



PLANNING AND REGULATORY COMMITTEE MEETING

AGENDA

1 MAY 2018

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 1 May 2018 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 April 2018

Next Meeting Date: 22.05.18

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 C R Rutherford
Councillor M D Wickerson

In Attendance:

Ms C Worthy – General Manager Community Services (Executive Officer)
Mr E Pardon – Chief Executive Officer

3 APOLOGIES AND LEAVE OF ABSENCE

Councillor Neil Fisher - Leave of Absence from 1 May to 18 May 2018

4 CONFIRMATION OF MINUTES

Minutes of the Planning and Regulatory Committee held 17 April 2018

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 BUSINESS OUTSTANDING

Nil

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 OFFICERS' REPORTS

8.1 D/12-2018 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A FOOD AND DRINK OUTLET

File No: D/12-2018

Attachments:

1. [Locality Plan](#)
2. [Proposed Plan](#)
3. [Elevations](#)
4. [Elevations](#)

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Steven Gatt - Manager Planning and Regulatory Services
Colleen Worthy - General Manager Community Services

Author: Brandon Diplock - Planning Officer

SUMMARY

Development Application Number: D/12-2018

Applicant: Kele Property Group (QLD) Pty Ltd

Real Property Address: Lot 2 and 3 on RP619302 and Lot 3 on RP602746, Parish of Rockhampton

Common Property Address: 106 George Street and 73 Archer Street, Rockhampton City

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Specialised Centre Zone (Gladstone Road and George Street Precinct) and Low-medium Density Residential Zone

Planning Scheme Overlays: Transport Noise Corridor (Category 2-4)

Existing Development: Office and Residential Dwelling

Existing Approvals: Not Applicable

Approval Sought: Development Permit for a Material Change of Use for a Food and Drink Outlet

Level of Assessment: Impact Assessable

Submissions: Two (2)

Referral Agency(s): Department of Infrastructure, Local Government and Planning

Infrastructure Charges Area: Charge Area 1

Application Progress:

<i>Application Lodged:</i>	6 February 2018
<i>Acknowledgment Notice issued:</i>	8 February 2018
<i>Request for Further Information sent:</i>	16 February 2018
<i>Request for Further Information responded to:</i>	8 March 2018
<i>Submission period commenced:</i>	12 March 2018
<i>Submission period end:</i>	3 April 2018

<i>Government Agency Response:</i>	<i>20 February 2018</i>
<i>Last receipt of information from applicant:</i>	<i>16 April 2018</i>
<i>Statutory due determination date:</i>	<i>29 May 2018</i>

OFFICER'S RECOMMENDATION

RECOMMENDATION A

THAT relation to the application for a Development Permit for a Material Change of Use for Food and Drink Outlet, made by Kele Property Group (QLD) Pty Ltd, on land located at 106 George Street and 73 Archer Street, Rockhampton City, formally described as Lot 2 and 3 on RP619302 and Lot 3 on RP602746, Parish of Rockhampton, 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, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:
 - 1.3.1 to Council's satisfaction;
 - 1.3.2 at no cost to Council; and
 - 1.3.3 prior to the commencement of the use;
 unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
 - 1.5.1 Reconfiguring a Lot (amalgamation);
 - 1.5.2 Operational Works:
 - (i) Road Works;
 - (ii) Access and Parking Works;
 - (iii) Stormwater Works;
 - (iv) Roof and Allotment Drainage;
 - 1.5.3 Plumbing and Drainage Works; and
 - 1.5.4 Building Works:
 - (i) Demolition Works; and
 - (ii) Building Works.
- 1.6 All Development Permits for Operational Works and 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.
- 1.9 Lots 2 and 3 on RP619302 and Lot 3 on RP602746 must be amalgamated and registered as one lot prior to the commencement of the use.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Demolition Plan	SK-003 Rev 4	8 March 2018
Proposal Plan	SK-004 Rev 4	8 March 2018
Elevations	SK-005 Rev 4	8 March 2018
Elevations	SK-006 Rev 4	8 March 2018
Conceptual Images	SK-008 Rev 4	8 March 2018
Site Layout	0711718-SK-0001 Rev B	1 March 2018
Preliminary Stormwater Pre Development	0711718-SK-0002 Rev B	1 March 2018
Preliminary Stormwater Post Development	0711718-SK-0003 Rev B	1 March 2018
Preliminary Roadworks and Swept Paths	0711718-SK-0004 Rev B	1 March 2018

- 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 Operational Works.
- ## 3.0 ROAD WORKS
- 3.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works required by this development approval.
- 3.2 All road works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, relevant *Australian Standards* and *Austroroads Guidelines* and the provisions of a Development Permit for Operational Works (road works).
- 3.3 An Auxiliary Left Turn and Channelised Right Turn into George Lane must be constructed along the Archer Street frontage of the site generally in accordance with McMurtrie Consulting Engineers Drawing 0711718-SK-0004 Rev B dated 1 March 2018.
- 3.4 Where the existing bicycle lane along the Archer Street frontage of the site is diverted onto the footpath area, the existing pedestrian footpath must be widened to a minimum of 2.5 metres wide.
- 3.5 Suitable pavement marking and signage must be installed in George Lane for the pedestrian crossing between the car park and the restaurant.

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- 3.6 Dedicated pedestrian linkages through the proposed development linking the car parking areas to the restaurant dining areas must be provided.
- 3.7 All pathways and access ramps must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.
- 3.8 All pathways located within a road reserve or Public use land must be provided with public space lighting in accordance with *Australian Standard AS1158 "Lighting for roads and public spaces"*.
- 3.9 All pathways must incorporate kerb ramps at all road crossing points.
- 3.10 Traffic signs and pavement markings must be provided in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*. Where necessary, existing traffic signs and pavement markings must be modified in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*.
- 4.0 **ACCESS AND PARKING WORKS**
- 4.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the development site.
- 4.2 All access and parking works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 4.3 All car parking and access areas must be paved or sealed to Council's satisfaction. Design and construction must be in accordance with the provisions of a Development Permit for Operational Works (access and parking works).
- 4.4 All vehicular access to and from the development must be via George Lane only.
- 4.5 All service and delivery vehicles, including refuse collection vehicles must exit via Archer Street only. The Developer must install suitable signage that prevents patrons using the drive-through from exiting onto Archer Street.
- 4.6 All service and delivery vehicles must only access the site outside the approved operating hours.
- 4.7 Any redundant vehicular crossovers must be replaced by Council standard kerb and channel.
- 4.8 All vehicles must ingress and egress the development in a forward gear.
- 4.9 Adequate sight distances must be provided for all ingress and egress movements at the access driveways in accordance with *Australian Standard AS2890.2 "Parking facilities - Off street commercial vehicle facilities"*.
- 4.10 Any application for a Development Permit for Operational Works (access and parking works) must demonstrate the provision of a minimum of seventeen (17) off-street parking spaces within the site.
- 4.11 Universal access parking spaces must be provided on-site in accordance with *Australian Standard AS2890.6 "Parking facilities - Off-street parking for people with disabilities"*.
- 4.12 Parking spaces must be line-marked in accordance with the approved Site Plan (refer to condition 2.1) and in accordance with the *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 4.13 Any application for a Development Permit for Operational Works (access and parking works) must be accompanied by detailed and scaled plans, which demonstrate the turning movements/swept paths of the largest vehicle to access the development site including refuse collection vehicles.
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- 4.14 All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"* and *Australian Standard AS2890.1 "Parking facilities – Off-street car parking"*.
 - 4.15 Wheel stops must be included for all parking spaces in accordance with *Australian Standard AS2890.1 "Parking facilities – Off-street car parking"*.
 - 4.16 Road signage and pavement markings must be installed in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"*.
 - 4.17 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.
 - 4.18 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.
 - 4.19 Bicycle parking facilities must be provided in accordance with *AUSTROADS Guide to Traffic Engineering Practice, Part 14 – Bicycles*. The bicycle parking facilities must be located at basement or ground floor level and encourage casual surveillance.

