



# **PLANNING AND REGULATORY COMMITTEE MEETING**

## **AGENDA**

**30 APRIL 2019**

*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 30 April 2019 commencing at 9.00am for transaction of the enclosed business.*

A handwritten signature in black ink that reads "R Cheesman".

**ACTING CHIEF EXECUTIVE OFFICER**  
23 April 2019

Next Meeting Date: 14.05.19

**Please note:**

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

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**1 OPENING**

**2 PRESENT**

Members Present:

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

**4 CONFIRMATION OF MINUTES**

Minutes of the Planning and Regulatory Committee held 9 April 2019

**5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA**

**6 BUSINESS OUTSTANDING**

Nil

**7 PUBLIC FORUMS/DEPUTATIONS**

Nil

## 8 OFFICERS' REPORTS

### 8.1 D/25-2018 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR FOUR (4) SHOPS AND A MULTIPLE DWELLING (8 UNITS)

**File No:** D/25-2018

**Attachments:**

1. [Locality Plan](#)
2. [Site Plan](#)
3. [Elevation Plan](#)

**Authorising Officer:** Tarnya Fitzgibbon - Coordinator Development Assessment  
Steven Gatt - Acting General Manager Community Services

**Author:** Brandon Diplock - Planning Officer

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#### SUMMARY

*Development Application Number:* D/25-2018

*Applicant:* Lync Projects & Constructions C/- Emerge Planning & Development

*Real Property Address:* Lot 8 on RP604534, Parish of Archer

*Common Property Address:* 78 High Street, Berserker

*Area of Site:* 1,012 square metres

*Planning Scheme:* Rockhampton Region Planning Scheme 2015

*Planning Scheme Zone:* Low-Medium Density Residential Zone

*Planning Scheme Overlays:* Nil

*Existing Development:* Dwelling House

*Existing Approvals:* Not Applicable

*Approval Sought:* Development Permit for a Material Change of Use for four (4) Shops and a Multiple Dwelling (8 Units)

*Level of Assessment:* Impact Assessable

*Submissions:* One (1)

*Infrastructure Charges Area:* Charge Area 1

*Application Progress:*

<i>Application Lodged:</i>	20 March 2018
<i>Acknowledgment Notice issued:</i>	27 March 2018
<i>Request for Further Information sent:</i>	28 March 2018
<i>Request for Further Information responded to:</i>	28 June 2018
<i>Submission period commenced:</i>	7 February 2019
<i>Submission period end:</i>	28 February 2019
<i>Last receipt of information from applicant:</i>	23 March 2019
<i>Statutory due determination date:</i>	22 May 2019



**OFFICER'S RECOMMENDATION****RECOMMENDATION A**

That in relation to the application for a Development Permit for a Material Change of Use for four (4) Shops and a Multiple Dwelling (8 Units), made by Lynp Projects & Constructions C/- Emerge Planning & Development, on land located at 78 High Street, Berserker, described as Lot 8 on RP604534, Parish of Archer, 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 Operational Works:
      - (i) Access and Parking Works;
      - (ii) Roof and Allotment Drainage;
    - 1.5.2 Plumbing and Drainage Works;
    - 1.5.3 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.
- 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>
Stormwater Management Plan	201801smpA, Rev A	02 March 2019
Locality Map & Schedule of Drawings	2018018-C00 A, Rev B	22 March 2019
Proposed Carpark Layout Plan	2018018-C02 A, Rev B	22 March 2019
Proposed B85 Turning Plan	2018018-C03 A, Rev B	22 March 2019
Proposed WCV Turning & Collection Plan	2018018-C04 A, Rev B	22 March 2019
Proposed Stormwater Layout Plan	2018018-C05 A, Rev B	22 March 2019
Sight Distances Plan	2018018-C06 A, Rev B	22 March 2019
Site Plan	2018.10, Sheet 01	19 March 2019
Ground Floor Plan	2018.10, Sheet 02	19 March 2019
2 <sup>nd</sup> / 3 <sup>rd</sup> Floor Plan	2018.10, Sheet 03	19 March 2019
Roof Plan	2018.10, Sheet 04	19 March 2019
North Elevation	2018.10, Sheet 05	19 March 2019
East Elevation	2018.10, Sheet 06	19 March 2019
West Elevation	2018.10, Sheet 07	19 March 2019
South Elevation	2018.10, Sheet 08	19 March 2019

- 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/Building Works.
- 3.0 **ACCESS AND PARKING WORKS**
- 3.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the development site.
- 3.2 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).
- 3.3 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).
- 3.4 The existing access to the development which is located centrally within the High Street frontage of the site must be closed.
- 3.5 Any redundant vehicular crossovers must be replaced by Council standard kerb and channel.
- 3.6 Access to the site must be limited to 'left in, left out' only.
- 3.7 All vehicles must ingress and egress the development in a forward gear.
- 3.8 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"*.

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- 3.9 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"*.
- 3.10 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).
- 3.11 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"*.
- 3.12 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.
- 4.0 PLUMBING AND DRAINAGE WORKS
- 4.1 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.
- 4.2 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.
- 4.3 The development must be connected to Council's reticulated sewerage and water networks.
- 4.4 A new water connection point must be provided to the development. An hydraulic engineer or other suitably qualified person must determine the size of connection required.
- 4.5 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.
- 4.6 The proposed development must be provided with a master meter at the development site boundary and sub-meters for each sole occupancy building in accordance with the *Queensland Plumbing and Drainage Code* and Council's Sub-metering Policy.
- 4.7 All internal plumbing and sanitary drainage works must be completely independent for each unit/tenancy.
- 4.8 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.
- 4.9 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.
- 4.10 The development must comply with *Queensland Development Code, Mandatory Part 1.4 "Building over or near relevant infrastructure."* Any permit associated with the Building Over/Adjacent to Local Government Sewerage Infrastructure Policy must be obtained prior to the issue of a Development Permit for Building Works.
- 5.0 ROOF AND ALLOTMENT DRAINAGE WORKS
- 5.1 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.
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- 5.2 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).
- 5.3 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.
- 5.4 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.

#### 6.0 SITE WORKS

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

#### 7.0 BUILDING WORKS

- 7.1 The existing dwelling 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.
- 7.2 A minimum 1.8 metre high screen fence must be erected between the subject development site and adjacent residential properties south of the development.

#### 8.0 LANDSCAPING WORKS

- 8.1 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 landscape areas must predominantly contain plant species that have a low water dependency.
- 8.2 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.
- 8.3 Landscaping, or any part thereof, upon reaching full maturity, must not:
- (i) obstruct sight visibility zones as defined in the *Austroads 'Guide to Traffic Engineering Practice'* series of publications;
  - (ii) adversely affect any road lighting or public space lighting; or
  - (iii) adversely affect any Council infrastructure, or public utility plant.
- 8.4 The landscaped areas must be subject to:
- 8.4.1 a watering and maintenance plan during the establishment moment; and
  - 8.4.2 an ongoing maintenance and replanting programme.

#### 9.0 ELECTRICITY

- 9.1 Underground electricity services must be provided in accordance with approved Operational Works Plans and the standards and requirements of the relevant service provider.
- 9.2 A *Certificate of Electricity Supply* from the relevant service provider must be provided to Council, prior to the commencement of the use.

Note: The applicant can enter into a *Negotiated Connection Establishment Contract* with the Supplier for the provisioning of electrical services and/or street lighting. Provided the Applicant has undertaken all the conditions of the contract, including

providing performance security, the Supplier will issue a *Certificate of Electricity Supply*.

#### 10.0 TELECOMMUNICATIONS

- 10.1 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, pipes and conduits that provide a connection to the telecommunications network.

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

- 10.2 Provide internal and external conduit paths for all unit developments.
- 10.3 The conduits, pipes and cables required by this condition are located on private land and therefore ownership of the conduits, etc. will be with the owner of the land or a carrier that uses the conduit to carry its cables.
- 10.4 Evidence of acceptance of the works from the relevant service provider must be provided to Council, prior to the commencement of the use.

Note: This will be a letter from either:

**NBN** a *'Certificate of Practical Completion'*;

**Telstra** a *"Telecommunications Agreement/Provisioning Letter"*; or

**A Licenced Carrier** under the Telecommunications Act 1997 - *signed documentation from a Registered Professional Engineer of Queensland - electrical engineer.*

#### 11.0 ASSET MANAGEMENT

- 11.1 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.
- 11.2 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.
- 11.3 '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)*.

#### 12.0 ENVIRONMENTAL

- 12.1 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.

- 12.2 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.

### 13.0 ENVIRONMENTAL HEALTH

- 13.1 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"*.
- 13.2 Noise emitted from the activity must not cause an environmental nuisance.
- 13.3 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.
- 13.4 Air-conditioning units must be located so as not to cause a noise nuisance and maintained in proper working order at all times. Installation is to be as per manufacturers' instructions to ensure the efficiency of the equipment'.
- 13.5 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 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*.
- 13.6 The hours of operation are regulated by the *Trading (Allowable Hours) Act 1990*.
- 13.7 The loading and/or unloading of delivery and waste collection and service vehicles is limited between the hours of 0700 and 1900 Monday to Saturday and between the hours of 0800 and 1500 on Sundays. No heavy vehicles must enter the development site outside these times to wait for unloading/loading.

### 14.0 OPERATING PROCEDURES

- 14.1 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 High Street.
- 14.2 Operations on the development 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.
- 14.3 All waste storage areas must be:
- 14.3.1 kept in a clean and tidy condition; and
  - 14.3.2 maintained in accordance with *Environmental Protection Regulation 2008*.

## 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 Partnerships website [www.datsip.qld.gov.au](http://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. Licensable Activities

Should an activity licensable by Rockhampton Regional Council be proposed for the development site, Council’s Environment and Public Health Unit must be consulted to determine whether any approvals are required. Such activities may include food preparation, storage of dangerous goods or environmentally relevant activities. Approval for such activities is required before ‘fit out’ and operation.

### NOTE 5. 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 6. Infrastructure Charges Notice

This application is subject to infrastructure charges in accordance with Council policies. The charges are presented on an Infrastructure Charges Notice.

## **RECOMMENDATION B**

That in relation to the application for a Development Permit for a Material Change of Use for four (4) Shops and a Multiple Dwelling (8 Units), made by Lynp Projects & Constructions C/- Emerge Planning & Development, on land located at 78 High Street, Berserker, described as Lot 8 on RP604534, Parish of Archer, Council resolves to issue an Infrastructure Charges Notice for the amount of \$137,924.73.

## **BACKGROUND**

### **PROPOSAL IN DETAIL**

The proposal seeks approval for a Development Permit for Material Change of Use to establish a three (3) storey mixed-use development (shops and multiple-dwelling). It is proposed that the ground floor will consist of four (4) shops with a total Gross Floor Area of 177m<sup>2</sup>, three toilets, a refuse area, a lift/stairwell and car parking spaces for both commercial and residential users. The area of each shop tenancy is outlined below:

- Shop 1 – 50.39m<sup>2</sup>

- Shop 2 – 61.84m<sup>2</sup>
- Shop 3 – 42.55m<sup>2</sup>
- Shop 4 – 22.80m<sup>2</sup>

The proposed second and third floors share the same floor plan consisting of four (4) units each (total of eight (8) units). Each unit ranges in size between 85-100m<sup>2</sup> and will contain two (2) bedrooms, master with ensuite, bathroom, kitchen, living and dining area and a balcony. The proposed site cover is approximately 34% with setbacks to High Street of one (1) metre to the unit balconies and four (4) metres to the main building façade. Other setbacks include two (2) metres to the eastern boundary, 24.7 metres to the rear boundary and 5.5 metres to the western boundary.

### **SITE AND LOCALITY**

The subject site is located at 78 High Street, Berserker and is formally described as Lot 8 on RP604534. The site has historically been used for residential purposes and currently accommodates a high-set single detached 'Queenslander' dwelling which is setback approximately six (6) metres from the High Street frontage with vegetation limited to the south-western corner of the site. The site is surrounded predominately by commercial uses including shops to the west and a veterinary clinic and shops to the north. Immediately to the east of the site are a number of dwelling houses that have been converted into commercial developments such as a dentist that operates from the adjoining site. To the south of the site are dwelling houses used for residential purposes.

### **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 – (28 March 2019)**

Support, subject to conditions / comments.

#### **Public and Environmental Health Comments – (2 April 2019)**

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 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.

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**Rockhampton Region Planning Scheme 2015****Strategic framework**

This application is situated within the Urban Infill and Intensification 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 (20) 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.

**Complies.** The proposal can be considered consistent with the strategic intent of the Urban Infill and Intensification designation given that the development provides for a diverse range of housing to meet changing demographic needs, and creates opportunities for more affordable living close to services and facilities. The commercial component of the development is subordinate to the residential units and will enhance the surrounding area by providing ready access to a range of shopping facilities. Notwithstanding this, the site's location represents an infill of commercial uses rather than an expansion due to the large number of commercial uses surrounding the site and further along High Street. The subject site by comparison adjoins commercial uses and is less than 50 metres from the Specialised Centre strategic designation (Musgrave Street). The development will not add to the existing and undesired commercial expansion along High Street, instead it will consolidate and reinforce the centre hierarchy.

(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.

**Not Applicable.** The proposal does not have any impacts on the natural environment and hazards.

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(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 proposal will enhance the quality of life for residents given the development provides equitable access to social infrastructure, community services and facilities necessary to support community health and well-being.

(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 supports connectivity to employment centres and services through the provision of active transport and efficient public transport services.

(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.

**Not applicable.** The proposal is for a mixed-use development within the Urban Infill and Intensification designation and will not compromise any existing infrastructure networks in the 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 commercial component of the mixed-use development will provide additional employment opportunities within the region.

The performance assessment of the proposal demonstrates that the development will not compromise the *Rockhampton Region Planning Scheme 2015* strategic outcomes. The proposal will result in a higher density development that accommodates different dwelling choice; and provides ready access to a range of shopping, community and other local services and facilities which is consistent with the intent of the Urban Infill and Intensification designation.

**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*
- 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 given that the proposal is for a low-medium rise built form that does not compromise the residential character and existing amenity of the surrounding area. The built form will not compromise the residential character and existing amenity of the surrounding area, while also providing a commercial component which will primarily function to service the needs of the immediate local residential community. The proposal will also create an attractive streetscape that is integrated with the nearby centres whilst offering an affordable and convenient living option that maintains a high level of residential amenity, consistent with the surrounding area.

### **Rockhampton Regional Planning Scheme Codes**

The following codes are applicable to this application: -

- Low-Medium Density Residential Zone;
- Landscape Code;

- Access, Parking and Transport 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:

<b>Low-Medium Density Residential Zone</b>		
<b>Performance Outcome/s</b>		<b>Officer's Response</b>
PO8	<p>The development is located and designed so that buildings and structures make provision for:</p> <ul style="list-style-type: none"> <li>(a) an appropriate scale and size that reflects the purpose of the zone;</li> <li>(b) access to natural light and ventilation;</li> <li>(c) landscaping;</li> <li>(d) privacy and noise attenuation;</li> <li>(e) screening of materials when stored outside buildings;</li> <li>(f) integration with the streetscape and built form;</li> <li>(g) orientated to the street frontage;</li> <li>(h) landscape features of the site; and</li> <li>(i) access to open space.</li> </ul>	<p>The proposed development will incorporate an exterior wall approximately 20.87 metres long and cannot achieve compliance with AO8.3. The proposal has, however, taken into consideration the surrounding land uses and has incorporated a design that meets the boundary setback requirements, height, site cover, orientation, pedestrian access and general street presentation requirements. The proposal is of a scale and purpose envisaged within the Low-Medium Density Residential Zone and all exterior walls will incorporate variation in materials, colour and glazing to ensure an attractive built form, to ensure integration into the surrounding residential area.</p>
PO14	<p>Communal open space is provided for residents to allow for a range of activities.</p>	<p>Whilst the proposal does not comply with the required 10% private open space, it is noted that each unit will incorporate a balcony of roughly 20m<sup>2</sup>. This combined with the 80m<sup>2</sup> open space and landscaping area toward the front of the building and along the eastern boundary is considered appropriate for a development of this nature that incorporates both residential and commercial aspects.</p>
<b>Landscape Code</b>		
PO11	<p>Car parks and internal access (both on and off-street) are landscaped to:</p> <ul style="list-style-type: none"> <li>(a) reduce their visual appearance;</li> <li>(b) provide shade;</li> <li>(c) reduce glare;</li> <li>(d) reduce heat stored in hard surfaces;</li> <li>(e) harvest storm water; and</li> </ul>	<p>Landscaping has been provided at the front of the proposed development and the entire length of the eastern boundary. Given the orientation of the building and positioning of the car parks behind and under the building, this is considered significant to ensure the car park is not visually dominant and does not create glare/heat islands.</p>

	(f) be of a design that protects damage from vehicles, minimises risk of crime and contaminated stormwater runoff.	
<b>Access, Parking and Transport Code</b>		
PO5	<p>Provision is made for on-site vehicle parking:</p> <p>(a) to meet the demand likely to be generated by the development; and</p> <p>(b) to avoid on-street parking where that would adversely impact on the safety or capacity of the road network or unduly impact on local amenity.</p>	<p>The proposed development can comply with the required number of parking spaces for the residential component; however, will have a shortfall of three (3) car parking spaces for the commercial component. This minor shortfall is considered acceptable given that the site has access to public transport and is within close proximity to a number of shopping and commercial centres which encourage walkability. The nature of High Street including its width, speed and volume allows for on-street car parking which already exists within the area. It is expected that any overflow of car parking may utilise on-street parking options without unduly impacting on the safety or capacity of the road network or local amenity.</p>

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

**INFRASTRUCTURE CHARGES**

Adopted Infrastructure Charges Resolution (No. 5) 2015 for residential and non-residential development applies to the application and it falls within Charge Area 1. The Infrastructure Charges are summarised in Tables 1 and 2 below:

**Table 1: Infrastructure charges for residential development**

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	15,000		per dwelling	\$120,000.00
Total					\$120,000.00
Less credit					\$21,000.00
<b>TOTAL CHARGE</b>					<b>\$99,000.00</b>



**Table 2: Infrastructure charges for non-residential development**

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 <sup>2</sup> of GFA	8.50	per m <sup>2</sup> of impervio us area	\$38,924.73
			Total				\$38,924.73
			Less credit				\$0.00
			<b>TOTAL CHARGE</b>				<b>\$38,924.73</b>

This is based on the following calculations:

- (a) A charge of \$120,000.00 for eight (8) x two (2) bedroom dwellings;
- (b) A charge of \$38,924.73 for Gross Floor Area being 254.41 square metres (four (4) shops and common area);
- (c) An Infrastructure Credit of \$21,000.00 for the existing residential allotment.

