



PLANNING AND REGULATORY COMMITTEE MEETING

AGENDA

19 JULY 2016

Your attendance is required at a meeting of the Planning and Regulatory Committee to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 19 July 2016 commencing at 9.00am for transaction of the enclosed business.

A handwritten signature in black ink, appearing to be the initials "C R" followed by a long horizontal stroke.

CHIEF EXECUTIVE OFFICER
12 July 2016

Next Meeting Date: 02.08.16

Please note:

In accordance with the *Local Government Regulation 2012*, please be advised that all discussion held during the meeting is recorded for the purpose of verifying the minutes. This will include any discussion involving a Councillor, staff member or a member of the public.

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	OPENING.....	1
2	PRESENT	1
3	APOLOGIES AND LEAVE OF ABSENCE	1
4	CONFIRMATION OF MINUTES.....	1
5	DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA	1
6	BUSINESS OUTSTANDING	2
6.1	BUSINESS OUTSTANDING TABLE FOR PLANNING AND REGULATORY COMMITTEE.....	2
7	PUBLIC FORUMS/DEPUTATIONS	5
	NIL	5
8	OFFICERS' REPORTS	6
8.1	D/34-2016 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR HEALTH CARE SERVICES	6
8.2	REQUEST FOR A COUNCIL RESOLUTION REGARDING APPLICATIONS TO BE ASSESSED UNDER A SUPERSEDED PLANNING SCHEME FOR STORAGE SHEDS ALONG BOWLIN ROAD, PORT CURTIS	26
8.3	APPLICATION UNDER THE DEVELOPMENT INCENTIVES POLICY FOR DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR BULK LANDSCAPING SUPPLIES.....	32
8.4	DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR OUTDOOR SPORT AND RECREATION (OPEN GARDEN).....	39
8.5	ROCKHAMPTON REGIONAL COUNCIL ANIMAL MANAGEMENT STRATEGY	54
9	NOTICES OF MOTION	73
	NIL	73
10	URGENT BUSINESS/QUESTIONS	74
11	CLOSURE OF MEETING.....	75

1 OPENING

2 PRESENT

Members Present:

Councillor C E Smith (Chairperson)
The Mayor, Councillor M F Strelow
Councillor N K Fisher
Councillor C R Rutherford
Councillor M D Wickerson

In Attendance:

Mr R Holmes – General Manager Regional Services (Executive Officer)
Mr E Pardon – Chief Executive Officer

3 APOLOGIES AND LEAVE OF ABSENCE

4 CONFIRMATION OF MINUTES

Minutes of the Planning and Regulatory Committee held 5 July 2016

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 BUSINESS OUTSTANDING

6.1 BUSINESS OUTSTANDING TABLE FOR PLANNING AND REGULATORY COMMITTEE

File No: 10097
Attachments: 1. Business Outstanding Table
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Evan Pardon - Chief Executive Officer

SUMMARY

The Business Outstanding table is used as a tool to monitor outstanding items resolved at previous Council or Committee Meetings. The current Business Outstanding table for the Planning and Regulatory Committee is presented for Councillors' information.

OFFICER'S RECOMMENDATION

THAT the Business Outstanding Table for the Planning and Regulatory Committee be received.

BUSINESS OUTSTANDING TABLE FOR PLANNING AND REGULATORY COMMITTEE

Business Outstanding Table

Meeting Date: 19 July 2016

Attachment No: 1

Date	Report Title	Resolution	Responsible Officer	Due Date	Notes
07 June 2016	Amendment Subordinate Local Law No. 5 (Parking) 2011	THAT Council take the necessary actions in accordance with the <i>Local Government Act 2009</i> to amend Schedule 2 <i>Subordinate Local Law No.5 (Parking) 2011</i> to give effect to the insertion of Quay and Denham Street Carpark Lot 1 RP607540 as a declared off-street regulated parking area.	Catherine Hayes	21/06/16	Adopted at the Special Council meeting on 9 June 2016
21 June 2016	Enforcement Directions for Development Offences	THAT Council resolve to adopt Option Two conditional upon there being no expansion to the current level of use of the Kabra Road property and that the matter be reviewed 31 August 2016.	Judith Noland	05/07/16	Adopted at the Council meeting on 28 June 2016

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 OFFICERS' REPORTS

8.1 D/34-2016 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR HEALTH CARE SERVICES

File No: D/34-2016

Attachments:

1. Locality Plan
2. Site Plan

Authorising Officer: Tarnya Fitzgibbon - Manager Development and Building
Robert Holmes - General Manager Regional Services

Author: Thomas Gardiner - Planning Officer

SUMMARY

Development Application Number: D/34-2016

Applicant: Templeton Wholesale Pty Ltd

Real Property Address: Lot 6, Lot 7 and Lot 8 on RP600278, Parish of Rockhampton

Common Property Address: 233 Murray Street, Rockhampton City

Area of Site: 1,022 square metres

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Low Density Residential Zone

Planning Scheme Overlays: Fitzroy River Flood Overlay – Low Hazard
Fitzroy River Flood Overlay – Medium Hazard
Fitzroy River Flood Overlay – High Hazard

Existing Development: Dwelling House

Existing Approvals: Dwelling House

Approval Sought: Development Permit for a Material Change of Use for Health Care Services

Level of Assessment: Impact Assessable

Submissions: Nil

Infrastructure Charges Area: Charge Area 1

Application Progress:

<i>Application Lodged:</i>	16 March 2016
<i>Acknowledgment Notice issued:</i>	30 March 2016
<i>Extension of Information Request Period (until 13 May 2016)</i>	14 April 2016
<i>Request for Further Information sent:</i>	22 April 2016
<i>Request for Further Information responded to:</i>	16 May 2016
<i>Submission period commenced:</i>	19 May 2016
<i>Submission period end:</i>	10 June 2016
<i>Notice of Compliance Received:</i>	13 June 2016
<i>Last receipt of information from applicant:</i>	13 June 2016

OFFICER'S RECOMMENDATION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for Health Care Services, made by Templeton Wholesale Pty Ltd, on Lot 6 on RP600278, Lot 7 on RP600278 and Lot 8 on RP600278, Parish of Rockhampton, located at 233 Murray Street, Rockhampton City, Council resolves to Approve the application despite its conflict with the planning scheme and provide the following grounds to justify the decision despite the conflict:

- a) The proposal is for a small-scale Health Care facility for repairing and maintaining wheelchairs and other mobility aids only, which is located under an existing Dwelling House and occupies a maximum Gross Floor Area of 130 square metres;
- b) The proposed development will not compromise the primary purpose of the Low Density Residential Zone from providing predominantly dwelling houses supported by small-scale services and facilities that cater for local residents;
- c) The appearance of the existing Dwelling House will be maintained as a result of the proposal, and the scale and intensity of the use will not detract from the existing streetscape and residential amenity of the surrounding area;
- d) The proposed use does not compromise the strategic framework in the *Rockhampton Region Planning Scheme 2015*;
- e) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and
- f) The proposed development does not compromise the relevant State Planning Policy.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for Health Care Services, made by Templeton Wholesale Pty Ltd, on Lot 6 on RP600278, Lot 7 on RP600278 and Lot 8 on RP600278, Parish of Rockhampton, located at 233 Murray Street, Rockhampton City, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with the conditions of this development approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
 - 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
 - 1.3 All conditions, works, or requirements of this development approval must be undertaken and completed and be accompanied by a Compliance Certificate for any operational works required by this development approval:
 - 1.3.1 to Council's satisfaction;
 - 1.3.2 at no cost to Council; and
 - 1.3.3 prior to the commencement of the use, unless otherwise stated.
 - 1.4 Infrastructure requirements of this development approval must be contributed to the
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relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.

1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:

1.5.1 Operational Works:

- (i) Parking Works; and
- (ii) Stormwater Works

1.5.2 Plumbing and Drainage Works; and

1.5.3 Building Works

1.6 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.

1.7 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

1.8 Lots 6, 7 and 8 on RP600278 must be amalgamated and registered as one lot prior to the commencement of the use.

2.0 APPROVED PLANS AND DOCUMENTS

2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by any condition of this development approval:

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Proposed Site Plan	6387-99-MCU, Revision A	29 February 2016
Elevation and Floor Plan	6387-99-MCU, Revision A	29 February 2016
Stormwater Flooding Report (prepared by Davey Engineering Solutions)	Unnumbered	11 May 2016

2.2 Where there is any conflict between the conditions of this development approval and the details shown on the approved plans and documents, the conditions of this development approval must prevail.

3.0 PARKING WORKS

3.1 A Development Permit for Operational Works (parking works) must be obtained prior to the commencement of any parking works on the development site.

3.2 All parking works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (parking works).

3.3 All car parking, access and vehicle manoeuvring areas associated with the proposed development must be concrete paved or asphalted.

3.4 Parking spaces must be line-marked as shown in the Site Plan (refer to condition 2.1) and in accordance with the *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).

3.5 Any application for a Development Permit for Operational Works (parking works) must be accompanied by detailed and scaled plans, which demonstrate the turning movements/swept paths of the largest vehicle to access the development site.

4.0 PLUMBING AND DRAINAGE WORKS

- 4.1 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act, Plumbing and Drainage Act* and Council's Plumbing and Drainage Policies.
- 4.2 The development must be remained connected to Council's reticulated water supply and sewerage network.
- 4.3 The existing sewerage and water connection point(s) must be retained, and upgraded if necessary, to service the development.
- 4.4 The finished sewerage access chamber surface must be at a sufficient level to avoid ponding of stormwater above the top of the chamber. A heavy duty trafficable lid must be provided in the trafficable area.
- 4.5 Sewer connection and water meter box located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 4.6 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act* and Council's Plumbing and Drainage Policies.

5.0 STORMWATER WORKS

- 5.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the development site.
- 5.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 5.3 All roof water including runoff water from car park must be collected and drained to the kerb and channel in Murray Street.
- 5.4 All roof and allotment runoff from the development must be discharge such that it must not restrict, impair or change the natural flow of runoff water or cause a nuisance or worsening to surrounding land or infrastructure.

6.0 SITE WORKS

- 6.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 6.2 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.

7.0 BUILDING WORKS

- 7.1 All building works must be undertaken in accordance with *Queensland Development Code, Mandatory Part 1.4* for building over or near relevant infrastructure.
- 7.2 All electrical and telecommunication services and utilities connected to the property, including electrical outlets, must be designed and installed at such a height that they are a minimum of 500 millimetres above a one percent (1%) Annual Exceedance Probability defined flood event.
- 7.3 Any application for a Development Permit for Building Works must be accompanied by a detailed structural engineering report and a building certificate prepared by a suitably qualified Registered Professional Engineer of Queensland, which demonstrates that the building has been designed to withstand the forces created by floodwaters and debris loading.

8.0 ASSET MANAGEMENT

- 8.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.
- 8.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure) that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.

9.0 OPERATING PROCEDURES

- 9.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials or parking of construction machinery or contractors' vehicles must not occur within Murray Street.
- 9.2 The use does not generate traffic exceeding ten (10) vehicle trips per day and the trips are not by a vehicle exceeding a gross vehicle mass of 4.5 tonnes tare weight.
- 9.3 The hours of operation for the Health Care Services must be limited to:
- 9.3.1 0900 to 1700 on Monday to Friday; and
- 9.3.2 No operations on a Saturday, Sunday, or Public Holiday.

10.0 ENVIRONMENTAL HEALTH

- 10.1 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 10.2 Noise emitted from the activity must not cause an environmental nuisance.
- 10.3 Operations on the site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise or dust.
- 10.4 Any waste storage areas must be:
- 10.4.1 maintained in accordance with the *Environmental Protection (Waste Management) Regulation*; and
- 10.4.2 kept in a clean and tidy condition

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

It is advised that under section 23 of the *Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are listed in the Aboriginal cultural heritage legislation. The information on Aboriginal cultural heritage is available on the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs website www.datsima.qld.gov.au.

NOTE 2. Asbestos Removal

Any demolition and/or removal works involving asbestos materials must be undertaken in accordance with the requirements of the *Work Health and Safety Act 2011* and *Public Health Act 2005*.

NOTE 3. General Environmental Duty

General environmental duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the development site during all stages of the development including earthworks, construction and operation.

NOTE 4. General Safety Of Public During Construction

The *Work Health and Safety Act 2011* and *Manual of Uniform Traffic Control Devices* must be complied with in carrying out any construction works, and to ensure safe traffic control and safe public access in respect of works being constructed on a road.

RECOMMENDATION C

That in relation to the application for a Development Permit for a Material Change of Use for Health Care Services, made by Templeton Wholesale Pty Ltd, on Lot 6 on RP600278, Lot 7 on RP600278 and Lot 8 on RP600278, Parish of Rockhampton, located at 233 Murray Street, Rockhampton City, Council resolves not to issue an Infrastructure Charges Notice.

BACKGROUND

PROPOSAL IN DETAIL

The proposal is for a Material Change of Use for Health Care Services located at 233 Murray Street, Rockhampton City. Activities on the site will involve the maintenance of electric wheelchairs and other mobility aids. The use will operate on the ground floor of the existing dwelling and will make provision for the storage of wheelchairs and repair equipment in an open floor plan, and a disabled bathroom and laundry.

On site vehicle movements will be infrequent as the proposal does not involve the sale or display of goods to the general public. A total of five (5) on site car parking spaces are afforded on the subject site. One (1) disabled car park will be located at the front of the existing dwelling house, with the remaining four (4) car parks (including one (1) covered space) positioned behind the dwelling house. A maximum of two (2) employees will be working on the site at any given time.

SITE AND LOCALITY

The subject site is located in the Low Density Residential Zone under the *Rockhampton Region Planning Scheme 2015*. The site occupies three (3) separate lots with a combined site area of 1,022 square metres. An existing dwelling house is located at the front of the premises which is consistent with the surrounding development pattern for single, detached dwelling houses. Vehicular access to the site is via an existing driveway from Murray Street.

Overlay mapping indicates that the site is affected by the Fitzroy River Flood Overlay, with areas of low, medium and high flood hazard encompassing the site.

PLANNING ASSESSMENT

MATTERS FOR CONSIDERATION

This application has been assessed by relevant Council planning, engineering, environmental health, and other technical officers as required. The assessment has been in accordance with the Integrated Development Assessment System provisions of the *Sustainable Planning Act 2009*, based on consideration of the relevant State Planning Policy; State Government guidelines; the Council's Town Planning Scheme, Planning Policies and other general policies and procedures, as well as other documents as considered relevant.

Development Engineering Comments – 17 March 2016

Support, subject to conditions.

Public and Environmental Health Comments – 18 March 2016

Support, subject to conditions.

Other Staff Technical Comments

Not applicable as the application was not referred to any other technical staff.

TOWN PLANNING COMMENTS

Central Queensland Regional Plan 2013

The *Central Queensland Regional Plan 2013* is a statutory document which came into effect on 18 October 2013. The development is not required to be assessed against the regional plan if this document is appropriately reflected in the local planning scheme. It is considered that the regional plan is appropriately reflected in the current local planning scheme.

State Planning Policy 2014

This policy came into effect in July 2014 and replaced all former State Planning Policies. This policy requires development applications to be assessed against its requirements until the identified state interests have been appropriately reflected in the local planning scheme.

Coastal environment

Complies. The site is located within a Coastal Zone in accordance with the Department's broad scale mapping.

As the site is located in an existing urban area the proposal will not compromise the integrity of any coastal processes or resources which define the local coastal environment.

Water quality

Complies. The site is located within a climatic region for stormwater management as identified on the Department's broad scale mapping.

The proposal is for a Health Care Services located on the ground floor of an existing Dwelling House. As the proposal is utilising an existing structure it will not affect the environmental values of any internal or surrounding watercourses, or compromise the achievement of water quality objectives for Queensland waters.

Natural hazard, risk and resilience

Complies. The site is located in a Level 1 Flood Hazard Overlay. Further, the *Rockhampton Region Planning Scheme 2015* also identifies the site within areas of low, medium and high flood hazard in accordance with the Fitzroy River Flood Overlay.

The proposal does not involve the construction of new buildings or structures with the only proposed works being to enclose the ground floor which will be used to store equipment associated with the use. Despite the flood hazard on the site, the proposal is considered compatible with the level of risk associated with the identified hazard and does not involve the further intensification of commercial development.

Further, an Engineering Report has indicated that the enclosure of the ground floor will have negligible impacts on the afflux, velocities or depths associated with the on-site flood hazard.

Strategic airports and aviation facilities

Complies. The site is located within an obstacle limitation surface for the Rockhampton Regional Airport. However, the proposal is located on the ground floor of an existing Dwelling House and as such the use will not encroach into the operational airspace of the Rockhampton Regional Airport.

Rockhampton Region Planning Scheme 2015

Strategic framework This application is situated within the urban area designation under the scheme's strategic framework map. The strategic framework themes and their strategic outcomes, as identified within Part 3 of the *Rockhampton Region Planning Scheme 2015* are applicable:

3.3.8 Element – Urban and new urban

-
- (1) Urban and new urban areas are characterised by walkability between housing and activity nodes, such as a park, shop or bus stop. They offer a choice of housing types, including dwelling houses, semi-detached or dual occupancy housing, row or terrace houses, some multiple dwellings and possibly live/work buildings. While dwelling houses are the most common use, many dwelling houses are on a range of smaller lots.