5.0 PLUMBING AND DRAINAGE WORKS

- 5.1 A Development Permit for Plumbing and Drainage Works must be obtained for the removal and/or demolition of any existing structure on the development site.
- 5.2 All internal plumbing and drainage works must be designed and constructed in accordance with the *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2002*, and Council's Plumbing and Drainage Policies.
- 5.3 The development must be connected to Council's reticulated sewerage and water networks.
- 5.4 The existing sewerage and water connection point(s) must be retained, and upgraded if necessary, to service the development.
- 5.5 Internal Plumbing and Sanitary Drainage of existing buildings must be contained within the lot it serves.
- 5.6 Adequate domestic and fire-fighting protection must be provided to the development, and must be certified by an hydraulic engineer or other suitably qualified person.
- 5.7 Sewer connections and water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 5.8 Alteration or relocation of internal sanitary drainage works associated with the existing buildings must be in accordance with regulated work under the *Plumbing and Drainage Act 2002*.
- 5.9 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing buildings must be in accordance with regulated work under the *Plumbing and Drainage Act 2002* and Council's Plumbing and Drainage Policies.
- 5.10 Amended sewerage/Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's reticulated sewerage network. Arrestor traps must be provided where commercial or non-domestic waste is proposed to be discharged into the sewer system.

6.0 STORMWATER WORKS

- 6.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.

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- 6.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 6.3 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.
- 6.4 The development must not increase peak stormwater runoff for a selected range of storm events up to and including a one per cent (1%) Annual exceedance probability storm event, for the post-development conditions.
- 6.5 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by a detailed Stormwater Management Plan, prepared and certified by a Registered Professional Engineer of Queensland. The Stormwater Management Plan must clearly demonstrate that:
- 6.5.1 all content of the stormwater management plan is in accordance with the *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, stormwater management design objectives in *State Planning Policy 2017*, and sound engineering practice;
 - 6.5.2 the Stormwater discharge is to a lawful point of discharge in accordance with the *Queensland Urban Drainage Manual*;
 - 6.5.3 each part of every lot is self-draining;
- 6.6 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by engineering plans with details of any new drainage systems including detention systems, inlet and outlet structures, or the amendment and upgrading of existing drainage systems to implement the proposed drainage strategy.
- 7.0 ROOF AND ALLOTMENT DRAINAGE WORKS
- 7.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the development site.
- 7.2 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*, sound engineering practice and the provisions of a Development Permit for Operational Works (roof and allotment drainage works).
- 7.3 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance to surrounding land or infrastructure.
- 7.4 The development must not increase peak stormwater runoff for a selected range of storm events up to and including a one per cent (1%) Annual exceedance probability storm event, for the post-development conditions.
- 8.0 SITE WORKS
- 8.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 8.2 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.
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9.0 BUILDING WORKS

- 9.1 A Development Permit for Building Works must be obtained for the removal and/or demolition of any existing structure on the development site.
- 9.2 The existing dwellings on the subject land must be demolished and a Development Permit for Building Works (demolition) must be obtained prior to the commencement of demolition works on the development site.
- 9.3 All building works must be undertaken in accordance with Council's *Building Over/Adjacent to Local Government Sewerage Infrastructure Policy* and any permit obtained in respect of this policy.
- 9.4 All external elements, such as air conditioners, pool and spa pumps and associated equipment, must be adequately screened from public view, to Council's satisfaction.
- 9.5 Access to and use of the land the subject of this application must comply with the provisions of the *Disability Discrimination Act 1992* and/or the *Anti-Discrimination Act 1991*. If either of those statutes require the provision of access or facilities in a way that is inconsistent with this development approval, those facilities must be provided.
- 9.6 Impervious paved waste storage area/s must be provided in accordance with the approved plans (refer to condition 2.1) and the *Environmental Protection Regulation 2008* and must be:
- 9.6.1 designed and located so as not to cause a nuisance to neighbouring properties;
 - 9.6.2 aesthetically screened from any road frontage or adjoining property;
 - 9.6.3 of a sufficient size to accommodate commercial type bins that will be serviced by a commercial contractor plus clearances around the bins for manoeuvring and cleaning;
 - 9.6.4 setback a minimum of two (2) metres from any road frontage; and
 - 9.6.5 provided with a suitable hosecock and hoses at the refuse container area, and washdown must be drained to the sewer in accordance with the Sewerage Trade Waste provisions and the *Plumbing and Drainage Act 2002*.
- As an alternative to a washdown facility, a fully contained commercial bin cleaning service is acceptable provided no wastewater is discharged from the site to the sewer.
- 9.7 A minimum 2.1 metre high acoustic screen fence must be erected along the common boundary of the subject development site and any adjoining residential properties.
- 9.8 Any advertising device associated with or attached to the development must be carried out in accordance with the applicable Advertising Devices Code in the *Rockhampton Region Planning Scheme 2015*.

10.0 LANDSCAPING WORKS

- 10.1 All landscaping must be established generally in accordance with the approved plans (refer to condition 2.1). The landscaping must be constructed and/or established prior to the commencement of the use and the landscaped areas must predominantly contain plant species that are locally native to the Central Queensland region due to their low water dependency.
- 10.2 All landscaping must be of a mature height to ensure the amenity of surrounding land uses is maintained.
- 10.3 The landscaped areas must be subject to:
- 10.3.1 a watering and maintenance plan during the establishment moment; and
 - 10.3.2 an ongoing maintenance and replanting programme.
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- 10.4 Council approval must be obtained prior to the removal of or interference with street trees located on Council land in accordance with Council's street tree policy.
- 10.5 Large trees must not be planted within one (1) metre of the centreline of any sewerage and/or water infrastructure; small shrubs and groundcover are acceptable.
- 11.0 ELECTRICITY
- 11.1 Electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 12.0 TELECOMMUNICATIONS
- 12.1 Telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service provider. Unless otherwise stipulated by telecommunications legislation at the time of installation, this includes all necessary pits and pipes, and conduits that provide a connection to the telecommunications network.
- 13.0 ASSET MANAGEMENT
- 13.1 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.
- 13.2 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.
- 13.3 'As Constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of the use. This information must be provided in accordance with the *Asset Design and As Constructed Manual (ADAC)*.
- 14.0 ENVIRONMENTAL
- 14.1 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan that addresses, but is not limited to, the following:
- (i) objectives;
 - (ii) site location and topography;
 - (iii) vegetation;
 - (iv) site drainage;
 - (v) soils;
 - (vi) erosion susceptibility;
 - (vii) erosion risk;
 - (viii) concept;
 - (ix) design; and
 - (x) implementation,
- for the construction and post-construction phases of work.
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- 14.2 The Erosion Control and Stormwater Control Management Plan prepared by a Registered Professional Engineer of Queensland in accordance with the *Capricorn Municipal Design Guidelines*, must be implemented, monitored and maintained for the duration of the development works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The plan must be available on-site for inspection by Council Officers whilst all works are being carried out.
- 15.0 ENVIRONMENTAL HEALTH
- 15.1 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 15.2 Noise emitted from the activity must not cause an environmental nuisance.
- 15.3 Operations on the site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise or dust.
- 15.4 When requested by Council, noise monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise. The monitoring data, an analysis of the data and a report, including noise mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation. Council may require any noise mitigation measures identified in the assessment to be implemented within appropriate timeframes. Noise measurements must be compared with the acoustic quality objectives specified in the most recent edition of the *Environmental Protection (Noise) Policy*.

ADVISORY NOTES

NOTE 1. 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 2. General Environmental Duty

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

NOTE 3. General Safety Of Public During Construction

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

NOTE 4. Infrastructure Charges Notice

Council has resolved not to issue an Infrastructure Charges Notice for this development because the new infrastructure charges arising from the development are less than the credits applicable for the new development.

NOTE 5. Licensable Activities

Should an activity licensable by Rockhampton Regional Council be proposed for the premises, Council's Health and Environment Unit should be consulted to determine whether any approvals are required. Such activities may include the storage, preparation, serving of food to the public.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for Food and Drink Outlet, made by Kele Property Group (QLD) Pty Ltd, on land located at 106 George Street and 73 Archer Street, Rockhampton City, formally described as Lot 2 and 3 on RP619302 and Lot 3 on RP602746, Parish of Rockhampton, Council resolves not to issue an Infrastructure Charges Notice.

BACKGROUND**PROPOSAL IN DETAIL**

The proposed development is for a Food and Drink Outlet (restaurant), with a drive-thru facility and ancillary car parking over Lot 2 and 3 on RP619302 and Lot 3 on RP602746.

