



# **PLANNING AND REGULATORY COMMITTEE MEETING**

## **AGENDA**

**18 OCTOBER 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 18 October 2016 commencing at 9.00am for transaction of the enclosed business.*

A handwritten signature in black ink, appearing to be "C. R.", written over a horizontal line.

**CHIEF EXECUTIVE OFFICER**  
13 October 2016

Next Meeting Date: 01.11.16

**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.

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**1 OPENING**

**2 PRESENT**

Members Present:

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

In Attendance:

Mr M Rowe – General Manager Community Services (Executive Officer)

**3 APOLOGIES AND LEAVE OF ABSENCE**

Councillor Cherie Rutherford - Leave of Absence from 12 October 2016 to 22 October 2016.

Councillor Drew Wickerson - Leave of Absence from 17 October 2016 to 20 October 2016 appointed by Council to attend the LGAQ Annual Conference at Broadbeach.

**4 CONFIRMATION OF MINUTES**

Minutes of the Planning and Regulatory Committee held 4 October 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

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#### **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: 18 October 2016**

**Attachment No: 1**

Date	Report Title	Resolution	Responsible Officer	Due Date	Notes
06 September 2016	Request for investigations into parking requirements	THAT a request for an investigation into parking requirements and street safety at the intersections of Foulkes Street and Springfield Drive, Norman Gardens and Stewart Street and Somerset Road, Gracemere be referred to Infrastructure committee.	Martin Crow	20/09/2016	
20 September 2016	D/3-2016 - Development Application for a Material Change of Use a Multiple Dwelling (eight units)	As per Council Resolution regarding 110 Clifton Street and 112 Clifton Street, Berserker, described as Lot 13 on RP603409 and Lot 15 on RP603409	Thomas Gardiner	04/10/2016	



**7 PUBLIC FORUMS/DEPUTATIONS**

Nil

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## 8 OFFICERS' REPORTS

### 8.1 PLANNING SECTION - SEPTEMBER OPERATIONS REPORT

**File No:** 1464  
**Attachments:** 1. Monthly Operations Report  
**Authorising Officer:** Michael Rowe - General Manager Community Services  
**Author:** Steven Gatt - Manager Planning & Regulatory Services

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#### SUMMARY

*The monthly operations report for the Planning and Regulatory as at 30 September 2016 is presented for Councillors information.*

#### OFFICER'S RECOMMENDATION

THAT Planning and Regulatory Section report for September 2016 be received.

#### COMMENTARY

The monthly operations report for the Planning and Regulatory Section is attached for Council's consideration. The performance information contained within the attached report relates directly to the adopted 2016/17 Operational Plan Key Performance Indicators.

The Coordinator's and Manager's performance summary for each unit is provided below.

#### Environment & Public Health

In September 2016 the Environmental Health Officers were invited to present to all classes of St Joseph's School Park Avenue as part of the Health classes. Officers presented over 4 full school days on two topics, initially health, germs and hand washing and secondly, food safety. The presentations included activities (Mr Germ), videos and a gift bag at the end for all students. A parent information kit was also sent home to the parents.

#### Vector Control Unit

Preparation for the upcoming wet season has been completed, Media releases as part of the community education strategy have been released to remind people about container breeding mosquitoes within your own yard.

Vector Unit has conducted observations to control mosquitoes within 400m of the airport which may include any imported mosquitoes with the arrival of the Singaporean Army personnel and equipment. A further surveillance is planned to be conducted as they leave in November 2016.

#### Pest Management Unit

Extensive work has been done by Pest Management Officers on the river and associated waterways to control a number of water weeds including hyacinth, water lettuce and Salvinia. Officers have been on water ways including the Fitzroy River upstream, Fitzroy River near barrage, Alligator Creek and Murray Lagoon for 11 days. Further work is planned for the coming weeks.

#### Development Assessment

The Development Assessment Unit had another good month with all but one target met. There was one information request that was sent out late. Amanda O'Mara returns from maternity leave in early October 2016, relieving some of the staffing pressure.

#### Building Compliance

The Building and Plumbing Unit had another good month with all targets met, except one. There was one decision notice sent outside of the 20 business days for Building.

**CONCLUSION**

It is recommended that the monthly operations report for the Planning and Regulatory Section be received.

# **PLANNING SECTION - SEPTEMBER OPERATIONS REPORT**

## **Monthly Operations Report**

**Meeting Date: 18 October 2016**

**Attachment No: 1**

**MONTHLY OPERATIONS REPORT**  
**PLANNING SECTION**  
**Period Ended SEPTEMBER 2016**

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**VARIATIONS, ISSUES AND INNOVATIONS*****Innovations***

*Members of the Development Assessment Unit have started working on the new workflows for the Planning Act, which is due to commence in July 2017. This is a long term project and will take between six (6) to nine (9) months to complete. The project also includes developing new template documents.*

***Improvements / Deterioration in Levels of Services or Cost Drivers***

*Nil.*

**LINKAGES TO OPERATIONAL PLAN**

**1. COMPLIANCE WITH CUSTOMER SERVICE REQUESTS**

The response times for completing the predominant customer requests in the reporting period for *September* are as below:

	Balance B/F	Completed in Current Mth	Current Month NEW Requests		TOTAL INCOMPLETE REQUESTS BALANCE	Under Long Term Investigation	Completion Standard (days)	Avg Completion Time (days)		Avg Completion Time (days)		Avg Duration (days) 12 Months (complete and incomplete)	Avg Completion Time (days) Q1
			Received	Completed				Current Mth	6 Months	12 Months			
Building Enquiry - General Info/Admin etc	71	11	32	20	72	0	5	● 2.50	● 8.71	● 20.24	6.04	● 6.02	
Other Building Compliant Issue	59	5	4	2	56	0	1	● 1.00	● 27.08	● 42.11	24.70	● 12.14	
Planning Compliance Request/Enquiry	55	8	18	5	56	0	45	● 2.20	● 13.10	● 18.75	12.31	● 7.96	
Duty Planner (New Enquiry)	6	6	112	108	3	0	1	● 0.90	● 0.69	● 1.04	0.75	● 0.77	
Telephone Enquiry (Existing Application/Call Back)	3	3	27	26	1	0	1	● 0.73	● 1.13	● 1.80	1.61	● 1.06	
Plumbing Issues General	12	6	9	4	10	0	5	● 2.00	● 6.81	● 6.59	3.64	● 7.95	

***Comments & Additional Information***

*Nil*

**2. COMPLIANCE WITH STATUTORY AND REGULATORY REQUIREMENTS INCLUDING SAFETY, RISK AND OTHER LEGISLATIVE MATTERS**

**Safety Statistics**

The safety statistics for the reporting period are:

