



PLANNING AND REGULATORY COMMITTEE MEETING

AGENDA

31 OCTOBER 2017

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 31 October 2017 commencing at 9.00am for transaction of the enclosed business.

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

CHIEF EXECUTIVE OFFICER
26 October 2017

Next Meeting Date: 14.11.17

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 M D Wickerson

In Attendance:

Mr E Pardon – Chief Executive Officer

3 APOLOGIES AND LEAVE OF ABSENCE

Leave of absence previously granted for Councillor Neil Fisher
Leave of absence previously granted for Councillor Cherie Rutherford

4 CONFIRMATION OF MINUTES

Minutes of the Planning and Regulatory Committee held 3 October 2017

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: 31 October 2017

Attachment No: 1

Date	Report Title	Resolution	Responsible Officer	Due Date	Notes
5 September 2017	Enforcement Proceedings for Development Offences	<p>THAT Council accept the payment order from the owner of the premises and bring the current enforcement actions to a close; and</p> <p>THAT Council officers review issues on public land and report on options to remove goods from the reserve.</p>	Philip Harrison	19/09/2017	
3 October 2017	Reconfiguration of Lot Incentives Report	THAT Council develop a policy in relation to reconfiguration of lot approvals to allow developers to pay infrastructure charges on a per lot basis either when a lot is sold or within two (2) years, whichever is the earlier.	Tarnya Fitzgibbon	17/10/2017	

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 OFFICERS' REPORTS

8.1 D/155-2014 - APPLICATION UNDER THE DEVELOPMENT INCENTIVES POLICY FOR DEVELOPMENT PERMIT D/155-2014 FOR A MATERIAL CHANGE OF USE FOR A MULTI UNIT DWELLING (FIFTY-SIX UNITS) AND A RESTAURANT

File No: D/155-2014/A
Attachments: 1. Locality Plan
Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Steven Gatt - Acting General Manager Community Services
Author: Amanda O'Mara - Senior Planning Officer

SUMMARY

Development Application Number: D/155-2014
Applicant: Riddell Developments Pty Ltd
Real Property Address: Lot 2 on RP602577, Lot 17 on CP897263 and Lot 18 on CP897263, Parish of Rockhampton
Common Property Address: 50, 52 and 58 Victoria Parade, Rockhampton City
Type of Approval: Development Permit for a Material Change of Use for a Multi Unit Dwelling (fifty-six units) and a Restaurant
Date of Decision: 24 November 2014
Application Lodgement Fee: \$29,075.00
Infrastructure Charges: \$286,769.00 (Stage 1)
Infrastructure charges incentive: Inner City North Cultural Special Use Precinct – Residential Development – 50%
Incentives sought: Infrastructure Charges Concession of 50%
Refund of Development Application Fees
Refund of Service and Connection Fees

OFFICER'S RECOMMENDATION

THAT in relation to the application under the Development Incentives Policy for Development Permit D/155-2014 for a Material Change of Use for a Multi Unit Dwelling (fifty-six units) and a Restaurant, on Lot 2 on RP602577, Lot 17 on CP897263 and Lot 18 on CP897263, Parish of Rockhampton, located at 50, 52 and 58 Victoria Parade, Rockhampton City, Council resolves to Approve the following incentives if the use commences prior to 24 November 2018:

- a) A fifty percent (50%) reduction of infrastructure charges to the amount of \$143,384.50;
- b) A refund of the development application fee of \$29,075.00 and service and connection fees on commencement of the use; and
- c) That Council enter into an agreement with the applicant in relation to (a) and (b)

BACKGROUND**Project outcomes anticipated by applicant:**

The proposed development is for stage one of the Gallery Apartments which consists of thirty (30) units and a restaurant.

New jobs and investment:

The applicant will have invested \$15 million in constructing the first stage of the multi unit development.

The project has injected much needed confidence into the Rockhampton Region's business sector and added to the developments taking place in the Inner City North Cultural Special Use Precinct. Post construction there will be further employment opportunities through the operation of the restaurant, building maintenance and rental and sale of the units.

Benefits of project for applicant's business:

The applicant has been a unit developer since 2014. Construction of the first stage will grow unit buyer's confidence in the applicant and help generate sales for the second stage.

Benefits of project to Rockhampton Regional economy:

The project has helped provide confidence in the Rockhampton Region's construction sector and provided the Inner City North Cultural Special Use Precinct with substantial new unit product.

Construction will add significantly to the Region's economy. The vast majority of service providers for the project are Rockhampton region based.

The project will provide additional economic impacts after construction through the restaurant, building maintenance and sale and leasing of the units.

PLANNING ASSESSMENT**COMMENTS FROM RELEVANT UNITS****Development Engineering Unit's Comments – 5 September 2017**

Support, subject to comments.

Economic Development Unit's Comments – 5 September 2017

Support, subject to comments.

CONCLUSION

The development meets the eligibility criteria under the Development Incentives Policy and the applicant has demonstrated some economic benefits arising from the development.

Therefore, in accordance with the policy, a fifty (50) per cent discount can be applied. In addition, a refund of the development application fee and the service and connection fees will be provided.

Furthermore, due to the scale of the development, construction delays and issues in securing development funding it is recommended that a period of four (4) years is provided to the applicant to commence the use rather than three the (3) years stipulated in the policy.

**D/155-2014 - APPLICATION UNDER
THE DEVELOPMENT INCENTIVES
POLICY FOR DEVELOPMENT PERMIT
D/155-2014 FOR A MATERIAL CHANGE
OF USE FOR A MULTI UNIT DWELLING
(FIFTY-SIX UNITS) AND
A RESTAURANT**

Locality Plan

Meeting Date: 31 October 2017

Attachment No: 1

D/155-2014/A - Locality Plan

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8.2 D/98-2017 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A DWELLING HOUSE

File No: D/98-2017

Attachments:

1. Locality Plan
2. Proposed Development Footprint

Authorising Officer: Amanda O'Mara - Senior Planning Officer
Steven Gatt - Acting General Manager Community Services

Author: Amy Johnson - Acting Planning Officer

SUMMARY

Development Application Number: D/98-2017

Applicant: TLE Coombs

Real Property Address: Lot 240 on P4050, Parish of Stanwell

Common Property Address: 234 Meteor Park Road, Kabra

Area of Site: 57.465 hectares

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: High Impact Industry Zone

Planning Scheme Overlays: Flood Hazard Overlay Code

Existing Development: Neerkol Orphanage and Farming

Existing Approvals: 58-1964/G2HIST – Chapel Neerkol Orphanage

Approval Sought: Development Permit for a Material Change of Use for a Dwelling House

Level of Assessment: Impact Assessable

Submissions: Nil

Referral Agency(s): Nil

Infrastructure Charges Area: Charge Area 1

Application Progress:

<i>Application Lodged:</i>	4 August 2017
<i>Confirmation Notice issued:</i>	16 August 2017
<i>Request for Further Information sent:</i>	22 August 2017
<i>Request for Further Information responded to:</i>	5 September 2017
<i>Submission period commenced:</i>	15 September 2017
<i>Submission period end:</i>	10 October 2017
<i>Last receipt of information from applicant:</i>	13 October 2017
<i>Statutory due determination date:</i>	27 November 2017

OFFICER'S RECOMMENDATION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for a Dwelling House, made by TLE Coombs, located at 234 Meteor Park Road, Kabra, formally described as Lot 240 on P4050, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer and his employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 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 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:
- 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 Plumbing and Drainage Works; and
- 1.5.2 Building Works.
- 1.6 All Development Permits for Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 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 any condition of this development approval:

Drawing / report title	Prepared by	Date	Reference number	Version / issue
Proposed Development Footprint	Design and Architecture	31 July 2017	SP-002	B

- 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.

- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of an application for a Development Permit for Building Works.
- 3.0 ACCESS WORKS
- 3.1 Flood height marker(s) must be installed along the existing access at appropriate locations.
- 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 2008, Plumbing and Drainage Act 2002*, 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. The water storage must be easily accessible having regard to pedestrian and vehicular access.
- 4.3 The existing on-site sewerage treatment and disposal system must be adequate for the proposed development. Should the existing on-site sewerage treatment and disposal system not be adequate an upgrade of the system is required. 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 2002* and Council's Plumbing and Drainage Policies.
- 4.5 Any new on-site sewerage treatment and disposal areas must not be located within the existing water course or conflict with the separation distance as detailed within the *Queensland Plumbing and Wastewater Code*.
- 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 to surrounding land or infrastructure.
- 6.0 SITE WORKS
- 6.1 All earthworks, if required, 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.
- 6.3 All earthworks and site works, if required, must be undertaken in accordance with an Erosion Control and Stormwater Control Management Plan. The plan must be prepared in accordance with the *Capricorn Municipal Design Guidelines*, and be:
- 6.3.1 implemented, monitored and maintained for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped); and
- 6.3.2 available on-site for inspection by Council Officers whilst all works are being carried out.
-

7.0 BUILDING WORKS

- 7.1 A Development Permit for Building Works must be obtained for the removal, demolition or alteration of any existing structure on the development site.
- 7.2 Any new structures must not 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*.

8.0 ELECTRICITY

- 8.1 Electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 8.2 Evidence that the development is provided with electricity services from the relevant service provider must be provided to Council, prior to the commencement of the use.

9.0 TELECOMMUNICATIONS

- 9.1 Underground telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service provider.

Note: The *Telecommunications Act 1997* (Cth) specifies where the deployment of optical fibre and the installation of fibre-ready facilities is required.

Note: For telecommunications services, written evidence must be in the form of either a "Telecommunications Infrastructure Provisioning Confirmation" where such services are provided by Telstra or a "Notice of Practical Completion" where such services are provided by the NBN.

- 9.2 Evidence that the development is provided with telecommunications services from the relevant service provider must be provided to Council, prior to the commencement of the use.

10.0 ASSET MANAGEMENT

- 10.1 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 undertaken and completed at no cost to Council.
- 10.2 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.

11.0 OPERATING PROCEDURES

- 11.1 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 Neerkol Quarry Road and Meteor Park Road.

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 Partnerships website www.datsip.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.

NOTE 5. Flood Contingency Plan

The developer must prepare a Flood Contingency Plan for the subject site that addresses but is not limited to the following:

- (a) Evacuation times;
- (b) Evacuation routes;
- (c) Types of vehicles required for evacuation purposes; and
- (d) Details the storage or removal of materials, goods or equipment during times of flood.

It is the responsibility of the owner or occupier of the land to implement to contingency plan during a flood event or if there is a risk of flooding near the land.

Council is not required to approve contingency plans and Council does not accept any liability for loss of or damage to property, or injury or loss of life as a result of any person using or relying on the contingency plan, or failing to use the contingency plan during a flood event.

RECOMMENDATION B

THAT in relation to the application for a Development Permit for a Material Change of Use for a Dwelling House, made by TLE Coombs, located at 234 Meteor Park Road, Kabra, formally described as Lot 240 on P4050, Council resolves not to issue an Infrastructure Charges Notice.

BACKGROUND**PROPOSAL IN DETAIL**

The proposal is for the construction of a Dwelling House at 234 Meteor Park Road, Kabra. The application proposes to convert two (2) of the orphanage buildings into a single Dwelling House and an associated outbuilding for occupation by one (1) household. The orphanage buildings are frequently subject to trespassing and vandalism. Therefore, the applicant seeks to reside on the site to ensure better management of the rural use and increase the premises' security, particularly relating to the perseveration and up-keep of the orphanage buildings. Access to the site will be via the existing sealed internal access road from Meteor Park Road.

SITE AND LOCALITY

The subject site is located at 234 Meteor Park Road, Kabra formally known as Lot 240 on P4050.

The site extends from Meteor Park Road in the south to Neerkol Creek in the North and has an area of approximately 57.465 hectares. The site contains the buildings and structures of St Joseph's Home, commonly referred to as the Neerkol Orphanage which ceased operation in 1978. Throughout this time and to date, the balance of the land has been used for rural purposes. The proposed development footprint comprises an area of approximately 4,000 square metres encompassing the two existing western buildings of Neerkol Orphanage. The subject site is located in the High Impact Industry Zone under the *Rockhampton Region Planning Scheme 2015*.

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 assessment process provisions of the Development Assessment Rules, 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 – 15 September 2017

Support, subject to conditions / comments.

Public and Environmental Health Comments – 9 August 2017

Support, subject to conditions / comments.

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 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 and the identified state interests have been appropriately reflected in the local planning scheme.

Rockhampton Region Planning Scheme 2015

Strategic framework

This application is situated within the Future Industrial 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:

(i) Settlement pattern

- (1) The pattern of settlement is reinforced in accordance with the Strategic framework – settlement pattern maps (SFM-1 to SFM-4) and as defined in Table 3.3.2.2 – Strategic map designations and descriptions. Sufficient land has been allocated for residential, commercial, industrial and community uses to meet the needs of the region for at least twenty-five (25) years.
- (2) Residential development within Rockhampton and Gracemere will occur in urban areas, urban infill and intensification areas and new urban areas (greenfield areas). These areas are shown on the strategic framework maps SFM-2 to SFM-3.

