

BERSERKER HEIGHTS RESIDENTIAL AREA

Description

The Berserker Heights Residential Area is an established residential area located in North Rockhampton, generally between Lakes Creek Road and Frenchville Road. It is bound by Frenchmans Creek to the west; Frenchville Road and Frenchmans Creek to the north; Thozet Road, Shields Ave, properties fronting Bloxsom Street, the Berserker Foothills Residential Planning Area, and Thozet Creek to the east; and Lakes Creek Road to the south.

The Area is primarily residential, with a range of associated community uses located throughout the Area. As described above, the Area is bound by Frenchmans Creek on its western side and a portion of Thozet Creek on its eastern side. Along Frenchmans Creek there is a significant amount of land in public ownership, which is designated as public open space. There is a pocket of non-residential development at the southern end of Thozet Road, incorporating a range of non-residential uses including industrial uses, sporting facilities, and a nursery incorporating landscape supplies. Otherwise there are few other non-residential uses located throughout the Area, except for some local convenience type uses located along Thozet and Lakes Creek Roads, Dempsey Street, and on the corner of French and Flowers Avenues, in the north-western corner of the Planning Area.

Part of the Area in proximity to Lakes Creek and Thozet Roads is subject to flooding and is designated as either "Flood Fringe High Hazard" or "Flood Fringe Low Hazard". Land and properties adjacent to, and in proximity of, Frenchmans and Thozet Creeks are also subject to some localised flooding in times of prolonged or heavy rainfall.

Intent

It is intended that the Berserker Heights Residential Area will retain a residential character, dominated by houses on individual allotments or other similar low density housing¹ options that are consistent with the residential character of the area. More intense forms of residential development is inconsistent with the intent for the Area, however, duplex development is compatible as long as it does not proliferate, and does not compromise the primary residential character of the Area, which is houses on individual allotments.

There is a range of community uses located throughout the Area, including schools, childcare facilities, and churches, etc. The expansion of existing community / recreation use category uses and the provision of additional community / recreation use category uses will be assessed on their merits. These uses will only be consistent with the intent for the Area where it can be demonstrated that they will not have a detrimental impact on residential

¹ Low density is taken in this instance to mean a density of 10 dwelling units per hectare or less.

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amenity. Amongst other things, community recreation use category uses will need to demonstrate that:

- Sufficient carparking can be provided on site;
- Buildings will not adversely overshadow or overlook adjacent residential dwellings; and
- The hours of operation of the use or the placement of facilities will not disturb the residential amenity of surrounding residents.

There are few convenience retail facilities provided throughout the Area. One significant facility is located in the north – western corner of the Area, on the corner of French and Flowers Avenues, and is referred to as the Berserker Village. In addition to the provision of convenience retail facilities on this site it has good potential for alternate uses such as medical facilities, and a range of community facilities, including sport and recreation uses as long as the abovementioned criteria, as per community uses, can be adequately addressed and satisfied. However, retail commercial development in this locality is not intended to expand beyond the boundaries of the existing building or site. It is not intended to expand into a Local Shopping / Neighbourhood Centre.

There are some local shops, including a service station, located within this Area. The service station and shops are located in Thozet Road, and the shops are located in Lakes Creek Road and Dempsey Street. The ongoing use of these premises for non-residential uses that provide a convenience need or service to the residents of the local area is recognised and consistent with the intent of this Area. However, extensions to any of these non-residential uses that would constitute a material change in the intensity or scale of the use, beyond what would be reasonably expected or necessary to service the local area, is not consistent with the intent of this Area. Any extension must be consistent with the character of the Area and not adversely affect the amenity of the Area. Any proposal to change the use of one of these premises or any other premises to a new use that by its nature services more customers from outside the local area than inside it, is a use inconsistent with the intent of this Area. Alternatively, any proposal to use these premises for a residential purpose is consistent with the intent of this Area.

There is some additional non-residential development located within the Area, primarily at the juncture of Thozet and Lakes Creek Roads in what is defined as the Thozet Road sub-precinct. The location of this sub-precinct is defined on the Area Map and it has a setback of 10 metres to the residential land to the north and a setback of 30metres to Frenchmans Creek. These uses include industrial, sport and recreation uses, as well as a nursery and associated landscape supplies. While the continued use of the land for sport and recreation uses, and a nursery with associated landscape supplies in the sub precinct is consistent with the intent for the Area, the Area and sub-precinct is not suitable for High Impact Industrial Use like some of those that already exist because of:

- Its close proximity to the Fitzroy River, and the potential risk to downstream environments (such as the Great Barrier Reef) from contamination by undesirable pollutants, whether by accident or flooding;



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- Its close proximity to adjoining residential development, and the potential for residential amenity to be compromised by industrial development; and
- Its remoteness from the City's identified industrial areas, and the desirability of co-locating industrial uses.