The restaurant is proposed to be centrally located on Lot 2 and 3 on RP619302, with the drive-through service lane wrapping around the building. The restaurant will consist of a kitchen and service area as well as an indoor seating and outdoor seating area, with a total gross floor area of 280m². The building, with an elevation height of approximately 6m, will have an exterior façade that incorporates a mix of smooth and textured cladding as well as metal mesh which provides for vertical articulation of the built form. A fully enclosed service yard that includes a bin storage area will be attached to the building on the western side. Primary vehicle access to the restaurant and drive-through facility will be from George Lane. This access will also be utilised by service vehicles for deliveries and pickups. A left-out, egress only is proposed along the Archer Street frontage.

A dedicated car park for the restaurant is proposed over Lot 3 on RP602746 which is located across George Lane and separate from the restaurant. This car park will be accessed via an ingress only crossover near the south-eastern property corner and an egress only crossover near the northern corner of the property. The car park will include 17 spaces along with a pedestrian crossing for the safety of users crossing George Lane.

SITE AND LOCALITY

The subject site is located on the corner of George and Archer Streets and consists of three separate allotments formally described as Lot 2 and 3 on RP619302 and Lot 3 on RP602746. The site has a total site area of 1,686m² with frontage to George Street (Bruce Highway), Archer Street and George Lane.

The site currently accommodates a highset building on the corner of George and Archer Streets which is used as an office and includes a detached open shed at the rear which is utilised for the washing and cleaning of vehicles. Additionally, the site contains a highset residential dwelling on the corner of Archer Street and George Lane.

Surrounding the site are predominantly commercial uses in the shape of motels and fast food outlets along the Bruce Highway. To the west of the site are largely residential uses located in the Low-medium Density Residential Zone.

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 – 4 April 2018

Support, subject to conditions.

Public and Environmental Health Comments – 8 February 2018

Support, subject to conditions.

Other Staff Technical Comments -

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

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

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

State Planning Policy 2017

The current State Planning Policy (SPP) came into effect on 3 July 2017 and replaces the previous SPP (April 2016). The new policy expresses the state's interests in land-use planning and development and contains a number of changes to better align with the *Planning Act 2016*. This policy requires development applications to be assessed against its requirements where they have not been appropriately reflected in the local planning scheme.

1. Planning for liveable communities and housing**Housing supply and diversity**

Not Applicable.

Liveable communities

Not Applicable.

2. Planning for economic growth**Agriculture**

Not Applicable.

Development and construction

Not Applicable.

Mining and extractive resources

Not Applicable.

Tourism

Not Applicable.

3. Planning for environment and heritage**Biodiversity**

Not Applicable.

Coastal environment

Not Applicable.

Cultural heritage

Not Applicable.

Water quality

Not Applicable.

4. Planning for safety and resilience to hazards

Emissions and hazardous activities

Not Applicable.

Natural hazard, risk and resilience

Not Applicable.

5. Infrastructure

Energy and water supply

Not Applicable.

Infrastructure integration

Not Applicable.

Transport infrastructure

Not Applicable.

Strategic airports and aviation facilities

Not Applicable.

Strategic ports

Not Applicable.

Rockhampton Region Planning Scheme 2015

Specialised Centre Zone

The subject site is situated within the Specialised Centre Zone under the *Rockhampton Region Planning Scheme 2015*. The purpose of the Specialised Centre Zone identifies that: -

- a) development includes short-term accommodation, **fast food outlets, restaurants** and other facilities for
- b) only small-scale, convenience travellers including visitor information facilities, service stations and parks;
- c) intensification of residential uses in this precinct is supported (including at ground level);
- d) retail uses serving the local catchment and highway users locate in this sub-precinct. Retail uses (including shops, supermarkets, shopping centres and showrooms) larger than 300 square metres in gross floor area will not occur; and
- e) industrial uses are not supported due to the proximity to the adjoining residential area and the intent to allow further residential development within the sub-precinct.

This application is consistent with the purpose of the Zone. The proposed development includes a fast food outlet which is located in the vicinity of other similar uses. The proposal takes advantage of the site's high exposure and accessibility to the Bruce Highway and the Rockhampton Central Business District servicing the local catchment and highway users.

Low-medium Density Residential Zone

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

- a) *development provides for dwellings, dual occupancies and multiple dwellings being generally a low to medium-rise built form (up to three (3) storeys in building height) and low-medium density;*
- b) *infill development and greenfield areas are developed in a manner that makes efficient use of land and can provide for the development of a range and mix of accommodation and residential types;*

- c) *non-residential uses only occur within the zone where they:*
- (i) do not compromise the residential character and existing amenity of the surrounding area;*
 - (ii) are small-scale and consistent with the surrounding urban form;*
 - (iii) primarily function to service the needs of the immediate local residential community;*
 - (iv) do not detract from the role and function of centres;*
 - (v) do not result in the expansion of a centre zone;*
 - (vi) are in proximity to higher order roads (minor urban collector or higher); and*

Editor's note—To remove any doubt a centre zone includes specialised centres

- (vii) provide for uses along Albert Street that can demonstrate a dependence on having a highway passing trade;*
- d) *development for an office is limited in scale (200 square metres gross floor area) to ensure the primacy of the principal centre and involves the reuse of an existing building to promote renewal;*
- e) *new proposed centres within greenfield areas are not intended to accommodate full-line supermarkets;*
- f) *with the exception of a local centre at North Parkhurst (along William Palfrey Road on Lot 5 SP238731), no other neighbourhood or local centres are required within the low-medium density residential zone;*
- g) *short-term accommodation, rooming accommodation and tourist parks occur where there is access to public transport and higher order roads (minor urban collector or higher);*
- h) *development has a built form that creates an attractive and pedestrian oriented streetscape and is integrated with nearby centres, community facilities, open space and recreation facilities via pathways, cycle ways, roads and public transport infrastructure commensurate with the needs of the use;*
- i) *development maximises opportunities for surveillance, activation of street fronts, integration with surrounding streetscapes, and presents an attractive appearance to the street with variations in built form, shape and colour;*
- j) *development maintains a high level of residential amenity having regard to traffic, noise, dust, odour, lighting and other locally specific impacts;*
- k) *new residential developments are not located in proximity to existing incompatible uses such as rural uses, industry uses and major community facilities without separation distances, buffering, landscaping and screening that minimise a loss of amenity in relation to noise, odour, dust, light, loss of privacy or other adverse impacts;*
- l) *new residential developments are located and integrated with existing neighbourhoods and in proximity to existing community infrastructure;*
- m) *development is sited and designed to respond to the region's climate (sustainable practices for maximising energy efficiency, water conservation and public/active transport use), local heritage features, natural landscape features and environmental constraints; and*
- n) *development is serviced by infrastructure that is commensurate with the needs of the use.*

This application is consistent with the purpose of the Zone. The proposal which incorporates a non-residential use has been designed and sited so that the amenity of surrounding residential uses are not compromised.

The proposal is located in the immediate vicinity of other similar fast food outlets that take advantage of the sites high exposure and accessibility to the Bruce Highway. Only the ancillary car parking will be on land located outside of the centre zone. With limited available land located within the centre zone, the use of the site as an ancillary car park with minimal impacts to surrounding residents can be accepted. Extensive landscaping with mature plants and an acoustic fence will be included along the boundaries of all adjoining residential uses.

Rockhampton Regional Planning Scheme Codes

The following codes are applicable to this application: -

- Specialised Centre Zone Code;
- Low-medium Density Residential Zone Code;
- Access, Parking and Transport Code;
- Landscape Code;
- Stormwater Management Code;
- Waste 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:

Specialised Centre Zone		
Performance Outcome/s		Officer’s Response
PO20	Non-residential development does not occur beyond the zone boundaries.	The proposed food and drink outlet including the drive through facility is predominantly located within the Specialised Centre Zone. Only the ancillary car parking will be on land located outside of the centre zone. With limited available land located within the centre zone, the use of the site as an ancillary car park with minimal impacts to surrounding residents can be accepted. Extensive landscaping with mature plants and an acoustic fence will be included along the boundaries of all adjoining residential uses.
PO26	Streetscape treatments and street trees are provided along the street frontage to create a visually cohesive area and enhance pedestrian amenity.	Whilst the proposal does not incorporate any streetscape treatments or street trees, a total of 25% of the site is dedicated to landscaping with all street frontages including mature vegetation.