- (3) Urban development in Mount Morgan will only occur within the urban area and local centre as shown on strategic framework map SFM-4.
- (4) Residential development is compact, encourages strong neighbourhoods with attractive places for residents, makes efficient use of land and optimises the delivery and use of infrastructure and services. Expansion beyond these identified areas will not occur to ensure a focus on urban infill and intensification areas and to avoid further encroachment on natural assets and ecologically vulnerable areas.
- (5) Sufficient land for employment growth has been identified in industrial areas, new industrial areas and centres (including proposed centres) at locations that can be most efficiently serviced with infrastructure and facilities.
- (6) Future urban areas and future industrial areas are the preferred location for greenfield development beyond 2026.
- (7) The settlement pattern provides for a diverse range of housing to meet changing demographic needs, and creates opportunities for more affordable living close to services and facilities. These housing options will help stimulate centres and community focal points, and assist in making the most efficient use of infrastructure and other public investment.
- (8) Higher density development is focussed around centres and public transport nodes and corridors. Increased residential densities will be encouraged in the urban infill and intensification areas in a range of dwelling types that are located to make public transport, walking and cycling more convenient, safe and viable.
- (9) The design of the built environment (including buildings, streets and public spaces) is consistent with the existing or desired character of the area and buildings are oriented to the street and public places. Development is undertaken in accordance with urban design principles.
- (10) Centres provide for employment, retail, accommodation, entertainment and community services that meet the needs of residential communities that are well connected by the public transport network.
- (11) Centres are based on a hierarchy that ensures the scale and form of development is appropriate to the location, and that the centres' roles and functions are appropriate within the wider planning scheme area.
- (12) Centres are consolidated within designated areas, and expansion does not occur into adjoining residential areas.
- (13) An integrated and high quality public open space network caters for the needs of residents, particularly in and around centres and higher density areas.
- (14) The continuing viability of areas that provide for economic development such as industrial and specific use areas is protected from incompatible land uses.
- (15) Limited rural residential areas provide for semi-rural living; however, these areas do not expand beyond the areas designated.
- (16) The productive capacity of all rural land is protected.
- (17) Rural lands and natural areas are maintained for their rural and landscape values.
- (18) The scenic and environmental values of areas identified as nature conservation or natural corridor link are protected.
- (19) The cultural heritage of Rockhampton is conserved for present and future communities.
- (20) Development responds to natural hazards (flooding, bushfire, steep land, storm tide inundation and coastal erosion) by avoiding, mitigating, adapting and building resilience to natural hazards in areas mapped as being susceptible.

Does not comply. The proposal does not comply with the strategic framework development pattern as it involves establishing a residential use in an industrial zone. Despite this non-compliance the development will not compromise the site's long-term intent of the surrounding area for industrial development. The interim use of the site for rural purposes will protect the productive capacity and landscape values of rural land until such time that the site is utilised for industrial development. Further, it is anticipated that the uptake of industrial development in the immediate area will not occur until the nearby Gracemere Industrial Area has been fully developed.

(ii) **Natural environment and hazards**

- (1) The natural environment and landscape are highly valued by the community for their contribution to the planning scheme area's biodiversity, economic prosperity, culture, character and sense of place. These areas are to be protected from incompatible development.
- (2) Development does not create unsustainable impacts on:
 - (a) the natural functioning of floodplains;
 - (b) environmentally significant areas, including areas of state and locally significant vegetation, which provide fauna habitat and support biodiversity; and
 - (c) the quality of water entering waterways, wetlands and local catchments.
- (3) Development does not increase the risk to human life and property in areas that are affected, or potentially affected, by storm-surge, erosion, sea-level rise or other coastal processes, flooding, bushfire, or landslide. This occurs through the avoidance of natural hazards in new development areas, particularly greenfield areas and the mitigation of risks in existing built up areas.
- (4) Strategic and iconic scenic and landscape values are protected from potential adverse impacts of development.

Complies. The proposal is not anticipated to create unsustainable impacts on the natural functioning of floodplains nor increasing the risk to human life and property as the development encompasses the use of the existing structures on the site.

(iii) **Community identity and diversity**

- (1) The quality of life of residents is enhanced through equitable access to social infrastructure, community services and facilities necessary to support community health and well-being.
- (2) The community is self-sufficient and does not rely on services and facilities located in other regions. Development contributes to the provision of new social infrastructure, including land.
- (3) Cultural heritage including character housing and heritage buildings are conserved and enhanced.
- (4) Public places are safe, functional, characterised by good urban design, and include a range of facilities to encourage healthy and active lifestyles.
- (5) Crime prevention through environmental design is achieved in urban areas including public spaces to improve public safety.

Complies. The development will increase the level of safety on site as the proposed Dwelling House will allow for an on-site presence which will discourage anti-social behaviour and limit opportunities for vandalism and nuisance, which are currently taking place. Therefore, the proposal complies with the strategic outcomes for community identity and diversity.

(iv) **Access and mobility**

- (1) Connectivity is achieved between residential uses, employment centres and services through the provision of active transport infrastructure integrated with efficient public transport services.
- (2) The trunk transport network (as shown on the strategic framework maps SFM-9 to SFM-12 and in plans for trunk infrastructure in the local government infrastructure plan) supports the settlement pattern and the local economy by facilitating the efficient and safe movement of people and goods both within the planning scheme area (especially between the main urban centres of Rockhampton and Gracemere), and to and from other locations.
- (3) The transport network encourages and supports active living in centres by providing for integrated walking, cycling, and public transport infrastructure to support a progressive reduction in car dependency.
- (4) The safety and efficiency of transport infrastructure, including the Bruce and Capricorn highways and other state and local roads, rail, airport and seaports, are not compromised by development.

Complies. The proposal does not conflict with the strategic outcomes and specific outcomes relating to access and mobility.

(v) **Infrastructure and services**

- (1) Infrastructure and services are planned and delivered in a logical and cost efficient manner in support of the planned settlement pattern. It is fit for purpose and is sensitive to cultural and environmental values. In particular:
 - (a) efficient, affordable, reliable, timely and lasting infrastructure makes best use of public resources;
 - (b) the long-term needs of the community, industry and business are met; and
 - (c) the desired standards of service in Part 4 — Local government infrastructure plan are achieved.

Complies. The development will not compromise the delivery of infrastructure and services to the site and surrounding area.

(vi) **Natural resources and economic development**

- (1) The economy of the planning scheme area continues to grow and provides the community with diverse and new employment opportunities. Rockhampton continues to strengthen as the retail, service, cultural and administrative centre for both the planning scheme area and the wider Central Queensland region.
 - (2) The strategic importance of Rockhampton for transport and logistics industries is fostered, given its central location at the junction of the Bruce Highway, the Capricorn Highway (through to the Landsborough Highway) and the Burnett Highway (through to the Leichhardt Highway).
 - (3) The local community continues to value its traditional economic assets and natural resources and protects and conserves them and the contribution they make to maintaining and growing the region's economic prosperity, culture, character and sense of place. The region's traditional economic sectors of tourism and agriculture (including the iconic beef industry) continue to strengthen.
 - (4) Development protects and, where possible, leverages the intrinsic economic value of the region's natural resources, including productive grazing, agricultural and forestry land, extractive and mineral resources, marine and coastal resources, and existing and planned water resources, including watercourses, water bodies and groundwater.
-

- (5) Natural assets identified by this planning scheme are protected as they underpin current and emerging tourism opportunities and important lifestyle values for residents.

