



PLANNING AND REGULATORY COMMITTEE MEETING

AGENDA

3 JULY 2018

Your attendance is required at a meeting of the Planning and Regulatory Committee to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 3 July 2018 commencing at 9.00am for transaction of the enclosed business.

A handwritten signature in black ink, appearing to be "CR", is positioned above the printed name and date.

CHIEF EXECUTIVE OFFICER
26 June 2018

Next Meeting Date: 17.07.18

Please note:

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

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1 OPENING

2 PRESENT

Members Present:

Councillor C E Smith (Chairperson)
The Mayor, Councillor M F Strelow
Councillor 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 22 May 2018

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 BUSINESS OUTSTANDING

6.1 BUSINESS OUTSTANDING TABLE FOR PLANNING AND REGULATORY COMMITTEE

File No: 10097
Attachments: 1. [Business Outstanding Table](#)
Authorising Officer: Colleen Worthy - General Manager Community Services
Author: Colleen Worthy - General Manager Community Services

SUMMARY

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

OFFICER'S RECOMMENDATION

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

BUSINESS OUTSTANDING TABLE FOR PLANNING AND REGULATORY COMMITTEE

Business Outstanding Table

Meeting Date: 3 July 2018

Attachment No: 1

Date	Report Title	Resolution	Responsible Officer	Due Date
1 May 2018	Animal Management – Surrendered and Unclaimed Animals Policy	That the Draft Animal Management – Surrendered and Unclaimed Animals Policy be referred to a later meeting.	Nishu Ellawala	15/05/2018
22 May 2018	Parking During Major events	That Council officers prepare an overview report with recommendations which would reduce impacts of significant events at the Showgrounds on the Wandal community and retail precinct, which may involve temporary changes to the parking regime or other alternatives as suggested.	Steven Gatt	05/06/18

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 OFFICERS' REPORTS

8.1 UPDATE ON CONTRACT NUMBER 10975 DUNCAN SOLUTIONS PAY AND DISPLAY PARKING MAINTENANCE OF ALMA AND PILBEAM THEATRE CARPARKS

File No: 11247
Attachments: Nil
Authorising Officer: Steven Gatt - Acting General Manager Community Services
Author: Nishu Ellawala - Coordinator Local Laws

SUMMARY

The purpose of this report is to update the Committee on the outcome of the commercial negotiation to terminate the maintenance agreement for parking services at the Alma Street and Pilbeam Theatre carparks and the subsequent changes to restricted parking.

OFFICER'S RECOMMENDATION

That the report for pay and display maintenance of Alma and Pilbeam Theatre Carparks and the subsequent changes in restricted parking at the sites be noted and 'received'.

COMMENTARY

Reino International Pty Ltd trading as Duncan Solutions Australia provides paid parking maintenance services to Council at the following locations:

- (a) the corner of Alma and Derby Streets; and
- (b) the corner of Bolsover and Cambridge Street (Pilbeam Theatre Carpark).

Paid Parking Viability

Council has recently reviewed the paid parking arrangements with respect to the above carparks and as a result of Council's findings, the following resolution was handed down at the Council meeting on 21 November 2017 in relation to the Pilbeam Theater Car Park.

The current maintenance contract was due to expire in August 2024.

Council Resolution dated 21 November 2017

The following resolution was handed down at the Council meeting on 21 November 2017 in relation to the Pilbeam Theater Car Park.

Option 3

- a. Look to terminate the current maintenance agreement with Duncan Solutions through commercial negotiation; and***
- b. Investigate opportunities to convert the site to a two hour maximum stay parking with the inclusion of smart parking sensors for consistency in the Central Business District.***

Council Resolution dated 17 April 2018

The following resolution was handed down at the Council meeting on 17 April 2018 in relation to the Alma Street Car Park.

Option 2

- a. **Look to terminate the current maintenance agreement with Duncan Solutions through commercial negotiation; and**
- b. **Investigate opportunities to convert the site to a free parking area as part of a broader strategy over the coming year.**

In accordance with clause 5.3 of the Service and Maintenance Agreement, either party is able to terminate the arrangement by providing written notice between 30 June 2018 and 16 September 2018.

On 9 May 2018, Council commenced discussions with Duncan Solutions and with agreeance issued written notice pursuant to clause 5.3 of the terms of the Service and Maintenance Agreement with a proposal to terminate the service arrangement as of 30 May 2018.

