



Rockhampton Region Planning Scheme Major Amendment

Growing a **stronger future**



Community Consultation Submission Report



Executive Summary

The purpose of this report is to provide an overview of the matters raised during the public consultation period for the proposed Major Amendment to the Rockhampton Region Planning Scheme (“the Planning Scheme”). This report will form part of Councils’ submission to the Minister for State Development, Manufacturing, Infrastructure and Planning (“the Minister”) for final Ministerial Review of the proposed Planning Scheme amendment in accordance with the *Planning Act 2016*.

The Minister advised Council on 2 April 2019 that it may proceed to public consultation and to advertise the proposed Planning Scheme amendment. No conditions were imposed from the State Interest Review that occurred prior to public consultation. The Director-General was satisfied the proposed amendment appropriately integrates the relevant state interests.

The public consultation period for the proposed amendments to the Planning Scheme commenced on 15 April 2019 and concluded 17 May 2019. Council resolved on 21 May 2019 to extend the public consultation period to 14 June 2019. In total the consultation period ran for 39 business days.

Council implemented an effective, comprehensive and detailed community engagement program that included:

- Advertising two statutory public notices’ in the local newspaper – one at the start of public consultation and one at the time of the extension;
- A letter to every affected property owner within the local government area including a relevant fact sheet to provide a summary of proposed changes.
- A number of fact sheets were available on Council’s website to inform the community about the proposed major amendment;
- Four public information booths at major shopping centres and markets;
- Regular media releases for local media outlets, and Facebook updates;
- Launch of the new Engagement HQ portal; and
- Rock e Plan online planning portal

including online mapping at the commencement of public consultation.

Council received a total of 88 submissions throughout the advertised consultation period. All submissions received were properly made.

The majority of the submissions related to two matters, namely the proposed changes to the Character Overlay and the introduction of the Kershaw Gardens precinct.

Over 60 individual issues were identified from the submissions. In many cases several separate issues were raised in relation to one of the more significant matters.

Matters raised in submissions include but are not limited to the following:

- Character overlay provisions and in particular the demolition controls for Residential and Commercial areas, being restrictive building impediments and creating loss of rights;
- Commercial character provisions not supporting revitalisation;
- Assessment criteria for determining a ‘traditional character house’ being vague and property owners’ input not being considered;
- Extending the Character overlay area to protect additional properties that have significant traditional character;
- Level of assessment of minor demolition being restrictive;
- The ‘minor demolition’ definition being unclear particularly calculating the percentage of minor demolition works;
- Proposed Kershaw Gardens precinct within the Open Space Zone;
- North Rockhampton Flood Management Area due to high insurance costs and no previous history of flooding;
- Council to install a pump-out facility within the North Rockhampton Flood Management Area; and
- Council to allow subdivisions within the North Rockhampton Flood Management Area.



Submissions overview

Council received a total of 88 submissions throughout the consultation period. All submissions received were properly made. Every submission was reviewed and analysed in detail. Council has considered every submission and determined appropriate responses and necessary changes to the proposed Planning Scheme amendments.

A complete record of all final resolved responses and changes in response to issues raised in submissions will be provided along with this report as part of the submission to the Minister for final Ministerial Review of the Planning Scheme Amendment in accordance with the *Planning Act 2016*. If an issue is not identified in this summary report, it does not mean it was given less weight.

Council believes that the comprehensive nature of the community engagement, careful consideration of all submissions and the breadth and amount of change demonstrates that Council has fully and appropriately consulted with the community.

Council recognises the community for taking the time to consider and prepare, in many cases, very detailed submissions.

There were a number of matters raised in multiple submissions and many submissions contained a number of

different issues. From the matters raised in submissions, 60 individual issues were identified.

The following is a detailed analysis of a number of matters raised in submissions. The matters outlined in this report represent the more complex or frequently raised matters.