Complies. The proposed development allows for the rural use of productive land to continue over the site and will not conflict with the operation of other natural resource industries in the region or tourism opportunities.

The performance assessment of the proposal demonstrates that the development only partially compromises the *Rockhampton Region Planning Scheme 2015* strategic outcomes.

High Impact Industry Zone

The subject site is situated within the High Impact Industry Zone under the *Rockhampton Region Planning Scheme 2015*. The purpose of the High Impact Industry Zone identifies that:

- (1) adequate, serviced and accessible land for high impact industry is provided and developed in accordance with acceptable environmental standards and with minimal impacts on nearby sensitive land use(s);
- (2) provide for high impact industry zoned land in the Gracemere industrial area; and
- (3) transition the Parkhurst high impact industrial zones (including precinct) to a medium impact industrial zone.

This application is not consistent with the purpose of the Zone. However, the site is located outside of the Gracemere Industrial Area and is in a future industrial area which identifies land to accommodate industrial development beyond 2026, to at least 2036. It is considered that the interim use of a Dwelling House to support the current rural activity will not compromise the longer term use for industrial development on the site.

Rockhampton Regional Planning Scheme Codes

The following codes are applicable to this application: -

- High-Impact Industry Zone Code;
- Flood Hazard Overlay Code;
- Biodiversity Overlay Code;
- Steep Land Overlay Code;
- Access, Parking and Transport Code;
- Stormwater Management Code and
- Water and Sewer 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:

High-Impact Industry Zone Code	
Performance Outcome/s	Officer’s Response
PO11 Site layout facilitates the security of people and property having regard to: (a) visitor parking is located adjacent to the office component of the building; (b) a provision of a separate pedestrian entry to the site and	The proposed Dwelling House use will re-activate the site through the occupation of two (2) of the buildings by a household. This will encourage casual surveillance of the premises’ significant buildings and infrastructure. The elevated nature of the buildings on the highest part of the site also allows clear sightlines over the entire property and access road. The parking area

	<p>main building from any vehicular entry points and manoeuvring areas;</p> <p>(c) opportunities for passive surveillance and sightlines;</p> <p>(d) exterior building designs which promote safety;</p> <p>(e) adequate lighting;</p> <p>(f) appropriate directional mechanisms (for example signage);</p> <p>(g) no entrapment locations; and</p> <p>(h) building entrances, loading and storage areas being well lit and lockable after hours.</p>	<p>is adjacent to the entrance to the primary residence. These elements of the site layout will facilitate the security of people and property.</p>
<p>PO13</p>	<p>Non-industry uses do not reduce the functionality of industry uses.</p>	<p>The subject site and adjoining properties are currently used for rural purposes. It is not anticipated that industrial development will commence until 2026. The interim use of a Dwelling House will not reduce the functionality of future industry uses.</p>
<p>PO16</p>	<p>Development is designed and managed so that it provides appropriate protection for community safety and health and avoids unacceptable risk to life and property.</p>	<p>The long-term planning horizon for industrial development is not considered to pose an unacceptable level of risk to life and property on the site. The site and surrounding area is currently rural in character. The area is identified as future industrial area as per the strategic framework and is not intended to accommodate industrial development until beyond 2026. Therefore, an appropriate level of community safety and health can be enjoyed by the new household.</p>
<p>PO17</p>	<p>Noxious and offensive odours are not experienced at the location of sensitive land uses.</p>	<p>Current industrial development is located within the eastern parts of the Gracemere Industrial Area which has a strategic framework designation as a new industrial area. Noxious and offensive odours from this location will not affect the proposed dwelling house use at the site which is located in the far western part of the Gracemere Industrial Area.</p> <p>The site is also sufficiently separated from the Stanwell Power Station on the southern side of the Capricorn Highway, which avoids any adverse impacts from this existing industrial area. The proposal as a sensitive land use is therefore appropriately located in its rural setting, which is unlikely to be required and developed for industrial purposes in the foreseeable future.</p>

PO18	Off-site risks from foreseeable hazard scenarios involving hazardous chemicals are commensurate with the sensitivity of the surrounding land use zones.	The site is not at risk of being exposed to off-site hazard scenarios due to the adequate separation distances between the site and new or existing industrial areas located in Gracemere Industrial Area, as per the strategic framework designations.
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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.

INFRASTRUCTURE CHARGES

Adopted Infrastructure Charges Resolution (No. 5) 2015 for 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 for residential development (\$/dwelling unit)		Column 4 Unit	Calculated Charge
		1 or 2 bedroom dwelling	3 or more bedroom dwelling		
Residential	Area 1		21,000	per dwelling	21,000.00
Total					\$21,000.00

This is based on the following calculations:

- (a) A charge of \$21,000.00 for 3 or more bedroom dwelling;
- (b) An Infrastructure Credit of \$21,000.00 applicable for the existing one allotment.

Therefore, there will be no infrastructure charges for the development.

CONSULTATION

The proposal was the subject of public notification between 15 September 2017 and 10 October 2017, as per the requirements of the *Planning Act 2016* and the Development Assessment Rules, and no submissions were received.

REFERRALS

There were no referrals applicable for this application.

STATEMENT OF REASONS

Description of the development	The proposed development is for a Material Change of Use for a Dwelling House
Assessment Benchmarks	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> • High-Impact Industry Zone Code; • Flood Hazard Overlay Code; • Biodiversity Overlay Code; • Steep Land Overlay Code; • Access, Parking and Transport Code;

	<ul style="list-style-type: none"> • Stormwater Management Code and • Water and Sewer Code. 	
Relevant Matters	<p>The proposed development was assessed against the following relevant matters:</p> <ol style="list-style-type: none"> 1. The subject site and adjoining properties are currently being used for rural purposes with no foreseeable industrial development plans. Therefore the use of a dwelling house to support the rural activity is considered to be an acceptable interim development solution. 2. The subject site is frequently subjected to trespassing and vandalism. The applicant seeks to reside onsite to increase security in an effort to preserve the orphanage buildings. 	
Non-Compliances	<p>The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exception listed below.</p>	
	Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark
	High-Impact Industry Zone Code	<p>The subject site is located in the High-Impact Industry Zone and is not intended to accommodate residential development. Notwithstanding, the subject site and adjoining properties are currently used for rural purposes. It is not anticipated that industrial use will commence until beyond 2026 and as such, the interim use of a Dwelling House will not reduce the functionality of future industry uses on the site or in the surrounding area.</p>
Reasons for decision	<ol style="list-style-type: none"> 1. The proposal will not affect the viability of existing and future high impact industry uses and does not involve the introduction of an incompatible land use. 2. The proposal has been located, designed and managed to maintain safety to people, and avoid significant adverse impacts on the natural environment. 3. The proposal prevents and/or minimises the generation of noise, dust and odour so that: <ol style="list-style-type: none"> a) nuisance is not caused to adjoining premises or other nearby sensitive land uses; and b) desired ambient noise levels in residential zones are not exceeded. 	