Therefore, a total charge of \$137,924.73 is payable and will be reflected in an Infrastructure Charges Notice for the development.

**CONSULTATION**

The proposal was the subject of public notification between 7 February 2019 and 28 February 2019, as per the requirements of the *Planning Act 2016* and the Development Assessment Rules, and one (1) properly made submission was received.

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

Issue	Officer's Response
Increased Traffic	The proposal has considered access, parking and traffic arrangements and included a design prepared by an engineering consultant that allows for the safe ingress and egress of vehicles from the site. In response to information requested by Council, the applicant has decided to incorporate a single crossover on the western side of the allotment that achieves good line of sight and sufficient clearance from existing infrastructure.

<b>Issue</b>	<b>Officer's Response</b>
Car Parking	<p>The proposal has a minor shortfall of the required parking provisions outlined within the Planning Scheme. However, the applicant has provided significant justification to demonstrate that the shortfall in parking spaces will not result in detrimental impacts to the development or the safety or capacity of the road network or local amenity. Further, the nature of High Street including its width, speed and volume allows for on-street car parking which already exists within the area. It is expected that any overflow of car parking may utilise on-street parking options without unduly impacting on the safety or capacity of the road network or local amenity.</p> <p>The site is also within close proximity to a number of shopping and commercial centres which provides a high level of walkability and access to public transport routes.</p>
Design and Bulk of building	<p>The proposal has been appropriately designed to ensure it maintains a high level of street appeal. In addition, the proposal is generally consistent with the requirements of the planning scheme given that the scale, height, site cover and density of the proposed building is commensurate with the built form intended within the Low-Medium Density Residential Zone and cannot be considered an over-development of the site.</p>
Noise throughout demolition phase	<p>The development has been appropriately conditioned to ensure all measures are undertaken to reduce noise throughout the construction phase of the development.</p>
Stormwater	<p>The development is supported by a detailed stormwater management plan prepared by a suitably qualified Registered Professional Engineer of Queensland. All stormwater runoff generated by the development will be appropriately directed to a lawful point of discharge.</p>

<p>Landscaping</p>	<p>Additional landscaping has been incorporated, including a one (1) metre wide deep planting buffer along the eastern boundary. The proposed landscaping is considered sufficient for the purpose intended which is to soften the appearance of the building and hard finishes/surfaces to the street and adjoining neighbours, along with providing additional shading and general aesthetic contribution to the development.</p>
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**REFERRALS**

This application was not subject to any referral agencies.

**CONCLUSION**

The proposal is generally consistent with the intent of the Low-Medium Density Residential Zone. The development provides for a mix of dwelling types developed at low-medium densities and generally maintains a low-rise built form. The commercial component is also unlikely to compromise the residential character and amenity of the surrounding area and is generally small-scale and consistent with the surrounding urban form. As such, it is recommended that the proposal for four (4) Shops and a Multiple Dwelling (8 units) be supported, subject to the conditions outlined in the assessment report.

**D/25-2018 - DEVELOPMENT  
APPLICATION FOR A MATERIAL  
CHANGE OF USE FOR FOUR (4)  
SHOPS AND A MULTIPLE DWELLING  
(8 UNITS)**

**Locality Plan**

**Meeting Date: 30 April 2019**

**Attachment No: 1**

D/25-2018 - Locality Plan

A4 Page scale at 1: 1,530.11  
Printed from GeoCortex on 16/04/2019



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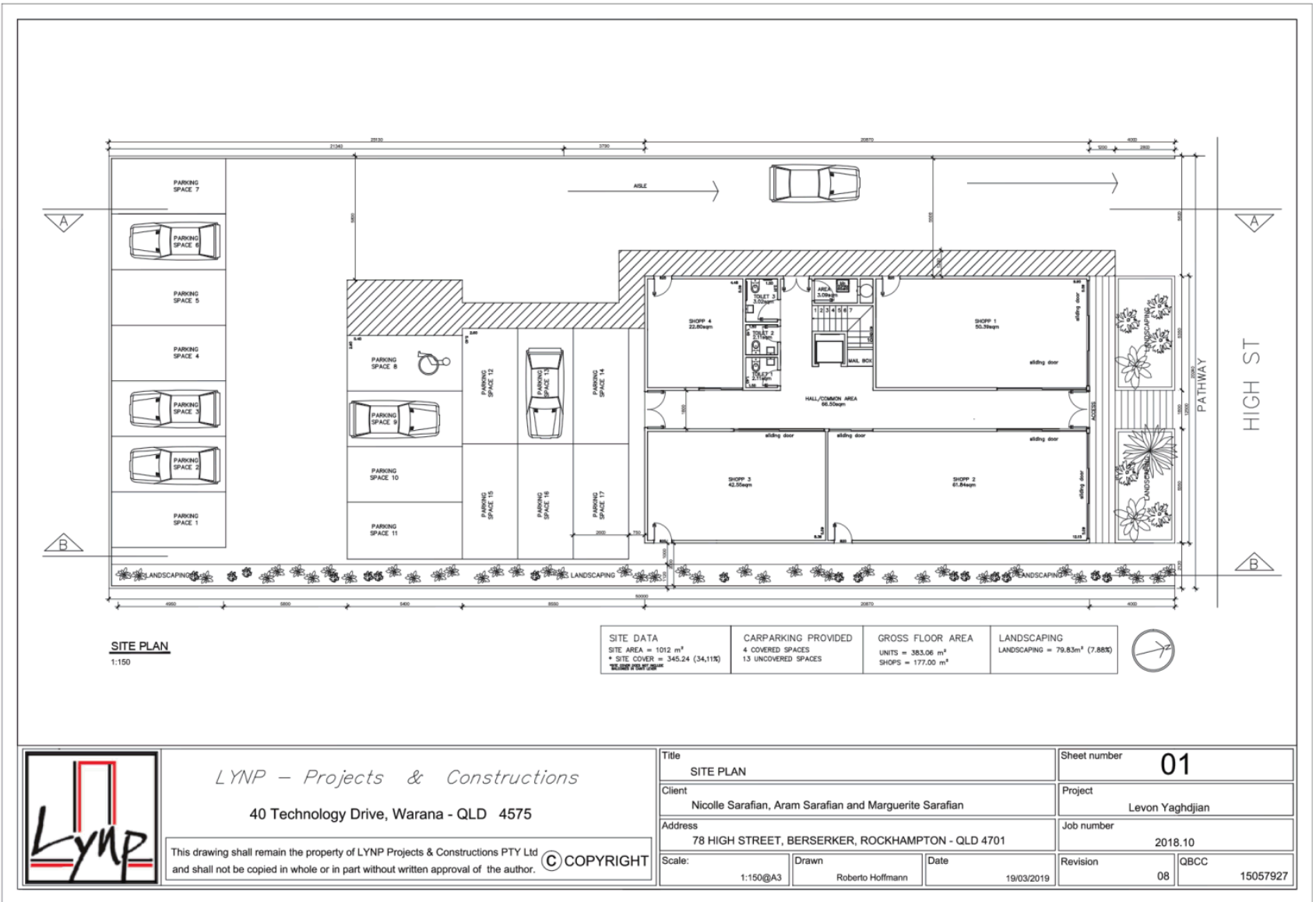


**D/25-2018 - DEVELOPMENT  
APPLICATION FOR A MATERIAL  
CHANGE OF USE FOR FOUR (4)  
SHOPS AND A MULTIPLE DWELLING  
(8 UNITS)**

**Site Plan**

**Meeting Date: 30 April 2019**

**Attachment No: 2**



**SITE PLAN**  
1:150

<b>SITE DATA</b> SITE AREA = 1012 m <sup>2</sup> * SITE COVER = 345.24 (34,11%) 12,500% 15,000%	<b>CARPARKING PROVIDED</b> 4 COVERED SPACES 13 UNCOVERED SPACES	<b>GROSS FLOOR AREA</b> UNITS = 383,06 m <sup>2</sup> SHOPS = 177,00 m <sup>2</sup>	<b>LANDSCAPING</b> LANDSCAPING = 79,83m <sup>2</sup> (7,88%)
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40 Technology Drive, Warana - QLD 4575

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Title <b>SITE PLAN</b>		Sheet number <b>01</b>	
Client Nicolle Sarafian, Aram Sarafian and Marguerite Sarafian		Project Levon Yaghdjian	
Address 78 HIGH STREET, BERSERKER, ROCKHAMPTON - QLD 4701		Job number 2018.10	
Scale: 1:150@A3	Drawn Roberto Hoffmann	Date 19/03/2019	Revision 08
		QBCC 15057927	

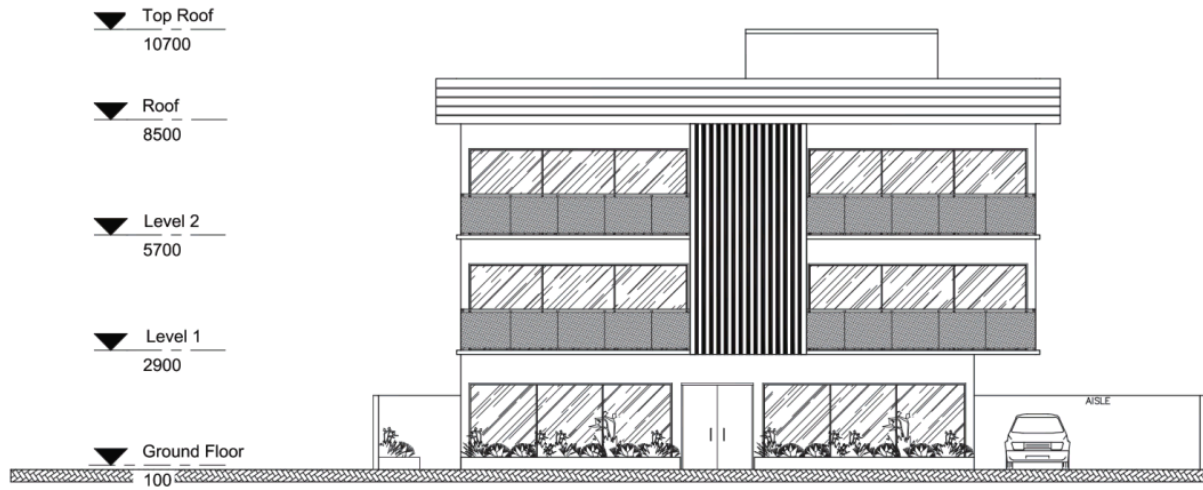
**D/25-2018 - DEVELOPMENT  
APPLICATION FOR A MATERIAL  
CHANGE OF USE FOR FOUR (4)  
SHOPS AND A MULTIPLE DWELLING  
(8 UNITS)**

**Elevation Plan**

**Meeting Date: 30 April 2019**

**Attachment No: 3**





**NORTH ELEVATION**

1:100



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Title NORTH ELEVATION		Sheet number <b>05</b>	
Client Nicolle Sarafian, Aram Sarafian and Marguerite Sarafian		Project Levon Yaghdjian	
Address 78 HIGH STREET, BERSERKER, ROCKHAMPTON - QLD 4701		Job number 2018.10	
Scale: 1:100@A3	Drawn Roberto Hoffmann	Date 19/03/2019	Revision 08 QBCC 15057927

**8.2 DECISIONS UNDER DELEGATION - MARCH 2019**

**File No:** 7028  
**Attachments:** Nil  
**Authorising Officer:** Steven Gatt - Manager Planning and Regulatory Services  
 Colleen Worthy - General Manager Community Services  
**Author:** Tarnya Fitzgibbon - Coordinator Development Assessment

**SUMMARY**

*This report outlines the properly made development applications received in March 2019 and whether they will be decided under delegation or decided by Council.*

**OFFICER'S RECOMMENDATION**

THAT this report into the applications lodged in March 2019 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 properly made applications were received in March 2019. They will be decided in the following manner:

Application type	Address	Decision
D/15-2019 – MCU for Multiple Dwelling (3 units)	114 William Street, Rockhampton	Already decided under delegation
D/16-2019 – Operational Works for Earthworks. The primary approval is for a Preliminary Approval Overriding the Planning Scheme for MCU for Residential purposes and ROL (2 lots into 222 lots).	54-102 and 263 Belmont Road, Parkhurst	Delegation
D/17-2019 – MCU for High Impact Industry (Meatworks)	484 Lakes Creek Road, Koongal	May go to Committee if there are submissions
D/18-2019 – Operational Works for an Advertising Device (Pylon sign)	50 Denham Street, Rockhampton	Delegation
D/19-2019 – Operational Works for an Advertising Device (Non-illuminated Pylon Sign)	288-290 Alexandra Street, Kawana	Already decided under delegation

Application type	Address	Decision
D/20-2019 – Operational Works for Roadworks, Stormwater Works, Sewage Works, Earthworks and Drainage. The primary approval is for a Residential Care Facility, Community Care Centre and Food and Drink Outlet.	75 Ward Street, The Range	Already decided under delegation
D/22-2019 - MCU for Dwelling House and Secondary Dwelling	9A Reynolds Street, Lakes Creek	May go to Committee if there are submissions
D/23-2019 – Operational Works for Drainage and Hardstand Area. The primary approval is for a Public Facility (Ergon site).	63 Glenmore Road, Park Avenue	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

This report outlines the applications received in March 2019 and the manner in which they will be decided.

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

**File No:** 2557

**Attachments:** 1. **Draft Surveillance Program for Invasive Biosecurity Matter Under the Biosecurity Act 2014**[↓](#)

**Authorising Officer:** **Steven Gatt - Acting General Manager Community Services**

**Author:** **Karen Moody - Coordinator Health and Environment**

---

**SUMMARY**

*This report presents a Draft Surveillance Program for Invasive Biosecurity Matter under the Biosecurity Act 2014 for Council consideration and approval to consult with the Department of Agriculture and Fisheries.*

**OFFICER'S RECOMMENDATION**

THAT Council approves the draft Surveillance Program for consultation with the State Department of Agriculture and Fisheries (DAF).

**COMMENTARY**

Invasive plants and animals are an issue with the Rockhampton Regional Council area. In order to be able to systematically manage and monitor invasive species in our area, the *Biosecurity Act 2014* allows for council to develop surveillance programs.

Following recent work by Council and Fitzroy Basin Association in working with landholders in the Fitzroy Floodplain area it has been determined that this area is a priority area to be able to monitor the current changes in invasive species and contain the current infestations of all invasive species, for example Prickly Acacia and Parthenium.

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 Pink Lily, Alton Downs, Nine Mile, Fairy Bower, Gracemere, Kabra, Bouldercombe, Midgee, Port Curtis, Depot Hill, Lakes Creek, Koongal, The Common, Stanwell, Kalapa, Bushley (interactive map to be developed in GeoCortex and uploaded to council's website).

The proposed program is for 2 years, beginning later in 2019, the duration of the program is considered to be reasonably necessary to achieve the Program's purpose.

The objectives of the Program are:

- a) Monitoring compliance with the Act in relation to prohibited and restricted biosecurity matter; and
- b) 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.
- c) Confirm the absence in the Rockhampton Region of the prohibited matter or restricted matter to which the program relates.
- d) Monitor the effects of measures taken in response to a biosecurity risk posed by invasive biosecurity matter.

**BUDGET IMPLICATIONS**

The staffing and associated costs to undertake the Surveillance Program are provided for in the 2019-2020 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 approved by Council following consultation with the Chief Executive, Department of Agriculture and Fisheries.

**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 Biosecurity Plan and therefore works towards achieving target 3.1.3.1 of councils 2018-2019 Operational Plan strategy outcomes.

**CONCLUSION**

This report presents to Council a Surveillance Program for Invasive Biosecurity Matter under the *Biosecurity Act 2014* for consideration and approval to consult with DAF. The implementation of the Survey Surveillance Program assists Council to fulfill its responsibilities under the *Biosecurity Act 2014*. To comply with the Act, following consultation with DAF the final surveillance program will be presented to Council for approval.

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

**Draft Surveillance Program for Invasive  
Biosecurity Matter Under the  
Biosecurity Act 2014**

**Meeting Date: 30 April 2019**

**Attachment No: 1**

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

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## 1. **Biosecurity program**

### **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 biosecurity matter to which the program relates is all Invasive Biosecurity Matter as defined by section 48(1) of the *Biosecurity Act 2014* (the Act).

## **Requirement for a surveillance program**

### **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 Regional Council area, of the biosecurity matter to which the program relates;
- (c) Confirming the absence, in parts of the Rockhampton Regional Council area, 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 Invasive Plant and Animal Biosecurity Program (the Program) are:

- (a) Monitoring compliance with the Act in relation to prohibited and restricted biosecurity matter; and
- (b) Confirm the presence and determine the extent of the presence in the Rockhampton Region of the prohibited or restricted matter to which the program relates; and
- (c) Confirm the absence in the Rockhampton Region of the prohibited matter or restricted matter to which the program relates; and
- (d) Monitor the effects of measures taken in response to a biosecurity risks posed by invasive biosecurity matter.