	FIRST QUARTER		
	July	Aug	Sept
<b>Number of Lost Time Injuries</b>	1	0	0
<b>Number of Days Lost Due to Injury</b>	2	0	0
<b>Total Number of Incidents Reported</b>	1	1	3
<b>Number of Incomplete Hazard Inspections</b>	0	0	0

**Risk Management Summary**

Example from Section Risk Register (excludes risks accepted/ALARP)

**Please Note:** The risks listed below are ‘what if’ scenarios and do not necessarily reflect what has occurred.

Potential Risk	Current Risk Rating	Future Control & Risk Treatment Plans	Due Date	% Completed	Comments
Failure to address general long term planning needs for the community will result in lower quality development, less development overall, continued poor economic and community performance indicators, and lost opportunities in pursuit of achieving elevation of Rockhampton's reputation to an exceptional regional city.	Very High	Develop strategies to address threat, train existing staff to address, and hire staff with required skill sets. Educate community, develop strategic partnerships, and identify external resources.	31/12/2017	Ongoing	Developing strategies to meet resourcing need to address threats, community education programs and strategic partnership development in accordance with resourcing.
Changes to State law that reduce revenues for essential Council services, e.g. Development Assessment will result in less capacity to provide planning services, requiring supplemental funding from other sources, e.g. increased	High 4	Monitor and respond when and as appropriate	N/A		

Potential Risk	Current Risk Rating	Future Control & Risk Treatment Plans	Due Date	% Completed	Comments
rates.					
Failure to collect revenue results in fewer funds available and lack of confidence in Council business practices.	High 5	Process and workflow to address has been developed and approved by Council.	31/12/2016	70%	Report going to Committee
Continuing changes to state legislation and regulatory requirements on Council increase the risk of Council not being able to fully comply with all requirements. Consequences include possible fines, further limitations on Council functions, failure to provide essential resources to enable Council to achieve regional development objectives.	Moderate 5	Respond as events occur and provide submissions to articulate impacts on RRC operations	N/A	Ongoing	

**Legislative Compliance & Standards**

Legislative Compliance Matter	Due Date	% Completed	Comments
Outdated employee immunisations, tickets, and/or licenses	Various	95%	
Outdated legislative compliance mandatory training and/or qualifications	Various	100%	
Overdue performance reviews	Various	100%	

**3. ACHIEVEMENT OF CAPITAL PROJECTS WITHIN ADOPTED BUDGET AND APPROVED TIMEFRAME**

No capital projects are relevant to the Planning Section.

**4. ACHIEVEMENT OF OPERATIONAL PROJECTS WITHIN ADOPTED BUDGET AND APPROVED TIMEFRAME**

Project	Revised Budget	Actual (incl. committals)	% budget expended	Explanation
Rockhampton Regional Planning Scheme	N/A	N/A	N/A	This project is a large operational plan that spans over several years



**5. DELIVERY OF SERVICES AND ACTIVITIES IN ACCORDANCE WITH COUNCIL'S ADOPTED SERVICE LEVELS**

<b>Service Delivery Standard</b>	<b>Target</b>	<b>Current Performance</b>
<b>Development Assessment</b>		
Applications received:	<b>11</b>	
Applications decided:	<b>22</b>	
Acknowledgement notices (where required) sent out within 10 business days of application being properly made	100%	100%
Information requests (where required) sent out within timeframes required under SPA	100%	95%
Decisions are made within 20 business day timeframe once decision stage commences (or extended timeframe permitted under SPA)	100%	100%
Decision notices are issued within 5 business days of the decision being made	100%	100%
<b>Building</b>		
Applications received:	<b>22</b>	
Applications decided:	<b>23</b>	
Building Approvals - Decisions are made within 20 business day timeframe	100%	95%
<b>Plumbing</b>		
Applications received:	<b>48</b>	
Applications decided:	<b>44</b>	
Compliance request are decided within 20 business day timeframe	100%	100%

FINANCIAL MATTERS

	Adopted Budget	Revised Budget	EOM Commitments	YTD Actual	Commit - Actual	Variance
	\$	\$	\$	\$	\$	%
<b>COMMUNITY SERVICES</b>						
<b>Planning and Regulatory Services</b>						
<i>Development Assessment</i>						
Revenues	(726,750)	(726,750)	0	(217,889)	(217,889)	30%
Expenses	1,608,204	1,544,870	56,659	314,825	371,483	23%
Transfer / Overhead Allocation	35,000	35,000	0	5,538	5,538	16%
<b>Total Unit: Development Assessment</b>	<b>516,454</b>	<b>853,120</b>	<b>56,659</b>	<b>102,473</b>	<b>158,132</b>	<b>17%</b>
<i>Building Compliance</i>						
Revenues	(745,000)	(745,000)	0	(201,418)	(201,418)	27%
Expenses	975,699	925,011	0	188,544	188,544	19%
Transfer / Overhead Allocation	(220,920)	(220,920)	4,059	(56,457)	(52,398)	24%
<b>Total Unit: Building Compliance</b>	<b>5,779</b>	<b>(40,909)</b>	<b>4,059</b>	<b>(69,331)</b>	<b>(68,272)</b>	<b>-667%</b>
<i>Environment Health</i>						
Revenues	(177,750)	(177,750)	0	(48,755)	(48,755)	27%
Expenses	2,378,254	2,291,754	42,173	329,517	371,691	16%
Transfer / Overhead Allocation	317,400	317,400	0	46,844	46,844	15%
<b>Total Unit: Environment Health</b>	<b>2,517,804</b>	<b>2,431,404</b>	<b>42,173</b>	<b>327,606</b>	<b>369,779</b>	<b>15%</b>
<i>Local Laws</i>						
Revenues	(1,379,700)	(1,379,700)	0	(618,705)	(618,705)	45%
Expenses	2,569,848	2,472,066	190,204	431,471	621,674	24%
Transfer / Overhead Allocation	251,600	251,600	0	50,642	50,642	20%
<b>Total Unit: Local Laws</b>	<b>1,441,748</b>	<b>1,343,366</b>	<b>190,204</b>	<b>(136,592)</b>	<b>53,612</b>	<b>4%</b>
<i>Planning and Regulatory Services Management</i>						
Expenses	682,948	648,133	5,490	271,257	276,748	41%
Transfer / Overhead Allocation	0	0	0	813	813	0%
<b>Total Unit: Planning and Regulatory Services Ma</b>	<b>682,948</b>	<b>648,133</b>	<b>5,490</b>	<b>272,070</b>	<b>277,561</b>	<b>41%</b>
<b>Total Section: Planning and Regulatory Services</b>	<b>5,568,834</b>	<b>5,235,714</b>	<b>298,585</b>	<b>496,227</b>	<b>794,812</b>	<b>14%</b>
<b>Total Department: COMMUNITY SERVICES</b>	<b>5,568,834</b>	<b>5,235,714</b>	<b>298,585</b>	<b>496,227</b>	<b>794,812</b>	<b>14%</b>
<b>Grand Total:</b>	<b>5,568,834</b>	<b>5,235,714</b>	<b>298,585</b>	<b>496,227</b>	<b>794,812</b>	<b>14%</b>