On 21 May 2018, Duncan Solutions accepted Council's offer to terminate the Paid Parking Maintenance Service arrangement between Council and Duncan Solutions as of Wednesday 30 May 2018.

As a result the Paid Parking machines were decommissioned on 30 May 2018. The physical machines and the signage are programmed to be removed in the coming weeks.

At this time we are investigating opportunities through a trial of free all day parking at the Alma Street Carpark to ascertain if there is a shift in parking patterns and habits as a result of this change.

We are also investigating a mix of free and time restricted parking at the Pilbeam Theater Carpark. These observations will feed into part of broader strategic thinking for the city's parking options.

CONCLUSION

As such it is envisaged that the changes in parking restrictions at the Carparks will remain in place until further investigations and strategic parking reviews are undertaken and finalised.

8.2 DECISION UNDER DELEGATION - MAY 2018

File No: 7028
Attachments: Nil
Authorising Officer: Steven Gatt - Acting General Manager Community Services
Author: Tarnya Fitzgibbon - Coordinator Development Assessment

SUMMARY

This report outlines the properly made development applications received in May 2018 and whether they will be decided under delegation or decided by Council.

OFFICER'S RECOMMENDATION

THAT this report regarding the applications lodged in May 2018 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 May 2018. They will be decided in the following manner:

Application type	Address	Decision
D/40-2018 – Operational Works for Earthworks (Edenbrook Stages 5A and 5B). The primary approval is for an ROL (2 lots into 23 lots – stage 5A and 5B).	Lot 253 and 255 Edenbrook Drive, Parkhurst	Already decided under delegation
D/41-2018 – Operational Works for Advertising Device (Billboard Sign)	102 Denham Street, Rockhampton City	Delegation
D/42-2018 – ROL (two lots into two lots)	34 and 52 Hollingsworth Street, Kawana	Delegation
D/43-2018 – MCU for Telecommunications Facility	524-528 Yaamba Road, Norman Gardens	Impact assessable so may go to Committee
D/44-2018 – ROL (one into two lots)	2 Callaghan Lane, Mount Morgan	Delegation
D/45-2018 – MCU for Parking Station	135 and 143 Alma Street, Rockhampton City	Impact assessable so may go to Committee
D/46-2018 – MCU for Home Based Business (hair dressing)	2 Labanka Close, Frenchville	Delegation
D/47-2018 – MCU for Dwelling House	10 Egan Street, Gracemere	Delegation
D/48-2018 – Operational Works for Advertising Device (Wall Sign)	27 Ross Street, Allentown	Delegation
D/50-2018 – Operational Works for Road Works (Belmont Road Widening). The primary approval is The primary approval is for an ROL (2 lots into 23 lots – stage 5A and 5B).	Lot 255 Edenbrook Drive, Parkhurst	Delegation

D/ 51-2018 – Building Works Assessable Against the Planning Scheme for New Hockey Fields	211 Mason Street and 34 Water Street, Koongal	Delegation
D/52-2018 – Operational Works for Road Works, Stormwater, Water Infrastructure, Drainage Works, Earthworks and Sewage Infrastructure (Kalka Shades Redevelopment)	34 Water Street, Koongal	Delegation
D/53-2018 – MCU for Dwelling House	43 Rosewood Drive, Norman Gardens	Delegation
D/54-2018 – MCU for Home Based Business (accounting firm)	6 Oakland Court, Norman Gardens	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 May 2018 and the manner in which they will be decided.

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

File No: D/90-2015

Attachments:

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

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

Author: Amanda O'Mara - Senior Planning Officer

SUMMARY

Development Application Number: D/90-2015

Applicant: St Luke's Healing Foundation

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

Common Property Address: 342-350 Holt Street, Frenchville

Area of Site: 12.11 Hectares

Planning Scheme: *Rockhampton City Plan 2005*

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

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

Existing Development: Vacant Land

Existing Approvals: Nil

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

Level of Assessment: Impact Assessable

Submissions: Thirty-nine (39) submissions received

Referral Agency(s): Nil

Adopted Infrastructure Charges Area: Charge Area 3

OFFICER'S RECOMMENDATION

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

- a) The *State Planning Policy 2015* seeks to restrict development in areas adversely affected by natural hazards;
- b) The *Rockhampton Region Planning Scheme 2015* seeks to restrict development in areas adversely affected by natural hazards;
- c) The proposal has not adequately demonstrated that the site is accessible by Queensland Fire and Rescue Services vehicles in the event of a bushfire.