The suitability of Medium Impact Industry in the sub precinct will be assessed on its merits based on the impacts that the specific use generates, giving some consideration also to any instance where it would have a significantly lower impact than existing uses. The long-term intention in relation to industry is that all High Impact Industrial uses will eventually relocate out of the Area and be replaced with Low Impact Industries or other more compatible uses which do not involve the provision of significant infrastructure; will not have a detrimental impact on residential amenity; and do not compromise flood flow and flood storage, such as open space, sport and recreation, nurseries, and agricultural or forestry uses. However, existing lawfully operating industries have existing use rights to continue to operate under existing conditions and these cannot be forcibly removed or taken away.

There is an existing office development located in Honour Street in proximity to Frenchmans Creek. Offices are not consistent with the residential intent of the Area and, therefore, it is desired that in the long-term this use would relocate to an identified centre and the land will revert to a residential use.

A small portion of this Area also shares a common boundary with the *Berserker Range Environmental Protection Area* which contains land that has been identified as bushfire prone. Consequently, particularly those property owners / residents whose property shares a common boundary with the adjoining *Berserker Range Environmental Protection Area* have a duty of care to implement measures on an ongoing basis that reduce the risk of bushfire on their properties.

Riparian corridors adjacent to all Council's waterways will be protected from development. In this instance, it applies to development adjacent to that portion of Frenchmans and Thozet Creeks, located within this Area. However, where environmentally and culturally appropriate, it is intended to allow public access to these areas, generally in the form of walkways, for the enjoyment of the entire community. Where possible, and appropriate, these walkways will connect with Council's parks, open spaces, and recreation facilities. There is already a significant amount of land located along Frenchmans Creek which is in public ownership as public open space, and other parks which have connections to this open space. Whilst some formal linkages are provided between the parks located adjacent to the creeks, further formal linkages are desirable in the future. There are a number of significant parks / open space areas located throughout the Area for passive and organised recreation, which are developed to varying degrees with infrastructure, which is intended to continue. One of the most significant and well used parcels of open space in this Area, for a variety of reasons, is Duthie Park.

There are currently a number of mango trees of different varieties, located throughout the Area. The trees are mature specimens strategically planted in



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rows when the land was part of Muellerville, an experimental nursery garden developed by Anthelme Thozet in the early 1860's. It was at Muellerville, that Thozet successfully grew cotton, coffee and sugar as well as tropical fruits such as mangoes. Despite these early beginnings, few remnants other than the mango trees now exist. The retention of these trees is desirable where possible and consistent with the residential intent for the Area.



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Material Change of Use / Building Work

Development Type	Primary Code(s)
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Self Assessable

The following uses are Self Assessable development only when complying with all of the relevant Acceptable Solutions contained within the Applicable Primary Code(s).

• Home Occupation	Home Occupation / Home Based Business Code
• House , when not located in the Thozet Road sub precinct	House Code
• Outdoor Sport and Recreation , on land designated as Public Open Space on the Berserker Heights Residential Area Map and where not an ERA	Sports and Recreation Code
• Special Needs Accommodation Building	House Code

Code Assessable

For advice on all the codes applicable, refer to sections 5.1 to 5.3 of this Planning Scheme.

• Building work at a Heritage Place	Heritage Place Code
• Building work for a Swimming Pool	Swimming Pool Code
• Caretakers Residence	Caretakers Residence Code
• Duplex , when not located in the Thozet Road sub precinct	Multi Unit Dwelling, Accommodation Building and Duplex Code
• Home Based Business	Home Occupation / Home Based Business Code
• House , when not located in the Thozet Road sub precinct and not self assessable development	House Code
• Low Impact Industry , when wholly located in the Thozet Road sub precinct	Industrial Use Code
• Small Lot House , when not located in the Thozet Road sub precinct	Residential - Small Lot Code

Impact Assessable

• Any other Material Change of Use and associated Building Work for what is not otherwise stated as Exempt, Self Assessable or Code Assessable Development.	
• Building work for demolition of a Heritage Place.	



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Operational Work / Reconfiguring a Lot

Development Type	Primary Code(s)
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Self Assessable

The following uses are Self Assessable development only when complying with all of the relevant Acceptable Solutions contained within the Applicable Primary Code(s).

- **Advertising Sign**, nominated as Group A in Schedule 1 of Planning Scheme Policy No. 9 – Signage for a Residential Area that are not a Third Party Sign, a Flashing Sign or a Free Standing Sign. Part A of the Signage Code