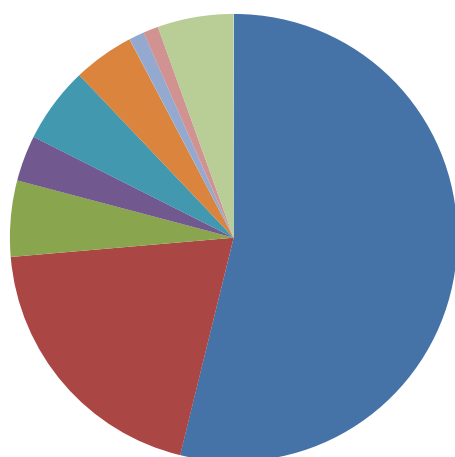
This report outlines Council's proposed responses and resolved changes to the proposed Planning Scheme.

Beyond those contained within this report, a number of issues were either individual commentary on the proposed Planning Scheme amendment or a request specific to the submitter's property interests. Issues include zoning, character overlay and development impacts. A significant number of submissions dealt wholly or in part with matters beyond the statutory reach of a planning scheme.

Recommendations on a number of issues were received from industry groups, including the Urban Development Institute of Australia and Capricorn Enterprise.

In addition, there were submissions in support of the proposed Planning Scheme amendment including the Character overlay, zoning changes including Kershaw Gardens precinct, Fitzroy River Industry precinct and Fitzroy River Accommodation precinct.

Submissions breakdown



- **Character (49)**
- **Kershaw Gardens precinct (18)**
- **Fitzroy River Accommodation Precinct (5)**
- **Fitzroy River Industry Precinct (3)**
- **North Rockhampton Flood Management Area (5)**
- **Zoning (4)**
- **Quay Street Precinct (1)**
- **Short-term accommodation (1)**
- **Other matters (5)**



Significant matters raised in submissions and Council's responses

Character Overlay

The character overlay in the proposed Planning Scheme amendment was recommended by a planning study prepared by Tract in 2010 (study is available on Council's website). A further detailed analysis was undertaken to determine the significant character housing and commercial buildings by applying criteria based upon the construction date, architectural style and design elements.

The policy direction is to continue to preserve these traditional character buildings and areas due to their economic, social and community value. These buildings contribute to the character of the area and therefore need to be preserved.

Council received 49 submissions relating to the mapping and Character overlay provisions. Of these, 33 requested Council to review and remove properties from the overlay. The main concerns raised were the effect the overlay would have on property values, loss of property rights and concerns over the assessment criteria for determining a character house or commercial building.

Importantly, Council also received thirteen submissions supporting the proposed Character overlay and recommends Council consider expanding the area to protect additional character buildings.

Response

Council acknowledges the concerns in the submissions, and has since completed a reassessment of properties within the character overlay. Properties that have less significant character or minimal character represented in the street have been removed.

The properties that have significant character housing and commercial buildings will remain mapped on the Character overlay. The policy direction is to continue to preserve these buildings and areas due to their economic, social and community value. These character buildings contribute to the area and therefore need to be preserved.

The only impact the proposed changes would have on these properties is that owners would need to apply for permission to fully demolish, remove or relocate their building. There are no controls around extensions or alterations to the existing buildings for properties within in the 'demolition control' area.

Council does recognise the importance of protecting traditional character buildings and streetscapes in character areas and will monitor and review the performance of these provisions over time.



Kershaw Gardens precinct

Council has proposed to introduce a Kershaw Gardens precinct within the Open Space Zone to facilitate a short stay 'rest area' for fully self-contained recreational vehicles.