Significant work has previously been undertaken by associations such as Fitzroy Basin Association and private landholders in the Fitzroy River Floodplain area.

The Rockhampton Regional Council is aware of the work and is now required to monitor the current extent of invasive species in this area due to potential changes resulting from the work previously conducted. Additionally, this area is a high spread area as it is on a floodplain environment whereby seeds can easily move downstream to areas where some invasive species are currently not located.

## 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 Regional Council area of the prohibited matter and restricted matter to which the program relates. This surveillance will primarily be conducted by entry of ground teams onto a place to conduct visual inspections (including driving 4x4, ATV and walking using electronic and paper resources to record infestations of target weeds); and
- Using aerial surveillance by visual, photographic or electronic means using remote controlled unmanned aerial vehicles (UAV) or manned aircraft (helicopters) to ascertain the extent of some identified species; and
- Monitor the effects of measures taken in response to a biosecurity risk posed by invasive biosecurity matter.

## 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 program<sup>1</sup>. 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 occupier<sup>2</sup> 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 if<sup>3</sup>—:

- 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.

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

<sup>2</sup> 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.

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

### Power to carry out aerial controls measures

The power to carry out aerial control measures is authorised by a biosecurity program under the Act<sup>4</sup>.

This means that an authorised officer may carry out, or direct another person to carry out aerial surveillance measures for invasive biosecurity matter in relation to a place to which the Program relates.

### 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.

## 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 Regional Council area, on the basis that we are satisfied that:

- (a) Invasive Biosecurity Matter poses a significant risk to biosecurity considerations in the Rockhampton Regional Council area; and
- (b) Surveillance activities are required to determine the presence or absence of the Invasive Biosecurity Matter in the Rockhampton Regional Council area; and
- (c) Surveillance activities are required to determine the extent of the presence of the Invasive Biosecurity Matter in the Rockhampton Regional Council area; and
- (d) 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 Biosecurity Matter (both restricted and prohibited matter) as defined in section 48(1) of the Act.

Emphasis will be given to invasive Biosecurity Matter as outlined in Council's Biosecurity Plan 2017-2021.

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<sup>4</sup> 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.

## Purpose of the Program

The purpose of the Program is:

- (a) Monitoring compliance with the Act in relation to prohibited and restricted biosecurity matter; and
- (b) Confirm the presence and find out the extent of the presence in the Rockhampton Regional Council area of prohibited matter or restricted matter to which the program relates; and
- (c) Confirm the absence in the Rockhampton Regional Council area of the prohibited matter or restricted matter to which the program relates; and
- (d) Monitor the effects of measures taken in response to a biosecurity risk posed by Invasive Biosecurity Matter; and

## Area Affected By the Program

The Program is authorised to parts of the Rockhampton Regional Council area, including the localities of Pink Lily, Alton Down, Nine Mile, Fairy Bower, Gracemere, Kabra, Bouldercombe, Midgee, Port Curtis, Depot Hill, Lakes Creek and Koongal as per the map on Rockhampton Regional Council Website <<attach link>>.

Individual properties throughout the program area will be selected for compliance monitoring based on the observable presence of invasive biosecurity matter and/or the receipt of a complaint.

## Powers of Authorised Officers

An authorised officer of the Program appointed under the *Biosecurity Act 2014*, may enter a place—other than a residence<sup>i</sup>—without a warrant and without the occupier’s consent within the Rockhampton Regional Council area under the Program<sup>ii iii</sup>.

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 executive<sup>iv</sup>.

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 power<sup>v</sup>.

An authorised officer may carry out, or direct another person to carry out, aerial control measures for Biosecurity matter as defined in section 48(1) of the Act in relation to a place. Under the Program these measures include surveying and monitoring the biosecurity matter.

An authorised officer has general powers after entering a place to do any of the following<sup>vi</sup>:

<sup>1</sup> 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).

<sup>1</sup> See section 259 (General powers to enter places) of the Act.

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

<sup>1</sup> See section 255 (3) (Powers of particular authorised officers limited) of the Act.

<sup>1</sup> See section 297 (Power to require reasonable help) of the Act.

<sup>1</sup> See section 296 (General powers) of the Act.

<sup>1</sup> Section 296(5) defines **inspect**, a thing, to include open the thing and examine its contents.

<sup>1</sup> Section 296(5) defines **examine** to include analyse, test, account, measure, weigh, grade, gauge and identify.

<sup>1</sup> Section 296(5) defines **film** to include photograph, videotape and record an image in another way.

General powers in the Act	Measures an authorised officer may take under the Program
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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 <sup>vii</sup> , examine <sup>viii</sup> or film <sup>5</sup> 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	<i>Provide advice and information to assist landholders/ occupiers to meet their general biosecurity obligation.</i>
Destroy biosecurity matter or a carrier if: <ul style="list-style-type: none"> <li>the authorised officer believes on reasonable grounds the biosecurity matter or carrier presents a significant biosecurity risk; and</li> <li>the owner of the biosecurity matter or carrier consents to its destruction</li> </ul>	
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 commence on 19 August 2019 and will continue for a period of two years until 18 August 2021. 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 Act<sup>6</sup>, 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 Act<sup>7</sup>, 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.

Additionally, each Rockhampton Regional Council will give written notification to each private landholder for land in the area to which the Program relates.

From the start of the Program, the Authorisation for the Program and the Program will be available for inspection or purchase<sup>8</sup> at the Rockhampton Regional Council public office at: 232 Bolsover Street Rockhampton, 1 Ranger Street Gracemere and 32 Hall Street Mount Morgan.

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<sup>6</sup> See section 239 (Consultation about proposed biosecurity program) of the Act.

<sup>7</sup> See section 240 (Notice of proposed biosecurity program) of the Act.

<sup>8</sup> See section 241 (Access to authorisation) of the Act.

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**8.4 STATE SUBMISSION REQUESTING CENTRALISATION OF COMPANION ANIMAL MANAGEMENT DATABASES AND AMENDMENTS TO THE ANIMAL MANAGEMENT (CATS & DOGS) ACT 2008**

**File No:** 11698  
**Attachments:** Nil  
**Authorising Officer:** Steven Gatt - Acting General Manager Community Services  
**Author:** Nishu Ellawala - Coordinator Local Laws

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**SUMMARY**

*The purpose of the report is to recommend Council make a formal submission to the Local Government Association Queensland (LGAQ) with the following proposal:*

*Investigate opportunities to centralise the various Companion Animal Management databases with an introduction of a centralised companion animal register that serves as a single online database that is accessible 24/7, including on mobile devices to record all companion animals in Queensland under statutory control.*

**OFFICER'S RECOMMENDATION**

THAT the Manager Planning and Regulatory Services be authorised to make representations to the Local Government Association of Queensland seeking a review to:

- (1) Investigate opportunities to centralise the various Companion Animal Management databases with an introduction of a centralised companion animal register that serves as a single online database that is accessible 24/7, including on mobile devices to record all companion animals in Queensland under statutory control incorporating:
  - (a) Permanent identification system for companion animals which allows owners to instantly update registration or microchip details if they move to a new house or change phone numbers.;
  - (b) Ensures a 'unique dog owner number' and lists any control orders in force on a dog;
  - (c) Contains details of all accredited assistance dogs, racing greyhounds, and registered breeders; and
- (2) Propose amendments to the Animal Management (Cats and Dogs) Act 2008 (the Act) with mandatory dog de-sexing by six months of age unless registered as a dog breeder.

**COMMENTARY**

Currently there are a number of decentralised companion animal databases ranging from Council registers, microchip registers, dog breeder register, regulated dog register that are operated and maintained either by Local, State Government or by private enterprise.

**Dog Registration databases:**

In accordance with the *Act*, all dogs must be registered by the time they are 12 weeks old (other than working dogs) and have their registration transferred within 14 days of moving to the Rockhampton Region. Every local government in Queensland maintains their own record of dogs registered in their local government area along with a register of regulated dogs in the area. The registered dog register is specific only to that local government area (unless two or more local governments work together to maintain a joint system). This can and does create difficulties in identifying lost dogs from different local government areas, particularly if a dog's microchip information has not been updated with the current owner's details.

Owners moving council areas must transfer their dog and, where applicable, cat registrations. This may result in owners having to register their dog twice in the one year,

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potentially having to again provide supporting information such as de-sexing, microchipping and concession certificates. This is inefficient from a user point of view and operationally.

### **Regulated Dogs Register and Dog Breeder Register:**

The *Act* requires regulated dogs to be registered in the Regulated Dogs Register. This register is maintained by the Department of Agriculture and Fisheries.

Authorised local government officers have access to the register in the management of regulated dogs in the local government area.

In addition, as of May 2017, all dog breeders must be registered on the Queensland Dog Breeder Register within 28 days of their puppies being born unless they are a primary producer or breeder of genuine working dogs. If a primary producer sells or transfers a puppy they have bred to someone who is not a primary producer, then they are required to register as a dog breeder, and supply their dog breeder registration number. This dog breeder register is maintained by the Department of Agriculture and Fisheries.

### **National Microchip Registries:**

The *Animal Management (Cats and Dogs Act) 2008* requires companion animals to be microchipped before reaching 12 weeks of age, being sold or being given away. Access to these registries is a two-step process. Individuals can enter microchip numbers into [www.petaddress.com.au](http://www.petaddress.com.au) to discover which of the many national registries stores details of that microchip. Individuals can then contact that registry to obtain owner information. However, only some of the major national registries are available via this website and not all owners register with one of these companies. There are no federal regulations to ensure consistency of data held within these systems.

It is in Councils experience when reuniting pets that most owners don't keep their contact information up-to-date in the registry either not knowing how to do it, confused by the many data bases, discouraged by the cost or just simply nonchalant. Having access to update contact information directly in the database when an animal is released to the owner will assist in keeping records up to date and allow for the swift reuniting of pets.

These decentralised systems currently enable irresponsible companion animal owners or breeders to move within the State and interstate from one Local Government area to another to avoid compliance with the *Animal Management (Cats and Dogs) Act 2008*. A centralised system will enable Council's to identify, alert other Local Governments and monitor all dog owners and dog breeders and for compliance with legislative requirements within Queensland and cross border.

What that means is instead of having multiple databases, which are managed by separate entities, we look to implement a system similar to South Australia, New South Wales and New Zealand companion animal registers that serves as a single online database that is accessible 24/7, including on mobile devices to track all companion animals in Queensland via:

- (a) permanent lifetime identification system for companion animals;
- (b) details of all registered dogs, their owners with a 'unique dog owner number' and any control orders, infringements that may have been issued against an owner or person in charge of a dog;
- (c) microchip information;
- (d) details of all accredited assistance dogs, racing greyhounds, and registered breeders;
- (e) one-stop online service for all microchipping and breeder information allowing companion animal owners to free of charge and instantly update registration or microchip details if they move to a new house or change phone numbers.



Instead of 77 councils having separate systems, integrating existing databases (Registration, Microchipping, Regulated Dog Register, Dog Breeder Register) will give council officers a powerful management tool, simplifying Council's companion animal management needs and streamlining the process for councils, vets and animal welfare agencies, providing instant access to information from around the State. This will help reunite a lost companion animal quicker and address compliance issues in an efficient manner.

Intent of the centralised system is to be a one- stop- shop for:

1. Companion animal owners: be the central point for all companion animal registration & renewal payments and information such as a change of address or changes to other contact details and the status of their dog, including updating its status to 'missing' or 'deceased' replacing the traditional Council companion animal registers with a single, central online database that is accessible 24/7, including via mobile devices. This will bring consistency to the process the animal owner needs to follow in meeting the requirements of *the Animal Management (Cats and Dogs) Act 2008* regardless of which Local Government area they reside within Queensland. This will enable less confusion for owners, which would increase compliance.
  2. Dog breeders to register: anyone who has a dog that breeds or is intended to breed to register to as a dog breeder on the centralised system. This ensures the traceability of dogs and if necessary, the ability to track a dog back to irresponsible breeders.
  3. Veterinarians - to register the microchip details directly to the system. In South Australia and New South Wales, veterinarians can update their centralised system with a dog's microchip details. The advantages of this is the information is verified and entered in the system at the point of microchipping and de-sexing, meaning there is no delay in updating this information. If the dog is not registered prior to the veterinarian undertaking the microchipping and/or sterilisation, under this proposal it is intended that the veterinarian may still be able to enter the dog's microchip details and sterilisation status into the centralised system.
  4. Local Government – Local government can remain responsible for processing new dog registration and renewal applications via the centralised system and enforcement. The registration will not be complete until approved by the local government giving Council the ability to verify information for example, examining the dog's sterilisation certificate unless already updated by an authorised veterinarian. Administrative and enforcement efficiency in checking microchip information, compliance history, alerting Local Governments when an animal is missing. Consistency in companion animal registering will also enable Council's to leverage their education awareness resources
  5. Police and RSPCA - It is proposed that law entitles specified persons such as police, RSPCA officers and veterinarians access to certain information on the owner of a dog for lawful purposes such as treating an injured dog.
- 2. Propose amendments to the *Animal Management (Cats and Dogs) Act 2008* with mandatory dog de-sexing by six months of age unless registered as a dog breeder.**

Currently, all dogs are not required to be de-sexed in Queensland other than certain dangerous dogs under control orders.

Backyard breeding or indiscriminate breeding has led to a number of unwanted dogs being born. The intent of mandatory dog de-sexing is to reduce the number of unwanted or unplanned dogs being born, many of which end up neglected, abandoned, surrendered to dog rescue organisations or shelters or picked up by Local Laws Officers. Whilst some of these dogs and puppies are able to be rehomed successfully others may be

euthanised due to aggression or health issues which are attributed to poor animal keeping by the owners or simply not been able to find a second home.

Therefore, the primary objective of mandatory dog de-sexing unless they register as a dog breeder is to:

- Population control and other societal and owner benefits including absence or reduction of behaviours associated with hormones (such as marking, roaming, fighting in males, and signs of oestrus or “heat” in females) to prevent unwanted litters being bred;
- Prevention of pregnancies in female dogs, which can cause exhaustion and other medical issues.
- To prevent puppy farmers from breeding dogs unless they are registered breeders;
- To allow people that are registered breeders to breed dogs, so they can be identified and traced;

It also intended that the law will provide exemptions to apply for health and welfare reasons as assessed by a veterinarian, or if the dog owner is a registered breeder and greyhounds that are registered racing greyhounds.

Opinions differ on the best age for de-sexing with many veterinarians preferring not to de-sex a dog until it is close to six months old. Both male and female dogs are generally able to breed by six months, with the females of smaller breeds becoming sexually mature by four months. South Australia and the Australian Capital Territory have introduced mandatory dog de-sexing by six months old.

Currently, owners who register de-sexed dogs with their local government pay a lower registration fee than owners of dogs that are not de-sexed, creating an incentive for owners to de-sex their dog.

Under this proposal, the owner would be responsible for notifying the relevant local government once their dog was de-sexed. This information could be placed on the centralised database and be available to all Local Authorities. For the proposed to take place the *Act* needs to be amended.

## **CONCLUSION**

Centralised online service portal that would streamline management of all registered companion animals across Queensland, regardless of council boundaries. A well-developed centralised system has the potential to significantly improve data access, for the management of companion animals and dangerous dogs that are transported between council areas with 24/7 access by council officers remotely, via mobile devices. This would enable councils, vets and animal welfare organisations to search for the owner details of a lost dog or cat while in the field, helping to reunite pets with their owners quickly and efficiently.

The system will also be simpler for companion animal owners providing a central online payment option regardless of council boundaries which is expected to increase the percentage of owners who register and renew their companion animal registrations each year.

The system would allow for the management and enforcement of a mandatory desexing provision under an amendment to the *Act*.

As such the Local Government Association of Queensland should be engaged with also to make representations to the State Government on behalf of Council.

## 8.5 CMDG GOVERNANCE STRATEGY

<b>File No:</b>	<b>4392</b>
<b>Attachments:</b>	<b>1. <a href="#">CMDG Governance Strategy</a></b>
<b>Authorising Officer:</b>	<b>Steven Gatt - Acting General Manager Community Services</b>
<b>Author:</b>	<b>Jamie McCaul - Coordinator Development Engineering</b>

### SUMMARY

*Council's Operational Plan 2018/2019 1.1.3.2 requires governance arrangements for the management of the Capricorn Municipal Development Guidelines (CMDG) to be implemented prior to the end of the financial year. Officers have prepared a governance document in conjunction with the CMDG Committee and it is now presented to Council for endorsement.*

### OFFICER'S RECOMMENDATION

THAT Council :

1. Endorses the Governance Strategy Document for the management of the Capricorn Municipal Development Guidelines; and
2. Authorises the CEO to sign the document on behalf of Rockhampton Regional Council.

### COMMENTARY

The Capricorn Municipal Development Guidelines (CMDG) are a set of guidelines widely used by industry for the design and construction of works associated with development.

Currently there are no governance arrangements for the administration and review of the document. Further, the CMDG steering committee operates under an informal agreement with a historically appointed Coordinator responsible for chairing meetings, updating websites etc.

A Governance Strategy document has been developed to formalize the process and set out the roles and responsibilities of the CMDG Steering Committee, the CMDG Coordinator and the individual Local Governments. The document generally consists of details surrounding:

1.	CMDG coordinator position role, responsibilities and funding ;
2.	Guideline / drawing change process ;
3.	Meeting frequency and location ;
4.	Quorum ;
5.	Registered Practising Engineer Queensland (RPEQ) endorsement for change requests ;
6.	Intellectual Property (IP) - ownership and usage ;
7.	Group Nominees

To date the document has been presented and endorsed by the following Local Governments: Banana Shire, Central Highlands Regional, Gladstone Regional and Isaac Regional. Livingstone Shire will be next to receive the document for signing followed by Maranoa Regional and Rockhampton Regional.