- d) Compliance with hazardous vegetation setback requirements as per the Bushfire Hazard Assessment and Management Plan to minimise bushfire hazard cannot be achieved within the boundaries of the subject allotment.
- e) The proposal has not adequately demonstrated that the development will not put the safety and lives of people, and property at risk from bushfire; and
- f) The proposal fails to comply with the Bushfire Risk Minimisation Code P1 and P2 of the *Rockhampton City Plan 2005*.

BACKGROUND

On 18 October 2016, the Development Application D/90-2015 for a Material Change of Use for a House over land located at 342-350 Holt Street, Frenchville, formally described as Lot 153 on RP866052 was taken to the Planning and Regulatory Committee meeting with a recommendation for refusal. The Applicant requested that an extension be provided to allow them additional time to address outstanding issues. Council approved this request on 25 October 2016 at the Ordinary Council meeting. A further Bushfire Hazard Assessment and Stormwater Management Report were provided 28 October 2016. The outstanding issues in relation to the Bushfire Hazard Assessment were not addressed and another report was provided to Council on 8 May 2018.

PROPOSAL IN DETAIL

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

SITE AND LOCALITY

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

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

PLANNING ASSESSMENT

MATTERS FOR CONSIDERATION

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

Development Engineering Comments – 11 May 2018

Development Engineering are recommending refusal due to the proposed driveway exceeding grades of 12.5 per cent. The driveway has grades up to 22.2 per cent in some locations. The Applicant could not adequately demonstrate that the driveway could be accessed by Queensland Fire and Rescue Services vehicles.

Public and Environmental Health Comments – 28 October 2015

Support, subject to conditions.

Strategic Planning Comments – 1 August 2016

Recommending refusal.

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

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

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

Other Technical Comments

Based on the findings within the updated Bushfire Hazard Assessment and Management Plan received on 8 May 2018, in order for the development footprint to achieve a Bushfire Attack Level (BAL) of 12.5 (a requirement under the *Rockhampton City Plan 2005*), the edge of the development footprint must be setback a minimum of 59 metres from hazardous vegetation. This setback will require a ten (10) metre Fuel Free Inner Zone (FFIZ) and a minimum 49 metre Fuel Reduced Outer Zone (FROZ). As depicted in Figure 8: Proposed Site Asset Protection Zone Map, compliance with the setback requirements cannot be achieved within the boundaries of the subject allotment and therefore, the proposal does not comply with the requirements of the *Rockhampton City Plan 2005*.

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

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

State Planning Policy 2014

This policy came into effect on 2 December 2013 (amended in July 2014) and replaced all former State Planning Policies. This policy requires development applications to be assessed against its requirements until the identified state interests have been appropriately reflected in the local planning scheme.

Liveable communities

Not Applicable. The development complies with the requirements in the State Planning Policy.

Mining and extractive resources

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

Biodiversity

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

Coastal environment

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

Water quality

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

Natural hazard, risk and resilience

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

Emissions and hazardous activities

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

State transport infrastructure

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

Strategic airports and aviation facilities

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

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

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

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

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

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

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

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

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

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

Complies. The location of the house (including the building location envelope) has been designed and located to retain the natural environment and biodiversity on the property.

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

Not applicable. The application does not include or affect any commercial or retail development.

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

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

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

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

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

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

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

Complies. The proposed house will not be located near incompatible development.

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

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

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

Not applicable. The proposal is not for a subdivision and does not create any new allotments.

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

Complies. The proposed house will be connected to Council's reticulated water and sewer system.

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

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

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

Complies. The site is in proximity to open spaces.

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

Berserker Foothills Residential Area Intent

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

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

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

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

Berserker Range Environmental Protection Area Intent

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

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

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

The proposal for a house will be located over both zonings, being the Berserker Foothills Residential Area and the Berserker Range Environmental Protection Area and is affected by multiple constraints. A house within both zones can be considered being consistent subject to demonstrating that there will be no measurable impacts on the environmental and visual values of the area, including avoiding constraints like bushfire risk, slope instability and the like. However, the proposal is affected by multiple constraints which have not been adequately addressed.

