
LATE ITEMS

BUSINESS PAPER

General Meeting

Wednesday 18 March 2020

Roma Administration Centre

NOTICE OF MEETING

Date: 18 March 2020

Mayor:

Councillor T D Golder

Deputy Mayor:
Councillors:

Councillor J L Chambers
Councillor N H Chandler
Councillor P J Flynn
Councillor G B McMullen
Councillor W M Newman
Councillor C J O'Neil
Councillor D J Schefe
Councillor J M Stanford

Chief Executive Officer:

Ms Julie Reitano

Senior Management:

Mr Rob Hayward (Deputy Chief Executive Officer/Director
Development, Facilities & Environmental Services)
Ms Sharon Frank (Director Corporate, Community & Commercial
Services)

Please find attached agenda for the **General Meeting** to be held at the Roma Administration Centre on
March 18, 2020 at 9.00AM.

A handwritten signature in black ink, appearing to read 'Julie Reitano'.

Julie Reitano
Chief Executive Officer

TABLE OF CONTENTS

Item No	Subject	
L.	Late Items	
L.1	Development permit for a Material Change of Use "Dwelling house" (domestic outbuilding).....	4
	Prepared by: Lead Town Planner	
	Attachment 1: Submissions.....	20
	Attachment 2: Site Plan marked in red by Council assessing officers....	30
LC.	Late Confidential Items	
LC.1	Regional Pool Diving Review Feedback	
	Classification: Closed Access	
	Local Government Regulation 2012 Section 275(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.	
LC.2	Request from Pinaroo Roma Inc.	
	Classification: Closed Access	
	Local Government Regulation 2012 Section 275(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.	
LC.3	Roma Big Rig Cafe - Amendment of Opening Hours	
	Classification: Closed Access	
	Local Government Regulation 2012 Section 275(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.	
LC.4	Roma Saleyards Interpretive Centre Operations	
	Classification: Closed Access	
	Local Government Regulation 2012 Section 275(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.	
LC.5	Audit Committee Report	
	Classification: Closed Access	
	Local Government Regulation 2012 Section 275(b) (h) industrial matters affecting employees; AND other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.	
LC.6	Banking Processes for Local Government Industry Investments	
	Classification: Closed Access	
	Local Government Regulation 2012 Section 275(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.

LC.7 Proposed Deed of Grant over Lot 10 on SP308916 being Part of Local Government Reserve

Classification: Closed Access

Local Government Regulation 2012 Section 275(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.

LC.8 Roma Aero Club - Lease Agreement

Classification: Closed Access

Local Government Regulation 2012 Section 275(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.

LC.9 Finalisation Access Easement Agreement - Lot 24 on SP 299286

Classification: Closed Access

Local Government Regulation 2012 Section 275(f) (h) starting or defending legal proceedings involving the local government; AND other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

LC.10 Review of rating methodology for Rural >=80ha rating category

Classification: Closed Access

Local Government Regulation 2012 Section 275(d) rating concessions.

LC.11 Maranoa Liveability Study 2018

Classification: Closed Access

Local Government Regulation 2012 Section 275(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.

LC.12 Roma Saleyards Cleaning Services - Request for Amendment of Service Agreement

Classification: Closed Access

Local Government Regulation 2012 Section 275(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.

LC.13 Internal Review Request No.4893

Request for Inclusion in the Register of Pre-Qualified Suppliers for Wet Hire of Equipment (Tender 20001).

Classification: Closed Access

Local Government Regulation 2012 Section 275(e) contracts proposed to be made by it.

LC.14 Maranoa Regional Council Arrangements for COVID-19 - Workforce Arrangements and other matters.

Classification: Closed Access

Local Government Regulation 2012 Section 275(b) (h) industrial matters affecting employees; AND other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

LC.15 Minor Organisational Structure Amendments

Classification: Closed Access

Local Government Regulation 2012 Section 275(a) (b) the appointment, dismissal or discipline of employees; AND industrial matters affecting employees.

PLANNING & BUILDING DEVELOPMENT REPORT

Meeting: General 18 March 2020

Date: 18 March 2020

Item Number: L.1

File Number: D20/23424

SUBJECT HEADING: Development permit for a Material Change of Use
"Dwelling house" (domestic outbuilding)

Classification: Open Access

Officer's Title: Lead Town Planner

Executive Summary: Barry S Reid has submitted a development application seeking approval for a Material Change of Use for a "Dwelling house" (domestic outbuilding) at 30 William Street, Roma, being Lot 1 on RP4415 (the *subject premises*). The development application is subject to impact assessment and must be assessed against the assessment benchmarks (to the extent relevant) provided by Section 45 of the *Planning Act 2016* and any relevant matters prescribed by regulation. The *Development Assessment Rules* set out the procedural requirements for the development assessment process.

Public notification about the application was carried out in accordance with Part 4 of the *Development Assessment Rules* and for a period of no less than 15 business days between 4th February 2020 and 25th February 2020. There were three (3) properly made submissions objecting to the proposal received during this period. Matters raised in the submissions have been fully considered by Council's assessing officers, and where appropriate, conditions of development approval have been recommended to overcome potential impacts on the submitters as a result of the development.