### BACKGROUND

The Capricorn Municipal Development Guidelines (CMDG) commenced in 1999 and was a joint venture between the former Rockhampton City Council, Livingstone Shire Council, Fitzroy Shire Council and Mount Morgan Shire Council.

Funding was obtained from the State Government with a view to promote one standardised set of design and construction guidelines for the Central Queensland region. Over time the documents have evolved to be more detailed and relevant based on changes in legislative requirements and industry innovations.

The CMDG documents were originally based on the Institute of Municipal Engineering Australia (IMEA) standard drawings and AUSPEC Specifications. These documents were modified to suit local requirements.

A CMDG steering committee was developed in 2006 which consisted of Rockhampton City Council, Livingstone Shire Council and Fitzroy Shire Council. The purpose of the committee was to develop and review the guidelines keeping them up to date and current.

Since then a number of Local Governments have joined. To date we have seven (7) Central Queensland Local Governments that are part of the CMDG committee. These are: Banana Shire, Central Highlands Regional, Gladstone Regional, Isaac Regional, Livingstone Shire, Maranoa Regional and Rockhampton Regional.

A local consultant has been charged with the responsibility of coordinating the meetings, document changes, website changes, industry consultation etc. However, there is no formal governance document which identifies these areas of responsibility.

### **BUDGET IMPLICATIONS**

Nil. Approximate cost to Council per annum is \$25,000 which is covered under Civil Design's Operational Budget.

### **CONSULTATION**

The document has been forwarded to relevant internal stakeholders for review and comment. No changes have been recommended.

### **CORPORATE/OPERATIONAL PLAN**

Council's Operational Plan 2018/2019 1.1.3.2 requires governance arrangements for the management of the Capricorn Municipal Development Guidelines (CMDG) to be implemented prior to the end of the financial year.

### **CONCLUSION**

Officers have prepared a governance document in conjunction with the CMDG steering committee and it is now presented to Council for endorsement. The document is formalising the current process that has occurred since the CMDG's introduction.

# **CMDG GOVERNANCE STRATEGY**

## **CMDG Governance Strategy**

**Meeting Date: 30 April 2019**

**Attachment No: 1**

## **CMDG GOVERNANCE FRAMEWORK**

### **Creation and Operation of the Capricorn Municipal Development Guidelines**

#### **Between**

Banana Shire Council

Central Highlands Regional Council

Gladstone Regional Council

Isaac Regional Council

Livingstone Shire Council

Maranoa Shire Council

Rockhampton Regional Council

CMDG Governance Framework

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CMDG Governance Framework

**1. BACKGROUND**

- 1.1. The Capricorn Municipal Development Guidelines (CMDG) commenced in 1999 and was a joint venture between the former Rockhampton City Council, Livingstone Shire Council, Fitzroy Shire Council and Mt Morgan Shire Council.
- 1.2. Funding was obtained from the State Government with a view to promote one standardised set of design and construction guidelines for the Central Queensland region. Over time the documents have evolved to be more detailed and relevant based on changes in legislative requirements and industry innovations.
- 1.3. The CMDG documents were originally based on the Institute of Municipal Engineering Australia (IMEA) standard drawings and AUSPEC Specifications. These documents were modified to suit local requirements including the removal of measurement and payment clauses.
- 1.4. Currently the Local Governments involved in the CMDG group ("Group") are:

Local Government	Joined
Banana Shire	2007
Central Highlands Regional	2007
Gladstone Regional	2013
Isaac Regional	2016
Livingstone Shire	1999
Maranoa Regional	2011
Rockhampton Regional	1999

- 1.5. The Group has been operating under an informal agreement between the Local Governments, and a technical reference group co-ordinator has been engaged to assist with the development and updating of the documents

**2. PURPOSE**

- 2.1. The purpose of this document is to set out the operating framework of the CMDG including the roles and responsibilities of the CMDG Steering Committee, the CMDG Coordinator and the individual Local Governments.
- 2.2. The purpose is to ultimately work towards one unified set of development guidelines for the Central Queensland region. It is considered necessary to convene regular meetings and continuously review and amend the documentation as legislative requirements and industry norms change, and new innovative products emerge.



## CMDG Governance Framework

**3. DOCUMENT CONTROL PROCEDURE****Availability**

- 3.1. The Capricorn Municipal Development Guidelines (CMDG) will be electronically available and may be downloaded from the website [www.cmdg.com.au](http://www.cmdg.com.au)
- 3.2. The documents are not provided in hard copy format.

**Control**

- 3.3. The CMDG will be electronically controlled with the latest version of the document available on the website. An amendment register will be maintained and made available on the website.
- 3.4. Notification of amendments to the CMDG will be advertised on the CMDG website. Users may register to be advised directly of amendments by completing the Amendment Notification Request and mailing this to the CMDG Coordinator.
- 3.5. The amendment register should be consulted prior to using the document for any proposed works. It is the responsibility of the individual user to ensure it is aware of recent amendments and is using the most current version of the document.
- 3.6. The CMDG Coordinator will maintain archive records of all previous website load ups so that they may be interrogated if required to determine the standards applicable at a certain past date.

**Notifications of Changes**

- 3.7. The CMDG Coordinator is to keep a register of industry contacts for communication and consultation purposes.
- 3.8. The Industry contacts are to be advised each time the website changes. Draft proposals for changes to standards will be communicated to the industry contacts for feedback where deemed necessary by the CMDG Steering Committee.

**4. CMDG STEERING COMMITTEE**

- 4.1. The CMDG Steering Committee comprises representatives of each of the participating Local Governments who meet to consider and decide upon proposed amendments or other actions that may be required as a result of feedback from Local Governments or other users of the document, changes in legislation or updates of relevant standards.
- 4.2. The current CMDG Steering Committee Nominees are listed in Schedule 1. The CMDG Coordinator upon receiving advice in accordance with Clause 22 may update this Schedule and must circulate this updated schedule to the CMDG Steering Committee.
- 4.3. Membership to the Committee is open to Local Government entities in Queensland subject to the unanimous agreement of the Committee. Any new party joining the Group must pay "Start Up" costs associated with document changes to reflect the requirements of the new party. Upon the loading of documents reflecting the requirements of the new party to the website the new party will then pay its share of the "Operating Costs".
- 4.4. Each Party to the agreement shall be represented by 1 committee member on the CMDG Steering Committee, each with equal voting rights.

## CMDG Governance Framework

- 4.5. Funding of the committee and its operations is to be provided on a cost share arrangement as detailed below.
- 4.6. Each party agrees to fund a CMDG Coordinator position (on an hourly rates basis). The role and responsibilities of the CMDG Coordinator are detailed below.
- 4.7. Changes to Nominees and Back up Nominees may be effected by an email to the CMDG Coordinator from the Nominee or other authorised Local Government officer.

**Meeting Frequency and Location**

- 4.8. The Steering Committee is required to undertake meetings when necessary, but at least bi-annually.
- 4.9. The location of meetings is to be agreed at the preceding meeting.

**Quorum**

- 4.10. The Quorum for the CMDG Steering Committee is to be a minimum of 5 Local Governments. This includes Local Government's nominees who are on teleconference. Nominees, back-up nominees or an authorised proxy must be present at meetings.

**Decision Making**

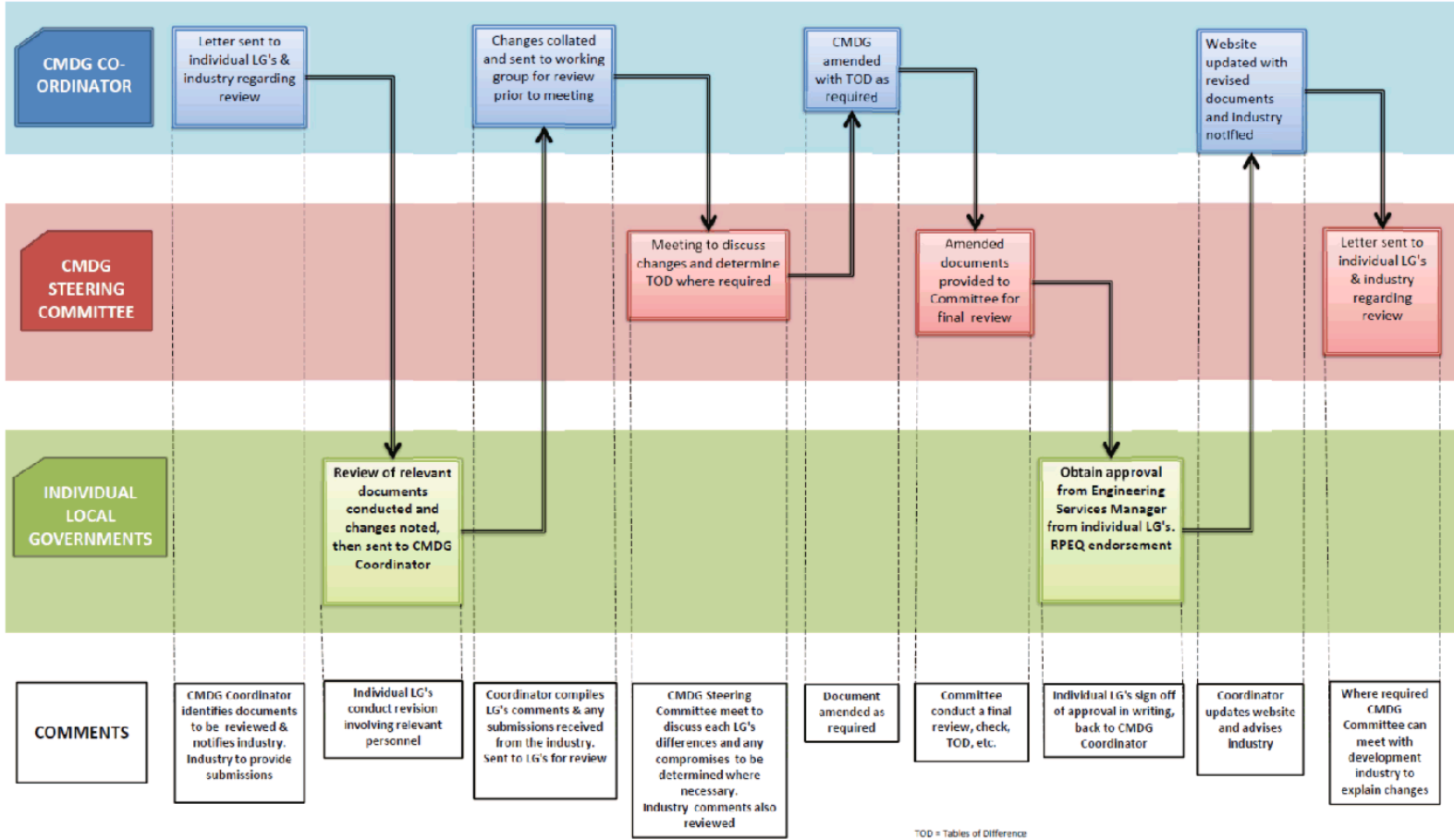
- 4.11. Decision making is to be by consensus of the Local Government nominees in relation to standards adopted. Where consensus cannot be reached the documentation is to reflect the different standards adopted by relevant parties in the "Tables of Difference".
- 4.12. The CMDG Coordinator does not have voting or decision rights.

**5. DOCUMENT AMENDMENT AND REVIEW PROCEDURE**

- 5.1. The CMDG is a constantly evolving document, with consideration given to new innovative engineering design and construction methods constantly emerging. The document is subject to a review at the regular biannual meeting.
- 5.2. Reference should be made to the CMDG Review Flowchart attached that provides a guide as to the steps involved in the biannual review and amendment of the document. Each individual Local Government and the CMDG Coordinator is required to follow the steps identified in the flowchart. Minor amendments (other than the biannual review) may still be effected by following the procedure outlined below

**Feedback**

- 5.3. Feedback and suggested improvements to the document are welcomed and may be submitted by completing the CMDG Feedback Form available on the CMDG website. The form may be submitted at any of the participating Local Governments or to the CMDG Coordinator.



## CMDG Governance Framework

**Amendments**

- 5.4. Individual Local Governments may from time to time request to amend the Local Government specific requirements by issuing a 'Request for Change' Form 1 and Form 2 that outlines the details of the proposed change and the impacts on other relevant documents.
- 5.5. All notification of such amendments will be via the CMDG Coordinator. Such notification must be endorsed by an RPEQ. The CMDG Coordinator shall keep a record of all requests and status. Request forms are attached in Schedule 2.
- 5.6. The completed Form 1 and Form 2 must be submitted via email from the CMDG Steering Committee Nominee or back up Nominee from each individual Local Government to the CMDG Coordinator.
- 5.7. Requests for Changes from industry should be via a completed Form 1 to the CMDG Coordinator.
- 5.8. Where requested changes will affect more than one Local Government, an email setting out the proposed changes will be distributed to the CMDG Steering Committee nominees for comment within a designated timeframe.
- 5.9. Where responses are received that do not reflect a clearly agreed position the item will be tabled for discussion at the next steering committee meeting.
- 5.10. A minimum period of 2 weeks must be allowed for:
  - a. Industry review of proposed document changes when they are requested;
  - b. Local Government review of proposed changes. If no response is received in the stated period then the response will be taken to be in favour of the changes as proposed.
- 5.11. Where amendments to the document have been accepted by the CMDG Steering Committee or the CMDG Coordinator for Local Government specific requirements, website users who have requested to be notified will be advised of the amendments by email and advertisement of the amendments will be posted on the CMDG website homepage.

**6. INDIVIDUAL LOCAL GOVERNMENTS AND CMDG COORDINATOR RESPONSIBILITIES****Individual Local Governments**

- 6.1. It is the responsibility of each individual Local Government to constantly monitor industry changes and new innovative products / technology to ensure the CMDG is as up to date as possible and each participating Local Government is aware of the recent updates.
- 6.2. Reviewing the current guidelines should be a continuous process. The document is comprehensive and there is scope to continuously improve. With a range of Engineers / Officers on the CMDG Steering Committee with different backgrounds this provides a great opportunity to enhance skill sets across the board.
- 6.3. Each Local Government may have a nominee and back-up nominee to represent at the CMDG Steering Committee meetings. At least one of these nominees is intended be present at the meetings held. Further, it may be reasonable to also invite an additional engineer / officer who would contribute or benefit from attending the meetings.

## CMDG Governance Framework

- 6.4. The CMDG Coordinator will circulate changes or questions or concerns raised by the participating Local Governments or the industry in general. Each Local Government's nominee must reply within the stated timeframes providing comment and appropriate actions required, if any.

**CMDG Coordinator**

- 6.5. The responsibilities of the CMDG Coordinator are as follows:
- a. Liaison with CMDG Steering Committee nominees regarding various matters including potential changes to documentation;
  - b. Review of documentation changes requested by CMDG Steering Committee nominees including determining:
    - i. Consistency with existing standards;
    - ii. Any consequential changes to those proposed (for example – standard drawing changes can affect cross references in other documents);
    - iii. Any consequential changes that affect all Local Governments which will necessitate approval from CMDG Steering Committee nominees;
  - c. Meeting facilitation including agenda preparation and meeting minutes;
  - d. Website maintenance including payment of domain hosting charges and liaison with CQ IT Services;
  - e. Responding to queries from external parties;
  - f. Monitor changes in industry standards / technology or new products and bring those items to the table for discussion;
  - g. File original electronic copies of documents including superseded versions of all documents and the CMDG website. Documentation must be maintained to clearly indicate the applicable standards at any given date;
  - h. Attend to 90% of queries from external parties within 2 business days;
    - i. For minor changes, attend to document amendments requested by an individual Local Government and consequential website changes within 3 business days of the nature of the change being agreed in writing; and
    - j. For major changes, attend to document amendments requested by an individual Local Government and consequential website changes as agreed with the Local Government or Local Governments.
- 6.6. The above functions comprise the "Operating Costs" of the project.
- 6.7. The CMDG Coordinator does not have any voting or decision making rights within the committee.

## CMDG Governance Framework

**7. APPOINTMENT OF CMDG COORDINATOR**

- 7.1. The role of CMDG Coordinator may be filled by either:
- a. a Council Officer of one of the host Local Governments; or
  - b. an appointed Consultant.
- 7.2. Where the role is performed by a Council Officer then the role may be carried out:
- a. on an annual rotational basis between the Local Governments whereby the hosting Local Government meets all associated costs for the 12 month period beginning on the 1st July; or
  - b. on an appointed 3 year tenure under similar terms to an appointed consultant where the host Local Government will invoice the other Local Governments for the service.
- 7.3. Where the role is performed by an appointed consultant the following will apply:
- a. the appointment is for a maximum tenure of 3 years and must be carried out in accordance with the following protocols:
    - i. an agreed selection criterion signed off by three (3) or more members of the CMDG Steering Committee nominees;
    - ii. a minimum of three (3) quotes obtained for an CMDG Coordinator;
    - iii. assessment of the quotes be carried out by three (3) or more members of the CMDG Steering Committee Nominees;
    - iv. the three (3) year contract be subject to annual review based on performance;
  - b. the appointment will be made through invitation to consultants with offices in the CMDG area under current Local Buy arrangements or other suitable purchasing arrangements;
  - c. the CMDG Steering Committee may terminate the services of the CMDG Coordinator without notice;
  - d. the contract for the CMDG Coordinator is to be funded by the Local Government members of the CMDG Steering Committee with the costs proportionately allocated in accordance with Clause 9 of this document;
  - e. the CMDG Coordinator must have a current purchase order from each of the parties; and
  - f. the CMDG Coordinator will invoice costs on a monthly or bi-monthly basis to each of the parties to the group. That is, 7 invoices will be generated.