## All Monthly Requests (Priority 3) Community Standards Compliance 'Traffic Light' report September 2016

	Balance B/F	Completed in Current Mth	Current Month NEW Requests		TOTAL INCOMPLETE REQUESTS BALANCE	Under Long Term Investigation	Completion Standard (days)	Avg Completion Time (days) Current Mth	Avg Completion Time (days) 6 Months	Avg Completion Time (days) 12 Months	Avg Duration (days) 12 Months (complete and incomplete)	Avg Completion Time (days) Q1
			Received	Completed								
Dog Registration Enquiry	203	199	485	449	39	0	10	● 3.10	● 4.80	● 4.79	3.99	● 4.80
Animals (more than permitted number)	4	4	21	14	7	0	30	● 3.14	● 6.94	● 10.48	6.47	● 5.55
Comm Compliance Barking Letter/Visitors Advice	0	0	2	2	0	0	5	● 2.00	● 2.41	● 2.93	2.06	● 1.23
Dog Attack on Animal (Confirmed)	0	0	0	0	0	0	10	● 0.00	● 0.00	● 0.00	0.00	● 0.00
Dog Attack on Person (Fear) CSO	17	13	13	4	12	0	20	● 9.25	● 14.78	● 24.31	9.97	● 12.24
Dog Attack on Animal (Alleged) CSO	16	16	8	6	2	0	20	● 3.50	● 16.38	● 20.57	10.18	● 14.61
Dog Attack on Person (Bite) CSO	6	6	4	1	3	0	20	● 5.00	● 19.08	● 18.03	7.77	● 13.43
Heavy Vehicle Parking	0	0	5	4	1	0	10	● 2.75	● 3.46	● 3.75	3.06	● 3.00
Overgrown Allotments	33	29	47	16	25	0	45	● 2.69	● 13.14	● 15.63	12.12	● 13.75
Regulated Parking	5	5	20	16	3	0	10	● 5.56	● 12.92	● 9.53	6.21	● 13.00
Dust Complaint	1	1	1	1	0	0	10	● 0.00	● 4.63	● 5.69	2.64	● 5.60
Litter/Illegal Dumping	1	1	8	7	1	0	20	● 1.57	● 4.29	● 7.32	6.31	● 2.47
Noise Complaint	1	1	6	6	0	0	10	● 3.50	● 3.13	● 6.17	2.33	● 3.23
Barking Dog Complaint - Stage 1	18	17	69	53	13	0	3	● 1.64	● 2.75	● 3.26	0.67	● 2.84
Barking Dog Complaint - Stage 2 LLEO Use Only	9	9	10	7	3	0	30	● 5.00	● 11.83	● 14.67	9.91	● 11.69
Vector Misting	0	0	17	13	0	0	7	● 1.46	● 1.14	● 1.12	1.17	● 1.19
Nuisance Vehicle	6	5	17	11	6	0	10	● 4.27	● 8.56	● 7.00	5.48	● 10.00
Wandering Animals (dogs, cats, poultry)	18	18	80	62	16	0	10	● 0.55	● 0.87	● 0.92	0.68	● 0.81
Wandering Stock	7	6	24	23	2	0	10	● 3.17	● 4.71	● 4.55	2.00	● 3.95

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**8.2 D/137-2016 - DEVELOPMENT APPLICATION FOR A REQUEST TO APPLY A SUPERSEDED PLANNING SCHEME FOR AN OPERATIONAL WORKS APPLICATION**

**File No:** D/137-2016  
**Attachments:** 1. Locality Plan  
**Authorising Officer:** Steven Gatt - Manager Planning & Regulatory Services  
Michael Rowe - General Manager Community Services  
**Author:** Philip Benfield - Operational Works Administrator

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**SUMMARY**

*This report outlines the decision process undertaken to assess a request for assessment under a superseded planning scheme for proposed operational works (D/137-2016) at 2 Pilbeam Drive, Frenchville.*

**OFFICER'S RECOMMENDATION**

THAT the report on D/137-2016 Development Application for a Request to Apply a Superseded Planning Scheme for an Operational Works Application be received.

**BACKGROUND**

On 27 September 2016, Council resolved that a report into application D/137-2016 be presented at an upcoming Planning and Regulatory Committee meeting.

On 23 August 2016 the applicant lodged a request for assessment against the superseded planning scheme for operational works at 2 Pilbeam Drive, Frenchville. This application referred to the following reports:

<i>Geotechnical and slope stability investigation</i>	<i>Cardno</i>	<i>November 2013</i>
<i>Ecological and Bushfire Risk Assessment Report</i>	<i>Rob Friend &amp; Assoc's</i>	<i>March 2008</i>
<i>Water Network Analysis</i>	<i>Fitzroy River Water</i>	<i>November 2015</i>

On 19 September 2016, Council wrote to the applicant advising that it approved the request for assessment against the superseded planning scheme and that in accordance with section 99 of the *Sustainable Planning Act 2009* the applicant has six (6) months from the date of the letter to lodge a development application for operational works to be assessed under City Plan 2005.

A report into applications to be decided under delegation was presented to the Planning and Regulatory Committee on 20 September 2016. Application D/137-2016 was one of the applications listed. Application D/137-2016 had been decided under delegation in the time between the report having been written and the report being presented at Committee.

The applicant is required to lodge a development application for operational works to be assessed under City Plan (and the works approved) before any works can occur on site. An application has not yet been lodged. That application will then go through the usual development assessment processes and would be decided under delegation.

