MINUTES OF THE ORDINARY MEETING NO. 3
HELD IN THE FRASER COAST REGIONAL COUNCIL CHAMBERS,
MARYBOROUGH CITY HALL, KENT STREET, MARYBOROUGH
ON WEDNESDAY 15 FEBRUARY, 2012 COMMENCING AT 9.30AM.

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

STAFF IN ATTENDANCE:
Chief Executive Officer, Ms Lisa Desmond
Director Infrastructure & Environmental Services, Mr Wayne Sweeney
Director Organisational Services, Ms Alexis Hill
Executive Manager Financial Services, Ms Narelle Ballini
Financial Planning & Reporting Manager, Mr Peter Dart
Executive Manager Community & Culture, Ms Debra Moore
Executive Manager Strategic Planning, Mrs Rosalyn Acworth
Senior Planner Strategic Planning, Ms Lee-Anne Manski
Principal Officer Corporate Communication, Mr Kevin Corcoran
Meeting Secretary, Mrs Julie Schoonderwoerd

ORD 1 OPENING PRAYER

The Opening Prayer was delivered by Major Keith Cook from the Salvation Army.

ORD 2 APOLOGIES

RESOLUTION (O'Connell / Dalgleish)

That the apologies from Councillors Nioa and Harris, who are absent due to personal reasons, be accepted.

Carried Unanimously
Ord 3/961/02/12

ORD 3 DISCLOSURE OF INTERESTS

Nil

ORD 4 MAYORAL MINUTES

Nil

ORD 5 CONFIRMATION OF MINUTES OF MEETINGS

ORD 5.1 Ordinary Meeting No. 2 – 1 February, 2012

RESOLUTION (Hovard / Hawes)

That the Minutes of Ordinary Meeting No. 2 held on 1 February, 2012, be confirmed.

Carried Unanimously
Ord 3/962/02/12

ORD 6 ADDRESSES/PRESENTATIONS

ORD 6.1 Declarations of Office by Junior Council

On behalf of his fellow Councillors and the Executive, Councillor Kruger welcomed to the Meeting the members of the incoming 2012 Junior Council which comprised both Junior Councillors and officers, who would be making their Declarations of Office. He said that the Junior Council would be representing the youth of the region and were invited to bring to the Senior Council throughout the year anything they thought would make an improvement for the youth of the Fraser Coast. Councillor Kruger congratulated all of the students on being selected to be the representatives of their schools, and he also extended a thank you to the teachers involved. The Mayor then invited the Junior Council members as a group to make their Declarations of Office.

The Meeting applauded the Junior Council members following their declarations, and Councillor Kruger added that this afternoon the Junior Council would be having its first meeting at which the students would select a Junior Mayor, Junior Deputy Mayor and other positions. Councillor Kruger requested that once selected, the Junior Mayor and Junior Deputy Mayor attend a future Council Ordinary Meeting.

Members of the Junior Council include:

Hervey Bay		**Maryborough**	
Urangan High School		*St. Mary's College*	
Year 9	Emily Sullivan	Year 9	Florence Maundu
	Ryan Skeet		Alex Kunst
Year 10	Gareth Dundas	Year 10	Elara Crook
	Larissa Bradley		Brittany Honeysett
Hervey Bay High School		*Aldridge High School*	
Year 9	Jacinta Weier	Year 9	Anneliese McKee
	John Slatter		Jack Smith
Year 10	Liam Sorenson	Year 10	Teah Nugent
	Maria Anderson		Reece Alletag
Xavier Catholic College		*Maryborough High School*	
Year 9	Emily Whebell	Year 9	Mitchell Simpson
	Emily Bell		Jayde Williams
Year 10	Edon King	Year 10	Jacquelyn Jolly
	Katie Brown		Megan Kaufman
Fraser Coast Anglican College		*Riverside Christian College*	
Year 9	Andrew Riis	Year 9	Georgina Miles
	Kasthoory Jayakanth		
Year 10	Samantha Scotney		
	Callum Trace		

ORD 6 ADDRESSES/PRESENTATIONS

ORD 6.2 Customer Service and Recognition Awards – January 2012

Councillor Kruger welcomed and presented a January Customer Service and Recognition Award to:

- **Sheldon Rodricks** (Compliance Officer) **- Customer Service Excellence Award (Field)**

Councillor Kruger advised that unfortunately the other January award winners had been unable to attend to receive their Awards which would be presented to them within their departments. They were:

- **Mark Gee** (Team Member Parks) - **Good Samaritan Award (Field)**
- **Caroline Lynch** (Administration Officer) - **High Achiever Award (Office)**
- **Graham Osmond** (Team Member Parks) - **High Achiever Award (Field)**

The Mayor extended congratulations to all of the January Customer Service and Recognition Awards recipients.

ORD 7 PUBLIC PARTICIPATION

Nil

ORD 8 DEPUTATIONS

Nil

ORD 9 PETITIONS

ORD 9.1 Receipt of Petitions

Parking and Play Area, Urangan Pier

Councillor MucKan tabled a petition from Urangan business people requesting feedback on the parking in front of the shops and the play area/equipment for Pier Park.