**8. INTELLECTUAL PROPERTY**

- 8.1. All parties acknowledge their commitment to the Project and agree to collaborate and share information for the benefit of the Project as outlined in the Purpose;
- 8.2. All Parties agree that the use of the Intellectual Property (IP) contributed to the Project will be subject to the following provisions;
- a. IP is provided on basis of sharing and improvement of development standards within the parties' areas

## CMDG Governance Framework

- b. IP shall not be used to the detriment of the contributing party.
- 8.3. The IP generated from the Project will be subject to the following provisions:
  - a. The free usage by the parties
  - b. It shall be owned by the Group
- 8.4. In the instance of IP created by the Group the IP is equally owned by all participating Local Governments.

## 9. CONTRIBUTION CALCULATIONS AND INCLUSIONS

### Contribution of Parties

- 9.1. The contribution to the costs shall be as detailed in Funding Share.
- 9.2. Funding contribution is determined as a function of the number of Local Government entities party to the agreement and the population share of each of the local Government entities, as detailed below:

$$Share = \left( 0.2 \times \frac{1}{total\ number\ of\ party\ entities} \right) + \left( 0.8 \times \frac{LG\ population}{Total\ Population\ of\ LG's} \right)$$

- 9.3. This funding is to cover the costs of the employment of the CMDG Co-ordination role, including agreed wages, travel, accommodation, and communication costs.
- 9.4. Each party agrees to provide "in-Kind" contribution of costs which covers:
  - a. Employee attendance at meetings (travel, accommodation, wages, etc);
  - b. Employee costs in undertaking reviews of relevant documents; and
  - c. Contractor costs in providing 'specialised' documentation.
- 9.5. The funding share calculation shall be recalculated when there is any change in the parties to the committee.
- 9.6. Any change to the percentage share resulting from the above, shall be implemented on a financial year, pro-rata basis

### Funding Share of Operating Costs

- 9.7. The operating costs are the costs associated with the functions of the CMDG Coordinator as outlined in Section 6.
- 9.8. The funding share is as per the following table. The funding share is to be recalculated at the following events:
  - a. annually (at June 30) with the recalculated percentage to apply for the following financial year; or
  - b. upon another party joining the Group (shared costs will apply from the date of loading of documentation including the requirements of the new party to the website).

## CMDG Governance Framework

Local Government	Flat Rate 20% weighting	Population*	Percentage of population 80% weighting	CMDG percentage
<b>Banana SC</b>	14.29%	15,209	5.57%	7.32%
<b>Central Highlands RC</b>	14.29%	31,454	11.53%	12.08%
<b>Gladstone RC</b>	14.29%	67,464	24.72%	22.63%
<b>Isaac RC</b>	14.29%	24,267	8.89%	9.97%
<b>Livingstone SC</b>	14.29%	37,001	13.56%	13.70%
<b>Maranoa RC</b>	14.29%	13,862	5.08%	6.92%
<b>Rockhampton RC</b>	14.29%	83,653	30.65%	27.38%
<b>Total</b>	<b>100%</b>	<b>272,910</b>	<b>100.00%</b>	<b>100.00%</b>

\*Local Government Population is to be obtained from the Queensland Government Statisticians office (<http://www.qgso.qld.gov.au/subjects/demography/population-projections/>)

## 10. TERMINATION

- 10.1. Individual Local Governments may terminate their involvement in the CMDG by providing written notification to the CMDG Coordinator.
- 10.2. The terminating Local Government will be liable for costs associated with the following actions:
  - a. removal of logos from the website and inclusion of a notification on the home page that the CMDG will no longer apply to the terminating Local Government;
  - b. email notification to remaining Local Governments and to registered Industry contacts;
  - c. recalculation of funding share of operating costs for the remaining Local Governments; and
  - d. payment of the percentage share of operating costs up to the date of termination
- 10.3. Termination costs will not include removal of the terminating Local Government from all tables of difference and other references throughout the documentation. The intention is that this would be carried out as part of later document reviews. The CMDG Committee may, at its discretion, terminate the CMDG Coordinator contract at the completion of an annual performance review.



CMDG Governance Framework

**11. SIGNATURES**

Signed for and on behalf of  
**Banana Shire Council**

\_\_\_\_\_

Insert name and position of authorised signatory  
for Banana Shire Council  
Dated this \_\_\_\_\_ Day of \_\_\_\_\_ 2018

Signed for and on behalf of  
**Central Highlands Regional Council**

\_\_\_\_\_

Insert name and position of authorised signatory  
for Central Highlands Regional Council  
Dated this \_\_\_\_\_ Day of \_\_\_\_\_ 2018

Signed for and on behalf of  
**Gladstone Regional Council**

\_\_\_\_\_

Insert name and position of authorised signatory  
for Gladstone Regional Council  
Dated this \_\_\_\_\_ Day of \_\_\_\_\_ 2018

Signed for and on behalf of  
**Isaac Regional Council**

\_\_\_\_\_

Insert name and position of authorised signatory  
for Isaac Regional Council  
Dated this \_\_\_\_\_ Day of \_\_\_\_\_ 2018

Signed for and on behalf of  
**Livingstone Shire Council**

\_\_\_\_\_

Insert name and position of authorised signatory  
for Livingstone Shire Council  
Dated this \_\_\_\_\_ Day of \_\_\_\_\_ 2018

Signed for and on behalf of  
**Maranoa Regional Council**

\_\_\_\_\_

Insert name and position of authorised signatory  
for Maranoa Regional Council  
Dated this \_\_\_\_\_ Day of \_\_\_\_\_ 2018

Signed for and on behalf of  
**Rockhampton Regional Council**

\_\_\_\_\_

Insert name and position of authorised signatory  
for Rockhampton Regional Council  
Dated this \_\_\_\_\_ Day of \_\_\_\_\_ 2018

CMDG Governance Framework

**12. SCHEDULE 1**

CMDG Steering Committee Nominees

Local Governments	Nominee	Back-up Nominee
Banana Shire	Allan Heit	Leesa Miller
Central Highlands Regional	Brendan Fuller	
Gladstone Regional	Jorge El-Khoury	Pierre Neethling
Isaac Regional	Jason Akers	Johny Purkaystha
Livingstone Shire	Michael Prior	Phil McKone
Maranoa Regional	Graham Sweetlove	
Rockhampton Regional	Jamie McCaul	Grant Vaughan

Last Updated 20 March 2018

CMDG Governance Framework

**13. SCHEDULE 2**

CMDG Request for Change Forms

CMDG Governance Framework



Capricorn Municipal  
Development Guidelines

CMDG Change  
Request

Form 1

**FORM 1 CMDG Change Request**

1. Applicant Details

	Initiator	Manager
Name		
Title/Position		
Business		
Phone Number		
Email Address		
Postal Address		
Signature		
Date		

2. Details

- Request for new standard drawing / specification  
 Request for amendment to existing documentation


3. CMDG Specifications / Drawings Affected

Affected CMDG Documents	Impact or Changes

4. Additional Information or Attachments (optional)

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Version 1

Nov. 2017

CMDG Governance Framework



**FORM 2: CMDG Change Request - Review**

Applicant for Change Request	
Standard Drawing / Documentation Number	
Date of Application	
Applicant's Contact Person	
Discipline	
Summary of Change Request	

Distribution List	Comments / Date
Design Engineer	
Construction	
Planning	
Assets	

**Std. Working Group Recommendation:**

- Approve
- Reject

Outcome:

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**Endorsement of Recommendation:**

.....  
RPEQ Name                      Signature                      Date

.....  
RPEQ Number

Version 1

Nov.2017

**8.6 MONTHLY OPERATIONS REPORT FOR PLANNING & REGULATORY SERVICES - MARCH 2019**

**File No:** 1464

**Attachments:** 1. **Monthly Operations Report for Planning & Regulatory Services - March 2019**[↓](#)

**Authorising Officer:** **Steven Gatt - Acting General Manager Community Services**

**Author:** **Steven Gatt - Acting General Manager Community Services**

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**SUMMARY**

*The Monthly Operations Report for the Planning & Regulatory Services Section for March 2019 is presented for Councillor's information.*

**OFFICER'S RECOMMENDATION**

THAT The Planning & Regulatory Services Monthly Operations Report for March 2019 be 'received'.

**COMMENTARY**

The monthly operations report for Planning & Regulatory Services is attached for Council's consideration.

The performance information contained within the attached report relates directly to the adopted 2018/2019 Operational Plan Key Performance Indicators.

**MONTHLY OPERATIONS REPORT FOR  
PLANNING & REGULATORY  
SERVICES - MARCH 2019**

**Monthly Operations Report for  
Planning & Regulatory Services  
March 2019**

**Meeting Date: 30 April 2019**

**Attachment No: 1**

# MONTHLY OPERATIONS REPORT

## PLANNING & REGULATORY SERVICES

PERIOD ENDED MARCH 2019



### 1. Operational Summary

#### Local Laws

##### Systematic Inspection Program

As at the time of reporting the systematic inspection program commenced. Property inspections will be conducted throughout part of the Rockhampton Regional Council area with a focus on the locality of Gracemere. The purpose of this program is to monitor compliance with the *Animal Management (Cats and Dogs) Act 2008*, *Rockhampton Regional Council Local Law 1 (Administration) 2011* and *Rockhampton Regional Council Local Law 2 (Animal Management) 2011* in relation to the keeping of dogs.

Statistics for week 1 of the program are shown below.

<b>Statistics - 1 April to 7 April 2019</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>	<b>Total</b>
No. of Premises Attended	27	17	47	34	33	0	0	<b>158</b>
No. of Properties with Dogs	10	11	34	25	18	0	0	<b>98</b>
No. of Properties with No Dogs	17	6	13	9	15	0	0	<b>60</b>
No. of PIN's Issued	0	1	3	0	0	0	0	<b>4</b>
No. of Compliance Notices	4	0	2	2	3	0	0	<b>11</b>
No. of Visit Advice's Issued	5	3	17	8	17	0	0	<b>50</b>
No. of Dogs Impounded	0	0	0	0	2	0	0	<b>2</b>

##### Officer Training

Five officers attended *Animal Management Act* training in Gladstone to enhance their knowledge and community minded enforcement of the legislation.

##### Lifetime registration tag project

The unit is planning to transition to lifetime dog registration tags in the 2019/2020 dog registration period (1 September 2019 – 31 August 2020). The registration tag issued when a dog is first registered or when an existing dog registration is renewed from 1 September 2019 will remain with the dog for life. This means, instead of issuing a different coloured tag every year, dog owners will be mailed a once-off tag for the dog's collar. Each year the dog registration will be renewed but a new tag will not be issued. Therefore, dog owners will no longer need to swap their registration tags when renewing their dog registration. Tags will now only be replaced if they are lost or damaged.

This change will reduce plastic waste and streamline the new dog registration and renewal process.

##### Development Engineering

The CMDG Steering committee workshop was conducted on the 14<sup>th</sup> March. A number of design and construction guidelines were discussed/amended to reflect current practice. The CMDG Governance Strategy will be presented to Council for adoption in the near future.



Coordinator DEU attended the LGMA Inspire Future Leaders Forum. The 2 day forum covered topics such as stretching and extending skills, problem solving, value of feedback, fostering high performance teams etc.

An experienced Technical Officer within the unit has retired. Interviews have been conducted for his replacement and an offer has been made to the successful applicant.

### **Development Assessment**

The Development Assessment team has been kept busy with a number of larger development applications. Progress is still being made on the Stockland Ellida Infrastructure Charges Notice negotiated decision notice representations.

Further, Council has been invited to participate in training for planning for bushfires. We will aim to send one person to this training.

### **Environmental Health**

#### Environment and Public Health

Food Business Licence Applications can now be made online through open forms on Council's Website. We have received three applications via this method in the past two weeks.

#### Vector Management

We experienced high tides during late February and rain in March with strong winds which contributed to the influx of adult mosquitoes. 155 customer requests for misting were actioned during March and the team conducted 12 pro-active Misting Programs. Misting has been undertaken on most days in March in large parts of Rockhampton, Gracemere, Bouldercombe, Stanwell and Kabra. Misting was also conducted in Council controlled park lands covering a wider area and giving a better service to residents.

#### Pest Management

The team have been kept busy with actioning requests as well as conducting control programs for Parthenium on land and Water lettuce, Salvinia and Hyacinth on the waterways.

The Deer project funded through the State Land Protection Fund has now become a Queensland wide project managed by Tony Popil (DAF Researcher). Rockhampton Regional Council, together with Livingstone Shire Council and QPWS have met with Tony for initial discussions of developing established sites of interest for camera grids to be established which should provide movement and population records in both regions.

## 2. Customer Service Requests

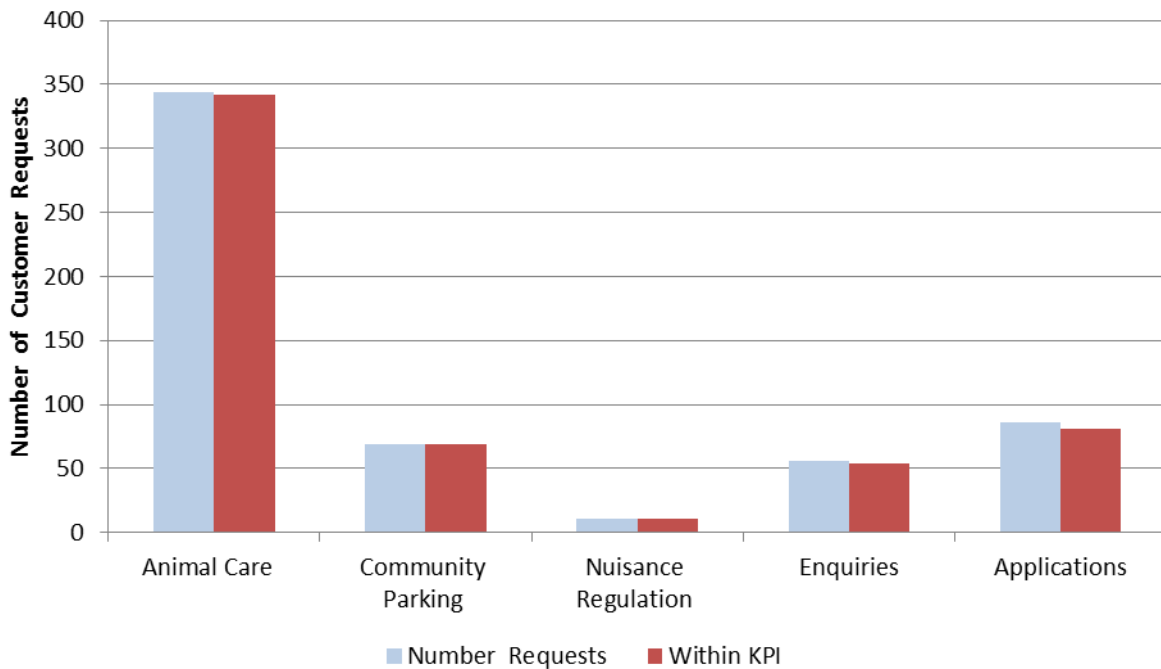
The Planning and Regulatory Services section has received in the vicinity of 3,243 customer requests from January 2019 to date. Of these, 2,752 have been completed giving an average completion rate of 84% across the spectrum of operations.

### Local Laws

- The Local Laws unit received 639 requests in March resolving 396 requests during the period.
- Response times for completing customer requests in this reporting period of March 2019 are within the set timeframes for our KPIs.
- 209 wandering and restrained for collection customer requests were received during the month with 153 of these resolved.

