continued once transferred to Council. To improve the handover process to Council it is necessary to identify at what stage Council will need to continue with rehabilitation activities.

(l) Monitoring and Reporting – provide a monitoring and reporting schedule that will be implemented over the duration of the project. Work records of all activities including photos of the works must be submitted to Council quarterly for the duration of the project (includes the maintenance period).

29. Undertake all rehabilitation works in accordance with the endorsed Rehabilitation Plan.

30. Undertake the planting of street trees in accordance with the endorsed Landscaping Plan. Such street trees must be a minimum of two (2) metres in height at the time of planting. Any trees that have died or are considered by Council to be in a deteriorating state 6 months after planting, are to be replaced and maintained for a further six (6) months. Submit streetscaping plans for assessment, detailing the planting, in conjunction with an Operational Works application for the civil works.

ELECTRICITY

31. Prior to the approval of the plan of subdivision, enter into an agreement with Ergon Energy to ensure that electricity will be available to each lot under standard tariff conditions and without further capital contributions.

32. 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.

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

STREET LIGHTING

34. Provide street lighting for the proposed new road construction based on Tariff 2 and prior to the approval of the plan of subdivision provide written evidence that:

(i) A street light layout for the subdivision has been designed in accordance with Ergon Energy's requirements, Australian Standard 1158 Type P4, and the Council's Development manual.

(ii) (a) a capital contribution to meet the full costs of the installation of street lighting has been paid to Ergon Energy; or

(b) arrangements satisfactory to Ergon Energy have been made for the installation of street lighting; and

(iii) The street lighting will be installed and operating in conjunction with the power reticulation of the subdivision.

FOOTPATHS AND CYCLEWAYS

35. Provide 1.5m wide concrete footpath on one side of every street in the development.

36. Construct 2.5 metre wide shared pedestrian/cycle paths within the subject site and extending to connect with the pathway located in Lot 1 on SP150276, generally in accordance with the locations as indicated in Planning Scheme Policy 4, Map 10 – Future Transport (Pedestrian Paths and Cycleways) Trunk Infrastructure. Detailed alignment and design is to be approved by the Assessment Manager prior to construction. The provision of trunk infrastructure as identified in the plans for trunk infrastructure will be credited against infrastructure contributions required pursuant to PSP4 2009.

ACCESS

37. Provide concrete driveways (or approved equivalent) from the road edge to the property boundary on each lot where there may be conflict with the frontage of other lots. Details of the driveways must be submitted and approved by Council as part of the Operational Works application.

38. Provide concrete driveway (or approved equivalent) construction to each hatchet shaped lot in accordance with Planning Scheme Policy 2 "Development Manual" from the kerb to the furthest end of the access strip.

STORMWATER

39. Submit to and gain approval from Council as part of Operational Works application and prior to the commencement of works being carried out onsite a final and detailed 'Site Specific Stormwater Management Plan' (SSSMP). The SSSMP must include detailed designs and layout of all essential stormwater drainage systems and stormwater quality management systems. The designs of stormwater drainage and quality management systems shall comply with Councils Policies and the Queensland Urban Drainage Manual as adopted by Council and must be undertaken and/or supervised and duly certified by a Registered Professional Engineer, Queensland (RPEQ).

40. The SSSMP must demonstrate that the stormwater drainage systems will ensure the development will not make adverse material changes to the pre-development flood flows' location, duration, frequency or concentration of overland stormwater flow at the point of discharge to all downstream properties including road reserves. In the event that a material change to the pre-development stormwater flow will occur, the applicant shall produce evidence to Council's satisfaction of a legal right as to the method for stormwater discharge over the downstream land.

41. The SSSMP must demonstrate that the design stormwater drainage will ensure 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.

42. The SSSMP must demonstrate how stormwater runoff from the site will be adequately managed post 'fully developed site stage' and especially during Operational Works to ensure the stormwater runoff quality is not adversely affected and the downstream aquatic environment is protected. To that effect all runoff from the site, especially during the operational works stage, must be through a suitable stormwater quality improvement and/or treatment device located within the site boundaries. The design is to incorporate Water Sensitive Urban Design techniques and should consider the use of water garden or similar features located within the dedicated landscaped areas of the site to treat all stormwater runoff from the roads. Water discharged from the site, during operational works stage and post fully developed site, must meet ANZECC & EPA water quality standards for discharge to marine waters in accordance with the provision of the 'State and Regional Coastal Management Plans – Queensland's Coastal Policy' (policies 2.4.1 Water Quality Management and 2.4.4 Stormwater Management).

ENVIRONMENTAL

43. Submit and obtain approval from Council for a Construction Management Plan (CMP) prior to an Operational Works Application approval. The CMP is to include but not limited to:

    (a) The location of all areas on- and/or off-site to be used for staff and contractor parking;

    (b) Owner's permission for parking on other land;

    (c) Specification for measures to ensure the safe and orderly ingress and egress of vehicles to and from the site;

    (d) The means by which the direction of traffic flows to and from parking areas will be controlled both on- and off-site to ensure no damage is cause to Council's road infrastructure in any adjoining streets including the pavement, kerb, channel, crossovers to adjoining properties and verges;

    (e) Measures to discourage staff and contractor parking in designated visitor parking spaces within adjoining properties; and

    (f) The means of ensuring the appearance of building works or materials does not detrimentally affect the amenity of the area surrounding the site.

44. Carry out all works in accordance with the Construction Management Plan.

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

46. Dispose of construction and demolition waste only at an approved waste disposal facility. It is an offence to dispose of waste at other than an approved site. The burning of any construction or demolition waste is not permitted on site.

47. Contain all litter building waste, and sediments on the building site by the use of a skip and any other reasonable means during construction to prevent release to a neighbouring properties or roads.

48. Unless otherwise approved by the Executive Manager Development Assessment, do not undertake works:

    (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

49. Submit to and obtain approval from Council, as part of any application for Operational Works, an Environmental Management Plan. In addition to plans for Erosion and Sediment Control and Stormwater Management, the Environmental Management Plan must include a site layout plan prepared with regard to AS4970-2009, clearly identifying methods for the protection of trees proposed to be retained on the development site.