RESOLUTION (MucKan / O'Connell)

That the petition be received and referred to the Chief Executive Officer for a response.

Carried Unanimously
Ord 3/963/02/12

ORD 9 PETITIONS

ORD 9.2 Open Petitions Register

RESOLUTION (McNeven / Hovard)

That the Open Petitions Register report be received and noted.

Carried Unanimously
Ord 3/964/02/12

ORD 9 PETITIONS

ORD 9.3 Petition Response Report - Free Skate Park at Urangan

RESOLUTION (MucKan / O'Connell)

That the report be received and noted.

Carried Unanimously
Ord 3/965/02/12

ORD 10 COMMITTEES' AND DELEGATES' REPORTS

ORD 10.1 Environmental Advisory Committee Meeting Minutes - 25 November 2011

RESOLUTION (Brooks / McNeven)

That:

1. the Environmental Advisory Committee's request for a minimum of 50 percent of the Environmental Levy collected be used for the acquisition of environmentally significant land be referred for 2012/13 budget deliberation; and

2. the Minutes of the Environmental Advisory Committee Meeting held on 25 November 2011 be received and noted.

Carried Unanimously
Ord 3/966/02/12

ORD 10 COMMITTEES' AND DELEGATES' REPORTS

ORD 10.2 Heritage Advisory Committee Minutes - 19 January 2012

RESOLUTION (O'Connell / Hawes)

That:

1. as resolved by Council, at its meeting held on 13 July, 2011, Council not proceed with the entry of place ID 134 - Original Maryborough Town Site Extension, which includes those areas of the Original Maryborough Township Site not protected and outside of Council's current subdivision proposal, into the Local Heritage Register.

2. the minutes of the Heritage Advisory Committee be received and noted.

Carried Unanimously
Ord 3/967/02/12

ORD 11 OFFICERS' REPORTS

ORD 11.1 Open Resolutions Register – January 2012

RESOLUTION (McNeven / MucKan)

That the Open Resolutions Register – January 2012 report be received and noted.

Carried Unanimously
Ord 3/968/02/12

ORD 11 OFFICERS' REPORTS

ORD 11.2 Fraser Coast Regional Council Financial Report - Period Ended 31 January 2012

RESOLUTION (O'Connell / Hawes)

That:

1. The financial report for the period ended 31 January 2012 be received and noted.

2. The budget revisions listed in Section (C) be received and adopted.

Carried Unanimously
Ord 3/969/02/12

ORD 11 OFFICERS' REPORTS

ORD 11.3 Interpretive Track at River Heads

RESOLUTION (Brooks / McNeven)

That:

1. Council adopt the Ariadne Street road reserve as the preferred alignment for a footpath from Sheridan Street to the boat ramp;

2. In the interim, Council will investigate an option for a temporary footpath alignment along the north-western side of Ariadne Street. A material such as grass or crusher dust may be used for the temporary public access and bollards may be installed to act as a divider between the roadway and footpath; and

3. Council support the River Heads Progress Association in further investigating options for an interpretive track through the reserve adjacent Ariadne Street.

Carried Unanimously
Ord 3/970/02/12

ORD 11 OFFICERS' REPORTS

ORD 11.4 Quarterly Report – Community & Culture – October to December 2011

RESOLUTION (Hovard / McNeven)

That the report be received and noted.

Carried Unanimously
Ord 3/971/02/12

ORD 11 OFFICERS' REPORTS

ORD 11.5 Future Sport and Recreation Precinct

RESOLUTION (MucKan / Dalgleish)

That Council support:

a) the negotiations with Wide Bay Water to secure the land for the development of a Sport and Recreational Precinct; and

b) a master planning process in consultation with representative sporting organisations over the site for development of a multi-purpose sport and recreation precinct.

Carried Unanimously
Ord 3/972/02/12

ORD 12 MATTERS / MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

ORD 13 QUESTIONS ON NOTICE

ORD 13.1 Questions on Notice Register

An update of the stormwater drainage issue was requested and the Director Infrastructure & Environment addressed Council. Mr Sweeney said that to date his understanding was it could relate to one of the lake systems located within a private property where the overflow weir was higher than the pipe system which made the pipe system back up with water. He said that investigations were still on-going and he was currently awaiting further information. Mr Sweeney said that there were no easements on that particular property but there were opportunities to negotiate, or to then formalise another drainage system to get the pipe system to drain. Mr Sweeney said that there were also outlets across the dunal system that discharged into the sea and they can silt up with sand through the in-coming and out-going tides. He also referred to a development in Petersen's Road, which when done did not have the culverts extended under the road. Mr Sweeney said they were blocked off and there were two 900mm pipes which had no discharge. He said that the reason for this was being investigated. He said that there were a number of issues which could have an effect on the problem. Mr Sweeney said that it was not an easy matter, it had been investigated many times over many years, and hopefully there was a solution.