CONCLUSION

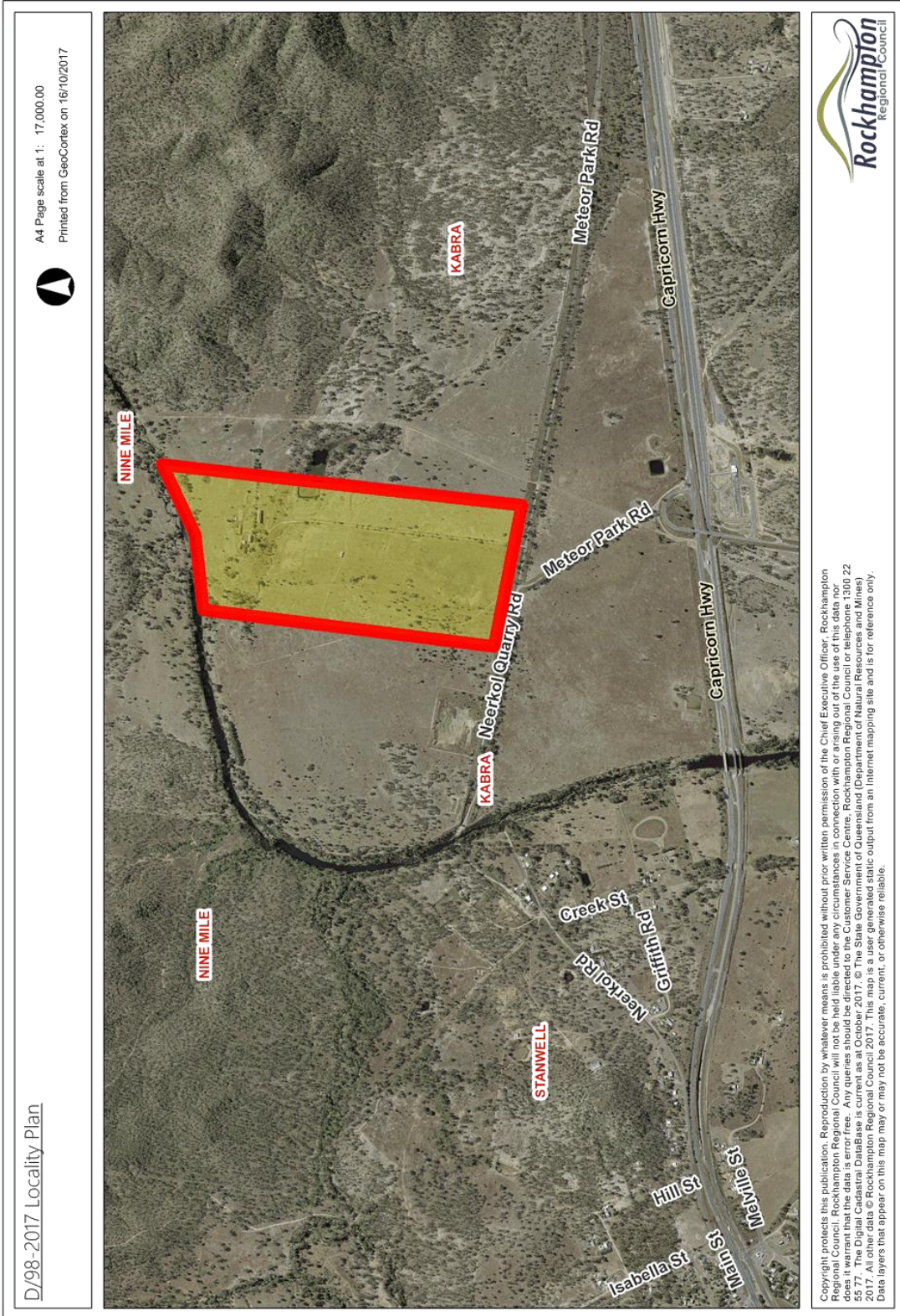
The proposal is not consistent with the intent of the High-Impact Industry Zone. Despite this, the site is not in proximity to any industrial development which would compromise the health, amenity or well-being of any future residents associated with the proposal. As such, it is recommended that the proposal for a Dwelling House can be supported subject to the conditions outlined in the assessment report.