50. Undertake all works in accordance with the endorsed Environmental Management Plan.

51. Submit to and obtain approval from Council, as part of any application for Operational Works, a Vegetation Management Plan (VMP) detailing:

    (a) which vegetation is proposed for removal as part of any of the proposed works to occur within the site or within the existing road reserves adjacent to the site;

    (b) measures to be undertaken to ensure the protection of retained vegetation within the sites and within the road reserve during construction activities;

    (c) that all works carried out in accordance with the Australian Standard (AS.4970-2009) “Protection of Trees on Development Sites” to ensure the long-term survival of trees to be protected;

    (d) that all machinery operators are to be informed of the measures that are to be undertaken to protect the vegetation on site during works as outlined in the VMP; and

    (e) That all trees are to be inspected prior to any approved clearing for the presence of nesting birds, koalas and habitat hollows. No clearing of trees which may disturb nesting birds is permitted until the birds have fledged and left the nest. Removal of trees with habitat hollows or koalas must be carried out under the supervision of a Department of Environment registered fauna management spotter-catcher who will be responsible for dealing with native fauna present as required under the *Queensland Nature Conservation Act* 1992.

(f) Provide alternative habitat for arboreal mammals and hollow nesting birds by installing two (2) nesting boxes in suitable locations for every tree hollow removed. Nesting boxes must be installed prior to removal of the trees with hollows.

ADMINISTRATION

52. Pay all outstanding rates, sewerage, cleaning or water charges or other charges due to Council, prior to submission of a plan of subdivision to Council for approval. Where arrangements have been made with Council to pay the rates and charges on an instalment basis, all unpaid and outstanding instalments must be paid prior to the approval of the plan of subdivision.

53. All works that will revert to Council control must be designed and supervised by a Registered Professional Engineer in accordance with Council Policy. The works will be required to comply with all Local Laws, Policies and Standards of Council current at the time of submission of the application for approval of Operational Works. No works associated with this permit may commence until an Operational Works Permit has been issued by Council.

54. All works that will revert to Council control must be subject to a twelve month maintenance period during which time the Developer must be responsible for the maintenance of the works, the rectification of any design omissions or defects, and the repair of any construction defects that are subsequently found. Council requires the developer to secure the maintenance of the works by the submission of a bond valued at 5% of the total value of the works. The bond must be submitted in accordance with Council's policy.

55. Prior to acceptance of the works on maintenance, the supervising engineer must arrange for the collection and submission to Council of digital "as constructed" information for the works. 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 and data suitable for Digital Terrain Mapping.

56. This approval is valid for six (6) years from the date of the Decision Notice and will lapse unless an application for extension is made to the Assessment Manager prior to that time.

INFRASTRUCTURE CHARGES

57. 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.

58. 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.

59. 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. The provision of trunk infrastructure as identified in the plans for trunk infrastructure will be credited against infrastructure contributions required pursuant to PSP4 2009.

60. 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. The provision of trunk infrastructure as identified in the plans for trunk infrastructure will be credited against infrastructure contributions required pursuant to PSP4 2009.

61. 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.

Carried Unanimously
513/3-081871
P&D 2/13/04/11

P&D 6 OFFICERS' REPORTS – STRATEGIC PLANNING

Nil

P&D 7 OFFICERS' REPORTS – OTHER REPORTS

P&D 7.1 Open Resolutions Report – Planning & Development Committee - March 2011

RECOMMENDATION (McNeven / Nioa)

That the report be received and noted.

Carried Unanimously
P&D 2/14/04/11

P&D 8 **QUESTIONS ON NOTICE**

Nil

P&D 9 **CONFIDENTIAL**

RESOLUTION (Hawes)

Council resolves that under the *Local Government (Operations) Regulation 2010* the Meeting be closed to the public for the purpose of discussing the following items:

P&D 9.1 – **Infrastructure Contributions Rates for Medical Centres Under the Hervey Bay City Planning Scheme Policy No 4 -** Section 72(1)(h) (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)

P&D 9.2 – **Update of Legal Action Before the Planning & Environment Court -** Section 72(1)(h) (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)

P&D 9.3 – **Request for Reduction in Contributions Applicable Under Planning Scheme Policy 4 2009 -** Section 72(1)(h) (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)

P&D 9.4 – **Local Heritage Register - Stage 2 -** Section 72(1)(h) (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)

10.25am **Councillor Kruger attended the Meeting during discussion of Item P&D 9.5 and was present for the remainder of the Meeting.**

P&D 9.5 – **Proposed Hervey Bay City Planning Scheme Amendment - Resolution to Send Amended Planning Scheme for the Second State Interest Review -** Section 72(1)(h) (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)

Carried Unanimously
P&D 2/15/04/11

RESUMPTION OF PLANNING & DEVELOPMENT COMMITTEE MEETING

RESOLUTION (Arthur)

That the Meeting resume in open Committee.

Carried Unanimously
P&D 2/16/04/11

P&D 9 CONFIDENTIAL

P&D 9.1 Infrastructure Contributions Rates for Medical Centres Under the Hervey Bay City Planning Scheme Policy No 4

RESOLUTION (Hawes / Nioa)

That Council authorises:

(A) the immediate calculation of water and sewer infrastructure contributions under the Hervey Bay City Planning Scheme Policy No. 4 on the reduced equivalent demand rates outlined in Section 3 of the confidential report (DOCS #2015628) for all Medical Centres; and

(B) the consequential amendment of Council's draft Priority Infrastructure Plans for Hervey Bay, Maryborough and Tiaro at the appropriate time.

Carried Unanimously
P&D 2/17/04/11

P&D 9 CONFIDENTIAL

P&D 9.2 Update of Legal Action Before the Planning & Environment Court

RESOLUTION (Harris / Arthur)

That the report be received and noted.

Carried Unanimously
P&D 2/18/04/11

P&D 9 CONFIDENTIAL

P&D 9.3 Request for Reduction in Contributions Applicable Under Planning Scheme Policy 4 2009

RESOLUTION (Dalgleish / MucKan)

That the Acting Chief Executive Officer be delegated authority to enter into an agreement with the proponent.