RESOLUTION (Hawes / MucKan)

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

Carried Unanimously
Ord 3/973/02/12

ORD 14 CONSIDERATION OF ITEMS PLACED ON THE AGENDA WITH THE CONSENT OF THE MAYOR

Nil

ORD 15 GENERAL BUSINESS

ORD 15.1 Appreciation to Staff

Councillor Dalgleish requested that the Director Infrastructure & Engineering pass on his and Councillor MucKan's thanks to Project Coordinator Technical Services, Mr John Griffiths, in relation to the bridge at Howard for his ongoing support and community spirit. He said that Mr Griffiths and the Foreman from Sunstate had, on very short notice, attended a meeting with the President and other representatives of the Howard Progress Association. Councillor Dalgleish said that the Association had been very impressed that Council had been able to organise for them to attend the meeting and provide straight answers.

ORD 15 GENERAL BUSINESS

ORD 15.2 Sealing of Unsealed Car Parks – Point Vernon / Gataker's Bay

Councillor Dalgleish referred to the fantastic job recently completed at the car park near the intersection of Beach Road and the Esplanade, and said there had since been numerous requests for Council to look at rolling out similar treatment to the other unsealed car parks in Port Vernon and Gataker's Bay, particularly the one in front of the store at Point Vernon which gets a lot of use but erodes away when it rains. He requested a report to Council regarding this matter.

ORD 15 GENERAL BUSINESS

ORD 15.3 Howard Progress Association

Councillor Dalgleish advised that the Howard Progress Association's next meeting would in fact be its Annual General Meeting. He also referred to the President of the Association saying he would be celebrating his 70th birthday, adding he had worked very hard and had done a good job with regard the Howard Progress Association.

ORD 15 GENERAL BUSINESS

ORD 15.4 Fire Levy

Councillor O'Connell said that many Councillors had been involved in discussions with residents regarding the fire levy and the fact that there had been amendment to some of the boundaries with the urban fire levy which had created some angst. He said that the hundreds of Rural Fire Brigade volunteers should be acknowledged; they gave their time, were on call, raised money and did a great job. Councillor O'Connell requested an update on the ongoing discussions between the Fire & Rescue Service and the State Government in relation to what allocation there might be to the Rural Fire Service.

The Chief Executive Officer advised that at this point in time, other than the presentation to Council by the Fire & Rescue Service, the official request from the Rural Fire Service had not come to Council in terms of the dollar level required. Ms Desmond said that an analysis was being undertaken to see the impact of the urban fire levy on the Rural Fire Service, however the Queensland Fire Service had requested that an increase in the Rural Fire Levy be applied to other areas such as Glenwood to subsidise the Rural Fire Service in the area; the Urban Fire Service was now collecting the levy. She said that Council believed this request was not fair and reasonable, and would be advising the Minister that funds from the Urban Fire Levy was required to continue to fund those Rural Fire Services within that area.

Councillor MucKan referred to the levy collected by Council saying a lot of people in the community believed Council kept part of the levy, and he requested the levy collection be explained.

The Chief Executive Officer advised that 100% of the levy collected by Council on behalf of the Rural Fire Service went to the Rural Fire Service. Ms. Desmond said that Council did not retain any of the levy.

Councillor Kruger added that it was then distributed by the peak body to the regions.

ORD 15 GENERAL BUSINESS

ORD 15.5 Local Government Elections

Councillor McNeven said that Councillors were starting to field a number of questions from residents in relation to the Local Government Elections, in particular who will be the candidates for specific divisions, although nominations would not close until 27 March. She said that she believed it would be good if Council's website could have a message in relation to the local government elections and where residents may obtain information, as well as a link to the Electoral Commission website.

ORD 15 GENERAL BUSINESS

ORD 15.6 Fraser Coast Pets On Facebook

Councillor McNeven referred to Fraser Coast Pets on Facebook saying that it was currently at 291 "likes". She said that the number of "likes" needed to be increased. Councillor McNeven said that Fraser Coast Pets was a Council initiative, the aim of which was in helping to re-home animals that had been lost or found. She said that Council was having great success with this initiative, and pound animals were posted on the Facebook page. Councillor McNeven said that positive messages had been posted on the page, particularly in relation to how much easier it was to find a missing dog if it was registered. She said that it was a worry for people when their pet went missing and the new Facebook site was another way in which Council was helping. Councillor McNeven said that it was great but more people needed to be aware of the Facebook page.

ORD 15 GENERAL BUSINESS

ORD 15.7 Hervey Bay Hospital

Councillor McNeven said that she recently had the interesting experience of spending some time at the Hervey Bay Hospital. She said that the staff had been fabulous, and this had always been her experiences when going to the Hervey Bay Hospital. Councillor McNeven said that while she had been at the hospital, there had also been a mother and daughter who were on holiday from a property out west, and the daughter had broken her arm. She said that it had been the second visit to the hospital and the mother had been full of praise for the hospital and how well they had done. Councillor McNeven said that when watching the news recently it had been disappointing to hear members of Queensland Health talk about how community confidence in them was low, how they felt unsupported in the community and that they were feeling as if people were saying the hospital staff were not doing a fabulous job; which Councillor McNeven said could not be further from the truth.