Does not comply: The proposal is for a Health Care Services use located in an existing Dwelling House and does not involve the further intensification of residential development. Notwithstanding, the proposal will not compromise the role of Rockhampton's urban areas in facilitating walkable neighbourhoods which provide a range of housing types and activity nodes.

- (2) Urban and new urban areas allow for adaptable small-scale multiple dwellings that provide intergenerational housing options catering to young people, families and support for ageing in place. In this regard, development for multiple dwellings is directed to the low-medium and high density residential zones or where located in proximity to centres, services and the public transport network.

Not applicable: The site is not located in a low-medium or high density residential zone and does not involve the construction of small-scale multiple dwellings.

- (3) Urban and new urban areas have a feel of openness at the street level. Streets are characterised by street trees which provide shade and character, footpaths for walking trips, and streets shared by cars and bikes. New streets are generally laid out on a grid-based pattern in order to provide good connectivity and legibility and to reduce the need to drive.

Not applicable: The proposal does not involve the introduction of a new street network, nor will it compromise the existing streetscape on Murray Street.

- (4) The planning scheme has identified sufficient land supply for future greenfield development up to 2026. No further residential development is to occur beyond the areas designated as urban and new urban as shown on the strategic framework maps (SFM-1 to SFM-4) before 2026. Future urban areas will only be considered for future residential development when addressing the outcomes identified under section 3.3.9.

Not applicable: The proposal does not involve residential development and is not located in a future urban area.

- (5) Urban development is contained within the urban and new urban areas to achieve the following outcomes:

- (a) the impacts from natural hazards are mitigated or avoided, including the potential future impacts resulting from climate change;
 - (b) biophysical values and green breaks are maintained;
 - (c) land identified on the Agricultural Land Classification (ALC) overlay maps is protected and not compromised by urban development;
 - (d) rural, natural asset, landscape and environmental values are protected;
 - (e) a coordinated sequence that ensures the efficient delivery of infrastructure and services;
 - (f) safe and efficient access to retail goods and services, community and recreational facilities and employment opportunities;
 - (g) a range of housing and lifestyle options consistent with the forecast changing demographic characteristics and expectations;
 - (h) the opportunity for increasingly sustainable and healthy lifestyles, including a reduced dependence on motor vehicles by providing convenient access to public transport, walking and cycling; and
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(i) infill and intensification is focussed around centres and transport facilities.

Complies: The site is located within an existing urban area while the proposal will not restrict the surrounding area from providing a range of housing and lifestyle options which foster healthy and sustainable lifestyles.

- (6) Housing other than dwelling houses are preferred on lots with particular attributes, like corner lots, lots with rear lane access, and lots located near open space, centres or public transport and are within easy walking and cycling distance to a range of local facilities, like shops, schools and parks.

Not applicable: The proposal does not involve residential development.

- (7) A variety of residential lot sizes and designs is provided to cater for diverse and changing housing needs within the community.

Not applicable: The proposal does not involve the further subdivision of land or the further intensification of residential development.

- (8) Urban and new urban areas contain existing land uses that provide for a localised service function such as small-scale food and drink outlets and services. These land uses can continue; however, the expansion of these uses or the establishment of new uses must provide for a local convenience function, not conflict with sensitive land use(s), not compromise the role and function of designated centres and be consistent with the relevant zone code.

Complies: The proposal involves the expansion of a localised service function in an existing urban area. However, given the small-scale nature of the Health Care Services proposal, its use will not compromise the role of Rockhampton's designated centres nor will it affect the integrity of the Low Density Residential Zone.

- (9) No expansion of existing centres or industrial areas will occur into residential zoned areas (unless otherwise identified within the planning scheme). This will:

- (a) maintain the viability and sustainability of existing centres and industrial areas;
- (b) provide certainty to the owners and occupants;
- (c) encourage the reinvestment and redevelopment of existing centres and industrial areas; and
- (d) prevent the spread of 'ribbon' development along state controlled road and major roads.

Complies: The proposal does not involve the expansion of existing centres or industrial areas into Rockhampton's residential zones.

- (10) Neighbourhood centres do not expand to service a wider local centre catchment.

Complies: The proposal does not involve the expansion of neighbourhood centres.

- (11) Greenfield urban and new urban areas in Rockhampton and Gracemere will provide at least fifteen (15) dwellings per hectare of land (net developable area). On larger sites, a structure plan must be provided in accordance with the relevant zone code and planning scheme policies.

Not applicable: The site is not located within a greenfield urban or new urban area.

- (12) These new communities are well planned and demonstrate the following:

- (a) subdivision occurs in a sequenced manner in coordination with future planned infrastructure and services;
- (b) the land does not have significant environmental or ecological values, including but not limited to areas of environmental significance, wildlife and environmental corridors and waterways and wetlands;
- (c) the physical characteristics of the land are suitable for development. If the land is subject to adverse impacts from natural hazards, development in greenfield

areas is avoided unless the risk can be mitigated to protect people and property to an acceptable level;

- (d) development will not result in visual impacts, loss of scenic values and permanent scarring of the landscape;
- (e) future social and economic needs and characteristics are catered for;
- (f) development does not cause or exacerbate existing land use conflicts with respect to major industrial uses (including the Gracemere and Parkhurst industrial areas) or other land uses such as existing intensive rural land uses or extractive industry;
- (g) provide for a variety of residential lot sizes and designs;
- (h) the balance of land or future stages of large greenfield sites are retained in large parcels;
- (i) development occurs in a way that provides for the most efficient connection and maintenance of trunk infrastructure; and
- (j) development is consistent with the strategic framework maps (SFM-1 to SFM-4).

Not applicable: The proposal does not involve the introduction of a new community.

- (13) Greenfield urban and new urban areas may provide higher residential densities (generally in accordance with the urban infill and intensification section) when adjoining a new centre that is designated within this strategic framework.

Not applicable: The site is not located in a greenfield urban or new urban area and the proposal does not involve the introduction of a new centre.

- (14) Until planned and developed, urban and new urban areas are maintained in large parcels to prevent fragmentation which will compromise the future coordination of urban development.

Complies: The site is located within an existing urban area. While the proposal does not involve residential development, the Health Care Services use will not fragment the existing development pattern in the Low Density Residential Zone and will not compromise the coordination of future urban development in Rockhampton.

- (15) Future greenfield development in Rockhampton is directed to Norman Gardens and Parkhurst to avoid areas affected by flooding to the south and west and steep land/environmental constraints to the east.

Not applicable: The proposal does not involve greenfield development. .

- (16) The planned Central Queensland University (CQU) priority development area is a significant greenfield development site within the urban area which will provide additional opportunities to accommodate residential growth.

Not applicable: The site is not located in the CQU priority development area and will not have any negative impacts onto the Central Queensland University priority development area.

- (17) Infill development is encouraged in existing urban areas, particularly within proximity to centres, transport, and community and recreation facilities.

Complies: The proposed Health Care Services use will be located in an existing Dwelling House and does not involve the construction of any new buildings or structures.

- (18) The residential stables precinct will continue to be a suitable location for the stabling of horses within proximity to Callaghan Park, provided that impacts upon surrounding sensitive land use(s) are mitigated.

Not applicable: The proposal is not for the stabling of horses and the subject site is not located in a residential stables precinct.

- (19) No additional local centres or higher order centres are required within greenfield areas with the exception of a local centre in North Parkhurst (along William Palfrey Road on Lot 5 SP238731) that develops commensurate with the population of the immediate catchment.

Not applicable: The proposal will not involve the introduction of additional local centres or higher order centres in greenfield areas.

3.4.3 Element – Natural Hazards and Climate Change

3.4.3.1 Specific Outcomes

- (1) Development minimises the risk to human life and property (including risks to infrastructure and economic assets) from coastal processes, natural hazards (including flood, erosion, storm tide, bushfire and landslide) and the possible impacts as a result of climate change as established by the best science of the day (precautionary approach).

Complies: The site is located within the Fitzroy Flood Overlay area and contains areas of medium, high and extreme flood hazard. The proposal will involve the enclosure of the ground floor of the existing dwelling house which will be used for the storage and maintenance of mobility aids. An Engineering Report has demonstrated that the enclosure of the ground floor will have negligible impacts on the afflux, velocities or depths associated with the on-site flood hazard. Further, given the small-scale nature of the proposal the risks to human life are insignificant as a result of the proposal.

- (2) Development occurs in areas where it is commensurate with the identified level of risk to persons, property and infrastructure.

Complies: An Engineering Report was provided which demonstrates that the enclosure of the ground floor will have negligible impacts on the afflux, velocities or depths associated with the on-site flood hazard.

- (3) Development maximises flood immunity by avoiding planning area 1 in identified creek catchments, high or extreme hazard riverine flooding areas and not increasing flood impacts within existing areas.

Complies: The site is identified as containing high and extreme flood hazard areas. Despite this, the proposal will be located on the ground floor of an existing Dwelling House and does not involve the construction of any new buildings or structures. The only works to be carried out from the proposal will be the enclosure of the ground floor of the Dwelling House. An Engineering Report demonstrated that the enclosure of the ground floor would have negligible impacts on the afflux, velocities or depths associated with the on-site flood hazard.

- (4) The identified settlement pattern is adhered to as it has been determined to avoid further expansion of urban and rural residential uses into high and extreme hazard areas and to mitigate the hazard risk in built up urban areas.

Complies: The proposal will not involve the expansion of urban uses into areas of high or extreme flood hazard.

- (5) Significant areas of Rockhampton are already established within the Fitzroy River floodplain. Within these areas, the flood risk will be managed by avoiding the intensification of development and the subdivision of land in high or extreme hazard areas.

Complies: The proposal does not involve the further intensification of residential development or subdivision of land in the Fitzroy River floodplain. The proposal is to enclose the ground floor area of the existing Dwelling House. An Engineering Report demonstrated that the enclosure of the ground floor will not negatively impact the surrounding properties.

- (6) Development must be able to withstand the short-term impacts of cyclones, including high wind loadings, erosion and flash flooding.

Complies: The proposal is located on the ground floor of an existing Dwelling House and can withstand the short-term impacts of a cyclone event.

- (7) Development does not occur where the risk of release of hazardous materials as a result of a natural hazard event cannot be avoided.

Not applicable: The proposal does not involve the use of any hazardous materials.

- (8) Development ensures the natural processes and the protective function of landforms and vegetation is maintained in natural hazard areas.

Complies: The proposal will not alter the local topography, landforms and vegetation in the natural hazard area.

- (9) Land identified in statutory planning instruments as required for future hazard mitigation works is protected from development that compromises these projects.

Complies: The site is not located in an area identified as required for future hazard mitigation works and the proposal will not compromise these projects.

The performance assessment of the proposal demonstrates that the proposal generally complies with the Strategic Framework of the *Rockhampton Region Planning Scheme 2015*. The proposal involves the establishment of a Health Care Services use which is not consistent with the intent of the Low Density Residential Zone or the urban area designation under the planning scheme. Further, the site is also located in area which is identified as containing a high hazard flood.

While the Health Care Services use is not consistent with the zone, the use will not compromise the integrity of the Low Density Residential Zone or the region's urban areas from further residential intensification. Further, it has been demonstrated that the proposal will have negligible impacts on the afflux, velocities or depths associated with the on-site flood hazard.

Low Density Residential Zone

The site is located within the Low Density Residential Zone under the *Rockhampton Region Planning Scheme 2015*. The purpose of the Low Density Residential Zone identifies that: -

- (1) The purpose of the low density residential zone code is to provide for predominantly dwelling houses supported by community related activities and small-scale services and facilities that cater for local residents.
- (2) The local government purpose of the zone code is to:
 - (a) provide locations where residential uses, predominantly in the form and type of single detached one (1) storey and two (2) storey dwelling houses on individual lots are preferred to develop;
 - (b) provide for the development of a mixture of other residential land use types that provide for long-term residency, where they are sited and designed to maintain the existing urban form (low rise and low density) and amenity of the surrounding area;
 - (c) minimise land use conflict and ensure that community and recreation facilities develop only where they are consistent with amenity and characteristics of the surrounding area; and
 - (d) ensure that development within the zone has appropriate standards of infrastructure and essential services.
- (3) The purposes of the zone will be achieved through the following overall outcomes:
 - (a) development provides for predominantly single detached dwellings and dual occupancies on individual lots of varying sizes maintaining a generally low-rise built form and low density character;

- (b) residential development within the zone are of a type which primarily provides for the long-term accommodation of residents;
- (c) low-rise multiple dwellings, relocatable home parks, residential care facilities, retirement facilities and tourist parks develop in the zone when they are situated in proximity (convenient walking distance) to parks, centres and major community facilities (hospital, university etcetera) and have access to higher order roads (minor urban collector or higher), or public transport;
- (d) non-residential uses only occur within the zone where they:
 - (i) do not compromise the residential character and existing amenity of the surrounding area;
 - (ii) are small-scale and consistent with the surrounding urban form;
 - (iii) primarily function to service the needs of the immediate local residential community;
 - (iv) do not detract from the role and function of centres;
 - (v) do not result in the expansion of a centre zone; and
 - (vi) in proximity to higher order roads (minor urban collector or higher);
- (e) no additional local centres or higher order centres are required within the low density residential zone. South Gracemere is to accommodate a neighbourhood centre commensurate with the population of the immediate catchment;
- (f) new proposed centres within greenfield areas are not intended to accommodate full-line supermarkets;
- (g) development maximises opportunities for surveillance, activation of street fronts, integration with surrounding streetscapes, and presents an attractive appearance to the street with variations in built form, shape and colour;
- (h) development maintains a high level of residential amenity having regard to traffic, noise, dust, odour, lighting and other locally specific impacts;
- (i) new residential developments are not located in proximity to existing incompatible uses such as rural uses, industrial uses and major community facilities without separation distances, landscaping and screening that minimise impacts on amenity in relation to noise, odour, dust, light, loss of privacy or other adverse impacts;
- (j) new residential developments are located and integrated with existing neighbourhoods;
- (k) development is sited and designed to respond to the region's climate (sustainable practices for maximising energy efficiency, water conservation and public/active transport use), local heritage features, natural landscape features and environmental constraints (including but not limited to topography, bushfire and flooding);
- (l) development provides connection to pathways, cycle ways, roads and public transport infrastructure commensurate with the needs of the use;
- (m) development is serviced by infrastructure that is commensurate with the needs of the use; and
- (n) the establishment of one (1) precinct within the zone where particular requirements are identified:
 - (i) residential stables precinct.

The application is not consistent with the purpose of the zone. However, the proposal is small in scale and will not compromise the integrity of the surrounding area from providing a

range of housing options and is considered to be consistent with the surrounding built form and streetscape.

Rockhampton Regional Planning Scheme Codes

The following codes are applicable to this application: -

- Low density residential zone code;
- Access, parking and mobility code;
- Landscape code;
- Stormwater management code;
- Waste management code; and
- Flood hazard overlay code.

An assessment has been made against the requirements of the abovementioned codes and the proposed development generally complies with the relevant Performance Outcomes and Acceptable Outcomes. An assessment of the Performance Outcome/s which the application is in conflict with, is outlined below:

Low Density Residential Zone Code		
Performance Outcome/s		Officer’s Response
PO12	Vehicle parking facilities are located and concealed to ensure an attractive streetscape and built form.	One (1) disabled car park is located within the front building setback. Despite its position, the siting of this disabled car park will not detract from the existing streetscape and built form of the surrounding area. Further, the proposal does afford four (4) car parks behind the existing dwelling house which are concealed from the streetscape, ensuring that the surrounding residential amenity is maintained.
PO23	Landscaping and streetscaping is provided to: <ul style="list-style-type: none"> (a) enhance public streets and spaces; (b) create an attractive environment that is consistent with, and defines, the local character of the zone; (c) enhance the appearance of the development; (d) screen components of development from adjoining sensitive land uses or from the street; (e) separate and screen residential uses from industrial zoned land or a lawfully operating industrial use; and (f) allow shading for pedestrian comfort. 	<p>The proposal does not afford a minimum landscaped area of ten (10) per cent of the total site area. Three (3) separate landscape areas are proposed within the front building setback but do not occupy ten (10) per cent of the total site area.</p> <p>Despite the non-compliance, the siting of the existing Dwelling House, and the location of the proposed disabled car park and concrete driveway, provide limited space for landscaped areas within the front setback. Further, the need for additional landscaped areas to soften the built form is not considered to be necessary for this proposal as it is small-scale in nature and will not detract from the existing residential amenity.</p>

Flood Hazard Overlay Code		
Performance Outcome/s		Officer's Response
PO9	<p>Development directly, indirectly and cumulatively avoids:</p> <p>(a) creating flowpath obstacles; or</p> <p>(b) increasing water flow velocity or flood levels; and</p> <p>(c) does not increase the potential for flood damage on the premises or on other properties.</p>	<p>The proposal involves the enclosure of the ground floor of the existing Dwelling House which may result in changes to the existing flood characteristics and create a flowpath obstacle.</p> <p>An Engineering Report has indicated that the enclosure of the ground floor will have negligible impacts on the afflux, velocities or depths associated with the on-site flood hazard and will not increase the potential for flood damage on the premises or other surrounding buildings.</p>

Based on a performance assessment of the above mentioned codes, it is determined that the proposal is acceptable and generally complies with the relevant Performance outcomes and where there is deviation from the codes, sufficient justification has been provided.