Carried Unanimously
P&D 2/19/04/11

P&D 9 CONFIDENTIAL

P&D 9.4 Local Heritage Register - Stage 2

RESOLUTION (Hawes / Nioa)

That Council:

(A) propose to enter the places identified in Attachment 2 of the Officer's report (confidential report DOCS #2010792) into the Local Heritage Register pursuant to section 116 of the *Queensland Heritage Act* 1992;

(B) undertake public notification for the Local Heritage Register project in accordance with section 117 of the *Queensland Heritage Act* 1992; and

(C) keeps confidentiality in respect of the proposed places identified in Attachment 2 until such time as the owners have been notified and publication of the statutory notice in the local newspaper occurs.

Carried Unanimously
P&D 2/20/04/11

P&D 9 CONFIDENTIAL

P&D 9.5 Proposed Hervey Bay City Planning Scheme Amendment - Resolution to Send Amended Planning Scheme for the Second State Interest Review

RESOLUTION (Dalgleish / O'Connell)

That Council:

(A) Proceed with the proposed planning scheme with modifications, pursuant to Schedule 1, section 16 (1)(b) of the *Integrated Planning Act 1997*;

(B) Give each properly made submitter a part of the Submissions Report relating to the matter about which the submission was made, pursuant to Schedule 1, section 17 (2); and

(C) Advise the Minister that Council is proceeding with the proposed planning scheme amendment with modifications and request that the Second State Interest Review be undertaken, pursuant to Schedule 1, 18 (2) on the basis that the modifications do not make the proposed planning scheme significantly different from the proposed planning scheme as notified.

Carried Unanimously
P&D 2/21/04/11

There being no further business the Meeting closed at 10.35am.

.....
CHAIRPERSON
PLANNING & DEVELOPMENT COMMITTEE

Confirmed at Planning & Development Committee Meeting No 3 of the Fraser Coast Regional Council held at Hervey Bay on 11 May, 2011.

.....
MAYOR

ITEM NO: P&D 5.1

FRASER COAST REGIONAL COUNCIL
PLANNING & DEVELOPMENT COMMITTEE MEETING NO.3

WEDNESDAY 11 MAY 2011

SUBJECT: **APPLICATION FOR DEVELOPMENT PERMIT - MATERIAL CHANGE OF USE - EXTENSION TO A COMMUNITY FACILITY (HISTORICAL MUSEUM) AT 2-8 BURRUM STREET HOWARD – FRASER COAST REGIONAL COUNCIL**

DIRECTORATE: **COMMUNITY AND DEVELOPMENT**

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

AUTHOR: **PLANNER – Mikaela McNamara**

APPLICATION NO: **MCU-111018**

DOC NO: **#2015867**

APPLICATION SUMMARY

PROPOSAL:	Development Permit for a Material Change of Use for an Extension to a Community Facility (Historical Museum)
PROPERTY DESCRIPTION:	Lot 11 on RP 87817 & Lot 910 on H 2177
ADDRESS:	2-8 & 10 Burrum Street, Howard
SITE AREA:	3,718m^2 & 1,012m^2
ZONING:	Rural Locality- Open Space & Special Purposes 2 (Government Purposes)
CURRENT USE:	Open Space & Community Facility (Historical Museum)
DATE RECEIVED:	4 February 2011
REFERRAL AGENCIES:	Nil
STATUS:	First 20 Business Days Expires 31 May 2011
ISSUES:	• No further landscaping of the site is proposed; and • The development adjoins property in the Low Density Residential Zone.
SUMMARY:	• Proposal provides an adequate level of amenity to the locality; • Miners huts are located an adequate distance from adjoining residential properties; and • Will not generate increased traffic to the site.
RECOMMENDATION:	Approval, subject to conditions

1. INTRODUCTION

The applicant seeks a Development Permit for a Material Change of Use for an extension to an existing Community Facility (Historical Museum) located on the properties at 2-8 & 10 Burrum Street, Howard, described as Lot 11 on RP 87817 and Lot 910 on H 2177.

The Burrum and District Historical Society Inc have previously operated from the existing building on Lot 910, displaying local historical paraphernalia from Howard and the surrounding district. The proposal involves an extension to the existing historical museum use onto Lot 11, in the form of two (2) character miners huts which have been relocated to the site, being the Mine Managers Hut from the Burgowan coal mine and a slab hut from Bundaberg. The resited miners huts will be located a minimum distance of 20.0 metres from the nearest residential premises.

A Building Permit was issued for the relocation of the miners huts from 3-15 South Union Street, Torbanlea in July 2010, however a Material Change of Use permit was not obtained and the current application was required to be lodged retrospectively.

The existing museum building has a sealed car park area which will continue to be utilised for visitor parking. It has been submitted that no further car parks are expected to be required by the development. It is submitted that bicycle parking facilities are not required for the site, given that there is a large bicycle parking facility on William Street, adjacent to the Burrum Street entrance.

The existing museum building contains toilet facilities and provides disability access in the form of a ramp and related parking facilities. It is proposed that ramp access will be provided to the resited buildings.

The existing museum building is staffed by two (2) Historical Society volunteers and operates from 8.00 am to 5.00 pm, seven (7) days a week. It is proposed that this arrangement will continue with the inclusion of the relocated buildings. The existing historical museum receives an average of approximately 20 visitors per day, with an average of no more than five (5) visitors on the site at any time.

2. PLANNING ASSESSMENT

2.1 *Hervey Bay City Council Planning Scheme* 2006

The site is zoned Open Space and Special Purposes 2 (Government Purposes) under the *Hervey Bay Council City Planning Scheme* 2006. Section 1.14.1 of the Scheme triggers a Community Facility as subject to Impact Assessment, whilst 1.16.1 triggers a Code Assessment. Notwithstanding, the following Codes are designated relevant to the assessment of this application:

- Rural Locality Code (Open Space & Special Purposes Zone);
- Community Uses Code;
- Landscaping Code;
- Parking and Access Code;
- Urban Design Code; and
- Works, Services and Infrastructure Code.

Relevant Overlay Codes are:

- Acid Sulfate Soils Overlay Code; and
- Natural Areas Overlay (Waterways and Wetlands).