Councillor McNeven said that she knew Council had previously worked with the hospital, adding that she thought this was very important to maintain and possibly Council could again request what Council could help promote. She said that she believed it was important for Council to acknowledge the great job our local hospitals were doing, help to get the message out that the Fraser Coast was a wonderful place to come and work in the hospitals across the region and Council was supportive of the work hospital staff were doing.

ORD 15 GENERAL BUSINESS

ORD 15.8 Pop Into The Fraser Coast

Councillor Hawes said that it was wonderful this morning to receive by email a great lime green and black advertisement for Pop into the Fraser Coast on whatif.com, adding a great job had been done with the Marketing team linking in with the last of the festivals up until the end of June. She said that what had been done looked absolutely marvellous.

ORD 15 GENERAL BUSINESS

ORD 15.9 St Paul's Bell Restoration

Councillor Arthur said that last Friday night, together with Councillor O'Connell, she had attended the St Paul's Anglican Church Bell Restoration Appeal. She said that everybody would know this was a marvellous project for the community to have the bells restored and again pealing in the community. Councillor Arthur said that in his opening remarks Father Jim McPherson had acknowledged the support of the Fraser Coast Regional Council, and although only a small gathering of people had been in attendance to launch the appeal it had been very heart-warming to see a member of the community stand up and acknowledge the work that Council had done to support that small group with the bell restoration. Councillor Arthur said that she had also spoken with Mr Ian Miles who had asked for thanks and appreciation be passed on to the Mayor because they would not have been able to start the project without the support of Council.

10.45am Councillor Arthur retired from the Meeting to attend the funeral service of a former long serving former Maryborough City Council employee. Councillor Arthur did not return to the Meeting.

ORD 15 GENERAL BUSINESS

ORD 15.10 Little Athletics

Councillor MucKan referred to the recently held Little Athletics competition saying it had been fantastic and he wished to extend his congratulations. He said he had attended with the Mayor and Councillor O'Connell. Councillor MucKan said that a top job had been done by Little Athletics in organising the competition which had been held at the sports ground at the Dundowran Hall. He said he wished to also congratulate Council staff for the work done in preparation for the competition. Councillor MucKan said that there had been competitors from Gayndah, Bundaberg and other areas.

ORD 15 GENERAL BUSINESS

ORD 15.11 Pontoon - River Heads

Councillor MucKan referred to an email he had received in relation to money that had been approved for the installation of a pontoon at River Heads, but had not yet been allocated. It was asked when the pontoon would be installed and an update requested. Councillor MucKan passed the email correspondence over to the Chief Executive Officer.

ORD 15 GENERAL BUSINESS

ORD 15.12 Butchulla Sites - Maryborough

Councillor MucKan referred to a further email he had received from the Maryborough Butchulla People relating to Butchulla sites in Maryborough. The two sites included an area in the Pocket (Tribune Street on the bend of the river) which was a Men's Business area, and an area at the George Furber Picnic Grounds (original townsite, Aldridge Street) which was a Women's Business area. Councillor MucKan said that the Maryborough Butchulla People were requesting from the Fraser Coast Regional Council some form of recognition for the two significant areas in the form of a plaque/monument, and the acknowledgement be honoured during this year's NAIDOC week. Councillor MucKan passed the email correspondence over to the Chief Executive Officer.

RESOLUTION (O'Connell / Dalgleish)

That in accordance with Standing Orders Council approve the attendance of the Chairperson and Chief Executive Officer of Wide Bay Water Corporation during discussion of confidential Item ORD 16.1.

Carried Unanimously
Ord 3/974/02/12

ORD 16 CONFIDENTIAL

RESOLUTION (O'Connell / McNeven)

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:

ORD 16.1 – **Wide Bay Water Corporation – Quarterly Report October - December 2011** - Section 72(1)(c) (**the local government's budget**)

ORD 16.2 – **Proposed Amendment to the Amenity and Aesthetics Considerations for Development (Amenity and Aesthetic Impact of Particular Building Work) Council Policy and Endorsement of Amended 'Relevant Overlays' - Streamlining for DA Process Improvement Project** - 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**)

ORD 16.3 – **Fraser Coast Planning Scheme – Progress Update and Minutes of Planning Scheme Councillor and Executive Workshop 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**)

ORD 16.4 – **Future Management Options - Fraser Coast Aquatic Centres** - Section 72(1)(e) (**contracts proposed to be made by Council**)

Carried Unanimously
Ord 3/975/02/12

10.51am **Councillor Kruger retired from the Meeting prior to discussion of Item ORD 16.1. Councillor Dalgleish chaired the Meeting.**

The Chairperson and Chief Executive Officer of Wide Bay Water Corporation attended the Meeting to address Council in relation to Item ORD 16.1.

11.10am **Councillor Kruger returned to the Meeting during discussion of Item ORD 16.1 and resumed the Chair.**

The Chairperson and Chief Executive Officer of Wide Bay Water Corporation retired from the Meeting following discussion of Item ORD 16.1.