Sufficient Grounds

The proposed development cannot be considered consistent with the *Rockhampton Region Planning Scheme 2015*. Council should note, however, that pursuant to section 326(1)(b) of the *Sustainable Planning Act 2009*, the assessment manager's decision may conflict with the planning scheme if there are sufficient grounds to justify the decision despite the conflict. Sufficient grounds to support the development are as follows:

- a) The proposal is for a small-scale Health Care facility for repairing and maintaining wheelchairs and other mobility aids only, which is located under an existing Dwelling House and occupies a maximum Gross Floor Area of 130 square metres;
- b) The proposed development will not compromise the primary purpose of the Low Density Residential Zone from providing predominantly dwelling houses supported by small-scale services and facilities that cater for local residents;
- c) The appearance of the existing Dwelling House will be maintained as a result of the proposal, and the scale and intensity of the use will not detract from the existing streetscape and residential amenity of the surrounding area;
- d) The proposed use does not compromise the strategic framework in the *Rockhampton Region Planning Scheme 2015*;
- e) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and
- f) The proposed development does not compromise the relevant State Planning Policy.

Having regard to all of the above, it is recommended Council, from a land use perspective, consider the proposed development favourably as there are considered to be sufficient grounds to justify a decision that favours the alternative land uses proposed herein.

INFRASTRUCTURE CHARGES

Adopted Infrastructure Charges Resolution (No. 5) 2015 for non-residential development applies to the application and it falls within Charge Area 1. The Infrastructure Charges are as follows:

Column 1 Use Schedule		Column 2 Charge Area	Column 3 Adopted Infrastructure Charge		Column 4 Adopted Infrastructure Charge for stormwater network		Calculated Charge
			(\$)	Unit	(\$)	Unit	
Essential Services	All uses as per AICN 4/14 Table 2.2.1	Area 1	119	per m ² of GFA			\$15,470.00
					8.50	per m ² of impervio us area	\$1,207.00
Total							\$16,677.00
Less credit							\$42,000.00
TOTAL CHARGE							\$0.00

This is based on the following calculations:

- (a) A charge of \$15,470.00 for Gross Floor Area being 130 square metres (storage area, disabled bathroom and laundry);
- (b) A charge of \$1,207.00 for Impervious Area being 142 square metres (hardstand areas, access, and parking areas); and
- (c) An Infrastructure Credit of \$42,000.00 being two (2) additional lots. The proposal consist of three (3) allotments of which the existing house will consume the credit of one (1) allotment and the remaining two (2) lots will obtain a credit of \$21,000.00 each.

Therefore, a total Infrastructure Credit of \$25,323.00 will remain over the land. No Infrastructure Charge will be applicable to this application.

CONSULTATION

The proposal was the subject of public notification between 19 May 2016 and 10 June 2016, as per the requirements of the *Sustainable Planning Act 2009*, and no submissions were received.

REFERRALS

This application did not trigger any referrals to any concurrence agency.

CONCLUSION

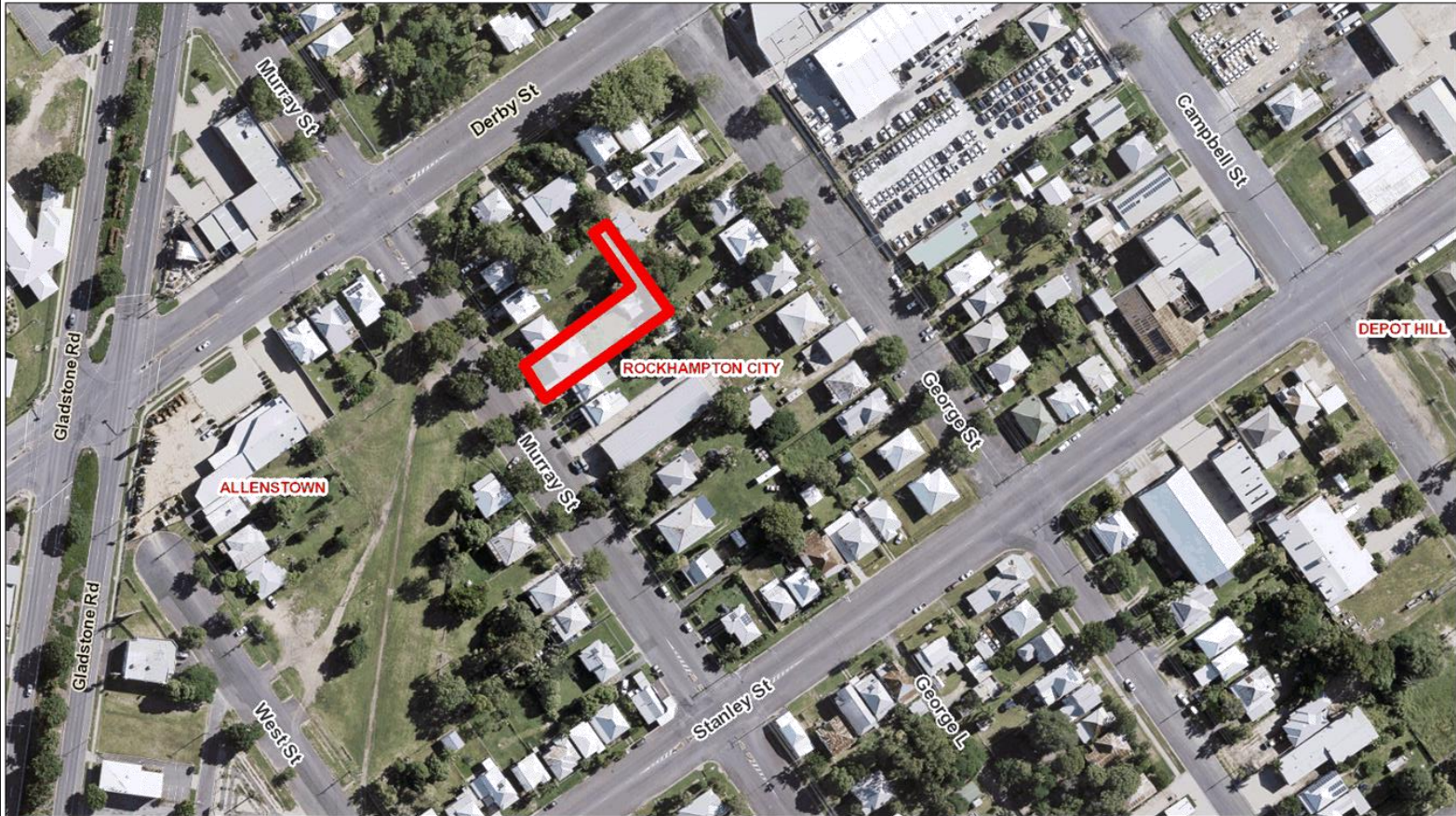
The application for a Material Change of Use for Health Care Services is not consistent with the intent of the Low Density Residential Zone. As demonstrated above, there are sufficient grounds to justify the conflict with the planning scheme and the proposal is also considered to be generally compliant with the relevant codes. Therefore, the application is recommended for approval subject to the conditions outlined in the recommendation.

**D/34-2016 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR HEALTH CARE
SERVICES**

Locality Plan

Meeting Date: 19 July 2016

Attachment No: 1



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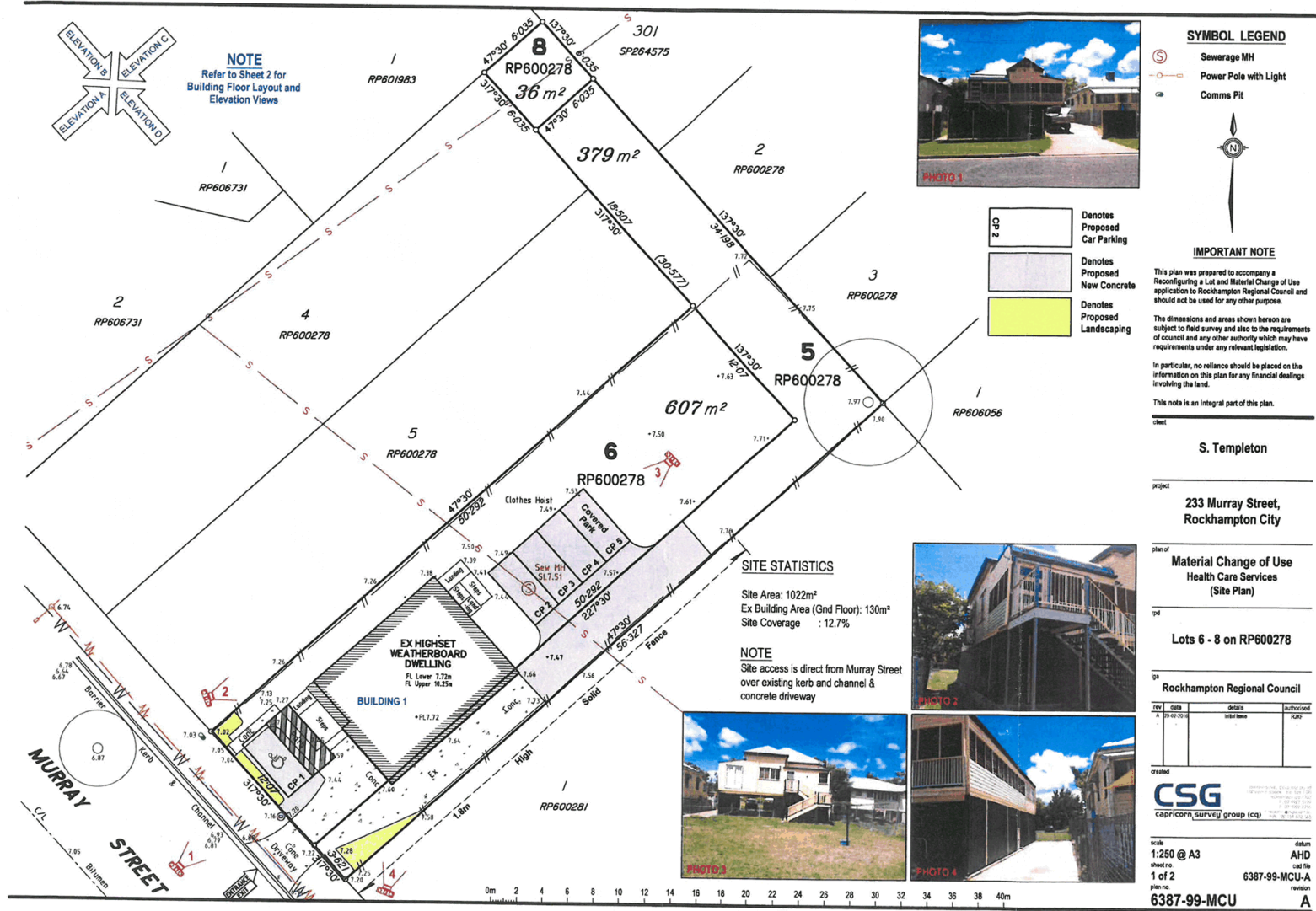


**D/34-2016 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR HEALTH CARE
SERVICES**

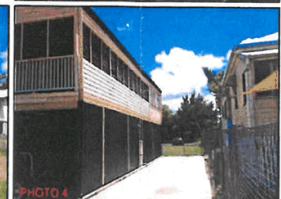
Site Plan

Meeting Date: 19 July 2016

Attachment No: 2



NOTE
Refer to Sheet 2 for Building Floor Layout and Elevation Views



- SYMBOL LEGEND**
- Sewerage MH
 - Power Pole with Light
 - Comms Pit



IMPORTANT NOTE

This plan was prepared to accompany a Reconfiguring a Lot and Material Change of Use application to Rockhampton Regional Council and should not be used for any other purpose.

The dimensions and areas shown hereon are subject to field survey and also to the requirements of council and any other authority which may have requirements under any relevant legislation.

In particular, no reliance should be placed on the information on this plan for any financial dealings involving the land.

This note is an integral part of this plan.

- Denotes Proposed Car Parking
- Denotes Proposed New Concrete
- Denotes Proposed Landscaping

SITE STATISTICS

Site Area: 1022m²
 Ex Building Area (Gnd Floor): 130m²
 Site Coverage : 12.7%

NOTE
Site access is direct from Murray Street over existing kerb and channel & concrete driveway

S. Templeton

project
233 Murray Street, Rockhampton City

plan of
Material Change of Use Health Care Services (Site Plan)

of
Lots 6 - 8 on RP600278

by
Rockhampton Regional Council

rev	date	details	authorised
A	29.02.2016	initial issue	RJZ

created
CSG
capricorn_survey group (cc)

scale
1:250 @ A3

sheet no
1 of 2

plan no
6387-99-MCU

datum
AHD

cad file
6387-99-MCU-A

revision
A

8.2 REQUEST FOR A COUNCIL RESOLUTION REGARDING APPLICATIONS TO BE ASSESSED UNDER A SUPERSEDED PLANNING SCHEME FOR STORAGE SHEDS ALONG BOWLIN ROAD, PORT CURTIS

File No: 3565
Attachments: 1. Locality Plan
Authorising Officer: Tarnya Fitzgibbon - Manager Development and Building
Robert Holmes - General Manager Regional Services
Author: Anton de Klerk - Planning Officer

SUMMARY

An audit was undertaken by Council's Development Compliance Section to determine which structures were constructed on properties on Bowlin Road prior to the commencement of the Rockhampton Region Planning Scheme 2015; eleven (11) Class 10 structures were found on eleven (11) allotments (as listed below). A departmental decision was made that any application to apply the superseded planning scheme for these existing structures would be supported as they were exempt under the planning scheme which was applicable at that point in time. It was further decided that no new development on these lots would be supported due to the new zoning and severe flooding impacts; however, subsequent recommendations by the Planning and Regulatory Committee have supported that development as it was in compliance with the previous Planning Scheme which could still be applied until late August 2016. A Committee direction is sought on the direction to be taken on application that may be received for that area prior to the expiration of the opportunity to utilise the previous Planning Scheme.

OFFICER'S RECOMMENDATION

RECOMMENDATION A

THAT Council direct that any application lodged prior to and including 23 August 2016 for a request to be assessed under the superseded planning scheme (*Fitzroy Shire Planning Scheme 2005*) for a shed (class 10 structure) over Lots 1 to 30, 33 to 45, 51, 52, 60, 62, 63 and 65 on RP601383; Lots 1 and 2 on RP601384; Lot 162 on PL4023 and Lot 92 on LN2547 be **supported** under delegation despite conflict with the current *Rockhampton Region Planning Scheme 2015*.

RECOMMENDATION B

THAT Council direct that any application lodged after and including 24 August 2016 for a request to be assessed under the superseded planning scheme (*Fitzroy Shire Planning Scheme 2005*) for a shed (class 10 structure) over Lots 1 to 30, 33 to 45, 51, 52, 60, 62, 63 and 65 on RP601383; Lots 1 and 2 on RP601384; Lot 162 on PL4023 and Lot 92 on LN2547 be **refused** under delegation and to be assessed under the current *Rockhampton Region Planning Scheme 2015*.

BACKGROUND

The historic subdivision area along Bowlin Road, Port Curtis, (consisting of sixty-five (65) allotments) was zoned Rural and did not trigger any overlays under the superseded Planning Scheme (*Fitzroy Shire Planning Scheme 2005*). Sheds within this rural historic subdivision area were supported in accordance with the superseded planning scheme, when the shed was associated with a rural activity operating from the site. In this circumstance, a shed could have been exempt from being assessed by the planning scheme and only required building permits.

The current *Rockhampton Region Planning Scheme 2015* was adopted on 24 August 2015 and replaced the superseded *Fitzroy Shire Planning Scheme 2005*. Under the *Rockhampton Region Planning Scheme 2015* this area is now located within the Limited Development Zone and is affected by the Fitzroy River Flood Overlay. In accordance with the

Rockhampton Region Planning Scheme 2015, the Limited Development Zone does not support any buildings and/or structures to be developed within this area.

On 28 June 2016, it was recommended at a Council meeting that all requests for storage sheds along Bowlin Road, Port Curtis that are assessed under the superseded planning scheme, be supported. In this instance, Council may only assess such requests until 23 August 2016 in accordance with section 95 of the *Sustainable Planning Act 2009* (which is one (1) year after the new planning scheme was adopted). All requests received after 23 August 2016 must be assessed under the current *Rockhampton Region Planning Scheme 2015*.