**D/98-2017 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A
DWELLING HOUSE**

Locality Plan

Meeting Date: 31 October 2017

Attachment No: 1

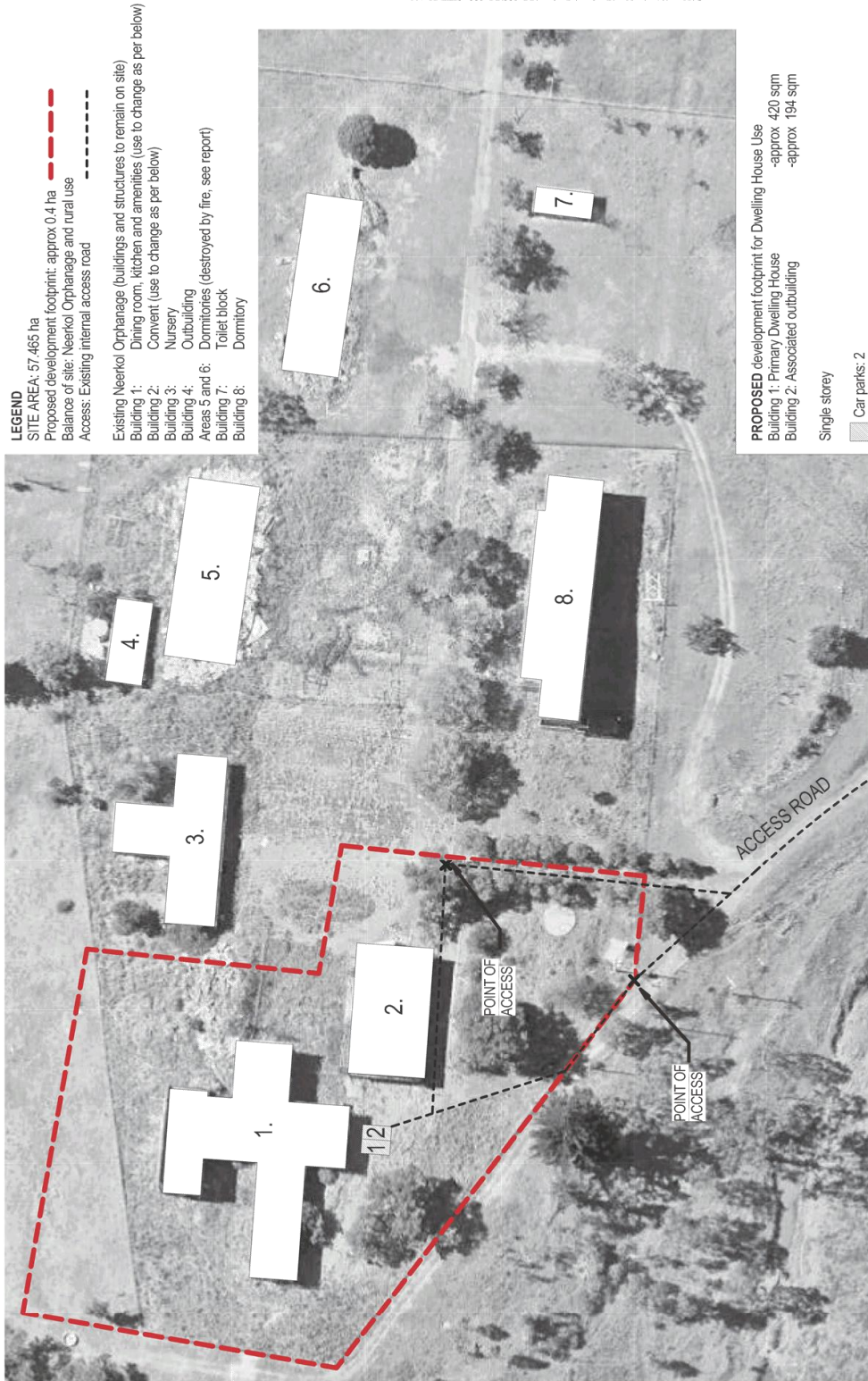


**D/98-2017 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A
DWELLING HOUSE**

Proposed Development Footprint

Meeting Date: 31 October 2017

Attachment No: 2



LEGEND
 SITE AREA: 57.465 ha
 Proposed development footprint: approx 0.4 ha
 Balance of site: Neerkol Orphanage and rural use
 Access: Existing internal access road

Existing Neerkol Orphanage (buildings and structures to remain on site)
 Building 1: Dining room, kitchen and amenities (use to change as per below)
 Building 2: Convent (use to change as per below)
 Building 3: Nursery
 Building 4: Outbuilding
 Areas 5 and 6: Dormitories (destroyed by fire, see report)
 Building 7: Toilet block
 Building 8: Dormitory

PROPOSED development footprint for Dwelling House Use
 Building 1: Primary Dwelling House -approx 420 sqm
 Building 2: Associated outbuilding -approx 194 sqm

Single storey
 Car parks: 2

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drawing title: PROPOSED DEVELOPMENT FOOTPRINT drawing no: SP-002	 PROJECT: MCU FOR DWELLING HOUSE LOCATION: 234 SANDOR PARK ROAD, KARRA, QUEENSLAND, AUSTRALIA CLIENT: TILL COOMBS	REVISIONS A PRELIMINARY B PRELIMINARY	DATE 27/07/17 31/07/17	PRELIMINARY PROJECT PLANS These drawings are preliminary and are not to be used for construction purposes. They are for information only and are subject to change without notice. The client is responsible for ensuring that the drawings are used for the intended purpose. The client is responsible for ensuring that the drawings are used for the intended purpose. The client is responsible for ensuring that the drawings are used for the intended purpose.	ISSUED FOR PRELIMINARY project no: RP-033
		APPROVED BY [Signature] DATE JULY 17	PROJECT NO: RP-033	AUTHOR B	

8.3 DELEGATIONS REPORT FOR SEPTEMBER 2017

File No:	7028
Attachments:	Nil
Authorising Officer:	Steven Gatt - Manager Planning & Regulatory Services Cheryl Haughton - Manager Communities and Facilities
Author:	Tarnya Fitzgibbon - Coordinator Development Assessment

SUMMARY

This report outlines the development applications received in September 2017 and whether they will be decided under delegation or decided by Council.

OFFICER'S RECOMMENDATION

THAT the Delegations Report for September 2017 be received.

BACKGROUND

Matters are referred to Committee for decision where:

- Refusals;
- The development is inconsistent with the intent of the zone;
- Submissions are received during the notification period.

The following applications were received in September 2017. They will be decided in the following manner:

<u>Application Type</u>	<u>Address</u>	<u>Decision</u>
D/104-2017 – ROL (4 lots into 4)	158 Foster Street, Gracemere	Delegation
D/108-2017 – MCU for an Office	38 Derby Street, Rockhampton City	Delegation
D/109-2017 – Operational Works for Access and Parking	44 Card Street, Berserker	Delegation
D/110-2017 – Operational Works for Access and Parking, Stormwater, Sewer, Water and Earthworks	158 Foster Street, Gracemere	Delegation
D/111-2017 – ROL (2 lots into 2 lots)	Lot 253 and 255 Edenbrook Drive, Parkhurst	Delegation
D/112-2017 – MCU for Dwelling House	13 Totteridge Street, Lakes Creek	Impact assessable so may go to Committee
D/106-2017 – Operational Works for Stormwater, Roof and Allotment Drainage, Access and Parking and Site Works	292-296 Alexandra Street, Kawana	Delegation
D/107-2017 – Operational Works for Roadworks and Stormwater	87 Bennett Street, Berserker	Delegation
D/114-2017 – MCU for Service Station	23 Albert Street and 40 Alma Street, Rockhampton City	Committee

D/115-2017 – Operational Works for Road Works, Drainage Works, Stormwater and Earthworks	390 Feez Street, Norman Gardens	Delegation
D/ 116-2017 – Operational Works for Access Works and Stormwater	169 Gladstone Road, Allenstown	Delegation
D/118-2017 – Operational Works for Road Works, Stormwater and Earthworks	18 Gold Escort Road, Kabra	Delegation
D/117-2017 – ROL (one lot into 124 lots, two management lots, park and balance lot) Ellida Estate	23-27 William Palfrey Road, 923-947 Yaamba Road and 985-1005 Yaamba Road, Parkhurst	Delegation

For some matters it is not possible to determine if they will go to Committee until the notification period ends. If there have been submissions the application will go to Committee to be decided.

CONCLUSION

The report on applications received in September 2017 and the manner in which they will be decided be received.

8.4 SURVEILLANCE PROGRAM FOR INVASIVE BIOSECURITY MATTER UNDER THE BIOSECURITY ACT 2014**File No:** 143**Attachments:** 1. **Surveillance Program for Invasive Biosecurity Matter under the Biosecurity Act 2014****Authorising Officer:** Steven Gatt - Manager Planning & Regulatory Services**Author:** Catherine Hayes - Coordinator Health and Environment

SUMMARY

This report presents a Surveillance Program for Invasive Biosecurity Matter under the Biosecurity Act 2014 for Council consideration and approval.