Graph 2.1

### Initial Customer Request KPI Performance - March

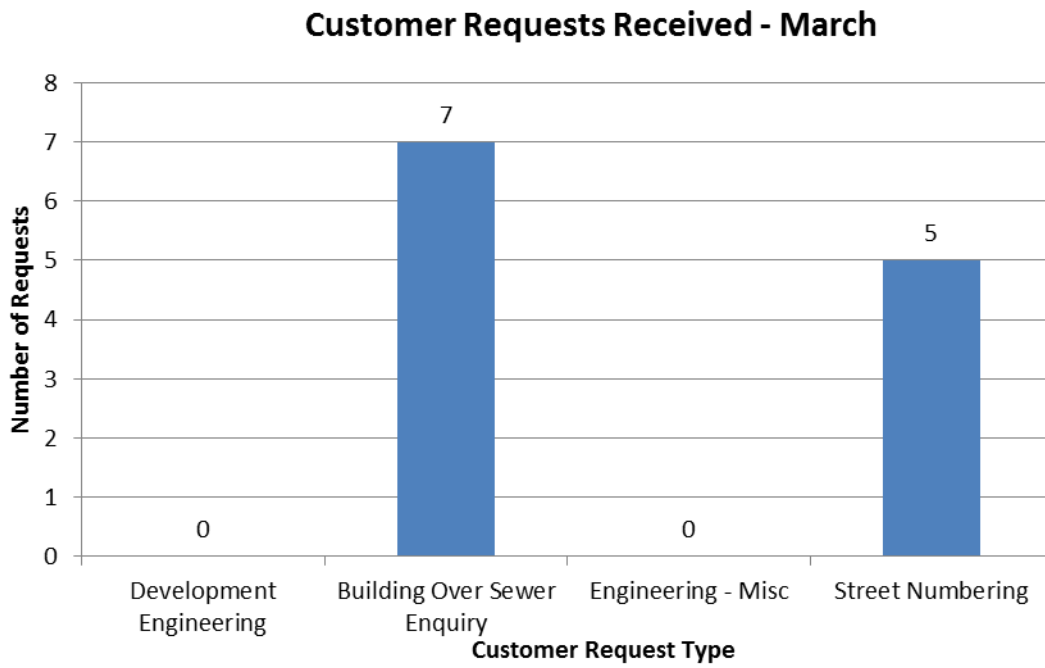


### Development Engineering (DEU)

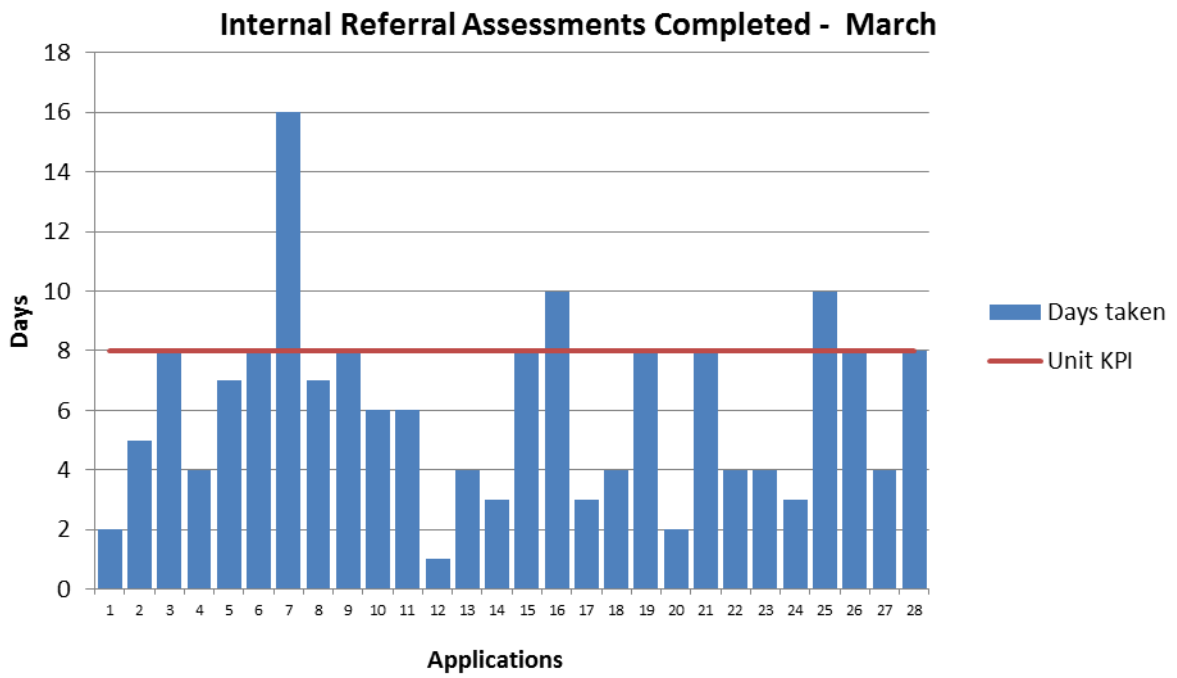
Response times for completing customer requests in this reporting period for March 2019 are within the set timeframes.

The number of development applications referred to DEU for the period of March was 28. The unit's KPI for completing the assessment of applications is 90% within 8 business days of receiving the application. There were a total of 3 applications out of the 28 that were not responded to within the 8 business days. In general, an extension to the 8 business days was agreed to with Development Assessment for these 3 applications as additional information was required from the applicant before a decision could be made. Overall the unit has achieved 89.3% of applications completed within the 8 business days. It is noted that all applications have met their statutory timeframes identified under the *Planning Act 2016*.

Graph 2.2



Graph 2.3



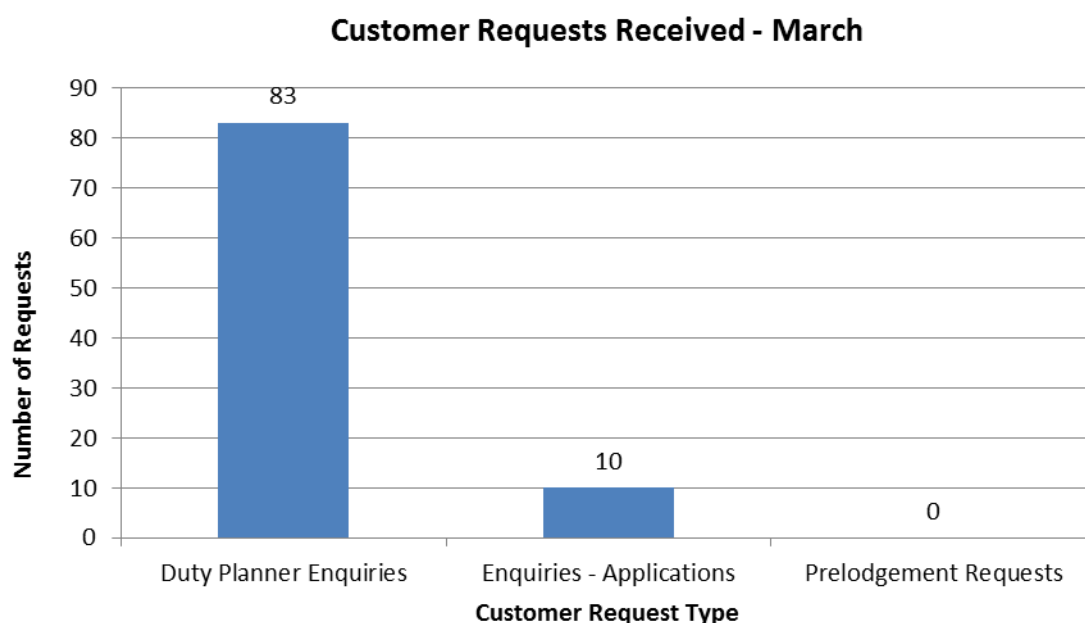
**Development Assessment**

The Development Assessment unit received 93 customer requests during March. As at 1 April 2019, all but 6 had been completed. All customer requests have been responded to within the required timeframes.

All Confirmation Notices and Information Requests were issued within the statutory timeframes, with the majority of these being issued within the shorter Customer Charter timeframes.

Eight Decision Notices were issued within the shorter Customer Charter timeframe. Two Decision Notices were issued just over the 35 business day statutory timeframe at 37 and 38 days. There was one Decision Notice issued at 42 days and one at 83 days because both applications required further information. All Decision Notices that were issued outside of the statutory timeframes were properly extended.

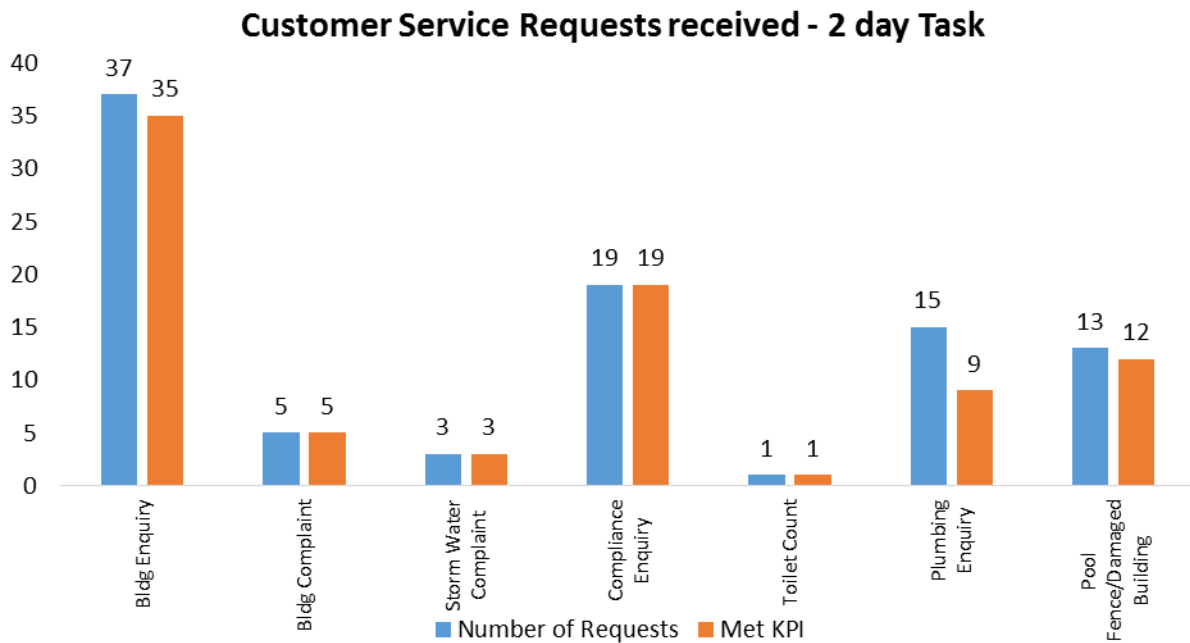
Graph 2.4



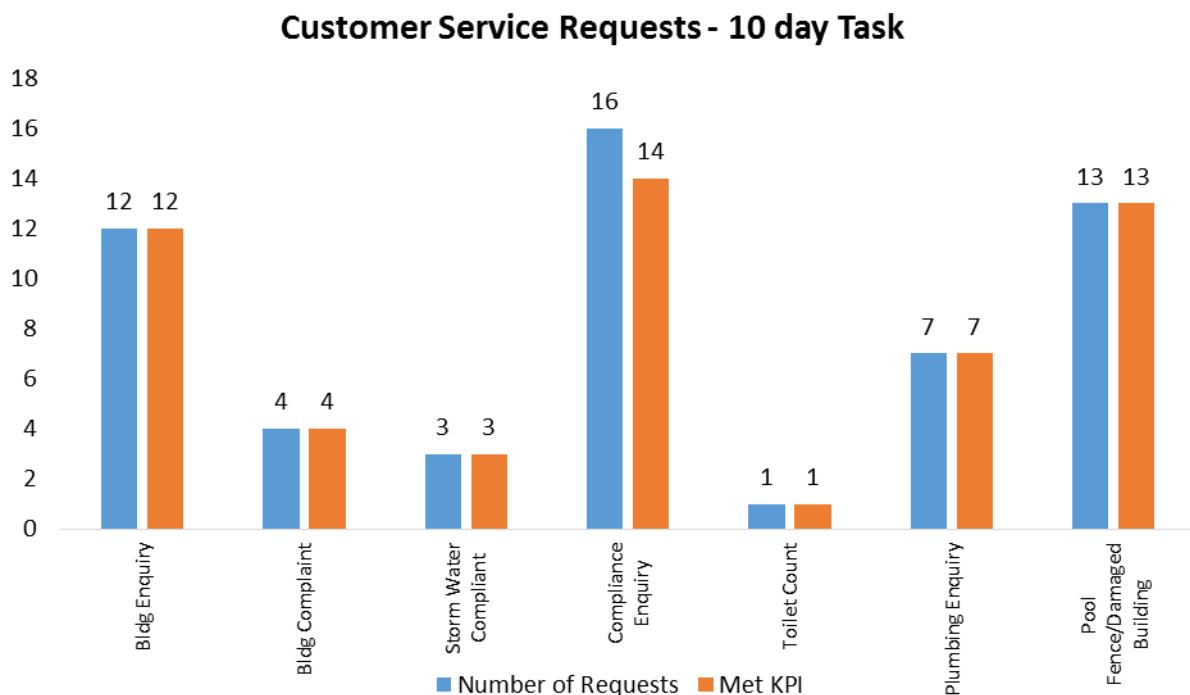
**Building, Plumbing & Compliance**

The team received 93 requests in March 2019. The unit currently carries a similar number of outstanding requests from last month. Response times for completing customer requests in this reporting period are generally within the set timeframes. Building and Compliance are still experiencing some notification difficulties receiving customer requests; this is an ongoing issue that IT is investigating.

Graph 2.5



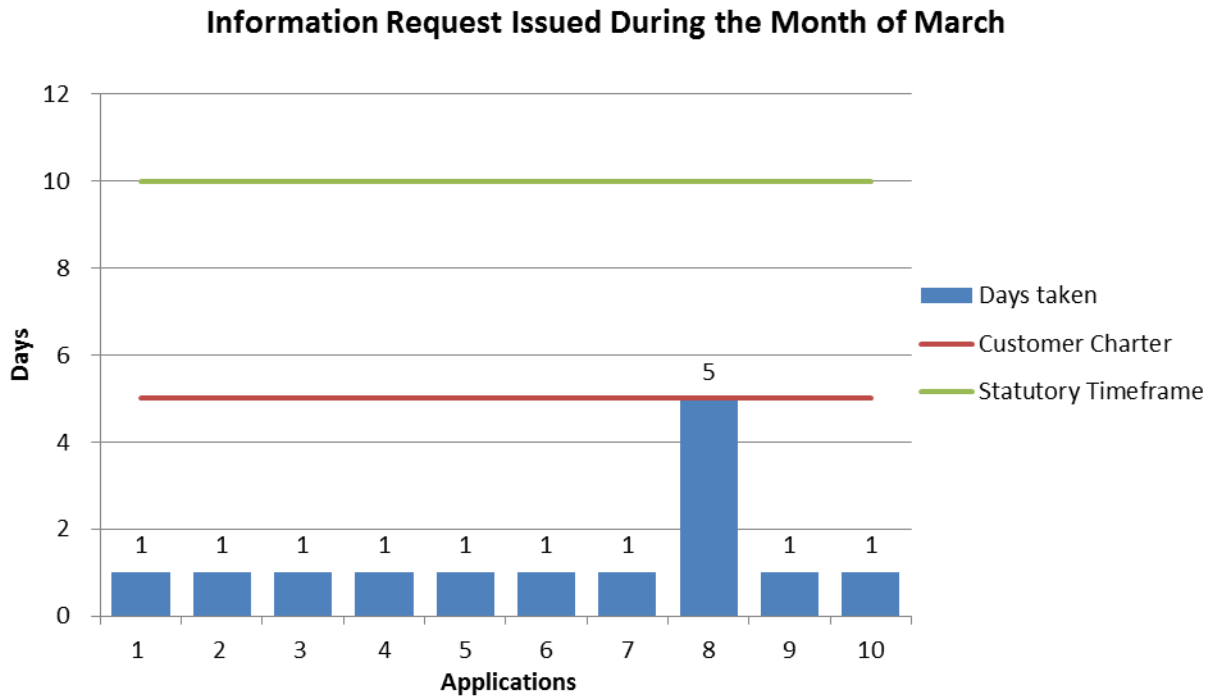
Graph 2.6



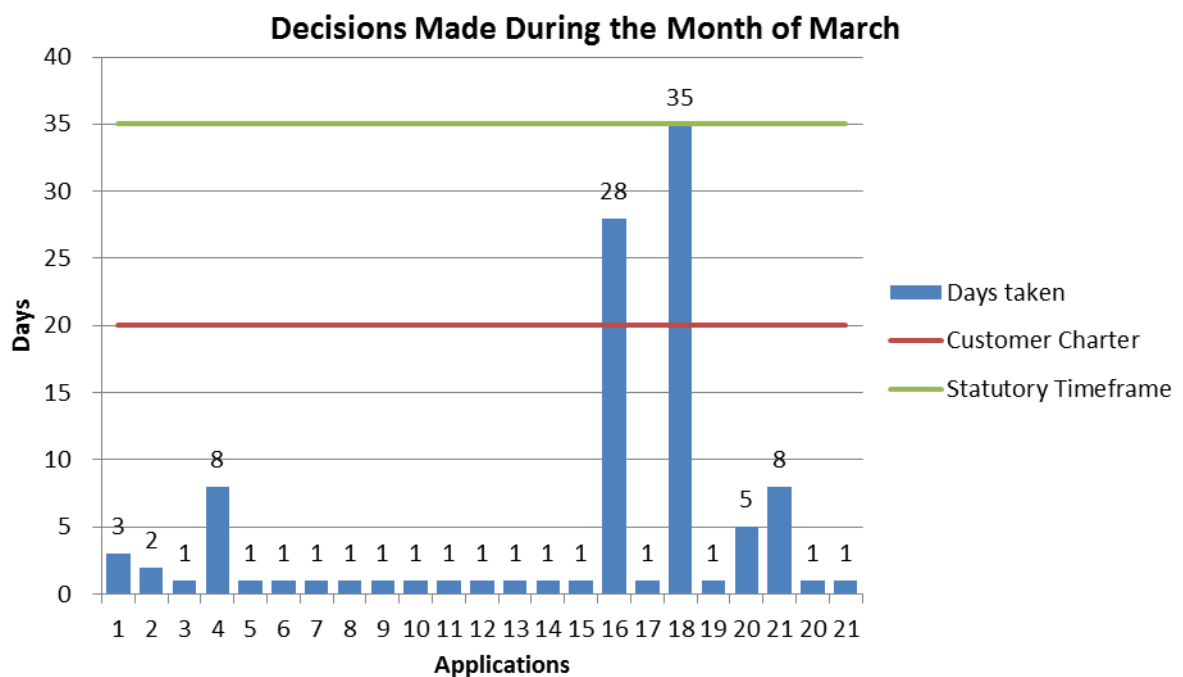
Building Applications

All of the building application Information requests are within statutory time frames and the customer charter timeframes. All but two building application decision notices were issued within the customer charter time frames. The two applications were placed on information request awaiting updated engineering from the applicant to enable the assessment officer to issue the decision notice.