COMMENTARY

An audit was undertaken by Council's Development Compliance Section to determine which structures were constructed on properties on Bowlin Road prior to the commencement of the *Rockhampton Region Planning Scheme 2015*; eleven (11) Class 10 structures were found on eleven (11) allotments (as listed below). A departmental decision was made that any application to apply the superseded planning scheme for these existing structures would be supported as they were exempt under the planning scheme which was applicable at that point in time. It was further decided that no new development on these lots would be supported due to the new zoning and severe flooding impacts; however, subsequent recommendations by the Planning and Regulatory Committee have supported that development as it was in compliance with the previous Planning Scheme which could still be applied until late August 2016. The following is a summary of the current situation in that area:

Eleven (11) Lots containing a storage shed prior to the adoption of the Rockhampton Region Planning Scheme 2015:

1. Lot 47 on RP601383
2. Lot 48 on RP601383
3. Lot 49 on RP601383
4. Lot 50 on RP601383
5. Lot 53 on RP601383
6. Lot 55 on RP601383
7. Lot 56 on RP601383
8. Lot 57 on RP601383
9. Lot 58 on RP601383
10. Lot 59 on RP601383
11. Lot 61 on RP601383

Since the adoption of the *Rockhampton Region Planning Scheme 2015*, Council has approved two (2) requests to be assessed under the superseded planning scheme. Neither formed part of the existing eleven (11) sheds as listed above (namely over Lots 46 and 54 on RP601383).

Local Government Responsibilities:

Strategic Planning Comments

The previous rural historic subdivision area along Bowlin Road is located in the Limited Development (constrained land) Zone under the *Rockhampton Region Planning Scheme 2015*. The purpose of this zone is to identify land that is significantly affected by one or more development constraints. The sixty-five (65) allotments located in this area are triggered by extreme riverine flood overlays which indicate predominantly high and extreme flood hazard levels. Under the *Rockhampton Region Planning Scheme 2015*, new buildings or structures are not supported in high and extreme flood hazard areas. The strategic framework clearly indicates that development is avoided in high and extreme flood hazard riverine areas.

The Fitzroy River flood modelling was updated in 2014 to include the infrastructure upgrades to Yeppen North and South. The study area was extended to incorporate most of Port Curtis, including the subject lots. It is part of the state interest requirements and the recommendation of the Queensland Flood Commissions of Inquiry that the latest available flood hazard mapping is incorporated into planning instruments. This mapping was included within the *Rockhampton Region Planning Scheme 2015*.

When determining whether to approve requests for assessment under a superseded planning scheme, it is important for the intents of forward planning instruments such as the *Rockhampton Region Planning Scheme 2015* are considered.

Engineering Comments

Development within this historic subdivision along Bowlin Road, Port Curtis, is proposed to be limited to small scale rural uses and a limited range of development that does not require urban standards of infrastructure. However, should further development be encouraged within this area, a number of concerns are required to be addressed and/or considered, for example:

- a) What are the cumulative impacts that the sheds will have on the inundation extents in this area?
- b) Has engineering consideration been given to sheds accommodating a major flood event? Will the sheds be designed to withstand a major flood event? Since a shed could be exempt under the superseded planning scheme, there are no mechanisms to control or condition this. Furthermore, will there be any impacts downstream due to debris should the sheds not be able to withstand a major flood event?
- c) Bowlin Road is currently constructed to a Rural Access standard. Considering that this area could potentially develop a total of sixty-five (65) sheds, it is estimated that an excess of 150 vehicle trips per day could be generated along Bowlin Road (using the *RTA Guide to Traffic Generating Development*). As there is currently no constructed road past 312 Bowlin Road, there could be an expectation for Council to design and construct a road to service these properties. As the generated traffic is potentially above 150 vehicle trips per day, this road will be required to be constructed to a Rural Minor Collector standard. Strategic Infrastructure estimates that the cost to build four (4) kilometres of unconstructed road to service these properties would be in excess of \$3.5 million. Furthermore, due to the likely flooding impacts from the river, this may even be higher.
- d) In addition to item (c) above, the currently constructed but unsealed portion of Bowlin Road (from Quay Street extended to 312 Bowlin Road) will also be required to be sealed. Under Council's "*Upgrading of Unsealed Rural Roads to Sealed Standard Policy*", Council are obliged to seal a road with a volume in excess of 150 vehicle trips per day. Therefore, allowing further development along Bowlin Road could require the sealing of an additional 4.5 kilometres of rural road which is estimated to cost in excess of \$400,000. It should be noted that additional costs may also be required to improve Bowlin Road's current flood immunity via culvert drainage, given the increase in traffic volumes and increase in road standard.

It is recommended that all requests to be assessed under the superseded planning scheme for storage sheds within the rural historic subdivision area along Bowlin Road, Port Curtis, be refused for the following reasons:

- it is in conflict with the new *Rockhampton Region Planning Scheme 2015* – strategic framework, zone and overlay codes;
- it is located in a predominantly high to extreme flood hazard area;
- access during a flood event is cut-off for extended periods of time;
- the cumulative impacts that the sheds will have on the inundation extents in this area is unknown;

- it is not guaranteed that the sheds will be able to withstand a major flood event (and the debris could also have further impacts downstream);

there could be an expectation for Council to design and construct a road to service these properties which could be in excess of \$3.9 million (excluding maintenance costs).

CONCLUSION

It is likely that Council will receive more requests to be assessed under the superseded planning scheme for Building Works for sheds over the remaining lots in the historical subdivision area along Bowlin Road, Port Curtis, being Lots 1 to 30, 33 to 45, 51, 52, 60, 62, 63 and 65 on RP601383; Lots 1 and 2 on RP601384; Lot 162 on PL4023 and Lot 92 on LN2547.

There will be an expectation from the owners of those lots that they will receive an approval over these lots for a shed (class 10 structure), despite conflicts with the current *Rockhampton Region Planning Scheme 2015*. Accordingly, Council officer's recommendations will be to refuse these requests to be assessed under the superseded planning scheme based on the conflicts with the current scheme. However, it was indicated at the Council meeting on 28 June 2016 that requests to be assessed under the superseded planning scheme can be supported until 23 August 2016. This date will mark the twelve (12) month period for applications to be assessed under a superseded planning scheme in accordance with section 95 of the *Sustainable Planning Act 2009*. Thus, from 24 August 2016, all development must be assessed by the current *Rockhampton Region Planning Scheme 2015*.

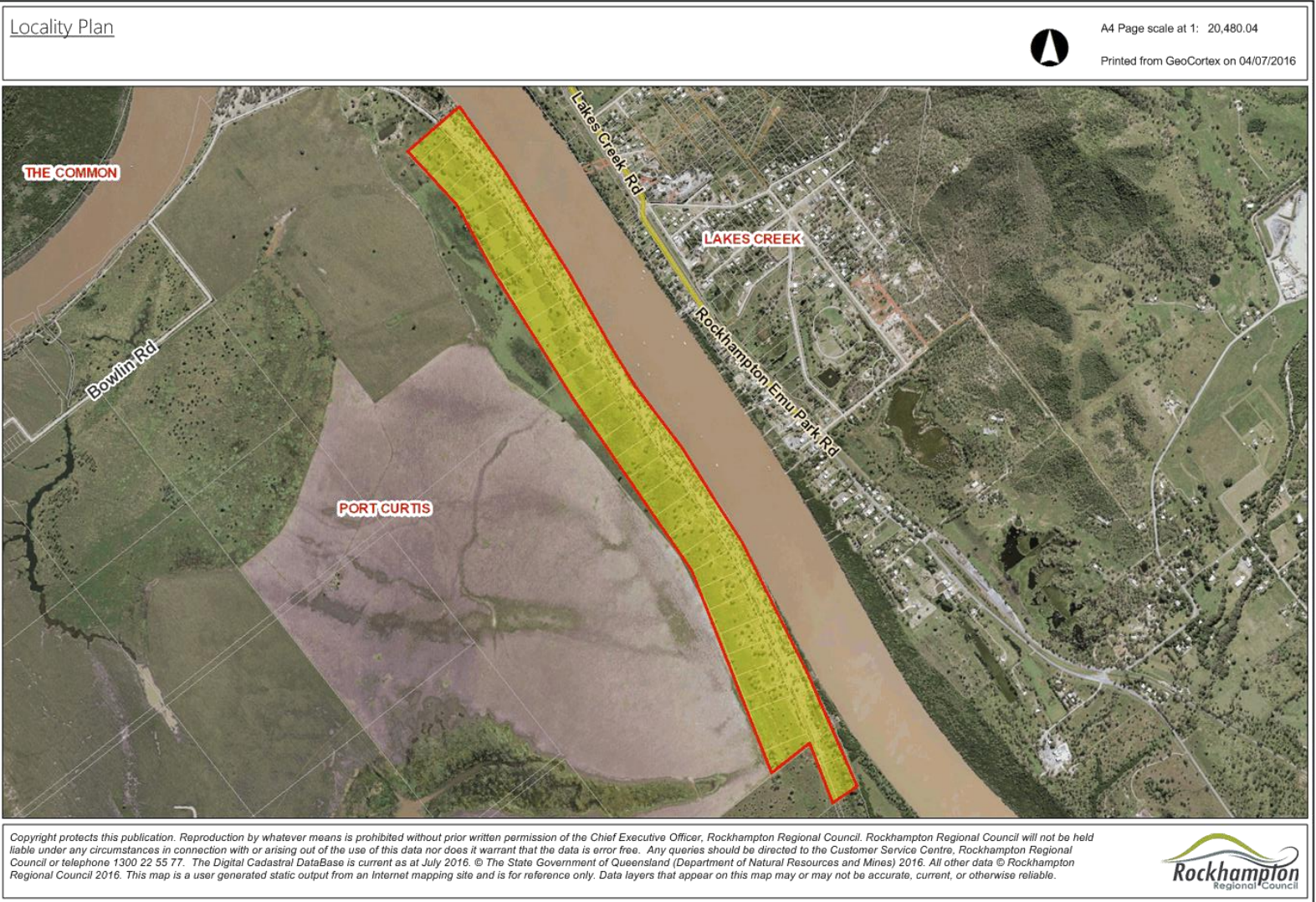
Furthermore, to streamline the process for any future requests to be assessed against the superseded planning scheme (Fitzroy Shire Planning Scheme 2005) for sheds to be built on the remaining lots in the historical subdivision along Bowlin Road, Port Curtis, it was recommended to provide a resolution to Council which could be adopted, as outlined below.

**REQUEST FOR A COUNCIL
RESOLUTION REGARDING
APPLICATIONS TO BE ASSESSED
UNDER A SUPERSEDED PLANNING
SCHEME FOR STORAGE SHEDS
ALONG BOWLIN ROAD, PORT CURTIS**

Locality Plan

Meeting Date: 19 July 2016

Attachment No: 1



8.3 APPLICATION UNDER THE DEVELOPMENT INCENTIVES POLICY FOR DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR BULK LANDSCAPING SUPPLIES

File No: D/167-2015

Attachments: 1. Locality Plan
2. Site Plan

Authorising Officer: Tarnya Fitzgibbon - Manager Development and Building
Robert Holmes - General Manager Regional Services

Author: Corina Hibberd - Planning Officer

SUMMARY

Development Application Number: D/167-2015

Applicant: K Anderson and P L Anderson

Real Property Address: Lot 3 on RP894582, Parish of Wiseman

Common Property Address: 320 Nicholson Road, Alton Downs

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zones: Rural Zone - Alton Downs Precinct

Type of Approval: Development Permit for a Material Change of Use for Bulk Landscaping Supplies

Date of Decision: 3 May 2016

Application Lodgement Fee: \$6,896.00

Infrastructure Charges: \$385.00

Infrastructure charges incentive: Not Eligible

Incentives sought: Development facilitation - 'all other areas' (50% discount for infrastructure charges)
Refund of Development Application Fees (100%)

OFFICER'S RECOMMENDATION

THAT in relation to the application under the Development Incentives Policy for a Development Permit for a Material Change of Use for Bulk Landscaping Supplies, on Lot 3 on RP894582, Parish of Nicolson, located at 320 Nicholson Road, Alton Downs, Council recommends the following:

- 1 Option 1. Council refuses the request as follows:
 - a. The request for a refund of the development application fee be refused; and
 - b. The request for a 50% concession of the infrastructure charges be refused.
- 2 Option 2. Council resolves to Approve the following incentives if the use commences prior to 3 May 2019:
 - a. A fifty per cent (50%) reduction of infrastructure charges to the amount of \$192.50;
 - b. A refund of the application lodgement fee amounting to \$6,896.00 on completing the development; and

That Council enter into an agreement with the applicant in relation to 2(a) and 2(b).

BACKGROUND

The business has been owned by the Anderson Family for 9 years with a current capital investment of \$400,000.00. There is 1 full time employee and 1 part time employee.

The project capital cost is estimated by the owner to be \$50,000.00.

Project outcomes anticipated by applicant:

The applicant has advised that the projected annual turnover will increase from \$50,000.00 and 1 additional job in year 1, to \$80,000 and 1 additional job in year 2 and finally to \$100,000.00 and 2 additional staff in year 3.

New jobs and investment:

As stated above, the applicant has advised that the business will grow its full time employee base by up to 4 jobs over 3 years. The applicant has provided an extensive list of local key project partners and suppliers, and has stated that local contractors/suppliers will make up 100% of the project.

Benefits of project for applicant's business:

The project commencement date is June 2016, with an estimated completion date of August 2016. The applicant has advised that this project will benefit the business "by enabling the business to grow, employ additional staff, and work within the set parameters of the MCU".

Benefits of project to Rockhampton Regional economy:

The applicant has provided the following statement:

"We ensure that all of our business expenditure is spent with small local business to ensure continued economic growth of our economy. Our employees live in the community and their families live, work, go to school etc. Each job that my business can provide helps keep another family in our region. As we are a small business, our overheads are low compared to large businesses, therefore we can supply product & services to other small business, individuals and rural clients that are more affordable, keeping the local economy moving forward."

PLANNING ASSESSMENT**Economic Development Unit's Comments – 25 May 2016**Support.

"The applicant's bulk landscape supply business will employ one full-time employee and a part-time staff member. In its initial year the business is expected to have a modest turnover of \$50,000, steadily increasing to \$80,000 in Year 2 and \$100,000 in Year 3. The establishment of the bulk landscape supply centre will result in a capital cost of \$50,000, most of which will be spent with Rockhampton Region suppliers."

"The material change of use will enable the applicant to undertake the project's construction, commence business and employ staff."

"The bulk landscape supplies centre is a welcome small business which is being established in the Rockhampton Region."

"As the Rockhampton Region has a lack of small businesses, all new ventures are welcome. While initially the business will have a limited turnover, it is expected to grow in later years and provide more employment."

"While the capital expenditure is modest, it will enable the establishment of another small business in the Rockhampton Region."

"While the initial employment and capital expenditure is modest, this will be another welcome small business which can grow and employ more people in time."

"The amount of the ICN refund is similarly modest \$192.50."

“Final Recommendation: I recommend the applicants be repaid \$192.50 being half of the infrastructure charges which related to this material change of use. I also recommend the applicant be repaid any development fees which they have paid.”

Town Planning Comments – 4 July 2016

Do not support.

The development application was initially triggered as the result of a compliance investigation. Council has extended many resources in negotiating with the applicant. The Development Assessment fee's should not be refunded, as the code assessable application was time consuming for Council officers in relation to ongoing negotiations.

The site is not within the Priority Infrastructure Area (PIA), which means it is not eligible to be assessed under the Development Incentives Policy.

Furthermore, the infrastructure charge is for gross floor area only, no charge was applicable for impervious area, as it is in charge area 3.

Therefore, this application is not eligible to be considered before the Planning and Regulatory Committee and will be recommended for refusal.