**CONCLUSION**

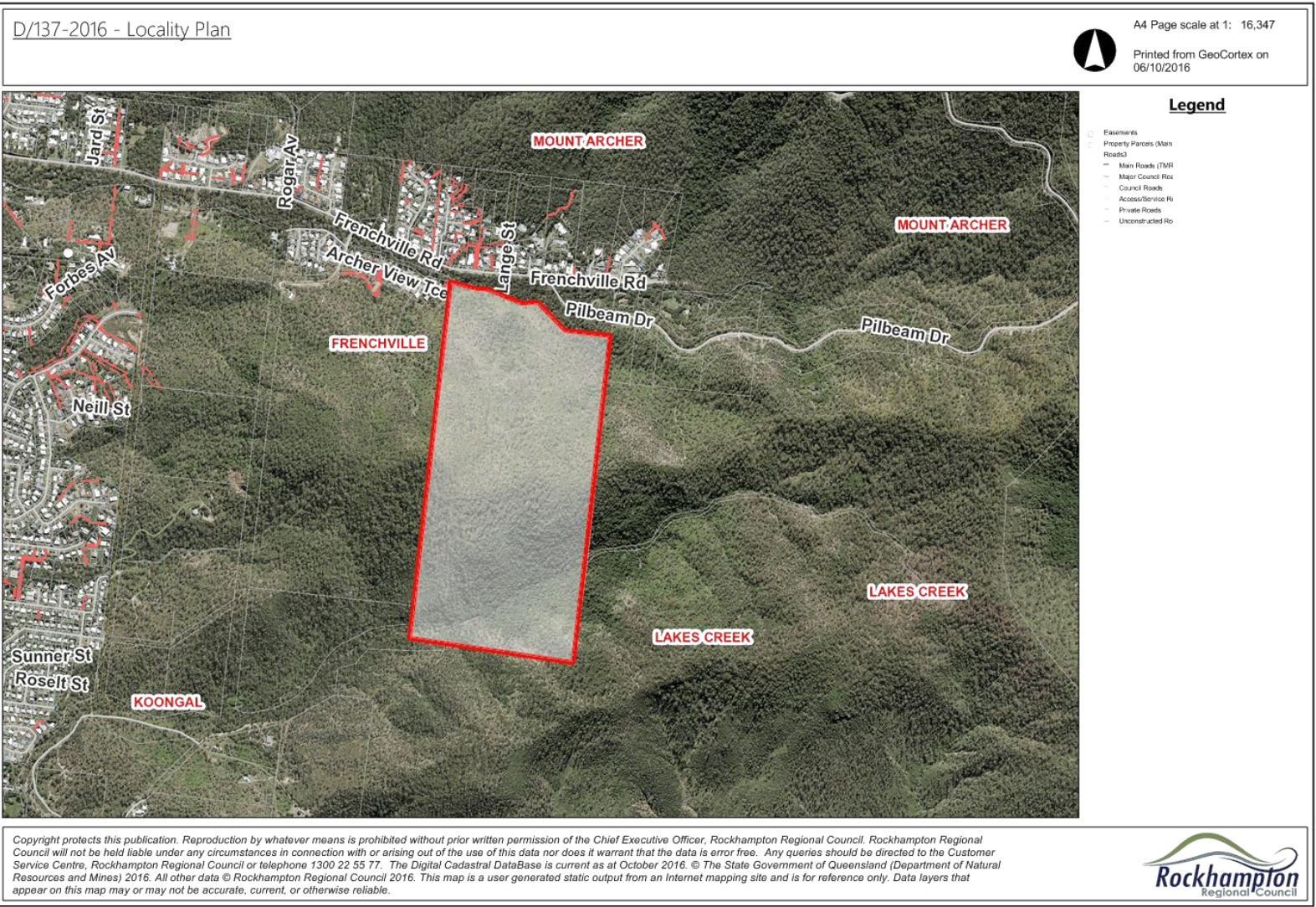
Application D/137-2016 was lodged with Council on 23 August 2016 and decided on 19 September 2016, approving the request for assessment against the superseded planning scheme. An operational works application is required to be lodged within six (6) months and must be assessed and approved before any operational works can take place on the site.

**D/137-2016 - DEVELOPMENT  
APPLICATION FOR A REQUEST TO  
APPLY A SUPERSEDED PLANNING  
SCHEME FOR AN OPERATIONAL  
WORKS APPLICATION**

**Locality Plan**

**Meeting Date: 18 October 2016**

**Attachment No: 1**



**8.3 D/90-2015 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A HOUSE**

**File No:** D/90-2015

**Attachments:**

1. Locality Plan
2. Proposed Site Plan
3. Floor Plan and Elevation

**Authorising Officer:** Tarnya Fitzgibbon - Coordinator Development Assessment  
Steven Gatt - Manager Planning & Regulatory Services  
Michael Rowe - General Manager Community Services

**Author:** Anton de Klerk - Senior Planning Officer

**SUMMARY**

*Development Application Number:* D/90-2015

*Applicant:* St Luke's Healing Foundation

*Real Property Address:* Lot 153 on RP866052, Parish of Archer

*Common Property Address:* 342-350 Holt Street, Frenchville

*Area of Site:* 12.11 hectares

*Planning Scheme:* Rockhampton City Plan 2005

*Rockhampton City Plan Area:* Berserker Foothills Residential Area and Berserker Range Environmental Protection Area

*Planning Scheme Overlays:* Airport Height Limitations; Remnant Vegetation; Steep Land; and Bushfire Hazard

*Existing Development:* Vacant Land

*Existing Approvals:* Nil

*Approval Sought:* Development Permit for a Material Change of Use for a House (assessed under the superseded planning scheme)

*Level of Assessment:* Impact Assessable

*Submissions:* Thirty-nine (39) submissions received

*Referral Agency(s):* Nil

*Adopted Infrastructure Charges Area:* Charge Area 3

*Application Progress:*

<i>Application Lodged:</i>	3 July 2015
<i>Application Properly Made:</i>	21 July 2015
<i>Acknowledgment Notice issued:</i>	28 July 2015
<i>Request for Further Information sent:</i>	11 August 2015
<i>Applicant Request an extension to the Information Response Period (until 25 February 2016)</i>	12 February 2016
<i>Request for Further Information responded to:</i>	24 February 2016
<i>Council Requested further clarification as per items detailed within the original Information Request:</i>	3 March 2016

<i>Applicant Requested to Extend the Time Period to Commence Public Notification (until 22 April 2016)</i>	<i>21 March 2016</i>
<i>Submission period commenced:</i>	<i>22 April 2016</i>
<i>Submission period end:</i>	<i>18 May 2016</i>
<i>Notice of Compliance to Public Notification received:</i>	<i>25 May 2016</i>
<i>Applicant request for additional time to the Decision Making period: (until 21 July 2016):</i>	<i>20 June 2016</i>
<i>Applicant request additional time to the Decision Making period: (until 15 September 2016):</i>	<i>21 July 2016</i>
<i>Council requested additional time (until 28 October 2016):</i>	<i>15 September 2016</i>
<i>Last receipt of information from applicant:</i>	<i>2 September 2016</i>
<i>Statutory due determination date:</i>	<i>28 October 2016</i>

## OFFICER'S RECOMMENDATION

### **RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for a House, made by Beal Building Design on behalf of St Luke's Healing Foundation, on land described as Lot 153 on RP866052, Parish of Archer, located at 342-350 Holt Street, Frenchville, Council resolves under section 304(1) of the *Sustainable Planning Act 2009*:

- a) that it is satisfied that the non-compliances with the public notification procedures have not:
  - (i) adversely affected the awareness of the public of the existence and nature of the application; or
  - (ii) restricted the opportunity of the public to make properly made submissions; and
- b) to assess and decide the application despite a requirement for public notification not being complied with.

