**MINUTES OF PLANNING & DEVELOPMENT COMMITTEE MEETING NO 1**
**HELD IN THE FRASER COAST REGIONAL COUNCIL CHAMBERS,**
**77 TAVISTOCK STREET, TORQUAY, HERVEY BAY**
**ON WEDNESDAY 8 FEBRUARY, 2012 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 Belinda McNeven
Councillor Les MucKan
Councillor Gerard O'Connell

**STAFF IN ATTENDANCE**:
Chief Executive Officer, Ms Lisa Desmond
Acting Director Community & Development, Mr Andy Gaze
Executive Manager Development Assessment, Mr Michael Ellery
Executive Manager Strategic Planning, Ms Rosalyn Acworth
Senior Planner, Mr Paul Rice
Principal Officer Corporate Communication & Marketing, Mr Kevin Corcoran
Meeting Secretary, Mrs Julie Schoonderwoerd

**P&D 1 APOLOGIES**

**RESOLUTION** ( Arthur / Hawes )

That the apologies from Councillor Kruger who is absent on Council business, and Councillor Nioa who is absent on personal leave, be accepted.

**Carried Unanimously**
P&D 1/81/02/12

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## P&D 2 DISCLOSURE OF INTERESTS

Nil

## P&D 3 CONFIRMATION OF MINUTES OF MEETINGS

Nil

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## P&D 4 PUBLIC PARTICIPATION (AGENDA ITEMS ONLY)

While not an agenda item, consent was given to Mrs Norquay to address the meeting.

### P&D 4.1 Proposed Bunnings Development

*Mrs Betty Norquay, Unit 3, 65 Taylor Street, Pialba*

In addressing the meeting regarding the proposed Bunnings development expressed her concerns and those of other residents in relation to having to live on the boundary of the development as presented to Council for approval. Concerns particularly expressed included the height of the buffer wall which would not satisfactorily keep out noise pollution and tall trees growing close to the boundary. Residents suggested a simple solution would be to reverse the plan to move the nursery to the residents end at Taylor Street and the have the noisy exit and timber sales at the Hunter Street side of the development.

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## P&D 5 OFFICERS' REPORTS – DEVELOPMENT ASSESSMENT

### P&D 5.1 Application for Preliminary Approval for Material Change of Use - Commercial Uses Including a Component Varying the Effect of the Local Planning Instrument Under S242 of the Sustainable Planning Act 2009

**RESOLUTION** ( McNeven / Dalgleish )

That Development Application MCU-111097 be determined as follows:

**Description of Proposal:**

Preliminary Approval for Material Change of Use - Commercial Uses including a component varying the effect of the local planning instrument under s242 of the Sustainable Planning Act 2009

**Decision:**

***Approved subject to conditions***

**Details of Approval:**

The following approvals are given:

| | **Sustainable Planning Regulation 2009, schedule 3 reference** | **Development Permit** | **Preliminary Approval** |
|---|---|---|---|
| Preliminary Approval for Material Change of Use - Commercial Uses (Local Shop; Medical Centre; Restaurant; Shop; Shopping Centre; and Veterinary Facility) varying the effect of the local planning instrument under s242 of the Sustainable Planning Act 2009 | | ☐ | ☒ |

**<u>Preliminary Approval Affecting the Planning Scheme:</u>**

**Approved Plans:**

The approved plans and/or documents for this development approval are listed in the following table:

| Plan / Document number | Plan / Document name | Date |
|---|---|---|
| Torquay Centre<br>Lot 1 on SP185636<br>Docs#216097 | Level of Assessment Table<br>(as amended by Council) | 8 February 2012 |
| Torquay Centre<br>Lot 1 on SP185636<br>Docs#216097 | Torquay Centre Code<br>(as amended by Council) | 8 February 2012 |
| Torquay Centre<br>Lot 1 on SP185636<br>Docs#216097 | Torquay Commercial Uses Code<br>(as amended by Council) | 8 February 2012 |
| Torquay Centre<br>Lot 1 on SP185636<br>Docs#216097 | Interpretation (definitions)<br>(as amended by Council) | 8 February 2012 |

**Conditions imposed by the assessment manager:**

1. Prior to the lodgement of any related development application for a Development Permit, submit amended Plans of Development (Site Plan and Development Envelope), incorporating the amendments made in red by Council. Once approved, such plans will form part of this approval.