CONCLUSION

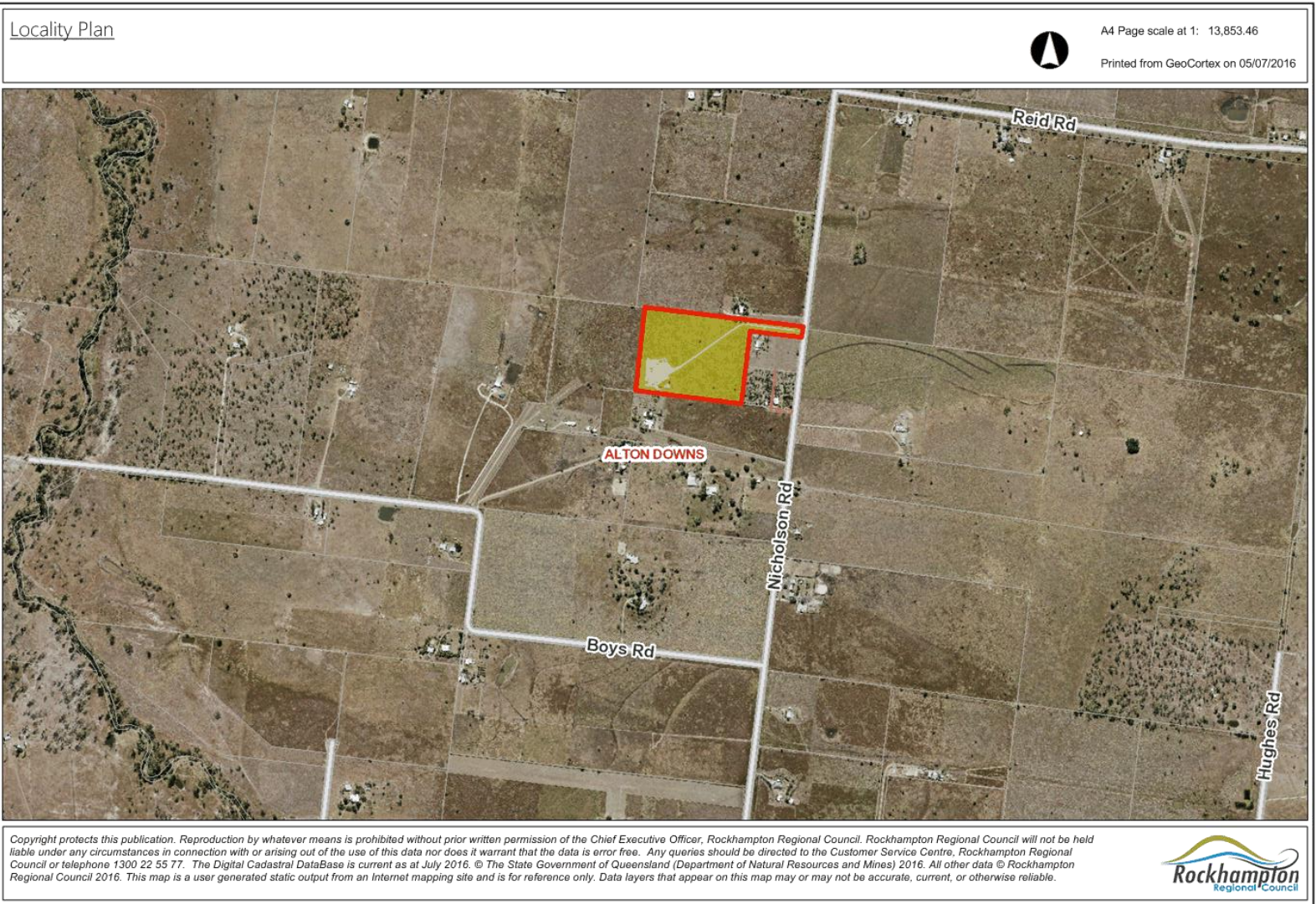
The development does not meet the eligibility criteria under the Development Incentives Policy. The applicant has demonstrated some economic benefits arising from the development. The committee must decide the outcome.

**APPLICATION UNDER THE
DEVELOPMENT INCENTIVES POLICY
FOR DEVELOPMENT PERMIT FOR A
MATERIAL CHANGE OF USE FOR
BULK LANDSCAPING SUPPLIES**

Locality Plan

Meeting Date: 19 July 2016

Attachment No: 1



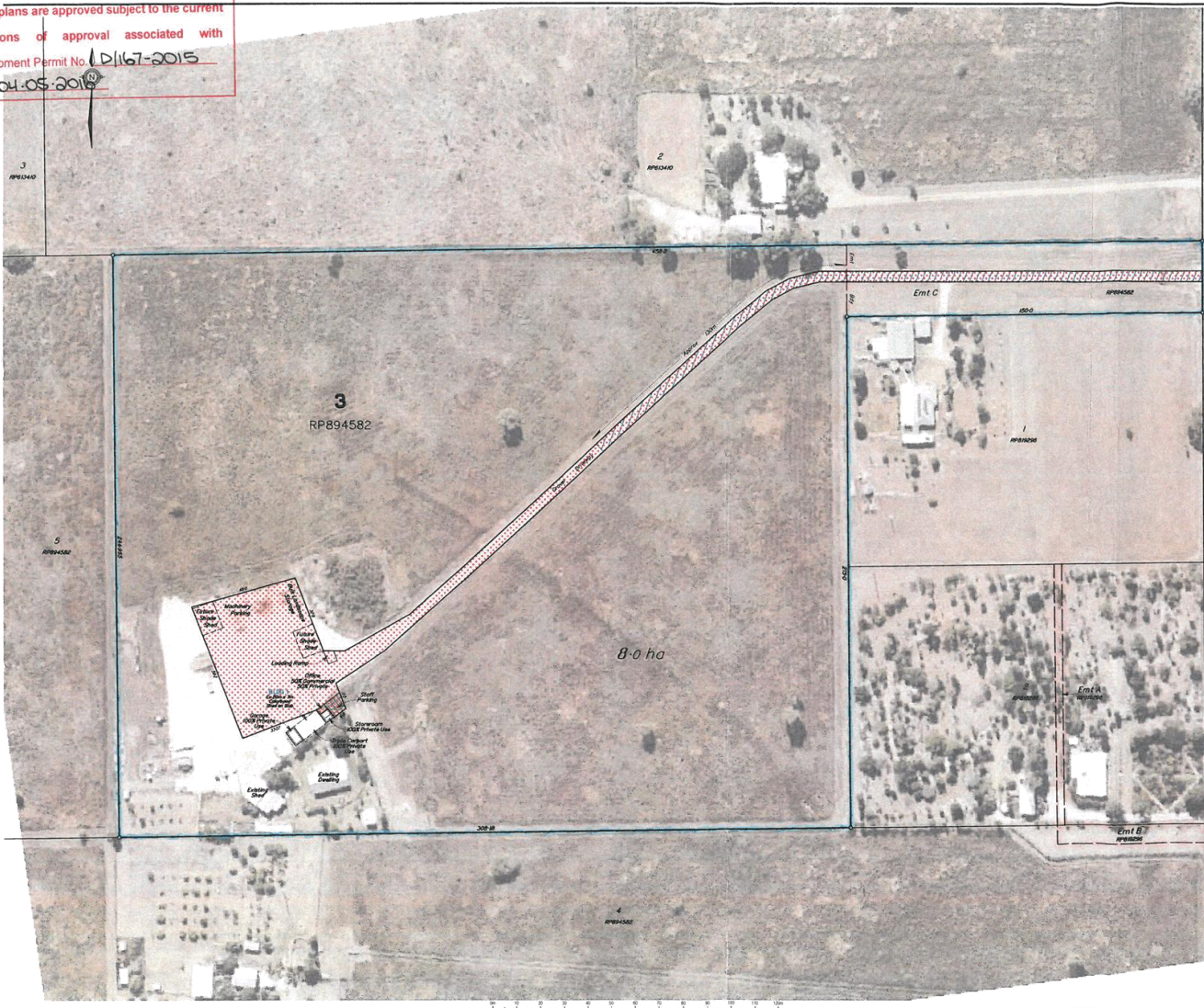
**APPLICATION UNDER THE
DEVELOPMENT INCENTIVES POLICY
FOR DEVELOPMENT PERMIT FOR A
MATERIAL CHANGE OF USE FOR
BULK LANDSCAPING SUPPLIES**

Site Plan

Meeting Date: 19 July 2016

Attachment No: 2

ROCKHAMPTON REGIONAL COUNCIL
 These plans are approved subject to the current conditions of approval associated with Development Permit No. DL167-2015
 Dated: 04-05-2016



SITE STATISTICS

Site Area	: 8.0 Ha
Building Area (Total)	: 147m² (Blg 1)
Building Area (GFA)	: 11m² (Blg 1 - 50% of Office)
Site Coverage	: Negligible (under 0.015%)
Stores	: 1
Max Building Height	: 3.15m (Blg 1)

SITE ACCESS
 By direct access from Nicholson Road (existing bitumen road). Then via approx 450m of 4.5m wide gravel driveway.

MCU Area 4800 m² *Site Area 2745m²*

(Includes approx 430m long, 4.5m wide access bund)

Dust Suppression Treatment Area 1200 m²	
Staff Car Parking Area 50m²	
Office Space GFA 11 m² 50% Commercial Use (2.25m x 4.25m)	

IMPORTANT NOTE

This plan was prepared to accompany a Material Change of Use application to Rockhampton Regional Council and should not be used for any other purpose.

The dimensions and areas shown herein are subject to field survey and also to the requirements of council and any other authority which may have requirements under any relevant legislation.

In particular, no reliance should be placed on the information on this plan for any financial dealings involving the land.

This note is an integral part of this plan.

client:
P. & K. Anderson

project:
320 Nicholson Road, Alton Downs

plan of:
Material Change of Use Bulk Landscape Supplies (Site Plan)

lot:
Lot 3 on RP894582 Parish of Wiseman County of Livingstone

lga:
Rockhampton Regional Council

rev	date	details	authorised
A	17-11-2015	Issue Issue	SKP

created:

scale:
1:750 @ A1

datum:
 -

sheet no:
1 of 1

plan no:
6352-01-MCU-A

revision:
6352-01-MCU A

8.4 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR OUTDOOR SPORT AND RECREATION (OPEN GARDEN)

File No: D/176-2015

Attachments: 1. Locality Plan
2. Site Plan

Authorising Officer: Tarnya Fitzgibbon - Manager Development and Building
Robert Holmes - General Manager Regional Services

Author: Corina Hibberd - Planning Officer

SUMMARY

Development Application Number: D/176-2015

Applicant: Ross and Carol Mylrea C/- Reel Planning Pty Ltd

Real Property Address: Lot 3 on SP264078, Parish of Murchison

Common Property Address: 72 McMillan Avenue, Parkhurst

Area of Site: 8.209 hectares

Planning Scheme: Rockhampton City Plan 2005

Planning Scheme Zone: Parkhurst Future (Post 2015) Residential Area

Planning Scheme Overlays: Steep or Unstable Land, Waterways

Existing Development: House and established gardens and outbuildings

Existing Approvals: House and outbuildings

Approval Sought: Development Permit for a Material Change of Use for Outdoor Sport and Recreation (Open Garden)

Level of Assessment: Impact Assessable

Submissions: Nil

Referral Agency(s): Nil

Infrastructure Charges Area: Charge Area 3

Application Progress:

<i>Application Lodged:</i>	10 December 2015
<i>Application Properly Made:</i>	16 December 2015
<i>Acknowledgment Notice issued:</i>	5 January 2016
<i>Request for Further Information sent:</i>	8 January 2016
<i>Request for Further Information responded to:</i>	27 May 2016
<i>Submission period commenced:</i>	2 June 2016
<i>Submission period end:</i>	24 June 2016
<i>Last receipt of information from applicant:</i>	27 June 2016
<i>Statutory due determination date:</i>	25 July 2016

OFFICER'S RECOMMENDATION

RECOMMENDATION A

That in relation to the application for a Development Permit for a Material Change of Use for Outdoor Sport and Recreation (Open Garden), made by Ross and Carol Mylrea C/- Reel Planning Pty Ltd, on Lot 3 on SP264078, located at 72 McMillan Avenue Parkhurst, Council

resolves to Approve the application despite its conflict with the planning scheme and provide the following grounds to justify the decision despite the conflict:

- a) The gardens are already fully established and will allow for guided tours only;
- b) The guided tours will be limited in size per day to minimise any traffic or infrastructure impacts;
- c) The use is unique and will create a tourism driven interest niche in Rockhampton;
- d) The proposed use does not compromise the strategic framework in the Rockhampton City Plan 2005;
- e) Assessment of the development against the relevant area intent, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and
- f) The proposed development does not compromise the relevant State Planning Policy.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for Outdoor Sport and Recreation (Open Garden), made by Ross and Carol Mylrea C/- Reel Planning Pty Ltd, on Lot 3 on SP264078, Parish of Murchison, located at 72 McMillan Avenue, Parkhurst, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken and completed and be accompanied by a Compliance Certificate for any operational works required by this development approval:
 - 1.3.1 to Council's satisfaction;
 - 1.3.2 at no cost to Council; and
 - 1.3.3 prior to the commencement of the use, unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
 - 1.5.1 Operational Works:
 - (i) Access and Parking Works.
 - 1.5.2 Plumbing and Drainage Works; and
 - 1.5.3 Building Works.
- 1.6 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the commencement of the use.
- 1.7 All works must be designed, constructed and maintained in accordance with the

relevant Council policies, guidelines and standards, unless otherwise stated.

- 1.8 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant Australian Standards and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

- 2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this permit:

<u>Plan/Document Name</u>	<u>Plan/Document Number</u>	<u>Dated</u>
Site Plan	1087 SKSA01	25 September 2015
Proposed recovery shelter	1087 MD02	22 February 2010
Ross and Carol Mylrea Information Request Response On-site Sewerage Facility	Steer Environmental Consulting Document D176-2015	20 May 2016

- 2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.
- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council prior to the submission of a Development Application for Operational Works.

3.0 ACCESS AND PARKING WORKS

- 3.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the site.
- 3.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Capricorn Municipal Development Guidelines, Australian Standard AS2890 “Parking Facilities” and the provisions of a Development Permit for Operational Works (access and parking works).
- 3.3 All parking spaces, access driveway(s), and vehicular manoeuvring areas associated with this proposed development must be concrete paved or sealed.
- 3.4 Any application for a Development Permit for Operational Works (access and parking works) must be accompanied by detailed and scaled plans which demonstrate the turning movements/swept paths of the largest vehicle to access the site.
- 3.5 A minimum of nineteen (19) parking spaces must be provided on-site. This includes two (2) universal access parking spaces and one (1) bus parking spaces.
- 3.6 Parking spaces must be line-marked as shown in the Site Plan (refer to condition 2.1) and in accordance with the Australian Standard AS2890 “Parking facilities” and the provisions of a Development Permit for Operational Works (access and parking works).

4.0 PLUMBING AND DRAINAGE WORKS

- 4.1 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act, Plumbing and Drainage Act, Council’s Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 4.2 On-site water supply for domestic and firefighting purposes must be provided and may include the provision of a bore, dams, water storage tanks or a combination of

each. This must be certified by a hydraulic engineer or other suitably qualified person.

- 4.3 The existing on-site sewerage facilities must be adequate for the proposed development. Should the existing on-site sewerage facilities not be adequate; an upgrade of the system must be provided. The upgrade must be in accordance with the Queensland Plumbing and Wastewater Code and Council's Plumbing and Drainage Policies
- 4.4 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the Plumbing and Drainage Act and Council's Plumbing and Drainage Policies.
- 4.5 In accordance with the Site Evaluation Report (refer to condition 2.1) for on-site sewerage facility, the septic tank must be de-sludged each year and desludging must be in accordance with Australian Standard AS1547:2000 "On-site domestic-wastewater management".

5.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 5.1 All roof and allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines, and sound engineering practice.
- 5.2 All roof and allotment runoff from the development must be discharged such that it must not restrict, impair or change the natural flow of runoff water or cause a nuisance or worsening to surrounding land or infrastructure.
- 5.3 Stormwater runoff from the car park must be discharged such that it must not cause a nuisance or worsening to surrounding land or infrastructure in comparison to the pre-development condition, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.
- 5.4 Easements must be provided over all land assessed to be within a one percent (1%) Annual Exceedance Probability defined flood inundation area.

6.0 SITE WORKS

- 6.1 All earthworks must be undertaken in accordance with Australian Standards, AS3798 "Guidelines on Earthworks for Commercial and Residential Developments".
- 6.2 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.

7.0 BUILDING WORKS

- 7.1 No structures must be located within the on-site sewerage treatment and disposal area or conflict with the separation distances, in accordance with the Queensland Plumbing and Wastewater Code.
- 7.2 Impervious paved waste storage area must be provided in accordance with the approved plans (refer to condition 2.1) and the Environmental Protection Regulation 2008 and must be:
- 7.2.1 designed and located so as not to cause a nuisance to neighbouring properties;
 - 7.2.2 aesthetically screened from any road frontage or adjoining property;
 - 7.2.3 should the residential type bins not be adequate for the development; commercial type bins must be required and must be serviced by a commercial contractor.

8.0 ELECTRICITY AND TELECOMMUNICATIONS

8.1 Electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.

9.0 ASSET MANAGEMENT

9.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.

9.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure) that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.

10.0 OPERATING PROCEDURES

10.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in McMillan Avenue or Alfred Road.

10.2 All waste storage areas must be:

10.2.1 kept in a clean and tidy condition; and

10.2.2 maintained in accordance with Environmental Protection Regulation 2008.

10.3 No more than twenty (20) visitors are allowed on site on any given day.

ADVISORY NOTES**NOTE 1. Aboriginal Cultural Heritage**

It is advised that under section 23 of the Aboriginal Cultural Heritage Act 2003, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are listed in the Aboriginal Cultural Heritage legislation. The information on Aboriginal Cultural Heritage is available on the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs website www.datsima.qld.gov.au

NOTE 2. General Environmental Duty

General environmental duty under the Environmental Protection Act 1994 prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the property during all stages of the development including earthworks, construction and operation.

NOTE 3. General Safety Of Public During Construction

The Work Health and Safety Act 2011 and Manual of Uniform Traffic Control Devices must be complied with in carrying out any construction works, and to ensure safe traffic control and safe public access in respect of works being constructed on a road.

RECOMMENDATION C

That in relation to the application for a Development Permit for a Material Change of Use for Outdoor Sport and Recreation (Open Garden), made by Ross and Carol Mylrea C/- Reel Planning Pty Ltd, on Lot 3 on SP264078, Parish of Murchison, located at 72 McMillan Avenue, Parkhurst, Council resolves not to issue an Infrastructure Charges Notice.