The procedural requirements set out by the *Development Assessment Rules* to enable Council to make a decision on this application have been fulfilled. The development application is generally consistent with the assessment benchmarks provided by the *Planning Act 2016*, or can otherwise be conditioned to achieve compliance. As part of the assessment of the application Council assessing officers have also identified a number of relevant matters that support the approval of the application, including that the proposed domestic outbuilding will be co-located and ancillary to an existing residential dwelling located at the subject premises.

Officer's Recommendation: The application for a Development Permit for a Material Change of Use for a "Dwelling house" (domestic outbuilding) at the premises located at 30 William Street, Roma, being Lot 1 on RP4415, be approved subject to the following conditions;

Preamble

- i. The Capricorn Municipal Development Guidelines apply to this development. Refer to <http://www.cmdg.com.au/> for the Capricorn Municipal Development

Guidelines (CMDG).

- ii. Refer to <http://www.maranoa.qld.gov.au/council-policies> for Council Policies.
- iii. The relevant planning scheme for this development is the *Maranoa Planning Scheme 2017*. All references to the 'Planning Scheme' and 'Planning Scheme Schedules' within these conditions refer to the above Planning Scheme.
- iv. Under the Planning Scheme a **"Dwelling house"** means a residential use of premises involving –
 - (a) 1 dwelling for a single household and any domestic outbuildings associated with the dwelling; or
 - (b) 1 dwelling for a single household, a secondary dwelling, and any domestic outbuildings associated with either dwelling.
- v. The *Environmental Protection Act 1994* states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard, persons and entities involved in the operation of the approved development are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm to adjoining premises.
- vi. All Aboriginal Cultural Heritage in Queensland is protected under the (*Aboriginal Cultural Heritage Act 2003*) and penalty provisions apply for any unauthorised harm. Under the legislation a person carrying out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage. This applies whether or not such places are recorded in an official register and whether or not they are located in, on or under private land. The developer is responsible for implementing reasonable and practical measures to ensure the Cultural Heritage Duty of Care Guidelines are met and for obtaining any clearances required from the responsible entity.
- vii. It is the responsibility of the developer to obtain all necessary permits and submit all necessary plans and policies to the relevant authorities for the approved use.
- viii. An operational works application will be required to be submitted to and approved by Council for any cut and/or filling works that exceed 50m³.
- ix. All persons involved in the operation or use of the site have an obligation to take all reasonable and practical measures to prevent or minimise any biosecurity risk under the *Biosecurity Act 2014*.
- x. The development does not propose to increase the demand on any of Council's infrastructure networks and as a result a nil infrastructure charge is payable.

- xi. In completing an assessment of the proposed development, Council has relied on the information submitted in support of the development application as true and correct. Any change to the approved plans and documents may require a new or changed development approval. It is recommended to contact Council for advice in the event of any potential change in circumstances.

Use

1. The approved development is a Material Change of Use - "Dwelling house" (domestic outbuilding) as defined in the Planning Scheme and as shown on the approved plans. It does not authorise any other activity on the premises or the use of the approved building for any other purpose.

Compliance inspection

2. All conditions relating to the establishment of the approved development must be fulfilled prior to the approved use commencing, unless otherwise noted within these conditions.
3. Prior to the commencement of use the applicant shall contact Council's Planning Department and arrange a development compliance inspection.

Building permit

4. A development permit for building works must be obtained prior to the commencement of works.

Approved plans and documents

5. All works and operations are to be carried out generally in accordance with the approved plan listed in the following table. Where the approved plan is in conflict with the Assessment Manager's conditions, the Assessment Manager's conditions shall take precedence.

Plan/Document Number	Plan/Document Name	Date
	Site Plan for Proposed Shed at 30 Williams Street, Roma for B.S. Reid (as marked in Red by Council)	27.01.20

Detailed Plans

6. Detailed design plans generally in accordance with the approved plan, must be submitted to and approved by Council prior to the commencement of works. The detailed design plans must include;
- Elevation plan/s showing the height, length, width and exterior appearance of the proposed outbuilding. The elevation plans must show all sides of the domestic outbuilding, orientation (ie. north, south, east

and west) and wall height and overall building height measured from the existing ground level.

- Floor plan/s drawn to scale showing dimensions of the proposed outbuilding.

Building Height

7. The approved development must not exceed 4.2 metres in height (measured to the highest point, i.e. roof pitch) above the existing ground level.

Note: The existing ground level is taken to be the level of the ground prior to the progression of any works on the premises.

Building size

8. The maximum floor area of the approved “Dwelling house” (domestic outbuilding) is restricted to 120m².

Building materials

9. Building materials and surface finishes must be predominantly within the colour range of the local landscape to blend with the surrounding environment. The approved development shall not be constructed with reflective cladding material.
10. The approved development shall be maintained in good repair and have no visual rust marks.

Building setbacks

11. The approved development must meet the following minimum building setbacks;
 - Side boundary setbacks shall be a minimum of 1.5m; and
 - Rear boundary setbacks shall be a minimum of 2.0m; and
 - Front boundary setbacks shall be a minimum of 6.0m.

Development works

12. During the course of constructing the works, the developer shall ensure that all works are carried out by appropriately qualified persons and the developer and the persons carrying out and supervising the work shall be responsible for all aspects of the works, including public and worker safety, and shall ensure adequate barricades, signage and other warning devices are in place at all times.