The following is an assessment against the applicable Codes.

2.2 Rural Locality Code (Open Space Zone)

An assessment of the proposed development against the Rural Locality- Open Space Zone Code demonstrates that the use complies with the applicable Acceptable Solutions of the Code, with the exception of AS8.1. Accordingly, an assessment has been undertaken against the corresponding Performance Criterion. Where no Acceptable Solution is specified, an assessment has been undertaken against the Performance Criteria.

PC2- The parkland focuses on the values of the area- eg. the recreational, cultural, educational, habitat, ecological or landscape values.

The subject proposal is for an extension to an existing Community Facility (Historical Museum). The application is retrospective and includes two (2) miners huts which were relocated to the site in July 2010. The existing building currently displays historical paraphernalia relating to coal mining, farming and war memorabilia and cottage crafts. It is proposed that this use will continue in conjunction with the two relocated miners huts.

Accordingly, it is considered that the parkland focuses on the cultural and educational values of the area.

PC8- Underground mining has occurred in parts of Howard- future development is located on sites which have not been mined or if the site has been mined, it is capable of accommodating the proposed development.

The subject site is identified on Council's mapping as being a potentially mined property. The existing Historical Museum building is located on Lot 910, whilst the relocated buildings have been located on Lot 11. It is considered that the site is capable of accommodating the development.

2.3 Rural Locality Code (Special Purposes 2 (Government Purposes) Zone)

An assessment of the proposed development against the Rural Locality- Open Space and Special Purposes 2 (Government Purposes) Zone Code demonstrates that the use complies with the applicable Acceptable Solutions of the Code, with the exception of AS8.1. Accordingly, an assessment has been undertaken against the corresponding Performance Criterion.

PC8- Underground mining has occurred in parts of Howard- future development is located on sites which have not been mined or if the site has been mined, it is capable of accommodating the proposed development.

As discussed above, it is considered that the site is capable of accommodating the development.

2.4 Community Uses Code

An assessment of the proposed development against the Community Uses Code demonstrates that the use complies with the applicable Acceptable Solutions of the Code, with the exception of AS6.1, AS6.2, AS7.1, AS7.2 and AS8.1. As such, an assessment has been undertaken against the corresponding Performance Criteria.

PC5- The use does not result in unacceptable noise impacts on residents in the locality.

The proposal is for an extension to an existing Community Facility (Historical Museum) use. The existing building currently displays historical paraphernalia relating to coal mining, farming and war memorabilia and cottage crafts. It is proposed that this use will continue in conjunction with the two relocated miners huts.

The relocation of the miners huts to the site is not expected to increase the number of visitors to the site and as such, there is not expected to be an increase in the noise generated by vehicle traffic to the site. In addition, the development does not involve noise emitting activities.

Accordingly, it is considered that the proposal complies with the Performance Criterion.

PC6- Where adjoining a residential use, the privacy of adjoining dwellings is maintained.

The two (2) resited miners huts are well setback from the boundary with the adjoining residential property to the north-west, being a minimum distance of approximately 20.0 metres. In addition, the residential allotment contains dense vegetation on the adjoining boundary, which is considered to provide adequate screening to maintain the privacy of the dwelling.

Accordingly, it is considered that the proposal complies with the Performance Criterion.

PC7- The development includes landscaping to the street frontage and side boundaries (within the required setbacks) that enhances the amenity of the area.

The subject site contains some landscaping to the Burrum Street frontage, adjoining the existing building on Lot 910. It is submitted that the two (2) miners huts, which have been resited to preserve their heritage character, are intended to be displayed to the public and the use of landscape screening would reduce their effectiveness. In addition, the miners huts are of a residential scale and in character with the existing residential and commercial architectural character of the area.

As previously mentioned, the existing Historical Museum building incorporates some landscaping to the Burrum Street frontage, the sides of the building and adjacent to the parking area. Furthermore, it is submitted that Burrum Street is not subject to through traffic and the streetscape is characterised by commercial buildings, which are constructed to the boundary.

Accordingly, it is considered that the development does not require any further landscaping to either the street frontage or side boundaries of the site.

PC8- Car parking and service areas are appropriately located to ensure they do not impact on the visual amenity of the area.

AS6.1 specifies that where a community use adjoins a residential use, a landscape buffer with a minimum width of 2.0 metres is provided adjacent to the boundary with that use, while AS6.2 specifies that a 1.8 metre high fence is provided for the full length of the adjoining boundary.

The subject site adjoins a residential property to the west, which contains dense screening vegetation along the boundary adjoining Lot 11. As discussed above, the nature of the development is to display the character mining huts to the public and therefore, screening vegetation and fencing would by definition, obscure the structures.

As previously mentioned, the car parking for the development is already in existence and is located on Lot 910 on the southern side of the existing building. The car parking is not visible from the Burrum Street Road frontage and landscaping has been used around the building and car park area to improve the site's amenity.

The current refuse storage area appears to be located at the front of the existing building and whilst the bins, being two (2) 240L garbage bins are located next to landscaping, no screening of the refuse area is provided. It is considered that a screened refuse storage area, with a minimum height of 1.8 metres, should be conditioned as part of the application to improve the amenity of the area.

Accordingly, it is considered that the proposal complies with the Performance Criterion.

2.5 Landscaping Code

An assessment of the proposed development against the Landscaping Code demonstrates that the use complies with the applicable Acceptable Solutions of the Code, with the exception of AS5.1, AS5.4, AS7.1, AS7.2, AS10.1, AS10.2, AS10.3, AS10.4, AS10.5, AS16.1, AS16.2, AS16.3, AS16.4, AS18.1, AS18.2, AS19.1, AS19.2 and AS19.3. As such, an assessment has been undertaken against the corresponding Performance Criteria and where no Acceptable Solution is proposed.

PC1- All development shall include landscape outcomes that provides for increased aesthetics and environmental outcomes.

The subject site already contains some landscaping concentrated predominantly around the existing building on Lot 910. As previously discussed, the nature of the development is to display the character miners huts to the public and landscaping around the huts would reduce the effectiveness of proposal. In addition, the existing landscaping located on the site is considered to provide increased aesthetics and environmental outcomes.