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 non-residential development applies to the application and it falls within Charge Area 1. The Infrastructure Charges are as follows:

Column 1 Use Schedule		Column 2 Charge Area	Column 3 Adopted Infrastructure Charge		Column 4 Adopted Infrastructure Charge for stormwater network		Calculated Charge
			(\$)	Unit	(\$)	Unit	
Commercial (Retail)	All other uses as per AICN 4/14 Table 2.2.1	Areas 1 and 2	153	per m ² of GFA			\$42,840.00
				per m ² of GFA	8.50	per m ² of impervio us area	\$12,146.50
Total							\$54,986.50
Less credit							\$63,000.00
TOTAL CHARGE							\$0.00

This is based on the following calculations:

- (a) A charge of \$42,840.00 for Gross Floor Area being 280 square metres (restaurant);
- (b) A charge of \$12,146.50 for Impervious Area being 1,429 square metres (roof area, hardstand areas, access, and parking areas); and
- (c) An Infrastructure Credit of \$63,000.00, applicable for the existing three allotments;

Therefore, given the infrastructure credits outweigh the proposed charges, no infrastructure charges are considered payable.

CONSULTATION

The proposal was the subject of public notification between 12 March 2018 and 3 April 2018, as per the requirements of the *Planning Act 2016* and the Development Assessment Rules, and two (2) properly made submissions were received.

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

Issue	Officer's Response
Traffic Congestion	Vehicle access to the proposed development is obtained from the lower order road (George Lane) in accordance with the Planning Scheme. The proposed development makes provision for 17 onsite parking spaces as well as sufficient space for vehicle queuing in the drive-thru. The proposal has provided ample space for traffic associated with the fast food outlet and it is not anticipated that it will contribute to any further congestion.
Loss of Car Parking	The proposed development will result in the removal of two (2) car parking spaces along the Archer Street frontage. It is noted that the development site has two (2) existing access driveways to Archer Street. The aforementioned parking spaces are located directly in front of the existing driveway and should, therefore, be removed irrespective

Issue	Officer's Response
	of the development. It is also noted that the proposal maintains an oversupply of onsite parking which makes up for any loss of on street parking.
Security	It is noted that the proposed development will include an acoustic fence along with landscaping and trees along the common property boundaries. In addition, the developer has agreed to providing and installing louvered awnings over the windows of the adjoining dwelling located at 75 Archer Street at no cost to the owner. This will assist in removing any direct visual intrusion into the property. The proposed development is recognised to increase public surveillance within the area, including George Lane.
Light and Noise Intrusion	<p>The proposed lighting associated with the restaurant and car parking will be directed away from the residential dwellings adjoining the property. Given adjoining properties are highset dwellings, it is not anticipated that lights from vehicles at ground level will cause any impacts. In addition, a solid screen fence and landscaping is proposed along the property boundaries to minimise any light or noise nuisance.</p> <p>The proposal is located directly adjoining the Bruce Highway. Given the locational characteristics and facilities of a similar nature in the nearby vicinity, it is not anticipated that noise will exceed volumes that currently exist.</p>

REFERRALS

The application was referred to the Department of Transport and Main Roads as the site is located within 25m of a State Controlled Road. The Department has approved the application subject to conditions.

STATEMENT OF REASONS

Description of the development	The proposed development is for Material Change of Use - Food and Drink Outlet
Reasons for Decision	<p>a) The sites locational characteristics, particularly in close proximity to other fast food outlets, provide an appropriate opportunity to accommodate a food and drink outlet that is designed and sited to complement and not adversely impact on nearby sensitive land uses;</p> <p>b) The proposal takes advantage of the site's high exposure and accessibility to the Bruce Highway and the Rockhampton Central Business District servicing the local catchment and highway users;</p>

	<p>c) The proposed development will provide a localised convenience function and will not compromise the residential character and existing amenity of the surrounding area;</p> <p>d) The proposed use does not compromise the strategic framework in the <i>Rockhampton Region Planning Scheme 2015</i>;</p> <p>e) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity;</p> <p>f) The proposed development does not compromise the relevant State Planning Policy; and</p> <p>g) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with an aspect of the assessment benchmarks.</p>					
<p>Assessment Benchmarks</p>	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> • Strategic Framework; • Specialised Centre Zone; • Low-medium Density Residential Zone Code; • Access, Parking and Transport Code; • Landscape Code; • Stormwater Management Code; • Waste Management Code; and • Water and Sewer Code. 					
<p>Compliance with assessment benchmarks</p>	<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> <table border="1" data-bbox="531 1462 1404 2098"> <thead> <tr> <th data-bbox="531 1462 855 1547">Assessment Benchmark</th> <th data-bbox="855 1462 1404 1547">Reasons for the approval despite non-compliance with benchmark</th> </tr> </thead> <tbody> <tr> <td data-bbox="531 1547 855 2098">Specialised Centre Zone</td> <td data-bbox="855 1547 1404 2098">The proposed food and drink outlet including a drive-thru facility is predominantly located within the Specialised Centre Zone. Only the ancillary car parking area will be on land located outside of the centre zone. With limited available land located within the centre zone, the use of the site as an ancillary car park with minimal impacts to surrounding residents can be accepted. Extensive landscaping with mature plants and an acoustic fence will be included along the boundaries of all adjoining residential uses. In addition, a total of 25% of the site is dedicated to landscaping with all street frontages</td> </tr> </tbody> </table>		Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark	Specialised Centre Zone	The proposed food and drink outlet including a drive-thru facility is predominantly located within the Specialised Centre Zone. Only the ancillary car parking area will be on land located outside of the centre zone. With limited available land located within the centre zone, the use of the site as an ancillary car park with minimal impacts to surrounding residents can be accepted. Extensive landscaping with mature plants and an acoustic fence will be included along the boundaries of all adjoining residential uses. In addition, a total of 25% of the site is dedicated to landscaping with all street frontages
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		including mature vegetation.
Matters raised in submissions	Issue	How matter was dealt with
	Traffic Congestion	Vehicle access to the proposed development has been provided from the lower order road (George Lane) in accordance with the Planning Scheme. The proposed development makes provision for 17 onsite parking spaces as well as sufficient space for vehicle queuing in the drive-thru. The proposal has provided ample space for traffic associated with the fast food outlet and it is not anticipated that it will contribute to any further congestion.
	Loss of Car Parking	The proposed development maintains an oversupply of onsite parking which makes up for any loss of on street parking.
	Security	It is noted that the proposed development will include an acoustic fence along with landscaping and trees along the common property boundaries. In addition, the developer has agreed to providing and installing louvered awnings over the windows of the adjoining dwelling located at 75 Archer Street at no cost to the owner. This will assist in removing any direct visual intrusion into the property. The proposed development is recognised to increase public surveillance within the area, including George Lane.
	Light and Noise Intrusion	The proposed lighting associated with the restaurant and car parking will be directed away from the residential dwellings adjoining the property. Given adjoining properties are highset dwellings, it is not anticipated that lights from vehicles at ground level will cause any impacts. In addition, a solid screen fence and landscaping is proposed along the property boundaries to minimise any light or noise nuisance. The proposal is located directly adjoining the Bruce Highway. Given the locational characteristics and facilities of a similar nature in the nearby vicinity, it is not anticipated that noise will exceed volumes that currently exist.
Matters prescribed by regulation	<ul style="list-style-type: none"> • The <i>State Planning Policy – Part E</i>; • The <i>Central Queensland Regional Plan</i>; • The <i>Rockhampton Region Planning Scheme 2015</i>; 	

	<ul style="list-style-type: none">• Surrounding use of adjacent premises in terms of commensurate and consistent development form; and• The common material, being the material submitted with the application.
--	--

CONCLUSION

The application for a Material Change of Use for a Food and Drink Outlet located at 106 George Street and 73 Archer Street, Rockhampton, is consistent with the intent of the Specialised Centre Zone and Low-medium Density Residential Zone.