Rockhampton City Plan Codes

The following codes are applicable to this application:

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

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

Biodiversity / Nature Conservation Code		
Performance Criteria		Officer's Response
P1	Development maintains, enhances or contributes to the existence of viable and functional; <ul style="list-style-type: none"> (a) networks of ecological corridors; and (b) significant habitats. 	<p>The proposed building location envelope (measuring approximately 4,500 square metres) will be located on the north-western corner of the site, which will require clearing of native vegetation. Although it was claimed that the building location envelope does not contain any endangered or vulnerable plant species, additional approvals for clearing might be required in accordance with the <i>Nature Conservation Act 1992</i>.</p> <p>An Environmental Management Plan in accordance with <i>Planning Scheme Policy No. 1 – Preparation of Ecological Assessment Reports and Environmental Management Plans</i> will be required, demonstrating potential impacts and measures to be implemented.</p>
Bushfire Risk Minimisation Code		
Performance Criteria		Officer's Response
P1	Development does not put the safety and lives of people, and property seriously "at risk" from bushfire.	<p>Does not comply.</p> <p>The proposed driveway has grades exceeding 12.5 per cent with grades up to 22.2 per cent in some locations. The Applicant could not demonstrate that the proposed driveway grades could be utilised by the Queensland Fire and Rescue Services to access the site, therefore the proposal does not adequately demonstrate that the development will not put the safety and lives of people, and property at risk from bushfire.</p>

P2	<p>Buildings are sited or able to be sited:</p> <p>(a) in areas where the environmental impacts are minimal; and</p> <p>(b) on land which is the least prone to bushfire risk having regard to aspect, elevation, slope and vegetation type.</p>	<p>Does not comply.</p> <p>The Bushfire Hazard Assessment and Management Plan identified that the development footprint is located adjacent to classified vegetation categorised as having very high severity in accordance with the <i>Technical Manual – A ‘fit for purpose’ approach in undertaking natural hazard studies and risk assessment</i> (April 2016) (DILGP). In order to achieve an acceptable or tolerable level of bushfire risk, it is recommended that bushfire setbacks and construction of the development be undertaken to achieve BAL 12.5. To achieve this as per the recommendation of the Bushfire Hazard Assessment and Management Plan the edge of the development footprint must be setback a minimum of 59 metres from hazardous vegetation. This setback will require a ten (10) metre Fuel Free Inner Zone (FFIZ) and a minimum 49 metre Fuel Reduced Outer Zone (FROZ). As depicted in Figure 8 of the assessment: Proposed Site Asset Protection Zone Map, compliance with the setback requirements cannot be achieved within the boundaries of the subject allotment.</p>
Steep or Unstable Land Code		
Performance Criteria		Officer's Response
P3	<p>Development provides and maintains a high level of safety for people and property from the risks of landslide or other dangers.</p>	<p>Majority of the site contains slopes of more than thirty per cent (30%). A site-specific slope stability report formed part of the application where it was determined that the site is considered to be a low risk of slope instability affecting development, subject to implementation of a number of recommendations highlighted in the report.</p>

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

INFRASTRUCTURE CHARGES

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

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

This is based on the following calculations:

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

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

CONSULTATION

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

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

Issue	Officer's Response
The proposal is inconsistent to the zoning and intent.	The proposal for a house will be located over both zonings, being the Berserker Foothills Residential Area and the Berserker Range Environmental Protection Area, and is affected by multiple constraints. A house within both zones can be considered to be consistent subject to demonstrating that there will be no measurable impacts on the environmental and visual values of the area, including avoiding constraints like bushfire risk, slope instability and the like.
The site is constrained by extreme bushfire hazard.	A site-specific bushfire hazard assessment report was submitted with the application and demonstrated that the bushfire hazard risk remains high.
The subject site does not have adequate access, specifically for a two-wheel-drive (2WD) vehicle.	Engineering plans were provided illustrating the construction of a new access road from Woodland Drive, along the unconstructed road reserve of Holt Street, up to the site. The proposed new access driveway will however contain grades up to 22 per cent which will be suitable for two-wheel-drive vehicles but may not be accessible by emergency service vehicles.