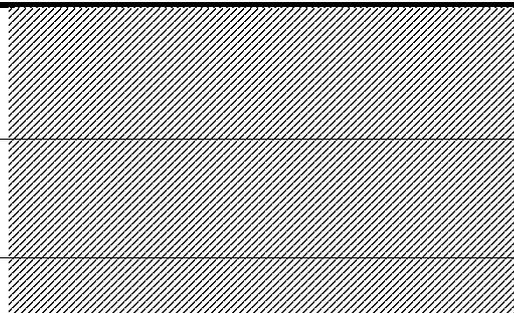
Code Assessable

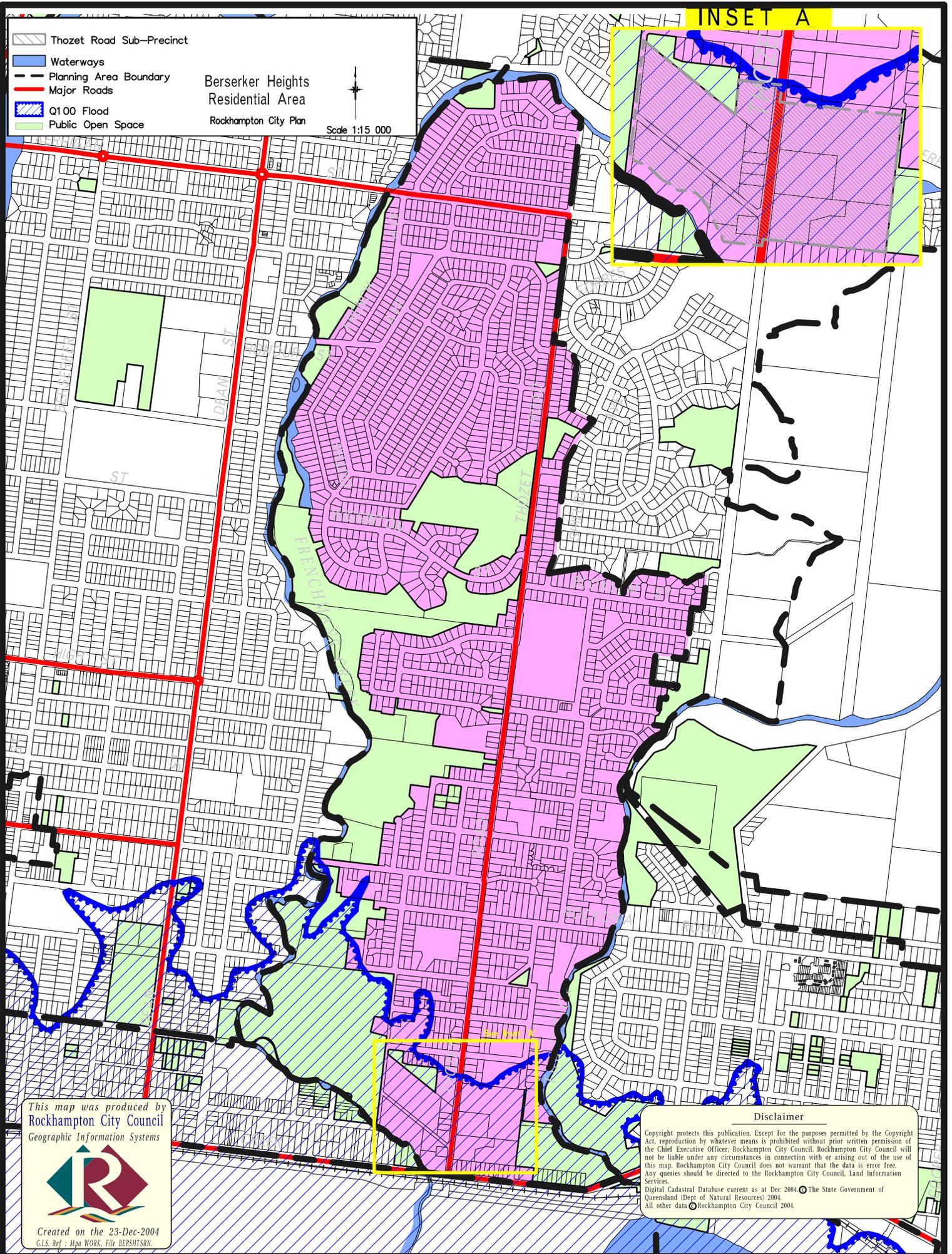
For advice on all the codes applicable, refer to sections 5.1 to 5.3 of this Planning Scheme.

- **Advertising Sign**, nominated as Group A in Schedule 1 of Planning Scheme Policy No. 9 – Signage for a Residential Area that is; (a) not complying with all the relevant Acceptable Solutions listed in the Signage Code and is not a Third Party Sign or a Flashing Sign; or (b) a Freestanding Sign. Signage Code
- **Advertising Sign**, nominated as Group B in Schedule 1 of Planning Scheme Policy No. 9 – Signage for a Residential Area that are associated with a non residential use that was existing on the site prior to the commencement of the Planning Scheme and is not a Third Party Sign or a Flashing Sign. Signage Code
- **Operational work for excavation or filling** Filling or Excavation Code; and Steep or Unstable Land Code
- **Operational work for Reconfiguring a Lot** Reconfiguring of a Lot Code; and External Works and Servicing Code
- **Reconfiguring a Lot**, where no additional allotments are created or where additional allotments are created, all resulting allotments have an area of 600m² or more. Reconfiguring a Lot Code

Impact Assessable

- **Reconfiguring a Lot**, where additional allotments are created and one or more resulting allotments is less than 600m²
- **Advertising Sign**, not nominated as Group A or B in Schedule 1 of Planning Scheme Policy No. 9 – Signage for a Residential Area.
- **Advertising Sign**, being a Third Party Sign or a Flashing Sign.





This map was produced by
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