**D/12-2018 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A FOOD
AND DRINK OUTLET**

Locality Plan

Meeting Date: 1 May 2018

Attachment No: 1

Locality Plan



A4 Page scale at 1: 1,730.47
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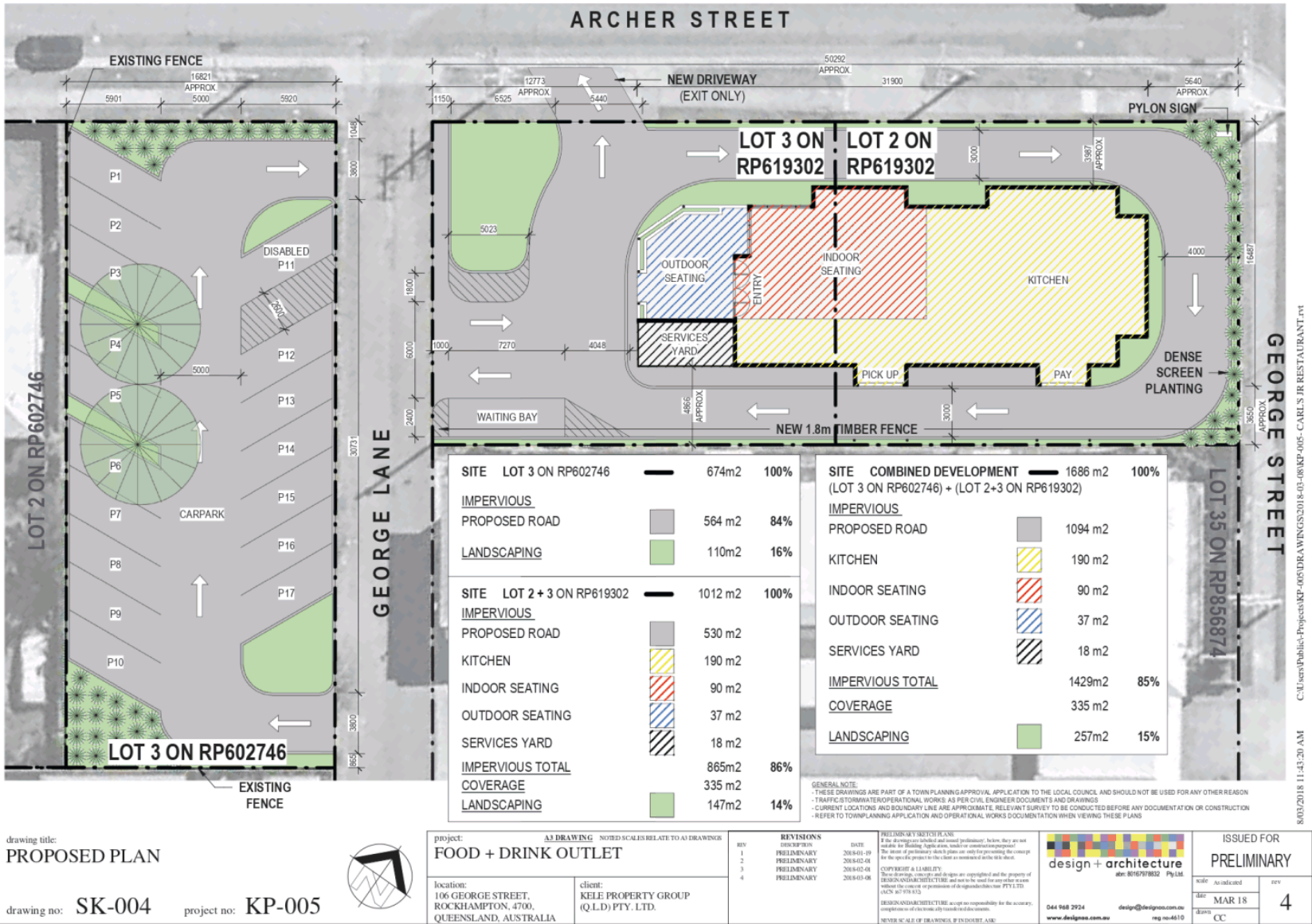


**D/12-2018 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A FOOD
AND DRINK OUTLET**

Proposed Plan

Meeting Date: 1 May 2018

Attachment No: 2



drawing title:
PROPOSED PLAN

drawing no: **SK-004** project no: **KP-005**



project: **A1 DRAWING** NOTED SCALES RELATE TO A1 DRAWINGS
FOOD + DRINK OUTLET

location: 106 GEORGE STREET, ROCKHAMPTON, 4700, QUEENSLAND, AUSTRALIA

client: KELE PROPERTY GROUP (Q.L.D.) PTY. LTD.

REV	DESCRIPTION	DATE
1	PRELIMINARY	2018-01-10
2	PRELIMINARY	2018-02-01
3	PRELIMINARY	2018-02-01
4	PRELIMINARY	2018-03-08

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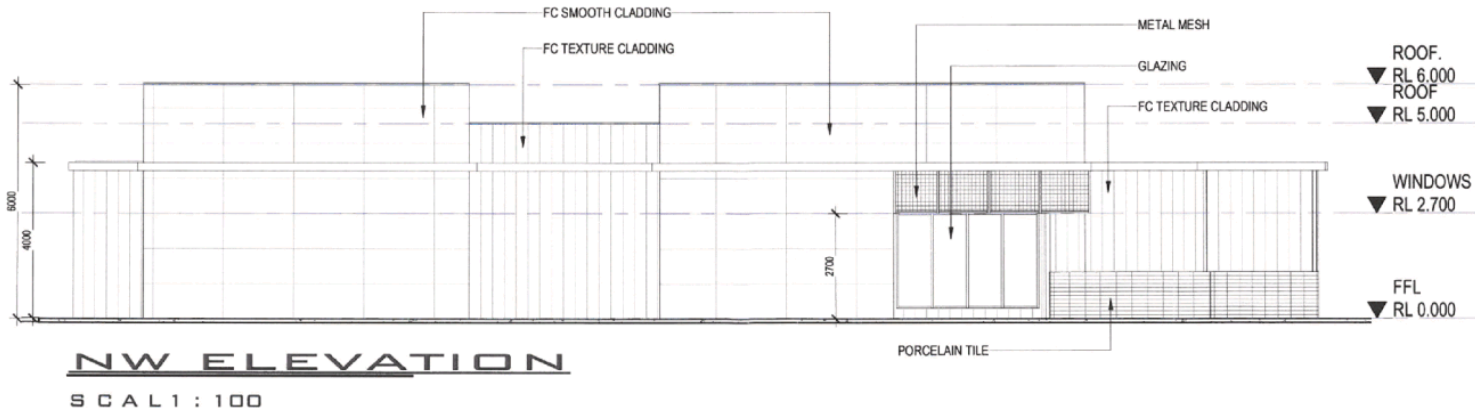
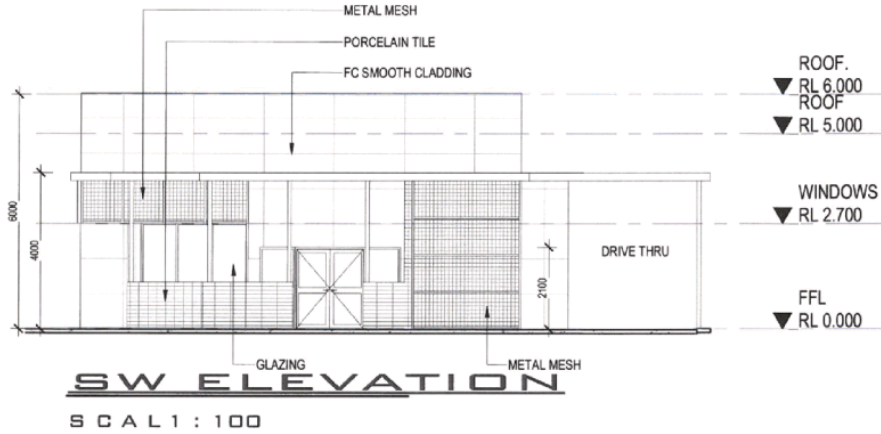
ISSUED FOR	
PRELIMINARY	
date	rev
MAR 18	4
drawn	CC

**D/12-2018 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A FOOD
AND DRINK OUTLET**

Elevations

Meeting Date: 1 May 2018

Attachment No: 3



drawing title:
ELEVATIONS

drawing no: **SK-005** project no: **KP-005**

project: ADRAWING NOTED SCALES RELATE TO A3 DRAWINGS	
FOOD + DRINK OUTLET	
location: 106 GEORGE STREET, ROCKHAMPTON, 4700, QUEENSLAND, AUSTRALIA	client: KELE PROPERTY GROUP (Q.L.D) PTY. LTD.