13. The developer is responsible for locating and protecting any Council and public utility services, infrastructure and assets that may be impacted on during construction of the development. Any damage to existing infrastructure (kerb, road pavement, existing underground assets, etc.) that is attributable to the progress of works on the site or vehicles associated with the development of the site shall be immediately rectified in accordance with the asset owners' requirements and specifications and to the satisfaction of the asset owners' representative(s).

Applicable Standards

14. All works must comply with:
- a) the development approval conditions;
 - b) any relevant provisions in the Planning Scheme and the Capricorn Municipal Development Guidelines;
 - c) any relevant Australian Standard that applies to that type of work; and
 - d) any alternative specifications that Council has agreed to in writing and which the developer must ensure do not conflict with any requirements imposed by any applicable laws and standards.

Access

15. The landowner is responsible for providing access to the site and maintaining vehicle crossovers from the road carriageway to the property boundary. Should any damage be caused to William Street at the existing access location, it is the landowner's responsibility to ensure this is reinstated. Any repair works are to be undertaken in consultation with Council and at the landowner's expense.

Avoiding Nuisance

16. No unreasonable and sustained nuisance is to be caused to adjoining properties and occupiers by the way of noise, smoke, dust, rubbish, contaminant, stormwater discharge or siltation at any time during or after the establishment of the approved development.
17. Lighting, including any security lighting, shall be such that the lighting intensity does not exceed 8.0 lux at a distance of 1.5 metres from the site at any property boundary.
18. All lighting shall be directed or shielded so as to ensure that no glare directly affects nearby properties.
19. The area and its surrounds shall be kept in an orderly fashion, free of rubbish and clear of weeds and long grasses. The approved development and the premises are to be maintained in a clean and tidy condition and not to pose any health and safety risks to the community.

20. All mechanical equipment (including air conditioners and the like) and rainwater tanks are to be screened from the adjoining roadway and nearby properties.

Stormwater drainage and Erosion control

21. Stormwater from the roof and all impervious surfaces associated with the approved development is to be collected internally and piped to a lawful point of discharge on William Street in accordance with the *Capricorn Municipal Development Guidelines – Stormwater Drainage Design D5*.
22. The stormwater disposal system must be designed to include appropriate pollution control devices or methods to ensure no contamination or silting of creeks or other waterways.
23. Stormwater must not be discharged to adjoining properties and must not pond on the property being developed, or adjoining properties during the development process or after the development has been completed.
24. Stormwater is collected and discharged so as to:
- (a) protect the stability of buildings and the use of adjacent land;
 - (b) prevent water-logging of nearby land;
 - (c) protect and maintain environmental values; and
 - (d) maintain access to reticulated infrastructure for maintenance and replacement purposes.
25. There must be no increases in any silt loads or contaminants in any overland flow from the property being developed during the development process and after the development has been completed. All stormwater from the approved operation is to be collected onsite using appropriate pollution control devices or methods to ensure no contamination or silting of creeks or other waterways.
- If there is a possibility of erosion or silt or other materials being washed off the property during the development process or after the development is completed, the developer must document and implement a management plan that prevents this from occurring.
26. The developer shall immediately clean up and satisfactorily remove any deposited construction material or silt runoff from the development site.
27. Stockpiles of material capable of being moved by the action of running water shall be stored clear of drainage paths and be prevented from entering the road and/or drainage system.
28. Runoff from premises ensures the quality of surface water is suitable for:
- (a) the biological integrity of aquatic ecosystems;
 - (b) recreational use;
 - (c) supply as drinking water after minimal treatment; and
 - (d) agricultural use or industrial use.

29. A gully pit shall be installed in the vicinity of the approved development to capture excess ponding on the property. Water captured in the gully pit shall be piped to the lawful point of discharge on William Street.

Flooding

Safe storage of equipment and materials

30. All stored goods with the potential to cause harm by way of floating debris or potential contamination of waterways during a flood event must be stored in flood proof containers, adequately secured or located safely above the defined flood event (DFE) level. Any goods, material or machinery with the potential to cause harm or contamination that is not located above the DFE or in flood proofed containers shall be stored in such a manner to be easily accessed and relocated off-site ahead of a minor or major flood event.

Building design

31. The building must be designed, constructed, connected and anchored so that, in the event of a flood up to the DFE (as a minimum) it-
- a) Resists flotation, collapse or significant permanent movements, resulting from –
 - i) hydrostatic action
 - ii) hydrodynamic action;
 - iii) erosion and scouring;
 - iv) wind; and
 - v) any other action; and
 - b) safeguards occupants and other people against illness and injury caused by flood water affecting the building.
32. Building materials and surface treatments used under the DFE level must be resistant to water damage and must not include wall cavities that would collect water and sediment during a flood event.

No Cost to Council

33. The developer is responsible for meeting all costs associated with the approved development unless there is specific agreement by other parties, including the Council, to meeting those costs. This includes the costs of any services and infrastructure required in connection with the establishment of the development.

Latest versions

34. Where another condition refers to a specific published standard, manual or guideline, including specifications, drawings, provisions and criteria within those documents, that condition shall be deemed as referring to the latest versions of those publications that are publicly available at the commencement of the development works, unless a regulation or law requires otherwise.

Application Documentation

35. It is the developer's responsibility to ensure that all entities associated with this Development Approval have a legible copy of the Decision Notice, Approved Plans and Approved Documents bearing 'Council Approval'.

Individuals or Organisations to which the report applies:

Are there any individuals or organisations who stand to gain a benefit, or suffer a loss, (either directly or indirectly) depending on the outcome of consideration of this matter?