RESUMPTION OF ORDINARY COUNCIL MEETING

RESOLUTION (O'Connell / Dalgleish)

That the Meeting resume in open Council.

Carried Unanimously
Ord 3/976/02/12

ORD 16 CONFIDENTIAL

ORD 16.1 Wide Bay Water Corporation – Quarterly Report October - December 2011

RESOLUTION (O'Connell / Dalgleish)

That Council receive and note the December 2011 Quarterly Report for Wide Bay Water Corporation.

Carried Unanimously
Ord 3/977/02/12

ORD 16 CONFIDENTIAL

ORD 16.2 Proposed Amendment to the Amenity and Aesthetics Considerations for Development (Amenity and Aesthetic Impact of Particular Building Work) Council Policy and Endorsement of Amended 'Relevant Overlays' - Streamlining for DA Process Improvement Project

RESOLUTION (McNeven / Brooks)

That:

(A) For development identified within Schedule 7, Table 1, Item 17 (Amenity and aesthetic impact of particular building work) of the *Sustainable Planning Regulation* 2009, that

(a) Building works for Class 10a buildings that are identified as 'Development that cannot be declared to be development of a particular type' by Schedule 4, Table 2, Item 2 and do not comply with one or more of the Acceptable Solutions in Table 1.0 of the Amenity and Aesthetics Considerations for development (Amenity and Aesthetic Impact Of Particular Building Work) (*the form*) Council Policy, may:

(i) have an extremely adverse effect on the amenity, or likely amenity of the locality; or

(ii) be in extreme conflict with the character of the locality,

the locality being premises identified in the Tiaro Shire Planning Scheme, where no overlay, as identified in the Planning Scheme and relevant to the assessment of the material change of use, applies to the premises, or only an overlay about bushfire hazards applies to the premises and the premises are less than 2000m^2;

(b) Building Works for Class 10a buildings on premises identified in the Planning Scheme for the Shire of Woocoo which do not comply with one or more of the Acceptable Solutions in Table 1.0 of the Amenity and Aesthetics Considerations for development (Amenity and Aesthetic Impact of Particular Building Work) Council Policy may have an extremely adverse effect on the amenity, or likely amenity of the locality or be in extreme conflict with the character of the locality, the locality being premises identified in the Planning Scheme for the Shire of Woocoo;

(c) Building Works for Class 10a buildings on premises identified in the Hervey Bay City Planning Scheme 2006 where the combined total use area exceeds:

(i) Where the lot is less than 600m^2- 54m^2;

(ii) Where the lot is 600m^2 to less than 1000m2- 70m^2;

(iii) Where the lot is 1000m^2 to less than 2000m2- 90m^2;

(iv) Where the lot is 2000m^2 to less than 2ha- 110m^2; and

(v) Where the lot is 2ha or more- up to 200m^2;

may have an extremely adverse effect on the amenity, or likely amenity of the locality or be in extreme conflict with the character of the locality, the locality being premises identified in the Hervey Bay City Planning Scheme 2006;

(B) The Amenity and Aesthetics Policy, titled 'Amenity and Aesthetics Considerations for Development (Amenity And Aesthetic Impact of Particular Building Work) Council Policy' as adopted on 12 May 2010 and amended on 7 December 2011 be repealed;

(C) The Amenity and Aesthetics Policy, titled 'Amenity and Aesthetics Considerations for Development (Amenity And Aesthetic Impact of Particular Building Work) Council Policy' (as per Attachment 2 of the report DOCS #2160467) be approved; and

(D) There are no 'Relevant Overlays' for the purpose of Council's role as a Concurrence Agency for Class 1 buildings under schedule 4 of the SPR (Schedule 7, Table 1, Item 26).

Carried Unanimously
Ord 3/978/02/12

NOTE: The adopted Amenity and Aesthetics Considerations for Development (Amenity and Aesthetic Impact of Particular Building Work) Council Policy is attached to the Minutes – refer page 18.

ORD 16 CONFIDENTIAL

ORD 16.3 Fraser Coast Planning Scheme – Progress Update and Minutes of Planning Scheme Councillor and Executive Workshop No. 4

RESOLUTION (O'Connell / McNeven)

That Council:

A. Receive and note the report; and

B. Confirm the minutes, as amended, of the Planning Scheme Councillor and Executive Meeting No. 4 (Attachment 1 of Confidential Report DOCS #2161770).

Carried Unanimously
Ord 3/979/02/12

ORD 16 CONFIDENTIAL

ORD 16.4 Future Management Options - Fraser Coast Aquatic Centres

RESOLUTION (Dalgleish / Hawes)

That:

1. Expressions of interest to be called for management rights to the Fraser Coast Aquatic Centres; and

2. the Chief Executive Officer be authorised to assess the best possible arrangements for the management of both centres and report back to Council.

Carried Unanimously
Ord 3/980/02/12

There being no further business, the Meeting closed at 11.35am.

Confirmed at Ordinary Meeting No. 4 of the Fraser Coast Regional Council held at Maryborough on 7 March, 2012.