### **RECOMMENDATION B**

That in relation to the application for a Development Permit for a Material Change of Use for a House, made by Beal Building Design on behalf of St Luke's Healing Foundation, on land described as Lot 153 on RP866052, Parish of Archer, located at 342-350 Holt Street, Frenchville, Council resolves to Refuse the application for the following reasons:

- a) The *State Planning Policy 2015* and the new *Rockhampton Regional Planning Scheme 2015* seeks to restrict development in areas adversely affected by natural hazards.
- b) The site-specific Bushfire Management Plan which supported this proposal, indicates the development to remain a high risk;
- c) The proposal did not adequately address all aspects of the development vs supporting documentation and contains a number of discrepancies between the Bushfire Management Report and the engineering solutions / drawings; and
- d) The proposal fails to comply with a number of Specific Outcomes within the Biodiversity / Nature Conservation Code and the Bushfire Risk Minimisation Code as per the *Rockhampton City Plan 2005*.



**BACKGROUND****PROPOSAL IN DETAIL**

The proposed development is for the construction of a new four-bedroom, two-bathroom house, including an ancillary shed, located on the northwestern portion of a vacant twelve (12) hectare property at 342-350 Holt Street, Frenchville. Access to the site will be obtained from Woodland Drive via a new access road, to be constructed along the unconstructed Holt Street road reserve.

**SITE AND LOCALITY**

The subject site is located on the hillside of the Berserker Ranges within Frenchville, east of the existing urban footprint and contains a double zoning namely Berserker Foothills Residential Area and Berserker Range Environmental Protection Area. The site is undeveloped and contains steep slopes, with majority of the site sloping towards the southwest and west. The site contains densely vegetated native trees and shrubs which also label it as being a high risk bushfire hazard area.

Legal access to the site is obtained from Holt Street, which is currently an unconstructed road reserve, connecting onto Woodland Drive. Although the site is located outside of the Priority Infrastructure Area, the site can connect to Council's reticulated water and sewer via an existing easement within a neighbouring property on Neil Street.

**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 – 6 September 2016**

Recommending refusal due to inconsistencies between the recommendations of the latest 'Bushfire Hazard Assessment' report (issue date 3 June 2016) and the engineering submissions.

**Public and Environmental Health Comments – 28 October 2015**

Support, subject to conditions.

**Strategic Planning Comments – 1 August 2016**

Recommending refusal.

Under the superseded *Rockhampton City Plan 2005* the subject allotment is located partly within the Berserker Foothills Residential Area and partly in the Berserker Range Environmental Protection Area. Under the new *Rockhampton Region Planning Scheme 2015* the subject allotment is zoned Environmental Management and Conservation. This is in recognition of the development constraints for this area (i.e. bushfire hazard and steep land) and the continued preservation of the visual amenity that the Berserker Ranges provide as a backdrop to the city. Further the allotment is constrained by infrastructure service delivery limitations and appropriate access to the site.

The *State Planning Policy 2014* and *Rockhampton Region Planning Scheme 2015* seek to restrict development in areas adversely affected by natural hazards and those that have environmentally significant values. The subject allotment is located in an area impacted by natural hazards and is mapped as containing environmental values. The development is located in an area Council resolved to protect from further urban encroachment by rezoning the allotment environmental conservation and management.

The State Planning Policy and the new planning scheme seeks to restrict development in areas adversely affected by natural hazards. This dwelling is proposed to be located in a highly vegetated area, in high bushfire hazard on steeply undulating land. Based on the constraints listed above and the potential risk to life and property during a bushfire event, it is recommended that this application be refused.

#### **Other Technical Comments – 26 April 2016**

The original Bushfire Management Plan (dated 30 June 2015) was forwarded to a qualified person regarding the assessment to Bushfire Hazards. It was recommended that the bushfire management report provided with the application could not be supported without a substantial revision.

### **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 on 2 December 2013 (amended 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**

Not Applicable. 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**

Complies. The subject site is covered by remnant vegetation (Category B) as per Department of Natural Resources and Mines mapping. The potential impact onto the biodiversity is adequately reflected within the Biodiversity /Nature Conservation Code of the *Rockhampton City Plan 2005*.

#### **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**

Complies. The subject site is constrained by steep land and high bushfire hazard. The potential impact of developing land constrained by natural hazards (like steep land and bushfire) is adequately reflected within the Steep or Unstable Land Code and Bushfire Risk Minimisation Code of the *Rockhampton City Plan 2005*.

#### **Emissions and hazardous activities**

Not Applicable. The development is not affected by a hazardous activity as it is in a residential and environmental protection area.

#### **State transport infrastructure**

Not Applicable. The development does not have any impacts on State transport infrastructure.

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Strategic airports and aviation facilities

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

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

This application is situated within the Residential and Environmental Protection Area designation under the scheme's Strategic Framework Map. The Desired Environmental Outcomes, as identified within Chapter 2 of the *Rockhampton City Plan 2005* are applicable:

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

**Complies.** The proposed house will not affect the city's capacity as a capital city.

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

**Not applicable.** There are no applicable natural resources at this site that are required to support economic growth in the area.

- (3) 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.

**Not applicable.** Although the proposed house will be located within the Environmental Protection Area (and require some clearing of vegetation), the majority of the site will remain untouched and in its natural state.

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

**Complies.** The location of the house (including the building location envelope) has been designed and located to retain the natural environment and maximise biodiversity on the property. No new development is proposed as part of this application.

- (5) 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 application does not include or affect any commercial or retail development.

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

**Complies.** The proposal does not affect the operation of any commercial centres in the region.

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

**Not applicable.** The proposal does not include or affect any industrial development in the region.

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

**Not applicable.** The proposal does not include or affect any cultural or urban heritage development in the region.

- (9) 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 proposed house will be located within the Berserker Foothills Residential Area on a twelve hectare site, creating an attractive place to live.

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

**Complies.** The site is located within reasonable distance to health care facilities.

- (11) 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 is not for a subdivision and does not create any new allotments.