(Note: This is to assist Councillors in identifying if they have a Material Personal Interest or Conflict of Interest in the agenda item - i.e. whether they should participate in the discussion and decision making).

Council's decision regarding this matter is likely to affect;

- The applicant, Mr. Barry S Reid; and
- The owner of the subject premises, Mr. B J McCabe; and
- Submitters to the application, Mr. Matthew and Mrs. Debra Jopich, Ms. Angela Betts and Mr. Royce Proud.

Acronyms:

Are there any industry abbreviations that will be used in the report?

Note: This is important as particular professions or industries often use shortened terminology where they refer to the matter on a regular basis. However, for individuals not within the profession or industry it can significantly impact the readability of the report if these aren't explained at the start of the report).

Acronym	Description
N/A	

Context:

Why is the matter coming before Council?

This development application is subject to impact assessment. Determination of an impact assessable application sits outside the scope of officer delegations and a decision about the application is required to be made by Council resolution.

Background:

Has anything already happened in relation to this matter?

(Succinct overview of the relevant facts, without interpretation)

Generally, a domestic outbuilding on a residential zoned property is accepted development provided it can achieve compliance with the planning policies contained in the Planning Scheme and does not ordinarily require a development permit to be issued by Council. In this particular instance, the requirement for a development permit is triggered because the development site is mapped as containing areas of flood hazard *and* due to some inconsistencies with the acceptable outcomes of the applicable planning scheme codes.

Inconsistencies with the Planning Scheme

A 3D perspective view of a building with dimensions. The building has a white exterior and a dark roof. The dimensions are labeled as follows: overall length 10000, overall width 3800, height 3200, and depth 2045. The building is divided into four sections, each with a width of 3000. The sections are labeled with their respective heights: 3140, 3190, and 3200. The building is situated on a sandy ground with a forested hill in the background.

Extent of flooding over the subject premises

The subject premises is mapped in the Planning Scheme as being subject to areas of low flood hazard (Figure 2). This is the lowest flood hazard category in the Planning Scheme, and in these areas development is contemplated provided adequate measures can be implemented so that the flood risk to people and property is mitigated to an acceptable or tolerable level. Given that residential outbuildings do not ordinarily result in an increase in people living or working on a premises, Council has been generally supportive of domestic outbuildings in flood areas in the past, provided that appropriate development conditions are imposed to prevent unnecessary risks to people and that any increase in flood impacts to adjoining and surrounding properties is avoided.

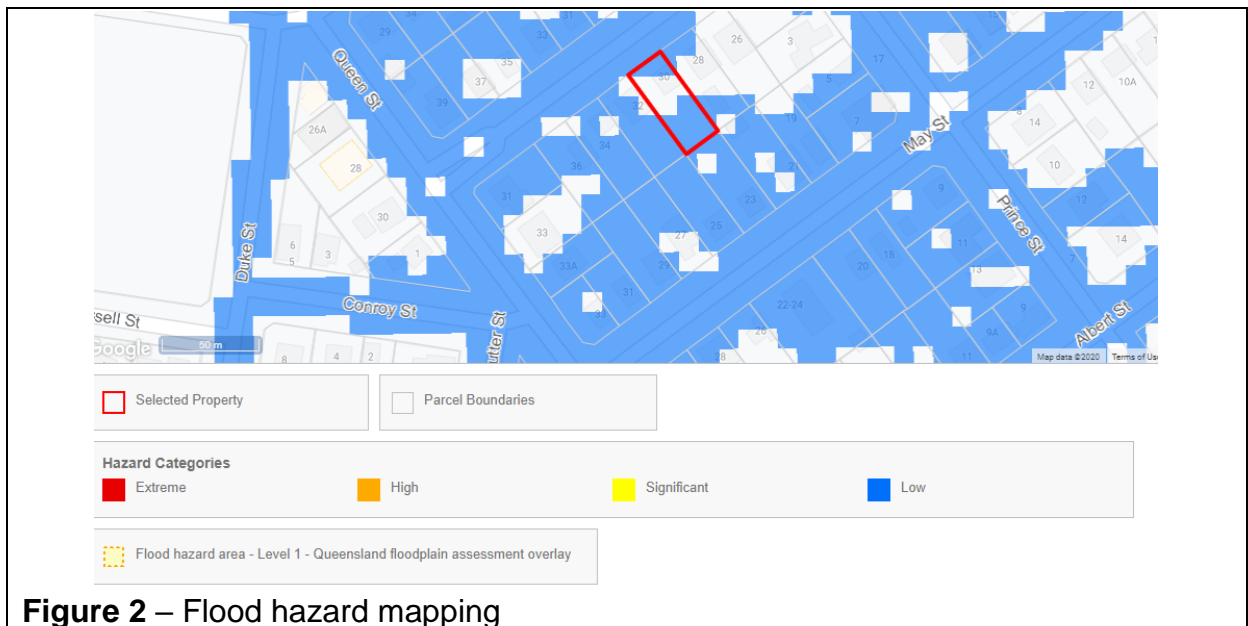


Figure 2 – Flood hazard mapping

Submissions

During public notification about the application, three properly made submissions were received opposing the development (submitters properties are shown with yellow stars Figure 3 below). A complete copy of the submissions are attached in the Supporting documents and a response to the submissions by Council assessing officer's will be circulated to Councillors under separate cover.