BACKGROUND**PROPOSAL IN DETAIL**

The proposal is for an existing and well established world-class private garden to become publicly accessible for tour groups. The site is over eight (8) hectares in area and boasts an extensive collection of 'world-class' flora species that have been legally imported from local and international sources. The proposal is for guided tours around the property with a limit of twenty (20) people per day. The site will have three (3) access points, one being for the private residence and the others as an in-and-out arrangement to a proposed carpark of eighteen (18) car spaces and one (1) bus space. It is important to note that the entire property is first and foremost a private residence and garden, however, the garden includes but is not limited to the following features:

- Croquet lawn
- Tennis courts
- Multiple garden sheds and shade/green houses
- Cactus gardens
- Agave and yucca garden
- Cycad collection and garden
- Exotic tropical fruit garden
- Frangipani garden
- Multiple lakes and large water features
- Existing orchard and proposed vineyard
- Hedge maze
- Colour and other themed gardens
- Rainforest gardens
- Balinese garden

SITE AND LOCALITY

The subject site is located on McMillan Avenue in north Parkhurst, which is generally characterised by large acreage lots and single dwelling houses, with semi-rural activities such as keeping horses and cattle. The area is mostly undeveloped, however Parkhurst is expanding toward this area, and is now zoned for low density residential uses. The subject site is fully established with gardens, a large house and outbuildings, and dams over a varying topography. The site adjoins Limestone Creek.

PLANNING ASSESSMENT**MATTERS FOR CONSIDERATION**

This application has been assessed by relevant Council planning, engineering, environmental health, and other technical officers as required. The assessment has been in accordance with the Integrated Development Assessment System provisions of the *Sustainable Planning Act 2009*, based on consideration of the relevant State Planning Policy; State Government guidelines; the Council's Town Planning Scheme, Planning Policies and other general policies and procedures, as well as other documents as considered relevant.

Development Engineering Comments – 1 June 2016

Support, subject to conditions.

Public and Environmental Health Comments

Support, subject to conditions.

TOWN PLANNING COMMENTS**Central Queensland Regional Plan 2013**

The *Central Queensland Regional Plan 2013* is a statutory document which came into effect on 18 October 2013. The development is not required to be assessed against the regional plan if this document is appropriately reflected in the local planning scheme. It is considered that the regional plan is appropriately reflected in the current local planning scheme.

State Planning Policy 2014

This policy came into effect in July 2014 and replaced all former State Planning Policies. This policy requires development applications to be assessed against its requirements until the identified state interests have been appropriately reflected in the local planning scheme.

Liveable communities

Complies. The neighbourhoods liveability is enhanced by the natural environment, creating a well-designed semi-public open space. The development complies with the requirements in the State Planning Policy.

Mining and extractive resources

Not Applicable. The development is not near or affected by mining or extractive resources.

Biodiversity

Not Applicable. The development does not relate to a matter of State Environmental Significance. Furthermore, the proposal improves the quality of Limestone Creek as it is properly maintained by the land owners.

Coastal environment

Not Applicable. The development does not relate to a coastal management area.

Water quality

Not Applicable. The application does not affect receiving waters or the water supply in South East Queensland.

Natural hazard, risk and resilience

Not Applicable. The site is not affected by bushfire hazard, flood hazard or steep land.

Emissions and hazardous activities

Not Applicable. The development is not affected by a hazardous activity as it is in a residential zone.

State transport infrastructure

Not Applicable. The development is not within 400 metres of a public passenger transport facility.

Strategic airports and aviation facilities

Not Applicable. The development does not affect a strategic airport.

Rockhampton City Plan 2005**Rockhampton City Plan Strategic Framework**

This application is situated within the Residential designation under Council's Strategic Framework Map.

The following Desired Environmental Outcomes, as identified within Chapter 2 of the *Rockhampton City Plan 2005* are applicable.

- (a) *Rockhampton continues to consolidate its 'Capital of Central Queensland' role in the region.*

Complies. The proposal does not impinge upon Rockhampton's role within the region, and in fact may improve it by providing a new tourism attraction unseen anywhere else in Central Queensland.

- (b) *Valuable natural resources are conserved or, where required to support economic growth in Rockhampton, used sustainably.*

Complies. The subject site adjoins the Limestone Creek, which will be environmentally enhanced by specifically designed gardens along the boundary edge.

- (c) *Important natural assets are, as far as is practically possible, retained in a natural state to maximise biodiversity and to maintain their scenic and biological value.*

Complies. The proposal area is in proximity to Limestone Creek which will be maintained and enhanced by the careful design and garden maintenance on site.

- (d) *New development in Rockhampton City is designed and managed to minimise adverse impacts on the environment, and biodiversity.*

Complies. The proposal does not involve any new structures and there will therefore be no change in the amount of stormwater draining to the waterway.

- (e) *Commercial and retail development is accommodated in a hierarchy of centres throughout Rockhampton, which provide for a range of services, retail, commercial, entertainment and employment activities.*

Not applicable. The site is not located in a centre.

- (f) *Rockhampton's commercial centres are safe, attractive and readily accessible spaces for all members of the community.*

Not applicable. The site is not located in a centre.

- (g) *Rockhampton's industrial development is consolidated in identified industrial locations throughout the City.*

Not applicable. The proposal does not involve industrial activity.

- (h) *Rockhampton's cultural and urban heritage, both indigenous and post European, is retained and conserved for future generations.*

Complies. The proposal does not impinge upon cultural heritage values. It does showcase important native plants and the tours will likely elaborate on cultural information pertaining to the native garden designs.

- (i) *Residential communities are attractive places to live, providing a range of housing types at different densities that positively contributes to the built environment, satisfies the needs of all members of the community in terms of life stages, lifestyle choices and affordability, are free from incompatible development and have access to a range of compatible urban services and facilities.*

Complies. The existing residential use will remain unchanged. The zone will continue to benefit from the aesthetic values of the property, by allowing the garden to become open to the public.

- (j) *Rockhampton's important community uses and health care facilities are provided and maintained where they are readily accessible to all members of the community.*

Not applicable. The proposal does not affect health care facilities.

- (k) *New residential land subdivision and development occurs in identified areas within the City where environmentally valuable features are retained and protected, and urban services, recreational opportunities and parks are provided, along with a range of allotment sizes.*

Not applicable. The proposal does not include subdivision of land.

- (l) *Infrastructure is provided and augmented in a sequenced manner in Rockhampton, resulting in appropriate, efficient, affordable, reliable, timely and lasting infrastructure provision that is not compromised by new development and is sensitive to the environment.*

Complies: The site has appropriate infrastructure provision for the activities proposed.

- (m) *Safe, accessible, efficient and convenient transport systems are provided in Rockhampton.*

Complies: The road network is appropriate for the proposed low impact use.

- (n) *Readily accessible and safe Open Space and facilities for active and passive recreational purposes are accommodated with Rockhampton City.*

Complies: The application is for an additional recreational use. The co-location of the uses is an efficient use of the land and limits the impacts on the surrounding area.

The performance assessment of the proposal demonstrates that the development will not compromise the Rockhampton City Plan Desired Environmental Outcomes.

Parkhurst Future (Post 2015) Residential Area

The subject site is situated within the Parkhurst Future (Post 2015) Residential Area under the *Rockhampton City Plan 2005*. The purpose of the Area identifies that:

In the medium-term, for the life of this Planning Scheme, it is intended that the status quo be maintained and land in this Area generally remain undeveloped, except for the construction of houses on existing allotments.

“... In the long-term, it is intended that land in this Area will be developed for urban purposes. However, it is not anticipated that the land will be required prior to 2015, therefore, beyond the life of this Planning Scheme. It is anticipated that future growth for the life of this Planning Scheme will be accommodated within the Norman Road Residential Area, which has sufficient land to accommodate this growth. ... Consequently, developing this area for urban purposes at this time would be out of sequence and inefficient....

*... There are currently no community or recreation uses (except for the golf driving range) located in the Area, and until the Area is developed for residential purposes in the future, it is unlikely that a need will exist for community or additional recreation uses. **However, community / recreation use category uses will be considered on their merits, based on a demonstrated need. The expansion of the existing golf driving range is consistent with the intent for the Area, subject to no associated permanent infrastructure being constructed on the site that may compromise the Area’s future capacity as a residential area. Future urban development will, however, need to be cognisant of the fact that the golf driving range exists, and the subdivision and resulting development should be designed and orientated accordingly, to avoid stray golf balls. 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 Limestone Creek and Ramsay Creek, 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.**”***

This application is not consistent with the purpose of the Area, which is generally for low density residential uses; however some elements of the intent statement lead to sufficient grounds for support of this use. Given that the area intent states that it is consistent for the existing golf driving range to expand, there are grounds for the established world class

garden to become publicly accessible for tours, as the impacts are even less than that of the driving range. The development is low impact in nature and is an appropriate use that exists harmoniously with future residential estates.

The proposal also provides an important link for the public to access the underutilised Limestone Creek riparian corridor.

Rockhampton City Plan Codes

The following codes are applicable to this application:

- Sport and Recreation Code;
- Parking and Access Code;
- Landscape Code;
- External Works and Servicing Code;
- Crime Prevention Through Environmental Design Code;
- Steep or Unstable Land Code;
- Waterway Corridor; and
- Biodiversity and Nature Conservation Code.

Based on a performance assessment of the above mentioned codes, it is determined that the proposal is acceptable and generally complies with the relevant Performance Outcomes and where there is deviation from the codes, sufficient justification has been provided.

Sufficient Grounds

The proposed development cannot be considered consistent with the *Rockhampton City Plan 2005*. Council should note, however, that pursuant to section 326(1)(b) of the *Sustainable Planning Act 2009*, the assessment manager's decision may conflict with the planning scheme if there are sufficient grounds to justify the decision despite the conflict. Sufficient grounds to support the development are as follows:

- a) The gardens are already fully established and will allow for guided tours only;
- b) The guided tours will be limited in size per day to minimise any traffic or infrastructure impacts;
- c) The use is unique and will create a tourism driven interest niche in Rockhampton;
- d) The proposed use does not compromise the strategic framework in the *Rockhampton City Plan 2005*;
- e) Assessment of the development against the relevant area intent, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and
- f) The proposed development does not compromise the relevant State Planning Policy.

Having regard to all of the above, it is recommended Council, from a land use perspective, consider the proposed development favourably as there are considered to be sufficient grounds to justify a decision that favours the alternative land uses proposed herein.

INFRASTRUCTURE CHARGES

Adopted Infrastructure Charges Resolution (No. 5) 2015 for non-residential development applies to the application and it falls within Charge Area 3. The Infrastructure Charges are as follows:

Use Schedule	Charge Area	Adopted Infrastructure Charge		Adopted Infrastructure Charge for stormwater network		Calculated Charge	
		(\$)	Unit	(\$)	Unit		
Specialised Uses	All Areas	Decided by <i>Local Government</i> at time of assessment					
TOTAL CHARGE						\$0.00	

This is based on the following calculations:

- (i) All gross floor areas are primarily related to the private residence; and
- (ii) Impervious areas do not attract an infrastructure charge in this charge area.

Therefore no charge will be payable.

CONSULTATION

The proposal was the subject of public notification between 2 June and 24 June 2016, as per the requirements of the *Sustainable Planning Act 2009*, and no submissions were received.

REFERRALS

Not Applicable.

CONCLUSION

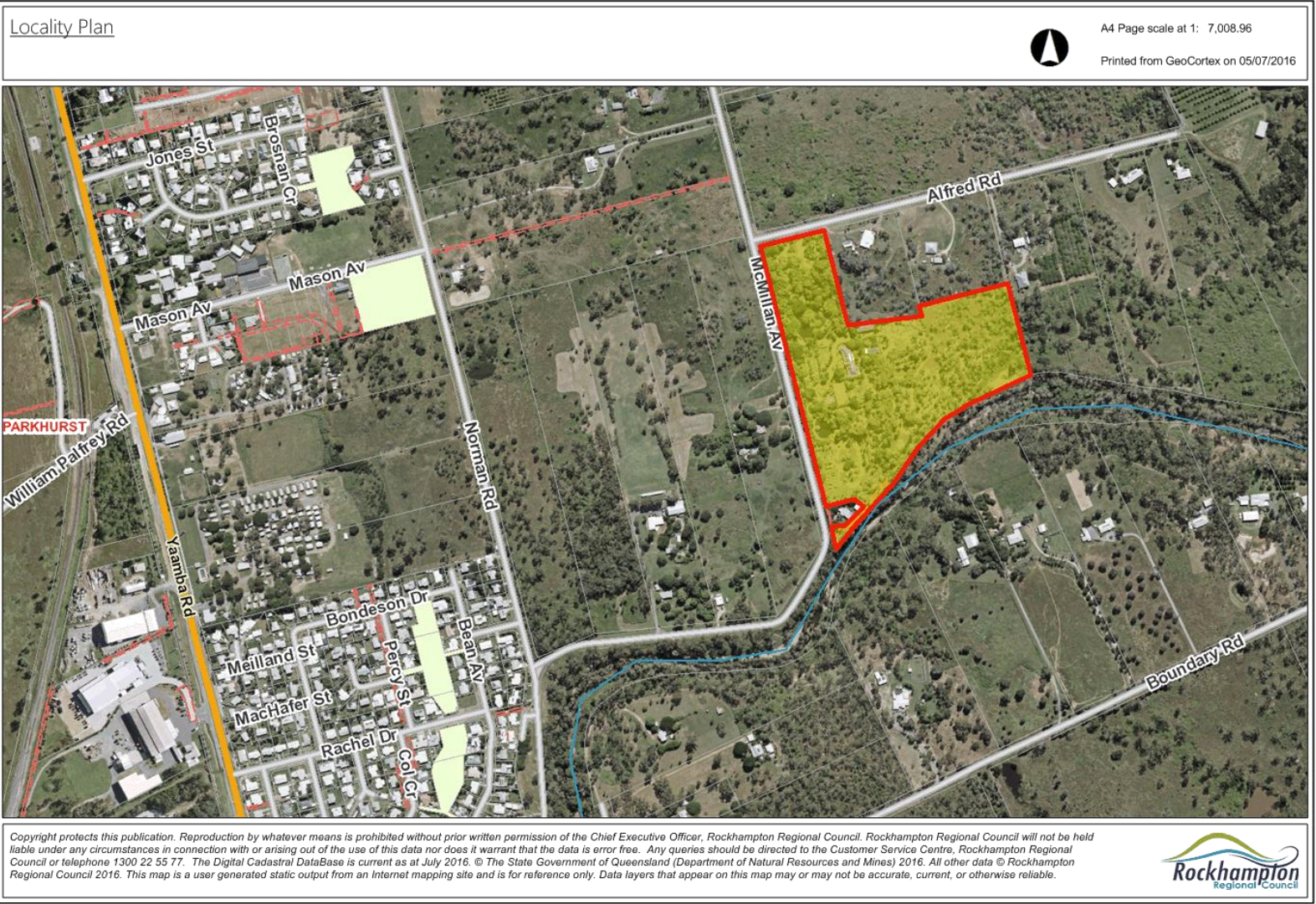
The proposed development is consistent with the intent for the Parkhurst (Post 2015) Residential Area and generally complies with the relevant codes under the *Rockhampton City Plan 2005*. The proposal is therefore recommended for approval as per the below recommendation.