Stormwater drainage will impact the natural flow and impact on the houses below.	A 'Stormwater Management Report' has been submitted in response to council's information request which gives design of two cross drainage structures at two natural gullies. It was demonstrated that there will be no worsening to the downstream properties and infrastructure as a result of this development in a Q10 (one in ten years) flood event.
The proposed development will negatively impact onto the natural environment and loss of valuable native flora and fauna.	The proposed building location envelope (measuring approximately 4,500 square metres) will require clearing of native vegetation. In this instance, clearing of remnant vegetation can still be allowed subject to approvals in accordance with the <i>Nature Conservation Act 1992</i> .
There is a concern that the new house will be used for assisting troubled youths by providing relief and caring facilities for the under privileged. This in turn could have security and safety impacts and concerns to the neighbourhood.	<p>The proposed development applied for a House only. No other use has been considered or formed part of this assessment. Please note, the definition for a House in the <i>Rockhampton City Plan 2005</i> is:</p> <p><i>"A single dwelling unit on a site that is not a small lot used principally for residential occupation by a family or individuals in a domestic manner, including outbuildings ancillary to the occupation of the dwelling unit, and includes:</i></p> <ul style="list-style-type: none"> <i>(a) the keeping of domestic pets;</i> <i>(b) domestic horticulture;</i> <i>(c) the caring of children in accordance with Family Day Care or Independent Home-Based Care as defined in the Child Care Act 2002; and</i> <i>(d) a Relatives Apartment as defined in the House Code but excludes any premises, which, by the characteristics of the use is another form of residential use."</i> <p>Therefore, from a Planning perspective, Council will have no control on how a family operates / is structured, in the sense of containing any adopted / fostered children etc. It will only become a Planning concern / issue should the use be defined as something other than a House, for example, a Special Needs Accommodation or a Community Facility (which is separately defined within the planning scheme).</p>

REFERRALS

There were no Referral Agencies applicable for this application.

CONCLUSION

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

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

Locality Plan

Meeting Date: 3 July 2018

Attachment No: 1

342-350 Holt Street, Frenchville



A4 Page scale at 1: 8,864.91
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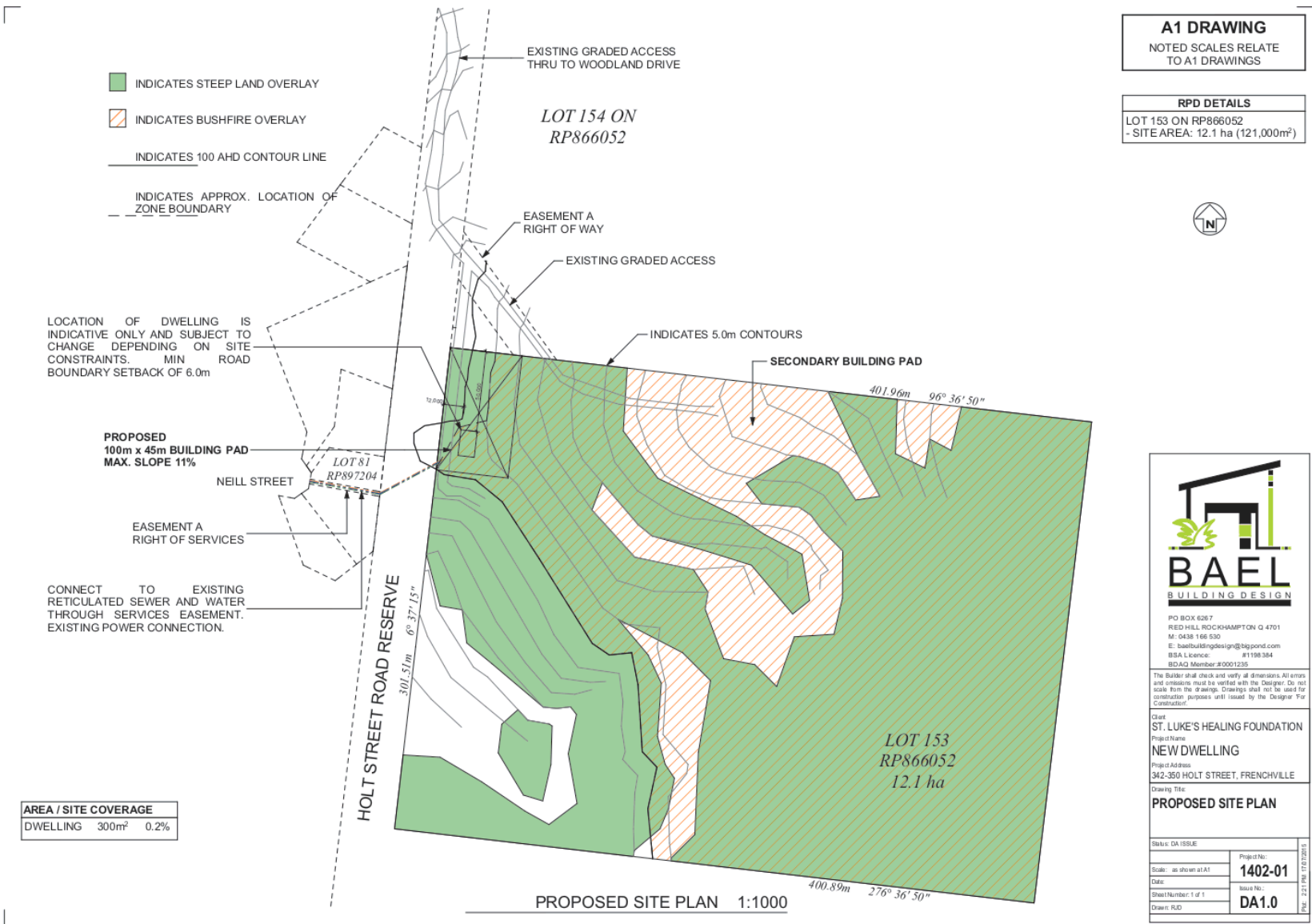