- (12) 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 proposed house will be connected to Council's reticulated water and sewer system.

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

**Complies.** The proposal does not create any additional allotments and will not negatively impact on any existing transport systems.

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

**Complies.** The site is in proximity to open spaces.

The performance assessment of the proposal demonstrates that the development will not compromise the *Rockhampton City Plan 2005* Desired Environmental Outcomes.

#### **Berserker Foothills Residential Area Intent**

The subject site is situated within the Berserker Foothills Residential Area and Berserker Range Environmental Protection Area under the *Rockhampton City Plan 2005*. The intent of the Berserker Foothills Residential Area and Berserker Range Environmental Protection Area identifies that:

*"It is intended that the Area continue to develop as a Residential Area with primarily houses and compatible community uses. ...All development in the Area will be effected by the following constraints:*

- *The visual impact of development on the Berserker Ranges;*
- *The steepness of the land;*
- *The retention of native vegetation which is important to the landscape character of the Area;*
- *Localised flooding associated with Moores and Frenchmans Creek, and the ecological values associated with the Creeks and their banks;*
- *The bushfire risk in the adjoining Berserker Range Environmental Protection Planning Area and therefore, the ability to manage wildfire hazard to dwellings and other key infrastructure; and*
- *Feral and native animals in the Area and in the adjoining Berserker Range Environmental Protection Area.*

*It is intended to preserve the visual, ecological, and landscape character values in this Area and in the adjoining Berserker Range Environmental Protection Area, consequently, additional allotments will only be consistent with the intent for the Area where they contain slopes less than 25%.”*

### **Berserker Range Environmental Protection Area Intent**

*“It is intended to preserve the visual, ecological, and landscape character values associated with this Area. To this end, it is intended that only a limited range of new development will occur in this Area. As its title suggests, this Area is of significance to the City and also the region, consequently, new development will be restricted to ensure the preservation of:*

- *The landform as a visually prominent and sparsely settled part of the City;*
- *The ecological values of the Area and the City;*
- *Mount Archer and the Berserker Ranges as a landscape backdrop to Rockhampton;*
- *The Area as an attraction and resource for residents and visitors for its natural values;*
- *The land’s slopes and the stability of those slopes; and*
- *The water quality of many of Rockhampton’s creeks.*

*Additional houses across the whole of the Area, excluding Precinct 1, to what existed on the Commencement Day are also inconsistent with the intent for this Area. Where an allotment is partly located in this Area and partly in any other Area (except the Yeppoon Road Corridor Environmental Protection Area) it is intended that any house be located in the part of the allotment, where reasonably and practicably possible, not in the Environmental Protection Area.”*

The proposal for a house will be located over both zonings, being the Berserker Foothills Residential Area and the Berserker Range Environmental Protection Area and is affected by multiple constraints. A house within both zones can be considered being consistent subject to demonstrating that there will be no measurable impacts on the environmental and visual values of the area, including avoiding constraints like bushfire risk, slope instability, and the like. It will also need to be demonstrated that the house can obtain (and maintain) reasonable and practical access via a standard two-wheel-drive (2WD) motor vehicle. However, the proposal is effected by multiple constraints which must be adequately addressed, and they have not been adequately addressed.

### **Rockhampton City Plan Codes**

The following codes are applicable to this application:

- House Code
- Biodiversity and Nature Conservation Code
- Bushfire Risk Minimisation Code
- Crime Prevention Through Environmental Design Code
- Landscape Code
- Parking and Access Code
- Restricted Premises Code
- Steep or Unstable Land Code
- Water Quality and Quantity Code

An assessment has been made against the requirements of the abovementioned codes and the proposed development generally complies with the relevant Performance Criteria and

Acceptable Solutions. An assessment of the Performance Criteria which the application is in conflict with, is outlined below:

<b>Biodiversity / Nature Conservation Code</b>		
<b>Performance Criteria</b>		<b>Officer's Response</b>
P1	<p>Development maintains, enhances or contributes to the existence of viable and functional;</p> <p>(a) networks of ecological corridors; and</p> <p>(b) significant habitats.</p>	<p>The proposed building location envelope (measuring approximately 4,500 square metres) will be located on the north-western corner of the site, which will require clearing of native vegetation. Although it was claimed that the building location envelope does not contain any endangered or vulnerable plant species, additional approvals for clearing might be required in accordance with the <i>Nature Conservation Act 1992</i>.</p> <p>An Environmental Management Plan in accordance with <i>Planning Scheme Policy No. 1 – Preparation of Ecological Assessment Reports and Environmental Management Plans</i> will be required, demonstrating potential impacts and measures to be implemented.</p>
<b>Bushfire Risk Minimisation Code</b>		
<b>Performance Criteria</b>		<b>Officer's Response</b>
P1	<p>Development does not put the safety and lives of people, and property seriously "at risk" from bushfire.</p>	<p>A site-specific bushfire hazard assessment report was submitted with the application and demonstrated that the risk to fire hazard remains high, as per <i>Planning Scheme Policy No. 12 – Assessment of Bushfire Hazard Policy</i>. The surrounding areas adjacent to the site were also considered to be high.</p> <p>It should also be noted that the bushfire hazard assessment report also recommended the design of the access road not to exceed 12.5 degrees in slope (i.e. 22%). An appropriate passing bay or turnaround area should also be designed and provided within the access road, allowing the passing and movement of emergency firefighting vehicles. This has not been demonstrated / provided for.</p>
P2	<p>Buildings are sited or able to be sited:</p> <p>(a) in areas where the environmental impacts are minimal; and</p> <p>(b) on land which is the least prone to bushfire risk having regard to aspect, elevation, slope and vegetation type.</p>	<p>The site-specific bushfire hazard assessment report supplied with the application stipulated that given the topography and vegetation present on and surrounding the site, the building location pad will be most at risk of bushfire from adjacent lands.</p> <p>The surrounding lands are most hazardous as they are in closest proximity to and are downslope from the building location pad. Bushfire behaviour increases in intensity</p>

		and speed of spread when moving in an uphill direction.
<b>Steep or Unstable Land Code</b>		
<b>Performance Criteria</b>		<b>Officer's Response</b>
P3	Development provides and maintains a high level of safety for people and property from the risks of landslide or other dangers.	Majority of the site contains slopes of more than thirty per cent (30%). A site-specific slope stability report formed part of the application where it was determined that the site is considered to be a low risk of slope instability affecting development, subject to implementation of a number of recommendations highlighted in the report.