In summary, the submissions contend that the development is inappropriate because; at its proposed scale, the outbuilding will cause significant overshadowing, reduce airflow and dominate views; it is not compatible or complementary to the character of the residential area; that the plans do not show the materials and the finish of the outbuilding which creates a potential for unsightly development; that the scale of the outbuilding presents opportunities for non-residential activities; and that an outbuilding at the proposed scale will create substantial drainage issues.



Other approval conditions have also been recommended to overcome potential impacts on the submitters as a result of the development, including conditions about stormwater management and materials to be used in the outbuilding.

On balance it is considered that there is sufficient certainty in the information supplied by the applicant, having regard to the particular circumstances of the site and proposal, for Council officers to be confident that the application will meet the assessment benchmarks. Should Council resolve to approve the application, conditions of development approval can be imposed to mitigate potential impacts from the development, including issues raised in the submissions. The conditions must not be unreasonable and must be required as a consequence of the development. Some of the recommended conditions require the submission of further development plans that show the extent of the proposed outbuilding to ensure that Council has a record of the compliance and any mitigation measures that are required in relation to these matters.

Legislation, Local Laws, State Policies & Other Regulatory Requirements:

What does the legislation and other statutory instruments include about the matter under

consideration? (Include an extract of the relevant section's wording of the legislation – please do not just quote the section number as that is of no assistance to Councillors)

The proposal constitutes a *material change of use* as defined in the *Planning Act 2016* (being a *material increase in the intensity or scale of the use of the premises; and the start of a new use of the premises*) and requires a development permit to be issued by Council prior to the commencement of use.

Provisions of the *Maranoa Planning Scheme 2017* make the required development application subject to impact assessment. An impact assessment is an assessment that must be carried out against the assessment benchmarks prescribed by the *Planning Regulation 2017*, in this case being;

- the *Darling Downs Regional Plan*;
- the *State Planning Policy*;
- the *Maranoa Planning Scheme*; and
- the *Maranoa Regional Council LGIP*.

An assessment of the application against these assessment benchmarks will be circulated to Councillors under separate cover. An impact assessment must also have regard to any other relevant matter, other than a person's personal circumstances, financial or otherwise, including any properly made submission about the application.

In accordance with Section 60 of the *Planning Act 2016*, after carrying its assessment Council must decide to;

- (a) approve all or part of the application; or
- (b) approve all or part of the application, but impose development conditions on the approval; or
- (c) refuse the application.

Council Policies or Asset Management Plans:

Does Council have a policy, plan or approach ordinarily followed for this type of decision?

What are relevant sections of the policy or plan?

(Quote/insert the relevant section's wording / description within the report)

The *Maranoa Planning Scheme 2017* and the Maranoa Regional Council Local Government Infrastructure Plan are applicable to the assessment of the application (the Local Government Infrastructure Plan forms part of the Planning Scheme).

The relevant sections of the *Maranoa Regional Planning Scheme 2017* include;

- Part 3 Strategic framework
- Part 4 Local Government Infrastructure Plan
- Part 5 Tables of assessment
- Part 6 Zones
 - Part 6.2.3 General residential zone code
- Part 8 Overlays
 - Part 8.2.5 Flood hazard overlay code
 - Part 8.2.8 Airport environs code

Input into the Report & Recommendation:

Have others' views or input been sourced in developing the report and recommendation to Council? (i.e. other than the report author?) What did each say? (Please include consultation with the funding body, any dates of critical importance or updates or approvals required)

Consultation about this application has occurred with:

- Specialist - Senior Building Certifier (internal)
- Manager Planning & Building Development (internal)
- Director, Development Facilities and Environmental Services (internal)

The Officer's recommendation has been informed by feedback received from the persons consulted.

Funding Bodies:

Is the project externally funded (or proposed to be)? If so, are there any implications in relation to the funding agreement or grant application. (Please do not just include names)

N/A – The project is a private development that will be funded by an external party.

This Financial Year's Budget:

Will the matter under consideration impact how much Council collects in income or how much it will spend? How much (\$)? Is this already included in the budget? (Include the account number and description).

If the matter under consideration has not been included in the budget, where can the funds be transferred from? (Include the account number and description) What will not be done as a result?

The costs of fulfilling any development approval obligations, financial or otherwise, remains the sole responsibility of the operators and land owner/s. There is potential for Council to incur costs only in the event that its decision regarding the application is appealed to the Court.

Future Years' Budgets:

Will there need to be a change in future years' budgets to cater for a change in income or increased expenditure as a result of Council's decision? How much (\$)? (e.g. estimate of additional maintenance or operating costs for a new or upgraded project)

As above.

Impact on Other Individuals or Interested Parties:

Is there anyone who is likely to be particularly interested in or impacted by the decision, or affected by the recommendation if adopted? What would be their key interests or concerns? (Interested Parties Analysis - IS9001:2015)

The landowner of the development site, Mr. B J McCabe will be *interested* in Council's decision.

There were three properly made submissions received about the application during the public notification period. The submitters, Mr. Matthew and Mrs. Debra Jopich, Ms. Angela Betts and Mr. Royce Proud will be *interested* in Council's decision. Should Council resolve to approve the development, conditions of approval have been recommended that are intended to mitigate potential *impacts* on the submitters.