**D/90-2015 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A HOUSE**

Proposed Site Plan

Meeting Date: 3 July 2018

Attachment No: 2

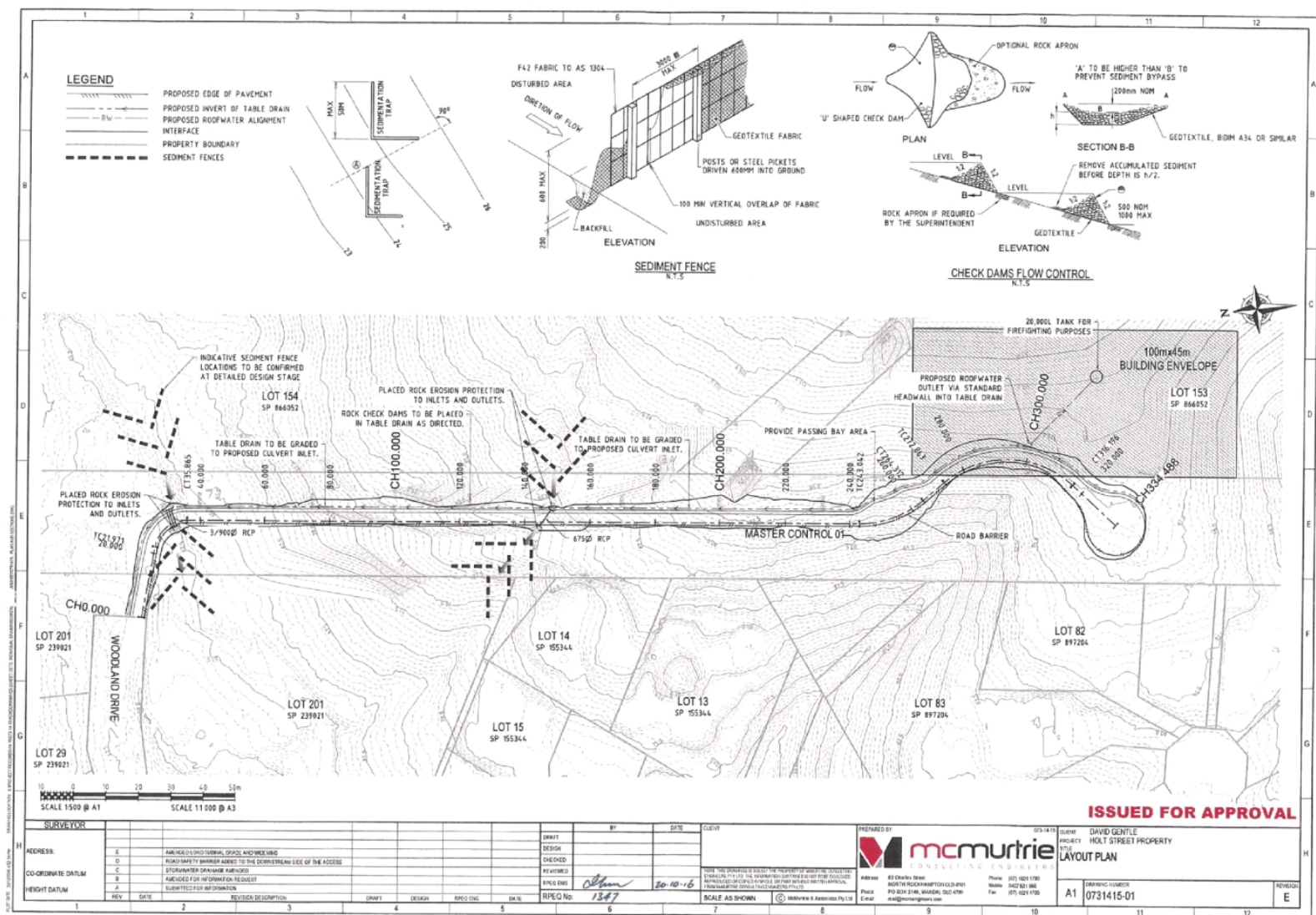


**D/90-2015 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A HOUSE**

Layout Plan

Meeting Date: 3 July 2018

Attachment No: 3



8.4 STATEMENT OF MANAGEMENT INTENT FOR FLYING FOX ROOST MANAGEMENT IN ROCKHAMPTON REGIONAL COUNCIL**File No:** 1160**Attachments:** 1. **Statement of Management Intent for Flying Fox Roost Management in Rockhampton Regional Council.**[↓](#)**Authorising Officer:** Steven Gatt - Manager Planning & Regulatory Services**Author:** Karen Moody - Coordinator Health and Environment

SUMMARY

This report presents the updated Statement of Management Intent (SoMI) in relation to flying fox roosts within the Rockhampton Regional Council area for Council's consideration.

OFFICER'S RECOMMENDATION

THAT Council adopts the updated Statement of Management Intent.

COMMENTARY

The Rockhampton Regional Council area, at times, is impacted by the presence of black, little-red and grey-headed flying foxes to varying degrees.

Under the *Nature Conservation Act 1992* Council has as-of right authority to manage flying fox roosts in defined urban areas in accordance with the relevant code of practice.

The Statement of Management Intent (SoMI) is to clarify the approach that Council will take in relation to the management of flying foxes in our region.

The original SoMI was approved in 2014 and has been recently reviewed. The major changes to the document include;

- Council may provide assistance through our as-of-right authority to highly sensitive areas eg schools and childcare centres owned by a community organisation or state government. Costs will be negotiated prior to the action being undertaken. This would potentially allow management of the roosts to occur quicker than if these organisations are required to apply for a permit.
- Council may, after a significant influx of little-red flying foxes provide assistance to the affected immediate community, particularly persons at risk. Example of this in the past have been mulching damaged and trimmed trees, the provision of bottled water and removing unsafe damaged branches.

BACKGROUND