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MAYOR

ATTACHMENT TO ITEM ORD 16.2

Policy Title:	**AMENITY AND AESTHETICS CONSIDERATIONS FOR DEVELOPMENT (AMENITY AND AESTHETIC IMPACT OF PARTICULAR BUILDING WORK)**
Policy Subject:	Planning
Policy No:	#2083668v3
Directorate:	Community & Development Services
Department:	Planning
Section:	Strategic Planning
Responsible Officer:	Executive Manager - Strategic Planning
Authorised by:	Director Community & Development Services
Adopted Date:	12/10/2011
Review Date:	15/02/2013
Amended Date:	15/02/2012

1.0 OBJECTIVE:

The objective of the proposed policy is to ensure that the following development for Class 10a buildings are assessed against appropriate provisions and complement the existing built environment:

- Class 10a buildings that are identified as 'Development that cannot be declared to be development of a particular type' by Schedule 4, Table 2, Item 2 of the *Sustainable Planning Regulation* 2009;
- Class 10a buildings that exceed the stipulated maximum combined total use area for Class 10a buildings (excluding decks, patios, pergolas, verandahs and gazebos) on premises identified in the Hervey Bay City Planning Scheme 2006; and
- Class 10a buildings that do not meet specified acceptable solutions on premises identified in the Woocoo Shire Planning Scheme.

The policy, in concert with Council's resolution of 15 February 2012 that under the provisions of Schedule 7, Table 1, Item 17 that such development, where it does not comply with one or more of the Acceptable Solutions in Table 1.0 of this policy, where it exceeds the stipulated maximum combined total use area for Class 10a buildings, may:

(i) have an extremely adverse effect on the amenity, or likely amenity of the locality; or

(ii) be in extreme conflict with the character of the locality,

will enable Council to discharge its jurisdiction as a concurrence agency under the *Sustainable Planning Act 2009* and Regulations for such matters.

2.0 POLICY:

2.1 Intent

In accordance with Schedule 7, Table 1, Item 17 (Amenity and aesthetic impact of particular building work) of the *Sustainable Planning Regulation* 2009, Council on 15 February 2012 resolved that:

(a) building works for Class 10a buildings that are identified as 'Development that cannot be declared to be development of a particular type' by Schedule 4, Table 2, Item 2 and do not comply with one or more of the Acceptable Solutions in Table 1.0 of the Amenity and Aesthetics Considerations for development (Amenity and Aesthetic Impact of Particular Building Work) Council Policy may have an extremely adverse effect on the amenity, or likely amenity of the locality or be in extreme conflict with the character of the locality;

(b) Building works for Class 10a buildings on premises identified in the Woocoo Shire Planning Scheme which do not comply with one or more of the Acceptable Solutions in Table 1.0 of the Amenity and Aesthetics Considerations for development (Amenity and Aesthetic Impact of Particular Building Work) Council Policy may have an extremely adverse effect on the amenity, or likely amenity of the locality or be in extreme conflict with the character of the locality;

(c) building works for Class 10a buildings (excluding decks, patios, pergolas, verandahs and gazebos) on premises identified in the Hervey Bay City Planning Scheme 2006 where the total use area exceeds:

(i) where the lot is less than 600m^2- 54m^2;
(ii) where the lot is 600m^2 to less than 1000m2- 70m^2;
(iii) where the lot is 1000m^2 to less than 2000m2- 90m^2;
(iv) where the lot is 2000m^2 t less than 2ha- 110m^2; or
(v) where the lot is 2ha or more- 200m^2

may have an extremely adverse effect on the amenity, or likely amenity of the locality or be in extreme conflict with the character of the locality.

As such, Council will be triggered as a concurrence agency for such building works applications.

2.2 Applicability

2.2.1 Building works for Class 10a buildings that are identified as 'Development that cannot be declared to be development of a particular type' by Schedule 4, Table 2, Item 2 and do not comply with one or more the Acceptable Solutions in Table 1.0 of the Amenity and Aesthetics Considerations for development (Amenity and Aesthetic Impact of Particular Building Work) Council Policy.

The policy is applicable to applications for building work for Class 10a buildings identified as 'Development that cannot be declared to be development of a particular type' by Schedule 4, Table 2, Item 2 of the *Sustainable Planning Regulation* 2009 (form) in the following locality:

- Premises identified in the Tiaro Shire Planning Scheme, where no overlay, as identified in the Planning Scheme and relevant to the assessment of the material change of use, applies to the premises, or only an overlay about bushfire hazards applies to the premises and the premises are less than 2000m^2..

To be clear, **Council will be a concurrence agency** in accordance with Schedule 7, Table 1, Item 17 of the *Sustainable Planning Regulation* 2009 for applications for building work for Class 10a buildings that are identified as 'Development that cannot be declared to be development of a particular type' by Schedule 4, Table 2, Item 2 of the *Sustainable Planning Regulation* 2009 in the above locality **where such applications do not comply with one or more of the acceptable solutions specified in Table 1.0 of this policy**. No referral is required in instances where the acceptable solutions are met.