REV	REVISIONS	DATE
1	PRELIMINARY	2018-01-19
3	PRELIMINARY	2018-02-01
4	PRELIMINARY	2018-03-08

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scale: 1:100	REV: 4
date: MAR 18	
drawn: CC	

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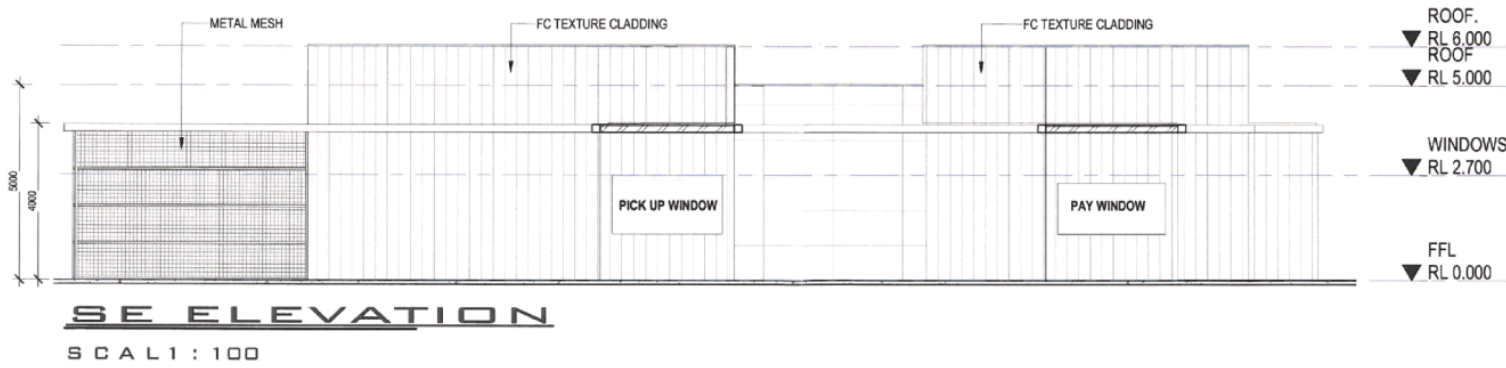
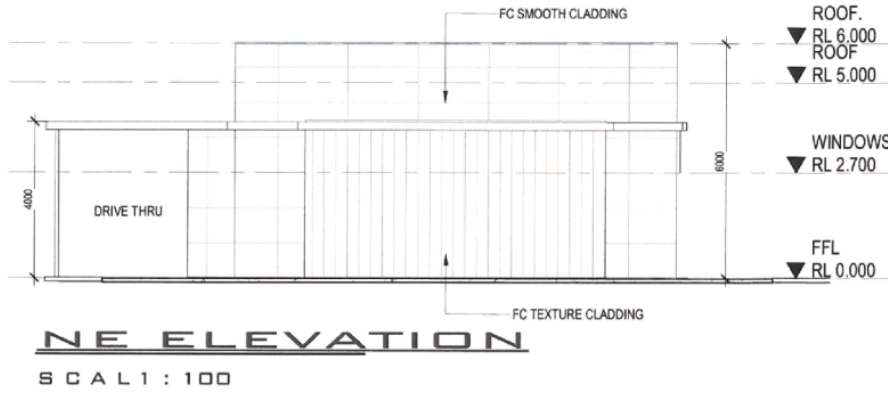
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**D/12-2018 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A FOOD
AND DRINK OUTLET**

Elevations

Meeting Date: 1 May 2018

Attachment No: 4



drawing title:
ELEVATIONS

drawing no: **SK-006** project no: **KP-005**

project: FOOD + DRINK OUTLET	
location: 106 GEORGE STREET, ROCKHAMPTON, 4700, QUEENSLAND, AUSTRALIA	client: KELE PROPERTY GROUP (Q.L.D) PTY. LTD.

REV	DESCRIPTION	DATE
1	PRELIMINARY	2018-03-19
2	PRELIMINARY	2018-02-01
4	PRELIMINARY	2018-03-08

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drawn: CC	

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8.2 ANIMAL MANAGEMENT - SURRENDERED AND UNCLAIMED ANIMALS POLICY

File No:	1464
Attachments:	1. Animal Management - Surrendered and Unclaimed Animals Policy (Track Changes) ↓ 2. Memorandum of Understanding ↓
Authorising Officer:	Steven Gatt - Manager Planning and Regulatory Services Colleen Worthy - General Manager Community Services
Author:	Nishu Ellawala - Coordinator Local Laws

SUMMARY

Manager Planning and Regulatory Services presenting the report on the draft Animal Management – Surrendered and Unclaimed Animals Policy which has been amended to include a Memorandum of Understanding between Council and Charity Animal Welfare agencies.

OFFICER'S RECOMMENDATION

THAT Council resolves to adopt the Draft Animal Management – Surrendered and Unclaimed Animals Policy.

COMMENTARY

Council works closely with a number of animal rescue groups across the Region and interstate to rehome surrendered and lost animals in order to maximise positive welfare outcomes. Council promotes responsible pet ownership throughout the community and acknowledges the tireless work undertaken by Charity Animal Welfare agencies in rehoming surrendered and lost animals.

A charity animal welfare agency is defined as animal welfare agency that is registered as a charity.

To further strengthen the relationship and provide Council, its employees and Charity Animal Welfare agencies clarity on each other's roles and responsibilities and to improve the collaboration and cooperation between Council and welfare agencies a Memorandum of Understanding (MOU) has been developed and included in the policy.

This MOU expresses the intentions of the parties in relation to working cooperatively and identifies the following strategies to achieve these goals:

1. Continue and maintain an ongoing dialogue between Council and the agencies that facilitates the ongoing development of this agreement;
2. Define and clarify each other's role and responsibilities;
3. Collaborate to advocate responsible animal ownership.
4. Define and clarify media and social media responsibilities of each party.

Council will continue the provision of a cash donation of \$100 every dog or \$50 every cat given to any charity animal welfare agency who do not get other government funding subject to evidence being supplied to Council that the animal was de-sexed and rehomed.

Since the introduction of the cash donation in June 2015, Council has expended \$26,650 to date in cash donations to charity animal welfare agencies as tabled below.

Year	Number of Cats	Total	Number of Dogs	Total
2015/2016	11	\$550	39	\$3,900
2016/2017	50	\$2,500	56	\$5,600
2017/2018	26	\$1,300	128	\$12,800
TOTAL		\$4,350		\$22,300

Table 1 – Cash donations Charity Animal Welfare agencies

Working collaboratively and cooperatively and improving our relationship with our charity animal welfare agencies is an important aspect of the Animal Management Strategy.

BUDGET IMPLICATIONS

Nil

LEGISLATIVE CONTEXT

Nil

LEGAL IMPLICATIONS

Nil

CONCLUSION

This report presents the draft Animal Management - Surrendered and Unclaimed Animals Policy for Council's review and adoption.

**ANIMAL MANAGEMENT -
SURRENDERED AND UNCLAIMED
ANIMALS POLICY**

**Animal Management - Surrendered and
Unclaimed Animals Policy
(Track Changes)**

Meeting Date: 1 May 2018

Attachment No: 1

ANIMAL MANAGEMENT – SURRENDERED AND UNCLAIMED ANIMALS POLICY

COMMUNITY POLICY



1 Scope

This policy applies to surrendered and impounded animals which have not been reclaimed by their owners within the statutory prescribed periods.

2 Purpose

To establish guidelines for the auction, transfer to ~~rehoming organisations~~ [an animal welfare agency](#) or other disposal of surrendered and unclaimed impounded animals.