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

**INFRASTRUCTURE CHARGES**

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

Column 1 Use Schedule	Column 2 Charge Area	Column 3 Adopted Infrastructure Charge for residential development (\$/dwelling unit)		Column 4 Unit	Calculated Charge
		1 or 2 bedroom dwelling	3 or more bedroom dwelling		
Residential	Area 3	5,000	7,000	per dwelling	\$7,000.00
Total					\$7,000.00
Less credit					\$7,000.00
<b>TOTAL CHARGE</b>					<b>\$0.00</b>

This is based on the following calculations:

- (a) A charge of \$7,000.00 for a house consisting of more than three-bedrooms;
- (b) An Infrastructure Credit of \$7,000.00 is applicable for the existing vacant allotment.

Nevertheless, the recommendation is for a refusal and therefore, no charge will be applicable regardless. An Infrastructure Charges Notice will not be required.

**CONSULTATION**

The proposal was the subject of public notification between 22 April 2016 and 18 May 2016, as per the requirements of the *Sustainable Planning Act 2009*, and thirty-seven (37) properly made submissions and two (2) not properly made submissions were received.

The following is a summary of the submissions lodged, with Council officer comments:

Issue	Officer's Response
The proposal is inconsistent to the zoning and intent.	The proposal for a house will be located over both zonings, being the Berserker Foothills Residential Area and the Berserker Range Environmental Protection Area, and is affected by multiple constraints. A house within both zones can be considered being consistent subject to demonstrating that there will be no measurable impacts on the environmental and visual values of the area, including avoiding constraints like bushfire risk, slope instability, and the like.
The site is constrained by extreme bushfire hazard.	A site-specific bushfire hazard assessment report was submitted with the application and demonstrated that the risk to bushfire hazard remains high, as per <i>Planning Scheme Policy No. 12 – Assessment of Bushfire Hazard Policy</i> . The surrounding areas adjacent to the site were also considered to be of high hazard.
The subject site does not have adequate access, specifically for a two-wheel-drive (2WD) vehicle.	Engineering plans were provided illustrating the construction of a new access road from Woodland Drive, along the unconstructed road reserve of Holt Street, up to the site. The proposed new access driveway will however contain slopes of twenty-five per cent (25%) which will be suitable for two-wheel-drive vehicles but will still be inconsistent to the recommendations specified within the bushfire hazard report.
Stormwater drainage will impact the natural flow and impact on the houses below.	A 'Stormwater Management Report' has been submitted in response to council's information request which gives design of two cross drainage structures at two natural gullies. It was demonstrated that there will be no worsening to the downstream properties and infrastructure as a result of this development in a Q10 (one in ten years) flood event.
The proposed development will negatively impact onto the natural environment and loss of valuable native flora and fauna.	The proposed building location envelope (measuring approximately 4,500 square metres) will require clearing of native vegetation. In this instance, clearing of remnant vegetation can still be allowed subject to approvals in accordance with the <i>Nature Conservation Act 1992</i> .
There is a concern that the new house will be used for assisting young troubled youths by providing relief and caring facilities for the under privileged. This in turn could have security and safety impacts and concerns to	The proposed development applied for a House only. No other use has been considered or formed part of this assessment. Please note, the definition for a House in the <i>Rockhampton City Plan</i>



Issue	Officer's Response
the neighbourhood.	<p>2005 is:</p> <p><i>“A single dwelling unit on a site that is not a small lot used principally for residential occupation by a family or individuals in a domestic manner, including outbuildings ancillary to the occupation of the dwelling unit, and includes:</i></p> <p><i>(a) the keeping of domestic pets;</i></p> <p><i>(b) domestic horticulture;</i></p> <p><i>(c) the caring of children in accordance with Family Day Care or Independent Home-Based Care as defined in the Child Care Act 2002; and</i></p> <p><i>(d) a Relatives Apartment as defined in the House Code but excludes any premises, which, by the characteristics of the use is another form of residential use.”</i></p> <p>Therefore, from a Planning perspective, Council will have no control on how a family operates / is structured, in the sense of containing any adopted / fostered children etc. It will only become a Planning concern / issue should the use be defined as something other than a House, for example, a Special Needs Accommodation or a Community Facility (which is separately defined within the planning scheme).</p>

**REFERRALS**

There were no Referral Agencies applicable for this application.

**CONCLUSION**

The proposal for a House at 342-350 Holt Street, Frenchville will be located in a highly vegetated area, high risk bushfire hazard area and on steep undulating land. Having regard to the constraints listed above, and the potential risk to life and property during a bushfire event, it is recommended Council, from a land use perspective, does not consider the proposed development favourably as it is argued that there are not sufficient grounds to justify the proposed development in this instance.

**D/90-2015 - DEVELOPMENT  
APPLICATION FOR A MATERIAL  
CHANGE OF USE FOR A HOUSE**

**Locality Plan**

**Meeting Date: 18 October 2016**

**Attachment No: 1**



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**D/90-2015 - DEVELOPMENT  
APPLICATION FOR A MATERIAL  
CHANGE OF USE FOR A HOUSE**

**Proposed Site Plan**

**Meeting Date: 18 October 2016**

**Attachment No: 2**

- INDICATES STEEP LAND OVERLAY
- INDICATES BUSHFIRE OVERLAY
- INDICATES 100 AHD CONTOUR LINE
- INDICATES APPROX. LOCATION OF ZONE BOUNDARY