OFFICER'S RECOMMENDATION

THAT in accordance with section 235 (2)(b) *Biosecurity Act 2002*, Council by resolution approves the Surveillance Program for Invasive Biosecurity Matter under the *Biosecurity Act 2014*.

COMMENTARY

The proposed Surveillance Program for Invasive Biosecurity Matter under the *Biosecurity Act 2014* applies to all invasive plants and animals that are restricted matter or prohibited matter as defined in the *Biosecurity Act 2014*. The program applies to the localities of Marmor and Bajool and will begin on 1 December 2017 and continue until 30 November 2018. The duration of the program is considered to be reasonably necessary to achieve the Program's purpose.

The objectives of the Program are:

- a) Confirm the presence and find out the extent of the presence in the Rockhampton Region of the prohibited matter or restricted matter to which the program relates
- b) Confirm the absence in the Rockhampton Region of the prohibited matter or restricted matter to which the program relates
- c) Monitor the effects of measures taken in response to a biosecurity risk posed by invasive biosecurity matter.

Consultation with the Chief Executive, Department of Agriculture and Fisheries has been undertaken in accordance with section 239 *Biosecurity Act 2014*.

From the start of the Program, the Authorisation for the Program and the Program will be available for inspection or purchase at the Rockhampton Regional Council public office at: 232 Bolsover Street Rockhampton, 1 Ranger Street Gracemere and 32 Hall Street Mount Morgan.

BUDGET IMPLICATIONS

The staffing and associated costs to undertake the Surveillance Program are provided for in the 2017-2018 budget.

LEGISLATIVE CONTEXT

Local Government is responsible for the administration of parts of the *Biosecurity Act 2014*. The Act allows for Surveillance Programs to be undertaken following consultation with the Chief Executive, Department of Agriculture and Fisheries and Council resolution.

STAFFING IMPLICATIONS

The Surveillance Program will impact on invasive plant control programs however high priority plants have been identified in this area and the Surveillance Program is considered necessary to ascertain the extent of and reduce the spread of these high priority plants.

CORPORATE/OPERATIONAL PLAN

The Surveillance Program has been identified as an action within Council's Pest Management Plan.

CONCLUSION

This report presents to Council a Surveillance Program for Invasive Biosecurity Matter under the *Biosecurity Act 2014* for consideration and approval. The implementation of the Survey Surveillance Program assists Council to fulfill its responsibilities under the *Biosecurity Act 2014* by allowing Council to assess invasive plant infestation on private property in the identified focus areas. It also allows Council to assess the property owner's adherence to the various requirements of the *Biosecurity Act 2014*.

**SURVEILLANCE PROGRAM FOR
INVASIVE BIOSECURITY MATTER
UNDER THE BIOSECURITY ACT 2014**

**Surveillance Program for Invasive
Biosecurity Matter under the
Biosecurity Act 2014**

Meeting Date: 31 October 2017

Attachment No: 1

Surveillance Program for Invasive Biosecurity Matter under the *Biosecurity Act 2014*

Contents

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1 Biosecurity program

1.1 Program Name

The surveillance program (biosecurity program) for invasive plants and animals that are restricted matter or prohibited matter will be known as the Surveillance Program for Invasive Biosecurity Matter (the program)

The biosecurity matter to which the program relates is all Invasive Biosecurity Matter as defined in section 48(1) of the Act.

2 Requirement for a surveillance program

2.1 Purpose And Rationale

The *Biosecurity Act 2014* (the Act) provides for the establishment of surveillance programs. Surveillance programs are directed at any of the following:

- a) monitoring compliance with the Act in relation to a particular matter to which the Act applies;
- b) confirming the presence, or finding out the extent of the presence in parts of the Rockhampton Region, of the biosecurity matter to which the program relates;
- c) confirming the absence, in parts of the Rockhampton Region, of the biosecurity matter to which the program relates;
- d) monitoring the effects of measures taken in response to a biosecurity risk;
- e) monitoring compliance with requirements about prohibited matter or restricted matter;
- f) monitoring levels of biosecurity matter or levels of biosecurity matter in a carrier.

The objectives of the Program are:

- a) confirm the presence and find out the extent of the presence in the Rockhampton Region of the prohibited matter or restricted matter to which the program relates
- b) confirm the absence in the Rockhampton Region of the prohibited matter or restricted matter to which the program relates
- c) monitor the effects of measures taken in response to a biosecurity risk posed by invasive biosecurity matter.

2.2 Measures That Are Required To Achieve The Purpose

The key activities undertaken by the Program include but are not limited to:

- surveillance activities to check for the absence, presence or find out the extent of the presence in the Rockhampton Region of the prohibited matter and restricted matter to which the program relates. This surveillance will mainly be conducted by entry of ground teams onto a place to conduct visual inspections (including driving using 4x4, ATV and walking using electronic and paper resources to record infestations of target weeds)
- Monitor the effects of measures taken in response to a biosecurity risk posed by invasive biosecurity matter.

2.3 Powers Of Authorised Officers

Entry of place

The Act provides that authorised officers appointed under the Act may, at reasonable times, enter a place situated in an area to which a biosecurity program applies, to take any action authorised by the biosecurity program¹. These activities must be done in a timely and efficient manner to ensure that the measures are as effective as possible. The Program will authorise entry into places to allow these measures to be undertaken.

In accordance with the Act a reasonable attempt will be made to locate an occupier² and obtain the occupier's consent to the entry prior to an authorised officer entering a place to undertake activities under the Program. Nevertheless, an authorised officer may enter the place if³—:

- a) The authorised officer is unable to locate an occupier after making a reasonable attempt to do so; or
- b) the occupier refuses to consent to the entry.

If after entering a place an authorised officer finds an occupier present or the occupier refuses to consent to the entry—an authorised officer will make reasonable attempts to produce an identity card for inspection and inform the occupier of the reason for entering and the authorisation under the Act to enter without the permission of the occupier. An authorised officer under the biosecurity program must make a reasonable attempt to inform the occupier of any steps taken, or to be taken, and if steps have been taken or are to be taken, that it is an offence to do anything that interferes with a step taken or to be taken.

An authorised officer must leave a notice in a conspicuous position and in a reasonably secure way. This notice must state the date and time of entry and information addressing the reason for entry, authorisation to enter a place and the steps undertaken by the authorised officer after entry.

Power to carry out aerial controls measures

The power to carry out aerial control measures is authorised by a biosecurity program under the Act⁴.

Obligations

N/A

General powers of authorised officers

Nothing in the Program or its associated Authorisation limits the powers of authorised officers under Chapter 10 of the Act.

2.4 Consultation

Consultation was undertaken with the chief executive, Department of Agriculture and Fisheries.