Relevant Overlays

The following overlays are <u>not</u> considered to be relevant to the assessment of a material change of use for residential purposes having regard to Schedule 4, Table 2, Item 2 of the *Sustainable Planning Regulation* 2009. In these instances, the overlay is not considered to apply to a premises:

For Class 10a buildings:

<u>Tiaro Planning Scheme</u>

- Natural Hazards Overlay- where

  (a) the site is not located on land below 5mAHD as shown on Map OM5 subject to tidal surges and floods;

  (b) the land is not on or within 100m of land with a gradient of 1:8 or greater;

  (c) the land is located at or below 5mAHD as shown on OM5 and the development does not involve excavating 100m^3 or more of material or filling land with 500m^3 or more of material with an average depth of 0.5m or more; and/or

  (d) the land is located on land above 5mAHD but below 20mAHD as shown on OM5 and the development does not involve excavating 100m^3 or more of material at or below 5mAHD.

All other Scheme overlays applicable to subject premises (including the overlays mentioned above where the highlighted criteria are not met) are considered to be relevant overlays for the purposes of Schedule 4, Table 2, Item 2 of the *Sustainable Planning Regulation* 2009.

<u>Hervey Bay City Planning Scheme, Maryborough City Plan and Planning Scheme for the Shire of Woocoo</u>

There are no overlays considered to be relevant to the assessment of a material change of use for Class 10a buildings for the purposes of Schedule 4, Table 2, Item 2 of the *Sustainable Planning Regulation* 2009.

Class 1a buildings:

<u>All Scheme areas</u>

There are no overlays considered to be relevant to the assessment of a material change of use for Class 1a buildings for the purposes of Schedule 4, Table 2, Item 2 of the *Sustainable Planning Regulation* 2009.

2.2.2 Building works for Class 10a buildings in the former local government area of Woocoo Shire where the development does not comply with one or more of the Acceptable Solutions in Table 1.0 of this policy.

This policy is applicable to applications for building work for Class 10a buildings on premises identified in the Planning Scheme for the Shire of Woocoo (the locality), where one or more of the acceptable solutions in Table 1.0 of this policy are not complied with. To be clear, no referral is required when all of the acceptable solutions specified are complied with. Where referral is required and Council is a concurrence agency, the assessment criteria is the performance criteria that relates to the acceptable solution/s that have not been complied with.

Developers should ensure that they check the relevant provisions of the Planning Scheme relating to Detached Dwellings for any other applications that may be required.

2.2.3 Building works for Class 10a buildings (excluding decks, patios, pergolas, verandahs and gazebos) **on premises identified in the Hervey Bay City Planning Scheme 2006 where the combined total use area exceeds:**

(i) where the lot is less than 600m^2- 54m^2;
(ii) where the lot is 600m^2 to less than 1000m^2- 70m^2;
(iii) where the lot is 1000m^2 to less than 2000m^2- 90m^2;
(iv) where the lot is 2000m^2 to less than 2ha- 110m^2; or
(v) where the lot is 2ha or more- 200m^2.

This policy is applicable to applications for building work for Class 10a buildings (excluding decks, patios, pergolas, verandahs and gazebos)on premises identified in the Hervey Bay City Planning Scheme 2006 (the locality), where the combined total use area of Class 10a buildings exceeds:

(i) where the lot is less than 600m^2- 54m^2;
(ii) where the lot is 600m^2 to less than 1000m^2- 70m^2;
(iii) where the lot is 1000m^2 to less than 2000m^2- 90m^2;
(iv) where the lot is 2000m^2 to less than 2ha- 110m^2; or
(v) where the lot is 2ha or more- 200m^2

Only PC8 is relevant to the concurrence agency assessment of these applications.

Developers should ensure that they check the relevant provisions of the Planning Scheme relating to Detached Dwellings for any other applications that may be required.

2.3 Assessment Controls

The following tables identify the specific amenity and aesthetics provisions that applications will be assessed against.

Please note that for applications for Class 10a buildings in the former local government area of Hervey Bay City, only PC8 applies.

TABLE 1.0 CLASS 10a BUILDINGS UNDER THE BUILDING CODE OF AUSTRALIA (BCA) (EXAMPLES INCLUDE CARPORTS AND SHEDS)