Risks:

What could go wrong if Council makes a decision on this matter? (What is the likelihood of it happening and the consequence if it does) (List each identified risk in a table)

Risk	Description of likelihood & consequences
See below	

Potential risks associated with the proposal have been addressed in the development assessment. Other matters outside of this, which are not called up in the *Planning Act 2016*, cannot be considered in decision making.

As with any planning decision reached by Council, there is a risk that the applicant can appeal aspects of the decision to the Planning and Environment Court (the Court). As well, three properly made submissions have been received opposing the development, and should Council resolve to adopt the Officer recommendation and approve the development, there is a risk that a submitter appeal could be made to the Court about any aspect of Council's decision.

In this instance the risk of submitter appeal is considered relatively high, based on the matters raised in the submissions *and* the conditions that are recommended to be imposed on the applicant.

Note: The likelihood of an appeal is not a valid planning consideration and must not be used to inform Council's decision on any planning application.

Advice to Council:

What do you think Council should do, based on your skills, qualifications and experience, your knowledge of this and related matters, and the facts contained in the report?

(A summary of what the employee thinks Council needs to hear, not what they think individual Councillors want to hear – i.e. employees must provide sound and impartial advice – the employee's professional opinion)

It is considered that on balance, the proposal presents no significant inconsistency with the applicable assessment benchmarks. Development conditions have been recommended to ensure compliance to the greatest extent possible. Any residual inconsistency with the assessment benchmarks needs to be considered in light of various relevant matters including:

- the proposed domestic outbuilding will be co-located and ancillary to an existing residential dwelling located on the premises; and
- the subject premises has access to all five of Council's trunk infrastructure networks, including stormwater and transport; and
- the proposed domestic outbuilding will be conditioned to achieve minimum building setbacks and compliance with the maximum building height in the Planning Scheme; and
- conditions of development approval will require that flood risk to people and property is mitigated to an acceptable or tolerable level; and
- The proposed domestic outbuilding will be conditioned to have a maximum floor area (120m²), similar to the maximum floor area prescribed by the Planning Scheme for an outbuilding that includes an attached carport (118m²). In other words, the floor area will be similar to the footprint of an ancillary structure that is ordinarily anticipated in a residential area.

The issues raised in the submissions received during public notification about the application have been fully considered as part of the assessment process, and where appropriate, conditions of development approval have been recommended to overcome potential impacts on the submitters as a result of the development.

Based on the above, Council should endorse the officer recommendation and approve the development application for a material *change of use* for a "Dwelling house" (domestic outbuilding) at 30 William Street, Roma being Lot 1 on RP4415 subject to reasonable, relevant and enforceable conditions.

Recommendation:

What is the 'draft decision' based on the advice to Council?

Does the recommendation suggest a decision contrary to an existing Council policy? If so, for what reason?

(Note: recommendations if adopted by Council become a legal decision of government and therefore must be clear and succinct about the action required by employees (unambiguous)).

Does this recommendation suggest a decision contrary to an existing Council policy?

If so, for what reason?

That Council endorse the officer recommendation to approve the Material change

of use for a 'Dwelling house' (domestic outbuilding) for the premises located at 30 William Street, Roma being Lot 1 on RP4415 and subject to relevant, reasonable and enforceable conditions. This recommendation is consistent with existing Council policy.

Link to Corporate Plan:

Corporate Plan 2018-2023

Strategic Priority 4: Growing our region

4.2 Encourage additional investment in the Maranoa, developing our local economy and increasing our region's population

4.2.3 Create an environment that is conducive to growth through progressive integration of Council's Planning Scheme, Economic & Community Development Plan and Business & Industry Strategy.

Supporting Documentation:

1	Submissions	D20/20516
2	Site Plan marked in red by Council assessing officers	D20/20704

Report authorised by:

Manager - Planning & Building Development

Deputy Chief Executive Officer/Director - Development, Facilities & Environmental Services

24 February 2020

The Assessment Manager
Maranoa Regional Council
PO Box 620
ROMA QLD 4455



Email: Council@Maranoa.qld.gov.au
CC: Planning@Maranoa.qld.gov.au

Dear Assessment Manager

Re: Objection to Development Application 2020/20030 - Material Change of Use – “Dwelling House” (Domestic Outbuilding) – 30 William Street, Roma

I **Angela Betts** as the owner and resident of the property at **32 William Street Roma** do hereby formally lodge my objection to the Development Application 2020/20030 - Material Change of Use – “Dwelling House” (Domestic Outbuilding) – 30 William Street, Roma.

My property, 32 William Street is directly “Up Hill” of the proposed development and I have serious concerns that the proposed development and associated earthworks will adversely impact my property as well as potentially increase my insurance premiums and damage the general ‘liveability’ of my property.

Drainage

The property at 30 William Street has significant drainage issues because of the alteration and obstruction of the natural overland flow by the owner of the property directly ‘Down Hill’ at 28 William Street. The owner of this property has significantly raised the level of the yard to well above that of the natural fall of the land. Further they have then constructed a cement plinth under the 6 foot colour bond fence. This raising of land and obstruction of natural flow has completely diverted the water from its natural course across his property forcing it to back “Up Hill” onto the property at 30 William Street causing pooling which then overflows onto my property at 32 William Street and the properties at both 21 and 23 May Streets.