¹ See section 261 (Power to enter a place under biosecurity program) of the Act.

² The Act defines an **occupier**, of a place, generally to include the person who apparently occupies the place (or, if more than 1 person apparently occupies the place, any of the persons); any person at the place who is apparently acting with the authority of a person who apparently occupies the place; or if no-one apparently occupies the place, any person who is an owner of the place.

³ See section 270 (Entry of place under sections 261 and 262) of the Act.

⁴ See section 294 (Power to carry out aerial control measures under biosecurity program) of the Act. Section 294(6) of the Act defines **aerial control measure**, for biosecurity matter, to mean an activity, done from the air by an airborne machine or a person in an aircraft, to achieve a purpose of a biosecurity program and includes the following—

- surveying and monitoring the biosecurity matter;
- distributing an agricultural chemical to control the biosecurity matter.

Authorisation of a surveillance program in the Rockhampton Regional Council area

AUTHORISATION STATEMENT

The Rockhampton Regional Council acting pursuant to section 235 of the *Biosecurity Act 2014* (the Act), authorises the Surveillance Program for Invasive Biosecurity Matter (the Program) in parts of the Rockhampton Region, on the basis that we are satisfied that:

- Invasive Biosecurity Matter poses a significant biosecurity risk to biosecurity considerations in the Rockhampton Region
- Surveillance activities are required to determine the presence or absence of the Invasive Biosecurity Matter in the Rockhampton Region
- Surveillance activities are required to determine the extent of the presence of the Invasive Biosecurity Matter in the Rockhampton Region
- Surveillance activities are required to monitor the effects of measures taken previously in response to the biosecurity risk posed by the Invasive Biosecurity Matter.

Evan Pardon
Chief Executive Officer
Rockhampton Regional Council

Biosecurity Matter

The biosecurity matter to which the Program relates is all Invasive Biosecurity Matter as defined in section 48(1) of the Act.

Purpose of the Program

The purpose of the Program is to

- a) confirm the presence and find out the extent of the presence in the Rockhampton Region of the prohibited matter or restricted matter to which the program relates
- b) confirm the absence in the Rockhampton Region of the prohibited matter or restricted matter to which the program relates
- c) monitor the effects of measures taken in response to a biosecurity risk posed by invasive biosecurity matter.

Area Affected By the Program

The Program will apply to the localities of Marmor and Bajool.

Powers of Authorised Officers

An authorised officer of the Program appointed under the *Biosecurity Act 2014*, may enter a place—other than a residence⁵—without a warrant and without the occupier’s consent within the Rockhampton Region under the Program^{6 7}. An authorised officer can exercise the powers of an authorised officer under the Act in relation to the Program, if the authorised officer is appointed by the chief executive⁸.

An authorised officer may make a requirement (a **help requirement**) of an occupier of the place or a person at the place to give the authorised officer reasonable help to exercise a general power⁹.

An authorised officer has general powers after entering a place to do any of the following¹⁰:

General powers in the Act	Measures an authorised officer may take under the Program
Search any part of the place	<i>Direct an occupier of the place to take reasonable steps within a reasonable time to remove or eradicate the biosecurity matter to which the program relates.</i>
Inspect ¹¹ , examine ¹² or film ¹³ any part of the place or anything at the place	<i>Searching a place to check for the presence or absence of invasive biosecurity matter</i>
Take for examination a thing, or a sample of or from a thing, at the place	<i>Inspect, examine and film to assist with tracing of carriers to and from a place.</i>
Place an identifying mark in or on anything at the place	<i>Take samples for the purposes of diagnostic analysis, to ascertain the presence or absence of invasive biosecurity matter.</i>
Place a sign or notice at the place	<i>Producing a written and/or electronic note(s) to support Program activities.</i>
Produce an image or writing at the place from an electronic document or, to the extent it is not practicable, take a thing containing an electronic document to another place to produce an image or writing	<i>Taking GPS coordinates to ensure accuracy of location details of carriers or invasive biosecurity matter</i>
Take to, into or onto the place and use any person, detection animal, equipment and materials the authorised officer reasonably requires for exercising the authorised officer’s powers under this division	
Destroy biosecurity matter or a carrier if: <ul style="list-style-type: none"> • the authorised officer believes on reasonable grounds the biosecurity matter or carrier presents a significant biosecurity risk; and • the owner of the biosecurity matter or carrier consents to its destruction 	

⁵ The Act defines a **residence** to mean a premises or a part of a premises that is a residence with the meaning of section 259(2) and 259(3).

⁶ See section 259 (General powers to enter places) of the Act.

⁷ See section 261 (Power to enter a place under biosecurity program) of the Act.

⁸ See section 255 (3) (Powers of particular authorised officers limited) of the Act.

⁹ See section 297 (Power to require reasonable help) of the Act.

¹⁰ See section 296 (General powers) of the Act.

¹¹ Section 296(5) defines **inspect**, a thing, to include open the thing and examine its contents.

¹² Section 296(5) defines **examine** to include analyse, test, account, measure, weigh, grade, gauge and identify.

¹³ Section 296(5) defines **film** to include photograph, videotape and record an image in another way.

Remain at the place for the time necessary to achieve the purpose of the entry	
The authorised officer may take a necessary step to allow the exercise of a general power	
If the authorised officer takes a document from the place to copy it, the authorised officer must copy and return the document to the place as soon as practicable	
If the authorised officer takes from the place an article or device reasonably capable of producing a document from an electronic document to produce the document, the authorised officer must produce the document and return the article or device to the place as soon as practicable	

Obligations Imposed On a Person Under The Program

The following obligations may be imposed on a person who is an occupier of a place to which the Program relates:

Nil

Commencement and Duration of the Program

The Program will begin on 1 December 2017 and will continue until 30 November 2018. The duration of the program is considered to be reasonably necessary to achieve the Program's purpose.

Consultation with Relevant Parties

As required by the Act¹⁴, the chief executive officer of Rockhampton Regional Council has consulted, prior to the authorisation of the Program, with the chief executive, Department of Agriculture and Fisheries.

Notification of Relevant Parties of Requirements

As required by the Act¹⁵, the chief executive officer of Rockhampton Regional Council will give public notice of the Program 14 days before the Program starts by:

- giving the notice to each government department or government owned corporation responsible for land in the area to which the Program relates; and
- publishing the notice on the Rockhampton Regional Council website.

From the start of the Program, the Authorisation for the Program and the Program will be available for inspection or purchase¹⁶ at the Rockhampton Regional Council public office at: 232 Bolsover Street Rockhampton, 1 Ranger Street Gracemere and 32 Hall Street Mount Morgan.

¹⁴ See section 239 (Consultation about proposed biosecurity program) of the Act.

¹⁵ See section 240 (Notice of proposed biosecurity program) of the Act.

¹⁶ See section 241 (Access to authorisation) of the Act.

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