Council, in 2014 adopted a SoMI in relation to the management of flying foxes within the Council area. The adoption of this document followed lessons learnt from a major influx of little-red flying foxes into the Kabra community.

Since this time further influxes of little-red flying foxes have been managed in both the Kabra and Westwood communities, most recently in Westwood in early 2018.

The SoMI has been updated to reflect further lessons learnt from these influxes of little-red flying foxes.

PREVIOUS DECISIONS

1 April 2014, Rockhampton Regional Council's Statement of Management Intent was adopted by Committee with a recommendation for it to be returned for review in March 2015.

BUDGET IMPLICATIONS

There are no additional budget implications of the approval of the updated SoMI.

LEGISLATIVE CONTEXT

Rockhampton Regional Council has an as of right authority to manage flying fox roosts in defined urban areas under the *Nature Conversation Act 1992*.

LEGAL IMPLICATIONS

Rockhampton Regional Council must ensure that any actions undertaken, by Council, on flying fox roosts is conducted in accordance with the *Nature Conversation Act 1992*.

STAFFING IMPLICATIONS

The changes to the SoMI will not change the current resources used to respond to flying fox issues within our community.

The management of flying fox roosts is by Council's Health and Environment Unit. Quarterly monitoring, roost management, enquiries and action during influxes of flying foxes are incorporated into the planned work for this unit. Adequate staff are trained and vaccinated to manage the issue.

CONCLUSION

Approval is sought to adopt the updated SoMI. This document reflects the current capacity of Council to respond to flying foxes whilst balancing the expectations of the community.

**STATEMENT OF MANAGEMENT
INTENT FOR FLYING FOX ROOST
MANAGEMENT IN ROCKHAMPTON
REGIONAL COUNCIL**

**Statement of Management Intent for
Flying Fox Roost Management in
Rockhampton Regional Council**

Meeting Date: 3 July 2018

Attachment No: 1

Statement of Management Intent
for
Flying-fox Roost Management
in
Rockhampton Regional Council



1. Authority

Under the *Nature Conservation Act 1992*, local governments in Queensland have an as-of-right authority to undertake roost management at flying-fox roosts in designated Urban Flying-Fox Management Areas (UFFMAs). An UFFMA for a local government area is defined by maps available from the website of the Department of Environment and Science (DES).