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTION/S
Design and Siting	
PC1 The height of a building is not to unduly – (a) overshadow adjoining Detached dwellings; and (b) obstruct the outlook from adjoining lots; and (c) dominate the intended streetscape character.	**AS1.1** For a Class 10a building, regardless of slope, the maximum height is 4.5m and 3.6m to the eaves.
PC2 *As per QDC MP 1.1, P6 and MP 1.2, P6- Building maintenance.*	**AS2.1** *As per QDC MP1.1, A6 and MP 1.2, A6.*
PC3 As per QDC MP 1.1, P7 and MP 1.2, P7- Structures on corner sites.	**AS3.1** *As per QDC MP 1.1, A7 and MP 1.2, A7.*
PC4 Buildings are located so as not to interfere with natural stormwater flows.	**AS4.1** The building location and site access is not located in an overland flow path.
PC5 Development must not reduce the flood storage capacity of the creek or waterway.	**AS5.1** No filling occurs below the 1% AEP flood level.
PC6 Filling or excavation does not result in the contamination of land.	**AS6.1** The fill material is solid clean earth, free of putrid or refuse material or acid sulphate soils.
PC7 Class 10a buildings are ancillary to an existing or approved Detached dwelling.	**AS7.1** Class 10a buildings are co-located with an existing or approved Detached dwelling.
PC8 Buildings have the appearance and bulk of a Detached dwelling with ancillary outbuildings.	**AS8.1** The combined total use area for Class 10a buildings (excluding decks, patios, pergolas, verandahs and gazebos) are: (A) Where the Lot is less than 600m^2- up to 54m^2 (B) Where the Lot is 600m^2 to less than 1000m^2- up to 70m^2 (C) Where the Lot is 1000m^2 to less than 2000m^2- up to 90m^2 (D Where the Lot is 2000m^2 to less than 2ha- up to 110m^2 (E) Where the lot is 2ha or more- up to 200m^2.

3.0 EFFECTIVE FROM

This policy is effective from the date of Council's resolution to amend the policy, being 15 February 2012.

4.0 RELATED LEGISLATION:

Sustainable Planning Act 2009 and *Sustainable Planning Regulation* 2009.

Note: A separate policy exists for removal dwellings and existing or proposed buildings originally designed or constructed as a non-habitable building that is intended to be upgraded and fitted out to be used as a single detached dwelling, for example. Please contact Council's Building Services Department for further advice in this regard.

5.0 HISTORY:

Previous Policy superseded 15 February 2012.

This policy has been amended to reflect outcomes sought to further streamline development assessment processes as part of the DA Process Improvement Project. It also removes the applicability of the Policy to Rural Residential zoned land in Local Area 1 of the Maryborough City Plan and seeks to clarify the 'relevant overlays' having regard to Council's role as a Concurrence Agency for development that cannot be made development of a particular type under schedule 4 of the *Sustainable Planning Regulation* 2009.

Previous Policy superseded 7 December 2011.

The Policy has been amended to reflect the content of Building Newsflash 453 that specifies that domestic patios, verandahs, shade structures, decks and similar structures should be classified as class 10a buildings, provided they are not fully enclosed, or provided with opening partitions or doors or windows or sashes or the like that can enclose the area. As the reference to combined use area of Class 10a buildings was not intended to include these building types, which are usually attached to a house and used intermittently for domestic recreational purposes, the reference to such buildings has been amended to clarify the intent.

Previous Policy superseded 12 October 2011.

This Policy supersedes that adopted by Council at its Planning and Development Committee Meeting on 8 December 2010. It alters the policy to reflect amendments to the Hervey Bay City Planning Scheme and reflects changes to Council's resolution to specify that Council will only be triggered as a concurrence agency where the acceptable solutions of the policy are not met. It also reflects the resolution pertaining to the combined total use area of Class 10a buildings in the former Hervey Bay City Council local government area. Table 1 has also been amended to provide for consistency with the provisions of the Hervey Bay Planning Scheme.

Previous Policy superseded 8 December 2010.

This policy supersedes that adopted by Council at its Planning and Development Committee Meeting No. 4 on 12 May 2010. It differs from previous policy in that the list of overlays not considered to be relevant to the assessment of a material change of use for residential purposes has been expanded, widening the application of the policy and further minimising the need for planning applications pertaining to Class 10 buildings or structures. The exclusion of overlays or overlay provisions relating to bushfire from those considered 'relevant' is reflective of the Building Code of Australia addressing matters associated with constructing a building in a bushfire zone.

Further, the combined total use area of outbuildings on allotments between 600m^2 and less than 650m^2 has been increased from up to 40m^2 to up to 70m^2.

Previous Policy repealed 12 May 2010.

This policy supersedes that adopted by Council at its Planning and Development Committee Meeting No. 1 on 10 February 2010 and is reflective of amendments made to the *Sustainable Planning Regulation* 2009, which became effective on 26 March 2010. Policy amendments reflect that there there is currently no Council resolution to apply the provisions contained in Schedule 4 of the Regulation to attached duplexes and the amendment of the Schedule in relation to 'relevant' overlays.

As Council has not resolved under Schedule 4, Table 2, Item 2(f) that the *Sustainable Planning Regulation* 2009 applies to class 1(a)(ii) buildings comprising not more than 2 attached dwellings (attached duplexes), attached duplexes are not exempt from assessment against planning schemes as of 26 March 2010, when the amended *Sustainable Planning Regulation* 2009 came into effect.

The previous Amenity and Aesthetics Policy applied to Class 1(a)(i) buildings. Please note that the current policy does not apply to this class of building and that Council is now triggered as a concurrence agency for Class 1(a)(i) buildings under Schedule 7, Table 1, item 26 if any material change of use associated with the building work is for a residential purpose in a residential zone and would have required a development permit if schedule 4, table 2, item 2 did not apply for the use.