Graph 2.7



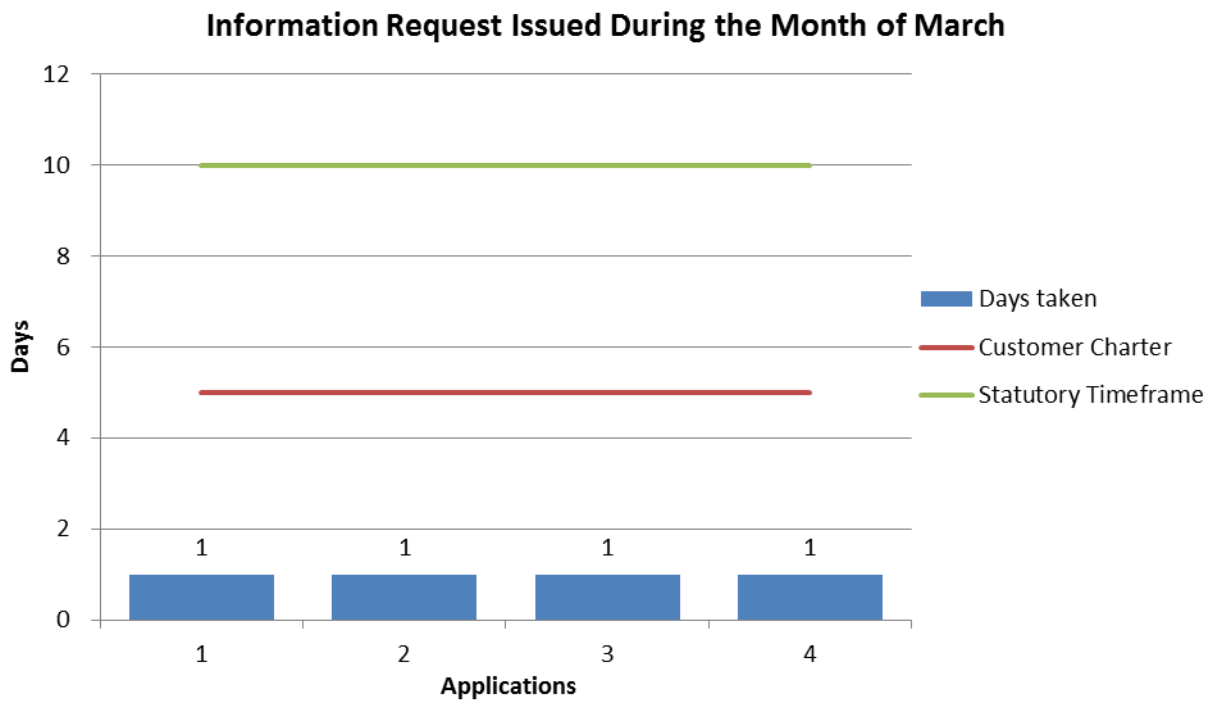
Graph 2.8



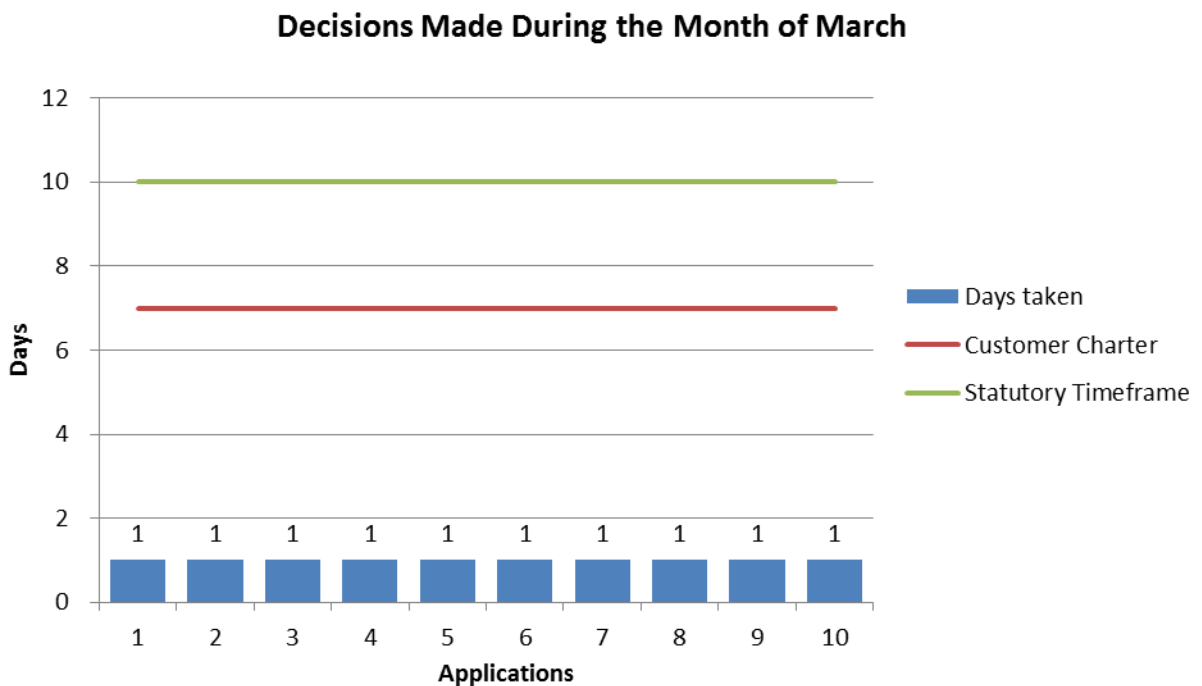
Referral Agency Applications

Statutory and Customer Charter timeframes have been met for information requests and for the issuing of referral advice. Council building unit is with the assistance of the Development Advice administration providing more accurate information at the point of lodgement or at pre-lodgement meetings. This information is assisting applicants to better understand if a concurrence referral would be supported by Council thus providing a better response time when a concurrence referral is lodged.

Graph 2.9



Graph 2.10

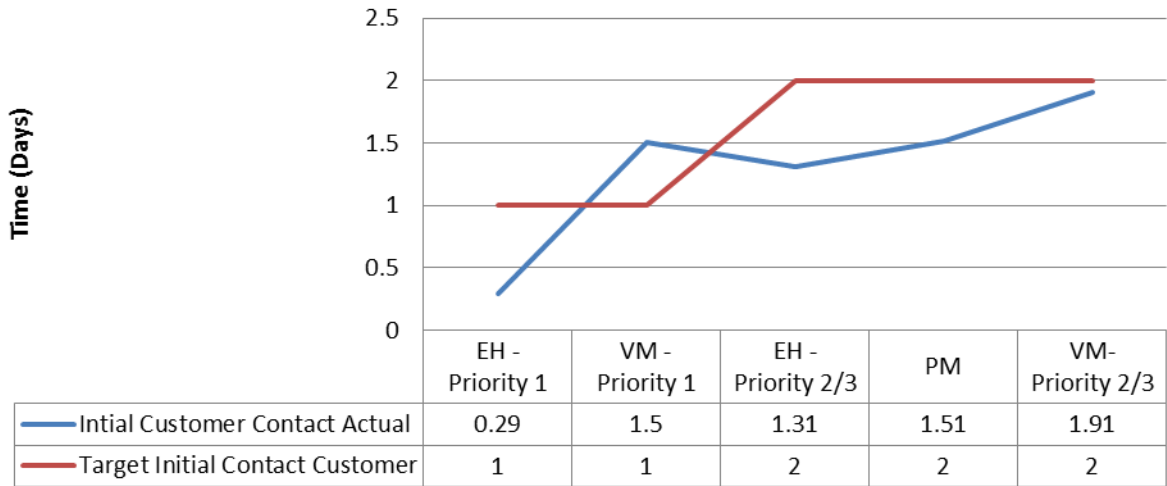


**Environmental Health**

The Health and Environment Unit received 224 customer requests during March. The vast majority of these were for vector misting (155) which were received in early March due to the king tides at the end of February. Due to this increase in workload and working outside business hours to undertake misting requests, some Vector timeframes for initial customer contact were not met.

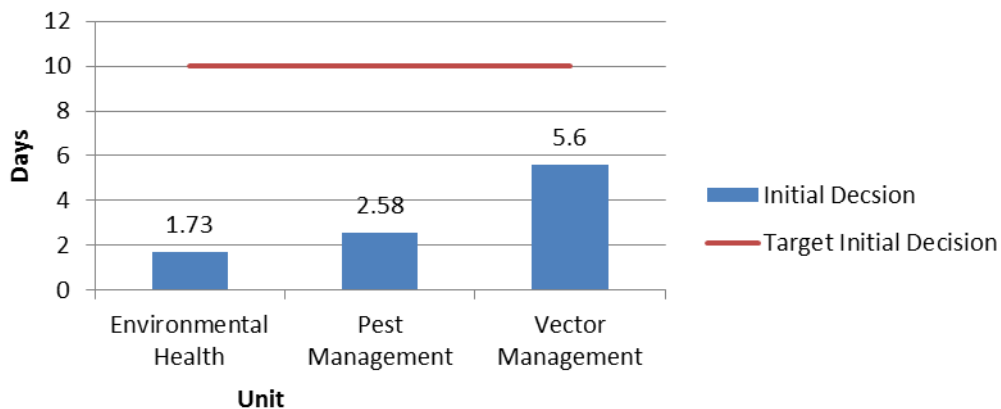
Graph 2.11

**Average Time to Contact Customer - All Enquiries and Complaints - March)**



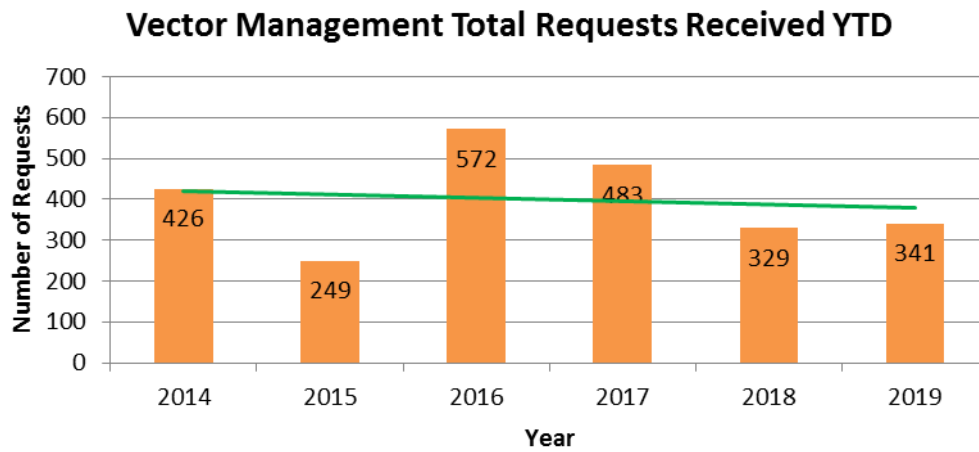
Graph 2.12

**Average Time to Make Initial Complaint Decision - March**

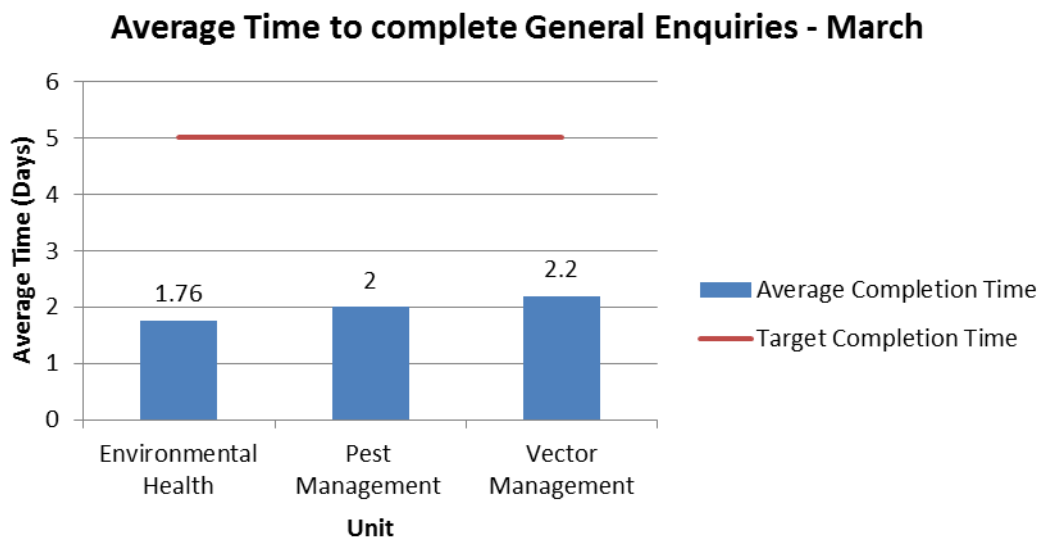




Graph 2.13








Graph 2.14



**3. Operational Projects**

As at period ended March 2019 – 75% of year elapsed.

Project	Planned Start Date	Planned End Date	On Track	Comment	Budget Estimate	YTD actual (incl committals)
<b>Local Laws</b>						
<i>Issuing of Dog Registration Renewals</i>	<i>Jun 18</i>	<i>Sept 19</i>		<i>In progress.</i>	<i>\$20,000</i>	<i>\$16,341.99</i>
<i>Puppy/Dog Microchipping &amp; Vaccination Drive</i>	<i>Oct 18</i>	<i>Feb 19</i>		<i>Project completed</i>	<i>Operational</i>	<i>\$6,503.75</i>
<i>Approved Inspection Program</i>	<i>May 19</i>	<i>Jun 19</i>		<i>In progress.</i>	<i>Operational</i>	<i>Within Budget</i>
<b>Development Engineering</b>						
<i>Capricorn Municipal Development Guideline - Governance Strategy Document</i>	<i>Commenced</i>	<i>Jun 19</i>		<i>In progress.</i>	<i>Operational</i>	<i>Within Budget</i>
<b>Building, Plumbing &amp; Compliance</b>						
<i>Mobile Inspections</i>	<i>Commenced</i>	<i>To be determined</i>		<i>In progress.</i>	<i>Operational</i>	<i>Within Budget</i>

4. Budget

End of Month General Ledger - (Operating Only) - COMMUNITY SERVICES



As At End Of March

Report Run: 08-Apr-2019 08:37:08 ; Excluding 2914, 2918, 2919, 2814, 2917, 2924, 1801, 1806, 1807, 1901, 1906

	Adopted Budget FULL YR	Revised Budget	YTD Actual	EOM Commitments	Commit + Actual	Variance
	\$	\$	\$	\$	\$	%
<u>Development Engineering</u>						
Revenues	(2,624)	(2,624)	(680)	0	(680)	26%
Expenses	1,108,422	1,108,422	807,922	26,195	834,117	75%
Transfer / Overhead Allocation	(448,589)	(448,589)	(335,926)	0	(335,926)	75%
<b>Total Unit: Development Engineering</b>	<b>657,209</b>	<b>657,209</b>	<b>471,316</b>	<b>26,195</b>	<b>497,511</b>	<b>76%</b>
<u>Development Assessment</u>						
Revenues	(861,928)	(730,061)	(342,921)	0	(342,921)	47%
Expenses	1,533,026	1,613,026	1,253,416	60,602	1,314,018	81%
Transfer / Overhead Allocation	31,212	31,212	(32,402)	0	(32,402)	-104%
<b>Total Unit: Development Assessment</b>	<b>702,310</b>	<b>914,177</b>	<b>878,093</b>	<b>60,602</b>	<b>938,695</b>	<b>103%</b>
<u>Building, Plumbing and Compliance</u>						
Revenues	(747,266)	(747,266)	(376,145)	0	(376,145)	50%
Expenses	1,359,712	1,359,712	881,071	8,151	889,223	65%
Transfer / Overhead Allocation	(106,419)	(106,419)	(68,500)	0	(68,500)	83%
<b>Total Unit: Building, Plumbing and Compliance</b>	<b>506,027</b>	<b>506,027</b>	<b>416,426</b>	<b>8,151</b>	<b>424,578</b>	<b>84%</b>
<u>Health &amp; Environment</u>						
Revenues	(192,052)	(192,052)	(86,542)	0	(86,542)	45%
Expenses	2,611,869	2,611,869	1,549,848	32,343	1,582,191	61%
Transfer / Overhead Allocation	360,558	360,558	207,751	0	207,751	58%
<b>Total Unit: Health &amp; Environment</b>	<b>2,780,374</b>	<b>2,780,374</b>	<b>1,671,056</b>	<b>32,343</b>	<b>1,703,400</b>	<b>61%</b>
<u>Local Laws</u>						
Revenues	(1,456,385)	(1,237,950)	(756,467)	0	(756,467)	61%
Expenses	2,784,876	2,784,876	1,985,032	157,074	2,142,106	77%
Transfer / Overhead Allocation	260,367	260,367	193,004	0	193,004	74%
<b>Total Unit: Local Laws</b>	<b>1,588,858</b>	<b>1,807,293</b>	<b>1,421,568</b>	<b>157,074</b>	<b>1,578,642</b>	<b>87%</b>
<u>Planning and Regulatory Services Management</u>						
Revenues	0	0	(15,480)	0	(15,480)	-
Expenses	530,958	530,958	355,372	48,570	403,942	76%
Transfer / Overhead Allocation	0	0	15	0	15	-
<b>Total Unit: Planning and Regulatory Services Manager</b>	<b>530,958</b>	<b>530,958</b>	<b>339,907</b>	<b>48,570</b>	<b>388,477</b>	<b>73%</b>
<b>Total Section: PLANNING AND REGULATORY SERVICES</b>	<b>6,765,736</b>	<b>7,196,038</b>	<b>5,198,367</b>	<b>332,935</b>	<b>5,531,303</b>	<b>77%</b>
<b>Grand Total:</b>	<b>6,765,736</b>	<b>7,196,038</b>	<b>5,198,367</b>	<b>332,935</b>	<b>5,531,303</b>	<b>77%</b>

Comments

**Development Assessment** – The Development Assessment legal budget has been exceeded due to the Kershaw Gardens case and another case going all the way to hearing. Other legal matters are progressing without the likelihood of proceeding to hearing. Revenue is also under budget.