The submissions received that objected to the proposed Kershaw Gardens precinct were based on the following matters:

- The competitive disadvantage for local caravan parks;
- Impact investment in commercial caravan parks and reduce the value of existing investments;
- The negative economic impact upon the Rockhampton region;
- Inconsistent with the *Planning Act 2016*;
- Inappropriate to remove the Planning and Environment Court's review function for a high impact activity;
- Inconsistent with State Planning Policy;
- Inconsistent with proper use of Trust Land;
- Inconsistent with Queensland caravan park policy;
- Impact negatively on non-caravanning users of Kershaw Gardens;
- Negative environmental impacts;
- Safety and risk management is not adequately considered; and
- The proposal runs counter to the spirit and intent of the Council's local laws.

Response

The proposed Kershaw Gardens precinct allows for a specific 'tourist park' use to further encourage tourism and supporting uses throughout the region. This is consistent with the Natural Resources and Economic Development theme of the Strategic Framework and the Tourism element 5.8.8. Specifically, 3.8.8.1(5) states:

"Tourist operations involving short-term accommodation are supported in urban and rural areas, where there are no detrimental impacts on existing or planned nearby land uses."

Many vehicle-based visitors travelling throughout Queensland stay in commercial accommodation, ranging from hotels and resorts to cabins or tents in caravan parks and camping grounds. However, an increasing number of travellers are looking for a broader range of options that support those in Self Contained Vehicles with their own facilities.

The concept of a 'tourist park' within the proposed Kershaw Gardens precinct is limited and specific in terms of the scale, nature and function of the use to specifically service tourists in self-contained vehicles. Unlike the full definition in Schedule 1, any potential 'Tourist Park' within the Kershaw Garden precinct excludes any cabins, tents or similar structures and does not allow for any ancillary activities. Furthermore, the length of stays is limited to 48 hours and the maximum capacity being 35 self-contained recreational vehicles.

These provisions ensure a unique convenience type service that offers a short term rest area within north Rockhampton that has suitable large self-contained vehicles parking spaces not necessarily tied to a tourist destination that may encourage longer stay visitors. Given the proximity to the Bruce Highway, the proposed Kershaw Gardens precinct offers long-distance travellers the opportunity to break up their journey and replenish supplies at the nearby shopping centre.



The proposed amendments aim to address a need in providing a unique tourist related use/service that is different from commercial tourist park operations. These commercial operations support the needs of tourists in other ways through providing, amongst other things:

- high quality amenities and facilities;
- longer stay options; and
- food, entertainment and retail services.

The proposed amendments seek to respond to changing circumstances and behaviours associated with camping and vehicle-based tourist travelling. Self-contained vehicles offer a form of 'new' camping that is popular for grey nomads and others. The proposed Kershaw Gardens precinct allows for a specific type of tourist park that addresses a public need in providing this specific and limited short stay service.

The proposed Kershaw Gardens precinct comprises just over 9,000m² in area. It is in the north east corner of the park on a cleared gravel area with little current utility. The proposed precinct represents a small proportion of the total Kershaw Gardens area and does not significantly impact on the major recreational activity areas, infrastructure and facilities located elsewhere in the parklands. Furthermore, it does not compromise the overall enjoyment of the park for recreation purposes but does provide an opportunity for short stay tourists to enjoy the park and its facilities along with other park users.

Council will investigate providing a landscaped buffer along the primary frontage of the precinct to ensure a green edge to improve the visual amenity along the front boundary of the precinct.

Regarding any conflict with the overall purpose and intent of the Planning Act 2016 and State Planning Policy, it is noted:

- it is not unusual for planning schemes to vary the levels of assessment of the same land use within the same or different zones depending on a range of criteria like the approach proposed for a Tourist Park within the proposed Kershaw Gardens precinct; and
- the amendments have passed first State interest review.

The function and location of a potential tourist park within the limited scope defined for the proposed Kershaw Gardens precinct represents a reasonable land use outcome given:

- proximity to the Bruce Highway / Moores Creek Road and direct access to the urban arterial of High Street;
- the need to fill a market gap in providing short-stay rest areas for tourists in Self Contained Vehicles;
- the utilisation of an existing cleared area currently being used as an informal parking space noting formal parking areas for park users are located elsewhere in Kershaw Gardens;
- the use allows for short stay travellers to experience Kershaw Gardens and Moores Creek; and
- proximity to a range of retail, food and entertainment services.