PC5- Landscape works and fencing are provided to the front of all development forms and designed to create visual interest to ensure appropriate amenity within the City.

Landscaping works are provided to the front of the existing building and surrounds on Lot 910, however, no fencing is provided to the front of the lot. There is no landscaping is proposed as part of this application. As previously discussed, the proposal aims to exhibit the heritage values of the miners huts to the public and it is submitted that further landscaping of the site would detract from the display.

Accordingly, it is considered that the existing landscaping located on the site will provide visual interest to ensure appropriate amenity within the city.

PC7- The proposed development is legible for pedestrians.

The subject site is located at the end of Burrum Street, which terminates in the access to the site. Given that there is not a high volume of traffic entering the site and traffic speed will be low, it is considered that separate pedestrian and vehicular

access to the site is not required and the proposed development is legible for pedestrians.

PC9- The finished topography and built form of the site allows for practical maintenance access to any part of the site.

The development is a retrospective approval for an extension to the existing Historical Museum in the form of two (2) resited miners huts. The proposal will not result in a change to the finished topography of the site and the miners huts obtain adequate setbacks to the boundaries of the site. Accordingly, it is considered that practical maintenance access to the any part of the site will be maintained.

PC10- Vegetation screening is provided to improve the amenity of development and to mitigate impacts between development and service areas.

As previously discussed, the subject site contains some vegetation, located predominantly around the existing building on Lot 910. No further landscape screening is proposed as part of the subject application, given the nature of the proposal. It is considered that the existing vegetation screening on site adequately improves the amenity of the development and mitigates impacts between development and service areas.

PC12- The proposed planting contributes to a 'sense of place' or specific character, resulting in improved visual amenity and an ongoing positive contribution to the City character.

Whilst no further landscaping is proposed as part of the development, it is considered that the existing planting improves the visual amenity of the site and is a positive contribution to the character of Howard.

PC16- Landscaping is used to reduce the visual impact of car park areas and provide solar shading to car parks.

The car parking area for the subject site is located on Lot 910 and contains some landscaping, concentrated at the western side of the car park. No further landscaping is proposed as part of this development, given that the car parking area is already constructed. It is considered that the existing landscaping reduces the visual impact of the car park area.

PC18- Amenity impacts on adjacent incompatible development are minimised.

The north-western boundary of the subject site adjoins a residential property. No further landscaping is proposed as part of this development, as it has been submitted that sufficient landscaping exists surrounding the existing Historical Museum building. Furthermore, the nature of the proposal requires that the resited miners huts be suitably displayed. In addition, the residential property contains dense vegetation along the boundary to Lot 11, which will prevent any amenity impacts on adjacent development.

Furthermore, whilst the proposed use is a community facility (Historical Museum), the use will not generate a large amount of traffic, being an average of approximately 20 visitors per day. The nature of the site is to display historical paraphernalia, and accordingly, will not generate any noise emitting activities. It is considered that the amenity impacts on adjacent development are minimised.

PC19- Water sensitive urban design principles are employed where feasible.

The existing development does not have access to a formal stormwater discharge arrangement and roof runoff is dispersed to the surrounding grassed areas to drain into the drainage corridor to the south. In addition, native species have been used predominantly in landscaping of the site. It is considered that with suitable environmental health conditions being included in the recommendation, the proposal can comply with the Performance Criterion.

2.6 Parking & Access Code

An assessment of the proposed development against the Parking & Access Code demonstrates that the use complies with the applicable Acceptable Solutions of the Code, with the exception of AS1.1, AS2.1, AS4.2, AS6.1, and AS10.2. As such, an assessment has been undertaken against the corresponding Performance Criterion and where no Acceptable Solution is proposed.

PC1- Sufficient car parking spaces and provision for service vehicles are provided on the site to accommodate the amount and type of vehicle traffic likely to be generated by the proposed use and its locality.

The car parking for the subject site is located adjacent to the existing building on Lot 910. It is submitted that the Historical Museum currently receives an average of 20 visitors per day, however rarely at the one time. It is considered unlikely that the extension to the Historical Museum use, in the form of the two (2) miners huts to the site, will increase the number of visitors to the site.

Currently the site provides three (3) car parking spaces, including a disabled parking space. Should the requirement for informal parking arise, there is a grassed area available along Burrum Street and on the surrounding grounds. Accordingly, it is considered that sufficient car parking spaces are provided on the site to accommodate the amount and type of vehicle traffic likely to be generated by the extension to the Historical Museum.

PC2- On-site car parking areas are conveniently located, easily accessible, attractive and safe to use.

The existing car parking area is located south of and adjacent to the existing building on Lot 910. The area is sealed and adequately sized to allow vehicles to manoeuvre and to enter and egress the site in a forward motion. The vehicular traffic will be progressing at a slow speed whilst utilising this area and there is a lack of concealment areas which will assist pedestrians. The western side of the car park area is attractively landscaped and will assist in buffering the area from adjoining land uses.

Accordingly, it is considered that on-site car parking areas are conveniently located, easily accessible, attractive and safe to use.

PC4- Car parking spaces are of a suitable size and dimension to meet user requirements.

The subject application does not propose any further car parking for the site, given that the average number of visitors to the site per day is 20 and it is considered unlikely that visitor numbers will be increased by the inclusion of the two (2) miners huts. The existing car parking area is located to the south of the existing building on Lot 910 and contains three (3) parks, including a disabled access park.

It is considered that the existing car park spaces are of a suitable size and dimension to meet user requirements.

PC6- Car parking areas do not detract from the amenity of the surrounding locality.

The car parking facilities for the subject site are located on Lot 910 to the south of the existing building and are not visible from the Burrum Street frontage of the site. It is considered that the landscaped area on the western side of the car park provides suitable amenity.

PC10- Commercial uses and community uses are designed and constructed to encourage users of the development to access the site by means of foot or bicycle through provision of appropriate end-of-trip facilities including bicycle parking and show/change rooms.

The subject site is within 100 metres of the Central Business District of Howard. It is considered that bicycle parking facilities are not required for the site, given that there is a large bicycle parking facility on William Street, adjacent to the Burrum Street entrance.