3 Related Documents

3.1 Primary

Nil

3.2 Secondary

Animal Management (Cats and Dogs) Act 2008

Local Law No. 2 (Animal Management) 2011

Subordinate Local Law No. 2 (Animal Management) 2011

[Animal Management – Rehoming Work Instruction](#)

[Animal Release Expression of Interest Form – Animal Welfare Agency](#)

Australian Veterinary Association – Code of Professional Conduct

Cash Donation for Rehoming Impounded Animals Application Form – ~~Rescue Organisation~~ [Animal Welfare Agency](#)

Dog Registration Amendment Form

Fees and Charges Schedule

4 Definitions

To assist in interpretation, the following definitions apply:

Animal Welfare Agency	<p><u>Includes:</u></p> <p><u>(a) the RSPCA (Queensland); and</u></p> <p><u>(b) the Animal Welfare League of Queensland; and</u></p> <p><u>(c) another incorporated association which:</u></p> <p><u>(i) has objects similar to the objects of the corporation referred to in paragraph (a) or the incorporated association referred to in paragraph (b); and</u></p> <p><u>(ii) is recognised as an animal welfare agency by Council.</u></p>
---------------------------------------	--

CORPORATE IMPROVEMENT AND STRATEGY USE ONLY

Adopted/Approved:	DRAFT	Department:	Community Services
Version:	2	Section:	Planning and Regulatory Services
Reviewed Date:		Page No:	Page 1 of 5

Approved Animal Welfare Agency	Animal welfare agencies who have a memorandum of understanding with Council.
Charity Animal Welfare Agency rehome organisation	An incorporated rehoming organisation animal welfare agency that is registered as a charity.
Council	Rockhampton Regional Council
Owner of an animal	As defined in Local Law No. 2 (Animal Management) 2011: (a) its registered owner; (b) a person who owns the animal, in the sense of it being the person's personal property; (c) a person who usually keeps the animal, including through an agent, employee or anyone else; (d) if a person mentioned in paragraphs (a) to (c) is a minor—a parent or guardian of the minor.
Prescribed Period	As defined in <i>Subordinate Local Law No. 2 (Animal Management) 2011:</i> (a) if the animal is a horse, cow, registered cat, registered dog or other identifiable animal – 5 days; or (b) if the animal is an unregistered cat, unregistered dog or an animal which is not an identifiable animal – 3 days.
Region	Area defined by the electoral boundaries of Rockhampton Regional Council.
RSPCA	Royal Society for the Prevention of Cruelty to Animals
Rehoming organisation	An organisation that rehomes animals.
Surrendered	The owner of an animal has surrendered the animal to Council.

5 Policy Statement

Council is committed to minimising euthanasia rates and reducing the number of impounded animals within the Region.

Where possible, Council does not take a seized registered dog or identifiable animal directly to Council's Pound Facility if the owner can collect promptly within the field. Unregistered dogs (including identifiable unregistered dogs) or unidentifiable animals seized are taken to Council's Pound Facility; where Council makes every effort to identify the owner of the animal.

Surrendered and unclaimed animals may be suitable to be auctioned or transferred to an animal welfare agency after the statutory prescribed period.

5.1 Cats and Dogs

Surrendered and unclaimed cats and dogs are checked to determine their suitability for rehoming having regard to:

- (a) Breed;
- (b) Size;
- (c) Age;
- (d) Health observations;
- (e) Behavioural and temperament observations;

CORPORATE IMPROVEMENT & STRATEGY USE ONLY			
Adopted/Approved:	DRAFT	Department:	Community Services
Version:	2	Section:	Planning and Regulatory Services
Reviewed Date:		Page No:	Page 2 of 5

- (f) Likelihood of rehoming;
- (g) Likelihood of surviving surgery to desex; and
- (h) Any other factors as applicable to a specific animal or breed.

Registrations of surrendered dogs are transferred to Council after the dog is surrendered, if the dog is not reclaimed by the owner within the 48 hour-prescribed period.

All cats and dogs transferred to an approved charity ~~rehoming organisation~~ animal welfare agency, that is not supported by other government funding, will:

- (a) Be micro-chipped;
- (b) If the animal is a dog, provided with free registration to the end of the current registration period; and
- (c) Qualify for a cash donation of \$100 per dog and \$50 per cat subject to evidence being supplied to Council that the animal was desexed, rehomed and not euthanized. A Cash Donation for Rehoming Impounded Animals Application Form – ~~Rescue Organisation~~ Animal Welfare Agency must be accompanied by proof of desexing and a completed Dog Registration Amendment Form. A maximum of one cash donation is paid per animal.

All cats and dogs transferred to other approved ~~rehoming organisations~~ animal welfare agencies will:

- (a) Be micro-chipped at the ~~rehoming organisations~~ animal welfare agency's cost, as set in Councils Fees and Charges Schedule; and
- (b) If the animal is a dog, provided with free registration to the end of the current registration period.

~~All dogs transferred to the RSPCA or to an approved charity rehoming organisation supported by other government funding, will receive free registration to the end of the current registration period.~~

5.2 Poultry and Small Domestic Animals

Surrendered and unclaimed poultry and small domestic animals are offered to Council's Heritage Village if the animal is not reclaimed by the owner within the prescribed period.

If the animal is not transferred to Council's Heritage Village, the animal is offered to an approved ~~rehoming organisation~~ animal welfare agency.

If the animal is not transferred to an approved ~~rehoming organisation~~ animal welfare agency, the animal is offered for sale in a local auction, if appropriate.

5.3 Livestock

Surrendered and unclaimed livestock are offered to Council's Heritage Village if the livestock is not reclaimed by the owner within the prescribed period.

If the livestock is not transferred to Council's Heritage Village, the livestock is offered for sale in a local auction, if appropriate.

5.4 General Conditions for the Transfer of Animals

~~Rehoming organisations~~ Animal welfare agencies must adhere to the following general conditions for the transfer of animals:

- (a) Treat all animals received from Council humanely;
- (b) Desex entire cats or dogs before rehoming the animal, unless otherwise approved by Council;
- (c) Make first contact with Submit an Animal Release Expression of Interest Form – Animal Welfare Agency Council will be the reasonable grounds as to why one agency claims an animal over another if they wish to claim a surrendered or unclaimed animal;
- ~~Accept decisions made by Council employees in the course of their duties without question or interference;~~
- ~~Respect the Local Laws and legislation under which Council's Pound Facility operates; and~~

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~~(e)~~(d) Adhere to all relevant legislation including Local Laws and Planning Schemes

Council:

- (a) May limit the approval to specific breeds or species;
- (b) Is the sole arbitrator in all rehoming matters (all decisions made by Council are final);
- (c) Accepts no liability concerning the health or behavioural status of animals transferred to ~~rehoming organisations~~ an animal welfare agency; and
- (d) Adheres to ~~Compliance with~~ all relevant legislation including Local Laws and Planning Schemes.

~~(e) Other factors as applicable, such as:~~

- ~~(i) The recipient organisation sharing Council's values;~~
- ~~(ii) Accepting decisions made by Council employees in the course of their duties without question or interference; and~~
- ~~(iii)(i) Having regard to the Local Laws and legislation under which the pound operates.~~

5.5 Memorandum of Understanding

In order for the transfer of animals animal welfare agencies must apply in writing are to enter into a memorandum of understanding. Applications must include:

- (a) The name, address and telephone number of the agency and the primary contact member;
- (b) A copy of the aims and objectives of the agency;
- (c) A copy of the agency's Certificate of Incorporation and registration as a charity;
- (d) The name and business address of the veterinarian surgeon to provide health care services to animals sold or donated by the Council; and
- (e) Any other information considered relevant.

The General Manager Community Services or the Manager Planning and Regulatory Services may withdraw the approval of an approved recipient by giving five business days notice of the intended withdrawal in writing.

5.55.6 Euthanasia

Circumstances where euthanasia may be considered acceptable include, but are not limited to, the following:

- (a) Animals that are surrendered for the purposes of euthanasia;
- (b) Where animals are vicious, dangerous, unmanageable, fearful or likely to cause harm due to their behaviour or temperament;
- (c) Where the animal is a dog of a restricted breed type dog or has been declared to be a menacing or dangerous dog under the *Animal Management (Cats and Dogs) Act 2008*;
- (d) Where the animal is diseased, infant and/or feral as determined by the veterinarian surgeon. Diseased, infant and/or feral animals seized or surrendered to Council's Pound Facility are able to be destroyed prior to the statutory prescribed period; or
- (e) Unclaimed impounded animals unable to be to be rehomed or not taken by ~~rescue organisations~~ animal welfare agency.

Euthanasia is undertaken by an approved veterinarian surgeon in line with the Australian Veterinary Association – Code of Professional Conduct. The veterinary surgeon determines the most appropriate method of euthanasia.

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6 Review Timelines

This policy is reviewed when any of the following occur:

- (a) The related information is amended or replaced; or
- (b) Other circumstances as determined from time to time by the Council.

7 Document Management

Sponsor	Chief Executive Officer
Business Owner	General Manager Community Services
Policy Owner	Manager Planning and Regulatory Services
Policy Quality Control	Corporate Improvement and Strategy



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**ANIMAL MANAGEMENT -
SURRENDERED AND UNCLAIMED
ANIMALS POLICY**

Memorandum of Understanding

Meeting Date: 1 May 2018

Attachment No: 2

MEMORANDUM OF UNDERSTANDING
between
Rockhampton Regional Council
and
XXXXXXXXXX
(Charitable Animal Welfare Organisation)

logo

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This Memorandum of Understanding (MOU) is made on the DATE.

between

Rockhampton Regional Council

and

XXXXXXXXXX

1 Preamble

Rockhampton Regional Council and XXXXXXXXXX will work together in a spirit of cooperation and goodwill for the benefit of the community and for domestic animals in general and working dogs.