**DEVELOPMENT APPLICATION FOR A
MATERIAL CHANGE OF USE FOR
OUTDOOR SPORT AND RECREATION
(OPEN GARDEN)**

Locality Plan

Meeting Date: 19 July 2016

Attachment No: 1



**DEVELOPMENT APPLICATION FOR A
MATERIAL CHANGE OF USE FOR
OUTDOOR SPORT AND RECREATION
(OPEN GARDEN)**

Site Plan

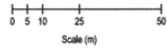
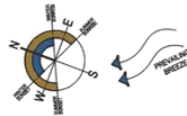
Meeting Date: 19 July 2016

Attachment No: 2

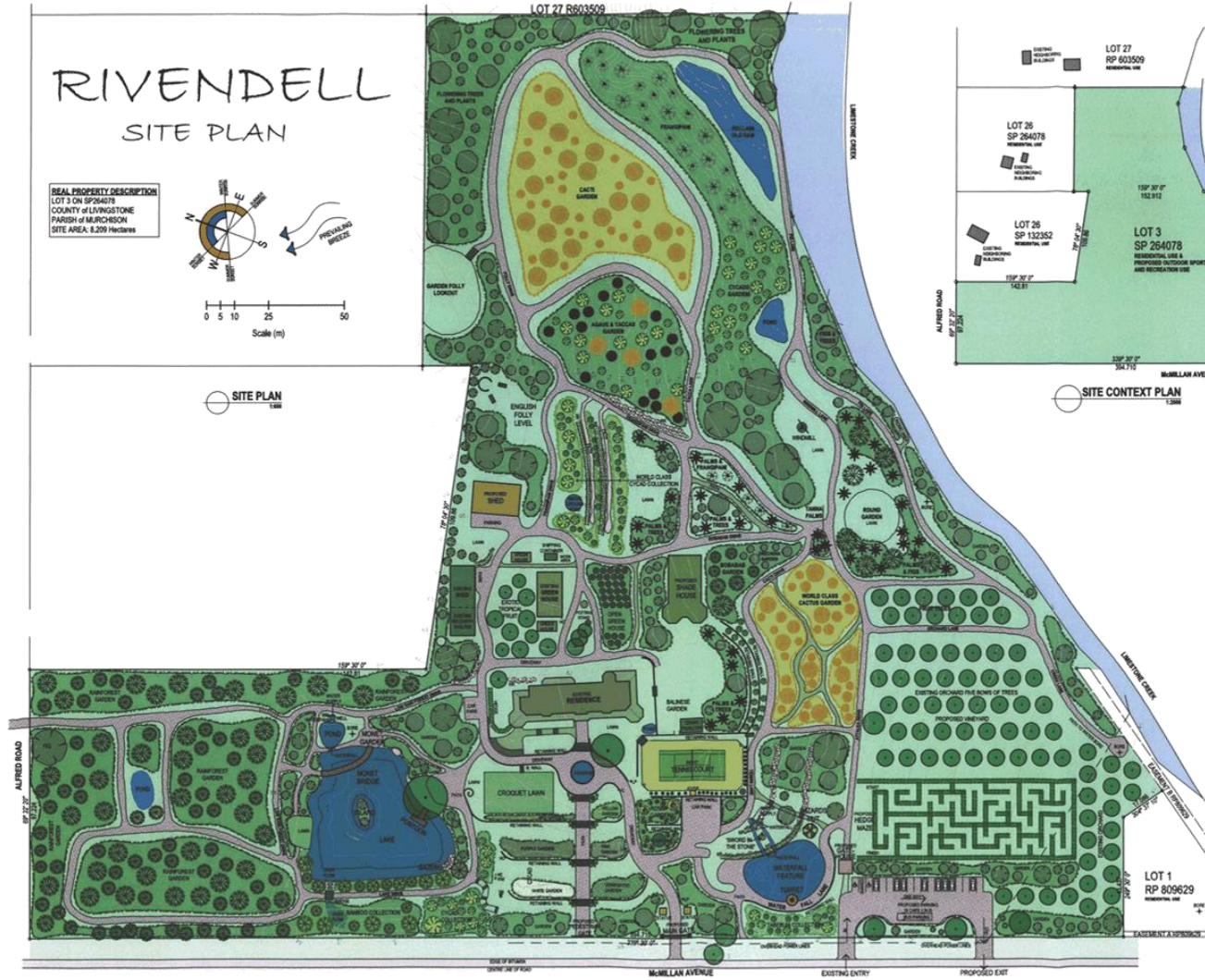
7615202 - 11/12/2015

RIVENDELL SITE PLAN

REAL PROPERTY DESCRIPTION
LOT 3 ON SP264078
COUNTY of LIVINGSTONE
PARISH of MURCHISON
SITE AREA: 6.200 Hectares

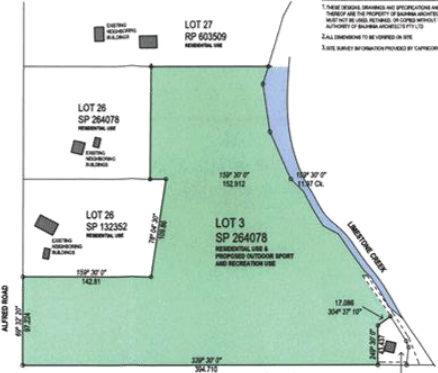


SITE PLAN
1:500



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SITE CONTEXT PLAN
1:500

LEGEND

no	amendment	date	HR	Issue stamp

Drawing production information

prepared	checked	PA

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R & C MYLREA client

RIVENDELL project

**MATERIAL CHANGE OF USE FOR
OUTDOOR SPORT AND RECREATION
72 MILLAN AVENUE, PARKHURST** title

SITE PLAN

scale	size	drawing no	rev
A1	A1	1087 SKD401	

8.5 ROCKHAMPTON REGIONAL COUNCIL ANIMAL MANAGEMENT STRATEGY

File No:	1464
Attachments:	1. Draft Rockhampton Regional Council Animal Management Strategy
Authorising Officer:	Evan Pardon - Chief Executive Officer
Author:	Peter Owens - Acting General Manager Community Services

SUMMARY

The Rockhampton Regional Council Animal Management Strategy is presented for adoption by Council following the Councillor Workshop held on Tuesday 5 July 2016.

The strategy will provide an agreed direction designed to inform and guide Council operations, delivering industry best practice animal management in line with Council's Corporate Plan objectives.

OFFICER'S RECOMMENDATION

THAT the Rockhampton Regional Council Animal Management Strategy, as attached, be adopted and the CEO be authorised to take such action as required to implement the strategy so as to align with Council's Corporate Plan, Operational Plan, Budget and organisational resources.

BACKGROUND

Recently a comprehensive review of Council's Animal Management function was undertaken resulting in a number of suggestions for improvement including the key recommendation for Council to formally adopt an Animal Management Strategy to provide clarity of direction to operational staff.

OUTLINE OF THE STRATEGY***Links to Council's Corporate Plan 2012 – 2017***

Rockhampton Regional Council's Corporate Plan 2012-2017 describes the desired outcome and activities relating to animal management as follows:

Outcome - A safe, caring and healthy community that we all belong to.

Service - Local Laws: administer local laws and manage pound facilities.

Activities:

- Provide compliance and regulatory services in line with legislative and community standards,
- Plan and deliver Local Laws and associated programs, partnerships and education.

The Strategy will provide an integrated plan to guide the delivery of this service by dealing with ten key issues.

These are:

- Animals not being under effective control
 - Unregistered dogs
 - Unidentified cats and dogs
 - Managing unwanted cats and dogs
 - Management of pound facilities
 - Barking dogs and animal nuisance
 - Animal Management Local Laws
-

- Animal Management Policies and Procedures
- Community Education and Awareness
- Capability of staff

Why does Council need a Strategy?

- To provide clear and unambiguous direction from Council to its organisation on how it expects the Animal Management function to be conducted.
- To enable the Local Laws unit to operate with clear and consistent rules of engagement so that all circumstances are treated equally and fairly, with best possible outcomes for animals and the community.
- To provide the community with clarity as to the Council's approach to animal management and its expectations of animal owners.
- To address the continuing high volume of complaints about non-compliance by pet owners.

KEY OBJECTIVES OF THE STRATEGY

- To ensure that pet owners are educated and aware of the principles of responsible animal ownership.
- To ensure that animals in the community are appropriately controlled and contained.
- To improve animal identification and the reuniting of straying animals with their owners.
- To encourage voluntary compliance with State and Local Laws.
- To ensure that interventions that are necessary are conducted efficiently and humanely and are consistent with fairness and equity.

GUIDING PRINCIPLES OF THE STRATEGY

The Strategy is framed to incorporate the following principles so as to embody a range of responses allowing for a progressive degree of encouragement and enforcement appropriate to different circumstances.

- EDUCATION - to raise awareness of responsible pet ownership behaviour
- INCENTIVES to encourage voluntary compliance
- INTERVENTION -
 - To seek owner cooperation in remedying minor non-compliance
 - To act decisively in cases of danger to public health and safety
- PENALTIES - To deter repeated or deliberate breaches of legal obligations

STRATEGY IMPLEMENTATION, REPORTING AND REVIEW

To monitor and measure the effectiveness of the implementation of this strategy, an Action Delivery Plan incorporating operational requirements aimed at successfully progressing the strategic responses will be put in place by Management. The operational actions will be assigned appropriate indicators so that performance against the desired outcomes can be regularly assessed. Appropriate reporting frameworks will be put in place to ensure Management can monitor performance and adjust operational effort according to circumstances.

It is intended that the Strategy will be reviewed annually to ensure that:

- It continues to align with the objectives of Council's corporate and operational plans;
- It identifies and reflects changing priorities, operational capacity and the legislative framework;
- The outcomes are achievable and align with community expectations; and

- The strategy has been afforded adequate financial and staffing resources.

A report on the outcomes achieved will be presented to Council annually together with identified and emerging issues and priorities for inclusion in the Action Plan for the following year.

CONCLUSION

The adoption of the Animal Management Strategy is fundamental to progressing a range of reforms outlined in the recent Animal Management Review report. Clarity of Council's strategic direction in addressing the issues described in the Strategy is essential for guiding the Local Laws unit in its operational implementation. Of utmost importance is then for Council to continue to support the Strategy through its policy making and consistent application of its principles in decision making.

A strong emphasis in the Strategy is placed on community education and partnering with stakeholders in the quest for voluntary compliance in preference to heavy handed enforcement, although the Strategy does envisage strong action where individuals deliberately and repeatedly fail to observe their obligations in relation to responsible pet ownership.

ROCKHAMPTON REGIONAL COUNCIL ANIMAL MANAGEMENT STRATEGY

Draft Rockhampton Regional Council Animal Management Strategy

Meeting Date: 19 July 2016

Attachment No: 1

Rockhampton Regional Council

Your Animal – Your Responsibility

An Animal Management Strategy

2016 – 2020

Introduction

The effective management of animals requires a commitment from the entire Rockhampton Region community.

Council's Local Laws Unit activities are aimed at improving the safety and social amenity of the region, but can only be truly effective with the cooperation of pet owners and the broader community.

Current services provided include:

- Investigation of dog attacks and aggressive dogs,
- Investigation of general animal customer requests for service,
- Management of regulated dogs,
- Registration of dogs,
- Provision of property based approvals for the keeping of animals,
- Impoundment and release of stray and wandering animals,
- Patrols of public spaces,
- Community Education,
- Disaster management response and recovery.

Rockhampton Regional Council as a responsible local government seeks to provide and maintain a safe, caring and healthy environment and recognises that effective animal management is part of that scenario.

Consequently, as part of its planning and delivery it requires an Animal Management Strategy:

- To provide clear and unambiguous direction from Council to its organisation on how it expects the Animal Management function to be conducted.
- To enable the Local Laws unit to operate with clear and consistent rules of engagement so that all circumstances are treated equally and fairly, with best possible outcomes for the animals and the community.
- To provide the community with clarity as to the Council's approach to animal management and its expectations of animal owners.

Objectives

The objectives of the Animal Management Strategy 2016-2020 are:

- To ensure that pet owners are educated and aware of the principles of responsible animal ownership.
- To ensure that animals in the community are appropriately controlled and contained.
- To improve animal identification and the reuniting of wandering and stray animals with their owners.
- To encourage voluntary compliance with State and Local Laws.
- To ensure that interventions that are necessary are conducted efficiently and humanely and are consistent with fairness and equity.

Guiding principles

- **EDUCATION** - to raise awareness of responsible pet ownership behaviour
- **INCENTIVES** to encourage voluntary compliance
- **INTERVENTION** -
 - To seek owner cooperation in remedying minor non-compliance
 - To act decisively in cases of danger to public health and safety
- **PENALTIES** - To deter repeated or deliberate breaches of legal obligations.

Links to Council's Corporate Plan 2012 - 2017

Rockhampton Regional Council's Corporate Plan 2012-2017 describes the desired outcome and activities relating to animal management as follows:

Outcome - A safe, caring and healthy community that we all belong to.

Service - Local Laws: administer local laws and manage pound facilities.

Activities:

- Provide compliance and regulatory services in line with legislative and community standards,

- Plan and deliver Local Laws and associated programs, partnerships and education.

Key Issues in Animal Management

This Strategy details 10 key issues for animal management and outlines the strategic responses required to achieve Council's Corporate Plan objectives.

The issues are:

- 1) Animals not being under effective control
- 2) Unregistered dogs
- 3) Unidentified cats and dogs
- 4) Managing unwanted cats and dogs
- 5) Management of impound facilities
- 6) Barking dogs and animal nuisance
- 7) Animal Management Local Laws
- 8) Animal Management Policies and Procedures
- 9) Community Education and Awareness
- 10) Capability of staff

VISION : Your Pet – Your Responsibility

OBJECTIVES

<p>Ensure pet owners are educated and aware of the principles of responsible animal ownership</p>	<p>Ensure animals in the community are appropriately controlled and contained.</p>	<p>Improve animal identification and reuniting of wandering and straying animals with their owners.</p>	<p>Encourage voluntary compliance with State and Local Laws</p>	<p>Ensure that interventions that are necessary are conducted efficiently and humanely and are consistent with fairness and equity.</p>
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OUTCOMES

<p>There is an increase in the number of dogs that are registered, desexed and microchipped.</p> <p>There is an increase in the number of cats that are desexed and microchipped.</p> <p>There is a reduction in the number of matters requiring investigation, enforcement and prosecution.</p> <p>Responsible animal ownership initiatives are supported and delivered across the region.</p>	<p>There is a reduction in the number of public nuisances created by cats and dogs (wandering, attacking, barking).</p> <p>There is a reduction in the number of animals needing to be impounded.</p> <p>There is a reduction in the number of matters requiring investigation, enforcement and prosecution.</p>	<p>There is a reduction in the number of unidentifiable or unwanted cats and dogs.</p> <p>There is an increase in the proportion of wandering or impounded animals that are reunited with their owners.</p>	<p>There is a reduction in the number of matters requiring investigation, enforcement and prosecution.</p>	<p>Complaints about interventions and representation to Councillors and management about intervention processes are minimised.</p>
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Legislative framework

Council's Local Laws Unit is responsible for the administration and enforcement of a range of State legislation and Local Laws throughout the Rockhampton Region. The legal framework associated with animal management includes:

- *Local Government Act 2009*,
- *Animal Management (Cats and Dogs) Act 2008*,
- *Animal Management (Cats and Dogs) Regulation 2009*,
- *Local Law No. 1 (Administration) 2011*,
- *Local Law No. 2 (Animal Management) 2011*,
- *Subordinate Local Law No. 2 (Animal Management) 2011*,
- *Subordinate Local Law No. 1.5 (Keeping of Animals) 2011*.

Local Government Act 2009

Although not containing specific provisions relating to Animal Management the *Local Government Act 2009* provides the framework on which Council operates and includes the requirement to develop local laws.

Animal Management (Cats and Dogs) Act 2008

The purposes of the *Animal Management (Cats and Dogs) Act 2008* are to:

- Provide for the identification of cats and dogs,
- Provide for the registration of dogs,
- Provide for the effective management of regulated dogs,
- Promote the responsible ownership of cats and dogs.

The Act provides a consistent regulatory approach for the management of cats and dogs across Queensland.

Local Law No. 1 (Administration) 2011 and Subordinate Local Law No. 1.5 (Keeping of Animals) 2011

The purpose of *Local Law No. 1 (Administration) 2011* is to provide a legal and procedural framework for the administration, implementation and enforcement of the local

government's local laws, subordinate local laws and specified regulatory powers under legislation and to provide for miscellaneous administrative matters.

Local Law No. 2 (Animal Management) 2011 and Subordinate Local Law No. 2 (Animal Management) 2011

The purpose of *Local Law No. 2 (Animal Management) 2011* and its subordinate local law is to regulate and manage the keeping and control of animals in a way that:

- Balances community expectations with the rights of individuals,
- Protects the community against risks to health and safety,
- Prevents pollution and other environmental damage,
- Protects the amenity of the local community and environment.

The purpose is to be achieved by providing for the:

- Regulation of the keeping of animals in terms of how many, what type, how, and where animals can be kept,
- Prescription of minimum standards for keeping animals,
- Proper control of animals in public places and koala conservation areas,
- Management of dangerous or aggressive animals other than dogs,
- Seizure and destruction of animals in certain circumstances,
- Establishment and administration of animal pounds.

Strategic links to other legislation

Local government must ensure that the plan does not breach the requirements of other legislation. Legislation that local government needs to consider includes the:

- *Animal Care and Protection Act 2001*
- *Workplace Health and Safety Act 2011*

Key Issue 1 – Animals not being under effective control

In 2015, Council received over 1,200 notifications of wandering dogs and over 850 requests to pickup stray, private impound dogs.

These animals account for the majority of animals impounded by Council and generally have escaped under, over or through a fence, gate or property boundary and have not been in the effective control of their owner or keeper.

Dogs not securely enclosed or not under effective control (wandering) may result in:

- Attacks causing physical injury to and emotional impact on the victim, the owner and families.
- Rush and menace attacks occasioning fear in adults and children and other animals
- Attacks on animals (pets and livestock) causing injury or death
- Motor vehicle accidents
- Spread of disease (such as parvo virus) and parasites
- Propagation of unwanted litters
- Fouling of footpaths and properties
- Disturbance nuisance in the neighbourhood.

The impact of an attack or experiencing aggressive behaviour from a dog is not only immediate but often results in lasting physical and emotional trauma.

While dog attacks and complaints about aggressive dogs combined total around 300 per year, anecdotal evidence suggests that this figure is not indicative of the actual incidences occurring.

- Victims may not report attacks or aggression because of the the potential ramifications for themselves, their families or friends,
- Owners and victims may settle through agreement to provide compensation, payment of vet/medical bills etc,
- Organisations such as hospital, police and vets not having established clearly defined reporting or recording mechanisms linking with Council,

- People accepting that attacks and aggressive behaviours are natural (dogs chase cats, dogs guard properties etc.).