It is of great concern that the Applicant has failed to include in the application any plans for dealing with the existing drainage issues or those that would arise from the construction of such a large structure and its associated earthworks on the property.

A development of the proposed scale will require extensive earthworks to provide an adequate base for the construction. This will inevitably displace the existing pooling and further impede the natural overland flow of water forcing it back “Up Hill” and into the surrounding properties.

The construction of a structure of the proposed size will also adversely contribute to the amount of water captured and discharged at speed on this block leading to further damage and impact on the surrounding blocks.

I am greatly concerned that the applicant will simply ‘improve’ his own property to the detriment of the surrounding properties. Water does not flow “Up Hill” and the proposed development cannot fail to divert this accumulation of water back onto my property. This forcing of water ‘Up Hill’ will then cause me great expense to adequately protect my property and ensure the proper disposal of this diverted water.

Further this development has the potential if not managed correctly to cause flooding to my property which would affect my ability to gain adequate insurance for my property without incurring a greatly increased expense.

Sewerage

The application indicates the position of the structure will be directly over the existing sewerage line to the property. These pipes are already in disrepair as evidenced by the 'line of green grass' that grows above the sewerage line even during the driest of periods as well as the frequent blockages and drainage issues reported by the tenants of the property.

My concern is that given the obvious damage to the existing sewerage line all of the water that is pooling on the property is becoming contaminated simply by the exchange of water through the system and the hydrological properties of the soil. This contamination potentially exposes myself and the surrounding residents to water-borne diseases and illness caused by this contaminate water pooling and flowing onto the surrounding properties.

The properties sewerage requires extensive works to ensure the health and safety of the surrounding properties and residents.

There is again no information included in the application that adequately addresses how the applicant intends to deal with this existing issue.

Access/Noise Pollution

There is also no mention in the application of proposed alterations to access to the block. A structure of this size will no doubt have extensive traffic which will require an all-weather road/driveway access. This will further contribute to the existing drainage issues on the block. This increased traffic will cause a disturbance to the surrounding properties with an increase in vehicle noise as well as the general works that will be carried out on these vehicles. This level of activity is not suitable to a domestic residential environment and will greatly affect my peaceful enjoyment of my own property with the increase in traffic passing directly by my bedroom and living areas.

Capture and discharge of rain water

The application fails to provide any information about the proposed capture and discharge of rain water from a roof of the size of the proposed development.

With this information not being provided I am concerned that there has been no consideration given to the proper disposal of this water and its effect on the surrounding properties.

A structure of this size if plumbed to the existing stormwater network would also greatly increase the pressure on this network and potentially cause issues for properties in the surrounding area. The additional load on the existing storm water system to adequately dispose of such large quantities of water has the potential to cause additional flooding to surrounding properties.

This flooding would not be considered by insurance companies as they would consider natural overland flow and would therefore exposes myself and the surrounding residents to the risk of personal and financial loss.

Size of the proposed structure

The structure proposed by the applicant far exceeds that required in a Residential area on a single Domestic zoned block.

A Structure of this size and height is not in keeping with any of the surrounding properties and will adversely affect my property by increasing the radiation of heat back into my property from the extensive surface area of the structure as well as any associated access ways. A structure of this size will create a barrier to airflow and adversely impact on the general liveability and value of my property.

Materials

The ABN listed on the documents included in the application shows that the Company providing these details is not currently registered for GST and has not been since December of 2018. This would lead me to question the reliability of the supplied documents and their adherence to current standards.

I am concerned that the applicant will attempt to cut corners in the construction of the structure by using reclaimed and or recycled materials. This would cause the structure to become an eyesore and directly influence the value of the surrounding properties.

Council will need to provide adequate assurance and follow up to ensure that if the proposed structure is to proceed that it is constructed in keeping with Councils requirements of Good Order. Should the applicant fail to adequately complete the structure and associated works to the required standard Council will need to insure that the site is maintained so as to not adversely affect the safety and value of the surrounding properties.

Commencement of works

The applicant has indicated that he fully intended to start works on the site on 26 February 2020 the day following the closing of the submission period. Given that any works carried out on the block relate directly to this Development Application commencement of works prior to Councils thorough investigation of the application and issuing of its decision would be extremely inappropriate and should result in serious consequences. Due to the current weather conditions I would expect that his plans will be somewhat delayed but I am concerned that his complete disregard for the application process will result in a negative impact for my property.

Once done such things cannot be undone and given the applicants blatant disregard for neighbouring properties by the construction that he has already undertaken on his property at 28 William Street I feel that his intention will be to simply move the problem from his property to the surrounding properties before Council is able to intervene. As stated previously my property is "Up Hill" of the proposed development and water does not flow "Up Hill" without being obstructed or diverted.

In short I hereby advise the Assessment Manager on behalf of Maranoa Regional Council that I object to the proposed development at 30 William Street with the main areas of concern being:

- Drainage and disbursement of water pooling on the site
- Further diversion of the natural overland flow of water onto neighbouring properties
- Sewerage contamination
- Access/Noise Pollution and alteration to the existing environment
- Capture and discharge of rain water
- Size of the structure unsuitable to a domestic environment
- Construction materials
- Commencement of works covered by this application prior to the completion of the application process

I have enclosed several photographs showing the extent of the pooling and drainage issues at 30 William Street. These photographs are typical of the issues on the block even with a small amount of rain. The current weather conditions have only served to highlight the issues and provide evidence of the environment in which the proposed development will be situated.