2. Any future applications for a Development Permit for Material Change of Use must ensure building height is contained within the endorsed Development Envelope and must not exceed 8.5 metres above pre-development natural ground level at the Boat Harbour Drive boundary and fourteen (14) metres above pre-development natural ground level at the northern property boundary.

3. Any future applications for a Development Permit for Material Change of Use shall be assessed against the endorsed plans and documents referred to in this approval. In the event there is conflict between the endorsed *Torquay Centre* plans and documents and the current Planning Scheme, the endorsed *Torquay Centre* plans and documents prevail.

4. Any future applications for a Development Permit for Material Change of Use must include a site master plan incorporating all anticipated development in order to avoid piecemeal development of the site. Such master plan should consider building siting, car parking, loading docks and waste management facilities, landscaping, stormwater management strategies, advertising devices and lighting. Development may be subsequently undertaken in stages in accordance with the endorsed master plan.

5. Any future applications for a Development Permit for Material Change of Use must be supported by an Acoustic Impact Assessment Report, prepared by a suitably qualified person, demonstrating that vehicles movements, loading docks, mechanical plant and equipment can be located, screened and acoustically treated to achieve compliance with the Environmental Protection (Noise) Policy 2008 under the *Environmental Protection Act* 1994.

6. Any future applications for a Development Permit for Material Change of Use must be supported by a detailed Traffic Impact Assessment Report, prepared by a RPEQ and reflect the provision of adequate site access, upgrades of the Boat Harbour Drive/Denmans Camp Road and Torquay Road/Denmans Camp Road intersections and treatments to deter vehicles from rat running via Dartmouth Street and Gordon Street.

7. No vehicle or pedestrian access (with the exception of emergency evacuation) to/from Dartmouth Street is permitted, unless otherwise approved by the Executive Manager Development Assessment.

8. This approval will lapse 6 years from the date it takes effect or from 2 years after the day that Council adopts a new Planning Scheme that changes the zoning of the land to reflect the approval, whichever occurs sooner.

**Carried Unanimously**
MCU-111097
P&D 1/82/02/12

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**P&D 6 OFFICERS' REPORTS – STRATEGIC PLANNING**

Nil

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**P&D 7 OFFICERS' REPORTS – OTHER ITEMS**

**P&D 7.1 Quarterly Report – Development Assessment and Strategic Planning – October-December 2011**

**RESOLUTION** ( O'Connell / MucKan )

That the report be received and noted.

**Carried Unanimously**
P&D 1/83/02/12

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**P&D 8 QUESTIONS ON NOTICE**

Nil

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**P&D 9** **CONFIDENTIAL**

**RESOLUTION** ( Arthur )

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

P&D 9.1 – **Update on 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)

**Carried Unanimously**
P&D 1/84/02/12

**RESUMPTION OF PLANNING & DEVELOPMENT COMMITTEE MEETING**

**RESOLUTION** ( Hawes )

That the Meeting resume in open Committee.

**Carried Unanimously**
P&D 1/85/02/12

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**P&D 9** **CONFIDENTIAL**

**P&D 9.1** **Update on Legal Action Before the Planning & Environment Court**

**RESOLUTION** ( O'Connell / Dalgleish )

That the report be received and noted.

**Carried Unanimously**
P&D 1/86/02/12

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**There being no further business the Meeting closed at 10.17am.**

**.....**
**CHAIRPERSON**
**PLANNING & DEVELOPMENT COMMITTEE**

**Confirmed at Planning and Development Committee Meeting No. 2 of the Fraser Coast Regional Council held on 14 March, 2012.**

**.....**
**MAYOR**