2.7 Works, Services & Infrastructure Code

The proposal complies or has been conditioned to comply with the requirements of the Works, Services and Infrastructure Code.

2.8 Acid Sulfate Soils Overlay Code

The proposal will not involve the excavating or otherwise removing 1000m^3 or more of soil or sediment from at or below 20m AHD. As such, the development will not have a significant adverse effect on the environment and is consistent with the Overall Outcomes for the Acid Sulfate Soils Overlay Code.

2.9 Natural Areas Overlay Code

An assessment of the proposed development against the Natural Areas Overlay Code demonstrates that the use complies with the applicable Acceptable Solutions of the Code, with the exception of AS2.2. As such, an assessment has been undertaken against the corresponding Performance Criterion.

PC2- Environmental values of waterways and wetlands are protected.

AS2.2 specifies that development is undertaken in accordance with an approved Environmental Management Plan that protects the waterway. The proposal is a retrospective approval for resiting character miners huts on the site as part of an extension to the existing Historical Museum use.

Suitable environmental health conditions will be included in the recommendation to ensure the environmental values of the waterway are protected. Accordingly, it is considered that the proposal can comply with the Performance Criterion.

3. REFERRALS

3.1 Internal Referrals

3.1.1 Development Engineering

The application was referred to Council's Development Engineers, no objections to the proposal were identified.

3.1.2 Wide Bay Water Corporation (WBWC)

The application was referred to Wide Bay Water Corporation, which did not have any requirements for the development.

4. PUBLIC NOTIFICATION

The application is Impact Assessable and required Public Notification to be carried out in accordance with the *Sustainable Planning Act* 2009. Public Notification of the application was carried out for a period of 12 Business Days and three (3) Public Holidays, from 11 April 2011 until 29 April 2011. No properly made submissions were received during the Public Notification period.

Whilst Public Notification of the application was only carried out for a period of 12 Business Days, under Section 304 of the *Sustainable Planning Act* 2009, it is considered that the noncompliance has not adversely affected the awareness of the public of the existence and nature of the application or restricted the opportunity of the public to make properly made submissions.

The notice of compliance to the requirement of the Act was received on 3 May 2011.

5. CONCLUSION

The application seeks a Development Permit for a Material Change of Use for a Community Facility (Historical Museum) at 2-8 & 10 Burrum Street, Howard, being Lot 11 on RP 87817 and Lot 910 on H 2177.

Assessment of the proposal has demonstrated that the development is appropriately sited, the resited miners huts being located a minimum distance of 20.0 metres from the nearest residential premises. Whilst no landscaping or screening fencing is proposed as part of the application, it is considered acceptable, given that the purpose of the proposal is to display the character miners huts to the public. It is considered appropriate, however, to condition the construction of a screened refuse storage area to improve the amenity of the site, given that the garbage bins are currently stored at the front of the site.

It is considered that the existing parking spaces provided on the site are sufficient, given that locating the miners huts on the property is not expected to increase the number of visitors to the site.

In assessing the proposed use of the land, the relevant provisions of the *Hervey Bay City Council Planning Scheme* 2006 and the *Sustainable Planning Act* 2009, it is considered that the proposal is generally suitable for approval subject to conditions recommended below.

6. RECOMMENDATION

That the application by Fraser Coast Regional Council for a Development Permit for a Material Change of Use for an Extension to a Community Facility (Historical Museum), located at 2-8 & 10 Burrum Street, Howard being Lot 11 on RP 87817 and Lot 910 on H 2177, be approved generally in accordance with the following plans:

Plan / Document number	Plan / Document name	Date
-	'Burrum Street Howard, Relocation of Two Buildings', prepared by the applicant	Received 4 February 2011

This approval is subject to the following conditions, which must be met prior to the commencement of the use, or at such other time as may be specified in any particular condition.

General

1. Submit to the Assessment Manager an amended site plan, to scale, accurately locating the relocated miners huts. When approved, such plans will form part of the endorsed plans for this permit.

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

3. Meet the costs of all development works including any necessary alteration, relocation of services, public utility mains or installations as costs of the development including accurately locating all existing services before any development works commence.

Vehicle Parking

4. Maintain the existing three (3) carparking spaces and landscaping located on Lot 910.

Stormwater

5. Ensure downpipes discharge water clear away from any structures and any land application area and are directed to a legal point of discharge.