As a result, the Council has determined that there will be no change to the planning scheme amendment.



Fitzroy River precincts

The Fitzroy River accommodation precinct and the Fitzroy River industry precinct have been introduced in the Planning Scheme amendment to facilitate development for short-term accommodation and small scale river and fishing related activities.

Council received multiple submissions in support of the Fitzroy River accommodation precinct and the Fitzroy River industry precinct.

There were a few submissions that concerns over the need for additional short-term accommodation and additional bait and tackle shops in the region. The precincts were formed in response to the Rockhampton Recreational Fishing Development Strategy which supports fishing tourism in the region.

Response

Fitzroy River accommodation precinct

Council has determined there will be no change to the planning scheme. At peak times for accommodation, operators that fall under a short-term stay, provide additional accommodation to fulfil a need. The impacts associated with the use will be managed under the scheme by limiting the number of guests, length of stay, noise and waste provisions. Council will, however continue to monitor impacts associated with such uses.

Fitzroy River industry precinct

Council has reviewed the submission and determined there will be no change to the planning scheme. The proposed waterfront and marine industry zone and Fitzroy River industry precinct facilitates marine industry related uses. These uses will provide for boat storage, maintenance and marine servicing facilities. As such, any use that will benefit from a waterfront location is preferred in this precinct.

Due to the flooding in this area, the precinct supports the reuse of existing buildings. Any new building or structure will require a development permit and assessed on its merits.



North Rockhampton Flood Management Area

The North Rockhampton Flood Management Area (NRFMA) incorporates a number of mitigation measures designed to improve the flood immunity by providing protection from Fitzroy River flood events up to and including the one (1) per cent annual exceedance probability (AEP) event. These measures include:

- permanent earth and concrete block levee to protect residential properties in Fraser Street and Dowling Street, backflow prevention devices to prevent flood waters from entering a flood management area through the stormwater system;
- a temporary flood barrier system (approximately 377 metres long) that is deployed during periods of flooding along Ellis and Rodboro Streets to prevent flood water backing up from Frenchman's Creek and entering properties behind the barrier during Fitzroy River flooding; and
- sealing sewerage access chambers to reduce the risk of the backflow of flood water through the sewerage reticulation system.

The majority of the submissions received were in support of the amendment. There were comments requesting Council to consider reducing the floor height freeboard for any new development from 500mm to 300mm and to allow further infill development by supporting subdivisions in the area. There were also comments requesting Council install a pump-out facility.

Response

Council has determined there will be no change to the planning scheme. In 2017, the Stage 1 scheme successfully protected more than 400 properties from riverine flooding that resulted from ex TC Debbie. Learnings from the 2017 flood event (which was the first time the NRFMA Stage 1 works went through a flood) have noted the need to implement pumps in certain locations during operation of the NRFMA to help prevent back up of flood water. Council will pump as part of its operations and maintenance activities associated with the NRFMA.

Levees are effective mitigation measures but do not entirely eliminate flood risk. Due to the residual risk of flooding inherent within the NRFMA, the provisions of the Flood Hazard Overlay Code, will still apply –including the minimum finished floor level freeboard requirements of 500mm, as well as no further intensification or subdivision of existing lots. As Council gains greater awareness and understanding of the residual risk, the Council may revise aspects of the planning scheme to reflect the capability of flood mitigation measures to manage the residual risks for a site.



For your information

This report is principally to summarise matters of a State interest for the Minister for State Development, Manufacturing, Infrastructure and Planning. This report provides a summary of Council's responses to issues raised by the community during the consultation period. If an issue is not dealt with in this report it does not mean it was given any less weight in the submission review process.

All submitters receive individual correspondence in response to issues raised in their submission.