I trust that Council will give consideration to my objections and provide ongoing updates on the assessment of this development.

Kind Regards

Angela Betts

Owner of 32 William Street Roma - 0407 733 966

18 February 2020

The Assessment Manager
Maranoa Regional Council
PO Box 620
Roma QLD 4455
planning@maranoa.qld.gov.au



Dear Assessment Manager,

Re: Material Change of Use – "Dwelling House" Domestic Outbuilding - 30 William Street
Roma QLD 4455.

I wish to object to the Development Application on 30 William Street, Roma (Lot 1 on
RP4415), Application Reference 2020/20030.

My property, 21 May Street Roma is diagonally joining the back of 30 William Street and
have concerns that the scale of such a shed/development will negatively impact my property.

This development will substantially alter the flow of overland water runoff. Currently runoff
from this & other properties in William street run through my property to May Street. With a
development of 150 square meters this will substantially change water courses & potentially
create a greater overflow water issue.

The development application plans do not indicate any water management plans. I am
particularly interested in how the property owners is going to manage the intense storm
water runoff from such a roof surface and the effects this development will alter existing
runoff.

The height of this building (4.58m) will overshadow my property, reduce airflow & create a
visual blight. This is a substantial industrial sized structure, and questionable as to the
appropriateness of such on a residential zoned block.

I wish to lodge a formal objection to this development application and request that the plans
to manage storm water runoff from 30 William Street Roma be clearly detailed & advised to
myself and surrounding neighbours.

Regards,

A handwritten signature in black ink, appearing to read 'Royce Proud'.

Royce Proud
proudy80@gmail.com
0417 209 214



19 February 2020

The Assessment Manager
Maranoa Regional Council
PO Box 620
ROMA QLD 4455

planning@maranoa.qld.gov.au

Dear Assessment Manager,

Re: Material Change of Use – “Dwelling House” Domestic Outbuilding 30 William Street Roma QLD 4455.

We wish to object to the Development Application on 30 William Street, Roma (Lot 1 on RP4415), Application Reference 2020/20030.

Our property, 23 May Street Roma is directly behind the proposed development and feel that our property will be directly negatively impacted by the proposed development in the following way:

- The **scale of the building will cause significant overshadowing**. The proposed outbuilding (shed) is 4.584m high & located 2 meters from the boundary fence.

This large structure will create substantial shadowing over our garden and lawn. It will block 100% of our views to the west. 75% of our back fence (15meters) will be overshadowed with a 4.584 meter high shed, located 2 meters from the back fence. The remaining 4.7m is behind our small shed and therefore will not be visible.

- The **airflow will be substantially reduced** due the scale of the building, the garden will be shadowed which will substantially increase frosting in winter & be hotter in summer. This will totally change our backyard environment of which we use substantially, spend large amount of money to maintain and present it in a high standard. (Attachment 1)
- The **height of the building is not compatible with or complementary** to the character of the residential environments. All other outbuildings in the area are standard garage/shed size and height, if a shed as proposed is required, the applicant should consider an industrial or rural zoned property, not amongst residential properties.
- It is essential that the **shed be in an excellent condition** & not a relocated sub-rate visually unattractive structure. As this will be a major structure, overshadowing our backyard and in constant view each time we steep out our backdoor, we ask that Council does not allow anything short of a professionally installed, first rate structure, should this application be allowed to proceed.
- The plans do not specify the **finish of the shed**, whether it be colorbond, zincalume or corrugated iron. A structure of this size, in the proposed location, constructed

with zincalume or corrugated iron will create **significant glare** from direct sunlight straight into our house.

- This **shed will totally dominate our visual outlook & go against Roma's liveability values**. Our family enjoys our beautiful backyard & to us, it is what living in a rural community means. Being free of large dominating structures whilst still living in town is unique, and a reason to live in Roma. Due to working in an essential emergency service, we cannot live outside of Roma.

The construction will not affect the owners view. Consideration should be given to the neighbours in a decision such as this.

- The **proposed scale of outbuilding** is 150 square meters, this exceeds the maximum size of 82 square meters (PO 6.2). This is a very large shed and although the intent with the current owners may be storage, due to the scale of shed, any future owners may have other intentions. This is an industrial size shed in a residential block and therefore Council should consider the ongoing impact to neighbours for the life of the shed.
- An industrial sized shed located right next door will negatively affect the **future marketability** and attractiveness for sale of our property. The risk of future industrial style activities is high & therefore would not be attractive to live next door to. This will affect the value of our property.
- This property has **substantial draining issues**. Currently water pools substantially on this property and any future development on this site will direct substantially more water onto our property. This will need to be satisfactorily addressed (& mutually agreed upon) prior to any building being constructed. (Attachment 2)

The current development application does not address the water management plan. Can you please forward this plan to ensure our property is not negatively effected & we can continue to make informed decisions.
- We are aware that this shed will be **located over a sewage feeder line**, which already has issues. Even during the driest period of drought, the sewage line had a green line, indicating leaks and instability.

In summary, we do not agree that a development of this scale needs to be located in a residential zone. It does not comply to the Councils General Residential Zone Code. Its impact on us will be substantial. We object to this development.

Regards,



Debra Joppich (Postle) & Matthew Joppich

23 May Street ROMA QLD 4455

Ph: 0418 765 306

Attachment 1



Attachment 2