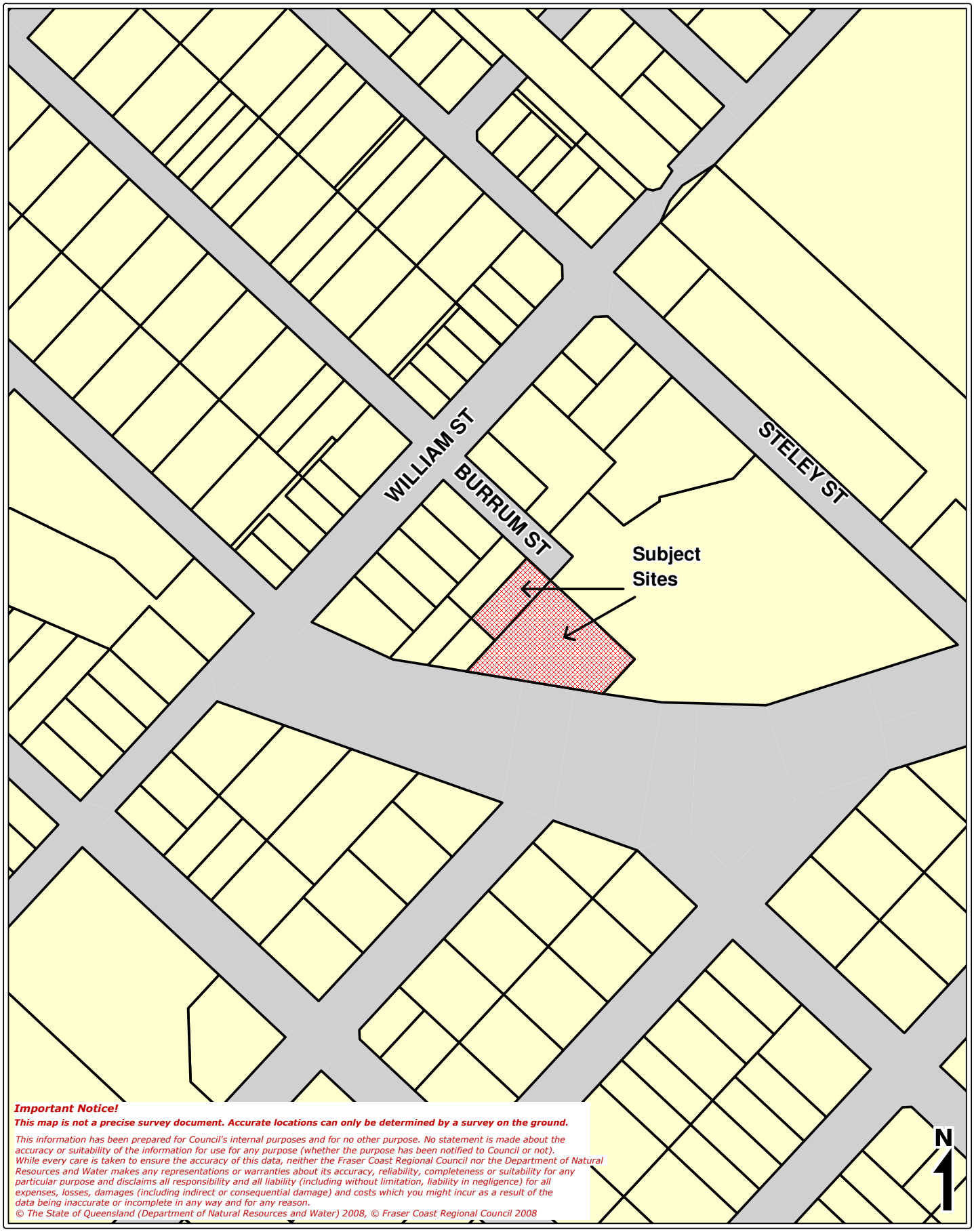
6. Dispose of stormwater from the building in a manner so as not to cause erosion or nuisance to adjoining properties. The intermediate use of a rainwater tank is acceptable.

7. Ensure refuse disposal and storage areas are screened by a solid fence of a minimum height of 1.8 metres, and or by such other measures as approved by the Executive Manager, Development Assessment.

ATTACHMENTS:

1. **Locality Plan**
2. **Site Plan**

31



Important Notice!

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

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Fraser Coast REGIONAL COUNCIL