**Development Engineering** – The Development Engineering budget remains generally on track for the year.

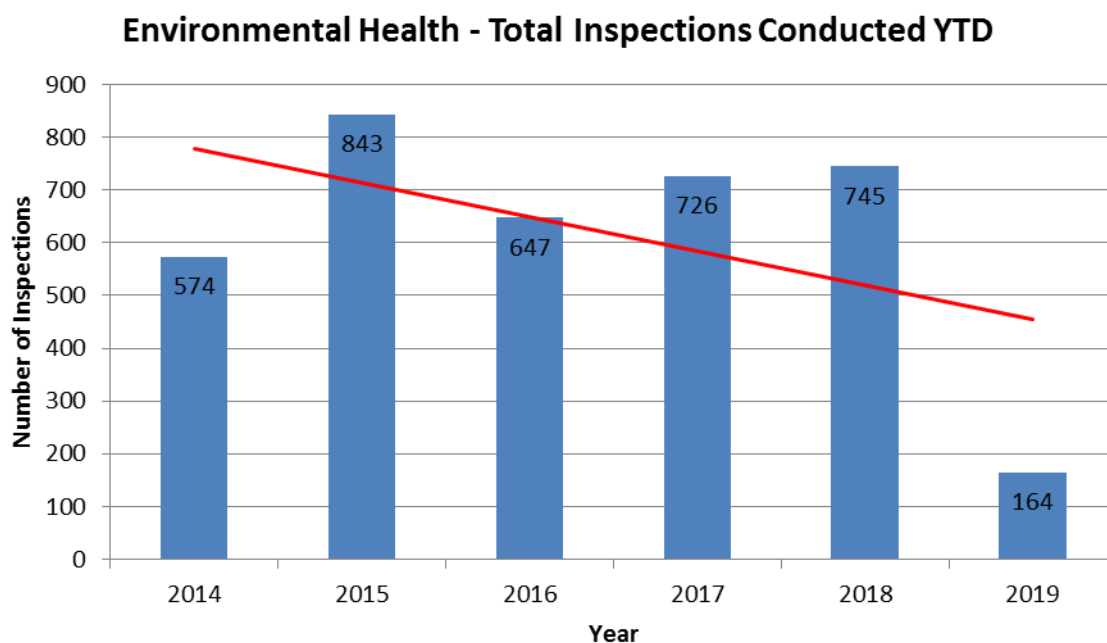
**Local Laws** – The Local Laws overall is on target for 2019. Some individual job numbers at the natural account level shows an over spend. This will be managed and addressed in the revised budget.

**Environmental Health** – The Health and Environment overall is on target for 2019 for both revenue and expenditure. Some individual job numbers continue to be over spent but are able to be managed within the current budget and will be adjusted in the revised budget.

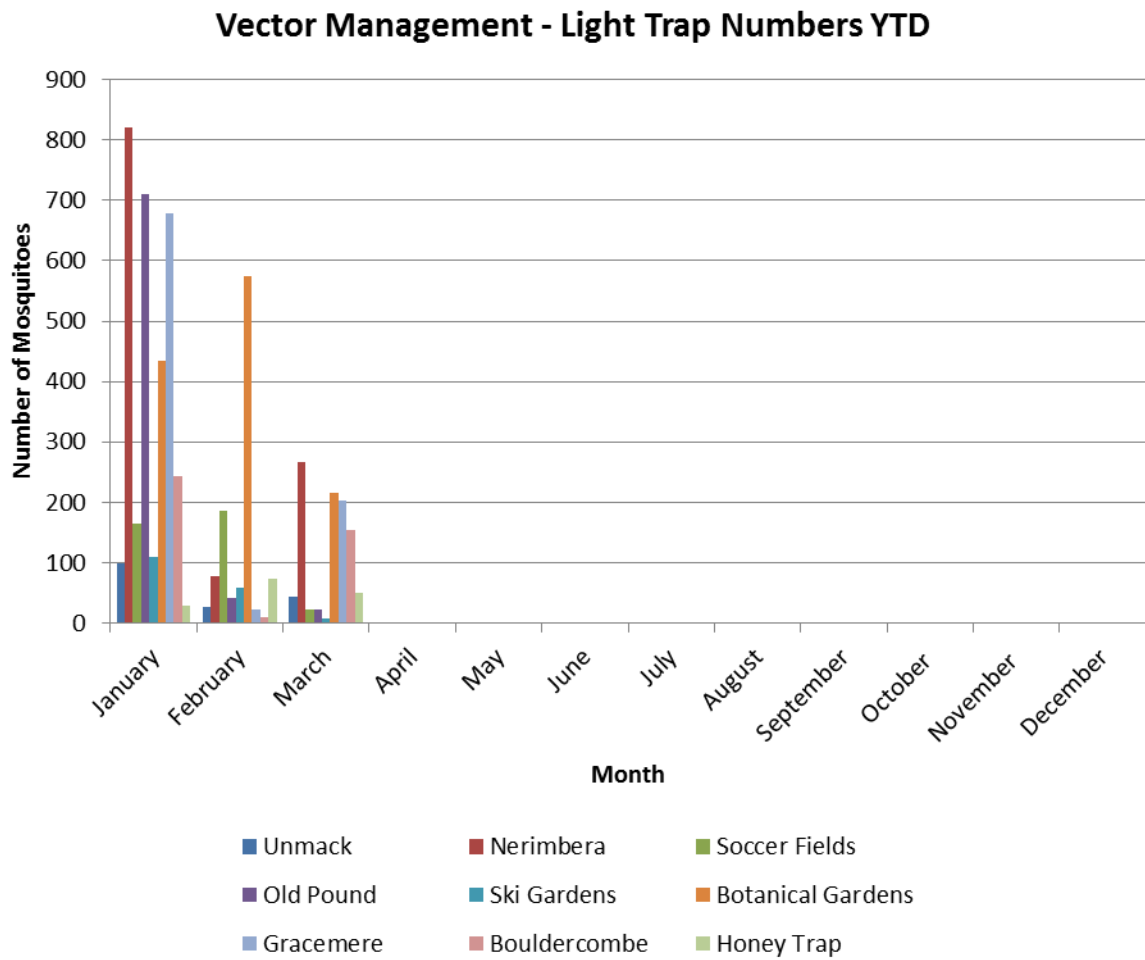
**5. Section Statistics**

<i>Program Activity</i>	<i>Dates/s Held</i>	<i>Visitor/Participant Numbers</i>	<i>Comments</i>
<b>Health and Environment</b>			
<b>Applications/Inspections</b>		<b>Mar 19</b>	<b>Comments</b>
Number of Food Business Licence Applications		4	2 Approved within the month 1 under assessment 1 considered not properly made
Number of Short Term Food Business Licence Applications		6	2 Approved within the month 1 Withdrawn 3 under assessment
Number of Mobile Food Business Licence Applications		0	
Total Number of Approved Food Business Licences		490	Excludes short term FBL
Number of Annual Inspections for Food Business Licences financial YTD		317	

Graph 5.1



Graph 5.2



Service Level	Target	Current Performance	Service Level Type (Operational or Adopted)
<b>Health and Environment</b>			
Annual inspection of licensed food businesses undertaken	474 premises	65% completed	Operational
Annual inspection of licensed businesses that provide higher risk personal appearance services undertaken	11 premises	25% completed	Operational
Annual inspection of devolved licensed environmentally relevant activities undertaken	16 premises	56% completed	Operational
<b>Development Assessment</b>			
Confirmation Notices (where required) sent out within 10 business days of applications lodged	100%	100%	Operational
Information Requests (where required) sent out within timeframes required under SPA and PA	100%	100%	Operational
Decisions are made within timeframes required under SPA and PA	100%	100%	Operational
Decision notices are issued within 5 business days of the decision being made	100%	100%	Operational
<b>Building</b>			
Action notices and confirmation notices (where required) sent out within 10 business days of applications being lodged	100%	100%	Operational
Information requests (where required) sent out within timeframes under <i>Planning Act 2016</i>	100%	100%	Operational
Building approvals – decisions are made within a 35 business day timeframe	100%	100%	Operational
<b>Plumbing</b>			
Plumbing and Drainage Approvals – decisions are made within 20 business day timeframes	100%	100%	Operational
<b>Development Engineering</b>			
Development MCU, ROL Completed in 8 days	90%	90%	Operational
Development Operational Works Completed in 8 days	90%	88%	Operational

**Development Engineering**

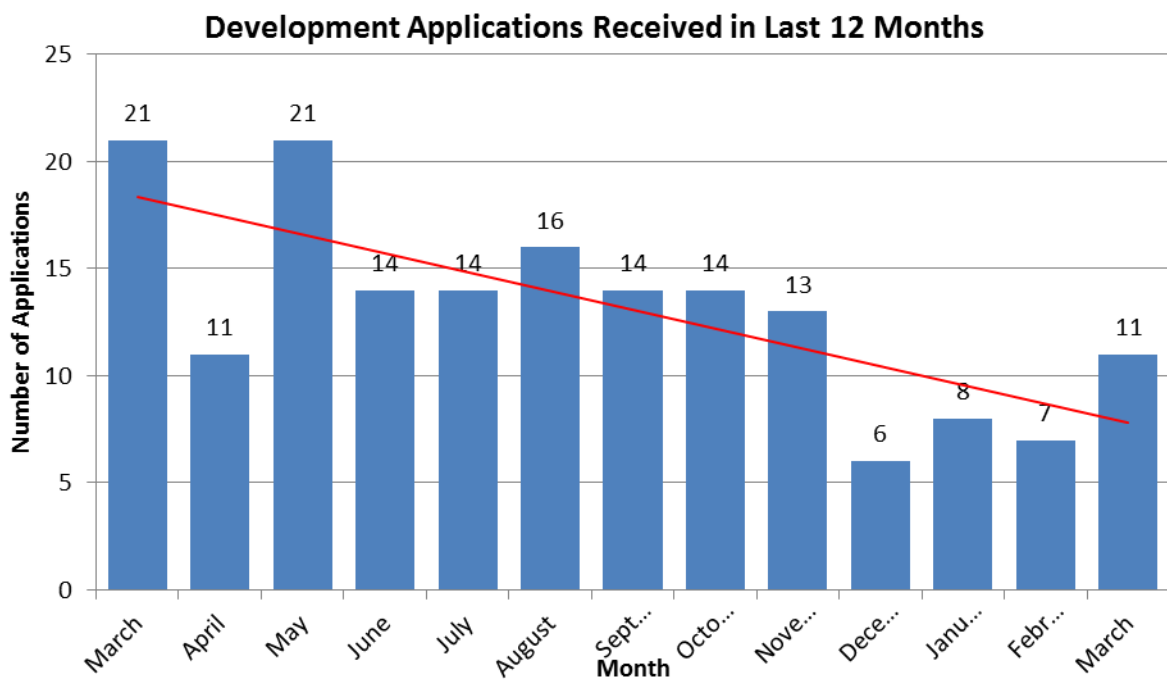
Description	Dec 18	Jan 19	Feb 19	Mar 19	Financial YTD
MCU & ROL referrals completed	9	5	9	20	134
Op Works referral completed	13	12	7	8	145
<b>Total Completed</b>	<b>22</b>	<b>17</b>	<b>16</b>	<b>28</b>	<b>279</b>

This total includes referrals for all Operational Works, MCU/ROLs and As-constructed Plans but also responses to information requests made for applications previously submitted.

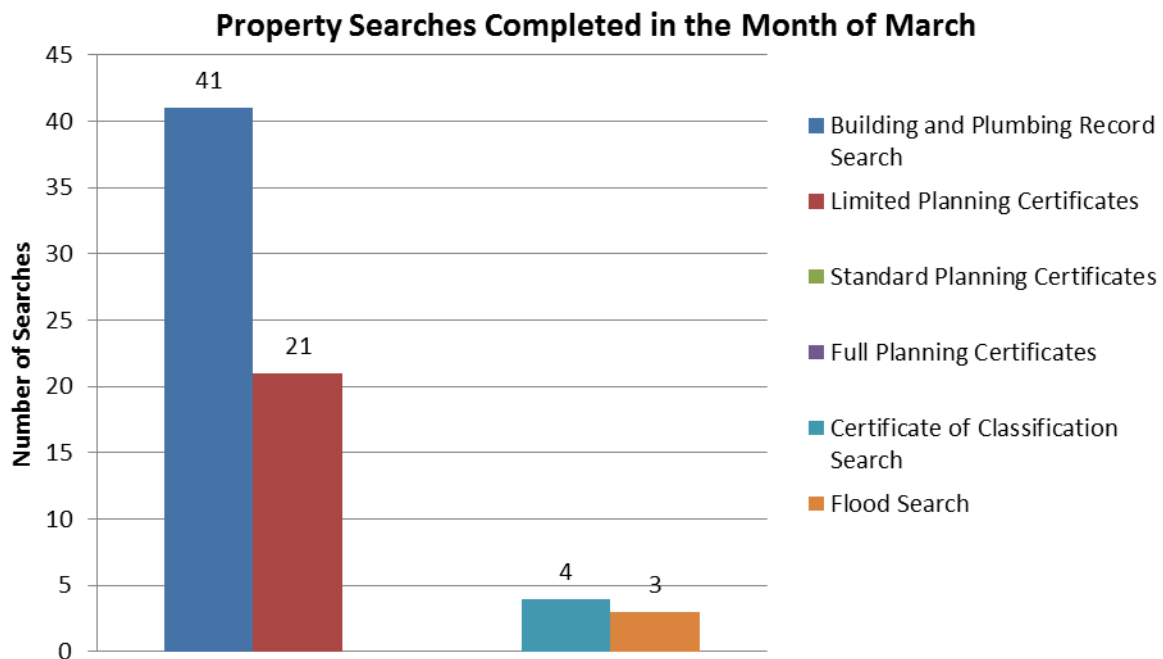
**Development Assessment**

Description	Dec 18	Jan 19	Feb 19	Mar 19	Financial YTD
New Applications	6	7	7	9	85
Request to Change Applications	0	1	0	2	15
Development Incentives Applications	0	0	0	0	3
<b>Total Received</b>	<b>6</b>	<b>8</b>	<b>7</b>	<b>11</b>	<b>114</b>
<b>Total Decided</b>	<b>15</b>	<b>11</b>	<b>20</b>	<b>12</b>	<b>132</b>

Graph 5.3



Graph 5.4



**Building, Plumbing & Compliance**

**Building**

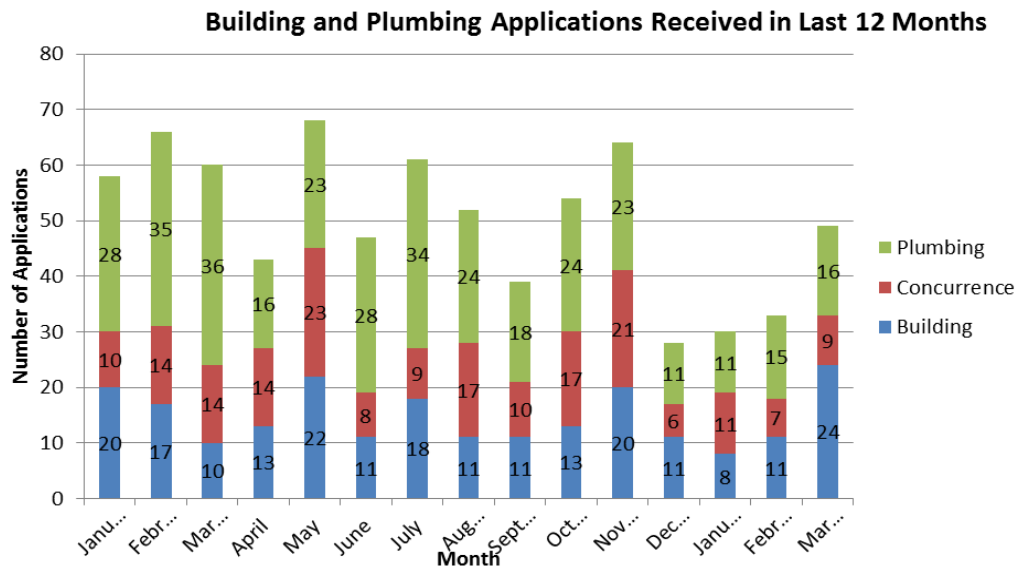
Description	Dec 18	Jan 19	Feb 19	Mar 19	Financial YTD
Concurrence Applications	6	11	7	9	112
Building Works	11	8	11	24	134
<b>Total Received</b>	<b>17</b>	<b>19</b>	<b>18</b>	<b>33</b>	<b>234</b>
<b>Total Decided</b>	<b>22</b>	<b>13</b>	<b>16</b>	<b>23</b>	<b>213</b>

**Plumbing**

Description	Dec 18	Jan 19	Feb 19	Mar 19	Financial YTD
New Applications	11	11	15	16	178
<b>Total Decided</b>	<b>12</b>	<b>11</b>	<b>12</b>	<b>19</b>	<b>171</b>



Graph 5.5



**Local Laws**

**Registered Dogs**

Description	Dec 18	Jan 19	Feb 19	Mar 19	Financial YTD
New Dogs Registered	175	206	391	700	2,470
Dog Registration Renewals	99	57	106	182	13,273
<b>Total</b>	<b>274</b>	<b>263</b>	<b>497</b>	<b>882</b>	<b>15,743</b>

**Declared Dogs**

Description	Dec 18	Jan 19	Feb 19	Mar 19	Financial YTD
Dangerous Dogs	0	0	0	0	15
Menacing Dogs	0	2	1	0	5
Restricted Dogs	0	0	0	0	0

**Infringements Issued**

Description	Dec 18	Jan 19	Feb 19	Mar 19	Financial YTD
Parking Infringements	18	125	149	873	2,520
Animal Infringements	15	25	29	23	170
Local Law Infringements	0	16	23	7	57
<b>Total</b>	<b>33</b>	<b>166</b>	<b>192</b>	<b>903</b>	<b>1,747</b>

**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**

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