STRATEGIC RESPONSES

1.1 Dog attacks and aggressive dogs to be given priority attention

Council will ensure that dog attacks and aggressive dogs continue to be given priority attention:

- **Dog Attacks will be responded to immediately:**
 - A report of a dog attack will be allocated the highest response priority.
 - Dogs surrendered as a result of attack will be euthanised immediately.
 - Regulated Dog Declarations and penalties will be invoked according to the circumstances and legislative requirements.
- **Complaints about an aggressive dog will be given high investigation priority**

to reduce Council's risk exposure to the potential of the aggressive behaviour, subsequently resulting in an attack causing injury or even death.
- **Complainants will be informed of the outcome** of investigations and Council actions in relation to dog attacks and threats of attack – subject to normal privacy considerations.

1.2 Dog off leash areas will be effectively managed.

Dog off leash areas are valued by the community and provide the opportunity for owners to exercise and socialise their dogs.

Council will require dogs to be under effective control within off leash areas and be on leash in transit to and from the facility.

- a) Off leash areas will be designed to separate large and small dogs and located to minimise nuisance to the adjoining community.

- b) Rostered local law patrols will include dog off leash areas and their access routes.
- c) Dog off leash areas will be used to publicise activities relating to dog training, behaviour and barking control to encourage voluntary compliance.
- d) Users of dog off leash areas will be alerted to region wide disease outbreaks.

“Manners” for owners and their dogs using the off-leash areas will be attached to regulatory signs to encourage appropriate behaviour and voluntary compliance.

The Local Laws Unit will continue to provide advice and guidance as to suitable locations and designs for future off leash areas.

1.3 Wandering animals will be returned on first offence

- a) Non-aggressive dogs found wandering will be returned to their owner on the first offence prior to being impounded where the owner is able to be contacted and available to secure the animal immediately AND the dog is registered and micro-chipped. **Otherwise the dog will be impounded.**
- b) The owner will be given advice by the Local Law Officer as to the requirement to contain the dog at all times and arrangements will be made to conduct a gate and fence check with the owner to ensure the dog can be secured on the property in future.
- c) If impounded, and the dog is a “first impound”, the dog will be released free of charge – but only if the dog is registered and chipped, is claimed within one day and it has not been previously returned to the owner under condition a) above: Otherwise normal pound release procedures will apply.
- d) Other animals, not being stock, found wandering will be returned to their owner prior to being impounded where the owner is able to be contacted and available to secure the animal immediately. If the animal is a cat it must also be microchipped. **Otherwise the animal will be impounded.**
- e)

1.4 Wandering stock and other animals will be addressed by effective processes

Council’s responsibilities for animal management extend beyond cats and dogs. Roaming and unregistered stock and other large animals pose specific problems particularly at night.

Council will maintain an effective process for wandering stock and other animals.

Key Issue 2 – Unregistered dogs

The *Animal Management (Cats and Dogs) Act 2008* places a mandatory requirement for dogs over 12 weeks of age to be registered with the relevant local government.

The *Animal Management (Cats and Dogs) Act 2008* also places a mandatory requirement on the owner of a dog to give notice of changed information to Council within 7 days of the changed information.

“Return to sender” registration notices and tags received following the annual mail out of renewals indicate that a large number of owners do not update their personal address details with Council.

This impacts on Council’s ability to reunite animals with their owners.

STRATEGIC RESPONSES

2.1 Community Education

Council will –

- Educate the community on the need to register all dogs, that registration is renewable annually and of the need to keep name, address, mobile and landline telephone and email information up to date at every interaction with Council

2.2 Ensure efficient data management

Council will:

- Conduct data cleansing of all unpaid dog registrations to confirm resident contact details
- Review its information technology systems and consider the use of emerging technology.

2.2 Use Incentives to promote registration

Council will:

- Investigate the introduction of life-time tags (annual renewals apply)
- Promote the registration of puppies under 12 months of age at the desexed rate provided veterinary evidence is provided by the owner within the 12 months that the dog has been desexed.

2.3 Use Systematic Inspections as a “soft” intervention initially

Council will:

- Conduct periodic Systematic Inspections for unregistered dogs in accordance with legislation and available staffing resources.
- Review the Council’s Enforcement Strategy relating to Animal Management to encourage voluntary compliance through an initial notice and compliance period before infringement action is considered.

2.4 Impounded dogs not released unless registered.

All impounded dogs must be registered before their release.

Key Issue 3 – Unidentified cats and dogs

The *Animal Management (Cats and Dogs) Act 2008* places a mandatory requirement for cats and dogs to be microchipped before they are supplied (given away, sold, exchanged) and for a person who is the owner of or becomes an owner of a cat or dog to have the animal microchipped before 12 weeks of age.

The Act also requires the owner of a cat or dog to give notice of the changed information within 7 days of the changed information eg ownership transfer of the cat or dog must be supplied to the original microchip provider to be able to ensure an animal is returned to its owner.

Many animals cannot be reunited with their owner as the microchip details are not up to date, particularly the current owner's name and phone number.

Local Law Officers carry microchip scanners and are able to identify the owner of a dog or cats if the animal is microchipped and the microchip details are up to date.

STRATEGIC RESPONSES

3.1 Community education

Council will:

- Ensure emails and mobile numbers are collected at the point of registration and explore emerging technology to publicise cat and dog microchipping requirements and the need to keep records up to date
- Promote key messages via all communication channels including social media, encouraging owners to microchip their cats and dogs
- Develop a process to ensure owners are reminded to update the microchip details of their cats and dogs when moving house or changing telephone numbers
- Include animal microchipping information in details provided to new residents.

3.2 Use Incentives to encourage microchipping

Council will:

- Consider offering a fee based microchipping service and investigate the training and qualifications needed by staff for this implementation.

- Recommend owners use the National Pet Register which is best suited for Local Government purposes.

Compulsory microchipping of claimed impounded cats and dogs at the point of release takes place and is in keeping with the intent of the *Animal Management (Cats and Dogs) Act 2008*.

3.3 Enforcement fo micro-chipping legislation

Council will –

- **Continue to require owners to observe legislative requirements in relation to micro-chipping.**

Key Issue 4 – Unwanted cats and dogs

On average Council receives over 2,000 requests to collect animals from the public and over 300 animals are surrendered to Council by their owners.

The principal cause of the growth in numbers of unwanted animals is the failure of owners to desex cats and dogs.

Entire cats and dogs represent a high proportion of all impounded animals. Entire dogs are also twice as likely to be involved in bite related incidents.

The high volume of unwanted animals being committed to Council's custody means an increasing rate of euthanasia, which is distressing to the community and especially to the veterinarians and Council staff who must deal with the final act.

STRATEGIC RESPONSES

4.1 Community education

Council will:

- Conduct regular promotions to encourage responsible pet ownership including desexing.
- Ensure through an ongoing program of education that the community is aware of cat and dog ownership responsibilities and that ownership is regulated and infringement penalties apply.

4.2 Use incentives to encourage de-sexing

As an incentive to desex dogs, Council will continue to offer:

- Reduced registration fees for desexed and microchipped animals,
- Desexing vouchers for qualifying persons,

Council will:

- Review the schedule of Animal Management Fees and Charges to reward responsible owners who have desexed their animals by reducing impound release fees provided the animal is also registered and microchipped and claimed within the statutory five (5) days.
- In conjunction with the above, the owner of a Regulated Menacing dog will be encouraged to desex the dog to receive the registration incentive and to close the current loophole in the Animal Management (Cats and Dogs) Act 2008 which does not require the dog to be desexed.

4.3 Community engagement

Council will initiate structured engagement with its community to gauge attitudes toward any proposal to require cats and dogs to be desexed prior to the point of sale or exchange of ownership.

Consultation with Licensed cat and dog breeders will form part of this engagement process.

4.4 Work with State Government

Council will liaise with the State Government to support legislation to eliminate puppy farming.

4.5 Develop an unwanted animal re-homing policy

The Council will –

- Review the existing Animal Management - Surrendered and Unclaimed Animals Policy (Community Policy) 8 December 2015.
- Offer a suitable unclaimed chipped and desexed cat or dog which has served its pound time and become the property of Council free of charge to Seniors who have registered interest. Registration included free to 30 August in any financial year.
- Promote positive media stories about the life changing experiences for Seniors in owning a suitable pet to promote take up of the program.
- Review outsourcing arrangements for the rehoming of unwanted cats and dogs for clarification in the policy.

Key Issue 5 – Management of pound facilities

On average 128 dogs and 74 cats are impounded each month as a result of wandering, stray, seized or surrendered animals.

Conditions and disease transmission management at the existing Pound are recognised as a priority.

Council has approved Stage 1 of a staged development of new pound facilities which is due for completion early 2017. The available holding capacity in the Stage 1 design requires the existing and new pounds to be conducted in parallel.

A future development and funding plan for Stages 2 and 3 which also enables consideration of the provision of a livestock facility and an outsourced sales and rehoming facility is needed for Council's consideration in its Forward Capital Plan.

State and Federal Grant funding sources also need to be explored.

STRATEGIC RESPONSES

5.1 Educate the community on Council's new Pound facilities

Council will:

- Develop promotional material to publicise the new facilities and their location and opening times.
- Promote the new facilities as an example of good practice in ensuring the care, treatment and welfare of impounded animals meets regulations and community expectations.

5.2 Improve intervention for Disease transmission management

Council will:

- Continue to monitor existing Pound and the replacement facility to maximise the prevention of disease transmission.
- Confirm the design with RSPCA Qld and Biosecurity Qld for sign-off on disease control mechanisms.
- Purchase test kits for use on animals suspected of carrying parvo virus and ensure staff implement strict quarantine measures particularly in respect of impounded or surrendered litters.

5.3 Adequately resource pound activities

Council will –

- Identify capabilities and training required for full and/or permanent part time animal management pound attendant(s) and investigate resourcing capabilities.

5.4 Stage 2 and 3 Pound Development Plan

Cats and dogs must be managed in a routine and humane manner in accordance with statutory and welfare requirements.

Cages and kennels must be available daily for incoming cats and dogs that have been found wandering.

Council's ability to accept surrendered animals is directly related to its Pound's capacity.

Council will:

- Consider a future report for the Staged Pound Development Program which includes funding and grant sources and which investigates the viability of an outsourced sales and rehoming facility.

Key Issue 6 – Barking dogs & animal nuisance

In 2015 Council received over 600 complaints regarding barking dogs and nearly 200 animal nuisance complaints.

It is natural for dogs to bark. This is the way that dogs communicate with people and other animals.

Dogs bark for various reasons and small amounts of barking are acceptable. Nuisance barking occurs when a dog barks persistently and disturbs the peace of the neighbourhood regularly and for lengthy periods of time.

Nuisance barking occurs for a variety of reasons including boredom, loneliness, anxiety, ongoing neighbourhood disturbances, pain, attention seeking, lack of food or water and/or excitement.

The first that owners may know about their dog's excessive barking in their absence, is a complaint from a neighbour or contact from Council.

The value and importance of neighbourhood conversations cannot be underestimated in the resolution of barking nuisances. Where dog owners show empathy and consideration by altering their day to day routines to attempt to solve the barking, better outcomes are achieved.

Otherwise, Council is required to undertake a comprehensive and impartial investigation to gather sufficient and impartial evidence to confirm that excessive barking is occurring and the complaint is not a vexatious one.

This process takes time during which community frustration about the noise nuisance and Council's perceived lack of a timely response exacerbates.

STRATEGIC RESPONSES

6.1 Community Education

Council will:

- Promote through its website helpful tips and advice information about controlling nuisance barking
- Conduct information sessions particularly in neighbourhood areas where complaints of barking are prevalent.
- Respond to nuisance barking complaints by telephone in the first instance.

6.2 Progressive Intervention

Council will:

- Review the current "Enforcement Strategy" relating to Animal Management to develop a "**Voluntary Compliance and Enforcement Procedure**" which includes guidelines for Local Law Officers in exercising discretion when handling first or minor offences.
- Adopt an operational approach of seeking to encourage voluntary compliance from animal owners in the first instance where the matters concerned do not involve risks to public health and safety or blatant or repeated disregard for Council's local laws and relevant legislation.

Key Issue 7 – Animal management local laws

Council's animal management local laws and subordinate local laws regulate and manage the keeping and control of animals within the region.

The laws regulate:

- the keeping of animals in terms of how many, what type, how, and where animals can be kept;
- the prescription of minimum standards for keeping animals,
- the seizure and destruction of animals in certain circumstances and the
- establishment and administration of animal pounds.

Council's local laws relating to Animal Management are due for review in 2016/17.

STRATEGIC RESPONSE

7.1 Local Law Review Process

Council will -

- Conduct targeted community engagement on key issues to be regulated under the revised local laws, and particularly in respect of attitudes towards requiring desexing cats and dogs.
- Frame its new local laws with relevance to the view and needs of its communities and recognised good practice trends in animal management.
- Develop the local laws and subordinate local laws so as to be consistent with the implementation of its Animal Management Strategy when adopted.
- In accordance with legislative requirements and Council's local law making policy seek appropriate community consultation on the content of the draft local laws.

Key Issue 8 – Animal management policies and procedures

Animal Management Policies and Procedures set the framework for employees to follow in conducting their operations in a consistent, reasonable, transparent and effective manner.

Adherence to well established procedures provides employees and Council with direction and the ability to confidently defend allegations of legal or regulatory violations.

The existing instruments include but are not limited to:

Animal Management - De-Sexing Voucher Policy (and Procedure)

Animal Management - Rehoming incentive Procedure

Animal Management - Surrendered and Unclaimed Animals Policy

Animal Management - Seized Cats and Dogs Registration and Microchipping Policy.

STRATEGIC RESPONSE

8.1 Review animal management policies and procedures

The Council will:

- Review existing policies and procedures and create new policies and procedures in response to continuous improvement and emerging trends in animal management and consistent with the Animal Management Strategy.
- Proceed to set **Agreed Service Levels** to guide response times and cross-organisation interactions
- Review the Schedule of Fees and Charges in response to any policy change.

Key Issue 9 – Community education and awareness

Ensuring the community is adequately informed of responsible pet ownership obligations is an essential element of animal management.

Effective communication of information and working with key stakeholders is critical in improving animal management outcomes.

STRATEGIC RESPONSES

9.1 Community Education

Council will –

- Develop a comprehensive Community Education Program scheduling appropriate events and promotions across the year and including information to new residents to reinforce responsible pet ownership and voluntary compliance with State legislation and Council's local laws.
- Ensure the currency and accuracy of promotional materials which are available on Council's public information sources.
- Use relevant media to promote factual, legislative and local law requirements and to remind dog owners about responsible pet ownership.
- Develop a responsible dog ownership campaign to ensure that;
 - Owners understand the risks of owning a dog,
 - The community knows what is required of individual dog owners,
 - The community participates in defining irresponsible dog ownership as unacceptable,
 - Owners take action to meet community expectations.

9.2 Provision of prep, pre school and school based programs

Council will:

- Review current programs engaging with students about all Council matters to determine the feasibility of combining

information about pet ownership in the first instance.

- Review the resourcing required to staff a part-time community education officer.
- Alternatively, investigate the outsourcing of the provision of a school based education program.

Key Issue 10 – Capability of staff

Council recognises that competent and motivated staff are its greatest asset.

Recruitment of appropriately skilled personnel and continuing professional development must be provided to ensure staff deliver high quality and consistent customer service in accordance with established Legislation, Policies and Procedures.

STRATEGIC RESPONSE

10.1 Review staffing resources

Council will –

- Ensure the provision of appropriately qualified and trained personnel.
- Provide ongoing professional development

Strategy implementation review and performance reporting

To monitor and measure the effectiveness of the implementation of this strategy the Council will prepare and maintain an Action Delivery Plan incorporating operational requirements aimed at successfully progressing the strategic responses.

The operational actions will be assigned appropriate indicators so that performance against the desired outcomes can be regularly assessed.

Appropriate reporting frameworks will be put in place to ensure management can monitor performance and adjust operational effort according to circumstances.

Continue research and strategy development

Council will -

Gather and use business intelligence concerning animal management to identify causes, trends and factors associated with the identified issues so as to assist in establishing sound priorities and allocating proactive resources.

Strategy Review and Reporting

Council will -

- Review the Strategy annually to ensure that:
 - It aligns to the objectives of Council's corporate and operational plans,
 - It identifies and reflects changing priorities, operational capacity and the legislative framework,
 - The outcomes are achievable and align with community expectations,
 - The strategy has been afforded adequate financial and staffing resources.

- Present a report on the outcomes to Council annually in the month of the launch of the initial Strategy. Identified and emerging priorities will be highlighted for inclusion in the Action Plan for the following year of the Strategy's implementation

9 NOTICES OF MOTION

Nil

10 URGENT BUSINESS/QUESTIONS

Urgent Business is a provision in the Agenda for members to raise questions or matters of a genuinely urgent or emergent nature, that are not a change to Council Policy and can not be delayed until the next scheduled Council or Committee Meeting.

11 CLOSURE OF MEETING