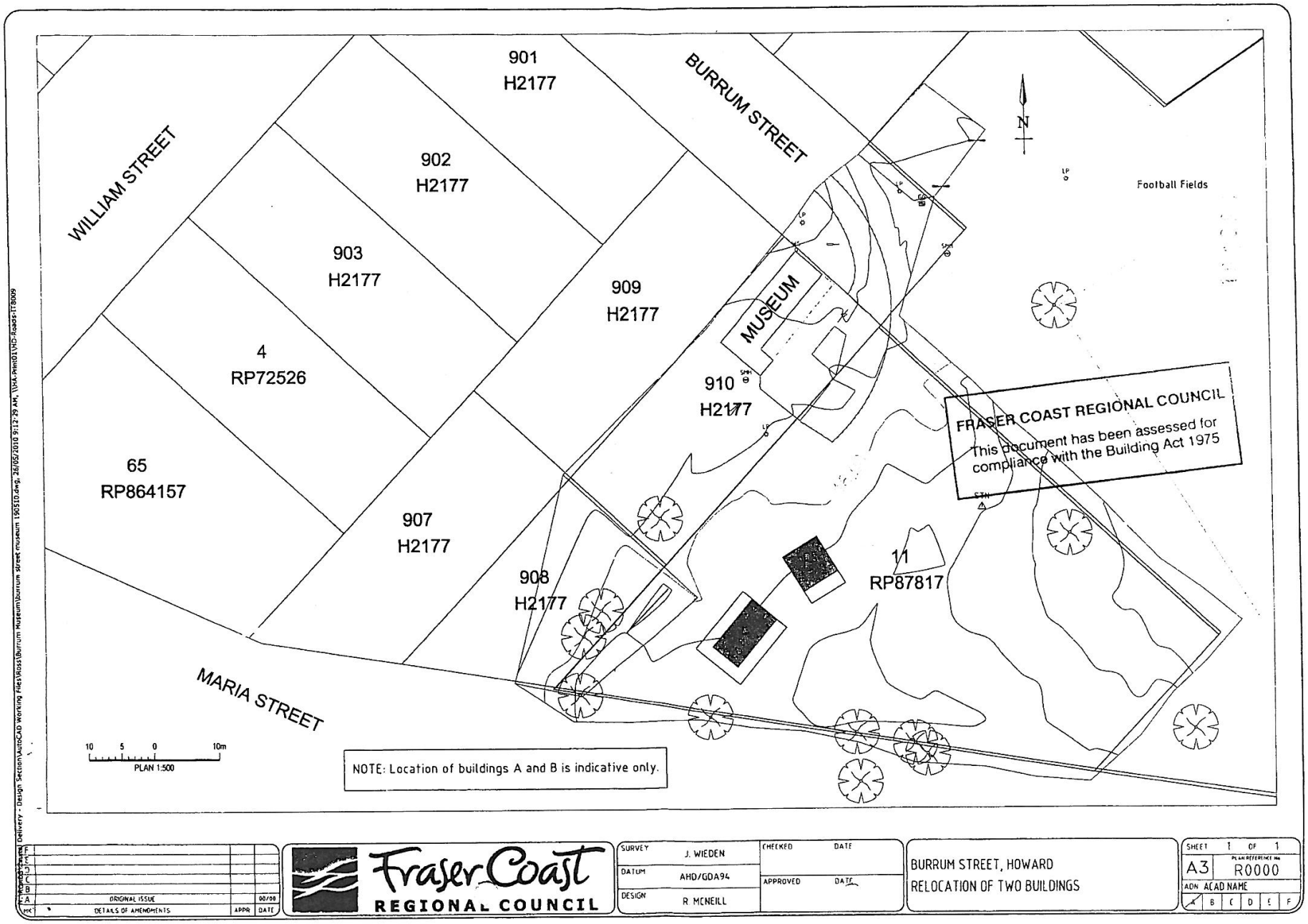
Aerial Photography: June 2006

Printed : 20/04/2011

Locality Plan

10 0 10 20 30m

Scale: 1:500



A	ORIGINAL ISSUE	00/00
REV	DETAILS OF AMENDMENTS	APPR DATE

Fraser Coast REGIONAL COUNCIL

SURVEY	J. WIEDEN	CHECKED	DATE
DATUM	AHD/GDA94	APPROVED	DATE
DESIGN	R MCNEILL		

BURRUM STREET, HOWARD
RELOCATION OF TWO BUILDINGS

SHEET 1 OF 1
A3 PLAN REFERENCE No. R0000
ADN ACAD NAME
A B C D E F

ITEM NO: P&D 7.1

FRASER COAST REGIONAL COUNCIL
PLANNING & DEVELOPMENT COMMITTEE MEETING NO. 3

WEDNESDAY 11 MAY 2011

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

DIRECTORATE: **COMMUNITY & DEVELOPMENT**

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

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

FILE NO: **F004872(P1)**

DOC NO: **#1932139v10**

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

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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 –April 2011

OPEN RESOLUTIONS REGISTER – PLANNING & DEVELOPMENT COMMITTEE APRIL 2011

Responsible Officer	Action Request	Resolution Details	Status
PUBLIC PARTICIPATION			
Nil			
OFFICER REPORTS			
Michael Ellery	**CP0900630**	Community & Development Meeting - Minutes of C&D Committee Meeting No. 3 - Wednesday 23 February 2011 (Minutes #1996257) A/CEO TIMEFRAME FOR ACTION REQUEST: 20 BUSINESS DAYS C&D 8.2 Response to Question on Notice – Home Activities RECOMMENDATION (McNeven / Dalgleish) That: 1. the report be received and noted, and 2. a further report be brought to Council with respect to reducing the costs of establishing home based businesses. Carried Unanimously	06/04/11 MEllery - Officers currently investigating options for reporting back to Council on 11 May 2011.
QUESTIONS ON NOTICE			
Nil			
GENERAL BUSINESS			
Nil			

ITEM NO: P&D 7.2

FRASER COAST REGIONAL COUNCIL
PLANNING & DEVELOPMENT COMMITTEE MEETING NO. 3

WEDNESDAY 11 MAY, 2011

SUBJECT: **RESPONSE TO QUESTION ON NOTICE – HOME BASED BUSINESSES**

DIRECTORATE: **COMMUNITY & DEVELOPMENT**

RESPONSIBLE OFFICER: EXECUTIVE MANAGER DEVELOPMENT ASSESSMENT – Michael Ellery

AUTHOR: EXECUTIVE ASSISTANT – Michelle Knapp

DOC NO: #2022295

LINK TO CORPORATE / OPERATIONAL PLAN: N/A.

1. PURPOSE

The report provided additional advice on the costs associated with home based businesses.

2. BACKGROUND & PREVIOUS COUNCIL CONSIDERATION

At the Community and Development Committee meeting of 23 February 2011, Council resolved the following:

That:

1. the report be received and noted, and

2. a further report be brought to Council with respect to reducing the costs of establishing home based businesses.

3. PROPOSAL

Since Council's consideration of the previous report regarding home based activities, the following measures to reduce costs have been identified:

Application Fees

As part of the 2011/12 budget preparation process it has been proposed to reduce the impact assessable fee for home based activities from $2,632 to $1,883. This represents an approximate reduction of 28 percent. The reduction has been recommended as part of the overall review of development assessment fees.

The code assessable fee is recommended to be increased in line with the general increase for all Council fees and charges. The current fee is $1,316 and it is proposed to be $1,395 for the coming financial year.

Contributions

In a separate report to the C&D Committee on 23 February 2011, it was identified that the contribution rates in PSP 4 2009 for the Hervey Bay City Planning Scheme were incorrect and should be reduced. Council resolved to implement the new method for calculating transport infrastructure charges immediately.

Taking the example provided in the previous report, the changes to the policy mean that the transport contributions applicable to a Home Business in the same situation would be reduced from $3,713.20 to $1,528.97. This represents a reduction of 59% from the previous policy position.

Levels of Assessment

The above costs relating to the establishment of a home bases business are obviously only triggered if an application is required under the Planning Scheme. It was identified in the previous report that different levels of assessment and different self-assessable criteria apply depending on which planning scheme area the proposal is located in. The result is differing requirements and costs across the Fraser Coast Region for home businesses, with potentially people looking to locate in the Hervey Bay area facing the highest costs due to that planning scheme having the most recent contributions policy.

As part of the drafting of the new consolidated planning scheme it is intended to review a range of matters relating to home based businesses, including the need to trigger applications, levels of assessment, applicable self-assessable criteria and definitions. This will provide a solution to the current consistency issues across the region and provide an opportunity to Council to further consider how and when it will regulate these types of activities.

4. FINANCIAL & RESOURCE IMPLICATIONS

The implications of the above measures have previously been considered.

5. POLICY & LEGAL IMPLICATIONS

Nil.

6. CRITICAL DATES & IMPLEMENTATION

Nil.

7. CONSULTATION

No further consultation was undertaken in the preparation of this report.

8. CONCLUSION

Council has already made or is intending to make changes to its infrastructure charging and application fees to reduce the costs for potential home based businesses. It has also been identified that a review of the need to trigger applications in the first instance, and the additional costs that this necessitates, needs to be undertaken as part of the drafting of the future consolidated planning scheme so as not to add an additional level of red tape and cost unnecessarily.

It should be noted that in addition to Council's previous and intended initiatives to reduce costs for these use types, the State Government's response to the final Infrastructure Charges Taskforce report has indicated that the State intends to legislate to set the infrastructure charges for Home Based Businesses at zero. The State have indicated that this is scheduled to commence 1 July 2011.

9. OFFICER'S RECOMMENDATION

That the report be received and noted.

ATTACHMENTS

Nil