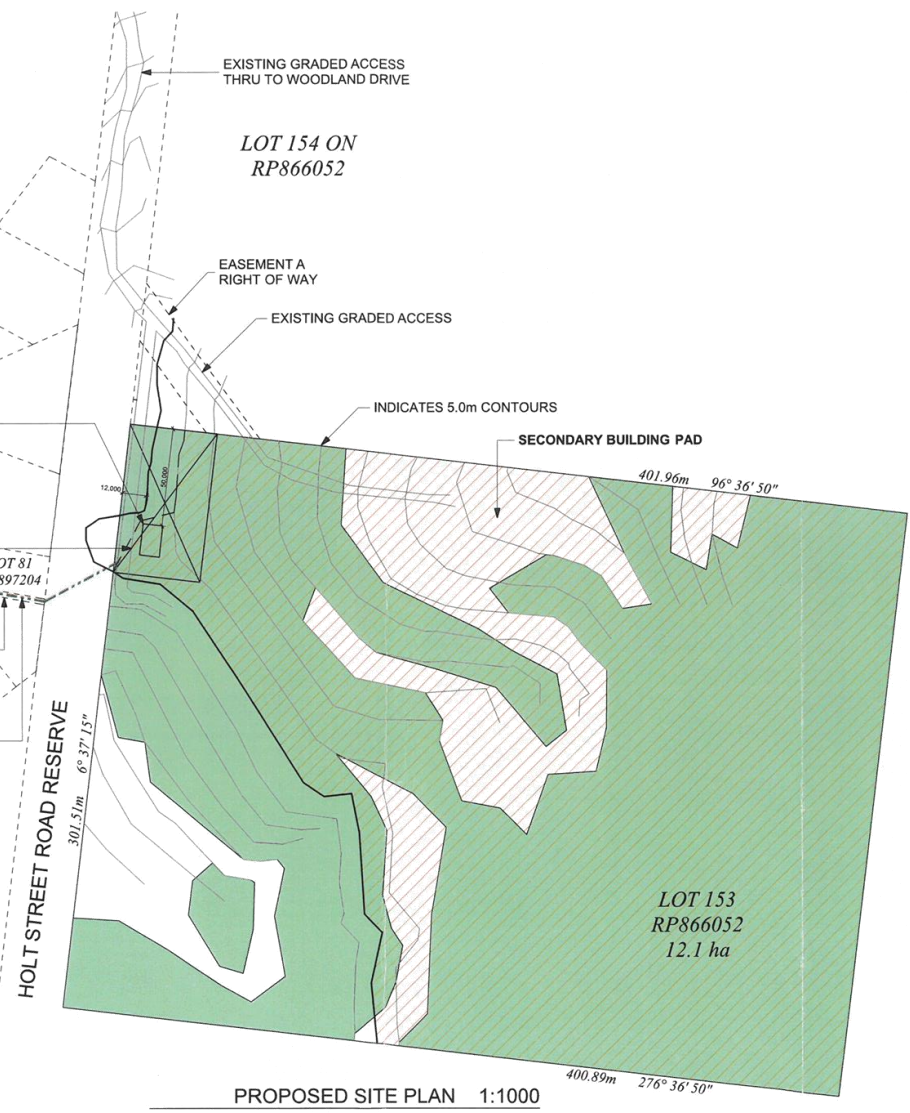
LOCATION OF DWELLING IS INDICATIVE ONLY AND SUBJECT TO CHANGE DEPENDING ON SITE CONSTRAINTS. MIN ROAD BOUNDARY SETBACK OF 6.0m

PROPOSED 100m x 45m BUILDING PAD  
MAX. SLOPE 11%

EASEMENT A RIGHT OF SERVICES

CONNECT TO EXISTING RETICULATED SEWER AND WATER THROUGH SERVICES EASEMENT. EXISTING POWER CONNECTION.

AREA / SITE COVERAGE	
DWELLING	300m <sup>2</sup> 0.2%



PROPOSED SITE PLAN 1:1000

**A1 DRAWING**  
NOTED SCALES RELATE TO A1 DRAWINGS

**RPD DETAILS**  
LOT 153 ON RP866052  
- SITE AREA: 12.1 ha (121,000m<sup>2</sup>)



PO BOX 6267  
RED HILL ROCKHAMPTON Q 4701  
M: 0438 166 530  
E: baebuildingdesign@bigpond.com  
BSA Licence: #1198384  
BDAQ Member: #001235

The Builder shall check and verify all dimensions. All errors and omissions must be verified with the Designer. Do not scale from the drawings. Drawings shall not be used for construction purposes until issued by the Designer For Construction.

Client: ST. LUKE'S HEALING FOUNDATION  
Project Name: NEW DWELLING  
Project Address: 342-350 HOLT STREET, FRENCHVILLE  
Drawing Title: PROPOSED SITE PLAN

Status: DA ISSUE	Project No: 1402-01
Scale: as shown at A1	Date: 22/11/2016
Sheet Number: 1 of 1	Issue No: DA1.0
Drawn: RJD	Proj: 22/11/2016

**D/90-2015 - DEVELOPMENT  
APPLICATION FOR A MATERIAL  
CHANGE OF USE FOR A HOUSE**

**Floor Plan and Elevation**

**Meeting Date: 18 October 2016**

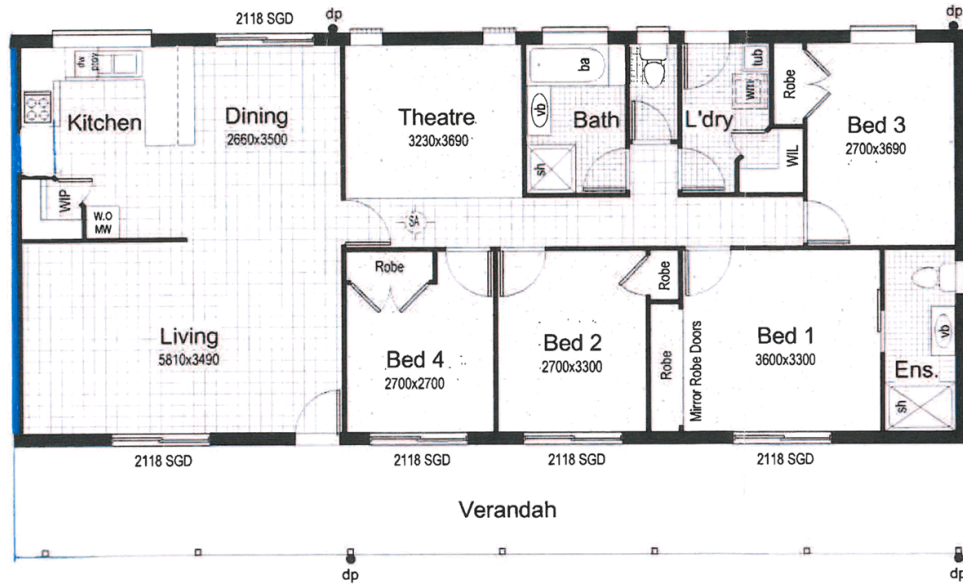
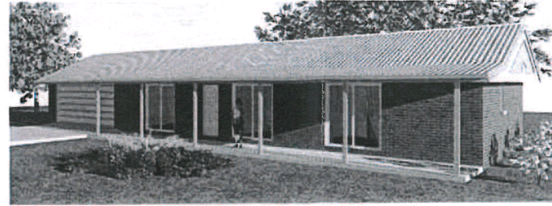
**Attachment No: 3**

DAVID GENTILE  
DP GENTILE @ OPTUSNET . COM . AU

# RANCHSTYLE 208

LESS GARAGE  
= 164.5 m<sup>2</sup>

OVERALL BRICKWORK FRONTAGE.....23.30m  
OVERALL BRICKWORK DEPTH.....7.50m  
OPTIONAL EXTRA MAIN AREA TILES.....52sqm  
OPTIONAL EXTRA MAIN AREA CARPET.....59sqm



**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**