Each party is a separate and independent organisation and as such, retains its own identity. Each organisation is responsible for establishing its own policies and financing its own activities.

This Memorandum of Understanding delineates roles and responsibilities of each organisation.

Rockhampton Regional Council's Local Laws unit is responsible for administering animal management local laws and relevant State legislation regarding the keeping and control of domestic animals. The unit actively promotes responsible animal ownership.

Council's Local Laws prescribe minimum standards for the keeping of animals within the region, as well as penalty provisions for non-compliance with these standards.

< ANIMAL WELFARE ORGANISATION > finds homes for those animals offered to them by Rockhampton Regional Council.

2 Definitions

Rockhampton Regional Council means the Council of the Region of Rockhampton

Memorandum of Understanding means a statement specifying agreement relative to responsibilities and authorities on matters of common interest.

Animal Welfare Organisation means the XXXXXXXXXX Incorporated.

3 Authority

The terms and procedures used in this Memorandum of Understanding are consistent with:

- *Animal Care and Protection Act 2001;*
- *Animal Management (Cats and Dogs) Act 2008;*
- *Local Government Act 2009;*
- *Rockhampton Regional Council Local Law No. 2 (Animal Management) 2011;* and
- *Stock Management Act 2002.*
- *Planning Act 2016*

4 Scope

Rockhampton Regional Council will offer animals to < ANIMAL WELFARE ORGANISATION > for re-homing on case by case basis.

- a) Rockhampton Regional Council will provide dog registration free of charge for those animals transferred to the Animal Welfare Organisation to the end of the current registration period.
- b) Rockhampton Regional Council and < ANIMAL WELFARE ORGANISATION > will explore mutually beneficial opportunities, to promote and endorse each other's activities in the promotion of responsible pet ownership at specific and approved events.

5 < ANIMAL WELFARE ORGANISATION >

- a) < ANIMAL WELFARE ORGANISATION > will desex entire cats and dogs before re-homing the animal unless otherwise approved by Council.
- b) < ANIMAL WELFARE ORGANISATION > and its members will humanely treat all animals received.
- c) < ANIMAL WELFARE ORGANISATION > will accept all decisions made by Council officers in the course of their duties without question or interference.
- e) < ANIMAL WELFARE ORGANISATION > will comply with all relevant acts and legislation regarding the welfare, storage and management of animals received from Rockhampton Regional Council.
- f) Rockhampton Regional Council takes it in good faith that foster carers for < ANIMAL WELFARE ORGANISATION > have been assessed by the < ANIMAL WELFARE ORGANISATION > as to their suitability.
- g) In the event an animal in foster care escapes its carer and returns to the Rockhampton Regional Council Pound <ANIMAL WELFARE ORGANISATION > will be responsible for all impound fees accrued and any applicable Penalty Infringement Notices.

6 Social Media Protocols

- a) <ANIMAL WELFARE ORGANISATION > will share and support Council's values and will not make public and/or social media comments regarding any Rockhampton Regional Council Animal Management Program, policies or procedures without the written consent of the General Manager Community Services or Manager Planning and Regulatory Services.
- b) <ANIMAL WELFARE ORGANISATION>will not post any comments tacitly disparaging Council. For example: in unfortunate cases where an agency cannot adopt an animal within the specified time period an "In Memoriam" post encourages negative comments from the public.
- c) <ANIMAL WELFARE ORGANISATION > will refrain from inflammatory or negative language and emotional scare tactics in their posts. For example: "This dog is due to die tomorrow" or "death list" as they encourage negative comments from the public.
- e) Rockhampton Regional Council has the right to edit any social media release that is detrimental to the Council's image or those of its partners, or to withhold said information if it compromises the safety of its employees, volunteers, partners or animals.

7 Rockhampton Regional Council

- a) Rockhampton Regional Council will reserve the right to refuse the transfer and allocation of any animals to < ANIMAL WELFARE ORGANISATION > Incorporated.
- b) Where the animal is an unregistered dog, Rockhampton Regional Council will provide free dog registration to the end of the current registration period.
- c) Rockhampton Regional Council will microchip each cat and dog that does not have a PPID before transferring to the re-homing organisation.
- d) Council will be the sole arbitrator in all rehoming matters and all decisions made by Council will be final.
- e) Rockhampton Regional Council reserves the right to not re-home any animal.

8 Procedures

- a) The transfer of suitable animals from Rockhampton Regional Council to < ANIMAL WELFARE ORGANISATION > will occur on an 'as needs' basis.
- b) Rockhampton Regional Council will notify < ANIMAL WELFARE ORGANISATION > of available animals via email.
- c) The animals offered to < ANIMAL WELFARE ORGANISATION > will be selected at the discretion of the Supervisor Local Laws or their nominated officer. In the interest of a transparent arrangement animals will be selected based on the following criteria:
 - The animal is outside the minimum prescribed holding period.
 - An identified dog has no previous history of aggressive behaviours, or has not been implicated in any dog attacks.
 - The animal is of reasonable health and temperament and can be easily handled by Council officers.
 - Other factors as applicable.
 - The animal has been approved for allocation to < ANIMAL WELFARE ORGANISATION > by the Supervisor Local Laws or their nominated officer.
- d) Rockhampton Regional Council will microchip the animal, if necessary, and if the animal is a dog, provide free registration for the current registration period.
- e) First contact to Council will be the reasonable grounds as to why one person or organisation claims an animal over another.
- f) Once an animal has been selected < ANIMAL WELFARE ORGANISATION > must collect the animal within 24 hours, unless an alternative mutually agreed arrangement is made.
- g) The method used to transport the animals must be of a suitable standard and not risk injury to the animal (s).
- h) < ANIMAL WELFARE ORGANISATION > is responsible for each animal's veterinary care once collected from the Rockhampton Pound.
- i) < ANIMAL WELFARE ORGANISATION > will desex and vaccinate all domestic animals before rehoming unless otherwise approved by Rockhampton Regional Council.

9 Commencement and Expiration Date

- a) This Memorandum of Understanding shall be effective as at <<DATE>> and terminate on <<DATE>>, to be re-negotiated annually.
- b) This Memorandum of Understanding shall be reviewed annually.
- c) In the event that a party to this Memorandum of Understanding is not fulfilling its accepted responsibilities, then the aggrieved party will communicate its concerns in writing.

10 Termination

A request to terminate this agreement by either party shall be in writing and is subject to the following protocols:

- (a) If the request to terminate originates from Rockhampton Regional Council, the General Manager Community Services of Rockhampton Regional Council will write on behalf of Rockhampton Regional Council to XXXXXXXXX.
- (b) If the request to terminate originates from XXXXXXXXX, XXXXXXXXX will write to the General Manager Community Services of Rockhampton Regional Council.

11 Notices

Any notice in writing required to be served upon a party to this MOU is to be forwarded to:

- (a) To XXXXXXXXX:
The President
Address
Address
- (b) To Rockhampton Regional Council: Manager Planning and Regulatory Services
Rockhampton Regional Council
PO Box 1860
Rockhampton QLD 4700

12 Entire agreement

This Memorandum of Understanding constitutes the entire agreement of the parties with respect to the subject matter of the Memorandum of Understanding and supersedes all prior agreements, representations, understandings and negotiations (either written or oral) with respect to such subject matter.

13 Signatories

IN WITNESS WHEREOF the parties have executed this Memorandum of Understanding as of the dates indicated below-

SIGNED:.....

SIGNED:.....

<<NAME>>

NAME:.....

Manager Planning and Regulatory Services
OR GM

XXXXXXXXXX

Date: / /2018

Date: / /2018

SIGNED:.....
Witness

SIGNED:.....
Witness

NAME:

NAME:

Schedule - Contact list

Rockhampton Regional Council:

Coordinator Local Laws :	<<NAME>>	07 00000000
Supervisor Local Laws:	<<NAME>>	07 00000000
<<POSITION>>	<<NAME>>	07 00000000

< ANIMAL WELFARE ORGANISATION > :

Name	Title	Phone Number
Name	Title	Phone Number

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