Outside an UFFMA, a local government requires a Flying-fox roost management permit (FFRMP), available from DES. A non-council applicant requires a FFRMP irrespective of the location of the roost.

Further information on the Queensland Government's roost management framework is available at the following webpage:

<http://www.ehp.qld.gov.au/wildlife/livingwith/flyingfoxes/roost-management.html>

2. Purpose

The purpose of this Statement of Management Intent (SoMI) is to articulate the approach that Rockhampton Regional Council will take to the management of flying-fox roosts in the Rockhampton Region.

3. Location of the UFFMA in Rockhampton Regional Council

A map of the Rockhampton Regional Council UFFMA is available at the following webpage:

<http://www.ehp.qld.gov.au/wildlife/livingwith/flyingfoxes/management-areas.html>

4. Council intentions and considerations

Council will co-ordinate the management of flying fox roosts on Council owned or State land placed under the control of Council pursuant to the *Land Act 1994* within and outside the UFFMA. Costs relating to the management of the flying fox roost will be negotiated prior to the application for or implementation of any permit or action.

Where a flying fox roost is on Council owned or State land placed under the control of Council pursuant to the *Land Act 1994* and either State land(s) or private land(s), Council will work with the relevant landholder to manage the flying fox roost. Costs relating to the management of the flying fox roost will be the responsibility of both Council and the relevant landholder and will be negotiated prior to the application for or implementation of any permit or action.

Council's considers the management of flying-foxes on non-Council land to be the responsibility of the landholder. It is Councils intent is to have no involvement in the management of flying fox roosts solely on State land(s) or private land(s) or a combination of the two with the following exception:

- Council may consider providing assistance through Council's as-of-right authority, where the affected land is owned by a community organisation or State Government body and is a highly sensitive area eg: kindergarten, child care centre or school; In these cases, the costs related to the management of the flying fox roost would be negotiated prior to action being undertaken.

After a significant influx of little-red flying foxes, Council may consider providing assistance to the affected immediate community, particularly persons at risk such as elderly persons without support.

Factors that Council will consider before deciding whether to take any action at particular sites, includes:

- The wellbeing impacts and concerns that nearby residents are experiencing;
- Whether Council considers that there are any risks to human health or wellbeing from the roost; and
- Whether the roost is on Council land and State land(s) or private land(s), and if State land(s) or private land(s), whether consent for Council to undertake management has been provided by all relevant landholders, and full cost recovery, proportionate to the land, has been agreed to.

Additional factors that Council will consider in deciding the most appropriate action to take at particular sites, includes:

- The cost of various management actions; and who would contribute to these costs;
- The number of each species of flying-foxes at the roost, and what Council's intention would be should the flying-foxes be breeding or rearing their young; and
- Whether good outcomes may be achieved with minimal management interventions (such as community education) or moderate management interventions such as 'nudging' or 'buffering', processes by which the impact of an existing roost may be managed by its reduction.

Further factors that Council will consider, where Council decides, for particular sites, that the most appropriate action may be dispersal, includes:

- The number of years that flying-foxes have used a particular roost site;
- The likelihood of flying-foxes relocating to a site of greater conflict with the community
- Whether flying-foxes at the site are capable of independent flight at the time of year proposed for driving them away; and
- Whether a proposed management action may cause harm to flying-foxes.

If residents are dissatisfied with Council's approach at a particular roost site, they may apply for a permit directly from DES. Residents will require landholder consent to be able to apply for the permit.

If a roost is on private land(s), low impact activities may be undertaken by a person as-of-right under the relevant code of practice. The *Code of practice – Low impact activities affecting flying-fox roost*.

Council's roost management actions will be undertaken in compliance with the *Code of Practice – Ecologically sustainable management of flying-fox roosts*.

5. Further information

For further information on flying-fox management contact Council's Customer Service Centre on 1300 22 55 77 or visit Council's website at

<https://www.rockhamptonregion.qld.gov.au/Council-Services/Environment-and-Public-Health/Flying-Foxes>

or visit the Department of Environment and Science website at

<https://www.ehp.qld.gov.au/wildlife/animals-az/bats.html>

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